**Landscape Characteristics: MGB, AONB, Environment**

This document has been prepared with reference to the NPPF and TWBC saved policies LP2006 and Core Strategy 2010

**1. NATIONAL PLANNING POLICY FRAMEWORK**

Aspects of the NPPF are mentioned in the papers drafted for Biodiversity (paras 174, 175, 177) and Heritage (paras 11, 184, 190).

***Para 11(b) footnote 6*** *was identified by the CPRE as particularly important to the campaign as it refers to policies in the NPPF that “…protect areas or assets of particular importance…” and provide “…a strong reason for restricting the overall scale, type or distribution of development in the plan area…”*

*Footnote 6 specifically mentions Green Belt, irreplaceable habitats, designated heritage assets, and areas at risk of flooding.*

**Other aspects of importance in the NPPF include:**

**Para 122:** Planning policies and decisions should support development that makes efficient use of land, taking into account…

d)  the desirability of maintaining an area’s prevailing character

**Para 133**: **The Government attaches great importance to Green Belts.** The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

**1. to check the unrestricted sprawl of large built-up areas;**

**2. to prevent neighbouring towns merging into one another;**

**3. to assist in safeguarding the countryside from encroachment;**

**4. to preserve the setting and special character of historic towns; and**

**5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.**

***NOTE****: the proposals appear to counter each of these 5 purposes, and undermines the area’s openness and permanence (an argument used by the Head of Planning to deny the Poacher their planning application, but overlooked by the same officer in the draft local plan).*

**Para 140:** Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

**Para 144**: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

***NOTE:*** *What are those ‘very special circumstances’, other than the ease of dealing with one large-scale willing landowner to cover the majority of the development?*

**Para 170:** Planning policies and decisions should contribute to and enhance the natural and local environment by:

a)  protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils…;

b)  recognising the intrinsic character and beauty of the countryside… including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity…

e)  preventing new…development from contributing to… unacceptable levels of soil, air, water or noise pollution or land instability.

Plans should…allocate land with the least environmental or amenity value, where consistent with other policies in this Framework(53); take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

53 Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

**Para 172:** Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty, which have the highest status of protection

**Para 180:** Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a)  mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (60);

b)  identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c)limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

***NOTE:*** *we are gathering data on current light levels. Initial readings suggest CA1 is in line with data from the AONB (c.20.10), and any development will be bound to affect light levels. This is likely the same for noise levels, given there is little by way of buildings or main roads, although a railway does dissect the area. Air pollution levels will also clearly be affected.*

**Para 181:** Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

***NOTE:*** *The local plan should contain defined measures to mitigate against air pollution.*

**2. TWBC Landscape Character Assessment Supplementary Planning Document 2017 (LUC).**

This document was considered in the Heritage paper, but a more intensive examination is included here.

Character Area 13: Paddock Wood/Five Oak Green Low Weald Farmland

This area occupies the gentle foot slopes of the High Weald and is an important transition between the fruit belt and the flat arable and pasture land of the Low Weald and the Medway Valley from which it derives much of its character. It is an agricultural landscape with extensive fields and local areas of fruit orchards and includes the urban area of Paddock Wood.

Key Characteristics

**Flat or gently undulating land at the foot slopes, backed by the adjacent ridge of the High Weald plateau**… visually distinctive, with a clear and sudden transition experienced when travelling… down from the High Weald (e.g. from Castle Hill), or from the Millennium Viewing Point… where the landscape abruptly opens out revealing immense panoramas of the Low Weald.

**A mixed farmed landscape with extensive open arable fields, dwarf fruit orchards and pockets of pasture…** distinctly different from that of the High Weald. On the well-drained soils and gentler slopes there is intensive arable cultivation with large open fields of crops replacing the haphazard pattern of orchards dissected by thin ghyll woodlands….

**Current agricultural land use** includes arable crops, top fruit, and grass, with agricultural production restricted by waterlogging and summer drought. Horticultural and arable crops have replaced many areas previously dedicated to orchards and hops.

