

Hearing Statement Capel Parish Council

Matter 6 – Strategic Sites (Policies STR/SS1, STR/SS2, STR/SS3, STR/PW1 and STR/CA1)

Issue 3 – Paddock Wood and East Capel

Size, Scale and Location of Development

Q1. What is the justification for having a single policy (Policy STR/SS1) for the different development parcels at Paddock Wood and East Capel? Is it necessary to have development requirements for each specific area?

The land at East Capel should not have been dealt with as an appendage of Paddock Wood. Throughout the process the historic parish boundary which stretches to the LBD of Paddock Wood has been treated as an inconvenient detail by TWBC and their advisors, who have failed to recognise the historic heritage and identity of this part of the proposed development which is different from Paddock Wood and has much stronger historic links to the rest of Capel Parish.

Q2. How was the size of each parcel determined and what alternatives to the scale of development proposed at Paddock Wood and East Capel did the Council consider?

This is for TWBC to answer

Q3. Is it clear to developers, decision-makers and local communities what scale and mix of uses are proposed on each parcel (including the amount of employment land)?

This is for TWBC to answer

Green Belt

Q4. In the Green Belt Study Stage 1, how was parcel PW1 defined? Was land to the west of Paddock Wood, up to the A228 considered at this stage?

No, in 2016/17 it appeared it would only be PW1 as it was defined by the different Parish boundaries. The land from PW to the A228 is entirely in Capel and the designated Neighbourhood Plan for Capel

Q5. In the Green Belt Study Stage 3, Map 2 identifies that releasing land to the west of Paddock Wood will cause 'moderate' harm nearest the existing settlement, with 'high' levels of harm on roughly the western half of the parcel nearest the A228. What are the reasons for this and how have the findings been taken into account in the preparation of the Plan?

We cannot understand the logic of the Green Belt Study Stage 3. Is this an attempt to reverse justify a choice already made? The land from the A228 to the LBD of Paddock Wood is among the most important pieces of MGB land in the borough serving as it does to separate Five Oak Green from Paddock Wood. This stretch is really the only open land between the two settlements (the ribbon developments west of the A228 do not give this impression of openness). The plan envisages taking 182 ha out of the Green Belt at Tudeley and 148 ha at East Capel with just over 1 ha around Badsell Road being added to it, these are hardly compensatory improvements, and little mitigation would seem to be possible for example in the form of access, as foot paths already exist over the area covered by East Capel. Given that there was other non MGB options around Paddock Wood at Reg 18 and earlier, which could have been chosen if the council had not been completely fixated on housing numbers as their only criteria, we do not think the exceptional circumstances exist to remove the contribution to the MGB made by this land.

Q6. Where it has been concluded that it is necessary to release Green Belt land for development, paragraph 142 of the Framework states that Plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. How will this be achieved?

Five Oak Green and Paddock Wood will effectively become one settlement on either side of the A228. There will be NO remaining MGB differentiating between the 2 settlements

In the Sustainability Appraisal Page 108 regarding Urban Extension Development Scale Option 2 (of 5) was chosen.

6.2.40 Option 2 was for development of approximately 3,500 (plus the 1,000 dwellings from the existing SALP sites) dwellings following the same pattern as Option 1 with an additional extension of development westwards into the Capel parish Green Belt and allowing for flood relief work to the town.

Within the commentary it continues:

Water

A mixed water scores is applied equally across the options as all would represent a substantial demand for water and wastewater treatment, and all would provide significant benefits to Paddock Wood and Capel in the form of reductions in existing flood risk. The benefits could be slightly greater in options 2 and 4 where development is directed to the areas of flood zone 2 and 3 west of Paddock Wood (in east Capel). An improvement to flooding issues for existing residents is one of the key justifications for the proposed release of this Green Belt land on the west side of the settlement.

How can it be both a “key justification” to release GB and build on a functional flood plain whilst acknowledging “benefits are only slightly greater in Option 2”? There would be no benefit to any existing residents of Capel by building on the flood plain.

6.2.48 Ultimately, the scale of development at Paddock Wood and east Capel was not differentiated for the housing objective across the four (sic) options in the SA as all options would make substantial contributions. It is noted that housing is of great importance in meeting targets and options that not only meet targets but also improve the flood risk for existing residents will be highly weighted. The channel realignment needed to improve flood risk is on land in the west and thus cannot be implemented in Option 1.

The EA have never suggested to Capel Parish Council a necessity to “realign any channel” within Capel to improve flood risk in Paddock Wood. If these works are deemed necessary by the EA they should be implemented in any case, not on the back of major development which is likely to cause its own issues to residents and those villages downstream along the Medway such as Yalding and East Peckham.

Q7. Taking into account the answers provided under Matter 4, do the exceptional circumstances exist at site specific level to justify amending the Green Belt boundary in this location?

