

## SAVE CAPEL

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### HEARING STATEMENT

#### MATTER 5 – SITE SELECTION METHODOLOGY

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Abbreviations: as per SC's Matter 1 Statement

**Q1: How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate?**

1. TWBC conducted two 'call for sites' in 2016 and 2017 to inform the Draft LP proposed for consultation at Reg18.
2. Each proposed site was assessed by TWBC against a specific set of evaluation criteria to determine whether the site was a) suitable, b) partially suitable or c) unsuitable for inclusion in the Local Plan (allocation). The assessment outcomes for each site are captured in the 2019 SHELAA (updated & re-issued in 2021 to include sites proposed after Feb 2019).
3. When reviewing the SHELAA 2019 documentation, the typical reasons for TWBC to reject individual sites for allocation were due to environmental, infrastructure and sustainable development concerns.
4. However, when assessing TV/EC these very same criteria have been expressly disregarded (for a comparative example please see p.4 of SC Reg19 Alternatives Sites Report). The Distribution of Development Topic Paper **CD3.16** makes that clear: it states that sites were filtered out as part of the SHELAA process and in particular that “ *sites located in remote locations were filtered out as they were considered unlikely to be sustainable*” (although remote sites have been considered in the context of a new Garden Village Settlement). That is tantamount to an admission that allocations for Garden Village Settlements are likely on the face of it to be unsustainable, and places the onus on the Council to show what it is about those strategic sites and the proposed garden settlements that renders them sustainable.

5. In any event, the site assessments & sustainability appraisals for TV/EC are objectively wrong, and are inconsistent with the evaluation of sites in similar locations<sup>1</sup>.
6. Key findings from Save Capel's 'Alternative Sites' report are summarised in the SC Reg19 Representation (see Sustainability Appraisal 3.37):
  - a. The Sustainability Appraisals for Tudeley Village and East Capel are unreasonable based on TWBC's own criteria and any objective assessment
  - b. The Sustainability Appraisals for Tudeley Village and East Capel are inconsistent with the assessments of other strategic sites
  - c. Both Castle Hill and Blantyre House are more sustainable sites offering a similar housing potential as Tudeley Village / East Capel
  - d. The Sustainability Appraisals for Tudeley Village and East Capel are also inconsistent with the assessments of other SHELAA sites
  - e. Of the 437 unique sites submitted for inclusion in the SHELAA process, 323 sites were rejected by TWBC.
  - f. There is a striking inconsistency between the approval of Tudeley Village versus the rationale for the rejection of a large number of SHELAA sites.
  - g. Based on a review of 90 rejected sites in 3 representative parishes, we recommend to re-consider 43 'rejected' sites for inclusion in the Plan INSTEAD of Tudeley Village / East Capel.
  - h. 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 TV/ EC.
  - i. An analysis of 7 selected high potential sites reveals a potential housing yield of up to 10,000 dwellings through the use of alternative housing solutions
7. Given the above, the process followed in deciding which sites to allocate is extremely flawed and renders the Plan unsound.

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<sup>1</sup> See SC Reg19 Main Representation – Sustainability Appraisal 3.20-3.28

**Q2: How were site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence?**

8. The general standard for housing density that TWBC seem to have utilised in the Local Plan is 30 dwellings per hectare.
9. This is in line with national planning guidelines but given the constrained nature of Tunbridge Wells borough and the proposed sacrifice of substantial areas of Green Belt land, this strikes SC as unambitious and unjustifiably low.
10. Given the Climate and Biodiversity emergency (as declared by TWBC<sup>2</sup> in July 2019), it is imperative to make best use of finite land resources: i.e. to exploit existing and newly developed land to its full potential and to conserve valuable agricultural and Green Belt land.
11. Developing at higher densities would sharply increase the housing yield per hectare thereby reducing the need to build on green belt land. This especially applies to Tudeley Village where the proposed densities of 15-30 dph are very low, effectively consuming a much larger amount of Green Belt land than needed.
12. As evidenced in our 'Alternatives Sites' report, the combination of brownfield and rejected sites at increased densities would cover housing intended for TV/EC many times over<sup>3</sup>.

