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# Examination Statement – Matter 3 Spatial Strategy & Distribution Of Development

## Tunbridge Wells Local Plan

Representations on behalf of Crest Nicholson

May 2022

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## 1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Barton Willmore now Stantec on behalf of our Client, Crest Nicholson, who has an interest in the land to the north west of Paddock Wood that forms a significant part of the housing allocation STR/SS1: The Strategy for Paddock Wood, including land east of Capel, which provides for circa 3,490-3,590 new dwellings across Paddock Wood. This Statement is prepared in response to the Inspectors' Matters, Issues and Questions.
- 1.2 Representations have been made on behalf of our client throughout the production of the emerging Local Plan and these representations expand upon earlier representations. While efforts have been made not to duplicate the content of previous representations, this Statement draws on previous responses where necessary.
- 1.3 These representations have been prepared in recognition of prevailing planning policy and guidance, particularly the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 1.4 These representations respond to the Inspectors' questions within Matter 3 – Spatial Strategy and Distribution of Development. This Statement does not respond to all questions raised under this Matter but focuses on those questions of particular relevance to our Client's interests.
- 1.5 These representations have been considered in the context of the tests of 'soundness' as set out at paragraph 35 of the NPPF. This requires that a Local Plan be:
- **Positively Prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - **Consistent with National Policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

## **2.0 RESPONSE TO MATTER 3 – SPATIAL STRATEGY & DISTRIBUTION OF DEVELOPMENT (POLICY STR1, STR3,STR9 AND STR10)**

### **Issue 1 – Spatial Strategy**

**Question 4: The Development Strategy in Policy STR1 supports the "...major, transformational expansion of Paddock Wood (including land at east Capel)...". At a strategic level, what are the reasons for promoting significant new development at Paddock Wood? Is this justified?**

**Question 8: Could housing needs be met in a way that did not require land to be removed from the Green Belt and/or require development in the AONB?**

**Question 9: Do policies relating to the Green Belt, the High Weald AONB and/or flood risk provide a strong reason for restricting the scale, type and distribution of development in Tunbridge Wells?**

### **Issue 2 – Distribution of Development**

**Question 3: Is the strategy consistent with paragraph 105 of the Framework, which states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes?**

**Question 4: Having established the principle of significant growth at Paddock Wood (see Matter 3, Issue 1, Question 4 above), how did the Council determine the scale of additional housing proposed in the Plan?**

2.1 To respond to these questions, Crest considers below the various issues in turn.

#### **Why Paddock Wood?**

2.2 Paddock Wood is the borough's second largest settlement. It lies outside the High Weald AONB and the Metropolitan Green Belt.

2.3 It has a mainline train station, with regular direct services to London Charing Cross (50 minute journey) and Ashford International (30 minute journey). Tunbridge Wells, the nearest higher order settlement is a 20 minute rail journey.

2.4 It has a wide range of facilities, including a secondary school and sports centre. There is an existing large employment area to the north of the railway line, which supports the town and the rural hinterland. It has a supermarket and a variety of local services and facilities. There is an opportunity, with the right level of strategic development that Paddock Wood town could be significantly supported and enhanced.

2.5 As paragraph 4.44 of the Submission Local Plan states,

*"Paddock Wood is a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility. It is also outside the AONB and, except for land to the west, beyond the Green Belt."*

2.6 As set out in Crest's Hearing Statement on Matter 2 Issue 1, to accord with paragraph 11 of the NPPF, TWBC is not able to consider housing numbers and spatial strategy in its environmentally constrained borough as separate elements or in a linear progression, or in deed in isolation to considering deliverable and developable sites, economic growth, and minimising impact.

