



Paddock Wood Town Council Representations

**Tunbridge Wells Borough Pre-Submission
Local Plan**

JUNE 2021

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These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

1. Plan Period

- 1.1. The Local Plan period of 2020 – 2038 is insufficient to cope with the extent of the strategic proposals contained within the Local Plan. The NPPF states that *“Strategic policies should look ahead over a minimum 15-year period from adoption (except in relation to town centre development)”*¹ and the Local Plan makes reference to this where it states *“In accordance with national policy....this Plan runs from 2020 to 2038, following anticipated adoption in June 2022”*². However, there is no justification provided by TWBC as to why 2020 – 2038 is the selected plan-period. Given the Council’s proposed change of its current development strategy of focusing development on its key urban areas (Royal Tunbridge Wells and Southborough) to directing the majority of its growth to an area with high flood risk (Paddock Wood) and a location in the middle of the countryside (Tudeley) there is clearly a need for more lead in time to plan for this proposed new strategy which will require an enormous amount of funding, due diligence, community / stakeholder engagement and joined up planning in order to properly plan and deliver.
- 1.2. MHCLG recognises the need for longer plan periods in its recent consultation on proposed changes to the NPPF (30th January – 27th March 2021) where it proposes to amend paragraph 22 of the NPPF to require a minimum of 30 years where larger-scale development is proposed. The consultation document refers to new settlements specifically and the explanatory text in the consultation clarifies that ‘major urban extensions’ are also included as part of this (see excerpts from the consultation below). Whilst MHCLG’s consultation on the proposed changes to the NPPF provide a clear direction of travel for plan-making and that authorities will need to plan ahead for at least 30 years, the NPPF is already clear that 15 years is a minimum period and given the scale and complexity of growth proposed in this Local Plan we consider (and provide evidence in our representations) that the Local Plan period should cover at least 30 years from adoption. Although TWBC considers the Local Plan will be adopted in 2022 we consider this to be highly optimistic due to the issues that will need to be examined at the Examination in Public (EiP) and we would suggest that this be pushed to 2023 at the earliest.

¹ NPPF paragraph 22

² Pre-Submission Local Plan paragraph 1.13

- 1.3. TWBC's proposed plan-period is 'driving' the Local Plan's suggested delivery rates and phasing for the proposed strategic allocation at Paddock Wood and Tudeley which are entirely unrealistic. TWBC's evidence³ claims that the entirety of the proposals at Paddock Wood will be completed by 2036/37 and that delivery at Tudeley will extend beyond the plan period with 2,100 to be delivered by 2038 and 700 beyond the plan period. We go into more detail on these unrealistic delivery rates and development phasing assumptions in our representations however it is important to capture this in these representations on the plan-period as this appears to be what is driving the Council to adopt such an unreasonable approach to its Development Strategy which is an extremely unwise decision by TWBC.
- 1.4. Therefore, the plan period should be changed to 2020-2053. As a result of this change in the plan-period the majority of the Council's evidence base will need to be reviewed and updated. Given the extent of time that will be required to update the evidence base and proposed policies we suggest that TWBC not proceed with submission of the Local Plan in order to save the Council, the taxpayers and other key stakeholders a considerable amount of time and resources that will result from a Local Plan which is clearly unsound and not legally compliant.

Paragraph 22 has also been amended in response to the Building Better Building Beautiful Commission recommendations to clarify that councils who wish to plan for new settlements and major urban extensions will need to look over a longer time frame, of at least 30 years, to take into account the likely timescale for delivery.

Figure 1.1: MHCLG's Consultation on proposed changes to the NPPF

22. Strategic policies should look ahead over a minimum 15 year period from adoption¹⁵, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger-scale development such as new settlements form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.

Figure 1.2: MHCLG's Consultation on proposed changes to the NPPF

³ Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan

2. Duty to Cooperate

2.1. TWBC has not complied with the Government's legal test for discharging its Duty to Cooperate. Local authorities must fulfil the legal requirement to cooperate with the Duty to Cooperate prescribed bodies by "*engaging constructively, actively and on an ongoing basis*"⁴ on cross boundary strategic matters from the commencement of preparing the Local Plan to submission of the Local Plan to the Secretary of State for examination. TWBC has also failed to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012⁵ which states that:

"(6) Where a local planning authority have co-operated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report."

The only TWBC Authority Monitoring Report (AMR) available on TWBC's website is the 2019-2020 Authority Monitoring Report⁶ so it is impossible to determine what Duty to Cooperate monitoring was or was not published in early Monitoring Reports. The 2019-2020 AMR does not detail actions TWBC has taken in relation to the Duty to Cooperate. It simply states that there has been progress on statements of common ground during the year and up to date and that these are set out in the Council's Duty to Cooperate Statement produced in support of the 'merging Local Plan'. It states that "*Perhaps the prime strategic matter at present is the capacity of the borough, as well as neighbouring authorities to meet housing needs*" and that "*this is subject to ongoing assessment through the preparation of the new Local Plan*". It explains that "*it is likely that it is possible to meet its local housing need under the Standard Method, but not the uncapped housing need figure or to contribute to meeting wider housing needs*". It finally states that "*Of note, dialogue with Sevenoaks District Council is continuing to clarify whether it will be meeting its own need*"⁷.

2.2. The above outline of the contents of the Council's AMR 2019-2020 does not comply with the regulations as there is no detail provided regarding the Duty to Cooperate activities undertaken. Simply stating that there has been progress on statements of common ground and that Sevenoaks DC is continuing to clarify whether it will meet its own development needs is not sufficient detail to comply with the regulations.

⁴ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011 (2) (a)

⁵ <https://www.legislation.gov.uk/ukxi/2012/767/regulation/34/made> (see 34(6))

⁶ https://tunbridgewells.gov.uk/_data/assets/pdf_file/0012/385788/AuthorityMonitoringReport2019-20accessible.pdf

⁷ TWBC Authority Monitoring Report 2019-2020

- 2.3. Furthermore, TWBC's Statement of Community Involvement (October 2020) commits to reporting "*on how it meets the Duty Cooperate in its Authority Monitoring Report*"⁸, however as explained above its AMR 2019-2020 does not provide the details of the actions undertaken. The SCI misunderstands the regulations as it not about reporting how the Council claims it meets the duty, it is instead supposed to provide a clear log of the actions undertaken.
- 2.4. Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011⁹ requires the council to cooperate with other local planning authorities and other 'prescribed' bodies in preparing and developing development plan documents and other local development documents so far as it relates to a strategic matter.
- 2.5. Despite TWBC preparing a document of near 560 pages seeking to evidence that it has discharged the duty, the document has a considerable amount of 'padding' and lacks substantive evidence that 'active', 'ongoing' and 'constructive' cooperation took place from the start of the preparation of the Local Plan up to submission. If further evidence of cooperation were to be submitted by TWBC in the lead up to, or after submission of the Local Plan then this would clearly demonstrate that the Local Plan and its policies were not informed by this engagement – which is, after all, the entire reason for the Duty to Cooperate as explained in the NPPF: "*effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy*"¹⁰. The purpose of the duty is not to have a Statement of Common Ground, an SOCG is simply a way to demonstrate that effective and on-going work has informed the preparation of the Local Plan.
- 2.6. In any case Planning Practice Guidance (PPG) states that authorities should make any statements of common ground (SOCG) available on their website by the time they publish their draft plan so that communities and stakeholders have a transparent picture of how they have collaborated:

*Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated.*¹¹

As we set out in the table below there are no published SOCGs with Tonbridge & Malling BC or with Kent CC to support the Pre-Submission Local Plan.

⁸https://tunbridgewells.gov.uk/_data/assets/pdf_file/0003/343650/StatementofCommunityInvolvement2020Accessible_version.pdf (Paragraph 2.17)

⁹ <https://www.legislation.gov.uk/ukpga/2004/5/section/33A>

¹⁰ NPPF paragraph 26

¹¹ Paragraph: 020 Reference ID: 61-020-20190315 <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

We have also reviewed the Interim Duty to Cooperate Statement for the Draft Local Plan (Regulation 18)¹² and there was only one up to date SOCG published at that stage which was with Sevenoaks District Council¹³. However, the validity of this SOCG cannot be relied upon as Local Plan was found by the Inspector in the same year (2019) to be unsound and not legally compliant due to SDC having not met the Duty to Cooperate¹⁴.

The other SOCG with a neighbouring authority was a 2016 SOCG with Maidstone Borough Council¹⁵ which to be fair has very little substance on which TWBC could rely upon to demonstrate the tests of the duty at that stage.

2.7. Turning to the current Duty to Cooperate Statement supporting the Regulation 19 Local Plan, it is difficult to see how TWBC has moved much further forward in a meaningful way with most of its neighbouring authorities.

2.8. The Duty to Cooperate engagement records in the TWBC document indicate that there are multiple gaps of 5 months or more with the other Local Authorities. There are no details about what the SOCG with Tonbridge & Malling BC will include and what are the actions in relation to joint evidence base, strategic policies and/or cross-boundary issues.

2.9. Further to this point regarding no SOCG with Tonbridge & Malling BC, we are aware that a number of TMBC Councillors have recently sent a letter to TWBC (dated 2nd June 2021) reiterating its opposition to several aspects of the Local Plan with particular regard to the Tudeley Village proposals which it considers will have an impact on Tonbridge “*above and beyond all recognition*”. The letter expresses in detail the disappointment with TWBC to address TMBC’s points raised previously (including the 2019 Local Plan consultation). There are a number of specific points raised in the letter which are summarised below and which were discussed at the TMBC Extraordinary Planning and Transportation Advisory Board on 17.05.2021 which available for public viewing online¹⁶:

- TMBC last week rejected a planning application for another supermarket at Tonbridge Retail Park on Cannon Lane due to concerns about the ability of the road network to cope. Cannon Lane was originally build as the ‘mini-bypss’ in Tonbridge yet is frequently gridlocked. Thousands of homes just over the border in Tunbridge Wells borough would only lengthen queues across the south east of Tonbridge and make it harder for children to travel to the excellent schools in town.
- The TMBC response to the Tunbridge Wells Local Plan (Regulation 19), as agreed at the Transportation Advisory Board meeting (June 2021) will include a number of accurate and extremely pressing comments:

¹² https://tunbridgewells.gov.uk/_data/assets/pdf_file/0006/343860/Interim-Duty-to-Cooperate-Statement_minus-appendices.pdf

¹³ https://tunbridgewells.gov.uk/_data/assets/pdf_file/0007/343861/1592379363_InterimDutytoCooperateStatementAppendix1.pdf

¹⁴ https://www.sevenoaks.gov.uk/downloads/file/2870/ed44_inspectors_letter_to_sdc

¹⁵ https://tunbridgewells.gov.uk/_data/assets/pdf_file/0008/343862/1592379368_InterimDutytoCooperateStatementAppendix2.pdf

¹⁶ TMBC Extraordinary Planning and Transportation Advisory Board on 17.05.2021: [youtube.com/watch?v=N_tKT14yRM](https://www.youtube.com/watch?v=N_tKT14yRM)

- Most relevant is the inability of TWBC to fully model forthcoming development in Tonbridge as part of its assessment as residents will look toward the town of Tonbridge much more than any other of the identified retail centres in Tunbridge Wells borough for services, shops and schools. Consequently TMBC would have expected to see a complete list of proposed mitigations (if even possible) within Tonbridge to cope with this however none have been put forward in the Local Plan process.
 - TMBC does not think the reduction in car use arising from the development is realistic.
 - The development proposed near the border of Tonbridge will have landscape impact including rural roads and public footpaths which would link the proposed development at Tudeley with Tonbridge. This detrimental impact has not modelled. The Landscape and Visual Impact Assessment only applies to sites located within the High Weald AONB. This underplays the wonderful landscape that is visible within Tonbridge and to Tonbridge from notable landmarks. TMC would have expected the assessment to account for the character of the area within TMBC as well.
 - TMBC strongly argues that the inclusion of STR/SS3 (Tudley Village) is unsound as it does not meet the NPPF's tests of soundness. It is not positively prepared because the cumulative impact of development on Tonbridge and Malling has not been assessed. It is not justified because reasonable alternatives have not been considered fully. It is not effective because significant infrastructure improvements will be needed, which are not forthcoming. It is inconsistent NPPF because the severe impacts on traffic cannot be mitigated.
 - TMBC requests that TWBC removes the allocation from the Local Plan.
- 2.10. The above describes a letter and some of the discussion from TMBC's Advisory Board meeting in May however it is not TMBC's official response to the Regulation 19 Local Plan. It does provide some important indication as to how TMBC is likely to respond to the Local Plan and demonstrates the lack of cooperation by TWBC with TMBC.
- 2.11. With no signed SOCG with TMBC and the grave concerns it has about the evidence and unsoundness of the Local Plan, as well as the lack of constructive engagement, it is clear that TWBC has not discharged the Duty to Cooperate in relation to TMBC (or the other prescribed bodies).
- 2.12. We have prepared a table below to help summarise the status of SOCGs that TWBC does or in most cases does not have in place. We have included in the table, Kent County Council as it is considered that they are a key body in the preparation and delivery of the Local Plan and it seems reasonable that TWBC should prepare an SOCG with KCC to clarify what cooperation has taken place, what is agreed and what is not agreed. Given the scale of strategic proposals at Paddock Wood and Tudeley surely an SOCG with KCC is critical.

- 2.13. We have included ‘Strategic Site Promoters / Landowners’ in the table given that the delivery of the strategic growth at Paddock Wood and Tudeley is dependent to a very great extent on the developers. There needs to be public clarity about what is agreed between TWBC, KCC and the developers in a SOCG. Such an SOCG cannot wait until the planning application stage as the Local Plan examination is the opportunity to deal with difficult issues using a plan-led approach rather than storing up issues for a later day.
- 2.14. The PPG explains what a Statement of Common Ground should contain¹⁷. The PPG also states that *“The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities’ websites.”* Most of the Statements of Common Ground included in the TWBC Duty to Cooperate Statement for Pre-Submission Local Plan refer to meetings and discussions on cross-boundary issues, however they often lack the documentation of the preparation of joint evidence base and strategic policies¹⁸ to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters).
- 2.15. It is not clear from the Duty to Cooperate Statement what are the additional (if any) joint studies commissioned, besides the ones in partnership with Sevenoaks District Council.
- 2.16. TWBC’s Statement of Community Involvement states that *“The Council will meet the spirit and letter of the legislation and supporting guidance in collaborating on strategic matters affecting the borough”* however it clearly has not met the spirit or the letter of legislation and national policy.

¹⁷ PPG – Plan Making section, paragraph 011, reference ID: 61-011-20190315, revision date: 15 03 2019: <https://www.gov.uk/guidance/plan-making>

¹⁸ NPPF paragraph 20: <https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para20>

Authority	Up to date SOCG	Date	Signed	Notes
Ashford BC	Yes	22-Mar-2021	Yes	-
Maidstone BC	No			August 2016 SOCG is last SOCG published / signed. This is nearly five years ago and clearly out of date.
Rother DC	Yes	20-Oct-2020	Yes	-
Sevenoaks DC	No	21-May-2019	-	21 May 2019 SOCG is last SOCG published / signed. Not reliable due to Sevenoaks Local Plan being found unsound / not legally compliant due to failure to discharge Duty to Cooperate.
Tonbridge & Malling BC	No	-	-	An MoU has been signed on Jan 2020. According to the DtC Statement, new draft SOCG between TWBC and TMBC is in preparation and was due to be formally considered by TMBC in May 2021
Wealden DC	Yes	10 th March 2021	Yes	The Wealden Local Plan was withdrawn by WDC in 2020 as the Inspector concluded WDC had failed to discharge its Duty to Cooperate.
Kent CC	No	-	-	There is no reference in the DtC Statement to an SOCG with Kent CC being signed previously or an intention to do so in the future.
Strategic Site Promoters / Landowners	No	-	-	There is no reference to agreements with site promoters / landowners of the strategic sites at Paddock Wood or Tudeley. This is considered critical to demonstrate that the infrastructure delivery and quality standards of development (including 'Garden Settlement Principles') will be delivered by the developers.

Figure 2.1: Status of Statements of Common Ground

3. Sustainability Appraisal / Strategic Environment Assessment

General

- 3.1. Through scrutinising the Sustainability Appraisal (SA), it became apparent that the justification for the preferred development strategy is unsound, as the preferred development strategy would involve the loss of Green Belt and the AONB. As such, this approach does not comply with paragraph 118 of the NPPF which emphasises the benefits of developing suitable brownfield, under-utilised land and buildings and airspace above existing residential and commercial premises for new homes. In contrast, the non-technical summary states that *“following the maximisation of sustainable development in settlements across the borough, the preferred development strategy embraces the creation of a new garden settlement, together with a major urban extension based on garden settlement principles. Both of these proposals would involve significant loss of Green Belt land, it being found unreasonable for such large growth to occur in the AONB and there being no sustainable opportunities outside of the AONB. However, these are justified in part on meeting development needs, given the limited capacity for this scale of growth to be otherwise distributed across the borough.”*
- 3.2. The above SA statement indicates that the loss of Green Belt is justified via the ‘exceptional circumstances’ case, whereby, in accordance with paragraph 37 of the NPPF, *“strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development”*. Paragraph 37 of the NPPF clarifies that this can be justified if the following can be justified:
- “a) makes as much use as possible of suitable brownfield sites and underutilised land;*
 - b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*
 - c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”*
- 3.3. TWBC have clearly not fulfilled the NPPF’s criteria set out above. First and foremost, the preparation stage of the Local Plan should be informed by a suite of evidence documents.

Given that the borough is largely constrained by Green Belt and the AONB, it is unclear as to why TWBC did not undertake further urban capacity studies and small sites studies. The outputs of this work would likely unlock new growth potential in areas deemed appropriate for higher density development within the borough, as in accordance with the NPPF. In the absence of this it is noted that the Brownfield and Urban Land Topic Paper¹⁹ concludes that *“a review of brownfield sites now proposed for allocation shows that high densities are being proposed on all but two sites (on Land at Benenden Hospital.) While these sites have a relatively low density, this reflects the constraints and location of the site. There are regarded as appropriate densities in line with paragraph 122 of the NPPF. The other proposed brownfield site allocations are achieving densities well above 30 dwellings per hectare with particularly high densities on sites in Royal Tunbridge Wells, showing the Pre-Submission Local Plan will seek to optimise the use of sites in the town centre and other accessible locations.”*

- 3.4. The above summary is concerning as it highlights TWBC’s lack of regard for the Green Belt. It is clear that the proposed loss of Green Belt and AONB conflicts with paragraph 133 and 11bi) of the NPPF and also provides that TWBC have not fully evaluated potential sources of supply. With regard to paragraph 37 of the NPPF (as set out above), it is clear that there has been no thorough review of under-utilised land nor has there been sufficient regard for sites in town centres and near public transport where constraints exist but there is potential for them to be overcome.
- 3.5. With reference to clause c) of paragraph 37 of the NPPF, TWBC’s Statement of Common Ground states that (our emphasis added) *“In September 2020, TWBC wrote to MBC indicating that they are exploring all potential options to meet the need of the borough. In this letter, TWBC formally requested that MBC accommodate some or all of the housing proposed in the Draft Local Plan within the Green Belt, or as major development in the AONB, and at least 14 hectares of employment land. An initial response was issued by MBC in December 2020. This stated that MBC could not accommodate any of TWBC’s need, as it was proving very challenging to accommodate the extra homes needed until 2037, necessitating growth to be focused on two ‘garden communities’”*. The above statement severely undermines the legitimacy of TWBC’s approach, as TWBC did not engage constructively with MBC and instead sought only to accommodate housing needs in the Green Belt and AONB within MBC. As such, this approach does not comply with paragraph 37) of the NPPF on the grounds that TWBC’s and MBC’s collaborative evaluation of the potential sources of housing supply was entirely unsatisfactory.

