

Response to the Inspectors Initial Findings Letter on The Local Plan

For Planning & Transportation Cabinet Advisory Board on 13 November 2023

Summary

Lead Member: Hugo Pound – Cabinet Member for Housing and Planning

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Wards Affected: All

Approval Timetable	Date
Management Board	25.09.23
Planning & Transportation CAB	13.11.23
Cabinet	07.12.23
Full Council	13.12.23

Recommendations

Officer recommendations as supported by the Portfolio Holder:

1. Cabinet recommends to Council that the examination of the Local Plan be progressed in accordance with **Option 3** as set out in section 6 of the report, and that the strategic changes to the development strategy of the Submission Local Plan be progressed and be the subject of public consultation.
2. That the responses to the public consultation be collated and put forward with the additional evidence to the Inspector for further consideration in order to progress the examination of the Submission Local Plan.
3. That up until the date of the start of the consultation on the strategic changes to the Local Plan the Head of Planning be authorised to make minor modifications

to the consultation information should it be deemed necessary to correct minor errors.

4. That, subject to the conclusion of the consideration of the additional evidence and Hearings (should they be necessary) by the Inspector, and TWBC receiving a recommendation from him that the Local Plan can move forward to Main Modifications, that the Head of Planning, in consultation with the Chief Executive, the Leader of the Council, and Portfolio Holder for Housing and Planning, be granted the authority to undertake the Main Modification process in accordance with the detailed strategic changes made in this report and a schedule of other modifications as deemed necessary by the Local Plan Inspector in order to make the plan sound.

1. Introduction and Background

- 1.1 A Local Plan is a long-term strategic planning document, which sets out the spatial vision, strategic objectives, and the overarching development strategy for an area and establishes the planning policy framework necessary to deliver them. There is a statutory duty to have a Local Plan in place and to determine planning applications in accordance with the policies within a Local Plan unless material considerations indicate otherwise.
- 1.2 This report sets out the previous stages in the production of the new Local Plan for Tunbridge Wells borough and provides information on the work that has been undertaken since the Council received the Inspector's Initial Findings Letter (**Appendix A**) in November 2022. The report recommends that public consultation be undertaken on the revised Local Plan Development Strategy position and Sustainability Appraisal, together with other supporting documents, and that following consultation the Plan, Sustainability Appraisal and all supporting documents are then submitted to the Secretary of State for further examination by the independent Planning Inspectorate.

2. National Planning Policy

The National Planning Policy Framework [NPPF] 2023

- 2.1 National planning policy for "Plan Making" is set out in chapter 3 of the NPPF. Key elements of this include:
- Paragraph 15: *'The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.'*
 - Paragraph 31: *'The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.'*
 - Paragraph 22: *'Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements to infrastructure.'*
 - Paragraph 35: *Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and*

procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

a) **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;

b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) **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

d) **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.

- Paragraph 24: ‘Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.’
- Paragraph 27: ‘In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.’
- Paragraph 32: ‘Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.’
- Paragraph 33: ‘Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary’... Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy’...’ Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly’.
- Paragraph 68: ‘...planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability’ and ‘specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.’

Consultation on Changes to the NPPF and Levelling Up and Regeneration Bill [LURB]

- 2.2 The Department of Levelling Up, Housing, and Communities (DLUHC) continues to consult on potential changes to the current planning system through the Levelling Up and Regeneration Bill (LURB) and proposed national policy changes through the NPPF prospectus. Both consultations ran from 22 December 2022 until 2 March 2023.
- 2.3 DLUHC has also consulted on the implementation of plan making reforms which concluded on 18 October 2023.
- 2.4 The LURB and NPPF prospectus follow on from proposed changes considered as part of the national consultation through the “Planning for the Future: White paper” (the White Paper) in August 2020.
- 2.5 The LURB seeks to enact a number of changes to the planning system from the White Paper, and it received Royal Assent on 26 October 2023.
- 2.6 Amongst other things the LURB seeks to make reforms to the planning system which would require Local Planning Authorities to undertake regular reviews of their Local Plans. If changes proposed in the LURB are enacted into secondary legislation, there would be a requirement for planning authorities to start updating their plans within 5 years of adoption of their previous plan. The LURB also proposes that the reforms made to the planning system would enable plans to be prepared and put in place (adopted) within a timeframe of 30 months (two and half years).
- 2.7 Other changes include the introduction of a suite of Development Management policies, and the introduction of a national infrastructure levy.
- 2.8 The NPPF prospectus that was consulted on until March 2023 seeks a number of amendments to national policy.
- 2.9 The Council’s response to consultations can be found [online](#). It was identified at earlier stages of the plan making process that the timeframe for delivering the reform as set out in the White Paper was not clear, and likely to be a lengthy process. At the time of writing the timeframe for implementation of the LURB and it gaining Royal Assent is still not something that can be set out for Members at this stage; furthermore, the proposed changes to the NPPF that were set out in the prospectus consultation were meant to have been included in a revised NPPF in Spring 2023, however it is anticipated that these will be adopted in the near future.
- 2.10 It is the government’s intention to have in place the regulations, policy and guidance by autumn 2024 to enable the preparation of the first new-style local plans and minerals and waste plans. However, concerns have been raised regarding the preparedness of LPAs and whether adequate professional capacity is within the system for wholesale change given the number of plans that may be required to be progressed at the same time nationally by this date. Transitional

arrangements are likely to be put in place in the form of different cohorts of LPAs bringing forward their plans under the new system at different times.

- 2.11 Whilst there are a number of matters raised in national planning policy from the Department for Levelling Up Housing and Communities (DLUHC) that may impact on Members' consideration for the next stage of the Local Plan, it is far from clear if and when changes or reform may be introduced at a national level. Meanwhile the Submission Local Plan is still at examination and its progress is an important corporate priority.

3. The Tunbridge Wells Local Plan 2020-2038

- 3.1 Once adopted, the Local Plan will set the agenda for development across the borough. It will replace the existing planning framework, which is set out in a number of documents, including: the Tunbridge Wells Borough Local Plan 2006 (saved policies), the Core Strategy 2010, and the Site Allocations Local Plan 2016.
- 3.2 The Local Plan will contain overarching strategic and place shaping policies for each parish and settlement within the borough, as well as specific site allocations to deliver the development strategy, and detailed "development management" policies to be applied to all new developments across the borough.
- 3.3 There are a series of stages in the preparation of a new Local Plan. For Tunbridge Wells borough, these are summarised below at paragraphs 3.6 – 3.21.

TWBC adopted Local Plan

- 3.4 For the avoidance of doubt, TWBC planning decisions are guided by local plan policies in the form of adopted plans as follows:
- Tunbridge Wells Borough Local Plan 2006 (saved policies),
 - The Core Strategy 2010, and
 - The Site Allocations Local Plan 2016.
- 3.5 In addition to the adopted borough wide local plans there are a number of Neighbourhood Development Plans (NDPs) which also form part of the statutory development plan and are material in planning decision making. So far, the following NDPs have been 'made':
- Benenden
- Brenchley and Matfield
- Goudhurst
- Hawkhurst

Horsmonden
Lamberhurst
Paddock Wood*
Pembury
Cranbrook & Sissinghurst
Capel **

- 3.6 Officers will update the Inspector on the progress of the respective NDPs, including *Paddock Wood (made 04.10.23) and **Capel which had its Regulation 16 consultation stage until 17.10.23.

