

Tunbridge Wells Borough



Tunbridge Wells Borough Council

# Consultation Statement for Pre-Submission Local Plan

(Including main issues raised through consultation on the Draft Local Plan in September – November 2019 and responses to them, together with arrangements for consultation on the Pre-Submission Local Plan)

March 2021



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# Part 1

## 1.0 Introduction

- 1.1 The first part (Part 1) of this Statement sets out the consultation procedures to date in relation to the preparation of the Tunbridge Wells Local Plan, including previous consultations on Issues and Options (Regulation 18) and, more specifically, on the Draft Local Plan (also under Regulation 18), as well as the consultation arrangements proposed for the Regulation 19 Pre-Submission Local Plan.
- 1.2 The second part of the Statement (Part 2) sets out the main issues raised in responses received to the consultation on the Draft Local Plan and its accompanying Sustainability Appraisal document, which took place between the 20 September and 15 November 2019, how the Council has taken account of those in the preparation of its next, 'Pre-Submission', version of the Local Plan.
- 1.3 It is noted that the Council has recently, in 2020, reviewed its 'Statement of Community Involvement' (SCI) which sets out how the Council will involve the community in the preparation and review of planning policy for the borough, through the Local Plan and Supplementary Planning Documents, and in decision making on planning applications. In part, this has been to make provision for exceptional circumstances such as the Covid-19 pandemic ([see the Statement of Community Involvement 2020 here](#)).
- 1.4 The Council has also worked closely with a wide range of agencies and bodies in preparing the Local Plan. In particular, it has actively engaged with all of its neighbouring authorities within Kent and East Sussex, as well as undertaken extensive liaison with Kent County Council (notably as its role as the minerals and waste, local highway and education authority), and infrastructure providers. Details of the cooperation with neighbouring councils and other bodies on strategic matters, such as housing, economic development, infrastructure and the environment, are set out in the Council's 'Duty to Cooperate Statement'.
- 1.5 In addition, the Council has also worked closely with Parish Councils, including their Neighbourhood Plan groups where they are preparing neighbourhood development plans (NDP). Further information on the relationship between the Local Plan and neighbourhood plans is set out in Section 4 at Policy STR 10: Neighbourhood Plans of the Pre-Submission Plan, as well as on the Council's website under [Neighbourhood Plans](#).

## Local Plan Timescales

- 1.6 The Draft Local Plan ([see the Consultation Draft Local Plan \(Regulation 18\) September 2019 here](#)), to which this Consultation Statement primarily relates, was the second of three stages in preparing the new Local Plan. The first stage was the publication of the Issues and Options document ([see the Local Plan Issues and](#)

[Options document here](#)) in the summer of 2017, for public consultation. The final stage of preparation is the Pre-Submission Version Local Plan, which will be consulted upon for a ten-week period from 26 March to 4 June 2021. Figure 1 below sets out the various stages of producing the Local Plan.



Figure 1: Local Plan timescales

- 1.7 Full details of the Local Plan timetable are set out in the Local Development Scheme (LDS) [Local Development Scheme](#). This LDS is/will be updated as the Plan progresses.

## 2.0 Issues and Options

- 2.1 The Issues and Options consultation was the first borough-wide public consultation undertaken by the Council with regard to the preparation of the new Local Plan. The public consultation took place over a period of six weeks between Tuesday 2 May and Monday 12 June 2017 and was carried out in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.2 The Issues and Options consultation document included the following:
1. A set of draft objectives for the new Local Plan that give an indication of the expected scope of the Plan's Strategy.
  2. Identification of the main issues and challenges relevant to future development in the borough which will be addressed in the new Local Plan, based on seven themes: 1. Natural and Built Environment, 2. Infrastructure, 3. Housing, 4. Economy, 5. Transport and Parking, 6. Leisure and Recreation and 7. Sustainability
  3. Five potential strategy options for the distribution of new development within the borough, together with commentary on the implications of each.
- 2.3 The main purposes of the consultation were: to publicise the preparation of a new Local Plan, seek early views from a wide cross-section of the community and stakeholders on what the Local Plan should seek to achieve over the plan period, and to invite comments on potential strategy options for delivering new homes, employment space, retail and leisure facilities in Tunbridge Wells borough.

- 2.4 The consultation also provided opportunity for respondents to identify any additional issues that were considered relevant to preparing a new Local Plan and any alternative development scenarios that it was thought appropriate for the Council to consider.
- 2.5 The following provides a summary of the level and breadth of responses received to the Issues and Options consultation:
- 551 individual responses;
  - A total of 6,686 comments;
  - 465 responses from residents and individuals;
  - 39 responses from organisations and companies (developers and agents);
  - 15 responses from parish and town councils;
  - 14 responses from statutory bodies and utilities;
  - 11 responses from resident, amenity, and other groups;
  - 7 responses from adjoining authorities.
- 2.6 Some of the key issues/concerns (not an exhaustive list) highlighted through the consultation were as follows:
- Concern over meeting development needs (the objectively assessed need) within a constrained borough;
  - Importance of the protection of the landscape (including the Area of Outstanding Natural Beauty) and the historic environment of the borough, as well as non-designated assets that are valued by residents and visitors;
  - Protection of the Green Belt when considering new development;
  - Importance of the provision of additional infrastructure alongside development;
  - Should be aiming to provide the right types of housing throughout the borough for specific groups e.g. older persons and first time buyers, and concern with the overall high amount of housing to be provided for in the new Local Plan;
  - Importance of economic growth to meet the needs of local businesses;
  - The balance of growth across the borough, including the rural areas;
  - The need to tackle pollution and congestion in certain areas of the borough;
  - Should be recognition of technological changes that will take place over the course of the plan period, and the Plan should be flexible to adapt to changes.
- 2.7 All the responses received to the Issues and Options consultation were carefully considered and taken into account in the preparation of the Draft Local Plan (Regulation 18). The relevant Consultation Statement includes two parts: Part 1 summarises the Issues and Options Consultation and sets out how consultation was to be undertaken for the Regulation Draft Local Plan 18 Consultation. Part 2 provides a summary of the comments received to the earlier Issues and Options

consultation and the Council's response to these in how they were taken into account in the preparation of the Regulation 18 Local Plan ([see the Consultation Statement for the Draft Local Plan \(Regulation 18\) September 2019 here](#)) .

## 3.0 Draft Local Plan Consultation

- 3.1 The Draft Local Plan (also under Regulation 18) built on the Issues and Options consultation document and the feedback received during earlier consultation. It set out the Borough Council's proposed strategy for the future development of the borough, the site allocations that relate to this and the relevant policies against which future development proposals and planning applications will be assessed. Where alternative approaches have been considered, accompanying documents (including 'Topic Papers') also explain why these were not pursued.
- 3.2 The Draft Local Plan contains:
- The Vision and Objectives for the borough;
  - The proposed Development Strategy: how much, and where, development needs will be met;
  - 'Place shaping' policies, including proposed site allocations for each parish/settlement within the borough;
  - Detailed 'Development Management' policies to guide development over the plan period.
- 3.3 The consultation period for the Draft Local Plan was originally set to run from 20 September to 1 November 2019 but was extended during the course of the consultation by two further weeks, to 15 November, on request from Parish Councils and other interested parties to have more time to examine the Local Plan documents and supporting evidence and to collate a response.

### Who was consulted?

- 3.4 Consultation material was made available for comment to a wide range of organisations and individuals and in a range of ways, in accordance with the Council's Statement of Community Involvement, including the following:
- Statutory consultees
  - Internal Council stakeholders including Councillors
  - Parish and town Councils
  - Royal Tunbridge Wells Town Forum
  - Developers and agents
  - Local organisations

- General public (including residents and businesses)
- Contacts on the Council's planning consultation database
- Adjoining Local Authorities and Duty to Cooperate partners

## Consultation Material and Methods

3.5 The Draft Local Plan consultation material included the following documents:

- Tunbridge Wells Borough Draft Local Plan (Regulation 18)
- Response form for Draft Local Plan document
- Sustainability Appraisal
- Response form for Sustainability Appraisal

3.6 'Supporting Documents' comprising the evidence base to support preparation of the new Local Plan was referenced in the consultation documents and published on the Council's website.

3.7 The following methods of consultation were used:

### Letters

3.8 In accordance with Regulation 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012, letters were sent out prior to the start of the consultation period, by post or by email to all the consultees in section 3.4 above on the Council's database, informing them of the Draft Local Plan consultation and inviting them to comment. Further emails/letters were also sent out to inform consultees that the consultation had been extended by two weeks. Copies of the letters sent for the original and extended consultation are attached as **Appendix 1**.

### Posters

3.9 Posters were displayed at various locations around the borough, including the Council's Gateway office in Royal Tunbridge Wells town centre, in all public libraries, Council car parks, train stations and sports centres (Tunbridge Wells, Putlands and Cranbrook). Information posters and summary leaflets (as below) were sent to all parish and town councils asking that these be displayed where most appropriate e.g. village hall, local shop, notice boards. A4 sized posters were also handed out to local shops/post offices on the Council's database requesting they be displayed in shop windows. Parish and town councils were also encouraged to publicise the Draft Local Plan consultation on their individual websites and in any local magazines.

3.10 Posters were also updated and displayed and distributed in the same locations to inform the public that the consultation had been extended by two weeks. Copies of both posters are attached at **Appendix 2**.

## Summary leaflets

- 3.11 The ‘Local’ magazine is delivered to every household in the borough on a seasonal basis. An article relating to the Draft Local Plan was published in the Autumn 2019 version of this magazine. This was in the form of a pull-out information leaflet, summarising the proposed development strategy, place shaping policies and development management policies and setting out details of the Local Plan Regulation 18 consultation, was provided in this magazine and distributed during the week beginning 16 September 2019, just before the formal consultation period for the Draft Local Plan (Regulation 18) started.
- 3.12 The same pull- out summary leaflets were also distributed at exhibition events and made available in other public places such as local libraries, the Assembly Hall Theatre, train stations and sports centres within the borough. A copy of the summary leaflet is attached at **Appendix 3**.

## Exhibitions

- 3.13 A number of consultation exhibition events across the borough were undertaken as part of the consultation, the details of which are set out below. These were attended by TWBC officers and, for certain exhibitions, by KCC Highway officers, to answer questions and give advice on the Draft Local Plan and other supporting documents forming part of the evidence base.
- 3.14 A series of exhibition boards were used at the events to display the information relating to various sections of the Draft Local Plan, including maps. The summary leaflets referred to above were also distributed at these events. (see ‘Exhibition boards’ under Draft Local Plan on the Local Plan website).
- 3.15 The exhibitions were also supplemented by offers of a meeting to those parish and town councils in any of the parishes with proposed site allocations in the Draft Local Plan, where there was no exhibition in that specific parish.

Table 1: List of exhibition events

Venue	Date	Opening Times
Capel Community Centre, Falmouth Place, Five Oak Green	Saturday 21 September	10am-2pm
Number of people in attendance	173	
Visitors included:	Residents from Capel and Tudeley	
Main issues raised:	Transport and Infrastructure: <ul style="list-style-type: none"> <li>• The proposed Colts Hill Bypass</li> <li>• The indicatively proposed bypass road to the north or south of Five Oak Green that would link Tudeley Village with Paddock Wood/the A228</li> <li>• Whether there was still possibility for the inclusion of</li> </ul>	

Venue	Date	Opening Times
	a rail halt in Tudeley Village Housing: <ul style="list-style-type: none"> <li>The level of affordable housing to be provided on the new development at Tudeley Village and Paddock Wood</li> </ul> Flooding: <ul style="list-style-type: none"> <li>What flood mitigation measures would be explored and implemented as part of the proposed development at Paddock Wood and Tudeley Village</li> </ul>	
Mascalls School Hall, Maidstone Road, Paddock Wood	Tuesday 24 September	4.30pm-8pm
Number of people in attendance:	110	
Visitors included:	Ward Councillors from Capel and Paddock Wood, residents, Lady Elizabeth Akenhead (CPRE) members of Paddock Wood Neighbourhood Plan Group and Paddock Wood Business Association and Paddock Wood Town Council	
Main issues raised:	General: <ul style="list-style-type: none"> <li>Concern that previous development hasn't provided sufficient infrastructure and lack of trust that the Masterplan approach will provide this for the future</li> <li>Acceptance that need additional growth, but that the infrastructure must be delivered in a timely way</li> <li>Concerns over Southern Water and future connections</li> <li>Some raised issue that houses currently being built are not selling and so why build more houses in this location</li> <li>Pressure on the trains from more people living in the area wanting to get the train up to London for work</li> </ul> Sports and Recreation: <ul style="list-style-type: none"> <li>Whether the proposed community hub at the Memorial Field in Paddock Wood could instead be relocated onto a site proposed for allocation</li> </ul> Transport and Infrastructure: <ul style="list-style-type: none"> <li>The indicatively proposed bypass road to the north or south of Five Oak Green that would link Tudeley Village with Paddock Wood/the A228</li> <li>Lack of additional capacity on the rail network</li> <li>Road links into RTW – Pembury Road</li> </ul> Housing:	

Venue	Date	Opening Times
	<ul style="list-style-type: none"> <li>The level of affordable housing to be provided on the new development at Tudeley Village and Paddock Wood</li> </ul> Flooding: <ul style="list-style-type: none"> <li>What flood mitigation measures would be explored and implemented as part of the proposed development at Paddock Wood and Tudeley Village</li> </ul>	
Royal Victoria Place, Royal Tunbridge Wells	Thursday 26 September	12pm-7pm
Number of People in attendance:	265	Exhibition boards left in situ for shoppers to look at before 12pm
Visitors included:	Members of RTW Town Forum, Residents Against Ramslye Development, Councillor Williams (Sherwood)	
Main issues raised:	<ul style="list-style-type: none"> <li>Spratsbrook Farm – questions/comments included: where the proposed school is to be located, highway safety concerns and the landscape impact on the edge of the borough, adjacent listed buildings and other heritage assets; deliverability of affordable housing if land is being ‘given’ for school</li> <li>Concern over relocation of sports pitch provision to Hawkenbury – increased level of traffic movements</li> </ul>	
Vestry Hall, The Old Fire Station, Stone Street, Cranbrook	Friday 27 September	4pm-7pm
Number of people in attendance:	260	
Visitors included:	Local Councillors (parish/borough)	
Main issues raised:	<ul style="list-style-type: none"> <li>Bull Farm – concern over access into site from busy road/junction</li> <li>Sissinghurst – Mill Lane/The Street (A262) - highways issues</li> <li>General concern over quantum of development in Cranbrook, lack of employment opportunities and infrastructure provision especially highways</li> </ul>	
Royal Victoria Place, Royal Tunbridge Wells	Saturday 28 September	10am-3pm

Venue	Date	Opening Times
Number of people in attendance:	355	Exhibition boards left in situ for shoppers to look at outside of exhibition hours
Visitors included:	Members of RTW Town Forum, Borough Councillors Joy Podbury, Marguerita Morton and Julian Stanyer	
Main issues raised:	<ul style="list-style-type: none"> <li>• Spratsbrook Farm – not a suitable location for new houses and a school due to transport impact and development on agricultural land. What other locations have been considered for a new secondary school?</li> <li>• Concern over development at Cadogan Fields – traffic impact, access in to the site and concern about impact on the adjacent school</li> <li>• Traffic congestion generally in the town and in particular impact of new development on traffic movements on Pembury Road</li> <li>• General concern over housing numbers – why we need to meet the need and provide over and above the need?</li> <li>• State of the town centre and Royal Victoria Place – retail offer not as good as other centres and high price of parking deterring people coming to the town</li> <li>• Several visitors came in to look at the Pembury allocations – particularly concerned about cumulative impact on traffic and highway safety</li> <li>• Concerns raised in respect of lack of information for propose site allocations – Mabledon and Nightingale Farm, Southborough</li> </ul>	
British Legion Unity Hall, High Street, Hawkhurst	Monday 30 September	4pm-7pm
Number of people in attendance:	132	
Visitors included:	Cllr Thomson (ward Member)	
Main issues raised:	<ul style="list-style-type: none"> <li>• Golf Course – ‘relief road’ will not provide adequate solution to crossroads in Hawkhurst</li> <li>• Concern over sewerage facility issues (sewage</li> </ul>	

Venue	Date	Opening Times
	<p>running into fields) around Highgate Hill development (Hershell Place)</p> <ul style="list-style-type: none"> <li>• Concern over scale of development – Hawkhurst will become a town</li> <li>• Some concern about proposal for a new Doctors surgery at the Fowler’s Park site – that people will not walk from The Moor to attend it</li> </ul>	
Horsmonden Village Hall, 7 Back Lane, Horsmonden	Tuesday 1 October	4pm-7pm
Number of people in attendance:	183	
Visitors included:	Cllr Jane Marsh (local ward Member), representatives from Horsmonden and Brenchley and Matfield Neighbourhood Plan groups	
Main issues raised:	<ul style="list-style-type: none"> <li>• Traffic through Matfield – amount and speed, as well as existing congestion onto the A21; also that Matfield and Brenchley will be massively impacted by proposed development in the wider area, from Paddock Wood for example</li> <li>• Infrastructure including PW railway (full trains, parking) – also impact from development in neighbouring LPAs</li> <li>• Level of development queried</li> <li>• Affordability of new housing</li> <li>• General queries on current planning applications relating to proposed site allocations</li> <li>• Considerable amount of interest in respect of proposed second LBD at Brenchley – generally welcomed</li> </ul>	
Pembury Village Hall, 49 High Street, Pembury	Wednesday 2 October	4pm-7pm
Number of people in attendance:	137	
Visitors included:	Local ward Members - Cllrs Riley, Atwood, Hayward and Pembury Parish Councillors	
Main issues raised:	<ul style="list-style-type: none"> <li>• Infrastructure, especially traffic</li> <li>• Pembury Road</li> <li>• Hendy site (Woodgate Corner) current planning application – main issues raised related to traffic</li> </ul>	
Mascalls School Hall, Maidstone Road,	Thursday 3 October	4.30pm-8pm

Venue	Date	Opening Times
Paddock Wood		
Number of people in attendance:	65	
Visitors included:	Local ward Member - Cllr Mackonochie	
Main issues raised:	<ul style="list-style-type: none"> <li>• infrastructure including roads, rail, parking, education, health, flooding, sewerage</li> <li>• concern that masterplans will not deliver infrastructure</li> <li>• general lack of detail in respect of proposed parcel allocations (PW1:1-12)</li> </ul>	
Lamberhurst Village Hall, The Broadway, Lamberhurst	Friday 4 October	4pm-7pm
Number of people in attendance:	94	
Visitors included:	Parish Councillors, Neighbourhood Plan Group members	
Main issues raised:	<ul style="list-style-type: none"> <li>• Impact on views from affected properties especially for LA2; comments and discussion with residents about whether the area proposed for built development and area of undeveloped space could be reversed</li> <li>• Effects on local roads from additional traffic – in particular road safety for LA2</li> <li>• Concerns about the access for LA2 in relation to the existing traffic calming measures on Furnace Lane</li> <li>• Adequacy of electrical supply for LA2</li> <li>• There is a covenant on LA2 preventing development</li> <li>• Traffic concerns for Spray Hill (being used as a 'rat-run')</li> </ul>	

## Other Briefing Sessions

### Specific meetings with targeted groups

- 3.16 In view of the scale of development and associated infrastructure proposed at both Paddock Wood and in Capel parish, additional presentations/discussions were held with both Capel Parish and Paddock Wood Town Councils in May 2019 with the Head of Planning to discuss publicly (at a high level) the proposed allocations in

these parishes. These meetings were very well attended by the public. The Head of Planning and Chief Executive also attended (by invitation) a public meeting in Capel on 18th September 2019 to discuss the proposed allocations in this parish.

- 3.17 A Strategic Sites Working Group ('SSWG') was also established in July 2019, following the finalisation of the Regulation 18 Draft Local Plan which sets out the approach to growth around Paddock Wood and east Capel, and Tudeley Village. The SSWG provides a forum that facilitates collaborative working in the delivery of the two strategic sites. A range of interested parties are members of this group, including representatives from Tonbridge and Malling BC given its close proximity to the TWBC strategic sites. Meetings are held monthly and provide a round table forum to update and discuss key items in progressing the strategic sites through the Local Plan and beyond.
- 3.18 Further meetings were also arranged with:
- Tunbridge Wells Town Forum – a workshop was held with representatives of the planning and transportation working group on 5th September 2019, and the group relayed the discussions on this to the Town Forum on 12th September 2019;
  - Parish Chairmen on 17th September 2019;
  - Local business community representatives – the Council engaged with local business groups during the course of September/October 2019;
  - Planning agents (via the TWBC Agents Forum) on 3rd September 2019;
  - The High Weald AONB Unit as part of a regular officer steering group meeting on 18 September 2019 and a further specific meeting between TWBC officers and an officer from the AONB Unit on 10 October 2019.
- 3.19 In order to encourage young people to consider planning issues and contribute to the plan-making process, planning officers offered, and where accepted, attended a suitable event at each secondary school in the borough during the consultation period. Officers also attended a Skills Fest careers fair at the Assembly Hall in Royal Tunbridge Wells on 8 October 2019 to raise awareness of the Draft local Plan and distribute leaflets.
- 3.20 Officers attended a Breakfast Business Event on 17 October 2019, again to make local businesses aware of the Draft Local Plan and distribute leaflets.
- 3.21 In line with the SCI, positive consideration was given to reaching out to sections of the community that may be less able and/or disposed to participate in plan-making. Contact was made with the local Accessibility Forum and respective disability groups, as well as with 'Family and Friends of Travellers' in relation to gypsy and traveller matters. The Local Plan itself was made available in different formats, as set out below, to aid access.

## Local News Media

### Publicity and Advertising

- 3.22 Information about the consultation, together with details of where exhibitions were to be held, was advertised in the following local newspapers/magazines:
- Wealden Advertiser
  - Kent & Sussex Courier
  - Kent Messenger (Weald edition)
  - Times of Tunbridge Wells and Times of Tonbridge
  - Local Magazine (as above)
- 3.23 Coverage by the media was stimulated by a combination of media releases and the offer of interviews. This included two TV and radio outlets.
- 3.24 The extended consultation period of two weeks was also advertised in the local newspapers listed above.
- 3.25 Copies of the public notice advertised in the local newspapers for both the original and extended consultation period are attached at **Appendix 4**.

## Electronic consultation

- 3.26 The Council's website was updated to include a new webpage for the 'New Local Plan'. This included 'click on' options providing links to information such as Supporting Documents, the Call for Sites and Local Plan latest updates. This webpage was further updated for the Regulation 18 consultation to also include a "click on" link to the Draft Local Plan Regulation 18 Document itself and full details of the consultation, exhibition events and how to make comments.
- 3.27 To help ensure that interested parties were prepared to submit comments within the consultation period, the Council's website prominently advertised the programme of ahead of the consultation, while advance notice was sent to consultation bodies and those who had already registered an interest via the Council's consultation portal.
- 3.28 The Council's consultation portal was used to enable people to view and comment online during the consultation period.
- 3.29 The Council's Facebook, account was used to advertise the consultation and invite comments.
- 3.30 The Council's website and Facebook page were also updated to make people aware of the extended consultation period by two further weeks.
- 3.31 Live question and answer evening events took place on 15 October and 12 November 2019. This allowed people to submit (written) questions via Facebook which received a direct response from Council Officers attending the sessions.
- 3.32 Further details in relation to the submission of comments are given below.

## Council staff

- 3.33 All staff briefing sessions about the new Local Plan were held in mid July 2019 to make Council staff aware of the headlines, key messages, the process and how people can get involved in the Local Plan process.

## Councillor information

- 3.34 As part of the development of the Local Plan, planning officers also presented a draft strategy and policies to the elected Borough Council Members for consideration and discussion at monthly Planning Policy Working Group (PPWG) meetings. This is a cross-party group which provides information and feedback on draft documents and policies, and serves to generate a consensus on the potential strategies and content of the Local Plan. Throughout the period of preparing the Plan, the papers for the PPWG meetings have been (and continue to be) distributed to all Members of the Council, and all Members have been invited by the Chair of the Working Group (Councillor Alan McDermott, Leader and Portfolio Holder for Planning and Transportation) to attend and make a contribution to the discussions. Attendance has been broad and considerable and there has been much debate of issues.
- 3.35 In order to ensure that those Members who are not able to attend the PPWG meetings were aware of the Local Plan, relevant information briefings were provided to all Members of TWBC on the following dates, to provide updates on the development of the Local Plan and to answer questions raised:
- 15th February 2018;
  - 29th March 2018;
  - 12th December 2018;
  - 27th February 2019;
  - 15 May 2019
- 3.36 Additionally, briefings were provided to all new Members following the May 2019 elections (on 13th June 2019), and meetings held with all the political groups in summer 2019 where specific questions about the Draft Local Plan were answered.

## Submission of comments

- 3.37 Comments were able to be made in the following ways:

### Via the consultation portal

- 3.38 The consultation document and supporting studies/information were made available for viewing and allowing comments to be made directly online, using the Council's consultation portal.

- 3.39 Alternatively, a response form (for filling in electronically or printing out) could be downloaded from the Council's website or a paper copy requested by phoning the Planning Policy Team; and returned by email or by post.
- 3.40 For those without access to a computer, the consultation documents were made available for viewing at the following locations:
- Tunbridge Wells Gateway, Grosvenor Road, Royal Tunbridge Wells; and
  - All libraries in the Tunbridge Wells borough area
  - All parish and town councils within the borough
- 3.41 The different forms of consultation not only made clear how comments could be made but also provided links to further information relating to documents supporting the consultation document and links to relevant evidence studies.

## Overview of comments received

- 3.42 In total over 8,000 comments were received to the Draft Local Plan consultation. Amongst these responses, 669 respondents signed the petition for Residents Against Ramslye Development (relating to proposed site allocation AL/RTW18 at Spratsbrook Farm) and a further 3,750 respondents signed the Save Capel petition (relating to proposed site allocations CA1, CA2 and CA3 at Tudeley).
- 3.43 The main issues raised in the responses to the Regulation 18 public consultation included concerns about the following matters:
- implications of the development strategy in relation to individual settlements or sites;
  - overall housing numbers (too high), affordable housing, and housing types (particularly housing for older people and first time buyers);
  - the Plan's consistency with national policies in relation to the release of Green Belt land, as well as the number of major developments in the High Weald Area of Outstanding Natural Beauty (AONB), and its conservation;
  - provision and timing of the range of infrastructure needed to support new development, such as highways, medical services, schools, drainage, and water supply;
  - flooding;
  - highway matters and transport provision on already congested roads;
  - climate change and sustainability and that the Plan does not go far enough to address these issues.
- 3.44 A significant number of the comments received related to the proposed development strategy and a number of the site allocations under the place shaping policies particularly the strategic development proposed at Paddock Wood and land at east Capel and the proposed garden settlement at Tudeley village.

- 3.45 In terms of the form of responses, 51% were received by email, 27% via the submission of a paper form or letter and 22% via the planning portal on the Council's website.
- 3.46 All respondents provided details of their name and address to prevent multiple responses from the same individual or organisation. No anonymous responses were therefore received.
- 3.47 Respondents' contact details were also used to deal with any queries relating to the submission of comments where needed.
- 3.48 Part 2 of this statement provides an overview of the comments received to the Draft Local Plan consultation, as well as the Council's response to them and how these were taken into account in preparing the Pre- Submission Local Plan (Regulation 19) document. Part 2 also includes a section for the comments received and responses to them for the Sustainability Appraisal which ran in tandem with the Regulation 18 Draft Local Plan consultation.

# 4.0 Pre-Submission Local Plan consultation arrangements

- 4.1 As explained above, the Pre-Submission Local Plan follows on from the Draft Local Plan. The Pre-Submission Plan, accompanying Sustainability Appraisal and supporting evidence base will be subject to public consultation under Regulation 19 for a period of 10 weeks from 26 March 2021.
- 4.2 As for the Draft Local Plan, the same consultees as those listed above at paragraph 3.4 will be notified of the Pre-Submission Plan consultation.
- 4.3 The Pre-Submission Local Plan consultation material will include the following documents:
- Tunbridge Wells Borough Pre-Submission Local Plan (Regulation 19)
  - Response form for the Pre-Submission Local Plan document
  - Sustainability Appraisal
  - Response form for Sustainability Appraisal
- 4.4 Information comprising the evidence base to support preparation of the new Local Plan will be referenced in the consultation documents and published on the Council's website.
- 4.5 The Pre-Submission Local Plan Regulation 19 consultation differs to that carried out at the Regulation 18 stages for the Draft Local Plan and the Issues and Options document, as the main focus is on:
- Legal and procedural compliance matters including Duty to Cooperate
  - Tests of Soundness (whether the Plan has been positively prepared, is justified, effective and consistent with national policy)
- 4.6 It is realised that, given Covid19 restrictions, the Regulation 19 consultation will be more reliant on virtual means. Therefore, thorough consideration has been given to how this can be made as simple as possible for consultees by using electronic methods; as well as other means, as set out below.

## Electronic consultation

- 4.7 The Council's website will prominently advertise the consultation in advance of the start date, and notice sent to the consultation bodies/persons listed above in section 3.4.
- 4.8 As face-to-face exhibitions are not able to take place owing to Covid-19 restrictions, a key change to the consultation procedures will be the inclusion of a "virtual exhibition" and presentation on the Council's website explaining more about the Local Plan, including the scope of the consultation, how to find out more information and how to make representations.

- 4.9 The Council's consultation portal will be used to enable people to view the relevant documents and comment online during the consultation period. Further details in relation to the submission of comments are given below.
- 4.10 The Council's Facebook page will be used to advertise the consultation and invite comments, as well as providing updates during the course of the consultation.
- 4.11 Live question and answer events will take place and will be advertised in advance on the Facebook page, again, allowing people to submit (written) questions via Facebook and receive a direct response from Council Officers attending the sessions.

## Viewing consultation documents - Gateway

- 4.12 For those without access to a computer, hard copies of the consultation documents will be made available for viewing at the Tunbridge Wells Gateway, Grosvenor Road, Royal Tunbridge Wells on an appointment by appointment basis, following Covid-19 safety regulations. This will take place in a dedicated room where paper copies of the Pre-Submission Local Plan, Sustainability Appraisal, Policy Maps and the supporting evidence base documents, as well as access to a laptop, will be available. Paper copies of the response form will also be available to take away and return by post.

## Letters

- 4.13 As for the Draft Local Plan consultation, in accordance with Regulation 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012, letters will be sent out prior to the start of the consultation period, by post or by email to all the above consultees in section 3.4, who are on the Council's database, informing them of the consultation and inviting them to comment.

## Posters

- 4.14 Posters will be sent to Town and Parish Councils asking that these be displayed where most appropriate e.g. village hall, local shop, notice boards. Parish and town councils will also be encouraged to publicise the Pre-Submission Local Plan consultation on their individual websites and in any local magazines.

## Local News Media

### Publicity and Advertising

- 4.15 As for the Draft Local plan consultation, information about the consultation will be advertised in the following local newspapers/magazines:
- Wealden Advertiser
  - Kent & Sussex Courier
  - Kent Messenger (Weald edition)

- Local Magazine – the magazine feature is attached at **Appendix 5**

## **Submission of comments**

4.16 Comments will be able to be made in the following ways:

- The consultation document and supporting studies/information will be made available for viewing and allowing comments to be made directly online, using the Council's consultation portal.
- Alternatively, a response form (for filling in electronically or printing out) will be available for downloading on the Council's website or a paper copy can be requested by phoning the Planning Policy Team or picked up at The Gateway as above (where an appointment is made); and returned by email or by post.

## 5.0 Next Steps

- 5.1 Representations received in response to the consultation the Pre-Submission Local Plan will reviewed and submitted to the Secretary of State in the summer of 2021, for examination.
- 5.2 The examination stage is then scheduled to take place in November 2021.
- 5.3 Subject to the outcomes of the examination and any further modification required, it is anticipated that the new Local Plan will be adopted in the summer of 2022.
- 5.4 Once adopted, the Plan will form part of the Development Plan against which future development proposals will be assessed.

# 6.0 Appendices for Part One

# **Appendix 1: Draft Local Plan Consultation 2019 – Consultation letters sent out for the original and extended consultation period**



Name/address

September 2019

Dear Consultee

**Tunbridge Wells Borough Draft Local Plan: Notice of consultation (Regulation 18)**

Tunbridge Wells Borough Council is currently preparing the following documents:

- **Tunbridge Wells Borough Local Plan** – this sets out the Borough Council’s proposed strategy for the future development of the borough, the proposed site allocations that relate to this and the relevant policies against which planning applications will be judged.
- **Sustainability Appraisal** – to qualitatively assess the development proposals in the Local Plan against 19 sustainability objectives.

Public consultation on the Draft Local Plan (Regulation 18) begins on **Friday 20 September 2019** and runs for six weeks until **5pm on Friday 1 November 2019**.

Continued.

**Planning Policy**

Town Hall Royal Tunbridge Wells Kent TN1 1RS  
Telephone 01892 554056

DX 3929 Tunbridge Wells e-mail [planning.policy@tunbridgewells.gov.uk](mailto:planning.policy@tunbridgewells.gov.uk)

The Borough Council will host a series of exhibitions at various locations around the borough during September and October. The dates and venues for these are as follows:

<b>Date</b>	<b>Venue</b>	<b>Times</b>
Saturday 21 September	Capel Community Centre, Falmouth Place, Five Oak Green TN12 6RD	10am-2pm
Tuesday 24 September	Main Hall, Mascalls School, Maidstone Road, Paddock Wood TN12 6LT	4.30pm-8pm
Thursday 26 September	Royal Victoria Place Shopping Centre, Tunbridge Wells (exhibition space on Level 1)	12pm-7pm
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Monday 30 September	Royal British Legion Unity Hall, High Street, Hawkhurst TN18 4AG	4pm-7pm
Tuesday 1 October	Horsmonden Village Hall, 7 Back Lane, Horsmonden TN12 8LQ	4pm-7pm
Wednesday 2 October	Pembury Village Hall, 49 High Street, Pembury TN2 4PH	4pm-7pm
Thursday 3 October	Main Hall, Mascalls School, Maidstone Road, Paddock Wood TN12 6LT	4.30pm-8pm
Friday 4 October	Lamberhurst Village Hall, The Broadway, Lamberhurst TN3 8DA	4pm-7pm

The consultation documents consist of the Draft Local Plan, draft Sustainability Appraisal and response forms, which can be viewed and downloaded, along with the supporting documentation, at [www.tunbridgewells.gov.uk/localplan](http://www.tunbridgewells.gov.uk/localplan), or you can respond directly online at <https://consult.tunbridgewells.gov.uk> The documents can also be viewed at the following locations:

- Tunbridge Wells Gateway, 8 Grosvenor Road, Royal Tunbridge Wells, TN1 2AB. The Gateway is open from 9am-5pm Monday to Friday
- All libraries in Tunbridge Wells borough. Please check with the particular library for opening times

Representations can be returned as follows:

1. By using the online consultation portal at <https://consult.tunbridgewells.gov.uk>
2. By e-mail to [localplan@tunbridgewells.gov.uk](mailto:localplan@tunbridgewells.gov.uk) (using the editable response form)
3. By post to Local Plan, Planning Policy, Planning Services, Tunbridge Wells Borough Council, Town Hall, Civic Way, Royal Tunbridge Wells, Kent TN1 1RS (using a printed response form)

Representations must be made in writing (including electronically) and be received no later than 5pm on Friday 1 November 2019 at the addresses specified in (1) to (3) above. All representations made in the above ways will be considered in the preparation of the Submission Draft Local Plan. For more information, please view the Local Plan web pages at [www.tunbridgewells.gov.uk/localplan](http://www.tunbridgewells.gov.uk/localplan).

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. Baughen', with a stylized flourish at the end.

**Stephen Baughen**  
**Head of Planning Services**

Name/address

Date: 16 October 2019

Dear Consultee

**Tunbridge Wells Borough Draft Local Plan (Regulation 18): Extension of Consultation Period**

Further to my earlier notification of the publication of the Draft Local Plan and accompanying Sustainability Appraisal for consultation, I am writing to advise you that, following a number of requests, the Council has agreed to extend the end date of the consultation period from 1 November to **5.00pm on 15 November 2019**.

While this extension of time will potentially impact on the overall timescale for the production of the Local Plan, as set out in the Local Development Scheme (see <http://www.tunbridgewells.gov.uk/LDS>), it is to assist interested parties in contributing to the plan-making process at this key stage.

I would also advise that, while the series of exhibitions have now taken place, the exhibition boards displayed at each location are available to view on the Draft Local Plan page of the Local Plan website – see [www.tunbridgewells.gov.uk/localplan](http://www.tunbridgewells.gov.uk/localplan)

The consultation documents consist of the Draft Local Plan, draft Sustainability Appraisal and response forms, which can be viewed and downloaded, along with the supporting documentation, at [www.tunbridgewells.gov.uk/localplan](http://www.tunbridgewells.gov.uk/localplan), or you can respond directly online at <https://consult.tunbridgewells.gov.uk> The documents can also be viewed at the following locations:

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- All libraries in Tunbridge Wells borough. Please check with the particular library for opening times. Please note: due to the temporary relocation of the main Tunbridge Wells library, some libraries have extended their opening hours. An extra set of documents will also be placed at the Gateway.

Continued.

**Planning Policy**

Representations can be returned as follows:

1. By using the online consultation portal at <https://consult.tunbridgewells.gov.uk>
2. By e-mail to [localplan@tunbridgewells.gov.uk](mailto:localplan@tunbridgewells.gov.uk) (using the editable response form)
3. By post to Local Plan, Planning Policy, Planning Services, Tunbridge Wells Borough Council, Town Hall, Civic Way, Royal Tunbridge Wells, Kent TN1 1RS (using a printed response form)

Representations must be made in writing (including electronically) and be received no later than **5pm on Friday 15 November 2019** at the addresses specified in (1) to (3) above. All representations made in the above ways will be considered in the preparation of the Submission Draft Local Plan. For more information, please view the Local Plan web pages at [www.tunbridgewells.gov.uk/localplan](http://www.tunbridgewells.gov.uk/localplan).

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. Baughen', with a stylized flourish at the end.

**Stephen Baughen**  
**Head of Planning Services**  
[localplan@tunbridgewells.gov.uk](mailto:localplan@tunbridgewells.gov.uk)

# **Appendix 2: Draft Local Plan Consultation 2019 - Posters for the original and extended consultation period**



## Draft Local Plan Public Consultation

Tunbridge Wells Borough Council is currently preparing a Local Plan, which will guide future development in our borough up to the year 2036.

We are consulting on the second stage in this process, the Draft Local Plan (Regulation 18), for six weeks from Friday 20 September to 5pm on Friday 1 November 2019.

The draft document contains a proposed development strategy for future development, proposed site allocations and policies against which future development proposals and planning applications will be assessed.

This is a further opportunity for you to have a say in the preparation of our Local Plan.

**The Borough Council will host a series of exhibitions during the consultation period. The dates and venues for these are as follows:**

Date	Venue	Times
Saturday 21 September	Capel Community Centre, Falmouth Place, Five Oak Green TN12 6RD	10am-2pm
Tuesday 24 September	Main Hall, Mascalls School, Maidstone Road, Paddock Wood TN12 6LT	4.30pm-8pm
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Thursday 3 October	Main Hall, Mascalls School, Maidstone Road, Paddock Wood TN12 6LT	4.30pm-8pm
Friday 4 October	Lamberhurst Village Hall, The Broadway, Lamberhurst TN3 8DA	4pm-7pm

Find more information at:

[tunbridgewells.gov.uk/localplan](http://tunbridgewells.gov.uk/localplan)    [tunbridgewells-consult.objective.co.uk](http://tunbridgewells-consult.objective.co.uk)



## Draft Local Plan Public Consultation

# Update: Two Week Extension to Consultation Period

Tunbridge Wells Borough Council is currently preparing a Local Plan, which will guide future development in our borough up to the year 2036.

The draft document contains a proposed development strategy for future development, proposed site allocations and policies against which future development proposals and planning applications will be assessed.

Following a number of requests, the Council has agreed to extend the end date of the consultation period on the Draft Local Plan (Regulation 18) and Sustainability Appraisal from

**5pm on 1 November to 5pm on 15 November 2019.**

There will be no further extensions to the consultation period.

**This is a further opportunity for you to have  
a say in the preparation of our Local Plan**

The Borough Council held a series of exhibitions during the consultation period, the information presented at these exhibitions is now available on our website.

Find more information at:

[tunbridgewells.gov.uk/localplan](http://tunbridgewells.gov.uk/localplan)

[consult.tunbridgewells.gov.uk](http://consult.tunbridgewells.gov.uk)

## **Appendix 3: Draft Local Plan Consultation 2019 - Feature in Local Magazine Autumn 2019 (pull-out summary leaflet)**

# Local Plan

The Council has prepared a new Draft Local Plan for public consultation, drawing on responses to the earlier 'Issues and Options' document and further evidence gathering.



This is an outline of the Draft Local Plan, explaining where more details can be found and how to comment.

You can see the Draft Local Plan in full at  
[tunbridgewells.gov.uk/localplan](https://tunbridgewells.gov.uk/localplan)

The Draft Local Plan proposes a new planning strategy up to 2036, with corresponding development sites and policies. These are in *draft* form to give residents, businesses and others the opportunity to contribute to the plan-making process. **Have your say!**

For details of the Exhibition Programme and how to make comments see back page.

**Consultation  
period:  
20 September –  
1 November  
2019**

## WHY IS THE LOCAL PLAN NEEDED?

Planning law and national policy require the Council to produce a Local Plan that looks ahead for at least 15 years, and to review it at least every five years to take account of changing circumstances.

Without an up-to-date Local Plan, development will come forward in an unplanned way that may not deliver the important necessary infrastructure or meet local priorities.

## WHAT IS IN THE DRAFT LOCAL PLAN?

The Draft Local Plan aims to meet the need for new homes and economic growth in a way that retains both the key environmental and historic attributes of the borough and its overall quality as a great place to live and work.

Government says that the borough's overall housing need is 678 dwellings per year - more than double the current target of 300 per year.

Therefore, the Draft Local Plan puts forward new sites for future housing. In doing this, it also makes provision for new job opportunities and for the infrastructure needed to support development. There are also a range of policies to ensure that development properly conserves and enhances the special character of the borough.

**Proposed Development Strategy** which balances these objectives - see page 3

**Place-shaping policies** for different parts of the borough - see pages 4, 5 and 6

**Detailed policies**, covering key themes, such as affordable housing, transport, capacity of infrastructure, and contributing to climate change objectives - see page 7

## WHERE MAY I SEE A COPY OF THE DRAFT LOCAL PLAN?

The Draft Local Plan, its Sustainability Appraisal and Draft Infrastructure Delivery Plan, as well as supporting topic papers (which provide further explanation of the approaches proposed) and evidence studies are all available to view online here

[tunbridgewells.gov.uk/localplan](http://tunbridgewells.gov.uk/localplan)

**Paper copies of the main documents may be seen at the following locations during normal opening hours:**

- Tunbridge Wells Gateway, 8 Grosvenor Road, Royal Tunbridge Wells TN1 2AB
- Your local town or parish council
- Your local library

## WHY IS THIS DRAFT PLAN SO DETAILED?

The Council considers it is best to consult at this stage on a full draft, so there is absolute clarity on the sites and policies which are being proposed. The responses received during the consultation will be considered when the Council decides whether to make amendments to the Draft Local Plan - and what the amendments should be - before progressing to the final stages of agreeing the Plan.

## THE PROPOSED DEVELOPMENT STRATEGY

The Council is committed to ensuring that the borough has a positive, prosperous and more environmentally sustainable future for its residents, businesses and visitors.

Preparing a new Local Plan that meets this commitment presents substantial challenges, not least in reconciling the need for development with the borough's highly valued assets.

The Draft Local Plan proposes to meet development needs as much as possible within the context of the various constraints in the borough, including the Green Belt, Area of Outstanding Natural Beauty (AONB) and areas of flooding.

The strategy provides support for the development of brownfield sites in and around settlements, and makes allowance for small unidentified 'windfall' sites continuing to come forward.

There is little scope for growth outside the High Weald AONB or the Metropolitan Green Belt (that extends around Royal Tunbridge Wells and up to the western edge of Paddock Wood), which together cover some 75 per cent of the borough.

Therefore, following assessment of the contribution of land to Green Belt objectives, a relatively small proportion - about 5.3 per cent - is being released for development.

Most notably, this is for major new or enlarged settlements to be delivered through a masterplanned approach, applying garden settlement principles - see page 6.

An assessment of the capacity for larger developments in towns and villages within the AONB found some scope spread across a number of settlements. However, there is not enough scope to also accommodate any unmet housing needs from adjoining local authorities.

# KEY DIAGRAM AND MAIN PROPOSALS

## Southborough

- Approx 50-120 dwellings on allocated sites, plus 85 which already have planning permission
- The Southborough Hub

## Speldhurst

- Approx 18 dwellings on one site

## Royal Tunbridge Wells

- Approx 780 dwellings allocated on 17 sites, plus 440 dwellings which already have planning permission
- 14 hectare business park with over 80,000 sqm floorspace
- New secondary school and two primary schools extended
- New sports hub
- New cultural and leisure facilities
- Major new business park adjoining North Farm

## Pembury

- Approx 280 dwellings on five sites, plus 19 which already have planning permission
- New car sales complex
- New road to run parallel to the A228 (Colts Hill bypass)

## Land at Capel and Paddock Wood, and Tudeley - page 6

## Brenchley & Matfield

- Approx 121 dwellings on four sites

## Horsmonden

- Approx 265 dwellings on three allocated sites
- Horsmonden is outside the AONB, which has been a factor in the amount of housing allocated here

## Frittenden

- Approx 28 dwellings on one site

## Cranbrook & Sissinghurst

- Approx 697 dwellings in Cranbrook and Hartley (which includes approx 225 at land adjacent to the Crane Valley allocated in the current Local Plan), and 64 which already have planning permission
- Approx 108 dwellings at Sissinghurst and a replacement village hall

## Benenden

- Approx 43 dwellings at Benenden, plus 12 which already have planning permission
- Approx 47 dwellings at East End (outside the AONB) plus 22 which have planning permission
- Site allocations correspond with those in the Benenden Neighbourhood Plan
- Removal of Limits to Built Development at Iden Green

## Hawkhurst

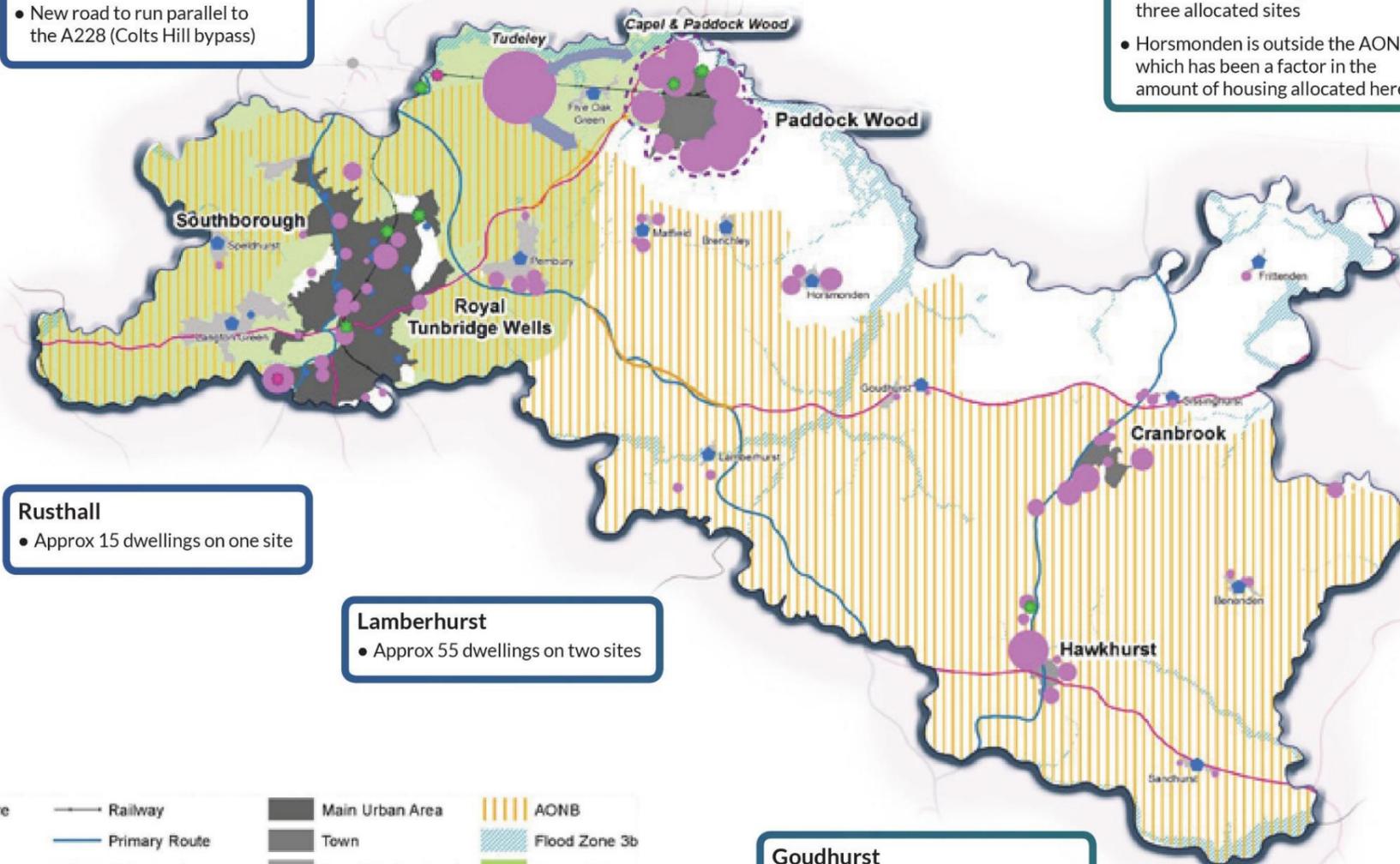
- Approx 681 dwellings, plus 25 which already have planning permission
- At Highgate, the provision of a new link road across the Hawkhurst Golf Course, enabling the closure of the northern arm of the crossroads
- New village hall, doctor's surgery, parking and expansion of Gill's Green employment area

## Goudhurst

- 25 dwellings, all of which already have planning permission
- Removal of Limits to Built Development at Kilndown

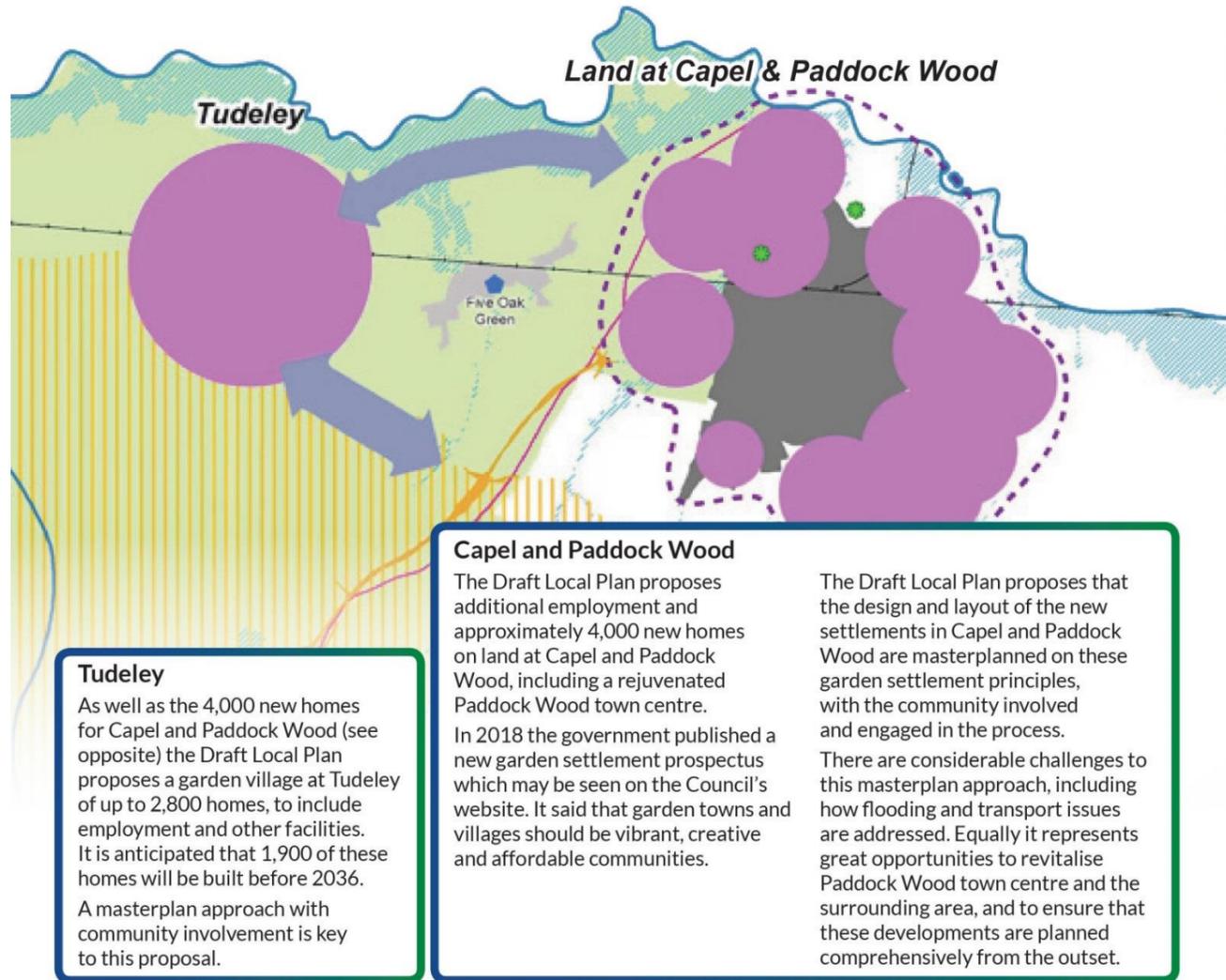
## Sandhurst

- Approx 24 dwellings on two sites



## STRATEGIC SITES

### LAND AT CAPEL AND PADDOCK WOOD, AND TUDELEY



**Tudeley**  
As well as the 4,000 new homes for Capel and Paddock Wood (see opposite) the Draft Local Plan proposes a garden village at Tudeley of up to 2,800 homes, to include employment and other facilities. It is anticipated that 1,900 of these homes will be built before 2036. A masterplan approach with community involvement is key to this proposal.

**Capel and Paddock Wood**  
The Draft Local Plan proposes additional employment and approximately 4,000 new homes on land at Capel and Paddock Wood, including a rejuvenated Paddock Wood town centre. In 2018 the government published a new garden settlement prospectus which may be seen on the Council's website. It said that garden towns and villages should be vibrant, creative and affordable communities. The Draft Local Plan proposes that the design and layout of the new settlements in Capel and Paddock Wood are masterplanned on these garden settlement principles, with the community involved and engaged in the process. There are considerable challenges to this masterplan approach, including how flooding and transport issues are addressed. Equally it represents great opportunities to revitalise Paddock Wood town centre and the surrounding area, and to ensure that these developments are planned comprehensively from the outset.

## POLICY THEMES

The Draft Local Plan contains new and updated planning policies against which future planning applications may be determined.



Some key policies are:

- Economic Development**
- Identification of key employment areas and retention of existing sites
  - Provision for business, tourism and recreation development in rural areas
  - More flexible approaches to commercial centres, including more support for the retention of local shops and services
- Housing**
- Increased affordable housing provision on larger greenfield sites and financial contributions from smaller sites, with higher levels to be provided as social rented housing
  - New policy promoting the housing needs of older people
  - Updated policies for householder proposals

- Environment**
- New design policy
  - New targets for more sustainable buildings, adaptive to climate change
  - Requirements to conserve heritage assets
  - New approach promoting dark skies in rural areas
  - New, positive approach to biodiversity, including principle of net gains
  - Over 200 Local Green Space designations across many settlements
  - Wide-ranging recognition of landscape quality, including the AONB
  - New green infrastructure policy and supporting framework

- Transport**
- Further promotion of active travel (walking and cycling)
  - Increased parking standards
  - Safeguarding land for road and rail schemes
- Open Space, Sport and Recreation**
- Identification of existing open space areas and facilities to be protected
  - Standards for new publicly accessible open space and recreation alongside new development

## Infrastructure

The Council recognises that growth needs appropriate infrastructure to support it, and for this to be delivered in line with development.

The requirement for the timely delivery of infrastructure - such as schools, health facilities, community facilities, sports provision, cultural facilities and the natural environment - to be funded by developers, is a clear thread that runs through the Draft Local Plan.

The masterplanning of strategic sites would allow infrastructure to be planned strategically and holistically. Throughout the preparation of the Draft Local Plan the Council has been liaising with infrastructure providers to identify what will be required and when.

All key infrastructure schemes and requirements are identified in the Draft Infrastructure Delivery Plan which can be seen here [tunbridgewells.gov.uk/localplan](http://tunbridgewells.gov.uk/localplan)

### Key elements of infrastructure include:

- Two new secondary schools (between Tonbridge and Tudeley, and at Spratsbrook, south of Royal Tunbridge Wells)
- A new road to run parallel to the A228 (Colts Hill bypass)
- Flood mitigation measures, particularly at Capel and Paddock Wood

# EXHIBITION PROGRAMME

DATE	VENUE	PARISHES COVERED	TIME
Saturday 21 September	Capel Community Centre, Falmouth Place, Five Oak Green	Capel, Paddock Wood	10am – 2pm
Tuesday 24 September	Mascalls School, Maidstone Road, Paddock Wood	Capel, Paddock Wood	4.30pm – 8pm
Thursday 26 September	Royal Victoria Place, Royal Tunbridge Wells*	Royal Tunbridge Wells, Bidborough, Rusthall, Southborough, Speldhurst	12pm – 7pm
Friday 27 September	Vestry Hall, Cranbrook	Benenden; Cranbrook & Sissinghurst, Frittenden	4pm – 7pm
Saturday 28 September	Royal Victoria Place, Royal Tunbridge Wells*	Royal Tunbridge Wells, Bidborough, Rusthall, Southborough, Speldhurst	10am – 3pm
Monday 30 September	British Legion, Unity Hall, Hawkhurst	Hawkhurst, Sandhurst	4pm – 7pm
Tuesday 1 October	Village Hall, Back Lane, Horsmonden	Brenchley & Matfield, Horsmonden	4pm – 7pm
Wednesday 2 October	Village Hall, 49 High Street, Pembury	Pembury	4pm – 7pm
Thursday 3 October	Mascalls School, Maidstone Road, Paddock Wood	Capel, Paddock Wood	4.30pm – 8pm
Friday 4 October	Village Hall, The Broadway, Lamberhurst	Goudhurst, Lamberhurst	4pm – 7pm

\*check Local Plan website for exact location within the shopping centre

## COMMENTING ON THE DRAFT LOCAL PLAN

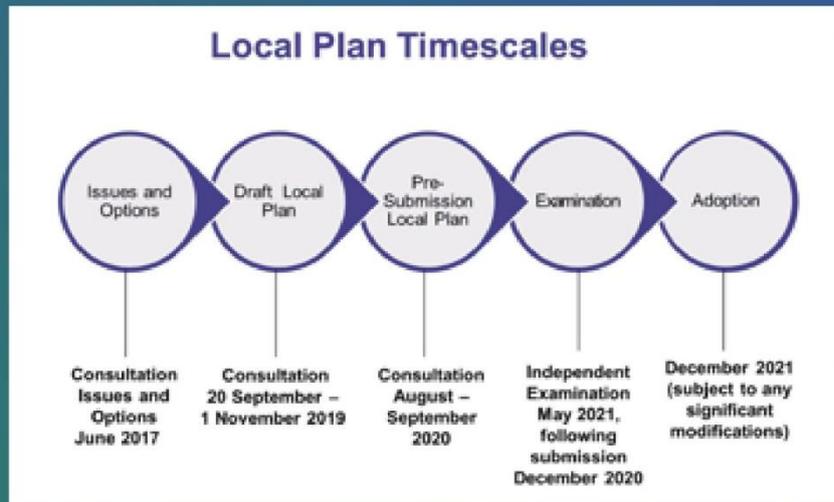
It's quick and easy to comment online. Alternatively, a comments form can be downloaded.

For details of how to comment, see [tunbridgewells.gov.uk/localplan](http://tunbridgewells.gov.uk/localplan)

Comments must be received by 5pm on Friday 1 November 2019.

All comments received within this period will be considered and will inform the final, pre-submission version of the new Local Plan.

## NEXT STEPS



## **Appendix 4: Draft Local Plan Consultation 2019 - Public notices placed in local newspapers for the original and extended consultation period**



**Planning & Compulsory Purchase Act (2004)  
Town and Country Planning (Local Planning) (England)  
Regulations 2012 – Regulation 18**

**Tunbridge Wells Borough Local Plan: Draft Local Plan (Regulation 18)**

Tunbridge Wells Borough Council is currently preparing the following documents:

- **Tunbridge Wells Borough Local Plan** – this sets out the Borough Council’s proposed strategy for the future development of the borough, the proposed site allocations that relate to this and the relevant policies against which future development proposals and planning applications will be judged.
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The consultation documents consist of the Draft Local Plan, draft Sustainability Appraisal and response forms, which can be viewed and downloaded, along with the supporting documentation, at [www.tunbridgewells.gov.uk/localplan](http://www.tunbridgewells.gov.uk/localplan), or you can respond directly online at <https://consult.tunbridgewells.gov.uk>. The documents can also be viewed at the following locations:

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Representations can be returned as follows:

- 1) By using the online consultation portal at <https://consult.tunbridgewells.gov.uk>
- 2) By e-mail to [localplan@tunbridgewells.gov.uk](mailto:localplan@tunbridgewells.gov.uk) (using the editable response form)
- 3) By post to Local Plan, Planning Policy, Planning Services, Tunbridge Wells Borough Council, Town Hall, Civic Way, Royal Tunbridge Wells, Kent TN1 1RS (using a printed response form)

Representations must be made in writing (including electronically) and be received no later than **5pm on Friday 1 November 2019** at the addresses specified in (1) to (3) above. All representations made in the above ways will be considered in the preparation of the final, pre-submission Draft Local Plan.

For more information, please view the Local Plan web pages at [www.tunbridgewells.gov.uk/localplan](http://www.tunbridgewells.gov.uk/localplan).

Note: The boards displayed at recent exhibitions across the borough are available to view on the Draft Local Plan page of the above Local Plan website.



**Planning & Compulsory Purchase Act (2004)  
Town and Country Planning (Local Planning) (England)  
Regulations 2012 – Regulation 18**

**Tunbridge Wells Borough Local Plan: Draft Local Plan (Regulation 18)  
NOTICE OF EXTENSION OF CONSULTATION PERIOD**

Tunbridge Wells Borough Council is currently preparing the following documents:

- **Tunbridge Wells Borough Local Plan** – this sets out the Borough Council's proposed strategy for the future development of the borough, the proposed site allocations that relate to this and the relevant policies against which future development proposals and planning applications will be judged.
- **Sustainability Appraisal** – to qualitatively assess the development proposals in the Local Plan against 19 sustainability objectives.

Public consultation began on Friday 20<sup>th</sup> September 2019. Following a number of requests, the Council has agreed to extend the end date of the consultation period from 1<sup>st</sup> November to **5.00pm on 15<sup>th</sup> November 2019**.

While this extension of time will potentially impact on the overall timescale for the production of the Local Plan, as set out in the Local Development Scheme [See <http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/local-development-scheme>], it is to assist interested parties in contributing to the plan-making process at this key stage.

The consultation documents consist of the Draft Local Plan, draft Sustainability Appraisal and response forms, which can be viewed and downloaded, along with the supporting documentation, at [www.tunbridgewells.gov.uk/localplan](http://www.tunbridgewells.gov.uk/localplan), or you can respond directly online at <https://tunbridgewells-consult.objective.co.uk>. The documents can also be viewed at the following locations:

- **Tunbridge Wells Gateway**, 8 Grosvenor Road, Royal Tunbridge Wells, TN1 2AB. The Gateway is open from 9am-5pm Monday to Friday
- **All libraries** in Tunbridge Wells borough. Please check with the particular library for opening times

Representations can be returned as follows:

- 4) By using the online consultation portal at <https://tunbridgewells-consult.objective.co.uk>
- 5) By e-mail to [localplan@tunbridgewells.gov.uk](mailto:localplan@tunbridgewells.gov.uk) (using the editable response form)
- 6) By post to Local Plan, Planning Policy, Planning Services, Tunbridge Wells Borough Council, Town Hall, Civic Way, Royal Tunbridge Wells, Kent TN1 1RS (using a printed response form)

Representations must be made in writing (including electronically) and be received no later than **5pm on Friday 15<sup>th</sup> November 2019** at the addresses specified in (1) to (3) above. All representations made in the above ways will be considered in the preparation of the final, pre-submission Draft Local Plan.

For more information, please view the Local Plan web pages at [www.tunbridgewells.gov.uk/localplan](http://www.tunbridgewells.gov.uk/localplan).

Note: The boards displayed at recent exhibitions across the borough are available to view on the Draft Local Plan page of the above Local Plan website.

# **Appendix 5: Pre-Submission Consultation 2021 - Feature in Local Magazine March 2021**

# Local Plan

Following earlier consultations on issues and options and a draft local plan, the Council has now approved its final draft, Pre-Submission Local Plan. It sets out policies to guide development and land use change up to 2038.

To view the Plan, visit: [twbc.online/local-plan](http://twbc.online/local-plan)

There is an opportunity to make formal representations on the Local Plan. The consultation period will be Friday 26 March - Friday 21 May.

