

SAVE CAPEL

HEARING STATEMENT

MATTER 4 – PRINCIPLE OF GREEN BELT RELEASE

Abbreviations: as per SC's Matter 1 Position Statement

ISSUE 1 – PRINCIPLE OF GREEN BELT RELEASE

Q1. Table 6 in the submission version Local Plan lists proposed changes to the Green Belt boundary. Are these all the boundary changes that would result from the adoption of the Plan?

1. This is for the Council to answer. Save Capel reserves the right to comment dependent upon that answer.

Q2. What proportion of new housing proposed in the Plan would be on land currently designated as Green Belt?

2. All the land for the proposed Tudeley Village and East Capel sites is in Green Belt, which will account for the majority of housing in the Local Plan. In total, 407 hectares will be removed from Green Belt, and of this 330ha (81%) is in Capel parish.
3. In total, 52% of housing at new allocations in the local plan are within Capel parish.

Q3. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, paragraph 141 of the Framework states that strategic policy-making authorities should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for housing. This will be assessed through the examination and will consider whether the strategy:

- *Makes as much use as possible of suitable brownfield sites and under-utilised land;*
- *Optimises the density of development, and*
- *Has been informed by discussions with neighbouring authorities about whether they can accommodate some of the identified need.*

How has the preparation of the Plan sought to make as much use as possible of suitable brownfield sites and optimise the density of development?

4. TWBC is clearly not able to demonstrate that it has examined fully other reasonable options for meeting its identified need for housing. SC considers that there have been two substantive failures: first, the failure to discuss (meaningfully and in a timely fashion) whether neighbouring authorities, including and in particular TMBC, MBC and SDC, whether they could accommodate some of the identified need and second the inadequate review of brownfield sites.
5. The former point is directly linked to TWBC's failures in respect of the DtC, which have been outlined in SC's Position Statement in relation to Matter 1 and are relied on under this Matter.
6. In respect of brownfield sites, SC considers that TWBC have made an inadequate attempt to do a thorough and consistent review of potential brownfield sites. Our Regulation 19 submission shows that of the 437 unique sites submitted for inclusion in the SHELAA process, 323 sites were rejected by TWBC. Based on a review of 90 rejected sites in 3 representative parishes, we recommended the re-consideration of 43 'rejected' sites for inclusion in the Local Plan, instead of the Tudeley and East Capel Green Belt sites. These 43 sites provide a total incremental housing potential of ca. 2,270 units (based on a conservative 30 dph). All are more sustainable than the Capel sites.
7. An analysis of 7 selected high potential sites reveals a potential housing yield of up to 10,000 dwellings¹ using alternative housing solutions, negating the need for the Capel Green Belt developments altogether.
8. TWBC have argued that insufficient brownfield sites have come forward, but this is not borne out by Save Capel's research and rather betrays a lack of pro-active engagement with brownfield site landowners. The lack of any real focus on brownfield development by TWBC is emphasised by a failure to apply for either of the two recent government grants available through the Brownfield Land Release Funds (12/10/2021 and 30/11/2021).
9. SC has been unable to find substantive evidence that densities have been optimised particularly at greenfield locations.

Q4. Can housing needs be met by optimising the use of previously developed land and buildings without requiring land to be released from the Green Belt?

¹ Save Capel Reg19 Representation Appendix 8: Report on Alternatives to Tudeley Garden Village (STR/SS3) and Paddock Wood/East Capel (STR/SS1) Developments - Section D.4 p.53-63

10. Save Capel considers that it can for the reasons set out in its Alternative Sites Report and outlined in Q3 above. It accepts that if the full amount of housing need under the standard methodology is to be met outside green belt including brownfield sites and repurposing existing buildings, higher density development may be necessary.

Q5. Not all of Tunbridge Wells is within the Green Belt. Could the need for new housing and employment therefore be met by developing beyond the existing Green Belt boundary? If not, why not?

11. SC relies on what it stated in relation to Matter 1 and the flaws in the SA process which led to the selection of the garden settlement strategy. Apart from development of brownfield sites and repurposing empty commercial and office space, as mentioned in response to question 3 above, there are sites in undesignated land that Save Capel believe could and should have been considered as reasonable alternatives but were dismissed out of hand without full and proper consideration.

12. Such sites include Horsmonden, which was considered a “non-starter” despite being reasonably close to Paddock Wood and Pembury/Tunbridge Wells. Indeed, the Hop Pickers Heritage Line between Horsmonden and Paddock Wood would encourage safe and active travel (4.25miles) but does not appear to have been appraised despite the difficulties for similarly safe and active travel for Tudeley.

