

SAVE CAPEL

And

CAPEL PARISH COUNCIL

Herein referred to collectively as
(“SCPC”)

HEARING STATEMENT

MATTER 4 – THE STRATEGY FOR PADDOCK WOOD & EAST CAPEL

INTRODUCTION

1. As per paragraph 11 of the “Examination Guidance Note for Stage 3”, Save Capel has been in discussion with Capel Parish Council and we have agreed to submit jointly prepared statements, given the commonality in the points both bodies wish to raise with the Inspector. We hope this will assist the Inspector with the timetable for representations and hearing arrangements.
2. In response to the Inspector’s questions, we have sought to avoid wholesale repetition of previously submitted evidence to the examination. Given the number of inter-related Issues and Questions for this Matter, SCPC has prepared this consolidated statement rather than follow the Council’s approach of responding to each Issue separately.



CAPEL PARISH COUNCIL



SAVECAPEL

OPENING STATEMENT ON MATTER 4

3. The Stage 3, Week 1 hearings heard that the Council will be providing extensive further evidence to support its suggested changes to the Plan. SCPC understands that the consolidated list of expected further documentation that has been requested of, or considered necessary by, the Council so far is as follows:
- a. A note setting out what it considers are the exceptional circumstances for Green Belt release at Paddock Wood / East Capel. **(PINS request)**
 - b. A draft policy for the Local Plan Review **(PINS request)**
 - c. The evidence detailing the 'Modal Shift' assumptions behind the Transport evidence
 - d. The detailed breakdown behind the Council's cost estimate for the Colts Hill Bypass
 - e. Secondary Education provision at Paddock Wood - Feasibility Report.
 - f. SCPC's consultant (John Russell of Motion) met briefly with the Council's transport consultants after reference was made to a further report on highway mitigation. However, Sweco and Stantec both seemed a little unclear what this would involve.
 - g. Clarification of the assumptions used in the transport model for the planned growth in neighbouring authorities, particularly Tonbridge and Malling BC (including Tonbridge Town Centre).
 - h. A review of policy wording relating to 'Monitor and Manage' in relation to hotspots and FOG village.
 - i. Pembury Road corridor study
 - j. Highways Infrastructure delivery document
 - k. Revised housing trajectory (and probable additional hearing session in July) following consideration of PW/EC growth at the Week 2 hearings
 - l. Detailed composite schedule of "suggested" Main Modifications in relation to Matter 9 **(PINS request)**

4. SCPC notes that the Council may also be submitting other evidence that we are currently unaware of. We also note that an updated Infrastructure Delivery Plan (IDP) is not expected to be provided until the 'main mods' stage (see Issue 5 below).
5. It is of grave concern to SCPC that such an extensive amount of evidence has not either been submitted for public consultation or even prepared for this stage of the examination. To a high degree, this appears to be a careless, if not deliberate, attempt by the Council to reduce engagement on the evidence prepared in support of the Plan. In doing so, those engaged with the local plan (such as SCPC) are given insufficient information and time in which to apply our personal and professional knowledge and experience to scrutinise and respond to this further evidence. Consultation is a key principle within the local plan process, and the Council appear to be looking to subvert this principle in its desperation to adopt a plan as soon as possible.
6. SCPC submits to the Inspector that we, and others, are seriously disadvantaged by this 'late' evidence, which would not have been the subject of a Reg 19 consultation, and whether we will have adequate time to prepare for the Week 2 hearings. The evidence is simply not in front of us as we prepare this statement.

ISSUE 1 – FLOODING AND FLOOD RISK

Q1. 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?

7. SCPC considers that the Council has not addressed the requirements of the sequential test in preparing the revised Plan.
8. Firstly, whilst it has attempted to restrict housing development to areas in flood zone 1, the provision for the school and employment sites do not. Schools are classed as ‘More Vulnerable’ development, and the Sequential Test should have been applied to demonstrate that there are no alternative sites with a lower risk of flooding that the development could be located. SCPC sets out further points on education under Issue 2 below.
9. The Council was provided an additional opportunity to produce new evidence demonstrating that a sequential test has been undertaken as part of identifying sites for allocation within the plan. It has chosen not to do so. Instead, the Council has chosen to seek to push individual plots of land around within an indicative masterplan in order to try and demonstrate that within the allocation there is sufficient land should a sequential test be undertaken at a future date in relation to a planning application.
10. This approach simply fails to meet the requirements of the NPPF para 168, which the Inspector notes at paragraph 50 of ID-012. Para 168 explicitly states “*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*” and clearly is relevant to this stage of plan making. It is wholly reasonable to expect the plan making authority to have undertaken a sequential test of all sites in order to arrive at those with the least flood risk harm before allocating sites because that is what the NPPF tells plan making authorities to do.
11. Secondly, the Council has not provided evidence that the proposed strategy is justified when compared with the other options around Paddock Wood (“PW”) that were considered in preparing the submission Plan.
12. The Council’s original reasonable alternatives were set out in the Site Assessment Sheets for PW¹ dated July 2019. These included four options for PW:

