

EXAMINATION OF THE TUNBRIDGE WELLS BOROUGH LOCAL PLAN

EXAMINATION STATEMENT ON BEHALF OF B.YOND STRATEGIC LIMITED

*Stage 3 EiP Hearing Sessions
Matter 3 – The Strategy for Tudeley Village*

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1.0 **Introduction**

- 1.1 This Examination Statement provides a response on behalf of B.Yond Strategic Limited ("B.Yond"), to those Questions raised by the Inspector (dated 03 May 2024), relating to The Strategy for Tudeley Village 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 B.Yond.

2.0 **Matter 3 – The Strategy for Tudeley Village**

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?

- 2.1 This is primarily a question for the Council to answer. B.Yond reserves its position in terms of any comments it may wish to make at the hearing session on the answer given by the Council.
- 2.2 The only observation to make at this stage is that the Council's proposal to remove the Tudeley Village allocation from the Plan is a clear acceptance, on the part of the Council, that the effects of the allocation on Tonbridge town centre could not be addressed in the context of the draft Plan such that the residual cumulative impacts would be severe.

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?

- 2.3 This is primarily a question for the Council to answer. B.Yond reserves its position in terms of any comments it may wish to make at the hearing session on the answer given by the Council.
- 2.4 As with Q1. The Council's proposal to remove the Tudeley Village allocation from the Plan is an acceptance on its part that the evidence supporting the Plan for this allocation is not justified and demonstrates that the Plan could not be made Sound with the allocation in place.
- 2.5 This is of course reflective of the representations submitted by B.Yond and others at the Stage 1 and Stage 2 EiP Hearing Sessions regarding the Soundness of the allocation and the need for its removal from the Plan.

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 the bypass of Five Oak Green?

- 2.6 This is a question primarily for the Council to address. However, B.Yond's highway engineer Velocity has examined the Council's evidence base as part of the work undertaken in relation to its promotion site at Finches Farm in Five Oak Green, which was submitted with the Representations made in February 2024.
- 2.7 It is particularly relevant to note the following.
- 2.8 Based on Velocity Transport Planning ("VTP") Technical Note *TN003 Five Oak Green & Colts Hill Bypasses*, paragraphs 2.4.1 to 2.4.3 state:

"A review of the suite of traffic modelling reports prepared by SWECO has been undertaken. The latest versions of the assessment documents are based on the removal of Tudeley Village and a reduced provision of housing in Paddock Wood and east Capel.

The traffic modelling note prepared by SWECO, November 2023 *Tunbridge Wells Local Plan – Local Junction Capacity Sensitivity Testing Technical Note* states that:

“Although the data analysis shows that congestion rises along the B2017 through Five Oak Green link in the Local Plan scenario, the demand is not seen as being of a level to justify a major expansion in link capacity or a new link road such as the Five Oak Green bypass that was previously considered.

It is therefore clear that the Five Oak Green Bypass is not considered to be necessary from a highway capacity perspective.”

2.9 In summary, development at Paddock Wood would remain acceptable without the Five Oak Green Bypass, but there would be an increase in traffic through the village of Five Oak Green.

2.10 VTP Technical Note *TN003 Five Oak Green & Colts Hill Bypasses* paragraph 2.2.11 states Stantec's response to paragraph 28 of the Inspector's letter as being:

“Stantec's response stated that to prevent an unacceptable level of traffic travelling through Five Oak Green, traffic calming measures could be implemented in the village to deter anyone other than residents using this route to travel between Paddock Wood and Tonbridge. The idea would be to encourage people travelling from Paddock Wood to Tonbridge to travel down the A228 and then up the A21.”

2.11 It is notable however that based on recent pre-application discussions VTP has had with Kent County Council Highways and Transportation (“KCC”) for the Finches Farm promotion site, KCC regards the B2017 Five Oak Green Road as a strategic route. KCC would therefore object to traffic calming within the village which would reduce journey times though it and traffic capacity.

2.12 VTP Technical Note *TN003 Five Oak Green & Colts Hill Bypasses* paragraph 2.5.1 states:

“In summary, the feasibility of delivering the Five Oak Green Bypass would be extremely difficult to achieve given the land required and the multiple landowners involved, even if compulsory purchase was utilised, as well as having significant impact on air quality, noise, safety and the operational aspects of the Capel School. The viability of the bypass from a financial perspective is still been calculated by TWBC. However, it is clear that from a timescale perspective, it could jeopardise the delivery and adoption of the Local Plan and in that regard, is not viable. It would be difficult to see the bypass being viable from a financial perspective if Tudeley Village did not come forward given the submission Local Plan identified it could be wholly delivered by that particular development. The modelling undertaken by SWECO demonstrates that whilst congestion is experienced along the B2017 Five Oak Green Road as a result of the revised Local Plan development numbers, it is not of a level to justify the delivery of the Five Oak Green Bypass.”

