

Representor number  
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**MATTER 3 – SPATIAL STRATEGY AND  
DISTRIBUTION OF DEVELOPMENT (POLICIES  
STR1, STR3, STR9 AND STR10)  
TUNBRIDGE WELLS LOCAL PLAN**

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

MAY 2022

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MATTER 3 – SPATIAL STRATEGY AND DISTRIBUTION OF DEVELOPMENT (POLICIES STR1, STR3,  
STR9 AND STR10)  
PROJECT NO. 2133

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**DATE:**

MAY 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 units with communal care and wellbeing facilities.
- 1.2 The Inspector will be aware through correspondence<sup>3</sup> on behalf of CESL, that we have long been concerned that plan-making by Tunbridge Wells Borough Council (“TWBC”, “the LPA” or “the Council”) has failed its legal duties. Our submissions in relation to Matter 1 concluded that the Local Plan Examination should not proceed as the Submission Plan is not legally compliant.
- 1.3 We do not seek to repeat these concerns, but in order to assist the Inspector we provide cross-references to the CESL representations and additional communications previously made where they relate to the specific Stage 2 Examination Questions.
- 1.4 This Representation responds to the Inspector’s questions within Matter 3: Issue 1 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.

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

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

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

## **2.0 Matter 3 Issue 1 – Spatial Strategy**

**Q1. Does the submission version Local Plan contain a settlement hierarchy in the same way as the adopted Core Strategy (2010) does?**

2.1 Similar yes. There is a hierarchy in Policy ED8<sup>4</sup> which is broadly similar to that in Box 4 of the Core Strategy<sup>5</sup>. Terminology has changed, but we have no objection to those changes.

**Q2. The Settlement Role and Function Study Update<sup>6</sup> scores settlements and groups them together between A and G. Is the methodology used robust and are the outcomes accurate?**

2.2 No comment.

**Q3. What is the purpose of the Settlement Role and Function Study Update? How has it informed the Plan?**

2.3 No comment.

**Q4. The Development Strategy in Policy STR1 supports the “...major, transformational expansion of Paddock Wood (including land at east Capel)...”. At a strategic level, what are the reasons for promoting significant new development at Paddock Wood? Is this justified??**

2.4 No comment.

**Q5. The Development Strategy also supports the “...creation of a new garden settlement: Tudeley Village...”. What were the reasons for pursuing a new, standalone settlement, rather than the expansion of existing towns and villages? Is this justified?**

2.5 No comment.

**Q6. Paragraph 4.45 of the submitted Plan states that Royal Tunbridge Wells is surrounded by the High Weald AONB, except for areas to the west and the north. What options has the Council therefore looked at for new development to the west and the north of the town? Why were they discounted in favour of a standalone new settlement (which also requires land to be removed from the Green Belt)?**

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<sup>4</sup> Core Document [3.128, pg 452](#)

<sup>5</sup> Core Document [3.118, pg16](#)

<sup>6</sup> Core Document [3.133](#)

2.6 The statement in the plan is not correct as the CESL Omission site 114 is to the east of Tunbridge Wells and is outside of the AONB.

2.7 We have noted in our Matter 7 statement that, notwithstanding serious objections from Natural England and the AONB Unit on the approach to development in the designated landscape, the Council has preferred to allocate land for major development within the AONB at Woodgate Corner, Pembury, to a site outside the AONB and within 500m of that site, on the edge of the limits to built development in Royal Tunbridge Wells. We consider that exceptional circumstances do not exist which makes this proposed allocation unsound.

**Q7. The Development Strategy Topic Paper<sup>7</sup> refers to constraints to such as the Green Belt, the High Weald AONB and areas of flood risk. Which areas of the Borough are not constrained by flooding and/or the Green Belt and AONB? Why could housing needs not be met in these areas?**

2.8 The CESL Omission site 114 is an example of where the Council has missed the opportunity to reduce the amount of development in the most constrained areas of the borough. It is not constrained by flooding nor within the AONB. It is on the edge of the existing limits to built development of Royal Tunbridge Wells. Whilst the site is within the Green Belt, it comprises only a very small piece of a much larger parcel, and where the Council has previously concluded in the Green Belt Study<sup>8</sup> that:

- *“Development on this parcel would leave only a very narrow physical gap, but the A21 and A246, and associated tree cover, would preserve a sense of separation”.* The proposed development would extend the built up area of Tunbridge Wells in an eastly direction, but as noted by the Council’s Green Belt study, the A21 and the area of retained woodland to the south and the east of the site will serve to check the unrestricted sprawl of the built-up area beyond the application site.
- *“The A21 and its containing tree cover which prevents any intervisibility between the two settlements, is a key element in the settlement separation”.* It is therefore the A21, and the associated tree cover, that serves to prevent the neighbouring towns of Tunbridge Wells and Pembury from merging into one another. Development on the site would

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<sup>7</sup> Core Document [3.126](#)

<sup>8</sup> See Core Document [Green Belt Study - Stage 2 - Appx Aiv RTW - CD 3.93b\(v\), pg11](#)

therefore not affect the spatial separation between the Town of Tunbridge Wells and Pembury village.