¹⁹ https://tunbridgewells.gov.uk/_data/assets/pdf_file/0020/388100/Brownfield-and-Urban-Land-Topic-Paper.pdf

3.6. It is worth acknowledging that the above matter was a key issue within the St Albans City and District Local Plan examination, where the Examiners' (Letter from Examiners dated 14th April 2020²⁰) recommended the withdrawal of the Plan and stated that (our emphasis added) *"the Council's approach to the Green Belt is also of concern to us in relation to the DtC. The Plan proposes substantial Green Belt boundary alterations to enable land to come forward for development. Paragraph 137 of the Framework requires that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic planning authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. It has not been demonstrated that the Council's approach to the Green Belt has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through a statement of common ground (SoCG)".* Similarly, it cannot be demonstrated that TWBC have been informed by discussions with MBC. On the contrary, TWBC did not show any flexibility or openness in their approach to meeting their identified housing needs. It is important to note that the St Albans City and District Local Plan was subsequently withdrawn on 19th November 2020 due to the Examiners' concerns that there was *"inadequate evidence to support the Council's contention that exceptional circumstances exist to alter the boundaries of the Green Belt"*.

Horsmonden

3.7. Table 27 also assesses Horsmonden as a potential location for further assessment. However, the explanation states that Horsmonden is not situated within the Green Belt or AONB, however it won't be taken forward based on access and landscape sensitivity issues. This is unjustifiable, as such issues are afforded less weight than Green Belt and AONB matters within the NPPF. This decision undermines the entire SA as it provides evidence that TWBC have not accorded within the NPPF when decision-making.

²⁰ <https://www.stalbans.gov.uk/sites/default/files/attachments/ED40%20%20Inspectors%20Post%20Hearings%20Letter%2014.4.20.pdf>

Sustainability Appraisal: Paddock Wood – Draft Local Plan scenario

- 3.8. With regard to Table 27 of the SA (which sets out which development options are to be progressed and considered further, the approach for the Draft Local Plan Paddock Wood and East Capel allocations was explained as *“Land is outside of the AONB and has useful rail and road transport links. There is potential for the existing town to benefit from the substantial investment that new development would bring including resolution of existing flooding problems. The site is partially Green Belt and the most recent Green Belt Study concludes the overall harm rating of releasing this land from the Green Belt is high. However, there is scope for compensatory measures such as new hedgerow planting, enhanced pedestrian routes or conversion of fields from arable to grassland. For these reasons, this site was considered to warrant further examination as a reasonable alternative.”*
- 3.9. In contrast, the Iden Green site was explained as *“the site is wholly very rural and within the AONB and its landscape impacts were considered too severe to warrant further consideration as a reasonable alternative.”* Whilst the need to protect AONBs is set out under paragraph 11bi) of the NPPF (whereby *“strategic policies should, as a minimum, provide for objectively assessed needs for housing, unless [...] the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area”*), the protection of the Green Belt is established through Chapter 13 of the NPPF and is afforded the same weight as the protection of AONBs. With that in mind, it is evident that the interpretations made in the SA are entirely subjected and do not align with the higher-level policies of the NPPF. As such, the SA is unsound.
- 3.10. The above summary is concerning as it highlights TWBC’s lack of regard for the Green Belt. It is clear that the proposed loss of Green Belt and AONB conflicts with paragraph 133 and 11bi) of the NPPF and also provides that TWBC have not fully evaluated potential sources of supply. With regard to paragraph 37 of the NPPF (as set out above), it is clear that there has been no thorough review of under-utilised land nor has there been sufficient regard for sites in town centres and near public transport where constraints exist but there is potential for them to be overcome.
- 3.11. The methodology which underpins Table 29 (SA scores for the four urban extension growth options at Paddock Wood including land in east Capel) is entirely unclear and inconsistent. Under some SA Objectives, the relative impacts between different ‘options’ (the scale of development proposed) was considered, whereas the SA Housing Objective reasoning states major positive across *all options as “despite offering varying quantities of new dwellings, the 4 options are not differentiated on this objective because, even the option with the lowest numbers would still make a significant difference.”* This method is unsatisfactory as there is no real quantitative analysis as to what the potential impacts are and what thresholds feed into the scoring matrix. On this basis, the SA is entirely unsound as there is no real evidence to support the SA scoring.

3.12. The justification provided to explain the “?” (mixed) impact on water across all options for the Paddock Wood and East Capel options is inaccurate. The SA states that *“mixed water scores is applied equally across the options as all would represent a substantial demand for water and wastewater treatment, and all would provide significant benefits to Paddock Wood and Capel in the form of reductions in existing flood risk. The benefits could be slightly greater in options 2 and 4 where development is directed to the areas of flood zone 2 and 3 west of Paddock Wood (in east Capel). An improvement to flooding issues for existing residents is one of the key justifications for the proposed release of this Green Belt land on the west side of the settlement.”* It is clear that the development options will not lead to any benefits in water/flood risk. The IDP confirms that flood mitigation measures will be provided as part of these schemes, however, these measures are intended to ensure that flood risk is not heightened across the wider area (i.e. there will be no added benefits). Therefore, the SA’s mixed scoring is inaccurate and unsound.

4. Vision and Objectives

- 4.1. The Local Plan Vision and Objectives section of the Local Plan is confusing, lacks local distinctiveness and lacks ambition.
- 4.2. The opening line of the Vision states that “growth in new homes, jobs and supporting infrastructure will be achieved over plan period in a manner that respects the distinctive qualities of the borough”. We question what it means by ‘respect’ and it is entirely unclear from this statement what the Council considers to be the ‘distinctive qualities of the borough’ that should be respected.
- 4.3. Following the first line, the second line states that “*the Council will work with stakeholders to maintain and improve overall living standards and access to employment, leisure and cultural opportunities for all the borough’s residents*”. This is quite a generic statement about how the Council will work with stakeholders which it is obliged to do in any case. There is nothing locally distinctive about this statement and could be about ‘anyplace’.

5. Development Strategy

5.1. Policy STR1 (The Development Strategy) of the Local Plan is not positively prepared, not justified, not effective and inconsistent with national policy.

5.2. The proposed Development Strategy and the distribution of allocations bears no relationship to the Council's Settlement role and Function Study (February 2021). The policy is not justified in relation to the settlement study as evidenced below:

- **Royal Tunbridge Wells** is the 'main settlement of the borough' with 42% of the borough's population (as of 2011) yet with proposed allocations of 1,536 dwellings this represents just 16% of the growth (9,381 dwellings) proposed in the borough.
- **Southborough** scored the highest in the Council's settlement study and has the borough's second highest population yet only 42 dwellings are proposed in Southborough in the Local Plan which equates to 0.4% of the growth proposed in the borough.
- **Cranbrook** scored second in the settlement study due to its excellent services and retail in the town centre and is proposed as Group B settlement yet just over 400 dwellings are proposed here. Very little development has taken place in Cranbrook in previous years, it is not affected by flooding, has capacity within the town boundaries and sites previously approved but have not been built out.
- **Paddock Wood** was ranked third in the settlement study yet 43% of the borough's housing growth is proposed at Paddock Wood.
- **Hawkhurst**, despite being ranked just below Paddock Wood in the settlement study only has 170 dwellings proposed representing just 2% of the housing growth planned in the borough.

5.3. The Council's Development Strategy Topic Paper (February 2021) fails to provide a clear and logical explanation as to how the Council decided on its preferred Development Strategy.

6. Settlement Role and Function

- 6.1. The Council's evidence and approach to determining the role and function of the borough's settlements is not justified, not effective and inconsistent with national policy.
- 6.2. The Settlement Role and Function Study (February 2021) does not include Royal Tunbridge Wells. It gives the reason for this as *"its status as the main settlement of the borough"*. Surely the fact that it is the main settlement of the borough should have led to it being assessed as part of the study. After all the 'Purpose of the Study' in addition to *"providing an updated evidence base to help inform the settlement hierarchy of the borough... is to also give an indication of each settlement's level of sustainability and potential to accommodate further growth"*²¹. How can it possibly be that the role of the main settlement of the borough hasn't been assessed against the other settlements? Is the Council concerned that including such an analysis would clearly demonstrate the mismatch of the settlement hierarchy and its preferred development strategy whereby the main settlement of the borough is earmarked for very considerably less development than less sustainable settlements such as Paddock Wood?
- 6.3. To further confuse matters, Southborough is "jointly considered as the main urban area" for the borough however unlike Royal Tunbridge Wells was assessed as part of this study. The study concludes that Southborough is in the 'Grouping B' along with Cranbrook, Paddock Wood and Hawkhurst whilst Royal Tunbridge Wells is placed in 'Grouping A' on its own. This is extremely confusing.
- 6.4. The study's method for creating settlement 'groupings' is not sufficiently explained and not really explained at all apart from a few lines in the 'Conclusions' section of the study. It states the following regarding the groupings:
- *"rather than simply categorising the settlements in order of size, the settlements are identified by grouping them in terms of their characteristics, focusing on the range of services and facilities they currently provide".*
 - *"The findings of this updated Study show that larger settlements also tend to score more highly across the range of sustainability indicators identified in terms of the level of provision of services and facilities"*
 - *"Based on the scores and evidence collected in this Study, a revised table of settlement groupings is set out in Table 6 below. These groupings give an indication of the level of sustainability and appropriateness of these settlements to accommodate further growth in terms of access they provide to services and facilities that their support their sustainability"*²²

²¹ Para 1.4 Settlement Role and Function Study (February 2021)

²² Para 5.1 Settlement Role and Function Study (February 2021)

Table 6: Revised settlement groupings

Grouping	Settlement
A	Royal Tunbridge Wells (RTW) *
B	Southborough*, Cranbrook, Paddock Wood and Hawkhurst
C	Rusthall and Pembury
D	Goudhurst, Langton Green, Benenden, Brenchley and Horsmonden
E	Lamberhurst, Speldhurst, Sandhurst, Five Oak Green, Sissinghurst and Bidborough
F	Matfield and Frittenden
G	Kilndown and Iden Green

*RTW and Southborough are also jointly considered as the main urban area

Figure 6.1: Table 6: Revised Settlement Groupings (Settlement Role and Function Study (Feb 2021))

6.5. This explanation given regarding the method for determining the groupings is wholly inadequate. It explains that it looks beyond just the ‘size of settlements’ however the study does not set out the size of each settlement either in population or in area. In order to understand population figures for the settlements one must refer to the superseded 2017 Settlement Role and Function Study (see below). However, the population assumptions provided are at the parish level and do not reflect the populations of the settlements themselves.

Table 2 Population and Household Figures

Settlement/Parish	Population (based on 2011 Census)	Households (by Parish based on Electoral Register 2017)
Royal Tunbridge Wells	48324 (7 wards)	22094
Southborough	12459	5037
Paddock Wood	8253	3346
Cranbrook and Sissinghurst	6717	2781
Pembury	6128	2470
Speldhurst and Langton Green (also includes Ashurst and Old Groombridge)	4978	1942
Rusthall	4976	2185
Hawkhurst (Highgate and The Moor)	4911	2139
Goudhurst and Kilndown (with Curtisden Green)	3327	1255
Brenchley and Matfield	2863	1174
Five Oak Green (part of Parish of Capel)	2467	931

Figure 6.2: Table 2: Settlement Population (Settlement Role and Function Study (Feb 2017))

6.6. Referring to the population table, it is difficult to conclude that Southborough should be in the same grouping as Paddock Wood, Cranbrook and Hawkhurst. Southborough has a population of 12,459 whereas Paddock Wood has the next largest population at 8,253 some 4,206 less residents. Southborough is more than 2.5 times the size of Hawkhurst in population.

6.7. Turning to the assessment of the settlements in the 2021 study Southborough scores the highest here as well followed by Cranbrook with Paddock Wood in third and then Hawkhurst:

- Southborough (presumably behind Royal Tunbridge Wells) received the highest score / ranking in the study at 100 using the 'new weighted method' and using all previous scoring systems as well.
- Cranbrook trails Southborough in scoring coming in second place with 90 points.
- Paddock Wood scores 82 points coming third.
- Hawkhurst scores 71 points coming in fourth.
- Rusthall scores 59 points coming in fifth.
- Pembury scores 55 points coming in sixth.

Table 5: Summary of results using previous scoring system and new weighted method

Settlement	1st score	2nd score	3rd score	4th score (average of 1 st , 2 nd , 3 rd)	New weighted method
Southborough	161	165	115	147	100
Cranbrook	153	163	116	144	90
Paddock Wood	128	136	96	120	82
Hawkhurst	90	100	65	85	71
Rusthall	68	72	39	59.7	59
Pembury	64	70	42	58.7	55
Goudhurst	42	46	26	38	39
Langton Green	38	38	23	33	38
Benenden	38	42	21	33.4	37
Brenchley	35	39	19	31	35
Lamberhurst	34	38	19	30.2	33
Horsmonden	34	36	20	30	35
Sandhurst	34	36	20	30	32
Speldhurst	31	35	17	27.6	33
Five Oak Green	30	32	16	26	30
Sissinghurst	27	27	15	23	27
Bidborough	26	26	14	22	25
Matfield	23	23	15	20.3	21
Frittenden	19	19	12	16.7	19
Kilndown	18	18	12	16	16
Iden Green	11	11	7	9.7	11

Figure 6.3: Table 5: Summary Results of Settlement Role and Function Study (Feb 2021)

6.8. We make a number of additional critical observations and shortcomings about this important piece of work which claimed to inform the Local Plan’s development strategy:

- Royal Tunbridge Wells is not included in the Study despite it being the ‘Main Urban Settlement of the borough’ (see above).
- The methodology is unclear as to how it has arrived at a number of the scores for the ‘new weighted method’ for the 2021 study including but not limited to the scores for bus services.
- The study does not include population figures for the settlements and relate this back to the level of services and facilities that are present in each settlement. In other words, particular services could be more or less adequate dependent on the population they are serving however the study provides no indication as to what services and facilities (and investment) are required to make them more sustainable.
- There is no analysis of the level of public transportation serving the settlements. The study simply says whether there is a bus service at least once an hour Monday – Saturday and whether there is a train station.

- The study is not locationally specific about any of the infrastructure or services and includes no mapping making it impossible to understand in spatial terms which areas of the borough are and are not well served by services and facilities.
- The study does not consider cycling and walking which should be seen as the focal point of considering sustainability and planning for healthy places.

6.9. It is extremely difficult to follow the logic of how the Settlement Role and Function and Study has informed the Development Strategy and proposed Local Plan allocations. Our analysis of this is set out in the ‘Development Strategy’ section of our representations.

Table 4 Distribution of housing allocations

Parish/Settlement	Local Plan allocations	
	Lower	Upper
Royal Tunbridge Wells	1,416	1,536
Southborough	42	42
Paddock Wood	3,932	4,032
<i>Strategic urban expansion*</i>	<i>3,490</i>	<i>3,590</i>
<i>Town centre</i>	<i>30</i>	<i>30</i>
Capel*	2,100	2,100
<i>Tudeley Village - new settlement</i>	<i>2,100</i>	<i>2,100</i>
Cranbrook and Sissinghurst	453	467
<i>Cranbrook</i>	<i>415</i>	<i>429</i>
<i>Sissinghurst</i>	<i>38</i>	<i>38</i>
Hawkhurst	161	170
Benenden	87	95
<i>Benenden</i>	<i>43</i>	<i>45</i>
<i>East End</i>	<i>44</i>	<i>50</i>
Bidborough	0	0
Brenchley and Matfield	56	60
Frittenden	25	30
Goudhurst	25	25
Horsmonden	240	320
Lamberhurst	25	30
Pembury	389	417
Rusthall	15	15
Sandhurst	20	30
Speldhurst	10	12
Sub-total	8,996	9,381
Allocations with existing planning permission (to be discounted to avoid double counting)	920	920
Total (with existing planning permission discounted)	8,076	8,461

Figure 6.4: Table 5: Local Plan Table 4 Distribution of Housing Allocations

7. Housing Need

- 7.1. TWBC considers that the Housing Need assumptions will need to be carefully examined at the Local Plan Examination in Public and we wish to take part in those hearings, particularly given that the Council's evidence on housing used to support the Local Plan dates back to 2015 (SHMA) with a 2017 update to the SHMA and then a separate 2018 Housing Needs Study and then finally a 2020 Review of Local Housing Needs. These studies were undertaken by multiple consultants, so it is unclear whether the methodologies align and what informed the Council's housing needs assessment at each stage of preparing the Local Plan.
- 7.2. We note there could be several factors that could require TWBC to update its evidence and reconsider its housing needs assessment such as the impact of Brexit, the impact of the Covid pandemic and potential changes to MHCLG's method for determining housing needs which has changed a number of times in recent years. We also wanted to make TWBC and the Inspector(s) aware of the Office for Statistics Regulation (OSR) report²³ on the robustness of ONS' population projections which was initiated in response to concerns raised by campaigners regarding the accuracy of population projections and mid-year population estimates. It found that the sub-national accuracy of estimates is 'variable' depending on the size and mobility of the population in a given area. It will be important to closely monitor whether the findings of this report result in changes to the assumptions for TWBC and the wider housing market area.
- 7.3. Policy STR1 (The Development Strategy) sets its housing target at 12,204 dwellings yet the Housing Supply and Trajectory Topic Paper for the Pre-Submission Local Plan shows a delivery of 13,257. Whilst we do not consider this housing delivery figure to be credible as we set out elsewhere in these representations, the Council is effectively planning for an additional 8.6% dwellings more than is required. The only explanation provided is in the topic paper which states that *"this 8.6% buffer is considered helpful to allow for the potential delay/non-delivery of sites and, potentially for otherwise contributing further to meeting housing needs"* (paragraph 7.1). Presumably the reference to 'contributing further to meeting housing needs' is in reference to Sevenoaks however the Sevenoaks Local Plan has been found unsound so any assumptions about their potential housing shortfall cannot be relied upon for the Tunbridge Wells Local Plan.

²³ Review of population estimates and projections produced by the Office for National Statistics (May 2021) <https://osr.statisticsauthority.gov.uk/wp-content/uploads/2021/05/Review-of-population-estimates-and-projections-produced-by-the-Office-for-National-Statistics.pdf>

8. Housing Trajectory and Housing Delivery Assumptions

- 8.1. The Council's evidence and approach to determining the housing trajectory and housing delivery assumptions is not justified and not effective and inconsistent with national policy.
- 8.2. Paragraph 73 of the NPPF states that: *"Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites"*.
- 8.3. Paragraph 75 of the Framework states: *"To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of underdelivery and identify actions to increase delivery in future years"*.
- 8.4. TWBC has prepared a Housing Supply and Trajectory Topic Paper for Pre-submission Local Plan (February 2021) which informs the Council's spatial strategy. In 2018, TWBC had met 88% of its housing need (monitored between 2015 and 2018), including the 5% buffer on its housing land supply position as required by the NPPF and the standard method.
- 8.5. According to the Lichfields Review of the new Standard Method (2020)²⁴, in Tunbridge Wells there has been no deviation from the delivery rates set out under the Standard Method in 2017, which remains at 678 dwellings per annum (an increase of 278 dwellings per annum from the adopted Local Plan requirement).
- 8.6. TWBC is seeking to deliver most of its housing need for the Plan period through a smaller selection of larger sites, focused primarily on Paddock Wood (and Capel) and a new garden settlement at Tudeley. The Council is particularly reliant on the cooperation of developers and landowners around Paddock Wood to meet its annual housing targets and therefore, the timeframe for the implementation of this development strategy must be supported by clear and convincing evidence.

