Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent
TN1 1RS

Dear Sirs

Re: Tunbridge Wells Borough Draft Local Plan (Regulation 18)
Representations on behalf of Redrow Homes Limited and Persimmon Homes South East
Land East and South East of Paddock Wood

I write with reference to the above. I act for both Redrow Homes Limited and Persimmon Homes South East who have various interests in Tunbridge Wells, including those east and south east of Paddock Wood (SHLAA sites ‘20’, ‘374’, ‘371’, ‘344’ and ‘376’), (LPA sites PW 1_7, 1_9, 1_11 and 1_12), (parcels 7, 9, 11 and 12).

Whilst, having regard to the above, Redrow and Persimmon both support the Reg 18 Plan in principle, especially the proposed allocation of the land at Paddock Wood (policies STR/PW1 and AL/PW1), they do have specific concerns about certain aspects of policies STR/PW1 and AL/PW1 and the evidence base underpinning the plan.

The Housing Requirement, Supply and Trajectory.

a) The Requirement

Table 1 of the Reg 18 Plan identifies the housing need for the period 2016 – 2036 to be 13,560 dwellings (678dpa). This is said to be based upon the standard methodology (2014 based household projections (published July 2016)), projected household growth in Tunbridge Wells for the period 2019-2029 and the affordability ratios published in April 2019. Whilst we believe the figure to be 682dpa, we note para 3.2.1 of the Housing Topic Paper (HTP) suggests the figure of 678 is being used as it is based upon submission in 2020. This being the case the plan when submitted needs to be clear on this point and all associated calculations clarified accordingly. We also believe, for the reasons set out below, that the plan period should also be amended and start in 2020 not 2016 as drafted.

b) Whether the plan should provide for more than the minimum local housing need figure

The plan should, given ID: 2a-010-20190220 of PPG, consider whether it might be appropriate to plan for a higher housing need figure than the standard method indicates given issues such as local affordability.

The housing needs survey 2018 identifies a net affordable housing need of 443dpa. As policy H5 looks to deliver 40% affordable provision on all greenfield sites of 9 (+) dwellings, and acknowledging that not all sites provide affordable housing, in order to meet 100% of the affordable requirement one would conservatively need to deliver circa 1,107 dpa over the plan period. This is clearly significantly greater than the figure generated by the standard method, (678/682dpa) and whilst the standard method takes into account affordability issues, this does beg the question as to whether
TWBC need to consider whether it might be appropriate to plan for a higher housing need figure than the standard method indicates. If nothing else the SA should in my opinion assess this point.

In the context of the above we also note that the figure of 678/682dpa is the minimum local housing need figure. It is capped at 40%. The uncapped figure is in fact 762dpa. This figure would better be described as the actual housing need, with 678/682dpa simply being the minimum Local Housing Need figure defined by the standard method. Again, given the scale of the affordable housing need the HTP and the SA should in my opinion consider the issue of the plan providing for more than the minimum local housing need figure.

Finally, having regard to the issues around the Duty to Cooperate, there is the issue of Sevenoaks District Councils (SDC’s) unmet need. Whilst we note that the SA does consider a growth option that encompasses SDC’s unmet need (option 7 – see below), para 6.2.2 of the SA appears to dismiss this option on the basis that it was assumed that the additional 1,900 dwellings would essentially be located within the AONB. It is not clear how this conclusion has been reached. In addition there is nothing that allows one to undertake a like for like comparison of the SA findings on option 7 (as set out in table 14) against the options considered in the earlier SA and the chosen option – such that the rational for this decision does in my opinion require further clarification.

c) The Plan Period

The Government’s Planning Practice Guidance (ID: 2a-004-20190220) indicates that when setting the baseline, the projected average annual household growth over a 10 year period should be calculated and that “this should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period”. Thus, the plan period should start at 2020 if it is to address the OAHN identified by the Standard Method of 678 (2020-2030) rather than 682 (2019-2029).

d) Supply and Trajectory

Whilst not commenting upon the supply in detail, in noting the findings of the HTP on housing delivery and the phasing methodology, we are concerned that the majority of the evidence base concentrates on the period from the grant of planning permission to first completion’s and both peak and average build out rates. Little is said about the time taken to prepare and submit planning applications or the length of the determination period; both of which are crucial to the councils proposed trajectory. To whet we note that table 9 of the HTP suggests that AL/PW1 will be delivering 333dpa from 2024/25, i.e. circa 5 years from now. As the western part of the AL/PW1 allocation includes land within the Green Belt, where land can only be released once allocated for development, and where developers will thus be unlikely to progress applications to any great degree until the plans strategy is relatively safe, it is clear that to facilitate deliveries in 2024/25 the council will need to look to those promoting the land beyond the Green Belt to progress applications in tandem with the plan, if the trajectory is to be met. We say this as both the Letwin Review (2018) and Lichfields Start to Finish: How Quickly do Large Scale Housing Sites Deliver (2016) suggests lead in times for the submission and determination of applications for sites in excess of 2,000 dwellings is such that work on the component parts of the proposed AL/PW1 allocation needs to commence soon if the council’s trajectory is to be met. To this end we support policy H2 and multi developer delivery of the strategic

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1 Based on (1) 10-year household growth 2020-2030 in the 2014-based projections of 4,915/491.5 per annum; (2) Median workplace-based affordability ratio of 12.76 (in 2018) giving an uplift of 55% (12.76 x 0.25 +1 = 1.56) (1.56 x 491.5 = 767.83) = 762dpa uncapped
sites as this will enable a number of smaller applications to be made thus speeding up delivery. To this end we have suggested when commenting upon policies STR3, STR/PW1 and AL/PW1 that there is no reason why a Framework Plan (rather than a Masterplan), cannot provide for the separate masterplanning and delivery of the areas to the east and west of Paddock Wood. The Framework Plan can demonstrate graphically how the requirements of policies STR/PW1 and AL/PW1 for housing, employment, schools, medical facilities and open space etc, and associated connections, can be delivered in general land use planning term; whilst a separate Strategic Infrastructure Plan can identify who is providing what, and when; and where projects such as highway improvements / drainage works are to be funded jointly, who is paying for what and when it has to be provided.

