

## Hearing Statement Capel Parish Council

### **Matter 6 – Strategic Sites (Policies STR/SS1, STR/SS2, STR/SS3, STR/PW1 and STR/CA1)**

#### **Issue 1 – Tudeley Village**

##### **Size, Scale and Location of Development**

***Q1. What is the site area based on and how was the size of the allocation and number of new homes established?***

Capel Parish Council object to this allocation of 2100 houses in the plan period projected to rise by another 700 in subsequent years. It appears to have been purely chosen on how much BMV arable land a local landowner was willing to sacrifice rather than a thorough assessment of alternative sites.

***Q2. What alternatives to the size and scale of development proposed in the Plan has the Council considered?***

Capel Parish Council was informed that 440 houses would be allocated to Five Oak Green (this appeared to have been based on the flawed Settlement and Function Study which was drawn to TWBCs attention several times but which they refused to amend) in March 2018, three potential garden village sites were also shortlisted for feasibility studies – Tudeley was not one of them. Within the space of 5 weeks, we were informed of the proposal for a garden village instead at Tudeley (meeting 20/04/18). This supports our assertion that this decision was not based on a thorough robust assessment but rather a pre determination of allocating a site based on “ease” and all future evidence tailored to that proposal. There is no evidence that a feasibility study into a garden village settlement was ever undertaken (although one was commissioned from GL Hearn by TWBC in 2017/18 but it was apparently never finalised)

***Q3. The submission version Policies Map for Tudeley Village shows land beyond the Limits to Built Development forming part of the allocation. What is the reason for this? Is all of the allocation proposed to be removed from the Green Belt?***

##### **Green Belt**

***Q4. The Green Belt Study Stage 2 report concluded that releasing land from the Green Belt between Tonbridge and Paddock Wood (Ref BA4) would cause a ‘very high’ level of harm to the Green Belt. In the Stage 3 Assessment, a harm rating of ‘High’ is given for Tudeley Village. What are the reasons for the different scores?***

This proposed site makes a crucial contribution to the openness of the landscape between Tonbridge and Paddock Wood. The Green Belt Study Stage 2 says the release of Green Belt in Tudeley would cause ‘very high’ harm to the MGB and we do not disagree. There are no exceptional circumstances to justify such a release and TWBC have failed to produce any in the three years since they became fixated with this plan in April 2018.

It is unclear why there were three GB studies, with significant inconsistencies in the levels of harm rankings.

Both Greenbelt Study 1 and Greenbelt Study 2 concluded that release of GB from all 10 areas considered would have VERY HIGH (the highest rating) harm. "Small-scale non-strategic" releases might result in less harm. The 2 strategic sites being planned for release therefore can be considered to cause VERY HIGH (after the second Green Belt Study)

The Local Plan as submitted, and the subsequent response from TWBC to the Reg 19 Consultation Document constantly refer to the Green Belt Studies in regard to the "Exceptional Circumstances" justifying the harm. However Green Belt Study 1 at para 1.9 "This review does not itself determine whether or not land should remain or be included in the Green Belt, as this is the role of the Local Plan, which takes into account all the relevant planning considerations" makes it clear that Exceptional circumstances are not a consideration of these studies.

The Greenbelt study 3 assessment, including the strategic sites, will logically lower the harm rating to suit the strategy and suggests an element of pre determination

*"This study looks more specifically at the proposed Tudeley Village allocation site (AL/CA1) using a somewhat different methodology, described by the study as 'more refined' than that used in 2017. It reached the conclusion that development on several parts of the site would result in levels of harm to the Green Belt that scored variously 'moderate-high', 'high' and 'very high' on the various component criteria, and that the assessment for the site as whole was that the level of harm could be downgraded to 'high'*

**Q5. What would be the extent of the harm to the Green Belt if the boundaries were changed in this location as proposed? Are there any ways in which this harm could be minimised or mitigated?**

This area has been described as one of the best mediaeval landscapes associated with both the High Weald AONB and the transition to the Low Weald. It is irreplaceable.

DSTP 6.186

- *"The masterplans and detailed design process for Policies STR/SS1 and STR SS3 will create significant open spaces and improve existing, or deliver new, landscape buffers (with built development set back from boundaries) within the new developments to ensure the openness of the surrounding areas remaining within the Green Belt is not unduly compromised (as well as providing areas of amenity space within the allocated areas). Provision of compensatory improvements to the environmental quality and accessibility of remaining Green Belt within the locality shall be made, to be agreed and secured through the masterplanning approach".*

This is meaningless - when you have destroyed so much of the landscape you cannot recreate it. As with much of the plan the evidence base is incomplete and reliant on future SPDs.

