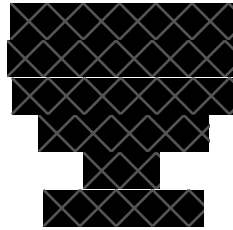


Alan & [REDACTED]



Charlotte Glancy
C/ O Banks Solutions
80 Lavina Way
East Preston
West Sussex
BN16 1DD

8th February 2022

Tunbridge Wells Borough Local Plan

Dear Sir,

We are local residents, representing our family, local residents from the Golden Green Association and Keepkent.green subscribers.

Duty to Co-operate- Issue 1

TWBC Duty to Co operate statement provides extensive records of meetings held with representatives of those adjoining authorities, within these records there is very little evidence of any constructive, productive engagement as required by planning and government guidance.

A majority of the neighbouring LPA's have highlighted all the way through the plan consultation process they have major concerns regarding housing need and cross border issues affecting the location of housing and the provision of the necessary infrastructure.

Initially TMBC communicated with TWBC 12th June 2017, highlighting cross boundary impacts on local highway network, community services, infrastructure and air quality.

Further issues and lack of progress, led to TMBC holding 2 EGM's dedicated to the TWBC local plan in 2019, and a robust response to Reg18 consultation of which the planning officer requested reassurance from TWBC that TMBC would be a key partner regarding future infrastructure planning, that are likely to have a significant impacts on Tonbridge and surrounding settlements close to the borough boundary.

TMBC further considered suitable response to TWBC Reg 19 consultation by holding a further EGM, Planning and Transport Advisory Board on the 17th May 2021, again TMBC reiterated its previous comments relating to the

importance of ensuring that the necessary infrastructure and mitigation measures are finalised and implemented in a timely and effective way.

Further commentary was made relating to transport evidence base documents, underpinning the Local Plan are inconsistent and unrealistically optimistic. There is a lack of clarity regarding the infrastructure interventions required to deliver a sustainable plan, the transport assessments, modelling assumptions and proposed mitigations do not take into account normal organic growth and planned development proposals in the Borough of Tonbridge and Malling or other neighbouring authorities and therefore do not adequately address the impacts of the local highway network and the consequential negative impacts on local communities.

“The proposed mitigations are considered to be insufficient to fully address all of the impacts on Tonbridge , for example, increased traffic flows into Tonbridge and surrounding villages causing increased congestion and a likely worsening of air quality”.

“The highway impacts on this Borough will extend beyond Tonbridge, Hadlow, Golden Green and East Peckham, for example additional traffic heading north along the A228 to access the M20 and A 26 towards Maidstone should also be addressed.”

“The strategic site allocations will increase flood risk to the area north of Tudeley/ Capel Parish, which is already prone to flooding, and this will have adverse impact on the Medway flood plain.”

“Tudeley Garden Village masterplan anticipates the delivery of new local service centres after phase 3 and the new secondary school will be delivered even later. This will put pressure on infrastructure in Tonbridge in the short to medium term, which the Local Plan seeks to avoid therefore how will these impacts be mitigated?”

“Aquifer Protection Zone, covers significant catchment areas across the common boundary of both authority areas, mainly at Upper Hayesden, Tudeley and the central area of Tonbridge.”

There is little evidence that many of the issues raised by TMBC have been addressed and some of the issues were initially raised in 2017, this does not demonstrate a pro-active approach to the Duty to Co-Operate.

Is this not considered a failure to comply? as defined within NPPF paragraphs 26 & 27 “ recognises that effective and ongoing joint working between strategic policy making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy, in particular when determining where infrastructure is necessary and whether development needs that cannot be fully met in one plan area can be met elsewhere.

In addition, paragraph 27 advises - that in order to demonstrate effective and on-going , joint working, strategic policy making authorities should prepare and maintain one or more Statements of Common Ground

documenting the cross boundary matters being addressed and progress. in co-operating to address these.

The Plan should be “locally led”, The Garden Community prospectus states “strong local leadership is crucial to developing and delivering a long term vision for these new communities. All proposals should have the backing of local authorities in which they are situated, including the County Council in two tier areas.”

Kent County Council Highways Reg 19 Response

KCC Highways made reference within their Reg19 submission that further modelling would be required to provide evidence relating to specific strategic and site policies.

