



Planning Inspectorate

Report to Tunbridge Wells Borough Council

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an Inspector appointed by the Secretary of State

Date: 14 October 2025

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Tunbridge Wells Borough Local Plan

The Plan was submitted for examination on 1 November 2021.

The examination hearings were held in three stages between 15 February 2022 and 14 November 2024.

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Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
DPA	Dwellings per annum
EDNA	Economic Development Needs Assessment Update
FRA	Flood Risk Assessment
GTAA	Gypsy and Traveller and Travelling Showperson Accommodation Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
KCC	Kent County Council
LVIA	Landscape and Visual Impact Assessment
LURA	Levelling-Up and Regeneration Act
LDS	Local Development Scheme
LGS	Local Green Space
LHN	Local Housing Need
LPA	Local Planning Authority
NH	National Highways
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SHOP	Strategic Housing for Older People Analysis Tool
SPA	Special Protection Area
SAC	Special Area of Conservation
SAMM	Strategic Access Mitigation and Monitoring
SFRA	Strategic Flood Risk Assessment
SHMA	Strategic Housing Market Assessment
SHELAA Assessment	Strategic Housing and Economic Land Availability Assessment
SCI	Statement of Community Involvement
SANG	Suitable Alternative Natural Greenspace
SPD	Supplementary Planning Document
SA	Sustainability Appraisal
TPO	Tree Preservation Order

Non-Technical Summary

This Report concludes that the Tunbridge Wells Borough Local Plan provides an appropriate basis for the planning of the borough, provided that Main Modifications are made to it. Tunbridge Wells Borough Council has requested that I recommend any Main Modifications necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of the proposed Main Modifications and, where necessary, carried out a Sustainability Appraisal and Habitats Regulations Assessment of them. The Main Modifications were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made. In summary, they:

- Provide a list of policies in the existing development plan to be replaced or superseded by the Tunbridge Wells Borough Local Plan.
- Delete the proposed new settlement at Tudeley Village (Policy STR/SS3).
- Make extensive modifications to the Strategy for Paddock Wood and land at East Capel (Policy STR/SS1), reducing the amount of development and clarifying policy expectations for each parcel, including required infrastructure.
- Introduce a requirement for an early review of the Local Plan in Policy STR1.
- Clarify the strategic highway improvements required to support the growth proposed in the Plan, including a Corridor Study and associated improvements to the A264 Pembury Road.
- Delete the area of Safeguarded Land proposed at Colebrooke House, Royal Tunbridge Wells.
- Delete the area of Safeguarded Land north of Pembury (Policy AL/PE4), remove the site from the Green Belt and allocate it for expansion of the Hospice in the Weald.
- Modify Policy AL/RTW20 to make it clear that redevelopment of the Culverden Stadium will only be permitted once alternative provision has been secured, which is to be provided on land north of the Hawkenbury Recreation Ground (Policy AL/RTW19).
- Modify Policy AL/HA5 (Land north of Birchfield Grove) to include residential development and mechanisms to secure the provision of community uses.
- Delete the employment site at Limes Grove, Hawkhurst (Policy AL/HA8).
- Delete all allocations in Benenden Parish which are allocated by the made Benenden Neighbourhood Plan, and delete all allocations where development is now complete.
- Modify Policy EN3 by removing references to emission rates and renewable technology to reflect current and planned changes in Building Regulations.
- Modify Policy EN9 to include a requirement for 10% biodiversity net gain.
- Specify housing needs for older people and people with disabilities and set out how the Plan intends to meet these needs in Policy H6.
- Modify Policy H9 to include up-to-date evidence on the accommodation needs for gypsies and travellers and travelling showpeople.
- Update the housing trajectories in the Plan.

A number of other Main Modifications are also recommended to ensure that the Plan is positively prepared, justified, effective and consistent with national planning policy.

Introduction

1. This Report contains my assessment of the Tunbridge Wells Borough Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework ('the Framework') (2021) states that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The Plan was submitted for examination on 1 November 2021. On 5 September 2023, an updated Framework was published. It was then further revised in December 2023 and December 2024. However, both the late 2023 and 2024 revisions include transitional arrangements which indicate that, for the purpose of examining this Plan, the policies in the September 2023 Framework continue to apply. Therefore, unless stated otherwise, any references to the Framework in this Report relate to the September 2023 version.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Tunbridge Wells Borough Local Plan, submitted in November 2021, is the basis for the examination.
4. The submission version of the Plan included some suggested modifications put forward by Tunbridge Wells Borough Council ('the Council'). These changes primarily related to factual updates and points of clarification. None materially altered the requirements of any policies or undermined the participatory process. Where relevant, they have been discussed throughout the course of the examination, and where necessary for soundness, have been included in the schedule of Main Modifications that accompanies this Report.

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and /or not legally compliant, and thus, incapable of being adopted. This Report explains why the recommended MMs are necessary. They are referenced in bold in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
6. Following the examination hearings, the Council prepared a schedule of the proposed MMs and, where necessary, carried out a Sustainability Appraisal ('SA') and a Habitats Regulations Assessment ('HRA') of them. The schedule was subject to public consultation for six weeks. I have taken account of the

consultation responses in coming to my conclusions in this Report and have made some amendments to the detailed wording where necessary. None of the amendments undermines the participatory processes. Where necessary they are highlighted in the Report.

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted plan. In this case, the submission policies map comprises the set of plans identified as Core Documents 3.129a to 3.129s.

8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, several of the published MMs to the policies in the Plan require corresponding changes to the policies map. They include the following:
 - The Strategy for Paddock Wood (Policies STR/SS1/SS2)
 - The Strategy for Tudeley Village (Policy STR/SS3)
 - Safeguarded Land at Colebrooke House, Royal Tunbridge Wells
 - Former Speldhurst Road Allotments, Southborough (Policy AL/SO1)
 - Land at the White House, Hawkhurst (Policy AL/HA1)
 - Land at Brook House, Hawkhurst (Policy AL/HA2)
 - Land north of Birchfield Grove, Hawkhurst (Policy AL/HA5)
 - Land at Limes Grove, Hawkhurst (Policy AL/HA8)
 - Sites covered by the Benenden Neighbourhood Plan (Policies AL/BE1, BE2, BE3 and BE4)
 - Land between Brenchley Road, Coppers Lane and Maidstone Road, Brenchley and Matfield (Policy AL/BM1)
 - Land adjacent to Furnace Lane and Gibbett Lane, Horsmonden (Policy AL/HO1)
 - Land at Downingbury Farm, Pembury (Policy AL/PE4)
 - Land at Sturgeons, Pembury (Policy AL/PE5)
 - Policy TP6 (Safeguarding Roads)

9. There are also instances where the geographic illustration of policies on the submission policies map is not justified and where changes are needed to correct errors and/or ensure that the Plan is justified and effective. They include:
 - Land at Mabledon House (Policy AL/SO2)
 - Land south of Speldhurst Road (Policy AL/RTW5)
 - Culverden Stadium (Policy AL/RTW 20)

- Colebrook Sports Field (Policy AL/RTW21)
 - Bayham Sports Field West (Policy AL/RTW22)
 - Woodsgate Corner, Pembury (Policy AL/PE6)
 - Neighbourhood Centre in Rusthall
 - Land at Cophall Avenue and Highgate Hill, Hawkhurst (Policy AL/HA4)
 - Land south of The Street, Sissinghurst (Policy AL/CRS6)
 - Land at Maidstone Road, Brenchley and Matfield (Policy AL/BM2)
10. For the same reasons, changes are also proposed to remove designated areas of Publicly Accessible Open Space and Recreation (under Policy OSSR1) and Local Green Spaces (under Policy EN15). Where changes are necessary to the submitted policies maps, they are shown in Examination Document TWLP/154. When the Plan is adopted, to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the proposed changes.

Context of the Plan

11. The submitted Plan covers the period 2020 to 2038. Once adopted, it will replace all the remaining saved policies in the 2006 Tunbridge Wells Local Plan, the 2010 Core Strategy and the 2016 Site Allocations Local Plan.
12. The borough of Tunbridge Wells lies within Kent. To the north-west of the borough is the principal town of Royal Tunbridge Wells. Combined with Southborough, this forms the main urban area. Surrounding the main urban area, and covering around 22% of the borough, is the Metropolitan Green Belt.
13. Away from Royal Tunbridge Wells, the borough is predominantly rural. Paddock Wood is a small town to the north-east which benefits from a good range of shops, services, employment areas and access to a mainline train station. To the south of Paddock Wood and covering almost 70% of the borough is the High Weald Area of Outstanding Natural Beauty (now referred to as a 'National Landscape'). Together with the Green Belt, these designations cover approximately 75% of the plan area. Areas around Paddock Wood beyond the Green Belt and the High Weald National Landscape are within the River Medway catchment where flood risk issues arise.
14. The borough has a rich history. Areas such as The Pantiles in Royal Tunbridge Wells is a popular tourist destination, as is the high-quality rural landscape. However, there are also challenges around housing and infrastructure provision. **MM6** updates some of the statistics in the Plan for effectiveness and highlights that house prices in the borough are higher than the southeast regional average. Managing the competing demands between affordability issues and constraints such as the Green Belt, flooding and the National Landscape is one of the biggest challenges for the Plan to overcome.

Public Sector Equality Duty

15. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the housing needs for older people and people with disabilities and the accommodation needs of gypsies and travellers and travelling showpeople. Such matters have been assessed in detail throughout the examination process with MMs recommended where necessary. These matters are discussed in more detail under the Main Issues to follow.

Assessment of Duty to Co-operate

16. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. Section 33A places a duty on Local Planning Authorities ('LPAs') to engage constructively, actively and on an ongoing basis in the preparation of development plan documents.
17. Paragraphs 24-27 of the Framework provide direction on how LPAs should maintain effective cooperation on strategic cross-boundary matters. Paragraph 26 states that effective and on-going joint working is integral to the production of a positively prepared and justified strategy. Amongst other things, it should help *"...determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere."* To demonstrate effective and on-going joint working, paragraph 27 requires strategic policy-making authorities to maintain one or more statements of common ground.
18. A significant amount of examination time has been spent considering whether the Council actively engaged with Sevenoaks District Council regarding their potential unmet housing needs. Tunbridge Wells Borough, Sevenoaks District and Tonbridge and Malling Borough are all within the West Kent Housing Market Area ('HMA')¹.
19. By way of background, the Sevenoaks District Local Plan was submitted for examination on 30 April 2019. Shortly before submission, on 11 April 2019, Sevenoaks District Council wrote to Tunbridge Wells Borough Council requesting assistance in meeting a shortfall against their housing requirement of approximately 1,800 dwellings. The Council at that stage was in the process of preparing its own draft Local Plan.
20. Tunbridge Wells Borough Council responded on 24 April 2019 to reiterate its position that assistance could not be provided due to the constrained nature of

¹ As defined in the Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment, Core Document CD3.80

the borough², a position which had been expressed in earlier meetings. Examination of the Sevenoaks Local Plan progressed, and in March 2020, the Inspector concluded that Sevenoaks District Council had not complied with Section 33A of the 2004 Act and recommended non-adoption of the Plan. Concerns with the soundness of the Plan were also identified.

21. This left the Council in a difficult position, one which is explained in detail in the Council's Matter 1 Hearing Statement. By March 2020 examination of the Sevenoaks Local Plan had ended. As a result, there was no adopted Local Plan in place which established unmet housing need in the HMA. Despite this, the Council continued to engage with Sevenoaks District Council in seeking to agree common ground throughout 2021. At this stage, it was not incumbent upon the Council to wait for Sevenoaks to restart their Local Plan process to try and establish any unmet housing needs, when their own Plan was already in draft form.
22. It has been argued that because Sevenoaks District Council failed the Duty to Cooperate, Tunbridge Wells Borough Council must be in the same position because the issue related to a cross-boundary matter that affected them both. But that is not the case. The evidence shows how Tunbridge Wells Borough Council actively sought to engage with the issue. Despite uncertainty regarding the potential for unmet housing needs, the Council also tested a Growth Option in the SA which provided an additional 1,900 homes. This concluded that there would be adverse landscape and heritage impacts. Furthermore, upon submission, the Plan identified more housing land than was required to meet the minimum local housing need for Tunbridge Wells. In doing so, paragraph 4.12 of the Plan states that this surplus could contribute towards any potential shortfall in Sevenoaks.
23. The most recent position is provided in the February 2022 Statement of Common Ground between Sevenoaks District Council and Tunbridge Wells Borough Council³. It confirms that going forward, the next "key juncture" will be once the necessary supporting evidence, call for sites and associated assessments have been carried out for Sevenoaks as part of their restarted Local Plan process. At the time of writing, a new Plan for Sevenoaks is still in preparation and a further call for sites ended in April 2025. This justifies the decision of Tunbridge Wells Borough Council to continue without pausing to determine whether potential unmet needs exist within Sevenoaks District.
24. When taking all these factors into account, I am satisfied that the Council did engage constructively, actively and on an ongoing basis with Sevenoaks District Council in the preparation of the Plan. Although Statements of Common Ground may have provided more transparency, their delayed production reflects

² Core Document 3.132ciii

³ Examination Document PS_008

the ongoing examination and subsequent legal challenges in Sevenoaks. It does not undermine my conclusion that Tunbridge Wells Borough Council did actively engage with the issue of strategic cross-boundary housing needs.

25. Similar arguments are advanced in respect of engagement with Tonbridge and Malling Borough Council. The Tonbridge and Malling Local Plan was submitted in 2019 and also failed the Duty to Cooperate. However, the Inspectors' Report highlights concern with the timing of submission and lack of constructive dialogue on the potential issue of unmet housing needs in Sevenoaks⁴. As explained above, Tunbridge Wells Borough Council did engage with this issue in the preparation of their Plan. The situation is materially different.
26. In terms of dialogue between Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council, the Statement of Common Ground⁵ refers to some 'serious concerns' relating to infrastructure provision and potential cross-boundary impacts from the strategic sites at Tudeley and Paddock Wood. However, the Council established a Strategic Sites Working Group, which was formed to discuss issues such as infrastructure provision and included Planning Officers from Tonbridge and Malling Borough Council. This was in addition to specific Duty to Cooperate meetings. Although some fundamental issues remained post-submission, and are explored in further detail below, they relate to soundness matters and the adequacy of the Plan. As far as the Duty to Cooperate is concerned, the Council engaged constructively, actively and on an ongoing basis with Tonbridge and Malling Borough Council.
27. Similar conclusions are drawn from the engagement with prescribed bodies including Kent County Council ('KCC') and National Highways ('NH'). Examination Document PS_025 sets out the position between the Council and KCC on transport matters. Although the document concludes that further work will be required to deliver some of the necessary mitigation, including working with neighbouring authorities, this relates to the soundness of the strategy, rather than a failure to actively engage on strategic transport issues. The evidence shows extensive examples of engaging on cross-boundary highways matters.
28. Maidstone Borough is to the north and east of Tunbridge Wells, close to Paddock Wood. Unlike the majority of Tunbridge Wells Borough, this area of Kent is not within the Green Belt or the High Weald National Landscape.
29. The Council did discuss the Local Plan with Maidstone Borough Council in July 2020 as evidenced by Examination Document TWLP_006. This included exploring with Maidstone whether the neighbouring authority could accommodate any housing needs from Tunbridge Wells to avoid releasing

⁴ Examination Document ED83

⁵ Core Document 3.132c(iv)

Green Belt land and using sites in the National Landscape. Although the notes are limited, the evidence clearly demonstrates that the topic was explored but discounted due to concerns over infrastructure and the ability to meet their own housing needs. When considering the geography of the area, and the absence of any major settlements close to the boundary with Tunbridge Wells, the consideration of this issue was proportionate and reasonable.

30. In summary, the extensive evidence provided in the Council's Matter 1 Hearing Statement, and the addendum information submitted for the additional hearing session in March 2022, demonstrates how the Council engaged with prescribed bodies and neighbouring authorities in the plan-making process. Whilst other strategic plan-making authorities in the same HMA failed the Duty to Cooperate, the situation before me is materially different. In conclusion, I find that the Council engaged constructively, actively and on an ongoing basis in the preparation of the Plan and that the Duty to Cooperate has been met.

Assessment of Other Aspects of Legal Compliance

Sustainability Appraisal

31. Core Document PS_013 provides a history of the iterative SA process. In summary, 12 growth options tested the scale and quantum of new development.
32. Options 3-9 tested a scale of new housing based on the minimum Local Housing Need ('LHN') figure of 678 new homes per year. Option 10 considered the 'uncapped' LHN figure of 741, whilst Option 11 tested the uncapped LHN figure plus 1,900 new homes as a contribution towards possible unmet needs in Sevenoaks (847 homes per year). Option 12 was a 'No Local Plan Scenario'.
33. There is an argument to suggest that the Council should have tested the 'capped' LHN figure of 678, plus the 1,900 homes as a contribution towards Sevenoaks, because the Plan was never based on the 'uncapped' figure. However, as explained in the Council's Matter 1 Hearing Statement, that calculation would have broadly reflected Option 10, which the SA had already tested. Because the difference was marginal (784 vs 741 homes per year), Option 11 sought to assess a higher growth figure to determine likely significant environmental impacts. The approach was reasonable and justified. The purpose of the SA was to inform the plan-making process, consider significant environmental effects and inform judgements around the scale of new housing. The range of options tested by the Council were appropriate.
34. In terms of spatial options, the SA tested scenarios which avoided development in the Green Belt (Options 1 and 6) and major development in the High Weald National Landscape (Option 2). Although the 'no Green Belt' options were included at the Regulation 19 stage, the SA is an iterative process. The Council

identified this as a possible alternative option but concluded that avoiding the Green Belt altogether would be less effective at meeting housing needs than the submitted Plan. This is because the main urban areas of Royal Tunbridge Wells, Southborough and land surrounding Paddock Wood are all to the north and west of the borough, largely constrained by Green Belt. Negative impacts were also identified for travel and climate change indicators, reflecting the geography and spatial pattern of development.

35. Options to include a new settlement were tested in earlier versions of the SA. At the Issues and Options stage, 6 Options were tested. Amongst others, they included focussing growth at Royal Tunbridge Wells and Southborough, as per the existing Core Strategy (Option 1), distributing development to other main settlements, including Paddock Wood (Option 2) and having a freestanding garden settlement (Option 5). As the process progressed and some potential site options were known, the SA then tested the outcomes against the 12 Options described above.
36. The submission version Local Plan is a combination of the different options. It seeks to meet local housing needs defined by the Government's standard method, include strategic sites, promote urban intensification in the main urban area and support development in smaller towns and villages in the High Weald. Because the SA is intended to inform the Council's judgements on strategy, taking this approach (rather than sticking rigidly to one of the 12 options) is justified and appropriate. Although the outcomes could have been more clearly set out, the range of assessments was adequate. The significant environmental effects of the submitted Plan are considered as spatial option 13.
37. Where strategic sites are concerned, 14 alternatives to development at Tudeley Village and Paddock Wood were considered⁶. None progressed to the assessment stage of the SA because none were found to represent 'reasonable alternatives' by the Council. The Planning Practice Guidance ('PPG') advises that reasonable alternatives are "...the different realistic options considered by the plan-maker in developing the policies in the plan."⁷. Decisions around which options represented 'reasonable alternatives', or likely realistic options, were based on professional judgements by the Council at the time. Based on the information provided, the judgements were sound. It was not irrational to discount sites remote from settlements and accessed only by narrow country lanes, or sites within the High Weald where landscape impacts were likely to be severe.
38. The SA then considered reasonable alternatives to the scale of development proposed at Tudeley Village and Paddock Wood. At Paddock Wood, 5 options were tested in the SA, which included focussing development to the south and

⁶ Examination Document PS_013

⁷ Paragraph: 018 Reference ID: 11-018-20140306

east of the town outside the Green Belt and areas at risk of flooding. Option 2 was favoured which identified 3,500 new homes. Although MMs have subsequently been required to make the submitted Plan sound, this does not mean that the SA process was flawed. It is a high-level document intended to inform strategic plan-making decisions.

39. In conclusion, the various iterations of the SA demonstrate how the Council has identified, described and evaluated the likely significant effects on the environment of implementing the Plan and considered reasonable alternatives taking into account its objectives and geographical scope. The Council has carried out an adequate SA of the Plan and reasonable alternatives have been considered to a sufficient degree.

Habitats Regulations Assessment

40. Ashdown Forest is to the southwest of Royal Tunbridge Wells, as identified in the HRA⁸. The Ashdown Forest Special Area of Conservation ('SAC') is designated for its extensive areas of lowland heath which support species such as the Great Crested Newt. The Ashdown Forest Special Protection Area ('SPA') is recognised for its mosaic of heath and woodland. Ground-nesting species such as the European nightjar and the Dartford warbler critically depend on the heathland.
41. Recreational pressure is identified as having the potential to cause likely significant effects on the heathland, especially from dog-walking. However, none of the allocations in the Plan are within 7km of either the SAC or SPA (a distance which has been agreed as suitable with Natural England based on previous visitor studies). For this reason, the HRA concludes that there will be no adverse effects on the integrity of the Ashdown Forest SAC/SPA from recreational disturbance. Based on the evidence provided, I agree. In the event that windfall proposals come forward within the 7km zone, Policy EN11 requires mitigation in the form of Strategic Access Management and Monitoring ('SAMMs') and Suitable Alternative Natural Greenspaces ('SANGs'). A policy framework to provide the appropriate mitigation is therefore included in the Plan.
42. Similar conclusions are reached in respect of atmospheric pollution. Although the A26 and the A275 traverse the SAC, the Tunbridge Wells Air Quality Impact Assessment⁹ found that the in-combination effects of Local Plan growth would lead to negligible impacts on air quality. The evidence therefore supports the conclusion that the Plan will not have adverse impacts on the integrity of European designated sites from atmospheric pollution.

⁸ Core Document CD3.92

⁹ Core Document CD3.92b

Climate Change

43. Policies STR3, STR6 and STR7 support the re-use of brownfield land, seek to maximise the internalisation of trips within settlements and require all development to recognise the Council's Climate Emergency. The SA has also informed strategic decisions around the spatial distribution of development in seeking to maximise sustainable patterns of development. Policies EN1, EN2 and EN3 then include specific requirements for new developments such as minimum design standards, measures to protect homes from flooding and energy reduction. Similar requirements are included in strategic policies, such as the strategy for the major expansion of Paddock Wood. The Plan therefore includes policies designed to ensure that the development and use of land in the area contributes towards the mitigation of, and adaptation to, climate change.

High Weald National Landscape

44. Section 245 (Protected Landscapes) of the Levelling-Up and Regeneration Act ('LURA') (2023) introduces a requirement for relevant authorities to seek to further the purpose of the designated area in exercising or performing any functions in relation to, or so as to effect, land in a protected landscape. This includes the High Weald National Landscape, the name of which has been changed from the High Weald Area of Outstanding Natural Beauty ('AONB').
45. The implications of this change have been considered as part of the examination process and discussed throughout the hearing sessions. Where relevant, the Report sets out how I have exercised this duty in my consideration of the policies and allocations in the Plan.
46. To reflect the change, bring the Plan up to date on adoption and make it effective, references to the High Weald AONB are changed to the High Weald National Landscape by **MM4, MM16, MM62, MM68, MM79, MM81, MM110, MM112, MM131, MM132, MM145, MM150, MM153, MM155, MM157, MM158, MM159, MM160, MM161, MM164, MM166, MM171, MM178, MM183, MM187, MM200, MM216, MM222, MM224 and MM257.**

Other Matters

47. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. However, as submitted, the Plan does not state whether its policies are intended to supersede another policy in the adopted development plan, as required by The Town and Country Planning (Local Planning) (England) Regulations 2012 Regulation 8(5). To ensure that the Plan is consistent with the Regulations and is effective, **MM259** is necessary.

48. The Plan has been prepared broadly in accordance with the Council's Local Development Scheme ('LDS'). Due to the work required to achieve a sound plan, the LDS has been updated throughout the examination process. The latest iteration (Examination Document PS_115) identifies adoption in 2025.
49. Consultation at the Issues and Options and Regulation 18 stages were carried out in accordance with the Council's 2016 Statement of Community Involvement ('SCI'). In 2020, a new SCI was published in response to national Coronavirus restrictions. Consultation on the Regulation 19 Local Plan (2021) was carried out in accordance with the new SCI.
50. Unlike previous stages, consultation at Regulation 19 did not include in-person exhibitions. But this was entirely reasonable given the situation at that time. Moreover, additional time was given to participants to respond, virtual exhibitions were held and for those without access to a computer, hard copies of documents could be accessed by appointment. Paper copies of consultation forms could also be requested, and comments were accepted by letter or email. I am therefore satisfied that people could adequately engage in the process and submit comments without needing to delay the consultation.

Conclusion

51. In conclusion, the Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

52. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 12 main issues upon which the soundness of the Plan depends. This Report deals with the main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy or allocation in the Plan.

Issue 1 – Whether the Plan is informed by a robust, objective assessment of housing need and whether the housing requirement is justified and positively prepared to meet that need

53. To determine the minimum number of homes needed, paragraph 61 of the Framework states that strategic policies should be informed by a LHN assessment using the standard method in the PPG, unless exceptional circumstances justify an alternative approach. Based on the evidence provided, no exceptional circumstances justify an alternative approach in this case.

54. The standard method uses a formula to determine the minimum number of new homes taking account of projected household growth and historic under-supply. It provides local planning authorities with an annual number, based on a 10-year base line, which can then be applied to the whole plan period¹⁰. At the time of submission in 2021, the LHN for Tunbridge Wells was **678** dwellings per year. Applied across the 18-year plan period (2020-2038), this gives a total of **12,204** dwellings. The figure is translated into a housing requirement for the Plan in Policy STR1.

55. The PPG advises that the number generated by the LHN should be kept under review and revised “where appropriate”, because the inputs are variable. Once the LHN has been calculated, it may be relied upon for 2 years following submission of the Plan for examination.

56. Due to the time which has elapsed since submission in November 2021, the Council has recalculated the LHN in Examination Document TWLP_153. The matter has also been discussed extensively throughout several hearing sessions. Based on the standard method calculation at 1 April 2023, the LHN for Tunbridge Wells is slightly lower, at 667 dwellings per year. Using a base date of 1 April 2024 reduces the need further, to 660 dwellings per year. Extrapolated over the plan-period, this would equate to 11,880 dwellings.

¹⁰ Paragraph: 002 Reference ID: 2a-002-20190220 and Paragraph: 012 Reference ID: 2a-012-20190220

57. However, whilst this figure represents the most up-to-date calculation of LHN, it is only 18 dwellings per year less than the submitted Plan. The difference amounts to just 324 houses over the entire plan period. In the context of a strategic policy document looking ahead over an 18-year period, this is not a significant or meaningful change which renders the submitted Plan unsound. Furthermore, for reasons that follow, the Plan also needs to be modified to include a commitment to an early review and update and so this figure will be reviewed again soon after the adoption of this Plan. In this case, the figure in Policy STR1 remains an appropriate calculation of local housing need.

Conclusion

58. I therefore conclude that the Plan is informed by a robust, objective assessment of housing need and that the housing requirement in Policy STR1 is justified and positively prepared to meet that need.

Issue 2 – Whether the settlement hierarchy, spatial strategy and distribution of development is justified, effective, positively prepared and consistent with national planning policy

Settlement Hierarchy – Policy STR1

59. The Settlement Role and Function Study Update¹¹ has been used to identify key services and facilities and group settlements based on provision. In turn, the Study was then used to help inform decisions about the distribution of development. Because Royal Tunbridge Wells is the principal settlement in the borough, it is excluded from the assessment. This is justified based on its size and status as the main urban area.

60. The Study was updated in July 2020 during the Coronavirus pandemic. Some of the facilities are therefore likely to have changed, and/or could have been affected by circumstances at the time. However, the Study is only a snapshot in time. Re-appraising settlements at the point of submission would have resulted in similar issues. Furthermore, and critically, the Study was used to help inform wider decisions around housing growth. Settlements were not given a prescribed amount of housing based on their position within the hierarchy that the Plan rigidly sought to meet.

61. The updated Study has a weighted scoring system which is different from the previous one carried out in 2017. For example, rather than attributing points per shop, a graduated approach is used. This is to prevent distorted results where

¹¹ Core Document CD 3.133

settlements score differently based on small variations in the number of shops they have. The methodology is suitable for its intended purpose and is justified.

62. Settlements are grouped A-G. Royal Tunbridge Wells is excluded from the assessment but is defined as 'A', which reflects its clear role, form and function. Southborough is part of the main urban area of Royal Tunbridge Wells but does have its own, separate identity. Categorising Southborough alongside Paddock Wood and the larger villages of Cranbrook and Hawkhurst is therefore justified. Paddock Wood, Cranbrook and Hawkhurst all provide a good range of services and support the day-to-day needs of the surrounding rural areas.
63. Rather than group the remaining villages, the Study provides a finer grain assessment. This is justified and reflects the role and function of settlements such as Rusthall and Pembury (Group C), which are materially different to, and score significantly higher than, villages such as Goudhurst, Langton Green, Benenden, Brenchley and Horsmonden (Group D).
64. Villages split between categories D and E generally share similar scores. Because the villages typically have fewer services, the closure of a local shop could have the effect of moving a settlement up or down the list, such as the case in Brenchley. However, as identified above, the Study is intended to be used as part of the evidence base to inform strategic planning judgements. Whether or not services in one village have changed, their overall role, form and function remains the same and is adequately categorised in the hierarchy.

