

**SAVE CAPEL**

**And**

**CAPEL PARISH COUNCIL**

Herein referred to collectively as  
**(“ SCPC ”)**

---

**HEARING STATEMENT**

**MATTER 3 – THE STRATEGY FOR TUDELEY VILLAGE**

---

**INTRODUCTION**

1. As per paragraph 11 of the “Examination Guidance Note for Stage 3”, Save Capel has been in discussion with Capel Parish Council and we have agreed to submit jointly prepared statements, given the commonality in the points both bodies wish to raise with the Inspector. We hope this will assist the Inspector with the timetable for representations and hearing arrangements.
2. In response to the Inspector’s questions, we have sought to avoid wholesale repetition of previously submitted evidence to the examination. This statement provides a summary of our points and expands on these where relevant to the specific MIQs ahead of the examination hearing scheduled for 19th June 2024.
3. At the time of writing SCPC have not had the benefit of sight of the Council’s responses to the MIQs and will seek to make further representations in the light of these at the hearing, where appropriate.



CAPEL PARISH COUNCIL



SAVECAPEL

## **ISSUE 1 – LOCATION AND ACCESSIBILITY**

***Q1. How does the additional information produced since the Stage 2 hearings address the Inspector’s Initial Findings around the effects of the allocation on Tonbridge town centre and relevant ‘hotspots’ on the highway network? Could potential impacts be cost effectively mitigated to an acceptable degree and would the residual cumulative impacts be severe?***

4. In short, there is no new evidence submitted by the Council that addresses the effects of the Tudeley Village proposal (“TGV”) on Tonbridge town centre. National Highways have stated in its response<sup>1</sup> to the consultation that they “*consider that the amended Plan is sound in regard to the review of the proposal for a new garden village at Tudeley. It is understood that the removal of Tudeley Garden Village has been reflected in the scoping work...*”. Clearly the new evidence for Stage 3 does not address the Inspector’s concerns but rather seeks to avoid dealing with the question of impacts in the centre of Tonbridge simply by removing TGV from the Plan.
5. SCPC maintains our position that the effects on Tonbridge town centre cannot be mitigated to an acceptable degree. We refer to the report by Motion Consultants<sup>2</sup> submitted at Reg 19 which concludes that the allocation of TGV will result in “*Cumulative residual impacts on the road network which are severe*” and “*Unacceptable impacts on highway safety*”. These are the tests set out in the NPPF and the report concludes “*As a consequence, there is no prospect of planning permission being granted for development at Tudeley Village...*”
6. It is understood that Tonbridge and Malling BC have not changed their view on this and have expressed support<sup>3</sup> for the deletion of TGV. Tonbridge has a Medieval Road system at its centre, its High Street is relatively narrow, crosses the Medway by the Castle, and this is only capable of the most minor of capacity improvements. It regularly experiences traffic congestion during the daytime and particularly during rush hours. Large scale building adjacent to the boundary will only exacerbate this problem as residents will inevitably look to Tonbridge for a range of daily activities including commuting to London from the nearest railway station. There is huge pressure on station car parking and parking available within the adjoining residential roads is at capacity. Traffic is already regularly queuing on the B2017 between Tudeley and Tonbridge in the morning rush hour.
7. Anecdotal evidence from local residents suggests that this has worsened in the last two years since the construction of the three new housing estates in Paddock Wood. Traffic has been

---

<sup>1</sup> PS\_077c – Policy STR/SS 3 Tudeley Village comment summary and response table at Page 9 (Rep 134-2)

<sup>2</sup> [Motion-R02-Transport-Review-2021-06-03.pdf \(savecapel.com\)](#)

<sup>3</sup> Examination document PIFC\_164

observed queuing back as far as the Turmeric Gold Restaurant in Crockhurst Street – some 1.4 miles. A large development north of the road, with no alternative routes, other than Hartlake Road, another rural lane is bound to make the situation worse for road users and for residents alike.

