
**Examination of the Submitted Tunbridge
Wells Borough Local Plan**

STATEMENT FOR:

**MATTER 4 – PRINCIPLE OF GREEN BELT
RELEASE**

WRITTEN STATEMENT

Prepared by:

Woolf Bond Planning LLP

On behalf of:

Castle Hill Developments Ltd

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Woolf Bond Planning
Chartered Town Planning Consultants

CONTENTS

	Page
Executive Summary	2
Context and Background	3
Matter 4 Response	4

Executive Summary

Castle Hill Developments Ltd (“CHD”) has a controlling interest in sustainability located and deliverable omission sites that should be allocated for housing in seeking to meet the identified housing need during the plan period.

The Plan fails to plan for sufficient housing growth (in terms of the overall housing target in Policy STR1) and places undue reliance upon the delivery of housing from strategic sites including at Tudeley and Paddock Wood (which will fail to deliver at the rates suggested by the Council) and additional site allocations should therefore be identified.

CHD’s objections may be summarised as follows:

- The Plan is **not positively prepared** in so far as the proposed strategy for growth will fail to deliver the identified housing need for a minimum of 14,535 dwellings during the period 2020 to 2039 (i.e 765dpa).
- The Plan is **not justified** having regard to the approach envisaged to maintain a rolling five year supply of housing land and/or in relation to the approach to the allocation of sites for housing, such that it cannot be said to provide the most appropriate strategy when considered against the reasonable alternatives.
- The Plan is **not effective** and will fail to provide a five year supply of deliverable housing land on adoption and nor will it deliver the requisite amount of housing during the plan period; when assessed against the objectively assessed housing need.
- The Plan is **not consistent with national policy** having regard to the need to ensure housing site allocations will maintain an adequate supply of deliverable housing land.

The failure to provide sufficient deliverable site allocations will serve to frustrate attempts to address key factors affecting worsening affordability and denying people the opportunity to own their own home, contrary to Government policy which is seeking to boost the supply of housing to address the current housing crisis.

The above changes are necessary to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF (2021).

Land at Castle Hill, Royal Tunbridge Wells should be removed from the Green Belt allocated for a mixed use urban extension including around 900 dwellings (SHELAA Site Ref:49).

CONTEXT AND BACKGROUND

- 1.1. This Statement has been prepared by Woolf Bond Planning LLP on behalf of Castle Hill Developments Ltd (“CHD”), and addresses several questions posed for Matter 4 of the Hearing Sessions as set out in the Inspector’s Matters and Issues.
- 1.2. In setting out our response, we continue to rely upon the content of the detailed representations submitted on behalf of CHD in response to the Regulation 19 consultation on the Draft Local Plan in June 2021.
- 1.3. Our answers to the questions should be read in the context of our position that insufficient deliverable and developable land has been identified in the submitted Local Plan in order to maintain a rolling 5 year supply of housing land as obligated by paragraph 74 of the NPPF. The Plan would not be sound without an amendment to include additional site allocations within revised settlement boundaries alongside adjustments to Green Belt boundaries.
- 1.5. This Statement amplifies our Regulation 19 representations and details further responses to a number of the specific questions raised by the Inspector in his examination of the Local Plan.

MATTER 4: PRINCIPLE OF GREEN BELT RELEASE

Issue 1: Principle of Green Belt Release

Question 1. 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?

2.1. This is a matter for the Council.

Question 2: What proportion of new housing proposed in the Plan would be on land currently designated as Green Belt?

2.2 This is a matter for the Council.

Question 3. 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 underutilised 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?

2.3 Whilst this is a matter for the Council, the evidence for the Plan indicates that there is insufficient land outside of the Green Belt (whether previously developed or green field) to address the Brough 's development needs.

Question 4: 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?

2.4 No.

Question 5. 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?