In the context of the above, in progressing the land to the east of Paddock Wood, I can advise that at Persimmon would look to submit a hybrid planning application in autumn 2021. This will however be dependent on TWBC having an approved Framework Plan/ Strategic Infrastructure Plan. Assuming, from past experience that a resolution to grant takes 12 months, and that it takes a further 9 months for the S106 to be agreed, they would anticipate a planning consent in summer 2023. They would then be taking first legal completions from summer 2024 and would deliver 20 completions in 2024. Thereafter output would be 50 / 55 completions per annum including affordable.²

Similarly, Redrow would also look to submit a Hybrid planning application in autumn 2021, to achieve a consent in summer 2023 and to be taking first legal completions from summer 2024. Again, they would deliver 20 completions in 2024 and achieve output rates of circa 50 / 55 completions per annum including affordable thereafter. So, both developers combined could, in the area east of Paddock Wood, deliver circa 40 completions in 2024 and 100 -110 completions per annum including affordable thereafter.

Given the above, whilst we acknowledge that on strategic sites such as AL/PW1 there will be multiple sites with multiple outlets, and that at Paddock Wood there are likely to be at least 2 further developers with outlets on the land to the west of Paddock Wood, thus providing for a greater range and choice of product; we would question whether AL/PW1 will be able to deliver 300 (+) dpa. Rather we consider that Paddock Wood will deliver circa 250 - 300dpa, and that there will be a gradual increase from 50-100dpa in yr. 1 to 200 dpa in yr. 2 and then 250 – 300dpa thereafter, such that the trajectory may in our opinion need to be reviewed in this regard.

e) Gypsies and Travellers

We note that whilst policy H13 of the Reg 18 plan does not explicitly identify a need to accommodate Gypsies and Travellers on the Paddock Wood sites, para 6.5.18 of the HTP suggests that there is a requirement for 3 additional pitches in the borough over the plan period and that these could be met at Paddock Wood. To avoid confusion either the HTP needs amending when issued at Reg 19 or policy H13 needs to be explicit and the implications on the proposed allocations taken into account in the Viability Appraisal.

Duty to Cooperate
Having reviewed the interim Duty to Cooperate Statement we note that housing is seen as a cross boundary strategic issue and that a Statement of Common Ground (SoCG) has already been signed with both Maidstone Borough Council (MBC) and Sevenoaks District Council (SDC) that look to address this issue, amongst others.

² Persimmon are currently struggling to reach 50 completions per year in Paddock Wood
In noting the above we also note that the SoCG with MBC is dated August 2016 and that with SDC is dated May 2019. We also note that the SoCG with SDC advises at paras 2.18 and 2.19 that:

2.1.8 It is understood that, at present, TWBC is unable to assist SDC with unmet housing need, due to the constraints on both local authorities, and their inability to meet housing needs beyond their own, irrespective of unmet needs elsewhere.

2.1.9 Consequently, both councils will continue to work together and identify the position as both TWBC and SDC prepare to review their Local Plan every 5 years.

Actions

- TWBC and SDC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent housing market area in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAS, affordability, London’s growth, large scale developments and opportunities for meeting any unmet need.
- TWBC and SDC to each undertake a 5 year review of their respective Local Plans.

As the Borough Council will be aware, the Duty to Cooperate places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. We do not believe, given the above, that the SoCG with MBC and SDC can be seen as demonstrating active and ongoing engagement at this stage of the plan making process – we would expect there to be a rolling program of engagement to address matters as they arise through the consultation on the Reg 18 and Reg 19 plan. Thus, the SoCG would need to be updated accordingly.

In addition to the above, we are mindful of the recent correspondence between SDC and their Inspector, especially documents ED37 and ED40. It is clear from the latter that the Inspector did not accept that reliance on a review of the Plan to address the issue of SDC’s unmet need was appropriate or complied with the duty, which applies specifically to plan preparation, which as the Borough Council are aware ends when the plan is submitted for Examination. Thus, this issue needs to be thoroughly examined and addressed in the SoCG that are submitted prior to submission of the Plan. Which means TWBC need to liaise with SDC about where they now are with this issue and the TWLP needs to clearly demonstrate why it cannot, if that is the case, help address SDC’s unmet need.

Turning to the position with Tonbridge and Malling Borough Council (TMBC) it is clear, as is acknowledged in para 45 of the DiC paper that the proposed distribution of development in the TWLP will have a potential impact on parts of TMBC and that the two councils need to work closely with one another when it comes to infrastructure delivery associated with the proposals for development at Tudeley and Capel/Paddock Wood. To this end we would suggest that TWBC need to make available a working draft SoCG with TMBC as soon as is possible – this can, like the other draft SoCG be a life document that continues to be updated until such time as it is signed off prior to submission of the plan.

