

Examination of the Tunbridge Wells Borough Local Plan: Initial Findings

Inspector: Matthew Birkinshaw BA(Hons) Msc MRTPI
Programme Officer: Charlotte Glancy
email: bankssolutionsuk@gmail.com Phone: 07519 628064

The Development Strategy – Policy STR1

1. The starting point for considering the soundness of the Local Plan is the National Planning Policy Framework ('the Framework'). Paragraph 35 states that Plans are 'sound' if they are positively prepared, justified, effective and consistent with national policy.
2. Where the Green Belt is concerned, paragraph 137 of the Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Once established, boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of Plans.
3. Around 22% of Tunbridge Wells Borough is within the Metropolitan Green Belt. Broadly speaking, the Green Belt wraps around the main urban area of Royal Tunbridge Wells and extends up to the edge of Paddock Wood. Beyond the Green Belt the remainder of the borough is predominantly rural and almost entirely within the High Weald AONB.
4. Seeking to meet housing needs in the more sustainable parts of the borough is therefore likely to require the use of some Green Belt land. In reaching this conclusion it is evident that the Council has looked at maximising densities in urban areas and discussed the possibility of neighbouring areas accommodating additional housing growth, consistent with paragraph 141 of the Framework. In principle, the strategy is reasonable and appropriate.
5. Having decided at a strategic level to review the Green Belt boundary, the Council has then considered the likely harm that would be caused and the extent to which any impacts could be reduced. This has been done through a three-staged assessment process. The Green Belt Study Stage 3 is the final assessment in the series and is intended to provide a "more refined" consideration of potential harm by looking at individual sites¹. This is a logical and sound way of considering where growth should take place. It recognises that different sites will have different impacts on the Green Belt and the purposes of including land within it.

¹ Core Document CD3.141

6. However, the Green Belt Study Stage 3 only considers sites allocated for development *in* the submitted Plan - i.e. sites which the Council has already determined are sound and concluded that exceptional circumstances exist to remove them from the Green Belt. If it is accepted that Green Belt land will be required, then why did the Council not carry out a comparative assessment of reasonable alternatives at Stage 3 in order to avoid, or at least minimise, harmful impacts where possible? This is especially relevant when the two largest allocations in the Plan (Tudeley Village and Paddock Wood) were found to cause "high" levels of harm to the Green Belt.
7. Carrying out a comparative assessment may have resulted in the same sites allocated for development. Just because a site would have a "low" level of harm to the Green Belt does not automatically justify its allocation in the Plan. Other factors, such as the need to promote sustainable patterns of development are also clearly relevant. However, national planning policy is clear that the Government attaches great importance to Green Belts and that boundaries should only be amended in exceptional circumstances. Reaching that conclusion should be based on a thorough assessment process which includes an understanding of the likely impacts when compared with other site options, especially where the magnitude of harm from the two largest allocations is "high".
8. Further work is therefore necessary before a conclusion can be reached that exceptional circumstances exist to release the relevant site allocations from the Green Belt.

The Strategy for Tudeley Village – Policy STR/SS3

9. The Plan seeks to take around 170 hectares of land out of the Green Belt to accommodate a new settlement of up to 2,800 houses at Tudeley. In principle, a strategy which seeks to meet housing needs through large scale, strategic allocations is perfectly reasonable. Paragraph 73 of the Framework recognises that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns.
10. However, national planning policy also requires such developments to be "well located" and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Paragraph 73 states that:

"Working with the support of local communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way."
11. In considering whether the allocation is consistent with this requirement, three main issues have been identified. They are: the location and accessibility of the site, whether or not the necessary infrastructure can be provided and the deliverability of the site in the manner envisaged.

