



TUNBRIDGE WELLS BOROUGH COUNCIL

REF: TW/21/01

STAGE 2 HEARING STATEMENT

HEARING DAY 6 30.03.22

MATTER 4 ISSUES 1, 2, AND 3- PRINCIPLE OF GREEN BELT RELEASE

ON BEHALF OF LEANDER HOMES



SECTION

- 1.0 INTRODUCTION
- 2.0 RESPONSE TO QUESTIONS



1.0 INTRODUCTION

- 1.1 This Statement is prepared in advance of the Hearing Day 6 session scheduled for 30.03.22. The Hearing Session is aimed at addressing the Inspectors questions set out in the Matters, Issues and Questions document under Matter 4 and Issues 1, 2, and 3- Principle of Green Belt Release.
- 1.2 Not all of the questions raised by the Inspector are relevant to my client's interest, and therefore not all of the questions are addressed in this Statement.



2.0 RESPONSE TO QUESTIONS

ISSUE 1

Q3. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, paragraph 141 of the Framework states that strategic policy-making authorities should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for housing. This will be assessed through the examination and will consider whether the strategy:

- *Makes as much use as possible of suitable brownfield sites and underutilised land;*
- *Optimises the density of development, and*
- *Has been informed by discussions with neighbouring authorities about whether they can accommodate some of the identified need.*

How has the preparation of the Plan sought to make as much use as possible of suitable brownfield sites and optimise the density of development?

- 2.1 In relation to compliance with paragraph 141 of the Framework, it is noted that the Council should be able to demonstrate that it has explored fully all other reasonable options for meeting the identified housing need. It is clear that the Council have not complied with all of the bullet points. It has been addressed already in the Hearing Sessions that the Council have not demonstrated that they fully examined the opportunity for adjoining authorities to accommodate some of the unmet need. The Duty to Co-operate Statement sets out the discussions with adjoining authorities. However, there is no record of any attempts to fully explore the opportunities with adjoining authorities. The adjoining authorities have similar constraints imposed by the Green Belt and AONB, but it appears that the Council have not progressed discussions any further after receiving a negative response from the adjoining authorities.
- 2.2 In relation to the identified Growth Strategies, these are compared in tabular form at Table 26 of the submitted Sustainability Appraisal. In summary, the comparison required by Q3 above is between Growth Strategy 3 (Draft Local Plan) and Growth Strategy 13 (Pre-Submission Local Plan), and Growth Strategy 4 (Main Towns), Growth Strategy 5 (Main Towns & Large Villages) and Growth Strategy 7 (Proportional to Services). Strategies 3 and 13 include the two strategic settlements of Tudeley and Paddock Wood, and the Strategies 4, 5 and 7 do not include the new settlements, but direct development to the existing main towns and settlements.
- 2.3 Table 26 of the Sustainability Appraisal sets out the scoring against the Council's methodology. In short, against the Sustainability Objectives, the Strategies are score negative (coloured red), neutral (coloured blue), positive (coloured green) or unknown (uncoloured). The following



results are observed;

Scoring	Growth Strategy 3	Growth Strategy 13	Growth Strategy 4	Growth Strategy 5	Growth Strategy 7
Red	5	6	6	8	7
Blue	2	2	2	2	3
Green	7	9	9	8	8
Unknown	5	2	2	1	1

