



**TUNBRIDGE WELLS BOROUGH LOCAL PLAN  
(SUBMISSION VERSION)**

**EXAMINATION MARCH – JULY 2022**

**MATTER 13 – Landscape, Local Green Space and Open Space,  
Sports and Recreational**

**ISSUE 5 – Local Green Space**

**HEARING STATEMENT  
ON BEHALF OF  
RYDON HOMES LTD**

**June 2022**

## ***Issue 5 – Local Green Space***

### **Q4**

***What is the justification for designating site 20? How is it demonstrably special to the local community, and does it represent an extensive tract of land?***

Rydon Homes Limited have an interest in land to the north of Wish Court, Matfield. These representations seek to object to Policy EN 15 Local Green Space with particular reference to the designation of Site Number 20 – Woodland north of Wish Court, Matfield as Local Green Space.

Under ref 17/01142 TWBC approved a development of 20 homes on land immediately adjoining the proposed LGS. As part of that scheme an area of land has been set aside as an ecological mitigation area. The approved scheme, which has since been completed, was previously allocated within the Regulation 18 version of this Local Plan. The extent of the ecological mitigation area was sufficient to meet its purpose.

The approval of the above scheme and the ecological surveys conducted showed the presence of protected species. This is not uncommon in this part of the country. The ecological mitigation area satisfied all stakeholders that the scheme could go ahead with no negative impact to the wildlife on the site.

The site has been consistently proposed for development. In 2016 it was one of two sites actively being considered by the Parish Council as a potential candidate for a replacement for the grossly inadequate nearby Brenchley Primary School.

The site has been consistently promoted as a potential housing site. The July 2019 SHELAA identifies the site as site ref 36. The Council's assessment identifies a potential yield of 110 units which would make an important contribution to meeting the Council's need to invest in sufficient homes. The Site was considered inappropriate due to the presence of woodland and that part of the site is an ecological mitigation for an extant planning permission.

The Site has been further assessed within the SHELAA (dated January 2021). The conclusion drawn on the site reflects the position of the July 2019 in so far as the woodland coverage and that part of the site is an ecological mitigation site for the completed development at Merchants Lea (constructed by Rydon Homes Limited). The yield similarly to 2019, is at 110 units. It is acknowledged that the ecological management area is required to be retained and proposals would not seek to alter this. However, the remaining land is both available and suitable to be developed for residential development. It is our view that it is inappropriate to include land within the SHELAA that has a required use/purpose pursuant to an implemented planning permission and that the SHELAA should have only considered the reduced footprint area which excludes the ecological management area required by planning permission ref. 17/01142.

With regards to the SHELAA, the Council cannot reasonably argue that it is unsustainable given its position adjacent to the existing Limits to Built Development and the consent granted under planning permission ref. 17/01142. The proposed designation of the site as LGS is an undisguised attempt to prevent sustainable development. This is contrary to the intentions of the NPPF and is not justified.

The National Planning Policy Framework (NPPF) sets out, at paragraphs 99-101, guidance as to the criteria that must be met when considering to identify and designate land as a Local Green Space (LGS). Paragraphs 99 – 101 state the following:

*'99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and compliment investment in sufficient homes, jobs and other essential services. Local Green Space should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

*100. The Local Green Space designation should only be used where green space is:*

*a. In reasonable close proximity to the community it serves;*

*b. Demonstrably special to the local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including playing fields), tranquillity or richness of its wildlife: and*

*c. Local in character and is not an extensive tract of land.*

*101. Policies for managing development within Local Green Space should be consistent with those for Green Belts.'*

The NPPF sets out clear criteria, **all** of which must be met in order for the land to be considered for designation. If any one of the criteria is not satisfied then it is **not** appropriate to designate the site as LGS. Therefore for Site Number 20 to be allocated as a LGS, all part of Paragraph 100 must be met. We do not consider this is the case, as set out below:

### **Proximity to the community.**

The criteria of 'Proximity' implies both a geographical juxta positioning of the site in question to the existing village, and an implication of ability to make use of that juxta positioning in some way. Whilst the site is adjacent to the Limits of Built Development, there is no public right of access over any part of the site in question. There is a public footpath immediately adjacent to the western boundary of the site. It enjoys limited proximity and is peripheral and indeed remote from most of the community of Matfield. The public are unable to access the land legally and make any use or take any benefit from any designation.