Spatial Strategy and Distribution of Development – Policy STR1

65. Policy STR1 states that the Plan provides for the growth of settlements having regard to, amongst other things, their role and function. But there is nothing in the policy or the supporting text which helps users of the Plan determine the role and function of settlements. Despite the Settlement Role and Function Study Update being used to help inform the strategy, there is no reference to it within the Plan. For effectiveness, this is rectified by **MM15**, which lists the settlements in a table, showing their grouping from A-G, and explains that this gives a relative indication of sustainability.
66. As submitted, the Plan's strategy included two strategic sites: Tudeley Village and Paddock Wood (including land at East Capel). The principle of strategic growth through a new settlement and/or urban expansion has been tested through the SA and the Council has considered reasonable alternatives. Due to the constraints around Royal Tunbridge Wells, the relative size, form and function of other towns and villages across the borough, and their location, accessibility and relationship with the High Weald, the rationale for pursuing strategic sites is justified. The principle of strategic sites is also identified as one way of delivering necessary new infrastructure, and is consistent with

paragraph 73 of the Framework, which states that the supply of larger numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns.

67. Despite being the principal town, only around 1,500 new homes will come from allocations in Royal Tunbridge Wells. This compares with approximately 4,000 at Paddock Wood (as submitted). However, the urban area surrounding Royal Tunbridge Wells is constrained by a combination of the High Weald National Landscape, the Green Belt, heritage assets and wider landscape/topography sensitivities. Capacity issues and congestion along the A26 and the A264 also limits significant growth. Although judgements have been made around landscape impacts, and these are inevitably subjective, there is nothing to suggest that the Council's judgements were irrational or unsound. Moreover, when assessing completions since the start of the plan period, extant planning permissions, allocations and applying a windfall allowance, around 25% of all new housing is still expected in Royal Tunbridge Wells. This is a reasonable and proportionate amount of housing growth for the main settlement.
68. Beyond Royal Tunbridge Wells, around 45% of housing is directed to the 'Group B' settlements of Southborough, Cranbrook, Paddock Wood and Hawkhurst. As submitted, Paddock Wood has allocations totalling almost 4,000 homes. This is significantly more than Cranbrook, which scores highly in the Settlement Role and Function Study Update, but only has around 430 houses allocated.
69. The reason for this is because Cranbrook is much smaller than Paddock Wood and is within the High Weald National Landscape. In contrast, Paddock Wood has a large employment area to the north of the town and a train line with services to Tonbridge and Royal Tunbridge Wells. It is a larger town, and except for land to the west, is not constrained by the Green Belt or National Landscape to the same degree. Because of its size, range of services and lack of constraints (comparative to other settlements in the borough), it is a logical place for growth. In principle, the Council's decision to significantly extend the town is reasonable and justified.
70. The other 'Group B' settlement is Hawkhurst. As submitted, approximately 170 dwellings are proposed in the village. One further site has been allocated (**MM112**) and one taken out (**MM104**) due to completion taking the total from allocated sites to around 200. In principle, the amount of growth is commensurate with the size of the village and the services and facilities on offer, which amongst other things, includes two small supermarkets, a primary school and a doctor's surgery. The Plan strikes an appropriate balance between meeting housing needs and the sensitive landscape constraints around Hawkhurst. No growth is proposed at Southborough due to concerns regarding landscape impacts, although it effectively forms part of the same built-up area with Royal Tunbridge Wells.

71. Pembury is a 'Group C' settlement and has the greatest amount of housing growth apportioned in this level of the hierarchy (around 400 houses). Although it is a Group C village, Pembury benefits from a good range of services and its proximity to Royal Tunbridge Wells. Moreover, the amount of housing proposed in Pembury is largely dictated by the sites in the Plan, which logically extend the built-up area south up to the A21. This demonstrates that whilst the Council has sought to manage growth in accordance with the evidence, the amount of housing in each settlement is largely dictated by the suitability and availability of sites. For this reason, there is no set figure or percentage for each settlement or 'Group'. This is also evidenced by the level of growth proposed in Horsmonden (around 320 houses as submitted). Whilst more than other 'Group D' villages, Horsmonden is not enclosed by the High Weald National Landscape in the same way as other villages. Allocated sites are also well-related to the main built-up areas and provide opportunities for new community facilities. Elsewhere, limited growth is proposed in Group E-F villages, reflecting their rural size, scale and character.
72. By distributing development across the borough, the spatial strategy does not avoid the Green Belt and/or the High Weald National Landscape. This option was considered through the SA process, was found to have negative impacts and discounted in favour of options that sought to meet housing needs.
73. In considering this point I have taken into account paragraph 11 of the Framework. It states, amongst other things, that strategic policies should provide for the objectively assessed needs for housing and other uses, unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for restricting the overall scale, type or distribution of development. The policies referred to include land designated as Green Belt and land within AONBs. However, national planning policy allows plan-making authorities to review Green Belt boundaries. It also permits development in AONBs (now National Landscapes) where certain criteria are met. There is nothing in the Framework which prevents the Council from allocating land for development in National Landscapes where justified.
74. The Council's approach to development in the High Weald has been to assess individual sites in detail to determine firstly, whether allocations would likely constitute major development, and secondly, the likely landscape harm that would occur. Sites considered to be appropriate were taken forward for allocation, because in the absence of any material harm, there was no "strong reasons" to restrict development. At a strategic level, the Council's reasoning and strategy is entirely appropriate. It is also relevant to consider that the High Weald covers around 70% of the borough, which includes higher tier settlements such as Hawkhurst and Cranbrook. Avoiding development in these areas altogether would further exacerbate identified affordability issues, limit housing choice and availability, and lead to unsustainable patterns of

development. In principle, the strategy of distributing growth to settlements within the High Weald is justified.

75. In summary therefore, the Council's approach to the spatial strategy and the distribution of development is justified, has been informed by the evidence and is an appropriate strategy for Tunbridge Wells given the reasonable alternatives available. To ensure that the Plan is up-to-date on adoption, and for effectiveness, **MM17** updates the housing distribution table in the supporting text to Policy STR1.

Limits to Built Development

76. As with previous development plans, the Local Plan uses 'Limits to Built Development' around certain settlements. Limits to Built Development do not encompass entire settlements as there are instances where peripheral groups of buildings do not form part of the main built-up area. For effectiveness, it is necessary to clarify the role and function of these boundaries through **MM15**.
77. Limits to Built Development are justified to protect the character of the area and promote more sustainable patterns of development. However, for the smaller 'Group G' villages and hamlets, the evidence does not support the use of boundaries and they are removed through the submitted Plan. Within settlement boundaries, new development is supported. Beyond the limits, development is restricted to typical rural uses such as agriculture, tourism and recreation uses. **MM15** makes this point clearer to users of the Plan for effectiveness and supplements Policy STR1(2).

Conclusion

78. Subject to the recommended MMs, I conclude that the settlement hierarchy, spatial strategy and distribution of development is justified, effective, positively prepared and consistent with national planning policy.

Issue 3 – Whether the identified need for housing can be accommodated without releasing land from the Green Belt. If not, whether exceptional circumstances exist at a strategic level to justify alterations to the Green Belt boundary

79. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, paragraph 141 of the Framework requires the Council to demonstrate that it has examined fully all other reasonable options for meeting its identified needs for development. This includes making as much use as possible of suitable brownfield and underutilised land, optimising the density of development and discussing with neighbouring authorities whether some needs could be accommodated elsewhere.

80. Evidence in the Development Strategy Topic Paper, the Brownfield and Urban Land Topic Paper and the SHELAA¹² all demonstrate how the Council has considered the use of brownfield land. This includes a detailed consideration of windfall rates and re-appraising brownfield sites that have previously been discounted. In summary, the Council has been unable to identify a supply of suitable, developable brownfield sites sufficient to meet the minimum housing requirement. Overall, the Council's conclusions and judgements are sound. Sites were considered where they had the ability to deliver 10 dwellings or more, consistent with the approach to allocating land throughout the plan-making process. This was reasonable and proportionate to the task at hand.
81. Where sites have been allocated, densities have been maximised where possible, especially in sustainable locations close to public transport hubs. Examples are provided in the Council's Matter 4 Hearing Statement, which shows higher densities for sites allocated in Royal Tunbridge Wells. Elsewhere, densities have sought to strike a balance between making an appropriate use of land, maintaining the prevailing character of an area, ensuring high quality design and considering infrastructure capacity issues. No convincing evidence has been provided to suggest that densities on sites beyond the Green Belt (such as some allocations around Paddock Wood), could be increased so substantially that it would negate the need to alter Green Belt boundaries.
82. In terms of providing housing elsewhere, I have already found that the Council engaged actively, constructively and on an on-going basis with neighbouring planning authorities, several of which are also constrained by the Green Belt. No suitable and deliverable strategies currently exist elsewhere to meet the housing needs arising from Tunbridge Wells. The Council has adequately demonstrated how it has met the requirements of Framework paragraph 141.
83. Not all of Tunbridge Wells Borough is within the Green Belt. However, it does surround some of the largest and most sustainable settlements, including Royal Tunbridge Wells, Southborough, the western edge of Paddock Wood and Pembury. Where higher tier settlements are beyond the Green Belt boundary, they are instead within the High Weald National Landscape. Examples include Cranbrook and Hawkhurst. Beyond both designations, the options for significant growth are severely restricted by land availability and infrastructure capacity, such as around Horsmonden, Sissinghurst and Frittenden. Spatial options which avoided using land in the Green Belt were tested as part of the SA process but ultimately discounted as unsustainable. The approach taken by the Council is therefore synonymous with paragraph 142 of the Framework, which states that when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account.

¹² Core Documents CD3.126, CD3.83 and CD3.77a

84. Combined with the geographic constraints of the borough is the significant scale and acuteness of housing need. Table 1 in the Council's Matter 9 Hearing Statement identifies past completions in Tunbridge Wells borough. Only once since 2006/07 has the Council delivered more houses than the current minimum housing requirement. Paragraphs 2.17-2.19 of the submitted Plan also recognise that housing affordability has worsened in Tunbridge Wells, in both absolute terms and relative to the rest of Kent and England as a whole. Paragraph 2.20 describes rental costs as being on average 22% higher than other parts of England. The evidence therefore points to an acute need for new housing to come forward in the borough over the plan period.
85. The Green Belt is included under Footnote 7 of the Framework. It has therefore been suggested that it provides a strong reason for restricting the overall scale, type and distribution of development in Tunbridge Wells. But as discussed above, paragraph 11b) does not preclude the Council from altering Green Belt boundaries. In this case, given the geographic constraints of the borough, the location of the main towns and the largest proportion of need, the lack of reasonable alternatives and the scale and acuteness of the affordability issues, the Council concluded that no 'strong reasons' exist to avoid meeting objectively assessed housing needs. This is justified and sound.
86. I therefore conclude that due to the spatial geography of Tunbridge Wells, which includes the location of sustainable settlements and other constraints such as the High Weald, combined with the lack of reasonable alternatives and the pressing need for housing, exceptional circumstances exist at a strategic level to justify altering the Green Belt boundary.

Issue 4 – Whether the strategy for the Strategic Sites at Tudeley Village and Paddock Wood, including land at East Capel, is justified, effective and consistent with national planning policy

The Strategy for Tudeley Village - Policy STR/SS3

Background

87. Policy STR/SS3 seeks to remove around 170 hectares of land from the Green Belt between Paddock Wood and Tonbridge for a new settlement at Tudeley. The proposed settlement would be to the west of Five Oak Green, located off the B2017 and provide around 2,800 homes and a secondary school.
88. At a strategic level, I have already concluded that the Council is justified in seeking to try and meet housing needs through a combination of sites, including a new settlement. The strategy is also justified in locating that settlement broadly to the north of the borough given the lack of reasonable alternatives and

the geography and context of Tunbridge Wells, with predominantly smaller, rural settlements spread across the High Weald to the south. The main soundness consideration is therefore whether Tudeley Village is justified, effective and consistent with national planning policy. This includes an assessment of whether exceptional circumstances exist to amend the Green Belt boundary.

89. In my Initial Findings¹³, I raised concerns with the justification for Tudeley Village. My main concerns related to a lack of adequate evidence around the location and accessibility of the site, the necessary Five Oak Green bypass and deliverability. In response, the Council has reviewed the submitted Plan. Its latest position is set out in the Local Plan Development Strategy Topic Paper Addendum¹⁴. In summary, the Council now considers that the allocation is unsound and should be deleted. This is due to uncertainties around the suitability of the Five Oak Green bypass, having regard to landscape impact.

Need for a Five Oak Green bypass

90. Access to Tudeley Village would be taken from the B2017. To the east of the proposed new settlement, the B2017 passes through the neighbouring village of Five Oak Green. In the centre of Five Oak Green the road narrows and is constrained by a combination of highway width, alignment, existing properties and parked cars. The scope for any highway improvements in the village centre is therefore limited.
91. Developing the site for a mixed-use scheme of up to 2,800 homes and a new secondary school would significantly increase traffic through Five Oak Green. Not only would this be from potential future occupants accessing services and facilities in Paddock Wood and beyond, but also from residents in Paddock Wood travelling to and from the proposed new settlement, which includes a new secondary school.
92. To prevent harmful impacts to highway and pedestrian safety, the Council's Transport Assessment Report¹⁵ (the 'SWECO Report') refers to mitigation in the form of a new link road. This would provide a connection between the B2017 and the proposed Colts Hill bypass/A228. The Council's Strategic Sites Masterplanning and Infrastructure Study summarises the situation by stating that *"Tudeley Village's development also requires the development of a bypass of Five Oak Green, due to its highly constrained nature and potential increases in traffic levels."*¹⁶

¹³ Examination Document ID012

¹⁴ Examination Document PS_054

¹⁵ Core Document CD3.48

¹⁶ Core Document 3.66, paragraph 6.72

93. Upon submission, the need for a Five Oak Green bypass was undisputed. The Statement of Common Ground between the Council and site promoter states that the SWECO modelling is robust and demonstrates a highway scheme to enable the site to come forward¹⁷. Representations provided by the Hadlow Estate at Regulation 19 also confirmed that the “...*Five Oak Green bypass, and Colts Hill bypass is supported in principle...*”. The main disagreement was how much each strategic site should contribute towards its cost.
94. The starting point is therefore an agreed position between the Council, the site promoters and KCC that a link road is required to support the allocation. It is a specific requirement in Policy STR/SS3 for the site, Policy STR/CA1 which relates to the Strategy for Capel Parish and Policy STR6 which relates to transport. A route is also shown on the submission policies map.

Suitability and Deliverability of the bypass

95. The AONB Setting Analysis Report¹⁸ shows the relationship between the allocation and the High Weald National Landscape, which is bounded by the B2017 and Alders Road to the south of the site. It describes how there is a clear change in landscape character, from the lower-lying northern areas around the railway line to the higher ground associated with the High Weald to the south of the B2017. The Report identifies how land around the B2017 contributes most to the setting of the National Landscape, providing a transition between the lower lying landscape to the north and the High Weald to the south.
96. Similar findings are made in the Borough Landscape Character Assessment¹⁹. For Paddock Wood and Five Oak Green, it describes how the slopes in the south of the area provide an important transition between the High and Low Weald, have strong associations with the High Weald and “...*enhances the character of the AONB landscape.*”.
97. Although the road would be outside the National Landscape, it would be over 1km in length, running through the transitional, rising landscape south of the B2017, which is recognised as part of the setting of the High Weald. In this location, the changes in topography are significant, as evidenced by the detailed drawings produced at Appendix 4 to the Council's Matter 6 Hearing Statement. To deliver the bypass in this location would therefore require extensive landscaping and engineering works, with bridges and/or crossings over or across the Alder Stream and Sychem Lane. Given the character, context and topography of the area, the scale of engineering works required, and the future use of the road as a main distributor of traffic to and from Paddock Wood, I

¹⁷ Core Document CD3.139

¹⁸ Core Document CD3.95a and c

¹⁹ Examination Document PS_019

consider that the proposed bypass would cause significant harm to the landscape character of the area, including to the setting to the High Weald.

98. Similar concerns are now identified by the Council. Following publication of the Initial Findings, the Council has reappraised the likely effects of the bypass in Examination Document PS_039. It confirms that the Setting Analysis Report did not consider the potential bypass route when appraising the allocation for submission. The assessment states that whilst appropriate mitigation would reduce the residual magnitude of adverse effects, “...*there is the potential that significant adverse effects will remain after mitigation upon the setting of the HWAONB.*” Similar references are made to the transitional landscape context, the topography of the area and the works needed to create a bypass in this location. The visibility of the bypass from public viewpoints, including public rights of way is also identified.
99. The Council's latest evidence therefore recommends that further work is needed to consider the most appropriate route for the road. I agree with this conclusion. However, in response to these concerns, the necessary evidence to support the bypass has not been taken forward. In the absence of any robust landscape evidence, there is nothing to suggest that the route can be delivered without causing significant landscape harm.
100. Paragraph 176 of the Framework states that development within the setting of National Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the designated area. The test is therefore different to development *within* a National Landscape. Nevertheless, there is still a requirement to consider sensitive location and design. In this case, no evidence has been presented to demonstrate how either have been considered for the Five Oak Green bypass. On the contrary, the Council's evidence explicitly highlights the sensitivities around the transitional landscape south of the B0217, its relationship with the High Weald and the risk of significant adverse effects on the setting of the National Landscape, even after mitigation. The allocation is therefore directly at odds with national planning policy.
101. Because the link road is beyond the site allocation (it would start broadly opposite Capel Primary School), and not required immediately, there is a suggestion that the final route and design could be left to the masterplan. But the issue here is that there is no obvious, deliverable alternative that would avoid the sensitive, rising landscape or the need to traverse Sychem Lane and the Alder Stream. Likewise, no alternative solutions have been presented to show how the harmful highways impact of a new settlement in this location could be mitigated in another way given the constraints in Five Oak Green. As a result, it would not be appropriate to rely on the planning application process to resolve this essential infrastructure requirement.

102. Another issue with the proposed location is the relationship between the link road and several designated heritage assets. The Heritage Constraints Appraisal, provided by the Hadlow Estate at Regulation 19 stage, includes a map showing all designated heritage assets within 1km of the allocated site. Notable assets close to the route of the bypass include the group of buildings at Tatlingbury Farm, including the Grade II* listed farmhouse and Grade II listed barn and oasthouse. The farmhouses and oasthouses at Lydd Farm and Tanners Farm are also Grade II listed, as is Orchard Cottage on Church Lane, which leads up to the Grade I listed Church of St Thomas a Beckett.
103. The listed farm buildings are synonymous with the rural, agricultural landscape of the area. A similar finding is made in the Landscape Character Assessment, which describes historic farmsteads and oasts as conspicuous features in the landscape which add local vernacular typical of the High Weald. Despite this context, no detailed heritage impact assessment work has been produced to consider the effects of the bypass on the setting of nearby heritage assets. Examination Document PS_039 recognises that there are several listed buildings close to the route of the bypass (the nearest being around 100m away), and that the setting of the buildings would be of high sensitivity. It therefore recommends that a separate heritage assessment is produced, but no such assessment has been provided to the examination.
104. In the absence of any robust evidence, it is difficult to see how the mitigation referred to in Document PS_039 (additional planting) would be effective in mitigating the magnitude of effects, which are described as "significant". The cluster of farm buildings at Tatlingbury, in particular, are viewed in the context of the rising, rural landscape from the B2017, which forms part of their setting and significance as designated heritage assets. Like the effects on landscape character, introducing a link road in this location, with its associated junction, infrastructure, traffic and noise, would have a material impact on the appreciation of their setting which has not been considered in sufficient detail.

Green Belt Alterations

105. The Plan seeks to remove the allocation from the Green Belt. Paragraph 140 of the Framework is therefore relevant and states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.
106. I have already found that exceptional circumstances exist at a strategic level to amend the Green Belt boundary through the Local Plan in Tunbridge Wells. Before concluding whether exceptional circumstances also exist at a site-specific level (below), it is necessary to consider the scale of likely harm that would occur to the purposes of including land within the Green Belt. In this case, not only would the allocation remove a large area of land (around 170

hectares), but it would also cause a 'High' level of harm to the Green Belt as defined by the Council's Stage 3 Study. The Study found that the open land has no characteristics which relate to any urban areas and makes a strong contribution to safeguarding the countryside from encroachment. I agree with this assessment.

Conclusion and Exceptional Circumstances

107. The Five Oak Green bypass is a requirement of the allocation. It is needed to alleviate harmful highways impacts from significant additional traffic passing through Five Oak Green, principally as a result of the proposed new settlement at Tudeley. However, the bypass would introduce extensive engineering works, built infrastructure, traffic and noise across the open, highly visible and rising ground south of the B2017 which contributes positively to the setting of the High Weald. The Council's evidence highlights the potential for significant adverse impacts, even after mitigation, on the setting of the National Landscape.
108. The allocation would also result in significant alterations to the Green Belt, with around 170 hectares of land removed. In this location, the Council's evidence points to a 'High' level of harm occurring to Green Belt purposes.
109. The allocation would have significant benefits, including the significant socio-economic benefits of providing around 2,800 new houses in a borough with worsening affordability, and with a lack of reasonable alternative housing options available at present. The allocation would also give rise to significant, wider public benefits. They include the reduction in traffic through Five Oak Green, the provision of a new secondary school and contributions towards wider infrastructure improvements, including at Paddock Wood, and compensatory improvements to the Green Belt and provision of walking and cycling routes.
110. However, there is a lack of available evidence to demonstrate that the necessary road can be delivered without causing harmful landscape, visual and heritage impacts. The allocation is therefore neither justified nor effective. It is contrary to paragraph 176 of the Framework which states that development within the setting of National Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.
111. In the absence of any convincing evidence on the suitability and deliverability of the bypass, the proposed alteration to the Green Belt boundary is also contrary to paragraph 140 of the Framework, which requires such alterations to be fully evidenced and justified. Despite the significant benefits of the allocation, in the absence of proportionate and justified evidence, and given the 'High' level of harm that would occur to Green Belt purposes, I conclude that exceptional circumstances necessary to justify removing the site from the Green Belt do not currently exist. Without removing the site, the allocation is not effective.

112. Policy STR/SS3 therefore fails the tests of soundness. As a result, it must be deleted from the submitted Plan by **MM84** and **MM85**. Upon adoption, the Council will need to make the necessary changes to the submission policies maps. Consequential changes are also needed for effectiveness by **MM10**, **MM11**, **MM12**, **MM15**, **MM16**, **MM17**, **MM20**, **MM21**, **MM22**, **MM24**, **MM25**, **MM27**, **MM79**, **MM80**, **MM82**, **MM90**, **MM91**, **MM207**, **MM231**, **MM239**, **MM243**, **MM249**, **MM250**, **MM251**, **MM253** and **MM258**.
113. As consulted upon, the removal of Tudeley Village was omitted from Policy H8, **MM17** and **MM219** in error. I have therefore corrected this in the schedule of MMs in the Appendix to this Report. Policy H8 listed Tudeley Village as a location where custom and self-build housing would be required whilst **MM17** and **MM219** relate to supporting text where references to Tudeley Village had not been removed. I have also amended **MM90** to correct a factual error in relation to the description of the Green Belt boundary in Capel Parish.

Other Matters

114. A significant amount of examination time was spent considering wider highways impacts. However, because I have concluded that the allocation is unsound and should be deleted, it is not necessary to consider these matters further. Likewise, is it not necessary to consider whether or not Tudeley Village would be appropriate as part of any future Local Plan, as that would be a matter for the Council based on the circumstances and evidence available at the time.

The Strategy for Paddock Wood, including land at East Capel – Policy STR/SS1

General Policy Requirements and Masterplans

115. I have already concluded above that the strategy to pursue strategic, transformational growth at Paddock Wood is justified. The main soundness issue with the submitted Plan is the lack of detail regarding the scale and mix of uses across each parcel, and how decision-makers would ensure that development takes place in a coordinated and coherent manner, including the timely delivery of new infrastructure. **MM80** and **MM81** are therefore required for effectiveness. They make wholesale changes to Policy STR/SS1 and the supporting text by identifying each of the component parcels and setting out the scale and mix of uses permitted. This provides the necessary clarity.
116. In the submitted Plan, there is an expectation that four Supplementary Planning Documents ('SPDs') would be produced; one to provide an overview and one for each of the three parcels (north, east and west). However, subject to providing clear, strategic parameters in the Local Plan, and requiring proposals for each parcel to include details relating to the phasing and implementation of

key infrastructure, there is no justification for an overarching Paddock Wood SPD. Several of the matters that would be expected in the SPD have also been considered by the Council through the Strategic Sites and Masterplanning Infrastructure Study, which will be refined as proposals progress. Reproducing this as a SPD, only for additional, parcel-specific SPDs thereafter, would significantly delay housing delivery and is not justified. It is deleted by **MM80** and **MM81**.

117. The requirement for parcel-wide SPDs is also unnecessary and unjustified. Subject to the recommended MMs, Policy STR/SS1 provides a breakdown of permitted uses across each parcel and specifies the necessary infrastructure required, including strategic, town-wide infrastructure. The revised policy also includes specific requirements for the location of schools, accommodation for older people and gypsies and travellers, and specifies design matters, such as where hedgerows need to be retained and strengthened. The final design and layout of each parcel, including details relating to phasing, implementation and trigger points for new infrastructure can then be agreed through detailed masterplan(s), to be approved by the Council. The need for parcel-specific SPDs is not justified and is deleted by **MM80** and **MM81**.
118. To the north of Paddock Wood, there is also no need for a masterplan or SPD. This area of Paddock Wood contains predominantly existing employment uses, with only the relatively modest expansion of industrial uses proposed across two sites. The requirement is disproportionate and deleted by **MM80** and **MM81**.
119. For effectiveness, **MM80** and **MM81** introduce requirements for masterplanning to ensure that a comprehensive approach is still taken to planning the eastern and western parcels. For the same reasons, the changes also recognise that parcels may come forward individually or together. Critically, the revised policy ensures that a range of key issues are considered through the masterplanning process, which must be prepared with relevant key stakeholders, include details relating to phasing and new infrastructure, and be approved by the Council. Sufficient safeguards therefore exist to prevent individual development proposals coming forward in isolation that do not meet wider objectives.
120. As consulted upon, the schedule of MMs did not delete all references to SPDs. The reference in Policy STR4, which is an overarching policy requiring strategic development proposals to secure comprehensive development, and the reference in the supporting text to Policy STR/SS1 were not deleted in error. Removing the need for SPDs was discussed throughout the hearing sessions, is referred to in the Initial Findings and is reflected in the MMs to Policy STR/SS1. To ensure internal consistency, I have corrected these errors and deleted the references to SPDs from Policy STR4 and the supporting text in the schedule of MMs in the Appendix to this Report (**MM21** and **MM79**).

Flooding

121. In my Initial Findings, I raised concerns regarding the justification for residential development in Flood Zones 2 and 3 across the western parcel. Tudeley Brook passes through this parcel and extensive evidence has been presented which shows the flooding problems in Paddock Wood and land at east Capel.
122. Paragraphs 159-163 of the Framework are relevant. Amongst other things, they require plans to apply a sequential, risk-based approach to the location of development taking into account all sources of flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
123. Following the Initial Findings, the Council updated the flood modelling to include allowances for climate change. The latest modelling shows a greater extent of flood risk, especially around the western parcel²⁰.
124. Despite the larger areas at risk from flooding, the updated masterplan²¹ shows how the western parcel can be developed by only including residential development in Flood Zone 1. The revised masterplan is therefore consistent with the Framework's sequential, risk-based approach. It reduces the capacity of the allocation, from 3,590 houses to around 2,450 new homes, but ensures that housing can be delivered outside areas at risk from flooding. The relevant changes are made by **MM80** and **MM81** and ensure that the western parcel is justified, effective and consistent with national planning policy. Amongst other things, the MMs specify that all residential development should be in Flood Zone 1, supported by an up-to-date flood risk assessment.
125. In reaching this view I have considered that the "site" could be perceived as the entire western parcel, which taken as a whole, still encompasses land at risk of flooding. However, in the interests of securing a coherent, comprehensive approach to the expansion of Paddock Wood and land at east Capel, it makes no sense to modify the western parcel further by identifying smaller, individual housing sites. The purpose of identifying strategic parcels is to deliver mixed-use developments, with supporting infrastructure, connected by high quality open spaces and landscaping. Furthermore, there is no convincing evidence to show that a suitable alternative site, or combination of smaller sites, exist to accommodate the scale and type of development proposed on the western parcel.

