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Dear Mr M. Birkinshaw BA(Hons) MSc MRTPI,

Examination of the Tunbridge Wells Borough Local Plan – Response to Matter 1 (Issues 1 and 3)

CBRE is instructed by Dandara in respect of their land interests within the Tunbridge Well Borough Local Plan (hereafter ‘the Plan’). With specific reference to the proposed allocations within the Plan their interest includes:

- **STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood (‘Paddock Wood’);**
- **STR/HA1 / AL/HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst (‘Hawkhurst’);**
- **STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough (‘Southborough’).**

Dandara also hold interest at **AL/RTW16 – Land to the West of Eridge Road at Spratsbrook Farm (‘Spratsbrook Farm’)** and representations in respect of this site are submitted by Barton Willmore (albeit no response is provided in respect of Matter 1).

Dandara also have interest in the Land East of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (‘Sissinghurst’) which for the purpose of the Plan is an omission site.

Response to Matter 1, Issue 1 – Duty to Cooperate (Questions 5, 9 and 13)

Q5. The Duty to Cooperate Statement – Part 1 (Revised November 2021) confirms that Sevenoaks District Council informed Tunbridge Wells Borough Council that it was unable to meet its own housing needs in April 2019. What steps has the Council taken since April 2019 in response to this request? Has the Council engaged constructively, actively and on an ongoing basis insofar as the preparation of the Tunbridge Wells Borough Local Plan is concerned?

Given the nature of the question posed we will leave the primary response to the Council. It is worth noting however that the Draft Statement of Common Ground with Sevenoaks District Council (SDC) (October 2021) refers to previously considered unmet need from SDC (1,800 units). It is common ground between the parties that this unmet need figure can no longer be relied upon – given the current situation on SDC Local Plan.

Nonetheless, the Draft SOCG goes on to note of the need for future discussions/considerations of potential unmet needs arising from SDC. This is important given that SDC 93% Green Belt. The Draft SOCG refers to the proposed 1,080 unit buffer in TWBC Local Plan. Should unmet need from Sevenoaks arise again, the buffer may need to be increased (another 800 units if the previous are figures to be referred to).

In this vein we suggest that it would be appropriate for the Plan to consider a policy that adds a review mechanism to consider the agreed unmet needs arising from SDC and whether the 1,080 buffer needs to be increased to accommodate the unmet needs arising.

Q9. The submitted Local Plan proposes two strategic developments (at Tudeley Village and Paddock Wood, including land at east Capel) which are situated reasonably close to the boundary with Tonbridge & Malling Borough. The Statement of Common Ground with Tonbridge & Malling Borough Council includes details of a 'Strategic Sites Working Group' which meets monthly and includes examples of some policy outcomes as a result of this joint working. The Statement of Common Ground also clarifies that Tonbridge & Malling Borough Council has raised 'serious concerns' relating to the transport evidence base, transport impacts, flooding and infrastructure provision. In response, paragraph 5.12 concludes that both authorities will continue working to address these concerns, including where necessary with key infrastructure providers and statutory consultees.

How have these strategic cross-boundary matters been considered throughout the plan-making process and has the Council engaged constructively, actively and on an on-going basis in addressing them? In answering this question, has the Council's approach been consistent with advice contained in the Planning Practice Guidance? It states that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the Inspector to direct them. If agreements cannot be reached, Planning Practice Guidance advises that plans may still be submitted for examination, but, states that comprehensive and robust evidence of the efforts made to cooperate, and any outcomes achieved, will be required.

As the Inspector will be aware, the duty to co-operate (DtC) does not necessitate a need to agree but that ongoing dialogue has occurred on strategic matters. PDF Page 65 of **Core Document 3.132** demonstrates that the Council has engaged in regular and consistent meetings with Tonbridge and Malling Borough Council in order to discuss key strategic matters. The evidence provided demonstrates that engagement begun in 2015, over 6 years prior to the point at which the Plan was then submitted.

It is appropriate to acknowledge that for the purpose of the Plan Paddock Wood represents a 'developable' site, namely that sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged. In this context, and given the scale of development proposed at Paddock Wood, it is anticipated that additional technical work will be required in order to further inform how the allocation is delivered. It is anticipated that this will be delivered through the formal Supplementary Planning Document (SPD) that is included as a requirement of the strategic allocation. As such, rather than deferring issues it is clear that there is a level of technical detail that, as common with strategic sites, will be progressed at the masterplanning level. This position does not represent a failure of the duty-to-cooperate process but reflects the process through which strategic sites are delivered.

The inclusion of the masterplanning process and opportunity for continued engagement around this would also align with the response that was provided by Tonbridge and Malling in their Pre-Submission response dated 3rd June 2021 (see **Core Document 3.132**, Appendix C, PDF Page 20):

'TMBC wishes to reiterate the importance of ensuring that the necessary infrastructure and mitigation measures are finalised and implemented in a timely and effective way. Continued close collaboration between the two authorities in respect of the master planning of both sites and the proposed Supplementary Planning Documents to refine the details is strongly encouraged.'

