

# Friends of Tudeley

## Stage 1 Hearing Statement

### Tunbridge Wells Local Plan Examination

Friends of Tudeley (FoT) is a small group of Tudeley and Postern residents who engaged Transport, Planning and Landscape experts to look at the TWBC Local Plan for the Regulation 19 Public Consultation.

We were concerned that the inclusion of Tudeley Village in the Local Plan would cause catastrophic transport problems in Tonbridge and a scar on the landscape that would do little or nothing to provide housing within the Local Plan period, due to the huge infrastructure and delivery risks involved.

Our Regulation 19 reports can be viewed at

[https://forms.tunbridgewells.gov.uk/\\_data/assets/pdf\\_file/0019/403732/SI\\_37.pdf](https://forms.tunbridgewells.gov.uk/_data/assets/pdf_file/0019/403732/SI_37.pdf)

This Hearing Statement directly addresses some of the Stage 1 Matters, Issues and Questions. In our responses to these questions, we wish to assist in the smooth running of the Hearings and to help our community embrace the examination process as an opportunity for their voice to be heard and common sense to prevail.

We have commented on selected questions, directly related to the proposed Tudeley Village (TV) in the Pre-Submission Local Plan (PSLP). TV proposes 2,800 new dwellings (2,100 within the plan period to 2038).

## Issue 1 – Duty to Cooperate

**Q9.** The submitted Local Plan proposes two strategic developments (at Tudeley Village and Paddock Wood, including land at east Capel) which are situated reasonably close to the boundary with Tonbridge & Malling Borough. The Statement of Common Ground with Tonbridge & Malling Borough Council includes details of a ‘Strategic Sites Working Group’ which meets monthly and includes examples of some policy outcomes as a result of this joint working. The Statement of Common Ground also clarifies that Tonbridge & Malling Borough Council has raised ‘serious concerns’ relating to the transport evidence base, transport impacts, flooding and infrastructure provision. In response, paragraph 5.12 concludes that both authorities will continue working to address these concerns, including where necessary with key infrastructure providers and statutory consultees. **How have these strategic cross-boundary matters been considered throughout the plan-making process and has the Council engaged constructively, actively and on an on-going basis in addressing them?** In answering this question, has the Council’s approach been consistent with advice contained in the Planning Practice Guidance? It states that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the Inspector to direct them. If agreements cannot be reached, Planning Practice Guidance advises that plans may still be submitted for examination, but, states that comprehensive and robust evidence of the efforts made to cooperate, and any outcomes achieved, will be required.

TWBC has failed to provide evidence of genuine cooperation with TMBC. A new settlement such as the proposed Tudeley Village (TV) is exactly the sort of strategic planning issue on which co-operation is key. The cooperation required cannot be met through retrospective changes. TWBC has not fulfilled the Duty to Cooperate.

TWBC have no clear evidence of collaboration from the earliest stages of plan preparation. This is no surprise given that there has historically been little effective of co-operation between local planning authorities in this area, with TMBC and Sevenoaks’ Local Plan both failing to meet their Duty to Cooperate. TWBC can’t fix this now. We believe that the only option is to go back to the drawing board (as Tonbridge and Sevenoaks have done) and start again. This time, we hope that all of the local authorities involved will work effectively together to deliver achievable, sustainable Local Plans. By failing to cooperate effectively, they have failed all of their residents and have wasted so much money and time, when our communities so badly need investment and sustainable development for both housing and employment.

When TWBC made its first announcement to the public regarding the creation of the new settlement at Tudeley in May 2019 there was no Statement of Common Ground (SoCG) or anything resembling a SoCG between TWBC and TMBC, despite Government guidance in February 2019 specifying the importance of these statements in Local Plan making. A Memorandum of Understanding was signed between TMBC and TWBC eight months later in

January 2020 but a SoCG was not signed until October 2021 – 20 months later - just a month before TWBC’s PSLP was submitted for examination.

We have seen nothing in the PSLP or any of the Regulation 19 consultation submissions that shows real problem solving, during the plan making process, regarding infrastructure. The most pressing cross boundary strategic issue caused by TV is the amount of traffic that will pour in to Tonbridge. Well respected Transport consultants, Connect, have demonstrated that no physical changes to the road layout (extra lanes, roundabouts and traffic lights) could ease the traffic burden in to Tonbridge. They have also shown that the modal shift (to electric bikes, walking and buses) suggested by TWBC’s studies and the landowner’s agents, is unrealistic (by a huge margin) and unachievable (even with forward funding, which doesn’t exist).

The Strategic Sites Working Group (SSWG) has failed to ensure cooperation. Its agendas, minutes and actions are not made public. This made the process appear secretive and went against the transparency that Local Plan making requires regarding community involvement. The SSWG situation exacerbated ill feeling within the community following the revelation of extensive use of NDAs by TWBC and the landowner prior to the Regulation 18 consultation. SSWG minutes could have been published with any commercially sensitive information redacted to facilitate more community engagement. Despite the suggestion of community engagement in the SSWG table below, community participants were forbidden from discussing any of the topics with the residents they represent. The SSWG involves over 30 participants, with promoters purportedly most vocal. Most of the attendees are not concerned by cross boundary issues.

