

Examination of the Tunbridge Wells  
Borough Local Plan

**Tunbridge Wells Borough Council**  
**Hearing Statement**

**Matter 5: Site Selection**  
**Methodology**  
**Issue 1: Site Selection**  
**Methodology**

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# Matter 5 – Site Selection Methodology

## Issue 1 – Site Selection Methodology

### Introduction

1. As required by paragraph 31 of the National Planning Policy Framework (NPPF) [[CD 1.4](#)], the preparation of the Plan is underpinned by relevant and up-to-date evidence. This includes the site selection, with sites assessed for inclusion in the Plan following a robust assessment process. The Local Plan, including sites allocated in it, has been informed by sustainability appraisal throughout the plan-making process, as required by the NPPF (paragraph 32).
2. In responding to the Inspector’s seven questions on site selection methodology, the responses of the Council, set out below, refer to the Strategic Housing and Economic Land Availability Assessment (SHELAA) [[CD 3.77a](#) and appendices], Sustainability Appraisal (SA) [[PS 013](#)] and evidence base, as necessary. An overall conclusion is provided at the end of this Hearing Statement.

## Inspector's Question 1: [re. inclusion of sites as allocations and the process for this]

How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate?

### TWBC response to Question 1

How were different sites considered for inclusion as allocations?

#### Introduction

3. The consideration of sites for inclusion in the Submission Local Plan [[CD 3.128](#)] has been an iterative process through the different stages of plan-making. The decision to allocate sites has been informed by a wide ranging, proportionate suite of evidence base documents, along with continued engagement with relevant bodies and organisations, including statutory environmental bodies and infrastructure providers.
4. The following response sets out how key documents, the SHELAA and the SA, have enabled the Council to make decisions on site allocations, along with other work, set out under 'other matters'.

#### The Strategic Housing and Economic Land Availability Assessment (SHELAA)

5. The SHELAA [[CD 3.77a](#) and appendices] and the addenda to this [[PS 022](#) and [CD 3.131](#)] (as well as earlier iterations of the SHELAA) has been key in identifying whether sites are available, suitable and achievable and therefore suitable as potential allocations in the new plan. This has been undertaken in accordance with relevant [Planning Practice Guidance](#) (PPG) on the method for assessing housing and economic land availability. These tests and how the Council has applied these, are explained further on in this Hearing Statement at paragraphs 22 to 37. There have been three iterations of the SHELAA and two addenda. These comprise:
  - An Interim SHELAA in 2017 (which provided site description information only in respect of sites submitted to the first 'Call for Sites'. It did not assess or provide site outcomes at that stage);
  - a second SHELAA [[CD 3.22a](#) and appendices] that accompanied the Regulation 18 Draft Local Plan; and

- the more recent iteration of the SHELAA [[CD 3.77a](#) and appendices] and two addenda [[PS 022](#) and [CD 3.131](#)], which have informed the Pre-Submission and Submission Local Plan.
6. Sites have been assessed in the SHELAA following a robust methodology, set out at Section 3 of the SHELAA main report [[CD 3.77a](#)], in accordance with relevant ([PPG](#)).
  7. Paragraphs 1.7 and 1.8 of the SHELAA main report set out that the Council conducted two formal 'Call for Sites', while paragraph 1.9 identifies that the SHELAA has also assessed sites submitted to the Council outside of the two formal 'Call for Sites' periods; for example, sites submitted during the Regulation 18 Draft Local Plan consultation. Sites submitted during the Pre-Submission Local Plan consultation, are assessed in the SHELAA addendum [[CD 3.131](#)].
  8. Sites assessed in the SHELAA include:
    - Sites submitted to the Council for assessment (either through the Call for Sites, submitted through public consultation periods or outside of these);
    - Unimplemented/sites not substantially under construction with existing planning permission for 10 or more dwellings;
    - Sites previously allocated in the Tunbridge Wells Site Allocations Local Plan, 2016 [[CD 3.119](#)] that had not been implemented; and
    - Other sites considered by officers to warrant consideration, including sites adjacent to those submitted. Where land adjacent to previously submitted sites was considered appropriate to assess, officers undertook a land registry search and sent correspondence to make landowners aware that the Council was producing a new Local Plan and seeking the submission of land for assessment through the SHELAA process. The Council also contacted all those who had submitted sites through the first Call for Sites to raise awareness of the second Call for Sites, to enable them to consider whether they had further land available that could be submitted for assessment. Elsewhere in this Hearing Statement (paragraph 81) reference is made to workshops held with parish/town councils/respective neighbourhood plan groups, at which officers sought views on whether they knew of other land suitable for assessment.

9. The SHELAA assessed all sites regardless of location or size. At paragraph 3.19, the most recent SHELAA report (which accompanied the Pre-Submission and Submission versions of the Local Plan) explains that a site threshold of 10 or more dwellings has been used to inform whether sites are suitable as potential allocations. Sites below this threshold are captured by the proposed 'windfall allowance', which is explained and set out further in the Brownfield and Urban Land Topic Paper, January 2021 [[CD 3.83](#)], sections 3.0 and 4.0.
10. Paragraph 1.3 of the SHELAA report explains that the SHELAA is not an allocations document. It is a technical assessment, which along with other evidence base documents, informs the plan-making process.
11. Sites have been included in the Submission Local Plan, following consideration of the most recent SHELAA and the evidence base as a whole, comprising a wide range of reports, including those commissioned from specialist consultants. These are referred to as necessary elsewhere in this Hearing Statement.
12. The evidence base covers a range of matters such as landscape, ecology, Green Belt, flood risk, highway matters, infrastructure and housing and employment needs, as well as detailed strategic sites reports. This is not an exhaustive list but helps demonstrate that the site selection process has been informed by a wide range of detailed assessments.
13. SHELAA site assessments have also considered the SA work [[PS 013](#)] (further detail on the SA is set out at paragraphs 16-19 of this Hearing Statement) and have had regard to supporting information submitted by site promoters.
14. The SHELAA main report explains that there has been a series of stages in the site assessment process, starting with a Stage 1, initial consideration stage. This stage filtered out sites about which there were significant concerns, such as whether they are in remote locations and clearly not sustainable in this context, and considered factors such as designations for heritage, wildlife, and landscape. More detail on Stage 1 is given at paragraphs 3.32 and 3.33 of the SHELAA main report (paginated page 12, electronic page 14). This was followed by a more detailed Stage 2 assessment, along with considerations about whether smaller scale sites had the potential to contribute to a 'windfall allowance'.

15. There was also consideration about whether sites were suitable, in full, or part, and whether it would be appropriate to merge sites with adjacent land. This included consideration of constraints and whether parts of sites needed to be ruled out, for example because of the presence of ancient woodland or flood zones. When considering if it would be appropriate to merge sites with adjacent ones this, for example, was to establish if constraints such as lack of a site access could be overcome by the merger of sites. Further detail about Stage 2 is set out in the SHELAA main report between paragraphs 3.34 (paginated page 12, electronic page 14) and 3.41 (paginated page 14, electronic page 16).
16. The findings of the SA [[PS 013](#)] have been important in determining whether sites are suitable for allocation. Commentary from the SA is recorded on individual site assessment sheets in the SHELAA and has informed the findings of the SHELAA assessment. Further explanation on the SA is set out below.
17. As previously explained in the Council's response to the Matter 1 Issue 3 (Sustainability Appraisal) hearing session [[TWLP/003](#)], there is a link between the SHELAA and the SA. These were worked on simultaneously, and the same filtering methodology was used to inform both documents. For clarity, this is the Stage 1 initial consideration of sites explained at paragraph 14 above, which also determined reasonable alternatives to be assessed in the SA.
18. The SA report [[PS 013](#)], at electronic pages 2-3 sets out the document history of the SA throughout the plan-making process. There have been two scoping reports, followed by different iterations of the SA at each stage of plan-making, beginning with Issues & Options, then the Draft Local Plan and more recently the Pre-Submission Local Plan and Submission Local Plan stages.
19. At the Draft Local Plan and Pre-Submission Local Plan stages, the respective SAs have fed into the SHELAA assessment process.

### **Other matters**

20. There has been ongoing discussion and engagement from the early stages of plan-making with key organisations and bodies, including statutory environmental bodies and infrastructure providers. This has included Kent County Council (KCC), adjoining local authorities, Natural England, the High Weald AONB Unit, National Highways, Heritage

England, the Environment Agency, and infrastructure providers such as the Clinical Commissioning Group and Southern Water, as well as parish and town councils and, where appropriate, their neighbourhood plan groups.

21. The Submission Local Plan is supported by numerous Statements of Common Ground (SoCG) that demonstrate this engagement. This engagement process, in some cases, led to further studies, such as work undertaken by Hankinson Duckett Associates (HDA) on Landscape and Visual Impact Assessments relating to major developments in the AONB [[CD 3.96a](#) and appendices] and the AONB Setting Study [[CD 3.95a](#) and appendices]. These further studies resulted from the Council's discussions with Natural England and the High Weald AONB Unit and have informed judgements and decisions about allocations included in the Submission Local Plan; for example, a number of individual sites which were proposed for allocation in the Draft Local Plan were, following the studies, no longer considered suitable (and therefore not allocated) in the Pre-Submission/Submission Local Plan. More information on considerations of suitability is set out at paragraphs 30 to 32 of this statement.

### **The process followed in deciding which sites to allocate**

22. As stated above at paragraph 5, the SHELAA has assessed sites against the three key tests of availability, suitability and achievability in accordance with relevant ([PPG](#)), which sets out the methodology to be used when carrying out a SHELAA. The Council's SHELAA has been prepared in accordance with the latest advice PPG advice, dated 22 July 2019.
23. The Council's approach to these tests is:

#### **Availability**

24. The PPG advises at paragraph 019 (reference ID: 3-019-20190722) that:

*“A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from landowners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.*”



*The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions”.*

25. Appendix 1 of the SHELAA main report [[CD 3.77a](#)] includes a copy of the standard site submission form that most site promoters completed when submitting sites. This, amongst other things, included the requirement for applicant and site owner details, along with details of whether sites are in single or multiple landownerships, and confirmation that the landowner was aware of the site submission. This information enabled an officer judgement to be made on whether sites were available. Availability and whether sites are in single or multiple ownership is recorded on the site assessment sheets.
26. Furthermore, paragraph 5.22 of the Housing Supply and Trajectory Topic Paper [[CD 3.74a](#) and annex] sets out that the Council carried out an informal consultation with site promoters (to all those who submitted a site in the Call for Sites) during spring 2018, requesting their initial expectations for their site’s delivery rates and the earliest expected date that a planning application may be submitted. This consultation has helped demonstrate availability of sites.
27. In addition to this, throughout the site assessment and plan-making process, officers have met with site owners/promoters in some cases, to discuss issues relating to sites. A number have made representations in support of proposed allocation of their sites, at the Draft Local Plan or Pre-Submission Local Plan (or both) stages of public consultation. In some cases, these representations have included supporting documents such as indicative site layouts or technical information to demonstrate the suitability of sites for development in principle.
28. Sites were screened for planning history, as at April 2020, with planning permissions recorded on site assessment sheets. It is notable that several sites assessed by the SHELAA have developer interest; some sites, e.g. at Pembury (AL/PE2 Land at Hubbles Farm and south of Hastings Road and AL/PE3 Land north of the A21, south

and west of Hastings Road) and Royal Tunbridge Wells (AL/RTW 16 Land to the west of Eridge Road at Spratsbrook Farm) having had developer interests from the early stages of plan-making.

29. Given the above, the Council has confidence that relevant sites submitted for assessment are available and developable within the plan period and that the majority of sites that already benefit from planning permission are deliverable within the first five years of the plan period, having regard to the NPPF [[CD 1.4](#)] definition of ‘deliverable’ and ‘developable’ (set out in the NPPF glossary, Annex 2 page 66). The Housing Supply and Trajectory Topic Paper [[CD 3.74](#)] also demonstrates other work undertaken to inform assumptions of sites deliverability. In particular, Section 4.0 of the topic paper deals with the Council’s housing delivery phasing and build-out rate methodology, which has enabled the Council to gain an understanding of when sites are likely to be delivered over the plan period.

### Suitability

30. The PPG deals with the matter of site suitability at paragraph 018 (reference ID: 3-018-20190722) setting out that:

*“A site or broad location can be considered suitable if it would provide an appropriate location for development when considered against relevant constraints and their potential to be mitigated”.*

31. Paragraph 018 goes on to advise:

*“When considering constraints, plan-makers may wish to consider the information collected as part of the initial site survey, as well as other relevant information, such as:*

- *national policy;*
- *appropriateness and likely market attractiveness for the type of development proposed;*
- *contribution to regeneration priority areas;*
- *potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation.*

*Plan-makers need to assess the suitability of identified sites or broad locations for different forms of development where appropriate, taking into account the range of needs for housing, economic and other uses.*

*When assessing sites against the adopted development plan, plan-makers will need to take account of how up to date the plan policies are and consider the relevance of identified constraints on sites / broad locations and whether such constraints may be overcome. When using the emerging plan to assess suitability, plan-makers will need to account for potential policy changes or other factors which could impact the suitability of the site / broad location. For example, an emerging site allocation may enable development to come forward. This will have to be reflected in the assessment of achievability.*

*Sites in existing development plans or with planning permission can generally be considered suitable for development although it may be necessary to assess whether circumstances have changed which would alter their suitability. This can be informed by a range of factors including the suitability of the land for different uses and by market signals, which will be useful in identifying the most appropriate use”.*

32. In assessing site suitability, the Council has considered the wide-ranging evidence base, information/understanding of sites obtained from officer site visits, information from site promoters and relevant planning history to inform judgements made about the suitability of sites. The Council, including professional planning officers, have considered the location of sites, the ability to mitigate any harmful effects, and individual site constraints, with consideration also of development growth needs of the borough (with no upper limit on the extent of this growth in terms of housing). Judgements, for example, have included careful consideration about whether there is the potential to provide a safe and suitable means of access to a site, as well as pedestrian footways to link with services and facilities. The Duty to Cooperate Statement, November 2021, appendices H-J [[CD 3.132c\(v\)](#)] includes an engagement log (starting on electronic page 91 Appendix H7) and a signed SoCG (beginning electronic page 97) with KCC Highways & Transportation Officers. Paragraph 2.4 of the SoCG sets out examples of effective and on-going engagement which, on electronic page 103, refers to a workshop held between the Council and KCC Highways & Transportation to discuss site access matters. This enabled Tunbridge Wells Borough Council (TWBC) officers to make

decisions on such matters and the final site allocations, with some allocations in the Draft Local Plan having been omitted from the later stages of plan production as a consequence of this continued engagement. This omission of sites has included sites within and outside of the AONB.

