



**TUNBRIDGE WELLS BOROUGH COUNCIL**

**REF: TW/21/01**

**STAGE 1 HEARING STATEMENT**

**HEARING DAY 2 02.03.22**

**MATTER 1 ISSUE 2- SUSTAINABILITY APPRAISAL**

**ON BEHALF OF LEANDER HOMES**



**SECTION**

- 1.0 INTRODUCTION
- 2.0 RESPONSE TO QUESTIONS
- 3.0 CONCLUSIONS



## **1.0 INTRODUCTION**

- 1.1 This Statement is prepared in advance of the Hearing Day 2 session scheduled for 02.03.22. The Hearing Session is aimed at addressing the Inspectors questions set out in the Matters, Issues and Questions document under Issue 3- Sustainability Appraisal.
- 1.2 Not all of the questions raised by the Inspector are relevant to my client's interest, and therefore not all of the questions are addressed in this Statement.



## 2.0 RESPONSE TO QUESTIONS

2.1 My client's response to the relevant questions is set out below. However, as a general point, paragraph 4.12 and 4.13 of the Submission Draft of the Local Plan sets out, in summary, that Sevenoaks District Council (an adjoining authority) are not intending to meet their own housing needs (with a shortfall of 1,900 dwellings). The development strategy for TWBC is based in part on contributing to some of the unmet need from elsewhere, including Sevenoaks. The various Statements of Common Ground issued by the Council with adjoining authorities identifies that the Borough has a high degree of constraints, including the Green Belt and AONB, as do other adjoining authorities, such as Sevenoaks. The NPPF sets out that authorities should take account of any unmet need from neighbouring areas. Given that in order to meet their own needs, TWBC have resolved to remove significant land from the Green Belt, it is submitted that less land would need to be removed from the Green Belt, and there would be less pressure on development in the AONB, if TWBC were not to plan for meeting the unmet needs of a neighbouring area such as Sevenoaks. It is also noted that the constraints identified as limiting the opportunities for meeting the needs in neighbouring areas (Green Belt and AONB) also apply to TWBC.

*Q5. Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid releasing land from the Green Belt?*

- 2.2 The Council appear to have considered two options for growth which involve no release of land from the Green Belt- Strategy 1 and Strategy 6. Strategy 1 reduces growth to below the housing need level to one that does not involve any loss of Green Belt. The scale of housing is reduced by some 5,650 homes (49% of housing need for 11,526) and the loss of large employment areas. Key allocations are removed including Tudeley Village, 2,000 less dwellings at Paddock Wood (western parcels) and, at Royal Tunbridge Wells, removal of the allocations at North Farm industrial estate, Mabledon and Spratsbrook.
- 2.3 Under this strategy, there would be no release of land from the Green Belt, which would be a positive environmental benefit (having regard to the three sustainability objectives set out in the NPPF), but the delivery of dwellings would be substantially below the required need. This is a conflict with the social objective of the NPPF. As a result, it is accepted that this would not be a suitable option.
- 2.4 Strategy 6 involves no new garden village or urban extension of Paddock Wood and east Capel Parish into the Green Belt, or any other Green Belt releases. Growth required to meet the housing need would be focused on settlements outside of the Green Belt and moderated in the AONB. To meet housing need, this would include major growth of Paddock Wood (with the



focus to the south-east), major growth at Horsmonden, major growth at Frittenden, major growth at Sissinghurst and growth of some AONB settlements. This option would meet the existing capped need of 678 dwellings per year, and would avoid releasing land from the Green Belt. However, it would also focus development towards the eastern half of the Borough, resulting in an uneven spread and distribution of development. There are other settlements in the Borough, including within the Green Belt, which would be able to accommodate limited amounts of development in order to spread the distribution of development and to support local services and employment opportunities.

- 2.5 In summary, whilst the release of land should only be considered in exceptional circumstances, it is submitted that due to the housing need and the constraints presented by the Green Belt and AONB, some release of Green Belt land should be considered acceptable. However, in order to preserve the Green Belt as far as possible (as the NPPF sets out that the permanence of the Green Belt is one of its key features), the release of land should be carried out in a planned and limited manner.

