

Paddock Wood Town Council

Matter 1 – Green Belt Assessment, Sustainability Appraisal and Local Plan Review

ISSUE 1 –Green Belt Study Stage 3 Addendum

Q1. Does the Stage 3 Addendum¹ adequately address those concerns raised in the Inspector’s Initial Findings that sites had not been considered on a consistent basis where harm to the Green Belt is concerned?

PWTC Response:

1. The methodology applied in the Addendum is very difficult to follow which is not surprising given that TWBC and its consultants are effectively attempting to retrospectively demonstrate that the process they have followed when making key decisions regarding proposed Green Belt release was sound and that sites were considered consistently in Green Belt terms – when in fact this simply was not the case.

Q2. What is the list of reasonable alternative site options in Table 2.1 based on and have an appropriate range of options been tested?

PWTC Response:

2. The Stage 3 Green Belt Study Addendum states that:

“The Council has carefully considered what constitutes a ‘reasonable alternative’ for the purposes of this Green Belt study. Particular consideration has been given to the Council’s Sustainability Appraisal [[CD PS-013](#)] and site assessment work (through the Strategic Housing and Economic Land Availability Assessment (SHELAA) [[CD 3.77](#)]). Together, the Sustainability Appraisal and the SHELAA have enabled the Council to decide which sites are reasonable alternatives to be assessed. This includes sites that lie wholly within the Green Belt or partly in Green Belt.”²

3. However, this does not actually explain how the Council has decided which sites are reasonable alternatives to be assessed in the Green Belt Study Addendum.

¹ Examination Document PS_035

² PS_035 paragraph 2.2

4. It then goes on to state:

“For the purposes of this Study, ‘reasonable alternatives’ are taken to be all sites that were considered reasonable alternatives through the Sustainability Appraisal and SHELAA processes.”³

5. It does not explain which Sustainability Appraisal and SHELAA has informed this however one must assume that it is not the 2023 versions of the SA and SHELAA being referred to as these were prepared after the Stage 3 Green Belt Study Addendum as the Stage 3 Green Belt Study Addendum is dated May 2023 and the SA and SHELAA are both dated October 2023.
6. Therefore, the ‘reasonable alternatives’ assessed in the Green Belt Study do not include any new alternatives and it appears to simply be a ‘replay’ of what has been considered in the previous stages of the Local Plan process in terms of ‘reasonable alternatives’.
7. As we set out in our representations, TWBC has not approached the Inspector’s points regarding the need to fully evidence ‘exceptional circumstances’ with an open mind and has sought to keep its original proposed development strategy intact as much as possible which is to put as much housing at Paddock Wood as possible and increase its housing windfall allowance.

Q3. How did the Council use the information from the Stage 3 Addendum to determine whether or not exceptional circumstances exist to alter the Green Belt boundary as proposed by the submission version Local Plan?

PWTC Response:

8. This is a critical question entirely unclear in the Council’s documentation and it appears that the Council is looking to the Inspector to make this determination however it is the responsibility of TWBC to set out whether it considers there to be exceptional circumstances or not and to clearly set these out.
9. In the Inspector’s Initial Findings Report he concludes that when considering the level of harm to the Green Belt, combined with the significance of the issues raised, exceptional circumstances have not been demonstrated to justify removing the Tudeley site from the Green Belt:

“National planning policy is also clear that the Government attaches great importance to the Green Belt, the boundaries of which should only be altered in exceptional circumstances. When considering the level of acknowledged harm to the Green Belt that would occur, combined with the significance of the

³ PS_035 paragraph 2.3

issues raised, I find that exceptional circumstances have not been demonstrated to justify removing the site from the Green Belt.”⁴

