

Comments on STR/SS1 by Capel Parish Council.

These comments have been drafted by the Chairman of the Council (who since 6th May 2021 has also been the Borough Councillor for Capel Ward) in consultation with other members of the CPC and contributed to by members of the Capel Neighbourhood Plan Working Group.

The policy is not legally complaint because you are in breach of your Statement of Community Involvement para 1.7 “The objective is to ensure that everyone with an interest in planning understands how they can contribute to, and influence, the planning decision-making process”; this has clearly not been possible as you have insisted in rushing this through during a pandemic. 1.10 fails to comply with the Equality Act 2010 as you have not ensured that involvement will be open to all, regardless of **age, disability**, gender, pregnancy and maternity, race, religion and belief, **rurality**, and sexual orientation and 1.12 it does not produce “better outcomes that meet local aspirations and requirements”. We would submit the local aspirations and requirements of the residents of Capel Parish have been completely ignored, despite you having been repeatedly been made aware of them by Capel Parish Council and others.

Capel Parish Council believes the PSLP proposal for SS/STR1 fail the test of soundness:

A. It is not positively prepared:

Policies STR/SS1 and 3 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 plan. At no point has this council expressed a view supportive of this strategy.

The planning process lacks community engagement and support. TWBC has only made limited attempts to engage with local residents or win their support. There was an exhibition at Regulation 18 in the summer of 2019 but nothing since. In the ‘Vision for Capel’ consultation carried out by Capel Parish Council’s Neighbourhood Plan Working Party in August 2020, to which 25% of all households replied (the consultation was not online – but required residents to post their responses through a nominated post box) found 96% opposition to the plans at East Capel. You have carried out no such attempt to gauge the views of residents. The local election results in May 2021 showed the highest turnout, biggest swing and largest majority for the candidate clearly campaigning against these proposals. The lack of community engagement is clearly demonstrated.

CPC deplore that this consultation has been carried out during a pandemic when it easily could have been delayed. Not only did it start before the election period for our Parish and Borough elections (something you seemed to have overlooked in your haste) but proceeded despite the pleas of the parish council to delay until after the local election and pandemic lockdown. The online nature of the consultations (necessitated by the insistence in carrying them out during lockdown) excluded those of our residents with no or limited access to the Internet. Your provision of access to a hard copy available in the Gateway in Tunbridge Wells (over 6 miles away with no direct public transport service) was inadequate. It was only on May 11th six weeks into the consultation that a copy was provided to the Parish Manager and Clerk; and even then, she had to collect it herself from Tunbridge Wells.

There is only very limited information in the PSLP and SA on why alternative strategic sites to Capel were rejected (far less information than on small scale sites rejected) e.g., there is no comparison between the site in Horsmonden and its 'severe access difficulties' [not explained] and the sites chosen; it is not measured against the comparative negative criteria in Tudeley and East Capel despite both being in the Green Belt. The Borough Council's Planning Policy Working Group (where presumably these plans were drawn up) has no published minutes or clear terms of reference. The formulation of these plans therefore lacks transparency. When contacted the Office of the Information Commissioner told the Vice Chairman of CPC, "Your complaint has been accepted as eligible for further consideration and a case worker allocated" accepting there are grounds for complaint against TWBC on your lack of transparency in developing these plans.

Your officers only made attempts to work with Capel Parish Council (at the time there was no neighbourhood planning group) after the strategic sites in Capel Parish had already been determined. The views of Capel Parish Council were only sought after this strategy had been adopted in spring 2018. The council's view is that there is no need to build housing in the Green Belt and the Borough Council's strategy is flawed. CPC were invited to send one representative to the SSWG (again a body with no published minutes and not open to public scrutiny) along more latterly with one from the Neighbourhood Plan working party. But they were clearly outnumbered by developers and representatives from Paddock Wood and at no point have any of their views influenced the PSLP. Similarly, representatives were invited to one Zoom session by DLA on 28 September 2020. At no point did DLA make any other attempt to understand the aspirations of Capel residents. The Zoom session involved deciding where to build on East Capel and not if. CPC were concerned that not only were Paddock Wood representatives asked to plan what was to be built in East Capel, but that you had also carried out a consultation with Paddock Wood Town Council/NP Group on the siting of the sports hub in East Capel without informing or consulting Capel Parish Council. The Parish Council were subsequently informed of the Masterplan for East Capel and the associated infrastructure by TWBC planning department and DLA in a Zoom meeting. This does not amount to consultation. At no time beforehand was Capel Parish Council consulted about the site of the sports hub nor the detail of the offline A228 improvement nor the 'Five Oak Green bypass'. Neither has CPC been consulted about the closure of Paddock Wood railway bridge to all but bus traffic. Although this is not in our parish the knock-on effect would be to send all the traffic through our parish on the B2017 and the A228.

