

Examination of the Tunbridge Wells
Borough Local Plan

Tunbridge Wells Borough Council
Hearing Statement

**Matter 7: Residential Site
Allocations**
**Issue 6: Speldhurst (Policy
PSTR/SP1)**

Document Reference: TWLP/052



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Matter 7 – Residential Site Allocations

Issue 6 – Speldhurst (Policy PSTR/SP1)

AL/SP1 – Land West of Langton Road and South of Ferbies

Inspector’s Question 1: [re. consideration of whether the site is major development in the AONB and its impact on character and appearance]

Does site allocation AL/SP1 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 1

Does site allocation AL/SP1 represent major development in the AONB, and if so, is it justified?

1. This Council considers that this site does not represent major development in the AONB. 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](#)]. This response should be read in conjunction with those responses set out above but seeks to address more directly the site-specific circumstances.
2. 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.

3. 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 Appendix 2, and the assessment of individual site allocations, as well as the cumulative findings, by settlement, are set out at Appendix 3.
4. The Development Strategy Topic Paper, Appendix 3 Table 10, on pages 135 and 136 (electronic pages 139-140) gives the assessment for site AL/SP1 concluding, in the final column, that the site is not major. The site is 'not substantial', representing around a 2.99% 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 proposed allocation is a relatively small development that is well related and contained by a strong landscape framework.
5. This assessment is agreed with Natural England in the Statement of Common Ground (SoCG) at Section 9 [[CD 3.132c\(v\)](#)] Appendix H to J (beginning on paginated page 20, electronic page 144).
6. The Development Strategy Topic Paper Appendix 3 table for the site notes:
 - *“Remnant land parcel on edge of settlement and routeway”*.
 - *“Strong boundary features retained”*.
7. 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.
8. Criterion 3 of the site policy wording captures the need for development proposals to retain hedges and trees along site boundaries, with minimal loss, for the creation of access to the site. Significant areas of undeveloped green space are required, including landscape buffers to site boundaries to provide a soft approach to Speldhurst Village. This seeks to provide a suitable and sensitive urban edge to the settlement.

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?

9. 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 all studies including the green belt studies stages 1-3 and the landscape sensitivity studies. Matter 5, Issue 1 (Site Selection Methodology), Question 3 [[TWLP/021](#)] 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/0014](#) and [TWLP/015](#) respectively] sets out in more detail the approach the Council has taken to sites in the AONB.
10. More specifically, this site has been assessed through the Strategic Housing Land Availability Assessment (SHELAA) process [[CD 3.77a](#) main report and Speldhurst site assessment sheets [CD 3.77r](#)], which found it to be available, suitable and achievable.

Summary and Conclusion

11. The Council's response explains that site AL/SP1 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 its development in the AONB on this basis.
12. Great weight has, however, been given to the need to conserve and enhance the landscape and scenic beauty of the AONB. Appropriate policy requirements to ensure a sensitive development of this site are captured in the policy wording at criterion 3.
13. 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 2: [re. point of access]

Can a suitable and safe point of access and egress be achieved?

TWBC response to Question 2

14. The Council considers that a suitable and safe point of access and egress can be achieved to serve the site for its allocated purposes.
15. The decision to allocate the site has followed a robust site assessment, including consideration of whether a satisfactory means of access to the site can be achieved. The Council has engaged with Kent County Council (KCC) Highways & Transportation on this matter. KCC has not raised an in-principle objection to the site on highway grounds. KCC's representation to the Draft Local Plan consultation (rep number DLP_3363) supported the site allocation policy, subject to a minor change: *"It is expected that mitigation measures will be implemented by the developer. A contribution may be taken if appropriate"*.
16. The site promoter, through their representation to the Draft Local Plan consultation (representation number DLP_2753), confirmed they had entered into pre-application discussions with KCC Highways & Transportation.
17. Since the Draft Local Plan consultation, a Tree Preservation Order (TPO) (TPO number 0019/2020), attached as Appendix 1, has been placed on trees along the frontage of the site (eastern boundary), and on one tree on the southern boundary. When considering the TPO and the potential impact of this on the ability to develop the site, including provision of a suitable and safe means of access, officers contacted KCC Highways & Transportation to discuss the site again. Officers also discussed the site with the Council's specialist Tree Officer. The outcome of these discussions is that it would be possible to provide a safe and suitable means of access to the site, without adverse implications for the protected trees in question.
18. The ability to provide a safe and suitable access is confirmed by email (sent from KCC Highways & Transportation to the site promoter) dated 12 May 2022, attached at **Appendix 2**. This sets out that *"....the required visibility splays can be achieved from the proposed access without impacting the TPO trees. I can therefore confirm that safe and suitable access can be achieved to this site"*.

