
Land West of Paddock Wood

Review of the Sustainability Appraisal supporting the Tunbridge
Wells Borough Draft Local Plan

November 2019

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Project Ref:	28991/A5/EIASA	
Status:	Draft for review	Final
Issue/Rev:	01	02
Date:	November 2019	November 2019
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1.0 Introduction

- 1.1 This report sets out the conclusions of a review of the Sustainability Appraisal (SA) process supporting the Tunbridge Wells Borough Council (TWBC) Draft Local Plan¹. The review has focused on the Regulation 18 Consultation Version SA Report² prepared in September 2019 (herein referred to as the 2019 SA Report). Whilst the review has focused on the latest SA material, reference has been made to earlier reports including the 2016 SA Scoping Report³ and the 2019 SA Issues and Options Report⁴, where necessary to give a view on the adequacy of the whole iterative SA process.
- 1.2 A review of the SA documents has been undertaken against the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the “SEA Regulations”) and Section 19 of the Planning and Compulsory Purchase Act 2004 (the “Act”), which sets out requirements for SA. SA is a complex and legalistic process and should be undertaken iteratively, alongside the preparation of the Plan.
- 1.3 A Local Plan must be prepared in accordance with Section 39 of the Act *“with the objective of contributing to the achievement of sustainable development”*. It should therefore be informed by the SA process, which itself must comply with the SEA Regulations.
- 1.4 This review has sought to identify any areas of the SA that would benefit from further focus or clarity in order to determine whether the process is robust and to identify where improvements could be made before the next stage of the Local Plan Consultation in which the Regulation 19 Version SA Report will be prepared.

2.0 Review Summary

- 2.1 The full review is included at Appendix 1. It uses a “traffic light” scoring system to identify areas that would benefit from improvement (amber) and those elements of the SA process that are considered to comply fully with the requirements (green). No areas of major deficiency were identified in the SA (red).
- 2.2 The following areas of the SA could be strengthened and would benefit from additional focus before Regulation 19 stage:

¹ September to November 2019, TWBC Draft Local Plan Regulation 18 Consultation Draft.

² September 2019, TWBC Regulation 18 Consultation Version SA Report.

³ October 2016, TWBC Local Plan, SA Scoping Report.

⁴ May 2019, TWBC Local Plan, SA Issues and Options Report.

Existing environmental problems - the SA could better outline the conclusions of the Habitats Regulations Assessment (HRA) work undertaken for site alternatives and define how these have been assessed in combination with other sites or environmental effects. As the HRA had not been carried out in detail at the issues and options stage, the SA states that the precautionary principle was used when assigning scores to the biodiversity objective. However, there is no explanation of the use of the precautionary principle in the 2019 SA Issues and Options Report. There is also no reference provided for the 'Appropriate Assessment' mentioned in the SA. Given the need for assessments to be coordinated, it would be more transparent to include more information within the SA Report on the HRA undertaken for the Local Plan;

Environmental protection objectives - the SA framework does not refer to limits or standards including e.g. National Air Quality Objectives, Water Framework Directive, Condition of SSSIs, Carbon Emissions Targets. Inclusion of these objectives would make the framework more aligned with relevant local issues; and

Likely significant effects on the environment (cumulative effects) - the approach to the assessment of cumulative effects is well outlined within the SA, however the short, medium and long-term effects, permanent and temporary effects are considered 'where possible' when determining the scores given in the impact matrix and these factors could be outlined better. In addition, cumulative effects are not well assessed at the issues and options stage and it is not clear how the 'Potential cumulative effects that must be considered by the Sustainability Appraisal' in Table 5 of the 2016 SA Scoping Report are brought forward and how they are relevant to the assessment of cumulative effects in the subsequent SA documentation.

Reasonable Alternatives - The narrative about the alternative sites seems reasonable although Appendices E-T and the summary within the main 2019 SA Report would benefit from an explanation of how mitigation and design has been taken into account to ensure a level playing field.

