

Examination of the Tunbridge Wells
Borough Local Plan

Tunbridge Wells Borough Council
Hearing Statement

**Matter 7: Residential Site
Allocations**
**Issue 3: Lamberhurst (Policy
PSTR/LA1)**

Document Reference: TWLP/049



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Matter 7 – Residential Site Allocations

Issue 3 – Lamberhurst (Policy PSTR/LA1)

Lamberhurst Neighbourhood Development Plan

1. The Lamberhurst Neighbourhood Development Plan (LNDP) covers the period 2016-2038, and was made on 6 October 2021 [[CD 3.124](#)]. The LNDP includes a range of policies to guide development within the parish – landscape and environment, community and wellbeing, housing and design, traffic and transport, business and employment. The LNDP does not include policies for the allocation of sites.
2. The principal effect of this is that the LNDP is now part of the statutory ‘development plan’ for the area (Lamberhurst parish) after a positive referendum pursuant to s38 (3A) of the [Planning and Compulsory Purchase Act](#) 2004. This means it is now a material consideration in the determination of planning applications in Lamberhurst parish.
3. Paragraph 1.9 in the Local Plan confirms that for ‘made’ Neighbourhood Plans, “*within these areas, the respective Neighbourhood Plans form part of the Development Plan under which planning applications are assessed*”, and paragraph 5.627 of the TWBC SLP also confirms that “*the ‘made’ Lamberhurst Neighbourhood Development Plan (LNP) lists a number of specific goals and sets out a list of projects set out in a Parish Community Action Plan that indicates how developer contributions could potentially be used.*” Policy STR10 Neighbourhood Plans includes the statement “*for clarity, an up-to-date made neighbourhood plan forms part of the statutory development plan for the borough and, as such, planning applications will be determined in accordance with that plan where a proposal is in its area, as well as the adopted Local Plan.*”
4. The [Examiner’s Final Report](#) dated 7 May 2021 in section (8) considers how the LNDP complies with the Development Plan. Paragraph (30) confirms that “*the development plan comprised the saved policies of the 2006 Local Plan and the 2010 Core Strategy. A Borough Site Allocations Plan adopted in 2016 does not include any allocation*

within the parish. In addition the development plan incorporates the Kent Waste and Minerals Plan 2016 and the Kent Mineral Sites Plan 2020 but these two plans cover matters that are cannot be covered by a neighbourhood plan policy” and paragraph (31) ‘the 2006 local plan has been overtaken by the later adopted plans, but a number of its policies were saved in 2009. One of the saved policies is Policy LBD1 which deals with proposals outside of the limits to development. That local plan also establishes the limits to development around the main village of Lamberhurst.’”

5. Paragraph (36) then considers the preparation of the new Local Plan for the borough: *“The Borough Council has recently published for consultation its Pre-Submission version of the Tunbridge Wells Borough Local Plan which covers the period 2020 - 2038. The plan proposes to deliver a minimum of 12,204 dwellings, including using previously developed land and focusing development within the limits to development of settlements whilst limiting development within the High Weald AONB. The plan has a specific policy for Lamberhurst parish to deliver 25 - 30 new dwellings on land at Spray Hill, covered by Policy AL/LA1. The plan proposes a new and separate limit to development around The Slade, land at Sand Road and land around the Vineyard, which could allow further opportunities for windfall sites coming forward. This plan, whilst indicating a clear direction of travel, contains what are draft policies which will be subject to further public consultation and examination and have not been adopted policy. Therefore, this document is not relevant to the test of general conformity as set out in the basic conditions”*. The overall conclusion of the Examiner’s Report is that *“the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Tunbridge Wells Core Strategy and the saved policy within the Tunbridge Wells Local Plan 2006”*.
6. The LNDP Regulation 16 consultation (30 October to 11 December 2020) [Response Report](#) includes responses made by Tunbridge Wells Borough Council (TWBC) (response number LA_16 pages 12-17). TWBC included, where appropriate, reference to policy approaches in the TWBC emerging Local Plan. It is the case that the Regulation 18 consultation on the draft TWBC Local Plan took place during September to November 2019, and therefore was in the public domain during the preparation of the Regulation 15 LNDP.

