

Examination of the Tunbridge Wells Borough Local Plan

Inspector's Matters, Issues and Questions for Stage 3

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Inspector appointed by the Secretary of State

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Introduction

Prior to the forthcoming Stage 3 hearing sessions, responses are invited from participants on the following Matters, Issues and Questions ('MIQs'). The MIQs are based on the suggested changes to the Local Plan proposed by Tunbridge Wells Borough Council and the main issues raised by participants in response.

Further information about the Stage 3 hearings is provided in the accompanying Examination Guidance Note for Stage 3, which should be read alongside the MIQs. As set out in the examination Guidance Note, there are separate deadlines for providing hearing statements for Stage 3. The first deadline is Friday 31 May 2024 for sessions in Week 1. The second deadline is Friday 28 June 2024 for sessions in Week 2.

In answering questions and producing hearing statements participants should be aware of the Inspector's Initial Findings and the Council's response, including the relevant supporting information. All the documents are available on the examination website. A summary of the issues and suggested modifications to the Plan are presented in the Local Plan Development Strategy Topic Paper Addendum¹, dated January 2024.

¹ Examination Document PS_054

Matter 1 – Green Belt Assessment, Sustainability Appraisal and Local Plan Review

Issue 1 – Green Belt Study Stage 3 Addendum

- Q1. Does the Stage 3 Addendum² adequately address those concerns raised in the Inspector’s Initial Findings that sites had not been considered on a consistent basis where harm to the Green Belt is concerned?
- Q2. What is the list of reasonable alternative site options in Table 2.1 based on and have an appropriate range of options been tested?
- Q3. How did the Council use the information from the Stage 3 Addendum to determine whether or not exceptional circumstances exist to alter the Green Belt boundary as proposed by the submission version Local Plan?
- Q4. The Stage 3 Addendum found that some sites (around Five Oak Green) would only cause Low or Low-Moderate harm to the Green Belt. Given that the Plan seeks to meet housing needs in full, but will only provide for around 10 years’ worth of housing land supply, why have these sites not been considered for allocation as part of the examination of this Plan?
- Q5. Where relevant, have the findings in the Stage 3 Addendum been used to update the Strategic Housing and Economic Land Availability Assessment?

Issue 2 – Sustainability Appraisal Addendum

- Q1. Has the Sustainability Appraisal Addendum adequately considered the suggested spatial strategy (i.e. a Plan without Tudeley Village and reduced development in East Capel) against reasonable alternative spatial options?
- Q2. If the Plan does not provide sites sufficient to meet the housing requirement, have the implications been considered against reasonable alternative options that *would* meet housing needs?
- Q3. Have the suggested Main Modifications been subject to Sustainability Appraisal?

Issue 3 – Proposed Strategy and Early Review

- Q1. What is the justification for suggesting Main Modifications to the Plan, and subsequently requiring an immediate Review, rather than seeking to meet housing needs as part of this examination?
- Q2. How would the Council’s intended early review of the Plan be controlled? What would be the implications (if any) if an update to the Plan was either significantly delayed or not prepared at all?
- Q3. The Development Strategy Topic Paper Addendum states that “...*other distribution options that may provide the full 15 years’ housing land supply were assessed as part of the formulation of the Pre-Submission Local Plan through rigorous consideration. However, there was not an obvious alternative strategy to the one proposed at the SLP stage.*”³ What is the justification, therefore, of seeking an early review to the Plan if options without Tudeley Village have already been considered and discounted?

² Examination Document PS_035

³ Examination Document PS_054, paragraph 10.1

Matter 2 – The Strategy for Royal Tunbridge Wells and Southborough

Issue 1 – Former Cinema Site, Royal Tunbridge Wells – Policy AL/RTW1

- Q1. What is the latest position regarding development proposals for the site?
- Q2. Considering the conclusions reached in paragraphs 54-56 of the Inspector's Initial Findings, how can the Plan be modified to rectify the soundness issues identified?

Issue 2 – Land at Colebrook House, Royal Tunbridge Wells

- Q1. Considering the conclusions reached in paragraphs 57-61 of the Inspector's Initial Findings, how can the Plan be modified to rectify the soundness issues identified?

Issue 3 – Hawkenbury Recreation Ground, Royal Tunbridge Wells – Policy AL/RTW19

- Q1. What is the type and scale of development proposed at the Hawkenbury Recreation Ground? Is this sufficiently clear to users of the Plan?
- Q2. Does the additional information in Examination Document TWLP_092 demonstrate that a safe and suitable access can be achieved for all users and that sufficient on and off-site car parking can be provided to serve the development?
- Q3. Does the additional information demonstrate that the site is deliverable?
- Q4. What changes (if any) are necessary to Policy AL/RTW19 to ensure that the Plan is sound?