²⁴ <https://lichfields.uk/grow-renew-protect-planning-for-the-future/how-many-homes-the-new-standard-method/>

Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Actual Year	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38
Projected Housing Completions	767	932	990	986	801	885	660	737	686	623	736	733	720	661	598	705	646	391
Cumulative Projected Housing Completions	767	1699	2689	3675	4476	5361	6021	6758	7444	8067	8803	9536	10256	10917	11515	12220	12866	13257
Housing Target	678	678	678	678	678	678	678	678	678	678	678	678	678	678	678	678	678	678
Cumulative Housing Target	678	1356	2034	2712	3390	4068	4746	5424	6102	6780	7458	8136	8814	9492	10170	10848	11526	12204

Ref	Site Address	Parish	Lower	Mid	Upper	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Totals
STR/SS 1	The Strategy for Paddock Wood and east Capel	Paddock Wood	3490	3540	3590	0	0	0	0	0	300	300	300	300	300	300	300	300	300	300	300	240	0	3540
STR/SS 2	The Strategy for Paddock Wood Town Centre	Paddock Wood	30	30	30	0	0	0	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	30
STR/SS 3	The Strategy for Tudeley Village	Capel	2100	2100	2100	0	0	0	0	0	150	150	150	150	150	150	150	150	150	150	200	200	200	2100
AL/PW 1	Land at Mascalls Farm	Paddock Wood	412	412	412	0	0	0	0	1	77	25	0	0	0	0	0	0	0	0	0	0	0	103

Figure 8.1: Excerpt from Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (2021)

8.7. Figure 7.1 above outlines the proposed delivery rate. For Tudeley STR/SS 3, TWBC sets a delivery rate of 150 units for the first 10 years of delivery from 2025/26, then rising to 200 per annum from 2035/36 (total of 2100 dwellings in 13 years). For Paddock Wood STR/SS 1, TWBC outlines a proposed delivery rate of 300 units per annum, reducing to 240 dwellings in 2036 (total of 3540 dwellings in 12 years). This phasing methodology is set at 299 dwellings per annum. Land as Mascalls Farm is projected to deliver 103 dwellings distributed between 2024 and 2027.

8.8. Within the Reg 19 Local Plan, TWBC recognises the higher degree of complexity associated with the delivery of larger sites, advising that *“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites.”*

8.9. TWBC does not already have any sites that are allocated or have extant planning permission for more than 2000 dwellings, and therefore, relies on national and other local evidence to inform its phasing assumptions. The Council has based its buildout rates on an analysis of the gap between historic permissions granted and historic site buildout rates across the borough, and on discussions with developers, and evidence gathering as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA). Nationally recognised evidence and studies on lead times in construction include:

- the Letwin Report and Independent Review of Buildout Rates (Letwin, 2018)
- Start to Finish: How Quickly do Large-Scale Housing Sites Deliver? (Lichfields, 2016)
- Housing Supply Research (CPRE, 2014)
- Permissions to Land: Busting the myths about house builders and land banking (HBF, 2014)
- Urban Extensions Assessment of Delivery Rates (Savills, 2014)
- MHCLG Independent Review of Build Out Rates (2018)

Table 7: Super-size sites (2,000 plus dwellings) phasing assumptions (shading indicates construction start)

Completions within:	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Outline permission							
Outline at S106 Stage							
Outline under consideration							
Allocated site – planning activity							
Allocated site – no planning activity							

Figure 8.2: Excerpt from Housing Supply and Trajectory Topic Paper (2021)

- 8.10. PWTC considers that TWBC has failed to appropriately outline how a housing figure of 3,540 (average) homes is deliverable within the Plan period and is concerned that there has been insufficient regard to the time taken for new developments to pass through both the planning and construction phases. Figure 2 demonstrates that, prior to the substantive construction phase, there is already a significant delay with the grant of permission for larger sites of between 3 and 7 years.
- 8.11. The Lichfields ‘From Start to Finish’ Review Second Edition (2020) and the Letwin Review (2018) also highlight the delays with the delivery of large development proposals should not be underestimated as there will be many aspects of housing trajectory that are beyond the immediate control of a local planning authority.
- 8.12. For larger sites (2000+ homes), the Lichfields Review (2020) outlines an average lead time of 8.4 years for the average time from validation of the first planning application to the first dwelling being completed²⁵. This is based on an average build-out rate of 160 dwellings per annum. In the case of Paddock Wood, it would take 22.5 years to deliver the upper figure of 3590 dwellings. This corroborates the Town Council’s position that the Plan period is short-sighted, and not supported by appropriate evidence to justify this rate of delivery within such a constrained timeframe.

²⁵ https://lichfields.uk/media/5779/start-to-finish_what-factors-affect-the-build-out-rates-of-large-scale-housing-sites.pdf

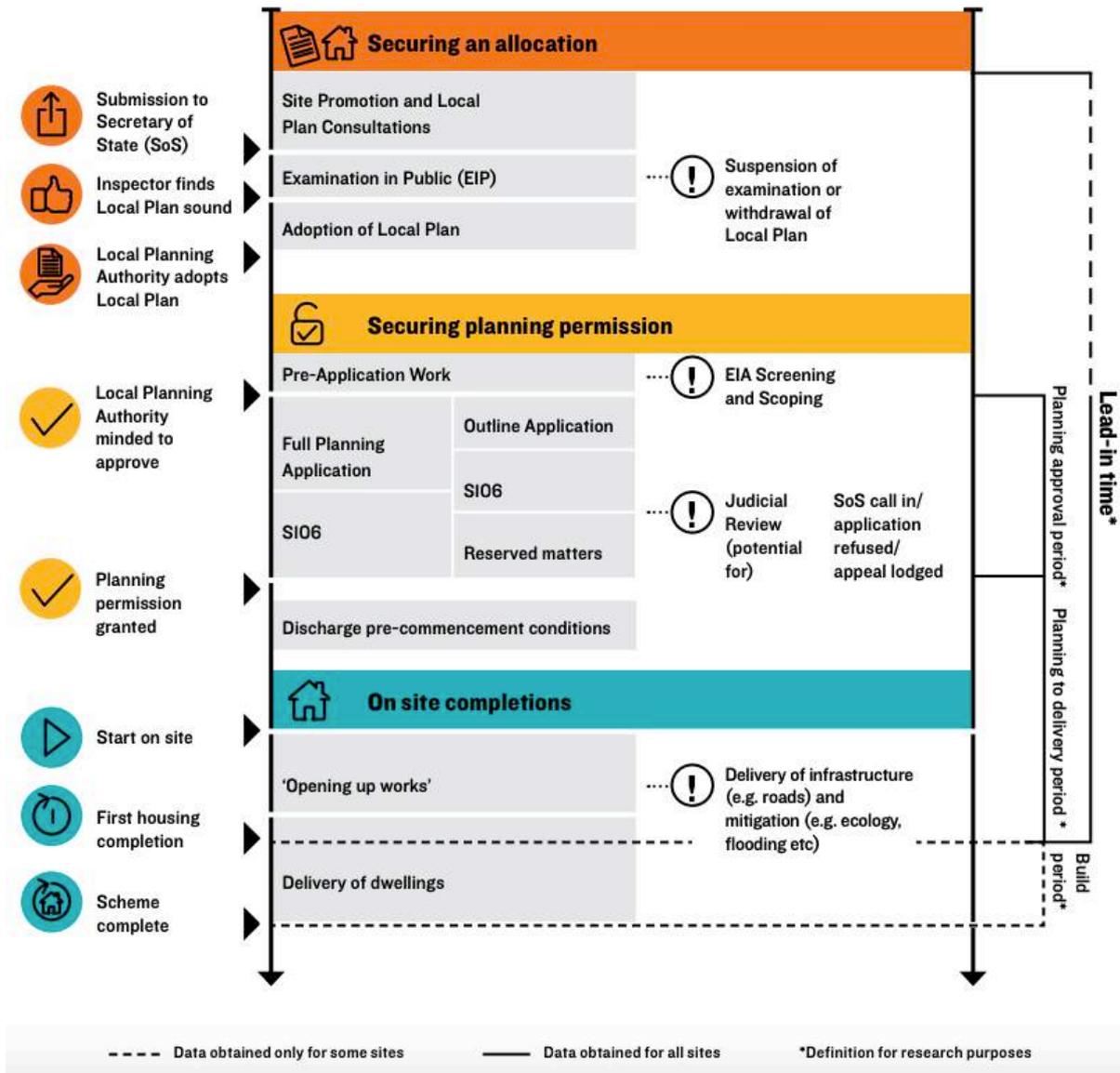


Figure 8.3: Timeline for the delivery of strategic housing sites - Lichfields Review (2020)

8.13. The Letwin Review (2018) is also helpful in outlining a median build-out rate for large sites at 15.5 years, which is 3.5 years longer than TWBC’s proposed build-out rate for Paddock Wood sites.

8.14. TWBC makes the case that the delivery of the Paddock Wood urban expansion is set purposefully higher than identified in the Letwin Review, given the extent of masterplanning work carried out by David Lock Associates involving input from the four main housebuilders (Crest Nicholson, Dandara, Redrow and Persimmon).

- 8.15. However, there is a total of 8 developers with control of the land around Paddock Wood, and whilst 4 of these developers are working with the Council, the masterplan is still lacking on any prescriptive detail on how each site would be released with cooperation from each developer and landowner. A lack of transparency in this regard casts further doubt on TWBC's ability to monitor both the quality and deliverability of larger sites. If development phasing remains poorly structured at the Regulation 19 stage, this risks setting unrealistic expectations of developers and stakeholders for the rest of the Plan period.
- 8.16. PWTC also considers that it is impossible to enforce such an even distribution of housing each year (300 dwellings per annum for 11 years). TWBC's housing supply and trajectory figures fail to reflect the lead times associated with various stages of the planning process, including:
- The preparation of relevant Supplementary Planning Documents which aid the delivery of larger sites;
 - The Pre-application process, including consultation and engagement with relevant consultees and stakeholders;
 - Potential delays in determining Outline planning permissions;
 - Approval of Reserved Matters and agreement of relevant phasing;
 - The discharge of conditions;
 - The preparatory site works, to be informed by site-specific survey recommendations and monitoring before commencement;
 - Securing of relevant funding (including S106 and CIL); and
 - Delivery of on-site and off-site infrastructure, (associated with larger sites and the creation of a new Garden Settlement).
- 8.17. TWBC has also failed to have sufficient regard to Green Belt and Flood risk constraints affecting land surrounding Paddock Wood to the north and the west. It is still not clear how the masterplan will tackle such an important issue of flood risk and the triggers for necessary flood engineering and SuDS, which do not appear to have been incorporated into the housing trajectory.
- 8.18. The Regulation 19 Local Plan highlights that the Green Belt surrounding the key settlement, including the western edge of Paddock Wood "*contributes significantly to the discrete identity of and setting of settlements*" (page 26), and yet, there is still very limited justification for the development of this scale. The TWBC Development Strategy Topic Paper (2021) highlights that STR/SS 1 Land at Capel and Paddock Wood and STR/SS 3 Tudeley Village are both classed as having an overall harm rating of 'High'.
- 8.19. Delivery will also rely on cooperation with adjoining authorities and liaison and negotiation with statutory consultees. Even the slightest delay in the start date will result in a slower performance, which is then likely to render the assumed delivery rates of a wider allocation unachievable.
- 8.20. Overall, the Town Council believes that a further review of housing trajectory is urgently needed, considering a more realistic and steadier rate of delivery. Given the broader

concerns relating to the appropriate length of the Plan period - where there is a reliance on large-scale development and new settlements - the TWBC's housing trajectory must be reconsidered. Further evidence gathering should also assess whether TWBC should be considering a larger number of smaller sites to meet housing delivery across the Local Plan period.

- 8.21. Notwithstanding the technical evidence undertaken by TWBC, it remains the case that the Council is seeking to deliver a significant proportion of its overall housing need within a wholly unrealistic timeframe, against Green Belt and Flood Risk constraints.
- 8.22. The proposed delivery of up to 3,590 homes in one location will inevitably flood the housing market within one location, resulting in a negative impact on sustainable growth across the borough as a whole.
- 8.23. The Council's poorly thought-out assumptions regarding housing delivery and trajectory render the Local Plan unsound, as it fails the tests of being justified, effective and consistent with national policy, contrary to the requirements of paragraph 35 of the NPPF. Further evidence gathering and analysis is required to determine the most appropriate spatial strategy for the delivery of housing across the borough.

9. Employment

- 9.1. PWTC considers the Local Plan's policies in relation to proposed employment need and allocation to be unsound.
- 9.2. The Local Plan (Policy STR1 – The Development Strategy) proposes 14 hectares of employment land (Use Classes B and E). This employment land figure is taken directly from the 2016 Sevenoaks and Tunbridge Wells Economic Needs Study²⁶ as confirmed in the Local Plan (see paragraphs 4.20-4.21). Not only is this study out of date prepared nearly five years ago, and obviously before the Covid pandemic, it also does not align with the plan period.
- 9.3. This point regarding the plan period is confirmed in the Local Plan (see paragraph 4.22) which states *“While the study considered needs up to 2035, rather than 2038, this is regarded as being an appropriate minimum target for the Local Plan period, as both the base date and the end of the plan period have been rolled forward”*. This is reason enough to bring into serious question the employment land figure proposed in the Local Plan. The 2016 study states (see paragraph 20) that *“it is imperative for the Council to monitor its employment land position to ensure the borough remains responsive to changes in the pattern of supply and demand...”* and that *the assessment of sites should be kept up-to-date as part of the Council's monitoring and updated annually...”*. It also states that *“a comprehensive assessment of economic needs is undertaken at least every five years. An early review to take account of changes in economic circumstances and forecasts arising from Britain's decision to leave the European Union may be appropriate. We have not been able to locate employment floorspace monitoring data on the Council's website that should be published at least annually. There was no ‘comprehensive assessment of economic needs’ undertaken within five years of the 2016 despite the clear recommendation that this would be even more important due to Brexit notwithstanding the Covid pandemic, the radical changes to the Use Class Order and the Sevenoaks Local Plan being found unsound.*
- 9.4. There are many other additional fundamental issues to point out without even needing to delve further into the technical evidence which we set below:
- The end date of the 2016 study is 2033/2035 which is different to that of the Local Plan which is 2038 (also see our points regarding the need for a longer plan-period of at least 30 years).
 - The start date of the 2016 study is 2013 opposed to the 2020 start date of the Local Plan so the baseline is some seven years different between the key evidence used for employment needs and the start of the plan period.
 - The 2016 study uses the 2015 SHMA to help determine and balance housing and employment needs – the SHMA is now clearly out of date.

²⁶ https://tunbridgewells.gov.uk/_data/assets/pdf_file/0008/387539/Economic-Needs-Study-Final-Report-with-appendices.pdf

- The Local Plan proposes employment land as Use Classes B and E whilst these uses were not in existence in 2016 so cannot be assumed to be directly comparable.
- The 2016 study was a joint study with Sevenoaks DC and its evidence base however the Sevenoaks Local Plan was found unsound at examination.

- 9.5. The Local Plan states (see paragraph 4.24) that *“converting a land target into a floorspace target is difficult...however based on the study’s assessment of the mix of business uses, an approximate estimate of the floorspace associated with 14 hectares of land would be of the order of 80,000-120,000sqm. As the recommendation is a minimum, the higher level is preferred”*. It is unclear where this estimate even comes from and how TWBC arrived at this floorspace calculation let alone attempting to understand why the upper end of the range of floorspace is justified. Given that there is a difference of 40,000sqm between the upper and lower estimates this a critical assumption that has no explanation behind it apart from that creating a floorspace target *“is difficult”*.
- 9.6. At paragraph 4.25 of the Local Plan attempts to explain what type of employment land will be delivered and it explains that *“a range of supply is envisaged: for offices, light manufacturing, general industry, and warehousing, as well as related use not in a specific use class”*. This is an insight into the lack of understanding and strategy TWBC has regarding economic and employment land.
- 9.7. Paragraph 4.26 of the Local Plan points out that *“It is notable that the recommendations assume that existing well-located employment land and premises be retained in that use”* which suggests that it is not RWBC’s intention to take a serious up-to-date look at its employment land (as recommended by the 2016 study) to positively assess its potential for release to alternative uses such as housing before it looked to meet its housing needs in Paddock Wood and Tudeley.
- 9.8. Policy STR1 itself is vague about employment land and simply says that 14 hectares of employment (Use Classes B and E) land are developed. It doesn’t say where or what the breakdown of the uses. Table 5 of the Local Plan then shows 26.5 hectares of employment land being allocated including 11.2 hectares on two sites in Paddock Wood. This clearly doesn’t tally with the 14 hectares across the borough stated in Policy SRT1 and does not explain why the Local Plan is allocating more than double what its stated need is and what the policy says. It then states at paragraph 4.57 that there will be additional floorspace at Tudeley Village and the sites will be proposed in the SPD. Surely any additional land / floorspace would be included in the assumptions.
- 9.9. Policy STR/SS1 (Paddock Wood), is unjustified as it states that 2,000sqm of commercial floorspace will be provided in three neighbourhood centres and that significant new land for a mix of employment uses on sites to the north and south of Lucks Lane, and to the east of Transfesa Road. The policy does not state the amount of land required for the commercial centres and the employment allocations do not state what type of employment or floorspace. It is impossible to determine how these figures tally against the Development Strategy policy and the 2016 study.

10. Key Diagram

10.1. The proposed Key Diagram in the Local Plan is difficult to read and interpret. The resolution of the proposals makes the accessibility of the Key Diagram very poor and the 'Map Legend' is difficult to interpret on the Key Diagram itself. The Diagram is missing important designations such as Flood Zone 2.

Figure 5 Key Diagram

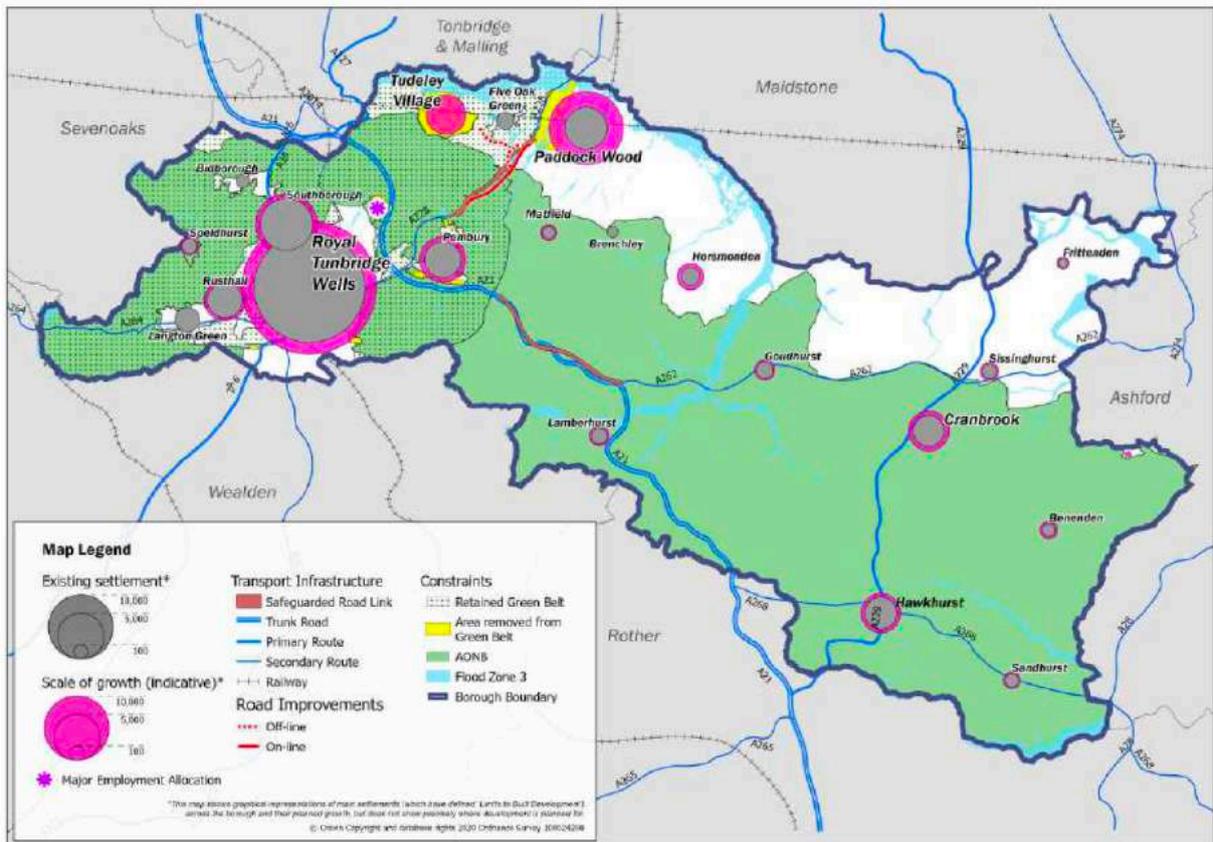


Figure 10.1: Local Plan Key Diagram

10.2. For instance, we make the following critical observations about the Key Diagram and how it is ineffective and is not positively planned:

- The Map Legend shows three circles for 'existing settlement' and 'scale of growth' which appear to range from 100, 5,000 to 10,000 however it is not possible to understand how this correlates to the settlements on the diagram. Does this refer to the population or existing number of dwellings for instance?
- The Map Legend includes asterisks next to the 'existing settlement' and 'scale of growth' with fine print below however it is not possible to read the fine print.

