

**Capel Parish Council response to Regulation 18 consultation on draft Local Plan**

<b>COMMENT BOX 1: COMMENTS ON A PARTICULAR SECTION OR PARAGRAPH</b>	
<p>Section 2: Setting the Scene – Challenges and Opportunities</p>	<p>Object / Support / Support with Conditions / <b><u>General Observation</u></b></p> <p>Capel Parish Council makes the following general observation on these paragraphs:</p> <p>Paragraph 2.9 (p.24) states <i>“As the challenges highlighted in the section below show, the potential of some areas of the borough to accommodate new growth is constrained by factors such as highway capacity, landscape sensitivity, flooding, and the nature of the natural and built environment. These factors have all been taken into account when considering the growth strategy and distribution of development set out within this Draft Local Plan”</i></p> <p>All of the constraints listed above, plus many more, affect the proposed developments at Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1), as well as the land safeguarded for the proposed A228 strategic transport link (Colts Hill bypass) (Policy TP 6) and the proposed link route which is to run from the proposed development at Tudeley AL/CA1 to the Colts Hill Bypass (Five Oak Green Bypass) according to the SWECO Local Plan Transport Evidence Base p.138 and 142). There is no evidence in all of the supporting documents which demonstrates that these factors have properly been taken into account.</p> <p>Under Transport, paragraphs 2.23-2.24 (p.26) state <i>“2.23 Tunbridge Wells borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change. The borough has an extensive highway network, with several A roads converging in the urban area of Royal Tunbridge Wells, including the A21, A26, A264 and A228, and A267. There have been recent improvements to the strategic road network at North Farm and duelling of the A21, but congestion on the A21 at Kippings Cross and the A228/A264 Pembury Road remain unresolved. There are also further congestion, capacity, and air quality issues on the A26, A264, and A228 Colts Hill. 2.24 The Council has an adopted Borough Transport Strategy, which sets out the vision for transport infrastructure for the period from 2015 to 2026. The objective of this document is not only to address existing transport problems, but also to support the level of growth set out within the previous adopted Core Strategy and Site Allocations Local Plan. Updated transport assessment and modelling work has been undertaken, which will allow, in parallel with the new Local Plan, preparation of a refreshed version of the Borough Transport Strategy to cover the period to</i></p>

	<p>2036. <i>The transport evidence, including assessment and modelling work, is available on the Supporting Documents page of the Local Plan website</i></p> <p>Please see our comments under COMMENT BOX 2 in relation to Policies TP 1, TP 2 and TP 6 and in COMMENT BOX 7 in relation to the SWECO Local Plan Transport Evidence Base.</p>
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<p><b>COMMENT BOX 2: COMMENTS ON A POLICY</b>  Strategic Policies (Section 4), Strategic Place Shaping Policies (Section 5), Site Allocation Policies (section 5), or Development Management Policies (Section 6)</p>	
<p>Section 4: The Development Strategy and Strategic Policies</p> <p>The Development Strategy</p> <p>Commentary in paragraphs 4.7 – 4.17 relating to Housing Need and Table 1 Housing Need 2016-2036 (as at 01 April 2019)</p> <p>Pages 34-35</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Tunbridge Wells Borough Council has interpreted its housing need figure to be 13,560 and then up-scaled it to 14,776. This is despite TWBC having strong grounds to lower its housing need figure due to the large amount of Green Belt and AONB land in the borough.</p> <p>The Ministry of Housing, Communities and Local Government has repeatedly made clear that <i>“the housing need figure is not a mandatory target. Local Authorities should make a realistic assessment of the number of homes their communities need, using the standard method as the starting point in the process. Once this has been established planning to meet that need will require consideration of land availability, relevant constraints and whether the need is more appropriately met in neighbouring areas... The NPPF is clear that only in exceptional circumstances may a Green Belt boundary be altered, through the Local Plan process. Last year we strengthened Green Belt policy in the revised NPPF”</i></p> <p>You have chosen to accept the government’s housing need for Tunbridge Wells borough based on the standard method of calculation. You know that the ONS 2016 figures show a smaller housing need and that policy will reflect that in due course.</p> <p>You can protect this borough from the destruction of Green Belt and AONB by following NPPF guidelines, but this plan shows no interest in doing so, and in fact is planning for even more housing than your interpretation of the 2014 figures requires. For example, you could save the MGB land at East Capel (Policy AL / CA 3 &amp; AL / PW 1) by choosing a different development option that would require 1,000 fewer houses.</p>

	<p>Paragraph 11 of the NPPF (revised in 2019) states:</p> <p>“11. Plans and decisions should apply a presumption in favour of sustainable development.</p> <p>For <b>plan-making</b> this means that:</p> <p>(a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;</p> <p>(b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, <u>unless</u>:</p> <ul style="list-style-type: none"> <li>i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or</li> <li>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” <p>Paragraphs 11(b)(i) and (ii) are of crucial importance. They provide for TWBC <u>to have a choice</u> in the provision of the objectively assessed 13,560 houses. If provision of these houses is really only possible by sacrificing Green Belt land, as TWBC concede at paragraph of the Non-Technical Summary of their Sustainability Appraisal, then the NPPF makes it perfectly possible for TWBC to say that this is not achievable. TWBC have <u>chosen</u> not to do so.</p> <p><b>Capel Parish Council calls for a reduction in the number of houses to be delivered by the Local Plan.</b></p> </li></ul>
<p>Section 4: The Development Strategy and Strategic Policies</p> <p>The Development Strategy Commentary in paragraphs 4.38 – 4.40 relating to The Development Strategy of the Draft Local Plan being put forward for consultation</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>You are proposing a development strategy based on dispersed growth, i.e. proportional distribution of development across all of the borough’s settlements. You imply that you have achieved this, but this is misleading. The Local Plan is almost entirely dependent on the successful implementation of proposed garden settlement in Tudeley (AL / CA 1) and the expansion of Paddock Wood including building on East Capel (AL / CA 3 &amp; AL / PW 1). They form 63% of the new housing. If these sites fail to deliver, then the associated infrastructure that is entirely reliant on developer capital would also never be realised. This appears to stack risk on risk, where both areas of development are inextricably linked and the failure of one would lead to collapse of the other and as a result the whole plan would fail.</p> <p>You refer to Tudeley Village securing a long term option for the borough to deliver the needs of future</p>

<p>Pages 39-40</p>	<p>generations. <b>It is clear from this statement that you intend to add more and more housing to this “garden settlement” in each five year review of future Local Plans.</b></p> <p><b>Capel Parish Council are seriously concerned that this will be the first step in the longer term destruction of the entire MGB in this part of the Borough.</b> It deserves to be protected and sheltered from development. A garden settlement, should there be one, would be best in the middle of the borough, to make it accessible north and south. It is totally counterproductive to put affordable housing right at the very north of the borough when so many residents live in the south. Put it in the middle of the borough or spread it right across the borough.</p> <p>The developments in Tudeley and East Capel are unsustainable, having a poor road infrastructure and this doing nothing for local employment needs (it will make many local farm workers redundant). It would also put an unfair burden on the residents of Tonbridge and Malling whose infrastructure the new residents will access. ‘The ‘master planning approach’ will come to a grinding halt at the boundaries of Tonbridge, a town whose infrastructure has grown slowly over the last millennium and can hardly be expected to adjust to this challenge imposed on it by the planners of the neighbouring authority. We expect this view to be reflected by TMBC in their response to the regulation 18 consultation.</p>
<p>STR 1 The Development Strategy Page 42</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>This policy does not include any reference to development on Brownfield sites but does refer to the release of Green Belt. There should be a strategy of identifying suitable Brownfield sites and developing innovative ways to deliver housing on those sites.</p> <p>You repeatedly refer to the Eastern part of Capel parish as part of Paddock Wood when it is not, and unlike Paddock Wood is in the Green Belt. It has a completely different heritage and culture from Paddock Wood. Badsell Manor is the oldest continuously inhabited houses in the parish and its historic environs would be destroyed by this proposal.</p>
<p>STR 3 Masterplanning and use of Compulsory Purchase powers Page 48</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>You state that <i>“In order to bring forward development of the sites allocated in a timely and comprehensive way, the Council will, where appropriate, use its Compulsory Purchase Order powers to enable the sites and development to be delivered to achieve the strategic objectives and development strategy set out within the Local Plan. It will also, where appropriate, work with other authorities that are using their Compulsory Purchase</i></p>

	<p><i>Order powers”</i></p> <p>This contradicts the reasoning for favouring the proposed strategic offline link (Colts Hill Bypass – Policy TP 6) which was that there would be no need for CPO’s unlike the on-line option which would do materially less harm to the AONB. In light of this inconsistency will this plan be revisited?</p> <p>It is anticipated that CPO’s are likely to be necessary in the event that the proposed A228 strategic transport link (Colts Hill bypass) (Policy TP 6) and the proposed link route which is to run from the proposed development at Tudeley CA1 to the Colts Hill Bypass (Five Oak Green Bypass) go ahead as described (see Local Plan Transport Evidence Base p.138 and 142). Capel Parish Council is strongly opposed to any of its residents being subject to compulsory purchase in these circumstances.</p>
STR 4 Green Belt	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>The release of Green Belt described in this plan in Tudeley and East Capel is not justified in any way and is certainly not the result of “exceptional circumstances”.</p> <p>See our comments above re Section 4 para 4.5</p> <p>The Green Belt Strategic Study commissioned by TWBC states that building houses at Tudeley and East Capel would cause the maximum level of harm possible to the Green Belt. CPC believe that there is a suitable alternative site for the Tudeley development outside the Green Belt (for example in Horsmonden) and the East Capel development is not required to expand Paddock Wood.</p> <p>In the commentary from paragraph 4.49 (p.49), you state that <i>“the Council considers that there are the exceptional circumstances to alter the boundaries of the Green Belt to remove land from the designation for the proposed development at Tudeley Village, land at Capel and Paddock Wood [...] Overall, some 5.35% of the Green Belt within the borough is being de-designated”</i></p> <p><b>Capel Parish Council does not believe the exceptional circumstances exist to justify releasing land from the Green Belt in Tudeley and East Capel.</b></p> <p>As you will see from our comments on the Sustainability Appraisal, options for the expansion of Paddock Wood need not include East Capel.</p> <p>The release of Green Belt for Tudeley New Town (AL / CA 1) is totally unjustifiable. The 1,900 houses delivered</p>

there in this plan period are either not required by TWBC (who can easily reduce their plan to provide 13,560 rather than 14,776 new houses) or can be provided elsewhere outside of the Green Belt and AONB (for example at Horsmonden or Frittenden). Innovative use of Brownfield sites may also provide the housing that TWBC would like to provide by removing 400 acres from the Green Belt in Tudeley (AL / CA 1) plus another over 200 in East Capel (AL / CA 3).

5.35% of the land is being 'de-designated' (by which the plan means removed) from the Green Belt. But this is disproportionately concentrated in Capel parish where it will have a huge impact on the community and lead to the convergence of settlements. One of the main reasons for the Green Belt in the first place.

Comments on paragraph 4.50 (p.49)

You state that the Distribution of Development Topic Paper (which draws on the Green Belt Strategy Study) provides evidence and justification to release land from the Green Belt at Tudeley (AL / CA 1). This is not true. There is no evidence that makes Tudeley a better site for a Garden Village than Horsmonden (Site 144).

The justification for not placing a garden settlement at Horsmonden is that "This would be a very large scale strategic allocation that would be disproportionate to the size of the settlement, with concern about landscape and heritage". Tudeley is a tiny hamlet. It has 50 houses at most. The whole of the Parish of Capel has only 950 houses in it. Adding 2,800 new houses at Tudeley is a massive increase that is far higher than the proportional increase would be elsewhere in the Borough.

