

## **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?**

1.1 Whilst this is primarily a question for the council to respond to we understand the process started with the call for sites in 2016, then went through the process of scoping and site assessment set out in the SHELAA in 2017 and then the SA of the reg 18 plan in 2019 (CD 3.11). Not only is the SHELAA clear that the council assessed sites in accordance with the SHELAA Methodology Flow Chart taken from NPPG i.e. looked at availability, suitability and deliverability; but it is clear from chapter 6 of the SA of the Reg 18 Plan (Sept 2019) (CD 3.11) that the council looked at both the scale of development to be accommodated in Paddock Wood<sup>1</sup> and that tables 26, 27 and figure 11 looked at the reasonable alternative sites in Paddock Wood to be included within the proposed allocation.

1.2 Thereafter, the sites promoted in and around Paddock Wood, were subject to detailed scrutiny by the councils masterplanning consultants David Lock Associates (see CD 3.66).

1.3 In the context of the above the land promoted by Redrow was attributed SHLAA site ref 20 in the 2019 SHELAA (CD3.22(I)), and that promoted by Persimmon site references 212, 342, 344, 371, 374 and 376; all of which fell within Local Plan Allocation AL/PW1 in the Reg 18 Local Plan and associated SA (CD3.11). Thereafter it formed part of the eastern parcel of the land identified for development pursuant to Policy STR/SS 1 and was assessed accordingly in the Reg 19 and Submission Plan.

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

2.1 Whilst in promoting sites through the call for sites, site promoters indicated what they considered the sites to be capable of delivering, in the case of the strategic sites at Paddock Wood, these were subject to a detailed masterplanning and infrastructure study undertaken by David Lock Associates (DLA) on behalf of TWBC (the Strategic Sites Masterplanning and Infrastructure Study - CD 3.66). This document explains DLA's brief, which included examining the different options to deliver the scale of development envisaged in the Reg 18 plan having regard to the policy requirements in the plan and representations received during the Regulation 18 consultation, as well as an assessment of environmental impacts, economic cost, and the deliverability constraints of the different options.

2.2 As set out in the Strategic Sites Masterplanning and Infrastructure Study following the baseline review of issues, the key constraints and opportunities within the Paddock Wood and East Capel draft allocations were drawn up and then discussed with key stakeholders through a series of community representatives' workshops. Four potential options for growth were then proffered, the preferred structure plan - option 1 for 3,450

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<sup>1</sup> See figure 7 and table 17 together with paras 6.2.27 - 30

dwellings and associated facilities<sup>2</sup>, table 6 suggesting that 1,330 of these be on land promoted by Persimmon and Redrow; option 2 which proposed the same schedule of land uses but configured in a different way so that the sports hub was located in the NW rather than western sector of the town<sup>3</sup>; option 3 which removed any residential development from designated Flood Zones and thus only suggested some 2,840 dwellings compared to the 3,450 in option 1<sup>4</sup>; and option 4 which sought to maximising development capacity and thus proposed some 3,835 dwellings.

2.3 Whilst the scale of development proposed within the Strategic Sites Masterplanning and Infrastructure Study and associated Structure Plan to the east of Paddock Wood exceeds that promoted by Redrow and Persimmon (which was circa 1,200 dwellings), the area included with the DLA Structure Plan as set out on p150 of the Submission Local Plan includes land outside of Persimmon and Redrow’s control such as Ledgers Cottages and the associated commercial area, and takes in more of Knells Farm than is now being promoted, such that the overall densities<sup>5</sup> are we believe the same as that proposed on the development parcels we are working to.

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.

3.1 Whilst again this is primarily a question for the council to respond to, the Strategic Sites Masterplanning and Infrastructure Study makes it clear that DLA had access to the evidence base and background studies that supported the emerging Local Plan – see for example paras 3.6 and 3.7 of the Detailed Masterplanning and Infrastructure Study. In addition paras 4.118 – 4.132, together with paras 4.55 – 4.72, comment upon the landscape and blue and green infrastructure in terms of the planning policy/ evidence base, site context, and issues arising from the technical workshops; para 4.9 and the associated table highlight the fact that ‘*Particular attention will be given to the grade of agricultural land and agricultural activities to minimise the effects on the rural economy and agricultural functionality*’; para 4.9 and the associated table highlight the highway issues that need to be taken into account, as do paras 4.39 – 4.54 in terms of the planning policy/ evidence base, site context, and issues arising from the technical workshops; paras 4.89 – 4.106 comment upon community infrastructure in terms of health, education, community halls and sport and recreation in terms of the planning policy/ evidence base, site context, and issues arising from the technical workshops; whilst paras 4.73 – 4.75 comment upon utilities; paras 4.107 – 4.114 comment upon heritage assets and paras 4.133 – 4.138 on ecology.