“The County Council as Local Highway Authority is concerned that whilst there are a number of welcomed policy proposals with regard to promoting sustainable access and development, the consultation requires further highway evidence to justify the Local Plan’s growth strategy. Its current position is that it requires further supporting evidence, to an agreed methodology , that accurately reflects the proposed growth before KCC can make a fully informed decision.”

Considering the importance of accurate highway data and further evidence required to determine the viability of the larger sites such as Tudeley Garden Village (STR/ SS3) and East Capel (STR/ SS1), how can the these sites be included within the plan as vital information has not been produced or made public, prior to this examination.

Local Tunbridge Wells MP Greg Clerk- Reg 19 Comment

‘ I Before E ’ - Infrastructure before Expansion

“ Too often new development takes place before- and in many cases without the necessary infrastructure being provided. This includes not just road capacity, but provisions for GP surgeries, schools, public transport (buses and trains), drainage and sewage capacity and other aspects of supporting investment.

I strongly urge the council to emphasis in the proposed plan and through Examination in Public a clear principle of ‘I before E’ no expansion should take place by way of development being started unless the supporting infrastructure is agreed funded and construction started or work commenced.’

STR/ SS3 is unsound as it does not meet the NPPF’s tests of soundness, It is not positively prepared as the cumulative impact of development on Tonbridge & Malling has not been assessed. It is not justified due to reasonable alternatives have not been considered in detail, TWBC have favoured Tudeley Village over other sites as these large parcels of land are owned by one compliant land owner, rather than multiple land owners, evidence demonstrates this site was not even considered until the very last

minute of the site selection process, this is why important data sets and general site analysis are missing.

It is not effective as significant infrastructure improvements are required, which are not forthcoming, which is inconsistent with NPPF as the substantial traffic impacts can not be mitigated.

It is extremely concerning that there is a lack of constructive engagement with key stakeholders such as KCC and a number of neighbouring LPA's who have not signed SOCG or have agreed at the very last minute subject to conditions to allow TWBC to adhere to have ticked all the boxes to submit their local plan.

Furthermore there is a distinct lack of constructive engagement to resolve these extremely critical cross border infrastructure and environmental issues, traffic management & safety schemes, air quality, cross border public services and who pays for what.

Given how limited options are within Tonbridge and Capel due to Green Belt and ANOB, The River Medway, flooding and the existing railway line crossings and infrastructure within the area ,this will lead to extremely complex and expensive engineering challenges.

Tudeley Garden Village S106 contributions alone will not fund this type of engineering, TWBC have failed to illustrate where the additional funding will come from? but indicate they may be prepared to borrow substantial sums of money to bridge the funding gap as it appears the majority of the S106 payments will be paid at phase 3 and 4.

Conclusion;

TWBC's statutory Duty to Cooperate under section 33A of the 2004 Act has not been discharged. The Council has not in our view demonstrated active, constructive and on-going engagement with neighbouring authorities. As defined within Duty to Cooperate final document, meetings with major stakeholders once every 5 or 6 months does not demonstrate regular ongoing engagement, the monthly stakeholders meetings have discussed various topics, little evidence of any positive progress or action, addressing all the major issues that have been highlighted within the consultation process.

Comments from major stakeholders, KCC, TMBC, SDC and MBC questions if the appropriate cooperation has taken place.

The majority of the housing growth proposed within the Local Plan, comes from the over reliance of two large strategic sites to deliver between 67%-69% of the proposed newly allocated housing supply.

Habitats Regulations Assessment Issue- 2

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Sustainability Appraisal Issue-3

There are several alternative growth options within the SA, the Council have elected for an option that has significant landscape impacts, many environmental issues (defined by Natural England's comments).

The Scale of Green Belt Release (the removal of 100's acres of Green Belt Prime Agricultural Land), Major historical flooding issues, infrastructure viability and delivery concerns, Incomplete and inaccurate Highway data and lack of evidence which will led KCC to conclude if TWBC growth strategy is even viable.

With up to almost 70% of its total housing allocation for the plan period to be situated in a tiny populated Parish of Capel that borders another LPA Tonbridge & Malling.

Within the SA site filtering process stage. a number of sites were dismissed as 'non starters' at the very least it would have been a prudent strategy to at least have bought these sites forward and subjected them to further sustainability appraisal scrutiny.

For example Frittenden and Horsmonden were ruled out on sustainability grounds and inadequate transport links, Paddock Wood Railway Station is approximatley 4.5 miles from Horsmonden, and Headcorn Railway Station is 3.2 miles, Staplehurst 3.8miles from Frittenden versus Tudeley Garden Village at 4miles from Tonbridge railway station.