- 2.3 Appendix A of the 2019 SA Report includes some limitations of predicting effects, however these could be better considered and outlined in the main report, including for example assumptions made about secondary data and the accuracy of publicly available information.
- 2.4 Additional information to address the points summarised above would increase further the robustness of the SA and assist in achieving the right outcome at Examination.

3.0 Land West of Paddock Wood

- 3.1 The options appraisals utilise the 19 SA Framework Objectives in matrix form with a colour coded key, which makes the comparison of the positive and negative sustainability aspects of a reasonable alternative clear and consistent. The proposed draft allocation for 4,000 residential units at Paddock Wood has been robustly and fairly assessed using appropriate methodology and scores positively against 11 out of 19 of the SA Objectives including health, housing, transport, service and facilities. Paddock Wood is served well by public transport links, including a dedicated train station and numerous bus services. There are many easily accessible amenities such as healthcare, schools, shops, leisure and sports facilities, green spaces and employment opportunities. The proximity of the sites to local facilities would lead to lower car trips, lower emissions and better air quality, as well as providing benefits for the health and wellbeing of the community and climate change.
- 3.2 We consider that Paddock Wood is a sustainable location for selection out of the presented garden settlement and urban extension location options (Figure 5 and Table 13 of the 2019 SA Report), particularly considering that the SA Objective criteria for air quality relates to reducing pollution, due to the site's location in proximity to Paddock Wood train station, local employment, schools and facilities. Options 1, 3, 4, 6, 7, 9 and 13 are located a significant distance from sustainable public transport options meaning that developments in these locations would likely rely heavily on car use and would not provide a betterment for air quality.
- 3.3 As shown in Table 1 above, out of the four urban extension growth options at Paddock Wood (Table 17 of the 2019 SA Report), Option 2 (including Land West of Paddock Wood) presents the preferred and most sustainable option. We are also in agreement that Policy AL/PW 1 (AL/ CA 3) of the reasonable alternative sites within Paddock Wood Parish (Table 27 of the 2019 SA Report) would provide the best option when considered against the sustainability objectives, due to its location and positive impacts on air quality, climate change, facilities, health and biodiversity.

4.0 Conclusion

- 4.1 The conclusion reached within this report, based on the SA review in Appendix 1, is that whilst the SA process so far does not have major deficiencies, there are a number of areas that would benefit from further focus before the Regulation 19 stage so that the process is as robust as possible.

4.2 The proposed draft allocation at Paddock Wood has been included for allocation within the Local Plan based on its sustainability merits. We consider that Option 2 of the four urban extension options at Paddock Wood is the most sustainable and could arguably score more positively against the sustainability framework objectives than suggested in the 2019 SA Report.

APPENDIX 1

SUSTAINABILITY APPRAISAL COMPLIANCE REVIEW

Review of the Sustainability Appraisal of the Tunbridge Wells Borough Draft Local Plan
Appendix 1: Regulatory Compliance

