

SAVE CAPEL

HEARING STATEMENT

MATTER 6 – STRATEGIC SITES (POLICIES STR/SS3 AND STR/CA1)

Abbreviations:

Tunbridge Wells Borough Council: "TWBC" or "LPA" or "the Council".

Motion transport consultants: Motion

DLA: David Lock Associates

HA: Heritage Assets

HE: Hadlow Estate

AONB: Area of Outstanding National Beauty

ELA: Environmental Impact Assessment

PW: Paddock Wood

TV or TGV: Tudeley Village

EC: East Capel

FOG: Five Oak Green

TMBC: Tonbridge & Malling Borough Council

GBS: Green Belt Studies

KCC: Kent County Council

INTRODUCTION

1. This Matter is in the view of Save Capel of great importance. The proposals pose an existential threat to the Parish through unprecedented and wholly inequitable development, changing Capel's identity from rural to suburban through ribbon development from the eastern edge of Tonbridge to Paddock Wood. There has been no acknowledgement from Tunbridge Wells that the land allocated in Capel is a highly valued historic landscape that they would want to preserve, instead the proposals will desecrate the landscape in perpetuity. Development, particularly on such large scale, should strive to best serve the requirements of both current

and future residents of the borough, but the Local Plan does not deliver against this most fundamental objective by flatly ignoring the results of public consultation.

2. Save Capel submitted an extensive Reg 19 Representation addressing in detail the reasons why Policies STR/SS3 and STR/CA1 in the Reg 19 Plan failed the tests of soundness. These points are not repeated in this statement but SC requests that our Main Representation (paragraphs 6.1 to 7.23) together with the appendices is reviewed in the consideration of this Matter 6.

Note: Some evidence to support Save Capel's arguments has been taken from documents that do not appear to have been submitted for examination^{1 2}.

3. Save Capel has attempted to be as concise as possible in this statement and is grateful to the Inspector for allowing flexibility on the word limit because of the large number of questions on Issue 1 (STR/SS3) and the new evidence admitted to the examination recently.

ISSUE 1 – TUDELEY VILLAGE (SS3)

SIZE, SCALE AND LOCATION OF DEVELOPMENT

Q1. What is the site area based on and how was the size of the allocation and number of new homes established?

4. The offer of land by Hadlow Estate dictated the size and number of new homes. Other than reducing the initial proposals put forward by Hadlow Estate which included incursion into the AONB, there has been little or no input from TWBC. That the site belonged to a single landowner appears to be a significant attraction, avoiding the need for negotiation with other landowners – as advised at a public meeting in May 2019 by the Head of Planning Services.
5. The lack of infrastructure and therefore the costs of providing it will drive the “all or nothing” approach to housing density. Whilst densities should be maximised, Save Capel is concerned that this would further limit any residual green space. No doubt TWBC will rely heavily on the masterplanning work carried out to date by David Lock Associates, but if the costs of infrastructure increase (with a resultant impact on viability) Save Capel is concerned that even the amount of green space within the site envisaged in the masterplanning work to date will be further reduced.

¹ [TWBC Landscape Character Assessment Area 13 Paddock Wood/Five Oak Green Low Weald Farmland 2017](#)

² [Farmsteads Assessment Guidance for Tunbridge Wells 2016](#)

Q2. What alternatives to the size and scale of development proposed in the Plan has the Council considered?

6. As previously mentioned in other Matters, in particular Matter 1 (on the SA) the Selection of Sites and Sustainability Appraisal processes are very flawed. This site was added into the Draft Local Plan at a very late stage (May/June 2019) just ahead of the Regulation 18 Consultation. SC considers the “One Landowner/One Deal” opportunity led to TWBC moving into a “pre-determination mode” and that all evidence relating to other sites was designed to justify that solution.
7. When questioned about a “Plan B” alternative at the Capel Parish Council organised public meeting (May 2019) to announce the TV site, TWBC Head of Planning replied that there was none.

Q3. The submission version Policies Map for Tudeley Village shows land beyond the Limits to Built Development forming part of the allocation. What is the reason for this? Is all of the allocation proposed to be removed from the Green Belt?

8. In total, 407.5 hectares will be removed from Green Belt in the borough, and of this 331ha (81%) are in Capel. Of the 81%, 45% is in Tudeley(SS3) and 36% in East Capel (part of SS1). In total the two strategic sites (including Paddock Wood) are proposed to deliver 66% of the total housing requirement, whilst currently having less than 9% of the population of the Borough. This is not equitable.
9. All of the land for the proposed Tudeley Village site is currently Green Belt and would be removed from this designation. To bring the proposals to fruition development will need to take place beyond the existing Limits to Built Development.
10. The reasons why 183 ha of GB is being removed at Tudeley³ compared with the stated 170 ha for the site are unclear. It appears that this additional area is at the northern boundary and lies within the flood zone 2 associated with the river Medway floodplain. This is discussed further at Q26 below.

GREEN BELT

Q4. The Green Belt Study Stage 2 report concluded that releasing land from the Green Belt between Tonbridge and Paddock Wood (Ref BA4) would cause a ‘very high’ level of harm to the Green Belt. In the Stage 3 Assessment, a harm rating of ‘High’ is given for Tudeley Village. What are the reasons for the different scores?

³ Table 6 of CD 3.128 Pg 67

11. Save Capel agrees with the Inspector's question as to why there were three GB studies, with significant inconsistencies in the levels of harm rankings, and at the end of the day a Strategic Site, totally in the Green Belt, remains the centrepiece of the Local Plan.
12. We would refer to our responses to these studies in our hearing statement on Matter 4 – Green Belt, where we summarised that Green Belt Study 3 looks more specifically at the proposed Tudeley Village allocation (then AL/CA1) using a somewhat different methodology, described by the study as 'more refined' than that used in 2017. It reaches the conclusion that the level of harm for the site as a whole could be downgraded from 'very high' to 'high'.
13. Study 3 also interprets the NPPF literally that coalescence etc is measured by only towns & not villages, or even settlements. Therefore, coming to the bizarre conclusion that because neither strategic site is near T Wells there are no serious issues with urban sprawl & the other criteria. In the case of TGV it certainly doesn't look at the cross boundary issue of Tonbridge.
14. Save Capel concludes that Study 3 is little more than an after-the-event attempt to justify the proposed strategic Green Belt site allocations. This assessment lowers the harm rating as the 5 functions of Green Belt are of course degraded by development at the site itself.
15. This in turn then leads to an illogical justification for developing on that same area of Green Belt.

Q5. What would be the extent of the harm to the Green Belt if the boundaries changed in this location as proposed? Are there any ways in which this harm could be minimised or mitigated?

