Tunbridge Wells Borough Local Development Framework
Core Strategy Independent Examination

Matter No. 3

Green Belt (Core Policy 2 and paragraphs 5.28-5.40)

Statement made on behalf of the Local Planning Authority

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MATTER 3.1: IS THE CS SOUND WITH RESPECT TO WHAT IT SAYS ABOUT THE GREEN BELT, INCLUDING THE PROCESS OF ANY NECESSARY REVIEWS AND THE FUTURE OF THE SAFEGUARDED LAND (“RURAL FRINGE” AREAS), AND DOES IT PROVIDE A CLEAR BRIEF FOR SUBSEQUENT DPDS?

1. The requirements of Planning Policy Guidance 2: Green Belts (PPG2) (CD 1.26) are met by the Core Strategy. Paragraph 1.7 of PPG2 states: “the purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives”. Paragraph 2.6 states: “once the general extent of a Green Belt has been approved it should be altered only in exceptional circumstances”. Paragraph 2.7 states: “where existing local plans are being revised and updated, existing Green Belt boundaries should not be changed unless alterations to the structure plan have been approved, or other exceptional circumstances exist, which necessitate such revision.” Paragraphs 3 to 5 below discuss how the Core Strategy proposes to meet these requirements.

2. The Core Strategy also took account of Policy SP5: Green Belts in the South East Plan 2009 (CD 2.10), which states: “The existing broad extent of Green Belts in the region is appropriate and will be retained and supported”. “Smaller scale local reviews are likely to be required in other locations…and these should be pursued through the local development framework process”. “These reviews should accord with the spatial strategy and ensure that sufficient land is safeguarded to avoid the need for further review to meet development needs to at least 2031” (five years beyond the life of the Core Strategy). Areas within the Borough were not referred to in Policy SP5 but, by way of expanding this policy to support the Regional Hub status for Tunbridge Wells/Tonbridge, South East Plan Policy AOSR8: Tonbridge/Tunbridge Wells Hub states, in paragraph 25.34, that “there may be a need for a small scale Green Belt review at Tunbridge Wells in accordance with Policy SP5” in order to ensure that the LDF meets the requirement of part i) Policy AOSR8 to “provide for full and effective use of development capacity within the regional hub of Tonbridge/Tunbridge Wells” and of part ii) “at Tunbridge Wells give priority to conservation of the urban and natural environment, and the setting of the town.”

3. Core Policy 2 of the Core Strategy fully recognises the paramount importance of establishing policies to ensure the Green Belt’s ongoing protection and therefore fully complies with the requirements of PPG2 and the South East Plan 2009 by seeking to maintain the general extent of the Green Belt for the Plan period, while recognising, in paragraphs 5.31 to 5.33, that there
may be a requirement for a review of sites within the inner Green Belt boundary contiguous with the Limits to Built Development (LBD) of Royal Tunbridge Wells and Southborough.

4. Paragraph 5.5 of Chapter 5 of the Borough’s Strategic Housing Land Availability Assessment (SHLAA) (CD 3.27) considers the issue of sites located within the Green Belt and states: “Consideration would only be given to releasing sites in the Green Belt around the major urban area of Royal Tunbridge Wells and Southborough if this proves to be necessary to accord with any delivery strategy and no other non-Green Belt land is suitable.” The SHLAA therefore did not discount areas within the Green Belt when assessing whether sites were suitable for development. The Core Strategy, in paragraph 5.32, addresses the issue of the consideration of certain sites within the Green Belt for development by allowing for the possibility of a small-scale review of the Green Belt at Tunbridge Wells in accordance with South East Plan Policy AOSR8, while explaining that such a review would be considered as an “exceptional circumstance” to accord with PPG2, paragraph 2.6 (see above). Paragraph 5.33 of Core Policy 2 states that “The first SHLAA...showed that Green Belt sites should not need to be released during the Plan period. As stated in paragraph 5.32, any small-scale review of the Green Belt at Tunbridge Wells would be dependent upon there being no suitable non-Green Belt sites.” (this information is contained within the SHLAA database). As stated above, Green Belt boundaries will not be changed by the Core Strategy. A review of sites within the Green Belt would only occur at the main urban area of Royal Tunbridge Wells and Southborough in accordance with PPG2 and South East Plan Policy AOSR8 and the timing of such a review is discussed below.

The role of the Allocations Development Plan Document (DPD)

5. The Core Strategy does not allocate strategic sites. It will be the role of the Allocations DPD (as well as the Town Centres Area Action Plan DPD) to allocate sites and, as part of their preparation, a detailed analysis of the requirement to release either sites within the Green Belt and/or Rural Fringe will be carried out. Throughout the Plan period, if there are insufficient non-Green Belt sites available to support the Regional Hub status, as shown by the Borough’s SHLAA and Annual Monitoring Report, then a small-scale review of the inner Green Belt boundaries in the locations discussed above would be undertaken. Any Green Belt sites allocated for development through the preparation and/or review of the relevant DPDs will be those whose removal from the Green Belt is considered least likely to compromise the function of the Green Belt.
Safeguarded land/ Rural fringe

6. With reference to the treatment of safeguarded land/rural fringe, it is considered that the requirements of PPG2 are met by the Core Strategy. Paragraph 2.12 of PPG2 states that, in order to ensure the protection of Green Belts within a longer timescale beyond the Plan period, some land between the urban area and the Green Belt will need to be safeguarded to meet longer-term development needs if required. It is therefore necessary to identify the broad location of anticipated development beyond the Plan period; its effects on urban areas contained by the Green Belt and on areas beyond it; and its implications for sustainable development.

