
LAND AT NORTH WEST PADDOCK WOOD

PLANNING REPRESENTATIONS

TUNBRIDGE WELLS LOCAL PLAN

Regulation 18 Draft Local Plan

On behalf of
Crest Nicholson

November 2019

**LAND AT NORTH WEST PADDOCK WOOD
PLANNING REPRESENTATION TO TUNBRIDGE WELLS LOCAL PLAN**

REGULATION 18 DRAFT LOCAL PLAN

**ON BEHALF OF
CREST NICHOLSON**

NOVEMBER 2019

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1.0 INTRODUCTION

1.1 These representations have been prepared on behalf of Crest Nicholson (Crest). Crest is promoting land at North West Paddock Wood. It will hereafter be referred to as “The Site” (see Appendix 1).

1.2 The land forms part of a much wider allocation (Policy AL/PW1), which provides for circa 4,000 new dwellings across Paddock Wood.

1.3 These representations primarily focus on the Allocation insofar as it relates to Paddock Wood as a whole, but more specifically land to the north and west of Paddock Wood, and demonstrates that the allocation is ‘sound’ and deliverable having regard to the National Planning Policy Framework (NPPF) and Planning Practice Guidance. In support of these representations a series of technical studies have been produced and whilst not included presently, they have informed the content and nature of Crest’s representations. Our representations have therefore been prepared with the help and support of the following technical consultants:

- Flood Risk/Drainage Ardent Consulting
- Highways RPS (Transport & Engineering)
- Ecology/Biodiversity Aspect Ecology
- Landscape Barton Willmore/Landscape
- Masterplanning Barton Willmore/Design
- EIA Review Barton Willmore/EIA

1.4 Alongside these representations we have set out in a separate submission our response to the consultation on the Sustainability Appraisal which accompanied the Local Plan.

1.5 The representations are set out as follows:

- Section 2.0 – National Policy;
- Section 3.0 – Duty to Co-operate;
- Section 4.0 – TWBC Local Plan/Vision & Objectives;
- Section 5.0 – Strategic Policies;
- Section 6.0 – Place Shaping Policies;
- Section 7.0 – Development Management Policies;
- Section 8.0 – Conclusion.

2.0 NATIONAL POLICY

2.1 This section provides an overview of the NPPF with particular regard to plan-making. Other policies in the NPPF will also be referred to later in these representations.

i) National Planning Policy Framework

2.2 The revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF requires that Local Plans are considered against the “soundness tests” set out in Para 35, namely that they are:

- a) **Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;**
- b) **Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;**
- c) **Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and**
- d) **Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.**

2.3 These representations will consider the Regulation 18 draft Local Plan against the tests of soundness as set out above. The next section details the Duty to Co-operate in this regard.

ii) Planning Policy Guidance

2.4 We have also had regard to the various provisions of the Government’s Planning Practice Guidance (PPG), in particular “Guidance on plan-making”¹ and sections:

- Maintaining Effective Cooperation [Para: 009 Ref ID: 61-009-20190315] onwards;
- Evidence Base [Para: 034 Ref ID: 61-034-20190315] onwards.

¹ <https://www.gov.uk/guidance/plan-making>

3.0 DUTY TO COOPERATE

3.1 Section 11 of the Localism Act 2011 introduced a requirement for Planning Authorities to cooperate with neighbouring LPAs on cross boundary issues. The Draft Local Plan is accompanied by an "interim Duty to Cooperate Statement" which sets out way in which TWBC has sought to meets its obligations under s.110 of the Localism Act 2011.

3.2 The NPPF requires that strategic policy making authorities collaborate to identify the strategic matters to be addressed through their plans and requires that LPAs engage in effective and on-going joint working between strategic policy making authorities and relevant bodies. In order to demonstrate that "the Duty" has been met, the NPPF (para 27) suggests that LPAs prepare and maintain DtC Statements with relevant bodies.

3.3 Tunbridge Wells shares a boundary with six other Local Authorities with which it has a DtC on strategic issues:

- Ashford Borough Council;
- Maidstone Borough Council;
- Tonbridge and Malling Borough Council (TMBC);
- Sevenoaks District Council;
- Wealden District Council;
- Rother District Council.

3.4 We note that a SoCG has been signed with Maidstone Borough Council, Ashdown Forest Working Group and Sevenoaks District Council, and that discussions with the remaining neighbouring authorities are ongoing. The 'West Kent Housing Market Area' extends across Sevenoaks, Tonbridge, Tunbridge Wells, Crowborough, Hawkhurst and Heathfield. The 'best fit' association is Sevenoaks as a borough, with the south and west of Tonbridge and Malling also falling within the same housing market areas as Tunbridge Wells.

3.5 Tunbridge Wells and Sevenoaks District Council produced a Statement of Common Ground in May 2019. This acknowledges that SDC has a significant housing land shortfall but confirms that TWBC is unable to assist SDC in meeting its unmet housing need.

3.6 The SDC Examination commenced in September 2019 but was recently halted after Hearing statements and sessions highlighted a number of unresolved issues which the Inspector felt could not be addressed in the original Examination timeframe. The headline concern was the lack of constructive engagement by SDC with neighbouring authorities to resolve unmet

housing need, but additional issues were raised by the Inspector in relation to the Sustainability Appraisal; the chosen Strategy for Growth; the assessment of the Green Belt; and housing.

- 3.7 Whilst this does not necessarily place an additional burden on Tunbridge Wells to meet housing need, the Sevenoaks Local Plan Inspector has noted² that the outcome of that Examination will have an impact on neighbouring Borough's Local Plans.
- 3.8 We are also aware that TMBC has written to Tunbridge Wells highlighting its concerns that the scale of development in settlements close to Tonbridge, and that it has reservations about the impact that this would have on infrastructure and services in nearby settlements in its Borough.
- 3.9 We expect that in order to fulfil their Duty to Cooperate, TWBC will continue to engage with neighbouring authorities to address matters arising from the Sevenoaks Local Plan examination, Draft Local Plan allocations near TMBC, and any other matters that arise during the plan making process.

² 28 October 2019, ED40

4.0 TWBC LOCAL PLAN/VISION AND OBJECTIVES

- 4.1 TWBC has presently published a more advanced Reg18 Local Plan than many other LPAs across Kent, and should be congratulated on a variety of levels, as it (and the accompanying Evidence Base) provides for a comprehensive suite of documents. In commenting upon the content of this, we are mindful that it is not a Reg19 Local Plan, albeit it has the outward appearance of actual Reg19 Local Plans elsewhere.
- 4.2 Unfortunately this has resulted in a significant degree of unnecessary duplication of strategic objectives and strategic policies, which we would expect to become more streamlined when preparing the actual Reg19 version of the TWBC Local Plan.
- 4.3 The Evidence Base³ is extensive and relatively robust, albeit we consider that greater clarity could be provided in certain areas, particularly in respect of “transport infrastructure”, “flooding and drainage infrastructure” and “secondary education provision”. Again, we would expect greater clarification of a variety of matters when advancing the Local Plan to its next stage of preparation.
- 4.4 In preparing these representations, we have reviewed the relevant documents comprising the Council’s Evidence Base, and draw reference throughout our respective technical responses.

i) Vision and Objectives

- 4.5 Section 3 of the TWBC Reg 18 LP provides a high level “vision” of what the Borough will look like come 2036, and beyond. This is set out in 2No “Vision and Objectives” (Nos 1 & 2).
- 4.6 Crest whole heartedly **supports** these Visions and Objectives, and consider they provide a robust framework upon which more detailed policies are subsequently prepared in the later section of the Local Plan.
- 4.7 However, our only concern is the use of the word “betterment” in both V&O policies. We explore this in more detail in our actual policy-response representations, but would question the use of this word – when it has a variety of different meanings in “planning parlance” – and which we do think is actually what was/is intended by the Borough Council presently. (It is also noted that no explanation/definition is presently provided in the Glossary).

