

Examination of the Tunbridge Wells  
Borough Local Plan

**Tunbridge Wells Borough Council**  
**Hearing Statement**

**Matter 7: Residential Site  
Allocations**  
**Issue 2: Pembury (Policy  
PSTR/PE1)**

Document Reference: TWLP/044



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# Matter 7 – Residential Site Allocations

## Issue 2 – Pembury (Policy PSTR/PE1)

### Overview for Pembury

1. The Submission Local Plan [[CD 3.128](#)] allocates eight sites in Pembury parish, providing approximately 389-417 new dwellings, of which 54 have existing planning permission (including C2 discounting). 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) [Main Report [CD 3.77a](#) and Pembury site assessment sheets [CD 3.77m](#)]. The sites included in the Plan were all found by the SHELAA to be available, suitable, and achievable and therefore suitable as potential allocations in the new Local Plan. Site Selection Methodology is dealt with under Matter 5, Issue 1 [TWLP/021].
2. 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](#)] found Pembury Village to be a sustainable settlement with potential for further growth, whilst the Landscape Sensitivity Assessment for the Countryside around Royal Tunbridge Wells [[CD 3.102b\(i\)](#)] indicates there is potential for growth at Pembury (Parcel Pe8). To inform the Plan, there have been three Green Belt studies undertaken [[CD 3.93a](#), [CD 3.93b \(i\)](#), [\(ii\)](#) [\(iii\)](#) and [CD 3.141](#)], which have also informed the decision to allocate sites at Pembury. This decision has also been informed by detailed Landscape and Visual Impact Assessment (LVIA) work [[CD 3.96a](#) and [3.96c](#) Pembury sites] carried out for sites considered as major development in the AONB. There is further reference to these documents, as necessary, in the Council’s responses that follow.

### **Approach to responses in relation to sites AL/PE1 – AL/PE3 inclusive**

3. These three sites lie next to each other, along the southern edge of Pembury Village, adjacent to the A21. The Inspector has, in some cases, asked the same question in relation to each of these sites.
4. For ease, and to avoid repetition, where possible, the Council's response to these questions is combined so that it relates to sites AL/PE1, AL/PE2 and AL/PE3 inclusive. The Inspector notes this as an appropriate approach.
5. For clarity, the combined responses relate to the following questions from the Inspector:
  - a) AL/PE1 questions 1, 2, 3, 5 and 7
  - b) AL/PE2 questions 9, 10, 11, 13 and 15
  - c) AL/PE3 questions 16, 17, 18, 19 and 21

## **AL/PE1 - Land Rear of High Street and West of Chalket Lane<sup>1</sup>**

### **Inspector's Question 1: [re. proposed area of residential development]**

***How has the proposed area of residential development been established? What is it based on and is it justified?***

#### **TWBC response to Question 1**

6. The proposed area of residential development for sites AL/PE1, AL/PE2 and AL/PE3 has been established following consideration of site constraints, including those contained on the Council's GIS layers, as well as consideration of relevant evidence base documents (referred to below), informed by officer site visits and discussions with the Council's specialist Landscape and Biodiversity Officer. This work informed the proposed areas indicated for residential development set out at individual site allocation policies, first in the Regulation 18 Draft Local Plan [[CD 3.9](#)].
7. Evidence base documents of particular relevance have included the Landscape Sensitivity Assessment work - the Landscape Sensitivity Assessment of Countryside around Tunbridge Wells [[CD 3.102a](#)] and Sub Area Assessments Part 1 [[CD 3.102b\(i\)](#)] and Part 2 [[CD 3.102b\(ii\)](#)]; as well as the Tunbridge Wells Green Belt Study [[CD 3.93](#)], including Green Belt Study Stage 2 [[CD 3.93b\(i\)](#)] and Green Belt Study Stage 2 - Appendix A Pembury, Five Oak Green, Paddock Wood [[CD 3.93b\(iii\)](#)].
8. Officers considered responses to the Regulation 18 Draft Local Plan consultation and, following engagement with Natural England and the High Weald AONB Unit, further studies were commissioned to inform decisions about sites, developable areas, and site capacities.
9. There were three reports commissioned following consideration of the Draft Local Plan consultation responses and discussion with Natural England and the High Weald AONB Unit. These comprise LVIA's [Main Report [CD 3.96a](#) and Pembury sites appendix [3.96c](#)] produced by Hankinson Duckett Associates (HDA), and a Grassland

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<sup>1</sup> Inspectors' Note – To avoid repetition, the Council and representors may wish to answer the Questions to sites AL/PE1, AL/PE2 and AL/PE3 together, where applicable.



Assessment Survey of Selected Sites within the High Weald AONB [[CD 3.97a](#)] and Assessment Field Notes [[CD 3.97b](#)]. In addition, a Stage 3 Green Belt Study [[CD 3.141](#)] was commissioned.

10. Whilst officers initially made a judgement on what the developable area of these sites should be, as set out in site allocation policies of the Draft Local Plan [[CD 3.9](#)], developable areas included in the Pre-Submission Local Plan [[CD 3.58](#)] were refined following the HDA LVIA assessments of individual sites, which included LVIA assessments for each of AL/PE1, AL/PE2 and AL/PE3. The HDA work is explained in more detail in the LVIA main report [[CD 3.96a](#)] and the findings of this work for the Pembury sites is included in [CD 3.96c](#).
11. The LVIA assessment work provides a high-level landscape and visual assessment of each site. This is set out further in paragraph 2.5 of the main report. It draws on a number of existing studies across the borough, with Appendix A (paginated page 20, electronic page 22) listing the reference documents considered within the assessment, including The High Weald AONB Management Plan 2019-2024 [[CD 2.1](#)].
12. The findings of the HDA work include recommended mitigation measures and policy recommendations which, following consideration and discussion with the Council's Landscape and Biodiversity Officer, have led to the refinement of the developable areas for these three sites included at the Pre-Submission and Submission stages of plan-making. This work also informed the scale of development proposed which, in light of the individual LVIAs, was reduced on each of these three sites.
13. With the benefit of these further studies, officers including the Council's specialist Landscape and Biodiversity Officer, have been able to refine both the area of residential development indicated on site layout maps 64, 65 and 66 (pages 276, 280 and 284 respectively) in the Pre-Submission Local Plan [[CD 3.58](#)] and subsequent Submission Local Plan [[CD 3.128](#)], and dwelling capacities.
14. In addition to this work, as stated previously, the areas of residential development, and the site capacities, has been informed by other consultation responses to both the Draft Local Plan (Regulation 18) and the Pre-Submission Local Plan (Regulation 19). In particular, responses from site promoters, which in the case of AL/PE2 and AL/PE3 have informed decisions made about developable areas.

15. In determining the proposed area of residential development, account has been taken of the set back and buffer to the A21 to help mitigate noise impact on proposed occupiers of the developments, and to provide and maintain a strong landscape feature and boundary edge to the retained Green Belt. The linear nature of the sites has also been a consideration, which has informed decisions on residential areas and for site AL/PE3 topography has been important too, as well as consideration of potential access points.
16. Decisions were also made to exclude areas of the sites from the area proposed for residential development, including the areas shown in policies AL/PE1 and AL/PE2 to be used for car parking and cemetery expansion. Areas of woodland including Tree Preservation Orders were excluded as well.

## Summary and Conclusion

17. The above response explains how the Council has established the areas proposed for residential use on each of the sites AL/PE1 to AL/PE3 inclusive, taking account of site constraints, evidence base work, discussion with specialist officers and engagement with Natural England and the High Weald AONB Unit, as well as giving consideration to Local Plan consultation responses.
18. It sets out that account has been taken of the location of the sites adjacent to the A21, provision of the set back and buffer to the A21 to provide and maintain a strong landscape feature and boundary edge to retained Green Belt, any topography issues (AL/PE3) and potential access points. It explains that decisions were also made to exclude areas of sites from the areas proposed for residential use. The areas identified for residential use are justified, following a thorough assessment of the sites.

## **Inspector's Question 2: [re. Green Belt boundary]**

***What is the justification for the proposed Green Belt boundary? Will the revised boundary be clearly defined, as required by paragraph 143 of the Framework?***

### **TWBC response to Question 2**

#### **What is the justification for the proposed Green Belt boundary?**

19. The Local Plan seeks the release of sites AL/PE1, AL/PE2 and AL/PE3 from the Green Belt, with the Green Belt boundary amended accordingly.
20. The Council's responses on the principle of Green Belt release, the Green Belt review methodology and 'exceptional circumstances' for Green Belt release are dealt with by the Matter 4, Issues 1 to 3 respectively [TWLP/018, TWLP/019 and TWLP/020]. These help to set the context to the Council's response to this question, set out below.
21. The proposed change to the Green Belt boundary in this location follows consideration of the findings of Green Belt evidence base work, comprising the Tunbridge Wells Green Belt Study [[CD 3.93](#)], a Green Belt Study Stage 2 [[CD 3.93b\(i\)](#)], including Appendix A Pembury, Five Oak Green, Paddock Wood [[CD 3.93b\(iii\)](#)]; and Green Belt Study Stage 3 – Assessment of Green Belt Allocations [[CD 3.141](#)].
22. The Stage 3 study is the most recent and looked specifically at the impact of releasing sites from the Green Belt included in the Draft Local Plan (Regulation 18), subsequently included in the Submission Local Plan. The assessment of Green Belt harm has informed the decision to release significant areas of these sites from the Green Belt, and consequently inform the proposed changes to the Green Belt boundary in this location. The following section sets out the overall findings of the Green Belt Study work and, following this, the Council's response addresses paragraph 143 of the Framework. The Council's response to Question 3 below sets out the 'exceptional circumstances' for Green Belt release, which is also influenced decisions made on amendments to the Green Belt boundary in this location.

#### **Assessment of Green Belt Harm**

23. To help establish the suitability of Green Belt sites for allocation, the Council commissioned three separate Green Belt studies. The Green Belt Study Stage 1,

November 2016 [[CD 3.93a](#)] included a strategic assessment of the Green Belt in the borough in the context of the wider Metropolitan Green Belt and Green Belt within adjacent local authorities. The assessment was undertaken in relation to the contribution of areas of land to each of the five Green Belt purposes. It included consideration of whether, and for which areas, a further ‘Stage Two’ Green Belt review should be undertaken, which would comprise a more detailed and focused review of parcels of land around identified settlements.

24. The three sites, AL/PE 1 to PE 3 inclusive were identified as Green Belt parcel (PE1) for further assessment, the suggested consideration being noted as “*Relationship between settlement and countryside, with reference to role of A21 in forming barrier to encroachment/sprawl*” [[CD 3.93a](#) table 6.2, paginated page 39, electronic page 40].
25. The Tunbridge Wells Green Belt Study, Stage Two [[CD 3.93b\(i\)](#)] considers the Green Belt parcel, PE1 in more detail.
26. In summary, the Pembury parcel that comprises all three of these sites has a ‘relatively weak’ contribution to all four Green Belt purposes and an ‘overall harm rating’ of low [[CD 3.93b\(i\)](#) Table 6.1, paginated page 28, electronic page 30].
27. The more detailed assessment for the parcel, PE1 [[CD 3.93b\(iii\)](#) electronic pages 2 to 3], concludes that “*the A21 would represent a stronger boundary than the existing settlement edge*”. The Council has followed this advice in proposing the new Green Belt boundary, retaining its current position only between AL/PE1 and AL/PE2 where there is a significant area of landscape and where it is important that land remains open and any development within it is appropriate. The proposed Green Belt Boundary can be seen on Inset Map 29 for Pembury [[CD 3.129o](#)].
28. The overall purpose of the Green Belt Study Stage Three assessment of Green Belt allocations [[CD 3.141](#)] has been to provide an independent, robust, and transparent assessment of the potential harm of releasing Green Belt land in line with national policy, guidance and case law. This study focused on sites which are now included in the Submission Local Plan.
29. Chapter 4 sets out the harm assessments of the individual site allocations. Assessments for sites AL/PE 1 to AL/PE 3 inclusive can be found on paginated pages 85-99 (electronic pages 89 to 103), with a summary of harm set out on paginated

pages 88, 93 and 98 respectively (electronic pages 92, 97 and 192), along with potential mitigation measures. The harm rating for all three sites is low. The identified mitigation measures have informed the wording of the individual site policies.

### **Paragraph 143 of the National Planning Policy Framework (NPPF)**

30. Paragraph 143 of the NPPF [\[CD 1.4\]](#) lists six requirements to be met when defining Green Belt boundaries. The Inspector asks whether the revised Green Belt boundary will be clearly defined, the requirement of paragraph 143 f), which requires boundaries to be clearly defined, using physical features that are readily recognisable and likely to be permanent.
31. The proposed Green Belt boundary for Pembury is shown on Inset Map 29 (Pembury) [\[CD 3.129o\]](#) with the legend found at [CD 3.129a](#). For AL/PE1, the new outer boundary follows the top of embankment/existing tree line for the A21 and then existing field and development boundaries. For AL/PE2, the new outer boundary follows an existing hedgerow to the cemetery and proposed cemetery expansion and then follows the top of embankment/existing tree line for the A21. For AL/PE 3, the top of embankment/existing tree line for the A21.
32. This boundary meets with the requirements of paragraph 143 f) of the NPPF in that this boundary is clearly defined, using physical features that are readily recognisable and likely to be permanent.
33. For the above reasons the Council considers that the revised Green Belt boundary, including the release of these sites is fully justified and will be clearly defined as required by NPPF paragraph 143.

## **Summary and Conclusion**

34. The Council's response provides justification for the proposed Green Belt boundary, explaining how this will meet the requirement of paragraph 143 of the Framework, which requires that the revised boundary be clearly defined. Reference is made to how the findings of Green Belt Studies have informed the decisions to amend the Green Belt boundary in this location, and an explanation on how the revised boundary will be clearly defined is given, with reference to physical features that are readily recognisable and likely to be permanent.

## Inspector's Question 3: [re. Green Belt exceptional circumstances]

***Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

### **TWBC response to Question 3**

35. The Council's case for 'exceptional circumstances' for the release of Green Belt as part the overall spatial strategy is set in response to the Inspector's Questions on Matter 3, Issue 1 Spatial Strategy Questions 7 to 9 [TWLP/014], but in particular Matter 4 Principle of Green Belt Release Issue 3 Exceptional Circumstances Question 1 [TWLP/020].
36. The response to these questions refer the Inspector to the Development Strategy Topic Paper [[CD 3.126](#)] section I "*Exceptional Circumstances for Green Belt releases*". The strategic 'exceptional circumstances' for Green Belt release are set out at paragraphs 6.183 to 6.185 and are not repeated here. At paragraph 6.187 the Topic Paper identifies those site-specific issues that may be taken into account as part of 'exceptional circumstances', which include:
- The level of harm to the Green Belt that is likely to arise from the specific release;
  - The predicted harm to adjacent remaining Green Belt;
  - Localised need issues;
  - Site-specific measures available to ameliorate any harm;
  - The context and nature of the site such as areas of previously developed land, site condition and locational advantages.
37. The Green Belt Study Stage 3 [[CD 3.141](#)] provides the information on the first two bullet points identifying 'Low Harm to the Green Belt' from the release of these sites and 'Negligible Harm to the remaining Green Belt' in the vicinity (paginated pages 85-99, electronic pages 89 – 102, under Harm summary). The Stage 3 Green Belt Study considers the potential cumulative effects on the strength of the remaining Green Belt in Chapter 5 and notes that, as a result of the release of AL/PE1 to AL/PE3, the majority of the remaining Green Belt land to the south of Pembury will "*remain strongly*

*distinct from the urban area*” (paragraph 5.13) and that the release of these sites and others in Pembury and Royal Tunbridge Wells “*will not weaken the contribution or affect the overall ability of the remaining Green Belt*” surrounding Pembury in respect of Purpose 3 safeguarding the countryside from encroachment (paragraph 5.23).

38. The Development Strategy Topic Paper [[CD 3.126](#)] identifies additional site-specific factors in table 5 on page 66 which include mitigation and rationale. The mitigation highlights for all three sites:
- “*Significant new landscape buffers required*”.
  - “*Requirements for walking/cycling links into Pembury village centre and wider countryside*”.
39. Under ‘Rationale’ the table states for all three that the sites are in a “*sustainable location on edge of settlement with localised impact; creation of stronger boundary to Green Belt*”.
40. The new Green Belt boundary here follows the A21 and edge of settlement (see Inset Map for Pembury [[CD 3.129o](#)]) which are “*physical features*” that are “readily recognisable and likely to be permanent” as required by NPPF paragraph 143(f).

## Summary and Conclusion

41. The response explains why the Council considers there to be ‘exceptional circumstances’ to justify amending the Green Belt boundary in this location. The level of harm to the Green Belt (both specific release of these sites and predicted harm to remaining Green Belt), and localised need issues, as well as site-specific matters and context/nature of the sites is explained, which together form ‘exceptional circumstances’.

## Inspector's Question 4: [re. proposed car park]

***What is the justification for the proposed car park? Why is a public car park in this location necessary?***

### **TWBC response to Question 4**

#### **Justification and need for proposed car park**

42. At the Regulation 18 Draft Local Plan stage, site AL/PE 1 was included in the Draft Local Plan ([[CD 3.9](#)] pages 326-327) for a mixed-use scheme, providing approximately 70-80 residential dwellings, a community facility and extended village hall car parking. The community facility was not defined at that stage; however, early discussions with the NHS Kent and Medway Clinical Commissioning Group (CCG) indicated it could be a medical facility.
43. Representations submitted to the Draft Local Plan consultation raised concern about the lack of both on-street and off-street parking for Pembury Village. These include representation numbers DLP\_5791, 389 and 519. Representation number DLP\_6088 submitted by Pembury Parish Council states *"There is currently a dire shortage of on/off street car parking available within Pembury, which discourages people from being able to make use of various outlets so trade is affected. Any new housing developments should provide sufficient car parking for their new occupiers which should comply or, preferably, exceed the Kent Design Guide Interim Guidance Note 3. Car ports and car barns should be avoided. Pembury is a rural village and residents rely on their cars. We would like to see additional parking created at the Village Hall and the Hospital as overspill parking from both sites currently creates significant problems on Pembury High Street and adjacent roads"*.
44. In regard to the community facility, the CCG subsequently determined there was not a need in Pembury for a new medical facility. Given concerns raised at the Draft Local Plan stage about the lack of parking in Pembury Village, officers judged that the parking element of the draft policy could be enhanced to include use by the wider public, a tangible benefit for the village.
45. The representation from the Parish Council at the Regulation 19 consultation (number PSLP\_180) re-iterated the need for parking to serve the Village Hall/Village generally



and the representation from the Pembury Village Hall Management Committee (number PSLP\_834) recognised some public benefit arising from this.