Issue 4 – Land at Mabledon House – Policy AL/SO2

- Q1. Considering the conclusions reached in paragraphs 65-68 of the Inspector's Initial Findings, how can the Plan be modified to rectify the soundness issues identified?

Matter 3 – The Strategy for Tudeley Village

Issue 1 – Location and Accessibility

- Q1. How does the additional information produced since the Stage 2 hearings address the Inspector’s Initial Findings around the effects of the allocation on Tonbridge town centre and relevant ‘hotspots’ on the highway network? Could potential impacts be cost effectively mitigated to an acceptable degree and would the residual cumulative impacts be severe?
- Q2. What allowance has been made for modal shift to walking, cycling and use of public transport? Is the evidence supporting the Plan justified and does it demonstrate that the allocation could be made sound?

Issue 2 – Five Oak Green Bypass

- Q1. The Council’s position (as set out in paragraph 3.39 of Examination Document PS_054) is that “...the bypass would be necessary to accommodate the traffic generated by the new settlement, when developed alongside the major expansion of Paddock Wood.” What evidence is there to demonstrate that the expansion of Paddock Wood would therefore remain acceptable without a bypass of Five Oak Green?
- Q2. Examination Document PS_039⁴ considers the potential effects from the bypass and associated works on the setting of the High Weald AONB, the setting of designated heritage assets, landscape features and ecology, landscape character and historic landscape character and Public Rights of Way. How did the Council take this assessment into account in responding to the Inspector’s Initial Findings and what are the reasons for now suggesting that the allocation is unsound?
- Q3. Have further options been considered for the alignment of the route? Could the same transport infrastructure be provided in another way, for example?
- Q4. In responding to the Inspector’s Initial Findings, Examination Document PS_039 states that highway safety, noise and air quality concerns around Capel Primary School are valid and would require additional work to address them. Has this additional work been carried out?
- Q5. Is the Five Oak Green bypass and associated works justified in the location proposed having regard to the matters identified in the questions above? If not, does this mean that the allocation is unsound?

Issue 3 – Wider Infrastructure Provision

- Q1. If the Plan is modified to delete Tudeley Village, can the necessary infrastructure be provided elsewhere? For example, the provision of sports and education facilities.
- Q2. If Tudeley Village is deleted from the Plan, what highways infrastructure would be needed in Tudeley and along the B2017 from the remaining growth proposed around Paddock Wood? Is this deliverable and viable?
- Q3. Without the allocation of Tudeley Village, can the Plan deliver the necessary wider upgrades the highway network, such as the Colts Hill Bypass?

⁴ Red, Amber, Green (RAG) Assessment – Access and Movement
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- Q4. Given the location of the proposed Colts Hill Bypass, do the issues identified above in respect of landscape character, the Green Belt and the AONB also apply? If so, is this part of the strategy also justified?

Issue 4 – Meeting Future Housing Needs

- Q1. The Council's suggested changes to the Plan include a commitment to an early review. Should the suggested early review of the Plan also include reference to Tudeley Village, either as a future development option or broad locations for growth?

Issue 5 – Exceptional Circumstances

- Q1. Do the exceptional circumstances exist to alter the Green Belt boundary in this location, having regard to paragraphs 140 – 143 of the Framework?
- Q2. Are the Council's suggested Main Modifications necessary to make the submitted Plan sound?

Matter 4 – The Strategy for Paddock Wood

Issue 1 – Flooding and Flood Risk

- Q1. In seeking to apply the sequential test and avoid areas at risk of flooding, did the Council look at any alternative strategies for Paddock Wood, such as different sites and/or site areas?
- Q2. Do the changes suggested by the Council in the Paddock Wood Strategic Sites Master Planning Addendum⁵ address the soundness issues raised in the Inspector's Initial Findings?
- Q3. If not, what Main Modifications are required to make the Plan sound?

Issue 2 – Education Provision

- Q1. What is the projected requirement for primary and secondary school education as a result of the suggested changes to the Plan?
- Q2. How will the needs for secondary school education be met? Will this be through the expansion of Mascalls Academy and/or provision of a new school? What evidence has been produced which considers the merits of each option?
- Q3. What is the justification for safeguarding an area of land for a secondary school to the northwest of Paddock Wood? Is the site developable for the type and size of school envisaged?
- Q4. How and when will the proposed secondary school be provided? Who will fund and deliver the project and is this sufficiently clear to users of the Plan?

