

EXAMINATION OF THE TUNBRIDGE WELLS BOROUGH LOCAL PLAN

EXAMINATION STATEMENT ON BEHALF OF RYDON HOMES LIMITED

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

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14 March 2022

1.0 Introduction

- 1.1 This Examination Statement provides a response on behalf of Rydon Homes Limited ("Rydon"), to those Questions raised by the Inspector (dated 16 February 2022), relating to the Strategic Sites (Policies STR/SS1, STR/SS2, STR/SS3, STR/PW1 and STR/CA1) in respect of the Tunbridge Wells Borough Local Plan ("the Plan") and its supporting evidence base.
- 1.2 This Statement has been prepared by Neame Sutton on behalf of Rydon and focusses specifically on Issue 1 – Tudeley Village (Policy STR/SS3).

2.0 Matter 6 – Strategic Sites

Issue 1 – Tudeley Village

Q1. What is the site area based on and how was the size of the allocation and the number of homes established?

Size, Scale and Location of Development

- 2.1 The Council's evidence in relation to Tudeley is summarised in its Strategic Sites Topic Paper March 2021 (CD3.67), which does not appear to have been updated for the Submission of the Plan to this Examination.
- 2.2 The Topic Paper confirms that the approach to Tudeley has been different to that of the other Strategic Sites in that the formation and evolution of the site and the masterplan work has been led by the landowner and not the Council¹.

¹ Paragraph 5.1 of Page 18 of CD3.67

- 2.3 The Council has therefore been led by the site promoter in all aspects of this Strategic Site.
- 2.4 The area of land for the proposed Strategic Site appears to have been based on the extent of the ownership of the Hadlow Estate and consequently the capacity of that land to deliver new homes.
- 2.5 Paragraph 5.89 of CD3.67 confirms the extent of the site equates to 170 ha that can deliver 2,800 dwellings.

Q2. What alternatives to the size and scale of development proposed in the Plan has the Council considered?

- 2.6 The Council has been led by the site promoter rather than taking control of the strategic planning process itself (as has been the case with the other Strategic Sites proposed in the Plan) and therefore its consideration of alternatives has been limited.
- 2.7 The SA (CD3.130a) confirms that the Council initially considered only two alternative scenarios for Tudeley at the draft Plan stage. One based on 2,800 dwellings and a second based on 5,000 dwellings².
- 2.8 Following receipt of numerous objections to the draft Plan in Autumn 2019 the Council then added in a further option based on 1,500 dwellings, which for the purposes of the SA is terms as Option 1 (with the 2,800 dwellings as Option 2 and 5,000 dwellings as Option 3)³.
- 2.9 Table 28⁴ of the SA summarises the outcome of the appraisal of the three growth options for Tudeley. It is evident from the table that Option 1 would deliver the least overall harm, whilst still achieving the same positive scores in relation to housing, education, employment, equality and health.

² Paragraph 6.2.31 on Page 91 of CD3.130a

³ Paragraph 6.2.32 on Page 92 of CD3.130a

⁴ Pages 93-96 of CD3.130a

- 2.10 The Council does not explain why it therefore opted for Option 2 rather than Option 1, which represents the most sustainable option as defined in the SA. This is likely to be because the Council's approach to assessing reasonable alternatives and the eventual output i.e. the development strategy in the Plan has been led from the outset on this site by the site promoter. Had the Council properly considered its own evidence base then Option 1 would have been progressed as the most sustainable outcome.
- 2.11 It is also worth noting that the Strategic Sites Masterplanning and Infrastructure Study February 2021 undertaken by David Lock Associates (CD3.66) was based on a brief for Tudeley Village of between 2,500 – 2,800 dwellings⁵ i.e. Option 2 that is now the proposed allocation in the Plan. No consideration was given to either a higher or lower growth scenario. This once again confirms that the Council's approach to reasonable alternatives was influenced from the outset by its preferred option of 2,800 dwellings at Tudeley and not by an objective analysis of the evidence.
- 2.12 This is considered to be a fundamental flaw in the approach taken by the Council to the allocation of Tudeley as a Strategic Site under Policy STR/SS3.
- 2.13 Furthermore it is evident that the Council has not given due regard to concerns of other key parties, particularly Tonbridge and Malling Borough Council. These unresolved objections from the neighbouring Local Planning Authority further strengthen the case for the Council revisiting this Strategic Site and undertaking a proper assessment based on all of the available evidence. This is also a point that Rydon has dealt with in Matter 1 and overlaps with the Highways and Infrastructure points below.