- The Key Diagram only shows Flood Zone 3 whereas it should also show areas covered by Flood Zone 2 as a constraint. Given that Flood Zones do not stop at the administrative boundary the Key Diagram should also show Flood Zones 2 and 3 in neighbouring authorities to give a more realistic and strategic view of the extent of the flood risk facing the north of the borough and the locations where TWBC is proposing the majority of its strategic growth (see Environment Agency Flood Risk Map below showing Flood zones 2 and 3).

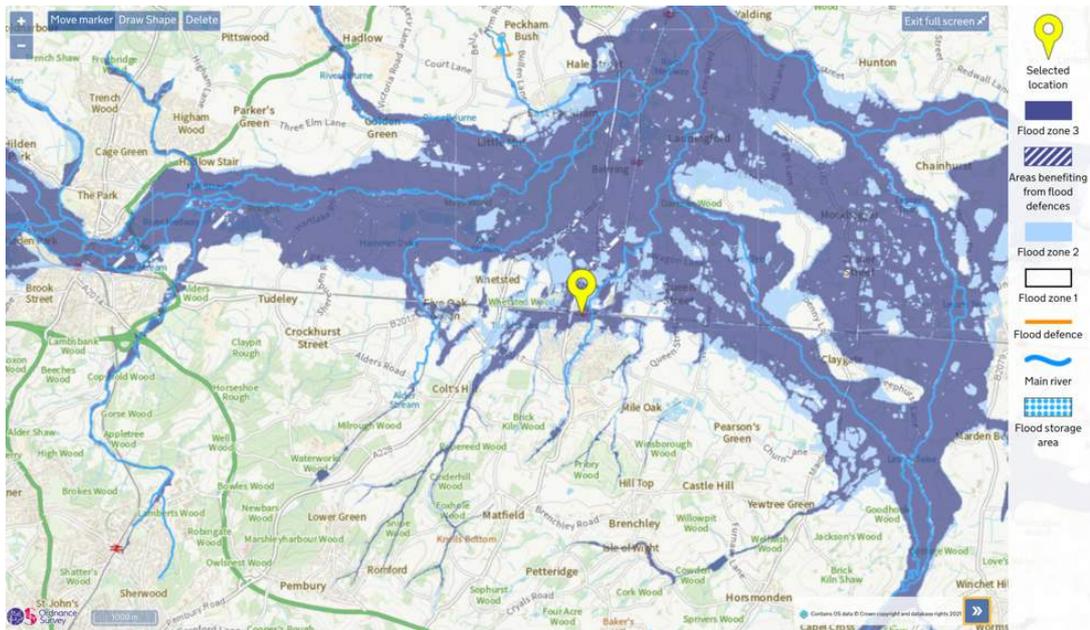


Figure 10.2: <https://flood-map-for-planning.service.gov.uk>

- The Key Diagram should include the existing settlements and proposed growth for the areas in the neighbouring authorities given the extent of cross boundary strategic matters that TWBC has with its neighbours.
- The Key Diagram includes a number of ‘on-line’ and ‘off-line’ road improvements. These are not terms used in the NPPF and are not included in the Local Plan’s Glossary. The terms ‘on-line’ and ‘off-line’ should be explained in the Local Plan.
- There are no railway stations shown on the Key Diagram.
- There is no indication of the proposals for the regeneration of Paddock Wood Town Centre.
- It does not identify Tudeley as a New Village, it simply shows growth and where the Green Belt is proposed for removal.

11. Policies Map

11.1. TWBC has failed to comply with its own Statement of Community Involvement (SCI) and the Local Plan Regulations in relation to its proposed Policies Map. The Policies Map consists of a series of ‘inset’ maps for a number of settlements and there is one ‘Borough Overview’ map provided. However the ‘Overview Map’ is not a ‘Policies Map’ as set out in the Local Plan Regulations²⁷ which requires the authority to set out what changes to the Policies Map would result from adoption of the Local Plan. There are entire sections of the borough missing and they have no designations whatsoever shown in the ‘Borough Overview’ map.

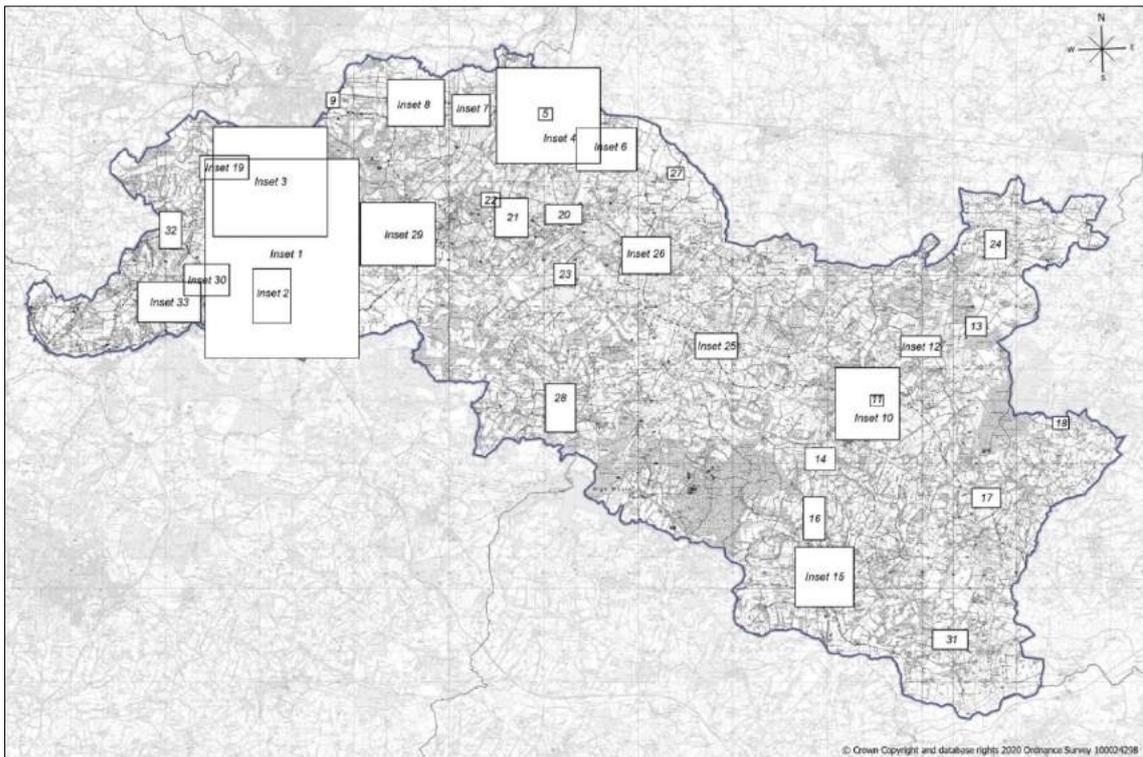


Figure 11.1: Local Plan ‘Overview Map’

11.2. Even by the Council’s own proposed definition the Local Plan maps fail to meet the Council’s definition: *“Shows on a map all the site-specific policies and proposals set out in Development Plan Documents”*²⁸.

11.3. From what the Council has provided it is not possible to ascertain what changes are being proposed to the existing adopted Policies Map.

²⁷ The Town and Country Planning (Local Planning) (England) Regulations 2012

²⁸ Local Plan Glossary page 499

11.4. Given the points we have raised regarding the ‘Policies Map’ published for Regulation 19 consultation, we submit that TWBC has failed to clarify what changes are being proposed to the existing Policies Map and has failed to show what the resulting Policies Map and designations are for most of the borough.

11.5. This contravenes TWBC’s own Statement of Community Involvement (October 2020) which states that at the Publication State of the Local Plan (Regulation 19) that the Policies Map will be published *“showing any changes that would result from the adoption of the plan, are also published”*²⁹

11.6. The SCI states that following the Regulation 19 stage that *“The Council will consider any points raised during the publicity period and will make minor changes where required. If there are significant issues the Council may withdraw the plan and return to stage 3”*³⁰. Unless TWBC can demonstrate that it has shown all the changes to the Policies that would result from the adoption of the plan, it has failed to comply with its SCI and it should run its Regulation 19 stage again to enable all residents and interested parties to respond to its proposed designations throughout the borough.

Stage 4	Publication of the Local Plan (Regulation 19)	<p>The Council publishes the final draft of the plan. A refined SA and proposed revisions to the Policies Map, showing any changes that would result from the adoption of the plan, are also published. The Council will undertake a public consultation for a minimum of six weeks, although the scope of representations which can be made during this period is limited to the ‘soundness’ or otherwise of the plan.</p> <p>A consultation statement will be produced, which provides a summary of the main issues raised by the comments at Stage 2. This assists the Council to review the representations and to consider what, if any, changes should be made to the plan before submission.</p>
Stage 5	Consider representations /objections	<p>The Council will consider any points raised during the publicity period and will make minor changes where required. If there are significant issues the Council may withdraw the plan and return to stage 3.</p> <p>Once all issues raised have been addressed, the plan can move to stage 6.</p>

Figure 11.2: Excerpt from TWBC Statement of Community Involvement (SCI) October 2020

11.7. We also note that the Local Plan does not identify which current development policies will be replaced by new policies so it has not been possible to comment on the suitability of proposed ‘replacement policies’ in our representations.

²⁹ TWBC Statement of Community Involvement (October 2020) page 8

³⁰ TWBC Statement of community Involvement (October 2020) page 8

12. Flood Risk

- 12.1. **We consider that the Local Plan, its overall development strategy, evidence and policies in relation to Flood Risk to fail the NPPF tests of soundness as it has not been positively prepared, is not justified, not effective and not consistent with national policy. These Local Plan policies include STR1, SRT7, STR5, STR/SS1, EN25, EN26**
- 12.2. PWTC raised its strong concerns and objections with TWBC at the Regulation 18 Local Plan stage (Draft Local Plan) regarding the inadequate evidence and assessment of flood risk matters due to the extensive flood risk existing at Paddock Wood. However, these concerns were never addressed despite the SFRA prepared for the Draft Local Plan being entirely inadequate. We attach PWTC's representations to the Regulation 18 Local Plan consultation which should be included as part of our submission to the Secretary of State.
- 12.3. Apart from the factual errors and therefore doubt of accuracy of the SFRA's modelling (which is covered in PWTC's Regulation 18 representations), the flooding at Paddock Wood is from surface water and not fluvial, primarily from down hill flows from High Weald farmland to the South of Town adding to nitrate pollution entering the common water courses that flow into the Medway. High flood levels in Paddock Wood are usually several hours after rainfall for this reason. The only fluvial contribution is when the Medway is in surge and all the common watercourses that drain north into it from the area back up and spread out sideways over their banks adding to the surface water. No detail is provided of specific build flood mitigation measures that might be employed, other than standard local level SUDs, so it is entirely unclear how mitigation costs have been calculated or factored.
- 12.4. The NPPF³¹ is very clear about the approach that local planning authorities must take regarding climate change and flood risk when preparing local plans and strategic policies. However, TWBC has unfortunately failed to comply with the NPPF in respect of its approach to preparing its development strategy. The Council's approach to its Local Plan is particularly incongruous given that TWBC declared Climate Emergency³² so one would expect or at least hope the Council would have paid particular attention to the NPPF in relation to Climate Change and Flood Risk given it's declared 'emergency' however this has not been the case as we explain below.

³¹ NPPF 'Meeting the challenge of climate change, flooding and coastal change' pages 44-47

³² [https://tunbridgewells.gov.uk/environment/climate-change#:~:text=Climate%20Emergency%20Declaration&text=In%20July%202019%20Tunbridge%20Wells,FC29%2F19\)%20confirmed%20that%3A&text=Declare%20its%20recognition%20of%20global%20climate%20and%20biodiversity%20emergencies](https://tunbridgewells.gov.uk/environment/climate-change#:~:text=Climate%20Emergency%20Declaration&text=In%20July%202019%20Tunbridge%20Wells,FC29%2F19)%20confirmed%20that%3A&text=Declare%20its%20recognition%20of%20global%20climate%20and%20biodiversity%20emergencies)



Climate Change

Climate Emergency Declaration

Our climate is changing, and we are facing harmful impacts on our environment, natural habitats and lives in general. In July 2019 Tunbridge Wells Borough Council declared a Climate Emergency and set a commitment to become carbon neutral by 2030.

Full Council in July 2019 (FC29/19) confirmed that:

Tunbridge Wells Borough Council recognises the overwhelming weight of scientific evidence pointing to man-made climate change and the harmful impacts this is having on natural habitats and ecosystems, biodiversity and our lives in general. It notes the early work undertaken to date by the Council including efforts to promote active travel, increase recycling and the reduction of plastic usage in the Town Hall but understands it needs to do more. It recognises that it has a responsibility to take a firm lead on reducing the council's and the wider borough's carbon emissions and in furtherance of this responsibility agrees to:



Figure 12.1: TWBC's webpage declaring Climate Emergency (accessed 31st May 2021)

12.5. The current NPPF has a great deal to say about climate change and flood risk and the role of planning / plan-making to support the transition to a low carbon future in a changing climate and the need to take full account of flood risk and coastal change including minimising vulnerability and improving resilience of places, converting existing buildings and supporting renewable and low carbon energy and associated infrastructure³³. Instead of following the NPPF's policy on climate change the Local Plan instead 1) fails to take into the full account of flood risk in the borough by not preparing suitable evidence base and ignoring its evidence base regarding flood risk in Paddock Wood and the north of the borough; 2) seeks to maximise the vulnerability of the areas of the borough already vulnerable to flood risk and future climate change such as Paddock Wood; 3) making the borough less resilient to climate change and flooding and more prone to the risks of climate change by proposing to put development in the highest risk area of the borough in terms of climate change.

12.6. In terms of planning for climate change the NPPF states³⁴ the following, however the Local Plan and its evidence fail to take into account the long-term implications of flood risk and instead of relocating vulnerable development and infrastructure the Local Plan proposes to deliver new development in the most vulnerable locations:

- *“Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk”;*

³³ NPPF paragraph 48

³⁴ NPPF paragraph 49

- “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure”

12.7. The NPPF explains that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”*³⁵. Inappropriate development includes housing and the NPPF is clear that housing development should be directed away from areas at highest risk. Simply put, why did TWBC select a development strategy that clearly contravenes the fundamentals of national policy? The Council was clearly aware of the significance of the high risk of flooding at Paddock Wood as it states this as one of the Local Plan’s key Issues or Challenges, where it states that *“the areas to the north and west of Paddock Wood are particularly prone to flooding”* and that a key issue is *“therefore ensuring that the proposed growth strategy can be accommodated without further harm and risk to areas that are vulnerable to flooding, provide betterment”*. This statement misunderstands national policy which is to avoid directing development to areas at highest risk (whether existing or future) in the first place.

Flooding

Key issue/challenge: ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment

2.33 Parts of the borough are located in flood risk areas. The Council’s Tunbridge Wells Strategic Flood Risk Assessment (SFRA) provides information and guidance on flood risk, as well as identifying the strategic parcels of land across the borough identified to be at risk of flooding. This includes areas to the north and west of Paddock Wood which are particularly prone to flooding. A key issue is therefore ensuring that the proposed growth strategy can be accommodated without further harm and risk to areas that are vulnerable to flooding, to provide betterment.

Figure 12.2: ‘Key Issues, Challenges, and Opportunities’ Section of Local Plan

12.8. The NPPF explains³⁶ that *“all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

- a) applying the sequential test and then, if necessary, the exception test as set out below;*

³⁵ NPPF paragraph 155

³⁶ NPPF paragraph 157

- b) *safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- c) *using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and*
- d) *where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations*

12.9. However, TWBC and its consultants appear to have avoided applying a ‘sequential test’ in respect of the whole borough. This is despite the Strategic Flood Risk Assessment (SFRA – Level 1 & Level 2 combined) (July 2019) stating as its first recommendation: *“The NPPF supports a risk-based and sequential approach to development and flood risk in England, so that development is located in the lowest flood risk areas where possible; it is recommended that this approach is adopted for all future developments within the borough”*³⁷.

12.10. Despite the SFRA consultants recommending that a sequential approach to development and flood risk is utilised for all future developments within the borough, the same SFRA consults explain that the SFRA has not performed the Sequential Test of potential development sites but that it provides a summary at Table 13.1 summarising the flood risk to the potential development sites which can assist with completion of the Sequential Test (see figure below). As it explains at Paragraph 13.1 the SFRA does assess all 472 sites within the borough identified through the SHELAA and Call for Sites process though. The SFRA does not explain why it does not undertake the Sequential Test – were the consultants asked not to undertake it as TWBC may not like the conclusions? It is entirely unclear from the evidence but it explains that the assessments will *“assist the Council when they undertake the Sequential Test”*.

12.11. The SFRA states that (see below) *“The majority of sites are located within Flood Zone 1”*.

³⁷ Tunbridge Wells Level 1 & Level 2 combined SFRA (v4 July 2019) page IV

13 Level 1 assessment of potential development sites with site information

13.1 Introduction

A total of 472 sites within the borough were identified from the Strategic Housing and Employment Land Availability Assessment (SHELAA) Call for Sites process (which ran in two parts) and additional submission of sites after the Call for Sites process (number correct as of 15 April 2019). These sites were screened against a suite of available flood risk information and spatial data to provide a summary of risk to each site (see Table 13-1). Information considered includes the flood risk datasets listed below. Indication is provided on the proportion of a given site affected by levels and types of flood risk.

- Flood Zones (present day)
- Future Flood Zone 3a in the 2080s epoch (Higher central and Upper end estimates)
- Risk of Flooding from Surface Water
- Risk of Flooding from Reservoirs
- Areas Susceptible to Groundwater Flooding

The information provided is intended to enable a more informed consideration of the sites following the sequential approach. This should be used to determine whether more detailed assessment of sites is required as part of a Level 2 SFRA to further identify those that should be taken forward as potential development allocations.

13.2 Sequential testing

The SFRA has not performed the Sequential Test of potential development sites. However, Table 13-1 summarises the flood risk to the potential development sites which can assist with completion of the Sequential Test. The majority of sites are located within Flood Zone 1 and where part of the site is located within higher flood risk zones, a large number remain predominantly within Flood Zone 1. However, the majority of sites are shown to be at risk from surface water flooding (indicated by the RoFSW extent being present in the site).

Inclusion of SHELAA sites in the SFRA does not mean that development can be permitted without further consideration of the Sequential Test. The required evidence should be prepared as part of a Local Plan Sustainability Appraisal or alternatively, it can be demonstrated through a free-standing document, or as part of strategic housing land or employment land availability assessments. NPPF Planning Practice Guidance for Flood Risk and Coastal Change describes how the Sequential Test should be applied in the preparation of a Local Plan. The assessments undertaken for this SFRA will assist the Council when they undertake the Sequential Test.

Figure 12.3: SFRA Level 1 Assessment of potential development sites with site information

- 12.12. As the SFRA concluded that the majority of sites in the SHELAA and Call for Sites process are located within Flood Zone 1, how is that the most strategic growth was directed towards Paddock Wood which has the highest level of flood risk in the borough? As PPG sets out in its guidance for the application of the Sequential Test for Local Plan preparation (and as stated in the NPPF) if development can be steered towards areas in Flood Zone 1 then the sequential test is passed and it does not need to be examined further and an exceptions test is not required.
- 12.13. Nowhere in TWBC's evidence can we find a statement confirming that a Sequential Test was undertaken by the Council. The Local Plan itself makes no mention of a Sequential Test being undertaken as required by the NPPF. This is a fundamental flaw in the Local Plan process and evidence base and the Local Plan can clearly not continue until such a study is undertaken and consulted on.
- 12.14. Despite no Sequential Test being undertaken, the SFRA undertakes a Level 2 Assessment of strategic parcels as *"potential development locations have been provided by the council to be assessed in the SFRA"*. Twelve strategic parcels were assessed which presumably means that regardless of what a Sequential Test may have concluded, that the twelve parcels had been pre-determined as potentially preferred sites by TWBC. There is no summary map indicating where the development parcels are located or how they were selected. The evidence simply jumps from the recommendation that a Sequential Test be undertaken by TWBC to an assessment of twelve strategic development parcels.