**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?**

There have been no proposals for compensatory MGB land and mitigation seems to mean opening up 'remaining green belt' for wider access – even though there is already a well-used network of bridle ways and footpaths across the area. With the loss of this area and the land in East Capel there would be precious little MGB left in Capel outside the AONB, in any case.

In total, 407 hectares will be removed from Green Belt, and of this 330ha (81%) are in Capel. Of the 81%, 45% is in TGV STR/SS3 and 36% in East Capel STR/SS 1

The Parish Council are of the view that TWBC have failed to evidence how compensatory measures can adequately compensate for the loss of 330ha (81% of the borough wide figure) in Capel.

***Q7. When defining Green Belt boundaries, paragraph 143 of the Framework states that plans should, amongst other things, define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. How does the Plan meet this requirement for Tudeley Village?***

This is for TWBC to answer

***Q8. 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?***

Capel Parish Council's view is that housing need alone does not justify Exceptional Circumstances

#### ***Mix of Uses and Infrastructure Requirements***

***Q9. Is it clear to users of the Plan what is meant by the 'provision of employment space' and 'community and leisure facilities'? What is expected of applications for planning permission?***

It is entirely unclear to us how the council/developer propose to achieve the other uses stated apart from housing. The proposal is within two miles of the centre of Tonbridge which has its own railway station and vibrant CBD. What would be the incentive in locating employment sites to a half built residential site? The indicative plan for Tudeley seems to suggest a cricket club in Tudeley oblivious to the fact there is a thriving one already in Capel, for which it would be competing with players. Other leisure facilities already exist in Tonbridge - why would they want to be replicated just two miles away?

DLA associates were tasked by TWBC to look at the required infrastructure for developments in Paddock Wood and Tudeley. But it is clear their knowledge of the issues was much weaker once outside the centre of Paddock Wood. Hadlow Estates have also shown little interest in infrastructure outside the boundaries of the development. We thus have a sketchy plan for a Five Oak Green bypass cobbled together with no community consultation due to pass through more MGB land which also borders on AONB planned to reconnect to the B2017 opposite the existing primary school.

***Q10. Does the Plan support an appropriate mix of uses across the site to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities, as required by paragraph 106 of the Framework?***

The Masterplan for Tudeley Village is not within the submitted core documents so Capel Parish Council are unable to comment in detail. However, the need to propose a by-pass for Five Oak Green due to the obviously significant increase in traffic generated from this site would suggest that the site does accord with paragraph 106 of the framework.

***Q11. How will the phasing of development be controlled and is it clear to users of the Plan what new infrastructure will come forward and when? Is it necessary for such information to be contained in the Plan?***

Capel Parish Council has serious concerns that the necessary infrastructure, if the strategic sites are brought forward, will be delivered in a timely fashion, and has seen no evidence to support this. Our experience is such that, as with the Colts Hill by pass, it will just not happen. If the funding is totally reliant on S106 developer contributions it will lead to an untenable situation where Capel is turned into one massive construction site with construction vehicles using totally unsuitable roads over a long time period extending over a decade.

#### **Highways and Transport**

***Q12. What impacts will the cumulative level of growth proposed in the Plan have on the B2017 between Tudeley and Tonbridge?***

After the junction with the 'Five Oak Green bypass' driving west the B2017 will take all the traffic to Tonbridge. We can see no plans for effective mitigation of this impact. The southern boundary of the B2017 is also AONB and the council has promised to protect existing hedgerows. The impact on the residents on the road stretching from Tatlingbury through Brampton Bank, Crockhurst Street and Tudeley where there is a notoriously tight bend by the junction with Hartlake Road, can only be imagined. Despite the fact that consultations on a draft SPD were promised from January 2021 none has been forthcoming which suggests TWBC has no more idea how the infrastructure would be provided than we do. Overall, the development will be far too dependent on the B2017 a narrow rural lane that runs for much of its length on the boundary of the AONB which will take traffic from Paddock Wood as well as from this development into Tonbridge. Given there is not likely to be a rail halt commuter traffic to Tonbridge will also have to be accommodated along this route. Walking and cycling routes to Tonbridge over what are unlit fields away from the road will be impractical in the dark and in winter. The rural lanes of Hartlake Road and Sherenden Road (both in the top 10% in the Borough) are even narrower. Hartlake which would skirt the western side of the development is already busy particularly at rush hour, and Sherenden passes under the railway bridge in one direction at a time only.

