



# Colts Hill Bypass Green Belt Assessment

## Tunbridge Wells Borough Council

**Draft report**

Prepared by LUC

September 2023

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# Chapter 1

## Introduction

**1.1** LUC was commissioned by Tunbridge Wells Borough Council (TWBC) to undertake an assessment of potential Green Belt harm associated with the introduction of the proposed Colts Hill Bypass (the proposed bypass).

**1.2** The proposed bypass would run through the Green Belt to the west of a small hamlet near Spring Farm on Colts Hill (A228) to the west of Paddock Wood and south-east of Five Oak Green. It would extend between the existing junction of the A228 and Badsell Road (B2017) to the north and the existing junction of the A228 and Crittenden Road and Alders Road to the south via a new roundabout, as illustrated in **Figure 1**.

**1.3** The existing Green Belt boundary in this location follows Colts Hill (A228) apart from a small section to the north as shown on Figure 1. The extent to which the proposed bypass extends into the Green Belt along the route varies between 30m to the north and some 260m to the south.

**1.4** This assessment follows a series of previous studies undertaken by LUC on behalf of TWBC as follows:

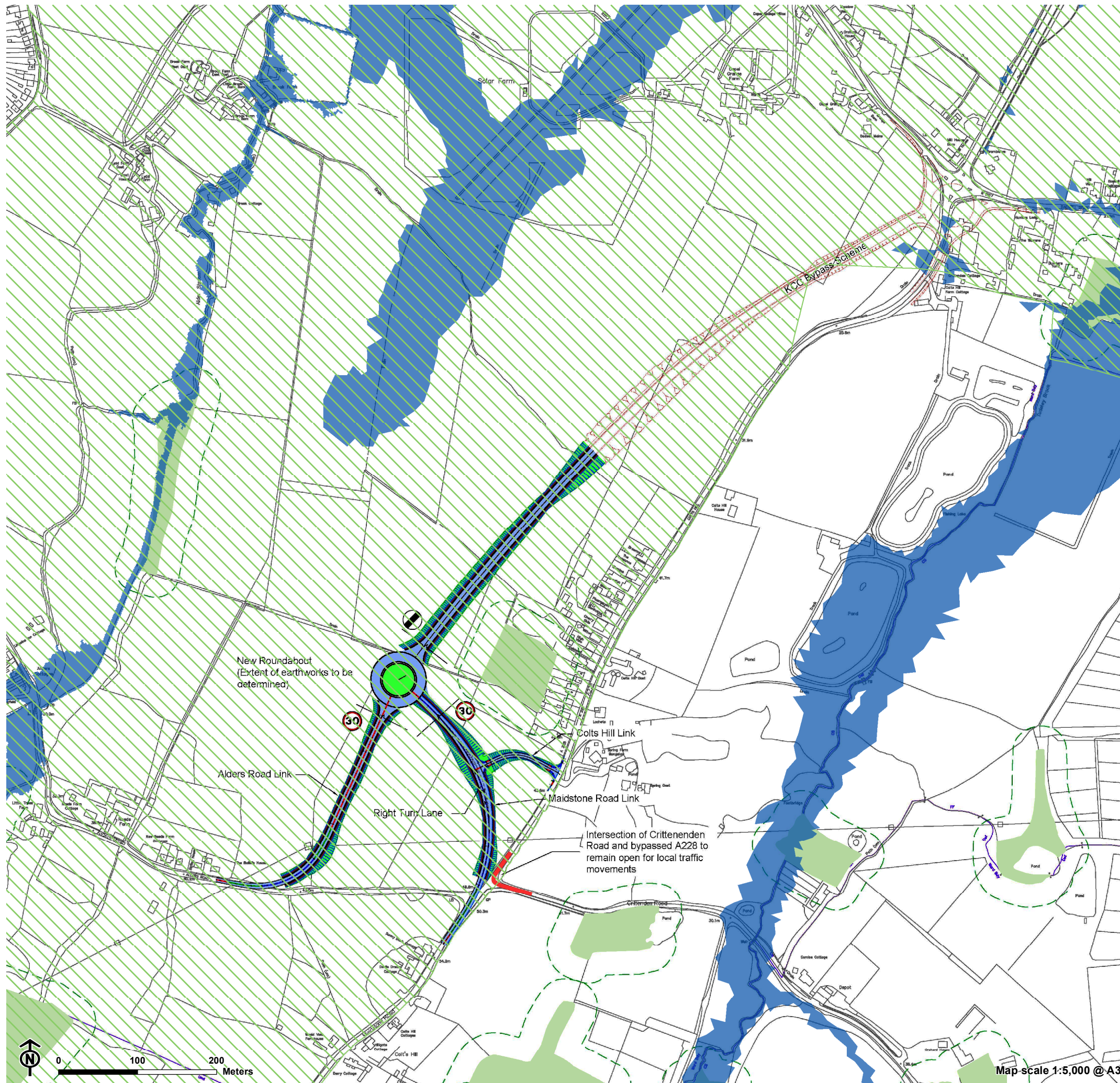
- The Stage One Study (2016) was a strategic assessment of land within Tunbridge Wells Borough and adjacent local authorities, considering contribution to the Green Belt Purposes. This established a number of 'Broad Areas', which make a strong contribution, and smaller assessment 'Parcels' around identified settlements, which potentially do not make a strong contribution.
- The Stage Two Study (2017) comprised a more detailed and focussed review of the 37 assessment Parcels and 10 Broad Areas identified around settlements in the Stage One Study. This considered the contribution of areas of land to each of the five Green Belt Purposes.
- The Stage Three Study (2020) comprised an assessment of harm associated with the proposed release from the Green Belt of proposed development site allocations.
- The Stage Three Addendum (2023) comprised an assessment of 'reasonable alternatives' to the proposed development site allocations. This was undertaken