7. The LNDP is considered to be in general conformity with the TWBC Submission Local Plan.

AL/LA1 - Land to the West of Spray Hill

Inspector's Question 1: [re. scale of development, is it appropriate and justified?]

How has the scale of proposed development been determined and is it appropriate and justified in this location?

TWBC response to Question 1

Introduction

8. The Submission Local Plan allocates one site in Lamberhurst parish, providing approximately 25-30 new dwellings, of which 40 percent shall be affordable housing (approximately 6-12 dwellings). Several sites in the parish were submitted to the Call for Sites process and have been assessed in the Strategic Housing and Economic Land Availability Assessment (SHELAA) [[CD 3.77m](#)].
9. The SHELAA is one part of a much wider evidence base that has informed the inclusion of sites in the Submission Local Plan. The Settlement Role and Function Study, February 2021 [[CD 3.72](#)] identifies Lamberhurst Village as a 'Group E' settlement; the groupings in the Study give an indication of the level of the relative sustainability of settlements. Other factors, such as transport, employment/economic, environmental, landscape, heritage and flooding considerations also need to be assessed to determine potential to accommodate growth.

Consideration

10. The proposed area of residential development within Policy AL/LA1 measures 1.689 ha. The site assessment was carried out following the methodology set out in the SHELAA [[CD 3.22a](#)] as well as taking account of landscape and arboriculture studies submitted by the site promoter.
11. The extent of the developable area is a result of combining an area of previously developed land at the former cattery (that includes a residential dwelling and the structures associated with the cattery) with an area of infilling north of this area between Spray Hill to the east and residential gardens to the west.

The site is well outside of the existing Lamberhurst Limits to Built Development (to the north) but is adjacent to the Down Conservation Area which lies to the west which encompasses areas of open space and scattered built development mainly along routeways. A new Limits to Built Development is proposed [see Limits to Built Development Topic Paper [\[CD 3.82\]](#) for the more densely developed part of the Down to the west in the SLP and includes the proposed developable area of the allocation [CD3.129n Inset Map 28 Lamberhurst and Lamberhurst and the Down].

12. The eastern, southern and western boundaries follow road and existing residential property boundaries. The northern boundary follows an historical boundary from early Ordnance Survey mapping and is a continuation of the rear garden line to the west. The proposed area shown for residential development in the Submission Local Plan is then justified as a natural extension or infill of existing and residential use using established and historical boundaries.
13. The boundary on the indicative Map 63 site layout plan, delineates between the area to accommodate built development within the southern part of the site and the area for landscape buffer to the north, which has been drawn to reflect an historical boundary and established hedgerow boundaries to the east and west of the site.
14. The allocation will deliver approximately 25-30 new dwellings, of which 40 percent shall be affordable housing. The local HNS prepared to support policies in the LNDP has identified a need for up to nine affordable homes to meet the needs of local people.

Inspector's Question 2: [re. area of open space within the site]

What is the justification for including the area of open space within the site allocation boundary?

TWBC response to Question 2

Introduction

15. The boundary on the site layout plan to delineate between the area to accommodate built development and the landscape buffer to the north has been drawn to reflect an historical boundary from early Ordnance Survey mapping and is a continuation of the rear garden line to the west that was visible up until at least 2006 (and following what might be considered an established building line), and established hedgerow boundaries to the east and west of the site.

Consideration

16. The proposed landscape buffer will ensure that the undeveloped gap between built development at the village of Lamberhurst to the north and at Lamberhurst Down (the built area to the west and south-west of the site) is not only retained but is managed in an appropriate way. The landscape buffer is located within the 'gap' of open land between the built development of Lamberhurst village to the north, and the built development of The Down to the south.

17. The Limits to Built Development (LBD) for Lamberhurst Down includes only the area proposed for built development at site AL/LA1 as shown on the Inset Map for Lamberhurst [\[CD 3.129n\]](#). The proposed landscape buffer is therefore not included within either the LBD for Lamberhurst or the LBD for Lamberhurst Down.