Issue 3 – Sports and Leisure Provision

- Q1. What is the projected requirement for sports and leisure facilities as a result of the suggested changes to the Plan? Have needs been determined by relevant and up-to-date evidence?
- Q2. How will the needs for sports and leisure facilities in Paddock Wood be met?
- Q3. What is the justification for seeking to delete the proposed sports 'hub', rather than move it to an area not at risk of flooding or modify the Plan in another way to make it sound?
- Q4. How and when will the proposed improvements to facilities at Putlands and Green Lane be provided? Who will fund and deliver the projects and is this sufficiently clear to users of the Plan?
- Q5. Have any feasibility studies been carried out to determine whether or not the sites at Putlands and Green Lane can be upgraded in the manner proposed? Are the sites developable?

⁵ Examination Documents PS_046 and PS_046a-c

Issue 4 – Highways Infrastructure

- Q1. What effect would the suggested deletion of the Five Oak Green Bypass have on the distribution of traffic across the highway network? Does the growth around Paddock Wood require additional highways mitigation not previously identified?
- Q2. Is the Colts Hill Bypass required as a result of the growth proposed around Paddock Wood? How will it be funded and delivered?
- Q3. What effect will the proposed Colts Hill Bypass have on the setting of the High Weald AONB, landscape character and heritage assets? How have these factors been considered as part of the preparation of the Plan?
- Q4. What is the justification for suggesting the removal of the Five Oak Green Bypass from the Plan, but not the Colts Hill Bypass?
- Q5. In what ways does the evidence base rely on modal shift when considering likely future impacts on the highway network? Is the Plan justified by appropriate supporting evidence?
- Q6. Is it sufficiently clear to users of the Plan what strategic highways improvements will be needed as a result of the growth proposed around Paddock Wood, where and when? Is the Plan (as suggested to be modified) justified and effective in this regard?

Issue 5 – Viability and Infrastructure Provision

- Q1. Has the Infrastructure Delivery Plan ('IDP') been updated to reflect the suggested changes to the Plan?
- Q2. What evidence is there to demonstrate that the necessary infrastructure requirements can be delivered over the plan period? Is the Plan viable?

Issue 6 – Employment Land

- Q1. What is the justification for the suggested changes to the Plan? As suggested to be modified, will the strategy for employment be justified and consistent with national planning policy?
- Q2. What are the implications for the provision of employment land? Will the Plan provide sufficient sites to meet needs over the plan period?

Issue 7 – Policy Requirements / Masterplanning

- Q1. Do the suggested changes adequately address the issues identified in the Inspector's Initial Findings? If not, what changes are necessary to make the Plan sound?
- Q2. Is the suggested policy wording justified and effective?
- Q3. The Green Belt Assessment Stage 3 Study⁶ identified potential mitigation measures to reduce impacts on the perceived separation between Paddock Wood and Five Oak Green. How does the revised masterplan relate to the evidence and need to ensure separation between the two settlements?

⁶ Core Document 3.141

Matter 5 – The Strategy for Hawkhurst

Issue 1 – Land North of Birchfield Grove – Policy AL/HA5

- Q1. What is the justification for the suggested changes to Policy AL/HA5? Why are they necessary for soundness?
- Q2. Is the allocation, as suggested to be modified, justified and consistent with national planning policy, having particular regard to the effect of development on the highway network and the High Weald AONB?
- Q3. Land north of Birchfield Grove was identified for residential development in an earlier iteration of the Plan but was subsequently removed ahead of the Regulation 19 version. At the Stage 2 hearing sessions the Council's position was that residential development on the site would not be justified. What are the reasons for the Council's change in position and where is this evidenced?
- Q4. How will the allocation be delivered as a whole and how will the Council ensure that the medical centre is provided?

Issue 2 – March's Field, Limes Grove, Gill's Green – Policy AL/HA8

- Q1. Do the suggested changes adequately address the issues identified in the Inspector's Initial Findings? If not, what changes are necessary to make the Plan sound?

Matter 6 – The Strategy for Cranbrook and Sissinghurst

Issue 1 – Turnden Farm, Cranbrook – Policy AL/CRS3

In the Council's letter dated 4 May 2023⁷, it was concluded that the site remained justified as an allocation following the Secretary of State's decision on a planning application for 165 dwellings and associated works⁸.

- Q1. What is the latest position regarding development proposals for the site?
- Q2. Have there been any material changes in circumstances since the Stage 2 hearings to suggest that the allocation is unsound?
- Q3. Are Main Modifications necessary to Policy AL/CRS3 to rectify any soundness matters?