**Q3: In deciding whether to allocate sites for development, how did the Council take into account the effects of development on:****a. Landscape character, including the High Weald AONB and its setting.**

13. In general, TWBC have tried to steer away from development in the AONB, but there are inconsistencies, for example:
  - a. Tudeley Village is positioned directly adjacent to the AONB (and the original proposals for TV included development in the AONB). Developing the proposed TV site will result in substantial and highly visible landscape scarring and directly affect the setting of the AONB.
  - b. TWBC approved a large scale commercial development in Kingstanding which is located in the AONB – yet rejected Castle Hill (an alternative to TV/EC) which is immediately adjacent to Kingstanding primarily for being located in the AONB.

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<sup>2</sup> [Homepage - TWBC Climate Action](#)

<sup>3</sup> see SC Reg19 Alternative Sites Report, section D.4 Alternative Housing Solutions

14. Whilst some level of consideration was given to landscape sensitivity at Paddock Wood in July 2018<sup>4</sup>, this area in general is described as providing an *‘important role in preserving separation from Five Oak Green and linear development extending out eastward from it’* (page 61). There has been no assessment at Tudeley.
15. It is particularly surprising that the “Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB” report in November 2020 (**CD 3.96a**) did not include the strategic sites in Capel.
16. It appears that the Council has given low priority to landscape character. SC have addressed this deficiency in the SC Reg19 Representation. There are currently three consented smaller residential sites located on the southern and eastern built settlement edges of Paddock Wood. The scale of the strategic sites seen in context with other potential and consented development will have harmful effects on the landscape character and openness within the setting of the High Weald AONB and Metropolitan Green Belt, which has not been adequately assessed or mitigated in the local plan.

**b. The availability of best and most versatile agricultural land.**

17. The Council has shown a lack of understanding and misclassification of land at TV.
18. Page 8 & 82 of the Capel SHELAA assessment (CD 3.77e) classify agricultural land as both grade 2 and grade 3. And in consultation meetings, the TWBC planning team referred to it as “low quality” land.
19. In reality, the soil at Tudeley comprises grade 2 (very good) and grade 3 (good to moderate) productive agricultural land. In fact, it is one of the very few areas of grade 2 land in the entire borough of TW.

**c. The local and strategic road network.**

20. The Council has clearly failed to adequately consider the cost and complexity of improving the existing road network to accommodate the strategic sites before allocating them in the submission local plan.. Further transfer evidence<sup>5</sup> has been added to the examination (29<sup>th</sup> March 2022) which significantly alters the traffic volumes assessed in the evidence base

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<sup>4</sup> Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells **CD 3.102c**

<sup>5</sup> PS\_024, PS\_025, and PS\_026

previously. Therefore, there cannot have been a sound justification for the decision to allocate those sites.

21. The TWBC transport evidence base in the submission local plan has significant inconsistencies between reports (Sweco & Stantec) which claim to be assessing the same matters. The consequence of this is that the total change in road traffic arising from the 3 Allocations (in Paddock Wood, East Capel and Tudeley Village) is not clear. The mode shift assumptions are inconsistent and either selectively or incorrectly applied. The new evidence<sup>6</sup> adds a third contrasting view which Save Capel addresses at Matter 6.
22. SS3 makes no reference to the need to improve the B2017, which is currently signed as unsuitable for vehicles greater than 7.5 tonnes.
23. Both SS1 and SS3 include a requirement for phased improvements to the A228 around Colts Hill and FOG bypass. However, no reference is made to the necessity of these to facilitate even early development. As drafted, neither policy would secure these essential improvements. Neither policy refers to improvements to the B2017 which are essential. No reference to the A26 / B2017 junction needing improvement.
24. Policy STR 6 implies that the Council will be the enabling authority for these works. Is the Council saying that they will act as banker and ensure the delivery of these works?

**d. The need for new and improved infrastructure (including community facilities).**

25. TWBC still identifies potential for a new railway station at TV – when this has been a non-starter from the beginning and repeatedly debunked by Network Rail.
26. As discussed at Matter 1, SC maintains its position that there are fundamental and systemic failures in how the Council engaged with all neighbouring authorities regarding critical highways issues and associated impacts which go to the very feasibility of the Council's chosen growth strategy.

