

Tunbridge Wells Local Plan Examination

Stage 2 Hearing Statement on behalf of Lee Prebble DipPlan MRTPI (ret'd) DMS

This is a personal statement. I object to many aspects of the Local Plan but as an individual have limited time and resources to deal with all of them. My objections were submitted at the appropriate stages and are, of course, available and will, no doubt, be taken into consideration.

I do feel particularly strongly that the Council's approach in relation to the assessment of landscape and visual impact is significantly lacking to the point of making the Plan unsound. I wish therefore to comment on two of the questions in the Inspector's list. These are:

Matter 5 – Site Selection Methodology

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

Matter 6 – Strategic Sites (Policies STR/SS1, STR/SS2, STR/SS3, STR/PW1 and STR/CA1)

Landscape and Heritage Q23. The AONB Setting Analysis Report¹² identifies areas of 'high' and 'medium' sensitivity within the allocated site. In the area of high sensitivity, the Report states that development without mitigation is likely to harm the setting of the High Weald AONB. How is this reflected in the Plan? What potential impacts will the allocation have on the setting of the AONB?

Response to the questions

I hold a planning qualification and have many years of experience in the practice of town and country planning including holding positions as head of both development control and policy planning for a District authority and running my own planning consultancy. I have always understood that decisions can only be as good as the information they are based on. In this instance I have looked at the available information in relation to the Local Plan and, in particular, the list of Documents.

In relation to landscape and visual impact the list includes the following:

3.38d(iii) Historic Landscape Characterisation Capel parish Summary

This is a draft document and I could find no actual reference to how it was taken into account in the Local Plan. It was, in any event a document looking at the historic landscape and its purpose was not assessment of the landscape character or identification of suitable locations for significant development.

3.40a Landscape Sensitivity Assessment

This document purports to assess the landscape character and capacity of the Borough but the study area does not include large areas of the Borough including, in particular, Tudeley village or the site now proposed for development.

3.40c Landscape Sensitivity Assessment Paddock Wood Horsmonden Hawkhurst Cranbrook

Similarly this study does not include Tudeley village or the area now proposed for development. It demonstrates that the area around Tudeley village was not given equal assessment to the rest of the

Borough let alone a proper assessment of sensitivity in relation to suitability for significant new development.

3.66 Strategic Sites Masterplanning Appendix 3 Paddock Wood and East Capel Baseline Review Stantec

This document does not include any assessment of landscape character or to landscape and visual impact.

3.77e Capel Site Assessment Sheets SHELAA

The SHELAA considered sites that had been identified in the call for sites and their suitability for development. One of the initial filters (Identified in the main report) was whether there is a significant landscape concern that was unlikely to be overcome. For parts of the Borough there were landscape assessments and studies but it is very important to note that Tudeley, where one of the largest allocations in the Plan was included, was not the subject of any detailed landscape assessment. In the detailed assessment of sites it is said that outside of the AONB that comments of individual officers were “taken note of”. There is no public record of what those comments were or how they were taken into consideration. We are provided with the individual site assessment sheets.

In my objections I drew attention to the inconsistencies of approach to the Site Assessments and do not repeat/rehearse those here. However, in relation to Site Reference 448 (Local Plan Allocation AL/CA1) this document identifies “LCA: Forested Plateau, Low Weald Farmland” as an ‘issue to consider’.

Under ‘Suitability’, it states: “*The site is outside but adjacent to the AONB: whilst regard must be had to the AONB setting, the policy constraints of this national designation do not apply.*”

In response I would draw attention to the government’s response to Landscapes review (National Parks and AONBS) published on 15th January 2022. This confirms that “*the recent revision of the [National Planning Policy Framework \(NPPF\)](#) (2021) clarified that development in the setting of protected landscapes should be sensitively located and designed to avoid or minimise adverse impacts.*” It is not therefore correct to say that the policy constraints of the national designation do not apply. The existence of the national designation immediately adjacent must mean that there is some impact on the AONB and that should have been properly assessed before the location was confirmed as suitable for development. It is relevant to note that some assessment was carried out after the site had been selected and this is the subject of further comments below.

