

Hearing Statement on Community Engagement

Capel Parish Council

Given the scale of development proposed in Capel Parish in the Tunbridge Wells Local Plan, Capel Parish Council consider the level of community engagement provided by the Borough Council, their advisors, and Hadlow Estate to have been inadequate. Furthermore, where engagement has been sought the ideas from the local community have been given little consideration. Given that the PSLP proposes a total of 4160 housing units with associated infrastructure including roads on what is at present MGB land (which on the Borough Council's own admission will lead to years of disruption to the lives of the present residents) we think this to be unacceptable.

Capel Parish Council believe that TWBC has failed to carry out Community Engagement, both via the parish Council and with the general public, according to its Statement of Community Involvement based on the evidence below.

1. Throughout the process of developing the Plan as it applies to Capel Parish, the LPA has failed to consult those with local knowledge. This has resulted in the plan being formulated on a flawed evidence base compounded by the Council's subsequent refusal to amend or rectify errors. For example, the erroneous data from the parish in the Settlement Role and Function Study 2017 was still incorrect regarding facilities in the parish in 2021 at the PSLP stage, despite TWBC officers being repeatedly contacted by the parish council to correct the record.
2. There has been a consistent failure to recognise Capel as a separate entity especially when dealing with the expansion of Paddock Wood. David Lock Associates DLA portrayed a continual opaqueness and lack of understanding as to Capel's make-up which TWBC seemed reluctant to correct. The failure to realise for example that Capel (the hamlet that gives its name to the parish) is not the same as Five Oak Green which is the major settlement within it. So, we have the "Main road through "Capel" is Alders Rd the B2160" when they presumably meant the B2017 through Five Oak Green: the constant reference to the expansion westwards of Paddock Wood without reference to Capel as a separate entity. The B2160 is in fact the main road through Paddock Wood. *Page 120 DLA Strategic Masterplan*
3. Considering over 50% of new housing development is earmarked for this Parish, Capel Parish Council has been consistently under-represented and ignored at the SSWG. Initially only one representative from Capel Parish Council was invited to attend. Later this was extended to a member of the Neighbourhood Plan Group. We were outnumbered not only by planners and council officials but by representatives of Paddock Wood, even though more houses were proposed for Capel. Capel's one borough councillor was also present, but until defeated in May 2021 she was a member of the cabinet responsible for the Plan.

4. Timeline of 'engagement' by TWBC to the end of Reg 18

2017 - LP Issues and Options for public consultation was published. In Option 5. Garden Village settlement it stated – “**no location proposed**”. There was no early stage consultation with the local community which is a criterion for GV developments and no indication large scale development on the Green Belt was being proposed:

New garden villages should... also set how the local community is being, or will be, engaged at an early stage, and strategies for community involvement to help ensure local support. (2016 DCLG)

13 March 2018

Parish Chairmen's presentation by TWBC – 440 houses were allocated to Five Oak Green. Tudeley Garden Village was not on the shortlist of 3 (out of approx 7 sites including TGV) to be taken forward for feasibility studies. (Possible garden villages shortlisted were Paddock Wood, Horsmonden & Frittenden.)

20th April 2018

A meeting between Capel Parish Council (only Chair & vice were available as in the daytime) and Head of Planning at his request. No longer a 440 house allocation for Five Oak Green but TGV (2,800) instead. The sudden change in direction of the DLP was never adequately explained nor were CPC opinions sought.

23rd August 2018

“Workshop” held at Town Hall including representatives from CPC and PWTC. This was not a workshop but rather TWBC providing information on their intentions and their proposal. Cllrs were able to offer suggestions on key issues, but none of these were taken forward nor explored to our knowledge. Cllrs urged that if these proposals were adopted a new bypass for the whole area (possibly north of PW to the A21) as the Colts Hill bypass would not be adequate. All CPC Cllrs were invited. Due to the workshop being during the working day not all councillors were able to attend.

20th May 2019

Page 11 Consultation Statement for PSLP refers to the meeting on this date:

Specific meetings with targeted groups

3.16 In view of the scale of development and associated infrastructure proposed at both Paddock Wood and in Capel parish, additional presentations/discussions were held with both Capel Parish and Paddock Wood Town Councils in May 2019 with the Head of Planning to discuss publicly (at a high level) the proposed allocations.