Around Paddock Wood **soils are subject to varying degrees of waterlogging** due to a combination of water tables and slowly permeable subsoils. In some areas the installation of field drains can help to overcome this, but this characteristic limits the use for these areas.

**A richer more diverse landscape pattern occurs on the undulating slopes around Capel and Tudeley** where an historic pattern of fields with irregular boundaries are separated by thicker hedges of locally distinctive hornbeam.

**Many hedgerows have been removed**…. Mature hedgerow oak trees often remain at irregular intervals along the former hedge-line and impart an almost parkland quality to the arable landscapes. However, they are declining as indicated by a number of stag-headed trees, with cultivation occurring right up to the hedge base, although the stag-headed trees themselves remain an ecologically valuable feature of the landscape.

**Remnant alder or poplar windbreaks, as well as individual trees and hedges…** lining roads or field boundaries, create visual interest and a landscape structure, providing framed views to the landscape beyond – both distant views (to the wooded ridge to the south) and near views to orchards and farms.

**A network of rural lanes crosses the area,** skirting the edges of fields or intersecting with the north-south ancient routeways descending from the High Weald. These ancient drove-ways were used for transhumance, connecting the larger settlements of the North Downs and the North Kent Plain to the wood pasture, or ‘dens’ of the High Weald.

**Large, arable fields drained by a network of ditches…** created because of the location of the area near to the floodplain of the River Medway. On the valley floor, this drainage has provided better quality soils…

**This is one of the few parts of the Borough that is not covered by an AONB designation,** and has consequently accommodated a substantial amount of new development… including single rural dwellings… and large centres of development at Paddock Wood and Five Oak Green.

SETTLEMENTS

**Paddock Wood** was initially an agricultural centre… Extensive red brick suburban development now extends to the south of the station, with large-scale warehouse and industrial development to the north abutting the orchard landscapes.

**Whetsted** is a small hamlet of scattered houses and farms, vernacular oasts and brick and tile infilled by more modern 20th century development.

**Five Oak Green…** sprawls along the busy B2017 road, with extensive suburban development backing the road and an abrupt transition with the farmland beyond.

**Capel and Tudeley…** are small hamlets clustered around the Grade I listed sandstone churches. The stained-glass windows at Tudeley’s All Saints Church were designed by the early modernist artist Marc Chagall. The hamlets have strong vernacular character and focal points with frequent glimpsed views to the surrounding agricultural landscape.

**A variety of building styles** ranging from groups of oasts… to modern suburban houses and bungalows.The historic oast houses are very distinctive features within this open landscape. There are also numerous traditional historic buildings typical of the Weald, including timber framed houses and farmsteads… Open views across this intensively farmed landscape are frequently punctuated by the cowls of clustered groups of oast houses and extensive farm building complexes.

**Views out across the agricultural landscape provide a sense of rural calm**, with the Greensand Ridge providing a distinctive skyline…towards the north. Throughout the area the enclosing ridgeline of the High Weald to the south is an important feature, creating a wooded backdrop to this… fairly open, flat landscape.

**Valued Features and Qualities**

In addition to the valued features and qualities which apply to the whole of the Borough noted in **Chapter 1**, features and qualities considered to be of particular value in the landscape character area are identified below:

|  |
| --- |
| **This area lies adjacent to the High Weald AONB. There are strong associations between this area and the AONB and the area enhances the character of the AONB landscape.** The following key qualities related to the AONB are particularly valued in this character area: 1. The slopes in the south… which rise up to the High Weald and provide an important transition between the High Weald to the south and the Low Weald. The extensive, panoramic views from within the AONB from the scarp slope at the public Millennium Viewing Point… look across the whole of the character area, and across the Low Weald.
2. A network of ancient routeways through the area which continue into the AONB, are remnants of the historic practices of transhumance and exploitation of the resources of the forest.
3. Frequent historic farmsteads and oasts are conspicuous features in the landscape. These add local vernacular character typical of the Weald and the AONB…
4. Areas which retain a sense of the historic landscape, where the irregular and sinuous field boundaries are overlaid on more undulating slopes, divided by hedgerows and trees – particularly around the small hamlets of Tudeley and Capel…
5. The old Hawkhurst Branch Railway Line… provides a local ecological and potential recreational resource, as well as serving as a reminder of the culture of ‘the hop- pickers line’ and the local hop industry in the area.
6. Areas of woodland, trees and hedgerows – particularly the small remaining fragments of ancient woodland, which are particularly important for visual character…, as well as being important for recreation and biodiversity.
 |

**Detractors and Opportunities**

The settlements at the edge of Paddock Wood are visually conspicuous due to their white or light colour which contrasts with the surrounding…landscape.

