

SAVE CAPEL

HEARING STATEMENT

MATTER 3 – SPATIAL STRATEGY AND DISTRIBUTION OF DEVELOPMENT

Abbreviations: as per SC's Matter 1 Statement

ISSUE 1 – SPATIAL STRATEGY

Q1. Does the submission version Local Plan contain a settlement hierarchy in the same way as the adopted Core Strategy (2010) does?

1. The answer to this is no. The draft Local Plan does not acknowledge or set out what the settlement hierarchy actually is.
2. The June 2010 Tunbridge Wells Borough Local Development Framework Document (page 20 Box 4) expressly referred to the Settlement Hierarchy. It split Settlement Hierarchy development into 3: Main Urban Area, Small Rural Towns of Cranbrook, Hawkhurst and Paddock Wood, and Villages. Paragraph 4.6 states that the “...*quantity of development at each settlement would reflect its position in the hierarchy, with the majority being focused at the main urban area of Royal Tunbridge Wells and Southborough at the top.*” The villages and rural areas would take just 6% of housing development.
3. The Local Plan of course has turned that strategy on its head with the rural parish of Capel set to deliver 52% of housing. It is perhaps for that reason – unusually for a local plan – there is not a single reference to the settlement hierarchy which the Council itself has identified and explained in its Development Strategy Topic Paper CD 3.64. That described a “*grouping of settlements*” (page 2) which is tantamount to a settlement hierarchy. It expressly states that it “*provides an indication of each settlement’s level of sustainability*”.
4. The identification of that settlement hierarchy was based on the Settlement Role and Function Update Study 2021 **CD 3.72**. The Council opens the Study by saying “... *helping the Council prepare a new development strategy for the borough, informed by a revised settlement hierarchy.*” Bizarrely,

Royal Tunbridge Wells itself was excluded from consideration in the recent Settlement Role and Function Study Update (para. 1.6). Its centrality is given as the sole reason for its exclusion, without further explanation.

5. The Study itself describes its function at para 1.5 as:
 - to identify and document key services and facilities within each of the settlements;
 - to score each settlement against a list of criteria based on services/facilities present;
 - to group the settlements based on these scores to ultimately identify a settlement hierarchy for the location of future growth.
6. The Study asserts that “*traditionally it has been the case that the scale and distribution of housing sites directly follows from the settlement hierarchy*” and then asserts reasons why (at para. 1.8) other factors are also taken into account when allocating land “*in rural areas and settlements of the borough*”. That entirely misses the point: the settlement hierarchy is a determinant of the most sustainable existing settlements. It is not relevant merely to allocating land in rural areas: it is relevant to informing the spatial strategy that underpins the approach to those allocations. The 2021 Study bears all the hallmarks of a document used to justify decisions already made to depart from the Settlement Hierarchy in the spatial strategy, rather than a document used to inform that strategy.
7. Why Tunbridge Wells town itself, the settlement that can best fulfil these criteria, is omitted is entirely unclear and raises real question marks about the soundness of the evidence base which the Council relies on. The exclusion of Tunbridge Wells meant that the emphasis could be moved away from the main urban area to promote development elsewhere. It also meant that the preparation of the development strategy has been inevitably skewed away from Tunbridge Wells.

Q2. The *Settlement Role and Function Study Update* (Core Document 3.133) scores settlements and groups them together between A and G. Is the methodology used robust and are the outcomes accurate?

8. The study has been carried out three times (2010, 2017, 2020), with tinkering of the methodology.
9. Whatever methodology is employed, the results are roughly similar, although the latest outcomes show that the assessed urban centres dropped their scores but those of most of the villages increased. However, all that has really changed is the scoring methodology.

Q3. What is the purpose of the *Settlement Role and Function Study Update*? How has it informed the Plan?

10. See above in relation to Question 1. It has not informed the Plan – or the formulation of the Spatial Strategy. The Update is an *ex post facto* attempt to justify it.
11. In particular, the Study Update appears to have no impact on the strategic site at Tudeley, or East Capel if considered separate to Paddock Wood - as it should be. The facilities that might score for both are limited, and certainly do not justify the significant development proposed.
12. Tudeley, for example, is a hamlet and does not bare a mention in the listings, even if it has a church, pub and an hourly bus service. There are even less residents and facilities within East Capel. None of this equates to the sustainability levels needed for significant development. Yet that is exactly what the Local Plan proposes.

Q4. The Development Strategy in Policy STR1 supports the “...major, transformational expansion of Paddock Wood (including land at East Capel)...”. At a strategic level, what are the reasons for promoting significant new development at Paddock Wood? Is this justified?

13. Save Capel accepts that it is reasonable to consider some level of expansion at Paddock Wood, alongside other existing main settlements, but it does not accept that development in East Capel is justified.
14. The proposed level of expansion is not sustainable because it relies on GB release and development in areas of flood risk. Exceptional circumstances are not justified.
15. The Council could and should have determined a lower housing requirement (see SC response to Matter 2) and failed at an early stage to engage properly with all its neighbouring authorities to assess whether any of them could meet some of its housing need to avoid GB release in the Borough.
16. SC relies on its submissions in respect of Matter 1, 4 and 6 in this regard, and in particular its further evidence on soundness at Matter 6 (STR/SS1).