In the context of the above we note that the first bullet point of criterion 1 of policy STR/PW1 (Masterplanning and Delivery) refers to the need for a strategic masterplan for the provision of infrastructure for the strategic expansion of Paddock Wood to require input from Tonbridge & Malling
and Maidstone Borough Councils where it impacts on Tonbridge town centre and land to the north of Tunbridge Wells borough. This clearly requires TWBC to agree a strategy with the neighbouring authorities through the DiC. As there is no evidence within the background document to suggest that this has happened to date we would stress the need for said discussions to take place as a matter of urgency so as to facilitate the delivery of the strategic allocation at Paddock Wood and fulfil the requirements of the DiC.

Finally, we note that whilst the draft Infrastructure Delivery Plan refers to LEP funding in places, especially to assist with transport infrastructure works, the interim Duty to Cooperate Statement does not appear to encompass any DIC discussions with the LEP. This is a matter we believe needs to be addressed in the next iteration of the interim Duty to Cooperate Statement.

The draft Infrastructure Delivery Plan

Having reviewed the draft Infrastructure Delivery Plan (IDP), we note that appendix 1 sets out the full extent of the infrastructure requirements that will be sought from the development in and around Paddock Wood/ Capel, some of which it acknowledges will also be connected to the development of the new settlement at Tudeley. The indicative costs of some of these infrastructure works vary significantly. Furthermore, it is not clear how the costs of these works will be divided between the various parts of the Paddock Wood/ Capel allocation, or how these costs have been factored into any viability assessments that have been undertaken.

It is clear from a review of the Strategic Housing and Economic Land Availability Assessment (SHELAA) for the Draft Local Plan Reg 18 Consultation, especially the Site Assessment Sheets for Paddock Wood, that the Paddock Wood/ Capel allocation encompasses many sites, under different ownerships and that some may well progress in advance of others – as appears to be accepted by policy H2 of the Reg 18 Draft Local Plan. Albeit we note the apparent conflict between policy H2 and policy STR/PW1 concerning piecemeal delivery. Whilst policy AL/PW1 requires ‘all development to be delivered through a comprehensive masterplan approach’ and for the masterplanned approach to be ‘linked to the relevant and strategic delivery of infrastructure’, it would in our opinion be more effective to look to promote a Framework Plan and an overarching Strategic Infrastructure Plan separately rather than a masterplan. Whilst there will be cross over and the two will need to be interrelated, the complexities of the Strategic Infrastructure Plan are such that we believe work on this needs to progress at pace if the housing trajectory is to be met.

We also believe it would be expedient if those assisting the Council on matters such as transport infrastructure could meet with those promoting the land at Paddock Wood/ Capel so that the practicalities of some of the proposed works could be discussed further. We say this as, by way of example, Table 3 of the draft Infrastructure Delivery Plan (Transport needs for the settlements within Tunbridge Wells borough) indicates that the plan should provide for ‘New cycling infrastructure within Paddock Wood town and linking to the proposed Hop Pickers Line cycle route via Horsmonden and Goudhurst to A229 Hartley Road’; and appendix 1 indicates that this will be delivered through the Paddock Wood/ Capel developments. Whilst, as the route of the old Hop Pickers Line passes through land in my client’s control and they are more than happy to integrate this into their scheme, they clearly have no control over the council’s ability to provide this through other third-party land. Thus, TWBC need to clarify how they see this being delivered in its totality so that people’s expectations are managed accordingly. To this end we note that reference is made in policy STR/PW1 of the Reg 18 plan to the use of CPO powers, which as we indicate below, whilst helpful in some regards needs to be adopted in a way that does not prejudice/ delay delivery of the strategic allocations.
In the context of the above we note that the draft IDP also highlights the proposed distributor road to the east of Paddock Wood, (which would upgrade from single lane links around allocated sites to reduce congestion on local links and remove through vehicle trips in Paddock Wood) as being ‘Critical’. Unfortunately, the draft IDP, TA3 and Reg 18 LP are all unclear as to the extent of the Eastern Distributor Road. We have assumed it will be a combination of online improvements that will provide for the widening of existing routes in places and offline improvements which will divert the route though the development in those places where it is necessary to protect existing properties/landscape/heritage features.

As you will be aware, my clients have the ability to deliver a considerable part of this distributor road. That said they would question whether, as it is not clear, the Eastern Distributor Road needs to cross the railway and provide links to the north. Work undertaken by Milestone Transport Planning for my clients indicates that very little development related traffic would go north and east from the site4 – the majority would go south and west. Thus any ‘upgrades’ to the east should be limited to the highway improvements to the south of the railway line.

Whilst the draft IDP highlights the fact that Junction improvements at B2017 Badsell Road / B2160 Maidstone Road / Mascalls Court Road and the A228 / B2017 roundabout are to be “…funded as part of approved residential developments at Church Farm, Mascalls Farm & Mascalls Court Farm” we also note that the IDP suggests that a further upgrade to the B2017 Badsell Road / B2160 Maidstone Road / Mascalls Court Road junction to traffic signals could cost up to £550k. Whilst my clients are happy to contribute to any such upgrades, they would ask whether any design work has been carried out on this junction to date and question the extent to which any additional highway land is available to facilitate further improvements. These may in our opinion require cooperation with Mascalls School, which we assume TWBC will liaise with KCC highways and education alike on, rather than look to initiate CPO powers?

We also note the IDP identifies additional future requirements for bus infrastructure including a ‘Demand-responsive urban bus service’ linking residential development to the town centre and rail station within Paddock Wood. Again, whilst I can confirm that my clients are happy to contribute to any such upgrades, they believe further liaison is required with KCC Public Transport officers and operating companies to agree the specification of any such service provision, especially as Church Road is the key sustainable transport corridor between their land and the town centre / rail station.

