

## **PADDOCK WOOD TOWN COUNCIL**

### **FINAL**

### **RESPONSE TO SUSTAINABILITY APPRAISAL (TUNBRIDGE WELLS BOROUGH LOCAL PLAN (REG. 18)).**

#### **PREFACE**

Paddock Wood Town Council (PWTC) thanks the borough council for staging the two local exhibitions and welcomes the opportunity to respond to the Plan and Sustainability Appraisal.

Alongside other consultees, PWTC has had limited time in which to prepare its response.

The point is made at the outset that PWTC has not been able in the time available to study in the necessary depth all that is proposed in the Plan and, in particular, the supporting documents. The PWTC also notes further work is needed on the Plan. The Town Council's comments should be read in that light. PWTC will be looking to add to its representations at the next stage in Plan-making following what is hoped will be a meaningful and constructive dialogue with the LPA.

PWTC resolved on 11<sup>th</sup> November 2019 to OBJECT overall to the Plan and Sustainability Appraisal.

Objection is made at three levels.

Firstly, objection is made in principle which reflects 3 underlying concerns -

a. the number and extent of existing problems that have and continue to affect the town i.e. before the planning/development at Mascalls Farm, Mascalls Court Farm and Church Farm and which, in the past, appear not to have been capable of redress through the parties involved on either an individual or collaborative basis.

The most prominent of these issues being –

i. fluvial flooding;

ii. surface and foul water drainage, and their interrelationship; and

iii. the vitality and viability of the town, including its small commercial centre, across the spectrum of uses including business, health, social, leisure etc. for the benefit of the wider community.

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b. that these problems will remain unaddressed, made worse or added to with the addition of 4000 new dwellings at Paddock Wood/eCapel, and (nearby) new settlement at Tudeley.

c. the loss of green belt and the need to preserve the setting of the town particularly to the west given the scale of development proposed at and around the proposed garden village at Tudeley within the Plan period and beyond.

Secondly, the objection to the Plan identifies a number of cross cutting issues common to a number of policies.

Thirdly, the response to the Plan picks out individual policies where comment is made as appropriate – these are presented either as objections or as expressions of support.

The schedule that follows addresses the Sustainability Appraisal alone.

The representations made by the Town Council have drawn upon a number of sources including a public exhibition held on 19<sup>th</sup> October 2019, from meetings of the Planning and Environment Committee and full Council during the consultation period, and specialist contributions, in particular, on flood risk.

IDE Planning on behalf of the Paddock Wood Town Council, 14<sup>th</sup> November 2019.

## SCHEDULE

PARA., POLICY, PLAN ETC. REF.	SUBJECT	REPRESENTATION
3.	Legal Compliance	
		<p>OBJECT (holding objection)</p> <p>It is unclear to what extent the Level 2 SFRA informed the strategy proposed for Paddock Wood/east Capel and the assessment of alternative sites elsewhere in the borough and whether therefore SEA requirements have been met.</p>
4.	Methodology	
4.1 et seq		<p>OBJECT</p> <p>1. The Plan is confined to the borough's boundary. The strategy proposes <u>transformational change</u> to Paddock Wood/east Capel, and a new settlement at Tudeley, close to Tunbridge Wells and Tonbridge. Paddock Wood would no longer remain a small rural town. The strategy proposed would more sharply divide the borough into an urban west and rural east.</p> <p>2. There is a Duty to Cooperate in Plan preparation concerning strategic cross boundary matters. <u>Statements of common ground</u> have not yet been agreed with Tonbridge and Malling BC, or for West Kent.</p> <p>3. In its present form, the Plan should proceed on the basis of a <u>joint Plan</u> that includes Tonbridge and Malling BC (i.e. Tonbridge) and perhaps part of Maidstone BC in order -</p> <p>i. to ensure cross boundary issues are fully addressed including health, transport, social care and education;</p>

