



**Examination Statement – Matter 1**  
**Principle of Green Belt Release**  
**Tunbridge Wells Local Plan Examination**  
**Stage 3**

**Representations on behalf of Crest Nicholson**

**May 2024**

On behalf of **Crest Nicholson**

Project Ref: 333100537 | Date: May 2024

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Classified as General

## Document Control Sheet

**Project Name:** NW Paddock Wood

**Project Ref:** 333100537

**Report Title:** Examination Statement – Matter 1 – Principle of Green Belt Release –  
Tunbridge Wells Local Plan

**Date:** 30 May 2024

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**Contents**

**1      Qualifications and Introduction ..... 1**

**2      Response to Matter 1 – Green Belt Assessment, Sustainability Appraisal and Local Plan  
Review ..... 1**

**Issue 1, Questions 1, 3..... 2**

**Issue 1, Question 4.....4**

**Issue 1, Question 5.....5**

**Issue 3, Questions 1, 2 .....6**

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# 1 Introduction

- 1.1 This Statement has been prepared by Stantec on behalf of our Client, Crest Nicholson, who has an interest in the land to the north west of Paddock Wood that forms a significant part of the housing allocation STR/SS1: The Strategy for Paddock Wood, including land east of Capel. This Statement is prepared in response to the Inspectors' Matters, Issues and Questions.
- 1.2 These representations have been prepared in recognition of prevailing planning policy and guidance, particularly the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 1.3 This Statement does not respond to all questions raised under this Matter but focuses on those questions of particular relevance to our Client's interests.
- 1.4 These representations have been considered in the context of the tests of 'soundness' as set out at paragraph 35 of the NPPF. This requires that a Local Plan be:
- **Positively Prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - **Consistent with National Policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

## 2 Response to Matter 1 – Green Belt Assessment, Sustainability Appraisal and Local Plan Review

### Issue 1 – Green Belt Study Stage 3 Addendum

***Q1. Does the Stage 3 Addendum 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?***

2.1 In Crest’s opinion, yes it does.

***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?***

2.2 The Inspector in paragraph 4 of his Initial Findings recognised that the Council’s development strategy to meet its housing needs in the more sustainable parts of the borough is “reasonable and appropriate” in principle, even when that requires the use of Green Belt land.

2.3 This was established through the Stage 1 and 2 of the Green Belt Assessment. Stage 3 was the final assessment and considered a more refined consideration of potential harm by looking at individual sites and setting out potential for mitigation measure. The Inspector in paragraph 5 of his Initial Findings stated, “This is a logical and sound way of considering where growth should take place”. As Stage 3 initially only considered allocated sites in the submitted Local Plan, the Inspector did however suggest that Stage 3 is applied to all Green Belt sites in Stage 2 in order to avoid, or at least minimise, harmful impacts where possible. This would then inform a review of the relevant SHELAA assessments for each site and their consideration in a revised Sustainability Appraisal.

2.4 LUC on behalf of TWBC undertook a Stage 3 assessment on ‘reasonable alternative’ sites in the Green Belt to provide a comparative assessment against the proposed allocation sites that had previously been assessed. The Council, in agreement with Natural England, are of the view that strategic development in the AONB is not considered to be a reasonable alternative and so strategic site options that are in the Green Belt and AONB have not been included in this study.

- 2.5 Potential mitigation measures were suggested where appropriate by LUC to the parcels identified at Stage 2. This gives consistency to the consideration of the allocated sites and the reasonable alternatives, albeit it is recognised that the allocated sites have draft policies setting out mitigation measures; however, the proposed mitigation measures in either case have no bearing on the harm ratings assigned.
- 2.6 Some 79 parcels (56 sites) were assessed and given a harm rating. This rating was then added to the SHELAA assessment for each site and then the sites considered in a revised Sustainability Appraisal, where TWBC considered it appropriate i.e. where there had been a material change, where other planning matters were brought into the balance.
- 2.7 As set out in paragraph 5.1.1 of the Sustainability Appraisal, it was determined that the findings of the Stage 3 Green Belt Assessment had potential implications for the SA for 21 out of the 56 reasonable alternative sites.
- 2.8 Paragraphs 5.1.2-5.1.4 of the SA state:

*“The revised SA work finds that the allocated sites proposed in the Local Plan compare favourably in terms of harm rating with the reasonable alternative sites in that they generally have lower harm ratings (with the obvious exception of Tudeley Village and land at east Capel).*

