



Consultation on Tunbridge Wells Borough Council

Pre-submission Local Plan

Representation by Save Capel under Regulation 19

FINAL VERSION

Thursday, 03 June 2021

To be read in conjunction with our evidence base - Appendices 1 to 13

'Save Capel' is an unincorporated association and the property of its members. It currently has nearly 350 members, who elect the Executive, out of around 1,850 registered supporters. Its purpose is to protect the parish of Capel from the threat of disproportionate development and to protect the 'Metropolitan Green Belt' (MGB) and 'Areas of Outstanding Natural Beauty' (AONB) within the parish. Save Capel has never been against sustainable development and has always said the right type of development in the right place was acceptable. We continue to believe that the Tudeley and East Capel strategic sites proposed in the TWBC local plan would both be unsustainable and in the wrong place.

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1. Executive Summary

- 1.1. This representation is made by the Save Capel Executive on behalf of members and supporters. In preparing this representation, the Save Capel Executive has been assisted and advised by the members and supporters of Save Capel, specialist transport and environmental consultants as well as specialist planning Counsel and solicitors.
- 1.2. We are seeking modifications to the Plan, and through this Save Capel confirms its willingness to participate in the subsequent stages of the local plan's review and wishes to make formal representations in the oral parts of the examination at the Inspector's request.
- 1.3. We submit that the PSLP and its supporting evidence base fails on both **legal compliance** and tests of **soundness**:
 - (1) TWBC has not met its **Duty to Cooperate** with adjacent authorities, because of the lack of constructive and ongoing dialogue concerning housing need and cross border issues affecting the location of housing and provision of the necessary infrastructure.
 - (2) The consultation in respect of this pre-submission draft has not been undertaken in compliance with the **Statement of Community Involvement** and appears to have failed to have due regard to its duty under s.149 of the Equality Act 2010.
 - (3) There has not been an adequate assessment of alternatives and the **Sustainability Assessment** is seriously flawed.
 - (4) The Plan fails the test of **soundness** on a significant number of counts:
 - i. **It is not positively prepared**, being based on an unsustainable spatial strategy, which places the largest amount of development in the north west corner of the Borough (at Tudeley and East Capel), where local housing need has not determined the overall target.
 - ii. **It is not justified**, as it is not the most appropriate strategy, where reasonable alternatives have not been adequately assessed, and the evidence base contains inconsistencies and conflicts internal to the Plan. The strategy does not bring benefits that outweigh costs to the community (the balanced test of sustainability has not been properly applied).
 - iii. **It is not effective**, posing substantial risks by relying heavily on two strategic sites in unsustainable locations. The Infrastructure plan is inadequate and does not meet the substantial needs and is based on inconsistent evidence. It is not deliverable.
 - iv. **It is not consistent with the National Planning Policy Framework (NPPF)**, taking only selective evidence to demonstrate compliance, in particular with respect to the largest strategic site (Tudeley). The evidence base is lacking in many areas and 'Exceptional Circumstances' to release vast areas of Green Belt for housing are not justified.
- 1.4. This representation explains these general points, and many others, in more detail and is structured to assist the review process. Arguments are presented policy by policy with detailed supporting evidence also provided as appendices which form part of this submission.
- 1.5. Save Capel recognises the need for a local plan but requests that TWBC reconsiders the development strategy and prepares a modified (and sustainable) plan which delivers an appropriate level of housing and addresses the issues identified in this representation.
- 1.6. Whilst it is for TWBC to determine its local plan, it should meet the needs and have the support of the community. Save Capel has identified a number of alternative strategies which are summarised in Section 8.

2. Legal Compliance

Co-operation with neighbouring authorities

- 2.1. We are not satisfied that TWBC has fully met (if met at all) the duty to co-operate with the authorities and groups set out in TWBC's March 2021 "Duty to Co-operate Statement for Pre-Submission Local Plan" ("DCSPS") in the way in which paragraphs 24-27 of the NPPF envisage TWBC to engage in and maintain effective cooperation.
- 2.2. We are particularly concerned that the Duty to Co-operate has not been met with Maidstone Borough Council. The recently signed Statement of Common Ground ("SoCG") (March 2021) appears to be nothing other than a "tick box" exercise in which Maidstone Borough Council's refusal to consider meeting any of TWBC's need was accepted without proper scrutiny by TWBC. It states on page 8 that *"An initial response was issued by MBC in December 2020. This stated that MBC could not accommodate any of TWBC's need, as it was proving very challenging to accommodate the extra homes needed until 2037, necessitating growth to be focused on two 'garden communities'...TWBC accepts this position and has progressed to include allocations across the borough, including within the AONB and Green Belt, in order to meet its own local housing needs. MBC welcomes the fact that TWBC is meeting its housing need in full, and similarly expects to meet its housing need in full."*
- 2.3. The Duty to Co-operate involves more than a mere "tick box exercise". It requires positive and active engagement with neighbouring authorities (and other groups). It is difficult to understand why, when a Housing Market Area is shared with another Borough, that Borough cannot meet at least some of the need from the adjoining Authority's area. The DCSPS appears to do nothing more than rehearse and repeat in essence the refusal of other authorities to meet some of TWBC's housing need. It does not explain why it did not do more to challenge and scrutinise those refusals.
- 2.4. It will, of course, be for TWBC to satisfy the Planning Inspectorate that the Duty to Co-Operate has been met when we have seen little evidence of a pro-active approach to the Duty to Co-operate being followed – particularly in respect of the potential impacts that Policies STR/SS 1 and STR/SS 3 will have on the neighbouring authority (Tonbridge and Malling Borough Council) in terms of increases in pollution (and other environmental impacts), traffic, congestion and a need for sufficient infrastructure to be provided to support (and ensure the sustainability of) the developments proposed in STR/SS 1 and STR/SS 3 if the draft local plan is submitted for examination, but we have seen very little to date to demonstrate this to have been the case.
- 2.5. We await, with interest, how the authorities and groups identified in the DCSPS will respond to this consultation and how they consider TWBC has engaged with them in respect of the Duty of Co-Operation – noting the above. In that regard, the Save Capel Executive reserves the right to provide a further short submission or to raise this issue during the examination if appropriate to do so.

Community engagement

Information on, and the form of, the Consultation

- 2.6. Since the Reg.18 consultation, the preparation of this pre-submission draft of the Local Plan has been mainly undertaken during a time when much of the UK has been operating under unprecedented restrictions on contact outside of the home. At the time of drafting this representation, the country is still operating under restrictions, with these not being "fully" lifted until 21st June 2021. Whilst the UK Government has encouraged LPAs to continue plan making activities during the pandemic, this poses difficulties in being able to demonstrate effective community engagement in respect of this Reg.19 consultation.
- 2.7. At the Reg.18 stage, TWBC undertook the Reg 18 consultation by providing information on that version of the local plan and the consultation process through postal correspondence, posters within

the town centre, summary leaflets and articles within local magazines, physical borough wide exhibitions, local media and electronic consultation. Due to the COVID-19 pandemic it has not been possible to undertake as thorough an exercise as that carried out at the Reg.18 stage. This is recognised in the Statement of Community Engagement (dated October 2020) at Section 3.0: Consultation Techniques for Local Planning Documents. This move away from the more traditional means of engaging with the Community due to the COVID-19 pandemic towards an almost entirely internet-based consultation undoubtedly means that a proportion of the Community (including those who are considered to have protected characteristics under the Equality Act 2010) will either be unable to, or feel unable to, engage fully with this consultation or the documents now being consulted on. This is an issue that could and should have been avoided.

- 2.8. On 22nd February 2021, the UK Government published the “*Roadmap out of Lockdown*”¹. This made it clear that it was anticipated that by 17th May 2021, the restrictions on social contact would be eased, outdoor spaces would reopen, together with non-essential retail and public buildings. This would have allowed TWBC the opportunity to run an information campaign more akin to that which it ran for Regulation 18 from the dates at which restrictions started to be lifted. The Roadmap also makes it clear that the target date of 21st June 2021 has been set to remove all further limits on social contact.
- 2.9. This consultation started on 26th March 2021 and runs until 4th June 2021. A better, fairer approach that would undoubtedly ensure wider community engagement would have been to have delayed the start of the consultation and use the easing of restrictions to build up towards a more traditional consultation process. It is noted that TWBC has run the consultation for 10 weeks, but with a more inclusive approach to consultation, a shorter consultation running slightly beyond 21st June 2021 would have shown more of a concern for Community Engagement. It is clear (from the October 2020 Statement of Community Involvement) that TWBC set the approach it intended to follow towards the end of 2020 and did not pause to consider the Roadmap set out in February 2021 and adjust its approach to consultation accordingly. This is clearly not an example of a Local Authority keeping an eye on its duty under s.149 Equality Act 2010 as the circumstances under which a consultation such as this could be conducted changed significantly.
- 2.10. Further, it should be noted that a number of “technical” issues have arisen in respect of the consultation – potentially to the detriment of those attempting to negotiate the material and make a submission. Those involved in drafting this submission are aware of, and indeed raised with TWBC, the fact that hyperlinks within the documents were not working (notably the SHELAA and Sustainability Appraisal) and maps had been published online in a low, and poor, resolution. This further undermines the accessibility and effectiveness of this form of consultation.

Engagement with Save Capel and Capel Parish Council

- 2.11. Given Capel Parish Council and Save Capel have been raising concerns about the proposals now set out in STR/SS 1, STR/SS 2, STR/SS 3 and STR/CA 1 TWBC’s proactive engagement with both groups has been woefully inadequate. Minutes of TWBC’s Planning Policy Working Group were kept confidential, information when it was provided publicly was often quickly discovered to be inaccurate, misleading or incomplete, requests for release of information under the Freedom of Information Act 2000 and the Environmental Information Regulations were repeatedly refused.
- 2.12. Further it is notable that both CPC and later Save Capel (which was formed in June 2019), were more often than not the driving force in arranging engagement with the Parish and the Local Community. Often it was felt that those who attended the meeting from the Local Community, representatives of the Parish Council and Save Capel were able to articulate clear and constructive issues with what was being proposed and suggest solutions and alternative. It was only after these points had been made

¹ <https://www.gov.uk/government/publications/covid-19-response-spring-2021/covid-19-response-spring-2021-summary>

that it was clear that those who attended on behalf of TWBC or those looking to bring forward proposed development had no intention of seriously considering the points raised, addressing them or engaging meaningfully with the Local Community.

- 2.13. Further, what little effort was made by TWBC or those looking to bring forward development to set up what few engagement exhibitions and workshops they could run towards the end of 2020 were again so meaningless in the terms of the level of information provided, the number of people who could attend, or the ease with which they could attend to render them almost pointless.
- 2.14. Further, when it became apparent that the Consultation was to run during the pre-election period of sensitivity and in the period after the Local Elections during which a Parish Council is not formally constituted, Capel Parish Council raised concerns (through its appointed solicitors) directly with TWBC that (potentially) limited time that would be available for the incoming Parish Council to respond meaningfully to this consultation. This clearly a very serious issue in respect of community engagement with a Parish Council, was simply rebuffed on an unintelligible basis.

Conclusion on the Consultation Carried Out

- 2.15. The approach to consultation in respect of this pre-submission draft has not been undertaken in compliance with the Statement of Community Involvement – the above demonstrates notable breaches of TWBC’s “values for community involvement” at paragraphs 1.9 – 1.12 and Section 2.
- 2.16. Further, by insisting on maintaining an approach to consultation last reviewed in October 2020 and failing to adjust that approach in light of the changing circumstances in the UK from February 2021 onwards, TWBC appears to have failed to have due regard to its duty under s.149 of the Equality Act 2010 and followed a process that potentially “locks out” a proportion of the local community who were unable to engage fully in an online consultation, but may have been able to have done had a consultation exercise been run in a similar (or more similar) way to that which was carried out at Regulation 18.
- 2.17. Our topic paper which provides full detail on Community Engagement is included as [Appendix 7](#).

Sustainability Appraisal

- 2.18. There has not been an adequate assessment of alternatives.
- 2.19. The issue of “reasonable” alternatives is best considered at two levels: first, in respect of how the growth strategy was selected, and second, in how the particular locations for growth were identified (i.e., the strategic site locations).

Selection of the growth strategy

- 2.20. The original Issues & Options SA identified 6 growth strategies (“GS”), none of which mentioned Tudeley/Capel specifically as a site for a potential garden town. GS5 was described as “New freestanding garden settlement. There is no location identified with this option. A new settlement could be located anywhere within the borough.”
- 2.21. The Reg 18 SA identified two further strategies (see Table 12) on page 36. It concluded that:
“The Final Interim SA showed that there were merits in in all strategy options, although Option 5 New Settlement Growth had the highest number of positive scores and lowest number of negative scores. This option, which has been taken to embrace an enlarged town or village based on garden settlement principles as well as a new freestanding garden settlement, is therefore proposed to be integral to the preferred development strategy for the borough.” (page 40).
- 2.22. The Reg 18 SA then went on to consider 13 alternative sites for the garden settlement and urban extension (on page 37). However, all but 2 sites (Paddock Wood and Tudeley) were ruled out and

were not subject to any further sustainability appraisal, on the grounds primarily of landscape and impact on the AONB.

