

Examination of the Tunbridge Wells Borough Local Plan
Inspector's Matters, Issues and Questions for Stage 2

Matter 7 – Residential Site Allocations

Issue 6 – Speldhurst

AL/SP1 – Land West of Langton Road and South of Ferbies

***Written Statement submitted by the landowners of site 231
(allocation AL/SP1)***

February 2022

1. Introduction

- 1.1 This Written Statement has been prepared by the landowners of site 231 (allocation AL/SP1) to respond to Matters, Issues and Questions (MIQs) raised for Stage 2. This Statement expands upon the response submitted to the Regulation 19 Consultation and specific questions posed in respect of Issue 7 – Residential Site Allocations as part of the Inspector’s Questions to the Examination.

Q1. Does site allocation AL/SP1 represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

2. Response to Q1

- 2.1 The landowners of site 231, to which site allocation AL/SP1 applies, wholly concur with the findings of Local Plan evidence base work undertaken by Tunbridge Wells Borough Council (TWBC), and specifically that presented in the document titled ‘Development Strategy Topic Paper for Pre-Submission Local Plan’ dated February 2021 (re-issued with corrections October 2021) (doc ref. 3.64). This work evidences that the site allocation AL/SP1 does not represent major development in the AONB.

- 2.2 Appendix 3 ‘Assessing whether AONB sites are major’, provides additional details of the method used for relative scale. On the point of scale the TWBC methodology explains that:

*‘To determine relative scale for residential use in the **villages** where sites are adjacent or close to the LBD the methodology takes the maximum number of dwellings anticipated for the proposed site and expresses it as a percentage of the existing dwellings (using property address point data) within what is considered to be the settlement boundary i.e. the area and properties that people would normally consider to be part of the settlement which typically extends slightly beyond the Limits to Built Development (LBD). For transparency the ‘settlement boundaries’ used for this exercise are set out in Section 2.’*

- 2.3 Table 10 of Appendix 3 (doc ref. 3.64) provides an assessment of sites to be allocated in the High Weald AONB against the requirements of paragraph 172 of the NPPF and footnote 55 to determine whether sites are considered ‘major’ or not ‘major’. The below extract relates to site 231 (allocation AL/SP1), which clarifies that the site does not represent major development.

TABLE 10: Assessment of sites proposed to be allocated in the High Weald AONB against the requirements of paragraph 172 of the NPPF and footnote 55 to determine whether sites are considered ‘major’ or not ‘major’

Site policy reference and site address in the PSLP (Site Policy reference used for Reg. 18)	Settlement / Parish	Nature of development	Scale Very Substantial/ Substantial/ Mod. Substantial/ Not substantial	Setting Poorly related/ Reasonably related/ Well related	AONB component parts present	Impact High/Moderate/Low Taking account of effects on AONB Components, possible cumulative effects and where available the LVIA.	Conclusion and Notes for further consideration
Speldhurst							
AL/SP 1 Land to the west of Langton Road and south of Ferbies (SP1)	Speldhurst	Residential: 10-12 dwellings	Not substantial (402 dwellings in settlement 12 = 2.99%)	Reasonably related	S2 Settlement G2 Geo FH2 Historic Field – HLC early post medieval – remnant of land associated with 20C	Low Remnant land parcel on edge of settlement and routeway. Strong boundary features retained.	Not Major Relatively small development that is well related and contained by a strong landscape framework.

2.4 Pertinent context on the settlement form and capacity for change is set out in the Landscape Sensitivity Assessment – Sub Area Assessments Part 2 report (**doc ref: 3.102b(ii)**), in which section Character Area 5 - Speldhurst Wooded Farmland provides commentary on sub-area Sp18 in which site 231 (allocation AL/SP1) is positioned, albeit the site represents only a very small proportion (1.4%) of the sub parcel area, and in spatial terms the site is the section of the sub-area parcel that adjoins the settlement edge and is, therefore, closely related to the character of the settlement. The sensitivity conclusions are repeated below:

‘The key sensitivities of the sub-area are its role in the setting of the village of Speldhurst and the strong rural and tranquil character. Owing to the relatively flat and large scale topography, development adjacent to the existing settlement edge of Speldhurst would be associated with the settlement & would not represent a step-change in settlement form (however, it would be important to maintain the nucleated form and distinctive identity of Speldhurst).