## Achievability

33. Paragraph 020 (reference ID: 3-020-20190722) of the PPG deals with achievability (including if a site is viable), advising:

*“A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic [viability of a site](#), and the capacity of the developer to complete and let or sell the development over a certain period”.*

34. Site viability has been addressed through the commissioning of viability assessments. A Stage 1 Viability Assessment, 2019 [[CD 3.54a](#) and appendices] informed the Regulation 18 Draft Local Plan, with a further Stage 2 Viability Assessment, 2021 [[CD 3.65a](#) and appendices] which informed the Pre-Submission Local Plan and subsequent Submission Local Plan.
35. The assessments use a broad range of ‘development typologies’, reflective of the scope of proposals in terms of both land use and scale, being considered within the Local Plan. The appraisal process run for each typology uses the well-established method of ‘residual land value’. The second stage Assessment provides an update of the Stage 1 scenario (‘typologies’) testing with latest policy costs and assumptions, as well as adding a review of the strategic scale development proposals for Paddock Wood and Tudeley, together with a review of the viability of a sample of the ‘mixed-use’ allocation sites (proposals that will bring forward community facilities, financially enabled by the development of small to medium scale housing developments).
36. Further elaboration of the assessments of viability is set out in response to Question 4 and, in respect of affordable housing requirements, Question 6.
37. The Council has engaged with developers and site promoters to gain an understanding of delivery rates and likely timescales for submission of planning application, further

information about which is provided in the Housing Supply and Trajectory Topic Paper [CD 3.74]. Section 4.0 of the topic paper deals with the housing delivery phasing and build-out rate methodology, which has enabled the Council to gain an understanding of when sites are likely to be delivered over the plan period.

### Other work

38. Having carried out an initial SHELAA assessment of sites, the SHELAA assessment, the evidence base, and professional officer judgments taking account of discussions with organisations and bodies, all informed the decisions of which sites to include in the Regulation 18 Draft Local Plan.
39. As explained elsewhere in this Hearing Statement, representations received in response to the Draft Local Plan prompted the commissioning of further studies to inform both the assessment of sites and the growth strategy subsequently set out in the Pre-Submission Local Plan, including site allocations. In some cases (in response to further AONB work for example), this led to a refinement of sites, developable areas and site capacities. This further work is set out for example, at paragraph 21 above.
40. Examples of sites included in the Draft Local Plan omitted from the Pre-Submission version include Draft Local Plan Policy AL/HA1 (Land forming part of Hawkhurst Golf Course to the north of the High Street), AL/CRS13 (Land east of Camden Lodge, adjacent to Mill Lane, Sissinghurst) and AL/CRS 6 Land at Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley. These are examples of sites omitted following consideration of representations received and continued discussion with relevant bodies, including KCC Highways & Transportation. It is of note that all these sites have been promoted through the planning application process, with all three sites having subsequently been dismissed by appeal Inspectors, demonstrating that the Council was correct in omitting them from the Pre-Submission/Submission Local Plan.
41. It is noted that as the Plan has progressed, and work has evolved, that in some instances it has been necessary to re-assess sites in the SHELAA, reflected in the different iterations of the SHELAA report and appendices.

## Summary and Conclusion

42. The above response sets out how the Council has robustly assessed sites for potential allocation in the Local Plan, taking account of a thorough suite of evidence base documents, including the SHELAA (prepared in accordance with national guidance) and SA (relevant evidence base documents are referred to where necessary in the Council's response above). There has been continued engagement with relevant bodies and organisations, including statutory environmental bodies and infrastructure providers (including completion of SoCG).
43. Officers have considered representations to the various stages of Local Plan consultation, which have informed further work conducted by the Council, and have informed decisions about sites (including inclusion and omission from the Local Plan), developable areas, capacities, and policy wording.
44. Site assessment and selection is recognised as an iterative process, with the SHELAA considering whether sites are available, suitable, and achievable, informed by SA and other evidence base documents. All sites were visited by experienced officers able to make professional judgements about suitability, and specialist officers have been involved with site discussions and assessment throughout the plan-making process.
45. The Council considers that site selection has been robust, with a thorough assessment methodology and process, explained in the response to Question 1 above.

## **Inspector's Question 2: [re. site areas and dwelling capacities]**

**How were site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence?**

### **TWBC response to Question 2**

**How were site areas and dwelling capacities determined?**

46. The refining of site areas and dwelling capacities focused on those sites considered suitable as potential allocations in the Local Plan. Sites found to be unsuitable in the SHELAA were filtered out and were not assessed further. This includes small sites, of less than 10 units (sites which if they were to come forward would be captured by the Plan's windfall allowance). Further information on the Stage 1 (site assessments/initial consideration of sites) and Stage 2 (more detailed considerations) SHELAA assessments can be found at paragraphs 14 to 19 above.
47. The initial approach taken by the Council to establish site areas and dwelling capacities is explained in the SHELAA main report [[CD 3.77a](#)]. It should be noted that this work was informed by the preceding work undertaken in preparing the SHELAA, including the desk-top analysis and site visits of each site. Sites that had an existing planning permission, which had not been implemented or were not substantially under construction, had site area and dwelling capacities informed by these permissions (and in some cases, depending on the grounds, refusals).
48. Paragraphs 3.37 and 3.38 of the report set out work undertaken to establish the developable area of each site and a yield, generally equating to circa 30 units per hectare. It is recognised, however, that some sites are suitable for either a lower or higher density, depending on site context. As the Plan progressed, there were refined densities, based on site context, including, for example, consideration of matters such as tree coverage and the need for landscaping and open space. This was an officer judgement, taking account of site opportunities and constraints, including where available, consideration of any proposals advanced by site promoters which included in some instances pre-application discussions.
49. The wider evidence base studies have also informed site areas and dwelling capacities, including the Landscape Sensitivity Studies [[CD 3.102a](#) and appendices], the



Landscape and Visual Impact Assessment (LVIA) work carried out by HDA for major sites in the AONB [[CDs 3.96a](#) and appendices] and AONB Setting Analysis reports [[CD 3.95a](#) and appendices]. The findings of these reports have informed planning judgements on site areas and have enabled the Council's specialist officers (including the Landscape and Biodiversity Officer, Tree Officer and Conservation and Urban Design Officer) to make an input to decisions on developable areas, site sensitivities and constraints that are reflected in dwelling capacities. Further to this, the findings of these studies have also informed the final wordings of site allocation policies, to ensure for example, that important features are protected and that detailed proposals are informed by appropriate studies at the planning application stage. Examples of this include Pembury site allocations Policies AL/PE2 and AL/PE3 – where additional wording has been included in the policies to require details of height parameters and wireframe visualisations to be included in LVIA's for the sites, and Royal Tunbridge Wells Policy AL/RTW 16, where the LVIA work led to a reduced extent of the site to be allocated. Likewise, at Hawkhurst, site allocation Policy AL/HA 5 where the LVIA work resulted in the deletion of the residential element of the Draft Local Plan policy from the policy subsequently included in the Pre-Submission/Submission Local Plan.

50. All sites have been robustly assessed, regardless of location or size, or inclusion within or outside of constrained areas, including the AONB and the Green Belt. With regard to sites in the AONB, this robust assessment has been regardless of whether the Council would consider such sites major development in the AONB (as per paragraph 177 of the NPPF). The AONB component parts were considered, with officer judgements made about the likely effects of development on the components of natural beauty, and great weight given to the landscape and scenic beauty of the AONB, regardless of site size.
51. The Council has however, taken a precautionary approach and identified sites it would consider major development in the AONB, as per paragraph 177 of the NPPF, undertaking additional LVIA work in relation to those sites. Examples of how this LVIA work informed site areas and capacities are set out above at paragraph 49. The AONB Setting Analysis Report [[CD 3.95a](#) and appendices] considered a number of settlements where development proposals might give rise to concerns over the setting of the AONB. This work looked at settlements including Horsmonden, Sissinghurst, and Benenden Hospital (in Benenden parish) where there were groups of sites, and also Paddock Wood and Tudeley. The Horsmonden site Policy AL/HO 3 is an example of where the



AONB Setting Analysis Report has informed the final site area, capacity and in this instance, indicative site uses. Following this work, the policy was amended to ensure there would be no built development on the higher northern parts of the site as these would be visible from higher AONB land to the south at Goudhurst.

### Strategic Sites

52. Site areas and dwelling capacities for the strategic sites included in the Local Plan are addressed in the Council's response to questions for Matter 6 Issue 1 (Tudeley Village Questions 1 and 2) [TWLP/022] and Matter 6, Issue 3 (Paddock Wood and East Capel Question 2) [TWLP/024].

### Are the assumptions justified and based on available evidence?

53. The Council considers that the site areas and dwelling capacities are justified and based on evidence. Furthermore, sites have been consulted upon at the Draft Local Plan and/or Pre-Submission stages of plan-making. In terms of site capacities, these have been refined through the plan-making process. They have been informed not only by evidence base work, but also discussions with site promoters and any relevant planning history. The Council recognises, that in some instances, site promoters have sought, through representations to the Regulation 19 consultation (and in some instances, the Draft Local Plan consultation), a greater scale of development on sites. This will be dealt with at relevant site allocations (Matter 7) hearing sessions as necessary. It is noted that, in some instances, site capacities were refined between the Draft and Pre-Submission stages of the Plan; a reflection of further work and further discussion with statutory bodies, for example.
54. Notwithstanding this approach, the Council continues to review the appropriateness of the estimates of likely yield – for example, on those sites where the Council is having detailed discussions at pre-application or application stage. Further discussion on individual sites may be given in relation to allocations in each settlement, if relevant as part of the site allocations Matter 7 hearing statements.
55. To demonstrate that site capacities are realistic, the Table at **Appendix 1** sets out site allocations in the Submission Local Plan that have been promoted through Development Management and now benefit from planning consent. The table demonstrates that these sites have planning permissions with development of a scale

comparable to the site capacities set out within the individual site allocations included in the Submission Local Plan, and that assumptions made about site capacities are justified.

## Summary and Conclusion

56. The above response explains how officers have approached site areas and dwelling capacities for sites, having regard to the SHELAA process, evidence base work, consultation responses and ongoing engagement with site promoters, and that in some instances, the planning history has informed these decisions. Evidence is provided to demonstrate that the assumptions about site areas and capacities are justified and based on evidence. A table at **Appendix 1** of this Hearing Statement lists sites in the Submission Local Plan that have been promoted through Development Management and shows these have come forward with a scale of development comparable to the site allocations in the Plan.

## **Inspector’s Question 3: [re. effects of development on landscape, best and most versatile agricultural land, the road network, infrastructure, heritage assets and nature conservation]**

**In deciding whether to allocate sites for development, how did the Council take into account the effects of development on:**

- **Landscape character, including the High Weald AONB and its setting;**
- **The availability of best and most versatile agricultural land;**
- **The local and strategic road network;**
- **The need for new and improved infrastructure (including community facilities);**
- **Heritage assets; and**
- **Nature conservation.**

## **TWBC response to Question 3**

### **Introduction**

57. The Council’s response is set out under sub-headings, reflecting each of the Inspector’s bullet points. It is important to be aware that with all these sub-heading topic areas, in assessing and determining which sites to allocate, the Council has sought to take the effects of development into account. This has included consideration of how any effects arising from development could be mitigated, informing decisions about whether to allocate sites, and where allocated, details of site-specific policy wording and the extent of developable areas.

### **Landscape character, including the High Weald AONB and its setting**

#### **Background**

58. From the beginning of the Local Plan process, the Council had a very thorough understanding of the environmental and sustainability constraints and opportunities within the borough to help inform plan-making. The Council employs specialist officers in sustainability (including sustainable design and construction), landscape, ecology, conservation, urban design, and trees who provide further advice. The Planning Policy

Team also works closely with the Council's Environmental Protection Team, on matters such as air quality and noise for example, and other Duty to Cooperate partners as set out in the Stage 1, Issue 1 Hearing Statement [[TWLP/001](#)], and elsewhere in this Hearing Statement.