7. Within Policy SP5 of the South East Plan, it is stated that smaller scale local reviews “should satisfy national criteria for Green Belt releases, accord with the spatial strategy, and ensure that sufficient land is safeguarded to avoid the need for further review to meet development needs to at least 2031”.

8. Core Policy 2 of the Core Strategy complies with these requirements by stating: “A long-term land reserve (designated in this Plan as ‘Rural Fringe’) will be maintained to ensure that Green Belt boundaries will not need to be altered at the end of the Plan Period.” As stated in paragraph 5.38 of the Core Strategy, the Rural Fringe sites designated by Policy RF1 of the Local Plan 2006 (CD 3.42) have not been excluded from consideration within the SHLAA for their suitability for future development. It is recognised, in paragraph 5.39 of the Core Strategy that, if existing Rural Fringe sites are identified as being suitable for development within the Plan period, then other sites will need to be identified to replenish the supply of land identified as Rural Fringe to meet long-term development needs beyond the life of the Core Strategy. This will be the role of the Allocations DPD and its subsequent reviews, as discussed above in paragraph 5.
MATTER 3.2: IF THE CS IS UNSOUND IN WHAT IT SAYS ABOUT THE GREEN BELT, COULD THE INSPECTOR MAKE ANY PARTICULAR CHANGES TO REMEDY THE UNSOUNDNESS, BEARING IN MIND THAT NEW MATERIAL SHOULD NOT UNDERMINE THE STATUTORY PROCEDURES FOR CONSULTATION AND SUSTAINABILITY APPRAISAL (SA)? WOULD THE CHANGES REQUIRE FURTHER CONSULTATION OR SA?

9. The Borough Council considers that the Core Strategy Submission Document, April 2009 (CD 3.59), and the proposed changes to it as set out in the Schedule of Minor Changes (CD 3.59a), are sound as submitted and no further changes are required to remedy their soundness.
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Green Belt (Core Policy 2 and paragraphs 5.28-5.40)

DOCUMENT LIST FOR MATTER 3

Local Plan 2006 (text and Proposals Map) (CD 3.42)
Planning Policy Guidance 2: Green Belts 1995 (CD 1.26)
RSS for the South East: The South East Plan 2009 (CD 2.10)
Strategic Housing Land Availability Assessment 2009 (CD 3.27)
MATTER 3: GREEN BELT

TUNBRIDGE WELLS BOROUGH COUNCIL
LOCAL DEVELOPMENT FRAMEWORK

CORE STRATEGY
SUBMISSION DOCUMENT

EVIDENCE ON BEHALF OF
CREST NICHOLSON
(EASTERN) LTD
AND
MJ GLEESON GROUP PLC

OCTOBER 2009
Matter 3: Green Belt

3.1 *Is the CS sound with respect to what it says about the Green Belt, including the process of any necessary reviews and the future of the safeguarded land (“rural fringe” areas), and does it provide a clear brief for subsequent DPDs?*

1.1 No, Core Strategy Policy 2 is not ‘sound’ as it does not adequately address the need for Rural Fringe to provide for the delivery of future housing provision in the Borough in accordance with national planning policy guidance. This can be remedied and the policy found ‘sound’ with the inclusion of our suggested amendments in the response to question 3.2 below.

1.2 Our support remains for the Council’s commitment to the enduring boundaries of the Green Belt and the recognition given to the need to allocate further Rural Fringe sites to provide for the delivery of future housing needs (para 2.10, BW Representations as submitted to Submission stage). It is considered that adequate sites can be identified within and adjacent to the settlement boundary to accommodate the housing requirement set out in the South East Plan (adopted May 2009) and to deliver the right type of housing required by PPS3: Housing (November 2006) if Rural Fringe is given proper consideration.

a) South East Plan Need for Green Belt Review Acknowledged

1.3 The SEP, now part of the statutory Development Plan Framework, states that a review of the Green Belt boundaries may be required in accordance with Policy SP5 (paragraph 25.34). This may be required to accommodate sufficient development in Tunbridge Wells Borough to support its Regional Hub status, this is acknowledged in the Submission CS (Tracked Changes Version, paragraph 5.32).

1.4 Core Policy 2 states that the extent of the Green Belt will be maintained for the Plan Period (2006-2026), but also states that:

‘. . 2. A long-term land reserve (designated in this Plan as ‘Rural Fringe’) will be maintained to ensure that Green Belt boundaries will not need to be altered at the end of the Plan Period.’

1.5 This is a tacit acknowledgement by the Borough Council that the Green Belt may need to be reviewed in the context of this Core Strategy. This will be a result of, as we expect, that additional Rural Fringe Sites will need to be identified in order to replenish the existing extant RF1/RF2 sites that will be required for development during this Plan period. Moreover, that
housing land supply, both town centre brownfield and existing Rural Fringe sites identified in the extant Local Plan (March 2006), are required to deliver the South East Plan housing requirement for the Borough in this Plan Period i.e. the short, medium and long term.

b) Use of extant Rural Fringe sites to deliver the Borough's SEP Housing Requirement

1.6 Core Policy 2 currently recognises that should the 6No. existing extant Rural Fringe sites be required to fulfil the SEP requirement in this Plan Period, this long term land reserve will be replaced in the Allocations DPD, supported by evidence provided in the SHLAA, Landscape Character Assessment and Capacity Study 2009. This is also supported.