13. Another site is at Blantyre House, where Save Capel research shows other Government land surrounds the decommissioned prison, which in turn abuts two other sites, creating a significant area for development. One of the sites, SHEELA 325, with a developable area of 39.65 hectares, was initially dismissed because it was considered remote from a settlement centre and would be “...a strategic site of a scale harmful to the AONB landscape.” The AONB is 1.15 miles distant. Moreover, Tudeley is adjacent to the AONB, yet the impact on the AONB setting is not considered significant. [*Save Capel understands Blantyre House may now have been withdrawn by the Ministry of Justice, but that was not the case when it was rejected out of hand*].

14. Frittenden was also ruled out on sustainability grounds, without having been tested via a sustainability appraisal.

15. A site at Castle Hill was ruled out primarily as being in the AONB, despite the Council having approved a large commercial estate adjacent to the residential site, which is also in the AONB.

16. This lack of serious consideration to alternatives beyond the Green Belt, demonstrates the tunnel vision of the Council for the preferred option of the strategic sites at Tudeley and East Capel.

Q6. When drawing up or reviewing Green Belt boundaries, paragraph 142 of the Framework states that the need to promote sustainable patterns of development should be taken into account. How and where has the Council taken this into account?

17. As can be seen by the easy rejection of sites in non-designated land and other sites with multiple land-owners, the ease of dealing with one land-owner appears to have governed site selection rather than sustainability. This is further demonstrated when much-needed urban regeneration is dismissed, despite the evident sustainability of such development. For example, as stated in their Stage 1 Hearing Statement, the TWBC Town Forum identified 1500 possible units in the town, but these were discounted due to ownership issues. The selection of the strategic sites, particularly at Tudeley, appears driven by ease of negotiation rather than sustainability and betterment for the borough as a whole.

18. There is little doubt that Tunbridge Wells town needs the regeneration that construction might assist with, being awash with empty commercial and office space. There has been no updated review of brownfield sites post pandemic and the change in demand for such spaces. The urban environment, and construction of smaller affordable units, would appeal to younger first-time buyers and down-sizers, given the choice of leisure, travel and other close-at-hand opportunities.

19. Yet the Capel sites were selected despite unsustainable travel options, with dangerous country roads for active travel, limited public transport and, for Tudeley, a town split by a railway line with limited access between the two sections.

Q7. Having decided to review the Green Belt boundary, how did the Council determine, at a strategic level, where alterations should be made in order to meet housing and employment needs?

20. Save Capel reserves the right to comment on the Council's answer to this question.

21. The Local Plan and subsequent Consultation Document regularly refer to the Green Belt Studies as justifying the 'exceptional circumstances' for Green Belt release and, therefore, justifying the allocation. (See also answer to Issue 3 – Q1 below)

22. However, that reliance created a degree of inconsistency in terms of the limited functions of those studies, on the face of the documents themselves. Green Belt Study 1 para 1.9 stated that

“This review does not itself determine whether or not land should remain or be included in the Green Belt, as this is the role of the Local Plan, which takes into account all the relevant planning considerations. This includes whether there are exceptional circumstances for altering existing boundaries”.

23. The Council’s case over exceptional circumstances is therefore entirely circular: evidence addressing the case for exceptional circumstances is not contained in the very studies the Council expressly states contain such evidence.

ISSUE 2 –GREEN BELT REVIEW METHODOLOGY

Q1. The Green Belt Study Stage 1 (Core Document 3.93a) identified 33 parcels and 10 broad areas for assessment at Stage 2. How were these areas defined and what were the boundaries based on?

24. See answer to Q3.

Q2. The Green Belt Study Stage 2 (Core Document 3.93b(i)-(v)) provides a more detailed and focused review of land parcels, assessed against the purposes of including land within the Green Belt in paragraph 138 of the Framework. How did the Council take the findings into account and use the evidence in the preparation of the Plan?

25. See answer to Q3.

Q3. What was the purpose of the Green Belt Study Stage 3 (Core Document 3.93c)? Did it build upon the findings of the earlier studies, or assess proposed site allocations?

26. Save Capel is equally confused as to why there were three Green Belt studies, with significant inconsistencies in harm rankings.

27. The Stage 3 study states that its purpose was to “build on the existing studies” (see 1.6). However, in reality its purpose was not to build or refine those existing studies, but rather were clearly to justify the particular site allocations made. GB Study 2 assessed parcels of land: GB Study 3 assessed allocations.

