

Representor number  
PSLP\_2048 to PSLP\_2052

# **MATTER 13 – LANDSCAPE, LOCAL GREEN SPACE AND OPEN SPACE, SPORT AND RECREATION**

## **TUNBRIDGE WELLS LOCAL PLAN**

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

JUNE 2022

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**TUNBRIDGE WELLS LOCAL PLAN**

MATTER 13 – LANDSCAPE, LOCAL GREEN SPACE AND OPEN SPACE, SPORT AND RECREATION  
PROJECT NO. 2133

**PREPARED BY:**

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DIRECTOR

**DATE:**

JUNE 2022

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## 1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Pro Vision on behalf of Cooper Estates Strategic Land Limited (“CESL”) who are promoting Land at Sandown Park<sup>1</sup> for a Care Community<sup>2</sup> within Use Class C2 to provide 108 Extra Care (“EC”) units with communal care and wellbeing facilities.
- 1.2 The Inspector will be aware through correspondence<sup>3</sup> on behalf of CESL, that we have long been concerned that plan-making by Tunbridge Wells Borough Council (“TWBC”, “the LPA” or “the Council”) has failed its legal duties. Our submissions in relation to Matter 1 concluded that the Local Plan Examination should not proceed as the Submission Version of the Local Plan (SVLP) is not legally compliant.
- 1.3 We do not seek to repeat these concerns, but in order to assist the Inspector we provide cross-references to the CESL representations and additional communications previously made where they relate to the specific Stage 2 Examination Questions.
- 1.4 This Representation responds to the Inspector’s questions within Matter 13<sup>4</sup> and has been prepared in the context of the tests of ‘Soundness’ as set out in Paragraph 35 of the National Planning Policy Framework 2021 which requires that a Plan is:
- Positively Prepared
  - Justified
  - Effective
  - Consistent with national policy
- 1.5 This hearing statement has been prepared in consultation with Gregory Jones QC, Francis Taylor Building, Temple. In summary, we have identified defects in the Council’ assessment of housing land supply, specifically that of specialist accommodation for older people. Flaws in the assessment will perpetuate the under-delivery of Extra Care in the Borough over the plan period. This is not positive nor effective planning for a key, and growing, part of the local community.

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

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

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

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

## 2.0 Matter 13 Issue 1 – Landscape within the Built Environment

**Q1. What are [Areas of Important Open Space](#), [Areas of Landscape Importance](#) and [Important Landscape Approaches](#)? How have they been defined and are they appropriate and justified?**

2.1 These features, defined within the preamble to SVLP Policy EN16, carry forward Local Policy designations of the adopted Site Allocations Local Plan (SALP) from 2016. In that document:

- Areas of Important Open Space were addressed by SALP Policy EN21;
- Areas of Landscape Importance were addressed by SALP Policy EN22; and
- Important Landscape Approaches were addressed by SALP Policy EN23

2.2 These, in turn, carried forwards Policies (each with the same naming and numbering) in the 2006 Core Strategy. They remain saved.

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### **3.0 Matter 13 Issue 2 – Arcadian Areas**

**Q1. How have the [Arcadian Areas](#) been defined and are they justified, appropriate and effective land use designations?**

3.1 CESL have no comments to make in relation to this question.

## 4.0 Matter 13 Issue 3 – Rural Landscape and Dark Skies

**Q1. What is the justification for requiring the design and specification of lighting to accord with the Institute of Lighting Professionals Guidance Note GN01 in Policy [EN8](#)? Do these specifications form part of the development plan for the area?**

4.1 CESL have no comments to make in relation to this question.

**Q2. What is a ‘rural lane’ for the purposes of Policy [EN18](#)? How have they been defined and are they clear to users of the Plan?**

4.2 CESL understands that the term “rural lane” refers to Lanes that appear in the maps to the 1998 Rural Lanes Supplementary Planning Guidance (RLSPG) document<sup>5</sup>. However, this document is dated itself and refers to policies which are long revoked. Moreover, the category of Supplementary Planning Guidance no longer exists. In any event, the evidence base that underpins the RLSPG (within the context of the Examination) is incomplete. The RLSPG refers to the Kent Rural Lanes Study (KRLS) which CESL understands occurred in 1996/1997. While elements of the KRLS can be found online for other Kent Districts<sup>6</sup>, the component that underpins TWBC is not within the Examination Library, nor is it apparently available online. Therefore, without full and complete evidence, no, it is not clear to users of the plan how rural lanes have been defined.

**Q3. How will Policies [EN8](#) and [EN18](#) apply to allocations in the Plan, such as Tudeley Village for example, which will change parts of the rural landscape?**

4.3 It is impossible to see how the strategic allocation at Tudeley Village could be developed in accordance with Policy EN18 which requires proposed development to “*Not result in unsympathetic change to the character of a rural lane, which is of landscape, amenity, nature conservation, or historic or archaeological importance*”. Any development would clearly conflict with this policy given Hartlake Road (RLSPG ref. 124) and Sherenden Road (RLSPG ref. 125) will experience permanent and total change.

