

Examination of the Tunbridge Wells
Borough Local Plan

**Tunbridge Wells Borough Council
Hearing Statement**

**Matter 10: Employment,
Economic Development and
Infrastructure (Policies STR5,
ED1, ED2, ED3, ED4, ED5,
ED6, ED7, ED8 and ED12)
Issue 5: Digital Communications**

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Matter 10 – Employment, Economic Development and Infrastructure (Policies STR5, ED1, ED2, ED3, ED4, ED5, ED6, ED7, ED8, and ED12)

Issue 5 – Digital Communications

Inspector’s Question 1: [consistency with paragraph 114 of the NPPF]

Does the Plan support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections, as required by paragraph 114 of the Framework?

TWBC response to Question 1

1. Paragraph 114 of the NPPF states:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).”

2. In terms of how the Plan supports the expansion of electronic communication networks, including next generation technology and full fibre broadband connections, as required by the NPPF, the following sections/policies of the Submission Local Plan (SLP) [[CD 3.128](#)] are considered to be of relevance:

Strategic Policy STR5: Infrastructure and Connectivity

3. Strategic Policy STR5: Infrastructure and Connectivity (see pages 52 to 56 of the Submission Local Plan (SLP) [[CD 3.128](#)]), makes such provision, as follows:
 4. At paragraph 4.95 of the supporting text to the policy, which states:

“... the IDP sets out the infrastructure that is required to support the growth proposed in the Local Plan, including the specific projects. A number of ‘Critical’ or ‘Essential’ projects are identified, particularly to support the delivery of the Strategic Sites at Paddock Wood (including land at east Capel) and Tudeley Village, and it includes the following by theme as reflected within the IDP and the individual site allocations within the Local Plan:

*... **Utilities:** improvements to be made across the whole borough to be able to access high quality and future-proofed broadband connectivity – ultra fast fibre to the premises;”*
 5. At criterion 4 of the policy itself, which states that:

“4. Infrastructure schemes that are brought forward by service providers will be encouraged and supported where they are in accordance with other policies in the Local Plan;”
 6. While the policy continues to say:

“The following are the strategic priorities for infrastructure provision or improvements within the borough to deliver and support the growth set out in this Local Plan:

Utilities and digital infrastructure utilities

Ensure that the provision of digital infrastructure and other utilities is supported, including that provided strategically, and for developers to ensure that such infrastructure is provided within sites from their point of connection to the strategic network to individual buildings in accordance with Policy ED 3: Digital Communications and Fibre to the Premises (FTTP).”

Development Management Policy ED3: Digital Communications and Fibre to the Premises (FTTP)

7. The following paragraphs in the supporting text to Policy ED3: Digital Communications and Fibre to the Premises (FTTP), as set out at pages 436 and 437 of the Submission Local Plan (SLP) [[CD 3.128](#)], are considered to be of particular relevance:

- Paragraph 6.456 recognises the importance of advancing electronic and digital technologies:

“Advanced, high quality communications infrastructure plays a key role in sustainable economic growth, and digital technologies have been a major driving force in influencing and shaping commerce and society in recent years. The development of high-speed communication networks, including broadband, are also significant in enhancing the provision of local community facilities and services. The NPPF strongly promotes the expansion of such electronic communication networks, including telecommunications, high speed broadband, and digital services.”

8. Paragraph 6.460, makes reference to the implementation of next generation technology, including 5G, in future development schemes:

“Technological changes that are currently transforming our working, learning, leisure, and community environments will need to be integrated into future developments (residential, employment, and commercial) to meet both existing and future communication needs. In relation to mobile networks, the Council is keen to provide for future technology, including the use of the next generation of mobile wireless system cellular technology (currently 5G).”