16. The development of the proposed Tudeley Village allocation (STR/SS 3) would result in substantial harm to the landscape, harm to the High Weald AONB and its setting, and substantial harm to the Green Belt and the purposes of including land within the Green Belt. None of these harms have been adequately assessed by the Council.
17. We do not agree that with the conclusions of the GB Study 3 **CD3.93c** regarding the impacts on the purposes of the GB in respect of Tudeley GV. The suggestion that the land at Tudeley makes a relatively weak contribution to Purpose 2 (as alleged at page 68 - merging of neighbouring towns) is simply untenable, when one considers the extensions to Paddock Wood in tandem. The cumulative impact of both allocations has not been considered in GB Study 3, which appears to have viewed sites in isolation from each other. It is self-evident that with the extensions to Paddock Wood the threat of merger between Tonbridge and Paddock

Wood significantly increases. We question where this cumulative effect has been analysed, whether in GB Study 3 or elsewhere.

18. The development at Tudeley is close to the border of the town of Tonbridge, with minimal distance between what will be two large urban entities. The Tudeley development will all but merge with Five Oak Green, the stand-off being a single field to the south of the B2017, which in turn will be cut by the proposed new road to the A228. Five Oak Green will only be separated from the developments at East Capel / Paddock Wood by the A228. In effect, therefore, Tonbridge will merge with Paddock Wood through Tudeley and Five Oak Green. To suggest that the strategic sites pose little threat of merger (as claimed above) is patently absurd and it is difficult to understand upon which basis the LPA is making the suggestion.
19. Development at Tudeley would also mean the loss of over 100 hectares of Grade 2/3 productive agricultural land.
20. The extent of visibility of the site from the surrounding area including the immediately adjacent AONB has not been adequately considered, but it will have a considerable effect given the wide, open, and prominent nature of the local landscape. .

Q6. Where it has been concluded that it is necessary to release Green Belt land for development, paragraph 142 of the Framework states that Plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. How will this be achieved?

21. In considering whether exceptional circumstances exist "*the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent*" needs be considered: see the checklist in *Calverton Parish Council v NCC* [2015] EWHC 1078 (Admin) at [51]. The Council has failed to meet this test, which is also reflected in paragraph 142 of the NPPF.
22. First, it is very unclear how there will be improved access to the remaining GB. The areas to be lost are all readily accessible so it is hard to see how any compensatory improvements can possibly be delivered, and they certainly cannot be a net 'benefit'.
23. This Local Plan does not designate other land as 'replacement' Green Belt to replace that to be removed (para 4.130) and Save Capel submits that the 'compensatory measures' are unclear and/or unsubstantial. The misleading justification of 'flood betterment' to particular residential areas in Five Oak Green is discussed further at Q26 below, but it does not and cannot form compensatory improvements for the purposes of NPPF para. 142.

24. There can be no visual or landscape enhancement provided by covering large swathes of historic landscape and prime agricultural land with housing on a site that will be visible from all points of the compass, from the AONB to the south, Greensand Ridge to the north, and east and west along the Medway Valley.
25. Biodiversity net gain is doomed before it starts – wildlife will be significantly and materially harmed just by the introduction of increasing residential recreational activity (and the increase in domestic pets etc) as will the surrounding areas. Indeed, with large-scale developments in both East and West of Capel, excavation of the flooded quarries to the north and new road links to the south, biodiversity across the parish will be squeezed with the inevitable consequences of degrading the area's fauna and flora, regardless of what promises developers may make for gain and for which there are no measurement or enforcement capabilities set out by the Council.
26. Save Capel has raised with the Inspector the issue of how the plan could be said to meet the new enhanced duties in the Environment Act 2021 with respect to biodiversity (when such measures come into force). There is no evidence in this Policy STR/SS3 as to how these new duties will be complied with if they come into force prior to adoption.
27. SC therefore argues that there are not any meaningful benefits within the Plan that outweigh the harm caused by the removal of GB at Tudeley. Again, also see Q26.

Q7. When defining Green Belt boundaries, paragraph 143 of the Framework states that plans should, amongst other things, define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. How does the Plan meet this requirement for Tudeley Village?

28. The boundaries are not clearly defined at all. In fact, there is a very large risk of the gradual merger of Tonbridge-Tudeley-FOG-PW creating exactly the urban sprawl the GB was designed to prevent. (as set out in Q5 above).
29. This is also relevant to our response to Q3 above.

Q8. Taking into account the answers provided under Matter 4, do the exceptional circumstances exist at site specific level to justify amending the Green Belt boundary in this location?

30. The answer to this is clearly no. SC refers to its overall comments regarding the principle of GB release set out in Matter 4.

31. The test is that set out in *Compton Parish Council v Guildford Borough Council* [2019] WHC 3242 (Admin) at [72]:
- “There will almost inevitably be an analysis of the nature and degree of the need, allied to consideration of why the need cannot be met in locations which are sequentially preferable for such developments, an analysis of the impact on the functioning of the Green Belt and its purpose, and what other advantages the proposed locations, released from the Green Belt, might bring, for example, in terms of a sound spatial distribution strategy.”*
32. That test clearly has not been met: TWBC has not carried out the sort of detailed analysis necessary to demonstrate it has been met. The assertions in the Development Strategy Paper **CD3.126** certainly does not constitute the necessary analysis to show how it has been met.
33. Given that this allocation is the largest in the local plan it is relevant to consider the points made in the early strategic matters where SC argues that TGV is not justified (particular the SA dealt with under Matter 1), and we have not repeated them here.
34. In this statement SC has identified a number of site-specific points which further demonstrates that position – including landscape, heritage, transport & infrastructure, and flooding issues.
35. In summary, beyond the assertions in the Development Strategy **CD3.126** (pages 55 – 61) there is no evidence base that exceptional circumstances exist. In particular, it is far from clear that that the considerations as set out in *Compton* have been followed. The need for meeting a housing target which in itself should not constitute an ‘exceptional circumstance’. However, the logic of the CD3.126 Section I is that in reality this is the main, if not the sole, reason why GB release at Tudeley and Paddock Wood is considered justified.
36. On page 143 of the Consultation Statement⁴ TWBC clearly attempt to justify exceptional circumstances to release GB by the Green Belt Studies. However, both the Stage 1 and Stage 3 Studies specifically state that they do NOT provide justification for Exceptional Circumstances. Therefore, there is a circular justification that TWBC says the 3 studies justify the release of GB and the 3 studies say it is ultimately a planning judgment for the council. It is extraordinary that there is no GB exceptional circumstances study or topic paper that properly analyses the applicable national policy test for GB release and the principles that apply to the application of that test.
37. TWBC attempts to suggest in the Development Strategy Topic Paper site specific benefits which contribute to Exceptional Circumstances. Most of the listed benefits cannot possibly outweigh the harm to the countryside in Capel and the GB purposes, and in any event many

⁴ CD 3.134b

are not site specific. Paragraph 6.186 of The Development Strategy Topic Paper **CD 3.126** does not attempt to balance benefits/harms and fails to even mention harm to natural and historic assets of national importance. The refrain of the Council regarding flood betterment (heard at Matter 1) could only possibly be a factor if it was clear precisely what schemes would be delivered, why those schemes are needed, and why these sites are required to fund them. The evidence of this is woefully lacking and falls far short of the requisite evidence to justify reliance on this factor as an exceptional circumstance.