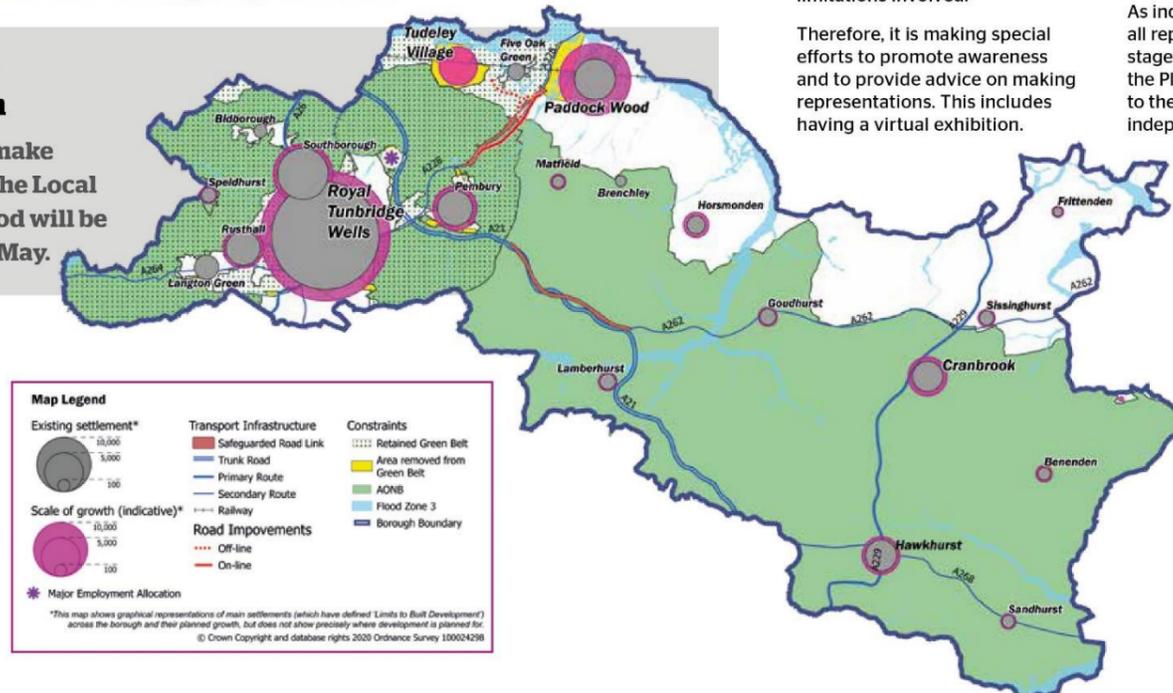
## The Development Strategy

The Plan's development strategy is illustrated by the 'key diagram'.

To accommodate the level of further housing needed, including affordable homes, whilst also protecting the integrity of the High Weald Area of Outstanding Natural Beauty and Green Belt in the borough is very challenging. However, the Council believes that it has found a way to balance a wide range of objectives to achieve sustainable growth.

This involves:

- Promoting infilling and redevelopment in towns and villages across the borough
- Some growth of most towns and villages, broadly reflecting their status and constraints
- More substantial growth at Paddock Wood, extending into eastern Capel parish
- A new settlement between Paddock Wood and Tonbridge, in Capel parish, referred to as 'Tudeley Village'



The strategic expansion of Paddock Wood is to be planned to bring about transformational benefits, including in terms of flood risk. The creation of Tudeley Village will be based on 'garden village' principles.

While the proposals mean some loss of Green Belt, studies show that there is scope to provide improvements to the environmental quality and accessibility of the remaining Green Belt, and it will still be effective in maintaining the separate identity of settlements.

While housing is a key component of the Local Plan, allocated sites are set within a context of a 'place shaping' strategy for each parish or town, which includes provision for other uses, such as employment, local green spaces, and for supporting infrastructure.

There is also a suite of borough-wide policies under key themes of Environment, Housing, Economic Development, Transport and Recreation, to ensure such considerations are properly taken into account in planning decisions.

## Consultation arrangements and making representations

For full details about the consultation arrangements, as well as to view the Plan and its supporting documents, please visit the Local Plan page of the Council's website.

Government advice is that consultation on Local Plans should continue during the pandemic, but the Council is mindful of the limitations involved.

Therefore, it is making special efforts to promote awareness and to provide advice on making representations. This includes having a virtual exhibition.

Also, anyone without access to the internet may telephone 01892 554056 to make an appointment to view the Plan and supporting documents at the Gateway, Royal Tunbridge Wells.

Anyone can make representations on the Local Plan, or its supporting Sustainability Appraisal.

As indicated by the flowchart below, all representations received at this stage will be forwarded, along with the Plan and its supporting papers, to the Planning Inspectorate for independent examination.

The appointed inspector will assess the Local Plan in terms of whether:

- it accords with certain legal and procedural requirements
- it has been positively prepared (in a way that is aspirational but deliverable)

- it is an appropriate strategy, taking account of options
- it is deliverable and based on effective joint working
- it is consistent with national policy, as set out in the National Planning Policy Framework

Anyone considering making representations should bear these tests in mind.

You can register to make representations via the Council's online consultation portal by visiting: [consult.tunbridgewells.gov.uk/kse](http://consult.tunbridgewells.gov.uk/kse)

You will be notified of the start of the consultation and the progress of the Plan.

There is also a downloadable standard response form that may be submitted by e-mail or sent in the post, details of which are on the Local Plan page of the website.

**All representations must be received by the Council before 5pm on Friday 21 May 2021.**



## Changes from the Draft Local Plan

The Plan contains a number of changes to the Draft Local Plan consulted on in autumn 2019, in response to comments received and further evidence.

The main refinements in the Pre-Submission Plan are:

- A more strategic approach to climate change, in line with the Council's declaration of a climate emergency, supported by ambitious policies

- Provision for more use of urban and brownfield land opportunities, following further assessment
- A more limited scale of development in the High Weald AONB, in line with national policy
- Reductions in development levels at some smaller settlements, to be more compatible with their roles

- A proposal for the future of Royal Tunbridge Wells town centre to be determined via its own Area Plan, responsive to the changing commercial context
- Further elaboration of policies to meet particular housing needs, including for older people
- Confirmation that the strategic sites will include 40% affordable housing (or 30% if brownfield) as elsewhere in the borough.

# **Part 2: Consideration of responses to the Draft Local Plan consultation in September – November 2019**

This Part 2 of the Consultation Statement presents the main issues raised in comments on the Draft Local Plan, and the responses to them. They are set out in section and chapter (and settlement/parish) order – see Contents page.

It also includes comments made on the Sustainability Appraisal that accompanied the Draft Local Plan. Comments made on other supporting documents are covered under that part of the Local Plan to which they relate. It does not generally identify comments from individuals, or responses to them, but focuses on the main issues raised on each matter.

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# Section 1: Introduction

## Main Issues Raised in comments on the Draft Local Plan (DLP)

1. In total, 126 comments were received in response to Section 1.
2. Comments on the overall Section raise particular concerns about responses to the previous Issues and Options consultation (2017) not being taken into account in the preparation of the Draft Local Plan.
3. A number of concerns were raised about the electronic format for submitting comments to the consultation and access to the consultation documents and information, being a complex and onerous process.
4. General concern was also raised about the evidence base and supporting documents to the Plan in that they are essentially unreliable in some areas, some of the information is out of date and does not necessarily take into account the wider impact of the growth strategy beyond the borough boundaries. This includes the supporting Sustainability Appraisal document.
5. Specific concern was raised by Hawkhurst Parish Council and others that no reference is made to the “made” Neighbourhood Development Plan (NDP) for this Parish in this section of the Draft Local Plan and that the policies within in it have been ignored.
6. Several comments were received with concerns that there had been a lack of engagement with Tonbridge & Malling Borough Council (TMBC). Further comments and concerns, including from TBMC itself, were also raised about the significant impact of the proposed strategic developments at Tudeley and Paddock Wood/land in east Capel which lie in close proximity to the mutual borough boundary, on infrastructure, flooding and proposed development in Tonbridge & Malling borough as part of the TMBC Local Plan. A number of comments were however, received from other authorities and bodies who were generally satisfied with the on-going constructive engagement with TWBC under the Duty to Cooperate.
7. One respondent suggested that the length of the Local Plan period should be increased by at least a year.
8. A number of comments were also received in relation to the impact of proposed development at specific settlements/parishes and others generally emphasising concerns about the scale of growth proposed across the borough, particularly in relation to nationally protected areas, notably the Green Belt and Area of Outstanding Natural Beauty, areas of flooding and highway and transport impacts. The delivery of infrastructure was also a concern with queries in relation to the deliverability and costs associated with the infrastructure proposed. These comments are addressed in more detail under other sections of this Consultation Statement document, including Section 4: Strategic Policies and Section 5: Place Shaping Policies.

## Response

9. With regard to the comments raised about the responses received to the Issues and Options consultation having been ignored, public consultation on the Issues and Options document in 2017 sought early views about the best way to approach the specific challenges, notably identified growth needs, for the borough, including five possible spatial options for the location of new development across the borough. The responses received were carefully considered as part of the preparation of the Draft Local Plan as set out in the Council's Consultation Statement for the Draft Regulation Local Plan 2019. The Council's Development Strategy 2019 document also provides further information on how the growth strategy was prepared going forward from the Issues and Options consultation.
10. With regard to the electronic submission of representations being complex and onerous, the Council used standard consultation software so that the consultation document and supporting studies/information were available for viewing and allowing comments to be made directly online, using the Council's consultation portal. Alternatively, a response form (for filling in electronically or printing out) could be downloaded from the Council's website or a paper copy requested by phoning the Planning Policy Team; and returned by email or by post. For those without access to a computer, the consultation documents were made available for viewing at the Tunbridge Wells Gateway, all libraries in the Tunbridge Wells borough area and all parish and town councils within the borough.
11. Going forward, it is also realised that given Covid -19 restrictions that face to face exhibitions are not currently possible, and that the Regulation 19 consultation is more reliant on virtual means. Therefore, thorough consideration has been given to how this can be made as simple as possible for consultees by using electronic means and includes a virtual exhibition and presentation explaining more about the Local Plan, including the scope of the consultation, how to find out more information and how to make representations.
12. Turning to the comments received in respect of the evidence base being out of date and unreliable, as set out in the NPPF, each local planning authority should ensure that its Local Plan is based on adequate, proportionate, up to date, and relevant evidence about the economic, social, and environmental characteristics and prospects of the area. To meet NPPF requirements such as boosting housing supply and the local economy, whilst applying the underlying thread of the 'presumption in favour of sustainable development', the Council commissioned and completed a substantial and wide-ranging evidence base to inform the strategy and policies contained within the Local Plan.
13. The evidence base, comprising topic papers, studies, research reports, and other information includes studies in relation to housing, employment, Green Belt, flood risk, landscape, transport, etc., some of which have been updated since the Draft Local Plan consultation such as the further Green Belt studies, retail analysis and transport assessment work undertaken. Also, in response to the above, the Sustainability Appraisal (SA) which supports the Local Plan has been updated. The SA and all of the evidence base studies and supporting documents can be found on the Council's website.

14. With regard to the comments raised about no reference being made to the Hawkhurst “made” NDP, this is now referenced in Section 1 of the new Local Plan including a link to the NDP webpage on the Borough Council’s website; and also at para 5.348 in Section 5 of the new Local Plan under the strategic policy for Hawkhurst STR/HA1 explaining the correlation between the policies and relevant designations, such as Local Green Spaces, of the new Local Plan and the NDP.
15. With regard to the comments received in relation to consultation and engagement with Tonbridge & Malling Borough Council (TMBC) as an adjoining authority, TWBC has actively engaged with all its neighbouring authorities in Kent and East Sussex, including TMBC from the early stages of Local Plan preparation under what is known as the Duty to Cooperate (for which there is a legal duty). This on-going engagement includes the discussion and actions to be taken on strategic matters, such as housing, economy/employment, infrastructure, and the environment, having regard to the needs and strategies of others and the production of supporting ‘statements of common ground’ (SoCG). This is the case for TMBC, where post Draft Local Plan dialogue has continued on aspects of the Local Plan that may impact on their borough, including the strategic sites. A SoCG is also being jointly prepared to set out both Councils’ positions.
16. In line with paragraph 22 of the NPPF requiring that the strategic policies of the Plan should look ahead over a minimum 15-year period, the Local Plan period is now amended to run from 2020 to 2038.

# Section 2: Setting the Scene

## Main issues raised in the Draft Local Plan (DLP)

17. In total, some 131 comments were received in relation to this section. These are summarised below:
18. Sustainability: Comments raised particular concern that many of the proposals in the Plan do not meet the sustainability requirements of the NPPF. These included concerns about additional traffic and impact on air quality, especially as proposed development is not located in sustainable locations (see transport below); new development will increase flood risk; water stress in the region is already a significant problem; and no details or time scales are provided on how carbon emissions will be reduced, such as the design build codes needed to contribute to carbon reduction. Three respondents strongly opposed to the proposed concept of biomass technology as this is not a carbon neutral option.
19. Infrastructure: Significant concern was raised about infrastructure in that the Plan should be infrastructure led, not development led meaning that infrastructure must be in place before development starts; as well as questioning how such infrastructure will be delivered and funded. Serious concern is raised about insufficient existing infrastructure such as insufficient sewerage capacity causing problems in Paddock Wood and Hawkhurst, also the inadequate capacity of GP surgeries, schools, roads etc. and how these will be addressed. The reliability of the Infrastructure Delivery Plan was also questioned as well as the impact of strategic proposals on the infrastructure requirements for neighbouring districts such as Tonbridge & Malling.
20. Natural, Built and Historic Environment: Another main area of concern was the scale of growth proposed across the borough, particularly in relation to nationally protected areas, notably the Green Belt and highly regarded Area of Outstanding Natural Beauty and areas at risk of flooding, in that it would be harmful to village and landscape character and settlement patterns, heritage assets and wildlife. Cranbrook and Sissinghurst Parish Council and other local groups raised particular concern about potential coalescence of the historic and separate settlements of Cranbrook, Wilsley and Sissinghurst.
21. Transport: General concern was raised about large areas of proposed development being located in rural areas to the east of the borough away from employment/ other services and with unreliable means of public transport, this would result in increased car use, adding to the traffic on already congested roads. It is also questioned whether and how train services and station parking serving rural areas will be improved and increased. Some of the comments received recommended that alternative methods of travel such as walking and cycling should be encouraged and public transport improved, while others thought this may be more difficult to achieve in rural areas. Hawkhurst Parish residents raise particular concern about the proposed relief road (under AL/HA1) in that it will not mitigate the existing congestion at the crossroads in the centre of Hawkhurst; also that the traffic

lights at Flimwell are not adequate enough to deal with significant increases in the volume of traffic and would still not allow HGVs to turn left onto the A21 (an ongoing problem).

22. Housing: A number of concerns were raised about the proposed housing numbers for the borough being too high and how these have been calculated. Some considered the numbers should be lowered given almost 70% of the borough is designated as AONB. Housing affordability is also thought to be a key issue for the borough and that affordable housing provision should include a wider range of housing types - elderly, first time buyers, young families. It was also suggested that more, higher density housing (smaller units) should be located in Tunbridge Wells town centre, with easy access to services.

23. Economy, Retail and Tourism: It was questioned why more than the identified need of 14 hectares of economic floor area is proposed, mainly at a new business park designation on land to the north of North Farm Industrial Estate. A number of respondents recommended that as the retail climate has/is constantly changing, that some retail areas should be redeveloped for housing to help meet the housing need. Town centre revitalisation and encouragement of cultural elements to new development was welcomed, particularly by Kent County Council. It was recommended that the heritage and recreational assets of Cranbrook and Sissinghurst should be further mentioned given their strong contribution to the rural and tourist economy. Concern was also raised that the economic and retail studies supporting the Plan were now becoming out of date and less reliable.

24. Leisure and Recreation: Particular concern was raised by residents of Hawkhurst Parish about proposed allocation AL/HA1 and the loss of Hawkhurst Golf Course as a recreational facility. It was also pointed out by others that there should be better recreational and leisure facilities in the eastern part of the borough, particularly at Cranbrook.

25. A number of comments were also received in relation to the impact of proposed development at specific settlements/parishes. These comments have been summarised below but are addressed in more detail under other sections of the Draft Local Plan – Section 4: STR1 -The Development Strategy and Section 5: Place Shaping Policies.

## Response

26. In response to the issues raised in comments at Regulation 18, Section 2 of the Pre-Submission Plan is now amended to identify the issues and challenges which the borough faces:

- Meeting development needs - meeting development, especially housing needs, in an area with important environmental designations
- Climate change - minimising the impact of climate change on communities, the economy, and environment and supporting the goal to make the borough carbon neutral by 2030: This includes information about energy usage and CO2 emissions across the borough, as well as the declaration of a 'climate emergency.'

- Demographics and housing - meeting the different and varied housing needs of a growing and ageing population – including affordability and housing types: statistics on projected demographic changes are now updated in this section, as well as information on affordability, which has worsened.
  - Infrastructure - ensuring sufficient infrastructure is available to meet the needs of new development and support sustainable communities: This includes a wide range of infrastructure such as transport, education, health, sport and recreation. Water stress is identified as a key issue. Broadband speed, especially in rural areas, is also highlighted.
  - Natural, built, and historic environment - Green Belt, conserving and enhancing the borough's recognised heritage and environmental assets, and achieving net gains for nature – including the consideration of the AONB, heritage assets and landscape characteristics.
  - Flooding - ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment
  - Transport - promoting different transport options to accommodate future growth, ease congestion, and where possible, improve air quality.
  - Economy - supporting the needs of the local economy so that it can continue to be competitive and create a range of local job opportunities.
  - The need to work with neighbouring authorities and other relevant bodies is also highlighted in relation to cross-boundary issues as well as in Section 1 of the PSLP.
27. All of the key themes and issues identified in the responses and Section 2 above are considered and addressed in more detail in other parts of the Pre-Submission Plan including the Strategic Policies in Section 4, Place Shaping Policies in Section 5 and detailed Development Management Policies in Section 6; as well as in additional updated Studies and Topic Papers which support the Plan such as the Development Strategy Topic Paper, the Infrastructure Delivery Plan, Green Belt Studies, AONB Setting Study, Landscape and Visual Impact Assessment, Affordable Housing and Housing Needs Reviews, the updated Retail Study and Economic Needs Study, Transport Assessment and Local Cycling and Walking Infrastructure Plan, Strategic Flood Risk Assessment, Water Efficiency Background Paper, Air Quality Topic Paper, Energy Topic Paper, Historic Environment Review and The Open Space, Sport and Recreation Study. A link is provided in Section 2 of the PSLP to the Supporting Documents.

# Section 3: Vision and Objectives

## Main Issues raised in the Draft Local Plan (DLP)

1. In total, some 320 comments were received in response to the Vision and Strategic Objectives in Chapter 3.
2. The majority of comments were made in the context of the actual development proposals. Most of the feedback comprised of commentary on the resultant strategy, and therefore it is difficult to distinguish to what extent they support or object to the priorities in themselves.
3. Given this, from carefully reviewing the comments, the following spatial concerns resulting from the draft Vision and Strategic Objectives, as expressed in the comments, can be identified:
  - a) there should be clearer presumption to protect the Green Belt and Area of Outstanding Natural Beauty, with only limited development
  - b) the inclusion of the garden settlement is strongly challenged, both in terms of its location and its stated high sustainability as a development option
  - c) concerns over the coalescence of settlements, especially linked to Tudeley
  - d) impacts of developments outside of the borough, notably on Tonbridge
  - e) high and variable scales of housing in rural settlements, notably Cranbrook and Hawkhurst, which are seen as incompatible with character, setting and overall infrastructure
  - f) relatively little housing growth at RTW/Southborough, despite stated principal role
  - g) limited employment in rural areas/settlements
  - h) insufficient regard to brownfield land potential
4. A large majority of comments expressed concern in terms of the proposed strategy, which were also reflected in comments on the Objectives. Of note:
  - Objective 1 regarding delivery to meet development needs - This scale of proposed growth received much comment, notably the seeming priority to meet development needs above other considerations, especially protection of important landscapes. There were also calls for more attention to meet local needs in relation to the mix of housing types and sizes, notably to improve access to first homes and housing for older people.
  - Objective 2 regarding infrastructure - This raised general concerns regarding the timely deliverability of infrastructure to support the strategy.
  - Objective 7 regarding the Green Belt - This was seen as having a wrong emphasis in that responders would like to see more protection of it rather than highlighting the release of the land when the NPPF tests have been met.

- Objective 9 regarding the garden settlements model of growth -This drew a number of comments on its definition, local suitability and justification for its precedence for future development.
- Objective 10 regarding working with neighbourhood groups - This drew responses from some parish councils seeking more acknowledgement of the contribution of neighbourhood plans.
- Objectives 3 (transport), 5 (vibrancy), 6 (environment) and 8 (climate change) - These received relatively little comment.

## Response

5. The above review suggests that a broader perspective should be demonstrated in terms of social and environmental, as well as development, priorities (whilst still being fundamentally related to spatial planning matters) and that the focus of the Vision should be underpinned by guiding principles, rather than the strategy outcome.
6. In summary of the above, taking all comments in to account, the central aspirations of the Vision in the Pre-Submission Plan are:
  1. continuing improvement in the overall quality of life in the borough
  2. improved access to housing
  3. supporting the economic strengths of the borough
  4. conserving and enhancing the borough's highly valued heritage and environmental assets
  5. reducing as well as mitigating the impacts of activities on climate change
  6. respecting and supporting community life, active lifestyles and local character
  7. facilitating sustainable growth to achieve these ambitions
7. In response to the comments on the spatial elements of the DLP draft Vision:
  - i. Comments in relation to protection of the Green Belt and AONB, as well as rural settlements are acknowledged and the Vision is amended to begin with reference to respecting the distinctive qualities of the borough, as well as adding the essential local character of rural settlements. Comments that relate more to the draft development strategy than the Vision itself are dealt with in Section 4 below;
  - ii. Comments relating to the inclusion of Tudeley Village as part of the Vision called for further consideration are accepted and it is considered more appropriate that Tudeley Village not be included, but rather a broader vision of a garden settlement be set out;
  - iii. Coalescence is closely associated with the identity of settlements, which is clearly important to communities. Therefore, the setting of settlements is now highlighted in the Vision;
  - iv. The amount of development in settlements is a combination of a range of factors and not a simple apportionment. However, the sustainability of settlements, as well as the opportunities to utilise suitably located brownfield land, are important inputs, which have been reviewed to inform the updated development strategy;

v. Access to a range of jobs is a general planning consideration, which it is accepted has a spatial dimension, with RTW offering most opportunities. However, there is also a wide-range of employment carried out in rural areas, including from home. The thrust should be to facilitate the best possible access to employment, including through high quality IT, in rural areas.

8. Some consequential amendments to the Strategic Objectives are now proposed as follows:

- Objective 1 is now revised to remove any impression that development needs will be met irrespective of environmental impacts
- a stand-alone design objective is now added
- the Green Belt objective is now rephrased to put the onus on the purposes of the Green Belt
- the transport objective is now broadened to include safety and public transport elements
- the Objectives are now reordered to reflect natural groupings and better relate to the ordering of the strategic policies

# Section 4: Strategic Policies

## 4.1 Policy STR 1: Development Strategy (Combined with DLP Policy STR 10: Limits to Built Development to form Policy (same title STR 1: Development Strategy in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. Some 800 comments were made in response to STR 1. As well as the many comments received on the overall development strategy, there are a number of comments in relation to the role of particular settlements, and sites.
2. The main issues arising from comments submitted in response to STR 1 for the overall development strategy are considered below, as are those about settlements and locations specifically mentioned in Policy STR 1. Comments about individual sites are dealt with under the relevant settlement chapter.
3. The scale of proposed growth across the borough attracted a lot of objections and concerns, with many local people and organisations believing that it is incompatible with the protection afforded to Areas of Outstanding Natural Beauty and Green Belt in particular, highlighting national policy statements. The availability of infrastructure, including proposed infrastructure improvements, to support the growth is also widely questioned.
4. There was also a significant level of questioning of the scale of proposed growth in terms of the validity of the Government's standard method of calculating housing need. Objectors noted that this uses 2014-based projections, rather than more recent ones; furthermore, population projections themselves suggest that there will be lower levels of growth.
5. In contrast, there were a number of comments, mostly from the development industry, which point to various factors that suggest that the housing provisions in the Local Plan should be higher. The main arguments related to what is seen as a heavy reliance on the strategic sites (Paddock Wood expansion and a new settlement at Tudeley) which carry a number of risks of under-delivery during the plan period and, hence, need to be offset by more allocations. Also, several developers commented that higher growth levels are needed to fully meet the need for affordable housing, also noting that the quoted housing need figure is the 'capped' one.
6. Aside from the different perspectives on the scale of development, several respondents said that the actual housing targets (as minima) should be included in the policy.

7. Concerns about the impact of the overall scale of development on the AONB were mirrored in comments about the broad distribution of development, with many drawing attention to the NPPF statements in relation to limited growth and the tests of 'exceptional circumstances', which are not regarded as being met by proposed allocations. There were also some comments that only local needs should be met in the AONB.
8. Another frequent criticism related to the adoption of the 'dispersal' strategy option approach, which is seen as inconsistent with directing growth to more sustainable settlements. Within the context of a dispersal approach, there is understandable reaction to the relative concentration of development in what is sometimes described as the "north east arc", focused on Paddock Wood and Capel parish, but extending to Brenchley and Matfield, and Horsmonden.
9. The consequence of such concerns is that the main urban area of Royal Tunbridge Wells and Southborough is seen by many as being expected to accommodate a higher proportion of development. Further potential for brownfield development and intensification, notably in central locations, was suggested by several respondents. There were also several comments about needing to further review opportunities in the A21 corridor, which was well supported at initial consultation.

## Response

10. Consideration of the development strategy should be seen in the context of the Vision, to which some amendment is now proposed to address issues raised (see Section 3). In addition, in the light of comments received, it is agreed that the approach to the development strategy in the Draft Local Plan should be amended as set out below.

### General matters

11. The development strategy is refined in the following ways:
  - a) The overall scale of housing and employment growth (in terms of number of dwellings and hectares respectively) for the borough as a whole over the plan period is now clearly set out within the proposed Pre-Submission Local Plan development strategy policy, as this is central to the Local Plan.
  - b) It is further agreed that the overall quantum of growth be expressed as a minimum, in line with NPPF paragraph 80.
  - c) While references to the Green Belt and the High Weald AONB are distinct from the other settlement-based parts of the policy, they are nonetheless "spatial" in nature and, as national designations, substantially inform the strategy. Therefore, it is agreed that they both warrant reference as part of the development strategy and (in line with proposed amendments to the Vision) that the starting points in relation to the Green Belt and AONB is maintaining their integrity; therefore, the proposed strategy wording is amended to reflect the value attached to these designations.
  - d) It follows that these designations, as well as other factors to be considered in relation to the suitability of sites for development, may limit the appropriateness of meeting all (development) needs. Therefore, the reference to doing this is now removed; it is also considered unnecessary if there is an explicit quantification of the scale of growth in the policy (as recommended above).

## **Level of housing need**

12. The NPPF is clear in stating that councils should apply the calculation of housing need using its 'standard method' unless exceptional circumstances justify an alternative approach. Furthermore, very recently, following a consultation on changes to the standard method in autumn 2020, the Government confirmed its continued application to the borough and, indeed, all neighbouring councils.
13. The output of the standard method equates to 678 houses year (or 12,204 for the plan period of 2020-2038). It is appreciated that the standard method caps housing need at 40% above household projections. Without this cap, the need figure would be nearly 10% higher. The Council has considered the potential to provide for such a higher level of growth (which may also arise from helping meet any unmet needs from neighbouring areas). A report by Icen Projects Limited concluded that the exceptional circumstances required to depart from the standard method do not exist. Given the substantial constraints to further growth, beyond that already being proposed within the Area of Outstanding Natural Beauty (AONB) and Green Belt in particular, it found potential issues with the market delivery of higher growth targets.
14. Of course, 'need' does not necessarily equate to 'requirement', as recognised by paragraph 11 of the NPPF. The relative merits of both undershooting the local housing need (such as due to environmental or infrastructure reasons) and of exceeding it (such as to meet particular growth objectives and/or meet unmet needs from a neighbouring area), as variously argued in comments on the Draft Local Plan, are discussed further below in relation to the most appropriate development strategy.

## **Brownfield and Urban Land**

15. In terms of making effective use of urban and brownfield land, further analysis of such potential has been carried out. Aside from the actual quantum of such capacity, it is clearly the case that the NPPF (paragraphs 117 and 118) promotes such development in suitable locations generally, while brownfield development opportunities are specifically required to be sought before Green Belt land is released for development (paragraph 137).
16. Therefore, it is proposed that the overall development strategy highlights making effective use of brownfield and urban land across the borough. Table 3 of the Pre-Submission Local Plan includes provision of an increased allowance for windfall sites in urban areas, which effectively reduces the scale of new site allocations required to supplement existing planning permissions in meeting the identified housing requirement.
17. This is based on a review of urban and brownfield land potential, undertaken to establish the likely realistic potential for housing on windfall sites, as well as from the allocation of larger sites. This work is set out in the Urban and Brownfield Land Topic Paper. The prospect of a higher rate of delivery than allowed for in the Draft Local Plan is evidenced by past rates of supply and an analysis that shows several main sources of supply are likely to continue and, in some cases, increase.
18. In addition, to further support and promote suitable brownfield sites to come forward, the Pre-Submission Local Plan now includes a proposed strategic brownfield land policy. (This is contained in Section 4 of the PSLP.)

## Overall Strategy options

19. In response to those respondents that regard the amount of development in their particular settlement as disproportionate or that the preferred strategy does not pay proper regard to the sustainability of settlements in terms of their services and facilities, the earlier 'Settlement Role and Function Study' (February 2017) was updated to ensure that the Pre-Submission Local Plan (PSLP) is informed by an up-to-date information. This is published as a separate Topic Paper on the Council's website.
20. In relation to the range of criticisms in terms of the appropriateness of the development strategy, it is firstly noted that the chosen development strategy is required<sup>1</sup> to:
- As a minimum, seek to meet the area's objectively assessed needs, including unmet need for neighbouring areas where it is practical to do so and consistent with achieving sustainable development
  - Be an appropriate strategy, taking account of the reasonable alternatives
  - Be deliverable over the plan period
  - Be consistent with national policy in the NPPF
21. The range of the strategic options appraised through the Sustainability Appraisal process has been reviewed to ensure that all reasonable alternatives are properly considered.
22. Having made realistic allowances for urban and brownfield developments on both windfall and allocated sites, as well as having identified all suitable sites in and around settlements, taking into account further work in relation to impacts on the AONB and Green Belt in particular, it is evident that these would fall substantially below the local housing need without any strategic growth provisions.
23. This would inevitably put great pressure on the other communities across the borough to accommodate even more development – which has found to be unsustainable – or rely on the unmet need being accommodated by neighbours, or accepting that housing needs would continue not to be fully met, and that affordability and access to housing would almost certainly continue to worsen.
24. The Green Belt Study work and a detailed assessment of exceptional circumstances has informed decisions.
25. In terms of the principle of a new garden settlement, most attention in relation to the proposed new garden settlement at Tudeley Village has been in relation to its suitability, notably in landscape and Green Belt, heritage and traffic terms. Other locations for a new settlement, with locations beyond the Green Belt and AONB generally preferred, have been assessed but all found to be unsuitable. This is confirmed on review.
26. In response to the querying of support for a new settlement, the Issues and Options document was clear in defining the five proposed options for growth and defined Option 5 option as follows:
- 'Option 5 New Settlement Growth - New freestanding 'Garden Village' settlement. There is no location identified with this option. A new settlement could be located anywhere within the borough (we are inviting views on the principle of a new settlement in providing for the future development needs of the borough).'*

27. When looking at the proposed five options for growth in the responses received to the Issues and Options consultation questions relating to the proposed development strategy, the most preferred stand-alone option was Option 4 – the growth corridor-led approach along the A21. However, this raised particular issues in relation to accessibility, linear development and associated tendency towards coalescence. The most preferred option for a combined approach was for Options 4 and 5 – a new settlement.
28. In preparing the proposed growth strategy for the Regulation 18 Draft Local Plan, each of the five Options were assessed, having regard to national policy requirements; the Issues and Options consultation responses; the findings of the Sustainability Appraisal in respect of development needs and environmental constraints and other evidence base studies and reports; also the nature and location of development opportunities being suitable, available, and achievable in order to meet the identified needs. This resulted in the Council's growth strategy and distribution of development in the new Draft Local Plan being based on a combination of housing growth at the majority of settlements across the borough, in conjunction with the delivery of a new 'stand alone' garden settlement at Tudeley and the expansion of Paddock Wood (into Capel Parish).
29. The approach to the proposed strategic development at Tudeley Village and Paddock Wood/land at east Capel is continued in the Pre-Submission Local Plan, following the undertaking of further assessment and evidence base studies, including masterplanning work for these strategic sites.
30. It is considered that, although the creation of Tudeley Village would involve the loss of a large area of Green Belt, it is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner, achieving very high standards of sustainable design and development. Within the AONB settlements, the scale of growth is notably reduced, especially at Cranbrook and Hawkhurst, as well as at several smaller settlements where higher levels of growth were initially put forward, notably Sissinghurst, Matfield, and Hartley. Further details of the development strategy for the Pre-Submission Plan are set out in the updated Development Strategy Topic Paper 2021.

## **4.2 Policy STR 2: Presumption in favour of sustainable development (now incorporated into STR 1: The Development Strategy in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. Overall, there was a relatively small number of different key subjects/main issues raised within the comments on this strategic policy itself. In fact, most comments related to the proposed growth strategy, notably in terms of whether the proposed growth at Tudeley/East Capel, Cranbrook/Sissinghurst and Hawkhurst in particular, and rural areas generally, constitute 'sustainable development'. There were also

comments in relation to the importance of Neighbourhood Plan (NDP) policies in determining planning applications and the need to take Hawkhurst's NDP and the emerging Cranbrook and Sissinghurst NDP into account in assessing sustainability.

2. Comments directly relating to the policy wording were mainly in terms of:
  - The need for the definition of sustainability should be reconsidered in the light of the recent declaration of a climate emergency;
  - The definition of sustainable development is considered to need review, taking into account the tension between environmental constraints and meeting the borough's development needs in the Plan;
  - It is considered that the policy as currently drafted fails to adequately place enough emphasis on the environmental objective of sustainable development, which is thought to be of equal importance to the economic and social objectives; and,
  - As the Planning Inspectorate is no longer considering that a policy reflecting the presumption in favour of sustainable development is required, it is thought that the policy is an unnecessary duplication of policy in the NPPF.

## Response

3. Taking the last point, the first question is whether there is now a need for the policy. For some time since the introduction of the NPPF, there has been a clear message for Government, reinforced by the Planning Inspectorate, that local plans should contain a clear policy in presumption in favour of sustainable development, effectively putting national policy into statutory development plans. However, there has recently been a recognition that this is inconsistent with the principle of avoiding repetition of national policies. In fact, the Planning Practice Guidance was updated in 2019 and now states:

*'How should a local plan reflect the presumption in favour of sustainable development?'*

*Paragraph 11 of the National Planning Policy Framework indicates that Local Plans should reflect the [presumption in favour of sustainable development](#). This should be done by identifying and providing for objectively assessed needs and by indicating how the presumption will be applied locally. However, there is no need for a plan to directly replicate the wording in paragraph 11 in a policy'*

4. In addition, the Planning Inspectorate advises that Inspectors do not expect the presumption in favour of sustainable development to be set out in Local Plans. Indeed, recent Local Plans have passed examination with no such policy. At the same time, it can be seen that the PPG still expects a Local Plan to set out how the presumption is being applied locally.
5. The principles behind the presumption may be readily accepted. Indeed, these provide a basis for the formulation of the development strategy, namely that the Council is preparing its Local Plan positively, seeking opportunities to meet its development needs, while also having due regard to the full range of environmental and social, as well as economic, policies in the NPPF including its strict tests for developments in particularly sensitive locations – notably the High Weald AONB, Green Belt, flood risk

areas, and irreplaceable habitats.

6. Therefore, it is considered that the most appropriate way forward is to draw on the presumption within the supporting explanation of the development strategy at STR1, rather than maintain it as a separate policy. This approach should still help demonstrate that the Local Plan is consistent with this key NPPF policy.
7. While it is not for the Local Plan to redefine sustainable development, it is acknowledged that climate change is a major, pressing issue that warrants a strategic policy – which is now put forward as Pre-Submission Local Plan Policy STR7: Climate Change.
8. The three – economic, social and environmental - overarching objectives of the NPPF are viewed as interdependent and will be applied fairly and consistently taking into account local circumstances. The Sustainability Appraisal is updated to inform the decision-making process for the strategy, policies, and site allocations, while further evidence work has also been undertaken to further test the appropriateness of proposals. These are further considered in response to comments on the development strategy and the relevant place-shaping chapters of the Pre-Submission Local Plan.
9. Regard to NDPs is further considered in response to comments on Draft Local Plan Policy STR9.

### **4.3 Policy STR 3: Masterplanning and use of Compulsory Purchase powers (now Policy STR 4: Ensuring Comprehensive Development in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. There were a relatively small number (31) of comments raised in relation to the policy. The main issues raised in relation to each of the two component parts were:

##### **Masterplanning**

- Need to ensure meaningful ‘active participation’ of stakeholders
- What form should masterplans take and whether a less prescriptive strategic framework/infrastructure plan may be more appropriate in certain situations
- The status of masterplans, and likely delays in delivery of development if SPDs
- Who will be responsible for masterplans?
- How can developers be forced to collaborate, and will it cause delays in development?

- Some views saying that there is little track record of effective masterplanning, including at Paddock Wood and at Cranbrook (Brick Kiln Farm), so question its application
- The need for the policy, given overlapping coverage as part of specific site allocations
- Whether site AL/HO3, for land east of Horsmonden, should have a masterplan

### Compulsory Purchase Orders (CPOs)

- Support, notably from Kent County Council and Paddock Wood Town Council
- Concerns, mainly from developers, over the implied frequency of use, which several respondents say should be only in exceptional circumstances or as a last resort
- Related to the above, calls for clarification regarding circumstances when CPO powers would be used

## Response

2. In response to comments that question the need for the policy, while the limited responses may suggest little perceived value, it is considered that securing the effective delivery of development sites is at the heart of plan making. Taking a comprehensive approach to sites, especially for mixed-use developments and/or where there are multiple land ownerships, and showing a willingness to use CPO powers if needed to achieve this, are regarded as strategically important; Therefore, it is considered that a policy covering these matters should be retained.
3. In relation to the Masterplanning element, the supporting text of the DLP explains the value of a masterplan in providing *“a framework to guide future growth and development in a certain area, and which can assist in ensuring connections between the new buildings, their setting, and the wider environment.”* It adds that masterplans are not expected to be widely required, but for *some strategic sites and locations where it is essential for development to be planned in a coordinated way in order to achieve the strategic objectives of this Draft Local Plan.*
4. While some developers express reservations about requirements for masterplans, particularly when it requires working with other developers, bringing forward piecemeal developments on a land ownership basis may well not constitute the good planning of an area. It may be possible for many smaller schemes, but for some, as well as many larger ones, there will be a need to bring sites forward in a comprehensive way. This is to ensure effective integration between proposals for the respective land ownership parcels, as well as with the wider locality. Without a mechanism for ensuring collaboration and a wider perspective, elements that help contribute to place-shaping and a good-quality environment, such as greenspace corridors, open spaces, pedestrian/cycle linkages, community and other non-commercial facilities, are unlikely to be properly planned for, or provided if a comprehensive approach is not taken.
5. Such an approach clearly needs to be underpinned by some form of overarching strategic framework. In such cases, the primary roles are to identify:
  - the ‘building blocks’ of the proposed development taken as a whole, notably areas for housing, employment uses, retail, education, community facilities, open space, etc. as appropriate

- habitat retention, improvement and creation to achieve net gains for biodiversity
  - strategic movement routes/corridors
  - shared infrastructure, including drainage
  - cohesive design principles
6. The scope and status/form of a 'masterplan' should, logically, reflect the circumstances of the site and its context. A Supplementary Planning Document (SPD), which may take the form of a site-specific 'Planning Brief', is the most formal and inclusive approach. It would be led by the Council and would carry most weight in decision making. However, it is agreed that these would be only needed where there are substantial planning matters still to resolve, as they can be time-consuming.
  7. The key requirement should be to ensure that a coordinated approach to new developments which have a clear inter-relationship is taken, to achieve the efficient use of land, providing for different land uses in most appropriate places, and overall good planning.
  8. It is entirely reasonable for the Council to require an overall masterplan, or similar strategic framework, in such circumstances. A joint approach by the respective site promoters is expected, showing how any discrete components of a scheme will relate to each other and integrate to deliver the infrastructure and facilities appropriate for the overall development. They may also be expected to improve wider sustainability of the neighbourhood.
  9. For any partial proposal to be favourably considered, an indicative plan for the whole site, including phasing, would be required. Furthermore, the Council would need to be satisfied not only that the development of the whole site would be facilitated, but, furthermore, that it can be confident, possibly through the use of legal agreements, that all the elements of the whole scheme will be delivered in a timely manner.
  10. In terms of which developments require a masterplan, it is accepted that not all the sites referred to in the supporting text to the policy in the DLP would need a formal SPD, while there are other sites, of which there are several examples in the DLP for which a comprehensive approach is appropriate. Given that the form of masterplanning/integration will be case specific, it is proposed that the strategic policy just sets out the guiding principles.
  11. The most appropriate means of securing a comprehensive approach is considered further in relation to each site allocation in the respective Place Shaping chapter in Section 5 of the Pre-Submission Local Plan.
  12. Engagement in planning, especially of larger, more complex sites, is critical. The greater the engagement with the local community, as well as the Council and other key stakeholders, the more weight can be given to any masterplanning approach. This will continue to be emphasised in the Plan.
  13. In relation to Compulsory Purchase powers, the NPPF states, at paragraph 19, that: *'Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public*

*ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.'*

14. It follows that CPOs can be an important tool available to local authorities to acquire land for developments where this is in the public interest. As stated in the supporting text to the DLP policy, this may be to enable land to be acquired for the wider benefit of the community, usually to enable regeneration and development schemes that involve complex or multiple land ownership, without which development would be unlikely to be delivered. It may be added that it could cover situations where development would otherwise only be undertaken in a piecemeal fashion, which would be not secure important community infrastructure or other sound planning objectives.
15. It is agreed that the approach to the use of CPO powers may be further clarified. It is not intended to be a default approach. Rather, it is only likely to be considered where respective developers or landowners do not agree to work together, and with the Council, collaboratively to bring allocated sites forward for development.
16. Overall, in line with above responses, it is also proposed that the policy be retitled to refer to *Ensuring comprehensive development*, with priority placed firstly on securing the good planning of an area, by ensuring the proper integration of development proposals in a locality with each other and with the existing fabric of the area.
17. It is also noted that Draft Local Plan policy H2 – see Section 6: Housing comments – is found to overlap substantially with this policy, so it is proposed that a line is added to Policy STR3 (now Policy STR 4: Ensuring Comprehensive Development in the Pre-Submission Plan) based on text in Policy H2 relating to welcoming multi-developer delivery on the allocations for Tudeley Garden Village and the urban expansion of Paddock Wood, as well as other larger major developments, where appropriate.

## **4.4 Policy STR 4: Green Belt (now Policy STR 9: Green Belt in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 59 comments were received in response to this policy.
2. The comments received were both in support and objection for the proposed changes to the Green Belt, with a majority objecting in principle to the release of Green Belt for development. The majority of objections were concerned with the proposed strategic releases of Green Belt for the garden settlement at Tudeley and the expansion of Paddock Wood. There was one specific objection to the release of Green Belt at Pembury.
3. The matters raised may be categorised as 'In Principle Objections', 'Other Matters' and 'Policy-Specific Comments' and the comments are summarised as follows:

## In Principle Objections

- Exceptional circumstances have not been met
- Green Belt release conflicts with the Council's own Green Belt studies
- It is not necessary to meet the full housing need when there is Green Belt constraint
- Should use brownfield land instead of Green Belt
- Development can take place outside the Green Belt at Horsmonden and/or Frittenden
- Release will cause harm to the Green Belt with specific reference to landscape, heritage, ecology, soils, and flooding.
- There should be replacement Green Belt
- The chosen location for the garden settlement (Tudeley) is incorrectly driven by land being in a single ownership

## Other Matters

- Challenges for further release of Green Belt land (sites submitted under Call for Sites or later that were wholly or partially not proposed to be allocated)
- Concerns over sites allocated for development but not removed from the Green Belt

## Policy-Specific Comments

- As the policy only repeats national policy, it is not required at all
- Policy wording should be stronger
- Suggested enhancements to the Green Belt are unconvincing
- There is no replacement for the previous MGB 2 Policy (major developed sites in the Green Belt) and the boundaries for those sites should be reviewed.
- Lack of policy for replacement Green Belt
- The policy should be extended to include removal of permitted development rights in retained areas of Green Belt

## Response

4. In response to the policy-specific suggestion that the policy is not needed as it merely repeats national policy, it is evident from the responses that the Green Belt is a highly valued designation that people want to see protected and enhanced. No policy at all may be equated to no interest at all and would prevent comment on what such a policy should say and may leave some doubt as to the Council's position. It is therefore recommended that in order to provide clarity and reflect the value placed on the Green Belt that a Green Belt policy is retained (now PSLP Policy STR9) and consideration given to the other issues raised in its presentation.
5. Further work has been undertaken in the form a further Green Belt Study, which has also been taken into consideration when reviewing the policy, in line with comments received at Regulation 18.

6. Further consideration of each issue raised in relation to the policy approach is given below.
- **Policy wording should be stronger**
7. Apart from a general suggestion to strengthen the policy “to the maximum that can be upheld at examination” there is a specific suggestion to strengthen the wording to include making reference to the need to “demonstrate exceptional circumstances” and “the importance of ensuring development does not cause substantial harm to the openness of retained Green Belt land”.
8. Whilst the suggested additions would not necessarily add any great strength to the Policy, they do reiterate the key aim of the Green Belt, “openness” and the test required for harmful development to be permitted, “very special circumstances”. (Exceptional circumstances are what the Council needs to demonstrate to alter the Green Belt Boundary). The addition of wording along these lines would not then be in conflict with the NPPF and would make clear the Council’s intent to defend remaining Green Belt and are therefore now included in Pre-Submission Plan Policy STR9.
- **Suggested enhancements to the Green Belt are unconvincing**
9. The supporting text at paragraph 4.50 states that the Draft Local Plan sets out “how compensatory improvements to the environmental quality and accessibility of remaining Green Belt land can be made” and the measures that might achieve this are contained within the Place Shaping and site-specific policies. The Council has undertaken work to further develop the proposals for enhancing remaining Green Belt which have fed into the consideration of site-specific policies.
10. Whilst the comments submitted do not suggest a change to policy, for consistency and clarity, the strong approach by the Council to enhancements of remaining Green Belt is now included in additional wording in the Green Belt policy.
- **There is no replacement for the previous MGB 2 Policy**
11. Policy MGB2 “Major Developed Sites within the Green Belt” was a policy in the 2006 Local Plan. The Policy was superseded by the Core Strategy 2010 which referred to Major Developed Sites under Point 4:
- ‘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.’*
12. The Core Strategy replaced the MGB2 policy, but explained that Major Developed Sites within the Green Belt had been identified in accordance with Annex C of PPG2 and that there were three such sites in the Borough that met the necessary criteria:
- Pembury Hospital
  - Kent College, Pembury
  - Holmewood House School, Langton Green
13. The supporting text goes on to state that “*Within such sites, however, limited infilling or redevelopment may be acceptable, offering the opportunity for environmental*

*improvement without adding to its impact upon the openness of the Green Belt and the purposes of its designation. Planning proposals for development at these identified Major Developed Sites will be considered on their merits and will be assessed according to the criteria set out in national and local planning policies”.*

14. PPG2 has been withdrawn and replaced by the NPPF and Planning Policy Guidance which no longer references Major Developed Sites within the Green Belt. Therefore, the inclusion of such a policy would be in conflict with the NPPF and, in any event, as the supporting text makes clear, applications within these sites will be judged against national policy. Consequently, there seems to be no purpose or national policy support for adding a specific policy for Major Developed Sites in the Green Belt.
15. The related suggestion is that boundaries of these sites should be reviewed as changes have taken place over time. As the NPPF now makes clear, a change in boundary can only be proposed through the Local Plan where exceptional circumstances exist. The previous boundaries were the policy boundary for MGB2 and not a Green Belt boundary. As the policy and boundary were deleted by the Core Strategy there can be no possibility of review.
16. The situation for these sites in the Local Plan remains then effectively unchanged from the adopted Core Strategy in that any proposals will have to be considered against national policy and there is no national policy support for reinstating a Major Developed Sites policy.

- **Lack of policy for replacement Green Belt**

17. The possibility of Green Belt replacement was raised in draft revisions to the NPPF, but the latest version sets out specific and stringent tests for replacement Green Belt in paragraph 135:

*‘New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:*

- a) demonstrate why normal planning and development management policies would not be adequate;*
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;*
- c) show what the consequences of the proposal would be for sustainable development;*
- d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and*
- e) show how the Green Belt would meet the other objectives of the Framework.’*

18. This sets a very high bar for such proposals and it is currently considered that the circumstances do not exist to justify such an approach and so no replacement Green Belt is currently proposed. However, the matter is reconsidered in the further Green Belt Study (Stage 3) that the Council undertook following the Regulation 18 consultation. As explained above, the Council is following national Green Belt policy

by seeking ‘compensatory improvements to the environmental quality and accessibility of remaining Green Belt land’.

- **The policy should be extended to include the removal of permitted development rights in retained areas of Green Belt**
19. Permitted Development rights may only be removed through attaching a condition to a planning consent or through an Article 4 Direction. Whilst they can be applied across a wide geographic area the PPG makes it clear that:  

‘The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights.’
  20. It is unclear what “local amenity” beyond amenities such as openness and restricting urban sprawl already protected by Green Belt policy an Article 4 Direction would be able to protect. Consequently, there does not appear to be the “strong justification” required.
  21. Furthermore, the process of securing Article 4 Directions involves review by the Secretary of State, including the provision of detailed evidence as to potential harm, and precise locations. TWBC has recent (2018) experience of securing Article 4 Directions on offices in Royal Tunbridge Wells, and it is not considered that the harm or justification exists.
  22. In order to address the policy specific comments made above in relation to Policy STR4 (now Policy STR9), it is now amended and strengthened by including specific reference to:
    - a) Maintaining an effective Green Belt with reference to the primary aim of preventing urban sprawl by maintaining openness
    - b) The need for inappropriate development to demonstrate very special circumstances
    - c) The expectation that development in the Green Belt will be expected to contribute to improvements to the environmental quality and accessibility of the remaining Green Belt
  23. In addition, the supporting text is now amended where necessary to reflect the points highlighted in the considerations above, including the insertion of new tables showing allocated sites resulting in Green Belt removal and the insertion of a table and an explanation of land removed from the Green Belt which was formerly Rural Fringe in the Tunbridge Wells Site Allocations Local Plan 2016.

## 4.5 Policy STR 5: Essential Infrastructure and Connectivity (Policy STR 5: Essential Infrastructure and Connectivity in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 280 comments were received in response to this policy.
2. The policy was generally well received in responses from key stakeholders. Some comments were general, regarding the effectiveness of the policy approach rather than the policy wording. Many comments were in relation to specific types of infrastructure and projects that are replicated in comments on other sections of the DLP, mainly the Place Shaping Policies in Section 5 - individual settlements and draft allocations. Comments were also made in relation to the Draft Infrastructure Delivery Plan (IDP), which are also considered below and in reviewing Policy STR 5. Only one comment stated that the policy is onerous and unclearly written.
3. The key concerns relate to the timely provision of infrastructure in relation to the proposed development strategy and the location of new growth relative to the current provision of infrastructure, services and facilities, as well as how funding will be secured and to what extent it would mitigate development. Many of the responses argued that the infrastructure would need to be provided and secured prior to development and occupancy, and that for larger strategic sites this should be achieved by way of a masterplanning process.
4. Key issues identified in relation to specific types of infrastructure:
  - Healthcare infrastructure – policy should include expansion of health facilities (GPs, dentists, Pembury Hospital) required to facilitate growth, also inclusion of social care and an emergency services plan
  - Educational infrastructure – policy should include the need to provide new schools both on development sites and off site via developer contributions and adult education provision.
  - Water infrastructure – concerns that existing capacity is inadequate (especially foul drainage at Paddock Wood) and new infrastructure should be in place before any development commences; also concerns about water supply and deficiency, and that there should be no development in the flood plain.
  - Transport infrastructure – road and rail congestion is an issue; transport links and access to public transport should be improved and further A21 dualling undertaken prior to new development.
  - Green, grey and blue infrastructure – public bridleways, hedgerows and street trees should be included in the list.
  - Cultural infrastructure – reference should be made to heritage assets.
  - Reference to waste infrastructure should be included.
5. Other general comments made include:

- Concern about inadequate infrastructure in places identified for new development, including Sissinghurst, Cranbrook, and Hawkhurst and that new development should be directed to those areas accessible to key services.
- Comment that the themes are helpful, but a holistic approach should be taken
- Paragraph 3.64 appears to suggest that the level of development/growth is driving the need for infrastructure rather than the other way around.
- The word “*expected*” should be amended to “*required*” as this would provide greater certainty that infrastructure will be delivered
- “*Essential*” in terms of “*Essential infrastructure*” needs to be defined and set out clearly.
- There are too many infrastructure items stated as “*To be Confirmed*” in the IDP-Infrastructure Schedule

## Response

6. In accordance with the requirements of the NPPF, which sets out that strategic policies should set out an overall strategy for the pattern, scale, and quality of development, and make sufficient provision for a range of infrastructure, Policy STR5 is intended to set out the overarching strategic approach to infrastructure provision for the borough. The provision of appropriate infrastructure to support the growth proposed in the Local Plan is considered to be fundamental and is recognised within Strategic Objective 5 – ‘*To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities*’.
7. Notwithstanding the above, amendments have been made to both the supporting text and Policy STR5 within the PSLP in order to aid clarity and interpretation of the approach towards infrastructure provision. Of particular note, reference is now made in the supporting text to the specific significant infrastructure improvements and projects which are planned for within the PSLP to support the growth proposed. These are set out by infrastructure theme to aid in clarification and the various significant infrastructure projects are now highlighted in the strategy section of the PSLP. The individual infrastructure projects are also included in more detail within the respective place shaping sections of the Plan. Additionally, it is important to highlight the role of the Infrastructure Delivery Plan (2021) which is a key supporting document of the Local Plan and has been updated throughout the process as set out further below.
8. As the Local Plan has evolved, the Council has continued to have discussions with infrastructure providers and much detailed work to refine, or confirm, requirements has taken place. This has been through general discussions and meetings with infrastructure providers but also more formally through a number of focused stakeholder consultations with infrastructure providers and relevant bodies at relevant stages in the plan preparation process (further details of which are set out within the IDP) as well as through the formal stages of the Local Plan preparation and consultation.
9. Additionally, in relation to the allocations proposed at the Strategic Sites at Paddock Wood and east Capel and at Tudeley Village, this has involved liaison with a range of infrastructure providers in relation to the strategic allocations through the Strategic

Sites Working Group and other sub-groups.

10. It is also worth highlighting that the IDP is termed a 'Live Draft' which enables the ongoing review of infrastructure requirements and has been reviewed alongside the Local Plan. Prior to consideration of the Pre-Submission Local Plan, a further round of consultation has been undertaken with relevant infrastructure providers to confirm the infrastructure needs generated by the refined development proposals which has informed the PSLP version of the Plan.
11. Specifically, in order to address some of the comments made above in relation to the presentation of Policy STR5, it is proposed that:
  - a) the title of the policy be amended to 'Infrastructure and Connectivity' rather than 'Essential Infrastructure', as all types of infrastructure are considered to be equally important to support development;
  - b) the subheadings relating to specific types of infrastructure in the Policy be reordered and additional subheadings (such as Sport and Recreation) be added to correlate with the IDP;
  - c) wording be added to the policy about the timing of infrastructure provision – i.e that it should be delivered in a timely way;
  - d) reference be made to masterplanning for the strategic sites; and
  - e) the word 'expected' is amended to 'required' ('developers will be required to').
12. In response to the general comments that have been made in relation to infrastructure and the IDP as referred to above, the following is highlighted;
  - The growth strategy and the level of growth proposed, is set out clearly within the Local Plan and further information is provided within the Distribution of Development Topic Paper.
  - The IDP is set out on a theme basis and the projects identified per settlement at the end of each theme section. The Infrastructure Schedule then provides detail of all of the projects listed on a borough wide basis, and then those applicable to each individual settlement/parish.
  - Terminology used in the IDP – The various categories of infrastructure are detailed and the terms used in relation to the delivery of infrastructure projects, such as 'critical', 'essential' and 'highly desirable' are all explained within the introductory section of the IDP.
  - In terms of costings, a number of projects are listed as 'TBC' or 'To be Confirmed'. During the course of reviewing the IDP and further discussions with infrastructure providers etc, a number of projects and their costings have been firmed up and are included in the Infrastructure Schedule where known. It is not possible to confirm all costings as some are dependent on other providers who may not have firm costs, particularly if a project is scheduled for later in the plan period. As referred to above, the IDP is termed a 'Live Draft' and will be periodically reviewed and refreshed in order to take account of updated information and projects.
13. In addition, a number of detailed amendments are made to the policy wording and supporting text to address the issues mentioned above in relation to specific types of infrastructure raised including – health, water, waste, culture etc.

14. The Strategic Policies within the Place shaping section of the Local Plan (Section 5) have also been amended to include additional wording referencing key, infrastructure items which are being proposed within the individual settlements.

## 4.6 Policy STR 6: Transport and Parking (Retained as Policy STR 6: Transport and Parking in the Pre-Submission Local Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. In total, 150 comments were received in response to this policy.
2. A broad range of issues and topic areas were raised in relation to this strategic policy. However, the issue that received the most comments was in relation to the Hawkhurst Golf Club allocation (AL/HA1 [*Regulation 18 allocation reference*]) and the proposed relief road. Main concerns included the impact that the proposal would have on congestion locally, the impact on the road network in areas outside of the borough, the lack of public transport in Hawkhurst and the impact on climate change and the environment, as well as on the wider AONB.
3. Comments were also made in relation to the proposed growth strategy, notably including questions on whether the proposed growth at rural settlements and elsewhere (i.e. in less accessible locations with limited facilities and poor public transport) was in accordance with the policy and NPPF paragraphs 102 and 103, due to the likely reliance of residents on private car use.
4. Other than these issues, the topic areas that received the most comments in relation to the policy wording were mainly as follows:

#### Public Transport (Bus and Rail Services)

- There is a perceived lack of reference to bus services and to the possible development of the BML2 route proposal within the Plan. There were specific comments that, as a result of increased demand on the Tonbridge rail station, additional bus lanes along Woodgate Way and Pembury Road up to Station Approach in Tonbridge would be needed.
- Other comments on bus improvements include a concern that most improvements will be directed toward Royal Tunbridge Wells rather than more rural settlements in the borough (such as Cranbrook, Sissinghurst, and Hawkhurst).
- Bus links should be provided early on in development, although it is questioned whether the Council has had discussions with bus operators as part of determining if the scale/density of development is sufficient in supporting such proposed services in the policy.

- It is unclear as to how TWBC plan to increase rail capacity, reliability, and punctuality as it is the train operating companies' responsibility, not TWBC's; also, that the Tudeley garden settlement proposal should make it a requirement to include a railway station to minimise impact on Tonbridge, particularly as the line is already at capacity.

### **Traffic Issues and Private Car Use**

- There were comments on traffic issues and increased/additional private car use considered to be a likely result of proposed development in rural locations.
- It is suggested that there should be targets for reduced private car use (up to 50%).

### **Sustainable Modes of Transport (e.g. Active Travel)**

- The policy should remove the phrase which indicates that active travel will be prioritised in urban areas, as this should apply equally to both urban and rural development.
- Comment was raised in relation to all new development requiring alternative travel options to be put in place prior to development. All sustainable transport services required as part of delivering the garden settlement should be delivered prior to any development.
- Comments were also made in relation to cycling infrastructure and the need for safe cycle routes to link settlements in the borough. Concern was raised in relation to electric vehicles, particularly as Tunbridge Wells only has 12 charging points, and as such many more should be implemented (especially as many people do not have their own driveways).

### **Parking Standards and Parking Issues**

- There were general comments on parking standards, such as the policy does not contain explicit parking objectives while development management Policy TP3 does.
- There were conflicting comments, both suggesting that new developments should provide a sufficient level of parking while also ensuring that parking is not oversupplied, which could have an adverse impact on the already congested strategic road network. One respondent suggested that the parking standards in development management Policy TP3 be maximum.
- There were comments about existing on-street parking issues for existing residents (particularly in Horsmonden), as well as the trade-off between parking and sustainable transport at Tudeley (with the suggestion that parking provision is limited to encourage sustainable travel and also to ensure that transport services are provided prior to development).
- There were also comments on the parking issues in Royal Tunbridge Wells, some of which are more suitably addressed by Parking Services (for example, in relation to parking restrictions in the town centre). Other issues included the perceived lack of lorry parking facilities in the town.

- With regard to public parking, comments were also made suggesting that the Plant and Tool site in Royal Tunbridge Wells should be proposed for layered parking to address existing parking issues. Additionally, it was suggested that Paddock Wood train station should be provided with additional public car parking and made into a transport hub. It was also stated that parking in the centre of Cranbrook should be increased in order to improve the viability of rural businesses. Moreover, it was also suggested that TWBC builds a large car park near the Pantiles, as well as that TWBC should have a plan in place to accommodate commuter parking before Torrington car park is redeveloped.

## **Strategic Transport Infrastructure**

- Comments on the proposed improvements to the strategic highways network included some general suggested amendments to policy wording by KCC, comments on deliverability (i.e. extent to which proposed infrastructure can be funded through developer funding), and timescales in terms of the perceived unlikely case that necessary transport infrastructure will be provided prior to development (which is considered to be essential).
- In terms of key infrastructure projects, comments were also made in relation to the A228, which was considered not to be the best way of mitigating the impacts of development and that it needs to be reviewed due to the plan being almost 40 years old. There was also concern that the bypass would simply accelerate the traffic arriving at Woodsgate Corner and also that there is very little information on the environmental effects of, or justification for, the proposed A228 bypass. The latter point was also raised in relation to the proposed road linking Tudeley to the A228.
- KCC, amongst others, expressed concerns about the need to safeguard the Tesco site in Pembury for a park and ride or similar scheme. It was considered that the Draft Local Plan allocation of the site is contrary to the objectives of the strategic policy, in that, in effect, it removes the chance of a direct public transport service into the town from the north.
- It was also considered that there is a need to continue the A21 dualling from Kippings Cross to Lamberhurst, as well as to have regard to the Flimwell junction (albeit out of the borough) due to the likely impact that proposed development in the borough will have here.
- There were also comments on Paddock Wood's road infrastructure and suggested additional roads from the east and west of the town, as well as a road to relieve congestion in the centre of the town. Finally, it was questioned whether the A264 junction improvements are sufficient to deal with the extra traffic to be expected from the proposed garden settlement.

## **Pedestrian Routes (Public Rights of Way)**

- It was also commented that pedestrian routes should be improved, and that the Plan should make reference to KCC's Rights of Way Improvement Plan, to ensure there is both no significant loss of access to additional funding and opportunities, and that there is a successful joint partnership working to continue to deliver improvements to the borough's public rights of way network. It was also suggested that any

enhanced/new public rights of way are designated as public bridleways or restricted byways wherever possible.

5. Furthermore, there were also other issues and topic areas identified, albeit raised through fewer comments than those received for topic areas above. These are outlined as follows:

### General Comments

- It was considered that the policy should additionally refer to road freight.
- It was commented that the policy gives too much flexibility in its wording with words such as “*where possible*”, “*approach*”, “*intended*”, etc., as well as that the policy needs more clarification and refinement regarding the sustainable modes of transport outlined within the strategy.
- Some comments were made in relation to climate change, in terms of the impact on climate change resulting from the development strategy and the likely continued reliance on the private car.
- The Infrastructure Delivery Plan (IDP) does not identify phasing of infrastructure linked to planned development, and there are differences between what is proposed in the policy, SWECO’s Transport Assessment Report (2019) and the IDP with regard to the ‘bus-only’ link from Paddock Wood to Tonbridge/Tunbridge Wells via Tudeley Village; therefore greater clarity is sought.
- There was concern that the Council’s Transport Strategy Review relies too heavily on outdated data (i.e. 2011 census data, the 2016 Economic Needs Study which also relies on the 2011 Census data, DfT Future of Mobility 2019 which relies on national data, which does not necessarily translate to Tunbridge Wells’ local experience, and a Transport Assessment for the Local Plan which has not yet been completed).

### Response

6. As part of the Regulation 19 evidence base to inform the Pre-Submission Local Plan, evidence gathering in relation to transport infrastructure needs has continued, both by the Council’s transport consultants, SWECO, its strategic sites’ consultants and by KCC. There has also been further work on the development of the Local Cycling and Walking Infrastructure Plan (LCWIP), Low Traffic Neighbourhoods, and inter-settlement cycle routes. In addition, there have been further updates to the Council’s Infrastructure Delivery Plan following this further transport assessment work to include relevant mitigation measures. It is considered that the majority of the comments and issues raised in relation to this policy are addressed through this further evidence base transport work which informs the revised policy and supporting text.
7. Of particular significance, the most appropriate route of a link between Tudeley and the A228 has been identified, as it has the potential to address traffic needs generated by these proposals (part off-line, part on-line improvements to the A228), in conjunction with wider developments. It should be noted that, while transport assessments have shown that the A228 Colts Hill Bypass is not essential to

accommodate the level of planned development, it is still proposed to be safeguarded, both in the event that it is found to be a deliverable alternative to the proposed, essentially online improvements and for the longer term, in the event that the proposed Lower Thames Crossing and further future development, including those consequent to that, could generate a need.

8. It will also be important to assess how travel and commuting patterns change over the beginning of the plan period: the coronavirus pandemic in 2020/21 has accelerated changes in both. Nevertheless, due to the location of the borough there is always likely to be travelling to London and other settlements, and these strategic rail and bus networks and services will therefore need to be maintained and enhanced. Sustainable transport policy in the Local Plan must consequently encourage an efficient and improved strategic public transport network and safeguard any routes that may be required in the future, in places that will cater to those who commute, and will encourage a reduction in the necessity for the private car.
9. Many of the main issues raised above are addressed separately in the consultation statements on the Transport and Parking development management policies under Section 6.

## **4.7 Policy STR 7: Place Shaping and Design (now Policy STR 2: Place Shaping and Design in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. In total, 82 comments were received on the draft policy by individuals and organisations, as well as one group petition with 52 signatories behind a statement.
2. The petition was an objection to proposed development in Hawkhurst, which included place shaping concerns and is set out in full in the response to STR 1. Support was given in principle in the majority of the comments, while support of the policy wording was also strong.
3. Objections were mainly focused on whether specific draft allocations are capable of meeting the aims of the policy, in terms of their certain location and scale. Some individuals, specific community groups and key stakeholders are concerned about insufficient reference to promoting good design and collaborative community engagement, in some cases with fundamental objections to certain sites, expressing the view that their voices on these are not being heard to date.
4. The recent findings from the Building Better, Building Beautiful Commission (BBBBC) are also mentioned, both in relation to community engagement and the design quality standard mentioned within it.