The response also continues to note that Tonbridge and Malling Borough Council feel that *'the Local Plan has been prepared in accordance with the requirements of national policy as set out in the National Planning Policy Framework (2019) and Section 33A of the Planning and Compulsory Purchase Act 2004 in respect of the Duty to Cooperate'* (see

Core Document 3.132, Appendix C, PDF Page 21). There is also no suggestion within their response that the proposed allocation of Paddock Wood is unsound.

It is important to note that the Statement of Common Ground between the Council and Kent County Council (Transportation) **Core Document 3.132** includes no stated concerns with respect to transport matters at Paddock Wood. Within the same document, Page 18 (of the PDF) confirms that the Environment Agency has raised no objection to the principle of the Paddock Wood allocation in respect of flood risk and drainage. The comments from Kent County Council and the Environment in their statutory capacities to advise in these technical matters needs to be taken into account and it is important that engagement through the DtC is understood from a holistic perspective.

The engagement with Tonbridge and Malling Borough Council represents one of now fewer than 25 separate bodies that have been engaged through the DtC process. As set out above, there is no submission from Tonbridge and Malling that the DtC process has been failed. There is nothing within the Regulation 19 response that suggests that the principle of the soundness of the allocation of Paddock Wood is in question. Through the masterplanning process as part of the SPD there will be the opportunity to continue to continue discussions on highways and infrastructure needs. In this context, this does not represent a failure of the DtC process but highlights the necessary ongoing discussions that would be anticipated from a project of this nature and scale.

Q13. Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to advice contained in the National Planning Policy Framework (the ‘Framework’) and the National Planning Practice Guidance (the ‘PPG’)?

Yes. The evidence collected and submitted by the Council is substantial and demonstrates a significant effort to ensure that strategic issues effecting the Plan have been appropriately debated and discussed, consistent with the expectations of the PPG. Dandara alongside CBRE have been involved in the Strategic Sites Working Group for Paddock Wood and have experienced first-hand the constructive and meaningful output of this engagement. No fewer than 19 separate meetings have been held of the Strategic Sites Working Group in the past 3 years, details of this are included in Appendix J1 of **Core Document 3.132**.

The PPG advises that Statement of Common Ground will be used by Inspectors in interrogating whether or not the Duty to Cooperate has been met. **Core Document 3.132** includes a significant list of signed Statement of Common Grounds, a significant achievement given the number of strategic issues and adjacent boundaries that an area such as Tunbridge Wells has.

Response to Matter 1, Issue 3 – Sustainability Appraisal (Questions 5, 6, 9 and 11)

Q5. Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid releasing land from the Green Belt?

Q6. Does the Sustainability Appraisal adequately and robustly consider alternative distributions of development, such as focusing growth towards existing settlements such as Royal Tunbridge Wells, rather than relying on a new settlement?

Our response to Question 5 and 6 is provided below.

Green Belt

Tunbridge Wells is heavily constrained – aside from the 22% of the borough designated as Green Belt, 69% is AONB, with 5,321 ha of Green Belt land (out of 7,134 ha) also being within the AONB. The Sustainability Appraisal (**Core Document - 3.130**) considers no fewer than 12 alternative scenarios for growth.

Whilst there is no set or prescribed requirement for the level of alternative scenarios that should be tested from my professional experience this represents the higher end in terms of the number of alternative strategies that have been considered and found sound in other Local Plans. The Proposed Growth Strategies 1, 6 and 8 test seeking to meet needs without use of the Green Belt demonstrating that the Council has invested significant focus, time and resource in ensuring that alternative strategies are considered before selecting the preferred strategy which forms the basis of the Plan.

It is important in responding to the Question to highlight the subtle, but important, revision that was made to the NPPF in 2019 (and carried through to 2021) with respect to a Local Plan being considered as justified. Rather than the most appropriate strategy, the relevant test is now an appropriate strategy (Paragraph 35 (B)). This is an important distinction particularly when considering the robustness of the alternative strategies that have been tested through the Sustainability Appraisal.

As presented through the Sustainability Appraisal (notably Growth Strategy 6) there is a clear relationship between the spatial distribution of development in Tunbridge Wells and the Green Belt. Those settlements which are larger, thus having greater level of sustainability, are tightly surrounded by the Green Belt. Conversely, lower order settlements tend to be located outside of the Green Belt but within the AONB. As summarised on Page 80 of the **Core Document 3.130**:

‘The scoring outcome for Growth Strategy 6 (Meet need with no Green Belt SA of the Spatial Development Strategy) demonstrated that, without Green Belt release, meeting the housing need causes highly negative impacts for travel and climate change and some social objectives are not as positive as they would be otherwise (housing, education, equality).’

The NPPF (2021) is clear at Paragraph 32 that significant adverse impacts against social, economic and environmental objectives should be avoided. The outcome of Growth Strategy 6 clearly highlights that an approach that does not utilise Green Belt release would result in significant negative impacts with respect to travel and climate change.