- *“The parcel is adjacent to the large built-up area and relates more strongly to this than to the wider countryside”.* Given the presence of the A21 to the east of the site, and beyond this the development along the old Pembury Road, the sense of transition from town to countryside is not experienced on this site. Therefore, the site does not assist in safeguarding the countryside from encroachment.

**Q8. Could housing needs be met in a way that did not require land to be removed from the Green Belt and/or require development in the AONB?**

2.9 No, in order to meet housing needs, and the constraints within the borough, we consider that there are exceptional circumstances and land must be removed from the Green Belt. However, in respect of meeting the Extra Care needs of the Borough, we consider that there is a suitable alternative site, being the CESL Omission site 114, to allowing major development within the AONB. For reasons discussed in the Matter 7 statement, we consider the Council has failed to demonstrate that exceptional circumstances exist in line with the Framework for major development in the designated landscape and as such has failed to attach great weight to the protection of the AONB in respect of Policy AL/PE6 Woodsgate Corner.

**Q9. Do policies relating to the Green Belt, the High Weald AONB and/or flood risk provide a strong reason for restricting the scale, type and distribution of development in Tunbridge Wells?<sup>9</sup>**

2.10 In short no in relation to the Green Belt, but yes in respect of the environmental constraints. Whilst Green Belt is an important designation, it is not a landscape designation in the same sense as the AONB designation. It is also not a safety designation in the same sense as flood risk. It is a spatial planning tool<sup>10</sup>. Whilst exceptional circumstances are needed to justify the release of land from the Green Belt, we consider that some sites, when considered on an individual basis, could be released without conflicting with the five purposes as set out within the NPPF. We consider this is the case with the Omission site 114, where development of the

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<sup>9</sup> This Question is similar to that in Matter 2, Issue 1, Question 6. Inspector’s footnote to that suggests the response to both these questions should be the same

<sup>10</sup> accepted by the LPA in their verbal evidence at the Stage 1 (Matter 1) session Day 2, 02 Mar 2022, morning session – [see video of the Examination session](#) (1h 27m 45s)

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site would be barely visible within the wider landscape, and as confirmed by the Council's Green Belt study, development on this gap would conserve the separation / prevent coalescence. We therefore consider that there is no good reason to prevent this site coming forward to meet the significant unmet need for Extra Care.



### **3.0 Matter 3 Issue 2 – Distribution of Development**

**Q1. How was the distribution of development established? Has the Council sought to direct housing growth towards settlements based on their scoring in the Settlement Role and Function Study, or by another means?**

3.1 Yes, although there are anomalies such as that in respect of the Green Belt assessment in respect of Parcel TW5 and PE6. The Council has been inconsistent in its assessment, without explanation or justification. See our matter 4 statement for further commentary.

**Q2. When taking into account commitments and completions since the start of the Plan period, what proportion of new housing will be distributed to each group of settlements, as per the Settlement Role and Function Study?**

3.2 No comment.

**Q3. Is the strategy consistent with paragraph 105 of the Framework, which states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes?**

3.3 No comment.

**Q4. Having established the principle of significant growth at Paddock Wood (see Matter 3, Issue 1, Question 4 above), how did the Council determine the scale of additional housing proposed in the Plan?**

3.4 No comment.

**Q5. Where new development is proposed in towns and villages, is the scale, type and distribution of housing development proportionate to their character, role and function?**

3.5 We note that three of the proposed allocations relating to Older Persons housing needs are in Pembury. Cornfield Court is a Care Home development, but adjacent to an existing Care Home site. Owlsnest Wood is also a Care Home development, but will serve as a step down facility from the Tunbridge Wells Hospital, which it is adjacent to.

3.6 However, the Woodsgate Corner allocation makes no sense as an Extra Care facility. Tunbridge Wells Borough has no other facility like that proposed on the Sandown Park / CESL Omission site 114. The Borough has several retirement apartment developments on busy road

frontages, but it has no facility set in extensive landscape grounds, within secluded environs to offer residents with a high quality of life and independence, with an element of care.