9. Paragraph 6.461, places emphasis on the need to implement fibre to the premises and, where this is not possible, other wireless solutions,:

“The Council considers that such changes include the requirement to provide fibre to the premises (FTTP) for all new developments, wherever practical. FTTP is recognised by the Government and European Commission as a Next Generation Access (NGA) technology, investment in which has been prioritised accordingly. Should the implementation of FTTP not be possible for the reasons set out below at paragraphs 6.462 and 6.463, then consideration should firstly be given to opportunities for connections that are ‘gigabit capable’ (gigabit internet delivers download speeds of

up to one gigabit per second (bps). Other wireless solutions, which can vary considerably in speed, should only be considered where the implementation of either FTTP or gigabit capable technologies are not possible.”

10. Paragraph 6.465 advises that operators and developers should seek to adopt the best current open technology standards available:

“The Council realises that technological change is rapid and that standards will evolve. Therefore, operators and developers should seek to adopt the best current open technology standards available. Applicants and developers are advised to refer to Government guidance in the Future Telecoms Infrastructure Review (2018) and are encouraged to discuss mobile coverage with network operators at an early stage, prior to submitting an application for development.”

11. The Government advice document [Future Telecoms Infrastructure Review](#) mentioned above under paragraph 6.465, sets an ambitious target for 15 million premises to be connected to full fibre by 2025, with nationwide coverage by 2033, and also 5G coverage deployment to the majority of the country by 2027. It is therefore considered important that this document is referenced in the supporting text to the policy, again, to ensure that operators and developers are aware of and seek to adopt the latest open technology standards in line with the NPPF.

12. This is carried forward into Policy ED 3 itself (see pages 437 and 338 of the SLP), where in the first paragraph it is recognised that proposals which improve the digital communications network and provide for next generation networks such as 5G will generally be supported.

13. While the remaining parts of the policy place emphasis on FTTP and where and how this should be provided both within larger settlements within the Limits to Built Development (LBD) and other areas beyond using specified thresholds (for proposals either above or below five dwellings and employment proposals of 500 sq. metres, which is explained in more detail under Question 2 below); and that other wireless solutions should be sought where the implementation of FTTP is not possible.

The Infrastructure Delivery Plan

14. The importance of digital infrastructure, including the implementation of FTTP, is also addressed in the Infrastructure Delivery Plan, which supports the Submission Local Plan (see pages 76 to 79 and Appendix 1 at page 119 of [CD 3.71](#)) and is referenced at paragraph 4.95 of Policy STR5 (as above) and 6.466 in the supporting text to Policy ED3.

Summary

15. In summary, it is considered that the Plan, as set under Strategic Policy STR5 and Development Management Policy ED3, sufficiently supports and promotes the expansion of electronic communications networks including next generation mobile technology such as 5G, as well as the implementation of full fibre broadband connections (FTTP), in accordance with paragraph 114 of the NPPF.

Inspector's Question 2: [justification for five dwellings/500 square metres threshold for providing fibre to the premises]

What is the justification for the 5 dwelling / 500 square metres threshold for providing fibre to the premises where developments are located outside the Limits to Built Development? How would this apply to developments on the edges of existing settlements?

TWBC response to Question 2

Justification for the 5 dwelling/500 square metres employment space threshold

16. In accordance with latest central government advice such as that set out in the Government's [Building Digital UK Strategy](#) and [Future Telecoms Infrastructure Review](#) (referred to under Question 1 above), the Government has set clear, ambitious targets for the availability of full fibre and 5G networks, wanting to see 15 million premises connected to full fibre by 2025, with coverage across all parts of the country by 2033. This includes substantial investment in the rollout of gigabit-capable broadband across fixed and mobile networks, including £5 billion to ensure that hard-to-reach areas have the same access to gigabit-capable broadband.
17. In addition to this, it is recognised that the COVID-19 pandemic has shown how vital it is for people to stay connected, having resulted in more homeworking and other forms of virtual communication. The Government also considers that greater digital connectivity will reduce the digital divide between remote and urban areas. Therefore the rollout of future-proof, gigabit-capable broadband and 5G networks is high on the Government agenda.
18. In order to achieve this and as set out in the fourth paragraph of Policy ED3 at page 437 and 438 of the Submission Local Plan (SLP) [[CD 3.128](#)] , it is the Council's expectation that provision for FTTP or other wireless solutions (where the implementation of FTTP is not possible) will be achieved, wherever practical for all residential and commercial developments, irrespective of size/number of dwellings.
19. However, as set out under Question 1 above, it is recognised that this is not always possible, especially in more rural areas. Therefore, for residential schemes, the Council