Location and Accessibility

12. The new settlement would be approximately 2 miles east of Tonbridge and around 2 miles west of Paddock Wood. At present there are no shops or services nearby. A bus route runs through Tudeley travelling between Tonbridge and Paddock Wood but is limited to typical working hours Monday-Friday with a more limited service on a weekend.
13. Pedestrian and cycle links would be provided as part of the scheme and there is a commitment to include a new dedicated route into Tonbridge. Although this could be secured by policies in the Plan, the distances involved to the centre of Tonbridge and back would not be conducive to walking. Likewise, it would be unrealistic to expect a significant number of people to cycle into Tonbridge, especially during the darker, winter months or during periods of inclement weather. The *Local Cycling and Walking Infrastructure Plan: Phase 2*² identifies some of the issues, which include isolation and a lack of passive surveillance due to the remoteness of a route in this location.
14. Cycling and pedestrian links would also extend beyond the plan area. In order to be effective, they would therefore need to be agreed with Tonbridge & Malling Borough Council as part of a wider strategy. Paragraph 106 of the Framework requires planning policies to be prepared with the active involvement of local highways authorities and neighbouring councils so that strategies and investments for supporting sustainable transport and development can be aligned. The neighbouring authority confirms that promoting walking and cycling would require a joined-up approach with projects in their borough, which are still at an early stage.
15. The railway line between Tonbridge and Paddock Wood divides the site yet no new station is proposed. This could have provided an opportunity to access higher order services easily and quickly by public transport and reduce the reliance on private car journeys. In the absence of any rail links, potential future residents would be reliant on buses as an alternative to the car. Again, this could be a policy requirement in the Plan. However, at the hearing sessions it was confirmed that discussions are still ongoing with bus providers and Kent County Council. Even if private services were provided, it would still require some collaboration with Tonbridge & Malling Borough Council in order to be effective. It therefore remains unclear precisely what would be feasible and whether it would offer a genuine alternative to the private car.
16. A key part of the justification for the allocation is the range of facilities that would be provided on-site and the subsequent reduction in the need to travel. The supporting text suggests that up to 10,000 square meters of commercial floorspace will be provided to maximise the “internalisation” of trips.

² Core Document 3.115b(i)

17. The scale of commercial floorspace is justified by comparison to settlements such as Cranbrook and Pembury. But Cranbrook is a historic market town which serves a much wider rural area, including other villages such as Sissinghurst. It is categorised by the Council's own assessment³ as a Group A settlement, second only to the main urban area of Royal Tunbridge Wells and Southborough. It is therefore materially different to Tudeley.
18. An objective analysis of likely future needs is provided in the *Tunbridge Wells Commercial Leisure & Town Centre Uses Study Update*⁴. It predicts, based on the number of houses proposed, capacity for around 1,900 square metres of convenience retail floorspace and approximately 1,000 square metres of comparison goods floorspace. Paragraph 8.11 clarifies that "*Given the likely scale of spending forecast, we would suggest that each of Tudeley Village and Paddock Wood could facilitate a limited number of small retail units as part of 2-3 local centres designed to support new residents' day-to-day shopping needs.*"
19. The figures provided are by no means an upper limit or 'cap'. Indeed, the Study recognises that additional floorspace would have the potential to further support residents. However, this would only be where it can be demonstrated that the proposals would not detract from the vitality and viability of surrounding centres, which include Paddock Wood and Tonbridge. The Council's own evidence therefore questions such high-level, aspirational assumptions about the scale of commercial floorspace that could be supported, and the subsequent internalisation of trips that would result.
20. The implications of increased traffic from the site have been considered through various documents.⁵ The 'Addendum 2' report is the latest and considers impacts by assessing the "reference case" (with only committed developments), a Local Plan scenario with no changes to the highway network, a Local Plan scenario with highways mitigation and finally a Local Plan scenario with highways mitigation and a 10% modal shift.
21. In summary, the evidence demonstrates that existing traffic volumes and limited capacity cause congestion in Tonbridge town centre. Local Plan growth will add traffic to these junctions, causing negative impacts on their operation. This substantiates the concerns raised by Tonbridge & Malling Borough Council and local residents.
22. The issue with the soundness of the Plan is that, unlike some other junctions (which can be altered to mitigate harmful impacts), the space to provide any mitigation in Tonbridge town centre is limited. Suggested ways forward include traffic management and encouraging "significant modal shift". However, as identified above, details of the public transport improvements that could be provided are still at an early stage and it is not possible to establish whether they would genuinely achieve any significant modal shift.

³ Settlement Role and Function Study Update

⁴ Core Document CD3.86a

⁵ Core Document 3.48, Core Document 3.114, Examination Document PS_023 and Examination Document PS_024

23. In summary therefore, at present there is insufficient evidence to suggest that the scheme will achieve the levels of internalisation and changes in modal shift necessary to adequately mitigate against the likely increase in car travel. Given the existing constraints and congestion in Tonbridge town centre, the cumulative impacts of the scale and location of development would be severe. It has not been adequately demonstrated that the impacts can be cost effectively mitigated to an acceptable degree.

Infrastructure – The Five Oak Green Bypass

24. In order to facilitate the new settlement a bypass of Five Oak Green is required. This is because of the projected increase in traffic, the existing highway constraints in the village and a past record of accidents in the area.⁶ The new road would run to the south of Five Oak Green from the B2017 to the A228 near Paddock Wood.

25. Assessing the detailed design and suitability of the road would be part of a future planning application process. Nevertheless, it is still necessary to consider the suitability and likelihood of the bypass coming forward at the Local Plan stage, because without it, the allocation would be undeliverable, and thus ineffective.