	Compliance Key	Notes
<p><i>This is a compliance review against the requirements of the Regulations. It has not been undertaken by a legal professional. The SA process has been reviewed against the SEA Regulations and requirements of the Planning & Compulsory Purchase Act 2004 on SA. The following reports have been considered:</i></p> <p><i>2016 SA Scoping Report; May 2019 SA Issues and Options Report; and September 2019 Regulation 18 Consultation Version SA Report (herein referred to as the 2019 SA Report).</i></p>		Meets requirements
		Improvements suggested
		Risk of challenge. Does not meet requirements
SEA Regulations, Regulation 12 and Schedule 2 - Contents of Environmental Report		
1. An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.		<p>Covered in 2016 SA Scoping Report and Sections 1 and 4 of the 2019 SA Report.</p> <p>Section 4.2 of the 2019 SA Report contains an up to date plan, policy and programme review (which supersedes the review undertaken at the Scoping stage).</p>
2. The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.		<p>Covered in 2016 SA Scoping Report and Sections 1, 3 and 4 of the 2019 SA Report.</p> <p>Section 4.1 of the 2019 SA Report contains updates to the baseline data including additional relevant studies that have been undertaken since the Scoping stage and the implication for the SA. Table 2 lists a number of reports that have been prepared as part of the evidence base for the Local Plan and sets out what elements of these studies will be useful for the SA. The report explains that the SA is a dynamic process that is continuously adapted or updated as more data or evidence becomes available.</p> <p>Section 4.2 of the 2019 SA Issues and Options Report includes an assessment of the Business As Usual Approach (evolution without implementation of the Local Plan), in addition to the Growth Strategy options.</p>
3. The environmental characteristics of areas likely to be significantly affected		Covered in 2016 SA Scoping Report, particularly Appendix E (Environmental Indicators Analysis), and Sections 5, 6, 7 and 8 of the 2019 SA Report.
4. Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Council Directive 79/409/EEC on the conservation of wild birds(a) and the Habitats Directive.		<p>Section 3.2 of the 2019 SA Report acknowledges the protection afforded to European designated ecological sites (e.g. Ashdown Forest (both a SAC and SPA)) by the Habitats Regulations and states the requirement for the Council to determine if the Local Plan is likely to have a significant effect on a European ecological site, either alone or in combination with other plans or projects. The 2019 SA Report explains that a report which includes an Appropriate Assessment, has been undertaken which looks at the potential effects of the policies contained in the Local Plan on this European site and that all of the allocations and policies in the Plan were assessed for potential conflicts with this European site. Furthermore, it is stated that the Council has concluded that the Draft Local Plan will not have a significant adverse effect upon the Ashdown Forest (either alone or in combination with other plans).</p> <p>However, the 2019 SA Report does not outline the HRA conclusions with respect to site alternatives or define how these have been assessed in combination with other sites or environmental effects. Section 6.1.2 of the 2019 SA Report outlines that at the issues and options stage, predictions were inherently challenging given the high-level nature of the alternatives under consideration and lack of future baseline and locational information. For example, the HRA of the proposed growth had not yet been carried out in detail and thus the precautionary principle was enacted when assigning scores to the biodiversity objective. However, there is no outline of the use of the precautionary principle in the 2019 SA Issues and Options Report. There is also no reference provided for the Appropriate Assessment mentioned in Section 3.2. Given the need for assessments to be coordinated, it would be more transparent to include more information within the SA Report on the HRA undertaken for the Local Plan.</p>
5. The environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.		<p>Covered in 2016 SA Scoping Report and Chapters 3 and 4 of the 2019 SA Report. Table 6 of the 2019 SA Report provides the SA Sustainability Objectives.</p> <p>When covering sustainability issues, where the effect of future development may be significant on environmental protection objectives, it is good practice for the SA framework to refer to limits or standards including e.g. National AQ objectives, Water Framework Directive, Condition of SSSIs, Carbon Emissions Targets – these have not been considered within the SA.</p>
6. The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues such as— (a) biodiversity; (b) population; (c) human health; (d) fauna; (e) flora; (f) soil;		<p>Covered in Chapters 4 and 5 of the 2019 SA Issues and Options Report and Sections 5, 6, 7 and 8 of the 2019 SA Report.</p> <p>Cumulative effects are covered in Section 4.5 of the 2016 SA Scoping Report, Appendix C Cumulative Impact Assessment Methodology, Appendix D Cumulative Impact Assessment for Green Belt Sites and Tables 18 and 19 of the 2019 SA Report. The short, medium and long-term effects, permanent and temporary effects are considered 'where possible' when determining the scores given in the impact matrix, however these factors could be outlined better.</p> <p>Cumulative effects are not well assessed in the 2019 SA Issues and Options Report. It is not clear how the 'Potential cumulative effects that must be considered by the Sustainability Appraisal' in Table 5 of the 2016 SA Scoping Report are brought forwards and how they are relevant to the assessment of cumulative effects in the subsequent SA documentation.</p>