## **Chapter 1** Introduction

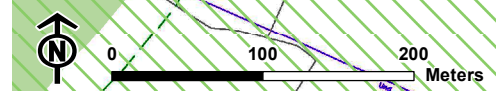
following the Inspector's letter in relation to the draft submission of the Local Plan which outlined the need for a comparative assessment of alternatives.



Figure 1: Proposed Colts Hill Bypass



- Flood Zone 3b
- Ancient Woodland
- Ancient Woodland 30m Buffer
- Green Belt
- Proposed Bypass



Map-scale 1:5,000 @ A3



**1.5** The proposed bypass crosses two 'Broad Area' parcels as defined in the Stage One and Stage Two studies – BA3 and BA5. BA3 was assessed as making a 'Strong' contribution to Green Belt Purpose 1, 2 and 3 and a 'Weak or No' contribution to Purpose 4<sup>1</sup>; whilst BA5 was assessed as making a 'Moderate' contribution to Purpose 1, a 'Strong' contribution to Purpose 2 and 3 and a 'Relatively Weak' contribution to Purpose 4. None of the sites assessed within the Stage Three Study or the Stage Three Addendum correspond with the route of the proposed bypass.

**1.6** The methodology used in this report to undertake the assessment of harm in relation to the Colts Hill Bypass draws on Stage Three work, utilising the same method for assessing the impacts on openness and harm to the Green Belt Purposes. The only difference being that this assessment considers the harm of development within the Green Belt, rather than harm of release of land from the Green Belt (that is to say that it is assumed that the proposed bypass would continue to be designated as Green Belt).

**1.7** It should be noted that the assessment has considered potential Green Belt harm only; it has not considered impacts on landscape character and views or any other environmental considerations.

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<sup>1</sup> As defined in paragraph 138 of the National Planning Policy Framework (NPPF), 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.

Full details of the methodology used to assess contribution to the Green Belt Purposes is contained in the Stage 1 and Stage 2 reports.



**1.8** The report is structured as follows:

- Chapter 2 summarises relevant policies and decision notices to determine if the proposed development could constitute appropriate development in the Green Belt or not.
- Chapter 3 sets out the methodology and findings of the assessment of harm.
- Chapter 4 provides a summary of the key findings.

## Chapter 2

# Appropriateness of Development

**2.1** This chapter summarises relevant planning policies and decision notices for road proposals to determine if (in principle) the proposed Colts Hill Bypass could constitute appropriate development within the Green Belt or not.

## Policy Context

**2.2** The Green Belt holds great importance with the fundamental aim to prevent urban sprawl with the emphasis on the characteristics of the Green Belt being “openness and their permanence” as stated in paragraph 137 of the National Planning Policy Framework (NPPF) **[See reference 1]** .