26. From discussions at the hearings there are three main concerns with this part of the Plan. Firstly, the bypass is to be accessed from a new junction almost directly opposite Capel Primary School. At the hearings the Council confirmed that no detailed consideration had yet been given to the appropriateness of this location having regard to issues such as air quality, road and pedestrian safety and noise. They are all important considerations.

27. Secondly, only limited information has been provided to consider the visual impact of a new road in this location. This is especially important when considering the topography of the area, the need for a crossing over the Alder Stream, heritage and the proximity of the road to the AONB. The *AONB Setting Analysis Report*⁷ found that the high ground to the south of Tudeley contributes most to the setting of the AONB because it has the highest intervisibility and forms a transition from the lower ground further north. Significant engineering works, significant increases in traffic volumes, light and noise are all identified as factors which may harm the setting of the AONB. All are probable as part of the development of a new bypass. Without proper consideration of these issues, it is therefore not possible to determine the likely suitability of the scheme. It would also require additional development in the Green Belt and in areas at risk of flooding.

28. Thirdly, there remains uncertainty about the funding, phasing and deliverability of the road. At the hearings, it was suggested by the Council that changes are required to the submitted Plan because only the Tudeley allocation needs to contribute towards it. But without a bypass, presumably some residents of the nearly 3,500 new homes proposed at Paddock Wood will also pass through Five Oak Green?

⁶ Tunbridge Wells Borough Council Matter 6 Hearing Statement

⁷ Core Document CD3.95a

29. The hearings also flagged uncertainty about when the by-pass would need to be built and what implications this would have on safety within the village. Finally, and crucially, building the road would require land in multiple ownerships. Although the Council is optimistic about the use of compulsory purchase orders, this process adds to the complexity, cost, timescales and general uncertainty of its deliverability.

Deliverability

30. One of the Council's reasons for concluding that exceptional circumstances exist is the significant contribution that the allocation would make towards meeting housing needs. The housing trajectory predicts that around 2,100 dwellings will be delivered over the plan period, with 150 new homes completed each year from 2025 onwards.
31. Paragraph 73 of the Framework requires local planning authorities to make realistic assessments of likely delivery rates given the lead-in times for large scale sites. In this case, the Council confirms that no schemes of a similar size or complexity have been built in Tunbridge Wells or the surrounding area to draw comparisons from. Officers have therefore relied upon lead-in times and delivery rates provided by the site promoters.
32. It is intended that the Hadlow Estate will act as a 'master developer', bringing serviced land parcels to the market which will be offered to selected housebuilders. The transfer of land will be controlled and the Estate will appoint a 'town architect' to oversee quality. The details provided on architectural context, the importance of good design and the level of masterplanning work carried out thus far is extensive and of a high quality.
33. However, neither the Council nor the landowner has any prior experience of delivering a scheme of this size or complexity. No housebuilders are actively involved with the site either. When asked for reassurances about delivery at the hearings, the Council said that this model had been used successfully elsewhere and that provided the confidence it would deliver as expected. But the latest information shows that only 316 houses have been built on the comparative scheme since the approval of planning permission in 2013⁸. Clearly all sites are different, as are the circumstances between Aberdeenshire and Tunbridge Wells. Nevertheless, the evidence only serves to highlight the concerns raised by several participants in the examination, including from the development industry, that the scheme will not deliver the number of homes envisaged by the Council.
34. The most up-to-date, independent evidence of deliverability on large sites before the examination is *Start to Finish: Second Edition* (Lichfields, 2020). It shows that the average time from validation of an outline planning application to the delivery of houses on large sites over 2,000 dwellings range from 5.0 to 8.4 years. In this case, the submitted Plan would need to be modified and consulted on before adoption, Supplementary Planning Documents would need to be produced, published for consultation and adopted, planning applications would have to be prepared and submitted,

⁸ Examination Document TWLP/093

important details regarding phasing and the deliverability of shared infrastructure would need resolving, along with agreements on complex planning obligations. Details of the bypass would also have to be finalised, tested, applied for and approved, in addition to the compulsory purchase of land before the wider site could come forward. When taking all these factors into account, I am not persuaded that the housing trajectory is realistic.

35. One consequence of a slower delivery rate is the ability of the site to provide the necessary infrastructure. For example, the Council confirms that the viability assessment supporting the Plan⁹ is based on the proposed housing trajectory. When considering that several of the options tested show Tudeley Village in deficit, is it likely that a policy-compliant scheme of the type envisaged can actually be achieved? As the PPG advises¹⁰, viability assessments should not compromise sustainable development, but should be used to ensure that policies are realistic and that the cumulative cost of relevant policies do not undermine the deliverability of the plan.