5. All key stakeholders supported the policy but with some suggested additions or amendments to policy wording, suggesting at times that it is too restrictive, or to include reference to national and local design guidance.

## Response

6. Many of the consultation comments raise objections to the growth strategy rather than the policy wording itself. It is suggested that this is interpreted as tacit support of the draft policy. Further consideration is given to individual proposals in the context of this policy as part of the review of the Place Shaping chapters in Section 5.
7. A handful of respondents suggested that the phrase 'protect and enhance' the natural and built environment is not consistent with national policy. Given that the draft policy STR8 uses the phrase 'conserve and enhance', the policy wording is now amended to be consistent with this and the language in the NPPF.
8. Consideration of the other issues raised in relation to policy STR7 itself, and its supporting text, is given below.

### **Building Better, Building Beautiful Commission report**

9. While some consultees suggested a reference to this, and certain elements of it, including community engagement and the standard of 'Enquiry by Design' (which sets out how design quality will be assessed and enforced), the Commission's recommendations to Government are just that and have no particular status at this point. Whilst some of the recommendations are already being actioned by Government, such as the production of a National Model Design Code (as part of the National Design Guidance - see below), and the development of the 'Future Homes Standard' in respect of tackling climate change, the full response of the Government to the report is yet to be published. Therefore, it is not considered appropriate to include explicit reference to the recommendations in the report at this point. The Government's response and any related updates to national policy and guidance will nonetheless be kept under review as the Local Plan work progresses.

### **Design Guidance**

10. Since the drafting of this policy, the Government has published the National Design Guide, the first national guidance since the deletion of 'By Design' in 2010. It is considered appropriate to now include a reference to this in the strategic policy. Also, the Kent Design Guide is currently being revised to be web based and to follow the National Design Guide; and therefore, it is also considered to be appropriate to refer to it in the strategic policy.

### **Well-being**

11. Sport England's consultation response suggested an additional paragraph to directly reference new development encouraging healthy and active lifestyles. This accords with national policy and guidance, and the new National Design Guide. It is considered appropriate to strengthen this, given the increasing acknowledgement of the importance of good design for the well-being of visitors and residents. Sport

England also suggested a reference to its Active Design Guidance. This guidance is supported, and reference to health and well being is now made in the supporting text.

## Community engagement

12. The need for early and appropriate community engagement in planning proposals is a key message in the NPPF, the supporting Planning Practice Guidance, and the Government's newly published National Design Guide (October 2019). The PPG was also amended in October to include explicit reference the National Design Guide, with a substantial section on community engagement.
13. Development Management policy EN1: *Design and other development management criteria*, now Pre-Submission Plan Policy EN1; Sustainable Design does include a section entitled: '**Early engagement with the community and other relevant stakeholders**', which states the following:  
*'New development should be informed by effective engagement between applicants, communities, neighbours of sites, local planning authorities, infrastructure providers and other interests throughout the planning process. Applications that can demonstrate early, proactive and effective engagement with the community will be looked on more favourably than those that cannot.'*
14. Given the increasingly acknowledged importance of early and effective community engagement, including in the BBBBC's report to Government, a reference to this is now included in the strategic policy wording.
15. In light of the considerations above, the Policy STR2 of the Pre-Submission Plan is amended in the following ways:
  - a) It includes reference to the National Design Guide and Kent Design Guide
  - b) It includes encouragement for early and effective community engagement
  - c) Better reference is made to the National Design Guide with regard to creating identity based on local distinctiveness
  - d) Amendment of the paragraph on natural and built environment to be more consistent with the wording in STR8: Conserving and Enhancing the Natural, Built and Historic Environment
  - e) The insertion of an additional paragraph regarding active lifestyles as recommended by Sport England.

## 4.8 Policy STR 8: Conserving and Enhancing the Natural, Built, and Historic Environment (Remains as Policy STR 8: Conserving and Enhancing the Natural, Built, and Historic Environment in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. There were 82 comments from individuals and organisations on the draft policy, and two group petitions behind two statements. Most of the comments supported the policy in principle, but comments did also include some specific objections.
2. Many of the objectors supported the policy itself but were of the view that the growth strategy and proposed allocations would be contrary to it and to national policy, particularly with regard to the AONB and its individual villages. Therefore, the principal tone of the feedback concerns the growth strategy and impact of development on the historic and natural environment. Some key stakeholders proposed strengthening of policy wording, particularly in relation to compliance with policy in the NPPF. The following specific subjects were also raised:

#### High Weald AONB

3. Paragraph 5 in the policy states: *Proposals that would harm the natural beauty of the AONB will not be permitted unless it is clearly in the public interest to do so.* Some objectors felt that this is too subjective and could lead to a deterioration of the designation. A number of comments, notably in relation to Sissinghurst, repeated a request to expand the boundary of the AONB and to not expand the Limits to Built Development.
4. It was also suggested that, in paragraph 5 of the policy, reference to mitigation does not align with the NPPF paragraph 172 which seeks to *'conserve and enhance the landscape and scenic beauty of the AONBs'*. It was suggested that the policy wording should be deleted as it appears to accept harm to the natural beauty of the AONB. One consultee suggested that the paragraphs in the policy relating to the AONB should be reworded to only relate to unallocated sites, as it was considered that by recognising the site as suitable for development through its allocation, the Council has already determined that the AONB objectives have been met.

#### Biodiversity

5. Paragraph 6 of the policy states: *The objective is to achieve net gains for nature and protect and enhance sites of geological interest across the whole borough.* One organisation suggested that this wording is too subjective and could allow the substitution by a developer of the natural hedgerows. Natural England, a statutory consultee, made suggestions for strengthening of the wording of paragraph 7 to incorporate the longer term maintenance and monitoring of existing and future green

infrastructure as per paragraph 171 of the NPPF, which states: *‘Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.’*

## Landscape

6. Natural England suggested certain points of clarification in the policy wording under paragraph 3 to ensure that development proposals recognise the importance of landscape features both within a proposal site and in the wider landscape setting, and that these are used to inform mitigation schemes which are incorporated into development proposals from the outset. It was also suggested that the mitigation requirement be strengthened to ensure that it is integrated from the outset of a proposal, therefore promoting landscape-led schemes. Another consultee suggested that the introductory passage to the policy is amended, as the use of the term ‘conserve and enhance’ is inconsistent with NPPF paragraph 170, which states *‘policies and decisions should contribute to and enhance...’*. It was suggested that the policy wording be changed ‘conserve’ to ‘contribute to’. Another group of consultees suggested that paragraph 1 of the policy could be misinterpreted to mean that non-AONB landscapes have equal status to AONBs.

## Archaeology

7. Kent County Council welcomed the policy but suggested that it be strengthened by reference to archaeological assets in the text.

## Response

8. Many of the consultation comments raise objections to the growth strategy rather than the policy wording itself. It is suggested that this is interpreted as tacit support of the policy wording rather than a request to change policy wording to reflect the growth strategy. Further consideration of the issues raised in relation to each element is given below.

## AONB and Landscape

9. The comments concerning the AONB and landscape generally often overlapping and so are considered together here. Suggestions include a possible expansion of the AONB around Sissinghurst to protect it from development. However, the boundary of the High Weald AONB was established in 1983 by the Government and it is not within the scope of Local Plans to make or propose boundary changes and so no policy change is proposed.
10. Conversely, in response to suggestions that the AONB is not sufficiently distinguished from other landscapes and is not given the great weight afforded it in the NPPF, specific reference is now made to the NPPF in the policy wording.

11. There was some concern regarding policy wording being too subjective or that phrases such as proposals being allowed where they were “in the public interest” would encourage development. Where possible wording is taken from national policy and guidance and Natural England has encouraged further reference to paragraph 172 of the NPPF and the test for ‘major’ development. The policy wording is now amended to address these concerns.
12. In relation to landscape matters generally, one respondent has challenged the use of the phrase “conserve and enhance” (this appears in the opening paragraph and title) pointing out that the NPPF paragraph 170 requires development to “contribute to and enhance” the natural and local environment. The phrase ‘conserve and enhance’ the borough’s landscape is the primary objective of the adopted Borough Landscape Character Assessment; also, conserving and enhancing natural beauty is the primary purpose of the AONB legislation. However, the policy as a whole covers the natural, built and historic environment and a general statement seeking to conserve and enhance does not necessarily conflict with the NPPF. Further clarification in the wording and a change in the title seeks to address these concerns.
13. The comments of Natural England in terms of landscape context, mitigation and landscape features, to encourage a more landscape-led approach, are very welcome and are now used to strengthen the policy wording.
14. The suggestion that the AONB policy should not be applied to allocated sites may lead to future difficulties if sites came forward for applications different to that set out within the allocation owing to changes beyond what might be currently expected. Also, the details of any proposals should also be considered against the policy. Therefore, this suggestion is rejected.

### **Biodiversity**

15. It is suggested that the phrase net gains for nature is subjective, but this phrase is taken from government guidance and policy and is given further definition and detailed methodology in EN11 Net gains for Nature: Biodiversity. The suggestion from Natural England to make reference to longer-term management is now included in the policy wording.

### **Archaeology**

16. Kent County Council provides a service to the districts and boroughs of the county, providing information and advice in relation to archaeological assets, whether designated or not. KCC is also developing advice for applicants writing heritage statements. In order to meet the NPPF aims of conserving and enhancing, and having a positive strategy for, these types of assets, the policy wording needs to be robust in its reference to these. Additional reference is therefore now added to archaeological assets in the policy text.
17. In light of the considerations above, the policy is now amended in the following ways:
  - f) Inclusion of reference to archaeological assets in the policy text, within the introductory paragraph.

- g) Changes to sections on landscape and the AONB to ensure policy wording is strengthened and the status of the AONB is properly reflected and that the expectations for a landscape led approach are clear.
- h) Other minor changes are incorporated to include specific NPPF references, add requested details and to provide greater clarity.

## 4.9 Policy STR 9: Neighbourhood Planning (now Policy STR 10: Neighbourhood Planning in the Pre-Submission Local Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. In total, 90 comments were received in response to Policy STR9.
2. The main issues raised were:
  - There was support for Policy STR9 from some Parish and Town Councils and other organisations
  - The policy justification supporting Policy STR9 does not cover scenarios for preparing a Neighbourhood Plan in unparished areas.
  - Several parish councils expressed concern over a lack of clarity about the relationship of the Local Plan and Neighbourhood Plan and the role of a Neighbourhood Plan.
  - Comments were made requesting further clarity regarding what weight might be attached to an emerging Neighbourhood Plan at its various stages of preparation.
  - A number of responses from residents in Cranbrook & Sissinghurst Parish (where a draft Neighbourhood Plan is being prepared) and residents in Hawkhurst Parish (where there is a 'made' (adopted) Neighbourhood Plan March 2018, with minor modifications April 2020) were made relating to the working relationship between the group preparing each of the Neighbourhood Plans for their area and the Council.

### Response

3. Paragraphs 4.73 – 4.76 of the DLP provide a generic summary of the role of neighbourhood plans and their relationship to the Local Plan. Additions are now made to the supporting text of The Pre-Submission Local Plan policy to reflect the legislation and national policy/guidance more clearly, including the addition of further cross-references to key provisions.
4. Paragraph 4.79 addresses the “on the ground” situation of neighbourhood plans being prepared at the same time as the Borough Council’s Local Plan. It properly explains that the Local Plan’s strategic policies, including those for each Parish, provide a context for the development of (by definition, non-strategic) policies in a neighbourhood plan. There is a practical question of the Local Plan’s coverage of non-strategic policies on matters that are also being covered by neighbourhood plans. The approach must be “case-dependent”, as it will depend on the degree of overlap, supporting evidence and stage reached by the relevant Neighbourhood Plan. Central

to such situations will be liaising with the ‘qualifying (Neighbourhood Plan-making) body’ to seek to agree actual policy content. Where a neighbourhood Plan is expected to be made, or have the benefit of an Examiner’s report, before the Local Plan is submitted, there could be sufficient confidence to remove related policies in the Local Plan prior to submission (though this would need to be the subject of formal Modifications at some point). One example of where this may happen is in relation to Local Green Spaces or locally-specific design policies. However, the Local Plan is the place to set out a detailed protocol, which should be developed in discussion with the qualifying bodies.

5. It is also noted that the present wording of policy STR9 does not reference a Neighbourhood Plan’s role as part of the development plan for the borough, when duly ‘made’. The policy is now amended to clarify this, clearly stating that planning applications will be determined in accordance with a made Neighbourhood Plan, where a proposal is in its area, as well as the Local Plan, where adopted.

### **Non-parished areas**

6. It is proposed that additional wording is now added to the supporting text to include the approach for preparing a Neighbourhood Plan in unparished areas. The legal context for the preparation of neighbourhood plans is provided by the Localism Act and the Neighbourhood Planning Regulations (as amended) and this is now reflected in the additional wording.
7. To summarise, where there is no parish or town council, a neighbourhood forum would need to be formed and designated by the Borough Council in order to undertake neighbourhood planning. Such forums are legal bodies, responsible for leading and coordinating the neighbourhood plan. (Note: it is not possible to form neighbourhood forums in areas that have parish or town councils).

### **Support for neighbourhood planning and emerging Neighbourhood Plans**

8. In response to the comments from Cranbrook & Sissinghurst and Hawkhurst Parish Councils, the supporting text is now includes additional wording to identify the possible roles of a Neighbourhood Plan within the context of the local planning process.
9. Addressing the representations made requesting further clarity about the weight that should be given to an emerging Neighbourhood Plan in the decision making process, The supporting text now confirms that a ‘made’(adopted) Neighbourhood Plan comprises part of the statutory development plan for the borough and that the weight given to neighbourhood plans will increase as they progress through their stages and, once made, their policies will take precedence over earlier Local Plan policies if there are any overlaps or conflicts (if made after the Local Plan is adopted).
10. To clarify this important detail, the wording of policy STR9 now states that *‘Neighbourhood plans will be given increasing weight as they progress through their formal stages. In the event of overlaps or conflicts with non-strategic Local Plan policies, particular regard will be given to the respective stages of plan making and to the locally-specific focus and evidence base of relevant neighbourhood plan policies.’*
11. The above statement properly reflects the legal position. It may be added that regulations also set out that a local planning authority must have regard to a post-

examination draft neighbourhood development plan, so far as material to the application.

12. Also, to provide up to date information about Neighbourhood Plans in the borough, the introductory text to Policy STR9 now includes a link to the TWBC Neighbourhood Plan webpages in the PSLP version.
13. In addition to these changes, the supporting text is now amended as follows:
  - a) To clarify that Local Plan policies will not cover matters contained within a Neighbourhood Plan where the latter has progressed to having the benefit of an Examiner's report before the Local Plan is submitted, where those matters are specific to the area of the Neighbourhood Plan;
  - b) Additional wording added to the supporting text to include the approach for preparing a Neighbourhood Plan in unparished areas.

4.9.14 In addition, Section 1: Introduction of the Pre-Submission Plan is now amended to include a section on Neighbourhood Plans as forming part of the overall Development Plan for the borough.

## **4.10 Policy STR 10: Limits to Built Development Boundaries (LBDs) (now merged into revised Policy STR 1 – the Development Strategy in the Pre-Submission Local Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 51 comments were received in respect of this policy with 37 in objection. However, a significant number of these objections related to the definition of LBDs in relation to individual sites or settlements rather than the actual policy wording. Others were in support or made recommendations for amendment.
2. The main issues raised include:
  - A number of respondents were in support of the principle of LBD boundaries. However, concern was raised about the ability to review LBDs across the borough on a five yearly basis and allow flexibility to include site allocations at the review stage, stating development limits should be fixed for the plan duration and questioning/undermining the purpose of LBDs if such flexibility is allowed.
  - Several respondents considered the policy wording to be permissive and should be stronger in relation to any development proposed outside the LBD – i.e., development should be demonstrated to be “undeniably” necessary and full justification and mitigation should be provided. Also, development should be resisted in the AONB unless exceptional circumstances can be demonstrated.

- Several others said the policy is too restrictive and should allow built in flexibility for amendment in exceptional circumstances (including land in rural areas) where the five-year housing land supply is not being met. It was also suggested that a criteria-based approach such as Policy HOU5 of the Ashford Local Plan adopted February 2019 be adopted instead (this would mean discontinuing the use of LBD boundaries as Ashford does not have any).
- Natural England raised particular concern about the large quantum of development proposed in the AONB (which affords the highest level of protection) and how amendments to the LBD in some settlements will conflict with the purposes of AONB designation.
- A number of respondents raised concern that there is no information available at this stage about the LBD for Tudeley.
- A number of comments were received about LBDs relating to specific properties and/or settlements/parishes rather than the actual wording of Policy STR10 and some of the objections included requests to extend the LBD at various settlements to include specific sites for development which currently lie outside of it.

## Response

3. With regard to the comments about the principle of LBD boundaries and that there is too much flexibility allowed in the review of LBD boundaries – the Council wishes to continue with the use of this established policy tool as a way of setting clear parameters for proposed development both within and outside the LBD. In respect of reviewing LBDs, the Council is required by Paragraph 33 of the NPPF and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to review and update where necessary, policies in local plans and spatial development strategies, at least once every five years. 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.
4. With regard to the comments raised on the policy wording being strengthened in relation to any development proposed outside the LBD including full justification and mitigation and that development in the AONB should only be allowed in exceptional circumstances, it is considered that para 4.89 of the supporting text to Policy STR10 makes it clear that as well as this policy, all proposals will be assessed in the context of relevant Place Shaping Policies (Section 5) and Development Management Policies (Section 6) of the Plan, this includes DM policies EN20 relating to the Rural Landscape and EN21 relating to the AONB, where full justification for any proposed development and any relevant mitigation would need to be provided. Therefore, in the light of this and when reading the Plan as a whole, it is considered unnecessary to repeat the wording of other policies in the context of Policy STR10.
5. With regard to the comments raised that the policy is too restrictive and should allow built in flexibility for amendment in exceptional circumstances where the five-year housing land supply is not being met and a more criteria-based approach should be adopted, the approach of the five-year review would address this. Aside from this, where there is an unmet five year housing land supply, proposals on the edge of LBDs

are generally assessed on their merits in any event. With regard to the suggested criteria-based approach such as Policy HOU5 of the Ashford Plan adopted – which effectively means the discontinuance of LBD boundaries – this is considered not to be appropriate for the borough. It would not accord with a well-established and understood approach, nor would it accord with the overwhelming majority of the comments made to continue with the use of LBDs.

6. In light of these considerations, Policy STR10 is amended as follows:

- As suggested under Policy STR1 (The Development Strategy), the definition of LBDs is an integral part of the development strategy, as they provide the basis for determining where development is generally acceptable in principle and where it is not.
- Policy STR1 makes reference to LBDs in relation to other villages, but not in general terms, and it is therefore suggested that Policies STR1 and Policy STR10 need to be read together. Therefore, the two policies are now merged together, with a general approach, including reference to LBDs alongside the area-specific parts.
- The supporting text to the combined Policy is also amended to reflect the points highlighted in the consideration above.
- Provisional LBDs for the strategic sites at Tudeley Village and the proposed expansion of development to the west of Paddock and on land in east Capel are now included on the Pre-Submission Local Plan Policy Maps. These LBDs will be kept under review as the master planning for these sites progresses and at the post adoption 5 year review of the Local Plan referred to above

# Section 5: Place Shaping Policies

## 5.1 Royal Tunbridge Wells

### Main Issues raised in comments on the Draft Local Plan (DLP)

31. This summary identifies the main issues raised in Regulation 18 comments, including any petitions, on each policy in the Royal Tunbridge Wells chapter, as well as on any proposed changes to the Limits to Built Development (LBD).
32. A total of 711 comments were received in response to the Royal Tunbridge Wells chapter. Additionally, 669 people signed a petition for Residents Against Ramslye Development, concerned with Draft Local Plan site allocation AL/RTW18. The main issues are set out below.

### General comments and The Strategy for Royal Tunbridge Wells (STR/RTW1)

#### Summary of comments/issues/concerns raised

##### Level and location of proposed development

- There was concern that the overall development strategy is not sustainable and that a greater proportion of growth should be directed to Royal Tunbridge Wells (RTW) as the most sustainable settlement in the borough, with greater employment opportunities, services and facilities and infrastructure provision.

##### Development within the High Weald Area of Outstanding Natural Beauty (AONB) and Green Belt land

- Concern that there is insufficient justification for development within the AONB and is non-compliant with para 172 of the National Planning Policy Framework (NPPF) and Green Belt.

##### Heritage

- Concerns were raised about the overall approach to development in Royal Tunbridge Wells and the need to balance new development and the conservation of the historic character of the town.

##### Highways

- Concerns were raised with regards to traffic congestion within and across the town and improvements needed for cycle provision and parking provision. Highways England made general comments on trip distribution as a result of new development and the need for assessment in terms of relation with various junction points and the A21, A26 and the M25.

## Sports Strategy

- There was concern about the Sports Strategy and the sustainability of the proposed location for a new 'Sports Hub' at Hawkenbury, and the re-allocation of some existing playing pitches across the town for built development.

## Infrastructure

- There was concern about the strategy for education for the town, including concern for the need and location of a new secondary school at Spratsbrook Farm and primary school provision in the town. The possible need to safeguard sites for future provision at the local level was also raised.
- It was recognised that there are a number of sites which have cross boundary relationships with neighbouring authorities, including Wealden District Council and that this should be reflected within the policy wording and/or supporting text.

## Site specific Issues

The main issues raised in relation to proposed Draft Local Plan site allocations for Royal Tunbridge Wells included:

### Royal Tunbridge Wells Town Centre

- Extensive comments were received on the need to review the strategy for the Town Centre following the abandonment of the Calverley Square project which received a lot of objection.
- That consideration be given to the future of key sites within the Town Centre in association with the above – the Civic Site, including the Town Hall and the Assembly Hall Theatre, Mount Pleasant Avenue Car Park, the Great Hall Car Park as well as the former Cinema Site.
- Concern was also raised on the retail needs of the Town Centre, whether increased retail is required and indicating that some of the studies used to inform the Draft Local Plan are out of date and need to be reviewed/updated.
- That consideration be given to the heritage impact of a number of the schemes/allocations proposed and the importance of preliminary work to ascertain heritage significance.
- A number of comments were received for AL/RTW11 (Former Plant and Tool Hire, Eridge Road) stating that this site would be better developed for residential use as opposed to employment or retail uses.

### Employment Sites

- Significant concerns were received on the proposed employment development site at AL/RTW12 (Land adjacent to Longfield Road), mostly relating to highways and transport concerns and the proposal constituting major development in the Green Belt and AONB without adequate justification.
- Far fewer comments were received on the other sites in this area – with general support for the inclusion of the North Farm landfill site for sports/leisure uses but concerns in relation to the allocation of Colebrook House for employment uses in relation to the justification of development in the Green Belt and AONB.

- One respondent commented that site RTW15 (Land at Knights Park) is being considered as a potential Park and Ride site with Arriva and raised some concern about the loss of parking.

### The rest of Royal Tunbridge Wells

- Concern was raised about the impact on the historic importance of sites
- Concerns about the impact of development on agricultural land and local ecology
- The need to address cross boundary and infrastructure issues, in particular transport and traffic congestion
- The proposed allocation for residential development and a new secondary school at Sprattsbrook Farm has received significant objection from the 'Residents Against Ramslye Development' (669 people having signed a petition) and a further 284 standard responses were received objecting to the proposal, mainly concerning unjustified development in the Green Belt and AONB.
- The proposed Sports Strategy received support from Sport England, however there was considerable objection from local residents due to the location of the new hub at Hawkenbury and the loss of existing sports pitches.
- Highway objections were received in relation to three Draft Local Plan site allocations across the town including; AL/RTW21 Land at Culverden Stadium, AL/RTW22 Bayham Sports Field West and AL/RTW24 Land at Cadogan Sports Field (forming part of the proposed sports strategy for the town).
- AL/RTW14 Wyevale Garden Centre received comments in relation to its suitability as a site for ongoing and expanded retail use and concerns over the highway network.

### Other Sites

- A number of sites were not submitted as omission sites – many in support of the Councils assessment through the SHELAA and the non-allocation of identified sites, in particular from the Town Forum. However some have queried the site assessments and one particular individual has queried the accuracy of the site assessment and Sustainability Appraisal assessment/process in relation to some site constraints – in the main, the extent of the AONB.
- Some comments relate to sites which were allocated in the Site Allocations Local Plan 2016 and promoters are seeking reallocation in the Draft Local Plan – of particular note – the Turners Pie Factory which was not allocated within the Draft Local Plan.
- Only one additional site was submitted for consideration through the Local Plan consultation process, at Hawkenbury. Also of note was the submission of a large site at Castle Hill, which lies to the northern extent of RTW, in both the AONB and Green Belt – proposed as an alternative garden village settlement. However, this falls within Capel Parish and is therefore considered under the Capel section of this statement.

## Response

33. Following consideration of comments received above, findings from updated evidence base studies, including the Council's recently undertaken Retail, Commercial Leisure and Town Centre Uses study, The Landscape and Visual Impact Assessment and the Green Belt Study Stage 3 as well as other site assessment work, a number of changes are

proposed to the Royal Tunbridge Wells section of the Local Plan in relation to both the Strategic and site allocation policies, which are summarised in the key changes set out below:

- a. There are now two strategic policies proposed for Royal Tunbridge Wells;
  - i. STR/RTW 1 – The Strategy for Royal Tunbridge Wells – sets out the proposed strategic approach to development within the urban area of Royal Tunbridge Wells.
  - ii. STR/RTW 2 – The Strategy for Royal Tunbridge Wells Town Centre – sets out the proposed strategic approach to development within the defined Town Centre of Royal Tunbridge Wells and sets the framework and guiding principles for a future Town Centre Area Plan. The revised extent of the defined town centre, taking account of updated evidence is mapped spatially on Policy Inset Map 2. A number of sites located within the town centre which are included in the Town Centre Area Plan are key to the strategy, including the Royal Victoria Place Shopping Centre, the existing Civic Complex, the former cinema site, Mount Pleasant Avenue Car Park and surrounds and the Great Hall Car Park and surrounds and Torrington and Vale Avenue. The policy makes reference to the Town Centre Area Plan and the commitment and timetable for the production of this document is detailed within the Local Development Scheme.
34. The two strategic policies referred to above address a number of the key issues raised in the consultation comments, including the need for more growth in the sustainable settlement of Royal Tunbridge Wells, careful consideration of the town centre uses and updated evidence (informed by the updated Retail, Leisure and Town Centre Uses Study). Additionally, the new Strategic Policy STR3: Brownfield Land emphasises the need for effective and efficient use of urban land and suitable brownfield sites to ensure that best use is made of the higher levels of accessibility to supporting infrastructure, services, and facilities within established urban areas, including Royal Tunbridge Wells.
35. As referred to above, the Council will be producing a Town Centre Area Plan to specifically address the concerns and threats that are facing the Town Centre at present and will therefore take account of considerations such as protection of heritage, provision of infrastructure and retail, leisure, provision and other complimentary town centre uses. Please see the Economic Development Topic Paper for further detail.
  - a. Policy STR/RTW 1 states that the strategy as set out for Royal Tunbridge Wells will deliver approximately 1,416-1,536 new dwellings, including affordable housing, on 18 sites allocated in the Local Plan. Five new site allocation policies have been added to the Plan to include the following sites:
    - i. AL/RTW13: Turners Pie Factory, Broadwater Lane – for residential development of approximately 100 dwellings
    - ii. AL/RTW10: Montacute Gardens – for residential development of approximately 30 dwellings
    - iii. AL/RTW8: TN2 centre and adjacent land – for health and community uses

- iv. AL/RTW5: Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm – for residential development of approximately 100 dwellings
- v. AL/RTW/6: Land at 202 and 230 Upper Grosvenor Road – for residential development of 40-45 dwellings

It is considered that the inclusion of these sites suitably addresses the concerns mentioned above, which recognise that Royal Tunbridge Wells is a sustainable and well-connected location, suitable for a mix of residential and community uses, within close proximity to key employment opportunities.

- b. Additionally, Strategic Policy STR/RTW 2 recognises the role of further residential development within the town centre over the plan period and makes an allowance for at least 150-200 additional residential units to be provided within the town centre.
- c. In response to the comments received and with regards to further site assessment work and recent evidence within the Retail, Commercial Leisure and Town Centre Uses Study, the following policies are also the subject of significant amendment:
  - i. Policy AL/RTW11 – Former Plant and Tool Hire, Eridge Road – This site as previously drafted was allocated for residential and or a mix of employment and retail uses. Following the findings of the Retail, Commercial Leisure and Town Centre Uses Study, as well as comments made during the Regulation 18 consultation, it is considered appropriate to allocate this site just for residential development and remove this site from the town centre boundary as re-drawn around 1887 The Pantiles (former Union House).
  - ii. Policy SL/RTW16 – Land at Wyevale Garden Centre, Eridge Road – This site as previously drafted was allocated for A1 retail use that could include an A1 convenience store with an element of residential. Again, Following the findings within the Retail, Commercial Leisure and Town Centre Uses Study, as well as comments made during the Regulation 18 consultation, it is considered appropriate to allocate this site for expansion of the existing commercial use as well as an element of residential development of approximately 25-30 dwellings, due to its location outside of the town centre boundary.
  - iii. AL/RTW18 – Spratsbrook Farm - The site has is now proposed to be reduced to include only the front southern section of the site (which does not fall within the AONB) for residential development, and the remaining part of the site is proposed to be designated for informal open space/recreation. The revised policy takes account of the significant objection raised at Regulation 18 as well as further evidence base work carried out, in the main the Landscape and Visual Impact Assessment and heritage considerations. Additionally, Kent County Council Education have more recently stated that based on updated work there is no longer the requirement for a full new secondary school during the plan period and therefore no specific allocation is required within the town of Royal Tunbridge Wells for a new secondary school; and that any increase in pupil numbers can be met by the extension of existing secondary schools within town and the wider education planning area.
  - iv. Policy AL/RTW28 – Land at Showfields Road and Rowan Tree Road – this site was allocated for a mixed use hub to include a new medical facility and other

community uses in the Draft Local Plan. Following discussions with Town and Country Housing Peabody Group, the Council have been made aware of the group's intention to regenerate this wider area for significant additional residential development and associated community uses, broadly in accordance with the Draft Local Plan policy. The Policy has been reviewed and updated for the proposed provision of approximately 155 additional dwellings and health and community uses.

- d. In response to concerns raised over the proposed Sports strategy for the urban area including the new Sports Hub at Hawkenbury, it should be noted that Sport England have been involved in the production of the evidence base documents that have been produced to support the Local Plan and have endorsed the approach taken. Further work was undertaken following the Regulation 18 consultation, to assess in further detail the possible options for the provision of a new sports hub under Tunbridge Wells Site Options Analysis - Tunbridge Wells Borough Council Sports Hub – July 2020 which reaffirmed the approach for a new sports hub at Hawkenbury.
  - e. A further amendment has been made in relation to draft allocation AL/RTW13 – Land at Colebrook House. This site was previously allocated for employment uses. However following assessment of the updated evidence in relation to Green Belt and Landscape considerations as well as the overall strategy for growth, it has been considered that the site is not required for meeting employment needs within this Local Plan. It is however proposed to be identified as safeguarded land and be removed from the Green Belt in order to meet future employment land needs should future employment provision be required over the longer term.
36. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundary

37. The LBD boundary at Royal Tunbridge Wells is amended in the Pre-Submission Plan to include the developable area of proposed site allocations (some of which forms part of proposed Green Belt release) and extant and built-out planning permissions, with related landscape buffers and green/community space generally excluded. Exceptions to this are proposed site allocation AL/RTW 19 (land to the north of Hawkenbury Recreation Ground) as it is to be allocated for a new sports hub and recreational use, and site allocation AL/RTW 18 (land at the former North Farm landfill site, North Farm Lane and land at North Farm Lane, North Farm Industrial Estate) to be allocated for renewable or sustainable energy, sport, recreation, or leisure uses, on the edge of the settlement.
38. Other amendments include the proposed extension of the LBD to include existing buildings at Skinners' Kent Academy and Beechwood Sacred Heart School, with play space and playing fields on the edge of the settlement excluded. While Rosehill School is proposed to remain included, but with its associated play space and playing fields now proposed to be excluded from the existing LBD boundaries. Other existing built development proposed to be incorporated into the LBD includes existing dwellings to the east of Rydal Close, buildings to the north of Bishops Down Primary School, existing

dwellings to the east of Bayham Road and an additional existing dwelling at the western end of Huntleys Park, all of which are considered to be a logical extension to the built form of the settlement.

39. The Tunbridge Wells Household Waste Recycling Centre just south of proposed site allocation AL/RTW18 is proposed to be included in the LBD. The LBD is also amended to include the proposed extension of rear garden areas of dwellings to the east of extant planning permission 19/01801/OUT (for 8 residential units, also proposed to be included in the LBD) and to the west of Reynolds Lane, to reflect the consistency of garden sizes included within the LBD boundaries in this part of the settlement.
40. The LBD is proposed to be amended to exclude recreational areas, woodland and green open space on the edge of the settlement at/on:
  - the outer eastern boundaries and non-developed woodland/green open space beyond the southern boundary of Knights Park/Wood,
  - Hawkenbury Recreation Ground
  - open green space/forested area to the rear of the dwellings to the north of Summervale Road,
  - open space south-east of Dukes Drive
  - forested area north of Nuffield Health Tunbridge Wells Hospital
  - green area/open space adjacent to London Road (A26) and south of Mount Ephraim Road
  - green area/open space west of Vale Road
  - children's playground east of Greggs Wood
  - Tunbridge Wells Sports Centre's outdoor play space/areas
  - Tunbridge Wells Girls' Grammar School play space/playing fields
  - St John's Park
41. Other proposed amendments to the existing LBD include exclusion of buildings at the western end of Coniston Avenue (pumping station and Hurstwood Cottages), as they are considered to be sporadic development separated from the main built area of the settlement; as well as the reduction of the extent of The Spa Hotel grounds on the northern side of Langton Road, as this is a large, landscaped, partly open and wooded area in the Conservation Area on the edge of the settlement.
42. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary maps.

## 5.2 Southborough

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in comments, including any petitions, on each policy in the Southborough chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. In total, 380 comments were received on the Southborough section of the Draft Local Plan. The main issues are set out below.

### General comments and The Strategy for Southborough (STR/SO 1)

#### Summary of comments/issues/concerns raised

##### Level and location of proposed development

- The majority of comments expressed concern over the scale of development proposed, particularly in relation to Draft Local Plan AL/SO4 Mabledon House

##### Development within the High Weald Area of Outstanding Natural Beauty (AONB) and Green Belt land

- It was stated that the proposed development within the AONB is non-compliant with para 172 of the National Planning Policy Framework (NPPF)
- Green Belt considerations and the coalescence of Southborough and Tonbridge to the north were also as key concerns.

##### Insufficient infrastructure and services

- Concern that there is insufficient infrastructure to support the proposed level of development
- There was recognition that the proposals are close to the boundary with Tonbridge, and therefore the capacity of infrastructure such as education, health and impact of services within the Tonbridge and Malling area will need to be considered

##### Traffic and highways

- Traffic congestion, pollution and air quality were key issues raised by many respondents

#### Site specific Issues

The main issues raised in relation to proposed site allocations for Southborough included:

Policy AL/SO1 Southborough Hub, London Road

Comments were received in relation to transport and highways (including that reference should be made to a proposed cycle route between the Ridgeway and the A26), heritage (archaeology) and strain on existing infrastructure (including schools and health centres) from KCC Highways and Heritage.

#### Policy AL/SO2 Speldhurst Road former allotments

Comments were received in relation to transport and highways including from KCC Highways and on landscape and local character.

#### Policy AL/SO3 Land at Mabledon and Nightingale

- Landscape/character - Most comments were received in objection primarily in relation to the development constituting major development in the AONB and not being adequately justified by the NPPF tests demonstrating 'exceptional circumstances'. Green Belt considerations and the coalescence of Southborough and Tonbridge to the north were also key concerns.
- Lack of clarity – Some comments consider the policy to be too vague and unclear on where development would go on the site. There are also questions raised over what the community facilities will comprise.
- Transport and highways – concern raised over congestion of A26, air pollution levels, vehicular and pedestrian safety. KCC support the policy with conditions, and request policy wording.
- Infrastructure – There is widespread concern that more development will strain existing infrastructure in Southborough

#### Policy AL/SO4 Land at Mabledon House

- Scale of development – A number of comments received were in relation to the principle of the development and the justification for it, as well as the scale and extent
- Landscape/character – including objection in relation to the development constituting major development in the AONB and not being adequately justified by the NPPF tests demonstrating 'exceptional circumstances'.
- Transport and highways – concern raised over congestion of A26, air pollution levels, vehicular and pedestrian safety. KCC support the policy with conditions.
- Heritage – The heritage value of Mabledon House and its historic setting were also key concerns. Historic England reinforced the need for sensitive development to protect and enhance the heritage assets.
- Infrastructure – There was widespread concern that more development will strain existing infrastructure in Southborough

## Response

3. The Draft Local Plan included four site allocations in Southborough Parish, which were set out in the following policies:
  - a. Policy AL/SO1: Southborough Hub, London Road;
  - b. Policy AL/SO 2:Speldhurst Road former allotments (Land between Bright Ridge and Speldhurst Road)
  - c. Policy AL/SO3:Land at Mabledon and Nightingale; and
  - d. Policy AL/SO4: Land at Mabledon House

4. Following consideration of comments received in response to the Draft Local Plan, findings from updated evidence base studies, including the Landscape and Visual Impact Assessment and the Green Belt Study Stage 3, as well as further site assessment work, three key changes are proposed to the Southborough Parish section of the Local Plan, in relation to site allocations. These key changes are summarised as follows:

5. Deletion of Policy AL/SO 1: Southborough hub, London Road

The site is not included in the Pre-Submission Local Plan due to the fact that the scheme has largely been implemented on site and therefore there is no need to allocate it within the next version of the Local Plan.

6. Deletion of Policy AL/SO3: Land at Mabledon and Nightingale

This draft site allocation is proposed to be deleted from the Pre-Submission Local Plan. This is a result of further work carried out in relation to landscape sensitivity and Green Belt function and it has been concluded that this allocation should not be taken forward as an allocation, although there may be scope for development on a farmstead approach via the development management process on a case by case basis.

7. Newly proposed Policy AL/SO3: Land at Baldwins Lane, Southborough

This new site was submitted for consideration as part of the Regulation 18 Consultation and forms a wider site for consideration. However, due to concerns with regards to availability and deliverability as a result of the site being within a number of different ownerships, it is not considered appropriate to allocate the whole site. Therefore, part of the site that benefits from an existing planning permission is allocated for 26 residential dwellings.

8. The recommended changes to the site allocations proposed for Southborough are reflected in the revised strategy for Southborough Parish, Policy STR/SO1. Other changes to this strategic policy are a consequence of a review to remove repetition from the Local Plan, where previous policy criteria are dealt with by other policies of the Local Plan and following a review of Section 106 /developer contribution matters.

9. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundary

10. There are no proposed site allocations or Green Belt releases in the Pre-Submission Local Plan for Southborough which affect the LBD boundary. However, other amendments include the exclusion from the LBD of the playing pitch north of Barnetts Way/east of Powder Mill Lane; as well as an open green space and forested area south

of Holden Road. The extent of the garden of a dwelling (Longmeads) at the end of The Glen has also been reduced and excluded from the LBD to reflect the consistency of garden sizes included within the LBD boundaries in this part of the settlement.

11. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.3 Paddock Wood

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in Regulation 18 comments, including any petitions, on each policy in the Paddock Wood chapter, as well as on any proposed changes to the Limits to Built Development (LBD).
2. There were a significant number of comments (669 comments) submitted during the consultation on the Paddock Wood proposals. Many of the comments received were submitted in relation to both Paddock Wood and land in East Capel, as well as Tudeley Garden Village; as these were applicable to both they have therefore been included within the summary in the Capel chapter and this should be referred to accordingly alongside this chapter.
3. It should also be stated that this summary includes comments raised as part of a petition (by 'Save Capel') to Tunbridge Wells Borough Council where 3,750 signatures were signed to remove the proposal to build 4,000+ new homes in Tudeley and East Capel from the Draft Local Plan.

### General comments and The Strategy for Paddock Wood (STR/PW 1)

#### Summary of comments/issues/concerns raised

- Green Belt - in particular Green Belt release, but also brownfield alternatives and the lack of supporting studies
- Infrastructure and services - including general existing and potential infrastructure issues, water and sewerage issues, the need for Paddock Wood Town Centre regeneration, education issues, healthcare issues, gas and electricity supply issues, opportunity costs, community infrastructure, electric vehicle charging points, household waste issues, and the impact on other local authorities' infrastructure and services
- Flooding - relation to the Strategic Flood Risk Assessment, existing and potential flooding issues, catchment areas, and the possible need for mitigation measures outside of the borough

- Transport and parking – including active travel/modes of transport, traffic issues and proposed road improvements/linkages, public transport, parking, air quality, and general policy wording amendments
- The climate / environment - on climate change/global warming and pollution considerations, the impact on ecology, impact on agriculture, impact on mental and physical wellbeing, and geology
- The distribution of development - terms of the overall development strategy, potential coalescence between Paddock Wood, Five Oak Green, and Tonbridge, as well as the perceived lack of prior consultation
- Housing numbers / needs / and delivery of strategic site allocations - including on the Plan's overall housing needs figures, affordable housing needs, the allocation made for gypsies and travellers, future growth, housing for older people, and housing delivery
- Garden settlement principles - in relation to connectivity, and potential assistance from government
- Heritage - regarding designated and non-designated heritage asset and Heritage Assessments
- Character - the impact on the country's classic countryside character as well as that of Capel/Paddock Wood, but also on the Area of Outstanding Natural Beauty
- Economic / employment opportunities – including the movement of shops, alternative locations for employment opportunities, the impact on Tonbridge businesses, public car parking and commuter use, existing employment opportunities for proposed housing, and the type of proposed employment opportunities
- Sport and Recreation - including general comments and suggested amendments to the policy, the importance of retaining green spaces, as well as potential flooding issues
- General – in relation to the separation of policies in the Plan
- Masterplanning - in relation to the overall masterplan for the area and subordinate masterplans, separate masterplans for different areas (i.e. east, west, and town centre masterplans)
- Windfall sites – on the clarification required over what the windfall developments will be as referred to in the policy
- Viability - in relation to the viability assessment.

## Site specific Issues

The main issues raised in relation to proposed site allocations for Paddock Wood included:

### Policy AL/PW 1 – Land at Capel and Paddock Wood

- Housing numbers / needs / delivery – concern about the housing density, delivery, affordable housing, housing for older people and the overall housing need in the Plan
- Transport and parking – issues including public parking and transport, traffic and congestion, the need for highway improvements, suggested amendments to policy wording and contributions and off-site policy requirements
- Landscape/Character - the impact on the setting of the AONB, the need to retain gaps/green spaces within the settlement
- Climate / environment - the general need to preserve greenfield spaces
- Heritage - in relation to the importance of the site as a war memorial, as well as designated and non-designated heritage assets
- Viability - in relation to the current and potential cost of the project

### Policy AL/PW 2 – Paddock Wood Town Centre

- Infrastructure and services – including the importance of the Town Centre’s redevelopment, sewerage, as well as the need for community facilities
- General - including general clarifications sought as well as general suggested amendments to the policy
- Masterplanning - including on masterplan deliverability (previous and proposed) as well as on possible proposals to incorporate within the masterplan
- Character - in terms of retaining the Town Centre character
- Economic / employment opportunities - in terms of the need to protect the primary shopping area
- Transport and parking - public car parking, and public transport
- Town Centre Boundaries – regarding the proposed Town Centre boundary amendments
- Heritage - on designated and non-designated heritage assets
- Viability - the importance of Council assistance in ensuring viability

### Policy AL/PW 3 – Land at Mascalls Farm

- Housing numbers / needs / delivery - in relation to the allocation in addition to houses already permitted
- Infrastructure and services - in relation to sewerage, and overhead electricity lines
- Heritage - on designated and non-designated heritage assets
- Transport and parking - including general suggested amendments to the policy (including the need for contributions and a further transport assessment)
- Character - the impact on the setting of the AONB
- Climate / environment - in relation to the general need to preserve greenfield spaces

### Policy AL/PW 4 – Land at the Memorial Field, west of Maidstone Road

- Sport and recreation – including concern on the inaccuracy of the Assessment finding the Memorial Field as ‘surplus to requirements’, the need to retain the site for sport and recreation

- Ranking of possible sites, the parish poll and parish petition - in terms of the ranking of possible sites prior to the Town Council decision and the subsequent parish poll, as well as the results of the parish poll and petition
- Alternative locations for a community hub - including Putlands, Eastlands, the field at Green Lane, St Andrews Church, the Masonic Hall, Nursery Road, the old Hop Pocket Public House, the Wesley Centre, and Downing House
- Heritage - the importance of the site as a war memorial, as well as designated and non-designated heritage assets
- Transport and parking - With regards to the capacity of car parking space, vehicle accessibility, and traffic issues, as well as pedestrian accessibility
- Flooding – including the opportunity cost, the lack of flooding issues on site, and the unfeasibility of providing pitches on other sites
- Site boundaries - in relation to the inclusion of the allotments within the site boundary
- Existing facilities – including the potential to upgrade facilities without losing green space
- Character - in terms of the need to retain gaps/green spaces within the settlement
- Viability - in relation to the current and potential cost of the project

## Response

4. The Regulation 18 Draft Local Plan included the strategic sites within the strategic policies for the respective parishes: Capel and Paddock Wood. Tudeley Village was provided under the strategic policy for Capel parish, and due to land within both parishes, Paddock Wood and east Capel was set out twice, under both parishes.
5. In addition to the strategic policies, there were separate site allocation policies for each strategic site (AL/CA1 for Tudeley Village and AL/CA3 and AL/PW1 for Paddock Wood and East Capel). There were two site allocation policies for Paddock Wood and east Capel: one in the Capel Parish sub-section, and the second in the Paddock Wood parish sub-section.
6. The above approach to the policy followed the method taken for the other Place Shaping sub-sections of the Local Plan, which dealt with the overarching strategies and subsequent allocations on a parish or unparished area basis. However, due to the strategic nature of the proposed growth around Paddock Wood (which includes land within both Paddock Wood and Capel parishes), this approach resulted in a lot of unnecessary duplication and a potentially unclear Local Plan approach. As set out above, this attracted considerable comment and criticism through the Regulation 18 consultation.
7. Accordingly, given the scale of the proposed growth at Paddock Wood (including land at east Capel), it is considered the Local Plan should include individual strategic policies relating to both this growth site and the planned new settlement at Tudeley Village. The growth planned in these locations has been comprehensively considered through the masterplanning work and associated Strategic Infrastructure Framework which has been prepared by the Council's appointed consultant David Lock Associates (DLA) (along with the Tudeley Village Delivery Strategy). Providing a separate strategic policy for each settlement provides a better opportunity for masterplanning work to be properly integrated into the policies and supporting text. This approach removes the need for a separate

“strategic” and “allocation” policies for these sites and the unnecessary duplication highlighted above.

8. Within a similar context, the matters relating to the revitalisation of Paddock Wood Town Centre are considered to be of a strategic nature and accordingly an overarching strategic policy for the Town Centre is proposed rather than a separate allocation. It is considered that this strategic, masterplan approach will carefully demonstrate the consideration of the key issues raised at Regulation 18, including matters such as heritage, landscape and character, infrastructure provision and retail and town centre uses.
9. The Strategic Sites Topic Paper provides details on the approach taken to masterplanning and delivery of the required infrastructure to not only mitigate against the growth planned, but also to ensure delivery of the new settlements in line with garden settlement principles. An explanation of how the advice provided has been integrated into policy is also set out. This detail is not repeated here.
10. Additional changes to the policy, resulting from further site assessment work and from conclusions drawn from the masterplanning of the strategic sites, include the following:
  - i. The land at Memorial Field is now included within the strategic policy for the proposed growth around Paddock Wood and has been included within the strategic policy for Paddock Wood and east Capel, to be included in the masterplanning.
  - ii. Accordingly, with the allocations for AL/PW1, AL/ PW2 and AL/ PW4 now forming either a separate strategic policy (town centre) or are included in the Land at Paddock Wood and east Capel strategic policy (AL/PW1 and AL/PW4) within the Plan, it is proposed that a strategic policy for Paddock Wood is introduced which deals with any other development in the area (excluding the land subject to the growth which is being masterplanned) along with the remaining allocation (Land at Mascalls Farm) only.
11. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundary

12. The Pre-Submission Local Plan includes the creation of a provisional LBD boundary for the proposed strategic development under site allocation STR/SS1 (The Strategy for Paddock Wood and east Capel), subject to further modifications based on any forthcoming masterplanning work associated with this site allocation. This provisional LBD boundary follows the extent of the site allocation at a general 20m buffer from the outer boundaries to allow for any landscape buffers.
13. Another amendment includes the incorporation of Mascalls Academy and its associated playing field to the north (which will be enclosed by existing built development to the north, and new built development to the east and west once extant planning permissions 17/03480/FULL (and at Mascalls Farm) and 14/506766/HYBRID (Mascalls Court Farm)

are built-out).The remaining playing fields to the south-west are to remain excluded, although these will be reviewed and incorporated within the LBD to the south-east as site allocation STR/SS 1 is developed, as the playing fields form part of it.

14. The Pre-Submission Plan also shows the retained inclusion within the LBD of existing Site Allocation Local Plan 2016 site allocation AL/PW4 (land at Mascalls Farm), now proposed site allocation AL/PW 1. The landscape buffers are, however, excluded in the Pre-Submission Local Plan.
15. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.4 Capel

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This Summary identifies the main issues raised in Regulation 18 comments, including any petitions, on each policy in the Capel (including Tudeley Village) chapter, as well as on any proposed changes to the Limited to Built Development (LBD).
2. There were a significant number of comments (990 comments) submitted during the consultation on the Capel proposals. Although many of the comments received were submitted in relation to Tudeley Garden Village, many were submitted also in relation to the Paddock Wood allocation (AL/PW1, which includes Land in East Capel (i.e. AL/CA 3)). The Paddock Wood section of the Consultation Statement includes further comments made specifically in relation to the Paddock Wood.
3. It should be noted that the issues summarised below may be duplicated with, and some raised separately to, those issues which are summarised in the Paddock Wood summary under STR/PW1 and AL/PW1.
4. It should also be stated that this section includes comments raised as part of a petition (by 'Save Capel') to Tunbridge Wells Borough Council where 3,750 signatures were made to remove the proposal to build 4,000+ new homes in Tudeley and East Capel from the Draft Local Plan.

### General comments and The Strategy for Capel (STR/CA 1)

#### Summary of comments/issues/concerns raised

- Transport and Parking - with regard to traffic issues and proposed road improvements/linkages, public transport, active travel and public car parking
- Infrastructure - including general comments on existing infrastructure issues, proposed separated Infrastructure Delivery Plans for Tudeley and Paddock Wood, costs of infrastructure/viability, the impact on Tonbridge, healthcare, sewerage and drainage

issues, education, water supply, electricity and gas, emergency services, and waste storage

- Climate / Environment - in relation to flooding and the impact of climate change, pollution and climate change
- Green Belt - in relation to Green Belt release, housing need as an exceptional circumstance, the buffer between Paddock Wood and Tonbridge, and future Green Belt development
- Flooding - including on the suitability and impacts of building on flood plain, mitigation measures from developer contributions, and hydrological catchments
- Distribution of Development - including on coalescence, the lack of need for proposed development in East Capel, the A21 growth corridor alternative, brownfield land, proposed further dispersed growth, reasonable alternatives, and the Horsmonden alternative
- Character - in terms of the impact on character, the impact on the AONB, and the impact on landscape
- Heritage - with regard to the general impact on heritage, and the impact on designated/non-designated heritage assets
- Housing Numbers / Needs / Delivery - the housing needs calculation, affordable housing, housing for older people, phasing, delivery and the local housing market, and housing density
- Economic / Employment Opportunities - employment and retail provision, the impact on Tonbridge, and Paddock Wood Town Centre regeneration
- Garden Settlement Principles - the railway line affecting cohesion
- Sport and Recreation - the use of proposed land for recreation, the impact on health and wellbeing benefits, and sport and leisure facilities
- Masterplanning - in terms of who will deliver the masterplan, Hadlow Estate's masterplanning experience, the delivery of infrastructure through masterplanning, active design principles within masterplan, community engagement, and an alternative approach to masterplan.
- General comments - in relation to the single landowner, the lack of studies, maps 37 and 38, covenants, Hadlow Estate property, land equalisation agreements, general soundness of the Plan due to reliance on Tudeley Garden Settlement, duty to cooperate/statements of common ground, and other matters

## Site specific Issues

5. The main issues raised in relation to proposed site allocations for Capel included:

## Policy AL/CA1 – Tudeley Village

- General - including general suggested amendments to policy wording, proposed amendments to the Plan period, and map 37: incorrect land ownership details
- General Comments on Location - urban sprawl and lack of proximity to Tunbridge Wells, the location of railway line, and proposed alternative locations
- Transport and Parking - including general suggested amendments to policy wording, traffic issues and proposed road improvements/linkages, public transport, parking and access at All Saints' Church
- Character/landscape - impact on character, the impact on landscape, and the impact on AONB, Green Belt release and the replacement of Green Belt
- Infrastructure and Services – including general comments on infrastructure issues, sewerage, the high-pressure gas pipeline, the irrigation pipeline, and infrastructure masterplanning work
- Climate / Environment - impact on Tudeley Woods, pollution and climate change, and agriculture
- Housing Numbers / Needs / Delivery - housing need, housing density, and phasing and delivery
- Heritage - impact on designated/non-designated heritage assets, and the setting and security of All Saints' Church
- Economic / Employment Opportunities - employment provision

## AL/CA 2 – Land to East of Tonbridge/West of Site for Tudeley Village

- Transport and Parking - including the lack of walking and cycling infrastructure, public transport, the impact on traffic, access to the public highway, and the link to both parts of the site
- General Comments on Location - urban sprawl and lack of proximity to Royal Tunbridge Wells, the location of railway line, and proposed alternative locations
- Climate / Environment – including issues on air quality/pollution, agricultural land, ancient woodland, and biodiversity and priority habitats
- Infrastructure and Services - in relation to the school catchment area, school demand, the impact on Tonbridge, the high pressure gas pipeline, the irrigation pipeline, and infrastructure masterplanning work
- Flooding – in relation to flood risk
- Heritage - including the impact on listed buildings, and archaeology
- Health and Safety - the risks of adjacent railway line, and Postern Lane/B2017 safety risks
- Landscape/Character - in terms of the impact on AONB, and the impact on character and harm to the Green Belt

## AL/CA 3 – Land at Capel and Paddock Wood

- Transport and Parking - including general suggested amendments to policy wording, the condition of existing roads, and public transport and public car parking, and contributions and other off-site policy requirements
- Infrastructure and Services - including general comments on infrastructure provision, healthcare, and sewerage
- General - including on policy duplication

- Housing Numbers / Needs / Delivery - in terms of housing density, and phasing and delivery
- Landscape/Character - in terms of the impact on AONB, and the impact on character and harm to the Green Belt Heritage - including on the impact on designated/non-designated heritage assets);
- Climate / Environment - in terms of pollution and climate change, agriculture, and calculating biodiversity net gain
- Flooding - regarding the impact on flooding
- Sport and Recreation - in relation to leisure facilities

## Response

6. As presented above, the majority of issues raised in relation to Capel parish (including the land to the east, included within the Paddock Wood expansion, and Tudeley Village) are concerned with the scale and distribution of development that is proposed, and the impacts that the development may have on a range of factors including infrastructure, flood risk, landscape and character, and heritage.
7. The Council has undertaken a comprehensive masterplanning exercise to inform the allocation for growth around Paddock Wood and east Capel, by a team led by David Lock Associates (DLA and including Stantec, JBA and SQW to advise on transport, drainage and economic matters accordingly). The Masterplanning and Infrastructure Study provides a structure plan which identifies the development potential of the expanded settlement, including key infrastructure and linkages to ensure the expanded settlement is delivered on garden settlement principles and encourages active modes of travel
8. Similarly, The Hadlow Estate has prepared a detailed masterplan document (Tudeley Village Delivery Report) setting out the growth potential and delivery options for Tudeley Village.
9. This masterplanning work is in addition to other relevant background evidence base documents (including Green Belt, AONB, flood risk and viability assessments) which have informed and underpinned the consideration of opportunities and constraints. The Distribution of Development Topic Paper sets out the exceptional circumstances for the release of Green Belt land.
10. The DLA work also includes a Strategic Site Infrastructure Framework. This clearly identifies the requisite infrastructure required to facilitate both the growth planned at Paddock Wood and east Capel, and in Tudeley Village, not only to mitigate any impact of the growth, but also to ensure the settlements are delivered in line with garden settlement principles. This has been informed through collaborative discussions with key stakeholders. This infrastructure has all be itemised and fully costed, to inform a viability assessment to ensure the settlements, and the associated infrastructure are deliverable.
11. It is therefore considered from the key findings of the above, that the approach to Capel suitably addresses these concerns through the collaborative and holistic masterplanning approach that has been demonstrated. Further information on the work which has been undertaken on the Strategic Sites can be found within the Strategic Sites Topic Paper. This Topic Paper also provides full analysis of how the findings of the masterplanning

work which has been undertaken has been incorporated into Policies STR/SS1 and STR/SS3 to ensure a sound policy position.

12. Another of the main concerns raised in the Regulation 18 comments related to the presentation and duplication of the Capel and Paddock Wood strategic policies. The Regulation 18 Draft Local Plan included the strategic sites within the strategic policies for the respective parishes: Capel and Paddock Wood. Tudeley Village was provided under the strategic policy for Capel parish, and due to land within both parishes, Paddock Wood and east Capel was set out twice, under both parishes.
13. In response, and given the scale of the proposed growth at Tudeley Village and Paddock Wood and east Capel, it is considered the Local Plan should include individual strategic policies relating to these growth sites. The growth planned in these locations has been comprehensively considered through the masterplanning work and associated Strategic Infrastructure Framework prepared by DLA. Providing a separate strategic policy for each settlement provides a better opportunity for masterplanning work to be properly integrated into the policies and supporting text. This approach removes the need for a separate “strategic” and “allocation” policy for these sites and the unnecessary duplication highlighted above.
14. The changes proposed, following consideration of comments above received in relation to the Draft Local Plan are summarised in the key changes as set out below.
  - The strategic sites now form a new sub-section under Chapter 5: Place Shaping Policies.
  - There are now two strategic policies for the strategic sites:
    - i. Policy STR/SS1: The Strategy for Paddock Wood and East Capel- sets out the strategic approach to development around Paddock Wood, including land in Capel parish.
    - ii. Policy STR/SS3: The Strategy for Tudeley Village- sets out the strategic approach to development within the new garden settlement at Tudeley Village.
  - There will no longer be separate site allocation policies in relation to the above sites. The following allocations are proposed to be encompassed with the new strategic sites policies:
    - i. Policies AL/ CA1 and AL/CA2 will be encompassed within Policy STR/SS3 (Tudeley Village);
    - ii. Policies AL/PW1 and AL/ CA3 will be encompassed within Policy STR/SS1 (Paddock Wood and East Capel), which will also include AL/PW4 .
    - iii. Policy AL/PW2 PW Town centre will have its own strategic policy (STR/SS2).
15. The Hadlow Estate held its own public exhibition on its emerging masterplan for Tudeley Village at the end of 2020. The Hadlow Estate has amended its masterplan to reflect comments received as part of its consultation, and recommendations from

reports on the AONB and Green Belt commissioned by the Council as evidence base documents to the Local Plan.

16. A key change since the Regulation 18 Local Plan in the delivery of Tudeley Village is the location of the proposed secondary school. This was originally proposed on land to the west of Tudeley Village to the east of Tonbridge. However, following feedback at Regulation 18 consultation, from KCC education in particular, it was considered appropriate to consider an alternative location (concerns were raised over the deliverability of a secondary school to the west of Tudeley Village due to the topography of the site and being on the wrong site of Tudeley Village to the catchment it is seeking to serve). Accordingly, within the Pre-Submission Local Plan, the new Secondary School is being proposed within the Tudeley Village allocation, on land in the south eastern parcel.
17. Of note was the submission of a large site at Castle Hill, which lies to the east of the Parish, to the west of the A21. It was submitted as an alternative garden village settlement which can accommodate around 1,600 new homes. The site is located, in both the AONB and Green Belt. The Sustainability Appraisal confirms this is not a reasonable alternative for the Garden Settlement.
18. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundaries

19. The Pre-Submission Local Plan includes the creation of a provisional LBD boundary for the proposed strategic development under site allocation STR/SS 3 above (The Strategy for Tudeley Village), which will be subject to further modifications based on any forthcoming masterplanning work for this new settlement. The provisional LBD boundary generally follows the extent of the site allocation with offsetting from the boundary in some parts to allow for landscape buffers.
20. There are no proposed changes to the LBD boundary at Five Oak Green in the Pre-Submission Plan as the existing LBD boundaries adjoin the Green Belt and no Green Belt releases are proposed for this settlement.
21. The existing LBD at Brook Farm is proposed to be removed, as this is an employment/economic area rather than a settlement. However, it is proposed to be retained as a 'Key Employment Area' in the Pre-Submission Local Plan to allow for the retention, expansion, and/or redevelopment of employment provision at this location. This Key Employment Area is shown on Pre-Submission Local Plan Policy Inset Map 9.
22. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary maps.

## 5.5 Cranbrook and Sissinghurst

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This Summary identifies the main issues raised in comments, including any petitions, on each policy in the Cranbrook and Sissinghurst chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. In total, 467 comments were received directly relating to Cranbrook and Sissinghurst Parish. The main issues are set out below.

### General comments and The Strategy for Cranbrook and Sissinghurst (STR/CS 1)

#### Summary of comments/issues/concerns raised

Level and location of proposed development - proposals represent unsustainable development

- The majority of comments expressed concern about the scale of housing development proposed for the parish in the Local Plan
- Concern that the distribution of development in the Local Plan does not reflect local requirements
- Cranbrook is not considered to be an urban area development in this area and is considered to be unsustainable

Development within the High Weald Area of Outstanding Natural Beauty (AONB)

- Many comments expressed concern that all of Cranbrook is located within the AONB and the proposed development is non-compliant with para 172 of the National Planning Policy Framework (NPPF) (*note, not all of the Parish of Cranbrook and Sissinghurst is located within the AONB*)
- Concern was raised about the potential for coalescence between settlements and additional wording is suggested to strengthen policy requirement (6) that relates to landscape gaps

Heritage

- The allocation of sites should be subject to an appropriately robust and detailed heritage impact assessment prior to the allocations being adopted
- Concern about the impact of development upon the character of the settlements, the importance of heritage being underestimated

Impact of development upon road capacity

- KCC Highways stated that the impact of the development in Cranbrook on the Hawkhurst junction is a concern.
- Concern about increased traffic and the impact of their proposed development on the local road network that includes narrow country lanes, including at Hawkhurst, Goudhurst Staplehurst

#### Public Rights of Way (PRoW)

- There were some comments proposing that the policy should also require the delivery of a local cycle network for short distance utility trips, 2 to 3 km
- The proposed Bedgebury to Sissinghurst cycle path should be identified in the Policies map
- The proposed route should be dedicated as a public bridleway/restricted byway

#### Insufficient infrastructure and services

- Concern that there is insufficient infrastructure to support the proposed level of development, including reference to educational and medical facilities, provision of public transport, water and sewerage and electricity substations, green open space, sports and leisure facilities. Comments were also made about the failure to provide sufficient road infrastructure as well as public car parking
- The NHS West CCG commented that the current three medical premises are not suitable in the long term and do not have capacity to accommodate the growth proposed
- Concern was raised about the existing capacity of the Waste Water Treatment Works in Sissinghurst to accommodate the proposed level of development.

#### Not in accordance with the draft Cranbrook and Sissinghurst Neighbourhood Plan

- The relationship between neighbourhood plans and the TWBC Local Plan needs to be better defined and the ability for neighbourhood plans to make direct allocations needs to be restored.

#### Site specific Issues

The main issues raised in relation to proposed site allocations for Cranbrook and Sissinghurst included:

##### Policy AL/CRS1 Land adjoining Wilsley Farm, adjacent to Angley Road and Whitewell Lane

- Character/Landscape - impact upon AONB and impact upon adjacent Wilsley Conservation Area and historic buildings
- Transport and highways – KCC Highways support this proposed allocation

##### Policy AL/CRS2 Big Side Playing Field, adjacent to Quaker Lane and Waterloo Road

- Character/Landscape - impact upon AONB, loss of playing fields and open space, and loss of hedgerows parallel to Quaker Lane.
- Transport and highways – KCC Highways support this proposed allocation

#### Policy AL/CRS3 Jaegers Field, Angley Road

- Character/Landscape - including impact upon AONB and loss of open space and playing fields.
- Transport and highways – KCC Highways support this proposed allocation and requested additional wording be added to the policy requirements relating to mitigation measures

#### Policy AL/CRS 4 Turnden Farm, Hartley Road

- Character/Landscape - including impact upon AONB and loss of open space and playing fields.
- Transport and highways – KCC Highways support this proposed allocation, with proposals for wording relating to speed limit, impact upon Hawkhurst crossroads and request for additional wording to be added to the policy requirements relating to mitigation measures
- Neighbourhood Plan – concerned that the site was not supported by the site assessment work carried out by AECOM to support the preparation of the Neighbourhood Plan

#### Policy AL/CRS5 Land adjoining Cranbrook Primary School, Quaker Lane

- Character/Landscape - including impact upon AONB and impact on the Cranbrook and Wilsley Conservation Area
- Transport and highways – KCC Highways objected to the proposals, as existing vehicular and pedestrian access to the site is inadequate.

#### Policy AL/CRS6 Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley

- Character/Landscape - including impact upon AONB and the impact of proposed development on the setting of nearby listed buildings that include a farmstead and associated driveway
- Transport and highways – KCC Highways objected to the proposals, and advised that the allocation be split in to two sites to the east and west of A229.
- Infrastructure – there was concern that the development is in an unsuitable location as it is far from services and a train station, and there was concern of potential flooding issues from the Environment Agency.
- Neighbourhood Plan – Concern that the allocation of the site does not take account of the approach in the Neighbourhood Plan (supporting smaller sites) and the outcome of the AECOM site assessment.

