

**Paddock Wood Town Council
Matter 5 – Site Selection Methodology**

ISSUE 1 – Site Selection Methodology

Q1. How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate?

PWTC Response:

1. This is a question that only the Council can fully answer. However, from our review of the Council’s documentation, which unfortunately does not include a Site Selection Topic Paper, it would appear that the SHELAA¹ was a key document that the Council used for informing its proposed allocations. There are a number of deficiencies with the SHELAA and we highlight just a few that we have identified:
 - We attempted to locate earlier versions of the SHELAA on the Core Document List and on the Council’s website but could not locate any. We are therefore unclear whether there were previous SHELAAs prepared before the only version in the Core Documents dated January 2021. The SHELAA² explains that there was an Interim SHELAA Report which presented high level site summary assessment sheets for all the Call for Sites submitted during 2016. The Council explains that further considerations that would assist in a more detailed second stage assessment were listed on the site summary sheets for example highways or heritage issues which it claims were researched and considered in more detail to inform the next stage of the assessment. The Council states that this next stage included AONB and Green Belt considerations. It then explains that sites submitted through the second Call for Sites in 2017 were treated in exactly the same way as those submitted in 2016 but that the Interim SHELAA Report was not updated to include the sites received since 2016. The overall process that the early SHELAA undertook is very unclear from this explanation by the Council and the details of the technical work are entirely unclear as the audit trail from 2016 does not appear to be available.
 - The SHELAA lacks detailed mapping of constraints for each site overall making it extremely difficult to understand how sites may have been

¹ CD 3.77a

² CD 3.77a Paragraphs 3.26 – 3.28

filtered out, how developable sites were determined based on constraints and at a more general level help the reader to gain a visual and geographic understanding of physical and policy constraints that have informed the Officer's assessment of sites. We note that there is an interactive SHELAA map on TWBC's website however this only shows SHELAA site boundaries without any constraints or site assessment information for the reader to view. We provide the weblink for this below: <https://tunbridgewells.maps.arcgis.com/apps/webappviewer/index.html?id=45b6281d23f74cb3b534ad39b95905e4>

- Stage 1 Site Assessments: Initial Consideration

- The SHELAA filters out a number of sites at the first stage based on a set of criteria which are not justified due to a lack of measurable evidence which we set out below. As the PPG explains³, sites that have particular constraints need to be included in the assessment but with the constraints clearly set out
 - *Located in remote locations away from existing settlements; such sites considered unlikely to be sustainable (although remote sites have been considered in the context of a new Garden Village Settlement, where applicable). **What is the definition of a 'remote location away from existing settlements'?***
 - *Not well related to a settlement. **What is the definition of being well-related to a settlement or not?***
 - *Clearly unlikely to provide less than 10 residential units. **This filter was applied by TWBC despite TWBC's own evidence⁴ which shows that over 36% of all the borough's completions between 2006 and 2019 were on schemes of 9 dwellings or less. Given that this is such an important source of supply for housing why would the Council wish to decide to reject such sites? Furthermore, the NPPF⁵ requires that authorities should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. Surely the filtering of sites unlikely to provide less than 10 dwellings could be a valuable source for meeting this NPPF policy. PPG⁶ refers***

³ PPG Paragraph: 010 Reference ID: 3-010-20190722

⁴ CD 3.83 Table 1

⁵ NPPF Paragraph 69a

⁶ PPG Paragraph: 009 Reference ID: 3-009-20190722

to the appropriateness of considering all sites capable of delivering 5 or more dwellings.

