

Examination of the Tunbridge Wells Borough Local Plan – Stage 2

Matter 10 – Employment, Economic Development and Infrastructure – Issue 2 – Employment Site Allocations – Hawkhurst Station Business Park (Policy AL/HA7)

This statement has been prepared by Kember Loudon Williams and is submitted on behalf of Messrs Nick and Mr Peter Dunlop for purposes of the Examination of the Tunbridge Wells Borough Local Plan. It responds to Matter 10 – Employment, Economic Development and Infrastructure – Issue 2 – Employment Site Allocations – Hawkhurst Station Business Park (Policy AL/HA7) specifically Questions 11-15.

Q11. Is it sufficiently clear to decision-makers, developers and local communities the type and amount of employment development proposed at the Hawkhurst Station Business Park?

We believe that it is sufficiently clear to all readers of the Submission Local Plan the type and amount of employment development proposed at the Hawkhurst Station Business Park.

Policy STR/HA 1 of the submitted Local Plan sets out the strategy for Hawkhurst parish and confirms that the development strategy for Hawkhurst parish is to, amongst other criteria, safeguard the *“Gill's Green Key Employment Area, including its extension (as provided for by Policies AL/HA 6 and **AL/HA 7**) for future employment (E, B2, B8) use in accordance with Policy ED1.”*

Policy ED 1 outlines the Key Employment Areas for the Borough and states that the *“retention of existing, and proposals for new, employment provision, to include the following uses, will be acceptable within these defined areas.”*

These policies very clearly set out an expectation that the existing business park is to be retained for employment purposes and that these purposes should fall within the employment uses of Use Classes E (commercial, business and service), B2 general industrial) and B8 (storage or distribution).

Policy AL/HA 7 refers specifically to the Hawkhurst Station Business Park, as defined on the Gill's Green Hawkhurst Policies Map and reiterates the point that the site is allocated for employment uses falling within Use Classes E, B2 and B8. This supports the retention and extension of the business park in the interests of encouraging rural diversification, increasing employment within the Borough and attracting investment to the area.

The policy goes on to confirm that development on the site *“shall accord with the following requirements:*

- 1. Provision of vehicular access from existing employment area to north;*
- 2. There is no unacceptable impact on air quality, having regard to any mitigation measures provided;*
- 3. A landscape and visual impact assessment that informs the height, massing, and colour of development proposals (including roofs), and reflects the elevated rural location of the site that can be viewed from parts of the surrounding areas;*
- 4. The design and layout is to be informed by a comprehensive energy and climate change strategy;*
- 5. A landscape buffer to be provided within the southern area of the site; provision of a landscape management scheme to ensure any impact of development upon the surrounding rural area is minimised in perpetuity;*
- 6. Demonstration through the submission of relevant and proportionate archaeological investigations (as part of any planning application) that the proposal will not have a materially harmful impact on the archaeological environment;*
- 7. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/HA 1.”*



The above criteria does not set out a defined quantum of development that is deemed to be acceptable for the site, the site layout plan (see Figure 1 below) gives a very clear indication as to where development is proposed to take place within the site.