Likewise, in noting the timescales for the delivery of the primary and secondary education facilities in Paddock Wood/ Capel in the draft IDP, we would stress the fact that these can only be delivered through the approval of the associated housing applications and that as such it’s imperative that plans are put in place to ensure that future applications are determined as swiftly as is practically possible. In this regard we note that the less constrained land to the east of Paddock Wood has, as it is not in the Green Belt and thus does not need to be allocated to be released, the ability to help deliver early on in the plan period – if required.

Finally, we would submit that in order to establish a robust viability for the allocation at Paddock Wood as part of the Reg 19 plan, TWBC and KCC need to identify whether LEP or central government funding will be available to contribute towards the funding of the road and infrastructure improvements envisaged by the local plan and IDP, and the scale of said funding. The development

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3 Neither Fig 9.2 nor table 9.7 of the TA is clear.

4 In this context ‘site’ means the land under Redrow and Persimmons control

Milestones report suggests that just 8.1% of trips will go north, 4.1% south, 73.6% west and 14.2% North West (through the town). Which highlights the need for the distributor road to the east.
industry will need to know what’s happening by the time the Stage 2 Viability is prepared so that sensible decisions can be taken about what pieces of infrastructure are needed and when and to try and tie infrastructure delivery to particular areas of growth so that house builders know what they need to provide by way of works or by way of contributions. This will help facilitate smooth delivery and thus protect the housing trajectory.

Local Plan Transport Assessment

The Local Plan Transport Assessment (LPTA) reiterates a number of points raised in the IDP, including the provision of the Hop Pickers heritage route, the first phase of which could be delivered through my clients’ land; and improved bus services, which as noted above, could be provided via Church Road as well as surrounding key settlements, the specification of which will be directly related to the scale of development proposed and the anticipated level of bus patronage, recognising the aspiration that the development enables residents to travel door to door by public transport and active travel for the majority of trips. Likewise, the LPTA looks to “drive significant model shift away from car to more sustainable modes...” and seeks “sustainable transport infrastructure integrated into (new) settlement and have clear sustainable transport links to other key settlements” an approach we fully support.

It also refers to TWBC’s emerging Local Cycle & Walking Infrastructure Plan (LCWIP) including (as Route 3) a Paddock Wood circular route which my clients could also help to deliver.

The Viability Appraisal

We note that the Viability Appraisal (VA) has not as yet commented upon the viability of the proposed strategic allocation AL/PW1, and that criterion (i) of policy AL/PW1 makes it clear that the level and tenure mix of affordable housing within the Policy AL/PW1 site is to be determined through the Local Plan and CIL Stage 2 Viability Assessment; and that this figure will be confirmed in the Regulation 19 Pre-submission version of the Local Plan. As set out below we will respond on this matter and the associated VA when the Reg 19 plan and updated VA is published.

In the context of the above I should highlight the fact that my clients will want the opportunity to comment on Benchmark Land Values, proposed sales prices and assumptions on the cost of providing “on-site infrastructure” when the Stage 2 VA is published.

The Sustainability Appraisal (SA)

Section 6 of the Sept 2019 SA reviews the growth strategy. It demonstrates that six options were considered at Issues and Options:
Growth Strategy 1 – Focused Growth - growth focussed largely on existing urban areas;
Growth Strategy 2 – Semi Dispersed Growth - growth focussed largely on urban areas plus some larger villages;
Growth Strategy 3 – Dispersed Growth - growth distributed proportionally across all existing settlements;
Growth Strategy 4 – Growth Corridor Led Approach - growth focussed on the A21 corridor near Royal Tunbridge Wells and Pemberly;
Growth Strategy 5 – New Freestanding Settlement - growth within a new, free-standing settlement; and
Growth Strategy 6 – No Local Plan.
Following consultation two further options were considered:
Growth Strategy 7 - Growth including Sevenoaks Unmet Need
Growth Strategy 8 - Dispersed Countryside Growth

Para 6.2.4 of the Sept 2019 SA suggests that Growth Strategy 5 had the highest number of positive scores and lowest number of negative scores. It also explains that:
‘This option, which has been taken to embrace an enlarged town or village based on garden settlement principles as well as a new freestanding garden settlement, is therefore proposed to be integral to the preferred development strategy for the borough.’

Notwithstanding the above the Sept 2019 SA also explains at para 6.2.6 that it would neither be reasonable in SA terms, nor practical, to focus unduly on new or expanded settlements as the sole focus of meeting the housing needs of the borough. And that as such, as set out in para 6.2.8 and 6.2.9 the growth strategy incorporates both growth strategies 3 and 5.

In order to fully understand the rationale behind the growth strategy, one has however to refer back to the Sustainability Appraisal Issues and Options Report May 2019, as it is chapters 4 and 5 of this documents that appraises each of the proposed growth options against the Sustainability Objectives, considers how one could mitigate adverse effects and maximise the beneficial effects, and recommends the further investigation of growth options 5 and 4. Whilst para 5.3.1 goes on to advise that: ‘it is pertinent to note that this recommendation is subject to locational constraints’ we are concerned that not only does one have to go on a paper chase to fully understand the rationale behind the chosen growth/ spatial strategy, but that the findings of the May 2019 SA differ from those of the Sept 2019 SA without any explanation. This needs to be rectified in the Reg 19 SA.