All 3 parishes have limited and irregular bus services that operate primarily to transport school children to Paddock Wood, Tonbridge, Tunbridge Wells and Maidstone.

In March 2021 TWBC approved £225million Business Park on the outskirts of Tunbridge Wells providing 800,000 sqft of warehouse and office accommodation. The 33 acre site known as Kingstanding Tunbridge Wells is partially situated in ANOB and Green Belt, however the neighbouring site at Castle Hill which was bought forward in 2020 as an alternative to the Tudeley Village with proposals to provide 900-1500 new homes was dismissed by TWBC for inclusion within Local Plan, despite support from the local community and Capel Parish. The main reason for exclusion were the site is situated within ANOB and Green Belt.

Letter to TWBC from TMBC 13th March 2020- Development of up to 74,000sqm - Issues Raised.

1. The Borough Council requests that full consideration is given to the impacts of the development upon the highway network and employment areas within TMBC's area and that such impacts are appropriately mitigated at the right time.
2. The development lies within High Weald ANOB and, as such, the LPA will need to be satisfied whether exceptional circumstances exist for this major development and that it will be in the public interest.

KINGSTANDING BUSINESS PARK, TUNBRIDGE WELLS, KENT



The Castle Hill proposals on the face of it make so much more sense than Tudeley Village as the area has already received substantial investment improving infrastructure (£100+ Million), located within walking distance of Tunbridge Wells town centre and High Brooms Railway station and far superior transport connectivity, the site is already accessible to independent cycle paths providing easy access to Tunbridge Wells and Tonbridge.

31 st July 2018, TWBC refused planning permission for the erection for building, 6 B&B rooms associated with the Poacher and Partridge Public House of which is closely situated to the proposed Tudeley Village site. Reason given for the refusal Impact on the landscape, harmful to the rural character of the area, risk of flooding, which is likely to result in a risk to human life from flooding.

It is very confusing to understand TWBC's policies regarding development within ANOB and Green Belt, as it appears small businesses and individual applications are withheld on Landscape, Green Belt and ANOB issues but larger strategic sites are not.

The exceptional circumstances that TWBC claim is relevant for the Green Belt release at Tudeley Village and East Capel, highlights the Councils intent to promote large strategic development sites in preference to the many brown field and other sites that have been mentioned within Reg 18, & 19 consultations, rejecting further suggestions that it may reconsider its overall development growth strategy, to determine regeneration of Tunbridge Wells first before considering the removal of Green Belt upon its boundaries.

The SA statement indicates that the loss of Green Belt is justified under exceptional circumstances, from the information that is publicly available, it appears to ignore guidelines set out within NPPF paragraph 37' strategic

policy making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting the identified need for development.

The SA does not mention that Tudeley Garden Village area has already effectively experienced Green Belt removal, as the area has been subject to development previously in 2014, Hadlow Place Solar Farm and extensive quarrying at Stonecastle Farm Quarry.

Although TWBC demonstrated they have considered KCC Waste and Minerals Plan regarding safeguarded areas for further mineral extraction they fail to highlight that there are 2 neighbouring areas to the Tudeley Village site that are safeguarded by KCC for future mineral extraction, a new quarry at Mote Farm and an extension to the existing Stonecastle Farm Quarry.

There is no evidence available to demonstrate that consideration/ analysis has been undertaken to allow for further mineral extraction, the cumulative impact, noise, dust, air quality and health and safety implications that further quarrying within close proximity of the Tudeley Garden Village will have.

Who will want to purchase a house over looking working quarry sites?

How can Tudeley Village and East Capel sites be justified without detailed Green Belt studies and Landscape and Visual Impact Assessments or Biodiversity Assessment, especially as these parcels of land represent almost 70% of the Borough's housing requirement?

The Luc Green Belt Study Stage 3, Assessment of Green Belt Allocations Final Report (Nov 2020), Clearly highlights the removal of Green Belt at 2 of largest Strategic Sites of Tudeley and East Capel will have a major impact upon the Green Belt with an overall assessment of High compared to all the other allocations, considered within the plan to be low to moderate.

Of the 437 sites submitted for inclusion within the SHELAA process , 323 sites were rejected.

Other Aspects of Legal Compliance- Issue-4

The Council has not engaged constructively, effectively on an ongoing basis, failed to consult the public relating to strategic matters, or those that have significant impacts affecting two or more local authority areas.