#### Policy AL/CRS7 Land off Golford Road

- Character/Landscape - including impact upon AONB
- Transport and highways – included concerns about traffic generation, safety issues, and KCC Highways objecting to the proposal as it would result in car bourn trips
- Infrastructure – there was concern that the development is in an unsuitable location as it is far from services and Southern Water's underground infrastructure crosses the site and additional wording was proposed to reflect this
- Neighbourhood Plan – Concern that the allocation of the site does not take account the approach in the Neighbourhood Plan (supporting smaller sites) and the outcome of the AECOM site assessment.

#### Policy AL/CRS8 Former Cranbrook Engineering Site and Wilkes Field

- Character/Landscape - including impact upon AONB and KCC Heritage require a pre-determination assessment to be carried out
- Transport and highways – KCC Highways did not object to the proposal and proposed additional wording to be added
- Infrastructure – NHS West Clinical Commissioning Group (CCG) stated that no site has been confirmed for a new general practice premises, and Southern Water stated that underground infrastructure crosses the site and additional wording was proposed to reflect this. There was support and objection to the proposal for a community centre.

#### Policy AL/CRS9 Land adjacent to the Crane Valley

- Character/Landscape - including impact upon AONB, KCC Heritage requiring pre-determination assessments to be carried out and concern about coalescence between Cranbrook and Hartley.
- Transport and highways –KCC Highways provided conditional support with some requests for additional policy wording.
- Neighbourhood Plan – Concern that the allocation of the site does not take account the approach in the Neighbourhood Plan (supporting smaller sites) and the outcome of the AECOM site assessment.

#### Policy AL/CRS10 Cranbrook School

- Character/Landscape - including impact upon AONB and impact upon heritage assets. KCC Heritage Conservation advised a pre-determination assessment be carried out, and a full Heritage Assessment should be undertaken
- Transport and highways – KCC Highways supported the site although raise concern about the additional vehicular use on Stone Street
- Infrastructure –Southern Water’s underground infrastructure crosses the site and additional wording has been proposed to reflect this

#### Policy AL/CRS11 Sissinghurst Castle Garden

- Character/Landscape - including impact upon AONB. KCC Heritage Conservation advised a pre-determination assessment to be carried out, and the requirement for an Archaeological DBA.
- Transport and highways – KCC Highways supported this policy.
- National Trust (owner of site) support the policy for retention of views, and request additional wording is included to ensure appropriate development in connection with the sustainability of its tourism function

#### Policy AL/CRS12 Land on the east side of Mill Lane & AL/CRS13 Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road

- Character/Landscape - including impact upon AONB, including upon rural Mill Lane, and concern of coalescence between Sissinghurst and Wisley
- Transport and highways – Including safety concerns of the junction at Mill Lane, and KCC Highways objected to the policy due to A262 junction being hazardous and there being limited footway links.
- Neighbourhood Plan – The site was not supported by the Neighbourhood Plan

#### Policy AL/CRS14 Land south of The Street

- Character/Landscape - including impact upon AONB
- Transport and highways – Some concern over the impact on local traffic levels and pedestrians crossing The Street. KCC Highways supported the proposal, proposing additional wording.
- Infrastructure – Improvements/availability is needed, and comments were made objecting to the need for a replacement hall

#### Policy AL/CRS15 Oak Tree Farm, The Common, Wisley Pound & AL/CRS16 Land at Boycourt Orchards, Angley Road, Wisley Pound

- Character/Landscape - including impact upon AONB, and concern over suburbanisation of Wisley
- Transport and highways – KCC Highways objected on the grounds that it is an unsustainable location which would create a car dependant development

#### Policy AL/CRS17 Land adjacent to Orchard Cottage, Frittenden Road, and land at the junction of Common Road and Frittenden Road

- Character/Landscape - including impact upon AONB, and KCC Heritage advised the site lies close to a Roman road alignment and there is potential for prehistoric and later remains.
- Transport and highways – KCC Highways supported this proposal

## Response

3. At the settlement level (not site specific) the main issues raised through the consultation responses include the impact of the proposed level of development upon the landscape character and settlement pattern within the AONB (within which all of Cranbrook and part of Sissinghurst is located) and upon heritage assets more generally, as well as the capacity of existing infrastructure to accommodate development.
4. The significant reduction in the amount of development on a reduced number of sites in the Pre-Submission Local Plan reflects these concerns and the outcome of additional evidence base studies that included detailed landscape assessment work. The reduced scale of development proposed in the Pre-Submission Local Plan takes account of the historic, natural and built environmental constraints, especially the impact on AONB components and character.
5. It is also recognised that Cranbrook has lesser accessibility compared with other towns in the borough, and although Cranbrook's role as a service centre still warrants its consideration as a focus for growth, the amount of development being proposed in the Pre-Submission Local Plan reflects the issues raised through the Regulation 18 consultation, and the outcome of the additional assessment work. The proximity of Sissinghurst to the services provided at Cranbrook is also recognised, and a number of site allocations are included here.
6. A Neighbourhood Development Plan for Cranbrook and Sissinghurst remains in a draft form, a Regulation 14 consultation having been carried out during October to December 2020. The draft Neighbourhood Plan includes an Objective: Mix of Housing and

Employment Space, that seeks to promote social and economic sustainability, development should be balanced to allow for mix of land uses and tenures to provide spaces for both residential and commercial activity which reflects local need, builds on current strengths, and enables future opportunities.

7. The policy aims of the draft Neighbourhood Plan include aims (first two bullet points in the draft Neighbourhood Plan) to protect and enhance the historic landscape character, natural beauty, and rich ecological biodiversity of Cranbrook and Sissinghurst parish both within the High Weald AONB and its setting, and to ensure that any new development makes a positive contribution to its distinctive landscape character. Also, aims to Identify and protect distinctive historic landscape features, such as ancient woodlands, shaws and gills, veteran trees, hedgerows, field patterns, routeways, ponds, and watercourses.
8. The draft Neighbourhood Plan does not include any proposals for allocating sites for development. The approach to delivering development in the Pre-Submission Local Plan reflects the Objective: Mix of Housing and Employment Space whilst also reflecting the policy aims to protect, and make a positive contribution to the historic landscape character.
9. The total proposed development in the Pre-Submission Local Plan Policy STR/CRS1 is calculated as follows:

#### **Cranbrook**

Policy AL/CRS 1 Land at Brick Kiln Farm	180 – 180 dwellings
Policy AL/CRS 2 Land south of Corn Hall	35 - 45
Policy AL/CRS 3 Turnden Farm	200 – 204 (net 164 – 168 additional)
Policy AL/CRS 4 Cranbrook School	not allocated for residential
<b>Total dwellings for Cranbrook</b>	<b>415 – 429</b>

#### **Sissinghurst**

Policy AL/CRS 5 Sissinghurst Castle Garden	not allocated for residential
Policy AL/CRS 6 Land south of The Street	20 - 20
Policy AL/CRS 7 Frittenden/Common Road	18 - 18
<b>Total dwellings for Sissinghurst</b>	<b>38 - 38</b>

10. The proposed revised Policy STR/CRS1 provides for approximately 453-467 new dwellings through seven site allocations (three sites at Cranbrook and two sites at Sissinghurst), as well as two further sites for non-residential uses; that is:
  - AL/CRS 1 (*part of Draft Local Plan AL/CRS9*) Land at Brick Kiln Farm, Cranbrook (forming the western part of the area previously named 'Land adjacent to the Crane Valley') (allocated for 180 dwellings)
  - AL/CRS 2 (*part of Draft Local Plan AL/CRS9*) Land south of Corn Hall, Crane Valley (forming the eastern part of the area previously named 'Land adjacent to the Crane Valley') (*allocated for 35 to 45 dwellings*)
    - As a background for Policy AL/CRS1 and Policy AL/CRS2, the combined area covered by these two separate policies was included in Policy AL/CRS9 in the Draft Local Plan (allocation for 200 – 250 dwellings). This site was previously

- allocated in the Site Allocations Local Plan 2016, Policy CR4 for 200 – 250 dwellings
- Planning application 16/502860/OUT has granted Outline approval for up to 180 dwellings.
11. It is therefore proposed that the larger area currently covered by Policy AL/CRS 9 in the Draft Local Plan is divided into two separate areas to reflect the different stages each area is at in the planning process. The layout and design of the schemes required by criteria in Policies AL/CRS 1 and AL/CRS 2 in the Pre-Submission Local Plan ensure pedestrian and vehicular permeability between the two separate site allocation areas.
- AL/CRS 3 (*Draft Local Plan AL/CRS 3*) Turnden Farm, Hartley Road, Cranbrook (allocated for 200 - 204 dwellings (164 - 168 new additional) and significant green infrastructure). The capacity for this site in the Pre-Submission Local Plan includes the area subject to planning approval 18/02571 that granted approval for 36 dwellings, to include the demolition of a number of buildings, most of which have now been cleared as part of the initial implementation of this planning approval and a fire. However, to date, no further works have been undertaken in relation to the approved scheme 18/02571. The wider site has been promoted by planning application 20/00815 for 165 new dwellings (pending consideration).
  - AL/CRS 4 (*Draft Local Plan AL/CRS10*) Cranbrook School, Cranbrook (recognition that the site has potential to deliver a range of uses to include educational and community facilities, sports and leisure facilities)
  - AL/CRS 5 (*Draft Local Plan AL/CRS11*) Sissinghurst Castle Garden, Sissinghurst (no development is proposed but any development proposals that fall within the setting or approach of the site are expected to have regard to criteria listed in the policy, with a view to preserving its setting and draw as a tourist attraction and place within the local community).
  - AL/CRS 6 (*Draft Local Plan AL/CRS14*) Land south of The Street, Sissinghurst (allocated for 20 dwellings and replacement community hall)
  - AL/CRS 7 (*Draft Local Plan AL/CRS17*) Land at the corner of Frittenden Road and Common Road, Sissinghurst (previously Land adjacent to Orchard Cottage, Sissinghurst) (allocated for 15 – 20 dwellings). A slightly smaller site area has been promoted through planning application 19/03625/OUT for 18 dwellings (planning approval granted 11<sup>th</sup> March 2021).
12. The full requirements for development of these sites are set out in the subsequent site allocation policies AL/CRS 1 to AL/CRS 7.
13. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021. (which includes details of the assessment sheets for each site).

## Changes to LBD boundaries

14. The LBD boundary at Cranbrook is amended in the Pre-Submission Plan to include the developable area of proposed site allocations and extant planning permissions, with related landscape buffers and green/community space generally excluded. Other

existing buildings such as Cranbrook Primary School, The Weald Sports Centre and High Weald Academy are also now proposed to be included in the LBD, with playing fields and open recreational areas on the edge of the settlement excluded. Other amendments include the exclusion of the pond to the east of Waterloo Road and allotments to the south/south-west of the Primary School. Also, the proposed inclusion in the LBD of some rear garden areas to reflect the size of others across the settlement, and the inclusion of existing built development to the north of Freight Lane and a property north of Goddards Green.

15. The Regulation 18 Draft Local Plan 2019 included a further/separate LBD at Sissinghurst, established around existing built development to the west of the settlement and incorporating proposed site allocations. However, this is now removed and not included in the Pre-Submission Local Plan, following the Draft Local Plan consultation and the subsequent removal of proposed site allocations in the western part of Sissinghurst.
16. The LBD boundary at Sissinghurst is amended in the Pre-Submission Plan to include the developable area of the remaining proposed site allocations and the built-out planning permission at Common Road, with related landscape buffers and green space generally excluded. The existing LBD boundary is also proposed to be extended northwards to include Sissinghurst Primary School, the adjacent built-out Rural Exception site Skinner Gardens to the south, as well as adjacent existing built development to the east, with the school playing fields excluded on the edge of the settlement. The LBD boundary to the south-east of the settlement is also proposed to be extended to include the full extent of private gardens to follow the line of adjacent garden boundaries, as well as the car park/grounds of the pub/restaurant.
17. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary maps.

## 5.6 Hawkhurst

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in comments, including any petitions, on each policy in the Hawkhurst chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. A total of 183 comments were received in response to the Hawkhurst chapter. The main issues are set out below.

### General comments and The Strategy for Hawkhurst (STR/HA 1)

#### Summary of comments/issues/concerns raised

Level and location of proposed development - proposals represent unsustainable development

- Many comments were concerned that the development proposed at Hawkhurst would not constitute sustainable development due to the rural location of the existing settlement, the scale of the proposed development being too large an influx.
- Some comments also suggested that development delivered through windfall sites (not site allocations) should be included in the housing allocation for the parish.

#### Development within the High Weald Area of Outstanding Natural Beauty (AONB)

- Many comments were received commenting that all of Hawkhurst is located within the AONB and the proposed development is non-compliant with para 172 of the National Planning Policy Framework (NPPF)

#### Impact of development upon road capacity

- Concern about a severe impact on the local road network from Site Allocation Policies AL/HA1 to AL/HA6 and AL/HA9.
- Whether the proposed new relief road to be delivered as part of developing Site Allocation Policy AL/HA1 Land forming part of the Hawkhurst Golf Course will result in a reduction of traffic congestion at and around the crossroads of the A268 Rye Road with Cranbrook Road A229 at Highgate Hill in the centre of Hawkhurst.
- The impact of proposed development at Hawkhurst on the junction of the A21 and A268 at Flimwell Crossroads.
- The proposed development at Hawkhurst is likely to have an impact on the junctions at Flimwell and also at Hurst Green where the A229 joins the A21

#### Public Rights of Way (PRoW)

- Requested that improvements and additions to the PRoW network includes a requirement for linkages between existing PRoWs

#### Insufficient infrastructure and services

- Concern that there is insufficient infrastructure to support the proposed level of development, including reference to educational and medical facilities, provision of public transport, water and sewerage and electricity substations, green open space, sports and leisure facilities.

#### Non-Compliance with the made Hawkhurst Neighbourhood Plan

- Comments were made stating that the proposals in the draft Local Plan do not follow the approach and policies included within the made Hawkhurst Neighbourhood Plan
- The Local Housing Needs requirement identified by the Hawkhurst Neighbourhood Plan differs from the number of dwellings proposed for delivery by the Local Plan

#### Site specific Issues

3. The main issues raised in relation to proposed site allocations for Hawkhurst included:

#### Policy AL/HA1 Land forming part of the Hawkhurst Golf Course to the north of the High Street

- Character/Landscape - Character/Landscape – concerns about the impact of major development upon the AONB, stating that this was considered to not be appropriate and the sequential tests required by para 172 of the NPPF have not been met.
- Traffic/transport – KCC objected, raising concern on the increase to traffic congestion at the crossroads in Hawkhurst

#### Policy AL/HA2 Land at The White House, Highgate Hill & Policy AL/HA3 Land to the east of Heartenoak

- Traffic/transport – KCC Highways objected to these site allocations, stating that the cumulative impact of the total number of new dwellings proposed for allocation at Hawkhurst will cause a severe impact on the road network.

#### Policy AL/HA4 Land at Fowlers Park

- Character/Landscape - Character/Landscape – concerns about the impact of major development upon the AONB, stating that this was considered to not be appropriate and the sequential tests required by para 172 of the NPPF have not been met. Natural England would like further information to support the site.
- Traffic/transport – KCC objected to the allocation, stating that the cumulative impact of the total number of new dwellings proposed for allocation at Hawkhurst will cause a severe impact on the road network
- Infrastructure - The local NHS CCG (Clinical Commissioning Group) supported the provision of a new medical centre at this site, confirming that this is the preferred site of the local GP practices.

#### Policy AL/HA5 Brook House, Cranbrook Road

- Traffic/transport – KCC objected to the allocation, stating that the cumulative impact of the total number of new dwellings proposed for allocation at Hawkhurst will cause a severe impact on the road network.

#### Policy AL/HA6 Land at Copthall Avenue and Highgate Hill

- Character/Landscape - Character/Landscape – concerns about the impact of major development upon the AONB, stating that this was considered to not be appropriate and the sequential tests required by para 172 of the NPPF have not been met.
- Concern was also raised around the creation of urban sprawl and a vital green gap loss
- Traffic/transport – KCC objected to the allocation, stating that the cumulative impact of the total number of new dwellings proposed for allocation at Hawkhurst will cause a severe impact on the road network. Concern about the suitability of Copthall Avenue to provide access for emergency services were also raised

#### Policy AL/HA7 Sports Pavilion, King George V Playing Fields, The Moor

- Support - there was general support for this policy, including from Hawkhurst Parish Council
- Traffic/transport - KCC Highways supported the policy, requesting additional wording to the policy requirements

### Policy AL/HA8 Hawkhurst Station Business Park

- Character/Landscape – concerns about the impact of major development upon the AONB, stating that this was considered to not be appropriate and the sequential tests required by para 172 of the NPPF have not been met.

### Policy AL/HA9 Land at Santers Yard, Gill's Green Farm

- Character/Landscape – concerns about the impact of major development upon the AONB, stating that this was considered to not be appropriate and the sequential tests required by para 172 of the NPPF have not been met.
- Traffic/transport – KCC Highways supported this policy, and commented that they are aware of a severe impact upon the local road network

### Policy AL/HA10 Site at Limes Grove (March's Field)

- Traffic/transport - KCC Highways requested additional wording to the policy requirements

## Response

4. At the settlement level (not site specific) the main issues raised through the consultation responses include the impact of the proposed level of development upon the landscape character and settlement pattern within the AONB, as well as the capacity of existing infrastructure to accommodate development, including the crossroads at Hawkhurst (Highgate).
5. The Draft Local Plan provided for 681-731 dwellings on seven proposed allocations (as well as three allocations for non-residential uses), six in Hawkhurst (Highgate) and one at Gill's Green. It is now proposed that this be reduced to 161 - 170 on four proposed allocations, all four located in Hawkhurst (Highgate) and none in Gill's Green. There are four remaining allocations for non-residential uses, two in Gill's Green, both for employment use, one in Hawkhurst (Highgate) for community use, and one in Hawkhurst (The Moor) for community use.
6. The significant reduction in the amount of development on a reduced number of sites in the Pre-Submission Local Plan reflects the concerns raised through the Regulation 18 consultation and also the outcome of additional evidence base studies that included detailed landscape assessment work. The reduced scale of development proposed in the Pre-Submission Local Plan takes account of the historic, natural and built environmental constraints, especially the impact on AONB components and character, as well as in relation to traffic congestion at the crossroads and associated air quality implications (now recognised by the recent declaration of an Air Quality Management Area).
7. It is also recognised that Hawkhurst has lesser accessibility compared with other areas in the borough, and although Hawkhurst's role as a service centre still warrants its consideration as a focus for growth, the amount of development being proposed in the Pre-Submission Local Plan reflects the issues raised through the Regulation 18 consultation, and the outcome of the additional assessment work.

8. Traffic modelling commissioned from Kent County Council (the Highways Authority), supports this approach to significantly reduce the proposed level of development at Hawkhurst. All development proposals will be required to establish an acceptable impact upon the Hawkhurst crossroads junction (A229/A268) and the Flimwell crossroads (junction of A21 and A268).
9. Of particular significance, the following two allocations are not included in the Pre-Submission Local Plan, and the reasons for this are outlined below:
  - Draft Local Plan Policy AL/HA1 Golf Course  
Landscape assessment work has identified particular sensitivities on the site, concluding that the northern part is far more sensitive than compared with the remaining part of the site, and it would be difficult to justify developing this area. The benefit of the proposed relief road that would be delivered as part of the site's development, as well as the delivery of affordable housing and a community centre, is outweighed by the impacts of development on the character of the High Weald AONB landscape, on the setting of Hawkhurst and overall settlement pattern, and the impact of the proposed scale of growth in the AONB.
  - Draft Local Plan Policy AL/HA 4 Land at Fowlers Park, Hawkhurst (Highgate)  
Part of the site only is considered suitable to provide an identified need for a new medical centre at Hawkhurst, to replace the two existing GP practices. Development of the remaining part of the site would have an adverse impact upon the character of the landscape and settlement pattern located within the AONB, and the impact of the proposed scale of growth in the AONB.
10. The absence of the proposed relief road that would have been delivered as part of Draft Local Plan Policy AL/HA1 has a substantial bearing on the capacity of Hawkhurst for further growth. Overall, the scale of growth now proposed will have substantially less impact on the High Weald AONB, while not being unreasonable for the role of the village.
11. There is a made Neighbourhood Development Plan for Hawkhurst, made in March 2018 and modified in April 2020 (minor modifications). It is to be noted that both versions of the Neighbourhood Plan have been prepared with reference to the existing development strategy for the borough. The made Hawkhurst Neighbourhood Plan forms part of the borough's development plan in relation to Hawkhurst parish. The Neighbourhood Plan does not include site allocation policies.
12. The Council has determined which policies in the made Hawkhurst Neighbourhood Plan (March 2018 modified in April 2020) are outdated by the adoption of the Local Plan. Although many of the Neighbourhood Plan's policies are not superseded, those that relate to the pre-existing LBD and the scale of development sites, namely Policies HD1(a) and HD1(b) are. Additionally, Policy HD3 'encourages' rather than requires accessible and water efficient homes, which is a requirement under the Local Plan, so is also superseded. The Local Green Spaces identified under Policy LP3 are recognised by the Local Plan as being already designated and protected under the Neighbourhood Plan and have not been assessed further as part of the preparation of this Local Plan. The Hawkhurst Neighbourhood Plan includes a number of specific goals and reference to a list of projects that indicate how developer contributions could potentially be used.

13. The proposed revised Policy STR/HA 1 now provides for approximately 161-170 (net) new dwellings through four site allocations, and four allocations for non-residential uses; that is (policy numbers refer to those in Pre-Submission Local Plan):

- Policy AL/HA 1 Land at the White House, Hawkhurst (Highgate)
- Policy AL/HA 2 Brook House, Cranbrook Road, Hawkhurst (Highgate)
- Policy AL/HA 3 Former site of Springfield Nurseries, Hawkhurst (Highgate)
- Policy AL/HA 4 Land at Copthall Avenue and Highgate Hill, Hawkhurst (Highgate)

and for non-residential uses:

- Policy AL/HA 5 Land north of Birchfield Grove, Hawkhurst (Highgate) (medical facilities)
- Policy AL/HA 6 Sports Pavilion, King George V Playing Fields, The Moor (community use)
- Policy AL/HA 7 Hawkhurst Station Business Park, Gills Green (employment use only)
- Policy AL/HA 8 Site at Limes Grove (March's Field), Gills Green (employment use only)

14. Policy AL/HA 1 Land at the White House: to reflect the approved scheme granted by 19/01271 for the redevelopment of the site for 43 retirement units, the policy requirement for a scheme to include the conversion of the White House (rather than its demolition) has been removed. Development has not yet commenced and therefore the policy will remain in the Pre-Submission Local Plan and this situation will be monitored. The policy will be removed when there is certainty that the approved scheme is being built out and will be delivered.

15. Policy AL/HA 2 Brook House Cranbrook Road: planning application 17/03780/OUT has granted approval for the demolition of the existing building and the development of 25 apartments (approval granted on appeal 3<sup>rd</sup> April 2019). Development has not yet commenced and therefore the policy will remain in the Pre-Submission Local Plan and this situation will be monitored. The policy will be removed when there is certainty that the approved scheme is being built out and will be delivered.

16. Policy AL/HA3 Former site of Springfield Nurseries, Cranbrook Road: to reflect the approved scheme granted by 17/02192 for the development of the site for 24 dwellings. Development has not yet commenced and therefore the policy will remain in the Pre-Submission Local Plan and this situation will be monitored. The policy will be removed when there is certainty that the approved scheme is being built out and will be delivered.

17. Policy AL/HA4 Land off Copthall Avenue and Highgate Hill (allocated in the Pre-Submission Local Plan for 70-79 dwellings, and significant areas of publically accessible open space). This allocation lies part within/mostly adjacent to the LBD and there is pedestrian access to the centre of Hawkhurst. Parts of the site will need to provide landscape buffers to minimise the impact of development upon the character of the surrounding landscape and settlement pattern.

18. Policy AL/HA 5 Land to the north of Birchfield Grove (allocated in the Pre-Submission Local Plan for a medical centre and parking to serve this facility). See details above (under Draft Local Plan Policy AL/HA 4 Land at Fowlers Park, Hawkhurst (Highgate)).
19. Policy AL/HA 6 King George V Playing Fields, The Moor (allocated for community uses). This reflects the allocation in the Site Allocations Local Plan to deliver a community facility. There has been a long-standing need to replace the existing hall at Copthall.
20. Policy AL/HA7 Hawkhurst Station Business Park, Gills Green: to ensure the impact of development upon the surrounding area located within the High Weald AONB is minimised, including views of the site from the south, the area identified as suitable for employment uses has been reduced in size to provide a landscape buffer within the southern part of the site. This buffer is shown on the amended site map.
21. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundaries

22. The LBD boundary at Hawkhurst is amended in the Pre-Submission Plan to include the developable area of proposed site allocations and extant and built-out planning permissions, with related landscape buffers and green/community space generally excluded; as well as the incorporation of the built out rural exception site at Avards Close, The Moor. The LBD is also amended to include the proposed extension of garden areas to reflect the size of others included within the LBD in that particular part of the settlement for several dwellings to the west of Highgate Hill, and some dwellings along Horns Road and to the north of Talbot Road in The Moor; as well as other individual dwellings/small pockets of existing development where they form a logical extension to the LBD.
23. Other amendments include the exclusion of the allotments to the west of Gunther Close, the green on the eastern edge of the built up area of The Moor, the pond south of the Eight Bells public house; as well as the exclusion of several larger dwellings which are on the edge of the settlement and are inconsistent with the form and scale of other properties in that particular part of Hawkhurst.
24. The existing LBD at Gill's Green is proposed to be removed, as this is an employment/economic area rather than a settlement. However, it is proposed to be retained as a 'Key Employment Area' in the Pre-Submission Local Plan to allow for the retention, expansion, and/or redevelopment of employment provision at this location. This Key Employment Area, which is proposed to be extended to the south to include site allocation AL/HA6, is shown on Pre-Submission Local Plan Policy Inset Map 16.
25. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.7 Benenden

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This Summary identifies the main issues raised in comments, including any petitions, on each policy in the Benenden chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. In total, 106 comments were received in response to the Benenden chapter. The main issues raised are summarised below.

### General comments and The Strategy for Benenden (STR/BE 1)

#### Summary of comments/issues/concerns raised

##### Sustainability

- Concern was raised on the sustainability of a large amount of housing in a relatively remote, rural location. Several amendments were suggested particularly with regard to viability concerns.
- Alternative sites are put forward both in Benenden village and at Iden Green (where it is proposed to have no development, and its LBD removed), generally citing these as more accessible locations.

##### Infrastructure

- In terms of wastewater drainage, Southern Water commented that reinforcement of the network is needed in the area to provide additional capacity.

##### Neighbourhood Plan compatibility

- A particular issue was the relationship between the proposed allocations and the emerging provisions of the Benenden Neighbourhood Development Plan.

#### Site specific Issues

The main issues raised in relation to proposed site allocations for Benenden included:

##### Policy AL/BE1 Land at Walkhurst Road

- It was suggested that additional wording to be added to the policy in relation to the design of the crossing point
- Additional policy wording relating to the footway provision and on contributions for mitigation measures was put forward by KCC - Highways.

##### Policy AL/BE2 Land adjacent to New Pond Road (known as Uphill) & Policy AL/BE3 Feoffee Cottages and land, Walkhurst Road

- Scale of development – there was concern that the level of development at both sites is unsuitable
- Both policies were conditionally supported and amended wording was suggested in relation to the contributions for mitigation measures by KCC Highways
- It was recommend that an additional criterion be included relating to the timely delivery of sewerage infrastructure by Southern Water

#### Policy AL/BE4 Land at Benenden Hospital

- Transport and highways – there were concerns about road user safety, pollution, air quality and increased traffic and congestion
- Insufficient infrastructure and services – there are a lack of services in the East End, where sufficient growth is proposed
- Landscape/character – development will have an effect on the AONB setting
- The policy was conditionally supported and amendments to the wording amendments in relation to the contributions for mitigation measures were suggested, by KCC Highways
- It was recommend that an additional criterion be included relating to the timely delivery of sewerage infrastructure by Southern Water

## Response

3. The Draft Local Plan provided for 119 – 129 new dwellings on four proposed allocations, three allocations in Benenden and one in East End (this includes 23 dwellings that already have planning approval at Benenden Hospital). It is now proposed that this be reduced to 87-95 dwellings (not including the 23 dwellings already approved for development at Benenden Hospital) on four allocations, two allocations in Benenden and two in East End (both at Benenden Hospital). The allocation at East End, Benenden Hospital, is now proposed to be split into two separate policies to reflect the preferred approach being taken in the draft Benenden Neighbourhood Plan.
4. Draft Local Plan Policy AL/BE1 – Land at Walkhurst Road (that was allocated for approximately 12 dwellings) is no longer included as a site allocation in the Pre-Submission Local Plan. This site was granted planning approval under 16/504891; development has commenced and therefore a site allocation for this site is no longer required.
5. The proposed revised Policy STR/BE 1 now provides for approximately 87 – 95 (net) new dwellings through four site allocations; that is:
  - Policy AL/BE1 (previously AL/BE2) Land adjacent to New Pond Road (known as Uphill (approximately 18-20 dwellings)
  - Policy AL/BE2 (previously AL/BE3) Feoffee Cottages and land, Walkhurst Road (approximately 25 dwellings) and
  - Policy AL/BE3 and AL/BE4 Land at Benenden Hospital (previously one site allocation, Policy AL/BE4) (approximately 44 – 50 (net) dwellings) is now split into 2 separate policies to reflect the approach being taken towards allocating development in this area by the draft Benenden Neighbourhood Plan. The broad approach to allocating development at this location remains unchanged (this does not include 23 dwellings that already have planning approval at Benenden Hospital).

6. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundary

7. The LBD boundary at Benenden is amended in the Pre-Submission Plan to include the developable area of proposed site allocations and extant planning permissions, with related landscape buffers and green space generally excluded; as well as the built-out rural exception site (Hortons). Amendments also show a reduction in the LBD boundaries to exclude areas considered to contribute to the landscape setting and character of the settlement as well as the landscape setting of important heritage assets, such as the Village Green and the area around St. George's Church.
8. The existing LBD at Iden Green is proposed to be removed as this settlement is considered to be unsuitable for further development with limited key facilities and bus services making it unsustainable in this context.
9. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary maps.

## 5.8 Bidborough

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This Summary identifies the main issues raised in comments, including any petitions, on each policy in the Bidborough chapter, as well as any proposed changes to the Limits to Built Development (LBD).
2. Overall, only six representations were made in response to the Bidborough chapter. The main issues are set out below.

### General comments and The Strategy for Bidborough (STR/BI 1)

#### Summary of comments/issues/concerns raised

##### Distribution and level of proposed development

- There was concern that there is a lack of growth at Bidborough given proximity of Bidborough to Tonbridge and the highway network, though lack of potential sites is acknowledged.

##### Heritage

- Heritage England made a general comment (applicable to all parishes) about the need to ensure appropriately robust and detailed heritage impact assessment prior to allocations being adopted.

## Development within the High Weald Area of Outstanding Natural Beauty (AONB) and Green Belt

- There was concern about the part of the policy referring to developments larger than 100 residential units could encourage applications for major developments which are thoroughly unsuitable in the AONB.
- There is support to not propose allocations which would negatively harm Green Belt and the AONB (and be harmful in other respects such as traffic/wildlife).

## Highways and Transport

- There was general support from KCC Highways, however suggested amendments to the transport element of the strategic policy for Bidborough are made.

## Public Rights of Way (PRoW)

- There was support for strategic policy relating to PRoW and contributions to these are requested.

## Employment thresholds

- It was requested that any development of more than 20 dwellings in villages and the rural area ought to provide some employment possibilities.

## Response

3. The Draft Local Plan did not include sites for allocation in Bidborough parish. It will remain the case that there will not be site allocations proposed in the Pre-Submission Local Plan, which reflects the lack of available, suitable sites within the Parish.
4. The main changes from the Draft Local Plan therefore relate to the strategic policy (Policy number STR/BI 1) for the parish, which will set out the expectation of windfall sites that may come forward for development in the Parish during the Local Plan period.
5. The main change to this policy, STR/BI 1 will relate to the deletion of some generic criteria to be met by development in the Parish, which will be more appropriately dealt with by other policies of the Local Plan, along with a review of infrastructure requirements / Section 106/developer contribution matters. The strategy will retain its strong references to open space and recreation provision.

## Changes to LBD boundary

6. There will be no proposed site allocations or Green Belt releases for this settlement in the Pre-Submission Local Plan. Therefore, no extensions are proposed to the LBD boundaries. However, other amendments include the proposed exclusion of Bidborough recreation ground, adjacent bowling green, tennis courts and pond from the original LBD, as recreational uses on the edge of the settlement. In addition, the extent of gardens to the south of St. Lawrence Avenue are reduced and now excluded from the LBD to reflect

the consistency of garden sizes included within the LBD boundaries across the settlement.

7. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.9 Brenchley and Matfield

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in comments, including any petitions, on each policy in the Brenchley and Matfield chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. A total of 97 comments were received in response to the Brenchley and Matfield chapter. The main issues are set out below.

### General comments and The Strategy for Brenchley and Matfield (STR/BM 1)

#### Summary of comments/issues/concerns raised

Level and location of proposed development - proposals represent unsustainable development

- Concern was raised over the amount of housing being proposed and that there is no local need.
- Comments also raised concern about the location of development. There are more services in Brenchley than Matfield but all housing is being allocated at Matfield.

Development within the High Weald Area of Outstanding Natural Beauty (AONB)

- Many comments raised concern about the impact of development upon the High Weald AONB landscape character including the character of rural lanes, contrary to the High Weald AONB Management Plan (note: the HW AONB Unit made comments to specific allocation policies)
- Concern was raised about potential coalescence between Paddock Wood and settlements to the south, with loss of the green gap.
- In terms of employment provision, it was stated that the threshold for provision should be 20+ (for example live/work units). The 100+ approach could encourage major development that is unsuitable in the AONB.

Heritage

- Historic England expected the allocation of sites to be subject to appropriately robust and detailed heritage impact assessment prior to allocations being adopted

Impact of development upon road capacity

- Many comments raised concern about the cumulative impact of development from this parish, Horsmonden and Paddock Wood on road capacity, including Maidstone Road congestion at the Kippings Cross roundabout (A21) and need for improvements to the A228 (Colts Hill).
- Highways England recommended junction modelling at the A21/B2160 roundabout. Mitigation at roundabout may also be required to accommodate the increase in trips.
- KCC Highways suggested additional policy wording.

#### Insufficient infrastructure and services

- Concerns were raised about insufficient infrastructure and services to support development, including lack of services, employment, and gaps in the IDP (IDP needs to specify core infrastructure assets and deliverability)
- West Kent CCG stated that the Howell Surgery provides main general medical service provision. The practice has premises in Brenchley (main) and Horsmonden (branch). The existing premises do not have capacity to accommodate the estimated growth of c1100 registered patients within the area.
- Objection was raised to the requirement for contributions to mitigate the impact of developments in Paddock Wood and this exposes the absence of a clear approach to responding to the cumulative impact of development across the north-east quadrant.

#### Limits to Built Development (LBD)

- The approach to include the full extent of gardens within the LBD at Brenchley was questioned, as the landscape of the built environment here looking south is an important feature of the AONB and extending the LBD could allow building which would seriously damage it.

#### Site specific Issues

The main issues raised in relation to proposed site allocations for Brenchley and Matfield included:

##### AL/BM1 Land between Brenchley Road, Coppers Lane and Maidstone Road

- Character/Landscape - including impact upon AONB
- Transport and highways - KCC Highways provided additional policy wording.

##### AL/BM2 Matfield House orchards and land, The Green

- Character/Landscape - including impact upon AONB
- Heritage – Historic England requirement for appropriate separation and screening to be added to policy criteria with regard to the Grade I listed Matfield House
- Transport and highways – congestion and traffic concerns including the impact on A21 and at Blueboys roundabout. KCC Highways objected to the policy as it is land locked.

##### AL/BM3 Ashes Plantation, Maidstone Road

- Character/Landscape -including impact upon AONB
- Traffic and highways – concern on the impact of development on Oakfield Road, the Kippings Cross roundabout and local road infrastructure including speeding along Maidstone Road. KCC Highways provided additional policy wording.

- Infrastructure – concern about lack of services and infrastructure. Southern Water advised that underground infrastructure crosses the site and provided additional policy wording.

#### AL/BM4 Land at Maidstone Road

- Character/Landscape - including impact upon AONB
- Traffic and highways – KCC Highways provided additional policy wording.

## Response

3. The Draft Local Plan provided for 91-150 dwellings on four proposed allocations, all of which were in Matfield. It is now proposed that this be reduced to 56-60 dwellings on two allocations in Matfield. This follows from the deletion of AL/BM2: Matfield House orchards and land, The Green (that was allocated for 20-30 dwellings) and AL/BM3 – Ashes Plantation (that was allocated for 30-60 dwellings), for the reasons outlined below:
  - i. The level of development and sustainability of the strategy for Brenchley and Matfield received a considerable amount of objection at Regulation 18, set out above. Further assessment of the sites and of the facilities and existing infrastructure of the settlement was required to address these main issues raised.
  - ii. The Settlement Role and Function Study (R&FS) shows Brenchley to have a reasonable range of services, no suitable sites were identified there, and this remains the case.
  - iii. In strategic terms, given the very limited services available at Matfield (as reflected by its low ranking in the R&FS), the previously proposed scale of development is viewed as unsustainable. Moreover, the largest site, Ashes Plantation (AL/BM 3 in the DLP) is not well-related to the existing settlement pattern, would be served from a constrained cul-de-sac and have an adverse impact upon the landscape, located in the AONB. Therefore, and recognising issues raised locally about vehicular access into the site, including impacts on Oakfield Road, and objections by the Parish Council, it is not proposed to include it as a policy in the Pre-Submission Local Plan.
  - iv. The proposed allocation at Matfield House (AL/BM 2 in the DLP) has not been carried forward as a site allocation policy in the Pre-Submission Local Plan, as further site assessment work has identified that development of the site would result in the loss of a priority habitat.
4. The proposed revised Policy STR/BM 1 in Appendix 1 now provides for approximately 56-60 new dwellings through two sites allocations; that is:
  - Policy AL/BM1 Land between Brenchley Road, Coppers Lane and Maidstone Road (approximately 45 dwellings and play space),
  - Policy AL/BM2 (previously AL/BM4) Land at Maidstone Road (approximately 11 – 15 dwellings, fully equipped children’s play space and additional car parking provision for the village hall).

5. It is recognised that the proposed development for the parish is focussed in the village of Matfield that has a lack of key facilities compared with the village of Brenchley. The scores in the Sustainability Appraisal (July 2020) are diminished by this situation, although it is noted that Matfield has the advantage of a better travel connection to Paddock Wood.
6. To reflect this, and to improve the sustainability of proposed development in Matfield, the Council has considered opportunities for improving access and linkages between Matfield and Brenchley. Consequently, the wording to Policy STR/BM1 (covered by criterion 5(g)), and each individual site allocation policy, has been adjusted to reflect this.
7. The disused (dismantled) railway line that ran from Paddock Wood to Hawkhurst (known as the Hop Pickers Line) runs through part of the parish. The route of the line within the borough has been safeguarded through Policy TP 5: Safeguarding Railway Lane, by refusing proposals that would compromise its use as a green infrastructure corridor. Projects are being developed to identify where access to the former railway line can be improved and used for this purpose.
8. It should be noted that the DLP policies made reference to an overall scheme of traffic calming in Matfield. However, KCC Highways have set out that this is too prescriptive, and accordingly cannot be justified and references have been deleted to this.
9. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundaries

10. The LBD boundaries at Brenchley are amended in the Pre-Submission Plan to include a further/separate LBD established around existing built development to the west of the settlement, with an open landscape gap retained between the two LBDs. Other amendments include the extension of the existing LBD to include extant planning permissions, the buildings at Brenchley Primary School and the extension of garden areas on the southern side of the High Street. Amendments also show a reduction in the LBD boundary to exclude the All Saints Grade II Listed Church and cemetery as it is a designated Local Wildlife Site on the edge of the settlement and a heritage asset with an important landscape setting.
11. The LBD boundary at Matfield is amended in the Pre-Submission Plan to include the developable area of proposed site allocations and extant planning permissions, with related landscape buffers and green/community space generally excluded; as well as other built-out sites (such as Wish Court) on the edge of the settlement. Other changes show the proposed inclusion in the LBD of some rear garden areas to reflect the size of others across the settlement. Whilst the open green space and forested area located to the east of Maidstone Road, south-east of the Matfield Village Green are now proposed to be excluded from the LBD.

12. With regard to the LBD query above, in relation to the garden areas in the newly proposed second LBD at Brenchley, the LBD boundary is now reduced at the western end of the settlement to exclude the buildings and grounds of Petteridge Place.
13. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation of these changes and the relevant LBD boundary maps.

## 5.10 Frittenden

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This Summary identifies the main issues raised in comments, including any petitions, on each policy in the Frittenden chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. Overall, only nine representations were made in response to the Frittenden chapter. The main issues are set out below.

### General comments and The Strategy for Frittenden (STR/FR 1)

#### Summary of comments/issues/concerns raised

##### Infrastructure

- The main issues raised cover a broad range of infrastructure matters including the need for contributions towards health/medical provision, speeding through Frittenden Village and more general comments about services and facilities.

##### Public Rights of Way (PRoW)

- There was support for strategic policy relating to Public Rights of Way and contributions to these are requested.

##### Highways and transport

- Suggested amendments to the transport element of the strategic policy for Frittenden were received from KCC Highways.
- Highways England advised that the planned growth at Frittenden Village would have no/minimal impact on the strategic road network.

##### Employment thresholds

- It was requested that any development of more than 20 dwellings in villages and the rural area ought at least to provide some employment possibilities

## Heritage

- Heritage England made a general comment (applicable to all parishes) about the need to ensure appropriately robust and detailed heritage impact assessment prior to allocations being adopted.

## Site specific Issues

The main issues raised in relation to proposed site allocations for Frittenden included:

### Policy AL/FR1 Land at Cranbrook Road

3. Pedestrian access - the main issues arising relate to the need to provide a footway from the site to connect with the wider footway network for both sustainability and highway safety reasons, as well a need to consider the proposed density on the site, which is low.
4. Affordable housing - A land trust has sought to promote increased affordable housing on the site.
5. KCC identified the site as having Pauldina Limestone, a constraint that needs to be considered in future policy wording.
6. The site advises on the need to ensure viability of the site.

## Response

7. The Draft Local Plan included one site allocation at Frittenden with a capacity for the Parish in the range of 25 – 30 dwellings. In the Draft Local Plan this was set out in the following policy:

a. Policy AL/FR1:- Land at Cranbrook Road

8. Following consideration of comments received in response to the Draft Local Plan and further site assessment work, it is proposed that this allocation will be retained in the Pre-Submission Local Plan. Further response to this policy is set out below.

### Policy AL/FR1:- Land at Cranbrook Road

9. Following consideration of the issues raised and further site assessment work to establish whether a footway link can be provided it is considered that the site AL/FR1 will remain a suitable for inclusion in the Pre-Submission Local Plan, with a site capacity reflecting that previously set out in the Draft Local Plan i.e. 25-30 dwellings.
10. The site has been subject to further discussions with KCC Highways and the policy is proposed to be amended, including wording to cover various highway related matters.
11. Consideration has been given to whether the site could accommodate an increase in units to increase density on the site. It is felt however that the yield for the site reflects the sensitive edge of settlement location and there is also need for other on site matters such as biodiversity net gain.
8. Consideration has been given to the request for additional affordable housing provision. The site would secure 40% affordable housing provision in line with

emerging affordable housing policy. Assessment work including discussion with the Parish Council indicates this to be an appropriate level.

9. The wording of the policy has also been reviewed generally to remove repetition of policy points dealt with by other policies of the Local Plan and to enhance open space on the site.
10. In response to the comments raised in relation to the Strategic Policy for Frittenden parish, Policy number STR/FR 1, a number of the issues raised have been noted, including the employment thresholds, heritage considerations and contributions towards health provision and the policy will now be amended. Additionally, the format of STR/FR1 is now amended to remove repetition of policy points dealt with by other policies of the Local Plan along with a review of infrastructure requirements/Section 106/developer contribution matters.

### Other Sites

11. One additional site was submitted to the Draft Local Plan consultation (Site DCP 16: Land North of Hollenden, Frittenden) for assessment and consideration in the next stage of the Local Plan. The Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 includes assessments for all submitted sites, including sites submitted through the Draft Local Plan public consultation and since then. This is whether proposed for allocation in the Pre-Submission Local Plan or not. Work through the SHELAA process has included consideration of any Regulation 18 representations made on all sites, including those not included in the Pre-Submission Local Plan.

## **Changes to LBD boundary**

12. The LBD boundary at Frittenden is amended in the Pre-Submission Plan to include proposed site allocation AL/FR 1 (land at Cranbrook Road). The LBD is also proposed to be extended to include the incorporation of three additional dwellings (Orchard View, The Dials and Hill Farm House) east of The Street with a striking line applied across the rear garden areas of these properties to prevent harmful protrusion and form a uniform edge to the settlement.
13. Other amendments include the exclusion of St. Mary's Grade II Listed Church and cemetery as it is a heritage asset with an important landscape setting located on the edge of the settlement; the green space north east of Frittenden Primary School; and the pond to the east of Headcorn Road.
14. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.11 Goudhurst

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in comments, including any petitions, on each policy in the Goudhurst, as well as on the proposed changes to the Limits to Built Development (LBD).
2. In total, 15 comments were received directly relating to Goudhurst Parish. The main issues are set out below.

### General comments and The Strategy for Goudhurst (STR/GO 1)

#### Summary of comments/issues/concerns raised

##### Development within the High Weald Area of Outstanding Natural Beauty (AONB)

- Concern was raised in relation to major development applications which may come forward as a result of the policy requirements for development over 100 residential units to provide employment floorspace.

##### Heritage

- Historic England supported the policies as long as sites are subject to robust and detailed heritage impact assessment prior to adoption of allocations.

##### Impact of development upon road capacity

- Highways England raised no objections to what they consider to be small scale development proposals for the parish

##### Public Rights of Way (PRoW)

- KCC supported the policy approach and made a number of suggestions for amendments to the detailed policy wording.

##### Insufficient infrastructure and services

- It was stated that any development of more than 20 houses ought to provide employment possibilities.

##### Changes to Limits to Built Development (LBD)

- A number of objections were made to the LBD being extended around Goudhurst to include sites allocated at Triggs Farm and Balcombes Hill.

## Site specific Issues

The main issues raised in relation to proposed site allocations for Goudhurst included:

### Policy AL/GO1 Land east of Balcombes Hill and adjacent to Tiddymotts Lane & Policy AL/GO2 Land at Triggs Farm, Cranbrook Road

- Traffic/transport – KCC Highways supported both policies and made suggestions for additional detailed policy wording

## Response

3. As no major issues were identified within comments received above at Regulation 18, and as a result of further site assessment work which has been carried out since this stage, no significant changes are proposed to the policy wording - Policies STR/GO 1, AL/GO 1 and AL/GO 2.
4. The revised Policy STR/GO 1 provides for approximately 26 (25 net) new dwellings through two site allocations:
  - Policy AL/GO 1 Land east of Balcombes Hill and adjacent to Tiddymotts Lane (approximately 14 dwellings) has full planning consent, 19/00280 approved on 19 July 2019;
  - Policy AL/GO 2 Land at Triggs Farm, Cranbrook Road (approximately 12 (11 net) dwellings) has outline planning consent, 17/0265/O approved on 18 January 2019.
5. In response to the concerns raised about the extension of the LBD, it is worth noting that the sites are within close proximity to the current LBD, which is partly why they were granted planning permission. The inclusion of the sites within the LBD accords with the methodology set out within the Limits to Built Development Topic Paper 2021, in that sites with extant planning permission (on the edge of a settlement) should be included within the LBD, with landscape buffers excluded.
6. Additional wording regarding Public Rights of Way and transport, recommended by Kent County Council, has been considered and reflected within the revised policy accordingly.
7. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundaries

8. The two separate LBDs for Goudhurst with a natural gap between are proposed to be retained. Both LBD boundaries are amended in the Pre-Submission Plan to include the developable area of proposed site allocations and the extant planning permission at Triggs Farm and Balcombes Hill above, with related landscape buffers and green space generally excluded. The LBDs are also proposed to be extended to include the Primary

School, excluding the playing fields, rural exception development along Culpepers Road, and other individual dwellings/small pockets of existing development where they form a logical extension to the LBD. St. Mary's Church and grounds are proposed to be excluded from the LBD as they are located on the edge of the settlement, and the church being a heritage asset with an important landscape setting.

9. The existing LBD at Kilndown is proposed to be removed as this settlement is considered to be unsuitable for further development with limited key facilities and bus services making it unsustainable in this context.
10. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary maps.

## 5.12 Horsmonden

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in comments, including any petitions, on each policy in the Horsmonden chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. In total, 112 comments were made in response to Horsmonden Parish. The main issues are set out below.

### General comments and The Strategy for Horsmonden (STR/HA 1)

#### Summary of comments/issues/concerns raised

Level and location of proposed development - proposals represent unsustainable development

- A number of comments were made querying why areas around Horsmonden have not been considered as suitable for delivering a large-scale development as an alternative to the proposed development at Tudeley, in Capel Parish.
- Many comments referred to the relatively small size of Horsmonden compared with other settlements in the borough. Concern was raised about the scale of development.

Development within the High Weald Area of Outstanding Natural Beauty (AONB) (and land adjacent to the AONB)

- Many comments stated that more consideration of the impact of development close to the AONB boundaries should be undertaken, with more reference to the intrinsic qualities of countryside outside the AONB.
- Many comments, including from Horsmonden Parish Council, raised concern about the impact of development upon the natural and historic setting of Horsmonden

Impact of development upon road capacity

- Highways England recommended T junction modelling at the junction of the B2162 Lamberhurst Road and A262 Goudhurst Road (junction adjacent to Forstal Farm) as well as roundabout modelling at Forstal Farm Roundabout (A21).
- Many comments raised concern about the number of increased cars arising from the proposed development, including concern for safety and need for traffic calming, pedestrian crossings and routes. The crossroads within Horsmonden were identified as being unsafe with a record of traffic accidents.

#### Insufficient infrastructure and services

- The NHS CCG stated that based on the estimated growth at Horsmonden, there will be a requirement for new medical premises.
- Many comments, including from Horsmonden Parish Council, raised concern about the lack of services to support development, including car parking, bus services, school facilities, community facilities, employment opportunities, access to high speed broadband, nursing home.

#### Site specific Issues

The main issues raised in relation to proposed site allocations for Horsmonden included:

##### Policy AL/HO1 Land adjacent to Furnace Lane and Gibbet Lane

- Character/Landscape -including impact upon setting of AONB and concern that major development in the setting of AONB is not justified under para 172 NPPF.
- Traffic/transport – KCC Highways supported the policy and made suggestions for additional detailed policy wording. Many concerns were raised about the impact of increased development upon the local road network, and Highways England recommend T junction modelling at the junction of the B2162 Lamberhurst Road and A262 Goudhurst Road.

##### Policy AL/HO2 Land south of Brenchley Road and west of Fromandez Drive

- Character/Landscape - including impact upon setting of AONB
- Infrastructure/services – including recommendations for additional wording on water infrastructure from Southern Water
- Traffic/transport – KCC Highways objected to the allocation on the grounds of the footway linkage proposed. Many comments raised concern over pedestrian safety to access the village centre from the site.
- Heritage – included suggestion for additional wording relating to provision of pedestrian access from the proposed development

## Response

3. In response to the comments received in relation to the potential for delivering a large scale development around Horsmonden:

4. The level and distribution of development has been assessed through the Sustainability Appraisal and is considered not to be a reasonable alternative location for a garden settlement (NB The potential for Horsmonden to make a lesser, but still material contribution to meeting housing needs is noted and taken into account in the assessment of non-strategic site options).
5. Horsmonden is located within the High Weald National Character Area. Such a substantial level of growth, at least trebling the size of the village, would inevitably impact on the AONB characteristics by virtue of general activity and lighting. The landscape impact of strategic development together with the relatively poor access to Paddock Wood and the larger urban centres of Tonbridge and Royal Tunbridge Wells, do not support the development of this area as a Garden Village. The small-scale landscape and related multiplicity of ownership around the existing village fringes is a further factor that does not support this approach.
6. The Draft Local Plan provided for 225-305 dwellings on three proposed allocations, all of which are in Horsmonden. It is now proposed that this be increased by 15 dwellings to 240-320, to reflect the inclusion of Bassetts Farm within the site area for Policy AL/HO 3 Land to east of Horsmonden. Including this area within the wider site allocation will allow for a more comprehensive development and the approach reflects recent discussions with Horsmonden Parish Council/Neighbourhood Plan Group, as well as the site promoters (Bassetts Farm and the remaining area of Policy AL/HO 3 are now being promoted by the same developer).
7. The proposed revised Policy STR/HO 1 now provides for approximately 240 - 320 new dwellings through three sites allocations; that is:
  - Policy AL/HO 1 Land adjacent to Furnace Lane and Gibbett Lane (approximately 45 – 55 dwellings);
  - Policy AL/HO 2 Land south of Brenchley Road and west of Fromandez Drive (approximately 80-100 dwellings, replacement village hall and associated parking) and
  - Policy AL/HO 3 Land to the east of Horsmonden (approximately 115 – 165 dwellings, safeguarding of land for future expansion of Horsmonden Primary School and a new health centre/doctor's surgery, and a community orchard and open space). Part of this site, Bassetts Farm, already has outline planning approval for 30 dwellings (15/505340, approved 5<sup>th</sup> January 2017), with a current application, 19/03657/REM, for reserved matters under consideration, proposing 20 dwellings.
8. Policy HO 2 Land south of Brenchley Road and west of Fromandez Drive has been subject to transport assessments undertaken since Regulation 18. The promotor of the site is considering a number of proposals to meet the policy requirement to provide a pedestrian access from the site to the satisfaction of KCC Highways, as the local highways authority, and these discussions are continuing. The extent of highway on the southern side of Brenchley Road has been investigated and discussed with Kent County Council.
9. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundary

10. The LBD boundary at Horsmonden is amended in the Pre-Submission Plan to include the developable area of proposed site allocations and extant and built-out planning permissions, with related landscape buffers and green/community space generally excluded. The LBD is also proposed to be extended to incorporate the northern part of the built-out Rural Exception site at Kirkins Close, as well as Heathfield Cottages to the north of Gibbet Lane. The exclusion of Horsmonden Primary School's associated play space and playing field from the existing LBD boundaries on the edge of the settlement is also proposed.
11. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.13 Lamberhurst

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This Summary identifies the main issues raised in comments, including any petitions, on each policy in the Lamberhurst chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. In total, 158 comments were received directly relating to Lamberhurst Parish. The main issues are set out below.

### General comments and The Strategy for Lamberhurst (STR/LA 1)

#### Summary of comments/issues/concerns raised

Level and location of proposed development - proposals represent unsustainable development

- Many comments expressed concern that the policy approach to the distribution of development in the Draft Local Plan is inconsistent with the results of the Distribution of Development topic paper. The dispersed and semi dispersed growth has been chosen as the preferred option instead of the 60% vote for a "growth corridor led" voted by residents.

Development within the High Weald Area of Outstanding Natural Beauty (AONB)

- Many comments considered the proposed development to be detrimental to the overall character of Lamberhurst and the High Weald AONB, with no justified exceptional circumstances for major development
- The National Trust raised concerns about potential adverse impacts from residential development on the wider ecological network, including potential projects that the National Trust may develop to improve green corridors within and along the boundaries of the Scotney Castle Estate, and upon the ecological benefits of the existing land bridge

used by wildlife over the Lamberhurst Bypass (A21).

#### Heritage

- It was advised that sites should be subject to a robust and detailed heritage impact assessment prior to allocations being adopted.

#### Impact of development upon road capacity

- It was recommended roundabout modelling is required at the Forstal Farm roundabout (A21)
- Additional policy wording on highways was also recommended

#### Public Rights of Way (PRoW)

- It was suggested that amendments are made to the policy wording with regards to PRoW.

#### Insufficient infrastructure and services

- It was expected that contributions will be required towards Lamberhurst surgery
- Many comments related to the lack of (or insufficient) local services, including schools, shops, public transport, doctors
- KCC Education stated that additional capacity is not required for Lamberhurst Primary School

#### Non-compliance with Neighbourhood Plan

- Many comments expressed concern that the aims in the TWBC Local Plan diverge from the draft Lamberhurst Neighbourhood Plan and conflict with consultation feedback.

### **Site specific Issues**

The main issues raised in relation to proposed site allocations for Lamberhurst included:

#### Policy AL/LA1: Land to the West of Spray Hill

- Character/Landscape - including impact upon AONB and a concern from the National Trust that the development in the southern part of the site may prejudice any future green corridor from the roundabout towards the village
- Traffic/transport – KCC Highways support and provide additional policy wording
- Infrastructure – National Trust objected to bullet 3 and requested dialogue with TWBC for linking the new development to the Scotney Castle Estate. Southern Water provided additional policy wording relating to waste water provision

#### Policy AL/LA2: Misty Meadows, Furnace Lane

- Character/Landscape - including impact upon AONB and a concern from National Trust that the development in the southern part of the site may prejudice any future green corridor from the roundabout towards the village
- Traffic/transport – Many comments stated that the location is remote and would not be accessible for pedestrians, and KCC Highways provide additional policy requirements for both the transport and PRow elements of the policy
- Infrastructure – Many comments stated there are insufficient services to support the proposal

## Response

3. The Draft Local Plan provided for 50 - 60 dwellings on two proposed allocations, both of which were in Lamberhurst.
4. Taking account of both objections raised at Regulation 18, including on sustainability of development and the impact on landscape terms, along with additional landscape assessment studies, it is proposed that Land at Misty Meadow (Policy AL/LA2, allocated for 25-30 dwellings) is not carried forward into the Pre-Submission Local Plan. The additional assessment has concluded that built development of the scale being proposed at this location would have an adverse impact upon the settlement pattern and character of the village.
5. This does not rule out possible scope for small-scale low-density development restricted to the north-western field, with potential for a farmstead led approach. However, it would not be appropriate to allocate the site on this basis, as this would need further assessment in line with the Farmsteads Assessment Guidance SPD and, in any event, would be too small for a Local Plan allocation.
6. The proposed revised Policy STR/LA 1 provides for approximately 25 - 30 new dwellings through one site allocation; that is:
  - Policy AI/LA 1 Land to the west of Spray Hill (approximately 25-30 dwellings)
7. To reflect representations made to the Draft Local Plan by KCC Education, stating that additional capacity was not required for Lamberhurst Primary School, the area to the north of the site identified in the Draft Local Plan as 'safeguarding of land for future expansion of Lamberhurst Primary School' has been removed. This part of the site area has been removed from the site allocation policy AL/LA 1 in the Pre-Submission Local Plan.
8. Amendments are made in response to the National Trust's concern on the impact of development on the ecological network, setting out that development should recognise the site's proximity to the relevant impact risk zone for Scotney Castle SSSI and ensure any necessary mitigation, and to qualify the provision of improved links.
9. In response to the objections raised concerning the compliance of Lamberhurst Neighbourhood Plan, it should be noted that TWBC has engaged proactively with Lamberhurst Neighbourhood Plan Group to assist with the production of its Neighbourhood Development Plan (NDP). Resultantly, the Lamberhurst NDP is closely aligned with the policies and strategy presented within the Local Plan.

10. For representations made under the Regulation 18 consultation on other sites which are not included in the Pre-Submission Local Plan, these sites have been assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 (which includes details of the assessment sheets for each site).

## Changes to LBD boundary

11. The LBD boundaries at Lamberhurst are amended in the Pre-Submission Plan to include a further/separate LBD established around existing built development to the south of the settlement at The Down, with an open landscape gap retained between the two LBDs.
12. Other amendments include the extension of the existing LBD to include the developable area of the proposed site allocation and extant and built-out planning permissions, with related landscape buffers and green space generally excluded. The LBD is amended to include the built-out Rural Exception site at the southern end of Pearse Place and Lamberhurst Primary School adjacent, with its associated play space excluded on the edge of the settlement. The LBD is also amended to include the proposed extension of garden areas to reflect the size of others included within the LBD in that particular part of the settlement for several dwellings to the west of the High Street and The Boundary. The full extent of the existing garages to the south of Brewer Street is also proposed to be included as a logical extension to the built form of the settlement.
13. The extent of rear gardens of dwellings to the east of School Hill are proposed to be reduced, to reflect the size of others included within the LBD boundary in that part of the settlement. While two dwellings on the western side of Town Hill Road, and another to the east of it are proposed to be excluded from the LBD, as they have particularly spacious grounds on the edge of the settlement.
14. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.14 Pembury

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in comments, including any petitions, on each policy in the Pembury chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. A total of 160 comments were received in response to the Pembury chapter. The main issues are set out below:

### General comments and The Strategy for Pembury (STR/PE 1)

#### Summary of comments/issues/concerns raised

Level and location of proposed development

- There is concern about the level of housing proposed for the parish and concern that this would not be sustainable development

#### Insufficient infrastructure and services

- Concern has been raised about the lack of infrastructure to support the proposed growth as well as about lack of proposals to improve existing infrastructure
- There is concern that the GP surgery and Pembury School are already overstretched. The West Kent Clinical Commissioning Group (CCG) confirms that contributions will be required to mitigate the impact of development in Pembury on medical/health facilities
- Concern has been raised that drainage and water supply can't cope with the growth, and electricity also as well as capacity of ancient sewers
- There is concern over the timely delivery of infrastructure to support the growth proposed
- Concern is raised about S106 developer contributions being used for development at Hawkenbury. S106 contributions should be used for facilities within Pembury. Sports provision at Pembury is over subscribed

#### Development within the High Weald Area of Outstanding Natural Beauty (AONB) and Green Belt land

- 89% of development within Pembury falls within the High Weald Area of Outstanding Natural Beauty (AONB) and is contrary to the aims of the AONB designation – objection to development in the AONB; proposed development in the AONB has not been justified. Includes objection from the AONB Unit and Natural England
- Concern that the part of this policy referring to developments larger than 100 residential units could encourage applications for major developments which are thoroughly unsuitable in the AONB.
- Objection to development in the Metropolitan Green Belt (MGB), which if lost cannot be replaced elsewhere in the parish
- A representation has been received objecting to the omission of a 'major developed site within the Metropolitan Green Belt' policy
- Loss of buffer between Royal Tunbridge Wells and Pembury
- Plan does not set out that site allocations have already been assessed for impact on the AONB

#### Traffic/Highways/ Public transport and parking

Highways England - Significant impact expected. Traffic data flags up current congestion problems in local and strategic road network surround Pembury during AM and PM peaks, particularly Kipping's roundabout and A21/A228/A264 interchanges

- Dualling of the A21 to Kippings Cross has created new traffic problems within the village
- The A228/A264 Pembury Road into Tunbridge Wells is working at overcapacity and there are concerns about traffic impact on Church Road and delays to ambulances reaching the hospital at Pembury

- Impact on Pembury Road and Colts Hill; plan does not propose mitigation
- Concern that traffic calming will be negated by development and over pedestrian links
- Local bus services are insufficient to encourage less car usage in a rural village, they need to be more frequent, with better services to run later into the evening
- Bus service is unreliable and expensive so accessing the towns of Tonbridge, Tunbridge Wells and Paddock Wood is very time consuming
- There is insufficient parking in centre of village
- There is insufficient room for a dedicated cycle lane along Hastings Road/ Pembury High Street/Henwood Green Road
- KCC conditionally supports policy with suggested amendments
- Campaign for Protection of Rural England (CPRE) is supportive of cycle links

#### Employment thresholds

- It was requested that any development of more than 20 dwellings in villages and the rural area ought at least to provide some employment possibilities

#### Heritage

Heritage England made a general comment (applicable to all parishes) about the need to ensure appropriately robust and detailed heritage impact assessment prior to allocations being adopted.