- *About which there is significant landscape concern, which it is considered is unlikely to be overcome. **It is unclear if or how any landscape evidence fed into this assessment.***
 - *About which there is significant topographical concern, which it is considered is unlikely to be overcome. **What defined whether a site had ‘significant topographical concern’? How was it evidenced that the topographical concern was unlikely to be overcome?***
 - *About which there is significant heritage concern, which it is considered is unlikely to be overcome. **What is the heritage evidence base behind this? What is a ‘significant concern and how did they consider it was unlikely to be overcome?***
 - *About which there is substantial concern that development of the site would tend to cause the coalescence of settlements. **How was this assessment measured? And how could the site west of Paddock Wood in Capel have through on the basis it prevents coalescence of Five Oak Green and Paddock Wood.***
- We note that sites that are in Flood Risk Zones 2 and 3 are not even referred to as part of the Council’s Initial Consideration and we consider they should have been at least flagged in the Council’s initial assessments as serious constraints for further investigation. This would be in line with the PPG⁷ which identifies ‘flood risk’ as a physical constraint that should be identified at the first stage but was not.
2. When one reviews the ‘Summary of the SHELAA Site Outcomes’ in Appendix 4 it simply lists the parish location, reference number, site address and whether the site has been assessed as ‘Suitable for Local Plan allocation’, ‘Suitable for Local Plan Allocation in part’ or ‘Unsuitable for Local Plan allocation’. There is no further information provided in terms of the amount / type of development it was assessed for or reasons for inclusion, reasons for part inclusion or reason it was

⁷ PPG Paragraph: 015 Reference ID: 3-015-20190722

assessed as unsuitable for inclusion at all. In order determine this one has to go to the Site Assessment Sheets⁸.

3. When one refers to the Site Assessment Sheets for Paddock Wood⁹ for the detailed assessment for sites in Paddock Wood for example, what one finds is a perplexing set of site assessment sheets starting first with what appears to be an overall Site Assessment Sheet for what the Council refers to as:

“Site Reference: Local Plan Allocation STR/SS 1 includes sites 20, 47, 51, 79,142, 212, 218, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 340, 342, 344, 347, 371, 374, 376, 402, late site 48, and DPC19 (Sustainability Appraisal: Paddock Wood Reasonable Alternative Option 2)”

(see image below)

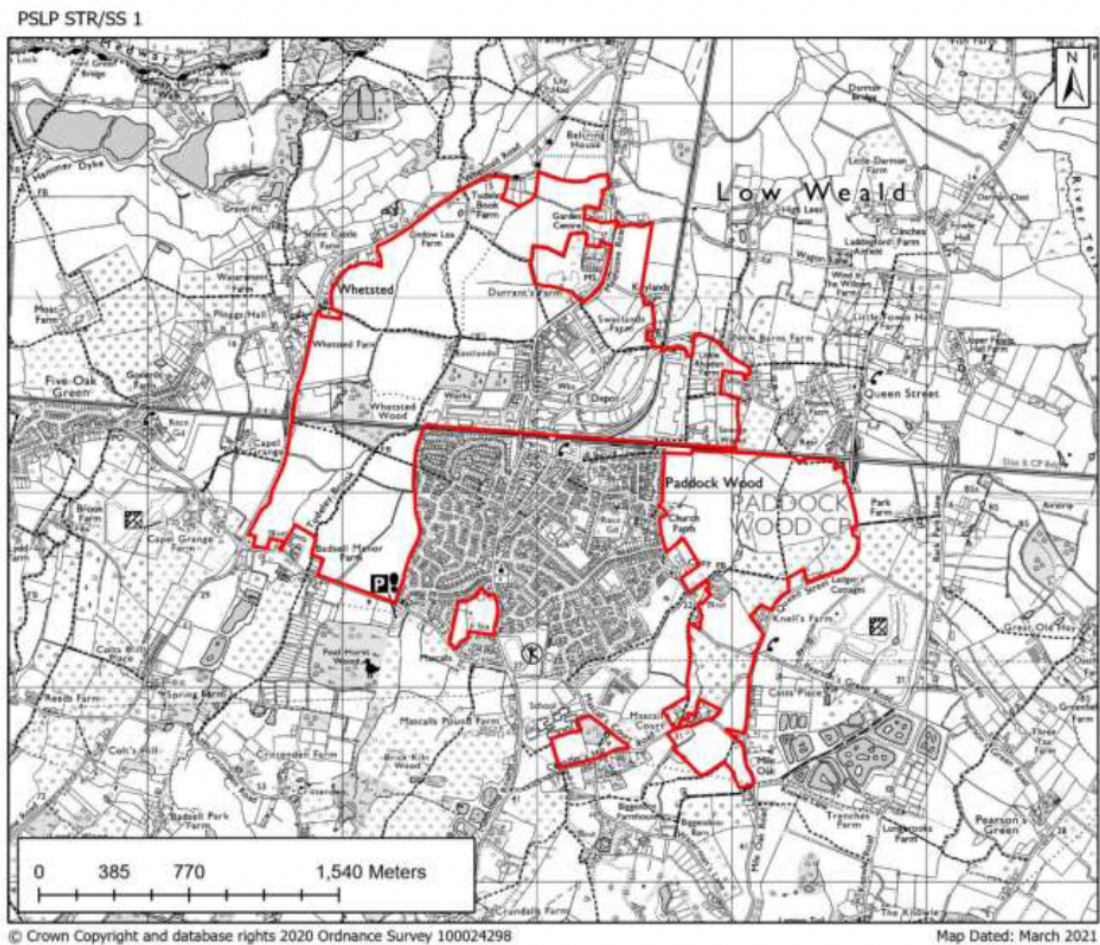
We would comment on each individual site presented however it is not possible to do so in the time allowed therefore we have focused on the ‘Allocation Site’ which by no means should be interpreted that PWTC does not also have detailed comments and issues to raise on the individual site assessments in the SHELAA. PWTC provided site assessments regarding flood risk in its two previous Local Plan consultation submissions.

