

Annexe A

The Chairman welcomed the officers from TWBC and asked them to introduce themselves. She also thanked them for being very responsive on some of the issues that have occurred in the town recently and thanked them for their prompt replies to the Deputy Clerk when contacted by the office. The Chairman invited the officers to answer the pre submitted question and asked that members listen to all the replies and save their questions until the end.

Hannah Young - Strategic Sites and Delivery Team Leader for planned growth in Paddock Wood and Capel.

Antonia James -Principal Planning officer at TWBC, case officer dealing with Mascalls Farm scheme.

Jenny Begeman- Principal Planning officer at TWBC, case officer dealing with Church Farm scheme.

Advance Questions for P and E Monday

Officers noted that the questions asked are valid and sound.

- 1. Managing development by conditions** Members feel that their detailed consultation comments are often ignored by officers when making delegated decisions. Major developments such as those under construction now are approved with conditions attached relating to what seem to the members to be huge issues that really should be properly covered before permission is granted. When compliance with the conditions is then inadequately monitored it results in a free for all for the developers who are clearly aware that the resources of TWBC are not sufficient to enforce many of the conditions. Members would like to see less conditions placed on these big matters such as flood mitigation, layout and housing density, sustainability features ; so that they are addressed before permission is granted.

Planning officers have to take into account responses from consultees regarding planning conditions and TWBC as the LPA has to attach significant weight to these responses. The planning compliance officer has been proactive and positive, has set up and chaired meetings re the Persimmon site regarding matters such as mud on the road and has also leased the Berkeley Homes as advised to PWTC by Steve Baughen at the beginning of October. It has been made clear to both Berkeley Homes and Countryside that they are to act in accordance with the planning conditions. Leah Needham for Countryside has been asked to contact PWTC and set up a meeting and this has been arranged for the 13th of October. The compliance officer has been responding to the complaints regarding this site. Compliance resources at the end of last year and beginning of this were stretched due to staff illness but they are now back to normal. The compliance officer has been in contact with Jeff Washburn and David Scully. All councillors and members of the public are able to sign up for notifications of planning applications and can also view the weekly lists for the area which show any planning conditions that are up for discharge.

- 2. Smaller applications-** Whilst insignificant in themselves members feel that the cumulative effect of all these on the services and infrastructure already under strain is not considered. How can this be addressed?

TWBC still consult on all applications but some consultees such as the EA may respond that the scale of smaller applications do not warrant their involvement being below their threshold for comment. We do recognise and have sympathy with what PWTC are saying however the courts are clear that the LPA have to attach significant weight to the views of statutory consultees and if they don't object consent cannot be refused. TWBC as the LPA do however raise questions about

Annexe A

the cumulative impact with these consultees. The key mechanism for doing this for future development is via the periodic consultations that TWBC undertake with the infrastructure providers to inform them of future growth scenarios in the draft local plan then they will know what has been permitted through the previous consultations and what is proposed. TWBC's suggestion is to continue to highlight to those infrastructure providers and consultees the Town Council's concerns at the periodic consultations and TWBC planners will do the same so that there is a twin tracked approach which TWBC consider is the most appropriate.

- 3. Church Farm-Countryside** there is no document any where on the portal confirming that KCC as the lead local flood authority have approved the final flood mitigation plans for the new layout. Members are horrified by the decision to discharge the condition relating to this matter without this. They are also alarmed by the fact that when Network Rail were finally consulted they asked for more information from the applicant which the applicant declined to provide and then the condition was discharge anyway. PWTC have been raising the issue of maintenance and proper operation of the under track culverts since the site was allocated and it has still not been agreed between the developer and Network Rail. This is felt to be a clear risk and unacceptable

The case officer is totally aware of the S106 agreements and the Hybrid approval. KCC have not approved all the flood mitigation details of the conditions only part A. And that is part A of Condition 11 relating to surface water drainage and this was clearly stated in the decision notice and was also emailed to PWTC but seems to have been overlooked. (email 26Jun20). This is also on the planning portal on the reserved matters application (10th from the top) The rest of that surface water condition which is a pre commencement condition was submitted for discharge under reference 20/02657 SUB and that is pending. This includes many other recommencement conditions. The case officer has re consulted with KCC Bronwyn Buntine on this. Re the culvert underneath the railway line on the planning portal under the reserved matters approval for the site is the correspondence (2nd item from top). Network Rail and Countryside have corresponded as the case officer has asked them who will be maintaining the culvert and Countryside are not required to take care of it if it is within 20 metres of the railway line so it will be Network Rail's responsibility. The contact there is Nick Donohue who is the technician for Network Rail property.