**TWBC Duty to Cooperate engagement record for the Strategic Sites Working Group**

**Meeting/correspondence log**

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
<b>2019:</b> 18 July -Initial Mtg 4 September 4 December	The distribution list for the SSWG is as follows. The meetings are well attended, and key sites are mostly represented at every meeting. A full attendance list can be made available for each meeting upon request.	The Strategic Sites Working Group (SSWG) is a forum that facilitates collaborative working in the delivery of the two strategic sites.	The monthly meetings provide a round table forum to update and discuss key items in progressing the strategic sites through the Local Plan and beyond.
<b>2020:</b> 8 January 5 February 4 March No April meeting 20 May No June meeting 1 July 5 August 2 September 7 October 18 November 16 December		1. Barsleys Dept. Store 2. Barton Willmore (Agent representing Crest Nicholson) 3. Capel PC 4. Charterhouse 5. Countryside Properties 6. CBRE (representing Dandara) 7. Churchill Retirement 8. Dandara 9. Crest Nicholson 10. David Hickens Associates 11. Environment Agency 12. Gallagher 13. Highways England 14. Icefox Development Ltd 15. Judith Ashton Associates (representing Redrow and Persimmon) 16. KCC Education	Meetings are held monthly (in person and via Skype for Business and MS Teams from March 2020).  It was established July 2019, following the finalisation of the Regulation 18 Draft Local Plan which set out the approach to growth around Paddock Wood and east Capel, and Tudeley Village.
<b>2021:</b> No January meeting 3 February 3 March 7 April 5 May		All site promoters were invited to participate, along with a representative from associated community groups (Capel Parish and Paddock Wood Town Councils), Borough ward members, relevant neighbourhood planning groups, adjoining local planning authorities to the site (Tonbridge	From August 2021 onwards, the SSWG meetings are to be held less frequently (every quarter) with smaller workshops/ technical/ communication meetings in the interim period.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
7 July 3 November  A number of smaller meetings have taken place between August to November 2021.	17. KCC Flooding 18. KCC Highways 19. KCC Planning 20. Kember Loudon Williams (representing land at Tudeley Brook Farm) 21. Lambert and Foster 22. Network Rail 23. Paddock Wood TC 24. Persimmon Homes 25. Redrow 26. Southern Water 27. Turnberry Consulting (representing The Hadlow Estate) 28. TWBC: Ward Members 29. Tesco 30. Upper Medway Internal Drainage Board 31. The Kent and Medway NHS Clinical Commissioning Group 32. Maidstone Borough Council 33. Tonbridge and Malling Borough Council 34. Volatire Financial	and Malling BC, and Maidstone BC) and other statutory consultees and infrastructure providers.	

The limited reports produced by the SSWG, such as the Stantec Baseline Review of Tudeley Village, were found to be at the very least inaccurate, or potentially deliberately misleading. An example is shown below. Tudeley residents will tell you in an instant that the traffic in to the centre of Tonbridge isn't just 11%. It includes the A21, A26 and London traffic – an additional 30% - all of which has to go along the B2017 in to Tonbridge. A simple check of a roadmap would have corrected this mistake, yet it went through SSWG meetings with no correction applied.

Figure 2.1: Tudeley Village Distribution



If Connect found major flaws in the transport infrastructure assumptions after a few weeks of scrutiny, how did TMBC, KCC Highways and other SSWG participants fail to spot those huge inconsistencies across two years of SSWG meetings, when the impact of those faulty calculations would cause terrible harm to residents, roads and amenities? The balance of

attendees at the SSWG would not have supported cross boundary discussion or prioritised solutions to these very difficult issues.

If the SSWG was the primary mechanism to ensure cooperation then it has failed.

**Q11.** How does the preparation of additional highways evidence and further dialogue with the County Council demonstrate compliance with the duty to cooperate, which relates to the preparation of the Plan and thus cannot be rectified post-submission?

KCC Highways and TWBC refer to “an iterative process of ongoing liaison” in their SoCG. Their evidence base contains an Infrastructure Delivery Plan that has been scrutinised by independent experts (Transport Consultants Connect and Motion) and shown to be incorrect during the Regulation 19 public consultation. TWBC have ignored the expert analysis presented to them.

KCC Highways and TWBC have cooperated with each other. This cooperation, however, has not resulted in a positively prepared plan. They have then not taken on board evidence showing flaws in their plan. TWBC pressed ahead and submitted the plan for examination without fully funded solutions for traffic from Tudeley to Paddock Wood and with no solutions to insurmountable problems with the volume of new traffic between Tudeley and Tonbridge.

**Q13.** Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to advice contained in the National Planning Policy Framework (the ‘Framework’) and the National Planning Practice Guidance (the ‘PPG’)?

No.