1.7 However, it is considered that Core Strategy Policy 2 is ‘unsound’ as it fails to encourage delivery of housing in accordance with PPS3. Core Policy 2 continues the themes of Core Policy 1: Delivery of Development, is not therefore:

- “justified”, i.e. founded on a credible evidence base (the SHLAA);
- “effective”, i.e. flexible; or
- “consistent” with National policy i.e. PPS3/PPG2.

1.8 The supporting paragraphs to Core Policy 2 advocate the delivery of development on non-Green Belt sites in the Plan Period, however the Core Policy itself fails to go further to acknowledge that existing extant Rural Fringe (as set out in ‘saved’ Local Plan Policy RF1/2) should be considered for development alongside all other sites in accordance with PPS3. The recently adopted Tunbridge Wells Borough Local Plan (March 2006) allocates the Rural Fringe as ‘a reserve of land for longer term development needs’, these sites are also now included in the SHLAA and should therefore be considered in accordance with PPS3.

1.9 PPS3 now requires sites to be measured on whether they are deliverable (available, suitable, achievable) and developable (paras 54 and 56), and not in priority order based on location i.e. the sequential approach. Core Policy 1 is presently based on a sequential approach to development and is not in line with PPS3, moreover, the approach to the location of future development within the Borough is based on an incomplete and flawed evidence base, primarily the Strategic Housing Land Availability Assessment (SHLAA).

1.10 It is noted that the PPS3 priority remains that of previously developed land (para 36), but that the main objective of PPS3 is now the delivery of a wide choice of high quality homes (both affordable and open market) in a range of locations which provide for identified need. In summary, the SHMA identifies the main area of housing need being both open market and
affordable family homes. In order to deliver the objectives of PPS3, such homes must be delivered in a range of locations not just focussed on PDL, which by their very nature are predominantly located in Tunbridge Wells’ core urban area. Greenfield sites in varied locations, including those contiguous with the LBD, should be included and provided for in the Core Strategy (para 2.15, BW Representations as submitted to Submission stage). These should include those Rural Fringe sites allocated in the extant Local Plan (Policy RF1/2).

c) Trigger for Delivery of extant Rural Fringe

1.11 The potential future development of the current extant Rural Fringe (Adopted Local Plan 2006, Policy RF2) in this Plan Period is acknowledged in the Core Strategy. Core Strategy paragraph 5.38 states:

‘. . . The existing Rural Fringe sites will not however, have been excluded from consideration in the first SHLAA and could, therefore, be considered for future development land supply. The suitability, availability and viability of Rural Fringe sites will be assessed against that of other greenfield sites contiguous with the LBD . . .’

1.12 Our analysis of the current evidence base, primarily the SHLAA, has proven an over reliance upon town centre brownfield sites and existing planning permissions, which may not be genuinely “deliverable”. Whilst our evidence examines this more fully in respect of Matter 7 (Housing Provision), we have already suggested with regard to Matter 2 (Delivery Strategy), the inclusion of a new table - comprising an amalgamation of Tables C & D, Background Paper 01 - for the purposes of monitoring “delivery”.

1.13 Moreover, the current recession and market conditions have choked the viability of more complex brownfield sites, and the current conditions within the housing market do not favour the demand for apartment accommodation, which is at an unprecedented low due to the past over-supply of such provision.

1.14 It would therefore be sensible to have a trigger built into Core Policy 1 (and cross referenced in CP2) to allow existing extant Rural Fringe sites to come forward if a demonstrable amount of other sites, including brownfield, are failing to be delivered. This would assist in making both Core Policies 1 & 2, and the Council’s overall approach to the delivery of housing more ‘sound’. A trigger would assist the Core Strategy Policy 2 to be:

- “justified” i.e. founded on a credible evidence base (a revised/updated SHLAA);
• effective i.e. more flexible; and
• consistent with national policy encouraging the delivery of housing in identified need i.e. PPS3.

3.2 If the CS is unsound in what it says about the Green Belt, could the Inspector make any particular changes to remedy the unsoundness, bearing in mind that new material should not undermine the statutory procedures for consultation and sustainability appraisal (SA)? Would the changes require further consultation or SA?

1.15 The following changes could be made to Core Policy 2 to introduce a trigger for the timely delivery of the extant Rural Fringe to respond to identified housing need and to ensure the delivery of a flexible, responsive supply of land for housing as required by PPS3 (additions in underline, deletions in strikethrough).

The boundaries of the Green Belt and the ‘saved’ Rural Fringe sites are defined on the adopted Proposals Map and are indicated on the Key Diagram at the end of this document.

1. The general extent of the Green Belt will be maintained over the Plan period
2. A long term land reserve (designated in this Plan as ‘Rural Fringe’) will be maintained to ensure that Green Belt boundaries will not need to be altered at the end of the Plan period. There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Any new development should accord with the national planning provisions of Planning Policy Guidance Note 2: Green Belts (PPG2) or its replacement
3. Infill development and redevelopment within the designated ‘Major Developed Sites’ within the Green Belt will be allowed where it accords with the national planning provisions of PPG2 or its replacement.
4. Subject to the annual monitoring of Tables C/D - supporting Core Policy 1 - the extant/"saved" Rural Fringe Sites will be released for development, subject to other relevant Development Plan policy;
5. A new/replenished supply of long term land reserve (designated in this Plan as replacement ‘Rural Fringe’ will be identified through the
SHLAA and Site Allocations DPD) will be maintained to ensure that Green Belt boundaries will not need to be altered at until the end of the Plan period.’

