



Consultation on Tunbridge Wells Borough Council (“TWBC”)

Revisions to Submission Local Plan (“RSLP”)

Representation by Save Capel (“SC”) under

Regulation 19 (non-statutory)

FINAL VERSION

Monday, 26 February 2024

To be read in conjunction with our evidence base - Appendices 1 and 2

‘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.

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1. Executive Summary

- 1.1. This representation is made by the Save Capel Executive on behalf of SC's members and supporters. In preparing this representation, the SC Executive has been assisted and advised by the members and supporters of SC, specialist transport and environmental consultants as well as specialist planning Counsel.
- 1.2. SC considers that insufficient further work to date (and since the Inspector's initial findings) has been carried out by TWBC, and absent that further work being carried out the Plan is unsound for the reasons discussed within this representation.
- 1.3. SC intends to continue to participate fully in the remaining stages of the Local Plan's review and will seek to make formal representations in any future examination sessions during which the issues raised in this representation are discussed.
- 1.4. SC has made extensive representations to the earlier stages of the examination of the Local Plan, including at Regulation 19 and at the hearings, and is mindful to avoid wholesale repetition of its arguments.
- 1.5. Nevertheless, there are a number of those issues that have not been addressed in the Inspector's Initial Findings ("IIF") and others that are relevant to the changes now proposed. This representation sets out our concerns about the revised strategy including new issues that arise from the changes proposed.
- 1.6. In summary, SC welcomes the removal of the demonstrably unsustainable Tudeley Village (STR/SS 3) from the proposed revisions to the draft Local Plan ("RSLP") but continues to have serious concerns about the revised strategy for the strategic sites at Capel & Paddock Wood (STR/SS 1). Indeed, there are now five remaining parcels of housing development in Capel (increased from four) which heightens our concerns.
- 1.7. SC supports in principle the progression of a local plan with the deletion of TGV but considers the proposed revisions to the remaining strategic sites do not deliver a sound plan. This can only be justified by the proper consideration of alternatives already available (and inclusion of appropriate sites).
- 1.8. SC believes that a truly sustainable up to date plan is needed. It is not recommending a further call for sites or for the withdrawal of the Plan at this stage, but strongly urges that TWBC requests a pause in the examination process to carry out a fundamental review of its spatial strategy before it progresses any further in the examination process.
- 1.9. Comments that show what further work is required and where the plan as now proposed is deficient are structured under the relevant policies that are included in the RSLP. Whilst we suggest some improvements to the policy wording, these are not exhaustive.
- 1.10. Whilst it is for TWBC to determine its Local Plan, it should meet the needs and have the support of the community. The Local Plan as now proposed to be modified by TWBC does not achieve that.

2. Development Plan Strategy (STR1)

Introduction

- 2.1. The proposed revised development strategy contained in STR1 is unsound. We consider that that TWBC has misread what the Inspector required and has undertaken a far too narrow exercise. The Inspector required “a *thorough assessment process which includes an understanding of the likely impacts when compared with other site options*” and stated that “*further work is necessary before a conclusion can be reached that exceptional circumstances exist to release the relevant site allocations from the Green Belt*”.
- 2.2. It is clear that rather than approach the question of other site options with an open mind, the exercise carried out by TWBC has been a very limited exercise. In particular, it has not revisited reasonable alternatives to its strategic site options nor revisited its conclusions set out in the Development Strategy Topic Paper October 2021 which led to it deciding to exclude development in the AONB.
- 2.3. Given its entirely correct decision to remove one of the strategic sites - TGV, the Council could, and should, have revisited its spatial strategy which was premised on major development at two strategic sites and re-considered its strategic approach wholesale and looked at other reasonable alternatives including AONB sites. All it has done is to provide an addendum to its Stage 3 Green Belt (“GB”) Study. There is no evidence that with TGV removed, the overall spatial strategy remains justified.
- 2.4. SC has made clear in its earlier consultation response and Matter Statements that the decision to select the “2 Garden Settlement Strategy” over and above for instance Option 5 was entirely opaque. The fact that this 2 Garden Settlement Strategy is no longer been pursued meant that it is incumbent on TWBC to demonstrate why a “1 Garden Settlement Strategy” remains sound. It can only do so by a root and branch re-appraisal of all the strategic options considered as far back as 2019. CD3.126 (the Council’s original Development Strategy Topic Paper dated October 2021) contained a series of different strategic Growth Strategy options for development distribution which were assessed as part of the original Sustainability Appraisal (“SA”). There is no evidence that the Council re-visited its decision to select the Growth Strategy and decided whether, in light of the Inspector’s findings, its Growth Strategy needed to be revisited. Further, that Topic Paper D3.126 (see Figure 6 on page 32) contains a whole series of garden settlement options none of which have been revisited in light of the IIF.
- 2.5. Some further detailed points below are made in respect of some of the assumptions upon which the revised STR1 are based.

Housing Need

- 2.6. The submitted Local Plan covers the period from April 2020 and the local housing need, as calculated under the ‘standard method’, has been revised based on the requirement from household projections for 10 years starting with the current year, that is April 2023.
- 2.7. This shows a housing need that has fallen slightly to 667 dpa from the SLP figure of 678 dpa.
- 2.8. Adopting this latest housing need figure does not itself change the April 2020 base date of the Plan. This should be kept constant¹.

¹ Para 11.6 of Development Strategy Topic Paper PS_054

- 2.9. The Plan period has remained to 2038, presumably for consistency with the SLP under examination, although this now appears rather arbitrary as it is not 15 years from adoption for example.
- 2.10. TWBC has calculated a requirement of 667 pa across the plan period (667 x 18) giving a total of 12,006 up to 2038. SC has reviewed the housing trajectory² and the following table summarises the position at key points from the base date.

Housing Requirement	*Cumulative to 2030	*Cumulative to 2035	SLP period to 2038
Required	6,670	10,005	12,006
Less :			
Completions 2020-2023	-1,842	-1,842	-1,842
Extant permissions (01-April-2023)	-2,845	-2,845	-2,845
Windfall sites (152 pa from 2026/27)	<u>-608</u>	<u>-1,368</u>	<u>-1,824</u>
NET Requirement	1,375	3,950	5,495

**Cumulative totals to 5-year and 10-year periods³ from anticipated adoption by Mar-2025*

- 2.11. SC has argued throughout that TWBC has not adequately considered the very real possibility that “exceptional circumstances” exist which would have enabled them to propose an alternative and more realistic housing requirement.
- 2.12. SC does not repeat all these points here but considers that the ‘standard method’ is only a starting point and reminds the examination of a letter received from the Secretary of State (Dec-2021) which included “Local authorities will still need to consider the constraints they face locally, such as Green Belt, before determining their housing requirement”⁴.
- 2.13. The question as to whether the housing requirement, which seeks to meet ‘standard method’ need in full, is appropriate turns entirely on whether there are exceptional reasons to release GB land. SC sets out under Exceptional Circumstances below, why it believes the removal of land at East Capel from the designation is not justified.
- 2.14. Furthermore, whilst not bound by the new NPPF⁵ which clarifies the ‘standard method’ as being advisory only and authorities are not required to amend GB boundaries, the clear direction of travel should be considered.
- 2.15. For all of these reasons a lower housing requirement would be justified.

Housing delivery

- 2.16. In its response to the IIF⁶ TWBC has deleted policy SS3 Tudeley Village (which we strongly support) and reduced housing delivery at Paddock Wood and Capel in an attempt to address concerns about flooding and drainage. The table below shows that there would be a shortage of 1,073 dwellings at the end of the Plan.

² PS_062 Update Housing Trajectory

³ Periods identified in NPPF Para 68

⁴ [REP-1233098-003-Knights-Solicitors-obo-Save-Capel-Hearing-Statement-Matter-2-Issue-and-Issue-2.pdf \(tunbridgewells.gov.uk\)](#)

⁵ NPPF December 2023

⁶ ID_012 [ID-012 Inspector's Initial Findings .pdf \(tunbridgewells.gov.uk\)](#)

- 2.17. Consequently, the justification of 10 years supply is at the heart of the RSLP with a commitment to an immediate review (post-adoption) to provide a full 15 year supply at that time.
- 2.18. TWBC has chosen to identify specific site allocations, save for a modest <200 houses resulting from the emerging Royal Tunbridge Wells Town Centre Plan. It is unclear why TWBC did not consider the inclusion of the possible alternative approach of 'broad locations' set out in NPPF, para 68.
- 2.19. This table shows the delivery of housing over the same periods as the 'requirement' shown above and is taken from the housing trajectory (PS_062).