18. The area of open space included within the site area for Policy AL/LA1 is also not located within the LBD of either Lamberhurst or Lamberhurst Down and will be protected from further built development by Local Plan Policy STR1 and LNDP Policy H1. Furthermore, criterion (9) of Policy AL/LA1 requires that provision shall be made for on-site amenity/natural green space, and this could be partly provided within the area of open space.

19. Including the open space within the allocation (which is in the same ownership) ensures that the land can be managed in a way that provides landscape and ecological mitigation for the development, including biodiversity net gain and protects the landscape setting of Lamberhurst and the Down within the High Weald AONB. It also preserves the amenity of the Public Right of Way WT387 (which is located adjacent to the west of the site) and allows connections from the new development directly onto WT387, which in turn leads to the primary school and then into the centre of the village.

Inspector's Question 3: [re. does site allocation AL/LA1 represent major development in the AONB?]

Does site allocation AL/LA1 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?

TWBC response to Question 3

Introduction

20. The assessment for this site, located in the High Weald AONB, was carried out following the methodology set out in the SHEELA [\[CD 3.77a\]](#).
21. The Council's approach to the consideration of the question as to whether sites should or should not be considered major development in the context of paragraph 177 of the NPPF and footnote 60 is set out in the Development Strategy Topic Paper [\[CD 3.126\]](#) section H paragraphs 6.143 to 6.149. This section refers to Appendix 2, the methodology for the assessment, and Appendix 3, the actual assessment. Policy AL/LA1 appears on page 128 (electronic 132) of Appendix 3 and this confirms that the site is NOT major development. It is also noted that a relatively small area is to be developed for housing, some of which is previously developed and is visually well contained, with a large area of open space retained by development.
22. The Council's strategic approach to development within the AONB, how it has approached the question of whether sites are major development or not and whether major or other development within the AONB is justified at a strategic level and indeed how impacts on the AONB have been taken into account is set out in response to questions in Matter 2, Questions 5 and 6, Matter 3 Questions 9 and 6 and Matter 5 Question 3 [\[TWLP/021\]](#). The response to this question should be read in conjunction with those responses but addresses more directly the site-specific circumstances

Consideration

23. This site is not considered to be major development in the AONB and that view is accepted by Natural England (SoCG) [\[CD 3.132c\(v\)\]](#) pages 115 to 116). The Development Strategy Topic Paper [\[CD 3.126\]](#) at Appendix 3 considers the factors

used to assess whether development is considered to be 'major development in the AONB'. The four factors set out in NPPF footnote 55 (now 60) to be considered in the determination of whether development is major are: Nature of development; Scale; Setting; and Significant adverse impact on AONB purposes.

24. The Distribution of Development Topic Paper [[CD 3.16](#)] sets out by site and settlement the outcome of this assessment. The outcome for this site, Land at Spray Hill (identified as AL/LA1 pages 127-128 Appendix 3), is "*Not major. Relatively small area to be developed for housing some of which is previously developed and is visually well contained*".
25. Taken alone therefore, the Council does not consider the site to be major development in the AONB, given the scale of development proposed by the policy. There are no other sites proposed for allocation at Lamberhurst so there is no associated cumulative impact of development on the AONB. Regardless of whether this is major development or not the character and appearance of the AONB has been an important consideration in the assessment of this site.
26. Responses to Hearing Matter 3: Spatial Strategy & Distribution of Development Issue 2 Distribution of Development [[TWLP/015](#)], at paragraph 46, confirm that local character has been a key consideration in the assessment of the suitability of sites, with various aspects and components of character identified via the screening of constraints in the SHELAA (see Appendix 3 of SHELAA main report) [[CD 3.77a](#)]).
27. These constraints include Landscape Character Areas; the High Weald AONB, and its components; heritage assets, including conservation areas, listed buildings, historic farmsteads, archaeology areas, Historic Landscape Characterisation; ecology, including national and local designated sites; Ancient Woodland, TPOs; landscape within the built environment, including Areas of Important Open Space, Arcadian Areas, Areas of Landscape Importance; Green Belt; flood zones; and transport infrastructure, including safeguarded routes and Rights of Way.
28. Particular consideration has been given to the landscape setting of the settlement, the protection of which is Objective S2 of the AONB management Plan [CD 2.1] and the retention of the gap between Lamberhurst and Lamberhurst the Down which is a key part of the setting of the eastern part of the settlement.