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<sup>2</sup> see p 82 of CD3.66,

<sup>3</sup> This was considered sub optimal for the reasons set out in para 5.74,

<sup>4</sup> the scale of development on the Redrow and Persimmon land being 1,300 dwellings , which was still slightly more than that proposed by us.

<sup>5</sup> Para 5.63 of the Strategic Sites Masterplan and Infrastructure Study suggests a development of circa 3,450 homes at Paddock Wood is based on an average density of between 35-38dph

3.2 All of the above issues were thus considered in the context of the proposed preparation of the Strategic Sites Masterplanning and Infrastructure Study, and subsequent Structure Plan and Masterplans. In addition the SA in scoping the strategic allocations at Reg 18, and subsequently at Reg 19 and Submission (CD 3.11, 3.62 and 3.130) considered the proposed allocations against the aims and objectives of the SA, which included matters such as protecting and enhancing the landscape, protecting soils, improving travel choice and reducing the need to travel by private vehicle, improving access to, and the range of key services and facilities, protecting and enhancing cultural heritage assets, and protecting and enhancing biodiversity and the natural environment<sup>6</sup>.

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

4.1 The Inspector will be aware of our comments in our Reg 19 reps, about the inconsistencies between policy STR/SS1 and the Strategic Sites Masterplanning and Infrastructure Study as to what is required of the Paddock Wood and Capel development; and about the inconsistencies between Strategic Sites Masterplanning and Infrastructure Study, Infrastructure Delivery Plan and Viability Appraisal as to what is required of the Paddock Wood and East Capel developments. Likewise he will be aware of our concerns over the assumptions made and the robustness of figures used in the Viability Appraisal.

4.2 We note that since we made our reps, only the Infrastructure Delivery Plan has been updated and that despite our comments it continues to contain the discrepancies highlighted in section 4 of our Reg 19 reps of June 2021.

4.3 Having regard to the above, as set out in para 2.10 of the SoCG Redrow and Persimmon signed with TWBC (CD 3.140) Redrow and Persimmon have not agreed to the benchmark land value (BLV) of £250,000 per gross hectare set out in the Viability Appraisal (CD 3.65). Furthermore, they have at para 3.10 of the SoCG questioned the viability of the 40% affordable housing requirement for the strategic sites. As set out in our Reg 19 reps and in our answer to question 6, not only do we question the BLV, but the market revenues at £420 per sqft (£4500 per sqm<sup>7</sup>) and profit margins at 17.5%<sup>8</sup>. In addition, we also have concerns about the site-specific infrastructure costs of £270k per acre (£665k per gross hectare)<sup>9</sup>.

4.4 Given the above, whilst the parties agree that the broad conclusions of the viability work carried out by Dixon Searle means there is a reasonable prospect of the growth around Paddock Wood and East Capel, including the requisite infrastructure, being delivered without external funding being necessary, it has been agreed that there are funding opportunities which could be explored to help deliver the sites and that these issues remain under review, as in essence our position is that in order to deliver the infrastructure package required of these strategic allocations the affordable housing contributions will need to be reduced to circa 25-30%; or alternatively, to support 40% affordable housing, other developer contributions will need to be revised/reduced.

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<sup>6</sup> See table 6 of CD11 and CD3.62

<sup>7</sup> we believe this figure would be more accurately set at circa £4,200 per sqm,

<sup>8</sup> we believe this figure would be 20%

<sup>9</sup> evidence from various strategic schemes across the UK showing an average of £400k per acre.

**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?**

5.1 Whilst again this is primarily a question for the council to respond to, we note the SA in scoping the strategic allocations at Reg 18, and subsequently at Reg 19 and Submission (CD 3.11, 3.62 and 3.130) considered the proposed allocations against the aims and objectives of the SA which included '*Manage flood risk and conserve, protect, and enhance water resources*'. In addition, the council commissioned a Strategic Flood Risk Assessment (CD 3.44), which was published alongside the Reg 18 Plan in 2019. This was produced by JBA consulting who then worked with DLA on the Strategic Sites Masterplanning and Infrastructure Study, providing additional modelling on flood risk matters to inform the strategic site's work.