On p.140 the PSLP says "the expansion was facilitated through the release of land from the Green Belt: the exceptional circumstances to justify this are set out in the Development Strategy Topic Paper". We note the past tense. At no point has Capel Parish Council been informed that part of its parish has been removed from the Green Belt.

In the 'Strategic Sites Master planning and Infrastructure Study' DLA assert para 1.8 that remote working did not affect the study - without presenting any evidence to support this. The lack of consultation with Capel residents might cause this to be doubted. For example. "Garden City [sic] principles are supposed to be locally led" para 2.3 – this has clearly not been the case in Capel. DLA have focused most of their work on the town of Paddock Wood and frequently describe the whole area as the 'town'. In para 2.9 p.13 they describe "Capel Parish

is a rural parish comprised of small villages, where the community comes together in shared facilities such as schools.” Apart from the fact there is only one school - Capel Primary School - in the parish (discounting the Independent Schools at Somerhill on the edge of the parish, which draws students mainly from Tonbridge), this is a really inaccurate and superficial statement written by someone who has clearly never visited the Parish. There are four pubs and restaurants open at the time of writing, a cricket club with a large membership, football, and other sporting clubs as well as a range of voluntary organisations. Furthermore 75% of the population live in Five Oak Green, a larger village, something that seemed to have escaped DLA’s less than exhaustive research, and which they referred to as ‘Five Oaks’ throughout the Zoom call. On page 35 they assert that Whetsted Road is a possible ‘quiet lane’ route for bicycles. Anyone with a passing knowledge of the parish would know that the road is a rat run used by through traffic to access the A228 and residents have persistently complained about traffic issues on the road. P.53 also refers to the Medieval moated Badsell Manor (the oldest secular building in the parish) as ‘Badsell Farm’. The proposed planning of East Capel p.81 in a way ‘akin to the villages and hamlets’ of the parish seems uninformed and patronising to local residents, especially when building this way is really an effort to mitigate the worst of the flood risk. A better solution would be to build outside the Green Belt and not in Flood Zone 2 where the housing is being planned. DLA have master planned development in a parish which they clearly do not understand and have seemingly never visited. Their assertion that Covid did not affect their study is clearly not true in this regard. Capel Parish Council reject the assertion at para 4.3 p.10 of the Strategic Sites Topic Paper that ‘a detailed understanding of the land which forms part of the growth around Paddock Wood and East Capel has been obtained’. DLA have done nothing of the sort for East Capel as the examples above illustrate.

Capel Parish Council also deplore that the SPD for this site is not available and we have not had sight of it at this important stage, especially since TWBC stated that consultations with stakeholders would commence in early 2021. This is another sign that this plan is being rushed through without sufficient and transparent consideration.

B. It is not justified.

- 1. No exceptional circumstances have been put forward for building on the Green Belt outside Paddock Wood in Capel Parish when there are alternatives which would leave the MGB intact. The Parish Council’s view is that there is no need to build housing in the Green Belt and the Borough Council’s strategy is flawed.**

One of the differences between Paddock Wood and Capel is that the section of SS/STR 1 in Capel is part of the Metropolitan Green Belt and Paddock Wood is not. The other options around Paddock Wood examined before Regulation 18 would have produced fewer houses but would not have impinged on the MGB. The PSLP now seeks to put even more houses on the MGB section of this site than at the draft plan stage despite the huge majority of comments being against this aspect of the Plan. There are no exceptional circumstances because the council could have pursued an alternative development strategy combining other sites around Paddock Wood and brownfield sites across the Borough to produce the required housing numbers. 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 are in any case 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, you can use the NPPF's protection of Green Belt to adjust your expansion plans. 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.