Impact on Tonbridge – these housing allocations seemed to be based on a political choice to build as far away from Tunbridge Wells as possible and to push development to the boundary of the Borough. Little thought has been given to the impact on the roads of Tonbridge (of medieval origin and focused on the castle) and on its wider infrastructure by TW planners who see it as 'not their problem' though even now traffic queues at the Woodgate Way roundabout on the border of the Borough at rush hour and Tonbridge High Street is a notorious bottleneck.

***Q13. How will the impacts of development be mitigated along the B2017 up to and including the junction with the A26? Are the measures proposed deliverable and will they be effective?***

It is unknown how the B2017 might be “improved” to provide safety to pedestrians and cyclists and also include space for a “rapid” bus service. It is the view of Capel Parish Council that any proposed measures will be either undeliverable or not effective.

***Q14. Are the projections regarding future transport patterns reliable and are the conclusions robust? Do they justify the proposed allocation Tudeley?***

The transport patterns forecasts for Tudeley are unrealistic.

Policy TP3 sets out the Councils proposed parking standards for residential developments. The standards require a minimum of 1 parking space per dwelling – even a 1 bedroomed flat – plus visitor parking. The provision of car parking at these high rates will encourage car ownership which in turn will encourage car usage. This is especially the case in rural locations

***Q15. How will connectivity with Tonbridge be provided for non-car modes of transport?***

The NPPF makes clear that any new development should be on an existing, sustainable bus route. The 6A bus service from Five Oak Green to Tunbridge Wells which only ran six days a week and up to 19.00hrs has been withdrawn as allegedly not commercially viable. The last bus from Tonbridge to Paddock Wood service 205 is in the early evening, is very limited on Saturday and does not run on Sunday. It seems unlikely that these patterns will change. This site is not on existing sustainable transport system, has no direct access to the hospital and the proposal will put more pressure on Tonbridge. Bus routes are notoriously subject to viability tests (the cancellation of the 6A and the end of the Sunday service on the 205 being a case in point) and just because TWBC says there will be a high speed bus service is not enough to ensure it will be delivered. Given the viability tests employed by bus companies how many homes would have to be built before it is viable; and will not residents be already be used to using their cars at this point?

The masterplan seems to suggest that people will walk/cycle to Tonbridge using the unlit unpaved network of footpaths – this is totally unrealistic except in the best summer weather.

***Q16. What is the justification for the proposed link-road to the east of the allocated site, running from the B2017 to the proposed Colts Hill bypass?***

The justification would seem to be that the Tudeley site will in fact be hugely car dependant and generate enough traffic to warrant a by-pass and is necessary to provide safe and suitable access to a major new development.

***Q17. How will the link road be delivered and is it viable? Is it required for the strategic site at Tudeley alone, or, as a result of cumulative growth with sites at Paddock Wood and east Capel?***

As the exact siting of this road is unknown it must follow that projected costings are unreliable. This in turn calls into question deliverability

***Q18. Is the location of the proposed link road justified, taking into account land use constraints, flooding, the character and appearance of the area and proximity to the Capel Primary School?***

No. The proposed new junction on the B2017 is directly outside the primary school (a listed building) and safety, parking by parents and air pollution (idling engines at a roundabout) appears not to have been a consideration. The proposal appeared out of nowhere and has not been discussed with Capel Parish Council

***Q19. Is the evidence supporting the Plan reliable and robust? Does it take into account the indicative location of the proposed secondary school?***

Capel Parish Council are of the view that the evidence base for the plan is not robust. The Masterplan by Hadlow Estates is not in the core documents. The David Lock Associates masterplan only addresses the area off site to the Garden Village so there is a lack of a "helicopter" perspective.