46. It is of note that to inform the Pre-Submission Local Plan officers met with representatives from the Parish Council, Pembury Neighbourhood Plan Group and the Village Hall Management Committee, along with Savills acting on behalf of the landowner. The purpose of the meeting, which took place on the 20 September 2020, was to discuss/ agree the level of additional village hall car parking to be provided and the siting of this, and to negotiate that this parking can be for the wider public benefit for the village. Minutes of this meeting are attached at **Appendix 1**.
47. Much discussion took place at the meeting, but it concludes with the site promoter looking to see how circa 30 spaces could be provided, for which there was general support.

### **Location of the car park**

48. The proposed car park would be adjacent to the Village Hall and near Pembury High Street, along which are some local services and facilities. The settlement pattern of Pembury Village is such that there are three areas of the Village that provide local services and facilities, including the Lower Green Area, Henwood Green and the area near the site along the southern edge of the settlement. The triangular nature of this historic settlement pattern is such that it is difficult to provide a location for a car park that would be well located to serve the Village as a whole.
49. There is no evidence to demonstrate the availability of other sites to provide parking to serve the Village. Officers saw the submission of site AL/PE1, adjacent to the Village Hall as an opportunity to provide parking for both the hall and the Village, an opportunity that may not arise again. Both the landowner, site promoter and more recently the developer with an interest in the site, agree with provision of the car parking as sought by the site allocation policy. Whilst it is acknowledged there is further discussion needed about the provision of the parking (maintenance, opportunities for electric charging points for example), officers are confident that this can be resolved at the planning application stage.
50. The landowner and the developer both support the policy requirement for the additional car parking to serve the village hall and wider community. Of note, is the

landowners' representation to the Draft Local Plan consultation (number DLP-8333) which identifies that "*We as landowner are looking to facilitate delivery of a high quality development in line with the policy aspirations of the Council and neighbourhood plan*". It is noted that KCC Highways & Transportation are also in principle, supportive of the parking as it will reduce on-street parking in the village.

51. Through continued engagement in the plan-making process, the site promoter, Savills has allowed for the parking provision in illustrative masterplans for the site, and discussions with the developer (Millwood Designer Homes) support the expectation of a policy compliant scheme.

## Summary and Conclusion

52. Consultations to the Local Plan have shown there to be local concern about the lack of parking in Pembury, both on and off-street, and there is support for additional parking to serve the village hall and wider community. The proposed car parking is considered well located, adjacent to the existing village hall and in proximity to some local services and facilities. It is justified to include this in the site allocation policy.

## **Inspector's Question 5: [re. consideration of whether the site is major development in the AONB and its impact on character and appearance]**

***Does site allocation AL/PE1 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 5**

**Does the site allocation AL/PE1 represent major development in the AONB, and if so, is it justified?**

53. Taken alone, the Council does not, in the context of paragraph 177 of the NPPF, individually consider sites AL/PE1, AL/PE2 or AL/PE3 to be major development in the AONB but acknowledges the cumulative effect of all three sites being so close together that, considered collectively, they do represent major development.
54. 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 Matter 2, Issue 1, Questions 5 and 6 [TWLP/011]; Matter 3, Issue 1, Questions 6 and 9 [TWLP/014]; and Matter 5, Issue 1, 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.
55. The overarching consideration of 'exceptional circumstances' is set out in the Development Strategy Topic Paper [[CD 3.126](#)]. Section H paragraph 6.150 and some of the site-specific matters that contribute to 'exceptional circumstances' are set out in Appendix 3 table 10 and further site-specific measures are set out in the response below.
56. The response to this Question is ordered under the following headings to address the specific points raised:

- Major Development
- Landscape/AONB assessment and considerations
- Sustainability of the settlement of Pembury
- Housing need
- Cycling/walking links
- Other benefits
- AONB exceptional circumstances summary and conclusion

## Major Development

57. The Development Strategy Topic Paper [[CD 3.126](#)] Section H sets out the approach to development in the AONB, including the approach to determining whether sites are major or not (paginated page 48, electronic page 52), setting out the factors to be considered in determining whether sites are major, reflecting footnote 55 (now 60) in the NPPF. The methodology for the assessment of major/not major is set out in its Appendix 2, and the assessment of individual site allocations, as well as the cumulative findings, by settlement, are set out at Appendix 3.
58. Appendix 3 Table 10, on pages 128-132 (electronic pages 132-136) of the Topic Paper gives the assessment for sites AL/PE1, AL/PE2 and AL/PE3, concluding that the sites are not major on their own but cumulatively, are major. Individually, the sites are noted to be 'not substantial' in terms of an increase to the settlement (less than 3.5% and less than 100 dwellings), well related and to have a Low impact on AONB/landscape components. Taken together, however, the three developments comprise some 220 dwellings and a 9.22% increase in the settlement, and it is considered that cumulatively they represent major development. This assessment is agreed with Natural England in the Statement of Common Ground (SoCG) [[CD 3.132c\(v\)](#)] Appendix H to J, pages 115 to 161 paragraph 9.20].
59. The Appendix 3 table for all three sites notes:
- Strong relationship with existing development and is effectively an infill between development and the A21.

- Linear parcel of land acts as a buffer to A21 and provides a green edge to this part of Pembury.
60. The conclusion drawn in Appendix 3 (final column) notes that these sites are in a sustainable location and they “*make limited contribution to the wider AONB landscape*”.

### **Landscape/AONB assessment and considerations**

61. The Council’s Landscape Sensitivity Assessment of Countryside around Tunbridge Wells, February 2017 [[CD 3.102b\(i\)](#)] provides an assessment of the extent to which the character and quality of the landscape within the study area is, in principle, susceptible to change as a result of introducing particular types of development into certain landscape character areas. Allocations AL/PE1 to AL/PE3 are included within Sub-area PE8 (paginated pages 111 to 113, electronic pages 89 – 91), which concludes that overall sensitivity to small-scale development is medium where the landform rises above Pembury, and therefore makes a stronger contribution to settlement setting and views from further north, and medium - low at the western end of the sub-area. It can be seen from the Summary of Findings in Table 4.1, page 19 of the Landscape Sensitivity study [[CD 3.1021a](#)] that this is one of very few locations with such a low sensitivity.
62. The Sensitivity Assessment provides guidance on mitigation and enhancement in the last text box on page 113:
- “Visibility of development from the A21 and land to the south is a key concern, so tree cover along the southern edge of the sub-area should be retained and enhanced. The massing of any development should be minimised, to limit impact on the setting of Pembury, and rights of way access from the southern edge of Pembury, with connections to the wider rural landscape across the A21, should be retained”.*
63. The policy wording for these sites incorporates these recommendations.
64. To assist with the Council’s assessment as to the suitability of the sites for inclusion in the Local Plan, all sites considered to be major in the AONB have been subject to an independent LVIA, which also considered any cumulative effects on the host settlement [[CD 3.96](#)].

65. The executive summary in the main report [[CD 3.96a](#) page 1] sets out the assessment process which includes:
- Background information (baseline).
  - Description of the proposed development.
  - Description of the likely effects on landscape and views.
  - Advice on mitigation.
  - A conclusion which advises whether the site with mitigation is suitable for development and whether additional policy wording needed.
  - An assessment of any cumulative effects on the AONB.
66. The work includes a study of the settlement context and settlement evolution, review of landscape character, historic landscape characterisation and landscape sensitivity and specifically identifies within each site the components of natural beauty and the likely effects upon them.
67. Both Natural England and the High Weald AONB Unit were consulted on the development of this methodology.
68. In summary, the key recommendations and conclusions reached in the site-specific assessments [[CD 3.96c](#)] include:

#### **AL/PE1**

- Retention of the existing remnant parkland would maintain an attractive and characteristic part of the site and, in combination with the remaining proposed open space to the east of the site, would protect the well treed landscape setting to the footpath and historic routeway associated with Chalket Lane.
- The remnant parkland could be managed as parkland or allowed to transition to woodland, both of which would enhance the existing character of this area. There is the opportunity to allow public access as part of public open space provision.
- Development of the site in conjunction with the proposed mitigation could be achieved without residual significant landscape or visual effects (from publicly assessable viewpoints).

## AL/PE2

- Inclusion of the high ground of the site within a 40m wide open space would protect the existing green setting to the routeway (footpath) located to the south of the site. Within this open space there are opportunities for enhancing the setting to the routeway (by removal of the existing weldmesh fencing) and by reintroducing a characteristic treed backdrop to the route. This would have to be carefully designed in order to maintain some of the attractive north-facing views currently experienced from the south of the site.
- The proposed mitigation measures set out, provide sufficient control that development could be located within the northern area of the site, without significant harm to the landscape within the site or to the character and appearance of the wider AONB. Furthermore, there are opportunities to enhance a degraded section of a historic routeway, located to the south of the site and to provide improved recreational opportunities within the site.

## AL/PE3

- Inclusion of the high ground of the site within a 40m wide open space would protect existing woodland and would provide opportunities to extend the wooded edge along the southern edge of Pembury. The placement of the open space to the south of the site, limits the potential for new development to affect the character of the rural landscape to the south of the A21.
- By following the proposed GI strategy and policy measures (set out in the assessment), it would be possible to mitigate for development within the site and provide some on-site enhancements that would contribute positively to the character and appreciation of the AONB.

69. The recommendation within the LVIA led to a reduction in the quantum of development and an increase in landscape buffers/green space across all three sites. The overall conclusion for AL/PE1 to AL/PE3 in the LVIA [[CD 3.96c](#) electronic page 35 paragraph 6.4.8.1) was that:

*“The sites conform to the existing settlement pattern and have the potential for development without significant harm to the High Weald AONB. The measures*

*stipulated within this report, including control of building heights, protection of characteristic landscape features and enhancement of the landscape within areas proposed as open space, would be sufficient to moderate the potential effects of development (in accordance with para 172 of the NPPF, section c). The proposed change in character within the sites would be consistent with existing settlement character and has the potential to enhance the character of the village and consolidate the green edge to the village, which would maintain its enclosure from the wider landscape. There are opportunities within all three sites for the protection of existing rights of way and improvements to the recreational resource.”*

70. There is an overall conclusion and recommendations in the main LVIA document [[CD 3.96a](#) pages 16 and 17), which in table form shows that the potential harm to the AONB has reduced in level from that predicted at Regulation 18 stage as Medium/Low to Low taking into account the outcomes and recommendations of the Landscape Sensitivity and the LVIA work which has informed the allocations and their policy wording, including the provision of open space and landscape buffers and the reduced scale of development proposed by the allocations.
71. At the request of the Council, the developers for the three sites have submitted a joint Position Statement (dated April 2022) attached at **Appendix 2**, which includes, at paragraph 1.3.4, an undertaking by the three parties to liaise on the design, specification and management prescriptions of the landscape buffer to the A21 to ensure there is a consistent approach across all three sites that will deliver in the long term a singular landscape feature. This is yet another example of how the landscape work has influenced the approach to the development of these sites.
72. Having set out above that the Council considers the three sites major development on a cumulative basis, the following sub-headings explain the ‘exceptional circumstances’ to justify proposed development in the AONB.

### **Sustainability of the settlement of Pembury**

73. The Council’s response to Question 3 above, refers to the sustainability of the location of these sites. This is an important consideration in establishing whether there are ‘exceptional circumstances’ for this cumulative major development in the AONB has been the sustainability credentials of these sites.



74. The findings of the Settlement Role and Function Study [[CD 3.72](#)] relating to Pembury, find it a settlement suitable for further growth in terms of access it provides to services and facilities that support their sustainability. All three sites lie adjacent to the existing established Limits to Built Development of Pembury and would form logical extensions to this already well established and sustainable settlement.

### **Housing Need**

75. The Council's response to Matter 2, Issue 1 deals with the matter of housing needs and the housing requirement. The three sites will make a valued contribution towards meeting the housing needs of the constrained borough, some 210-220 dwellings, of which 40% (84-88) will be affordable homes, located in a sustainable location. This housing need is an important factor in establishing whether there are 'exceptional circumstances', both in terms of general housing needs and affordable housing provision. The borough is constrained, with approximately 70% designated as High Weald AONB (and approximately 22% being Green Belt). Opportunities to develop outside of these designations are limited, as set out in the Development Strategy Topic Paper [[CD 3.126](#)].

### **Cycle/walking links**

76. The policies for the three sites include requirements for walking/cycling links into Pembury village centre and wider countryside, including a segregated east-west cycle and walking route, connecting with the adjacent allocations and existing cycle network and Public Rights of Way (PRoW) network, including the A264 Pembury Road into the town centre of Royal Tunbridge Wells (RTW); and potential link to the eastern side of RTW at Hawkenbury.

77. The policies also require there to be consideration of opportunities for upgrading the existing PRoW along Chalket Lane (WT240) to a bridleway to establish a connection with the existing bridleway WB43 as a way of establishing active travel opportunities and enhancing access to the Green Belt and countryside generally.

78. Question 7 (which also addresses Questions 15 and 21) explains more detail about the provision of these cycle routes and improvements to the PRoW network, including a joint Position Statement submitted on behalf of the three developers with interests in these sites. These improvements will enhance recreational opportunities in the wider

AONB and are therefore a factor in consideration of 'exceptional circumstances' that applies to all three sites.

### **Other Site-Specific Benefits**

79. There are site-specific public benefits arising from the allocation of these sites, specifically the provision of new, additional car parking (of approximately 30 spaces) to be provided for use by the adjacent Village Hall and wider public on-site AL/PE1 and the safeguarding of land for cemetery expansion on site AL/PE2.
80. The justification for the car park and its location, and the justification/need for the safeguarded land/cemetery expansion is dealt with by the Council's response to Questions 4 and 12 respectively.

### **Exceptional Circumstances Summary and conclusions**

81. As explained above, the Council considers sites AL/PE1, AL/PE2 and AL/PE3 to be major development only on a cumulative basis, and as such justification (exceptional circumstances) for development of these sites is needed. The response above sets out site-specific matters that contribute to 'exceptional circumstances'. These include AONB landscape sensitivity, sustainability credentials of the settlement, and the public benefits arising from development of the sites, which would be in the public interest.
82. The Council considers that the factors set out and explained above together amount to 'exceptional circumstances' to justify the cumulative impact of these sites on the AONB. There are significant public benefits arising from development of these sites that are in the wider public interest. The factors, summarised below, warrant significant weight in the decision to allocate these sites:
  - a) AONB landscape impact: The findings of landscape sensitivity work find that the sites, parcel Pe8, have been assessed as having a lower sensitivity than much of the rest of the landscape surrounding the Village. The LVIA work has found there is potential for development of the sites, which can also bring enhancements to the AONB.
  - b) Sustainability grounds: All three sites are in a highly sustainable location sited on the edge of the existing, established settlement. The Settlement Role and Function

Study Update, February 2021 [[CD 3.72](#)], has found Pembury to be suitable for further growth.

- c) Contribution to housing provision: The three sites will make a valued contribution towards meeting the housing needs of the constrained borough, in which there is an identified need of some 678 dwellings/year over the plan period. There is also a substantial need for affordable housing in the borough, with a potential need for some 323 affordable homes per annum.
- d) Provision of new and enhanced cycle and walking links, connecting with the wider network and landscape, increasing recreational opportunities within the wider AONB.
- e) In addition, there are site-specific public benefits arising from the allocation of sites AL/PE 1 and AL/PE 2. Specifically, this is the provision of new, additional car parking provision (of approximately 30 spaces) to be provided for use by the adjacent Village Hall and wider public on-site AL/PE and the safeguarding of land for cemetery expansion on site AL/PE2.

83. These are significant public benefits, which would benefit not only the new residents, but also existing residents of Pembury and those of the wider area and taken together provide 'exceptional circumstances' for allocation of these sites in the AONB.

**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?**

84. In broad terms, the Council's response to Matter 5, Issue 1 (Site Selection Methodology) [TWLP/021] explains how the Council has determined which sites to allocate in the Local Plan, including consideration of the evidence base supporting the Local Plan, which includes detailed work on landscape and the AONB. Question 3 of Matter 5, Issue 1 deals with, amongst other things, effects of development on landscape character, including the AONB and its setting. The Council's response to Matter 3, Issues 1 and 2 (Spatial Strategy and Distribution of Development) [TWLP/014 and TWLP/015] sets out in more detail the approach the Council has taken to sites in the AONB.

85. More specifically, the sites at Pembury have been assessed through the SHELAA process [[CD 3.77a](#) main report and Pembury site assessment sheets [3.77m](#)], which found them to be available, suitable and achievable.
86. As plan making progressed, these sites were reviewed in consultation with both Natural England and the High Weald AONB Unit, which resulted in the commissioning of additional evidence base work, specifically individual LVIAs. The findings of the LVIA for these sites has directly informed decisions about site allocations and specific policy wording.
87. In conclusion, the Council considers that there are 'exceptional circumstances' which justify the development of sites AL/PE1, AL/PE2 and AL/PE3 in the AONB. The Council's evidence base, as set out in the above response, does not raise any issues indicating that the sites are unsuitable in principle. The sites are considered suitable in principle, with the development of these sites also providing several public benefits. These include the contribution towards meeting housing need, including 40% affordable housing provision, walking and cycling links, a car park serving the village and the safeguarding of land for cemetery expansion, none of which are likely to be delivered in the absence of the allocation of these sites.

## Summary and Conclusion

88. Considered individually, the Council does not, in the context of paragraph 177 of the NPPF, take the view that sites AL/PE1 – AL/PE3 inclusive, constitute major development in the AONB. However, the Council has considered the sites cumulatively because of their proximity to one another and is of the view that this was, and remains, entirely appropriate in the circumstances.
89. The response considers 'exceptional circumstances' which justifies this major development, on a cumulative basis. Factors that form 'exceptional circumstances' are explained, including sustainability credentials - the location of the sites, well related to Pembury Village, the findings of landscape sensitivity work and individual site LVIAs conducted by independent consultants. Other factors set out include housing need, provision of cycle and walking links and other site-specific benefits. There are clear 'exceptional circumstances' in this instance, and significant public benefits would arise from development of them.