- 2.23. The draft Reg 19 SA now identifies and sets out how “13 growth strategy options were considered in the SA.”. Option 3 is the one that now appears in the Reg 19 Local Plan and states that it “*includes a large PW extension and new garden village at Tudeley*”.
- 2.24. Therefore, between Reg 18 and Reg 19, TWBC developed 13 different growth strategies (i.e. the original 6 growth strategies were expanded to 13). The preferred strategy was identified as GS3 (see page 48) i.e. the large PW extension and garden village at Tudeley.
- 2.25. Each of those 13 growth strategies were assessed - the table 26 at page 84 sets out the comparative scores/grading system.
- 2.26. The Reg 19 SA concludes that “it is clear from this exercise that the Pre-Submission Local Plan is preferable to the alternatives identified) at para. 6.2.18 (page 85).
- 2.27. The first point to note here is that it does not seem as clear as the SA suggests. There are five unknowns in relation to GS3, and it is not immediately apparent looking at Table 26 why for example GS4 (Main Towns) has not been preferred.
- 2.28. The SA of GS3 (i.e. what now forms the Reg 19 Local Plan) is entirely unclear as to why for example noise and travel gets a “highly mixed score”: see the critical assessment on page 58. It repeats the wording “*negative impacts in rural settlements and positive impacts in urban areas*”. At least on the face of it, the reasons for that score are unclear, which means in turn that reasons for the selection of GS3 as the preferred option are unclear.
- 2.29. **This gives rise to grounds to credibly argue that the SA is inadequate as the outline reasons for selection of GS3 are unclear.**

Strategic site locations

- 2.30. The table at page 89 – 90 (Table 27) is the critical table as this sets out why the only locations considered suitable for a garden extension and urban extension were considered to be Capel (Site 2) and Paddock Wood (Site 12). In essence, all other sites were ruled out as “reasonable alternatives” and not subjected to SA, mainly on the grounds of location within the AONB and unacceptable landscape impacts.
- 2.31. It was unreasonable to do so and not consider these sites as reasonable alternatives.
- 2.32. The first criticism relates to the “filtering” stage that was carried out. It is evident in Table 27 that it was unreasonable for certain sites were dismissed as “non-starters” and at the very least some of the sites should have been taken forward and actually subjected to sustainability appraisal.

For example, and in particular:
 - a. it is not clear why Frittenden was ruled out on sustainability grounds without actually having been tested via a sustainability appraisal.
 - b. Nor is it clear why Horsmonden was viewed as a “non-starter”.
- 2.33. Neither of these sites were ruled out on AONB grounds but rather on inadequate transport accessibility links (Horsmonden) and lack of direct transport links (Frittenden). Whilst these may be the case, it is not immediately apparent (at least on the face of the SA) whilst those made these particular sites “non-starters”.
- 2.34. The second point is that the AONB designation has been used “carte blanche” to rule out several other options, without even taking them through to full sustainability appraisal.

2.35. However, the fundamental purpose of an SA is not to apply national policy requirements but instead to consider the environmental effects of a plan. Therefore, at the very least a more granular assessment of the landscape impacts should have been carried out within the SA notwithstanding the AONB designation rather than apply a carte blanche “severe” rating to all the proposals within the AONB. They must for example necessarily have had different landscape impacts within the AONB (Castle Hill being a case in point for example).

Sustainability Appraisal for Tudeley Village & Paddock Wood / East Capel

- 2.36. The Sustainability Appraisal of each site is based on 19 sustainability objectives (“SO”). Each objective is supported by 2-5 detailed and specific decision-aiding questions. In total there are 62 sub-questions based on a mix of subjective and objective criteria.
- 2.37. Working through these granular 62 sub-questions should result in a reasonably objective and transparent Sustainability Appraisal for each site.
- 2.38. There are two separate Sustainability Appraisals published for Tudeley Village and Paddock Wood / East Capel. Both are high-level assessments at the 19 strategic objective level – there is no link to nor any evidence of an assessment at the 62 sub-question level for either site!
- 2.39. Validating the Sustainability Appraisals for Tudeley Village and Paddock Wood / East Capel and considering the 62 sub-questions yields a fundamentally different outcome to TWBC’s proposal in both cases: TWBC results appear to be entirely unreasonable and unsound.

Comparison of Sustainability Appraisals (TWBC vs. Save Capel)

Strategic Objectives	<u>Tudeley Village STR/SS3</u>		<u>East Capel STR/SS1</u>	
	<u>TWBC</u>	<u>Save Capel</u>	<u>TWBC SS1</u>	<u>Save Capel EC</u>
	<u>Assessment</u> (top-down based on 19 objectives)	<u>Assessment</u> (bottom-up based on 62 sub-questions)	<u>Assessment</u> (top-down based on 19 objectives)	<u>Assessment</u> (bottom-up based on 62 sub-questions)
1 Air	?	--	?	--
2 Biodiversity	0/-	---	0/-	-
3 Business Growth	+	0/+	+ / ++	0/+
4 Climate Change & Energy	-	---	- / --	---
5 Deprivation	+	--	+ / ++	-
6 Education	+ / ++	+	+ / ++	? / -
7 Employment	++	+	++	+
8 Equality	++ / +++	-	++	0/?
9 Health	++	-	++	--
10 Heritage	--	--	-	-
11 Housing	+++	++	+++	++
12 Land Use	-- / ---	---	-- / ---	---
13 Landscape	--	---	- / --	--
14 Noise	- / --	---	- / --	---
15 Resources	0 / +	0/?	0 / +	0/?
16 Services and Facilities	+++	- / --	++	-
17 Travel	++	---	+	0/-
18 Waste	0	-	0	0/?
19 Water	++/?	---	++/?	---

- 2.40. For Tudeley Village - in summary at the 19 SO level (also see table above):
- TWBC proposes 10 positive, 3 neutral and 6 negative scores
 - A bottom-up assessment reveals 4 positive, 1 neutral and 14 negative scores
- 2.41. For Paddock Wood / East Capel - in summary at the 19 SO level (also see table above):
- TWBC proposes 10 positive, 3 neutral and 6 negative scores
 - A bottom-up assessment reveals 3 positive, 3 neutral and 13 negative scores (for East Capel only)
- 2.42. We respectfully submit that TWBC's assessment of both sites is flawed, illogical and not defensible when assessing the underlying criteria.
- 2.43. On a side note: It is curious that in TWBC's assessment both sites are rated with near identical scores across all criteria. While this is possible in theory, it is - given the differences between both sites - statistically-speaking highly unlikely. We cannot prove and only speculate on whether this is indicative of a pre-determined answer being approved due to its convenience. However, we can unequivocally state that TWBC's assessment of both sites is superficial and simply wrong.
- 2.44. For a more detailed comparison and an evidence-based rationale for each score at the 62 sub-question level please refer to the 'Alternative Sites Report' in [Appendix 8](#).

Sustainability Appraisal for Alternative Selected Sites

- 2.45. As mentioned under 2.22, TWBC considered several other strategic sites that – in our view mistakenly – were ruled out earlier in the plan-making process.
- 2.46. As a result, TWBC did not conduct a sustainability appraisal for any of these sites. There are no published sustainability results, neither at the 19 SO nor at the 62 sub-questions level for any site.
- 2.47. Given the flawed assessment and poor sustainability scores for Tudeley Village and East Capel, Save Capel decided to reinvestigate these sites as potential alternatives.
- 2.48. Given Save Capel's limited resources we decided to focus on 2 specific sites – Castle Hill (also located in Capel Parish) and Blantyre House.
- 2.49. In summary at the 19 SO level (see table below):
- A bottom-up assessment for Castle Hill reveals 7 positive, 7 neutral and 5 negative scores
 - A bottom-up assessment for Blantyre House reveals 8 positive, 6 neutral and 5 negative scores
- 2.50. A comparison to Tudeley Village and East Capel reveals that both alternative sites are far more sustainable and preferable. Castle Hill in particular feels like a – more sustainable – direct replacement for Tudeley Village.
- 2.51. We also strongly suspect that some of the other strategic sites such as Horsmonden would also turn out to be more sustainable than Tudeley Village and / or East Capel if subjected to a detailed, objective review. Unfortunately, this was not conducted by TWBC and Save Capel does not have the resources to replicate the analysis for all sites in time for Regulation 19.
- 2.52. For the assessment and an evidence-based rationale for each score at the 62 sub-question level for Castle Hill and Blantyre House please refer to the 'Alternative Sites' report in [Appendix 8](#).

Comparison of Sustainability Appraisals (Tudeley Village vs. Alternatives)

Strategic Objectives		<u>Tudeley Village</u>	<u>Castle Hill</u>	<u>Blantyre House</u>
		(bottom-up based on 62 sub-questions)	(bottom-up based on 62 sub-questions)	(bottom-up based on 62 sub-questions)
1	Air	--	-	-
2	Biodiversity	---	-	-
3	Business Growth	0/+	+	0/+
4	Climate Change & Energy	---	---	--
5	Deprivation	--	0	++
6	Education	+	0	0
7	Employment	+	++	+
8	Equality	-	++	-
9	Health	-	+/?	0
10	Heritage	--	0/-	+++
11	Housing	++	+++	++
12	Land Use	---	-	++
13	Landscape	---	--	++
14	Noise	---	-	0
15	Resources	0/?	0	+
16	Services and Facilities	-/-	+++	-
17	Travel	---	++	0/-
18	Waste	-	0	0
19	Water	---	0/?	0/?

2.53. Key findings from Save Capel’s ‘Alternative Sites’ report are:

- The Sustainability Appraisals for Tudeley Village and East Capel are unreasonable based on TWBC’s own criteria and any objective assessment
- The Sustainability Appraisals for Tudeley Village and East Capel are inconsistent with the assessments of other SHELAA/strategic sites
- Both Castle Hill and Blantyre House are more sustainable sites offering a similar housing potential as Tudeley Village / East Capel
- Of the 437 unique sites submitted for inclusion in the SHELAA process, 323 sites were rejected by TWBC.
- Based on a review of 90 rejected sites in 3 representative parishes, we recommend to re-consider 43 ‘rejected’ sites for inclusion in the Plan INSTEAD of Tudeley Village / East Capel.
- These 43 sites provide a total incremental housing potential of ca. 2,270 units (based on a conservative 30 dph). All are more sustainable than Tudeley Village / East Capel.
- An analysis of 7 selected high potential sites reveals a potential housing yield of up to 10,000 dwellings through the use of alternative housing solutions.

3. The Development Strategy and Strategic Policies

STR1 The Development Strategy

Housing needs

- 3.1. The NPPF (at Section 5) prescribes a standard method of how to calculate the number of houses required throughout the plan period. However, it is the responsibility of the Council to determine the actual housing requirement using the latest information on local demographic and migratory trends.
- 3.2. Recent studies of housing need consistently demonstrate that the expected population growth 2020-2038 in the borough is slowing significantly – projections have decreased from 18,830 (2015 SHMA) to 13,859 (2017 SHMA) to only 6,155 (2018 ONS).
- 3.3. Despite this clear local trend, TWBC has interpreted the Standard Method as a target, with no regard to market or demographic indicators or the constraints of the Borough and propose to build around 12,200 houses for the (predicted) 6,155 residents.
- 3.4. Despite all the evidence to the contrary, TWBC has not entertained the very real possibility that “exceptional circumstances” exist which would have enabled them to propose an alternative and more realistic ‘objectively assessed’ housing need. Given that this Regulation 19 submission comes during a transitional period from the old Standard Method and the newly proposed methodology, it seems entirely reasonable to incorporate additional, supportive data to localise the output from the baseline calculation, rather than simply accepting it as a target.
- 3.5. We recognise that the Government confirmed that updated household projections should not be used as a reason for justifying lower housing need. However, they did not indicate that this data should not be considered to support planning forecasts if TWBC chose to propose an alternative calculation based on ‘exceptional circumstances’.
- 3.6. Tunbridge Wells borough includes 22% green belt land and has 70% AONB. In addition, the spatial strategy is proposing to deliver the majority of its housing in or adjacent to the borough’s largest area subject to flood risk (EA flood zone 3).
- 3.7. The threshold for claiming ‘exceptional circumstances’ must surely have been reached when the Council proposes to use Green Belt designated land for the vast majority of development in the Local Plan!
- 3.8. The Local Plan should serve the requirements of both current and future residents of the borough. Analysis of all demographic and market trends leads us to believe that the proposed Garden Village Growth Strategy does little to support the current or future needs of the increasingly elderly population of the borough.
- 3.9. On the contrary, the Plan seems designed to provide significantly more houses than residents or their families will require in an attempt to depress local house prices in order to encourage net migration from parts of the country with even higher affordability ratios (e.g. the London boroughs).
- 3.10. As such, the Plan is unsound as it is not “positively prepared” in assessing its ‘objectively assessed need’ and does not deliver against the most fundamental objective of serving the best interests of the residents of the borough. This policy also fails the test of soundness as it is “not consistent with the NPPF” and TWBC is wrong to have determined that ‘exceptional circumstances’ do not exist in the Borough which would allow a departure from the ‘standard method’.
- 3.11. On a side note: On the one hand, TWBC claims ‘exceptional circumstances’ to justify releasing and concreting over 100s of acres of Green Belt. On the other and despite clear evidence to the contrary,

TWBC refuses to claim 'exceptional circumstances' to propose alternative calculations of housing need. This seems wholly inconsistent.

- 3.12. For further details, please refer to Save Capel's topic paper on Housing Need – [Appendix 9](#).

Sources of supply

- 3.13. Given the challenges faced by TWBC to meet housing needs, it is very surprising that other less constrained LPAs were not asked to meet some of the housing need themselves, e.g. Maidstone and Ashford.
- 3.14. There are several weaknesses in the development strategy followed by TWBC in establishing its spatial strategy:
- The plan has included an allowance for 'windfall' (i.e. non-allocated) sites which is understated and has not reflected the recent changes in legislation that promotes the change of use of urban sites to residential.
 - There is a significant opportunity from the amount of vacant commercial space (offices, shops, etc.) which has become apparent with the changing environment following the pandemic. This has not been reflected in the calculation of overall need for strategic allocations.
 - TWBC has identified the need for a review of town centre regeneration (scheduled for around 2025) but this should be reflected in the strategy now. Young people need affordable housing close to employment and social amenities. The development of our towns into mixed retail/residential could provide the vibrancy that is so often lacking.
 - The strategy ignored sites with less than 10 units which should have been considered for allocation. These would cumulatively make a notable contribution.
 - With a focus on a growing older generation in the projected housing need, surely it is better to develop the fringes of existing settlements with access to local amenities rather than destroy the countryside in a remote location such as Tudeley.
- 3.15. TWBC has failed to adequately consider all these alternative options ahead of creating a garden settlement on Capel's beautiful, productive green belt, and extensive development on the floodplain.
- 3.16. In addition, the NPPF requires local plans to maximise density of housing in its allocations and this does not appear to have been the case.
- 3.17. Save Capel therefore submits that this Policy is not 'justified' and has not been prepared in accordance with the NPPF.