38. Indeed, all constraints are put aside, also including impact on the setting of the AONB, impact on heritage and landscape, flood risk, and so on, in the singular pursuit of the proposals put forward by the landowner, which were readily endorsed by the Council whatever the objections, restrictions or sustainability.

MIX OF USES AND INFRASTRUCTURE REQUIREMENTS

Q9. Is it clear to users of the Plan what is meant by the ‘provision of employment space’ and ‘community and leisure facilities?’ What is expected of applications for planning permission?

39. This is for TWBC to answer.

Q10. Does the Plan support an appropriate mix of uses across the site to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities, as required by paragraph 106 of the Framework?

40. The Plan does not support an appropriate mix of uses across Tudeley Village to meet the requirements of NPPF paragraph 106. However, the list of uses considered cumulatively across Policies SS1 and SS3 does support paragraph 106 (a). More guidance is required in the Plan regarding the timing of and mechanisms for delivery of these facilities.

41. For example, the secondary school which is planned to be located in Tudeley Village is unlikely to be needed or delivered for only the 2,800 homes planned for Tudeley. This means that (a) funding from elsewhere will need to be coordinated with delivery of the school within Tudeley Village; and (b) the secondary school will attract significant volumes of journeys from outside Tudeley Village. Conversely, a significant number of homes would be built at TGV before the new schools are provided which places demand pressure on existing schools in both TWBC and TMBC and the inherent effects on transport/traffic.

42. This is true of all the other uses listed in policies SS1 and SS3 which will require coordination

- of funding and timing of delivery across multiple landowners and developers for them to be comprehensively delivered as envisaged. The Plan fails to explain how this will be achieved.
43. Returning to the secondary school planned for Tudeley Village, given that there are no settlements within walking distance of Tudeley Village, this is likely to result in significant volumes of people travelling to and from the school by motorised transport, especially during the darker and less clement months of the year.
44. The amount of retail at local centres demanded by the Plan seems unrealistically high for the size of the developments to be served. There is no retail viability assessment to evidence that this level of offer would, or could, be commercially viable.
45. Moreover, the facilities are scattered across Tudeley Village, East Capel and Paddock Wood. No new resident of any of the three development areas would live within reasonable walking distance of all facilities. For context the travel distance between the centre of Tudeley Village and the centre of Paddock Wood is farther than what is considered to be reasonable walking or cycling distance. It can therefore be expected that this scattering of facilities will lead to a significant number of journeys being made which, given the distances involved and absence of a comprehensive public transport network, would most conveniently be made by car.
46. So whilst the wish list mix of uses supports paragraph 106 of the NPPF, the spatial location of the mix of uses fails to meet the requirements of paragraph 106(a) of the NPPF as it will encourage journeys to be made between settlements which are most likely to be made by car.
47. It is also noteworthy that in terms of access to higher order facilities and the rail network, residents of Tudeley Village will be reliant on travelling to Tonbridge as the nearest established town with a railway station. The Local Plan – Transport Assessment Addendum 2 report, October 2021 (document reference number PS_023) is clear at paragraph 3.4.1 that TWBC has yet to engage meaningfully with neighbouring Tonbridge and Malling Borough Council regarding mitigation for the impacts of these journeys on central Tonbridge. The Plan is therefore contrary to paragraph 106(b) of the NPPF which requires that planning policies should be prepared with the active involvement of neighbouring councils so that strategies and investments for supporting sustainable transport and development patterns are aligned.

48. In short, the evidence base fails to demonstrate that the wish list of facilities could ever be commercially delivered.

Q11. How will the phasing of development be controlled and is it clear to users of the Plan what new infrastructure will come forward and when? Is it necessary for such information to be contained in the Plan?

49. There is no reference to the timing of infrastructure delivery relative to the delivery of housing and this is essential as this goes to the deliverability of the allocated sites.

50. As noted above, the range of facilities and uses planned are scattered over a wide area and will most likely be delivered by multiple developers but are required in their entirety to serve development at East Capel, Tudeley Village, and Paddock Wood. Development at Tudeley Village will need to be aligned with the delivery of essential land uses planned for East Capel and Paddock Wood. The Plan should set out how this will be managed to ensure that the delivery of housing is aligned with the delivery of other uses which are being relied on to establish a sustainable village.

51. Specifically considering transport infrastructure and Tudeley Village, to be clear, SS3 is currently poorly served by all modes of travel except the private car. An entirely new transport network is required to sustain Tudeley Village. It is difficult to see how even a first phase can be delivered without significant investment in infrastructure and the Plan should address how this will be achieved.

HIGHWAYS AND TRANSPORT

Q12. What impacts will the cumulative level of growth proposed in the Plan have on the B2017 between Tudeley and Tonbridge?

52. The B2017 is physically unsuitable to safely accommodate vehicles greater than 7.5 tonnes as evidenced by the current signage which advises that the road is not suitable for vehicles larger than 7.5 tonnes. This includes buses which are greater than this weight. The B2017 in its current form between Tonbridge and Tudeley is simply not fit for the purpose of accommodating strategic development.

53. It is noted that further evidence has been submitted to the EIP (PS_023 and PS_024) that claims to demonstrate that minor modifications will accommodate development traffic. However, a closer look at the traffic forecasts in these documents, on which this conclusion is based, reveals them to be flawed. In particular, during the evening peak hour, the inclusion

of the land uses contained in SS1 and SS3 but none of the mitigation, is predicted to reduce peak hour traffic volumes on the B2017 compared to the baseline scenario. This is clearly wrong and demonstrates an error in the modelling undertaken.