The Site Assessment also states: “*The landscape score follows a similar pattern to heritage reflecting encroachment into the AONB in the south and east whilst also recognising that opportunities for management of Green Infrastructure exist.*” It is difficult to understand how a score was arrived at given that there appears to have been no detailed assessment of the landscape character in the first place.

There are two points that arise. The first is the inconsistent approach to assessment of the Tudeley area to the rest of the Borough means that there cannot have been a consistent approach to assessment of the suitability of sites for development. The second is that the Council’s approach appears to be that if the land does not have national designation then little weight is given to the impact on landscape and visual amenity regardless of the quality of the landscape or the impact arising from significant new development.

Under ‘Reasons’ it states: “*Key considerations for planning for new settlements/significant extensions to existing settlements are set out at para 72 of the NPPF.*” Para 73 of the 2021 NPPF states: “*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,*

provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).” Others have pointed out that the hamlet of Tudeley has little in the way of existing necessary infrastructure or facilities. As a result significant new infrastructure and facilities are having to be built as part of the new development. (Even then in transport there will be heavy reliance on the motor car.) That infrastructure and those new facilities will themselves have impacts on the landscape and visual amenity of the area. The new roadworks in Five Oak Green in particular will have landscape and visual impacts that do not appear to have been assessed at all. The approach to assessment is incomplete and wrong making the Plan unsound.

The ‘Reasons’ further confirm that appropriate infrastructure will be necessary and that the landscape and heritage impacts have yet to be assessed. The approach of the Council and the Plan is wrong. The landscape character and ability to absorb a significant development should have been assessed before it was determined that the location is suitable.

3.95a AONB Setting Analysis main report and

3.95c AONB Setting Study Plans and Photographs Tudeley Village

This settings analysis was produced in November 2020; after the decision to include the development at Tudeley village. It is clear that the decision to allocate the land was taken before proper analysis was undertaken. That is not the proper order for a full and balanced consideration of the suitability of development sites. It should have been part of the site selection process to look at the impacts on all sites equally and consistently in order for a balanced decision to be taken.

This study, taken once the site had been selected as suitable, is, in any event, flawed. It assessed views on what the public can see including views from roads and footpaths but not from the railway which is a form of public highway through the site where people can enjoy the open countryside and views of the AONB with the identified site in the foreground. Once the development has taken place it is likely that many of those views will be obstructed or interfered with by new development.

There is no assessment of views from houses yet it is acknowledged that there are a number of dwellings in the site and surrounding land. Those dwellings currently enjoy views of the site and AONB as part of their outlook. It is one of the amenities of those properties that would be taken into account, for example, in assessing any application for planning permission for development in the area. There must be a value to that attribute yet no value is given to it.

The report states at para 4.2.18, *“These mitigation measures are solely concerned with the protection of the setting of the AONB and do not address any other landscape and visual issues that may arise as a consequence of development within the allocation.”* This is confirming that nowhere is there any plan for mitigation of the impact on the landscape or visual impact in a general respect. The clear impression is that if land is not in the AONB then no weight whatsoever is given to landscape and visual impact. This cannot be right. Impact on the landscape and visual amenity are acknowledged to be issues but not only is there no proper assessment of the landscape in which the development will be located; there is also no proper assessment of the impact of the development on that landscape. Equally there is no proper assessment of the impact on visual amenities. The Plan is unsound in these respects. It cannot be right to allocate major development without proper assessment and consideration of acknowledged major main issues of the impact on the landscape and visual amenity.

What the report does do is confirm that there will be harm to the AONB and its setting. It also confirms that a significant area of the development allocation is either of medium or high sensitivity. A number of issues are identified in paragraphs 4.2.20/21/22. Measures that might ‘reduce’ the effects are given but there is no detail of the extent of that reduction. Indeed there cannot be. Proper assessment has not been undertaken in the first place so it is not possible to understand how mitigating measures might help. Yet the allocation is maintained regardless. This is actually

unprofessional in my opinion. The approach appears to be on the basis that it is irrelevant what the quality of the landscape is and what the impact might be on the landscape and visual amenity but the development will be a well-designed thing (provided they get the masterplanning and detailed design right).