⁸ CD 3.77b – 3.77r

⁹ CD 3.77l

Site Reference: Local Plan Allocation STR/SS 1 includes sites 20, 47, 51, 79, 142, 212, 218, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 340, 342, 344, 347, 371, 374, 376, 402, late site 48, and DPC19 (Sustainability Appraisal: Paddock Wood Reasonable Alternative Option 2)

Site Address: Land at Capel and Paddock Wood

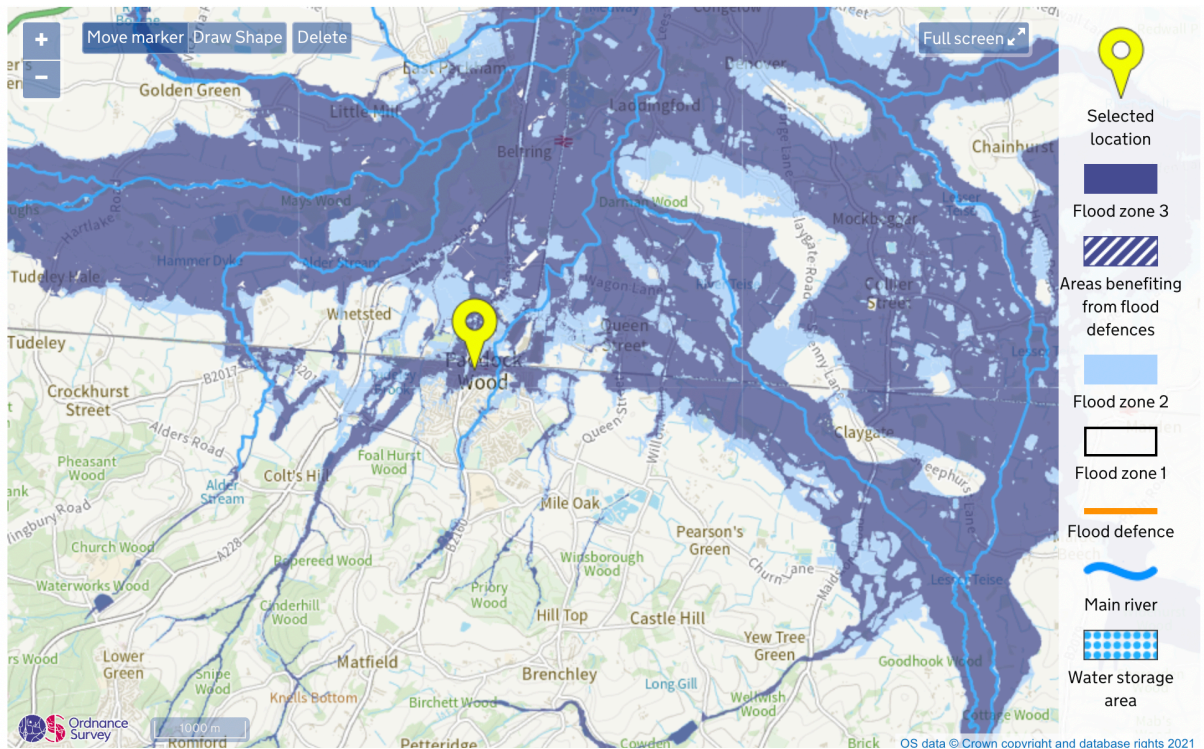


Parish:	Capel/Paddock Wood
Settlement:	Paddock Wood
Gross area (ha):	360.58
Developable area (ha):	Subject to Masterplanning

4. Firstly it is noted that the site is referred to as a “Local Plan Allocation” despite the date of the document being January 2021 which is well before the Council even consulted on its Regulation 19 Local Plan.

5. The Assessment Sheet states that the gross area is 360.58 hectares, and that the developable area is “Subject to Masterplanning”.
6. We note the date of the Site Assessment Sheet is January 2021 but the map is dated March 2021 so how is that possible?
7. In its “Issues to Consider” it does highlight SFRA Flood Zone 2, 3a, and 3b and sewage treatment works. However, in the site’s description there is no mention of flooding or sewage treatment works.
8. In its assessment of **‘Suitability’** it explains that the site is considered suitable for the allocation of land at Paddock Wood and east Capel to provide a strategic urban extension to the existing settlement at Paddock Wood. In relation to flooding it states “...whilst it is acknowledged that there are flooding constraints across the site (particularly to the west) these will be considered through the masterplanning. There is potential for the existing town to benefit from the substantial investment that new development would bring, including resolution of existing flooding problems”

As explained previously there are no constraint maps provided in the SHELAA for us to refer to however when one views the Environment Agency’s Flood Risk map (see below) for Paddock Wood it is clear that the flooding constraints are not just “particularly to the west”, they are in the town centre, to the north to the east and to the south. How can the Council possibly expect that the flooding constraints at Paddock Wood and in relation to the SHELAA sites / proposed allocations in the location can be put off to “the masterplanning”? This statement demonstrates the complete lack of serious technical or logical consideration that the Council has given to the presence of existing and future flood risk at Paddock Wood and its intention for these serious matters to be dealt with through a masterplanning process and SPD which is clearly not what the SHELAA should be concluding in its assessment of suitability.