¹ CD_3.221 Site Assessment Sheets for Paddock Wood, 2019

- a. Option 1: N, S and E of PW; no development in East Capel (“EC”). Outside AONB – this option was considered suitable.
 - b. Option 2: The Council’s preferred option but not detailed within this document making any comparison extremely difficult. This suggests the approach taken to the RSLP has been more tick-box when it should have been root-and-branch. The Council was unable to supply the detail despite it being requested.
 - c. Option 3: N, S and E of PW; no development in EC. Outside AONB and Green Belt (“GB”). This option was considered suitable.
 - d. Option 4: N, S, E & W of PW. Outside AONB though in GB. This option was not considered suitable.
13. The 2019 PW reasonable alternatives were reviewed in the later Site Assessment Sheets for Paddock Wood, dated January 2021². In this review, both option 1 and option 3 were described as being suitable but not as sustainable as Option 2, which delivers more housing and opportunity for betterment in flood risk terms.
 14. The point here is that the Council has not reviewed these options in light of the significant reduction in housing delivery now proposed. This strategy has resulted in a Plan that is not ‘positively prepared’ and the SA Addendum³ has not considered these alternatives - as it has also not done with other areas of the Plan - as identified in SCPC’s earlier hearing statements.
 15. Furthermore, SCPC set out at the Week 1 hearings that the SA Addendum Option 12 (Table 25) that could meet 15 years housing supply should have been pursued. For the reasons set out in Save Capel’s response to the consultation⁴ this option does not equate to a “no plan” option. The Council told the examination in Week 1 (18-20 June 2024) that work to support the proposed early review could start immediately and has not provided adequate justification as to why our recommended way forward has not been followed.
 16. The proposed strategy includes the creation of “islands” of development which are wholly unsustainable for the reasons set out below.

² CD_3.771 Site Assessment Sheets for Paddock Wood, 2021

³ PS_037-Sustainability-Appraisal-Addendum

⁴ PIFC_152 Save Capel response (see sections 6 and 7)

Q2. Do the changes suggested by the Council in the Paddock Wood Strategic Sites Master Planning Addendum address the soundness issues raised in the Inspector's Initial Findings?

17. SCPC considers that the revised masterplanning does not address the soundness issues. In particular, SCPC is concerned that the Council's response completely fails to consider the extra shortfall in the revised strategy that arises from restricting housing development to flood zone 1. Clearly, when the Inspector identified that potential way forward he expected⁵ "*...it would result in around 610 fewer homes*". In fact, the reduction is over 1,000 dwellings which is a further reason why the Council should have already comprehensively identified other options that could meet the Plan's need.
18. DLA's masterplanning⁶ has used the updated flood risk modelling prepared by JBA⁷ to merely maximise the developable areas right up to the edges of areas of higher flood classification. This is clearly a desktop exercise with the aim of providing the highest amount of housing, and even then, results in around 1,000 fewer dwellings than the submission Plan. It is unhelpful that the mapping does not overlay the proposed housing parcels with the flood constraints.
19. SCPC question whether the revised masterplanning is justified and effective, both in terms of deliverability and sustainability.
20. DLA's update includes between 2,374 and 2,532 dwellings - over half of the total housing supply in the plan - having applied 30/32 dwellings per hectare (dph) across the 'developable' areas of both PW & Capel sites. SCPC questions why a blanket dph has been specified by DLA across all parcels. The parcels to the East of PW do not require similar flood mitigation measures, for example, on the scale necessary in Capel.
21. DLA also set out the projected housing completions as "*A reduced number of homes (2532) based on the anticipated site capacity, and a reduced delivery rate to 250 homes/ annum. This is based on 5 developer outlets, each delivering 50 homes per year. These are anticipated to be 2x in the east, 2x in the northwest, and 1x in the southwest*".
22. The Council updated this trajectory in its hearing statement⁸ and the hearing of Matter 8 discussed this further. SCPC have serious concerns as to whether or not the strategic sites

⁵ ID_012 Inspector's Initial Findings [para 48]

⁶ PS_046-Paddock-Wood-Strategic-Sites-Master-Planning-Addendum

⁷ Examination Documents PS_042, PS_043, and PS_044

⁸ TWLP_131-Matter-8-Issue-1-Housing-Requirement-and-Meeting-Housing-Needs (Appendix 1)

- can deliver the required housing supply in the revised strategy. We understand that this will be further considered after the Week 2 hearings.
23. Whilst DLA expects that attenuation measures for surface water will now need to be contained within the development parcels, the structure plan shows significant SUDs measures outside them. SCPC has been unable to establish how the discharge from SUDs in the housing parcels, particularly during peak events, will interact with the adjacent drainage flow provisions as there is no mapping overlay provided. Therefore, it is unclear whether the housing capacities are justified and could be delivered safely, if at all.
 24. It is unclear whether the cumulative impact with groundwater, surface water, and potential reservoir risk (Leigh) has been assessed as JBA's mapping only includes fluvial risk. What is clear from the mapping is that SS1(B) south of the railway line is particularly vulnerable to fluvial flows primarily from Tudeley Brook. The previously proposed external strategic storage to the south has now been removed which would have provided mitigation.
 25. The SFRA⁹ acknowledges that groundwater is a significant issue around Whetsted, being extensive as recently as 2020/2021, which includes the western parcel of SS1(A). This is also acknowledged by DLA¹⁰ saying "*Groundwater levels are high in the northern part of the western site [SS1(A)] due to the proximity of the Upper Medway flood plain. This limits the ability for flood storage to be dug deeper into the ground at this point to provide greater volume capacity in a more limited land take. It is considered unlikely that across much of the site more than 0.5m depth could be obtained*".
 26. This Whetsted parcel, in particular, has immediate substrates - namely alluvial deposits under a clay cap - which will require significant ground works to make any buildings stable, as they are inherently unstable and liable to subsidence. Coupled with the high water table, extensive surveys will be required before any construction and drainage strategies can be conceived. Whilst these may be considered unnecessary at this stage of planning, there is no evidence that they have been done which would add significant lead in time to the developments coming forward, which is also relevant to the other parcels.
 27. The residential units have been located within Flood Zone 1 but many of them are surrounded by areas of land in Flood Zone 2 and 3. Therefore, consideration regarding safe access and egress to these residential units is required and it has not been done as part of the revised proposals. Also, it can be concluded that the proposals represent the maximum amount of development that could ever occur in the eastern part of Capel Parish.