1.16 In having regard to the above recommendations, and the requirement or otherwise of further consultation and/or the statutory procedures regarding sustainability appraisal (SA), we do not consider this prejudices the overall Core Strategy. Our particular focus in this regard is our suggestion of the identification of either more specific broad locations or strategic allocations.

1.17 Firstly, the Council’s Sustainability Appraisal has already assessed the overall level of housing requirement and proposed distribution strategy amongst settlements. The SA (Table 3, page 16) reiterates the findings of the SHLAA, and Table 25, Row 8 of the SHLAA includes the provision of greenfield sites contiguous with the LBD of the main urban areas – the findings of which are reflected in the Council’s Core Strategy Housing Trajectory (Figure 3, p47). Our recommendations do not differ from the principles of what therefore has already been appraised and consulted upon.

1.18 Secondly, the identification of an asterisk in the broad location of Hawkenbury Farm, will only serve to confirm what is already in the most recent adopted Local Plan (2006), and the extant Rural Fringe allocations (Polices RF1/RF2) which were very recently “saved” by GOSE in March 2009. The Local Plan was the subject of full consultation and independent examination, both of which confirmed the land reservation at Hawkenbury Farm – the principle of which is to accommodate future development requirements. Again therefore, our recommendations do not differ from the principles of what has already been acknowledged, consulted upon and accepted – most recently by the Government Office.

1.19 Notwithstanding the above two points, which highlight that the principle of further greenfield development has already been consulted upon (within the SA) and that the Rural Fringe allocations remain extant, we have prepared a site-specific sustainability appraisal of Hawkenbury Farm. This has been prepared in accordance with the same criteria contained within TWBC’s SA, and will be submitted in association with our evidence regarding Matter 7: Housing Provision and/or Matter 10: Tunbridge Wells & Southborough.
CORE STRATEGY MAIN MATTER 3
– GREEN BELT

CB Richard Ellis Planning - Written Statement

Caenwood Farm & Whitegates
Farm ID No. 305133
Rep No css231

October 2009
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1.0 Introduction – The Site
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1.1 This Statement is submitted on behalf of the owners of Caenwood Farm and Whitegates Farm ('the site'). We write in response to the Inspector’s matters and questions associated with the Royal borough of Tunbridge Well Local Development Framework Core Strategy Submission Development Plan Document – Independent Examination. This Statement specifically addresses Main Matter 3 ‘Green Belt’.

1.2 In addition to the evidence provided in this statement, we respectfully ask the Inspector to take into consideration any evidence presented in person during the Examination, and written representations made on behalf of the Consultee dated in response to: the Borough Council’s Core Strategy (dated 10 June 2008), the Council’s Strategic Housing Land Availability Assessment (SHLAA) dated 25 July 2008, and the Core Strategy Submission Document dated 10 June 2009.

1.3 It is highly significant that a substantial portion of Caenwood Farm and Whitegates Farm has now been identified in the Council’s recently published SHLAA, as being contiguous with the Tunbridge Wells LBD and having potential, on 12.03 hectares of land, to accommodate up to 279 dwellings (SHLAA site ref: 272).

1.4 In this respect, the Inspector will be mindful that the SHLAA is an important evidence source, and provides, “a very clear indication of where the future development potential is located in and around each of the Borough’s main settlements.” (Tunbridge Wells Borough Background Paper 01: Distribution of Development)

Land at Caenwood Farm and Whitegates Farm
Strategic Housing Land Availability Assessment

![Map of Land at Caenwood Farm/Whitegates Farm (site 272)](source: Land at Caenwood Farm/Whitegates Farm (site 272) - Illustration taken from Appendix 4d - Tunbridge Wells Borough Strategic Housing Land Availability Assessment)

1.5 The Consultee’s previous representations have been submitted in the context of offering a comprehensively masterplanned area providing very significant menu of land uses including 12.03 hectares of housing. Indeed, the 12.03 hectares
1.0 Introduction – The Site

identified in the SHLAA forms only a modest part of a much larger land holding comprising 46 hectares (114 acres), mainly comprising privately owned open farmland with some woodland. The site is truly deliverable within the emerging plan period. There is very limited public access at present. Indeed the site is tantalisingly close to residents in the western part of Tunbridge Wells but there is currently little opportunity to enjoy the landscape or relax and experience the expanses of open space. A masterplanned scheme would enable future access to areas of formal and informal public open space.

1.6 To assist the Inspector to understand the context of the consultees representations we include below the schematic image which could form the foundation of a masterplanned area of growth contiguous to Tunbridge Wells.

Caenwood Farm and Whitegates Farm
Schematic Zone Plan

1.7 We address the Inspectors questions in relation to the Council’s submitted Green Belt Policy in section 2 and 3 of this statement.
2.0  Is The CS Sound Regarding Green Belt?
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“IS THE CS SOUND WITH RESPECT TO WHAT IT SAYS ABOUT THE GREEN BELT, INCLUDING THE PROCESS OF ANY NECESSARY REVIEWS AND THE FUTURE OF THE SAFEGUARDED LAND (“RURAL FRINGE” AREAS), AND DOES IT PROVIDE A CLEAR BRIEF FOR SUBSEQUENT DPDS?”