29. Policy criteria included within Policy AL/LA 1 will ensure that development is delivered in accordance with Local Plan Policy EN 19: The High Weald Area of Outstanding Natural Beauty, and of particular note are criteria 5 and 6:

Criteria (5) “The development to be sensitively designed in relation to the site's location on the edge of the settlement, nearby heritage assets, and the location of the PRow that runs through the site and provides a suitable edge to the settlement, including through the layout and design of the scheme being informed by a landscape and visual impact assessment and heritage assessment”, and

Criteria (6) “Regard shall be given to existing hedgerows and mature trees on the site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment”.

30. The policy will ensure that development proposals recognise and reflect the site's location within the AONB, located on the edge of settlement, close to heritage assets, and including existing hedgerows and trees, to be informed by the appropriate surveys and assessments.

Inspector's Question 4: [re. justification for requiring a footpath along Sand Road]

What is the justification for requiring a footpath along Sand Road? Is it necessary and deliverable?

TWBC response to Question 4

Introduction

32. Criterion (3) of Policy AL/LA1 requires the provision of a pedestrian footway from the site westwards along Sand Road to link into the wider footway network.
33. This is to ensure that there is a safe and convenient means of pedestrian access from the site to the facilities and services provided at the centre of Lamberhurst village.
34. For clarity, Public Right of Way (PRoW) WT388 runs west-east through the southern part of the site, providing a link from Spray Hill to Sand Road. PRoW WT387, which runs from Sand Road north-east towards the centre of Lamberhurst village (joining up with Spray Hill just before the village green) is adjacent to the north-western boundary of the site.
35. The plan included in Appendix 1 to this Hearing Statement shows the site area to be allocated by Policy AL/LA1 as shown in the Submission Local Plan by Map 63 Site Layout Plan. The amended Site Layout Plan now includes two PRoWs. That is, as detailed in the previous paragraph, WT388 that runs west-east through the site (and previously included in the site layout plan), and WT387 located to the west of the site running northwards from Sand Lane into the centre of Lamberhurst village, via Lamberhurst Primary School.

Consideration

36. Although criterion (3) of Policy AL/LA1 requires the provision of a pedestrian footway from the site westwards along Sand Road to link into the wider footway network, it is understood that more recent assessments carried out by the site promotor to inform the future submission of a planning application have indicated that the delivery of the details of this policy requirement may not be possible due to the width of the carriageway and land constraints at this location on Sand Road.

37. It is understood that the site promotor is exploring options for providing a pedestrian access from the site onto Spray Hill (located immediately adjacent to the east of the site) and then creating a pedestrian footway along the western edge of Spray Hill northwards into Lamberhurst village to provide a link from the site to local services. There is currently no footway along Spray Hill, and the proposal would benefit both existing and future pedestrians.

38. A scheme that seeks to utilise and extend the existing Public Right of Way (PRoW) within the site (WT388) to link westwards into the existing PRoW adjacent to the site (WT387) is also being explored, to provide improved permeability and connection between the Public Rights of Way. It is understood that the land across which the link from the site to PRoW WT387 is to be located is within the ownership of the site promoter, and this has been confirmed by a current HM Land Registry search.

39. It is the case therefore that although the delivery of a pedestrian route from the site to link into the wider footway network along Sand Lane as required by criterion (3) of Policy AL/LA1 may not be deliverable, and opportunities for a footway on Spray Hill are being explored to link into the wider footway network, together with improvements to the existing Public Right of Way network.

40. The Council therefore propose a modification to policy criterion (3) to reflect this update in terms of the deliverability of a pedestrian footway. The modified text of the policy would read as follows (deleted text is shown ~~struck through~~, additional text is shown underlined):

"... (3) Provision of a pedestrian footway from the site westwards ~~along Sand Road~~ on Spray Hill from the site to link into the wider footway network"

Inspector's Question 5: [re. justification for requiring a pedestrian and cycle link to the Scotney Castle estate]

What is the justification for requiring a pedestrian and cycle link to the Scotney Castle estate? Is it necessary and deliverable?