considers it appropriate to set a threshold and one that is reflective of the small/intermediate sized residential schemes as explained on pages 39 and 40 of the Housing Trajectory Topic Paper [\[CD 3.74\]](#), which are expected to come forward through windfall sites, of 5 dwellings or more.

20. In addition, a 500 sq. metre threshold is proposed for employment schemes. This is considered to be appropriate for other areas (those being any areas/settlements outside the Limits to Built Development of Royal Tunbridge Wells, Southborough, Paddock Wood and east Capel, Hawkhurst, Cranbrook, Pembury, and Tudeley Village) where smaller scale development would be expected. This is based on the current threshold stated in saved Economic Development Policies ED1 and ED2 in the Tunbridge Wells Borough Local Plan 2006, which define major development to be anything over 500 sq. metres (see Chapter 7 of [CD 3.120](#)). In addition the Tunbridge Wells Retail, Commercial Leisure & Town Centre Uses Study Update (see paragraph 6.5, page 123 of [CD 3.86a](#)) refers to principal office space as being over 465sqm (i.e. around 500 sq. metres) for the purposes of the work undertaken in the Study for Royal Tunbridge Wells Town Centre, with any space less than this tending to be ancillary space to retail. Although this Study relates to office space, it is considered to provide a useful guide in setting the employment threshold.
21. The 500 sq. metre threshold is also considerably lower than the defined 1000 sq. metre threshold which would be classed as major development under the Town and Country Planning General Procedure Order 2010 (as amended).
22. Each scheme would be assessed on its merits, including any implications relating to viability.

Application of the threshold

23. The above thresholds do not apply solely to developments outside the Limits to Built Development (LBD) but to other areas (those being any areas/settlements outside the Limits to Built Development of Royal Tunbridge Wells, Southborough, Paddock Wood and east Capel, Hawkhurst, Cranbrook, Pembury, and Tudeley Village); and to rural

areas generally (which could include rural settlements with an LBD) as at paragraph 6.462 of the supporting text to the policy:

“The Council recognises, however, that the viability of such provision in rural areas, and sometimes the ability to connect to the network, is more difficult than that in urban areas. Policy ED 3 therefore includes provision for schemes proposing five residential units or more and proposals for 500sqm or more employment uses (including through conversion of existing buildings) in rural areas.”

24. As well as in paragraph three of the policy wording:

“In other areas, all residential developments over five dwellings and employment proposals of 500sqm or more (including through conversion) will enable FTTP or, where this is not possible, other wireless solutions.”

Summary

25. In summary, consistent with Central Government’s ambition to roll out gigabit capable technologies, it is the Council’s expectation through the application of Policy ED3 that provision for FTTP or other wireless solutions will be achieved for all residential and commercial developments, irrespective of location, size or the number of dwellings proposed. However, where this is not possible, in areas outside of the Limits to Built Development of Royal Tunbridge Wells, Southborough, Paddock Wood and east Capel, Hawkhurst, Cranbrook, Pembury, and Tudeley Village, the Council considers it justified to apply the threshold of 5 dwellings/500 sq. metres for small/intermediate sized residential schemes and smaller scale employment schemes, which are more likely to come forward in other areas outside of these main settlements.

Inspector’s Question 3: [proposed changes to Policy ED3 in Submission Local Plan]

What are the suggested changes proposed to Policy ED3 in the submission version Local Plan? Why are they necessary for soundness?

