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10<sup>th</sup> May 2022

Dear Mr M. Birkinshaw,

## Examination of the Tunbridge Wells Borough Local Plan – Response to Matter 3 (Issues 1, 2 and 3)

CBRE is instructed by Dandara in respect of their land interests within the Tunbridge Well Borough Local Plan (hereafter ‘the Plan’). With specific reference to the proposed allocations within the Plan their interest includes:

- **STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood (‘Paddock Wood’);**
- **STR/HA1 / AL/HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst (‘Hawkhurst’);**
- **STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough (‘Southborough’).**

Dandara also hold interest at **AL/RTW16 – Land to the West of Eridge Road at Spratsbrook Farm (‘Spratsbrook Farm’)** and representations in respect of this site are submitted by Barton Willmore.

Dandara also have interest in the Land East of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (‘Sissinghurst’) which for the purpose of the Plan is an omission site.

### **Response to Matter 3, Issue 1 – Spatial Strategy (Questions 4, 7 and 9)**

Q4. The Development Strategy in Policy STR1 supports the “...major, transformational expansion of Paddock Wood (including land at east Capel)...”. At a strategic level, what are the reasons for promoting significant new development at Paddock Wood? Is this justified?

In being justified, the Council is required by Paragraph 35(c) of the NPPF (2021) to produce an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. In delivering upon this requirement of soundness and, as set out in response to Matter 1, it is not necessary for the Council to have tested a potentially unlimited number of scenarios before concluding its strategy.

Paragraph 176 of the NPPF (2021) is clear that the scale and extent of development within the AONB should be limited while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Therefore, major development can be allowed in AONB where it is demonstrated in the public interest (see our response in respect of **STR/HA1 / AL/HA4** and Barton Willmore’s representations in respect to Spratsbrook Farm).

In respect to Paddock Wood, with a total of 69% of Tunbridge Wells located within the AONB and given the direction provided by Paragraph 176 of the NPPF (2021) it is entirely justified and consistent with national policy for the Council to look at the opportunities presented by Paddock Wood in being a location that (1) performed well in terms of the

settlement hierarchy and (2) is not located in the AONB. Furthermore, Paddock Wood is more functionally located to the Main Settlements Tonbridge and Tunbridge Wells with existing train connections.

More locally and as set out in the Sustainability Appraisal (SA) a key objective of the SA is to respond to issues of deprivation. Within **CD3.77I** deprivation scores positively to reflect the substantial regeneration benefit to Paddock Wood town (as a consequence of the allocation) which contains areas of high-income deprivation. The ability to realise this positive assessment in the SA would not materialise if other land outside of Paddock Wood was utilised.

To further robustly test the strategy for Paddock Wood the Council tested no fewer than five strategic growth options for Paddock Wood, including increasing and reducing the size of the allocation. These are illustrated in Figure 7 of the SA (**CD 3.130a**).

In further supporting the approach taken to Paddock Wood, Paragraph 7.10 of **CD.16** recognises that the ‘*Main Urban Area of Royal Tunbridge Wells and Southborough has taken most residential development over previous Local Plans. The focus now is to balance this with employment and retail development (supported by the Employment Needs Study and Retail & Leisure Study), with a focus in the new Local Plan on delivering employment at the Main Urban Area.*’ The concentration of historic development within Royal Tunbridge Wells and Southborough is reflected in the Inspector’s Report on the Tunbridge Wells Core Strategy with 75% of residential needs being directed to these areas. The approach to including Paddock Wood as part of the overall development strategy helps in meeting development sustainably whilst simultaneously ensuring that the benefits of development (in creating opportunities and reducing deprivation) are spread more evenly across the major centres in Turnbridge Wells.

Q7. The Development Strategy Topic Paper refers to constraints to such as the Green Belt, the High Weald AONB and areas of flood risk. Which areas of the Borough are not constrained by flooding and/or the Green Belt and AONB? Why could housing needs not be met in these areas?