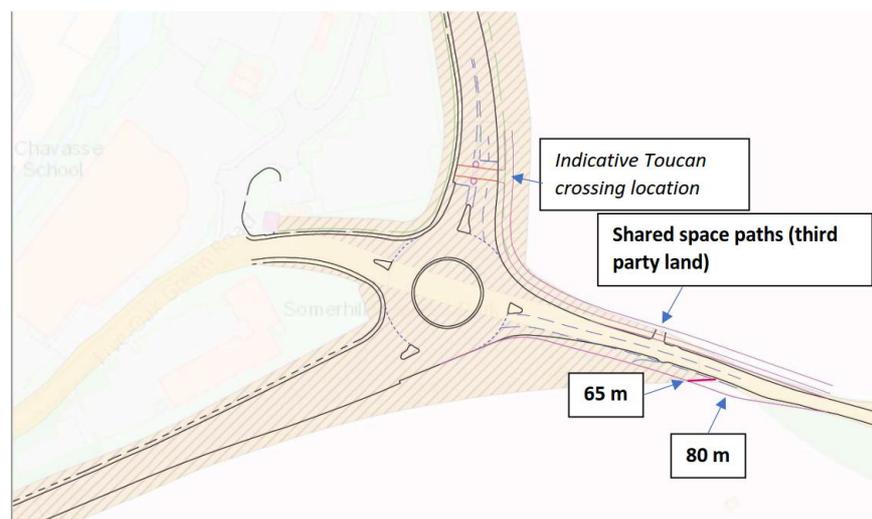
54. The evidence base therefore fails to adequately assess the cumulative impacts of growth proposed in the Plan on the B2017.
55. For context, the B2017 is already at capacity at peak times. The cumulative impact of SS1 and SS3 will more than double peak hour traffic. This can only result in severe impacts especially at the junction of the B2017 / A26 and beyond.
56. This is in part acknowledged by TWBC in PS_023 in which the council acknowledges that cumulative impact in the centre of Tonbridge will be severe.
57. No consideration is apparent in the Plan for the health and well-being of those residents close to or alongside the decades-long construction and the resulting increase in heavy goods traffic, which will inevitably be affected by the higher levels of dangerous pollutants, as well as noise and light levels. Mitigation against pollution caused needs to be set out and both regulated and enforced.
58. Furthermore, given the level of uncertainty and lack of agreement with TMBC regarding highways impacts and air pollution issues caused by the increase in traffic flows into Tonbridge, there is clearly insufficient evidence that the Council (and indeed TMBC) will be able to comply with its duties in respect of air quality set out in the Air Quality Directive.

Q13. How will the impacts of development be mitigated along the B2017 up to and including the junction with the A26? Are the measures proposed deliverable and will they be effective?

59. Neither policy SS1 nor SS3 refers to the need to improve the B2017 or the junction of the B2017 / A26. It is therefore unknown what improvements would be delivered or how they will be delivered. This is a failing of the Plan not least because the land requirements needed for such mitigation may prohibit meaningful mitigation being delivered. The Infrastructure Delivery Schedule (“IDS” at appendix 1 of **CD 3.142**) includes £3.1m for the B2017 “widening” between Tudeley and A26 and our main criticism is that there is no scheme specified within the evidence base that can be priced. So, £3.1M may be adequate or it may be wildly inadequate. Page 129 of this document has the Colts Hill by-pass in at costing £20M. Page 143 has the FOG bypass in at £8.9M. This latter may be more indicative of the improvements suggested in the IDS west of Tudeley on the B2017.

60. However, our transport consultant⁵ (Motion) has determined that these mitigations are totally inadequate and fail to provide the necessary width and alignment improvements. In order to maintain the current performance of junctions on the B2017 and, in particular, the B2017 / A26 roundabout, the available carriageway space will need to be doubled. This would mean providing 2 traffic lanes in each direction on the B2017 and potentially the same on the A26. Therefore, the £3.1M is nowhere near enough for what is effectively a rebuild of 2.5 miles of road (FOG to A26).
61. The improvements to the B2017 east of Tudeley are listed in the IDS under “Borough Wide and Cross Boundary” and described as “critical”. SC suggests that this item ought to be under “Tudeley Village” and be prioritised as “Essential”. The bus services under “Borough wide” are described as “Essential” which SC would agree with albeit there is no detail on what this would look like. But these services would be operating on a road with a 7.5t weight limit if it is not improved.
62. New evidence submitted by TWBC (PS_024) claims to have identified a mitigation scheme for the B2017 / A26 junction which is copied below:

Figure 3-2 Junction 8 – A26 / B2017 Mitigation Concept Design



63. The mitigation measure relies on the modelling contained in PS_023 and PS_024 which for reasons set out elsewhere in this response is flawed and cannot be relied on. Given the significantly higher realistic demand for travel at this junction, the above scheme would fail to address the impacts.

⁵ SC Reg19 Representation – appendix 1

64. Nonetheless, considering the scheme identified above on face value the following is noted:

- a. A 65m is not achievable. The plan shows that the extent of highway maintainable at the public expense (HMPE) extends 65m. This means that all the works need to be built within this area including kerbing, back of kerbing and work space if 3rd party land is to be avoided.
- b. The taper shown for the 65m flare and development of the flare on the approach to the roundabout does not meet current design standards and would likely fail a road safety audit.
- c. The design engineer seems to have failed to take into consideration that land shown as HMPE does not necessarily mean that it is available for highway construction. If the Inspector were to visit this location, it would be seen that within the area of land shown for the highway extension are currently located mature trees, a drainage ditch and a brick built drainage headwall. These features do not lend themselves to removal for highway works. In particular, the highway authority normally does not maintain drainage ditches by the side of roads and so in this instance, it is likely that the highway authority would require 3rd party agreement to undertake works to the ditch and headwall.

65. In short the assumed 65m will not be delivered and it is questionable whether any of it could be delivered having regard to the drainage and ecological features currently located in the area identified for improvement.

66. The Plan does not address the impact beyond the junction with the A26 towards A21 and worse towards Vale Road and Tonbridge town centre – these will bottleneck even if the roundabout is improved. TMBC has raised ‘serious concerns’ (still remaining) about the impacts which were discussed briefly at Matter 1.

Q14. Are the projections regarding future transport patterns reliable and are the conclusions robust? Do they justify the proposed allocation Tudeley?

67. Considering first the evidence submitted with the submission Plan, the projections are not only unreliable, but the Council submitted two differing sets of forecasts. Which to believe? In particular, the Stantec forecasts are wholly unreliable in terms of forecast mode choice (as the capacity of bus provision is less than the demand forecast) and the walking distances preclude the number of people expected to walk. The Sweco modelling uses traffic rates per dwelling less than half those from the Stantec report indicating that the modelling will be hugely underestimating the traffic impacts.

68. Policy TP3 sets out the Councils proposed parking standards for residential developments. The standards require a minimum of 1 parking space per dwelling – even a 1 bedroomed flat – plus visitor parking. The provision of car parking at these high rates will encourage car ownership which in turn will encourage car usage. This is especially the case in locations where non-car alternatives are limited and / or public transport does not operate evenings / weekends as residents will feel they need to own a car in order to maintain accessibility. In this context the transport patterns forecast for Tudeley are unrealistic.
69. Turning to the new evidence submitted by TWBC during the EIP, this is dealt with in more detail in a Technical Note prepared by Motion⁶. However, in summary no weight should be placed on the projections and conclusions contained in this new evidence because:
- a. Documents referred to in the SoCG are not available to the examination for audit⁷;
 - b. The extensive pre-submission traffic modelling, which underpins the transport and highways mitigation of the Plan, has not been updated to accord with the traffic generation rates now agreed through the KCC SoCG. The new rates that underpin the KCC SoCG are 66% and 85% higher during the morning and evening peak hour respectively than those used in the pre-submission Transport Assessment;
 - c. The additional junction modelling work is clearly flawed. Just one example of this is that in the absence of any mitigation, the provision of 2,800 new dwellings at Tudeley Village which is accessed via the B2017 cannot possibly result in the stated reduction in vehicle movements on the B2017 during the evening peak hour;
 - d. Despite recognising that traffic impacts in the centre of Tonbridge will be cumulatively severe with the Plan in place, no mitigation is proposed to alleviate this. Moreover, TWBC has not cooperated with TMBC to identify in principle the mitigation needed;
 - e. The risk of statutory undertaker apparatus diversions is explicitly ignored. The cost associated with any diversions could be extensive and have a material impact on infrastructure costs and hence viability;
 - f. There is insufficient detail to identify the land requirements needed for infrastructure interventions; and