Tudeley is home to a world renowned heritage asset – All Saints Church. The only church in the entire world to have a complete set of stained glass windows designed by the renowned artist Marc Chagall. There is no equivalent heritage asset at Horsmonden. The proposal at AL / CA 2 would also impinge on the views from and towards Somerhill a Grade 1 listed building.

Tudeley has a beautiful, rolling landscape with abundant wildlife, fertile soil and high biodiversity scores. It is entirely within the Green Belt and the High Weald AONB is within a few yards of the proposed development site.

You state that Horsmonden, for example, has severe access difficulties. The access difficulties on the B2017 and Hartlake Road are at least as severe and the impact of the extra traffic on Tonbridge's overloaded road infrastructure will have severe impact there too.

Capel Parish Council does not believe exceptional circumstances exist to justify building at Tudeley. The only

	<p>argument presented anywhere is that Tudeley has a single landowner and other sites multiple landowners. TWBC’s reluctance to deal with multiple landowners is not an “exceptional circumstance”. The Capel Parish SHEELA states there will be compensatory Green Belt elsewhere in the Borough. This is clearly not the case. Capel Parish Council deplores the loss of MGB as a result of this plan.</p>
<p>STR 5 Essential Infrastructure and Connectivity</p>	<p>Object / Support / <b>Support with Conditions</b> / General Observation</p> <p>An addition is required as follows:</p> <p>“All infrastructure required for the garden settlements must be described in detail before the Local Plan is adopted, signed off via public consultation and a TWBC Full Council vote and delivered and inspected in full before the first house within the garden settlement is built.”</p> <p>The commentary at paragraph 4.53 states that:</p> <p><i>“Infrastructure can be separated into four main categories: physical infrastructure (such as highways and public realm improvements), community infrastructure (such as schools, adult social services, and cultural facilities), and green, grey, and blue infrastructure (such as play spaces, natural and semi-natural open space, and sports pitches, as well as other essential infrastructure such as flood mitigation, utilities, and digital connectivity)”</i></p> <p>The ‘Green Infrastructure Framework’ and ‘draft Infrastructure Delivery Plan’ are highlighted as key documents.</p> <p>Policy STR 5 identifies the following ‘strategic priorities for infrastructure provision or improvements within the borough’ needed to deliver and support the growth set out in the dLP:</p> <ul style="list-style-type: none"> <li>• Transport (see our comments under STR 6 below)</li> <li>• Education</li> <li>• Health</li> <li>• Water</li> <li>• Digital infrastructure and facilities</li> <li>• Green, grey, and blue infrastructure</li> <li>• Cultural infrastructure</li> </ul> <p>The Policy then refers to the Infrastructure Delivery Plan (IDP) which it says identifies the scope of infrastructure to be provided, the phasing of such infrastructure linked to the planned development, and the mechanisms by</p>

	<p>which the Council considers that the infrastructure will be delivered, including the use of Section 106 agreements, Community Infrastructure Levy, or equivalent policy as applicable.</p> <p><u>Health</u></p> <p>In the Infrastructure Delivery Plan (IDP) under the heading ‘Additional future requirements needed to deliver growth proposed in the Draft Local Plan’ at paragraph 3.104 (p.40) it states that <b>“The Council has not been made aware of any specific requirements over the plan period; however, discussions with the Maidstone and Tunbridge Wells NHS Trust have highlighted potential need for extension of either the Tunbridge Wells Hospital or Maidstone Hospital to serve the West Kent Area over the Plan period”</b></p> <p>Under the heading ‘Emergency Services’ at paragraph 3.201 (p.62) it states that <b>“Emergency services for the purposes of this IDP include Police, Fire and Rescue, and Ambulance services”</b> before confirming under the heading ‘Related strategies and evidence’: <b>“None identified at this stage”</b></p> <p>Several thousand houses will create huge pressures on every aspect of NHS provision – it is unacceptable to not have identified this need &amp; just refer to a “potential need”. The TW Hospital at Pembury is already at capacity, the site is not capable of being extended, and there is already a serious issue with car parking. Handover times between ambulance &amp; hospital have historically been a scandal due to acute bed shortage.</p> <p><u>Education</u></p> <p>Policy STR 5 states that <b>“Provision will be made for sufficient school places in the form of expanded or new primary and secondary schools, together with early years and childcare facilities”</b>. There is more information about what the specific provision will be under Policies STR 1, AL / CA 1, AL / CA 3 &amp; AL / PW 1, however, the IDP does not give any certainty that the required provision can ever be realised.</p> <p>Please see our comments in Comment Box 8 under the heading ‘Infrastructure Delivery Plan’</p>
STR 6 Transport and	Object / Support / <b><u>Support with Conditions</u></b> / General Observation

<p>Parking</p>	<p>An addition is required as follows:</p> <p>“All sustainable transport services, with proven capacity to hold the entire population of the garden settlement, must be provided and active before the first house within the garden settlement is built.”</p> <p>Note that you can only provide rapid bus links if you provide dedicated bus lanes. For Tudeley, the closest rail station in Tonbridge, it will require bus lanes along Woodgate Way, Pembury Road and all the way up to Station Approach.</p> <p>CPC support the ambition regarding sustainable travel but the only way to do that will be to provide limited car parking and limited car access into the new development at Tudeley. This may conflict with the ambitions of the landowner. CPC insist transport services are provided before the houses are built as part of the master planning approach.</p>
<p>STR 7 Place Shaping and Design</p>	<p>Object / Support / <b>Support with Conditions</b> / General Observation</p> <p>Bullet point 8 states that “All new development must use the following principles relevant to its location, scale, and use: Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, privacy, and <u>overbearing impact</u>”. This cannot be achieved with a proposal to build 2,800 houses at a location with less than 50 houses at present (Policy AL / CA 1). This land should be removed from the dLP in order to deliver this Policy.</p> <p>In the event that the site is not removed from the dLP, a clause should be included which states that, where an overbearing impact is anticipated, local residents will be consulted and have enhanced rights when planning applications are considered, including the right of veto or appeal as individuals vs. developers.</p>
<p>STR 8 Conserving and enhancing the natural, built, and historic environment</p>	<p>Object / Support / <b>Support with Conditions</b> / General Observation</p> <p>The commentary at paragraph 4.69 (p.57) acknowledges that “Paddock Wood is a distinct settlement, which is identifiable as a historic railway-focused town, located in the transition area between the Low and High Weald, at the foot of the scarp slope”</p> <p>It should be noted that the “distinct settlement” of Paddock Wood does not, and should not at any point in the future, include Green Belt land at East Capel (Policy AL / CA 3 and AL / PW 1). This land should be removed from the dLP in order to deliver this Policy.</p>

<p>STR10 Limits to Built Development Boundaries</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Paragraph 4.87 (Limits to Built Development) p.62</p> <p>You have not provided any detailed LBD information for Tudeley or East Capel, citing “the need for further master planning”. This once again highlights that this plan is not ready for Public Consultation.</p>
<p>Policy STR/CA 1 The Strategy for Capel Parish Page 156</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>This strategy is absolutely, completely, totally unachievable. The risks involved in plonking a “garden settlement” on this Green Belt hamlet are huge. The infrastructure costs are huge. The landowner and co-master planner are inexperienced and ill-equipped to deliver such a complex project. Point by point the policy is flawed in the following ways:</p> <ol style="list-style-type: none"> <li>1. It is difficult to see the provision of employment and retail provision within the settlement as it lies so close to Tonbridge. This is no compensation for the loss of agricultural land and farming/equestrian employment if the development goes ahead.</li> <li>2. The proposed secondary school site is next to an extremely busy road that is already very congested at school drop-off times. It also crosses a railway line that is at the bottom of a very deep cutting. It stands to be demonstrated whether children can cross safely before, during and after the school day. It is also directly opposite the Grade 1 listed Somerhill and contains ancient woodland. CPC understands this is not a choice KCC Would have made as the site for a new school. We think it is completely inappropriate and do not support it.</li> <li>3. The requirement for more primary school places in the immediate locality has yet to be demonstrated, as the birth rate is dropping.</li> <li>4. 4,000 new dwellings in two new developments in such a small rural area, with such a limited infrastructure is inappropriate. The houses will not provide for the needs of this parish. If needed it would be better to spread them out across the borough.</li> <li>5. Flood storage areas and other mitigation strategies can be delivered without developer contributions from new housing. This is an ex post facto justification as far as Five Oak Green is concerned as the borough were seemingly unaware of the EA scheme until February 2019, well after the plans for both schemes had been drawn up. CPC notes the alacrity of the borough in using this proposal which has been on the drawing board since 2010, to allege ‘betterment’ for residents as a result of this proposal, despite their previous lack of</li> </ol>

interest in this issue. Introducing hard surfaces and dwellings on to the meadows and fields of East Capel and Tudeley will increase the flood risk beyond any mitigation measures.

6. Strategic transport links cannot be provided without destroying large areas of AONB, and it is noted you cannot provide the exact location of such a link; which makes it difficult to comment on. Given the uncertainty, Capel Parish Council would like the offline A228 link to be reviewed in the wider context of this possible new road infrastructure. It may be the online option would cause less damage to the AONB, and the offline plan is already 20 years old. You will need to be aware of the impact this will cause on the road at Pembury. Any transport links provided will have to continue on through Tonbridge with a huge impact in an already highly congested traffic area.
7. No comment.
8. Despite surrounding Five Oak Green with 4,000+ new houses, you state clearly that you want to keep on providing additional housing within Five Oak Green. The village envelope of Five Oak Green should remain as it is in these circumstances given the disproportionate development in the rest of the parish.
9. The release of Green Belt land is not permitted within the NPPF as TWBC has not proved “exceptional circumstances”. Dealing with a single landowner at Tudeley does not amount to exceptional circumstances, and TWBC have two other options for Paddock Wood which would not require them to build on the green belt at East Capel.
10. Agree
11. The impact on carbon sequestration provided by the farmland, meadows, mature trees and hedgerows in all three Capel sites cannot be offset by a nod to zero/low carbon energy production. The impact of this development on climate change is clearly negative as demonstrated in your own sustainability appraisal.
12. This site is within the recognised 1km AONB buffer zone and so is entirely unsuitable for development of this scale. The associated road infrastructure will have an even more damaging impact.
13. The AONB Management Plan is severely compromised by this proposed development.