19. Finally, the site policy wording at criterion 1 sets out that site access shall be taken from Langton Road, with the precise location of this to be informed by a Transport Assessment. It also sets out that any required mitigation measures will be implemented by the developer, with a contribution taken if appropriate.

Summary and Conclusion

20. The above response explains that a safe point of access and egress can be achieved to serve the site, AL/SP1. The site promoter has had pre-application discussions with KCC Highways & Transportation. It is confirmed by email from KCC Highways & Transportation (attached at **Appendix 2**), that a safe and suitable access can be achieved. Furthermore, a safe and suitable access can be achieved without impacting upon trees protected by TPO, sited along the eastern frontage of the site from where the access point is expected to be provided in accordance with criterion 1 of the proposed site allocation policy AL/SP1.

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

21. The Council's case for 'exceptional circumstances' for the release of Green Belt as part the overall spatial strategy is set out 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](#)].
22. The responses 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
23. The Green Belt Study Stage 3 [[CD 3.141](#)] provides the information on the first two bullet points, identifying 'Very Low Harm to the Green Belt' from the release of the site and 'Negligible Harm to the remaining Green Belt' in the vicinity (page 112 paragraph 4.254 under Harm summary).
24. Chapter 5 of the Green Belt Study Stage 3 considers issues such as whether any key strategic gaps between settlements will be lost (Purpose 2), whether there is a sufficient band of remaining Green Belt to prevent future urban sprawl (Purpose 1) or to be

perceived as countryside (Purpose 3), and whether the loss of sites will significantly affect the setting and special character of historic settlements (Purpose 4).

25. With regard to Purposes 1 and 2 it should be noted that the site AL/SP1 is remote from other proposed allocations. It would not erode a gap between settlements, and the new Green Belt boundary proposed would ensure a sufficient band of remaining Green Belt to prevent future urban sprawl.
26. In considering safeguarding the countryside from encroachment (Purpose 3) the Green Belt Study Stage 3 notes at paragraph 5.22 that *“The draft allocation sites around Tunbridge Wells, Pembury and Speldhurst are predominantly located on land which does not have a strong distinction from the inset settlements. As such, the release of these areas will not mark a step change in the settlement extent, that is to say development will occur on land with an existing physical and/or visual relationship with the urban areas”*.
27. Commenting on this allocation, (and others), paragraph 5.23 sets out that, as a result of the release of AL/SP1 *“The cumulative release of the draft allocation sites (including AL/RTW12, AL/RTW13, AL/RTW16, AL/RTW18, AL/RTW23, AL/PE1, AL/PE2, AL/PE3, AL/PE4, AL/PE5 and AL/SP1) will not weaken the contribution or affect the overall ability of the majority of the remaining Green Belt land surrounding Tunbridge Wells, Pembury and Speldhurst to function as intended in respect to Purpose 3. A sufficient band of Green Belt will remain which will continue to be perceived as countryside.”*
28. 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:
 - *“Retain hedges/trees along boundaries;*
 - *landscape buffers to site boundaries”*.
29. Under Rationale, the table identifies for this site that development will be localised impact, the site is well related to existing development, and is a sustainable location.
30. The table explains that the new Green Belt boundary here will follow a strong and clear field boundary to the west. This change alone will leave a small triangular area to the north covering the rear garden areas of adjacent residential properties with no feature on the ground to mark its extent. Therefore, it is proposed that these garden areas are

also removed from the Green Belt. This small triangular area is clearly seen on the inset map for Speldhurst [[CD 3.129r](#)].

31. The new Green Belt boundary will follow the rear edge of the site allocation, along which there are mature trees and hedging. The boundary also follows the line of Langton Road to the east of the site allocation (see inset map for Speldhurst [[CD 3.129r](#)]), which are “*physical features*” that are “*readily recognisable and likely to be permanent*” as required by NPPF paragraph 143(f).
32. It is also of note that this proposed site allocation, AL/SP1, is the only proposed residential site allocation in Speldhurst parish. It’s release from the Green Belt and allocation would help meet local housing needs.