2. The section of STR/SS1 in Capel Parish makes a strategic contribution to the MGB preventing the coalescence of Five Oak Green and Paddock Wood. Its removal from the MGB is not justified in light of other non-Green Belt options around Paddock Wood that have not been pursued and would cause less damage.

Policy EN18 of the PSLP p.374 says that "Development proposals should have regard to the setting of all types of settlement with particular regard to the **underlying historic pattern of settlement** and should seek to **avoid coalescence between settlements**". The removal of this section from the MGB goes completely against this policy.

In your Green Belt Study Stage 2 in 2017, both sites were included in Broad Areas BA3 and BA4, making up the area between Tonbridge in the West and Paddock Wood in the East, and between the road through Five Oak Green in the South and the River Medway in the North. Both BA3 and BA4 were judged to cause **VERY HIGH** harm to the Green Belt if released.

The NPPF is clear that protection of the Green Belt is a high priority and can provide a strong reason for not meeting the OAN. The summary of your own Green Belt study (Stage 3) says: 'The findings of the assessment of harm are summarised in Table 4.1 in Chapter 4 and depending on location, range from low harm associated with the release of land around Speldhurst and Pembury, to **very high** harm at Tudeley Village and Paddock Wood.' However, in the main body of the report, the harm done by the release has been further downgraded to **high**. This is due to the very dubious argument that the contribution the site makes to Purpose 2 (preventing neighbouring towns from merging) is relatively weak which is clearly not true. On the contrary CPC would argue this is the most important part of the MGB in Capel parish as it prevents the convergence of Paddock Wood and Five Oak Green. In other words, it maintains a sense of openness and separateness between the two communities which is the whole point of the MGB – it does not therefore 'weakly' contribute to the MGB. The road between Five Oak Green and the Badsell roundabout on the A228 does not give this impression to the same degree, as there is not a clear sense of separateness between the village and its surroundings at this point. But once across the A228 it is very different – after a few houses near the roundabout there is open countryside right up to the LBD of Paddock Wood. The boundary between the two parishes is at its clearest here – yet the proposal of TWBC to end the MGB at the A228 would destroy this clear distinction between rural and urban which is one of the main functions of the MGB. **This most strategic section of the MGB preventing the coalescence of the two settlements would be removed by this proposal. The NPPF clearly states in paras 133 to 147 that green belt should only be released in exceptional circumstances. This land is key to preventing convergence between Five Oak Green and Paddock Wood and CPC do not believe these exceptional circumstances are supported.**

- 3. The proposals do not recognise the historic nature of Capel Parish as a settlement distinct from Paddock Wood nor do they give any consideration to the impact of the development of the proposals on the setting of the medieval moated Badsell Manor, nor recognise its impact on the biodiversity of this part of the Borough.**

The countryside between Paddock Wood and Capel is highly valued for footpaths, ancient woodland, wildlife, and its function separating the existing settlements. The proposals alongside those for SS/STR 3 cannot possibly lead to a net gain in biodiversity, contrary to the aims of the PSLP, and the associated road building conflicts with TWBC's stated aim (Council motion: 17/7/2019) to be a carbon neutral council by 2030, and with the third bullet point of your recently published Climate Emergency Declaration.

- 4. The site lies at the lowest point in the parish of Capel; large parts of it lie in flood zones 2 and 3 and it is vulnerable to flooding from Tudeley Brook. Historically, this explains why the Medieval Badsell Manor is moated. CPC does not believe planning for house building in the flood plain is justified.**

While the PSLP maintains this risk will be mitigated by the developers CPC believe it is ill advised to develop on the flood plain in a period of climate change. The site flooded as recently as February 2020 when houses in Five Oak Green and Capel hamlet were inundated as well. The Tudeley Brook also feeds the Medway through the SS/STR1 site. Even though there are proposals for flood mitigation (though in the absence of the SPD it is difficult to know how effective they will be) the land in its current form is able to act as a sponge for much of the water. With more built form the water is likely to find its way to the Medway more quickly which will cause more frequent flooding and a bigger threat to the communities downstream, for example at Yalding, than at present. This is not a moment to increase the number of dwellings in a flood risk area.