Conclusion

36. The principle of seeking to help meet housing needs through a high-quality, mixed-use new settlement is a reasonable and positive approach to take. Officers have also clearly worked hard in bringing relevant stakeholders together through the Strategic Sites Working Group. However, at this stage there remain significant and fundamental unanswered questions regarding the accessibility of the site by sustainable modes of transport, the ability to successfully mitigate against serious impacts on the highway network, the suitability and deliverability of the Five Oak Green bypass and the ability of the site to deliver housing at the rate and scale envisaged by the Plan. For reasons discussed above, the decision to allocate the site was also made without the benefit of a comparative assessment of Green Belt impacts on alternative potential development sites.
37. It is clearly not necessary to have all the details of a site allocation agreed and resolved at the local plan stage. Sufficient safeguards can be put in place by development management policies. But the issues raised above go to the heart of whether the site and strategy for Tudeley Village is justified and effective. National planning policy is also clear that the Government attaches great importance to the Green Belt, the boundaries of which should only be altered in exceptional circumstances. When considering the level of acknowledged harm to the Green Belt that would occur, combined with the significance of the issues raised, I find that exceptional circumstances have not been demonstrated to justify removing the site from the Green Belt.
38. The implications of this conclusion and my recommendations for taking the examination forward are discussed in due course.

⁹ Core Documents 3.65a-3.65a(v)

¹⁰ Paragraph: 002 Reference ID: 10-002-20190509

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

39. The significant expansion of Paddock Wood is proposed by Policy STR/SS1. In total, sites sufficient to provide around 3,500 houses and roughly 11 hectares of employment land are allocated. The majority of new housing would be to the east and west of the town, with employment to the north.

Strategy and Implementation

40. We discussed at the hearings the need for several main modifications to make it clear what is proposed, where and when at Paddock Wood. These changes are needed for the effectiveness of the Plan and to remove the reliance on supplementary planning documents.
41. Another soundness issue is how the Council will ensure that development comes forward in a comprehensive manner, thus ensuring that the vision for a strategically and holistically planned expansion to the town is realised¹¹. As submitted, there is insufficient detail on how the parcels will be delivered. The Plan must be clear on how it will tie the component parts together in order to be effective in achieving the stated aims and objectives.
42. One way of making the Plan sound might be to allocate each parcel for development, set out parameters for the scale, type and mix of uses permitted and then differentiate between the necessary on-site and shared infrastructure. The policy for each parcel could then include a requirement for phasing and infrastructure delivery, in addition to a requirement to accord with a town-wide framework masterplan (or other such document). This would allow individual schemes to progress, whilst ensuring a common objective on shared infrastructure. As part of any re-drafted policy, it will still be necessary to prevent piecemeal development and ensure that developers continue to work collaboratively, especially where connection between sites is required (such as across the railway line).

Education Infrastructure

43. It is my understanding that additional housing in the short-term will require the expansion of Mascalls Academy. Thereafter, it is intended that needs would be served by the Academy *and* a new secondary school at Tudeley Village. However, for the reasons given above, the scale of Green Belt land proposed for release at Tudeley is not justified. What, therefore, are the consequences for growth in Paddock Wood?
44. The *Strategic Sites Masterplanning and Infrastructure Study* seeks to address this scenario in paragraph 6.79. It states that the costs would be “...allocated as a wider contribution for KCC to distribute across neighbouring schools for targeted expansion...”. But where are the neighbouring secondary schools and what scope do they have for expansion? Would it continue to be an appropriate strategy to significantly expand Paddock Wood if it meant that school children and parents would have to travel significantly further afield to access secondary education?

¹¹ Submission Version Local Plan paragraph 5.196

45. In the event that Tudeley Village *was* justified, then another issue to consider is the Five Oak Green bypass. The Council has sought a change to the Plan to delete the requirement for development at Paddock Wood to contribute towards it. However, without the bypass, presumably children and their parents would have to travel through Five Oak Green to reach the new school (which is required, in part, because of the growth at Paddock Wood). Occupants of the new housing would also presumably drive to Tonbridge at times, and the proposed leisure centre would attract Tudeley residents from the other direction? If highway safety concerns necessitate a bypass, then presumably the scale and location of growth in Paddock Wood is also part of the justification? Further clarification is required.