TWBC Local Plan “Issues and Options” Document

- 3.7 The Local Plan Issues and Options document was published in summer 2017, for public consultation. Detailed consultation took place under Regulation 18 of the Local Plan Regulations 2012 including a series of public exhibitions.
- 3.8 The Issues and Options document set out the main issues facing the borough, with reference to seven themes, and sought early views about the best way to approach the specific challenges presented by each theme. It proposed five possible spatial options for the physical location of new development across the borough to meet identified needs that would meet the challenges to different degrees, and in different ways.
- <https://www.tunbridgewells.gov.uk/planning/planning-policy/local-plan/issues-and-options>

TWBC “Draft Local Plan 2016-2036”

- 3.9 The Draft Local Plan document was developed and informed by the Issues and Options consultation. It involved reviewing the comments received as part of the Issues and Options consultation, public exhibitions, liaison and engagement with parish and town councils and their neighbourhood plan groups, the Town Forum, discussions with infrastructure providers, consultees, neighbouring authorities and Kent County Council, and consideration of the findings of the evidence base.
- 3.10 It proposed a series of strategic policies, which included a spatial strategy for the distribution of housing, employment, leisure and other development, place shaping policies for each parish and settlement, including draft proposed allocations and a full suite of “development management” policies.
- 3.11 A further Regulation 18 consultation took place on the Draft Local Plan for eight weeks in autumn/winter 2019. As part of this consultation, alongside the Draft Local Plan and Sustainability Appraisal, other supporting documents were available on the Council’s website, including the Infrastructure Delivery Plan,

Habitats Regulations Assessment, Equalities Impact Assessment, and various topic/background papers covering a range of different matters.

- 3.12 Over 8,000 comments were received from over 2,000 responders. Response reports containing all duly made comments on the Draft Local Plan (i.e., made during the consultation period) were available for viewing on the Council's website at the time.

The Pre-Submission Local Plan

- 3.13 The Pre-Submission Local Plan (PSLP) was prepared following a thorough assessment of the evidence and responses to the public consultation on the Draft Local Plan at Regulation 18 stage (as set out at paragraphs 3.9 – 3.11).
- 3.14 Evidence was prepared and made available as part of the consultation on the PSLP <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/evidence>
- 3.15 A significant level of evidence and input following public consultation informed the Development Strategy and the plan as a whole. Other important elements have included the iterative Sustainability Appraisal of options for strategies and policies, and an advisory visit with a senior Planning Inspector who identified that there were no apparent fundamental issues with the proposed plan.
- 3.16 The plan was considered to be positively prepared and justified, in that it sought to meet appropriate levels of housing need (678 dwellings pa) as required by the 'Standard Method', generally through strategic development sites, and through other developments throughout the borough. The SLP final position on growth sought to reduce the level of 'major development' in the AONB with much less development at the larger settlements of Cranbrook and Hawkhurst, and at smaller settlements in favour of a modest increase in development at Royal Tunbridge Wells, as well as an increase in the allowances made for "windfall sites."
- 3.17 Through the Council's 'Duty to Cooperate', officers investigated the potential to provide for a higher level of growth, as well as the capacity to also help meet any unmet needs from neighbouring areas. However, further growth, beyond that proposed in the SLP was found to be substantially at odds with national policies for Areas of Outstanding Natural Beauty (AONBs) and Green Belt in particular, and for sustainable growth generally.
- 3.18 The Council met its Duty to Cooperate requirements by regular contact with other neighbouring authorities and stakeholders and through the Strategic Sites Working Group.
- 3.19 A Sustainability Appraisal was undertaken which evaluates the social, economic, and environmental impacts of policies and strategies to determine to what extent they are in agreement with sustainable development objectives and assesses reasonable alternative options.

Submission Local Plan and Examination

- 3.20 Regulation 19 consultation on the Pre-Submission Local Plan was undertaken between 26 March and 4 June 2021.
- 3.21 The Local Plan was submitted to the Planning Inspectorate for examination on 1 November 2021. This started the Examination in Public (EiP).
- 3.22 Following submission, a series of public Hearings formed part of that examination. The Hearings occurred in two stages:
- Stage 1: 1 March – 3 March and 29 March 2023. 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: 25 May to 19 July 2023 which 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.
 - 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 ([and are available online](#)) 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.

Post hearings findings

- 3.23 Following Examination hearing sessions during March - July 2022 the Inspector wrote with his Initial Findings to the Council on 22 November 2022.
- 3.24 The Letter sets out a number of queries to the Borough Council to consider and where possible overcome in order that the Local Plan can proceed to the next stage of the examination. The letter has been published online on the Council's Local Plan pages of the website but is attached at **Appendix A** for completeness.

- 3.25 The Initial Findings raised a number of matters. The following sections set out the issues raised and how officers have sought to resolve each area of concern. A detailed Development Strategy Topic Paper Addendum provides further detail and is attached at **Appendix B** [PS_054].
- 3.26 The Development Strategy Topic Paper Addendum has been informed by further evidence which is available online as part of an updated [Core Documents list](#) (dated November 2023), and is made reference to in the Addendum paper.

4. Response to the Inspectors 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 Officers concluded that there was a need to provide a Stage 3 Green Belt Study for all reasonable alternatives within (or partly within) the Green Belt in order to satisfy the query raised by the Inspector and to meet the exceptional circumstances test requirement.
- 4.4 To ensure consistency of approach officers commissioned the same consultants, Land Use Consultants (LUC), to undertake this work on the Council’s behalf, applying the same methodology as they did to the original Stage 3 Study.
- 4.5 A Green Belt Study Stage 3 ‘Addendum’ is presented as PS_036 of the Addendum report. The Addendum report assesses a total of 71 sites with a Strategic Housing and Economic Land Availability Assessment (SHELAA) reference (see table 2.1 of the Addendum) which resulted in 79 parcels being identified with separate harm ratings (see table 3.1 of the Addendum). The harm ratings are presented alongside the harm ratings of the proposed allocations in the SLP. The Addendum also considers potential strategic harm, and potential for cumulative impact to the Green Belt purposes.

- 4.6 The results of the Green Belt Stage 3 Addendum study have been reviewed by Council officers to principally identify whether the Council's approach to the allocation of sites might change as a result of the Addendum's findings regarding reasonable alternatives. All sites subject to further review have been re-appraised through the Strategic Housing Employment Land Availability Assessment (SHELAA) process, drawing on the updated Green Belt harm rating. New 'SHELAA Addendum' sheets have been prepared for these sites as document PS_036. They have also been reviewed to see whether they needed re-assessment through the Sustainability Appraisal.
- 4.7 The overall findings of the review are that the conclusions in the original Sustainability Appraisal (SA) and SHELAA that resulted in the sites identified as reasonable alternatives not being regarded as suitable for allocation remain valid. An important factor in reaching these conclusions is that there are often other reasons or combinations of reasons, sometimes including Green Belt harm, that led officers to conclude the site was not suitable as a potential allocation in the Local Plan.
- 4.8 In addition, with the obvious exception of the strategic sites, it can be seen that the Council has generally proposed those sites with least harm to the Green Belt. Notwithstanding this general finding, there are some sites at Five Oak Green (Pages A-16 to A-57 of the Green Belt Study Stage 3 Addendum) where the harm is *Moderate to Low*, which is comparable in Green Belt harm terms to some allocated sites. These sites at Five Oak Green were previously found to be unsuitable by the SHELAA and SA work including in some cases for reasons relating to harm to the Green Belt. At the strategic level these sites were not considered further due to the proposed development strategy for the Submission Local Plan and conflict with Green Belt Purpose 2 '*to prevent major towns merging into one another*', and Green Belt Purpose 3 '*to assist in safeguarding the countryside from encroachment*'.
- 4.9 Future consideration of sites in Five Oak Green would be a matter to consider as part of any review of the development strategy, that would take place as part of a future Local Plan review.
- 4.10 It is considered that the evidence provided in the Green Belt Study – Stage 3 Addendum has sought to resolve the points raised by the Inspector and that 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

- 4.11 The Submission Local Plan proposes "Tudeley Village" as a new garden settlement, in Capel Parish, to accommodate approximately 2,800 new homes, of which some 2,100 are expected within the plan period (by 2038). It also anticipates up to some 10,000sqm of commercial and office floorspace, and associated infrastructure.
- 4.12 The proposal stems largely from the combination of the difficulties in identifying sufficient suitable sites in the borough to meet its 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.