Q5. The Development Strategy also supports the “...creation of a new garden settlement: Tudeley Village...”. What were the reasons for pursuing a new, standalone settlement, rather than the expansion of existing towns and villages? Is this justified?

17. Save Capel explained at Matter 1 why it believes the SA was fundamentally flawed and that it did not inform the growth strategy. In particular, it explained the entirely opaque process as to how avoiding GB release from the Issues and Options stage morphed into a strategic

objective to create garden settlements in the GB in the Reg 19 plan, and how the decision to select the Garden Settlement Strategy over and above for instance Option 5 was entirely opaque.

18. The reasons for pursuing a standalone settlement were (and are) entirely unjustified as a strategic objective because it was premised on GB release to meet OAN. Yet, no attempt was made to assess whether other authorities could meet some of that OAN, as the examination has already heard.
19. The strategy was also selected in the absence of the requisite evidence showing such a settlement was deliverable in the timeframe assumed in the Plan. SC is not suggesting that all the details needed to be finalised at the point of determination of the strategy, but as a minimum the Council needed key evidence to determine that this strategy was actually deliverable. That evidence simply does not exist where fundamental issues going to the principle of the strategy – in particular the level of infrastructure required and its deliverability and transport impacts – were not resolved at the point the strategy was selected.
20. A clear example of this is the addition of new transport evidence¹ to the examination on 29th March 2022, some three years after the strategy was first publicised. It is alarming that the infrastructure and mitigation now deemed necessary was not specified at the time the decision was made. Save Capel believes therefore that the spatial strategy is ‘unsound’ and it certainly was at the point of submission².
21. SC has submitted further evidence on these new documents and the soundness of Tudeley Village at Matter 6 (STR/SS3).

Q6. Paragraph 4.45 of the submitted Plan states that Royal Tunbridge Wells is surrounded by the High Weald AONB, except for areas to the west and the north. What options has the Council therefore looked at for new development to the west and the north of the town? Why were they discounted in favour of a standalone new settlement (which also requires land to be removed from the Green Belt)?

22. SC does not repeat the points it has made in respect of Matter 1 and in particular how there is a fundamental failure in the SA to explain why decisions were taken to select a garden settlement. There is nothing in the Development Strategy Topic Paper that provides any further evidence or explanation as to why options to the west and north of the town were

¹ PS_024, PS_025, and PS_026

² Save Capel considers that the admission of this new evidence so late in the process (at the hearing on 29th March 2022) is entirely unsatisfactory. This evidence has not been subjected to scrutiny during the public consultation at Reg19.

discounted. The mere assertion of AONB constraints to the West and North ignores the fact that the setting of the AONB will be harmed by the garden settlement strategy and that GB release is equally required.

23. Save Capel also notes that there was little evidence of thorough investigation of brownfield sites (see Matters 2 and 5 in addition to Matter 1 – Sustainability Appraisal). It also notes that there is a RTW Town Plan & Vision exercise planned for 2025. However, this is too late for the purposes of this Plan, it should have been done before as part of determining the vision for the Borough in this local plan.

Q7. The *Development Strategy Topic Paper 6* refers to constraints to such as the Green Belt, the High Weald AONB and areas of flood risk. Which areas of the Borough are not constrained by flooding and/or the Green Belt and AONB? Why could housing needs not be met in these areas?

24. The Council's development strategy entails a significant release of GB land and proposes strategic development in Flood Zone 2.
25. What remains entirely unclear is why flood betterment – now advanced by the Council in Matter 1 as the key factor which led to the strategic settlement option over for instance Growth Strategy 5 – could possibly justify the selection of a strategy which involved substantial development in Flood Zones 2.
26. The evidence of the alleged improvements is entirely threadbare: what the Council appears to be arguing is that a site in the Flood Zone is required in order to improve flood risk elsewhere. If that is indeed the key reason justifying GB release, the evidence for it – including the details of the deliverability of such improvements – needs to be detailed and robust so that this examination can properly interrogate it. As it is, there is no substantive evidence on this bar assertions and vague references in the SA and Development Strategy Topic Paper.

Q8. Could housing needs be met in a way that did not require land to be removed from the Green Belt and/or require development in the AONB?

27. Please see our responses to Matters 1, 4, 5 and 6

Q9. Do policies relating to the Green Belt, the High Weald AONB and/or flood risk provide a strong reason for restricting the scale, type and distribution of development in Tunbridge Wells?

28. Yes. Please also refer to Save Capel's response to this same question in Matter 2 Q5.

29. The Council has determined that development targets can only be met by compromising designated land. It would be interesting to understand how many of the new homes identified as being needed are required for people living and working in the borough and how many will be occupied by people commuting out of the Borough.
30. These latter dwellings would be better located where the end commute lies. It would seem perverse to build houses on designated land solely for these new residents to commute out of the Borough on a regular basis.
31. Given the high proportion of AONB (70%) and Green Belt (22%) land in the Borough, there were surely good reasons to restrict the scale, type, and distribution of the development in Tunbridge Wells. However, the spatial strategy is proposing to deliver the majority of its housing on GB and in or adjacent to the borough's largest area subject to flood risk.