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?

- 2.13 This is a question for the Council to answer. B.Yond reserves the right to comment at the hearing on any answer provided by the Council.

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

- 2.14 This is a question for the Council to answer. B.Yond reserves the right to comment at the hearing on any answer provided by the Council.

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?

- 2.15 As far as B.Yond is aware the additional work has not yet been carried out by the Council either in relation to the proposed roundabout and Five Oak Green bypass or in relation to the proposed scenario without the bypass. In addition there does not appear to be any safety enhancements being brought forward on Five Oak Green Road by the Council in the vicinity of Capel Primary School to help address the impact of increased traffic that will be an inevitable consequence of the proposed development at Paddock Wood (without the bypass in place).

- 2.16 These studies are critical to establishing the impact of noise and air quality on not only Capel Primary School but also Five Oak Green Village and, what mitigation would be required. In addition, the lack of any studies by the Council to enhance pedestrian safety in the vicinity of Capel Primary School as a result of increased traffic is concerning given the known excessive speeding on Five Oak Green Road in this location. Recent surveys undertaken by VTP on behalf of B.Yond confirm an 85%ile speed in excess of 50mph past the school (which is a designated 40mph zone).

2.17 By contrast to the Council's lack of assessment B.Yond has considered this matter in detail in the context of its promotion site at Finches Farm and has established a package of measures through discussion with KCC that could deliver the following enhancements:

- a) Existing change in speed limit signs from 40mph to 30mph retained at western end of village on Five Oak Green Road.
- b) Village gateway provided on Five Oak Green Road at the start of the built environment adjacent to the residential property of West Winds. The gateway to be supplemented with:
 - 'SLOW' road markings;
 - Dragons teeth; and,
 - 30mph road marking roundels on carriageway with contrasting surface treatment.
- c) Relocation of existing eastbound bus stop adjacent to Capel Primary School to the west of the school with bus flag and bus cage road markings to create urbanisation features prior to vehicles approaching the school.
- d) 'School Keep Clear' road markings retained as per the existing situation.
- e) Existing information pedestrian crossing with dropped kerbs located in front of the school supplemented with buff coloured tactile paving.
- f) Removal of the centreline hatching on Five Oak Green Road but maintaining the existing carriageway width.
- g) Existing westbound bus stop adjacent to Capel Primary School provided with bus cage road markings.
- h) Puffin pedestrian crossing located to the east of Sychem Lane.
- i) Double yellow lining along frontage of the promotion site with junction protection provided at Sychem Lane and Church Lane.
- j) Formalised car parking on Church Lane where existing informal parking takes place for parents/guardians dropping off and picking up children at Capel Primary School.
- k) New shared 3.0m pedestrian/cycle path within the promotion site to supplement the existing footways either side of Five Oak Green Road and provide an off-carriageway cycle route directly to Capel Primary School.
- l) Provision of new staff car park on promotion site and pedestrian entrance to Capel Primary School to reduce parking pressures on surrounding roads and provide safe access to the school site away from the road frontage.

2.18 All of the above measures could be delivered alongside B.Yond's promotion site, which would deliver measurable improvements in terms of highway safety and air quality and none have been considered by the Council in the context of the proposed modifications to the Plan at the current time.

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?

2.19 In B.Yond's view the allocation at Tudeley is unsound in any event and independent of whether the Five Oak Green bypass is justified in the location proposed and, the Council's proposed modification to remove it from the Plan is the right approach to take. In making this point B.Yond still has serious concerns about the overall approach the Council has taken in its modifications to the Plan as set out the Matter 1 and Matter 8 Statements.

2.20 The inadequacy of the evidence base to justify the Five Oak Green bypass is another component of why the Tudeley Village allocation is unsound and should be removed from the Plan.

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.

2.21 This is primarily a question for the Council to answer. B.Yond reserves the right to comment at the hearing on any answer provided by the Council.