Despite this site's removal from the Green Belt, you have argued that betterment more widely in the Green Belt can be achieved by flood relief measures in Paddock Wood and elsewhere. Most houses affected by flooding in Capel Parish are in Five Oak Green which is not in the Green Belt. (For your information, there is a Five Oak Green Alleviation Scheme meant to protect c.100 houses in Five Oak Green from fluvial flooding was originally drawn by the EA a decade ago). CPC maintain that introducing hard surfaces and dwellings on to the meadows and fields of East Capel and Tudeley will increase the flood risk beyond any mitigation measure, and although investment in flood relief measures elsewhere in Capel Parish would be welcome, it should not come at the price of further development on the flood plain in this parish.

- 5. The plans do not contribute positively to TWBC's climate change targets nor its aspiration to be a carbon neutral council by 2030.**

The impact on carbon sequestration provided by the farmland, meadows, mature trees, and hedgerows on this site 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 the sustainability appraisal. Moreover, as you are no doubt well aware Local Plans should include policies to ensure that the development and use of land contributes to the

mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004. It is clear that this plan does not make sufficient effort to encourage mitigation of and adaptation to climate change. The Policy STR7 titled 'Climate Change' lacks urgency and bears no relationship to the Government's 'nearly zero' targets. It is important that TWBC's strategic commitment is clear and achievable.

It is essential that large scale development in the Borough can aim to be a zero-carbon development. If this cannot be achieved on a new development site, then the TWBC target to achieve net zero emissions across the Borough by 2030 is all but certain to fail.

The failings of the largest strategic sites (which are fundamental to the overarching strategy of the Local Plan) to contribute adequately to the Government's 'nearly zero' 2030 targets, means that this Local Plan does not secure development and use of land which will contribute to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004.

6. This site combined with the proposals for STR/SS3 would mean one parish (with around 2% of the Borough's population) being expected to accommodate 63% of TWBC's housing need.

This is hugely disproportionate and will completely change the nature of this parish. The environmental impact of the development in the Green Belt in one small parish, when set alongside the impact of the associated transport infrastructure for these schemes which will carve its way through the remainder of the parish, will disproportionately damage the quality of life for Capel residents over the coming years. Essentially the council needs to rethink its strategy and avoid building on the Green Belt, to protect the quality of life for its residents in Capel who cannot be expected to bear the full burden of development for the whole borough. This SA is based on the needs of the Borough as a whole it pays little attention to the cumulative effect on Capel Parish and the impact for current residents.

Comments on STR/SS3 by Capel Parish Council.

These comments have been drafted by the Chairman of the Council (who since 6th May 2021 has also been the Borough Councillor for Capel Ward) in consultation with other members of the CPC and contributed to by members of the Capel Neighbourhood Plan Working Group.

The policy is not legally complaint because you are in breach of your Statement of Community Involvement para 1.7 "The objective is to ensure that everyone with an interest in planning understands how they can contribute to, and influence, the planning decision-making process"; this has clearly not been possible as you have insisted in rushing this through during a pandemic. 1.10 fails to comply with the Equality Act 2010 as you have not ensured that involvement will be open to all, regardless of **age, disability**, gender, pregnancy and maternity, race, religion and belief, **rurality**, and sexual orientation and 1.12 it does not produce "better outcomes that meet local aspirations and requirements". We would submit the local aspirations and requirements of the residents of Capel Parish have been completely ignored, despite you being repeatedly been made aware of them by Capel Parish Council and others.

Capel Parish council have major concerns about the lack of sustainability of the site, and the weakness of community engagement, alongside its impact on the historic Medway Valley landscape, and the historic town of Tonbridge.

A. It is not positively prepared.

The planning process lacks community engagement and support. TWBC has only made limited attempts to engage with local residents or win their support. There was an exhibition at Regulation 18 in the summer of 2019 but nothing since. In the 'Vision for Capel' consultation carried out by Capel Parish Council's Neighbourhood Plan Working Party in August 2020, to which 25% of all households replied (the consultation was not online – but required residents to post their responses through a nominated post box) found 95% opposition to the plans at Tudeley. TWBC have carried out no such attempt to gauge the views of residents. The local election results in May 2021 showed the highest turnout, biggest swing and largest majority for the candidate clearly campaigning against these proposals. The lack of community engagement is clearly demonstrated.