90. The Council sets out how the potential impacts of development on the character and appearance of the area, including the AONB, have been considered as part of the plan-making process.

## Inspector's Question 6: [re. point of access]

*Where will the main access to the site be taken from?*

### TWBC response to Question 6

91. It is anticipated that the main access to the site will be taken directly from Pembury High Street in accordance with criterion 1 of policy AL/PE 1. This identifies that vehicular access shall be taken from Pembury High Street, and that the precise location of this shall be informed by a Transport Assessment.
92. A potential option for the point of access is indicated on Map 64 Site Layout Plan, on paginated page 276 (electronic page 277) of the Submission Local Plan [[CD 3.128](#)], which is part of the supporting text to the site policy for AL/PE1.
93. The access as indicated is the area of the site currently occupied by the site numbered in the SHELAA as Late Site 5, Dayspring Cottage, 55 High Street [[CD 3.77m](#)], which already has an existing vehicular access onto Pembury High Street. The intention is that the property would be demolished to allow access to be provided to the wider site.
94. An update from the site promoter indicates that the site developer has recently instructed highway consultants (the same consultants involved with sites AL/PE2 and AL/PE3) to act for them to progress highway matters, including the point of vehicular access to the site. The specialist highways consultant has experience and knowledge of KCC's design requirements, and knowledge of Pembury. It is anticipated that a KCC Highways & Transportation pre-application consultation request will be submitted soon.
95. It is noted that KCC Highways & Transportation made a representation to the Draft Local Plan (Regulation 18) consultation. Its representation (number DLP\_3349) did not object to the principle of allocation of the site on highway grounds, and recommended amendment to the policy wording, including that "*Vehicular access onto High Street from western point to be informed by a Transport Assessment*", with the need for the access point to be informed by a Transport Assessment captured by criterion 1 of the proposed site allocation policy.
96. It is noted that after the Draft Local Plan consultation, a developer who at that time had an interest in the site (different to the current developer) had initial discussions with

KCC Highways & Transportation, which included an alternative access proposal (from Camden Avenue) to the site. KCC Highways & Transportation expressed concerns about the access as indicated at that time. Recently KCC Highways & Transportation has indicated that it requires further information to confirm that safe and suitable access can be provided. As above, the site developer is undertaking detailed discussions with KCC Highways and Transport, and the Council will be able to update on this at – or ahead – of the Hearing.

## Summary and Conclusion

97. The Council's response explains that it is anticipated/expected that the main access to the site will be taken from Pembury High Street, in accordance with the policy wording, and that the precise location of this shall be informed by a Transport Assessment.
98. A potential access option is set out in the policy, which aligns with discussions held with the site promoter and developer. The developer is undertaking discussions with KCC Highways & Transportation. An update on this will be provided at or ahead of the Hearing Session.

## **Inspector's Question 7: [re. consideration of improvements to the cycle and bridleway network in planning applications]**

*Is it clear to decision-makers, developers and local communities how applications for planning permission should 'consider' improvements to the cycle and bridleway network? What is required of development proposals?*

### **TWBC response to Question 7**

**Is it clear to decision-makers, developers and local communities how applications for planning permission should 'consider' improvements to the cycle and bridleway network?**

100. The three allocation policies AL/PE1, AL/PE2 and AL/PE3 all include the requirement for development proposals to explore, and where feasible provide for, a segregated east-west cycle route, connecting with the adjacent site allocations (AL/PE1 to AL/PE3 inclusive) and the existing cycle network, including the A264 Pembury Road cycle route into Royal Tunbridge Wells town centre. This is set out at criterion 3 of the policy wording for site AL/PE1 and criteria 6 and 7 of policies AL/PE2 and AL/PE3 respectively.
101. Further improvements for cycle routes are then set out at criteria 4 and 5 of the policy for AL/PE1, criteria 7 and 8 for AL/PE2 and criteria 8 and 9 for AL/PE3. These relate to the consideration of opportunities for the provision of a cycle link between Pembury and the east side of Royal Tunbridge Wells at Hawkenbury, and the upgrading of the cycle path along Chalket Lane to a bridleway.
102. The Council's response below is a combined response covering the Inspector's Questions 7, 15 and 21.

### **What is required of development proposals?**

103. It is considered that the policy criteria are clear in that they flag to decision-makers, developers and local communities, that the provision and enhancement of cycle routes and bridleways is a material planning consideration in the determination of future planning proposals for these sites.



104. Throughout the plan-making process, officers have engaged with the promoters and developers of the three sites, including on the provision of new and improved cycle routes and upgrades to the Bridleway, including the upgrade of the Chalket Lane cycle path to a Bridleway. Officers have liaised with KCC Highways & Transportation and KCC Public Rights of Way officers to inform discussions with the site promoters/developers.
105. Because of this ongoing engagement, the three site promoters/developers have been able to submit to the Council a joint Position Statement (dated April 2022, submitted by DHA Planning on behalf of the three parties), attached at **Appendix 2**.
106. The Position Statement, dated April 2022, confirms the parties' intention to work together to support the delivery of the new and enhanced cycle links as sought by the Submission Local Plan, which includes the upgrade to the Bridleway.
107. Particular attention is drawn to part 1.3 which sets out the site promoters' position. Of particular note is confirmation at 1.3.1 that the respective layouts will provide for the continuous east-west cycle route, which will connect with the existing cycle network along Pembury High Street. Furthermore, at 1.3.3, the parties support the principle of the Pembury to Hawkenbury route, and confirm they are each willing to provide a proportionate financial contribution towards delivery of this, to be secured through Section 106 agreement at the planning application stage and based on a cost per dwelling. KCC will lead on delivery of the improvements.
108. Paragraph 1.3.4 sets out that subject to site viability, the parties support the principle of early funding and delivery of the Pembury to Hawkenbury route so that this is place prior to completion of development.
109. Appendix A of the Position Statement shows each of the cycle routes (east to west/Pembury to Hawkenbury), including the stretch of the existing cycle path along Chalket Lane that it is proposed will be upgraded to bridleway.
110. The parties are supportive of the Council's aspirations and are willing to meet the requirements of their respective allocation policies.

111. The approach set out in the Position Statement is supported by both the Council and KCC. The KCC Public Rights of Way Officer confirms this by email received 28 April 2022, attached at **Appendix 3**.
112. It is accepted by the Council that the joint Position Statement builds on the policy requirements and provides more detail on what is expected. The Inspector may wish to consider whether a modification to the site allocation policies for these three sites is necessary, to ensure the wording is more definitive with respect to the provision of these improvements, informed by the joint Position Statement.
113. Taking site AL/PE1 as an example, criterion 4 of the policy wording could be amended to read:
- 4) Proposals shall make financial contributions towards the delivery of a cycle route link from the southern edge of the settlement of Pembury, running south over the A21 to link with the east side of Royal Tunbridge Wells at Hawkenbury (which will be delivered by Kent County Council). This shall include an upgrade along parts of the route to bridleway, as a way of ensuring active travel opportunities and enhancing access to the Green Belt;*
- Criterion 5 would be removed.
- Policies AL/PE2 and AL/PE3 could be amended in the same way.

## Summary and Conclusion

114. The Council's response sets out the requirements of the site policies in respect of improvements to the cycle and bridleway network and provides detail of a joint Position Statement submitted on behalf of the three sites. The joint Position Statements sets out proposed improvements to the cycle and bridleway network, agreed by the Council and KCC. The Inspector is invited to consider whether amendments to the wording of the site allocation policy wording for the three sites is required as identified in paragraph 113 above.

## **Inspector's Question 8: [re. legal mechanism tying additional car parking and the housing]**

***Policy AL/PE1(11) requires a legal mechanism to be put in place to ensure that the provision of the additional parking for the adjacent village hall and the public is tied to the delivery of the housing, at a suitable stage of the development. What is the justification for this requirement, and will it be effective?***

### **TWBC response to Question 8**

115. Criterion 11 sets out the requirement for a legal mechanism to ensure the provision of the additional car parking is tied to the delivery of the housing at a suitable stage of development, to be agreed at the planning application stage.
116. Legal mechanisms (normally Section 106 agreements) in planning decision-taking are used to secure planning obligations and benefits arising from development proposals, and normally include a trigger point for delivery to ensure the particular obligation/benefit is provided at a particular point in time.
117. The initial requirement for a legal mechanism in this instance was to ensure provision of the parking provision at an appropriate point in time and to address matters relating to management and maintenance to be addressed at the planning application stage.
118. In responding to the question from the Inspector, the Council has given further consideration as to the requirements for the legal agreement. The Council considers that having reflected on this, the provision of the car parking, its management and maintenance could be suitably provided and secured through a combination of a planning condition and a legal agreement. A planning condition could require the provision of the car parking at a suitable stage in the development. A legal agreement would be needed to deal with matters relating to management and maintenance.
119. Because of this the Inspector may be minded to consider the need to amend the policy wording, which could be amended to state *"A planning condition will be attached to development proposals, to ensure the additional parking provision required by Criterion 2 is provided at a suitable stage of the development, to be agreed at the planning application stage. Matters relating to management and maintenance of the*

*car parking will be secured by legal agreement.*” It is noted that this revised text could be added at the end of the Criterion 2 as currently worded.

## Summary and Conclusion

120. The above response explains the current policy requirement and that upon reflection, the Council considers the policy could be amended to enable the provision of the additional car parking to be dealt with by planning condition. The Council considers that a legal mechanism will be required to ensure appropriate management and maintenance of the additional parking. A suggestion as to revised policy wording is put forward for consideration by the Inspector.

## **AL/PE2 - Land at Hubbles Farm and South of Hastings Road**

### **Inspector's Question 9: [re. proposed area of residential development]**

*How has the proposed area of residential development been established? What is it based on and is it justified?*

### **TWBC response to Question 9**

121. The Council's response to this Question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 1, above.

## **Inspector's Question 10: [re. Green Belt boundary]**

***What is the justification for the proposed Green Belt boundary? Will the revised boundary be clearly defined, as required by paragraph 143 of the Framework?***

### **TWBC response to Question 10**

122. The Council's response to this Question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 2, above.

## **Inspector's Question 11: [re. Green Belt exceptional circumstances]**

*Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?*

### **TWBC response to Question 11**

123. The Council's response to this question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 3, above.

## Inspector's Question 12: [re. safeguarded land for cemetery expansion]

***What is the justification for the inclusion of an area of safeguarded land? Is an extension to the cemetery needed and how and when will it be provided?***

### **TWBC response to Question 12**

#### **Justification for the inclusion of an area of safeguarded land**

124. Paragraph 82 (previously paragraph 81) of the NPPF [[CD 1.4](#)] advises, amongst other things that Planning policies should:

*d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.*

125. The need for the cemetery expansion is dealt with below. The area of safeguarded land is included to ensure that land is identified in the Local Plan as being suitable to meet the need for an extension to the cemetery during the plan-period. It shows support within the Local Plan, in principle to the use of this safeguarded land for cemetery use. It is noted that the safeguarded land is to remain Green Belt and that use of Green Belt land for cemetery use is not inappropriate development in the Green Belt (identified at paragraph 149 b) of the NPPF). The inclusion of the safeguarded land accords with paragraph 82 of the Framework, by building in flexibility to meet the future needs of the parish for cemetery space.

126. At the same time the safeguarding of land for use as cemetery expansion will reduce the risk of the land being used for other purposes.

#### **Is an extension to the cemetery needed?**

127. It is considered that an extension to the existing cemetery will be needed during the plan-period.

128. This has been confirmed by Pembury Parish Council, by email dated 20 November 2019, attached at **Appendix 4**. This identifies that based on the number of burials over the 15 years (prior to the email in 2019), the Parish Council anticipate there to be less



than 15 years left on the existing cemetery - likely to be 12-14 years' worth of burials if they occur at the same rate as they did from 2004.

129. Another factor relating to need is the ageing population and expansion of the number of beds at care homes within Pembury Village, which could also impact on demand at the cemetery, in addition to other planned growth at Pembury through allocations in the Local Plan.
130. The Parish Council strongly support the safeguarding of this piece of land for an extension to the existing cemetery at St Peter's Upper church, where many funeral services are held. This is set out in its' representations to both the Draft Local Plan and Pre-Submission Local Plan consultations (representation numbers DLP\_6105 and PSLP\_184).
131. Recent discussions with the Parish Council continue to indicate a need for the cemetery expansion.
132. Given the above, there is a need to plan positively for the future expansion of the cemetery. The most appropriate way of enabling this is by safeguarding land for this purpose to minimise the risk of the land being lost to other uses.

### **How and when will it be provided?**

133. Legal mechanisms (normally Section 106 agreements) in planning decision-taking are used to secure planning obligations and benefits arising from development proposals, and normally include a trigger point for delivery to ensure the particular obligation/benefit is provided at a particular point in time. If delivery of the obligation/benefit is not secured through a legal mechanism, there is the risk of non-delivery. In this case it is the transfer of the area of safeguarded land to the Parish Council that would need to be secured by a negatively worded planning obligation requiring transfer before residential development is commenced or at an alternative stage of development.
134. Barton Willmore acting on behalf of Obsidian Strategic through its representation to the Pre-Submission Local Plan consultation (number PSLP\_1836) has confirmed support for this approach noting that *"This is supported in principle and an agreement*

*of a suitable time can be made through a Section 106 Agreement associated with any planning permission”.*

135. It is expected that the safeguarded land will be passed to the Parish Council who will then be responsible for the future use/delivery of cemetery plots, which given the need set out above, is likely to be within the plan period. The developer would make the land available as part of future development proposals for the site, anticipated to be in the earlier part of the Local Plan period.

## **Summary and Conclusion**

136. The above response sets out that the safeguarding of land as part of the site allocation policy for AL/PE2 is justified given the need to expand the cemetery at St. Peter’s Upper Church within the Local Plan period. The safeguarded land is to be secured by a legal agreement, supported in principle by the agent acting on behalf of Obsidian Strategic.

**Inspector's Question 13: [re. consideration of whether the site is major development in the AONB and its impact on character and appearance]**

***Does site allocation AL/PE2 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 13**

137. The Council's response to this Question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 5, above.

## Inspector's Question 14: [re. point of access]

*Where will the main access to the site be taken from?*

### TWBC response to Question 14

138. Criterion 1 of the site allocation policy makes it clear that a single point of access is to be provided onto Hastings Road, to be informed by a transport assessment, as well as a detailed topographical and tree survey.
139. It is expected that the main access to the site will be taken directly from Hastings Road. This is indicated on Map 65 Site Layout Plan, on page 280-281 (electronic page 281-282) of the Submission Local Plan [[CD 3.128](#)], which is part of the pre-ambles to the site policy for AL/PE2. This reflects the Pre-Submission Local Plan.
140. The access, as indicated, is the area of the site currently fronting onto Hastings Road, along which there is an existing vehicular access into Hubbles Farm, almost directly opposite Belfield Road to the north.
141. The site promoter has had discussions with KCC Highways & Transportation about how an appropriate and safe means of access could be achieved. Progress has been made about design of such an access – a potential staggered access given the location opposite Belfield Road, and whilst there are technical issues to resolve to ensure the required visibility splays can be achieved, TWBC considers this can be resolved at the planning application stage.
142. An update from KCC Highways & Transportation was received 09/05/21, stating that "*.....I see that capacity at the junction of the new site access with Hastings Road is not an issue and Drawing number H-02 P1 dated 28.10.20 shows a right-left stagger with 15m junction spacing in line with the Kent Design Guide which is acceptable. Visibility from the site access should be checked as it seems that the splay to the left would skim the boundary and overgrown hedge fronting No 30 Hastings Road, although I do note that Simon Moon has stated that 'that there is the potential to use land associated with No. 30 Hastings Road if required'.*
143. It is noted that KCC Highways & Transportation and Transportation made a representation (number DLP\_3350) to the Draft Local Plan consultation, which did not object in principle to this site allocation. It conditionally supported the policy, with a

proposed amendment: “Vehicular access onto Hastings Road to be informed by a Transport Assessment. A suitable stagger will be required between the new access road and Belfield Road”. Criterion 1 of the policy wording was amended to include the need for the vehicular access to be informed by a Transport Assessment.

## Summary and Conclusion

144. The Council’s response explains that it is anticipated that the main access to the site will be taken from Hastings Road, in accordance with the policy wording, and that the precise location of this shall be informed by a Transport Assessment as well as a detailed topographical and tree survey. The site promoter has been engaging with KCC Highways & Transportation and TWBC is confident a solution will be found.

## **Inspector's Question 15: [re. consideration of improvements to the cycle and bridleway network in planning applications]**

*Is it clear to decision-makers, developers and local communities how applications for planning permission should 'consider' improvements to the cycle and bridleway network? What is required of development proposals?*

### **TWBC response to Question 15**

145. The Council's response to this Question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 7, above.

## **AL/PE3 - Land North of the A21, South and West of Hastings Road**

**Inspector's Question 16: [re. proposed area of residential development]**

***How has the proposed area of residential development been established? What is it based on and is it justified?***

### **TWBC response to Question 16**

146. The Council's response to this Question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 1, above.

## **Inspector's Question 17: [re. Green Belt boundary]**

***What is the justification for the proposed Green Belt boundary? Will the revised boundary be clearly defined, as required by paragraph 143 of the Framework?***

### **TWBC response to Question 17**

147. The Council's response to this Question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 2, above.



## **Inspector's Question 18: [re. Green Belt exceptional circumstances]**

***Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

### **TWBC response to Question 18**

148. The Council's response to this Question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 3, above.

**Inspector's Question 19: [re. consideration of whether the site is major development in the AONB and its impact on character and appearance]**

***Does site allocation AL/PE3 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 19**

149. The Council's response to this Question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 5, above.

## **Inspector's Question 20: [re. point of access]**

***Where will the main access to the site be taken from?***

### **TWBC response to Question 20**

150. It is expected that the main access to the site will be taken directly from Hastings Road, in accordance with criterion 1 of the policy AL/PE3, which is clear that a single point of vehicular access shall be provided onto Hastings Road.
151. The site promoter has engaged with KCC Highways & Transportation, with discussions about a technical Transport Scoping Note. The Scoping Note, prepared by highways and transport specialists indicates a proposed means of vehicular access to be provided from Hastings Road via a new priority junction. This will have an initial carriageway width of 5.5m and footways measuring 1.8m will be provided on entry to the site.
152. Discussions between the site promoter and KCC Highways & Transportation indicate that there is currently nothing that raises concern about the ability, in principle, to provide vehicular access from Hastings Road as required by the proposed allocation policy.
153. KCC Highways & Transportation has not objected to the allocation of this site through its representations to the Draft Local Plan. Its representation (number DLP\_ 3351) supported the site policy in principle, with suggested amendments to policy wording, which did not relate to the means of site access.
154. The site promoter has recently submitted a pre-application advice request to the Development Management team at the Council. The illustrative masterplan submitted as part of a package of information reflects the access discussed with KCC Highways & Transportation. Comments made by KCC Highways & Transportation on the Scoping Note are being considered by the developer's highways consultant and are informing the production of a Transport Assessment which will accompany a future planning application.