		<p>ii. in view of the planned provision of development at Tudeley beyond 2036; and</p> <p>iii. to consider the possibility that development proposed at Paddock Wood/east Capel could similarly be <u>phased</u> over a longer time frame. This would allow for a reduction to be made in the allocations proposed under AL/PW1 – there is the additional point, in light of the physical constraints referred to elsewhere in Paddock Wood/east Capel, whether any <u>unmet need</u> in the borough could be more sustainably located within the Tonbridge and Malling and Maidstone boroughs under a jointly prepared Plan?</p> <p>4. For development to be <u>sustainable</u> there is a need to identify land for the right type of development, sites must be in the right place, and development must be supported by infrastructure.</p> <p>Borough wide, the allocations proposed for Paddock Wood/east Capel and Tudeley have been determined substantially on the basis of minimising the release of green belt and minimising the impact of development upon the AONB.</p> <p>Objection is made to the loss of <u>green belt</u> to the west of Paddock Wood to accommodate development at parcels 1, 2 and part of 3 under AL/PW1.</p> <p>All the housing sites identified in the Key Diagram and under AL/PW1 require <u>flood compensation</u>. Bringing forward development sites presently prone to flooding is arguably more contentious than releasing sites in the green belt or AONB given the costs involved (including the opportunity cost) and environmental impact i.e. given that with climate change the prospect is storage, attenuation and mitigation measures will need to be ‘topped up’ in future. Building upon the ‘wrong’ sites if, indeed, is what is proposed, is not sustainable - it absorbs developer contributions better put elsewhere and compromises the garden village ideal that underpins the strategy for Paddock Wood/east Capel.</p> <p>A Strategic Flood Risk Assessment (SFRA) 2019 underpins much of what is proposed for Paddock Wood/east Capel but this is considered to be an unreliable basis for doing so. An initial review of the SFRA raises questions concerning the period over which the SFRA was undertaken, how it tied in with the Sustainability Appraisal (in particular, in assessing alternative strategies), and how robust the SFRA is in terms of the data it has relied upon and the modelling undertaken. The absence of detail concerning flood storage, alleviation and mitigation measures raises fundamental doubts about the viability and deliverability of the strategy proposed for Paddock Wood/east Capel –</p>
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		<p>a. the SFRA has been carried out on a borough wide basis. As the Plan has evolved, cross boundary issues have become more prominent. The impact of the strategy proposed at this stage, beyond the boroughs boundary, in flood risk terms, appears not to have been assessed;</p> <p>b. the SFRA has not carried out a Sequential Test (ST) of potential development sites (para. 13.2, Level 1 Report). If an ST has not been carried out borough wide, it cannot be said there are not other sites that are less prone to flooding, and which may be more suitable for development;</p> <p>c. further to 'b', it is unclear at the moment what this means for the individual parcels identified for development under AL/PW1. For example, in the Level 2 Report, for parcel 1, it was noted by the borough council's consultants 'Parcel 1a is located in the path of an easterly flood flow route, which continues into Paddock Wood. During initial discussions with the council, it was agreed to position the residential area in this location (and therefore not following the sequential approach for placement of development)...' (Appendix I).</p> <p>d. Information in the SFRA provides insufficient detail to satisfy the requirements of the Exceptions Test (ET) for 'individual developments or groups of developments as part of a masterplanned or comprehensive development approach' (para. 1.4.1, Level 2);</p> <p>e. the Stage 2 SWMP for Paddock Wood noted that the town's susceptibility to flooding is influenced by the existing surface water network being at capacity (para. 2.4.2, Level 1 Report);</p> <p>f. the SFRA appears to have mixed up the Beult and the Bewl (Table 6-1, Level 1 Report). It is unclear if this is a typing error or, if intended, how this might affect the modelling undertaken by the consultants;</p> <p>g. It appears that the UMIDB has, at best, had only limited involvement in the preparation of the strategy;</p> <p>h. it is unclear as to how the existing/planned developments at Mascalls Farm, Mascalls Court Farm and Church Farm, and the proposed development of certain of the individual parcels under AL/PW1 will relate to one another.</p>
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		<p>Detailed comment on the SFRA is supplied under separate cover.</p> <p>Comment on individual parcels under AL/PW1 follow i.e. in representations made regarding the emerging Plan. PWTC's concern is the extent to which the allocations made under that policy accord with the NPPF/PPG.</p> <p>5. Whilst the LPA subscribes to <u>garden settlement principles</u> in guiding development at Paddock Wood/east Capel and Tudeley, it is unclear whether both places could be designated as garden villages and so benefit from assistance that the government's programme can provide.</p> <p>The Plan proposes <u>masterplanning</u> and <u>betterment</u> as a cure-all. When the planning, resource and coordination that is implied by this is compared, to take one example, with Homes England's garden community initiative in West Ifield (West Sussex), PWTC remains unconvinced that the borough council, despite its best intentions, has the capacity to deliver its strategy in its present form.</p> <p>6. Homes England suggests 'given its complexity, potential for infrastructure provision needed up front and long timeframe for delivery, <u>CIL</u> may not always be feasible or appropriate for a garden community scheme' (MHCLG Land Value Capture and Funding Delivery, 27<sup>th</sup> September 2019).</p> <p>7. The LPA's assessment of <u>housing need/provision</u> inflates housing numbers required over the Plan period which has a bearing upon the allocations proposed for Paddock Wood/east Capel.</p> <p>8. With regard the <u>distribution of housing</u> development, objection is made above under '4' above to the loss of green belt.</p> <p>It is considered there is more scope for development to be allocated elsewhere within the borough. For example, Cranbrook has escaped the development allocated in the SALP, whilst Hawkhurst (a smaller town in the Borough &amp; the AONB) has seen considerable house building and is taking more houses than Cranbrook in the draft Local Plan. Why has Cranbrook not been allocated an increased share, when flooding is not a problem and the town centre is well established with schools that have capacity for increased student numbers? It is possible to build sympathetically within the AONB – other Boroughs have done this. It is also unclear whether some of the development proposed at Paddock Wood/east Capel could be more sustainably located at Tudeley.</p>
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		<p>9. Questions arise concerning the identification, prioritisation and phasing of specific <u>infrastructure</u> schemes and hence the <u>deliverability</u> of the strategy. In respect of their prioritisation, more infrastructure may be critical and essential than desirable. Of particular concern is how critical many of the projects are, the magnitude of cost, the uncertainty concerning their phasing and the funding position overall. For example, the IDP lists the new Colts Hill bypass as being critical (p94), as needing to be in place before sites come forward for development, yet the all-important policy STR1(2) refers to the bypass in terms of it being a potential scheme.</p> <p>Comment is made in representations made on the emerging Plan to improvements required to the highway network to accommodate the development proposed. These improvements are needed to add to capacity locally and to mitigate impacts upon air quality.</p> <p>10. The <u>viability</u> of the Plan is unconfirmed – whilst the Stage 1 Viability Assessment says the consultant’s find reasonable viability prospects available borough-wide to support the Plan’s delivery, the viability of the larger/strategic site allocations has yet to be addressed in a Stage 2 assessment.</p>
P25	Table 5	<p>Reference is made to emerging Plans in neighbouring Tonbridge and Malling, and Maidstone indicating potential cross boundary effects that have yet to be considered by the SA. Tonbridge and Malling BC has raised concerns including location of a proposed school – these , and a host of other issues should be addressed as part of a jointly prepared Plan, and an SA should be undertaken on that basis i.e. extending beyond the narrow confines of the borough council’s administrative area. It is understood that Maidstone Borough Council is actively investigating development sites immediately adjacent to the Paddock Wood boundary, including Beltring.</p>
P26	Table 6	<p>OBJECT including –</p> <ul style="list-style-type: none"> <li>• Including green belt can be considered to be a laudable sustainability objective in providing for the containment of the built up area, and preventing settlement coalescence and encroachment upon countryside. It should be referred to expressly at #12 as it is a decision aiding question in Appendix A (p156). The loss of green belt should be given high weighting;</li> <li>• #1 should refer to improving air quality;</li> </ul>