Housing Allocations *	Cumulative to 2030	Cumulative to 2035	SLP period to 2038
RTW town centre plan (RTW2)	20	175	175
Paddock Wood/Capel (SS1)	1,126	2,389	2,453
Paddock Wood town centre (SS2)	10	16	16
Other allocations	<u>1,207</u>	<u>1,645</u>	<u>1,778</u>
Total allocations	2,363	4,225	4,422
NET Requirement (see above table)	1,375	3,950	5,495
Surplus / Shortfall	988	275	-1,073

** Where a range of units is identified, the mid-point has been used.*

- 2.20. SC acknowledges that windfall allowances have been increased slightly from the SLP starting 2026/27 but their contribution to meet the 10 year need is uncertain.
- 2.21. The trajectory is very front-loaded and TWBC claims that a 6.13 year housing supply would be achieved on adoption, i.e. in 2025. This is heavily reliant on the delivery of 2,845 units from extant permissions for which there is no breakdown provided. SC requested this from TWBC on 12/02/2024 without a reply at the time of this submission and is therefore unable to have confidence in their delivery.
- 2.22. SC is concerned that there are only 30 'other' allocations – excluding strategic sites – in the trajectory. SC questions whether this is an adequate response to the SHELAAs. There is no justification as to why TWBC has not included any omission sites given the potential for the trajectory not to be achieved. This is a further reason why a root and branch re-appraisal of the strategic growth options should be carried out.
- 2.23. Delivery is expected to commence in 2025/26 at Paddock Wood/Capel which appears very optimistic as the start of delivery at the strategic sites. Indeed, it is the only allocation that does deliver that year. SC has serious concerns that the surplus of 275 after 10 years (see table above) will not be achievable in any event. Our specific points are covered under section 5.

Capel Parish

- 2.24. SC is increasingly concerned that Capel's rural identity is being overlooked and there is a total disregard of the parish, for example, in Table 4 Distribution of housing allocations (PS_054) Capel has been struck out. This is totally misleading as the proposed 1,250 houses or so, on GB farmland, is a seismic change to our collection of rural hamlets.
- 2.25. In addition, we can see nothing in the Plan that benefits those living in Five Oak Green and its surrounds in particular.

- 2.26. Another example of this is DLA's masterplan (PS_046) showing Capel Grange as Chapel Grange, an error which remains without correction since DLA first become involved, which confirms our concerns that this has been purely a desktop exercise.
- 2.27. Under the RSLP, Capel would contribute 28% of the overall housing allocations. Capel Parish is not listed in the key tables and references to the 'Paddock Wood' expansion, for example, para 13.3 of PS_054 states "...taking into account no Tudeley Village and housing at Paddock Wood scaled back".
- 2.28. SC is concerned that a revised strategy for Capel Parish (CA1) has not been included in this consultation given the substantial change in strategy for housing in Capel. TWBC state this will be at the later 'main modifications' stage. That is inappropriate: it should be identified now.

Green Belt

(1) Alternative options to the preferred spatial strategy:

- 2.29. TWBC has responded to the Inspector's findings that GB Study 3 did not assess alternatives, having only included the submitted sites in the SLP, by preparing a Study 3 addendum⁷ review of 71 unallocated sites in the GB only. SC's key concern is that TWBC has not re-assessed any 'reasonable alternatives' located in either AONB or outside any designation.
- 2.30. NPPF para 146 refers to the need for LPAs to have "...examined fully all other reasonable options".
- 2.31. It appears that TWBC viewed this study as a tick box exercise, having seemingly interpreted the IIF as a green light for GB removal at East Capel. Also relevant is IIF para 95 "At Paddock Wood, I am relatively confident that this can be achieved without fundamental changes to the Plan's strategy". However, "relatively confident" is not certainty, and was based on an expected reduction at PW/EC of around 600 dwellings...the reduction is now over 1,000.
- 2.32. By excluding all AONB sites for strategic purposes Castle Hill, for example, is conveniently removed, surely a reasonable alternative as it provides a justification for the overdone Capel junction off the A21.
- 2.33. The Inspector stated that "Paddock Wood is a town with a good range of services, employment premises and public transport provision. It is also surrounded by some land which is outside the Green Belt and AONB – a unique position in Tunbridge Wells. I therefore agree that it represents a 'logical choice' for growth". TWBC should therefore have re-assessed the other PW growth options (excluding GB in Capel) when faced with the dramatic reduction in housing. It is far from clear that it has done so.

(2) Alternative options for Paddock Wood area growth

- 2.34. TWBC's 2019 original reasonable alternatives were set out in the TWBC Site Assessment Sheets for Paddock Wood"⁸ dated July 2019. These included four options for PW:
- Option 1: N, S and E of PW; no development in EC. Outside AONB – this option was considered suitable.
 - Option 2: TWBC's preferred option but not detailed within this document making any comparison extremely difficult. This suggests the approach taken to the RSLP has been more tick-box when it should have been root-and-branch. TWBC was unable to supply the detail despite it being requested.

⁷ PS_035 Green Belt Stage 3 Addendum

⁸ [\[Site Assessment Sheets for Paddock Wood \(tunbridgewells.gov.uk\)\]](https://www.tunbridgewells.gov.uk)

- Option 3: N, S and E of PW; no development in EC. Outside AONB and GB. This option was considered suitable.
- Option 4: N, S, E & W of PW. Outside AONB though in GB. This option was not considered suitable.

2.35. The 2019 PW reasonable alternatives were reviewed in the later Site Assessment Sheets for Paddock Wood, dated January 2021⁹. In this review, both option 1 and option 3 were described as being suitable but not as sustainable as Option 2, which delivers more housing and opportunity for betterment in flood risk terms. The 2021 iteration also includes an Option 5 – which appears to assess partly unavailable land.

2.36. All of the reasonable alternatives for Paddock Wood should have been revisited by TWBC Planning Department following receipt of the IIF in November 2022.

(3) Alternative options in the GB study

2.37. Proving Exceptional Circumstances in order to release land from GB seems to have very little to do with the value of the MGB concerned but everything to do with delivery and sustainability.

2.38. The assessment identified a large number of sites with a harm rating equal or lower than that for TGV or East Capel (EC):

- 35 sites with a potential for 2,162 dwellings with a harm rating of ‘moderate’ or less
- 56 sites with a potential for 4,157 dwellings with a harm rating of ‘moderate-high’ or less

2.39. Demonstrably, there are a large number of sites with significant development potential that are less harmful in GB terms than TGV and EC.

2.40. The Study also confirms that the previous GB harm assessment was overly conservative: For 49 of these sites (nearly 60%), the harm rating was downgraded vs. the initial harm rating at Reg 18/19, i.e. development would cause less harm to the GB than initially acknowledged.

2.41. TWBC claims to be using a different, more granular method for assessment and grading, and as a result, the outcomes of GB Study 2 and Study 3b cannot be compared ‘like for like’.

2.42. However, the downgrading of scores for the vast majority of sites seems to confirm the inconsistency and superficiality of TWBC’s assessment evident during Reg 18/19.

Alternative Sites

2.43. Despite a lengthy review process spanning 14 months and at considerable expense, as we have set out above TWBC has failed to engage in a serious attempt to find ‘reasonable alternatives’ to the strategic sites.

2.44. The TGV proposal was a strategic site within the SLP, therefore its deletion should have prompted a wholesale review of TWBC’s LP strategy including examination of all reasonable alternative sites in the Borough, outside Capel. That this did not happen is a material shortcoming of the RSLP.

2.45. Instead, TWBC ‘goes through the motions’ to address the inspector’s concerns but without any real intent to question the plan’s initial assumptions or arrive at substantively different answers.

2.46. The scope of the review has been limited, and the process half-hearted, and the results seem designed to justify findings of previous stages.

⁹ [Site Assessment Sheets for Paddock Wood \(tunbridgewells.gov.uk\)](https://www.tunbridgewells.gov.uk)

- 2.47. As mentioned above, when reviewing TWBC's SLP after Reg19, the Inspector requested for TWBC to assess "reasonable alternatives" to the proposed development in GB.
- 2.48. In response, TWBC has been singularly unambitious and chosen to limit its assessment to just 71 unallocated sites in the GB.
- 2.49. TWBC chose NOT to assess:
- any sites outside of the GB,
 - any of the alternative options that were originally considered as potential strategic sites nor
 - any sites located in the AONB.
- 2.50. This self-imposed narrow focus means that by definition TWBC missed the vast majority of alternative sites available.
- 2.51. Save Capel has repeatedly highlighted and promoted a range of alternative sites in response to Reg18 and Reg19 consultations that TWBC has chosen to ignore – again. For example:
- 2.52. SHELAA rejected sites
- Of the 437 unique sites submitted for inclusion in the SHELAA at Reg18, 323 sites were rejected by TWBC.
 - Based on a review of 90 rejected sites in 3 representative parishes, we recommend that 43 'rejected' sites are re-considered for inclusion in the Plan instead of TGV/EC.
 - 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 TGV / EC.
- 2.53. AONB – As per our Reg19 analysis, Castle Hill located in the A21 corridor presents a far more sustainable option than TGV or EC.
- 2.54. Other strategic site options – locations such as Horsmonden or Blantyre House that present large scale development opportunities with existing or adjacent to existing infrastructure were not re-considered.