⁶ Motion's Technical Note submitted as an Appendix to this statement on Matter 6

⁷ Save Capel received the Addendum Report too late for our consultant to review in time for the submission deadline, but reserves the right to submit an addendum to its position statement addressing the contents of and relevance of the Addendum in due course. The Council has not submitted the document for examination

- g. No sensitivity testing is provided to understand the impacts that a potentially lengthy, and not guaranteed to be successful, CPO process would have on housing delivery.
70. It is apparent from the above that the assessment work forming the new evidence has been rushed through during the course of the EIP as evidenced by the significant omissions and flaws in the documents provided. This is not surprising given the very late agreement with KCC regarding traffic forecasts for planned development, which is an initial input to transport modelling and assessment work. This late agreement during the EIP to significantly higher development traffic volumes effectively negates the pre-submission Transport Assessment and the associated mitigation measures developed therefrom. This in turn undermines the robustness of the Plan.
71. Save Capel considers that the transport evidence does not justify sustainability and renders the Plan unsound, both at the point of submission and at present. Furthermore, the crucial assessment of transport impacts and mitigation has not been available to the public consultation at Reg19.

Q15. How will connectivity with Tonbridge be provided for non-car modes of transport?

72. There is an expectation that residents will utilise new, unlit, rural cycleways. There is no mechanism for delivering these but even if delivered, cycling in the dark in rural areas is not going to be attractive to many people.
73. Bus connections are proposed. There is no minimum service required by policy SS3. The Stantec report (and subsequent viability assessment) assumes a 15-minute midi-bus service. This equates to a maximum of 160 people being able to travel to Tonbridge in an hour by bus. There is also no requirement for evening and weekend services which will be essential to achieve sustainable living patterns.
74. See also the above comment above regarding the proposed minimum parking standards and the propensity for people who own cars to use them.
75. Even if the above is delivered, non-car connectivity between Tudeley Village and Tonbridge will remain poor. It is expected that the private car will remain the preferred mode of travel for most people for all journey purposes.

Q16. What is the justification for the proposed link-road to the east of the allocated site, running from the B2017 to the proposed Colts Hill bypass?

76. See SC response to Q17 below.

Q17. How will the link road be delivered and is it viable? Is it required for the strategic site at Tudeley alone, or, as a result of cumulative growth with sites at Paddock Wood and east Capel?

77. The B2017 is wholly inadequate as an access road for a major development as set out above. This relates to the geometric standard of the road as well as capacity.
78. FOG bypass is necessary to provide a safe and suitable access route to major development at Tudeley and/or East Capel. This is related to road safety as well as capacity.
79. There is nothing in the Plan that demonstrates that the link road is deliverable.
80. The B2017 through Five Oak Green village centre, in particular, is not suitable for major development and a “*safe and suitable access to the site can be achieved for all users*” (NPPF para 110) is required before the strategic sites would commence construction.
81. It would cross ancient woodland and the Alder Stream (EA main river), where the land either side is identified as being in Flood Zone 3. No preliminary flood risk assessment has been presented to understand the extent of works required to satisfactorily achieve this or that there is an acceptable and deliverable solution in principle. It is also wholly reliant on the A228 Colts Hill bypass being delivered. Moreover, the road will cross land owned by three other parties, at least two of whom have already objected strongly to their land being included in the proposals, meaning compulsory purchase orders will be necessary.
82. Map 33 (pg 165 of PSLP) describes this as a “road improvement” which is in fact a new road c1.6km long that cuts through agricultural/greenfield land causing further GB loss. This road would add to the already high accident rates as the junction of the A228 on Colts Hill is located after a bend at the lower end of Colts Hill, used by hundreds of HGVs per day.
83. It is unhelpful that whilst the FOG bypass is listed as ‘critical’ for development at Tudeley and the Colts Hill bypass listed as ‘critical’ for development at Paddock Wood, there are caveats in the headings of both development areas saying that some of the transport measures will also serve and connect the other site! Does that mean that both pieces of infrastructure must be delivered prior to development starting at either site?
84. SC also notes that the timing heading states that these two pieces of infrastructure are deliverable in the “medium” term. This rather contradicts the priority rating of “critical”. And there is no definition of “medium”. Just above FOG the project of “bus infrastructure and services within Tudeley” is timed as “medium” and has the priority “Critical”. SC would have thought serving a sustainable development by bus would be

“essential” and need to be delivered “short” term.

85. In summary, Motion considers that the physical and environmental constraints associated with delivering a FOG bypass on the alignment suggested are so great, that the road has little prospect of being delivered and no prospect of it being delivered in the absence of the A228 Colts Hill Bypass being delivered.

Q18. Is the location of the proposed link road justified, taking into account land use constraints, flooding, the character and appearance of the area and proximity to the Capel Primary School?

86. Save Capel can find no attempt to justify the proposed link road. The proposal was a late addition and appears to be more of an attempt to pacify local residents than serve an essential purpose by running south of the village. North of the village a road might be routed away from all residents but allow access to the A228 and the new developments around Paddock Wood.

87. The evidence is inconsistent on the route and connection with the A228 which makes it difficult for parties to comment in any detail but this surely affects the robustness of the costings.

88. The FOG by-pass would meet the B2017 at a major new roundabout junction immediately adjacent to Capel Primary School. No preliminary assessment is presented setting out the potential adverse health impacts affecting primary age children as a consequence of increased traffic volumes (including air quality, noise and road safety).

89. Also see our response to Q17 above.

Q19. Is the evidence supporting the Plan reliable and robust? Does it take into account the indicative location of the proposed secondary school?

90. No. In particular, the transport evidence base is neither reliable or robust as set out in the answer to Q14 above.

91. As also noted above the secondary school will attract trips to Tudeley, many of which will be by car, by virtue of the fact that the proposed public transport has insufficient capacity, the walk distances are too far, and the cycle routes are unsafe.