2.1 We consider that the current wording of Core Policy 2 is ambiguous and does not provide enough certainty in respect of the future of the Green Belt and the rural fringe sites in, and around, Tunbridge Wells.

2.2 Point 1 of Core Policy 2 states that the ‘general extent’ of the Green Belt will be maintained for the Plan period, which indicates that Green Belt boundaries may be altered in certain circumstances (even if only on a small-scale). Paragraph 2.12 of PPG2 states that when preparing local plans Local Planning Authorities should be satisfied that Green Belt boundaries will not need to be altered at the end of the plan period. Therefore, if the Council are satisfied that the Green Belt boundary will not need to be altered then this should be acknowledged in the wording of Core Policy 2. Conversely if the Council believes that certain parts of the Green Belt need revising (rolling back) then the policy should be clear and transparent about such matters.

2.3 Policy AOSR8 of the adopted South East Plan (May 2009) acknowledges that a small-scale review of the Green Belt may be required at Tunbridge Wells. In this respect, the adopted South East Plan questions the capacity of the Royal Borough of Tunbridge Wells (as currently delineated) to deliver the housing target of 6,000 dwellings up to 2026 without the use of Green Belt land. Since 2006 to the last annual monitoring report a total of 1,034 dwelling units have been constructed leaving a total of 4,966 up to 2026.

2.4 Paragraph 5.32 of the Core Strategy Submission document states that, ‘any (Green Belt) review would be dependent on there being no suitable non-Green belt sites available to support the requirements of the (Tonbridge/ Tunbridge Wells) Regional Hub’. With regard to the wording of paragraph 5.32 we consider that non-Green Belt sites not only have to be ‘suitable’ and ‘available’ but in accordance with PPS3 they must also be ‘deliverable’. As we set out in our representations to the Core Strategy Submission document we have serious concerns regarding the deliverability of a number of identified sites within the LBD.

2.5 Paragraph 5.33 states that the SHLAA indicates that Green Belt sites should not need to be released during the plan period. However, Table 25 of the SHLAA shows that this is dependent on all of the identified sites and extant permissions coming forward within the Plan period to deliver the residual housing requirement of 4,966 dwellings. Table 25 indicates a total delivery of 6005 dwelling units (a surplus of 5 dwellings) if all the identified sites come forward, which clearly does not provide the flexibility required under PPS12. In this respect we consider that the additional figure of 1,146 dwellings (on identified sites including Green Belt) should be identified within Core Policy 2 as a ‘contingency strategy’ in accordance with
2.0 Is The CS Sound Regarding Green Belt?

paragraph 4.46 of PPS12. We address the issue of flexibility, a key principle of PPS12 (paragraph 4.46), later in this Statement.

2.6 In respect of point 1 of Core Policy 2 we consider that the wording does not fully clarify the Council’s position as to whether a Green Belt review will be needed, and it is silent on the scale of such a review should it be required during the plan period. It is our firm belief that taking an inflexible approach, towards a Green Belt review will undermine the ability of the Borough Council to deliver sufficient development to meet the growth requirements of the Tonbridge / Tunbridge Wells Regional Hub.

2.7 Point 2 of Core Policy 2 refers to the designated rural fringe sites being maintained throughout the plan period. However, there is no reference to the need to review the existing rural fringe sites as part of the borough’s evidence base on housing delivery. As we highlighted in our written representations to the Core Strategy Submission document (dated 10 June 2009) it is highly notable that the Council’s SHLAA recognises that two existing rural fringe sites are considered not to be suitable for residential development. North Farm Tip (site ref: 96), a 23ha site, is no longer considered suitable for residential development due to its location in a commercial area; the site’s previous use as a landfill site and its visual prominence. In addition, part of Culverden Down (site 277) is no longer considered suitable for residential development for ecological reasons.

2.8 Annex B of PPG2 states that safeguarded land (i.e. the ‘rural fringe’) should be genuinely capable of development when needed. These sites will therefore need to be replaced with alternative sites that are suitable, available, and viable for residential development through a review of rural fringe sites during the Plan period.

2.9 Paragraph 5.38 states that, ‘the suitability, availability and viability of rural fringe sites will be assessed against that of other greenfield sites contiguous with the LBD’. Whilst we support the Council’s approach to reviewing rural fringe sites, we consider that the supporting text does not provide enough clarity or certainty as to what will trigger a review, and what criteria will be used to assess rural fringe sites. Furthermore, this should be reflected in the wording of Core Policy 2.

2.10 We note that the existing rural fringe sites are not designated on the Core Strategy key diagram, which further adds to the lack of clarity surrounding the future of rural fringe sites.

2.11 Given our comments in respect of Core Policy 2 we consider that, as currently worded, the policy does not accord with national planning policy contained in PPS12.