²⁰ Examination Documents PS_042, PS_043 and PS_044

²¹ Examination Document PS_046

Strategic Transport Matters

Colts Hill Bypass and the Badsell, Hop Farm and Somerhill Roundabouts

126. The A228 is a strategic transport corridor linking Paddock Wood with the A21 and Royal Tunbridge Wells. To the southwest of Paddock Wood, the alignment and forward visibility of the A228 is restricted around Colts Hill.
127. For over 30 years, KCC has been looking at options to improve safety along this stretch of road. Safeguarded routes have been tested, examined and included in previous iterations of the Tunbridge Wells Local Plan going back to 1996. However, to date, no progress has been made, and the highway safety issues along this stretch of the A228 remain.
128. In the submitted Plan, a bypass of the A228 at Colts Hill is proposed, running from the Badsell Roundabout south to join the Five Oak Green bypass. Following the deletion of Tudeley Village (see conclusions above), the Council has had to reconsider how this dangerous section of road could accommodate the strategic growth proposed at Paddock Wood.
129. Various transport assessments and evidence have been provided at different stages of the examination. A summary of the relevant evidence is provided in Examination Documents PS_099 to PS_104. The SWECO Strategic Transport Assessment – Modelling Appraisal²² also sets out a useful summary of the main issues and proposed mitigation.
130. Transport modelling work was updated in light of the Council's suggested changes to the Plan, which removed Tudeley Village and reduced the level of growth at Paddock Wood following changes to the western parcel. The transport modelling uses a reference case scenario, which is the current situation with existing committed growth. It then makes comparisons by adding in Local Plan growth, and Local Plan growth with mitigation.
131. An option is also included where a 10% reduction in baseline trip rates has been applied to the strategic sites to account for some modal shift to walking, cycling and public transport. The reason for taking this approach, which is agreed by KCC and National Highways, is to reflect the predicted increase in non-car trips that the comprehensive expansion of Paddock Wood could deliver. To substantiate its position, SWECO has included details of a town-wide bus service that would link the eastern and western expansion sites with the town centre²³. When also considering the range of services and facilities on offer in Paddock Wood, the mix of uses proposed across the parcels, and the distance

²² Examination Document TWLP_123

²³ Examination Document PS_100

between the parcels and the town centre (which in some cases would be walkable), the Council's position is reasonable and justified.

132. Access to the Colts Hill bypass would be taken from an upgraded Badsell roundabout. In its current form, the SWECO Modelling Appraisal shows that the Badsell roundabout fails to function properly, with significant congestion experienced on all arms in the morning and evening peak hours. Like the Colts Hill bypass, previous schemes for improving the junction have been developed in the past, but so far none have been delivered.
133. A new roundabout design is therefore proposed and re-tested with the Colts Hill bypass in place. It shows that under the Modal Shift scenario, all arms of the roundabout perform better. Although some congestion remains on the A228 and the B2017 arms during the morning peak hour, the roundabout would perform more effectively, with less congestion than under the reference case. With the mitigation proposed, the junction would no longer be defined as a 'major hotspot'.
134. Similar conclusions are reached in respect of the Hop Farm roundabout (to the north of Paddock Wood) and the Somerhill roundabout (at the junction of the B2017 and the A26). Significant debate at the hearings considered whether the improvements to the Somerhill roundabout could be delivered. However, the plans produced by SWECO are based on ownership details obtained from KCC. This shows that there is a realistic prospect of delivering the necessary junction upgrades when required. It is also important to consider that the information provided to support the Local Plan does not go into the same level of detail as would be expected of a planning application. Whilst there could be some small on-site variations, the evidence provided is proportionate and there is no need for detailed measurements of verges to be provided at this stage. The evidence demonstrates that mitigation is likely to be achieved, a position which is not disputed by KCC as highway authority.
135. Key to unlocking growth around Paddock Wood is therefore delivery of the Colts Hill bypass. Given that the Five Oak Green bypass is not deliverable, participants have legitimately highlighted similar concerns with the scheme at Colts Hill. However, the circumstances are materially different as follows.
136. Firstly, the route of the Colts Hills bypass and assessment of its visual impact is provided in Examination Document PS_052. It shows a shorter length of road, running from the improved Badsell roundabout broadly parallel to the existing A228, before passing behind existing houses and joining back up to the A228 around Alders Road. It avoids the significant changes in topography and crossing of roads and streams required by the Five Oak Green bypass. Critically, it also avoids the clearly defined, rising and transitional landscape south of the B2017 which contributes positively to the setting of the High Weald.

137. Secondly, a landscape assessment has been produced by the Council which includes plans showing zones of theoretical visibility. Despite being high-level, the evidence demonstrates how the visual impact of the road would be limited from viewpoints in and around the National Landscape. It also offers a high-level mitigation scheme to demonstrate the further reduction in views this would bring about. No such evidence is provided for the Five Oak Green bypass.
138. Thirdly, I am mindful that a safeguarded route for the Colts Hill bypass, including a point of connection with the Badsell roundabout, has already been examined, found to be sound and adopted as part of the development plan. The situation is therefore materially different to the proposed Five Oak Green bypass.
139. The costs of the Colts Hill bypass and necessary highway improvements have been tested through the Council's viability assessments, including the Addendum Reports²⁴. Signed Statements of Common Ground have also been provided between the Council and the main development partners and housebuilders bringing forward each parcel²⁵. In summary, the supporting information states that the development partners agree with the broad conclusions of the viability work and confirm that there is a reasonable prospect that the sites will come forward during, and beyond, the plan period. No persuasive evidence has been provided to suggest that the growth proposed around Paddock Wood cannot fund the necessary highway improvements.
140. In terms of deliverability, it is likely that some compulsory purchase of land will be required to construct the bypass. However, this has always been the case. Compared to previous Local Plans, this iteration also proposes a significantly shorter length of new road which is needed in the short-term. The project is a longstanding one and delivery of a new section of the A228 is needed to address safety concerns and facilitate the growth proposed around Paddock Wood. It is a key objective for the Council and KCC as highways authority. KCC's position is recorded in their written statement for the Stage 3 hearings. The housing trajectory for Paddock Wood also takes into account the lead-in times required for delivering new strategic infrastructure.
141. I am therefore satisfied that there is a reasonable prospect of delivering the necessary road infrastructure when it is required. For effectiveness, Policy STR/SS1 is modified by **MM80** and **MM81** to include references to the Colts Hill bypass, improvements to the Badsell roundabout, Hop Farm roundabout and Somerhill roundabout. The necessary highway improvements have been demonstrated to be viable and with a reasonable prospect that they are deliverable. With the mitigations proposed, the expansion of Paddock Wood would not lead to any severe cumulative impacts on the junctions identified as

²⁴ Examination Documents PS_061a and PS_061b

²⁵ Examination Documents PS_118 – PS_120

'hotspots' on the road network. For effectiveness, consequential changes to Policy STR/CA1 (The Strategy for Capel Parish) are also made by **MM91**.

Five Oak Green and the Pembury Road Corridor

142. Following the deletion of Tudeley Village, additional traffic generated from the growth at Paddock Wood would likely increase congestion along the B2017 through Five Oak Green. The Strategic Transport Assessment – Modelling Appraisal has specifically considered this issue. In summary, it finds that whilst congestion would rise through Five Oak Green, following modifications to the Plan and the reduction in housing growth, this would not be to such a level that would require major expansion in capacity, or a new link road. Instead, it is recommended that enhanced traffic management measures are used to support the flow of vehicles through the village. It also recommended that sustainable transport measures are maximised in Paddock Wood to allow people to access the train station to reach Tonbridge by public transport.
143. I appreciate that without the Five Oak Green bypass, congestion will get worse. During the morning peak hour, it is expected that the road would be at or near capacity. However, the extensive modelling work done by the Council does not point to this causing a level of cumulative impact that would be severe. Furthermore, KCC has reviewed the evidence, notes the likelihood for congestion but recommends alternative options to relieve pressure on the B2017. It is also suggested that a monitor and manage approach is taken and recommends the use of travel plans to promote more sustainable transport options in Paddock Wood. It is not recommended that growth around Paddock Wood is prevented in the absence of the Five Oak Green bypass. Given the scale of growth proposed at Paddock Wood, and the mix of uses, opportunities would exist to create high-quality, accessible new neighbourhoods with good links to the town centre.
144. For effectiveness and to ensure that the Plan is justified, the need for traffic management and/or speed reduction measures in Five Oak Green is therefore introduced through by **MM25** and **MM91**. For the same reasons, reference to the need for a monitor and manage framework is included in Policy STR/SS1 by **MM81**. The MM also includes references to other junctions where mitigation is going to be required, and, inserts a caveat that other locations may need off-site highway works as established through the masterplanning / planning application process. This reflects the fact junctions elsewhere may require improvements depending on the final proposals for each parcel.
145. As part of the Council's revised transport strategy, improvements are also proposed to the junctions along the Pembury Road corridor. In summary, this is to promote the redistribution of Paddock Wood traffic away from the B2160 and the Kippings Cross roundabout towards the A228 and Woodsgate corner. The

justification and reasoning for this strategy is discussed under Main Issue 9 below. However, for effectiveness, to ensure that the Plan reflects the evidence, the strategy needs to be referenced in Policy STR/SS1 by **MM81**.

Secondary Education

146. As submitted, Tudeley Village included proposals for a new secondary school. The secondary school would support housing growth across both strategic sites. Following the Initial Findings, and the Council's conclusion that Tudeley Village was no longer sound, work has been ongoing to assess alternative options. Two options are available. Either build a new secondary school or expand Mascalls Academy in Paddock Wood.
147. In August 2024, the Council reached agreement with KCC Education and the main development partners for the expansion sites around Paddock Wood (Crest Nicholson, Persimmon Homes South East and Redrow Homes Limited). The agreed position and proposed option is to expand Mascalls Academy, as set out in the Statement of Common Ground (Examination Document PS_097).
148. Submitted alongside the Statement of Common Ground is a Feasibility Study which looks in detail at how the school can be expanded and reconfigured to accommodate the expected increase in pupil numbers. The Council has appointed an independent third party to undertake a technical review of the Feasibility Study against the requirements of the Department for Education. In conclusion, the review states that the site does have the potential to accommodate a 3-form expansion, which represents the size of increase specified by the local education authority. The Feasibility Assessment and critical review go into significant levels of detail, including appraisals of buildings, classroom layouts and site plans. Additional land required to facilitate the expansion plans would be provided by adjacent development partners.
149. In addition to the technical analysis, written evidence has been provided by the Leigh Academy Trust and is provided in the Statement of Common Ground. It states that the Trust has been involved in the Feasibility Assessment process and supports the proposals "in principle", which would also address current issues with out-dated science facilities and a building containing asbestos.
150. It is recognised that the expansion of Mascalls Academy would result in one of the largest secondary schools in Kent. However, the significant volume of information provided by the Council, the local education authority and the Leigh Academy Trust all demonstrate that the proposals are feasible and developable alongside the expansion of the town. Furthermore, should it transpire that the scheme cannot go ahead, then a fallback position is secured through the modified Policy STR/SS1. This includes a requirement to safeguard land in the north-western parcel for a new secondary school. Should the expansion of

Mascalls go forward, alternative uses of the site would be permitted in accordance with other development plan policies, which include policy requirements to avoid piecemeal development.

151. In conclusion therefore, following the deletion of Tudeley Village, the Council, KCC and relevant development partners have worked to find common ground on a solution to provide the necessary secondary school places in Paddock Wood. The evidence points to a developable solution, with a fallback position should it be required. **MM80** and **MM81** make the necessary changes, which ensure that the Plan is justified, effective and consistent with national policy. Consequential changes are required to supporting text elsewhere by **MM22**.

Open Space Requirements

152. In the submitted Plan, a new sports hub is proposed to the southwest corner of Paddock Wood. The sports hub was intended to meet the needs arising from growth at Paddock Wood and Tudeley Village.
153. Following the deletion of 2,800 homes from Tudeley Village, and around 1,000 homes from Paddock Wood and land at east Capel, there is a consequential change in the level of sports provision required. There are also new requirements for the Paddock Wood sites to accommodate, such as secondary school provision, new flood risk modelling to consider and a consequential change in viability. A revised strategy for sports and leisure facilities is therefore necessary.
154. Taking these factors into account, Examination Document PS_046 reviews existing provision and proposes new indoor sports facilities to complement and improve the Putlands Leisure Centre, including a new swimming pool where feasible. It also proposes the upgrading of facilities at Green Lane and around 4.5 hectares of land in the western parcel (an amount based on the number of new homes proposed) for improved outdoor sports and recreation. To ensure that the Plan is effective in providing the necessary sports and leisure provision, **MM81** includes the proposals as requirements in the revised policy.
155. The requirement to upgrade the existing Putlands site is consistent with the strategy in the Paddock Wood Neighbourhood Plan. Because the site is owned by the Town Council, preparation of the necessary masterplan(s) should include liaison with the owners. The same is also true of land falling within Capel Parish. For effectiveness, **MM81** includes both groups in the revised policy.
156. Provision of a swimming pool in Paddock Wood is also supported in the Neighbourhood Plan and has been identified in the Council's evidence as an

issue facing residents²⁶. To reflect the evidence, **MM81** therefore includes a reference to providing a swimming pool as part of Policy STR/SS1, if feasible. I appreciate that this caveat introduces an element of uncertainty. However, until detailed designs have been progressed, and discussions held between the Council, the Town Council and the development partners as part of the masterplanning stage, some flexibility is required for effectiveness. It also ensures that the masterplanning process must consider the feasibility of providing the swimming pool. This is more precise than the submitted Plan, which referred to a sports hub and whether it “could” include a swimming pool.

157. It is noted that the Town Council would rather see a new standalone sports hub to the north of Paddock Wood. But as the Council's evidence explains, land to the north of the railway line is typically more constrained, and, land needs to be identified for a possible secondary school if the plans for Mascalls Academy fail to come forward. Moreover, detailed considerations about the type and location of specific facilities are more appropriately considered through the masterplanning process. The revised policy provides an appropriate framework to ensure that decisions around the necessary sports and open space improvements are taken holistically as part of the town's expansion. Linking this to a phasing and implementation plan also ensures that new facilities are tied to the delivery of new housing.

158. I have carefully considered the concerns raised by Sport England that the revised plans have been prepared without their input, and, that the Council's Playing Pitch Strategy and Built Facilities Strategy is out of date. However, what the Council's evidence demonstrates is how the needs arising from a considerably smaller expansion of the town (and in the absence of Tudeley Village) could still be met. It shows that there is a reasonable prospect that sports facilities could be provided and/or improved to tie in with the delivery of the allocated sites. The specific details will be for the masterplanning process to resolve, with the modified Policy STR/SS1 requiring input from relevant statutory consultees and the Town Council. The necessary early review of the Plan will also provide the Council with an opportunity to update the Playing Pitch Strategy and Built Facilities Strategy as required. There is no justification for pausing the examination to complete these documents now, when the strategy for growth at Paddock Wood and land at east Capel is expected to take place over the longer term and require further strategic masterplanning.

Northwest and Southwest Parcels – Policy STR/SS1(A) and (B)

159. Crest Nicholson is promoting land to the northwest, predominantly beyond the railway line. Dandara Ltd is promoting land to the southwest. Splitting the allocation into Parcels A and B (**MM81**) therefore reflects how the sites will

²⁶ Core Document CD3.26

come forward and is needed for effectiveness. Other policy requirements will ensure a comprehensive and coherent design.

160. The northwest parcel will provide around 770 houses, a site for gypsies and travellers, a new local centre and a new primary school. For effectiveness, these uses are listed in the relevant section of Policy STR/SS1 by **MM81**.
161. For the reasons given above, it is expected that the need for additional secondary education places will be met by the expansion of Mascalls Academy. If the expansion is not delivered, a fallback position exists through the safeguarding of land on the northwestern parcel. For effectiveness, **MM81** makes the position clear to users of the Plan.
162. As submitted, a wetland park was proposed in the northwest parcel. However, for the reasons set out above, the revised policy focusses new housing in Flood Zone 1 only. The provision of parkland which supports informal recreation remains justified, but not specifically a wetland park. This position is agreed by the Council and reflects the discussions at the hearing sessions. I have therefore changed the wording of Criterion (vi) in the schedule of MMs in the Appendix to this Report to provide additional flexibility (**MM81**). It refers to the provision of parkland with flood attenuation measures 'where necessary'. The alteration does not pose any greater risk from flooding, because new vulnerable uses are now proposed outside the flood zone. If the position changes, the policy contains sufficient safeguards to ensure that wetland areas (or other such mitigation) are included as part of the final design and masterplan.
163. The southwest parcel will provide around 520 houses, a new local centre, sheltered accommodation and a healthcare facility. Again, the requirements are translated into Policy STR/SS1 for effectiveness by **MM81**. Because a greater area of this parcel is at risk of flooding, specific requirements are included.
164. At present, the Green Belt boundary broadly follows the western built-up edge of Paddock Wood. To the south of the town, the boundary is further away and follows the A228 down to the junction with Alders Road. It has already been established that there is a strategic need to review the Green Belt boundary to help meet the significant need for housing and address increasing affordability issues in the absence of any other reasonable alternatives. At Paddock Wood and land at east Capel, the Stage 3 Green Belt Assessment identified that moderate harm would be caused from releasing land in between the existing urban edge and a line broadly following Tudeley Brook. The remaining land, up to the A228, was identified as likely to cause a high level of harm, primarily because it helps in preventing the countryside from encroachment.

165. However, I agree with the Council's evidence in the Development Strategy Topic Paper²⁷ which justifies how rolling the boundary back to the A228 would create a more readily recognisable, permanent and long-term boundary to the Green Belt. Furthermore, because the A228 already serves as the Green Belt boundary from the junction with the Badsell roundabout, following the line of the main road would be a logical western edge to the town. I therefore conclude that exceptional circumstances exist to alter the boundary as proposed.
166. Exceptional circumstances also exist to bring a small area of land into the Green Belt to the west of the A228 at Colts Hill. This is justified for precisely the same reasons as above, to create a long-term, clearly defined and defensible boundary following the A228 west of Paddock Wood.

Southeast and Northeast Parcel – Policy STR/SS1(C) and (D)

167. The southeast parcel is split in two, separated by the recent Mascalls Court development. Because that development is complete, there is no need for it to be shown within the allocation boundary. The revised maps are shown in Policy STR/SS1 by **MM81** and it will be for the Council to update the submitted policies map upon adoption.
168. The AONB Setting Analysis Report for Paddock Wood²⁸ assesses the impacts of all parcels on the High Weald. In summary, the National Landscape is found on higher ground to the south of Paddock Wood, set back from the north-facing slopes overlooking the town. Most of the parcels are found to have either a Low or Medium sensitivity to new development. Land to the east and southeast, however, is classified as having a High sensitivity. This is due to panoramic views which are possible over the valley from the 'Millennium viewing point', with views across the flat, open landscape to the east of Paddock Wood. Structural planting is therefore recommended in these areas to limit and mitigate against the visual impact of new development on the setting of the High Weald.
169. One area of the allocated site was found to have a 'Very High' sensitivity to new development. The rectangular parcel extends south along Mile Oak Road to the junction with Knowle Road. The Setting Analysis Report concludes that development in this location is likely to harm the setting of the High Weald and it may not be possible to successfully mitigate against it.
170. The submitted Plan includes the area within the allocation but shows the indicative settlement boundary line further back, excluding the parcel from the settlement. This was intended to prevent new built development in the area but still include it within the allocation for landscaping and/or open space. However,

²⁷ Core Document CD3.126

²⁸ Core Document 3.95b

the soundness issue with the Plan is that it refers to the settlement boundary around Paddock Wood as 'provisional'. It is therefore unclear to decision-makers, developers or local communities what the boundary of the allocation is and what is expected from this area. The policy as submitted also fails to reflect the importance of landscape and the setting of the High Weald in this location.

171. For effectiveness, **MM81** therefore introduces a requirement into Policy STR/SS1 for proposals within the setting of the High Weald to ensure that landscape and visual impacts are avoided or fully mitigated, and, to have regard to the recommendations of the AONB Setting Analysis Study and Management Plan. For the same reasons, **MM15** and **MM81** clarify the situation regarding settlement boundaries by deleting reference to the boundaries being provisional. **MM81** then modifies the inset map in the Plan to align the settlement boundary with the site allocation boundary. Consequential changes to the submission policies map will be required by the Council upon adoption.
172. Extending the settlement boundary to include the southernmost parcel does not mean that it will be developed to the detriment of landscape character. The changes in **MM81** provide the necessary safeguards. Retaining the parcel within the wider allocation also ensures that it can contribute towards mitigation and/or open space and form part of the detailed masterplanning process.
173. The northeast parcel will provide around 600 homes and land for a new primary school. Running along the northern boundary is the former Paddock Wood to Hawkhurst railway line, referred to as the 'Hop Pickers' line. In the interests of good design, promoting sustainable travel patterns, and thus consistency with national policy, **MM81** requires proposals to incorporate and enhance use of the Hop Pickers trail in future developments.

Northern Parcel – Policy STR/SS1(E)

174. Two sites are allocated for employment uses to the north of the railway line. Around 4.6 hectares is allocated to the east of Transfesa Road, with around 6.6 hectares allocated to the east of Maidstone Road. The Maidstone Road allocation is broadly split in half by Lucks Lane. The northernmost parcel is referred to as the 'Keylands' site, with the southernmost parcel 'Swatlands Farm'. Both allocations extend the main employment area of the town, and both form part of the strategic Paddock Wood expansion under Policy STR/SS1.
175. Most of the land at Transfesa Road falls within Flood Zone 2. Following the updated flood risk modelling, some of the site is now also within Flood Zone 3.
176. Additional work has looked for alternative sites at a lower risk of flooding, but no land within Flood Zone 1 around Paddock Wood has been identified as suitable

and available to accommodate either employment allocation. Sites in other towns could have been looked at again, but I agree with the Council that given the scale of growth around Paddock Wood, it is reasonable and justified to seek to deliver complementary growth in employment land in the town. This is in the interests of promoting balanced, mixed communities and sustainable patterns of development consistent with national planning policy.

177. By removing the small area of Flood Zone 3 land, the Transfesa Road allocation is entirely within Flood Zone 2. There are no sequentially preferable sites at a lower risk of flooding that could accommodate the employment uses proposed. As a proposal for 'less vulnerable' uses, no application of the exception test is needed either. Subject to deleting the small part of the site in Flood Zone 3, the allocation is therefore justified and would result in the logical extension of an existing Key Employment Area. KCC Highways has not identified any insurmountable concerns with the proposed access arrangements, which would be for the planning application process to determine. The necessary change to the size of the allocation is made by **MM81**. Consequential changes to the policies map will also be required by the Council upon adoption.
178. The allocation at Maidstone Road has also been reviewed post submission in Examination Document PS_045. Making allowances for climate change, the updated modelling shows that most of the allocation would be within Flood Zone 3 by the end of the plan period.
179. In terms of the sequential test, land at Transfesa Road is available, suitable and allocated for the same employment uses. It is therefore sequentially preferable to allocating land at Maidstone Road in Flood Zone 3. I am also mindful that land is safeguarded in the western parcel for a potential secondary school which will not be required if the preferred option of expanding Mascalls Academy goes ahead. Sequentially preferable site options therefore exist as part of the strategic growth of Paddock Wood without allocating land in Flood Zone 3. Paragraph 162 of the Framework is clear that development should not be allocated if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Maidstone Road allocation is therefore deleted by **MM17** and **MM81**.
180. In reaching this view I have taken into account that the Swatlands Farm site benefits from outline planning permission. This is a material consideration. However, that planning permission was granted before the remodelling of flood zones around Paddock Wood and reclassification of large parts of the allocation as Flood Zone 3. The site has not yet come forward for development and given the availability of land allocated around Paddock Wood under Policy STR/SS1, with a lower risk of flooding, the previous approval of planning permission does not justify allocating a site in Flood Zone 3.

181. That being the case, for clarity to users of the Plan and for effectiveness, the Plan should recognise that Swatlands Farm is a committed scheme. This is achieved by **MM81**. As consulted upon, the committed status of the Swatlands Farm site was also intended to be reflected in Table 5 under Policy STR1 by **MM17**. However, in error, the table heading was not renamed. I have therefore made the necessary correction to **MM17** in the Appendix to this Report which refers to the sites as Allocations and Commitments.
182. The MMs reduce the amount of employment land in Paddock Wood. However, the Economic Needs Study identifies a requirement for between 11.4 and 15.8 hectares across the borough. The committed scheme at Swatlands Farm and the Transfesa Road allocation would provide just over 8 hectares of net developable land. Combined with the Longfield Road site in Royal Tunbridge Wells (Policy AL/RTW17), the Plan would still provide more than 20 hectares of employment land, far exceeding the minimum requirement. When also considering that the Council will be required to undertake an early review of the Plan, there is no justification for pursuing alternative employment land options at this stage.

Other Matters

183. The submission version policies map for Paddock Wood and land at east Capel shows the Limits to Built Development following the boundaries of the allocated urban expansion. In doing so, there are some small pockets of land where existing properties would remain outside the settlement boundary, despite being adjacent to new development. One example is the Elm Tree pub on Mile Oak Road. However, these parcels are currently divorced from the main urban area of Paddock Wood and the strategic sites are going to take several years to become fully built out and reach the outer limits of Mile Oak Road / Queen Street. The proposed boundaries are therefore justified for now. As and when development progresses, it will be for the Council to review the boundaries as part of the wider Local Plan review process.
184. Finally, the schedule of MMs does not update Policy STR/PW1 (the overarching policy for Paddock Wood Parish) to reflect everything proposed in the modified Paddock Wood policy (Policy STR/SS1). But the Plan is read as a whole and there is no need to duplicate policy requirements.

Conclusion

185. I therefore conclude that the strategy for Tudeley Village is unsound, and based on the evidence provided, cannot be rectified by MMs. It is therefore deleted. However, subject to the recommended MMs, the strategy for Paddock Wood, including land at East Capel is justified, effective and consistent with national planning policy.

Issue 5 – Whether the process for selecting residential site allocations was robust, and whether the non-strategic residential site allocations are justified, effective and consistent with national planning policy

Methodology

186. Sites have been considered for potential allocation through the Strategic Housing Land Availability Assessment ('SHELAA'). This has been an iterative process, with updates carried out at each stage of the plan-making process. Sites considered included those put forward through the Call for Sites exercise, unimplemented planning permissions and allocations, and other sites considered potentially suitable by the Council's Planning Officers, such as land parcels adjacent to or surrounding submitted sites. Workshops were also held with parish/town Councils to try and establish potential sources of land.
187. At the initial stage, sites that could not accommodate a minimum of 10 dwellings, sites not related to existing settlements and sites where significant concerns existed (such heritage or ecological reasons) were discounted. Stage 2 involved a more detailed assessment looking at developable areas and included comments from consultees on matters such as highways, heritage, biodiversity and landscape. This was done alongside the iterative development of the Plan's strategy and the SA process.
188. The SA fed into the SHELAA process, which informed decisions about which sites to allocate. Discussions were also had with developers and site promoters to determine site availability and whether sites were developable. Other evidence-based documents were also considered, such as the Stage 1 and Stage 2 Viability Assessments²⁹, the LVIA and the AONB Setting Study³⁰. This gave Officers the relevant information necessary to determine site availability, suitability and achievability using guidance from the PPG.
189. The SHELAA is an iterative process and in some instances the Council has not taken forward sites into the submitted Plan which were included in earlier drafts. This is reasonable and justified and demonstrates how the Council has considered different site options throughout the various plan-making stages.
190. There are also instances where discounted sites scored 'higher' in the SA than allocated sites. However, the SA and SHELAA were used to inform judgements around which sites to allocate. This process also involved subjective matters, especially around landscape impact. As a result, there is no direct correlation

²⁹ Core Documents CD3.54a and CD3.65a

³⁰ Core Documents CD3.96a and CD3.95a

between the scoring from the SA and whether a site is included in the Plan. Nor is there a direct comparison between competing sites in the SA and SHELAA.

191. The Green Belt Assessments also informed judgements around which sites to allocate. Stage 1 considered broad areas looking at parcels and their relationship to settlements and the countryside. Its general purpose was to identify where land parcels made a weak contribution to Green Belt purposes. Stage 2 was more refined. It set out in greater detail the likely harm that would arise from Green Belt alterations, the strength of remaining areas of Green Belt and the need for compensatory measures. The results from Stage 2 fed into the SA and the SHELAA and informed decisions around site suitability.
192. At Stage 3, the purpose of the Assessment was to consider the potential harm from individual site options. It then informed decisions about whether exceptional circumstances existed to justify altering Green Belt boundaries. However, as set out in my Initial Findings, the Stage 3 Green Belt Assessment only considered sites in the submitted Plan. There was no comparative assessment of reasonable alternatives at the plan-making stage to determine whether housing needs could be met in a way that avoided, or sought to minimise, harmful impacts on the Green Belt where possible.
193. Examination Document PS_035 addresses this shortcoming and tests reasonable alternatives (derived from the SA for consistency) to determine likely Green Belt harm. The Assessment has then been used to update the SHELAA and the SA in Examination Documents PS_036 to PS_038. In summary, the additional evidence demonstrates that the outcomes from the site selection methodology remain valid. This is because whilst the Green Belt Assessments are material considerations, they only form part of the overall reasoning for deciding which sites to allocate. It also demonstrates that, with the exception of strategic sites, most allocations in the Plan generally compare more favourably, or would result in less harm, than the reasonable alternatives.
194. There are some notable exceptions, with the additional work identifying parcels with low-moderate levels of harm around Five Oak Green. These parcels were originally discounted for reasons including their proximity to the strategic sites at Tudeley Village and Paddock Wood. Following deletion of Tudeley Village from the Plan, the logical question is whether the Plan should be modified to allocate some of these sites in its place to make up the shortfall in housing land supply. However, as discussed above, harm to the Green Belt purposes is only one consideration. Furthermore, there may be other sites available elsewhere that would represent a suitable strategy. I therefore agree with the Council that this is a matter more appropriately dealt with holistically as part of a Local Plan review, especially when considering that the shortfall occurs towards the end of this plan period. This is a matter which I return to in the main issues that follow.