VIABILITY AND DELIVERABILITY**Q20. Is it clear to decision-makers, developers and local communities what infrastructure will be delivered, by whom and when?**

92. Absolutely not. There are already apparent conflicts between planners and developers⁸. Indeed, the SoCG with Hadlow Estate (CD 3.139 P20 Section 4) states that areas of disagreement “*will be set out in a separate matters statement*” which Save Capel does not believe is yet available to the examination.
93. The Plan is not even clear about what is needed, irrespective of timing and the source of funding. This renders the allocation (and the strategy which has dictated it) fundamentally unsound.
94. There is a significant amount of infrastructure for which the viability assessment apportions the costs between SS1 and SS3. In this context the two allocations cannot come forward independently. Any delay to delivery or indeed failure of one will hugely affect the other.
95. There is also a lack of clarity about delivery times for housing and infrastructure across the two sites. For example, how is the cycle network to be delivered if one of the sites is delayed in coming forward? Likewise, how are the schools to be delivered given the timing of funding and again whilst SS3 is delivering the secondary school, SS1 is making the larger contribution.
96. The timing of delivery of some of the infrastructure items (listed as being critical in the IDP) is at best optimistic and at worst delusional. By the time the plan is adopted we would be in at least 2023. To suggest that the FOG bypass will be open within 4 years would require a supportive landowner who is willing to sell the land for the road, when the identified route would require CPO(s) given the owners stated position.
97. It also relies on there not being any major environmental issues which environmental groups could legally challenge the road on. Part of the proposed route is in AONB and some areas subject to flood risk.
98. The B2017 needs improving for the Tudeley site to go ahead and as with FOG, the timescale assumes a cooperative landlord and no environmental issues.

⁸ For example, Hadlow Estate Reg 19 Representation (p 17) states “The FOG bypass and Colts Hill bypass are supported in principle but it is considered that it should only be necessary for the promoter to provide a proportionate financial contribution that is reasonably related in scale and kind to the new development towards these highways works”

Q21. What is the justification for requiring a Supplementary Planning Document (“SPD”)?

99. Save Capel cannot understand why the Council did not provide complete evidence at this stage and only leaves hugely significant issues, e.g. drainage strategy, to be ‘sorted out later’.
100. For such a critical part of its strategy it is also surprising that no detailed masterplanning of TGV itself has been submitted for examination. Surely it is unreasonable to expect a clear assessment of soundness when so much is uncertain.
101. Save Capel submits that compliance with all regulations (including the NPPF) and all evidence should be tested at the Inspection stage. We strongly argue that the failure to meet any of the above would inevitably result in sufficient harm which would mean that any subsequent planning application for the site would necessarily be refused.

Q22. Based on the necessary infrastructure requirements, is the allocation viable?

102. No. The site is poorly served by transport, walking, cycling and highway infrastructure currently, hence significant infrastructure is required up-front to create an acceptable development even for construction traffic, yet alone the first occupiers. It is unclear from the TWBC evidence how this had been accounted for in the viability assessment.
103. In order to deliver the necessary infrastructure in a timely manner, Motion considers that it will need to be advance funded by the public purse. There is no mechanism identified in the evidence base to explain how this will be achieved. Nor is there a commitment by TWBC that the public purse will be made available to cover the shortfall in infrastructure funding early in the Plan period.
104. There has not been effective co-operation with either KCC Highways or TMBC over the highways impact of the strategic development at Tudeley and Paddock Wood/East Capel prior to submission of the Plan. The ‘serious concerns’ raised by TMBC have still not been addressed.
105. The IDP includes a lot of infrastructure items which have “TBC” against the cost. The cost of providing a bus service between Tonbridge-Tudeley-Paddock Wood being one such item. SC would have expected that the IDP would have included estimates of this.
106. In summary, the Plan continues to provide insufficient detail regarding which bits of infrastructure is required for which sites, when it is needed, and what it will look like (to determine its viability). There is simply too much ambiguity that a developer can use to avoid

or delay delivery of infrastructure necessary (indeed “critical”) to deliver strategic development sites.

107. Save Capel concludes that as proposed, the residential allocations at Tudeley Village, East Capel and Paddock Wood, either in isolation or cumulatively, will result in:

- a. Cumulative residual impacts on the road network which are severe; and
- b. Unacceptable impacts on highway safety.

108. These are the tests set out in paragraph 111 of the NPPF 2021 for refusing planning permission for a development. As a consequence, there is no prospect of planning permission being granted for development at Tudeley Village, East Capel and / or Paddock Wood.

109. The proposed development of Tudeley village should therefore be removed from the Local Plan as it is not effective in terms of soundness and is undeliverable.

LANDSCAPE AND HERITAGE

Q23. The AONB Setting Analysis Report 12 identifies areas of ‘high’ and ‘medium’ sensitivity within the allocated site. In the area of high sensitivity, the Report states that development without mitigation is likely to harm the setting of the High Weald AONB. How is this reflected in the Plan? What potential impacts will the allocation have on the setting of the AONB?

110. Tudeley Village would be developed on a slope that marks the transition between High and Low Weald so will be highly visible from the immediate surrounding area and further afield – from and to the Greensand Ridge and High Weald AONB and along the Medway Valley - causing significant visual impact on both the High & Low Weald setting.

111. The topography of this area contributes greatly to its sensitivities, as wide views of the surrounding landscape provide an understanding of each building’s relationship with the land with views into and out of the AONB:

- a. Policy EN 4 (p333 PSLP 3.58 core documents) Historic Environment acknowledges:

6.50 The historic environment of the borough is an irreplaceable and valuable asset, which is a material planning consideration and contributes to wider strategic objectives, such as economic development, urban regeneration, high quality urban design and planning, tourism, leisure, education, sustainability, and health and wellbeing.

- b. Page 128 TWBC Landscape Character Assessment Area 13 Paddock Wood/Five Oak Green Low Weald Farmland 2017:

“This area lies adjacent to the High Weald AONB. There are strong associations between this area and the AONB and the area enhances the character of the AONB landscape. Frequent historic farmsteads and oasts are conspicuous features in the landscape. These add local vernacular character typical of the Weald and the AONB, including oast houses, timber-framed farm buildings and details such as clay tiles and hipped roofs. Capel and Tudeley... are small hamlets, with traditional buildings clustered around the Grade I Listed sandstone churches. The hamlets have strong vernacular character and focal points with frequent glimpsed views to the surrounding agricultural landscape.”

