

Representor number  
PSLP\_2048 to PSLP\_2052

# **MATTER 6 – STRATEGIC SITES (POLICIES STR/SS1, STR/SS2, STR/SS3, STR/PW1 AND STR/CA1)**

## **TUNBRIDGE WELLS LOCAL PLAN**

Prepared by Pro Vision on behalf of Cooper Estates Strategic Land Limited

MAY 2022

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**TUNBRIDGE WELLS LOCAL PLAN**

MATTER 6 – STRATEGIC SITES (POLICIES STR/SS1, STR/SS2, STR/SS3, STR/PW1 AND STR/CA1)  
PROJECT NO. 2133

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MAY 2022

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- 1. Operator’s Proof of Evidence to Broke Hill Inquiry (Sevenoaks District)

## 1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Pro Vision on behalf of Cooper Estates Strategic Land Limited (“CESL”) who are promoting Land at Sandown Park<sup>1</sup> for a Care Community<sup>2</sup> within Use Class C2 to provide 108 Extra Care (EC) units with communal care and wellbeing facilities.
- 1.2 The Inspector will be aware through correspondence<sup>3</sup> on behalf of CESL, that we have long been concerned that plan-making by Tunbridge Wells Borough Council (“TWBC”, “the LPA” or “the Council”) has failed its legal duties. Our submissions in relation to Matter 1 concluded that the Local Plan Examination should not proceed as the Submission Plan is not legally compliant.
- 1.3 We do not seek to repeat these concerns, but in order to assist the Inspector we provide cross-references to the CESL representations and additional communications previously made where they relate to the specific Stage 2 Examination Questions.
- 1.4 This Representation responds to the Inspector’s questions within Matter 6 and has been prepared in the context of the tests of ‘Soundness’ as set out in Paragraph 35 of the National Planning Policy Framework 2021 which requires that a Plan is:
- Positively Prepared
  - Justified
  - Effective
  - Consistent with national policy
- 1.5 This hearing statement has been prepared in consultation with Gregory Jones QC, Francis Taylor Building, Temple. The structure of the document reflects that in the Stage 2 Matters, Issues and Questions document<sup>4</sup>. In summary, we have identified defects in the Council’s approach to the Strategic Sites and conclude that it is not robust. We conclude that this is not positive nor effective planning. The plan is therefore unsound

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<sup>1</sup> Regulation 22 version of the SHELAA (Jan 2021) – [Core Document 3.77n - Site 114](#)

<sup>2</sup> Specifically “Extra Care accommodation” as a category of specialist housing for older people, as defined by the [Planning Practice Guide at Paragraph: 010 Reference ID: 63-010-20190626](#)

<sup>3</sup> Representation [PSLP\\_2048](#), full document at [SI\\_140](#)

<sup>4</sup> Examination document [ID05](#)

## **2.0 Matter 6 Issue 1 – Tudeley Village (Policy STR/SS3)**

### **SIZE, SCALE AND LOCATION OF DEVELOPMENT**

**Q1. What is the site area based on and how was the size of the allocation and number of new homes established?**

2.1 No comment.

**Q2. What alternatives to the size and scale of development proposed in the Plan has the Council considered?**

2.2 With regard to the provision of Extra Care (EC) housing, given the critical unmet need that exists now, we are unclear whether the provision of EC within SS3(4) will assist in meeting the need in the short-term. Whilst in principle not opposed to EC on strategic allocations, such sites face significant delays in coming forward and therefore any EC units from this allocation are unlikely to be delivered until later in the plan period. CESL reserve the right to respond to the Council's answer either orally or in writing if necessary.

**Q3. The submission version Policies Map for Tudeley Village shows land beyond the Limits to Built Development forming part of the allocation. What is the reason for this? Is all of the allocation proposed to be removed from the Green Belt?**

2.3 No comment.

### **GREEN BELT**

**Q4. The Green Belt Study Stage 2 report concluded that releasing land from the Green Belt between Tonbridge and Paddock Wood (Ref BA4) would cause a 'very high' level of harm to the Green Belt. In the Stage 3 Assessment, a harm rating of 'High' is given for Tudeley Village. What are the reasons for the different scores?**

2.4 This is a question for TWBC to answer, but reinforces CESL view, presented in our Matter 4 Statement, regarding inconsistencies of approach to Green Belt matters (and corresponding site allocations) by the Council is inconsistent, flawed and unsound.