You have a Master planning and Delivery approach within this policy that does not reference the involvement of developers and landowners. It is our understanding that the master planning of East Capel will be led by the Council. However, the master planning of Tudeley appears to be shared between the Council and Hadlow Estate. This is not consistent and the product of having one developer to deal with. Hadlow Estate are not experienced developers and have failed to share their plans and ideas with the parish council or the wider community. We fear these ideas will be completely inappropriate for this Low Weald landscape and that they will try to build a

	<p>high end urban development completely out of keeping with the local heritage and landscape, designed to appeal to an upmarket London based clientele. We strongly urge the council abandon this idea and failing that to take a more pro-active role with the landowner in managing this development.</p> <p>Comments on paragraph 5.60 (Allocation Policies) p.159</p> <p>This site is unsuitable for a garden settlement because it has a main railway line running through the middle of it. There only two crossings. At Hartlake Road on its boundary (no more than a country lane) and Sherenden Road which is so narrow that only one car can pass at a time under the railway embankment. There are no proposals as we understand to change this as it would require major works to the railway which is the main Tonbridge – Dover line. CPC believe it is two settlements divided by a railway line, neither of which satisfy garden settlement principles.</p> <p>This site is under single ownership. This appears to be the overriding factor in its selection. The landowner has no track record in managing or master planning a development of this size, and they are not widely trusted to do so within the wider Capel community in our judgement. No-one has had any positive form of engagement with them since the development was disclosed, and thus nobody has any idea of what this development might entail.</p> <p>Development on the site will adversely affect flood risks in Tudeley and neighbouring Golden Green, East Peckham, Hadlow and Tonbridge. The River Medway is more prone to flooding and the impact of a failure in the Leigh Barrier has not been considered, particularly in light of rapid increase in sea levels and other Climate Change. The Five Oak Green flood risk will be reduced by a storage reservoir on the Alder Stream, that can be delivered and funded by a much smaller scale of development than that envisaged by this garden settlement.</p> <p>The Biodiversity on this site is extraordinary. As is rightly noted, it is also adjacent to a Biodiversity Opportunity Area and directly adjacent to AONB.</p>
<p>Policy AL/CA 1 Tudeley Village Page 159</p>	<p>This policy envisages too many new dwellings, completely out of proportion to its environment. They are entirely unsustainable in this rural area with a limited infrastructure. Capel Parish Council believes this proposal is unsustainable and therefore unsound – clearly not of a sustainable scale as claimed here. CPC is also troubled by the call for a ‘clear identity’ by which we take something similar to Poundbury, which would be an unwelcome urban intrusion into this rural Low Weald Medway Valley landscape. We believe this is what the</p>

	<p>landowner intends, and we believe he should not be allowed a free hand.</p> <p>If this development were to materialise, we believe TWBC should insist that all infrastructure (transport services, new roads and road improvements) must be delivered before construction of housing begins. We believe the added flood risk cannot be fully mitigated against and the site contributes negatively to climate change.</p>
<p>Policy AL/CA 2 Land to east of Tonbridge/west of site for Tudeley Village Page 163</p>	<p>This policy refers to a site that is wholly unsuitable to the development of a secondary school due to the:</p> <ul style="list-style-type: none"> <li>• Railway line</li> <li>• Busy roads</li> <li>• Flood risk</li> <li>• High pressure gas pipeline risks</li> <li>• Unsustainable transport links to Tonbridge and Tunbridge Wells Town Centre</li> <li>• Reliance on private car use for staff and students’ families.</li> </ul> <p>The proposed secondary school site is in a dangerous place, with a railway line running through the site. It will add an unacceptably high level of traffic to/from Tonbridge with a negative effect on the town’s infrastructure as well as the setting of the Grade 1 listed Somerhill. The development at Tudeley, with 1,900 homes built in the next 15 years, will be unlikely to have enough children of Secondary School age to fill an eight form entry secondary school. Most of the students will come from Tonbridge, Tunbridge Wells, Southborough, Bidborough and Paddock Wood. The road infrastructure is not capable of sustaining this pressure and it will provide for an over reliance on the car given its distance from central Tonbridge and Tunbridge Wells and its otherwise rural catchment.</p>
<p>Policy AL/CA 3 Land at Capel and Paddock Wood Page 165</p>	<p>Capel Parish Council ask that TWBC remove this option from the draft local plan. The East Capel site prevents the convergence of Paddock Wood and Five Oak Green, is the area of the parish most vulnerable to flooding, so is inappropriate for development and has a valuable historic landscape including Badsell Manor a moated manor house. It is traditional part of Capel Parish and CPC are strongly opposed to its absorption into Paddock Wood in defiance of its history and heritage going back to early Medieval times.</p>
<p>Policy STR/PW 1 The Strategy for Paddock Wood Page 170</p>	<p>The expansion of Paddock Wood can be achieved without using land at East Capel for housing. Flood storage attenuation/mitigation measures may be useful there, but no housing is required. In fact, providing housing will contravene the NPPF as East Capel is Green Belt and the removal of East Capel from the Green Belt will cause convergence with Five Oak Green, as our comments on the SA suggest. This does not amount to “exceptional</p>

	<p>circumstances”. This is further described in comments on the Sustainability Appraisal.</p>
<p>Policy AL/PW 1 Land at Capel and Paddock Wood Page 174</p>	<p>The expansion of Paddock Wood can be achieved without using Green Belt land at East Capel for housing. 4,000 new dwellings in Paddock Wood is excessive given the scale of recent developments and overambitious, and Green Belt land in a neighbouring parish should not be taken to provide for this. Capel Parish Council believe that if TWBC is not willing to argue that the housing need given to them by government is too high, they can use the NPPF’s protection of Green Belt to adjust their expansion plans.</p>
<p>Policy EN 1 Design and other development management criteria (Pages 365-370)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Policy EN 1 (p.365) states “All proposals for development within the borough will be required to satisfy all of the following criteria”. Design Aspects 1-12 are listed, together with relevant criteria. Capel Parish Council makes comments about the following criteria:</p> <p><u>Design Aspect 1. Character and site context</u></p> <p>The criteria states “<i>For any new development proposals</i></p> <p><i>2. The siting, layout, density, spacing, orientation, and landscaping must respect the characteristics of the site, [...] its relationship with immediate surroundings, and where appropriate, views into and out of the site;</i></p> <p><i>3. The scale, form, height, massing, proportions, external appearance, and materials should be compatible with existing buildings, building lines, landscape and treescape, roofscapes, and skylines”</i></p> <p>AL/CA 1 will have a negative impact on the adjacent AONB, particularly with regard to views. The Strategy for Capel (STR/CA1), and in particular the proposed developments at Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1), are inconsistent with this design criteria.</p> <p><u>Design Criteria 2. Water/Flooding features</u></p> <p>The criteria states “<i>The proposal should:</i></p> <p><i>2. Avoid inappropriate new development within areas at risk from flooding, or mitigate any potential impacts of</i></p>

	<p><i>new development within such areas whereby mitigation measures are integral to the design of buildings”</i></p> <p>Any development within areas at risk of flooding must be considered inappropriate. TWBC should adhere to the policy of avoidance. Land in East Capel (AL/CA 3 &amp; AL/PW 1) should NOT be within the DLP due to its history of flooding and much of it being in Flood Zone 3</p> <p><u>Design Criteria 4. Biodiversity and Geodiversity</u></p> <p>The criteria states <i>“1. Within the design, the proposal <u>must incorporate opportunities for increasing biodiversity potential...</u>”</i></p> <p>This element of Policy EN 1 contrasts with Policy EN 11 (p.394) which states</p> <p><i>“<u>Development will only be permitted where it meets all of the following criteria:</u></i></p> <ol style="list-style-type: none"> <li><i>1. It can demonstrate [...] that completion of the development will result in a <u>measurable long term net gain for biodiversity</u></i></li> <li><i>2. It can be demonstrated that the proposals have adopted a strict approach to the mitigation hierarchy (i.e. avoid, mitigate, compensate) and <u>are able to justify all unavoidable impacts on biodiversity; and</u></i></li> <li><i>3. The proposed measures for mitigation, compensation, and/or net gain are acceptable to the Council in terms of design and location, and are secured for the lifetime of the development with appropriate funding mechanisms that are capable of being secured by condition and/or legal agreement”</i></li> </ol> <p>Capel Parish has many irreplaceable habitats within its virgin greenbelt and rural environs. Appendix B to the Interim Sustainability Appraisal published alongside the Issues and Options consultation (<a href="https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0010/291979/IssuesandOptions-PostConsultationFinal-minorupdates.pdf">https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0010/291979/IssuesandOptions-PostConsultationFinal-minorupdates.pdf</a>) provides the results of the assessment of Growth Strategy 5 against the Sustainability Objectives. Under the ‘Biodiversity’ objective the following is stated as being relevant to ‘decision making criteria’ at p.96: <i>“<u>Such a large quantity of development in one location is extremely likely to cause significant losses for biodiversity”</u></i></p> <p>The Strategy for Capel (STR/CA1), and in particular the proposed developments at Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1), are inconsistent with this design criteria.</p>
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	<p><u>Design Criteria 5. Highway Safety and Access</u></p> <p>The criteria states “<i>1. Vehicular access, parking provision, and pedestrian movement should be safely accommodated and the new development should not significantly increase traffic to cause material harm to the safety of the local highway network</i>”</p> <p>The proposal will cause a significant increase in traffic. If infrastructure is not provided prior to the housebuilding the local network will be significantly impacted. Any large increase in traffic will impact on road safety, pedestrian &amp; vehicular. Please see our comments under Policies TP 1, TP 2 and TP 6 below.</p> <p>The Strategy for Capel (STR/CA1), and in particular the proposed developments at Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1), are inconsistent with this design criteria.</p> <p><u>Design Criteria 6. Residential Amenity</u></p> <p>The criteria states “<i>The proposal should not cause significant harm to the amenities of occupiers of neighbouring properties and uses, and should provide adequate residential amenities for future occupiers of the development by ensuring:</i></p> <ol style="list-style-type: none"> <li><i>1. That development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, or overlooking;</i></li> <li><i>2. That the built form does not create an unacceptable loss of privacy and overbearing impact, outlook, or daylight and sunlight enjoyed by the occupiers of adjacent/nearby properties”</i></li> </ol> <p>The sheer scale of these proposals will have a massive overbearing impact, and some 12,000 vehicles WILL result in excessive movements of vehicles.</p> <p>The Strategy for Capel (STR/CA1), and in particular the proposed developments at Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1), are inconsistent with this design criteria.</p>
<p>Policy EN 2 - Sustainable Design and Construction (Pages 370-372)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy for the reasons stated.</p> <p>Policy EN 2 (p.370) states “<i>All development proposals must demonstrate that sustainable development is integral to the design, construction, and operation of the proposal, and considered from the beginning of the design</i></p>

	<p><i>process. To do this, developers must follow the 12 steps below:</i></p> <p><i>1. Prioritise development in locations with frequent and easily accessible public transport services that provide useful links to key facilities such as GP surgeries, train stations, shopping areas, and schools”</i></p> <p>The Strategy for Capel (STR/CA1) is inconsistent with this policy. The location of the proposed secondary school (AL/CA 2) does not have frequent or easily accessible public transport services. The proposed developments and Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1), which are both modelled on Growth Strategy 5 (new settlement growth) are totally dependant on massive amounts of new infrastructure. The more favoured Growth Strategies 4 (A21 Corridor) or 1 (Focussed growth) within the urban environment of RTW are more closely aligned to this policy.</p>
<p>Policy EN 6 - Historic Environment (Pages 377-379)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy for the reasons stated.</p> <p>Policy EN 6 (p.379) states <i>“All proposals shall demonstrate:</i></p> <p><i>1. How the development proposal would preserve or enhance the historic environment; and</i></p> <p><i>4. An understanding of the presence of heritage assets and their setting and associated significance, vulnerabilities, and opportunities”</i></p> <p>The DLP prepared by TWBC shows no understanding of heritage assets or the historic environment. Please see our further comments about heritage under Policy EN 7 below. The Strategy for Capel (STR/CA1) is inconsistent with this policy and the proposed developments and Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1) should be removed from the DLP.</p>
<p>Policy EN 7 - Heritage Assets (Pages 379-384)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy for the reasons stated.</p> <p>Policy EN 7 (p.) states <i>“Proposals that affect a designated or non-designated heritage asset, or its setting, will only be permitted where the development conserves or enhances the character, appearance, amenity, and setting of the asset”</i></p> <p>The DLP prepared by TWBC shows no understanding of heritage assets or the historic environment. Appendix B</p>