112. TWBCs response to concerns regarding development impacting views in and out of historic settlements states *“The Landscape Sensitivity Assessments in Tunbridge Wells, Paddock Wood, Horsmonden, Hawkhurst and Cranbrook takes account of the visual context of settlements and the importance of effects of views will be covered by more detailed LVI assessments that are required by policy”* Page 161 Consultation Statement for submission of LP (Part 2 of 2), Strategic sites. **(CD3.134b)** where Capel is notable by its omission.
113. TWBC has not conducted a LVIA for the TGV site, unlike other sites in this Plan, which is particularly damning given it is the largest allocation in the local plan. This is inconsistent with the approach taken by other LPAs in their local plans, e.g. neighbouring Tonbridge & Malling who has conducted a number of LVIA's for smaller strategic sites often with fewer ‘sensitivity’ issues.
114. TWBC has not carried out any adequate landscape sensitivity analysis which is a serious omission. Neither landscape nor ecological significance have been addressed by TWBC in any meaningful way and the landowner’s proposed masterplan includes features that TWBC’s own AONB setting report [14a] has identified as being particularly harmful.
115. Save Capel strongly argues that this site should be considered as a ‘valued landscape’ within NPPF terms and of VERY HIGH value in landscape assessment terms.
116. Save Capel also considers the susceptibility and sensitivity of the landscape of the Tudeley site to both be VERY HIGH. The tranquillity of the site and the open surrounding area including the adjacent parts of the AONB would be seriously and adversely affected by the proposed development. The AONB, its setting and the rural character of the B2017 which forms its boundary would be harmed and the overall level of harm to the Green Belt would be VERY HIGH.
117. Save Capel submits that the allocation at Tudeley does not accord with the NPPF, in that it fails to protect valued landscapes as required by paragraph 174 and would result in inappropriate development that would be harmful to the Green Belt, contrary to paragraphs 147 and 148.

Q24. How will the allocation ensure visual and physical separation between Tudeley Village and Five Oak Green?

118. It does not. By moving the secondary school (from adjacent to Tonbridge) to an adjacent site next to Capel Primary school the coalescence with Five Oak Green is virtually complete, with Tudeley and FOG becoming a single urban entity.

119. In addition to comments set out in our Matter 4 Hearing Statement it is important to note:

- a. A primary purpose of the Green Belt is to prevent urban merger, which is precisely what will occur if the proposals across Capel proceed. STR/SS3 states the Tudeley site is close to FOG ‘...*but physically separate...*’ That separation is one field to the south, which will be carved open by the proposed FOG by-pass. An urban sprawl will be created across Capel, from Paddock Wood through Five Oak Green to Tudeley and onto the doorstep of Tonbridge, where once was largely unspoilt Green Belt countryside.
- b. Maps of the Capel sites are focused on the proposed boundaries and do not reflect the situation that exists on the ground, failing to recognise the hugely significant merger the developments will cause, and the extent of Green Belt loss:
- c. To the west, FOG will be separated from the new town at Tudeley by a single field south of the B2170, which is bordered by Church Lane and the Hadlow Estate building works at Tatlingbury Farm to the west, and a small development taking place in the eastern side of that field at Sychem Place. There are two smaller fields separating Capel Primary School from the village, bordered by the B2170 and railway to the north.
- d. To the east, buildings which constitute the village adjoin the A228 – the road being the only barrier between FOG and the expanded Paddock Wood at East Capel; the situation is similar with Whetsted.

120. The stand-off between FOG and the strategic sites is therefore minimal, even inconsequential, but the Council’s mapping camouflages the true extent of the merger across Capel.

Q25. What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Grade I listed Church of All Saints’ and Grade II listed buildings at Bank Farm and Lilley Farm? How have heritage assets been taken into account in the preparation of the Plan?

121. An SER and EIA will be undertaken at the planning application stage should the Inspector approve the plan. The SER scope is contained within the LP Sustainability Appraisal but there is no in-depth assessment of individual heritage assets as supporting documentation.
122. Save Capel's position is that this is inadequate and illogical. Should a strategic site be found to cause significant damage to either landscape or a heritage asset then the whole of the plan is not deliverable.
123. It would suggest an element of pre-determination as Policy EN5 clearly states that:
"Proposals that affect a designated or non-designated heritage asset, or its setting, will normally only be permitted where the development conserves or enhances the character, appearance, amenity, and setting of the asset." Page 334 PSLP (3.58 core documents)
124. Analysis of the historic assets evidence base from the Hadlow Estate plans in regard to the Tudeley Garden Village and also the David Lock Associates Masterplan is difficult to undertake as it is minimal, naming a few of the assets and certainly not assessing. (TGV Masterplan and Delivery Strategy are not in submitted documents):
*"It is agreed that the setting of The All Saints Church needs to be carefully considered in the preparation of a masterplan for Tudeley Village. The Masterplan is not fixed and will be subject to engagement with relevant stakeholders in due course" "The Hadlow Estates Delivery Strategy has been informed by a HA Assessment by Orion which has informed its Masterplan. Further detail on HA's will be developed through SPDs"*⁹
125. Again, IF it is found to be impossible to mitigate harm to the Chagall windows then the Plan will not be deliverable.
126. Historic field patterns and dispersed farmsteads once lost cannot be mitigated against
*"A richer more diverse landscape pattern occurs on the undulating slopes around Capel and Tudeley where a historic field pattern of fields with wavy and irregular boundaries are separated by thicker hedges of locally distinctive hornbeam"*¹⁰
127. Save Capel respectfully note there are many other LHA affected along both sides of the B2017, from the boundary of the site, including the primary school, and also along the Hartlake Road boundary e.g., Tudeley Hall. Somerhill (Grade 1) and its historic park are only 300m from the boundary of TGV.
128. The proposed Five Oak Green Bypass will impact on the setting of Grade 1 St Thomas a Becket Chapel and many other LHA with light and noise pollution. The decision to place the

⁹ Page 242 Consultation Statement for submission of LP (Part 2 of 2), Strategic sites. **CD 3.134b**

¹⁰ Para 2 Page 125 TWBC Landscape Character Assessment Area 13 Paddock Wood/Five Oak Green Low Weald Farmland 2017

connecting B2017 roundabout directly by the school is not only incomprehensible but an example of the complete disregard for listed property.

129. All Saint's Church is the only site in the UK to view major works by Chagall. The last UK exhibition was at Tate Liverpool in 2013. The importance of the windows cannot be over-estimated. They are not just of local importance but also national. The church is unique as the only one in the world with a complete set of windows by the world-renowned artist Chagall and attracts visitors from across the globe.

130. A new town will completely desecrate the tranquil setting of these major artworks – with the threat of vandalism & perhaps need to install bars on the windows. Light & noise pollution will be a significant impact

131. An assessment of the impact of a new town on the Chagall windows, as the greatest asset in the whole of the borough, should have been commissioned. As it stands the plan does not robustly demonstrate in any way that the windows will be conserved and enhanced in any meaningful way let alone not be damaged.

132. This was recognised by the Council¹¹, albeit ignored: at 7. *“Require a high-quality layout and design. In particular:*

- a. *consideration should be given to the key landscape characteristics, views, and the setting of the High Weald Area of Outstanding Natural Beauty;*
- b. *particular respect should be given to the setting of heritage assets, especially All Saints Church...*”

133. This strategy gives no detail as to how any impact on heritage assets and their unique settings might be mitigated. “Consideration” and “respect” are as meaningless as Hadlow Estate’s intention to create *“a dialogue between All Saints Church and the proposed new school opposite it”*. No evidence offered as to support “respect” or context.

