

Tunbridge Wells Borough



Tunbridge Wells Borough Council

Guidance and Explanation Note – Consultation on Response to Inspector’s Initial Findings

January 2024



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1.0 Introduction

- 1.1 Tunbridge Wells Borough Council (TWBC) submitted its new Local Plan to the Secretary of State in November 2021, to begin Examination of the Local Plan by an independent Planning Inspector, Mr Matthew Birkinshaw BA(Hons) Msc MRTPI. Following submission, a series of public Hearings formed part of that examination. The Hearings occurred in two stages:

Stage 1 Hearings: 1 March to 3 March and 29 March 2022

- The Stage 1 Hearings covered Legal Compliance of how the plan had been prepared, including the Duty to Cooperate.
- The Inspector wrote to TWBC on 6 April 2022 and found that the examination could move on to Stage 2 for further detailed Hearings.

Stage 2 Hearings: 25 May to 19 July 2022

- The Stage 2 Hearings covered: Housing and Employment Needs; Spatial Strategy and Distribution of Development; Green Belt Release, Site Selection; Strategic Sites; Meeting Housing Needs; Residential Site Allocations; Housing Land Supply; Employment, Economic Development and Infrastructure; Retail, Town Centres and Community Facilities; Transport Infrastructure; Landscape, Local Green Space and Open Space, Sport and Recreation; Sustainable Design and Heritage and Conservation; and The Natural Environment.

Post hearing Action Points

- A series of post hearing Action Points were provided covering matters and clarifications that arose in discussions during the Hearings. These were submitted to the Inspector (See Stage 1 and Stage 2 Action Points on the Council's [Examination of Local Plan and Latest News](#) webpage) for further consideration and covered: Housing for Older People; Housing Densities; Settlement, Role and Function Study (Brenchley); Policy H6 action point; Superseded Policies; Policy AL/HA6 King George V Playing Fields; Green Belt Changes; Policy AL/RTW19 Land north of Hawkenbury Rec; Tudeley Village Housing Delivery; Policy AL/CRS6 South of the Street Sissinghurst; Policy AL/PE4 Land at Downingbury Farm; Policies AL/CO1 & GO2; Policy AL/HO2 Land South of Brenchley Road; Policy AL/SO2 Mabledon House; A21 Dualling Route; Policy EN16 Landscape within the Bult Environment; Policy EN15 Local Green Space; Policy EN21 ECV Points; Colebrook House ownership; and Sports and Leisure Needs.
- 1.2 Following the Examination hearing sessions the Inspector wrote with his [Initial Findings](#) to the Council on 22 November 2022. The letter sets out a number of queries for TWBC to consider and where possible overcome, in order that the Local Plan can proceed to the next stage of the examination.
- 1.3 TWBC has considered the comments made in the Inspector's Initial Findings and prepared a detailed response to each matter raised. Further details of this are

provided in Sections 3 and 4 below. On 13 December 2023, the Proposed Changes to the Local Plan were considered and approved by Full Council for public consultation.

2.0 The Public Consultation

- 2.1 There is a six-week consultation period during which time representations may be made on the Council's response to the initial findings, including the revised development strategy. The consultation begins on **Monday 15 January 2024 and runs until midnight on Monday 26 February 2024.**

Viewing Consultation Documents

The consultation documents (hard/paper copies) are available for public inspection during the consultation period (15 January to 26 February 2024) at:

- **The Amelia Scott, Mount Pleasant Road, Royal Tunbridge Wells, TN1 1AW**, which is open from 9am-6pm (Monday to Wednesday and on Friday), 9am-8pm on Thursday, 9am-5pm on Saturday and 10am-4pm on a Sunday (Telephone 01892 526121).
- **Capel Parish Council:** Capel Village Hall, Falmouth Place, Five Oak Green, TN12 6RD which is open from 10am – 12pm on Tuesday and Thursday (Telephone 01892 837524).
- **Paddock Wood Town Council:** The Podmore Building, St. Andrews Field, St. Andrews Road, Paddock Wood, TN12 6GT which is open from 10am-3pm Monday to Friday (Telephone 01892 837373).
- **Cranbrook and Sissinghurst Parish Council:** The Old Fire Station, Stone Street, Cranbrook, TN17 3HF which is open from 10am–12pm Monday to Friday (Appointments can be made outside of these times by prior arrangement by calling 01580 713112).

The consultation documents can also be viewed online under the [Post-Initial Findings Evidence Base Documents January 2024](#) (these documents are also listed under Section 5 below and at Appendix A of the [Development Strategy Topic Paper Addendum \[PS_054\]](#)).