Flooding and Flood Risk

46. Paragraph 161 of the Framework requires all Plans to apply a sequential, risk-based approach to the location of development. Paragraph 162 states that:

"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

47. I agree with the Council that where a large parcel of land contains different flood zones (such as land west of Paddock Wood), it does not automatically follow that the entire parcel should be discounted because one part is subject to flooding. A flood risk assessment would be able to adequately direct development away from the areas at the highest risk. That assessment is contained in the *Strategic Sites Masterplanning and Infrastructure Study*¹² and associated flood modelling. It considered an option (Option 3) where all residential development is removed from Flood Zones 2 and 3.
48. Option 3 was discounted because it represented an 'extreme' application of the sequential test and would impact on viability (it would result in around 610 fewer homes). However, national planning policy is clear that development should not be allocated or permitted if there are reasonably available sites appropriate for the development at a lower risk of flooding. The PPG advises that avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features.¹³
49. Similarly, land proposed for development in the northern parcel is almost entirely within Flood Zones 2 and 3. Given that the employment allocations are not linked to other parcels (i.e. they are coming forward in isolation by separate developers) what is the justification for their redevelopment? The size and scale of land parcels allocated around the town shows that development could take place in areas at lower risk, if required. Insufficient information has therefore been provided to justify their inclusion in the Plan.

¹² Core Document CD3.66

¹³ Paragraph: 023 Reference ID: 7-023-20220825

50. The reasons for allocating development in areas at risk of flooding are viability grounds and the improvements that could be achieved to existing parts of the town. However, the sequential test is an absolute test. Framework paragraph 162 is clear that development should not be allocated if there are reasonably available sites appropriate for the proposed uses in areas with a lower risk of flooding. In this case, the masterplanning work has shown that the western parcel could be brought forward in a way that avoids placing new housing in areas at risk. This is synonymous with the aims and objectives of the sequential test.
51. Furthermore, the issues of flooding around Paddock Wood are described as being linked to the railway line and the capacity of flow routes underneath it. When flow rates exceed the capacity, water accumulates and travels eastwards into the town centre where it meets other surface water and results in widespread flooding. No persuasive information has been provided to suggest that proportionate improvement measures, such as flood water storage and improving the maintenance of existing culverts could not be achieved as part of an alternative scheme with housing in Flood Zone 1.

Conclusion

52. Paddock Wood is a town with a good range of services, employment premises and public transport provision. It is also surrounded by some land which is outside the Green Belt and AONB – a unique position in Tunbridge Wells. I therefore agree with the Council that it represents a 'logical choice' for growth¹⁴. However, the strategy for the town needs revisiting to set out clearly what is proposed on each parcel, both in terms of the scale and mix of uses and any necessary infrastructure provision. In addition, the location of new housing, community and employment uses in areas at higher risk of flooding is not justified. Comprehensive main modifications will therefore be required to the submitted Plan in order to make it sound. As with my conclusions on the Tudeley Village allocation, the implications for the examination moving forward are discussed below.

The Strategy for Royal Tunbridge Wells – Policy STR/RTW1

53. We discussed the need for several main modifications to sites and policies throughout the hearing sessions. The following does not list every change necessary, but instead focuses on those issues which were not resolved or where further information has since been provided.

Former Cinema Site – Policy AL/RTW1

54. This is a prominent town centre site which has a lengthy and detailed planning history. Despite benefitting from planning permission for a mixed-use development for some years, it is yet to come forward.
55. The latest proposals for the site include extra care and/or retirement housing which have materialised after the Plan was submitted. Although some representors have questioned the contribution that such uses would make to

¹⁴ Submission Version Local Plan, paragraph 4.44

the vibrancy of the town centre, I see no reason why extra care and/or retirement housing would be inappropriate as part of a mixed-use scheme which included some active ground floor uses. Paragraph 86(f) of the Framework specifically requires planning policies to recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites. The site has been vacant for a long time and its redevelopment should be supported and encouraged by the Plan.

56. In order to make the Plan sound, greater flexibility should therefore be provided by a re-drafted policy which supports the principle of a broader range of town centre uses. A re-drafted policy could also emphasise the importance of the regeneration of the site to the town and requirements for a sensitive, high-quality design.

Land at Colebrook House

57. The submitted Plan seeks to remove land at Colebrooke House from the Green Belt but does not allocate it for any specific use. Paragraph 4.127 of the Plan states that the site is safeguarded for future economic development and will only come forward following a Local Plan update. Following the hearings, the Council's position has changed. Examination Document TWLP/091 (dated August 2022) suggests that the site should remain in the Green Belt.
58. Paragraph 143 of the Framework does allow for the safeguarding of land between the urban area and the Green Belt in order to meet longer-term development needs. However, this is only 'where necessary' and relates to longer-term needs stretching 'well beyond' the plan period.
59. In this case, the Council has only recently granted planning permission for over 70,000 square metres of commercial floorspace on the adjacent site at Longfield Road. The net developable area (13.4 hectares) almost meets the need for employment land over the whole plan period alone (14 hectares). It is not clear when (during the plan period) this development will be built out and occupied or whether the Council's future strategy will be to continue expanding commercial development eastwards up to the A21.
60. Furthermore, paragraph 143 of the Framework requires Plans to define Green Belt boundaries clearly, using physical features that are readily recognisable and likely to be permanent. The area proposed for removal from the Green Belt would consist of Colebrook House and its grounds only. Land to the north and south would remain in the Green Belt, as would the vacant property to the east, adjacent to the A21. The boundary would therefore be arbitrary in the context of its wider surroundings. It would not be readily recognisable and would place pressure on further areas to be released, such as the parcel to the south which is bounded by the A21 and Longfield Road.
61. In summary, I find no exceptional circumstances to justify altering the Green Belt boundary in this location.

