

Examination of the Tunbridge Wells
Borough Local Plan

Tunbridge Wells Borough Council
Hearing Statement

**Matter 4: The Strategy for Paddock
Wood**

Issue 1: Flooding and Flood Risk

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Matter 4 – The Strategy for Paddock Wood

Issue 1 – Flooding and Flood Risk

Inspector’s Question 1: [re. Sequential Approach]

In seeking to apply the sequential test and avoid areas at risk of flooding, did the Council look at any alternative strategies for Paddock Wood, such as different sites and/or site areas?

TWBC response to Question 1

Introduction

1. The Inspectors Initial Findings [[ID 012](#)] sets out that at paragraph 161 of the National Planning Policy Framework requires all Plans to apply a sequential, risk-based approach to the location of development, and at Paragraph 162 *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. 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”*.
2. The Initial findings directed the Council to the Flood Risk Assessment contained in the Strategic Sites Masterplanning and Infrastructure Study (the Study) and associated flood modelling [[CD 3.66a](#) and [CD 3.66f](#)], which sets out the Options considered with regards to flood risk to inform the approach in the Submission Local Plan [[CD 3.128](#)] to the site allocation of STR/SS1 Paddock Wood and land at east Capel.
3. That Study identified different development strategy options available to the Council, to enable comprehensive development to come forward and include land for housing, the necessary infrastructure to support it, and for it to include a significant amount of space of open space.
4. The Study Structure Plan outlines three potential Options for the proposed growth.

- Option 1 (page 82 onwards) comprised development of up to 3,450 homes on 91 hectares (ha) of residential land, 1.5ha of mixed use land and 138ha (or 60%) of open space. It also identifies that there is potential for a further 40-140 homes on the Barth Haas site. Option 1 relies upon some development in Flood Zone 2
- Option 2 (page 96) is as per Option 1 but with the key difference being the proposed Sports Hub being located in the NW parcel, and residential development in the SW.
- Option 3 would retain the SW location for the sports hub with the sports buildings outside of Flood Zone 2, however all residential development would be in Flood Zone 1. As set out in the Study the total housing delivery would be 2,840 as set out in Table 7 page 98 of the Study.

Consideration

5. Following the local plan hearings held in April to July 2022, the August 2022, the NPPF (2021) included the need for considering climate change from all sources, as follows: *'All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property...'* (para 161) Furthermore updates to the Planning Practice Guidance introduced a requirement to consider climate change impacts as part of the Sequential Test. This was a revised position to that incorporated within the previous flood modelling and mapping completed in December 2018, and consequently it was necessary to undertake a new assessment incorporating this consideration within the modelling work.
6. The Council has considered this modelling and mapping for climate change allowances of +27% and +37%, reflecting the Central and Higher central estimates of climate change. Consequently, further modelling was undertaken to assess the impact of this upon the flood extents of Paddock Wood and land at east Capel. The NPPF has a requirement to consider climate change impacts as part of the Sequential Test. The Council's consultants JBA modelled the 3.3% and 0.1% AEP events, in addition to the 1% AEP event to produce the associated risk information.

7. The further work for the Paddock Wood streams and River Medway/River Teise with a third assessment combining the predictions for both models to understand the combined flood modelling impacts is set out in [PS 042](#), [PS 043](#), and [PS 044](#).
8. The updated modelling uses updated rainfall statistics which were released in December 2022 by the UK Centre for Ecology and Hydrology and saw relatively small increases in rainfall depths to the 3.3% Annual Exceedance Probability (AEP) event, but reductions in rainfall depths to the 1% AEP and 0.1% AEP events. Furthermore the additional modelling used up to date data from the Environment Agency on ground levels.
9. A consequence of the revised modelling is that there is generally less land to develop in fluvial Flood Zone 1/beyond the 0.1% AEP extent and that there would be a need to reorganise the scale and location of infrastructure that would be necessary to support a reduction in dwelling numbers, and consequently a reduction in the amount of land available for employment purposes owing to a significant portion of that now being in Flood Zone 3 (1% AEP extent).
10. Work undertaken for the Council by consultants David Lock Associates sought to update the Structure Plan on the basis of the change in baseline conditions following on from the revised modelling work. The updates looked to maximise land available for residential development, the aim being to help to meet the OAN for the borough whilst ensuring that associated land for infrastructure and other land uses was also safe to come forward. The masterplanning work looked at two different options for the location of a new secondary school, one in the SW parcel and one in the NW parcel, based on the presumption that land available for the buildings and access could be accommodated in Flood Zone 1 and associated play pitches could be located in Flood Zone 2, this is covered further in the Council's response to Matter 4 Issue 2 – Education Provision.
11. Further options were explored when it came to reassessing land that was available for employment uses. The Employment Land Provision at Paddock Wood document [[PS 045](#)] undertook a sequential approach to inform the Council's approach to responding to the Initial Findings. The flood modelling analysis and the application of the higher climate change estimates meant that land previously allocated for residential and employment uses was now at a higher risk of flooding.