- 2.4 Growth Strategy 13 is effectively a review of Growth Strategy 3. As a result of the review, the large number of unknowns (5) reduced to 2- against the objectives relating to water and resources. However, of greater significance is that the scoring results for Growth Strategy 4 and Growth Strategy 13 are the same. Not only are the same number of red, blue, green and uncoloured results the same, but they are the same for each Strategic Objective.
- 2.5 There are however some nuances, as the positive and negative scores are further broken down into “double” or “triple” positives and negatives. In comparison, and taking into account the double and triple positives and negatives, for Strategy 13, 7 of the scores are better than Strategy 4, 3 of the scores are worse, and 9 are the same.
- 2.6 The Strategic Objectives that are better are;
- Air
 - Education
 - Equality
 - Heritage
 - Housing
 - Landscape
 - Noise
- 2.7 In relation to these Objectives, it is unclear why the development of two large garden settlements in the countryside, where currently there is no significant development, would be a better score than not developing in the countryside. Whilst it is acknowledged that there are existing AQMA’s in the Borough in some of the main towns, the development of (for example) 2,800 new dwellings at Tudeley Village, where currently there is only sporadic development and open fields, is likely to have a significant impact on local air quality.
- 2.8 Similarly, the score for Heritage is better for Strategy 13 relative to Strategy 4. Again, it is



acknowledged that main towns have a number of heritage assets that would need to be protected. However, they are already afforded protection, and will be going forward, by the implementation of development management policies and the advice in the Framework.

- 2.9 It is also somewhat surprising that the Landscape score for the Strategy that involves the removal of almost 5% of the Borough's existing Green Belt scores better than the Strategy of directing development to the Main Towns- which by definition are already built up. This is particularly pertinent in the light of the policy requirement to only remove land from the Green Belt in exceptional circumstances- demonstrating the weight to be applied to avoiding Green Belt release.
- 2.10 In relation to Noise, the Strategy that involves the provision of 2,800 new dwellings in the open countryside- currently tranquil and peaceful- scores better than the Strategy to avoid the garden settlements and direct development to the main towns- again, by definition places where the ambient noise will be greater than the countryside.
- 2.11 Of those Objectives that are the same, it is noted that the Land Use objective- which aims to protect soils, and reuse previously developed land and buildings- scores the same for development that requires substantial development in the open countryside, where, by definition, there are greater amounts of better-quality soils and less opportunities to re-use previously developed land and buildings than in the main towns. Similarly, the two Strategies score the same for Biodiversity- where the objective is to protect and enhance biodiversity and the natural environment. The development of the countryside- the natural environment- will by definition have a greater impact than development directed towards the main towns.
- 2.12 In summary, the scoring system suggests that the Council have not properly considered to opportunity to make as much use as possible of suitable brownfield sites and optimise the density of developments in the main towns and existing settlements.

Q5. Not all of Tunbridge Wells is within the Green Belt. Could the need for new housing and employment therefore be met by developing beyond the existing Green Belt boundary? If not, why not?

- 2.13 The question is effectively aimed at Growth Strategy 6- meeting the need with no loss of Green Belt. Having regard to the comparison table at Table 26 of the Sustainability Appraisal, this Strategy scores relatively well. However, most of the land outside of the Green Belt is to the east of the Borough.
- 2.14 The east of the Borough is relatively less connected than the west of the Borough, and development in this area outside of the Green Belt, is likely to result in a greater need to travel



to access goods and services and is likely to have a greater impact on the smaller rural villages. As a result, it is not possible to sustainably meet the identified development needs without Green Belt release. However, given the high bar of only releasing the Green Belt in exceptional circumstances, this should only be done in a limited and managed way.

Q6. When drawing up or reviewing Green Belt boundaries, paragraph 142 of the Framework states that the need to promote sustainable patterns of development should be taken into account. How and where has the Council taken this into account?

- 2.15 In relation to this question, the Inspector is referred to the Council's settlement hierarchy set out in policy ED8 of the draft Local Plan, and the Settlement Role and Function Study. The purpose of the Study is to provide information about settlements in the Borough and their services and facilities and inform the settlement hierarchy of the Borough. It also gives an indication of each settlement's level of sustainability and potential to accommodate further growth, including any smaller settlements that could become more sustainable as a result of any growth supporting additional services and infrastructure.
- 2.16 The Council could have promoted a sustainable pattern of development by using the Study and the settlement hierarchy to direct the distribution of development. Table 4 of the draft Local Plan sets out the distribution of development, and it bears little resemblance to the settlement hierarchy, or whether existing settlements could be enlarged by the planned and limited alteration of the Green Belt boundaries around them, in order to sustain and encourage growth at these settlements and support local and existing businesses and communities.
- 2.17 it is not clearly explained why the Council have not properly used the Study and the settlement hierarchy to direct the distribution of development or explored the opportunities of reviewing Green Belt boundaries in order to promote the three overarching objectives of sustainable development set out in paragraph 8 of the Framework.