- 4.13 The Tudeley Village site is located within the Green Belt, where national policy requires “exceptional circumstances” for such a proposal. In preparing the SLP the Council concluded that this test was met.
- 4.14 The Inspector finds that “*the principle of seeking to help meet housing needs through a high-quality, mixed-use new settlement is a reasonable and positive approach to take*”. However 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.*” and concludes by saying: “*I find that exceptional circumstances have not been demonstrated to justify removing the site from the Green Belt.*”
- 4.15 It is noted, firstly, that the Inspector has not concluded that the proposal for a new settlement at Tudeley Village is inevitably unsound; rather, the submitted Local Plan is not sound due to a number of uncertainties that mean that the exceptional circumstances test is not met. Therefore, the approach of officers has been to review each of the areas raised, under the same headings used by the Inspector. This has included discussions with consultants. In particular, Stantec have provided a “Red, Amber, Green (RAG) Assessment” for policy STR/SS 3 (PS_038), which essentially provides a commentary on the likelihood of being able to satisfactorily resolve a range of the Inspector’s concerns. Officers have sought clarification from the site promoter, The Hadlow Estate (THE). Officers have had regard to the conclusions of THE who have provided a report but considerations are largely independent of that.
- 4.16 The Development Strategy Topic Paper Addendum goes into detail regarding the assessment of each of the issues raised and consideration given by officers in relation to Location and Accessibility, 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.
- 4.17 In regard to the **Location and Accessibility** of the site, the main matters of consideration relate to cycle linkages, potential for improvements to the bus service, traffic impacts on Tonbridge town centre, and the likely modal shift from private car use towards more sustainable modes of transport.
- 4.18 In regard to cycle linkages, in the context of a local plan, there has already been considerable development of both a Local Cycling and Walking Infrastructure Plan (LCWIP) and clear, deliverable proposals. Land beyond the site boundary is also in the same ownership and therefore it is accepted that, subject to further detailed design work, cycle networks are capable of being delivered to a sustainable standard that would encourage their use.

- 4.19 A comprehensive Bus Study, produced by consultants WSP has been produced (PS_039) which was not available at the time of the original Local Plan Hearings. It is considered that this Bus Study can be submitted and give the Inspector greater confidence in the contribution of bus patronage to overall trips.
- 4.20 While traffic impacts on Tonbridge Town Centre appear limited, and not severe, it is considered that the potential for agreement on this matter with Tonbridge and Malling Borough Council may be difficult and potentially protracted, so this does represent a risk to the acceptability of the proposal at present. However, it should be noted that the progress on cycle linkages and bus provision would help to demonstrate the prospect of additional congestion not being such a significant concern.
- 4.21 There is always an element of uncertainty regarding the extent of modal shift that can be expected from the production of a local plan, and many of the measures required to secure and encourage behaviour change will be the subject of detail provided and secured at the planning application stage. However, the additional work undertaken by officers on cycling and bus provision, and by including the need to masterplan in a way that delivers internalisation of trips through “walkable neighbourhood” principles, does give officers confidence that the envisaged 10% modal shift is attainable, although it is also acknowledged that it relies on the level of take-up of the new infrastructure.
- 4.22 Overall, it is considered that the matters raised by the Inspector regarding Location and Accessibility are capable of being satisfied. However, with these matters there was considerable challenge from TMBC previously, so it is likely that concerns from them will be maintained.
- 4.23 Regarding **The Five Oak Green Bypass** the Inspector raises a number of questions in relation to the suitability of, and programming of the proposed Five Oak Green Bypass. Consultants Stantec have been used to consider the matter in some detail on behalf of the Council.
- 4.24 Firstly, there are a number of inter-related questions about air quality, road and pedestrian safety and noise arising from the siting of the proposed roundabout junction with the new bypass close to the existing Capel Primary School. Whilst these matters would be considered at the detailed planning application stage, the initial view is that the proximity of the junction would be further away than the existing road and as such there would be scope for intervening buffer planting and greater separation designed into the junction itself. It is anticipated that whilst there would be an increase in traffic movements the impacts on air quality are likely to be below legal limits. The same would be said for noise impacts particularly as a road already exists directly adjacent to the school. At the design stage the junction would also be expected to include appropriate pedestrian access routes to and from the school.
- 4.25 A further issue for the Inspector is the limited information regarding the landscape impact of the bypass, which would lie within the setting of the High Weald AONB. A provisional route for the Five Oak Green Bypass has been prepared and this forms the basis of the proposal in the Submission Local Plan.

The Five Oak Green bypass would be broadly aligned parallel with the boundary of the AONB, would require significant engineering works given the topography, and it is accepted that the 'AONB Setting Report' did not specifically consider the bypass.

- 4.26 Importantly it has been identified by Stantec that there are environmental sensitivities and constraints upon the route where there is potential for significant landscape and visual effects, including on the setting of the High Weald AONB, that may remain after mitigation. Overall, the landscape and visual impact of the bypass is regarded as a risk to the acceptability of the Five Oak Green bypass at this point.
- 4.27 In regard to the Five Oak Green Bypass and its deliverability, evidence provided in support of the SLP identified that it would be dependent on the adoption of the Local Plan and then Compulsory Purchase Order (CPO) process.
- 4.28 If Local Plan adoption were in late 2024, then construction should still be achievable by the time the bypass is needed, allowing for slippage in both the Local Plan timetable and in housing completions, and with some scope for potential delays in the acquisition and construction processes; however, the approval processes and land acquisition are still considered to be a risk that needs consideration.
- 4.29 Aside from deliverability of the bypass, the Inspector challenges the Council's, and promoters', estimates for the ability of Tudeley Village to deliver housing at the rate and scale envisaged.
- 4.30 Two aspects will impact on this: firstly, the lead-in time for such a scheme and, secondly, the likely build-out rate of housing.
- 4.31 The lead in time for initial first occupations on site were the subject of considerable debate at the Hearings, with reference being made to a report by Lichfields¹ on the deliverability of large sites such as Tudeley and the average time taken from the validation of an outline planning application until homes are completed. The Lichfields report highlights that there are significant variations around the average period to detailed approval, as the contexts and routes to permission can be very different. It seems likely that the period will be shorter if a major site is included within a Local Plan and has already been subject to considerable work done to secure the allocation.
- 4.32 The Tudeley site benefits from being in one ownership rather than the subject of multiple developers meaning that, with suitable professional advice and resourcing, the development could come forward with a level of certainty in terms of timing. Furthermore, the Council has set up a Strategic Sites team of Planners specifically to progress such schemes.
- 4.33 Whilst ownership of the entire site as a whole allows a level of control as to how the site may come forward at pace, it is acknowledged by The Hadlow Estate that the timeframe for first house occupation has slipped due to the elongated

¹ Lichfields 'Start to Finish' report https://lichfields.uk/media/5779/start-to-finish_what-factors-affect-the-build-out-rates-of-large-scale-housing-sites.pdf

process for the examination and adoption of the Local Plan. However, its suggested revised timetable, based on adoption of the Local Plan in Q2 2024, is still considered to be optimistic.