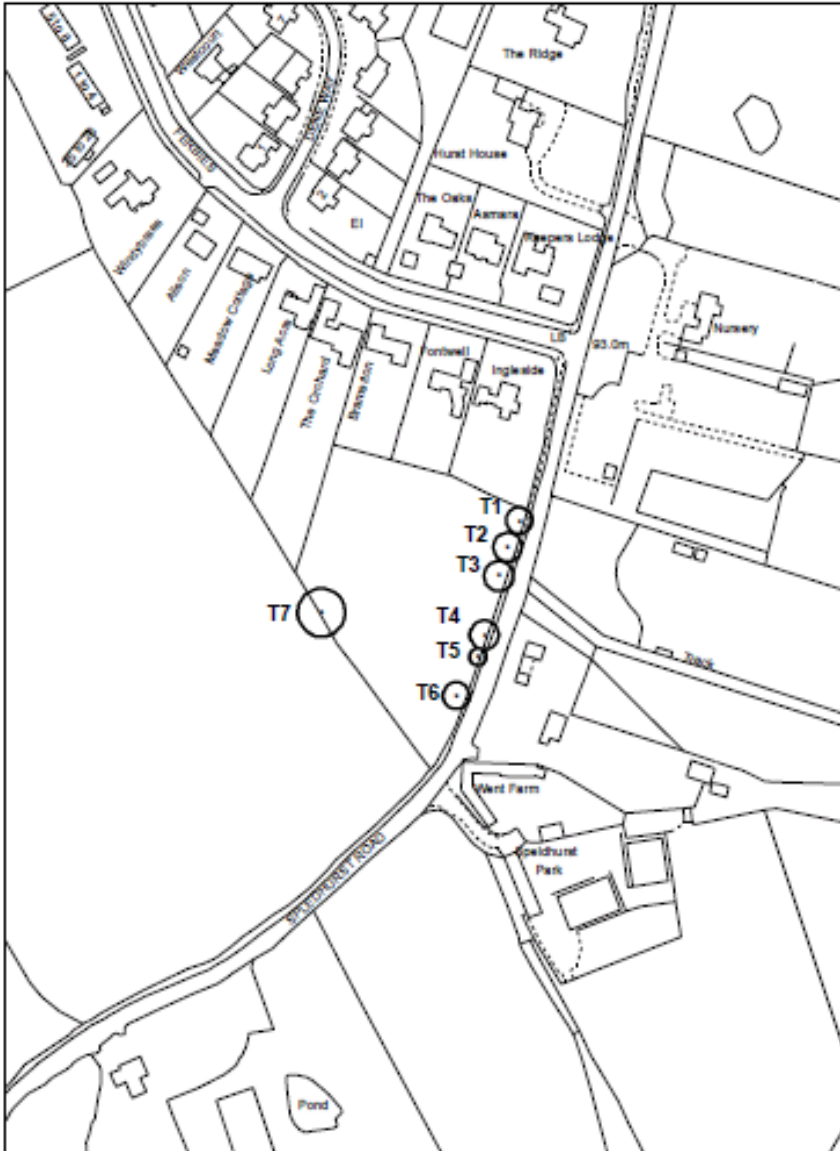
Summary and Conclusion

33. 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 the site 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’.

Appendices

Appendix 1: Tree Preservation Order number 0019/2020)

TUNBRIDGE WELLS BOROUGH COUNCIL
Tree Preservation Order



Scale 1:2,000

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Map Dated: April 2020


Appendix 2: Email from KCC Highways & Transportation

FW: Tunbridge Wells Local Plan - Examination: Site allocation AL/SP1 Land west of Langton Rd/South of Ferbies

 Louise.Gordon
To: Ellen Gilbert; jthammond
Cc: Margaret.Parker

 Reply  Reply All  Forward 

Thu 12/05/22 18:06

 You replied to this message on 13/05/22 08:45.

 Speldhurst respose to KCC 05052022.pdf 389 KB	 Appendix 1. Recorded weather in Speldhurst during the traffic survey period.pdf 1 MB
 Appendix 2. Proposed access and associated visibility splays.pdf 246 KB	 Appendix 4. Written representation to the TWBC Local Plan examination dated February 2022.pdf 784 KB
 Appendix 6. Concept traffic calming scheme to Langton Road as agreed by KCC in principle.pdf	 Appendix 8. East Hoathly appeal decision.pdf

Dear James

Thank you for providing the additional information in respect of site AL/SP1.

I have checked the history of this site and note that KCC H&T provided pre application advice previously ref. PAP/2018/178. I note that the survey data was acceptable to KCC H&T at the time and also a traffic calming scheme and provision of a 30mph buffer speed limit between the 20mph limit and the 40mph limit was acceptable in principle by KCC Schemes team.

I have reviewed the additional information you have supplied, I have checked against CA185 and I can confirm that the required visibility splays can be achieved from the proposed access without impacting the TPO trees. I can therefore confirm that safe and suitable access can be achieved to this site.

I hope this is helpful but do get in touch if you require any additional information.

Kind Regards

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