2.12 PPS12 states that in order to be effective (one of the key ‘tests of soundness’) the Core Strategy must be flexible. In this respect paragraph 4.46 of PPS12 states: ‘A strategy is unlikely to be effective if it cannot deal with changing circumstances. Core strategies should look over a long time frame – 15 years usually but more if necessary. In the arena of the built and natural environment many issues may change over this time. Plans should be able to show how they will handle contingencies: it may not always be possible to have maximum certainty about the deliverability of the strategy. In these cases the core strategy should
2.0 Is The CS Sound Regarding Green Belt?

show what alternative strategies have been prepared to handle this uncertainty and what would trigger their use. Authorities should not necessarily rely on a review of the plan as a means of handling uncertainty’.

2.13 In respect of the above we note that Core Policy 2 provides little certainty as to how the Council will handle contingencies nor does it show what alternative strategies have been prepared to handle any uncertainties should urban sites fail to be delivered and, as a consequence, Green Belt land be required to deliver housing.

2.14 The Policy does not therefore provide enough certainty to accommodate changing circumstances over the course of the plan period. In addition, we consider that the Council’s current approach will impede the Council in identifying a flexible and responsive supply of land.

2.15 The need to incorporate flexibility and responsive strategies has always been an important requirement of long term plans but is even more critical in times of economic uncertainty and instability.

2.16 In light of the above, we consider that the Core Strategy, as currently drafted, is unsound with respect to Core Policy 2, owing to it not being flexible and therefore not ‘effective’, and not being consistent with national planning policy contained in PPG2. Furthermore, the policy does not provide enough clarity to provide a clear brief for subsequent DPDs. We now turn to address the Inspector’s second question.
3

3.0 Particular Changes Needed to Make The Policy Sound
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"IF THE CORE STRATEGY IS UNSOUND IN WHAT IT SAYS ABOUT GREEN BELT, COULD THE INSPECTOR MAKE ANY PARTICULAR CHANGES TO REMEDY THE UNSOUNDNESS, BEARING IN MIND THAT NEW MATERIAL SHOULD NOT UNDERMINE THE STATUTORY PROCEDURES FOR CONSULTATION AND SUSTAINABILITY APPRAISAL (SA)? WOULD THE CHANGES REQUIRE FURTHER CONSULTATION OR SA?"

3.1 For the reasons set out in section 2 we consider that point 1 of Core Policy 2 should be refined (redrafted) to fully clarify the Council’s position as to whether a Green Belt review will be needed and under what circumstances (triggers) such a review will take place, and when it will be undertaken. In addition we consider that a contingency strategy for the Green Belt should be acknowledged within Core Policy 2 should the identified housing fail to be delivered. We further consider that the policy should more fully reflect Policy AOSR8 of the adopted South East Plan (May 2009) which acknowledges that a small-scale review of the Green Belt may be required at Tunbridge Wells.

3.2 Paragraph 5.32 of the Core Strategy Submission document should be refined (redrafted) with minor changes to reflect the advice in PPS3 that any housing sites should be suitable, available and deliverable within the Plan period. We also consider that the text should cross-reference to the Council’s SHLAA in respect of any review that may be required as a result of key sites/fringe locations no longer being considered (by the Council’s SHLAA) suitable for housing. The policy, as currently drafted is silent on this point, and yet we believe there serious concerns regarding the deliverability of a number of identified sites within the LBD, including the range of constraints which such sites are subject to (including the need to replace existing town centre uses e.g. public car parks, employment uses etc). This must surely impact upon whether a Green Belt review or rolling back is, or is not, required.

3.3 Turning to Point 2 of Core Policy 2 we also consider this part of the Core Strategy needs refining to provide clarity and certainty, it also needs to incorporate more commentary to set the scene and provide greater certainty. The Council need to state whether (and when) there will be a need to review the existing rural fringe sites as part of the borough’s evidence base on housing delivery, in light of the findings of the SHLAA regarding the unsuitability of two key rural fringe sites within the borough. Will such sites need to be replaced or will there be a review as part of the forthcoming Site Allocations DPD? The Core Strategy Submission is currently silent on these issues.

3.4 We consider that paragraph 5.38 should be refined (redrafted) to clarify what will trigger a review of rural fringe sites, how such reviews will take place, when the reviews will take place, and what criteria will be used to assess rural fringe sites.
3.0 Particular Changes Needed to Make The Policy Sound

3.5 Finally, we propose that the Core Strategy Key Diagram should include rural fringe sites to provide clarity. If the Council consider that a review in light of the SHLAA is required (prior to the forthcoming Site Allocations DPD) then the Council should make reference to the need to identify rural fringe sites on diagrams in a subsequent DPD.

3.6 We consider that our proposed revision is not a matter of changing planning policy principles, is it a matter of providing clarity and certainty within the text so that all who refer to these long-term documents know precisely what is proposed, and it will be delivered, and when. In this regard, we consider that such textual refinement can be incorporated in Point 1 and paragraph 5.32, and Point 2 of Core Policy 2 without requiring re-consultation and without requiring a Sustainability Appraisal. There simply needs to be more certainty and clarity and more information on these very important issues.
Tunbridge Wells Borough Local Development Framework

Core Strategy Development Plan Document Examination

STATEMENT IN RESPONSE TO THE MAIN MATTERS IDENTIFIED BY THE INSPECTOR

MATTER 3
GREEN BELT
(CP2 and 5.28 – 5.40)

Hearing session - 26 November 2009

On behalf of Cooper Estates Limited

October 2009
1.0 **Introduction**

1.1 This paper has been prepared in response to the publication of the list of main matters identified by the Inspector as being those where the submission of further information and evidence may assist him in assessing the soundness of the submitted Core Strategy document.