There is no evidence to suggest any justification

Flood Risk and Drainage

Paragraph 4.11 of the Strategic Sites Topic Paper13 states that “...the starting point was to focus development using a proportionate application of the sequential test in flood risk terms i.e., the majority of residential development in flood zone 1, with some in flood zone 2 where there was confidence in site specific flood mitigation ensuring that was acceptable.” Paragraph 4.14 then goes on to state that “A scenario was run with residential development in flood zone 1 only (Option 3). This provided fewer dwellings, 2,840, and was considered unnecessary in the context of planning guidance on locating development in appropriate flood zones.”

Q8. What is a ‘proportionate application of the sequential test’? Is the allocation of land to the west of Paddock Wood consistent with paragraph 162 of the Framework, which states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding?

Please also see answer to Q6 above

We would submit that allocating housing in East Capel is not in line with para. 162 of the NPPF as there are clearly reasonably alternative sites – even around Paddock Wood, but certainly elsewhere in the Borough – for proposed development with a lower risk of flooding. This site has the lowest height above sea level of anywhere in our parish (one that has a long history of flooding – in recent times going back as far as 1968 with many examples in the twenty first century). The site is traversed by Tudeley Brook which has a history of flash flooding. This can be illustrated as recently as 2020 and is clear from EA flood mapping and local experience. Badsell Manor north of the road is moated which is an indication of its historic vulnerability to flooding. Much of Tunbridge Wells Borough is not prone to fluvial or surface runoff flooding in the same way and it is difficult not to believe there are other sites that would provide reasonable alternatives in this circumstance. The requirement for a drainage strategy shows TWBC and their advisors are aware of the drawbacks on flooding terms of this site.

Q9. Can the parcel allocated to the east of Paddock Wood come forward without requiring residential development in areas at risk of flooding?

This is for TWBC to answer. It is unclear which parcel this is referring to.

Q10. What is the justification for requiring a drainage strategy to be in place prior to the granting of planning permission ‘unless exceptional circumstances arise’? What might these circumstances be? Is the policy sufficiently clear and is it effective?

This is for TWBC to answer, but given the necessity for a drainage strategy we would refer to para. 162 of the NPPF to argue there are reasonable alternative sites in the Borough that do not flood.

Mix of Uses and Infrastructure Requirements

Q11. How have the type and location of community uses been established? For example, what is the justification for the proposed sports hub (including a 25m swimming pool) and why is it in the location proposed?

We would like to re-state that despite it being situated in our parish CPC have at no time been consulted about the siting of a sports hub in the SW portion of this site. We believe Paddock Town Council would like to manage this facility and have their own site elsewhere. We have no such aspiration as a small parish with a Precept of c.£75 000 and indeed have our own more localised sports facilities within 10 minutes walk which we fear would have to compete with this new site. We are at a loss to know why it was proposed here and believe it would worsen the traffic congestion on the A228 especially at Colts Hill.

Q12. In the location envisaged, will the sports hub be accessible to existing and future residents of Paddock Wood by sustainable modes of transport?

Residents of Tudeley Village (SS3) and existing residents of Capel NOT within the settlement of Five Oak Green will be wholly reliant on a bus service operating evenings and weekends to Paddock Wood to access these facilities. No such facility exists. The alternative is that these residents will drive. Save for the limited 205 Tonbridge to Paddock Wood service, the site is not on existing sustainable transport system, (there is no direct access to Tunbridge Wells Hospital for anyone in Capel, for example). Bus routes are notoriously subject to viability tests, as the recent April 2022 end of the 6A bus service demonstrates) and there are no guarantees that sustainable modes of transport will be delivered through this plan, or will be accessed by residents from outside Paddock Wood.

Q13. What is the justification for the inclusion and location of sites proposed for gypsy and traveller accommodation?

This is for TWBC to answer

Q14. Where will the proposed sheltered and extra care accommodation be located? For effectiveness, should this be set out in the Plan?

This is for TWBC to answer

Highways and Transport

Q15. How will the north-south pedestrian and cycle link over the railway line be provided as part of the western parcel? Is it deliverable?

It is unclear how this will be delivered.

Capel Parish Council also have serious concerns regarding any connectivity outside of the development at East Capel and the rest of Capel including East/West across the A228. There will need to be provision of cycle and pedestrian bridges across the A228. If Paddock Wood does expand then it is likely residents of Five Oak Green will use the town centre.

The footpath network from Capel to Paddock Wood has to traverse the A228.

The B2017 is so dangerous between Dampiers Corner roundabout & Capel's nearest secondary school at Mascalls in Paddock Wood, that students are bussed by KCC. There are no pavements, nor street lighting on the approach to Paddock Wood along the B2017 from the A228.

Q16. How will the necessary financial contributions towards works to the A228 and the Five Oak Green bypass be calculated for each site and Tudeley Village (Policy STR/SS3)?