⁷ Examination Document TWLP_109

⁸ Reference APP/M2270/V/21/3273015

Matter 7 – Highways Infrastructure

Issue 1 – Strategic and Local Road Networks

- Q1. Without the proposed bypass, what effect will the suggested changes to the Plan have on the B0217 through Five Oak Green? What mitigation measures will be necessary in this location and how will they be achieved?
- Q2. What effect will the suggested changes to the Plan have at Kippings Cross (A21/B2160)? Do the conclusions and recommendations in the Kippings Cross Junction – Local Plan Mitigation Option Analysis⁹ remain relevant?
- Q3. What effect will the proposed changes to the Plan and distribution of growth have on the remaining “hotspots” identified in the evidence base? Will there be any unacceptable impacts on highway safety or will the residual cumulative impacts on the road network be severe as a result of the Plan?
- Q4. Where mitigation is required, can any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, be cost effectively mitigated to an acceptable degree?

Issue 2 – Policy Requirements

- Q1. Where mitigation is required, is the Plan sufficiently clear what is required, where and when? Is the Plan effective in this regard?
- Q2. Have the costs associated with the necessary highways infrastructure been tested and will it be viable?

⁹ Examination Document PS_033

Matter 8 – Meeting Housing Needs

Issue 1 – Housing Requirement and Meeting Housing Needs

- Q1. Does the housing requirement and plan period from the submission Plan remain justified and up-to-date? If not, what changes are required to make the Plan sound?
- Q2. What Main Modifications are required to the housing trajectory and projected sources of supply as a consequence of the Council’s suggested changes to the Plan? Are the suggested changes based on accurate and up-to-date information?
- Q3. Does the total housing land supply include an allowance for windfall sites? If so, what is this based on and is it justified?
- Q4. Does the Plan identify specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15 of the Plan? If not, how many years’ worth of supply does it identify?
- Q5. As modified, would the Plan be positively prepared? Would it provide a strategy, which, as a minimum, seeks to meet the area’s objectively assessed needs?
- Q6. If not, how could the Plan be modified to make it sound?

Issue 2 – Five-Year Housing Land Supply

- Q1. What will be the five-year housing land requirement upon adoption of the Plan?
- Q2. Based on the latest housing trajectory, how many dwellings are expected to be delivered in the first five years following adoption of the Plan?
- Q3. Where sites have been identified in the Plan, but do not yet have planning permission, or where major sites have only outline planning permission, is there clear evidence that housing completions will begin within five years?
- Q4. What allowance has been made for windfall sites as part of the anticipated five-year housing land supply? Is there compelling evidence to suggest that windfall sites will come forward as expected in the first five years?
- Q5. Will there be a five-year supply upon adoption of the Plan? If not, is the Plan sound?

Issue 3 – Housing for Older People and People with Disabilities

- Q1. Considering the conclusions reached in paragraphs 89-92 of the Inspector’s Initial Findings, how can the Plan be modified to rectify the soundness issues identified?
- Q2. What implications will the Council’s suggested changes to the Plan have on the provision of housing to meet the needs of older people and people with disabilities?
- Q3. In the event that needs will not be met, how can the Plan be modified in order to make it sound?

Matter 9 – Other Matters and Main Modifications Necessary for Soundness

Issue 1 – Material Changes in Circumstances since Stage 2 Hearings

- Q1. Has there been any material changes in circumstances since the Stage 2 hearings, either at a site-specific level, where the supporting evidence is concerned or in relation to national planning policy and guidance which is relevant to the examination? If so, do any of these changes make the Plan unsound and/or require modification?
- Q2. Does the evidence-base supporting the Plan remain up-to-date?

Issue 2 – Local Green Space Designations

- Q1. At the Stage 2 hearing sessions, the Council confirmed that not all Local Green Space designations had been put forward by the local community. Are areas of Local Green Space justified where this is this case? Is it a requirement in order for Local Green Spaces to be found sound?

Issue 3 – Accommodation for Gypsies and Travellers and Travelling Showpeople

- Q1. What are the accommodation needs for Gypsies and Travellers and Travelling Showpeople over the plan period? How will these needs be met?
- Q2. Is it sufficiently clear to users of the Plan which sites are allocated to meet the needs for Gypsies and Travellers and Travelling Showpeople?
- Q3. What process and methodology did the Council use to determine which sites to allocate?
- Q4. Are the allocated sites justified, consistent with national planning policy and capable of being developed over the plan period?

Issue 4 – Main Modifications Necessary for Soundness

- Q1. At the Stage 2 hearing sessions the Council suggested that other changes are necessary to the submitted Plan to make it sound. Except for those policies referred to above, what other Main Modifications do the Council consider are necessary to rectify any soundness matters?

In answering this question, it would assist the examination if the Council could produce a composite schedule of "suggested" Main Modifications for the upcoming Stage 3 hearing sessions. This should include the suggested changes proposed in response to the Inspector's Initial Findings, and any other changes considered necessary by the Council, either as a result of discussions in previous hearings or changes in circumstances since Stage 2.