**New development around the edge of existing settlements should be unobtrusive and tie in with the local landscape character through appropriate planting treatments. It would be beneficial to target landscape enhancements anywhere but most importantly along the transport corridors and settlement margins.**

A proliferation of urban fringe land uses including machinery storage/haulage, particularly on the flatter land around Paddock Wood… Pockets of degraded farmland where post and barbed wire fencing has replaced hedgerows…

**Enhancements should aim to promote sympathetic management of this land to retain its countryside character, particularly in association with development proposals.**

Conifer hedges… occur in association with the rural residential development scattered along the roads and lanes.

**More appropriate species of hedges should be sought as appropriate.**

**LANDSCAPE STRATEGY**

The Local Character Area should be considered in the context of the High Weald AONB, particularly the role the character area plays in the setting of the AONB. The valued features and qualities of the landscape should be conserved and enhanced.

1. Respect the vulnerability of the slopes rising up to the south to new developments… **New developments can be highly visible over a wide area on these slopes and detract from the essential countryside character.**

**2. Consider the vulnerability of this open lowland landscape to built development which is likely to be very visible in views.**

3. Ensure that any urban/suburban edges are tied into the local landscape through planting… as well as ensuring a…**graduation in scale of development to create an appropriate setting and sympathetic transition from urban to rural.**

**NOTE:** *TWBC’s Landscape Character Assessment makes clear the visual effects of the development would be evident from a number of public footpaths, both through and surrounding the proposed sites, as well as along the B2017 and from the valley floor and opposite valley side. The encroachment of development would detract from the rural appearance of the area and the setting of the AONB.*

*The potential for landscaping to screen and reduce the visual effects will no doubt be put forward. However, this needs to be weighed against the loss of open field separation of elements of development, and the creeping urbanisation of the area. Whilst planting would assist in reducing the direct line of sight of houses in the longer term, there would still be effects from noise, activity and illumination, along with the localised views that would inevitably and substantively change.*

*Clearly the impact on the character of the landscape and visual effects would be substantial and harmful and significant in the short, medium and long term. The adage that ‘…once gone it will be lost forever,’ is a pertinent one.*

**3.** **TWBC - Planning Policy Review - June 2019**

Development Plan consists of the following documents/policies:

• Saved policies of the Local Plan 2006

• Core Strategy 2010

• Site Allocations DPD 2016

**Relevant saved policies of the Local Plan 2006:**

**Policy MGB1**- The openness of the Metropolitan Green Belt, as defined on the Proposals Map, will be preserved and **no development which would conflict with the purposes of including land within it will be permitted**. Within the Metropolitan Green Belt, planning permission will not be granted other than for:

(1) The construction of a new building or buildings for one of the following purposes:

(a) agriculture or forestry;

(b) essential facilities for outdoor sport or recreation, for cemeteries or other uses of land which preserve the openness of the Metropolitan Green Belt and do not conflict with its purposes;

(c) limited affordable housing to meet local needs in accordance with POLICY H8; (d) development within a Major Developed Site, as defined on the Proposals Map;

**Policy EN15**- Development proposals that would have an adverse impact on the nature conservation interest of a statutory Local Nature Reserve or non-statutory nature conservation site, will only be permitted if all of the following criteria are satisfied:

1 The need for the development would outweigh the nature conservation interest of the site;

2 There would be no reasonable, less damaging alternative solutions; and

3 The design and layout of the scheme would minimise the potential impact on the important features of the site.

**Relevant information/policies from the Core Strategy 2010:**

Identifies the need for c.6,000 net additional dwellings between 2006 and 2026.