8. Save Capel has highlighted in its response<sup>4</sup> to the consultation that SWECO's final report<sup>5</sup> shows that even without TGV in the plan, but with the remaining planned growth around Paddock Wood, several major hotspots will remain across Capel. This is in the "High Mitigation" scenario with two of these at either end of the B2017 route to the A26.
9. Furthermore, our transport consultants (Motion) have already provided evidence to the examination that the proposed mitigations are totally inadequate, failing to provide the necessary width and alignment improvements. In order to maintain the current performance of junctions on the B2017 and, in particular the B2017 / A26 roundabout, they consider that the available carriageway space will need to be doubled. This would mean providing 2 traffic lanes in each direction on the B2017 and potentially the same on the A26.
10. The Council has been provided through this Examination an opportunity to provide new evidence demonstrating that the impacts of TGV on Tonbridge town centre could be cost effectively mitigated. The conclusion of the Council arising from the additional assessment work investigating solutions during this time extension is that there are no alternative approaches to making the Plan sound other than to delete the TGV allocation in its entirety. This must be the case because in the alternative that solutions were identifiable, then the Council would have presented these in their additional submissions.
11. In summary, based on the evidence that has been submitted to this EIP and having regard to the Council's own conclusion that there are no alternative options that could make development at TGV acceptable hence the deletion of the TGV allocation in its entirety, SCPC concludes that there is no prospect that the potential impacts can be cost effectively mitigated to an acceptable degree in the current spatial strategy or at any point in the future and that the residual cumulative impacts would be severe. The allocation is therefore unsound as it has no prospect of meeting the tests set out in NPPF paragraph 115 and hence no prospect of obtaining planning permission.

---

<sup>4</sup> PIFC\_152-Save-Capel-response-appendix-2

<sup>5</sup> PS\_049-TW-Local-Plan-Stage-3-Modal-Shift-Impact-Reporting

**Q2. What allowance has been made for modal shift to walking, cycling and use of public transport? Is the evidence supporting the Plan justified and does it demonstrate that the allocation could be made sound?**

12. SCPC is unclear as to whether any change has been made to the aspirational modal shift allowances in the SLP in relation to the Tudeley development. Motion's report, referred to above, and representation at the hearing in 2022 demonstrated that the evidence does not support those assumptions and that the severe effects on Tonbridge, in particular, are materially understated.
13. It is noteworthy that, placing to one side the criticisms raised by Motion that the Council's mode split assumptions are delusional, based on the Council's own forecasts and assessments, the Council must have concluded that there is no sustainable travel strategy that could be reasonably and / or cost effectively implemented, either in the short term or the long term, whereby the TGV allocation could be made sound. It is this conclusion that has led the Council to their determination that the only course of action with regard to TGV is to delete it in its entirety.

### **Walking**

14. SCPC agree with the Inspector<sup>6</sup> that "...the distances involved to the centre of Tonbridge and back would not be conducive to walking".
15. Whilst there is a public footpath network, this is located in a rural area that is unlit. Together with the ground conditions (being heavy clay) this suggests that its use would be limited to recreational walking in the daytime and during the summer months. It is therefore simply delusional to assume car journeys (especially for commuting) will be reduced by this form of active travel.

### **Cycling**

16. SCPC also agrees (also in ID-012 para 13)) that "*Likewise, it would be unrealistic to expect a significant number of people to cycle into Tonbridge, especially during the darker, winter months or during periods of inclement weather*". Issues include the isolation and lack of passive surveillance.
17. However, even a modest allowance for modal shift from cycling is NOT deliverable for two fundamental reasons...land availability for the proposed route and adherence to the DfT guidelines set out in LTN 1/20.

---

<sup>6</sup> ID-012 Inspector's Initial Findings (para 13)

18. Regarding LTN1/20, it must be recognised in determining the soundness of the Plan that this is the government's current guidance on designing infrastructure for cyclists in order to encourage a greater uptake in cycling in accordance with the Government's adopted policy 'Gear Change A bold vision for cycling and walking'<sup>7</sup> which was issued in July 2020. This was inspired by and endorsed by the then Prime Minister, in his foreword to that policy.
19. It is clear from the Government's currently adopted cycle policy and design guidance that the outcomes of cycle infrastructure interventions are to:
- Create better streets for cycling and people
  - Put cycling and walking at the heart of transport, place-making, and health policy
  - Enable people to cycle and protect them when they cycle
20. The design guidance contained within LTN 1/20 is the government's design requirements that are considered necessary to deliver the government's policy regarding encouraging a mode shift away from the private car towards cycling. The guidance has cross party support.
21. LTN1/20 is very clear regarding the minimum design requirements for a cycle route to be attractive. Overlooking the physical dimensions and surfacing key design criteria include the need for street lighting and overlooking for personal safety. It is ridiculous to suggest that cycle connectivity between TGV and surrounding attractors such as Tonbridge and Paddock Wood could ever be designed to meet the minimum recommendations of LTN1/20.
22. Planning applications are determined against prevailing government policy and the ensuing design standards. The current NPPF at paragraph 114(c) requires development to be designed in accordance with the National Design Guidance (NDG). The NDG places a focus on active travel. LTN1/20 is the government's current guidance for designing infrastructure to encourage active travel. Failure to meet the minimum recommended design standards within LTN 1/20 would result in a failure to meet the requirements of the NPPF and hence a failure to obtain planning permission. In the case of sites under consideration in the Plan, failure to be able to demonstrate that LTN1/20 compliant cycle access can be delivered demonstrates

---

<sup>7</sup> <https://assets.publishing.service.gov.uk/media/5f1f59458fa8f53d39c0def9/gear-change-a-bold-vision-for-cycling-and-walking.pdf>

that a subsequent planning application would be refused, and the Inspector is requested to have regard to this.