Sustainability

- 3.18. The National Planning Policy Framework states (Feb 2019) that "*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)*". These three objectives comprise an economic, a social and an environmental objective.
- 3.19. In their Non-Technical Note (SA p.5), TWBC explain that they conducted SA assessments for individual sites which were then grouped to allow a cumulative impact assessment at parish level and ultimately for the borough. It goes on to state that the "*the key findings of this process were that significant beneficial effects were expected for most economic and social sustainability objectives. The environmental objectives were found to produce either highly mixed, neutral or negative scores essentially reflecting the increased pressures that employment sites and a significant number of new dwellings would put upon sensitive environmental features such as landscape and heritage.*"

- 3.20. This seems to indicate that even by their own assessment, the TWBC Local Plan falls short of the NPPF's sustainability objectives.
- 3.21. As Tudeley Village and East Capel are such a critical part of the overall Local Plan – contributing over half of total housing need – any SA assessment for these two sites must be heavily weighted and strongly impact the sustainability of the overall Local Plan.
- 3.22. Given the flawed and unsustainable scoring for Tudeley Village and East Capel, this implies that TWBC are NOT following the NPPF requirement for a balance between economic, social and environmental aspects. please refer to our comments on the Sustainability Appraisal in Section 2 and the 'Alternative Sites Report' in [Appendix 8](#).
- 3.23. This development strategy is therefore NOT SUSTAINABLE

STR 2 Place Shaping and Design

- 3.24. This policy is not consistent with Policy STR 1 in that the development at Tudeley and East Capel will not respond positively to the local character and preserve and enhance the quality of the existing community and its environs.
- 3.25. The TWBC's Local Plan seeks low levels of car use, yet Tudeley Village is an isolated location, which relies on the private car.
- 3.26. The Tudeley Village Proposals do not demonstrate how the scheme has been informed by landscape character and context. An early understanding of character and context is a basic requirement of good design as set out in the Kent Design Guide (Kent County Council 2000) and the more recent MHCLG 2019 policies and guidance relating to AONB and its setting.
- 3.27. The design principles that have been presented do not follow established best practice 'placemaking principles. Features such as straight roads, extensive use of rear parking courtyards; and limited opportunities to integrate green infrastructure do not reflect best practice principles, such as those set out in the National and County Design Guide, 'Manual for Streets and Parking what works where'. Overall, the vignette appears to lack cohesion and clear strategy for public realm streets and open space.
- 3.28. The policy states that "all new development must respond positively to local character and context to preserve and enhance the quality of existing communities..." The existing community in Capel is characteristically rural, centred around an agricultural landscape. How does creating an urban residential development complete with all associated infrastructure enhance the quality of this community?

STR 3 Brownfield Land

- 3.29. TWBC has not exhaustively analysed the availability of Brownfield sites (BFS) in the borough and has ignored potential sites for strategic development in those areas outside GB and AONB.
- 3.30. The register was reviewed in 2020 but we believe there are more sites that could be utilised. TWBC passively "requested" new BFS but did not proactively seek new BFS, in order to state that its register is up to date – to meet the legal not more than 1 year old basis. No new sites came forward but Save Capel has sought potential BFS and found the potential for a great deal of housing on sites not on the TWBC BFS register.
- 3.31. TWBC's latest Brownfield Register contains 38 sites with a total of 805 proposed dwellings.
- 3.32. Of these, 30 sites have been permissioned. This would yield a total of only 500 housing units from brownfield sites – failing to make a meaningful contribution to the Plan.

- 3.33. While the brownfield potential in the borough is constrained, the existing Register is far from complete and there is a MUCH larger brownfield potential that needs to be identified and evaluated as a priority BEFORE resorting to building on Green Belt / AONB land.
- 3.34. TWBC has not proactively undertaken this effort to date.
- 3.35. Through our own efforts we have identified c. 50 brownfield sites with an incremental housing potential of c. 1,800 dwellings (at 30 dph). This is incremental to the Alternative Sites numbers.
- 3.36. Increasing housing density from 30 dph to 50 dph which we believe should be the norm – especially for brownfield sites would increase the housing yield for these new brownfield sites from 1,800 to 2,900 dwellings (in addition to the existing 500 dwellings on the register).
- 3.37. Save Capel’s assessment of Brownfield potential is included in ‘Alternative sites’ - [Appendix 8](#).

STR 4 Ensuring Comprehensive Development

- 3.38. The garden settlement at Tudeley can never be one settlement as it is divided by a railway line that has very narrow, weak crossings. Putting in larger crossings at frequent points across the railway may be possible but it will not tie the two halves of the settlement together enough to make it one settlement, so it will not satisfy garden settlement principles.
- 3.39. A key strategic item underpinning the comprehensive development and therefore sustainability of the development is the proposed station at Tudeley, however this has been dismissed by Network Rail as unviable both financially and operationally.
- 3.40. Tudeley garden settlement constitutes a very large portion of the apparent housing need and the delivery of this undertaking is an extremely complex development transforming a rural farming area with no real infrastructure, into an urban settlement. TWBC are entrusting control and development of this pivotal part of their Local Plan to the inexperienced landowner to deliver who is relying on a collective of experts with no common goal to deliver this vanity project. For the landowner to claim alignment and parity with The Prince’s Trust housing developments at locations such as Poundbury in Dorset (still not completed after some 28 years) is arrogant in the extreme.
- 3.41. Masterplanning of Tudeley is lacking in any detail and what is shown only relates to the proposed settlement and does not dovetail with the overall Capel scheme, with disconnected masterplanning by David Lock Associates (“DLA”).
- 3.42. Sites need to make economic sense for housing developers to consider optioning. For any major housing developer who is capable of delivering Tudeley as proposed, the sheer amount of cost that will be consumed by the infrastructure requirements means they will struggle to breakeven or make a profit on what is, for them, a relatively small number of overall units. Securing developers who are willing to risk this maybe a challenge in itself.
- 3.43. TWBC has not considered the cumulative impact with the local plans of neighbouring LPAs, where development is proposed at Laddingford, adjacent to East Capel (MBC) and the effect of cumulative development in the Tonbridge area (TMBC). This has huge implications on transport & infrastructure, in particular, and demonstrates that this plan is not “positively prepared”.

STR 7 Climate Change

- 3.44. This policy is unsound because it is not deliverable. TWBC declared a Climate Emergency in July 2019 and, whilst it has set a commitment to become carbon neutral by 2030, the PSLP represents the worst of two evils.
- 3.45. The destruction of 600 acres of prime fertile farmland, orchards, berry growing fields, ancient woodlands, hedges and open grassland, will reduce the natural carbon absorption process.

- 3.46. The huge developments within Capel can only contribute to the inevitable heat island effect, and the emissions from such a vast growth in transport, especially during 20 years of construction, will increase air pollution in the borough, Tonbridge and the wider area.
- 3.47. Policy EN3 uses Energy Calculations as the Indicator for achieving its Climate Change target. However, energy calculations alone do not take account of the additional CO2 burden contributed by the construction of all the houses, roads and parking spaces in the proposed developments, commercial buildings, sports hub, schools, clinics etc.
- 3.48. There is little evidence of any partner engagement, particularly with respect to the community, to fully analyse the impact of a very large and disproportionate development at Tudeley, which will be an isolated settlement poorly connected to any transport infrastructure other than proposed footpaths and cycle ways. This will mean more use of private cars, which even if electric, still cause pollution with tyre and brake dust amongst other hydrocarbon pollutants such as oil etc.
- 3.49. The Tudeley Village Masterplan does not state the carbon-based fuels are prohibited from use in the dwellings. If not prohibited, the CO2 burden could increase still further.
- 3.50. To give some perspective, TWBC claims that its carbon emissions have been reduced from 6,046 tonne equivalents of CO2 in 2013/14 to 3,473 tonne equivalents in 2018/19. However, construction of 4,900 houses generating 17,000 metric tonnes of CO2 vastly outweighs the current claimed amount of CO2 emissions. This is explained in our topic paper on pollution – [Appendix 10](#).

STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

3. Development proposals must be informed by a clear understanding of the landscape context (on- and off-site) and demonstrate how it has incorporated and enhanced site characteristics and landscape features, avoiding and minimising harm wherever possible. Landscape mitigation, where required, should be identified at the outset of the scheme design process to ensure that proposals are truly landscape-led and should be used to reinforce and restore landscape character.

- 3.51. An SER and EVI will be undertaken at planning application stage should the Inspector approve the plan. The SER scope is contained within the LP Sustainability Appraisal but there is no in-depth assessment of individual heritage assets as supporting documentation nor mitigation identified at the outset. No evidence is offered as to how the three key areas will be conserved and enhanced. The Policy is contradictory – if mitigation of harm is required neither conserving nor enhancing is possible.
- 3.52. Landscape mitigation is stated as being required “at the outset of the scheme design process”. It is therefore assumed that this basic scheme mitigation design has been completed at the Pre-Submission Plan stage yet no basic details of how this is envisaged to be achieved in Tudeley and East Capel have been provided.
- 3.53. There is no detail of how, as stated in paras 6 & 7, biodiversity, green corridors, green infrastructure, historic field patterns, listed buildings and their setting are going to be enhanced in Tudeley and East Capel with a planned nearly 5000 houses being dumped in current rural setting.
- 3.54. Many promises are made regarding the preservation and enhancement of biodiversity, heritage, landscape, sites of geological interest etc. but very little if any detail on how this will be achieved both physically and financially in the evidence documentation.
- 3.55. TWBC is one of only four councils who have adopted Bio- Net gain policies ahead of mandatory national adoption. The assessment by the Durrell Institute into these councils’ performance during 2020 indicates that in reality net gains translate into considerable loss of habitat and an expectation of non-urban habitat decreasing by 21%.

- 3.56. The PSLP does not indicate any effective robust measures to counter this and thus is not positively prepared, is inconsistent with Government strategy and the plan unsound.

STR 9 Green Belt

- 3.57. This policy is **unsound** as it does not meet the 'exceptional circumstance' test (NPPF para 136) where the proposed removal of Green Belt in Capel is not fully evidenced and justified.
- 3.58. TWBC has failed to consider the Conservative 2019 manifesto which promised to protect the Green Belt. Recent statements by ministers have reinforced this position:
- On 3rd March PM Johnson said *"we will protect or green belt, our vital green belt, and which constitutes, I think, 12.4% of our land, but we can build our homes, as my Right Honourable friend rightly suggests, 300,000 of them on brownfield sites across the country"*
 - On 29th April HCLG Minister Pincher said *"This Government is committed to protecting and enhancing the Green Belt and there are strong protections for Green Belt land provided in the National Planning Policy Framework. A local authority can alter the boundary of Green Belt land only in exceptional circumstances and where it can demonstrate that it has fully examined all other reasonable options for meeting its development need. This means that the authority should show that it has used as much brownfield land as possible, optimised development densities, and discussed with neighbouring authorities whether they could accommodate some of the development needed. The Framework also makes clear that most new building is inappropriate in the Green Belt and should be refused planning permission unless there are very special circumstances"*.
- 3.59. TWBC has not exhaustively analysed the availability of Brownfield sites in the Borough and have ignored potential sites for strategic development in those areas outside GB and AONB.
- 3.60. In addition to the effect these Strategic Sites will have on the contribution of this part of the Green belt, there is a strong adverse impact of the proposed Tudeley Village on the landscape of the whole Medway Valley. TWBC should consider the fact that the Tudeley site (STR/SS 3) lies on the North slope of the Medway Valley, and is visible from all points along the North slope, from up to twelve miles away, and appears against the backdrop of the High Weald AONB.
- 3.61. Before TWBC can release these two sites they not only have to show that the benefits outweigh the adverse impacts, but that these are truly Exceptional Circumstances. Many LPAs have used the combination of a failure to otherwise meet housing need and the relatively poor performance of parcels of green belt land to release the poor performing parcels. But these allocations perform strongly against the purposes of the Green Belt, even by TWBC's much diluted assessment.
- 3.62. Compensatory re-designation has not been included in the PSLP and the 'very special circumstances' referred to above are not demonstrated and justified.
- 3.63. The opportunities for mitigation appear to be very limited and the Policy is unclear as to what and how adequate measures will be provided.

4. STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

- 4.1. Save Capel submits that this Policy, and the substantial contribution of this allocation to the overall Growth Strategy, is **unsound in its present form** for the following reasons;

It is **not positively prepared** because;

- Its OAN has been based on out-of-date statistical data and has failed to reflect the Borough's constraints of green belt and flood zones in establishing its planned need.
- Exceptional circumstances exist in the Borough which would allow a departure from the 'standard method'.
- TWBC did not fully engage with other LPAs, including those outside the HMA with less constraints, to establish whether they could take any 'unmet need'.
- It has not considered truly local needs and is not 'objectively assessed'.
- The consultation process was inadequate and deeply flawed.
- It has disregarded local public opinion expressed in responses at Regulation 18 and the 'Vision for Capel' questionnaire in the preparation of the Capel Neighbourhood Plan, which has direct bearing on the siting of new housing.
- The Plan has not considered the cumulative impact with the local plans of neighbouring LPAs, particularly on transport & infrastructure.