**Q5. What would be the extent of the harm to the Green Belt if the boundaries were changed in this location as proposed? Are there any ways in which this harm could be minimised or mitigated?**

2.5 No comment.

**Q6. Where it has been concluded that it is necessary to release Green Belt land for development, paragraph 142 of the Framework states that Plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. How will this be achieved?**

2.6 No comment.

**Q7. When defining Green Belt boundaries, paragraph 143 of the Framework states that plans should, amongst other things, define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. How does the Plan meet this requirement for Tudeley Village?**

2.7 No comment.

**Q8. Taking into account the answers provided under Matter 4<sup>5</sup>, do the exceptional circumstances exist at site specific level to justify amending the Green Belt boundary in this location?**

2.8 We have no comment in relation to this specific site, but generally exceptional circumstances exist to alter Green Belt boundaries within the Borough to enable the housing need to be met, taking into account the high level of environmental constraints in the borough. See CESL Matter 4 Statement and note that the site selection methodology is not clear (see CESL Matter 5 Statement).

#### **MIX OF USES AND INFRASTRUCTURE REQUIREMENTS**

**Q9. Is it clear to users of the Plan what is meant by the ‘provision of employment space’ and ‘community and leisure facilities’? What is expected of applications for planning permission?**

2.9 No. Unlike Map 28 for Paddock Wood and East Capel, there does not seem to be any more detail regarding the development parcels within this allocation than Map 32 of the SV of the

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<sup>5</sup> Matter 4 – Principle of Green Belt Release

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Local Plan<sup>6</sup>. There is no annotation on either plan relating to the EC proposal referred to in the wording of SS3 and it is not clear whether either document considers the EC proposal within the allocation to be a “residential”-type element, or a “community use”-type element, or an “employment”-type element.

2.10 Furthermore, the terms “care”, “C2” and “older persons” are absent from the Strategic Sites Masterplan document and the only reference to such matters are in Tables 11<sup>7</sup>, 13<sup>8</sup> and 15<sup>9</sup>, but only then in relation to a “Primary Care contribution”.

2.11 The absence of precision in relation to the location of the EC proposal means it is less likely to be delivered, for reasons outlined in more detail below (in CESL response to Issue 3, Question 1).

**Q10. Does the Plan support an appropriate mix of uses across the site to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities, as required by paragraph 106 of the Framework?**

2.12 No comment.

**Q11. How will the phasing of development be controlled and is it clear to users of the Plan what new infrastructure will come forward and when? Is it necessary for such information to be contained in the Plan?**

2.13 No comment.

#### **HIGHWAYS AND TRANSPORT**

**Q12. What impacts will the cumulative level of growth proposed in the Plan have on the B2017 between Tudeley and Tonbridge?**

2.14 No comment.

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<sup>6</sup> See Exam Document [3.128, pg161](#)

<sup>7</sup> See Exam Document [3.66, pg132](#)

<sup>8</sup> See Exam Document [3.66, pg138](#)

<sup>9</sup> See Exam Document [3.66, pg142](#)

**Q13. How will the impacts of development be mitigated along the B2017 up to and including the junction with the A26? Are the measures proposed deliverable and will they be effective?**

2.15 No comment.

**Q14. Are the projections regarding future transport patterns reliable and are the conclusions robust? Do they justify the proposed allocation Tudeley?**

2.16 No comment.

**Q15. How will connectivity with Tonbridge be provided for non-car modes of transport?**

2.17 No comment.

**Q16. What is the justification for the proposed link-road to the east of the allocated site, running from the B2017 to the proposed Colts Hill bypass?**

2.18 No comment.

**Q17. How will the link road be delivered and is it viable? Is it required for the strategic site at Tudeley alone, or, as a result of cumulative growth with sites at Paddock Wood and east Capel?**

2.19 No comment.

**Q18. Is the location of the proposed link road justified, taking into account land use constraints, flooding, the character and appearance of the area and proximity to the Capel Primary School?**

2.20 No comment.

**Q19. Is the evidence supporting the Plan reliable and robust? Does it take into account the indicative location of the proposed secondary school?**

2.21 No comment.

#### **VIABILITY AND DELIVERABILITY**

**Q20. Is it clear to decision-makers, developers and local communities what infrastructure will be delivered, by whom and when?**



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2.22 No. In relation to the EC proposal within SS3(4) there is no clarity as to the scale or location of such a proposal. There is no apparent commitment by the promoter of the site to deliver EC. There is no indicative timescale of when the EC would come forward, nor the type of accommodation which might be provided and whether it would truly meet the identified need. In the absence of clarity as to the location, it should be assumed that the competitive interests referred to in Appendix 1 (and discussed in more detail below at Issue 3, Question 1) would discourage any EC yield from this site.