With reference to Figure 1 (over the page), Frittenden is arguably the only location where there is no Green Belt, AONB or Flood Risk considerations.

The Site Assessment Sheets for Frittenden Parish (**CD3.77g**) considers options associated with the major growth surrounding this village. However, there are a number of concerns that led the Council to this site option being unsuitable. The site has a very rural context and the nature of the road network is such that the whole road network would require upgrading in order to ensure provision of suitable highway infrastructure to serve development of this nature. This is unlikely to be viable or appropriate in this very rural context. Moreover, it would involve the substantial loss of rural character, including loss of designated rural lanes.

To allocate development in this location would be inconsistent with the NPPF (2021) which at Paragraph 105 requires that ‘*...the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*’

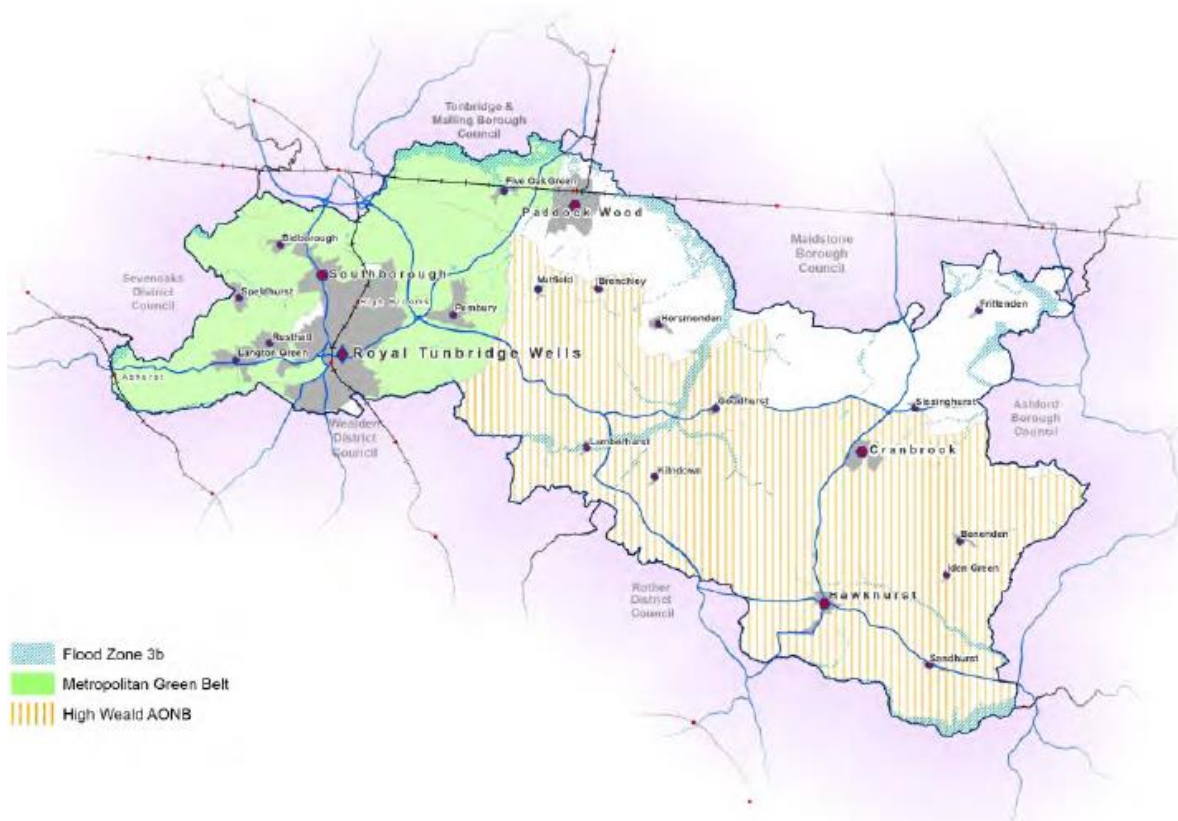


Figure 1: Tunbridge Wells Borough Local Plan: Submission Version (**Core Document 3.128**) Borough Overview Extract

Q9. Do policies relating to the Green Belt, the High Weald AONB and/or flood risk provide a strong reason for restricting the scale, type and distribution of development in Tunbridge Wells?