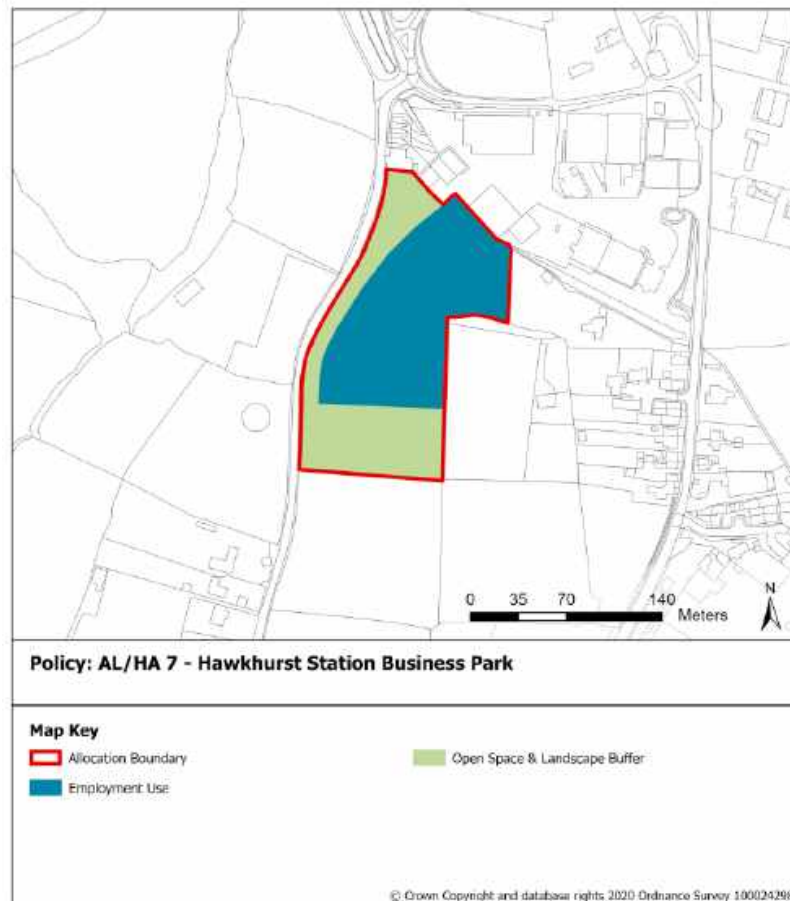


Figure 1 – Map 49 Site Layout Plan from the Submission Local Plan

This approach reflects the Council’s approach throughout the Submission Local Plan, not to restrict the quantum of development but instead set out designations for sites and their constraints.

However, we are of the opinion that the amount of employment use indicated against the open space and landscape buffer is too limiting and restrictive. The extent of the buffer is excessive, too rigid and will limit the opportunities for expansion and flexibility for the layout of the development within the site.



We believe that it is the right approach to provide a buffer, but not to the extent shown. The landowners are committed to providing a comprehensive landscaping scheme for the site, both in the form of a modest buffer to the western and southern boundaries of the site, and in the form of landscaping within the site to soften its appearance and integrate it well within the landscape character of the area.

We would therefore appreciate the opportunity to discuss this matter with the Inspector, whether that be at this stage or in response to Q15 below.

Q12. How does the allocation respond to the identified need for employment land and buildings?

The Council, in conjunction with Sevenoaks District Council, prepared an Economic Needs Study, in August 2016.

The analysis in this study *“provides a strong quantitative and qualitative case for retaining existing employment areas and allocating additional land to accommodate the borough’s future needs.”* Part of the allocation of additional land is suggested to be through the *“expansion of a number of Key Employment Areas, with suitable land adjacent to... Gills Green having the potential to address the identified shortfall while creating a balanced portfolio of employment land.”*

The study confirms a need for the delivery of 14 hectares of employment land over the period to 2033/35 across the Borough. The site area at Hawkhurst Station Business Park is 2.14 hectares. This is clearly reduced by the proposed open space and landscape buffer. However, the site can provide a significant proportion of the 14 hectares to be delivered before 2022/35 through amending the size of the proposed buffer.

Reflecting the existing business park, the site will accommodate high end facilities that are well managed. Occupiers of the existing units include Rhokett, who supply Marks & Spencer, Maws Fine



Foods and Nortrade Foods. There is currently demand from both existing and new occupiers for the development that will be brought forward on the site and there will be a need to provide flexibility to expand in the future and so we would again ask that the Inspector reconsiders the size of the area of employment use proposed against the open space and landscape buffer.

Overall, the allocation is a clear and direct response to the identified need for employment land within the Borough and at the Hawkhurst Station Business Park.