1.2 It specifically addresses Main Matter 3, „the Green Belt” which is to be heard at the session programmed for 26 November 2009.

1.3 As requested, its content seeks to address only the specific questions set by the Inspector and in a succinct manner.
3.1 *Is the CS sound with respect to what it says about the Green Belt, including the process for any necessary reviews and the future of safeguarded land (“rural fringe” areas), and does it provide a clear brief for subsequent DPDs?*

What does the CS say about the Green Belt?

3.1.1 It is considered that there are two main elements to the Councils approach to when and if the Green Belt, (GB) boundaries may be reviewed.

3.1.2 Firstly, Core Policy 2 states that the 'general extent' of the Green Belt (GB) will be maintained for the plan period. However, the supporting text at paragraph 5.32 does make reference to policy AOSR8 of the South East Plan (SEP) which advises that there may be a likely need for a small scale Green Belt review at Tunbridge Wells to support its role as a regional hub. It continues:

> “Any review would be dependant on there being no suitable non-Green Belt sites available….”

(our emphasis)

3.1.3 The clear message given by the wording is that whilst the Council acknowledge that the SEP provides policy backing for a review of the inner GB boundary in the context of the hub status of Royal Tunbridge Wells (RTW), it is the Council”s intention to seek to avoid the need to allocate GB land if it is at all possible to do so.

3.1.4 The second element is that Core Policy 2 notes that a long term land reserve (rural fringe) is to be maintained to ensure that no further GB review will be necessary at the end of the plan period. Paragraphs 5.39 acknowledges that if existing rural fringe sites are likely to be taken up in the plan period the Allocations DPD will need to “replenish the long-term land reserve”. In essence therefore the second element is that a review may be necessary to restock the rural fringe sites for future growth beyond 2026.
Is this approach consistent with national and regional policy?

3.1.5 PPG2 advises that GB boundaries are set with the intention that they will endure for a considerable period. However, subject to direction from regional guidance (formerly structure plans) reviews may take place as part of development plan process. (para. 2.7)

3.1.6 Similarly, PPG2 advises that when new development plans are prepared the local planning authority should satisfy itself that the GB will not need to be reviewed again at the end of the plan period and therefore should consider the need to remove land from the GB and safeguard it for future development needs. (para. 2.12)

3.1.7 Set against this guidance the Council’s approach appears to generally conform.

3.1.8 However, and whilst in no way detracting from the importance of GB policy, since the publication of the PPG2 update in 2001, the government has published further planning guidance in the form of PPS1 (2005), PPS3 (2006) and PPS12 (2008) which we submit are of relevance in terms of plan making and particularly the allocation of housing sites within plans.

3.1.9 All of these documents place significant focus on the need to deliver sustainable development and also the need to consider all potential options as part of the process. Specifically, PPS3 (para. 38) sets out the need to ensure that the location of new housing development contributes to achieving sustainable development. As part of this it advises that LPA’s should consider a range of options for accommodating new housing growth and that these options may include, for example the re-use of vacant and derelict sites or industrial land and commercial sites for providing housing as part of mixed town centre development, additional housing in established residential areas, large scale redevelopment and re-design of existing areas, expansion of existing settlements through urban extensions and the creation of new freestanding settlements.
3.1.10 In essence PPS3 suggests that various options may be considered. It is not the Government’s policy that a sequential approach must be adopted with all Greenfield sites being seen as a last resort.

3.1.11 Rather, the LPA’s are charged with properly assessing all reasonable alternatives and justifying why the preferred approach to the allocation / location of development is the most appropriate. PPS12 notes at paragraph 4.38 that the ability to demonstrate that the plan is the most appropriate when considered against reasonable alternatives will deliver confidence in the strategy. It requires the local planning authority to seek out and evaluate reasonable alternatives promoted by themselves and others to ensure that they bring forward those alternatives which they consider the LPA should evaluate as part of the plan-making process.

3.1.12 Therefore whilst it is considered that the Council’s approach to the Green Belt may be generally consistent with PPG2 guidance it may equally be held lacking when assessed in terms of the approaches to plan / policy preparation now advocated in PPS’s 1, 3 and 12.

3.1.13 That is, in terms of new housing allocations the Core Strategy makes clear that when preparing the Site Allocations DPD GB sites, no matter how sustainable and no matter what other merits they may have to offer will automatically be excluded from consideration unless there are no suitable non GB sites available i.e. the GB status overrides anything else.

3.1.14 This approach also fails to acknowledge changes in the structure and functioning of the town which have and are taking place during the plan period. For example on the east side of RTW, there is the redevelopment of Pembury Hospital which will become fully operational in 2012 and is reputed to be the biggest undertaking of its kind in England. This 512 bed facility will be a major source of employment for the town, to be accessed by existing and future residents. The hospital site stands within the GB and just to the east of GB land contiguous within the LBD of RTW. Residential development in this gap
would provide sustainability and other benefits but such matters will not be considered under the current CS proposals unless there are no non GB sites available anywhere else in RTW. Appendix 1 attached is a schedule taken from the Council’s web site listing the main employers in the Borough. The hospital is the largest and the majority of other major employers are base in and around RTW.