- 4.34 A revised Local Development Scheme anticipates the adoption of the Local Plan anticipated in October – December 2024 some 4-8 months later than the promoters allow for. The delays would have implications on first occupations and the contribution to housing numbers in the adopted Local Plan. The initial position in the SLP identified the first completions in 2025/26 which is considered to be some 4 years earlier than now anticipated.
- 4.35 In terms of build out rates once consent is given the site promoters have consistently stated that they envisage a delivery rate of 165 dpa over the lifetime of the development, with a stepped delivery rate of 150 dwellings per annum (dpa) initially, building up to 200 dpa. This is not dissimilar from the Lichfields average noted above. However, this is still considered to be overly ambitious in rate of delivery particularly in the first two years where necessary infrastructure would be required to meet the immediate needs of the development.
- 4.36 Hence, the anticipated supply over the plan period to 2038 is estimated to be 1,450 dwellings, compared to the earlier estimate of 2,100 dwellings; that is some 650 dwellings less. Also of note, the build-out period, based on a continuing completions of 200 dpa, would extend to 2046.
- 4.37 It is evident from the above, and details provided in the Development Strategy Topic Paper Addendum (**Appendix B, PS_054**) and the review of this supplementary information that there would need to be a wide range of further studies to provide the information that the Inspector is seeking. Not only would the commissioning, undertaking, collating, and reviewing of such work take many more months, importantly, it may well still not be possible to provide clear supporting evidence to overcome the Inspector's concerns to such a degree that the exceptional circumstances for Green Belt release are met.
- 4.38 Furthermore, the retention of Tudeley Village as an allocation in this draft Local Plan would see a notably smaller contribution to housing numbers within the plan period than previously anticipated. Also, such a delay to the adoption of the Local Plan would likely have an impact on other sites within the plan in the Green Belt or AONB, potentially delaying such sites from coming forward and contributing to housing supply.
- 4.39 Further delays may impact on the relevance of certain supporting evidence and may be superseded by future changes to the planning system following introduction of the Levelling Up and Regeneration Bill (see paragraph 2.3 – 2.11), which may see fundamental changes to how local housing need is identified, and how such needs may be met. The retention of Tudeley Village as an allocation poses significant risk that may well not be able to be overcome in the time that is available to progress the SLP to adoption in a timely manner so as to provide the certainty needed for the delivery of at least a 10 years' supply of housing and economic development with associated infrastructure to meet the imperative needs of the Borough over this period.

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

- 4.40 The Inspector found that the strategy for Paddock Wood and 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.
- 4.41 The Inspector queries about 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. The Council had proposed a series of Supplementary Planning Documents (SPDs), the use of which may have resulted in the policy (STR/SS1) lacking detail for developers to understand how the different delivery parcels will be tied together to deliver the wider strategic aims. To resolve this, a review of the policy detail would result in the framework of individual site SPDs not being necessary. An overarching SPD covering the strategy and vision for the site as a whole may still be used to inform the development of each parcel, but the detail necessary to make the policy robust would be to specify the development of each parcel, as sought in the Inspector's letter. The Development Strategy Topic Paper Addendum puts forward a suggested revised policy STR/SS 1 which indicates how this might be undertaken.
- 4.42 The Inspector raises 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.
- 4.43 The NPPF requires that Plans, in their Strategic Flood Risk Assessments include the need for adapting to climate change. Further modelling has been undertaken by consultants JBA (PS_040 – PS_042) to have regard to the most recent climate change uplift associated with predictions which identify a 37% increase in fluvial flooding (from rainfall). As a consequence, the land available at PWeC within Flood Zone 1 is reduced from that originally explored in Option 3 identified above. This has a significant impact on the amount of developable land available within PWeC for the delivery of housing. Nevertheless, officers do feel that, to resolve the matters of flood risk raised by the Inspector, securing development in the safest way for the lifetime of the development is an important principle, and as a consequence the strategy for PWeC should be amended accordingly.
- 4.44 The same modelling indicates that the employment allocations in the north of Paddock Wood are equally affected by the climate change predictions with much

of the land being affected by being in Flood Zone 3, the most at risk type of land. Whilst Employment uses are categorised as a less vulnerable use (than residential), the same sequential approach should still be applied. Officers have revisited the level of employment within Paddock Wood so that the sequentially safer land is proposed for development. It is firstly noted that there is a strong need for further employment development to support local workforce growth; however, there is little opportunity for this to be achieved on land within Flood Zone 1. Not only would it involve the loss of remaining residential land, but the nature of likely employment space would create potential conflicts with the amenities of adjacent residential development. The preferred siting of new space adjacent to the existing Transfesa Road Key Employment Area (KEA), as identified in the Economic Needs Study, is impacted to varying degrees by updated flood modelling.

- 4.45 Therefore, the proposed allocations have been revised. Some previously proposed employment land which has now been identified as being within Flood Zone 3 (rather than Flood Zone 1 or Flood Zone 2 at the time the PSLP was prepared) is proposed to be "deallocated" as part of the response to the Inspectors Initial Findings. However, land within the expanded KEA which is within the medium-risk Flood Zone 2, which has been identified as available and suitable, and which can meet the 'exceptions test', is proposed as part of the revised strategy. Further details are set out in the Development Strategy Topic Paper Addendum at **Appendix B** [PS054].
- 4.46 The consequential impacts on the strategic site at PWeC are that there will be a proportionate reduction in homes and employment necessary as part of the revised strategy.
- 4.47 As set out above the Inspector raises numerous questions regarding the Strategic Site at Tudeley Village. An option under consideration is for Tudeley to be removed from the Local Plan. This would have significant consequential impacts on a number of areas at PWeC.
- 4.48 Firstly, the Tudeley Village allocation proposed to deliver necessary secondary school provision in the form of a 6 Form of Entry (FE) school to serve the pupils that would come from Tudeley and PWeC. This additional school would also have been in addition to a 2FE expansion of the existing school at Paddock Wood, Mascalls Academy.
- 4.49 As a result of officer considerations on the potential for the loss of housing associated with Tudeley Village (2,800 homes) and a reduction in homes at Paddock Wood and East Capel (a circa reduction of 1,000 homes) there would be significantly less demand for secondary school places. Officers have explored the secondary school need with the Education Authority (KCC) and developers so that the plans can provide for appropriate levels of secondary school need within Paddock Wood itself. Bearing in mind the reductions in housing growth set out above, the revisions for PWeC would result in the need for a 3FE secondary school provision. A 4FE secondary school is the smallest size stand-alone school that KCC would consider is viable, but it would also allow for future on-site expansion to 6FE at a later date should it be needed.

- 4.50 Officers have explored whether the 3FE need generated is the right level, and whilst this may be a matter of further scrutiny KCC have assured officers that the need is set at the appropriate level which KCC is required to plan for in full. An expansion of Mascalls Academy (currently 9FE) would result in a 12FE secondary school which would be one of the largest in the County. KCC have raised their reservations about the size and practicality of such an expansion, however have accepted that subject to a feasibility review it is accepted in principle that Mascalls could accommodate the growth without requiring a stand alone school.
- 4.51 Nevertheless land within the NW development parcel at PWeC can accommodate a school appropriately having regard to flood risk modelling with the school buildings and access (most vulnerable) being located in Flood Zone 1 (the safest land). It is therefore proposed that this site is safeguarded for the new secondary school provision unless it can be proven to the satisfaction of the Local Planning Authority that it is not required.
- 4.52 In a similar situation to education, officers have reviewed sports and leisure provision associated with the significant reduction in housing as set out in this report and assessed how an appropriate level of facilities could be brought forward. Previously, the Paddock Wood and East Capel strategic site would have delivered a sports hub within the western-most development parcel. This would have accounted for the growth and demand from residents associated with Tudeley Village. In accordance with the exploration of a strategy of delivering housing within Flood Zone 1 only, officers have sought to review how the necessary sports and leisure provision would be provided across existing sites and within the development parcels where possible.
- 4.53 The reprovision would see a proportionate level of sport and leisure facilities being provided, with on-site improvements at Putlands and Green Lane, with further delivery as part of the developer-delivered housing land. Officers have had positive discussions with Paddock Wood Town Council on this matter and in principle the proposals would accord with the recently made Neighbourhood Development Plan.
- 4.54 In addition to work to assess the implications of more recent flood modelling, consultants David Lock Associates who prepared the Strategic Sites and Infrastructure Study for the SLP, have been again engaged to review the high level masterplanning for PWeC. This work has been productive and has considered not only the flood risk implications on a reduction in developable land for housing but also the respective spatial approaches to accommodating employment, and the other infrastructure facilities including education facilities and sport and leisure, whilst retaining a masterplan that can be articulated through a revised policy in order to resolve the Inspector's queries regarding deliverability. The associated work is contained in PS_044.
- 4.55 A further matter of consideration has to be the implications on the highway network from the reduced level of growth. Officers have retained consultants Sweco to undertake the necessary additional work to prepare a robust position on highway modelling and the potential for a high level of modal shift to be

attained. This additional work (PS_045 - PS_047) sets out the impacts and associated benefits that will be delivered through good masterplanning principles to ensure internalisation of trips, and through the delivery of infrastructure such as cycle and bus enhancements, and where necessary junction improvements.