#### **Viability and Deliverability**

***Q20. Is it clear to decision-makers, developers and local communities what infrastructure will be delivered, by whom and when?***

It is completely unclear to us as the local community who will deliver the required infrastructure, what they will deliver and on what timescale. Hadlow Estate have expressed no interest in this whatsoever and as TWBC seemed to have delegated the master planning of the site itself to them, we are none the wiser. There has been no SPD even though consultations by TWBC were promised on this from January 2021. The community has no guarantee if this is to be proceeded with that the infrastructure will be there nor that the 'Garden Village' will be completed, and that we will not be left with an unsightly blot on the landscape.

***Q21. What is the justification for requiring a Supplementary Planning Document ('SPD')?***

This is for TWBC to answer

***Q22. Based on the necessary infrastructure requirements, is the allocation viable?***

No. The site does not have any infrastructure to support the construction phases (B2017 is totally unsuitable). Poorly served by public transport and will put a strain on existing services in Tonbridge for many years.

#### **Landscape and Heritage**

**Q23. The AONB Setting Analysis Report<sup>12</sup> identifies areas of ‘high’ and ‘medium’ sensitivity within the allocated site. In the area of high sensitivity, the Report states that development without mitigation is likely to harm the setting of the High Weald AONB. How is this reflected in the Plan? What potential impacts will the allocation have on the setting of the AONB?**

Views into and out of the High Weald AONB will be severely impacted. The sloping nature of the site means the development will be highly visible for miles around. Terminology underlined below is weak and woolly and means nothing.

*7. Require a high-quality layout and design. In particular:*

*a. consideration should be given to the key landscape characteristics, views, and the setting of the High Weald Area of Outstanding Natural Beauty;*

*b. particular respect should be given to the setting of heritage assets, especially All Saints Church; Page 161 STR/SS3 The Strategy for Tudeley Village, PSLP (3.58 core documents)*

TWBCs response to concerns at Reg 19 regarding development impacting views in and out of historic settlements & landscape states;

*“ 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” Page 161 Consultation Statement for submission of LP (Part 2 of 2), Strategic sites. (3.134b core documents)*

Capel is not even mentioned.

**Q24. How will the allocation ensure visual and physical separation between Tudeley Village and Five Oak Green?**

This is for TWBC to answer. It is unclear to the Parish Council how this could possibly be achieved. The moving of the school site would appear to complete the coalescence of FOG and the site.

**Q25. What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Grade I listed Church of All Saints’ and Grade II listed buildings at Bank Farm and Lilley Farm? How have heritage assets been taken into account in the preparation of the Plan?**

This is a sensitive, historic Low Weald landscape that ought to be preserved rather than be turned into the urban development promoted by Hadlow Estates. There are spectacular views not only from e.g., the Grade 1 listed Tudeley Church but also in the other direction from East Peckham and elsewhere. The site also borders the AONB, and development here would have an effect on it. It is bordered by the internationally renowned Tudeley Church (it has a complete set of windows by Marc Chagall – the only example in the world), whose rural setting is of key importance and overlooked by the Grade 1 Somerhill House and Gardens. The site itself contains Grade II listed buildings and its pattern of dispersed farmsteads typical of the Low Weald will be destroyed for ever, On 2/2/21 at the vote to adopt the pre-submission plan the Chairman of the Parish Council was told building south of Paddock Wood as an alternative to the East Capel site was undesirable because of

its impact on the AONB – but this reasoning does not seem to apply to Tudeley in the minds of TWBC officers, which is an arguably a more sensitive location also bordering the AONB.

TWBCs response to concerns regarding development impacting views in and out of historic settlements states

*“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” Page 161 Consultation Statement for submission of LP (Part 2 of 2), Strategic sites. (3.134b core documents)*

Capel is not mentioned despite having possibly the greatest heritage jewel of the whole borough (the only church in the world to have all its windows designed by Marc Chagall).

Capel Parish Council are of the view that to leave EIAs to the planning application stage is tantamount to pre determination. Are we really to believe that the Council who developed this plan are going to refuse a site at planning application stage if it is found that it is going to cause significant harm which cannot be mitigated against? There is no evidence within the submitted documents of enhancement of the Heritage Assets – and for reasons set out above their conservation has very much been called into question.