	Compliance Key	Notes
<p>(g) water; (h) air; (i) climatic factors; (j) material assets; (k) cultural heritage, including architectural and archaeological heritage; (l) landscape; and (m) the inter-relationship between the issues referred to in sub-paragraphs (a) to (l).</p>		<p>The approach to the assessment of cumulative effects is well outlined within the 2019 SA Report - tables containing the scores for allocated sites including cumulative impact assessment of the total development proposed in each parish, Royal Tunbridge Wells and Southborough, by reflecting on the range of scores across the parish in combination with the Strategic Policy for the parish and any other policies in the Draft Local Plan that were relevant to the parish, followed by a discussion of impacts. The results are presented in Section 8.2.</p> <p>Green Belt release is assessed cumulatively by scoring it against each sustainability objective.</p>
<p>7. The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.</p>		<p>Covered in Section 3 and 5.2.4 of the 2019 SA Issues and Options Report and Section 4 and Appendix B of the 2019 SA Report.</p> <p>Section 3.2.5 of the 2019 SA Issues and Options Report explains that no assumptions were made about mitigation being put in place prior to a SA score being applied, but that at the Issues and Options stage, potential mitigation options are discussed in the description once scores were applied. Table 8 of the 2019 SA Issues and Options Report demonstrates the improvements to the SA scores originally presented in Table 7 by carrying out the suggested mitigation of adverse effects (green) and maximisation of beneficial effects (blue), with a shaded cell identifying where a score has been improved.</p> <p>Appendix B of the 2019 SA Issues and Options Report Detailed Scoring for Growth Strategy options includes some specific mitigation measures, however there is a lot of uncertainty surrounding these.</p> <p>Mitigation measures and recommendations used in the SA of reasonable alternative options are outlined in Appendix B of the 2019 SA Report, including some specific measures.</p>
<p>8. An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.</p>		<p>Covered in Section 4 and Appendix B of the 2019 SA Issues and Options Report, and Sections 4, 5, 6, 7, 8 and 9 of the 2019 SA Report. The maps of the reasonable alternative sites, e.g. Figure 11. Map of reasonable alternative sites within Paddock Wood Parish, are helpful.</p> <p>Alternatives for both strategic and development management policies have been formulated and assessed. The alternatives are “no policy” (where the borough would rely on national policy only) or alternative types of policies. Policies have been tested for how compatible they are with the sustainability objectives, so policies taken forward should, inherently, lead to more sustainable development than their alternatives. This is considered to be a sensible and reasonable approach.</p> <p>For the most part, the discussion around alternatives is clear and evidence based and provides helpful clarity on why the Local Plan is a reasonable strategy in terms of environmental impact and includes additional justification for the alternative sites considered. Section 8.2.2 of the 2019 SA Report states that it is not possible simply to allocate the sites with the best SA score as other factors are involved. The other factors are stated to be community engagement as a core part of plan-making, national policy and consultation with statutory consultees and undertakers/service providers.</p> <p>Table 11 of the 2019 SA Report summarises the alternative Growth Strategies considered, Figure 5 and Table 13 summarise the Garden settlement and Urban Extension potential site allocation location options considered by the SA. Section 8 of the 2019 SA Report specifically includes the SA of reasonable site alternatives for each Parish including reasons for site selection and rejection, e.g. reasons that sites were filtered out at the initial first stage assessment and references are given to the evidence base supporting alternatives (e.g. Call for Sites).</p> <p>Following the determination of reasonable alternatives, the methodology set out in Chapter 4 of the 2019 SA Report was followed for a SA of each site. The options appraisals (individual sites detailed in Appendices E - T of the 2019 SA Report) utilise the 19 SA Framework Objectives in matrix form with a colour coded key, which makes the comparison of the positive and negative sustainability aspects of a reasonable alternative clear and consistent. The narrative about the sites seems reasonable although this set of appendices would benefit from an explanation of how mitigation and design has been taken into account to ensure a level playing field. The sites for which more technical and design information is available are scored with fewer “unknowns” and less broad brush statements. Sometimes, mitigation such as a new secondary school or good design is taken into account. At other times it is stated that insufficient information is available. Sometimes scores are assigned for heritage but other times it is said that specialist input is available. It appears that impacts on noise have been assessed pre-mitigation and there a plenty of standard methods that can be implemented to reduce noise levels (bunds, barriers, layout of dwellings, offsetting etc).</p> <p>It is clear from the assessment that Paddock Wood represents a sustainable option for site allocation within the Local Plan. The allocation scores positively against 11 out of 19 SA objectives, particularly in services and facilities and transport. Paddock Wood is served well by public transport links, including a dedicated train station and numerous bus services. There are many easily accessible amenities such as healthcare, schools, shops, leisure and sports facilities, green spaces and employment opportunities. The proximity of the sites to local facilities would lead to lower car trips, lower emissions and better air quality, as well as providing benefits for the health and wellbeing of the community and climate change. We consider that Option 2 of the four urban extension options at Paddock Wood is the most sustainable and could arguably score more positively than suggested in the 2019 SA Report.</p> <p>Section 10 concludes with a complete SA combining of all elements of the Draft Local Plan, which is helpful.</p> <p>The number of versions of the SA report shows that the process has been iterative and that there has not been a foregone conclusion throughout. Diagram 1.2.2 and Section 1.3 of the 2019 SA Report presents a clear outline of the plan-making and SA process.</p> <p>The Non-Technical Summary (NTS) provides helpful, concise reasons for selecting the chosen site allocation, including benefits for the economic, environmental and social elements of sustainability.</p>