23. **Cycle Route** – Save Capel has set out in its response<sup>8</sup> that there is no legal way to use Postern Lane as part of the route. The original plans were based on legal misunderstandings and therefore are not sound.
24. PLRA<sup>9</sup> stated the correct position very clearly in their submission: *“This is not merely a question of legal ownership, as the PJA Report assumes. It is also a matter of legal rights over the Lane. All members of the PLRA have easements over the Lane, whether they own any part of it or not. They are entitled to enjoy those rights without substantial interference. Incorporating the Lane into local cycling infrastructure would inevitably result, for practical purposes, in residents (and those using the Lane with permission - trades, deliveries, farm traffic and the like) not being able to exercise their rights as conveniently as before. This proposal would thus constitute a substantial interference with the easements to which all residents are entitled.”* This is soundly based in law.
25. The Council’s response<sup>10</sup> states *“Reference to Cycle Route D has now been removed from the proposed improvements to cycle routes. However, the route is included in the Tunbridge Wells LCWIP Phase 2 (Core Documents 3.115 b(i) and 3.115 b(ii)) and is currently used as a walking and cycling route by the public”*.
26. It is not true that Postern Lane is currently used as a cycling route by the public. Postern Lane is only a footpath<sup>11</sup>. It is not a bridleway and is not a Byway Open to All Traffic. This is confirmed by the Definitive Map for Kent, as maintained by KCC. There is no legal right to cycle on a footpath.
27. **Topography** – Save Capel has also provided evidence in its submission<sup>12</sup> that the Council’s consultants have refuted concerns raised by the Inspector with what SCPC views as factually incorrect assertions and misinformation.
28. In its RAG assessment on Access and Movement<sup>13</sup>, Stantec asserts that *“It should first be acknowledged that Tonbridge is well within a reasonable cycling distance of the proposed site at Tudeley Village. It is approximately a 2-mile cycle to the eastern edge of Tonbridge which is well within the 5-mile cycle distance*

---

<sup>8</sup> PIFC\_152-Save-Capel-response-appendix-2

<sup>9</sup> PIFC\_03 Postern Lane Residents Association (“PLRA”)

<sup>10</sup> PS\_077h - Responses to comments relating to the Evidence Base (Rep 3-1)

<sup>11</sup> As defined under s.329 Highways Act 1980: “footpath” means a highway over which the public have a right of way **on foot only, not being a footway (emphasis added)**.

<sup>12</sup> PIFC\_152-Save-Capel-response-appendix-2

<sup>13</sup> PS 039 Stantec RAG Assessment, section 2.1

*that LTN1/20 states would be an achievable distance to cycle for most people. Furthermore, the route is almost flat, therefore eminently suitable in terms of topography*". Based on existing rights of way and more realistic destinations such as Tonbridge High Street or Tonbridge Station, rather than the imprecisely defined "eastern edge" of the town, SCPC has found the distance is nearly double the 2 miles claimed – actually being 5.97km/3.7 miles<sup>14</sup> from the centre of TGV.

29. Stantec also claims that the Council's proposed route is "almost flat". This is as or even more misleading than Stantec's distance calculation, as there is a 76 metre gain from TGV north of the railway line to Tonbridge Station. This is not trivial and would be unassailable for many people. Moreover, analysis of LTN1/20 (DfT guidance for cycle infrastructure) shows that, with reference to "Table 5-8: Maximum length for gradients", the gradients on this route are wholly unacceptable. There is no physical way around this.
30. Notwithstanding the above, the TGV site has topographical issues which will affect accessibility within the Village. Following the existing route of Sherenden Lane running from the centre to the south perimeter of the site, this involves gradient climbs 17x the DfT guidance in LTN1/20. Again, there is no way around this underlying fact as the total straight line climb exceeds the guidance so no amount of "smoothing" the route will overcome the underlying topography. SCPC submits that these factors will further deter cyclists from commuting.
31. In summary, SCPC submits that this evidence supports the view that very few people will cycle into Tonbridge for regular activities such as commuting.