ISSUE 2

Q1. The Green Belt Study Stage 1 identified 33 parcels and 10 broad areas for assessment at Stage 2. How were these areas defined and what were the boundaries based on?

- 2.18 The Stage 1 study is a high-level review of the Green Belt. It sets out at paragraph 3.36 that *"the assessment does not define specific assessment 'parcel' boundaries."* Notwithstanding this, the plan at Figure 6.1 of the Study identifies the 10 parcel areas, with their clear boundaries, which seem to be related to physical features "on the ground", such as roads and railways. Having set out that the assessment does not define specific parcel boundaries, it then goes on to assess the



parcels at Table 6.1. it is noted that paragraph 6.5 sets out that *“With regard to the status of existing development within Tunbridge Wells Borough, there is unlikely to be justification for the ‘exceptional circumstances’ required to alter Green Belt boundaries.”*

Q2. The Green Belt Study Stage 2 provides a more detailed and focused review of land parcels, assessed against the purposes of including land within the Green Belt in paragraph 138 of the Framework. How did the Council take the findings into account and use the evidence in the preparation of the Plan?

- 2.19 it is not clear how the Council took account of the findings in the Stage 2 Study. With particular reference to the expansion of Paddock Wood to the west (into Broad Areas 3 and 5) and the location of the new settlement at Tudeley (Broad Areas 2, 3 and 4), both of these key components of the strategy to deliver the development are within areas identified as having a “very high” level of harm caused by the release of the broad area, as shown on Figure 1.1 of the Study.
- 2.20 Notwithstanding this, smaller localised parcels of land surrounding Five Oak Green (which straddles Broad Areas 3 and 4) are considered to have only moderate levels of harm caused by their release. It is clear from this that large scale releases of land would have a greater level of harm than smaller scale, localised releases, carried out in a planned and limited way. Despite this broad overview, the Council have continued with the strategy of large-scale release of land at Tudeley Village and west of Paddock Wood to deliver a substantial amount of the identified housing need. It is noted that paragraph 4 sets out that *“all the defined parcels are located adjacent to the Limits to Built Development of settlements excluded from the Green Belt, reflecting an assumption that any potential strategic development into the Green Belt would represent an expansion of one of these settlements, rather than the creation of an area of entirely new settlement in a Green Belt location”*.
- 2.21 In relation to how the smaller parcels were identified, it is set out in paragraph 4.2 that;

“The parcels identified represent areas in which there was considered to be a possibility that land may not be found to make a strong contribution to Green Belt Purposes.”

However, there appears to be an element of pre-judgement in identifying these areas. The purpose of the Study was to establish which parts of the Green Belt could be released and which could be preserved. However, it appears that the Council relied upon a Study and included it in its evidence base that had already pre-judged which parcels of land may not make a strong contribution to the purpose of a Green Belt, before assessing them properly. It would have been sensible, as part of the wider Green Belt boundary review, to assess all land that adjoins the Limits to Built Development in order to assess comprehensively which land could be justifiably



released. For example- only land to the south of the railway line that runs through Five Oak Green is assessed in smaller parcels to assess the contribution to the Green Belt purposes and the level of harm caused by its release. It is not clear why no land to the north of the railway line was assessed in detail.

- 2.22 It is not clear how the Council used the findings (that the proposed strategic settlements at Tudeley Village and west of Paddock Wood would result in a substantial release of Green Belt within areas that would have a high degree of harm if they were to be released.