Nature and scope of public consultation

- 2.2 Comments are sought on the proposed response by TWBC to the Inspector's [Initial Findings](#), which is set out in the Development Strategy Topic Paper Addendum (document number PS_054). The Development Strategy Topic Paper Addendum is supported by a Sustainability Appraisal Addendum (document number PS_037) and a

set of Evidence Base Documents covering a range of matters including: Green Belt, Transport/Active Travel, Highways modelling, Access and Movement, Flood Risk, Employment Land and in relation to Paddock Wood and Land at east Capel master planning work. A link to and full list of the Post Initial Findings Evidence Base Documents is provided in Section 5 below.

- 2.3 Through this consultation you can comment on the proposed response to the Inspector's Initial Findings contained in the Development Strategy Topic Paper and make comments on the Sustainability Appraisal Addendum or Evidence Base documents if you wish. Further information on how to submit comments is provided below.
- 2.4 This public consultation is being undertaken as part of the Examination process at the request of the Local Plan Inspector and, as such, the consultation is a non-statutory process which is not covered by the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 2.5 The scope of this public consultation is focused on the Council's proposed Changes to the TWBC Submission Local Plan (SLP) in response to the Inspectors Initial Findings letter.
- 2.6 Any representations should address whether the proposed response to the initial findings makes the SLP legally compliant and sound. Please note that compliance with the Duty to Co-operate does not apply after a Local Plan has been submitted for independent examination.
- 2.7 In due course, the examination Inspector will consider, amongst other matters, whether the Council's proposed changes to the SLP meet the four tests for soundness within paragraph 35 of the National Planning Policy Framework 2023, namely, that the revised Plan is:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 2.8 To assist the Inspector, representations made can suggest alternative or additional modifications to the Council's response including the revised Development Strategy to make the SLP sound and legally compliant. In addition, where an interested person

wishes to participate in any future examination hearing sessions, such a request should be included in their representation/response form.

How to make representations

Representations can be made:

Online

The preferred method for submitting comments is online using the Council's planning portal <https://consult.tunbridgewells.gov.uk/kse/> Please note that an account is not required to comment through the portal, and if you leave the planning portal page before finalising any comments, it will save what has been written so far.

By email

A form can be downloaded as an MS Word document - [downloadable form link needed](#), or written representations made by email to localplan@tunbridgewells.gov.uk

By Post

You can complete the above form or make written representations and send it to the Council at:

Planning Policy,
Planning Services,
Tunbridge Wells Borough Council,
Royal Tunbridge Wells,
Kent TN1 1RS

Further details are available on the Local Plan pages of the Council's website <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan> . Further assistance can be sought by email at localplan@tunbridgewells.gov.uk or telephone 01892 554056.

3.0 Summary of the Proposed Changes to the TWBC Submission Local Plan

3.1 The Council's proposed response to the Inspector's findings, is summarised as:

- Proposed removal of the strategic policy STR/SS 3: The Strategy for Tudeley Village from the Local Plan.
- Revision of the strategic policy STR/SS 1: The Strategy for Paddock Wood and land at east Capel, including a reduction in the amount of residential housing growth by approximately 1,000 dwellings, with all housing being on Flood Zone 1 and employment land on Flood Zone 2, along with a reduction of employment provision, and reconfigured sport and recreation provision and secondary school education provision (as set out at Appendix D of the Development Strategy Topic Paper Addendum).
- At Hawkhurst it is proposed to revise site allocation policy number AL/HA 5: Land to the north of Birchfield Grove, to include housing, and land safeguarded for primary school expansion (in accordance with a planning committee resolution on application reference 22/02664/HYBRID).
- Also at Hawkhurst, the Council proposes the removal of site allocation policy number AL/HA 8: Limes Grove (March's Field) from the Local Plan. This site was proposed for employment use in the Submission Local Plan.
- Progression of a 10 year housing land supply position including the requirement for an immediate review of the plan.

4.0 The Council's Response to the Inspector's Initial Findings

The Development Strategy – Policy STR1

4.1 The Submission Local Plan is supported by a series of Green Belt studies which reviewed land within the Green Belt through a three-stage process:

- **Stage 1** identified Broad Areas that make a strong contribution to one of the five Green Belt purposes as set out in the NPPF (paragraph 138).
- **Stage 2** comprised a more detailed and focussed review of 37 assessment parcels and 10 broad areas identified around settlements in the Strategic Study and resulted in an overall rating of potential harm (to the Green Belt) that could result from release of these areas.

- The purpose of the **Stage 3** study was to consider in more detail the potential harm to the Green Belt purposes of the release of the proposed Green Belt allocations and how Green Belt harm could be mitigated to inform policies.