### **Rail Access**

32. There is no prospect of a railway station in Tudeley as evidenced by Network Rail in their latest response<sup>15</sup> saying "*Network Rail maintain the view that the scale of development proposed at Tudeley would not constitute rail interventions in regard to service provision or a new rail station*".
33. Without such interventions commuters would need to go to Tonbridge, which has more frequent services than Paddock Wood. As evidenced in this statement, this is a fundamental reason why car journeys to Tonbridge will represent the vast majority of movements from the TGV site.

---

<sup>14</sup> Source: [www.mapmyride.com](http://www.mapmyride.com)

<sup>15</sup> PS\_077c – Policy STR/SS 3 Tudeley Village comment summary and response table (Rep 190-1)

## Bus Provision

34. SCPC are sceptical that any bus route would be viable; given the very limited customer base at present. Unless the bus route is frequent, regular and runs in the evenings it will not appeal to those with a car. Given the very poor bus service at present with no service after Saturday lunchtime at weekends, there is no evidence that KCC or any operator would be prepared to sustain the massive initial losses that would be required to run the service from the start.
35. Once any future residents are settled it would be difficult to break habits already established if the service came in several years later; experience suggests once houses are built the developer/landowner/KCC's commitment to any such service would not lie at the top of their priorities.
36. The hearing in 2022 discussed the general suitability of the B2017 which is physically unsuitable to safely accommodate vehicles greater than 7.5 tonnes as evidenced by the current signage which advises that the road is not suitable for vehicles larger than that. This includes buses which are greater than this weight. SCPC are also concerned that the passing of large vehicles along the B2017 poses questions on safety due to the undulating surface and blind spots with sharp corners west of TGV.
37. The examination also heard evidence that the new service proposed would be a 15-minute midi-bus service. This equates to a maximum of 160 people being able to travel to Tonbridge in an hour by bus (equating to approximately 2% of total trips demand). There is also no requirement for evening and weekend services which will be essential to achieve sustainable living patterns.
38. In summary, there is no evidence that sufficient (attractive) bus provision could ever be delivered to achieve meaningful reduction in car journeys and even then will require significant funding which is likely to be required on an "in perpetuity" basis. A robust model for delivering such a "forever" annual service subsidy – i.e. a legal mechanism for ensuring that funding would be guaranteed in perpetuity – is yet to have been identified and justified. In the absence of such a guarantee, the attractiveness of the public transport offer would diminish resulting in the likelihood of the development becoming an isolated, car dependent housing estate.

**ISSUE 2 – FIVE OAK GREEN BYPASS**

***Q1. The Council's position (as set out in paragraph 3.39 of Examination Document PS\_054) is that "...the bypass would be necessary to accommodate the traffic generated by the new settlement, when developed alongside the major expansion of Paddock Wood." What evidence is there to demonstrate that the expansion of Paddock Wood would therefore remain acceptable without a bypass of Five Oak Green?***

39. In short, the Council has again failed to clearly identify the purpose of the FOG bypass and necessarily has failed to justify whether it is required in the absence of TGV. The FOG bypass was purported to serve multiple functions including:

- Environmental relief to Five Oak Green
- Integral element of the Plan's cycle network
- Contributing towards delivering a "new" B2017 route that is capable of safely accommodating vehicles greater than 7.5 tonnes (which includes buses)

40. None of the above are related to the metric "V/C" which appears from the Council's evidence to be the only metric that has been considered.

41. Failure to even acknowledge the functions that the FOG bypass would serve means that the Council has failed to reasonably demonstrate the need or otherwise of the scheme.

42. Moreover, it is questionable what benefit the FOG bypass would deliver to the B2017 corridor between Paddock Wood and Tonbridge. For the reasons set out in these representations and other assessment work, the B2017 corridor is wholly unsuitable to intensification of use by motor vehicles, especially larger vehicles. The FOG bypass as currently proposed would require traffic from Paddock Wood to firstly travel south before heading northwest to eventually travel west. This is counter intuitive, and it is suggested that most drivers would simply travel west along the B2017. Obviously the same is true travelling west/east.

43. The B2017 remains a severe constraint to development across TGV, East Capel and Paddock Wood which the Council has utterly failed to recognise and utterly failed to resolve in this Plan.