- 4.56 A rigorous process of assessing the highways impacts has been undertaken with consultants Sweco, involving National Highways and KCC Highways Authority. The Development Strategy Topic Paper Addendum sets out the process in more detail, however it has involved a three stages of review of the highway modelling evidence. Fundamentally the approach to the further modelling remains the same as previously but a review of the baseline growth and traffic assumptions has been undertaken at Stage 1. Then at Stage 2 a review of the impact of the growth associated with a revised housing position (No Tudeley and reduced PWeC) to assess junction hotspots and capacity issues. Then as part of Stage 3 (part 1) an assessment of what impact sustainable modes of transport will have on the highway network. Essentially resulting in a reduction in traffic generation owing to more use of public transport, walking, and cycling within the main transport corridor of Paddock Wood, Pembury and Royal Tunbridge Wells, in addition to sustainable masterplanning considerations as part of the PWeC allocations to improve and encourage internalisation of trips.
- 4.57 The fundamental changes being proposed to reduce the growth in housing as set out at Section 6 below, means that there would no longer be a requirement for a second bypass link at Five Oak Green. The consultants do however confirm that a road width improvement scheme on the A228 is necessary and this is likely to be a redefined colts Hill Bypass.
- 4.58 Even with modal shift towards sustainable modes of transport, there is still likely to be a need for improvements to certain junctions within the network which will be A26 / B2017 (Woodgate Way); A228 / B2160 (Hop Farm); A228 / B2017(Badsell Road); A21 / B2160 (Kippings Cross).
- 4.59 In regard to the Kippings Cross junction since the end of the public hearings there has been a significant level of correspondence with officers and the Inspector objecting to the mitigation proposals as set out at the hearings (but not consulted on). Work continues to establish mitigation for the identified junctions however it has been made clear that the original mitigation which was to reduce the southbound B2160 to one lane will not be taken forward.
- 4.60 Essentially the Kippings Cross junction mitigation will be in two stages. Stage 1 will focus on maximising flow on the A228 and thereby reducing reliance on the B2160 for access and egress for Paddock Wood. The mitigation at Kipping Cross will just focus on offsetting Local Plan impacts. Stage 2 could look at what scheme is required for Kippings Cross that will offset all impacts on the understanding that only mitigating to Local Plan levels may still leave underlying congestion issues at the junction. This will need further liaison with national Highways and KCC. Any overall long-term solution for Kippings Cross will focus on maintaining through flow for the A21 and also maintaining access to the B2160.

- 4.61 This is set out in the Development Strategy Topic Paper Addendum however detailed design proposals for these junctions (Stage 3 part 2) will come forward as work progresses towards applications.

The Strategy for Royal Tunbridge Wells – Policy STR/RTW1

- 4.62 The Inspector raises three sites in particular, the Cinema Site (AL/RTW1), Colebrook House and Hawkenbury Recreational Ground (AL/RTW19).
- 4.63 The matters raised for the Cinema Site relate to flexibility being written into the policy, which, now that planning permission has been granted for the site, officers feel is appropriate and can be subject of a main modification in due course.
- 4.64 The allocation and removal from the Green Belt of Colebrook House is questioned as whether entirely necessary. On reflection as the site is merely being safeguarded it is not considered at this stage in the plan making process to warrant removal from the Green Belt and therefore safeguarding for future uses. Should a review of the Plan be undertaken this site may be able to come forward with more certainty.
- 4.65 As part of the post-hearing action points for the Hawkenbury Recreation Ground officers prepared indicative details for the Inspector setting out what a road widening scheme might look like for High Woods Lane. Having discussed the access arrangements with KCC Highways and TWBC colleagues, a solution that would see moderate widening can be found. The Inspector highlights that the details would need to be the subject of public consultation at the appropriate time.
- 4.66 These matters would be subject to revision and further consultation at the Main Modification stages.
- 4.67 *The Strategy* for Southborough – Policy STR/SO1. Land at Mabledon House Policy AL/SO2 to be added. In essence, the policy is to be tightened to align with the NPPF. It will be addressed as a Main Modification rather than development strategy, matter.

The Strategy for Cranbrook and Sissinghurst – Policy STR/CRS1

- 4.68 The site at Land South of the Street, Sissinghurst (AL/CRS6) is allocated for around 20 houses and a replacement community hall. Following submission of the Plan a detailed scheme has been produced which shows that it is not viable to deliver the replacement hall and meet the full requirement for 30% affordable housing. For the purposes of delivering the necessary infrastructure in association with the allocation the Inspector recommends a change that would see up to 30% affordable housing on site. Modifications to the policy are therefore considered to be justified by officers.
- 4.69 These matters would be subject to revision at the Main Modification stages.

- 4.70 Although not raised by the Inspector in his letter, the Council has previously advised about the appeal decision in relation to a planning application at Turnden Farm, Hartley Road, Cranbrook. It advised (see document [TWLP 109](#)) that it is the Council's view that the implications of the SoS's decision on application 20/00815/FULL are not such as to preclude the proposed allocation of the site for housing in the eLP. This remains the officer position.
- 4.71 The decision by the SoS on the Turnden planning application has been subsequently quashed by the high court. This decision is now back with the Department for Levelling Up Housing and Communities to be reconsidered.

The Strategy for Hawkhurst – Policy STR/HA1

- 4.72 The Inspector raised questions about the appropriateness of two proposed allocations within Hawkhurst parish, Land north of Birchfield Grove and Limes Grove.
- 4.73 In regard to Land at Birchfield Grove the deliverability of the proposed medical centre allocated within the site (policy AL/HA 5) in the PSLP needed further consideration. The Inspectors 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.
- 4.74 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 have 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.
- 4.75 Circumstances that contribute to exceptional circumstances for this particular site to now be included in the Plan are: provision of the Doctors surgery which cannot be delivered elsewhere or without the housing, the provision of land for a school expansion, a significant provision of green space and biodiversity net gain. A proposed revised policy for AL/HA 5 is provided within **Appendix B** [PS054].
- 4.76 In regard to the allocation at Limes Grove (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 PSLP owing to the concerns regarding accessibility for large vehicles.
- 4.77 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 a previous planning history to support its lawful use, has resulted in the proposal that this site allocation is deleted from the Plan.

- 4.78 It is considered that both changes to the sites that are recommended would be necessary at the Main Modifications stage. It is therefore proposed to delete policy AL/HA 8 is provided in **Appendix B** [PS054].

The Strategy for Benenden – Policy PSTR/BE1

- 4.79 Sites are allocated in and around Benenden by Policies AL/BE1 – AL/BE4. The fact that there are allocations within the Benenden Neighbourhood Plan and that it has been ‘made’ is unique for the NDPs in Tunbridge Wells borough. However, in order that there is no duplication within the Local Plan it is recommended that the sites should be deleted from the Local Plan. The sites would still carry full weight in accordance with their allocation in the NDP. It is considered that it would be a clear way forward as part of proposed Main Modifications.