As set out in the Sept 2019 SA, further consideration was then given to the location and scale of such growth. This included considering new settlements at:
1. Blantyre House (former prison) Goudhurst Parish
2. Capel
3. Frittenden area
4. Horshomden
5. Iden Green
6. Kippings Cross
7. Land adjacent to Colliers Green Primary School, Colliers Green
8. Land at Great Bayhall East of Royal Tunbridge Wells
9. Land between Cranbrook and Sissinghurst
10. Land between Sandhurst and Iden Green
11. Langton Green
12. Paddock Wood
13. Walkhurst Farm, Benenden

Of these sites only Capel and Paddock Wood were taken forward for further consideration. Whilst noting the content of table 13 of the Sept 2019 SA we are concerned that this appraisal may be seen by some as rather cursory and believe a more detailed critique of the reasonable alternatives needs to be undertaken so as to ensure the SA is robust.

The SA goes on to explain that two alternative scales of growth for a garden settlement in Capel Parish were considered. 2500-2800 dwellings and 5000 dwellings; and that option 1, 2500-2800 dwellings was chosen as the adverse effects were less than those associated with option 2. It also explains that four options for growth around Paddock wood were assessed:
Option 1 - 3,000 dwellings to the north, east and south (outside the green belt);
Option 2 - 5,000 dwellings to the north, south, east and west – i.e. including land in the green belt;
Option 3 - 4,000 dwellings to the north, east and south (outside the green belt);
Option 4 - 6,000 dwellings to the north, south, east and west – i.e. including land in the green belt;

Option 2 being the preferred option as it met the councils housing needs and helped address existing
flood risk issues

Table 26 of the SA lists the reasonable alternative sites in Paddock Wood Parish and highlights
those taken forward and included within policies AL/PW1, 2, 3 and 4. Table 27, in providing the SA
scores for the allocated sites in Paddock Wood Parish highlights the fact that:
'Most scores for STR/PW 1 are positive with very positive scores being applied for all the social and
economic objectives. Environmental objectives are mostly negative reflecting the scale of
development proposed. However, the water objective has been given a mixed/positive score to
reflect the betterment in flooding proposed for Five Oak Green and Paddock Wood. Likewise,
biodiversity is scored as slightly positive overall to reflect the large improvements that can be made
with AL/PW 1.'

Whilst the SA does in our opinion review the reasonable alternatives to the growth options/ spatial
strategy, and the associated options for the scale and location of growth proposed within the new
settlement/ enlarged town it does in some areas require a paper purchase and in others is not perhaps
as clear and robust as it could be, such that we believe the SA should be reviewed and updated
when the Reg 19 plan is published.

Strategic Policies

Policy STR3
In noting the substance of policy STR3 and the desire to plan the development of the strategic and
larger scale developments through a comprehensive masterplanning process we do believe, as set
out elsewhere in these reps, that there is in fact a greater need to initiate a Strategic Infrastructure
Plan for Paddock Wood to enable the strategic sites to come forward and for that to be bought
forward between all interested parties concurrently with the Masterplanning process. To what we
would suggest a Framework Plan rather than a Masterplan as this will be swifter to agree and more
flexible in its approach. It’s also imperative that these documents are drafted in such a way that
enables sites to come forward individually as anticipated by policy H2 and that they are not used to
stall development, as this will prejudice the housing trajectory – as discussed elsewhere in these
reps. To this end, as indicated above, we see no reason why a Framework Plan cannot provide for
the separate masterplanning and delivery of the areas to the east and west of Paddock Wood. The
Framework Plan can demonstrate graphically how these areas interrelate in terms of the
requirements of policies STR/PW1 and AL/PW1 for housing, employment, schools, medical facilities
and open space etc, and associated connections in a general land use planning way; whilst the
Strategic Infrastructure Plan can show who is providing what, and when, and where projects such
as highway improvements / drainage works are to be funded jointly, who is paying for what and when
it has to be provided.

We also note the fact policy STR3 provides for the use of CPO powers in order to bring forward
development of the sites allocated in a timely and comprehensive way. We are concerned that the
acknowledgment that CPO powers may be necessary highlights the fact that certain works may be
more difficult to deliver than anticipated – hence the need for the Strategic Infrastructure Plan and
the recognition that certain sites can be delivered in advance if not directly linked to certain
requirements. This approach would we believe be aligned with policy STR5 which also provides for
in lieu financial contributions. These and their relationship to works required under CPO need, we believe, to be investigated further.

Policy STR6
Turning to policy STR6 and the commentary about the IDP, we do not necessarily agree that the IDP does identify the phasing of infrastructure linked to the planned development. Whilst it may highlight whether something is essential, critical or just desirable, it does no more than that – hence our belief a Strategic Infrastructure Plan is required for the strategic sites in Paddock Wood.

Policy STR/PW1
In supporting policy STR/PW1 we note that criterion 5 of the section on ‘The Strategy for Paddock Wood’ indicates that the exact location of the offline A228 strategic link has yet to be determined. Yet policy TP6 looks to safeguard a route. In order to avoid confusion policy STR/PW1 needs to be clear about what is proposed and to cross refer to policy TP6 in this regard. If the exact location of the offline link has yet to be determined then the area identified on the proposals map pursuant to policy TP6 needs to provide flexibility – albeit as this is referred to as a critical piece of infrastructure, it needs to be identified and safeguarded as soon as possible so that it can be costed and the costs included in the stage 2 VA, if it is not to prejudice the housing trajectory.

Criterion 1 of the section on Masterplanning and Delivery appears to contradict policy H2 when it suggests that proposals for the piecemeal development of individual sites will not be supported. Clarity is needed upon this as, as indicated above, we believe multi developer delivery /piecemeal development can occur without prejudice to the overall Framework Plan and Strategic Infrastructure Plan, and that this is needed to facilitate the proposed housing trajectory. Turning to the first bullet point of criterion 1 on Masterplanning and Delivery we do not believe the requirement to be for a strategic masterplan for the provision of infrastructure, but for a Framework Plan and Strategic Infrastructure Plan which is we believe more aligned to that required to address the issues raised in policy STR/PW1. We also note the reference to said document requiring input from Tonbridge & Malling and Maidstone Borough Councils where it impacts on Tonbridge town centre and land to the north of Tunbridge Wells borough. This clearly interrelates with the need for TWBC to agree a strategy with the neighbouring authorities through the DfT – which we note has not occurred to date and which, as set out above, we consider to be required in order to fulfil the requirements of the DfT.