³ <https://beta.tunbridgewells.gov.uk/local-plan/evidence>

5.0 STRATEGIC POLICIES

- 5.1 Firstly, TWBC is to be congratulated in not shirking its responsibilities in seeking to meet its own strategic housing requirement for this Plan period. It is unfortunate that more Councils across the South East are not similarly like-minded in recognising the importance of seeking to provide for its own residents housing and economic needs. We **welcome and support** TWBC in this regard.
- 5.2 It is acknowledged that the present housing requirement is significantly above that previously required by the earlier Kent County Structure Plan(S) and South East Local Plan (ie. circa 300dpa to 678dpa). We recognise the political challenges in providing for this step-change, and **fully support** the elected Members and professional Officers in actually **positively approaching its plan-making objectives** and in seeking to meet the identified housing and economic needs of the Borough.
- 5.3 The 2018 NPPF introduced the “Standard Methodology” for calculating each LPA’s housing need for subsequent plan-making and decision-making. TWBC is proposing a Plan period of 2016-2036 and an overall housing requirement of 13,560 (or 678 dpa), which takes into account allowance for a cap where OAN has increased significantly since the application of the standardised methodology. In the case of Tunbridge Wells, the need is “capped” at 678 dpa, whereas the “uncapped figure” is 754 dpa – which is the real correct figure for “actual need”.
- 5.4 Nevertheless, we are presently guided by the Standard Methodology and Table 1 of the supporting text assesses the standard methodology housing need against TWBC’s completions, delivery and projected future need. The table below details how TWBC proposes to conclude its residual need to 2036:

Housing Need 2016-2036	Dwelling Nos
Standard Methodology	14,980
Standard Methodology Housing Need with cap (B)	13,560
Housing Supply 2016-2036	
Completions April 2016 to March 2019	1,552
Extant Planning Permissions at 01 April 2019	3,127
Outstanding site allocations	588
Windfall allowance	700 (@ 50 per year)
Total Supply 2016 to 2036 (A)	5,967

Residual Requirement (A-B)	7,593
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i) Policy STR1: The Development Strategy

- 5.5 Policy ST1 sets out the broad development strategy for the Borough and how it intends to provide for its identified housing requirement. This focusses development in and around existing urban centres at Royal Tunbridge Wells, Southborough, Paddock Wood and Hawkhurst, with provision made for a new Garden Settlement at Tudeley – plus at smaller rural (AONB) settlements (i.e. Cranbrook, Sissinghurst).
- 5.6 TWBC's "Distribution of Development Topic Paper" (TWBC, Sept 2019) provides a comprehensive overview as to the basis (and "justification") for the spatial development strategy being pursued and helps in reinforcing the soundness of this policy.
- 5.7 From a transport perspective, Policy STR 1 will minimise the need to travel by increasing the capacity of Paddock Wood to serve its residents with a range of facilities which best meet local needs.
- 5.8 Having reviewed the housing need and supply, along with the Draft Local Plan housing trajectory⁴, we support the above assessment and agree that the need can largely be met within the Plan period through sites presently allocated in the Draft Local Plan, windfalls and extant permissions.
- 5.9 Whilst housing need is set out in Table 1, identified economic need is set out in paras 4.18-4.23, and the means by which these will be delivered set out in Table 3 (p.43). We consider the housing and economic needs should also be specified within the text of Policy STR1 which is something which has previously been raised by Inspector's such as in relation to Aylesbury Vale District Council's emerging Local Plan which also had text setting out information better placed to be in the policies themselves. This is a simple change that should be readily able to be accommodated in the Regulation 19 version of the Draft Local Plan.
- 5.10 Table 3 of the Draft Local Plan regarding the Allocation Sites' responsibilities under Policy STR1 states that the sites allocated around Paddock Wood are expected to make a "contribution to link to Tudeley Village". Indeed according to the same table, development at Tudeley is not expected to contribute to highway infrastructure in its vicinity but in Paddock Wood, which suggests that this is a drafting error. We recommend that TWBC remove this requirement from the Paddock Wood area sites.

⁴ Housing Supply and Trajectory Topic Paper: TWBC – Reg 18 Consultation (Sept 2019)

- 5.11 In the Draft Infrastructure Delivery Plan (TWBC, August 2019), the Five Oak Green by-pass is presented as either “a link road to the Colts Hill bypass” or “a route to Paddock Wood to the north”. It is considered that TWBC should clarify which option(s) has been modelled in the Transport Assessment Report (SWECO, Sept 2019), as the effects on the local road network and, in particular, the Colts Hill roundabout may be significantly different. It is requested that TWBC clarifies this.
- 5.12 The potential for the strategic growth of Paddock Wood to also contribute towards other off-site infrastructure schemes will deliver further benefits for existing and new residents, which Policy STR1 lists as including potentially the 'offline' A228 strategic link (ie. the Colts Hill bypass). Given the location of the proposed Tudeley Garden Village (Policy AL/CA1), it is considered more appropriate for the Tudeley Garden Village development to deliver the A228 strategic link scheme in its entirety given that it will serve as Tudeley Garden Village's primary means of strategic access.
- 5.13 The Distribution of Development Topic Paper (TWBC, Sept 2019) outlines the sustainability scores of each settlement as outlined in the Settlement Role and Function Study carried out by TWBC in 2017 and identifies key environmental constraints, including the AONB, Green belt, flood risk, and environment and heritage designations. The document then sets out TWBC's housing and employment land need and the five development options that were considered in the Issues and Options consultation. Taking into account the outcome of the Issues and Options in balance with the outcome of the 'Call For Sites', TWBC has adopted an approach that includes elements of both Option 3 (dispersed growth) and Option 5 (standalone new settlement and the expansion of an existing settlement). For employment growth the strategy has drawn from Options 1, Option 2 and option 4.
- 5.14 In allocating land at Paddock Wood as a town suitable for significant expansion, TWBC considered the strategy against the NPPF (para 72). The assessment concludes that Tunbridge Wells is significantly constrained by landscape and flooding designations, and that development at Paddock Wood, whilst resulting in some Green Belt release, provides a sustainable location for settlement growth that is capable of delivering a larger scale development that will meet the requirements of the NPPF (para 71), whilst not conflicting with NPPF Green Belt policy (Para 136). We agree with the conclusion of that report and support the inclusion of Paddock Wood and the associated Green Belt release. Appendix 2 contains our own detailed Green Belt Review of the sites around Paddock Wood.
- 5.15 With the exception of a small number of minor clarifications, we support the overall development strategy outlined in Policy STR1, which seeks to deliver the majority of new dwellings in sustainable locations with a focus on established settlements well served by

public transport, or developments of a scale capable of delivering sustainable development. The Development Strategy meets the requirements of NPPF (para 103), which states that *"significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes"*.

ii) Policy STR2: Presumption in Favour of Sustainable Development

- 5.16 The NPPF requires that sustainable development lies at the heart of any Local Plan strategy and should be delivered through adopting a "positive approach to planning" and meeting the development needs of an area. The NPPF (para 11) also prescribes how the presumption should be incorporated into decision-taking. This policy accords with the NPPF and is therefore "sound" for the purposes of the NPPF (para 35).

iii) Policy STR3: Masterplanning and Use of Compulsory Purchase Powers

- 5.17 The first part of this policy identifies that some developments within the Borough will come forward through a comprehensive masterplanning process, which should take a collaborative approach to include local interested parties. The supporting text states this masterplan may come forward as an SPD or site-specific planning brief.
- 5.18 The supporting text lists the major developments expected to come forward as a master-planned scheme. The second part of the policy relates to TWBC's ability to compulsorily purchase land where it is necessary to bring forward sites in a timely manner. We interpret this as being that TWBC will use its CPO powers where a small element of an allocation might hold up delivery of a wider allocation scheme. TWBC should clarify that it will not be intending any wholesale acquisition of land to deliver allocations in their entirety.
- 5.19 As presently drafted, this section of the policy is not wholly "justified" or not necessarily "consistent with National policy" and clarification is required of the circumstances in which TWBC intends to use such powers.

iv) Policy STR4: Green Belt

- 5.20 We support TWBC's approach as set out in its Green Belt Assessment (LUC, 2016 & 2017) and Distribution of Development Topic Paper (TWBC, Sept 2019). In addition to these two documents, and to support these representations by Crest, Crest has also commissioned a supplementary LVIA and Green Belt Review (BW Landscape, Nov 2019) in respect of land to the north and west of Paddock Wood. A copy of this is attached at Appendix 2.

