

Examination of the Tunbridge Wells
Borough Local Plan

**Tunbridge Wells Borough Council
Hearing Statement**

**Matter 9: Other Matters and Main
Modifications Necessary for
Soundness**

**Issue 1: Material Changes in
Circumstances since Stage 2 Hearings**

Document Reference: TWLP/144



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Matter 9 – Other Matters and Main Modifications Necessary for Soundness

Issue 1 – Material Changes in Circumstances since Stage 2 Hearings

Inspector’s Question 1: [re. Material Changes at site specific level, or in relational to national planning policy/guidance]

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?

TWBC response to Question 1

Introduction

1. The Submission Local Plan [CD 3.128] was submitted for Examination in November 2021, and hearing sessions for stages 1 and 2 were held over the spring and summer of 2022.
2. The following response to Question 1 identifies material changes in circumstances that have occurred since the Stage 2 hearings, and whether any of these make the Plan unsound and/or require modification of the Plan. This relates to changes at:
 - site-specific level;
 - to supporting evidence;
 - to national planning policy and guidance.
3. In addition, for clarity, the response sets out other relevant changes at the national level and changes at the local policy level, namely in relation to the production of Neighbourhood Development Plans, a number of which have been ‘made’ since the Stage 2 hearings, and a new High Weald AONB Management Plan, and to any changes

in planning policies not dealt with elsewhere, namely Submission Local Plan Policy H3 Affordable Housing.

Consideration

Changes at Site-Specific Level

4. The Council's Hearing Statement for the earlier Stage 2 Matter 5, Issue 1: Site Selection Methodology [[document TWLP/021](#)] included (at Appendix 1) a table of the proposed site allocations included in the Submission Local Plan that have been promoted through Development Management and had received planning consent.
5. The Council has reviewed that table and at **Appendix 1** of this Stage 3 statement, attaches a new table that sets out a full list of the sites in the Submission Local Plan (as proposed to be amended in response to the Inspector's initial findings) that have received planning consent. Where planning consents have expired since the Stage 2 hearings, this is noted. The list does not include sites where no planning application has yet been submitted. Where sites have been or are being considered by other Stage 3 Hearing Statements, a simple cross reference to the respective Hearing Statement is made.
6. The table does not include reference to pre-application discussions taking place about some sites, which are confidential. It is noted however, that the Council has engaged with a number of developers relating to such sites. This has included in relation to some Green Belt sites where developers are following progress on the Local Plan Examination.
7. The table demonstrates that a significant number of the proposed site allocations, benefit from having received planning consent already, or have decisions pending on proposed development schemes. In a small number of cases, planning permissions have been granted but have now lapsed. Never the less this demonstrates that such sites have been promoted through Development Management.

Changes to Supporting Evidence

8. The Council's response to Question 2 addresses the matter of whether the evidence-base supporting the Plan remains up-to-date.
9. For the purposes of responding to Question 1 however, it is identified that there is one material change relating to the evidence-base. Specifically, this concerns the Council's

evidence relating to the accommodation needs for Gypsies and Travellers and Travelling Showpeople (GTAA).

10. The Submission Local Plan was informed and supported by a Gypsy and Traveller Accommodation Assessment dated 2018 prepared by consultants, RRR Consultancy Ltd [[Core Document 3.78](#)].
11. On the 7 February 2024, the Inspector wrote to the Council about this. Paras 2 and 3 of the letter are relevant [[document ID_015](#)]. At para 3 the Inspector identified that the 2018 assessment no longer reflects national planning policy (which was updated in December 2023 after the Stage 2 hearings) and that the surveys used to support the GTAA date back to 2017, raising concern about the age of this piece of the evidence-base. The Inspector advised that *“It is therefore not possible to determine whether the Plan will provide a sufficient supply of sites, as future needs are unknown. A new GTAA will therefore be required as part of this examination”*.
12. The Council has therefore, using the same consultants, undertaken production of a new, updated GTAA that assesses accommodation needs for Gypsies, Travellers and Travelling Showpeople in accordance with the change in definition set out at [Annex 1](#) of the Government’s Planning policy for traveller sites (‘PPTS’), 19th December 2023.
13. The Council’s Hearing Statement for Matter 9, Issue 3: Accommodation for Gypsies and Travellers and Travelling Showpeople [TWLP/146] explains more about the updated GTAA, which is dated June 2024.

Changes to National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

14. Since the Stage 2 hearings, the NPPF has been updated twice, in September and [December 2023](#). Paragraph 230 of the most recently updated NPPF sets out transitional arrangements for plan-making. Particularly relevant is the following:

“Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements”.

15. The date referred to is the 19 March 2024, set out earlier in paragraph 230. The transitional arrangements mean that the Local Plan is being examined under the September 2023 NPPF.