59. The Council has a Borough Landscape Character Assessment SPD (2017) [[PS 019](#)] and is an active member of the Joint Advisory Committee (the JAC) for the High Weald AONB Unit. The JAC undertakes the preparation and review of the High Weald AONB Management Plan, acting on behalf of the 15 local authorities with land in the High Weald AONB. Working with the High Weald AONB Unit, the Council has also undertaken further borough-wide studies and guidance, including a revision of the Ancient Woodland Inventory (2011), the Historic Landscape Characterisation (2017) and the Farmstead Assessment Guidance SPD (2016). In addition, it has undertaken a full review of the Kent Compendium of Historic Parks and Gardens (2010), produced the Historic Environment Review and has established conservation areas, one of which is currently under review, and one of which was recently designated. The Council engaged with key environmental stakeholders in identifying issues and developing its evidence base to inform the Local Plan and has continued that engagement to develop policies that will be effective in protecting the environment.
60. A Habitat Regulations Assessment (HRA) 2020 [[CD 3.92a](#) and appendices] has been carried out to accompany the Pre-Submission Local Plan (and subsequent Submission Local Plan), following earlier iterations in 2019 [[CD 3.36](#)] for the Draft Local Plan, and an interim HRA [[CD 3.39](#)] in 2017. Further detail on the HRA is set out in the Hearing Statement for the Matter 1, Issue 2 hearing session [[TWLP/002](#)].
61. The Council is an active participant of the Kent Nature Partnership, which through the Kent Wildlife Trust administers the identification and review of Local Wildlife Sites to ensure that site information is up to date in terms of detail and extent. Through the Landscape and Biodiversity Officer the Council liaises and works with particular recorder groups and the Kent and Medway Biological Records Centre (KMBRC).
62. Furthermore, detailed studies were commissioned specifically to inform site selection and to address concerns and issues that arose through the progress of the Local Plan, as detailed below.

63. In developing the Plan, the Council has drawn heavily on the High Weald AONB Management Plan, 2019-2024 [\[CD 2.1\]](#) and the data provided by the AONB Unit on the components of natural beauty, which is relevant not only to the High Weald AONB but also its setting. In deciding whether to allocate sites for development, the Council, as part of the evidence base supporting the Local Plan, commissioned several independent studies from consultants (set out in more detail below) to assess the landscape and visual sensitivities of potential sites and to assist in assessing the impact of proposed allocations on the landscape and visual resource of the borough with particular regard to the AONB and its setting.
64. The Council also commissioned a series of landscape sensitivity studies early in the plan-making process for the main settlements, including Royal Tunbridge Wells [\[CD 3.102a\]](#), and Paddock Wood, Horsmonden, Hawkhurst and Cranbrook [\[CD 3.102c\]](#) so that consideration could be given to the landscape effects of the possible expansion of those settlements. In addition, as work progressed on the Plan, and in agreement with Natural England, individual site LVIAs [\[CD 3.96a\]](#) and appendices] were commissioned for potential allocations in the AONB that could be considered to be major development as per paragraph 177 of the NPPF. These related to allocations at Royal Tunbridge Wells [\[CD 3.96b\]](#), Pembury [\[CD 3.96c\]](#), Southborough [\[CD 3.96d\]](#), Cranbrook [\[CD 3.96e\]](#), Hawkhurst [\[CD 3.96f\]](#), Brenchley and Matfield [\[CD 3.96g\]](#), Lamberhurst [\[CD 3.96h\]](#), and Sandhurst [\[CD 3.96i\]](#), all accompanied by a main report [\[CD 3.96a\]](#). This work directly informed site selection, with comments on layout, site capacity and, for those sites that were taken forward, suggested policy content. This was a very detailed suite of evidence that included specific consideration of the AONB and the components of natural beauty and was recognised at a relatively recent planning inquiry as an “*up-to-date, professional assessment*” (paragraph 98 APP/M2270/W/20/3247977).
65. To understand and address concerns relating to the setting of the AONB that might arise from proposed development and to inform allocations and any future planning applications, the Council, again in discussion with Natural England, commissioned an AONB Setting Analysis report comprising a Main Report [\[CD 3.95a\]](#) and individual reports for sites at Paddock Wood [\[CD 3.95b\]](#), Tudeley Village [\[CD 3.95c\]](#), Horsmonden [\[CD 3.95d\]](#), Benenden Hospital [\[CD 3.95e\]](#), and Sissinghurst [\[CD 3.95f\]](#). An example of how this work informed final policy wording is given above at paragraph 49.

66. There is also a series of Historic Landscape Characterisations reports covering the whole borough that were prepared with the assistance of the AONB Unit in 2017 and have informed site allocations. These are of particular relevance as the landscapes of the Weald, and in particular the High Weald, owe much of their character to their medieval origins. These studies are finer grained and more recent than most in Kent. These are found at [CD 3.101](#) a to c inclusive.
67. With the benefit of these, the Council, informed by its specialist Landscape and Biodiversity Officer, has been able to make a planning judgement as to the merits of a site's suitability for allocation. In doing so, regard has been had to the NPPF [[CD 1.4](#)], including the great weight that must be given to conserving and enhancing the landscape and scenic beauty of the AONB, and where proposals are likely to constitute major development in the AONB, consideration of the 'exceptional circumstances' test. The High Weald AONB Management Plan, 2019-2024 has been considered, and individual site assessment sheets in the SHELAA include screening of AONB component parts, and landscape character matters. There has been continued discussion with the Council's Landscape and Biodiversity Officer throughout the plan-making process.
68. Further information about the Council's approach to development in the AONB is contained in the Development Strategy Topic Paper, February 2021 [[CD 3.126](#)], Section 6.0 at H (paginated pages 40-55, electronic pages 44-59).
69. There has also been regular, on-going engagement with both Natural England and the High Weald AONB Unit. The Duty to Cooperate Statement, November 2021, for the Submission Local Plan, at Appendices H-J [[CD 3.132c\(v\)](#)] provides a comprehensive record of engagement with these bodies (as well as other prescribed and other Duty to Cooperate Bodies), and a signed SoCG with Natural England.
70. A record of the Duty to Cooperate engagement with Natural England is provided at Appendix H9 (beginning on electronic page 117, with a signed SoCG between the two parties at Appendix H10, dated 26 October 2021 on electronic page 122). Appendix I1, at the beginning on electronic page 202, sets out a record of the Duty to Cooperate engagement between the Council and the High Weald AONB Unit.

71. The matter of development in the AONB itself is dealt with by other examination matters. It is, however, worth noting the Council's responses to Matter 3 (Spatial Strategy and Distribution of Development), Issue 2 (Distribution of Development), Question 6, Matter 6 (Strategic Sites) and Matter 7 (Residential Site Allocations).

### **The availability of best and most versatile agricultural land**

72. In assessing whether sites are suitable for allocation in the Local Plan, the Council has considered the availability of best and most versatile agricultural land.

73. The site assessment process, set out in the SHELAA Main Report [[CD 3.77a](#)] has included assessment of site constraints, including agricultural land classification (ALC) recorded on the Council's Geographical Information System (GIS) layers. The GIS information on agricultural land across the borough is illustrated in the Council's Development Constraints Study at page 14 [[CD 3.32](#)] and this shows that the borough is predominantly Grade 3 with pockets of Grade 2 and Non Agricultural Land (Forest). Within the High Weald, soils are generally poor and so even non-Best and Most Versatile land is important to agriculture. The agricultural land classification is included on the individual site assessment sheets in the SHELAA and is included in the list of constraints screened at Appendix 3 (paginated page 31, electronic page 33) of the SHELAA Main Report.

74. ALC has been considered throughout the plan-making process, including through the SA, which has informed the findings of the SHELAA. The most recent SA report, the Submission version of the SA [[PS 013](#)], explains the SA scoring method at section 4.3 (colour version - electronic page 39). Table 141, in Appendix B (colour version - electronic page 290), sets out the decision-aiding questions used for scoring various sustainability objectives. Land Use is found on electronic page 293 (colour version), with one of the questions applicable to land use scoring being "*Does the policy/plan/objective prioritise development on lower grade agricultural soils?*". The comments/limitations set out in the table, for this question are "*Consideration of the area of soils that are lost or protected where the loss or protection of >20ha of best and most versatile soils is scored as - - - or + + + respectively*". Where the distinction between 3a and 3b soils was unclear, the SA applied an unknown score in relation to soils. However, it was recognised that all grade 3 soils in the High Weald AONB provide important grazing land. Notes were made in the SA commentary describing the impact

upon soils where necessary; for example, pages 313, 324 and 351 (colour version). It is noted that Agricultural Land Classification issues alone rarely swayed the final scores for the Land Use objective.

75. Furthermore, while distinctions between grade 3a and 3b soils has been unclear, there has been consideration about the wider effect of allocating sites on farming operations, including consideration of site context. At the planning application stage, this has also been a consideration in decisions; for example, allocations relating to a small part of a larger farm holding, have been considered not to adversely affect the overall operation of the farm.
76. It is clear that the Council has properly considered the effects on soils and best and most versatile agricultural land as part of its plan making.

### **The local and strategic road network**

77. In deciding whether to allocate sites for development, the Council has considered the effects of development on the local and strategic road network in several ways.
78. From the early stages of plan production, the Council has liaised and engaged with Kent County Council (KCC) concerning effects of development on the local highway network and has engaged with National Highways (formerly Highways England) in relation to impact on the strategic highway network, namely the A21.
79. The Council has engaged with KCC Highways & Transportation in a positive way, funds half a senior officer post and works with KCC Highways officers who have a good understanding and knowledge of the borough, including individual sites, roads, and junctions.
80. The development strategy has evolved following an iterative evidence base, which has assessed the spatial strategy originally proposed within the Draft Local Plan. The evidence base considered that strategy and identified mitigation measures required and identified costs. This work fed into the Infrastructure Delivery Plan (IDP) [\[CD 3.47\]](#) for the Draft Local Plan and was checked through Viability Assessment work.
81. The Council has also undertaken workshops, looking at specific sites, with the benefit of the emerging evidence base and spatial strategy. These workshops involved two senior KCC Highway & Transportation officers, both having known the borough of Tunbridge



Wells for many years and who know the sites well. These officers are regularly involved with pre-application enquiries and the determination of planning applications.

82. At the borough level, the Council has been advised by its independent consultants SWECO, and (jointly) in relation to the strategic sites by Stantec. The strategic transport policy prioritises active travel and public transport but recognises the need for targeted highway improvements. The transport assessment for the Draft Local Plan indicated this approach and the highway improvements. The development of the Pre-Submission Local Plan was including the refined strategy in the Pre-Submission/ Submission Local Plan was subject to similar evidenced based work, which demonstrated that the allocations could be undertaken without severe residual impacts on the transport network, which was, at the request of KCC Highways & Transport and National Highways, subject to further sensitivity testing. As set out in the SoCG [paragraphs 3.20 and 3.21 of document [PS\\_025](#) with KCC Highways & Transport]:

- agrees “*that the sensitivity testing, using TRICS combined with ARCADY and LinSig modelling of individual junctions, has confirmed that the original strategic modelling undertaken and the mitigations identified in the Local Plan Evidence Base: Transport Assessment Report Update for the Pre-Submission Local Plan (Transport Modelling report) 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. These mitigations are reflected in the Infrastructure Delivery Plan*”, and .
- “*is satisfied that, in terms of the level of detail that is required at the Local Plan stage, the evidence is proportionate and demonstrates that the highway mitigations are deliverable*”.

83. KCC Highways & Transportation has been able to advise on the suitability of sites in terms of the ability to deliver safe vehicular and pedestrian access. This is demonstrated through Policy AL/CRS13 (Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road) in the Draft Local Plan, which was omitted from the Pre-Submission Local Plan following KCC Highways & Transportation advice on a planning application that was subsequently refused and dismissed at appeal on highways safety grounds. Further detail on highway matters, where necessary, will be dealt with in the

Council's response on individual site allocations (Matter 7 Residential Site Allocations) and Matter 12 (Transport Infrastructure).

### **The need for new and improved infrastructure (including community facilities)**

84. Throughout the plan-making process the Council has engaged with infrastructure providers to ensure that the provision of infrastructure is integral to the growth strategy, to mitigate the impact, support the proposed allocations and to deliver the overall strategy.
85. This engagement has been with the wide range of infrastructure providers including the NHS Kent and Medway Clinical Commissioning Group, KCC Education (and other KCC services), Southern Water, South East Water, Network Rail and Southeastern Rail and others, including National Highways and KCC Highways & Transportation and the West Kent Partnership for Infrastructure and Transport as explained elsewhere in this Hearing Statement.
86. The Duty to Cooperate Statement, November 2021 for the Submission Local Plan, at Appendices H-J [\[CD 3.132c\(v\)\]](#) provides a comprehensive record of engagement with infrastructure providers. For each of these there are engagement logs and, in most cases, signed SoCG. There are SoCG with Network Rail, the CCG, KCC (which includes infrastructure matters including education, community services, transport and broadband), and Southern Water. These SoCGs include a list of the evidence base in relation to the provision of infrastructure, which have been included in the IDP [\[CD 3.142\]](#). Sub-headings below form part of the Council's response to this question relating to infrastructure, including community facilities. These sub-headings relate to the IDP, the Strategic Sites Masterplanning and Infrastructure Study [\[CD 3.66a\]](#) and appendices b-f] especially commissioned for the two strategic sites, and viability assessment work.
87. In addition to meetings with the infrastructure providers set out in the engagement logs and the formal consultation stages at Draft Local Plan and Pre-Submission Local Plan stages, the Council has undertaken targeted stakeholder consultations with the key infrastructure providers. During course of the plan-making process there has been five such events, during the period from November 2016 through to October 2020. This is set out at paragraph 2.24, Section 2 of the IDP [\[CD 3.142\]](#), with further detail at Appendix 3 (paginated pages 173-189, electronic pages 175-191).