TWBC response to Question 5

Introduction

41. Criterion (4) of Policy AL/LA1 requires the provision of a connection to Public Right of Way (PRoW) WT380 to provide ready pedestrian (and cycle) links to Scotney Castle Estate, in liaison with the National Trust about how these links could be delivered.

Consideration

42. PRoW WT380 runs from the eastern side of Spray Hill (just to the south-east of the site) eastwards through to the Scotney Castle Estate (owned by the National Trust), linking up with the wider PRoW network. Scotney Castle and the associated estate is open to the public on most days of the year.

43. PRoW WT388 runs west-east through the southern part of the site, providing a link from Spray Hill to Sand Road. This PRoW emerges from the site onto Spray Hill in close proximity (just northwards on the western side of Spray Hill) to where PRoW WT380 emerges onto the eastern side of Spray Hill.

44. The provision of an improved access to PRoW WT380, that could be delivered by, for example, improved facilities for crossing Spray Hill, and improved signposting, would facilitate improved access to the wider PRoW network that surrounds the built development at Lamberhurst and The Down, as well as providing an improved non-motorised access to the many facilities provided by the Scotney Castle Estate from Lamberhurst. This would be of positive benefit both to the residents of the development resulting from the site allocation, and to the wider community and is considered to be justified.

45. The National Trust has provided representations to the Local Plan Regulation 19 consultation. It supports the wording within criterion 4, which requires promoters of the site to liaise with the National Trust in the delivery of a potential connection to WT380

to provide pedestrian (and cycle) links to Scotney Castle Estate. This request for liaison in the details of the delivery of the connection is because the National Trust considers that there may be potential operational issues which will need addressing as part of delivering this policy requirement.

Inspector's Question 6: [re. wastewater infrastructure]

How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?

TWBC response to Question 6

Introduction

46. The representation from Southern Water to the Regulation 19 consultation confirms that development proposals for 30 dwellings will generate a need for reinforcement of the wastewater network to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure Charge to developers, and Southern Water will need to work with site promoters to understand the development programme and to review whether the delivery of network reinforcement aligns with the occupation of the development.
47. The same Regulation 19 representation confirms that Southern Water assessments have also revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting.
48. Southern Water also comments that this site incorporates Lamberhurst Wastewater Treatment Works (WTW), which is owned and operated by Southern Water. It is the case that this statement is incorrect; the Lamberhurst WTW is located to the east of Spray Hill, at some distance north-east of the site AL/LA1; the Ordnance Survey grid reference for the Lamberhurst WTW being TQ 67800 35962.