- 4.2 The Inspector found that the Green Belt study was “*a logical and sound way of considering where growth should take place*” (ID-012 – paragraph 5), but also questioned why the Council did not carry out a Stage 3 assessment on reasonable alternative sites. The inspector concluded that, “*Further work is therefore necessary before a conclusion can be reached that exceptional circumstances exist to release the relevant site allocations from the Green Belt*”.
- 4.3 The Council has now undertaken a Stage 3 Addendum to the Green Belt Study which resolves the points raised by the Inspector. The resultant findings support the Council’s position in regard to the development strategy in the Submission Local Plan, and that no reasonable alternative sites are available.

The Strategy for Tudeley Village – Policy STR/SS3

- 4.4 The Submission Local Plan proposed “Tudeley Village” as a new garden settlement, in Capel Parish, to accommodate approximately 2,800 new homes, of which some 2,100 were expected within the plan period (by 2038). It also anticipated up to some 10,000sqm of commercial and office floorspace, and associated infrastructure.
- 4.5 The proposal stemmed largely from the combination of the difficulties in identifying sufficient suitable sites in the borough to meet the local housing need, coupled with a recognition, as highlighted in the NPPF (paragraph 73), 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.
- 4.6 The Inspector found that “*at this stage there remain significant and fundamental unanswered questions regarding the accessibility of the site by sustainable modes of transport, the ability to successfully mitigate against serious impacts on the highway network, the suitability and deliverability of the Five Oak Green bypass and the ability of the site to deliver housing at the rate and scale envisaged by the Plan.*”
- 4.7 After a review of the comments made by the Inspector relating to the Location and Accessibility of the Tudeley Village allocation, the Five Oak Green Bypass, and deliverability of the site, it has been identified that, due to the delays in expected delivery rates the retention of Tudeley Village as an allocation in the Local Plan would see a notably smaller contribution to housing numbers within the plan period than previously anticipated.
- 4.8 The proposed change would therefore see the removal of the Tudeley Village allocation from the plan.

The Strategy for Paddock Wood and East Capel – Policy STR/SS1

- 4.9 The Inspector found that the strategy for Paddock Wood and Land at east Capel (PWeC) as set out in Policy STR/SS1 for expansion of the town was a ‘logical choice’.

The Council's approach to ensuring the planned growth at PWeC is sound has relied on extensive work in the form of a Structure Plan prepared on its behalf by David Lock Associates in conjunction with the respective delivery partners through the Strategic Sites Working Group.

- 4.10 The Inspector queried how the Council will ensure that the development comes forward in a comprehensive manner, thus ensuring that the vision for a strategically and holistically planned expansion is realised.
- 4.11 The Inspector also raised Paragraph 161 of the NPPF which requires all Plans to apply a sequential, risk-based approach to the location of development. The Council as part of its initial work in the Strategic Sites and Infrastructure Study identified one of the development approaches that would rely solely on delivery of housing within Flood Zone 1 (Option 3) where all residential development is in the safest land in terms of its flood risk classification. To satisfy the sequential approach officers have revisited the Option 3 development approach. This review of Option 3 has included a consideration of impact on housing supply and resulted in a reduction of approximately 1,000 homes from the original allocation estimate.
- 4.12 The consequential impact of the removal of the Tudeley Village allocation Policy STR/SS3 has meant that further Masterplanning work has been undertaken at Paddock Wood and Land at east Capel, to accommodate appropriate Sport and Leisure provision, and secondary school provision.

The Strategy for Hawkhurst – Policy STR/HA1

- 4.13 The Inspector raised questions about the appropriateness of two proposed allocations within Hawkhurst parish, Land north of Birchfield Grove and Limes Grove.
- 4.14 In regard to Land at Birchfield Grove the deliverability of the proposed medical centre allocated within the site (Policy AL/HA 5) in the Submission Local Plan needed further consideration. The Inspector's letter sets out that for the Plan to be found sound a site for the medical centre needs to be found. From the Hearings it was clear that the site will not come forward without housing due to certain land ownership issues.
- 4.15 Subsequent work carried out by TWBC officers has confirmed that there is no other suitable site at Hawkhurst to deliver a new medical centre. Further assessment of the 'exceptional circumstances' for major development in the AONB (now known as 'National Landscape') has been undertaken, and as such an allocation incorporating housing would now be supported. The now proposed amended allocation would be for a mixed use scheme including approximately 70 dwellings as well as the medical centre, and for school expansion land which has recently been identified as being necessary by the Education Authority (KCC). This would be in accordance with a Planning Committee resolution from November 2023 relating to planning application 22/02664/HYBRID.
- 4.16 In regard to the allocation at Limes Grove (Policy AL/HA 8) the Inspector advised that, given that the site, formally used for commercial purposes as a woodyard, is vacant and is located directly opposite the existing business park, there may be the

possibility to identify the site for smaller, less-intensive ancillary uses associated with the business park, rather than as originally proposed in the Submission Local Plan owing to concerns regarding accessibility for large vehicles.