1 Level 2 Assessment of strategic development parcels

1.1 Introduction

The SFRA forms an integral part of Tunbridge Wells Borough Council's evidence base for the production of a new Local Plan, in terms of identifying locations for development and preparation of flood risk policies in the Local Plan, with one of the objectives of an SFRA being to help inform site allocations so they are in accordance with the NPPF. Potential development locations have been provided by the council to be assessed in the SFRA. The Level 2 SFRA considered a refined set of parcels (grouping of sites from the Call for Sites process, including some received after this process had ended) supplied by the council subsequent to the finalisation of the Level 1 SFRA. The parcels taken forward and description of the refinements are recorded in Table 1-1. Note that parcels numbered 8 (named East of Queen Street Parcel) and 10 (named Playing Pitches) are excluded from the assessment as they are not allocated for built development, but rather intended for either biodiversity, landscaping or recreation land uses.

Figure 12.4: SFRA Level 2 Assessment of strategic development parcels

Diagram 2: Application of the Sequential Test for Local Plan preparation

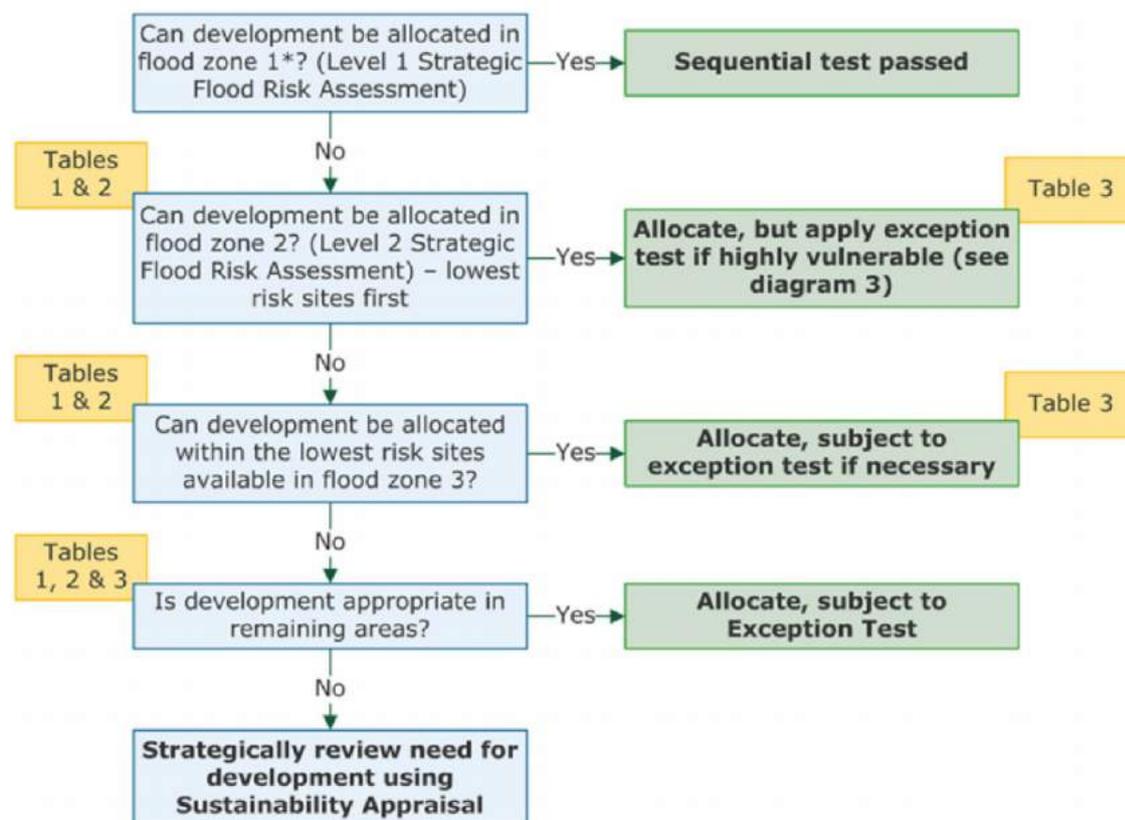


Figure 12.5: [PPG Application of the Sequential Test for Local Plan preparation](#)

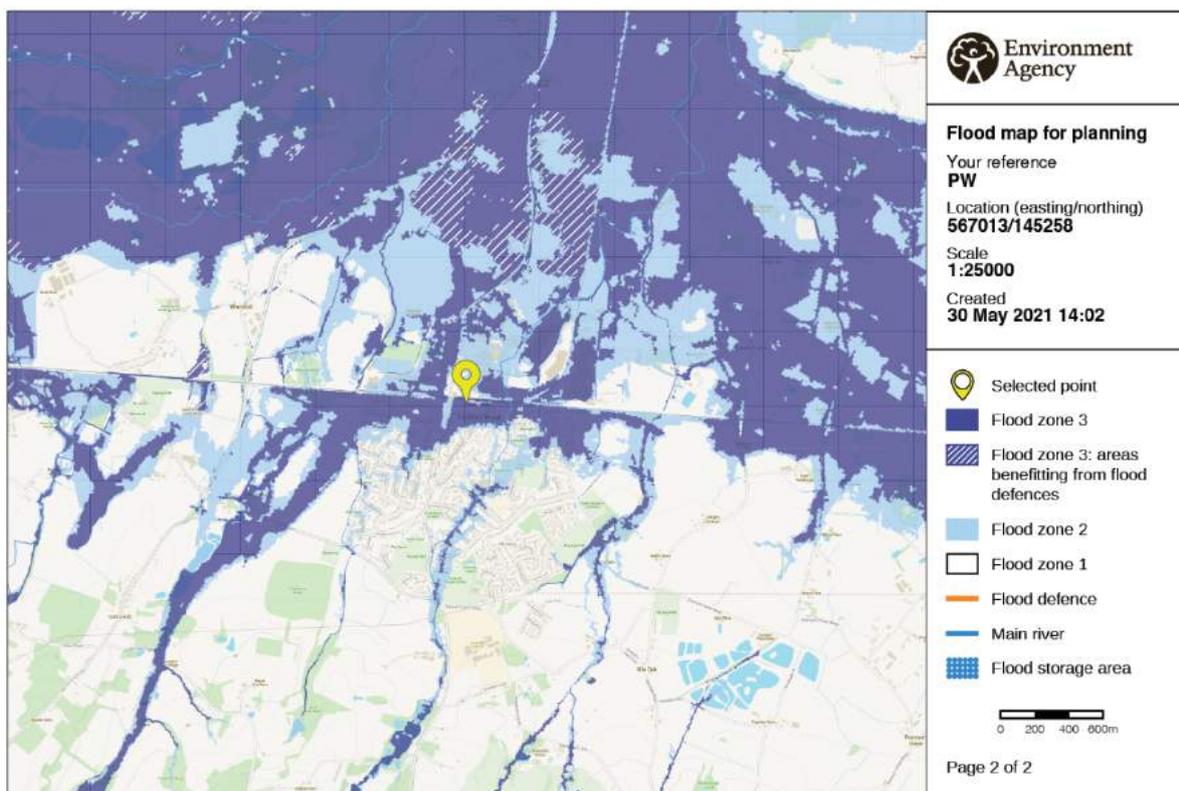
12.15. The Council’s Development Strategy Topic Paper explains that, in relation to Sequential Testing, “the aim is to steer development to Flood Zone 1. Where there are no reasonable available sites in Flood Zone 1, guidance states that LPAs should take into account the flood risk vulnerability of land uses and consider reasonable available sites in Flood Zone 2”³⁸. It goes on to state that the Level 1 SFRA considers how the sequential test should be carried out by TWBC in preparing its Local Plan. However this Sequential Test was never undertaken.

12.16. The Topic Paper states that “It is accepted that it is often the case that it is not possible for all new development to be allocated that is not at risk from flooding”³⁹. However, this is precisely the role of the Sequential Test as stated in the NPPF to direct development to Flood Zone 1 which TWBC has blatantly ignored at arriving at its conclusion that it should locate its strategic growth in the area of the borough with the highest flood risk.

³⁸ Development Strategy Topic Paper paragraph 6.222

³⁹ Development Strategy Topic Paper paragraph 6.224

12.17. It does not take an expert to conclude from looking at the Environment Agency’s ‘Flood map for planning’⁴⁰ that Paddock Wood is located within Flood Zones 2 and 3 and is an inappropriate location for strategic development. The yellow marker on the map has been dropped at Paddock Wood Railway Station which we have clarified as one cannot read the text map showing the name ‘Paddock Wood’ due to the extent of the flood risk covering the town.



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Figure 12.6: EA Flood Map for Planning

12.18. When one compares the EA flood map with that of the inset Policies Map for Paddock Wood (which one must do himself as TWBC has not overlaid the flood risk mapping with the proposed site allocations) it is striking to visualise the correlation of Flood Zone 2 and 3 covering the proposed strategic site allocations at Paddock Wood. With this very simple visualisation it is baffling for one to attempt to comprehend how the Council could have settled on the development strategy it did, selecting Paddock Wood for the location of its strategic growth.

⁴⁰ <https://flood-map-for-planning.service.gov.uk/>

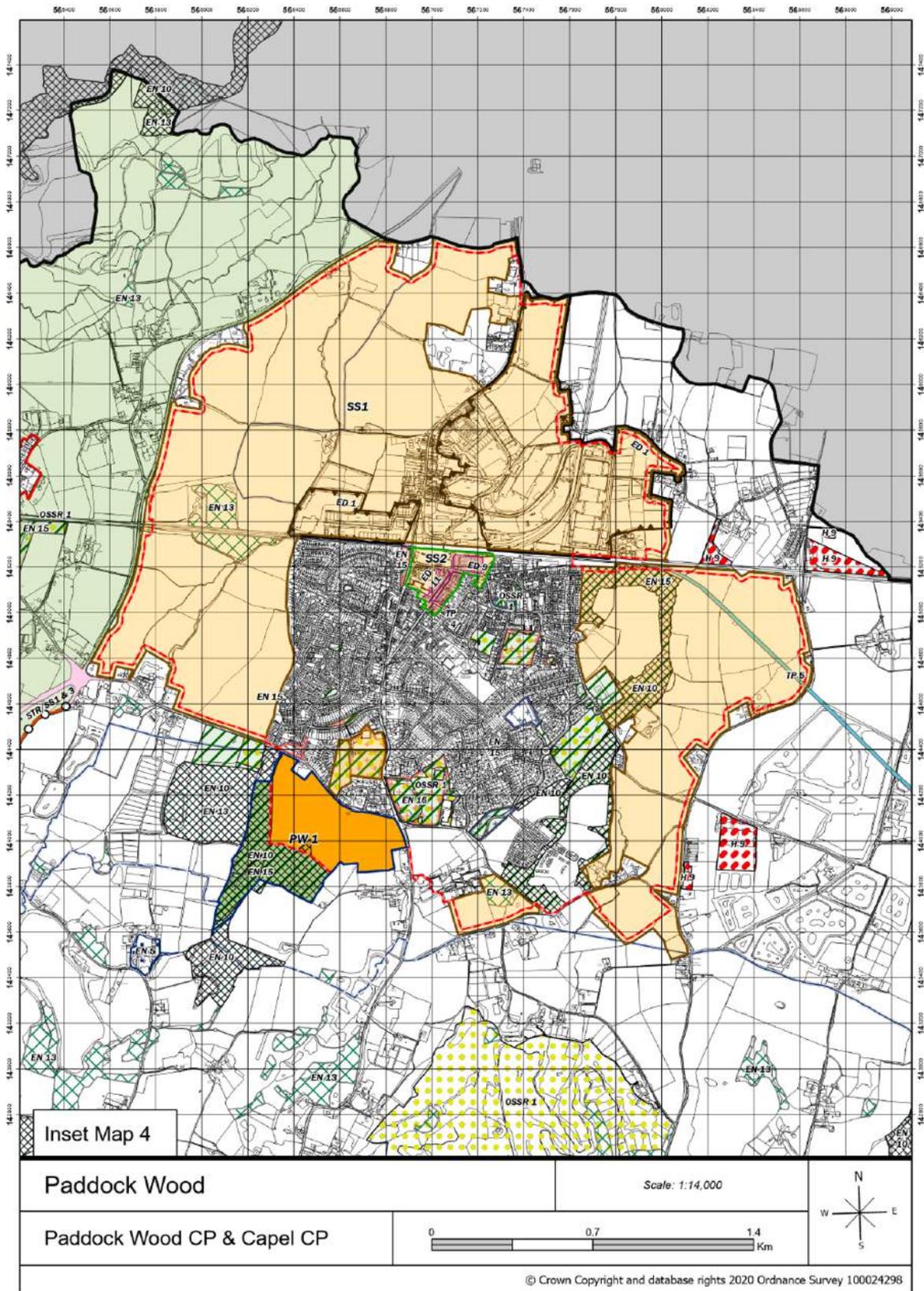


Figure 12.7: Paddock Wood Inset Map

12.19. Turning to the Local Plan policies which concern Flood Risk, it is considered that these are entirely inadequate to meet the NPPF tests of soundness. We make the following critical observations demonstrating how the Local Plan policies are unsound:

- **Policy STR1 (The Development Strategy):** No mention of flood risk or infrastructure required to attempt to address flood risk in the borough.
- **Policy STR5 (Infrastructure and Connectivity):** The policy does not specify any measures or specific flood risk attenuation infrastructure. It simply states that *“Close liaison is required with Kent County Council as the lead local flood authority and the Environment Agency to ensure that adequate consideration is given to any development in flood prone areas and that appropriate mitigation and compensatory measures are put in place where necessary in accordance with Policies EN25 (Flood Risk) and EN26 (Sustainable Drainage)”*. The policy should provide far more certainty about what flood related infrastructure is going to be provided, when, and by whom rather than just liaising with the flood authorities. It talks about ‘adequate consideration’ being given to any development in flood prone areas – what does the Council even mean by this?
- **Policy STR7 (Climate Change):** It is rather shocking to read that the Local Plan’s policy on Climate Change does not mention flooding or how it plans to address its significant flood risks in the borough over the life of the plan. The only mention that comes close is its stated aim of not increasing and reducing surface water runoff: *“not increasing, and wherever possible reducing, surface water runoff through the use of permeable surfaces and Sustainable Drainage Systems”*. This is an inadequate policy to deal with the climate change risks facing the borough particularly in relation to flood risk.
- **Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel):** This policy mentions flooding in two places.
 - At (j) it states that *“a Paddock Wood ‘Wetland Park’ to the north of the western parcel (land edged in blue on Map 27), to deliver flood water attenuation and new wetland habitat, and allowing for informal recreation via a network of footpaths and boardwalks”*.
 - At paragraph 13 it states the need to *“Ensure a drainage strategy is in place in consultation with the LPA, Kent County Council, the Drainage Authority, and Southern Water prior to the grant of planning permission for any substantial development on the site”*. Having a drainage strategy in place is standard practice for any proposed development site so this policy is effectively meaningless.

- **Policy EN3 (Climate Change Mitigation and Adaptation):** This policy takes the plan no further in respect of specifying how flood risk is addressed. It states under *“Climate change adaptation’ that development must incorporate measures that adapt to the impacts of climate change”* and that *“these could include” (2) Reduction in flood risk and provision of infrastructure to protect vulnerable communities and habitats and minimisation of water consumption”*. This policy is ineffective.
- **Policy EN25 (Flood Risk):** Policy EN25 is the Council’s proposed development management policy regarding flood risk. It contains within it text which seems to be taken for the most part directly from the NPPF so one should question whether it has any place in the Local Plan. In any case, the policy states that *“The sequential test and exception tests established by the NPPF will be strictly adhered to across the borough”*. Given that TWBC has not undertaken an Exception Test to support the Local Plan it has failed against its own policy.

12.20. It is important to note MHCLG’s proposed changes to the NPPF in relation to flood risk of which there are numerous. The Local Plan does not refer to these proposed changes and whilst they are still only proposed changes to the NPPF there is a clear direction of travel emerging from MHCLG in relation to flood risk which further strengthens and tightens the policies in the NPPF in relation to flood risk. As we have already set out, the Council’s approach to flood risk is clearly at odds with the NPPF in its existing and likely future form. MHCLG explains its reasoning behind the proposed changes to the NPPF which are as follows⁴¹:

- The changes proposed are in part, an initial response to the emergent findings of our joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government’s [Policy Statement on flood and coastal erosion risk management](#) sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, we will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes. The Policy Statement is informed by a number of key consultations and advice:
 - Environment Agency’s consultation exercise on the updated [National Flood and Coastal Erosion Risk Management Strategy](#)
 - results of the government’s [flood and coastal erosion: call for evidence in 2019](#)
 - an [evidence review of the concept of flood resilience](#)
 - advice from the [National Infrastructure Commission](#) and the Committee on Climate Change

⁴¹ <https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

- The Secretary of State for the Environment has [written to Sir John Armitt, Chair of the National Infrastructure Commission](#), about the government's policies to create a nation that is more resilient to future flood and coastal erosion risk.
- On planning and flood risk, new paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.
- New paragraph 160(c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).
- The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 162). It is considered that this classification is a key tool and should be contained in national policy.
- New paragraph 163 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.
- New paragraph 166(b) has been expanded to define what is meant by "resilient".

12.21. We note that the Council's SFRA identifies a number of Nitrate Vulnerable Zones (NZVs) covering considerable areas of the borough including Paddock Wood and its surrounding area (within and outside the borough). The SFRA states that these areas are *"at risk from agricultural nitrate pollution...nitrate levels in waterbodies are affected by surface water runoff from surrounding agricultural land entering receiving waterbodies"*. Yet, despite identifying these NZVs the SFRA seems to almost dismiss the seriousness of the NZV designation by saying that the level of contamination will potentially influence the SuDS and should be assessed as part of the design process. We consider this matter of NZVs needs much more careful research and analysis. It is well known from other parts of the country such as Hampshire whereby nitrate mitigation has become perhaps the defining topic for planning and development due to the need to protect the water environment and conserve habitats and species. One of the ways to mitigate the likely significant effects of development is through ensuring development is 'nutrient neutral' which is part of the strategy being employed by local authorities and the Partnership for South Hampshire as it needs to be addressed at a cross-boundary level. More details about the approach being taken in Hampshire can

be found on PFSH’s website⁴² along with Natural England’s ‘nutrient calculator’ and updated guidance on achieving nutrient neutral housing development⁴³.

12.22. We note that there is no mention of nitrates in the Local Plan despite this NZVs having been identified and designated in considerable parts of the borough including at Paddock Wood where strategic development is planned.

9.5.2 Nitrate Vulnerable Zones

Nitrate Vulnerable Zones (NVZs) are areas designated as being at risk from agricultural nitrate pollution. Nitrate levels in waterbodies are affected by surface water runoff from surrounding agricultural land entering receiving waterbodies.

The level of nitrate contamination will potentially influence the choice of SuDS and should be assessed as part of the design process.

Within Tunbridge Wells Borough, there are three surface water NVZs. The locations of these NVZs are shown in Figure 9-5.

