

SAVE CAPEL

HEARING STATEMENT

MATTER 6 – STRATEGIC SITES (POLICIES STR/SS1 AND STR/SS2)

Abbreviations:

Tunbridge Wells Borough Council: "TWBC" 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

CPC: Capel Parish Council

GBS: Green Belt Studies

KCC: Kent County Council

SSWG: Strategic Sites Working Group

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. East Capel, in

particular, fulfils its function as an effective floodplain and provides an effective barrier from urban encroachment of great amenity value to the residents of both Capel and Paddock Wood.

2. Save Capel submitted an extensive Reg 19 Representation addressing in detail the reasons why Policies STR/SS1 and STR/SS2 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 4.1 to 5.2) 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 3 (STR/SS1) and the new evidence admitted to the examination recently.

ISSUE 3 – PADDOCK WOOD AND EAST CAPEL

SIZE, SCALE AND LOCATION OF DEVELOPMENT

Q1. What is the justification for having a single policy (Policy STR/SS1) for the different development parcels at Paddock Wood and East Capel? Is it necessary to have development requirements for each specific area?

4. Throughout the Local Plan process TWBC have sought to blur the boundary between the two different entities of East Capel and Paddock Wood, despite being under two administrations and entirely different in nature and identity: East Capel is rural whilst Paddock Wood is urban. Given those fundamental differences it would seem sensible for the separate parcels to have been treated as such, rather than try to merge the two through the Local Plan discussions, which has inevitably led to local irritation and confusion.
5. Save Capel understands discussions around how East Capel would be developed have taken place with Paddock Wood Town Council without inviting Capel Parish Council to those discussions, and core documents omit East Capel when talking about the Paddock Wood development (for example, see Q7 answer below). This is just one demonstration of the LPA's

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

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

dismissive attitude when dealing with the residents of Capel throughout the Local Plan process, exemplified by the dismissal of all concerns and objections that far outweigh any positive comments over the siting of the strategic sites and 52% of the claimed housing need in one rural parish; a lop-sided approach which largely ignores the 25% of the borough which is in undesignated land and the increasingly empty commercial and empty office space in the urban centre of the borough at Tunbridge Wells.

6. This single policy approach has not been well received beyond residents and includes developers. For example, Dandara³, one of the principal developers, question this approach as potentially affecting deliverability:

“The TWLP has one policy for the proposed growth around Paddock Wood and east Capel (Policy STR/SS1). This reflects the holistic approach taken to the development; and the need to consider each parcel coming forward in the context of the wider growth which is to transform the existing and expanded town into a garden settlement. However, Dandara considers this is too long and repetitive and considers it would be clearer and more effective to have separate elements within the policy considering individual parcels.”

Q2. How was the size of each parcel determined and what alternatives to the scale of development proposed at Paddock Wood and East Capel did the Council consider?

7. As previously mentioned in other Matters, the Selection of Sites and Sustainability Appraisal processes are flawed, and the progress in this strategic site has hit barriers that might have been avoided were it not for the pre-determination involved in site selection. For example, the plans for Paddock Wood town centre were not properly prepared and were thwarted through a lost appeal for a different development. This has left the town without a crafted vision and plans for the commercial centre of the hugely expanded settlement now lack viability.
8. It is perhaps noteworthy that the proposals are not submitted in the core documents, with only a passing comment in the Strategic Sites Masterplanning Report⁴:

4.157 “There is a long-standing aim to bring forward a mixed-use scheme to the rear of Station Road and Commercial Road. This will have to take account of the recent permission on appeal of the Churchill retirement scheme”.

³ SoCG TWBC with Dandara **CD 3.138 para 4.2.1**

⁴ https://tunbridgewells.gov.uk/__data/assets/pdf_file/0006/385395/01_Strategic-Sites-Masterplanning-and-Infrastructure-Main-Report.pdf