2.5 Characteristics of the site are articulated in the Assessment Sheet that informed the Sustainability Appraisal of the Local Plan Version for Submission (October 2021), (**doc ref. 3.130a**) Appendix U refers, which asserts:

“... the scale is in keeping with the existing settlement and sensitive design will ensure impacts are reduced”

2.6 A succinct summary of the amendment to the LBD boundary of Speldhurst is provided within the evidence base document ‘Limits to Built Development Topic Paper for Draft Local Plan – Regulation 18 Consultation’ (**doc. Ref. 3.21**), and is presented below.

32. Speldhurst

Settlement	Map Ref.	Amendment to SALP LBD Boundaries	Principle/Criteria
Speldhurst	1	Inclusion of site allocation AL/SP 1 (land to the west of Speldhurst Road and south of Ferbies) and the triangular piece of land to the west of it (end of private garden areas to properties on Ferbies), both of which are a proposed Green Belt release. Policy wording in the Local Plan will ensure that site allocation SP1 is appropriately developed and the natural boundaries suitably retained where appropriate and taking into account local landscape sensitivity.	(a), (c), (d), (e), (f), (g) and l
	N/A	No other changes as existing LBD boundaries adjoin the boundaries of the Green Belt and no other Green Belt releases are proposed for this settlement.	N/A

2.7 The observations presented in the topic paper prepared as part of the Regulation 18 consultation has been translated into site criteria 3 to policy AL/SP1, as repeated below:

‘The scheme shall ensure the retention of hedges and trees along site boundaries with minimal loss for the creation of a vehicular and pedestrian access from Langton Road and shall contain significant areas of undeveloped green space, including appropriate landscape buffers to site boundaries to provide a soft approach to Speldhurst village, ensuring a scheme that is sensitively designed and provides a suitable edge to the settlement;’

2.8 The site criteria will necessitate that in order for a scheme of development to be approved it shall need to demonstrate adherence with the associated site design/layout parameters set out under policy AL/SP1. Accordingly, the plan-making process has considered the potential impacts of development and sets out in a precise fashion how a future scheme of

development will need to pay attention to and respect the character and appearance of the area, to include the High Weald AONB designation that washes over the broader area.

2.9 Evidence base document titled ‘*Development Strategy Topic Paper for Pre-Submission Local Plan*’ (doc. Ref. 3.126) justifies the decision to remove site 231 (allocation AL/SP1) from the Green Belt. The presented analysis is equally relevant to consideration of the site allocation in the context of the AONB designation that washes over the broader area.

Details	Development	Green Belt Outcome	Mitigation	Rationale
AL/SP 1 Land west of Speldhurst Road/south of Ferbies	Residential	Remove from Green Belt The area allocated for development will be removed from the Green Belt which will then follow a strong and clear field boundary to the west. This change alone will leave a small triangular area to the north covering the rear garden areas of adjacent residential properties with no feature on the ground to mark its extent. Therefore, it is proposed that these garden areas are also removed from the Green Belt. Area to be removed from GB 0.964 ha	Retain hedges/trees along boundaries; landscape buffers to site boundaries	Localised impact; well related to existing development; sustainable location.

2.10 Noteworthy points include the fact the southern site boundary follows a strong and clear alignment; the existing hedges and tree specimens present along boundaries provide landscape buffers the site boundaries and should be retained; and the impact of development is localised given the spatial relationship of site 231 to existing development, recognising that the site is in a sustainable location.

Q2. Can a suitable and safe point of access and egress be achieved?

3. Response to Q2

3.1 As part of the supporting evidence to the promotion of the site in conjunction with the emerging Local Plan, the landowners formally engaged Kent County Council (KCC), as local highway authority, in pre-application advice in early 2019 (under pre-application reference PAP/2018/178).

3.2 The provision of information submitted by the landowners to KCC to inform the pre-application process comprised the following:

- traffic survey data to record details of vehicle type, speed and volume associated with the proposed point of access for a period of a week during what was a traffic neutral period accepted by the local highway authority.
- The speed data was used to calculate the visibility splay requirements, and there was correspondence between the landowners and KCC as part of the pre-application process to agree the visibility splay requirements for the proposed site access of 55.4m to the south and 54.1m to the north
- A sketch masterplan was prepared and submitted by the landowners to KCC to demonstrate the proposed highway access arrangement, to include footway provision, as well as marked visibility splays in both directions from the proposed site access to demonstrate that the splays could be provided within land under the control of the landowners
- A concept traffic calming scheme to introduce a 'buffer' 30 mph zone so as to appropriately transition from re-positioned entry point where the limit would change from 40 mph to 30 mph at a point on Langton Road to the west of Speldhurst settlement, giving rise to a section incorporating a 30 mph zone up to the point of where the existing 20 mph zone commences when entering the heart of the village at the frontage to site 231.