TWBC response to Question 3

26. Table 1 below sets out the suggested changes to Policy ED3 in the Submission Local Plan (SLP) [CD 3.128], (this is similar to that presented on pages 55 to 59 of the Schedule of Additional (Minor) Modifications 1 November 2021 [CD 3.127]); and explains the reason for each change.

27. The same proposed changes are underlined in the supporting text and policy wording in the SLP at pages 436 to 438.

Table 1: Proposed modifications to the wording of Policy ED3 in the Submission Local Plan

Section of Plan	Policy/paragraph	Pre-Submission Local Plan 2021 text	Modification in Submission Local Plan	Reason for change
Section 6: Development Management Policies – Economic Development	Digital Communications and fibre to the Premises (FTTP) – Paragraph 4.658	Technological changes that are currently transforming our working, learning, leisure, and community environments will need to be integrated into future developments (residential, employment, and commercial) to meet both existing and future communication needs.	Technological changes that are currently transforming our working, learning, leisure, and community environments will need to be integrated into future developments (residential, employment, and commercial) to meet both existing and future communication needs. <u>In relation to mobile networks, the Council is keen to provide for future technology, including the use of</u>	For clarification and updating, as agreed with KCC (Broadband Team)

Section of Plan	Policy/paragraph	Pre-Submission Local Plan 2021 text	Modification in Submission Local Plan	Reason for change
			<u>the next generation of mobile wireless system cellular technology (currently 5G).</u>	
Section 6: Development Management Policies – Economic Development	Policy ED 3: Digital Communications and Fibre to the Premises (FTTP) Paragraph 4.659prioritised accordingly. As well as other wireless solutions, including provision for opportunities for connections that are ‘gigabit capable’ (gigabit internet delivers download speeds of up to one gigabit per second (bps), the equivalent of 1,000 million bps). Additionally, in relation to mobile networks, the Council is keen to provide for future technology, including the use of the next generation of mobile wireless system cellular technology (currently 5G).prioritised accordingly. <u>Should the implementation of FTTP not be possible for the reasons set out below at paragraphs 6.460 and 6.461 (note: paragraphs 6.462 and 6.463 in submission version Local Plan), then consideration should firstly be given to</u> opportunities for connections that are ‘gigabit capable’ (gigabit internet delivers download speeds of up to one gigabit per second). <u>Other wireless solutions, which can vary considerably in speed, should only be considered where the implementation of either FTTP or gigabit capable technologies are not possible’.</u> the equivalent of 1,000 million bps). Additionally, in	For clarification and updating, as agreed with KCC (Broadband Team)

Section of Plan	Policy/paragraph	Pre-Submission Local Plan 2021 text	Modification in Submission Local Plan	Reason for change
			relation to mobile networks, the Council is keen to provide for future technology, including the use of the next generation of mobile wireless system cellular technology (currently 5G).	
Section 6: Development Management Policies – Economic Development	Policy ED 3: Digital Communications and Fibre to the Premises (FTTP) Paragraph 4.462	Where a FTTP solution is not deemed possible, or for smaller developments, the provision of other technologies capable of providing speeds in excess of 24 mbps (megabits per second) should be delivered wherever practical.	‘Where a FTTP solution is not deemed possible, or for smaller developments, the provision of other technologies capable of providing speeds in excess of 24 mbps (megabits per second) <u>or the minimum speed specified in Government guidance at the time of submitting an application proposal</u> , should be delivered wherever practical.’	For clarification and updating, as agreed with KCC (Broadband Team)
Section 6: Development Management Policies – Economic Development	Policy ED 3: Digital Communications and Fibre to the Premises (FTTP) Policy ED 3All residential and employment developments inside the Limits to Built Development of Royal Tunbridge Wells, Southborough, Paddock Wood and east Capel, Hawkhurst, Cranbrook, Pembury, and	All residential and employment developments within the Limits to Built Development of Royal Tunbridge Wells, Southborough, Paddock Wood, Hawkhurst, Cranbrook, Pembury and Tudeley Village, including site allocations promoted in this Plan, will	For clarification and updating, as agreed with KCC (Broadband Team)