Environment Agency Flood Risk Map <https://www.gov.uk/check-long-term-flood-risk>

9. In its assessment of the Site’s **‘Deliverability’** the SHELAA states that *“The site is suitable for allocation and is available. It comprises individual sites that are promoted as one strategic allocation. All those who control the land are part of the Strategic Sites Working Group which has been formed to help deliver this allocation in the event it is allocated. It is considered that the site could come forward during the plan period.”* This an extremely generic statement about the deliverability of the largest of the Local Plan’s proposed allocations. How can the Council possibly conclude with certainty that the entirety of sites is ‘deliverable’ based on its claim that all those who control the land are part of the Strategic Sites Working Group? This is clearly not sufficient to conclude that the whole of the areas is ‘deliverable’. It does not even refer to the economic viability of the overall scheme which we know from PPG¹⁰ that viability is one of the key factors that should be considered when assessing deliverability. Viability is of particular importance in the case of Paddock Wood given that the SHELAA itself makes the assumption (as mentioned above) that the assessed sites will bring serious investment to the town which will include the resolution of existing flooding problems.

10. In terms the **‘Sustainability Assessment’** it appears to take its conclusions directly from the Sustainability Appraisal (which we have commented on separately) and states in relation to water and flood risk that:

“A mixed water scores is applied as the development would represent a substantial demand for water and wastewater treatment, and would provide significant benefits to Paddock Wood and Capel in the form of reductions in existing flood risk. An improvement to flooding issues for

¹⁰ Paragraph: 020 Reference ID: 3-020-20190722

existing residents is one of the key justifications for the proposed release of this Green Belt land on the west side of the settlement.”