*Therefore, the further Green Belt assessments do not provide a basis for concluding that other previously rejected “omission sites” should come forward into the Local Plan, save for a couple of possible exceptions. Hence, it does not suggest any significant new development strategy options.*

*Notwithstanding this general finding, there are a few sites at Five Oak Green where the harm is Moderate to Low, which is comparable in Green Belt harm terms to some allocated sites.”*

- 2.9 In terms of the SA, TWBC reconsidered the SA for Tudeley Village in terms of the housing, air, landscape, and travel objectives and introduced a range of alternative options for the reduced scale of housing growth at Paddock Wood and east Capel. TWBC concluded at paragraphs 6.2.5 and 6.2.6 that,

*“When compared to preferred Option 2 in the Submission Local Plan SA, a slight worsening of scores is predicted for SS1 Revisions A, B and C for the objectives of Business, Employment and Housing, whereas there is a slight improvement in the score predicted for the Education, Land Use, Landscape, Services and Water objectives.*

*Across the Revisions, the greatest improvements overall are seen in Revisions A and B with the above-mentioned improvements for Landscape and Water being unique to these revisions. However, the reduced number of dwellings under Revision A means this option is somewhat inferior to Revisions B and C for the Housing objective. Revision C tends to score the worst of the three revisions with the score for the Water objective being notably less positive compared with Revisions A and B.”*

- 2.10 In terms of the cumulative impacts of incorporating these new revisions into the Local Plan, paragraph 6.2.7 concluded:

*“It has been determined that the marginal nature of the altered scores, is unlikely to trigger a significant change to the cumulative scores recorded in Tables 50 and 52 of the SA report nor the SA assessment for STR 9 (Green Belt) requires reassessment, the scores for which are summarised in Appendix E of the SA report.”*

- 2.11 In terms of the impact on the overall development strategy, section 6.3 states that 6 new development strategy options needed to be considered to address:

- a decline of 3000 dwellings on strategic sites and therefore the Plan not providing a 15 year land supply
- a further option to provide enough housing land for a shorter period, of least 10 years (to accord with paragraph 68 of the NPPF) with a commitment to an early review
- an option of suspending the Plan (similar to the ‘no plan’ option previously considered).

- 2.12 Paragraph 6.3.6 of the SA Addendum states the difference between the development strategy options in Table 26 are marginal.



- 2.13 In terms of the three options for Paddock Wood, Table 26 shows that there is merit to both SS1 Revision A (reduced growth with no housing or employment in FZ2/3, Tudeley deleted; 10 year supply and early review) and SS1 Revision B (reduced growth with no housing in FZ2/3, some employment in FZ2; Tudeley deleted; 10 year supply and early review) albeit the SA does not take into account deliverability which may be less of a barrier for Revision B.
- 2.14 As set out in paragraph 2.22 of the Local Plan Development Strategy Topic Paper Addendum, *“The overall findings of the review are that the conclusions in the original SHELAA and SA, that resulted in the sites identified as reasonable alternatives not being regarded as suitable for allocation, remain valid.”*
- 2.15 There are a few small sites at Five Oak Green that when considered in isolation in the Green Belt Stage 3 Assessment have lower harm values than in Stage 2, but the concept of allowing sites at Five Oak Green in combination with strategic development at Tudeley Village and/or Paddock Wood was previously assessed strategically as causing harm to the Green Belt purposes of coalescence and encroachment, so these sites have not been brought forward through the Council’s proposed revised strategy but they may be considered as part of the Local Plan review.
- 2.16 As such, TWBC concluded there are no exceptional circumstances to alter the Green Belt boundary from the information from the Stage 3 Addendum.

***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?***

- 2.17 Paragraph 2.26 of the Local Plan Development Strategy Topic Paper Addendum explains that some of the Five Oak Green sites were not considered further through the SHELAA process due to the proposed development strategy for the Pre-Submission Local Plan and their proximity to the strategic allocations at Tudeley Village and Paddock Wood, and any consequent cumulative effect on the Green Belt (and/or coalescence concerns).
- 2.18 Paragraph 2.28 of the Local Plan Development Strategy Topic Paper Addendum goes on to state that the new Green Belt Stage 3 Addendum Report does consider, under ‘Potential Strategic Harm’, the potential cumulative harm that may arise from the release of sites at Five Oak Green in combination with either STR/SS 1 (Paddock Wood) or STR/SS 3 (Tudeley) (page 33 bullet point 1 and page 34 bullet points 3 and 4). This may arise in respect of Purpose 2 ‘to

prevent major towns merging into one another', as these sites fall within the area that separates Paddock Wood from Tonbridge and/or in respect of Purpose 3 'to assist in safeguarding the countryside from encroachment' as any remaining open land close to released areas may be less distinct from the new and existing urban areas.