195. Overall, the methodology used to allocate sites is sufficiently detailed and robust. Multiple sources of supporting evidence have fed into the iterative process which has enabled the Council to make judgements around site suitability. Both the process, which included a consideration of alternative site options, and the Council's judgments, are appropriate and sound.

Town and Parish Policies

196. The Plan is organised by area and has strategic policies for each town and parish. The policies provide a high-level, overarching vision and set of objectives, which are then reflected in the allocations that follow. In principle, the strategic policies are sound and provide a useful summary of each area. However, because of MMs to individual sites, several consequential changes are required to some town and parish policies for effectiveness as follows:

- Royal Tunbridge Wells (Policies STR/RTW1 and STR/RTW2) – **MM31, MM32, MM33, and MM34**
- Southborough (Policy STR/SO1) – **MM72 and MM73**
- Parish of Paddock Wood (Policy STR/PW1) – **MM86 and MM87**
- Capel Parish (Policy STR/CA1) – **MM90 and MM91**
- Cranbrook and Sissinghurst Parish (Policy STR/CRS1) – **MM92 and MM93**
- Hawkhurst Parish (Policy STR/HA1) – **MM102 and MM103**
- Benenden Parish (Policy PSTR/BE1) – **MM117 and MM118**
- Brenchley and Matfield (Policy PSTR/BM1) – **MM127 and MM128**
- Goudhurst Parish (Policy PSTR/GO1) – **MM134 and MM135**
- Horsmonden Parish (Policy PSTR/HO1) – **MM138 and MM139**
- Lamberhurst Parish (Policy PSTR/LA1) – **MM146 and MM147**
- Pembury Parish (Policy PSTR/PE1) – **MM150 and MM151**

Site Layout Plans and Area Maps

197. Site allocations are illustrated on the submission version policies maps, with further detail shown on 'Site Layout Plans' in the Local Plan. The Site Layout Plans include details such as access points, landscape buffers and open space. Corresponding policies refer to these areas as indicative, and it will be for the detailed planning application process to determine the precise layout of allocated sites. When the Plan is read as a whole, this is sufficiently clear.

198. The submission version policies map contains several smaller, area-wide inset maps. In the interests of effectiveness, some of the site allocations need to be modified by reference to the correct area map. This is achieved by **MM37, MM39, MM40, MM42, MM44, MM46, MM47, MM48, MM50, MM52, MM54, MM55, MM57, MM59, MM61, MM62, MM64, MM66, MM68, MM69, MM70, MM71, MM114 and MM161**.

Royal Tunbridge Wells

Former Cinema Site, Mount Pleasant Road and Land at St John's Road – Policies AL/RTW1 and AL/RTW4

199. The former cinema site has planning permission and is under construction for a mixed-use development. Development is also underway on the former bus station site. The principle of both developments, including their scale and mix of uses has been established and both allocations are justified. For effectiveness, **MM36**, **MM37** and **MM41** reflect the latest position and bring the plan up to date. For the same reasons, the MMs to Policy AL/RTW1 also provide additional flexibility around town centre uses which would be appropriate in this location.

Land at Lifestyle Ford, Mount Ephraim - Policy AL/RTW3

200. In the area surrounding the site are several large, high-density flatted developments. The scale of the allocation is therefore justified in the context of its urban environment and given the need to maximise the reuse of previously developed land. Sufficient safeguards exist in Policy AL/RTW3 to ensure a high-quality design that sustains the significance of relevant heritage assets.

201. The site was also allocated in the 2016 Site Allocations Local Plan and is yet to come forward. However, the Council states that the current owners are actively looking to relocate the garage and have previously submitted a planning application for an alternative location. Based on the evidence available, I am satisfied that the allocation is developable within the plan period.

Land south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm – Policy AL/RTW5

202. The allocation is bounded to the north and east by the main built-up areas of Southborough and Royal Tunbridge Wells. In this location, a range of services and facilities are accessible by walking, cycling and public transport.

203. The Green Belt Study Stage 3 describes how the area proposed for allocation is contained by existing development to the north, east and south-east. It also describes how the topography of the wider land parcel, which falls away to the south and west, means that the proposed site area has a relationship with the existing urban area. The Council's Landscape Sensitivity Assessment³¹ also recognises that the areas of flatter ground closest to the settlement edge are "less sensitive".

³¹ Core Documents CD 3.102 and CD3.102b(ii)

204. Based on observations at my site visits, I agree with the Council's evidence that the area closest to the settlement edge, on the higher ground, has a physical and visual connection with the main built-up area before the land opens up to the south and west. The area proposed for development is also contained by a thick belt of trees which would act as a landscape buffer. Subject to an appropriately designed scheme, development of the allocation could be achieved without causing significant harm to wider landscape character. Criterion 7-11, combined with other Local Plan policies, will achieve this.
205. Access to the site would be from Speldhurst Road. Whilst narrow in places, KCC Highways has confirmed that a suitable access point can be achieved for the scale of development proposed with some localised road widening. Given the extent of the site frontage, and in the absence of any objections from the local highway authority, there is nothing to suggest that creating a new access would be insurmountable. Policy AL/RTW5 also requires the provision of car parking within the site boundary to mitigate the loss of any existing on-street spaces, with the final details to be approved as part of the planning application process. The allocation is therefore justified on highway grounds. Although for effectiveness, **MM44** clarifies that the necessary road widening only needs to be localised and that its purpose is to provide a safe means of access and egress.
206. In reaching this view I have taken into account that the landscaping along the boundary with Speldhurst Road is subject to a group Tree Preservation Order ('TPO'). It contributes positively to the character and appearance of the area. However, the need for road widening is specific, and relates to just the area around the proposed site access, not a significant length of Speldhurst Road. Information presented in support of the allocation also states that only around 6 trees would need to be removed. I am therefore satisfied that an appropriate scheme can be achieved and that the allocation is developable.
207. As submitted, the residential property 'Oaklea' was mistakenly included in the open space and landscape buffer. The site boundary will therefore need to be amended by the Council upon adoption, as shown in Examination Document TWLP/154, and the Site Layout Plan for effectiveness by **MM43**.
208. It has already been established that exceptional circumstances exist at a strategic level to amend the Green Belt boundary. At a site-specific level, the Green Belt Study Stage 3 finds that the harm from releasing the allocation would be low-moderate. The impact on the adjacent Green Belt is also described as 'negligible'. Because of the established landscape buffer that exists to the south and west, and the association that the northernmost parcel of land has with the urban area, I agree. For the same reasons, the allocation would create a clearly defined, long-term defensible boundary. The contribution that the allocation would make to meeting housing needs, including the provision of affordable housing, would also be significant. Exceptional circumstances therefore exist to release the land from the Green Belt.

Land at 202 and 230 Upper Grosvenor Road – Policy AL/RTW6, Montacute Gardens - Policy AL/RTW10, Former Plant & Tool Hire – Policy AL/RTW11 and Turners Pie Factory – Policy AL/RTW13

209. Planning permission is now in place for the allocations at Upper Grosvenor Road, Montacute Gardens, Eridge Road and the former Turners Pie Factory. The principle of residential development has therefore been established and the allocations are justified. For clarity and effectiveness, **MM45**, **MM51**, **MM53**, **MM56** and **MM57** reference the approved permissions and bring the Plan up to date.

Land at former Gas Works, Sandhurst Road - Policy AL/RTW7 and Land at the Tunbridge Wells Telephone Engineering Centre - Policy AL/RTW12

210. Both sites are allocated in the 2016 Site Allocations Local Plan but have yet to come forward. However, the former gas works has now been cleared, some remediation work has been carried out and the Council confirms that the site was purchased from Southern Gas Networks in 2022. Correspondence between the Council and the promoters for the former telephone engineering site also confirms that it will become available for redevelopment in the short-medium term. I am therefore satisfied that there is a reasonable prospect of both sites coming forward for development during the plan period.

Land at Beechwood Sacred Heart School - Policy AL/RTW9

211. The 2017 planning permission has now lapsed. For effectiveness, the position is updated by **MM49**. However, the Council's Matter 7 Hearing Statement refers to correspondence with the site owners, with the last update stating that consideration was being given to whether a care home development would be brought forward. Although there remains some uncertainty about the exact nature of development, some site clearance work has been undertaken and the evidence points to ownership by a housing/care home provider. I am therefore satisfied that the allocation is sound and is developable within the plan period.

Land at Tunbridge Wells Garden Centre - Policy AL/RTW14

212. The allocation encompasses the existing Tunbridge Wells Garden Centre, associated storage, car parking and areas that have previously been used for growing plants. The indicative layout plan shows two zones, a mixed-use area and an area of open space. Policy AL/RTW14 supports new residential development alongside expansion of the existing business.

213. Historically, land around the garden centre had been used for growing, with associated infrastructure, hardstanding and glasshouses. The Plan seeks to

confine new development to these areas, which is appropriate and justified. Land to the north of the garden centre also rises up significantly and is therefore more suited to landscaping than new built development.

214. It has already been established that there is a strategic need to amend the Green Belt boundary. Royal Tunbridge Wells is the main town in the borough and the site is within walking distance of shops, services and public transport. The Green Belt Study Stage 3 finds that the site has a strong relationship with the existing built-up area, with clearly defined boundaries created by the railway line and the wooded valley side. Potential harm is described as Low-Moderate, with impacts on the remaining Green Belt 'negligible'. Because of this limited harm, the pressing need for housing, the socio-economic benefits that will arise, and the fact that the site has been previously developed, I agree that exceptional circumstances exist to justify altering the Green Belt boundary.
215. Between 25-30 houses are supported at the site, which is a relatively modest scale of development within Royal Tunbridge Wells. Discussions with KCC Highways has identified that the need for a secondary and/or emergency means of access is superfluous for a development of its size in this location. The requirement is not justified and is deleted by **MM59**. For effectiveness, **MM58** also provides additional text to clarify what is required of planning applications.

Land at Showfields Road and Rowan Tree Road - Policy AL/RTW15

216. Policy AL/RTW15 supports redevelopment proposals as part of the regeneration of the 1970s housing estate. In principle, the policy is justified in seeking to improve the housing stock and the immediate surrounding area. However, to ensure that an appropriate mix of uses are re-provided as part of any future scheme, this needs to be set out clearly in the Plan, along with details of how and when the community and health facilities will be provided. The necessary modifications are made by **MM60** and **MM61** for effectiveness. For the same reason, it is necessary to update the Plan by reference to an approved planning permission and make it clear that the total dwelling numbers are net additional houses following any demolition.

Land to the West of Eridge Road at Spratsbrook Farm – Policy AL/RTW16

217. The allocation comprises two connected parcels of land. The eastern 'half', which is removed from the Green Belt, is identified for around 120 houses. The western parcel is retained within the Green Belt as open space.
218. In the SHELAA, the site is classified as 'Urban, Grade 4'. This is an error and is due to the scale of the mapping software, which has been influenced by the proximity of the adjacent urban area to the north. The error does not make the

allocation unsound. The remainder of the description is clear that the site is a field. The Plan also refers to "...an undeveloped greenfield site...". Officers were therefore clearly aware of the site's status when considering its suitability for housing. Even if the SHELAA sheet was corrected, the agricultural land classification would not preclude its allocation. This is because, for the reasons set out in Main Issue 3, the Council is unable to meet the minimum need for housing without looking at expanding settlements beyond their current limits. In this case, the site is on the edge of the main town, is accessible to local services and facilities and has been considered against a range of reasonable alternatives. The principle of the land use proposed is acceptable.

219. The Green Belt Study Stage 3 identifies that some Low-Moderate harm would be caused from releasing the eastern half, primarily from encroachment into the countryside. But this would be limited because new housing would not extend any further south or west than the existing main built-up area of the town. In this regard, its encroachment would be minimal, with only a 'negligible' effect on the wider Green Belt defined by the Council's Stage 3 Study.
220. By restricting new built development to the eastern half, the allocation reflects the evidence contained in the Landscape Sensitivity Assessment and the LVIA. Both documents make a distinction between the two parts of the site, with the eastern half falling outside the High Weald National Landscape and being influenced by the existing residential development to the north. There is also the potential for mitigation by introducing new structural planting along the southern site boundary and creating a long-term, clearly defined and defensible southern edge to Royal Tunbridge Wells. Based on the evidence provided I am therefore satisfied that a suitable scheme could come forward, subject to an appropriate final design, that avoids harmful impacts on landscape character. By refining the allocation and only allowing residential development on the eastern half, the Plan is consistent with paragraph 176 of the Framework which requires development within the setting of AONBs (national landscapes) to be sensitively located to avoid or minimise adverse impacts.
221. Criterion 7 already requires the layout, design and massing of development to have regard to the setting of the High Weald National Landscape and include a landscape buffer to the south. To be effective, **MM62** also introduces a reference to the Council's LVIA, which has considered relevant mitigation in more detail than can be referenced in the Plan. Reference to the AONB Setting Report was included in **MM62** in error, which has therefore been deleted from the schedule of MMs in the Appendix to this Report.
222. Given the ability of the eastern half to accommodate new development, the pressing need for housing, the socio-economic benefits and the lack of suitable, developable sites elsewhere, exceptional circumstances exist to justify altering the Green Belt boundary in this location. However, for effectiveness, it is necessary to clarify that the western half is not removed from the Green Belt

and shall be kept open and free from development (**MM62**). This is due to the positive contribution that the area makes to the landscape character of the area and reflects the evidence in the Landscape Sensitivity Assessment and LVIA. For the same reasons, **MM62** also clarifies that it will be for the planning application process to confirm how the retained open space will be managed.

223. Another reason for restricting development on the western parcel is due to the proximity of the High Rocks Hill Fort, a Scheduled Ancient Monument dating from the Iron Age. Policy AL/RTW16 includes a requirement to provide a detailed historic landscape and archaeological assessment, including an assessment of any impacts on the High Rocks Fort. Combined, I am satisfied that the restrictions on the siting of new housing, and the need for further investigations to inform the final design will prevent any harmful impacts. Other policies in the Plan also provide the necessary safeguards to consider the significance of archaeological heritage assets.

Southborough

Speldhurst Road former Allotments and Land at Baldwins Lane – Policies AL/SO1 and AL/SO3

224. Land at the former allotments on Speldhurst Road has been completed. Policy AL/SO1 is therefore deleted for effectiveness by **MM74** and **MM75**.

225. Land at Baldwins Lane comprises previously developed land within an urban area. It is adjacent to, but outside the Southborough/High Brooms Industrial Estate. In principle, its redevelopment for housing is justified and sound. The previous planning permission for 26 flats has now lapsed. **MM78** therefore brings the Plan up to date for effectiveness. Despite not being implemented, there is nothing to suggest that the site is undevelopable during the plan period.

Paddock Wood

Land at Mascalls Farm – Policy AL/PW1

226. Phase 1 is currently under construction and Phase 2 now also benefits from planning permission. The principle and scale of residential development on the site has therefore been established and the allocation is justified.

227. For effectiveness, **MM88** refers to the latest planning permission and brings the Plan up to date. For the same reason, **MM89** is needed to introduce reference to the strategic sites masterplanning and infrastructure work that supports the wider development of Paddock Wood. This is because if an alternative scheme comes forward, or the planning permission lapses, new proposals will need to consider the wider infrastructure requirements of the town.

Cranbrook and Sissinghurst

Land at Brick Kiln Farm, Cranbrook Road and Land at Corn Hall, Crane Valley Road – Policies AL/CRS1 and AL/CRS2

228. Both sites form part of a single, existing allocation for approximately 200-250 dwellings in the Site Allocations Local Plan. Land at Brick Kiln Farm (Policy AL/CRS1) now benefits from detailed planning permission and is coming forward independently from land at Corn Hall. The principle of development has therefore been established, and the standalone allocation is justified.
229. Land at Corn Hall (Policy AL/CRS2) is also justified as a standalone allocation. The site is within the existing Limits to Built Development, within walking distance to services and facilities and is bounded to the north by a mix of commercial and residential uses, with Brick Kiln Farm to the west. The Council's Matter 7 Hearing Statement explains how the proposal has been reconsidered and the scale of housing reduced from the current allocated site. Although there has been a change in circumstances and the two parcels are progressing independently, the approved scheme for Brick Kiln Farm includes a new access road up to the site boundary. There is nothing to suggest that the site cannot be developed during the plan period.
230. For effectiveness, and to bring the Plan up to date on adoption, **MM92**, **MM94** and **MM95** refer to the approved scheme at Brick Kiln Farm. For the same reasons, **MM93** removes reference to potential mitigation measures in the Cranbrook and Sissinghurst Neighbourhood Plan. Any relevant policies in the Neighbourhood Plan would be taken into consideration as part of the development plan for the area.

Turnden Farm, Hartley Road – Policy AL/CRS3

231. The allocation at Turnden Farm has a detailed planning history, with matters progressing in parallel to the Local Plan examination. In summary, the site now benefits from planning permission for 165 dwellings and associated works. This follows earlier approvals for the provision of a replacement farmhouse and erection of 36 dwellings. The principle of development, and detailed design matters including the layout, scale, appearance and landscaping of the site have therefore all been established following an extensive assessment process, which included a public inquiry leading to a Secretary of State decision.
232. A significant amount of evidence has been provided to the examination. This includes the Council's Landscape Sensitivity Assessment and LVIA. The LVIA concludes that the allocation would integrate with the permitted schemes at Turnden Farm and Brick Kiln Farm, whilst the areas of open space would protect the separate settlement identities between Cranbrook and Hartley.

Subject to the mitigation proposed, potential for sensitive development is identified, which could be assimilated into the landscape without significant residual landscape and visual effects. For the same reasons, the LVIA also found that there was potential for proposals to protect the key components of the High Weald's character and enhance the landscape through the extensive areas of open space proposed. Policy AL/CRS3 specifically requires a green infrastructure link along the Crane Valley, retained and improved meadows, woodlands, hedgerows and water features and the reinstatement of historical field boundaries with hedgerows, shaws and woodlands.

233. Based on the evidence provided and observations at my site visits, I agree with the Council that the site can be developed in a way that furthers the purpose of conserving and enhancing the natural beauty of the High Weald. This legislative change, discussed during the examination hearing sessions, does not make the allocation unsound. In the absence of harm, the same conclusion applies to the adjoining sites at Brick Kiln Farm and Corn Hall.

234. It is common ground between the Council and Natural England that the allocation would likely result in major development in the High Weald, especially when considered cumulatively with Brick Kiln Farm and Corn Hall. I have given great weight to conserving and enhancing the landscape and scenic beauty of the High Weald, and carefully considered the concerns raised by Natural England, amongst others. However, the Council's evidence provides a thorough assessment of the landscape impacts, the need for housing, the sustainability of Cranbrook and the benefits from new publicly accessible open space, biodiversity enhancements and landscape improvements. It has already been established that exceptional circumstances existed for the approved scheme, and should an alternative proposal come forward, I am satisfied that the requirements in paragraph 177 of the Framework could be met.

235. The allocation is therefore justified and consistent with national planning policy. For effectiveness, **MM97** clarifies that historical field boundaries will be reinstated where appropriate, thus allowing for other aspects of the residential development to come forward. For the same reasons, **MM96** brings the policy up to date by reference to the approved scheme and clarifies the position of a pumping station and requirements for site layout in the interests of good design.

Land South of The Street and Land at Frittenden Road and Common Road, Sissinghurst – Policies AL/CRS6 and AL/CRS7

236. Development is underway at The Street for a new village hall and 19 houses. The allocation at Frittenden Road and Common Road is also under construction. Both allocations are justified and deliverable. **MM99**, **MM100**, and **MM101** bring the Plan up to date for effectiveness.

237. To reflect the scheme under construction at The Street, and for effectiveness, **MM99** and **MM100** clarify that the village hall is a replacement, illustrate roughly where on the site it will be located and recognise that some flexibility may be required around scheme viability and affordable housing due to the costs of providing the replacement community building. Upon adoption it will also be necessary for the Council to update the policies map accordingly.

Hawkhurst

Brook House and Former Site of Springfield Nurseries – Policies AL/HA2 and AL/HA3

238. Both sites benefit from planning permission for residential development and are justified as allocations in the Plan. For effectiveness, **MM106** refers to the TPO which covers part of the site at Brook House, whilst **MM107** illustrates the position of open space and a landscape buffer and TPO at the former nursery.

Land off Copthall Avenue and Highgate Hill – Policy AL/HA4

239. Full planning permission has been granted for 71 houses. The principle of development in this location, including the effect of the development on the High Weald National Landscape and the local highway network has therefore been established. For effectiveness, the latest position is referred to by **MM108**. The planning application process has demonstrated that development can be achieved in a way that seeks to further the purpose of conserving and enhancing the natural beauty of the High Weald National Landscape.

240. The Settlement Role and Function Study finds Hawkhurst to be a sustainable location for growth with a range of services and facilities. The provision of approximately 70 new houses on this site, 40% of which would be affordable, would have significant, positive socio-economic impacts. It would also make a meaningful contribution to meeting housing needs in the absence of suitable alternatives elsewhere in Hawkhurst or outside the High Weald. Protection and enhancement of the Site of Nature Conservation Value to the north, and the wildflower meadows to the south, would also be secured. Should an alternative scheme come forward, subject to an appropriate design, it is likely that exceptional circumstances would exist to justify major development in the High Weald.

241. For effectiveness, to reflect the supporting evidence, and should an alternative scheme come forward, **MM109** and **MM110** clarify the necessary access points and refer to the National Landscape and LVIA in the policy. Because other policies in the Plan refer to air quality, and the situation regarding the Hawkhurst Air Quality Management Area is evolving, there is no requirement for a specific

reference to air quality in Policy AL/HA4. It is deleted by **MM110**. The latest situation is also referred to in **MM8** for effectiveness.

Land to the North of Birchfield Grove - Policy AL/HA5

242. As submitted, the Plan allocates land north of Birchfield Grove for a new medical centre. The need for a new medical centre is established through the IDP due to the current premises being no longer suitable to meet demand.
243. The soundness issue with the submitted Plan is how the medical centre would be delivered. Without resolving land ownership and access restrictions, the strategy for a new medical centre on the site is not justified or effective.
244. However, during the examination, the Council has granted planning permission across a larger site for 70 houses, a medical centre, areas of open space and land for the expansion of the neighbouring primary school. Expansion of the school is needed to support the growth proposed in the Plan.
245. I recognise the frustrations and confusion voiced by residents regarding the history of the site, which was allocated for a larger development in the draft Plan, then removed before submission, then granted planning permission. However, in granting planning permission, the Council has established the suitability of the wider site for a mixed-use development, including the medical centre. Subject to agreeing the necessary details through planning conditions and the reserved matters process, development can proceed.
246. The Council's landscape evidence also supports the allocation. The Landscape Sensitivity Assessment of Additional Settlements looked at a larger parcel (H5) to the south and east of Hawkhurst. It identified that the parcel is an important buffer between the settlement and countryside but made a distinction between the settlement edge and the wider area. Similar conclusions are drawn in the LVIA, which found that the eastern field is wholly rural in character, whereas the western part of the site has a stronger association with the settlement. It concludes that the allocation could round off the existing edge to Hawkhurst without causing significant landscape harm.
247. The approved scheme follows these design principles and focusses development on the existing settlement edge, with large open space and landscape buffers to the north and east. Allocated for 70 houses, it is also materially different to the proposal for 100 homes which the Council previously rejected. For these reasons, I am satisfied that development of the site in the manner proposed could be achieved in a way that furthers the purpose of conserving and enhancing the natural beauty of the National Landscape.

248. In addition, as part of the examination process, the Council has looked at other potential sites for a medical centre around Hawkhurst, but no suitable options are available. Using land north of Birchfield Close also allows for expansion of the primary school. Combined with the socio-economic benefits of 70 houses, 40% of which will be affordable, should an alternative scheme come forward, it is likely that exceptional circumstances would exist to justify major development in the High Weald National Landscape.
249. In terms of the Hawkhurst crossroads, the Council's Matter 4 Hearing Statement explains how KCC Highways (and NH in respect of the A21/A268) are both satisfied that the proposals would not lead to any severe impacts on the operation of the highways network. Similarly, although Birchfield Grove is a residential road, there are no convincing highway reasons to indicate that it would be unsuitable for providing access to the modified allocation. As part of the planning application process, the necessary visibility splays onto Rye Road were established.
250. In summary therefore, as submitted, Policy AL/HA5 is unsound because it cannot deliver the medical centre. Modifying the Plan by expanding the site and allocating it for a mixed-use development overcomes the ownership constraints, as demonstrated by the planning permission, which makes specific provision for the transfer of the land and access for the medical centre and school expansion. The necessary changes to the Plan are made by **MM111** and **MM112**, which ensure that it is positively prepared, justified and effective. The changes require a suitable legal mechanism to secure provision of the medical centre.
251. I am also satisfied that the allocation is developable within the plan period and can satisfy requirements for biodiversity net gain based on the details provided by the Council. Should an alternative scheme come forward, the modified policy also includes requirements for the design and layout of the site and the need to consider impacts on the Hawkhurst and Flimwell crossroads.
252. The supporting text to Policy STR/HA1 is modified for effectiveness by **MM102** to reflect the approved scheme. However, as consulted upon, it did not change the description of the site or update the housing figures for Hawkhurst. I have therefore corrected both factual changes in the schedule of MMs in the Appendix. As consulted upon, **MM111** also referred to the status of the planning application as having a resolution to grant permission. Because it now has planning permission, I have amended the supporting text accordingly.

Benenden

253. As submitted, the Plan allocates four sites for residential development in Benenden. They are Policy AL/BE1 (Land adjacent to New Pond Road), Policy AL/BE2 (Feoffee Cottages/land at Walkhurst Road), Policy AL/BE3 (Land south

of Goddards Green Road) and Policy AL/BE4 (Land north of Goddards Green Road).

254. In February 2022, the Benenden Neighbourhood Plan was formally 'made' and is now part of the adopted development plan for the area. It allocates all four sites for residential development.
255. Because the sites are already allocated, there is no justification for duplicating the policies in the Local Plan. This could also lead to confusion and inconsistency where specific policy requirements differ. To make the Plan justified and effective, all four sites are therefore deleted by **MM119, MM120, MM121, MM122, MM123, MM124, MM125** and **MM126**. Upon adoption of the Local Plan, it will be necessary for the Council to update the submitted policies map as required. In the interests of effectiveness, **MM118** is also needed to clarify the position of the made Neighbourhood Plan and the allocated sites.

Brenchley and Matfield

Land at Maidstone Road, Matfield – Policy AL/BM2

256. The Council has resolved to grant planning permission for 15 houses, open space, a children's play area and additional car parking for Matfield Village Hall. The site is also referred to in the Brenchley and Matfield Neighbourhood Plan. The principle of development has therefore been established. Given the size of the allocation, its relationship to the main built-up area of the village, and the screening afforded by existing boundary landscaping, I am satisfied that development can be achieved in a manner which furthers the purpose of conserving and enhancing the natural beauty of the High Weald.
257. For effectiveness, to ensure that the allocation is justified and to reflect the approved scheme, **MM132** is needed to specify that the car parking should be adjacent to the village hall and the number of spaces required. For the same reasons it is also necessary to include a mechanism to secure their delivery.
258. There is no justification for a single point of access, provided that suitable access arrangements are supported by appropriate evidence. Proposals will also need to consider the National Landscape designation and provide open space and play space. Both issues are rectified by **MM131** and **MM132** for effectiveness.
259. For the same reasons, the indicative map in Policy AL/BM2 is updated by **MM131**. Although the area shaded green does not reflect precisely the planning application or made Neighbourhood Plan, the maps provided are only indicative.

Goudhurst

Land East of Balcombes Hill and Land at Triggs Farm – Policies AL/GO1 and AL/GO2

260. Both sites in Goudhurst have planning permission and the principle of development has been established. **MM136** and **MM137** clarify the latest position and bring the Plan up to date for effectiveness. For the same reasons, **MM134** refers to the Goudhurst Neighbourhood Plan and the latest iteration of the IDP which identifies a need for improved healthcare provision. References to Inset Maps are corrected in the schedule of MMs at Appendix 1 and referred to as Site Layout Plans.

Horsmonden

Land South of Brenchley Road and West of Fromandez Drive – Policy AL/HO2

261. The principle of development has now been established following the grant of outline planning permission for 68 houses and a village hall in 2025. The application process demonstrated that a smaller scale of development was needed due to the land requirements for the new village hall, open space and landscape buffers. **MM143** makes the necessary change to ensure that the Plan is justified and effective, referring to a scheme of around 70 houses and a new village hall, the location of which is illustrated on the Site Layout Plan.

262. Several other MMs are required to Policy AL/HO2 by **MM143** to ensure that the Plan is justified and effective. They include specifying the location of the pedestrian links, requiring safe crossing facilities on Brenchley Road, clarifying that the layout plan is only indicative and recognising that some hedgerows will be removed to create the necessary points of access. For the same reasons, it is necessary to require development proposals to be informed by a heritage assessment and identify the relevant assets.