We have commented on this under the Sustainability Appraisal already however it is worth including again as the conclusion that placing strategic development in areas of flood risk would improve flooding issues in the area defies all logic. The Council appears to be ‘blurring together’ waste water, fresh water infrastructure and surface water that causes flooding and represents a misunderstanding on the Council’s part of the difference between these very different and very critical issues for Paddock Wood.

“Betterment” was promised by TWBC on the three strategic sites now under construction however in reality the sewerage system has been further overburdened and regularly overflows. Surface water flooding has worsened, it has become apparent that the functional dam provided by the railway line and its (mainly) blocked culverts are an insurmountable barrier to any potential flooding improvement works. Nothing has been agreed by Network Rail, even now when the sites are being occupied. The same applies to the East Capel site which again abuts the railway.

Comprehensive masterplanning was advised by the Inspector on the 2015 SALP however the Council went ahead and interpreted that as ‘masterplanning’ for each individual site with absolutely no comprehensive planning for cumulative results of the three sites together as the Inspector intended.

11. In its **‘Reason’** the Council states that *“The delivery of this allocation would require comprehensive masterplanning, which is considered to ensure the key constraints including flooding could be properly assessed”*. It appears from the Council’s reasoning that flooding will not be ‘properly assessed until masterplanning is undertaken. Clearly the proper assessment of flood risk and other constraints should have been undertaken as part of the SHELAA drawing on sound and appropriate evidence base which it clearly has not.

Q2. How were site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence?

PWTC Response:

12. It appears that the Council relied on the SHELAA based on the excerpts from that report below. However there is scant information in the SHELAA that could lead anyone to conclude that the proposed site areas and dwelling capacities are justified.

13. In relation to site areas, the SHELAA¹¹ explains its approach:

“Work was carried out to establish the developable area of each site; that is, the amount of land excluding planning constraints that comprise Ancient Woodland, SSSIs and Flood Zone 3 that would preclude most forms of built development (these are termed 'level 1' constraints). At this stage no other potential constraints were included when assessing developable areas.”

14. The SHELAA¹² explains its approach to determining dwelling capacity

“The calculation is based on the developable site area only and, for a potential housing site, a standard yield of 30 dwellings per hectare applied to calculate a dwelling capacity for each site. If there is any departure from this approach, this is set out on the individual assessment sheet. It is recognised that for some sites, when considered in more detail, a higher or lower density may be appropriate to reflect the context of the site. The NPPF requires that LPAs set out their own approach to housing density to reflect local circumstances whilst also seeking to achieve more efficient use of land. A more refined density calculation has been used at a later stage in plan making to inform site allocation policies. This will take full account of the context of each site and its opportunities and constraints, such as location, surrounding character and environment.”

Q3. In deciding whether to allocate sites for development, how did the Council take into account the effects of development on:

- **Landscape character, including the High Weald AONB and its setting;**
- **The availability of best and most versatile agricultural land;**
- **The local and strategic road network;**
- **The need for new and improved infrastructure (including community facilities);**
- **Heritage assets; and**
- **Nature Conservation**

PWTC Response:

15. As we have explained in our response to Question 1 the SHELAA appears to be a very ‘light touch’ evidence base and does not assess these constraints thoroughly or transparently. We raised the following points in our Regulation 19 representations regarding the lack of a proper Heritage Impact Assessment (HIA) or the use of the Council’s own evidence base on landscape to inform its site assessments as an example of fundamental shortcomings.