Consideration

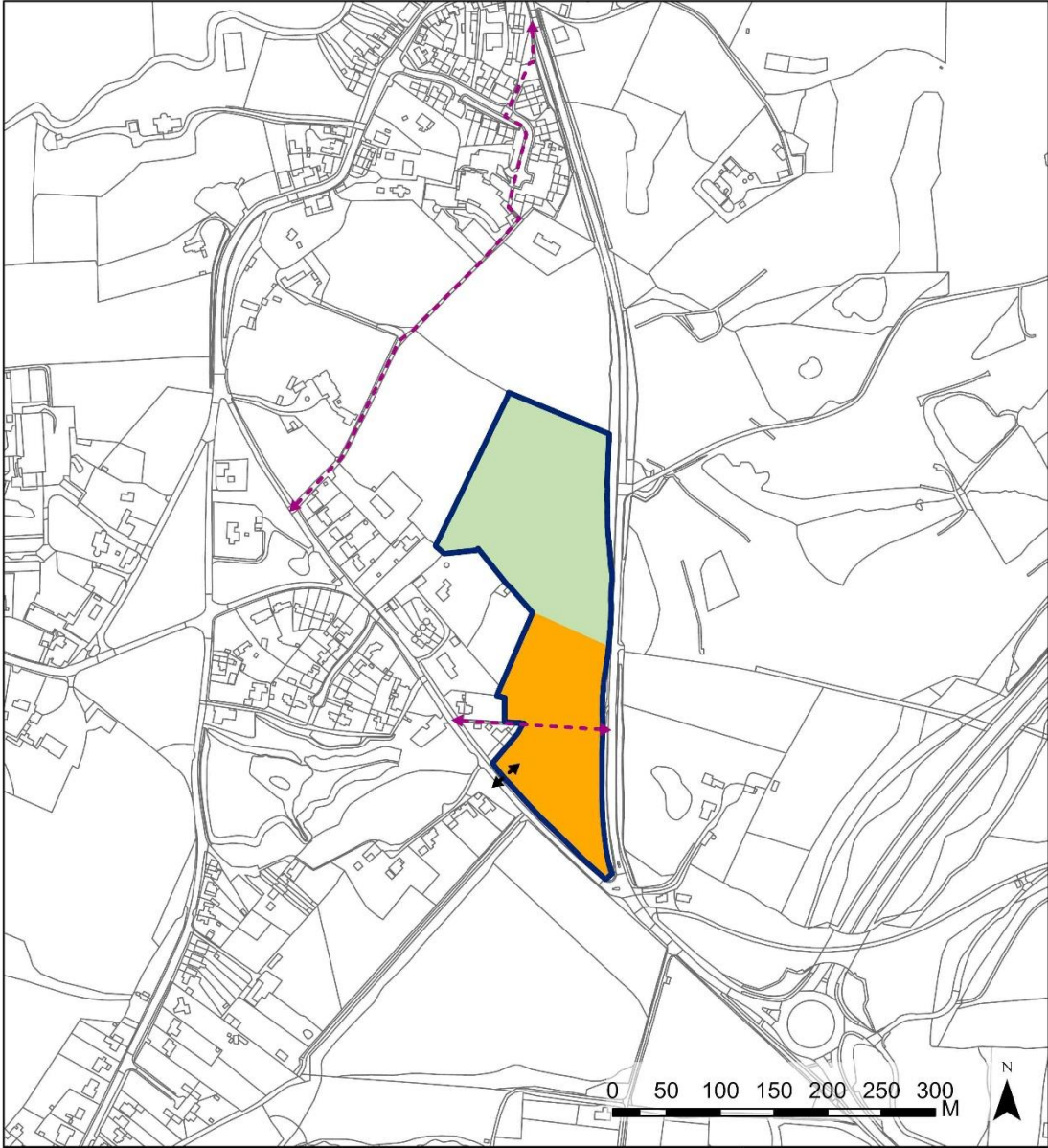
49. It is the case that some of Southern Water's infrastructure is present along the eastern boundary of the site. To reflect this, the schedule of Proposed Additional (Minor) Modifications, modification 104 [\[CD 3.127\]](#) proposes that the following additional wording will be added to paragraph 5.634 (note, the schedule incorrectly refers to paragraph 5.628) "*Southern Water's underground infrastructure follows the eastern boundary of the site and therefore the layout and design of the scheme should take account of this infrastructure*".

50. Additionally, proposed additional (minor) modification 105 proposes that reference to TWBC Local Plan Policy EN 24: Water Supply, Quality, and Conservation be added to the list of policies below Policy AL/LA1 for clarity purposes. This Policy requires that all development must ensure that there is, or will be, adequate water supply and wastewater treatment facilities in place to serve the whole development (including all phases where applicable). Improvements to supply and treatment facilities, the timing of their provision, and funding sources will be critical to the delivery of development and will be supported. The Borough Council will consult with the Environment Agency and/or the relevant utility provider to ensure adequate provision and impose appropriate conditions as necessary.

Appendices

Appendix 1: Policy AL/LA1 Site Layout Plan (Map 63)

Map 63 Site Layout Plan



Policy: AL/LA 1 - Land to the west of Spray Hill

Scale: 1:5,000

- Site Allocation Boundary
- Residential Use
- Open Space Buffer
- Indicative Access
- Public Right of Way

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