CPC deplore that this consultation has been carried out during a pandemic when it easily could have been delayed. Not only did it start before the election period for our Parish and Borough elections (something you seemed to have overlooked in your haste) but proceeded despite the pleas of the parish council to delay until after the local election and pandemic lockdown. The online nature of the consultations (necessitated by the insistence of carrying them out during lockdown) excluded those of our residents with no or limited access to the Internet. Your provision of access to a hard copy available in the Gateway in Tunbridge Wells (over 6 miles away with no direct public transport service) was inadequate. It was only on May 11th six weeks into the consultation that a copy was provided to the Parish Manager and Clerk; and even then, she had to collect it herself from Tunbridge Wells.

It is unclear to us why in the Issues and Options stage when 60% of the responses favoured the A21 Corridor this option was not pursued given the money recently invested in dualling the road and its good connections to the rest of West Kent and further afield. Capel Parish Council have supported another site (also within the parish) at Castle Hill which would provide 1600 houses close to the A21. Although this site is in the AONB it is much more enclosed than STR/SS3 and building there would have a much more limited impact on the landscape. STR/SS3 adjoins the AONB and building on this sloping site would both be visible from the AONB but also damage the unique Low Weald landscape of the Medway valley. The Castle Hill site we understand is also in one ownership (something the council claims as an advantage for STR/SS3) and adjoins a key employment area, also, in the AONB, which you have already identified and included in the plan.

There is no real explanation in the PSLP as to why other large-scale sites were rejected. Capel Parish Council believes that Tudeley was not the original choice as a stand-alone garden settlement, and that the choice was more to do with the single landownership than the absence of constraints. The nature of land ownership is not a good argument for rejecting a site outside the Green Belt for one inside it.

The original Distribution of development topic paper prepared for the DLP in 2019 Chapter 6: Formulating the development strategy (p.14): Paragraph 6.2 also expressly stated 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 you 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 STR/SS3). Presumably, this underwent a robust process based on robust evidence. This was still the preferred stance in 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 to the Parish of Capel. **Where in the Local Plan is this new evidence base?** There has been no convincing explanation of the Council's change of course in the Spring of 2018 and no convincing reason why SS/STR3 was chosen over the alternatives. There is only very limited information in the SA on why alternative strategic sites to STR/SS 3 were rejected (far less information than on small scale sites rejected) e.g., there is no comparison with the site in Horsmonden and its 'severe access difficulties' [not explained] and the sites chosen. It is not measured against the comparative negative criteria in Tudeley despite the latter being in the Green Belt and bordering on AONB. 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, and where there is little demand for it. The Castle Hill proposal would be a much better solution in this regard. There is also only limited demand for this number of houses in Capel Parish which has a comparatively small population, as most prospective buyers and tenants would be expected to come from outside the Borough and would presumably prefer to live in or nearer Tunbridge Wells.

There is no evidence that makes Tudeley a better site for a Garden Village than for example, Horsmonden. 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, with 50 houses at most. The whole of the Parish of Capel has only 915 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 also 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 artist Marc Chagall. There is no equivalent heritage asset elsewhere in the rural parts of the Borough.

Tudeley has a beautiful, rolling landscape with abundant wildlife, fertile soil, and high biodiversity scores. This is undervalued in the PSLP, for example, Policy EN13 makes no mention of historic hedgerows and patterns which cover the Low Weald Area and have their roots from mediaeval times. The site is entirely within the Green Belt, and the High Weald

AONB is within a few yards of the proposed development site. Views in particular from the High Weald looking over the Low Weald will be seriously compromised.

Comparatively, it is stated 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 effects there too. Capel Parish Council does not believe exceptional circumstances exist to justify building at Tudeley. The only argument presented anywhere is that Tudeley has a single landowner and other sites multiple landowners. **Your reluctance to deal with multiple landowners is not an "exceptional circumstance"**.

Since the Regulation 18 consultation and the exhibition put on by Hadlow Estate in Tunbridge Wells (6 miles away from Capel parish) in October 2020 there has been little attempt at community engagement in relation to this site. The feedback form attendees were asked to fill in largely related to the design of the houses not the principle of development. At the exhibition HE's representatives focused on the site itself and displayed little interest in the requisite infrastructure or the impact of their development on surrounding communities. Hadlow Estate's representative has attended the SSWG but has only engaged once with the parish council as a corporate body, which was about arrangements for the proposed Charette in March 2020. Hadlow Estate's original intention seems to have been engagement with individual parish councillors, but they refused to present before the whole council when invited in 2019. All questions put to you about the site have been treated as a matter for Hadlow Estate. All we now have is their 'Delivery Plan' on their website, which we are treating as indicative only.