¹¹ CD 3.77a Paragraph 3.37

¹² CD 3.77a Paragraph 3.38

16. In relation to **Heritage**, we have said previously that Historic England has prepared a number of Advice Notes with its guidance on how authorities should approach heritage in the Local Plan and in their selection of potential sites including the potential impacts on heritage that might result from the proposals. There are two of these Advice Notes we would like to bring to the attention of TWBC:

- The Historic Environment and Site Allocations in Local Plans (Historic England Advice Note 3) October 2015¹³. This note
- Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12) October 2019¹⁴

17. There is no evidence available in the Local Plan or its supporting documents that sets out how the Local Plan process has complied with the NPPF (and the Historic England guidance) in respect of heritage (including archaeological, architectural, artistic or historic, or a combination of these) in terms of considering which development options to select and then the need to assess the heritage impact from these proposals. At a minimum the Council should have undertaken the following staged approach as set out in Advice Note 12 (see paragraph 6):

1. Understand the form, materials and history of the affected heritage asset(s), and / or the nature and extent of the archaeological deposits
2. Understand the significance of the assets
3. Understand the impact of the proposal on that significance
4. Avoid, minimise, and mitigate negative impact, in a way that meets the objectives of the NPPF
5. Look for opportunities to better reveal or enhance significance

18. In relation to **Landscape** we have said previously that the evidence supporting the Local Plan in respect of landscape is disproportionate in its focus on the areas of the borough which are not the focus of strategic growth. Conversely the Local Plan lacks sufficient evidence for the areas where the majority of growth is planned in the borough – Paddock Wood and Tudeley. The ‘Landscape Sensitivity Assessment’ appears to be the key evidence base used to inform the Local Plan. It was prepared in two separate parts:

- Landscape Sensitivity Assessment of Countryside around Tunbridge Wells (February 2017); and

¹³ <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

¹⁴ <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/>

- Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells (Paddock Wood, Horsmonden, Hawkhurst, Cranbrook) (July 2018)

19. It is unclear why the studies were prepared separately and in different years but one could make an assumption that the Council's original focus of growth was perhaps Royal Tunbridge Wells and Southborough but that it changed its mind and then focused on potential other areas. As far as we can tell Tudeley is not assessed in either of the studies.
20. There is unfortunately no overall concluding recommendations by the consultants to understand what was concluded taking both studies into consideration. It is not clear whether this is due to inadequate consideration of the two reports by the Council or a poorly drafted specification given to the consultants as to the parameters of their reports and whether they were required to make any recommendations in them.
21. The Council's Landscape and Visual Impact Assessment of Proposed Allocations study (November 2020) unfortunately restricts the assessment to proposed allocations within the High Weald AONB and does not include the locations where the most strategic growth is proposed at Paddock Wood and Tudeley.

Q4. How did the Council consider the viability and deliverability of sites, especially where new supporting infrastructure is required?

PWTC Response:

22. We have already explained in our response to Question 1 how 'deliverability' was inadequately evidenced and assessed in the SHELAA. As part of the SHELAA it should have included its assumptions and assessment of the viability of the sites as required by the PPG however it has not done this either.
23. Our Representations to the Regulation 19 consultation set out in detail the Town Council's views on infrastructure and the viability assumptions used by TWBC covering the following topics and the Town Council continues to have fundamental concerns about all of the deliverability and viability issues raised previously. Please refer to PWTC 's Regulation 19 response.
- Education
 - Wastewater

- Health
- Cemeteries
- Transport
- Flood Risk
- Garden Settlement Principles
- Housing Trajectory and Housing Delivery Assumptions

Q5. How did the Council take into account flood risk? Has the Plan applied 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 as required by paragraph 161 of the Framework?

PWTC Response:

24. We have stated numerous times in our representations (Regulation 18, Regulation 19) and hearing statements that a sequential, risk-based approach to the location of development which considers flood risk and the current and future impacts of climate change has not been undertaken by the Council which is a fundamental flaw of the Local Plan process and its evidence base.

25. We have also set out our response to this question in response to Matter 3 Issue 2 Question 7 and we do not repeat it here – please refer to PWTC’s Regulation 18 and 19 Representations and Hearing Statement on Matter 3 (Spatial Strategy and Distribution)

Q6. What are the reasons for the different affordable housing requirements between allocations in the Plan?

PWTC Response:

26. No Comment.

Q7. Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

PWTC Response:

27. Based on our responses to the questions above we consider that the answer is 'no' to both of these questions posed.