Hawkenbury Recreation Ground - Policy AL/RTW19

62. This site is already allocated in the existing development plan and benefits from planning permission for sports and recreation uses with associated changing rooms and car parking. As part of the new Local Plan, it would also accommodate a new stadium for Tunbridge Wells Football Club.
63. A football stadium accommodating up to 3,000 people would be a materially different, and a far more intensive use of the site than the one already approved. At the hearing sessions we discussed concerns about the proposed access arrangements, with access currently taken from a narrow road at the end of High Woods Lane. High Woods Lane itself is also a narrow, predominantly residential street which at the time of my site visit contained several parked cars.
64. Further information in support of the allocation has been provided in Examination Document TWLP/092, which includes indicative details of the passing places that would be required along High Woods Lane. Because the road widening and re-provision of the parking spaces is critical to the suitability of the site, and because the indicative details have not previously been made available, comments will have to be sought from interested parties who have been actively involved in the examination of this site. Subject to how the examination is taken forward (in light of the comments on the strategic sites above) further consultation will be required on these details at the appropriate point in time.

The Strategy for Southborough – Policy STR/SO1

Land at Mabledon House – Policy AL/SO2

65. Policy AL/SO2 allocates land at Mabledon House for a luxury hotel of up to 200 bedrooms and a leisure development with spa and conference facilities. The site is within the Green Belt, but no alterations are proposed to the Green Belt boundary.
66. The construction of new buildings is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. To demonstrate very special circumstances, the harm by reason of inappropriateness, and any other harm, must be clearly outweighed by other considerations.
67. No precise details have been provided by the Council on the nature and extent of the built development that would be required at Mabledon House. It is therefore not possible to determine any potential harm, add this to the substantial weight given to the harm to the Green Belt by reason of its inappropriateness, and conclude on the likelihood of this being clearly outweighed by other considerations. Allocating the site for development, but then requiring it to demonstrate very special circumstances does not represent an effective or justified policy.

68. There are, however, some exceptions to inappropriate development in the Green Belt. Amongst others, this includes the partial or complete redevelopment of previously developed land. The conversion of existing structures and the house could also presumably take place without the construction of new buildings. Another way of making the Plan sound might therefore be to support the principle of the uses proposed but within the exceptions permitted by national planning policy. This would potentially be a different type of development to the one proposed by the site promoters. It is therefore a matter which requires further consideration by the Council on the most appropriate way forward.

The Strategy for Cranbrook and Sissinghurst – Policy STR/CRS1

Land South of The Street – Policy AL/CRS6

69. This site is allocated for around 20 houses and a replacement community hall. Following submission of the Plan a detailed scheme has been produced which shows that it is not viable to deliver the replacement hall and meet the full requirement for 30% affordable housing.¹⁵

70. Having independently assessed the necessary information, the Council's suggested way forward is to modify the Plan by introducing additional flexibility for up to 30% affordable housing. I agree. As submitted, the policy requirements would render the allocation unviable and thus undeliverable. However, some affordable housing may be possible, with the final amount determined by a site-specific viability assessment. This would allow the scheme to come forward whilst maximising the efficient use of land and securing a new hall for the local community.

71. The allocation should therefore be modified in line with Document TWLP/094, with consequential changes also made to the supporting text. Maximising the amount of affordable housing (or necessary off-site contribution) would be a matter for the planning application process to determine.

The Strategy for Hawkhurst – Policy STR/HA1

Land North of Birchfield Grove – Policy AL/HA5

72. During the hearing sessions we heard that a developer has an agreement to purchase this site, which is allocated for a new medical centre. Upon completion, the developer would then gift an area of land to the medical practice for the new centre.

73. However, restrictions on the agreement mean that the developers can only purchase the site with the benefit of planning permission for housing on the remainder of the land to the north. The Council considered the suitability of that land and discounted it due to the likelihood for landscape harm (the site is within the High Weald AONB). It was made clear that no alternative scheme would be suitable either due to the landscape sensitivities of the site.