#### Site specific Issues

The main issues raised in relation to proposed site allocations for Pembury included:

##### Policy AL/PE1 Land rear of High Street and west of Chalket Lane

- Traffic and highway issues – including parking, access and safety (no obvious point of access to the site), insufficient space along Hastings Road for cycle and pedestrian links, congestion, and suggested amendments to policy wording from KCC. Concern that traffic calming measures would be negated by development
- KCC Highways conditionally supports the policy, with amendment
- Car parking for the Village Hall is a priority – and this is welcomed by the Village Hall Committee
- Infrastructure concerns – including lack of existing and adequate infrastructure to support growth and amendments to policy wording relating to water
- Landscape – mainly relating to development within the Green Belt and unjustified development in the AONB (including objection from the AONB Unit and Natural England) and the loss of woodland. The site should remain Green Belt. Vegetation along the southern boundary should be retained and enhanced, and the site provides a green buffer between Pembury Village and the A21
- Further clarification required – on what a community facility is and what the enhancements to the public realm will be
- Pollution and air quality concerns resulting from the increase of traffic on the roads

##### Policy AL/PE2 Land at Hubbles Farm and south of Hastings Road

- Traffic and highways issues – access concern, lack of space along Hastings Road for cycle paths, narrow roads/harm to local road network, public footpath upgrades required and suggested amendments to the policy wording from KCC, which conditionally supports the policy. Concern that traffic calming measures would be negated from development
- Infrastructure – including limited capacity of water infrastructure and suggested additional wording by Southern Water, general lack of infrastructure and over subscription of services including schools, doctors and dentists
- Pembury Parish Council supports extension of the burial ground
- Landscape – mainly relating to development within the Green Belt and concerns about Green Belt release, and unjustified development in the AONB (including objection from AONB Unit and Natural England). Site should remain Green Belt, providing a buffer between Pembury Village and the A21. Vegetation along southern boundary should be retained and enhanced
- Density of development is too high
- Pollution and air quality concerns resulting from the increase of traffic on the roads and concern about impact on wildlife
- Support from site promoted, with supporting documents submitted

#### Policy AL/PE3 Land north of the A21 south and west of Hastings Road

- Traffic and highway issues – including insufficient space for cycle lanes along Hastings Road, congestion/impact on local road network and suggested amendments to policy wording from KCC Highways, which conditionally supports the policy. Concern about access to the site
- Infrastructure concerns – including limited capacity of water infrastructure and suggested additional wording by Southern Water, lack of buses and general infrastructure to support growth
- Landscape – including maintenance of PRoW and development within the AONB and Green Belt, which are unjustified (includes objection from the AONB Unit and Natural England). Concern about loss of trees and need to retain and strengthen vegetation along the southern boundary of the site
- Pollution and air quality concerns resulting from the increase of traffic on the roads and concern about impact on wildlife
- Site promotor conditionally supports the policy and supporting documents have been submitted. Promotor raises concern about proposed business use on the site

#### Policy AL/PE 4 Land at Dowingbury Farm, Maidstone Road

- Traffic and highway issues – access from Church Road unacceptable, safety at junction into Maidstone Road, parking and suggested amendments to policy wording from KCC Highways, which conditionally supports the policy. Concern about traffic and delays to ambulances reaches the hospital at Pembury and parking
- Infrastructure concerns – including limited capacity of water infrastructure and suggested additional wording by Southern Water, which advises of an easement through the site and stress of planned growth on existing infrastructure
- Landscape – including development within the Green Belt and loss of farmland and orchard
- Heritage concerns and the effect of the proposal on listed buildings and farmstead
- Concern about impact on Ancient Woodland

- Employment use – incompatible with existing residential uses, and is better located a business park
- Pollution and air quality concerns resulting from the increase of traffic on the roads
- There is significant support for safeguarding of land to support development associated with the Hospice in the Weald, including from site promotor who also seeks that the allocation site be enlarged

#### Policy AL/PE 5 Land at Sturgeons fronting Henwood Green Road

- Traffic and highway issues – including insufficient space for cycle lanes, impact on A21 junction, traffic generation and suggested amendments to policy wording from KCC Highways, which conditionally supports the policy with amended wording

#### Policy AL/PE6 Land at Tunbridge Wells Hospital, Pembury and adjacent to Tonbridge Road

- Traffic and highway issues – including increase traffic and delays to emergency vehicles, parking at the hospital suggested amendments to policy wording from KCC Highways, which includes to split the policy into three parts
- Infrastructure concerns – water catchments area for Pembury Reservoir
- Landscape – Green Belt release for hospital is accepted, but AONB concern and loss of ancient woodland and the need preserving PRow WE211 and Local Wildlife site including SSSI. Concern about development around Sandhill Farm. Natural England and the AONB Unit object to the unjustified development in the AONB. The CPRE identifies this is a sensitive site
- KCC advises that there is potential Pre-historic remains at the site and that an Archaeological Desk Based assessment would be beneficial, and that a pre-determination assessment would clarify if the site has development potential
- Site promoters are supportive of the policy, with suggested amendment, including release of land from Green Belt

#### Policy AL/PE 7 Woodsgate Corner

- Significant traffic and highway issues – including traffic and impact on wider road network, including Pembury Road, Colts Hill, cycling, congestion and delays to ambulances reaching the Hospital at Pembury, objection from KCC Highways and others on the grounds of the site allocated for Park and Ride and that it should be retained for Park and Ride / lack of highway mitigation proposals
- Infrastructure - Cross cutting matter of review of contributions needed and public transport/cycling infrastructure
- Landscape – development within Green Belt, unjustified development in the AONB and Site of Special Scientific Interest (SSSI).
- Pollution and air quality concerns resulting from the increase of traffic on the roads
- Significant objection to economic use proposed and concern that such a use would be better located near other similar uses along Longfield Road
- Some support received, with amendment to policy suggested (to reflect the planning application by Hendy that was under consideration by the Council at the time)

## Response

3. The Draft Local Plan included seven site allocations in Pembury Parish, which were set out in the following policies:

- a. Policy AL/PE 1: Land rear of High Street and west of Chalket Lane
  - b. Policy AL/PE 2: Land at Hubbles Farm and south of Hastings Road
  - c. Policy AL/PE 3: Land north of the A21 south and west of Hastings Road
  - d. Policy AL/PE 4: Land at Dowingbury Farm, Maidstone Road
  - e. Policy AL/PE 5: Land at Sturgeons fronting Henwood Green Road
  - f. Policy AL/PE 6: Land at Tunbridge Wells Hospital, Pembury and adjacent to Tonbridge Road
  - g. Policy AL/PE 7: Woodsgate Corner
4. Following consideration of comments received in response to the Draft Local Plan, findings from updated evidence base studies, including the Landscape and Visual Impact Assessment, Grassland Surveys and the Green Belt Study Stage 3, as well as further site assessment work, several key changes are proposed to the Pembury Parish section of the Local Plan, in relation to site allocations. These key changes are summarised as follows:
5. Deletion of Policy AL/PE 6: Land at Tunbridge Wells Hospital, Pembury and adjacent to Tonbridge Road

This has been deleted following further consideration relating to the ability to retain the site as Green Belt while supporting appropriate forms of development. The policy has been replaced by text at paragraph 5.651 of the Pre-Submission Local Plan. This recognises that the hospital is considered to be a key strategic element in delivering current and future health provision for West Kent and identifies that the Council will be supportive of development proposals that have a direct functional link with the hospital or any emergency services associated with it. This includes land forming part of the Green Belt and it is identified that such development will need to demonstrate 'very special circumstances' as part of any planning application. Any future planning applications would also be assessed against other relevant policies of the Local Plan including in relation to landscape, archaeology, ecology and highway matters for example.

6. Policy AL/PE 1: Land rear of High Street and west of Chalket Lane

This is proposed to be retained in the Pre-Submission Local Plan, however with a reduction in the quantum of residential units proposed for the site, in response to further site assessment including Landscape and Visual Impact assessment and further Green Belt work. The quantum is proposed to be reduced from 70 – 80 dwellings in the Draft Local Plan down to 50 – 60 dwellings proposed in the Pre-Submission Local Plan. In the Draft Local Plan the whole site was proposed to be released from the Green Belt. Following the additional Green Belt study work undertaken, whilst the majority of the site is proposed to be released, the area of the site adjacent to the eastern side is now proposed to be retained as Green Belt. The Green Belt Study work conducted since the Draft Local Plan indicates that the release of the site from the Green Belt would result in low harm. The exceptional circumstances for the release of the site from the Green Belt are set out in the Distribution of Development Topic Paper.

A Grassland Survey has also been conducted, which has identified that the site has moderate botanical and ecological importance so biodiversity impacts are not expected to be significant.

The site no longer proposes a community facility to be provided on the site, which follows a review of infrastructure requirements. Taking account of representations about parking for the village hall and for Pembury Village, the policy now proposes approximately 30 car parking spaces to be provided, which are proposed to serve both the village hall and the village generally. Text will be included to tie delivery of housing to the provision of the car parking. The policy expectations in relation to provision of cycle-links will be given greater emphasis, with the cycle-link to provided through the site and linking with adjacent site allocations. Opportunities to provide an additional cycle link connecting to Hawkenbury will also be set out in the policy.

There has been further discussion with KCC Highways regarding the range of highway related matters raised and the policy is amended accordingly.

The red line (extent of the allocation) is proposed to be amended to omit a dwelling that does not form part of the land interests of the key site promoters.

#### 7. Policy AL/PE 2: Land at Hubbles Farm and south of Hastings Road

This is proposed to be retained in the Pre-Submission Local Plan, however with a reduction in the quantum of residential units proposed for the site, in response to further site assessment including Landscape and Visual Impact assessment and further Green Belt work. The quantum is proposed to be reduced from approximately 90 dwellings in the Draft Local Plan down to approximately 80 dwellings proposed in the Pre-Submission Local Plan. Following the additional Green Belt study work undertaken, whilst the majority of the site is proposed to be released, the area to be safeguarded for cemetery expansion is proposed to be retained as Green Belt. The Green Belt Study work conducted since the Draft Local Plan indicates that the release of the site from the Green Belt would result in low harm. The exceptional circumstances for the release of the site from the Green Belt are set out in the Distribution of Development Topic Paper. In addition, text will be included to tie delivery of housing to the provision of the cemetery expansion.

A Grassland Survey has also been conducted, which has identified that the site has low - moderate botanical and ecological importance so biodiversity impacts are not expected to be significant.

The policy expectations in relation to provision of cycle-links will be given greater emphasis, with the cycle-link to provided through the site and linking with adjacent site allocations. Opportunities to provide an additional cycle link connecting to Hawkenbury will also be set out in the policy. Greater emphasis is given to the landscape.

There has been further discussion with KCC Highways regarding the range of highway related matters raised and the policy is amended accordingly.

#### 8. Policy AL/PE 3: Land north of the A21 south and west of Hastings Road

This is proposed to be retained in the Pre-Submission Local Plan, however with a reduction in the quantum of residential units proposed for the site, in response to further site assessment including Landscape and Visual Impact assessment and further Green Belt work. The quantum is proposed to be reduced from approximately 90 dwellings in the Draft Local Plan down to approximately 80 dwellings proposed in the Pre-Submission Local Plan. In addition the proposal to consider provision of small business units included in the Draft Local Plan will be removed from the site requirements in the Pre-Submission Local Plan. This follows Regulation 18 representations and discussions with Highways England.

Following the additional Green Belt study work undertaken, it is proposed that the whole site will be released from the Green Belt as it was in the Draft Local Plan. The Green Belt Study work conducted since the Draft Local Plan indicates that the release of the site from the Green Belt would result in low harm. The exceptional circumstances for the release of the site from the Green Belt are set out in the Distribution of Development Topic Paper.

A Grassland Survey has also been conducted, which has identified that the site has low - moderate botanical and ecological importance so biodiversity impacts are not expected to be significant.

The policy expectations in relation to provision of cycle-links will be given greater emphasis, with the cycle-link to be provided through the site and linking with adjacent site allocations. Opportunities to provide an additional cycle link connecting to Hawkenbury will also be set out in the policy. Greater emphasis is given to the landscape.

There has been further discussion with KCC Highways regarding the range of highway related matters raised and the policy is amended accordingly.

#### 9. Policy AL/PE 4: Land at Dowingbury Farm, Maidstone Road

This is proposed to be retained in the Pre-Submission Local Plan with a quantum of 25 dwellings as previously proposed in the Draft Local Plan. The Draft Local Plan policy included an element of economic use and safeguarding of land for the potential expansion of the adjacent Hospice in the Weald. The policy proposed in the Pre-Submission Local Plan retains the safeguarded land for the Hospice, however the requirement for an element of economic use on the site is no longer a requirement for the site. In addition, text will be included to tie delivery of housing to the provision of the safeguarded land for the Hospice.

Green Belt study work undertaken indicates that the release of the site from the Green Belt would result in low - moderate harm. The exceptional circumstances for the release of the site from the Green Belt are set out in the Distribution of Development Topic Paper. In the Pre-Submission Local Plan, reflecting the policy in the Draft Local Plan, only the western area of the site is proposed to be released from the Green Belt.

There has been further discussion with KCC Highways regarding the range of highway related matters raised and in particular the provision of access to the site from Church Road. The policy is amended to reflect the expectation that an access from Church Road shall be informed by a Transport Assessment. There is greater emphasis on heritage and landscape, with the policy seeking a heritage assessment and landscape and visual impact assessment.

There is also an amendment to the red line (extent of the site), with the northern boundary of the site pulled back from the adjacent Pembury northern bypass.

#### 10. Policy AL/PE 5: Land at Sturgeons fronting Henwood Green Road

This is proposed to be retained in the Pre-Submission Local Plan, with the same amount of development of approximately 19 dwellings as proposed in the Draft Local Plan. This reflects an existing planning consent the site benefits from. Much of the site lies within the existing Limits to Built Development of Pembury, with only a small part of the site being within the Green Belt. Following the additional Green Belt study work undertaken, it is proposed that the site will be released from the Green Belt as it was in the Draft Local Plan. The Green Belt Study work conducted since the Draft Local Plan indicates that the release of from the Green Belt would result in very low harm. The exceptional circumstances for the release of the site from the Green Belt are set out in the Distribution of Development Topic Paper.

Policy wording has been reviewed, and there will now be greater emphasis on sensitive design given the edge of settlement location as well as the need for a Transport Assessment.

#### 11. Policy AL/PE 7: Woodsgate Corner [Officer note: this policy is renumbered to AL/PE 6 in the Pre-Submission Local Plan]

The site is located outside of the Metropolitan Green Belt on the urban edge. While it benefits from an extant planning consent that includes use of the site as a Park and Ride facility, it is considered that this is unlikely to be delivered. Having considered the Regulation 18 representations and taking account of the refusal of planning application 19/00884 for development of a Motor Village Car dealership and minor alterations to the Tesco car park, an alternative is proposed for the site in the Pre-Submission Local Plan. This alternative is the use of the site for provision of specialist housing for older people and others with care needs, which taking into account local concern about traffic is a use that would generate lower levels of traffic movement. The policy wording includes emphasis on landscape matters.

#### 12. New Policy AL/PE 7: Cornford Court, Cornford Lane

This site has an extant planning permission granted under reference 17/01151/FULL for 68 C2 (Use Class) dwellings, with a community facility. It is considered appropriate to secure this use by including the site within the Pre-Submission Local Plan. The site is proposed to be released from the Green Belt in the Pre-Submission Local Plan. The Green Belt Study work conducted since the Draft Local Plan indicates that the release of

from the Green Belt would result in low harm. The exceptional circumstances for the release of the site from the Green Belt are set out in the Distribution of Development Topic Paper.

### 13. New Policy AL/PE8: Owlsnest, Tonbridge Road

There is a resolution to grant planning consent under reference 19/01600/FULL for a 76 bed space care home / health and wellbeing facility to supply private nursing care and step-down care to the adjacent hospital. It is considered appropriate to secure this use by including the site within the Pre-Submission Local Plan. The site is located in the Green Belt and will remain within the Green Belt in the Pre-Submission Local Plan.

#### Other changes

There are other changes to policy wording of site allocations as a consequence of a review to remove repetition from the Local Plan, where previous policy criteria are dealt with by other policies of the Local Plan and following a review of infrastructure requirements/ Section 106 /developer contribution matters.

14. The recommended change to the site capacities described above is reflected in the revised strategy for Pembury Parish, Policy STR/ PE 1. In addition, as outlined at paragraph 5 above, the pre-amble text to this policy includes text to identify that the Council will be supportive of development proposals either on land at the hospital or in the vicinity of the hospital site that have a direct functional link with the hospital, or any emergency services associated with it and examples of such uses are given. This includes land in the Green Belt where very special circumstances can be demonstrated. This support is in recognition of the fact that the hospital is considered to be a key strategic element in delivering current and future health provision for West Kent.
15. Concerns were raised through a Regulation 18 representation about there being no replacement for the 'Major Developed Sites within the Green Belt' (policy number MGB2 in the Tunbridge Wells Borough Local Plan, 2006) in the Local Plan. The Council has considered this and notes that policy MGB2 had been replaced by the Tunbridge Wells Borough Core Strategy, 2010 and that it was based on a Planning Policy Guidance now withdrawn and that a Major Developed Sites Within the Green Belt policy would be in conflict with current policy set out within the NPPF. Given this, the Pre-Submission Local Plan is not proposed to include a 'Major Developed Sites within the Green Belt' policy.

#### Other sites

16. Two additional sites were submitted to the Draft Local Plan consultation (Site DCP2: 64 Hastings Road, Pembury and DCP10: Land at Rumford Manor, Pembury) for assessment and consideration in the next stage of the Local Plan. The Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 includes assessments for all submitted sites, including sites submitted through the Draft Local Plan public consultation and since then. This is whether proposed for allocation in the Pre-Submission Local Plan or not. Work through the SHELAA process has included consideration of any Regulation 18 representations made on all sites, including those not included in the Regulation 18 Draft Local Plan or Pre-Submission Local Plan. Regulation 18 representations were made relating to ten sites not included in the Draft Local Plan. For clarity, the SHELAA includes assessment of one further site (FS5:Land adjacent to Hawkwell Business Centre, Colts Hill).

## Changes to LBD boundary

17. The LBD boundary at Pembury is amended in the Pre-Submission Plan to include the developable area of proposed site allocations (which form part of proposed Green Belt release) and extant and built-out planning permissions, with related landscape buffers and green/community space generally excluded. This also includes the proposed incorporation of the built development at the Hospice in the Weald (adjacent to site allocation AL/PE 4) and existing built development south of Penns Yard, which will be partly surrounded by proposed site allocation AL/PE1 and existing built development.
18. Other amendments include the proposed removal of Pembury Athletic Youth Football Club as well as the bowling green, tennis courts, and village hall at Lower Green Road Recreation Ground from the existing LBD. Also, the exclusion of Pembury Primary School playing fields/pitches, as well as St. Peter's New Church Yard, located on the western edge of the settlement.
19. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.15 Rusthall

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in comments, including any petitions, on each policy in the Rusthall chapter, as well as on the proposed changes to the Limits to Built Development (LBD).
2. A total of 11 comments were received in response to the Rusthall chapter. The main issues are set out below:

#### General comments and The Strategy for Rusthall (STR/RU 1)

##### Summary of comments/issues/concerns raised

###### Infrastructure provision

- There is a need for contributions towards health/medical provision.
- Rusthall Parish Council made representation in relation to Local Green Space, specifying areas it wishes to see protected from development.

###### Employment thresholds

- It was requested any development of more than 20 dwellings in villages and the rural area ought to provide some employment possibilities.
- Concern was raised that part of this policy referring to developments larger than 100 residential units could encourage applications for major developments which are thoroughly unsuitable in the AONB and its setting.

## Heritage

- Heritage England has made a general comment (applicable to all parishes) about the need to ensure appropriately robust and detailed heritage impact assessment prior to allocations being adopted.

## Transport and Highways

- There is general support from KCC Highways, however it is suggested that the policy includes additional wording to the transport elements of the Strategy for Rusthall.
- Rusthall Parish Council made representations relating to site allocation AL/SP 3 (Land adjacent to Rusthall recreation ground, Southwood Road) immediately adjacent to the settlement edge of Rusthall. The site lies within the neighbouring parish of Speldhurst. Please refer to the Speldhurst parish consultation response for the Council's response.

## Public Rights of Way (PRoW)

- There is support for strategic policy relating to Public Rights of Way and contributions to these are requested.

## Proposed changes to Limits to Built Development (LBD)

- Objection was raised to the lack of proposed amendments to the Limits to Built Development and Green Belt boundaries at Rusthall. This was mainly in relation to the exclusion of a proposed site (Site Ref. 60 in the Strategic Housing and Economic Land Availability Assessment (SHELAA)). As explained below, for representations made under the Regulation 18 consultation on sites which are not included in the Pre-Submission Local Plan, the reasons are set out in the site assessment sheets in the SHELAA.

## Site specific Issues

The main issues raised in relation to proposed site allocations for Rusthall include:

### Policy AL/RU1 Lifestyle Motor Europe, Langton Road

- Traffic and highways – KCC support the policy, however suggest amendment to the wording of the policy in relation to including the need for a Transport Assessment, provision for visibility sprays and securing mitigation measures as developer contributions.
- Archaeology – KCC Heritage Conservation request that an Archaeological DBA would be useful to support the application and that significant archaeology can be dealt with by planning condition.

## Response

3. The Draft Local Plan included one site allocation at Rusthall Parish with a capacity for the Parish of approximately 15 dwellings. In the Draft Local Plan this was set out in the following policy:
  - a. Policy AL/RU 1:- Lifestyle Motor Europe, Langton Road
4. Following consideration of comments received in response to the Draft Local Plan and further site assessment work, it is proposed that this allocation will be retained in the Pre-Submission Local Plan. Further response to this policy is set out below.

### Policy AL/RU 1:- Lifestyle Motor Europe, Langton Road

5. It is proposed, following consideration of the comments received, that this will continue as an allocation with the same capacity of approximately 15 dwellings. It is noted that the site is an existing allocation in the Tunbridge Wells Borough Councils Site Allocations Local Plan 2016, for approximately 15 dwellings.
6. Additional text will be added to the site policy to reflect comments from, and further discussion with KCC since the Draft Local Plan consultation. This relates to highway requirements and the need for any future planning application to be supported by an archaeological Desk Based Assessment. Also the policy will be enhanced by additional wording in relation to heritage matters.
7. In response to the comments raised in relation to the Strategic Policy for Rusthall, Policy number STR/RU 1, the issues are noted, including those relating to employment thresholds, infrastructure provision, heritage and PRoW. The strategic policy for the parish of Rusthall, policy number STR/RU 1, will be unchanged in respect of the growth planned for the parish i.e. approximately 15 dwellings. Changes made to the policy reflect deletion of text to avoid repetition where matters will be dealt with by other policies of the Local Plan and changes in response to a review of infrastructure requirements/ Section 106 / developer contribution matters.

### General Comment: Local Green Space

8. Rusthall Parish Council made Regulation 18 representations about Local Green Space and identified sites it wishes to see protected. The representation has been considered as part of the Local Green work informing the Pre-Submission Local Plan.

### Other Sites

9. One additional site was submitted to the Draft Local Plan consultation (Site DCP 9: Nellington Mead, Rusthall) for assessment and consideration in the next stage of the Local Plan. The Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 includes assessments for all submitted sites, including sites submitted through the Draft Local Plan public consultation and since then. This is whether proposed for allocation in the Pre-Submission Local Plan or not. Work through the SHELAA process has included consideration of any Regulation 18 representations made on all sites, including those not included in the Regulation 18 Draft Local Plan or Pre-Submission Local Plan. Regulation 18 representations were made relating to two sites not included in the Draft Local Plan.

## Changes to LBD boundary

10. The LBD boundary at Rusthall is amended in the Pre-Submission Plan to exclude the allotments adjacent to Southwood Road from the existing LBD as they are located on the edge of the settlement. Proposed site allocation AL/SP 2 (land at and adjacent to Rusthall Recreation Ground, Southwood Road) is to remain excluded from the LBD as it is allocated for recreation and sports provision on the edge of the settlement, within the Green Belt. No other changes are proposed as the existing LBD boundaries adjoin the Green Belt and no Green Belt releases are proposed for this settlement.
11. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.16 Sandhurst

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in Regulation 18 comments, including any petitions, on each policy in the Sandhurst chapter, as well as on any proposed changes to the Limits to Built Development (LBD).
2. A total of 13 comments were received in response to the Sandhurst chapter. The main issues are set out below.

### General comments and The Strategy for Sandhurst (STR/SA 1)

#### Summary of comments/issues/concerns raised

##### Strategy for growth at Sandhurst

- Sandhurst Parish Council considers that a preferred strategy is for a small number of dwellings to be delivered in various small locations is preferred

##### Infrastructure

- Issues raised cover a broad range of infrastructure matters including demand on local services and the need for contributions towards health/medical provision
- Sport England was supportive
- Amendments are sought to contributions and to ensure these are proportionate and meet planning tests

##### Heritage

- There is a need (applicable to all parishes) to ensure appropriately robust and detailed heritage impact assessment prior to allocations being adopted.

##### Highways and Transport

- There was general support from KCC Highways, however suggested amendments to the transport element of the strategic policy for Sandhurst were made, including in relating to speed limit changes/traffic calming

#### Parking

- Sandhurst Parish Council raised issues covering parking for the village as well as speeding through the village and concerns about local infrastructure to support growth. The Parish Council submitted a site as a potential site for new village hall and refers to a need to potentially relocate the playing field [Officer note: This site has since been withdrawn by the Parish Council].

#### Public Rights of Way (PRoW)

- There was support for strategic policy relating to Public Rights of Way and enhancements/contributions to these are requested.

#### Employment thresholds

- It was requested that any development of more than 20 dwellings in villages and the rural area ought at least to provide some employment possibilities

#### Development within the High Weald Area of Outstanding Natural Beauty (AONB)

- Concern was raised that part of this policy referring to developments larger than 100 residential units could encourage applications for major developments which are thoroughly unsuitable in the AONB and its setting.

#### Proposed changes to the Limited to Built Development (LBD)

- One representation was made about the proposed Sandhurst LBD; requesting that an additional property be included within this.

### Site specific Issues

The main issues raised in relation to proposed site allocations for Sandhurst included:

#### Policy AL/SA1 Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane

- Concern over the extent of the site being allocated and quantum of units proposed, which could be increased if extent of allocation is enlarged; which will make more of a contribution to the borough's housing needs (site could accommodate up to circa 30 dwellings, taking account of constraints such as landscape/heritage)
- There is a need to ensure requests for developer contributions are proportionate and meet relevant planning tests
- KCC Highways requested amendment to the policy wording relating to pedestrian links and highway assessments
- KCC also identified a minerals and waste constraint for the site

#### Policy AL/SA2 Land adjacent to Old Orchard and Stream Pit Lane

- KCC Highways requested amendment to the policy wording
- KCC also identified a minerals and waste constraint for the site

## Response

3. The Draft Local Plan included two site allocations, both allocating land for residential development, with a combined capacity for the Parish in the range of 20-27 dwellings. In the Draft Local Plan these were set out in the following policies:
  - a. Policy AL/SA 1: - Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane;
  - b. Policy AL/SA 2: - Land adjacent to Old Orchard and Stream Pit Lane
4. Following consideration of comments received in response to the Draft Local Plan and further site assessment work, in particular Landscape and Visual Impact Assessment work, three key changes are proposed to the Sandhurst Parish section of the Pre-Submission Local Plan, all in relation to site allocations and consequential changes to the planned growth for the Parish (which will be 20 – 30 dwellings, a slight increase from the Draft Local Plan) and proposed Limits to Built Development. These key changes are summarised as follows:

Policy AL/SA 1: - Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane

5. In the Draft Local Plan, this site was allocated for residential development for approximately 10 – 15 dwellings. Following consideration of comments received in response to the Draft Local Plan and further site assessment work, it is considered that the site will remain suitable for inclusion in the Pre-Submission Local Plan, with the same site capacity. Consideration has been given to whether it is appropriate to extend the extent of the allocation and increase the quantum of proposed development. However, as set out in the SHELAA, site assessment work indicates a landscape and settlement pattern concern and consequently the extent of the allocation is proposed to remain as set out in the Draft Local Plan.
6. The policy wording has been reviewed, taking into account a TPO served on three Veteran trees located adjacent to, outside of the site boundary and the need for infrastructure requirements, including following discussion with Sandhurst Parish Council.

Policy AL/SA 2: - Land adjacent to Old Orchard and Stream Pit Lane (to be deleted from Pre-Submission Local Plan)

7. The site now benefits from planning permission for eight dwellings. This is below the 10 dwelling threshold used to inform whether a site is of a scale suitable to be included in the Pre-Submission Local Plan as a site allocation. Consequently, it is no longer proposed to allocate this site in the Pre-Submission Local Plan (although it will still be taken into account as a permitted scheme and will contribute to the housing needs of the borough).

Newly proposed Policy AL/SA 2: Sharps Hill Farm, Queen Street

8. This site was submitted for assessment through the public consultation on the Draft Local Plan. It has been assessed through the SHELAA and Landscape and Visual Impact Assessment (LVIA) work has been undertaken. The LVIA work indicates that this site has

small-scale development potential in this AONB location. Consequently, this site is a proposed allocation to be included in the Pre-Submission Local Plan. This will be a residential allocation with a site capacity of approximately 10-15 dwellings, informed by the LVIA work. Whilst a planning application for up to 16 dwellings on the site has recently been refused by Planning Committee, the grounds of refusal do not relate to the principle of development on this site.

9. The recommended changes to the site allocations proposed for Sandhurst Parish are reflected in the revised strategy for Sandhurst Parish, Policy STR/SA 1. It is considered that the proposed growth strategy will be an appropriate one for the Parish, taking account of site assessment work set out in the SHELAA.
10. Other changes to this strategic policy are a consequence of a review to remove repetition from the Local Plan, where previous policy criteria are dealt with by other policies of the Local Plan and following a review of infrastructure requirements/Section 106 /developer contribution matters. In addition, remaining issues are noted, including those relating to employment thresholds, infrastructure provision, heritage, PRoW and AONB, which it is considered will be suitably dealt with by other policies that will be included in the Pre-Submission Local Plan.

#### Other sites

11. Two additional sites were submitted to the Draft Local Plan consultation (Site DCP12: Sharps Hill Farm, Queen Street, Sandhurst and a second site since withdrawn), for assessment and consideration in the next stage of the Local Plan. The Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 includes assessments for all submitted sites, including sites submitted through the Draft Local Plan public consultation and since then. This is whether proposed for allocation in the Pre-Submission Local Plan or not. Work through the SHELAA process has included consideration of any Regulation 18 representations made on all sites, including those not included in the Regulation 18 Draft Local Plan or Pre-Submission Local Plan. Regulation 18 representations were made relating to three sites not included in the Draft Local Plan. For clarity, the SHELAA includes assessment of one further site (FS2: Field to the south of Bodiam Road, Sandhurst).

## **Changes to LBD boundary**

12. The LBD boundary at Sandhurst is amended in the Pre-Submission Plan to include the developable area of proposed site allocations and extant planning permissions, with related landscape buffers and green space generally excluded; as well as the built-out rural exception site at Old Orchard. The LBD is also proposed to be extended to include the incorporation of Sandhurst Primary School buildings, with adjacent associated place space and playing fields excluded.
13. The LBD is also amended to include the proposed extension of garden areas to reflect the size of others included within the LBD in that particular part of the settlement for dwellings to the north of the A268 at the western end of the settlement, dwellings to the north and south of the A268 at the eastern end of the settlement, dwellings on the southern side of Back Lane and the garden of the dwelling Home Nook, south of Bodiam Road.

14. A further amendment includes the proposed incorporation of the dwelling Cowbeach Farm, located in close proximity to dwellings within the existing LBD to the north and west of Sandhurst Mission Church. Its remaining extensive grounds, however, are excluded.
15. The request through the Draft Local Plan to include an additional property within the Sandhurst LBD has been considered. However, it is not proposed to include this property within the proposed LBD because this would not be in accordance with criterion VI of the methodology set out in the LBD Topic Paper, which excludes buildings in spacious grounds on the edge of the settlement.
16. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.

## 5.17 Speldhurst

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This summary identifies the main issues raised in Regulation 18 comments, including any petitions, on each policy in the Speldhurst chapter, as well as on any proposed changes to the Limits to Built Development (LBD).
2. A total of 63 comments were received in response to the Speldhurst chapter. The main issues are set out below.

### General comments and The Strategy for Speldhurst (STR/SP 1)

#### Summary of comments/issues/concerns raised

##### Distribution and level of proposed development

- A small number of representations raised concern that there is a lack of growth in the parish
- Contrary to this, some comments suggested that there are sufficient numbers of proposed developments already in Langton Green and Speldhurst to meet housing need and that there are brownfield and windfall sites available instead, and that there should be a reduction in the number and scale of developments to be more in keeping

##### Infrastructure

- Issues raised cover a broad range of infrastructure matters including the need for contributions towards health provision, concern that Speldhurst Primary School and the GP practice is over capacity and that there is a lack of school choice available. Concern also over lack of buses and that trains are oversubscribed, as well as a lack of cycle paths, and lack of employment to support growth
- Southern Water advises a need for upgrade of infrastructure
- Speldhurst Parish Council has made representations about recreation improvements

- Sports England supports the policy

#### Heritage

- There is a need (applicable to all parishes) to ensure appropriately robust and detailed heritage impact assessment prior to allocations being adopted.

#### Highways and Transport

- There was general support from KCC Highways, however suggested amendments to the transport element of the strategic policy for Speldhurst are made
- A significant number of representations raised concerns about speeding, traffic and traffic calming through Speldhurst Village, particularly on Langton Road and including the impact of speed reduction measures already implemented in Speldhurst

#### Development within the High Weald Area of Outstanding Natural Beauty (AONB) and Green Belt

- A significant number of representations raised objections to proposed development in the AONB and Green Belt and that the release of sites from the Green Belt is unjustified and would result in urban sprawl / ribbon development
- There was concern about the part of the policy referring to developments larger than 100 residential units could encourage applications for major developments which are thoroughly unsuitable in the AONB, raised by both the Campaign to Protect Rural England (CPRE) and Speldhurst Parish Council

#### Public Rights of Way (PRoW)

- There was support for strategic policy relating to Public Rights of Way and contributions to these are requested.

#### Employment thresholds

- It was requested that any development of more than 20 dwellings in villages and the rural area ought at least to provide some employment possibilities

#### Light Pollution

- Concern was expressed about light pollution from artificial lighting

#### Proposed changes to Limited to Built Development (LBD)

- Two comments were made objecting to the extension of the LBD to include Site AL/SP1, claiming that it is illogical due to the rejection of the sites adjacent and opposite to this site
- Objection was also raised to the lack of proposed amendments to the Limits to Built Development and Green Belt boundaries at Speldhurst Village. This was mainly in relation to the exclusion of a proposed site (Site Ref. 94 in the Strategic Housing and Economic Land Availability Assessment (SHELAA)).

## Site specific Issues

The main issues raised in relation to proposed site allocations for Speldhurst included:

### Policy AL/SP1:- Land to the west of Speldhurst Road [Officer note: since amended to Langton Road] and south of Ferbies

A significant number of objections were received, raising concerns in relation to the following matters:

- Landscape matters – insufficient justification for the release of Green Belt or development within AONB, loss of hedgerow, encroachment into Countryside
- Density is too high and out of keeping with the locality
- Impact on wildlife/biodiversity
- Lack of supporting infrastructure – including the lack of regular public transport including buses, lack of cycle links and strain on services including primary school and GP
- Traffic and highway issues – including speeding and impact from current speed reductions, pedestrian safety, the ability to provide a safe access to the site, congestion, insufficient parking. It is noted that KCC Highways has supported the policy with suggested additional wording
- This is not a sustainable site and that it will be detrimental to local people; the site had been considered for development potential previously and was not / is not supported by local people

### Policy AL/SP2:- Land north of Langton House

- KCC Highways supported the policy (and one other representation received in support too)
- KCC advised that there is significant archaeology associated with the site
- Site promotor raised the fact that they promote the site for housing and new parking/play facilities

### Policy AL/SP3 Land adjacent to Rusthall recreation ground, Southwood Road

- The site is located in Speldhurst Parish but lies adjacent to the settlement edge of Rusthall in the neighbouring parish of Rusthall. Both Speldhurst Parish Council and Rusthall Parish Council object to this site
- Rusthall Parish Council objected on grounds of traffic and highway issues – and effect on Rusthall High Street and Southwood Road, as there is concern about lack of parking. Also on infrastructure grounds, that the existing built facilities are insufficient and drainage
- KCC Highways conditionally supported the policy, with suggested additional wording, including in relation to provision of overspill parking

- Concerns / objections were received (including from Rusthall Parish Council) because of effect on the future viability of Jockey Farm (and potential effect of a Compulsory Purchase Order)

## Response

3. The Draft Local Plan included three site allocations in Speldhurst Parish comprising a single site at Speldhurst village providing some 15 – 20 dwellings (Policy number AL/SP 1), a site at Langton Green (Policy number AL/SP 2) which was to be safeguarded for future school expansion and a range of community uses (e.g. allotments, children’s play space) and a third allocation within Speldhurst Parish adjacent to Rusthall recreation ground (Policy AL/SP 3) which was proposed to be allocated for additional recreation provision. In the Draft Local Plan these were set out in the following policies:

- a) Policy AL/SP 1: - Land to the west of Speldhurst Road and south of Ferbies (in Speldhurst village);
- b) Policy AL/SP 2:- Land north of Langton House (at Langton Green) and;
- c) Policy AL/SP 3:- Land adjacent to Rusthall recreation ground, Southwood Road (adjacent to Rusthall village).

4. Following consideration of comments received in response to the Draft Local Plan, findings from updated evidence base studies, including Landscape and Visual Impact work, Grasslands Surveys and the Green Belt Study Stage 3, as well as further site assessment work, three key changes are proposed to the Speldhurst Parish section of the Local Plan, in relation to site allocations. These key changes are summarised as follows:

5. Deletion of Policy AL/SP 2: Land north of Langton House

The site is not proposed to be included in the Pre-Submission Local Plan due to the fact that Kent County Council Education has not identified any need for expansion of the primary school over the Local Plan period and would not therefore support an allocation in this location. Consideration has been given to a mixed use scheme at the site including residential use. However, as explained in the Strategic Housing and Economic Land Availability Assessment (SHELAA) assessment sheet for this site, the site is unsuitable for residential use because there are significant concerns about the ability to provide a suitable/satisfactory means of vehicular access to the site. Furthermore the site forms part of a Green Belt parcel, the release of which would result in very high harm.

6. Policy AL/SP 1:- Land to the west of Speldhurst Road and south of Ferbies [Officer note: address is amended in the Pre-Submission Local Plan to Land to the west side of Langton Road and south of Ferbies]

This is proposed to be retained in the Pre-Submission Local Plan, however with a reduction in the quantum of residential units proposed for the site, in response to further site assessment and including a Tree Preservation Order served since the Draft Local Plan. The quantum has been reduced from 15 – 20 in the Draft Local Plan down to 10 -12

proposed in the Pre-Submission Local Plan. It is still proposed to release the site from the Green Belt, with the Green Belt Study 3 conducted since the Draft Local Plan, indicating that the release of this site from the Green Belt would result in very low harm. The exceptional circumstances for the release of the site from the Green Belt are set out in the Distribution of Development Topic Paper. A Grassland Survey has also been conducted, which has identified that the site has low botanical and ecological importance so biodiversity impacts are not expected to be significant.

There has been further discussion with KCC Highways regarding the range of highway related matters raised and the policy is amended accordingly, along with a review of infrastructure contributions required and more emphasis on heritage.

7. Policy AL/SP 3: Land adjacent to Rusthall recreation ground, Southwood Road [Officer note; This policy has been renumbered AL/SP 2 in the Pre-Submission Local Plan and the site name amended to Land at and adjacent to Rusthall Recreation Ground, Southwood Road]

This is proposed to be retained in the Pre-Submission Local Plan. Consideration has been given to the representations received to the Draft Local Plan and there has been further discussion with KCC Highways. The key change to this policy is that the extent of the site has been enlarged to incorporate the existing recreation ground adjacent to the site. The reason behind this is to help facilitate a more comprehensive development of the site, which would provide greater opportunity for over spill car parking provision, highway mitigation and enhancement of existing recreation facilities to be provided.

Policy wording is proposed to be amended, removing points of repetition with other policies contained in the Pre-Submission Local Plan. Wording has been amended to provide clarity on the expectations of the allocation and to require that any improvements to playing pitches include proposals for drainage to ensure use of the pitches over a longer season. Furthermore, this site forms part of the sports strategy for the Main Urban Area of Royal Tunbridge Wells and it is proposed that this will contribute to the overall aims of the sports strategy for the borough.

Representations received that raise concern about impact on Jockey Farm have also been considered. The site owned by Jockey Farm has recently received planning consent under planning reference 21/00068 for the change of use of this land to expand existing recreational facilities through provision of additional sports pitches, together with associated additional car parking provision, 'ball stop' fencing, and other works. This land is also already allocated for sports pitches and other outdoor recreation facilities in the Tunbridge Wells Site Allocations Local Plan, 2016 under Policy number AL/RTW30. It is possible that a Compulsory Purchase Order (CPO) would follow the planning consent granted, which would have regard to the effect on Jockey Farm. However, any land needing to be acquired would first be sought through agreement with the landowner, with the use of a CPO being a last resort.

8. The recommended changes to the site allocations proposed for Speldhurst Parish are reflected in the revised strategy for Speldhurst Parish, Policy STR/SP 1, which will include a reduction in the amount of planned growth, reflecting the reduction of units proposed by

policy number AL/SP 1:- Land to the west of Langton Road and south of Ferbies. Other changes to this strategic policy are a consequence of a review to remove repetition from the Local Plan, where previous policy criteria are dealt with by other policies of the Local Plan and following a review of infrastructure requirements/Section 106 /developer contribution matters.

### Other sites/issues

9. With regard to the objection relating to the lack of amendment to the LBD and Green Belt boundaries at Speldhurst (mainly in relation to SHELAA Site 94) , as explained below, for representations made under the Regulation 18 consultation on sites which are not included in the Pre-Submission Local Plan, the reasons are set out in the site assessment sheets. In addition, Site 94 would not comply with the methodology set out in the Limits to Built Development Topic Paper 2021, particularly in relation to criteria IV (exclusion of rear gardens protruding into the countryside) and XIX (exclusion of land in the Green Belt which does not form part of proposed Green Belt release).
10. Two additional sites were submitted to the Draft Local Plan consultation (Site DCP11: Went Farm, west of Speldhurst Road, Speldhurst and DCP21: Land Adjacent to Langton House, Langton Green) for assessment and consideration in the next stage of the Local Plan. The Strategic Housing and Economic Land Availability Assessment (SHELAA) 2021 includes assessments for all submitted sites, including sites submitted through the Draft Local Plan public consultation and since then. This is whether proposed for allocation in the Pre-Submission Local Plan or not. Work through the SHELAA process has included consideration of any Regulation 18 representations made on all sites, including those not included in the Regulation 18 Draft Local Plan or Pre-Submission Local Plan. Regulation 18 representations were made relating to five sites not included in the Draft Local Plan. For clarity, the SHELAA includes assessment of two further sites (FS4: A smaller site at Went Farm, Speldhurst and FS10: Land at Hollands Farm, Langton Green).

## **Changes to LBD boundary**

11. The LBD boundary at Speldhurst Village is amended in the Pre-Submission Plan to include site allocation AL/SP 1 (land to the west of Langton Road and south of Ferbies) and the triangular piece of land to the west of it (end of private garden areas to properties on Ferbies), both of which form part of proposed Green Belt release.
12. A further amendment includes the exclusion of Speldhurst recreation ground, tennis courts, bowling green and allotments from the existing LBD, as recreational uses/green open spaces located on the edge of the settlement.
13. No other changes are proposed as the existing LBD boundaries adjoin the Green Belt and no Green Belt releases are proposed for this settlement.
14. For clarity, no changes are proposed to the LBD boundary at Langton Green, as existing LBD boundaries adjoin the Green Belt and no Green Belt releases are proposed for this settlement.
15. Please refer to the Limits to Built Development Topic Paper 2021 for further explanation and the relevant LBD boundary map.



# Section 6: Development Management Policies

## 6.1 Environment

### 6.1.1 Policy EN 1: Design and other development management criteria (now combined with DLP Policy EN 2: Sustainable Design and Construction to form new Policy EN 1: Sustainable Design)

#### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 33 comments were received in respect of this policy.
2. Eighteen were in support, most of which were with conditions/suggested changes, there were an additional seven general observations. The key issues raised included:
  - a. The policy is too prescriptive and should be more flexible to adapt to changes over the plan period
  - b. The policy is too long – maybe better to have the checklist as guidance rather than as a policy itself
  - c. There are some contradictions with Policy EN2: Sustainable Design and Construction
  - d. The inclusion of compensatory measures for biodiversity net gain and compensatory measures was queried
  - e. The High Weald AONB Unit, Tunbridge Wells CPRE and a number of others consider there should be stronger reference to the AONB in the policy wording itself, not just the supporting text
  - f. The High Weald AONB Unit and a number of others thought there should be a stronger emphasis and possibly a separate policy for community engagement
  - g. Several queries about the criterion - trees in relation to development
  - h. Cycle infrastructure should be included
  - i. KCC and TWBC Property Services suggest that other supporting documents/guidance should be referenced in the Policy
  - j. Suggestions for tweaking/changes to wording, of various sections of the policy and the supporting text, including some suggested additions from KCC Highways in the criterion for Highway Safety and Access.
3. A further eight comments were in objection, though these generally related to proposed development at specific settlements rather than the actual wording of Policy EN1. These comments are addressed in more detail under other sections of the Local Plan, mainly Section 5: Place Shaping Policies.

## Response

4. With regard to point a above, that the policy is too prescriptive and should be more flexible, the Policy is intended to provide a 'catch all' for all different types of development and to provide a checklist in relation to development management criteria. It allows flexibility in the guidance listed and referred to in the text, as it is appreciated that this could change over the plan period. However, the planning principles which constitute this policy are unlikely to change.
5. In addition, and with reference to points b and c above – the policy is too long and there are conflicts with Policy EN2 (Sustainable Design), DLP Policy EN1 is now combined with DLP Policy EN2, forming new Policy EN1: Sustainable Design in the new Local Plan, to avoid any perceived conflicts and promote the full integration of sustainable design in development proposals.
6. Also, the policy is now condensed and the list of criteria within it shortened (reduced from 12 criterion to 9), with the key questions/checks taken out and incorporated into a separate design guidance/checklist below the policy box.
7. With regard to point d above - compensatory measures for biodiversity - the word *compensate* is added to the criterion relating to biodiversity and geodiversity in accordance with the avoid, mitigate, compensate hierarchy in DM Policy EN9: Biodiversity Net Gain.
8. With regard to point e, that there should be stronger reference to the AONB in the policy wording, this is agreed and now added to the policy wording and supporting text.
9. With regard to point f, that there should be more emphasis on and a separate policy for community engagement, it is accepted that community engagement in design is important in informing consideration of proposals against planning criteria. Therefore, stronger reference is now made to this in the supporting text to the policy.
10. With regard to point g, several developers commented that the requirement to retain existing trees (outside TPOs and Conservation Areas) to be onerous. However, it is considered that where such trees are considered to make a positive contribution to the locality/street scene (as under criterion 1 of the Policy), their retention should be considered in the first instance as part of any landscaping scheme. Nonetheless, some of the criteria listed under the criterion for Landscape, Trees and Amenity are now included in the new design guide checklist referred to above, rather than in the policy wording itself.
11. With regard to point h, include reference to cycle infrastructure provision, this is now added in under the criterion in the Policy relating to Highway Safety and Access.
12. With regard to points i and j, inclusion of amendments to existing guidance and reference to new guidance, these are now incorporated into the new Policy wording.

## **6.1.2 Policy EN 2: Sustainable design and construction (now combined with Policy EN 1: Design and other development criteria to form new Policy EN 1: Sustainable Design in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 34 comments were received in respect of this policy. These were received from developers, residents, statutory environmental bodies, local authorities and local interest groups.
2. Generally, there was a degree of support for the principles behind the policy, but concerns over matters such as the policy wording, conflicts elsewhere in the DLP and the ambition of the policy.
3. Developers were largely concerned that the policy was too vague and sought clarity over a number of points, with some suggesting alternative wording. The key issues raised included:
  - a) Concern about the length of policy
  - b) Concern about reference to burning biomass not highlighting the negative side of this fuel use i.e. air pollution
  - c) Inadequate reference to community engagement in policy wording
  - d) Clarifications needed for the term 'exceptional design' and for behaviour changes required under step 7
  - e) Concern about flexibility of policy wording and that policy wording being too prescriptive
  - f) Several respondents, including KCC, raised concerns regarding the topic of climate change and how it was being addressed.
  - g) Natural England welcomed the policy but recommended adjusting the wording in relation to net gains for biodiversity and also the wording in step 4 to avoid confusion between the requirements for heritage and food growing facilities.

### **Response**

4. With regard to point a – biomass burning causing air pollution issues –the use of such an example is now removed without detracting from the policy approach.
5. With reference to points b and c above – the policy is too long – as previously mentioned for DLP Policy EN1 (design and other development management criteria), DLP Policy EN2 is now combined with DLP Policy EN1, forming EN1: Sustainable Design in the new Local Plan, to avoid potential conflict between policies and allow the full integration of sustainable design in development proposals.
6. With regard to point c above – community engagement needing to be incorporated into the policy - stronger reference is now made to this in the supporting text to the policy and it continues to have its own criterion in the combined policy wording.

7. With regard to point d – clarity required on behaviour change example and the term exceptional design - further detail and explanation is now added to the supporting text.
8. With regard to point e – flexibility of the policy and wording being too prescriptive – clarity has been added that not all parts of the policy are applicable to all development.
9. With regard to point f – climate change ambition – The wording has been adjusted accordingly to reflect the new net zero target.
10. With regard to point g – clarity required about enhancements for the natural environment – this wording is now removed in the combined policy and an amendment considered unnecessary, as matters of biodiversity are considered to be adequately covered by Policy EN9: Biodiversity Net Gain.

### **6.1.3 Policy EN 3: Sustainable Design Standards (Now Policy EN 2: Sustainable Design Standards in the Pre-Submission Local Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 26 comments were received in respect of this policy, including from developers, residents, government authorities, utility companies and local or national interest groups. Generally, there was a degree of support for the policy, but the following comments were made:
  - Concerns were raised about the ambition and flexibility of the policy.
  - With regard to the ambition of the policy, eleven respondents requested more ambition (including numerous references to the Climate Emergency and the mandatory elements of the policy), while eight respondents (largely with land interests) had viability concerns with the policy.
  - There were also numerous requests (or recommendations made) for clarification regarding the wording of the policy in terms of what is mandatory and what is optional, and the evidence for compliance. Developers were particularly keen that the wording should be made more flexible. There were also queries about how this relates to the Government's consultation on Future Homes Standards.

#### **Response**

2. With regard to the first point, that the policy requires greater ambition, on review, it was felt that the suggestions made to introducing the highest standards from the outset and for all sizes of developments, would cause too great a challenge for developers and that a gradual approach, common with other authorities, would be more appropriate, especially with regard to the climate emergency which has been declared since this policy was drafted. The motivation behind these requests are appreciated but the Local Plan must balance the competing needs from a number of different planning disciplines, or risk rendering development unviable. A minor amendment is made to the years referred to in the policy to reflect the recent change in plan period.

3. With reference to comments regarding clarity, the following responses are given:
  - a. The Home Quality Mark is described in paragraph 6.25. A weblink is provided in this section of the Plan so further detail can be obtained
  - b. The Future Homes Standard does not require mention in relation to this policy at present as it relates to the specific issue of emission reductions which are dealt with in the Climate Change policy and accompanying Energy Topic Paper
  - c. Accessibility is considered in both BREEAM and the HQM
  - d. The term 'flexibility' in paragraph 6.27 is ambiguous. Additional text is now added to address this.
  - e. Additional text will be added to clarify the use of the phrase 'must begin work' when the policy becomes mandatory for all development.
4. In terms of viability implications, the viability of this policy has been considered by both consultants Dixon Searle (as part of the whole Plan viability testing) and Currie and Brown as part of the testing of these policies.
5. With regard to the point about the mandatory and non-mandatory elements of the policy, the Council has sought legal advice on this issue and been informed that design standards such as these can only be enforced for non-residential development, not residential. The policy is worded to reflect this advice and it is considered that no further change is needed.
6. In terms of the evidence for compliance, additional text is now added to allow some flexibility with timescales for provision of the relevant certificates and the titles of the certificates to future-proof the policy.

### **6.1.4 Policy EN 4: Energy Reduction in New Buildings (now combined with Policy EN5: Climate Change adaptation to form new Policy EN 3: Climate Change Mitigation and Adaptation in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 26 comments were received in respect of this policy. These were received from developers, residents, government authorities, utility companies and local or national interest groups.
2. Generally, there was a degree of support for the principles behind the policy, but concerns were raised over the ambition of the policy. There were also a number of comments requesting further clarification or a change in emphasis of the policy wording.
3. Nine respondents raised the topic of the Climate Emergency and or the net zero emission target and raised concern that the targets were not ambitious enough in this context.
4. In contrast, ten respondents (mainly developers and home builders) were concerned that the policy was too ambitious and could cause viability problems. Several of these

comments referred to the Government's Future Home Standard Consultation and the Written Ministerial Statement of 2015 which restricts the ability of Local Planning Authorities to request higher standards than those set by Building Regulations (Part L).

5. Amongst the numerous requests for clarification, several commenters queried the renewable energy technology that is discussed in the policy wording.
6. Further key issues raised included:
  - h) Concern about references to biomass being a suitable form of renewable energy and causing air pollution
  - i) Concern that it is not clear the policy relates only to new buildings
  - j) Various concerns about renewable energy technologies e.g. Combined Heat and Power (CHP) is both not appropriate as a low carbon technology, combined air and ground source heat pumps need mentioning, as does emerging new technology.
  - k) Discounting of unregulated emissions may not help avoid the performance gap
  - l) Opinion that a combined response of fabric first and renewables would be preferred to a hierarchical approach
  - m) Opinion that phrase 'radical reductions' in policy box is too imprecise
  - n) Recommendation that climate change mitigation policy include reference to natural climate solutions

## Response

7. With regard to the point that the policy is not ambitious enough, it is recognised that since the policy was first drafted with advice obtained from external studies, the Borough Council has declared a climate emergency and the Climate Change Act has been amended to a similar, albeit less ambitious, effect. The Council intends for the borough to be carbon neutral by 2030 and central government intends for the UK to be carbon neutral by 2050. Because the borough-level target is within the plan period, this Local Plan (and future iterations) will have an important role to play in meeting the net zero target, although it is currently unclear precisely how much control local planning authorities will be given in this process.
8. Earlier this year, Government consulted on how Building Regulations could be used to address the energy consumption of new development (the "Future Homes Standard"), including removing the ability of Local Planning Authorities to set local policy that goes beyond this. The results of this consultation are discussed in the Energy Topic Paper. No amendment to the policy is considered necessary at this stage.
9. Currently, the choice of targets has been clearly justified by feasibility and viability work undertaken by consultants Currie and Brown; also, legal advice has been taken. It is recognised that the targets will need to increase over time to reach carbon neutrality by 2030 and so a reference to the expectations becoming greater as time passes and some additional wording is now added to the supporting text to better future-proof the policy.
10. With reference to point a above – the reference to biomass - it is acknowledged that there are locations in the borough that are not suitable for biomass boiler installation due to air quality issues. New Local Plan Policy EN23 Biomass Technology addresses this specific issue and is referenced for clarity. With regard to carbon savings, The Energy Saving

Trust states that savings can be made where biomass is sourced locally and so the policy text is now amended to this effect.

11. With regard to point b above – the application of the policy to new buildings only, the policy text is now updated accordingly to provide further clarity on this point.
12. With regard to point c – concern about the list of renewable energy technologies – no alteration to the CHP text is felt necessary at the moment, as the policy does not commit to this technology, but only ‘considers it on a case-by-case basis’. The text is now altered to refer to combined air and ground source pumps (as well as individual systems). The policy also now contains reference to emerging new technology and more detail on heat pumps is provided in the supporting text as this is becoming a popular new technology and focus for central government.
13. With regard to point d – whether unregulated emissions should be included in calculations – it is recognised that unregulated emissions can account for up to 50% of operational carbon emissions and thus are a significant source. It is also noted that in the recent Future Homes Consultation, the Government appeared to be suggesting unregulated emissions be considered more carefully. This is particularly the case where new dwellings are being constructed and fitted out with new appliances. For this reason, some additional text is now added along these lines.
14. With regard to point e – combination vs hierarchical approaches to emissions reductions – it is strongly felt that a hierarchical approach (as is currently written) is preferable to a combined approach. If the energy hierarchy is not followed, there is a risk that a legacy of inefficient buildings are built that require retrofitting in the future. This was the basis agreed during feasibility and viability studies. Therefore, the policy wording has not been adjusted.
15. With regard to point f – imprecision of phrase ‘radical reductions’ – this wording has been used deliberately as it replicates paragraph 148 of the NPPF and emphasises the importance of this task in this initial stage of the journey towards net zero emissions.
16. In relation to point g – need for reference to natural climate change solutions – it is felt that this policy concerns new buildings only and that reference to other forms of climate change mitigation (transport, natural solutions etc) are adequately considered in other policies in the Local Plan. Including them here would result in unnecessary repetition.
17. To allow the full integration of climate change in development proposals, DLP Policy EN4 is now combined with DLP Policy EN5: Climate Change Adaptation, forming Policy EN3: Climate Change Mitigation and Adaptation in the Pre-Submission Local Plan.

## 6.1.5 Policy EN 5: Climate Change Adaptation (now combined with Policy EN 4: Energy Reduction in New Buildings to form new Policy EN 3: Climate Change Mitigation and Adaptation in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 21 comments were received in respect of this policy. These were received from developers, residents, Statutory Environmental Bodies, government authorities, utility companies and local or national interest groups.
2. Generally, the majority of respondents were in favour of the policy or the principles behind the policy. The relatively small number of concerns raised related either to the ambition of the policy (or lack thereof) including viability concerns. However, in both these situations the concerns were relating to aspects of other policies in the DLP such as EN4 Energy Reduction in New Buildings.
3. A small number of respondents made suggestions on how the policy could be improved further, for example through reference to natural climate change solutions or with a stricter policy application.
4. Further key issues raised included:
  - a) Recommendation that the policy is expanded to include the necessary infrastructure for resilient forestry and agricultural practices.
  - b) Need to recognise that air conditioning refrigerants use greenhouse gas more potent than carbon dioxide.

### Response

5. With regard to the ambition of the policy, one respondent suggested the policy measures be a requirement rather than reference to proposals the authority will support, stronger wording is now included to this effect and a caveat added to reflect the fact that not all elements of the policy will be relevant to every development. Similarly, the wording is adjusted to ensure flexibility and future proofing of the policy to address the viability concerns that were raised.
6. With reference to natural climate change solutions, it is felt that this aspect was already covered to some extent by step 1 of the policy. However, the significant role that tree planting plays is given more emphasis, so a brief reference is now added. Many of the other comments on this topic related to climate change mitigation, rather than adaptation, so are addressed previously under DLP Policy EN4.
7. With regard to point a above – infrastructure needs for rural economy – additional text is now added to this part of the policy to recognise the need for infrastructure.
8. With regard to point b above – greenhouse gases in air conditioning – the policy wording is now updated to reflect this by replacing reference to units with the ‘lowest carbon’ with ‘lowest greenhouse gas’.

9. To allow the full integration of climate change in development proposals, and as mentioned previously for DLP Policy EN4: Energy Reduction in Buildings, DLP Policy EN5 is now combined with DLP Policy EN4, forming Policy EN3: Climate Change Mitigation and Adaptation in the Pre-Submission Local Plan.

## 6.1.6 Policy EN 6: Historic Environment (now Policy EN 4: Historic Environment in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. There were 16 respondents to the draft policy which included individuals and organisations. Generally, the comments were more supportive than not, with many of the objections relating to other policies in the plan, where it was felt would not accord with this policy. Support for the policy included the recognition of non-designated heritage assets which is not explicit in current policy, and the commitment to review conservation area appraisals.
2. Some respondents raised concerns about particular heritage assets and whether these would be protected through what was seen as a generic policy. Requests were also made for better cross-referencing with other policies in the plan.
3. Two statutory consultees in relation to the historic environment provided responses. Kent County Council suggested several amendments to both the policy wording and supporting text. Historic England raised fundamental concerns regarding the generic wording of the policy itself but gave support to the supporting text.
4. Two respondents (representing house builders), did not support the policy, with the opinion that it exceeds the scope of protection in the NPPF.

### Response

5. Many of the consultation comments raise objections to the growth strategy rather than the policy wording itself, considering other policies to be contrary to the aims of this policy to conserve the historic environment. It is suggested that this is interpreted as tacit support of the draft policy. Further consideration is given to such responses relating to individual sites in the context of this policy as part of the review of the Place Shaping chapters under Section 5.
6. Kent County Council suggested a number of amendments and additions to the supporting text, many of which are now incorporated, as well as amendments to the policy wording itself.
7. Consideration of the other issues raised in relation to policy EN6 itself, and its supporting text, is given below.
  - a. Policy too generic
    - Some respondents express concern over the generic terminology of the policy, which then means it cannot be used for a specific site or, otherwise, that the policy should be amended to be more precise in its definition of the historic environment, including a list of heritage assets. However, it is considered that the Historic Environment Review, which

includes the matrix illustrating the themes of the historic environment and heritage asset typologies that are distinctive to the Borough, is appropriately referenced in both the policy wording and the supporting text. This is an appropriate resource along with others referenced in the supporting text, such as the conservation area appraisals, which provide a basis for analysis of more specific areas or heritage asset typologies. Specific heritage asset types are better referenced, appropriately, in the following policy EN5: Heritage Assets.

- There is a risk that the policy could become cumbersome with too much detail provided to specifically cover the breadth of heritage in the borough. Historic England (HE) raised a fundamental concern over the lack of reference in the policy itself to the content of the supporting text which relates to the local historic typologies. However, following a meeting with Historic England, who revisited these comments and the draft policy, it is agreed that the Policy wording is reasonably drafted.

b. Other guidance to be included

- Responses included a suggestion that the High Weald AONB design guidance is included in the second paragraph of the policy. The list in this paragraph includes those policies and guidance specific to the historic environment, rather than the wider historic landscape of the borough. It is therefore considered that the reference to this guidance is more appropriately placed, as it is, in EN1 in relation to general design. However, the incorrect reference to one of the Historic England series of guidance notes, 'Historic England Advice Notes', has been corrected to 'Historic Environment Advice Notes'.

c. Archaeology and historic landscape

- Kent County Council's response included specific recommendations to strengthen the reference to archaeological heritage in both supporting text and policy wording. The supporting text is now amended in regard to this. The matrix of heritage themes is also amended to include historic field systems, under the 'Agriculture' theme, and additional wording on ancient routeways included.

d. Better cross referencing with other policies

- It is considered that this is more appropriate for the strategic policies and that the general reference in the policy wording for the need to cross reference provides the 'hook' for this as appropriate.

## **6.1.7 Policy EN 7: Heritage Assets (now Policy EN 5: Heritage Assets in the Pre-Submission Local Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. There were 19 respondents to the draft policy which included individuals and organisations. Generally, the comments were more supportive than not, with many of the objections relating to place shaping policies, which it was felt would not accord with this policy, or otherwise relating to non-compliance with national policy and conflict between balancing harm and benefits and conserving and enhancing. Support for the policy included frequent references to the recognition of non-designated heritage assets, with

specific types mentioned (which is not explicit in current policy), and the commitment to review conservation area appraisals.

2. Some respondents expressed reservations over whether the policy may be too generic, both from the point of view of adequately protecting each asset type, and of allowing a balance of harm against benefit.
3. Two statutory consultees in relation to the historic environment provided responses raising concerns and suggested amendments. Kent County Council suggested several amendments to both the policy wording and supporting text. Historic England raised fundamental concerns regarding the generalised approach, the grouping of all heritage assets under one policy given the different legislative requirements, and the lack of a discrete policy on heritage at risk.

## Response

4. Many of the consultation comments raise objections to the growth strategy rather than the policy wording itself, considering other policies to be contrary to the aims of this policy to conserve the historic environment. It is suggested that this is interpreted as tacit support of the draft policy. Further consideration has been given to responses relating to individual sites in the context of this policy as part of the review of the Place Shaping chapters under Section 5.
5. A suggestion is made that the policy should state that ‘substantial harm to or loss of heritage assets of the highest significance should not be permitted full stop’. It is considered that this would not be compliant with the NPPF, which states rather than this should be ‘wholly exceptional’, as set out in this policy.
6. A respondent requested that a reference to the review and adoption of the Urban Design Framework be included. However, this is already referred to in draft Policy EN1, which is regarded as the appropriate location for this rather than an explicit historic environment policy.
7. Kent County Council suggested a number of amendments and additions to the supporting text, many of which are incorporated, as well as amendments to the policy wording itself.
8. Consideration of the other issues raised in relation to policy EN7 itself, and its supporting text, is given below.
  - a. Archaeology and Historic Landscape
    - Some respondents expressed general concern that the policy is weak on archaeological heritage. As above, Kent County Council suggested several amendments to the supporting text in particular, giving more status to archaeological sites and monuments that are not Scheduled but should be treated as such by the Borough Council, in accordance with national policy. Additional typologies were suggested to be referenced, in particular in recognition of the richness of the Borough’s 19<sup>th</sup> to 21<sup>st</sup> century industrial, civil and military sites and these are now included in the text. Another respondent requested an additional reference to historic route ways, which is also included.
  - b. Contradictions within the policy wording and non-compliance with the NPPF
    - Some respondents, including KCC, suggest that the intention to ‘conserve and enhance’ that is set out in the policy is unachievable if any decisions that are made would result in harm to heritage assets. It is also suggested that there is insufficient information within

the policy wording to set out how significance will be assessed in the planning balance, in accordance with the NPPF. It is considered that courts have held that the correct application of the policies within the historic environment section of the NPPF (identifying level of harm, and weighing up benefits against this harm, which leads to conservation overall) ensuring compliance with historic environment legislation with regard to preservation and enhancement. It is also considered that the policy wording sets out the process that the Council would expect applicants to undergo in order to comply with the NPPF in regard to the historic environment. Further reference to the NPPF is likely to lead to unnecessary repetition of national policy and is therefore not included.

c. Policy too generalized

- Historic England raised concerns regarding the lack of discrete policies for each asset type, given the different legislative requirements, to adequately inform users of the DLP. A meeting has since been held with Historic England at which the Council expressed a desire to retain a single policy to keep the DLP concise, but to ensure that the appropriate legislative wording is included for each asset type, which is now included for each heritage asset.

d. Heritage at Risk

- Historic England's general comments within the consultation response submitted included a request for a discrete Heritage at Risk policy, particularly given the national priorities for dealing with heritage at risk, and to ensure that this is a high level, strategic priority. At a meeting held to discuss their consultation response, it was acknowledged that there is a low count of assets at risk in the Borough, but that it still should be reflected in policy as a matter that should be addressed policy. A sentence to encourage proposals that will assist in bringing a heritage asset at risk back into an appropriate use is now added to the policy wording.

## 6.1.8 Policy EN 8: Shop Fronts (now Policy EN 6: Shop Fronts in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. There were just two respondents to Policy EN8, one which was supportive, particularly regarding the requirement to justify grilles and shutters as security measures.
2. The other raised concerns that the policy would be discriminatory to local businesses if it cannot be applied to national chains and general branding.

### Response

3. The comment in support is noted. Regarding the concerns about application of the policy to national chain branding, it is considered that the policy is reasonable in that the requirements apply to all shop fronts, regardless of the nature of the business, and that all applications will be considered against the standards set out in the policy.
4. Given the considerations, and that there are no further updates relating to this policy, the policy wording and supporting text remain unchanged for inclusion within the Pre-Submission Local Plan.

## **6.1.9 Policy EN 9: Advertisements (now Policy EN 7: Advertisements in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. Five responses were received in respect of Policy EN9. All but one were supportive, particularly as it applies to historic areas and buildings, or otherwise made suggestions for amendments, as set out below.
2. The one objector to the policy stated that the policy is 'onerous, unnecessary and not in accordance with Town & Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended)'.

### **Response**

3. The support is noted. In relation to the objecting comment, it is considered that paragraphs 6.1 and 6.2 of the supporting text provides further explanation with regard to application of these regulations and that this query is sufficiently covered. A further note is added to confirm that the policy will only apply to those advertisements which require express consent from the Local Planning Authority.
4. Highways England requested that reference should be made to Department for Transport (DfT) Circular 02/2013 regarding advertising along, or visible from, the Strategic Road Network, which is now added to the supporting text.
5. A respondent suggested that "should" in criteria 1 and 2 should be replaced by 'shall'. However, "should" is used throughout the Development Management Policies section and is regarded as appropriate.
6. In respect of the request that criterion 5, which refers to the need for advertisements to respect heritage designations, is extended to also refer to the AONB and its setting, as a nationally protected landscape which may be detrimentally affected by unsightly advertisements, the policy is now amended with reference to conserving and enhancing the landscape and scenic beauty of the High Weald AONB.