Q13. Is the proposed development accessible by sustainable modes of transport for potential future occupiers of the site?

The site is accessible by sustainable modes of transport.

Two bus stops are located on Cranbrook Road, within 50 yards of the access to the existing business park, through which the proposed site allocation would be accessed. The service running via these bus stops is the 5, which is run by Arriva between Maidstone to the north and Sandhurst to the south.

These stops stand on either side of the road and so buses from Cranbrook to the north and those from Hawkhurst and Robertsbridge to the south pass along Cranbrook Road. The services run on an hourly basis during the week in both directions and Robertsbridge is served by a railway station that stands on the line between Hastings and Tonbridge, which continues into London.

As part of any application that comes forward for the site, the landowners are committed to providing secure cycle storage for the new commercial units that come forward for the site. This would provide existing and future workers at the site the option of cycling to work in the knowledge that their bike will be securely stored during the course of the working day.

Finally, the roads linking the business park to Hawkhurst are served by a pavement, providing the option of walking the 1.2 mile distance from Hawkhurst.



Q14. Does site allocation AL/HA7 represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

The National Planning Policy Framework (July 2021) (NPPF) does not provide a definition for “major development” in AONBs. Footnote 60 of the NPPF is clear that major development in AONBs is *“a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”*

Legal advice notes available publicly provide a useful analysis of major development and set out a series of principles, based upon caselaw, guidance and appeal decisions, to be applied by decision makers when determining whether a proposed development could be regarded as major development.

These principles include:

- The fact that it is a matter of planning judgement to be decided by the decision maker.
- Major development is to be given its ordinary meaning, and it would be wrong to apply the definition of major development contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). It would also be wrong to apply any set or rigid criteria for defining major development, and the definition should not be restricted to development proposals that raise issues of national significance.
- The decision maker may consider whether the proposed development has the potential to cause a significant adverse impact on the purposes for which the area has been designated or defined, rather than whether there will indeed be a significant adverse impact from the proposed development.
- The decision maker may consider the proposed development in its local context as a matter of planning judgement.



- The ordinary sense of the word ‘major’ is important and the decision maker should take a common-sense view as to whether the proposed development could be considered major development.

Whilst the Inspector will take an informed view as to whether the development falls under the definition of major development, it is our view that the site is an important and established employment hub, with over 200 employees working on site and in service industries. The business park, therefore, offers opportunities for employment in Hawkhurst and the surrounding rural communities. In addition, all of the existing tenants make a point of using local tradesmen, waste disposal and water waste disposal companies to ensure that they are investing locally.

Physically, the site is well contained and assimilated into the landscape of the AONB, such that the impact on its extension would be de-minimus.

For these reasons, the protection of the existing site and its sensitive expansion to the south, in our view, does not fall under the definition of major development.

The new buildings can be designed as to not cause a significant adverse impact on the AONB. This would be due in part to the fact that the development would form an extension to a well-established existing business park and so would be viewed from the surrounding area in the context of the existing development. The height, scale and form of the buildings can be akin to those that currently stand on the business park, providing a seamless extension to the business park. The ground levels of the site can set to minimise any potential impacts of the development. The materials to be used to provide the external finish to the buildings can also be selected to ensure that the appearance of the development is wholly in keeping with the landscape character of the area.

A comprehensive landscaping scheme of a more modest buffer to the western and southern boundaries of the site in combination with appropriate landscaping of the interior of the site will serve to integrate the development into the landscape in a natural and cohesive way.



This leads us to our conclusion. However, if the Inspector is of the opinion that the development comprises major development, we believe that the development is it justified.

As noted above, the site is directly adjacent to, and would be directly linked to, the existing well-established business park. The extension to the existing development would therefore integrate well within the landscape character of the area. This landscape character is defined within the Council's Landscape Character Assessment Supplementary Planning Document (SPD), adopted in December 2017.