***Q2. Examination Document PS\_039 considers the potential effects from the bypass and associated works on the setting of the High Weald AONB, the setting of designated heritage assets, landscape features and ecology, landscape character and historic landscape character and Public Rights of Way. How did the Council take this assessment into account in responding to the Inspector's Initial Findings and what are the reasons for now suggesting that the allocation is unsound?***

44. SCPC maintain that the landscape and environmental impact of this bypass close to the AONB boundary and within the Green Belt was not and still has not been properly assessed. According to the Stage 3 Green Belt Study it would have to had to run close to the AONB boundary before turning through site 451 rated as high and 450 as moderate in their damage to the Green Belt.

45. Evidence has already been submitted setting out the timescales associated with advancing:

- Assessments including environmental impact assessment;
- Obtaining planning permission including the potential for a planning appeal;
- Potential legal challenge;
- Negotiations with landowners and probable CPO inquiry; and
- Legal challenge.

46. In short, between initial concept to breaking ground, this process could typically take 5-8 years. In the context of the Council's current Plan proposal, which is to cover a 10 year period, discussion about a FOG bypass is entirely otiose as the likelihood of the FOG bypass being delivered within the timeframe of the Plan is at best slim.

47. The Council has entirely failed to respond to the challenge involved in delivering infrastructure such as the FOG bypass and indeed appears to be derogatory in responding to this point by reducing the timescale of the Plan, making delivery even less likely.

48. SCPC submits therefore that, as it is accepted that the FOG bypass would be essential to deliver TGV, the allocation is most definitely unsound.

***Q3. Have further options been considered for the alignment of the route? Could the same transport infrastructure be provided in another way, for example?***

49. The Council suggests that an alternative to the FOG is a range of measures to ease traffic flow and promote walking, wheeling and cycling. Fundamentally, capacity on links for traffic flow is correlated to carriageway width. In the absence of increasing the amount of highway space (for example through the compulsory or negotiated purchase of land adjacent to the highway), any additional walking, wheeling or cycling infrastructure provided within the carriageway width will simply reduce highway capacity thereby worsening traffic flow. The Council fails to provide any information on how both aims, which are mutually exclusive within the same space, will be achieved given the width constraints on many parts of this route.
50. At present, the mitigation proposed at Five Oak Green appears to be unachievable nor does the Council provide any explanation of what the mitigation will be or cost.
51. Turning to alternative alignments, we are not aware that the Council has submitted any alternative alignments and associated assessments.

***Q4. In responding to the Inspector's Initial Findings, Examination Document PS\_039 states that highway safety, noise and air quality concerns around Capel Primary School are valid and would require additional work to address them. Has this additional work been carried out?***

52. The proposed route of the FOG bypass shows that it meets the B2017 at a major new roundabout junction immediately adjacent to Capel Primary School.
53. SCPC are not aware of any assessment of the adverse health and safety impacts affecting primary age children as a consequence of increased traffic volumes (including air quality, noise and road safety) arising from locating a new roundabout junction immediately outside a primary school.
54. At best, an "assessment" can be found in PS\_039, second row dealing with the Inspector's concern about "Road and pedestrian safety concerns outside Capel Primary school". The approach taken by Stantec here is breathtakingly light touch, given this particular issue. To quote from PS\_039:

*"Stantec have briefly spoken to one of their own internal road safety auditors and shown them the proposed roundabout outside Capel Primary school. They do not believe that the scheme would pose any significant issues in relation to road or pedestrian safety..."*

55. This act of “briefly speaking” to an internal RSA is clearly not sufficient for the purposes of addressing the concern about the safety of the road outside of Capel primary school. It is a rather Cavalier approach to a serious, public safety, issue.
56. In the alternative that no FOG bypass is provided, then there has been no assessment of what the impacts on the health and well-being of the young children attending the school would be, even from the increased traffic resulting from the allocations in the Plan.

***Q5. Is the Five Oak Green bypass and associated works justified in the location proposed having regard to the matters identified in the questions above? If not, does this mean that the allocation is unsound?***

57. SCPC is clearly of the opinion that the allocation is unsound. The bypass was a last minute addition just before Reg 19 designed to strengthen the case for Tudeley development. It was clearly not thought through and its impact on the wider landscape not assessed. It would also not have solved the problems linked to an increased volume of traffic from the two proposed strategic sites; though in the mind of the Council and its advisors it was only really linked to Tudeley and not to Paddock Wood/East Capel.
58. The Council has entirely failed to undertake an assessment of how people will travel east-west along the B2017 corridor: both in the evidence based submitted with the SLP and following this hiatus in proceedings to enable them to do so. The assessment work initially submitted was distinguished by a paucity of information regarding how the route could be delivered having regard to cost and environmental impact. More important than this failure by the Council to demonstrate that their proposed infrastructure could actually be built and paid for, the Council has repeatedly failed to provide the explanation for why the FOG is located where it is suggested.
59. The purpose of the FOG bypass is to mitigate impacts on the B2017. However, as the B2017 connects Paddock Wood and Tonbridge, the FOG bypass as proposed would only ever be a partial response to the constraints of the B2017 and even then, a response that the Council has failed to demonstrate would be effective.
60. In this context, the only conclusion can be that, based on the current evidence base, the allocation is unsound.