Section of Plan	Policy/paragraph	Pre-Submission Local Plan 2021 text	Modification in Submission Local Plan	Reason for change
		<p>Tudeley Village, including site allocations promoted in this Plan, will enable FTTP or other wireless solutions.</p> <p>In other areas, all residential developments over five dwellings and employment proposals of 500sqm or more (including through conversion) will enable FTTP or other wireless solutions.</p> <p>For schemes under these thresholds, the Council's expectation is that provision for FTTP or other wireless solutions will be achieved, wherever practical.</p> <p>For sites of less than five dwellings or 500sqm of employment space, or where it can be demonstrated that FTTP is not practical due to special circumstances (such as issues of viability, the inability to provide the appropriate physical trench, and proximity to the nearest breakout</p>	<p>enable FTTP <u>or where this is not possible</u>, other wireless solutions.</p> <p>In other areas, all residential developments over five dwellings and employment proposals of 500 sqm or more (including through conversion) will enable FTTP or <u>where this is not possible</u>, other wireless solutions.</p> <p>For schemes under these thresholds, the Council's expectation is that provision for FTTP and other wireless solutions <u>(where the implementation of FTTP is not possible)</u>, will be achieved wherever practical.</p> <p>For sites of less than five dwellings or 500sqm of employment space, or where it can be demonstrated that FTTP is not practical due to special circumstances, (such as issues of viability, the inability to provide the appropriate physical trench, and proximity to the nearest breakout point on the fibre network), then other non-Next Generation Access</p>	

Section of Plan	Policy/paragraph	Pre-Submission Local Plan 2021 text	Modification in Submission Local Plan	Reason for change
		point on the fibre network), then other non-Next Generation Access technologies, including wired and wireless infrastructure, providing all-inclusive internet access speeds in excess of 24 mbps, should be delivered wherever practical	technologies, including wired and wireless infrastructure, providing all-inclusive internet access speeds in excess of 24 Mbps, <u>or the minimum speed specified in Government guidance at the time of submitting an application proposal</u> , should be delivered wherever practical.'	

28. The proposed changes have been made taking into consideration the comments received to the Regulation 19 Pre-Submission Local Plan Consultation 2021, particularly from the Broadband team at Kent County Council (KCC), which are set out on page 413 of Part 2 of the Council’s Consultation Statement for the Submission Local Plan [[CD 3.134b](#)]; as well as further consideration by the Council of the appropriate application of the policy.

29. To ensure that the text reflects current guidance, clarifies the prioritisation of FTTP and gigabit capable technologies, and to improve overall clarity, the minor amendments to the supporting text and policy wording set out in Table 1 above and as underlined in the supporting text and policy wording at pages 436 to 438 of the SLP [[CD 3.128](#)], were agreed with the Broadband team at KCC. This agreement is also set out in a Statement of Common Ground (SoCG) with KCC (electronic page 225 onwards of Appendix I 7 of the Duty Cooperate Statement Part 2 [CD 3.132c \(v\)](#) – paragraphs 4.57 to 4.61 (electronic pages 241 to 243) and Appendix 2 (electronic pages 296 to 300) are of particular relevance).

30. Taking into account the comments received above, the SoCG with KCC, and on further review of the Policy wording, it is considered that the proposed changes are required

for clarification purposes, in line with any updates relating to current and emerging national digital infrastructure policy (as referenced under Questions 1 and 2 above), particularly in relation to minimum speeds and wireless solutions.

31. Therefore, it is considered that the amendments proposed in the SLP are appropriate and necessary in order to aid clarity and the appropriate application of the policy by decision makers.