Exceptional Circumstances

- 2.55. With the deletion of TGV, the largest proposed release of GB land is in the eastern part of Capel amounting to 148.2 hectares. Policy STR1 [7] has been revised which "*Provides for some reductions in the area of the Green Belt, ... where exceptional circumstances warrant this, and where an effective long-term Green Belt is maintained*; [emphasis added]
- 2.56. The inspector¹⁰ has stated that "*...national planning policy is clear that the Government attaches great importance to Green Belts and that boundaries should only be amended in exceptional circumstances. Reaching that conclusion should be based on a thorough assessment process which includes an understanding of the likely impacts when compared with other site options, especially where the magnitude of harm from the two largest allocations is "high"*".
- 2.57. TWBC has not set out what these 'exceptional circumstances' are now in light of the substantial changes to the development strategy. Therefore, it is necessary to refer back to the Topic Paper¹¹

¹⁰ ID_012 Inspector's Initial Findings [para 7]

¹¹ CD_3.126 Distribution of Development Topic Paper

prepared in 2021 and evidence presented at the hearing¹² to examine the justification and mitigation proposed:

- a) Strategic growth – as set out above SC considers that TWBC has not fully examined alternative strategies for significant growth and that other reasonable alternatives could provide the potential to rejuvenate and revitalise the Paddock Wood town centre;
- b) Flood mitigation – extensive flood and drainage measures would be necessary at the Capel sites to meet NPPF requirements for development in these vulnerable areas. These requirements do not represent an ‘exceptional circumstance’. Whilst “betterment” is specified in the policy, the measures now proposed no longer include the flood storage/attenuation recommended in the SFRA. It is unclear why, for example, the relatively modest measures in the north-east of parcel SS1(B) could not be delivered by a different scale/location of growth;
- c) Minimising harm – the hearing heard that a mitigation is to ‘minimise harm’ which seems like a rather perverse justification;
- d) Leisure facilities - the SLP proposed a significant sports hub in the south-west of SS1(B), including an indoor sports centre with 6x25m pool, gym, changing areas, sports halls, and studio rooms. These have replaced with only pitches and by contrast a modest clubhouse. The provision of indoor facilities and swimming pool were discussed at the hearing as being a significant ‘exceptional circumstance’ for releasing GB which is clearly now de-valued;
- e) Highway safety – the hearing heard that the local Colt’s Hill by-pass is needed now due to the ‘black-list’ junction identified by KCC (Alders/Crittenden). Given the significant ongoing existing developments in Paddock Wood it is unclear why it is necessary for the Capel sites (on GB) to be developed to deliver the offline improvements;
- f) Strong boundary – again, at the hearing, TWBC argued that the A228 provides a strong boundary. No doubt this is a physical feature, but this misses the point that the harm in that location is “high” and that the open fields provide the separation from Five Oak Green. It remains unclear why, for example, did TWBC not assess the potential of restricting removal to the east of the natural boundary of Tudeley Brook (which is incidentally the Ecclesiastical parish boundary) and east of the strong hedgerows to the north of the railway.

2.58. Another matter that arises from the revisions to the plan is housing density. In their attempt to deal with the requirements of the sequential test, TWBC now proposes to build around 1,250 houses with a GB release of 148.2 hectares which equates to a net density of only 8.44 dph.

2.59. Whilst SC acknowledges the provision of open spaces in the plan, we are mindful of the NPPF requirement¹³ to “optimise development” before concluding that exceptional circumstances exist, where in para 141(b) “...including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport”.

2.60. As TWBC is arguing that the east Capel sites are well located to public transport, these very low densities are another factor that should have prompted them to conduct a meaningful review of alternative strategies.

2.61. In conclusion, SC considers that the RSLP actually weakens the justification and maintains that the necessary ‘exceptional circumstances’ are not substantiated at the Capel sites.

¹² Online Matter 6 held on 15/06/2022

¹³ NPPF September 2023 para 141

3. Sustainability Appraisal

- 3.1. In its updated SA¹⁴, TWBC finds that its earlier findings were accurate, and the Plan does not need updating. For the same reasons set out above in relation to a failure to assess reasonable alternatives to justify GB release, the updated SA should have been updated to contain an assessment of the main strategic options in light of the Inspector's findings.
- 3.2. The only new information considered for the SA is the GB Study 3b which – as described above – is extremely narrow in scope and largely ignores any real and reasonable alternatives.
- 3.3. In the SA, TWBC exclusively focuses on the limited number of sites contained in the GB Study 3b and updated its appraisal only for sites where the harm rating had changed by 2 or more rating steps. As a result, the 'land use' score for 21 out of 56 sites improved.
- 3.4. As 'land use' is only 1 out of 19 criteria used in the SA for each site, unsurprisingly TWBC concluded that none of the sites provided a reasonable alternative and no change to the Local Plan was required. TWBC's rationale rested on the following:
 - Allocated sites in the LP generally had a lower harm rating than the 'reasonable alternatives' - apart from TGV & EC.
 - As a result, there seemed to be no basis to include any "omission sites" (i.e. unallocated, reasonable alternative sites) and likewise no need for any new development strategy / options.
- 3.5. The only exceptions to the above are 8 sites in / around Five Oak Green with 'low' or 'medium' harm ratings that are judged to be comparable (in harm rating) to allocated sites and hence regarded as an option for future allocation.
- 3.6. This demonstrates TWBC's circular logic and a continued inexplicable bias for over-development in Capel Parish in preference to all other areas of the borough:
 - The purpose of the GB Study was to assess reasonable alternatives to TGV and EC. To state that allocated sites had a lower harm rating than the reasonable sites "apart from TGV & EC" completely misses the point. It misrepresents and tries to invert the real conclusion which is that despite the narrow site selection a majority of sites actually have a lower harm rating than TGV and EC and are more sustainable.
 - Similarly, the focus on the 8 sites in/around Five Oak Green for future allocation omits to mention that there are 17 (!) other sites across the borough with a potential for 1,500 dwellings with the same rating. This continues the same unhealthy desire seen in Reg 18 / 19 to concentrate the vast majority of housing in a small north-west corner of the borough. As SC as argued consistently this is both inequitable and inappropriate.
- 3.7. TWBC claims that there is no / only limited cumulative change to the SAs for various TGV and EC options:
 - No real new work was conducted to assess TGV and EC. Instead TWBC considered various permutations that excluded / included sub-parcels of the original sites.
 - The various sub-options differed marginally across different dimensions.
- 3.8. So unsurprisingly – given there was really no new information – TWBC's findings reconfirmed the outcomes from Reg 19 and TGV / EC were assessed as sustainable.

¹⁴ [PS_036_SHELAA_sheets_for_all_reviewed_Green_Belt_sites](#)

- 3.9. The updated SA is based directly on the GB Study 3b and suffers from the same shortcomings. SC finds the new SA to be inadequate and not fit for purpose.
- The scope of new information and the sites considered are extremely limited
 - SA for TGV / EC are merely tweaking previous assessments
- 3.10. As per our Reg19 submission, SC fundamentally disagrees with the SA outcomes for TGV/EC which are deeply flawed and unreasonable based on TWBC's own criteria and any objective assessment.
-

4. The deletion of Tudeley Garden Village (STR/SS 3)

- 4.1. SC reiterates its support for the removal of TGV from the RSLP, though remains concerned by comments by TWBC in the RSLP that suggest that TGV still has merit, and which therefore may be a way to preserve the option for it to be re-introduced at a later date.
- *"It is noted, firstly, that the Inspector has not concluded that the proposal for a new settlement at Tudeley Village is inevitably unsound; rather, the submitted Local Plan is not sound due to a number of uncertainties that mean that the exceptional circumstances test is not met."*¹⁵
 - TGV *"remains an ambitious and well thought-out proposal"*¹⁶
 - TGV *"was conceived and included in the plan for sound reasons, and this is acknowledged by the Inspector"*¹⁷
- 4.2. SC consider it necessary to recap the concerns of the Inspector by reference to the RSLP, that TGV will never be a sustainable or desirable element of the TWBC Local Plan when all the facts available are considered fairly, objectively and non-predetermined logic is applied.
- 4.3. The remainder of this section summarises SC's position with regard to the three main areas of concern¹⁸ identified by the Inspector, with more detail and supporting evidence contained in Appendix 2 to this submission.