A detailed explanation of TWBC’s failure to comply with the Duty to Cooperate can be found in our Regulation 19 submission at [https://forms.tunbridgewells.gov.uk/data/assets/pdf\\_file/0019/403732/SI\\_37.pdf](https://forms.tunbridgewells.gov.uk/data/assets/pdf_file/0019/403732/SI_37.pdf)

## Issue 3 – Sustainability Appraisal

**Q7.** Having established the strategy, what reasonable alternatives has the Council considered through the Sustainability Appraisal to the new settlement proposed at Tudeley?

One of the big surprises of the Local Plan making process was the inclusion of Tudeley Village (TV) in the plan at a relatively late stage. It had been promoted by the landowner, Hadlow Estate, for a number of years, starting its life as “Hadlow Garden Village” (supposedly not to be confused with Hadlow Village in Tonbridge & Malling) with 4,000 new dwellings spread across Green Belt and AONB. Its metamorphosis in to “Tudeley Village” and reduction in size to 2,800 new dwellings came a long time after the 2018 TWBC Call for Sites process. The largest new settlement in the Local Plan was not in the Call for Sites process. Garden Villages at Kippings Cross and other areas were favoured options right up until the start of 2019, when suddenly working with the single landowner/promoter at

Tudeley became highly preferable to any of the other Growth Options. TWBC's Head of Planning made no secret of this, announcing TV's selection and its cooperative single landowner at public meetings in Five Oak Green and Paddock Wood in May 2019.

With the appearance of TV in the Local Plan, it is perhaps not unsurprising that we believe the reasoning for selecting the proposed Tudeley Village site is inadequate and TWBC have not given sufficient reasoning why the Local Plan is the most sustainable strategy when considered against the reasonable alternatives. The likely environmental, social and economic effects of the Local Plan are not adequately nor accurately assessed in the SA.

The SA makes no reference to the landowner's lack of experience in delivering new housing and the unwillingness of commercial developers to participate in the scheme. This must bring into question its deliverability.

**Q8. What was the justification for ruling out alternative options in locations such as Frittenden and Horsmonden on transport grounds, but not Tudeley Village?**

We searched through every document in the Draft Local Plan for Regulation 18 consultation and then again in the PSLP, looking for details on why Horsmonden and Frittenden were assessed as having less suitable transport, amenities and settlement links than Tudeley. There are no transport assessments for Frittenden and Horsmonden.

We visited the areas, talked to residents and looked at the Call for Sites maps. We simply could not understand why TWBC would attempt to justify "exceptional circumstances" to release land from the Green Belt at Tudeley when two sites outside of the Green Belt and AONB existed in the Borough and had landowners willing to provide their land for housing and employment. The only explanation offered was verbally, in the public meetings in May 2019; that the single landowner at Tudeley was the overarching factor in the selection of Tudeley for a new settlement, rather than Frittenden or Horsmonden. None of the scorings or narrative in the Sustainability Appraisal explain this view or provide evidence to support the decision.

**Q9. Does the Sustainability Appraisal adequately and robustly consider reasonable alternative strategies for the size and scale of development proposed at Tudeley Village and Paddock Wood, including land at East Capel? For example, does it consider smaller and/or larger forms of development as a way of meeting housing needs?**

No.

Once TWBC had decided that the only way to meet the Objectively Assessed Housing Need was to release land from the Green Belt it would have been appropriate to revisit the whole range of sites that were earlier considered unsuitable for Green Belt reasons. A suite of smaller sites at the edge of settlements in the Green Belt, including Southborough and Tunbridge Wells, would not result in such a fundamental impact on Green Belt purposes, when compared to the new settlement at Tudeley. A finer grain assessment of site proposals was required.

One of the discarded garden settlement sites (Blantyre House, a redundant prison site) has not been allocated, despite being a brownfield site. The site clearly needs to be repurposed and TWBC should give guidance.

## Issue 4 – Other Aspects of Legal Compliance

### Q3. Were representations adequately taken into account?

No. Tudeley Village was a very late entry to the Draft Local Plan. The views of the local community in public meetings and consultations have been overwhelmingly negative and the community was given a very short period of time to consider the likely impacts of the proposal on a wide range of issues and infrastructure.

There is real, tangible concern that essential items of infrastructure have not been investigated adequately and that the evidence base for the PSLP is incomplete and inaccurate. The inclusion of Tudeley Village in the Local Plan is high risk and undeliverable. It will leave a scar on our landscape that will never be healed.

There was no engagement from TWBC with the community in Tudeley and the Parish of Capel after Regulation 18 and 19 consultations. The vast majority of comments from TWBC residents during the Regulation 18 consultation contained strong objections to Tudeley Village being included in the Local Plan (30% of the comments on Place Shaping Policies related to the Parish of Capel, of which 97% objected to the proposed Tudeley Village). No reference was made to this in the TWBC Regulation 19 public consultation, despite other areas' concerns being acknowledged. Residents of the Parish of Capel have been ignored.

There has been no attempt by TWBC to address the gaps in infrastructure planning or to allay well founded, evidenced fears regarding the possible construction of 2,800 new dwellings at Tudeley Village.