In terms of its spatial strategy, there is an ambition to ‘pursue an urban focus’ for development in order to optimise the vitality of the Borough’s town centres; to make optimum use of previously developed land, and to protect the distinctive character of the rural environment’ (Box 3).

Five Oak Green is identified as a ‘village’ in its Settlement Hierarchy in Box 4 but does not make specific reference to Tudeley nor Capel. It states that it would aim for only 6% of all housing growth to be located in ‘villages and the rural areas’.

**Core Policy 1 – Delivery of Development**

In pursuit of the Spatial Strategy set out in Box 3 (Chapter 4) and to ensure that development is delivered in a managed way, the Borough Council will allocate sufficient sites in the Allocations DPD and Town Centres Area Action Plan DPD to meet the Borough’s known development needs as set out in Core Policies 6-14.

1. Priority will be given to the allocation and release of previously developed land within the LBD of settlements. Selected greenfield sites within and/or adjacent to the LBD of settlements in the main urban area and small rural towns will also be allocated and released as appropriate to maintain a sufficient phased supply of deliverable and developable land. Sites adjacent to or outside the LBD of villages will not generally be allocated or released

2. Exceptionally, allocations may be made or sites be released in locations other than as specified in Core Policy 1(1) above where an identified need for any of the following types of uses cannot be met on such sites:

affordable housing (for local needs only) at the villages where the need cannot be met on a site within the LBD in accordance with

Core Policy 6: Housing Provision employment uses in the rural areas in accordance with

Core Policy 14: Development in the Villages and Rural Areas recreational uses in accordance with

Core Policy 8: Retail, Leisure and Community Facilities Provision 3.

The Allocations DPD and Town Centres Area Action Plan DPD will establish broad phasing arrangements for the release of allocated sites. Progress on implementation will be monitored through the Annual Monitoring Report and, if necessary, action may be taken to manage the delivery of housing sites in accordance with the principles set out in PPS3, particularly paragraphs 62-67

The supporting text to this policy states:

**Where it is necessary to draw on greenfield sites they will only be allocated where they are adjacent to the main urban area or the small rural towns** and their allocation is required to meet the Borough's identified needs for development. **Such sites will be selected on the basis of their relative sustainability credentials,** **their comparative public or visual amenity value and the extent of their contribution to the character of the surrounding area.**

Allocations beyond the LBD of villages will not be made except in accordance with Core Policy 1(2). 5.12 This approach reflects the respective roles of Royal Tunbridge Wells and Southborough as part of a Regional Hub and the other towns as local hubs, as expanded under Core Policies 9-13.

**Core Policy 2 - Green Belt**

1. The general extent of the Green Belt will be maintained for the Plan period;

2. A long-term land reserve (designated in this Plan as 'Rural Fringe') will be maintained and a review of land within that category will be conducted in parallel with the preparation of the Allocations Development Plan Document to ensure that Green Belt boundaries will endure thereafter until 2031;

3. There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Any new development should accord with the national planning provisions of Planning Policy Guidance Note 2: Green Belts (PPG2) or its replacement;

4. Infill development and redevelopment within the designated 'Major Developed Sites' within the Green Belt will be allowed where it accords with the national planning provisions of PPG2 or its replacement.

The supporting text to this policy states:

**It remains the Borough Council’s intention to maintain the general extent…of the Green Belt** **in accordance with Government guidance that, once Green Belt boundaries have been established, they should be altered only exceptionally, to ensure that the primary purposes of the Green Belt and its main attribute of openness are retained.** Similarly, the South East Plan confirms that there is strong public support for the concept of the Green Belt and that the functions of the Green Belt are entirely consistent with the spatial strategy for the region.

**Policy AOSR8**: South East Plan states, in the supporting text to Tonbridge / Tunbridge Wells Hub, that “there may be a need for small scale Green Belt review at Tunbridge Wells" in order to be able to accommodate sufficient development here to support its Regional Hub status.