Location and Accessibility

- 4.4. **Modal shift – cycling:** SC supports the view of the Inspector that *"it would be unrealistic to expect a significant number of people to cycle into Tonbridge [from TGV], especially during the darker, winter months or during periods of inclement weather."*¹⁹
- 4.5. In its RAG assessment on Access and Movement²⁰, Stantec refutes concerns raised by the Inspector with what SC views as factually incorrect assertions and misinformation:
- i. The assertion that Tonbridge is well within a reasonable cycling distance of TGV, being approximately a 2-mile cycle to the imprecisely defined "eastern edge" of that town, is misleading. Stantec has measured the distance to an imprecise "eastern edge" of Tonbridge

¹⁵ PS_054 TWBC LP Development Strategy Topic Paper – Jan 2024 addendum (DSTP), para 3.19.

¹⁶ TWBC Response to Inspectors Initial Findings Letter (TWBC Response), para 5.10.

[\[Response to the Inspectors Initial Findings Letter on The Local Plan \(tunbridgewells.gov.uk\)\]](https://www.tunbridgewells.gov.uk)

¹⁷ TWBC Response, para 5.14

¹⁸ ID_012 Initial Findings letter, from paras 12, 24 and 30 respectively.

¹⁹ ID_012 Initial Findings letter, para 13

²⁰ PS 039 Stantec RAG Assessment, section 2.1

rather than to any realistic destination in the middle of the town such as the mainline station. Based on existing rights of way and the distance to Tonbridge Station, SC has found the distance to a useful destination is nearly double the 2 miles cited by Stantec - 5.97km/3.7 miles from centre of TGV.

- ii. Stantec also claims that TWBC's proposed route is "almost flat"²¹. This is as or even more misleading than Stantec's distance calculation, as there is a 76m gain from TGV north of the railway line to Tonbridge Station. This is not trivial and would be unassailable for many people. There is no physical way around this. Moreover, some of the gradients on this route are wholly unacceptable by reference to LTN 1/20²².
- iii. Stantec has assumed a theoretical route rather than an existing right of way which includes Postern Lane. Postern Lane Resident Association (PLRA) has formally advised TWBC by private letter that it will not provide the required consent for the use of their land. Moreover, this route would not be viable due to regular flooding as it runs for a large part immediately adjacent to the River Medway.
- iv. Stantec has not provided any evidence specific to the circumstances of TGV to support its claim that *"inclement weather is not a real concern when it comes to the likelihood of people cycling"*²³. A high proportion of current road users in Capel are less individuals travelling to office work, but instead are more typically trade vans, school traffic or shoppers, none of which are conducive to cycling.
- v. In summary, TWBC and Stantec have ignored the facts raised at Reg 18 and Reg 19 that the TGV site has topographical issues which are counter to their accessibility assumptions.

4.6. **Other TGV access deficiencies:** Was TGV ever to re-emerge as a proposal, TWBC and the Hadlow Estate would need to address the other critical Location and Accessibility shortcomings identified by the Inspector and SC, including:

- Bus routes
- The absence of a new railway station for TGV
- The need to create retail and commercial facilities from scratch
- The existing road congestion in Tonbridge and PW that would worsen if TGV was ever to be built.

Infrastructure

4.7. **Road Access:** The Five Oak Green bypass is not viable unless and until the Inspector's four key concerns have been addressed:

- Proximity to Capel Primary School
- Visual Impact
- Funding, phasing, and deliverability
- Legal difficulties (CPOs) associated with multiple land ownership

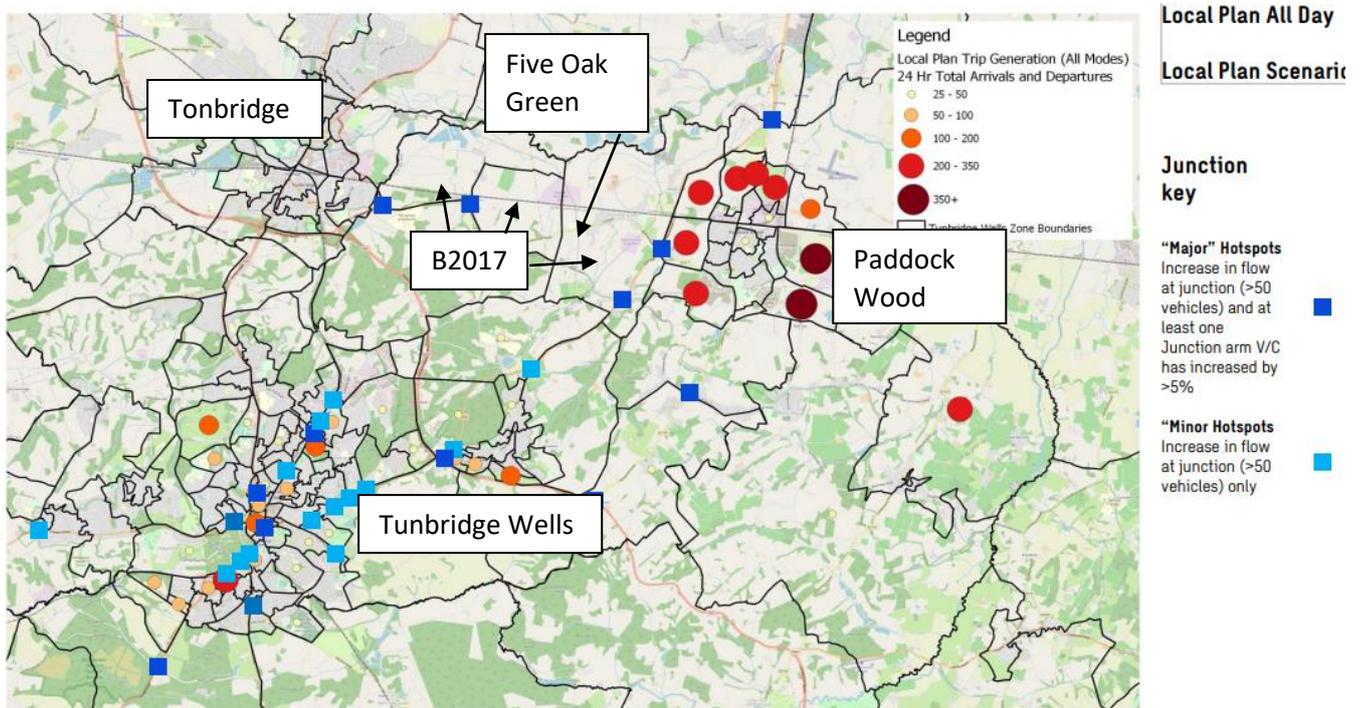
4.8. Even if the bypass was to be made viable, the primary route in and out of TGV, irrespective of modal shifts, would remain the B2017 towards the A26.

²¹ PS 039 Stantec RAG Assessment, section 2.1

²² Department for Transport Cycle Infrastructure Design Local Transport Note 1/20 - July 2020

²³ PS 039 Stantec RAG Assessment, section 2.1

- 4.9. SWEC's final report shows that even without TGV in the plan, but with the remaining planned growth at EC and PW, eight major hotspots will remain across the borough. This is in the "High Mitigation" scenario²⁴.



Two of the eight hotspots are at either end of the B2017 route to the A26.

- 4.10. Given the Inspector's observation that *"there is insufficient evidence to suggest that the scheme will achieve the levels of internalisation and changes in modal shift necessary to adequately mitigate against the likely increase in car travel"*, it is not realistic to imagine that each of the major hotspots would be or become viable and not gridlocked with the additional traffic flow which would result from TGV.
- 4.11. Stantec make reference²⁵ to DfT cycle infrastructure guidance in LTN/1/20²⁶. TWBC has overlooked the facts raised at Reg 18 and Reg 19 that the TGV site has topographical issues which will affect their assumptions for accessibility within the Village. In simple terms it is too hilly to cycle on the south side of the site. The existing route of Sherenden Lane involves an average gradient climb 17x the guidance in LTN/1/20. There is no feasible mitigation for the underlying topography of the site.