This is for TWBC to answer

Q17. What will be the main point of access for the parcel to the east of Paddock Wood? How will pedestrian, cycle and vehicular accessibility to the rest of Paddock Wood (to the west) be achieved?

This is for TWBC to answer

Landscape and Heritage

Q18. The AONB Setting Analysis Report¹⁴ identifies areas of 'very high', 'high' and 'medium' sensitivity within the allocated site boundary to the east of Paddock Wood. Very high is defined as likely to cause harm to the setting of the High Weald AONB which it may not be possible to mitigate against. What is the justification for including the parcel of land to the south of the site, where the Report recommends avoiding any development?

This is for TWBC to answer

Q19. In the areas of 'high' and 'medium' sensitivity, what mitigation is required and are the requirements sufficiently clear to users of the Plan?

There is insufficient detail to determine what mitigation might be needed or indeed the form it might take

Q20. Will the proposed mitigation be effective? What potential impacts will the allocation as a whole have on the setting of the AONB?

In particular the sports facility/swimming pool with its associated lighting will be highly visible transitioning between the Low to High Weald AONB thus affecting views into and out of the AONB. Travelling from South to north this will be equally true of the whole new housing estate. The important dark skies of the area will also be compromised

Q21. What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Grade II listed buildings at

Badsell Manor Farmhouse, Mascalls Court, Mascalls Court Lane and Knell's Farm? How have heritage assets been taken into account in the preparation of the Plan?

There is little evidence of that consideration has been given to the mitigation of the development on listed buildings and designated heritage assets. Badsell Manor is the oldest secular building in our parish with a history stretching back to the 13th century, yet it barely rates a mention and was treated by DLA as though it was part of Paddock Wood. The rural aspect (contrasted to the urban sprawl of Paddock Wood) contributes greatly to the setting of Badsell Manor.

The Dandara comment on page (164) in the Consultation document states

"...impact on Badsell Manor group of heritage assets can be effectively mitigated through the masterplan and any harm would be at the lower end of the less than substantial" Consultation Statement for submission of LP (Part 2 of 2), Strategic sites. (3.134b core documents).

This gives Capel Parish Council little comfort especially as there are no details of any mitigation

The important Low Weald characteristics e.g., of dispersed farmstead settlements, would be lost for ever as would this rural landscape west of Paddock Wood – this loss cannot be mitigated in any meaningful way. The impact on Badsell Manor and other designated assets in East Capel together with developments at Tudeley represent a cumulative impact on our parish's historic landscape that would transform it forever. There is no evidence that the Borough council nor their advisors have taken full account of this landscape as a whole nor its historic environment and its sensitivities. There has been no attempt to demonstrate how the value of these historic assets can be enhanced or damage to them minimised or avoided.

It has not been demonstrated by either TWBC nor the master planners that "full account needs to be taken of the landscape and environmental sensitivities of each site, as well as respecting local distinctiveness and providing for enhancements" nor how harm to the existing landscape and thus the setting of heritage assets might be minimized or even avoided, let alone enhanced.

Other Matters

Q22. What is the justification for requiring each parcel to be delivered through the production of a SPD?

This is for TWBC to answer, but we believe the details of each allocation are crucial in evaluating the soundness of the Plan. Contrary to assurances that we would be consulted on the SPD as early as January 2021 we have yet to see even a first draft of the document.

Q23. How will the Council ensure that the allocation comes forward in a coherent and comprehensive manner and avoids the piecemeal development of individual sites?

Capel Parish Council is not aware of any measures that have been taken to ensure this happens and would highlight the impact of these allocations when combined with that in Tudeley, on the lives of our residents throughout the whole plan period. Presumably TWBC will argue this is a matter for the SPD a document we were to be consulted on as far back as January 2021, but something we have yet to see. The master planning carried out by DLA was increasing less well informed and ad hoc the further away from SS/1 their work was focused. Crucial pieces of proposed infrastructure like the 'Five Oak Green by-pass' have not been fully considered, neither has the traffic impact on Five Oak Green and further west along the B2017 from the development in East Capel and Paddock Wood. Furthermore there seems to have been little interaction with Hadlow Estate about the impact on

infrastructure of the Tudeley development and how development at the two sites at both ends of our parish will relate to each other, over what timescale, and what impact this will have on existing residents, particularly in Five Oak Green over the plan period.

Issue 4 – Paddock Wood Town Centre

Q1. Policy STR/SS2 states that the Paddock Wood Town Centre Framework Masterplan SPD will identify 'key development sites'. Is this approach justified when taking into account that the SPD will not form part of the development plan for the area?

Q2. Is the Plan justified and effective by requiring development proposals to accord with the (not yet prepared) Masterplan SPD?

The Masterplan for Paddock Wood has been prepared by David Lock Associates but is not within the submitted core documents.