- 2.19 Paragraph 2.27 does however recognise that a change in the development strategy in relation to proposed strategic development at Tudeley Village (deletion) and reduced development at Paddock Wood may lead to these sites being reconsidered for potential allocation in relation to their contribution to the Green Belt, although it is noted that there may well be other reasons why these sites may remain unsuitable. The Council concludes that further consideration of such sites would be best done as part of a Local Plan review.

***Q5. Where relevant, have the findings in the Stage 3 Addendum been used to update the Strategic Housing and Economic Land Availability Assessment?***

- 2.20 Yes, that is clearly set out in PS\_036 SHELAA Sheets for All Reviewed Green Belt Sites.

### 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?**

2.21 Brentwood BC went through a similar issue during the Examination of its long awaited Local Plan (some 20 years in the making). As an authority with 86% of its area designated as Green Belt, it had little choice to remove land from the Green Belt for housing development despite optimising brownfield redevelopment. It was demonstrated at Examination that the Plan would similarly only have a 10 year land supply. As it was better to release land from the Green Belt and have an adopted Plan, in accordance with the Plan-led system promoted in the NPPF, the Council agreed to a new Policy to be inserted into the Plan - Policy MG06: Local Plan Review and Update - which stated:

*“The Council will bring forward a partial update of the Plan with the objective of meeting the full Objectively Assessed Housing Needs. The review will commence immediately upon the adoption of this Plan with submission of the review for examination within 28 months. Specific matters to be addressed by the update shall include the following (amongst all other matters that need to be assessed and taken into account for the purposes of plan preparation):*

1. *An update of Objectively Assessed Housing Needs in accordance with the NPPF 2021 and related guidance;*
2. *An updated full green belt review and an updated spatial strategy (informed by the green belt review) in turn to inform the sustainable allocation of further sites to meet the full Objectively Assessed Housing Needs as assessed in part A above;*
3. *The allocation of further sites to meet as a minimum the full Objectively Assessed Housing Needs in accordance with the updated spatial strategy for the full period of the plan review;*
4. *A review of transport and highway issues to cater for local plan growth throughout the period of the review (in consultation with National Highways and Essex County Council) taking into account:*

- a. *the optimisation of existing, and the introduction of further, sustainable transport measures where appropriate along with the need to provide improvements to and around:*
  - i. *A12 junction 12;*
  - ii. *M25 Junction 28;*
  - iii. *M25 junction 29;*
- b. *any additional transport and highways infrastructure that will be needed to meet in full the updated Objectively Assessed Housing Needs and facilitate the further allocations taking into account implemented and committed highway schemes.”*

2.22 The Brentwood Local Plan was adopted in March 2022. At the time of writing this statement, the submission of the Local Plan Review to the Secretary of State for Examination should be done by July 2024. The Plan is still in the preliminary stages of preparation and nowhere near the Submission stage, but delays have been caused by, amongst other things, the Government’s promise of Planning Reform which created a hiatus and inertia in many local planning authority areas. The mechanism of introducing this policy was considered sound by the Inspectors of the Brentwood Plan, however, and Crest advocates this approach be taken for the Tunbridge Wells Plan.

#### **Suggested Change to Policy STR1**

2.23 It is suggested to be clear and effective that the Proposed Modification, published in January 2024, to Policy STR 1 - The Development Strategy be further amended to state, in the final paragraph:

*“Following adoption, the Council bring forward a partial update of the Plan with the objective of meeting the full Objectively Assessed Housing Needs. The review will commence immediately upon the adoption of this Plan with submission of the review for examination within 28 months. Specific matters to be addressed by the update shall include the following (amongst all other matters that need to be assessed and taken into account for the purposes of plan preparation):...”*

2.24 In a local authority area such as Tunbridge Wells borough not doing an early review will likely give rise to the submission of ad hoc planning applications seeking to address the inevitable lack of five or four year housing land supply, which would be contrary to all that the authority has been trying to achieve by bringing forward a sound Local Plan as expeditiously as possible, unlike some of its immediate neighbouring authorities.