## Summary and Conclusion

155. The Council's response explains that it is anticipated that the main access to the site will be taken from Hastings Road, in accordance with the policy wording.
156. It gives an update on progress made, explains that the site promoter has engaged with KCC Highways & Transportation, including on a potential access option. This reflects a pre-application advice request the promoter has since made to the Council. There is nothing to indicate that a safe and satisfactory means of access is unable to be provided to serve the development of this site.

## **Inspector's Question 21: [re. consideration of improvements to the cycle and bridleway network in planning applications]**

*Is it clear to decision-makers, developers and local communities how applications for planning permission should 'consider' improvements to the cycle and bridleway network? What is required of development proposals?*

### **TWBC response to Question 21**

157. The Council's response to this Question is given through a combined response relating to sites AL/PE1, AL/PE2 and AL/PE3 set out under Question 7, above.

## AL/PE4 – Land at Downingbury Farm, Maidstone Road

### **Inspector’s Question 22: [re. proposed area of residential development]**

***How has the proposed area of residential development been established? What is it based on and is it justified?***

### **TWBC response to Question 22**

158. The proposed area of residential development for sites AL/PE4 has been established following consideration of site constraints contained in the Council’s GIS layers, as well as consideration of relevant evidence base documents (identified below), informed by officer site visits and discussions with the Council’s specialist Landscape and Biodiversity Officer and Conservation and Urban Design Officer. This work informed the proposed area indicated for residential development set out in the site allocation policy, first in the Regulation 18 Draft Local Plan [[CD 3.9](#)], then the Pre-Submission Local Plan [[CD 3.58](#)] and subsequent Submission Local Plan [[CD 3.128](#)].

159. Evidence base documents of particular relevance include the Landscape Sensitivity Assessment work - the Landscape Sensitivity Assessment of Countryside around Tunbridge Wells [[CD 3.102a](#)] and Sub Area Assessments Part 1 (parcel Pe1) [[CD 3.102b\(i\)](#)]. The findings of the assessment for parcel Pe1 (on page 92) note “....*there may be pockets of land associated with the A21 or existing development where sensitivity to limited small-scale development which could be relatively contained in the wider landscape would be medium-high*”. The parcel lies adjacent to parcel Pe6, which includes the safeguarded land for hospice expansion. The findings of this assessment are helpful, noting “.... *there may be pockets of land associated with existing development where sensitivity to limited medium-scale development which could be relatively contained in the wider landscape would be medium-high*”. It is noted that the assessment findings (for parcel Pe6) note “*Valleys and woodland provide containment, but there is sensitivity in terms of rural character, and the historic farmsteads to the north of the village add to this sensitivity*” – this informed the decision not to allocate other land at Downingbury Farm promoted by the site owner.

160. Green Belt studies have also informed the site, including the Tunbridge Wells Green Belt Study [\[CD 3.93\]](#), including Green Belt Study Stage 2 [\[CD 3.93b\(i\)\]](#) and Green Belt Study Stage 2 - Appendix A Pembury, Five Oak Green, Paddock Wood [\[CD 3.93b\(iii\)\]](#).
161. Whilst officers initially made a judgement on what the developable area of the site should be, as set out in site allocation policies of the Draft Local Plan [\[CD 3.9\]](#), developable areas included in the Pre-Submission Local Plan [\[CD 3.58\]](#) were refined following consideration of responses to the Regulation 18 Draft Local Plan consultation and, the further Stage 3 Green Belt Study [\[CD 3.141\]](#). The assessment for site AL/PE4 is given on pages 100 to 104 (electronic pages 105 to 108). Paragraphs 4.223 and 4.224 provide potential mitigation measures, which have directly informed policy wording, including the extent of open space and landscape buffer and land proposed for residential development. Officers have ensured a set back from the adjacent Pembury bypass north of the site, with an area of open space and landscape buffer running along the northern edge of the allocation, running along part of the western boundary of the site adjacent to the area of Ancient Woodland west of the site.
162. Throughout the assessment of this site, officers liaised with the specialist Conservation and Urban Design Officer, to ensure proper consideration of heritage assets, comprising listed buildings and Downingbury Farm Historic Farmstead (these are explained in more detail in the Council's response to Question 28 of this Hearing Statement).

## Summary and Conclusion

163. The above response explains how the Council has established the area proposed for residential use of the site AL/PE4, taking account of site constraints – which has included a number of heritage assets, evidence base work (Landscape Sensitivity and Green Belt studies), discussion with specialist officers and consideration to Local Plan consultation responses.
164. It sets out that account has been taken of the location of the site adjacent to the Pembury bypass north of the site, with an area of open space and landscape buffer forming part of the allocation.

165. The proposed area of residential development is considered justified. The Council's response demonstrates that the developable area for site AL/PE4 is based on a thorough assessment of the site, informed by ongoing discussion with the specialist Landscape and Biodiversity Officer and Conservation and Urban Design Officer and representations to the Local Plan consultations.



## **Inspector's Question 23: [re. Green Belt boundary]**

***What is the justification for the proposed Green Belt boundary? Will the revised boundary be clearly defined, as required by paragraph 143 of the Framework?***

### **TWBC response to Question 23**

#### **What is the justification for the proposed Green Belt boundary?**

166. The Local Plan seeks the release of site AL/PE4, with the Green Belt boundary amended accordingly.
167. The Council's responses on the principle of Green Belt release, the Green Belt review methodology and 'exceptional circumstances' for Green Belt release are dealt with by Matter 4, Issues 1 to 3 hearing sessions respectively [TWLP/018 to TWLP/020]. These help to set the context to the Council's response to this Question, set out below.
168. The proposed change to the Green Belt boundary in this location follows consideration of the findings of Green Belt evidence base work, comprising the Green Belt Study Stage 1 [[CD 3.93a](#)], Green Belt Study Stage 2 [[CD 3.93b\(i\)](#)], including Appendix A Pembury, Five Oak Green, Paddock Wood [[CD 3.93b\(iii\)](#)]; and Green Belt Study Stage 3 – Assessment of Green Belt Allocations [[CD 3.141](#)].
169. The Stage 3 study is the most recent and looked specifically at the impact of releasing sites from the Green Belt included in the Draft Local Plan (Regulation 18), subsequently included in the Submission Local Plan. The assessment of Green Belt harm has informed the decision to release this site from the Green Belt, and consequently inform the proposed changes to the Green Belt boundary in this location. The sub-heading below sets out the overall findings of the Green Belt Study work in relation to site AL/PE4, and following on from this, the Council's response addresses paragraph 143 of the NPPF. The Council's response to Question 24 of this Hearing Statement sets out the 'exceptional circumstances' for Green Belt release, which is also a factor in decisions made on amendments to the Green Belt boundary in this location.

## Assessment of Green Belt Harm and Purposes

170. To help establish the suitability of Green Belt sites for allocation, the Council commissioned three separate Green Belt studies. The Green Belt Study Stage 1 [\[CD 3.93a\]](#) included a strategic assessment of the Green Belt in the borough in the context of the wider Metropolitan Green Belt and Green Belt within adjacent local authorities. The assessment was undertaken in relation to the contribution of areas of land to each of the five Green Belt purposes. It included consideration of whether, and for which areas, a further 'Stage Two' Green Belt review should be undertaken, which would comprise a more detailed and focused review of parcels of land around identified settlements.
171. The site, AL/PE4, was identified as a Green Belt parcel (PE5), for further assessment with the key stage two consideration being noted as *"Relationship between settlement and countryside, with reference to role of A264 in forming barrier to encroachment/sprawl"*. [\[CD 3.93a\]](#) table 6.2, page 39].
172. The Tunbridge Wells Green Belt Study, Stage Two [\[CD 3.93b\]](#) considers the Green Belt parcel, PE5 in more detail.
173. In summary, the contribution that parcel PE5 makes to the Green Belt purposes varies from 'weak or no contribution' to 'Moderate' and has an overall harm rating of Moderate [\[CD 3.93b\(i\)\]](#) Table 6.2, page 28].
174. The more detailed assessment for the parcel, PE5 is found in Appendix A [\[CD 3.93b\(iii\)\]](#) electronic pages 12 to 13] and concludes that *"the A228 and Maidstone Road would constitute a strong Green Belt edge"*. The Council has noted this advice in proposing that the new Green Belt boundary follows vegetation associated with the A228 where the housing is proposed. For land retained for the expansion of the Hospice in the Weald, this is retained in the Green Belt. Development associated with expansion of the Hospice would likely meet the Green Belt requirement of 'very special circumstances'. The proposed Green Belt boundary can be seen on the inset map 29 Pembury [\[CD 3.129o\]](#).
175. The overall purpose of the Green Belt Study Stage Three assessment of Green Belt allocations [\[CD 3.141\]](#) has been to provide an independent, robust, and transparent assessment of the potential harm of releasing Green Belt land in line with national

policy, guidance and case law. This study focused on sites which are now included in the Submission Local Plan.

176. Chapter 4 sets out the harm assessments of the individual site allocations. The assessment for this site can be found on pages 100-104 (electronic pages 104-108) with a summary of harm set out on page 103, along with potential mitigation measures. The harm rating for this site, AL/PE4, is identified as 'low to moderate'. The identified mitigation measures have informed the wording of the individual site policies.
177. The Council wishes to identify that it is now proposed to release from the Green Belt, the area of the site previously proposed to be retained as Green Belt in the Submission Local Plan (safeguarded land for hospice expansion)– this retention being evident in the Green Belt work. A more detailed explanation for this change is given in response to Question 24 (about 'exceptional circumstances') of this Hearing Statement.

#### **Paragraph 143 of the NPPF**

178. Paragraph 143 of the NPPF [\[CD 1.4\]](#) lists six requirements to be met when defining Green Belt boundaries. The Inspector asks whether the revised Green Belt boundary will be clearly defined, the requirement of paragraph 143 f) which requires boundaries to be clearly defined, using physical features that are readily recognisable and likely to be permanent.
179. The proposed Green Belt boundary for Pembury is shown on the Inset Map 29 (Pembury) [\[CD 3.129o\]](#) with the legend found at [CD 3.129a](#). The Green Belt boundary is currently adjusted to remove the proposed area of housing and the existing built development of the Hospice following existing hedge and tree lines that are clearly visible on site. The now proposed release of the safeguarded land for the hospice, from the Green Belt will require a modification to the Pembury Inset Map.
180. The proposed release of the safeguarded land from the Green Belt would follow the Downingbury Farm access track (north of the safeguarded land) and Maidstone Road, (to the east), both of which are defensible and clearly defined.

181. This boundary meets with the requirements of paragraph 143 f) in that this boundary is clearly defined, using physical features that are readily recognisable and likely to be permanent.

182. For the above reasons, the Council considers that the revised Green Belt boundary is fully justified and will be clearly defined as required by NPPF paragraph 143.

## **Summary and Conclusion**

183. The Council's response provides justification for the proposed Green Belt boundary, explaining how this will meet the requirement of paragraph 143 of the Framework, which requires that the revised boundary be clearly defined. Reference is made to how the findings of Green Belt Studies have informed the decisions to amend the Green Belt boundary in this location, and an explanation on how the revised boundary will be clearly defined is given, with reference to physical features that are readily recognisable and likely to be permanent.

## Inspector's Question 24: [re. Green Belt exceptional circumstances]

***Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

### **TWBC response to Question 24**

184. To respond to this question the Council wishes to first cross-refer to its response to Question 3 of this Hearing Statement, paragraphs 35 to 36.
185. In relation to this site, AL/PE4, the Green Belt Study Stage 3 [\[CD 3.141\]](#) provides information on the level of harm to the Green Belt that is likely to result from the release of this site, and the predicted harm to adjacent remaining Green Belt. The Green Belt Study Stage 3 identifies 'Low to Moderate' Harm to the Green Belt from the release of the site and 'Negligible' Harm to the remaining Green Belt in the vicinity (page 103 paragraph 4.221 under Harm summary). The Stage 3 Green Belt Study considers the potential cumulative effects on the strength of the remaining Green Belt in Chapter 5 and notes that, as a result of the release of AL/PE4 (along with AL/RTW12 and AL/RTW13), "*The cumulative release of these two draft allocation sites will not affect the overall ability of the remaining Green Belt land to the north-east of Tunbridge Wells and north of Pembury in BA2 and BA5 to function as intended in respect to Purpose 1*" (paragraph 5.12).
186. Paragraph 5.11 comments on the site (along with others) further, noting "Whilst the cumulative release of these allocation sites will in itself constitute urban sprawl, the remaining Green Belt land to the north-east of Tunbridge Wells and north of Pembury (BA2 and BA5 of the 2017 Green Belt Study Stage Two) will remain strongly distinct from the urban area" and release of these sites and others in Pembury and Royal Tunbridge Wells "*will not weaken the contribution or affect the overall ability of the remaining Green Belt*" surrounding Pembury in respect of Purpose 3 '*safeguarding the countryside from encroachment*' (paragraph 5.23).
187. The Development Strategy Topic Paper [\[CD 3.126\]](#) identifies additional site-specific factors in table 5, page 66, which include mitigation and rationale. The mitigation notes:

- “A suitable robust buffer is provided for the new Green Belt boundary”.
- “Safeguarded land to remain in the Green Belt”.

188. Under Rationale, the table states for this site that development: “A228 & Maidstone Road provides strong boundary to Green Belt. Development in a sustainable location that helps facilitate expansion of the medical facility”.
189. The new Green Belt boundary here follows the A228 and edge of settlement (see inset map for Pembury [3.129o]) which are “*physical features*” that are “*readily recognisable and likely to be permanent*” as required by NPPF paragraph 143(f).
190. It should be noted that both the Green Belt study work and the Development Strategy Topic Paper considered the site as currently included in the Submission Local Plan. That is, the part release of the site from the Green Belt, with the safeguarded for hospice expansion, retained as Green Belt.
191. The location of the site adjacent to the existing hospice provides a strong locational imperative, since the expansion of the hospice can’t reasonably be located elsewhere. This is supported by the statement submitted on behalf of the Hospice in the Weald (HitW), at **Appendix 5**, which explains the expansion plans of the hospice at the Pembury site, as well as the need for expansion (please see the Council’s response to Question 25 for more detail on need).
192. There is a reasonable prospect of hospice expansion coming forward in the plan period – the statement on behalf of the HitW stating that “*once secured a planning application will be made to the Borough Council to support the expansion plans*”.
193. With the above factors in mind and given the Council’s response to Question 23 above regarding amendments to the Green Belt boundary, having reflected upon the allocation – including significant and clear progress made by the HitW as set out in the HitW statement, the Council considers there to be ‘exceptional circumstances’ to warrant the release of the safeguarded land from the Green Belt. As such the Inspector is invited to consider modifying the Plan accordingly.
194. Modifying the Plan to release all the site from the Green Belt would require amended supporting text at paragraph 5.697 of the Submission Local Plan to delete reference to the retained Green Belt. New text is suggested as follows:

*“Almost all the site is located within the High Weald AONB, with an area in the south-east corner adjacent to the Hospice in the Weald being sited outside the AONB. The western part of the site, on which residential development is anticipated, was formerly part of the Green Belt. The remainder of the site, the area to the east, remains designated Green Belt, being safeguarded for potential expansion of the Hospice in the Weald in the future, as indicated on the site layout plan. The Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. It is expected that delivery of housing on the site shall be tied with the provision of the land for the Hospice in the Weald expansion”.*

## Summary and Conclusion

195. The response explains why the Council considers there to be ‘exceptional circumstances’ to justify amending the Green Belt boundary in this location. The level of harm to the Green Belt (both specific release of these sites and predicted harm to remaining Green Belt), and localised need issues, as well as site-specific matters and context/nature of the sites is explained, which together form ‘exceptional circumstances’.

## **Inspector’s Question 25: [re. safeguarded land for extension of the Hospice in the Weald]**

***What is the justification for the inclusion of an area of safeguarded land? Is an extension to the Hospice in the Weald needed and how and when will it be provided?***

### **TWBC response to Question 25**

#### **Justification for inclusion of safeguarded land**

196. Paragraph 82 (previously paragraph 81) of the NPPF [\[CD 1.4\]](#) advises, amongst other things that Planning policies should:

*“d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”*

197. The need for expansion of the Hospice in the Weald (HitW) is dealt with below. The area of safeguarded land is included to ensure that land is identified in the Local Plan as being suitable to meet the needs of the hospice over the plan-period. It shows support within the Local Plan, in principle, to hospice expansion and accords with paragraph 82 of the Framework, by building in flexibility to meet the future needs of the hospice.

198. As explained in the Council’s response to Question 24 above, there is a locational imperative that adds to the need to safeguard land as part of the site allocation AL/PE4. At the same time the safeguarding of land will restrict use of this land for other purposes, ensuring the land remains identified to meet the future needs of the Hospice.

#### **Need to expand the Hospice and how and when it will be provided**

199. The inclusion of the safeguarded land for hospice expansion was first included in the Draft Local Plan following discussion with the Hospice about its future needs and aspirations and views of officers that the Plan should include some flexibility/support for the Plan to meet any future need for expansion. The HitW has confirmed through representations to both the Draft and Pre-Submission Local Plan consultations that an



extension to the Hospice is needed. These are representation numbers DLP\_2295 and PSLP\_1505 respectively.