**Q21. What is the justification for requiring a Supplementary Planning Document ('SPD')?**

2.23 No comment.

**Q22. Based on the necessary infrastructure requirements, is the allocation viable?**

2.24 No comment.

#### **LANDSCAPE AND HERITAGE**

**Q23. The AONB Setting Analysis Report<sup>10</sup> identifies areas of 'high' and 'medium' sensitivity within the allocated site. In the area of high sensitivity, the Report states that development without mitigation is likely to harm the setting of the High Weald AONB. How is this reflected in the Plan? What potential impacts will the allocation have on the setting of the AONB?**

2.25 No comment.

**Q24. How will the allocation ensure visual and physical separation between Tudeley Village and Five Oak Green?**

2.26 No comment.

**Q25. What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Grade I listed Church of All Saints' and Grade II listed buildings at Bank Farm and Lilley Farm? How have heritage assets been taken into account in the preparation of the Plan?**

2.27 No comment.

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<sup>10</sup> Core Document [3.95a](#)

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**Q26. Does any of the proposed allocation fall within areas at risk of flooding, taking into account all sources of flood risk and climate change?**

2.28 No comment.

**Q27. [Map 32](#) of the submission version Local Plan shows a 'potential train station site' within the allocation. What is the latest position regarding the potential for a new station at Tudeley Village? Is it a requirement of the allocation?**

2.29 No comment.

### **3.0 Matter 6 Issue 2 – Five Oak Green (Policy STR/CA1)**

**Q1. Policy STR/CA1 sets out the strategy for the Capel Parish. Criterion 3) states that approximately 2,060 dwellings will be accommodated on land at East Capel as part of the extension to Paddock Wood. Is it clear to users of the Plan which site this relates to?**

3.1 No comment.

**Q2. What are the ‘compensatory improvements to the Green Belt, including measures to reduce flooding to particular areas of Five Oak Green’? How will they be delivered?**

3.2 No comment.

## 4.0 Matter 6 Issue 3 – Paddock Wood and East Capel (Policy STR/SS1)

### SIZE, SCALE AND LOCATION OF DEVELOPMENT

**Q1. What is the justification for having a single policy (Policy STR/SS1) for the different development parcels at Paddock Wood and East Capel? Is it necessary to have development requirements for each specific area?**

4.1 The first part of this question is for the Council to answer. Map 28 of the SV of the Local Plan<sup>11</sup> is identical to that on pgs 82-83 of the Strategic Sites Masterplan and Infrastructure Study by David Lock Associates, dated Feb 2021<sup>12</sup>. There is no annotation on either plan relating to the EC proposal referred to in the wording of SS1 and it is not clear whether either document considers the EC proposal within the allocation to be a “residential”-type element, or a “community use”-type element, or an “employment”-type element.

4.2 Furthermore, the terms “care”, “C2” and “older persons” are absent from the Strategic Sites Masterplan document and the only reference to such matters are in Tables 11<sup>13</sup>, 13<sup>14</sup> and 15<sup>15</sup>, but only then in relation to a “Primary Care contribution”.

4.3 As is documented in the CESL Matter 8 Statement (Issue 3, Question 1), other EC operators have appeared at S78 appeal Inquiries on matters related to this. In his Proof of Evidence to the Inspired Villages proposal at Broke Hill<sup>16</sup>, located within the same Housing Market Area as Omission Site 114 (but sited within Sevenoaks District) the Land and Planning Director for Inspired Village (Stuart Garnett BSc DipTP MRTPI)<sup>17</sup> indicated that EC proposers are normally outbid by national housebuilders for land opportunities because of higher construction costs, slower sales rates, and lower gross to net efficiencies.

4.4 In determining that appeal, Inspector Wilkinson concluded (at paragraph 104) that *“the allocation of a site for C2 use ... is particularly attractive to operators”*. Thus the specific identification of a parcel of land for the EC proposal within SS1 on Map 28 would go some way to mitigate the issue of land being out-bid by competition.