10. The Inspector does not conclude in his Report that he considers there to be ‘exceptional circumstances’ for releasing Green Belt at Paddock Wood. And whilst he does state that he agrees with the Council *“that it represents a ‘logical choice’ for growth”* he concludes the strategy for the town needs revisiting including the scale and mix of uses, necessary infrastructure provision, and the location of housing, community and employment uses in area of higher risk of flooding is not justified.
11. Having reviewed the proposed modifications to the Paddock Wood strategy and Policy by TWBC, the Town Council considers that this conclusion about it ‘being a logical choice’ for growth should be revisited. The fundamental concerns raised by the Inspector and the Council’s response to this in the form of its revised masterplanning work has resulted in a strategy that does not deliver the necessary infrastructure, that squeezes housing development onto parcels of land resulting in an island / ‘archipelago’ arrangement linked by roads with little opportunity for walking, cycling or public transport to essential services and facilities. This is due to fact that the flood risk of the area does not lend itself to the creation of a sustainable scheme and instead it results in a fragmented and unviable development. The NPPF states *“When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account”⁵*. The does not represent a sustainable pattern of development.
12. Linked to the above points regarding the proposals being a fragmented and unsustainable development, the Town Council has set out in its representations the matter of the Council claiming to use ‘garden settlement principles’ at Paddock Wood. *The Local Plan states that “at the heart of the creation of a sustainable community is the delivery of the new settlement based on garden settlement principles”³⁹. Proposed changes to Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel) now states: “The development proposals for the whole of the allocated area shall embed garden settlement principles”.*
13. The Pre-Submission Local Plan stated *“The development strategy for Paddock Woo and east Capel is to: (6) Ensure the development embeds the garden settlement principles. Planning applications need to demonstrate consideration of the associated key qualities as outlined in the supporting text”*. The need for application s to demonstrate the key qualities of garden settlements is proposed for removal.

⁴ ID_012 Inspector’s Initial Findings

⁵ NPPF (Dec 2023) paragraph 147

14. Although the previous viability evidence supporting the Local Plan claimed to include assumptions about the additional costs associated with applying ‘Garden Settlement Principles’ we could identify where these additional costs are set out in the evidence. Furthermore, the updated viability evidence base supporting this consultation makes no mention of ‘garden settlement principles’ or their associated costs being factored into the viability assessment.
15. There is also clearly a significant reduction in the number of housing units that can be delivered on the parcels located in the Green Belt, which needs to be reconsidered in respect of ‘exceptional circumstances’ for the Green Belt parcels around Paddock Wood in the same way that the ‘exceptional circumstances’ for Tudeley Village have been assessed by the Inspector. In other words, the benefits in terms of housing delivery, infrastructure delivery and overall sustainability previously attributed to this strategic Green Belt release needs to be revisited in light of these ‘diminishing returns’ as set out above. These considerations surely bring into serious question how exceptional circumstances can be justified at Paddock Wood.
16. This is set against a total of 130 hectares of Green Belt land being proposed for release with over 44% of this Green Belt land resulting in ‘high harm’ and 56% of the Green Belt having ‘moderate harm’.

<i>Paddock Wood</i>	<i>STR/SS 1 (AL/PW 1)</i>	<i>Miscellaneous</i>	<i>High</i>	<i>57.47</i>
<i>Paddock Wood</i>	<i>STR/SS 1 (AL/PW 1)</i>	<i>Miscellaneous</i>	<i>Moderate</i>	<i>73.12</i>

Figure 1: PS_035 Table 3.1 -Harm rating summary for allocated and reasonable alternative sites

17. To put it simply, the ‘exceptional circumstances’ for releasing the Green Belt land at Paddock Wood are not fully evidenced or justified as required by the NPPF.

Q4. The Stage 3 Addendum found that some sites (around Five Oak Green) would only cause Low or Low-Moderate harm to the Green Belt. Given that the Plan seeks to meet housing needs in full, but will only provide for around 10 years’ worth of housing land supply, why have these sites not been considered for allocation as part of the examination of this Plan?