5.21 We consider that Policy STR4 is “consistent” with National policy; it states clearly that proposals will be considered against the relevant policy in the NPPF. We note that in accordance with the NPPF (para 137) the Distribution of Development Topic Paper makes clear that the strategy for the distribution of development has sought to make optimal use of suitable brownfield sites and underutilised sites, particularly within the Limits to Built Development of settlements (para 6.22), before considering the release of Green Belt land. We therefore consider this policy to be **justified** and **positively prepared**, in that it is based on a proportionate, relevant and up-to-date evidence base comprising the Stage 1 and Stage 2 Green Belt Studies (2016/2017) and the Distribution of Development Topic Paper (TWBC, Sept 2019).

v) Policy STR5: Essential Infrastructure and Connectivity

5.22 We largely support the objectives and aspirations of this policy in respect of:

- Essential Infrastructure and Connectivity;
- Health;
- Water;
- Digital Infrastructure and Utilities;
- Green, grey and blue Infrastructure; and
- Cultural Infrastructure.

5.23 We note that “Transport” is dealt with separately under “Policy STR6”.

5.24 In respect of the above matters, our only query relates to the use and inclusion of the words “*to provide betterment*” (in the “Essential Infrastructure and Connectivity” section). These words can depict a number of meanings – certainly in the “planning world” – and the Draft Local Plan’s Glossary fails to provide any greater understanding of such words.

5.25 These words are also repeated in subsequent sections of the Local Plan. It is therefore requested that TWBC provides specific clarification in respect of the use of these words.

vi) Policy STR6: Transport and Parking

5.26 Policy STR 6 requires developments to:

Establish rapid bus/transport links, including from Paddock Wood to Tunbridge Wells, and Paddock Wood to Tonbridge (via Tudeley Village), and Tunbridge Wells to Tonbridge, and retain and enhance existing bus services.

- 5.27 As for the corridor between Paddock Wood and Tonbridge, the supporting Transport Assessment Report (SWECCO, Sept 2019) also states that:

The East West link between Paddock Wood and Tonbridge is likely to become a key corridor to upgrade with public transport interventions to support new developments in the area.

[Para 5.5.29, in part]

- 5.28 However, the Infrastructure Delivery Plan (TWBC, August 2019) goes further than is presented in the Transport Assessment Report detailed above, by suggesting a:

New bus only link from Paddock Wood to Tonbridge via Tudeley, with opportunity for automation (Level 4 /Level 5).

- 5.29 To be “positively prepared”, “justified” and “effective” greater clarity is needed on the intention for a ‘bus-only’ link to be provided. This should include costs and expected patronage that such new public transport facilities would be expected to generate in justifying the scheme described.

- 5.30 Whilst we support the overall thrust of the policy and welcome the embeddedness of sustainable modes of transport within the strategy, the policy needs clarification and refinement before it can be considered “sound” for the purposes of the NPPF (para 35).

- 5.31 Other road infrastructure will be considered to assist with the future resilience of the road network where this is able to provide relief to local communities and support the level of growth anticipated within the borough.

- 5.32 The proximity of the land which Crest has an interest in to Paddock Wood Railway Station, combined with the accessibility improvement and promotion of active modes, will go a long way to ensuring its sustainability and meeting the requirements of Policy STR6 in minimising the need for additional car parking.

vii) Policy STR7: Place Shaping and Design

- 5.33 Policy STR 7 requires architecture and urban design of a high standard which complies with requirements set out in the NPPF (paras 124-132). This policy is therefore broadly considered to be sound and in accordance with the NPPF, having particular regard to Section 12 on “Achieving well-designed Places” and Section 15 on ‘Conserving and enhancing the natural Environment’.

5.34 However, to align with the NPPF (para 127) it is suggested that the wording of point 2 in Policy STR 7 (i.e. “...**2. Provide buildings that exhibit individual architectural quality within well considered public and private realms**”) is updated to read:

“2. Provide buildings that exhibit good architectural quality, within well considered public and private realms”.

viii) Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment

5.35 Policy STR 8 requires that the natural environment is “conserved” and “enhanced”. Specifically, it requires that the urban and rural landscapes of the Borough, including the designated High Weald AONB, will be conserved and enhanced, which is consistent with the NPPF (para 172).

5.36 However, other than that related to the AONB, the use of the term “conserve and enhance” is inconsistent with the NPPF (para 170), which states that, “*Planning policies and decisions should contribute to and enhance the natural and local environment...*”.

5.37 Therefore, and as presently worded, this policy goes beyond National policy requirements without any justification for this. As such it is considered to be **not justified** and **inconsistent** with National policy. It is recommended that in the introductory passage to Policy STR8 the word ‘conserve’ is replaced by the term ‘contribute to’, to better align with the NPPF (para 170).

6.0 PLACE SHAPING POLICIES

- 6.1 Section 5 of the Draft Local Plan sets out the spatial priorities and policies for the Borough. However, it does so on a parish-by-parish basis, as opposed to a settlement-by-settlement basis.
- 6.2 Ordinarily, this may seem a sensible approach, with individual settlements ordinarily lying within a single parish. However, and in respect of the proposed development at Paddock Wood (settlement), this has created an unnecessarily confusing plan-making situation and duplication of policy formulation.
- 6.3 The sites allocated around the western part of Paddock Wood lie within the parishes of both Paddock Wood and Capel. The consequence of this, and having approached matters on a parish-by-parish basis, is that both Parishes have their own “strategic growth policies”, which make reference for each area of strategic growth, ie for Capel Parish (**Policy STR/CA1**) and Paddock Wood (**Policy STR/PW1**) – albeit with substantial duplication, as far as proposed growth at (the settlement of) Paddock Wood is actually concerned.
- 6.4 This provides for unnecessary confusion and duplication and is far from being “effective” based upon the NPPF tests’ of soundness.
- 6.5 A similar consequence occurs when looking at the subsequent “allocation policies” for each parish, ie for Capel Parish (**Policy AL/CA3**) and Paddock Wood (**Policy AL/PW1**). This results in further unnecessary confusion and duplication of policy formulation.
- 6.6 In reviewing the Draft Plan as a whole, there are therefore 3No layers of policy formulation for the western part of the Paddock Wood allocations, albeit contained within 6No. geographically overlapping policy areas:
- 1) Strategic **Policy STR1** sets out the overarching development strategy for Capel and Paddock Wood;
 - 2) Both Capel and Paddock Wood have policies setting out the overall strategy for the development of the Masterplan and delivery of sites - **Policy STR/CA1** and **Policy STR/PW1**;
 - 3) There are then 3No site allocation policies for: Capel allocations; Paddock Wood Allocations and; Town Centre. The Capel and Paddock Wood Allocation policies are duplicates (**Policies AL/CA3** and **AL/PW1**) and both refer to the need for town centre regeneration. In addition, there is a further standalone Town Centre allocation (**Policy AL/PW2**).

- 6.7 This may have seemed a sensible approach when drafting the Plan, however, it has caused us and no doubt others, much confusion and unnecessary duplication of work in seeking to formulate our responses to it.
- 6.8 It is recognised that differences do exist – but only insofar as the western sites at Paddock Wood lie within the two different administrative Parishes (Capel and Paddock Wood). We also recognise the (anticipated) political desire to seek to formulate plan-making policies in the light of parish boundaries, especially with the proposed Tudeley Garden Village also lying with Capel Parish.
- 6.9 However, and from a proper plan-making perspective and the realities of how Paddock Wood (as a settlement) presently operates and will operate in the future, it is far more “effective” to formulate future policies on a settlement-by-settlement basis (at least for Paddock Wood). As presently formulated, it presently appears to us to be “**unsound**”.
- 6.10 In the light of this, and to hopefully avoid unnecessary duplication in our representations, we have approached our responses to the proposed growth at Paddock Wood in the following manner:
- 1) We first address **Policy STR/PW1**, with [square bracket references to the relevant sections of **Policy STR/CA1**] where appropriate; and
 - 2) Adopt a similar approach to the “allocation policies, namely **Policy AL/PW1**, with [relevant comments to **Policy AL/CA3** in square brackets].
- 6.11 This enables us to focus on growth at Paddock Wood as a settlement, as opposed to two different administrative areas.
- i) Policy STR/PW1 [with ref to Policy STR/CA1]**
- 6.12 This policy offers the overarching strategy for the development of Paddock Wood sites in addition to the preceding over-arching strategic Policy STR1.
- 6.13 Paddock Wood is identified within the Draft Plan as suitable for a series of urban extensions in line with garden village principles. The NPPF (Para 72) encourages the use of larger scale development for the delivery of significant numbers of homes, and Crest welcomes the opportunity to come forward as part of the broader masterplan for Paddock Wood. However, we have some reservations with regards to the arrangement of policies associated with this allocation.