263. As submitted, it is erroneously assumed that the village hall would be constructed alongside the housing site and “*tied to the delivery of the housing*”. To be effective this is rectified by **MM143**, which requires the provision of the land, with the final detail agreed at the planning application stage.

264. The submitted Plan requires development proposals to explore opportunities to provide a pedestrian access into the adjacent gardens associated with Sprivers, which is owned and managed by the National Trust. However, this lacks sufficient precision to be effective. Planning for pedestrian links, which provide connectivity with the wider public footpath network is necessary in the interests of good design and promoting sustainable travel patterns. **MM143** therefore specifies that the site layout should include a pedestrian link through the site

which connects the western boundary with Sprivers. The exact location of the access point, its design and who will pay for any necessary improvements are all detailed matters which will be for the reserved matters process to establish. At the Local Plan level, the revised policy provides sufficient clarity.

265. The High Weald National Landscape boundary broadly follows Sprivers Wood to the west of the site. In approving planning permission for residential development, the Council concluded that the site could be developed in a way that avoided harm to the setting of the High Weald. Based on the evidence provided, which includes the AONB Setting Analysis Report, I agree. Should alternative proposals come forward, **MM143** includes a requirement to consider the High Weald through a LVIA, which is required for effectiveness. Consequential changes to the supporting text are made by **MM142**.

Land East of Horsmonden – Policy AL/HO3

266. Part of the allocation already benefits from planning permission for housing, which for effectiveness, is referred to by **MM144** and **MM145**. The Council has also resolved to grant planning permission for a further 120 houses and a medical centre on the site. The principle of a residential-led, mixed-used development has therefore been established, and the allocation is justified. Under Policy AL/HO3, land is also safeguarded for expansion of the local primary school, which is necessary to support the growth proposed in the plan.
267. As part of the proposal for the larger site, new allotments were included. To reflect that scheme, and the mix of uses approved in principle, **MM145** includes the requirement for allotments in Policy AL/HO3. The change is necessary to make the policy justified and effective. For the same reasons, **MM145** also introduces a requirement for a LVIA, should an alternative scheme come forward. This is due to the location of Horsmonden on the edge of the High Weald National Landscape. Although the AONB Setting Analysis Report found that impacts would be either Low or Medium, requiring an LVIA will ensure that any necessary mitigation is considered and included for future applications, including any reserved matters.

Lamberhurst

Land West of Spray Hill – Policy AL/LA1

268. Planning permission has now been granted for 26 dwellings and the allocation is justified. Should an alternative scheme come forward, **MM149** specifies that mitigation for Scotney Castle Site of Special Scientific Interest must be provided. This is needed for effectiveness. For the same reasons, and in the interests of promoting sustainable modes of travel and highway safety, **MM149** refers to the relevant public rights of way network and requires a pedestrian link

with the Scotney Castle estate. Consequential changes to the supporting text are made by **MM148**.

Pembury

Policies AL/PE1, AL/PE2 and AL/PE3

269. To the south of Pembury are a series of fields which separate the existing built-up area from the A21. The adjoining parcels of land are allocated under Policies AL/PE1 – AL/PE3. All the sites are within the High Weald National Landscape and are proposed to be removed from the Green Belt.

270. The Council's LVIA describes how all three sites are divorced from the wider rural landscape by the A21 and the existing settlement edge, both of which affect rural character and prevent any sense of tranquillity. Around the northern edge of the sites, adjacent to existing development, there is less sensitivity to change. Similar conclusions are reached in the Landscape Sensitivity Assessment. It recommended tree cover along the southern edge to be retained and enhanced to limit impacts on the setting of Pembury and careful consideration to building heights on higher ground. The submitted Plan reflects the evidence by requiring landscape buffers to the south along the boundary with the A21. Because building heights are also important, and referred to in the evidence, **MM153**, **MM155** and **MM157** introduce requirements to consider this, alongside the need to incorporate existing hedgerows and trees where possible and take full account of the National Landscape. The changes ensure that the policies are justified and effective.

271. I have carefully considered the objections to the growth at Pembury, including from Natural England. It is accepted by the Council that, cumulatively, the allocations would likely represent major development in the High Weald. However, the Council's LVIA concludes that if the recommendations are followed, the potential for harm to the National Landscape would be low. This is primarily due to the location of the sites, enclosed by the A21 and separated from the wider landscape to the south. Based on the evidence provided, I agree. For the same reasons I am satisfied that development of the sites could be achieved in a manner which furthers the purpose of conserving and enhancing the natural beauty of the High Weald National Landscape.

272. It is also relevant to consider the context of the sites, which are adjacent to the main built-up area of a Category C Settlement, within walking distance of shops, services and public transport provision. The sites represent a logical extension to a sustainable settlement and would deliver around 220 houses, of which 40% would be affordable. Development would bring about significant socio-economic benefits and help contribute towards meeting housing needs in the absence of any suitable and available alternatives. Additional benefits include

the provision of public parking spaces, the safeguarding of land for expansion of the cemetery and the provision of new cycling and walking connections.

273. I am therefore satisfied that if future planning application(s) are found to constitute major development, it is likely that exceptional circumstances would exist to justify major development in the National Landscape. Subject to an appropriate design for each parcel at the planning application stage, the requirements of the Framework could be met. The allocations are justified.
274. Similar conclusions apply in respect of Green Belt matters. The Green Belt Study Stage 3 concludes that all the sites would replace a relatively weak boundary (predominantly residential gardens) with a clear, defensible and long-term boundary following the trees which bound the A21. Their release would only have a Low impact on the purposes of including land within the Green Belt. When considering the contribution that the sites would make to meeting housing needs, their accessibility and the other benefits identified above, exceptional circumstances exist to release all the allocations from the Green Belt.
275. As submitted, Policies AL/PE1-AL/PE3 required proposals to 'consider' opportunities for a cycle route from the southern edge of Pembury over the A21 to provide connections with Royal Tunbridge Wells. This lacks sufficient clarity to be effective. It is therefore modified by **MM152**, **MM153**, **MM154**, **MM155**, **MM156** and **MM157** which require financial contributions towards the route, which goes beyond the allocations and will therefore be delivered by KCC. For effectiveness, the MMs also refer to the relevant public rights of way which will need upgrading to accommodate the growth proposed, and provision of an east-west cycle route connecting the sites to the town centre.
276. Site AL/PE2 includes land safeguarded for expansion of the adjoining cemetery. For effectiveness, **MM155** clarifies how the land will be transferred and what use it will have until it is needed.

Land at Downingbury Farm – Policies AL/PE4A and AL/PE4B

277. Policy AL/PE4 allocates two parcels of land. The western 'half' is allocated for approximately 25 dwellings. The remaining land is 'safeguarded' for expansion of the Hospice in the Weald, which is a charitable trust providing specialist care. Land is proposed to be removed from the Green Belt for the housing site and the existing Hospice, but *not* for the proposed hospice expansion.
278. There are two main soundness issues with this approach. Firstly, by retaining the land within the Green Belt, any future planning application for the Hospice expansion is likely to represent inappropriate development in the Green Belt. The allocation would be potentially undeliverable and thus ineffective.

279. Secondly, by 'safeguarding' the land, the Plan infers that the site is required beyond the Plan period. However, evidence provided by the Hospice in the Council's Stage 2, Matter 7 Hearing Statement suggests otherwise. It states that the Pembury site is at capacity, with increasing demand from a rapidly growing population of people aged over 65 in the area. In addition to older people, the Hospice also offers support to children and young people with life limiting illnesses across West Kent and East Sussex. To meet their operational requirements the Hospice requires an expansion to provide additional in-patient facilities for children and young people, greater space to provide 'living well' services for patients with terminal illnesses, space for physical and occupational therapies and additional access and parking facilities. The Hospice has operated at the Pembury site since 1998 and receives approximately 1,800 new referrals each year. Demand for services is increasing year on year, and an expansion is needed now. Because the proposals would complement and improve the existing, established offer, an expansion to the Pembury site is required, rather than relocation of the entire operation to another site elsewhere.
280. To ensure that the geographic illustration of Policy AL/PE4 is justified, and to make the Plan effective, it is therefore necessary to delete the safeguarded land designation and include the proposed Hospice expansion within the wider area already proposed to be removed from the Green Belt. Furthermore, because the Hospice expansion is separate from the proposed residential development, and would come forward independently, separate policy requirements are necessary. For effectiveness, **MM158**, **MM159**, **MM160** and **MM161** therefore create standalone allocations for each 'half' of the submitted site; Policy AL/PE4A and AL/PE4B.
281. Justification for removing the Hospice expansion site from the Green Belt is provided by the Council, which actively supports the proposed changes to the Green Belt boundary. The Green Belt Study Stage 2³² assesses the whole parcel of land (encompassing the residential development site and proposed Hospice expansion) under Parcel PE5. In summary, it concludes that the parcel makes either a weak, or relatively weak contribution to Green Belt purposes 1, 2 and 4 (checking the unrestricted sprawl of large urban areas, preventing neighbouring towns from merging into one another and preserving the special character of historic towns). Although some 'moderate' harm is found to purpose 3 (safeguarding the countryside from encroachment), the northern boundary to the site (and thus, to the Green Belt) would become defined by the heavily landscaped A228 Pembury Northern Bypass. This would become a clearly identifiable, long-term and defensible boundary to the Green Belt in this location. This context and lack of Green Belt harm, combined with the pressing need for the Hospice expansion and the socio-economic benefits that it would

³² Core Document CD 3.93b

bring about provide the exceptional circumstances necessary to justify altering the Green Belt boundary in this location.

282. The area of land to be removed from the Green Belt is almost entirely within the High Weald National Landscape, which extends beyond the built-up northern edge of Pembury. In support of the Plan, Core Document CD3.126 includes an assessment to determine whether the submitted AL/PE4 allocation would likely represent major development in the National Landscape. It concludes that the scale of development would not be substantial and would represent limited development in between the existing urban area and the bypass. Impact is described as 'low' in an area already affected by modern development. Based on the evidence provided and observations at my site visits, I agree with this conclusion that allocation of the wider site would be unlikely to represent major development.
283. Moreover, because of the limited visual exposure of the site from wider viewpoints, its proximity to the existing urban area and its position in between Pembury and the A228, development could be achieved in a way that seeks to further the purpose of conserving and enhancing the natural beauty of the area. For effectiveness, and to ensure that this is achieved in the final design, **MM161** introduces requirements for the design to be informed by a LVIA, provide a suitable urban edge and include landscape buffers. Consequential changes to the supporting text are provided by **MM160**, which also includes further detail on the historical and landscape context of the site.
284. North of the allocation is the Downingbury Farmstead. Designated heritage assets include the Grade II* listed Downingbury Farmhouse and the Grade II listed Orchard Oast, Little Oast, Ash Barn and The Granary. The collection of buildings is a historic farmstead, which, combined with the semi-rural setting and previous uses, is part of their significance as designated heritage assets.
285. Although both allocations would bring development nearer to the historic farmstead, the proposed housing and Hospice expansion would be seen in the context of their surroundings, which includes existing residential development and the A228 Pembury Northern Bypass. In addition, the landscaped parcel between the two allocations would remain undeveloped, limiting views between the farmstead and the surrounding buildings. Combined with specific policy criteria (which are necessary for effectiveness and achieved by **MM160** and **MM161**), I am satisfied that an appropriate form of development can be achieved on both allocations that would sustain the significance of the heritage assets, including the setting of the historic farmstead.
286. Access to the Hospice expansion is to be provided from Maidstone Road, as the existing buildings are currently. For effectiveness, this is set out in Policy AL/PE4B by **MM161**, as is the necessary requirement for a transport

assessment given the type and nature of the use proposed. For the same reasons, criteria are also necessary to consider easements and Groundwater Source Protection Zones in the final design and layout, although no information has been presented to suggest that either would preclude development.

287. In summary therefore, as submitted Policy AL/PE4 is not sound because it is not effective or deliverable. This is rectified by **MM160** and **MM161** which split the site and create a standalone allocation for expansion of the Hospice in the Weald. Consequential changes are made by **MM158** and **MM159**, including the provision of supporting text for the new allocation.
288. The remaining parcel is allocated under Policy AL/PE4A, which is modified by **MM158** and **MM159** to create a standalone allocation and remove the references to the safeguarded land discussed above. Because the residential development is separate from the hospice expansion, references to suitable legal mechanisms are also deleted to ensure that the policy is effective.
289. Like the hospice expansion, the housing allocation would be proportionate in size and scale on the edge of Pembury, would be viewed in the context of existing housing and would be bounded by the A228 Pembury bypass. Combined with the intervening landscaping and opportunities for additional planting, the housing allocation could also be developed in a way that seeks to further the purpose of conserving and enhancing the natural beauty of the area. For the same reasons, and considering the size of the allocation and indicative number of dwellings, the site can be developed in a way that sustains the significance of the designated heritage assets at Downingbury Farm. However, to provide additional context and for effectiveness, **MM158** and **MM159** clarify that the site must take account of its location within the National Landscape.
290. Access to the western (residential) parcel will be taken from Church Road. The MMs do not change the scale of housing proposed in this location. Despite being a residential access road, there is no evidence to suggest that its width would prohibit an additional 25 houses. In the interests of good design and promoting walking, consistent with national planning policy, **MM159** is needed to require the provision of pedestrian links. **MM159** is also needed to clarify how development proposals will take into account the Groundwater Source Protection Zone and easements as required in the final design.

Land at Sturgeons - Policy AL/PE5

291. The site is now complete and deleted by **MM162** and **MM163** for effectiveness. A very small part of the site (at the rear) was intended to be removed from the Green Belt but was included in error on the submission version policies map. The Council has justified its removal due to the Very Low impact that would be caused (as defined by the Green Belt Study Stage 3) and the benefits that the

alteration would bring about by facilitating the redevelopment of brownfield land. Although the allocation is now deleted, exceptional circumstances still exist to alter the Green Belt boundary as shown in Examination Document TWLP/154. Harm to the Green Belt would remain Very Low and the change would represent a more clearly defined, long-term and defensible boundary.

Woodsgate Corner - Policy AL/PE6

292. The site comprises a parcel of land in between the A21 and the existing Tesco supermarket. It is currently allocated in the Site Allocations Local Plan for a park and ride facility. However, the Council confirms that proposal is unlikely to go ahead due to the associated costs and feasibility. It is therefore proposed for allocation as a site for specialist accommodation for older people.

293. In principle, the location of the site for a specialist housing scheme is acceptable. It is easily accessible to the High Street and nearby bus services. Although planning permission has previously been refused for a car showroom, the use proposed is materially different. There are no reasons why a suitable scheme could not be achieved given the commercial context of the immediate surroundings. Representations submitted on behalf of Tesco support the allocation.

294. It is common ground between the Council and Natural England that the allocation is unlikely to represent major development in the High Weald. I agree with this conclusion given its size and the context of its surroundings. For the same reasons, I am satisfied that the allocation could come forward in a way that seeks to further the purpose of conserving and enhancing the natural beauty of the area. For effectiveness, **MM164** requires any future proposals to take account of the National Landscape.

Land at Cornford Court - Policy AL/PE7

295. Planning permission has been granted for a part two/part three storey assisted living development (falling in Use Class C2) comprising 69 two-bedroom suites. The principle of development has therefore been established and the allocation is justified. For effectiveness, **MM165** and **MM166** update the policy and supporting text to reflect the approved scheme.

296. It is common ground between the Council and Natural England that the allocation is unlikely to represent major development in the High Weald. Due to its size and position relative to the settlement of Pembury, the context of surrounding uses, including the A21 and adjacent supermarket, I agree. For the same reasons, I am also satisfied that should an alternative scheme come forward, the site could be developed in a way that furthers the purpose of

conserving and enhancing the natural beauty of the High Weald. The allocation is justified, although for effectiveness, should an alternative scheme come forward, **MM166** requires a LVIA which takes into account the National Landscape, whilst **MM165** shows the location of protected trees on the site.

297. As with the adjacent sites to the south of Pembury, the impact on the purposes of including land within the Green Belt from the release of site AL/PE7 would be 'Low'. It is bounded by the existing urban area to the north and the existing Cornford House nursing home to the south. Redefining the Green Belt boundary as proposed by the Council would create a more clearly defined and defensible boundary. Combined with the significant benefits that would arise from the provision of assisted living accommodation, I conclude that exceptional circumstances exist to amend the Green Belt in this location. Altering the boundary to just include land at Cornford House would leave a confusing, irregular boundary that would fail to provide clarity and longevity to the south of Pembury. The necessary justification therefore also exists to roll back the boundary to the A21 and include the existing nursing home in the settlement.

Owlsnest, Tonbridge Road - Policy AL/PE8

298. The site has planning permission for a 76-bedroom health and wellbeing facility to supply private nursing care and a 'step-down' facility for the adjacent hospital. The principle of development has been established and the allocation is justified. For effectiveness, **MM167** and **MM168** reflect the approved scheme.

299. The Plan does not seek to remove the site from the Green Belt. This is because the site is divorced from the main built-up area and would result in a contrived Green Belt boundary. Moreover, because the proposal related to the redevelopment of existing, previously developed land and buildings, the Council confirmed in-principle support for the scheme. Should an alternative proposal come forward, I am therefore satisfied that the policy would be effective in supporting the site's redevelopment without removing it from the Green Belt.

Rusthall

Lifestyle Motor Europe, Langton Road – Policy AL/RU1

300. The car dealership is allocated in the existing Site Allocations Local Plan (2016). Although it has yet to come forward, there are no site-specific reasons to suggest that the allocation is undevelopable within the plan period. Redevelopment of the site for approximately 15 houses would re-use brownfield land within walking distance of Royal Tunbridge Wells town centre.

301. Several designated heritage assets surround the site, including Bransby Cottage, 1 Langton Road, 3 Langton Road and 5-11 Langton Road. The site is

also within the Royal Tunbridge Wells Conservation Area. Nevertheless, its redevelopment would (subject to an appropriate final design) offer opportunities to enhance the site and its surroundings. Allocation of the site in the Local Plan is therefore justified, subject to **MM169** which clarifies the relevant tests for developments within conservation areas.

Sandhurst

Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane – Policy AL/SA1

302. Planning permission has been granted for the erection of 15 houses and construction is well underway. If any alterations are proposed, **MM171** introduces a requirement to consider the National Landscape designation for effectiveness. Because a pedestrian crossing on Rye Road is not justified by this development, it is also deleted by **MM171**. Consequential changes to the supporting text are made by **MM170** as required.

Sharps Hill Farm, Queen Street – Policy AL/SA2

303. In 2021 the Council refused planning permission for 16 houses at Sharps Hill Farm. An appeal was made against that decision and dismissed (Appeal Ref APP/M2270/W/21/3271259). That scheme was found to be harmful to the character and appearance of the High Weald National Landscape and to the setting of Bayford House and Sharps Hill Oast. Bayford House is a Grade II listed farmhouse.

304. Where landscape character is concerned, the previous Inspector found that the scheme would “...bring a large residential development to this rural site. This would result in a significant loss of the open, green character of the land. Consequently, this would harmfully erode the positive contribution this site makes to the landscape and scenic beauty of the AONB and significantly erode the intrinsic countryside character and beauty of this land.”

305. However, the previous Inspector was considering a planning application for up to 16 houses outside the Limits to Built Development, contrary to development plan policy. The indicative layout plan supporting the application also showed residential development concentrated between Sharps Hill Oast and existing properties on Stream Pitt Lane. In contrast, the allocation is for between 10 and 15 houses, and the site promoter has been working with the Council to determine whether a suitable scheme can be achieved. Indicative plans now show a smaller scheme for 14 houses around a single internal access.

306. Furthermore, the previous planning application and appeal did not contain a LVIA. In contrast, the Local Plan is supported by extensive landscape evidence

in Core Documents CD3.95 and CD3.96. The Council's LVIA contains a detailed assessment of the allocated site, including photographic records, to consider its suitability. In terms of the scale of development and the evidence supporting the site, the circumstances before me are therefore materially different to the Inspector determining the appeal.

307. The Council's LVIA concludes that the site is well contained by existing trees which form locally important landscape features and provide a soft edge to the village. Provided that the trees are retained, it concludes that "...*these tree belts would screen the proposals from the majority of public views...*". It also describes how the site has an association with the existing dwelling and forms part of a "transitional" landscape between Sandhurst and the wider countryside. Based on observations from my site visit I agree. The LVIA goes on to explain how the scale of development should be reduced by 50%, and if developed, how the perception of low-density development should be maintained, especially to the south-east of the site. The evidence recognises that there are opportunities to improve the condition of existing landscape features and that the un-managed paddocks are currently in "decline".
308. As submitted, Policy AL/SA2 reflects the LVIA. Development criteria include requirements for the layout and design to protect trees, be informed by a LVIA and provide a suitable urban edge, including the provision of landscaped buffers. Subject to these requirements, I agree with the Council's evidence that a suitable scheme could be achieved. Due to the scale of housing proposed, the current use of the site and its landscape context, the allocation is not likely to represent major development in the High Weald. For the same reasons, I am satisfied that development could be achieved in a way that seeks to further the purpose of conserving and enhancing the natural beauty of the area.
309. Bayford House is a Grade II listed farmhouse and Sharps Hill Oast is a non-designated heritage asset. The Inspector's Report describes the significance of the assets and the historic association between the farmstead and the surrounding agricultural landscape, which contributes towards their setting. However, the existing site contains a mix of residential development and unmanaged paddocks. The mature landscaping which exists in and around the site, combined with the presence of modern housing to the east along Stream Pitt Lane also provides a varied edge-of-settlement context. Any views of the heritage assets in a traditional agricultural landscape are limited. Given this context, and the size of the site, I am also satisfied that an appropriate, sensitively designed scheme could be achieved that sustains the significance of the heritage assets and their settings.
310. The allocation is therefore justified. However, several MMs are needed for effectiveness by **MM173**. Criteria relating to heritage, trees and landscape should be separated. More specifically, proposals for the site should be informed by a heritage assessment to consider significance, including the

contribution made to the asset's settings. Arboricultural evidence should also inform the design, in addition to a LVIA that takes account of the National Landscape and the scale of development proposed. To improve pedestrian connectivity and in the interests of good design a new footpath connection from the site should also be included in the Plan.

311. Finally, as submitted Policy AL/SA2 and the supporting text states that development "...*should reflect that of the surrounding area by being low density in the south-west corner of the site.*" However, whilst this is a particularly sensitive part of the site as identified in the Council's LVIA, the requirement to be 'low-density' lacks sufficient precision to be effective. It would also be for the detailed design to determine. When read with other policies, the Plan contains sufficient safeguards to avoid harmful landscape and heritage impacts. Reference to low-density is therefore deleted by **MM172** and **MM173**. For the same reasons, the ambiguous reference to a 'modest' development in the schedule of MMs published for consultation has also been removed from the schedule in the Appendix to this Report. It is not needed for soundness.

Speldhurst

Land West of Langton Road and South of Ferbies – Policy AL/SP1

312. The site is bounded to the north and east by existing houses and gardens. The southern boundary follows a natural, landscaped boundary to the south of Speldhurst and provides a logical opportunity for 'rounding off' the settlement. Combined with the extent of mature trees and hedgerows, any views of the development would also be limited. Due to the strong landscape features, the relationship with existing houses and the limited scale of the allocation (10-12 dwellings), development of this allocation would be unlikely to constitute major development in the National Landscape. For the same reasons, the allocation is also capable of being developed in a way that seeks to further the purpose of conserving and enhancing the natural beauty of the area.
313. As part of the Plan, the boundary of Speldhurst would be redrawn to remove the site from the Green Belt. In doing so, the new Green Belt boundary would be more clearly defined by the mature landscaped belt running the along the rear gardens of neighbouring properties and continuing to its junction with Langton Road. The Green Belt Study Stage 3 finds that there would be "Very Low" levels of harm to the Green Belt, with a negligible impact on adjacent areas. When also considering the need for housing, the limited availability of suitable alternatives elsewhere, and the socio-economic benefits that 10-12 dwellings would make in this location, exceptional circumstances exist to justify amending the Green Belt boundary. The Council is also justified in removing the small area of land adjacent to the site to avoid an irregular boundary and ensure that the Green Belt around the southern end of Speldhurst is clearly defined and endures in the long-term.

314. Since submission of the Local Plan, a TPO has been placed on some of the trees along the site frontage. Nevertheless, KCC has reviewed the situation and remains satisfied that an appropriate access point could be achieved. Given the size of the site and the extent of the frontage, I see no reasons to suggest otherwise, and the allocation remains developable. However, for effectiveness, it is necessary to stipulate that the appropriate access point needs to be considered as part of a transport assessment, which also needs to consider the potential for traffic calming measures to slow vehicles on the approach into the village, which might be implemented by the highway authority. Both are addressed by **MM175**. For effectiveness, it is also necessary to be clearer that development proposals must be informed by a LVIA and a heritage assessment to consider the National Landscape and neighbouring heritage assets (**MM175**).
315. Finally, there is no justification for the applicant to provide details of pre-application discussions with Southern Water. This is deleted by **MM174**, which instead refers to the relevant policies in the Plan.

Completed Sites

316. Construction at the following sites is now complete. For effectiveness and clarity to users of the Plan, the allocations are therefore deleted as follows:
- Policy AL/SO1 - Speldhurst Road Former Allotments (**MM74** and **MM75**).
 - Policy AL/HA1 – The White House, Hawkhurst (**MM104** and **MM105**).
 - Policy AL/BM1 – Land between Brenchley Road, Coppers Lane and Maidstone Road, Matfield (**MM129** and **MM130**).
 - Policy AL/HO1 – Land adjacent to Furnace Lane and Gibbet Lane, Horsmonden (**MM140** and **MM141**)
 - Policy AL/PE5 – Land at Sturgeons, Pembury (**MM162** and **MM163**)
317. Consequential changes will also be required to the submitted policies map by the Council upon adoption. Various consequential changes to the supporting text and other policies in the Plan are also required by **MM73**, **MM102**, **MM103**, **MM127**, **MM128**, **MM138**, **MM139**, **MM150** and **MM151**.

Conclusion

318. I therefore conclude that the process of selecting residential site allocations was robust, and subject to the recommended MMs, the non-strategic site allocations are justified, effective and consistent with national planning policy.

Issue 6 – Whether the policies and allocations in the Plan will be effective in ensuring that the housing requirement will be met, and whether there will be a five-year supply of deliverable housing sites on adoption

Total Housing Land Supply

319. The annual housing requirement is 678 houses per year. When applied across the plan period, this gives a total requirement of **12,204** new homes (2020-2038).
320. In advance of the Stage 3 hearing sessions, the Council's Matter 8 Statement set out an updated housing trajectory. Based on the suggested changes to the Plan (notably the deletion of Tudeley Village and alterations at Paddock Wood), the Council could only identify land sufficient for **10,983** dwellings.
321. An update was provided in December 2024 and was published alongside the consultation on the MMs. This showed a slight improvement to **11,026** units. Both figures fall short of the minimum housing requirement for the plan period. Paragraph 35 of the Framework states that, amongst other things, Plans are sound if they are positively prepared. This means providing a strategy which, as a minimum, seeks to meet an area's objectively assessed needs.
322. One way of addressing this shortfall would have been to pause the examination further and look to allocate more sites. However, there are several reasons for recommending that the Plan is adopted without seeking to allocate more land now.
323. Firstly, in identifying a sufficient supply of housing sites, paragraph 68 of the Framework requires planning policies to identify a) specific, deliverable sites for years 1 to 5 of the plan period, and b) specific, developable sites or broad locations for growth for years 6-10, and where possible, years 11-15. In this case, the updated trajectory identifies specific, developable sites which have been updated throughout the examination process. For the first 10 years of the plan period, total completions are expected to exceed the housing requirement. In the 10 years following adoption (2025-2035), housing completions are also broadly consistent with the housing requirement (**10,143** against a requirement for **10,170** new homes). The Plan therefore provides a healthy supply of housing land up to approximately 2035. This is because whilst Tudeley Village has been deleted, it was not expected to start delivering a significant amount of new housing until the latter stages of the plan period and beyond.
324. Secondly, as identified throughout this Report, Tunbridge Wells is heavily constrained, with large areas of Green Belt and/or National Landscape

designations. Where Green Belt sites are concerned, boundaries can only be altered through the preparation or updating of the Local Plan. Finding additional sites to offset the loss of Tudeley Village would take time, during which, currently allocated sites would remain in the Green Belt. Housing needs exist now, and delaying adoption to find more sites for years 10-15 is only likely to exacerbate current housing needs, including current affordability in the borough.