It is **not justified** because;

- A revised OAN target using the latest government statistics would result in a lower OAN and thus, less pressure on the Plan to consider development on constrained areas.
- 'Windfall sites' are understated which has not reflected the recent changes in legislation that promotes the change of use of urban sites to residential. The strategy ignored sites with less than 10 units which should have been considered for allocation.
- It has failed to rigorously identify all other brownfield opportunities, including those resulting from the changing need for office/retail space. In particular, post-covid.
- The review of town centre regeneration (scheduled for around 2025) should be reflected in the growth strategy needs now.
- It is not demonstrated that development at East Capel is the most appropriate strategy and reasonable alternatives have not been considered fully before developing this green belt.
- The Sustainability Appraisal for East Capel is flawed and has not been evidenced by an assessment at the 62 sub-question level.
- It fails to acknowledge the cumulative effect of increased transport from housing and adjacent quarry development in a balanced way. It ignores key evidence of traffic safety impacts associated with HGVs using inadequate local roads, most of which are narrow country lanes, and fails to acknowledge the issue of pollution associated with increased vehicular traffic including HGVs.

It is **not effective** because;

- It is not evidenced by a statement of common ground with neighbouring TMBC.

- It is relying heavily on two strategic sites (including this allocation) in unsustainable locations for delivery of its housing target which represents an unacceptable risk for the borough.
- This allocation is proposed to deliver 300 units per annum by 2025/2026 which is optimistic and affects the 5-year supply requirement.
- It relies entirely on the deliverability of substantial infrastructure where the evidence base documents are inconsistent, contradictory and unrealistically optimistic.
- The evidence does not support the extent of infrastructure interventions required to deliver sustainable development and the Infrastructure Plan does not effectively mitigate the impacts of the STR/SS 1 development and/or is commercially unviable.
- There is no demonstrated commitment to “I” Before “E” with key community and transport infrastructure being ‘medium or long-term’ and a reliance on s106 funding.

It is **not consistent with the NPPF**, specifically in respect of the nature of the East Capel site and its planned development;

- Exceptional circumstances exist in the Borough which would allow a departure from the ‘standard method’. This could avoid development on this green belt.
- The evidence presented does not support the conclusion that the site ‘on balance’ meets Sustainability criteria (i.e., on social, environmental and economic grounds).
- There are “severe” traffic impacts, which have not been adequately mitigated, and the impacts of which will be social (access to services), environmental (such as road safety and air pollution), and economic (congestion will cause delays, with economic cost). The Plan does not meet the tests set out in the NPPF (para 109) and is undeliverable.
- It has not been prepared following the guiding principle in NPPF that ‘... local people ... can produce their own [local] plans which reflects the needs and priorities of their communities.’
- Green Belt boundaries should only be altered in ‘*exceptional circumstances*’ which are ‘*fully evidenced*’ (NPPF para 136). These proposals do not meet these requirements.
- The allocated development will have considerable and harmful cumulative effects, including the setting of adjacent AONB, and is inappropriate in scale and extent.
- The Plan has failed to adequately assess the impact on heritage assets and their setting.
- It does not demonstrate that the development will any way manage, conserve nor enhance biodiversity.
- The plan does not demonstrate that the proposed development will provide wider sustainable benefits that outweigh flood risk, nor that it will be “safe for its lifetime”.
- TWBC has not demonstrated how the proposed flood mitigation measures will ensure that the development will not cause flooding to existing properties.

- 4.2. Whilst the level of detailed evidence required to support an allocation in the local plan is not the same as for the subsequent SPDs and a planning application, 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.

- 4.3. These arguments are explained further under the following topic areas.

Consistency with other policies

- 4.4. This representation acknowledges the objectives of TWBC and supports many of the policies set out in the PSLP. However, the allocation at East Capel (STR/SS 1) directly contradicts several other policies and is inconsistent with much of the evidence base.

Policy EN4 - Historic Environment

- 4.5. This Policy uses terms such as “have regard, where possible, consideration” words that do not convey any surety that the Policy will safeguard our unique historic environment despite acknowledging that it is an irreplaceable asset. The sheer scale of the change of setting from rural to urban in Capel with 4000+ houses does not show “sensitivity”.

Policy EN5 - Heritage Assets

- 4.6. It is to be hoped that TWBC abide by this policy and recognise the significant harm that the LP as it stands will cause. Housing need alone cannot be used as any justification. Given the scale of the proposals the setting of many assets will be significantly harmed.

Policy EN8 - Outdoor Lighting and Dark Skies

- 4.7. Light pollution is one of the most rapidly increasing types of environmental degradation. Light pollution maps enable the tracking of changes in light pollution across the country. Lights can account for between 15-30% of a council’s carbon emissions.
- 4.8. With few exceptions, everything we build is lit at night, including homes, streets and roads, bridges, commercial buildings, parking lots, etc. Sky glow, glare and light spillage can disrupt the behaviour of flora and fauna. Year on year, artificial lighting is increasing by about 6%.
- 4.9. This increase will exacerbate known and possible unknown effects of light pollution on human health, environment and on the visual perception of the Universe by humans due to the location, intensity, and wavelength of the emitted light at night.
- 4.10. TWBC’s strategy EN8 is to “maintain current level of lighting in rural areas.” The target is “no deterioration in dark skies mapping outside allocated areas.” The implication of this is that lighting levels will not be reduced with the new development, so the density of lighting could remain the same per area of construction, but as the area grows, it could spread the light pollution more widely.
- 4.11. Light pollution will be an insurmountable issue which will affect not only residents of the development but wildlife and biodiversity assets currently thriving. If this is proposed to be mitigated by reducing lighting density throughout the settlement, this would no doubt lead to more crime as has been the case in other “Garden Settlements”.

Policy EN18 - Rural Landscape

- 4.12. Several “roads” within Capel are included in the “Rural Lanes” Supplementary Planning Document.
- 4.13. It is unclear and no evidence produced how this Policy relates or supports in any way the Strategic Sites Policies. The plans WILL result in unsympathetic change to important rural lanes. A new by-pass will undoubtedly include street lighting as will settlements themselves. As such the evidence base to support the two sites and accompanying new road infrastructure is unsound.

Landscape

- 4.14. Save Capel has commissioned JFA Environmental Planning (“JFA”) to prepare a ‘Landscape Visual Assessment’ of the proposed allocation site at East Capel. This appraisal considers the current visual and baseline context of Paddock Wood and East of Capel (STR/SS 1) and then assesses the potential impact of its removal from Metropolitan Green Belt designation on the existing landscape character area. The PSLP and supporting evidence base has been reviewed and the report, which informs this submission, is included as [Appendix 6](#).
- 4.15. The review of the allocation proposal concentrates on the principle of development in this location which is presently Green Belt, the landscape’s capacity to accept development, and the potential effects of the proposals on landscape character and viewpoints from the High Weald AONB.
- 4.16. This area in general is described in the TWBC ‘Landscape Sensitivity’ report as providing an *‘important role in preserving separation from Five Oak Green and linear development extending out eastward from it’* (page 61).
- 4.17. As TWBC’s Landscape Character Assessment has also stated, this is a *‘sensitive location for development’*. Any large-scale development is likely to have considerable consequences for viewpoints to and from the High Weald AONB.
- 4.18. The scale of the present proposal seen in context with other potential and consented development will have harmful effects on the landscape character and openness within the setting of the High Weald AONB and Metropolitan Green Belt, which will be hard to mitigate. There are currently three consented smaller residential sites located on the southern and eastern built settlement edges of Paddock Wood (up to 1,126 homes), and another Garden Village proposal at Tudeley (2,800 homes).
- 4.19. These sites will have considerable and harmful cumulative effects on what is at present open countryside within the Metropolitan Green Belt.
- 4.20. This level of proposed development is inappropriate for this location even if the area is removed from Green Belt and will have the following consequences:

- *Encroach extensively into open countryside*

The proposed allocation site is situated in an area currently designated as Green Belt, a functional designation to prevent coalescence and maintain openness between settlements. 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;

- *Reduce the gap between settlements establishing coalescence*

Whetsted and Paddock Wood will appear to coalesce and the gap between Five Oak Green and Paddock Wood will be more than halved from approximately 1km to 400m. This reduced size of gap will be barely discernible at a distance and the full extent of cumulative development (consented and proposed) will be visually intrusive in views from adjacent higher ground;

- *Greenfield Development*

There are limited public transport facilities, and this is not a sustainable location;

- *Have a visual impact on views in and out from the historic settlements of Capel and Tudeley*

Both Tudeley and Capel are typical Low Weald hamlets recognised as retaining vernacular character and local distinctiveness. The proposal will impact on this character and visually impact on the setting of these historic settlements;

▪ *Impact on the setting of many Listed Buildings*

The hamlets of Tudeley and Capel which have grown up around Grade I churches, and the cluster of listed features and buildings associated with Badsell Manor Farm (less than 50m from development) will see visual impact and a degradation in their setting; and

▪ *High level of development into the immediate setting of the AONB*

The allocation site 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 western side, which is highly visible from certain viewpoints.

- 4.21. In paragraph 136 of the NPPF it says Green Belt boundaries should only be altered in ‘*exceptional circumstances*’ which are ‘*fully evidenced*’. These proposals do not meet these requirements.
- 4.22. In conclusion, the scale of the present allocation site proposal at East Capel is inappropriate in scale and extent.

Heritage

- 4.23. *5.154 Whilst there are no listed buildings within the allocated sites, there are clusters of listed buildings adjacent to the site boundaries at Badsell Manor Farm, Whetsted, Mascalls Court, and south of Church Farm. The settings of these buildings form an important part of the heritage of the town. They are predominantly related to the agricultural and productive land history of the town, featuring some examples of oast houses (for drying of hops) and traditional farmsteads.*
- 4.24. The strategy itself makes no mention of heritage protection or enhancement. The above refers twice to “the town”. Capel is not part of Paddock Wood Town.
- 4.25. The masterplan heritage section is lacking any detail. 9 small paragraphs to cover the whole subject.
- "Site context"
- 4.108 High concentration of oast houses around Paddock Wood*
- 4.109 Except for a single building within the town centre allocation, no listed buildings lie within the draft allocations*
- 4.110 There are clusters of listed buildings adjacent to the site boundaries at:*
- *Badsell Manor Farm*
 - *Whetsted village*
 - *Mascalls Court*
 - *S of Church Farm*
- 4.111 The settings of these buildings form an important part of the heritage of the town”.*
- 4.26. No in-depth research has been undertaken regarding heritage assets, for instance Tudeley Brook Farm on the boundary of the site, although not listed is within the HER as an historic farmstead. Without a clear understanding of the area of the proposal the masterplanning has not been positively prepared.
- 4.27. Badsell Manor itself as previously noted has 13C origins and is of great local significance as a moated manor house in a lovely rural setting and is somewhat more than just “on the boundary” – DLA do not mention this fact but do refer to a site to the east of Paddock with the remains of a former moat which would suggest a downplaying of a valuable asset.
- 4.28. *4.114 “The setting of the listed heritage properties needs to be considered carefully with opportunities to create views towards these historic sites”*

- 4.29. Whilst views towards the manor for residents of the new town might be pleasant, views from the manor and its setting do not warrant a mention!
- 4.30. "A revision of ancient Woodland" TWBC 2007. Map 5 shows an area of ancient woodland south of Lydd Farm and appears to be in the path of the proposed new FOG By-Pass. "Access and Movement" by Stantec shows the indicative path but not only omits showing ancient woodland but any trees.
- 4.31. No mention has been made of how the IAs (Important Areas) for noise identified by DEFRA on the A228 will be addressed. One IA is Dampiers roundabout which will be significantly exacerbated by the increase in vehicles and affect the setting of the cluster of HA's located at Badsell Manor, the other the IA which runs close to Whetsted again identified above as a cluster of HA's. Again, the masterplanning appears cursory with no clear understanding of the strategic sites and cannot be considered as positively prepared.
- 4.32. Our Heritage team has produced a comprehensive report ([appendix 11](#)).

Transport & Infrastructure

- 4.33. TWBC has engaged David Lock Associates ("DLA") to prepare the masterplanning of Transport & Infrastructure for the Strategic Sites in the PSLP. This includes an assessment of the necessary infrastructure for three scenarios: (1) Paddock Wood and East Capel, and Tudeley Village both going forward; (2) Paddock Wood and East Capel only (this Policy); (3) Tudeley Village only (STR/SS 3).
- 4.34. DLA has recommended scenario (1) and this has been included in the PSLP. This would require substantial new infrastructure to mitigate the impact of planned development which is set out in DLA's Infrastructure Framework (section 6 of its Main Report).
- 4.35. Due to multiple developers/promoters, there are huge risks associated with the delivery of STR/SS 1 which DLA 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"*.
- 4.36. In addition, further strategic risks would arise in the deliverability of the PSLP 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).
- 4.37. Given the scale of the proposed developments and new infrastructure required, Save Capel has engaged Motion Consultants Ltd ("Motion") to provide an independent expert review. Motion's report is an important part of this representation and can be found as [Appendix 1](#).
- 4.38. Whilst the site in East Capel (STR/SS 1) is located near existing infrastructure (e.g. A228), the PSLP has failed to assess the cumulative impacts with the local plans of neighbouring LPAs, where development is proposed at Laddingford, adjacent to East Capel (MBC) and the effect of cumulative development in the Tonbridge borough on the local road network.
- 4.39. 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.
- 4.40. 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.