The Strategy for Paddock Wood

- 6.14 We note that Criterion 1 sets the overarching housing, infrastructure and facilities to be delivered through the allocation policies (AL/CA3, AL/PW1, AL/PW3). The quantum of development is reiterated in Criterion 4 of STR/CA1. Whilst Policies STR/PW1 [and STR/CA1] are strategic in nature, they do actually go into a significant degree of detail.
- 6.15 It is this criterion which introduces the concept of a comprehensive masterplan approach for the 4,000+ new dwellings. Whilst we recognise the importance of a comprehensive approach for the settlement as a whole, it will likely prove challenging if seeking to prepare a settlement-wide masterplan and may result in unnecessary costs and delays to delivery of housing, employment and infrastructure.
- 6.16 As an alternative, albeit a similar approach in principle, we would suggest the preparation of the following:

Town-wide Framework Plan
 [] [] [] []
Separate “east”; “west”; and “town centre” masterplans
 [] [] [] []
Individual Planning Applications thereafter

- 6.17 We explore the rationale for this further below (see “masterplanning and delivery” subsection).
- 6.18 Criterion 2 requires that the development provides for the regeneration and revitalisation of Paddock Wood Town Centre. Whilst the delivery of sites on the edge of Paddock Wood will clearly have an indirect positive contribution to the overall viability and vitality of the Town Centre, the policies explicitly state that the wider allocations should provide for the regeneration and re-vitalisation of the Town Centre.
- 6.19 It is assumed the intention here being that is the “town centre sites” providing for the direct regeneration and re-vitalisation of the Town Centre, albeit it is understood that the Draft Local Plan does not presently provide for any such “allocations” *per se*.
- 6.20 This reinforces our suggested approach above, ie separate actual “masterplans” for the 3No areas. As presently drafted the policy is not “justified” or “effective”, and we consider the aims of TWBC would be better served by separate sub-sections for the 3No areas across Paddock Wood.

- 6.21 Criterion 3 requires the provision of a “community hub” and “sporting hub”, and Crest welcomes the principle of such provision – to be identified as part of our suggested “town-wide Framework Plan”.
- 6.22 Criterion 4 [and STR/CA1 #5] requires the provision of flood storage/attenuation and mitigation to reduce flood risk from existing residential areas. We **support** this requirement, and Crest’s Site (and proposed drainage strategy) will, along with other parts of the allocations at Paddock Wood, help achieve this objective.
- 6.23 Criterion 5 [and CTR/CA1 #6] relates to the provision of strategic transport links within the Borough and makes reference to the need to provide an off-line A228 Colts Hill bypass. The policy commits development around Paddock Wood to the delivery of this strategic link in this early stage of the plan which is not “justified”. Whereas in reality, it is the County Council (as Highway Authority) that will actually deliver the off-line improvements – with financial contributions from the various development sites in and around Paddock Wood.
- 6.24 Crest supports the principle of an off-site financial contribution to such works, albeit on a fair and equitable basis with all other strategic and development sites, and of course, subject to the over-arching viability of Crest’s future development.
- 6.25 Criterion 6 refers to the future redevelopment of potential sites within the existing delineated settlement boundary. It is considered all such sites could/should be identified as part of our suggested over-arching “town-wide Framework Plan”, in order to ensure the comprehensive provision of services and facilities.
- 6.26 We **support** the reference in Criterion 7 [and #9 of STR/CA1] as to the need to release Green Belt land to deliver development at the settlement of Paddock Wood [and Capel].
- 6.27 Criterion 8 states that proposals should provide natural and semi natural green space. We support these objectives, albeit that such provision should be proportionate to the respective development area alongside which it is being delivered. We also note that this reiterates the requirements of **Policy OSSR2**.

Town Centre+

- 6.28 We **support** the stated principles and objectives of Town Centre regeneration. However, it is only “town centre sites” that can assist with the “reconfiguration of the town centre”. It would not be “justified” to seek the peripheral sites to the east and west of Paddock Wood to play any direct part in these regeneration objectives.

Masterplanning and Delivery

6.29 The principle of a comprehensive approach to the future development proposals at Paddock Wood is supported. However, and as previously indicated, this should be based upon:

- A settlement-by-settlement basis; and
- A "town-wide Framework Plan" (as opposed to a "masterplan").

6.30 As rehearsed previously, Crest's land interests fall within both Paddock Wood Parish and Capel Parish. It is inevitable that future residents will relate directly with Paddock Wood (as a settlement), as opposed to Capel as a Parish. We can therefore already foresee potential problems and misunderstandings for Crest's future residents in respect of the administrative practices/operations, ie the maintenance of areas of open space, or the use of any precepts added to Council Tax, etc..., by way of a couple of examples.

6.31 Criterion 1 [also STR/CA1 #1] sets out a two-tier approach to masterplanning of development in Paddock Wood [and Capel]. At the higher level would be a strategic infrastructure plan to set out the provision of infrastructure, which we have suggested should be called a "town-wide Framework Plan".

6.32 We would then advocate the use of 3No separate "master plans" for each of the following areas – to be prepared reflecting the higher level "framework plan":

- Paddock Wood East;
- Paddock Wood West; and
- Paddock Wood Town Centre.

6.33 We would support the "town-wide Framework Plan" being a SPD, but we do not consider it necessary (or effective) for each of the 3No masterplans to be SPDs too.

6.34 As presently drafted, there is some repetition between Criteria 1&2, and Criterion 3 is simply a statement. [Also Criteria #1-3 of STR/CA1 (masterplanning)].

6.35 Criterion 3 states that "*It is highly likely that the delivery of development will require land equalisation agreements.*" We would suggest that it is highly unlikely that it would be possible to create any land equalisation agreement for the entire settlement. It is possible that "understandings" or "agreements" could be reached between the component parts of the relevant "east" and "west" development areas, which reinforces again our suggested approach

of the 3No area masterplans. We suggest that this sentence be removed and TWBC can use the proposed town centre framework plan to set out its expectation of any strategic infrastructure whose delivery would be a shared responsibility as regards cost of delivery including infrastructure costs and land and which allocated areas should have shared responsibility.

- 6.36 Criterion 4 duplicates the content of Policy STR3, and we would ask that clarification is required on how TWBC intends to use its Compulsory Purchase Powers. We interpret this as being that TWBC will use its CPO powers where a small element of an allocated site might hold up delivery of a wider allocation scheme. TWBC should clarify that it will not be intending any wholesale acquisition of land to deliver allocations in their entirety.
- 6.37 This section also includes reference to Site Allocation AL/PW4, which it requires to be incorporated into the masterplan, along with a land outside the Borough but adjacent to allocations. [This is repeated in STR/CA1]. We do not necessarily consider this would be “effective” or “justified”, and greater clarity is sought in this regard.

Flooding

- 6.38 This section requires the provision of flood storage/attenuation/mitigation areas and flood defence works to reduce the flood risk to particular existing residential areas of Paddock Wood, Capel and Five Oak Green.
- 6.39 This is broadly in line with the NPPF (paras 163 and 165) and sustainable drainage systems can be satisfactorily incorporated into any development on site. However, as the sites do not lie within the same hydrological catchment as Five Oak Green, the requirement to provide mitigation measures to this settlement is not reasonable or in fact technically possible. On this basis the policy is not “sound” for the purposes of the NPPF (para 35) as it is not “justified”, “effective” or “consistent with National policy”. To be considered ‘sound’ the policy should delete reference to Five Oak Green.