9. The failure to have options demonstrates that the Council did not seriously consider alternatives to the development at Paddock Wood and East Capel, with the large scale seemingly capturing their sole attention. The significant size of the developments may have held a further attraction with the promise of a by-pass for Colt's Hill, a decades old issue that has never been resolved. By including East Capel in the Green Belt flood zone to the west of Paddock Wood, rather than undesignated land with lesser flood risk elsewhere, that ambition might be more realisable through geography, developer funding and pressure on KCC. Whilst this might be considered circumstantial, it rather begs the question 'what other reason could there be?'
10. This pre-determination is evidenced, in Save Capel's view, when the Site Selection Assessment Sheets for Capel are studied. (CD 3.22e). Many of the assessments appear to be "copy and pasted" leading to inaccuracies and a lack of any robust evidence (this presumably is replicated across the borough) with the following notable points:
 - a. For example; Site 183 (page 34) a farm in the hamlet of Capel (yield of 19 units), would cause "*traffic to increase substantially & movement of vehicles via A26 realistic, likewise worsening of the AQMA on Tonbridge High St*", a negative score as "*adjacent to the railway line!*" "*Benefits from proximity of enhanced provision at NEARBY (our emphasis) North Farm retail area, Tonbridge & Tunbridge Wells*". It is entirely unclear where the assessment took place but it certainly wasn't at Site 183!
 - b. All the allocated sites to the EAST of the A228 (e.g. Site 142 on page 24 surrounding Badsell Manor) were considered to be adjacent to the LBD of Paddock Wood & "*in proximity*" to that settlement rather than Whetsted or Five Oak Green & therefore sustainable in that context.
 - c. Whilst sites offered to the WEST directly over the other side of the A228 (Site 308 page 46) were all considered too remote from any settlement (despite only being a 10 minute walk to Five Oak Green) but raising concerns of coalescence of Five Oak Green/Capel with Paddock Wood and causing Very High Harm to the GB.
11. Therefore, by obfuscating that the Strategic Site land to the west of Paddock is not East Capel, but on the outskirts of Paddock Wood, means the level of harm to the GB appears to be substantially reduced to suit.
12. Further questions are raised about how the Local Plan tackles the Colts Hill issue. Given the growth of Paddock Wood, particularly in the choice of East Capel, and the proposals for

Tudeley to a lesser degree, it does appear that the Colts Hill by-pass might be more justifiable. However, the Local Plan implies this is NOT now an essential addition to the highways network⁵, and that a smaller by-pass would work just as well if not better.

13. So, we have somehow moved from a position where a by-pass that has been deemed critical for decades without the added pressure of increased traffic from large new settlements situated close by, is suddenly no longer critical when that huge increase in traffic is proposed.
14. In ‘Tunbridge Wells Landscape Character Assessment’ (2017), it is suggested that the majority of any future development within this landscape character area should be situated along transport corridors and at settlement edges with a gradation in building height to provide a sympathetic transition from urban to rural fringe in this vulnerable location. Some limited development may be accommodated at the existing settlement boundaries, but the scale of the present allocation site proposal is wholly inappropriate, even with any mitigation by areas of blue and green infrastructure.
15. The Southwest corner of the East Capel site will suffer from the incongruous sporting facilities which will be seen very clearly from the AONB and cause significant harm to the setting of the cluster of heritage assets at Badsell manor.

Q3. Is it clear to developers, decision-makers and local communities what scale and mix of uses are proposed on each parcel (including the amount of employment land)?

16. No. Even the principal developers appear unimpressed by the Council’s proposals. For example, Dandara’s SoCG (referred to above) raises several key issues:

AFFORDABLE HOUSING: 3.11 Policy H3 within the TWLP, which is referred to directly in Policy STR/SS1, sets a target of 40% affordable housing provision on qualifying sites across the Borough. Policy H3 also allows for exceptional circumstances to be demonstrated if the provision of on-site affordable housing at the stated level is not viable. Accordingly, a lower amount/ off site provision/ change in tenure split may be accepted. TWBC and the promoters will continue discussions on viability and phasing ahead of examination and provide an update to the Inspector. [Save Capel is not aware of any update at the time of writing].

⁵ The IDP (CD 3.142) states at para 3.11 “A relief scheme for Colts Hill has been explored in the past by Kent County Council. No scheme has been progressed to date, although a funding bid was submitted to the Major Roads Network programme in 2019 to deliver a scheme. The estimated cost of the KCC off-line scheme is £46 million”.

SPORTS HUB: 3.18 TWBC notes Dandara has reservations about whether the form of sports provision proposed and location is justified, but notwithstanding this, Dandara agrees that the land within its control, identified for the sports hub, will be made available for this use if TWBC considers this appropriate and necessary. Dandara considers that the Policy should reflect what the minimum provision is required to deliver the allocation and is of the view that the Council may have aspirations for the site (i.e. a swimming pool) that go beyond that needed to support the development

RAIL CROSSING: 4. 2. With regard to the new link across the railway line as required through the policy Dandara considers this should be an aspiration rather than a requirement.

MINERALS: 4.3. With respect to Minerals Safeguarding, Dandara considers that as currently drafted the policy is unsound as the requirement for prior extraction of mineral before development can commence would affect the delivery of key strategic infrastructure at Paddock Wood and, in turn, delay when benefits (including regeneration benefits associated with Paddock Wood Town Centre) could be realised.