3.3 The provision of the proposed highway access to serve the site will not require removal of any of the trees subject to TPO listing on the eastern site boundary, as all tree specimens fall outside the visibility splay envelope, i.e. the trees are set-back a distance into the site such that they fall well outside the visibility splay envelope, and notably a minimum of 2.1 metres outside the splay envelope in all cases. A summary is provided in Table 1. This information was shared with TWBC on 28th May 2020 to clarify that a safe and suitable highway access could be formed without any corresponding requirement to fell any of the 6 tree specimens that are the subject of a TPO listing.

Table 1. Data on 6 tree specimens positioned along the eastern site boundary

TPO number	Minimum distance from kerb edge required to achieved visibility splay (metres)	Measured distance from kerb edge to roadside edge of tree trunk (metres)	Tree inside/outside visibility splay (metres)
1	1.2	4.1	Outside – not at risk
2	1.8	3.9	Outside – not at risk
3	2.0	4.3	Outside – not at risk
4	2.0	4.4	Outside – not at risk
5	1.8	4.1	Outside - not at risk
6	1.2	4.4	Outside – not at risk

N.B. TPO.1 is the northernmost tree

3.4 In reference to visibility splay calculations and requirements (bullet 2), it is important to understand that visibility splay calculations over-provide for vehicle stopping distances, as the standardised values applied by local highway authorities do not account for the demonstrable

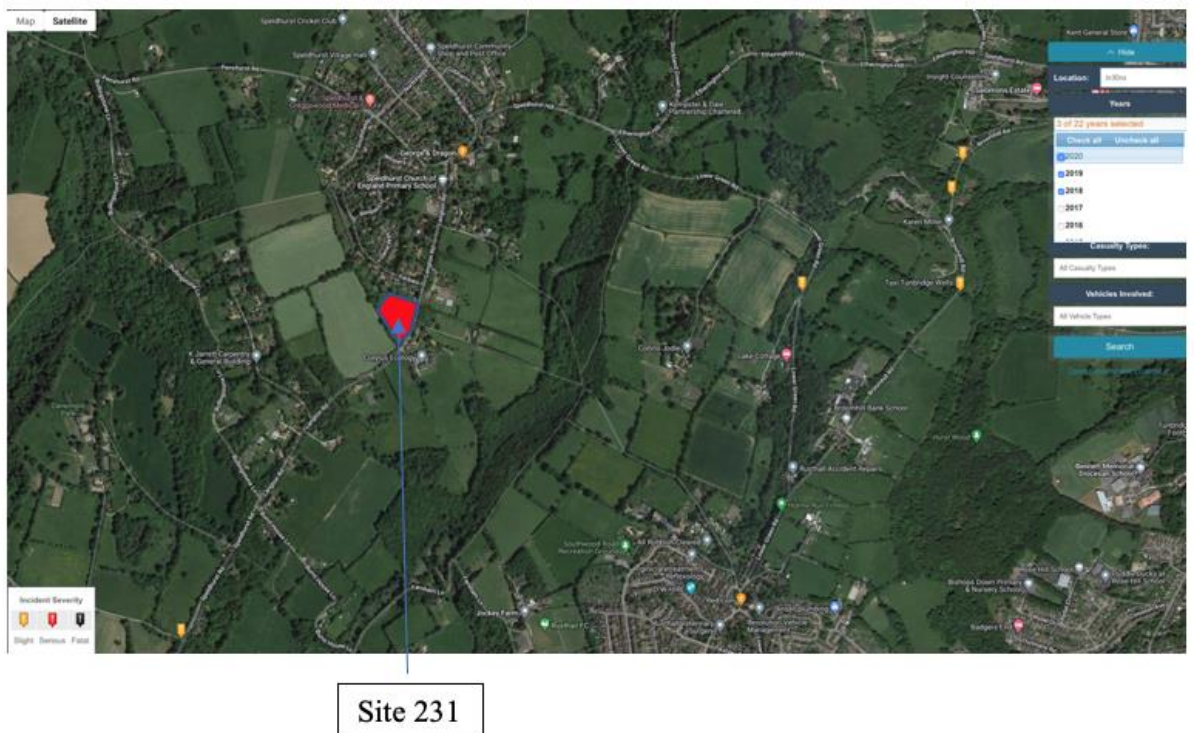
improvements in vehicle braking technology over the past few decades. It is expected that the Manual for Streets publication is soon to be updated to bring, amongst other things, visibility splay information 'in sync' with the latest vehicle technology.