*Q6. Does the Sustainability Appraisal adequately and robustly consider alternative distributions of development, such as focusing growth towards existing settlements such as Royal Tunbridge Wells, rather than relying on a new settlement?*

- 2.6 The draft Plan's development strategy and strategic policies propose a large proportion of housing growth at Tudeley Village and Paddock Wood and Capel. However, the Settlement Hierarchy is set out at draft policy ED8. Development should be distributed across the settlements within the hierarchy, based on the level of services and potential to accommodate growth. Royal Tunbridge Wells has been classified as the only Primary Regional Town Centre in the Borough, it is the largest settlement within the Borough, and should be recognised as a principal settlement for future growth, as it is the most accessible town, containing the greatest range of facilities and services. The town is a sustainable location for development, located close to major public highways, and well served by public transport networks, including main line train stations within the town centre.
- 2.7 Due to the disproportionately small level of housing allocated for Royal Tunbridge Wells - the most sustainable settlement in the Borough- or other settlements that could accommodate growth across the borough (such as Five Oak Green) and the disproportionately high level of housing allocated for the new settlements, it is submitted that the Council have not adequately considered alternative distributions of development.

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



- 2.8 Notwithstanding the comments above, the development strategy involves the large scale release of Green Belt at Tudeley and east of Paddock Wood in order to meet the significant proportion of the housing requirement. This results in a total of 600 ha of land being removed from the Green Belt. In relation to the Tudeley Village new settlement, the High Weald AONB lies to the south of the B2017 and the northern boundary of the AONB abuts the southern and south-eastern boundary of the proposed site. The development will therefore have a direct impact on the AONB. The AONB designation is the highest level of protection and equivalent to National Park designation in policy terms. The impact on views from the AONB is likely to be significant and adverse.
- 2.9 The proposed developments at Tudeley and east of Paddock Wood would encroach into the countryside and begin the process of merging the settlement areas between Tonbridge, the proposed new village, Five Oak Green and Paddock Wood. This would conflict with two of the purposes of including land within the Green Belt, as set out in the NPPF- which should be given considerable weight.
- 2.10 Whilst other strategies are ruled out due to the potential impact on the countryside and in particular the impact on the AONB, the Council have included the strategic sites identified above, including the new settlement at Tudeley despite the substantial weight that should be given to the purposes of including land within the Green Belt and the impact on the AONB. It is noted that the Borough Council commissioned Hankinson Duckett Associates to produce an "AONB Setting Analysis Report". The study focuses primarily on the inter-visibility of developments and direct impacts and does not address the wider impacts of accommodating this level of growth so close to the boundary of the AONB. These impacts include increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure, increased traffic travelling through the AONB to access the new developments and the highway improvements required to accommodate this, loss of tranquillity and increase in air and light pollution arising from these factors and from highway improvements which require to be lit.
- 2.11 As highlighted above in response to Q6, the relatively low level of distribution to the settlements at the top of the settlement hierarchy, and the proportionate distribution of growth to the settlements lower down the hierarchy, suggests that the most sustainable strategy has not been chosen. It is clear that the new settlement at Tudeley will have a significant environmental impact due to the loss of land and impact on the Green Belt, and the likely impact on the setting and use of the AONB. It is submitted that the social and economic elements of the three overarching objectives set out in paragraph 8 of the NPPF are given greater weight in the identification of Tudeley as a new settlement, and the three objectives are not considered together, or pursued in mutually supportive ways.
- 2.12 It is submitted that the Council have not robustly and adequately considered alternative



distributions of development.