PWTC Response:

18. TWBC’s explanation of the Five Oak Green parcels in its Development Strategy Topic Paper is ambiguous. It states the following:

“Consequently, a change in the development strategy in relation to proposed strategic development at Tudeley Village and Paddock Wood may lead to these sites being reconsidered for potential allocation in relation to their contribution to the Green Belt, although it is noted that there may well be

*other reasons why these sites may remain unsuitable. Further consideration of such sites would be best done as part of a Local Plan review’.*⁶

19. This is a clear demonstration that TWBC did not follow the NPPF’s requirement that it take an objective approach to assessing harm to the Green Belt before concluding which sites to allocate. It simply chose the sites that backed up a preconceived strategy. Now that the Inspector has pointed out this flaw to the Council and it has attempted to retrofit its evidence, the Council is still in denial that there could be sequentially preferable Green Belt land that causes less harm than the sites it originally selected for allocation.
20. TWBC’s statement that further consideration of such sites would be best done as part of a Local Plan review is further evidence that it simply refuses to consider any other sites or reasonable alternatives than what it originally conceived. Furthermore, the NPPF requires that strategic policies establish the need for any changes to Green Belt boundaries having regard to their intended permanence in the long term, so they can endure beyond the plan period⁷. TWBC is suggesting that further (re)consideration of sites for potential allocation in relation to their contribution to the Green Belt be deferred to a Local Plan review when it cannot currently demonstrate it can meet its housing requirement and it’s attempting to justify a 10 year plan?
21. TWBC is suggesting that the proposed changes to the Green Belt in this Local Plan are unlikely to endure beyond a 5 year review period which is considerably shorter than the NPPF requirement that they endure beyond the plan period.
22. The NPPF states that *“Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.”*⁸ It would seem contrary to the NPPF for TWBC to undertake its full review of the Green Belt in the current Local Plan where the key strategic decisions need to be taken for the next 15 years (minimum). The incremental approach being suggested by TWBC whereby it will put off difficult Green Belt decisions to a Local Plan review further down the line provides a lack of certainty. The NPPF requires that plans contain policies that are *“clearly written and unambiguous”*⁹. It appears that TWBC is seeking to bring considerable ambiguity into the Local Plan regarding potential future additional Green Belt release in order to avoid difficult decisions to be taken as part of the current Local Plan process. This does miss the point entirely that these matters of Green Belt site assessment and selection should have taken place before it made its decision on the Submission Local Plan.

⁶ PS_054 paragraph 2.27

⁷ NPPF (Dec 2023) paragraph 145

⁸ NPPF (Dec 2023) paragraph 145

⁹ NPPF (Dec 2023) paragraph 16d

Q5. Where relevant, have the findings in the Stage 3 Addendum been used to update the Strategic Housing and Economic Land Availability Assessment?

PWTC Response:

23. Whilst the Council has made minor updates to the site assessment sheets in its Strategic Housing and Economic Land Available Assessment: Reasonable Alternative Green Belt Sites (October 2023)¹⁰ there are no substantive changes to the conclusions of the assessments as a result of the additional Green Belt Assessment work. The assessments continue to conclude that each of the sites are unsuitable. There are numerous examples of the Council suggesting in the assessment sheets that the site is unsuitable but that if Tudeley Village is not part of the Local Plan then the site can be considered as part of a Local Plan Review. For example, Site Reference: 11 Site Address: Land at and to the rear of 50 Whetsted Road, Five Oak Green, TN12 6RT it states in its conclusion that:

“This site is considered unsuitable as a potential site allocation in the context of the Development Strategy, but should Tudeley Village not be proposed, this site could be looked at again, as part of a Local Plan review.”

24. Furthermore, the SHELAA report itself has not been updated, and there is no introduction or conclusions set out in the site assessment sheets in PS_036.

ISSUE 2 – Issue 2 – Sustainability Appraisal Addendum

Q1. Has the Sustainability Appraisal Addendum adequately considered the suggested spatial strategy (i.e. a Plan without Tudeley Village and reduced development in East Capel) against reasonable alternative spatial options?

PWTC Response:

25. As we set out in our representations in terms of the ‘Paddock Wood Town Extension’ section of the SA, these are simply small variations of the same option and assessing the effects of comparing each of these options is not possible.