- 3.5 The below extract provides information on stopping distances, noting that the stopping distance at 30mph is 23 m and at 40 mph the stopping distance is 36 metres. The stated distances account for thinking time (translated to distance). Based on the recorded speeds from the week long traffic surveys undertaken to inform the pre-application engagement with KCC, the required stopping distance is 30 metres. If we remind ourselves of the required visibility splays of 55.4m to the south and 54.1m to the north based on manual for Streets 2 guidance then these requirements over provide for stopping distance by a factor of 1.85, or 85% (i.e. 55.4 m / 30 m = 1.85).



- 3.6 It should be noted that visibility splays greater than 55.4m to the south and 54.1m to the north within the demise of the site (landownership) boundary and/or adopted highway boundary can be achieved based on the proposed position of the site access.

Figure 3.1. Extract from Crash Map to show local crash record (2018-2020)



Source: <https://www.crashmap.co.uk>

- 3.7 Figure 3.1 provides an extract from the online resource Crash Map to show recorded highway incidents for the period 2018 to 2020, and the site area is marked for ease of convenience.

There have been no recorded accidents within proximity of the proposed site access for the corresponding period. Indeed, there have been no recorded incidents on the local highway network within the village envelope of Speldhurst.

3.8 In respect a concept traffic calming scheme (bullet 4), in an email response from the Development Planner at KCC dated 26th April 2019, it was advised that having discussed the concept proposals for an extension of a reduction in the speed limit to create a 30mph buffer zone with a representative of the Schemes Team at KCC (as explained under bullet point 4 above), it was advised that KCC “*would not anticipate raising objection to the proposals for a traffic calming scheme.*”

3.9 The background discussions that emerged from the provision of pre-application engagement to inform the emerging Local Plan effectively translated the prospect of a scheme of traffic calming being considered in conjunction with the site coming forward for development as a site based policy (criteria 2), as repeated below.

‘The proposal shall make provision for, and implement, necessary traffic calming measures as informed by the outcomes of the transport assessment;’

3.10 The landowners have proactively approached these discussions to share concept ideas with representatives of KCC, TWBC and Speldhurst Parish Council (SPC) in recognition that the Parish Council have added an item to discuss such proposals with KCC and to report back via the SPC Highways Working Group that meets quarterly. The landowners are fully committed to maintaining dialogue with key stakeholders in order to ensure they can help inform the content of a future planning application in the context of any traffic calming proposals that could be required to come forward in conjunction with a scheme of development.

3.11 To conclude, the landowners have demonstrated that a satisfactory access can be achieved without any intervention to the current local speed limit regime in place on Langton Road, i.e. there is no explicit requirement for any alteration to be made to the existing speed limit regime. Crucially, under their role as a statutory consultee to the local plan preparation process, representatives of KCC have worked closely with the Planning Policy team at TWBC to identify sites for allocation, and there is universal agreement that site 231 (allocation AL/SP1) can be served by a suitable and safe point of access and egress and thus come forward as a site allocation.