Areas of Outstanding Natural Beauty

16. On 22 November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales were rebranded by the government as 'National Landscapes' (NLs). Thus, the High Weald AONB is now referred to as the High Weald National Landscape (HWNL) and the High Weald AONB Unit are now the High Weald National Landscape Partnership (HWNLP). However, the legal title and policy status remains AONB and hence it remains that the Management Plan is for the AONB.
17. At the local level, the Council adopted a New Management Plan for the High Weald on 20th June 2024 that covers the period 2024 to 2029.
18. There has also been a change in the statutory duty for public bodies in relation to AONBs and Section 85 of the Countryside and Public Rights of Way (CROW) Act 2000 brought in by Section 245 (Protected Landscapes) of the Levelling-Up and Regeneration Act (LURA) 2023. This has been referred to in the recent consultation responses received from interested parties including Natural England and the High Weald National Landscapes Partnership (formerly High Weald AONB Unit).
19. Previously Local Planning Authorities (LPAs) had to have “regard to” the purposes of the designation and the change enacted by the LURA now states that LPAs “*must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*”. In the absence of any further government guidance for LPAs in how the revised duty should be discharged, the Council are in agreement with Natural England (Rep 135) in recognising that this is an active duty, not a passive one.
20. The Council has and continues to take an active role in seeking to “further the statutory purposes of the area” not only through decision making but also through its support for, and contribution to partnerships and projects including to the High Weald AONB Management Plan, the High Weald National Landscape Partnership and the Kent High Weald Partnership. The statutory duty has been discussed at earlier Stage 3 hearings, for example at the Matter 6, Issue 1 session relating to the strategy for Cranbrook and Sissinghurst (Turnden Farm, Cranbrook – Policy AL/CRS 3).
21. As a result of these changes the Council wishes to amend certain policies and supporting text in the Submission Local Plan to ensure that the correct name or term is used but these will not affect the meaning or application of any policies. These changes would not

be main modifications required for reasons of soundness but would be 'additional amendments' on which the Council would consult alongside the main modifications in due course.

Biodiversity Net Gain (BNG):

22. The Environment Bill received Royal Assent on 9 November 2021 and the NPPF paragraphs 174(d) and 179(b) encourages BNG. Statutory Instruments and the Statutory Metric for BNG have now been published and all qualifying development is now subject to the requirements of the statutory pre-commencement planning condition. The Council's BNG Policy (Policy EN9) acknowledged the likely content of the legislation but is not fully aligned with what has now been published and so consequently changes to the policy and supporting text will be required. Modifications to Submission Local Plan Policy EN9 Biodiversity Net Gain are included at **Appendix 2** of this statement. Key elements in the policy that are beyond the scope of the BNG legislation, and which provide further locally relevant guidance are retained as is the intention to produce a Supplementary Planning document/Guidance Note to address local issues and matters which the legislation allows to be dealt with at the local level.

Department for Transport Circular (DfT) 01/22 'Strategic road network and the delivery of sustainable development'

23. The Transport Decarbonisation Plan (2021) stated "We need to move away from transport planning based on predicting future demand to provide capacity ('predict and provide') to planning that sets an outcome communities want to achieve and provide the transport solutions to deliver those outcomes (sometimes referred to as "vision and validate"). This is re-emphasised within [Circular 01/22](#), published 23 December 2022.

24. The Circular states that such vision led approaches include 'Vision and Validate', 'Decide and Provide' and 'Monitor and Manage', and that National Highways will "support local authorities in achieving this aim, through its engagement with their plan making and decision-taking stages, while recognising the varying challenges that will be presented by certain sites based on their land use, scale and/or location."

25. The relevance of this circular and its consequences for the Local Plan is dealt with in the Council's hearing statements relating to Matter 3 The Strategy for Tudeley Village, Matter 4 The Strategy for Paddock Wood and Matter 7 Highways Infrastructure. Of particular note is that the Council proposes Main Modifications to a number of strategic and non -

strategic policies in the Plan to embed the Monitor and Manage approach, in compliance with the Circular. The amendments are appended to the Council's Hearing Statement for Matter 7, Issue 2 – Highways Infrastructure Policy Requirements.

26. This approach follows that of Maidstone Borough Council (MBC) which has recently had its Plan found sound at examination.

National Guidance relating to Flood Risk and Housing

27. Paragraph 4.17 of the Development Strategy Topic Paper Addendum [[PS_054](#)] identifies that after the Stage 2 hearings updates to the Planning Practice Guidance introduced (in August 2022) a requirement to consider climate change impacts as part of the Sequential Test. It goes on to explain that in considering the Inspectors initial findings, it was necessary for the Council to undertake a new assessment incorporating this consideration within the modelling work. This is explained in more detail at paragraphs 4.17 – 4.29 of the Development Strategy Topic Paper Addendum. This work informed the Council's response to the initial findings, particularly revisions to the development strategy in so far as it relates to the strategic allocation at Paddock Wood and Land at East Capel (Policy STR/SS 1). Flooding and flood risk is dealt with further in the Council's Hearing Statement for Matter 4 Issue 1 The Strategy for Paddock Wood, Flooding and Flood Risk.

Other changes in the Levelling Up and Regeneration Act (LURA) 2023

Compulsory purchase

28. The [LURA](#) includes reforms to Compulsory Purchase. The reforms will assist the Council in using its CPO powers to deliver specific infrastructure where land may have to be acquired for this purpose compulsorily as a matter of last resort. Instances of this have been and continue to be discussed at the examination and to which reference is made to at various places in the Submission Local Plan.

Environmental Outcome Reports

29. Part 6 of the LURA introduces Environmental Outcome Reports (EORs) intended to replace the EU-derived Strategic Environmental Assessment and Environmental Impact Assessment (EIA) processes with an outcomes-based system which the government says will be more streamlined and place greater focus on delivering our environmental ambitions. Regulations are awaited on how such changes will be introduced.

National Development Management Policies

30. Section 94 introduces National Development Management Policies (NDMP) which cover specific topic areas of national importance and will carry the same weight as local plans in decision making on planning applications, whereby if there is conflict between a local plan policy and an NDMP, the NDMP will override local plans in decision making. The SoS is still to consult on the NDMPs and as such no changes are required to the Submission Local Plan in that regard at this stage.