¹⁵ Examination Document TWLP/094

74. The prospective developer also owns a 'ransom strip' running between Birchfield Grove and the proposed medical centre site. Regardless of the situation with the remainder of the site, access over this land would have to be agreed and/or resolved in order to bring the site forward.
75. Both sides clearly have very different views on how the land should be developed, with no evidence to suggest that the situation is likely to be resolved anytime soon. Based on the information provided the medical centre is therefore undeliverable and the allocation ineffective. As a result, it should be deleted from the Plan. Although the Council refers to the possible use of compulsory purchase powers, the outcome of this process is not guaranteed and could take several years to conclude, by which time an alternative site or another way of meeting the need may have been identified.
76. The outcome of deleting the allocation is that no site would be identified for the necessary medical centre. In order to make the Plan sound, the Council should therefore give consideration to how the necessary facilities can be provided. Depending on timescales, this may necessitate a commitment to review parts of the Plan in order to meet the need.

Land at Limes Grove (March's Field) - Policy AL/HA8

77. Policy AL/HA8 safeguards land at Limes Grove for employment uses, only allowing it to come forward if monitoring shows that other allocations have stalled or there is evidence of need in this part of the borough.
78. Limes Grove is a narrow country lane situated at the rear of the existing business park. In places the visibility of oncoming traffic is limited. The width of the road is narrow and does not allow vehicles to pass. There is also no footpath to the main entrance of the business park or the bus stops on the A229. As explored at the hearing sessions, the site would therefore be wholly unsuitable for unrestricted commercial uses where the loading and unloading of large vehicles was necessary.
79. That being the case, the site is currently vacant and was formerly used for commercial purposes as a woodyard. It is also directly opposite the existing business park, is within the same ownership and has been identified as suitable for commercial uses by the Council. Rather than deleting the allocation entirely, another way of making the Plan sound might therefore be to identify the site for smaller, less-intensive ancillary uses associated with the business park.
80. In terms of restrictions on when the site can come forward, representations from the site owners state that local businesses need more space now. This is one of the reasons for the larger expansion of the site to the south. Moreover, this is a small site (the net developable area is less than 0.5 hectares) which has a close physical and historical relationship with the remainder of the business park. As such, there is no justification for restricting when it can come forward. Both soundness issues can be rectified by main modifications to Policy AL/HA8.

The Strategy for Benenden – Policy PSTR/BE1

81. Sites are allocated in and around Benenden by Policies AL/BE1 – AL/BE4. During the course of the examination the Benenden Neighbourhood Plan has been 'made'. The sites now form part of the development plan for the area.
82. The Council's suggested response was to delete the allocations from the Local Plan. I agree that it would be unnecessary to modify each policy to precisely mirror the Neighbourhood Plan. Paragraph 16 of the Framework states that Plans should avoid unnecessary duplication. Nevertheless, it would still be beneficial to decision-makers and developers to list the sites in the Local Plan and set out what they are allocated for. This would ensure consistency with other parishes which each have their own policy in the Local Plan. The necessary changes can be made by main modifications.

The Strategy for Pembury – Policy PSTR/PE1

Land at Downingbury Farm, Maidstone Road - Policy AL/PE4

83. Policy AL/PE4 allocates land at Downingbury Farm for 25 dwellings. The allocation also includes an area of safeguarded land for expansion of the Hospice in the Weald.
84. Criterion 5 requires the two sites to be tied together through a legal agreement. There is no justification for this requirement. Because the two uses are different and could come forward independently from one another, the Plan should allocate each site separately.
85. Based on the evidence provided by the Hospice, expansion of the Pembury site is also needed in a much shorter timeframe, with the site currently operating at and above capacity. If the intention of the Plan was to allow the Hospice to expand onto adjacent land, and that expansion is needed during the plan period rather than beyond, then there is no justification for safeguarding for the future. Greater flexibility should be provided by allocating the site and thus enabling its timely delivery.
86. Despite 'safeguarding' the land, the submitted Plan did not seek to remove it from the Green Belt. In order to be effective, the Council suggests that a further change would be necessary to the Green Belt boundary around Pembury. The necessary justification is provided in Examination Document TWLP/095. This will need to be consulted on alongside other recommended changes to the Plan in due course.

The Strategy for Sandhurst – Policy PSTR/SA1

Sharps Hill Farm - Policy AL/SA2

87. For reasons which shall be set out in my Final Report, the principle of modest residential development on this site is justified. However, main modifications are required to ensure that the final design and layout is appropriate, and that the allocation is effective.