- 3.7 The care allocations in Pembury are disproportionate to the lower tier status of the settlement, and instead a greater level of Extra Care provision should have been targeted to Tunbridge Wells, the most sustainable settlement, and outside of the AONB.

**Q6. What is the justification for distributing new housing development to settlements within the High Weald AONB? How did the AONB designation influence the scale, type and distribution of housing development?**

- 3.8 In respect of Woodsgate Corner, allocation AL/PE6, there is no justification. This is covered further in our Matter 7 statement. Notwithstanding the objections of Natural England and the AONB Unit on the spatial strategy, the Council has allocated a site for major development within the AONB, when there is a site within 500m which is outside the AONB and on the edge of Royal Tunbridge Wells. The Council's strategy in that regard is therefore unsound.

**Q7. How have flooding constraints been taken into account in determining the spatial distribution of development? Is the Plan consistent with paragraph 161 of the Framework which states that all plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property?**

- 3.9 No comment.

**Q8. Does the Plan identify any areas of safeguarded land, in between the urban area and the Green Belt in order to meet longer-term development needs stretching beyond the plan-period?**

- 3.10 In respect of Extra Care provision, no. The CESL Omission site 114, if not required now, could have been safeguarded for Extra Care in the future or to come forward should the Council's anticipated delivery of Extra Care (if its need figure of 267 is accepted) not be realised i.e. if the two strategic site allocations fail to deliver.

- 3.11 The submission plan is unsound in respect of its misunderstanding of the level of need for specialised accommodation over the plan period, its inadequate response to meeting that need, but also failing to take logical steps to plan for inevitable needs beyond the plan period.

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## **4.0 Matter 3 Issue 3 – Limits to Built Development**

**Q1. How have the Limits to Built Development been defined? What are they based on and are they accurate?**

4.1 No comment.

**Q2. Do the submission version policies maps adequately show the changes to the Limits to Built Development that would arise from the adoption of the Plan?**

4.2 No comment.

**Q3. Where new site allocations are concerned, the Limits to Built Development Topic Paper<sup>11</sup> states that only the developable areas have been included. Landscape buffers, open space and outdoor recreation areas have been excluded from the Limits to Built Development. What is the justification for this?**

4.3 No comment.

**Q4. When taking into account that the detailed design and layout of a site allocation will be determined at the planning application stage, will the approach to defining Limits to Built Development be effective?**

4.4 No comment.

**Q5. What are the ‘Provisional Limits to Built Development’ as shown on the Submission Local Plan Inset Map Legend<sup>12</sup>? Which sites/areas do they relate to? Are they justified and effective?**

4.5 No comment.

**Q6. Where boundary changes are proposed as part of the submission version Local Plan, are they justified by appropriate evidence and analysis?**

4.6 No. In respect of Woodsgate Corner, this is within the Limits of Built Development since the site is allocated as a Park and Ride facility in the Site Allocations DPD. However, it is a site still within the AONB, and the allocation for a major residential development is not supported by

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<sup>11</sup> Core Document [3.82](#)

<sup>12</sup> Core Document [3.129a](#)

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appropriate evidence. We consider that the Council has failed to demonstrate exceptional circumstances exist to allow this development in the AONB.

**Q7. What is the justification for removing heritage assets and recreation areas from the Limits to Built Developments? Is this consistent with the principles set out in Core Document [3.82](#), which states that Limits to Built Development are policy lines drawn around the main built-up area of settlements?**

4.7 No comment.

**Q8. What is the justification for the removal of the settlement boundaries at Iden Green and Kilndown? Is this justified and is it consistent with the principles of Limits to Built Development which seek to draw lines around the main built-up areas of settlements?**

4.8 No comment.

**Q9. Is it clear to decision-makers, developers and local communities how planning applications will be considered for development proposals both within, and outside, Limits to Built Development?**

4.9 No comment.

**Q10. [Table 7](#) in the submission version Local Plan lists nine sites that are identified as part of the 'Rural Fringe'. What is the status of these sites and how will they be defined in the Plan? What is the justification for not including them within the Limits to Built Development?**

4.10 No comment.

## **5.0 Matter 3 Issue 4 – Management of Development in the Green Belt**

**Q1. It is sufficiently clear to decision-makers, developers and local communities which settlements are ‘washed-over’ by Green Belt?**

5.1 No comment.

**Q2. Where new development is proposed in the Green Belt, is Policy STR9 justified, effective and consistent with national planning policy?**

5.2 Yes.