17. The reality of other aspects of the development is equally uncertain, such as the Neighbourhood Centre, and the important wetland park for wildlife, leisure, and mitigating flood risk merits only a single mention in the opening list.
18. If the developer and Council are still not aligned or clear on such important aspects of the masterplan, how can the community understand how the development might affect them? They are in the dark and the proposals remain, in many aspects, unformed.

Q4. In the Green Belt Study Stage 1, how was parcel PW1 defined? Was land to the west of Paddock Wood, up to the A228 considered at this stage?

19. This is for the Council to answer.

Q5. In the Green Belt Study Stage 3, Map 2 identifies that releasing land to the west of Paddock Wood will cause ‘moderate’ harm nearest the existing settlement, with ‘high’ levels of harm on roughly the western half of the parcel nearest the A228. What are the reasons for this and how have the findings been taken into account in the preparation of the Plan?

20. Save Capel relies on its Main Representation at Reg19 (paras 4.14 to 4.22) and in particular the evidence provided by our landscape consultant⁶ which concludes that the strategic sites will have considerable and harmful cumulative effects on what is at present open countryside within

⁶ [Landscape and Visual Analysis Report](#) (East Capel) – prepared by JFA Environmental Planning (as Appendix 6)

the Metropolitan Green Belt. It also considers the scale of the present allocation site proposal at East Capel to be inappropriate in scale and extent.

21. The site is situated in an area currently designated as Green Belt where 'high' (arguably 'very high') levels of harm would occur, a functional designation to prevent coalescence and maintain openness between settlements. Whetsted and Paddock Wood will appear to coalesce and the gap between Five Oak Green and Paddock Wood will be barely discernible at a distance. The full extent of cumulative development (consented and proposed) will be visually intrusive in views from adjacent higher ground.
22. 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/SS1 as to how these new duties will be complied with if they come into force prior to adoption.

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?

23. This appears unachievable through the development of East Capel as part of the extended Paddock Wood, as it will merge the new urban conurbation with Five Oak Green. The only division will be the A228.
24. Even if this area is removed from the Green Belt, the effects on the surrounding extant Green Belt will be detrimental, with a reduction in perceived openness and a perceived sprawl of development within the Low Weald landscape from Tonbridge to Paddock Wood.
25. A very small parcel of land has been added to the Green Belt to the southwest of SS1, but this cannot be considered compensation for the loss of such extensive areas of Green Belt. The purpose of this seemingly insignificant addition is unclear to Save Capel.

Q7. 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?

26. Save Capel set out its position that exceptional circumstances are not justified at a strategic level under Matter 4.

27. At specific site level, we would like to stress that the level of proposed development is inappropriate for this location, which is in Green Belt AND a flood zone. If the area is removed from Green Belt, it will have the following consequences:
- a. a sprawl of development within the Low to High Weald landscape from the edge of Tonbridge to the east of Paddock Wood.
 - b. coalescence between settlements; Whetsted and Paddock Wood will appear to coalesce, and Five Oak Green and Paddock Wood will only be separated by the width of the A228. Moreover, Five Oak Green will all but merge with the establishing proposed site at Tudeley. The full extent of cumulative development will be both visually intrusive from height and physically apparent on the ground.
 - c. worsen the effects of already expansive and inappropriately large-scale sprawling development on the south and eastern side of Paddock Wood. A wagon wheel of development will encircle the town's core and residents will lose access to the countryside, including at East Capel, which they have enjoyed for leisure and well-being.
28. Paragraph 140 of the NPPF it says Green Belt boundaries should only be altered in 'exceptional circumstances' which are '*fully evidenced and justified*'. These proposals in East Capel do not meet these requirements.
29. The Council has claimed there will be '*...an opportunity for betterment to the flooding and drainage issues which are present for residents of parts of Paddock Wood, and ecological and landscape enhancements as part of the exceptional circumstances case for the release of this Green Belt land...*' (PSLP 5.183). This suggests such enhancements are not decided, in which case this aspect of the exceptional circumstances the Inspector is being asked to consider has yet to be described and, therefore, cannot be relied upon to justify Green Belt release in the area. (See response to Q8 below).
30. The Development Strategy topic paper states (6.186) '*In terms of these two sites themselves, there are additional site and development specific circumstances, which are considered to contribute to exceptional circumstances:*

For land at Capel and Paddock Wood: the land proposed to be released from the Green Belt here is part of a wider release of non-Green Belt land to deliver development in a sustainable location, around an existing settlement, with the potential to rejuvenate and revitalise the town centre: approximately 48% of

the total area of land included for the comprehensive urban extension is currently designated as Green Belt.

31. However, whilst 48% of land proposed for development around Paddock Wood is Green Belt, 52% is not. For TWBC to use this almost equitable figure to justify ‘exceptional circumstances’ for the removal of such a large amount of Green Belt is bewildering.