Infrastructure Levy

31. Part 4 of the LURA introduces the Infrastructure Levy which seeks to replace the current system of developer contributions with a mandatory, more streamlined, and locally determined Infrastructure Levy. In acknowledgement of the significant change in moving from the current developer contribution system to a nationally applied system, a phased 'test and learn' rollout is proposed. This will see the Levy introduced in a representative minority of local authorities in the first instance, prior to a nationwide rollout to all English authorities. Transitional arrangements are yet to be set out by the Government through changes to the NPPF or other Regulations. As such, the Council considers the current arrangements as set out in the SLP for developer contributions to be secured via legal agreements in accordance with Section 106 of the Town and Country Planning Act 1990 to be the appropriate mechanism for securing development related infrastructure.

Other: Consultation on Brownfield Development

32. Consultations undertaken recently by the Department for Levelling Up Housing & Communities, covering the 'Strengthening of planning policy for brownfield development' have concluded, however no changes have been made to national policy that must be had regard to as part of this examination.

Local Level

Submission Local Plan Policy H3 Affordable Housing

33. The Planning Policy Guidance states that '*Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.*'

34. Furthermore, the PPG states that ‘Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time.’
35. The Council acknowledges that there may be circumstances when schemes are unable to comply with affordable housing or infrastructure delivery requirements – owing to viability reasons not identified as part of the plan making process, due to complex site delivery or unknown abnormal costs. The Council therefore considers that it would be beneficial for all users of the Plan, if Policy H3 Affordable Housing were to be modified to include a review mechanism in order to capture changes in viability circumstances which may change over time. Paragraph: 009 Reference ID: 10-009-20190509.
36. **APPENDIX 3** identifies how such a review mechanism can be included into policy H3 Affordable Housing.

Made Neighbourhood Development Plans

37. Since the Stage 2 hearings, a number of Neighbourhood Development Plans (NDPs) have been ‘made’ by the Borough Council. This follows success at referendum from when they have formed part of the statutory Development Plan for the borough against which planning decisions have been made. These are listed in Table 1 below.

Table 1: Neighbourhood Development Plans made since the Stage 2 hearings.

Neighbourhood Development Plan (NDP)	Date of NDP being Made
Brenchley & Matfield NDP [PS_069]	14 th December 2022
Horsmonden NDP [PS_071]	5 th July 2023
Cranbrook & Sissinghurst NDP [PS_070]	4 th October 2023
Paddock Wood NDP [PS_072]	4 th October 2023
Pembury NDP [PS_073]	4 th October 2023

38. In addition to these it is noted that the Capel NDP [\[PS_074\]](#) is at an advanced stage, with a referendum scheduled for the 5th September 2024. It is possible that if successful at referendum it would form part of the statutory Development Plan before the Inspector issues the final report for the borough Local Plan. [Officer note: PS_074 is the examination version of the NDP. There is now a referendum version which reflects the suggested modifications set out in the examiners report [PS_075](#)].

39. The NDPs made since the Stage 2 hearings do not give rise to the need for modification to the Plan. The Council has worked closely with the parishes throughout the plan-making process, including the NDPs and the Independent Examiners when examining the NDPs have had appropriate regard to not only the strategic policies of the Development Plan, but also the emerging Local Plan.

Conclusion

40. This response to Question 1 explains a number of material changes in circumstances since the Stage 2 hearings. The response sets these out at the site-specific level, in relation to the supporting evidence-base, to national planning policy and guidance and finally, at the local level where a number of Neighbourhood Development Plans have been made since the Stage 2 hearings. It also sets out a proposed modification to Submission Local Plan Policy H3 Affordable Housing.

41. Whilst there has been a number of material changes, the Council considers that these do not mean the Plan is unsound and in need of modification. Where there has been significant material changes since the Stage 2 hearings (namely the introduction of BNG, the evidence-base relating to Gypsy and Traveller accommodation needs, DfT Circular 01/22 and flooding and flood risk guidance), the Council has already addressed these, through suggested main modifications attached to this Hearing Statement (or to other Stage 3 Hearing Statements), by a new GTAA and in its response to the Inspector's initial findings. The new GTAA is addressed in the Council's Hearing Statement for Matter 9, Issue 3 – Accommodation for Gypsies and Travellers and Travelling Showpeople.

42. With regard to the DfT Circular 01/22, it is explained that the Council has taken the Monitor and Manage approach advocated by the Circular on board and proposes main modifications to certain policies of the Plan.

Inspector's Question 2: [re. Evidence-base]

Does the evidence-base supporting the Plan remain up-to-date?

TWBC response to Question 2

Consideration

43. The evidence-base supporting the Plan is up-to-date.
44. The National Planning Policy Framework (NPPF) identifies at paragraph 31 that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. The NPPF advises that this evidence should be proportionate, focussed tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
45. Paragraph 32 advises that Local Plan and spatial development strategies should also be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.
46. The Council considers that the Submission Local Plan, as proposed to be modified (including in response to the Inspector's initial findings) is underpinned by relevant and up-to-date evidence. This is clear from the wide-ranging list of evidence-base documents included on the [Core Document list](#) forming the Examination Library. This shows that the evidence-base has been considered at each stage of plan-making, including in response to the Inspectors initial findings – with that evidence informing the Council's response and the revised development strategy. The evidence-base has been robustly tested throughout the course of the Local Plan examination and continues to be tested at the Stage 3 hearings which are ongoing.
47. The only, and it is noted recent exception is in relation to Gypsy and Traveller Accommodation needs, which is explained in the Council's response to Question 1 of this Hearing Statement. However, the Council now has a new, updated GTAA dated June 2024, discussed in the Council's Hearing Statement for Matter 9, Issue 3: Accommodation for Gypsies and Travellers and Travelling Showpeople. As such the evidence-base is up-to-date.