No. The Planning for the Right Homes in the Right Places consultation<sup>1</sup> provides useful data with which to respond to the above question. Data provided as part of the consultation provides a figure for the proportion of Local Authority land area covered by Green Belt, National Parks, Areas of Outstanding Natural Beauty or Sites of Special Scientific Interest. Tunbridge Wells is noted as having 75% coverage. Higher still, Guildford Borough Council is noted as being covered by 89%.

The Guildford Borough Council Local Plan, against this constraint, has recently been found sound in seeking to accommodate the full objectively assessed need for housing. In addition, the interim conclusions of the Inspector in the Examination of the Epping Forest Local Plan support a reduce in the housing target by only circa 1,000 homes owing to the constraints that exist in the District. The situation in Epping Forest is however extreme with 94% coverage by the constraints set out above.

<sup>1</sup> <https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

In meeting the Framework’s objective to ‘significantly boost the supply of homes’ it is important that this is seen as a collective effort amongst local planning authorities with all areas making their contribution to drive up overall supply and improve levels of affordability. Set against the recent experiences of Guildford Borough Council and Epping Forest District Council there is no compelling evidence in respect of the constraints in the area that would justify a reduction in the approach of the Local Plan.

**Response to Matter 3, Issue 2 – Distribution of Development (Questions 3 and 7)**

Q3. Is the strategy consistent with paragraph 105 of the Framework, which states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes?

Yes. The Submission Local Plan (**Core Document 3.128**) directs development to the Major Urban Area of Royal Tunbridge Wells first with major strategic planned growth at Paddock Wood. In respect to Dandara’ land interests, Land at Badsell Farm, Paddock Wood (Site Allocation STR/SS1) as one of the primary allocations in the Local Plan, the site benefits from its close proximity to Paddock Town Centre (Primary Shopping Area) (circa 0.8 km) and Paddock Wood railway station (circa 1.13 km) and is accessible by a range of sustainable transport modes including bus, walking and cycling. The allocation of Paddock Wood will, importantly, deliver greater permeability and connectivity through a range of sustainable means to the new and existing community. This benefit is captured as one of the Council’s local exceptional circumstances in Paragraph 6.186 of **CD3.126**.

Table 5 of **CD3.133** sets out in detail how settlements have been classified due to their levels of sustainability. Paddock Wood, Southborough and Cranbrook are clearly distinguishable as those areas with the pre-existing greatest levels of connectivity and thus it is appropriate that the development strategy prioritises growth in these locations.

Whilst acknowledging that it is appropriate for significant development to be prioritised in the higher order settlements, in reading the NPPF (2021) is it important to acknowledge the role played in allocating some housing in what may be considered as lower tier settlements in order to ensure the viability of these rural areas. As stated in Paragraph 79 of the NPPF (2021):

*‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.’*

Q7. How have flooding constraints been taken into account in determining the spatial distribution of development? Is the Plan consistent with paragraph 161 of the Framework which states that all plans should apply 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.

The PPG states that ‘*in plan-making, local planning authorities apply a sequential approach to site selection so that development is, as far as reasonably possible, located where the risk of flooding (from all sources) is lowest, taking account of climate change and the vulnerability of future uses to flood risk.*’ This is important to flag at the outset and highlights that the exercise of planning judgement is at play when considering site selection and that the application of the sequential test for plan making purposes is not a binary matter.