The Strategy for Pembury – Policy PSTR/PE1

- 4.80 Land at Downingbury Farm, Maidstone Road - Policy AL/PE4 had been identified as a single site that was allocated for two separate uses. The Inspector has identified that the two uses could come forward independently, and therefore the single site allocation should be separated into two separate allocations. Officers recommend this as an appropriate approach in the circumstances that would be covered by the Main Modification process. An Action point has been prepared on this matter that would be subject to further consultation at the Main Modifications stage.

The Strategy for Sandhurst – Policy PSTR/SA1

- 4.81 In regard to Sharps Hill Farm – Policy AL/SA2 main modifications are required to ensure that the final design and layout is appropriate, and that the allocation is effective.

Housing for Older People and People with Disabilities

- 4.82 The Inspector essentially sought that the Council’s evidence in relation to need and supply be incorporated into the Local Plan. At the same time, he noted that decisions in relation to Tudeley Village and Paddock Wood may well have consequential impacts on how such needs would be met. Paddock Wood is still expected to provide at least one sheltered and one extra care scheme, but the deletion of Tudeley Village, if agreed, would remove such allocations there. The provision of extra care housing was a particular issue at the hearings; however, it is found that the identified supply would still meet the estimated need for extra care units using both the KCC and SHOP@ forecasting approaches; also, while the identified supply falls somewhat short of the target number of units using a higher 45/1,000 prevalence rate, the shortfall is equivalent to only approximately 2 years’ worth of need (for a 15 year plan), which may be addressed through the Local Plan review, assuming further windfall sites do not come forward in the interim.

Conclusions and next steps

- 4.83 The above sections set out the further, refined Green Belt assessments, the consideration of issues raised by the Inspector in relation to the proposed garden settlement of Tudeley Village, and the implications if development at Paddock Wood is limited to the lowest flood zone. These provide the following headline conclusions.
- 4.84 The further Green Belt assessments do not provide a basis for concluding that other previously rejected “omission sites” should come forward into the Local Plan, save for a couple of possible exceptions that could be assessed as part of a Local Plan review.
- 4.85 There remain some uncertainties regarding the impacts of Tudeley Village and its associated infrastructure on the setting of the AONB, objectors’ concerns that need to be resolved regarding traffic in Tonbridge, the effectiveness of sustainable transport infrastructure improvements, as well as the programming and associated scale of housing deliverable within the plan period which, taken together with its ‘High’ Green Belt harm rating (and the further assessment of (Medium/High) harm from the proposed Five Oak Green Bypass), may well not meet the threshold required for “exceptional circumstances” to justify its release from the Green Belt.
- 4.86 Paddock Wood can accommodate major expansion without building homes within higher flood zones, which reduces the overall level of housing on the strategic site by some nearly 1,000 dwellings, and still support significant improvement in local community and transport infrastructure; however, there is a strong case for employment growth to still be accommodated on land adjoining the main Transfesa Road industrial estate, avoiding Flood Zone 3, but within Flood Zone 2.
- 4.87 It is felt that other matters raised by the Inspector can be resolved as part of the Main Modifications process in a manner officers have set out above.
- 4.88 The development strategy options considered by officers are presented as variations from the Pre-Submission Local Plan (PSLP), are as follows in terms of housing delivery, and which have been the subject to Sustainability Appraisal (PS_037)
- Option 1 – As PSLP, but with revised housing trajectory for Tudeley Village
This option is essentially the development strategy for the PSLP, just updated to reflect the prospect of a longer timeframe for building out at Tudeley Village. Although this anticipates some 650 less dwellings in the plan period relative to the PSLP, taken together other factors affecting overall housing supply, it would still provide the means of meeting 15 years’ supply of housing post adoption, with a buffer.
 - Option 2 – As PSLP, but with revised housing trajectory for Tudeley Village and housing contained wholly within Flood Zone 1 at Paddock Wood including land in east Capel

This option is as Option 1 above (a reduction of 650 dwellings at Tudeley), but with a reduction in the housing growth at Paddock Wood to reflect the Inspector's initial findings regarding the sequential test in that no housing is proposed in Flood Zones 2 or 3. The reduction of c1,000 dwellings covered by Policy STR/SS 1 impacts on overall housing supply, but would still provide 15 years' supply of housing post adoption, albeit with a reduced buffer.

- Option 3 – As PSLP, but with no Tudeley Village

This option deletes the proposal for a new settlement at Tudeley Village, but otherwise essentially retains the same distribution of development, including the SLP strategic site allocation at Paddock Wood including land in east Capel. This option would mean that there would not quite be a 15-years' housing land supply post adoption and, of course, no buffer, so there would likely be a requirement to commitment to an early review of the Local Plan.

- Option 4 – No Tudeley Village and reduced housing and employment growth at Paddock Wood including land in east Capel, both being sited on Flood Zone 1.

This option deletes all the employment allocations adjacent to Transfesa Road Key Employment Area (KEA) at Paddock Wood, albeit one site now has planning permission, and relocates the employment provision to part of the residential area, assumed to be to the north-west of the town. It would result in a loss of some 150 dwellings relative to Options 5 and 6 below but may be somewhat more depending on the need for enhanced buffer areas.

This Option, as well as Options 5 and 6 below, would only provide a 10-years' housing land supply, so would be accompanied by a commitment for an early Local Plan review. Under this option (Option 5), the housing supply to meet the 10-year target is marginal, while neither is it substantial under the other two options.

- Option 5 - No Tudeley Village and reduced housing and employment growth at Paddock Wood including land in east Capel, with all housing on Flood Zone 1, with employment land similar to the PSLP, but excluding land which is, or will be, within Flood Zone 3, while including land which would be within Flood Zone 2.

The essential difference between this option and the above is that employment land at Paddock Wood is still focused as extensions to the Transfesa Road KEA. The actual areas differ somewhat from those put forward in the SLP, as it excludes land east of Maidstone Road (known as Keylands Farm) and some land east of Transfesa Road which is now expected to fall within Flood Zone 3 (based on upper-end climate change modelling). It includes land within Flood Zone 2 which can meet the 'exceptions test'.

- Option 6 - No Tudeley Village and reduced housing and employment growth at Paddock Wood including land in east Capel, with all housing on Flood Zone 1, with employment land similar to the PSLP, but excluding some land

which is, or will be, within Flood Zone 3, while still including one site (Keylands Farm) which would be within Flood Zone 3, as well as other sites within Flood Zone 2.

This option is the same as Option 5 above, but with the additional employment site referred to above within Flood Zone 3. It provides an option with more employment land in the locality recommended in the Employment Needs Study, to reduce the need for out-commuting.

- Option 7 – Defer the examination to review options for means of achieving a 15-year housing land supply.

In essence, this Option proposes a pause in the process. It will inevitably take some time to gather more, and updated, evidence and re-assess possible site allocation options (notwithstanding they will have recently been found unsuitable through the SHELAA process), and inevitably a decision would be required from the Inspector as to whether the examination of the current Submission Local Plan could continue, or whether it would need to be withdrawn.

- 4.89 Of course, it is important to remember that other distribution options that may have provided the full 15-years' housing land supply were assessed as part of the formulation of the Pre-Submission Local Plan through rigorous consideration. There was not an obvious alternative strategy to the one proposed at the SLP stage.
- 4.90 This outcome explains the need to consider a further option; that is, to provide enough housing land for a shorter period – which would still provide at least 10-years' housing supply, in line with paragraph 68 of the NPPF. Potential options under this scenario are those set out above at Options 3-6 and would require a commitment to an early review to maintain a continuity of land supply.
- 4.91 In essence, the options centre around the decision about whether to retain Tudeley Village, and around the extent of growth at Paddock Wood including land in east Capel, as well as the relative merits of these, which will require an early Local Plan review, relative to undertaking further work now to seek to meet a full 15-years' housing land supply.
- 4.92 The implications of alternative strategies have been considered in terms of their respective implications on housing land supply. Firstly, it is noted that the SLP is based on the local housing need, as calculated under the 'standard method', at the base date of the Local Plan (2020), which results in a figure of 678 dwellings per year (dpa). However, the PPG highlights that the need should be based on household projections for 10 years starting with the current year, but that it *'should be kept under review and revised where appropriate'*, and that *'local housing need calculated using the standard method may be relied upon for a period of 2 years from the time that a plan is submitted to the Planning Inspectorate for examination.'* As the Local Plan was submitted in November 2021, the housing need may be reviewed using the latest figure, which is slightly lower, being 667 dpa. This is proposed as a change in the in the Development Strategy Topic Paper Addendum (**Appendix B, PS_054**).