2.7 Under the title, 'The Presumption in favour of sustainable development', paragraph 11 of the NPPF makes it clear that:

*"a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*

*b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 2.8 TWBC's "Development Strategy Topic Paper" (TWBC, October 2021) along with the Sustainability Appraisal provides a comprehensive overview as to the basis and justification for the spatial development strategy that has evolved and is now being pursued in the Plan. This work helps in reinforcing the soundness of this policy and the Plan as a whole.
- 2.9 The SA considered 12 reasonable alternative scenarios for growth, which given the constraints in the Borough is a relatively high number of options.
- 2.10 Proposed Growth strategies 1, 6 and 8 seek to meet needs without the use of Green Belt demonstrating the Council has invested time considering alternative strategies before selecting the preferred strategy, which forms the basis of this Plan.
- 2.11 There is a clear relationship between settlements/settlement size in TWBC and the Green Belt. Those settlements that are larger and more sustainable are tightly surrounded by the Green Belt. Lower order settlements tend to be located outside the Green but within the AONB.
- 2.12 Page 80 of The SA (CD 3.3130), "*Growth Strategy 6 (meeting housing need with no Green Belt release) causes highly negative impacts for travel and climate change and some social objectives are not as positive as they would be otherwise (housing, education, equality)*".
- 2.13 Paragraph 32 of NPPF makes clear that any significant adverse impacts on social, economic, and environmental objectives should be avoided. The outcome of Growth Strategy 6 is therefore contrary to NPPF with respect to travel and climate change. Therefore, there is clear, robust, and justified evidence for the Council to consider growth strategy options that remove land from the Green Belt.
- 2.14 Smaller sites were considered in Growth Strategies 1,5 and 7 but did not score as well as larger scale development at larger, more sustainable settlements.

- 2.15 When considering sites for growth locations outside the AONB and Green Belt, that there are limited options to create, *"a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects."*
- 2.16 The tests for major development in the AONB are high and it has been demonstrated that the requisite housing and employment needs cannot be met elsewhere in the Borough (or outside, under the Duty to Cooperate).
- 2.17 It is clear from the work undertaken by TWBC, within the Borough's constraints, that fewer but larger - more sustainable - sites provide a more robust development strategy, as concluded in the SA, even if this will result in the removal of land from the Green Belt. This accords with paragraph 73 of the NPPF which recognises that,

*"The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).."*

### **Scale & Direction of Growth**

- 2.18 The issue then becomes one of scale and direction of growth around Paddock Wood. Page 4 of the Sustainability Appraisal NTS concludes,

*"...Paddock Wood was the only reasonable location for an extension and of a scale that maximises benefits for the housing objective whilst being set away from the constraints in the south (ancient woodland and AONB), but with land-take in the Green Belt to the west of Paddock Wood, in Capel Parish, to help address existing flooding issues, would provide a suitable and achievable, scale of extension. This option was found to have benefits for the economic, environmental and social elements of sustainability, albeit with most benefits being social and economic, rather than environmental."*



- 2.19 As paragraph 6.83 of the Development Strategy Topic Paper recognises scale is important for the functionality and sustainability of a new settlement. It needs to be sufficient to support everyday services, such as shops, education, and healthcare provision, as the provision of such services will influence quality of place, level of containment and ultimately households' decisions to live in a new settlement. As an established town with a broad range of existing services and facilities, a substantial level of growth could support and provide an opportunity to enhance this provision in the town.
- 2.20 Five options for scale and direction of strategic growth of Paddock Wood were assessed. Notwithstanding the Green Belt designation of land to the west, the option involving development all around the town was favoured in overall sustainability terms. This largely reflects the combination of facilitating business growth, general accessibility to central facilities, together with the flood betterment possible for the town.

### **Exceptional Circumstances for Removal of Land from the Green Belt**

- 2.21 The Government places great weight on local planning authorities to meet their own housing needs whilst protecting Green Belt and AONB; however, the NPPF recognises that these designations are not absolutes, but should be considered against the appropriate tests. TWBC has assessed the development strategy and sites against these tests, whilst also balancing policies in the Framework as a whole.
- 2.22 Paragraph 136 of the NPPF states that, once established, Green Belt boundaries should only be altered where 'exceptional circumstances' are fully evidenced and justified, through the preparation or updating of plans.
- 2.23 Paragraph 137 of the NPPF requires that, before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, it is necessary for the Council to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development, including making as much use as possible of suitable brownfield sites and under-utilised land, optimising density of development (including policies that promote a significant uplift in minimum density standards in town centres and other locations well served by public transport), and informed by discussions with neighbouring authorities about whether they could accommodate some of this borough's identified need for development.
- 2.24 The Council details the factors it considers contributing to exceptional circumstances to justify proposed changes to Green Belt boundaries at paragraph 6.183 of the Development Strategy Topic Paper.