## **6.1.10 Policy EN 10: Outdoor Lighting and Dark Skies (now Policy EN 8: Outdoor Lighting and Dark Skies in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 24 comments were made in relation to Policy EN10. The majority of responses were broadly supportive.
2. Several objections to the policy raised concern that the policy is not strong enough to ensure that light pollution is significantly reduced, as only future developments are addressed by the policy, which is arguably not enough to outweigh the existing light pollution in some rural areas.

3. Others objected on the basis that proposed developments/allocations within the DLP will not comply with the policy rather than the policy wording itself. Comments relating to specific settlements and/or site allocations are addressed under Section 5: Place Shaping Policies of the Local Plan.
4. Several comments were made by statutory environmental bodies, which, although mainly in support, suggested minor amendments to the wording of the policy. The Environment Agency (EA) suggested that the guidance body referred to in criterion 2 should be updated to reflect recent changes, and that additional measures for controlling lighting should be listed under criterion 3. The RSPB suggested that invertebrates should be included within the wildlife that is impacted by light pollution
5. While another respondent suggested the policy title be reworded to account for environmental harm which may result from indoor lighting (mainly large windows).

### **Response**

6. The policy is now accordingly amended to include the suggested amendments from the EA and RSPB above, notably at criterion 3, to further reduce the impacts of lighting in rural areas.
7. It would be beyond the remit of the policy to control indoor lighting and therefore the policy title remains unchanged.

## **6.1.11 Policy EN 11: Net Gains for Nature: Biodiversity (now Policy EN 9: Biodiversity Net Gain in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 35 comments were received in respect of Policy EN11.
2. The majority of comments were supportive of the policy; however, the following concerns were raised:
  - Some suggestions were made to strengthen the policy, with the need to reflect emerging Government legislation/guidance specifically regarding quantifying net gain, application of the DEFRA Metric, monitoring and the requirement for the policy to be supported by a Supplementary Planning Document (SPD).
  - Concerns were also expressed about the textual reference to 'irreplaceable habitats' by supporters and objectors, as this is seen as undermining the aspiration for the policy.
  - Comments from objectors (including the High weald AONB Unit) reveal a distrust of the premise behind biodiversity net gain and the Government's metric, suggesting that it is open to manipulation and that it does not adequately cover soils.

- One respondent suggested that the policy is unsound “as it does not specify a strategy as required by NPPF and the policy goes beyond national guidance and overburdens development”.

## Response

3. It must be recognised that this is an emerging, albeit contested, area of policy that is now in published draft legislation (the Environment Bill) making its way through Parliament and is already becoming embedded in practice. As and when legislation and/or guidance come forward amendments may be necessary.
4. To help develop and refine policy and to help inform a subsequent Biodiversity Net Gain Supplementary Planning Document, the Council is working with groups at Kent Nature Partnership and the High Weald AONB Unit on a collaborative basis. The work of these groups is ongoing but will be very useful in the preparation of an SPD. It is intended that this SPD will be published/adopted by October 2022.
5. Changes to the policy required to meet the draft legislation are now included, including the setting of a target for net gain (10%) and the need to ensure that any gains are properly secured and monitored.
6. Whilst Natural England supports the policy and notes the requirements of the legislation, it is encouraging the Council to go beyond this and set a higher target of 20%. The possibility of this is being investigated but officers would urge caution in doing so before there is firm evidence to support such an approach. There are some technical aspects to how a gain might be interpreted, but there is also the issue of quantity over quality and in particular how long a gain is secured for. An ‘in perpetuity’ gain of 10% for instance may be considered far more valuable than a 20% gain for 25 years. The policy adopts this view and considers that it will incentivise developers to provide net gain on site.
7. To reflect the legislation and comments, the policy is now amended to make use of the DEFRA metric compulsory rather than allowing other methods to be used, as well as use terminology referred to in the emerging legislation. This is important to ensure a consistent approach and to enable proper long-term monitoring.
8. While some are sceptical of the concept of net gain, it is proving effective in ensuring the value of even poor habitats is recognised; concerns over its proper use and interpretation of the metric can only be resolved through good practice and more detailed guidance. The supporting text now includes a stronger reference to the SPD and the guidance it will provide.
9. Concerns have been expressed about the reference to irreplaceable habitats in the supporting text in terms of this undermining the aspiration for this and other policies. These comments seem to be under the impression that the text referred to somehow condones the loss of irreplaceable habitats, when in fact all this sentence (in paragraph 6.131 of the DLP) is doing is acknowledging that you cannot replace irreplaceable habitats, specifically stating that irreplaceable habitats cannot be offset to achieve a net gain. While the comments appear to stem from a misreading, the text is now amended to ensure that there is no ambiguity.

10. Whilst noting that the AONB Unit has objected to this policy, they have set up a working group to consider how net gain policies might be applied in the High Weald to support AONB objectives. As mentioned above this will feed into an SPD. The AONB Unit have also suggested an alternative novel approach to net gain and the DEFRA Metric that treats soils/below ground biodiversity separately to above ground biodiversity. There is no known method of doing this comparable to the DEFRA Metric, and it would be in conflict with the emerging legislation. There is no reason why soils cannot receive separate consideration as indeed they are to an extent under Policy EN22 (Agricultural Land) and reference is now made to this in the supporting text to ensure that soils are protected during development.
11. Comments suggesting that the policy needs appropriate resources both in terms of assessment and long-term monitoring are accepted and the policy and supporting text are now amended to reinforce these requirements. This will be further underpinned by the SPD.

## 6.1.12 Policy EN 12: Protection of Designated Sites and Habitats (now Policy EN 10: Protection of Designated Sites and Habitats in the Pre-submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. The policy received comments from 23 individuals, organisations and statutory consultees including Local Authorities, conservation organisations, house builders, Natural England and the AONB Unit. Comments were fairly balanced between objectors and supporters and suggestions for improvements were relatively minor.
2. The main issues are set out below:
  - Whilst the policy had the support of Natural England, which in their view “*provides a clear requirement that development likely to impact designated sites and habitats will have to meet exceptional criteria in order to be permitted*”, there is an objection from the AONB Unit who say that the “*policy EN12 is contrary to the NPPF Para 175, and should be removed or substantially re-drafted*”.
  - There was further concern expressed that the policy criteria are “vague and arbitrary” with “no clear thresholds” and no “method of scrutiny”.
  - There was also a suggestion that text from paragraph 6.154, “*the Council will encourage and promote the positive management of designated sites or habitats as well as their conservation and enhancement*”, should be added to the policy and there should be references to ancient woodland and other features important to wildlife.

### Response

3. The support of Natural England, as the statutory consultee for such matters, is important to note and suggests that the policy is sound. However, that does not mean that the comments of others are without merit.

4. Part of the reason behind the objection of the AONB Unit seems to lie in the framing of the policy in that it is “*development will only be permitted*” where certain conditions are satisfied rather than it being “*development will not normally be permitted unless it can be demonstrated that...*”. This alternative construction does not change the effect of the policy, although it may give a stronger impression in terms of protection, noting that there are cases, as set out in NPPF para 175, where development affecting these important sites might be permitted. Whilst noting the support of Natural England and disagreeing with the statement that the Policy is in conflict with NPPF para 175, the more negative policy construction (in the sense of ‘will not normally’ as opposed to ‘will only’) may be supported in this context and perhaps better reflects the Council’s approach.
5. Concerns expressed that the policy criteria are “vague and arbitrary” with “no clear thresholds” and no “method of scrutiny” are more difficult to reconcile, as these are quite normal planning considerations. There is no evidence for setting specific thresholds or necessarily quantifying a particular harm and so this is likely to remain a planning judgement. As to the matter of scrutiny, planning applications are consulted on and, on matters affecting important sites, The Council would expect to receive advice from statutory and non-statutory consultees and places great weight on such advice. These matters would also be addressed in any officer’s or committee reports which, like the applications themselves, are publicly available, thus providing the scrutiny required.
6. Suggestions for incorporating some of the supporting text into the policy and other minor amendments have been considered and the text is now amended accordingly, noting that some matters raised such as ancient woodland are covered by other policies in the Pre-Submission Plan.

### **6.1.13 Policy EN 13: Ashdown Forest Special Protection Area and Special Area of Conservation (now Policy EN 11: Ashdown Forest Special Protection Area and Special Area of Conservation in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of four comments were received in respect of Policy EN13, two of which were from statutory consultees (Natural England and Environment Agency). Comments were generally supportive, some with comments or general observations.
2. Whilst the policy had the general support of Natural England (NE), they suggested a change to the policy to require Suitable Alternative Natural Green Spaces (SANGs) and Strategic Access Management and Monitoring (SAMMs) contributions from all development within 7km. This is a change from previous discussions where, owing to the very low numbers of developments within 7km anticipated, only contributions for SAMMs would be sought.

#### **Response**

3. With regard to the suggested change put forward by NE above and taking account of the available data on visitors, the Council in consultation with Natural England and other partner authorities, concludes that a strategic zone of influence that captures most visitors and most regular visitors within which SAMMs and SANGs contributions will be required,

is the most effective and proportionate way to mitigate for any potential adverse effects of visitor pressure. The policy and supporting text are now amended to reflect this.

4. The Council will continue to work in partnership with other Local Authorities to deliver mitigation for Ashdown Forest using contributions for SAMMs and SANGs, the operation of which is covered by a legal agreement.

## **6.1.14 Policy EN 14: Trees, Woodlands, Hedges and Development (Now Policy EN 12: Trees, Woodlands, Hedges and Development in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 23 comments were made in respect of Policy EN14, including Natural England, the High Weald AONB Unit and the Woodland Trust. Of those, 12 were in support, some with conditions, four were in objection and the remainder were observations or comments.
2. Comments principally related to:
  - Strengthening the policy wording
  - Points of clarity
  - A preference for allowing regeneration and the use of local seed rather than new tree planting
  - Achieving an overall increase in tree cover for the borough as part of the policy rather than in just the supporting text
  - Setting a specific ratio of trees lost to new trees to be planted
3. Natural England questioned what is meant by “desirability” in relation to criterion b of the policy.

### **Response**

4. One suggestion included indicating a preference for natural regeneration as opposed to planting but the issue is complex and difficult to frame in a policy and so this is instead now addressed in the supporting text. Other suggested minor amendments are also made for clarification and to strengthen the policy wording
5. Suggestions that there should be a target for increasing tree cover across the borough is not supported, as the borough already has a very high tree cover and such direction in the policy may lead to encouraging planting in sensitive habitats. In addition, there is no evidence for what such a target should be and no plan or project in place to monitor progress. However, the policy and supporting text is now amended to encourage an increase in tree cover particularly in urban areas where there will be greater benefits for climate change and air quality.
6. Another suggestion was that the policy sets a ratio for replacement trees to those which are lost. This potentially conflicts with other objectives such as regeneration and there is again difficulty in setting what that ratio should be, and why. There is also a danger in

limiting the issue to numbers rather than extent and quality of tree cover and whether the trees proposed are of a suitable type in the right location. Consequently, it is not recommended to adopt this approach.

7. The word 'desirability' at the start of criterion 'b' in the policy is now replaced by the more objective terms 'need' and 'public benefit, as suggested by Natural England'.

### **6.1.15 Policy EN 15: Ancient Woodland and Veteran Trees (now Policy EN 13: Ancient Woodland and Veteran Trees in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 22 responses were received in respect of Policy EN15, with 10 in support or support with conditions, eight in objection and four were general comments.
2. Comments were principally related to strengthening the policy wording regarding:
  - Reference to allowing loss or deterioration of ancient woodland in relation to local infrastructure projects rather than national infrastructure projects
  - Lack of definition of "ancient wood pasture"
  - Reference to an unjustified 25m buffer as opposed to the 15m buffer in Natural England Standing Advice.
3. At criterion 1, Natural England suggested that reference to exceptional circumstances be removed to avoid confusion and/or conflict with NPPF paragraph 175 (c).

#### **Response**

4. Comments included suggestions for clarification and strengthening the policy and, where appropriate, these are now included in the policy and supporting text, such as the definition of "ancient wood pasture", referred to above.
5. There were two main challenges to the policy. The first is that the wording does not exactly follow that of the NPPF 175 (c) in terms of what might be considered "wholly exceptional circumstances" needed to justify loss or deterioration. Objectors saw this as a weakening of policy and as above, Natural England suggested that it is confusing. In response, the policy is now simplified and makes direct reference to NPPF 175 (c) to address both concerns.
6. The second challenge was in relation to the reference in the supporting text to the Council's default position that a 25m buffer to ancient woodland is needed, which contrasts with the 15m advocated by Natural England in Standing Advice and PPG. The Council's approach is seeking to address the problem that the 15m has become a default whereas the standing advice is that the 15m buffer is a minimum with a suitable distance to be determined by assessment, which seldom happens. The Local Plan proposes 25m as a default, as this would in many cases be a reasonable distance that takes account of the fall height of mature woodland trees and the likely buffer zone for veteran woodland

trees where they are on or close to the edge of the ancient woodland. It is not a policy requirement but is placed in the supporting text to alert developers that they must undertake the assessment as required by the standing advice/PPG. Therefore, the 25m assumption is retained and the supporting text now amended to provide further clarity on this point.

### **6.1.16 Policy EN 16 Green, Grey and Blue Infrastructure (now Policy EN 14: Green, Grey and Blue Infrastructure in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP) EN16**

1. A total of 12 comments were received in respect of this policy, of which, five were in support, some with conditions, one was in objection and the remaining six were observations or comments.
2. Whilst there was some criticism to the thrust of the policy it had the support of Natural England. However, they recommended some changes to strengthen the policy through 'maximising opportunities' rather than just identifying them, and reiterating the importance of connectivity. They also suggested clarifying the multifunctional nature of the policy.
3. Other suggested comments for change were otherwise relatively minor.

#### **Response**

4. The recommended changes in relation to maximising opportunities, connectivity, and the multifunctional nature of blue, grey and green infrastructure, as well as other minor changes are now made to the policy wording and the supporting text.

### **6.1.17 Policy EN 17: Local Green Space (now Policy EN 15: Local Green Space in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. The comments received in relation to EN17 often made specific comments regarding designated sites (proposed and rejected) and/or the methodology. As comments on the supporting documents often made comments regarding the actual policy, they have all been considered together and reflected in the main issues raised and summarised below.
2. In addition, the Council, in line with best practice, wrote to all landowners of sites proposed to be allocated as LGS in the Draft Local Plan (Landowner Consultation), encouraging them to make representations on the Regulation 18 public consultation. Any comments received in direct response to that consultation have also been considered.
3. Comments were received in support and in objection, with most being objections and most of those being related to specific sites, although many challenged the methodology and assessment process in doing so. Comments on the policy and supporting documents

were often duplicates or by the same respondent. In total, there were 29 comments on the actual policy, 21 on the schedule in Appendix 2 and 11 on the methodology and assessment in Appendix 5. Of the 226 sites on the schedule in Appendix 2, a total of 40 or 17.9% received specific comments, mostly objections.

4. Some objectors suggested the policy should be abandoned with one citing the Inspector's decision on Plymouth and South West Devon Joint Local Plan 2014–2034, 18 March 2019 which deleted the LGS policy and designations as:

*“the available evidence does not sufficiently demonstrate why sites are ‘special’ and of ‘particular local significance’ to distinguish them from other green areas and open spaces and reach the high bar necessary for LGS designation”.*

5. There were only two specific policy wording suggestions/queries from supporters - CPRE suggested that the word “or” at the end of paragraph 2 should be replaced with the word “and” and Friends of the Earth asked for clarity on what constitutes “special circumstances”.
6. Apart from general comments of support and the provision of site-specific information and the suggested word change/clarification, the comments have raised the following main issues:
  - Proposals may conflict with neighbourhood plans;
  - Policy EN17 is contrary to paragraph 35 of the NPPF in that it is restricting what would otherwise be sustainable development and in proposing sites there has been insufficient consideration of the need for housing;
  - Concerns with the way some sites have been put forward and the evidence (or lack of it) to support sites being “demonstrably special to the local community”;
  - General concerns about the methodology and evidence used to select sites and whether it is consistent with the NPPF and PPG guidance on LGS;
  - The designation is in many cases unnecessary as sites already have adequate protection under other policies;
  - Sites omitted from the proposal due to already being covered by other designations should be revisited as current protection is inadequate;
  - Particular concern over the duplication of heritage protection; and,
  - Need for more protected “Green Open Spaces” around Paddock Wood.

## Response

7. The Council is permitted to designate LGSs and, after the lengthy consultation with the community, there is a clear expectation that the policy will form part of the Local Plan and it has garnered considerable support.
8. Objectors are, in the main, concerned that the designation will affect land in which they have an interest, but have nevertheless raised some significant points that the Council needs to consider.
9. The points raised are for the most part concerned with the Council's methodology and approach to site selection and decisions then as to whether to designate or not. Clearly,

concerns over methodology must be resolved before any decisions can be taken on the designation of individual sites. Whilst officers are confident that they have taken a robust approach, this is a new policy and to ensure that methodology remains sound, it will require a full review of current government guidance, policy, and recent Inspectors' decisions. This review will be provided in the Council's Regulation 19 Local Green Space Designation Methodology document.

10. On this last point, the Inspector's decision for the Plymouth and South West Devon Joint Local Plan is particularly notable, as the Inspector suggested that LGS designations should be "of a limited and special nature" rather than "commonplace". The review will need to ensure that the Council's methodology does not result in a similar criticism.
11. With the increase in Neighbourhood Plans and with many making good progress, it is considered appropriate that designation of LGS supported by the Council's methodology is best done through the Neighbourhood Plan wherever possible.
12. Of course, there is some uncertainty with the programme for each Neighbourhood Plan and as to when it will be adopted (made) and so whether LGS is included within a Neighbourhood Plan or the Local Plan will be a matter for discussion and hopefully agreement with each Neighbourhood Planning Group/Parish as plans progress. This may entail some later changes to the list of sites to be included.
13. The policy will be retained to support the unparished area of the borough, those parishes who are not undertaking Neighbourhood Plans or who are not sufficiently advanced in their process to be certain of achieving the designation.
14. The Council will in any event continue to work with Parish and Town Councils and their Neighbourhood Planning Groups to agree wherever possible the list of LGSs in their areas.
15. The suggestion to change "or" to "and" at the end of criterion 2 would not work, as only one of the criteria needs to be met and so no change is proposed. Whilst clarification is sought in relation to "very special circumstances", this phrase is taken directly from Green Belt policy where it is widely understood and been the subject of case law. LGS policy needs to be consistent with Green Belt policy and so to trying to set a different definition would not be appropriate. This is explained in para 6.172 of the supporting text and so no change or clarification is proposed.
16. As a result of the consideration above, it is proposed that the policy be retained without amendment.

## 6.1.18 Policy EN 18: Landscape within the Built Environment (now Policy EN 16: Landscape within the Built Environment in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of thirteen comments were received in respect of Policy EN18. Of these nine were in support, some with comment, three were in objection and there was one general comment/observation.
2. The main issues raised by supporters were:
  - The designations should be updated now to reflect changes that have occurred
  - The northern railway approach to RTW and Southborough should be added as an important landscape approach
  - Suggestions for minor additions to the supporting text
3. Issues raised by the three objectors were primarily an observation that there are no designated areas of important landscape approach within Five Oak Green, Whetsted, Crockhurst Street or Capel, whereas they have been identified at Brenchley and Pembury.

### Response

4. Whilst acknowledging the desirability of updating the evidence for this policy, it has previously been found acceptable and has received strong support. The supporting text is now amended to accommodate the suggestions made.
5. The suggestion that the scope of Important Landscape Approaches should be expanded to include railways is a good one and it is acknowledged that the most important of these is most likely to be the northern link into RTW/Southborough, but others may also be worthy of consideration. There is unlikely to be sufficient resources to address this issue in advance of finalising the submission version of the Local Plan and, in any event, railways are considered as a visual receptor in landscape and visual Impact assessments. However, reference is now made in the supporting text to:
  - Note the value of the northern railway link as an important landscape approach to the town
  - Be clear that railways will be included in the review.
6. This policy went through the 2006 Local Plan and no Important Landscape Approaches were proposed for Five Oak Green, Whetsted, Crockhurst Street or Capel and, indeed, whilst the comments highlight the lack of such designations in these areas, they do not provide a detailed proposal for any new designations. This does not mean that the comment is without merit and again the future review should of course consider areas that do not currently have such designations. This approach is reinforced by additions to the policy wording.

## 6.1.19 Policy EN 19: Arcadian Areas (now Policy EN 17: Arcadian Areas in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP) EN19 Arcadian Areas

1. A total of eight comments were received in respect of Policy EN19, of which five were in support, some with comment, three were in objection and there was one general comment/observation.
2. The only issue raised by supporters was that there should be more areas designated and, in particular, an area at Culverden Down.
3. The issue raised by the two objectors was identical and suggested that there were suitable areas for designation at Sissinghurst, but that the proposed allocation CRS13 would compromise the possible designation. The one additional comment received was that all the main parks in the borough should be so designated.
4. No comments were raised in relation to the policy wording itself.

### Response

5. The suggestion that further areas could be added will be addressed in the future review referred to in this section of the Local Plan.
6. It would be inappropriate to take a blanket approach to parks with this policy as suggested, as they do not generally fit the typology that the policy is designed to protect i.e. well-treed, low-density urban areas.
7. As there were no comments on the actual policy wording, and there are no further updates relating to this policy, the policy wording and supporting text remain unchanged for inclusion within the Pre-Submission Local Plan.

## 6.1.20 Policy EN 20: Rural Landscape (now Policy EN 18: Rural Landscape in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. This policy received comments from 23 individuals, organisations, and statutory consultees, including the AONB Unit. Of these, 12 were support or support with comment and 11 were submitted as objections.
2. Whilst supporting the policy the AONB Unit suggested that it be expanded to “*recognise and support the infrastructure needs required to ensure ‘resilient forestry and agricultural practices’, including suitable affordable housing for rural workers, improved capacity for land-use training, and support for local small-scale growing enterprises*”, these aims being consistent with the AONB Management Plan.

3. Comments from developers/landowners who supported the policy (and a similar comment from one who objected to the policy) suggested that “amendments are needed to ensure that it does not result in a blanket reason to refuse otherwise sustainable greenfield development”. The proposed amendments to address this were limited to small wording changes to criterion 2 and 4, seeking respectively to replace “*Not cause significant harm*” with “*Include appropriate mitigation to ensure against significant harm*” and replace “*Restore*” with “*Enhance*” landscape character. Although seemingly small, they would effect a significant change in the policy.
4. In a similar vein, a supporter questioned the requirement for development to “conserve and enhance the borough’s landscape”, suggesting that this was inconsistent with paragraph 170 of the NPPF which uses the words “contribute to and enhance” and recommends the wording is changed to make the policy sound.
5. Other supporters felt that Rural Lanes were not adequately protected, and that the policy was undermined by STR1.
6. Issues raised/suggestions by those who objected are summarised as:
  - Policy inconsistent with level of proposed development and the allocation of particular sites;
  - Lack of explicit requirement to prevent coalescence between settlements;
  - Delete the word *amenity* from criterion 3 to make the policy “more precise and effective”; and,
  - Simplify policy and rely more on SPDs.

## Response

7. There is a good level of support for the policy and suggestions for change are fairly limited. It is also worth noting that the majority of objections are not necessarily aimed directly at the policy.
8. Whilst the suggestion raised by the AONB Unit to expand the policy to include infrastructure for forestry and agriculture, including associated affordable housing, is understandable, the policy does not preclude such provision and they are covered by other policies, while the AONB Management Plan is a material consideration. Affordable housing is also covered by other policies. There are also considerable difficulties in framing the suggested policy amendments and no suggested wording has been provided. It therefore considered that no amendments are necessary to the policy wording.
9. Developers are clearly concerned that the policy will unduly restrict greenfield development. The suggested change to criterion 2 appears subtle but is significant. Currently, the policy reads “*not cause significant harm*” and it is suggested that this is replaced with “*Include appropriate mitigation to ensure against significant harm*”. The concern is perhaps understandable as almost any greenfield development will initially cause a change in character and some harm but a planning decision will also take into account the residual harm after mitigation and, in some cases, the extent of mitigation can be considerable and lead to an enhancement. It might be thought that agreeing the change may amount to encouraging greater initial harm but criterion 1 “conserve and

enhance” the landscape places an initial duty to avoid harm where possible and so militates against such a risk. Consequently, criterion 2 of the policy is now amended.

10. A further change to criterion 4 that “restore landscape character where it has been eroded” with “enhance landscape character where it has been eroded” is more difficult to accept as the intention is very clearly to restore that which has been lost whereas enhance is more akin to improving that which remains. The word restore comes from the adopted borough Landscape Character Assessment and its predecessor and so it seems that restore is the correct word to use and it is suggested that this proposed change is rejected.
11. The objector who challenged the use of “conserve and enhance” the borough’s landscape suggested that the phrase was inconsistent with paragraph 170 of the NPPF which uses the words “contribute to and enhance” and therefore recommends the wording is changed to avoid making the policy unsound. This is possibly a too narrow interpretation of the NPPF. The guidance within the PPG is perhaps clearer and states (with Officers’ underlining):

*“National Planning Policy Framework is clear that plans should recognise the intrinsic character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. This can include nationally and locally-designated landscapes but also the wider countryside”.*

(Paragraph: 036 Reference ID: 8-036-20190721  
Revision date: 21 07 2019)

12. The *conserve and enhance* phrase is also mirrored by the objectives of the borough Landscape Character Assessment SPD. Consequently, it does seem that *conserve and enhance* is entirely apt and should be retained.
13. In terms of adequate protection for rural lanes, these are specifically covered by criterion 3 and so no change is proposed. The supporting text acknowledges that the Rural Lanes SPD is now quite dated and will be reviewed, either as part of the next 5-year review or by NDPs. In response to the concern that there should be an explicit requirement to prevent coalescence between settlements, the supporting text already refers to the importance of settlement pattern and the need to consider the effects of coalescence is now added to this. The suggestion that policies should be simplified and rely more on SPDs is noted, but this is one of the shorter more succinct policies and does already rely heavily on SPDs and so no further simplification is proposed.
14. The suggestion that the word *amenity* be deleted from criterion 3 to make the policy “more precise and effective” is rejected, as the amenity both visual and physical (walking, cycling) is a valued aspect of the rural lanes of the borough.

## 6.1.21 Policy EN 21: Area of Outstanding Natural Beauty (now Policy EN 19: The High Weald Area of Outstanding Natural Beauty in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. The policy received comments from 34 individuals, organisations and statutory consultees including Local Authorities, conservation organisations, house builders, Natural England and the AONB Unit. 12 of these were in support or support with comment (including Natural England and the AONB Unit), four were just comments/observations and there were 18 objections.
2. Those who supported with comment did however raise some significant concerns with the policy wording, with quite lengthy comments from Natural England and the AONB Unit. A key concern shared by them and a number of objectors is the wording in the opening sentence of the policy which reads;  
  
“Development in the AONB on sites not allocated in the Local Plan...”
3. The concern is that this wording might be seen as an attempt to dis-apply the requirements of the NPPF paragraph 172 and the tests to be applied to proposed allocation sites that are considered to be “major development” in the AONB.
4. Natural England, (and others) would also like to see the policy better reflect NPPF Paragraph 172 in that that there should be greater emphasis, in the context of major development, on the need for exceptional circumstances and two further suggestions are that:
  - it may assist applications in setting out our approach to the test for major development
  - we should note the need for Landscape and Visual Impact Assessments to accompany applications for major development in the AONB.
5. The High Weald AONB Unit suggested some minor additional wording to criteria 3 and 4, the addition of “and associated guidance” when referring to the AONB Management Plan and the need to update the reference to the AONB Management Plan.
6. There was also a specific request (supported by others) that policy wording is added for the protection of “*fields associated with individual farmsteads that form the separation between settlements, as set out in the AONB Management Plan Objective S2 (p.33)*”.
7. Objections and other concerns can be summarised as:
  - There should be no further major development in the AONB;
  - The proposed allocation of specific sites or the spatial strategy is contrary to this policy;
  - A lack of definition of what constitutes major development in the AONB; and,
  - Concern over setting of the AONB.

## Response

8. The key consideration raised by Natural England and others is that, as drafted, the policy is somehow trying to exempt the proposed allocations that are deemed to be major development in the AONB from being considered under the tests required by para 172 of the NPPF.
9. The offending wording is in the opening sentence of the policy and reads;  
  
“Development in the AONB on sites not allocated in the Local Plan...”
10. There was no intention that the policy should be read in this way, as the Council is fully aware of the necessary tests for major development in the AONB and has set out very clearly the need for the tests and how it is approaching the matter in the Distribution of Development Topic Paper. The purpose of the wording was simply to differentiate between those sites that have already been tested through the plan-making process, i.e. the allocation sites, and others that might come forward. Another consultee has suggested that this distinction needs to be made clearer, so that the proposed allocation sites, should they be adopted, need not pass this test again.
11. Upon reflection and noting that between adoption and planning applications, things can and do change, it is perhaps right that this distinction is not made in the policy. For the avoidance of doubt, the Council’s approach to major development in the AONB and the proposed allocation sites that are considered to be major will be set out in supporting text.
12. The suggestion by Natural England that there should be reference to “exceptional circumstances” (for major development) is not unreasonable, but this policy applies to all development and so it cannot be a core requirement of the policy. The requirement for ‘exceptional circumstances’ is already set out in the last paragraph which deals explicitly with major development. However, a change in policy wording to place greater emphasis on this and to better reflect the wording in the NPPF would address these concerns and is recommended. The policy is now amended to reflect this.
13. The changes suggested by the High Weald AONB Unit to criteria 3 and 4, and the suggested reference to “and associated guidance” are not contentious and strengthen the policy and so are proposed to be acted upon including updating the reference to the AONB Management Plan. A further suggestion that the policy includes specific reference to a single objective of the AONB Management Plan (S2) is rejected as, apart from an attempt to duplicate the Management Plan, it singles out one objective above all others which the Management Plan does not do.
14. More general objections to specific sites and the overall level of development in the AONB are not a matter for this policy but are relevant to the spatial strategy of the Plan and are dealt with elsewhere. It is also suggested that the Council provides a definition of major development and that reference to the NPPF is insufficient. The Council’s approach to this is clearly set out in the Distribution of Development Topic Paper and reference is now made to this in the supporting text.

## 6.1.22 Policy EN 22: Agricultural Land (now Policy EN 20: Agricultural Land in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. The policy received comments from 14 individuals, organisations and statutory consultees including developers/landowners, Natural England and the AONB Unit. Seven of these were in support or support with comment (including Natural England and the AONB Unit), two were just comments/observations and there were five objections.
2. Those who supported made the following suggestions:
  - Add text on ecosystem services in supporting text to policy and add further details;
  - Due to a concern with under-recording the wildlife value of grasslands in the High Weald, need to add a requirement for ecological surveys;
  - Delete policy wording “*except where this would be inconsistent with other sustainability objectives*”;
  - Add to first paragraph of policy “*or other policies in this Plan*”; and,
  - Delete from policy wording “*Where site specific ALC studies are not available the Local Planning Authority will assume that the site is classified as best and most versatile*”.
3. Of those who objected, one made a similar point to that of the last bullet point above suggesting that the policy should not assume that all land is best and most versatile (BMV). The other comments of objectors can be summarised as the policy being inconsistent with the level of growth proposed by the Plan with particular regard to sites AL/CA 1 (Tudeley Village, now STR/SS 3) and AL/RTW 18 (Spratsbrook Farm, now AL/RTW 16) which contain BMV soils.
4. One final point made under comments/observations is, in reality, an objection and suggests that the policy, in requiring the loss of agricultural land on wider farming resource and ecosystems to be assessed, goes beyond paragraph 170 which requires recognition of “the economic and other benefits of best and most versatile land”.

### Response

5. Whilst it is understandable that people wish to see more text and further details added to policy, care is needed to avoid cumbersome and lengthy policies. Whilst a respondent has expressed a desire to add more about ecosystems services, it is already mentioned in the actual policy wording and supporting text and so no further change is recommended. The AONB Unit’s suggestion for changes to the policy wording to require “a survey by a reputable ecologist” to ensure that important grasslands are not overlooked is perhaps misplaced.
6. This policy is a direct response to para 170 b) of the NPPF and in that context biodiversity might be considered to be included in the reference to “ecosystem services” although the NPPF does say “natural capital and ecosystem services”. Natural capital

is “that part of nature which directly or indirectly underpins value to people, including ecosystems, species, freshwater, soils, minerals, the air and oceans, as well as natural processes and functions” and perhaps more correctly captures the ecological value of grassland. However, the ecological value of grassland and the needs for ecological survey are covered and best dealt with under policies for biodiversity. However, the addition of *natural capital* to the text may go some way to allay any concerns and is consistent with the NPPF and so is recommended as a policy change.

7. A respondent has suggested removing the policy wording “*except where this would be inconsistent with other sustainability objectives*” as it weakens the policy. Whilst recognising the concern, soils cannot be moved and so other sustainability objectives such as proximity to existing development/services etc. will inevitably in some cases override soil values. It is felt that this sentence is therefore necessary.
8. There was objection to the Council’s approach set out in the policy that it would in cases where site specific ALC studies were not available “*the Local Planning Authority will assume that the site is classified as best and most versatile*”. The rationale for this is clearly explained in the supporting text that recent ALC surveys indicate that the land in the borough is generally of a slightly higher grade than the provisional mapping indicates and as most is grade 3 treating it as 3a (BMV) is appropriate on a precautionary basis unless site specific surveys indicate otherwise and so it is proposed that this approach is retained.
9. The last point of contention, that the policy goes beyond paragraph 170 of the NPPF and requires wider considerations than it should is not accepted. The policy does not adopt a moratorium on development on BMV agricultural land but sets out how it is to be considered to allow planning judgements to be made. Noting that the policy has the full support of Natural England, no change is proposed.
10. It proposed that the policy be retained with one minor amendment to include reference to natural capital. No amendments are proposed to the supporting text.

### **6.1.23 Policy EN 23: Air Quality (now Policy EN 21: Air Quality in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 22 comments were received in respect of this policy. 13 respondents objected to the policy, 6 indicated support with conditions and 3 respondents provided views without a formal indication of whether there was a fundamental objection to the policy.
2. Comments were received from individuals, developers, parish councils, and local and national interest groups.
3. Most comments of objection received related to concern that other policies in the Local Plan conflicted with this policy, specifically in relation to the scale and distribution of development. The remaining objections related to a concern for lack of ambition in the

policy, viability concerns and a concern regarding the lack of background evidence to inform the policy.

4. Comments of support were similar with conditions that either more ambition be included to recognise the urgency of the topic, or conversely, more flexibility be included to ensure implementing the policy would not affect the viability of development.
5. Several respondents recommended alterations to the policy wording or addition of further information such as the vulnerability of ancient woodland to ammonia levels.
6. The key issues or concerns raised in relation to the policy can be summarised as follows:
  - a. Some information within the policy would be better placed in the supporting text to ensure the policy is clear and concise.
  - b. Peak time emissions and sensitive receptors need greater consideration.
  - c. Recommendation that specific reference be made to the impact of ammonia on ancient woodland.
  - d. Preference for a more flexible policy with regards to small scale mitigation measures.
  - e. Concern that the policy is not ambitious enough in relation to the climate emergency.
  - f. Concern raised about lack on monitoring in Hawkhurst, Cranbrook and villages such as Brenchley and Matfield that are off the gas network and rely on more polluting heating methods.
  - g. Concern that other aspects of the development strategy for example in Paddock Wood and Capel conflict with this policy.

## Response

7. With regards to point a, it is agreed that the detail relating to engagement and liaison would be more appropriate in the supporting text and the policy wording has been amended accordingly. In addition, the requirement for all development to be air quality neutral development has been made clearer as its application was previously consider ambiguous.
8. With point b, it is agreed that while sensitive receptors are already mentioned in the policy, the wording could be made more explicit. Adjustments have been made to strengthen the wording. Likewise, the importance of peak time emissions is now mentioned within the supporting text.
9. The policy currently mentions protection of the natural environment. The specific issue of ancient woodland impact was felt to be more appropriately dealt with by Policy EN15 Ancient Woodland. It is proposed that the background text to this policy be amended to highlight this threat.
10. In relation to point d, the level of provision of mitigation measures is deliberately not detailed within the policy to allow for future change. Changes to Building Regulations as a result of the Future Homes Standard will need to be reflected in the policy when more information is known (currently time tabled for Autumn 2020). The phrase 'boiler' has been replaced with the more general term 'heating' to account for Government's current

priority to move away from using gas for domestic heating. It is noted that the Council's current EV charge point Guidance note does not have a formal planning status. This provision is expected to be dealt with Building Regulations in the future and so this policy will require future review.

11. In terms of viability, the mitigation measures proposed are classed as small-scale and have been tested by Dixon and Searle. No viability issues are expected. The phase 'relevant development' has been incorporated to account for the fact that not all development involves heating.
12. With point e, it must be remembered that, while air pollution and the climate change are different environmental issues, the mitigation for air pollution has the co benefit of also reducing climate change. This policy is primarily designed to prevent any future deterioration in poor air quality and to improve upon the existing baseline. No change to the policy is necessary.
13. In relation to point f, monitoring in other parts of the borough is described in the Air Quality Topic Paper. Hawkhurst in particular has been monitored closely in recent months and an AQMA will be declared here imminently. Thus, policy EN24 will apply equally to development within or close to the newly proposed AQMA in Hawkhurst. It is the view of the Environmental Protection at the Council that other small villages do not have air pollution problems.
14. Finally, with regard to point g, these concerns are not aspects for Policy EN23 to address and therefore no change to the policy wording is necessary.

### **6.1.24 Policy EN 24: Air Quality Management Area (AQMA) (Now Policy EN 22: Air Quality Management Area (AQMA) in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of five comments were received in respect of this policy; two of which were objections due to perceived lack of ambition and unclear policy text, and three which indicated support with conditions of increased ambition for the policy. The comments were from local interest groups and Standard Life Investments UK Real Estate Fund.
2. The key issues or concerns raised in relation to the policy can be summarised as follows:
  - a. Concern that mitigation measures may become nebulous and tokenistic, and that poor air quality in Royal Tunbridge Wells already warrants the declaration of an Air Quality Protection Zone.
  - b. Concern raised that policy wording is not clear enough.
  - c. Concern that the policy does not do enough to reduce air pollution in the Culverden area.
  - d. A recommendation about how the new zones should be applied.

## Response

3. In relation to point a, the types of mitigation measures to be funded by Section 106 agreement are not explicitly stated within this policy, only the requirement to undertake a cost calculation. This comment might be better addressed in relation to Policy EN23. The concern raised appears to relate to a more general comment about addressing existing air quality issues in Royal Tunbridge Wells.
4. In relation to point b, the policy wording has been adjusted to improve clarity. The intention behind the policy requirements remains the same.
5. Point c relates to specific suggestions for improvement in Culverden, such as creating 20mph zones and safe school routes. These are considered to be predominantly corporate issues that are outside of the remit of this policy (albeit the policy can support these measures through Section 106 agreements). No adjustment to the policy is considered to be necessary.
6. Finally, in relation to point d, the details of the zone will be described further in the Air Quality Topic Paper or a future SPD. The policy wording does not need alteration at this stage.

## 6.1.25 Policy EN 25: Biomass Technology (now Policy EN 23: Biomass Technology in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 5 comments were received in respect of this policy. Four out of the five comments received were objections based upon the fact biomass installation would be contrary to carbon reduction targets and results in damaging health impacts.
2. A further comment offered support with the condition that where wood burners are installed, the detail in paragraph 6.245 part 3 be a policy requirement rather than an informative in the supporting text.

## Response

3. In relation to the point that biomass installations are contrary to carbon reduction targets, it is recognised that, in some situations, biomass is not favourable from a climate change perspective. However, the Energy Saving Trust states that savings can be made where biomass is sourced locally and so the policy text is now amended to this effect. The policy is already quite prescriptive in requiring that biomass only be installed “where no cleaner, greener alternative is available”. This is now further clarified with wording that requires the local sourcing of biomass as well.
4. The above recommendation in relation to paragraph 6.245 part 3, the wording in part 3 of the supporting text is now changed from ‘encouraged’ to ‘required’, but will need to remain as an informative rather than a specific policy requirement, as the element regarding the type of wood homeowners burn would not be enforceable.

## 6.1.26 Policy EN 26: Water Quality, Supply and Treatment (now combined with DLP Policy EN 27: Conservation of Water Resources to form Policy EN 24: Water Supply, Quality and Conservation in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 11 comments were received in respect of this policy. Of these, a number of Statutory Environmental Bodies and authorities, including Southern Water and South East Water, strongly supported the policy.
2. The key issues or concerns raised in relation to the policy included:
  - a. Concern in relation to demand and capacity of the water infrastructure, both at present and in light of the proposed developments in the DLP.
  - b. Concern about how any problems created could be resolved.
  - c. Opinion that this policy should refer to all development, not just major development.
  - d. Requests from Southern Water that the wording be amended to provide clarity; i.e., adding the phrases 'will be supported' to paragraph 1 and to adjust the wording of paragraph 2 to recognise the fact that Southern Water has limited power to prevent sewerage connections even when capacity is limited. Instead, Southern Water has suggested wording that refers to the phasing of occupations.

### Response

3. In relation to point a, South East Water's Water Resources Management Plan and the Infrastructure Development Plan address how South East Water will work in a co-ordinated and timely way to ensure that the necessary infrastructure is in place before development.
4. For point b, it is considered appropriate to include additional wording in the policy about the requirement to consult with the EA and relevant utility providers to ensure delivery and the use of appropriate conditions, as necessary.
5. With regard to point c, it is agreed that the policy requirements should apply to all development and the policy text is now amended accordingly; however, it is considered that it may not be appropriate for all developments to 'demonstrate' this, and therefore the policy is amended to use the word 'ensure' which is considered to make the criterion proportionate and not onerous for all development.
6. With regard to point d, amendments are now made to paragraphs 1 and 2 of the policy wording to provide clarity.
7. It is proposed that Policies EN26 and EN27 be combined, to avoid overlap and repetition, whilst including any amendments referred to above.

## **6.1.27 Policy EN 27: Conservation of Water Resources (Combined with DLP Policy EN 26: Water Quality, Supply and Treatment to form Policy EN 24: Water Supply, Quality and Conservation in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 11 comments were received in respect of this policy. The majority of these were in support of the adoption of the optional technical standard instead of that which is currently imposed in Building Regulations. Support on this aspect was received from Statutory Environmental Bodies, developers, utility providers, local authorities, and other local interest groups.
2. The key issues or concerns raised in relation to the policy included:
  - a. Concern that the policy would be insufficient to address the serious water stress of the region.
  - b. Concern that developers should not be required to meet standards that go beyond the requirements of Buildings Regulations.
  - c. Consideration that paragraph 6.262 should form part of the policy, rather than the background text.
  - d. Concern that more detail is required on how water use should be minimised.

### **Response**

3. With regard to point a, Government is clear on what Local Planning Authorities can require of developers on the topic and the policy has been written to achieve the highest ambition possible. Nothing further can be added for this specific issue. The supporting text includes wording to inform applicants of South East Water's Water Resources Management Plan, which provides further detail on how demand will be met in the borough from the period 2020 - 2080.
4. The concern raised in point b was in conflict with the majority of respondents' comments. It is felt that there is sufficient justification to warrant implementation of a more ambitious requirement which is provided for by the Buildings Regulations, in response to the level of water stress regionally.
5. In relation to point c, it is agreed that the information provided in paragraph 6.262 constitutes a clear requirement for development and would be better placed in the policy box itself. It is also noted that this paragraph overlaps with Policy EN26 and it is therefore proposed that Policies EN26 and EN27 are combined in the Pre-Submission Plan, whilst including any relevant amendments.
6. With regard to point d, the policy currently provides examples of water saving measures that could be incorporated in development. Further examples could be provided, but Buildings Regulations already does this. It is felt that a non-prescriptive approach would be preferable to allow for some freedom in design.

## 6.1.28 Policy EN 28: Flood Risk (now Policy EN 25: Flood Risk in the Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 16 comments were received in respect of this policy; a number were in support, but with suggested amendments and recommendations to strengthen the policy, as set out in the key issues below.
  - a. KCC advised that a flood risk assessment (FRA) should be carried out if the site is shown to be within the Environment Agency Map for Surface Water Flooding to have areas with an overland water flow path.
  - b. Concern was raised that there is a contradiction within the policy – paragraph 6.265 states that development should be away from flood risk areas, yet paragraph 6.264 recognises that Capel and Paddock Wood are vulnerable areas.
  - c. While two further respondents raised concerns that the Strategic Flood Risk Assessment (SFRA) has not carried out a Sequential Test of potential development sites at the borough-wide level, the Paddock Wood parcels are unclear and some of the river names are mixed up. They also raised concern that the development of Paddock Wood will not be supported with sufficient infrastructure.
2. A number of specific amendments and recommendations were also made:
  - d. It was considered that more precise wording is required in relation to ‘unacceptable risk of flooding’ and the policy should also require the submission of a Flood Risk Emergency Plan, as in the September 2019 EA guidance.
  - e. It was suggested that it may be appropriate to seek net improvement over existing run off rates as close as possible to greenfield rates where this is proven capable of being achieved.

### Response

3. With regard to point a, wording is now added to the policy to make reference to the Environment Agency having identified areas of critical drainage areas as requested by KCC.
4. Points b and c are essentially comments that relate to the development strategy rather than the specifics of the wording of policy EN28. It is important to note that detailed policy wording relating to the Paddock Wood and Capel area are set out within the place-shaping section of the Local Plan and the further work carried out as part of the masterplanning work for the Strategic Sites looks in far greater detail at some of the issues raised and considers the infrastructure required to enable development in this area. In terms of the sequential test to site selection as required by the NPPF, the Level 1 and Level 2 SFRA has considered all sites considered for development within the Strategic Housing and Economic Land Availability Assessment (SHELAA). The approach to the assessment of sites against the NPPF requirements is set out in detail in the Distribution of Development Topic Paper published alongside the Regulation 18 Draft Local Plan and this has been updated for the Pre-Submission Local Plan. This includes the borough-wide approach to site selection in relation to flood risk. No change to the wording of Policy EN28 is considered necessary in this regard.

5. In relation to point d, the wording is not been amended in the light of comments received, as it is considered that the wording set out in the policy is in accordance with paragraph 163 of the NPPF. However, reference is now added to require the submission of a Flood Risk Emergency Plan as part of a site-specific FRA as per the Environment Agency Guidance.
6. Point e is covered by proposed changes made to Policy EN29 – Sustainable Drainage.

## **6.1.29 Policy EN 29: Sustainable Drainage Systems (SuDS) (now Policy EN 26: Sustainable Drainage in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 10 comments were received in respect of Policy EN29. The majority of comments supported the approach set out within Policy.
2. However, a number of amendments and recommendations were also suggested to strengthen the policy, which include the following:
  - f. One respondent suggested that a caveat is used for the conversion or change of use of buildings where it is not possible to provide SuDS.
  - g. Another respondent considered that words such as ‘if practical’ and ‘normally’ give a lot of scope to not using SuDS.
  - h. Several respondents made reference to greenfield run off rates and would like to see a requirement for an applicant to show a net reduction that is as close to practicable to green field run off rates.
  - i. Highways England recommended that the policy is amended to reflect national policy regarding the Strategic Road Network.

### **Response**

3. With regard to point a, wording is now added to the policy that SuDS should be provided as an integral part of the development unless demonstrated to be inappropriate, which would deal with the comments in relation to circumstances where SuDS may not be appropriate, e.g. for a change of use application.
4. In relation to point b, it is necessary to use such words so as to provide some flexibility where necessary for the policy to be applied; however, some changes are now made to the policy to strengthen its application to new development.
5. In terms of comments made under point c in relation to greenfield run off rates, it is considered that the policy wording is in accordance with the Government’s Non-Statutory Technical Standards for Sustainable Drainage. However, the Council is keen to strengthen policy in this regard and a net reduction in run-off has been achieved on a number of sites within the borough and this aim should be aspired to as part of new development in relevant circumstances which the policy allows for.

6. No amendment is made to the policy wording in relation to point d – it is understood that this point relates to the highway authorities such as Highways England having strict controls on water run-off into the highway drainage system, and wording to this effect is now added to the supporting text of the policy.
7. Some additional amendments are now made to assist in the interpretation and application of the policy with regard to ensuring that all development (not just major) provides adequate drainage provision and use of SuDS where appropriate.

### **6.1.30 Policy EN 30: Noise (now Policy EN 27: Noise in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of eight comments were received in respect of Policy EN30. Four were in support, two of which were with conditions/suggested changes. While four were in objection.
2. Two respondents suggested changes to the policy wording to include reference to road and air path noise in the policy wording itself rather than just the supporting text.
3. One objector suggested that reference to the impact of traffic noise on amenity should be more explicit in the policy wording.
4. While three further objections generally related to proposed development at Capel, raising concerns about railway noise, rather than the actual wording of Policy EN30. These comments are addressed in more detail under other sections of the Local Plan, mainly Section 5: Place Shaping Policies.

#### **Response**

5. With regard to the suggested changes to the policy wording in respect of road and air path noise it is considered unnecessary to include different examples of noise pollution in the policy wording itself, as these could be numerous, and the policy is intended to cover and address a whole range of noise-related issues. The examples in the supporting text are considered to be sufficient and inform the policy assessment of any relevant development proposal. In addition to this, the Council's Supplementary Planning Document (SPD) – Noise and Vibration provides further guidance on specific noise-related areas/issues e.g., industry, trains, aircraft noise to support the policy.
6. With regard to the impact of traffic noise on amenity, safeguarding residential amenity from various forms of noise generating uses is the overall aim of this Policy. There is also coverage of noise and vibration in relation to the impact of development on the residential amenity of both existing and future residents within the criteria. Therefore, it is considered that the suggested changes above are unnecessary.
7. Aside from the comments received in response to the Regulation 18 consultation, in reviewing this policy, it was noted that there was some repetition in the policy wording, including multiple references to the Council's SPD above. The policy is therefore now

amended to remove such repetition, with several of the paragraphs combined, making it more succinct and readable.

### **6.1.31 Policy EN 31: Land Contamination (now Policy EN 28 in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. Only four comments were received in respect of Policy EN32, all of which were in broad support: Two respondents, including the Environment Agency were in support with no comments/conditions.
2. While two other respondents were both supportive of the policy but suggested that it be expanded to protect people/local residents in the locality while works are undertaken to deal with land contamination prior to and during development. Suggested changes to the wording included that at criterion 1, the policy should have “*or people in the locality*” added after “*development*” and criterion 4 should be amended to read “*causing the contamination of adjoining land, its residents or users, or allowing such contamination to continue*”.

#### **Response**

3. It is considered that the suggested changes to the policy wording above are appropriate and the policy wording is now amended at Criteria 1 and 4.
4. In reviewing this policy, it was noted that there was some repetition in the policy wording, including multiple references to the Council’s Supplementary Planning Document – Contaminated Land. The policy is therefore now amended to remove such repetition, making it more succinct and readable.

### **6.1.32 Policy EN 32: Minerals and Waste (now deleted and referred to in Section 1: Introduction of the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. Only two comments were received in respect of this policy. One was from Kent County Council (Growth, Environment and Transport) in support of the policy wording, but requiring further consideration be given to identified mineral deposits in relation to proposed site allocations across the Plan and those allocations in close proximity to the North Farm Waste Recycling Facility and the waste water treatment works at North Farm Lane.
2. The other comment was an objection from a developer, recommending that the policy be deleted, as the Kent Minerals and Waste Local Plan (KMWLP) sufficiently covers minerals and waste issues, and any planning applications in Tunbridge Wells would have to be determined in accordance with this Plan.

## Response

3. Following consideration of the above comments, TWBC has liaised with Minerals and Waste Officers at KCC to agree on appropriate wording in relation to the safeguarding of minerals and waste and approach on safeguarding in relation to proposed site allocations.
4. TWBC officers advised KCC that safeguarding provisions in relation to site allocations were/are being considered through the following documents/processes, as appropriate:
  - The Strategic Housing and Economic Land Availability Assessment (SHELAA) – which covers site-specific impacts
  - The Sustainability Appraisal (SA) – which considers the impact on minerals reserves under ‘Resources’
  - The masterplanning of the proposed strategic site allocations at Paddock Wood and east Capel and Tudeley Village
  - The Tunbridge Wells Infrastructure Delivery Plan
7. Inclusion in the Local Plan of appropriate wording in relation to site allocations, where a Minerals or Infrastructure Assessment (in relation to the safeguarding of minerals supply or waste management infrastructure) is considered to be necessary
5. With regard to the above objection inferring that the policy is unnecessary, on review, it is considered that Policy EN32 is not required in addition to those set out in the KCC MWLP, but it is important to include reference to this Plan in the Tunbridge Wells Pre-Submission Plan. Policy EN32 is therefore now deleted and replaced by the following wording in Section 1: Introduction of the Pre-Submission Plan (under the heading and forming part of the Development Plan):

### The Kent Minerals and Waste Local Plan

*“1.6 The Kent Minerals and Waste Local Plan (KMWLP) 2013-2030 was originally adopted by Kent County Council in July 2016 and has been subject to an Early Partial Review of certain waste management capacity requirement and mineral and waste safeguarding policies. The Plan was adopted in its modified form in September 2020.*

*1.7 The KMWLP identifies Mineral Safeguarding Areas to avoid the unnecessary sterilisation of any mineral resources and makes provision for the safeguarding of existing waste management and mineral plant infrastructure from incompatible development. Development proposals in Mineral Safeguarding Areas (such as the land at Moat Farm, Five Oak Green, and the extension to Stonecastle Farm Quarry at Hadlow (adjoining the borough boundary)), and those within close proximity to waste management facilities (such as the North Farm Waste Recycling Facility) will therefore need to comply with the minerals and waste safeguarding policies in the KMWLP (Policies DM7 and DM8). The KMWLP and Minerals Sites Plan, safeguarding Mineral Areas Map for Tunbridge Wells, and the KMWLP Safeguarding Supplementary Planning Document (2017) can be found on the Kent County Council website [Minerals and waste planning policy - Kent County Council](#).”*

## 6.2 Housing

### 6.2.1 Policy H 1: Implementation of Planning Permission for New Residential Dwellings (This Policy is now deleted and is not included in the Pre-Submission Plan)

#### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 16 comments were received in respect of this Policy, the majority of which were general comments or queries on the Policy wording.
2. One main issue related to the need for greater flexibility to take into account market uncertainties as well as for larger sites which are more complex and require long-range timing and implementation conditions, such as Tudeley Garden Village.
3. The Policy was considered to be contrary to paragraph 76 of the NPPF due to insufficient flexibility threatening scheme deliverability and viability and that paragraph 76 of the NPPF is meant to be addressed through planning conditions rather than within planning policy.
4. It was also suggested that the Policy needs further clarity in terms of how 'implemented' and 'exceptional circumstances' are to be defined, as well as the differentiation between the pre-commencement conditions required for major applications of around 10 units and those for much larger schemes (i.e. strategic site allocations).
5. A few comments related to the difficulty in requiring the implementation of consents within two years, namely for outline consents (which require a submission of reserved matters within that timeframe), and site-specific issues outside an applicant's control (e.g. concluding land purchases, timely discharging conditions, delivering off-site mitigation, etc.), and changes in market conditions, which could be a barrier to implementation within the two year period.
6. It was recommended that the existing two-year requirement is replaced with a three-year expiry period and that if the two-year implementation period is to be achievable, then the Council must be cautious with the number and scope of pre-commencement conditions.
7. It was also noted that standardised formats for legal agreements (e.g. S106 agreements) may help to speed up determination but will not help speed up implementation.
8. Comments were raised in relation to the requirement for groundworks and the construction of the ground floor base of at least two buildings within three years of the permission (criterion 2 of the Policy), with one respondent recommending that the requirement is for at least 20% of the number of dwellings approved, with another respondent raising concern about what the requirement would be for single unit schemes or conversion works (on sites considered to constitute major development).

## Response

9. In the light of the above comments and on further review of this policy against paragraph 76 of the NPPF, it is considered that there is no apparent local case to depart from the national default position of three years for the commencement of development. The policy is therefore omitted and not included in the Pre-Submission Plan.

## **6.2.2 Policy H 2: Multi-Developer Delivery and Piecemeal Development of Larger Sites (This Policy is now deleted and is not included in the Pre-Submission Local Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 12 comments were received in respect of this Policy.
2. There were six comments in support of the Policy.
3. Five further comments related to the use of development frameworks as an alternative means to prevent delays to delivery. In particular, it was considered that frameworks, setting out key principles, infrastructure requirements, and detailed guidance for development, would be an alternative to a comprehensive detailed masterplan determined via cross-developer agreement, to prevent development being unduly delayed due to conflicts, individual parcels being potentially dependent on others, or due to the requirement for legal agreements.
4. A further respondent also questioned whether any requirement for a masterplan could fall away if an application comes forward prior to the masterplan being produced if it could be demonstrated that the application was still compliant with Policy H2.

## Response

5. While consideration is given to the comments above, it is considered that the objectives of the policy in relation to delivery of large housing sites as well as preventing piecemeal development of sites is now effectively addressed under strategic Policy STR 4: Ensuring Comprehensive Development of the Pre-Submission Plan, which relates to all developments.
6. In relation to the use of 'development frameworks', it is noted that Policy STR4 refers to 'an appropriate means of masterplanning', which is considered to cover the point made in representations on their use.
7. Therefore, on review, Policy H2 is now deleted. However, a line based on text from Policy H2 is now added to Policy STR4: Ensuring Comprehensive Development in the Pre-Submission Plan in relation to welcoming multi-developer delivery on the strategic allocations for Tudeley Garden Village and the urban expansion of Paddock Wood and land at east Capel, as well as other larger major developments.

## 6.2.3 Policy H 3: Housing Mix (now Policy H 1 in Pre-Submission Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 27 comments were received on the draft policy.
2. The majority (15) of the comments were in support of the policy. The inclusion of Neighbourhood Plans in the policy was welcomed., especially from several Parish Councils Observations were also made on the need for affordable housing, specifically in smaller villages and rural communities, and the role of evidence in local housing need surveys and neighbourhood plans in demonstrating this.
3. A number of comments stated the need to further define what would constitute a 'balanced development of the area' and how this should be assessed. Concern was also raised about the policy not taking into account the viability of housing mix on a scheme.

### Response

4. The first paragraph of the policy can be expanded to further illustrate what 'the balanced development of the area' to include size, types and tenure of homes to meet the needs of the local area. The policy wording is now reflective of this and references the needs of local communities. Further elaboration on what 'the balanced development of the area' may include is now added to the supporting text to include homes that will meet the needs of different types of households. The wording and structure of the policy now gives more clarity on how housing mix shall be assessed by taking into consideration any Local Plan site allocation polices or information in a 'made' neighbourhood plan for the area. Where these do not exist, then other documents giving relevant up-to-date housing evidence for the area should be taken into account. The requirement that evidence to support the mix of housing on a planning application in a Design and Access Statement is now moved to the supporting text of the policy.
5. Paragraph 6.304 of the supporting text states that Policy H3 (now Policy H1 in the PSLP) is not prescriptive and expands that there are a number of considerations that should be taken into account when designing the housing mix of a scheme. Where providing a suitable housing mix based on the most up-to-date evidence for an area raises legitimate viability issues for a scheme, this will of course be a material consideration, although it is noted that the viability assessment of the Local Plan shows that schemes will normally be viable with a mix of housing.
6. As affordable housing is dealt with more fully under draft Policy H5 (now policy H3 of the PSLP), the last paragraph of the original policy regarding the number of bedrooms is now moved to the supporting text.

## 6.2.3 Policy H 4: Housing Density (Now Policy H 2 in the Pre-Submission Local Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 22 comments were received in respect of this policy. Nine comments were in support of the policy with two objections; the remaining comments raise further considerations or make suggestions for strengthening the wording of the policy.
2. A number of comments focused on whether or not minimum density standards should be included in the draft policy, specifically for making efficient use of land and maximising affordable housing supply. A number of respondents suggested that minimum density standards should be included in the policy. While others thought that unless aspirational densities are to be inserted into the policy, generic requirements would be better placed under Policy EN1: Sustainable Design. The flexibility of assessing density on a site-by-site basis was also welcomed.
3. Two respondents questioned whether the policy reflected the NPPF, as it appears to put emphasis on higher densities rather than ones that are appropriate for individual sites. Another thought that the wording of the policy was unclear and that the emphasis on higher densities could potentially conflict with policies EN 1: Design and EN 2: Sustainable Design and Construction. (Policies now combined to form new policy EN1: Sustainable Design).
4. It was suggested by two respondents that higher densities in urban areas would give more protection to the Green Belt and AONB. Natural England were generally in support of the policy but queried how it would be applied or measured and suggested it would be beneficial to explain what was meant by 'appropriate density'. The policy will be applied in accordance with the Local Plan and other material considerations and will be monitored through the Authority Monitoring Report (AMR).
5. Three respondents felt the policy should put more emphasis on sustainable development, especially with regard to sites that have access to infrastructure.

### Response

6. The NPPF supports development that makes an efficient use of land, and Policy H4 (now Policy H2) seeks to make the optimal use of land in central and accessible locations. However, it is recognised that when some sites are considered in more detail a higher density may not always be appropriate. The policy takes a flexible approach to density, allowing the context of the site and the characteristics of the surrounding area to be taken into account on a case-by-case basis. Given this it is not appropriate to set a numeric density standard. This is reflective of the method used to assess the yield of site allocation policies in the Local Plan and the consideration of planning applications.
7. It is noted that the wording requiring 'appropriately high densities' on sites may not have been clear. The purpose of the policy is not to encourage high densities on sites where this would be inappropriate, but to encourage the most efficient use of land while taking into consideration the character and context of individual sites. The amended wording relating to higher densities reflects the NPPF and will still achieve this. In addition, the

proposed policy wording is now amended to provide clarity regarding the relevant factors to be considered when assessing an appropriate density for a site. This may include putting more emphasis on sustainability in terms of access to infrastructure and services, as some respondents seek. The supporting text is now also expanded regarding the consideration of higher densities in accessible locations. Where a proposal would not make efficient use of land and a higher density would be more appropriate, especially where the site is in a central or otherwise accessible location, it is expected to be refused, and this is now set out in the supporting text.

## **6.2.5 Policy H 5: Affordable Housing (H 3 in Pre-Submission Local Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 50 Comments were received in respect of this policy. There was some general support for the policy which recognised the need for affordable housing throughout the Borough. A number of further comments and objections were also raised and are set out below.
2. Comments on viability were divided between a desire to make the policy more robust to ensure affordable housing would be consistently delivered where it is most needed and to ensure that the policy remained flexible enough so that development was not discouraged.
3. Additional comments on viability were made which did not agree that brownfield sites should automatically have a reduced percentage of affordable housing and that this should be tested by viability.
4. Generally, comments supported the use of a connection cascade to ensure that affordable housing would be available to residents with a local connection. However, both concerns and objections were also raised. These included concerns that the criteria proposed was overly strict and would exclude anyone with a longer-term connection to a Parish, for example a resident who had moved away and was looking to return. Concerns regarding the cascade for the local connection test on large sites (for example, Tudeley and Paddock Wood) were raised, given that this would unfairly prioritise local residents whose need would be vastly exceeded by the units provided. The use of the connection cascade on intermediate and other types of housing was also questioned. It was also stated by objectors that it was inappropriate to include a connection test in a Development Management policy as this would be something that a housebuilder would have no control over. It would add unnecessary complexity and would interfere with the effective delivery of affordable housing.
5. Concerns were raised that the policy did not comply with the NPPF on the following points:

- The Draft Local Plan should take account of the NPPF's requirement to provide 10% of affordable homes as 'other affordable routes to home ownership,' including Rent to Buy;
  - The term 'intermediate' is no longer referenced in the NPPF;
  - The Housing Needs Survey and the SHMA should be updated to encompass all tenures of Affordable Housing;
  - Paragraph 63 of the NPPF states that affordable housing contributions should not be required for residential developments that are not major developments other than in designated rural areas. This will not support smaller house builders.
6. With regard to the tenure mix of affordable housing on site, two comments were received that felt 60% social rent would be difficult to achieve on site and it was suggested that allowing a greater flexibility of the tenure mix may protect overall levels of affordable housing.

## Response

7. The borough will have a high need for affordable housing over the plan period and Policy H5 (now H3) seeks to maximise the supply of affordable homes through on-site contributions. This is a clear requirement of the policy and will only be set aside in exceptional circumstances. However, it is not possible to allow for all abnormal costs that may be associated with specific sites and therefore the draft policy proposes a flexible enough approach that, in certain exceptional circumstances outlined within the Policy's supporting text, allows for due consideration of planning applications where on-site affordable housing is not viable.
8. The supporting text of the draft policy includes references to additional financial implications resulting from other policies in the Local Plan. In addition, if certain site constraints or requirements make affordable housing unviable, the onus is on the developer to demonstrate this.
9. The reduced percentage of affordable housing on brownfield sites was considered as part of the Viability Assessment (2019) and is included in the draft policy as this reflects the higher build costs of developing most brownfield sites. Furthermore, it is consistent with the approach to encouraging development of previously developed land.
10. The connection cascade applies to those on the Housing Register, which is in relation to Social Rent and Affordable Rent housing only. In relation to the application of such a cascade to shared ownership, there is nothing in the NPPF or the Homes England Capital Funding Guide that prohibits doing this. Whilst this may slow the process for allocating dwellings down and require shorter periods of advertising than for social and affordable housing, people who are eligible will already be registered with a 'help to buy' agent so this can be factored in to the process. The policy wording is now amended to reflect this through reference to the allocation of affordable housing being dealt with on a case-by-case basis.
11. Where a larger housing development, like Tudeley or Paddock Wood, will result in the dwellings provided being in excess of local need, the draft policy does state that the cascade will be used on a case-by-case basis, and that households from surrounding parishes in the borough, and then the wider area may also be eligible. Further

explanation of the application of the connection cascade is now included in the supporting text, while separate consideration has been given to the affordable housing requirements at the strategic sites under Section 5: Place Shaping Policies.