**2.3** Paragraph 138 of the NPPF states that the Green Belt serves five purposes, these are set out below:

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

**2.4** Paragraph 147 and 148 of the NPPF state that inappropriate development is by definition; *“harmful to the Green Belt and not be approved except in very*

*special circumstances”... “Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*

**2.5** However, there are certain forms of development which are permitted within the Green Belt. This is outlined in section 150 of the NPPF which states that “*b) engineering operations and c) local transport infrastructure which can demonstrate a requirement for a Green Belt location*” will not be deemed inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

**2.6** The Planning Practice Guidance (PPG) **[See reference 2]** states that assessing the impact of a proposal on the 'openness' of the Green Belt requires a judgement based on the circumstances of the case and that the courts have identified a number of matters which may need to be taken into account in making this assessment including, but not limited to:

- openness is capable of having both spatial and visual aspects.
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

## Relevant decisions

**2.7** As set out above, Paragraph 150 of the NPPF makes it clear that the development of local transport infrastructure may potentially not be deemed inappropriate as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

**2.8** From a review of planning committee and decision notices for road proposals within the Green Belt, in most cases this type of development has been deemed to constitute inappropriate development. In 2019, the

construction of a new single and dual carriageway of 4.4km from M1 Junction 11a to A6 Barton Road Sundon Chalton Streatly was considered to be inappropriate development in the Green Belt. Whilst it was noted that 'local infrastructure which can demonstrate a requirement for a Green Belt location' may not be inappropriate, it was concluded that the development due to its scale and landform would not preserve the openness of the Green Belt and would therefore be inappropriate. The scheme was granted permission as Very Special Circumstances were demonstrated and were considered to clearly outweigh the harm to the openness of the Green Belt. [\[Reference 3\]](#)

**2.9** In 2016, an inspector refused permission for an access road to a 66no residential development that passed through West Yorkshire Green Belt. In this case the inspector concluded that the road would constitute an 'engineering operation' but would represent inappropriate development in the Green Belt, as it would fail to preserve the openness of the Green Belt and would conflict with two of the purposes of including land in the Green Belt, preventing urban sprawl and safeguarding the countryside from encroachment. In this case, the inspector concluded the benefits of scheme did not outweigh the harm. [\[See Reference 4\]](#)

**2.10** In 2022, Highways England applied to the Secretary of State for permission to grant consent for a link road between Junction 1 on the M54, M6 North and the A460 to Cannock. The project lies in the West Midlands Green Belt. The Secretary of State noted that the proposed development would amount to inappropriate development in the Green Belt and would not be covered by any of the exceptions set out in the NPPF. It was concluded that the development would result in harm to the openness of the Green Belt, in terms of both its spatial and visual qualities, and would pose a conflict with one of the five purposes for including land within the Green Belt, namely assisting in safeguarding the countryside from encroachment. The Secretary of State concluded that the potential harm to the Green Belt, and any other harm, would be clearly outweighed by the other considerations and that they amounted to Very Special Circumstances. Permission was granted for the project. [\[Reference 5\]](#)

## **Chapter 2**     Appropriateness of Development

**2.11** Based on the above decisions, it is apparent that the proposed bypass may have the potential reduce openness and conflict with purposes of the Green Belt, and could therefore be considered inappropriate development. An assessment of the potential impact on openness and the Green Belt purposes of the Colts Hill Bypass is set out in Chapter 3.



## Chapter 3

# Assessment of Harm

**3.1** This chapter assesses whether the proposed bypass may have the potential to reduce openness and conflict with purposes of the Green Belt. This was undertaken by considering the harm that is likely to occur to the Green Belt as a result of the development of the proposed bypass.

## Methodology

**3.2** The method for assessing the impacts on openness and harm to the Green Belt Purposes follows that set out within the Stage Three Study (2020). The methodology is not replicated here – see Chapter 3 of the Stage Three Study for details – although the following summarises the harm assessment steps:

- Step 1: Establish the contribution of land to the Green Belt purposes with reference to the Stage Two Study, or reconsider in the context of the nature and location of the proposal.
- Step 2: Assess the impact of the introduction of the proposed bypass on adjacent Green Belt land.
- Step 3: Assess harm to the Green Belt purposes, and potential to mitigate.

**3.3** Green Belt harm has been rated using a seven-point scale, as follows: Very High, High, Moderate-High, Moderate, Low-Moderate, Low and Very Low harm.