134. The setting of both Lilley and Bank Farm are hugely compromised as they become the centre of a town despite being historic farmstead clusters as described below:

Page 13 1.21 Significance is a word to summarise what is important about a building or place, whether it is designated as an historic asset or not.... farmsteads can be considered on 2 levels:

- *significance as a traditional farmstead in its own setting*

¹¹ Page 161 STR/SS3 The Strategy for Tudeley Village, PSLP (CD 3.58)

- *local and national significance.*

Page 2 “*The research has re-emphasised the importance of historic farmsteads to Tunbridge Wells' rural areas.*”

Page 3. *Traditional farmstead groups and their buildings make a positive contribution to local character and distinctiveness. “... they are under the greatest threat of neglect on one hand, and development on the other, than any rural building type”. National and local research has highlighted the significance of traditional farmsteads as assets which contribute to landscape character, local distinctiveness and rural economies and communities”. Farmsteads Assessment Guidance for Tunbridge Wells 2016.*

135. In summary, the local plan has not considered the impact on heritage assets and is therefore unsound. Please refer to SC Reg19 Representation Appendix 11.

OTHER MATERIAL PLANNING CONSIDERATIONS

Q26. Does any of the proposed allocation fall within areas at risk of flooding, taking into account all sources of flood risk and climate change?

136. The SFRA commissioned by TWBC (JBA 2019) applied the strict application of flood zone boundaries and determined that a Level 2 SFRA is not required for the allocation at Tudeley (SS3). The proposals include development right up to the flood zone at the northern edge with large areas already subject to risk from fluvial flooding of the Medway.
137. The SFRA however did identify the Tudeley site to be at risk from reservoirs (Leigh) and, whilst the increased capacity at Leigh would provide some strategic mitigation, a repeated breach would cause increased flood levels compared to the major events in 2000 and 2013.
138. It also confirmed the EA mapping of high risk of surface water flooding through the centre of SS3, with a number of flows south/north and it is well known that many parts of this site are regularly subjected to flooding¹².
139. Given the sloping nature of this terrain (>60m AoD to c20m AoD), the development would result in vast amounts of run-off that will descend towards the railway and eastwards across the Sherenden Road area. The railway embankment already acts as a buffer particularly in the north-east.

¹² See Reg19 SC Representation appendix 13

140. Policy STR/SS3 (at 10.) specifies “*Ensure a drainage strategy is in place... unless exceptional circumstances arise*”. This is totally unsatisfactory as to providing any justification for the viability and soundness of SS3.

141. Save Capel submits that the evidence base does not justify the SS3 allocation as it fails to adequately address the risk of flooding, taking into account all sources of flood risk and climate change:

- a. A Level 2 SFRA was only prepared for SS1 - TWBC could and should have also prepared one for TGV because of the scale of the development and requirement to adequately assess all sources of flood risk.
- b. At the very least, a drainage plan should have been prepared to justify the requirement “...*the development should be made safe for its lifetime without increasing flood risk elsewhere*”¹³ where this lifetime applies for >100 years for residential property.
- c. Given the nature of the land, it is clear that extensive mitigation will be needed, and the location of surface water attenuation, storage, and other forms of SuDS will impact the masterplan in terms of developable area, building design/cost, and access.
- d. Save Capel’s flood report highlighted the underground springs in the southern parcel and the significant aquifer to the north. Given the moratorium placed on development across large parts of the country, the Council should explain how the Plan will meet the requirements of Natural England regarding water quality.
- e. The provision of sewerage facilities has not been specified and there is a very real likelihood that new additional treatment plant will be required at Tudeley. No land has been set aside in the Plan, which would also affect housing delivery and yield. .
- f. The submitted evidence base does not address the ‘serious concerns’ expressed by TMBC, its members, or its MP in their responses to consultations on the TW LP.

142. This is crucial to the soundness of GB release at TGV because ‘flood betterment’ is one of the key justifications and compensatory improvements “...*to reduce the flood risk to particular residential areas in Five Oak Green*” are again stated in STR/SS3 (10.).

143. Flooding events at FOG are a result of surface water where drainage systems cannot cope and fluvial flooding from Alder Stream, neither of which are affected by the land at Tudeley.

¹³ NPPF July 2021 para 159

In any event, the flood alleviation scheme that has been proposed for a number of years has not been included in the local plan.

144. The Council confirmed at the Matter 1 hearing the ‘betterment’ would only result from funding. That could come from development anywhere and is no justification for GB release at the specific unsustainable site at Tudeley.

Q27. Map 32 of the submission version Local Plan shows a ‘potential train station site’ within the allocation. What is the latest position regarding the potential for a new station at Tudeley Village? Is it a requirement of the allocation?

145. This is another example of the infrastructure being referred to as “potential”. The delivery of a railway station requires significant consultation and cooperation between various parties. If TWBC has not started this process (which appears to be the case) then reference to a railway station should be struck out of the Plan as being nothing more than a pipe dream.

146. It is noted that in terms of logistics, it is extremely unlikely that Network rail (or their successors) will accept another stop so close to either Tonbridge or Paddock Wood as the travel time between these two locations is only 6 minutes. Including a new stop would more or less double the existing travel time as well as interfere with timetabled fast services to London - Ashford.

147. It would also create a budget issue for maintaining the upkeep of another station.

148. Even if Network rail agreed, the lead in times for a new station are up to 20 years¹⁴. This is the kind of time frame our consultants expect a new station at Tudeley would take, so the site will be developed before any railway station is delivered.

149. If the comment about a railway station is serious then policy SS3 needs to include a requirement that land is set aside for a new railway station – including additional land for 4-tracking to allow fast trains to London and Ashford through.

150. Why Hadlow Estate and TWBC continue to refer to this as an option is beyond belief.

¹⁴ One example is the new station at Green Park south of Reading where the lead in time for planning and delivery was 20 years.

ISSUE 2 – FIVE OAK GREEN

Q1. Policy STR/CA1 sets out the strategy for the Capel Parish. Criterion 3) states that approximately 2,060 dwellings will be accommodated on land at East Capel as part of the extension to Paddock Wood. Is it clear to users of the Plan which site this relates to?

151. Save Capel is concerned that adequate recognition of the needs of residents in Capel parish has not been provided in the development of the local plan.

152. In addition, consultants engaged by TWBC have not recognised and considered the boundaries of the two councils in this area, e.g. the sports hub being provided for PW residents, but located in Capel parish.

Q2. What are the ‘compensatory improvements’ to the Green Belt, including measures to reduce flooding to particular areas of Five Oak Green? How will they be delivered?

153. Save Capel endorses the response by Capel Parish Council to this question and does not repeat it here but wishes to contribute to the hearing on this question.

154. This is also addressed in our response to Issue 1 Q26.

SAVE CAPEL

11 MAY 2022