This was the Annual Parish Meeting organised by CPC (in public), and not instigated by TWBC. (It is unclear how this was an “additional” presentation). Before the meeting CPC insisted that the DLP must be brought into the public domain. The attendance of the Head of Planning was welcomed. However, he was there to field

questions about a plan already decided rather than listen to local views to help formulate a Local Plan. “High Level” public discussions is therefore a misleading term. Apart from the addition of 700 houses in East Capel the plan in its post Reg 19 form is remarkably like that unveiled by the HoP in May 2019.

There remains NO indication of how TWBC intended to inform the community of Capel of its proposals if CPC had not insisted it be made public on May 20th, 2019.

The Head of Planning refers in an email after the meeting that this is the “start of engagement”. This, despite over a year of CPC being bound by confidentiality and unable to confer with residents nor impart their wishes to TWBC.

CPC requested another local event for parishioners on the 3rd June 2019. HoP suggested it had to be held after the 8th July as that was after a decision by TWBC Cabinet. This meeting was not subsequently taken forward by TWBC. Given the Proposals would increase the number of dwellings in Capel by 500%, but no further public consultation nor meaningful engagement with the parish Council was undertaken before Reg 18.

14th Oct 2019

CPC apply for Neighbourhood Plan Designation. This was finally approved on 17th February 2020 after many requests from CPC to expedite

Reg 18 Consultation

TWBC failed to provide adequate roadshows/exhibitions in Capel (Save Capel provided 2 more at Tudeley). Only one was provided on the 21st May 2020 for 4hrs in Five Oak Green despite over 50% of the allocation being in Capel. There were 173 Attendees. For those with no access to a computer the documents were made available at TWBC Gateway, libraries & via CPC – there is no library in Capel and the CPC office is only manned for 2 hours twice a week and too cramped to contain more than 2 people at a time. CPC considered this inadequate given the scale of the impact on Capel. (Please see Appendix example of email exchange) Capel Parish Council believe that TWBC provided inadequate opportunities for participants to access and make comment on the DLP both at Reg 18 and particularly at Reg 19 during the pandemic. TWBC also failed to minimize or adequately take into account the difficulties experienced by those with the protected characteristics of age and disability.

Over 8,000 comments were received by TWBC. 2,000 respondents focused Capel alone. A 3,750 signature petition was submitted to TWBC opposing the plans in the parish. The consultation had no influence on the DLP other than a further 700 houses being allocated to East Capel in the subsequent PSLP. The conclusion must be drawn that representations were not adequately or even taken into account.

There was also an issue of process: Page 16 3.45 *In terms of the form of responses, 51% were received by email, 27% via the submission of a paper form or letter and 22% via the planning portal on the Council’s website.*

These numbers give an indication of how hard it was to enter data on the portal, which regularly timed out or failed to “save”. The process was extremely complex.

5. Timeline of 'engagement' by Hadlow Estate

18th July 2019

An Invitation was issued by the landowner after the initial SSWG to discuss TGV. This was sent to the Chair & Vice Chair of the parish council. However, this was then withdrawn after it was made clear by CPC that an independent 3rd party should attend. CPC responded that he would be welcome to speak to the full Council, perhaps the next Council meeting.

Response *"we are in the early stages of the DLP. As such we are happy to offer to meet any individual members of the PC."*

He did not avail himself of or mention our invitation in the email. Meetings with individual members on such a sensitive planning issue was deemed inappropriate by the council.

24th February 2020

Mr. Teacher first organised a one hour presentation on his planning charette for TGV to all CPC members (before a council meeting) with Stephen Baughen (HoP) & Save Capel in attendance. CPC suggested the planned charette should be held locally and that daytime workshops were inconvenient to those who work, and perhaps evening ones could be facilitated. This was dismissed out of hand by Mr. Teacher.

In the event the planned Charette was cancelled due to Covid though it was due to take place in Tunbridge Wells hotels – one with limited parking and one with no parking. This consultation would have paid no regard to those without cars and daytime workers. [Tunbridge Wells is 6 miles from Capel with very limited direct public transport Hadlow Estate's interpretation of 'local' was Tunbridge Wells borough and its stakeholders not Capel]. Tunbridge is next door to the proposed development site, but the event could have been run locally from either the church and/or village hall. The community were very vocal in their condemnation of this choice of venue on social media.