	<p>to the Interim Sustainability Appraisal published alongside the Issues and Options consultation (<a href="https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0010/291979/IssuesandOptions-PostConsultationFinal-minorupdates.pdf">https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0010/291979/IssuesandOptions-PostConsultationFinal-minorupdates.pdf</a>) provides the results of the assessment of Growth Strategy 5 against the Sustainability Objectives. Under the 'Heritage' objective the following is stated as being relevant to 'decision making criteria' at p.101: <i>"Rural areas away from existing settlements are less likely to contain a high concentration of heritage assets"</i>. This is totally inaccurate. There are many within the rural hamlets of Capel ranging from Grade1 churches to listed Oast Houses and historic farmsteads. The proposals give no indication how the historic environment surrounding the land proposed for AL/CA 1, AL/CA 2, AL/CA 3 &amp; AL/PW 1 will be enhanced. It is hard to envisage how the setting of All Saints Tudeley, the only church in the world with a complete set of Chagall windows, can be enhanced by any built development near its environs. Similarly in East Capel the moated Badsell Manor will suffer significant harm from mass housing estates.</p> <p>The Strategy for Capel (STR/CA1) is inconsistent with this policy. The proposed developments and Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1) cannot possibly enhance the character, appearance, amenity or setting of the assets mentioned above. They should be removed from the DLP.</p>
<p>Policy EN 10 - Outdoor lighting and dark skies (Pages 390-392)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Paragraph 6.115 (p.390) states <i>"The impact of light pollution is particularly harmful in the open countryside, where rural character is eroded and the distinction between town and country is blurred [...]. The full effects of artificial lighting on biodiversity are not fully understood, but nocturnal animals can be seriously affected by artificial light at even very low levels, adversely affecting their ability to feed and reproduce"</i></p> <p>Paragraph 6.118 (p.391) states <i>"The whole of the borough, apart from the Main Urban Area of Royal Tunbridge Wells and Southborough, and Paddock Wood, should be treated as being in Zone E1 "intrinsically dark with natural surroundings" [...] Particular consideration should be given to the dark skies of the High Weald AONB, as set out in the High Weald AONB Management Plan"</i></p> <p>The Strategy for Capel (STR/CA1) is inconsistent with this policy. The proposed developments for greater than 4,000 dwellings and several thousand cars at Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1) cannot be reconciled with the paragraphs above. Policies AL/CA 1, AL/CA 2, AL/CA 3 &amp; AL/PW 1 and TP 6 must be removed</p>

	from the DLP to enable this Policy to be achieved.
Policy EN 11 - Net Gains for Nature: biodiversity (Pages 392-394)	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Paragraph 6.123 (p.393) states <i>“there are numerous national, regional, and local sites representing a broad range of lowland habitats representative of the High and Low Weald landscapes”</i></p> <p>Paragraph 6.127 (p393) states <i>“only in exceptional circumstances and in the interests of biodiversity will ‘off site’ or offsetting schemes be considered acceptable [...] The Council acknowledges, however, that loss or damage to irreplaceable habitats will, by definition, entail a net loss”</i></p> <p>Policy EN 11 (p.394) states</p> <p><u><i>“Development will only be permitted where it meets all of the following criteria:</i></u></p> <ol style="list-style-type: none"> <li><i>1. It can demonstrate [...] that completion of the development will result in a <u>measurable long term net gain for biodiversity</u></i></li> <li><i>2. It can be demonstrated that the proposals have adopted a strict approach to the mitigation hierarchy (i.e. avoid, mitigate, compensate) and <u>are able to justify all unavoidable impacts on biodiversity; and</u></i></li> <li><i>3. The proposed measures for mitigation, compensation, and/or net gain are acceptable to the Council in terms of design and location, and are secured for the lifetime of the development with appropriate funding mechanisms that are capable of being secured by condition and/or legal agreement”</i></li> </ol> <p>Appendix B to the Interim Sustainability Appraisal published alongside the Issues and Options consultation (<a href="https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0010/291979/IssuesandOptions-PostConsultationFinal-minorupdates.pdf">https://beta.tunbridgewells.gov.uk/ data/assets/pdf file/0010/291979/IssuesandOptions-PostConsultationFinal-minorupdates.pdf</a>) provides the results of the assessment of Growth Strategy 5 against the Sustainability Objectives. Under the ‘Biodiversity’ objective the following is stated as being relevant to ‘decision making criteria’ at p.96: <i>“Such a large quantity of development in one location is extremely likely to cause significant losses for biodiversity”</i></p> <p>The Strategy for Capel (STR/CA1) is inconsistent with this policy. The proposed developments and Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1) cannot possibly result in a gain for biodiversity, either locally or</p>

	borough-wide and therefore the first criteria is not met. They should be removed from the DLP.
Policy EN 14 - Trees, Woodlands, Hedges, and Development (Pages 400-401)	<p>Object / Support / Support with Conditions / <b>General Observation</b></p> <p>Capel Parish Council makes the following general observation on this Policy:</p> <p>The Policy makes no mention of historic hedgerows and patterns which cover the Low Weald Area and have their roots from mediaeval times.</p>
Policy EN 15 - Ancient Woodland and Veteran Trees (Page 402)	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy for the reasons stated.</p> <p>Policy EN 15 (p.402) states <i>“Loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees found outside ancient woodland, resulting from development proposals shall not be allowed unless there are wholly exceptional reasons”</i></p> <p>The Strategy for Capel (STR/CA1) is inconsistent with this policy. The proposed developments at Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1) will result in significant loss of irreplaceable habitats, including an area of Ancient Woodland within the East Capel site. There are no exceptional reasons to justify the loss and development should take place elsewhere where land is not constrained. The land safeguarded for the proposed A228 strategic transport link (Colts Hill bypass) (Policy TP 6) and the proposed link route which is to run from the proposed development at Tudeley CA1 to the Colts Hill Bypass (Five Oak Green Bypass) (SWECO Local Plan Transport Evidence Base p.138 and 142) will also result in further loss of irreplaceable habitats. Whilst a Colts Hill bypass may fall within the exceptions specified under this Policy, the Five Oak Green bypass does not. Alternatives to these schemes, including a Northern route to access the A228 nearer to East Peckham as previously suggested by Capel Parish Council, must be considered further before Regulation 19.</p>
Policy EN 16 - Green, Grey and Blue Infrastructure (Pages 402-403)	<p>Object / Support / Support with Conditions / <b>General Observation</b></p> <p>Capel Parish Council makes the following general observation on this Policy:</p> <p>Policy EN 16 (p.403) states <i>“Opportunities for green (and grey and blue) infrastructure should have regard to other relevant policies for landscape, heritage, biodiversity, and trees and include, but are not limited to: (e) Reinstatement of historic field patterns and hedgerows”</i></p>

	Reinstatement means the hedgerows etc. are no longer historic so become valueless!
Policy EN 18 - Landscape within built environment (Pages 405-409)	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Paragraph 6.195 (p.408) states “One of the attractive environmental features of the borough is the character and high visual quality of the approach routes outside, and within, the built up areas”</p> <p>Paragraph 6.196 (p.408) states “<i>Important Landscape Approaches are stretches of landscape areas that are along access routes leading to settlements that are principally lined with mature hedges and native trees that partly conceal built development. They give the impression of the countryside extending well into the built up area</i>”.</p> <p>‘Important Landscape Approaches’ have been Identified in Brenchley &amp; Pembury but not Five Oak Green or Paddock Wood, Whetsted, Crockhurst Street or Capel. Capel is probably one of the most rural areas of the borough. TWBC will be losing some of its finest countryside. The countryside between Paddock Wood and Capel is highly valued for footpaths, ancient woodland and general enjoyment by the existing settlements. It is MGB at its best separating the two settlements and highlighting the countryside nature of this area of the borough. Equally leaving Tonbridge and entering Capel into an extremely rural setting is highly valuable.</p>
Policy EN 20 - Rural Landscape (Pages 411-413)	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Paragraph 6.213 (p.413) states “<i>The character &amp; attractive appearance of the <u>countryside</u> is one of the <u>principal assets</u> of the borough, and its protection will be an important consideration [...] Features such as routeways, wooded shaws, earth banks and hedges, marl pits, iron workings, and farmsteads have a vital role in defining the character of the countryside [...]. Proposals should be capable of being easily assimilated without detracting from these features, which contribute to the character of the locality</i>”</p> <p>Paragraph 6.216 (p.411) states “<i>The landscape presents a peaceful and tranquil character, often with a sense of remoteness, which belies its location in the populous south east of England</i>”</p>

	<p>Point 2 of Policy EN 20 (p.413) states that development will be required to <i>“Not cause significant harm to the landscape setting of settlements, including historic farmsteads and hamlets”</i></p> <p>The Strategy for Capel Parish Council (STR/CA 1) in its current form will cause significant harm to all the hamlets. Historically settlements, including hamlets, occur on existing routeways. Any road widening of these routeways or increase in traffic will do irreparable damage.</p> <p>Point 5 of Policy EN 20 (p.413) states that development will be required to <i>“Preserve intrinsically dark landscapes in accordance with Policy EN 10: Outdoor Lighting and Dark Skies”</i>.</p> <p>As with Policy EN 10, dark landscape cannot possibly be preserved if a proposal to site at least 4,000 dwellings in Capel Parish.</p>
<p>Policy EN 21 - High Weald Area of Outstanding Natural Beauty (AONB) (Pages 413-414)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy for the reasons stated.</p> <p>Policy EN 21 (p.414) states <i>“All development within, or affecting the setting of, the High Weald AONB shall seek to conserve and enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan”</i>. It goes on to state that <i>“Development in the AONB on sites not allocated in the Local Plan will need to be of a limited scale appropriate in terms of its nature and location, and demonstrate a positive contribution to the objectives of the AONB Management Plan, and will need to:</i></p> <p><i>1. Be sensitive to the topography and landscape features of the location”</i></p> <p>The above statement should apply to development on sites that are proposed to be allocated <u>in</u> the Local Plan, not just reserved for later development. In particular the development proposed at Tudeley (AL/CA 1) will impact on the setting of the AONB. Views in particular from the High Weald looking over the Low Weald will be seriously compromised.</p>
<p>Policy EN 22 - Agricultural Land (Pages 414-415)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Paragraph 6.229 (p.414) states <i>“The National Planning Policy Framework expects local planning authorities to</i></p>

	<p><i>take into account the economic and other benefits of the best and most versatile (BMV) agricultural land which is land in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC), Grade 1 being the highest"</i></p> <p>Paragraph 6.228 (p.414) states "Soils in the borough [...] are generally considered to be poor, are mostly within Grade 3a or 3b with few extensive areas of Grade 2 and above"</p> <p>Policy EN 22 (p.415) states that "<i>The Local Planning Authority seeks to protect best and most versatile agricultural land from significant, inappropriate or unsustainable development. Where development of agricultural land is required, applicants should seek to use areas of poorer quality agricultural land in preference to that of higher quality except where this would be inconsistent with other sustainability objectives"</i></p> <p>This Policy is ever more vital with climate change. The Strategy for Capel (STR/CA1) is inconsistent with this policy as the area is predominately comprised of BMV agricultural land, hence its importance historically for fruit and hop growing. As the Policy recognizes there are few areas of Grade 2, one being in the area of AL/CA 1, so it would be scandalous to lose it to concrete.</p>
<p>Policy EN 23 - Air Quality (Pages 416-417)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Policy EN 23 states (p.415) that "<i>Development will not be permitted when it is considered that unacceptable effects will be imposed (that are incapable of being overcome by a condition or planning obligation) on the health, amenity, or natural environment of the surrounding area, taking into account the cumulative effects of other proposed or existing sources of air pollution in the locality"</i></p> <p>The possibility of thousands of cars attached to the proposed development within Capel Parish under AL/CA 1, and AL/CA 3 &amp; AL/PW 1 will cause significant <u>and unacceptable</u> detrimental effects on the health &amp; amenity of the existing settlements. The SWECO Local Plan Transport Evidence Base indicates that most households in the area have access to 2 or more cars (well above the average for England). If some 4,000 dwellings (conservative figure) mean another 8,000 vehicles minimum even with an optimistic 10% reduction moving to public transport/cycling, that together with the cumulative effect of the existing excessive vehicle movement in the area will mean that these proposals must be scrapped in line with this policy.</p>