Appendices

Appendix 1: Sites in the Submission Local Plan with planning consent

Appendix 1: Sites in the Submission Local Plan with 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	2024 Updates
STR/SS 1(C)	The Strategy for Paddock Wood, including land at east Capel (South Eastern Parcel)	Minimum of 560 dwellings	23/00086/HYB RID			Full application for 160 dwellings, outline application for up to 400 additional dwellings 800sqm floorspace for local centre (uses to be agreed)	Submitted January 2023, awaiting decision as at 05 June 2024
STR/SS 1(D)	The Strategy for Paddock Wood, including land at east Capel (North Eastern Parcel)	Minimum of 600 dwellings	23/00118/HYB RID			Full application for 170 dwellings, outline application for up to 430 additional dwellings	Submitted January 2023, awaiting decision as at 05 June 2024
STR/SS 1(E)	The Strategy for Paddock Wood, including land at east Capel (Northern Parcel)	Approximately 4.25 hectares of Class E, B2 and B8 employment uses in addition to the 4.27 hectares at Swatlands Farm	22/01929/OUT (Swatlands Farm) 23/01259/FULL			Creation of industrial estate to include employment floor space for Class E, B2, and B8 uses (up to 18,150m ² – Class B2/B8: 15,058m ² , Class E: 3,122m ²) Variation to a) to allow initial ground work and creation of site access ahead of the LEMP being submitted and agreed	Permitted January 2023 Permitted July 2023
STR/SS 2	The Strategy for Paddock Wood Town Centre	A mix of town centre uses to provide commercial, leisure, residential, and employment uses (to include a flexible workspace	21/00665/FULL (part of site, Land Rear of 7-9 Station Road)	Permitted April 2022	14	Redevelopment of land for a mixed-use development incorporating 14 no. residential apartments (Use Class C3), office use (Use Class E), and flexible uses including office/community use (Use Classes E/F1.2/F.2)	Under construction as at 01 April 2023

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	2024 Updates
		of around 150-200sqm) At least 30 residential units					
AL/RTW 1	Former Cinema Site, Mount Pleasant Road						See Hearing Statement for Matter 2, Issue 1 - TWLP/119
AL/RTW 2	Land at the Auction House, Linden Park Road	Mix of town centres uses, which could comprise a mix of Class E uses, sui generis uses and residential (as part of a mixed use scheme)	21/01487/FULL	Permitted August 2022		Change of use of the Auction House (sui generis) to flexible Class E (commercial, business and service) use (excluding uses falling within E c(iii) (any other service which is appropriate in a commercial, business and service locality) and f) (creche and day nurseries)	Completed before 01 April 2023
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 2017	89	The permission is to provide 89 units for older people.	Under construction as at 01 April 2023
AL/RTW 6	Land at 202 and 230 Upper Grosvenor Road	40-45 dwellings	a) 21/00460/OUT b) 22/01189/REM	a) Permitted March 2022 b) Permitted July 2022	44	Outline and Reserved Matters: Demolition of nos. 202 & 230 Upper Grosvenor Road, the provision of a new access road into site; erection of two x 4 storey buildings comprising a total of 44 apartments	Not started as at 01 April 2023
AL/RTW 9	Land at Beechwood	Approx. 69. units allocated for retirement housing	16/07697/FULL	05 Sep 2017;	69 (C2)	The permission was for a 69-bed care home (C2).	A care home provider had acquired the site from the adjacent school a few years

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	2024 Updates
	Sacred Heart School	and/or a residential care home (C2).	19/01889/FULL	Expired 5 September 2020 March 2020; expired 5 September 2020			ago, and the site benefitted from a previous full application which has since lapsed due to the site being stalled during Covid, although the full permission has essentially already established the principle on the site and some very minor preparation works had been carried out at the site, and the hoarding on the site has recently changed which indicates that the developer is still likely looking to bring forward the site within the near future.
AL/RTW 10	Montacute Gardens	30 residential dwellings (including the nine already granted planning permission under reference 20/00191/FULL)	a) 20/00191/FULL b) 23/00518/FULL c) 23/01667/FULL	a) Permitted May 2020 b) Permitted April 2023 c) Permitted November 2023	9	a) Erection of nine two-bedroom apartments b) Largely identical scheme to a) c) Variation of conditions to b) relating to design and internal layout	Not started as at 01 April 2023 Balance of 21 units is currently phased against the allocation.
AL/RTW 11	Former Plant & Tool Hire, Eridge Road	Approximately 45 dwellings	a) 21/03298/FULL	a) Permitted July 2022	42 (net 40)	The construction of 40 retirement apartments and the refurbishment of Nos. 15 and 16 Eridge Road to create two unrestricted residential dwellings, repair of existing access into the site, parking, landscaping and associated works (including the demolition of single storey rear extensions attached to 15 and 16 Eridge Road)	Not started as at 01 April 2023