This is capable of being an **exceptional circumstance** for a review of the inner boundaries of the Green Belt (PPG2, paragraphs 2.6-2.7). Any release of land from the Green Belt following a review would be dependent on there being no suitable non-Green Belt sites available to support the requirements of the Regional Hub. The Borough Council would then consider the release of sites within the Green Belt that are adjacent to the Limits to Built Development (LBD) of Royal Tunbridge Wells and Southborough where this would least compromise the purposes of the Green Belt.

On the basis of currently known land availability, as set out in the SHLAA 2009, there may be no need to release Green Belt sites for development during the period to 2026. However, in parallel with the preparation of the Allocations DPD a review will be undertaken of the adequacy or otherwise of the stock of safeguarded non-Green Belt land outside the LBD, designated as Rural Fringe in previous Local Plans.

This is because compliance with PPG2 requires there to be a sufficient stock of developable Rural Fringe sites to permit housing development to continue in 2026-31 at the same annual rate as in 2006-26 without further review of the Green Belt. This review of Rural Fringe sites will not take place at locations other than Royal Tunbridge Wells and Southborough.

**Site Allocations Local Plan 2016**

The Site Allocations Local Plan document was prepared to allocate sites to accommodate the level of growth identified in the Core Strategy 2010. No new evidence was gathered in relation to objectively assessed housing needs, SHLAA, or SHMA. The document states there will be a review in due course and at that time the overall level and distribution of growth for the borough will be reassessed in light of updated evidence. There is also recognition that this Site Allocations document has not carried out a review of the Green Belt but that is has reviewed the suitability and capacity of the existing Rural Fringe Sites at Royal Tunbridge Wells for meeting identified housing need during the Plan period, where it cannot be met on previously developed land within the Limits to Build Development of Royal TW and Southborough.

A new evidence base has been prepared. Includes documents such as: Landscape Character Assessment (2011); Landscape and Ecological Assessments for Individual Settlements (2012); Capacity Analysis of Potential Allocation Sites (2013); Agricultural Land Classification Study for TW (2014).

This document reiterates the objectives set out in the Core Strategy in terms of the spatial distribution of growth – with 6% of housing growth located in villages and rural areas.

The document states that a rigourous process has been followed for assessing potential sites for allocation in the Site Allocations Local Plan. Factors include:

• Suitability - whether constraints (such as flood risk, biodiversity, heritage or landscape value) would prevent development coming forward;

• Sustainability - a Sustainability Appraisal has been prepared alongside the Site Allocations Local Plan and this has informed the approach to individual sites and broader development proposals for each settlement at key stages throughout the preparation of the document;

• Availability - whether the site is genuinely available and likely to come forward for development during the Plan period;

• Viability - whether the costs of development (such as requirements for affordable housing, infrastructure improvements or other development contributions) provide sufficient returns for the landowner and developer to bring a site forward; and

• Consultation comments - whether comments from all consultation stages have raised questions over the inclusion of a particular site or have identified a new site for consideration

**Table 5:** Balance of total development per settlement taking updated information into account, states that the Villages and Rural Areas had already met its 6% of total housing growth i.e. 360. The biggest shortfalls were in the Main Urban Area: Royal Tunbridge Wells and Southborough where 1,550 new homes were required to be built in line with the Core Strategy.

Nowhere in this document is there any mention of large-scale development in or close to Tudeley, Capel or Five Oak Green.

According to the Proposals Map, Tudeley is covered by Green Belt designation. It sits beyond the area considered as the ‘Rural Fringe’. There is no indication the area has been considered for anything other than very small development levels (e.g. Brook Farm, Capel (AL/VRA4 – designated as a Key Employment Area).

Existing Evidence Base Review -<http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/evidence-base>

• Development Constraints Study 2016

• Settlement Role and Function Study 2017

• Historic Landscape Characterisation 2014 to 2017

• Tunbridge Well Green Belt Study 2017

• Housing Needs Study 2018

**Development Constraints Study 2016**

Figure 1: Archaeology and Heritage indicates the CA1 site is very close to an area identified as ‘historic parks and gardens’.