32. Moreover, if the Council moved development into undesignated land, the Green Belt would not need to be removed at all. Releasing land in a neighbouring parish cannot be used as justification for ‘exceptional circumstances’ as it brings NO benefit whatsoever to the existing residents in the donor parish.

33. The Development Strategy topic paper continues (6.186):

through the comprehensive development of this site, and particularly the land to the west of Paddock Wood (i.e. that which would be released from the Green Belt), it has been identified through the Strategic Flood Risk Assessment that there is the potential for the flood mitigation required in association with this development to deliver “betterment” through reduced flood risk to existing areas of Paddock Wood and its surrounds. This requirement is specifically included in the policy, and is considered to make a significant contribution to the exceptional circumstances for the release of this land from the Green Belt

34. The land in question is actually in Capel and not Paddock Wood, which is conveniently forgotten by the Council. So where is the ‘betterment’ for Capel and Five Oak Green?

35. The Development Strategy topic paper adds (6.186):

Expansion of the town offers opportunities both within the new development and existing development to increase the use of alternative modes of transport (to cars) for local journeys, improve Green Infrastructure and taken together with land at Tudeley there are opportunities to provide significant new highway infrastructure and localised highways improvements.

36. The ‘town’ refers to Paddock Wood and not to Capel, whose residents will still be car dependent as with other local areas (nearby Brenchley & Matfield has the highest car ownership in TW closely followed by Capel) due to a lack of bus services and other facilities.

37. Among the points made in earlier Matters we would re-emphasise the following:

- a. Save Capel's Alternative Sites Report⁷ shows that hundreds of sites were rejected by TWBC, but many appear suitable for development, indeed are more sustainable than much of the strategic sites and could have negated the need for the extensive removal of Green Belt that the Tudeley and East Capel necessitate.
 - b. Although 25% of the Borough is undesignated land, it is bearing little development. There is little clarity as to why sites in the area were ruled out without proper testing. For example, the decision to expand Paddock Wood into the Green Belt rather than any undesignated alternative is unclear and indicative of the Council's intention to remove Green Belt as a strategic objective of the Local Plan.
 - c. There is a failure to focus on brownfield sites and repurposing of existing buildings, despite the clear environmental advantages of so doing, particularly in terms of much-needed urban regeneration. For example, TWBC Town Forum identified 1500 possible units in the town which were discounted due to ownership issues, the Council preferring to avoid negotiation and stick with an easier, if more unsustainable and environmentally damaging, option of greenfield development on land owned by fewer individuals.
38. Therefore, exceptional circumstances do not exist at site specific level to justify amending the Green Belt boundary in this location.

FLOOD RISK AND DRAINAGE

Paragraph 4.11 of the Strategic Sites Topic Paper³ states that "...the starting point was to focus development using a proportionate application of the sequential test in flood risk terms i.e., the majority of residential development in flood zone 1, with some in flood zone 2 where there was confidence in site specific flood mitigation ensuring that was acceptable."

Paragraph 4.14 then goes on to state that "A scenario was run with residential development in flood zone 1 only (Option 3). This provided fewer dwellings, 2,840, and was considered unnecessary in the context of planning guidance on locating development in appropriate flood zones."

Q8. What is a 'proportionate application of the sequential test'? Is the allocation of land to the west of Paddock Wood consistent with paragraph 162 of the Framework, which states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding?

⁷ Submitted as Appendix 8 of SC Reg19 Representation

39. Save Capel has not found any provision for the use of ‘proportionate’ relating to the sequential test in the Framework. If that has been the Council’s approach, then this is a fatal flaw. The sequential test is an absolute test.
40. The allocation of the land at East Capel is not consistent with paragraph 162 unless it can be demonstrated that there are no other sites available. However, as Save Capel has argued throughout the examination, other sites that are far less vulnerable to flood risk, and more sustainable strategic options are available.
41. Save Capel continues to be concerned that TWBC considers Option 3 as “unnecessary” when alternative strategies were appropriate. Even without these, the existing proposal for approx. 600 fewer houses at SS1 (Option 3) is around half of excess dwellings included in the housing requirement (the ‘buffer’ discussed in Matter 2). In any event, the Plan clearly could and should have avoided development in Flood Zones 2/3 and consequently avoided the risks and cost implications that also affect viability.
42. Flooding is a regular occurrence at East Capel and Paddock Wood, but from different sources and directions. The land in East Capel floods from water running down the slopes to the north and along the natural conduits. In Paddock Wood the flood damage appears to have more to do with surface and sewage/drainage problems, which both land and infrastructure cannot cope with. Given these problems, exacerbated by the many new builds around the town, it is difficult to see how further building on the flood zones can do anything but exacerbate the problems, even with the significant new infrastructure required which is painfully slow to materialise. Indeed, promises are regularly broken by Council and providers, such as catchment areas, pumping capability and betterment for the area, particularly Paddock Wood and Five Oak Green.
43. The approach to mitigation does not justify development at East Capel given it is not the source of flooding issues at Paddock Wood. Furthermore, the PSLP no longer includes the strategic storage parcels, proposed in the SFRA in 2019, to the south of the masterplan site at East Capel. This storage would have greatly reduced the flows down Tudeley Brook and mitigate the frequent flooding events that cause so much disruption along the B2017 from the roundabout with the A228. This area is hugely significant to the increasing traffic flows from existing developments and those now proposed. The mitigation proposed within the site will have no effect to this area and there are no mitigation measures in the Plan that benefit existing Capel properties.

