

Representor number
PSLP_2048 to PSLP_2052

MATTER 5 – SITE SELECTION METHODOLOGY

TUNBRIDGE WELLS LOCAL PLAN

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

MAY 2022

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MATTER 5 – SITE SELECTION METHODOLOGY
PROJECT NO. 2133

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PSLP_2048 to PSLP_2052

CONTENTS

1.0 Introduction..... 1

2.0 Matter 5 Issue 1 – Site Selection Methodology 2

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 Park¹ for a Care Community² within Use Class C2 to provide 108 extra care units with communal care and wellbeing facilities.
- 1.2 The Inspector will be aware through correspondence³ 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 5: 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. The structure of the document reflects that in the Stage 2 Matters, Issues and Questions document⁴. In summary, we have identified defects in the Council’s site selection methodology and conclude that it is not robust. We conclude that this is not positive nor effective planning. The plan is therefore unsound.

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

² 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](#)

³ Representation [PSLP_2048](#), full document at [SI_140](#)

⁴ Examination document [ID05](#)

2.0 Matter 5 Issue 1 – Site Selection Methodology

Q1. How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate??

2.1 This is not clear. We have, as part of our Matter 4 Statement⁵ indicated significant deficiencies in the Stage 2 and Stage 3 Green Belt Assessments⁶ which demonstrate (a) inconsistencies of approach at Stage 2 and (b) a disconnect between the conclusions of the Stage 3 Green Belt Assessment and the sites taken forwards in the Submission Version (SV) of the Plan.

2.2 Furthermore, in their Regulation 19 representation⁷, CESL identified that at least 1 of the proposed allocations for specialist accommodation for the elderly, AL/PE6 Woodsgate Corner, was within the AONB⁸ and would comprise major development. The Council has not evidenced compliance with Paragraph 177(b) of the Framework i.e. why a site such as the CESL site at Sandown Park, which is both outside of the AONB and less than 500m from the Woodsgate Corner site, and promoted for Extra Care use, is not suitable to meet the identified need. The Council's assessment in this regard is inconsistent, not robust and unsound.

2.3 Our Matter 1 Statement has also identified flaws with the Sustainability Assessment (SA). The SA that accompanies the Submission Version of the Plan⁹, prepared by TWBC, assesses all of:

- the CESL site at Sandown Park (SHELAA site 114);
- the Woodsgate Corner site (SHELAA site 395, proposed allocation AL/PE6);
- the Cornford Court site (SHELAA Site 460; proposed allocation AL/PE7); and
- the Owlsnest Wood site (SHELAA Site LS_13; proposed allocation AL/PE8).

2.4 We have singled out the above four sites since they are all in close proximity to one another, and, with the exception of the CESL site at Sandown Park, are proposed for allocation by the Council to provide Extra Care or Care Home accommodation.

⁵ Principle of Green Belt Release

⁶ Exam documents 3.43b/3.93b and 3.93c/3.141

⁷ Within Exam Document 3.125, available as a discrete document [SI_140](#) from a link within Exam Document [3.125c, pg 48](#)

⁸ "a landscape whose distinctive character and natural beauty are so outstanding that it is in the national interest to safeguard them" according to [Historic England](#)

⁹ Exam Document [3.130](#)

Representor number
PSLP_2048 to PSLP_2052

2.5 The SA entry for the CESL site is in Appendix F¹⁰ while those for the proposed allocations are in Appendix R¹¹. Table 1, below, extracts the assessments for these 4 sites, and places them side-by-side, for ease of comparison.