- 4.41. 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 and the Policy is **not consistent with the NPPF** and unsound.
- 4.42. The TWBC transport evidence base has significant inconsistencies between reports which claim to be assessing the same matters (see Motion report paragraphs 8.7 to 8.10). The consequence of this is that the total change in road traffic arising from the 3 Allocations (in Paddock Wood, East Capel and Tudeley Village) is not clear.
- 4.43. Motion considers that the true impact of road traffic arising from the 3 Allocations is underestimated because the mode shift assumptions are inconsistent and either selectively or incorrectly applied.
- 4.44. Therefore, the proposed significant infrastructure interventions which are fundamental to the delivery of the 3 Allocations either do not effectively mitigate the impacts of the 3 Allocations and / or are commercially unviable.
- 4.45. The differences in the timing and allocation of infrastructure between the Masterplanning Report, the Stantec Study and the Sweco Study and the Viability Assessment are so great as to render the Viability Assessment otiose.
- 4.46. The proposed phasing and delivery of these allocations is not “effective” in soundness terms because the funding of “Infrastructure” before “Expansion” is not justified in the Plan. Several pre-occupation mitigations are considered necessary by Motion, which have not been appropriately phased in the Infrastructure Plan:
- The FOG Bypass would be required. This is because the B2017 is unsuitable to safely accommodate increases in road traffic especially heavy vehicles such as pantechincons;
 - The FOG Bypass is reliant on delivery of the A228 Colts Hill Bypass which would therefore need to be delivered in parallel with the FOG Bypass. The A228 Colts Hill Bypass would be required any way because the road in its current format cannot safely accommodate increases in road traffic;
 - The complete network of pedestrian and cycle routes and improvements will be required. This is because pedestrian and cycle infrastructure currently does not exist connecting the 3 Allocations to adjacent settlements; and
 - A comprehensive network of bus routes will be required. This is because the current bus provision fails to cater for the demands arising from strategic development.
- 4.47. In order to deliver this necessary infrastructure in a timely manner, Motion considers that it will need to be advance funded by the public purse. There is no mechanism identified in the evidence base to explain how this will be achieved. Nor is there a commitment by TWBC that the public purse will be made available to cover the shortfall in infrastructure funding early in the Plan period.
- 4.48. Motion concludes that as proposed, the proposed residential allocations at Tudeley Village, East Capel and Paddock Wood, either in isolation or cumulatively, will result in:
- Cumulative residual impacts on the road network which are severe; and
 - Unacceptable impacts on highway safety.

- 4.49. These are the tests set out in paragraph 109 of the NPPF for refusing planning permission for a development. As a consequence, there is no prospect of planning permission being granted for development at Tudeley Village, East Capel and / or Paddock Wood.
- 4.50. The proposed allocation at East Capel should therefore be removed from the Local Plan as it is not effective in terms of soundness and undeliverable.

Biodiversity

- 4.51. TWBC accept there will be 'perceived' coalescence between Paddock Wood (PW) at East Capel and Five Oak Green (FOG).
- 4.52. Whetsted Wood is vital to wildlife, but housing to the north and flood mitigation to the south, mean habitat and movement will be severely restricted.
- 4.53. The flood mitigation area to the south is also described as a 'Wetlands Park'. This will border the A228, which could become a danger to drivers and wildlife should retention fail in this flood-prone area.
- 4.54. Other DLA claim is there will be '...ecological and landscape enhancements as part of the exceptional circumstances case for the release of this Green Belt land...' Without description this is merely aspirational.
- 4.55. The loss of habitat and encirclement of East Capel by housing and road networks makes biodiversity gain seem impossible; it is therefore not surprising there is no clear indication as to how it will be achieved. Wetlands are no alternative to field and woodland fauna and flora.

Fauna & flora

- 4.56. Endangered species are present within the Capel sites, including EU protected species (Great Crested Newts, Dormice, Bats and Badgers).
- 4.57. Habitat loss: the proposals can only exacerbate the decline through removal of suitable habitat for field and ground-nesting birds, which will be squeezed in all directions by the developments and gravel excavations.
- 4.58. Four species of owl also occur in the area (Tawny, Little, Barn, Long-eared), an unusually diverse number and any loss is a serious conservation concern.
- 4.59. All these species should be taken into consideration by a public body performing its functions with a view to conserving biodiversity. However, there is little in the Local Plan to confirm mitigation measures beyond a 'wetlands park' in East Capel and HE's vague promises.
- 4.60. Rare plants include the Greater Butterfly Orchid and the True Fox Sedge (both are on the Vascular Plant Red Data List for Great Britain).

Domestic pets

- 4.61. Ownership: pre-pandemic 26% of the population owned a cat, 24% a dog; this has increased by 11%. (4,800 homes = 1,500 cats/1,400 dogs).
- 4.62. Off-lead dogs disturb ground-nesting birds and dog faeces over-enrich soil, encouraging plants like nettles, which outgrow specialist fauna.
- 4.63. The Mammal Society estimates UK cats catch 275 million prey a year; 27 million are birds but wild mammals, reptiles and amphibians are also killed in large numbers.

- 4.64. A cat can roam between 100m to 3km. This brings the RSPB reserve at Tudeley Woods and the rich Medway flood zone into the feline hunting zone. The impact on wildlife of cats will be devastating.

Summary

- 4.65. Policy EN9 recognises that important habitats and protected and notable species are not confined to designated sites but can be found on any site (Page 356 PSLP). The evidence gathered above supports and endorses this fact. However, the plan does not demonstrate that the strategic sites will any way manage, conserve nor enhance biodiversity. At best the proposals are aspirational at worst destructive.
- 4.66. Our research team has prepared a comprehensive report on biodiversity ([appendix 12](#)).

Flood risk, water supply, & sewerage

- 4.67. Save Capel submitted a comprehensive flood risk, water supply, & sewerage report prepared by our research team at Regulation 18 ([see appendix 13](#)) which identified several issues with the site allocation at East Capel (then identified as PW1). These remain relevant and can be summarised as :

- The plan does not demonstrate that the proposed development will provide wider sustainable benefits that outweigh flood risk, nor that it will be “safe for its lifetime”. The sustainability of any residential development should be considered over a minimum of 100 years. Therefore, the plan does not justify that this site, in such a location that requires measures to mitigate its flooding risk on a floodplain, will not flood in its lifetime, especially with the climate change uncertainties that must be considered.
- TWBC has not demonstrated how the proposed mitigation measures will ensure that the development will not cause flooding in the vicinity or further down river. The loss of flood water storage in the agricultural terrain and run-off/drainage from the buildings and hard surfaces will certainly increase the flood risk to all surrounding areas.
- The proposed development on the floodplain is in direct contrast with the policy of using the Sequential approach of locating development away from watercourses. The opportunity to restore floodplain in previously developed areas is extremely limited. Even re-wilding the flood plain would not protect the areas from surface water, drainage, and groundwater flooding together with the risks of sewage system failures and reservoir breaches.
- The proposed development of housing, commercial, and associated infrastructure in T&M Borough will already lead to considerable additional water flows to the Medway and the floodplain. The cumulative effect on flooding has not been assessed.
- The SFRA assesses the proposed flood defence as increasing the flood risk notably, within the now proposed major residential part, given the increase in flows across the railway line onto the north of the parcel. Flood risk also increases to the existing west Paddock Wood properties. It is difficult to see how any effective further flood defences could be formed given that most of the flooding is simply caused by rain falling on the site faster than it is able to be absorbed due to the nature of the soil. Some water may flow onto the site from adjacent areas but to block this would result in unacceptable problems for those areas.
- The raising of occupied floors of buildings (FFLs) above ground level so that a relatively unobstructed flow route under buildings may substantially reduce flood depths. The SFRA states *“This measure was not implemented as it was agreed with the council that it would be unlikely to be deliverable given the scale and type of development being proposed”*. There have been several relevant developments recently in Capel where the EA has insisted on raised floor levels and containment (tanks, swales, etc.) with restricted discharge.

- The raised levels facilitate the construction of containment tanks and other SuDS initiatives that should be included in the masterplanning. The proposed approach is unsound and comprehensive SuDS are required to mitigate the flood risk of the development on this fully functional floodplain and to ensure pre-treatment of contamination risk prior to infiltration.
- 4.68. The masterplanning for Paddock Wood (STR/ SS 1) has acknowledged some of these issues and a technical note has been included from JBA which updates its SFRA.
- 4.69. The notable changes in the PSLP version include the installation of conveyance channels north of the railway and, significantly, the removal of the potential strategic storage parcels to the south of the masterplan site at East Capel.
- 4.70. 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.
- 4.71. FFLs should be set to the higher of a minimum of 600mm above the 1 in 100-year (1% AEP) plus climate change peak flood level, or 300mm above the general ground level of the site. The proposals still exclude this specification, and the Policy is therefore not deliverable. The additional build costs together with SuDS requirements will affect the viability and it is unclear how these costs have been assessed in the justification of the allocation.
- 4.72. JBA have assessed two options, Option 1 with development in Flood zone 2 being chosen in the PSLP. Their mapping shows that, even with the conveyance channels, increased flows will result outside the masterplan area and therefore run-off rates 'better than greenfield rates' is not demonstrated.
- 4.73. With the floods that have occurred in many parts of the country, and the publicity they have received, potential customers may well avoid purchasing in low lying areas where such flood risk exists. Insurance cover for flooding is likely to be difficult, expensive or even impossible to obtain, and houses built after 2009 cannot benefit from the Flood Re. Scheme.
- 4.74. Save Capel submits that this allocation Policy is not effective nor consistent with national policy and is therefore unsound.

Water supply

- 4.75. At present the water supplying the Capel/Paddock Wood area (WRZ7) is taken from Trottiscliffe and the surrounding areas (from groundwater) where it is treated. This supply is then transported via strategic mains to a storage reservoir at Bour Beech (Seven Mile Lane), then onto the Paddock Wood Service reservoir (Geddes Hill) and then out to supply the local areas. Occasionally the water is also taken from Bewl Water (a surface reservoir) and transferred to the area via trunk mains and a storage reservoir.
- 4.76. South East Water (SEW) has stated that the same sources will be used in the future and forecasts for WRZ7 show there would be a deficit in the amount of water available to supply the growing demand by 2030.
- 4.77. Whilst SEW has stated that there is sufficient capacity in the existing network to supply the planned developments in East and Central Paddock Wood, there will also be large strategic mains installed to take surplus water from a new source of water at Aylesford towards Beech reservoir by 2023.
- 4.78. This will allow more water to be transported in and around the WRZ7 area via the large strategic mains and to support the expected growth in consumption at East Capel. For the new source at Aylesford some of the existing network between Beech and Paddock Wood will need to be reinforced.

- 4.79. The Water Act enables SEW to charge developers for contributions towards any reinforcement and new mains required as a result of new development to ensure it maintains levels of service for both new and existing customers. The cost of contribution is based upon the cost of both on-site and off-site mains less all the revenue SEW receives over the first 12 years for the new properties.

Sewerage

- 4.80. There is a single treatment plant that serves Capel, Paddock Wood, and surrounding areas which is located at Rhoden, Paddock Wood. The total catchment area is approximately 3,600ha, with an elevation range of 7mAOD to 149mAOD and the sewerage system is primarily separate.
- 4.81. The Paddock Wood foul drainage system is split into two distinct areas by Tudeley Brook. The western area comprises of the village of Five Oak Green and several hamlets and farms to the south, connected to the network by a terminal SPS. In Paddock Wood piped flows drain north east to two terminal SPS discharging to the treatment works.
- 4.82. Sewerage from Five Oak Green is pumped to the treatment plant at Paddock Wood by a pumping station situated between Oak Road and Larkfield. There is a catchment tank which can hold enough to give time to bring tankers if the station fails. Failure occurs on a regular basis due to plant age, pipe failure both upstream and downstream, or power supply failure.
- 4.83. Sewer flooding is already a regular problem within Paddock Wood/Five Oak Green and, due to lack of investment over many years, the current system is already at capacity. Recent developments have been delayed/suspended as Southern Water (SW) is working with developers on additional storage capacity solutions as any further connectivity to the current infrastructure will seriously compromise existing users.
- 4.84. Existing sewers have already become overloaded as new developments add to the discharge to their catchment, due to incremental increases in roofed and paved surfaces at the individual property scale and sewer flooding is already a major problem. New homes are being built and connected to a sewerage system that is already so inadequate that it results in sewage flowing through the streets and the flooding of existing properties. The overload of the current network has unacceptable, unhealthy and frankly disgusting consequences for residents.
- 4.85. SW note that treatment capacity is currently limited at Paddock Wood, and the levels of development proposed exceed the current catchment forecast. The level of growth outlined at this stage for Paddock Wood will more than double the size of the catchment, triggering the need for investment in network and treatment capacity solutions.
- 4.86. Whilst land around the existing plant has been safeguarded for necessary expansion, SW do not currently have an allocated budget for any extension and have not provided any guidance on its expected delivery.
- 4.87. Developer contributions for local sewerage infrastructure will be secured through the New Infrastructure Charge. Additional investment in wastewater treatment works is funded by SW through the water industry's price review process as agreed by Ofwat.
- 4.88. It is essential that the upgraded water and sewerage infrastructure is provided in a timely manner and the Infrastructure Plan is lacking convincing detail to justify this.

5. STR/SS 2 The Strategy for Paddock Wood Town Centre

- 5.1. Masterplanning for this allocation policy is NOT in the public domain although considerable work has been undertaken on it. It will only be available as an SPD at a later stage.
- 5.2. It is therefore not justified that this policy is consistent with STR/SS 1.

6. STR/SS 3 The Strategy for Tudeley Village

- 6.1. Save Capel submits that this Policy, and the substantial contribution of this allocation to the overall Growth Strategy, is **unsound in its present form** for the following reasons;

It is **not positively prepared** because;

- Its OAN has been based on out-of-date statistical data and has failed to reflect the Borough's constraints of green belt and flood zones in establishing its planned need.
- Exceptional circumstances exist in the Borough which would allow a departure from the 'standard method'.
- TWBC did not approach other LPAs, including those outside the HMA with less constraints, to establish whether they could take any 'unmet need'.
- It has not considered truly local needs and is not 'objectively assessed'.
- It has disregarded local public opinion expressed in responses at Regulation 18 and the 'Vision for Capel' questionnaire in the preparation of the Capel Neighbourhood Plan, which has direct bearing on the siting of new housing.
- The Plan has not considered the cumulative impact with the local plans of neighbouring LPAs, particularly on transport & infrastructure.
- TWBC has failed to get the support of Tonbridge & Malling who will be most affected by the increased traffic and demand for services.