**ISSUE 3 – WIDER INFRASTRUCTURE PROVISION**

***Q1. If the Plan is modified to delete Tudeley Village, can the necessary infrastructure be provided elsewhere? For example, the provision of sports and education facilities?***

61. SCPC considers that it is for the Council to demonstrate a suitable location(s) for secondary school provision that, as set out in our response to Matter 1, forms part of a revised spatial strategy that is necessary for the soundness of the local plan.
62. The Council has proposed the removal of the secondary school at Tudeley as part of the modifications to the Plan and it is unlikely to be sustainable in that location. In any event, that proposed location means that Five Oak Green would have experienced a daily influx of school children with no links to the community.
63. The provision of sports facilities has been reassessed by the Council in relation to the revised growth strategy.
64. The provision of facilities and amenities, their relative spatial interrelationships, and how people can travel between them is fundamental to delivering a sustainable community.
65. Whilst it is not the purpose of the Plan to determine details of the facilities and amenities themselves, it underpins the soundness of the Plan that the broad location of these is determined. Otherwise, it is impossible to provide anything more than a speculative answer regarding how the Plan performs against the Government's sustainability criteria.
66. SCPC will set out our response to this in more detail in response to Matter 4 where there are a number of Questions in relation to this infrastructure provision.

***Q2. If Tudeley Village is deleted from the Plan, what highways infrastructure would be needed in Tudeley and along the B2017 from the remaining growth proposed around Paddock Wood? Is this deliverable and viable?***

67. The B2017 is the main vehicular connection between Paddock Wood and Tonbridge. Being a narrow rural lane with no footpath provision for the vast majority of its route, it is difficult to see how it could be widened to take more traffic without damaging its rural character associated hedgerows and roadside dwellings, e.g. at Crockhurst Street and at the Hartlake Road junction.
68. The route is currently signed as unsuitable for HGV traffic and as previously demonstrated (Stage 2 evidence) is inadequate to accommodate two-way bus movements due to its rural nature. On the approach to the A26 junction, the B2017 carries circa 1,400 vehicles per hour during the morning peak (source: T&M Borough Council submission local plan evidence).

This is approaching the absolute capacity of a road of this nature. Consequently, during peak periods, extensive queuing can already be observed on the approaches to the A26 / B2017 roundabout.

69. The function of the B2017 will change dramatically as a consequence of the revised Plan as follows:

- Its importance as a public transport corridor will increase as the main corridor for PT trips between Tonbridge and East Capel / Paddock Wood;
- It will become the delivery and servicing route for delivery vehicles (including articulated lorry traffic and pantechnicons as well as home delivery services) serving the new residential and commercial development at East Capel / Paddock Wood; and
- It will become a vehicular access route for the increased volume of traffic travelling to and from East Capel / Paddock Wood.

70. In the absence of comprehensive mitigation, these changes in traffic volumes and traffic composition arising from the Plan will result in an unacceptable impact on highway safety and severe residual impacts on the road network.

71. Consequently, the changes in traffic volumes and traffic composition arising from the Plan – both during construction and operational phases - will result in an unacceptable impact on highway safety and severe residual impacts on the road network.

72. SCPC expects that this Question will be discussed under Matter 4 and/or Matter 7.

***Q3. Without the allocation of Tudeley Village, can the Plan deliver the necessary wider upgrades [to] the highway network, such as the Colts Hill Bypass?***

73. Whilst this Question is being addressed in detail under Matters 4 and 7, SCPC has the following points here.

74. The Colts Hill bypass was first raised in the 1980's and it was not linked to the Tudeley Village project. It is our understanding that the SLP regards this being linked to the development around Paddock Wood and meant to encourage traffic away from the B2017 through Five Oak Green and Tudeley. However, there would still be a bottleneck once the traffic reaches the Pembury traffic lights and work will be needed there to relieve the congestion that is there at present. The full offline improvement option was discounted in the SLP.