3.1.15 It is respectfully submitted that in the context of the PPS3 and PPS12 guidance, where GB sites that are contiguous with the built up area of RTW these should at least be considered alongside non GB sites. The current approach of the Council is to discount GB land without any comparative assessment with non GB sites. This could create the situation where the Council allocates non GB sites which are „adequate” and does not consider GB sites with far greater merit. At least if GB sites were assessed the Council could then take a view as to the relative merits between sites. If it felt that GB sites were no better or had no more to offer than non GB sites it could decide to discount them at that stage on the basis that the GB constraint should be given significant weight.

3.1.16 At present therefore the CS is considered unsound in that it fails to appropriately allow for the consideration of all alternative options as part of the Site Allocations site selection process. Such a strategy has not been justified as the most effective strategy for the Borough.

3.1.17 In terms of the CS’s position on additional safeguarded land, whilst the Council’s acknowledgement of the potential need to release new safeguarded sites is appropriate it is submitted that the supporting text at paragraphs 5.27 to 5.39 does not provide sufficient detail to guide the future Allocations DPD process.

3.1.18 That is, it is stated that the reserve must „extend beyond the plan period” but the document does not suggest how far beyond or how much land may be required. Clearly this could be determined at the Allocations stage but without any steer from the Core Strategy this leaves significant room for debate and argument at that stage.
3.1.19 In addition, The CS states that additional safeguarded land will only be identified in circumstances where existing safeguarded land is taken up. This assumes that the existing safeguarded sites are sufficient to meet requirements beyond the plan period.

3.1.20 Following questions in respect of this matter the Council has advised that it has based its view on how much safeguarded land is required on the wording of SEP Policy SP5. This suggests sufficient land should be allocated to prevent the need for a review before 2031. SEP Policy SP5 states that when considering the period 2026 to 2031 the same annual dwelling requirement for the pre-2026 period should be rolled forward. In this case, 300 per annum x 5 years equals an additional 1,500 houses.

3.1.21 The SHLAA assessment of the rural fringe sites and the potential dwelling yield if all were to come forward is approximately 1,250 dwellings, 250 short of the 1,500.

3.1.22 It is noted that it may not be the case that all completions post 2026 will rely on the rural fringe source. However, it seems likely based on the SHLAA that some may be taken up in the period before 2026 adding weight to the view that some additional rural fringe land will be required to be allocated in the coming Site Allocations DPD.

3.1.23 It is submitted that failure to provide clarity in the CS as to the number of years, amount of land or the number of dwellings which the Site Allocations document should seek to provide for post 2026 in terms of rural fringe sites may be considered unsound in that it is not an effective strategy.

3.2 **If the CS is unsound in what it says about the GB could the Inspector make any particular changes to remedy the unsoundness bearing in mind statutory procedures. Would the changes require further consultation or SA?**
3.2.1 The current system requires the use of the term „unsound“ and this can give the impression that there are fundamental problems requiring major change. We do not consider this to be the case here and suggest that with minor wording changes the „unsoundness“ can be remedied without the need for additional consultation of sustainability appraisal.

3.2.2 The first suggested alteration is to point one of Core Policy 2 as follows:

“1. The general extent of the Greenbelt will be maintained for the plan period. At Royal Tunbridge Wells some local Green Belt land releases may be required to meet the housing requirements set in the South East Plan and its Regional Hub Status.”

3.2.3 This wording reflects that within the SEP and provides clarity within the policy in terms of what is meant by the „general extent” of the GB i.e. everywhere other than around the edge of RTW the GB will be retained.

3.2.4 The second suggested amendment is to the text at 5.32. This is the removal of the sentence:

“Any review would be dependant upon there being no suitable non-Green Belt sites available to support the requirements of the Regional Hub.”

3.2.5 The removal of this sentence will allow for a full consideration of all options and a comparison and assessment of the merits of GB and non GB sites as part of the site allocation DPD process as advocated in PPS3 and PPS12. It will remove the potential for the Council to allocate sites which may be only just „adequate” and ignore sites with great potential within the GB.
3.2.6 Consequentially a further amendment is required to the final sentence of 5.32 to read:

“The Borough Council will only consider the release of sites within the Green Belt…….”

3.2.7 In terms of the rural fringe issue it is suggested that the only necessary changes are to the supporting text at 5.38 as follows:

“5.38. The Borough Council will maintain a land reserve as Rural Fringe which would provide for a minimum of 5 years future housing need (1,500 houses). The existing Rural Fringe sites……..”

3.2.8 Finally, the first sentence of 5.39 could be removed so that it is clear that it is not only if existing sites are used up that more may be needed.
APPENDIX 1

List of the Boroughs Major Employers
(Source TWBC web site)
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</table>
Question 3.1: Is the CS sound with respect to what it says about the Green Belt, including the process of any necessary reviews and the future of safeguarded land (“rural fringe areas”), and does it provide a clear brief for subsequent DPDs?

Persimmon agrees that there is no reason to assume that Green Belt land will be needed for foreseeable future given development options outside the Green Belt at Tunbridge Wells, Southborough and Paddock Wood. If a review of Green Belt is required, that should be done through a new or revised CS.

Question 3.2: If the CS is unsound in what it says about the Green Belt, could the inspector make any particular changes to remedy the unsoundness, bearing in mind that any new material should not undermine the statutory procedures for consultation and sustainability appraisal (SA)? Would the changes require further consultation and SA?

No suggested changes.