Q9. Can the parcel allocated to the east of Paddock Wood come forward without requiring residential development in areas at risk of flooding?

44. This for TWBC to answer. But Save Capel is concerned that the strategic development proposed (SS1) would deliver the large majority of its housing on both green belt and in areas of flood risk at East Capel. There is no methodology justifying this approach in the evidence base as far as SC are able to discern..

Q10. What is the justification for requiring drainage strategy to be in place prior to the granting of planning permission ‘unless exceptional circumstances arise’? What might these circumstances be? Is the policy sufficiently clear and is it effective?

45. Policy STR/SS1 (13.) *The drainage strategy should be implemented through the development to deliver the levels of storage, attenuation, and mitigation measures to reduce the incidence of flooding to adjacent residential areas in Paddock Wood*

46. There is no justification for this qualification in this policy, which appears to be little more than a get-out clause to avoid the expenditure needed to create the required drainage infrastructure and will leave the area even more vulnerable to flood risk than it currently is.

47. We also note that there is reference to “prior to substantial development” but no definition of what is “substantial”? Given the severe flood risks associated with this allocation, a drainage strategy for the whole site should have been prepared for examination. This goes to the heart of deliverability and viability.

48. TWBC commissioned David Lock Associates (DLA) to assess deliverability of the East Capel and PW proposals, but the work appears unfinished as ‘...*further detail on phasing and mix of dwellings is required...*’. Nonetheless, TWBC concluded that ‘...*viability of the growth here is justified.*’ (PSLP 5.177). Without such important work, viability of the proposals seems to be a leap of faith.

49. This inclusion of an “exceptional circumstances” proviso here jeopardises the delivery of an effective drainage strategy in advance. It should be deleted.

MIX OF USES AND INFRASTRUCTURE REQUIREMENTS

Q11. How have the type and location of community uses been established? For example, what is the justification for the proposed sports hub (including a 25m swimming pool) and why is it in the location proposed?

50. It is unclear why the sports hub is now located in the furthest Southwest corner of the proposed site in East Capel rather than the preferred site in PWTC's Neighbourhood Plan. It is not evidenced, nor supported by either PWTC or CPC:

14.9. The Town Council would also like to point out to the Inspector(s) that they are keen to take on the running and management of such a facility, but that locating this in the south west periphery of the growth area would preclude this as the site falls outside the boundary of the Town Council and is instead located within Capel Parish (whom has confirmed to the Town Council that they do not wish to have the burden of potentially having to manage such a facility). (Page 58 PWTC response Reg 19)

Q12. In the location envisaged, will the sports hub be accessible to existing and future residents of Paddock Wood by sustainable modes of transport?

51. If delivered in accordance with SS1, people will be able to walk and cycle to the sports hub.

There is also a requirement for a bus service to operate within Paddock Wood.

52. However, as the sports hub would be located in Capel the question should also consider residents of Capel. Residents of Tudeley Village (SS3) and existing residents of Capel NOT within the settlement of FOG will be wholly reliant on a bus service operating evenings and weekends to Paddock Wood to access these facilities. The alternative is that these residents will drive.

53. It is relevant to consider the recent loss of local bus services. There is no access now by public transport to Tunbridge Wells or Pembury hospital for residents in Capel. The aspirational view of TWBC is that if they say there will be a viable bus route it will happen – history has not shown this to be true.

Q13. What is the justification for the inclusion and location of sites proposed for gypsy and traveller accommodation?

54. This is for TWBC to answer

Q14. Where will the proposed sheltered and extra care accommodation be located? For effectiveness, should this be set out in the Plan?

55. While this is for TWBC to answer, it would seem sensible for the public to know the details, unless the proposals are simply window dressing to make the Plan appear more attractive.

HIGHWAYS AND TRANSPORT

Q15. How will the north-south pedestrian and cycle link over the railway line be provided as part of the western parcel? Is it deliverable?