<p>Policy EN 28 - Flood Risk (Pages 422-424)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Paragraph 6.265 (p.423) states <i>“The Council will also apply a sequential test to new development, supported by the ‘Flood Risk Assessment: The Sequential Test for Applicants’ Planning Practice Guidance(65) (or subsequent revision), <u>to direct development away from areas that are at the highest risk of flooding. These will include all proposed areas that are within Flood Zones 2 and 3, as well as sites in Flood Zone 1 that are larger than 1ha and/or have critical drainage problems, as identified by the Environment Agency and within the Council’s latest Strategic Flood Risk Assessment, such as in parts of Paddock Wood and Five Oak Green/Capel.”</u></i></p> <p>Paragraph 6.264 (p.423) states <i>“It is essential that new development across the borough does not increase flood risk, and that any new development proposed in areas that are vulnerable to flood risk ‘build in’ additional local capacity in terms of flood mitigation and provide ‘betterment’ where possible: see Policies STR/PW 1: The Strategy for Paddock Wood and STR/CA 1: The Strategy for Capel for the flood risk strategy proposed alongside development in this area”</i></p> <p>These paragraphs contradict each other. It makes absolute sense to direct new development away from flood risk areas. However, it appears that the second paragraph has been added to the DLP to provide a ‘get out’ clause for TWBC to include the developments at Tudeley (AL/CA 1) and East Capel (AL/CA 3 &amp; AL/PW 1) in the DLP!</p> <p>In any event, the proposals to reduce ‘(existing) flood risk to areas of Paddock Wood, Capel parish, and Five Oak Green’ are also poorly planned and based on out of date data. The ‘Five Oak Green Flood Alleviation scheme’ outlined in page 57 of the supporting document ‘Level 1 &amp; Level 2 Strategic Flood Risk Assessment’, may well result in a significant worsening for several Capel residents.</p>
<p>Policy EN 30 – Noise (Pages 427-429)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Paragraph 6.281 (p.427) states <i>“The NPPF requires planning policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of</i></p>

	<p><i>pollution on health, living conditions, and the natural environment”</i></p> <p>The Strategy for Capel Parish (STR/CA1) is not consistent with this paragraph. The locations are completely inappropriate as the health and living conditions of existing residents will be seriously impacted, driving new roads through the area with additional air pollution and noise pollution. The natural environment in Capel will not recover its loss of biodiversity nor Greenfield sites, with serious harm to both the MGB and AONB</p> <p>Paragraph 6.286 (p.428) states <i>“The Environmental Noise Directive (END) requires that, every five years, Defra adopts noise maps, known as ‘Important Areas for Road Noise Mapping’, which show exposure to environmental noise; adopts action plans based on the results of noise mapping; aims to preserve environmental noise quality where it is good; and provides information to the public on environmental noise and its effects. Therefore, <u>developers are advised to check with Defra whether any proposed development sites for noise sensitive development (such as housing and schools) are located within, or close to, areas/roads which indicate a high noise level reading. Appropriate mitigation measures will need to be applied where this is found to be the case”</u></i></p> <p>The sites for the proposed developments at Tudeley (AL/CA 1) and the new secondary school (AL/CA 2) are both located either side of the main railway line from the South Coast to London. This is despite no new railway station being possible at the site. There is however, no mention on noise attenuation in these Policies or the associated commentary (although the noise impacts of the railway are recognised in relation to the South West parcel of the sites proposed under AL/CA 3 &amp; AL/PW 1). Have these assessments / considerations been omitted due to the mystery surrounding when the land was actually submitted to TWBC and the lack of proper SHELAA assessment? The Defra data at <a href="http://www.extrium.co.uk/noiseviewer.html">http://www.extrium.co.uk/noiseviewer.html</a> shows that both locations have high noise level readings from railways and that the AL/CA 2 site is also affected by the A21. What mitigation measures will be applied to what will clearly be noise sensitive developments at these locations?</p>
<p>Policy ED 8 - Towns Rural services, neighbourhood &amp; village centres (Pages 477-479)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Paragraph 6.479 states that “The distinctive characteristics of each centre will be promoted in the place shaping policies.</p> <p>Policy ED 8 identifies Five Oak Green as a ‘Village Centre’ which falls in the hierarchy after the defined primary</p>

	<p>regional town centre (RTW), town centres, rural service centres and neighbourhood centres.</p> <p>Whilst the policy recognises Five Oak Green, there is no detail how it will be promoted to ensure its long term 'vitality and viability'. Throughout the dLP are details of improvements to other rural communities from 20mph speed zones, traffic calming measures and new facilities. There is absolutely no vision for the existing communities of Five Oak Green and Capel apart from 'betterment' from flood risk, which already needs addressing pre-development, and an influx of thousands of new residents and cars.</p> <p>The NPPF clearly states in paras 91-92 that planning policies and decisions should "<i>should aim to achieve healthy, inclusive and safe places</i>" and "<i>ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;</i>"</p> <p>The DLP does not fulfil this requirement in terms of the existing settlements within Capel Parish and is therefore unsound.</p>
<p>Policy ED12 - Retention of local services &amp; facilities within defined neighbourhood &amp; village centres (Pages 483-485)</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Paragraph 6.500 (p.484) states that "<i>A new Neighbourhood Centre is planned to be designated as part of the proposed development at Paddock Wood/including on land in the east of Capel parish</i>"</p> <p>Paragraph 6.501 (p.484) states that "<i>The provision of a new Village Centre will be made at Tudeley as part of the proposed Tudeley Village</i>"</p> <p>Why is Five Oak Green missing from this core policy? There is no detail on how TWBC intend to help retain local services and facilities.</p>
<p>Policy TP 1 - Transport Assessments, Travel Plans, and Mitigation Page 488</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>Policy TP 1 states that Development proposals must:</p> <p><i>"1. Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied,</i></p>

*or mitigated to prevent significant residual impacts, including where necessary an exploration of delivering mitigation measures ahead of the development being occupied; and”*

*“3. Demonstrate that the development complies with the requirements of Policy EN 23: Air Quality and the ‘emissions mitigation assessment and cost calculation’.”*

*The commentary at paragraph 6.506 (p.486) states “It is an essential objective within national planning policy, as well as in this Local Plan, to ensure that there are sufficient opportunities for sustainable travel as an alternative means of transport to the private car, such as active travel and public transport. New developments will therefore be directed towards areas that are highly accessible, within reasonably close proximity to public transport infrastructure and services”*

The sites of proposed developments at Tudeley (AL/CA 1) and the new 8FE secondary school (AL/CA 2) are neither ‘highly accessible’ nor close to any form of ‘public transport infrastructure and services’. They should be removed from the dLP for this reason.

The SWECO Local Plan Transport Evidence Base contains no solution to congestion on the A264 at Pembury, other than to make more use of buses or cycling & alter the traffic signal timings at Halls Hole junction. The proposed A228 strategic transport link (Colts Hill bypass) will lead only to a traffic jam, which will be even larger with the influx of thousands of extra cars. Traffic already backs up to East Peckham on the A228 in the morning due to the volume of traffic attempting to navigate the roundabouts linking this road to the A21 or travel into Royal Tunbridge Wells. A Bypass will not improve this.

The SWECO Local Plan Transport Evidence Base Figure 9-2 shows the ‘Mitigation Interventions Mapped’ (p.142) which shows the proposed routes for the following ‘highway measures’ detailed in Table 9-2 (p.138):

*“202 New bypass link of Colts Hill - Reduce congestion at key junctions + match link capacity and link quality to adjoining Pembury bypass standard”*

*“203 Link road to new Colts Hill Bypass Will remove through highway trips through Five Oak Green”*

It is unclear why TWBC believes that people living at Tudeley New Town will need to travel to the Colts Hill Bypass via a link road. They can access Tonbridge, Tunbridge Wells, London or the South via the A21 which runs almost parallel to the proposed route. To travel West to Paddock Wood or Maidstone, a more sensible route for a link road would be North of the railway line to meet the A228 where it is dualled before East Peckham. Why

	<p>would anyone need to travel to Colts Hill? A link route following the current proposed route would be disastrous for residents of Capel Parish and needs to be removed.</p> <p>Where are the mitigation proposals for traffic to Tonbridge from Capel and Paddock Wood? There are only a couple of ‘junction upgrades’ referred to in Table 9-2 of the SWECO Local Plan Transport Evidence Base.</p> <p>Where are the details of how the Strategy for Capel will be able to demonstrate compliance with Policy EN23?</p>
<p>Policy TP 6 - Safeguarding Roads</p>	<p><b>Object</b> / Support / Support with Conditions / General Observation</p> <p>Capel Parish Council objects to this Policy and to the following paragraphs of the accompanying commentary, for the reasons stated.</p> <p>The commentary at Paragraph 6.535 (p.498) states that <i>“the Council will use its Compulsory Purchase Order powers if necessary to deliver strategic transport links”</i>.</p> <p>Paragraphs 6.536-6.538 detail plans for the A228 Colts Hill Bypass stating that <i>“Land is safeguarded for an offline (i.e. new section of) highway, which runs from the dualled section of the A228 at the north of Pembury to a position in close proximity to the existing roundabout between Paddock Wood and Five Oak Green. [...] The provision of this new section of highways is required in order to mitigate the impact of development proposed in this Plan, particularly that around Capel and Paddock Wood and Tudeley [...] There is the potential that there will be a link from this new section of highway to the development to be allocated at Tudeley, although various potential routes are being considered”</i></p> <p>Paragraph 6.537 states that <i>“The route of the new section of highway (A228) has been subject to considerable historic assessment and consideration”</i> and paragraph 6.538 concedes that <i>“Regard must be given to the Groundwater Source Protection Zone on site and the Environment Agency is to be consulted for advice; regard must also be given to the site’s location in the AONB, and Natural England and other bodies must also be consulted”</i></p> <p>The provision of the A228 Colts Hill Strategic link being a requirement for these proposals suggests the inclusion of both Capel and Paddock Wood within the dLP are unsustainable without it in place, therefore IF it is to be built, it must be built BEFORE ANY housing development in this area. At present, mitigation work is not set to start on the A228 until 2028, with mitigation work to alleviate congestion on the B2017 following that. This is too late. Capel Parish cannot be expected to suffer the consequences of thousands of houses being built with no</p>

	<p>infrastructure in place to support them.</p> <p>This is not to say that Capel Parish Council supports the proposals made under Policy TP 6. Please see our comments under Policy TP 1 in relation to the proposed mitigation measures detailed in the SWECO Local Plan Transport Evidence Base.</p> <p>The plans for the A228 strategic transport link (Colts Hill bypass) and the bolt-on proposed link route from the proposed development at Tudeley to Colts Hill (Five Oak Green Bypass) are ill-thought out and will result in further significant detrimental impact on the local landscape with little mitigating effect or benefit to residents of the parish of Capel. Just because the route has been subject to considerable historic assessment and consideration does not mean that further consideration of the most appropriate solution for this stretch of road is no longer required. Further assessment must be completed to ascertain whether an offline link is still the most suitable improvement.</p> <p>Capel Parish Council objects to any residents of this Parish being subjected to Compulsory Purchase Orders in order to deliver either the 'Colts Hill Bypass' or 'Five Oak Green Bypass'. This includes properties situated between the B2017 and Alders Road, which are likely to be dramatically affected if the proposed route set out in Figure 9-2 of the SWECO Local Plan Transport Evidence Base (p. 142) is progressed.</p> <p>Alternatives to the Colts Hill Bypass (such as widening) and the Five Oak Green Bypass (such as a Northern route to access the A228 nearer to East Peckham as previously suggested by Capel Parish Council) must be considered further before Regulation 19.</p>
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<p><b>COMMENT BOX 3: COMMENTS ON THE VISION (SECTION 3)</b></p>	
<p>Capel Parish Council (CPC) <b>objects</b> to the Vision set out on pages 31-32 of the Draft Local Plan (dLP) because too many of the strategies and policies of the dLP are ill-thought out and will not lead to the overall vision being achieved. In particular;</p> <p>Bullet points 2 and 3 of the Vision – Paddock Wood (AL / CA 3 &amp; AL / PW 1) / Tudeley 'Village' (AL / CA 1):</p> <p>The 'active travel connections to the new garden settlement' are poorly planned and based on out of date data. There is nothing in the transport evidence base which justifies either the Colts Hill bypass or the Five Oak Green Bypass (Highway measures 202 and 203). Both of these measures will result the parish being carved up, unnecessary loss of AONB and MGB land and disruption to numerous home-owners</p>	

(including some CPOs). It is, as yet, unclear how the proposed measures will result in a 'betterment for these areas'. What is certain is that they will result in a significant worsening for residents of the settlement of Capel within Capel Parish. TWBC should not assume that a Bypass at Colts Hill is the solution to the issues caused by this road just because the scheme has long been lobbied for by prominent residents of that road. Some of the investigations into whether the road should be widened or bypassed are some forty years old and further studies should be undertaken rather than a Bypass being a given. The land safeguarded by Policy TP 6 should be re-considered.