Q3. Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

4. Response to Q3

- 4.1 National planning policy stipulates that altering the boundaries of the existing green belt must be done through new or updated local plans and "exceptional circumstances" are required.
- 4.2 The 2018 revisions to the National Planning Policy Framework (NPPF) added the requirement, unchanged in the 2019 update, that exceptional circumstances should be "fully evidenced and justified, through the preparation or updating of plans". It states that, before green belt boundaries are redrawn, an authority must demonstrate that it has "examined all other reasonable options for meeting its identified need for development", including making use of brownfield land, increasing the density of existing settlements and exploring whether neighbouring authorities can help meet its needs.
- 4.3 However, the NPPF stops short of defining which circumstances can be considered exceptional. The most important recent contribution to that effect was the December 2019 judgment dismissing the High Court challenge to Guildford Borough Council's Local Plan, which de-allocated three major sites from the Surrey town's green belt. The judge, Sir Duncan Ouseley, concluded that "exceptional circumstances" is a less stringent test than the test applied to planning applications for development that would normally be seen as inappropriate in the green belt, which requires "very special circumstances".
- 4.4 Furthermore, the judge ruled that no more than one individual circumstance was needed. In addition, "'exceptional circumstances' can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgement, to say that the circumstances are sufficiently exceptional to warrant altering the green belt boundary," he said.
- 4.5 This judgement is useful by virtue of it being recent, explicit and relatively comprehensive. The court accepts that whether or not an exceptional circumstance is accepted as such in any particular case is a planning judgement, and courts appear reluctant to interfere with questions of planning judgement.
- 4.6 Christopher Young QC, a planning barrister at No5 Barristers' Chambers who represented one of the developers interested in the Guildford case has commented on the High Court decision, noting:
- "The judge goes on to say that general planning needs such as ordinary housing are not precluded from the scope of exceptional circumstances. You don't need to show that there is a pressing need or an acute need. A council can decide that it wants to meet its housing need so it will put houses in the green belt and that is absolutely fine."*
- 4.7 The Council has undertaken detailed urban capacity work and has had discussions with neighbouring authorities to ascertain whether they could assist in accommodating housing requirements. However, in order to fully address the housing need, it has rightly been concluded that there is a requirement to couple development within 'urbanised areas' with the release of Green Belt land.
- 4.8 To this end, the sequential approach has been applied, and exceptional circumstances exist to justify changes to the Green Belt. The landowners support this approach and the clarity of this decision making, which is apparent through the Evidence Base.

4.9 The Submission Version of the Local Plan (para. 5.805) makes the distinction that:

“The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location.”

4.10 Applying a lens to site 231, there is a highly robust case to be made for belt release based on site-specific characteristics and considerations. The Local Plan evidence base comprises a three-stage Green Belt Review, and the findings of these green belt studies has informed allocations in the emerging Local Plan.

4.11 Evidence base document titled ‘Development Strategy Topic Paper for Pre-Submission Local Plan’ (**doc. Ref. 3.126**) presents an appraisal of the site’s contribution to Green Belt purposes, and concludes that the harm to the remaining Green Belt in the event site 231 (allocation AL/SP1) is released would be **negligible**, and that harm resulting from the release of AL/SP1 will be **very low**. The findings of the Green Belt appraisal are consistent with the various submissions made by the landowners to the emerging Local Plan.

Site/Location (reference in Stage 3 GB study if applicable and different)	Type	Land removed from GB		Stage 2 GB Study: Broad area/ Parcel	Contribution to GB purposes 1 to 4				Harm to remaining GB	Overall Harm from Release	Planning status where applicable.
		ha	%		1	2	3	4			
AL/SP 1 Land west of Speldhurst Road/south of Ferbies	Residential	0.964	0.014	SP1	None	None	Very Weak	None	Negligible	Very Low	

4.12 As already cited as part of the response to Q1, evidence base document titled ‘Development Strategy Topic Paper for Pre-Submission Local Plan’ (**doc. Ref. 3.126**) justifies the decision to remove site 231 (allocation AL/SP1) from the Green Belt. The presented analysis points out that the southern site boundary follows a strong and clear alignment (in the context of the decision taken to remove the site from the Green Belt); the existing hedges and tree specimens present along boundaries provide landscape buffers the site boundaries and should be retained as part of scheme mitigation (which will be front and centre of the approach for site promotion); and the impact of development is localised given the spatial relationship of site 231 to existing development, recognising that the site is in a sustainable location.

Details	Development	Green Belt Outcome	Mitigation	Rationale
AL/SP 1 Land west of Speldhurst Road/south of Ferbies	Residential	Remove from Green Belt The area allocated for development will be removed from the Green Belt which will then follow a strong and clear field boundary to the west. This change alone will leave a small triangular area to the north covering the rear garden areas of adjacent residential properties with no feature on the ground to mark its extent. Therefore, it is proposed that these garden areas are also removed from the Green Belt. Area to be removed from GB 0.964 ha	Retain hedges/trees along boundaries; landscape buffers to site boundaries	Localised impact; well related to existing development; sustainable location.

4.13 In closing, Speldhurst is a sustainable settlement that can, and should, accommodate a proportionate amount of growth to ensure its vitality is maintained into the future. Specifically, site 231 benefits from being within convenient walking distance of local services and facilities, to include a community shop that includes a post office and general store, a doctor's surgery, a primary school and a children's nursery, village hall, church and a further chapel. The allocation of site 231, therefore, is guided by both the Development Strategy for the Local Plan, alongside the requirement for small and medium sized sites to contribute towards the overall mix of housing sites. Development of the site will contribute towards sustainable patterns of development.