Transport

- 6.40 An over-arching “infrastructure plan” would be useful in providing an understanding for determining how the costs of providing the other strategic off-site transport measures and schemes would be apportioned. However, the responsibility for funding and implementation have not been defined. We consider this is the area of the Draft Local Plan that would benefit the most from greater clarification and understanding.

- 6.41 Crest **supports** the principles of what is being sought to be achieved, however we presently have reservations as to the “justification” and “effectiveness” of the actual delivery thereafter.
- 6.42 Sustainable transport improvements will allow the expansion of Paddock Wood to improve accessibility as well as promote active and healthier lifestyles. A focus of the masterplan layout is to place pedestrians (and other non-motorised users) at the heart of the design of streets and spaces. Improvements to existing public rights of ways, and the creation of new functional and leisure cycle routes will also extend the range of destinations which can be reached sustainably.

Landscape

- 6.43 The Strategy for Paddock Wood states that developments must provide natural and semi natural green space and a range of formal and informal open space; and provide strong multi-functional green and blue infrastructure to tie in with the surrounding landscape and to integrate with flood defence measures. This policy is supported by the “Green Infrastructure Framework” (TWBC, 2019) and complies with requirements of the NPPF (para 127). Therefore it is considered to be sound and in accordance with the NPPF (section 12).

Infrastructure

- 6.44 Crest recognises and **supports** the provision of supporting infrastructure related to its proposed development. This criterion provides a list of suggested infrastructure improvements that must be provided for to mitigate any impacts.
- 6.45 We largely support the listed items of infrastructure that may need to be provided across the settlement of Paddock Wood, and have suggested the preparation of a “town-wide Framework Plan” would be the most appropriate manner of apportioning these across the development sites coming forward.
- 6.46 We would reiterate our concerns that greater clarity is required in respect of the “transport measures” being sought, and would also seek specific clarification in respect of “secondary education” places:
- Policy STR/PW1 seeks the expansion of Mascalls Secondary School (via financial contributions), which Crest **fully supports**; whereas
 - Policy STR/CA1 seeks either a new Secondary School (to the east of Tonbridge) or the expansion of Mascalls Secondary School, to which Crest **only supports the latter** (in

respect of its land interests at Paddock Wood settlement). This is because we have concerns that it would result in undue travel demands that would result from a school that would be remote from the development.

Summary of Policy STR1/PW1 [Policy STR/CA1]

- 6.47 We **support** the overarching aims of Policies STRPW/1 [and STR/CA1], however there remain a number of concerns relating to the overall structure of the policies, especially when considered in context with Policies AL/PW1 [and AL/CA3]. These policies, although strategic, go into a significant degree of detail that extends beyond the purposes of a strategy policy. Furthermore, we have reservations regarding the overall structure of the policies and the parish-by-parish based approach as set out above, which has led to a significant degree of unnecessary crossover and repetition of policies across the Plan, contrary to the NPPF (para 16).
- 6.48 With regards to the detail of Policies STR/PW1 [and STR/CA3], significant clarification needs to be provided in the next iteration of the Plan in order for it to be “effective”, and we look forward to the opportunity of working alongside TWBC in helping to develop these policies for Paddock Wood.
- 6.49 Specifically the “masterplanning” and “delivery” approach could be far more “effective”, and the requirements for each of the component parts of the development need to be better “justified”.
- 6.50 Notwithstanding the above concerns and requests for greater clarification, Crest **supports** the overall thrust of Policy STR/PW1 [and Policy STR/CA1].

ii) Policy AL/PW1 [with Ref to Policy AL/CA3]

- 6.51 We would reiterate our earlier comments in respect of the unnecessary duplication (and confusion) caused by approaching development on a parish-by-parish basis, as opposed to a more practical approach of settlement-by-settlement.
- 6.52 We have therefore focused our comments on the proposed allocation(s) of Policy AL/PW1, with any corresponding elements of [Policy AL/CA3 thus].
- 6.53 In order to provide for an initial understanding of Crest’s land interests at Paddock Wood, which extends to circa 117ha (circa 290 acres), we have prepared a high-level preliminary concept plan (Appendix 3). In submitting this presently, we would reiterate that it is

- illustrative at this stage and has been prepared in isolation to any of the other strategic development sites (or adjoining areas of land) that may also be coming forward for future development.
- 6.54 As previously indicated, Crest is committed to working alongside TWBC and other key stakeholders in preparing an over-arching “town-wide Framework Plan”, beneath which it is envisaged that more detailed “west”; “east” and “town centre” masterplans could be prepared.
- 6.55 By way of information purposes at this stage, and in order to help inform our detailed representations, the preliminary concept plan (Appendix 3) presently provides for:
- Overall Site Area: circa 117ha (or 290 acres);
 - Circa 1,500 dwellings (across circa 40ha);
 - Coordinated “green” and “blue” infrastructure;
 - Circa 75ha of informal and formal open space (inc circa 16ha Flood Compensation Areas);
 - A 2FE Primary School;
 - Local Centre and services; and
 - Supporting infrastructure.
- 6.56 We look forward to liaising with the other strategic promoters and TWBC in revisiting the above illustrative capacity of Crest’s land interests as part of the subsequent stages in preparing a Framework Plan for Paddock Wood as a whole.
- 6.57 Policy AL/PW1 is a detailed policy allocation. It requires that development embeds several key qualities, including a clear identity and green space. Furthermore, the policy requires that the masterplan shall be informed by detailed studies within and surrounding the allocation that shall include landscape character and visual amenity. It states that attention will be given to the key landscape characteristics, views and the setting of the High Weald AONB. In this regard, Policy AL/PW1 is consistent with Section 12 (Achieving well-designed places) and Section 15 (Conserving and enhancing the natural environment).
- 6.58 Criterion (i) repeats the quantum of development outlined in STR/PW1 and includes provision of a 3-pitch Gypsy Traveller site. This criterion references the need for tenure and affordable housing mix to be determined via the Local Plan and CIL Viability Assessment. Any such provision will ultimately need to be “justified” and any “mix” will also need to have regard to the prevailing market considerations at the time any sites are being delivered.

- 6.59 We also note that the quantum of Affordable Housing (for the strategic development sites) will also be set out in the Reg 19 version of the Local Plan. It is important that any such provision is balanced against other infrastructure requirements, and alongside other viability pressures too.
- 6.60 Additional employment provision is to be provided under Criterion (ii), which we note is envisaged to be provided via extension(s) to the existing employment area(s). We **support** such approach in respect of employment provision.
- 6.61 Criterion (iii) relates to education provision (Secondary and Primary). We fully envisage (and **support**) the need for on-site Primary provision as part of Crest’s proposed development, and would reiterate our **support** for off-site financial contributions to expand Mascalls Secondary School.
- 6.62 Criteria (iv) and (v) refer to the provision of a new medical centre and new sports facilities (inc “sports hub”). We would reiterate Crest’s support for the pro-rata provision/contribution towards such facilities, which should be identified in our previously suggested “town-wide Framework Plan”.
- 6.63 We also note that Criterion (v) is another repetition of Policy OSSR2.

Development Requirements

- 6.64 Nos 1 and 2 require the development to be brought forward through a masterplan approach and reflect Garden Village principles.
- 6.65 We would reiterate our suggested approach to securing comprehensive development at Paddock Wood, namely:

Town-wide Framework Plan

Separate “east”; “west”; and “town centre” masterplans

Individual Planning Applications thereafter

- 6.66 We also note (and **support**) the listed key qualities (under No2) are the same as those set out in the CLG Garden Communities Prospectus (Aug 2018)⁵. In the light of this, we consider the Local Plan should reference the origins of these “key qualities” in order to not only identify the provenance of them, but also to enable any subsequent changes via CLG to be equally referenced in the Local Plan.

