



**TUNBRIDGE WELLS BOROUGH COUNCIL**

**REF: TW/21/01**

**STAGE 2 HEARING STATEMENT**

**HEARING DAY 6 30.03.22**

**MATTER 5 ISSUE 1- SITE SELECTION METHODOLOGY**

**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 5 and Issue 1- Site Selection Methodology.
- 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. In deciding whether to allocate sites for development, how did the Council take into account the effects of development on:*

- *Landscape character, including the High Weald AONB and its setting;*
- *The availability of best and most versatile agricultural land;*
- *The local and strategic road network;*
- *The need for new and improved infrastructure (including community facilities);*
- *Heritage assets; and*
- *Nature conservation.*

2.1 The allocation of sites is set out in the Strategic Housing and Economic Land Availability Assessment for the Pre-Submission Local Plan published in January 2021 (“SHEELA”). Section 3 sets out the methodology. The Stage 1 assessments set out the Council’s initial consideration of sites presented and drawn from a number of sources. The initial assessment was carried out internally via discussions between the Council’s officers. The discussions included a number of matters, which are listed as

- current use of the site and how this relates to/is compatible with adjacent uses;
- current access arrangements serving the site, both vehicular and pedestrian and, if currently lacking, whether there is potential to provide this as well as consideration of infrastructure generally;
- relationship to designations such as the AONB (including AONB Character Area), Green Belt, SSSI and local wildlife designations;
- other factors that would influence a site's development potential, such as general landscape impacts (having regard to any local Landscape Sensitivity Assessment), heritage issues (Conservation Area/Listed Building/Historic Park and Garden), environmental matters (Ancient Woodland/SSSI) and flooding;
- reasonable access to local facilities and services (non-car mode);
- other relevant environmental, social and economic sustainability matters.

2.2 As a result, the initial assessment did consider matters such as landscape setting, the AONB, the highway network, the availability (or lack of) infrastructure, heritage assets and nature conservation- although at a very broad level and without a proper evidence base or assessment. A “filtering out” process was undertaken at this stage which included a number of criteria, set out in paragraph 3.32. It is however noted that although the initial appraisal was described as a



“policy off” approach (paragraph 3.24 of the SHEELA) “so was not influenced by existing or possible future Local Plan strategies and was also not influenced by site size”. However, the criteria set out in paragraph 3.32 of the SHEELA include that sites were filtered out at the first filtering stage that were;

*“Located in remote locations away from existing settlements; such sites considered unlikely to be sustainable (although remote sites have been considered in the context of a new Garden Village Settlement, where applicable).*

*About which there is significant landscape concern, which it is considered is unlikely to be overcome;”*

2.3 This would suggest that the initial assessment was not, in fact “policy off”, as the opportunity for a Garden Village Settlement was clearly being considered as an option at this stage. The impact of a Garden Village Settlement, as shown by the site assessments and Sustainability Appraisal, has a significant impact on landscape character and the AONB, and the impact on the best and most versatile agricultural land, and the highway network. It suggests that the Council may have pre judged the opportunities for a Garden Village Settlement, or decided upon this as a part of the strategy, without properly considering alternative options.

2.4 The Sustainability Assessment sets out at paragraph 8.1.4 that “It is noted that site assessment work has been an on-going iterative process and that some sites initially filtered out may have subsequently been re-assessed”. This suggests that sites filtered out at the initial stages as set out in the SHEELA may have been reassessed. The use of this wording in the Sustainability Assessment suggests that the re-assessment has been an arbitrary process, and therefore not sufficiently robust to go back and review alternative sites in the light of new evidence and information.

2.5 In relation to the site selections in Capel Parish, by way of an example, two major housing allocations at Tudeley Village and west of Paddock Wood are allocated, despite the negative landscape and land use scores. The commentary at page 145 of the Sustainability Appraisal set out that;

*“The remaining reasonable alternative sites in the parish were rejected for allocation due to issues such as concern that allocating sites around Five Oak Green would tend toward coalescence and the loss of its discrete identity.”*

2.6 it appears that the Council have attached a different weighting to the impact of the two large strategic developments at Tudeley Village and west of Paddock Wood, which will have a substantially negative impact in the Green Belt, as opposed to the potential impact of an alternative strategy of a planned and limited growth of the existing settlement. The extension of



Paddock Wood to the west, towards Paddock Wood, would have a significant impact on coalescence between Paddock Wood and Five Oak Green, whereas the limited and planned growth of Five Oak Green would have a much more limited and therefore less significantly harmful impact on coalescence.

- 2.7 As a result, it is submitted that although the Council appear to have taken account of the issues listed in the Inspector's question, the assessment has not been applied consistently.