**e. Heritage assets.**

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<sup>6</sup> Save Capel considers that the admission of this new evidence so late in the process (at the hearing on 29<sup>th</sup> March 2022) is entirely unsatisfactory. This evidence has not been subjected to scrutiny during the public consultation at Reg19.

27. Developments at TV destroy the setting of All Saints Church – arguably TW borough’s only internationally renowned tourist attraction.
28. The impact on around 100 heritage assets in Capel has been well documented in our Reg19 submission and the Council has not assessed these impacts.

**f. Nature conservation.**

29. The significant negative impact on biodiversity, air, noise, and light pollution has been well documented in our Reg19 documentation.
30. TWBC’s claim / appraisal to be able to mitigate the destruction of 600 acres of prime green belt land are undefined and frankly ludicrous.

**Q4: How did the Council consider the viability and deliverability of sites, especially where new supporting infrastructure is required?**

31. The viability and deliverability of Tudeley Village (SS3) in particular has been repeatedly questioned – not just by Save Capel but by a large number of developers who think that the plans are entirely unrealistic.
32. Deliverability – in the case of the strategic sites at both Tudeley Village and Paddock Wood - includes the ability to overcome commercial and environmental challenges to the implementation of infrastructure schemes. It appears that no assessment of the environmental deliverability of infrastructure (FOG bypass for example) has been undertaken. The feasibility of this coming forward before occupation of the units that the plan presumes at the Garden Settlement at TV is entirely unclear.
33. Turning to commercial deliverability, the Council has failed to clearly identify what infrastructure is actually required and when it is needed at the point of submission of the local plan. As further transport evidence has been added to the examination which Save Capel addresses under Matter 6 (as directed by the Inspector’s MIQs), no weight can be placed in the viability assessment which the Council has submitted.
34. A new viability assessment is therefore required. This is especially critical for SS3 where there is no infrastructure whatsoever currently to the extent that arguably, even the B2017 needs improving prior to construction commencing because the road is unsuitable for construction vehicles.

35. Therefore, the proposed significant infrastructure interventions which are fundamental to the delivery of the strategic sites either do not effectively mitigate the impacts of the 3 Allocations and / or are commercially unviable.
36. The Strategic Sites Masterplanning and Infrastructure Main Report<sup>7</sup> (“DLA”) acknowledges significant risks of delivery/viability due to the dependence on multiple developers/promoters at STR/SS1 “...*is dependent on forms of cooperation, collaboration or equalisation between site promoters to ensure shared facilities and infrastructure are funded and provided in a timely manner. Additional work will be required to achieve this*”.
37. Significantly, TWBC has not included detailed masterplanning for Tudeley (SS3) and there are conflicts with the site promoter’s own ‘vision’, e.g. new railway station at Tudeley. The provision of the Five Oak Green by-pass is only included if Tudeley Village proceeds and yet Hadlow Estate is seeking contributions from the SS1 site developers.
38. This disconnect between DLA and Hadlow Estate has been highlighted in our Reg19 Representation which further adds to the complexity and huge risks of delivery/viability.
39. The Plan is therefore unclear on developer contributions and who pays for what – with several developers pre-emptively indicating their objections to being asked to contribute to specific pieces of infrastructure (or the need for them at all).

**Q5: How did the Council take into account flood risk? Has the Plan applied 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 as required by paragraph 161 of the Framework?**

40. 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.
41. Save Capel has highlighted a number of alternative locations for potential development away from areas subject to flood risk. Land at Tudeley is partially flood-prone while land at EC is largely a flood plain.