Figure 9-5: Nitrate Vulnerable Zones

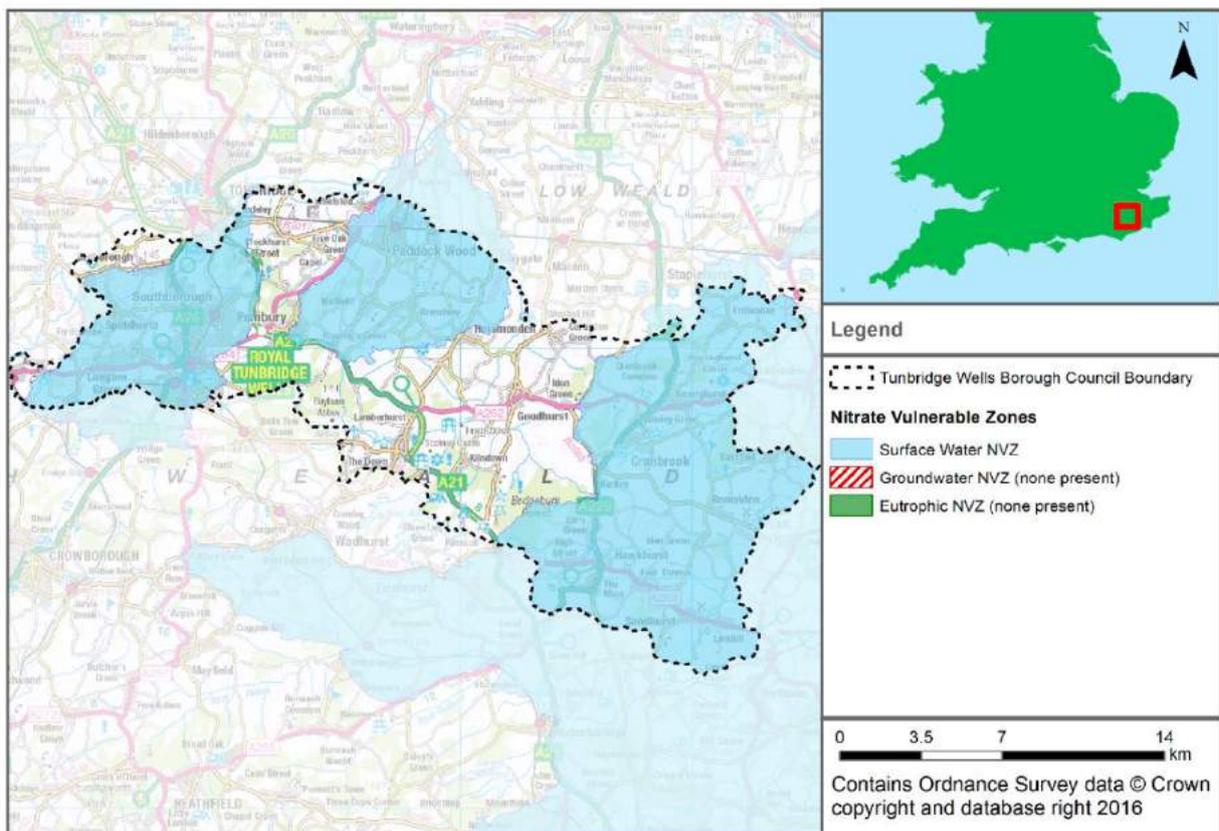


Figure 12.8: SFRA Section on Nitrate Vulnerable Zones

⁴² <https://www.push.gov.uk/work/nitrate-mitigation/>

⁴³ <https://www.push.gov.uk/2020/06/11/natural-england-published-nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development>

13. Infrastructure

General

- 13.1. TWBC has failed to comply with paragraph 20b) of the NPPF, as the Local Plan's Development Strategy (Policy STR1) fails to set out the key infrastructure projects to be delivered over the Plan period. This is a fundamental oversight, which, contrary to paragraph 20 of the NPPF, fails to provide details on how *"strategic policies [...] make sufficient provision for [...] infrastructure"*. It is therefore evident that the Development Strategy is underpinned on an unsustainable development pattern as it solely focuses on the delivery of homes.
- 13.2. In the absence of details regarding infrastructure needs and delivery in Policy STR1, it is expected that Policy STR5 (Infrastructure and Connectivity) of the Local Plan sets out the strategy for development, including how the Plan makes *"sufficient provision"* for infrastructure, as per paragraph 20 of the NPPF. However, this is not the case. Policy STR5 merely confirms that infrastructure will be delivered during the Plan period yet fails to address what the specific needs are and how they will be met. For example, in terms of healthcare, Policy STR5 states that *"ensure that essential healthcare infrastructure is provided as part of new development in the form of new or expanded healthcare facilities"*. The above statement is grossly inadequate as it indicates a clear level of ambiguity from TWBC which could result in an undersupply of healthcare facilities. As such, this is a clear dereliction of duty from TWBC whereby the Local Plan strategic policies fail to comply with paragraph 22 of the NPPF, which stipulates that *"strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure"*.

INFRASTRUCTURE REQUIREMENTS

Education

- 13.3. PWTC is concerned that the IDP and Local Plan's strategy for Tudeley Village will result in an unsustainable pattern of development, where infrastructure projects deemed 'essential priority' in the IDP will not be phased in alignment with the timeframes set out in the IDP.
- 13.4. Within Kent County Council's Regulation 18 representation, they stated that *"the policy referring to Land to east of Tonbridge/west of site for Tudeley Village (Policy AL/CA 2) relates to land proposed for the establishment of a new six form entry secondary school. The establishment of a new school is wholly required to support the proposed level of growth."* The IDP infrastructure schedule includes an entry for the aforementioned 6 form-entry as *"essential priority, timing dependent on a number of factors (2024-2028), indicative cost £31,931,850, funding position KCC/developer"*

funding". Local Plan Policy STR/SS3 (The Strategy for Tudeley Village, 2a) states that "approximately 2,800 dwellings (2,100 by 2038)" will be delivered. As part of the proposal for this site, the developer has produced a Delivery Strategy⁴⁴ which states that the six form-entry secondary school will be delivered in the fourth phase (of six) of the scheme. Whilst no indicative dates are provided within this document, it does state that "580 new homes will be delivered during this phase, increasing the total number of dwellings at Tudeley to 1900". Based on the wording of Policy STR/SS3, it is therefore reasonable that Phase 4 of Tudeley Village will be delivered in the latter years of the Local Plan period, as Phase 4 housing delivery falls just 200 homes short of the 2100 home Local Plan target delivery by 2038. This is extremely concerning as, based on the developer's own delivery strategy, the secondary school will likely not be delivered until the mid-2030s. This is an approximate 7-year delay based on the timeframes set out in the IDP. This oversight illustrates TWBC's haphazard approach to infrastructure delivery, which, if delivered upon, would result in a considerable borough-wide undersupply in secondary school places. As such, this example demonstrates TWBC's non-compliance with paragraph 22 of the NPPF, as the long-term education requirements for the borough (based on the level of growth proposed at Paddock Wood, East Capel and Tudeley Village) will not be sufficiently met.

- 13.5. Further to the above, the funding position of the new Tudeley Village secondary school (six form-entry) is uncertain, as Kent County Council's earlier Regulation 18 representation stated that "the school will need to be wholly funded by development and therefore the financial contributions from contributing developments would need to be increased to cover the additional costs derived from both the site's abnormals and the likely need to deviate from the Department of Education's baseline design." Despite this, the IDP stipulates that the project will be funded by "KCC/developer contributions". Therefore, it is unclear as to whether the abnormal site constraints have been overcome and whether Kent County Council has since agreed to part-fund the site. If this is not the case, the proposal is unviable as there is no clarity as to whether the site will be wholly funded by the developer.
- 13.6. The current round of development at Paddock Wood planned to pay for a primary school (2 Form entry) on the Persimmon site. This was supposed to open this year. KCC is yet to take ownership of the land to enable the Tenax Academy Trust to begin and have not submitted a planning application yet.

⁴⁴ <https://en.calameo.com/read/005138646e3c91ce5482a?authid=ofMfwz3z9AB7>

Wastewater

- 13.7. Wastewater requirements have not been adequately detailed within the TWBC Local Plan. It is acknowledged that issues relating to wastewater infrastructure requirements were raised by Greg Clarke MP in a House of Commons debate in October 2019. Greg Clarke MP⁴⁵ stated that *“Plans to upgrade the sewerage network in Paddock Wood, despite repeated discussions with Paddock Wood Town Council, have come to nothing. Residents of Paddock Wood now see development happening that they were assured would take place only when the sewerage system had been upgraded to deal with the current overuse and problems and to remove the worsening of that situation, let alone cope with the planned development”*. Furthermore, the SFRA (Levels 1 and 2 combined, July 2019⁴⁶) also states that *“Paddock Wood has been identified as an area which has experienced a number of surface water flood events associated with small watercourses, sewerage and private drainage systems. The Paddock Wood Stage 1 Surface Water Management Plan (SWMP), undertaken in 2011 identified that reported instances of flooding have occurred due to surface water and minor watercourses, often occurring relatively rapidly from the onset of heavy rainfall.”*
- 13.8. With the above in mind, it is entirely inappropriate for the IDP infrastructure schedule to state that in Paddock Wood *“additional wastewater treatment capacity required over the Plan Period [is] to be determined”* and *“safeguarding of land around the existing wastewater treatment works at Paddock Wood for future expansion works”* are both to be delivered over a *“short, medium and long”* timeframe. No details on wastewater infrastructure are provided in Policy STR/SS1 (the Strategy for Paddock Wood, including land at east Capel). Given the above, it is evident that TWBC have failed to address concerns relating to previous deficits and issues with the existing sewerage system, and this is likely to accentuate the potential flood risk within Paddock Wood. As such, it is clear that the growth proposed in Policy STR/SS1 (the Strategy for Paddock Wood, including land at east Capel) is entirely unsustainable, as supporting infrastructure is unable to meet the needs of the present and future local community. Therefore, Policy STR/SS1 (the Strategy for Paddock Wood, including land at east Capel) does not comply with paragraph 22 of the NPPF, which clarifies that infrastructure requirements and opportunities over a minimum 15-year period should be addressed in strategic policies.
- 13.9. Given that the IDP states that *“additional wastewater treatment capacity required over the Plan Period [is] to be determined”* it also unclear as to how the Local Plan’s Viability Study (Stage 2, Appendix 2a⁴⁷) has established an approximate construction cost of £450,000 (Paddock Wood Shared Costs, Appraisal 1) for sewerage work upgrades and foul water new connections and diversions. Due to the omission of

⁴⁵ <https://hansard.parliament.uk/commons/2019-10-28/debates/19102919000001/SouthernWater>

⁴⁶ https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/387693/SFRA_Level1Level2combined_July2019.pdf

⁴⁷ https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/385641/Viability-Assessment-Stage-2-Appendix-IIa-Appraisal-of-Strategic-Sites.pdf

specific wastewater infrastructure requirements within the IDP, it is not possible to cross-reference the viability testing outputs with infrastructure that is proposed within either the Local Plan or IDP. This could therefore result in several inaccuracies, which, in turn, could have implications for the overall viability of the scheme.

- 13.10. There is no land available for expanding the existing wastewater treatment works and PWTC has confirmation from Southern Water even before the current proposals that that treatment works were already at capacity.
- 13.11. PWTC has, for at least six years, been requesting that Southern Water deal with surcharged sewer network in town based on the current growth. PWTC has argued that their proposals for dealing with additional waste from the three current developments are not adequate and will result in even more sewer flooding. There has been no engagement by Southern Water to assess infrastructure needs for the development proposed in this Local Plan. Southern Water refuse to work up plans unless there is 'planning certainty' – and it has turned out that even then they do not plan anything under the site are under construction and do not enable the developers to design in areas needed for pipework and kit such as pumping stations.

Health

- 13.12. The IDP states that one new GP practice will be required to support the level of growth proposed in Paddock Wood and East Capel. The Strategic Sites Masterplanning and Infrastructure Study highlights that, under scenario 1 (both sites come forward), there are three potential sites for the new GP practice, as shown below (potential GP sites circled in orange). It is noted that all potential site options lie in the western area of Paddock Wood and two of three site options are situated within the East Capel Site Allocation. This does not constitute sustainable development, as, if developed, those residing in the Paddock Wood Eastern Extension would have inadequate access to healthcare, as they would have to travel approximately over 1km with no direct active travel means such as walking and cycling infrastructure. As such, TWBC have failed to comply with paragraph 8b) of the NPPF as *"communities' health, social and cultural well-being"* would not be supported (our emphasis added).
- 13.13. It is important to note that with the current three developments in Paddock Wood, they relied on the Howell Surgery In Brenchley (four miles away) taking the excess demand. Howell Surgery is now closed to new patients from Paddock Wood as rolls are full. Woodlands Surgery in Paddock Wood does not have capacity either. East Peckham Surgery located nearby in Maidstone Borough lost its surgery last year.

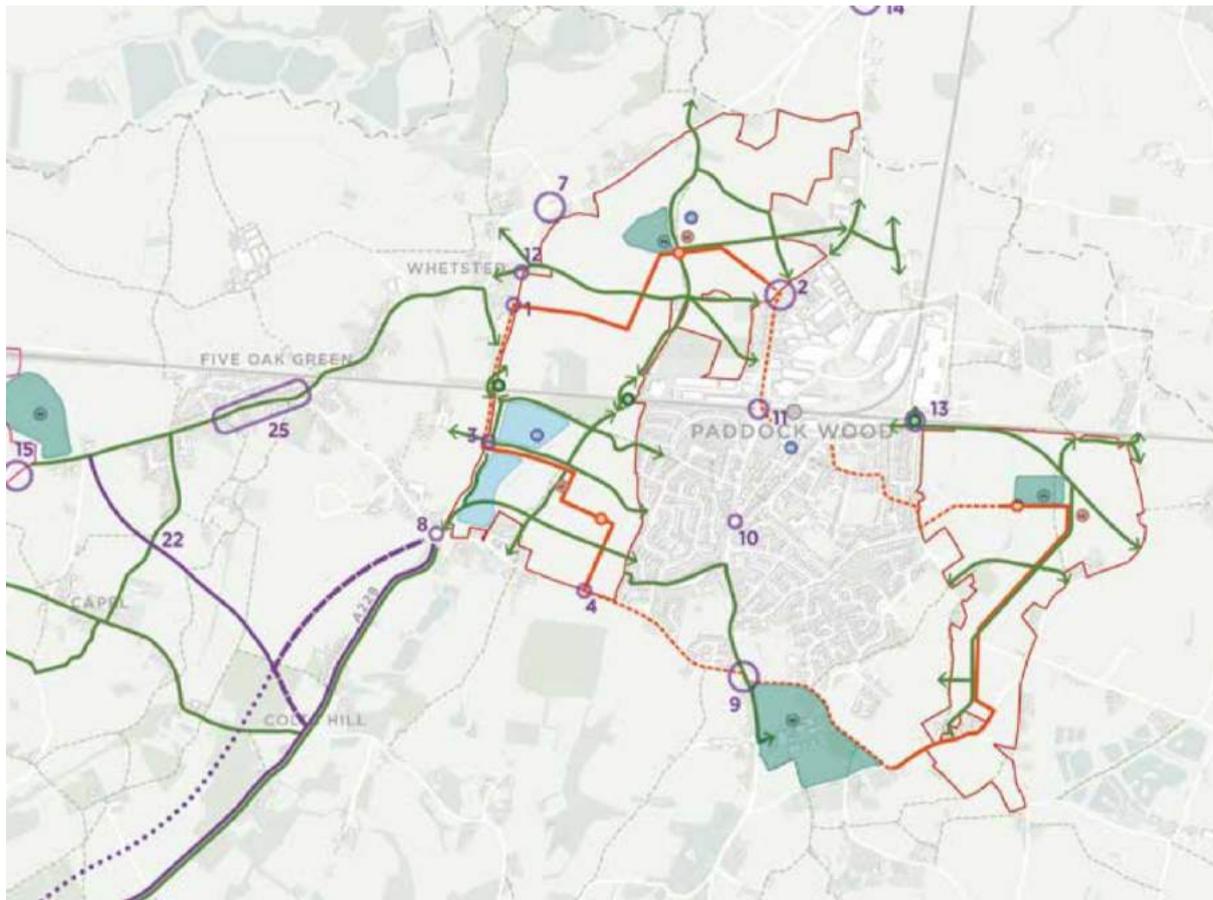


Figure 13.1 : Infrastructure plan for scenario 1 (both sites come forward in Paddock Wood), source: Tunbridge Wells Strategic Sites and Masterplanning and Infrastructure Study

Cemeteries

13.14. PWTC has calculated a potential requirement for an additional 3 acres of land suitable for cemetery space to provide for the additional population in Paddock Wood and has sought a discussion and confirmation of this with TWBC but has never had a reply. This is a particularly important issue given that cemeteries cannot be located on land susceptible flooding. The Local Plan does not address this issue.

Transport – A228/Colts Hill bypass

13.15. The Colts Hill/A228 bypass is classified as ‘critical priority, medium timing, £30 million scheme funded solely by developer funding’ in the IDP. The costs of this scheme align with the Stage 2 Local Plan Viability Study (Appendix IIa)⁴⁸, as appraisal one for Paddock Wood (with shared costs) and Tudeley (with shared costs) amount to £20 million (£11,040,000 and £8,960,000 respectively). It is worth noting that the Paddock Wood assumptions are based on all strategic allocations coming forward within Paddock Wood. This in itself presents a significant level of risk, as if one development

⁴⁸ https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/385641/Viability-Assessment-Stage-2-Appendix-IIa-Appraisal-of-Strategic-Sites.pdf

proposal was to be refused planning permission, funding for the A228 Colts Hill bypass would not be secured. This concern is also reflected in the Stage 2 Viability Study, which states that *“the results of any viability process at this stage can only indicate a likelihood of delivery rather than anything more specific. As discussed above, a small change in one assumption can have a relatively large impact on the outcome / result”*. Given that both policies (and allocations) STR/SS1 (The Strategy for Paddock Wood and East Capel) and STR/SS3 (The Strategy for Tudeley Village) are due to be built-out from 2025/2026 onwards (as based on evidence within the Housing Supply and Topic Paper for Pre-Submission Local Plan)⁴⁹ and the Tudeley Village site has an expected completion date after the Plan period (i.e., post-2038), it is unclear as to how funding for the A228 bypass will be fully secured by the ‘medium’ project timeframe set out in the IDP. The IDP provides no definition for a ‘medium’ timeframe, however, it is assumed that ‘medium’ would be within the middle years of the Local Plan period i.e., from 2026-2032. PWTC therefore question the assumptions stated within the IDP, as the proposed phasing/timeframe is unrealistic as developer contributions are likely to be staggered at certain trigger points throughout the development timeline and will therefore not all be available throughout the ‘medium’ timeframe stated.

13.16. The above issue is exceptionally concerning, as evidence provided the Local Plan’s supporting Transport Assessment confirms that baseline and 2038 scenario testing found that the A228 Maidstone Road/B2017 Badsell Road Paddock Wood roundabout would remain at >95% capacity. This assessment also found that, despite the provision of the new Colts Hill/A228 bypass, further mitigation will be required to reduce congestion on the proposed bypass. With this in mind, the Local Plan has adopted an unsatisfactory approach to highway infrastructure planning, as delivery timescales (as stipulated in the IDP) are unrealistic and unlikely to be met. This would result in unsustainable travel routes and non-compliance with paragraph 102a) of the NPPF on the grounds that the potential impacts of development on the transport network have not been addressed (our emphasis added).

13.17. The signalised junction at Badsell /Maidstone Rd was to be funded by the current three developments in Paddock Wood. This is not on the KCC list of works for this financial/council year and Berkley Homes (a corner of whose site was required for the works) are at odds with KCC whose inaction is delaying the finalisation of design and construction of that section of their site.

⁴⁹ https://tunbridgewells.gov.uk/data/assets/pdf_file/0005/388094/Housing-Supply-and-Trajectory-Topic-Paper_minus-annex.pdf

Transport –congestion in Paddock Wood

13.18. Concerns regarding congestion within Paddock Town Centre have not be adequately addressed within the Local Plan. It is acknowledged that the IDP details three improvements to the B2160 (Maidstone Road). These include:

- *Improved B2017 Badsell Road/B2160 Maidstone Road signalised junction*
- *Improved A228 Maidstone Road/Whetsted Road priority junction*
- *Improved A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road roundabout*
- *Improved B2160 Maidstone Road/Commercial Road priority junction*
- *Widening at junction of B2160 and Lucks Lane*

13.19. It is clear that the above infrastructure projects will not alleviate congestion on the B2160, as the above measures focus on allowing those using private vehicles residing in the proposed urban extensions to access the centre of Paddock Wood. Maidstone Road is a narrow B-road which narrows into a single carriageway in places. Access in and out of the town centre to the north at the A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road junction is particularly concerning, as the Local Plan’s Transport Assessment indicates that this junction will be overcapacity a4 104% (volume over capacity) under the Local Plan scenario, equating to an increase of 12% volume compared to the 2018 baseline. It should also be noted that both the ‘highways mitigation’ and ‘sustainable mitigation’ scenarios (whereby additional transport improvements are modelled) also lead to congested roads, equating to 102% and 101% volume over capacity figures respectively. This confirms that planned highways infrastructure is not capable of supporting the level of growth earmarked for the proposed strategic allocations within Paddock Wood and Capel Parish. This oversight does not accord with paragraph 108c) of the NPPF, as significant impacts from the development on the transport network (in terms of capacity and congestion) cannot be cost effectively mitigated to an acceptable degree (our emphasis added).