*Reducing existing flood risk to PW, Capel Parish & FOG resulting in "betterment"* – reduced flood risk is welcome; but hardly a price worth paying for so much development and associated road infrastructure. The fact that the same 'betterment' comment is cut and pasted for Tudeley suggests this vision is not one that had the 'betterment' of Capel residents in mind.

The proposals to reduce '(existing) flood risk to areas of Paddock Wood, Capel parish, and Five Oak Green' are also poorly planned and based on out of date data. The 'Five Oak Green Flood Alleviation scheme' outlined in page 57 of the supporting document 'Level 1 & Level 2 Strategic Flood Risk Assessment', will also result in a significant worsening for residents of the settlement of Capel within Capel Parish due to the increased flood risk further up the Alder Stream.

Bullet point 4:

The loss of MGB to allow for the development of Tudeley 'Village' (Tudeley New Town or Policy AL / CA 1) and the East Capel element of Policy AL / PW 1 is in direct conflict with this aspect of the Vision – *"The exceptional quality of the built and natural environments will have been protected and enhanced."*

CPC believe Paddock Wood can be regenerated without using greenbelt land at East Capel for housing and that either another location **without constraints** should have been chosen for a garden settlement, or one of the other Growth Strategy options should have been adopted. Similarly the flood risk to Paddock Wood and Five Oak Green can be reduced without using greenbelt land at East Capel.

The Vision for Paddock Wood should not include East Capel which is part of a completely different community.

Housing in East Capel will alter the greenbelt boundary without any justification and will cause coalescence between Paddock Wood and Five Oak Green. The NPPF clearly states in paras 133 to 147 that green belt should only be released in exceptional circumstances. See comments on SA. This land is key to preventing convergence between Five Oak Green and Paddock Wood.

A new garden settlement is not required at Tudeley. **Flood risk can be reduced using the Environment Agency's existing plan which can be funded without developers building houses on MGB land.** A garden settlement at Tudeley should not be part of your vision and is only there because the land is in single ownership. It is certainly not part of the vision of those who live there at the moment.

Your Vision states that rural enterprise will have been supported and natural environments will have been protected and enhanced by 2036.

This is not true. The Local Plan will destroy rural enterprises, such as the equestrian facilities at Bank Farm alongside other businesses in Capel. The natural environment in Capel will be badly damaged if the development of new housing in Tudeley and East Capel goes ahead. Neighbouring businesses will also be affected during the long building process, including huge amounts of roadworks on one of the busiest roads in the borough. These works are bound to take many years and will put untold stress on the local community. Moreover, the Tudeley and East Capel proposals which are within two miles of each other and share the same road links seem to be scheduled for development in the same timeframe. This will place severe and disproportionate strain on the local community and infrastructure. A garden settlement would be better in a more remote part of the borough outside the Green Belt and AONB, to give that area a boost and to minimise disturbances caused by construction. The two sites that satisfy the criteria and are identified in the evidence base; Horsmonden and Frittenden have not been explored further in the sustainability appraisal.

#### **COMMENT BOX 4: COMMENTS ON THE STRATEGIC OBJECTIVES (SECTION 3)**

##### **Capel Parish Council objects to the inclusion of following strategic objectives**

6. To protect the valued heritage, and built and natural environments of the borough, including the AONB and to achieve net gains for nature.
7. To release appropriate land from the Green Belt through a plan-led approach, and to increase public accessibility, and to protect the openness of remaining Green Belt land.
8. To tackle climate change and minimise the impact of development on communities, the economy, and the environment with carefully considered design and by embracing technology, such as renewable energy generation.
9. To establish garden settlements as a model for the future delivery of development in the borough.
10. To work with neighbourhood plan groups to ensure the formation of locally-led policies, with this reflected in decisions on planning applications

##### Objective 6

Whilst Objective 6 is a laudable objective, it cannot be achieved by the current Draft Local Plan as too many policies are in direct conflict with it. In fact, these two objectives are clearly in direct conflict with one another – No.6. cannot be achieved alongside No. 7. It should not be an objective of any Draft Local Plan to release land from the Green Belt WHEN APPROPRIATE ALTERNATIVE LAND IS AVAILABLE.

The following policies should be removed from the Draft Local Plan to enable this Objective to be met:

AL / CA 1; AL / CA 2: AL / CA 3 & AL / PW 1; TP 6

#### Objective 7

**Objective 7 should be removed** as releasing land from the Green Belt should not be a strategic objective of the dLP.

The NPPF clearly states in paras 133 to 147 that green belt should only be released in exceptional circumstances. Stating that you have an objective to release land from the Green Belt (regardless of your judgement that it is appropriate) is contrary to national guidance.

Also, in the Introduction to the dLP at paragraph 1.6, it is stated that “Protection of the Green Belt” is a key key issue/concerns highlighted through the Issues and Options consultation.

There would be no need to remove Green Belt land if the Council had adopted the other options that it had before it; where are plans here to increase public accessibility or protect the openness of the remaining green belt? Unlike Tonbridge and Malling, TWBC has no plans to replace the lost Green Belt suggesting it places a low value on this form of designation. It clearly has also concluded that replacement land (originally mooted to the south and east of Paddock Wood) would not serve the same purpose as the two lost sections which prevent the convergence of settlements between Five Oak Green, Tonbridge and Paddock Wood.

**Capel Parish Council strongly urges the council to remove this objective.**

#### Objective 8

Destroying 600 acres of fertile land in Capel, with mature trees and hedgerows in pursuit of the creation of houses will not tackle climate change. Nor will creating a new garden settlement that results in a high level of private car use. The proposal for development in the MGB East Capel and Tudeley scores negatively for climate change in the SA and does not back up this objective or the council’s wider policy on carbon neutrality adopted only a few weeks ago.

The following policies should be removed from the Draft Local Plan to enable this Objective to be met:

AL / CA 1; AL / CA 2: AL / CA 3 & AL / PW 1; TP 6

#### Objective 9

Where is evidence that garden settlements lead to any positive outcomes for communities anywhere in the UK? Objectives should have clear goals that can be proven to be positive for the residents of Tunbridge Wells Borough and Capel Parish. This may be a passing fashion in planning policy that will disappear, and this approach may lead to future developments outside the LBD’s in the green belt and the AONB which will destroy the rural nature of the borough outside RTW.

**Capel Parish Council urges the council to remove this objective.**

Objective 10

Tunbridge Wells Borough Council only made attempts to work with Capel Parish Council (in lieu of a neighbourhood planning group) after the strategic sites in Capel Parish had already been determined. Policies AL / CA 1; AL / CA 2: AL / CA 3 & AL / PW 1; TP 6 will have a huge impact on our residents and are NOT locally led. Any future planning decisions in Capel Parish will be dwarfed by the impact of the dLP, making the role of neighbourhood planning peripheral at best.

The following policies should be removed from the Draft Local Plan to enable this Objective to be met:

AL / CA 1; AL / CA 2: AL / CA 3 & AL / PW 1; TP 6

Once the above Policies have been removed from the dLP TWBC will be in a position to meet this objective by working with Capel Parish Council and/or Capel Parish Neighbourhood Plan Groups to formulate policies which can be truly locally-led.

**COMMENT BOX 5: COMMENTS ON FIGURE 4: THE KEY DIAGRAM (SECTION 4)**

The Key Diagram (Figure 4) is misleading.

The circle representing proposed housing in Tudeley (Policy AL / CA 1) is not big enough. It should show 1,900 new houses and is only a little bigger than the key circle showing 1,000 housing units.

It is understood that the large blue arrows are intended to signify options for a 'Proposed Link Route' between the proposed site at Tudeley (AL / CA 1) and either the A228 between the Badsell Roundabout and the Hop Farm (the higher arrow) or the proposed offline A228 strategic link or 'Colts Hill bypass' (the lower arrow). This diagram suggests that either option is being considered, which is what we were told by TWBC Head of Planning, however, it is clear from the SWECO Transport Map with proposed Local Plan Mitigation Interventions (Table 9.2 and Figure 9.2 of the Local Plan Transport Evidence Base which forms part of the supporting documents that Transport Strategy) that Scheme No. 203 comprises a 'Link road to new Colts Hill Bypass' (p.138) and that it has already been planned.

The depiction of Green Belt land and AONB land on this map is very helpful. It demonstrates that the garden settlement should be outside land with these designations. Tudeley should not have been shortlisted when you have suitable sites outside of the AONB and Green Belt.

<b>COMMENT BOX 6: COMMENTS ON A TABLE</b>	
Table 3 (Scale and Distribution of Development) p.43	Repeated use of the phrase “To be determined as part of master planning” in reference to Paddock Wood, Capel and Tudeley is ridiculous when it refers to 63% of the houses in this Local Plan. You are asking residents and businesses to consult on a largely incomplete draft. This is a gaping hole in the draft Local Plan and thus incomplete and not fit for consultation.

<b>COMMENT BOX 7: COMMENTS ON APPENDICES 1-4</b>	
Appendix 1: Biodiversity/geodiversity sites within Tunbridge Wells borough p.509	No sites in Capel Parish are included and no proper assessment has been completed. A proper assessment of Biodiversity and Geodiversity must be completed for the locations of the proposed developments at Tudeley (AL/CA 1), the secondary school (AL/CA 2) and East Capel (AL/CA 3 & AL/PW 1).
Appendix 2: Schedule of designated Local Green Space sites within Tunbridge Wells borough p.512	<p>Site 27: Whetsted Wood was submitted by Paddock Wood Town Council to be designated as a Local Green Space in the dLP (see Local Green Space Assessment page 29), however, it was not selected with the justification being “<i>There is insufficient evidence that this site meets the designation criteria, is already sufficiently protected under other designations, and is to be an allocated site in the new Local Plan</i>”</p> <p>Clearly, it is not sufficiently protected by its status as Ancient Woodland (see Tunbridge Wells Borough Landscape Character Assessment LCA 13 – Paddock Wood / Five Oak Green Low Weald Farmland p.127) or the land would not be included in Policy AL / CA 3 &amp; AL / PW 1.</p> <p>Capel Parish Council requests that this area is designated as a Local Green Space and protected from development.</p> <p>Site 24: Green Area with Village Sign was not designated as a Local Green Space, the justification being that “This area was not considered as it is already sufficiently protected under other designations”.</p> <p>Capel Parish Council requests that this area is designated as a Local Green Space and protected from development.</p>
Appendix 3: The Monitoring Framework	The Monitoring Framework for Strategic Policy STR 4 (Green Belt) is unclear. What does the Indicator “65% or more appeal decisions support TWBC conclusion on Policy STR 4 (if relevant to appeal)” actually mean and how