88. As submitted, criterion 4 requires development in the south-west corner to be 'low density'. This lacks sufficient precision. Moreover, it will not just be the density of development which is the determining factor in the suitability of a future scheme. The number of properties, their layout, scale, design and appearance will all be material considerations, especially in the south-west corner of the site away from the existing settlement edge. Changes will therefore be necessary to ensure that the policy provides appropriate and effective safeguards against inappropriate forms of development, such as the scheme previously refused by the Council and dismissed on appeal. In the first instance, and as with other main modifications, I invite the Council to look at the wording and propose the necessary changes.

Housing for Older People and People with Disabilities

89. Paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Amongst others, this includes housing for older people and people with disabilities.

90. At the hearing sessions we agreed that the supporting text should not seek to define whether a development falls within Use Class C3 (dwellinghouses) or Use Class C2 (provision of accommodation and care to people in need of care). This would be determined on a case-by-case basis having regard to the specific details of each proposal.

91. The supporting text at paragraphs 6.356 to 6.370 of the Plan then refers to the need for extra care housing and sets out how this will be met. A useful summary of the evidence supporting the Plan is provided in Examination Document TWLP_032a, which includes reference to the *Housing Needs Assessment Topic Paper*¹⁶.

92. As with other matters, the Final Report will consider in detail the evidence supporting the Plan and conclude whether or not its policies will be effective in meeting housing needs for older people. At this stage, for effectiveness, the Plan should be modified to clearly set out the gross need for extra care housing based on the two methods used (as per the tables in Examination Document TWLP_032a which show a range between 342 and 431 units). For the same reasons the Plan should then make it clear how needs will be met by listing the relevant sites, including any committed schemes.

93. Conclusions reached above in relation to Tudeley Village and Paddock Wood will no doubt have consequential impacts on how the needs for older people and people with disabilities will be met (both strategic sites include requirements to provide sheltered and extra care housing). In the first instance this will be a matter for the Council to consider in suggesting ways that the Plan could be made sound.

¹⁶ Core Document CD3.73

Conclusions and Next Steps

94. A significant amount of hard work has clearly gone into the preparation of the Local Plan which is positively prepared in seeking to meet housing needs despite large areas of Green Belt and the High Weald AONB. The majority of changes required to the submitted Plan are relatively straightforward and the main modifications referred to above should be incorporated into the schedule which is already in preparation.
95. As for the strategic sites, significant changes and/or the preparation of further supporting information is going to be necessary before they can be found sound. At Paddock Wood, I am relatively confident that this can be achieved without fundamental changes to the Plan's strategy. However, the implications of my initial findings at Tudeley Village could have far greater, consequential impacts on other aspects of the Plan, from infrastructure provision to whether the Plan is able to identify a sufficient supply of housing land.
96. In the first instance, I would therefore be grateful to understand how the Council considers that the Plan could be modified in a way that would make it sound and capable of adoption. In seeking to move the examination forward I consider that there are three broad options available to the Council. They are:
- Provide additional information to justify the Tudeley Village allocation as submitted.
 - Modify the submitted Plan by making significant changes to the Tudeley Village allocation, and in doing so, seek to overcome the soundness issues identified above.
 - Delete the allocation from the submitted Plan.
97. The first option is unlikely to be a quick or straightforward exercise. It would require further dialogue with key stakeholders, the preparation of substantial new evidence, consultation on that evidence and examination. There is also no guarantee that it would satisfactorily resolve the issues identified above or justify the scale and location of development proposed. It is not without risk. Similar issues would apply to the second option, and both could potentially add significant delays to the examination process.
98. The third option would be to delete the allocation and make consequential changes to the Plan. The benefit of this approach is that it would deal with the soundness problems identified above, and subject to considering alternative secondary school provision, has already been tested as a possible outcome in the strategic sites masterplanning documents. It may negate the need for significant further work and potentially avoid lengthy delays to the examination process.

99. One of the main consequences of deleting Tudeley Village is the impact on housing provision. The Plan envisages 2,100 dwellings coming forward over the plan period. In deciding how to proceed, the Council will therefore need to give further consideration to how best the Plan can still meet housing needs, having particular regard to the requirements in paragraph 68 of the Framework. It may be, for example, that needs could be catered for over a shorter timeframe without the need for any specific additional sites to be identified at this stage.

100. I appreciate that this is not a straightforward exercise and that the Council will need time to consider the issues raised. Once the Council has considered these matters it would be useful to agree on a strategy and timescale for taking the examination forward, before the Council commits to any significant further work. Should you have any queries or wish to discuss potential ways forward in further detail, please do not hesitate to contact me.

101. I have asked the Programme Officer to upload a copy of these findings to the examination website, but no comments are sought from participants at this stage. Any suggested ways forward will be subject to consultation in due course and further hearing sessions may be necessary.

Matthew Birkinshaw

Examining Inspector
November 2022