Flood risk

13.20. Keeping in mind our earlier comments regarding flood risk on the strategic site allocations, preventative flood mitigation is critical. A key shortcoming of the Local Plan and its supporting documents is that the flood risk mitigation measures detailed within the IDP for Paddock Wood total “£9 million approximate cost (excluding groundworks”. Referring to the Viability Study Stage 2 (Appraisal IIa), flood risk costs including enhanced/new channels in SFRA, flood defences, raised platform and SUDS total £8,661,975, resulting in a funding gap of £338,025. At current, it is unclear as to whether the funding gap will be met through additional funds from elsewhere, and as such the Local Plan does not accord with paragraph 156 of the NPPF as it cannot be considered that strategic policies had “managed flood risk from all sources”.

14. Growth Proposed at Paddock Wood (including Masterplan Issues)

Overall

- 14.1. David Lock Associates produced work on the town centre masterplan and it was sent to PWTC Councillors and the Neighbourhood Plan Group however it was sent on a confidential basis and PWTC and the Neighbourhood Plan Group has not been able to share it more widely. We question Why is this not available in the PSDLP particularly given that the masterplan meeting was on the 25th of February 2021.
- 14.2. We understand that the masterplanning work relies heavily on the burden of paying for infrastructure such as flood mitigation, education, Colts Hill bypass, sports facilities being shared equally over all the development sites by all the developers. It is also assumed that the viability impact of some sites being capable of a high density of development and others having to be low density due to land being required for SuDS,, swales and other built mitigation features will again be equally shared. We question what the mechanism is for achieving this coordination and delivery without external oversight. The phasing and viability of this approach has not practically been testing in the viability evidence which is quite a blunt instrument for testing development viability and does not capture the complexity of the strategic development proposed at Paddock Wood and Tudeley.

Sports Hub

- 14.3. Through work on the Neighbourhood Plan the Paddock Wood NDP Steering Group has set up a sports sub-group to liaise with sports clubs and associations in Paddock Wood. The group has worked diligently on preparing a strategy for future sports provision in the town and which proposed a new sports hub to the north of the railway line at Eastlands. Such proposals have been made clear to TWBC and their consultants through production of the Strategic Sites Masterplanning document. However, and despite this, that report identifies land for a sports hub to the south west of the Paddock Wood growth area. This is reflected in Policy STR/SS1 of the Local Plan, which has little flexibility in the location of such a use.
- 14.4. There is no real rationale for the approach taken, with the reasons provided also being good reasons not to locate a sports hub here.
- 14.5. The Strategic Sites masterplanning presents the preferred growth strategy for Paddock Wood in Option 1. Justification for the Sports hub in the south west corner is as follows:
 - It will maximise accessibility within Paddock Wood by active means. However, the Town Council suggests that its location on the very periphery of the growth area

means that it will be far removed from many people, both existing and new residents, including major areas of growth to the north of the railway line.

- The site is in the floodplain and is therefore an appropriate use for that land. However, the Town Council also notes that land it suggests for a sport hub at Eastlands is also in the floodplain (and so there is no difference between either of these locations), but that the masterplanning process instead suggests that housing would be suitable at Eastlands. The Town Council does not agree that housing is an appropriate use within the floodplain.
- Its location on the south western edge along a revision to the Green Belt boundary would create a soft edge and a buffer between Paddock Wood and Capel. The Town Council suggests that this appears to be the primary reason for the location of the sports hub, rather than wider considerations of accessibility, integration with the built-form and appropriateness of land uses.

14.6. Option 2 of the Strategic Sites masterplanning process presents an alternative option that matches the aspirations the community expressed in consultation on the masterplan, but this was dismissed for the following reasons:

- It would create excessive north south vehicular traffic, placing pressure on the single road bridge in the town. However, the Town Council points out that with the significant scale of growth proposed to the north of the railway line, people will be travelling north south in any event, and a location either north or south of the town will not change that. Indeed, the only approach that would change that would be to limit any development to the north of the railway line. Indeed, and recognising that major growth is proposed both north and south of the railway line, the masterplan proposes delivery of new rail crossings, and that these would enable access to the northern part of the town. The assumption made by TWBC would appear to be that residents will use active travel means to access a sport hub in the south west periphery of the town, but will use vehicular means to use alternative locations.
- Concerns that there will be traffic cutting through residential areas from those outside of Paddock Wood travelling to the sports hub. However, the Town Council points out that the preferred location on the edge of the growth area will result in people travelling across Paddock Wood in any event to access the sports hub. The Town Council also points out that sports clubs and organisation in Paddock Wood have indicated that importance of public transport and the role of the train station in bringing people to sports events and activities from outside the town. The preferred location indicated in the masterplanning report is far removed from this, whereas a location at Eastlands will support access by sustainable modes of travel.
- Flooding would cause the pitches to become inundated with water. However, the Town Council points out that one of the reasons for the south west site being

the preferred location is that it is also in the floodplain and is considered an appropriate use.

- Impact of the hub (a large building) on the landscape setting. However, the Town Council points out that the preferred masterplan indicates housing and or a school building in this location and that such development would have the same if not more significant impact than a sports hub.
- 14.7. Option 3 of the masterplanning work indicates the sports hub being in the same location as option 1. Option 4 proposes instead that existing facilities should be retained and improved, but that this was result in an under-delivery of sports provision. Thus, a new sports hub is required.
- 14.8. The preferred approach runs the risk of creating a ‘lop-sided’ town with all facilities I the south and west, irrespective of the significant growth taking place all around Paddock Wood. The Town Council’s view is that the aspiration should be to create a fully integrated and cohesive community, with good access to all facilities for people of all ages and abilities. Paddock Wood already benefits from a number of sports facilities, including those at Putlands and the Memorial Field. These are clustered to the south of the town. To help create an integrated and inclusive community it is important to balance provision across town. Indeed, the scale of growth to the north of the railway line will generate a need for sports provision in its own right. Locating a new sports hub at Eastlands will meet these requirements and balance sports provision across town in accessible locations. The Town Council suggests that the only reason offered by TWBC for locating the sports hub in the south west is to act as a landscape buffer between Capel and Paddock Wood. The Town Council contends that this does not constitute good placemaking.
- 14.9. The Town Council would also like to point out to the Inspector(s) that they are keen to take on the running and management of such a facility, but that locating this in the south west periphery of the growth area would preclude this as the site falls outside the boundary of the Town Council and is instead located within Capel Parish (whom has confirmed to the Town Council that they do not wish to have the burden of potentially having to manage such a facility).

In summary:

- 14.10. The preference for a sports hub to be located in the south west periphery of Paddock Wood is not supported. It is not justified by evidence. The Town Council, working with sports clubs and organisations, has identified an alternative location at Eastlands which should be recognised in changes to the Local Plan policy and which would align with work undertaken with the community through the emerging Neighbourhood Plan.

Town Centre

- 14.11. Policy STR/SS 2 of the draft Local Plan presents the strategy for Paddock Wood Town Centre.
- 14.12. Supporting text to this policy quite rightly states that with the scale of planned growth proposed around Paddock Wood, there is an opportunity to invest in and enhance the role of the town centre.
- 14.13. Both the policy and supporting text state that a Supplementary Planning Document will be prepared for the town centre.
- 14.14. This is despite efforts by Paddock Wood Town Council to prepare a Neighbourhood Plan, progress of which has been stalled by TWBC, and within which the future of the town centre is a key area of focus.
- 14.15. Paddock Wood commenced work on the production of a Neighbourhood Plan in 2015. A Regulation 14 draft was prepared in 2018, although this was not subject to consultation as publication of the emerging Local Plan introduced proposals for significantly more growth around Paddock Wood than originally envisaged.
- 14.16. Work on the Neighbourhood Plan was paused to enable review and consideration of the Local Plan, and how the Neighbourhood Plan should respond, such that it conforms to the emerging strategic objectives and policies of the Local Plan.
- 14.17. Work on the Neighbourhood Plan has since recommenced but has been delayed once again in the absence of more detailed information from TWBC on their proposal for and evidence to support change in the town centre.
- 14.18. The information prepared by TWBC to date in support of the town centre policies in the Local Plan remains limited and by delaying publication of this further to production of a future SPD the Council is frustrating the Neighbourhood Plan process. Indeed, TWBC will be aware that, once made, a Neighbourhood Plan will form part of the development plan and carry more weight than a SPD. TWBC should thus be supporting the Neighbourhood Plan process.
- 14.19. Policy STR/SS 2 lacks detail and supporting evidence and should link to the NDP to provide that information. The Paddock Wood Economic Opportunities Report (SQW, December 2020) prepared as part of the Strategic Sites Masterplanning Report does not specifically comment on the town centre, beyond referring to other evidence base documents prepared in support of the Local Plan. It does though note that given existing policies in the adopted 2016 Local Plan as well as those preceding that in the 2006 Local Plan, that there has been a *'long standing aspiration for a comprehensive and masterplanned approach to the development of the town centre'* but this has not materialised (see para 4.12 of SQW report). The draft Local Plan does little to address this, delaying this process to a SPD which has yet to be forthcoming.

14.20. The TW Retail, Commercial, Leisure & Town Centre Uses Study Update (Nexus for TWBC, Feb 2021) is primarily focused on Tunbridge Wells town centre. In respect of Paddock Wood, it notes that the vacancy rate has increased significantly between the 2016 Town Centre study and the 2021 update. However, this can be attributed to land in the control of Churchill Homes which has been granted planning permission and where shop front retail use will be replaced as part of that scheme. The study identified a number of issues for Paddock Wood town centre but does not expand upon this to provide recommendations as to actions or interventions that should take place (beyond establishing a quantum of new retail floorspace that it suggests could be accommodated in the town centre or within a neighbourhood centre as part of the growth of the town).

In summary:

14.21. The draft town centre policy is limited in its effectiveness. It does not set out a clear strategy. There is limited information to support proposed changes to the town centre. This is instead deferred to production of a SPD. This has delayed and frustrated work on the NDP, within which the improvements to the town centre are key to the future of the town. The Local Plan should recognise the role of the NDP and the weight this will have.

Access and Movement

14.22. Policy STR 6 (Transport and Parking) of the draft Local Plan notes that, for Paddock Wood, the development and delivery of strategic sites will have integrated active travel within their layout and design. This is welcome and supported.

14.23. The Town Council notes that a Local Cycling and Walking Infrastructure Plan (LCWIP) has been prepared as evidence to the Local Plan (PJA, Phase 2 report, March 2021). This recommends *'reducing through traffic access in Paddock Wood'*, which, it says, *'would help significantly with improving conditions for walking and cycling'*.

14.24. The report includes a number of suggestions to existing routes and junctions in Paddock Wood which are supported by the Town Council. A set of additional measures are also set out. It is noted that these are *'ambitious'* and would produce *'transformational changes'* (see section 4.12 of report).

14.25. These complementary measures include the suggestion that Paddock Wood should become a *'low traffic town'*, involving closure of the Maidstone Road railway bridge to all vehicular traffic except buses. As the report notes, this is the only vehicular bridge across the railway line in Paddock Wood.

14.26. Although the masterplan for the growth area proposes new bridges across the railway, these are primarily for walking and cycling, and are not in the town centre.

14.27. Whilst the Town Council welcomes ideas and solutions to improve walking and cycling conditions, this needs to be balanced with the needs of all and restricting vehicular traffic from using the Maidstone railway bridge would have wider impacts, including on emergency vehicles, the mobility impaired, services and deliveries. It is also important to recognise that the railway line is a barrier to movement and by restricting access across this could increase severance between communities.

In Summary:

14.28. The Town Council supports measures that improve walking and cycling conditions across Paddock Wood. Policy STR/SS1 and Policy STR/SS2 of the draft Local Plan note the need to improve connections across the railway line. IN particular, Policy STR/SS 2 (5) notes the need for 'additional and improved linkages across the railway line for vehicles, pedestrians and cyclists'. This is supported. The policies do not include reference to the closure of the Maidstone Road railway bridge to vehicular traffic as suggested in the LCWIP. The exclusion of this from policy is supported. Inclusion of such a policy clause would be objected as being unjustified.

15. Garden Settlement Principles

- 15.1. We consider that the Local Plan’s multiple references to. ‘Garden Settlement Principles’ is unjustified.
- 15.2. The NPPF states that local authorities should *“set clear expectations for the quality of the development and how this can be maintained (such as following Garden City principles) and ensure that a variety of homes to meet the needs of the different groups in the community will be provided”*⁵⁰.
- 15.3. The Local Plan states that *“at the heart of the creation of a sustainable community is the delivery of the new settlement based on garden settlement principles”*⁵¹. It then lists ten “qualities”. Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel) states that *“The development strategy for Paddock Wood and east Capel is to: (6) Ensure the development embeds the garden settlement principles. Planning applications need to demonstrate consideration of the associated key qualities as outlined in the supporting text”*. We note that the proposed ‘Garden Settlement Principles’ are identical to the “Garden community qualities” set out in the Government’s Garden Communities Prospectus (2018)⁵². Whilst we share TWBC’s ambitions for the quality development that would result from planning and delivering development in line with these principles we seriously question how these principles have been considered in the Council’s evidence base and how deliverable they are.
- 15.4. For instance, the Council’s viability evidence talks about the garden settlement principles where it states regarding development at Paddock Wood and Tudeley: *“In the context of the aspiration to deliver these strategic sites on garden settlement principles, however, it is recognised that the site works and infrastructure costs will be significant. Accordingly, there will need to be an approach to finding the right balance to both ensure the provision of the necessary infrastructure to support growth, and secure affordable housing delivery in accordance with policy to the fullest extent possible”*⁵³. To translate this paragraph from the viability evidence, it is effectively saying that ‘Garden Settlement Principles’ are aspirational and that the proposals at Paddock Wood and Tudeley will struggle to deliver the infrastructure requirements and affordable housing requirements before one can even consider the aspirations of the ‘Garden Settlement Principles’.
- 15.5. Although the viability evidence supporting the Local Plan claims to include assumptions about the additional costs associated with applying ‘Garden Settlement Principles’ we cannot identify where these additional costs are set out in the evidence.

⁵⁰ NPPF paragraph 72 (c)

⁵¹ Pre-Submission Local Plan paragraph 5.186

⁵² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805688/Garden_Communities_Prospectus.pdf

⁵³ TWBC LP State 2 Viability Assessment Report paragraph 2.2.6

15.6. The Inspectors of the Uttlesford Local Plan – which proposed multiple new garden settlements and stated that the new settlements would need to be developed in line with ‘garden city principles’ found that there were no mechanisms in place to ensure that the garden city principles could and would actually be delivered by the developers. They stated in their letter: *“Without assurances that the necessary mechanisms outside the plan would be put in place, we cannot be content in principle that the new proposed settlements would be true Garden Communities, or that the plan’s stated vision for these new settlements would be met. This is a serious concern.”*⁵⁴. We have the same concerns for the Tunbridge Wells Local Plan in respect of the purported application of ‘Garden Settlement Principles’ with no concrete mechanisms for actually delivering development in this way and no evidence to justify it.

⁵⁴ Uttlesford Local Plan Inspectors’ Letter (10th January 2020)

<https://uttlesford.moderngov.co.uk/documents/s17756/Appendix%201%20-%20Inspectors%20Letter.pdf>

16. Green Belt

Land at Capel and Paddock Wood

- 16.1. The NPPF affords great weight to Green Belts. Chapter 13 of the NPPF sets out policies which relate to the protection of the Green Belt. Paragraph 133 of the NPPF states that *“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.”*
- 16.2. It is acknowledged that the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) concludes that the harm of removing strategic allocation AL/PW1 would be ‘high’ as *“AL/PW1 makes a Strong contribution to the prevention of encroachment on the countryside and a Relatively Weak contribution to preventing neighbouring towns merging into one another; and the impact of its release on the adjacent Green Belt will be Moderate. Harm resulting from the release of AL/PW1 will be High”*. The above highlights that the proposed strategic allocation does not comply with the NPPF, as it is evident that its removal for the Green Belt would result in significant encroachment on the countryside.
- 16.3. Furthermore, it is evident that the justification of removing the Green Belt to fulfil identified local housing need does not constitute ‘exceptional circumstances’ (as per paragraph 136 of the NPPF). Indeed, in 2015, Brandon Lewis MP (former Minister for State for Housing and Planning) stated that *“the National Planning Policy Framework makes clear that most development in the Green Belt is inappropriate and should be approved only in very special circumstances. Consistent with this, this Statement confirms the Government’s policy that [...] unmet need are unlikely to clearly outweigh harm to the Green belt and any other harm as to establish very special circumstances”*. For reasons set out in our ‘Sustainability Appraisal’ section, it is evident that TWBC (the strategic policy-making authority) have not demonstrated that it has examined fully all other reasonable options for meeting its identified need for development. As such, the proposed removal of the Green Belt is entirely unwarranted as it is based on unsound evidence and does not align with paragraph 136 and 137 of the NPPF.
- 16.4. We are unconvinced from TWBC’s evidence that it has demonstrated that it has examined fully all other reasonable options for meeting its identified need for development⁵⁵ before concluding it has exceptional circumstances. The NPPF requires that strategic policies are informed through this examination of other reasonable options and the Council’s strategy much do the following:
- a) **Makes as much use as possible of suitable brownfield sites and underutilised land.** TWBC’s brownfield land potential has not been fully explored or evidenced. The brownfield land it includes for development in the Local Plan is mainly in Tunbridge Wells and this settlement along with the

⁵⁵ NPPF Paragraph 137

rest of the borough needs much further investigation for development opportunities including the opportunity for releasing more of its employment land for housing.

- b) Optimises the density of development in line with policies in chapter 11 of the NPPF including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.** This work has not been undertaken by TWBC with any rigor. For instance there are only 30 dwellings identified within Paddock Wood Town Centre despite it being well served by public transport. There are likely many other opportunities to increase development and densities in centres across the borough.
- c) Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.** As we set out in the Duty to Cooperate section of these representations the Council has failed to discharge the duty which is evidenced by a lack of SOCGs with most of its neighbouring authorities.

16.5. Furthermore, the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) adds that *“the masterplan indicates that built development would be located to the north-west of the allocation site in close proximity to Whetsted Road (A228) which would bring the new inset edge close to washed over development in Whetsted”*. This evidence highlights that the removal of this Green Belt parcel would result in the non-compliance of Purpose 2 (paragraph 134, clause b) of the NPPF on the grounds that the westward movement of the inset edge of Paddock Wood would lead to the coalescence of Paddock Wood with Whetsted.