*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?*

- 2.13 It is submitted that the development strategy places an over emphasis on the provision of a new settlement in the Green Belt and the major expansion of Paddock Wood, with the attendant environmental impacts that would result, rather than looking to the existing settlements to accommodate planned and managed growth. As highlighted above, there is a relatively small distribution of development to Royal Tunbridge Wells- a settlement at the top of the hierarchy and the largest and most accessible settlement in the Borough. The fact that the settlement is the most accessible in relation to the local highway network and public transport would suggest that it should be considered the focus of development, with development led improvements to the existing highway network, and public transport links to accommodate a greater degree of growth.
- 2.14 In relation to the three objectives of sustainability set out in paragraph 8 of the NPPF, the greater distribution of dwellings to the other settlements in the hierarchy offers the opportunity to carry the three objectives forward. In social terms, additional housing around the existing settlements, including those lower down the hierarchy, would result in the opportunity to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. In economic terms, it would provide the opportunity for local shops and services to be supported and help build a strong, responsive and competitive economy. In environmental terms, it would involve a reduction in the need to provide new highway schemes to access new developments at Tudeley and Paddock Wood, and reduce the need to travel to access shops and services (potentially reducing emissions and having a positive impact on air quality and climate change), and by identifying sites that could accommodate growth on the edge of settlements, as well as within the settlement boundaries by increasing densities in an appropriate and planned manner, would help to protect and enhance the natural, built and historic environment.
- 2.15 Growth Strategy 7 was aimed at meeting housing need without strategic sites and with a wider distribution based on the relative level of services and facilities of all settlements. The scores for this strategy are set out in Table 19 of the Sustainability Appraisal. The assumptions behind the scores should be challenged- for example, under the objective of Biodiversity, the Council say that a “large quantity of development across the borough is highly likely to cause losses for biodiversity”. However, if the strategy is to disperse development to existing settlements with growth proportional to services, this is likely to lead to a higher number of smaller and medium



sized development sites. Each of these sites would need to be assessed in terms of their ecology value and biodiversity. It would then be possible to consider the impact on ecology and biodiversity and ensure no loss, and secure net gains (as required in paragraph 174 of the NPPF), through the imposition of conditions for each site. This would suggest that the score should not be neutral, but positive. In relation to the Climate Change objective, this is identified as a “double negative”, largely on the basis that development would be focussed less in urban areas with good public and active transport possibilities. However, by focussing development at the settlements at the top of the hierarchy, in particular Royal Tunbridge Wells, this would suggest a different conclusion- certainly a score that is better than a double negative.

- 2.16 The Heritage objective is given a negative score, on the basis that *“there is no guarantee of enhancements for the historic environment”*. It is not clear why this is the case- enhancements for the historic environment, where they are justified, can be secured through the development management process, in particular with reference to the requirement on paragraph 190 of the NPPF- to set out a positive strategy for the conservation and enjoyment of the historic environment.
- 2.17 The Landscape objective is given a “double negative” on the basis that it reflects the sensitivity of settlements within the AONB. However, not all of the settlements in the hierarchy are within the AONB, and limited, managed release of land on the edges of existing settlements can take into account local landscape sensitivities and secure landscape improvements. By comparison, the Landscape objective for strategy 13, which includes the release of 600 ha of Green Belt Land, and the development of Tudeley Village on the edge of the AONB, only scores a single negative.
- 2.18 In summary, it is submitted that the Sustainability Appraisal does not 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, such as smaller or larger forms of development as a way of meeting housing needs?

*Q11. Are the scores and conclusions reached in the Sustainability Appraisal reasonable, sufficiently accurate and robust to inform the submission version of the Local Plan?*

- 2.19 It is clear from the above that the scores, conclusions and assumptions made in the Sustainability Appraisal are not sufficiently accurate and robust to inform the choices made in the Draft Local Plan.
- 2.20 In addition, my clients have an interest in Site 11 identified at Appendix H of the Sustainability Appraisal (Land at and to the rear of 50 Whetstead Road, Five Oak Green). Within Appendix H, the site is scored against the sustainability objectives. My clients comments are set out below;





**Business Growth-** The Council score this objective as “0” (neutral). The decision aiding questions set out that “in most cases the contribution of new customers to support existing business was considered insignificant”. However, this impact appears to be somewhat underplayed by the Council. The village of Five Oaks has a range of services and facilities that support the local community. Strategic developments at Tudeley to the west and Paddock Wood to the east, which would include shopping, employment and social infrastructure opportunities, could potentially draw people from Five Oak Green to the detriment of the local services and facilities. The provision of development immediately adjacent to the village, and easily accessible to the centre, where most of the facilities are located, would help to sustain and enhance those facilities. This would be a positive impact to the local economy. As a result, rather than the score for this objective being neutral, it should be positive.