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	2024 Updates
			b) 22/03144/ FULL c) 23/02788/ FULL	b) Permitted December 2022 c) Permitted January 2024		Variation to a) to remove age restrictions on Nos 15 and 16, the guest suite and managers accommodation Variation to b) relating to design and internal layout	
AL/RTW 13	Turners Pie Factory, Broadwater Lane	Approximately 100 dwellings	22/00238/FULL	Approved at 13 September 2023 committee subject to completion of s106 agreement		Demolition of existing buildings and structures on site and construction of 94no. residential dwellings and a remote working/community hub	Decision notice has not been issued as at 05 June 2024
AL/RTW 15	Land at Showfields Road and Rowan Tree Road	Redevelopment of estate to provide approximately 155 additional dwellings along with health and community uses	22/01576/FULL	Permitted February 2024	146 (net 36)	Demolition of 110 existing residential units and existing garages and construction of 146 new residential units	Applications to discharge conditions have recently been received.
AL/RTW 17	Land adjacent to Longfield Road	Approximately 80,000sqm (net) office (E(g)(iii)), General Industrial (B2), and Storage and Distribution (B8)	19/02267/OUT 22/02789/FULL	Permitted March 2021 Permitted November 2022 Permitted November 2022		Development of up to 74,000sqm GEA of floorspace within Use Classes B1 (Business) and B8 (Storage and Distribution) Amendment to allow redistribution of B1 and B8 uses	REM awaiting decision

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	2024 Updates
			23/03103/FULL 24/00684/REM	Permitted March 2024 Submitted March 2024, awaiting decision as at 05 July 2024		Amendment to allow redistribution of B1 and B8 uses, with an increase in B8 and reduction in office floorspace (class E) Reserved Matters	
AL/RTW 19	Land to the North of Hawkenbury Recreation Ground						See Hearing Statement for Matter 2, Issue 3 TWLP/121
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.	Completed between 01 April 2022 and 31 March 2023
AL/SO 3	Land at Baldwins Lane	Approx. 26	20/00881/FULL	31 Mar 21	26	The permission is for 26 units.	Not started as at 01 April 2023. 20/00881/FULL assumed to have expired (also noting that no conditions have been discharged)
AL/PW 1	Land at Mascalls Farm	Approx. 413	17/03480/FULL	29 Oct 18		Phase 1 permission for the development of 309 units. Revision to phase 1 which includes the addition of 4 units.	21/02659/FULL variation to 19/02533/FULL to include engineering works to stream. Permitted November 2021 Under construction as at 01

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	2024 Updates
			19/02533/FULL 19/03349/FULL	27 May 20 31 Mar 21	313 100	Phase 2 permission for 100 units.	April 2023 (with 134 completions, 179 remaining) Under construction as at 01 April 2023
AL/CRS 1	Land at Brick Kiln Farm, Cranbrook	Approx. 180	16/502860/OUT 21/03299/REM	17 Feb 20 Committee resolution 6 April 22	180	The outline permission was for up to 180 units. Reserved matters permission will be for the 180 units.	S106 agreed May 2022 Under construction as at 01 April 2023
AL/CRS 3	Turnden Farm, Hartley Road, Cranbrook						See Hearing Statement for Matter 6, Issue 1 – TWLP/130
AL/CRS 4	Cranbrook School	Supports proposals for improvements to facilities at the school, including new buildings and/or different uses of land.	22/03000/FULL 22/03001/FULL 23/03176/FULL	Permitted January 2023 Permitted December 2022 Permitted May 2024		The demolition and replacement of the existing Horsley Building with a new two storey building comprising 10 classrooms, staff offices, cafe, storage, plant and toilet facilities New two storey extension to existing squash court building to provide new changing rooms Removal of existing temporary flood lights and the installation new permanent floodlights to the astroturf hockey pitches	All applications not started as at 01 April 2023
AL/CRS 6	Land south of The Street, Sissinghurst	Approximately 20 dwellings and a	21/03914/FULL	Permitted January 2023	19	Demolition of the existing St George's Institute building and erection of 19 dwellings and a	Not started as at 01 April 2023

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	2024 Updates
		replacement community hall				new building providing community facilities	
AL/CRS 7	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.	Under construction as at 01 April 2023
AL/HA 1	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.	Completed between 01 April 2022 and 31 March 2023
AL/HA 2	Brook House, Cranbrook Road	Approx. 25	17/03780/OUT 18/00020/NON DET 22/01017/REM 23/01242/FULL 23/01243/FULL	11 Sep 18 (non-determination) 01 Apr 19 (appeal allowed) January 2023 August 2023 August 2023	25	The permission is for 25 units. Reserved Matters Variation to amend access arrangements Variation to amend access arrangements	Not started as at 01 April 2023.
AL/HA 3	Former Site of Springfield Nurseries	Up to 24	17/02192/OUT 23/03183/REM (pending)	11 Oct 19 (refusal) 30 Nov 20 (appeal allowed)	24	The permission is for up to 24 units.	23/03183/REM reserved matters for 24 dwellings. Submitted November 2023, awaiting decision as at 07 June 2024