88. Along with this work, the Council held workshops with the parish and town councils and where relevant, their respective neighbourhood plan groups. These took place in 2018 to inform the Draft Local Plan. The purpose of these was to raise greater awareness of the growth needs of the borough and discuss the emerging growth strategy, including potential site allocations. The workshops also enabled officers to discuss and gain a greater understanding of potential local infrastructure and community needs. This engagement has continued throughout the preparation of the Local Plan to submission. Furthermore, the Council has considered, and responded to, the need for items of infrastructure where these have been raised through the public consultation stages on the Plan.

### **Infrastructure Delivery Plan (IDP)**

89. An IDP has supported each stage of plan production. An Interim IDP [\[CD 3.47\]](#) supported the Draft Local Plan, a second iteration [\[CD 3.71\]](#) the Pre-Submission Local Plan and an update to this [\[CD 3.142\]](#) supports the Submission Local Plan. The most recent IDP (Update) sets out the infrastructure needed to support the development growth strategy, captured in individual site allocation policies and settlement/parish overarching policies.
90. Each iteration of the IDP has informed the stage of the emerging Plan to which the IDP relates. Through the early and on-going engagement that has taken place with infrastructure providers and consideration of individual sites and the development strategy set out in the Submission Local Plan, the potential to deliver a number of key pieces of infrastructure have been identified. This includes flood betterment at Paddock Wood/east Capel and the provision of consolidated playing pitch provision in line with the Sport England endorsed Playing Pitch Strategy. In each instance, the need for new community facilities has been discussed with site promoters, who have agreed to provide these community facilities.

### **Strategic Sites: Topic Paper and Masterplanning and Infrastructure Study**

91. A comprehensive schedule of the infrastructure required not only to mitigate the growth across the Strategic Sites, but also to deliver the growth against garden settlement criteria, is identified within the Strategic Sites Masterplanning and Infrastructure Study [\[CD 3.66\]](#). Costs have been assigned to each item of infrastructure, along with broad

phasing assumptions. This information has been assessed within the Stage 2 Viability Assessment [[CD 3.65](#)] which confirms that the infrastructure can be delivered through the developments across both allocations without relying on external funding (please see Section 7.0 of the Strategic Sites Topic Paper [[CD 3.67](#)]). Further information is set out in the Council's response to the Inspector's questions relating to Tudeley Village (Policy STR/SS3) and Paddock Wood and East Capel (Policy STR/SS1) under Matter 6 Issues 1 and 3 respectively.

## **Viability Assessments**

92. The Plan is supported by a plan-wide Viability Assessment. This included a Stage 1 Viability Assessment, 2019 [[CD 3.54a](#) and appendices] that accompanied the Draft Local Plan and a Stage 2 Viability Assessment, 2021 [[CD 3.65](#) and appendices], which informed the Pre-Submission Local Plan and subsequent Submission Local Plan. The Stage 2 assessment builds on that at Stage 1, adding a review of the strategic scale development proposals for Paddock Wood and Tudeley, as well as including a review of the viability of a sample of the 'mixed-use' allocation sites. These Viability Assessments demonstrate that both residential and employment development is viable when meeting policy requirements (including affordable housing) and the ability to provide considerable contributions towards the provision of infrastructure.

## **Heritage assets**

93. The historic environment of the borough has been fully recognised and respected throughout Local Plan preparation.
94. Individual site assessment sheets in the SHELAA have listed, with the assistance of the Council's Conservation and Urban Design Officer, where there are heritage assets to be considered in the assessment process. Sites with particular heritage sensitivities were consulted on with the Conservation and Urban Design Officer, with whom there has been continued discussion throughout the plan-making process.
95. The Council commissioned an Historic Environment Review Part 1, 2018 [[CD 3.100](#)] to identify and categorise the heritage assets in the borough, and to identify opportunities and threats, which helped to inform the plan-making process.

96. The evidence base for the Plan includes a suite of Historic Landscape Characterisation reports [[CD 3.101a](#) and appendices]. In making judgements about sites, officers have considered Conservation Area appraisals, a [Local Heritage Assets SPD](#) (2012), a review of the Kent Compendium's list of Historic Parks and Gardens for Tunbridge Wells Borough (2010) and a [Farmsteads Assessment Guidance SPD](#) (2016).
97. The Council has engaged with Historic England and Kent County Council Heritage. The Duty to Cooperate Statement, November 2021 for the Submission Local Plan, at Appendices H-J [[CD 3.132c\(v\)](#)] explains this further, with a comprehensive record of engagement and signed SoCG.
98. Engagement with Historic England starts on electronic page 75 where Appendix H5 sets out a Duty to Cooperate engagement log. This is followed at Appendix H6, electronic page 79, by a SoCG. Of note is paragraph 2.2 (electronic page 81) where it is agreed that TWBC has a good evidence base and appreciation of the contribution of the historic environment. It is also agreed that TWBC provides a positive strategy for the historic environment through its Local Plan, supplemented by a range of other documents and actions. This is reflected in its proposed policies and site allocations.
99. The Council's engagement with KCC Heritage is set out in the Duty to Cooperate Engagement Log found at Appendix I4, electronic page 215-216. A completed SoCG with KCC relating to various matters, including heritage, is contained at Appendix I7, electronic page 225.

## **Nature Conservation**

100. As outlined at paragraph 61 above, the Council, along with all other Kent districts, uses the Kent Wildlife Trust to maintain the Local Wildlife Site system so that the evidence for Local Wildlife Sites is up to date. Kent also benefits from having the KMBRC. TWBC commissioned KMBRC to assist with the preparation of its Biodiversity Evidence Base document for the Local Plan [[CD 3.91](#)]. This document was first drafted in 2018 [[CD 3.31](#)] to inform the Draft Local Plan consultation and was revised in 2020/21 [[CD 3.91](#)] to inform the Pre-Submission and Submission Local Plans.
101. Part 1 of the report covers Habitats and Species in Tunbridge Wells borough and *"brings together known information on habitats and species across the borough prepared by the KMBRC which has the most reliable comprehensive and up-to-date*

*information on species for the County. The data is not only helpful in screening proposed sites against habitat and species information but has been used to inform the Green Infrastructure Framework and will be used in developing policy and guidance for Biodiversity Offsetting” (paragraph 1.3). This work has informed the site allocations and enabled the Council to avoid direct loss of priority habitats, Sites of Special Scientific Interest (SSSIs) and other designated sites for nature conservation.*

102. Part 2 of the report includes an impact assessment for SSSI based on the proposed allocations and the Natural England Impact Zones and concludes on page 36 that:
- “Overall conflict with SSSI IRZs as a result of proposed development within the draft Local Plan is then very limited and taking account of the nature of the proposed development and the relationship between development sites and the SSSIs the risk of adverse effects is very low and has been satisfactorily addressed through policy wording”.*
103. Part 3 of the report screens all proposed allocations against site-specific species records. Owing to concerns raised by the High Weald AONB Unit about the potential for grassland on proposed allocation sites to have a higher conservation value than records suggested, the Council commissioned an independent study of all sites proposed to be allocated in the AONB that contained grassland [[CD 3.97a](#) and appendices]. This showed that no sites contained priority grassland habitat. One site (AL/BM2 Matfield House orchards and land) has been identified as containing Traditional Orchard [[CD 3.97c](#)] which is a priority habitat and as a result the site was deleted as a proposed allocation. This is a further example of how further evidence was considered between the Draft Local Plan and Pre-Submission plan-making stages.
104. In addition to these, the Council has regularly engaged with bodies that have an interest in the natural environment, including the Environment Agency, Natural England, and the High Weald AONB Unit.
105. The Duty to Cooperate (DtC) Statement, November 2021 for the Submission Local Plan, at Appendices H-J [[CD 3.132c\(v\)](#)] provides a comprehensive record of this engagement.
106. Engagement with the Environment Agency is set out at Appendix H1, electronic page 4, which comprises a DtC Engagement Log, with Appendix H2, electronic page 8,

providing a signed SoCG. This covers, amongst other things, issues affecting the natural environment.

107. A record of the DtC engagement with Natural England is provided at Appendix H9 beginning on electronic page 117, with a signed SoCG at Appendix H10, electronic page 123. Paragraph 7.4 of the SoCG identifies that Natural England accepts “*the overall thoroughness of the evidence base*” which included the above documents.
108. Appendix I1, beginning on electronic page 202, sets out a record of the DtC engagement between the Council and the AONB Unit.
109. Nature conservation matters are recorded, where relevant, on individual site assessment sheets in the SHELAA and there has been continued discussion with the Council’s Landscape and Biodiversity Officer throughout the plan-making process.

## Summary and Conclusion

110. In deciding whether to allocate sites for development, the response to Question 3 above, explains how the Council has taken into account the effect of development on landscape character, including the High Weald AONB and its setting; the availability of best and most versatile agricultural land; the local and strategic road network; the need for new and improved infrastructure, including community facilities; heritage assets and nature conservation.
111. In taking account of the effect of development on these matters, consideration has been given as to how such effects can be mitigated, informing decisions about whether to allocate sites, developable areas and site-specific policy wording.
112. The response demonstrates that the Council has been robust in its consideration of these matters in the site selection process and resultant Submission Local Plan.



## Inspector's Question 4: [re. viability and deliverability]

**How did the Council consider the viability and deliverability of sites, especially where new supporting infrastructure is required?**

### TWBC response to Question 4

#### Introduction

114. The Council has considered the viability and deliverability of sites, especially where new supporting infrastructure is required.

115. Paragraph 68 of the NPPF states that from a strategic housing land availability assessment “...*planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability*”. The following sub-headings collectively demonstrate the Council's approach to viability and deliverability of sites allocated in the Submission Local Plan [[CD 3.128](#)]. These sub-headings reflect the requirements of the NPPF definition of “deliverable” [[CD 1.4](#)] as defined on page 66 (Annex 2) and paragraph 68.

116. The Council, when addressing this question, has been mindful that the question specifically asks about the deliverability of the site allocations. The NPPF definition of “*deliverable*” requires sites to be achievable, with a realistic prospect that housing will be delivered on the site within five years. However, paragraph 68 sets out that “*planning policies should identify a supply of:*

- Specific, deliverable sites for years one to five of the plan period (with an appropriate buffer) and
- *Specific, developable sites or broad locations for growth, for years 6-10 and where possible for years 11-15 of the plan.*

117. Accordingly, this question considers deliverability to refer to both those sites which will be built out (or in the case of Tudeley Village partly built out) within the 15-year plan period.



## Availability

118. The NPPF definition of deliverable sets out that, to be considered deliverable, sites for housing should be available now. Paragraph 68 of the NPPF also requires that availability is taken into account. Site availability is considered above, at paragraphs 24 to 29 (in response to the Matter 5, Issue 1, Question 1 about the inclusion of sites as allocations and the process followed) and has been considered in accordance with the relevant [PPG](#) that sets out the methodology to be used when carrying out a SHELAA.

## Suitability

119. To be considered deliverable, the NPPF definition of “*deliverable*” requires that sites offer a suitable location for development now. Paragraph 68 of the NPPF also requires that suitability is taken into account. Site suitability is considered above, at paragraphs 30 to 32 (in response to the Matter 5, Issue 1, Question 1 about the inclusion of sites as allocations and the process followed) and has been considered in accordance with the relevant [PPG](#) that sets out the methodology to be used when carrying out a SHELAA.

## Achievability/ Viability

120. The [PPG](#) provides guidance on viability in plan making. In accordance with the guidance, to ensure sites allocated in the Plan are viable, the Council commissioned two viability assessments. These included a Stage 1 Viability Assessment, 2019 [[CD 3.54](#)] that accompanied the Regulation 18 Draft Local Plan and a Stage 2 Viability Assessment, 2021 [[CD 3.65](#) and appendices], which informed the Pre-Submission Local Plan and subsequent Submission Local Plan.
121. For clarity, the second stage assessment builds on the first stage, adding a review of the strategic scale development proposals for Paddock Wood and Tudeley, as well as including a review of the viability of a sample of the ‘mixed-use’ allocation sites (proposals that will bring forward community facilities, financially enabled by the development of small to medium scale housing developments), and an update of the Stage 1 scenario (‘typologies’) testing with latest policy costs and assumptions applied.
122. Attention is drawn to this more recent Viability Assessment [[CD 3.65](#) and appendices] and the overview at paragraphs 16-25, which finds that the emerging Local Plan

proposals are considered to have reasonable prospects of viability, in line with the expectations of the NPPF and the PPG in viability terms.

123. This is demonstrated through the example of the non-strategic sites. It can be seen that the assessments also consider the potential for the introduction of a local Community Infrastructure Levy (CIL). While this is not currently being promoted by the Council, it is notable that the Dixon Searle Partnership has concluded that taking account of the policy requirements set out in the Submission Local Plan, including the level and tenure mix of affordable housing set out in Policy H3 that there is scope for infrastructure cost equivalent to a CIL rate of £100-£150/sqm (see paragraph 28n on digital page 10), together with s106 contingency allowances (£3,000 per dwelling), as a proxy for planning obligation requirements. Based on an average house size of 90 -100sqm this equates to £9,000 (+£3,000 S.106) to £15,000 (+£3,000 S.106) per dwelling. This range of £12,000-£18,000 per dwelling is substantially higher than the contributions which have been required (in order to mitigate the impact of development on infrastructure) of major housing schemes which have been granted planning permission in recent years.