2.5 Whilst an element of the Borough's housing need could be delivered on land beyond the Green Belt boundary, depending upon the other parts of the authority assessed, this will entail development in the AONB (as indicated on the Key Diagram (figure 5) of the Submitted Plan (CD3.128)).

2.6 Development in the AONB can be supported where there is exceptional need for development, consistent with the conclusions of the Court in the Compton PC v Guildford Borough judgement¹. However, the exceptional circumstances for justifying major development in the AONB would also support the removal of sustainably located land within the Green Belt.

Question 6: 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?

2.7 Whilst this is a matter for the Council to demonstrate, it is not considered that the potential for growth adjoining existing settlements where, due to the proximity services and facilities sustainable behaviours can be embedded from initial occupation of the development has been fully taken into account. In contrast, the authority has included development of a new settlement which will not have the same services and facilities available to embed sustainable behaviours from initial occupation.

¹ Included as a submission by the Council (TWLP-009).

2.8 As outlined in the Council's Viability Assessment (Stage 2 – CD3.54), the delivery of Tudeley is only viable assuming a discounted land value and a high property value. Alongside the limited viability of the Tudeley scheme, the new settlement will require the provision of key infrastructure, essential to ensure that it will be sustainable. The timing of its delivery, including educational, health and other facilities will only occur at a point where the scheme can be certain of its viability. This will result in a delay until Tudeley can provide the necessary accessibility to services to ensure sustainable development is achieved.

2.9 In this context, the strategy in the plan therefore does not demonstrate how it has demonstrated that sustainable development will be achieved.

Question 7: 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?

2.10 Whilst this is a matter for the Council, it is not considered to have adequately considered the scope for delivery on a greater mix of sites (in terms of both scale and location) to meet the development needs of the area. This is explained further in the response to issue 2 under this matter.

Issue 2 – Green Belt Review Methodology

Question 1. The Green Belt Study Stage 1 identified 33 parcels and 10 broad areas for assessment at Stage 2. How were these areas defined and what were the boundaries based on?

2.11 This is a matter for the Council to explain. As detailed in the representation and the other statements, had the Council's Green Belt assessments (CD3.43a & 3.43b) included a more extensive assessment of smaller parcels², rather than

² i.e parcel TW4 which coincides with the draft employment allocation AL/RTW17

broad areas³, it is likely that further areas could have been identified with limited contribution towards Green Belt purposes.

2.12 As noted, the Council's Green Belt Assessment does not explain how the division between smaller parcels and broad areas was derived⁴ especially as some of them do not necessarily coincide with SLAA submissions. This is important, especially where there are SLAA submissions adjoining each other (as occurs to the north of Royal Tunbridge Wells). Whilst one parcel is assessed as a small area, the adjoining land is within a broad area. There is no explanation for the boundaries chosen, especially as there is inconsistency in the selection of features. This indicates that the Council's Green Belt assessment is unjustified.

2.13 Therefore, a finer grained analysis should have been undertaken, especially as the Green Belt Assessment (Stages 1 and 2) also pre-empt the approach of the plan in through the limited number of smaller areas appraised, compared to more extensive Broad Areas.

2.14 The failure to undertake a finer grained analysis of the Green Belt as detailed in the Matter 1 Statement was a reason why the Inspector concluded that the St Albans Local Plan had failed⁵. The same therefore also applies with respect of the overly large broad areas considered in the Borough, including to the north of Royal Tunbridge Wells.

Question 2: The Green Belt Study Stage 2 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?

2.15 As indicated in the representations and the response to question 1 in this issue, the Council's Green Belt Assessment did not undertake a finer grained analysis

³ I.e. Parcels BA1 and BA2 north of Royal Tunbridge Wells

⁴ As illustrated by broad areas BA1 and BA2 north of Royal Tunbridge Wells compared to the adjoining TW4.

⁵ See paragraph 68 of the Inspector's letter included as appendix 13 with the representation.

of parcels within this designation. This would have been appropriate to take account of site submissions (such as those on behalf of CHD) which related to a limited part of the wider broad area.