Para 5.4 under Hadlow Estate's vision and Approach p. 18 of the SS Topic Paper talks of a landowner-led project. Yet we are told that the inspiration for Garden City projects is 'community led' [para 2.3 of the Strategic Sites Master planning and Infrastructure study] and thus far there have been no attempts to involve the community in the principle of what the landowner himself at a SSWG meeting called an 'urban development'. They have only tried to cajole residents into expressing opinions on the nature of the housing design. We are faced with a development, that far from being community led, will be one planned by the landowner, who seems to want to retain control of it into the future. This is a top down plan not a bottom up community led plan, which was the model to which garden settlements were meant to conform.

Capel Parish Council also deplore that the SPD for this site is not available and we have not had sight of it at this important stage, especially since TWBC stated that consultations with stakeholders would commence in early 2021. This is another sign that this plan is being rushed through without sufficient and **transparent** consideration.

B. It is not effective.

The PSLP is over reliant on this one site to deliver a large proportion of its housing with no guarantee that this landowner with no experience of large scale housing development can deliver in a timely manner. The logistical difficulties of building a 'Garden Village' from scratch with no existing infrastructure and relying on two rural lanes to move plant, machinery, equipment and building materials seem not to be a consideration of this PSLP. We consider the Castle Hill site would present much less of

a risk by comparison, surrounded as it is by existing infrastructure and backed by more experienced developers.

C. It is not justified.

- 1. This site when seen in combination with STR/SS1 and the recently adopted Kent Minerals Plan, will put a disproportionate burden on this parish as it is required to take 4160 houses in the plan period with another 700 to follow in Tudeley.** This can be seen alongside a total of c.2000 houses being built in next door Paddock Wood, work on which is already underway. The impact of this will change the nature of our small rural community forever.

The Local Plan will destroy rural enterprises, such as the equestrian facilities at Bank Farm alongside other businesses in Capel Parish. The natural environment will be badly damaged if the development of new housing in Tudeley together with 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, the B2017. 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, are 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 have not been explored further in the sustainability appraisal. 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 on the setting of the AONB.

The plan proposes to release land at the very heart of the Green Belt in the parish to accommodate Tudeley village and despite the words in para 5.17 of the SS Topic Paper such a large intrusion in the Green Belt only just west of Five Oak Green is going to lead to the impression of urban sprawl all the way from Paddock Wood to the Hartlake Road junction. The compensatory improvements to the Green Belt are limited, unclear and superficial.

- 2. CPC believe the site is not sustainable. The council relies on Hadlow Estate for the Master planning of the site. They seem more concerned about the internal layout and appearance of their site than its impact on the local infrastructure.**

Without a railway station (which Network Rail have said is not possible for technical reasons) communications with the surrounding area will rely on the car and active travel. There is little evidence put forward by you or by Hadlow Estate of a Modal shift in transport and the impact on the road westward towards the A26/B2017 roundabout has been underestimated.

- The site is too far away and too ill lit for cyclists and walkers to use for commuting to Tonbridge, particularly in winter. Para 5.21 estimates the cycle journey time 'could be 22 minutes' across what is at the moment unlit farmland. The evidence of a modal shift of transport in this way is limited and given a car journey to Tonbridge outside rush hour of 5 minutes, it is unlikely that most residents will do this.

The settlement will be dependent on the B2017 for traffic westwards to Tonbridge. This is now a heavily used rural lane with queuing traffic towards Tonbridge in the early morning peak. The plan proposes works to create a roundabout at Hartlake Road with junctions to the proposed estate roads within the site. Once again it is difficult to comment when the SPD has not been provided. But the plan seems to require Hartlake Road to be closed at the bridge sending the traffic through the development which would imply a roundabout further to the East (where?). However, in our judgement these works will not be sufficient to cope with the traffic from this site combined with a proportion of that from the sites near Paddock Wood. The DLA infrastructure study also suggests that there will need to be widening of the B2017 as well as 'improvements' to the junction at Hartlake Road and elsewhere but para 5.19 of the SS Topic paper says traditional orchards adjacent to the B2017 will be protected. Both will clearly not be possible at the same time.