Q3. What was the purpose of the Green Belt Study Stage 3? Did it build upon the findings of the earlier studies, or, assess proposed site allocations?

- 2.23 The purpose of the Stage 3 Study is set out in paragraph 1.1 and 1.2;

“1.1 Tunbridge Wells Borough Council (TWBC) has identified a number of potential development sites within the Green Belt in its draft Regulation 18 Local Plan1. These were identified on the basis of a wide range of considerations, including the outputs of earlier (Stage One and Stage Two) Green Belt studies and various sustainability and need-case factors.

1.2 LUC was commissioned by Tunbridge Wells Borough Council (TWBC) to undertake an assessment of the potential 'harm' to the Green Belt purposes associated with the release of the proposed development sites. This 'Stage Three Study' will form an important part of the Council's evidence base for a new Local Plan and will inform the policies and sites proposed in the final version of the Local Plan to be submitted for examination.”

- 2.24 It is clear from this that the purpose of the Stage 3 study was to review sites that had already been identified for allocation. A detailed Green Belt review did not inform the choice of site allocations- only a high level review (Stage 1) and a partial detailed review of selected land parcels (Stage 2).
- 2.25 As an example, my clients have an interest in Site 11 of the July 2019 SHEELA (Land at and to the rear of 50 Whetsted Road, Five Oak Green). In this assessment, the Council conclude that *“Land use also scores negatively influenced by the site's location in the Green Belt parcel BA4 the release of which would have very high impact, recognised that site is a small part of that larger parcel so score adjusted”*. There would have been an opportunity to review this site in the Stage 3 study, published in November 2020. It is clear that the assessment of the site was only informed by the Stage 1 high level assessment (published in November 2016) and Stage 2 partial detailed assessment (published in July 2017). The Council's approach was to only assess the identified site allocations in the Stage 3 study, which suggests that there had been some pre judging and “sifting” of sites- however it is not clear on what basis this “sifting” was carried out



in the absence of a detailed Green Belt study including all potential site allocations. It is of note that site 11 of the SHEELA is immediately to the north of the smaller land parcel FG4, identified as having a moderate impact if released from the Green Belt.

Q4. Where the release of land from the Green Belt was found to have either high or very high levels of harm, how was this taken into account in the site selection process?

- 2.26 It is not clear how this was taken into account in the site selection process. For both Tudeley Village and west of Paddock Wood strategic development sites, the Land Use score was a double or triple negative score, with the commentary for Tudeley Village setting out that *“Scores reflect scale of development and Option 3 is slightly worse as release of Green Belt would tend to create coalescence with Five Oak Green. Green Belt release is described as having a harm rating of High.”* For the extension to Paddock Wood, the commentary sets out that *“Loss of greenfield land with Best and Most Versatile soils causes all options to be scored negatively for land use. However, options 2 and 4 are slightly worse as also include the release of Green Belt land with overall harm rating of High.”*
- 2.27 Despite the High harm being caused to the Green Belt by continuing with both of these Strategies, they are no included within the draft Local Plan.

ISSUE 3

Q1. At a strategic level, do exceptional circumstances exist to alter the Green Belt boundary, having particular regard to paragraphs 140 – 143 of the Framework? If not, how could housing and employment needs be met in other ways?

- 2.28 At a strategic level, it is submitted that the exceptional circumstances do not exist to alter the Green Belt boundaries to the extent that a new settlement is to be created and a new extension to Paddock Wood are justified in an area where the impact on the harm to the Green Belt is considered to be high. The Council are required to demonstrate that it has considered all other reasonable options for meeting the identified development needs. As highlighted above, it is submitted that the Council have failed to do this, in that there is no evidence of a thorough and detailed discussion with adjoining authorities to consider if the needs can be met, and they have not properly considered the alternatives such as distributing development to the main towns and villages and in accordance with the Settlement Hierarchy.