⁹ CD 3.44 Strategic Flood Risk Assessment prepared by JBA (2019) [para 6.6]

¹⁰ CD 3.66 DLA's Main report [para 4.62]

28. The mapping produced by JBA shows that there is an increase in the amount of the sites in Flood Zone 2, 3a, and 3b due to climate change. There is also an increase in surface water flood risk. SCPC questions whether the JBA mapping adequately recognises the potential effects of climate change, noting Motion Consultants' view that the amount of Flood Zone 1 designated land within the allocation reduces over time. Therefore, the proposed residential units, retail units, and schools in this policy may be located in an area of higher risk of flooding than currently assessed and this should be clarified in the examination.
29. In summary, the manipulation of the indicative masterplan now suggests that the, reduced, housing element of the policy could be delivered within FZ1. However, in order to do so, the Council has had to reduce the number of dwellings that the allocation would deliver. Moreover, for East Capel, this manipulation results in islands of residential development poorly related to each other and provided at very low density.
30. Had the Council undertaken a sequential test of their spatial strategy, one which considered all potential sites prior to allocating land (or indeed at any time) then these constraints would have been identified and the spatial strategy of the plan may have been different, with fewer and perhaps no housing allocated in the vicinity of PW.
31. SCPC submits that the complex development of seven separate parcels, particularly in dealing with the required flood & drainage measures at the five sites in Capel, raises serious concerns about the soundness of the strategy. These concerns extend to other issues set out below.

Q3. If not, what Main Modifications are required to make the Plan sound?

32. SCPC considers that the delivery of policy STR/SS 1 is at best problematic. Whilst recognising that this Issue deals with flooding and flood risk, SCPC submits that the scale of measures required, and the matters set out above, mean that an alternative strategy should be progressed.
33. SCPC also considers that the exceptional circumstances are not justified to release land in Capel from GB. Our points are set out under Issue 8 below.
34. At this stage it is unknown what further main modifications are required because the evidence has not been provided by the Council. Instead, the Inspector is respectfully asked to consider whether or not a sequential test of the plan is required now in order to demonstrate that there are no reasonably available sites appropriate for the allocation in areas with a lower risk of flooding.

ISSUE 2 – EDUCATION PROVISION

Q1. What is the projected requirement for primary and secondary school education as a result of the suggested changes to the Plan?

35. Due to the revised capacity and updated forecasts, Kent County Council has confirmed a need¹¹ for 3FE of additional secondary provision in PW. This is below the typical 6FE requirement for a viable new secondary school, so masterplanning will need to consider potential solutions and examine available land.
36. Primary education provision requirements have been confirmed as a maximum need of 4FE, split between 2x 2FE schools.
37. SCPC accepts the assessment by KCC for future primary and secondary provision as a result of the planned changes in the TWBC Local Plan but note that in the David Lock Associates (DLA) document there is no reference to the impact of development in the adjacent boroughs. For example, the emerging Tonbridge & Malling Borough Council Local Plan is significant to the catchment of Mascalls Academy being the most appropriate school for such villages as Yalding and East Peckham - both are outside TW borough, and both are earmarked for potential development.

Q2. How will the needs for secondary school education be met? Will this be through the expansion of Mascalls Academy and/or provision of a new school? What evidence has been produced which considers the merits of each option?

38. SCPC reiterates our position that the Council should re-assess the location of additional secondary school provision and determine options for a more sustainable location that is more central to the Borough's needs (avoiding areas of flood risk in Capel). SCPC strongly suggests that this is aligned with a revised spatial strategy for housing development as set out in submissions to this Matter and throughout the examination.
39. Even so, SCPC is concerned that the Council has not considered an adequate range of options, having failed to apply the sequential test (see Issue 1 above), where there may be other sites within the borough or just outside. The work has simply not been carried out to justify either option.

¹¹ PS_046 David Lock Associates 2023 Page 7

40. Whilst DLA appears to have settled on two options for secondary provision, expansion or a new school, it is unclear if KCC has actually approved or indeed support feasibility studies for either. In the absence of the forthcoming feasibility report (see para 3e above) it appears to SCPC that the planning merits of each option may be secondary to the wishes of the education authority.
41. The **expansion of Mascalls** to a 12FE school would make it one of the largest in the country and rightly DLA has highlighted more challenges than opportunities (if any) and the necessary land might not be available in any event making this option highly speculative.
- a. Land availability¹²: Land may be available for such an expansion, provided by an adjacent house builder landowner. The Council is working to confirm whether this would be sufficient, and whether operational issues can be satisfied to render this option feasible.
 - b. Operational issues include:
 - i. The actual willingness of Leigh Academies Trust to undertake such an expansion
 - ii. The likelihood that this would entail construction of an entirely new school on expansion land, and then the demolition of older buildings once this is complete.
 - iii. The requirement for substantial capital funding to complete.
 - iv. Issues would also arise spatially from a concentration of provision in one location.
 - v. Traffic and travel issues also appear not to have been assessed with such a large expansion
42. The **new school** would need to be at a minimum 4FE with a possibility of expansion to 6FE to meet any hope of being built. It is highly unlikely that a 4FE would run at capacity as the need has only been identified to be 3FE and Government research¹³ confirms that secondary roles are actually decreasing '*the pattern of change in the secondary population (peaking in 2024-2025 then slowly starting to drop) is unchanged*'. Being under capacity is more likely in a non-selective school in TW borough as generally only grammar or religious schools are over capacity being highly popular.

¹² PS_046 David Lock Associates 2023 3.5

¹³ National Pupil Projections Publication Gov.UK 19th Oct.2023

43. Without prejudice to our position, SCPC considers that if we had to choose between the above two options then the new school at Eastlands is preferable for the following reasons:
- a. Whilst this location would attract students from the neighbouring boroughs (as noted above) SCPC has not seen any evidence of joint working nor any assessment of the demand on the provision required. It is possible that funding cooperation with councils/developers there could be achieved to make a larger 4FE school viable.
 - b. Such demand would mainly access schools from the north (via A228) and it is not sustainable for that traffic to pass through PW.
 - c. Given the closure of the secondary school in Cranbrook the provision should not require students from the east of the Borough to travel through Paddock Wood
44. A further point is that in the transport modelling prepared by Sweco¹⁴ an assessment was requested by the Council for 'Local Plan Scenario 2' which includes a further 913 houses to the south-east of Paddock Wood after the 10-year plan period (i.e. post 2035). Therefore, it seems entirely sensible to retain the 'potential' for the expansion of Mascalls for the longer term.
45. SCPC will seek to make further points in light of the expected Feasibility Report [para 3e], at the hearing..