We also note that the third bullet point of criterion 1 on Masterplanning and Delivery refers to the ‘creation and adoption of one or more Supplementary Planning Documents’. The Local Plan needs to be clear what these are, and when they are to be delivered, and consider how they will affect the housing trajectory. Requiring the adoption of SPD post adoption of this plan could have severe implications on housing delivery.

Turning to criterion 2, 3 and 4 of that section of policy STR/PW1 that relates to Masterplanning and Delivery, we would, as far as criterion 2 is concerned, reiterate our view that what TWBC are actually looking for is a Framework Plan and Strategic Infrastructure Plan not a masterplan, and refer the reader back to our comments about the implications of references to CPO powers. We would also reiterate the point above re viability – to establish a robust viability for the allocation at Paddock Wood as part of the Reg 19 plan, TWBC and KCC need to identify whether LEP or central government funding will be available to contribute towards the funding of the road and infrastructure improvements envisaged by the local plan and IDP, and the scale of said funding. The development industry will need to know what’s happening by the time the Stage 2 Viability is prepared so that sensible decisions can be taken about what pieces of infrastructure are needed and when and to try and tie infrastructure delivery to particular areas of growth so that house builders know what they need to provide by way of works or by way of contributions.
In addition to the above, as suggested elsewhere in this letter, we see no reason why a Framework Plan cannot provide for the separate masterplanning and delivery of the areas to the east and west of Paddock Wood. The Framework Plan can demonstrate how these interrelate in terms of the requirements of policies STR/PW and AL/PW1 for housing, employment, schools, medical facilities and open space etc and associated connections in a general land use planning way, whilst the Strategic Infrastructure Plan can show who is providing what, and when, and how projects such as highway improvements / drainage works are to be funded jointly who is paying for what and when it has to be provided. It can in addition look at how the plans for Tudeley are incorporated into the overall Strategic Infrastructure Plan for Paddock Wood.

Criterion 1 of the section of policy STR/PW1 that relates to Transport reiterates the need for development to provide for an offline A228 strategic link. As set out above the exact route of said link has yet to be determined and needs to be to ensure the timely delivery of the strategic allocations.

In addition to the above, whilst supporting improvements to the local road network, and new roads in association with new development, to provide for improved permeability, we would question the extent to which any development can provide for improved links north of the railway – other than through financial contributions, as structural works themselves could take years given the need to involve Network Rail, and are, as set out above, questionable as little traffic will travel north from the strategic expansion proposed to the east of Paddock Wood.

Finally, we note that when commenting upon infrastructure, policy STR/PW1 refers to the expansion of Mascalls Secondary school and the provision of additional primary schools. The number of schools and their distribution is not qualified. The same occurs within policy AL/PW1 (criterion (iii) and criterion 11 refer), albeit criterion 11 does refer to ‘new and potentially expanded primary schools with delivery linked to an overall delivery timetable (to be determined through the masterplanning process). The IDP refers to the provision of 4x2FE primary schools, with the first being available from Sept 2025. Given the lack of clarity on this matter we would recommend further consultation with KCC on the educational requirements within Paddock Wood as a matter of urgency as this needs to be resolved and factored into the next iteration of the VA and future framework plans.

Policy AL/PW1

We note that criterion (i) of policy AL/PW1 makes it clear that the level and tenure mix of affordable housing within the Policy AL/PW1 site is to be determined through the Local Plan and CIL Stage 2 Viability Assessment; and that this figure will be confirmed in the Regulation 19 Pre-submission version of the Local Plan. We will respond on this matter when the Reg 19 plan is published given our comments on the VA above.

As with policy STR/PW1, we note that criterion 1 indicates that ‘proposals for the piecemeal development of individual sites will not be supported’. For the reasons set out above we do not believe this to reflect policy H2 and to be prejudicial to the housing trajectory.

We note that the land at Church Farm is included in policy AL/PW1 and that reference is made to ‘the potential that proposals at Church Farm could be refined to allow greater permeability through this site to land to be allocated further to the west.’ We believe this should read ‘east’ so as to allow better connectivity between Church Farm and the land to the east of Paddock Wood as identified in policy AL/PW1 – esp. SHLAA sites ‘20’ which forms part of parcel 7 as defined on p184/85 of the Reg 18 plan.
Turning to table 4 that refers to the different parcels around Paddock Wood, I note that parcels 7, 9, 11 and 12 encompass land within my client’s control. Having reviewed all the constraints and opportunities set out in table 4 for all 4 parcels, I can confirm that none of the constraints and opportunities identified are in my client’s opinion showstoppers. Indeed, preliminary landscape, highway and drainage works demonstrate, as set out below, that these four parcels can, together with others in the south eastern quadrant, be developed in a manner that reflects the aims and aspirations of policy AL/PW1, and the opportunities for this area identified in table 4.

We would however question the need for the proposed improvements at the crossroads of Church Road, Queen Street and Pearsons Green Road. Whilst these may be thought to be directly relevant to the development of the land to the east of Paddock Wood, the Eastern Distributor Road will in effect divert traffic from this node.