Figure 2: Ecology and Biodiversity indicates the CA1 site will encroach on ancient woodland. Whetsted Woods (ancient woodland) is in the centre of East Capel.

Figure 3: Flood Risk indicates CA1 is broadly out of flood risk area.

Figure 4: Landscape Constraints indicate CA1 (and East Capel) is on the edge of the AONB.

Figure 5: Agricultural Land indicates CA1 is located in an area of high grade (Grade 2) agricultural land of which there is a very low amount across the Borough. (***See Agricultural Land below for further detail***)

Figure 6: Green Belt – CA1 and East Capel are completely within the Green Belt – yet vast swathes of the Borough to the east are not covered by this designation.

Figure 7: Borough-wide constraints indicates that CA1 and East Capel is in an area which is relatively free of constraints… ignoring the green belt designation.

**Settlement Role and Function Study 2017**

This document does not mention Tudeley nor Capel

**Landscape Sensitivity Assessment of Countryside around TW 2017**

Tudeley falls beyond the study area of this report.

**Tunbridge Wells Green Belt Study 2017 – Stage 2**

CA1 falls within Broad Area BA3 and partly BA4. These ‘Broad Areas’, like all of the others identified across the Borough is categorised as being of **‘very high’ harm** caused by release.

There are no ‘green belt parcels’ identified for release in Tudeley or Capel areas.

**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’.

The document seeks to measure these Broad Areas against the purposes of the Green Belt which include:

• Purpose 1: Check the unrestricted sprawl of large built-up areas;

• Purpose 2: Prevent neighbouring towns from merging (Tunbridge Wells Green Belt Study Stage 2 11 July 2017);

• Purpose 3: Assist in safeguarding the countryside from encroachment;

• Purpose 4: Preserve the setting and special character of historic towns; and

• Purpose 5: Assist in urban regeneration by encouraging the recycling of derelict and other urban land. [NB – this does not form a formal part of the assessment].

The results of the assessment are summarised in Table 6.1.

**Broad Area BA3:** contributes strongly to three out of four of the purposes above. The exception is Purpose 4 - categorised as weak/no contribution. The overall contribution to the MGB is assessed to be ‘VERY HIGH’.

**Broad Area BA4:** contributes strongly to purpose 2 and 3 but relatively weak to purpose 1 and 4. Overall its contribution remains ‘VERY HIGH’.

**High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024**

The primary purpose of ANOB designation is to conserve and enhance natural beauty. The Management Plan assesses whether activities within the AONB and its setting affect land within the AONB

Page 14 states “The plan may be applied to the designated area and its setting especially where the setting falls within the HW National Character Area 9.”

CA1 appears to lie predominately within NCA9 and it can be argued that the “special qualities of the AONB” would be harmed by this development.

**TWBC Green Belt Strategy Study 2016 (LUC)**

This study makes an assessment of the contribution of areas of land against the 5 GB purposes. Both sites span parts of parcels BA3 and BA4 and are considered to make a strong contribution to purpose 3 “to assist in safeguarding the countryside from encroachment”

**Landscape Capacity and Sensitivity 2017 (LUC)**

This considers “the extent to which the character and quality of the landscape around four settlements including Paddock Wood is, in principle susceptible to change as a result of introducing particular types of development (within 1km)”

**New Local Plan**

TW Borough Council has started work on preparing a new Local Plan which will guide future development in the borough to 2036 and replace the documents comprising the current Development Plan e.g. Local Plan 2006 (saved policies); Core Strategy 2010; and Site Allocations 2016.

**An Issues and Options document was published in 2017**. This set out the Council’s initial thoughts on what the new Local Plan should contain and issues to address:

<http://www.tunbridgewells.gov.uk/__data/assets/pdf_file/0011/141959/Local-Plan-Issues-And-Options-consultation-document.pdf>

The document sets out a ‘draft vision’:

‘In 2033 Tunbridge Wells Borough Council will have delivered development to meet its local needs in a sustainable way. This includes the development of housing, economic, leisure and recreation uses identified within the new Local Plan. New development will seek to protect and enhance the exceptional quality of the built, natural and historic environment while promoting economic prosperity to ensure the borough remains a special place. It will be a place where people want to live, work and visit and where they have easy access to the services and facilities that they require on a day to day basis’.