Q3. The submission version Policies Map for Tudeley Village shows land beyond the Limits to Built Development forming part of the allocation. What is the reason for this? Is all of the allocation proposed to be removed from the Green Belt?

- 2.14 It appears from the Policies Map for Tudeley Village that the Council intends to remove all of the allocation from the Green Belt⁶. This cannot be right.

⁵ Paragraph 4.6 on Page 19 of CD3.66

⁶ Paragraph 4.105 on Page 67 of the Green Belt Stage 3 Assessment (CD3.93c) confirms a release of 183ha from the Green Belt, which is larger than the site area of 170ha set out in CD3.67. This indicates the removal of more land from the Green Belt than is necessary.

- 2.15 The Strategic Sites Topic Paper (CD3.67) confirms that the Council has identified provisional Limits to Built Development but is silent on the position of the Green Belt boundaries.
- 2.16 In Rydon's view there is absolutely no reason to remove all of the allocation from the Green Belt, particularly where the allocation includes a buffer to mitigate the harm to the Green Belt⁷.
- 2.17 This is particularly the case where the masterplan work for the Strategic Site confirms that open space, sports, recreation and, education land is to be proposed around the periphery of the site. All of this land is shown to be outside of the provision Limits to Built Development and should therefore remain within the Green Belt.
- 2.18 The Council's approach regarding the identification of provisional Limits to Built Development that will be amended through the Development Management process does not represent positive planning. For this approach to work it will be necessary for the whole allocation area to be removed from the Green Belt otherwise it would be necessary for the Applicant to demonstrate Very Special Circumstances. The Council then suggests that it will retrospectively review the Limits of Built Development for Tudeley through a five year review of the Plan⁸.
- 2.19 This cannot be the right approach and generates uncertainty in terms of where the Green Belt boundaries will be drawn around Tudeley. As a consequence the Council cannot possibly demonstrate that it has followed the requirements of the Framework 2021 in removing land from the Green Belt because it cannot say with any certainty that all of the land is required for the Strategic Site and consequently it cannot demonstrate that Exceptional Circumstances exist to justify the removal.
- 2.20 The Council must revisit its approach in relation to Tudeley and the definition of the Limits to Built Development and in turn the removal of land from the Green Belt before the Plan can be found Sound.

⁷ Paragraph 8.23 on Page 37 of CD3.67

⁸ Paragraph 8.24 on Page 37 of CD3.67

Green Belt

Q4. The Green Belt Study Stage 2 report concluded that releasing land from the Green Belt between Tonbridge and Paddock Wood (Ref BA4) would cause a 'very high' level of harm to the Green Belt. In the Stage 3 Assessment, a harm rating of 'High' is given for Tudeley Village. What are the reasons for the different scores?

- 2.21 It is unclear from analysis of both the Stage 2 and Stage 3 Green Belt studies as to why differing conclusions of harm have been reached by the Council. Rydon would be interested to understand the Council's reasons for the different scores.

Q5. What would be the extent of the harm to the Green Belt if the boundaries were changed in this location as proposed? Are there any ways in which this harm could be minimised or mitigated?