28. As an initial point, this Study (i.e the 3rd Study) seems to have been substantively amended at some point between 27 November 2020 and March 2021: it is referred to as a “corrected” final report and is entitled “Amended”. SC invites this examination to ask the Council why it so described and to disclose the original Stage 3 study prior to its correction and amendment, and to confirm what exactly was amended and why.

29. Whatever the explanation for it being commissioned so late in the day, it is dated March 2021. It clearly did not inform the key decision to move to a garden settlement strategy taken much

earlier at the Reg 18 stage. It has all the hallmarks of evidence not to inform the choice of the most appropriate development strategy, but a retrospective justification for specific site allocations.

30. Worse still, the GB Study 3 itself has identified deficiencies in its own earlier studies. It stated that the Stage 2 Study “*this was a basic measure that did not reflect a detailed analysis of the relationship between a parcel and adjacent Green Belt land*”. Since those earlier GB studies formed the basis for the selection of the 2 garden settlement strategy at Reg 18, the fact that the GB Study 3 itself highlights that they were not refined assessments raises very real concerns about the soundness of adopting that strategy in the first place.
31. Put another way, in order to justify a release of GB as part of that strategy, and to demonstrate exceptional circumstances, what the Council could and should have carried out is a relative assessment in GB terms of all possible sites identified as available in the SHELAA in GB terms. That work simply has not been carried out. That renders the decision to justify GB release at the strategic sites fundamentally unsound, as there is no refined or up to date relative assessment showing that GB release is less harmful than GB release via other sites.

Inconsistencies between GB Study 1 and 2, and GB Study 3

32. The first two Green Belt Studies were a combined study (see GB Study 1 **CD 3.43a** and GB Study 2 **CD 3.43b**). These concluded that release of Green Belt from all ten areas considered would constitute VERY HIGH harm and mentioned that “small-scale non-strategic” releases might result in less harm. The two strategic sites planned for release were considered to cause VERY HIGH harm at the close of the 2-stage study. This in itself should have stopped the sites being proposed as the strategic core of the Local Plan.
33. However, no doubt due to the difficulty of aligning this with TWBC’s preferred growth option choice (i.e the Garden Settlement Strategy), GB Study 3 dilutes the level of GB harm caused by the strategic sites allocation by considering the impact of release of the specific allocation on the adjacent retained Green Belt: see Green Belt Study 3 **CD 3.93c**. This study serves to obscure the underlying very harmful damage identified in the first place.
34. Furthermore, when the same criteria are applied to the 183ha at Tudeley (for example) as to broad areas BE3 and BA4 studied at Stage 2, completely different answers result which make no logical sense, other than to justify the proposals for the garden settlement sites.

35. In respect of the Tudeley strategic site, the level of harm caused to the GB purposes are downgraded in the GB Study 3, as summarized below:
- a. For Green Belt Purpose 1, ratings of Strong and Relatively Weak become No Contribution at Stage 3 (see page 68).
 - b. For Green Belt Purpose 2, ratings of Strong become Relatively Weak at Stage 3.
 - c. For Green Belt Purpose 3, ratings of Strong stay Strong at Stage 3.
 - d. For Green Belt Purpose 4, ratings of Weak and Relatively Weak become No Contribution at Stage 3.
36. In a further inconsistency, the logic at Stage 2 was such that the highest rating for harm drove the overall score, but for Stage 3 a lower threshold is applied. The combined effect drops the harm level from ‘Very High’ to the second highest rating of ‘High’.
37. The study considers 15 allocation sites for Green Belt release; 13 are assessed as causing low to moderate harm to the purposes of the Green Belt, with only two assessed as causing HIGH harm (previously VERY HIGH harm); yet these two (Tudeley and East Capel) are proposed for release. The other 13 were discounted as not large enough to meet the Housing Targets.
38. The study also looks more specifically at the Tudeley site using a different methodology, described by the study as ‘more refined’ than that used in 2017. This ‘refinement’ has led to the conclusion that development on several parts of the site would result in levels of harm to the Green Belt that scored variously ‘moderate– high’, ‘high’ and ‘very high’ on the various component criteria.
39. SC does not consider that those downgraded assessments in the GB Study 3 are consistent with the earlier GB studies. GB Study 3 is an unsound basis upon which the Council could have reached the conclusion that exceptional circumstances exist to release GB at these strategic allocations,

Q4. Where the release of land from the Green Belt was found to have either high or very high levels of harm, how was this taken into account in the site selection process?