75. The Council's modelling indicates that the A228 (Colts Hill) will be subject to V/C values in excess of 100% in both the reference case and Local Plan scenarios, indicating that the Colts Hill bypass will be required early in the plan period and even before housing at STR/SS1 starts to be occupied. Notwithstanding this, there is no requirement within STR/SS1 for a Colts Hill bypass to be delivered.
76. Moreover, the need for the Colts Hill bypass stems from environmental reasons such as road safety, air quality and noise, as much as for capacity. These other factors are simply not considered in the Council's assessment work.
77. In the absence of a clear mechanism for funding and delivering the Colts Hill bypass, or even a clear policy requirement for it to be delivered during the plan period, or any certainty that it will be delivered at all, it would be rational to assess the robustness of the draft Local Plan in the absence of this infrastructure. This is the case with or without TGV. However, by the Council's own evidence, impacts on the A228 will be severe. It is difficult to see how a local plan can be found sound under these circumstances.
78. In the current situation, the Plan cannot possibly be found sound if it is unknown whether a major element of infrastructure is needed and if so, how it is to be delivered.
79. For the draft Plan to be sound, the proposed policy wording must be clear about the need to provide this infrastructure in order to ensure early delivery of the bypass, both in terms of a development threshold and delivery mechanism.

***Q4. Given the location of the proposed Colts Hill Bypass, do the issues identified above in respect of landscape character, the Green Belt and the AONB also apply? If so, is this part of the strategy also justified?***

80. As with the previous Question, this is being addressed under Matter 4 and SCPC makes the following general point here.
81. The route of the present bypass is on land previously allocated to a bypass and the planned route terminates to the west of the current Alders Rd/Crittenden Road junction which is on the border of the AONB. The result may improve highway safety and the residential amenity of the residents of lower Colts Hill.
82. Note: the SLP does not provide for the previously planned southern section which would have driven through the AONB.

**ISSUE 4 – MEETING FUTURE HOUSING NEEDS**

***Q1. The Council's suggested changes to the Plan include a commitment to an early review. Should the suggested early review of the Plan also include reference to Tudeley Village, either as a future development option or broad locations for growth?***

83. There is no evidence that justifies the inclusion of TGV as a future development option or broad location for growth, therefore no basis for referring to it in respect of any early review. The Council has spent more than five years trying to provide evidence that it is sustainable and has now determined that it still cannot.

84. As highlighted elsewhere in this Matter, there are so many fundamental flaws which demonstrate that there is no prospect of the allocation being justified in at least the medium term, if ever. Any attempt to revive the plans at a later stage would run into the same issues of lack of sustainability and impact on Tonbridge town centre as at present.

85. SCPC has submitted evidence under Matter 1 that the Council could, and should, have considered alternative strategies in light of their decision to delete TGV from the revised Plan. Having chosen a garden settlement strategy around 2017, it is worth reminding the examination of the 14 sites identified as possible options in the Sustainability Appraisal<sup>16</sup>:

- 1) Blantyre House, (Former Prison) Goudhurst Parish,
- 2) [Capel, Tudeley Village](#)
- 3) Frittenden Area,
- 4) Horsmonden,
- 5) Iden Green,
- 6) Kippings Cross, East of Pembury and adjacent to the northern and southern carriageways of the A21,
- 7) Land Adjacent to Colliers Green Primary school, Colliers Green
- 8) Land at Great Bayhall, East of RTW,
- 9) Land between Cranbrook & Sissinghurst,
- 10) Land between Sandhurst and Iden Green,
- 11) Langton Green, adjoining western edge of existing development
- 12) [Paddock Wood, land surrounding the existing settlement](#)
- 13) Walkhurst Farm, Benenden
- 14) Castle Hill

---

<sup>16</sup> CD3.130a - 2021 SA of the Submission Local Plan (Table 27)

86. The alternatives to TGV and PW/EC were not subject to a finer grain assessment, and therefore not considered on a consistent basis. That failing did not support the Plan being positively prepared in soundness terms. Nevertheless, in the light of implications of not meeting the Plan's identified needs in full, these alternatives should have been properly considered since the Inspector's findings were published.
87. SCPC does not set out the merits of these sites here but considers that the Council has taken more than one year to respond during which time that work should have been done. It may be possible that individually, or in combination, these alternatives could have been identified as 'broad locations' and support the full Plan's need being met. There is therefore no evidence that TGV can be justified versus the alternatives in light of the major sustainability issues now accepted.
88. In summary, SCPC submits that the Tudeley allocation should be found unsound in this examination, the Council has not produced any further evidence to suggest it to be otherwise. Rather, the Council has simply deleted the allocation from the Plan, and seeks to meet the needs of the Borough through smaller allocations. The focus should now be on looking to meet that need through those allocations, if that is at all possible. This is where SCPC's concerns arise. The simple fact is that the Council has failed to revisit its spatial strategy and properly consider and assess the impact of the removal of the unsustainable allocation of TGV on that strategy.