It is **not justified** because;

- A revised OAN target using the latest government statistics would result in a lower OAN and thus, less pressure on the Plan to consider development on constrained areas.
- 'Windfall sites' are understated which has not reflected the recent changes in legislation that promotes the change of use of urban sites to residential. The strategy ignored sites with less than 10 units which should have been considered for allocation.
- It has failed to rigorously identify all other brownfield opportunities, including those resulting from the changing need for office/retail space. In particular, post-covid changes.
- The review of town centre regeneration (scheduled for around 2025) should be reflected in the growth strategy needs now.
- It is not demonstrated that a garden settlement at Tudeley is the most appropriate strategy and reasonable alternatives have not been considered fully before developing this green belt.
- The Sustainability Appraisal for Tudeley is flawed and has not been evidenced by an assessment at the 62 sub-question level.
- The division of the settlement by the railway does not meet 'garden settlement principles'.

- It fails to acknowledge the cumulative effect of increased transport from housing and adjacent quarry development in a balanced way. It ignores key evidence of traffic safety impacts associated with HGVs using inadequate local roads, most of which are narrow country lanes, and fails to acknowledge the issue of pollution associated with increased vehicular traffic including HGVs.

It is **not effective** because;

- It is not evidenced by a statement of common ground with neighbouring TMBC.
- It is relying heavily on two strategic sites (including this allocation) in unsustainable locations for delivery of its housing target which represents an unacceptable risk for the borough.
- This allocation is proposed to deliver 150 units by 2025/2026 which is optimistic and affects the 5-year supply requirement.
- It relies entirely on the deliverability of substantial infrastructure where the evidence base documents are inconsistent, contradictory and unrealistically optimistic.
- The evidence does not support the extent of infrastructure interventions required to deliver sustainable development and the Infrastructure Plan does not effectively mitigate the impacts of the STR/SS 1 development and/or is commercially unviable.
- There is no demonstrated commitment to “I” Before “E” with key community and transport infrastructure being ‘medium or long-term’ and a reliance on s106 funding.
- The necessary flood mitigation and potential new sewerage treatment plant is likely to affect the developable area and the deliverability of 2,800 homes.

It is **not consistent with the NPPF**, specifically in respect of the nature of the Tudeley garden settlement and its planned development;

- Exceptional circumstances exist in the Borough which would allow a departure from the ‘standard method’. This could avoid development on this green belt.
- The evidence presented does not support the conclusion that the site ‘on balance’ meets Sustainability criteria (i.e., on social, environmental and economic grounds).
- There are “severe” traffic impacts, which have not been adequately mitigated, and the impacts of which will be social (access to services), environmental (such as road safety and air pollution), and economic (congestion will cause delays, with economic cost). The Plan does not meet the tests set out in the NPPF (para 109) and is undeliverable.
- It has not been prepared following the guiding principle in NPPF that ‘... local people ... can produce their own [local] plans which reflects the needs and priorities of their communities.’
- Green Belt boundaries should only be altered in ‘*exceptional circumstances*’ which are ‘*fully evidenced*’ (NPPF para 136). These proposals do not meet these requirements.
- TWBC has not conducted a LVIA for the site nor any adequate landscape sensitivity analysis. The site should be considered as a ‘valued landscape’ within NPPF terms and of VERY HIGH value in landscape assessment terms.
- The Plan has failed to adequately assess the impact on heritage assets and their setting, including All Saints Church with its world-renowned unique ‘Chagall windows’.

- It does not demonstrate that the development will any way manage, conserve nor enhance biodiversity.
 - The 'betterment' of flood mitigation to existing properties in Five Oak Green is not substantiated and the justification for green belt removal unsound.
- 6.2. This Policy and its supporting evidence base have been reviewed, together with the Tudeley Delivery Strategy prepared by Hadlow Estates. TWBC has confirmed that *"it is their work which is relevant to the PSLP but not produced for TWBC as an evidence base document"* but *"it is material to the allocation"*. In addition, the Strategic Sites topic paper states that this report *"has evolved through a process of engagement with TWBC"* and *"provides a clear and robust approach"*.
- 6.3. Whilst the level of detailed evidence required to support an allocation in the local plan is not the same as for the subsequent SPDs and a planning application, 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.
- 6.4. These arguments are explained further under the following topic areas.

Consistency with other policies

- 6.5. This representation acknowledges the objectives of TWBC and supports many of the policies set out in the PSLP. However, the allocation at Tudeley (STR/SS 3) directly contradicts several other policies and is inconsistent with much of the evidence base.

Policy EN4 - Historic Environment

- 6.6. This Policy uses terms such as "have regard, where possible, consideration" words that do not convey any surety that the Policy will safeguard our unique historic environment despite acknowledging that it is an irreplaceable asset. The sheer scale of the change of setting from rural to urban in Capel with 4000+ houses does not show "sensitivity".

Policy EN5 - Heritage Assets

- 6.7. It is to be expected that TWBC abide by this policy and recognise the significant harm that the LP as it stands will cause. Housing need alone cannot be used as any justification. Given the scale of the proposals the setting of many assets will be significantly harmed.

Policy EN8 - Outdoor Lighting and Dark Skies

- 6.8. Light pollution is one of the most rapidly increasing types of environmental degradation. Light pollution maps enable the tracking of changes in light pollution across the country. Lights can account for between 15-30% of a council's carbon emissions.
- 6.9. With few exceptions, everything we build is lit at night, including homes, streets and roads, bridges, commercial buildings, parking lots, etc. Sky glow, glare and light spillage can disrupt the behaviour of flora and fauna. Year on year, artificial lighting is increasing by about 6%.
- 6.10. This increase will exacerbate known and possible unknown effects of light pollution on human health, environment and on the visual perception of the Universe by humans due to the location, intensity, and wavelength of the emitted light at night.
- 6.11. TWBC's strategy EN8 is to "maintain current level of lighting in rural areas." The target is "no deterioration in dark skies mapping outside allocated areas." The implication of this is that lighting levels will not be reduced with the new development, so the density of lighting could remain the

same per area of construction, but as the area grows, it could spread the light pollution more widely. Due to the openness and sloping nature of the Tudeley site, this policy is not achievable.

- 6.12. Light pollution will be an insurmountable issue which will affect not only residents of the development but wildlife and biodiversity assets currently thriving. If this is proposed to be mitigated by reducing lighting density throughout the settlement, this would no doubt lead to more crime as has been the case in other "Garden Settlements".

Policy EN18 - Rural Landscape

- 6.13. Several "roads" within Capel are included in the "Rural Lanes" Supplementary Planning Document. The proposed Five Oak Green by-pass is very significant.
- 6.14. Sherenden Road (No 125) will become the main road through what would be the new town of TGV and Hartlake Road (no 124) is the western boundary to this strategic site. Both are amongst the most highly scoring lanes in the borough. Hartlake Road is in the top 5% for historic value (Appendix NN 4) whilst both Sherenden and Hartlake in the top 10% for high landscape and amenity value (Appendix NN 3) 5 SPD "Rural Lanes"
- 6.15. Sychem Lane (no. 127), Church Lane (No 128) and Alders Road (no 126) will be adversely affected by the proposed FOG by-pass and fall within the top 10% or 20-30% historic, amenity or landscape value.
- 6.16. It is unclear and no evidence produced how this Policy relates or supports in any way the Strategic Sites Policies. The plans WILL result in unsympathetic change to important rural lanes. A new by-pass will undoubtedly include street lighting as will settlements themselves. As such the evidence base to support the two sites and accompanying new road infrastructure is unsound.

Landscape

- 6.17. The development of the proposed Tudeley Village allocation (STR/SS 3) would result in substantial harm to the landscape, harm to the High Weald AONB and its setting, and harm to the Green Belt. None of these harms have been adequately assessed by the Council.
- 6.18. The extent of visibility of the site from the surrounding area including the immediately adjacent AONB has not been adequately considered, but it will have a considerable effect given the wide, open, and prominent nature of the local landscape.
- 6.19. The policy and supporting evidence base do not justify that the allocation would meet the test of soundness. Appropriate and proportionate evidence on landscape, heritage, and other environmental implications has not been provided.
- 6.20. TWBC has not conducted a LVIA for the site, unlike other sites in this Plan, which is particularly damning given it is the largest allocation in the local plan. This is inconsistent with the approach taken by other LPAs in their local plans, e.g. neighbouring Tonbridge & Malling who has conducted a number of LVIA's for smaller strategic sites often with fewer 'sensitivity' issues.
- 6.21. TWBC has not carried out any adequate landscape sensitivity analysis which is a serious omission. Neither landscape nor ecological significance have been addressed by TWBC in any meaningful way and the proposed masterplan includes features that TWBC's own AONB setting report [14a] has identified as being particularly harmful.
- 6.22. Save Capel strongly argues that this site should be considered as a 'valued landscape' within NPPF terms and of VERY HIGH value in landscape assessment terms.
- 6.23. Save Capel also considers the susceptibility and sensitivity of the landscape of the Tudeley site to both be VERY HIGH. The tranquillity of the site and the open surrounding area including the adjacent

parts of the AONB would be seriously and adversely affected by the proposed development. The AONB, its setting and the rural character of the B2017 which forms its boundary would be harmed and the overall level of harm to the Green Belt would be VERY HIGH.

- 6.24. Save Capel submits that the allocation at Tudeley does not accord with the NPPF, in that it fails to protect valued landscapes as required by paragraph 170 and would result in inappropriate development that would be harmful to the Green Belt, contrary to paragraphs 143 and 144.

Heritage

- 6.25. *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;

- 6.26. This strategy gives no detail as to how any impact on heritage assets and their unique settings might be mitigated. ‘Consideration’ and ‘respect’ are as meaningless as the promoter’s intention to create “a dialogue between All Saints Church and the proposed new school opposite it”. No evidence offered as to support “respect” or context.

- 6.27. All Saints Church is of particular importance. Unique HA as the only church in the world to have ALL its windows designed by Marc Chagall. Impact on the setting is significant. Significant concerns regarding the impact of crime & damage from vandalism. Measures to protect the windows (bars or mesh) would detract from their artistic integrity. Unique tranquil setting lost for ever and noise pollution from both traffic and a new population of several thousand. Paraphernalia associated with suburbia. Light pollution from a new town and damage caused by construction of town to the fabric of the building, sub surface vibration from HGVs.

- 6.28. **Hadlow Estates Masterplan**

“Existing buildings and Heritage Constraints

The are several existing buildings on site. Some are owned by HE. These include a collection of buildings in the centre of the site at Bank Farm. Where the estate owns the buildings, they have been included in the red line of plan of the site. Other existing buildings are in private ownership.....they will exist within or on the edge of the TV dev, and the masterplan has been designed to ensure a good interrelation between these buildings and the new development. An example of these buildings include The Old Schoolhouse (now privately owned) ...a large oasthouse on the sw boundary....”

“some of these buildings are heritage assets that have been assessed as part of a wider study. The heritage constraints and opportunities across the site are well understood, and the masterplan has been developed to protect, respect and where appropriate celebrate these assets”. Page 30⁶ Tudeley Village Delivery Plan

- 6.29. The words “listed building’ are missing from the delivery plan & it is not mentioned above that Bank Farm is a listed building.
- 6.30. Lilley Farmhouse and barn (both at the centre of the new town) Tudeley Hall and Crockhurst Farm to name a few do not warrant a mention. Where is the mentioned assessment of heritage assets “as part of a wider study”? Why is this not attached to the evidence base?
- 6.31. The Constraints Map on page 35 of the section entitled Masterplan has included 5 purple dots in the key to indicate listed buildings. These are owned by the Hadlow Estates. Sherenden Farmhouse and Lilley Barn are absent. On the boundary but surrounded by new housing on all three sides are Tudeley Hall and of course the G1 “All Saints Church”. To not address or even acknowledge the

impact of a new town is highly questionable. (NB Lilley Barn is not individually mentioned as being listed by Historic England but TWBC states it falls under the Lilley Farmhouse listing as within its curtilage & setting.14/504358/FULL).

- 6.32. An assessment of the impact of a new town on the Chagall windows, as the greatest asset in the borough, should have been commissioned. As it stands the plan does not robustly demonstrate that the windows will be conserved and enhanced in any meaningful way let alone not be damaged.
- 6.33. Our Heritage team has produced a comprehensive report ([appendix 11](#)).

Transport & Infrastructure

- 6.34. TWBC has engaged David Lock Associates (“DLA”) to prepare the masterplanning of Transport & Infrastructure for the Strategic Sites in the PSLP. This includes an assessment of the necessary infrastructure for three scenarios: (1) Paddock Wood and East Capel, and Tudeley Village both going forward; (2) Paddock Wood and East Capel only (STR/SS 1); (3) Tudeley Village only (this Policy).
- 6.35. DLA has recommended scenario (1) and this has been included in the PSLP. This would require substantial new infrastructure to mitigate the impact of planned development which is set out in DLA’s Infrastructure Framework (section 6 of its Main Report).
- 6.36. Strategic risks would arise in the deliverability of the PSLP as the development of Tudeley village is dependent on the funding of much of the essential infrastructure being shared with the delivery of Paddock Wood and East Capel (STR/SS 1). This is unusual and, when viewed as a planning application, would likely be considered as not “effective” and not “viable”.
- 6.37. Given the scale of the proposed developments and new infrastructure required, Save Capel has engaged Motion Consultants Ltd (“Motion”) to provide an independent expert review. Motion’s report is an important part of this representation and can be found as [Appendix 1](#).

Road Infrastructure

- 6.38. The site is isolated and the B2017 is the only highway access to and from Tudeley Village. It is also the main vehicular connection between East Capel / Paddock Wood and Tonbridge. The route is currently signed as unsuitable for HGV traffic and is inadequate to accommodate two-way bus movements due to its rural nature. The approach to the A26 junction is already approaching the absolute capacity of a road of this nature. During peak periods, extensive queueing can already be observed on its approaches and also at the Hartlake Road / B2017 approach.
- 6.39. This is in part acknowledged by DLA in the Plan and items are included for:
- Highway improvements to the A26/B2017 roundabout (£1.5M);
 - Widening of B2017 – SE corner of Tudeley Village to A26 (£3.1M); and
 - Five Oak Green (FOG) Bypass (£8.86M).
- 6.40. Motion has determined that these mitigations are totally inadequate and fail to provide the necessary width and alignment improvements. In order to maintain the current performance of junctions on the B2017 and, in particular, the B2017 / A26 roundabout, the available carriageway space will need to be doubled. This would mean providing 2 traffic lanes in each direction on the B2017 and potentially the same on the A26.
- 6.41. Furthermore, the B2017 is unsuitable for use by commercial construction vehicles and Hartlake Road has a 7.5tonne weight restriction. Therefore, some width and alignment improvements will be

required prior to commencing any work on site in order to provide a safe and suitable route for construction traffic to access Tudeley Village.