p.518	does it indicate whether the Green Belt has been protected from inappropriate development?
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<b>COMMENT BOX 8: COMMENTS ON TOPIC PAPERS AND OTHER SUPPORTING DOCUMENTS (APPENDIX 5)</b>	
Distribution of Development Topic Paper (118 pages)	<ol style="list-style-type: none"> <li>1. Chapter 2: Settlement Pattern (p.2): The table at paragraph 2.7 shows Five Oak Green in Group B, the same group as Brenchley, Lamberhurst and Goudhurst. This is due to the flawed methodology used by the planning team at TWBC, who were informed by Capel Parish Council (several times, including during the Issues and Options consultation process) that the facilities listed (each with a score) were incorrect, thereby negating the evidence base. Brenchley, Lamberhurst and Goudhurst are considerably larger settlements than Five Oak Green, with significantly more facilities available.</li> <li>2. Chapter 3: Development Constraints (p.4): This chapter considers only designated sites: MGB, AONB, Nature Conservation sites, Heritage designations and Flood Risk. These do not appear to have been reassessed as being up-to-date other than the MGB. Development adjacent to a constrained site can have a significant impact on it. This would certainly be the case for AL/CA 1 which borders the AONB and AL/CA 3 &amp; AL/PW1 which includes an area of Ancient Woodland.</li> <li>3. Chapter 5: Issues and Options consultation (p.11): Paragraph 5.3 outlines key issues identified in the responses to this consultation, including, at bullet point 3 that the “<i>Vision should be balanced to both developing existing built town area and preservation of surrounding countryside and unique historic villages</i>”. This does not appear to have been given any consideration when identifying the new settlements at AL/CA 1 and AL/CA3 or Transport Policy TP 6.</li> <li>4. Chapter 5: Issues and Options consultation (p.11): Paragraph 5.6 summarises the main outcomes of the consultation for the question relating to the five strategic options for delivery presented in the Issues and Options document. Only 18% ranked Option 5 (new freestanding settlement) as their most preferred approach. It is submitted that this would have been even less if the site/sites now proposed at AL/CA 1 and AL/CA 3 &amp; AL/PW 1 had been identified at that time, particularly, given that respondents gave great weight to preservation of the MGB. Appendix 1 to The Issues and Options Consultation Statement, available on the Tunbridge Wells Borough Council website at <a href="https://beta.tunbridgewells.gov.uk/local-plan/issues-and-options">https://beta.tunbridgewells.gov.uk/local-plan/issues-and-options</a>, lists the Strategy Considerations at Section 5 (p.26-39). It is clear from p.33, that by far the largest level of support was 60% for Option 4 (Growth Corridor led approach). However, p.39 of the same document</li> </ol>

	<p>states that <i>“A level of support was indicated in the Issues and Options responses for a new settlement.”</i>, a statement that Capel Parish Council asserts is totally disingenuous – 1% could apply here too as showing a level of support (but not much)! The Consultation Statement goes on to consider the responses to question 10 and 10a relating to preferences for a combination of Options (p.35). The first bullet point states that the responses indicate that it is worth <i>“Exploring further the potential for ‘new settlement growth’, as this was the most commonly preferred (alone or in combination) of all the options”</i>. The statement is blatantly not true!</p> <p>5. Chapter 5: Issues and Options consultation (p.11): Paragraphs 5.7-5.8 cover question 11/11a, which asked for views about the possibility of a new settlement somewhere in the borough and suggestions for possible locations. It lists the key issues referred to across the response groups, which include:</p> <ul style="list-style-type: none"> <li>• Infrastructure issues: implementation and higher level funding to deliver infrastructure before buildings; would need excellent transport links</li> <li>• Could result in large development on greenfield land; should be located outside AONB and MGB (with comments that there is no suitable land in borough – would destroy rural character)</li> <li>• Should be sustainable mixed development to also provide employment with options for future expansion. Should be a stand-alone, self-sufficient development planned as a whole</li> <li>• Should only be delivered once all development potential has been maximised.</li> </ul> <p>These views have been completely ignored by TWBC! They should carry weight and should have informed the decision on the proposals for Capel Parish.</p> <p>Suggestions for a possible location for a new settlement included many different locations within the borough, some based on existing transport links and good access to other infrastructure. NOT ONE suggested a site in the Green Belt away from existing development and infrastructure.</p> <p>6. Chapter 5: Issues and Options consultation (p.11-2): Paragraphs 5.9-5.10 cover question 12/12a, which asked whether all reasonable options for accommodating future development growth within the borough have been considered and identified and if not, what other options should be considered. Respondents suggested that the following options should be considered:</p> <ul style="list-style-type: none"> <li>• Level of growth to be delivered by Local Plan questioned</li> <li>• Role of farmsteads and hamlets, including modern farm buildings should be addressed</li> </ul>
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- Focus development in main urban area with a subsidiary focus in small towns and villages. Options for increasing densities in existing settlements, including building heights. Overall focus on sustainable locations
- Focus on A21 corridor

Where have these responses been acknowledged in the dLP? Have these options been considered at all?

7. Chapter 6: Formulating the development strategy (p.14): Paragraph 6.2 states *“For the second Call for Sites, officers contacted the promoters of sites submitted to the first Call for Sites and identified and then contacted owners of land around settlements (on a ‘without prejudice’ basis) that had not been submitted through the first Call for Sites to enable them to submit sites if they wished. This proactive approach encouraged owners of land that could be suitable for development to submit sites for consideration”*. This is contrary to the information provided by TWBC to Capel Parish Council and residents of Capel Parish during the Annual Parish Meeting that TWBC had no influence on what sites were submitted and that the officers just had to work with what appeared in the Call for Sites!
8. Chapter 6: Formulating the development strategy (p.14): Paragraph 6.2 also expressly states that the second *‘Call for Sites’ was undertaken between May and June 2017*. In the Interim New Local Plan Strategic Housing & Economic Land Availability Assessment 2017. It was stated *“although the call for sites remains open, it will no longer be possible to include any new sites within the site assessment process that is informing the Draft Local Plan (being prepared under Regulation 18) AS THERE IS INSUFFICIENT TIME TO ADEQUATELY ASSESS SUCH SITES. (TWBC will continue to accept in order that they may be assessed & potentially included at Reg 19)”*. The evidence base persuaded TWBC to opt for Growth Strategy Option 3 (existing urban distribution plus villages) and Option 4 (A21 growth corridor). There was a possibility of Option 5 (new settlement) in the longer term (8 possible sites but 5 not shortlisted including AL/ CA 1). Presumably this underwent a robust process based on robust evidence? This was still the preferred stance **March 2018**, however in **April 2018**, there appeared to be a complete change of direction which resulted in the allocation of 60% of the proposed development in the Parish of Capel. Where in the DLP is this new evidence base? The map that covered Capel identified two small sites in Tudeley (site ref 177/178, approx. 2ha in area) and only parcel 142 to the East of Five Oak Green BUT NOT parcels 309,310, 311,312,314 and 317 and AL/CA 1 all of which fall in Capel Parish. It is also of concern that key documents forming the previous evidence base such as the **Interim New Local Plan Strategic Housing & Economic Land Availability Assessment 2017** are no longer accessible on the

**TWBC website.**

9. Why was there no assessment of the landscape outside the AONB or biodiversity outside of designated nature conservation sites? Chapter 6: Formulating the development strategy (p.14): Paragraph 6.56 confirms that there was no landscape assessment of the Green Belt sites.
10. Chapter 6: Formulating the development strategy: Figure 5 (p.21) details a map of garden settlement options within the Borough (taken from the Sustainability Appraisal). Table 2 (p.22-24) outlines TWBC's conclusions from the SHELAA and SA on each of these options. Location 3 is shown somewhere just north of Frittenden. Table 2 states that this location was not considered by the SHELAA as it was not submitted in 'Call for Sites'. However, on a map shown to Parish Chairs in March 2018, three sites were shortlisted for appraisal, Paddock Wood, Horsmonden & the Frittenden site. There were five other sites including AL / CA1 which had NOT been shortlisted. The change in approach is suspicious and requires further explanation by TWBC.
11. Chapter 6: Formulating the development strategy (p.24-30): There is no clarity as to when site 448 (Land at Tudeley) was first considered. Why not? Was it a late arrival in the second call for sites or even later? Did TWBC officers approach the landowner as previously commented on above? Is this why there is a lack of a proper feasibility study for this site? Table 2 details TWBC's Conclusions of the SHELAA and SA on garden settlement options but gives no credible explanation as to why the Tudeley site is considered to be 'well located' as required by para 72 of the NPPF. Neither does Table 3 which details the outcome of TWBC's Consideration of proposed strategic allocation sites against para 72 of the NPPF. This table is misleading and inaccurate. The site is NOT well located.
  - Table 3 states "The site is served by the Capel primary school adjacent to its eastern edge" but Capel Primary School is NOT adjacent to the edge of the site proposed under AL/CA 1.
  - Table 3 also refers to essential infrastructure being "*the creation of up to eight FE secondary education at the Tudeley and Capel/Paddock Wood area, including securing land (through the development of the Tudeley site) for a secondary school (under policy AL/CA2) which is within walking and cycling distance of the settlement*". TWBC has not considered that residents of Tudeley New Town might prefer a grammar school in Tonbridge or a religious school in RTW (moving from London just for our great schools is the norm) thus adding to the traffic chaos. Planners cannot dictate parental choice!
12. Chapter 6: Formulating the development strategy (p.38): Paragraph 6.48 and bullet points. There is no indication of what the "*compensatory improvements to the environmental quality and accessibility of*

	<p><i>remaining Green Belt within the locality”</i> could be or how they would be achieved. It is hard to imagine how virgin countryside can be improved on.</p> <p>13. Chapter 6: Formulating the development strategy (p.42): Paragraphs 6.61-6.63 (including the table) provide a summary of proposed site allocation policies in the Local Plan that contain land currently within the Green Belt (There is more detail at Appendix 1 to the Distribution of Development Topic Paper which contains TWBC’s Assessment of Green Belt sites from p.70-80). It appears from the table that the site being proposed for a ‘secondary school’ (AL/CA 2) will not be removed from the Green Belt. This is despite there being a proposal for inappropriate development in the form of an 8FE Secondary School. This is totally incorrect and the 32.33 hectares in question MUST be included in the total loss to MGB.</p> <p>14. Capel Parish Council considers that, without a Garden Village and/or New Settlement Feasibility Study, the proposal for two large developments modeled on those principles is unsound. There is no evidence base that either of the sites is sustainable. It would appear that TWBC has taken shortcuts and easy options to produce this dLP thereby making it unsound.</p>
Green Belt Study	<p>The Green Belt Study consists of a Stage 1 Green Belt Study, completed November 2016 (48 pages), a Stage 2 Green Belt Study, completed in July 2017 (38 pages) and four separate documents within Appendix A containing Broad Area and Parcel Assessments (127 pages).</p> <p><u>Tunbridge Wells Green Belt Study Stage Two (2017)</u></p> <p>The Executive Summary outlines that each ‘assessment’ of a broad area of parcel of land considers the parcel boundaries and gives a rating for the broad area / parcel of land for each ‘Purpose’ of the Green Belt as identified by Paragraph 80 of the NPPF. These are:</p> <ul style="list-style-type: none"> <li>• Purpose 1: Check the unrestricted sprawl of large built-up areas;</li> <li>• Purpose 2: Prevent neighbouring towns from merging;</li> <li>• Purpose 3: Assist in safeguarding the countryside from encroachment;</li> <li>• Purpose 4: Preserve the setting and special character of historic towns; and</li> <li>• Purpose 5: Assist in urban regeneration by encouraging the recycling of derelict and other urban land. [NB – this purpose does not form a formal part of the assessment].</li> </ul> <p>Although not assessed by itself in the appendices, the site at Tudeley (AL/CA 1) falls within Broad Areas BA3 and BA4. Figure 1.1 (p.8) illustrates that the ‘Potential Level of Harm to the Green Belt Associated with Release of</p>

Broad Areas BA3 and BA4 is 'VERY HIGH'.