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<sup>11</sup> See Exam Document [3.128, pg150](#)

<sup>12</sup> See Exam Document [3.66, pg82](#)

<sup>13</sup> See Exam Document [3.66, pg132](#)

<sup>14</sup> See Exam Document [3.66, pg138](#)

<sup>15</sup> See Exam Document [3.66, pg142](#)

<sup>16</sup> Quinn Estates appeal at Broke Hill [W/21/3273188](#)

<sup>17</sup> Appendix 1

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4.5 However, notwithstanding that amendment, specific allocations for EC are still important and, in this case, entirely necessary to help ensure delivery. Even if Map 28 were updated therefore, there would be no certainty that EC would be delivered on this site as it still might be 'lost' to more commercially attractive options. In any event, as set out in our Matter 2 and 8 submissions, there are insufficient EC allocations in the plan to meet the need.

**Q2. How was the size of each parcel determined and what alternatives to the scale of development proposed at Paddock Wood and East Capel did the Council consider?**

4.6 No comment.

**Q3. Is it clear to developers, decision-makers and local communities what scale and mix of uses are proposed on each parcel (including the amount of employment land)?**

4.7 No. In relation to the EC proposal within SS1(4) there is no clarity as to the scale or location of the specialised accommodation. The lack of a clear location for the EC proposal, together with an unambiguous commitment to deliver such from the promoter of the part of the site where it is intended, means it is much more likely that none of the relevant land interests will take it forward. In the absence of clarity as to the location, it should be assumed that the competitive interests referred to in Appendix 1 would discourage any EC yield from this site.

### **GREEN BELT**

**Q4. In the Green Belt Study Stage 1, how was parcel PW1 defined? Was land to the west of Paddock Wood, up to the A228 considered at this stage?**

4.8 No comment.

**Q5. In the [Green Belt Study Stage 3, Map 2](#) identifies that releasing land to the west of Paddock Wood will cause 'moderate' harm nearest the existing settlement, with 'high' levels of harm on roughly the western half of the parcel nearest the A228. What are the reasons for this and how have the findings been taken into account in the preparation of the Plan?**

4.9 No comment.

**Q6. Where it has been concluded that it is necessary to release Green Belt land for development, paragraph 142 of the Framework states that Plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to**

**the environmental quality and accessibility of remaining Green Belt land. How will this be achieved?**

4.10 No comment.

**Q7. Taking into account the answers provided under Matter 4<sup>18</sup>, do the exceptional circumstances exist at site specific level to justify amending the Green Belt boundary in this location?**

4.11 No comment on a site specific basis, but there are exceptional circumstances generally to release additional Green Belt land to meet the identified needs, taking into account the high level of environmental constraints in the borough.

#### **FLOOD RISK AND DRAINAGE**

**Q8. Paragraph 4.11 of the Strategic Sites Topic Paper<sup>19</sup> states that “...the starting point was to focus development using a proportionate application of the sequential test in flood risk terms i.e., the majority of residential development in flood zone 1, with some in flood zone 2 where there was confidence in site specific flood mitigation ensuring that was acceptable.”**

**Paragraph 4.14 then goes on to state that “A scenario was run with residential development in flood zone 1 only (Option 3). This provided fewer dwellings, 2,840, and was considered unnecessary in the context of planning guidance on locating development in appropriate flood zones.”**

**What is a ‘proportionate application of the sequential test’? Is the allocation of land to the west of Paddock Wood consistent with paragraph 162 of the Framework, which states that 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?**

4.12 No comment.

**Q9. Can the parcel allocated to the east of Paddock Wood come forward without requiring residential development in areas at risk of flooding?**

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<sup>18</sup> Matter 4 – Principle of Green Belt Release

<sup>19</sup> Core Document [3.67](#)

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4.13 No comment.

**Q10. What is the justification for requiring a drainage strategy to be in place prior to the granting of planning permission ‘unless exceptional circumstances arise’? What might these circumstances be? Is the policy sufficiently clear and is it effective?**

4.14 No comment.

#### **MIX OF USES AND INFRASTRUCTURE REQUIREMENTS**

**Q11. How have the type and location of community uses been established? For example, what is the justification for the proposed sports hub (including a 25m swimming pool) and why is it in the location proposed?**

4.15 It is not clear. As is indicated above Map 28 of the SV of the Local Plan<sup>20</sup> is identical to that on pages 82-83 of the Strategic Sites Masterplan and Infrastructure Study by David Lock Associates, dated Feb 2021<sup>21</sup>. It is unclear whether either document considers the EC proposal within the allocation to be a “residential”-type element, or a “community use” type element as there is no annotation on the plan relating to the EC proposal referred to in the wording of SS1.