Policy EN5 clearly states that:

*“Proposals that affect a designated or non-designated heritage asset, or its setting, will normally only be permitted where the development conserves or enhances the character, appearance,*

### **Other Material Planning Considerations**

***Q26. Does any of the proposed allocation fall within areas at risk of flooding, taking into account all sources of flood risk and climate change?***

The railway line splits the site making the development of one community improbable given the limited communications north to south under it. The embankment also contributes to a major flooding problem increasingly obvious to local residents over the past few years, the fields have been inundated frequently as photographic evidence attests. North of the railway the site is vulnerable to flooding from the Medway and increased run off will contribute to the problems downstream as far as Yalding.

***Q27. Map 32 of the submission version Local Plan shows a ‘potential train station site’ within the allocation. What is the latest position regarding the potential for a new station at Tudeley Village? Is it a requirement of the allocation?***

This is for TWBC to answer but we have been given to understand that for operating and commercial reasons the station is unlikely ever to be built, and certainly not in the plan period.

### **Issue 2 – Five Oak Green**

***Q1. Policy STR/CA1 sets out the strategy for the Capel Parish. Criterion 3) states that approximately 2,060 dwellings will be accommodated on land at East Capel as part of the extension to Paddock Wood. Is it clear to users of the Plan which site this relates to?***



Given the focus in the plan on the two strategic sites, Capel Parish Council are concerned that the residents living in Five Oak Green between the two proposals have not been given due attention by this plan - especially given on the council's own admission the prospective disruption to their lives stretching over a number of years.

**Q2. What are the 'compensatory improvements to the Green Belt, including measures to reduce flooding to particular areas of Five Oak Green'? How will they be delivered?**

There is lack of detail in this policy when it comes to Five Oak Green, for example 'Compensatory improvements to the Green Belt including to 'particular areas of Five Oak Green' [sic] are mentioned but not spelled out. There seemed to be an ignorance within TWBC planning of the effect of flooding in Five Oak Green, Capel hamlet and other settlements.

*"The Plan is deliberately not prescriptive over the scheme(s) to deliver this; this follows guidance in the NPPF which requires policy to be flexibility applied over the Plan period.*

*Instead, it is anticipated that such schemes will be developed as part of the SPD process and preparation of a planning application and at this stage there is not a firm scheme to share and discuss".*

*Email Hannah Young TWBC 20/01/2021 in response to the question raised by CPC "regarding any proposals the EA might be formulating regarding solutions to flooding "betterment" in Five Oak Green and indeed Capel as a whole".*

The last significant flooding during Storm Ciara saw flooding in ALL areas of Capel. Given the prospect of increased flood risk due to climate change the table below is alarming with over half the properties throughout Capel shown to be at risk.

It is beyond comprehension, looking at the figures for both Capel and Paddock Wood, why the two strategic sites have been allocated within the River Medway floodplain and the areas at most significant risk of flooding in the borough.

PARISH	Dwellings at medium/high risk (up to 1% AEP)	Dwellings at overall risk (up to 0.1% AEP)
Benenden	0	0
Bidborough	0	0
Brenchley	3	5
Capel	321	592
Cranbrook & Sissinghurst	14	15
Frittenden	50	53
Goudhurst	16	25
Hawkhurst	9	9
Horsmonden	26	34
Lamberhurst	62	100
Paddock Wood	756	960
Pembury	3	3
Rusthall	0	0
Sandhurst	0	0
Southborough	0	0
Speldhurst	16	16
Tunbridge Wells	52	52

There is seeming little understanding of the facilities available in the village going back to the issues and options study of 2017, despite frequent attempts by the parish council to correct this. For example, point 6 b refers to improvements in recreational and sporting facilities including football pitches [sic]. There is only one football pitch on Five Oak Green Recreation Ground something the planners / DLA would have known had they visited the parish. The remainder of Capel Parish has been treated as a rural backwater of which the planners and their consultants knew very little, that served only to provide housing for the Borough's requirements and thus little or no thought has been given for the welfare of existing residents. We can see this, as unlike other settlements in the Borough, no "opportunities" or "benefits" have been identified, for example meeting local needs housing, a 20mph speed limit, traffic calming, a new village hall, as we have not been consulted about any of these. If the Tudeley settlement is removed from the plan (and therefore the FOG bypass) there has been no traffic modelling to identify the need for road safety improvements throughout Capel along the B2017 and elsewhere despite the massive impact on the parish expected by the expansion of next-door Paddock Wood.

The plan envisaged taking 182 ha out of the Green Belt at Tudeley and 148 ha at East Capel with just over 1 ha around Badsell Road being added to it. Hardly compensatory improvements.