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	2024 Updates
AL/HA 4	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.	Not started as at 01 April 2023
AL/HA 5	Land to the north of Birchfield Grove						See Hearing Statement for Matter 5, Issue 1 – TWLP/128
AL/HA 6	King George V Playing Fields, The Moor	A community facility	21/03490/FULL	Permitted July 2022		Demolition of existing Pavilion and garage, construction of new community centre	Not started as at 01 April 2023
AL/BE 2	Feoffee Cottages and land, Walkhurst Road, Benenden	Approx. 25	19/00822/HYB RID	23 Mar 21	25	The hybrid permission contains a full consent for 12 units and an outline permission for 13 units.	24/00722/REM Permitted May 2024 Not started as at 01 April 2023
AL/BE 1	Land adjacent to New Pond Road (known as Uphill), Benenden	Approximately 18-20 dwellings	23/02523/FULL	Submitted September 2023		Erection of 22 dwellings	Awaiting decision as at 05 June 2024
AL/BE 3	Land at Benenden Hospital (south of Goddards Green Road), East End	22-25 residential units	23/03274/FULL (application covers AL/BE 3 and AL/BE 4)	Submitted December 2023,		Demolition of all former hospital buildings, 6 no. residential dwellings (High View, Millfield, Nos. 1 and 2 Mills Cottages, Owlscoot and Mayscott) existing tennis courts, car park and vegetation; Erection of 87 no. residential dwellings	Awaiting decision as at 05 June 2024
AL/BE 4	Land at Benenden	22-25 residential units	23/03274/FULL (application)	See above		See above	See above

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	2024 Updates
	Hospital (north of Goddards Green Road), East End		covers AL/BE 3 and AL/BE 4)				
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.	Completed between 01 April 2022 and 31 March 2023
AL/BM 2	Land at Maidstone Road	Approximately 11-15 dwellings	22/00757/FULL	Approved at 15 May 2024 committee subject to completion of s106 agreement (final decision has not been issued as at June 2024)		Erection of 15 dwellings	Final decision has not been issued as at June 2024
AL/FR 1	Land at Cranbrook Road, Frittenden	Approx. 25-30	21/01638/FULL	21 September 2022	23	The permission is for 23 units.	Not started as at 01 April 2023.
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.	21/02435/FULL variation to 19/00280/FULL relating to design Permitted February 2022 Expired December 2022 23/00372/FULL resubmission of

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	2024 Updates
							21/02435/FULL to renew the permission. Submitted February 2023, awaiting decision as at 07 June 2024
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.	Not started as at 01 April 2023
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.	Completed between 01 April 2022 and 31 March 2023
AL/HO 2	Land south of Brenchley Road and west of Fromandez Drive	Approximately 80-100 dwellings and a replacement village hall	22/00296/OUT	Approved at 19 July 2024 committee subject to completion of s106 agreement		Village hall and a residential development of up to 68 dwellings	Decision notice yet to be issued as at 05 June 2024
AL/HO 3	Land to the east of Horsmonden	Approximately 115-165 dwellings and new health centre/doctors surgery	24/00078/HYB RID	Submitted January 2024, awaiting decision as at 05 June 2024		Erection of 120 dwellings and 0.25ha of land for a new medical centre	Awaiting decision as at 05 June 2024
AL/LA 1	Land to the west of Spray Hill	Approximately 25-30 dwellings	22/01882/FULL 24/01611/FULL	Permitted November 2023 Pending	26	Development comprising 26 dwellings Variation to amend tenure of affordable housing units	Not yet started, but two variation applications are pending and one condition has been recently discharged under 24/00721/SUB

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	2024 Updates
			24/01612/FULL	Pending		Variation to amend the layout of affordable housing 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.	Under construction as at 01 April 2023
AL/PE 7	Cornford Court, Cornford Lane						See Hearing Statement for Matter 8, Issue 3 - TWLP/133
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.	23/01089/FULL variation of 19/01600/FULL relating to design, site layout and landscaping. Submitted April 2023, awaiting decision as at 10 June 2024 Original permission 19/01600/FULL not started as at 01 April 2023
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.	Under construction as at 01 April 2023
AL/SP 2	Land at and adjacent to Rusthall Recreation Ground, Southwood Road	Recreation and sports provision	21/00068/FULL	Permitted March 2021		Change of use of land to expand the existing recreational facilities through the provisional of additional sports pitches, together with associated additional car	21/00068/FULL has expired

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 Permissi on	Permission Description	2024 Updates
						parking provision, 'ball stop' fencing and ground works	

Appendix 2: Proposed Main Modifications to Submission Local Plan Policy EN 9 Biodiversity Net Gain

Biodiversity Net Gain

6.132 Geodiversity is represented in the numerous small-scale and historical mineral sites; in particular for clay, iron ore, and sandstone, as well as exposed sandstone outcrops, but there are few designated geological sites.

Biodiversity Net Gain

6.133 The objective will be for all development to contribute towards delivering measurable net gains for nature so that biodiversity across the borough as a whole is improved by the end of the plan period, and the existing network of sites and habitats is protected and strengthened with the retention and creation of robust, well managed green infrastructure. Protected species, protected sites and irreplaceable habitats will be dealt with in accordance with prevailing legislation and licensing regimes, but they must also be taken into account as part of wider biodiversity considerations and the Local Plan policies.

6.134 Almost all development, whether it is a single dwelling, industrial shed, or 250 houses, can, and will, be expected to provide enhancements for biodiversity. This may simply be the provision of bird and bat boxes on a building or, on larger schemes, the creation of significant areas of new habitats or nature reserves. A mandatory scheme of Biodiversity Net Gain for new development came into force in April 2024. Qualifying developments must provide a mandatory minimum 10% gain in biodiversity under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

6.135 Both retrospective applications and self-build/custom build developments are currently exempt from Mandatory BNG. Policy EN9 will require such developments where no other exemption under the legislation exists to ensure a net gain in biodiversity through a scheme of avoidance, mitigation and enhancement for biodiversity. This may be demonstrated through reasoned arguments, Ecological Impact Assessments or use of the Statutory Metric.