**Q12. In the location envisaged, will the sports hub be accessible to existing and future residents of Paddock Wood by sustainable modes of transport?**

4.16 No comment.

**Q13. What is the justification for the inclusion and location of sites proposed for gypsy and traveller accommodation?**

4.17 No comment.

**Q14. Where will the proposed sheltered and extra care accommodation be located? For effectiveness, should this be set out in the Plan?**

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<sup>20</sup> See Exam Document [3.128, pg150](#)

<sup>21</sup> See Exam Document [3.66, pg82](#)

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4.18 Mindful of our response to Questions 1 and 3 above, it is entirely unclear where the EC units are to be located on this and other strategic sites, or whether these units will be delivered on the current basis of Map 28 in the SV of the Plan<sup>22</sup>.

4.19 Yes, in order to be effective, the EC allocation areas should be specifically identified on Map 28 to help avoid the risks of the land being 'lost' to more commercially attractive uses<sup>23</sup>. They are not, and this is unsound.

#### **HIGHWAYS AND TRANSPORT**

**Q15. How will the north-south pedestrian and cycle link over the railway line be provided as part of the western parcel? Is it deliverable?**

4.20 No comment.

**Q16. How will the necessary financial contributions towards works to the A228 and the Five Oak Green bypass be calculated for each site and Tudeley Village (Policy STR/SS3)?**

4.21 No comment.

**Q17. What will be the main point of access for the parcel to the east of Paddock Wood? How will pedestrian, cycle and vehicular accessibility to the rest of Paddock Wood (to the west) be achieved?**

4.22 No comment.

#### **LANDSCAPE AND HERITAGE**

**Q18. The AONB Setting Analysis Report<sup>24</sup> identifies areas of 'very high', 'high' and 'medium' sensitivity within the allocated site boundary to the east of Paddock Wood. Very high is defined as likely to cause harm to the setting of the High Weald AONB which it may not be possible to mitigate against?**

4.23 No comment.

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<sup>22</sup> See Exam Document [3.128, pg150](#)

<sup>23</sup> As noted by Inspired Villages in the Quinn Estates appeal at Broke Hill [W/21/3273188](#)

<sup>24</sup> Core Document [3.95a](#)



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**Q19. In the areas of 'high' and 'medium' sensitivity, what mitigation is required and are the requirements sufficiently clear to users of the Plan?**

4.24 No comment.

**Q20. Will the proposed mitigation be effective? What potential impacts will the allocation as a whole have on the setting of the AONB?**

4.25 No comment.

**Q21. What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Grade II listed buildings at Badsell Manor Farmhouse, Mascalls Court, Mascalls Court Lane and Knell's Farm? How have heritage assets been taken into account in the preparation of the Plan?**

4.26 No comment.

#### **OTHER MATTERS**

**Q22. What is the justification for requiring each parcel to be delivered through the production of a SPD?**

4.27 No comment.

**Q23. How will the Council ensure that the allocation comes forward in a coherent and comprehensive manner and avoids the piecemeal development of individual sites?**

4.28 We have seen no evidence of when / how the EC units will be delivered, or even if they are deliverable. Given that the Council is relying on this site (and Tudeley Village) to meet its identified EC need, the aforesaid absence undermines the robustness and soundness of the allocation.

## **5.0 Matter 6 Issue 4 – Paddock Wood Town Centre (Policy STR/SS2)**

**Q1. Policy STR/SS2 states that the Paddock Wood Town Centre Framework Masterplan SPD will identify 'key development sites'. Is this approach justified when taking into account that the SPD will not form part of the development plan for the area?**

5.1 No comment.

**Q2. Is the Plan justified and effective by requiring development proposals to accord with the (not yet prepared) Masterplan SPD?**

5.2 No comment.

**Q3. What is the justification for seeking developer contributions in part 8 of the policy? What proposals would be subject to this requirement and what would they be required to contribute towards?**

5.3 No comment.

**6.0 Matter 6 Issue 5 – Land at Mascalls Farm and Paddock Wood Parish  
(Policies AL/PW1 and STR/PW1)**

**Q1. What is the latest position regarding the construction of dwellings already approved at Mascalls Farm?**

6.1 No comment.

**Q2. Is the site still necessary and justified as an allocation in the Plan?**

6.2 No comment.