200. To assist the Inspector at the Local Plan Examination, the planning agent (Kember Loudon Williams) acting on behalf of the HitW has submitted a statement, attached at **Appendix 5**. This provides a comprehensive statement as to the needs of the Hospice over the plan-period, and why in the opinion of the Hospice, the proposed policy provision is essential. The requirements and future expansion plans of the Hospice are explained, with reference to the existing Pembury site of the Hospice being at full capacity, increased demand for hospice services (as a result of an aging population) and proposals to launch a new children's hospice to care for children and young people.
201. This statement clearly demonstrates a need for hospice expansion which the Council considers should be supported in the Local Plan. The safeguarding of land will support the Hospice by ensuring land is kept available for its use. As set out in the statement, the key benefit of the formal allocation of the safeguarded land is the provision of the necessary confidence for the hospice to start funding raising and to liaise with benefactors to provide / raise money to fund / delivery the facility.
202. For this reason, the inclusion of safeguarded land in the Local Plan is considered both needed and justified. This safeguarding of land for hospice use is supported through several representations made at both stages of Local Plan consultation.

#### **How and when will expansion of the hospice be provided?**

203. The statement submitted on behalf of HiTW identifies that once the future use of this land is secured through the Local Plan a planning application will be made to the Borough Council to support the expansion plans. It is noted that the Trustees of the Hospice have designated funds specifically for physical expansion of the Hospice, and that the hospice is therefore in a position to start imminently.
204. It is noted that particularly since the inclusion of the safeguarded land in the Draft Local Plan the Hospice has made significant progress in its plans, to the point that it is now well placed to submit a planning application. This has been in part (possibly largely so), due to the emerging policy support for hospice expansion.

## Summary and Conclusion

205. The above response explains that there is a need for the Local Plan, and specifically site allocation policy AL/PE4 to plan positively, and to support the future needs of the HitW over the plan period. This is in accordance with advice in the Framework.
206. The clear need for hospice expansion is explained, as set out in a statement submitted on behalf of the Hospice. The justification for the safeguarded land is set out, ensuring land is available to meet the needs of the hospice and restrict other uses of the land during the plan period. At the same time, safeguarding of the land, provides certainty to the hospice and enables it to plan accordingly.

## **Inspector's Question 26: [re. non-removal of safeguarded land from the Green Belt]**

***What is the justification for not removing the area for possible future expansion of the hospice from the Green Belt?***

### **TWBC response to Question 26**

207. The Council's responses to Questions 23 and 24 above explain that the Council has further considered the need to retain the safeguarded land as Green Belt. Following recent significant progress made by the Hospice, explained above, the Council upon reflection, and considering the detailed statement from HitW about its needs and proposals, considers there are 'exceptional circumstances' to justify release of this safeguarded land from the Green Belt. As such, the Council invites the Inspector to consider a modification to the Plan, accordingly, as set out in the response to Question 24.

## **Inspector’s Question 27: [re. consideration of whether the site is major development in the AONB and its impact on character and appearance]**

***Does site allocation AL/PE4 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 27**

**Does the site represent major development in the AONB, and if so, is it justified?**

208. This question is the same as Questions 5, 13 and 19 in relation to site allocations AL/PE1, AL/PE2 and AL/PE3 (and further on in this Hearing Statement, Question 33 in relation to site AL/PE6).

209. In responding to this Question in relation to site AL/PE4, the Council wishes to first cross-refer to its response to Question 5 – paragraphs 54 to 57.

210. In terms of this site, AL/PE4, Appendix 3 Table 10, on pages 128-132 (electronic pages 132-136) gives the assessment for site AL/PE4, concluding in the final column, that the site is not major. The site is ‘not substantial’, representing around a 1% increase in settlement size, is ‘reasonably related’ to the existing settlement, and the impact on the AONB is predicted to be ‘Low’. The conclusion notes the effects of existing modern development, including the bypass.

211. This assessment is agreed with Natural England in the SoCG at Section 9 [[CD 3.132c\(v\)](#)] Appendix H to J (beginning on paginated page 20, electronic page 144).

212. The Appendix 3 table for the site notes:

- *“Small site on edge of settlement in gap to Pembury Bypass”.*
- *“Limited effect on AONB features”.*

213. Whilst the site is not considered major, there is of course, a need to give great weight to conserving and enhancing landscape and scenic beauty in future development of the site, in accordance with paragraph 176 of the NPPF.

214. The site policy wording captures the need for both a LVIA and Heritage Assessment, and seeks that proposals give full consideration to the site's edge-of-village location, providing a suitable and sensitive urban edge to the settlement, including landscape buffers to ensure a soft approach to the village and retention of existing hedgerows and mature trees (criterion 2).

**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?**

215. In responding to this part of the Question, the Council wishes to cross-refer to its response to Question 5 – paragraphs 84 to 85.

## **Summary and Conclusion**

216. The Council's response explains that site AL/PE4 is not major development in the AONB, which is agreed with Natural England. As such there is not a need to demonstrate 'exceptional circumstances' to justify major development in the AONB, since the site is not major.

217. Great weight has however been given to the need to conserve and enhance the landscape and scenic beauty of the AONB, captured in the policy wording at Criterion 2.

218. The response explains how the potential impacts of development on the character and appearance of the area, including the AONB, have been considered as part of the plan-making process, and how policy wording seeks to secure development proposals suitable and sensitive to the site and its context.

## **Inspector's Question 28: [re. impact on heritage assets]**

***What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Grade II\* listed Downingbury Farmhouse and associated buildings? How have heritage assets been taken into account in the preparation of the Plan?***

### **TWBC response to Question 28**

#### **Impact on designated heritage assets**

219. In deciding whether to allocate site AL/PE4 in the Local Plan, the Council has given very careful consideration to the impact of allocation on designated heritage assets. In broad terms the Council's response to Matter 5, Issue 1 (Site Selection Methodology), Question 3 explains how the Council has taken account of heritage assets in the plan-making process. That response sets the context to the more site-specific response that follows.
220. For site AL/PE4 the heritage assets of relevance include the Downingbury Farm Historic Farmstead, which comprises several listed buildings. These comprise the grade II listed Orchard Oast, Little Oast, Ash Barn and The Granary, as well as the grade II\* listed Downingbury Farmhouse. All lie outside of, but adjacent to, the proposed site allocation, and are acknowledged as being part of the Historic Farmstead, although all have been sold off from the remainder of the Farmstead and are now in separate ownership. In addition, lying further to the east of Downingbury Farm is Pippins Historic Farmstead.
221. The buildings together collectively form the Historic Farmstead, which is part of the heritage significance. The Historic Farmstead abuts the settlement (Pembury Village), including the established Limits to Built Development, which lies along part of the southern edge of the site. The site has a semi-rural setting, which is also part of the significance of the Historic Farmstead. It is acknowledged that some harm could be caused to this part of the significance because of development of the site and the suburbanisation effect of this. It is noted however, that the semi-rural setting of the farmstead has previously changed, including through the development of the Pembury bypass, which lies to the north of the site and by construction of the 1930s semi-

detached properties located to the east of Downingbury Farm along Maidstone Road and through development south of the site.

222. It is acknowledged that impact on heritage assets will be a material factor in the determination of future development proposals for the site. This is recognised by the requirement at criterion 2 of site allocation AL/PE4 for the layout and design of future proposals to give full consideration to the site's edge-of-village location, to be informed by a heritage assessment. Criterion 3 requires the layout and design to take account of the impact on the setting of heritage assets, including the adjacent listed buildings and the Downingbury Farm historic farmstead.

### **How have heritage assets been taken into account in the preparation of the plan?**

223. This site has been assessed through the SHELAA process [[CD 3.77a](#) main report and Pembury site assessment sheets [3.77m](#)], which found it to be available, suitable and achievable.
224. Assessment by the SHELAA has included consideration of heritage assets, including the Historic Farmstead and listed buildings, which are listed on the SHELAA site assessment sheet.
225. It is noted that the area of the farmstead that forms site AL/PE4 is part of a wider area of land that the landowner originally promoted for potential allocation in the new Local Plan. Other land has been assessed, namely that known as site 373. Site 373 was found unsuitable for potential allocation in the SHELAA, for reasons relating to significant landscape sensitivity concerns, including landscape impact on the setting of an historic farmstead and on the settlement (the findings of landscape sensitivity work are explained in the Council's response to Question 22).
226. In determining the suitability of land at Downingbury Farm (both sites 373 and 375) for allocation, officers have engaged with the Council's specialist Landscape and Biodiversity Officer and Conservation and Urban Design Officer, to help officers make informed decisions on the suitability of the site in general terms, and in making decisions about the extent of allocation, including scale of development and policy wording.
227. Of relevance are criteria 2 and 3, explained above.

## Summary and Conclusion

228. The Council has given very careful consideration to the impact of the allocation on designated heritage assets, which comprise an historic farmstead and five listed buildings. The response explains the context of these heritage assets, with reference to factors that form part of heritage significance, and factors that have affected this. Heritage assets are recognised as a material consideration in development of the site, which is reflected in the proposed policy wording. It is explained how heritage assets have been taken into account in preparing the plan, including through the SHELAA process, consideration of evidence base studies and on-going discussion with specialist conservation and landscape officers.



## **AL/PE5 – Land at Sturgeons fronting Henwood Road**

### **Inspector's Question 29: [re. current position regarding construction of dwellings]**

***What is the latest position regarding the construction of dwellings already approved on the site?***

### **TWBC response to Question 29**

229. This site, as set out at paragraph 5.709 (paginated page 289, electronic page 290) of the Submission Local Plan [CD [3.128](#)], benefits from planning consent granted under planning reference number 17/00756/FULL, for 19 dwellings. This was granted consent on 18 January 2019, with a requirement that development shall begin within three years of the date of the decision.

230. The Council has discharged most pre-commencement conditions and a recent site visit found that building work on the site has started and is now substantially complete.

### **Summary and Conclusion**

231. The above response explains that the site already benefits from planning permission. Work to implement the consent granted under planning reference 17/00756 has started, with the site being substantially complete.

## Inspector's Question 30: [re. Green Belt exceptional circumstances]

***Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

### **TWBC response to Question 30**

232. The northwest corner of the site currently forms part of the Green Belt and is proposed to be released from the Green Belt in the Submission Local Plan. This corner forms part of the rear curtilage of plots 18 and 19 granted consent under planning reference 17/0075.
233. To respond to this question the Council wishes to first cross-refer to its response to Question 3 of this Hearing Statement, paragraphs 35 to 36.
234. In relation to this site, AL/PE5, the Green Belt Study Stage 3 [\[CD 3.141\]](#) provides information on the level of harm to the Green Belt that is likely to result from the release of this site, and the predicted harm to adjacent remaining Green Belt. The Green Belt Study Stage 3 identifies 'Very Low' Harm to the Green Belt from the release of the site and 'Negligible' Harm to the remaining Green Belt in the vicinity (pages 105 – 108 under Harm summary). The Stage 3 Green Belt Study considers the potential cumulative effects on the strength of the remaining Green Belt in in Chapter 5 and notes that, "*Draft allocation AL/PE5 is located on the eastern edge of Pembury and constitutes only a small release of Green Belt land; strategically this would have little impact on the contribution the remaining Green Belt land to the east of Pembury in BA5.*" (paragraph 5.12) and release of the site and others in Pembury and Royal Tunbridge Wells "*will not weaken the contribution or affect the overall ability of the remaining Green Belt*" surrounding Pembury in respect of Purpose 3 'safeguarding the countryside from encroachment' (paragraph 5.23).
235. The Development Strategy Topic Paper [\[CD 3.126\]](#) identifies additional site-specific factors in table 5 on page 66 which include mitigation and rationale. The mitigation highlights for the site:
- "*Minimal effect dealt with by development management policies*".

236. Under 'Rationale' the table states that the site is in a "*sustainable location on previously developed land with minimal effect on Green Belt.*" The Inspector is aware of criticism elsewhere that the Council should maximise opportunities for development around Royal Tunbridge Wells and should minimise development in the AONB. This site is in a very sustainable location close to Royal Tunbridge Wells, the main settlement of the borough, and these factors are strong arguments that contribute towards 'exceptional circumstances'.

237. The new Green Belt boundary here follows the hedgerow that wraps round this previously developed site and the edge of settlement (see Inset Map for Pembury [[CD 3.129o](#)]) which are "*physical features*" that are "*readily recognisable and likely to be permanent*" as required by NPPF paragraph 143(f). This is demonstrated by the figure below. The Council wishes to note that there is an error on the proposed Pembury Map, which shows the Green Belt boundary cutting through the site, which would need amending to reflect the Green Belt release.

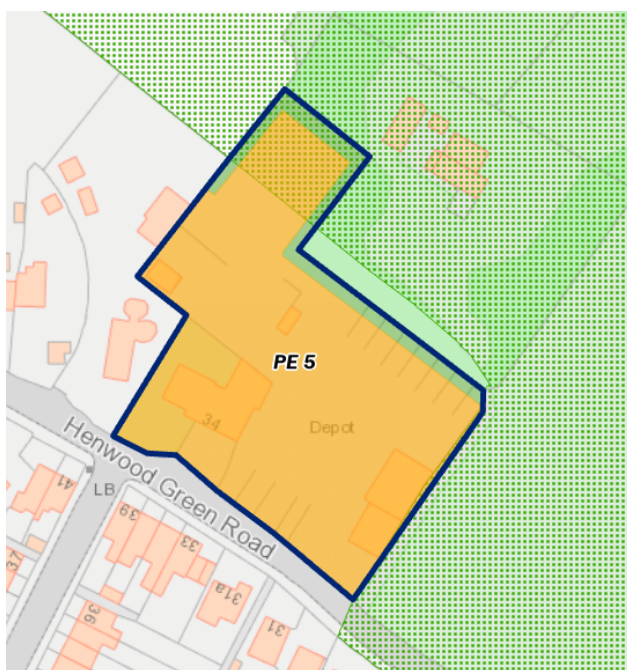


Figure 1 - AL/PE5 site allocation and greenbelt (green-dotted).

## Summary and Conclusion

238. The response explains why the Council considers there to be 'exceptional circumstances' to justify amending the Green Belt boundary in this location. The level of harm to the Green Belt (both specific release of these sites and predicted harm to remaining Green Belt), and localised need issues, as well as site-specific matters and

context/nature of the sites is explained, which together form 'exceptional circumstances'.

## **AL/PE6 – Woodsgate Corner**

### **Inspector's Question 31: [re. mix and scale of uses and deliverability]**

***How have the mix of uses and scale of the proposed development been established? Are they deliverable given the identified constraints?***

### **TWBC response to Question 31**

#### **How have the mix of uses and scale of the proposed development been established?**

239. The mix of uses and scale of development has been established following consideration of a number of factors, set out under the following sub-headings:

#### **Relevant Planning History**

240. Planning reference 09/01265 received planning consent for construction of a new foodstore to replace the existing foodstore on the site, associated car parking and landscape works. The proposal also included the construction of 320 Park and Ride spaces and associated bus facilities. This is an extant planning consent as set out in the supporting text to the site allocation.
241. Planning reference 19/00884 sought planning consent for development of a Motor Village Car Dealership and Minor Alterations to Tesco Foodstore Car Park, which was refused.
242. This history is relevant in that the previously permitted Park and Ride element and enlarged store have not been delivered, with no plans for these aspects of the extant consent to be implemented. The application for the car dealership was refused by Planning Committee on the 6 November 2020, at a time when the site was included in the Draft Local Plan (under site allocation policy AL/PE7), allocated for car showrooms and associated uses/employment.
243. Also important is the fact that the site is an existing allocation, allocated in the [Site Allocations Local Plan, 2016](#) under Policy AL/VRA 2, for provision of a Park and Ride facility.
244. Because of the non-delivery of the Park and Ride and enlarged foodstore, and the refusal of application 19/00884, the Council considered an alternative allocation (from

both the existing allocation in the Site Allocations Local Plan and the Draft Local Plan) was needed for the site - given its location close to Royal Tunbridge Wells (the main settlement in the Borough), Southborough, Pembury and the strategic road network, the Council considered it appropriate that an alternative use should be found for this sustainable site.

## Housing Need

245. The need to plan housing for older people and those with care needs has been a factor in the decision to allocate site AL/PE6 for specialist housing for older people and others with care needs. The site is considered suitable for such a use, given its location close to Royal Tunbridge Wells and Pembury and close to the main Royal Tunbridge Wells Hospital, also located at Pembury. There are other similar uses in the area, including Cornford Court (which is allocated in the Submission Local Plan by policy AL/PE7) and Owlsnest (also allocated in the Plan, by policy AL/PE8), both of which have planning consent.
246. The Housing Needs Assessment Topic Paper [[CD 3.73](#)] on pages 18 – 23 (electronic pages 20-25) explains the housing need of older people and those with disabilities. Policy H6: Housing for Older People and People with Disabilities, sets out how the need will be met.
247. The findings of the site assessment in the SHELAA note “*The proximity of the site to the main Tunbridge Wells Hospital at Pembury and existing care homes in the area, mean that this site is considered suitable for specialist housing for older people and others with care needs, including C2/C3 use*”.

## Highway Matters

248. Impact of development of this site on the highway network is an important consideration, to which careful consideration has been given during the plan-making process.
249. In allocating the site for specialist housing for older people and others with care needs, consideration has been given to traffic generation, particularly at peak times, resulting from trips rates associated with the different potential uses of the site, namely the Park and Ride facility, the continued allocation as a car dealership as proposed in the Draft

Local Plan (as per the Hendy proposal, reference 19/00884), and trip rates associated with the allocation now proposed in the Submission Local Plan. Traffic generation associated with the car dealership proposal is particularly relevant since it is a recent planning application.

250. To inform the decision to allocate the site for its proposed use, officers considered trip rates for similar C2/C3 (extra care) uses in the area, which informed decisions about allocation of the site, and the scale of development proposed by the allocation policy. This was considered with regard to trip rates/traffic generation associated with the car dealership proposal refused under reference 19/00884 – as a way of gauging likely impact on the highway network. It is noted that application 19/00884 was not refused on highway grounds.
251. The Council is confident that the proposed allocation will be a lower traffic generating use compared to the car dealership proposal, to which neither KCC Highways & Transportation nor Highways England (now National Highways) objected (following negotiation of a package of highway mitigation works).
252. Officers discussed the proposed allocation with KCC Highways & Transportation, which also informed the decision to include the allocation in the Pre-Submission/Submission Local Plan. The KCC Highways & Transportation's view being that providing traffic generation was less than proposed for the car dealership scheme (reference 19/00884), it would be unlikely to object (recognising a potential need of course for any associated highway mitigation works).
253. The site assessment in the SHELAA notes "*there are significant local concerns about traffic in the vicinity of the site and along the Pembury Road and use of the site for specialist housing for older people and others with care home needs would be a much lower traffic generator than either an economic or general housing uses*".
254. The Council considers that trip rates, traffic generation and therefore impact on the highway network, would be lower for the proposed allocation compared to the previous proposed allocation as a car dealership with associated employment uses, or the extant permission and existing allocation for a larger foodstore with Park and Ride facility. The proposed mix and scale of uses proposed by the policy are appropriate.