Deliverability

- 4.12. Should TGV ever re-emerge as a proposal, the following critical deliverability issues highlighted by the Inspector²⁷ would need to be resolved, amongst other concerns, in advance:
- The justification of Exceptional Circumstances
 - The absence of similar or comparable housing schemes in Tunbridge Wells
 - The lack of 'any prior experience' of either TWBC or Hadlow Estates in "delivering a scheme of this size or complexity".

²⁴ PS_049-TW-Local-Plan-Stage-3-Modal-Shift-Impact-Reporting

²⁵ PS_039-RAG-Assessment-Access-and-Movement-Five-Oak-Green-Bypass Section 2.1 - Stantec

²⁶ Department for Transport Cycle Infrastructure Design Local Transport Note 1/20 - July 2020

²⁷ ID_012 Initial Findings letter

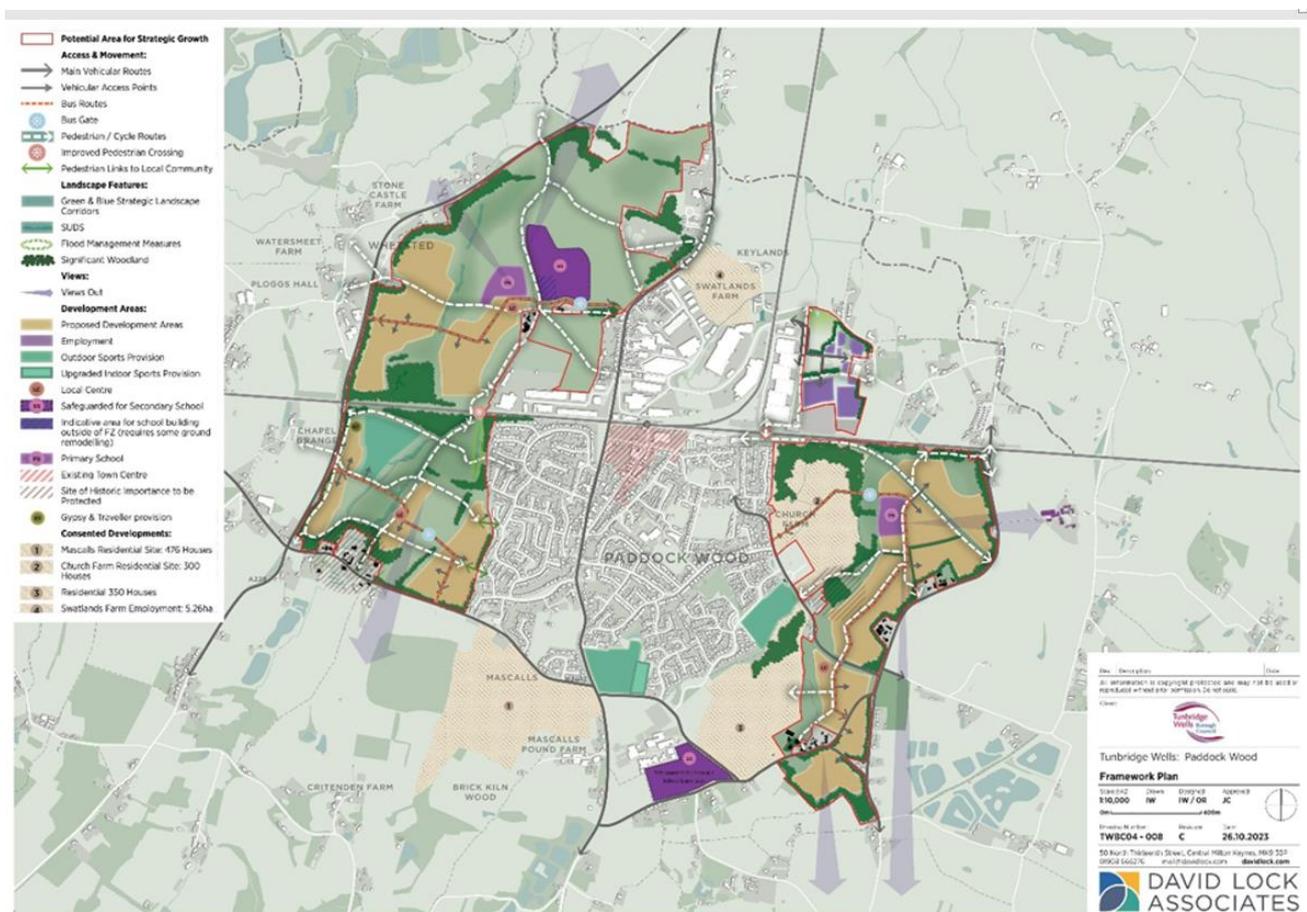
Conclusion

- 4.13. It is, in SC's view, wholly wrong for TWBC to attempt to use the IIF as a means of justifying bringing forward TGV as an allocation at a later date. The IIF are not supportive of this approach and neither is the evidence base compiled by TWBC.
- 4.14. Any attempt to reintroduce TGV must go back to the start of the planning process as:
- any such proposal would result in the loss of up to 170 Ha of GB which includes significant productive arable farmland, much of which is G2. Parts of the site are directly adjacent to flood plains as well as AONB whose setting and views would be harmed.
 - There is no viable plan for rail access and no new evidence that it would be viable has been demonstrated. TGV would be a community split by a railway line.
 - The site has topographical issues
 - There is no community infrastructure near the proposed site
- 4.15. SC understands that Tonbridge & Malling Borough Council may be considering whether to support this version of the Plan, although any re-introduction of TGV would cause them to go back to their original concerns about the impact on Tonbridge.

5. Strategic Sites at Paddock Wood & Capel (STR/SS 1)

Masterplanning

- 5.1. Whilst TWBC has sought to address the Inspector’s concerns regarding the soundness of the strategic sites policy and the need for much more clarity on when/how the various parcels deliver what is an unclear responsibility for T&I, SC believes there remains too much uncertainty.
- 5.2. There is still a heavy reliance on Supplementary Planning Documents (SPDs) to deliver the growth, something that was discussed at length during the hearings and, in para 40 of the IIF he recognised that there was a need to “...remove the reliance on supplementary planning documents” in respect of policies including STR/SS 1.
- 5.3. It is well known that SPDs would not be subject to the scrutiny of examination. By their nature they escape the examination process applied to development plan documents. TWBC state that these are progressing alongside the LP, but given the Inspector’s comments on over-reliance on SPDs, why are more detailed policies not included now in the examination?



Structure Plan [PS_046a]

- 5.4. There is no updated Infrastructure Delivery Plan (IDP), which TWBC states is a live document, to support the significant changes to the plan. The SLP version currently before the examination is from October 2021 and TWBC expects to provide an update at the main modifications stage. It is therefore unclear what infrastructure is required to make the policy sustainable and when it is to be delivered/by whom.

- 5.5. SC is concerned that there is no policy to deliver the Colt's Hill by-pass, which the examination has heard is essential, even now with the existing developments at Paddock Wood, due to the black-listed junction at Alders Road/Crittenden Road in particular. It should be noted that improvements at the northern roundabout were already expected from the existing developments.
- 5.6. There is still no Landscape and Visual Impact Assessment ("LVIA") for the PW/EC area in the evidence base that supports the RSLP and, in its absence, SC refers the examination to its landscape consultant's assessment²⁸. It concludes at para 9.1 "*...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*" and at para 9.5 "*...is inappropriate in scale and extent, even with the large extent of green infrastructure mitigation proposed*".

Housing Trajectory

- 5.7. TWBC has responded to the concerns about flood risk and the sequential test by asking David Lock Associates ("DLA") to update its masterplanning²⁹ for the strategic sites.
- 5.8. DLA have used the updated flood risk modelling prepared by JBA³⁰ which has resulted in the above structure plan and the now five parcels in Capel (see section below). DLA's update includes between 2,374 and 2,532 houses - over half of the total allocations in the plan - having applied 30/32 dwellings per hectare (dph) across the 'developable' areas of both PW & Capel sites.
- 5.9. SC questions why a blanket dph has been specified by DLA across all parcels. The parcels to the East of PW do not require similar flood mitigation measures, for example, on the scale necessary in EC.
- 5.10. The projected housing completions³¹ in the strategic sites are set out below for the 10-year horizon which is the focus of the RSLP. The DLA addendum (para 4.5) specifies the delivery as "*A reduced number of homes (2532) based on the anticipated site capacity, and a reduced delivery rate to 250 homes/annum. This is based on 5 developer outlets, each delivering 50 homes per year. These are anticipated to be 2x in the east, 2x in the northwest, and 1x in the southwest*".