- 4. Foul Drainage Capacity** Members are very frustrated that no one takes seriously the matter of the over burdened foul drainage system. TWBC as the LPA are taking on trust that there is capacity for tack on small developments and a proportion of the current three big developments despite the fact that Southern Water maintained that there was no capacity up until the point that they were threatened with legal action by the developers for not providing connections. Can the LPA not take a more precautionary approach to this?

TWBC are aware of the frustrations of PWTC and the issues that the Town has with foul drainage and are taking this very seriously and refute the comments that they are not. They are bound by restrictions in the planning system in terms of what their powers are. This has been outlined at other meetings with PWTC members by the head of planning. They are required to take advice on foul water drainage from Southern Water with and if they recommend that a planning condition can be used they have to reply on that advice and their technical expertise. The Mascalls Farm site has applied for the foul drainage condition to be discharged and on the basis that Southern Water may not always get things right the case officers has challenged them on their comment that they have no objections to the discharge of the condition and asked of that means they are content to have 313 dwelling connected to the foul drainage system and they have now replied that they can only take another 20 so along with the 60 approved already that makes 80 and Berkeleys have been told that this is all they can connect in total. The case officers are aware of the situation and the history on this subject and will continue to challenge them even if they do reply that they have no objection. TWBC are working with Southern Water as they push forward on a main strategic sewer for Paddock Wood and TWBC are trying to ensure that this is done on the correct timeline. The case officers are also aware of PWTC's frustrations with the pumping station issues specifically the suggestion that it should be located on the Nature Reserve car park or nearby and

Annexe A

is working with PWTC to advise Southern Water as to the best way to resolve the matter of this location. TWBC have advised Southern Water of the constraints of those 2 locations such as biodiversity, flooding and trees and advised them to go away and look at other options whether on the development sites or elsewhere. The end for this additional pumping station appears to have come about due to SW not having sufficient capacity, Berkeley Homes are still going to have the approved pumping station on the eastern part of their site. this pumping station is needed to upgrade SW's existing systems. So at present SW are looking at other sites, talking to landowners and have been asked to come back to TWBC if they require further advice in order to get things moving in a timely manner. They will require a planning approval for the pumping station so that will go out to consultation.

5. **Liability** If development on the Church Farm site results in surface water or foul drainage flooding of the properties on the adjacent estates can the Town Council advise residents to take legal action against TWBC as the LPA that approved application?

The answer is no, as previously mentioned TWBC have to operate within the planning legislation which requires them to give weight to the responses from technical specialists at the statutory consultees such as KCC Flood Risk, Southern Water, EA etc and make decisions accordingly. Planning conditions are only discharged when these advise that it is correct to do so.

6. **Masterplanning for large scale development** The Inspector recommended in the adopted Site Allocations for Paddock Wood that the developments should be master planned to ensure that the necessary infrastructure requirements generated could be met. This has not happened. The results of this can now be seen in a congested and creaking road network, inadequate for the level of development as well as the literally overflowing drainage network. Can this omission be explained and what can be done to prevent a recurrence?

The concern regarding previous applications where master planning has been mentioned is recognised. These were based on the 2016 Plan which referred to master planning but in the Inspector's decision commentary inferred that there was little benefit in looking holistically at all three sites as a whole that each individual site should come forward with its own master plan. The planners are trying to address these concerns by appointing David Lock and Associates to look politically at all the expansion planned for the area around PW and East Capel to ensure that it is assimilated within the existing town and transform the whole area into a garden settlement. This involves look at all the infrastructure not only around Paddock Wood but also at Tudeley and looking at scenarios where either Paddock Wood or Tudeley or both come forward for development. They are trying to ensure that this growth provides a opportunity to ensure that all the infrastructure is planned and provided properly.