6.136 Other development that is exempt from the Mandatory BNG may still contribute to net gain through, where appropriate, a proportionate scheme of ecological enhancements demonstrated through the application or secured via condition.

6.137 Applicants will be expected to provide sufficient information with an application to enable the Council to come to a view on the appropriateness of proposals for BNG, for any habitat enhancement and creation and any proposals for offsite biodiversity gains.

~~Policy EN 9: Biodiversity Net Gain will apply to all applications, except for householder and advertisements applications, and other minor developments where biodiversity considerations are not appropriate, e.g. a change of use from A1 (retail) to A3 (restaurants and cafes).~~

~~Those developments not covered by Policy EN 9 may still contribute to net gain through, where appropriate, the attachment of a planning condition to any consent requiring a scheme of ecological enhancements.~~

6.138 The Council will, in due course, provide further detailed guidance on this policy BNG in the form of a Supplementary Planning Document and/or Guidance Notes which will set out any the local requirements with regards metric inputs and for on-site and off-site net gain for: habitat enhancement or creation as well as application of the Biodiversity Gain Hierarchy and the use of Local Nature Recovery Strategies including:

- information required at validation
- local conservation objectives;
- requirements for supporting evidence for habitat enhancement/creation
- long term management and monitoring options;
- funding arrangements, legal agreements and costs for any local or strategic offsetting schemes.

Requirements and processes for planning applications

~~**6.136** The Council The Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for biodiversity net gain is set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. will expect developers to provide mitigation, compensation, and enhancement measures for biodiversity on, or immediately adjacent to, a site for all major development proposals (10 dwellings plus, 1,000sqm plus of floorspace, new build, or conversion or outline proposals capable of~~

accommodating either), and ~~where necessary and appropriate only in exceptional circumstances and in the interests of biodiversity, will 'off-site' proposals will be considered acceptable. For such non-major development on-site, mitigation, compensation, and enhancement measures will be the preferred option, but off-site or offsetting will be considered where it offers the best outcome for biodiversity, is in reasonably close proximity to the application site, and follows the mitigation hierarchy. Only that which cannot be mitigated or compensated for on-site will be permitted off-site, so even where off-site is agreed, on-site measures will still be required. Subject to forthcoming legislation provisions, a similar approach applies to non-major development, in a proportionate manner, also having regard to the most recent Metric and supporting Defra/Natural England Guidance. Prior to the adoption of a SPD, applicants are required to demonstrate a net gain in biodiversity through the application of the Defra Biodiversity Metric (or any subsequent replacement) and shall provide to the Council in support of an application a Biodiversity Gain Plan that includes:~~

- ~~• appropriate and up-to-date ecological surveys;~~
- ~~• an accurate, measurable plan of existing habitats as referenced in the metric;~~
- ~~• an accurate, measurable plan of proposed habitats as referenced in the metric;~~
- ~~• the metric calculations in their original form.~~

6.139 . In accordance with the Biodiversity Net Gain Hierarchy on-site, mitigation, compensation, and enhancement measures will be the preferred option, but off-site gains will be considered where it offers the best outcome for biodiversity, is in reasonably close proximity to the application site, and follows the mitigation hierarchy. Only that which cannot be mitigated or compensated for on-site will be permitted off-site, so even where off-site is agreed, on-site measures will still be required.

6.140 Where off-site is proposed through a scheme of biodiversity credits and/or land banking, that scheme and the location for the off-site measures will need to be approved by the Council, and evidence submitted to the Council to demonstrate compliance with Policy EN 9. ~~and any subsequent SPD.~~

6.141 All development proposals will be expected to demonstrate, through survey, assessment, and interpretation carried out by a suitably qualified professional, a comprehensive understanding of habitats and species associated with their site and adjacent land, and to provide an assessment of the likely effects. The assessment should be proportionate to the interests of the site and the likely effects of the proposal and seek relevant information from the Kent and Medway Biological Records Centre (note: information from the NBN Atlas will

not be accepted). It must be recognised that the DEFRA Biodiversity Metric is a proxy for biodiversity and where used does not cover all likely effects, and that professional judgment will be required to take account of issues outside the metric, including disturbance and connectivity. Specific consideration of the effect on soils and ecosystem services may also be required in accordance with other policies in this plan and development will be expected to follow the Defra Construction Code of Practice for the Sustainable Use of Soils on Constructions Sites.

6.142 Proposals for biodiversity and landscaping should be informed by national and local guidance, and strategies including the Local Nature Recovery Plans Strategy when published. Current relevant guidance and information includes the Kent Habitat Survey, Biodiversity Action Plans, Biodiversity Opportunity Area statements, pollinator action plans, the Kent Environment Strategy, and the Kent Nature Partnership Biodiversity Strategy, as well as the High Weald AONB Management Plan and its supporting documents. As part of net gains for nature, development will be expected to provide, protect, and reinforce green infrastructure in accordance with Policy EN 14: Green, Grey, and Blue Infrastructure and to provide enhancements for biodiversity, to include where possible, but not limited to:

- bird and bat boxes selected and located in accordance with the advice of an ecologist, integrated into new buildings, and focused on garden and urban species, including crevice dwelling bats, swifts, house sparrows, and starlings;
- wildlife friendly sustainable urban drainage (SuDs) features;
- ponds and scrapes specifically designed for wildlife;
- holes in fences for hedgehogs;
- amphibian friendly kerbs/drains;
- culverts under paths and roads for small mammals, reptiles, and amphibians;
- wildlife friendly show gardens;
- a scheme of wildlife talks and events for new residents;
- bug boxes and bug hotels;
- on-site interpretation panels of ecological features and habitats.