## Are they deliverable given the identified constraints?

255. The proposed use and scale of development proposed for the site is considered deliverable. There are no known abnormalities that would affect the viability of the site, and the allocation would utilise an existing access to the site, which already serves the Tesco foodstore.
256. As noted on the SHELAA assessment sheet for the site “there are significant local concerns about traffic in the vicinity of the site and along the Pembury Road and use of the site for specialist housing for older people and others with care home needs would be a much lower traffic generator than either an economic or general housing uses”.
257. In traffic terms, the proposed use of the site is deliverable – the traffic generation from the proposed use, being lower than traffic generation associated with the extant Park and Ride facility and more importantly, given it is a more recent planning application, the motor car dealership, had planning consent been granted.
258. The location of the site in the AONB is not a constraint to development, particularly since the site is not considered major development in the AONB and the need to demonstrate ‘exceptional circumstances’ does not apply (see the Council’s response to question 33) and while there is a belt of TPO trees located to the west of the site, adjacent to Pembury Road, this is also not a constraint to development – the existing access to the site is located here, and relevant planning history demonstrates this has not been a hinderance previously.

## Summary and Conclusion

259. The mix and scale of uses proposed has followed careful consideration of a number of factors, including the housing need for older people and those with care needs, including the suitability of this site to contribute towards meeting such needs, relevant planning history and highways matters, in particular trip rates associated with the proposed use and likely highway impact.
260. The proposed allocation AL/PE6 is considered deliverable, with no known impediments to delivery of the site in the way proposed.
261. The proposed mix and scale of uses is considered appropriate for the site.



## **Inspector's Question 32: [re. landscaping strip]**

***What is the justification for specifying a 10m landscaping strip?***

### **TWBC response to Question 32**

262. The inclusion of a 10-metre landscaping strip is considered appropriate and justified.
263. The existing vegetation associated with the A21 falls within the control of National Highways and so it may for operational, safety or improvements be removed at any time and without reference to the Planning Authority. It is then important that the site provides its own landscape buffer to provide screening, integrated landscape and ecological mitigation. 10 metres is considered a minimum width for such buffers as it provides space for trees to mature, be effective for screening purposes and for there to be natural succession.
264. The requirement for a 10-metre planting strip at the top of the A21 embankment is required by criterion 3 of the site allocation policy. In addition to the justification set out above, the extent of the planting strip has been informed by planning history associated with the site, planning references 09/01265 and 19/00884.
265. Planning reference 09/01265 received planning consent for construction of a new foodstore to replace the existing foodstore on the site, associated car parking and landscape works. The proposal also included the construction of 320 Park and Ride spaces and associated bus facilities. This is an extant planning consent as set out in the supporting text to the site allocation.
266. Planning reference 19/00884 sought planning consent for development of a Motor Village Car Dealership and Minor Alterations to Tesco Foodstore Car Park, which was refused by the Planning Committee.
267. In both cases, the respective site layout plans include a landscape planting strip at the top of the A21 embankment, similar to as is required by the proposed site allocation.

268. This is demonstrated by the figures below. The first figure shows the landscape planting strip for the policy AL/PE4, the middle figure shows the planting strip included as part of the proposal for planning application 19/00884. The final figure shows the planting strip approved as part of the extant consent, reference 09/01265.



Figure 1 - Site Plan for 09/00884.



Figure 2 - Site Plan for 19/00884.



Figure 3 - Site allocation for AL/PE6.

## Summary and Conclusion

269. The Council's response explains why a 10-metre landscaping strip is specified in the proposed site allocation AL/PE6. The need for a strip of this depth is explained, enabling the site to have its own landscape buffer to provide screening, integrated landscaping and ecological mitigation. Reference is made to relevant planning history,

which has included a similar landscaping strip. It is considered that the requirement for a 10-metre landscaping strip as part of the policy wording is justified.

## **Inspector's Question 33: [re. consideration of whether the site is major development in the AONB and its impact on character and appearance]**

***Does site allocation AL/PE6 represent major development in the AONB, and if so, is it justified? How have the effects 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 33**

**Does the site represent major development in the AONB, and if so, is it justified?**

270. This question is the same as Questions 5, 13, 19, and 27 in relation to site allocations AL/PE1, AL/PE2, AL/PE3 and AL/PE4 respectively.

271. In responding to this Question in relation to site AL/PE6, the Council wishes to first cross-refer to its response to Question 5 – paragraphs 54 to 57.

272. In terms of site AL/PE6, Appendix 3 Table 10, on pages 128-132 (electronic pages 132-136) gives the assessment for the site concluding in the final column, that the site is not major. The site is 'not substantial', representing around a 5% increase in settlement size, is 'well related' to the existing settlement, and the impact on the AONB is predicted to be 'Low'. The conclusion notes the site is already a site allocation and has an extant consent. Assessment is noted as being based on changes as a result of the likely effects of the new policy which in AONB and contextual terms are not considered significant.

273. This assessment is agreed with Natural England in the SoCG at Section 9 [[CD 3.132c\(v\)](#)] Appendix H to J (beginning on paginated page 20, electronic page 144).

274. The Appendix 3 table for the site notes:

- *“Existing supermarket with extant consent for expansion and Park and ride facility”.*

275. Whilst the site is not considered major, there is of course, a need to give great weight to conserving and enhancing landscape and scenic beauty in future development of the site, in accordance with paragraph 176 of the NPPF.

276. The site policy wording captures the need for a LVIA, and seeks that proposals give full consideration to the site's edge-of-village location, providing a suitable and sensitive urban edge to the settlement, informed by the LVIA (criterion 2).

**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?**

277. In responding to this part of the Question, the Council wishes to cross-refer to its response to Question 5 – paragraphs 84 to 85.

278. As set out previously, it mustn't be forgotten that this site is already an allocated site, with an extant planning consent. Assessment of AONB impacts is based on changes as a result of the likely effects of the new site policy which in AONB and contextual terms are not considered significant.

## **Summary and Conclusion**

279. The Council's response explains that site AL/PE6 is not major development in the AONB, which is agreed with Natural England. As such there is not a need to demonstrate 'exceptional circumstances' to justify major development in the AONB, since the site is not major.

280. Great weight has however been given to the need to conserve and enhance the landscape and scenic beauty of the AONB, captured in the policy wording at Criterion 2.

281. The response explains how the potential impacts of development on the character and appearance of the area, including the AONB, have been considered as part of the plan-making process, and how policy wording seeks to secure development proposals suitable and sensitive to the site and its context.

## **AL/PE7 – Land at Cornford Court, Cornford Lane**

### **Inspector's Question 34: [re. current position regarding construction of the integrated community healthcare facility]**

***What is the latest position regarding the construction of the integrated community healthcare facility already approved on the site?***

### **TWBC response to Question 34**

282. As set out at paragraph 5.752 of the Submission Local Plan ([\[CD 3.128\]](#) paginated page 294, electronic page 295), planning permission has been granted under planning reference 17/01151 for the demolition of an existing building on the site, and its replacement with a 68-suite integrated community health centre (C2 Use Class), which includes an integrated community day care centre, serving a maximum of 20 people at any one time. Planning permission was granted on 14 September 2018, with a requirement that work shall begin within three years of the date of the planning consent being given.

283. Since then, most pre-commencement conditions have been submitted to the Council and all but one have been discharged by the Council. Completion of a section of drainage works has taken place along with the base of a refuse store as part of the implementation of the development. This work was confirmed through a Lawful Development Certificate (existing) submitted to the Council under planning application reference 21/04097/LDCEX which was permitted by the Council on 11 February 2022. The CLEUD application sought confirmation that development authorised by 17/01151/FULL lawfully commenced within the three-year time period (i.e., by 14 September 2021). It is therefore considered that the planning consent 17/01151 has been implemented and is an extant planning consent.

### **Summary and Conclusion**

284. The above response explains that the site already benefits from planning permission. Work to implement the consent granted under planning reference 17/01151 has started through completion of a section of drainage works and the base of a refuse store.

## Inspector's Question 35: [re. Green Belt exceptional circumstances]

***Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

### **TWBC response to Question 35**

285. To respond to this question the Council wishes to first cross-refer to its response to Question 3 of this Hearing Statement, paragraphs 35 to 36.

286. This site has been assessed in Green Belt study work, including the Green Belt Study, Stage Three [\[CD 3.141\]](#) in which the site has been assessed through a combined assessment with site AL/PE1, located east of this site, AL/PE7. In this regard, the Inspector is referred to the Council's response to Question 3 of this Hearing Statement, which explains the findings of the Green Belt assessment work in relation to sites AL/PE1 – AL/PE3 inclusive.

287. The Development Strategy Topic Paper [\[CD 3.126\]](#) identifies additional site-specific factors in table 5 on page 66 which include mitigation and rationale. The mitigation highlights for this site:

- *“Significant landscape feature/area retained as Green Belt and significant new landscape buffers required”.*
- *“Requirements for walking/cycling links into Pembury village centre and wider countryside”.*

288. Under 'Rationale' the table states that the site is *“Previously developed land in a sustainable location with planning consent.”*

289. The new Green Belt boundary here follows the A21 and edge of settlement (see Inset Map for Pembury [\[CD 3.129o\]](#)) which are *“physical features”* that are *“readily recognisable and likely to be permanent”* as required by NPPF paragraph 143(f).

290. AL/PE7 sits between AL/PE1, which is proposed to be removed from the Green Belt and AL/PE6, which is not in the Green Belt. The northern boundary of AL/PE7 follows the adopted Limits to Built Development and immediately to the south is an existing nursing home of some considerable size. When the Green Belt boundary is adjusted

for AL/PE1 it will follow the top of embankment of the A21 as it does for AL/PE6. This would leave AL/PE7 and the existing nursing home to the south as a small, developed enclave between two non-Green Belt sites where any contribution to the openness of the wider Green Belt would be lost.

291. Consequently, it is considered that adjusting the Green Belt boundary in this location to follow the top of embankment of the A21 so that it is consistent with the Green Belt boundary of AL/PE1 and AL/PE6 would provide a stronger and more consistent Green Belt boundary for this edge of Pembury.
292. The Green Belt Study Stage 2 [[CD 93b\(iii\)](#) electronic page 1 to 3] assessed parcel PE1 which covered the proposed allocations AL/PE1, AL/PE2, AL/PE3 and AL/PE7 and recorded a relatively weak contribution to all four assessed Green Belt purposes and concluded that the “*A21 would represent a stronger boundary than the existing settlement edge*”.
293. The boundary has been adjusted in this location owing to a combination of the release of AL/PE1 to the south, the location of the existing Green Belt boundary to the north, the development proposed for AL/PE7 and the existence of other major development adjacent to the allocation and this release is supported by the findings of the Stage 2 Green Belt Study. The new boundary is consistent with the requirements of paragraph 143f) of the NPPF that boundaries are clearly defined, using physical features that are readily recognisable and likely to be permanent.

## Summary and Conclusion

294. The response explains why the Council considers there to be ‘exceptional circumstances’ to justify amending the Green Belt boundary in this location. It draws on the findings of Green Belt studies, and assessment of the site, which has been considered by the Stage Three Green Belt Study, along with site AL/PE1. The site is identified as being in a sustainable location and is a previously developed site that has an existing planning consent. Having regard to the release of the neighbouring site, AL/PE1 from the Green Belt and changes to the Green Belt boundary in this location, it is felt the change to the Green Belt boundary and release of site AL/PE7, to be justified through ‘exceptional circumstances’.



## **Inspector's Question 36: [re. financial contribution towards a Corridor Study]**

***What is the justification for requiring a financial contribution towards a 'corridor study' with a view to relieving congestion? Is the requirement for a planning obligation consistent with paragraph 57 of the Framework and the Community Infrastructure Levy Regulations?***

### **TWBC response to Question 36**

#### **Introduction**

295. This response begins by setting out the history and background which has led to the requirement for a development contribution towards a corridor study, along with an update on progress made on the study.

296. The site-specific requirement is then set out, followed by an update on site allocations (in addition to sites AL/PE7 and AL/PE8) in the Submission Local Plan. This recognises there are other site allocations in the area covered by the corridor study from which it would be appropriate to seek such contributions, including the overarching strategic policy for Pembury Parish. Lastly, the response explains that the requirement is consistent with paragraph 57 of the Framework and Community Infrastructure Levy Regulations.

#### **Background and Update on Corridor Study**

297. The A264 Pembury corridor is the key route into Royal Tunbridge Wells town centre from Pembury (and Paddock Wood) and the Transport Assessment (2021), prepared by Sweco, identified the need for mitigation measures that support sustainable travel along the corridor.

298. In order to provide further confidence to support the deliverability of such measures, KCC and TWBC have commissioned feasibility designs providing improvement options for walking, cycling and bus priority measures along the corridor, between the junctions with Halls Hole Road/Blackhurst Lane and Calverley Road/Calverley Park Gardens.

299. The design options are being drawn up by the KCC Schemes Team, in line with the most recent government design guidance, and using funding from S106 Agreements

in respect of application number TW/17/01151 Cornford Court, Cornford Lane (site allocation policy AL/PE7) and TW/16/07697 Beechwood, Pembury Road (site allocation policy RTW/9).

300. Initial high-level design options have already been prepared and will now be discussed with relevant stakeholders.
301. In conjunction with the above work, KCC and the Council have commissioned a Bus Study for Tunbridge Wells to explore options for improved bus services between key settlements in the borough, including Paddock Wood and Tunbridge Wells (via the A264 Pembury Road). Engagement has already taken place with local bus operators and KCC's Public Transport Team to fully understand the existing network and requirements for improvement.
302. Following on from the above, KCC and the Council still seek contributions towards the Corridor Study from relevant planning applications.

#### **Justification for requiring a financial contribution towards a Corridor Study**

303. Criterion 2 of the proposed site allocation policy AL/PE 7 requires, amongst other things, the financial contribution towards a Corridor Study along the Pembury Road corridor, with a view to relieving congestion. This requirement reflects the planning consent granted under planning reference 17/01151. The planning approval is subject to a Section 106 legal agreement, dated 10 September 2018, which includes the obligation requiring a financial contribution towards a Corridor Study with a view to relieving congestion on the Pembury Road.
304. This Section 106 contribution was requested by Kent County Council Highways in its formal consultation response, dated 9 November 2017, to the planning application, reference 17/01151.
305. The reason for the request is set out within KCC's response as follows:

*“As you are aware, KCC in conjunction with TWBC is undertaking a Corridor Study along the Pembury Road corridor with a view to relieve congestion and whilst bids for central funding continue, any development that will benefit is also expected to make a financial contribution. The contribution has been calculated based on the increase in am and pm trips.....”*

306. Given that the Council, in conjunction with KCC, continues to undertake the Corridor Study, it is considered appropriate that the requirement for the financial contribution included in the existing Section 106 legal agreement for consent 17/01151 is carried forward into the new Local Plan.

### **Strategic Policy for Pembury Parish and other site allocations in the area**

307. Following from the above response, the Council has reflected on the policy requirements set out in the overarching strategic policy for Pembury (policy STR/PE1) and other proposed site allocations in the area, namely allocation policies AL/PE1, AL/PE2, AL/PE3, AL/PE4, AL/PE5 and AL/PE7 along with Royal Tunbridge Wells site allocations (addressed in the Matter 7, Issue 1 Hearing Sessions, Royal Tunbridge Wells and Southborough).

308. Given that KCC Highways & Transportation in its recent update advises such contributions remain applicable, and continue to be sought, for the sake of clarity so it is clear to readers of the Plan and decision-takers, it is suggested that the Inspector may wish to consider amendments to the following policies, that incorporate appropriate wording reflecting the need for contributions towards the Corridor Study and its findings/outcomes. Suggested amendments are set out below.

- Policy STR/PE1 (The Strategy for Pembury Parish): Insertion of an additional point at 3a to read “*contributions to be used towards a Corridor Study with a view to relieving congestion along the A264 Pembury Road. Once the Corridor Study is complete, contributions shall be used to fund improvements arising from the outcomes/findings of the Study*”.
- Policies AL/PE1 – AL/PE5 inclusive: Additional text to be inserted at the end of relevant criteria – namely, Criterion 12 (of policy AL/PE1), Criterion 13 (of policies AL/PE2 and AL/PE3), Criterion 9 (of policy AL/PE4) and Criterion 5 (of policy AL/PE5). This to read “*.....accordance with Policy PSTR/PE1, including contributions to be used towards a Corridor Study with a view to relieving congestion along the A264 Pembury Road. Once the Corridor Study is complete, contributions shall be used to fund improvements arising from the outcomes/findings of the Study*”.

- Policy AL/PE6: The same wording to be added to Criterion 6, with potential deletion of the final sentence of the current wording “*These could potentially include measures to mitigate the impact on the transport network*”, which would be addressed through the Corridor Study work.

## **NPPF/ Infrastructure Levy Regulations**

309. Paragraph 57 of the NPPF [\[CD 1.4\]](#) requires that where planning obligations are sought, this meets three specified tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development

310. These tests are also set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

311. The Council considered the appropriateness of seeking the developer contribution in determining the planning application reference 17/01151, identifying at paragraph 10.90 that “*Legislation requires that planning obligations (including Legal Agreements) should only be sought where they meet all of the following tests: Necessary to make the development acceptable in planning terms; Directly related to the development and; Fairly and reasonably relate in scale and kind to the development*”.

312. At paragraph 10.92 of the committee report, in relation to the developer contribution for the Corridor Study, it is set out that “*The developer contribution is necessary in view of the added vehicle trips generated by the proposal, and relates to improvements that all developments in the Pembury area would be expected to contribute towards. The sum is directly related to the am and pm trips and therefore directly relates to meeting the needs of this development and is also related in scale and kind*”.