2025/26	50	2030/31	295
2026/27	206	2031/32	295
2027/28	285	2032/33	295
2028/29	290	2033/34	275
2029/30	295	2034/35	103

- 5.11. This shows that one site would provide completions as early as next year, with at least four from 2026/27. SC has not seen evidence to support the trajectory nor the delivery of the infrastructure necessary. SC's consultants, Motion, have determined that this trajectory is not deliverable (see Transport section below and Appendix 1).
- 5.12. Whilst there appears to be some flexibility in the 5-year position to allow for modest delays in the completion rate (see para 2.19 above), the revised strategy remains vulnerable at the 10-year point. The complex development of seven separate parcels, particularly in dealing with the required flood & drainage measures, raises serious concerns about the soundness of the strategy.
- 5.13. This is crucial to the plan and demonstrates yet another reason why alternatives should have been fully assessed and the previous site assessments (SHELAA) revisited.

²⁸ Landscape and Visual Analysis Report (East Capel) prepared by JFA Environmental Planning Access [here](#)

²⁹ PS_046-Paddock-Wood-Strategic-Sites-Master-Planning-Addendum

³⁰ Documents PS_042, PS_043, and PS_044

³¹ PS_062 Updated Housing Trajectory

Capel Sites

- 5.14. The now five disparate parcels of housing development in Capel are effectively “islands” connected only by causeway linkages across the north and south of the railway. There is no proposed vehicular access across the railway, this is not the cohesion and connectivity envisaged by the TCPA’s Garden City Principles³².
- 5.15. SC has serious concerns about the accessibility for the inevitable large number of car users, including those residents with disabilities, and the impact on the highway network. These are set out in the transport section starting at para 5.23 below.
- 5.16. The five Capel parcels collectively are expected to deliver between 1,207 and 1,287 dwellings, which have only been listed as two (split at a developer land control boundary and not the railway) in the north-west referenced as policy SS1(A) and south-west as SS1(B):

Table 4: Land use budget and capacity, northwestern site

NORTHWEST Land Use	Area (ha)	Capacity
Residential	24.17	725 homes (@30dph) 773 homes (@32dph)
Primary School	2.55	1x 2FE
Secondary School	6.93	1x 6FE

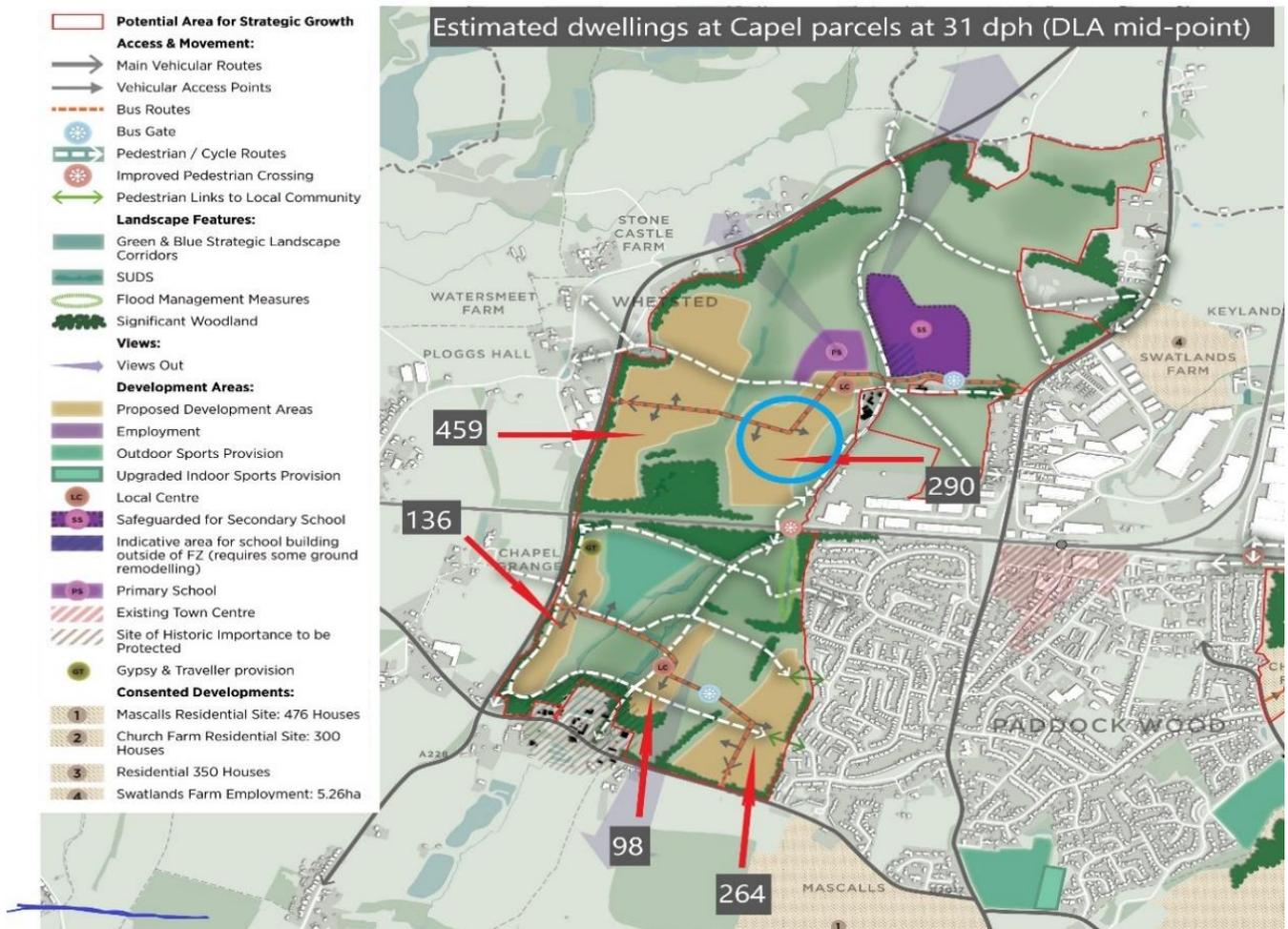
Table 5: Land use budget and capacity, southwestern site

SOUTHWEST Land Use	Area (ha)	Capacity
Residential	16.06	482 homes (@30dph) 514 homes (@32dph)
Sports Pitch Provision	4.54	See sports provision study

- 5.17. The sports hub in the SLP had included an indoor sports centre with 6x25m pool, gym, changing areas, sports halls, and studio rooms. These have replaced with only pitches (* above) together with, by contrast, a modest clubhouse.
- 5.18. The uncertainty remains regarding this provision and how the facilities would be managed. It would be located in Capel Parish but would benefit the residents in the existing ongoing developments and new sites in this plan at Paddock Wood. The examination heard that PW Town Council preferred a location to the north of PW.
- 5.19. Whilst TWBC has restricted development, there are now five parcels in Capel (was four) to maximise housing numbers. SC argues that east Capel is probably the worst location (apart from the deleted Tudeley site) across the whole borough for strategic development for many reasons, including:
- It is the lowest lying land in the Borough, requiring substantial mitigation to address flood and drainage issues with the resulting impact on build out costs, together with the implications of reduced density and viability.
 - It is divided by the mainline railway and only a single minor crossing is proposed, which itself is uncertain with regard to deliverability within the time period, if it is deliverable at all.
 - It is entirely within the GB, and
 - It is agricultural land with productive wheat fields.

³² <https://www.tcpa.org.uk/garden-city-principles/>

5.20. Using the projected capacities in the Land Use Budget³³ for each parcel in Capel, the figure below shows the estimated number of dwellings at 31 dph, which is the mid-point of DLA’s blanket assessment:



5.21. SC acknowledges that the central portion of the north-east parcel (indicted by the blue circle on the above figure) is outside the Neighbourhood Plan area of Capel Parish. Given that the parcels are combined in the evidence base and policies, and the fact that this parcel straddles the boundaries, this representation includes the whole parcel as a Capel site for the sake of clarity.

5.22. The STR/SS 1 overall policy no longer sets out the housing requirement and now includes sub-policies in the attempt to achieve a co-ordinated scheme, but these themselves are inconsistent with DLA’s work. For example, SS1(A) North-West specifies a minimum of 770 houses when the DLA evidence is for 725 – 773 as shown in the table 4 above. This inconsistency is repeated in the other parcel policies.

Transportation & Infrastructure

5.23. SC has engaged Motion Consultants³⁴ to review the Transport and Infrastructure implications of the RSLP and the new evidence provided by TWBC in support of the revised proposals. Motion has produced an addendum report, containing its analysis, which can be found as [Appendix 1](#).

