

## EXAMINATION OF THE TUNBRIDGE WELLS BOROUGH LOCAL PLAN

---

### EXAMINATION STATEMENT ON BEHALF OF RYDON HOMES LIMITED

#### *Matter 4 – Principle of Green Belt Release*

*Prepared by:*

*David Neame BSc (Hons) MSc MRTPI  
Director – Neame Sutton Limited*

March 2022

## EXAMINATION STATEMENT ON BEHALF OF RYDON HOMES LIMITED

### *Matter 4 – Principle of Green Belt Release*

16 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 Principle of Green Belt Release 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 looks at all three issues raised by the inspector.

#### **2.0 Matter 4 – Principle of Green Belt Release**

##### ***Issue 1 – Principle of Green Belt Release***

*Q1. Table 6 in the submission version Local Plan lists proposed changes to the Green Belt boundary. Are these all the boundary changes that would result from the adoption of the Plan?*

- 2.1 No comment- for the Council to respond.

*Q2. What proportion of new housing proposed in the Plan would be on land currently designated as Green Belt?*

- 2.2 No comment- for the Council to respond.

*Q3. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, paragraph 141 of the Framework states that strategic policy-making authorities should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for housing. This will be assessed through the examination and will consider whether the strategy:*

- Makes as much use as possible of suitable brownfield sites and underutilised land;*
- Optimises the density of development, and*
- Has been informed by discussions with neighbouring authorities about whether they can accommodate some of the identified need.*

*How has the preparation of the Plan sought to make as much use as possible of suitable brownfield sites and optimise the density of development?*

2.3 Rydon have consistently raised concern about the failure of the Council to actively participate in meaningful discussions with neighbouring Authorities through the Duty to Cooperate process, other detailed submissions to Matter 1 discuss this further . As such Tunbridge Well Borough Council (TWBC) have failed in their duty to initially consider other reasonable options for meeting their identified need for housing. Raised in Rydon's representations to the Regulation 19 Consultation of the Local Plan was the particular concern relating to Tonbridge and Malling and Sevenoaks, both of which have also failed in their legal Duty to Cooperate. The Council does not appear to have undertaken any revisions or review of housing need within the Strategic Housing Market Area as a result of the withdrawal of these two Plans and the inevitable delay to delivery of housing that will have arisen in those areas.

2.4 It is understood that all suitable brownfield sites have been considered and options explored but given the constraints of the Borough with both AONB and Green Belt, Rydon agrees with the conclusions of the Council that there is no other option than to release land from Green Belt in order to meet the minimum Local Housing Need ("LHN") within the Borough boundaries. Rydon has demonstrated with the Representations submitted at the Regulation 19 consultation stage that alternative Green Belt housing sites should be considered than those pursued by the Council in the Plan or considered in the SA<sup>1</sup> and development strategy options. Those alternative sites result from strategy options that consider no Garden Settlement, a focus of main towns, limited releases from Green Belt and sensitive development within the AONB, which has not been properly tested. This is discussed further under Issue 2.

---

<sup>1</sup> Core Doc 3.62, Sustainability Appraisal for Regulation 19 Consultation (2021) TWBC

- 2.5 Housing densities should be appropriate to each site, in order to reflect the character of the area. Rydon agree with the conclusions of the Council in taking a site-by-site approach to density. The Council should be responsive during the determination of planning applications, if Applicants are able to demonstrate a higher density of development, which does not harm the character and appearance of the area.

*Q4. Can housing needs be met by optimising the use of previously developed land and buildings without requiring land to be released from the Green Belt?*

- 2.6 In short no.

- 2.7 As discussed in Q3, Rydon agree with the conclusions of the Council that other options for development are appropriate and exceptional circumstances exist to trigger the removal of land from the Green Belt.

*Q5. Not all of Tunbridge Wells is within the Green Belt. Could the need for new housing and employment therefore be met by developing beyond the existing Green Belt boundary? If not, why not?*

- 2.8 In short no.

- 2.9 The level of development required to meet the minimum LHN across the Borough is such that Green Belt release is necessary. The land not located within the Green Belt is constrained by other designations and is also remote from sustainable settlements, which would result in an unsustainable spatial strategy not reflective of the composition of the Borough nor would it provide housing in the right locations to meet the needs of the Borough's residents. It is also important to highlight that land within the AONB will also need to be released alongside Green Belt in order to meet the needs of the Borough in terms of housing in particular.

*Q6. When drawing up or reviewing Green Belt boundaries, paragraph 142 of the Framework states that the need to promote sustainable patterns of development should be taken into account. How and where has the Council taken this into account?*

- 2.10 It appears from a review of the available evidence that the Council's approach to reviewing Green Belt boundaries has been driven by the spatial strategy it has preferred rather than from a thorough assessment of the sustainability credentials of each potential site or spatial strategy option. This is most evident in the case of Tudeley, which requires significant infrastructure in order for the new settlement to

function. Furthermore, the SA concludes that Option 1 for Tudeley would be more sustainable than the Option chosen by the Council, which demonstrates that the Council's strategy and in turn approach to Green Belt releases has been derived in spite of the evidence. Rydon continue to emphasize that other sustainable options to the development strategy are available but have not been tested in the SA nor properly considered in the Green Belt Study<sup>2</sup>.