26. For example, in terms of the options considered under ‘Distribution of Development’ the variations between tested ‘revisions’ are very limited indeed. All three variations assume the DLA Addendum masterplan apart from the location of employment. This is not a genuine consideration or testing of reasonable alternatives in terms of how development could potentially be distributed. This is

¹⁰ PS_036

a fundamental point in terms of assessing the sustainability of the revised allocation for Paddock Wood as result of housing development being directed solely to Flood Zone 1.

27. Completely absent from these parameters is the matter of transportation and an assessment of the realistic accessibility of services and facilities that will result from the proposed changes to the masterplan. The proposal essentially envisages archipelagos of development that respond to flood risk but do not consider how these will help create a sense of place and sustainable forms of development. Their size and lack of connectivity will not encourage and support sustainable modes of travel. Indeed, the isolation of these development areas will necessitate travel by private car for many residents. Furthermore, the limited quantum of development that will be possible to accommodate in these development areas, combined with lack of proximity to the wider area, is likely to have a negative impact on social inclusion, health and wellbeing matters, and is unlikely to generate the critical scale of mass required to support provision of a local centre.
28. Despite this, the SA increases the scores for Rev A, Rev B and Rev C in relation to Services & Facilities with the only commentary being that they are “likely to have improvements for local landscape character”. What does landscape character have to do with services and facilities? Similarly, under ‘Travel’ the scores remain the same as the previous SA with it stating that they are “likely to have improvements for local landscape character”.
29. There is no assessment of the impacts on Paddock Wood Town Centre that will result from the proposed allocation in the SA despite the NPPF making this a clear requirement where it states that *“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation”*¹¹.
30. Furthermore, the matter of the Five Oak Green Bypass and Colts Hill Bypass appear to be entirely absent in the SA. What is the SA assuming about the delivery of these pieces of infrastructure and their impacts on the environment, movement, the landscape, Green Belt?
31. In terms of wider infrastructure such as wastewater, no update Infrastructure Delivery Plan (IDP) has been provided by TWBC therefore what assumptions is the SA making in relation to wastewater infrastructure? This is a critical matter for

¹¹ NPPF (Dec 2023) paragraph 90

Paddock Wood due to the existing works being at capacity and with no real solution for the provision of new or improved works.

Sustainability Objective	Option 2 (3,500)	Option 3 (2,500)	Option 5 (2,500)	SS1 Rev A (2,250)	SS1 Rev B (2,400)	SS1 Rev C (2,400)	Commentary
Services & Facilities	++	+	+	++	++	++	Scores applied as per Table 29 of the SLP SA with Rev A likely to have improvements for local landscape character.
Travel	+	+	+	+	+	+	Scores applied as per Table 29 of the SLP SA with Rev A likely to have improvements for local landscape character.

Figure 2: PS_037 Table 24. New SA assessments and scores for SS1 Rev A, B and C.

32. For the Secondary School Parameters, it does not provide any variation between the three 'revisions' and it is vague. Stating for all three

"To be provided in the town (rather than at Tudeley Village). Options for secondary school provision include provision in the NW quadrant; expansion of the existing Mascalls secondary school; and provision on a development parcel south of the railway line."

33. Where is the SA's assessment of the reduced housing, yet the same amount of land being removed from the Green Belt at Paddock Wood along with much less infrastructure being delivered in terms of education

34. With no genuine assessment of the sustainability of the proposed changes to the Masterplan for the largest proposed development area in the Local Plan by some margin, the SA for the whole Local Plan is inherently flawed.

Aspect	SS1 Revision A	SS1 Revision B	SS1 Revision C
Distribution of development	As per the DLA Addendum masterplan, with the exception of some 5 hectares of housing land in the NW quadrant close to the A228, which would be for employment uses instead (see below).	As per the DLA Addendum masterplan	As per the DLA Addendum masterplan, but with additional employment allocation of land east of Maidstone Road (to the north of that which has planning permission)

Figure 3: PS_037 Table 23 of Parameters for new reasonable alternatives for Paddock Wood and East Capel

Q2. If the Plan does not provide sites sufficient to meet the housing requirement, have the implications¹² been considered against reasonable alternative options that would meet housing needs?