- 2.22 As set out by Rydon in the Regulation 19 Representations the harm to the Green Belt if the boundaries were to be changed in this location as the Council proposes would be extensive. Even on the Council's own assessment the level of harm is put as High to Very High.
- 2.23 As an additional point the Council's current approach relies on the use of playing fields for the proposed secondary school to create separation between Tudeley and Five Oak Green to the east. This will not achieve visual separation and will result in the perception of coalescence between the two settlements. Further buffering is required in order to reduce the level of harm arising to the Green Belt at this point in the event that the current Strategic Site proceeds.
- 2.24 The level of harm is not justified given that the Council has not properly considered all reasonable alternatives and given that its own SA confirms the Option 1 quantum of development for Tudeley as representing the most sustainable option. Given that Option 1 is also considerably smaller it follows that the level of harm to the Green Belt might in turn be reduced and that more land would be available for compensatory improvements to the retained Green Belt around the settlement.

2.25 As a further point the Council has not ever considered a scenario where a smaller quantum of development at Tudeley (Option 1) is paired with a modest level of development at Five Oak Green. This approach has been brought to the Council's attention through detailed Regulation 19 Representations submitted on behalf of Rydon and is one that would deliver a better package of benefits to the local community alongside reduced harm to the Green Belt and follows a more sustainable solution overall as set out in the SA.

2.26 This reasonable alternative should be explored before reaching a final conclusion on the suitability of the option that the Council has opted to pursue in the Plan. The failure to do so goes to the soundness of the Plan and its overall development strategy.

Q6. Where it has been concluded that it is necessary to release Green Belt land for development, paragraph 142 of the Framework states that Plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. How will this be achieved?

2.27 Rydon will leave the Council to answer this question but reserves the right to comment at the Hearing session on any points the Council's makes.

Q7. When defining Green Belt boundaries, paragraph 143 of the Framework states that plans should, amongst other things define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. How does the Plan meet this requirement for Tudeley Village?

2.28 It is difficult to see how the Plan as drafted has clearly defined the boundaries for the Green Belt around the Strategic Site because the Proposals Map shows only Provisional Limits of Built Development and the Strategic Sites Topic Paper (CD3.67) suggests that the exact boundaries for the settlement will be retrospectively defined through a five year review of the Plan⁹.

⁹ Paragraphs 8.23-8.24 on Page 37 of CD3.67

- 2.29 As explained in answer to Q3 above there are clearly areas within the proposed masterplan for the Strategic Site that should not be removed from the Green Belt and yet it appears that the Council intends to remove them to provide flexibility for the master-planning process at the Development Management stage. This approach does not meet with the requirements of Paragraph 143 of the Framework 2021 and is unsound.
- 2.30 The Council needs to revisit the definition of the Green Belt boundaries around this Strategic Site in the context of both its own evidence base and also the specific requirements of Paragraph 143. Furthermore and given that the most sustainable option for this Strategic Site is Option 1 as set out in the SA it is highly likely that the correct boundary for the Green Belt is going to be significantly different to that currently suggested by the Council in the Plan.

Q8. Taking into account the answers provided under Matter 4, do the exceptional circumstances exist at site specific level to justify amending the Green Belt boundary in this location?

- 2.31 Rydon's answer to this question should, necessarily, be read in conjunction with our Matter 4 Statement.
- 2.32 In short Rydon considers that there is probably a site specific justification for amending the Green Belt boundary in this general location but that the Council has not actually demonstrated that in the evidence before the Examination. Currently there is insufficient detail before the Examination to confirm that any development in this location (particularly of the scale proposed by the Council) would meet the exceptional circumstances test particularly given the significant infrastructure required to enable the Strategic Site to be delivered.
- 2.33 As set out in relation to Q1-3 above the Council's own evidence as summarised in the SA and the Green Belt Stages 2 and 3¹⁰ studies confirms that the most sustainable option for Tudeley would be Option 1 with a quantum of 1,500 dwellings and a much reduced land take and consequently removal of far less Green Belt.