- The plan 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 note the open opposition to this part of the Plan by all Tonbridge and Malling Council members who spoke at their Planning and Transportation Committee meeting on 17/5/21 and that by the end of this Consultation T&M still have not signed a Statement of Common Ground.
- Without this site your own documentation states the proposed 'Five Oak Green bypass' would not be necessary. This road will require the loss of productive agricultural land, affect the setting of the AONB and damage two designated rural lanes (Sychem Lane and Church Lane). It will also require the building of a roundabout opposite Capel Primary School; given the traffic difficulties here at drop off and pick up time this would seem a particularly retrograde step. We are also concerned at the traffic pollution risk posed to Capel Primary School (not to mention a future proposed secondary school) especially at a time when government is trying to alleviate pollution levels on roads near schools. In any case a bypass round Five Oak Green would also not solve the traffic issues further westward along the B2017 something that is not addressed in this Plan and would not help the Borough achieve its net carbon zero target by 2030. The plans for this road seem particularly under-developed, we suspect partly because this was not the main focus of DLA's flawed master planning for Capel. Once again comment is made more difficult by the absence of the SPD at the time of this consultation.
- **CPC believe it is two settlements divided by a railway line, neither of which satisfy garden settlement principles.** The site is divided by the main railway line to Ashford with only Hartlake Road and a narrow Tunnel on Sherenden Road linking the two sides. Not only does this render the southern part of the site prone to flash flooding it also makes it difficult to see Tudeley as one community in the future. It is unsuitable for a garden settlement because it has a main railway line running through the middle of it with 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. (Both are designated rural lanes – Hartlake Road is in

the top 10% of the Borough in terms of historic and amenity value). The developers propose to create a tunnel (which would be very expensive and require major works to the railway which is the main Tonbridge – Dover line) as part of the main spine through the development. This would again damage this designated rural lane, but without an SPD it is difficult to use our local knowledge to comment further.

- This site is under single ownership which 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.
- Development on the site will adversely affect flood risks in Tudeley and neighbouring Yalding, Golden Green, East Peckham, Hadlow and Tonbridge. The River Medway is more prone to flooding in recent years, 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 factors.
- The proposed phasing of the build would mean disruption to the local community and the traffic along the B2017 for the whole of the plan period. For example, it appears there will be no school built in Tudeley until phase 3 (1,000) houses, and the costings suggest that infrastructure will be paid for by S106's which will mean the houses will be built first putting an additional strain on the local community, facilities and the road infrastructure.

3. CPC believe the effect of the development on the parish is disproportionate.

The SA is based on the needs of the Borough as a whole it pays little attention to the cumulative effect on Capel Parish and impact for current residents. It is clear that this parish is bearing a hugely disproportionate burden of this plan. The environmental impact of the development in the Green Belt (with these two major sites in one small parish), added to the impact of road building and associated transport infrastructure for these schemes on the setting of the AONB will disproportionately damage the quality of life for Capel residents over the coming years. This strategy needs to be rethought to protect the quality of life for residents in Capel who cannot be expected to bear the full burden of development for the whole borough.

4. CPC believe the design plans for Tudeley village will not respect the historic Low Weald countryside and will be an urban intrusion on this rural landscape.

Unlike the master planning for STR/SS1 master planning of Tudeley is the preserve of Hadlow Estate. Hadlow Estate are not experienced developers and have only shared indicative plans with the local community. These appear to be an urban intrusion on a rural landscape and will be completely inappropriate for this Low Weald landscape. We fear a high end urban development completely out of keeping with the local heritage and landscape, designed to appeal to an upmarket London based clientele. The comparison the developers have made with the soulless and still unfinished Poundbury estate does not fill us with confidence. In addition to the damaging impact this development will have on the Greenbelt, following its removal from it, there is also the strong adverse impact of the proposed Tudeley Village on the landscape of the whole Medway Valley. You should be more sensitive to the fact that the

site SS/STR 3 lies on the southern slope of the Medway Valley, and is visible from all points along the north slope from up to twelve miles away appearing against the backdrop of the High Weald AONB. The view (for example, from St Michael's East Peckham) will be severely damaged from points right across a 60 square mile area.

5. CPC believe the plans will lead to the loss of BMV agricultural land and have a negative impact on the Borough's climate change targets.