Q3. What is the justification for safeguarding an area of land for a secondary school to the northwest of Paddock Wood? Is the site developable for the type and size of school envisaged?

46. It is unclear why DLA and the Council have identified the north-west area of land for the provision of a new school (the preferred option from the two possible identified sites and incorporated into the Structure Plan) given especially that this was the preferred site of the sports hub by Paddock Wood Town Council.
47. Neither the siting of schools or sports hubs within Capel have been discussed with Capel Parish Council and it appears that Paddock Wood Town Council has been equally ignored.
48. The reasons given for not siting the sports hub in this location must equally apply to the school.

¹⁴ PS_047 Stage 1 Technical Note [Table 9]

49. It is clear from DLA's own document that the site is not easily developable for a 6FE school (at a minimum 6ha) without raising land out of FZ1 (described as 'minor remodelling') or the requirement for a bridge over Tudeley Brook.
50. The initial feasibility study¹⁵ indicates that the site would need minor remodelling to raise some land out of the modelled Flood Zone 2 (plus uplift). However, it is possible that with detailed design and configuration this may not be necessary. Detailed site design and modelling would be required in all instances.
51. An alternative layout could place the buildings of both primary and secondary schools to the west of the stream and playing fields for both schools on the flood zone 2 land to the east. This could avoid the need to remodel any land but would require a bridge link between the main school buildings and their playing areas over the Paddock Wood stream that runs south to north.

Q4. How and when will the proposed secondary school be provided? Who will fund and deliver the project and is this sufficiently clear to users of the Plan?

52. It is unclear how the secondary provision will be funded. It is noted that the intention is for developer funding of the 3FE but with a vague suggestion that anything more would be funded by the LEA and/or Central Government. A 3FE school would need all the facilities of a 6FE school from the outset (therefore with additional full funding) but would possibly be a white elephant with classrooms sitting empty over the LP period.
53. Page 33 of the infrastructure provision in the DLA document states all education provision to be medium term. This is not satisfactory especially as Paddock Wood Primary is very close to full capacity already and Mascalls not far behind due to the development already completed/taking place in Paddock Wood. Mascalls has also seen an extra influx of students due to the closure of the secondary school in Cranbrook.
54. This Issue is an example of where the essential infrastructure for any sustainable development has not been properly identified, justified and the policies are not effective, as set out under the Issues below.

¹⁵ PS_046 David Lock Associates 2023

ISSUE 3 – SPORTS AND LEISURE PROVISION

Q1. What is the projected requirement for sports and leisure facilities as a result of the suggested changes to the Plan? Have needs been determined by relevant and up-to-date evidence?

55. The actual requirement and need for the type and extent of sport and leisure facilities due to suggested changes appears to be being dictated by constraints such as flood risk rather than evidence of actual need. This provision has also been unacceptably scaled back with more emphasis on mainly intensifying existing facilities and the hub replaced with outdoor sports fields.
56. Given the still huge scale of development in PW this is shortsighted. An actual sports hub would have also been a facility that surrounding villages could have benefitted from.
57. DLA explain: *“In light of the revised overall approach to growth, changes in flood risk information, the need to provide a new secondary school, and a reduced overall capacity of the growth sites, a different approach has been adopted to maximise improvements to provision for the town. This approach is providing improvements to existing facilities as well as new provision of outdoor sports facilities within the growth sites. Such an approach balances the need for with the need to provide appropriate land for residential development that can help viably support these improvements and provide contributions.”*¹⁶
58. PWTC’s requirements were developed with relevant clubs and associations and saw a balanced distribution across the area. From the paragraph below, it would appear that sports provision has already been planned without any final input from bodies such as Sport England on actual need or requirement and that the 4.5 ha set aside is sufficient.
59. DLA continued: *“Given the reduced level of planned growth this previous level of provision may not be necessary. TWBC is progressing discussions with Sport England on the required and appropriate level of provision for the town.”*¹⁷
60. Capel Parish Council have never been consulted about whether they would want to take on the burden of managing such a facility which is clearly situated within Capel Parish.. It doesn’t matter how much the Council expresses the desire to call the expansion into EC a part of PW – administratively the area identified for the facility is Capel.

¹⁶ PS_046 DLA PW Strategic Sites Addendum 2023 P.23

¹⁷ PS_046 DLA PW Strategic Sites Addendum 2023 P.26

Q2. How will the needs for sports and leisure facilities in Paddock Wood be met?