The document refers to the Strategic Housing Market Assessment 2015 publication which identifies the need for 12,960 new homes between 2013 to 2033.

Tudeley is not mentioned within the Settlement Hierarchy/Groupings nor the land in the East of Capel. Five Oak Green is identified within ‘Group B’ along with Goudhurst, Brenchley and Lamberhurst. There is a statement that in villages that do not have a defined LBD (like Tudeley), new development is subject to general policies of constraint and is normally only allowed in exceptional circumstances.

The Issues and Options paper sets out various options for growth. There are 5 options. 3 out of the 5 promote focusing growth on existing urban areas and built up areas. Option 4 suggests focusing growth in a corridor-led approach – around the A21 close to TW and Pembury. **Option 5** suggests the development of a new garden village of approx. 5-7k new homes. The Council suggests no location with this option BUT SHOULD STILL BE SUBJECT TO CONSTRAINTS (such as Green Belt, environmental etc).

**NOTE:** *The Green Belt Study reviewed above forms part of the evidence base for the Local Plan, and it identified the area within which Tudeley sits as having a strong contribution to the purposes of the Green Belt. This ought to have made it difficult for the Council to justify its release (i.e. to establish ‘exceptional circumstances’) or to make a planning application (which would need to establish ‘very special circumstances’). However, since the release of the Local Plan it now appears the Council consider the need to build houses as meeting the ‘exceptional circumstances’ barrier; clarification with the Ministry of Housing, Communities and Local Government might enable us to challenge that assumption.*

*A Consultation Statement prepared to summarise the responses to the Issues and Options paper shows that options 4 and 5 received the most support. Respondents also requested any new settlement be outside of the AONB and Green Belt and focused in the eastern part of the borough. The views of the public yet again appear to bear no weight with TWBC.*

TWBC state in their conclusions that they plan to prepare a **New Settlement Feasibility Study** to identify potential locations and support any final decisions made in respect of a new settlement in the Borough. The timescales for this work was for publication in early 2018.

A Call for Sites process has been undertaken which is where sites 446 and 448 have been put forward. <https://tunbridgewells.maps.arcgis.com/apps/webappviewer/index.html?id=dbf1590f0ee44de8a862ff7aeb0f3b01>

A review of the Council's **Interim Strategic Housing Land Availability Assessment (2017)**: <http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/new-local-plan/interim-strategic-housing-and-economic-land-availability-assessment>.

The Council describes the purpose of this document:

'The purpose of carrying out a SHELAA is to identify a future supply of land that is suitable, available and achievable for all housing and economic development needs as identified in the new Local Plan over the Borough Council's plan period (2013 to 2033). We will also aim to identify sites that are suitable for other uses; for example, as open space, for community facilities, etc. The SHELAA is not an allocations document; it does not in itself determine whether a site should be allocated for development. The SHELAA does not form Council policy but is a technical assessment that provides an evidence base to help identify potential land supply. The resulting portfolio of sites will then be used to inform the plan making process that will in turn determine which sites are the most appropriate ones, in the most sustainable locations, to meet the development targets set by the new Local Plan. Being included in the SHELAA will not represent a commitment by the Council to the development of a site or indicate that a site would be granted planning permission for any particular use. The SHELAA does not outweigh or alter any existing local policies or designations. The main aim of this interim SHELAA therefore is to provide an initial assessment of all the sites submitted through the Council's Call for Sites 2016'.