To this end we have to say the commentary on parcel 11 (SHLAA sites 344 and 376) is we feel misleading. It is not clear whether SHLAA site 376 is undevelopable or not – the SHLAA assessment clearly believes it is, as do we, albeit we have shown generous structural planting to the south to soften the new settlement edge and help define the change in parish boundary.

Development Management Policies

Policy EN2
We note that policy EN2 ‘Sustainable Design and Construction’ cross refers to policy EN4. Given our comments on policy EN4 below we reserve our position on criterion 5 of policy EN2. In addition, we would question criterion 7 which suggests that development encourages positive behaviour change, through for example the provision of drinking fountains to discourage purchase of single use plastic. Whilst laudable it is not clear what type of development would be required to provide water fountains, how many water fountains would be necessary, who would maintain these fountains ensure they work and who would ensure they are clean and not a danger to public health. As such we would suggest that this criterion needs to be reviewed.

Policy EN3
We note that policy EN3 ‘Sustainable Design Standards’ requires developers to obtain HQM 4 stars for schemes of 150 (+) from 2021.

We understand that the Home Quality Mark has been developed by BRE, and is a national standard for new homes, which uses a simple 5-star rating to provide impartial information from independent experts on a new home’s design, construction quality and running costs. It is in effect part of the BREEM quality and sustainability standards. The ‘Top 10 Questions Asked by Planners – Answered’ document published by the BRE suggests that ‘Outstanding and 5 star ratings are incredibly challenging and are unlikely to be suitable as a blanket policy’. It also indicates in Table 2 (Conceptual policy), that for new homes of 200 (+) authorities should be looking to achieve HQM 3 stars OR HQM 2 star and level 4 on the Footprint Quality Indicator from 2020 – not HQM 4 stars per say. Given the above we would suggest that policy EN2 is being overly ambitious in its aspirations. Other authorities such as Colchester and Mid Beds have merely looked to support developers who choose to register their homes under the HQM.⁵

Policy EN4
Whilst we note the aims and objectives of policy EN4 ‘Energy Reduction on New Buildings’ we would suggest, given the content of the Written Ministerial Statement of March 2015, that the maximum improvement the council can seek to achieve is 20% above that required by part L of the Building

⁵ See Colchester BC submission plan (June 2017) Policy DM25 and Mid beds submission plan (Jan 2018) Policy CC1
Regulations. As such we would suggest that part 2 of policy EN4 is amended to require a total reduction of 20% using a combination of fabric first and renewables. That said we would also question the relevance of this policy in the light of the current consultation on the Future Homes Standards. We would suggest this is kept under review and that whichever option TWBC seek to adopt they ensure the cost implications of doing so are factored into the VA.

Policy EN11
Turning to policy EN11 ‘Net Gains for Nature’ we would highlight the need for the council to monitor the proposals within the Environment Bill and to ensure said policy is consistent with the approach being promoted by Government, and that any associated financial impact is properly considered in the VA.

Policy H1
We note that policy H1 ‘Implementation of Planning Permission for New Residential Dwellings’ requires that

‘Unless there are exceptional circumstances due to specific site or development constraints, a condition will be attached to any grant of planning permission for new major residential development (including change of use) requiring one or the other of the following conditions:
1. That the permission be implemented within two years from the date of decision; or
2. That groundworks and the construction of the ground floor base of at least two buildings be completed within three years of the permission’

In our opinion policy H1 requires some clarity. The term implemented is not defined in the policy, reasoned justification or glossary. Does it mean completed or merely started. Is the definition of started the carrying out of a material operation as defined in section 56(4) of the 1990 Act or something more advanced? What is an ‘exceptional circumstances’? Why can’t the policy be ‘unless otherwise agreed’? Whilst we fully support the desire to see planning consents implemented promptly, we do not believe that para 76 of the NPPF looks to see this enshrined in planning policy – rather this is a matter for LPA’s to look to address through the imposition of suitable worded conditions. We would thus question whether policy H1 complies with national policy.

Policy H5
Whilst we note that policy H5 Affordable Housing requires 40% affordable on greenfield site and 30% affordable on brownfield sites, with 60% social rent: 40% intermediate, and a requirement to provide 50% upon completion of 50% of private units; we also note that the proportion of affordable to be provided at Paddock Wood has still to be determined as part of the Stage 2 VA. As such we reserve our position on the merits of policy 5 at present.

Policy H9
Policy H9 ‘Housing for Older People’ indicates that:

‘Housing suitable for meeting the varying needs of older people should be integrated with all major housing schemes, particularly those that are close to local services, notably shops for day-to-day purchases, healthcare and social/community facilities, and/or regular bus routes. Depending on the scale and location of development, this may be achieved by housing that meets the higher accessibility (M4(2) standard, bungalows and sheltered or other age-specific schemes. In addition, large schemes with good access to services may be required to set land aside for residential/nursing care (C2) purposes.’

Policy H9 is not in our opinion very clear – it seems to infer that not only will the proposed strategic sites need to provide housing for older people but that some land may also need to be set aside for C2 accommodation.
For those trying to plan the strategic sites this is not helpful and does in addition have financial implications that need to be understood within the phase 2 VA.

To this end Policy H9 needs to be clear about the level of accommodation for the elderly it is looking to developers to provide. In terms of C3 accommodation for those of 65 (+) is it 10% of all units to be developed on a given site? Is it inclusive or exclusive of the affordable provision? Or is it a matter of a dwelling’s adaptability for the elderly i.e. ability to address mobility issues and include adaptations to bathrooms, internal handrails, external handrails, and stair lifts, all of which is really a matter for part M of the Building Regs. Turning to C2 accommodation how much is required and is this inclusive or exclusive of the affordable provision. The HNS appeared to indicate an annual average requirement for just 37 dwellings/ bed spaces per year so how is a specific requirement per site justified?