- 6.42. The FOG by-pass would meet the B2017 at a major new roundabout junction immediately adjacent to Capel Primary School. No preliminary assessment is presented setting out the potential adverse health impacts affecting primary age children as a consequence of increased traffic volumes (including air quality, noise and road safety).
- 6.43. It crosses ancient woodland and the Alder Stream, where the land either side is identified as being in Flood Zone 3. No preliminary flood risk assessment has been presented to understand the extent of works required to satisfactorily achieve this or that there is an acceptable and deliverable solution in principle. It is also wholly reliant on the A228 Colts Hill Bypass being delivered.
- 6.44. Motion considers that the physical and environmental constraints associated with delivering a FOG bypass on the alignment suggested are so great, that the road has little prospect of being delivered and no prospect of it being delivered in the absence of the A228 Colts Hill Bypass being delivered.
- 6.45. The proposed severance of Hartlake Road would result in even more traffic travelling along the B2017 corridor and on the A228 and A26. No assessment has been made of the acceptability nor mitigation identified to address this increase in traffic volumes on the B2017, A228 or A26.
- 6.46. Motion's conclusion regarding proposed mitigation for Hartlake Road is that it has no prospect of being delivered. Even in the unlikely event that the scheme is delivered, it would simply push the impacts to other locations in the road network where no infrastructure interventions have been identified to mitigate it.

Sustainable transport

- 6.47. In seeking to meet the sustainability requirements of garden settlement principles (and the NPPF) the Tudeley proposal relies heavily on cycle routes to Tonbridge (route D in the 'PJA Study') and to Paddock Wood (route E). Route D is almost entirely not overlooked which has an adverse impact on the perception of personal safety especially during darker months of the year. Route E is predominantly on narrow, rural lanes sections (up to 60mph speed limits) of which are too narrow for two-way vehicle movements. The safety of cyclists would be entirely reliant on vehicle drivers seeing them and taking appropriate action and the assessment has taken no account of the potential significant increase in traffic volumes on these roads arising from the Strategic Sites.
- 6.48. The PJA study has specified that lighting to highway standards will be provided along the routes, when such a planning application in rural lanes and open countryside has no prospect of being approved.
- 6.49. Motion considers that the proposed cycle mitigations fail to deliver safe and suitable routes that would be attractive for functional journeys. Very few, if any, functional journeys can therefore be expected to be made on foot or by cycle.
- 6.50. The bus public transport strategy formulated to support the allocation is hopelessly inadequate because it either does not exist or else would cater for only a fraction of the forecast demand.
- 6.51. There is no prospect of a railway station at Tudeley Village and neither Tonbridge railway station nor Paddock Wood railway station is within reasonable walking distance. For the reasons set out above, the majority of connecting journeys to / from Tudeley Village from / to the railway stations can therefore be expected to be made by private car either as driver or as passenger. Both railway

stations are located centrally which is inconvenient for connecting journeys by car. Both have limited car parking availability and both charge for car parking.

- 6.52. As a consequence, travel by rail would be an unattractive mode choice for people travelling to or from Tudeley Village and therefore few journeys to be made by rail as the main mode. Moreover, even if rail is chosen as main mode for a journey, it is likely to require a connecting journey by car adding to the significant increase in road traffic on the B2017.

Summary

- 6.53. The TWBC transport evidence base has significant inconsistencies between reports which claim to be assessing the same matters (see Motion report paragraphs 8.7 to 8.10). The consequence of this is that the total change in road traffic arising from the 3 Allocations (in Paddock Wood, East Capel and Tudeley Village) is not clear.
- 6.54. Motion considers that the true impact of road traffic arising from the 3 Allocations is significantly under-estimated because the mode shift assumptions are inconsistent and either selectively or incorrectly applied.
- 6.55. Therefore, the proposed significant infrastructure interventions which are fundamental to the delivery of the 3 Allocations either do not effectively mitigate the impacts of the 3 Allocations and / or are commercially unviable.
- 6.56. The differences in the timing and allocation of infrastructure between the Masterplanning Report, the Stantec Study and the Sweco Study and the Viability Assessment are so great as to render the Viability Assessment otiose.
- 6.57. The proposed phasing and delivery of these allocations is not “effective” in soundness terms because the funding of “Infrastructure” before “Expansion” is not justified in the Plan. Several pre-occupation mitigations are considered necessary by Motion, which have not been appropriately phased in the Infrastructure Plan:
- The B2017 would require significant width and alignment improvements prior to the commencement of work on site in order to provide a safe and suitable route for construction traffic to access Tudeley Village.
 - The FOG Bypass would be required. This is because the B2017 is unsuitable to safely accommodate increases in road traffic especially heavy vehicles such as pantechincons;
 - The FOG Bypass is reliant on delivery of the A228 Colts Hill Bypass which would therefore need to be delivered in parallel with the FOG Bypass. The A228 Colts Hill Bypass would be required any way because the road in its current format cannot safely accommodate increases in road traffic;
 - The complete network of pedestrian and cycle routes and improvements will be required. This is because pedestrian and cycle infrastructure currently does not exist connecting the 3 Allocations to adjacent settlements; and
 - A comprehensive network of bus routes will be required. This is because the current bus provision fails to cater for the demands arising from strategic development.
- 6.58. In order to deliver this necessary infrastructure in a timely manner, Motion considers that it will need to be advance funded by the public purse. There is no mechanism identified in the evidence base to explain how this will be achieved. Nor is there a commitment by TWBC that the public purse will be made available to cover the shortfall in infrastructure funding early in the Plan period.

- 6.59. Motion concludes that as proposed, the proposed residential allocations at Tudeley Village, East Capel and Paddock Wood, either in isolation or cumulatively, will result in:
- Cumulative residual impacts on the road network which are severe; and
 - Unacceptable impacts on highway safety.
- 6.60. These are the tests set out in paragraph 109 of the NPPF for refusing planning permission for a development. As a consequence, there is no prospect of planning permission being granted for development at Tudeley Village, East Capel and / or Paddock Wood.
- 6.61. The proposed development of Tudeley village should therefore be removed from the Local Plan as it is not effective in terms of soundness and is undeliverable.

Biodiversity

Fauna & flora

- 6.62. Endangered species are present within the Capel sites, including EU protected species (Great Crested Newts, Dormice, Bats and Badgers).
- 6.63. Kent Ornithological Society Records confirm 70 species of birds rely upon the Tudeley site alone; 12 Species of Principal Importance and 10 on the Red List of Conservation Concern, which have suffered significant population decline as a result of habitat loss.
- 6.64. Habitat loss: the proposals can only exacerbate the decline through removal of suitable habitat for field and ground-nesting birds, which will be squeezed in all directions by the developments and gravel excavations.
- 6.65. Four species of owl also occur in the area (Tawny, Little, Barn, Long-eared), an unusually diverse number and any loss is a serious conservation concern.
- 6.66. Two White Stork in Tudeley are likely to originate from a reintroduction project at the Knepp Estate, West Sussex. Care needs to be taken to ensure they are not disturbed by hasty development practices.
- 6.67. All of these species should be taken into consideration by a public body performing its functions with a view to conserving biodiversity. However, there is little in the Local Plan to confirm mitigation measures beyond a 'wetlands park' in East Capel and HE's vague promises.
- 6.68. Hedgerows are roadways and homes for wildlife, including Dormice, but the creation of large housing estates will see a decrease; the Tudeley proposals remove hedgerows or segment them, making them redundant as effective corridors and breeding stations.
- 6.69. Rare plants include the Greater Butterfly Orchid and the True Fox Sedge (both are on the Vascular Plant Red Data List for Great Britain).

Domestic pets

- 6.70. Ownership: pre-pandemic 26% of the population owned a cat, 24% a dog; this has increased by 11%. (4,800 homes = 1,500 cats/1,400 dogs).
- 6.71. Off-lead dogs disturb ground-nesting birds and dog faeces over-enrich soil, encouraging plants like nettles, which outgrow specialist fauna.
- 6.72. The Mammal Society estimates UK cats catch 275 million prey a year; 27 million are birds but wild mammals, reptiles and amphibians are also killed in large numbers.

- 6.73. A cat roams a distance of between 100m to 3km. This brings the RSPB reserve at Tudeley Woods and the rich Medway flood zone into the feline hunting zone. The impact on wildlife of cats will be devastating.

TUDELEY – Hadlow Estate (HE) Masterplan / Delivery Strategy

- 6.74. HE focusses on the site in isolation, with no clarity on how green corridors and wildlife movement link beyond the site or how the site interacts in the wider context. This is true for Heritage, Landscape and Visual settings.
- 6.75. Green corridors within the site will be segmented – this cannot benefit wildlife. Nor can the removal of orchards and paddocks, although the report curiously claims HE will improve them.
- 6.76. Irreplaceable ancient woodland is vulnerable to irreparable harm. The central ancient woodland is next to the urban hub and effectively surrounded by development.
- 6.77. No firm indication of how biodiversity net gain is to be achieved beyond boxes (bird, bat, bees, etc). All else, like new hedgerows in AONB and a wetland habitat are aspirational.
- 6.78. HE refers to 3 key objectives;
- Green Belt ‘compensatory improvements’; equated to planting hedges and management of habitat – hardly adequate for the MGB loss which will result in the merger of Tudeley with Five Oak Green.
 - Address impact on views to/from AONB; the ancient and irreplaceable landscape will be forever irreparably scarred, physically and visually.
 - Biodiversity net gain of 10 percent; plans are speculative, 25 years distant, dependent upon TVG approval and described as not required.
- 6.79. HE claims there are numerous assessments, but none are open to scrutiny.
- 6.80. Improving features for biodiversity is dependent upon achieving planning permission for the site. No reason is given for this dependency, despite HE claims of long-term wildlife stewardship.
- 6.81. HE has no mandatory need to protect habitat as the site is not in or close to ‘...any statutory or non-statutory wildlife site designation.’ However, the proposed Five Oak Green by-pass necessitated by this strategic site will cross land that that is “Priority Habitat Inventory (traditional orchards)” and “Priority Species for Countryside Stewardship Targeting –Lapwing” (DEFRA).
- 6.82. Given HE’s caveats, and TWBC has no governance measures in place to ensure biodiversity net gain, there appears no real commitment or incentive to assist biodiversity and replace lost habitat.

Summary

- 6.83. Policy EN9 recognises that important habitats and protected and notable species are not confined to designated sites but can be found on any site (Page 356 PSLP). The evidence gathered above supports and endorses this fact. However, the plan does not demonstrate that the strategic sites will any way manage, conserve nor enhance biodiversity. At best the proposals are aspirational at worst destructive.
- 6.84. It is considered by Save Capel that the non-inclusion of the Hadlow Village Masterplan and Delivery Plan in the TWBC evidence base is not justified and will lead to both a flawed consultation and Examination and therefore fails the test of soundness. Furthermore, the plan because of lack of evidence does not robustly demonstrate that it is effective.
- 6.85. Our research team has prepared a comprehensive report on biodiversity ([appendix 12](#)).

Flood risk, water supply, & sewerage

- 6.86. Whilst we acknowledge the SFRA commissioned by TWBC (JBA 2019), the strict application of flood zone boundaries determined that a Level 2 is not required for the allocation at Tudeley (STR/SS 3). The proposals include development right up to the flood zone.
- 6.87. The draft local plan recognised “Flood Zones 2 and 3 in northern part of Tudeley”. It is well known that many parts of this proposed garden settlement are regularly subjected to flooding, as demonstrated in the report prepared by our research team at Regulation 18 (see appendix 13).
- 6.88. The elevated southern parcel (south of the railway) of the site does not directly benefit from the strategic storage at Leigh, given that the existing flooding here is from run-off from higher ground to the south, surface water, and watercourses that are downstream.
- 6.89. Given the sloping nature of this terrain (>60m AoD to c20m AoD), the development would result in vast amounts of run-off that will descend towards the railway and eastwards across the Sherenden Road area. The railway embankment already acts as a buffer, particularly in the north-east.
- 6.90. Large areas of the northern parcel are already subject to risk from fluvial flooding of the Medway and, whilst the increased capacity at Leigh would provide some strategic mitigation, a repeated breach would cause increased flood levels compared to the major events in 2000 and 2013.
- 6.91. A drainage plan has not been included in the evidence base although it is clear that extensive mitigation will be needed, and the location of surface water attenuation storage and other forms of SuDS will impact the masterplan in terms of developable area, building design/cost and access.
- 6.92. Save Capel submits that the Policy is not “effective” as the subsequent FRA and prescribed drainage measures will limit the developable area, resulting in 2,800 homes not being deliverable. In addition, the location of the proposed main village centre and primary school is subject to frequent flooding from the main conveyance channel in the southern parcel. This is ‘high risk’ in EA surface water mapping.
- 6.93. The Policy includes “*mitigation measures to reduce the flood risk to particular residential areas in Five Oak Green*”. Development of this allocation would not directly influence the causes of flooding in FOG and such measures have not been specified. A Five Oak Green flood alleviation scheme has been proposed with the EA to reduce fluvial flood risk from the Alder Stream, but this has not been included in the PSLP. The ‘betterment’ is therefore not justified, and the Policy is unsound.