Tudeley Village

- 16.6. The Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) concludes that the harm of removing strategic allocation AL/CAL1 from the Green Belt would be 'high' as *"AL/CA1 makes a strong contribution to the prevention of encroachment on the countryside and a relatively weak contribution to preventing neighbouring towns merging into one another; and the impact of its release on the adjacent Green Belt will be Moderate. Harm resulting from the release of AL/CA1 will be High."* Whilst PWTC agree that the risk of removing the land from the Green Belt would be high, it is also abundantly clear that the strategic allocation would also result in 'high' harm to Purpose two (paragraph 134b of the NPPF) as the development would result in the merging of neighbouring of Tudeley Village and Five Oak Green. In relation to Purpose 2 of the NPPF (preventing neighbouring towns merging), the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) establishes that *"it has a strong distinction from existing inset settlements, meaning that development will be more intrusive on the settlement gap than would be the case if the allocation area related more strongly to an existing inset settlement, but the size of the gap means that it makes a Relatively Weak contribution to preventing neighbouring towns merging"*. The Study adds that *"this will, without mitigation, weaken the strength of separation between the inset edge of Tudeley Village and existing inset development at Five Oak Green, although will still provide a level of distinction between the two settlements"*.
- 16.7. PWTC strongly dispute the above statement, as the eastern boundary of the proposed Tudeley Village consists of a tree line which includes a significant gap for east-west access. As highlighted below, this treeline is not uniform and varies in width. The aforementioned gap is highlighted in red. This Google Streetview imagery was taken looking north-west and north-east off Five Oak Green Road from the field gate that is approximately 150m west of Capel Primary School. As shown, it is evident that there will be limited distinction between the two settlements due to the significant reduction in gap between settlements, the topographic gradient sloping down eastwards and the presence of weak field boundaries. As such, there is very little visual separation between the two settlements. It should also be acknowledged that the lack of visual separation will be significantly worse in winter months when tree cover is limited. In conclusion, it is clear that the above statement made within the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) is inaccurate as it does not reflect the true level of Green Belt harm resulting from the proposed development.

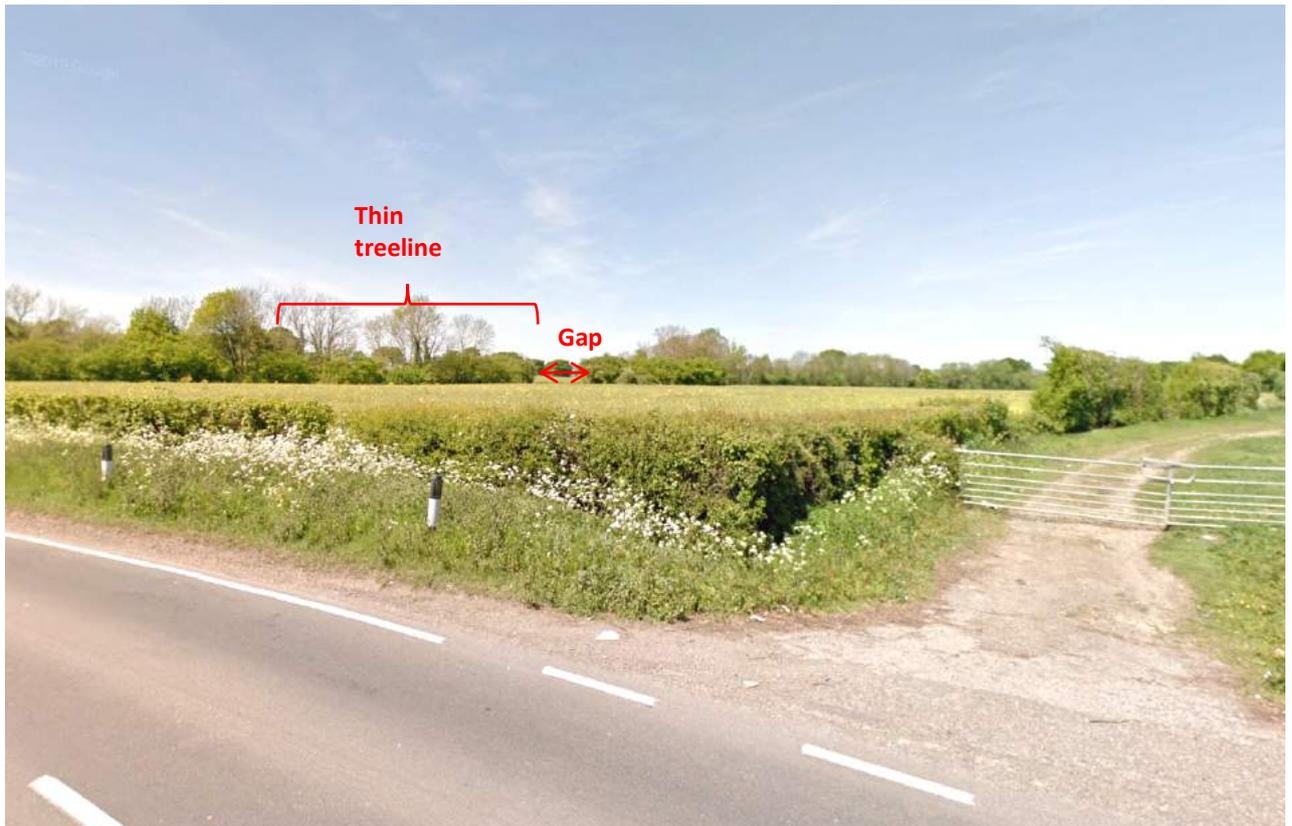


Figure 16.1: View north-west towards the proposed Tudeley village site. Image taken from field gate between the proposed development and Five Oak Green. Elements of the eastern treelined boundary of Tudeley Village are labelled in red (source: Google Streetview)



Figure 16.2: View north-east towards Five Oak Green. Image taken from field gate between the proposed development and Five Oak Green (source: Google Streetview)

17. Heritage

- 17.1. The Council’s evidence base in relation to Heritage is unsound and severely lacking particularly in relation to the fact that TWBC has not prepared Heritage Impact Assessments on the proposed allocations and their alternatives to comply with the NPPF and Historic England’s Advice Notes.
- 17.2. The Council prepared a ‘Historic Environment Review’ in 2018. This review states at paragraph 1.1.2 that Part 1 *“draws together the existing information and guidance regarding the Borough’s historic environment, identifies heritage themes and assesses the significance of heritage assets”*. It explains that Part 2 *“is policy focused and makes recommendations for draft policies to be included in the emerging Local Plan...and sets a framework for the positive conservation and enjoyment of the Borough’s heritage assets”*. However, there appears to only be a Part 1 of this study available on TWBC’s website so it is only possible to comment on the Part 1 study.
- 17.3. The Part 1 study explains that there are 2,251 nationally listed buildings in the borough which it says can be viewed online. This is disappointing as one would have expected this study to at least set out the listed building across the borough. There is not even a detailed list or map in the study to illustrate where the listed buildings are located or a breakdown of their listing (I, II*, II). So, the baseline to understand where the heritage assets are located in the borough and their value does not appear to exist in the Council’s evidence base. Paddock Wood has approximately thirty listed buildings⁵⁶ and there are a considerable number of listed buildings in the area surrounding Paddock Wood including around Tudeley (see Historic England listed building maps⁵⁷ below).

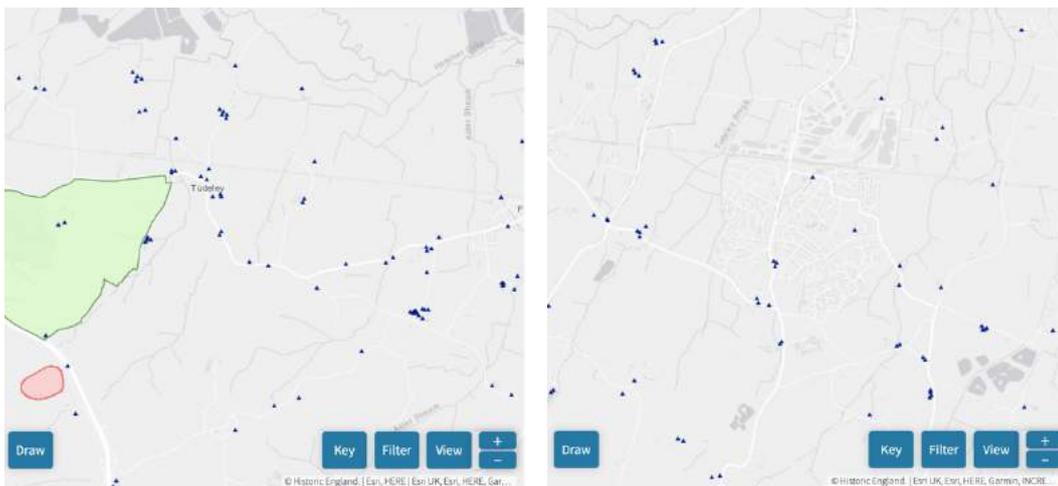


Figure 17.1: Listed buildings in Paddock Wood and Tudeley (source Historic England)

- 17.4. Policy T5 of the Local Plan includes provisions for the safeguarding of the former Paddock Wood to Hawkhurst (Hop Pickers) line which is welcomed. However it does

⁵⁶ <https://paddockwood-tc.gov.uk/history/listed-buildings-in-paddock-wood/>

⁵⁷ <https://historicengland.org.uk/listing/the-list/map-search?clearresults=True>

not mention the important heritage of this line in the Local Plan despite the Council's joint extensive Historic Environmental Assessment of the line which is a nine part study published on the Council's website⁵⁸. We request that this study is added to the Local Plan evidence base and that more is made of this important heritage asset in the Local Plan.

17.5. Historic England has prepared a number of Advice Notes with its guidance on how authorities should approach heritage in the Local Plan and in their selection of potential sites including the potential impacts on heritage that might result from the proposals. There are two of these Advice Notes we would like to bring to the attention of TWBC:

- The Historic Environment and Site Allocations in Local Plans (Historic England Advice Note 3) October 2015⁵⁹. This note
- Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12) October 2019⁶⁰

17.6. There is no evidence available in the Local Plan or its supporting documents that sets out how the Local Plan process has complied with the NPPF (and the Historic England guidance) in respect of heritage (including archaeological, architectural, artistic or historic, or a combination of these) in terms of considering which development options to select and then the need to assess the heritage impact from these proposals. At a minimum the Council should have undertaken the following staged approach as set out in Advice Note 12 (see paragraph 6):

1. Understand the form, materials and history of the affected heritage asset(s), and / or the nature and extent of the archaeological deposits
2. Understand the significance of the assets
3. Understand the impact of the proposal on that significance
4. Avoid, minimise, and mitigate negative impact, in a way that meets the objectives of the NPPF
5. Look for opportunities to better reveal or enhance significance

⁵⁸ <https://tunbridgewells.gov.uk/planning/conservation-and-heritage/local-heritage-assets>

⁵⁹ <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

⁶⁰ <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/>

18. Landscape

18.1. The evidence supporting the Local Plan in respect of landscape is disproportionate in its focus on the areas of the borough which are not the focus of strategic growth. Conversely the Local Plan lacks sufficient evidence for the areas where the majority of growth is planned in the borough – Paddock Wood and Tudeley. The ‘Landscape Sensitivity Assessment’ appears to be the key evidence base used to inform the Local Plan. It was prepared in two separate parts:

- Landscape Sensitivity Assessment of Countryside around Tunbridge Wells (February 2017); and
- Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells (Paddock Wood, Horsmonden, Hawkhurst, Cranbrook) (July 2018)

18.2. It is unclear why the studies were prepared separately and in different years but one could make an assumption that the Council’s original focus of growth was perhaps Royal Tunbridge Wells and Southborough but that it changed its mind and then focused on potential other areas. As far as we can tell Tudeley is not assessed in either of the studies.

18.3. There is unfortunately no overall concluding recommendations by the consultants to understand what was concluded taking both studies into consideration.

18.4. We do note however that the Paddock Wood assessment appears to score similarly to Royal Tunbridge Wells / Southborough and is perhaps even more sensitive to development given the number of green, yellow and shading compared with that of Paddock Wood. Clearly further evidence needs to be prepared comparing the landscape impact of different options in the borough. Tudeley has not even been assessed in the study.

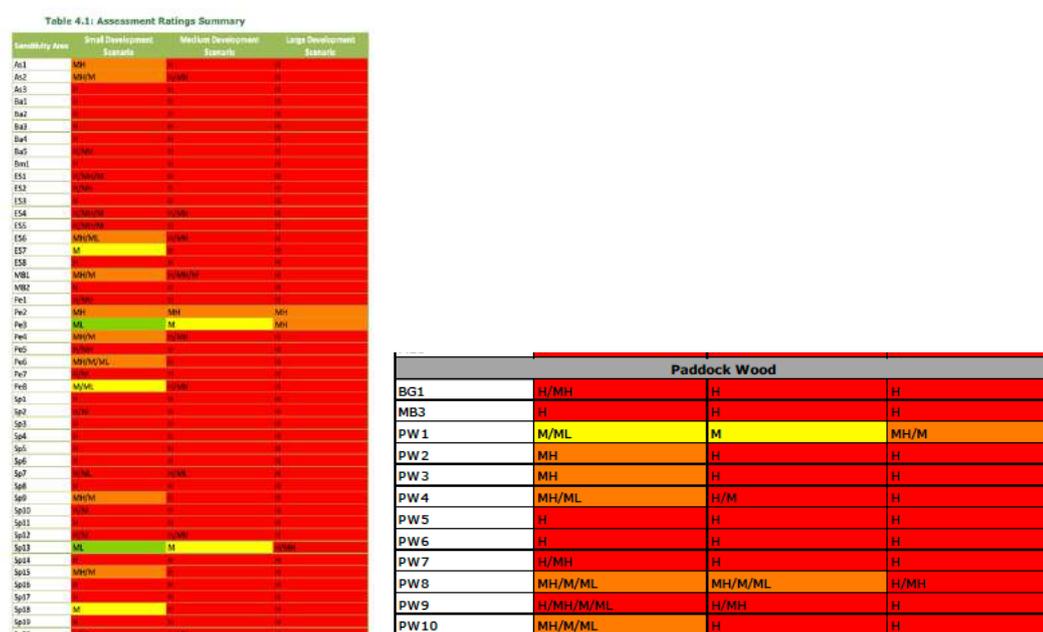


Figure 18.1: Landscape Sensitivity Study Assessment of Royal Tunbridge Wells / Southborough (left) and Paddock Wood (right)

- 18.5. The Council's Landscape and Visual Impact Assessment of Proposed Allocations study (November 2020) unfortunately restricts the assessment to proposed allocations within the High Weald AONB and does not include the locations where the most strategic growth is proposed at Paddock Wood and Tudeley.

19. Viability

- 19.1. Please note we raise a number of points regarding Local Plan viability in the 'Infrastructure' and 'Garden Settlement Principles' sections. Viability of the Local Plan and particularly proposals at Paddock Wood and Tudeley will need to be fully tested at Local Plan Examination and we wish to take part in those hearings. The scale of infrastructure required to support at Paddock Wood and Tudeley will need to be justified in terms of viability and there must be absolute clarity on the phasing and timing of such infrastructure, the amount of funding that will need to be in place when, who will be responsible for the delivery of the infrastructure and contingency plans. The Development Strategy and Infrastructure Delivery Plan lack details and certainty on all the key elements required to ensure sustainable development can be delivered.
- 19.2. Given the above, the Local Plan viability study should take a 'worst case scenario' view on viability – there are countless examples across the country where viability matters for strategic proposals have not been scrutinised closely enough which has resulted in stalled sites and a lack of sufficient infrastructure to support the communities being planned. Given that the Local Plan proposes that the strategic development at Paddock Wood and Tudeley should be delivered using Garden Settlement Principles, and given the exceptional need for flood risk mitigation infrastructure and new infrastructure to support this growth, TWBC and its residents cannot afford for the viability study to be a 'high level' assessment which lacks all the finer grain detailed and analysis that everyone knows is required to fully understand the challenges presented by TWBC's development proposals.

20. Gypsies and Travellers

- 20.1. **We consider the Local Plan’s approach to identifying locations for Gypsy and Traveller accommodation to be unclear and unjustified. This includes Policy H9 (Gypsies and Travellers) and Policy STR/SS1.**
- 20.2. Policy H9 states that the accommodation needs for Gypsies and Travellers will be met on the additional pitches as identified in Table 11. For Paddock Wood this states that there are no existing authorised pitches, no outstanding permissions and three potential additional pitches.
- 20.3. Yet, the Policies Map identifies three potential existing Gypsy and Traveller sites with potential for regularisation and / or intensification. These sites proposed are of a significant scale and would clearly accommodate more than one pitch each.
- 20.4. The Council’s Gypsy and Traveller Accommodation Assessment was published nearly 3.5 years ago and is clearly out of date. Furthermore, the study explains at Paragraph 3.2 that there are several weaknesses with the reliability of the data used to determine the need for accommodation. It also states at Paragraph 3.7 that the data used in the study is from January 2015 to January 2017. The evidence being used is unreliable and dates from nearly 6.5 years ago. We consider this to be an unreliable on which to base local plan policy and allocations.

Site	Parish	Existing authorised pitches	Outstanding permissions (as of December 2020)	Potential additional pitches
STR/SS 1*	Paddock Wood	0	0	3

Figure 20.1: Table 11 of Local Plan

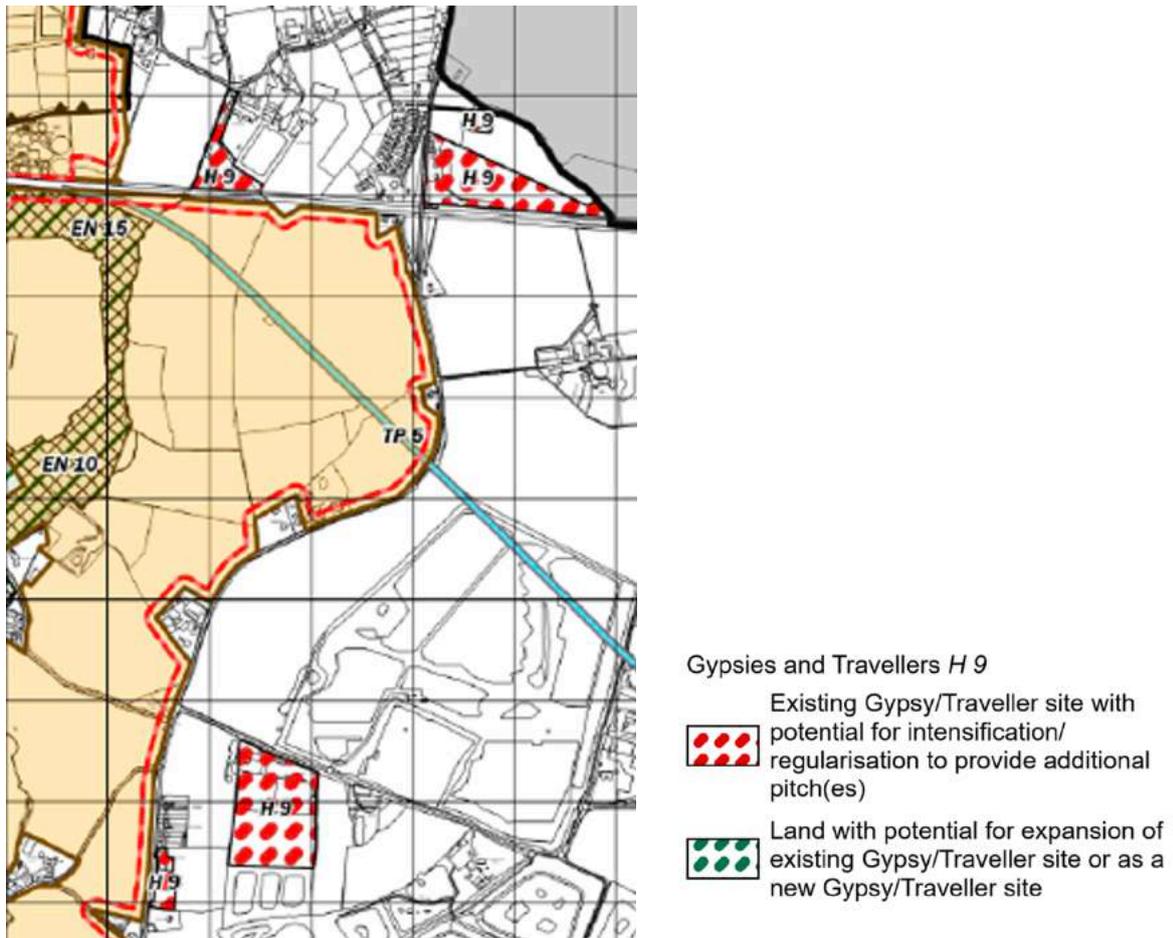


Figure 20.2: Policies Map: Paddock Wood Inset Map showing proposed Gypsy and Traveller sites / pitches)