61. The previously proposed ‘Sports Hub’ proposal was for *“Indoor sports centre with 6x25m pool, gym, changing areas, sports halls and studio rooms Football: 2x U9/10 2x U11/12 1x U13/14 2x Senior Rugby: 1x senior Cricket: 1x senior (overlap with rugby and U9/10 football pitches) Netball/Tennis: 6x 4G Astro Pitch (artificial, suitable for football and other sports): 1x Trim Trail Exercise Stations.”*
62. DLA contemplated to improve Putlands Leisure Centre, **potentially including a new swimming pool**¹⁸ and that *“It is anticipated that trim trail exercise stations can be accommodated successfully throughout the extensive green open space network created within the growth sites in the west and east.”*¹⁹
63. It is disingenuous of DLA to suggest the only reduction in provision over the above original hub proposal is as stated at 3.27 - Football: 1x U11/12 and 1x U13/14. The trim trail is not situated within a sports area but “anticipated” that it will be randomly fitted in the green space between growth sites and the swimming pool is smaller (& still appears to be only aspirational). The cricket wicket is squashed between the rugby and football pitches which serve as the shared outfield. Whilst this can happen in recreation grounds with less availability of land, a town with such massive development deserves better. New large growth areas such as West Malling delivered a fantastic stand-alone cricket ground and pavilion.
64. DLA also state *“There is provision of an additional 2x tennis/netball courts when compared with the previous Sports Hub proposal”*.²⁰
65. The mention of an additional 2 x tennis/netball courts does not appear to be substantiated on Page 25 3.20 Table 2 which lists the new provision.
66. In particular, SCPC considers that the provision of adequate swimming facilities is required for the sustainability of the enlarged town. The policy is entirely unclear on this requirement.
67. SCPC has serious concerns that the sports hub in the submission Plan is no longer proposed anywhere. We agree with PWTC which has set out why it believes the location of the

¹⁸ PS_046 DLA PW Strategic Sites Addendum 2023 P.24 3.17

¹⁹ PS_046 DLA PW Strategic Sites Addendum 2023 P.26 3.24

²⁰ PS_046 DLA PW Strategic Sites Addendum 2023 P.27 3.28

proposed sports hub in the submission Plan would be optimal at the now proposed 'Eastlands' school site.

68. It makes sound spatial sense for it to be located close to a secondary school, whether that be the expansion of Putlands, which Save Capel suggested in 2022, or next to the proposed new secondary school. Clearly, this provision needs to be linked to the delivery of school provision. See Issue 2 above.

Q3. What is the justification for seeking to delete the proposed sports 'hub', rather than move it to an area not at risk of flooding or modify the Plan in another way to make it sound?

69. Whilst this is for the Council to answer, SCPC considers that the creation of a further parcel of housing development instead is not justified for the reasons set out in this statement.
70. The Council has failed to provide technical justification for the modal shift that it is claiming will be achieved at the allocation. However, it repeatedly refers to internalisation of trips. This is understood to mean the retention of journeys within Paddock Wood and the east Capel and Paddock Wood allocations, i.e. both the origin and destination would be within the area. The Council's claim seems to be that because of the distances involved, such retention of trips would be attractive to pedestrians and cyclists thereby facilitating a modal shift away from the motor car.
71. Sports and Leisure facilities are a destination for significant volumes of people every day and SCPC notes that swimming is part of the school curriculum. If adequate facilities are not located within Paddock Wood, then new residents will need to travel to other destinations such as Tonbridge to access them. In this context, it is incomprehensible that the Council should delete the proposed sports hub from the Plan and yet continue to claim that the mix of facilities provided would facilitate an enhanced modal shift away from the private car. The policy does not require the provision of a 6 lane 25m indoor pool as referred to above.
72. SCPC would seek to respond further to this question, in light of the Council's response, at the hearing.

Q4. How and when will the proposed improvements to facilities at Putlands and Green Lane be provided? Who will fund and deliver the projects and is this sufficiently clear to users of the Plan?

73. The DLA addendum suggests the Indoor Leisure facilities will be provided in the medium term. It is unclear who will fund and deliver any facility. There is nothing to suggest that any developer will undertake the provision of a swimming pool and as in the submission Plan developers viewed a pool as purely aspirational on the part of the Council.
74. Sports pitches are stated to be s/m/l term. It is not clear as to whether this refers to areas of intensification or just the new pitch site. It is unclear who will fund and deliver sports and leisure facilities especially as development at EC has now been subdivided into several distinct "island" parcels with developer masterplans not due until application for planning permission.

Q5. Have any feasibility studies been carried out to determine whether or not the sites at Putlands and Green Lane can be upgraded in the manner proposed? Are the sites developable?

75. It is unclear if adequate feasibility studies have been undertaken on the sites and so it is questionable as to whether they can be further developed as envisaged. A review was undertaken, and this was then taken forward to design stage. The review/appraisal appears to be very much a desktop and very cursory exercise.

ISSUE 4 – HIGHWAYS INFRASTRUCTURE

Q1. What effect would the suggested deletion of the Five Oak Green Bypass have on the distribution of traffic across the highway network? Does the growth around Paddock Wood require additional highways mitigation not previously identified?

76. The Five Oak Green bypass was thought essential to the Tudeley Village (“TGV”) development by the Council’s advisors. It was aimed to mitigate traffic flows along the section of the B2017 between the A228/Badsell road roundabout and Capel Primary School.
77. With the deletion of TGV, the Council has failed to produce technical evidence that demonstrates how the inclusion or removal of the FOG bypass would affect travel patterns across the network. This is a material omission, particularly given the speed and volume of traffic at present.
78. The alternative approach taken by the Council is simply to link provision of the FOG bypass with TGV, therefore the Council’s position seems to be that if TGV is deleted from the plan, then it follows that the FOG bypass must also be deleted. This is a fallacious argument because for it to be true, it would need to be the case that only traffic travelling to and from TGV would be using the FOG bypass and that the sole purpose of the FOG bypass is to cater for changes in the theoretical metric “V/C”.
79. Overlooking the fact that the Council has failed to undertake the assessment work necessary to demonstrate that the FOG bypass is either required or not required based on their “V/C” metric, the Council has failed to identify the purpose of the FOG bypass and that “V/C” is simply one metric in the decision making process. The FOG bypass serves multiple functions including:
- a. Environmental relief to Five Oak Green including highway safety
 - b. Integral element of the Plan’s safe cycle network
 - c. Contributing towards delivering a “new” B2017 route that is capable of safely accommodating vehicles greater than 7.5 tonnes (which includes buses)
80. None of the above are related to the metric “V/C” which appears from the Council’s evidence to be the only metric that has been considered. In this respect, the Inspector is referred to NPPF paragraph 115 which places “*unacceptable impact on highway safety*” as one of two, equal reasons for preventing or refusing development.