Table 4.1 (p.17) identifies key considerations for each broad area:

Broad Area BA3 is considered to provide "contribution to gap between Tonbridge and Paddock Wood; extent of openness; distinction between Low and High Weald landscapes"

Broad Area BA4 is considered to provide "contribution to preventing countryside encroachment and a gap between Tonbridge and Paddock Wood"

Table 6.1 (p.28) lists the ratings assigned to each parcel and each broad area for each of the Green Belt purposes set out in the NPPF.

BA3 is assessed as contributing strongly to three out of four of the purposes identified. The exception to this is Purpose 4 which is categorised as weak/no contribution but the overall contribution to the Green Belt is assessed to be 'VERY HIGH'

BA4 contributes strongly to purpose 2 and 3 but relatively weak to purpose 1 and 4. Overall its contribution remains 'VERY HIGH'.

There appears to be a total disregard for the Green Belt allocation that covers the Capel area and the Borough's own study that was commissioned to identify the contribution of different areas to the purposes of the Green Belt

Assessment of Paddock Wood Parcel PW 1 (Appendix A – second document from p.25)

The outcome of the assessment as to this parcel's contribution to Green Belt purposes states under Purpose 2 is that *"The gap between Five Oak Green and Paddock Wood represents a fairly small proportion of the overall gap between towns, but coalescence or near-coalescence of these separate settlements would have a disproportionate impact due to the open and flat nature of the landscape, being more likely to be perceived as sprawl. Development within the parcel would therefore result in some narrowing of the gap between towns but a significant gap would remain."* The rating given is 'Relatively weak'

Given that the whole of this site is in another parish (Capel) the assessment is entirely inaccurate. The Western boundary (Tudeley Brook) is not mentioned and yet is the most important boundary in terms of two settlements coalescing as the authors recognize in their text but they have assessed assuming this area is part of Paddock

	<p>Wood, “THE settlement”.</p> <p>This is the only part of the so called “Paddock Wood” parcel, which actually falls within Capel Parish, to have been assessed. Broad areas BA3 (west from Tudeley Brook to include properties in Five Oak Green) and BA4 (northwards to include properties also in Five Oak Green) are not assessed BUT with both of those areas now in the DLP as the assessment states “would have a disproportionate impact’ as the “significant gap” would no longer exist.</p> <p>The outcome of the assessment as to this parcel’s contribution to Green Belt purposes states under Purpose 3 is that “<i>The parcel relates to both the settlement &amp; the wider countryside</i>”. The Rating given is ‘Moderate value’</p> <p>Again the assessment is talking about the wrong settlement, this parcel of land is Five Oak Green within Capel Parish and is not part of Paddock Wood.</p> <p><u>Assessment of Tudeley Parcel CA 1 / Land to East of Tonbridge / West of Tudeley Village Parcel CA 2</u></p> <p>Neither CA1 nor CA2 are included in the Green Belt Assessment Appendices – why were they not assessed?</p> <p>Capel Parish Council considers that the findings of the Green Belt Study indicate that the release of the MGB for development in the area of CA1 as proposed by TWBC would be sheer vandalism. TWBC cannot argue a lack of land for housing supply as justification to release any of this Green Belt land – it is not sufficient in isolation to establish Very Special Conditions. The evidence in 2017 was that this area of Green Belt was very much fulfilling its function</p>
<p>Infrastructure Delivery Plan: Theme 2 Education</p>	<p>In relation to Secondary Schools, under ‘Current planned provision’ from paragraph 3.71 (p.31-32) it is stated that provision for “<i>One FE expansion of Mascalls Academy for 2021-22</i>” is planned to meet existing needs. Further down p.32 the IDP details ‘Additional future requirements needed to deliver growth proposed in the Draft Local Plan’ have been identified as “<i>Up to eight FE new Secondary School to be provided on land at the garden settlement at Tudeley Village and further expansion of Mascalls Academy at Paddock Wood</i>”. There is no further detail; however, capacity at Mascalls Academy can only be increased by a finite amount due to location constraints. This, therefore, makes the development of 4,000 houses in East Capel (AL / CA 3 and AL / PW 1) unsustainable as many children will be required to travel to the planned new Secondary School at Tudeley.</p> <p>TWBC acknowledges that there are serious constraints; in the dLP under Policy AL/CA 3 &amp; AL/PW 1 it states that “<i>Development at this site is subject to the provision of land for the expansion of Mascalls</i>”</p>

	<p>As the location of the potential land for expansion appears unknown, the proposed development is therefore unsustainable. The development at East Capel should be removed from the dLP unless there is certainty that sufficient Education provision can be made.</p> <p>Please also see our comments in COMMENT BOX 2 under the heading ‘Strategic Objective 5: Essential Infrastructure and Connectivity’</p>
<p>Local Green Space Assessment</p>	<p>Comments are repeated from COMMENT BOX 7 above</p> <p>Site 27: Whetsted Wood was submitted by Paddock Wood Town Council to be designated as a Local Green Space in the dLP (see Local Green Space Assessment page 29), however, it was not selected with the justification being <i>“There is insufficient evidence that this site meets the designation criteria, is already sufficiently protected under other designations, and is to be an allocated site in the new Local Plan”</i></p> <p>Clearly, it is not sufficiently protected by its status as Ancient Woodland (see Tunbridge Wells Borough Landscape Character Assessment LCA 13 – Paddock Wood / Five Oak Green Low Weald Farmland p.127) or the land would not be included in Policy AL / CA 3 &amp; AL / PW 1.</p> <p>Capel Parish Council requests that this area is designated as a Local Green Space and protected from development.</p> <p>Site 24: Green Area with Village Sign was not designated as a Local Green Space, the justification being that <i>“This area was not considered as it is already sufficiently protected under other designations”</i>.</p> <p>Capel Parish Council requests that this area is designated as a Local Green Space and protected from development.</p>
<p>SWECO Local Plan Transport Evidence Base</p>	<p>Chapter 2: Policy Context – Regional Policy covers the Kent County Council Local Transport Plan 4 (LTP4). Paragraph 2.3.7 (p.9) identifies that there are severe congestion problems in Tunbridge Wells <i>“on the A264 between Pembury and the town centre”</i>. Paragraph 2.3.9 (p.9) outlines the Local transport priorities specific to the borough of Tunbridge Wells, including <i>“A264 Pembury Road capacity improvements”</i>.</p> <p>Chapter 3: Socio-Demographics and Travel Behaviour – Current travel behavior at paragraph 3.4.3 (p.33) highlights that the ward of Capel has a significantly higher number of households with access to two or more cars at 58% (compared with 38% for Kent, 40% for the South East and just 32% for England on average)</p>

Chapter 6: Highway Network, Congestion and Collision Analysis – Congestion at paragraph 6.3.6 (p.105) sets out the aims of the improvements works along the A264 as being:

- *Manage congestion*
- *Reduce need to use Cornford Lane*
- *Improve take up of sustainable modes of travel by school children*
- *Facilitate cycle trips*
- *Maintain journey time by bus & “enhance” routes*
- *Gather evidence & clarify requirements for funding*

Chapter 5. Existing Public Transport Infrastructure and Level of Service divides the borough into four sectors for review. Capel and Paddock Wood fall under the ‘North’ section from paragraph 5.4 and paragraphs 5.4.4-5.4.7 detail the existing low frequency service. ALL cease at 7pm none start before 7am. There is no Sunday service.

Chapter 9: Mitigation Measures – Mode Shift Spread

Paragraph 9.1.1. (p.134) states *“The modal shift analysis, using the Propensity to Cycle Tool (PCT) identifies a potential modal shift of 2%-11% from car if a high-quality cycle network is established for the study area. For some locations we have identified bus based schemes that we foresee can replicate the impacts of cycling interventions to attain the proposed modal shift”*

Paragraph 9.1.2 (p.134) states *“The final mitigation scenario identifies an 11% reduction in car trips in the key Local Plan development allocation areas of Paddock Wood and Tudeley”*

Paragraph 9.6.5 (p.137) outlines that for rural locations, *“we have looked to integrate greater access by using new technology such as Demand Responsive Bus (DRB)”*

Even with an 11% mitigation the number of cars in Capel would still be well above the Kent or SE average at over 50%

Table 9.2 (p.138) shows mitigation for intervention type and includes the following measures:

403. Upgraded cycle route along A264 Pembury Rd

304. Bus lane on the A264 (Woodsgate Corner to Oakley Rd)

Paragraph 9.7.9 (p.145) concerns Halls Hole Road / A264 Junction and Potential Bus Lane and states “*Our analysis shows that this junction is at capacity and will remain overcapacity into the future. Options to increase capacity at the junction through additional approach and filter lanes are likely to be very costly as there are both significant land ownership issues (the highway boundary is close to the carriageway) and topography issues (in particular on Halls Hole Road where there is an immediate drop). The most affordable solution to improve traffic flow in the short term would be to recalibrate the traffic signals to better take account of the increased flows and to achieve a shift from car to cycling and bus”*

The A264 junction is over capacity in all scenarios even with mitigation.

#### Chapter 10. Summary and Conclusions

Paragraph 10.2.2 (p.165) states “The traffic modelling has tested the hard engineering measures and the effects of the walking, cycling and bus improvements, and has shown that the measures proposed will mitigate the impacts of the Local Plan housing and employment allocations”

**The conclusion is totally flawed, walking, cycling, buses & fiddling with traffic signals WILL NOT offset the sheer volume of traffic Capel will have to endure. With a level of 50% car ownership, even after successful mitigation, that is some 8,000 extra cars using the B2017 or country lanes.**

It is suggested building the Colts Hill strategic link is vital to delivery of the proposed new developments in Capel. How will this improve connectivity? It will be a faster, polluting road to nowhere. Until TWBC tackle the congestion on the two roundabouts at Pembury and the A264 it will be avoided, traffic to the A21 will still use the B2017. Given the development of Hendys in Pembury the congestion at this hotspot will be exacerbated. This development does not appear to have been addressed by SWECO. The A228 strategic link has been mooted for the last forty years.

The whole area surrounding Paddock Wood needs a radical holistic solution. The dualling of the A21 was supposedly going to reduce traffic in this area but as TMBC have discovered, through traffic has actually increased in volume in Tonbridge since the “improvement”

Apart from KentFastrack buses all the case studies BY SWECO regarding their analysis to lower car use, have used towns & cities. The case for using buses to bypass congestion hotspots is not made. The A264 has no capacity for a separate bus lane, fast track or otherwise. The much mooted northern route from Paddock Wood

	<p>to AL/CA 1 is not within the document. How is access from the north of AL/CA 1 to be handled? The Five Oak Green bypass link to the Colts Hill bypass is unlikely to be used by anyone travelling out of the north of Paddock Wood to Tonbridge (the B2017 is approached first) or travelling along the existing B2017 from Paddock, they will continue straight across the roundabout.</p> <p>The grey blob of a new route, shown in most of the publically available maps, connecting the north of AL/CA 1 to Paddock Wood, appears to be missing in this assessment. What is traffic plan for egress from the north side of AL/CA 1 given it would either have to cross the railway line or use Hartlake Road without a new northern link? Huge volumes of traffic, without this much mentioned “triangle,” will leave &amp; enter Paddock Wood onto the A228 causing unacceptable levels of pollution and congestion. Capel Parish Council suggested a new northern link from Paddock Wood to Tonbridge, to exclude any settlements in Capel, but this has not been assessed.</p> <p>The only sensible proposal within this document is for a southern bypass or ringroad for Tunbridge Wells, a southern bypass won’t help address the huge problems in the North East of the borough, but it would be the most sensible way forward especially if development were to follow, it would also reflect the preferred Growth Strategy that 60% preferred, namely Option 4, growth corridor led.</p>
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<b>COMMENT BOX 9: COMMENTS ON APPENDIX 6 (SUBMITTED SITES NOT INCLUDED IN THIS DRAFT LOCAL PLAN)</b>	
None	None