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 land in the Borough one being in the area of SS/STR3 so it would be scandalous to lose it to concrete at a time when government policy is encouraging the more effective use of land for agriculture. The impact on carbon sequestration provided by the farmland, meadows, mature trees, and hedgerows on this site 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 the sustainability appraisal. Moreover, as you are no doubt well aware Local Plans should include policies to ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004. It is clear that this plan does not make sufficient effort to encourage mitigation of and adaptation to climate change. The Policy STR7 titled 'Climate Change' lacks urgency and bears no relationship to the Government's 'nearly zero' targets. It is important that TWBC's strategic commitment is clear and achievable. In policy STR/SS3 the requirement for renewable energy production should be specified as an item 'which will be delivered'. Instead, the renewable energy element of the policy is buried under 'high quality layout and design'. This is insufficient, given the scale of the climate emergency and the end date of the plan which corresponds closely with the Government's 2030 target for net zero. Given this relationship it is essential that large scale development in the Borough can aim to be a zero-carbon development. If this cannot be achieved on a new development site, then the TWBC target to achieve net zero emissions across the borough by 2030 is all but certain to fail. The failings of the largest strategic sites (which are fundamental to the overarching strategy of the Local Plan) to contribute adequately to the Government's 'nearly zero' 2030 targets, means that this Local Plan does not secure development and use of land which will contribute to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004.

D. It is not consistent with NPPF guidance.

You have chosen to accept the government's housing need for Tunbridge Wells Borough based on the standard method of calculation. Later ONS figures show a smaller housing need, and that policy may reflect that in due course. TWBC could protect this Parish from the destruction of Green Belt and the setting of the AONB by following NPPF guidelines, but this plan shows no interest in doing so, and in fact is planning for even more housing than required despite the MGB and AONB taking up such a large proportion of the Borough.

Paragraph 11 of the NPPF (2019) states: "Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that: (a) plans should

positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change; (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, unless: 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 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.” Paragraphs 11(b)(i) and (ii) are of crucial importance. They provide for TWBC to have a choice in the provision of the objectively assessed number of houses. **If provision of these houses is really only possible by sacrificing Green Belt land, as you 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. You have chosen not to do so.**

Comments on STR/CA1 by Capel Parish Council

These comments have been drafted by the Chairman of the Council (who since 6th May 2021 has also been the Borough Councillor for Capel Ward) in consultation with other members of the CPC and contributed to by members of the Capel Neighbourhood Plan Working Group.

The policy is not legally complaint because you are in breach of your Statement of Community Involvement para 1.7 “The objective is to ensure that everyone with an interest in planning understands how they can contribute to, and influence, the planning decision-making process”; this has clearly not been possible as you have insisted in rushing this through during a pandemic. 1.10 fails to comply with the Equality Act 2010 as you have not ensured that involvement will be open to all, regardless of **age, disability**, gender, pregnancy and maternity, race, religion and belief, **rurality**, and sexual orientation and 1.12 it does not produce “better outcomes that meet local aspirations and requirements”. We would submit the local aspirations and requirements of the residents of Capel Parish have been completely ignored, despite you having been repeatedly been made aware of them by Capel Parish Council and others.

Not properly prepared.

Capel Parish Council are perturbed by the inaccuracies and lack of detail in this policy.

Point 4: Compensatory improvements to the Green Belt including to ‘particular areas of Five Oak Green’ [sic]. The roads and properties that most recently flooded in Five Oak Green are widely known and had you wished to find out where they are you could have asked the parish council. Furthermore, Five Oak Green has its own planning envelope and therefore is not in the Green Belt and neither are most of the properties flooded. The ones that flooded in the hamlet of Capel are in the Green Belt but are not directly referred to.

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

Point 6b: Refers to improvements in recreational and sporting facilities including football pitches [sic]. There is only one football pitch on Five Oak Green Recreation Ground something the planners / DLA would have known had they visited the parish.

Unlike other settlements in the Borough no “opportunities” or “benefits” have been identified, for example meeting local needs housing, a 20mph speed limit, traffic calming, a new village hall as CPC has not been consulted about any of these. If the Tudeley settlement is removed from the plan (and therefore the FOG bypass) there has been no traffic modelling to identify the need for road safety improvements throughout Capel along the B2017 and elsewhere despite the massive impact on the parish expected by the expansion of next door Paddock Wood.