81. Failure to even acknowledge the functions that the FOG bypass would serve means that the Council has failed to reasonably demonstrate the need or otherwise of the scheme.
82. Moreover, it is questionable what benefit the FOG bypass would deliver to the B2017 corridor between Paddock Wood and Tonbridge. For the reasons set out in these representations and other assessment work, the B2017 corridor is wholly unsuitable to intensification of use by motor vehicles, especially larger vehicles. The FOG bypass as currently proposed would require traffic from PW to firstly travel south before heading northwest to eventually travel west. This is counter intuitive, and it is suggested that most drivers would simply travel west along the B2017, towards Tonbridge. Of course, this also applies in the reverse direction.
83. The B2017 remains a severe constraint to development across TGV, EC and PW which the Council has utterly failed to recognise and utterly failed to resolve in this Plan.
84. Reference has been made orally by Stantec under Matter 3 to circular 01/2022 entitled *'Strategic road network and the delivery of sustainable development'* ("01/2022"). In particular, reference has been made to "monitor and manage" which is mentioned in paragraph 15 of 01/2022. The Council's reasoning seems to be that traffic and traffic related environmental impacts arising from the Plan along the B2017 could be dealt with at the planning application stage through a "monitor and manage" approach, further implying that this was the Department for Transport's (DfT) policy approach.
85. To be clear, 01/2022 is published by National Highways ("NH") not the DfT. It is not national policy. It is prepared by NH in their capacity as a strategic highways company. It sets out how NH will work to support the delivery of sustainable development whilst meeting their requirements to maintain a safe and functioning Strategic Road Network (SRN), for which they are the highway, traffic and street authority. The B2017 is not part of the SRN. NH is therefore not the relevant highway authority. 01/2022 therefore carries no weight with regards to the B2017.
86. Nonetheless turning to the "monitor and manage" comment, should it be that such an approach is being advocated by the Council as mitigation (as opposed to physical interventions) – although it is noted that it is unclear what the Council's intention is in this respect - at this stage in plan making at the very least the principles of the following should be set out:

- a. The parameters to be monitored;
 - b. The parameter limits beyond which development will be deemed to be causing an unacceptable impact;
 - c. What constitutes an exceedance of the parameters; and
 - d. How such an exceedance will be brought back within acceptable limits
87. The absence of understanding these, especially (d) above, adds an additional layer of uncertainty with regards to the delivery of housing allocations. This is because the only guaranteed way to bring traffic generation back into a limit (should these be the parameters chosen) and thereby prevent unacceptable highway safety and / or severe cumulative impacts, is to stop building.
88. If the Council is relying on a “monitor and manage” approach to mitigating road traffic impacts on the B2017 then it is important to be clear at this plan making stage that infrastructure interventions to mitigate impacts can actually be delivered in the event that the monitoring demonstrates that these are necessary.
89. In the alternative that “monitor and manage” is not the Council’s proposed mitigation approach then the Council needs to identify the mitigation that is required at this plan making stage to ensure that it is deliverable in principle.

Q2. Is the Colts Hill Bypass required as a result of the growth proposed around Paddock Wood? How will it be funded and delivered?

90. Given the current inadequacy to accommodate existing volumes and types of traffic along the A228 at Colts Hill (“CH”), the CH bypass is a prerequisite to any development of scale around PW. In the absence of a CH bypass, traffic arising from strategic development around PW would result in unacceptable highway safety impacts and severe cumulative residual impacts.
91. There is currently no requirement within STR/SS 1 for a CH bypass to be delivered. The proposed policy wording only requires a financial contribution to be made as follows (at j) *“Contributions towards the improvement of the highway network including the Colts Hill Bypass and Kippings Cross.”*
92. Indeed, the contribution requirement is primarily linked to “improvement of the highway network” and does not specifically require the money to be spent on the CH bypass.