### **Local in character and is not an extensive tract of land.**

The land in question cannot be considered local in character. It comprises overgrown small shrubs and immature self-seeded trees with bramble. By contrast every other piece of undeveloped land in the vicinity is either an open field or a mature wood. As a result it cannot be considered 'local in character'.

The TWBC LGS Designation Methodology states at paragraph 3.5 *'All sites will be judged on their merits, but as a guide and in reference to Natural England's Accessible Natural Green Space standards (ANGst) a site over 20 ha ( 50 acres) is likely to be considered an extensive tract of land not suitable for designation as a LGS.'*

This is at odds with Examiners views on a number of Neighbourhood Plans considering this very point: Seddlescombe NP 4.3 acres, Alrewas NP relating to 2.5 and 3.9 ha; Tatenill NP relating to 9.2 and 4.3 ha; Oakley & Deane NP relating to 5ha; and Brixworth NP relating to 22.5 , 7.2 and 2.7ha. All of which were considered to represent 'extensive tracts of land'

This site at 4.3 ha clearly falls within an area where Examiners would consider the land to be 'extensive'.

**Demonstrably special to the local community and holds a particular local significance.**

There is nothing in the TWBC Local Green Space Assessment 2019 or TWBC Local Green Space Assessment 2021 that mentions any support for this from the local community. The proposed designation appears to have been initiated solely as a result of the Role and Function Study (carried out by the TWBC) and not by any prompting from the local community. Indeed the Parish Council considered the site appropriate for a replacement Primary School at one point. Now that it is a proposed designation it will be supported by the local community but that is the wrong way around.

Given that Rydon Homes carried out pre application consultation with the community, including meetings with the Parish Council, the local community were well aware that the area was being looked at for potential development. At no point did they try to instigate any further protection to the area beyond the actual development site through a S106 Agreement etc.

The Council has not demonstrated that this area is special to the local community. In fact, there is no public right of access to the site. Further to this is, it should be noted that within the Parish of Brenchley that the site has an overprovision of amenity greenspace, with a surplus of some 2.62 ha when compared against the TWBC quantity standards. This clearly demonstrates that the site is not special to the local community or holds a particular local significance.

The Council consider that the site 'is a special amenity' but do not explain or evidence what that amenity is or may be. This is a completely unjustified statement. The assessment then goes on to say that it 'may become a protected species habitat'. The guidance does suggest that Local Green Space designation may be appropriate for the 'richness of wildlife'. But the Council has not undertaken any surveys to identify or

justify this. In addition the survey work relating to the Rydon scheme identified and included appropriate mitigation by way of an ecological mitigation area. It is clear from the surveys undertaken that whilst there is wildlife on the site it is not anything unusual or unexpected, indeed the fact that appropriate mitigation can be accommodated rather supports the view that there is an ordinariness to the wildlife on site rather than a richness.

### **Conclusion**

Policy EN15 is therefore considered to be unsound in respect of the allocation of Site Number 20. Allocations of LGS in a Local Plan must complement investment in sufficient homes and are to be seen as enduring beyond the end of the plan period (NPPF para 99). The proposed designation of this site as an LGS would conflict with Government guidance because:

- Policy EN15 with respect of Site Number 20 is not positively prepared – Matfield is a sustainable settlement which is identified as having the ability to accommodate a level of planned growth. This site adjoins the Limits of Built Development, it has been promoted through the Council’s Call for Sites as a potential candidate for development, it has been considered as one of only two potential sites for a replacement Primary School, and as such could in the future be a site for a sustainable expansion of the village.
- Policy EN15 with respect to Site Number 20 is not consistent with national policy – the site is peripheral to the village with no public access. Whilst there is a public footpath adjacent to the western boundary this is not heavily used and is only for occasional recreational purposes. As such the site’s designation fails the test of proximity. It is not local in character. It is quite at odds with the typical local character.
- Policy EN15 with respect of Site Number 20 is not justified - the Council’s benchmark for judgement on the extent of the land is at odds with Examiners decisions on this matter in NP Examinations. The land sought to be designated is an extensive tract of land. In addition, the Council has provided no evidence that the site is special in any way to the local community. The special amenity point overstates the wildlife richness on the site and in any event is not evidence-based by any studies.

**The proposed designation should therefore be deleted from the Plan.**