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<sup>5</sup> Exam Document [3.117](#)

<sup>6</sup> For example in [this Kent Libraries search](#)

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- 4.4 Sherenden Road, which is listed in Appendix 3 of the Rural Lanes Study as being in the top 10% of “Lanes of high landscape and amenity value” would be completely obliterated by the development shown on the illustrative masterplan.
- 4.5 Hartlake Road is listed in Appendix 8 of the Rural Lanes Study as being a lane of “historic value” but will be bounded by a major development which, even with buffer and landscape edges, will inevitably impact on its character. Hartlake Road is identified in Appendix 11 as being a “Rural Lane with high overall scores” and was placed in the top 10-20% of all lanes in the Borough. This means it is a significant rural lane, yet this does not appear to have been taken into account by the Council in the Tudeley Village allocation or formulation of Policy EN18. This is not robust.



## **5.0 Matter 13 Issue 4 – The High Weald Area of Outstanding Natural Beauty ('AONB')**

**Q1. What is the justification for requiring development proposals to demonstrate how they meet the objectives of the AONB Management Plan? Do the objectives form part of the development plan for the area?**

5.1 The AONB Management Plan was published in its most recent form in 2019<sup>7</sup>. Its contents, and the fact that formal legal responsibility for both development control and for management of AONBs (including the duty to prepare an AONB Management Plan) lies with the local authorities in whose area(s) the AONB exists, means that the AONB and its Management Plan are material considerations in the planning application process.

5.2 In that regard, it is difficult to see how a major development on the site at Woodsgate Corner (AL/PE6) could possibly comply with the AONB Management Plan. This is particularly so when the Council has already refused a development on this site<sup>8</sup> because:

*“The proposed development fails to demonstrate that exceptional circumstances exist and that the development is in the public interest and therefore fails to address the major development within an Area of Outstanding Natural Beauty test as set out within paragraph 172 of the National Planning Policy Framework. The development would therefore lead to an unacceptable level of harm to the Area of Outstanding Beauty which would significantly and demonstrably outweigh the benefits of the proposal.”*

**Q2. Is it clear to decision-makers, developers and local communities when a landscape and visual impact assessment is required? What is the expected outcome from this requirement?**

5.3 No comment.

**Q3. What are the reasons for the [suggested changes to the text supporting Policy EN19](#)? Why are they necessary for soundness?**

5.4 No comment.

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<sup>7</sup> Exam Document [2.1](#) – prepared by the High Weald Joint Advisory Committee on behalf of 4x County Councils (including Kent County Council) and 11x Borough or District Councils (including TWBC).

<sup>8</sup> For a motor dealer village under reference 19/00884/FULL – see our Matter 7 Statement

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**Q4. Is Policy [EN19](#) positively prepared, justified, effective and consistent with national planning policy?**

5.5 As discussed in CESL Matter Statements 2-7, CESL take issue with how TWBC have applied the principles of this policy to site selection. CESL have evidenced that sites within the AONB have been allocated for development ahead of sites that lie outside the AONB designation. This is inconsistent with the NPPF and as such we consider the plan is not robust and is unsound.

## **6.0 Matter 13 Issue 5 – Local Green Space**

- Q1.** The PPG advises that if land is already protected by Green Belt policy, then consideration should be given to whether any additional local benefit would be gained by designation as [Local Green Space](#). Which sites designated as Local Green Spaces in the Plan are also within the Green Belt? For those sites, what consideration has been given to the additional local benefit of their designation?
- Q2.** Paragraph 101 of the Framework states that the designation of land as Local Green Space through local plans allows communities to identify and protect green areas of particular importance to them. Have all the designations been put forward by local communities? If not, which ones have been identified by the Council?
- Q3.** What is the justification for designating site [217](#)? How is it demonstrably special to the local community?
- Q4.** What is the justification for designating site [20](#)? How is it demonstrably special to the local community, and does it represent an extensive tract of land?
- Q5.** What is the justification for the proposed Local Green Space designations at Cranbrook School (including the playing fields)?
- Q6.** [Site 45 \(New Pond Corner\)](#) is situated within a conservation area. What is the justification for its further designation as Local Green Space?
- Q7.** What is the justification for the proposed Local Green Space designations around Goudhurst, having particular regard to the location of the village in the High Weald AONB?
- Q8.** Have any Local Green Spaces been identified in Neighbourhood Plans which have either been through examination or formally made since submission of the Local Plan?

6.1 No comments.

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## **7.0 Matter 13 Issue 6 – Retention and Provision of Open Space**

**Q1.** Is Policy [OSSR1](#) consistent with paragraph 99 of the Framework?

**Q2.** What are the standards in Policy [OSSR2](#) based on and are they justified and effective?

7.1 No comments.