	Compliance Key	Notes
		Appendix A of the 2019 SA Report includes some limitations of predicting the effects of the alternative options, however these could be better considered and outlined in the main report, including for example assumptions made about secondary data and the accuracy of publicly available information. It also explains the brevity of explanation provided when an unknown score was applied.
9. A description of the measures envisaged concerning monitoring in accordance with regulation 17.		Covered in Chapter 11 of the 2019 SA Report. A range of potential monitoring indicators are provided that cover each of the 19 sustainability objectives appraised in the SA. This would be expected to be refined in the next version of the SA Report at Regulation 19 stage.
10. A non-technical summary of the information provided under paragraphs 1 to 9.		Covered in Section 0 of the 2019 SA Report. The NTS is written in language that can be understood easily and summarises all key parts of the process, conclusions and next steps. Clear explanation is provided for the aims and objectives of the SA and refining of reasonable alternatives through the 2019 SA Issues and Options Report. It is transparent in acknowledging that there was no best performing option following the 2019 Issues and Options SA and that an approach combining the most sustainable elements of Growth Strategy options 1 – 5 would be appropriate for maximising beneficial effects and minimising adverse effects. Concise reasons are given for selecting the potential Growth Strategy options and the preferred development strategy - a major urban extension based on garden settlement principles.
Planning & Compulsory Purchase Act 2004 - Section 19 Requirements for SA		
Stages from Planning Practice Guidance Paragraph: 013 Reference ID: 11-013-20140306. PPG paragraph references provided below, where relevant.		
A Setting the context and objectives, establishing the baseline and deciding on the scope		
Identifying relevant policies, plans and programmes		Covered in 2016 SA Scoping Report and Sections 1 and 4 of the 2019 SA Report. Section 4.2 of the 2019 SA Report contains an up to date plan, policy and programme review (which supersedes the review undertaken at the Scoping stage).
Collecting baseline information		Covered in 2016 SA Scoping Report and Sections 1, 3 and 4 of the 2019 SA Report. Section 4.1 of the 2019 SA Report contains updates to the baseline data including additional relevant studies that have been undertaken since the Scoping stage and the implication for the SA. It explains that the SA is a dynamic process that is continuously adapted or updated as more data or evidence becomes available. Section 4.2 of the 2019 SA Issues and Options Report includes an assessment of the Business As Usual Approach (evolution without implementation of the Local Plan), in addition to the Growth Strategy options.
Identifying environmental and sustainability issues		Covered in 2016 SA Scoping Report, particularly Appendix E (Environmental Indicators Analysis), and Sections 5, 6, 7 and 8 of the 2019 SA Report. When covering sustainability issues, where the effect of future development may be significant on environmental protection objectives, it is good practice for the SA framework to refer to limits or standards including e.g. National AQ objectives, Water Framework Directive, Condition of SSSIs – these have not been taken into account within the SA. See detailed commentary regarding HRA within response to question 4. above. See detailed commentary regarding the cumulative effects within response to question 6. above.
Identifying appraisal objectives		Covered in 2016 SA Scoping Report and Sections 1 and 4 of the 2019 SA Report. Table 6 of the 2019 SA Report provides the SA Sustainability Objectives.
Consulting on the scope of the appraisal		Covered in 2016 SA Scoping Report, Section 7.2 of the 2019 SA Issues and Options Report and Section 2 of the 2019 SA Report. The 2016 SA Scoping Report was consulted on in June 2016. The report was then updated to take into account consultees' comments and a final version prepared in October 2016.
B Developing and refining options and assessing effects		
Developing and refining the alternative options for the plan Paragraph: 018 Reference ID: 11-018-20140306		Covered in Section 4 and Appendix B of the 2019 SA Issues and Options Report, and Sections 4, 5, 6, 7, 8 and 9 of the 2019 SA Report. See detailed commentary within response to question 8. above.
Predicting and evaluating the significant effects of the options and alternatives		Covered in Section 4 and Appendix B of the 2019 SA Issues and Options Report, and Sections 4, 5, 6, 7, 8 and 9 of the 2019 SA Report.