5.2 In the context of the above, the Strategic Sites Masterplanning and Infrastructure Study explains at para 4.58 that fluvial flood risk is a considerable factor affecting residential development on the western side of Paddock Wood and within the town centre; and that sites to the east are less affected by fluvial flooding, although some flood risk is present due to the East Rhoden stream that runs along the western boundary of the Redrow/Persimmon site. The Strategic Sites Masterplanning and Infrastructure Study also explains that the SFRA tested scenarios for flood alleviation for the whole of Paddock Wood in conjunction with development on the land to the west. These scenarios tested raised development parcels covering around 50% of the site area, to understand the betterment possible with the following approaches:

- Off-site floodwater storage to the south, further upstream
- On-site floodwater storage with flood defences
- Improved conveyancing and small targeted flood defences

5.3 As a result of the above the Strategic Sites Masterplanning and Infrastructure Study explains in para 4.65 that the following issues will need to be addressed and considered in the Structure Plan:

- Fluvial flood management on the west of Paddock Wood
- Mitigation measures in relation to the flows between the Dandara and Crest Nicholson land to the west of Paddock Wood
- Ensuring a sequential approach to development and flood risk and considering options in balancing development needs and flood risk/ mitigation
- Consideration of multi-functional spaces for managing flood risk and providing sports/recreation uses.

5.4 Given the above and having regard to the issues raised in the community representative workshops, the design principles for the Strategic Sites Masterplan included the need to minimise surface water runoff, and to utilise greenfield rates for surface water run-off through a range of SuDS measures. It also advocated the following core water principles to underpin the Structure Plan:

- *Using the pattern of water and flooding to structure development naturally, keeping houses out of potential flood zones and increasing the capacity of existing flood areas to absorb excess water under climate change scenarios*

- *Management of floodwaters and provision of open space and other land use provision on-site without the use of additional land*
- *Creation of wetland habitat to provide biodiversity gain and reflect locally distinctive natural forms*

5.5 Para 5.41 of the Strategic Sites Masterplanning and Infrastructure Study goes on to explain that: *'the core masterplanning principles for flood management are derived from work undertaken in the Strategic Flood Risk Assessment, and supporting work by JBA, summarised in an appended technical note. These principles are:*

*Fluvial (River) Flooding:*

- *Cumulative impacts of development must be considered as well as impacts from specific developments*
- *Flood risk and drainage implications of infrastructure required to enable development should be planned for in a similar manner to residential or commercial development*

*Pluvial (Surface Water) Flooding:*

- *Management of surface water should be integrated with green infrastructure and open space provision to maximise opportunities for multi-functional use of space and delivery of multiple benefits*
- *Infiltration potential is likely to be low*
- *Enough space for surface SuDS will be required in the right locations, and outside of fluvial Flood Zones*

*All water management issues:*

- *Discharge rates, volumes and destination should be agreed early with the LLFA and IDB'*

5.6 Para 5.88 of the Strategic Sites Masterplanning and Infrastructure Study explains that modelling work on the impact of the development Options was undertaken by JBA, using the same methodology as TWBC's SFRA, and at para 5.92 that the modelling demonstrates the benefit of localised drainage measures, albeit it was considered that more comprehensive drainage arrangements accompanied by more detailed analyses would enable the development of the residential sites outlined in Option 1 to be brought forward without any off-site increases in flood depths being predicted. Para 5.93 concluded that masterplan development Options 1 and 3 were acceptable from the perspective of not increasing flood risk to third parties, that the areas of residential development have been positioned in lowest risk flood zones (Flood Zones 1 and 2, with a significant majority in Flood Zone 1) and the modelling supports the benefit resulting from this by demonstrating the reduced changes in flooding compared with modelling prepared for the Tunbridge Wells Level 2 SFRA. Additionally, the modelling identifies the benefit that localised drainage measures can provide. Para 5.94 continues:

*'On this basis it is considered that the principle of development can be supported for the layout described by Option 1, provided that appropriate provision is made for the layout of drainage and flow routes through the proposed development. These measures would need to be supported by more detailed analyses and evidence that reflected the level of design detail. Consideration would need to be given to the long-term management and maintenance of the conveyance and drainage measures, so these were not inadvertently compromised for the lifetime of the development.'* All of which I can confirm is in hand as far as the land to the east of Paddock Wood is concerned.