Ignored 95% of public responses from the initial consultation and objections review, regarding Tudeley Garden Village and East Capel as well as initial commentary submitted by UK's largest national house builders, other mandatory key stakeholders and neighbouring LPA's who highlighted major concerns relating to lack of infrastructure, sustainability of the two strategic sites (continued reliability of motor vehicles), and the overall viability of these strategic sites.

Engagement, especially relating to larger more complex sites , is critical. The greater the engagement with the local community, as well as the

Council and other key stakeholders, the more weight can be given to any master planning approach.

The Local Plan has been at least 5 years in gathering vital evidence and data to enable TWBC to present a Local Plan, it appears that critical information and data which should determine the validity of the plan remains absent, it is understood that further information will be released after this examination with Supplementary Planning Documents, given the uncertainty/ concerns that have been highlighted by key stakeholders would it not be unreasonable to request key information prior to the examination conclusion.

Parts of the plan are not locally led, Capel Parish Council have objected to the plan since conception, as TWBC pressurised councillors to sign NDA's prior to any public disclosure of Tudeley Village and East Capel weeks in advance of releasing details of these sites publicly.

A small number of village hall presentations were offered to Capel residents prior to Reg 18 consultations which were generally held at short notice with limited information/ detail.

Due to Covid 19 restrictions TWBC recognised that it had not been possible to undertake as thorough an exercise as the more traditional means of engagement within the community. Despite local community and councillors requesting TWBC delay the plan until Covid restrictions were eased, these request were refused.

The Reg 19 consultation was entirely internet based consultation which led to the exclusion of a very important element of the community who do not have access to the Internet, the inability to engage or comment within this consultation.

The web based consultation portal proved to be extremely difficult for many members of the public to navigate and populate their own comments. A large number of people reverted to submitting their comments via a printable offline form, which was very cumbersome to complete requiring extensive copying and pasting, due to the complexities and general un-user friendly format this discouraged many people (especially elderly) from making their own representations.

Hadlow Estates Public Charette Consultation was by Invitation only, these exhibitions were held in a hotel in Tunbridge Wells, not in Capel Parish, only 145 attended, clearly demonstrating this was not a exhibition available to all of the local community, this can not be deemed as a public consultation, these invitations were aimed at key stakeholders, local councillors and selected members of the community.

The absence of public exhibitions and reliance of virtual public/ community correspondence have excluded many people within the local community from engaging within this consultation.

Vital information/ reports were not available publicly until a few days prior to Reg 19 consultation despite being available internally weeks prior to the consultation.

The Plan was submitted for approval of TWBC full cabinet/ council, we would urge that this approval process is closely examined as vital documents were held within a secure/ confidential internal site of which several councillors did not access prior to voting.

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held virtually at 6.30 pm on Wednesday, 3 February 2021

“Councillor Pound raised a point of order that Councillor Hayward’s moving of a closure motion did not constitute his speech on the business of the motion (Council Procedure Rule 13.4.1). The Mayor, on the advice of the Legal Officer, ruled that Councillor Hayward may speak on the motion.

Debate included consideration of the following additional points: • **Several important components of the Plan, including the Paddock Wood masterplan and the Paddock Wood Flood Appraisal, were missing from the public documents. Drafts of some of the documents were only available through the members’ password protected site. 7 • It was believed that some members had not accessed the members’ site before the day of the meeting and not all members had attended the available briefings through the Planning Policy Working Group.**

- The subject was hugely complicated, **not all information was openly available in a timely manner.**
- **There seemed to be pressure to progress the Plan against a self-imposed deadline, the potential risk of unrestricted development was unlikely in practice. Time should be taken to ensure the protection of the environment in the interests of residents.”**

Conclusion

With Sevenoaks and Tonbridge and Malling Local Plans failing to be adopted within the last 12 months, it now appears to have provided an arms race, between all neighbouring LPA’s to achieve a compliant Local Plan. With the sole ambition to be the first LPA within the area to achieve government housing targets at any cost.

Considering the number of Garden Villages / Towns and development within Green Belt / ANOB that are proposed across the neighbouring LPA’s all with questionable deferred infrastructure proposals it illustrates a very alarming picture, as well as the removal/ loss of many rural communities.

Thank you for your attention

Yours faithfully

Alan & Sarah Chilvers

On behalf of residents from Golden Green Association and Keepkent.green