ISSUE 2 – DISTRIBUTION OF DEVELOPMENT

Q1. How was the distribution of development established? Has the Council sought to direct housing growth towards settlements based on their scoring in the *Settlement Role and Function Study*, or by another means?

32. See above in response to Issue 1, Question 1.

33. The Council has not directed growth towards settlements based on their scoring in this Study. The nearest village to the proposed Garden Settlement at Tudeley is Five Oak Green which scores only between 16 and 32 and is 7th from the bottom of the table.

Q2. When taking into account commitments and completions since the start of the Plan period, what proportion of new housing will be distributed to each group of settlements, as per the *Settlement Role and Function Study*?

34. The distribution is unjustified, as the planned two large settlements equating to 52% of the housing allocation is in Capel parish, adjacent to FOG, which is wholly disproportionate in the extreme.

Q3. Is the strategy consistent with paragraph 105 of the Framework, which states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes?

35. No it is not. Reducing the need to travel will be wholly dependent on new infrastructure (Schools, shops etc) being provided within the allocation. Even then, the remoteness of the allocation of SS3 is such that for many years, residents will be relying on travelling to surrounding towns for day to day journey purposes. These trips are most likely to be made by car.
36. SS3 is currently unsustainable. This means that all the infrastructure needs to be funded by the development. The strategy will not limit the need to travel nor present a genuine choice of transport modes. This will be addressed in more detail under Matter 6.
37. SS1 is better located however, even then, significant investment in bus services will be required to create a sustainable development in the meaning of paragraph 105. This does not appear in the policy which only requires bus connections within Paddock Wood and not to surrounding settlements.
38. SC submitted its expert consultant's report³ which concludes that safe and suitable access for pedestrians and cyclists to the Strategic Sites⁴ is not achievable because there will be an unacceptable highway safety impact on these users. Very few, if any, functional journeys can be expected to be made on foot or by cycle.
39. Furthermore, the bus public transport strategy formulated to support the Strategic Sites is hopelessly inadequate because it either does not exist or else would cater for only a fraction of the forecast demand.
40. This question needs to be read with paragraph 110 NPPF in particular d) which requires that interventions are "cost effective". Any development can potentially be made sustainable if sufficient investment is made. At this stage there is no evidence of what the actual level of investment and in particular funding should be.

Q4. Having established the principle of significant growth at Paddock Wood (see Matter 3, Issue 1, Question 4 above), how did the Council determine the scale of additional housing proposed in the Plan?

41. Please see response to Issue 1, Question 4.

³ Save Capel Regulation 19 Representation – Appendix 1 (Motion Consultants)

⁴ Tudeley Village, East Capel, & Paddock Wood

Q5. Where new development is proposed in towns and villages, is the scale, type and distribution of housing development proportionate to their character, role and function?

42. See above in relation to Issue 1 and the flaw in the selection of the Development Strategy.

Q6. What is the justification for distributing new housing development to settlements within the High Weald AONB? How did the AONB designation influence the scale, type and distribution of housing development?

43. This question is for the Council to answer.

Q7. How have flooding constraints been taken into account in determining the spatial distribution of development? Is the Plan consistent with paragraph 161 of the Framework which states that all plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

44. No, it is not consistent. Locating new housing in Flood Zone 2 is not acceptable especially as there are more sustainable alternatives.

45. The sequential risk-based approach has not been followed. That sequential approach applies consideration first as to whether or not alternative sites for the development can be identified. That is a further reason why other authorities should have been approached at a much earlier stage to see if some of T Wells OAN should have been met.

46. In terms of the exception test, again it is hard to see how it has been met. There are vague and unsubstantiated references to flooding mitigation, both fluvial and pluvial, and very few details, if any, can be found to the ever-growing impacts of climate change to these vague plans. The current flooding issues are occurring on a more regular basis.

47. The requirement, as per the Plan, for flooding, sewage, and water supply issues to be left until the Detailed Planning Stage is unrealistic. The issues in Capel Parish and Paddock Wood are significant already. For developments of the size proposed, these are strategic, not tactical or operational issues, which need to be addressed as such rather than relying on a piecemeal approach for each proposed development.

48. Specific comments are provided in our hearing statements on Matter 6.

ISSUE 4 – MANAGEMENT OF DEVELOPMENT IN THE GREEN BELT

Q2. Where new development is proposed in the Green Belt, is Policy STR9 justified, effective and consistent with national planning policy?

49. Policy STR9 is unsound as it does not meet the ‘exceptional circumstance’ test (NPPF para 136) because the removal of Green Belt in Capel is not justified.

50. This will be addressed further in Matter 4.

SAVE CAPEL

10 MAY 2022