7. **Traveller allocations** A recent decision granted permission for more traveller sites (Ref 20/00824/FULL) Steve Baughen informed members at a strategic sites meeting that the evidence base for the local plan only required a further three sites which would be allocated at Jackswood. Can you explain this decision?

As part of the Local Plan there is a requirement whereby a number pitches have to be identified. it would appear that the Jackswood sites were for expanding families on an existing pitch whereas the referenced application was for new pitches to meet an identified need.

Members then raised a number of questions and there was discussion between them and the officers.

Why is the Southern Water sewer route for the 1000 odd homes is not be be running through the three new estates rather than bringing the town to a standstill by a long programme of works digging up the existing road network.

TWBC have to focus on the delivery of the new sewer and this process has been frustrating

Annexe A

with many meetings involving PWTC , Greg Clark and Steve Baughen . These technical questions would be better posed to Southern Water as the officers are not drainage experts . Southern Water have advised that Church Farm will connect to the existing system near the bend in Church Road. As regards Mascalls Farm officer have questioned why the pumping station needs to go to the west of the site rather than on the eastern side . They have said the site will be serviced by a gravity sewer so needs an additional PS to the West. The originally approved pumping station on the corner of the site near Maidstone Road is still to be constructed. Steve Baughen might be able to shed light on why the current design has been selected and Southern Water have to operate within the constraints of Paddock Wood and any scheme of this scale will inevitably lead to inconvenience and disruption.

If PWTC had not involved Greg Clark it would now be the case that all the new homes would simply have been connected to the existing system. This despite Southern Water having confirmed many times to PWTC that there was not sufficient capacity. TWBC actually advised PWTC that we would do best to take this matter upon ourselves to fight as the Borough would not take it on. On the basis that this new system is required for the new developments and not the existing PWTC do not understand why Berkeley Homes cannot allocate a piece of ground for this additional pumping station not western edge of their site which the new sewer will be serving.

This is a question PWTC can ask.

PWTC have asked this repeatedly but no answer is forthcoming.

At a meeting with SW and Berkeley Homes an alternative site on their land near the attenuation basins was being considered but TWBC have told them they need to look at all sites and bring them to TWBC for comment as this site was problematic in planning terms being in a flood zone, adjacent to Gravelley Ways Stream. Additionally there would be access problems as it would require an in and out access, 24 hours a day access, a large turning space for a large tanker and the pipework may well have been routed through the Local Nature Reserve and construct an access to Badsell Road. This was therefore viewed as a problematic and sensitive site. SW have now gone away and they are talking to other landowners to find a site closer to the road. Whilst they can purchase land ; any land with planning permission for housing will be more costly to them. Officers have told them that the FHW car park is a not unacceptable and PWTC have reiterated this to SW.

PWTC have been suggesting a round town trunk sewer (which the current plan is not) since 2014 and in 2016/17 suggested to the developers that they should get together and plan a route before they moved to detailed design of their sites. This would seem to have been a simple practical concept, not hard to comprehend. The current plan purely serve the new developments and does nothing to address the failings of the existing could drainage system which even SW have admitted is not fit for purpose. It is now proposed to run effluent from all three developments through the Church Road pumping station which, according to Paul Kent (Southern Water Strategic Planning Manager) 2 years ago cannot take any more effluent. This pumping station also cuts out quite regularly now, let alone with additional flows from 100 dwellings. In November 2019 they DID come to PWTC with a proposal for a a genuine round town trunk sewer, going through the development sites which is exactly what PWTC have been lobbying for , as recently as February this year they were still talking about this. This would have gone directly into the treatment works via the Church Farm site and would have left the overburdened system unaffected whereas this simply adds to the problem. and is therefore senseless. It is not clear to PWTC why additional development is allowed when the infrastructure is not being put in place first. there will be an increase in sewer flooding and overflows as a result of this scheme. The built out value of the Mascalls Farm site is £200 million and therefore they should be able to afford to release an area of ground on the site to accommodate the pumping station.