⁵

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

- 6.67 No3 repeats the masterplanning approach set out in Policy STR/PW1 – to which we support the principle of TWBC leading on this – albeit under our previously suggested “town-wide Framework Plan” approach. Indeed much of these criterion duplicate the contents of Policy STR/PW1 [and STR/CA1], albeit we assume this will appear differently in the subsequent Reg 19 version of the Plan – as the way it is presently drafted is clearly contrary to the NPPF (para 16f) – “unnecessary duplication”.
- 6.68 No4 indicates that the master planned approach, and subsequent phasing, will have regard to necessary strategic infrastructure requirements and provision thereof. These could/should be set out in our suggested “town-wide Framework Plan”.
- 6.69 In respect of “phasing”, we note the anticipated delivery rates set out in the “Housing Supply and Trajectory Topic Paper” (TWBC, Sept 2019), which indicates the completions of 333dpa⁶ from 2024/25 onwards of the allocated 4,000 dwellings. In order to achieve such a delivery rate, and presently irrespective from any of the draft allocated sites, this is a challenging aspiration (given only 4.5 years until completions are expected to be delivered and the Draft Local Plan still has a number of stages to pass through before it is adopted).
- 6.70 Crest would welcome the opportunity of seeking to meet such aspirations, but would highlight that this reinforces our suggested (streamlined) approach to “master planning” and the speedier preparation/submission of subsequent planning applications.
- 6.71 No5 requires that the eventual masterplan (or “Framework Plan”) responds to a series of Technical Studies (inc “landscape characteristics”, “agricultural land quality” and “biodiversity”). We support the inclusion of this requirement, but again note the repetition across the strategic (STR) and allocation (AL) policies on matters relating to landscape and biodiversity, and would suggest these general requirements should lie at the strategy level of the policy framework – especially since reference is then also made to subsequent Development Management policies.
- 6.72 We also note reference to “biodiversity net gains”, and would again suggest that in seeking to calculate and apply these principles, this would be far more achievable via our suggested 3No “masterplan areas”, as opposed to seeking to calculate/apply this across the settlement as a whole. We note that with regards to achieving “biodiversity net gains”, this criterion refers to EN11 which addresses “net gains for nature” in more detail. We have made comments below on this policy with regard to the use of metric.

⁶ Table 9: Local Plan Housing Trajectory (p30)

- 6.73 Nos6&7 relate to over-arching design objectives, which we largely support.
- 6.74 In respect of No8, we query the “effectiveness” and “justification” of the requirement for compensatory improvements to be made to remaining Green Belt areas. We understand and recognise the objectives of this (NPPF, para 138), but would question the ability to achieve this in respect of areas of land (the remaining Green Belt) that lie beyond the “master-planned” area, and beyond the land controlled by Crest (and most likely the other PW developers too). We would welcome clarification on this matter.
- 6.75 No9 expands on strategic transport matters to be considered in the strategic masterplan identified in Policy STR/PW1 (Criterion 1). The transport and access strategy for Crest’s site, which has fed into a preliminary concept masterplan (see Appendix 3), mirrors the opportunities identified by TWBC under Policy AL/PW1 in so far as it would provide:
- A primary multi-modal site access off A228 Whetsted Road providing direct access to “parcel 2” by means of a new junction;
 - A primary multi-modal site access off B2160 Maidstone Road providing direct access to “parcel 3” by means of a new junction;
 - Vehicular permeability between “parcels 2 and 3” by providing a ‘through-link’ from B2160 Maidstone Road to A228 Whetsted Road;
 - Routeing of public transport services through the development to enhance accessibility and provide linkages to Paddock Wood Railway Station and other local destinations. Ability for conversion or building upon plans for a town-wide “Demand Responsive Urban Bus System” (in line with Draft IDP, TWBC, Aug 2019).
- 6.76 We understand and support the need for pro-rata contributions towards the offline A228 (Colts Hill) strategic link, but are presently unclear as to the direct relevance of the strategic link between the A228 and Tudeley Garden Village. It is assumed the latter will be required/provided as a direct consequence of Tudeley GV, and would therefore fall liable to the developers thereof (and not those at Paddock Wood). We would welcome clarification on this matter.
- 6.77 No10 requires that the masterplan addresses walking and cycling in a strategic manner and we **support** this approach. Crest is keen to deliver a range of measures to provide enhanced walking and cycling measures in and around the “western” masterplan area. These include:
- A comprehensive network of internal footways and cycleways alongside primary routes within the development to enhance walking and cycling accessibility. A further network

or 'leisure' routes to promote recreation and healthy lifestyles. Opportunities for integration with wider cycle routes will be promoted in line with TWBC's Cycling Strategy 2016–2020 (March 2016), which identifies partnership working in securing implementation and accords with the NPPF (para 102c);

- Permeability with "parcel 4" through internal pedestrian, cycle and vehicular connections from the proposed B2160-A228 through-link and potential for onward connection (through adjacent sites to Eldon Way/Nursery Road);
- Financial contributions to enhance to the following Public Rights of Ways (PRoW):
 - WT175 public footpath running N-S from the railway line along Tudeley Brook;
 - WT176 public footpath (and WT176 A public bridleway) running E-W from B2160 Maidstone Road to A228 Maidstone Road;
 - WT179 public footpath from A228 Maidstone Road to Mount Pleasant;
 - WT174 public footpath running from B2160 Maidstone Road to A228 Whetsted Road via Tudeley Brook Farm.

6.78 We **support** the approach to encouraging walking and cycling within the development and the requirement to seek to use new technologies to deliver public transport. However, the scope of the 2nd bullet point relates to longer distance (off-site) cycle links to other settlements (inc Tonbridge and Tunbridge Wells). The "requirement" to deliver wider off-site (Borough-wide) is not necessarily "deliverable" by the individual promoters of unrelated strategic sites at Paddock Wood. We would therefore query whether this is "consistent with National policy" and actually "deliverable".

6.79 No11 requires land to be set provide for education needs (Secondary and Primary), which is a repeat of identical earlier references. We fully envisage (and **support**) the need for on-site Primary provision as part of Crest's proposed development, and would reiterate our **support** for off-site financial contributions to expand Mascalls Secondary School.

6.80 No12 repeats requirements set out in Policy STR/PW1 with respect to flooding. It requires that the development will not exacerbate flooding elsewhere or in the vicinity and that flood storage/attenuation/mitigation areas "substantially reduce flood risk to particular existing residential areas". Modelling carried out by Crest's Drainage Consultant (Ardent) has demonstrated that development on Crest's site can actually reduce overall flood risk when having regard to our proposed flood storage and wetland areas which are to be incorporated into the development.

6.81 The NPPF (para 160b) requires that, "*development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*" Policies AL/PW1 [and AL/CA3] go beyond the NPPF

requirements by requesting that the developments “substantially reduce flooding elsewhere”. In addition, reference is made to the need for Five Oak Green, however this is in a separate hydrological catchment beyond that under the control (and influence of Crest). In the light of this, and as presently drafted, this part of the policy is not “justified” or “consistent with National policy”.

6.82 No13 relates to green infrastructure, and Crest supports these principles – albeit again, with reference to our suggested “western masterplan area”.

6.83 The potential need for the expansion of waste-water treatment works (WWTW) is identified in No14. Any such requirements/provision should be identified via the “town-wide Framework Plan”, and the relevant statutory consultee (and provider) should be notified and engaged accordingly.

iii) Overall Summary of Allocation Policies and Recommendations

6.84 In summary, and whilst we support the inclusion of a strategic policy, as currently written the Draft Local Plan does not provide a clear policy structure and there is no clear delineation between the strategy and allocation policies. For example, the strategy policies for Paddock Wood and Capel (STR/PW1 & STR/CA1) are comprehensive for a policy at this level, and allocation policies (AL/PW1 and AL/CA3) go into a significant amount of detail. This has led to an appreciable degree of unnecessary duplication between policy levels.

6.85 In addition to this hierarchical repetition, there is considerable spatial repetition across the two strategy policies of STR/PW 1 & STR/CA 1, and the allocation policies (AL/PW1 and AL/CA3) which are largely identical.

6.86 NPPF (para 16) highlights the key aims of Local Plans, relevant to these policies is criterion f), which states that Local Plans should avoid “*unnecessary duplication of policies that apply to a particular area*”. Given the over-lapping characteristics of the strategy and allocation policies as outlined above, and as presently drafted, the Plan is not consistent with NPPF (para 16f).

6.87 We recognise the need for this quantum of development around Paddock Wood to deliver proportionate infrastructure and services to the Town and, acknowledge the indirect role that wider growth can have to the overall vitality and viability of the Town Centre. We also recognise the need for a high level (settlement-wide) Framework Plan in order to identify and coordinate the overall infrastructure and services/facilities for the Town.