313. The tests set out in the committee report for the proposal, reflect those set out at paragraph 57 of the NPPF and in the Community Infrastructure Levy Regulations 2010. It is considered that the requirement for the developer contribution to the Corridor Study is consistent with these tests.

## Summary and Conclusion

314. The Council's response explains the purpose of the developer contribution towards a Corridor Study sought within the site policy wording. The need for this developer contribution is set out, with reference to the Planning Committee report for the planning proposal granted under reference 17/01151. Reference is made to parts of the committee report where the legislative tests related to developer contributions is considered. The response goes on to explain why the requirement for this planning obligation is consistent with paragraph 57 of the Framework and the Infrastructure Levy Regulations.

## **AL/PE8 – Owlsnest, Tonbridge Road**

### **Inspector's Question 37: [re. current position regarding planning application 19/01600]**

***What is the current position regarding planning application Ref 19/01600/FULL?***

### **TWBC response to Question 37**

315. Paragraph 5.737 of the Submission Local Plan (paginated page 297, electronic page 298) [[CD 3.128](#)] sets out that this site has been promoted through a planning application, reference 19/01600. This sought consent for demolition and construction of a 76-bed health and wellbeing facility. The Council's Planning Committee, at its meeting on 10 June 2020, resolved to grant planning consent, subject to the satisfactory completion of a Section 106 legal agreement.
316. The planning obligations to be secured by the legal agreement include a developer contribution towards sustainable transport links of £18,500 towards the Pembury Road Corridor Study, along with 10 beds for the use of Pembury Hospital (Maidstone and Tunbridge Wells NHS Trust), training room to be made available to Pembury Hospital (Maidstone and Tunbridge Wells NHS Trust) to provide training for staff in areas including manual handling and dementia, a Landscape and Environmental Management Plan area (LEMP), and access to the lake for the community for leisure and recreation.
317. In accordance with the committee resolution the Section 106 has been completed/signed and the planning decision notice issued 05/05/22. The site therefore now benefits from planning consent for demolition and construction of a 76-bed health and wellbeing facility.

### **Summary and Conclusion**

318. The response explains that the site benefits from a recent planning permission, granted under planning reference 19/01600 and that an associated Section 106 agreement secures a number of planning obligations, including site-specific public benefits and wider public benefits.

## Inspector's Question 38: [re. Green Belt boundary]

***What are the reasons for (unlike other allocations in Pembury), not amending the Green Belt boundary in this location?***

### **TWBC response to Question 38**

319. Several factors have led the Council to determine that it would not be appropriate to release this site from the Green Belt.

320. As shown on the figure below, the site is detached from the settlement, Pembury Village and its proposed settlement edge (located to the east on this figure, indicated in red), as well as that for Royal Tunbridge Wells (located to the west on this figure, indicated in red). It is also detached from these settlements as currently established. The proposed development is based on an area of previously developed land that is included within the Green Belt. The majority of the allocation is greenfield land (woodland) that contributes to openness of the Green Belt and is part of an important gap between the settlements. These factors justify the retention of the site within the Green Belt.



Figure 1 - AL/PE8 site allocation.

321. As is explained in the supporting text of the site policy AL/PE8 in the Submission Local Plan (paragraphs 5.737 and 5.737) [\[CD 3.128\]](#), the proposed policy reflects the existing development proposal for the site, which was granted planning consent on 05/05/22. The granting of planning consent has followed consideration of Green Belt and other matters. The proposal has been acknowledged as inappropriate

development in the Green Belt, which as set out at paragraph 147 of the NPPF is, by definition, harmful to the Green Belt – inappropriate development should not be approved except in ‘very special circumstances’.

322. In considering the planning application the applicant put forward a case of ‘very special circumstances’, which was supported by planning officers and the Planning Committee.

323. Going forward, the Council would not wish to see the site becoming at risk of other development proposals should the site be released from the Green Belt.

## **Summary and Conclusion**

324. The reason for not amending the Green Belt boundary in this location is explained, with particular reference to the location of the site detached from the existing settlement edge of Pembury Village and also that of Royal Tunbridge Wells. Other factors that contribute to the decision not to amend the Green Belt boundary are included, including the fact that the mostly greenfield nature of the site contributes to the openness of the Green Belt and is part of an important gap between settlements.

325. The Council considers it would not be appropriate to amend the Green Belt boundary in this location.



## **Inspector's Question 39: [re. proposed site boundary]**

***What is the justification for the proposed site boundary, which extends beyond the area identified for new development?***

### **TWBC response to Question 39**

326. The extent of the site allocation has been informed by the planning proposal given consent under planning reference 19/01600, reflecting the red line site of that proposal.
327. The area indicated for new development in the Local Plan site allocation is indicated in orange on the indicative site layout plan (Map 71) supporting the proposed policy (page 298 of the Submission Local Plan) [\[CD 3.128\]](#). The remainder of the site, which is most of the extent of the proposed allocation, is to be retained as open space and landscape buffer.
328. This reflects the existing consent, which as set out in the Council's response to Question 37 above, includes several public benefits. Some of these public benefits relate directly to the site itself, namely the provision of a Landscape and Environmental Management Plan area (LEMP) and access to the lake for the community for leisure and recreation. These public benefits are captured by criterion 7 of the proposed allocation policy AL/PE6, which requires proposals for the site to include a management plan for the woodland and lake, with public access to these areas. The Council considers that it is necessary to include this wider part of the site in the extent of the site allocation to ensure it is clear to readers of the Plan what the expectations of the site are and to continue to secure these public benefits going forward.

### **Summary and Conclusion**

329. The response sets out that there are site-specific public benefits secured through the planning approval of reference 19/01600, which relate to areas of the site to be retained as open space and landscape buffer. It is necessary to include this wider area within the site allocation (which also reflects the extent of the application site that has been given planning approval) to ensure the site expectations are clear. Inclusion of the wider area of the site within the site allocation is justified for this reason.

## **Inspector’s Question 40: [re. financial contribution towards a Corridor Study]**

***What is the justification for requiring a financial contribution towards a ‘corridor study’ with a view to relieving congestion? Is the requirement for a planning obligation consistent with paragraph 57 of the Framework and the Community Infrastructure Levy Regulations?***

### **TWBC response to Question 40**

330. In responding to this question from the Inspector, reference is first made to the Council’s response to Question 36 of this Hearing Statement, which sets out the context for the response that follows below. In particular it provides background information on the need and purpose of the Corridor Study and an update on work conducted to date.

331. Returning to site AL/PE8, Criterion 7 of the proposed site allocation policy AL/PE 8 requires amongst other things, the financial contribution towards a Corridor Study along the Pembury Road corridor, with a view to relieving congestion. This requirement reflects the planning consent explained by the Council’s response to Question 37 above, in relation to planning application reference 19/01600.

332. This Section 106 contribution was requested by Kent County Council Highways in its formal consultation response, dated 20 August 2019, to the planning application.

333. The reason for the request is set out within KCC’s response as follows:

*“As you are aware, KCC in conjunction with TWBC is undertaking a Corridor Study along the Pembury Road corridor with a view to relieve congestion and whilst bids for central funding continue, any development that will benefit is also expected to make a financial contribution...”*

334. This consultation response was followed by an update from KCC Highways & Transportation, dated 12 November 2019 advising:

*“With regard to contribution to the Pembury Road Corridor Study, using data presented in the TA, the highway authority has estimated likely impact on this corridor and would recommend that a contribution of £18,500 is sought. This is in keeping with other developer contributions that have been recently secured.”*

335. An update on the Corridor Study is provided in the Council's response to Question 36.
336. Given that the Council, in conjunction with KCC, continues to undertake the Corridor Study, it is considered appropriate that the requirement for the financial contribution included in the Committee resolution to grant consent for planning application 19/01600 is carried forward into the new Local Plan.

### **NPPF/ Infrastructure Levy Regulations**

337. Paragraph 57 of the NPPF [\[CD 1.4\]](#) requires that, where planning obligations are sought, this meets three specified tests:
- d. necessary to make the development acceptable in planning terms;
  - e. directly related to the development; and
  - f. fairly and reasonably related in scale and kind to the development
338. These tests are also set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
339. The Council considered the appropriateness of seeking the developer contribution in determining the planning application reference 19/01600, identifying at paragraph 10.75 that "*These elements (my note: this includes the contribution for the Corridor Study) would meet the tests as being appropriate to secure under the legal agreement and would enable the scheme to be suitably managed in the future, and would address the final reason for refusal (my note: of a previous planning application). In this case, the development would generate traffic movements and would relate directly to the improvements that all developments in the Pembury area are expected to contribute towards. The sum is directly related to the am and pm trips and therefore directly relates to the development and relates in scale and kind. It is considered that this request is justified*".
340. Reference to the contribution being "*directly relates to the development and relates in scale and kind*" reflects the tests set out at paragraph 57 of the NPPF and in the Community Infrastructure Levy Regulations 2010. It is considered that the requirement for the developer contribution to the Corridor Study is consistent with these tests.

## Summary and Conclusion

341. The Council's response explains the purpose of the developer contribution towards a Corridor Study sought within the site policy wording. The need for this developer contribution is set out, with reference to the Planning Committee report for the planning proposal granted under reference 19/01600. Reference is made to parts of the committee report where the legislative tests related to developer contributions is considered. The response goes on to explain why the requirement for this planning obligation is consistent with paragraph 57 of the Framework and the Infrastructure Levy Regulations.

# Appendices

# Appendix 1: Minutes of meeting – additional parking at Pembury Village Hall (AL/PE1)

**Minutes of meeting to discuss additional parking at Pembury Village Hall AL/PE1: Land rear of High Street and west of Chalket Lane.**

**Via Zoom call.**

**16th September 2020**

Attendance:

TWBC: Ellen Gilbert (EG), Deborah West (DW)

Pembury Parish Council: Alan Gaukroger (AG), Katy Brooks (KB), Helen Munro (HM)

Pembury Neighbourhood Development Plan: Nigel Stratton (NS)

Pembury Village Hall: Shelley Harris (SH), Amanda Everett (AE), Claire Knopps (CK), Susan Sharp (SS).

Savills: Guy Dixon (GD)

## **Purpose of meeting.**

1. Level of additional village hall car parking to be provided and the siting of this;
2. To negotiate that this parking can be for the wider public benefit for the village.

EG: Gave an overview of the three Pembury sites (AL/PE1, AL/PE2 and AL/PE3). Stressed that site allocations to be included in PSLP would take into consideration Reg 18 comments.

The site has a number of uses proposed for it, including community facility. There are issues about infrastructure in Pembury specifically parking and traffic and eal desire to include some additional parking for the village. It's prudent and sensible to look at additional parking for village as well as hall.

GD: Savills is working with owners and developers as to where parking is going to go to get an idea of existing parking and how that works.

EG gave a summary of matters.

- Management committee of village hall.
- Improve vehicular access
- Object for access to be to housing
- Access houses through 55 HS
- Combined access unsafe.

- Additional parking for hall welcome. About 40 spaces would reduce HS parking.

SS: confirmed there are currently 12 existing parking spaces and accessing the is sometimes a bit challenging.

CK: confirmed land at the rear belongs to the VH and they allow an individual to park there privately.

The Management Committee would like:

- e/w boundary to rear to be retained
- Car park not to be used as overspill for houses and only available for the village hall.
- They are opposed to additional parking to rear of hall.
- Depending on siting a foot path may also be required.

Agreed that one of the main issues was to determine a safe access point to parking. The PC owns the driveway and would not allow access for safety reasons. The main issue being it is too narrow for pedestrians and cars at the same time. The PC do not want the driveway used for other purposes. However, they wouldn't object to it serving other parking as long as it was made safe.

EG: confirmed that would need to be an improvement to entrance but that would be the next step for GD to consider with KCC. Establishing parameters at the moment.

NS: raises concerns alterations may still be too narrow

SS said parking at rear would be difficult for some residents to walk to village hall. Prefer extension to the side. If at rear than there are some safety concerns.

SH raised a security concerns. No lighting and not overlooked, they would need be considered if road was improved etc. No one has to walk past it so no vandalism issues.

EG: No. 51 (house) is included in draft allocation. EG and GD will discuss further as he is not at the moment representing that part of the site. Although landowner has submitted it and it is available and was included in Reg 18.

GD: set out background work done on the site (highways and master plan.) Highways thought access down side of the village hall would be sufficient to increase in parking. Still detailed design work to do. He confirmed if parking was at the back of village hall just for village hall.

(Guy Dixon shared high level master plan of site.)

EG said that if the site is included in next stage (PSLP), we can't confirm it would be as we are waiting for GB report and Grassland surveys, we would be looking to reduce the number of units on site to 50-60 from 70-80. GD's plan is indicative is based on higher number but subject to revision. Plan and discussion confidential.

GD said that houses give natural surveillance to land to rear of village hall. There is also a play space to side of this to provide landscaping etc. and a pedestrian cycle link through the village hall.

Discussion followed regarding the inclusion of 51 as it was not on the map.

EG said that this was part of ongoing work. If 51 is included in LBD then it doesn't have to be allocated.

GD confirmed blue arrow was primary vehicle access for Village Hall.

CK asked if the play area shown was for everyone.

GD said yes, and the play area brings a wider use of car park generally.

EG said that work indicates that there should be more open space on the site. What we need to know is whether the location, setting, number of extra parking spaces of the village hall are in the right place. We would like to secure additional parking for wider use, PC support this and it's a key element of the requirement of the site in policy. If not captured now may not be able to capture it in the future.

AE asked if 51 is not knocked down and access alongside village hall isn't wide enough a one way system wouldn't work for the village hall (note. One way system would include car park but go through the proposed housing)

AG suggested public parking to the west of the play area and could be served by primary village access. Suggested two separate car parks (one for play area and one for village hall).

GD thought people would use the parking most at where it is located so ease of use. One car park is easier than two areas as that is easier

EG said this would also be easier for management and maintenance.

GD asked if a specific number of spaces reserved for village hall users would be welcome?

It was questioned whether people would stick to that and confirmed that the existing parking for the village hall at the front for the site would be maintained.

Discussion returned to the need for safe access and that no. 51 needed to be removed to create walking space to parking at the rear. Options were discussed including a priority system and the construction of a path.

SS said that before lock down the Village Hall was in fairly constant use throughout the week. Not always full but 3-4 times during week heavily used and they need to park on street. Private hires and one off village events (panto etc) then it does get very crowded.

NS thought 40-50 parking spaces would be ok for a joint use. (people in offices, using the village shops etc).

A discussion of difficulty parking in Pembury followed, and how useful the car park would be in terms of walking distances to the village.

EG said that this was a good opportunity to help alleviate that if we don't take it now wont get it back again.

GD said that a narrow access may put people off parking at the rear of the Village Hall to use other places, so they are more likely to use the extra spaces just for the village hall.



In response to concerns that people living in the new homes would use the village hall parking, GD confirmed that the homes proposed would have 2 spaces associated with them.

He also agreed to consider an in and out system with cars coming down the side of the village hall and exiting through the High Street.

A discussion on how to manage the parking spaces followed, including making only the first hour free, or not being available for residents during certain hours (ie when VH is most in use ie evenings)

EG said that part of the public benefit of the sight would be the availability of parking for the wider village. : requirement for vh anyhow which Guy on board with and public benefit, much greater public benefit for opening that up if parking being provided anyway.

nS; more issues in evening.

SS said perhaps the car park could be open up during day and not evening and some safeguarded for village hall users.

Conversation returned to whether or not no. 51 could be used to make more space and it was reiterated that more work needed to be done on this.

EG concluded that there were still certain elements to be discussed but in principle we all agreed that the parking can be used to wider public.

The group agreed, with some reservations as outlined above. (including the parking needed to be managed properly, although not by the Village Hall, and safeguarded) Yes! Reluctantly and with reservations and to be managed properly, but not by village hall.

A discussion followed on how the parking spaces could be managed. Including the use of ticket machines. It was included a discussion would need to be had with the Village Hall Trustees.

It was concluded that there were currently 12 spaces at the Village Hall. The indicative proposal from Savills shows 20 which would give a total of 32. EG asked if that was sufficient.

A discussion followed on the number of houses being proposed in Pembury and it was decided 40 parking spaces total would be required.

It was also agreed that if No. 51 was not demolished the preferred route for access would be moving the play area so that access could be through the proposed site. Note: removing No. 51 is still the preferred option overall.

It was also confirmed the Village Hall parking at the front would not be moved and that would still be accessible.

AE said that front spaces could be for people with disabilities and loading/unloading, and then everyone else can park at the back.

A discussion on the provision of electric charging points and that they would be provided under DM polices followed.

AE requested two indicative plans, one with and one without the demolition of n. 51.

EG said that this would be at the discretion of the promoter and the landowner.

It was agreed to ask for 40 spaces overall.

GD advised that KCC are encouraging less parking to promote active travel, but 40 spaces could be the starting point.

After discussion it was concluded GD would do some work on providing 30 extra spaces, and would look at plans that showed the removal of no. 51 and one that didn't.

The PC and PVH would give further consideration in terms of management responsibilities.

AE advised there would be a trustee meeting next month

EG advised sites would be finalised in November time with a further public consultation in March and April when further comments could be made.

# **Appendix 2: Sites AL/PE1, AL/PE2 and AL/PE3: Joint Position Statement**

## POSITION STATEMENT

Project: Land at Pembury, Tunbridge Wells, Kent

Prepared by: DHA

Date: April 2022

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### 1.1 Introduction

1.1.1 This Position Statement has been prepared by DHA on behalf of the promoters of Sites AL/PE 1 (Millwood Designer Homes), AL/PE 2 (Obsidian Strategic) and AL/PE 3 (Countryside Properties) to confirm the parties' intention to work together to support the delivery of new and enhanced cycle links and strategic landscaping in Pembury, as envisaged by the Submission Local Plan.