12. The only site identified in the low-risk Flood Zone (FZ1) beyond the 0.1% AEP extent *with the lowest risk of flooding from any source* for accommodating employment land uses is that which could be reasonably situated as part of land already identified for development the SHELAA process. No other land outside that already allocated as part of STR/SS1 was available, and therefore the only other sequentially preferable land is adjoining the strategic site parcel to the north-west of the town adjacent to the A228 to accommodate land associated for employment uses. Proportional allocation with land most appropriate for development of Employment land was considered as part of this approach – ie as far away from the residential land to minimise impact from noise / vehicular movements etc.
13. From a flooding perspective Flood Zone 1/beyond the 0.1% AEP extent is sequentially preferable to the sites in the medium risk zone (FZ2/0.1% AEP extent), namely those east of Transfesa Road, which are themselves sequentially preferable to those in FZ3/1% AEP extent (i.e., Keylands Farm and the Garden Centre site, to the east and west of Maidstone Road respectively).
14. Therefore, the FZ1 land was sought to be allocated in the proposed response to the Initial Findings, unless it was concluded that it is not “reasonably available” and/or is not “appropriate for the proposed development”. In this case the land is in the control of a national housebuilder and its release for employment uses would result in a reduction inland for housing amounting to a further reduction in houses by 140 units.
15. The next most suitable sites are those in FZ2, to the east of Transfesa Road. These are, or will be, in a medium risk category. Together, they would provide developable areas of some 4.2 hectares which are needed to meet the employment needs for the borough as part of the overall strategy for employment.

Conclusion

16. The Council looked at alternative strategies for STR/SS 1 Paddock Wood and land at east Capel, including different site locations for employment in particular which has informed the Development Strategy Topic Paper Addendum. This was particularly informed in the knowledge that the Council is seeking an early review of the Local Plan.

Inspector's Question 2: [re. Are the soundness issues resolved?]

Do the changes suggested by the Council in the Paddock Wood Strategic Sites Master Planning Addendum¹ address the soundness issues raised in the Inspector's Initial Findings?

TWBC response to Question 2

Introduction

17. The National Planning Policy Framework states that 'All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property' (paragraph 161). Doing this by applying the sequential test and (if required) the exception test, safeguarding land for current or future flood management, using opportunities to reduce causes and impacts of flooding, and where climate change will increase flood risk seeking opportunities to relocate development to more sustainable locations.
18. The Initial Findings [[ID_012](#)] raised a number of matters in regard to policy STR/SS1 Paddock Wood and land at east Capel (PWeC), and concludes at paragraph 52 '*In addition, the location of new housing, community and employment uses in areas at higher risk of flooding is not justified.*'
19. The Initial Findings identifies that the Strategic Sites Masterplanning and Infrastructure Study identified an option (Option 3) where all residential development is removed from Flood Zones 2 and 3, and that insufficient information has been provided to justify some allocated employment sites in their inclusion in the Plan.
20. The Council has reviewed the flood risk modelling on the basis of the most up to date guidance as set out the response to Matter 4 Issue 1 Question 1.

Consideration

21. The Council's approach to responding to the Initial Findings is, following on from reviewing the flood modelling, to remove all residential development that is allocated as

¹ Examination Documents PS_046 and PS_046a-c

part of the strategic site policy STR/SS 1 Flood Zone 2 with the predicted (higher) effects of climate change.

22. In regard to other development associated with the delivery of STR/SS 1 the Council has sought to take a precautionary approach to the strategic delivery at Paddock Wood and land at east Capel by re-evaluating the masterplan so that housing land is brought forward only on Flood Zone 1 land.
23. Suggested changes to STR/SS1 are made in tandem with changes across the strategic sites, and are considered necessary in order to address matters of soundness and importantly have a local plan that is adopted.

Conclusion

24. As set out in the Initial Findings the sequential test is an absolute test requiring that development avoids the risks from flooding. The Council response has sought to eliminate any flood risk associated with the delivery of housing, infrastructure and employment land.
25. It is considered that the approach has addressed the soundness issues raised in the Initial findings.

Inspector's Question 3: [re. Are any other Main Modifications needed?]

If not, what Main Modifications are required to make the Plan sound?

TWBC response to Question 3

Introduction

26. The Initial Findings [[ID_012](#)] sets out that Paddock Wood is a town with a good range of services, employment premises and public transport provision. It is also surrounded by some land which is outside the Green Belt and AONB which is a unique position in Tunbridge Wells.
27. The Inspector found that the location of new housing, community and employment uses in areas at higher risk of flooding was not justified, and that comprehensive main modifications will therefore be required to the submitted Plan in order to make it sound.

Consideration

28. The Councils response to Matter 4 issue 1 Questions 1 and 2 sets out the approach in responding to the Initial findings in particular to the points raised regarding the justification for have land for development within Flood Zone 2 and 3 within the strategic allocation STR/SS 1.
29. The Development Strategy Topic Paper Addendum [[PS_054](#)] comprehensively considers the specific interrelated matters between the removal of Tudeley Village (STR/SS 3) from the Submission Local Plan, and the review of STR/SS1 from flood risk based on the most up to date evidence, having prepared updated flood modelling informed by more recent data and guidance.

Conclusion

30. The Council has thoroughly reviewed the Submission Local Plan having regard to matters raised in the Initial Findings. Specifically the flood risk implications as set out above.

31. Changes to Policy STR/SS 1 in the Development Strategy Topic Paper [[PS_054](#)] sets out the revised changes to the development allocation for Paddock Wood and land at east Capel.