There is the suggestion that there opportunities to improve pedestrian and cycle access without any explanation as to how or assessment as to what that might mean for landscape and visual amenity. It is also in contrast to the Strategic Sites Masterplanning Report that refers to difficulties in providing rural cycling.

Paragraph 4.2.25 says that *"it is possible that the proposed allocation could be achieved without significant harm to the setting of the High Weald AONB"*. It does not say what the probability is and the implication that opposite is also possible. Again we have a decision taken with incomplete assessment and information.

3.98 Development Constraints Study October 2016

This document identified constraints on development in the Borough. Landscape (but not visual amenity) is identified as a factor that would affect the environmental capacity and the spatial strategy. The two designations identified are the AONB and Open Spaces/Allotments.

It does confirm that the quality of the landscape in the Borough is generally regarded as high or very high and has been identified as one of the main assets. It is said that maintaining the quality and character of the landscape may constrain development. However, there is no indication of whether any assessment has taken place as to what parts of the borough have high or very high landscape quality. This is a serious omission in the process of site assessment. There is no indication of what it would take for landscape quality to constrain development.

Summary

Landscape and visual amenity are acknowledged as factors that should be taken into consideration in the selection of sites and the formulation of the Local Plan. In order to properly take those factors into consideration a proper assessment should be undertaken. There are, however, no core documents that demonstrate that any proper assessment has taken place.

The Council has been selective in what parts of the Borough have been subject to any form of landscape assessment so the base information is not complete or comprehensive. In particular a major allocation has been made for significant development at Tudeley without any proper assessment of the existing landscape character or the impact on visual amenities.

I maintain that if a proper assessment had been undertaken the landscape character would have been found to be of very high quality. The topography, field structures, vegetation, scattering of historic built development (in one of the few settlements included in the Domesday Book) and long distance views makes the area to be designated for wholesale development extremely attractive. It has a character that has been largely free from change for the whole time that the planning system has been in place. I would suggest that it is only outside the AONB designation because a line had to be drawn somewhere and the road was convenient. In reality the quality of the landscape and visual amenity of the designated site is equal to parts of the AONB. For example, the designated land to the north of the road is certainly comparable in its contribution to the landscape to the land south of the road. This is not contested by the Council and cannot be because they have not undertaken any proper assessment.

It is a strategic objective of the Local Plan “*To conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature*”. The allocation at Tudeley does not conform to this objective. The development does not make a positive contribution to the natural, built and historic environment as required by Policy STR8. The Council cannot claim that there will be a positive contribution if it has not properly assessed the base line.

The NPPF requires that policies are underpinned by up-to-date evidence (para 31). The Council does not have that evidence in relation to the assessment of landscape and visual amenity. The Council has not recognised the intrinsic character and beauty of the countryside as required (para 174). The Plan does not meet NPPF requirements.

As a result the Local Plan is unsound. It is based on incomplete and inadequate information. The correct course of action would be to scrap the Plan and undertake proper assessments before deciding on suitable locations for new development.

The assessment of the impact of the development on the landscape and visual amenities of the area has not been carried out to a proper and acceptable standard. There is a limited and flawed assessment of the impact on the AONB for some of the proposed development but, for example, no assessment, at all, of the necessary proposed infrastructure. In this respect the Plan is also unsound and should not proceed to adoption.

The Council has not properly taken into account of the effects of development on landscape character or the visual amenities of the Tudeley area.

The Plan does not properly assess the impacts on the setting of the AONB. The Council has failed to properly undertake the processes in the formulation of the Local Plan.

The Local Plan is clearly and demonstrably unsound and should not proceed further without these fundamental points being rectified.