325. Finally, I am also mindful that as part of the examination process, the Council has assessed options for housing around Royal Tunbridge Wells in detail. Beyond the Green Belt, towns such as Paddock Wood are also expected to grow significantly over the plan period, and major development is proposed in the High Weald National Landscape. The Council has given consideration to a range of alternatives, but no obvious candidates have been identified of a scale sufficient to replace Tudeley Village, either individually or cumulatively. As a result, there is no guarantee that pausing the examination would lead to the identification of enough suitable sites at this stage.
326. Instead, it is recommended that a more appropriate and effective way of meeting housing needs would be through the adoption of this Local Plan with a clear requirement for the Council to undertake an immediate review. This is achieved through modifications to the development strategy (Policy STR/SS1). To ensure that the Plan is justified and effective, **MM16** requires the Council to start work on a new Local Plan within six months of adoption, which shall include ways of meeting identified unmet housing needs. It then states that submission should occur within 30 months (2.5 years) from commencement of the early review. Consequential changes are made by **MM3** and **MM254**. The latter includes reference to monitoring for effectiveness.
327. As consulted upon, **MM3** and **MM16** state that the strategy provides a housing land supply for the first 10 years of the plan period (2020-2030). That is correct. However, the strategy provides a supply for approximately 10 years following the intended date of adoption (2025 up to 2035). I have rectified this factual position in the schedule of MMs in the Appendix to this Report.
328. It has been suggested that the review mechanism should refer to the reassessment of Tudeley Village by the Council. Conversely, it has also been suggested that the Council should explicitly preclude Tudeley Village from any future review. Neither are necessary for soundness. Instead, **MM15** is provided for effectiveness and states that the Council will consider all options for meeting future housing needs through a call for sites and SHELAA process. It is not the purpose of this examination to predetermine the Council's future strategy.
329. To reflect the latest evidence and bring the Plan up to date on adoption, **MM14** and **MM253** update the housing trajectory and associated tables for effectiveness.

Five Year Housing Land Supply

330. Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. Where there has been a persistent under delivery of housing over the previous three years, a 20% buffer is required. In other cases, a 5% buffer is required to ensure choice and competition in the market for land.
331. The June 2024 Housing Trajectory³³ shows housing completions exceeding the minimum requirement in all years except 2021/22. Although there is a shortfall of around 37 houses since the start of the plan period, there has not been a persistent under delivery of housing. A 5% buffer is therefore applied.
332. Based on a minimum of 678 dwellings per year, the modest shortfall of 37 houses, and a 5% buffer, the five-year housing land requirement is therefore **3,598** ($678 \times 5 + 37 + 5\%$). In the June 2024 trajectory, the Council identified a supply of specific deliverable sites sufficient to provide 3,689 dwellings. In the updated December 2024 version, the supply is very marginally greater at **3,764** dwellings. In both documents, the evidence demonstrates that there will be a five-year supply of deliverable housing sites on adoption of the Plan.
333. The Housing Land Supply Topic Paper³⁴ explains in detail the methodology used to predict likely rates of delivery from allocated sites. This includes a wide range of sources, from national supply research topic papers to historic build-out rates in Tunbridge Wells to discussions with developers and housebuilders. It provides a robust, comprehensive approach to testing likely rates of delivery and substantiating the Council's trajectory.
334. One of the main sources of expected delivery is from the strategic expansion of Paddock Wood. The trajectory relies on some development taking place in 2026/27. However, that a significant amount of work has already gone into understanding the issues at Paddock Wood and refining the masterplan. Furthermore, proposals for the expansion of the eastern parcel were submitted to the Council in 2023 and have been progressing alongside the examination of the Local Plan. Both applications are made by national housebuilders with experience of delivering schemes in the area (Persimmon Homes and Redrow). Signed Statements of Common Ground are also in place between the developers and the Council, who have been actively involved in the examination process. As a result, for the purposes of the Framework, there is clear evidence that housing completions will begin on site within five years. The rates predicted are also reasonable, and again, based on comparative evidence.

³³ Examination Document TWLP/153

³⁴ Core Document CD3.74a-b

335. Another site where development is expected within the first five years following adoption is Turnden Farm (Policy AL/CRS3). The site has a detailed planning history. However, it is also controlled by a national housebuilder with experience of building homes in Tunbridge Wells (Berkeley Homes Ltd). Like Paddock Wood, a significant amount of work has already gone into understanding the site constraints and overcoming issues. Again, clear evidence exists to demonstrate that the site will start delivering within five years.
336. A windfall allowance of 152 dwellings per year is included in the trajectory. Examination Document PS_054 provides the necessary justification for this. Average windfall completion rates on small sites have remained relatively steady since 2014/15. The average going back to 2006/07 is 124 dwellings per year. In the past five years, large site windfalls have also averaged over 50 dwellings per year. The allowance of 152 is therefore justified and is based on compelling evidence in Examination Document PS_054.
337. Combined, the various sources of information demonstrate that there will be a five-year supply of deliverable housing sites on adoption of the Plan.

Conclusion

338. I therefore conclude that subject to the recommended MMs, the policies and allocations in the Plan will be effective in ensuring that the housing requirement can be met and that there will be a five-year supply of deliverable housing sites on adoption.

Issue 7 – Whether the policies relating to the type and mix of housing are justified, effective and consistent with national planning policy

Housing Mix and Density – Policies H1 and H2

339. Policy H1 is sound in requiring proposals for residential development to support the creation of balanced and mixed communities. The supporting text provides further guidance on the types of evidence that will need to be considered. For effectiveness, **MM213** confirms that this includes the Council's Strategic Housing Market Assessment.
340. Policy H2 is also justified in its approach to promoting the efficient use of land, but for effectiveness and consistency with paragraph 124 of the Framework, **MM214** adds that proposals should look to optimise the use of land in town centres and locations well served by public transport.

Affordable Housing Provision – Policies H3, H4 and H5

341. The Strategic Housing Market Assessment ('SHMA'), SHMA Update, Housing Needs Topic Paper and Review of Affordable Housing Needs³⁵ all consider the requirement for affordable housing. In summary, the evidence points to a need for around 323 additional affordable homes per year, which equates to roughly 48% of the annual housing requirement.
342. In seeking to maximise the provision of affordable housing, the Council's Viability Assessment explores a range of targets. Based on the need to ensure continued viability, it recommends a requirement for 40% on greenfield sites and 30% on brownfield sites. The targets are translated into the Plan through Policy H3, which is justified and substantiated by appropriate evidence. They apply to proposals for residential developments on sites of 10 or more units outside the High Weald National Landscape.
343. Within the High Weald National Landscape, a lower threshold of 6-9 units is used with a requirement for 20% affordable housing. This is also justified by the evidence, and, consistent with paragraph 64 of the Framework, which states that affordable housing should not be sought on sites which are not major development, other than in designated rural areas. For smaller sites of 6-9 houses in the High Weald, a financial contribution is required in lieu of on-site provision. This is so that schemes can deliver manageable developments where the demand arises, rather than single isolated properties. It is appropriate and justified. So is specifying when affordable housing must be provided, to ensure that the policy is effective in meeting needs.
344. Policy H3 includes a local connection 'cascade' for all types of affordable housing. This is an approach usually reserved for rural exception sites and where the LPA has nomination rights. However, it reflects the Council's current practices, with examples of planning permissions provided to show how it operates in Tunbridge Wells. Moreover, as the Council explains, the demand for affordable housing stems from a need in the local area from people whose needs are not met by the housing market. The cascade also allows people to access affordable housing from further afield (and not just from households within Tunbridge Wells), when the various steps of the cascade have been exhausted. It is a justified policy approach.
345. For effectiveness and consistency with national planning policy, several MMs are required to Policy H3 and the supporting text by **MM215** and **MM216** as follows.
346. In some cases, the percentage of affordable housing will not lead to an exact number. Specifying the nearest whole number is therefore necessary.

³⁵ Core Documents CD3.18, CD3.22, CD3.23 and CD3.76

Although the requirement for the timing of affordable housing is justified, on some occasions, flexibility may be necessary, especially on larger sites where new infrastructure is proposed. Reference to a phasing plan provides sufficient flexibility and control.

347. The need for affordable housing provides the necessary context and should be included in the supporting text, alongside updates to the definitions around First Homes for consistency with national planning policy. Further guidance should also be provided through the supporting text on how and where the affordable housing should be delivered.

348. In some exceptional cases, the provision of on-site affordable housing at 30 or 40% may be unviable due to site specific factors. Criterion 1-4 and a. to e. therefore allow for alternative levels of provision where this can be justified. Even then, the policy seeks to ensure that affordable housing is maximised, and provided locally. The requirements are justified and sound and provide an adequate level of flexibility to enable development to come forward. However, for effectiveness, it is necessary to specify that in such circumstances, evidence will need to be independently assessed, including a requirement for assessments at later stages as development progresses. This is achieved by **MM216**, with consequential changes to the supporting text made by **MM215**.

349. The need for a re-appraisal is justified because circumstances might change. Levels of affordable housing have also been set based on robust evidence and respond to a significant need for affordable housing locally. The policy (as modified) therefore seeks to strike a balance between supporting development and delivering new affordable homes. There is no need to modify the policy further by specifying types of schemes, or whether schemes are delivered in multiple phases. This level of detail will be determined on a case-by-case basis having regard to the nature of the proposal and the reasons why they cannot provide the requisite amount of affordable housing.

Housing for Older People and People with Disabilities – Policy H6

350. Paragraph 62 of the Framework requires the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policies. This includes the needs for older people and people with disabilities.

351. There is no single, national housing need calculation for projecting the needs for specialist housing for older people at the local planning authority level. The PPG refers to the use of census data and projections by age profile. It also states that future needs for specialist accommodation can be obtained from

online tool kits such as the Strategic Housing for Older People Analysis Tool ('SHOP')³⁶.

352. The Council's Housing Needs Assessment Topic Paper and the Review of Local Housing Needs³⁷ include demographic projections by age profile. Over the plan period, the population of people aged over 65 is expected to increase by over 40%. The SHMA also highlights an increase of around 47% in the number of people with mobility problems.
353. The Housing Needs Assessment Topic Paper uses the SHOP forecasting tool to look at the needs arising for specialist housing for older people, including extra care housing. Using 2018-based projections, it identifies a need for around 431 extra care home places by 2038.
354. KCC has also developed its own methodology which considers that Tunbridge Wells is well catered for in terms of existing provision and that there will be a turnover of provision. An update note to the Council's Matter 8 Hearing Statement corrects an error in the calculations and predicts a demand for 342 extra care places over the plan period.
355. A further assessment methodology has been referred to by participants. It includes enhanced sheltered accommodation which seeks to provide care to residents with a range of different care requirements. It uses a prevalence rate of 45 per 1,000 people aged over 75 and results in a slightly higher gross requirement of 776 units.
356. For consistency with paragraph 62 of the Framework, the need should be set out in the Plan. However, to reflect the different calculations, which all have their own merits, a range is used in **MM217** with a description of the different methodologies. Because the calculations do not consider existing stock at the start of the plan period (183), both gross and net figures are provided. Based on the highest estimation of need, there would be a requirement for around **593** additional extra care places over the plan period to 2038.
357. As submitted, the Plan states that needs will be met by extant permissions and allocated sites. For effectiveness, the list of sites is updated by **MM217**. It makes a distinction between sites with the potential for extra care provision and sites for housing for older people and care homes. Where extra care is concerned, a supply of **601** units is identified. Sufficient developable sites have therefore been identified to meet likely demand. A further supply in excess of 200 units is also identified for care home accommodation.

³⁶ Paragraph: 004 Reference ID: 63-004-20190626

³⁷ Core Documents CD 3.73 and CD3.75

358. In considering whether or not the Plan makes sufficient provision to meet extra care needs, I have considered that the allocation at Woodsgate Corner (Policy AL/PE6) permits either extra care units or a nursing home. As a result, there is no guarantee that it will provide 80 units of extra care accommodation. However, by referring to both uses, the Plan provides flexibility to help ensure that the site is developable and helps contribute towards the need for accommodation for older people. Furthermore, Policy H6 permits windfall schemes (which for effectiveness, is made clear by **MM217**). If Woodsgate Corner does not come forward for extra care, then the plan is positively prepared in ensuring that alternative, suitable sites can be identified. Given the trigger in the Plan for an early review, the matter can be appropriately considered as part of that process, if necessary.
359. The accommodation needs for older people are not just limited to extra care. Evidence in the Housing Needs Study found that some older people would consider downsizing but were unable to find a suitable property in the area. The SMHA also showed that 39% of the market housing need was for smaller, 1 and 2-bedroom properties.
360. Policy H6 responds to the evidence by also requiring at least 10% of homes, on proposals for 20 or more dwellings, to include bungalows or 1 and 2-bedroom flats/houses. For effectiveness, **MM218** makes it clear that this should be part of the overall housing mix in accordance with Policy H1, with consequential changes to the supporting text made by **MM217**. Increasing the supply of smaller, more suitable properties will free up larger houses which can then be made available for families and newly forming households. The requirement is justified and sound. It reflects advice in the PPG which states that many older people may not wish to move into specialist accommodation or care and instead may wish to move into more suitable general housing, such as bungalows, or homes which can be adapted to meet their needs³⁸.
361. In seeking to create places that are inclusive and accessible, Footnote 49 of the Framework states that planning policies should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need. In this case, the Housing Needs Assessment Topic Paper and the SHMA identify the need for increasing the supply of housing that can support independent living, provide more options for older people and free-up houses that are under occupied. Requiring all new housing to be constructed to the Building Regulation M4(2) standards is justified.
362. The Housing Needs Study also found that 5.3% of all properties across the borough have been adapted or purpose built for a person with a limiting long-term illness. A household survey conducted in 2017 pointed to around 8% of residents living with a mobility impairment or disability, with nearly 5% stating

³⁸ Paragraph: 012 Reference ID: 63-012-20190626

that they would need a wheelchair either now or in the next 5 years. The requirement in Policy H6 for 5% of all affordable housing units on sites of 20 houses or more to meet Building Regulation M4(3) standards is therefore justified. Both requirements have been subject to viability testing and will not prevent the deliverability of new housing. For effectiveness, further clarity is provided in the supporting text by **MM217**, which also makes it clear that regard is had to all people with disabilities (not just older people).

363. For effectiveness, **MM217** is needed to correct and clarify the different types of accommodation which Policy H6 relates to. As consulted upon, **MM217** introduced text referring to 24-hour care under the definition of extra care provision. However, this lacks sufficient precision to be effective. I have therefore amended the text in the schedule of MMs in the Appendix to read '24-hour access to support services and staff', which more accurately reflects the nature of the uses proposed.

364. **MM217** also refers to allocated sites which provide accommodation for older people. Because site AL/HA1 has been deleted from the Plan (see reasons above) it should also be removed from the list of allocations in the supporting text to Policy H6 and referred to as a completed scheme. I have made the necessary factual changes to the schedule of MMs in the Appendix to this Report. Similar changes are needed to **MM102** at paragraphs 5.351 and 5.353, and **MM103** at criterion 2, which are factual, consequential changes to reflect the deletion of site AL/HA1 and other modifications. The necessary changes are included in the schedule of MMs in the Appendix to this Report.

Rural Workers' Dwellings and Self-Build and Custom Housebuilding – Policies H7 and H8

365. Policy H7 permits new housing beyond settlement boundaries where this is needed for rural workers. In doing so, it is consistent with paragraph 80 of the Framework which states that planning policies should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live at or near their place of work.

366. The Housing Needs Assessment Topic Paper identifies a projected need for 518 custom and self-build homes over the plan period. This is derived from previous registrations on the Council's Register projected forward. In the absence of any other data sources on likely need, it is reasonable and robust.

367. In seeking to meet needs, Policy H8 requires 5% of dwellings on 3 allocated sites to be reserved as custom and self-built plots. Combined with windfalls, it is expected that this will ensure that needs are met. The reason for identifying the allocated sites is due to their size and location relative to where the greatest need is (Royal Tunbridge Wells). The approach taken in Policy H8 is justified

and seeks to ensure that the plan is effective. For example, whilst significant growth is proposed around Paddock Wood, only 1% of entries on the register identified the town as a preference for custom and self-build plots.

368. Following the deletion of Tudeley Village, fewer plots will be made available from allocations. However, the Council's strategy for seeking custom and self-build opportunities on larger sites, with greater flexibility over matters such as design and layout, remains appropriate. Rather than seek to allocate additional major development sites now, it is therefore proposed to address any longer-term needs through the early review of the Plan.

369. Allowing unsold plots to be offered to the open market after 6 months is reasonable and justified. But the requirement for developers to offer unsold plots to the Council first has no justification and is deleted by **MM219**.

Accommodation Needs for Gypsies and Travellers – Policy H9

370. The Gypsy and Traveller Accommodation Assessment ('GTAA')³⁹ used to inform the Plan was dated 2018 and based on interviews from 2017. A new GTAA was therefore produced in 2024 (Examination Document PS_089). This also reflected the changes in definition found in the 2023 Planning policy for traveller sites ('PPTS'). To ensure that the Plan is up to date and is justified, **MM220** and **MM221** refer to the findings of the latest GTAA and PPTS.

371. The main soundness issue with Policy H9 is that it does not specify an up-to-date need figure, and then, include details of how those needs will be met, including a clear identification of sites. This is rectified by **MM220** and **MM221**. Both modifications make the Plan justified and effective.

372. Against a total need for **52** pitches over the plan period, extant planning permissions are expected to deliver 18 pitches. A further 12-13 pitches are identified as developable through the intensification and/or regularisation of existing sites, 3 pitches are identified on unoccupied sites and the allocation of land at Paddock Wood is expected to deliver a further 3 pitches. The Council has also taken account of 4 pitches predicted from turnover sites. Although the evidence in this regard is largely inconclusive, it amounts to a total identified supply of around **40-41** pitches. Total predicted supply therefore falls short of the minimum pitch requirement over the plan period.

373. However, like the strategy for housing for the settled community, the Plan identifies sites in the first part of the plan period, with a shortage of pitches

³⁹ Core Document CD3.78

thereafter. Examination Document PS_094 and Core Document CD3.74a-b review different site options and identify a likely deliverable five-year supply.

374. Policy H9 also permits windfall proposals (subject to certain criteria), which have typically provided a reliable source of supply in Tunbridge Wells. Moreover, the Council is committed to undertaking an immediate review of the Plan to meet longer-term housing needs. Provided that this review also includes meeting the needs for gypsies and travellers, the strategy is appropriate and justified. There is no merit in delaying adoption of the Plan to try and find additional pitches at this stage given the acute affordability issues in the borough and the significant socio-economic benefits that this plan would bring about. The strategy is justified and sound.

375. In the submitted Plan, it is unclear what is included in the sources of supply. Sites suitable for intensification and/or regularisation are also shown in the supporting text, with uncertainty as to their status. This is rectified by **MM220**, which clarifies that densities will be optimised where possible. The changes are required for effectiveness.

Conclusion

376. Subject to the recommended MMs, I conclude that the policies relating to the type and mix of housing are justified, effective and consistent with national planning policy.

Issue 8 – Whether the strategy for economic growth is justified, and whether policies relating to employment provision, commercial development, tourism and retail are justified, effective and consistent with national planning policy

Employment Land Requirement – Policy STR1

377. The Council's Economic Needs Study⁴⁰ looks at labour demand, labour supply and past take-up to project likely future employment land requirements. It is consistent with the advice in the PPG for assessing economic needs and demonstrates a range of land requirements from **11.4 to 15.8 hectares** between 2013 and 2035.

378. Further evidence has been provided in the Economic Development Topic Paper⁴¹ to reflect the housing requirement and plan period at the point of submission (2020-2038). It also considers wider evidence such as the Council's Retail and Leisure Study (as updated in 2021) and the Town Centre Office

⁴⁰ Core Document CD3.87

⁴¹ Core Document CD3.84

Market Review: Tunbridge Wells⁴². In summary, the updated evidence does not identify a meaningful change in the estimated number of additional jobs likely to be generated over the plan period or significant variations in the requirement. The Economic Needs Study remains a robust estimation of likely future needs.

379. Applied across the Plan period, Policy STR1 identifies a requirement for at least **14 hectares** of employment land. This figure is justified and adequately reflects the available evidence. Although the plan was prepared during the Coronavirus pandemic, many of the trends witnessed in the evidence (such as the shift away from town centre office and retailing) had already started to emerge. This does not undermine the Plan. The Town Centre Plan will look to maximise the use of existing land and buildings in due course. There is no convincing evidence to suggest that the decline in office or retail uses would provide significant sources of deliverable housing sites to avoid needing to review Green Belt boundaries.

380. The employment land requirement in the submitted Plan is justified and sound.

Employment Land Supply – Allocated Sites

Land adjacent to Longfield Road, Royal Tunbridge Wells – Policy AL/RTW17

381. Most of the supply (approximately 13.4 hectares) is from a single site - the new flagship business park at Longfield Road (Policy AL/RTW17). Despite its size, Royal Tunbridge Wells is the principal settlement and the largest urban area in the borough. The allocation represents significant investment into the town and will extend an existing Key Employment Area. The scale of the allocation is proportionate and justified.

382. Furthermore, outline planning permission has now been granted for up to 74,000 square metres of office and storage and distribution uses on the site. The principle of a significant new commercial development in this location has therefore been established.

383. The allocation provides more flexibility than the approved scheme by also permitting general industrial uses. This is justified as part of a new flagship business park, located next to a Key Employment Area with good transport links provided by the A21.

384. The Plan seeks to release the site from the Green Belt. In terms of impact, the Green Belt Stage 3 Study found that the area east of Longfield Road makes a relatively strong contribution to checking the unrestricted sprawl of Royal Tunbridge Wells and some moderate harm would occur from its release. However, the evidence also found that because of its relationship with the

⁴² Core Documents CD3.86a and CD3.89

neighbouring Key Employment Area, the urban area dominates. I agree with this conclusion and the site is seen in the context of its existing commercial surroundings.

385. Allocating land for commercial development in this location also reflects the Sevenoaks and Tunbridge Wells Economic Needs Study⁴³. The Study recommended new standalone allocations in areas of demand, close to main arterial routes such as the A21, with good access to public transport and a critical mass of existing employment uses. The allocation is synonymous with these recommendations, which identified the A21 corridor as “...*an excellent opportunity to provide additional employment land for Tunbridge Wells*”.
386. When considering that the allocation already benefits from planning permission, the qualitative and quantitative need for new employment space, and the significant socio-economic benefits that a development of this type and scale would bring about, in an accessible location on the edge of Royal Tunbridge Wells, exceptional circumstances exist to amend the Green Belt boundary. Land to the north of the business park will not deliver the same benefits and is retained in the Green Belt as a landscaped area of open space.
387. The site is also within the High Weald National Landscape and I have carefully considered Natural England's objections. However, the Council's LVIA describes how the site is split into two areas. Land to the north contains two fields and woodland which are rural in their character and make a tangible contribution to scenic beauty. In contrast, the southern parcel of land is influenced by the adjacent industrial estate and noise from the A21. It is also visually enclosed from the wider landscape by woodland and the rising landform away from the town.
388. Similar findings are drawn from the Landscape Sensitivity Assessment, which assesses the southern parcel of land. It describes how the site is visually contained between existing commercial uses and the A21 and is “...*significantly influenced by built development and traffic movement*”. By making the distinction between the northern and southern parts of the allocation, the Council's evidence demonstrates how the key landscape components of the High Weald would be protected. It also sets out opportunities for considerable enhancement to the landscape and new recreational benefits.
389. Large scale development in this location would likely have a greater visual impact than the Key Employment Area due to the rising ground towards the A21. However, I agree with the Council that the new business park, if concentrated on the southern part of the site, would be viewed in the same context as the inward facing commercial developments which dominate this part of Royal Tunbridge Wells towards the A21. Because of this relationship, the

⁴³ Core Document CD3.87

visually contained nature of the southern parcel, and its wooded backdrop, development of the site could be achieved in a manner which furthers the purpose of conserving and enhancing the natural beauty of the High Weald.

390. If an alternative scheme comes forward, a development of the scale envisaged is likely to represent major development in the High Weald. However, the LVIA has assessed the site in detail and identified how the southern parcel is influenced by existing development and the A21. Its character is not intrinsically linked to the absence of built development and is materially different to the area to the north, which the Plan retains as open space. When considering the likely level of harm, the need for development and its significant socio-economic benefits, and the scope of developing a new business park elsewhere, it is likely that exceptional circumstances would exist to justify major development in the High Weald National Landscape. The allocation is justified.
391. To reflect the latest planning permission on the site **MM63** is necessary for effectiveness and to bring the plan up to date on adoption. To provide flexibility for any potential future proposals, the Plan does not set upper floorspace limits for each use. This would be too prescriptive. However, in the interests of providing a balanced mix of uses, and creating a business park that appeals to a wider range of potential occupants, it is necessary to stipulate that no one land use should dominate. These changes make the policy justified and effective and are achieved by **MM63** and **MM64**.
392. As part of the submitted Plan, additional land to the east of the allocation at Colebrooke House is also proposed to be released from the Green Belt and shown as safeguarded for "future economic development". However, as set out in my Initial Findings, it is not clear what the site will be used for in the long term, or how it relates to any future economic strategy for either the borough or Royal Tunbridge Wells. Furthermore, the area proposed for removal only consists of Colebrooke House and its grounds. Land to the north and south would remain in the Green Belt, as would the vacant property to the east. It would result in an arbitrary boundary, contrary to the Framework, which requires plans to define Green Belt boundaries clearly, using physical features that are readily recognisable and likely to be permanent. There are no exceptional circumstances which justify removing this area of land from the Green Belt. **MM27** and **MM31** make the necessary change to the text in the Plan, and consequential changes will be required to the submission version policies map.

Hawkhurst Station Business Park – Policy AL/HA7

393. The Economic Needs Study finds that the former railway station is a good rural employment site, which is well used, with the potential to expand to the south and east. Allocating land for the existing employment site to expand would provide further opportunities to create local jobs and support the rural area away

from the main towns of Royal Tunbridge Wells and Paddock Wood. Despite being outside Hawkhurst, the site is easily accessible from the A229 with bus stops serving the employment area. In principle, the allocation is justified and sound.

394. The site is within the High Weald National Landscape. It is common ground between the Council and Natural England that proposals for its redevelopment are unlikely to represent major development owing to its size, relationship with the existing industrial area and previous association with the railway yard.
395. Appraisal of the allocation in the Council's LVIA describes how the site is degraded, with few characteristic features and would benefit from landscape improvement and long-term management. Providing that existing structural landscape features are retained and enhanced with new planting, the LVIA finds that development could be achieved without causing significant adverse effects on the character and appearance of the area. Based on the evidence provided, I agree. Subject to an appropriate design, the site could be developed in a way that furthers the purpose of conserving and enhancing the natural beauty of the High Weald National Landscape.
396. The allocation is justified and will provide around 1.2 hectares of additional employment land. For effectiveness, **MM114** clarifies that the site is on the Gill's Green policies map. It also deletes the ambiguous and ineffective requirement for an energy and climate change strategy.

Land at Limes Grove (March's Field) – Policy AL/HA8

397. Land to the north of the Hawkhurst Station Business Park is safeguarded for future employment uses. Policy AL/HA8 states that it will be released for employment if other allocations have not come forward, or there is evidence that further employment provision is needed in the eastern part of the borough.
398. As set out in my Initial Findings, Limes Grove is a narrow country lane at the rear of the business park with limited forward visibility of oncoming traffic. Due to its width there is also no scope for large commercial vehicles to pass or manoeuvre, and there is no footpath. Having assessed the site further, the Council agrees that the allocation is unsound and suggests that it is deleted.
399. I have carefully considered the evidence provided in response to the Council's suggested changes, and whether the allocation could be modified in another way to make it sound. Amongst other things, this includes how the road could be widened and a footpath provided. However, as KCC points out in Examination Document TWLP/150, should the allocation come forward, it would result in the intensification of the junction between Limes Grove and the A229

where visibility is “substandard”. Based on the use of the A229 and existing traffic flows, gaps in traffic would be limited and commercial vehicles trying to leave the junction would prejudice safety. The allocation would fail to provide a safe and suitable point of access and is not justified. It is deleted by **MM115** and **MM116**, with consequential changes required by **MM102** and **MM258**.

Conclusion on Supply

400. The submitted Plan allocates 4 sites for employment uses totalling over 23 hectares, against a requirement for 14 hectares. Even with the deletion of the employment allocation from the Paddock Wood strategic site, and safeguarded land at Limes Grove, the Plan identifies a supply from commitments and allocations of over 20 hectares. Sufficient employment land has therefore been identified to ensure that needs are met in full.

Key Employment Areas – Policy ED1

401. Key Employment Areas are defined within the existing Tunbridge Wells Core Strategy. In deciding to take the areas forward into the Local Plan, the Economic Needs Study appraises each of the sites and assesses the portfolio. It also considers quantitative and qualitative needs for employment land and how the Key Employment Areas can be expanded and/or consolidated where relevant. In summary, the sites are all justified for inclusion through Policy ED1.

402. The soundness issue with the Plan is that Policy ED1 includes a mix of descriptions and use classes for the types of development permitted on Key Employment Areas. For effectiveness, the position is clarified by **MM227**, which also makes it clear that whilst *sui generis* uses will be permitted in Royal Tunbridge Wells Town Centre, subject to meeting certain criteria, they must be of an appropriate type and scale compatible with the town centre. Similar requirements are introduced for the High Brooms Industrial Area, noting its proximity to housing, and for the Longfield Road area noting the approved planning permission for a new flagship business park. The necessary changes are made by **MM32**, **MM226** and **MM227**.

Retention of Existing Employment Sites and Buildings – Policy ED2

403. Where the Key Employment Areas are concerned, the main purpose of Policy ED2 is to retain their primary role and function. For effectiveness, **MM229** sets this out.

404. The MM is also needed for effectiveness to more clearly set out the criteria in Policy ED2 and confirm that they apply to the reuse of all employment land and buildings. Where non-employment uses are proposed, a comprehensive

marketing period of 18 months is needed to demonstrate a lack of demand, which also needs to have considered other employment generating uses.