- 4.93 In terms of housing supply, the most up-to-date information on completions and permissions is contained in the published '[Five-Year Housing Land Supply Position Statement, as at 1 April 2023](#)'. Housing completions for 2022/23 shows that there were 636 dwellings completed, just a little below the 678 dwellings pa annual requirement in the emerging Local Plan. Of note, the data provides a total of 4 years' completion figures for windfall sites. Notwithstanding the effects of Covid 19, for both small and large windfall sites, completions have actually increased relative to previous averages – rather than fallen by 20% in the future - such that the Local Plan windfall allowances now appear too conservative. Revised estimates assume a continuation of the existing averages (i.e., rather than 80% of them).
- 4.94 Table 3 of the Local Plan is updated to an April 2023 base date for completions and permissions (within **Appendix B**, PS_054). Taking account of the updated standard method figure, the 1,842 dwellings completed since April 2020, updated windfall sites allowance, as well as the allocations contained in the made Benenden Neighbourhood Plan (akin to those previously in the submission Local Plan), the minimum additional allocations requirement to meet local housing need up to 31/3/2038 are 5,495 dwellings.
- 4.95 Local Plan Table 4 (within **Appendix B**, PS_054), which sets out the proposed allocations, can also be updated to show the impact of removing Tudeley Village, the revised scale and phasing of the strategic sites at Paddock Wood, the proposed allocation at Birchfield Grove, Hawkhurst (in response to the Inspector's letter), as well as updated phasing of other sites in the Local Plan. Overall, it shows that, without making additional site allocations, there is expected to be a significant deficit of supply relative to the local housing need up to 2038 under the Standard Method, but that there would be a modest "surplus" up to the end of the 2034/35 monitoring year (that is, a little beyond the likely 10 years post adoption). There should also be a 5-years' housing land supply on adoption.
- 4.96 In conclusion, from a housing land supply perspective, it is regarded that the Local Plan may go forward without Tudeley Village, but that it would inevitably be conditional upon a review within five years of the date of adoption, which would need to be clearly set out in the Local Plan. It is noted that such a need to review within five years of adoption reflects the 'direction of travel' set out in the government consultation on plan making reforms identified at paragraph 2.3 above.

5. Preferred Option and Reason

- 5.1 The Inspector in his Initial findings letter sets out that a significant amount of hard work has clearly gone into the preparation of the Local Plan which is positively prepared in seeking to meet housing needs despite large areas of Green Belt and the High Weald AONB; also, that the majority of changes required to the submitted Plan are, as set out above, seen as relatively straightforward to

resolve as part of the main modifications process. It should be noted that the main modification process is entirely at the agreement of the Inspector, so the suggested modifications contained in the Development Strategy Topic Paper Addendum (Appendix B, PS_054), as listed within this report are merely an indication of the potential way forward, and subject to his consideration and agreement.

- 5.2 The additional work associated with the Green Belt assessment of reasonable alternatives undertaken by consultants has been fully considered and reviewed and it is found that the additional Stage 3 work supports the Council's original position in regard to the Development Strategy in a manner that satisfactorily answers the Inspector's Questions.
- 5.3 However, in regard to the Tudeley Village Strategic Site and the main Development Strategy significant changes and/or the preparation of further supporting information is going to be necessary before they can be found sound.
- 5.4 The Inspector states that at Paddock Wood he is relatively confident that the necessary changes to the policy can be achieved without fundamental changes to the Plan's strategy. However, the implications of the Initial Findings at Tudeley are more fundamental to the Plan's Strategy which may have far greater consequential impacts on infrastructure provision and the supply of housing land.
- 5.5 The Inspector puts forward three broad options that can be considered in order to move the plan forward in its examination.
- 5.6 **Option 1:** Provide additional information to justify the Tudeley Village allocation as submitted.
- 5.7 The Council has a commitment to meeting local housing need as set out in the Submission Local Plan of 678 pa over the 15-year plan period. The retention of Tudeley Village as a strategic allocation would help to meet that need, albeit with reduced delivery during the plan period than previously anticipated in the SLP.
- 5.8 While there has been considerable local opposition to the proposed new settlement, the further, more refined assessment of reasonable alternatives within the Green Belt has not identified any real alternatives to it that may have been inappropriately discounted previously. Hence, Tudeley Village was, and is, a reasonable option.
- 5.9 However, as set out in this report, while a number of the Inspector's concerns can be addressed, as far as is reasonable within the context of a strategic plan, there are several issues which would take a fair amount of further time to address and which, even then, may not provide the necessary justification to the Inspector that the exceptional circumstances test for development in the Green Belt is met for Tudeley Village.

- 5.10 Therefore, whilst Tudeley Village remains an ambitious and well thought-out proposal, these matters are likely to impact on whether the Council can include the allocation in its Local Plan at this stage.
- 5.11 In particular, the additional time taken in preparing the Local Plan, the risk that continuing to promote Tudeley Village would prevent or at least delay adoption, and its consequences for bringing other sites proposed in the Local Plan forward – and having a Local Plan in place ahead of a transitional period - are regarded as compelling reasons for not including it at this point.
- 5.12 **Option 2:** Modify the submitted Plan by making significant changes to the Tudeley Village allocation, and in doing so, seek to overcome the soundness issues identified above.
- 5.13 In regard to Options 1 and 2 the Inspector states that resolving these matters would not be straightforward and in addition to the discussions had with stakeholders that have been undertaken it would require the preparation of further substantial new evidence which would require further consultation. Moreover, he highlights that there is no guarantee that this work would satisfactorily resolve issues of concern in order to justify the scale of development and the consequential Green Belt release.
- 5.14 Tudeley Village was conceived and included in the plan for sound reasons, and this is acknowledged by the Inspector. In particular, the NPPF states (at 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”*. In this case the level of housing at Tudeley village is set at the scale in order to meet the infrastructure needs to mitigate the development harm. A significant reduction in the level of housing growth at Tudeley Village would still require a significant level of infrastructure that is unlikely to be able to be met by this reduction.
- 5.15 Officers have reviewed the Inspector’s queries with regards to Tudeley Village with an open mind to try and resolve the matters of concern and maintain the allocation in the plan; however, as set out in relation to Option 1 above, the issues mean that, reluctantly, maintaining the site in its entirety or in part represents a substantial risk to the success of the Local Plan through the remaining stages of the examination and subsequent adoption of the Local Plan.
- 5.16 **Option 3:** Delete the (Tudeley Village) allocation from the submitted Plan.
- 5.17 The impact on meeting the local housing need from the deletion of Tudeley Village and the reduction in scale of PWeC is significant. It results in a lower housing figure in the Local Plan indicating that only a base 10-year supply can be identified in the Plan which is the minimum required by the NPPF. To review the matters of concern raised by the Inspector will take more time and may not be able to be overcome. This approach also would commit TWBC to undertaking an immediate review of its Plan. This option would, however, enable adoption of the Local Plan sooner than Options 1 and 2 above, putting the Council in a stronger position to resist unsuitable speculative development. It would also ensure provision of the required five-year housing land supply.