**3.4** One difference to the Stage Three Study is that this assessment considers the harm of development within the Green Belt, rather than harm of release of land from the Green Belt (that is to say it is assumed that the proposed bypass would remain designated as Green Belt). In addition, the assumption within the Stage Three Study was that land released from the Green Belt would accommodate development of a similar scale to that within the adjacent inset

settlement area (predominantly two-storey residential development), whilst this assessment is considering a proposed road scheme.

**3.5** The assessment of harm combines consideration of the loss of the contribution of land due to the introduction of inappropriate development, along with the impact that the development would have on the contribution of remaining adjacent Green Belt land.

## **Harm to Green Belt Purposes**

### Site summary

**3.6** The site (that is, the land corridor of the proposed bypass and associated earthworks) is located to the south-west of Paddock Wood and the south-east of Five Oak Green. It lies west of the existing A228 which, other than a small section to the north, marks the edge of the Green Belt in this location. The surrounding land comprises an area of orchards and hop gardens interspersed with some arable and pasture fields. The landform is undulating but falls gradually away from a low ridge in the east (along which the Colts Hill A228 runs) towards the valley of Alder Stream in the west. There are no absolute or other constraints within the site, although a small block of Ancient Woodland lies between it and the western edge of Colts Hill and the valleys of the Alder Stream to the west and Tudeley Brook to the east are Flood Zone 3b.

### Contribution to Green Belt Purposes

#### **Relationship with settlement**

**3.7** This considers the extent to which Green Belt land has an association with a settlement rather than with the countryside. Land which has a stronger

relationship with the countryside than with the urban area is considered more distinct than land which has a stronger physical association with an urban area, and will as a result make a stronger contribution to Purposes 1- 3. The consideration of distinction between land within the Green Belt and developed land takes into account five interrelated elements, which are: boundary features; landform and land cover; visual urbanising influence; distance; and urbanising containment.

**3.8** The proposed bypass site lies a considerable distance from the inset settlements of Five Oak Green to the north-west and from Paddock Wood (located outside of the Green Belt) to the east. The Alder Stream and its associated valley (much of which is Flood Zone 3b) and tree cover provide a strong boundary feature between the site and Five Oak Green and the A228 and Tudeley Brook (including Flood Zone 3b) together provide strong boundary distinction from Paddock Wood and the edge of the Green Belt to the north-east and east. Intervening mature tree cover reduces the visual influence of the urban areas. Whilst the existing A228 and associated traffic has a localised influence on landscape character, particularly the roundabout to the north connecting the A228 and B2017 which is a significant highway feature, it isn't considered to be an urbanising influence in this context.

### **Purpose 1: checking sprawl of the large built-up area**

**3.9** The site is not close enough to the large built-up area of Tonbridge or Tunbridge Wells for land to be associated with them and more strongly relates to Five Oak Green and Paddock Wood. The land therefore makes **No contribution** to checking the sprawl of the large built-up area.

## Purpose 2: preventing neighbouring towns merging

**3.10** The land does not lie between neighbouring towns. Whilst the northern part of the proposed bypass is peripheral to a gap between Paddock Wood and Five Oak Green, Five Oak Green is not considered as a town in the context of Purpose 2. Land therefore makes **No contribution** to preventing neighbouring towns merging.

## Purpose 3: safeguarding the countryside from encroachment

**3.11** The land is countryside and open. The site has strong distinction from inset settlements, owing to the separation distance and presence of intervening boundary features and tree cover. The stronger the distinction from the urban area, the greater the extent to which development would be perceived as encroachment on the countryside. Overall, the site makes a **Strong contribution** to safeguarding the countryside from encroachment.

## Purpose 4: preserving the setting and special character of historic towns

**3.12** The land does not form part of the setting of an historic town. It therefore makes **No contribution** to preserving the setting and special character of historic towns.

## **Purpose 5: assisting in urban regeneration, by encouraging recycling of derelict and other urban land**

**3.13** All Green Belt land is considered to contribute equally to this purpose.

### **Impact on adjacent Green Belt land**

**3.14** The introduction of the proposed bypass would not weaken the contribution of any adjacent land to the Green Belt Purposes. Whilst the land to the east of the site would become contained between the proposed bypass and the existing A228 corridor, this would not weaken the land's distinction from the urban areas or affect its relevance to any Green Belt Purposes. There would be a loss of openness along the road corridor itself, including through the introduction of traffic, although this would not be considered to reduce openness of adjacent land. A road, whilst not appropriate development, is not the same as an urban area. There are numerous examples of main roads within Green Belts that run through land with a strong distinction from urban areas, and therefore make a Strong contribution to Purpose 3.