Site 114 CESL Land	Site 395 Woodsgate Corner (AL/PE6)	460 Cornford Court (AL/PE7)	Site LS_13 Owlsnest Wood (AL/PE8)
-	0	0	0/-
0	0/-	0/-	-
0/+	+	+	+
0/-	?/-	?/-	?/-
0	0	0	0/+
0/+	+	+	0
+ / ++	+ / ++	+ / ++	+ / ++
0	+	+	+
0/+	++	+ / ++	+ / ++
0	0	0	0
+	0	0	0
- / - / -	0/-	-	0/-
0/-	0/-	0/-	0/-
0/-	-	-	-
0/?	?	- / ?	?
++	0/-	0/-	0/-
0	0	0	0/-
0	0	0	0
0	0	0	0/-

Table 1 Site Assessments from SA to SV Plan (Exam Document 3.130)

/ ---	1	0	0	0
0 / -	4	5	5	8
0	7	7	7	4
0 / +	4	3	3	3
0 / +++	2	2	2	2
Unk	1	2	2	2

2.6 Whilst noting that the SA explains that it is not a question of addition up the positives and negatives, as discussed at length in the Matter 1 Hearing Sessions, the weighting given by the Council to the SA scores and objectives is entirely unclear. See our Matter 1 Statement in this respect.

2.7 To highlight our concerns, the Inspector is asked to note that the Council concluded that CESL site has 5 negative entries; comparable to both the Woodsgate Corner and Cornford Court site (both with 5 negative entries each). The Council concluded that the Sandown Park site scored better than the Owlsnest Wood site (8 negatives). In addition, the CESL site has 6 positive

¹⁰ Exam Document [3.130, pg 300](#)

¹¹ Exam Document [3.130, pg 351](#)

entries; which is better than all of the entries for the 3 proposed allocations (each with just 5 positives).

2.8 A more specific example is the comparison of the inclusion of the Woodsgate Corner site (Site 395) allocated for extra care accommodation (Use Class C2), a site entirely in the AONB, but rejection of our client's site at Sandown (site 114), also proposed for C2 use, which is entirely outside of the designated landscape. Whilst there are a number of SA objectives other than landscape to consider, comparison of the two SA appraisals for these two sites indicates that the landscape impact is equal (both have a neutral/negative 'score' despite the fundamental benefit that the Sandown site is not in the designated landscape).

2.9 Accordingly, there can be no confidence, based on the information available, over the site selection process, with the Council appearing to favour sites that are less sustainable over a site which by the Council's own evidence is more sustainable. This is not a robust assessment, and therefore is unsound.

Q2. How were site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence?

2.10 No robust evidence has been presented by the Council. We reserve the right to respond to the Council's answer either orally or in writing if necessary. In any event, we make relevant site-specific comments within our Statements regarding Matter 6 and Matter 7.

Q3. In deciding whether to allocate sites for development, how did the Council take into account the effects of development on:

- **Landscape character, including the High Weald AONB and its setting;**
- **The availability of best and most versatile agricultural land;**
- **The local and strategic road network;**
- **The need for new and improved infrastructure (including community facilities);**
- **Heritage assets; and**
- **Nature conservation?**

2.11 No robust evidence has been presented by the Council. We reserve the right to respond to the Council's answer either orally or in writing if necessary. In any event, we make relevant site-specific comments within our Statements regarding Matter 6 and Matter 7.

Q4. How did the Council consider the viability and deliverability of sites, especially where new supporting infrastructure is required?

2.12 No robust evidence has been presented by the Council. We reserve the right to respond to the Council's answer either orally or in writing if necessary.

Q5. How did the Council take into account flood risk? Has the Plan applied 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 as required by paragraph 161 of the Framework?

2.13 A SFRA was produced in 2019. This is a question for the Council, though we but reserve the right to respond to the Council's answer either orally or in writing if necessary.

Q6. What are the reasons for the different affordable housing requirements between allocations in the Plan?

2.14 No robust evidence has been presented by the Council. We reserve the right to respond to the Council's answer either orally or in writing if necessary

Q7. Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

2.15 No, we do not consider the process was robust for the reasons highlighted above. It is illogical to select sites that score worse and are therefore less sustainable / more harmful, over a site that is more sustainable / less harmful on the Council's own assessment. We also address this further in our Matter 4 Statement (Principle of Green Belt Release). As a result, the site section process was not robust and is therefore unsound.