- 2.11 As an example, in the case of Rydon's Promotion Site at Five Oak Green, Rydon's Landscape Architect Allen Scott has undertaken a Landscape Appraisal and also a review of the Green Belt Assessment in relation to both Tudeley Village and the Promotion Site to determine the validity of the Council's concerns in relation to coalescence.
- 2.12 In relation to the Promotion Site Allen Scott concludes that the Site can play a crucial role in helping to protect the 'new' gap and providing a readily recognisable and permanent boundary for any proposed protected Green Belt gap between the two settlements (Tudeley and Five Oak Green). In particular Capel Primary School sits on a natural ridge that both physically and visually defines the western extent of Five Oak Green at this point.
- 2.13 The assessment undertaken by Allen Scott recommends that the extent of Tudeley Village and the consequent proposed release of Green Belt should be reviewed in the context of the potential allocation of housing on the Promotion Site (based on the landscape framework). Currently the Council has given no consideration to this prospect and has therefore written off the opportunity to deliver a sustainable urban extension to Five Oak Green in the manner proposed by Rydon.
- 2.14 As noted in the Allen Scott Landscape Appraisal for the Promotion Site and the Council's own Landscape Sensitivity Study (Reference: PW10) the existing edge to Five Oak Green does not necessarily provide a positive edge to the existing settlement and the Promotion Site provides an opportunity to better define the boundary. It is therefore clear, in this example, that the Council have not considered a sustainable pattern of development, or therefore, viable and reasonable alternatives which considers an alternative Green Belt boundary.

---

<sup>2</sup> Core Doc 3.43, Tunbridge Wells Green Belt Study, (2017) Land Use Consultants.

- 2.15 The landscape framework for the Site demonstrates how it could create a more positive western edge to the settlement regardless of Tudeley Village being progressed. The landscape framework demonstrates the opportunities to minimise harm to the local landscape sensitivities and generate a robust and defensible Green Belt boundary as part of a sensitive residential development.
- 2.16 By contrast Tudeley Village has been demonstrated to result in high overall harm to the landscape and Green Belt objectives. The Council must therefore revisit the application of its own Landscape and Green Belt Study findings in relation to both the Promotion Site and Tudeley Village.
- 2.17 In Rydon's view when the Council undertakes this further analysis it will reach the same conclusion that the Promotion Site can be delivered alongside Tudeley in a sustainable manner that delivers new homes, alongside a range of material planning benefits, early in the Plan period, with full regard to a sustainable development pattern with a defensible Green Belt boundary, that does not significantly harm landscape characteristics or designations.
- 2.18 This is just one example of where the Council has not properly considered its own evidence and taken an approach that does not fully achieve sustainable patterns of development in accordance with paragraph 142 of the Framework.

*Q7. Having decided to review the Green Belt boundary, how did the Council determine, at a strategic level, where alterations should be made in order to meet housing and employment needs?*

- 2.19 No comment.

## **Issue 2 – Green Belt Review Methodology**

*Q1. The Green Belt Study Stage 1 identified 33 parcels and 10 broad areas for assessment at Stage 2. How were these areas defined and what were the boundaries based on?*

- 2.20 No comment.

*Q2. The Green Belt Study Stage 2 provides a more detailed and focused review of land parcels, assessed against the purposes of including land within the Green Belt in paragraph 138 of the Framework. How did the Council take the findings into account and use the evidence in the preparation of the Plan?*

- 2.21 As set out in relation to Q6 of Issue 1 the Council has not properly taken the findings of the Green Belt study into account in the preparation of the Plan and has proceeded with a development strategy, particularly in the case of Tudeley, that does not reflect the conclusions of harm identified. Equally the Council has not explored adequately alternative options that would achieve a more sustainable outcome.

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

- 2.22 No comment.

*Q4. Where the release of land from the Green Belt was found to have either high or very high levels of harm, how was this taken into account in the site selection process?*

- 2.23 As detailed in Q6 of Issue 1, the Council has not taken a pragmatic or consistent view of harm to the Green Belt in regards of the site selection process, nor have all options been considered in the SA. A prime example of this is Rydon's Promotion Site at Five Oak Green and the Council preferred site at Tudeley Village. It is Rydon's contention with the Plan that the Council has not considered all reasonable alternatives when both Five Oak Green and Tudeley are both considered to result in some level of harm to the Green Belt.
- 2.24 As discussed in relation to Matter 6 the level of harm at Tudeley 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 may 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.
- 2.27 It is clear that the Council's approach to Green Belt harm has been selective rather than objective.

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

- 2.28 No comment.

*Q6. Paragraph 144 of the Framework states that if it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.*

*Has the Council carried out an assessment of existing settlements 'washed over' by the Green Belt? Are any changes proposed and/or necessary?*

- 2.29 No comment.



### **Issue 3 – Exceptional Circumstances**

*Q1. At a strategic level, do exceptional circumstances exist to alter the Green Belt boundary, having particular regard to paragraphs 140 – 143 of the Framework? If not, how could housing and employment needs be met in other ways?*

- 2.30 Yes, Rydon agree with the Council that exceptional circumstances do exist to alter the Green Belt. It disagrees with the methods for site selection as a result of the SA and Green Belt study, as set out above.

*Q2. What is the justification for the new area of Green Belt proposed to the southwest of Paddock Wood? Do the exceptional circumstances exist necessary to justify this alteration to the Green Belt boundary?*

- 2.31 No comment.
-