### **ISSUE 5 – EXCEPTIONAL CIRCUMSTANCES**

***Q1. Do the exceptional circumstances exist to alter the Green Belt boundary in this location, having regard to paragraphs 140 – 143 of the Framework?***

89. As explained in our statement on Matter 1, SCPC considers that exceptional circumstances are not justified at the strategic level.
90. In addressing this Question, it is important to consider the Inspector's findings<sup>17</sup> that *"...national planning policy is clear that the Government attaches great importance to Green Belts and that boundaries should only be amended in exceptional circumstances. Reaching that conclusion should be based on a thorough assessment process which includes an understanding of the likely impacts when compared with other site options, especially where the magnitude of harm from the two largest allocations is "big"*.

---

<sup>17</sup> ID\_012 Inspector's Initial Findings [para 7]

91. As explained in the above Questions on Matter 3, a “thorough assessment” has not been carried out in comparison with other site options.
92. The Council in its response to the consultation<sup>18</sup> stated “*the Inspector does not say that he has considered all the matters and finds the proposal for a new settlement at Tudeley Village unacceptable in planning terms*”. However, it is already clear that there are fundamental flaws in the potential allocation that go to the heart of its sustainability, including:
- the accessibility of the site by sustainable modes of transport,
  - the ability to successfully mitigate against serious impacts on the highway network,
  - the suitability and deliverability of the Five Oak Green bypass, and
  - the ability of the site to deliver housing at the rate and scale envisaged by the Plan.
93. The Inspector has found in his conclusion<sup>19</sup> that “*...the issues raised above go to the heart of whether the site and strategy for Tudeley Village is justified and effective. National planning policy is also clear that the Government attaches great importance to the Green Belt, the boundaries of which should only be altered in exceptional circumstances. When considering the level of acknowledged harm to the Green Belt that would occur, combined with the significance of the issues raised, I find that exceptional circumstances have not been demonstrated to justify removing the site from the Green Belt*”.
94. The Council has failed to come up with the evidence that would justify removing the Tudeley site from the Green Belt. They have failed to address issues linked to Tonbridge town centre, their evidence for a potential modal shift in travel is unconvincing to anyone familiar with the geography of the site, the proposed bypass is clearly untenable, and there are strong doubts even by the Council on the landowner’s ability to deliver the housing in a timely manner. The site is unsustainable not least because of its limited highway links, extensive improvements of which to accommodate would severely impact the amenity of residents of Capel parish in particular.
95. SCPC have set out in this statement why all of these issues remain and there is no evidence that there is any reasonable prospect of them being resolved. The necessary exceptional circumstances are therefore not justified at this location, and it should be found to be unsound.

---

<sup>18</sup> PS\_077c – Policy STR/SS 3 Tudeley Village comment summary and response table (Rep 152-5)

<sup>19</sup> ID\_012 Inspector’s Initial Findings [para 37]

**Q2. Are the Council's suggested Main Modifications necessary to make the submitted Plan sound?**

96. SCPC notes that the Inspector requires<sup>20</sup> “...it would assist the examination if the Council could produce a composite schedule of “suggested” Main Modifications for the upcoming Stage 3 hearing sessions. This should include the suggested changes proposed in response to the Inspector’s Initial Findings, and any other changes considered necessary by the Council, either as a result of discussions in previous hearings or changes in circumstances since Stage 2”.
97. SCPC will set out in other Matters, and in response to the forthcoming composite schedule, what other modifications we consider are necessary to make the Plan sound. This includes our concerns that development around Paddock Wood still remains problematic and the local plan cannot, as it is currently drafted, be considered to be sound. Therefore, in responding to this Question we focus on TGV.
98. In that regard, SCPC fully supports the deletion of draft Policy STR/SS 3 and the modifications to the development strategy STR1 relating to the deletion of TGV. This is the first essential change made by the Council towards the production of a sound local plan.
99. However, SCPC considers that if the Plan proceeds with the requirement of an early review where the Council proposes the following wording “Following adoption, the Council will undertake an early review of the Local Plan, which will include further investigation of ways of meeting identified housing needs for the period post 2034” then the inclusion of any reference to TGV would not be justified.

**JOINT HEARING STATEMENT**

**MATTER 3**

**31<sup>ST</sup> MAY 2024**



**CAPEL PARISH COUNCIL**



**SAVECAPEL**

---

<sup>20</sup> ID-017 Matters, Issues and Questions Stage 3 (Matter 9)