### 1.2 Policy Position

1.2.1 Policy PSTR/PE 1 ('The Strategy for Pembury parish') of the Submission Local Plan states that Tunbridge Wells Borough Council (TWBC) will:-

*"3. Seek developer contributions, either in kind (normally land) and/or financial, from residential schemes to be used towards the provision of..*

*b. improvements and enhancement to cycle routes and cycle corridors".*

1.2.2 Policy AL/PE 1 further requires that:-

*"3. The design and layout of the scheme shall explore, and where feasible provide for, a segregated east-west cycle route, connecting with the adjacent site allocation Policies AL/PE 2 and nearby AL/PE 3 and with the existing cycleway network, including the A264 Pembury Road cycle route into Royal Tunbridge Wells town centre;*

*4. Proposals should consider opportunities for the provision of a cycle route link from the southern edge of the settlement of Pembury, running south over the A21 to link with the east side of Royal Tunbridge Wells at Hawkenbury. If feasible, development shall contribute to the provision of this cycle route as a way of ensuring active travel and enhancing access to the Green Belt;*

*5. Proposals should consider opportunities for the upgrading of the cycle path along Chalket Lane (WT240) to a bridleway to establish a connection with existing bridleway WB43 as a way of establishing active travel opportunities and enhancing access to the Green Belt".*

1.2.3 These requirements are repeated in Policies AL/PE 2 and AL/PE 3.

1.2.4 With regard to strategic landscaping, Policy AL/PE 1 states that:-

*"6. The layout of the scheme shall include a landscape buffer of approximately 40m deep adjacent to the A21 in addition to the existing vegetation along the A21, as shown indicatively on the site layout plan".*

1.2.5 This requirement is repeated in Policies AL/PE 2 and AL/PE 3.

### **1.3 Site Promoters' Position**

1.3.1 Millwood Designer Homes, Obsidian Strategic and Countryside Properties are supportive of the Council's aspiration to enhance pedestrian and cycle links to and through Pembury. Their respective site layouts will provide for a continuous east-west cycle route, to a specification to be agreed at the planning application stage, which will connect with National Cycle Route 18 (NCR 18) on the High Street. The indicative alignment of this route is shown in yellow on the plan included at **Appendix A**.

1.3.2 It is considered that this route will be of greatest value and utility to existing and future residents of Pembury, providing direct connectivity to an extensive range of employment, education, retail and leisure facilities in Royal Tunbridge Wells and Tonbridge via NCR 18 and the A21 Non-Motorised User route. Each of these route corridors benefits from all-weather surfacing, street lighting and natural surveillance, thus facilitating year-round use.

1.3.3 The three parties are also supportive of the principle of the proposed Pembury to Hawkenbury cycle route and are willing to provide a proportionate financial contribution towards its delivery at the planning application stage, as envisaged by their respective allocation policies. It is nevertheless considered that this route will perform principally a leisure function, given its rural setting and consequent lack of lighting and natural surveillance, and that due to the involvement of third-party landowners and the need for Public Right of Way Orders to be made, its delivery should be led by TWBC and Kent County Council.

1.3.4 Specifically, it is considered that the development of the three sites should not be contingent on the delivery of this wider cycle route, but instead that commensurate financial contributions should be taken towards its delivery via Section 106 legal agreements. These contributions could be made on a 'per dwelling' basis, with the total cost of the scheme being apportioned by the number of dwellings allowed for by Policies AL/PE 1, AL/PE 2 and AL/PE 3. Subject to site-specific viability considerations, the three parties support the principle of the early funding and delivery of the scheme, so that it is ideally in place prior to the completion of development.

1.3.5 With regard to strategic landscaping, the three parties will liaise on the design, specification and management prescriptions of the landscape buffer to the A21 to ensure that there is a consistent approach across the three sites that will deliver in the long-term a singular landscape feature.

### **1.4 Summary**

1.4.1 This Position Statement has been prepared by DHA on behalf of the promoters of Sites AL/PE 1 (Millwood Designer Homes), AL/PE 2 (Obsidian Strategic) and AL/PE 3 (Countryside Properties) to confirm the parties' intention to work together to

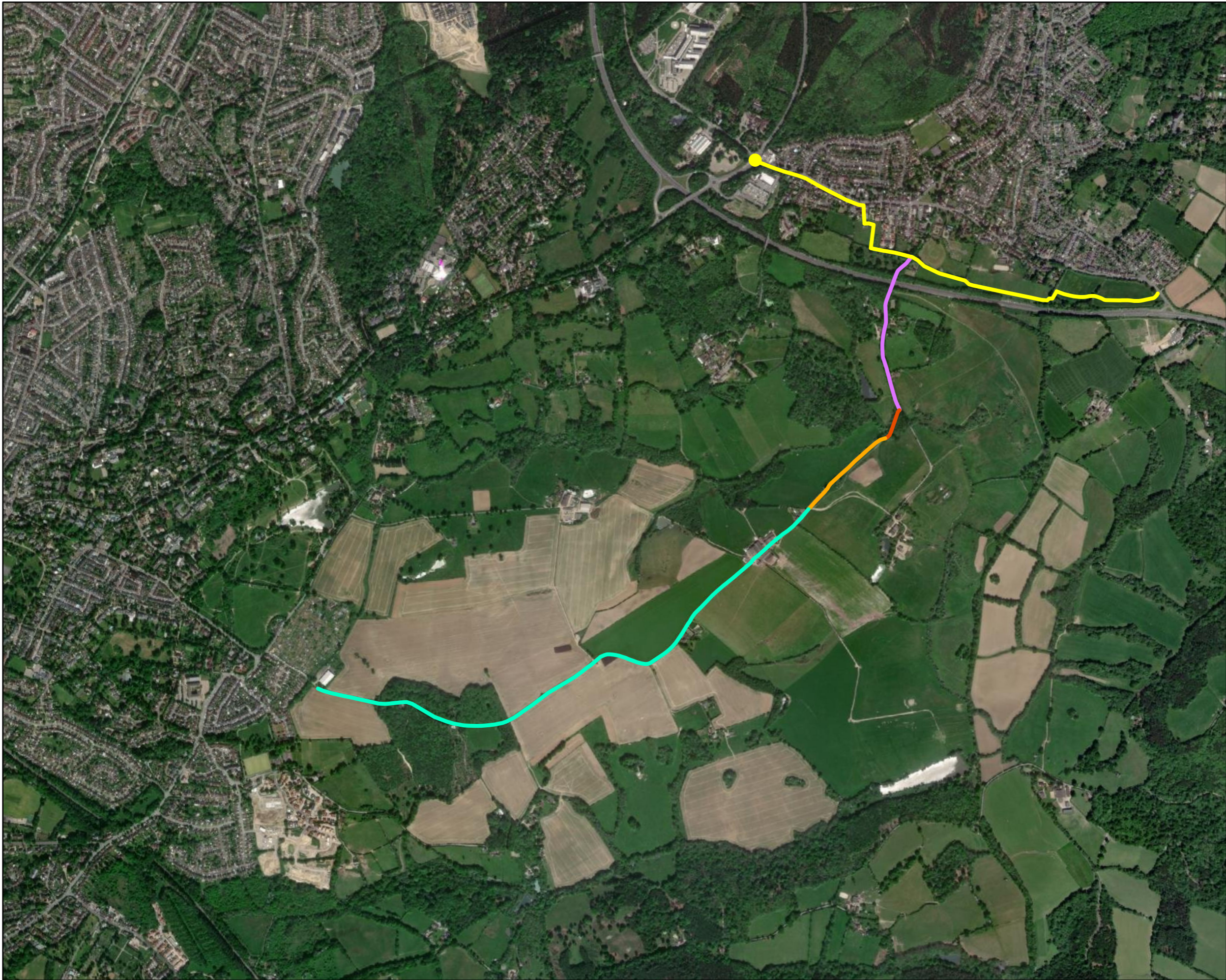
support the delivery of new and enhanced cycle links and strategic landscaping in Pembury, as envisaged by the Submission Local Plan.

- 1.4.2 The parties are supportive of the Council’s aspirations and are willing to meet the requirements of their respective allocation policies in this regard.

APPENDIX

A





**Key**

- Proposed Cycle Route 1
- Enhanced Cycle Crossings
- Proposed Cycle Route 2**
- Surfaced Public Footpath
- Unsurfaced Public Footpath
- Unsurfaced Bridleway
- Surfaced Bridleway

TITLE  
**Proposed Cycle Routes**

CLIENT  
**Countryside Properties**

PROJECT  
**Land at Pembury**

SCALE AT A3    DATE    JOB NO.  
1:15,000    April 2022    16331

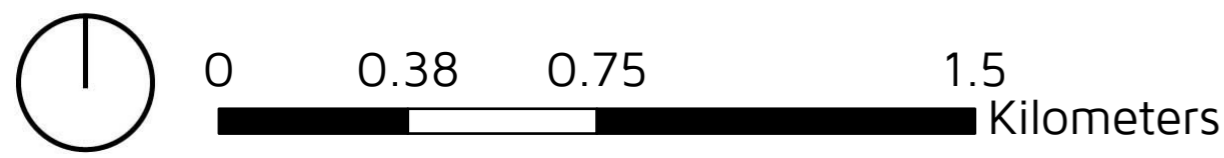


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# **Appendix 3: Email from KCC Public Right of Way Officer**

File Message Developer Help Acrobat Tell me what you want to do

Ignore Delete Archive Reply Reply All Forward Meeting IM More

Move OneNote Actions Mark Unread Categorize Follow Up

Find Related Select Read Aloud Translate Zoom

RE: KCC PROW Comments on DHA Position Statement April 2022

 To [Redacted]

Reply Reply All Forward

Thu 28/04/22 09:34

You replied to this message on 28/04/22 09:38.



Good morning, Ellen,

My apologies for the delayed response.

KCC PROW approve of the Position Statement and look forward to working with landowners, Tunbridge Wells Council, and developers to deliver the proposed Hawkenbury Cycle Route.

Kind regards

Adam

**Adam Taylor** (MIPROW) | Public Rights of Way Improvement Plan Officer| Public Right of Way Access Service | Kent County Council | Invicta House, Maidstone, ME14 1XX | Tel: 03000 414966 | [www.kent.gov.uk](http://www.kent.gov.uk)

# **Appendix 4: Email from Pembury Parish Council relating to cemetery**

**From:** Parish Clerk [REDACTED]

**Sent:** 20 November 2019 15:25

**To:** Ellen Gilbert [REDACTED]; David Reilly (Clr) [REDACTED]

**Cc:** Paul Barrington-King [REDACTED]; David Hayward <[REDACTED]>; Stephen Baughen [REDACTED]

**Subject:** RE: Survey of Pembury Cemetery

Dear Ellen

We have analysed the historical burial data for burials in Pembury as requested. Based on the number of burials over the last 15 years, we anticipate that we have less than 15 years left on the site. I hope you appreciate that this is a pretty inexact figure but it is likely to be 12-14 years' worth of burials if they occur at the same rate as they did from 2004. We also need to take account of the ageing population and expanding number of beds at care homes within the village (Cornford House and Owls Nest if that is given the go ahead) that could impact on demand at the cemetery.

The Parish Council strongly support the safeguarding of this piece of land for an extension to the cemetery as existing cemetery space is limited. The site is also adjacent to the current burial ground and St Peter's Upper church, where many funeral services are held.

If you have any further queries, please do not hesitate to contact me.

Kind regards

Helen Munro

Clerk to Pembury Parish Council

Lower Green Recreation Ground

Pembury Kent TN2 4DZ

[www.pemburyparishcouncil.gov.uk](http://www.pemburyparishcouncil.gov.uk)

Tel: 01892-823193

# **Appendix 5: Statement on behalf of Hospice in the Weald**

# Examination of the Tunbridge Wells Borough Local Plan

<b>Stage 2</b>	<b>: Pembury Session :</b>	<b>21<sup>st</sup> June</b>
<b>Policy / Interest</b>	<b>: Regulation 19 Plan:</b>	<b>Policy AL/PE4 Paragraph 5.691 Policy Map 67 &amp; Insert Map 29</b>
<b>Client / Interest</b>	<b>: Hospice in the Weald :</b>	<b>Landowner (15-097)</b>
<b>Site</b>	<b>: Land at Dowingbury Farm, Maidstone Road, Pembury</b>	
<b>Information</b>	<b>: Details Pursuant to Regulation 19 Submissions dated 4<sup>th</sup> June 2021</b>	

## Introduction:

This supplementary statement has been prepared by Kember Loudon Williams, Planning Consultants, on behalf of Hospice in the Weald to sit alongside the formal representations lodged with the Council at the Regulation 19 Consultation Stage on the 4<sup>th</sup> June 2021. The submissions have been prepared in response to specific queries raised by the Council.

## Response to Questions Raised:

For ease of reporting each is addressed in turn below:

- **Justification for the Safeguarding of the land at Dowingbury Farm:**

Hospice in the Weald was created in 1980, as Hospice at Home, when it was set up as a charitable trust - a status it maintains today. The hospice movement has developed and grown over the years and moved to its current home in Pembury on the outskirts of Tunbridge Wells in 1998. The buildings and facilities at Pembury were built with the goodwill and support of the local community through extensive fundraising and national lottery funding.

Through the millennium years the hospice continued to grow at the Dowingbury Farm site in Pembury with the addition of further beds, a new clinic and extensions to the day therapy centre. The facilities continue to be funded exclusively by charitable donations and extensive fundraising work by the local communities in Sussex and Kent, together with volunteer support.

The Hospice in the Weald site at Dowingbury Farm is now well established with 15 beds, day care centre, training facilities for health care professionals, medical and community staff. The

site offers a wide range of facilities and services to help make the remaining time of all patients as comfortable and happy as possible. Specialist care is provided through teams of nurses, doctors, nursing assistants, counsellors, chaplains and other professionals including therapists (such as occupational therapy, physiotherapy, creative arts, music therapy and complementary therapies) and carer support workers. The Hospice also cares for people at home through the Hospice Outreach service, through the hospice day service or at the Hospice in Pembury in the in-patient unit.

The Pembury site currently serves a community of approximately 340,000 people over an area of four hundred square miles of West Kent and northern East Sussex. With increased pressure and demand, which is due mainly to increased life expectancies of the population, the site is coming under increased pressure and has reached capacity. Whilst the site / facilities cope, the impacts on patient care are being felt across the board and ancillary facilities such as car parking, circulation and access are now overwhelmed.

In this context, and given the planned growth and added pressure for further palliative care, the provision made in the draft Local Plan to facilitate the expansion of existing operational and care facilities at Dowingbury Farm is essential for the following reasons:

- The Pembury site is currently being used to its maximum capacity. The site sees c. 1,800 new Hospice referrals each year: a figure that has grown by more than 10% over the past 3-years and continues to grow. We know that there is additional demand for our services which the planned expansion will help meet.
  - The over 65 population in Kent is rapidly growing, the forecast is for 20% growth, an additional 70,000 people by 2030. Whilst Hospice in the Weald provides care to people of all ages, those aged 65+ are statistically more likely to need Hospice care. We need more space for expansion in order to meet the needs of this rapidly expanding population.
  - In 2019 the Trustees of Hospice in the Weald agreed to launch a new and additional Hospice service for children and young people with a life limiting illness across West Kent and East Sussex. This service will launch in the summer of 2022 and whilst we can, in the initial stages, make use of space within our existing site, additional space will be needed to provide a full service for these children and families that are much in need.
- **Need for the Land to Support the Hospice's Short / Medium Term Growth Strategy:**

The Hospice in the Weald's short to medium term strategy for health and palliative care provision has been focussed in two main areas:

- **The Creation of a New Cottage Hospice;**

Within the last two years Hospice in the Weald has launched a new purpose designed Cottage Hospice: a marked departure from the more medically biased facilities at Pembury. The Cottage Hospice provides 10 patient rooms and ancillary day support facilities, including ancillary coffee shop and a small chapel.

Following the grant of planning permission by Wealden District Council, the new building and facilities were completed in Five Ashes in 2019 and now form an important and integral part of the Hospice in the Weald's response to supporting an aging population. In doing so the facilities improve the end of life period for the populations of Kent and Sussex.

○ **Expansion of the main Pembury Site**

With the completion and now, and the successful operation of the new Cottage Hospice in Five Ashes, the charity's focus has turned back to Dowingbury Farm at Pembury: it being a long standing ambition to improve and expand the more medically orientated facilities at its main site. As cited above, the facilities at operating at and over operational capacity.

To meet operational and medical demands the Hospice in the Weald plan expand the Pembury site to provide and improve:

- In-patient facilities for children and young people;
- Greater space to provide 'living well' services for patients which help those newly diagnosed with terminal illness come to terms with the change and ensure they are able to make the most of the last year of their life;
- Space for physical and occupational therapies, including a hydrotherapy pool; and
- Improved access and parking arrangements.

In-patient facilities for children and young people and a hydrotherapy pool are both vital additions to meeting the needs of people living local and we simply cannot achieve them within the constraints of our current buildings and land. Work to meet the needs of the rapidly growing population is already underway, which is why this allocation of land is so essential to the Hospice. To enable this to happen it is essential that provision for the expansion of the site is maintained through policy AL/PE4: once secured a planning application will be made to the Borough Council to support the expansion plans.

• **Benefits for Delivery of Palliative Care Expansion if Land Allocated**



The main benefits for the delivery of palliative care are as above – greater capacity to respond to a rapidly increasing and aged population, and space to house Hospice service for children and young people living with life limiting illness.

The key benefit of the formal allocation of the safeguarded land is the provision of the necessary confidence for the hospice to start funding raising in earnest and to liaise with benefactors to provide / raise money to fund / delivery the facility. The hospice has extensive experience of fund raising – each year the Hospice generates c. £7m to cover operational costs. The Hospice also has a track record of generating additional fundraising to cover capital expenditure, for example construction of the Cottage Hospice within the last five years. The Trustees have designated funds within our reserves, specifically for physical expansion, and therefore financially we are poised to be able to start imminently.

- **Independence of Allocation**

As presently drafted Policy AL/PE4 is linked with the provision of adjoining housing: criterion 8 of the draft policy requires that a suitable legal mechanism be put in place to ensure that ‘...the provision of the safeguarded land for the expansion of the Hospice is tied to the delivery of the housing...’

We would urge caution with the drafting of the policy in this respect. Following the completion of the Cottage Hospice, Hospice in the Weald is under considerable pressure now to improve the main site at Pembury. Work is programmed to start within in the next two-five years.

In view of this, it is important that the delivery of the new palliative and medical care facilities at Pembury are not ‘tied up’ with the delivery of the adjoining housing site. As such the delivery of the site would become beholden to the vagaries of the housing market and other external factors beyond the control of the Hospice.

We would be grateful if the wording could be carefully reconsidered to avoid this from happening.