40. From Save Capel’s findings above, the answer appears to be that ‘high’ or ‘very high’ levels of harm were not taken into account in the Council’s allocation of the strategic sites.

Q5. How was the potential for mitigation considered in the Green Belt studies? Was this considered on a consistent basis for all sites?

41. The short answer to this is no.

42. Mitigation was not considered in the earlier GB Studies 1 and 2, which only looked at parcels of land and not site allocations. However, these were the only two studies in existence at the point at which the Council determined that exceptional circumstances existed to justify a Garden Settlement Strategy. As set out above, in order to justify a release of GB as part of that strategy, the Council could and should have carried out is a relative assessment in GB terms of all possible sites identified as available in the SHELAA in GB term.
43. In short, what has happened is that mitigation has been considered (in considerable detail) in respect of the allocated sites, but not in respect of all other sites which were discounted prior to allocation. That means that no consistent methodology has been applied to all available sites (whether allocated or unclear).
44. In any event, SC maintains that it is unclear how compensatory measures or mitigation can adequately compensate for the loss of 330ha (81% of the borough wide figure) in Capel. The only new area of Green Belt proposed is a tiny parcel southwest of Paddock Wood, as noted by the Inspector in Issue 3 – Q2 below.
45. It is also unclear how there will be improved access to the remaining GB – the areas to be lost are readily accessible so this cannot be a ‘benefit’. No visual or landscape enhancement can be provided by covering large swathes of the countryside with housing; rather a permanent scarring of the visual impact of the historic landscape at Tudeley, which marks the transition between High and Low Weald, will be the result. The site will be visible from the High Weald to the south, the Greensand Ridge to the north, and along the Medway Valley from east and west.

Q6. Paragraph 144 of the Framework states that if it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

Has the Council carried out an assessment of existing settlements ‘washed-over’ by the Green Belt? Are any changes proposed and/or necessary?

46. Save Capel is not aware of this having been done. The villages/hamlets most affected are FOG, Whetsted and Tudeley. Each is very different in character.

ISSUE 3 – EXCEPTIONAL CIRCUMSTANCES

Q1. At a strategic level, do exceptional circumstances exist to alter the Green Belt boundary, having particular regard to paragraphs 140 – 143 of the Framework? If not, how could housing and employment needs be met in other ways?

47. The short answer to this is no. SC relies on its submissions on the Council's failure in its DtC as set out in its Matter 1 Position Statement, as the two issues are closely connected. It also relies on the inadequacies highlighted above in the approach to assessment of GB harm.
48. There is no clear evidence that 'exceptional circumstances' exist. For the need to meet OAN to constitute such a circumstance, the Council would have to show that it had exhausted all other options including discussions with neighbouring GB authorities to understand if there could be less harmful GB release elsewhere which could meet some of TWBC's housing need. It clearly has failed to do so.
49. In terms of the actual GB assessment carried out by the Council, on page 143 (just one example) of the Consultation Statement, TWBC purport to identify 'exceptional circumstances' for release of Green Belt through the Studies. However, both the Stage 1 and Stage 3 Studies specifically state they do NOT provide such justification, and that it is for the Council to decide if such release is justified.
50. What is apparent is that 'harm' ratings have been down-graded through the commissioning of the third study, thereby allowing the Council to better justify their choice for the strategic sites.
51. TWBC has suggested some site-specific benefits which contribute to 'exceptional circumstances', but most of the listed benefits do not outweigh the harm to the Green Belt in Capel and many are not site specific. The paragraph 6.186 of The Development Strategy Topic Paper does not attempt to balance benefits and harms, and fails to even mention harm to the natural and historic assets of national importance. As stated, above, the only clear justification for such significant Green Belt release given by the Council is the housing targets they have set themselves, without considering the potential for lowering those targets due to constraints within the borough.
52. Save Capel has identified a number of alternatives which are more sustainable in its answers to Issue 1 above.

Q2. What is the justification for the new area of Green Belt proposed to the southwest of Paddock Wood? Do the exceptional circumstances exist necessary to justify this alteration to the Green Belt boundary?

53. Save Capel has no knowledge of why this small and seemingly irrelevant parcel of land has been added to the Green Belt. It certainly cannot be seen as compensating for the huge loss of green belt land the sites at Tudeley and East Capel entail.
54. The site appears to border the location proposed for a re-routing of the Colt's Hill section of the A228.

SAVE CAPEL

10 MAY 2022