- 2.25 Not providing for the Borough's housing need due to environmental constraints would mean more families being disadvantaged and less affordable homes and specialist housing (for older people, people with disabilities, etc) being provided, which in turn would impact the health and wellbeing of residents in the borough, limit economic prosperity and create additional social deprivation and a larger affordability ratio. This, in turn, would create an imbalance between social, economic, and environmental factors.
- 2.26 The affordability issues already being experienced in TWBC is set out in the Council's review of local housing needs (CD3.75). These issues will be made worse by the number of new homes being capped in this local plan period, but the impacts would be seriously exacerbated if TWBC does not release land from the Green Belt to accommodate its needs. Such acute affordability issues in Tunbridge Wells can only add weight to the exceptional circumstances required to amend Green Belt boundaries.
- 2.27 In relation to Paddock Wood specifically, paragraph 6.186 states there are **additional** site and development specific circumstances which contribute to exceptional circumstances, as follows:

*"For land at Capel and Paddock Wood:*

- the land proposed to be released from the Green Belt here is part of a wider release of non-Green Belt land to **deliver development in a sustainable location, around an existing settlement, with the potential to rejuvenate and revitalise the town centre:** approximately 48% of the total area of land included for the comprehensive urban extension is currently designated as Green Belt;*
- through the comprehensive development of this site, and particularly the land to the west of Paddock Wood (i.e. that which would be released from the Green Belt), it has been identified through the Strategic Flood Risk Assessment that there is the **potential for the flood mitigation required in association with this development to deliver "betterment" through reduced flood risk to existing areas of Paddock Wood and its surrounds.** This requirement is specifically included in the policy, and is considered to make a significant contribution to the exceptional circumstances for the release of this land from the Green Belt;*

- *Expansion of the town offers opportunities both within the new development and existing development to **increase the use of alternative modes of transport (to cars) for local journeys, improve Green Infrastructure and taken together with land at Tudeley there are opportunities to provide significant new highway infrastructure and localised highways improvements.***

2.28 In summary, the expansion of Paddock Wood is seen as benefitting from taking a comprehensive, integrated approach to growth of the town in order to effectively address transport, flood risk and other infrastructure provision, as well as to help provide an economic stimulus.

### **Sustainable Patterns of Development**

2.29 Paragraph 142 of the NPPF (021) clearly states,

*"When drawing up or reviewing Green Belt boundaries, **the need to promote sustainable patterns of development should be taken into account.** Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also 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."*

2.30 In the case of Paddock Wood, the development strategy will not only provide a sustainable expansion of the town but will bring betterment to the existing settlement through alleviating flooding, specifically by removing land from the Green Belt to the north west to provide a comprehensive flooding and drainage strategy, as well as full consideration of environmental improvements.

2.31 The Council's evidence shows that as part of a wider strategy developing a major, transformational expansion of Paddock Wood following garden settlement principles, as set out in STR1, is a good sustainable option.

2.32 Development at Paddock Wood, under Policy STR/SS1 will assist TWBC to:

- meet the housing (market, affordable and specialist housing) needs of the borough;
- meet the employment needs of the borough;
- support and enhance the sustainability of the second largest settlement in the borough, which is served by existing rail and public transport services to higher order settlements;
- align growth and infrastructure, due to its sustainable scale;
- provide betterment to Paddock Wood town by addressing existing flooding issues, and thereby improving the environment and residents' quality of life, as well as mitigating climate change and its future effects;
- provide social betterment with additional new schools, a new sports and leisure hub and safer crossings of the rail line;
- provide a compact, healthy, and active community that will be energy efficient and resilient.

2.33 When all these elements are put into the planning balance, it can be seen that TWBC is planning positively for the housing needs of its residents through its spatial development strategy, particularly through its strategy of promoting transformational expansion of Paddock Wood.

2.34 As a result, Crest considers that in relation to Issue 1, Spatial Strategy:

- In answer to Question 4, the Development strategy at Paddock Wood is justified.
- In answer to Question 8, housing needs cannot be met on land outside the Green Belt.
- In answer to Question 9, TWBC has found the appropriate balance between providing an appropriate amount of housing with a sustainable development spatial strategy, whilst considering the borough's environmental constraints.