Water supply

- 6.94. South East Water (SEW) supply the Capel/Paddock Wood area (WRZ7) from Trottiscliffe and the surrounding areas (from groundwater) where it is treated. The same sources will be used in the future and forecasts for WRZ7 show there would be a deficit in the amount of water available to supply the growing demand by 2030.
- 6.95. A system of private water mains belonging to Hadlow Estates (the promoter of Tudeley village) also provides supply to some properties around the area of the development.
- 6.96. Although there is some capacity already in SEW’s plans to serve the proposed Tudeley garden settlement, it is considered that it may require an adaption or expansion of the existing mains. This is in addition to the laying of new mains within the residential area.
- 6.97. The EA has applied a Groundwater Protection Zone (SPZ3) related to the aquifer at Hartlake which extends under almost all the parcel north of the railway line. Any further development of this area may impact water supply options that serve SEW customers in Pembury and Tunbridge Wells:
- Hartlake Wells pump → Lilley Farm → Paddock Wood reservoir → Pembury/TW customers

- 6.98. SEW has carried out extensive investigations into eight groundwater sources, and within its Water Industry National Environment Programme (WINEP) report it identifies concerns of raw water quality deterioration from significant levels of nitrate and pesticides, metaldehyde and carbendazim.
- 6.99. The Hartlake catchment is already at risk from nitrate and pesticides and the investigation found a significant relationship between groundwater levels in the river terrace gravels at the Hartlake site and River Medway levels and flows. Metaldehyde has been applied to the nearby neighbouring agricultural land surrounding the abstraction and high levels of metaldehyde concentrations have also been found in the River Medway.
- 6.100. Polluted run-off from the proposed development in both construction and general household chemicals will find its way into groundwater and aquifer/streams without extensive SuDS filtration, and indeed as a result of any breach or failure of these measures.
- 6.101. The potential environmental issues around the Hartlake Aquifers and, with rising nitrate and pesticide levels that have already been identified, any penetration to the Aquifers would lead to further significant health risks.
- 6.102. The Aquifer and natural springs within the site will seriously hinder excavations for building, sewage, drainage, etc. as suitable mitigation schemes will have to be implemented to avoid puncturing the natural clay membrane that protects the Aquifer.
- 6.103. Again, Save Capel submits this is an inappropriate location for development, in particular the northern parcel, and is not “effective” and therefore unsound.

Sewerage

- 6.104. Southern Water (SW) will be carrying out further capacity assessments at both the existing Paddock Wood and Tonbridge treatment works to assess capacity to meet the future needs of all the proposed developments in Capel parish, most notably at Tudeley.
- 6.105. Given the constraints at Paddock Wood, explained at STR/SS 1 above, and already increasing demands on the Tonbridge sewerage plant (distant and uphill), there is a very real likelihood that a new additional treatment plant will be required at Tudeley. The promoter has told Save Capel that land would be available for this, but it is not identified in the masterplan.
- 6.106. Whilst the provision of sewerage facilities has not been specified, the consequent run-off to the Medway floodplain from new plant would further add to flooding risk and adequate/enhanced mitigation from SuDS and other measures must be incorporated in the build design.
- 6.107. It is inappropriate that such a significant element of infrastructure has not been specified nor assessed prior to this consultation. Given the significance, the evidence does not demonstrate that this Policy can be effective in delivering 2,800 homes.

7. STR/CA 1 The Strategy for Capel parish

Cumulative impact assessment

- 7.1. Capel Parish totals 5228 acres; 600 acres of countryside, over 11% of the Parish, is to be developed. With development in Paddock Wood, the total in one area is over 65% of the Borough's development plans.
- 7.2. Merger: Tonbridge will all but join Tudeley in the west, merge Tudeley with Five Oak Green, and Five Oak Green with Paddock Wood in the east. An urban sprawl will be created across the Parish, all in Green Belt.
- 7.3. Kent County Council have also authorized gravel extraction in Capel, creating an industrial arc joining the two strategic sites. With additional plans for a by-pass, over 15% of Capel's countryside will be lost. This cannot fail to have a serious impact on fauna and flora.
- 7.4. A Cumulative Impact Assessment is therefore needed, encompassing the TWBC proposals and KCC extractions, not just for biodiversity, but for flooding, landscape, pollution, etc.
- 7.5. Given the strategic importance of the Capel sites, this is a significant omission. TWBC should be pressed to commission such an assessment, but through an independent practice as agreed with Capel Parish Council.
- 7.6. TWBC and KCC have not prepared a cumulative impact assessment, or a strategic environmental impact assessment to assess the wider impact of their plans upon the parish. Perhaps because such assessments would demonstrate the extreme impact of the proposals when viewed together.

Biodiversity

- 7.7. TWBC's assessment of fauna and flora in the Biodiversity Evidence Base Update (February 2021) uses out-of-date KMBRC records. Save Capel looked at KMBRC records in 2019 which appear more contemporary. (Examples in main report). The use of historic data is suggestive of a 'tick-box' process, rather than a professional commitment to accuracy.
- 7.8. TWBC's Landscape and Biodiversity Officer (19/08/2019) claimed better woodland management would achieve biodiversity gain. However, habitat in Capel's strategic sites is primarily fields and hedgerows; woodland management would achieve little for resident fauna and flora.
- 7.9. Durrell Institute of Conservation and Ecology have noted TWBC have not described a governance mechanism to ensure biodiversity gain is monitored and achieved; their report is sceptical about councils holding developers to account. TWBC is one of only 4 councils who have adopted 10% minimum net biodiversity gains. An assessment last year by the DI of these councils found net gains translated into considerable loss of habitat area and forecast of 21% drop in non-urban habitat.
- 7.10. David Lock Associates' ("DLA") *Strategic Sites Master-planning & Infrastructure Study 2021* confirms deliverability of the proposals but states an ecological appraisal and other surveys would identify '*...suitable mitigation and enhancement measures which can be incorporated into a masterplan at an early stage.*' It is a leap to assess the strategic sites are both 'justified and viable' if the work upon which to base the assessment has not been done.
- 7.11. TWBC appear to consider designated land status as a dispensable inconvenience, and do not take biodiversity seriously. Perhaps because removal of irreplaceable habitat is an inevitable consequence of the Local Plan's strategy for Capel.
- 7.12. Save Capel's topic paper on Biodiversity can be found as [Appendix 12](#).

Heritage

- 7.13. Historic England entries for Capel are in excess of 100.
- 3 are Grade 1 and 4 are Grade 11*
 - All Saints Church Tudeley Grade 1
(*the highest designation but with twelve widows painted by Chagall making it globally unique*)
 - St Thomas a Becket, Capel Grade 1
 - Somerhill Grade 1 and historic park/garden
 - Upper Postern Farmhouse Grade 11*
 - Thistles Wenhams Grade 11*
 - Tatlingbury Farmhouse Grade 11*
 - The Postern Grade 11*
 - Castle Hill Scheduled Monument

7.14. The majority of all listed assets fall within a 1Km Zone (zone of assessment required by TWBC for planning applications) from either or both of the strategic sites and/or the Five Oak Green By-pass.

7.15. The Plan has identified the value and susceptibility of Capel and of the heritage assets within its defined character including the last remaining Hop Farm (Listed Building) in the parish which will be impacted by the Five Oak Green by-pass.

7.16. KCC Heritage Maps show many more unlisted assets such as historic farmsteads which often include oast houses and barns.

“There are a large number of historic oast houses which are frequently visible throughout the landscape. Many are associated with small hamlet groupings, with many surviving from the medieval period, 17th and 18th centuries. They are very distinctive features within this open landscape

There are also numerous traditional historic buildings typical of the Weald, including timber framed houses and farmsteads. Vernacular materials include red brick, weatherboard, tiled roofs, hanging tile elevations, gable ends hipped or half-hipped roofs”.

Open views across this intensively farmed landscape are frequently punctuated by the cowls of clustered groups of oast houses and extensive farm building complexes. Tunbridge Wells LCA 2017

The research has re-emphasised the importance of historic farmsteads to Tunbridge Wells' rural areas.

Traditional farmstead groups and their buildings make a positive contribution to local character and distinctiveness. “.....they are under the greatest threat of neglect on one hand, and development on the other, than any rural building type”.

National and local research has highlighted the significance of traditional farmsteads as assets which contribute to landscape character, local distinctiveness and rural economies and communities. Kent Farmsteads Assessment Guidance 2016

7.17. 6,000 + new houses and associated infrastructure will destroy the treasured historic rural landscape of this Parish. Assessments to inform decisions and produce a solid evidence base for those decisions are being completely ignored by TWBC.

7.18. Our assessment (see Heritage report – [Appendix 11](#)) has produced a number of important conclusions, not least to further highlight the high contribution that setting makes to the significance of heritage assets. In particular, a number of areas were identified as being of cumulatively high value, in regard to their value as a whole, and in relation to individual heritage assets within them. This is particularly true of the dispersed nature of many of the historic farmsteads identified.

- 7.19. Allocated development sites listed in the TWBC Local Plan are deemed to have automatically received outline planning permission. Without any prior assessment of the impact of the strategic sites and the effect of potential new by passes on an historic landscape this must put the delivery of the LP at risk if the evidence base is not robust.
- 7.20. There is no up dated SER scoping within the document base. Historic England as statutory consultees were consulted in 2016. There was no indication at this stage of the TGV plan, since the Reg.18 consultation the proportion of houses allocated to East Capel has actually risen by some 700 houses!
- 7.21. EIAs will be prepared at planning app stage – with the magnitude of development for Capel in the TWBC LP (over 50% of the allocation) it is suggested that this is not appropriate in the case of the 2 strategic sites. This view would appear to be supported by the Planning Inspectors appointed to examine Tandridge DC LP.

Tandridge DC Local Plan Dec 2020 PINs Philip Lewis

The Inspector has specifically mentioned Star Fields (identified as policy HSG12 in the Plan) in his letter, noting the absence of an assessment of the heritage aspects of the site and the potential impact of development on them - he requests that a heritage assessment should be provided by TDC.

- 7.22. The significant harmful impact on many of Capel's heritage assets, the dramatic change of the historic rural landscape that comprises this parish to urbanisation, the loss of the dark skies, the increase in noise and pollution are all indisputable. The Local Plan as it stands is inequitable, a disproportionate burden on one area of the borough, will not meet the needs or improve the lives of the existing community and importantly does not have the support of the community.
- 7.23. Neither TWBC nor the masterplanners 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 minimized or even avoided. It has not been demonstrated how any affected heritage assets will be enhanced. Far from protection proffered in Core Policies, the LP will actually cause irreversible damage. There is an inconsistency between the Core Policies and the Strategic Policies, and no evidence offered as to how they can be implemented at the same time. For these reasons it is concluded that the LP as it stands is unsound.

8. How the Local Plan can be improved

- 8.1. TWBC should make **significant changes** to the current draft of its Plan; both from the top-down perspective to review its housing target (OAN) for constraints, and bottom-up in eliminating its reliance on two unsustainable strategic sites as the main vehicle for delivery (Policy STR 1).

Specifically, therefore, Save Capel's two **primary recommendations** are;

- (1) The housing target within the Plan should be modified by;
 - a. Updating the SHELAA and recalculating the OAN using latest government statistics. Please refer to our topic paper on 'housing need' [Appendix 9](#).
 - b. Assessing the proportion of AONB, Green Belt and land subject to flood risk to determine and justify a lower and sustainable housing need.
 - c. Re-assessing the level of windfall sites in the Plan based on the changes in office and commercial need post-covid over the Plan period. Recent changes in legislation have promoted the change of use of urban sites to residential.
 - (2) The Spatial Strategy should be revised to remove the two Strategic Sites in Capel parish (Policies STR/SS 1 at East Capel and STR/SS 3 Tudeley Village) and to;
 - a. Conduct a comprehensive review of brownfield site availability, particularly taking account of the increasing empty office and retail space available as well as open plan car parks. Save Capel's assessment of Brownfield sites is included in [Appendix 8](#).
 - b. Adjust the housing allocation to sites that are spread around the Borough more proportionately and equitably (in terms of true local need); for example, by utilising smaller brownfield sites for housing rather than reserving them for industrial use that is surplus to the requirements identified in the Plan.
 - c. Review other small sites for housing rejected by the SHELAA for possible inclusion in the Plan with a view to achieving (b) above, and prioritising sites that are accessible to railway lines and trunk roads.
 - d. Re-consider the location of larger development as set out in Save Capel's topic paper 'Alternative Sites' - [appendix 8](#) which identifies a number of sustainable alternatives.
 - e. Develop a more fully researched, funded, and programmed Infrastructure Delivery Plan that assesses the cumulative impact with the developments in the local plans of neighbouring LPAs. This may mean that the OAN would need to be reviewed further to ensure the delivery of a sustainable Plan.
- 8.2. In summary, there are a number of sustainable alternative strategies that would meet a truly 'objectively assessed' housing need and avoid the need to destroy over 600 acres of largely productive Green Belt land in Capel parish. This historic landscape does not need to be ruined forever.
- 8.3. We urge Tunbridge Wells Borough Council to pause the progression of this local plan and take the time needed to prepare a modified (and sustainable) plan which delivers an appropriate level of housing and addresses the issues identified in this representation.

Appendices

The following appendices are to be read in conjunction with this main representation. The documents are submitted separately due to file sizing and integrity.

All these documents will be available on our website www.savecapel.com

Independent reports from planning consultants -

- (1) Transport & Infrastructure Review prepared by **Motion Consultants Ltd**
- (2) Motion sub-appendix A - B2017 Swept Path Analysis
- (3) Motion sub-appendix B - Road Collision Locations
- (4) Motion sub-appendix C - Public Transport Accessibility
- (5) Motion sub-appendix D - Walk Catchment
- (6) Landscape and Visual Analysis Report (East Capel) prepared by **JFA Environmental Planning**

Save Capel topic papers -

- (7) Community Engagement with Capel
- (8) Alternative Sites
- (9) Housing Need
- (10) Pollution
- (11) Heritage
- (12) Biodiversity
- (13) Flood risk, water supply, & sewerage (Regulation 18)