		<ul style="list-style-type: none"> <li>Under #19, flood risk should be separated from the demand for water. It is noted that adding to flood risk on/off site is given a high weighting (Appendix A, p158) – managing impacts from flooding should be afforded similar importance.</li> </ul>
5.	Compatibility testing of Strategic Objectives	
		<p>OBJECT</p> <p>The strategic objectives of the Plan are borough wide; no indication is provided in the Plan’s list as to their priority; whilst SO2 refers to the delivery of infrastructure, SO9 refers to the garden settlements (plural) and part of STR5(5) should be added to SO9 i.e. to say that new development at these settlements will only be supported if sufficient infrastructure capacity exists, or can be provided in time to serve the development.</p> <p>An objective should be added to the Plan related to flood risk i.e. to protect people and property from flooding and to safeguard land from development that is required or likely to be required for current or future flood management.</p> <p>At p48, Table 17, the scoring of options is contingent upon the provision of infrastructure about which the Town Council has concerns as expressed above under ‘4’.</p>
6.	SA of the Spatial Strategy	
		<p>OBJECT on the same grounds under s4 above.</p> <p>In addition –</p> <ul style="list-style-type: none"> <li>At Table 13, the allocation of sites is not dependent upon the call for sites;</li> <li>At 6.2.20, four major urban extension options are identified for Paddock Wood/east Capel. At 6.2.29, it is stated that development option 2 (5000 units?) was selected – ‘Ultimately, the scale of development...was determined in relation to the housing objective...housing is of great importance to the council in meeting targets and options that not only meet targets but also improve the flood risk for existing residents must be highly weighted’. And on p3, in the Non-Technical summary ‘For the urban extension...Paddock Wood was the only reasonable location</li> </ul>

		for an extension and that a scale set away from the constraints in the south (ancient woodland and AONB), but with land take in the Green Belt...would provide a suitable scale of extension with benefits for the economic, environmental and social elements of sustainability'. No mention is made to flood risk, unlike in the preceding paragraph – 'Tudeley village was the only reasonable location for a new settlement and that a scale <i>limited by the flood risk to the north</i> [my emphasis] and the AONB and Green Belt to the south would be the most preferred' i.e. for 2500-2800 dwellings.
7.	SA of the Strategic Policies	
		OBJECT as under '4' above
8.	SA of Potential Development Sites	
		OBJECT as under '4' above.  On p65, for Capel parish, allocations to the west of Paddock Wood are prone to flooding yet the assessment in Table 25, p67 is not separated from the remainder of sites under AL/PW1 (Table 24). Comment is made elsewhere in this objection that the delivery of benefits highlighted in Table 24 remain uncertain. Objection is also made to the Plan regarding specific flood risk concerns relating to individual parcels under AL/PW1.
9.	SA of Development Management Policies	
		OBJECT as under '4' above.  On p110, holding objection - a number of local green spaces are proposed borough wide including Paddock Wood. The Town Council wishes to designate sites in its forthcoming Neighbourhood Plan.  On p112, re. ENV23, Air Quality, a deterioration in air quality appears inevitable with the scale and distribution of development proposed. It is unclear how some measures proposed in the policy can be achieved through the statutory planning process.

		On p113, re. EN28, Flood Risk, see objection under '4' above.