*Q7. Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?*

- 2.8 Having regard to the above, it is submitted that the site selection process was not robust. Again by way of an example, the nineteen sustainability objectives have been reviewed for Site 11 (Land at and to the rear of 50 Whetstead Road, Five Oak Green). Of the nineteen sustainability objectives, the conclusions reached by the Council in relation to fourteen of them are not disputed. The five that are not agreed with are set out below, together with the reasons why.
- 2.9 **Business Growth-** The Council score this objective as "0" (neutral). The decision aiding questions set out that *"in most cases the contribution of new customers to support existing business was considered insignificant"*. However, this impact appears to be somewhat underplayed by the Council. The village of Five Oaks has a range of services and facilities that support the local community. Strategic developments at Tudeley to the west and Paddock Wood to the east, which would include shopping, employment and social infrastructure opportunities, could potentially draw people from Five Oak Green to the detriment of the local services and facilities. The provision of development immediately adjacent to Five Oaks village, and easily accessible to the centre, where most of the facilities are located, would help to sustain and enhance those facilities.
- 2.10 Furthermore, it has already been highlighted at earlier Hearing Sessions that the development of Tudeley Village as a settlement is close to the Borough boundary and is planned to have a village centre. Whilst this may meet the day to day needs of the local population, for higher order goods and comparison shopping, residents are likely to visit the most convenient town or regional centre. In this case it would be Tonbridge- which is outside of the Borough. It has already been noted by the Council that the location of Tudeley Village as a location for a new settlement was driven- in part- by the apparent better east-west transport links (the other potential sites for the strategic settlement only had north-south transport links)
- 2.11 This would be a negative impact to the local economy. The strategy of planned and limited growth around the existing settlement of Five Oaks would be a positive impact. As a result, rather than the score for this objective being neutral, it should be positive.



- 2.12 **Land Use-** the score for land use is identified as “negative/slightly negative”. This is largely because the site is within the Green Belt. The commentary below the scoring chart sets out that the sites location within Green Belt parcel BA4 would have a very high impact. However, at page 87 of the Sustainability Appraisal, in the table that considers the strategic settlement locations, in section 2, under the heading Capel, it is identified that the site (for the strategic settlement) is *“entirely within the Green Belt and the most recent Green Belt Study concludes the overall harm rating of releasing this land from the Green Belt is high. However, there is scope for compensatory measures such as new hedgerow planting, enhanced pedestrian routes or conversion of fields from arable to grassland”*. Similar comments are made in the table at pages 89/90 in relation to the Paddock Wood strategic site.
- 2.13 It is not clear why the planting of hedgerows, the enhancement of pedestrian routes and the conversion of fields from arable to grassland would compensate for the loss of such a large area of Green Belt to deliver the strategic site. None of the compensatory measures identified contribute to the purposes of including land within the Green Belt.
- 2.14 The decision aiding questions for this objective include whether a policy would detract or respect/enhance the five purposes of the Green Belt. In addition, the decision aiding questions set out that positive scores should be applied to policies that propose development on brownfield land. The northern part of site 11 was a former commercial yard, and there is still some fixed surface infrastructure present, and underground fuel tanks. The site is, in part, a brownfield site, and therefore should have a positive score applied to it.
- 2.15 The development of site 11 and its release from the Green Belt would make a contribution to the housing delivery for the Borough but would also be a logical extension to the village and would allow development within a clear and defensible boundary (the railway line to the south and the field boundary/drainage channel to the east). As a result, it is submitted that the Land Use score should be neutral, or neutral/slightly positive, as although the land would be released from the Green Belt, there are exceptional circumstances to justify this- namely the delivery of housing units and the support of local services and facilities, and the site is in part a brownfield site. The release of this parcel of land would certainly have a lower impact on the Land Use score than the chosen strategic settlement at Tudeley.
- 2.16 **Landscape-** the Council score this objective as “neutral/slightly negative”. However, the quality of the land is very low. The site consists of a single run-down bungalow, with garden and paddocks to the rear. A large proportion of the northern part of the site was previously in commercial use as a vehicle and delivery yard. Underground fuel storage tanks are still present on the site. Apart from this, much of the site is low quality paddock grassland with patches of partially broken up hardstanding in the vicinity of the existing dwelling. There are few trees



within the site or to the eastern boundary, and those that are, are poor quality and unmanaged.

- 2.17 The site is therefore, in part a brownfield site, having some remaining fixed surface infrastructure. There is an opportunity to improve and enhance the landscape setting of the site, particularly to the eastern boundary, with the planting of additional hedgerows and trees (including native species). In particular, the topography of the site is such that the northern section is at a lower level, and it would be proposed to drain the site to this area and create a water feature. This would improve the landscaping and appearance of the site, but also enhance the biodiversity.
- 2.18 It is submitted that the Landscape score should be positive for site 11.
- 2.19 **Noise**- the noise score set out in the table at Appendix H is “slightly negative/negative”. The commentary identifies that this is because of the presence of the railway line to the southern boundary. However, in assessing the site, work commissioned on behalf of the land owner which established suggested layouts for the site and measures to mitigate the impact of noise. It has been demonstrated that the mitigation measures would not result in harm to any potential occupiers of the site. As a result, this score should be neutral.
- 2.20 **Water**- the score for this objective is “neutral/slightly negative”. However, the decision aiding questions set out that development in Flood Zone 1 should be scored as very positive. The site is within Flood Zone 1 (having regard to the Council’s SFRA), and therefore the score should be very positive.
- 2.21 In summary, the scores attributed to five of the sustainability objectives for site 11 should be “upgraded”. Having regard to the above, this would result in the site scoring fewer neutral and negative scores and a greater number of positive scores. This would, it is submitted, make the site a suitable choice for allocating for residential development in the Local Plan.
- 2.22 The above demonstrates that the site selection process was not robust, and it is clear that the scoring of the sustainability objectives was not applied consistently, or in accordance with the guidance in the decision-making questions in all cases.