

## SUMMARY

### **Paddock Wood Town Council Representations to Tunbridge Wells Borough Pre-Submission Local Plan (June 2021)**

Tunbridge Wells Borough Council held a 'period for representations' for its Pre-Submission Local Plan from 26<sup>th</sup> March – 4<sup>th</sup> June 2021. Paddock Wood Town Council responded with a comprehensive set of representations focusing on the legality of the Local Plan, the proposals at Paddock Wood and the proposed new settlement at Tudeley and a range of other topics including flooding, housing delivery, infrastructure landscape and heritage.

The remit of this phase of the Local Plan process is focused solely on the 'tests of soundness' set out in the National Planning Policy Framework (NPPF) and legal compliance of the Local Plan and the process to date.

PWTC's representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

PWTC pointed out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan PWTC enclosed these earlier representations and requested that TWBC take these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

PWTC's representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan and consider that the entirety of the Local Plan is unsound as it is not legally compliant.

PWTC stressed the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

PWTC urged TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. PWTC explained that this approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

A summary of PWTC's representations are provided below. **Given the extent of the Town Council's representations, the summary is unable to capture all the points and we strongly recommend that one refers to the complete set of representations which can be accessed on the Town Council's website.**

- **Plan Period:** The Local Plan period of 2020 – 2038 is insufficient to cope with the extent of the strategic proposals contained within the Local Plan. 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.
- **Duty to Cooperate:** 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*”<sup>1</sup> 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 2012<sup>2</sup>
- **Sustainability Appraisal / Strategic Environment Assessment:** 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.
- **Vision and Objectives:** The Local Plan Vision and Objectives section of the Local Plan is confusing, lacks local distinctiveness and lacks ambition.
- **Development Strategy / Settlement Role and Function:** 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.
  - **Royal Tunbridge Wells** is the ‘main settlement of the borough’ with 42% of the borough’s population yet only 16% of the growth is proposed.
  - **Southborough** scored the highest in the Council’s settlement study and has the borough’s second highest population yet only .4% of the Local Plan growth is proposed there.
  - **Cranbrook** scored second in the settlement study due to its excellent services and retail in the town centre yet just over 400 dwellings are proposed here. Very little development has taken place in Cranbrook in previous years and. it is not affected by flooding.

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<sup>1</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011 (2) (a)

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2012/767/regulation/34/made> (see 34(6))

- **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.
- **Housing Need:** 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. 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.
- **Housing Trajectory and Housing Delivery Assumptions:** 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. 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.
- **Employment:** PWTC considers the Local Plan's policies in relation to proposed employment need and allocation to be unsound. 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 Study<sup>3</sup> 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. There are many other additional fundamental issues that were pointed out.
- **Key Diagram:** 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.
- **Policies Map:** 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

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<sup>3</sup> [https://tunbridgewells.gov.uk/\\_data/assets/pdf\\_file/0008/387539/Economic-Needs-Study-Final-Report-with-appendices.pdf](https://tunbridgewells.gov.uk/_data/assets/pdf_file/0008/387539/Economic-Needs-Study-Final-Report-with-appendices.pdf)

not a ‘Policies Map’ as set out in the Local Plan Regulations<sup>4</sup> 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. 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 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

- **Flood Risk:** 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 infrastructure<sup>5</sup>. 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.
- **Infrastructure:** 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*”. There are numerous detailed points in the representations on topics such as education, health and transport.
- **Growth Proposed at Paddock Wood (including Masterplan Issues):** 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.

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<sup>4</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>5</sup> NPPF paragraph 48

- **Sports Hub:** 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:** 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:** 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.
- **Garden Settlement Principles:** We consider that the Local Plan’s multiple references to. ‘Garden Settlement Principles’ are unjustified. 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”*<sup>6</sup>. 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)<sup>7</sup>. 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.

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<sup>6</sup> Pre-Submission Local Plan paragraph 5.186

<sup>7</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/805688/Garden\\_Communities\\_Prospectus.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805688/Garden_Communities_Prospectus.pdf)

- **Green Belt:** 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). 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. 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 development before concluding it has exceptional circumstances.
- **Heritage:** 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.
- **Landscape:** 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 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.
- **Viability:** 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.
- **Gypsies and Travellers:** 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. 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. The Council’s

Gypsy and Traveller Accommodation Assessment was published nearly 3.5 years ago and is clearly out of date.