- 4.17 However, following exhaustive discussions, the Highways Authority advises that safe pedestrian and vehicular access is not achievable for the proposal, or a related, scaled-down, use. This, together with a lack of previous planning history to support its lawful use, has resulted in the Council now proposing that this site allocation be deleted from the Plan.

Full details of the Council's proposed revised development strategy are set out in the **Development Strategy Topic Paper Addendum [PS_054]**.

5.0 Additions to the Evidence Base

Supporting Documents

- 5.1 The following new evidence base studies/papers have been produced to support the proposed changes/revised development strategy to the Local Plan and can be viewed on the Council's website here: [Post-Initial Findings Evidence Base Documents January 2024](#).

PS_035: Green Belt Stage 3 Addendum report – Assessment of Reasonable Alternative Sites

PS_036: SHELAA sheets for all reviewed Green Belt sites

PS_037: Sustainability Appraisal Addendum

PS_038: Sustainability Appraisal options SHELAA sheets

PS_039: RAG Assessment – Access and Movement – Five Oak Green bypass

PS_040: Tunbridge Wells Public Transport (PT) Feasibility Study Review

PS_041: Paddock Wood Bus Service Options

PS_042: River Medway and River Teise updated climate change Flood Zone modelling and mapping

PS_043: Paddock Wood Streams updated present day and climate change Flood Zone modelling and mapping

PS_044: Updated present day and climate change Flood Zone mapping

PS_045: Employment land provision at Paddock Wood

PS_046: Paddock Wood Strategic Sites (Master Planning) Addendum

PS_046a: Figure 5: Structure Plan for Paddock Wood (Framework Plan, drawing no. TWBC04-008 Rev C)

- PS_046b: Figure 13: Land Use Budget for Structure Plan (drawing no. TWBC04-009 Rev C)
- PS_046c: Figure 14: Infrastructure Provision for Paddock Wood Sites (Infrastructure Plan, drawing no. TWBC04-011 Rev C)
- PS_047: TW Stage 1 Technical Note - Review of Strategic Model Methodology and Set Up for Local Plan
- PS_048: TW Local Plan Stage 2 Reporting
- PS_049: TW Local Plan Stage 3 Modal Shift Impact Reporting
- PS_050: RAG Assessment – Access and Movement – Colts Hill Bypass
- PS_051: Colts Hill Bypass Green Belt Assessment
- PS_052: Zone of Theoretical Visibility (ZTV) Colts Hill Bypass (note: this is a duplicate of PS_050, which includes Zone of Theoretical Visibility)
- PS_053: Provisions for Sustainable and Active Travel
- PS_054: Development Strategy Topic Paper Addendum
- PS_055: Equalities Impact Assessment (EqIA)
- PS_056: Habitat Regulations Assessment (HRA)
- PS_057: Local Development Scheme (LDS)
- PS_058: Tunbridge Wells Bus Feasibility Technical Note
- PS_059: TW Local Plan Stage 3 Part 2 Outcomes
- PS_060: TWBC Local Plan Paddock Wood and east Capel Access and Movement Report
- PS_061a: Addendum to Local Plan Viability Assessment Main Report
- PS_061b: Appendix i Development Assumptions Overview – Tables 1 and 1a
- PS_061c: Appendix ii Updated Results – Table 2
- PS_061d: Appendix iii Appraisal Summaries
- PS_062: Updated Local Plan Housing Trajectory (Position as at 1 April 2023)
- PS_063: Summary of Proposed Modifications to the Development Strategy, following Inspector’s Initial Findings in November 2022

6.0 Next Steps

- 6.1 Following the end of the six-week consultation period, all responses received will be carefully reviewed by the Council. Consideration will be given as to whether further revisions of the proposed changes/revised development strategy are necessary to

address issues of soundness raised in consultation responses. Any such changes will not be subject to further public consultation as the persons making representations requesting changes to the proposed changes/ revised development strategy will normally be entitled to address the Inspector at any forthcoming examination hearings in 2024. As mentioned above, where an interested person wishes to participate in any future hearing sessions, such a request should be included in their representation/response form.

- 6.2 The Council will then submit the proposed changes/ revised development strategy (and all other supporting documents) and the representations received to the Local Plan Inspector to enable the examination to be resumed. The Inspector will consider all material submitted by the Council, including any representations received in the consultation period. It is anticipated that the Inspector will resume the examination in late Spring/early Summer 2024 and hold further hearings. However, this is a matter for the Inspector to decide and is outside of the Council's control.
- 6.3 Please visit the Council's [Examination of the Local Plan and Latest News](#) webpage for further updates and information.

**If you require this document in another format,
please contact:**

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