	Compliance Key	Notes
		<p>See detailed commentary within response to question 8. above.</p> <p>See detailed commentary regarding the cumulative assessment within response to question 6. above.</p> <p>We consider that Option 2 of the four urban extension options at Paddock Wood is the most sustainable and could arguably score more positively than suggested in the 2019 SA Report.</p>
Considering ways of mitigating adverse effects and maximising beneficial impacts		<p>Covered in Section 3 and 5.2.4 of the 2019 SA Issues and Options Report and Section 4 and Appendix B of the 2019 SA Report.</p> <p>See detailed commentary within response to question 7. above.</p>
Proposing measures to monitor significant effects Paragraph: 025 Reference ID: 11-025-20140306		Covered in Chapter 11 of the 2019 SA Report. A range of potential monitoring indicators are provided that cover each of the 19 sustainability objectives appraised in the SA.
C Preparing the Sustainability Report - Including the SEA Requirements		
		No major deficiencies. Some further explanation suggested for inclusion within the Regulation 18 Consultation Version, as set out above and in the accompanying report.
D. Seek representations on the SA report from consultation bodies and the public		
Paragraph: 020 Reference ID: 11-020-20140306		<p>Covered in 2016 SA Scoping Report, Section 7.2 of the 2019 SA Issues and Options Report and Section 2 of the 2019 SA Report.</p> <p>Section 7 of the 2019 SA Issues and Options Report outlines the statutory consultation bodies and local organisations and authorities that have been invited to comment.</p> <p>Section 7.2 of the 2019 SA Issues and Options Report outlines the changes that have been made to reflect the consultation responses on the Interim SA Report.</p>
E. Post adoption reporting and monitoring		
Paragraph: 025 Reference ID: 11-025-20140306	N/A	To be done after adoption of the Local Plan.