6.88 In order to secure the related provision of these services, facilities and infrastructure, and the timely delivery of much needed housing, we have suggested the following approach to secure comprehensive development at Paddock Wood, namely:

Town-wide Framework Plan
 [] [] [] []
Separate “east”; “west”; and “town centre” masterplans
 [] [] [] []
Individual Planning Applications thereafter

6.89 We have also suggested that new strategic development should be approached on a settlement-by-settlement basis, as opposed to parish-by-parish. This is particularly necessary (and ultimately sensible) in the proposed development area(s) to the west of Paddock Wood, which overlap with Paddock Wood and Capel Parishes.

6.90 The spatial distribution of housing sites around Paddock Wood facilitate such an approach, since they fall within 3No broad areas:

- Land west of Paddock Wood (PW1_1 to PW1_5);
- Land east of Paddock Wood (PW1_6 to PW1_12); and
- Paddock Wood Town Centre.

6.91 The above 3No masterplan areas should be identified in a revised Policy Allocation, which would all sit below an over-arching “town-wide Framework Plan”. Each new sub-section of a revised Policy Allocation should also cross refer to the constraints and opportunities listed in Table 4: “Showing Parcels of Land” (pages 178-189) in order to enable the allocation policies to be more “precise” and “effective”.

7.0 DEVELOPMENT MANAGEMENT POLICIES

i) Environment

EN1: Design and Other Development Management Criterion

- 7.1 We broadly support the design aspects and design criteria identified, however we are concerned that the policy reads more as guidance or accompanying text to the policy. Moreover it repeats requirements and provisions that are addressed in later policies. It is therefore unclear how a decision maker is to apply this policy for development management purposes. We therefore consider that the policy as drafted runs counter to the NPPF (para 16d and 16f) which require respectively that policies are clearly written and unambiguous, and that they do not contain unnecessary duplication.
- 7.2 On this basis we suggest that TWBC gives consideration to the purpose of this policy and its drafting, particularly in the context of the National Design Guide (October 2019).

EN 2: Sustainable Design and Construction

- 7.3 We endorse the policy's approach which ensures that sustainable development is integral to the design, construction and operation of the proposal. However there is some repetition between the contents of the policy table in EN2, and policies elsewhere in the plan. In addition, it is not clear how aspects of the policy are sufficiently precise to allow for developments to be assessed against the policy. The final paragraph requires developments over 20 units or 200 sqm floorspace to be accompanied by a Construction Environmental Management Plan to cover all the topics listed however ordinarily these would not have such a broad scope. The policy should be drafted with the NPPF (para 16 (d & f)) in mind.

EN 3: Sustainable Design Standards

- 7.4 Policy EN3 encourages new residential development to meet minimum HQM design standards, and requires non-residential development to meet BREEAM standard. The supporting text paragraph 6.27 suggests that there is some flexibility in applying the BREEAM approach, however this is not reflected in the policy wording. The policy should be revised to ensure it contains this flexibility.

EN 4: Energy Reduction in New Buildings

- 7.5 Policy EN4 requires that new development uses a 'fabric first' approach to deliver a CO² emission reduction rate of at least 10% over the Target Emissions Rate. Criterion 2 requires that in addition to achieving a 10% reduction over building regulations, major developments must provide on-site renewable energy generation sufficient to reduce a development's CO² emission by 15%. Whilst we acknowledge the high importance TWBC has placed on sustainable building design, this runs counter to government guidance set out in Planning Practice Guidance. TWBC has also not demonstrated the viability of delivering a reduction in CO² via renewable energy generation technology.
- 7.6 We also note that there is currently a consultation on changes to Part L (conservation of fuel and power) of the building regulations which propose either a 20% reduction in carbon emissions (fabric only), or a 31% reduction in carbon emissions (fabric and renewable). Imposing EN4 in addition to any revised building regulations would result in a significant energy reduction obligation which has not been considered as part of TWBC's viability assessment. We note that the policy states that the measures set out within it will be superseded by national policy or legislation if/when any such updates come into effect, however this is too vague and not precise. We consider that the policy should be clearer so that the policy states that in the event of a national upgrade to Part L, that the national position will supersede policy EN4.

EN6: Historic Environment

- 7.7 Policy EN6 requires that development proposals reflect the sensitivity to change of the historic environment, and goes on to refer to the historic environment as defined by paragraph 6.50. We endorse the aspirations of the policy, but it goes beyond the intentions of the NPPF by exceeding the scope of the protection to the historic environment contrary to the NPPF (para 16). The policy should be amended to be more precise in its definition of the historic environment.

EN11: Net Gains for Nature: Biodiversity

- 7.8 This policy requires that new development deliver 'net gain' which is included in the current Environment Bill which is being introduced to Parliament, this requires the delivery of a 10% a biodiversity net gain from new developments. This policy is broadly compliant with the NPPF which encourages biodiversity net gain, however there is some scope for refinement and clarification, since the policy does not state what metric should be used in calculating 'net gain'. To be precise policy should specify that the Defra metric will need to be applied when measuring net gain.

EN12: Protection of Designated Sites and Habitats

- 7.9 Policy EN12 does not distinguish the hierarchy of international, National and locally designated sites, and therefore does not reflect the requirements of the NPPF (para 171). In addition, it is not clear whether criterion 3 is seeking to restrict public enjoyment and access to 'notable sites'.

EN14: Trees, Woodlands, Hedges and Development

- 7.10 The Policy text in EN14 refers to 'important trees, woodlands and hedgerows' and goes on to list features that fall into this criterion. The last two bullet points refer to 'important landscape or townscape trees' and trees and hedgerows that are 'an important contribution to green infrastructure or other important networks'. As this does not relate to those trees benefitting from TPO's, Conservation or other kinds of protection listed in the policy text, these definitions need clarification, particularly when considered against the presumption in favour of the retention and enhancement of existing trees, woodland and hedgerow cover on site provided in the paragraph below.
- 7.11 Paragraph 6.164 suggests that TWBC may utilise S.106 or CIL to secure additional tree planting for visual enhancement or flood alleviation. This paragraph should be clarified as where adequate provision is made on site then no commuted payments should be sought.

EN15: Ancient Woodland and Veteran Trees

- 7.12 The policy refers to 'ancient wood pasture' which is not standard terminology and not defined in the Draft Local Plan Glossary nor in NPPF/PPG. This reference should be deleted or clarified.
- 7.13 Paragraph 6.160 states TWBC assume a 25m buffer to be applied around the woodland. This buffer exceeds standing advice for ancient woodland which advocates `a buffer zone of at least 15m to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone`. The supporting text should be amended to reflect standing advice. Policy EN15 also duplicates elements of EN14 and therefore for clarification the policies should be merged in order for the Local Plan to be consistent with paragraph 16 of the NPPF.
- 7.14 Whilst we support the provision of policies to protect important trees and the policy is considered 'sound', the supporting text should be amended to remove reference to the 25m buffer as this has not been justified.

EN16: Green, Grey and Blue Infrastructure

- 7.15 Policy EN 16 requires that development identifies and protects existing green, grey, and blue infrastructure; and identify opportunities for new infrastructure where it makes a positive contribution to strengthening and restoring a healthy and integrated network of habitats and green spaces for the benefit of nature, people, and the economy. Whilst we support the aspirations of this policy, it reads more as guidance than as a policy. It does not leave the decision maker clear on how the policy should be applied. We therefore suggest that this policy is reviewed in order to ensure it better complies with the requirements of NPPF (para 16 (c)).

EN20: Rural Landscape

- 7.16 Policy EN 20 requires that development conserve and enhance the Borough's landscape and the special features that contribute positively to the local sense of place; not cause significant harm to the landscape setting of settlements; and restore landscape character where it has been eroded. The use of the term 'conserve and enhance' in item 1 of this policy is inconsistent with Paragraph 170 of the NPPF, which states that "Planning policies and decisions should contribute to and enhance the natural and local environment...". Whilst we support the general thrust of the policy, it goes beyond National policy requirements and is considered to be unsound. It is recommended that the word 'conserve' is replaced in item 1 of Policy EN20 by the term 'contribute to', to better align with Paragraph 170 of the NPPF.