- 2.21 **Land Use-** the score for land use is identified as “negative/slightly negative”. This is largely because the site is within the Green Belt. The commentary below the scoring chart sets out that the sites location within Green Belt parcel BA4 would have a very high impact. However, at page 87 of the Sustainability Appraisal, in the table that considers the strategic settlement locations, in section 2, under the heading Capel, it is identified that the site (for the strategic settlement) is “entirely within the Green Belt and the most recent Green Belt Study concludes the overall harm rating of releasing this land from the Green Belt is high. However, there is scope for compensatory measures such as new hedgerow planting, enhanced pedestrian routes or conversion of fields from arable to grassland”. Similar comments are made in the table at pages 89/90 in relation to the Paddock Wood strategic site.
- 2.22 For such an extensive loss of Green Belt land, it is not clear what quantity and quality of hedgerow planting, the enhancement of pedestrian routes and the conversion of fields from arable to grassland would compensate for the loss of such a large area of Green Belt to deliver the strategic site. None of the compensatory measures identified contribute to the purposes of including land within the Green Belt.
- 2.23 In addition, the decision aiding questions set out that positive scores should be applied to policies that propose development on brownfield land. The northern part of the site was a former commercial yard, and there is still some fixed surface infrastructure present, and underground fuel tanks. The site is, in part, a brownfield site, and therefore should have a positive score applied to it.
- 2.24 The development of site 11 and its release from the Green Belt would make a contribution to the housing delivery for the Borough but would also be a logical extension to the village, and would allow development within a clear and defensible boundary (the railway line to the south and the field boundary/drainage channel to the east). As a result, it is submitted that the Land Use score should be neutral, or neutral/slightly positive, as although the land would be released



from the Green Belt, there are exceptional circumstances to justify this- namely the delivery of housing units and the support of local services and facilities, and the site is in part a brownfield site. The release of this parcel of land would certainly have a lower impact on the Land Use score than the chosen strategic settlement at Tudeley.

- 2.25 **Landscape**- the Council score this objective as “neutral/slightly negative”. However, the existing quality of the land is very low. The site consists of a single run-down bungalow, with garden and paddocks to the rear. A large proportion of the northern part of the site was previously in commercial use as a vehicle and delivery yard. Underground fuel storage tanks are still present on the site. Apart from this, much of the site is low quality paddock grassland with patches of partially broken up hardstanding in the vicinity of the existing dwelling. There are few trees within the site or to the eastern boundary, and those that are, are poor quality and unmanaged. The site is therefore, in part a brownfield site, having some remaining fixed surface infrastructure. There is therefore an opportunity to improve and enhance the landscape setting of the site, particularly to the eastern boundary, with the planting of additional hedgerows and trees (including native species). In particular, the topography of the site is such that the northern section is at a lower level, and it would be proposed to drain the site to this area and create a water feature. This would improve the landscaping and appearance of the site, but also enhance the biodiversity. It is submitted that the Landscape score should be positive.
- 2.26 **Noise**- the noise score set out in the table at Appendix H is “slightly negative/negative”. The commentary identifies that this is because of the presence of the railway line to the southern boundary. However, in assessing the site, the landowner has commissioned work to establish suggested layouts for the site and measures to mitigate the impact of noise. It has been demonstrated that the mitigation measures would not result in harm to any potential occupiers of the site. As a result, this score should be neutral.
- 2.27 **Water**- the score for this objective is “neutral/slightly negative”. However, the decision aiding questions set out that development in Flood Zone 1 should be scored as very positive. The site is within Flood Zone 1 (having regard to the Council’s SFRA), and therefore the score should be very positive.
- 2.28 In summary, the scores attributed to five of the sustainability objectives of the site should be “upgraded”. Having regard to the above, this would result in the site scoring fewer neutral and negative scores and a greater number of positive scores. This would, it is submitted, make the site a suitable choice for allocating for residential development in the Local Plan.



### **3.0 CONCLUSION**

- 3.1 In conclusion, in relation to the Sustainability Appraisal, it is submitted that the Council appear to have not properly considered the three overarching objectives of the NPPF set out in paragraph 8. These objectives are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.
  
- 3.2 In settling on the strategy for growth that involves Tudeley Village and the extension of Paddock Wood, the Council appear to have downplayed the environmental objective (impact on the Green Belt and AONB) at the expense of the social and economic objectives (provision of houses and jobs). It is submitted that the Sustainability Appraisal has not been adequately and robustly prepared or considered properly the alternative strategies in a consistent manner.