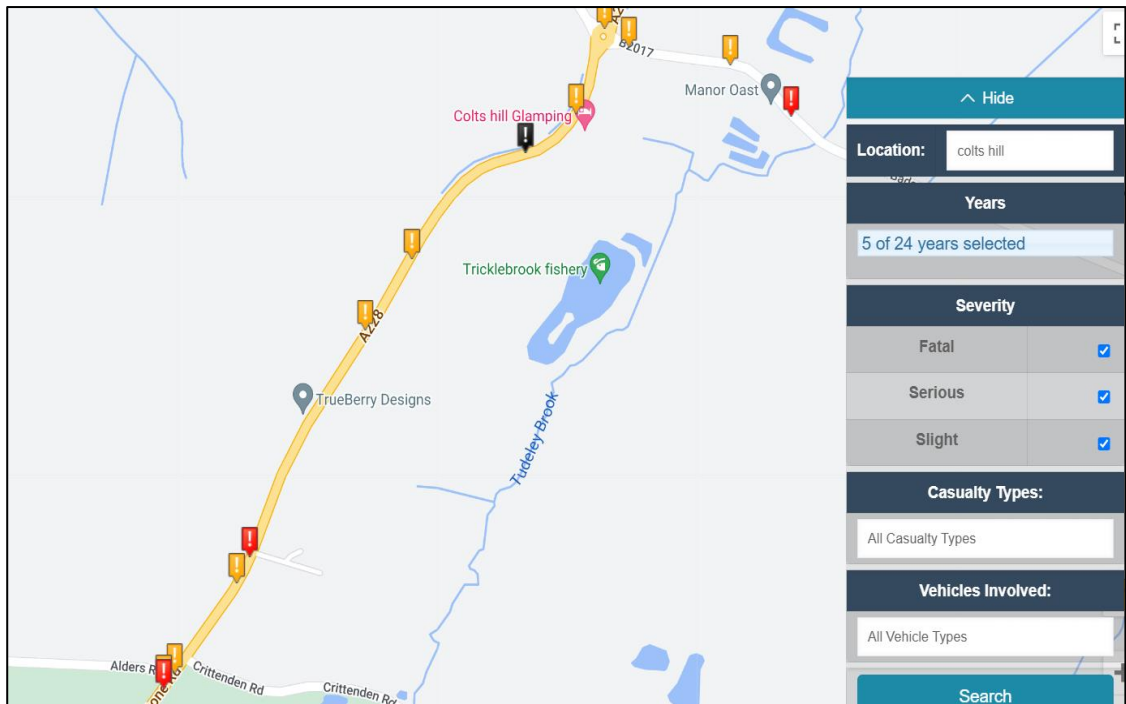
93. The policy wording is therefore entirely ineffective in delivering the CH bypass or even to link its delivery to the delivery of dwellings at STR/SS1. The policy needs to be reworded to ensure that it is crystal clear to future developers that development within STR/SS1 must be able to demonstrate delivery of the CH bypass.
94. It is noted that STR/SS1 is likely to be built-out by several different developers. In this context it would be reasonable, and indeed essential, that the policy provides guidance / instruction on how the funding for the CH Bypass is to be coordinated. For example, SCPC questions whether the Council or County Highways are willing to act as “banker” and quite possibly a combination of “banker” and “creditor” in order to secure the timely delivery of the CH Bypass.
95. The Council has agreed that it is likely that land will need to be compulsorily purchased in order to deliver the CH Bypass. This cannot be delivered by private developers. The policy should be modified to include a commitment from either the Council or County Highways that they will compulsorily purchase all and any land required for the delivery of the CH Bypass.
96. Turning to timing, there is no evidence before this examination which demonstrates when the CH Bypass needs to be delivered. It is essential therefore that the policy is further amended to provide clarity regarding what stage during the build-out of STR/SS1 the CH Bypass needs to be delivered.
97. It is instructive to consider the Council’s evidence presented in Table 14 of TWLP_123 Appendix 1, which the Council submitted in response to Matter 3. Table 14 is formed of four “sub-tables”. The second sub-table down is entitled “A228 Maidstone Road (Colts Hill)”. The scenario entitled “2018 Base” tells us that in 2018 northbound traffic volumes amounted to 677 units (the table is not clear if this is vehicles or passenger car units – PCUs) with southbound traffic volumes amounting to 915 units. The sub-table then informs us that this equates to a “V/C” value of “66” and “90” for the northbound and southbound peak hours respectively. This indicates that the road through the village of Colts Hill can accommodate circa 1,015 vehicles per hour in each direction.
98. Inconveniently there is no current guidance on the capacity of road links in normal operating circumstances. The most recently available guidance from the Government indicated that a variable standard road carrying mixed traffic with frontage access, side roads, bus-stops and at-grade pedestrian crossings which is subject to a 30 or 40mph speed limit, which is what

the A228 at Colts Hill currently is, can accommodate approximately 1,500 two-way vehicle movements. There is a disconnect between what the Council has assumed is the capacity and what the most recent government guidance advised was the capacity.

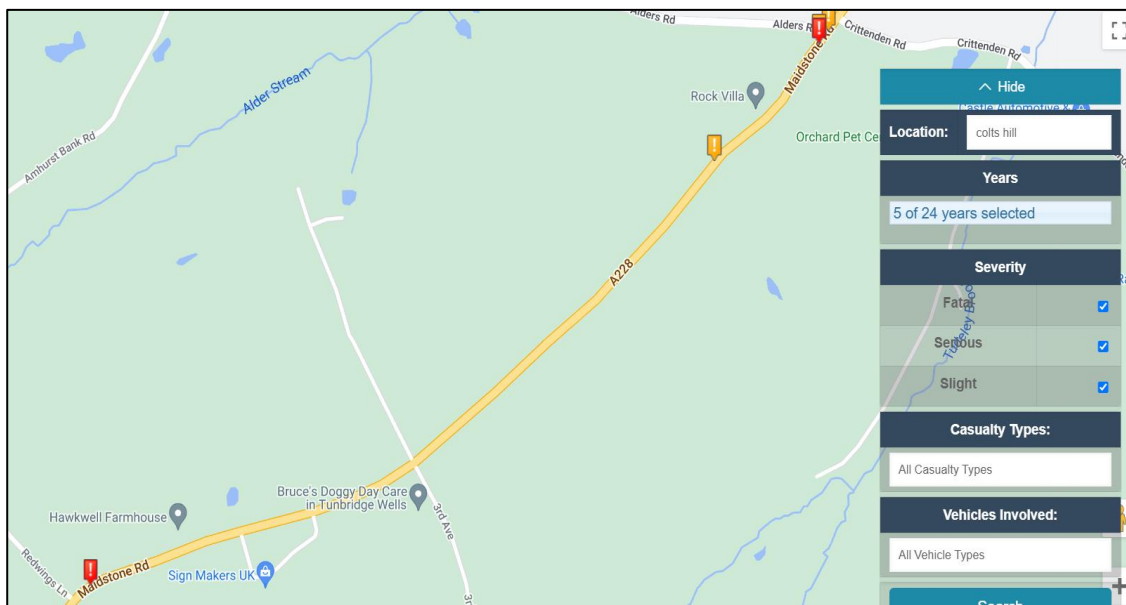
99. Taking the Council's evidence at face value, it is noted that we are currently in 2024 and so traffic volumes can expect to be different than in 2018. Reference has been made to the National Trip End Model to understand how traffic is expected to have changed in Tunbridge Wells between 2018 and 2024. The results indicate that traffic has increased by just over 4.2%. This would increase the northbound traffic volume to 705 units and the southbound traffic volume to 953 units during the morning peak hour. If the Council's capacity assumptions are accepted, this would result in the V/C value for the northbound movement increasing to 69% and the value for the southbound movement increasing to 95%.
100. We are told by the Council²¹ that a volume over capacity (V/C) of over 95% means "approaching maximum capacity" is therefore identified by the Council as a "hotspot". It is assumed that the hotspot ratio (V/C) value definition expressed as a percentage under heading 3.3 is the same unit measurement that is used in Table 14 of the Appendix.
101. In this instance, it is clear by the Council's own evidence, that in 2024, the A228 through Colts Hill already meets the Council's definition of a hotspot.
102. Moreover, it will only take another 50 cars in the southbound direction for the volume of traffic trying to pass along the A228 to reach the capacity that the Council states the road is able to accommodate. SCPC notes that the Council's latest schedule of extant permissions²² shows that a further 522 dwellings are expected to complete in Paddock Wood up to 2027 (170 dwellings in 2024/25 alone). This development will already result in additional traffic that would mean the threshold is exceeded before considering the effects of allocations in the Plan.
103. Turning to road collisions, the plan below shows the recorded collisions on the section of the A228 between Badsell roundabout and the junction of Alders Road. This is the section of the A228 that the Colts Hill bypass would redirect traffic from. The data is for the most recent 5 years' worth of data recorded up to 31st December 2023.