EN 23: Air Quality

- 7.17 Policy EN23 sets out the necessary mitigation to be required for all new development. The policy contains a significant amount of information that would be best contained in the supporting text not of relevance for the policy itself. In order to ensure it is sufficiently precise as required by (NPPF Para 16), this text should be relocated to the supporting text.

EN 27: Conservation of Water Resources

- 7.18 We support that TWBC is taking a proactive approach to water conservation which accords with the NPPF (para 149), and note that Part G2 of the Building Regulations introduced the optional requirement for 110 litres consumption of water per person per day. The policy accords with the NPPF and is therefore considered 'sound'.

EN 28: Flood Risk

- 7.19 Policy EN28 requires that proposals for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere. Policy 28 accords with the NPPF (paras 155-163) and is considered sound.

EN 29: Sustainable Drainage

- 7.20 EN29 sets out the requirements for drainage, and requires that new major development SuDS should, in addition to providing suitable drainage, deliver a range of benefits. We support the approach to sustainable drainage as set out in the policy, which broadly accords with the NPPF (Para 165).

EN 32: Minerals and Waste

- 7.21 The Kent Minerals and Waste Local Plan forms part of the development plan for Tunbridge Wells and any planning applications have to be determined in accordance with that plan. It is therefore not necessary to repeat minerals and waste policy by including an additional policy in the Tunbridge Wells Local Plan and so EN32 should be deleted.

ii) Housing**a) Delivery of Housing*****H1: Implementation of Planning Permission for New Residential Dwellings***

- 7.22 Policy H1 seeks to impose a mandatory commencement of development time limit of two years across all planning permissions for major residential development. Whilst the NPPF (para 76) encourages Local Authorities to consider granting shorter timescales, it is clear that this should only be done where it would not threaten the deliverability and viability of a development which can only be considered on a case by case basis. The application of a blanket shorter time limit which can only be departed on in 'exceptional circumstances' is therefore not proportionate or effective, not consistent with National policy nor statute which do not use any exceptional circumstances measure and encourages this to be looked at in relation to individual planning applications. We suggest this part of Policy H1 be deleted.

H2: Multi-Developer Delivery and Piecemeal Development of Larger Sites

- 7.23 We note that policy H2 welcomes multi-developer delivery on major and strategic sites. The policy allows for piecemeal development providing it does not jeopardise the delivery of policy requirements expected of the wider site.
- 7.24 For major and strategic sites, each phase should be expected to meet its own policy requirements unless agreed as part of the overarching the masterplan or development framework. As highlighted in our response to policy STR/PW/1 & CA1 and AL/PW1 & AL/CA3 for the delivery of the strategic sites at Paddock Wood, we are advocating an approach whereby development briefs are prepared on a three tier basis, with a Town-wide Framework Plan informing three separate masterplans, with individual planning applications coming forward thereafter. This will allow sites to come forward in a way that can deliver the required obligations.
- 7.25 This policy should be worded to support development progressing in accordance with the Town-wide Framework Plan which would not require additional legal agreements.

H3: Housing Mix

- 7.26 Policy H3 requires that new developments provide a mix of housing types. The policy as currently written lacks clarity. On the one hand suggesting it should be informed by an analysis of the area in which the site is located, on the other suggesting it should comply with an alternative mix and size requirement set out in a local plan site allocation or in a made neighbourhood plan. We would suggest that the policy is flexibly drafted such that it supports a development mix being progressed in accordance with an up to date analysis of the area in which the site is located.

H4: Housing Density

- 7.27 The NPPF (para 122) requires that development makes efficient use of land. Policy H4 responds to this by requiring that new development is delivered 'to an appropriately high density'. Whilst this policy is not specific, it does allow for consideration to be given on a site by site basis and this flexibility is welcomed. We consider that this policy accords with the NPPF and meets the test of soundness.

H5: Affordable Housing

- 7.28 Policy H5 addresses affordable housing provision and requires as standard 30% new housing on Brownfield Land and 40% on Greenfield Land to comprise affordable housing. We broadly support this policy, however Criterion 5 should be amended to require that 50% of affordable housing is to be delivered on site will be expected to be completed and exchanged, rather than completed and transferred.
- 7.29 Criterion 5 requires payment for offsite provision prior to commencement of development. Such provision is impractical and not justified and undermines the ability of sites to come forward on a multi-developer basis, which runs counter to policies elsewhere in the plan, specifically policy H2.
- 7.30 Criterion 6 states where it has been demonstrated that the full provision cannot be met, the time limits on permissions will be limited to two years. As with Policy H1, such requirements should be applied on a case by case basis and only where it can be justified, and should not be applied across the board regardless of circumstances. Criterion 6 should therefore be deleted.
- 7.31 On the basis of the above, the policy is currently without amendment not justified, and therefore does not meet the NPPF test of soundness.

H11: Self-Build and Custom Housebuilding

- 7.32 Policy H11 requires all sites proposing to deliver over 100 dwellings are to deliver at least 5% of the total number as serviced self-build plots.
- 7.33 The housing trajectory, set out in the supporting Housing Supply and Trajectory Topic Paper (September 2019), indicates that a total of 8,330 dwellings will be delivered on sites greater than 100 residential units. This uses TWBC's average expected yield for each site. Working on a 5% delivery rate for self-build, this would see the delivery of 417 serviced self-build plots over the plan period.
- 7.34 Planning Practice Guidance advises that financial solvency tests can be applied alongside local connection tests but that there must be a strong justification for these. TWBC acknowledge that only 63% live in the borough and need had been reduced to take account of this. However, they do not at present apply a financial solvency test, and as such the need for self-build plots in Tunbridge Wells may be over-inflated.

- 7.35 Criterion 1 should be amended to include provision for a lower Self Build plot delivery rate where it has been established that there is a lower need or demand.

iii) Transport and Parking

TP 1: Transport Assessments, Travel Plans and Mitigation

- 7.36 Paragraph 6.511 of the Local Plan Regulation 18 Consultation Draft (15 August 2019) states that:

“Transport assessments and travel plans (...) will be expected to accompany all planning applications for new developments that reach the required threshold...”

- 7.37 Policy TP1 requires that proposals demonstrate the impacts of trips from the development, provide a transport assessment where they reach KCC threshold levels, and demonstrate that the development complies with EN23. The policy then goes on to require that all proposals in areas where there is an identified traffic issue should provide a transport assessment and travel plan.
- 7.38 Furthermore, while improvements to public transport services between Paddock Wood and Tonbridge would be expected, some additional clarity on the intention for a ‘bus-only’ link should be provided, including the costs and expected patronage that such new public transport facilities would be expected to generate in justifying the scheme described.
- 7.39 The policy as currently written lacks the required precision and clarity in respect to traffic issues, and should be clearer on when a travel plan and transport assessment is required. At this stage, Policy TP1 does not make such a distinction between the cumulative and stand-alone assessment of developments in clarifying how the Transport Assessment process will be applied when a planning application is being prepared. For these reasons, the policy is considered currently unsound.

TP 2: Transport Design and Accessibility

- 7.40 We are encouraged by the requirement to embed good transport design into new development, however as written the policy is lengthy and lacks precision, and much of the contents read more as guidance rather than a policy. On this basis we consider the policy should be refined to better reflect National policy and consider whether some of the info should be relocated into supporting text rather than policy.

TP 3: Parking Standards

- 7.41 The approach adopted in Policy TP3 is reflective of and consistent with the NPPF Policy 105, as it takes account of a range of factors when determining parking provision, including accessibility, the type of housing and the opportunities for promoting sustainable transport alternative.

iv) Open Space, Sport and Recreation***OSSR 2: The Provision of Publicly Accessible Open Space and Recreation***

- 7.42 Policy OSSR2 sets the requirement for open space in new developments, requiring minimum provision but also including some flexibility to take into account local circumstances, this accords with the NPPF (paras 95-101). We note that the Tunbridge Wells Borough Council Open Space Study published in June 2018 indicates that Paddock Wood is currently well served by a mix of outdoor open space with the exception of youth play provision.

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