For the reasons set out above, there is clear, robust and justified evidence of the Council considering options that avoid the release of Green Belt land to inform its overall strategy.

Role of Strategic Sites

Growth Strategy 1, 5 and 7 consider the consequences of the Plan not including a focus upon the Strategic Sites. The role of large scale housing developments is clearly acknowledged by Paragraph 73 of the NPPF (2021) which states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).

As previously noted, Tunbridge Wells is surrounded by the Green Belt, with the land to the north of Tunbridge Wells forming an important strategic gap to Tonbridge and Malling. In addition, such is the heritage context of Tunbridge Wells that delivering a significant step change in the density associated with the town does not represent a suitable or appropriate form of development for the Plan to prioritise.

Whilst Green Belt release is required in Tunbridge Wells it would be inappropriate for the quantum of development being delivered by Paddock Wood to be expected to be accommodated by Tunbridge Wells alone. Paragraph 142 of the NPPF (2021) is clear that *‘when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account.’* In this context it is important that Green Belt release is appropriately planned to ensure that the most appropriate sites/location for growth are selected based on the individual contribution that the site makes. The in combination approach to also release Green Belt in sustainable locations in Paddock Wood (as well as well performing sites in Tunbridge Wells) represents a more consistent NPPF approach to ensure that the redrawing of Green Belt boundaries actively contributes to the delivery of sustainable development.

Growth Strategy 1 considers a strategy to prioritise development in Tunbridge Wells. What is apparent from this assessment is that significant adverse effects are highlighted for Tunbridge Wells in respect of its ability to meet housing need. In addition, detrimental impacts are also cited for Paddock Wood as the ability to delivery the necessary social objectives (through regeneration) is significantly reduced.

For the reasons set out above the evidence that has been provided by the Council provides clear evidence for alternative to Green Belt development, both as part of the Plan and as part of the allocation of Paddock Wood to show a robust assessment of alternatives.

Q9. Does the Sustainability Appraisal adequately and robustly consider reasonable alternative strategies for the size and scale of development proposed at Tudeley Village and Paddock Wood, including land at East Capel? For example, does it consider smaller and/or larger forms of development as a way of meeting housing needs?

Planning Practice Guidance (PPG) includes useful guidance as to the extent of information that is adequate to respond to a Local Plan. As stated, *‘the sustainability appraisal should only focus on what is needed to assess the likely significant effects of the plan. It should focus on the environmental, economic and social impacts that are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan.’*

Paragraph 6.2.37 of **Core Document 3.130** clearly sets out that alternative options for the site of the development at Paddock Wood were considered. This included five development options ranging from 1,500 homes to 4,500 homes across 5 alternative strategies. Importantly for the robustness of the assessment, the options considered looked at the consequences for not including land within the Green Belt to the west of Paddock Wood for the purposes of realising sustainable development. The assessment of five alternative forms of development for Paddock Wood clearly surpasses the threshold that is provided as guidance in the PPG to demonstrate appropriateness as well as the requirements of the NPPF (2021).

It is important to note that this assessment work was included in the Sustainability Appraisal from 2019 (**Core Document 3.11**) and reflects that the consideration of these issues has been thoroughly assessed throughout the plan-making period.

As seen from Table 29 of **Core Document 3.130**, broadly consistent impacts are noted across the five options in terms of constraints. Option 2 (the Preferred Option) is shown as delivering greater benefits with respect to the economy due to the higher level of growth associated with this option. Table 29 is useful in highlighting the strategic benefits in including development to the west of Paddock Wood (including the land being promoted by Dandara) to ensure an appropriate level of access to existing goods and services. Alternative options that focus development to the east (without using Green Belt land) highlight that this has the potential to result in unsustainable patterns of development as the location of the new development from the centre of Paddock Wood becomes significantly increased in order to accommodate the proposed development.

Q11. Are the scores and conclusions reached in the Sustainability Appraisal reasonable, sufficiently accurate and robust to inform the submission version of the Local Plan?

As noted in response to other questions, the assessment of 12 Growth Strategies is significant and represents a clear consideration of the issues. This includes an assessment both with and without using Green Belt land and with and without reliance on strategic sites. PPG and the amendments to the NPPF (2021) clearly highlight that the purpose for the Sustainability Appraisal exercise is to use a proportionate amount of evidence to inform an appropriate strategy. There is no expectation or requirement in respect of the pursuit of soundness that would have required Tunbridge Wells to test a potentially infinite number of alternative strategies. Whilst it is likely that omission sites will argue that the Sustainability Appraisal has shortcomings, the test is not that every scenario to respond to the circumstances of every individual site is considered. The Council in their assessment work have a sufficiently accurate and robust assessment for the purposes of what is required to demonstrate soundness.

We would be grateful if the Programme Officer could confirm receipt of this response.

Yours sincerely,



Adam Kindred
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CBRE Ltd

cc. Ben Shaw – Senior Planning Manager, Dandara