**3.15** As it rises up Colts Hill the A228 follows a ridge which, along with the associated tree cover, creates a strong Green Belt boundary, so the creation of a new road within the Green Belt to the west will not significantly weaken this existing boundary. Adjacent to the northern end of the proposed bypass route the existing Green Belt boundary is currently weak, as it doesn't follow any defined physical features, so the introduction of the new road would not have any material adverse impact on this.

**3.16** The overall level of impact on adjacent Green Belt resulting from the introduction of the proposed bypass will be **Negligible**.



## Harm summary

**3.17** The site makes a Strong contribution to safeguarding the countryside from encroachment. The impact of the introduction of the proposed bypass on the adjacent Green Belt will be Negligible. These factors combined result in an overall harm rating of **Moderate**. There would be a loss of openness in an area of open countryside that is strongly distinct from the urban area.

## Potential mitigation measures

**3.18** Potential mitigation measures could include the introduction of locally characteristic woodland belts along the boundary of the site, to help further reduce the visual impact of the road infrastructure and traffic on adjacent Green Belt land. In addition, sufficient land take would allow the proposed embankments and cuttings to be designed to fit with the prevailing undulating landscape.

**3.19** These measures would also help to reduce any potential visual impact and would help to integrate development into the landscape, in accordance with the landscape strategy for Landscape Character Area (LCA) 13 'Paddock Wood / Five Oak Green Low Weald Farmland' of the TWB LCA (2017).

## Alternative on-line improvements

**3.20** On-line improvements to the A228 are a potential alternative to the construction of the proposed bypass. The on-line improvements would, like the proposed bypass, extend between the existing junction of the A228 and B2017 to the north and the existing junction of the A228 and Alders Road/Crittenden Road to the south. Works would entail a three to four metre widening of the eastern side of the carriageway and associated removal of vegetation which currently exists along this boundary. Some of this lies within the curtilage of a number of properties and would need to be the subject of a Compulsory

Purchase Order (CPO). The extent of change to the carriageway would be greater at the point of the junctions with Alders Road/Crittenden Road due to the change in levels and the requirement for embankments around the junctions.

**3.21** The Green Belt harm as a result of the alternative on-line improvements would be minimal. The changes would occur on the eastern edge of the Green Belt with the eastern carriageway of the A228 extending a small distance east beyond the current Green Belt boundary. Whilst there would be removal of some of the vegetation lining the eastern edge of the A228, which contributes to its function as a strong boundary feature, it is assumed that this would be replaced as part of the mitigation works. The A228 would therefore continue to form a strong Green Belt boundary in this location.

## Chapter 4

### Summary

**4.1** This chapter provides a summary of the findings of the assessment of the proposed bypass.

### Appropriateness

**4.2** Based on a review of policy, decisions and the assessment of harm, it is concluded that the proposed bypass would constitute inappropriate development. Its introduction would result a loss of openness within the site itself and would conflict with purposes of the Green Belt. It would result in harm to Green Belt Purposes, specifically Purpose 3 (safeguarding the countryside from encroachment).

### Harm

**4.3** The site does not lie close to a large built-up area or between neighbouring towns, and does not form part of the setting of an historic town. It therefore makes No contribution to Green Belt Purpose 1, 2 and 4. However, the land comprises open countryside and has strong distinction from an inset area. It therefore makes a Strong contribution to safeguarding the countryside from encroachment (Purpose 3).

**4.4** The introduction of the proposed bypass would not weaken the contribution of any adjacent land to the Green Belt Purposes and it would not significantly weaken this existing Green Belt boundary . The overall impact of the introduction of the proposed bypass on the adjacent Green Belt will be Negligible. Overall, harm resulting from the development of the proposed bypass will be Moderate.

# References

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- 5 Department of Transport, 2022. Application for the proposed M54 to M6 link road development consent order [online] Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010054/TR010054-001200-Decision%20Letter%20-%20M54%20to%20M6%20Link%20Road.pdf>

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