405. Although a period of 18 months might be longer than used in other Plans elsewhere, it is justified in this instance. The Economic Needs Study recommended a period of 2 years, but the Council has reduced this so it is consistent with the Retail, Commercial, Leisure and Town Centre Uses Study. It allows sufficient time for other aspects of the policy to be fulfilled, such as seeking to find alternative occupiers and demonstrating a lack of demand and or suitability. To bring the Plan up to date on adoption, and for effectiveness, **MM228** is needed to update the supporting text concerning permitted development rights.

Other Commercial Uses and Allocations

Land at The Auction House, Linden Park Road – Policy AL/RTW2

406. Planning permission has been granted for Class E uses, which reflects the location of the building to the south of the town centre. If alternative redevelopment proposals come forward, Policy AL/RTW2 includes relevant criteria around ensuring appropriate design. The policy is justified and sound.

Land at Former North Farm Landfill Site, Royal Tunbridge Wells – Policy AL/RTW18

407. The former landfill site to the north of Royal Tunbridge Wells is available for redevelopment but is still emitting methane. Non-residential uses such as sport, recreation and leisure or as a location for renewable energy are therefore supported. In principle, such uses are acceptable on the site, which is within the Limits to Built Development on the edge of a predominantly commercial area. For effectiveness, and to reflect the condition of the site, **MM66** is needed to specify that the Plan supports outdoor leisure uses, rather than the more ambiguous reference to development falling within the Sui Generis use class. Consequential changes to the supporting text are made by **MM65**.

408. Landscape impacts, including on the High Weald National Landscape (to the north) will be appropriately considered through the submission of a LVIA. If an unacceptable type, form or scale of recreational or renewable energy scheme comes forward, there are sufficient safeguards within the Plan.

Land at Mabledon House – Policy AL/SO2

409. Mabledon House is allocated for a new luxury hotel providing up to 200 bedrooms, a spa, leisure and conference facilities. As submitted, the site is within the Green Belt. No alterations are proposed to the Green Belt boundary,

primarily due to the location of the site and its separation from the nearest settlement (Tonbridge). The site is also within the High Weald.

410. The Council's Hotel Capacity Study⁴⁴ identifies a lack of five-star rated, luxury hotel accommodation in Tunbridge Wells. Examination Document TWLP/098 carries out a sequential site assessment of town centres and concludes that there are no suitable, available sites within existing centres to meet this need. The evidence supports the principle of development at Mabledon House.
411. The soundness issue with the allocation is that Policy AL/SO2 expects development proposals to demonstrate 'very special circumstances' to justify a 200-bedroom hotel and leisure complex. But very special circumstances only exist where the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There is no guarantee that this could be achieved and therefore the policy is unsound.
412. Rather than delete the policy, the Council's position is that a luxury five-star hotel could still be achieved through the redevelopment and/or reuse of existing buildings. Although 200 bedrooms is unlikely to be deliverable, the evidence does nonetheless point to options for the creation of a new luxury hotel including spa or other ancillary facilities. To make the policy justified and effective, **MM77** therefore refers to the use permitted, deletes reference to the 200 bedrooms and changes new build elements to the reuse or redevelopment of existing buildings. It also deletes the need to demonstrate very special circumstances in favour of simply referring to national planning policy on the Green Belt and updates the site layout plan to highlight areas of existing development. For effectiveness, consequential changes to the supporting text are made by **MM76**, which also includes reference to relevant background evidence supporting the Plan.

Cranbrook School – Policy AL/CRS4

413. The land and buildings associated with Cranbrook School are fragmented across the village. The allocation therefore seeks to identify the main core of the school and its landholdings. This is reasonable, proportionate and justified.
414. Supporting proposals for the improvement of teaching, boarding and associated facilities within the main school site is consistent with paragraph 95 of the Framework. It states that, amongst other things, great weight should be given to the need to create, expand or alter schools through the preparation of plans.
415. Support for more substantive proposals, such as new buildings and/or different uses of land is also consistent with national planning policy. However, as

⁴⁴ Core Document CD3.90

submitted, Policy AL/CRS4 refers to the main school site and 'ancillary landholdings'. This is unsound because there is no clarity over what the ancillary landholdings relate to. It also undermines the policy, which has sought to define the main school site in the Plan. **MM98** is therefore necessary to delete this reference in favour of support for development proposals within the main school site as defined by Policy AL//CRS4.

416. In considering the soundness of the Plan, I recognise that the school is looking to rationalise its landholdings and pursue an element of residential development on both the Rammell Field and the Big Side Field. However, for the reasons set out elsewhere in this Report, I have concluded that the judgements made by the Council in relation to LGS are rational, and that both designations are sound.

Sissinghurst Castle Garden - Policy AL/CRS5

417. Sissinghurst Castle is an important tourist destination. Owned by the National Trust, it attracts around 200,000 visitors a year and the castle tower is a distinctive local landmark. Identifying the site on the policies map and requiring development proposals to retain important views of the tower, preserve the rural setting of the site, encourage walking and cycling improvements and consider archaeology are all justified and sound.

Town Centres and Retail – Policies STR/RTW2, ED8, ED9, ED10 and ED11

418. Royal Tunbridge Wells is ranked at the top of the hierarchy in the Settlement Role and Function Study. The Tunbridge Wells Retail and Leisure Study Main Report (and 2021 Update)⁴⁵ also categorise the town as the primary destination in the borough for retail and leisure uses.

419. The Strategy for Royal Tunbridge Wells Town Centre is justified in seeking to, amongst other things, protect core retail areas and appropriate office space, enhance leisure, tourism and cultural facilities and support new housing. For effectiveness, **MM35** modifies Policy STR/RTW2 and clarifies that the town centre is defined on the policies map, and that the Council is preparing a Town Centre Plan. The 2021 Update Report identified some retail needs but did not recommend that specific allocations were required. The position is clarified by **MM238**, which ensures that the Plan is justified by the supporting evidence.

420. Cranbrook, Paddock Wood and Southborough are all town centres which sit below Royal Tunbridge Wells in the retail hierarchy expressed in Policy ED8. Their position reflects the level of services on offer and is justified.

421. At Paddock Wood, to more accurately reflect existing uses on the ground, which includes the Wesley Centre on Commercial Road, it is necessary to amend the

⁴⁵ Core Document CD3.85a and CD3.86a

town centre boundary. The relevant change is shown on the Schedule of Policy and Inset Map Changes and ensures that the geographic illustration of Policy STR/SS2 is justified. The necessary change will need to be made by the Council upon adoption of the Plan. Consequential changes will also be needed to the policy map extracts found throughout the Plan.

422. Policy STR/SS2 provides an overarching policy framework for the town centre which supports a range of commercial and residential uses. For the Local Plan, this flexible approach is justified due to the number and nature of existing land uses. For effectiveness, **MM83** is necessary to clarify that development proposals will be supported where they follow the principles of the policy, the masterplan and other relevant Local Plan policies. This provides support for new development in the town centre but recognises the relationship with other policies, such as STR/SS1 and the provision of new infrastructure.

423. Hawkhurst is categorised alongside Cranbrook, Paddock Wood and Southborough in the settlement hierarchy, whereas under Policy ED8, it is a standalone Rural Service Centre. This is because the two tables are different and have taken different factors into account. Based on the evidence in the Retail and Leisure Study, the identification of Hawkhurst as a Rural Service Centre is justified. The smaller, Neighbourhood Centres sit below and reflect their role and function in meeting day-to-day shopping needs for local residents.

424. Following its deletion from the Plan, **MM239** and **MM243** are needed for effectiveness to remove reference to Tudeley Village from Policy ED8 and the supporting text. In error, **MM239** still referred to the 'village centre' which I have corrected in the Appendix to this Report. For effectiveness, **MM243** also specifies that Policy ED9 relates to all centres and that main town centre uses will be supported, not just 'appropriate' uses, which is too ambiguous.

425. To ensure consistency with national policy, reference to disaggregation is deleted from the supporting text to Policy ED10 by **MM241**. Paragraph 88 of the Framework requires flexibility on issues such as format and scale, but not disaggregation. For the same reasons, **MM242** clarifies that the sequential test applies to main town centre uses and the impact tests relate to retail and leisure developments. For effectiveness, the policy is also re-ordered under the correct headings with a cross reference to Policy ED9.

426. Having locally set impact thresholds of 1,000 square metres for Royal Tunbridge Wells, and 280 square metres for Southborough, Paddock Wood, Cranbrook and Hawkhurst is justified by the Retail and Leisure Study Main Report. However, for effectiveness, **MM242** makes it clear that impact assessments are required when a proposal exceeds the threshold, not just when there is a 'potential adverse impact'.

427. Finally, Policy ED11 is justified in defining Primary Shopping Areas and Retail Frontages in Royal Tunbridge Wells, Southborough, Paddock Wood, Cranbrook and Hawkhurst. It is also sound in seeking to balance the focus on commercial uses whilst allowing development, providing that it retains an active frontage and maintains vitality, attractiveness and viability of the centre.

Digital Communications, Rural Diversification and Tourism – Policies ED3, ED4, ED5, ED6 and ED7

428. Policy ED3 is consistent with paragraph 114 of the Framework, which states that planning policies should support the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections, which is essential for economic growth and social well-being. However, there is no justification for only requiring schemes of over 5 dwellings or 500 square metres to enable full fibre. The policy as submitted also requires proposals under the threshold to provide a justification, which contradicts the purpose of having a threshold. Both soundness issues are rectified by **MM231**. For effectiveness, **MM231** also provides some flexibility for circumstances where the requirements cannot be met.

429. The final paragraph of Policy ED3 refers to other options where full fibre provision is not possible, such as internet speeds in excess of 24 megabytes per second. Because speeds may increase and change over the plan period, for effectiveness, **MM231** also introduces a reference to Government guidance. Consequential changes to the supporting text are made by **MM230**.

430. As consulted on, **MM231** deleted reference to the requirement for a 5 dwelling or 500 square metre threshold in the third paragraph of Policy ED3, but not the final paragraph. To correct this error, and ensure internal consistency, I have therefore amended Policy ED3 in line with **MM231** in the Appendix.

431. Policy ED4 supports rural diversification and includes justified criteria around scale, design, highways and ensuring that the new proposals do not cause severance or disruption to the main agricultural business. However, to make the Plan justified and effective, **MM232** is needed to clarify that permitted development rights *may* be removed in some circumstances. This will be a matter for the Council to consider on a case-by-case basis, having regard to relevant guidance in the PPG.

432. The re-use of rural buildings in the countryside is supported by Policy ED5, provided that certain criteria are met. As submitted, the statement that residential uses will only be permitted in exceptional circumstances is not justified. Nor is it consistent with national planning policy in paragraph 80 of the Framework, which permits the re-use of redundant or disused buildings where a proposal enhances its immediate setting.

433. **MM234** makes the necessary changes. It reflects national planning policy in the Framework, but for effectiveness, also introduces a requirement to demonstrate through marketing that there is no demand for alternative commercial uses. This is justified and appropriate in demonstrating that buildings are redundant or disused in the first instance. For the same reasons, **MM234** clarifies that buildings should be worthy of retention, make a positive contribution to landscape character or be required as part of a whole farm plan, have regard to the Council's Landscape Character Assessment and not lead to poor standards of living accommodation for potential future occupants. It also clarifies that relevant considerations in the Green Belt include openness. Consequential changes to the supporting text are made by **MM233**.
434. Paragraph 84 of the Framework requires planning policies to enable the sustainable growth of all types of businesses in rural areas. For consistency with the Framework, and for effectiveness, **MM235**, **MM236** and **MM237** therefore expands the scope of Policy ED6 to rural businesses and recreational or leisure uses. The policy should also apply to all types of businesses, not just private uses.
435. Policy ED7 supports proposals for tourism related development and seeks to retain existing, suitable tourist accommodation. The rationale for the policy is justified in seeking to maintain the attractiveness of the borough to visitors. So is the requirement for applicants to demonstrate a lack of demand through marketing. However, references to being 'well located' and 'attractive to the market' are ambiguous. For effectiveness, they are deleted by **MM237**.

Retention of Local Services and Facilities – Policy ED12

436. Paragraph 93 of the Framework states that planning policies should, amongst other things, guard against the unnecessary loss of valued facilities and services, especially where this would reduce the community's ability to meet its day-to-day needs. Policy ED12 seeks to achieve this, but as submitted is not sufficiently clear. For effectiveness, necessary changes are made by **MM244**.
437. The policy differentiates between commercial uses and public facilities, such as a village hall. For commercial uses, additional text is required to clarify that the necessary 18-month marketing exercise has been done professionally, for the same or alternative commercial uses and at a reasonable open market value. The purpose of criterion a) is also to ensure that consideration has been given to whether it is viable, or likely to become viable, to operate the same number of existing services/facilities in the area. Although 18 months' worth of marketing is longer than other Plans elsewhere, no convincing evidence has been provided to demonstrate why it is unsound in Tunbridge Wells. The policy strikes an appropriate balance between protecting local service and facilities, consistent with national planning policy, and allowing for the appropriate reuse of premises.

438. For public facilities, criterion 3) requires a consideration of local demand. However, to be effective and justified, this should also consider likely future demand. The necessary change is made by **MM244**, which also includes the addition of 'imperative operational reasons' to support the loss of a facility. This modification emphasises the importance of identifying sound reasons for closing public facilities where dictated by operational reasons. For effectiveness, **MM243** also expands the list of local facilities to include cultural facilities.
439. As consulted upon, **MM244** adds the words 'in this regard' to Policy ED12(3). However, the additional text is superfluous and not necessary for soundness. It is deleted from the schedule of MMs in the Appendix to this Report.

New Services and Facilities

TN2 Centre, Land adjacent to Greggs Wood Road, Sherwood – Policy AL/RTW8

440. The TN2 centre is an existing community building. It is allocated for a new medical centre alongside new and improved community facilities.
441. The Council's Matter 10 Hearing Statement sets out the reasons for requiring a new medical centre in Sherwood, which includes reference to the IDP and liaison with NHS Kent and Medway CCG. Redevelopment of the existing brownfield site, in an accessible location, close to the existing community and for the uses proposed is justified. For effectiveness, **MM48** makes it clear that the site is allocated for both the new medical centre and community uses.

King George V Playing Fields, The Moor, Hawkhurst – Policy AL/HA6

442. Planning permission was granted in 2022 for the demolition of the existing pavilion and garage and construction of a new community centre, including extension of the site to provide additional space for recreation. The principle of development has therefore been established.
443. The 2022 planning permission has now lapsed without construction starting. However, no cogent reasons have been provided to suggest that the site cannot deliver the new community centre and associated recreation use across the plan period, or, that an alternative scheme would be refused planning permission because of a material change in circumstances. The site is also allocated by the Hawkhurst Neighbourhood Plan for a new hall. Its allocation therefore remains justified. Although Policy AL/HA6 refers to avoiding demolition, this does include the caveat 'where possible'. Sufficient flexibility is therefore provided (and the previously approved scheme included demolition).

444. Finally, as consulted upon, **MM113** included reference to the approved planning permission. Because this has now lapsed, it is not necessary for soundness. **MM113** is not recommended in the MMs in the Appendix to this Report.

Conclusion

445. Subject to the recommended MMs, I conclude that the strategy for economic growth is justified and that policies relating to employment provision, commercial development, tourism and retail are justified, effective and consistent with national planning policy.

Issue 9 – Whether the strategy for the provision of transport and infrastructure is justified, effective and consistent with national planning policy

Transport Strategy – Policy STR6

446. As submitted, the key components of the transport strategy are the provision of the Colts Hill bypass and the Five Oak Green bypass. As discussed elsewhere in this Report, MMs are needed to the transport strategy to reflect the changes proposed to the strategic sites at Tudeley Village and Paddock Wood, and to reflect the updated transport assessments⁴⁶. To ensure that the Plan is justified and effective, **MM25** therefore makes it clear that mitigation is required in the form of a new Colts Hill bypass and associated works at the Badsell roundabout, improvements to the Somerhill and Hop Farm roundabouts and traffic management improvements through Five Oak Green. For the same reasons, **MM25** makes it clear that KCC will work with National Highways to oversee the delivery of strategic highway improvements, which will be funded by development and delivered through 'Monitor and Manage' strategies. Consequential changes to the supporting text are made by **MM24**.

447. To the south of Paddock Wood is the A21. Travelling from Paddock Wood it can either be accessed from the A228 (via Colts Hill) or from the Kippings Cross roundabout (passing through Matfield along the B2160). At the submission stage, significant impacts were identified on the Kippings Cross roundabout because of the growth proposed at Paddock Wood. What the submitted transport strategy sought to do, therefore, was reduce the capacity of the B2160 as a way of dissuading traffic from using this route. By doing so, the intention was to direct traffic down the A228 to the junction with the A21 at Pembury⁴⁷.

448. One of the issues with that strategy was the existing levels of congestion around Woodsgate Corner at Pembury. Without additional capacity, longer queues would occur. It would not become an attractive alternative to motorists if the

⁴⁶ Including Examination Document PS_104

⁴⁷ Examination Document PS_033

route took longer, especially at peak hours. Motorists would therefore continue to use the B2160 and exacerbate issues at Kippings Cross.

449. Evidence produced ahead of the Stage 3 hearings, notably in Examination Documents PS_101 and PS_104, has therefore included further transport modelling and assessment. In summary, it demonstrates that if five junctions along the Pembury Road corridor (travelling from Pembury into Royal Tunbridge Wells) are upgraded, then additional capacity would be created around Woodsgate corner. Based on the modelling work, this would be sufficient to accommodate additional traffic from Paddock Wood, with the route an attractive alternative to the more rural one down to Kippings Cross. As a result of the increased capacity, no strategic highway improvements would then be needed at the Kippings Cross roundabout or along its approaches. The modelling work does not assume that all traffic would avoid the B2160, just that the alternative would be a more attractive route when travelling south from Paddock Wood. Importantly, National Highways has reviewed this evidence and agrees with the Council's revised transport strategy. The Matter 7 Hearing Statement clarifies that the improvements will have a re-distribution effect that will divert traffic away from the A21 Kippings Cross junction and reduce impacts to such a level that mitigation for local plan growth is not required.
450. The key to the effectiveness of the strategy will be the timely implementation of the Pembury Road corridor improvements. However, the evidence in Examination Documents PS_101 and PS_104 includes drawings illustrating how each junction can be reconfigured without strategic engineering works or widespread land acquisitions. The precise detail for every junction is not required at this stage. Instead, the evidence is proportionate and demonstrates that there is a reasonable prospect that the works can be implemented when required to tie in with the delivery of strategic growth at Paddock Wood. High-level costs have also been considered through updates to the Council's viability appraisals and show that the improvements can cost effectively mitigate the impacts from the level of growth proposed at the strategic site.
451. To ensure that the Plan is justified and effective, reference to the Pembury Road corridor improvements therefore need to be included in Policy STR6 by **MM25**. They also need to be included in the revised strategy for Paddock Wood (Policy STR/SS1) by **MM81**. For the same reasons, and to provide more flexibility, reference to a new roundabout at Pembury Hall Road/Halls Hole Road/Blackhurst Lane is modified by reference to a new 'junction'.
452. Part of the transport strategy is also the provision of active travel measures and improvements to bus journey times between Pembury and Royal Tunbridge Wells. Further detail is provided in the supporting IDP⁴⁸, which refers to bus and cycle priority measures. Because such upgrades are required to support

⁴⁸ Examination Document PS_105

additional growth in the Plan, and will contribute towards wider improvements to the Pembury Road corridor, they should also be referred to in policy. **MM25** makes the necessary change to Policy STR6 by referring to junctions and measures along the A228/A264.

453. To deliver the necessary improvements, relevant sites likely to impact upon the corridor should also contribute towards the identification of a study and implementation of its findings. This is a reasonable and proportionate approach to take where the specific details are unknown and could, in places, represent relatively small-scale interventions such as the repurposing of space for pedestrians and cyclists. To ensure that the Plan is justified and effective, sites around the corridor are therefore modified to include the requirement by **MM50**, **MM68**, **MM153**, **MM155**, **MM157**, **MM159**, **MM161**, **MM164**, **MM166**, **MM168**. The strategic policies for Royal Tunbridge Wells and Pembury are modified in the same way by **MM33** and **MM151**.

Transport Assessments, Travel Plans, Mitigation and Design – Policies TP1 and TP2

454. Policy TP1 includes a requirement to provide appropriate highway infrastructure to support new development or make contributions towards infrastructure as required. References to needing Transport Statements or Transport Assessments provide clarity to users of the Plan, but for effectiveness, should not require accordance with non-statutory documents. This is rectified by **MM245**. Subject to the changes, the policy is sufficiently clear that either a Transport Assessment or Transport Statement will be required depending on the location of the development and any traffic issues or lack of infrastructure.
455. For the same reason, and to make the policy justified and up to date, **MM245** also stipulates that Transport Assessments must outline the Vision and show how proposals meet the 'Monitor and Manage' approach advocated by the Department for Transport's Circular 01/2022. Similar changes are also made to Policy TP3 by **MM249** for the same reasons.
456. For effectiveness, a definition of 'Vision and Validate' is then provided in the Glossary to the Local Plan by **MM257**. I note National Highway's suggestion that this should be amended for precision, but I am not persuaded that the additional text is necessary for soundness. However, to be effective, the Plan should include a definition of 'Monitor and Manage' which is introduced by several MMs. I have therefore used the additional text suggested by National Highways in **MM257**, and supported by the Council, in the schedule of MMs in the Appendix to this Report. For the same reasons, **MM7** and **MM9** refer to Public Rights of Way and their role in promoting active travel alongside walking and cycling.

457. Policy TP2 is justified in requiring development proposals to be accessible by public transport, as it seeks to promote more sustainable modes of travel. However, reference to 'close proximity' is too ambiguous to be effective and is deleted by **MM247**. Because the frequency of services is also important to understanding the accessibility of a location, this is also included in the policy for the same reasons by **MM247**.
458. Measures to promote slower traffic speeds within new developments and around site access points is reasonable and justified in the interests of highway and pedestrian safety. For effectiveness, **MM247** makes it clear that if external changes are needed, they would be funded by development proposals. This reflects typical development management practices. Any developer contributions would still have to meet the relevant tests in national planning policy. For effectiveness, **MM247** also removes the examples of traffic calming measures from the policy, as other options exist. To bring the plan up to date and be effective, **MM246** updates the supporting text by cross referencing the Local Cycling and Walking Infrastructure Plan, deleting references to Manual for Streets and instead referring to wider national guidance.

Parking Standards and Car Parks – Policies TP3 and TP4

459. The Council's Matter 12 hearing statement and Core Document CD3.116 provide the necessary justification for introducing car parking standards. This includes evidence on accessibility, the different types and uses of development proposed, availability of public transport and local car ownership levels. The different standards for different zones reflect the evidence and the approach taken is consistent with paragraph 107 of the Framework. For effectiveness, **MM249** makes it clear that Zone A relates to Royal Tunbridge Wells Town Centre as shown on the policies map. Sufficient flexibility is included in the policy for instances when operational requirements dictate a different number of spaces and where they can be clearly evidenced. For effectiveness this is also made clear by **MM249**.
460. For non-residential developments, Policy TP3 requires proposals to accord with KCC guidance. However, that guidance is not part of the development plan. The requirement to accord with non-statutory guidance, which can be changed without examination in public, is not justified and modified by **MM248** and **MM249**.
461. Following modifications to Policy STR/SS1 (strategic policy for Paddock Wood and land at East Capel), consequential changes are also made to Policy TP3 and the requirement for a SPD by **MM249**. The requirement to have bespoke standards for the Paddock Wood expansion is justified given its size, the mix of uses proposed and comprehensive approach to masterplanning.

462. Policy TP4 is justified and sound in permitting the redevelopment of car parks, provided that one of the criteria in 1) to 4) are met.

Safeguarding Routes – Policies TP5 and TP6

463. Safeguarding the Tunbridge Wells Central to Eridge railway line is justified in the event that the line is identified for future commercial use, and in recognition of the contribution that it currently makes (in part) to the Spa Valley heritage railway. The former Hop Pickers line is also justified due to the contribution that it makes to local heritage, green infrastructure and promoting active travel.

464. As discussed elsewhere in this Report, a new road is required to bypass the dangerous section of the A228 at Colts Hill. The strategic expansion of Paddock Wood is therefore expected to contribute towards the route, which will run from a new junction with Alders Road to an upgraded Badsell roundabout. For effectiveness, this is made clear by **MM250**. I have also corrected the typographical error in the schedule of MMs in the Appendix to this Report by referring to the 'A228'.

465. Although the smaller scheme has been shown to be developable, the larger, entirely 'off-line' route still remains a priority for KCC in their latest transport plan and may be pursued as a potential future option. Its continued inclusion as a safeguarded route is justified for now. For effectiveness, KCC's long-term aspirations and details regarding the route's location are highlighted by **MM250** and **MM251**. If the position changes as development progresses at Paddock Wood and elsewhere, it will be for the Council to review and update the Local Plan accordingly.

466. Elsewhere, the dualling of the A21 from Tonbridge to Kippings Cross is now complete. Nevertheless, it remains an aspiration for KCC to dual the remaining section from the Kippings Cross roundabout to the Lamberhurst roundabout and the project is included in the County Council's Transport Plan. The continued safeguarding of the route is therefore justified through Policy TP6.

Infrastructure and Comprehensive Development – Policies STR4 and STR5

467. Policies STR4 and STR5 seek to ensure that proposals deliver comprehensive development, supported by the provision of new and upgraded services and facilities where required. Much of the debate throughout the examination has been around ensuring that development provides the necessary infrastructure to support new and existing communities. Policies STR4 and STR5 provide an appropriate policy framework for doing so.

468. Reference is also made to the IDP, which is intended to sit alongside the Local Plan and be regularly reviewed and updated. For this reason, the Plan is sound

in not repeating everything in the IDP and focussing on the main, critical infrastructure needed to support growth. For effectiveness, **MM23** refers to the latest IDP and its updated approach to transport and highways.

Conclusion

469. Subject to the recommended MMs, I conclude that the strategy for the provision of transport and infrastructure is justified, effective and consistent with national planning policy.

Issue 10 – Whether the strategy for sport and recreation is justified, effective and consistent with national planning policy

Land North of Hawkenbury Recreation Ground – Policy AL/RTW19

470. As submitted, Policy AL/RTW19 allocates land to the north of the existing Hawkenbury Recreation Ground for “...*new and enhanced sport and recreation provision as part of a new stadia sports hub, to include standing/seating for supporters, other ancillary structures, and increased parking provision.*” The supporting text also states that the allocation takes forward an earlier planning permission to enhance provision “...*in the form of a new stadia sports hub...*”.

471. Policy AL/RTW20 relates to the redevelopment of the Culverden Stadium, which is currently home to Tunbridge Wells Football Club. The supporting text states that any development of the site is dependent upon the relocation of the football stadium to an alternative site, with specific reference to land at Hawkenbury. The Strategy for Royal Tunbridge Wells (Policy STR/RTW1 criterion 15) also states that a new sports hub will be provided “...*to include standing/seating for supporters and other ancillary structures...*”. It is therefore sufficiently clear that the Plan is advocating a new sports hub that would include some kind of stadium to allow for the relocation of Tunbridge Wells Football Club from Culverden.

472. Examination Document TWLP/092 provides some background on the project and reasons for the allocation. In summary, the Council's 2017 Playing Pitch Strategy⁴⁹ refers to the potential relocation of Tunbridge Wells Football Club and consolidation of pitches across the area to create a 'centre of excellence' for football and hockey at Hawkenbury. It cites the need for community 3G pitches, a stand for spectators, social areas and changing rooms. The 2019 Business Case⁵⁰ for the Hawkenbury Football Centre for Excellence goes into greater detail. It refers to the need for a 3G pitch with floodlights, appropriate ground facilities to meet Step 3 of the National Football Association Pyramid, changing rooms, a clubhouse and meeting / community facilities. The intention has

⁴⁹ Core Document CD3.88g

⁵⁰ Appendix 1 to Examination Document TWLP/092

always been for a sports hub, used by both sports teams and the community. The Local Football Facility Plan for Tunbridge Wells⁵¹ also refers to a new sports hub at Hawkenbury.

473. Both the submitted Plan, and the evidence supporting it, has therefore always envisaged consolidating playing fields and football pitches across Royal Tunbridge Wells to create a new, high-quality, multi-use community site. Nevertheless, to avoid any ambiguity, and for effectiveness, **MM68** makes it clear that new and enhanced sport and recreation provision will be created as part of a new 'stadium' sports hub. Consequential changes to the supporting text and other parts of the Plan are made by **MM67** and **MM22**.
474. Examination Document PS_026, dated July 2020, builds upon the Playing Pitch Strategy and looks at possible locations for a new sports hub following the rationalisation of existing facilities. In total, 20 sites have been considered. Land at Hawkenbury was recommended following a detailed assessment process. Amongst other things, this considered its location relative to other facilities and the clubs that would use the site, its catchment area, potential for car parking nearby, topography and the fact that planning permission had previously been granted for sports and recreation uses. The process demonstrates that no one site is perfect, and judgements have had to be made around site suitability. Given the context and constraints around Royal Tunbridge Wells, the Council's judgements are reasonable and sound.
475. As is the case with nearly all the sites allocated on the edge of Royal Tunbridge Wells, the proposed development at Hawkenbury is within the High Weald National Landscape. The LVIA describes the site as occupying a transitional landscape between the main built-up area countryside to the east. The land rises up and away from the town to the east, with the areas of higher ground more widely visible. As a result, the LVIA concludes that there is a "graduation in sensitivity", with greater potential for development on the lower ground adjacent to the urban area. Similar conclusions are reached in the Landscape Sensitivity Assessment. Based on observations at my site visits, I agree.
476. It is common ground between the Council and Natural England that development of the allocation would be unlikely to represent major development in the High Weald. Although there will be built elements over a large site, the primary use of the land is for recreational purposes. Areas of hedgerows and woodland will be retained and new, clearly defined boundaries to the settlement edge created. Located on the edge of Royal Tunbridge Wells, adjacent to the main built-up area, I agree with this position. Subject to an appropriate design and layout, with the main buildings, stands and associated built form concentrated on the lower ground, development of the site could be achieved in

⁵¹ Core Document CD 3.136

a manner which furthers the purpose of conserving and enhancing the natural beauty of the High Weald National Landscape.