124. Of course, supporting infrastructure is most significant in relation to the Local Plan proposals for the strategic sites. As noted below, there has been (and continues to be) considerable masterplanning work which has informed the understanding of infrastructure requirements. The Viability Assessment pays specific consideration to testing the viability of these in Part IIa of the study. Paragraphs 3.2.11 and 3.2.12 of the Stage 2 Viability Assessment [[CD 3.65](#)] set out:

*“Overall, the results point to reasonable prospects of delivery based on the Council’s emerging LP policies, with no values growth (and cost inflation) or other / additional external funding or grant assumptions currently used.*

*Therefore, our conclusion from the perspective of the viability assessment work is that we [Dixon Searle Partnership] consider the criteria of the NPPF can be met with these two strategic development allocation scenarios included as part of the new Local Plan”.*

125. The Strategic Sites Masterplanning and Infrastructure Study [[CD 3.66](#)] pages 30-40 addresses the matter of infrastructure in relation to the proposed strategic housing growth at the new settlement at Tudeley Village and as an expansion to Paddock Wood

in an easterly direction and westwards into Capel parish. The Strategic Sites Topic Paper [\[CD 3.67\]](#) sets out at part 6 (starting on paginated page 23, electronic page 25) an Infrastructure Framework to mitigate the impact of planned growth. It sets out the approach taken to establishing the required infrastructure framework and summarises the necessary infrastructure to mitigate the impact of the (strategic) proposals including both on- and off-site works.

126. Part 7.0 (starting on paginated page 28, electronic page 30) of the topic paper deals with viability and deliverability of these strategic allocations, both indicating at paragraph 7.29 that, following ongoing discussions and collaborative working with the key site owners and through the Strategic Sites Working Group, the Council is adequately assured that these sites can be delivered over the plan period. This issue is dealt with in more detail in the Council's response to Matter 6 (Strategic Sites) Issue 1 (Tudeley Village) [TWLP/022], Issue 3 (Paddock Wood and East Capel) [TWLP/024], and through Matter 9 (Housing Land Supply) Issue 2 (Five Year Housing Land Supply), Question 6 [TWLP/029].
127. The above paragraphs, and paragraph 90 earlier in the Statement, provide summaries and links to the work undertaken to consider the needs for, and ability to deliver, new infrastructure in relation to the strategic sites. Again, more detail is provided in the Council's response to Matter 6 (Strategic Sites) Issue 1 (Tudeley Village) [TWLP/022], Issue 3 (Paddock Wood and East Capel) [TWLP/023] on the Strategic Sites Working Group and the close working between the Council, infrastructure providers and the site promoters of both strategic sites. This work has resulted in a signed position statement (which is attached to the Council's response to the Matter 6, Issue 3 Hearing Statement) between the Council and the site promoters, which includes further information in relation to the contributions, means to deliver infrastructure and the principles of a mechanism to do so – and is reflective of the collaborative approach between promoters/developers/infrastructure providers and the Council which has been fostered through the Strategic Sites Working Group, and related additional discussions. The conclusions of this position statement are that, in summary, the Council and the site promoters:
  - a. recognise the need for an equitable cost sharing mechanism;
  - b. have agreed to collaborate on its development;

- c. agree the key principles to be applied to enable delivery and funding to be provided through the planning process at the appropriate point in time;

## **SHELAA**

128. Paragraphs 33 to 37 above consider the test of achievability when carrying out a SHELAA, in accordance with the relevant Planning Practice Guidance.
129. Furthermore, the SHELAA Main Report [[CD 3.77a](#)] in Section 3.0 sets out the methodology used to determine whether sites assessed by the SHELAA are achievable (as well as available and suitable). Paragraph 3.22 identifies that the Council has engaged with site promoters and landowners. This has been from the early stages of site assessment, and infrastructure provision to support potential growth has been discussed as necessary with them (as well as infrastructure providers themselves). Site requirements, including for supporting infrastructure, is set out within site-specific policy requirements and the overarching strategic policy for each settlement/parish in the Place-Shaping Section (Section 5) of the Submission Local Plan. Proposals for windfall development will be considered against these settlement/parish-wide policies.
130. It is also relevant to note that the Council has consulted upon a detailed Draft Local Plan (Regulation 18) and Pre-Submission Local Plan (Regulation 19), in which infrastructure requirements have been clearly set out, supported by an IDP in each instance. The IDP for the Draft Local Plan [[CD 3.47](#)] was followed by the IDP [[CD 3.71](#)], which supported the Pre-Submission Local Plan. An update to the IDP [[CD 3.142](#)] accompanies the Submission Local Plan. Emerging infrastructure requirements have therefore been in the public domain for some time, enabling potential developers to factor this into decisions about sites, including, crucially, land values to be paid through options or purchasing agreements.

## **Housing Supply and Trajectory**

131. Paragraph 5.22 of the Housing Supply and Trajectory Topic Paper [[CD 3.74a](#) and annex] sets out that the Council carried out an informal consultation with site promoters (to all those who submitted a site in the Call for Sites) during spring 2018, requesting their initial expectations for their site's delivery rates and the earliest expected date that a planning application may be submitted. This consultation has helped demonstrate deliverability of sites. Furthermore, the Housing Supply and Trajectory Topic Paper also

demonstrates considerable other work undertaken to support the view that sites are deliverable. In particular, Section 4.0 of the Topic Paper deals with housing delivery phasing methodology and build-out rate methodology, which has enabled the Council to gain an understanding on when sites are likely to be delivered over the plan period.

132. Housing supply and trajectory is dealt with in more detail in the Council's response to Matter 9, Issue 2 (Five Year Housing Land Supply) [TWLP/039].

## **Summary and Conclusion**

133. The Council's response sets out how the Council has considered the viability and deliverability of sites, especially where supporting infrastructure, including community facilities, is required. The response is set out under sub-headings, which collectively demonstrate how this has been considered.

134. The response demonstrates that the Council has given careful and thorough consideration of viability and deliverability of sites in its selection of site allocations in the Plan.

## Inspector's Question 5: [re. flood risk]

**How did the Council take into account flood risk? Has the Plan applied a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property as required by paragraph 161 of the Framework?**

### TWBC response to Question 5

#### Introduction

135. Please note - this response should also be considered alongside the Council's response to Question 7, Matter 3, Issue 2 – Distribution of Development [TWLP/015], Questions 8 and 9, Matter 6, Issue 3 – Paddock Wood and East Capel [TWLP/024], and Question 26, Matter 6, Issue 1 – Tudeley Village [TWLP/022].
136. The Council has, in the preparation of the Local Plan, considered flooding constraints (from all forms of flooding) to determine the spatial distribution of development in accordance with the requirements of the NPPF. In line with Paragraph 161 of the NPPF, it is acknowledged by the Council that the Local Plan should apply a sequential, risk-based approach to the location of development and the first step in doing so is to apply the 'sequential test', and, if necessary, the 'exception test'.
137. In relation to the sequential test, paragraph 162 of the NPPF sets out that "*the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source...*" and "*development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding*". However, paragraph 163 sets out that "*if it is not possible for development to be located in areas with a lower risk of flooding (taking account of wider sustainability development objectives in reaching this decision) then the exception test may [author's emphasis] have to be applied*". Paragraph 162 then proceeds to set out that whether it will need to be applied is dependent on the Flood Vulnerability Classification of a use, and which flood zone it is in: this is set out in [Table 3](#) of the relevant section of the PPG, which is clear that development in relation to which the exception test is not required is "*appropriate development*".

138. Therefore, whilst paragraph 162 of the NPPF aims to steer development to areas of lowest flood risk (which is Flood Zone 1 in Tunbridge Wells borough), paragraph 163 is clear that (subject to being more/less vulnerable, water compatible or essential infrastructure) that the location of development in both Flood Zone 1 and Flood Zone 2 is still appropriate. There is therefore somewhat of a tension between these two paragraphs: 162 suggesting that all development should be in Flood Zone 1, but 163 setting out that certain development in Flood Zones 1 and 2 is appropriate. How the Council has taken account of these requirements is set out below.
139. At this introductory stage, it is also pertinent to explain that, whilst the Council considers that the Sequential Test has been met in the Submission Local Plan, due to the manner in which the spatial strategy developed, it also undertook work ahead of the Draft Local Plan to allow the Exception Test to be undertaken – as it was not clear at that time (and it was not until the completion of the masterplanning work for Strategic Site 1 Paddock Wood, including land at east Capel) whether the Sequential Test would be met. More detail on this is again set out below.
140. In addition to the above, paragraph 161 also sets out that it is necessary to take into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.
141. Paragraph 161 of the NPPF then continues to set out four criteria which will enable the above requirements to be achieved. Commentary on how the Council has considered each of these four criteria is provided within this response at paragraphs 174 – 179.
142. It is noted that the NPPF, when amended in July 2021, made changes in relation to “*taking into account all sources of flood risk (author’s emphasis highlighting the additional requirement now required by the NPPF) and the current and future impacts of climate change*”. Additionally, the Environment Agency produced updated guidance in July 2021 in relation to climate change allowances with regard to flood risk and also in relation to preparing SFRA’s.

## Sequential Test

143. Planning Practice Guidance (PPG) sets out the requirements of the ‘[Sequential approach and sequential test](#)’ in the preparation of a Local Plan. There is no set approach to carrying out the sequential approach or sequential test; however, the



guidance sets out at paragraph 022, that this can be undertaken directly, or, ideally, as part of the sustainability appraisal and should also be considered as part of the strategic housing land or employment land availability assessments. (It is noted that the NPPG has not been updated since the revised NPPF was issued in 2021).

144. In accordance with Paragraph 162 of the NPPF – and as set out above - the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The PPG provides detail on how to apply the sequential test for Local Plan preparation, as set out within Diagram 2 of the [PPG](#), which the Council has followed.
145. The sequential test for the Tunbridge Wells borough is based upon data provided by the Level 1 Strategic Flood Risk Assessment (SFRA), [\[CD 3.105\]](#) which was completed by JBA Consulting in 2019. The SFRA was carried out for the whole borough, in order to inform the development strategy and site allocations within the Local Plan. A further Level 2 Strategic Flood Risk Assessment was carried out, in order to satisfy the requirements of the ‘Exceptions Test’ – ahead of the Draft Local Plan - which is explained in further detail below. Both documents have been compiled into one SFRA [\[CD 3.105\]](#) as a comprehensive document informing the Local Plan. A summary of the SFRA [\[CD 3.105\]](#) and detail of how the Council has considered development and flood risk in determining the spatial distribution and selection of sites is set out broadly at Section K of the Development Strategy Topic Paper for the Pre-Submission Local Plan - October 2021 [\[CD 3.126\]](#).
146. As part of the Local Plan production, the Council carried out a ‘Call for Sites’ process. All of the sites submitted through the Call for Sites were screened against available flood risk information and spatial data provided by the SFRA [\[CD 3.105\]](#) to provide a summary of risk for each site. Where sites were submitted to the Council following the production of the SFRA [\[CD 3.105\]](#), the flood risk mapping provided by JBA for the borough was used to inform the consideration of these sites in the same way.
147. Importantly, flooding from fluvial, surface water, reservoirs and groundwater was considered as part of this assessment, taking into account future impacts of climate change, thereby meeting the requirements of the NPPF (as well as the 2021 update). It is also important to note that when preparing the SFRA [\[CD 3.105\]](#) (and the Masterplan modelling for Paddock Wood [\[CD 3.66f\]](#)), a higher climate change allowance than required by the latest guidance was applied as a “*worst case scenario*”. The approach



to climate change is set out within Section 5 of the SFRA [CD 3.105], and explains how the allowance for climate change has been considered and possible impacts taken into account in the findings and recommendations.

148. The above work was carried out as an iterative process alongside the formulation of the SA [PS 013], the SHELAA [CD 3.77a] and the overall development strategy.
149. Taking each of these in turn, the SA [PS 013] used the detailed flood mapping of the whole borough and individual sites (which included all sources of flood risk), as produced within the SFRA [CD 3.105] through its assessment of options for growth and consideration of alternative options.
150. Specifically, the SA [PS 013] considered the findings of the SFRA [CD 3.105] as part of the environmental baseline review (see Table 140 – Environmental Indicators Analysis – Analysis of environmental baseline indicators and implication for new Local Plan).
151. Furthermore, the scoring methodology (see Appendix B – Decision -aiding questions used for scoring SA Objectives – in particular, Objective 19 on page 292) importantly considered flood risk as part of the decision aiding process. ‘Objective 19’, of the Sustainability Appraisal, was to “*Manage flood risk and conserve, protect and enhance water resource*” and this approach to the SA process was approved by the Environment Agency. The scoring of all the sites considered within the SA [PS 013] is provided within Chapter 8 of the report and accompanying appendices.
152. Additionally, all sites were scored by consideration of, amongst other issues, how well impacts from flooding were managed and whether flood risk could be exacerbated on or off site. To do this, areas at flood risk identified by the SFRA [CD 3.105] were reviewed as part of the process.
153. With regard to the SHELAA [CD 3.77a], the SHELAA methodology is set out in Section 3 of the SHELAA main report [CD 3.77a], where it details the process undertaken in the consideration of sites, in particular ‘Level 1 constraints’, such as flooding, as referred to at paragraph 3.37.
154. Furthermore, individual site assessment sheets in the SHELAA [CD 3.77a], have listed where there is flood risk on a site, including ‘Level 1 constraints’ as above (Flood Zone 3b) and Flood Zones 2 and 3a, which have been considered as part of the site

assessment process. Additionally, sites identified as being at risk of flooding were given further consideration and consulted on with the EA and KCC where appropriate.