³³ PS_046b Land Use Budget from DLA addendum

³⁴ Transport Evidence Addendum prepared by Motion Consultants included as [Appendix 1](#) to this submission

- 5.24. The main points of Motion's addendum are set out below (although it is important that [Appendix 1](#) is read in full as part of this representation).
- 5.25. The masterplan for Policy STR/SS 1 requires significant infrastructure interventions and there is insufficient evidence to demonstrate that there is a reasonable opportunity of these being deliverable.
- 5.26. The attempt to break down the policy area in to six portions and allocate infrastructure/development quanta to each portion only serves to undermine the delivery of the infrastructure required to sustain the development. This is because development could occur within each parcel without a need to deliver any of the strategic infrastructure either required to sustain the allocation as a whole or within the context of the Borough wide plan, which is the subject of this EIP.
- 5.27. There are no improvements to cycle safety or amenity proposed to connect the PW and EC elements of the draft allocation. This means, for example, that a child living in the residential areas to the southeast of PW seeking to travel to the secondary school to the northeast of EC would need to cycle on carriageway with motorised vehicles. This does not meet the requirements of LTN1/20. Moreover, in the absence of a new, LTN1/20 compliant railway crossing, it would make a journey between the two elements of STR/SS 1 unattractive to the majority of residents as well as dangerous.
- 5.28. The draft policy indicates, but does not require, that a new pedestrian and cycle connection is provided between north-west EC and south-east EC. This is too vague and uncertain. Either a connection is required or not.
- 5.29. The off-site active travel network not only does not meet minimum design recommendations and also relies on infrastructure elements which are not going to be provided.
- 5.30. The proposed public transport strategy is not financially viable and can only be delivered through the provision of an in-perpetuity subsidy. It does not appear that this can be secured and therefore cannot possibly be considered as sustainable.
- 5.31. The general approach to forecasting and traffic modelling appears to be reasonable. However, TWBC has failed to publish key evidence explaining how the traffic forecasting data has been manipulated to reflect TWBC's assumptions on mode choice. This has hindered the full understanding as to how TWBC's data has been presented.
- 5.32. The resulting traffic flows published from the traffic modelling suggest incredulously high mode shifts away from the car. In the absence of this key evidence and in the light of apparently incredulous shifts away from car use, no weight should be placed on the results of the traffic modelling undertaken.
- 5.33. Notwithstanding the above failings in TWBC's modelling evidence base, the modelling identifies a number of impacts on both links and junctions and suggests mitigation measures. The evidence base fails to demonstrate that any mitigation could be delivered and in the case of major interventions at Colt's Hill and Kippings Cross:
- a) There is no policy requirement for the improvements to be delivered.
 - b) There is no funding mechanism for securing the delivery of the improvements.
 - c) There is no indication of when the improvements are required.
 - d) There is no delivery mechanism identified for the improvements.
- 5.34. In short, in the absence of the above, there is no certainty that these schemes will be delivered at all, and it would be rational to assess the robustness of the RSLP. In this context, and by the Council's

own evidence, impacts will be severe. It is difficult to see how a local plan can be found sound under these circumstances.

- 5.35. The RSLP no longer proposes the delivery of the Five Oak Green Bypass to mitigate the effects on the village section of the B2017. In contrast to a new road, the suggested mitigation is a range of measures to ease traffic flow and promote walking, wheeling, and cycling. Fundamentally, capacity on links for traffic flow is correlated to carriageway width. TWBC fails to provide any information on how both aims, which are mutually exclusive within the same space, will be achieved given the width constraints on many parts of this route.
- 5.36. At present, the mitigation proposed at Five Oak Green appears to be unachievable, and TWBC does not provide any explanation as to mitigation or its costs.
- 5.37. The timescales identified in Motion's addendum for the delivery of the infrastructure interventions required to support the delivery of housing allocated in STR/SS 1 indicate a lead in period of between 4 and 10 years for just three major interventions:
- Colt's Hill Bypass
 - Improvements at Kippings Cross
 - Pedestrian/cycle crossing of the railway to connect the various islands of residential development together in Capel.
- 5.38. This means that the earliest that meaningful numbers of sustainable occupations could occur following adoption of the plan is 2029, with a date in the early – mid 2030's more realistic.
- 5.39. Furthermore, lead in times for the delivery of infrastructure interventions which are critical to the sustainable and acceptable delivery of policy STR/SS 1 are such that the predicted housing trajectory for the policy has no prospect of being delivered.
- 5.40. For the above reasons which are based on the evidence presented by the Council, Motion has concluded that the draft plan is currently unsound. SC supports this finding, although wishes to find a way to make the plan sound.

Flood Risk & Drainage

- 5.41. SC has also asked the hydrology team at Motion Consultants to review flood risk & drainage issues in the light of revised proposals for housing and other development, and their review has informed our submission in this section.
- 5.42. TWBC has responded to the Inspector's findings that the sequential test in respect of housing had not been followed by now restricting housing development to areas in Flood Zone 1 (EA fluvial risk classification). However, the policy does not require this restriction.
- 5.43. It appears that DLA have used the updated flood risk modelling prepared by JBA³⁵ to merely maximise the developable areas right up to the edges of areas of higher flood classification. Whilst DLA expects that attenuation measures for surface water will now need to be contained within the development parcels, the structure plan shows significant SUDs measures outside them. SC has been unable to establish how the discharge from SUDs in the housing parcels, particularly during peak events, will interact with the adjacent drainage flow provisions as there is no mapping overlay provided. Therefore, it is unclear whether the housing capacities are justified and could be delivered safely, if at all.

³⁵ Documents PS_042, PS_043, and PS_044

- 5.44. It is unclear whether the cumulative impact with groundwater, surface water, and potential reservoir risk (Leigh) has been assessed as JBA's mapping only includes fluvial risk. What is clear from the mapping is that SS1(B) south of the railway line is particularly vulnerable to fluvial flows primarily from Tudeley Brook. The previously proposed external strategic storage to the south has now been removed which would have provided mitigation.
- 5.45. The SFRA³⁶ acknowledges that groundwater is a significant issue around Whetsted which includes the western parcel of SS1(A). This is also acknowledged by DLA³⁷ saying "*Groundwater levels are high in the northern part of the western site [SS1(A)] due to the proximity of the Upper Medway flood plain. This limits the ability for flood storage to be dug deeper into the ground at this point to provide greater volume capacity in a more limited land take. It is considered unlikely that across much of the site more than 0.5m depth could be obtained*".
- 5.46. This Whetsted parcel, in particular, has immediate substrates - namely alluvial deposits under a clay cap - which will require significant ground works to make any buildings stable, as they are inherently unstable and liable to subsidence. Coupled with the high water table, extensive surveys will be required before any construction and drainage strategies can be conceived. Whilst these may be considered unnecessary at this stage of planning, there is no evidence that they have been done which would add significant lead in time to the developments coming forward, which is also relevant to the other parcels.
- 5.47. The residential units have been located within Flood Zone 1 but many of them are surrounded by areas of land in Flood Zone 2 and 3. Therefore, consideration regarding safe access and egress to these residential units is required and it has not been done as part of the revised proposals. Also, it can be concluded that the proposals represent the maximum amount of development that could occur in the eastern part of Capel Parish.
- 5.48. The revised proposals have for the most part located development in the areas of lowest flood risk. However, a secondary school site has been safeguarded in Flood Zone 2 and schools are classed as 'More Vulnerable' development. The Sequential Test should have been applied as part of the RSLP to demonstrate that there are no alternative sites with a lower risk of flooding that the development could be located. The IIF determined that TWBC had not considered all alternatives before encroaching on modelled flood zones and that the Sequential Test for development had not been satisfied. This is still the case, and the Sequential Test has not been satisfied as part of the RSLP.
- 5.49. As detailed in the Paddock Wood Flood Alleviation Study (2015) surface water flooding in Paddock Wood is influenced by the existing surface water network being at capacity. Therefore, it was recommended that any new development in Paddock Wood and its surrounding areas should propose ways to reduce the capacity of the existing network without adding to it. This has not been addressed in the RSLP.

Climate Change

- 5.50. The mapping produced by JBA shows that there is an increase in the amount of the sites in Flood Zone 2, 3a and 3b due to climate change. There is also an increase in surface water flood risk. SC questions whether the JBA mapping adequately recognises the potential effects of climate change, noting Motion's view that the amount of Flood Zone 1 land within the allocation reduces over time. Therefore, the proposed residential units, retail units, and schools in this policy may be located in an area of higher risk of flooding than currently assessed and this should be clarified in the examination.