¹⁰ See CD3.130a – Table 28 on Pages 93-96, CD3.93b and CD3.93c

- 2.34 This option alongside considering modest growth at Five Oak Green would still deliver a wide ranging package of community benefits but would result in less harm to the Green Belt purposes.
- 2.35 Rydon's view therefore is that at a site specific level exceptional circumstances do exist for a much reduced scale of development at Tudeley reflective of Option 1 as tested through the SA.

Mix of Uses and Infrastructure Requirements

Q9 – Q11

- 2.36 No comment.

Highways and Transport

Q12-Q17

- 2.37 No comment.

Q18. Is the location of the proposed link road justified, taking into account land use constraints, flooding, the character and appearance of the area and proximity to the Chapel Primary School?

- 2.38 The effect of the proposed link road as illustrated in the Strategic Sites Master-planning and Infrastructure Study prepared by David Lock Associates and Stantec (CD3.66)¹¹ is to fundamentally alter the western extent of Five Oak Green from a physical and visual perspective.
- 2.39 The result will be that the land to the east of the link road/bypass will be experienced as visually and functionally connected to Five Oak Green as a settlement and its consequent contribution to the relevant Green Belt Purposes will be reduced.
- 2.40 The new link road also passes through functional floodplain, which is already causing significant issues for the residents of Five Oak Green in terms of regular surface water flooding.

¹¹ Specifically Figure 24 on Pages 120-122 of SD3.66a

- 2.41 In heritage terms the creation of both the link road and the necessary roundabout junction immediately adjacent to Capel Primary School will undoubtedly have an impact on the setting the Grade II Listed Building. No account has been taken of the harm that will arise and no evidence has been presented in terms of the alternative options that may have been considered to limit the harm generated.
- 2.42 This is considered to be a failure of the Plan and its supporting evidence base that needs to be rectified.

Q19

- 2.43 No comment.

Viability and Deliverability

Q20-Q22

- 2.44 No comment.

Landscape and Heritage

Q23

- 2.45 No comment.

Q24 How will the allocation ensure visual and physical separation between Tudeley Village and Five Oak Green?

- 2.46 At present the Plan does not clearly define how the visual and physical separation between Tudeley Village and Five Oak Green will be ensured. There remains uncertainty as to where the Limit of Built Development boundary will be defined and in turn where the Green Belt boundary should be as a direct result of the approach the Council has set out for this Strategic Site.
- 2.47 In the event that the scale of development set out in the Plan remains (which Rydon considers to be unsound) then further work is required now and as part of this Examination to clearly define the Green Belt boundary, the Limit of Built Development boundary and in turn the measures that the Council proposes to ensure visual and physical separation is achieved in the long-term.

- 2.48 Furthermore the Green Belt Study Stage 3 confirms that there are fundamental problems with the currently proposed masterplan for the Strategic Site that lead to an urbanising effect along the B2017 that would impact on the perceived separation between Tudeley and Paddock Wood¹². This must of course also relate to the separation between Tudeley and Five Oak Green, which is much closer than Paddock Wood.
- 2.49 The Study also recognises the need for open space and locally characteristic planting on the eastern side of the Strategic Site in order to reduce the impact on perceived separation between Tudeley and Five Oak Green¹³. In its current form the masterplan for the Strategic Site includes school playing fields for the proposed secondary school in this location which would not be able to support locally characteristic planting and still function as playing fields. Consequently there is a flaw in the approach being taken by the Council on this side of the Strategy Site.
- 2.50 It remains Rydon's view that this matter has not been given appropriate consideration and that as a consequence the eastern extent of the proposed Strategic Site will give rise to high levels of harm both in relation to landscape and Green Belt objectives¹⁴.

Q25

- 2.51 No comment.

Other Material Planning Considerations

Q26-Q27

- 2.52 No comment.

¹² Paragraph 4.126 on Pages 72-73 of the Green Belt Study Stage 3 – CD3.93c

¹³ Paragraph 4.122 on Page 71 of the Green Belt Study Stage 3 – CD3.93c

¹⁴ See the assessment undertaken by Allen Scott that is contained in Rydon's Regulation 19 Representations (Appendix 4).