

Tunbridge Wells Borough Local Plan Examination

Matter 2 Issue 1 Housing Needs and Requirement

Q5 Do policies relating to the Green Belt and/or the High Weald AONB provide a strong reason for restricting the scale of development in Tunbridge Wells?

Hearing Statement for 24th March 2022

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1.0 National Policy and Guidance in Relation to AONBs

- 1.1 NPPF paragraph 11 explains the presumption in favour of sustainable development. “For plan-making this means that:
- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
 - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. **the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷**; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” (*bold mine*).
- 1.2 The assets referred to are listed in footnote 7 and include Areas of Outstanding Natural Beauty. The most relevant policies in the Framework for AONBs are paragraphs 176 and 177.
- 1.3 Planning Practice Guidance, revised July 2019, states “The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. **Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process**, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas...” (*bold mine*) Paragraph: 041 Reference ID: 8-041-20190721.
- 1.4 On 16 December 2020 the government announced how it would be responding to widespread concern about its proposals to amend the standard method for calculating housing need. This included the following statements from the then Housing Minister the Right Hon Christopher Pincher:
- “we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. **We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places...**”.
- “Many respondents to the consultation were concerned that the ‘targets’ provided by the standard method were not appropriate for individual local authority areas. **Within the current planning system the standard method does not present**

a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face... that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF”.

- 1.5 The above statements do not change existing policy but reaffirm the existing situation in the NPPF that the housing need numbers produced by the standard method are just a starting point and not a target. Nearly 70% of Tunbridge Wells borough is within the High Weald AONB, and yet the submitted Local Plan is predicated on the Borough Council meeting its full housing need plus a buffer. This has severe repercussions for the AONB and prevents the Local Plan from conserving and enhancing its natural beauty.

2.0 The Sustainability Appraisal

- 2.1 The Sustainability Appraisal is the main tool by which the Borough Council assesses the options for the level of growth and its distribution and selects its development strategy. NPPF paragraph 32 says that “Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements” and paragraph 35 says that Plans are ‘sound’ if they meet the tests, including “Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”.
- 2.2 The Sustainability Appraisal for the Regulation 19 Local Plan assesses a number of growth options against sustainability objectives. Appendix A to the AONB Unit’s Regulation 19 representations on STR1 shows the scores and commentary for two of these options:
- GS13 - The strategy reflected in the Regulation 19 Local Plan; and
 - GS2 - A strategy which reduces development below the housing need to one that does not involve any major development in the High Weald AONB.
- 2.3 This exercise was carried out to understand the reasoning behind the selection of the Local Plan strategy compared to the option that most closely aligns to the AONB Unit’s position, albeit it doesn’t address its concerns about the impact of overall levels of growth on the setting of the AONB. The Appendix identifies a number of inaccuracies and inconsistencies in the scoring. If these were corrected, then GS2 would score more positively overall than the strategy selected for the Regulation 19 Local Plan.

3.0 Major Development in the High Weald AONB

- 3.1 Appendix 2 and 3 of the Development Strategy Topic Paper provides the justification for why some of the proposed allocation sites have been considered 'major development' in the terms of paragraph 172 (now 177) of the NPPF and some are not. This assessment has been carried out in a transparent way, and the NPPF makes it clear that whether a development is major or not is a matter for the decision-maker. Whilst paragraph 177 relates to planning applications it is relevant to plan-making because allocations will not be deliverable if they are unlikely to meet these tests at planning application stage. Tests a and b are also better applied at plan-making stage when development need and the alternative options for meeting it can be assessed comprehensively.
- 3.2 The dwellings proposed on major development sites in the AONB with no current planning status are:
- | | | |
|----------------|----------------------------|--------------------------|
| • AL/CRS3 | Turnden, Cranbrook | 164-168 dwellings |
| • AL/HA4 | Copthall Avenue, Hawkhurst | 70-79 dwellings |
| • AL/PE1,2&3 | Pembury | 210-220 dwellings |
| • Total | | 444-467 dwellings |
- 3.3 The AONB Unit believes that the proposed major development allocations fail the NPPF 177 tests for the following reasons:
- **The need for the development:** the Borough Council argues that the high housing need for the area necessitates major development in the AONB. However, this argument is circular. If the conservation and enhancement of the AONB was given great weight as required by NPPF 176 then the housing requirement figure for the Borough would be adjusted downwards to reflect the fact that 70% of the area is AONB, and there would be no 'necessity' to locate large amounts of development within the AONB.
 - **Developing outside the designated area, or meeting the need for it in some other way:** Even if it is necessary to allocate some development within the AONB that does not mean that such provision should be in the form of major development sites. As explained below, the High Weald landscape is small scale in character and can accommodate small scale development successfully without damaging its natural beauty.
 - **Any detrimental effect on the environment:** this is explored in more detail below.
- 3.4 National policy and legislation requires decision-makers to have regard and give great weight to conserving and enhancing the natural beauty of AONBs. In the High Weald this natural beauty is defined in the AONB Management Plan's Statement of Significance, which identifies five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

1. Geology, landform and water systems – a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams.
2. Settlement – dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries.
3. Routeways – a dense network of historic routeways (now roads, tracks and paths).
4. Woodland – abundance of ancient woodland, highly interconnected and in smallholdings.
5. Field and Heath – small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.

Other equally important but non-physical characteristics are identified in the Management Plan under sections on the ‘land-based economy and related rural life’ and ‘other qualities’.