2.22 B.Yond's promotion site at Five Oak Green does offer the potential to provide some of the necessary infrastructure that would be required (with Tudeley removed from the Plan) in relation to highway safety (see answer to Issue 2 Q4. Above), education provision in terms of additional land for Capel Primary School and the provision of a 'daily mile track' along with addressing other matters raised in the Infrastructure Delivery Plan ("IDP") relating to flood alleviation in Five Oak Green¹. B.Yond's promotion site therefore offers part of the answer to this question insofar as it relates to the infrastructure needs of Five Oak Green.

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

2.23 This is a matter for the Council to address, but B.Yond considers there will be a need for further infrastructure improvements along the B2017 to accommodate the planned

¹ See Paragraph 3.145 on page 70 of IDP – CD3.142

growth given that KCC regard this as a strategic route. B.Yond reserves the right to address any matters raised by the Council in its answer to this question at the hearing session.

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?

2.24 This is a matter for the Council to address. B.Yond reserves the right to comment at the hearing on any answer provided by the Council.

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

2.25 This is a matter for the Council to address. B.Yond reserves the right to comment at the hearing on any answer provided by the Council.

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 location for growth?

2.26 Before considering this question it is important to highlight that the principle of whether an early review mechanism should be included at all in this case must be properly considered. The Council's proposal for an early review is a 'sticking plaster' that does not resolve the underlying failure of the Plan, which is to cater for the development needs of the Borough over the full Plan period. This matter should be addressed now rather than leaving it to a further lengthy review process. There have been many instances where early reviews have been promised by LPAs in the past and not delivered. One such example is that of Chichester District that is currently preparing a new Local Plan some 9 years after the adoption of the Plan, which was the subject of an early review clause requiring a new plan to be in place within 5 years. The consequence for Chichester has been a lack of 5-year housing land supply and an influx of applications determined at Appeal. In the case of TWBC the consequence will be a failure to deliver housing and other development to meet need, which is not a sound approach to adopt.

- 2.27 Given the significant concerns the Inspector has raised with Tudeley Village and the fact the Council itself has taken the decision to remove it from the Plan on the basis 'the breadth of concerns raised by the Inspector is considerable and it is possible that any remaining concerns following further evidence work may still lead the Inspector to conclude that the exceptional circumstances test is not met'², B.Yond considers there is no merit in referencing Tudeley Village either as a future development option or broad location for growth in any early review clause for the Plan.
- 2.28 An early review of the Plan should look at all available options for growth and should be based on up-to-date evidence rather than being constrained by reference to a previously removed strategic allocation (Tudeley Village), which could well result in a similar scenario to the present situation that the Council finds itself in particularly because of the position in relation to Green Belt, highway and other infrastructure requirements and constraints. Of equal importance is the fact that, even on the Council's own evidence³, Tudeley Village would not be capable of delivering dwelling completions for at least 5 years from the point of adoption as an allocation. That being the case it seems difficult to understand how Tudeley Village could make any contribution towards the housing shortfall as part of an early review given the length of time that a Plan review would take and the fact that the Council's delivery shortfall will occur within 5 years of the anticipated adoption of this Plan (see our Statements for Matters 1 and 8).
- 2.29 Tudeley Village should not therefore be referenced in any early review mechanism that is built into the Plan, if in fact that approach is to be recommended by the Inspector.

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?

- 2.30 In short – no. The necessary exceptional circumstances do not exist to alter the Green Belt boundary in this location.
- 2.31 The Council itself has proposed the removal of Tudeley Village for a variety of reasons that stem from its inability to address the broad range of concerns raised by the Inspector in relation to the draft allocation. That in itself demonstrates that the

² See Paragraph 3.77 b) on Page 23 of PS_054

³ See Paragraphs 3.73, 3.74 and 3.77 a) on Pages 22-23 of PS_054

necessary test set out in the Framework 2023 has not been met for Tudeley Village to be released from the Green Belt.

- 2.32 The simple fact is that the allocation is not support by the necessary evidence to demonstrate that it works without causing significant harm, including to the Green Belt.
- 2.33 The site must therefore be removed from the Plan as the Council has suggested. The simple removal of the site does not however mean that the Plan can be found Sound for the reasons we have already articulated in relation to Matters 1 and 8.
- 2.34 Can we possibly add in here the hook that whilst not suitable for Tudeley, other sites close by are suitable? The evidence in GB suggests this?

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

- 2.35 Yes the main modifications suggested by the Council are necessary. They will not however result in a Sound Plan for the reasons we have articulated in relation to Matters 1 and 8, namely that the resulting Plan will be deficient in terms of its Plan period and the significant planned shortfall against the minimum LHN. The Council must also rectify these significant failings before the Plan can be found Sound.
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