³⁶ 3.44 Strategic Flood Risk Assessment prepared by JBA (2019) [para 6.6]

³⁷ 3.66 DLA's Main report [para 4.62]

Waste Water Infrastructure

- 5.51. Sewerage infrastructure provision is unclear where the policies only mention “*access to wastewater treatment facilities*”. The policy does not provide the necessary delivery mechanisms or specify how the developments will be required to discharge foul water separately from the SUDs and other attenuation measures. SC understands that there is no land available for expanding the existing wastewater treatment works in Paddock Wood and was alarmed to hear officers say at a recent TWBC meeting that Southern Water may not be engaged at the Paddock Wood sites, leaving provision to the developers, which adds to the uncertainty surrounding deliverability and viability of these allocations.

Secondary School Provision

- 5.52. With the deletion of the demonstrably unsustainable secondary school proposed as part of TGV, the draft policies to support the strategic growth are unclear. There is no longer a main policy that requires the delivery of a secondary school with the draft policy³⁸ saying “*The delivery of secondary school provision equivalent to 3 Forms of Entry (3FE) within the North-Western development parcel, unless it is demonstrated that through feasibility studies that the provision can be delivered through other means such as expansion of existing secondary school provision*”.
- 5.53. It can be inferred that the preferred option is for a school in Capel, although it remains unclear, where the location is at the northern edge of the borough in an area of high flood risk. Motion have demonstrated that the Sequential Test has not been met (see above) and that safe and sustainable active travel to this location is not deliverable based on the evidence in the RSLP.
- 5.54. Whilst this location would attract students from the neighbouring boroughs, SC has not seen any evidence of joint working nor any assessment of the demand on the provision required. There is also no evidence of the consideration of alternative locations that would support TWBC’s suggested way forward.
- 5.55. It is also unclear from the above policy what ‘existing secondary school provision’ includes, although we understand that the expansion of Mascall’s Academy is being considered. SC has seen no evidence with this consultation that this would have the support of both KCC and the Academy Trust and this option would result in Mascall’s becoming most likely one of the largest schools in Kent.
- 5.56. A further point is that in the transport modelling prepared by Sweco³⁹ an assessment was requested by TWBC for ‘Local Plan Scenario 2’ which includes a further 913 houses to the south-east of Paddock Wood after the 10-year plan period (i.e. post 2035). Therefore, it seems entirely sensible to retain the ‘potential’ for the expansion of Mascall’s for the longer term.
- 5.57. That scenario also includes a similar quantum of 923 dwellings in Royal Tunbridge Wells (post 2035) which is a material factor when considering the strategic provision of secondary school education.
- 5.58. SC therefore concludes that TWBC should re-assess the location of additional secondary school provision in the draft local plan and determine options for a more sustainable location that is more central to the Borough’s needs (avoiding areas of flood risk in Capel). SC strongly suggests that this is aligned with a revised spatial strategy for housing development as set out in section 7 below.

³⁸ PS_054 Development Strategy at Strategic Infrastructure (h) on page 75

³⁹ PS_047 Stage 1 Technical Note [Table 9]

6. Conclusions

- 6.1. SC came into this consultation with an open mind, hoping to support the progression of a Local Plan and the intention of working with TWBC on the development of a truly sound and sustainable plan which was stressed at a meeting on 22/12/2022 between TWBC's Chief Planning Officer and three members of the Save Capel Executive. However, now we have had the time to review the new material with our advisors we must conclude that the evidence does not support a sound plan. This is not what SC wanted to see at this late stage and it is hoped that TWBC and the Inspector will look at ways to try and ensure a sound plan can be brought forward at the conclusion of this examination. How SC suggests this can be done can be found in Section 7 of this Representation.
- 6.2. TWBC has spent more than a year purportedly considering the options yet in reality has done the minimum it considers necessary in order to try and comply with the Inspector's findings without considering whether a wholesale new strategic approach was necessary, given that its earlier, preferred, strategic option (premised on a 2 garden village strategy) was not tenable. The consequence of removing TGV, a significant allocation, from the plan is that far more work was required to ensure a sound plan rather than merely updating the Green Belt Study Stage 3.
- 6.3. There has been a clear political desire to get this plan over the line as soon as possible with a 10-year horizon, albeit with the commitment for an immediate review. This short sighted approach, based on a political will, has resulted in a plan that is not supported by evidence to justify it. That work has, in the form now presented, simply not been carried out. Indeed, at the very least, TWBC could and should have assessed alternatives to development within the Green Belt in and around Capel.
- 6.4. SC continues to argue that the release of GB in Capel is not justified or sustainable for the reasons set out in this Representation. The RSLP is also unsound in respect of the Paddock Wood sites which form part of STR/SS 1, and SC questions whether they could be made sound. If a revised strategy for growth in this area is brought forward then SC would continue to argue against the development of EC.
- 6.5. In summary, we have fundamental concerns that the infrastructure necessary has not been made clear and justified with proportionate evidence (some is simply missing), exceptional circumstances for GB release are not justified, and that the housing trajectory required to meet the 10-year need is not deliverable.
- 6.6. Our conclusion is therefore that the Plan's progression should be paused whilst TWBC undertakes a comprehensive review of reasonable alternatives that are already available. This would avoid the potentially wasted time and costs of further examining this version. However, we do not recommend withdrawal of the plan at this stage for the following reasons:
 - a. there are many good policies in the wider plan which, subject to main modifications, have already been examined;
 - b. the non-strategic allocations that have already been examined can proceed towards delivery;
 - c. the current plan only includes 30 allocations out of over 400 sites submitted, thus the potential must be there without the need for a further 'call for sites' at this stage;
 - d. whilst the above would mean some delay, a withdrawal of the plan would take far longer to establish an up to date development plan.
- 6.7. Our suggestions as to the further work that TWBC needs to carry out before progressing with the Local Plan are set out in the next section.

7. Further work that TWBC should be required to undertake

- 7.1. SC acknowledges and supports the first essential change made by TWBC in the RSLP towards making the Local Plan sound – the deletion in full of the TGV proposal. This was a major step towards the production of a sound local plan. However, what has now been presented in respect of development at PW and EC stills remains problematic and the local plan cannot, as it is currently drafted, be considered to be sound.
- 7.2. The steps set out below in this section are presented to help achieve a sound local plan which does not include the TGV allocation or the proposed development. To re-introduce that allocation would not (as discussed above) render the plan sound. As such, alternatives have to be considered.
- 7.3. SC's three principal concerns in respect of the soundness of the RSLP are:
 1. That TWBC, having deleted TGV, which was a strategic component of its Plan, should take a far deeper review of its planning strategy than was evident in the RSLP in order to achieve its housing requirement by reference to the 'standard method' – see section 2 above.
 2. That a key component of such a review should be a focused, serious, and committed reconsideration of alternative sites throughout the Borough. There remains no expressed justification for TWBC seeking to allocate 28% of its overall housing allocations to Capel – see from para 2.43 above.
 3. Further, as part of the review, SC also recommends:
 - a) a re-assessment of the potential urban opportunities from changes in legislation that promote the change of use of urban sites to residential,
 - b) a proper assessment of the significant opportunity from the vacant commercial space (offices, shops, etc.) which has arisen during and since the Covid-19 pandemic. This reconsideration now needs to be completed as a matter of urgency,
 - c) a serious assessment of sites on the periphery of urban centres, where infrastructure will be more readily available and, as a result, development can be made sustainable, rather than creating urban centres around villages in open countryside without the required (and costly) infrastructure needs, and
 - d) that improvement of Transport and Infrastructure within Capel, which in parts is already at or over design capacity, must be a pre-requisite before any further development is undertaken, whether inside or outside a Local Plan – and specifically this is a pre-requisite to be addressed prior to the consideration of any development at East Capel.
- 7.4. SC therefore urges TWBC to extend its timetable to complete the wholesale and fundamental review of its planning strategy, within the structure of the RSLP, including a review of alternative sites throughout the Borough as the core part of that reconsideration. Any such review should have as a key assumption the need to prevent any development within Capel prior to delivering improvements in local Transport and Infrastructure.
- 7.5. SC notes TWBC's call for sites in central Tunbridge Wells on 23 February 2024. Given the potential sites already identified in the SHELAA studies and by SC, we strongly recommend that those are considered actively and seriously now before any new calls for sites outside central Tunbridge Wells are considered.

Appendices

The following appendices are to be read in conjunction with this main representation. The documents are submitted separately.

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

- (1) Transport Evidence Addendum – Parish of Capel, produced by Motion Consultants
- (2) Save Capel Appendix – evidence paper re the deletion of Tudeley Garden Village from the Local Plan

Note:

Save Capel's previous responses to the Regulation 19 Consultation (2021) can be found on its website



Submitted by the Save Capel Executive

26.02.2024