14-21 October 2020

Hadlow Estates Exhibition

The first 2 days were for stakeholders, final 2 for the public. Again, inconvenient for residents as it was held in Tunbridge Wells with no car parking at the venue. Entrance by ticket only due to pandemic, with 1 hour to view and 1 hour for questions. There was no publication of the full comments from the Exhibition. Some are included in the HE Delivery Plan, but they appear to be selective. This is not included in the PSLP

6. 'Engagement' by David Lock Associates

28th September 2020 Community Stakeholder Workshop

This was a 3 hour workshop but with limited representation as it was not public. It was focused almost entirely on Paddock Wood and failed to acknowledge the planned expansion west of PW as being in Capel. Names were wrong e.g., 'Paddock Green' and 'Five Oaks'. It betrayed a complete lack of understanding of the various hamlets and make up of the parish of Capel.

(A pre-meeting between Save Capel, CPC, and DLA to establish point of engagement – was described by participants as 'uncomfortable'.)

The workshop was over organized by DLA and was mainly an exercise in some Paddock Wood Town councillors being invited to use a computer programme to decide where housing should be placed in Capel and vice versa, which seemed totally inappropriate.

7. 'Engagement' at Reg 19

28th January 2021

Email to Democratic Officer regarding the refusal to allow more than 4 speakers at Full Cabinet meeting given the PSLP was due to be approved affecting 20 wards across the borough.

TWBC website details regarding public speaking at full Council *"Occasionally, when a matter is of especial interest, the Council may resolve to increase the number of speakers"*.

Response after two email reminders was that the mayor did not make an exception as there was: *"no definition of what constitutes especial interest. Only happened twice in the last five years so very rare"*

Given the importance of a Draft Local Plan to all residents in Tunbridge Wells Borough and the massive response by the public at Reg. 18, it is surprising that the mayor was not advised to make an exception

15th Feb 2021

Capel Parish Council request inclusion in meetings with Paddock Wood Town Council and Head of Planning on the location of the planned sports hub – the new position would be firmly in East Capel and not Paddock Wood.

An email response from HoP stated that the meeting was a follow up to a presentation to PWTC & their Neighbourhood Planning group. *"Going forward **after this meeting**, future discussions for proposals which relate to the land in E. Capel ...will take place with both the PC/TC & relevant NP Groups"* To date no such discussion involving Capel Parish Council or any of their residents has taken place.

Regulation 19 consultation period

26.March 2021 – 04 June 2021

The initial 8 weeks consultation was extended by 2 weeks due to both the pandemic & belated recognition that there were local elections for parish, borough, and county councillors during the period. This was only after CPC formally requested an extension by email due to the difficulties of holding a proper consultation during a pandemic.

CPC made a formal request via Knights Solicitors for the consultation to be halted due to elections in Capel and advice from the Local Government Association that consultations should not be held during election periods. It appeared that TWBC only responded when it was clear on the 8th April that the parish election in Capel would be uncontested.

This consultation was completely online. Hard copies of PSLP were only available at the TWBC Gateway by appointment only. The CPC part time Clerk was asked to collect a hard copy if the Capel Community needed one, from Tunbridge Wells. At Reg 18 TWBC had organised a delivery to every Parish and Town Clerk

The process was onerous and the planning consultation portal extremely difficult to navigate. There were many technical issues related to the consultation.