2.35 In relation to Issue 2, Distribution of Development:

- In answer to Question 3, in regard to the development proposed at Paddock Wood, the strategy is consistent with paragraph 105 of the NPPF as development, as significant development will be focused on the expansion of the town which can be made more sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

- In answer to Question 4: Having established the principle of significant growth at Paddock Wood Crest agree that the Council determine the appropriate scale of additional housing proposed in the Plan to optimise benefits to the settlement.

## **Issue 2 – Distribution of Development**

**Question 7: How have flooding constraints been taken into account in determining the spatial distribution of development? Is the Plan consistent with paragraph 161 of the Framework which 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.**

2.36 The 'Selection of sites' section of the Development Strategy Topic Paper, on page 82- 86 sets out how flooding constraints have been taken into account in determining the spatial distribution of development.

2.37 In summary:

- A Strategic Flood Risk Assessment (SFRA) has been produced to inform the plan-making process and the distribution of development, including the proposed site allocations and policies.
- The SFRA was prepared in two parts – a Level 1 SFRA for the whole borough and a Level 2 SFRA focusing on the land around Paddock Wood including land in east Capel. There has also been additional flood modelling work by the Council's consultants (JBA) in relation to the masterplanning of Paddock Wood and east Capel.
- In accordance with paragraph 161 of the NPPF, TWBC considered a range of site allocations, using a Strategic Flood Risk Assessment to apply the Sequential and Exceptions Tests where necessary. The Sequential Test was applied to steer new development to areas with the lowest probability of flooding.
- The Flood Zones, which were refined through new detailed modelling as part of the production of the SFRA (and have been agreed and adopted by the Environment Agency for planning purposes) provide the basis for applying the Sequential Test. In terms of Paddock Wood, this more detailed hydraulic modelling work redefined the majority of the site from Flood Zone 3 to Flood Zone 1 and 2.

- The Level 1 SFRA applied the Sequential Test to the whole Local Planning Authority area; however, it is accepted that it is often the case that it is not possible for all new development to be allocated on land that is not at risk from flooding.
- All of the sites submitted to the Call for Sites were screened against a suite of available flood risk information and spatial data to provide a summary of risk to each site. This information informed the consideration of sites through the SHELAA, following the sequential approach and was used to determine whether more detailed assessment of sites would be required as part of a Level 2 SFRA to further identify those sites that should be taken forward as potential development allocations.
- The relatively extensive areas of land available for potential housing development in Zones 1 and 2 within the borough made it possible to select potential new housing sites outside of the high-risk flood zone (Zone 3). Where potential housing sites were shown to comprise some land in Zone 3, proposed development would only be allowed to take place on land in Zones 1 or 2.
- In accordance with the Sequential Test and the Exceptions Test – those sites which are proposed to be allocated, that fall within or partly within areas of Flood Zone 2 or 3 have then been the subject of further work as part of the Exceptions Test carried out through the Level 2 SFRA.
- The Level 2 SFRA focussed on the area around Paddock Wood and land to the east of Capel Parish, in accordance with the requirements of the Exceptions Test.
- The testing completed as part of the Level 2 SFRA provides a strategic understanding of the potential effect of development and the potential for mitigation by implementing flood risk management measures, with some sites being discounted as a result.
- The Level 2 SFRA also considered future flood risk, due to the influence of climate change on fluvial flood flows.
- The Level 2 SFRA considered that strategic provisions of flood risk management could not only provide for the proposed development but could also influence flood risk on existing areas of development in Paddock Wood, i.e. provide 'betterment' for the existing settlement.

- It is acknowledged within the SFRA and was recognised in the Draft Local Plan Policies that future and more detailed assessment work should refine understanding of how flood risk measures may reduce flood risk, and their viability.

2.38 In regard to Paddock Wood, JBA Consulting were commissioned to prepare an updated flood risk modelling and mapping to inform the evidence base for two emerging masterplan options being prepared by David Lock Associates for TWBC, referred to as Options 1 and 3:

- Option 1 had a larger total residential area, with residential areas predominantly positioned in Flood Zone 1 and some areas within Flood Zone 2.
- Option 3 has a smaller total residential area, with residential areas positioned in Flood Zone 1.