5.7 As the Structure Plan shows that potential surface water flooding can be managed through the integration of green infrastructure and open space as well as the provision of land for SuDS, chapter 6 of the Strategic Sites Masterplanning and Infrastructure Study concludes that this approach satisfies the policy requirements of betterment for Paddock Wood's existing urban areas, whilst conforming to the Sequential Approach to locating development advocated by the Environment Agency; and that the recommendation therefore is to incorporate a requirement for onsite mitigation into the Structure Plan.

5.8 A sequential approach to flood risk has thus been taken at the Strategic Sites as set out in the Strategic Sites Masterplanning and Infrastructure Study. This has taken 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.

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

6.1 Whilst policy H3 looks to deliver 40% affordable provision on all greenfield sites of 9 (+) dwellings, not all the proposed allocations look to provide 40% affordable housing. Some, such as Policies AL/RTW 3, AL/RTW 4, AL/RTW 6, AL/RTW 7, AL/RTW 10, AL/RTW 11, AL/RTW 12, AL/RTW 13, AL/RTW 14, AL/RTW 20, AL/SO 3, AL/CRS 6, AL/HA 2, AL/HA 3, AL/BE 3, AL/BE 4, AL/PE 5, AL/PE 6, and AL/RU 1 are 30%, AL/CRS is 35%, and Policy AL/BE 2 is 48%.

6.2 Whilst we appreciate the fact that AL/CRS 1 is carried over from the Site Allocations Plan (July 2016), some sites already benefit from extant planning permissions and many of the sites in Royal Tunbridge Wells are brownfield urban sites with associated development costs that could well affect viability and thus the affordable provision, cumulatively these sites provide for circa 900 – 1010 dwellings so a difference in 10% affordable provision is not inconsequential.

6.3 In addition given the fact the Tunbridge Wells Borough Council – Local Plan Viability Assessment Stage 2 – Appendix IIa, (CD 3.65 (a(ii))) only finds the strategic expansion of Paddock Wood to be viable at 40% affordable housing on certain key provisos (market values of 4,500sq m, and benchmark land values of £250,000 a ha, both of which we believe to be unreasonable<sup>10</sup>, or market values of 4,300sq m, and benchmark land values of £250,000 a ha with only 17% developer return, which again we find unreasonable) it appears wholly unjustifiable to have smaller scale allocations with significantly less in the way of infrastructure requirements being promoted at a lower affordable requirement.

6.4 In the context of the above it is noteworthy that five of the eight scenarios tested in the Local Plan Viability Assessment Stage 2 return a viability deficit; indeed, the analysis at £4,300/m<sup>2</sup>, £370k per hectare and 20%, assumptions which are almost identical to our position, shows a viability deficit of £72.6m. The conclusion of the Local Plan Viability

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<sup>10</sup> As per our reps on the reg 19 plan we believe the average market values to be nearer £4,100 - £4,200 per sqm rather than £4,500 per sqm, and BLV to be nearer £370 per ha which table 1 of CD 3.65 (a(ii)) acknowledges would generate a negative return at 40% affordable. We also consider a 20% return on market GDV to be the minimum acceptable return for a national housebuilder for a scheme of this nature and scale.

Assessment Stage 2 that 40% affordable housing is appropriate for the strategic sites at Paddock Wood and Capel thus appears to be inconsistent with the findings of the Viability Appraisal.

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

7.1 We believe the site selection process was robust, that an appropriate selection of potential sites were assessed, and that appropriate criteria were taken into account in the selection process. The land east of Paddock Wood is a highly sustainable site located within walking distance of the facilities within Paddock Wood, one of the main towns within the borough. It falls outside the Green Belt and AONB and the vast majority of the site can be developed within flood zone 1 i.e. an area of low flood risk. It provides for a suite of infrastructure works, including land for a new primary school, a local centre, new parks, and the potential expansion of the secondary school, as well as sustainable transport links, its own flood alleviation and utility requirements, including waste water requirements, and affordable housing, albeit at a level to be agreed. It is suitable, available, and deliverable.