~~**6.140** Until such time as a SPD is adopted, reference will be made to the latest government guidance, Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments~~

(CIEEM, CIRIA, IEMA, 2016), British Standard BS42020 Biodiversity – Code of Practice for Planning and Development, and BS8683 – Biodiversity Net Gain or subsequent revisions.

~~6.141 Harm to irreplaceable habitats, including ancient woodland, should be avoided and they cannot be included in metric calculations for any gain or loss.~~

~~6.142 Any effects, either positive or negative, on ancient woodland will be considered in accordance with the policy for ancient woodland.~~

~~6.143 All ecological surveys and reports submitted to the Council for planning purposes will be submitted to the Kent and Medway Biological Records Centre.~~

Policy EN 9

Biodiversity Net Gain

~~Development will only be permitted where it meets all of the following criteria:~~

~~1. It can be demonstrated through the application of the Defra Biodiversity Metric (and any subsequent replacements), as part of a Biodiversity Gain Plan, that completion of the development will result in a measurable long-term net gain for biodiversity in both area and linear habitats, as follows:~~

~~a. net gain shall be provided on, or adjacent to, the site wherever possible and where provided off-site shall, in terms of location and type, be in accordance with the supporting text or as otherwise required by supplementary planning guidance;~~

~~b. the percentage of net gain shall be a minimum of 10% as required by legislation or greater where required by supplementary planning guidance;~~

~~c. the Biodiversity Gain Plan will include, as a minimum, the information set out in the supporting text or as otherwise required by supplementary planning guidance;~~

~~2. It can be demonstrated that the proposals have adopted a strict approach to the mitigation hierarchy (i.e. avoid, mitigate, compensate) and are able to justify all unavoidable impacts on biodiversity;~~

~~3. The proposed mitigation, compensation, and/or enhancement measures required to secure net gain for biodiversity are acceptable to the Council in terms of design and location, and are secured, on-site, for the lifetime of the development, or off-site for a minimum of 30 years, with appropriate funding mechanisms that are capable of~~

~~being secured by condition and/or legal agreement. Funding for both on-site and off-site measures shall include a payment to the Council to cover the costs of independent review of Biodiversity Gain Plans and long-term monitoring.~~

Development will only be permitted where in so far as is practical it:

Minimises the loss and fragmentation of existing habitats on-site

Protects and enhances the biodiversity of retained habitats and,

Maximises opportunities for habitat restoration, enhancement and habitat connectivity

Development requiring mandatory Biodiversity Net Gain shall provide a minimum of 10% gain in biodiversity and proposals for any off-site provision must demonstrate conformity with the Biodiversity Net Gain Hierarchy.

Any retrospective or self-build/custom build applications that is not exempt for other reasons, will be expected to demonstrate a net gain in biodiversity through a reasoned statement, Ecological Impact Assessment or application of the Statutory Metric.

Other development that is exempt from the Mandatory BNG should where appropriate contribute to net gain through a proportionate scheme of ecological enhancements.

Appendix 3: Proposed Main Modifications to Submission Local Plan Policy H3 Affordable Housing

- 6.338 Where the policy requirements may not be achieved, the onus will be on the applicant to demonstrate robustly the reasons for this, and to provide a full viability assessment to support their proposals. As part of this, it will need to be shown that the correct land value was paid, as exceptional and abnormal costs should, in the first instance, be paid for through a reduced land value. The viability assessment must be provided as part of the application when originally submitted, will be made publicly available, and will be subject to review by independent viability consultants. **Further reviews of viability may also be necessary in order to deliver the most public benefit from the scheme.** The applicant is expected to meet the costs of ~~this review~~ **these reviews**. Where applications are made on this basis, any permission granted will be for a maximum of two years.
- 6.339 **The Council recognises that in exceptional circumstances levels of affordable housing (or other infrastructure) on more complex sites may be subject to more detailed viability work as part of the planning application process, and for those proposals which include a significant scale of development or complex abnormal costs, then re-testing of viability will be expected either pre-implementation, or part-way through the development of the site.**
- 6.340 **At the point of determining the planning application the viability review mechanism and trigger for when viability assessment will be re-run will be agreed between the Local Planning Authority and the developer or applicant.**
- 6.341 Detailed advice on viability assessments is given in the National Planning Practice Guidance.

Policy H 3

Exceptional Circumstances (part of policy only provided)

Where the Council considers that full provision of on-site affordable housing cannot be delivered, alternative delivery will be considered in the following order:

- a. the full affordable housing provision to be provided by the applicant on an alternative site agreed with the Council in (sequentially) (i) the settlement and (ii) the parish of the application site; and/or

- b. a reduced level of affordable provision on the application site; and/or
- c. a variation in the tenure of the affordable housing; and/or
- d. the applicant to make land available elsewhere in (sequentially) (i) the settlement, (ii) the parish, and (iii) the borough to provide the affordable housing for a Registered Provider; and/or
- e. a financial contribution in lieu of on-site affordable housing.

Where full on-site provision of affordable housing cannot be provided and reliance is sought to be placed on criteria a to e above, applicants will be required to demonstrate this by reference to an independently reviewed viability study to be approved by the Council (including a requirement for further assessments at agreed stages of development as may be required by the Council).