56. This is wholly reliant on agreement with Network Rail or its successor. It is noted that:

- a. Network Rail are extremely unlikely to accept an additional bridge over their asset as it represents an increased safety risk and long term maintenance liability.
- b. In the event that a new crossing is accepted, Network Rail will quite reasonably require a “ransom payment” for allowing it.
- c. Delivery of such infrastructure is extremely long term.

57. All of this jeopardises the delivery of this parcel. The Plan fails to provide any indication that such a new bridge would be permitted by Network Rail, but in the case that it is permitted, the delivery would be 5-10 years or more.

58. As well as links over the railway line, the provision of which is uncertain, Save Capel also have serious concerns regarding any connectivity between the development at East Capel and the rest of Capel. There will need to be provision of cycle and pedestrian bridges across the A228 (which with the planned growth will become even more lethal to cross over).

59. The B2017 is extremely dangerous between Dampier’s corner roundabout & Capel’s nearest secondary school, such that students are bussed by KCC. There are no pavements where the possibility of installing these is constrained by land ownership issues, nor street lighting on the approach to PW. The footpath network from Capel to Paddock Wood has to traverse the A228, which is not safe now but will be ever more dangerous with frequent use and increased traffic from the enlarged settlement.

60. HGV construction and quarry traffic will ALL run through Capel as there is no access via PW due to the weight limited bridge.

Q16. How will the necessary financial contributions towards works to the A228 and the Five Oak Green bypass be calculated for each site and Tudeley Village (Policy STR/SS3)?

61. The Council must answer this as there appears to be nothing in the Plan of any certainty. 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.
62. Save Capel considers that the following points are relevant to this question:
- a. Due to multiple developers/promoters, there are huge risks associated with the delivery of STR/SS 1 which DLA⁸ acknowledge (para 5.70) *“is dependent on forms of cooperation, collaboration or equalisation between site promoters to ensure shared facilities and infrastructure are funded and provided in a timely manner. Additional work will be required to achieve this”*.
 - b. In addition, further strategic risks would arise in the deliverability of the Plan as the development of STR/SS 1 is dependent on the funding of much of the essential infrastructure being shared with the delivery of Tudeley Village (STR/SS 3).
 - c. Centre to centre, Tudeley Village and East Capel / Paddock Wood are only 5km apart and they share the same transport environment with regards to highways, bus and rail. It is therefore extremely difficult to understand how many of the infrastructure interventions identified as necessary for Tudeley Village are not also necessary for East Capel / Paddock Wood, e.g. improvements to the B2017 on the approach to Tonbridge is required to support the Paddock Wood allocation, inter alia, to enable the safe passing of enhanced bus services.
 - d. Yet in the absence of Tudeley Village being developed in the same timeframe as East Capel / Paddock Wood, by implication the Infrastructure Plan does not require buses to be able to safely pass on the B2017 because it identifies no requirement for improvements on this section of the B2017.
 - e. The proposed Five Oak Green by-pass is not included if Tudeley is not delivered, and Table 13 of the DLA Main Report also excludes any mitigation measures in the village (proposed for Tudeley as item 25). With the proposed level of housing growth in Paddock Wood/East Capel this means that a *“safe and suitable access to the site can be achieved for all users”* (NPPF para 108) cannot be demonstrated.

⁸ Strategic Sites Masterplanning and Infrastructure Main Report (CD 3.66)

63. Given all this uncertainty, complexity, and conflict the Plan fails to demonstrate that the strategic sites can be delivered in the co-ordinated way desired by the plan makers. Indeed, this is exacerbated by the lack of clear and adequate transport infrastructure mitigation measures which our consultants (Motion) explained at Reg19⁹.
64. The Council has recently submitted new transport evidence to the examination¹⁰ and Motion considers that no weight should be placed on the projections and conclusions contained in this new evidence¹¹. This is discussed at Matter 6 Issue 1 (Q14 in particular) where it is apparent 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.
65. 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 submission Transport Assessment and the associated mitigation measures developed therefrom. This in turn undermines the robustness of the Plan.
66. In summary, given adequate 'works' have not been specified to deliver the strategic sites then it is impossible to allocate the necessary financial contributions between the site promoters.
67. Furthermore, there can be no certainty that the developers will either agree or contribute¹². 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. Such doubts over fundamental infrastructure contributions must raise questions about the viability of the strategic sites.

Q17. What will be the main point of access for the parcel to the east of Paddock Wood? How will pedestrian, cycle and vehicular accessibility to the rest of Paddock Wood (to the west) be achieved?