Policy H11
Policy H11 ‘Self Build and Custom Housebuilding’ requires sites of 100 (+) dwellings to provide at least 5% serviced plots for self and custom housebuilding. Whilst Local Planning Authorities now have a duty to promote self-build housing, we would question whether the requirements of policy H11 are justified. PPG places an onus on LPA’s to investigate how they can provide plots to support self-builders. Only when they have concluded these investigations should they place a requirement for the provision of serviced plots on larger sites. PPG also requires Council’s to review their registers to ensure that there is those who are on the list are still interested and that there is no double counting with other registers. We would suggest that such a review is undertaken before the Reg 19 Plan is published so that the requirements set out in policy H11 can be updated accordingly.

H13 Gypsies and Travellers
Whilst there is nothing in the policy to require provision at Paddock Wood, para 6.5.18 of the HTP suggests that there is a requirement for 3 additional pitches in the borough during the plan period, and that these could be met at Paddock Wood. As set out above, in order to avoid any confusion either the HTP needs amending when issued at Reg 19 or policy H13 needs to be explicit and the implications on the proposed allocations taken into account in the Viability Appraisal.

Concept Plan for Land East of Paddock Wood
Having regard to the aims and objectives of the Reg 18 Plan and associated supporting documents, Redrow and Persimmon have instructed FPCR, Milestone and PBA to undertake some initial landscape, highways and drainage assessment work to begin to formulate a strategy for the eastern expansion of Paddock Wood. A draft concept plan is enclosed with these reps that seeks to demonstrate how the land to the east and south of Paddock Wood, especially that within parcels 7, 9, 11 and 12 could be developed. This shows:

- A development of circa 900 -1,100 dwellings;
- A development that provides for the Eastern Distributor Road – partly online and partly offline;
- A development that encompasses the historic route of the Hop Pickers Trail as a green corridor/ ped/ cycle link;
- Junction improvements to the Church Road/ Pearson Green Road/ Queen Street T junction;
- Junction improvements to the B2160 Maidstone Road/ B2017 Badsells Road/ Mascalls Court Road traffic signals;
- A development that is permeable and provides for enhancements to existing pedestrian/ cycle links to Paddock Wood town centre/ train station, as well as new routes to the town centre/ train station;
- A development that looks to provide a sustainable corridor/ demand responsive bus route along Church Road;
A development that provides for the further expansion of the Mascalls school site and a potential primary school (if required);

A development that respects the fluvial flood plain, by ensuring all development is within flood zone 1, and utilises land to the north as a surface water attenuation zone that will be planted to reflect landscaped floodplain characteristics and include wet meadows with grassland and structural planting that will be managed for biodiversity and amenity benefits;

A surface water drainage strategy that looks to incorporate SuDs features to provide for flood storage, attenuation and mitigation areas so as to address the effects of the proposed development – including a 40% allowance for climate change and help reduce flood risk elsewhere;

A development that looks towards an integrated landscape, drainage and ecological strategy that protects wildlife corridors, links existing corridors and creates new corridors, so as to create biodiversity net gains;

A development that retains and protects existing ponds and provides suitable buffers to these and areas of ancient woodland that fall within the area;

A development that is landscape led – retains existing trees and hedgerows were possible and provides for generous structural planting and landscape buffers to soften the edge of the new settlement / protect the setting of the High Weald AONB to the south;

A development that provides a generous amount of good quality green space, including open space, youth and children’s play areas, sports and other recreational facilities;

A development that provides for allotments and community orchards;

A development that looks to protect the setting of heritage assets and local views and remove jarring features - such as overhead lines.

A development that seeks to preserve the character of Queen Street as a rural lane and the setting of the historic farmsteads within the local area;

A development that provides for suitable buffers around existing properties so as to retain their character and amenity; and

A development that is set back from the railway and thus railway noise.

The above and attached clearly demonstrates a scheme that can accommodate the requirements of policies STR/PW1 and AL/PW1 and the opportunities and constraints to development in Paddock Wood as identified in table 4 of the Reg 18 Plan.

To conclude, subject to the comments above, we support the Reg 18 Plan and the proposed allocation of the land at Paddock Wood for strategic scale expansion. We believe that the development of the land to the south and east of Paddock Wood can come forward in a timely way, as part of a comprehensive suite of sites in and around Paddock Wood, to help accommodate the housing needs of the area. Predicated on an Strategic Infrastructure Plan and high-level Framework Plan, the strategic scale expansion of Paddock Wood can also provide tangible benefits for the local community in terms of improvements to the strategic highway network, as well as local routes, improvements to public transport provision, enhanced pedestrian and cycle links, reduce flood risk, expansion to the local primary and secondary education provision, new sports facilities, new play facilities, new health and medical facilities, a new community hub and new social and leisure facilities. Said development will also provide for much needed family sized housing, affordable housing and starter homes without any adverse environmental or landscape impacts. Indeed, as set out in the Reg 18 Plan, the strategic scale expansion of Paddock Wood provides an opportunity to provide for significant landscape and environmental improvements.

In the context of the above we would like to highlight Redrow Homes and Persimmon South East’s desire to work with Tunbridge Wells Borough Council on the delivery of the proposed strategic
allocation at Paddock Wood and to this end would welcome the opportunity to meet with officers to discuss our proposals for the land south and east of Paddock Wood further.

Yours sincerely

JUDITH ASHTON
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Encl Concept Plan – Ref 9268-L-01 rev D