155. The results of the Sequential Test, at a borough scale, are that the developable areas of all allocations, with the exception of (relatively small) parts of Strategic Site SS1 (Paddock Wood, including land in east Capel), are located in Flood Zone 1. In terms of the small parts of Strategic Sites SS1, the NPPF is clear at paragraph 162 that “*the need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3*”. The relatively small parts of Strategic Site SS1 where development is proposed that are within Flood Zone 2 comprise uses which are classified as either Essential Infrastructure or More Vulnerable: Table 3 of the relevant section of the PPG is clear that such “*development is appropriate*” in those Flood Zones, and that the Exception Test is not required. Therefore, even though the growth of Paddock Wood proposes some allocation in Flood Zone 2, in relation to these areas the Sequential Test has been passed.

### **The Exception Test**

156. Whilst the Council considers that the Sequential Test has been passed, it did nevertheless undertake the Exception Test. The reason that it did so relates to the chronology and evolution of the Local Plan.
157. As explained in the response to Matter 3, Issue 1, Question 4 [TWLP/014] and the response to Matter 3, Issue 2, Question 4 [TWLP/015], during the preparation of the Draft Local Plan growth was identified at Paddock Wood, including land to the west of the settlement, in the eastern part of the parish of Capel. This contains areas which are in Flood Zones 2 and 3 and affected by surface water flood risk. In effect the Council had concluded during the preparation of the Draft Local Plan that it could not meet its development needs entirely from sites that were in Flood Zone 1 due to both wider borough wide sustainability issues – primarily in relation to Green Belt, AONB and highways constraints – and the particular sustainable development considerations of Paddock Wood as a settlement. The Council therefore sought to consider further sites through the application of the ‘exceptions test’.

158. At this stage, the masterplanning work – set out in more detail in relation to Matter 6 – had not been undertaken. This took place following consultation on the Draft Local Plan. It had not, at that time, been established that all the flood vulnerability classification of the development would be “*appropriate*” and the Exception Test would not be required, having regard to Table 3 of the PPG.
159. Accordingly, the Exception Test was applied at the Draft Local Plan stage. As explained in response to other questions, including Question 4 under Matter 3, Issue 1 [TWLP/014] and Matter 3, Issue 2, Question 4 [TWLP/015], the Council considered that there were wider sustainability issues that identified Paddock Wood as potentially suitable location for development despite small parts of it being in a zone at a higher risk of flooding as it is the only town (or “service centre”) (identified in the second tier of the Settlement Role and Function Study Further Update October 2021 [[CD 3.133](#)]) not enveloped by Green Belt or AONB and which has a main line train station with good access to the major and strategic road network. The testing through the Sustainability Appraisal(s) demonstrated these wider sustainability issues.
160. The masterplanning work carried out in 2020 and led by David Lock Associates (which followed the sequential approach) confirmed that the Sequential Test could be met.
161. It was, therefore, necessary for the Council to increase the scope of the SFRA to provide the information necessary to apply the ‘exception test’, focussing on the area around Paddock Wood and land to the east of Capel parish, through the Level 2 SFRA, [[CD 3.105](#)] and through further work undertaken by JBA (which is set out in Appendix 5 of the Strategic Sites Masterplanning and Infrastructure Study [CD. 3.66]). This meets the first requirement of paragraph 164 of the NPPF that the application of the exception test be informed by a strategic (Level 1) and more focused (Level 2) flood risk assessment.
162. The Level 2 assessment included more detailed consideration of surface water flood risk and demonstrates that the matters relevant to the ‘exception test’ have been addressed.
163. Additionally, new flood risk modelling was developed for the Level 2 SFRA [paragraphs 1.4.1 of [CD 3.105](#)], which enabled detailed consideration of flood risk at Paddock Wood and east Capel both for the present day and with the predicted impacts of climate

change. The updated flood risk modelling informed decision-making with regard to the placement of development, following the sequential approach.

164. A summary of the work that was carried out is provided at paragraphs 6.123-6.127 of the Development Strategy Topic Paper [[CD 3.126](#)] and full details are provided within the Level 2 SFRA [[CD 3.105](#)] as well as helpfully summarised within the Council's Hearing Statement on Matter 6, Issue 3 – Paddock Wood and East Capel (TWLP/024). This work considered a number of sites or 'parcels' and made recommendations as to the suitability of allocation of sites in accordance with the sequential test and exceptions test.
165. Accordingly, the application of the Exception Test at Draft Local Plan stage, based on the Level 2 SFRA indicated that both elements (a) and b)) of paragraph 164 could be satisfied for development to be allocated. In terms of element a): the wider sustainability benefits to the community of Tunbridge Wells borough had been considered through the SA, and it was demonstrated that these would outweigh the flood risk. In terms of element b) the Level 2 SFRA indicated that – subject to further work – growth at Paddock Wood could be safe without increasing flood risk elsewhere, and indeed could reduce flood risk.
166. As explained above, the Council considers that the Submission Local Plan has met the Sequential Test. Nevertheless, if it is concluded the Exception Test is required, it is firmly of the view that the Submission Local Plan passes both tests.
167. In terms of element b) JBA were involved in the masterplanning work for Paddock Wood including land in east Capel. Appendix 5 of the Strategic Sites Masterplanning and Infrastructure Study [[CD. 3.66](#)] – explains (at digital page 11) that in relation to option 1 – which is the allocation under Policy STR/SS1 – *“the modelling demonstrates the benefit of localised drainage measures and it is considered that more comprehensive drainage arrangements accompanied by more detailed analyses [i.e. at planning application stage] would enable the development of the residential sites outlined in Option 1 to be brought forward without any off-site increases in flood depths being predicted”*.
168. Moreover, attention is drawn to electronic page 6 of Appendix 5 of the Strategic Sites Masterplanning and Infrastructure Study [[CD. 3.66](#)] which states: *“it is understood that a*

*flood management measure here must provide reduced flood risk to Paddock Wood, but not increase risk to third parties (e.g. the railway line), meaning any changes to risk must be maintained within the masterplan area. The predictions from the model are focused on presenting the change in flooding due to the proposed development layouts alone, which strengthens the acceptability of the development tested in this latest modelling, as the additional benefits of the flood management measure are not accounted for".* Policy STR/SS1 specifically requires that the drainage strategy delivers *"the levels of storage, attenuation and mitigation measures to reduce the incidence of flooding to adjacent residential areas in Paddock Wood"*. Accordingly, the evidence base demonstrates that the development will not increase flood risk elsewhere and could (if the additional flood management measures, as required by policy, are implemented) reduce flood risk overall at Paddock Wood.

169. Paragraph 4.18 of the SoCG between the Council and the Environment Agency [Appendix H2 of [CD 3.132c](#) (v)] sets out *"Policy STR/SS1 – Paddock Wood and east Capel- the EA has confirmed through its representations that it has no objection in principle to the inclusion of the proposed developments around Paddock Wood (Policy STR/SS 1 – Paddock Wood Development Plan). The Council and the EA has worked closely together during the masterplanning stage for the growth around Paddock Wood"*.
170. Likewise paragraph 4.29 of Appendix I7 of [CD 3.132c](#) (v)] sets out Kent County Council as the Lead Local Flood Authority is *"supportive of the flood risk flood risk considerations contained within the Local Plan"*.
171. In conclusion, the Council considers that it has met the Sequential Test and, in the event that the Exception Test is required, it also considers that it too would be passed in line with paragraph 164 of the NPPF.

### **Compliance with Paragraph 161 of the NPPF**

172. The following sets out in detail how the Local Plan and the approach taken has complied with the criteria set out within Paragraph 161 of the NPPF and takes each criterion in turn.
173. With regard to the first of the criteria set out in Paragraph 161 of the NPPF (*applying the sequential test and then, if necessary, the exception test*), it is the Council's view that

the proposed allocations appropriately address the Sequential Test requirements set out in paragraph 162 of the NPPF as set out above. The Council considered the Sequential Test at the time of preparing its SHELAA [CD 3.77a](#)], and its SA [\[PS 013\]](#) and considered surface water flood risk as part of this exercise. Reasonable alternative available sites to the allocations at Paddock Wood/east Capel and Tudeley Village were considered. The assessment concluded that the two Strategic Sites as referred to above were deemed appropriate for further appraisal. With regard to considering flood risk, during this process outputs from the Level 1 SFRA [\[CD 3.105\]](#), which considered all sources of flooding, were used to support the assessment.

174. With regard to the second of the criteria set out in Paragraph 161 of the NPPF (*safeguarding land from development that is required, or likely to be required, for current or future flood management*), the updated flood predictions available from the Level 2 SFRA [\[CD 3.105\]](#) modelling enabled the placement of development to be proposed in low flood risk zones, thereby preserving land where water flows which will help enable future flood management plans to be brought forward.
175. With regard to the third of the criteria set out in Paragraph 161 of the NPPF (using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management), the Local Plan at paragraph 6.278 highlights that additional local capacity should be built into any new development, where possible. Additionally, paragraph 4.91 of the Local Plan goes further to state that in the case of the strategic sites at Paddock Wood and east Capel, it is expected that 'betterment' in flooding terms will be delivered to particular areas and should be largely funded by development.
176. It is also worth highlighting the approach being taken for Tudeley Village (as noted in the Council's response to Question 26, Matter 6, Issue 1 [TWLP/022]) where the Hadlow Estate has confirmed its intention to help facilitate betterment to the communities at Five Oak Green through strategic interventions it can provide on its land within the upstream catchment of the Alder Stream to help reduce flood risk downstream as part of the compensatory improvements to the remaining Green Belt, together with the potential to reduce flood risk through flood retention upstream of the link road which would essentially bypass Borough Green. Additionally, for Paddock

Wood and east Capel, it will be a condition of releasing part of the Green Belt for development that measures are put in place for the management of flood water that provides flood risk benefits to Paddock Wood that are beyond those that would typically be expected via the management of surface water runoff from the site. This is required through Part 13) of Policy STR/SS1 -The Strategy for Paddock Wood, including land at east Capel.

177. With regard to the fourth criterion set out in Paragraph 161 of the NPPF (where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations), while the Council is not actively seeking to relocate existing housing as part of the Local Plan, the planned infrastructure to provide betterment being sought in terms of flood risk through the Paddock Wood and east Capel and Tudeley Village allocations will help to manage current flood risk, and also future flood risk where without such intervention climate change effects would result in more frequent and more severe flood risk to the existing community.

## Engagement

178. The Council has worked collaboratively with the Environment Agency (EA) and Kent County Council (KCC) as the Lead Local Flood Authority throughout the process of producing the SFRA [\[CD 3.105\]](#), the development strategy and the work in relation to the Strategic Sites. This collaboration is detailed within the Duty to Cooperate Statement for the Pre-Submission Local Plan, [\[CD 3.68\]](#) which provides a comprehensive record of engagement with the EA and KCC (as well as with other prescribed and other Duty to Cooperate Bodies), and includes signed SoCG.
179. Both the EA and KCC are satisfied with the approach and conclusions of the SFRA [\[CD 3.105\]](#) and the resultant strategy set out within the Local Plan. As referred to above, SoCG have been prepared and signed with both of the above parties as part of the submission of the Local Plan. [\[CD 3.132c\(v\)\]](#) and [\[PS 012\]](#) respectively).
180. Of particular note, paragraph 4.3 (page 13) of the SoCG with the EA [\[CD 3.132c\(v\)\]](#) identifies that flood risk has been fully taken into account in selecting sites for allocation in the Local Plan. On the same page, the fourth bullet point relates to the SHELAA, and it is set out that all sites promoted through the SHELAA were screened for their impact

on a number of environmental and other designations, including in relation to environmental constraints, flood risk and drainage.

181. In terms of collaboration with KCC, Appendix 13, starting on page 211, provides a Duty to Cooperate record of engagement with KCC, followed at Appendix 17 by a signed SoCG – revised version February 2022 [[PS 012](#)].

## Conclusion

182. It is considered that the Council has fully considered flood risk in the selection of sites included in the Submission Local Plan. This response sets out how the Council has addressed the requirements of the NPPF and the PPG. The Council has reviewed the changes to the NPPF (2021) and considered the implications with respect to how all sources of flooding have been appropriately addressed in the development strategy and the proposed allocations within the Local Plan.



## Inspector's Question 6: [re. affordable housing requirements between different allocations]

What are the reasons for the different affordable housing requirements between allocations in the Plan?

### TWBC response to Question 6

183. The Submission Local Plan includes some 57 site allocations, allocated wholly for residential use or to include residential use as part of a mixed-use scheme.

184. The affordable housing requirements set out in these allocations generally follow one of the following three rules:

1. Greenfield sites without or with a planning permission that has not been implemented, where there is no known viability issue: these sites require a 40% affordable housing provision;
2. Brownfield/Previously Developed Land (PDL) sites without or with a planning permission that has not been implemented and where there is no known viability issue: these sites require a 30% affordable housing provision;
3. Brownfield/PDL sites or greenfield sites where there is planning permission and a known viability issue: in these circumstances the affordable housing required by the site allocation policy reflects the most recent planning permission.

185. Of the 57 site allocations, 31 fall under rule one, 18 sites rule two, and Three sites rule three. Of the remaining five sites, there are site-specific reasons for a different affordable housing requirement. The tables at **Appendix 2** of this Hearing Statement give further detail of the site allocations that meet each of the three rules. **Table D** provides the site-specific reasons for those sites that have a different affordable housing requirement.

186. These tables (tables A and B) show that the vast majority of these, 49 in total, have a requirement for either 30% or 40% affordable housing provision (reflecting development management Policy H3 (Affordable Housing) beginning on page 404 of the Submission Local Plan [CD 3.128](#)), dependent on whether sites are brownfield (PDL) or greenfield.