***NOTE:*** *The map covering the Capel parish indicates two sites identified in Tudeley (both fall under site ref 177/178 and these are relatively small in scale - 2ha in total) and only parcel 142 to the East of Five Oak Green but not parcels 309, 310, 311, 312, 314 and 317 and CA1 which all fall in Capel Parish:*

 <http://www.tunbridgewells.gov.uk/__data/assets/pdf_file/0004/141538/Capel.pdf>

*This document does not identify either Garden Village site in any way. Therefore, the garden village sites cannot have been submitted as part of the Call for Sites process in 2016.*

The Council state that '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 (Reg 18 consultation), **as there is insufficient time to adequately assess** **such sites**. The Council will, however, continue to accept site submissions in order that they may be assessed and potentially included in the Local Plan at the Reg 19 submission stage'.

***NOTE:*** *This is an indication the Council took short cuts in proposing the CA1 site in the Local Plan process, bypassing any assessment of suitability. The allocations at Paddock Wood appear to have been partly considered through the SHLAA - but not in their entirety.*

*Until the Council carries out and publishes an evidence base document such as the 'New Settlement Assessment' document, as referred to in their Consultation Statement from the Issues and Options stage, there appears no robust justification running with them, beyond the apparent belief that the need for housing alone trumps the ‘exceptional circumstances’ barrier.*

*To de-designate Green Belt, the Council need to demonstrate that the areas no longer fulfils the 'purposes' of the GB (this is covered in the note on page 12) - to establish Exceptional Circumstances. This is usually done via a Green Belt Review – has this been completed? To date, the evidence base TWBC has commissioned demonstrates this part of the GB is still very much fulfilling its role.*

*If TWBC argument that a lack of 5-year housing land supply is not sufficient justification in isolation to establish VSC, then the allocation of Tudeley and East Capel appears fundamentally flawed:* <https://simonicity.com/tag/inappropriate-development-exceptional-circumstances-very-special-circumstances/>

**In summary:**

**Metropolitan Green Belt**

• Purpose 1: Check the unrestricted sprawl of large built-up areas;

• Purpose 2: Prevent neighbouring towns from merging (Tunbridge Wells Green Belt Study Stage Two 11 July 2017)

• Purpose 3: Assist in safeguarding the countryside from encroachment;

• Purpose 4: Preserve the setting and special character of historic towns; and

• Purpose 5: Assist in urban regeneration by encouraging the recycling of derelict and other urban land. *[NB – this does not form a formal part of the assessment].*

- The new Local Plan focus on the Capel sites shows a disregard for Green Belt designation and the Borough’s own study commissioned to identify the contribution of different areas to the purposes of the Green Belt

- The allocation to the East of Five Oak Green actually connects the village of Five Oak Green and Paddock Wood (**failing the first 3 criteria**)

- There is no obvious audit trail of how the Council has honed in on the potential locations for new settlements in the Borough.

 – Has the New Settlement Feasibility Study been prepared and is it available?

- The materials provided in the Council’s presentation about the proposed new settlements are of shamefully poor quality.

**AGRICULTURAL LAND**

CA1 comprises Grade 2 (north of the railway line) and Grade 3 “the best and most versatile land”. East Capel principally comprises Grade 3 land.

Natural England lists 5 grades of agricultural land:

Grade 1: Excellent

Grade 2: Very Good

Grade 3: Good to Moderate

Grade 4: Poor

Grade 5: Very Poor

[file:///C:/Users/davel/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/NTN922BT/10-111g%20London%20%20South%20East%20Region%20%20250k%20ALC.pdf](file:///C%3A%5CUsers%5Cdavel%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CNTN922BT%5C10-111g%20London%20%20South%20East%20Region%20%20250k%20ALC.pdf)

This is replicated in Figure 5 (page 14) of the TWBC’s own **Development Constraints Study 2016** (as described above):

[file:///C:/Users/davel/Documents/Save%20Capel/Development%20Constraints%20Study.pdf](file:///C%3A/Users/davel/Documents/Save%20Capel/Development%20Constraints%20Study.pdf)

***CONCLUSION***

*In answer to a staged question at the Advisory Panel meeting of 05/08/2019, the TWBC Environment Officer described the land in both sites as ‘poor’ quality. That is clearly not correct and indicates a worrying lack of understanding by the Planning Department, or an attempt to mislead, which in turn suggests a determination to develop the areas regardless of any reasoned and convincing argument or obstacle.*