Given the technical nature of the role in undertaking the exercise, Paragraph 156 of the NPPF (2021) states that local planning authorities should take advice from the Environment Agency and other relevant flood risk management bodies such as lead local flood authorities and internal drainage boards. The Statement of Common Ground with the



Environment Agency and Lead Local Flood Authority (**CD.132c(v)**) confirms no objection to the approach that has been taken by the Council.

In considering the soundness of the approach taken to flood risk, Paragraph 3 of the NPPF (2021) is key in simply stating that *‘the Framework should be read as a whole.’* Thus whilst Paragraph 161 of the NPPF (2021) sets out the approach to be taken to the sequential test, this should be read alongside other important paragraphs of the NPPF (2021) which promote the need for environmental, social and economic benefits to be sought simultaneously.

In this regard, and in drawing upon the response to Matter 6, in delivering upon the Council’s commitment to produce a plan that, as part of a range of objectives, addresses deprivation it is entirely consistent with the NPPF and sound for land within areas of higher flood risk in Paddock Wood to be considered. In the circumstances and responding to the PPG it would not be reasonable to suggest the identification of land further away from Paddock Wood as it would not deliver the same regenerative benefits and/or would likely contribute to more unsustainable patterns of development.

Finally, in the context of Paddock Wood it is important to note that the remodeled flood plain would likely deliver a betterment to the existing community in respect of its resilience to flood risk.

**Response to Matter 3, Issue 3 – Limits to Built Development (Questions 3 and 9)**

Q3. Where new site allocations are concerned, the Limits to Built Development Topic Paper states that only the developable areas have been included. Landscape buffers, open space and outdoor recreation areas have been excluded from the Limits to Built Development. What is the justification for this?

The Submission Draft Local Plan proposed site allocations only show developable areas to help guide new development and to ensure no built form is directed to the countryside areas beyond as detailed in the **Core Document 3.82**. We consider this approach to be logical as it will help ensure new development protects areas of countryside and new development within the developable areas is of appropriate density through maximising developable areas and ensuring the efficient use of land in accordance with paragraph 124 of the NPPF.

We refer to paragraph 16(d) of the NPPF which requires Local Plan policies (including site allocation policies) that are *“clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”*. The use of Limits to Built Development to clearly differentiate between built up areas of settlements and areas of countryside land therefore assists the applicant and the decision maker and avoids ambiguity. If an alternative approach was taken to include landscape buffers, open space etc. there is the potential risk decision makers are unclear how future applications relate back to boundaries of site allocations and whether future development proposals are satisfying the requirements of the site allocation policy. With this in mind, setting clear developable areas within Limits to Build Development will help control development extent and act as ‘guide’ to new development as well as ensuring new development does not encroach into the countryside beyond. We consider this policy approach to be robust and justified in the context of the soundness tests set out at paragraph 35 of the NPPF.

Dandara note that development capacity for the residential site allocations should be informed by the necessary design feasibility and other technical work at application stage. With this in mind the developable areas identified within the Site Allocation Limited to Building Development should be used as guide only. This approach will ensure future development is sustainable, optimises site potential through maximising development areas, site capacity and achieving appropriate density and therefore ensuring effective and efficient use of land in accordance with paragraphs 119 and 124 of the NPPF.

Q9. Is it clear to decision-makers, developers and local communities how planning applications will be considered for development proposals both within, and outside, Limits to Built Development?

Yes. The provision of Limits to Built Development provide a clear visual representation of developable areas which will provide the basis for determining where development is generally acceptable in principle and therefore satisfies the requirements for clearly defined policies in accordance with paragraph 16(d) of the NPPF.

The Council's approach to use of Limits to Built Development is therefore considered to be clear, well-defined and sound on the basis it satisfies the necessary NPPF soundness tests (paragraph 35) as it is justified and consistent with **Core Document 3.82** and national policy.

We would be grateful if the Programme Officer could confirm receipt of this response.

Yours sincerely,



Adam Kindred  
Director  
CBRE Ltd

cc. Ben Shaw – Senior Planning Manager, Dandara