187. The Housing Supply and Trajectory Topic Paper [[CD 3.74a](#) and annex] at Section 6, paginated pages 42-45 (electronic pages 45-48), sets out how the Local Plan can most appropriately meet, or contribute to, meeting the needs of particular groups and certain types of housing supply, as identified in the accompanying Housing Needs Assessment Topic Paper [[CD 3.73](#)]. Affordable housing provision is dealt with beginning at paragraph 6.2. In particular, the proportion of affordable housing sought is addressed at paragraphs 6.9-6.11, which sets out the Council's approach to PDL and greenfield sites. Affordable housing needs is dealt with in more detail by the Council's response to Matter 2 (Housing and Employment Needs), Issue 2 (Affordable Housing Needs) [TWLP/012].

### **Previously Developed Land (PDL)/greenfield sites (Rules 1 and 2 – Tables A and B)**

188. PDL sites are, generally, more expensive to develop; for example, due to the need to mitigate land contamination. In the interests of site viability, and reflecting the findings of the Viability Assessment work [[CD 3.54a](#) and appendices and [3.65a](#) and appendices], the Council considers it is appropriate for such sites to deliver a lower percentage of affordable housing provision, compared to greenfield sites. Generally, greenfield sites are more straightforward and less expensive to develop, and therefore generally more viable, meaning that such sites can contribute a higher percentage of affordable housing. Further explanation on the findings of the Viability Assessment work is given below and the different requirements for affordable housing provision is also dealt with the Council's response to Matter 8, Issue 3 (Affordable Housing), Question 1 [TWLP/029].

189. Where site allocations included in the Plan are a mix of PDL and greenfield, the percentage of affordable housing expected reflects whether the site is mostly PDL or mainly greenfield, which has determined the affordable housing percentage sought. This approach aligns with that set out in Policy H3 (Affordable Housing) of the Plan.

190. The evidence base documents that inform and support this approach comprise a Stage 1 Viability Assessment, 2019 [[CD 3.54a](#) and appendices] that accompanied the Regulation 18 Draft Local Plan and a Stage 2 Viability Assessment, 2021 [[CD 3.65a](#) and appendices] which informed the Pre-Submission Local Plan and subsequent Submission Local Plan. As set out previously, the second stage assessment builds on the first stage one.

191. The distinction between greenfield and brownfield (PDL) sites in terms of affordable housing requirements is one that has been made in this Local Plan, previously being 35% for all sites in the Core Strategy 2010. This stemmed from an assessment of the potential increase in delivery that could stem from a 40% affordable housing provision from greenfield sites (recognising the additional costs for brownfield sites) in the Housing Supply and Trajectory Topic Paper that supported the Draft Local Plan [[CD 3.20](#)].
192. The viability of this option, and of other affordable housing proportions, was tested through the Stage 1 Viability Assessment [[CD 3.54a](#) and appendices], its conclusions being set out in Figure 11 (page 97).
193. The findings of the Housing Needs Assessment Topic Paper [[CD 3.73](#)] show that there is a high need for affordable housing in the borough. The proposed affordable housing requirements set out in the Submission Local Plan, both through site allocation policies and through development management Policy H3 (Affordable Housing) are intended to maximise provision of affordable housing without prejudicing either the viability or deliverability of housing in the borough, including meeting its identified needs.

#### **Previously Developed Land (PDL)/greenfield sites (Rule 3 – Table C)**

194. In addition to the 49 sites explained above, there are three site allocations that fall under rule three. Such sites have existing planning permission and a known viability issue, which has determined the percentage of affordable housing sought by allocation policies within the Submission Local Plan.

#### **Sites falling outside the scope of the three rules (Table D)**

195. The Submission Local Plan includes five sites that have a requirement for affordable housing that is not covered by the three rules set out above. As set out previously, there are site-specific reasons for this.

## **Summary and Conclusion**

196. Most allocations seek the same contribution towards provision of affordable housing, either 30% or 40%. Where site policies differ to this approach, there are site-specific reasons for this, set out in the Tables C and D at **Appendix 2**. It is considered that the Plan is consistent in its requirement for affordable housing provision.

## **Inspector's Question 7: [re. robustness of site selection, appropriateness of sites assessed and criteria]**

**Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?**

### **TWBC response to Question 7**

#### **Was the site selection process robust?**

197. Yes, the Council's approach to site assessment and selection is robust. The responses to the earlier questions above show the selection of site allocations has followed a robust, thorough site assessment process and consideration of an extensive, but proportionate evidence base, covering the wide range of matters pertinent to the production of a new local plan for Tunbridge Wells borough. Throughout the site selection process, the Council has taken account of the findings of the respective SAs for the relevant stage of the Plan at that time, recognising that this has been an iterative process, and the SHELAA. As set out at paragraph 1.11 on page 3 of the SHELAA main report [CD 3.77a](#), some 518 sites have been assessed in accordance with a thorough methodology set out in Section 3 of the SHELAA main report, which follows national planning guidance for the production of SHELAA's. More detail on this is found at paragraphs 22 to 37 above.
198. The SHELAA methodology explains in detail the approach the Council has taken to site assessment, beginning at paragraph 3.3, and continuing through the remainder of section 3.
199. Paragraph 3.18 of the SHELAA main report explains that the PPG guidance identifies that it may be appropriate to consider all sites and broad locations capable of delivering five or more dwellings, or economic development on sites of 0.25 hectares (or 500 square metres of floor space) and above. The guidance also identifies that plan makers may wish to consider alternative site thresholds.
200. In this respect, paragraph 3.19 identifies that the SHELAA has considered all sites regardless of size (and location) and all sites have been visited to inform assessment. It explains that, in terms of potential site allocations, a threshold of sites being capable of delivering 10 or more dwellings has been used, which is justified following detailed

assessment work conducted by the Council to inform the Plan's 'windfall allowance'. The 'windfall allowance' is explained and set out further in the Brownfield and Urban Land Topic Paper, January 2021 [[CD 3.83](#)], sections 3.0 and 4.0.

201. The signed SoCG with various Duty to Cooperate organisations and bodies demonstrates the Council's commitment to ensuring an appropriate selection of sites is allocated, which are sustainable and can be viably developed and supported by the necessary infrastructure to support the planned growth. The Council and these other organisations are committed to continued engagement.
202. Engagement with these, as well as with parishes (including Town Councils), neighbourhood plan groups and the wider public has been from early stages in plan production, demonstrated by the fact that the Council has conducted three earlier rounds of public consultation to inform the Plan.

#### **Was an appropriate selection of potential sites assessed?**

203. An appropriate selection of potential sites has been assessed, as demonstrated by the SHELAA and SA. All sites included in the SHELAA have been assessed using the same methodology, irrespective of size or location, and all sites have been visited by officers.
204. The Council acted pro-actively in assessing late site submissions, including those submitted in response to the Draft Local Plan and the Pre-Submission Local Plan consultations. The Council reviewed sites included in the existing Site Allocations DPD and sites not submitted for assessment, but which had already received planning permission.
205. In addition, paragraphs 8 and 81 above outlines engagement with parishes (including Town Councils) across the borough, and where relevant, respective neighbourhood development plan groups, to establish if they knew of other land suitable for assessment by the Council, as well as land registry searches undertaken by the Council to also identify/seek further site submissions for assessment.
206. The SHELAA assessment includes sites of all sizes and spread across the whole borough, including greenfield and PDL sites, sites within existing settlements and sites located more remotely from existing settlements. Furthermore, these included sites in

constrained areas, including Green Belt and AONB, or affected by flood risk, and sites located in areas free of such constraints.

207. All sites, as well as being assessed through the SHELAA process, have been considered to establish whether they are 'Reasonable Alternatives' for sustainability assessment.
208. The Council is satisfied that an appropriate selection of potential sites has been assessed, which it considers is demonstrated above and throughout the Council's responses to questions within this Hearing Statement.

### **Were appropriate criteria taken into account?**

209. The Council considers that appropriate criteria have been taken into account in the site selection process. In determining sites for allocation, the SHELAA has been a key document. Appendix 3, (paginated page 31, electronic page 33) of the SHELAA Main Report [[CD 3.77a](#)] provides a list of constraints screened for inclusion on individual site assessment sheets. This is a robust list, covering heritage, landscape, AONB (including AONB component parts), Green Belt, ecology, flood risk, and Level 1 constraints (Ancient Woodland, SSSIs and Flood Zone 3b) amongst others.
210. Paragraph 3.41 of the SHELAA report identifies that site assessment work has included several considerations, which are set as bullet points. These include identification that other evidence base/supporting documents have been taken into consideration when assessing sites (fourth bullet point on page 14). Responses elsewhere in this hearing statement refer to this wider evidence base and how this has informed site selection.
211. In addition, individual site assessment sheets have included commentary from the SA which has informed the site assessment outcomes.

## **Summary and Conclusion**

212. The Council's responses on the site selection methodology demonstrate that the assessment and selection of sites for inclusion in the Submission Local Plan has followed a robust process, informed by a wide-ranging and proportionate evidence base. At the same time, there has been continued engagement with agencies and bodies covering a wide range of matters, including landscape, ecology, and

infrastructure, amongst other matters. The Council is committed to ongoing engagement.

213. An appropriate selection of potential sites has been assessed and appropriate criteria taken into account in the site assessment and selection process.

# Appendices



# Appendix 1: Site allocations in the Submission Local Plan that have been promoted through Development Management and now benefit from planning consent

Submission Local Plan Policy Reference	Site Address	Number of Units in Local Plan Policy	Planning Reference Number(s)	Date of Approval	Number of Units in Planning Permission	Permission Description
AL/RTW 1	Former Cinema Site, Mount Pleasant Road	Mixed use allocation including approx. 100 residential units	17/02262/FULL	02 Feb 18	108	Mixed use permission including the development of 108 residential units. However, due to the particular circumstances of the site, please see Hearing Statement for matter 11, Issue 4 for further commentary on this site.
AL/RTW 4	Land at 36-46 St John's Road	Approx. 65 units or approx. 90 units if providing housing for older people	17/00731/FULL	15 Dec 17	89	The permission is to provide 89 units for older people.
AL/RTW 9	Land at Beechwood Sacred Heart School	Approx. 69. units allocated for retirement housing and/or a residential care home (C2).	16/07697/FULL	05 Sep 17	69 (C2)	The permission is for a 69-bed care home (C2).
AL/SO 1	Speldhurst Road former allotments (land between Bright Ridge and Speldhurst Road)	Approx. 16	18/02618/OUT 20/00872/REM	11 Feb 19 12 Mar 21	16	Outline permission was for the development of up to 16 units. The reserved matters permission confirmed the scheme is for 16 units.
AL/SO 3	Land at Baldwins Lane	Approx. 26	20/00881/FULL	31 Mar 21	26	The permission is for 26 units.
AL/PW 1	Land at Mascalls Farm	Approx. 413	17/03480/FULL	29 Oct 18		Phase 1 permission for the development of 309 units.

Submission Local Plan Policy Reference	Site Address	Number of Units in Local Plan Policy	Planning Reference Number(s)	Date of Approval	Number of Units in Planning Permission	Permission Description
			19/02533/FULL	27 May 20	313	Revision to phase 1 which includes the addition of 4 units.
			19/03349/FULL	31 Mar 21	100	Phase 2 permission for 100 units.
<b>AL/CRS 1</b>	Land at Brick Kiln Farm, Cranbrook	Approx. 180	16/502860/OUT 21/03299/REM	17 Feb 20 Committee resolution 6 April 22, awaiting legal agreement	180	The outline permission was for up to 180 units. Reserved matters permission will be for the 180 units.
<b>AL/CRS 7</b>	Land at corner of Frittenden Road and Common Road, Sissinghurst	Approx. 18	19/03625/OUT 21/03126/REM	11 Mar 21 21 Jan 22	18	The outline permission was for up to 18 units. The Reserved matters permission is for 18 units.
<b>AL/HA 1</b>	Land at the White House, Highgate Hill	Approx. 43 retirement units	19/01271/FULL	23 Dec 19	43	The permission application is for 43 retirement units.
<b>AL/HA 2</b>	Brook House, Cranbrook Road	Approx. 25	17/03780/OUT  18/00020/NONDET	11 Sep 18 (non-determination) 01 Apr 19 (appeal allowed)	25	The permission is for 25 units.
<b>AL/HA 3</b>	Former Site of Springfield Nurseries	Up to 24	17/02192/OUT 20/00012/REF	11 Oct 19 (refusal) 30 Nov 20 (appeal allowed)	24	The permission is for up to 24 units.
<b>AL/HA 4</b>	Land off Copthall Avenue and Highgate Hill	70-79	20/02788/FULL	19 May 21 (refusal) 22 Mar 22 (appeal allowed)	71	The permission is for 71 units.