Annexe A

Officers may not be aware that Southern Water are currently emptying the excess from their system in the town by tanker when it rains so that the scale of the overflowing problem does not seem as bad as it is and is concealed.

A report on the Church Farm pumping station to explain what upgrades have been performed that was promised to PWTC, Greg Clark and TWBC has still to been provided, despite reminders.

Peter Hockney has said this is due to surface water infiltration and that SW are repairing the pipes.

There are no such repairs taking place in Paddock Wood. And SW have consistently blamed their system failings on this over many years, and if this were the case they should have been duty bound to fix it before this point in time was reached. It is very frustrating that this excuse is now being repeated to the TWBC officers. SW's own reports into infiltration actually demonstrate that the level of infiltration is quite low but they are using this to cover up their failure over many years to provide adequate capacity for connections, maintain their own network. They are now simply trying to conceal their deficiencies as a utilities provider.

Further to development by conditions. All three of these developments were approved with a long list of conditions. Can officers provide evidence that these conditions are in fact being monitored and then met. PWTC re frustrated that breaches of conditions are repeatedly flagged up, the deputy clerk in the office spends an inordinate amount of time on these conditions and PWTC really require the backing of TWBC to see that conditions are met and enforced. The Countryside example of removing the trees, ahead of the tree protection condition having been discharged is an example of this. Surely the conditions should have been discharged and met before they began on site at all. They should have been stopped once the tree removal was reported to TWBC as the LPA. They are disregarding conditions and if an unnecessary number of mature trees were removed it is too late. There should be a partnership between PWTC and TWBC on dealing with the developers on these matters and PWTC do not feel that this is the case.

Officers do their best to keep PWTC in the loop on what is happening and update the PWTC office with progress on their various matters and will continue to do so. They have made Countryside contact PWTC to begin a dialogue to open communication on the site operation with them. A meeting to begin this has been booked and PWTC are asking Countryside to set up regular meetings with residents as Persimmon have done for their site. Most of the trees would have been removed in any case as there is an approved site access with a wide bell mouth access but they have been told to halt removal of any other trees until the condition has been discharged. Officers agreed this should not have happened. The tree officer will let PWTC and members know what is happening on that.

(Deputy Clerk advised members that communication with this senior officers has in fact been very good and much improved over previous years. The enforcement officer has also contacted the office and is in regular communication. The tree officer has also confirmed that the site entrance required removal of most of the trees there but that it did appear that some could have been retained and that they are considering what action could be taken against them for breach of planning conditions.)

Members would like to see the shelter belt of poplars that backs onto Dimmock/Le Temple retained and will reiterate this to the tree officer.

The Chairman advised that PWTC should consider applying for TPO's on the site. The Deputy Clerk advised that she did not think that Parish Councils were able to do this.

Concerns re road closures and related matters will be referred via the TWBC Highways officer.

Annexe A

All three planning permissions specify that the foul drainage plans and any additional local infrastructure requirements should be approved 'prior to occupation' of dwellings on the site. Over 100 dwellings on Mascalls Court Farm are now occupied. So how has this condition been met.

For the Mascalls Farm site officers replied that they have been discharging the planning condition in parts so that when developers apply to TWBC Southern water are consulted and when they reply that they do have capacity for the numbers suggested they are able to go ahead. Despite this officers repeatedly challenge SW on their replies.

Members are unhappy with this incremental process of connections and refer to previous advice from Southern Water that, due to capacity deficiencies, if dwellings were occupied prior to infrastructure improvements being achieved then sewage would in fact have to be tinkered away. They feel that TWBC have set a dangerous precedent by allowing this partial discharge of a major planning condition that may have awful consequences going forward.

Officers do not accept SW's suggestion that they were unaware of these developments and are challenging them and trying to ensure that the additional pumping station is sited somewhere that does not have the sensitivity of the two options suggested so far. Confirm that under condition 17 details of a foul drainage scheme must be provided to TWBC and approved before the development can go ahead and no dwellings can be occupied until the scheme is in place.

Officers are keen to work proactively with PWTC, are listening to concerns and welcome questions to themselves and the head of planning.