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<sup>7</sup> Prepared by David Lock Associates CD 3.66 para 5.70

42. Capel Parish has experienced repeated and severe floods in the last years precisely in the land intended for development. Current climate trends make future flooding events more likely which the plan has inadequately assessed.
43. Concreting over further land will decrease the land's ability to absorb water and increase flood risk.
44. Save Capel submitted a comprehensive flood risk, water supply, & sewerage report<sup>8</sup>, initially prepared at Reg 18 and re-submitted at Reg19 which identified the following issues:
- The plan does not demonstrate that the proposed development will provide wider sustainable benefits that outweigh flood risk, nor that it will be "safe for its lifetime".
  - TWBC has not demonstrated how proposed mitigation measures will ensure that the development will not cause flooding in the vicinity or further down river.
  - The proposed development in TMBC will already lead to considerable additional water flows to the Medway. The cumulative effect on flooding implications has not been fully assessed.
  - With the floods that have occurred in many parts of the country, and the publicity they have received, potential customers may well avoid purchasing in low lying areas where such flood risk exists. Insurance cover for flooding is likely to be difficult, expensive or even impossible to obtain, and houses built after 2009 cannot benefit from the Flood Re. Scheme.
45. 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.
46. 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.
47. Specific comments are provided in our hearing statements on Matter 6.

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<sup>8</sup> see SC Reg19 Representation – Flood Risk 2.54-2.58



**Q6: What are the reasons for the different affordable housing requirements between allocations in the Plan?**

48. Current developments are not targeted at local housing need but at commuters escaping London or international demand (housing was advertised in Hong Kong). As such we do not believe that affordable housing is a focus at all and we expect this to be severely curtailed during the development process as developers claim not to be able to achieve their margins.

**Q7: Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?**

49. See Q1 above.

50. Insofar as this question includes the question of the appropriate selection of sites including strategic sites, SC relies on and refers to its Matter 1 statement. It re-emphasises that the selection of the growth strategy was opaque and that there has never been an adequate assessment of alternatives (to TV/EC) for the reasons set out in SC's submissions in relation to Matter 1. This also sets out how the failures of the Council in its engagement with other neighbouring authorities has meant that the assessment of reasonable alternatives (carried out as part of the SA) was unreasonably limited.

51. In particular, the shift from the 'A21 Growth Corridor' & 'Distributed Development' options which were initially favoured during the 'Issues & Options' consultation in 2017 to a preference for a Garden Village to be the cornerstone of the Local Plan is entirely opaque and has never been adequately explained.

52. Once settled on the Garden Village option, alternative strategic sites (to TV/EC) were ruled out early and without due diligence<sup>9</sup>.

53. TWBC did run several calls for sites. However, TWBC's process for identifying brownfield potential to avoid building on GB was entirely passive, unimaginative and inadequate:

- a. Passive call for sites to identify brownfield land
- b. No reaction to the many sites identified in SC's brownfield report at Reg 18
- c. Early view that the only way to achieve the housing target was to go for GB release

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<sup>9</sup> See also SC Reg19 Representation – Sustainability Appraisal, Selection of Growth Strategy 2.10-2.26

- d. In essence, TWBC meekly accepted the lack of brownfield potential and the need to release greenfield without truly assessing alternatives
- e. The lack of focus on brownfield development by TWBC is further evidenced by a failure to apply for either of the 2 recent government grants available through the Brownfield Land Release Funds (12/10/2021 and 30/11/2021).
- f. Given the context of the Local Plan, the constrained nature of the borough, the reliance on GB release and a declared climate crisis - this really is inexplicable.
54. The assessment of SHELAA sites seems generally consistent and in line with guidelines – with the glaring exception of the Strategic Sites where the assessment of TV/EC is entirely at odds with the evaluation criteria and judgement for the SHELAA sites (see also Q1)
55. TWBC has entirely disregarded the north-eastern part of the borough that is not constrained by AONB and MGB.
56. Finally, there seems to have been a total lack of balance and proportionality across the Borough (see also p.6 of SC Reg19 Alternatives Sites Report):

Area	% of LP Housing Proposed	% of Population	No. Of TWBC Reps
Capel	45%	2.0%	1
PW	21%	6.8%	4
Rest	34%	91.2%	42

58. Thus, in total the two strategic sites (including Paddock Wood) are proposed to deliver 66% of the total housing requirement, whilst currently having less than 9% of the population of the Borough. This is not equitable.

**SAVE CAPEL**

**10 MAY 2022**