477. Much of the debate throughout the examination has related to the scale of development and whether it would be suitable in this location, accessed from High Woods Lane. The Lane is narrow in places, and due to the presence of parked cars, is only wide enough for one vehicle to pass at a time.
478. In establishing the likely scale of development, the Council's Business Case refers to a stadium with a capacity for 3,000 people. This has caused concerns locally about impacts on highways and the living conditions of existing residents, amongst others. However, Tunbridge Wells FC currently average around 300 spectators per match, despite having a capacity for over 3,000. The existing stadium has a combination of standing and seating areas, with around 250 covered seats. It operates from within the town, accessed by residential streets. In terms of the 'stadium' element, the scale of development proposed will be similar, with indicative plans in the Business Case showing two covered areas on either side of the pitch and a 2-storey building housing the changing rooms and clubhouse. Whilst the evidence therefore refers to a capacity of 3,000 people, this is unlikely to be the case every week, with average attendances significantly lower.
479. Notwithstanding this, as part of the examination process, KCC Highways has confirmed that it considered the suitability of the allocation with a capacity of 3,000 people. Based on the evidence provided, KCC concludes that there is sufficient 'in-principle' evidence to support allocation, with further details and necessary mitigation to be secured following the completion of a Transport Assessment. This evidence includes drawings to show how localised road widening can be achieved to create the necessary width to allow vehicles, including coaches, to pass on High Woods Lane. A give-way arrangement is proposed close to the site access where the road narrows, thus allowing for the safe passage of vehicles entering and exiting the site. Where allotment holders currently use the existing verge to park, the Council intends to create a new arrangement with dedicated spaces on the north side of High Woods Lane.
480. KCC Highways' acceptance of the scheme is based on the provision of adequate off-street parking, a comprehensive traffic/event/car parking management plan, measures to promote sustainable modes of transport, marshalling plans and a detailed Transport Assessment. This is achieved by **MM68**, which is needed to justify the allocation and make it effective. The details relating to highways upgrades, marshalling and travel plans etc. will depend on the football club's position in the league hierarchy. If Tunbridge Wells FC move up the football pyramid and increase their attendance, from the current figure of around 300 people per match, then further measures will be needed. The precise trigger points for any highways measures can be achieved through the Transport Assessment and planning application process.

481. As submitted, Policy AL/RTW19 includes criteria relating to access. For effectiveness and to reflect the evidence base, **MM68** is needed to specify that the new access needs to be safe and suitable, that some localised road widening will be required and that the final design needs to accommodate access by buses and coaches. For the same reasons, where reference to improving local road junctions is cited, this also needs to include the junction between the A264/Bayhall Road/B2023. Consequential changes to the supporting text are necessary and made by **MM67**. The position of KCC Highways is that none of the necessary upgrades would be insurmountable. Based on the evidence provided, I agree.
482. In terms of parking provision, KCC Highways advise that around 200 spaces will be needed as a maximum. Due to land availability, only around 150 can be provided on site. However, the upper figure of 200 spaces is again based on a maximum capacity of 3,000 people, when currently the football club average significantly less. The upper figure is therefore based on one off, or special cup matches, rather than average weekly attendances. On such occasions, the Council has identified the possibility of overspill parking nearby, including use of the adjacent Hawkenbury Recreation Ground car park. If the football club did make it up the league pyramid and attract significantly larger crowds, adequate trigger points could be put in place as part of the planning application process. At this stage, I am satisfied that the policy provides the necessary strategic framework to guide the subsequent detailed design.
483. As submitted, the Plan seeks to redraw the Green Belt boundary. The reason for doing so is due to the nature of the proposal, with seating/standing areas for spectators and a mixed-use building, not just changing rooms.
484. In terms of likely harm, the Green Belt Study Stage 3, recognises that the parcel is not contained by urban development and would result in encroachment into the countryside. However, it also states that releasing the site would replace a weak boundary with a stronger one along High Woods Lane, and that the remaining Green Belt to the north and north-east will retain its strong distinction from the settlement edge. Overall, moderate harm to the Green Belt is identified, albeit mitigation is suggested that would help reduce influence on the remaining area of Green Belt and integrate development into the landscape.
485. In support of the boundary alteration, there is an evidenced need to consolidate poorer quality and underutilised pitch provision into a new, mixed-use community sports hub to improve existing facilities and meet future demand. The location proposed will also build upon the existing recreational facilities at Hawkenbury and seeks to address a specific localised issue. It is not a development which could be located outside the Green Belt divorced from Royal Tunbridge Wells. When taking these factors into account, the level of harm identified and the significant socio-economic benefits that would arise,

including tangible public benefits, I conclude that exceptional circumstances exist to release the land from the Green Belt.

486. In reaching this view I have considered the likelihood of delivering the hub given that the Council does not currently own the land. Despite having planning permission in the past, and being allocated in the current development plan, no progress has been made. A national housebuilder also has an option to purchase the site and is pursuing a primarily residential-led scheme on a wider parcel of land, which encompasses the allocation. However, for the reasons discussed above, the Hawkenbury Sports Hub is a longstanding Council aspiration which forms part of a clearly evidenced strategy. The starting point for implementing this strategy is the identification of the hub in the development plan and the alteration of the Green Belt boundary to facilitate the scheme. The Council has approached the landowner previously around a sale and has confirmed that they will do so again. Failing that, the Council has confirmed that it will use compulsory purchase powers to enable the project to go forward in recognition of the wider public benefits that it will deliver. In this instance, based on the evidence provided, I am satisfied that there is a reasonable prospect that the site will be available and can be viably developed at the point envisaged. In my judgement, exceptional circumstances exist to alter the Green Belt boundary, and subject to the recommended MMs, the allocation is sound.

Land at Culverden Stadium, Culverden Down – Policy AL/RTW20

487. Culverden Stadium is currently home to Tunbridge Wells Football Club. Upon adoption it will be within the Limits to Built Development, which have been reviewed and updated around Royal Tunbridge Wells to reflect the Council's evidence, the Green Belt boundary and existing uses. The pitch, stands, car parking and facilities are all enclosed by mature woodland, which includes areas of ancient woodland and TPOs. This is reflected in the Plan through the indicative area of development, site capacity and policy criteria. They provide necessary safeguards to protect the areas of woodland.

488. I have concluded above that the strategy to rationalise existing, underutilised and poorer quality pitches into a new, high-quality community sports hub for Royal Tunbridge Wells is justified and sound. Redevelopment of Culverden Stadium is part of this strategy. For effectiveness, Policy AL/RTW20 needs to cross reference the Hawkenbury Sports Hub. The necessary change is made by **MM69**. When read alongside the other changes recommended by **MM67**, it is sufficiently clear what the strategy is. By controlling development until alternative provision is in place, the Plan is consistent with paragraph 99 of the Framework. This allows for redevelopment of sports facilities provided that, amongst other things, it is replaced by equivalent or better provision in terms of quality and quantity in a suitable location.

Land at Colebrook Sports Field, Liptraps Lane – Policy AL/RTW21 and Land at Bayham Sports Field West – Policy AL/RTW22

489. The Colebrook and Bayham Sports fields also form part of the strategy for a new sports hub at Hawkenbury. As with Culverden Down, for effectiveness, their redevelopment is linked to Policy AL/RTW19 by **MM70** and **MM71**. At Colebrook, the informal sports and recreation uses will be re-provided on site, in addition to a new multi-use games area or similar. The existing sports pitches will then be re-provided at Hawkenbury. This is adequately reflected in the Plan and the site layout drawing.

490. The pitch at Bayham Sports Field West will be redeveloped for approximately 20-25 houses. As submitted, it is unclear whether pedestrian access will be provided through the adjacent cemetery or from Bayham Road. The latter is the Council's preferred option, which is made clear for effectiveness by **MM71**. A new footpath is then required from the site entrance along Bayham Road in the interests of good design and promoting sustainable patterns of transport.

Land at Rusthall Recreation Ground, Southwood Road – Policy AL/SP2

491. Expanding the services and facilities at the Rusthall Recreation Ground will provide enhanced provision for residents in Rusthall, Speldhurst, Langton Green, and Bidborough. It is consistent with the Playing Pitch Strategy which seeks to provide sports hubs across the borough.

492. The site will remain within the Green Belt, reflecting the fact that sports and recreation facilities are not inappropriate forms of development. Although the site also falls within the High Weald National Landscape, it is already allocated within the Site Allocations Local Plan, and, the Council has previously granted planning permission for new sports and recreation uses. The principle of development has therefore been established, and the allocation is acceptable in principle. Given the type of uses proposed, I am satisfied that a scheme can be pursued which furthers the purpose of conserving and enhancing the natural beauty of the High Weald. For effectiveness, **MM176** requires alternative proposals to be informed by a LVIA having regard to the National Landscape.

Conclusion

493. Subject to the recommended MMs, I conclude that the strategy for sport and recreation is justified, effective and consistent with national planning policy.

Issue 11 – Whether the policies relating to the natural environment are justified, effective and consistent with national planning policy

Climate Change and Sustainable Design – Policies STR7, EN1, EN2 and EN3

494. Policy STR7 is an overarching policy. Amongst other things, it seeks to reduce the need to travel, maximise efficiencies and provide green spaces as part of a strategic aspiration to achieve net zero emissions by 2030. The specific requirements of development proposals then follow in Policies EN1, EN2 and EN3. As a strategic objective, the policy is justified, and the requirements will all help contribute to good design that helps mitigate against the effects of climate change. For effectiveness, **MM5**, **MM26** and **MM179** update relevant figures, policy references and some of the issues associated with climate change.
495. Policy EN1 covers a range of development management issues, from ensuring good design to protecting the living conditions of existing occupants of land and buildings. The requirements are justified and consistent with the Framework when read as a whole. This includes the requirement for a Construction Environmental Management Plan for proposals over 20 dwellings or 2,000 square metres. The locally set threshold will ensure that adequate consideration is given to the range of topics listed in matters 1 to 9.
496. However, for effectiveness, **MM178** makes it clear that the criteria will apply where applicable. It also deletes the requirement for supporting statements on all development proposals, which would be disproportionate on smaller, householder planning applications. Other modifications make the policy effective, including specifying that buildings should be retained and enhanced where appropriate and where they make a positive contribution to local character, and requiring a consideration of existing and future occupants. For the same reasons, clarity is provided around impacts on living conditions and the status of guidance documents. Requiring only materials to be sourced from local suppliers is not justified (and may not be the most sustainable option), nor is the need for development to encourage behavioural change by reference to drinking fountains. Finally, there is no justification for stating that proposals which demonstrate proactive engagement will be 'looked on more favourably', as each planning application must be considered against the requirements of relevant development plan policy. All the necessary modifications are made by **MM177** and **MM178**.
497. Policy EN2 is concerned with overarching design standards and requires major development proposals to achieve a relevant 'Home Quality Mark' or 'BREEAM' rating depending on size. The reference to size rather than just dwellings is made clear for effectiveness by **MM180**. Requiring larger developments to achieve higher standards is justified as part of the Council's approach to ensuring good design. It also goes further than simply energy efficiency

measures such as the environmental impact of materials, space standards and quality. It is consistent with the Framework which states that local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development.

498. Policy EN3 seeks to reduce energy use by taking a fabric first approach to make buildings as efficient as possible and consider factors such as layout and orientation. As submitted, it also seeks to reduce carbon dioxide emissions from new buildings by 15% by using on-site renewable technologies. The requirement was tested and shown to be viable. However, changes to the Building Regulations have effectively superseded these policies by introducing mandatory requirements over and above those required by Policy EN3. At this present time there is no evidence, and thus no justification, for requiring an even further improvement over and above 2025 Building Regulations. This will be a matter for the Council to consider as part of the review of the Local Plan.
499. Changes are therefore required to Policy EN3 and the supporting text by **MM181** and **MM182**. The policy still requires design features to be incorporated into new developments that use a fabric first approach to reduce energy consumption. Renewable energy generating technologies are also supported along with the requirement for an Energy Statement or Strategy in demonstrating how proposals accord with wider design standards. These requirements are justified and sound.

Biodiversity Net Gain - Policy EN9

500. Changes to introduce a mandatory 10% biodiversity net gain (minimum) were introduced during the examination by the Environment Act and updating of the Town and Country Planning Act. MMs are therefore needed to bring the plan up to date and be effective through **MM189** and **MM190**. For the same reasons, the changes also refer to the Council's intentions to create supplementary guidance, rather than requiring accordance with as yet unpublished documents.

Ashdown Forest SPA and SAC – Policies EN10 and EN11

501. Policy EN10 is consistent with paragraph 175 of the Framework, which, amongst other things, states that plans should distinguish between the hierarchy of international, national and locally designed sites. In error, Table 9 omits sites designated for geological reasons. To ensure that the Plan is justified and effective, this is rectified by **MM191**.
502. The requirement in Policy EN11 to establish a 7km zone of influence around the Ashdown Forest and require mitigation in the form of SAMMs and SANGs is justified by the Council's HRA. The approach to securing the necessary mitigation is also agreed with Natural England. Subject to providing the necessary mitigation, which will be strictly controlled by Policy EN11, the Plan

ensures that it will not lead to adverse effects that would undermine the integrity of the SPA or SAC. For effectiveness, the reference to the Council's guidance on the Ashdown Forest is updated by **MM192** and **MM193**.

Landscape Features and The High Weald Area of Outstanding Natural Beauty – Policies EN12, EN13, EN14, EN16, EN17, EN18, EN19 and EN20

503. Policies EN12 and EN13 are justified in their approach to protecting trees, woodland and hedgerows, including ancient woodland and veteran trees. For effectiveness, **MM194** makes it clear that evidence is needed to support development proposals and any necessary buffers between new development and ancient woodland and veteran trees. For the same reasons, **MM195** clarifies that proposals for new green, grey and blue infrastructure should aim to improve ecological connectivity in Policy EN14.
504. One of the locally distinctive and attractive characteristics of Tunbridge Wells is the landscaped approaches into several towns and villages. Topography is also important to local character, with mature woodlands and landscaped skylines. Likewise, the Arcadian Areas, especially around Royal Tunbridge Wells are distinctive and contribute positively to local character, as do the rural lanes. The identification of these areas and the requirements in Policies EN16, EN17 and EN18 for new development to reflect their locally distinctive characteristics and avoid harmful impacts are justified. However, it is not justified to state that development will only be permitted in 'limited' circumstances, which is deleted by **MM198**. For effectiveness, a cross reference to the Council's associated guidance on rural lanes is also required by **MM199**.
505. For effectiveness, **MM200** introduces a description of the High Weald National Landscape qualities, refers to the latest management plan and the revised statutory duty. MMs to the supporting text are also needed to clarify that not just major developments can impact character, but LVIA's will not be required in every instance (**MM200**). This reflects the fact that producing a LVIA will not be proportionate for smaller developments with only very limited landscape impact.

Local Green Space – Policy EN15

506. Core Documents CD3.108a and CD3.108b set out the Council's methodology and assessments of Local Green Space ('LGS') designations. The criteria for designation included whether a site is subject to planning permission, is allocated in the Local Plan for alternative uses, is an extensive tract of land, is within close proximity to the community it serves and whether it is demonstrably special to the local community and holds particular local significance. The criteria for selection are justified, appropriate and consistent with paragraph 102 of the Framework. For effectiveness, **MM196** clarifies that LGSs are found on the policies map, within Appendix 2 of the Plan and within some made Neighbourhood Plans.

507. Not all the LGS designations have been put forward by members of the local community. Instead, some have been identified by the Council. However, where this has happened, the sites have subsequently been consulted upon with local communities, with support offered for their designation. In this instance, the designation of LGSs is not unsound because they have not been tabled by local communities in the first instance. Where local communities objected to sites suggested by the Council, they were not taken forward.
508. Site 217 is referred to as 'Green Space near Sandown Park'. It measures approximately 6.78 hectares and encompasses land to the north of Pembury Road on the eastern approach to Royal Tunbridge Wells from the A21.
509. At 6.78 hectares, the designation is larger than some others in the Plan. However, on the approach into the town it is viewed alongside other, predominantly open fields on a key arterial route. Given this context, it is not an extensive tract of land. Situated on the edge of the main built-up area it is also close to the community that it serves.
510. Determining whether the site is demonstrably special is subjective, especially where the matter relates to one of local character. In this case, I agree with the Council that the site makes a positive and defining contribution to the character and appearance of the area and the setting of the town by providing an attractive, verdant gap between Royal Tunbridge Wells and Pembury. Although there is no public access, the site is adjacent to a main route used by pedestrians, cyclists and motorists travelling to and from Royal Tunbridge Wells. The positive contribution that the site makes to local character is clearly identifiable in the public domain, is demonstrably special and it holds particular local significance because of its beauty. It meets the criteria for designation set out in the Council's methodology, and national planning policy, and is justified.
511. I note that the site is already within the Green Belt and partially within the Tunbridge Wells Conservation Area. But neither preclude its designation in the Local Plan. The PPG advises that where land is already protected by Green Belt policy, consideration should be given to whether any additional local benefit would be gained by its designation. One potential benefit is where designation could help to identify areas of particular importance to the local community⁵². The Council has considered this issue, as required by the PPG, and concluded that the site would benefit from designation due to the importance that its character makes to the appearance and setting of Royal Tunbridge Wells on a key route into the town. This is reasonable and sound. Whilst the Conservation Area designation is also relevant, it only covers part of the site.
512. Sites 36 and 40 are both private school playing fields. The issue of public access is addressed by the PPG, which states that land can still be designated

⁵² Paragraph: 010 Reference ID: 37-010-20140306

even if there is no public access, such as areas valued because of their historic significance and/or beauty⁵³. Both sites contribute positively to the character and setting of the area. They also hold a particular local significance due to their history and association with the area. Site 36 is referred to as 'Memorial Field' and has an association with soldiers lost in WW1 who attended Cranbrook School. Site 40 has also been used as a cricket field since the mid-19th century. Both sites are justified LGSs.

513. However, in October 2023, the Cranbrook and Sissinghurst Neighbourhood Development Plan was formally made. The Neighbourhood Plan includes some LGSs which are not found in the Local Plan. To avoid the potential for confusion between the two documents, and because the Neighbourhood Plan forms part of the development plan for the area, in the interests of effectiveness **MM255** deletes the Cranbrook and Sissinghurst LGSs from the Local Plan. For the same reasons, **MM255** also deletes the designations from Benenden, Brenchley and Matfield, Capel, Goudhurst, Horsmonden, Lamberhurst and Pembury. Upon adoption of the Plan, it will be necessary for the Council to update the adopted polices map accordingly.

514. When managing development within a LGS, the Framework states that policies and decisions should be consistent with national policy for Green Belts. This is achieved by Policy EN15, which states that development will need to demonstrate very special circumstances, with public benefits demonstrably outweighing the harm caused to the LGS. It is therefore broadly consistent with national policy on Green Belts relevant to this examination.

515. Further flexibility is provided by also allowing development that would incorporate and preserve the main features, use and purpose of the LGS. One example provided by the policy is the provision of new recreational facilities. Criterion 3 also permits development that does not materially reduce the community use of a LGS, detract from its function or affect the appreciation of a LGS. Whilst these criteria are not set out in the Framework, national planning policy for Green Belts does permit certain forms of development. Policy EN15 is broadly consistent with the Framework in this regard, whilst also recognising that LGS are designated for different reasons.

516. However, as submitted, Policy EN15(3) states that where development is permitted on LGS, provision must be made either on-site or elsewhere to offset any loss. This does go beyond national planning policy for Green Belts. It would also render the policy ineffective and rely upon applicants providing land nearby, which they might not own, or providing alternative provision on a site where development has been permitted. On a small LGS, this is unlikely to be achievable. It is therefore modified by **MM197** through the introduction of the caveat 'where possible'. Subject to **MM197** it is sufficiently clear that this is not

⁵³ Paragraph: 017 Reference ID: 37-017-20140306

a prerequisite for planning permission to be granted in all cases. The policy is also clear that decision-makers will need to consider the appreciation of a LGS, as some are designated because of their beauty. Although this will involve an element of professional judgement, it is sound. There is no need to modify the policy further by seeking to quantify what level of harm would be acceptable.

The Green Belt - Policy STR9

517. Policy STR9 reflects national planning policy for Green Belts. The exception is the need for inappropriate development to demonstrate how it *clearly* outweighs harm by reason of inappropriateness, and any other harm, before finding that very special circumstances exist. This is rectified by **MM28**.

518. Section 4 of the Plan includes supporting text about the Green Belt in Tunbridge Wells. It includes a list of sites to be removed and other land use statistics. To reflect changes elsewhere they must be updated for effectiveness by **MM27**.

Open Space, Sport and Recreation – Policies OSSR1 and OSSR2

519. **MM252** is necessary to ensure that Policy OSSR1 is consistent with paragraph 99 of the Framework which relates to the development of existing open space, sports and recreational land and buildings. Open space, sport and recreation facilities are identified on the policies map. The designations are justified and supported by different evidence-based documents. Amongst others, this includes the Tunbridge Wells Borough Council Open Space, Sport and Recreation Study⁵⁴. Where the development of open space is proposed by allocations in the Plan, this is justified as part of the sports hub strategy and/or consolidation and improvement of sites.

520. Two designations, however, are not justified. They are the former Moatlands Golf Club and the allotments on Tibbs Court Lane (Brenchley and Matfield Parish). Both are in private ownership and have not been used as open space, sport or recreation for several years, or are now in different uses. It will be necessary for the Council to update the submission policies map upon adoption to ensure that the geographic illustration of the Plan's policies is justified.

521. Policy OSSR2 sets the requirements for new open space depending on the type and size of scheme proposed. Sufficient flexibility is included to allow for new provision or contributions to upgrade existing facilities. Financial contributions would be subject to compliance with the Community Infrastructure Levy Regulations.

⁵⁴ Core Document CD3.26ci

Air, Water, Noise and Land – Policies EN20, EN21, EN22, EN23, EN24, EN25, EN26, EN27 and EN28

522. As submitted, Policy EN20 is not consistent with paragraph 175 and footnote 58 of the Framework, which refers to the 'significant' loss of best and most versatile agricultural land. This is rectified by **MM201**. Policies EN21 and EN22 relate to air quality and includes reference to sustainable transport measures. For effectiveness, the list is expanded by **MM203** to include the public right of way network. **MM202** updates the supporting text by reference to securing safe levels of air pollutants, again, for effectiveness. For the same reasons, **MM204** is needed to bring the plan up to date by reference to the latest air quality management areas, and to state that in some circumstances, smaller schemes may also warrant assessment.
523. The requirements for biomass technology in Policy EN23 are justified in seeking to balance the benefits of energy efficiency with minimising air quality impacts. However, requiring fuels to be locally sourced has no justification or consideration of how this would be controlled. It is deleted by **MM205**.
524. Policy EN24 concerns water supply, quality and conservation. Amongst other things, it requires the occupation of development to be phased in line with the provision of new or upgraded infrastructure (where necessary). This ensures that the necessary infrastructure is in place to support new development.
525. The policy also requires all new residential development to meet a maximum water consumption rate of 110 litres per person per day. It is justified based on the identification of Tunbridge Wells falling within an area of serious water stress. To ensure that the Plan is up-to-date and effective, **MM206** refers to the Environment Agency's latest 2021 report, which further reinforces the need for the policy requirement. It has been viability tested and is justified and sound. Whether a more stringent requirement is necessary in the future will be a matter for the Local Plan review process to determine. **MM206** also refers to the latest guidance on groundwater protection and South East Water's latest Resource Management Plan, whilst recognising that they may be superseded in time.
526. Where flood risk is concerned, **MM207** clarifies that development should not be at risk from flooding or increase flooding elsewhere, recognising that adequate drainage needs to be provided. It also states that site specific flood risk assessments may be required, even for smaller developments. Similar changes are introduced by **MM208** which direct developers to KCC guidance and Circular 02/2013 where run-off is concerned and make the plan effective.
527. As with other MMs, requiring accordance with non-statutory guidance is not justified and should also be removed from Policies EN27 and EN28 by **MM209**,

MM210 and **MM212**. For effectiveness, **MM211** requires a consideration of risk and viability for sites where a full assessment of land contamination is required.

Conclusion

528. Subject to the recommended MMs, I conclude that the policies relating to the natural environment are justified, effective and consistent with national policy.

Issue 12 – Whether the policies relating to design and the built environment are justified, effective and consistent with national planning policy

Place Shaping and Design – Policies STR2, STR3, EN6, EN7 and EN8

529. Policy STR2 is an overarching, strategic design policy. It is consistent with national planning policy which aims to promote good design. Policies STR3 and STR4 are also justified and consistent with the Framework in seeking to maximise the efficient reuse of brownfield land and ensure comprehensive development. The Plan is not unsound by requiring applicants to consider how existing buildings can be reused in the first instance.

530. As set out elsewhere in this Report, to bring the Plan up to date, to reflect the IDP and for effectiveness, reference to the Vision and Validate/Monitor and Manage approach to highway mitigation is required in Policy STR2 by **MM18**. However, there may be some occasions where new highways infrastructure is required outside of a 'Vision' for a site, especially for smaller schemes. I have therefore amended the wording of **MM18** in the Schedule of MMs in the Appendix to provide greater flexibility, as suggested by KCC.

531. For effectiveness, **MM19** also corrects an error by referring to relevant heritage policies. For the same reasons, reference to relevant guidance is introduced to the supporting text of Policies EN6 and EN8 by **MM186** and **MM187**. However, **MM185**, **MM187** and **MM188** are required to clarify the status of that guidance, rather than requiring accordance with it.

Replacement Dwellings and Extensions – Policies H10, H11 and H12

532. As submitted, Policy H10 infers that replacement dwellings will only be permitted in circumstances where retention and refurbishment of an existing house is not viable. But there may be other benefits to demolition and rebuild, such as where an existing house is poorly sited, is visually obtrusive or would be replaced by high quality design. Greater flexibility is introduced for effectiveness by **MM223**, which for the same reasons, also refers to lawful uses.

533. Outside the limits to built development, Policies H10 and H11 refer to an unjustified and overly precise figure for all property types. To ensure that the Plan is justified and effective, it is deleted by **MM223**, **MM224** and **MM225**.

The Historic Environment – Policies STR8, EN4 and EN5

534. As submitted, it is difficult for users of the Plan to differentiate between the requirements of Policies EN4 and EN5. This is rectified by **MM183** and **MM184** which make the Plan justified and effective. The changes consolidate and clarify the requirements, which reflect national planning policy and the statutory duty for listed buildings and conservation areas. Consequential changes are made to the supporting text by **MM183** and **MM256**, which also bring the Plan up to date and include cross-references to the Framework and supplementary guidance. Both are necessary for effectiveness.

Other Development Plans, including Neighbourhood Plans – Policy STR10

535. Section 1, Section 4 and Policy STR10 provide context and background on Neighbourhood Plans. To ensure that the Plan is effective, **MM2** is needed to update the current position. For the same reasons, **MM1** updates the position regarding the Kent Minerals and Waste Local Plan and site location, although I have corrected an error in the schedule of MMs in the Appendix to this Report. The latest Minerals and Waste Local Plan was adopted in 2025.

536. **MM29** deletes erroneous and unjustified text relating to what Neighbourhood Plans may or may not include, as several have now been made. For effectiveness, **MM30** also clarifies that infrastructure requirements may be set out in Neighbourhood Plans. None of the changes infer any change in the status of Neighbourhood Plans or the weight afforded to them.

Glossary – Appendix 4

537. Appendix 4 is part of the submitted Plan and includes a glossary of terms which are relevant to several design and development management policies. For effectiveness, **MM257** makes several modifications. They include definitions of active travel, 'bulking', the development plan, housing delivery test, LVAs, low traffic neighbourhoods, 'off' and 'online' highway works, previously developed land, sustainable transport and 'vision and validate'. For the same reasons, relevant changes to site allocation descriptions are summarised by **MM258**.

Conclusion

538. Subject to the recommended MMs, I conclude that the policies relating to design and the built environment are justified, effective and consistent with national planning policy.

Overall Conclusion and Recommendation

539. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

540. The Council has requested that I recommend Main Modifications to make the Plan sound and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended Main Modifications set out in the Appendix to this Report, the Tunbridge Wells Borough Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Matthew Birkinshaw

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.