68. This is a question for TWBC to answer as the Plan is unclear. .

⁹ Appendix 1 to SC Reg19 Representation

¹⁰ Examination Documents PS_023, PS_024 and PS_025

¹¹ Motion's Technical Note submitted as an Appendix to this statement on Matter 6

¹² 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"

LANDSCAPE AND HERITAGE

Q18. The AONB Setting Analysis Report¹⁴ identifies areas of ‘very high’, ‘high’ and ‘medium’ sensitivity within the allocated site boundary to the east of Paddock Wood. Very high is defined as likely to cause harm to the setting of the High Weald AONB which it may not be possible to mitigate against. What is the justification for including the parcel of land to the south of the site, where the Report recommends avoiding any development?

69. Q18 refers to EAST of Paddock Wood but the site in East Capel (WEST of Paddock Wood) will also impact on the views from High Weald viewpoints, particularly at Brenchley and down Colts Hill.

70. The quote below is particularly true of the 13th Century Badsell Manor and its cluster of oasts and barns, together with the Mill House and Badsell Mains which all sit in close proximity to Dampier’s corner roundabout – it also puts them at particular risk of degradation from heavy traffic, noise and light pollution (SC emphasis):

71. Page 10 1.15 “*Very few farmsteads worked the land from villages; rural settlement in this part of England is dominated by isolated farmsteads and hamlets which developed from earlier seasonal camps (called ‘dens’) used for foraging pigs from the communities around the Weald in the Saxon period. **Farmsteads in areas of ancient enclosure often sit astride a road or public path or are at a junction of routeways, which can give high levels of public access to** the farmsteads. “NOTE: There may be listed and unlisted buildings within an historic farmstead, but the unlisted buildings will be treated by the Planning Department the same way. This would increase the number of heritage assets significantly”. Kent Farmsteads Assessment Guidance for TWB 2016.*

72. No mention has been made of how the Important Areas for noise identified by DEFRA on the A228 will be addressed. One such is Dampier’s roundabout which will be significantly exacerbated by the increase in vehicles and affect the setting of the cluster of Heritage Assets located at Badsell Manor. The other runs close to the hamlet of Whetsted but has also not been addressed.

Q19. In the areas of ‘high’ and ‘medium’ sensitivity, what mitigation is required and are the requirements sufficiently clear to users of the Plan?

73. Without sufficient detail provided in the evidence base it is hard to judge a) what mitigation might be needed, and b) what form it might take.

Q20. Will the proposed mitigation be effective? What potential impacts will the allocation as a whole have on the setting of the AONB?

74. The open, arable landscape and its strong retention of dispersed farmsteads and settlements contribute to the particular character of the land and to its key sensitivities. This area can still overall be read as a historic working landscape that signifies the transition from High Weald AONB to the Low Weald. The intrusive visual aspect of the proposed swimming pool & sports facility together with car park, lighting and noise will seriously impact on Badsell Manor and views from and into the AONB. It is unclear how this could be mitigated effectively.
75. The proposed Five Oak Green bypass will be highly visible due to the topography of the area as it traverses from the Low to High Weald thus affecting views into and out of the AONB. The allocation site itself will have visual prominence in panoramic views from the High Weald AONB to the south. The urban/rural fringe boundary at Paddock Wood is already degraded by expansive and inappropriately large-scale sprawling development on the south and eastern side, which is highly visible from certain viewpoints.
76. TWBCs response to concerns regarding development impacting views in and out of historic settlements states (page 161 Consultation Statement for submission of LP (Part 2 of 2), Strategic sites. (CD 3.134b) ‘‘ *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*’’. Like Tudeley, which is adjacent to the AONB, East Capel is also notable by its omission, despite its closeness and visibility from the AONB.

Q21. What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Grade II listed buildings at Badsell Manor Farmhouse, Mascalls Court, Mascalls Court Lane and Knell’s Farm? How have heritage assets been taken into account in the preparation of the Plan?

77. The important Low Weald characteristics of East Capel will be lost for good and are irreplaceable. The rural landscape immediately after leaving urban Paddock Wood is at present very marked but will disappear and cannot be mitigated in any meaningful way. It is highly valued by local residents as an area for walking and to relaxation, and is key in the separation between Paddock Wood and Five Oak Green.
78. This lack of urban sprawl contributes greatly to the setting of Badsell Manor. TWBC’s response at Reg 19 regarding impact on Badsell Manor was that ‘‘ *The Strategic sites Masterplan considered the HA within the and in close proximity.... It was and responded accordingly within the Structure Plan. This took on board the conclusions of heritage reports prepared by site promoters which were provided as evidence base*

documents” (Page 163 Consultation Statement for submission of LP (Part 2 of 2), Strategic sites. **(CD 3.134b)**).