8. Summary of public engagement:

Total of public engagement on the Strategic Sites proposal NOT organized by Capel Parish Council or Save Capel:

Harry Teacher (Tudeley landowner) = one hour per person plus questions exhibition in Tunbridge Wells

Stephen Baughen (Head of Planning) = four hours at Reg 18 exhibition in Five Oak Green

Organised by Capel Parish Council

Stephen Baughen Head of Planning attended Annual Parish Meeting = two hours + later meeting at Somerhill = three hours

Organised by Save Capel

2 x Save Capel meetings at Somerhill (2nd one with CEO & HoP who accepted invitation) = five hours +

2 x exhibitions at Tudeley = three hours + (Head of Planning did attend)

(This only applies to Reg.18 as due to Covid no face-to-face presentations have been possible – however it is not likely that TWBC would have organized anymore than one exhibition at Reg. 19)

9. Appendix:

From: Stephen Baughen [L:SEP] **Sent:** 13 October 2019 21:10 [L:SEP] **To:** savecapel@gmail.com [L:SEP] **Subject:** Various queries raised by Save Capel

Dear xxxx

As I am sure you can appreciate, it has been a very busy couple of weeks with the exhibitions and usual day-to-day work of Planning Services (including the fact we are currently assessing two of the three largest planning applications that TWBC has received in the last decade), plus I have had some annual leave: hence catching up on matters at the weekend.

Apologies for the delay in responding. I had hoped to respond to all the outstanding questions together earlier this week, but as some require confirmation from others I am unfortunately not yet in a position to do so.

I have listed the matters below with my responses in green, and hope to be able to send the other responses across on Monday/Tuesday.

There are other questions from [xxx], but as these have been submitted presumably by [xxx] as an individual rather than on behalf of Save Capel, I will respond to [xxx] separately.

Email from Sunday 29th September

1. If a resident has no access to a computer then failing to acknowledge hand written, posted letters leaves them at a serious disadvantage to other residents. They will not receive an acknowledgement of their letter (unlike receipts sent for emails or portal submissions) and they will not be able to view their submission alongside other submissions.

It does not leave them at a disadvantage. As long as the letters are addressed properly they will be received. They will be put up onto the portal as soon as we can (and I am employing additional staff to input data for the consultation period, who start tomorrow), so the lag time

between them being submitted and available on the portal will not be great.

In Capel, the areas affected by the proposals have high numbers of older residents who would like to write a letter but can't view the Local Plan documents on a computer or in printed form (Tudeley and Five Oak Green don't have a library) and you have said that if they don't relate their comments to a specific section of the Plan or Sustainability Appraisal they may be misinterpreted. This is very unfair and discriminates against a sizeable and much valued part of our community. Can a process be delivered by TWBC to help them?

As advised previously, if residents who write by hand can make it very clear which policy (or policies) their comments relate to, then this will assist officers in inputting the comments against those policies. It is in no way discriminatory.

A copy of all Draft Local Plan, SA, Topic Papers, EQIA, etc was provided to the Chairman of the Parish Council to deliver to the Clerk of the PC on 17th September 2019. Therefore, paper copies should have been available to residents at the PC since the start of the consultation period, and TWBC has been clear in communication that paper copies are available at all PC/TCs.

It has been suggested that there may have been a delay in the papers being passed from the Chairman to the Clerk, but the instructions were clear to all the PC Chairmen as to why the paper copies were being distributed, and that they needed to be passed straight to the Clerk(s).

Email from Tuesday 1st October

Houses in CA1 not under the ownership of the Hadlow estate:

- I presume that [xxx] has forwarded my email to xxx of 11th October. If not, please advise.

Extension to deadline for submission of comments

The Council has received other requests for an extension from Parish and Town Councils. I have discussed these requests with Members this morning. It will be extended until 17.00 15th November 2019.

We're in the course of updating the website, writing to everyone on the consultation database, producing new posters etc.

We will be setting out that this is likely to impact on the overall timetable for the local plan. There will not be any further extensions to the end of the consultation period.

Request for additional exhibition

Whilst ideally we would have had two exhibitions in the parish, and indeed would have had exhibitions in every parish, it is necessary to balance resources. This, and the exhibition dates, were explained in the P&T CAB and Cabinet reports. I have also attended all three of the events arranged by Save Capel that I was invited to.

As the policy team works on tight timetable - and officers are now on the next steps of their work programmes - and there are periods of annual leave coming up (much of which has been booked for a long time around the exhibition dates etc), together with other factors, we cannot undertake another exhibition.

Reps being available on-line

The software company advised that the documents would be available in early October: we are in discussion with them as to why there is a delay in implementing this. If it is not resolved shortly, there is an alternative approach, which will be publicised.

I trust the above is of assistance.

Thanks

Steve