The SPD summarises the landscape character as being *“An upland plateau dominated by extensive coniferous forest blanketing the ridgelines and slopes, surrounded by a belt of arable and pasture farmland. The relative inaccessibility of the area and absence of rural lanes and settlement on any significant scale creates a large-scale landscape with a remote character.”*

Interestingly, the existing business park is not mentioned within the landscape character, either as a positive or negative feature within the area. The conclusion can therefore reasonably be drawn that the impact of the existing business park is neutral. As noted above, the development can be designed to assimilate seamlessly with the rural and landscape character of the area, resulting in no significantly greater harm than the existing business park.

The development of the site has very limited scope to cause changes to general public visual amenity, as the site is visually contained, with the longest views available from one direction only (westerly). From this direction, the development within the site would have no significant effect upon the general visual character of the wider landscape.





Figure 2 – Photo of the site from the Public Right of Way to the west (WC132)

Although the development of the site would change the appearance of the existing site, this would not cause a significant change in terms of landscape character. This is largely due to the fact that the site location is equally influenced by the adjacent developed landscape as the undeveloped rural landscape. The site occupies part of the urban / rural fringe rather than being part of the wider agricultural landscape.

The site, its immediate surroundings and its wider landscape context has the capacity to accommodate development within the site without experiencing adverse impacts upon key landscape resources or overall landscape character. The development of the site would not result in the loss of, or damage to, key landscape resources or features and would not introduce uncharacteristic or detracting features into the landscape.



Overall, the site has the capacity to accommodate the development envisaged for it and it can be of an appropriate type, scale massing and appearance for its setting and would not cause an adverse change in the prevailing landscape and visual character of the area.

More than 70% of the Tunbridge Wells Borough lies within the High Weald AONB. It is therefore the case that this type of development must occur within the AONB to ensure that the NPPFs support for the rural economy is achieved. This type of development within the AONB also ensures a spread of commercial development across the Borough, instead of focusing it within the main settlements, providing employment opportunities throughout the Borough.

Lastly, we believe that the extension to the existing business park reduces the need to create new commercial development elsewhere within the AONB. This also supports the case to extend the employment use zone within the site and reducing the size of the buffer to maximise the development potential for the site.

In terms of the consideration of the potential impacts of the development on the character and appearance of the area, the Council's Strategic Housing and Economic Land Availability Assessment (July 2019) contains a site assessment for the site considered for allocation under policy AL/HA7.

This takes into consideration the greenfield nature of the site, which is situated adjacent to the limits to built development of the existing business park. The assessment also takes account of the constraints that apply to the site, including the fact that the site falls within the AONB.

The site is described, amongst other things, as being *"largely screened from public views, with views of the site being occasional through surrounding boundaries."* The assessment also outlines that the landscape issues are *"negative due to far reaching views and the impact upon the character of the AONB."*



These statements appear to conflict with one another, but we would concur with the first in that the impacts of the site are localised to an area surrounding the site rather than being far reaching. The long-distance view of the site from the west is acknowledged but does not result in an adverse impact on the landscape character of the area.

Overall, the Council has considered the potential impacts of development on the character and appearance of the area, concluding that the site *“is suitable as a potential Local Plan allocation subject to further consideration.”*

Q15. What is the proposed site boundary based on, and why does the allocation include land to the south and west as an open space and landscape buffer?

The proposed site boundary indicates the extent of the ownership of land by the landowner. To the south and east are parcels of land in the ownership of other parties and to the west is Slip Mill Road.

It is our understanding that the open space and landscape buffer has been included by the Council to provide a buffer between the development within the site and the surrounding rural area.

Whilst we support the inclusion of a buffer, we believe that it can be significantly reduced to increase the capacity of the site for future development and flexibility for the layout of the site, and still allow for an effective buffer to the surrounding area.

We look forward to participating in the debate and expressing these points further at the Hearing on 7 July 2022.