12. The provision of affordable housing for local residents is an important issue for local communities, including Parish Councils, and requires an expression in policy. The connection cascade reflects what is already in use in the Housing Allocations policy. Following discussions with the Housing Team and Development Management officers the phrase *'prioritising households with an established local connection in housing need to (a) the settlement (firstly), and (b) the parish (secondly) through residence or place of work, then households from surrounding parishes in the borough, and then wider'* has been amended to read *'prioritising households with an established local connection (and for social and affordable rent) in housing need to the parish or town through residence or place of work, then households from surrounding parishes in the borough, and then wider'* to be more reflective of how the cascade is currently applied.
13. Comments regarding the draft policy being non-compliant with the NPPF have been noted. Paragraph 64 of the NPPF states that policies and decisions should expect at least 10% of the affordable homes provided on a site to be available for affordable home ownership. Footnote 29 of the NPPF goes on to say that this 10% would form part of the overall affordable housing contribution from the site. Therefore this 10% of affordable homes will form part of the 40% intermediate tenures required by the policy and does not need to be set out separately. However, the wording has been updated to include the phrase *'or other affordable routes to home ownership subject to consideration of any subsequent local policy and/or evidence'*. This incorporates both the 10% of affordable homes referenced in the current NPPF and subsequent changes to policy which may be made with regard to First Homes.
14. Paragraph 63 of the NPPF states that *'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of five units or fewer)'*. A designated rural area includes National Parks and AONBs. The draft Local Plan policy stated that *'sites delivering a net increase of one to nine dwellings will be expected to provide a financial contribution towards the provision of off-site affordable housing (land and build costs) based on 20% of the gross number of residential units to be provided'*. There is a substantial need for affordable housing in the borough which this requirement of the policy sought to address. However, it is recognized that this aspect of the policy went beyond the requirements of the NPPF and is now removed from the Pre-Submission Local Plan policy.
15. The SHMA was updated in 2017 and the Housing Needs Study is dated 2018. Both documents are reflective of current circumstances in the borough and do not require further updates at this time.
16. The term *'intermediate housing'* is not used in the NPPF however it is an accepted term to refer to other affordable housing products that are not Social Rent or Affordable Rent. The definitions in the supporting text are now expanded on and amended to be more reflective of the NPPF and to clarify and resolve confusion over the terminology used.
17. The Housing Needs Study 2018 and the more recent Review of affordable housing needs in the context of *'First Homes'* February 2021 identify that there is a need for

Social Rent affordable housing and that this should be provided on the majority of sites. The supporting text of the policy however, states that Housing Register statistics and local housing needs studies also represent important sources of information in relation to housing need and will also be considered by the Council in its decision making. Should there be evidence to demonstrate an alternative mix of affordable housing tenure on a site this can be assessed on a case-by-case basis where there is robust evidence to support this.

18. A further comment from Tunbridge Wells CPRE questioned whether point 1b under the heading Exceptional Circumstances that providing a second entrance for blocks of affordable housing would meet equality principles. Following discussion with the Housing Team, this is now removed from the policy, being an unnecessary level of detail and not something that is normally sought.
19. In addition to comments received, further minor revisions to the wording of the draft policy are now proposed and these are set out below:
  - Criterion 1 and 2 of the Affordable Housing Overall Approach section is now amended to provide clarity on what will be considered predominantly a brownfield or greenfield site. The difference in wording (“comprising over half” as compared to “mostly” is to avoid uncertainty in situations (however remote) where there was 50% PDL and 50% non-PDL)
  - Criterion 4 and 5 of the Affordable Housing Overall Approach section is now merged as they both refer to off-site affordable housing contributions. The following wording is now added to Criterion 5, ‘or as otherwise agreed with the local planning authority.’ This is to reflect best practice and the different circumstances of individual developments seeking to ensure that a financial contribution for off-site affordable housing on the commencement of development will not risk making a scheme unviable.
  - In criterion 4 the off-site affordable housing contribution of the gross number of residential units to be provided is now lowered to 15% for sites that are more than half brownfield. When assessing sites of fewer than 10 dwellings, the Stage 1 Viability Assessment 2019 recommended that a % contribution/provision level not exceeding 20% may be supportable on greenfield sites. Further testing found that this maximum threshold would not be workable on brownfield sites. The off-site contribution for brownfield schemes of less than 10 dwellings is therefore lowered to reflect both this and criterion 1 and 2 of the policy.
  - In the section on Exceptional Circumstances criterion 4 is now deleted as there are no instances where a site allocation policy or a ‘made’ neighbourhood plan require a higher level of affordable housing on an alternative site;
  - Criterion 6 of the Exceptional Circumstances section of the policy is now moved to the supporting text as this refers to the process of assessing an application rather than a consideration for the policy itself;
  - The role of appearance and siting in making affordable housing tenure blind are related, and therefore the two separate paragraphs addressing these matters are

now merged in the section of draft policy that refers to Design and layout approach to affordable housing;

- References to the Habinteg Design are removed from the policy, as this is not adopted Government policy.
- The % of the open market value that an applicant may expect to receive in relation to affordable housing are now removed from the Policy as is it not appropriate for a Local Plan to include such guide values.
- New paragraphs are now added to the section on 'Tenure' which adds explanation and clarity for the reasoning for the 60% social rent and 40% intermediate housing split in the policy.
- The section on affordable rent is now amended to recognize that the affordability of different sized units is variable over time.

## **6.2.6 Policy H 6: Estate Regeneration (Now Policy H 4 in Pre-Submission Local Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of three comments were received in respect of Policy H6. Two raised objections regarding the potential loss of affordable housing due to the identified need for affordable housing in the borough. While another m would support the policy if, as a minimum, it would include provision for net loss of existing affordable accommodation to be provided off site in the relevant part of the town.
2. One respondent raised further concerns as, given affordable housing is generally built at a higher density than market housing, full provision of affordable housing within estate regeneration schemes would prevent any loss of the countryside through affordable housing having to be provided elsewhere on greenfield sites.
3. While another respondent queried the definition of 'estate' and whether or not it was limited to an area owned by a housing association.

### **Response**

4. There is a significant identified need for affordable housing within the borough, specifically for social rented accommodation. The thrust of the draft policy is to support the upgrading of estates and effective use of land while recognising there may be some loss of affordable housing in exceptional circumstances only.
5. The Local Plan addresses the density of housing developments in Policy H 2: Housing Density.

6. It is considered not to be appropriate to put a specific scale on what may constitute an estate, but that it generally relates to areas redeveloped wholly or substantially for affordable housing. This is now included in the supporting text of the policy to give further clarification. The reference to the redevelopment of the Sherwood estate is now also removed from the supporting text as referencing a specific scheme is thought to be too prescriptive.
7. Further to the above, some minor amendments to the policy are proposed. The first is the removal of 'only' from the first sentence of the policy and the merging of the two paragraphs into one. This makes the policy both clearer and more positively worded in accordance with the NPPF. 'Mix' is also added after 'form' in the last line of the policy to include both type and tenure of dwellings.

## 6.2.7 Policy H 7: Rural Exception Sites (Now Policy H 5 in the Pre-Submission Local Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of seven comments were received in respect of this policy. Six of these comments were in support, as the policy will provide affordable housing where it is most needed.
2. Changes to the wording of the policy were suggested to stipulate that rural exceptions sites should be sited immediately adjacent to the Limits to Built Development rather than 'outside the Limits to Built Development'.
3. Although supportive of the policy, one respondent noted that the last test in the policy seemed exceptionally restrictive and that it would exclude people who have a longstanding connection to the town or parish, who need to move there to provide an essential service or who are now living outside it because of lack of affordable housing. They suggested that '*and satisfies one of the residential qualifications below*' in the last section of the policy should be changed to 'or satisfies'.

### Response

4. The changes to wording regarding the proximity of rural exceptions sites to the Limits to Built Development, given the limited sites that are available for rural exception housing, is a stipulation that may make the policy overly restrictive and lead to the discounting of otherwise appropriate sites. Criterion 1 of the policy states that sites will be well related in scale and location to the settlement and its services, ensuring that the proposal will not be isolated. If the proposed site is located further away from the main settlement, the developer will need to provide evidence that this is the closest available site, and how pedestrian links will be provided to the settlement.
5. In addition to the above, the Pre-Submission Local Plan provides a suite of environmental and housing policies that seek to ensure the suitable design and layout of development and protect the countryside from inappropriate development. Each case will be assessed on its own merits with regard to all relevant policies within the Local Plan.

6. The correct phrasing for the eligibility section of the draft policy is 'and satisfies'. Criterion a – e of the policy seeks to demonstrate a local connection to the parish or town. In addition to having a local connection, in order to be eligible for rural exception housing, it must also be demonstrated that the current accommodation being lived in is unsuited to the applicant for the reasons set out in the draft policy. For clarification, the phrase 'in the parish or town' is now removed to avoid repeating criteria a.

## **6.2.8 Policy H 8: Vacant Building Credit (Policy has been deleted from the Pre-Submission Local Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. Five comments were received in respect of Policy H8. One was in support, while the other comments raised either objections or concerns that the draft policy would not comply with the National Planning Policy Framework (NPPF).
2. The main concerns/objections to the policy concerned the 'exceptional circumstances' required for the application of Vacant Building Credit to schemes. It was felt that this was not in accordance with the NPPF.
3. In addition to the above, one respondent advised that that national policy does not prescribe a minimum time period for the building being vacant or the need for a marketing exercise.

### **Response**

4. Paragraph 63 of the NPPF states that Vacant Building Credit is applicable where either a vacant building is brought back into lawful use or it is demolished and replaced by a new building. It will not apply if the building has been made vacant for the sole purpose of re-development (footnote 28 of the NPPF).
5. Vacant Building Credit is also covered further in the Planning Practice Guidance (PPG) setting out a method of calculation and relevant circumstances that can be taken into account and how the intention of national policy to incentivise brownfield development should be applied.
6. On review, and taking all the above into account, particularly the need for consistency with national policy, it is considered that the assessment and application of Vacant Building Credit is already adequately covered under existing national policy and guidance. Consequently, this policy is now omitted from the Pre-Submission Local Plan.

## 6.2.9 Policy H 9: Housing for Older People (Now Policy H 6 and renamed Housing for Older People and People with Disabilities in the Pre-Submission Local Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. The draft policy elicited 20 comments from 20 individuals, organisations, statutory consultees, and house builders.
2. Five comments questioned the definitions of C2 and C3 as set out in the existing policy and the supporting text saying that they were outdated. Whether or not an application is for C2 or C3 use was a matter to be decided on a case-by-case basis taking into account the specifics of each scheme. Following on from these comments, additional concerns were raised that the section of the policy addressing affordable housing should be worded more flexibly so as not to render schemes for older persons' housing unviable.
3. One respondent noted that the percentages given for Building Regulation standards refer only to affordable housing and that these should be extended to include open market housing.
4. A further comment felt that the policy did not adequately address the need for C2 housing across the borough as it did not reflect the need for housing for older people within the borough as set out in the Housing Needs Assessment (2018) and would fail to comply with paragraph 59 of the NPPF which states that the needs of groups with specific housing requirements should be addressed by planning policy.
5. Three respondents observed that the policy was unclear and difficult to understand. Specifically, these comments related to the level of accommodation for the elderly that developers will need to provide, and which sites may be required to set land aside for residential/nursing care (C2) purposes.

### Response

6. Looking firstly at the definition of what constitutes C2 uses, it is agreed that case law is critical here and, while the last paragraph in the policy was regarded as correct, it is now moved to the supporting text.
7. While the policy gave appropriate indications of support for housing for older people and people with disabilities, with the exception of requiring the provision of affordable homes to accessibility standards, it is essentially only permissive.
8. In respect of housing with certain levels of care provided – that could take a scheme into a Class C2 residential institutional use (rather than C3 – housing), it is accepted that there should be more specific regard to meeting what will undoubtedly be a substantial increase in need over the plan period.

9. It is clear there is a need to provide more, and more suitable, accommodation for older people in response to the projected substantial increases in both the proportion and numbers of people over the course of the plan period. Over 5,000 additional people will be aged 75+ years old over the course of the plan period. Planning policy for housing has a significant part to play in meeting these needs, working in concert with Housing and Adult Social Care and Health (ASCH) services.
10. Perhaps the main measure to meet housing needs of older people in the short term is to support adaptations to homes, on the basis that the large majority of people want to continue to live in their own home. While much of this falls outside the scope of planning, some works may not. The policy now makes it clear that accommodating such works is a positive factor in the consideration of planning applications through requirement for all homes to be built to be adaptable and accessible for the majority of people. This is the technical standard in the Building Regulations for M4(2) housing. This may be supplemented by some homes built as suitable for use or adaptation for people with disabilities. These homes, to the higher M4(3) standards, are sought as part of the affordable housing on schemes of 20 dwellings or more.
11. The size and layout of homes is also important. There is a clear demand for smaller homes for older people to downsize to, notably bungalows with smaller gardens. This supports effective use of family accommodation. Therefore, as part of a good mix, the Policy now also recommends that new developments include a proportion of smaller homes, including bungalows, suitable to the needs of older people (and also suitable for people with limited mobility).
12. While the introduction of these 'optional technical standards' may reduce the level of additional age-restricted, sheltered, and extra care housing that is needed, it is also clear that there will still be a need for a range of more age-specific housing, sheltered housing and, in particular, extra care housing.
13. Taking this into consideration, it is considered appropriate that the provision of further sheltered and extra care housing be facilitated by requiring such provision within strategic site allocations and specific allocations within the Pre-Submission Local Plan for sheltered and extra-care housing (which are now listed in the supporting text to the policy). The policy now also includes a criterion stating that, in addition to sites specifically allocated for specialist housing, such schemes will be supported on sites identified for residential development and other suitable sites, including extensions to existing schemes, particularly in accessible locations, subject to other policies of the Local Plan being satisfied.

## **6.2.10 Policy H 10: Rural Workers' Dwellings (Now Policy H 7: Rural Workers' Dwellings the in Pre-Submission Local Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of three comments were received on the draft policy.
2. All three comments supported the policy. Rother District Council confirms that the approach taken by TWBC to rural workers' dwellings is in line with their policy on this

issue, in that it supports the creation of new dwellings in extremely limited circumstances to support farming and land-based industries. The two other respondents fully supported the policy with no further comment/conditions.

## Response

3. The policy has been subject to some minor rewording to remove the references to the 'functional test', chiefly in criterion 1, and addresses the clarity of the wording in the second paragraph under the note on temporary planning permission.
4. The policy was originally written with input from officers in Development Management. Development Management officers have been approached for further input following the Regulation 18 consultation. Officers suggested amending the supporting text reproduced in Appendix A to consistently refer to 'rural workers' rather than occasionally using 'agriculture/forestry workers'. They also consider the need to make it clear in the supporting text that the policy includes consideration of those employed in commercial equestrianism.
5. The policy and supporting text are now amended in light of these considerations.

## 6.2.11 Policy H 11: Self-Build and Custom Housebuilding (Now Policy H 8: Self-Build and Custom Housebuilding in the Pre-Submission Local Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 16 comments were received in respect of this Policy.
2. As outlined below, there were a range of different issues raised on Policy H11 (now policy H8 of the PSLP). The area of the policy that raised the most comments, of which the majority were objections from developers/housebuilders, was on the 5% threshold on 100+ house developments (whereby 5% of all housing proposed on developments of 100 or more houses are required to be for self-build and/or custom build). Included within the comments on this issue was a proposed lower/alternative threshold on as low as 20+ dwelling developments (albeit with the number rounded down rather than up). Additionally, a maximum requirement to provide flexibility was also proposed which would be capped at 5%, rather than a blanket mandatory 5% requirement.
3. Concerns were also raised on the requirement's suitability as well as impacts on housing/infrastructure delivery, with the consideration that the requirement would not be suitable on all 100+ dwelling sites (and that the policy should state that the requirement will only be on suitable sites where there is a proven demand). Moreover, other comments suggested the policy was arbitrary and likely to cause ineffective interference that would likely complicate and frustrate the delivery of new housing. Alternative methods to the threshold were also suggested, such as addressing need on Council-owned land (as per the more holistic approach of paragraph 57-14 of the PPG), rather than simply on larger sites. Finally, there was also concern that the requirements would not be effective or deliverable within the context of the Tudeley Garden Village proposal whereby approximately 125-140 dwellings would need to be provided outside the control

and oversight of a coordinated design and infrastructure plan, and that the need would better be provided via standalone developments specifically allocated for that purpose.

4. Although they did not receive the same number of comments as the 5% threshold issue on larger sites, other key issues raised are listed as follows:
  - **Self-build and custom housebuilding needs** in terms of the difficulty in identifying future needs, the reality that people prefer single plots rather than a plot that forms part of a larger development, and the need to review the Register due to the likelihood that entrants may be registered on other local authority Registers. Moreover, it is noted in multiple representations that the PPG requires Councils to review their registers to ensure no double-counting with other registers. The Council has reviewed the Register as part of implementing the local connection test, which is discussed further on in this report.
  - **Local connection requirements** with particular reference to the eligibility criteria, with the suggestion that any geographical proximity requirement should extend beyond the borough boundary to nearby settlements (e.g. Tonbridge), with another representation supporting the local connection requirement with those with a local connection being given priority over those without.
  - **Financial requirements** particularly with reference to the need to implement a financial solvency test whereby an assessment is made on whether the applicant can afford to purchase land/carry out a self/custom build development (which, in its absence, is considered to be over-inflating need).
  - **Small/windfall sites** and the proposal that, alternative to the requirement for provision on large sites, a more effective way of addressing self-build and custom housebuilding need could be through a policy promoting such housing through windfall development (i.e. predominantly small/medium-sized developments).
  - **Marketing** in terms of advertising to the Register, with the proposal that alongside relevant trade organisations, developers should market through local papers and the Register as part of that commitment for at least a year. Another comment suggested that marketing focus should be given to the Register as a priority rather than other options. However, it was also suggested that the requirement to subsequently advertise to the Council/Registered provider is removed as this is not effectively considered to be self and/or custom build. Clarity is also sought on what trade organisations opportunities would be marketed through.

## Response

5. Following a review of the main issues in comments made to the Local Plan policy, as set out above, a further review of the policy and its requirements was undertaken.
6. In June 2020, the Council approved, following consultation, the implementation of a local connection test to its Self-Build and Custom Housebuilding Register. This resulted in the splitting of the Register into two parts. Part 1 lists all those people on the Register who meet the local connection test criteria, and Part 2 lists all those people on the Register who do not meet the local connection test criteria. All those people on the Register were contacted following the implementation of the local connection test to update their details and, in accordance with the Regulations, removed all those who did not respond or who requested to be removed from the Register.

7. Consequently, as of 30 October 2020, following the introduction of a local connection test in June 2020 and a review of the Register, there are 134 applicants on the Register, of which 108 are on Part 1 (meet the local connection test criteria) and 26 are on Part 2 (do not meet the local connection test criteria). It is the need of those on Part 1 (i.e. 108 registrations) that the Local Plan will address; however, the Council may still inform those on Part 2 of any relevant opportunities.
8. The Council's Regulation 19 Housing Needs Assessment and Housing Supply and Trajectory topic papers will respectively explain how the need is calculated, and how this need will be met, within the Local Plan period in further detail. However, to be reflected within the revised policy, it is anticipated that most self/custom build homes will be delivered on individual plots, with additional provision on larger site allocations in Royal Tunbridge Wells (where analysis shows there is most demand) as well as at Tudeley Village. This is regarded as an appropriate response to need and opportunities. It effectively meets the anticipated need over the Plan period and may be supplemented in practice by further windfall plots on sites of more than one dwelling.
9. With regard to the comment about implementing a financial solvency test, as outlined in the 25 June Cabinet report, implementing this is not justified at present; however, this may be reviewed in the future.
10. With regard to the recommendation that the Council should seek to address self/custom build need on Council-owned land, discussions and written communication took place with TWBC Property. It was determined that there is insufficient Council-owned land to provide self/custom build development and therefore this approach will not be sought as part of the revised policy approach.
11. Regarding marketing requirements within the Policy, the existing requirements were reviewed and it is now proposed to reduce the required length of time for marketing self/custom build plots from 1 year to 6 months, as this will be a sufficient amount of time to allow for potential buyers to come forward. The policy now clarifies that the Council shall be informed when marketing has begun so that plots may be advertised to those on the Council's Self-Build and Custom Housebuilding Register (and also potentially any trade organisations). The subsequent requirement to offer the plots to the Council or registered provider before building for sale on the open market is now removed, as it is unlikely that either will be interested in purchasing such plots, particularly if there is evidence to suggest there is no such demand from the Register. Rather, the wording is now amended to make it advisory, rather than a requirement, to offer plots to the Council after this 6-month period has closed.

## **6.2.12 Policy H 12: Build to Rent (Policy has been deleted from Pre-Submission Local Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. Six comments were received in respect of Policy H12.

2. Five of the comments support the policy, with two of these also making additional comments. One respondent believed that the affordable rented definition should be linked to the policy to reflect the wording in the Planning Practice Guidance. Another commented that they particularly support the confirmation that the affordable housing element of Build to Rent schemes will reflect the national provision of 20% affordable as affordable private rent. The safeguards to prospective tenants introduced into this policy were also supported.
3. One respondent raised objections regarding the lowering of the affordable housing threshold to 20% on build to rent projects. It was considered that this threshold should be at 40%, split as 60% social rent and 40% intermediate rent housing.

## Response

4. The Planning Practice Guidance states that *“if a need is identified authorities should include a plan policy setting out their approach to promoting and accommodating Build to Rent”*.
5. Following the Regulation 18 consultation and as part of continuing work to inform the 19 Pre-Submission Plan, a planning history search was conducted to obtain an understanding of full planning applications received since 2012 when the government initiatives were first launched. This helped understand the extent to which there is an identified need for Build to Rent dwellings in the borough. This planning history search showed that to date there have not been any full planning applications submitted specifically for, or including, Build to Rent dwellings. Build to Rent schemes are typically suited to development schemes involving a larger number of units all within the same building, and that potentially suitable locations are focused on main town and transport hubs. Suitable locations in the borough could include the main urban area of RTW and Southborough and Paddock Wood. Other settlements in the borough are likely to be less suited to this type of housing delivery.
6. The Housing Needs Assessment Topic Paper, February 2021, does not set any target for private rented housing and concludes that while this tenure forms an increasing component of the housing stock, attention should be focused on monitoring quality, particularly of shared accommodation. The Housing Needs Study, 2018 included responses from town centre estate and letting agents, who felt that although private rented accommodation was currently in high demand, like all segments of the market, there was reasonable supply. In addition, there has been subdivision of larger houses and former office buildings which have provided for young professionals north of the Town Centre in Royal Tunbridge Wells.
7. Taking all of the above into account it is considered unlikely that the Council can evidence an identified need for Build to Rent dwellings and therefore inclusion of a Build to Rent policy within the Pre-Submission Local Plan. Consequently, this policy is now omitted from the Pre-Submission Local Plan.
8. Should any applications for or including Build to Rent units be received in the future, these would be assessed against adopted policies of the Development Plan prevailing at the time, the National Planning Policy Framework, the Planning Practice Guidance (PPG) as well as any other material planning considerations. It is highlighted that the PPG currently has a Build to Rent section, within which it states that ‘20% is generally a

suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme.’

## 6.2.13 Policy H 13: Gypsies and Travellers (Now Policy H 9: Gypsies and Travellers in the Pre-Submission Local Plan)

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 3 comments were received in respect of this policy, two ‘support with conditions’ and one ‘general observation’.
2. The main issues raised include:
  - The word ‘visual’ should be removed from policy criteria (3) ‘*The proposal would not cause significant visual harm to the landscape or street scene generally and must not be located within an exposed position in the landscape*’, also recommending that, in view of the need to protect the special national landscape of the AONB, the policy should direct this development to sites outside the AONB, except where there is a proven local connection, as with rural exceptions housing sites.
  - The approach being taken in the Local Plan by TWBC to meet their own Gypsy and Traveller accommodation needs through identified allocations and through the intensification and/or expansion sites was supported. It was also noted that a list of any existing sites considered suitable for intensification/expansion have not been included in the Regulation 18 version of the Local Plan but, to provide clarity, this should be done.
  - A general observation was made, stating ‘*whilst there is nothing in the policy to require provision at Paddock Wood, para 6.5.18 of the HTP (Housing Topic Paper) suggests that there is a requirement for 3 additional pitches in the borough during the plan period, and that these could be met at Paddock Wood. As set out above, in order to avoid any confusion either the HTP needs amending when issued at Reg 19 or policy H13 needs to be explicit and the implications on the proposed allocations taken into account in the Viability Appraisal*’.

### Response

3. The point raised about harm to a landscape being not necessarily only visual is accepted. It will normally be visual, but the Policy wording is now more generic by simply referring to the landscape, which would embrace both character and visual appearance. This does not imply that screening is necessarily a sufficient mitigation. The supporting text reinforces this point. However, it is not accepted that there should effectively be a sequential test that firstly directs such development to sites outside the AONB, as this is very unlikely to constitute major development and hence will not accord with the NPPF. Moreover, as the need is essentially locally generated and given that virtually all the identified opportunities are within or adjacent to existing sites, such that the respondent’s qualification about ‘except where there is a proven local connection’ is superfluous. In any event, the only new sites proposed for gypsy and traveller use (1 as part of Regulation 19 Local Plan allocation STR/SS 1, and 1 new site submission to be identified in the policy) are outside the AONB, both at Paddock Wood.

4. The comments that the Local Plan should provide a list of existing sites that are considered suitable for intensification/expansion, in order to demonstrate the deliverability of those additional pitches, is accepted. Indeed, further work has been undertaken in relation to this and the findings are provided in the Council's Regulation 19 Housing Needs Assessment and Housing Supply and Trajectory topic papers.
5. Given consideration of comments received and of further work undertaken since Regulation 18, the revised policy provides the criteria for determining proposals for additional pitches. The policy also now includes a list of the sites that, subject to details of actual proposals, are capable of contributing toward meeting the identified need.

### **6.2.14 Policy H 14: Replacement dwellings outside the Limits to Built Development (now Policy H 10: Replacement Dwellings outside the Limits to Built Development in The Pre-Submission Local Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. Only two comments were received in respect of Policy H14, both in support, with no further comments or conditions.

#### **Response**

2. Given the support received and that there are no further updates relating to this Policy the policy wording and supporting text remain unchanged for inclusion within the Pre-Submission Local Plan.

### **6.2.15 Policies H 15: Residential extensions, alterations, outbuildings and annexes inside the Limits to Built Development and H 16: Residential extensions, alterations, outbuildings and annexes in the Green Belt and outside the Limits to Built Development (LBD)**

**Now combined to form Policy H11: Residential extensions, alterations, outbuildings and annexes in the Pre-Submission Plan**

#### **Main Issues raised in comments on the Draft Local Plan to Policy H15: Residential extensions, alterations, outbuildings and annexes inside the LBD**

1. A total of three comments were received in support of this policy (subject to conditions/comments), as set out below.
2. The key issues raised included:

- a. One respondent stated that the test to both policies H15 and H16 will be their stringent application to all relevant applications. Also, the use of appropriate materials is important and there should be well-founded arguments for any proposed departure from commonly-accepted standards of design.
- b. Another respondent questioned how far the policy would be enforced in practice under present staffing levels. They also suggested that the reference to “roof form” in criterion 1 should be amended to “form” which is more all-embracing.
- c. A further respondent considered that the paragraph in the supporting text which refers to proposals in the AONB, should also be included in the policy wording.

**Main Issues raised in comments on the Draft Local Plan (DLP) to Policy H16: Residential extensions, alterations, outbuildings and annexes in the Green Belt and outside the Limits to Built Development (LBD)**

3. A total of four comments were received in support of this policy, two without comments or conditions; and two making comments - one respondent made the same comment as for point a. above and the other the same as point c.

**Response**

4. On reviewing policies H15 and H16, it is considered that there is considerable overlap and repetition in the policy wording, especially as the criteria set out in Policy H15 would also apply to Policy H16. Therefore, both policies are now combined with clear headings to distinguish any different criteria for proposals within and outside the LBD (including the Green Belt and AONB) within the policy box, to form Policy H11: Residential extensions, alterations, outbuildings and annexes in the Pre-Submission Plan.
5. With regard to point a. above, the stringent application of policies H15 and H16, it is considered that these comments are more relevant to the application of the policy rather than the policy wording itself. In terms of the comments made in relation to the design and materials, both the policy and supporting text make clear reference to design requirements and the use of materials, which would be supported further by the assessment of any such proposal against policy Pre-Submission Local Plan Policy EN1: Sustainable Design.
6. With regard to point b above, again it is considered the first comment is relevant to the application of the policy rather than the policy wording itself. With regard to the suggested amendment of the wording in criterion one – change ‘roof form’ to ‘form’- both general form and roof form are now referenced in the policy wording as these are two different entities.
7. With regard to point c it is considered unnecessary to add reference to the AONB in the policy wording, as any proposals in the AONB would be subject to the specific separate AONB policy (EN19 in the Pre-Submission Plan) in any event. Existing reference to the Green Belt in the policy has also been removed as it is considered that this would be adequately covered by Strategic Policy STR9: Green Belt of the Pre-Submission Local Plan as well as national guidance. However, reference to and explanation of the application of both of these constraints in the assessment of proposals, are included in the supporting text.

## **6.2.16 Policy H 17: Extensions to residential curtilages (domestic gardens) outside the Limits to Built Development (now Policy H12: Extensions to residential curtilages (domestic gardens) outside the Limits to Built Development in the Pre-Submission Plan)**

### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of three comments were received in support of this policy with no comment or conditions.

### **Response**

2. Given the support received, and that there are no further updates relating to this policy, the policy wording and supporting text remain unchanged for inclusion within the Pre-Submission Local Plan.

## **6.3 Economic Development**

### **6.3.1 Policy ED 1: The Key Employment Areas (Remains as ED 1: The Key Employment Areas in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 11 comments were received in respect of this policy, nine of which were in support, some with comment/conditions, while two were in objection.
2. The key issues raised in support (subject to conditions/comments) of the policy included:
  - j. Sport England pointed out that commercial sports are a bona fide use of industrial/business parks, creating employment, while another respondent considered greater flexibility should be built into the wording to allow a wider range of uses (including retail and leisure) in suitable locations, enabling response to changing economic circumstances.
  - k. One respondent stated there is a continuing need to provide work for less qualified members of the local community in light industrial B1/B2 uses.
  - l. Two respondents commented that more development should be allocated in Cranbrook and Sissinghurst due to difficulty accessing central Tunbridge Wells, making new development more sustainable.
  - m. In relation to Paddock wood, two respondents commented that the policy must ensure development does not just extend existing facilities to ensure that more companies with office-based services are facilitated.
  - n. Highways England recommended that a full transport assessment and a route distribution assessment be required and included in the policy wording. They also

recommended that the policy and text should explicitly state that any applications for parcel delivery type companies will be dealt with on their own merits and are not considered to be automatically in accordance with the Local Plan, as they have been found to generate up to 6 to 8 times more traffic (staff/ deliveries) than other B8 uses.

3. The key issues raised in objection to the policy included:
  - o. Two respondents were concerned that most of the sites allocated for employment are on protected land in the AONB and Green Belt. Also, that the amount of economic development proposed is vastly in excess of the 14ha of additional employment space recommended in the Economic Needs Study (ENS) which needs to be adequately justified.
  - p. A further respondent stated that growth should be assessed against social value provided to the area and that TWBC needs to focus on the quality of jobs provided to ensure there is an improved range of local jobs for local people.

## Response

4. With regard to points a, b, d and g, it is considered that Policy ED1 does seek to provide a range of employment generating uses including leisure and retail. This is also supported by other policies and sections (such as Section 2: Setting the Scene) across the Plan, including policies relating to Royal Tunbridge Wells and other town centres and other site allocations (providing opportunity for example for a range of retail and office sectors jobs); also policies relating to infrastructure provision (providing opportunity for example for medical, educational and construction related employment). The range of employment is further explained in the supporting text to Policy ED1; and is also included in the Economic Development Topic Paper 2021 which supports the Pre-Submission Plan.
5. The Town and Country Planning Use Classes Order has been amended (1 September 2020), which includes the introduction of two new use classes E - Commercial, Business and Service uses and F - Local Community and Learning uses which will replace some of the uses in existing classes A, B and D. Any relevant changes are shown in the table included in Policy ED1. The changes allow more flexibility in permitted changes of use (without requiring the submission of a planning application) in some cases, such as new Class E which is in 11 parts and more broadly covers uses previously defined in the revoked Classes A1(shops)/A2 (financial and professional services)/A3 (restaurants and cafes), B1 (offices, research, light industrial uses), D1(a-b) (non-residential institutions – schools, nurseries, clinics etc.) and ‘indoor sport’ from D2(e).
6. With regard to point c – this is settlement/parish specific and is considered under Section 5 of the Plan as part of the Place Shaping policies.

7. With regard to point e, the Highways England request to include the requirement for the submission of a full transport assessment (including a route distribution assessment), this is now added to the supporting text to the policy with appropriate cross referencing to DM policy TP1 - Transport Assessments, Travel Plans, and Mitigation of the Plan where the submission of a Transport Assessment is already a policy requirement.
8. With further regard to point e and the Highways England recommendation that the policy and text should explicitly state that any applications for parcel delivery type companies will be dealt with on their own merits - this would fall under Use Class B8 (warehouse and distribution) which would generally be allowed in the majority of Key Employment Areas set out in the table for Policy ED1. Some changes of use from Class B1 (now Class E) or B2 to Class B8 (up to 500sqm) are allowed under permitted development. Given this and that where permission is required, each planning application would need to be assessed on its merits in terms of its relationship to the local highway network in any event, it is considered that this request is better referenced in the supporting text rather than in the policy wording itself and is therefore now amended in such a way.
9. With regard to point f, the Council's Economic Needs Study (ENS) recommends the provision of 'at least 14 hectares' and that TWBC should plan positively for further economic growth. The key concern appears to be related to proposed site allocation AL/RTW12 - at Kingstanding Way for mixed employment use. This is the key employment site in the Local Plan and is the subject of a current planning application, which is accepted in principle, subject to the resolution of highway matters. While its overall area is well above 14 hectares, this includes substantial landscaped areas, such that the net developable area is 13.4 hectares. Given this, as well as the justifications for other, smaller employment allocations in terms of their nature and/or distribution, the overall provisions are regarded as consistent with the ENS. A further explanation of employment land provision is also provided in the Economic Development Topic Paper 2021.

### **6.3.2 Policy ED 2: Retention of existing employment sites and buildings (Retained as Policy ED 2: Retention of existing employment sites and buildings in the Pre-Submission Local Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of nine comments were received in respect of this policy. The majority were in support, some with comments/conditions. While one objection was received from the agent representing a site submission (Call for Site 145 – WA Turners Food Factory, Broadwater Lane) which was omitted as a site allocation in the Regulation 18 Draft Local Plan.
2. The key issues raised in support (subject to conditions/comments) of the policy included:

- a. Three respondents strongly supported the policy and use of Article 4 Directions to ensure well located and suitable office buildings are retained and to prevent any further loss of office accommodation in the town centre.
  - b. Two respondents commented that the principle of employment must be encouraged with a particular focus on Cranbrook and Sissinghurst and other small villages – as new development will be unsustainable due to the lack of employment opportunities and facilities.
3. The key issues raised in objection to the policy from WA Turners factory included:
- c. The respondent stated that the justification for not allocating the WA Turner Factory Site in the Draft Local Plan (Call for Site 145) is based on Policy ED2. However, the site does not comply with any of the key criteria of this policy as the existing factory is unsustainable due to dated technology and facilities; the cost of redevelopment manufacturing use is unviable; the restricted size and shape of the site is unattractive to the market; access and turning is also restricted.

## Response

4. Point a. is noted and it is considered that no changes are required to the supporting text in terms of Article 4 Directions.
5. With regard to points b. and c., these are settlement/parish and/or site specific and are considered under Section 5 of the Plan as part of the Place Shaping policies.
6. With regard to the WA Turners site, this site has been reviewed, and it is now proposed that this site will form a new, brownfield, site allocation for residential use in the Pre-Submission Local Plan (AL/RTW13).
7. In addition, given the current changing economic climate and the comments received in respect of other economic Development Management Policies (ED5 (Conversion of rural buildings), ED7 (Tourism) and ED12 (Neighbourhood and village centres)) which like Policy ED2, require the submission of marketing evidence and a minimum two year marketing period, the marketing period has been reviewed. It is considered that a reduced period of 18 months would be more appropriate. The policy wording at criterion c is therefore now amended to reflect this; and the supporting text is also amended to provide more consistent and clearer guidance on what information should be submitted to satisfy marketing related criteria.

### **6.3.3 Policy ED 3: Digital Communications and Fibre to the Premises (FTTP) (Retained as Policy ED 3: Digital Communications and Fibre to the Premises in the Pre-Submission Local Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of eight comments were received in respect of this policy. All were in support, but several were subject to comment/conditions.

2. The key issues raised included:
  - a. One respondent supported the policy but stated it is important that digital infrastructure be provided to both private and public sector housing.
  - b. Another supported the policy, but as the quality of digital communications is currently a big issue for local businesses in Horsmonden, they were disappointed that the ambition to provide the highest level of connection to all properties falls short for this parish. While one other stated that as this parish is not supported by suitable digital communications, the level of provision will be inadequate to support the level of new development proposed.
  - c. KCC welcomes policy ED 3. Given the recent shift in Government policy (set out in the Future Telecoms Infrastructure Review) from superfast speeds (in excess of 24mbps) to 'gigabit-capable' speeds (delivered either via wired i.e. FTTP or wireless solutions) KCC requested that references to 24mbps, high speed and 'next generation-access' in the policy and supporting text are replaced with the term 'gigabit-capable', to ensure the plan is in keeping with current and emerging national digital infrastructure policy. (Gigabit internet delivers download speeds of up to 1Giga bit per second (bps), the equivalent of 1,000 Million bps). KCC also advised that developers should be strongly encouraged, at an early stage, to discuss mobile coverage and capacity with mobile network operators to ensure that new development has the mobile connectivity that businesses and residents would expect.

## Response

3. With regard to point a., the policy approach is 'tenure blind' and would therefore be applied to both private and public sector housing.
4. With regard to point b., the policy is generally intended to improve mobile coverage and capacity to any new development, including employment, and it recognises that this may be more difficult in rural areas. Such provision would need to be assessed and addressed on a site by site basis. It should also be noted that the speed can very much depend on the individual technical equipment used from property to property, such as the type of router and individuals' purchased packages.
5. With regard to point c., it is considered that only the supporting text be amended to include the reference/replacement suggested by KCC above to proposed development being 'gigabit capable'. As subsequently raised with KCC, it would be more difficult to provide this in more rural areas and therefore, it is considered that the reference to 24Mbps should not be replaced with 'gigabit capable' in the policy wording. However, the policy wording is now amended to include the addition of 'or other wireless solutions' as suggested by KCC at point c. above. The term 'gigabit capable' is also now explained and the encouragement of developers to discuss mobile coverage with network operators at an early stage included in the supporting text to the policy.

6. The government advice document Future Telecoms Infrastructure Review (Department for Digital, Culture, Media and Sport) mentioned by KCC above sets an ambitious target for 15 million premises to be connected to full fibre by 2025, with nationwide coverage by 2033, and also 5G coverage deployment to the majority of the country by 2027. This document is now referenced in the supporting text to the policy.

### **6.3.4 Policy ED 4: Rural Diversification (Retained as Policy ED 4: Rural Diversification in the Pre-Submission Local Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. Only two comments were received in respect of Policy ED2:
2. One was in support (with no comments), while the other was in objection, stating that growth should be assessed against social value provided to the area and TWBC needs to focus on the quality of jobs provided to ensure there is an improved range of local jobs for local people.

#### **Response**

3. With regard to the comment made in objection, as for Policy ED1, it is considered that the Local Plan does seek to provide a range of employment generating uses that both support the economic needs of the area and its workforce, with a broad range of employment opportunities. This is also supported by other policies across the Plan, including policies relating to Royal Tunbridge Wells and other town centres and other site allocations (providing opportunity for example for a range of retail and office sectors jobs). This provision has also been included in the Economic Development Topic Paper 2021 which supports the Plan.

### **6.3.5 Policy ED 5: Conversion of Rural Buildings outside the Limits to Built Development (Retained as Policy ED 5: Conversion of Rural Buildings outside the Limits to Built Development in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of seven comments were received in respect of Policy ED5.
2. Five were in support, several of which included positive observations in that the policy gives priority for economic, recreation and tourism uses over housing, while two other respondents were in objection. The key issues raised include:
  - a. The policy is not “sound” – the NPPF seeks a ‘significant boost to housing delivery’ - while it acknowledges the importance of employment development, it is clear that housing delivery is the most significant issue. Furthermore Part 3 of the General Permitted Development Order) allows redundant farm buildings to go to residential use without any requirement that they first be tested for alternative economic use.

- b. The policy relates only to the conversion of rural or agricultural buildings, but should be broadened to include other buildings.
- c. The two-year marketing period is too long and defers the delivery of much needed housing. The requirement should be waived in some cases (where residential use is considered to be appropriate). One respondent suggested that a six-month marketing period is sufficient, while another suggested that criterion (d) should be deleted altogether.
- d. Objection was raised to criteria (a) buildings for conversion should have historic or architectural value or be part of a whole farm plan and no other use is viable, as this confuses the need to preserve buildings of historic or architectural merit which is covered by other policies in the plan and making the best use of redundant agricultural buildings and is not a requirement of the NPPF (Paragraph 79(c)). It was therefore suggested that criterion (a) be modified to refer only to all substantial rural buildings, and reference to historic buildings, ones of architectural value as well as whole farm plans and viability be deleted.
- e. It was claimed there were very onerous tests in the policy and that it should only be adopted if the tests can be justified in terms of meeting specific planning objectives and safeguarding against specific planning harm.
- f. It was suggested that criterion (b) should be replaced with " should have accessibility to a range of services in a nearby settlement"
- g. It was also suggested that criterion 2 should have the word "modification" deleted.

## Response

- 3. With regard to point a above, that the policy is contrary to the NPPF and housing delivery, it is considered that both the delivery of housing and the promotion of the rural economy and employment are both important in the NPPF, while the supporting text to the policy clearly explains that the economic priorities of policy ED5 are based on evidence produced in the Council's Economic Needs Study. Furthermore, the policy supports new Local Plan Objective 1 *"To ensure sustainable development that contributes to both meeting housing, economic, and social needs and to conserving and enhancing the highly valued environmental qualities and amenities of the borough."* A key point here is that while the Local Plan identifies many sites for housing across the borough to help meet recognised housing needs, meeting economic needs, certainly in the rural areas, will continue to rely, in large part, on making effective use of existing buildings. Hence, the priority to employment-generating uses of rural buildings is essential to maintain the overall balance between homes and jobs.
- 4. The supporting text makes clear reference to Part 3 of the General Permitted Development Order and that this policy would only apply to proposals which fall outside the remit of this Order, such as those located in the High Weald AONB, conservation areas or if the building in question is listed. This means that it will apply to a significant number of rural buildings, given the extent of landscape and heritage designations across the borough. Hence, the priority to economic uses in these areas is a key policy provision, notwithstanding the PD Rights in some areas, for the reasons outlined above.

5. With regard to point b, that the policy should be broadened to include other buildings, this policy is intended to specifically apply to agricultural and other buildings of a more rural character. This is now addressed by the addition/alteration of the policy wording to include 'or other suitable buildings in the countryside'. The application of policy ED5 would obviously depend on the scale and nature of the building in question, and those buildings which are considered to fall outside the remit of this policy would be sufficiently covered and assessed on their merits by other policies in the Local Plan, such as policy EN1: Sustainable Design and EN18: Rural Landscape.
6. With regard to point c, the two year marketing period, given that the priority is for the change of use or conversion of buildings to business, recreation and tourism uses over residential, it is considered that a sufficient period is needed to clearly demonstrate that the property has been adequately marketed and alternative business uses sought prior to submitting an application for residential conversion. However, given the current changing economic climate and the comments received in respect of this and other economic Development Management Policies (ED7 (tourism) and ED12 (local centres)) which require the submission of marketing evidence and a minimum two year marketing period, the marketing period has been reviewed and it is considered that a reduced period of 18 months would be more appropriate. The policy wording at criterion (d) is therefore now amended to reflect this. In addition, the supporting text to Policy ED5 and these other Development Management policies are also now amended to provide more consistent and clearer guidance on what information should be submitted to satisfy marketing related criteria.
7. With regard to point d, which raised objection and requested modification to criterion (a) buildings for conversion should have historic or architectural value or be part of a whole farm plan and no other use is viable, again the priority is for change of use or conversion of buildings to business, recreation and tourism uses over residential and criteria (a) to (d) of the policy apply additional tests for the conversion to residential use to fully demonstrate why such residential use should be allowed as an exception. Paragraph 79(b) of the NPPF rather than 79(c) referred to under point d. above, applies to and supports criterion (a) in that *"the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets"*. It is therefore considered that this criterion should not be modified as suggested at point d above.
8. With regard to point e, that the policy requires onerous tests and whether the criteria are justified, in line with point a, it is considered that such tests are required and justified to both conserve and protect the intrinsic value and locally distinctive character of the countryside as well as supporting the objective of promoting a stronger rural economy.

9. With regard to point f, with the suggested amendment that criterion (b) should be replaced with "*should have accessibility to a range of services in a nearby settlement*", it is considered that it may be unreasonable for such a development to be accessible to a range of services in a rural area where settlements may be more limited to key services; and therefore this suggested change has not been applied to the policy. However, to make the policy stronger in terms of sustainability and the location of proposed residential conversions, criterion b is now reworded to include reference to farmsteads; and additional wording is now added to say that where building conversions are physically or appear separated from existing farms and other built development, such that they would significantly harm the rural landscape, they will not be permitted.
10. With regard to point g, suggesting the deletion of 'modification', it is considered that this should not be deleted as any such modification to a rural building could be substantial and cause serious harm to the character, appearance and setting of the building in the rural landscape.

### **6.3.6 Policy ED 6: Commercial and private recreational (including equestrian) uses in the countryside (Retained as Policy ED6: Commercial and private recreational (including equestrian) uses in the countryside in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. Three comments were received in support of this policy.
2. The only suggested change to the policy wording was to extend criterion 12 to make clear that importing soil to the site to create bunds or dams, or to raise the overall level of the site, will also be controlled.

#### **Response**

3. In response of the above suggestion, the policy wording itself is now amended to cover a broader range of engineering/excavation works rather than be too specific, and examples of such works, such as the creation of bunds, lakes or ponds etc. are now added to the supporting text to the policy.

### **6.3.7 Policy ED 7: Retention of existing and promotion of new tourist accommodation and attractions (Now slightly amended to ED 7: Retention of, and improvements to existing, and the promotion of new, tourist accommodation and attractions in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of ten comments were received in respect of Policy ED7, the majority of which were in support, some with comments or conditions, while three were in objection.
2. The key issues raised in support (subject to conditions/comments) of the policy included:
  - a. One respondent commented that the rural economy is fragile. Opportunities for tourism and visitors are essential. Local heritage should be protected in terms of heritage values (e.g Heritage Open Days).
  - b. Another respondent commented that as climate change mitigation develops, there will be an increase in local tourism from the near continent and other parts of the UK – therefore tourism accommodation will be required.
  - c. Two respondents supported the retention of existing tourist accommodation, and new accommodation and visitor attractions. However, one stated that the policy fails to support existing tourist attractions and that it should also support the sustainable growth of existing tourism by ensuring new facilities are well located and do not harm character.
  - d. It was suggested by another respondent that at point b of the Policy “or on the Green Belt” should be added.

3. The key issues raised in objection to the policy included:

#### General comments:

- e. It would be better to encourage new build hotels on brownfield sites rather than maintaining old inappropriate properties which may be better suited to other uses.
- f. Support should be given for diversifying tourism provision, extending the tourist season and increasing over night visitors.
- g. Disappointment that Policy ED7 makes no actual proposals for remedying the present deteriorating situation and only offers vague support for unspecified tourist attractions. The historic town of Royal Tunbridge Wells has a lot to offer – Corn Exchange, Pantiles, Calverley Terrace, Georgian Bathhouse. A more proactive approach is needed in Policy ED7.

#### Comments in relation to specific criteria/wording:

- h. Criterion 1 - appears to be a “catch all” measure that automatically dismisses any chance of conversion for most hotels regardless of other circumstances. This is unfair on applicants in genuine business difficulties and should therefore be excluded in its entirety.

- i. Criterion 2 - Should not include any specific marketing channels but merely establish that suitable marketing was exercised.
- j. Criterion 3 – the free market cannot be taken as a fair measure of viability (large chains manipulate market). This does not appear to meet common standards of social justice (and thereby public endorsement) and should be excluded in its entirety.
- k. Criterion 4 – is ambiguous. However if it is aimed to simply ensure that the business has been professionally and efficiently run despite the difficulties that have led to the application, it is accepted to be in order providing that such is clearly stated within it.
- l. Criterion 5 – is ambiguous and fails to recognise many specific problems that will exist for individual applicants.
- m. Para 6.469 “small-scale initiatives to support the rural economy” is ambiguous and inappropriate as a scale of development and context of location must be considered.
- n. The policy makes reference to “outdoor accommodation” and it is unclear what this entails.
- o. It was suggested that alternative wording is provided or a different approach taken to tourism, such as Eastbourne Borough Council’s tourism policies.

## Response

- 4. With regard to point a, this point is noted and it is considered that the rural economy and local heritage assets are adequately protected by other policies in the Plan including rural economy related Development Management (DM) policies, DM policies EN4: Historic Environment and EN5: Heritage Assets, strategic policy STR8 – Conserving and enhancing the natural, built and historic environment of the Pre-Submission Plan, as well as national policy and guidance.
- 5. Point b is also noted and it is considered that Policy ED7 seeks to maintain and encourage the provision of adequate tourism accommodation.
- 6. With regard to point c, where it is stated that the policy fails to support existing tourist attractions and it should support sustainable growth of existing tourism by ensuring new facilities are well located and do not harm character, the range of tourism across the borough varies considerably, including a whole range of heritage assets such as listed buildings and a significant number of Historic Parks and Gardens (which include National Trust properties), as well as the attractive landscape areas that the borough benefits from in leisure tourism terms, including large sections of the High Weald AONB . As the range of tourism on offer is so diverse, it is considered that it would be difficult to provide a ‘catch all’ policy for all such tourist attractions. However, it is considered that such attractions would be adequately protected by other policies of the Plan as explained in the response to point a above. With regard to supporting the sustainable growth of existing attractions, the wording ‘improvements to’ existing accommodation and attractions is now added to the policy wording and title (as above).

7. In response to the reference to supporting the sustainable growth of tourism, it is considered the second part of the policy makes provision to adequately support and promote sustainable tourism. Additionally, the support and promotion of tourism within the borough is promoted by other Council services and through a number of corporate plans and strategies.
8. With regard to point d, the suggested additional wording - *and openness of the Green Belt* - is now appropriately added to criteria b.
9. With regard to points e to g above, it is considered that these comments apply to the general approach to tourism rather than the actual policy wording itself. The approach to tourism including the range of accommodation, protection of existing and provision of new tourist attractions are covered in the Economic Development Topic Paper 2021 which supports the Plan and the approach to tourism is also set out in other Council Plans and Strategies.
10. With specific regard to point e, it would be better to encourage new build hotels rather than maintaining old inappropriate properties, it is considered that a variety of both older traditional accommodation (which can form part of the attraction itself) and new build (such as the recently constructed Premier Inn in Royal Tunbridge Wells) is needed to provide an attractive offer of tourist accommodation across the borough and this approach is supported by Policy ED7.
11. With regard to point h, suggesting that Criterion 1 be deleted as it is a “catch all” measure that automatically dismisses any chance of conversion for most hotels regardless of other circumstances, on reviewing this criterion, it is considered that as any change to the character of an area is very likely to be outside the owner’s control (e.g. night time noise and other forms of anti-social behaviour), then it seems unreasonable that they should have to provide evidence to demonstrate that the area is no longer a suitable location for tourist accommodation. As a result, this criterion is now deleted.

12. With regard to points i to l above (relating to criteria 2 to 5 of the policy), in line with the Council's Hotel Capacity, it is important to resist the loss of tourist accommodation to other uses as the visitor economy is a key provider of employment and income to the local economy. Therefore, sufficient information needs to be submitted to demonstrate that there is no longer a demand for a particular facility, by considering how it has been managed, marketed and operated. It is therefore considered that criteria 2 to 5 of the Policy are required to meet this requirement and each case assessed on its merits. Where criteria 4 and 5 are described as being "ambiguous" at points k and l above, these criteria are now merged and amended wording is added in the policy to address this.
13. In addition, having regard to the current changing economic climate, that there is now less need to allow for seasonal fluctuations in Tunbridge Wells and the comments received in respect of this and other economic policies (ED2 (retention of existing employment sites and buildings) ED5 (conversion of rural buildings) and ED12 (local centres)) which require the submission of marketing evidence and a minimum two year marketing period, the marketing period has been reviewed. It is considered that a reduced period of 18 months would be more appropriate. The policy wording at criteria 3 is now amended to reflect this. In addition, the supporting text to Policy ED7 and these other DM policies are now amended to provide more consistent and clearer guidance on what information should be submitted to satisfy marketing related criteria.
14. With regard to points m and n above, stating that examples should be provided of "*small-scale initiatives to support the rural economy*" and "*outdoor accommodation*" such as tourist accommodation provided through rural diversification, these are now included within the supporting text to the policy policy as well as in the Economic Development Topic Paper 2021 mentioned above .
15. In addition, on reviewing criteria 1 to 5 of the policy, the terminology is now changed from criteria to 'considerations' to allow for the fuller consideration of the evidence required to be submitted rather than it just being a criteria 'tick box exercise'. Additionally, it is now proposed that 'sufficient' be added prior to the word evidence at the beginning of each consideration to strengthen the policy requirements.
16. With regard to point o, suggesting alternative wording is provided or a different approach taken such as the Eastbourne Borough Council's tourism policies, although the Eastbourne policies do provide some useful information, they are now rather dated (adopted in 2003). Also as a coastal resort, Eastbourne has a different emphasis on tourist facilities and requirements (including specific designations shown on the policy maps where tourist accommodation should prevail over other forms of development) to that of Tunbridge Wells. Therefore, it is considered that a similar approach is not appropriate for Tunbridge Wells.

### 6.3.8 Policy ED 8: Town, Rural Service, Neighbourhood and Village Centres Hierarchy (Now slightly amended to ED 8: Town, Rural Service, Neighbourhood Centres, and Village Settlements Hierarchy in the Pre-Submission Plan)

#### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 12 comments were received in respect of Policy ED8, three of which were in support (with two of these subject to comment), seven were in objection, while two further respondents made general observations.
2. Two respondents in support of the policy, made the following comment:
  - a. Agree with the principle of the policy but raises issues with the scale of growth in villages within the development strategy, having regard to their services.
3. The key issues raised in objection to the policy included:
  - b. One respondent made the same comment as point a above, but as an objection.
  - c. Two respondents commented that Paragraphs 91-92 of the NPPF state that planning policies and decisions “*should aim to achieve healthy, inclusive and safe places*” and “*ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community*”. Policy ED 8 identifies Five Oak Green as a ‘Village Centre, but there is no detail how it will be promoted to ensure its long term vitality and viability. There are details throughout the Draft Local Plan (DLP) of improvements to other rural communities (e.g. 20mph speed zones, new facilities), but there is no vision for the existing communities of Five Oak Green and Capel apart from ‘betterment’ from flood risk. Therefore, the DLP does not fulfil this requirement in terms of the existing settlements within Capel Parish and is therefore unsound.’ (A further respondent also made the same comment, but as a general observation).
  - d. Two respondents comment that the DLP considers Cranbrook town centre to be on the same scale and capacity as Paddock Wood and Southborough (both with larger populations and better access to transport/train stations, employment and other facilities). They argue that this not accurate and will not achieve sustainable development. Also, Cranbrook is described in Section 2 of the supporting text as an attractive, vibrant rural town located within the High Weald AONB, and all nine proposed site allocations would be located within the AONB.
  - e. Two Paddock Wood respondents commented that the hierarchy proposes to move Paddock Wood out of the rural service centre bracket to a Town Centre alongside Cranbrook and Southborough. Whether this policy can be accepted will depend upon what is, in turn, accepted in terms of the scale of development at Paddock Wood and land in east Capel, its distribution, how sustainable it would be and phasing. Also, that the redevelopment of the town centre is essential prior to any further housing allocations – this is a project which cannot be delayed until the latter end of the plan period. The the extension of the town centre to include the whole of Commercial

Road to prevent the current retail premises outside the proposed Town Centre from being converted into residential /other uses is supported. It was also stated that additional public car parking is also essential.

- f. A further respondent considered that Tudeley Village should be termed a 'Town' rather than a 'Neighbourhood Centre', since it will be the size of a town and should be classified as such with relevant facilities and services. While another respondent (promoters of Tudeley Garden Village) stated that on the basis Tudeley will grow to between 2,500-2,800 dwellings, the status of the settlement will be similar to Hawkhurst which is a Rural Service Centre. They are seeking to establish Tudeley as a genuinely mixed use community with a good range of employment opportunities and are concerned that the hierarchy will limit ambition to create a commercial heart that can support employment and a community of that size.

## Response

4. The majority of comments received are settlement or parish-specific (Cranbrook, Sissinghurst, Five Oak Green and Capel (Tudeley) and Paddock Wood); which are considered under other sections of the Plan, notably in Section 5, as part of the Place Shaping policies.
5. With regard to points d and e above, Paddock Wood and Cranbrook are currently defined as Town Centres in the Core Strategy 2010. Their status in the proposed hierarchy in Policy ED8 is not a new designation; rather their Town Centre statuses are being retained.
6. With regard to point f in relation to Tudeley Village, on further review, it is considered that this is more appropriately treated as being developed with a 'Village Centre', this being more consistent with its village status. It is not regarded as being a Rural Service Centre, as it is expected to essentially serve the village itself rather than a wider rural catchment. In addition to the Village Centre, the policy wording and the table in the policy is now amended to include scope for the provision of additional Neighbourhood Centres at Tudeley (as well as the proposed strategic development at Paddock Wood and land in east Capel) should they come forward as part of the masterplanning process.
7. Aside from the comments received above, it is considered that the following amendments are also appropriate:
  - Iden Green and Kilndown are now removed from the list of Village Centres, as the Plan includes the removal of their Limits to Built Development boundaries and they are no longer defined villages as such, aside from having few services.
  - That Hawkhurst (The Moor) is now removed from the list of Village Centres, as it now has relatively few services, which are consolidated in the settlement centre itself.
8. Also, it is considered appropriate for the terminology to be changed to refer to village centres as village settlements, as there are no defined village 'centres' as such. Village settlements are defined by the Limits to Built Development boundary. The policy wording and supporting text and title (as above) are therefore amended to reflect this.

The table in the policy box is also now amended to show that Neighbourhood Centres and Village Settlements hold equal status in the hierarchy.

### **6.3.9 Policy ED 9: Defined Town and Rural Service Centres (retained as Policy ED 9: Defined Town and Rural Service Centres in the Pre-Submission Local Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of eight comments were received in respect of this policy. Three were in support of the policy, some subject to comment/conditions, three were in objection, while two made general observations, as set out in the key issues below.
2. The key issues raised in support (subject to conditions/comments) of the policy included:
  - a. One respondent supported the policy, particularly to prevent the over-concentration of particular uses such as fast food outlets in close proximity to one another.
  - b. While another respondent supported the policy, but suggested it may need to be qualified to take account of heritage issues in Conservation Areas.
3. The key issues raised in objection to the policy included:
  - c. The same objection was raised as that for Policy ED8 – that this policy proposes to move Paddock Wood out of the rural service centre bracket to a Town Centre alongside Cranbrook and Southborough. Whether this policy can be accepted will depend upon what is, in turn, accepted in terms of the scale of development at Paddock Wood/east Capel, its distribution, how sustainable it would be and phasing.
  - d. Two further respondents stated that parts of the centre of Paddock Wood behind “Barsleys” have remained derelict and overgrown for many years and its redevelopment should be part of the DLP and Masterplan. Pedestrianisation of Commercial Road should also be implemented as part of the redevelopment of Paddock Wood town centre.
4. Two respondents made the following observations:
  - e. One respondent made the same comment as that for ED8 – including the same comment at point c above plus, redevelopment of the town centre is essential prior to any further housing allocations – this is a project which cannot be delayed until the latter end of the plan period. They would also support the extension of the town centre to include the whole of Commercial Road to prevent the current retail premises outside the proposed Town Centre from being converted into residential /other uses. Additional public car parking is also essential.
  - f. With regard to policies ED9 to ED12 – it was suggested that an overall more detailed and broad analysis is required to assess future needs in a climate of changing patterns of retail and technology as well as leisure demands, transport and

travel. Studies may need to be updated to ensure local knowledge and opinion is properly reflected particularly in terms of value of local facilities and assets. Potential loss of Police premises in Paddock Wood is one example where importance to the community has not been considered in any depth by engaging directly with local people who are affected.

## **Response**

5. With regard to points a and b above - these comments are noted and the impact of any proposed development/change of use in Conservation Areas would be assessed accordingly against other DM policies of the Plan including EN6 (now EN4) - Historic Environment and EN7 (now EN5)- Heritage Assets, as well as national policy and guidance.
6. The other comments received (at points c to f above) relate specifically to Paddock Wood and are considered under other sections of the Plan, including the growth strategy and Section 5 of the Plan as part of the Place Shaping policies and masterplanning.
7. With regard to the first comment made under point c - the policy proposes to move Paddock Wood out of the rural service centre bracket to a Town Centre alongside Cranbrook and Southborough - as explained in response to Policy ED8, Paddock Wood is currently defined as a Town Centre in the Core Strategy 2010, so its town centre status is not a new designation and it will be retained as such.
8. With regard to point f above regarding changing patterns of retail and technology as well as leisure, transport and travel, the Council commissioned consultants to provide advice on such recent trends, and the impact of Covid-19, with specific regard to impacts for retail allocations. This information is provided in the Retail, Commercial Leisure and Town Centre Uses Study 2021 and referenced in the Economic Development Topic Paper 2021 which support the Pre-Submission Local Plan. The work undertaken involved significant community engagement, the responses and the findings of which were taken into account in the recommendations for the Pre-Submission Local Plan.

### **6.3.10 Policy ED 10: Sequential Test and Local Impact Test (retained as Policy ED 10: Sequential Test and Local Impact Test in the Pre-Submission Local Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of seven comments were received in respect of this policy. Four were in support of the policy, some subject to comment/conditions, one was in objection, while two others made general observations, as set out in the key issues below.
2. Four respondents supported the policy.
3. The key issues raised in objection to the policy from one respondent included:
  - The policy as currently drafted is fundamentally unclear and ambiguous and fails to accord with the NPPF and is consequently 'unsound'. The current 'Sequential Test'

section in the Policy is unnecessarily wordy and refers to other tests under the sequential heading (e.g. point b. relates to the impact test). In view of the need to be 'effective' and 'consistent with national policy', it is deemed appropriate to consolidate this wording.

- With regard to the Local Impact Test - Paragraph 89 of the NPPF states that; *“When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace)”*.
- To be deemed to be appropriately 'justified' and 'consistent with national policy' the threshold proposed would need to assess reasonable scenarios and be based on a proportionate evidence base, in line with Planning Practice Guidance (PPG) Town Centres and Retail. The justification provided at Paragraphs 9.50 to 9.65 of the Retail and Leisure Study 2017 (RLS) is inadequate and the threshold floorspace figures appear to have been arbitrarily selected, without suitable testing. The stance furthermore overlooks the fairly substantial retail capacity estimated for the Borough over the plan period (up to 2035) in the RLS of between 7,700 and 9,800 sq. metres net floorspace for convenience goods and between 25,000 and 39,200 sq. metres net floorspace for comparison. It is considered therefore that the DLP is not 'sound' on the basis of its inadequately justified local impact threshold and should therefore revert back to the national default of 2,500 sqm gross.

Suggested rewording (from the respondent):

*“Retail and leisure development should first be located within the boundaries of the centres identified in the Retail Hierarchy and on the proposals map. Proposals for new retail and leisure development in out of centre locations will only be accepted where:*

1. *the proposal is on a site allocated for that purpose; or*
2. *the proposal is of a small scale and designed to serve a local need; or*
3. *in all other cases, where the following sequential approach to site selection and the impact test can be demonstrated, as outlined below:*

#### *Sequential Test*

*i. There are no suitable sites to meet the requirements for such uses at, in or edge of centre locations*

#### *Impact Test*

*i. For applications above 2,500 sqm gross floorspace, a Retail Impact Assessment will be required to demonstrate that there would be no significant adverse impact on any defined centre within the Retail Hierarchy, in accordance with national planning policy.*

*There may be exceptional circumstances where the Local Planning Authority deem it necessary to request the assessment of the potential for impact on a town centre or rural service centre below this threshold, if there are reasonable grounds to consider that the proposals would have significant adverse impact on such centres”*.

4. Two further respondents made the following observations:
  - a. The provision for impact assessment requirement should be consistent with the requirements of the NPPF para 89, which does not require impacts assessments for development within a centre. The policy clause 3a should therefore refer only to developments above the defined level and which are outside of the centre.
  - b. With regard to Policies ED9-12 – it is suggested that an overall more detailed and broad analysis is required to assess future needs in a climate of changing patterns of retail and technology as well as leisure demands, transport and travel. Studies may need to be updated to ensure local knowledge and opinion is properly reflected particularly in terms of value of local facilities and assets.

## Response

5. With regard to the issues raised in objection to the policy at paragraph 8 above – the policy wording does not comply with the requirements of the NPPF; and the proposed local thresholds are unjustified and the national default threshold of 2, 500 sq. metres should be applied - firstly, rather than using the suggested changes to the policy wording above, the existing policy wording is now modified to provide better clarification and reinforce the requirements set out in paragraphs 86 and 87 of the NPPF.
6. Secondly, with regard to the thresholds in relation to Local Impact Tests as specified in the Policy, these are based on the recommendations of the Tunbridge Wells Retail and Leisure Study 2017, recently updated by the Retail, Commercial Leisure and Town Centre Uses Study 2021. In terms of thresholds for Royal Tunbridge Wells (RTW) the new Study continues to recommend the adoption of a local impact threshold of 1,000 sq. metres (net) for proposals within the catchments of RTW town centre, which is likely to capture all small to medium sized standalone retail proposals that would directly compete with the offer of the town centre.
7. With regard to the borough's other key centres - Southborough, Paddock Wood, Cranbrook and Hawkhurst, the 2017 Study advises that these are vulnerable to convenience and comparison retail developments of both out of centre retail parks and smaller 'town centre parade' style units which can directly compete with the retail offer of these smaller centres. Such developments would jeopardise the vitality and viability of these centres and the threshold should reflect the somewhat smaller floorplates of the existing retail facilities across the centres. Therefore, a locally set threshold of 280 sq. metres (net) for proposals within the catchments of Southborough, Paddock Wood, Cranbrook and Hawkhurst town centres is recommended. In addition, this will capture retail proposals above the threshold for Sunday trading hours that are likely to threaten the existing function of town centre retailers providing for the day-to-day needs of local residents. The threshold of 280 sq. metres for proposals within the catchment areas of these town centres was reviewed under and continues to be recommended in the updated Retail, Commercial Leisure and Town Centre Uses Study 2021. It is therefore considered that the local thresholds are justified and should be retained rather than the suggested application of the national default threshold of 2,500 sq. metres being applied across the board.