- 2.16 Had a finer grained analysis been undertaken it could have concluded it had limited contribution towards Green Belt purposes and therefore was suitable for removal. Such a finer grained analysis would have had regard to the Landscape Sensitivity Assessment which whilst also relating to an extensive area (parcel PE1) concluded that **“there may be pockets of land associated with the A21 or existing development where sensitivity to limited small-scale development which could be relatively contained in the wider landscape would be medium-high”**.
- 2.17 The Part 2 Green Belt Study (CD3.43b) does not provide the necessary finer grained analysis and consequently its conclusions, especially with respect of the discounting of broad areas is not justified. The approach of the Council's assessment is therefore not justified.
- 2.18 As indicated in the response to question 1, since the Stage 1 Assessment (CD2.93a) does not justify its approach to the division of the land between broad areas and smaller parcels, it is not considered to be a robust appraisal, especially in discounting the suitability of Broad Areas adjoining Royal Tunbridge Wells.

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

- 2.19 The Green Belt Stage 3 Assessment (CD3.93c) whilst reflecting the earlier assessments in the Part 1 (CD3.93a) and Part 2 (CD3.93b) Green Belt studies for some allocations, for the strategic sites at Tudeley and Paddock Wood, it departs from the earlier conclusions.
- 2.20 This is illustrated in the assessment of the broad areas within which the Tudeley Strategic Allocation is included. Within the Part 1 and Part 2 Green Belt Studies, the appraised parcels relating to Tudeley new settlement straddles the BA3 and

BA4 broad areas. The assessment of these areas (CD3.43bii) was that they performed “Strong” green belt functions, especially with respect of “preventing neighbouring towns merging” together with “safeguarding the countryside from encroachment”. Consequently, these broad areas were not considered suitable for allocation due to their contribution towards the Green Belt.

- 2.21 However, within the Stage 3 Assessment, Tudeley and the west of Paddock Wood area has been appraised through a refined assessment, As indicated in the representation together with the response to question 1 and 2 on this issue, the authority has not undertaken a similarly finer grained assessment of Broad Area (BA2), especially with respect of the Castle Hill site such as that its conclusion would have been to have had limited contribution towards Green Belt purposes.
- 2.22 The failure to undertake a robust finer grained analysis indicates, as detailed above, the plan has discounted logical sites which was one of the reasons the St Albans Local Plan failed through its examination⁶. The approach of the submitted Plan is therefore not justified as it has failed to provide a robust appraisal of the Green Belt.

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?

- 2.23 It is not considered that the harm to the Green Belt has been considered consistently in the site selection process. This is illustrated by the significant contribution towards the Green Belt identified for the broad areas containing Tudeley⁷. Nevertheless, this has subsequently been allocated for the garden community. This is inconsistent with the rejection of other broad areas with similar contribution towards the Green Belt. Such other areas should have taken precedence, especially due to the accessibility and sustainable given

⁶ See paragraph 3 of Inspectors letter included as appendix 13 to the representation.

⁷ Parcels BA3 and BA4 in the Stage 2 Green Belt Study (CD3.93b).

proximity to services and facilities in settlements, especially for sites adjoining Royal Tunbridge Wells.

2.24 The approach of the authority is therefore not justified.

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

2.25 This is a matter for the Council to explain. However, it is not considered that this has been considered on a consistent basis.

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? Issue

2.26 This is a matter for the Council.

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?

2.27 Yes. Exceptional circumstances do exist to alter the Green Belt boundary within Tunbridge Wells Borough. This is explained in the representation and other statements to the Examination.

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?

2.28 This is a matter for the Council. However, given the need for development in the Borough, which provides justification for removal of land from the Green Belt, there are no exceptional circumstances which support the inclusion of land within this designation which is not currently within it. Without this justification, the proposed extension to the Green Belt conflicts with paragraph 139 of the NPPF.