79. It is not clear to Save Capel where these promoter evidence base documents are within the submitted Local Plan, but we would challenge the Dandara comment on the next page (164) in the Consultation document that states “...*impact on Badsell Manor group of heritage assets can be effectively mitigated through the masterplan and any harm would be at the lower end of the less than substantial*”
80. Overall, the cumulative impact of the Local Plan on large areas of Capel’s historic landscape, including at East Capel, will be significant. Apart from listing a few heritage assets surrounding East Capel in the masterplan, there appears to be no evidence of how they have been taken into account and how effective any mitigation might be. For example, there is no updated SER scoping within the document base. Historic England as statutory consultees were only consulted back in 2016.
81. Since the Reg.18 consultation, the proportion of houses allocated to East Capel has risen by some 700 houses, which can only further damage the setting of heritage assets. (Leaving aside the wisdom of building such a significant number of houses on a flood zone).
82. EIAs will only be prepared at planning application stage – with the magnitude of development for Capel in the TWBC LP (over 50% of the allocation). Save Capel does not consider this is appropriate. EIAs should have been prepared for the 2 strategic sites given their pivotal importance to the Local Plan. The aim of doing so after the public examination appears designed to avoid public scrutiny of the impact and will, in effect, enable the Council to mark their own homework.
83. Neither TWBC nor the master planners have demonstrated that “full account needs to be taken of the landscape and environmental sensitivities of each site, as well as respecting local distinctiveness and providing for enhancements” nor how harm to the existing landscape and thus the setting of heritage assets might be minimised or even avoided. It has not been demonstrated how any affected heritage assets¹³ will be enhanced, or even conserved..

¹³ Around 100 heritage assets were assessed by SC in Appendix 11 of SC Reg19 Representation

OTHER MATTERS***Q22. What is the justification for requiring each parcel to be delivered through the production of a SPD?***

84. 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’. This is contrary to national guidance on plan making contained in the NPPF which requires plans to be positively prepared.
85. For such a critical part of its strategy surely it is unreasonable to expect a clear assessment of soundness when so much is uncertain. This is another example of the Plan being submitted prematurely and without adequate evidence that could be scrutinised by the examination.
86. 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.

Q23. How will the Council ensure that the allocation comes forward in a coherent and comprehensive manner and avoids the piecemeal development of individual sites?

87. Please refer to our answers to Q16 which are pertinent to this question. Although this is primarily a question for TWBC to answer as there is nothing in the Plan to clarify this.
88. It is suggested that the only reliable way for this to be achieved is for TWBC to act as “Banker” for the infrastructure, i.e. underwrite the cost of delivery and recoup this from developers as individual sites are developed out.

ISSUE 4 – PADDOCK WOOD TOWN CENTRE

Q1. Policy STR/SS2 states that the Paddock Wood Town Centre Framework Masterplan SPD will identify ‘key development sites’. Is this approach justified when taking into account that the SPD will not form part of the development plan for the area?

89. This policy is completely unsatisfactory and is yet another example of significant evidence not being available to the public examination.

90. Save Capel understands that DLA have prepared masterplans for PW centre (presented in camera to SSWG) but these have not been submitted to support the development of the strategic sites – as is the case with masterplanning at Tudeley (SS3).

91. It is relevant to consider the provision of services infrastructure including medical, employment, shopping, leisure, education, and other activities which is discussed under Q10 of Issue 1 of this Matter. The range of facilities and uses planned are scattered over a wide area and are required in their entirety to serve development at East Capel, Tudeley Village, and Paddock Wood. Development at SS1 and SS2 will need to be aligned with the delivery of essential land uses planned for Tudeley Village.

92. Save Capel understands there are vague plans to expand Woodlands Health Centre. There is a lack of land to expand either this building or parking, and it is already overstretched especially with the closure of their East Peckham (TMBC) satellite surgery. This is a further cross boundary issue as Paddock Wood & Capel fall under Tonbridge & Malling BC for primary care provision, e.g. Covid vaccinations for Capel & PW are administered in Tonbridge.

93. In the absence of a SS2 masterplan, it is therefore entirely unclear how the development of the town centre will benefit new (or current) residents in the area. This is particularly important to sustainability objectives and the minimisation of car journeys.

94. It is therefore NOT justified that this policy is consistent with STR/SS 1, and arguably that of SS3, which renders the plan unsound.

Q2. Is the Plan justified and effective by requiring development proposals to accord with the (not yet prepared) Masterplan SPD?

95. Here again Save Capel considers that it is entirely unsatisfactory to expect this examination to be able to determine soundness without adequate evidence.

Q3. What is the justification for seeking developer contributions in part 8 of the policy? What proposals would be subject to this requirement and what would they be required to contribute towards?

96. This is extremely vague and the above comments on Q2 apply.

SAVE CAPEL

11 MAY 2022