6. Preferred Option and Reason

- 6.1 Since the Inspector's Initial Findings Letter was received, the Planning Policy Working Group have been kept up to date on progress on the work of the planning department in order to respond to the Inspector's findings at its regular monthly meetings.
- 6.2 Cabinet have been updated as well as Parish Chairs through the Parish Council Chairs meetings, RTW Forum, and other members on both a collective and individual basis where particular progress has been specifically appropriate.
- 6.3 There has been regular contact with the relevant developers with regards to the options under consideration and the development implications of any changes that officers have been considering.
- 6.4 Subject to Members agreeing with the way forward for the Local Plan in response to the Inspector's Findings, the evidence produced to date would be the subject of further public consultation.
- 6.5 Paddock Wood can still accommodate significant expansion without building homes within higher flood zones, which reduces the overall level of housing on the strategic site by some circa 1,000 dwellings, and it could still support significant improvement in local community and transport infrastructure; however, there is a strong case for employment growth to still be accommodated on land adjoining the main Transfesa Road industrial estate, avoiding Flood Zone 3, but within Flood Zone 2.
- 6.6 The reductions in growth associated with removing Tudeley Village from the plan and the reduction at Paddock Wood and land at east Capel would mean that a full 15-year housing land supply cannot be met.
- 6.7 If Tudeley Village is withdrawn from the Local Plan (the Inspector's third option), it is found from the review of Green Belt alternative sites that those do not suggest any more appropriate site allocations that would provide any meaningful quantum of housing supply. Also, the Council is confident in its SHELAA site assessments and its site selection methodology generally. Hence, in this scenario, the Local Plan would have to be pursued on the basis that it is only meeting housing needs for the next 10 years and will need to be subject to an early review. This option is considered in paragraphs 5.1 – 5.17 above, alongside the merits of retaining some form of allocation.
- 6.8 Given the risks associated with the retention of Tudeley Village on the timeframe and likely success of adoption of the Local Plan the preferred option of officers is **Option 3** (paragraph 5.16 above) to delete the Tudeley Village allocation from the submitted Plan.
- 6.9 The aforementioned revised evidence and officer consideration and member recommendation is informed by viability assessment discussions which are ongoing with consultants Dixon Searle on infrastructure, sustainability appraisal (Appended to the Development Strategy Topic Paper Addendum), Habitats

7. Consultation on Options

- 7.1 Subject to member consideration at Full Council the suggested changes to the development strategy which would relate to policies STR1, STR/SS1 and STR/SS3, AL/HA 5 and AL/HA 8 and evidence to support this recommendation (**as set out within the [Post Submission Evidence Base Documents](#)**) would be the subject of full public consultation. The responses to this consultation would be put before the Inspector for due consideration.
- 7.2 It is likely that further public hearings would be necessary to discuss the amendments to the development strategy for the Local Plan.
- 7.3 The Local Development Scheme has been updated to reflect progress on the Local Plan.

8. Recommendation from Cabinet Advisory Board

- 8.1 The Planning & Transportation Cabinet Advisory Board were consulted on [date of meeting] and agreed the following:

Insert text from Cabinet Advisory Board minute, or request text from Democratic Services Officer.

9. Implementation

- 9.1 The dates and actions for implementation of the decision are outlined in the body of the report.

10. Appendices and Background Document

Appendices:

- Appendix A: Inspectors Initial findings Letter
- Appendix B: Development Strategy Topic Paper Addendum
- Appendix C: Habitats Regulations Assessment for revised development strategy
- Appendix D: Equality Impact Assessment

List of Post Submission Evidence Base Documents – available online on the updated [Core Document list](#) (November 2023)

- 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_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
- 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)

Background Papers:

- Council decision on Submission Local Plan
- Examination of the Local Plan page of the TWBC website - <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/examination-of-the-local-plan>
- Response to NPPF consultation -
- Response to the Inspector on the SoS Turnden appeal decision - https://forms.tunbridgewells.gov.uk/_data/assets/pdf_file/0008/446183/TWLP_109-TWBC-letter-to-Local-Plan-Inspector-regarding-the-Secretary-of-States-Turnden-decision.pdf

11. Cross Cutting Issues

A. Legal (including the Human Rights Act)

There are no direct legal implications arising from this report, other than the statutory requirements for producing the Local Plan in line with the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016; the Planning and Compulsory Purchase Act 2004 as amended by the Housing and Planning Act 2016, and the Levelling Up and Regeneration Act 2023, as and when further secondary legislation is released. The recommendations within this Report comply with such requirements and acting upon such recommendations are within the Council's powers as provided for under the legislation.

Jamie Parsons, Locum Planning Solicitor, 01 November 2023

B. Finance and Other Resources

There is a statutory duty on the Council to provide a Local Plan and the recommendations in this report are aimed at fulfilling this duty. The council resource and external consultancy costs, associated with the development of the plan, are borne by the residents of the borough, through the revenue budget of the Council. The revenue budget includes provision for these costs.

Jane Fineman, Head of Finance, 01 November 2023

C. Staffing

The Planning Policy team would undertake necessary consultations at the instruction of the Inspector and continue with the Examination in Public through to adoption of the Local Plan.

Carlos Hone, Head of Planning, 25 October 2023

D. Risk Management

The Local Plan not being adopted effectively (together with housing not being delivered in right areas / types) is a risk on the Corporate Risk Register. The timely progression of the new Local Plan is identified as Current Control/ Mitigation in place/ Action.

Agreement to undertake the consultation as recommended would ensure that Local Plan continued to progress towards adoption, therefore reducing (in the long term) the risk of the Local Plan not being adopted, and the associated consequences of this.

Carlos Hone, Head of Planning, 25 October 2023

E. Environment (inc. Biodiversity) and Sustainability

The Local Plan will be a key long lived policy document in terms of future place shaping. As such it is critical in delivering on the council's ambition, declared by Full Council July 2019, (Item FC29/19), to make the Borough carbon neutral by 2030. Equally, the aims and objectives within it will aid in the delivery of the government's national targets to reduce the UK's net emissions of greenhouse gases by 2050. Given the longevity of the Local Plan, policies to support delivery of low or zero carbon emissions and the provision of renewables will be essential.

The plan includes policies for the protection of the natural environment and to conserve biodiversity, and in line with current guidance sets out a proactive approach to achieving measurable net gains for biodiversity.

The spatial approach and policies of the Local Plan seek to minimise adverse effects on the nationally important landscape of the High Weald AONB in line with its statutory duty to have regard to "conserving and enhancing the natural beauty". The plan is underpinned by a strong landscape evidence base and proposals for development have considered the effects on the designated landscape at every stage.

Policies seek a high standard of design in the High Weald AONB and require developers to take account of the High Weald AONB Management Plan and supporting guidance.

Gary Stevenson, Head of Housing, Health & Environment, 26 October 2023

F. Community Safety

The Local Plan requires that policies are implemented. The decision maker will have regard to the policies within the Local Plan upon adoption, in addition to National Policy and the statutory duty in the Crime and Disorder Act 1998.

Carlos Hone, Head of Planning 25 October 2023

G. Equalities

A separate Equalities Impact Assessment has been produced to support the production of the Submission Local Plan, and this has been revised to support the officer recommendation of this report.

H. Data Protection

The Regulation 19 consultation will involve the processing of personal data. Individuals will be informed about the use of their data in the Privacy Notice. We do not consider that the processing will result in a high risk to individuals' interests under the UK General Data Protection Regulation

Andy Sturtivant, Digital Services Team Manager, 1st November 2023

I. Health and Safety

Matter considered, but no issues raised.

Carlos Hone, Head of Planning, 25 October 2023

J. Health and Wellbeing

The Local Plan is a long-term strategic planning document which establishes a planning policy framework that will have a positive impact on the health and wellbeing of the borough's residents by for example protecting green spaces, promoting opportunities for active travel and providing allocations for new employment opportunities and housing. The health and well being benefits of individual planning applications will be considered and assessed as part of the Development Management process.

Gary Stevenson, Head of Housing, Health & Environment, 26 October 2023