2.39 Whilst this was progressing, Crest's hydrology consultant, Ardent, were also undertaking work to consider how and where development could be located to the north west of Paddock Wood. Ardent's schemes includes a larger development platform area (57.5ha) and causes no increase in flood risk as a result of the proposals, in comparison to the JBA work which concluded that approximately 45.46ha.

2.40 This indicates that the work undertaken by TWBC has been proportionate and done in accordance with the NPPF, paragraph 162 included, but the modelling – and the mitigation – will continue to evolve through the planning process as the SPD is drafted and the planning application is prepared. These documents will also set out a SUDS strategy to deal with the increased runoff from the development itself, thereby reducing the surface water discharging from the site.

2.41 Given the site north west of Paddock Wood, north of the rail line in Crest's control is 97 hectares, even if the larger development platform area is fully utilised, this still means that 40% of the site will remain for strategic blue and green infrastructure. This will provide a unique opportunity to not only deal with flood risk for the development but to provide betterment to existing residents and businesses in the town, whilst providing for all the services and facilities required by the development within a landscaped, biodiverse buffer to the Green Belt. This should also be considered within the wider western allocation, along with Dandara's land which will primarily be a sports and leisure hub.

**Issue 3 – Limits to Built Development**

**Question 1: How have the Limits to Built Development been defined? What are they based on and are they accurate?**

**Question 3: Where new site allocations are concerned, the Limits to Built Development Topic Paper 7 states that only the developable areas have been included. Landscape buffers, open space and outdoor recreation areas have been excluded from the Limits to Built Development. What is the justification for this?**

**Question 4: When taking into account that the detailed design and layout of a site allocation will be determined at the planning application stage, will the approach to defining Limits to Built Development be effective?**

**Question 9: Is it clear to decision-makers, developers, and local communities how planning applications will be considered for development proposals both within, and outside, Limits to Built Development?**

- 2.42 The Limits to Built Development Topic Paper (February 2021) sets out the Council's rationale for changing the boundaries to the built up limits and lists the criteria in Table 1.
- 2.43 In regard to new site allocations, the criteria include the proposed developable area with landscape buffers which form part of the allocation, open space and outdoor recreation being excluded.
- 2.44 In regard to Paddock Wood and Tudeley, however, the boundaries for Limit to Built Development (LBD) are provisional.
- 2.45 The reason for this is set out in the table on Page 60 which deals specifically with the changes to the boundaries around Paddock Wood, under item 1.

*"Creation of a provisional LBD boundary for Regulation 19 Pre-Submission Local Plan, subject to further modifications based on any forthcoming masterplanning work associated with site allocation STR/SS 1 (The Strategy for Paddock Wood and east Capel). This provisional LBD boundary follows the extent of STR/SS 1 at a general 20m buffer from the outer boundaries to allow for any landscape buffers. If any planning permission is granted on this site and/or is developed out, then the LBD boundaries will be reviewed at the Local Plan review stage 5 years post-adoption of the Local Plan."*



- 2.46 Crest supports the approach of a provisional boundary at this stage of the planning process.
- 2.47 It is proportionate and a demonstration of positive planning that the boundary in the Local Plan sets the furthest extent of the allocation, whilst leaving the detail to the masterplanning work that will follow on at the next stage. As set out in our Hearing Statement to Issue 2, there is more work required at Paddock Wood, particularly to the north west, to develop a more detailed and refined flood risk and drainage strategy. The location and configuration of the final development areas will be heavily influenced by this and other development/design elements that need to be considered comprehensively at the next stage of the planning process.
- 2.48 As set out in the quote above in paragraph 2.44 of this statement, if any planning permission is granted on this site and/or is developed out, then the LBD boundaries will be reviewed at the Local Plan review stage 5 years post-adoption of the Local Plan, to cover only the developable areas to comply with the criteria in Table 1.
- 2.49 To define the LBD in this Local Plan would be premature and would not allow the Plan to be considered as being positively planned.