- 3.5 The objectives for the settlement component are:
- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside;
 - Objective S2: To protect the historic pattern and character of settlement; and
 - Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.
- 3.6 One of the actions for objective S2 is to “Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs”. Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining its character, but large-scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.
- 3.7 The 5 core landscape components derive from the natural geology, topography and soils of the area and how people have used them over the centuries. Unlike the historically communally farmed landscapes of the Midlands which the national planning system is based on, the High Weald does not have nucleated towns and villages that are separated by open unoccupied countryside where any development would be ‘isolated’. Instead, it is based on a high density of medieval farmsteads most of which were farmed ‘in severalty’ – that is by individual families rather than as part of wider estates or communal systems. They were dispersed across the High Weald, surrounded by enough land to support a family and managed as mixed farms to suit the soil conditions and topography and to maximise self-sufficiency. Trees and hedges were an important component of the farming systems and fields were often carved out of

woodland by hand (assarts) resulting in their characteristic small and irregular shape. The challenging topography and soil conditions, which are suited to growing trees and grass rather than crops, mean that the High Weald has retained its Medieval character, with its small fields and woodland shaws, and its high density of historic routeways.

- 3.8 This history is important because it explains the human scale of the landscape components which comprise the natural beauty of the High Weald and the importance of the dispersed settlement pattern created by the farmsteads. Hamlets, villages and small towns evolved in the late Medieval period and onwards at the intersection of routeways and around commons to facilitate trading between farmsteads and the creation of small industries and crafts. Whilst these settlements are more consolidated, many have farmsteads on their outskirts, and it is particularly important to maintain the separation between these two different settlement types so that the historic landscape remains legible for future generations. Continually adding to the larger villages and towns threatens this historic character, especially when it subsumes these adjacent farmsteads. Large-scale developments sit uncomfortably in this landscape because they overlap historic field systems and dominate the small-scale historic settlement pattern. Whilst retaining field boundaries and historic features within new developments is important, it cannot overcome the basic incompatibility of locating large scale development within such a small-scale landscape. It therefore inevitably fails to conserve and enhance the natural beauty of the AONB.

Landscape and Visual Impact Assessment

- 3.9 Following the Regulation 18 consultation the Borough Council commissioned Hankinson Duckett Associates to undertake a Landscape and Visual Impact Assessment of 21 potential allocation sites in the AONB. The AONB Unit was consulted on the brief to these consultants but not on the outcome of the work.
- 3.10 Appendix B to the AONB Unit's Regulation 19 representation on STR1 identifies the detailed concerns with this work. Whilst it has a particular focus on the proposed site at Turnden, the concerns about the overall approach apply to all of the major development sites proposed in the AONB in the Regulation 19 Plan. These can be broadly summarised as follows:
- The Assessment consistently downgrades impact on the AONB;
 - The imprecise method encourages operator bias and its opaque nature discourages scrutiny;
 - The site assessments are inconsistent, partial, unsubstantiated and peppered with loaded phrases;
 - There is a visual bias across the assessments with the impact on landscape as a resource being significantly underplayed;
 - The cumulative effects of development under each site assessment section do not deal in specifics and when they do, they focus almost

entirely on visual effects – separation, viewpoints and planting – rather than landscape effects such as the loss of soils; field systems and their potential for biodiversity or food production; rurality, dark skies, tranquillity or other perceptual qualities.

- 3.15 For the reasons detailed above and in Appendix B to the AONB Unit's Regulation 19 representations it is considered that this LVIA should not be relied upon, and it should be accepted that major development within the AONB will have a severe detrimental impact on the natural beauty of the High Weald.

4.0 Development in the Setting of the AONB

- 4.1 Even if Growth Strategy 2 was followed and the uncommitted major development sites in the AONB removed from the Local Plan, the remaining growth proposed would still have a significant impact on the designated area. This is because only 30% of the Borough is outside of the AONB so attempting to meet all or nearly all of the housing need figure puts tremendous pressure on this area, including where it abuts or is close to the AONB boundary. Developments outside but affecting the AONB include:

• Paddock Wood / land east of Capel Parish	3,490-3,590 dwellings
• Tudeley Garden Village	2,800 dwellings
• Horsmonden	240-320 dwellings
• Spratsbrook Farm, Tunbridge Wells	120 dwellings
• Benenden Hospital	44-50 dwellings
• Sissinghurst	38 dwellings

- 4.2 The Borough Council commissioned Hankinson Duckett Associates to produce an 'AONB Setting Analysis Report'. The study focuses primarily on the inter-visibility of developments and direct impacts and does not address the wider impacts of accommodating this level of growth so close to the boundary of the AONB. These impacts include:

- Increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure;
- Increased traffic travelling through the AONB to access the new developments and the highway 'improvements' required to accommodate this;
- Loss of tranquillity arising from the above;
- Increase in air pollution arising from the above;
- Light pollution from developments on the edge of the AONB and from highway improvements which require to be lit.

- 4.4 The specific impacts of these developments on the AONB will be discussed under Matter 6 but they highlight the impact that the proposed housing requirement has on the AONB even where the proposed locations are outside the designated area. The above impacts would be reduced if the overall housing

number was reduced to reflect the 70% of the Borough which lies within the AONB rather than trying to meet the full housing need, plus a buffer, by squeezing as much as possible into the remaining area. This statement focuses on the impact of this strategy on the AONB because that is the Unit's remit. However, this does not mean we are blind to the devastating impact of the planned level of growth on the area outside of the AONB, much of which is Green Belt and/or Low Weald countryside which is highly valued by its residents.

5.0 Conclusion

- 5.1 The High Weald AONB Unit believes that the overall level of development proposed, and the major development sites allocated in the AONB, are not justified and are contrary to national policy and guidance. The proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated and would fail to conserve and enhance this national asset. It is therefore recommended that there is a reduction in the overall housing figure and that all the major development sites in the AONB be deleted from the Local Plan.