PWTC Response:

35. It appears that this has not been undertaken by TWBC. The closest explanation of this in the SA states the following:

“Whilst there are also options of reassessing previously less sustainable options in order to provide the full 15-years housing land supply, different distribution options have already been appraised. Therefore, rather than reappraise them, the further option at this stage is to suspend the examination to carry out this re-evaluation. Hence, this option presented is very similar to the previous “no plan” option.”

36. This explanation provided by TWBC is difficult to follow but it appears to say that TWBC refuses to reappraise its options to provide the full 15 year housing supply even though such options exist. Considering that the Council has had since November 2022 (date of the Inspector’s Letter) to undertake such work it is still saying it wishes to suspend the examination in order to (re)appraise these options? It’s reference to this option being very similar to the previous ‘no plan’ option is very confusing indeed.

¹² PS_037 paragraph 6.3.4

Q3. Have the suggested Main Modifications been subject to Sustainability Appraisal?

PWTC Response:

37. As far as we are aware the suggested Main Modifications have not been subject to Sustainability Appraisal. Given the time that TWBC has had since the Inspector issued his letter (November 2022) one would assume this was ample time to undertake the necessary Sustainability Appraisal of the proposed Main Modifications for consultation. TWBC explains that it is envisaged that this work will be undertaken as a further 'Part 2 Addendum' report to address all further matters discussed at Examination as set out below.

"A further 'Part 2 Addendum' report will address all further matters discussed at Examination which require consideration of Main Modifications. It is envisaged that this will be published following consideration of the suggested development strategy revisions."¹³

ISSUE 3 – Proposed Strategy and Early Review

Q1. What is the justification for suggesting Main Modifications to the Plan, and subsequently requiring an immediate Review, rather than seeking to meet housing needs as part of this examination?

PWTC Response:

38. PWTC highlighted this point in detail in its representations as it appears that TWBC is seeking to avoid carefully examining the development options available in the rest of the Borough as part of the current Local Plan Examination and would rather put this off in the form of an 'early review'. However, if TWBC is confident that additional housing sites will be revealed as part of an early review why are these sites not being considered at this current stage?

39. It is unclear what TWBC is actually proposing in terms of an 'early review' as a review within 5 years is already a requirement of national policy. If TWBC proposes an 'immediate review' upon adoption what makes the Council that it will find more 'reasonable alternatives' to help deliver its development needs when it has apparently just undertaken this same exercise and concluded that it is not possible?

¹³ PS037 paragraph 1.1.6

Q2. How would the Council's intended early review of the Plan be controlled? What would be the implications (if any) if an update to the Plan was either significantly delayed or not prepared at all?

PWTC Response:

40. As TWBC's reasoning for suggesting an 'early review' is not clear it is difficult to identify what controls could be put in place in order to ensure an update was undertaken and by a specified time.

41. Normally, one would expect an early review to be linked to matters outside the control of the local authority. This could be, for example, working with neighbouring authorities to align local plan timetables under the Duty to Cooperate or where Government is planning strategic infrastructure in the authority's area and the authority is awaiting the outcome of such plans as its development strategy hinges on the outcome. However, in the case of TWBC the reason for requiring an early review has not been explicitly defined and it is within TWBC's own control to seek additional suitable sites. If this is simply not possible and TWBC can demonstrate that it cannot meet its housing needs then the Plan could still proceed.

Q3. The Development Strategy Topic Paper Addendum states that "...other distribution options that may provide the full 15 years' housing land supply were assessed as part of the formulation of the Pre-Submission Local Plan through rigorous consideration. However, there was not an obvious alternative strategy to the one proposed at the SLP stage."¹⁴ What is the justification, therefore, of seeking an early review to the Plan if options without Tudeley Village have already been considered and discounted?

PWTC Response:

42. We have made this point in our representations.

¹⁴ Examination Document PS_054, paragraph 10.1