Submission Local Plan Policy Reference	Site Address	Number of Units in Local Plan Policy	Planning Reference Number(s)	Date of Approval	Number of Units in Planning Permission	Permission Description
AL/BE 2	Feoffe Cottages and land, Walkhurst Road, Benenden	Approx. 25	19/00822/HYBRID	23 Mar 21	25	The hybrid permission contains a full consent for 12 units and an outline permission for 13 units.
AL/BM 1	Land between Brenchley Road, Coppers Lane and Maidstone Road	Mixed use allocation for approx. 45 residential units and a play space.	19/01099/OUT 20/03306/REM	29 May 20 25 Mar 21	45	The outline permission is for up to 45 units and a play area. The Reserved matters permission is for 45 units.
AL/FR 1	Land at Cranbrook Road, Frittenden	Approx. 25-30	21/01638/FULL	16 Mar 22 (committee resolution, awaiting S106)	23	The permission will be for 23 units.
AL/GO 1	Land east of Balcombes Hill and adjacent to Tiddymotts Lane	Approx. 14	19/00280/FULL	20 Dec 19	14	The permission is for the development of 14 units.
AL/GO 2	Land at Triggs Farm, Cranbrook Road	Approx. 12	17/02765/OUT 22/00159/REM	07 Nov 17 31 Mar 22	12	The permissions are both for the development of 12 units.
AL/HO 1	Land adjacent to Furnace Lane and Gibbet Lane	Approx. 45-55	18/01976/FULL	26 Mar 21	49	The permission is for 49 units.
AL/PE 5	Land at Sturgeons fronting Henwood Green Road	Approx. 19	17/00756/FULL	18 Jan 19	19	The permission is for 19 units.
AL/PE 7	Cornford Court, Cornford Lane	Allocated for a 68 (C2) suite integrated community healthcare facility.	17/01151/FULL	14 Sep 18	68 (C2)	The permission is for a 68-suite healthcare facility (C2).

Submission Local Plan Policy Reference	Site Address	Number of Units in Local Plan Policy	Planning Reference Number(s)	Date of Approval	Number of Units in Planning Permission	Permission Description
AL/PE 8	Owlsnest Wood, Tonbridge Road	Allocated for a 76 (C2) bedspace care home.	19/01600/FULL	05 May 22	76 (C2)	The permission is for a 76 (C2) unit care home.
AL/SA 1	Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane, Sandhurst	Approx. 10-15	21/00825/OUT 21/03676/REM	02 Sep 21 03 Feb 22	15	The outline permission was for development up to 15 units. The Reserved matters permission is for 15 units.

## Appendix 2: Question 6 - Affordable Housing Requirements.

**Table A: Rule 1 Sites (Greenfield sites without or with a planning permission that has not been implemented, where there is no known viability issue)**

Submission Local Plan Policy Reference	Site Address	Parish	% of affordable housing set out in the Submission Local Plan site allocation policy	Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)
AL/RTW 5	Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road	Royal Tunbridge Wells	40	No planning reference in SLP.
AL/RTW 9	Land at Beechwood Sacred Heart School	Royal Tunbridge Wells	40	This site benefits from planning consent, reference 16/07697 for a 69 bed care home (which would be exempt from affordable housing requirements). It is noted that the site allocation allocates the site for retirement housing and/or the care home. Retirement housing would require affordable housing provision.
AL/RTW 16	Land to the west of Eridge Road at Spratsbrook Farm	Royal Tunbridge Wells	40	No planning reference in SLP.
AL/RTW 21	Land at Colebrook Sports Field, Liptraps Lane	Royal Tunbridge Wells	40	No planning reference in SLP.
AL/RTW 22	Land at Bayham Sports Field West	Royal Tunbridge Wells	40	No planning reference in SLP.

<b>Submission Local Plan Policy Reference</b>	<b>Site Address</b>	<b>Parish</b>	<b>% of affordable housing set out in the Submission Local Plan site allocation policy</b>	<b>Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)</b>
AL/SO 1	Speldhurst Road former allotments (land between Bright Ridge and Speldhurst Road)	Southborough	40	This site has planning permission - reference 18/02618/OUT.
STR/SS 1	The Strategy for Paddock Wood and east Capel	Paddock Wood	40	This site has planning permission - reference **19/03655/REM
STR/SS 3	The Strategy for Tudeley Village	Capel	40	No planning reference in SLP.
AL/PW 1	Land at Mascalls Farm	Paddock Wood	40	Phase 1 - 19/02533/FULL (313 dwellings with 35% affordable housing). Phase 2 - 19/03349/FULL (100 dwellings with 40% affordable housing)
AL/CRS 1	Land at Brick Kiln Farm, Cranbrook	Cranbrook & Sissinghurst	35	This site has planning permission - reference 16/502860/OUT
AL/CRS 2	Land south of Corn Hall, Crane Valley, Cranbrook	Cranbrook & Sissinghurst	40	No planning reference in SLP.
AL/CRS 3	Turnden Farm, Hartley Road, Cranbrook	Cranbrook & Sissinghurst	40	This site has planning permission - reference 20/00815/FULL
AL/CRS 7	Land at corner of Frittenden Road and Common Road, Sissinghurst	Cranbrook & Sissinghurst	40	This site has planning permission - reference 19/03625/FULL

<b>Submission Local Plan Policy Reference</b>	<b>Site Address</b>	<b>Parish</b>	<b>% of affordable housing set out in the Submission Local Plan site allocation policy</b>	<b>Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)</b>
AL/HA 4	Land off Copthall Avenue and Highgate Hill	Hawkhurst	40	This site has planning permission - reference 20/02788/FULL.
AL/BE 1	Land adjacent to New Pond Road (known as Uphill), Benenden	Benenden	40	No planning reference in SLP.
AL/BE 2	Feoffee Cottages and land, Walkhurst Road, Benenden	Benenden	48	This site has planning permission - reference 19/00822/HYBRID.
AL/BM 1	Land between Brenchley Road, Coppers Lane and Maidstone Road	Brenchley and Matfield	40	This site has planning permission - reference 19/01099/OUT.
AL/BM 2	Land at Maidstone Road	Brenchley and Matfield	40	No planning reference in SLP.
AL/GO 1	Land east of Balcombes Hill and adjacent to Tiddymotts Lane	Goudhurst	40	This site has planning permission - reference 19/00280/FULL.
AL/GO 2	Land at Triggs Farm, Cranbrook Road	Goudhurst	40	This site has planning permission - reference 17/02765/OUT
AL/HO 1	Land adjacent to Furnace Lane and Gibbet Lane	Horsmonden	40	This site has planning permission - reference 18/01976/FULL

<b>Submission Local Plan Policy Reference</b>	<b>Site Address</b>	<b>Parish</b>	<b>% of affordable housing set out in the Submission Local Plan site allocation policy</b>	<b>Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)</b>
AL/HO 2	Land south of Brenchley Road and west of Fromandez Drive	Horsmonden	Not stated (note: a modification to the policy wording may be required to include reference to the need for 40% affordable housing)	This site has planning permission - reference *22/00296/OUT.
AL/HO 3	Land to the east of Horsmonden	Horsmonden	Not stated (note: a modification to the policy wording may be required to include reference to the need for 40% affordable housing)	19/03657/REM - Outline consent was granted for 30 dwellings (15/505340/OUT) seeking 35% affordable housing. The reserved matters application - 19/03657/REM, is for 20 dwellings with 40% affordable housing.
AL/LA 1	Land to the west of Spray Hill	Lamberhurst	40	No planning reference in SLP.
AL/PE 1	Land rear of High Street and west of Chalket Lane	Pembury	40	No planning reference in SLP.



<b>Submission Local Plan Policy Reference</b>	<b>Site Address</b>	<b>Parish</b>	<b>% of affordable housing set out in the Submission Local Plan site allocation policy</b>	<b>Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)</b>
AL/PE 2	Land at Hubbles Farm and south of Hastings Road	Pembury	40	No planning reference in SLP.
AL/PE 3	Land north of the A21, south and west of Hastings Road	Pembury	40	No planning reference in SLP.
AL/PE 4	Land at Downingbury Farm, Maidstone Road	Pembury	40	No planning reference in SLP.
AL/SA 1	Land on the south side of Sayvle, Rye Road and west of Marsh Quarter Lane, Sandhurst	Sandhurst	40	This site has planning permission - reference *21/03676/REM.
AL/SA 2	Sharps Hill Farm, Queen Street	Sandhurst	40	No planning reference in SLP.
AL/SP 1	Land to the west of Langton Road and south of Ferbies	Speldhurst	40	No planning reference in SLP.

**Table B: Rule 2 Sites (Brownfield/Previously Developed Land (PDL) sites without or with a planning permission that has not been implemented and where there is no known viability issue)**

Submission Local Plan Policy Reference	Site Address	Parish	% of affordable housing set out in the Submission Local Plan site allocation policy	Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)
AL/RTW 2	Land at the Auction House, Linden Park Road	Royal Tunbridge Wells	The Policy is mixed use; no specific residential capacity identified and therefore it is not stated.	This site has planning permission - reference 21/01487/FULL.
AL/RTW 3	Land at Lifestyle Ford, Mount Ephraim/Culverden Street/Rock Villa Road	Royal Tunbridge Wells	30	No planning reference in SLP.
AL/RTW 6	Land at 202 and 230 Upper Grosvenor Road	Royal Tunbridge Wells	30	No planning reference in SLP.
AL/RTW 7	Land at former Gas Works, Sandhurst Road	Royal Tunbridge Wells	30	No planning reference in SLP.
AL/RTW 10	Montacute Gardens	Royal Tunbridge Wells	30	This site has planning permission - reference 20/00191/FULL.

Submission Local Plan Policy Reference	Site Address	Parish	% of affordable housing set out in the Submission Local Plan site allocation policy	Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)
AL/RTW 11	Former Plant & Tool Hire, Eridge Road	Royal Tunbridge Wells	30	This site has planning permission - reference *21/03298/FULL.
AL/RTW 12	Land at Tunbridge Wells Telephone Engineering Centre, Broadwater Down	Royal Tunbridge Wells	30	No planning reference in SLP.
AL/RTW 13	Turners Pie Factory, Broadwater Lane	Royal Tunbridge Wells	30	This site has planning permission - reference *22/00238/FULL.
AL/RTW 14	Land at Wyevale Garden Centre, Eridge Road	Royal Tunbridge Wells	30	No planning reference in SLP.
AL/RTW 20	Land at Culverden Stadium, Culverden Down	Royal Tunbridge Wells	30	No planning reference in SLP.

Submission Local Plan Policy Reference	Site Address	Parish	% of affordable housing set out in the Submission Local Plan site allocation policy	Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)
AL/SO 3	Land at Baldwins Lane	Southborough	30	This site has planning permission - reference 20/00881/FULL.
AL/HA 2	Brook House, Cranbrook Road	Hawkhurst	30	This site has planning permission - reference 17/03780/OUT.
AL/HA 3	Former Site of Springfield Nurseries	Hawkhurst	30	This site has planning permission - reference 17/02192/OUT.
AL/BE 3	Land at Benenden Hospital (south of Goddards Green Road), East End	Benenden	30	No planning reference in SLP.
AL/BE 4	Land at Benenden Hospital (north of Goddards Green Road), East End	Benenden	30	No planning reference in SLP.
AL/PE 5	Land at Sturgeons fronting Henwood Green Road	Pembury	30	This site has planning permission - reference 17/00756/FULL.
AL/PE 6	Woodsgate Corner	Pembury	30	No planning reference in SLP.
AL/RU 1	Lifestyle Motor Europe, Langton Road	Rusthall	30	No planning reference in SLP.

**Table C: Rule 3 Sites (Brownfield/PDL sites or greenfield sites where there is planning permission and a known viability issue)**

Submission Local Plan Policy Reference	Site Address	Parish	% of affordable housing set out in the Submission Local Plan site allocation policy	Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)	% Affordable housing in planning permission	Notes
AL/RTW 1	Former Cinema Site, Mount Pleasant Road	Royal Tunbridge Wells	Not stated	17/02262/FULL	0	Sufficient justification has been provided for the non-provision of affordable housing.
AL/RTW 4	Land at 36-46 St John's Road	Royal Tunbridge Wells	30	17/00731/FULL	0	The application has been accompanied by a viability assessment which indicates that the re-development of the site would not be viable if it were to deliver affordable housing.
AL/CRS 6	Land south of The Street, Sissinghurst	Cranbrook & Sissinghurst	30	*21/03914/FULL	0	A viability assessment is pending consideration.

**Table D: Sites outside of Rule 1, 2 and 3.**

<b>Submission Local Plan Policy Reference</b>	<b>Site Address</b>	<b>Parish</b>	<b>% of affordable housing set out in the Submission Local Plan site allocation policy</b>	<b>Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)</b>	<b>% Affordable housing in planning permission</b>	<b>Notes</b>
AL/RTW 15	Land at Showfields Road and Rowan Tree Road	Royal Tunbridge Wells	Policy H4	No planning reference in SLP.		An estate that currently provides a significant amount of social housing, identified for regeneration. Development proposals are expected to comply with the affordable provision set out in policy H4 (Estate Regeneration).
AL/HA 1	Land at the White House, Highgate Hill	Hawkhurst	Not stated	19/01271	0	This site already has planning permission for 43 retirement flats, a managed facility for those over the age of 55 years, aimed at owner-occupiers. In this context the planning permission (19/01271) secured an off-site, index linked, affordable housing contribution, the approach to which is reflected by the proposed site allocation and is considered appropriate in this instance.
AL/FR 1	Land at Cranbrook	Frittenden	40	21/01638/FULL	40	This proposal secures nine affordable units (39.1%). To meet the required 40% an

Submission Local Plan Policy Reference	Site Address	Parish	% of affordable housing set out in the Submission Local Plan site allocation policy	Planning reference in Submission Local Plan (*=post submission application) (**pre-submission but not mentioned in LP)	% Affordable housing in planning permission	Notes
	Road, Frittenden					additional unit would be needed, with a consequential 43.47% affordable housing provision, which would be onerous.
AL/PE 7	Cornford Court, Cornford Lane	Pembury	Not stated	17/01151	n/a	C2 use: is exempt from affordable housing provision
AL/PE 8	Owlsnest Wood, Tonbridge Road	Pembury	Not stated	19/01600	n/a	C2 use: is exempt from affordable housing provision