8. With regard to the comments made at Paragraph 9a – The requirement for an impact assessment should be consistent with the NPPF –the policy wording is amended to make clear that the impact assessment will only be required for proposals outside of town centres.
9. With regard to the comment made at Paragraph 9b above regarding changing patterns of retail and technology as well as leisure, transport and travel, the Council commissioned consultants to provide advice on such recent trends, and the impact of Covid-19, with specific regard to impacts for retail allocations. This information is provided in the Retail, Commercial Leisure and Town Centre Uses Study 2021 and referenced in the Economic Development Topic Paper 2021, which support the Pre-Submission Local Plan. The work undertaken involved significant community engagement, the responses and the findings of which were taken into account in the recommendations for the Pre-Submission Local Plan.
10. Aside from the comments received above, it is also considered appropriate that the key elements of the checklist for applying the impact test set out in the national Planning Policy Guidance - Town Centres and Retail be added to the supporting text to the Policy to provide further guidance in respect of the local impact test/assessment.

### **6.3.11 Policy ED 11: Primary Shopping Areas and Retail Frontages (Retained as Policy Policy ED 11: Primary Shopping Areas and Retail Frontages in the Pre-Submission Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 10 comments were received in respect of this policy. Six were in support of the policy, some subject to comment/conditions, one was in objection, while others made general observations, as set out in the key issues below.
2. The key issues raised in support (subject to conditions/comments) of the policy included:
  - a. One respondent supported the policy (with no further comment).
  - b. Another supported this Policy and the encouragement of conversion of first floor accommodation within primary shopping areas which is not required for retail/storage purposes to residential accommodation (will increase the vitality and night time safety of shopping areas and provide useful windfalls towards housing targets).
  - c. One respondent commented that the supporting text to the Policy proposes a flexible approach to development within town centres and primary shopping areas against the background of the difficulties faced by the High Street. Every effort should be made to retain the commercial core of the town in view of recent residential development and prospective schemes, reducing the need for residents to travel elsewhere for retail and complementary services/facilities.

- d. The provisions in the plan to revitalise town centres by allowing greater concentration of residential accommodation alongside a retail offer which is protected from conversion to non-retail and the use of Article 4 Direction to remove permitted development rights were welcomed.
  - e. A further respondent was supportive of the Policy as it encourages a flexible approach to ensuring the vitality and creating active frontages, in line with the NPPF.
3. The key issues raised in objection to the policy from one respondent included:
- f. Paragraph 5.10 of the Plan draws attention to the importance of Royal Tunbridge Wells Town Centre as a regional centre, and mentions specifically "specialist shopping areas such as the Pantiles, the High Street and Camden Road". Policy EN8 (Shopfronts) particularly names Camden Road as one in which proposals will only be permitted where they will not result in the loss of a traditional shop front. Practically the whole length of Camden Road, including that to the north of Garden Road, has a "primary retail frontage" and it seems illogical and inconsistent that the part north of Garden Road, which has many specialists independent shops and services that are important to the town's distinctive offer, does not have the hatched shopping area notation to go with the indicated retail frontage notation. Therefore, it is urged that that the whole of Camden Road has a primary shopping area notation.
4. Three further respondents made the following observations:
- g. The objective of retaining the retail character of primary shopping areas and retail use is recognised. However, no provision is made in the policy, or any other policy within the plan, for the consideration of use class A5 (hot food takeaways) which can help contribute to enhanced consumer choice, vitality and viability. An appropriate policy provision should be introduced.
  - h. As for policies ED9 and 10, a further respondent commented that an overall more detailed and broad analysis is required to assess future needs in a climate of changing patterns of retail and technology as well as leisure demands, transport and travel. Studies may need to be updated to ensure local knowledge and opinion is properly reflected particularly in terms of value of local facilities and assets.
  - i. As for Policy ED8, two respondents commented that the policy proposes to move Paddock Wood out of the rural service centre bracket to a Town Centre alongside Cranbrook and Southborough. Whether this policy can be accepted will depend upon what is, in turn, accepted in terms of the scale of development at Paddock Wood/east Capel, its distribution, how sustainable it would be and phasing. While a further respondent also said that redevelopment of the town centre is essential prior to any further housing allocations – this is a project which cannot be delayed until the latter end of the plan period. They would also support the extension of the town centre to include the whole of Commercial Road to prevent the current retail premises outside the proposed Town Centre from being converted into residential /other uses. Additional public car parking is also essential.

## Response

5. With regard to points a to e above - These positive comments are noted and required no action in terms of the policy wording.

6. With regard to point f – That the northern part of Camden Road should be included within the Primary Shopping Area and retail frontage – the Town Centre Boundary and Primary Shopping Area were recently reviewed as part of the Retail, Commercial Leisure and Town Centre Uses Study 2021 which supports the Pre-Submission Local Plan. No changes were recommended to the boundaries in this location and therefore this part of Camden Road is proposed to remain within the Town Centre Boundary but outside the Primary Shopping Area in the Pre-Submission Plan. It is also considered that a more flexible approach in this area allows for small businesses to start up and then move to other more prime locations within the town centre, once established.
7. With regard to point g – that A5 hot food takeaways (Sui Generis under the revised Use Classes Order mentioned below), should be included as an acceptable use in the policy – on review, this is considered to be an acceptable form of use in primary shopping areas, adding to the range of retail on offer, and is therefore now included in the policy. As a Sui Generis use, any such proposal would need to be assessed on its merits via the formal application route in any event, including consideration of its impact on amenity etc.
8. With regard to point h – regarding changing patterns of retail and technology as well as leisure, transport and travel, the Council has commissioned consultants to provide advice on such recent trends, and the impact of Covid-19, with specific regard to impacts for retail allocations. This information is provided in the Retail, Commercial Leisure and Town Centre Uses Study 2021 (referred to above) and referenced in the Economic Development Topic Paper 2021, which support the Pre-Submission Local Plan.
9. With regard to point i and part of point c – As mentioned for other ED policies, Paddock Wood is currently defined as a Town Centre in the Core Strategy 2010, so its town centre status is not a new designation. With regard to the other comments made at point c in relation to Paddock Wood town centre, these are considered under other sections of the Plan, such as the proposed growth strategy and Section 5 of the Plan as part of the Place Shaping policies and masterplanning.
10. In addition, the Town and Country Planning Use Classes Order (amended in September 2020), includes the introduction of two new use classes E - Commercial, Business and Service uses and F - Local Community and Learning uses which will replace some of the uses in existing classes A, B and D. The changes allow more flexibility in permitted changes of use (without requiring the submission of a planning application) in some cases, such as new Class E which is in 11 parts and more broadly covers uses previously defined in the revoked Classes A1(shops)/A2 (financial and professional services)/A3 (restaurants and cafes), B1 (offices, research, light industrial uses), D1(a-b) (non-residential institutions – schools, nurseries, clinics etc.) and ‘indoor sport’ from D2(e). D1(communitiy uses) is split out and replaced by the new Classes E(e-f) and F1. Class D2 (leisure) is split out and replaced by the new Classes E(d) and F2(c-d) as well as several newly defined ‘Sui Generis’ uses. These changes are now accordingly applied to the policy wording.

### **6.3.12 Policy ED 12: Retention of local services and facilities in defined Neighbourhood and Village Centres (Retained as Policy ED 12 with a slight amendment to the title: Retention of local services and facilities in defined Neighbourhood and Village Settlements in the Pre-Submission Local Plan)**

#### **Main Issues raised in comments on the Draft Local Plan (DLP)**

1. A total of 11 comments were received in respect of this policy. Six were in support of the policy, some subject to comment/conditions, two were in objection, while two others made general observations, as set out in the key issues below.
2. The key issues raised in support (subject to conditions/comments) of the policy included:
  - a. A number of respondents strongly supported the Policy which should help to ensure the vitality of Neighbourhood Centres and promote active travel (reducing car journeys within Royal Tunbridge Wells and to other places), as well as helping to preserve the facilities and services in Village Centres that residents in the rural parts of the borough rely on. Two of the respondents also made the case for local services to include local primary education sites which are realistically accessible by active travel and do not require a car journey.
3. The key issues raised in objection to the policy included:
  - b. As for Policy ED8, two respondents questioned why Five Oak Green is missing from this policy and why there is no detail on how TWBC intends to help retain local services and facilities in this settlement. (A further respondent also made the same comment but as a general observation).
4. Two other respondents made the following observations:
  - c. That a marketing period of two years is excessive. This fetters the owner's ability to move a property forward and sterilizes/blights the area.
  - d. As for policies ED9 to ED11, a further respondent commented that an overall more detailed and broad analysis is required to assess future needs in a climate of changing patterns of retail and technology as well as leisure demands, transport and travel. Studies may need to be updated to ensure local knowledge and opinion is properly reflected particularly in terms of value of local facilities and assets. Potential loss of Police premises in Paddock Wood is one example where importance to the community has not been considered in any depth by engaging directly with local people who are affected.

## Response

5. With regard to point a - the strong support is noted. In terms of the comment - local services should include local primary education sites which are realistically accessible by active travel - many of the Neighbourhood and Village Centres (now settlements) already have an existing primary school and/or children's nursery to serve the local area, which Policy ED12 seeks to protect and retain.
6. With regard to point b – Five Oak Green is missing from the policy – Five Oak Green is defined as a Village Centre (now settlement) under the centres/settlement hierarchy in Policy ED8 and Policy ED12 seeks to protect and retain the facilities and services of this settlement.
7. With regard to point c - given the current changing economic climate and the comments received in respect of other economic Development Management Policies (ED2 (Retention of existing employment uses and buildings, ED5 (Conversion of rural buildings) and ED7 (Tourism) which like Policy ED12, require the submission of marketing evidence and a minimum two year marketing period, it is considered that a reduced period of 18 months would be more appropriate. The policy wording at criterion b is therefore now amended to reflect this; and the supporting text is also amended to provide more consistent and clearer guidance on what information should be submitted to satisfy marketing related criteria.
8. With regard to point d - Paddock Wood is considered under other sections of the Plan, notably Section 5 of the Plan as part of the Place Shaping policies and masterplanning. The loss of a Police facility would normally fall outside the remit of Policy ED12 as a County matter. In terms of the comment regarding changing patterns of retail and technology as well as leisure, transport and travel, the Council has commissioned consultants to provide advice on such recent trends, and the impact of Covid-19, with specific regard to impacts for retail allocations. This information is provided in the Retail, Commercial Leisure and Town Centre Uses Study 2021 which supports the Pre-Submission Local Plan. The work undertaken involved significant community engagement, the responses and the findings of which were taken into account in the recommendations for the Pre-Submission Local Plan.
9. Aside from the comments received above, it is considered that the loss of local services and facilities should not just be protected in defined neighbourhood and village settlements (with a Limits to Built Development (LBD) boundary), but that a broader approach should be applied to avoid the loss of such facilities in other smaller settlements (without a LBD boundary) where the service provides an important role in the social infrastructure of an area. The policy wording and the supporting text is therefore amended to reflect this.

## 6.4 Transport and Parking

### 6.4.1 Policy TP 1: Transport Assessments/Statements, Travel Plans, and Mitigation

#### Main Issues raised in comments on the Draft Local Plan (DLP)

1. There were 16 comments submitted on this Policy.
2. Among the general comments on the Policy, there was one general comment in support, as well as consideration that the policy needs strengthening through suggested wording amendments (with an aim to reduce the need for car ownership with active travel prioritised over non-active travel). Kent County Council (KCC) Highways also provided numerous suggested policy and supporting text amendments, including the proposal to amend the supporting text and remove Table 8 (Transport Assessment and Travel Plan Thresholds) with more general wording. It was also requested by KCC's Public Rights of Way Access Service (PROWAS) that applications for development should be expected to include traffic impact studies (i.e. transport assessments) to address this impact on non-motorised users, with contributions made towards appropriate mitigation measures.
3. One of these main issues was on the transport assessment and travel plan thresholds (i.e. Table 8). This included the consideration that the thresholds were unsuitable and do not reflect the scale of activity to be undertaken, and that some developments that would not meet the thresholds should require transport assessments/travel plans. It was suggested instead that the requirements should be determined on local circumstances with the thresholds removed.
4. A comment was also made on the need for the policy to mention that KCC Highways and/or Highways England will collaborate with developers to establish and plan to achieve required mitigations. There was also concern that the requirements are considered contrary to the NPPF as the wording in relation to highway impact differs to that outlined within the NPPF (and consequently sets a higher bar than national Policy). Clarity is also sought on when travel plans and transport assessments are required in relation to the distinction between the cumulative and stand-alone/individual assessment of development impact.
5. There were also comments submitted that were non-policy wording related, but rather in relation to the proposals at Tudeley, Paddock Wood, and Royal Tunbridge Wells, which are addressed in relation to relevant Place-Shaping policies.

#### Response

6. Having reviewed the representations made by the Local Highway Authority (Kent County Council (KCC) Highways), the suggested amendments to the policy and supporting text are accepted, notably in that Table 8 (thresholds) is now removed and replaced by a policy reference to the KCC thresholds. While KCC's latest thresholds are still referenced within the Policy, the revised wording allows for flexibility beyond the thresholds, having regard to existing local traffic/transport issues. It is considered that this wording amendment also addresses the concerns received from other representations considering

that the thresholds were unsuitable and more so appropriate to determine on local circumstances.

7. Other adjustments to the policy in the light of KCC comments include the amendment of criterion 1 (now criterion 2) to better reflect the wording in the National Planning Policy Framework (paragraph 109), the insertion of text from the paragraph below the criteria relating to where the location of the development has existing traffic issues or lack of transport infrastructure (referenced above) into the criterion itself, and the removal of criterion 3 (i.e. the requirement for compliance with Policy EN 23, to avoid unnecessary repetition (although this will instead be cross-referred to in the supporting text). Within the supporting text, clarification has also been added to state that the impacts on the transport network includes both impacts on the vehicular transport network and on Non-Motorised User networks (e.g. along rural lanes and/or within close proximity to Public Rights of Way).
8. With regard to the comments stating that Policy TP1 is considered to be contrary/sets a higher bar to the NPPF, and that it requires clarity on the cumulative and stand-alone/individual assessments of development, paragraph 109 has been reviewed in relation to the Planning Practice Guidance and further wording is now been added into the policy and supporting text. This clarifies that transport assessments and travel plans will be required to demonstrate that the impacts of trips generated to and from the development (both individually as well as taking into account cumulative programmed and/or proposed development) will be mitigated to avoid causing an unacceptable impact on highway safety or lead to severe residual cumulative impacts on the road network. The supporting text now provides clarification to say that any proposal should be prevented or refused if the impacts cannot be mitigated to an acceptable degree.
9. As mentioned above, it should also be noted that the policy wording is now reordered (i.e. swapping round criterion 1 and 2) and amended to clarify that a transport assessment will be required (assessing both individual and cumulative impacts on the transport network), followed by criterion 2 which will require the transport assessment and a travel plan to demonstrate that such impacts will be mitigated, with the supporting text clarifying that a travel plan will take forward the mitigation measures proposed in the transport assessment. The supporting text is also now amended to include additional wording proposed by Highways England to emphasise that, as part of these transport assessments and travel plans, they must include an assessment of the cumulative impact of both proposed and programmed development, and as necessary supported by WebTAG compliant modelling work.
10. Regarding the representation considering that there is a need to mention collaboration between developers and KCC Highways/Highways England, wording is now added into the supporting text to clarify that suitable mitigation measures will be determined in agreement with the Local Planning Authority, Local Highway Authority (KCC), and Highways England.
11. It is considered that the site-specific comments and comments on solutions to congestion are not directly related to TP1 and have therefore been addressed as part of the review of other, namely Place-Shaping, policies in the Plan.

## 6.4.2 Policy TP 2: Transport Design and Accessibility

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. There were 9 comments received in response to Policy TP2.
2. The majority of comments received were general comments on the policy. These included comments considering that the policy needs strengthening with greater clarity and precision. Clarification is also requested on how and when Public Rights of Ways (PRoWs) and highways would be amended. In addition, the policy is also considered to be too prescriptive in adherence to guidance documents. Kent County Council (KCC) also suggested minor policy and supporting text wording amendments.
3. Other issues were also raised within the representations. One issue was with regard to the health and safety of pedestrians and cyclists, with concern raised on the introduction of electric vehicles which are thought to be a serious danger to people with hearing/visual impairments due to the silence of electric vehicles.
4. Additionally, it was considered that shared space is not safe for pedestrians, with comments noting that the Department for Transport has banned the use of shared space in particular locations. It was also considered that there is a need to prioritise the safety of vulnerable road users over other road users with reference made to the benefit of 20mph speed limits.
5. Another issue raised was in relation to the need for suitable bicycle storage, with the suggestion that storage areas should be provided in all cases and should also be covered, suitable, and easily accessible. Comments were also raised on bridleways in relation to considered need to improve horse-riding routes, the need to ensure permeability in new developments as well as the requested need for stronger wording on accessibility within the Policy.
6. Comments were also made in relation to developer contributions and the consideration that the developer should pay for/make contributions toward walking/cycling routes and bus routes.
7. Other issues raised included the consideration that the policy requirements must be subject to viability and therefore requested additional flexibility within the policy. In addition, the consideration that the requirements outlined within the policy are dependent on the scale, type, and scope of development was raised, and, likewise, this also requires flexibility within the policy criteria to apply only where relevant to the submitted development and stage of the planning application process.

### Response

8. Having reviewed the representation made by the Local Highway Authority (KCC Highways), the general suggested amendments have been accepted. This includes reference to applying appropriate highway guidance rather than specifically the Manual for Streets and Kent Design Guide guidance in the supporting text (albeit retaining that reference to both these guidance documents should be made and later guidance as appropriate) as this is not considered to be a conclusive list and is likely to change during the Plan period. This change also reflects the view that the policy is too prescriptive in

adherence to guidance documents. Corresponding clarification is now made to criterion 5 of the policy. Reference to KCC's Design Guide is also removed from Criterion 1. Wording is also now added to the supporting text referencing the public footway network as requested.

9. Furthermore, in response to KCC's comments, criterion 2 has been replaced with more appropriate wording to require that "there is pedestrian access to public transport services and infrastructure" rather than requiring that "there is public transport service and infrastructure provision within reasonable close proximity" (which was also considered to lack clarity in a representation received from another respondent).
10. As requested by KCC, the requirement for maintenance to be delivered through commuted sums to KCC for cycle routes/linkages has been removed from criterion 3. With regard to criterion 4, it is noted that KCC submitted two alternative suggested wording amendments for this Policy (from KCC Highways and KCC Public Rights of Way and Access Service). In review of both comments, it is proposed to input wording from both comments which provides greater clarity and strengthens the requirements by referencing KCC's Rights of Way Improvement Plan objectives, and also that opportunities "should be taken" to enhance both the public footway and public rights of way network, rather than "should also consider". This is also considered to address the another representation about strengthening the policy, as well as improving bridleways. Wording has also been added to clarify that any re-routing of these networks will be permitted provided that the network is enhanced overall.
11. With regard to the comment that advice should be provided as to how and when to engage in the process of diverting existing public rights of way or highways as part of a development proposal, it is appreciated that there is a separate legal process for making diversions, but such proposals may also be relevant to the consideration of a planning application. No further amendment is considered necessary.
12. It was also noted in two representations that the Department for Transport (DfT) have banned/imposed a 'moratorium' (i.e. a pause) on the use of shared space schemes where there is a level surface due to safety concerns. However, it should be clarified that, following on from the DfT's ['The Inclusive Transport Strategy: Achieving equal access for disabled people'](#), confirmation in a letter from the DfT states that such a pause "*does not apply to streets within new residential areas, or the redesign of existing residential streets with very low levels of traffic*", therefore meaning that the provision within the policy remains appropriate, although further clarification has been made to be clear that it only applies to new residential areas or existing residential streets with very low levels of traffic.
13. In terms of the comments regarding the safety of electric vehicles, this is more a matter of national policy, rather than local policy. In any case, as above, shared space schemes will only be permitted in residential areas, not high streets or town centres with relatively large amounts of pedestrian and vehicular movement.
14. The comment emphasising the need to prioritise the safety of vulnerable road users, which suggested that TP2 addresses the safety benefits to cyclists/pedestrians of 20mph speed limits, has been noted. Consequently, wording has been added to criterion 7 to suggest examples of vehicle speed reduction schemes that may be considered appropriate (such as 20mph speed limits, road narrowing, speed tables, etc.).

Additionally, taking into account the further work undertaken by PJA on the Council's Local Cycling and Walking Infrastructure Plan (LCWIP) and Low Traffic Neighbourhoods (to inform the Regulation 19 evidence base), reference to these have been made in the supporting text and the policy wording itself.

15. The comment on the need for suitable bicycle storage is dealt with in the review of TP3: Parking Standards, while the need to ensure permeability, accessibility, and contributions toward sustainable transport are suitably addressed within the policy already and do not require amendment.
16. Finally, further flexibility in the policy taking account of the fact that viability is only clear at the application stage, is not considered necessary. The policy requirements are justified, and any unanticipated and justified viability issues can be dealt with as a material consideration.

### **6.4.3 Policy TP 3: Parking Standards**

#### **Main Issues Raised in Comments on the Draft Local Plan (DLP)**

1. There were 24 comments submitted on this policy.
2. The majority of comments were general comments on the policy, 7 of which were general comments in support of the policy, primarily from Parish Councils within the borough. Other comments included a general observation that existing car parking facilities are inadequate, as well as that there is considered to be a need for greater clarity in the policy, mainly in regard to making it clear that the policy will not be applied retrospectively, but also the need to clarify the proportion of parking spaces that will be required to meet the parking standards for wheelchair adaptable or accessible dwellings (Building Regs M4(2) and M4(3)), as well as a question as to why the Town Centre Parking Area (Zone A) has a mandatory rather than a minimum requirement.
3. General comments included suggested policy and supporting text amendments, from which suggested that the standards are brought into line with the standards in KCC's new (upcoming) Design Guide. However, other comments in objection to the policy stated that it is too detailed, complex and restrictive and, as a result, will lead to car dominated designs and an insufficient use of land, and therefore needs more flexibility.
4. One of the main issues raised was on the proposed vehicle parking standards themselves, primarily in relation to the concern that the parking standards may lead to an over-provision of parking spaces, therefore requiring further flexibility within the policy. Notably, it was considered that the Zone A parking requirement (for both residential and non-residential) in the Royal Tunbridge Wells town centre should be a maximum standard rather than mandatory due to the need for high density development and an efficient use of previously developed land.
5. There were also comments that raised concern that the residential parking standards may in fact under-provide, particularly as some potential occupants may be tradesmen and service personnel whose workplace/office is often their van which is required in addition to a family car. Additionally, there is concern that the non-residential parking standards do

not fully take into account a known trend in reducing office space per person (i.e. higher density workspaces) which could lead to an under provision of onsite parking and lead to a damaging overspill onto on-street parking. There is also concern that use class D1, which includes schools, is not included.

6. Concern was also raised on the 15% requirement of spaces to accommodate light goods vehicles, which was considered to be too prescriptive and should be determined on a site-by-site basis.
7. Moreover, with regard to parking standards, a number of comments concerned the exceptional circumstances list within the policy. While there was generally some support for these, there were some comments in objection to the list, such as that it makes compliance with the policy more complicated and complex and therefore needs to be made simpler and clearer. On the other hand, it was questioned whether the exceptional circumstances are sufficiently broad, as they are considered to currently fail to give full regard to the importance of making optimum use of accessible brownfield sites.
8. It was requested that the provision of appropriate access to car club services be incorporated into the policy as justification for reduced car parking provision. It was also noted that the exceptional circumstances listed states that the Council “may require” proposals to depart from the provisions of the policy in stated circumstances; however, it is suggested that this should extend to a request from a developer where the Council does not require divergence. A comment was also received considering that Hawkhurst should be within Zone C (which even at these higher minimum levels are considered to be too low), rather than Zone B, due to limited local employment opportunities and a reliance of residents on private cars.
9. Other main issues raised included comments on the data used to inform the proposed parking standards. It was considered that much more evidence is needed about parking supply and demand in RTW public car parks, as well as the request for a detailed study into the car parking needs of RTW. It was also noted that the ONS Census Data used to inform the parking standards is now 8/9 years out of date.
10. Comments were also received on cycle parking and the need to enable further cycle use, as well as requested clarity regarding whether the exceptional circumstances apply to cycle parking standards as well as car parking standards. It is therefore suggested that some flexibility should be afforded to cycle parking standards as it is not always achievable nor required, and that the cycle parking standards should also be included within the exceptional circumstances list.

## Response

11. In relation to clarity concerns, it is considered that the supporting text sufficiently clarifies that the proposals are to apply to new residential/non-residential development only. Additionally, in relation to the proportion of parking spaces that will be required to meet the parking standards for wheelchair adaptable or accessible dwellings (Building Regs M4(2) and M4(3)), the affordable housing policy (H5) requires that all affordable housing units must meet the M4(2) standard; homes specifically built for individuals with a disability are required to be compliant with the M4(3) standard. The reasons why the Town Centre Parking Area has a “mandatory” as opposed to the “minimum” requirement in other areas of the borough is also considered to be sufficiently explained already within the supporting text.

12. KCC recommended that TWBC adopt the proposed residential parking standards in KCC's upcoming Kent Design Guide which are very similar to those proposed by TWBC. However, it is considered that TWBC's proposed standards should remain, as they are more applicable to local car/van ownership levels in the borough (rather than Kent-wide), informed by research/analysis within the Residential Parking Standards Topic Paper, as well as the fact that the Kent Design Guide is not yet published. It was also suggested by KCC that the word 'mandatory' for RTW Town Centre is amended to 'maximum' to allow less parking where appropriate, which has been addressed below. Also, while KCC state that the Local Highway Authority will not count garages as formal car parking spaces, it is considered that garages should still be counted within TWBC's proposed parking standards, provided they meet the design parameters specified within the policy.
13. It is noted that the non-residential parking standards in KCC's SPG4 document are now out of date due to the recent September 2020 use class changes. Consequently, the Table within the policy outlining the SPG4 parking standards for non-residential development has been removed. Instead, wording has been input to state that non-residential parking standards will be in accordance with KCC's latest guidance as appropriate. Moreover, while SPG4 guidance may remain applicable to the cycle parking and C2 parking standards, in discussion with KCC Highways, it is expected that the Kent Design Guide will be updated in due course which will supersede this document. Consequently, all references to SPG4 have been amended to "Kent County Council's latest guidance as appropriate".
14. Regarding comments considering that the policy is too detailed, complex, and restrictive, it is noted that one representation suggested that the policy is shortened with further guidance provided in as Supplementary Planning Document; however, the Council does not consider this to be appropriate as SPDs provide guidance based on policy in the Local Plan. There was also concern that the policy is too restrictive in terms of design by requiring soft landscaping to ameliorate the perceived domination of new required parking provision and is therefore requested that the policy makes it simpler to avoid creating repetitive, car dominated housing layouts. However, Development Management officers advise that achieving appropriately designed parking areas can be important in the overall design of developments and consider that the inclusion of such a reference strengthens the ability to achieve softer, less unrelenting parking areas.
15. This comment was also reflected in another representation considering that the policy goes too far beyond guidance in terms of banning tandem parking, specifying how many open sides a parking barn must have, and suggesting parking courts should be located next to open spaces. Again, it is following advice from Development Management officers that tandem parking can reduce likelihood of off street parking (due to the need to move one car to the access the other), thereby resulting in parking on internal development roads, both to the detriment of amenity and (at times) reducing pavement widths. Similarly, it is common experience that parking barns with more open sides become enclosed or used for other (normally storage) purposes rather than parking. However, it is accepted that the requirement for parking courts to be next to open spaces is overly restrictive and is therefore now amended.
16. With regard to the majority of comments which were submitted on the concern that the parking standards may over-provide with the request for greater flexibility, particularly within the RTW Town Centre (which is subject to mandatory parking standards under the

proposed policy), these points are recognised. For all areas outside the Town Centre (Zone A), it is considered that there is clear justification for these, and these should remain – although the supporting text is now amended to make reference to the age of the data.

17. It is considered that there is a need to address the policy in relation to RTW Town Centre. The detailed analysis in the Residential Parking Standards Topic Paper identified a range of car ownerships in this area, from as low as 0.4 to just above 1, per household. This is most clearly demonstrated on page 73 of the Topic Paper. However, there will be some instances where lower parking provision can be justified on the basis of car ownership levels, the type of development being proposed, and location in the town centre. It is therefore proposed that the requirement be amended to “Mandatory, unless a lower level can be justified”.
18. With regard to the comments considering that the requirement for 15% of spaces to accommodate light goods vehicles should be removed, it is proposed that this be amended to instead link to forthcoming KCC guidance, and, in the absence of this, analysis of local data.
19. For clarity with regard to the exceptional circumstances list, wording is now amended from “the Local Planning Authority may require proposals to depart from the parking standards” to “the Local Planning Authority may allow proposals to depart from the parking standards”. In addition, wording has also been added to clarify that the exceptional circumstances apply to both vehicular and cycle parking standards, rather than just vehicular. While the Plan seeks to encourage active travel over the private car, it is acknowledged that it would be inappropriate to require cycle parking in every new development proposal and that there should therefore be an appropriate level of flexibility in its application.
20. While a comment was received stating that Hawkhurst should be within Zone C (with even higher standards than Zone C), it is noted that the proposed parking standards reflect the average local car/van ownership levels based on data research/analysis, and therefore it is considered that Hawkhurst does not need to be moved from Zone B.

## 6.4.4 Policy TP 4: Public Car Parks

### Main Issues Raised in Comments on the Draft Local Plan (DLP)

1. There were 10 comments submitted in response to Policy TP4.
2. Among the general comments, it is noted that KCC supported the policy. There was a comment submitted stating that the policy was contrary to supporting active travel by requiring proposed developments on existing car parks to replace all spaces lost in all circumstances which is considered to be contrary to ambitions for more active travel. There was also a general suggested policy amendment requesting that the policy wording be changed to only allow development where the benefits “substantially outweigh the harm” caused by loss of public car parking space.
3. Aside from general comments, comments were also received on the public car parks protected under the policy. It is noted that the public car park below the Brown Trout in

Lamberhurst was incorrectly omitted, as well as a public car park missing from Brenchley. There were also comments submitted with regard to the public car park off Major York's Road, The Common, with concern that the policy could potentially allow development on this site if it was in accordance with the criteria. A notation was suggested for inclusion within the policy text to state that the site must not be extended or built upon, and in the event of it not being required for parking in the future, the site should revert back to common land.

## Response

4. With regard to the comment suggesting that the policy is considered to be contrary to active travel by protecting public car parks, it is appropriate to include this policy considering the importance that public car parks have in ensuring the vitality and economic success of town/village centres in the borough.
5. In addition, with regard to the suggestion of strengthening criterion 4 (by instead requiring that “the community benefits arising from development on the public car park substantially outweigh the harm caused from the loss of public car parking spaces”), the policy has been strengthened to require that “an assessment is made as part of the proposal that clearly identifies that the community benefits arising from development on the public car park outweigh the harm caused from the loss of public car parking spaces”. There is not considered to be a need to include “substantially”.
6. While concern was also raised on the lack of public car parking provision in Cranbrook and Sissinghurst to meet proposed development, it is considered that such parking demand will be met via the parking standards in TP3 within any such new development.
7. Regarding Lamberhurst Parish Council's comments on the omission of the public car park at Lamberhurst (below The Brown Trout pub), it has been agreed that this site should be included under the protection of Policy TP4. This amendment has been made to the Regulation 19 Policy Maps.
8. While the concern over potential re-development of Major York's Road car park in the Royal Tunbridge Wells Common is noted, it should be emphasised that all proposals on public car parks in the borough will inherently also be subject to compliance with other policies in the Plan (e.g. this site is also within the Tunbridge Wells Conservation Area, the Green Belt, a Local Wildlife Site, etc.). This means that while a proposal may be compliant with Policy TP4 in the Plan, it may not meet other policies in the Plan and would therefore not be considered appropriate development. However, to clarify this within the policy, additional wording has been added to state that the policy should be read alongside other policies in the Local Plan.
9. With regard to the comment suggesting that a public car park at Brenchley (Market Heath) has been incorrectly omitted, the Council has reviewed whether this car park would be appropriate to safeguard. While the car park is acknowledged to be a valuable parking resource within Brenchley, particularly during school pick-up hours, it is understood the car park has never been considered to be a public facility or one that the Borough Council has ever had ownership and/or operation of. Moreover, it is understood that the car park is owned/operated by KCC Highways. The Council's methodology behind this policy has been to safeguard only those public car parks in the borough that are TWBC owned/operated/leased and/or KCC/Parish/Town-Council owned/operated

which do not serve a specific private premises (and as identified in the latest Parking Strategy), or has a lawful development certificate for use as a public car park. Consequently, along with numerous other car parks within the borough that are provided specifically in connection with recreation grounds and/or village halls, the Council does not consider this car park suitable for safeguarding.

## 6.4.5 Policy TP 5: Railways

### Main Issues Raised in Comments on the Draft Local Plan (DLP)

1. There were 17 comments submitted on this policy.
2. The majority of comments were general comments on the policy, almost all of which were in support of the policy. However, one comment from the Environment Agency (EA) requested that the mapping was made clear to differentiate the safeguarded land from Policy EN18 and TP 6.
3. A comment was also submitted on the need to ensure sufficient land was safeguarded for the Tunbridge Wells Central to Eridge Railway Line to enable the future restoration of a double track railway with adequate passenger facilities at the West Station.
4. Comments were also submitted with regard to the former Hop Pickers Line, including on the suggested use for the line as a future active travel corridor, the need for new developments to respect and/or enhance the route, as well as assistance requested from the Hop Pickers Line Heritage Group to improve the route.
5. One comment also suggested that the policy requires amending to ensure it works effectively with the allocation AL/CA 1 (*[Regulation 18 allocation reference]*; now STR/SS 3) and promotes its delivery. It was consequently considered that land either side of the railway line within Tudeley Village is safeguarded for potential bridge crossings and a potential rail halt and shall not be made available for other uses unless specifically identified in the masterplan.

### Response

6. Despite considerable support for this policy, the comment from the EA requesting that the mapping is made clear to differentiate the safeguarded land from Policy EN18 and TP6 has been taken into consideration in producing the Policy Maps for Regulation 19.
7. Regarding the comment requesting the need to ensure sufficient land was safeguarded for the Tunbridge Wells Central to Eridge Railway Line for a double-track railway with adequate passenger facilities, it is considered that there is no need to safeguard additional land other than the current line itself, albeit that should be sufficiently wide to encompass the tracks and the associated land immediately beyond those. It is also considered that any proposal would incorporate the existing passenger platform at Tunbridge Wells West Station, but not the adjacent building. The supporting text also clarifies that any proposal to open the line would also be required to provide additional public parking (including decking) that would be needed to support a new transport interchange.

8. Comments supporting the use of the former Hop Pickers Line as a green infrastructure/active travel corridor are noted. With regard to the request that new developments respect and/or enhance the route through contributions, further wording has been incorporated into the policy and supporting text to state that “proposals for development located adjacent to the safeguarded line may be required to contribute toward enhancing the route and/or provide new connections or access points”. The supporting text also emphasises that the Council “will work with landowners, Kent County Council, the parish and town councils, and other stakeholders, including the HPLHG, to identify areas where access to the former railway line can be improved and used for” walking and cycling.
9. With regard to the comment on the need to safeguard land within the Tudeley Village (AL/CA 1 [*Regulation 18 allocation reference*]; now STR/SS 3) proposal for potential bridge crossings and a potential rail halt, it is considered that this is not necessary as such crossing(s) and a potential rail halt will be provided for within the masterplan to be created.

### 6.4.6 Policy TP 6: Safeguarding Roads

#### Main Issues Raised in Comments on the Draft Local Plan (DLP) TP6: Railways

1. There were 18 comments submitted on Policy TP6.
2. Among the general comments in support, it is noted that KCC supports the safeguarding of Colts Hill and the A21. However, one comment from the Environment Agency (EA) requested that the mapping was made clear to differentiate the safeguarded land from Policy EN18 and TP 5. Other general comments included a need to provide safe crossings/routes for horse riders on proposed major new roads. There was also a general suggested supporting text wording amendment from Turnberry for Hadlow Estate to emphasise the “potential” A228 bypass, which may only “potentially” be required as a strategic mitigation for development proposed in the Plan.
3. There were also comments submitted on the A21 Kippings Cross to Lamberhurst proposal, with the consideration that improvements should occur prior to any proposed development, as well as concern raised with regard to the negative impact on the AONB/surrounding countryside.
4. The majority of comments related to the A228 Colts Hill proposal, with concern raised that the requirement for its provision suggests Capel/Paddock Wood proposals are considered unsuitable without it in place. Other comments considered that any ‘offline’ A228 strategic link was unsuitable as well as considered to be ill-thought out and likely to result in further significant detrimental impacts on the local landscape with little mitigating effect or benefit. It is argued that further assessment must be completed to ascertain whether an offline link is still the most suitable improvement. It is also requested that alternatives to the Colts Hill Bypass (such as widening) and the Five Oak Green Bypass (such as a northern route to access the A228 nearer to East Peckham) are considered further before Regulation 19.
5. There were also comments in objection to the potential use of Compulsory Purchase Orders to ensure the A228 and/or Five Oak Green bypass’ delivery. There was also

concern raised with regard to the negative impact on the AONB/surrounding countryside, as well as a comment noting the past difficulty in delivering the A228 bypass.

6. In addition, there were comments submitted on the potential proposal to widen Halls Hole Road, with concern raised that any widening would be unsuitable considering the existing traffic issues, primarily considered to be caused by the introduction of traffic lights at the Pembury Road end. There was also a request for greater clarity with regard to the proposal, as there was no detail of the potential alignments on the policy maps nor any guidance on proposed CIL/S106 contributions.
7. Comments were also submitted on other potential improvement schemes in need of safeguarding, with regard given to Cornford Lane, Reynolds Lane, and the Railway Bridge at North Farm, as well as existing roads in Paddock Wood and Capel considered to be in need of improvement, and a proposed east Paddock Wood bypass.

## **Response**

8. Taking the three safeguarded schemes in turn:

### **Land for offline A228 strategic link (A228 Colts Hill Bypass)**

9. Following further work on traffic generation associated particularly with proposals for the development of the strategic sites, it is now apparent that there is scope for a part off-line section of A228, together with part online improvements to the existing A228 to provide sufficient capacity to accommodate planned growth without relying on the entirely offline scheme coming forward.
10. However, while the offline A228 may not be required for planned development, it would be prudent to continue to safeguard the offline scheme in view of the potential for further impacts over and above the current development horizon and the delivery of wider economic and transport benefits, notably including the longer-term proposals for the Lower Thames Crossing and development between there, north-east Kent and Tunbridge Wells borough. It is recognised as a cross-district transport priority in the KCC Local Transport Plan.
11. In light of the above, the policy and supporting text wording has been amended to emphasises the 'potential' possibility of an offline A228, rather than its requirement to address any impact arising from Tudeley or Paddock Wood proposed development.
12. Regarding comments proposing an east Paddock Wood bypass, this has been considered through the masterplanning work, but not found to be necessary.

### **A21 Kippings Cross to Lamberhurst Improvement**

13. This is similarly recognised as a cross-district transport priority in the KCC Local Transport Plan and is considered entirely appropriate to maintain the safeguarding of this route.

### **Land at Halls Hole Road**

14. The comments submitted in objection to the proposal to widen Halls Hole Road, relating to the absence of a specific identified scheme, as well as any real identification of the area or part of the road to be safeguarded, are acknowledged. There are no current

proposals. Moreover, the narrowness of the lane, being well below sandstone outcrops in large part, hugely limits scope for improvement. Also, it is accepted that the primary focus should be on improving the existing main road network in the area, rather than encouraging traffic onto this lane.

15. Therefore, this part of the policy relating to safeguarding Halls Hole Road has been removed. However, traffic issues in this area are acknowledged, and support may be given to potential road/junction improvement schemes that improve traffic flows along Pembury Road/A264 as well as adjoining roads, including Halls Hole Road and Blackhurst Lane (the junction with which a potential scheme is being assessed).
16. With this safeguarding removed, it is not considered necessary to include other suggested possible alignment/road widening schemes put forward by KCC, again subject to final traffic modelling.

## 6.5 Open Space, Sport, and Recreation

### 6.5.1 Policy OSSR 1: Retention of Open Space

#### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 12 comments were received in respect of this policy. Six in support with some subject to comment/conditions, four in objection, while two others made other comments, as set out in the key issues below.
2. The key points raised in support (subject to conditions/comments) of the policy included:
  - a. Sport England (SE) – was very supportive of the policy.
  - b. One respondent would also want to ensure that in weighing the benefits or disbenefits of any proposed alternative facility, the benefit of *retaining* a local amenity is not reliant on motorised transport for access.
  - c. A further respondent questioned the environmental and social sustainability of the proposed exception for the open spaces and recreational land allocated for other purposes in the draft plan: concentrating recreational provision at Hawkenbury (Draft Local Plan allocation AL/RTW23) may bring benefits in terms of upgraded quality of provision, but it could lead to a deterioration in local quality of life and an increase in vehicular traffic. They recommended that the words in the first paragraph of the policy “unless allocated for another purpose /use/development in this Local Plan” should be deleted.
  - d. Another respondent commented on the fact that the policy would apply more to urban than rural areas and does not reflect the difference in terms of the facilities available to each e.g. more sports fields and parks for urban dwellers, whereas in rural areas more reliant on footpaths across fields with limited recreational facilities. Also, in the countryside where a field is lost to housing that was available for public use, no

alternative is provided (the new development at Bramling Gardens, Common Road Sissinghurst is quoted as an example)

- e. While another respondent agreed with the overall conclusions of the Study- that existing open space, sport, and recreation provision within the borough should be retained, quality improved and provision for new facilities sought and supported, in the case of Cadogan Fields (Draft Local Plan allocation AL/RTW24), they consider there is no need to move the facilities to a different site (Playing Pitch Strategy) because the land is used by residents and contributes to health and wellbeing – important given increase in adult and child obesity.
3. The key issues raised in objection to the policy include:
- f. One respondent stated that the retention of sports facilities should include the following site allocations - Culverden Stadium, Bayham Sports Field, Cadogan Sports Field, Colebrook Sports Field, Memorial Field, Big Side Playing Field, Jaegers Field.
  - g. Another respondent commented that Tunbridge Wells Common should be protected from encroachment under this policy and the policy wording should be amended or a separate policy formed to say that the Common deserve special protection from development.
  - h. A similar comment was also received to that made at point d above, but as an objection.
4. Other comments received:
- i. One respondent commented that policies OSSR1 and 2 could go further, particularly where there is risk of a 'surplus to requirements'. The assessment for that should be robust and involve local communities directly with that analysis. Evidence of proper engagement should be expected for and integral to these policies.
  - j. Brenchley War Memorial and Recreation Ground Charity welcomed policies EN17 (Local Green Space) and OSSR1 in the Draft Local Plan, which will protect part of its land from development. The current sports and recreation facilities should be able to meet the needs of the community for the foreseeable future. However, there is an increasing demand for activities based within the buildings and the Charity wishes to retain the possibility of an extension to these facilities. There is an area of land adjacent to the squash court which cannot be used for recreational activities and is difficult to maintain. The Charity therefore stated they would like to remove this area from the areas designated as Local Green Space and Open Space shown on the Draft Local Plan policy map for Brenchley, resulting in the reduction of these designated areas, to allow the possibility of such expansion.

## Response

5. With regard to point a – this is noted and TWBC has continued to work closely with Sport England as the Sports Strategy and any further work for the borough has developed.
6. Comments under point b relate to the designation of the land at Hawkenbury as a sports hub and concerns in relation to residents having to travel across town to

access the hub. This issue is addressed within the Place Shaping section for Royal Tunbridge Wells and the approach to the Sports Strategy. The intention is that local provision is protected, with local sports hubs identified alongside the hub at Hawkenbury.

7. With regard to points c (first part of), d, e, f and h – provision in urban and rural areas and specific settlements/allocations - these relate to and are considered as part of the overall sports strategy for the borough, which essentially involves the rationalisation of a number of underperforming sites in Royal Tunbridge Wells and the allocation of the site at Hawkenbury as a new 'Sports Hub', as well as ensuring the retention and provision of adequate facilities for other settlements across the borough, including rural areas. This Strategy is based on the evidence and findings of a number of studies undertaken by consultants – the Open Space Study (2018), Built/indoor facilities Study (2018), The Consultation Strategy (2018) and Playing Pitch Strategy (2017), which comprehensively assess the current provision of a range of open space, sport and recreation facilities and provide a framework for future provision and management of sports pitches, formal and informal recreational areas to serve existing and new communities across the borough. Where reference is made to the requirements for a specific settlement/parish, these are considered under Section 5 of the Plan as part of the Place Shaping policies.
8. With regard to point g – revised wording or separate policy for Tunbridge Wells Common - Tunbridge Wells Common is located within both the Green Belt and the Royal Tunbridge Wells Conservation Area. Only the cricket ground on the Common is designated as and afforded protection by Policy OSSR1. It is considered that the recommended changes to the policy wording are not required, as the Common would be adequately covered and protected from development by its Green Belt and Conservation Area status under other policies in the Local Plan and national policy/guidance, and perhaps most importantly by the Commons Act 2006, which is highly restrictive legislation.
9. With regard to point i – community engagement - engagement was carried out with local stakeholders/parish and town councils as part of the production of the Playing Pitch Strategy and the Open Space, Sport and Recreation Study.
10. With regard to point j – Brenchley War Memorial and Recreation Ground Charity request – this has been considered as part of the work undertaken with parish/town councils in relation to Local Green Spaces. The area in question is no longer proposed to be designated as Local Green Space but is retained under the OSSR designation in the Pre-Submission Local Plan, as this applies to both recreation open space and buildings.

## 6.5.2 Policy OSSR 2: The provision of publicly accessible open space and recreation

### Main Issues raised in comments on the Draft Local Plan (DLP)

1. A total of 14 comments were received in respect of this policy. Three were in support subject to comment/conditions, four in objection while others made general comments, as set out in the key issues below.
2. The key issues raised in support (subject to conditions/comments) of the policy included:
  - a. It is hoped that the LPA will be able to bring forward the Open Space Supplementary Planning Document and its adoption at a similar time to the adoption of the Local Plan.
  - b. One respondent agreed with Policy OSSR 2 for locally accessible public space for neighbourhoods to prevent unnecessary travel by car to other sports pitches on the other side of the town.
  - c. Another respondent supported the policy and the standard requirements but stated there needs to be flexibility in the policy wording, to ensure that development is not unduly restricted.
3. The key issues raised in objection to the policy included:
  - d. One respondent commented that the proposed standards are inadequate for villages and the rural area, where residents of new developments of up to 49 dwellings may have no access to such facilities. For development in the villages to be sustainable, a contribution needs to be required for all developments of 10 or more dwellings.
  - e. One respondent commented on the fact that the policy would apply more to urban than rural areas and does not reflect the difference in terms of the facilities available to each e.g. more sports fields and parks for urban dwellers, whereas in rural areas more reliant on footpaths across fields with limited recreational facilities. Also, in the countryside where a field is lost to housing that was available for public use, no alternative is provided (the new development at Bramling Gardens, Common Road Sissinghurst is quoted as an example).
  - f. Another respondent recognised that some form of green space should be provided with developments, however, there is a limit to what can be realistically and viably provided on some urban sites.
4. Other comments received:
  - g. Strongly support for the policy but stronger clarity is required on “conveniently and safely accessible”, to show that only in exceptional circumstances active travel cannot be achieved.
  - h. KCC – considered (i) there should be additional policy wording on accessibility and transport connections, (ii) TWBC should encourage increased provision of accessible green space and improve opportunities to access in deprived areas (iii) development needs to provide a mix of formal and informal areas for people to be active (iv) development should be expected to provide or contribute towards sustainable transport links.

- i. The policy should include provision of equestrian facilities and routes.
- j. One respondent commented that policies OSSR1 and 2 could go further particularly where there is risk of a 'surplus to requirements'. The assessment for that should be robust and involve local communities directly with that analysis. Evidence of proper engagement should be expected for and integral to these policies.
- k. Concern was raised that the Hawkenbury sports hub is unsustainable as this area is not well served by public transport.
- l. It was stated that the Draft Local Plan makes no on-site provision of open space for less than 20 dwellings and therefore falls below the Fields in Trust guidelines. (Fields in Trust guidelines recommend new developments of 5 dwellings or more should provide a Local Area for Play (LAP); and developments of 10 to 200 dwellings should provide a LAP, a Locally Equipped Area of Play (LEAP) and a contribution towards a Multi Use Games Area (MUGA)).
- m. One respondent fully supported the policy and the flexibility within it to provide for local circumstances and also noted that the Open Space and Recreation Study (2018) indicates that Paddock Wood is currently well served by a mix of outdoor open space with the exception of youth play provision.

## Response

- 5. With regard to point a, the Council intends to produce a SPD for open space and recreation as set out in the supporting text to the policy.
- 6. Point b is noted and does not require any changes to the policy wording.
- 7. With regard to points c and f - there should be flexibility in the wording and concern about the limited viability of urban sites - like all proposals, each site would need to be assessed on its merits in terms of constraints and accessibility to open space. It is considered that criterion 5 of the policy does allow some flexibility, depending on the site location and circumstances. It would be for the applicant to justify any case in respect of the impacts on the viability of a proposal and as advised in criterion 5, early consideration, including the cost implications, should be given to the provision of open/recreation space as part of any scheme.
- 8. With regard to points d and l – standards for rural areas and the Field Trust Guidelines - the Field In Trust Guidelines (FIT), which relate to smaller site sizes, this have been taken into account in the Open Space, Sport and Recreation Study. The FIT (previously known as the Playing Fields Trust) guidance for outdoor sport and play proposes benchmark guidelines, however, FIT recommends that the quantity guidelines are adjusted to take account of local circumstances. Local factors have been considered as part of this study in accordance with the guidance and the requirements are reflected in the proposed standards applied in Policy OSSR2. FIT accepts the importance of developing locally researched standards as some FIT standards are not always appropriate in practice and can result in inadequate provision or a lot of small provision which is either undeliverable or can result in a proliferation of smaller play areas/amenity space which is not always desirable. It is however considered that this is something that could be addressed by Neighbourhood Plan Groups as part of their Neighbourhood Plan preparation if they felt that different standards were more appropriate in their local area.

9. With regard to points e, k and m – provision in urban and rural areas, Hawkenbury sports hub and Paddock Wood - these relate to and are considered and addressed as part of the overall sports strategy (including provision for both urban and rural areas), as well as for specific sites/settlements under Section 5 of the Plan as part of the Place Shaping policies.
10. With regard to points g, h (i) (ii), (iii) and (iv) – relating to comments on accessibility and transport connections and KCC requesting accessible green space for all and contributions towards sustainable transport links - these issues are sufficiently addressed through other strategic, site allocation and DM policies across the Plan.
11. With regard to point i - policy should include provision of equestrian facilities and routes – it is considered that it would be more appropriate to make reference in the supporting text to sustainable modes of reaching/accessing open/recreation space, such as bridleways, rather than in the policy wording itself. The supporting text is now amended to include this.
12. With regard to point j – community engagement – As for Policy OSSR1, this was carried out as part of the production of the Playing Pitch Strategy and the Open Space, Sport and Recreation Study.

# Section 7: Delivery and Monitoring

## Main Issues Raised in comments on the Draft Local Plan (DLP)

### On Section 7 (Delivery and Monitoring)

1. There was a total of only 5 comments submitted on Section 7 during the DLP consultation.
2. Of the 5 comments, 1 stated no comment and another only stated support.
3. Of the remaining 3 comments, 2 of these were generally observational. One noted agreement with paragraph 7.15 in that it is vital to monitor the Plan to ensure it is delivering the amount and type of development identified and in a timely way. It is considered in another response that this rational approach is contradictory to the government-imposed requirements in relating to housing provision.
4. The other observational comment noted that the pressure to deliver housing within the terms of the Local Plan should not deter the Council from taking right and proper action for the benefit of the borough, and that the Council must resist pressure from developers to ensure that inappropriate development, such as on the Green Belt, is not permitted.
5. One comment suggested a number of additional triggers for a review of the Local Plan post-adoption and that such a review mechanism should be inserted into the Local Plan. These suggested triggers are listed below:
  - Significant changes to housing or economic land requirements;
  - A request from a neighbouring authority to meet declared unmet housing needs and/or the adoption of a sub-regional spatial framework to respond to unmet housing needs;
  - Where housing delivery consistently falls short of identified requirements;
  - Where the Council is unable to identify a five-year supply of housing land with no prospect of a five-year land supply in the near future;
  - Should delivery at a strategic site integral to the spatial strategy fail to come forward within the timescales or at the pace estimated;
  - Should identified infrastructure required to support the sustainable delivery of the spatial strategy fail to come forward as required;
  - Should national planning policy or associated standards change significantly; and
  - Should viability evidence indicate a significant shift in the value of land to accommodate identified policy and infrastructure requirements.
6. The respondent also considers that the wording for the policy should set out that any policy subject to review will be treated as out-of-date until such review has been concluded and that in this circumstance national planning policy would apply.

### **On Appendix 3 (The Monitoring Framework)**

7. Likewise, there was a total of only 5 comments submitted on Appendix 3 during the DLP consultation.
8. Of the 5 comments, 1 comment stated that they had no specific comments to make in addition to those already made in relation to a number of policies in the DLP.
9. Of the other 4 comments, 2 were submitted with the same wording on the Monitoring Framework for Strategic Policy STR 4 (Green Belt) with the consideration that the wording was unclear. Specifically, the meaning of the indicator “65% or more appeal decisions support TWBC conclusion on Policy STR 4 (if relevant to appeal)” was questioned.
10. Another comment was made with regard to the Monitoring Framework for Policy EN7 (Heritage Assets), stating that unless there is a regular survey and review of possible designate heritage assets, the indicator is unlikely to be measurable. It is considered that the wording of the indicator will need adjusting.
11. The final comment considered that many of the targets and indicators proposed appear to be weak or insufficient. It was thought that 65% is a low indicator for appeal decisions (STR 2, 4 and 8) and the targets and indicators for essential infrastructure and connectivity (STR5) are particularly insufficient. On transport and parking (STR6) it was also considered that there needs to be targets and indicators for active travel. It is also questioned why the indicator for STR8 (conserving the environment) refers to STR4.

## **Response**

### **On Section 7 (Delivery and Monitoring)**

12. The general observational comment is noted. While there is concern that the Council’s approach to monitoring is hindered by the government-imposed requirements resulting from the Council’s Housing Delivery Test (HDT) results, it should be noted that the requirements from HDT results are mandatory and of which the Council is obliged to follow. The HDT provides an important indicator of housing delivery based on a rolling three-year period and encourages local authorities to increase delivery within the following five-year housing land supply with the appropriate buffer if delivery falls short (a 20% buffer is applied to the five-year housing land supply target if delivery falls below 85% of the housing target in the previous three years).
13. The other general observational comment stating that the Council should resist pressure to deliver housing targets set by others, including resisting pressure to develop in the Green Belt, is noted. This comment is primarily in relation to the Plan’s development strategy and this has been addressed within the Section 4 ‘Strategic Policies’ chapter.
14. Finally, the representation with suggested trigger points for a Local Plan review is noted. The Council, however, considers that the current Monitoring Framework proposed in the DLP is sufficient with appropriate targets and indicators for individual

policies in place. It is also considered that some of the trigger points identified are issues which are addressed as part of the Plan-making stage (e.g. assessing unmet housing need from neighbouring authorities).

### **On Appendix 3 (The Monitoring Framework)**

15. Regarding the question on how the target/indicator for STR 4 (now STR 9) will monitor and protect the Green Belt, it is considered evident that Policy STR 4 (now STR 9; Green Belt) will seek to protect the Green Belt from inappropriate development in accordance with relevant policy in the NPPF or the national planning policy at the time a planning application is being determined, as well as relevant policies in the Local Plan. This target is made clear in the monitoring framework (i.e. the target of the policy will be to protect Green Belt from inappropriate development (in accordance with national policy and relevant Local Plan policies)), with the indicator being that 65% or more appeal decisions will support TWBC's conclusion on the Policy (if relevant to appeal).
16. The comment with regard to Policy EN7 (now EN5) is noted and upon further review it is considered that the previous target and indicator could be made more appropriate. Consequently, the target has been amended to "protect heritage assets" with the indicators being the "number of listed building "at risk" as of 31 March of each year" (moved from Policy EN 4 (Historic Environment)), and that "65% or more appeal decisions support TWBC conclusion on Policy EN 5 (if relevant to appeal)".
17. Regarding the comment on the 65% indicator being too low for appeal decisions, the Council considers that this remains a sufficient indicator for a policy's effectiveness. With regard to the comment on STR 6 (Transport and Parking) and the need for indicators for active travel, it is considered that this may be too specific/difficult to monitor simply as active travel would be accommodated different depending on site-specific circumstances; however, general compliance with Policy TP 2 (Transport Design and Accessibility, which requires that active travel is prioritised in new development) will be an indicator in any case as measured by appeal decisions (where relevant). Finally, the comment questioning why the indicator for STR 8 (conserving the environment) refers to STR 4 is noted (which has subsequently been corrected).

# Section 8: Sustainability Appraisal of the Draft Local Plan

1. The 2019 Sustainability Appraisal of the Draft Local Plan was consulted upon at the same time as the Reg 19 Draft Local Plan.
2. Consultation material was made available for comment to a wide range of organisations and individuals, and included the three statutory environmental consultees: Natural England, Historic England and the Environment Agency.
3. In total there were 134 respondents, making 176 comments in total. The majority of comments included some disagreement with the method or findings of the Sustainability Appraisal or suggestions for improvement. There was also a relatively smaller number of comments offering support or comments that were directed at the Draft Local Plan or evidence base.
4. From the three Statutory Environmental Bodies the following key comments were received:
  - i. **Natural England:** Advice that the quantum of development proposed within the AONB would cause significant impacts to the landscape, conflicting with the NPPF, and thus lower numbers should be appraised.
  - ii. **Historic England:** Advice that the Local Plan policies need to provide a robust framework for protecting and enhancing the historic environment, and that more detailed assessment could be undertaken.
  - iii. **Environment Agency:** No comments on the SA for the DLP.
5. From town and parish councils or adjoining authorities, the following general comments were received:
  - i. **Capel Parish Council:** Numerous detailed comments and concerns were made mainly regarding the preferred growth strategy and the garden settlement at Tudeley.
  - ii. **Paddock Wood Town Council:** Numerous detailed comments and concerns were made mainly regarding the preferred extension for Paddock Wood town.
  - iii. **Wealden District Council:** Recommendations about the content, structure and presentation of the Sustainability Appraisal.
6. Comments from several developers were received and included recommendation that more detail and clarity could be provided to improve the robustness of the SA.
7. Overall, most comments received could be divided into the following seven themes:
  - i. Growth strategy including strategic sites at Paddock Wood and Capel
  - ii. Reasons and justification for scores
  - iii. Sustainability objectives and compatibility testing
  - iv. Strategic policies
  - v. Specific sustainability topics that had a relatively high number of comments e.g. climate change and landscape

- vi. Sites
- vii. Other topics that had relatively fewer comments e.g. monitoring, heritage, water and plans

## Comments and response on the Growth Strategy

8. In relation to the proposed growth strategy, comments focussed on the balance of the three pillars of sustainable development and specifically whether the economic and social needs were being prioritised over environmental issues.
9. There were also several recommendations for further reasonable alternatives that should be appraised and requests that more detail be provided on the rationale for the final preferred growth strategy.
10. With regards the strategic sites at Paddock Wood and Tudeley, there were numerous comments describing problems with the allocation of both sites. Comments largely concerned worry about flood risk, transport issues, biodiversity and landscape impacts, housing need queries, loss of Green Belt and agricultural land and general underestimation of the negative impacts. Many respondents also felt that the justification for the strategic sites and consideration of reasonable alternatives required further detail and explanation.
11. Finally, a very high number of comments were received relating to concern about the rate of growth in rural settlements (especially Lamberhurst) and the various impacts that this would cause.
12. Since Reg 18 stage, the council has responded to these comments by appraising a more comprehensive range of reasonable alternatives for both the growth strategy and the strategic sites which has in turned informed a new development strategy with reduced development in rural settlements such as Lamberhurst.
13. It was not felt necessary to readjust the balance of the three pillars of sustainable development because 10 out of the 19 sustainability objectives are considered to be related to the environment.

## Comments and response on the reasons and justification for scores

14. In relation to the reason and justification for scores, a large number of comments submitted focussed on the need for clarity on the scores applied in relation to the scoring method and how it was implemented. Concern was raised about whether scoring could be undertaken without detailed specialist assessments.
15. There were also general concerns about the subjectivity and consistency of scores especially in relation to the settlements in the AONB. It was felt that these concerns may have resulted in unsuitable policies and sites being taken forward by the Local Plan.
16. In between Reg 18 and Reg 19 stages, scoring for sites was updated to add further clarity and to consider further specialist studies such as the Grassland Study and the Stage 3

Greenbelt Study. Scores were reviewed further to ensure consistency and provide greater clarity on how the appraisal informs the choice of sites.

## **Comments and response on the sustainability objectives and compatibility testing**

17. In relation to the sustainability objectives and compatibility testing of the SA and Draft Local Plan objectives, several comments were received that noted the incompatibility of the housing objective and respondents felt that this made the Local Plan unsustainable.
18. There were also comments questioning the underlying assumptions made about Green Belt and Garden Settlements, the choice of objectives used and the opinion that scores need reassessing in light of the climate emergency and concerns that the high degree of uncertainty of some scores renders the conclusions incorrect.
19. Comments on the sustainability objective topics were also raised and included concern from CPRE that the choice of objectives skews the outcome of scores.
20. Comments relating to the incompatibility of the housing objective have been noted. Adjustments have been made to Table 9 and the wording within paragraph 5.3.3 to ensure incompatibilities, assumptions and uncertainties are clear.
21. The objectives used by the Sustainability Appraisal were determined at Scoping Stage and approved by the Statutory Environmental Bodies. No change was felt necessary.
22. The methodology for determining climate change impacts was felt to be applicable in light of the recently declared climate emergency.

## **Comments and response on the strategic policies**

23. In relation to the strategic policies, comments included focus on STR 4 Green belt and the need for a reasonable alternative. There is also concern that some scores are not negative enough for the environmental objectives and a suggestion that this section would benefit from more detailed conclusions.
24. A more comprehensive range of reasonable alternatives for the growth strategy have been included in this version of the Sustainability Appraisal and include alternatives to releasing Green Belt.
25. Where relevant, further detail are now provided in the commentaries to explain how the policies have evolved since Reg 18 stage.

## Comments and response on landscape and biodiversity

26. In relation to landscape, pertinent comments from Natural England, the ANOB unit (and others) raise concerns about the impact of growth upon the AONB and how the SA has considered this. A sustainability appraisal for a new reasonable alternative in which less growth is implemented is recommended as well as a review of scoring consistency.
27. There were also several comments that highlighted the fact that scoring decisions were made on sites (especially strategic) without detailed landscape and biodiversity assessments, and that this undermines the process.
28. For biodiversity, there were requests to provide greater detail on the net gains and concerns that it would not be effective.
29. Finally, numerous site-specific concerns were raised which generally related to biodiversity and landscape impacts being underestimated.
30. The Sustainability Appraisal has responded to these comments by appraising a more comprehensive range of reasonable alternatives for the growth strategy that includes a reasonable alternative in which less growth is implemented.
31. In between Reg 18 and Reg 19 stages, scoring for sites was reviewed and updated to add further clarity and to consider further specialist studies such as the Grassland Study and the Stage 3 Greenbelt Study. Sites were reviewed further to ensure scoring was consistent.
32. Detail on biodiversity net gains is found within the Pre-submission Local Plan. It is not the intention of the Sustainability Appraisal to determine the exact details of the offsetting that would be necessary, only that it would be implemented effectively.

## Comments and response on climate change

33. In relation to further Sustainability Appraisal topics, several comments focussed on the need for greater ambition in the context of the recent climate emergency declaration and target for net zero emissions.
34. There was also concern that the climate emergency has not been duly considered when choosing a preferred growth strategy and that soil carbon has not been considered fully by the SA process.
35. Finally, numerous site-specific concerns were raised which generally related to climate change impacts being underestimated.
36. The Climate Change objective was reviewed, and it was felt that the associated decision-making criteria were still relevant in light of the recently declared climate emergency and net zero emissions target, and that no alteration was necessary.
37. Soil carbon data was assessed in 2020 and the borough was found to be low risk. Again, no changes to scores are deemed necessary.

## Comments and response on further Sustainability Appraisal topics

38. In relation to further Sustainability Appraisal topics, there were comments on a wide range of topics. These included recommendations for indicators to monitor from Natural England and advice on how heritage scores could be turned positive from Historic England. Several respondents also commented on the non-technical summary with concerns about the use of language particularly in relation to strategic sites.
39. Comments on general sustainable development themes were also raised and included the need for greater focus on sustainable transport and requests for more detail on flood risk.
40. The Sustainability Appraisal has reviewed these further topics and amendments are now made where necessary. This includes adjusting the language use in the non-technical summary and in relation to strategic sites.

## Comments and response on sites

41. A significant number of responses related to sites and, of those, most were focussed on sites proposed for allocation. There were comments on all settlements except Sandhurst, Speldhurst, Bidborough, Frittenden and Goudhurst.
42. For allocated sites, the highest number comments received were concerning both the strategy and Misty Meadow (AL/LA2) allocation in Lamberhurst, and in particular, landscape, heritage and biodiversity, climate change, infrastructure and access issues.
43. Further commons queries regarding allocated sites concerned inconsistent scores and the justification for scores for example the golf course lands at site 115 (AL/HA1) and site 146 (not allocated).
44. For unallocated sites, comments received were a mixture of support or disagreement with the findings of the SA.
45. The Sustainability Appraisal has reviewed all comments related to sites and amendments are now made where further clarity or explanation is required. On the specific issue of the golf courses, these two sites were not felt to be directly comparable, having similarity in their current land use only.

## Other comments

46. In relation to plans, policies and programmes, comments focussed on the need for clarity on how plans have been used to inform the SA.
47. This chapter of the Sustainability Appraisal is now updated and some wording changed to provide greater clarity.

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