²¹ TWLP_123 Appendix 1 (first bullet under the second paragraph under heading 3.3)

²² Five-Year Housing Land Supply Statement 2022/2023 Table 3 (Date of publication – October 2023)



104. The data above shows that during the period considered there were a total of 11 recorded incidents resulting in **one death, 2 serious injuries and 8 slight injuries**. This is a poor collision record for a stretch of road that amounts to approximately 1.1km.
105. For comparison, the figure below illustrated the recorded collisions during the same time period for the stretch of the A228 from Alders Lane southwards to the Redwings Lane. This is a distance of some 1.6km.



106. The data above shows that during the same 5 year period along a longer stretch of road there were a total of 2 recorded incidents resulting in one serious and one slight injury.

107. This demonstrates how dangerous the stretch of the A228 through Colts Hill is. Increases in road traffic volumes will worsen highway safety.
108. Based on the above analysis, it is concluded that the Colts Hill bypass is **required now** even in the absence of any strategic development at Paddock Wood because:
- a. based on the Council's assessment work that the route is already, in 2024, a recognisable hotspot. Only another ca. 50 cars in the southbound direction will result in the volume of traffic trying to pass along the A228 reaching the capacity that the Council states the road is able to accommodate.
 - b. The stretch of the A228 through Colts Hill has a poor road safety record with one recorded death in the past 5 years. Increases in traffic volumes will exacerbate this existing unacceptable highway safety situation.
109. In the absence of the Colts Hill bypass being opened prior to, or in the early stages of development at East Capel / Paddock Wood, the evidence demonstrates that there can be expected to be:
- a. Unacceptable highway safety impacts; and
 - b. Severe residual cumulative impacts on the road network.

...which are reasons set out in NPPF para 115 that development can be prevented or refused.

110. The Inspector is therefore respectfully asked to consider a requirement for the Colts Hill bypass to be opened either prior to first occupation at east Capel / Paddock Wood or else linked to "x" houses being constructed. It is reasonable to expect that the Council would be able to confirm from current work how many houses would result in an additional 50 vehicle journeys being made during the morning peak hour in the southbound direction of the A228. Also taking into account the extant permissions as referred to above [para 102].

Q3. What effect will the proposed Colts Hill Bypass have on the setting of the High Weald AONB, landscape character and heritage assets? How have these factors been considered as part of the preparation of the Plan?

111. The bypass as proposed ends on the boundary of the AONB on land previously set aside for it. The previously proposed southern section of the bypass which would have had a serious impact on the AONB has not been included here.

112. SCPC remain concerned about the effects further south on the A228 and is unclear on the mitigation proposed towards/at Pembury. The Council is expected to provide evidence with a 'Pembury Road corridor study' as listed above para 3i.

Q4. What is the justification for suggesting the removal of the Five Oak Green Bypass from the Plan, but not the Colts Hill Bypass?

113. There is no, evidenced, justification for the removal of the FOG Bypass from the Plan.
114. The Council's position seems to be that if TGV is deleted from the plan then it follows that FOG Bypass must also be deleted from the plan. But no actual assessment work has been undertaken in the 2 years since the end of Stage 2 to support the deletion of the FOG Bypass.
115. The Five Oak Green bypass was brought into the plan at a late stage to try to justify the TGV development. It was not linked in the Council's mind to EC/PW.
116. SCPC considers that the continuation of housing development in PW/EC must require the need for a bypass at Colts Hill. It is important to note that the need for the full bypass to Pembury was identified some 40 years ago and the Plan does not deliver that.

Q5. In what ways does the evidence base rely on modal shift when considering likely future impacts on the highway network? Is the Plan justified by appropriate supporting evidence?

117. The Council has failed to provide appropriate supporting evidence regarding modal shift as discussed at the Week 1 hearings. SCPC will provide comment on the Council's modal shift evidence if and when this is provided to us - see the list of "expected" further evidence in para 3. The resulting traffic flows published from the traffic modelling suggest incredulously high mode shifts away from the car. In the absence of this key evidence and in the light of apparently incredulous shifts away from car use, no weight should be placed on the results of the traffic modelling undertaken.
118. Modal shift assumptions are a critical input to traffic modelling. The Council has already issued outputs from their traffic modelling. It therefore cannot possibly be the case that the Council has been unable to issue their modal shift justifications because these were a critical input to the model data already issued. The Council must therefore have chosen not to share their modal shift justifications with this examination in public. This is a wholly unacceptable position and SCPC reiterate their previously stated position that they have been severely disadvantaged by the failure of the Council to disclose evidence regarding modal shift which the Council must clearly have as explained above.

119. In the alternative that the Council is instead developing their modal shift justification (which under every other situation is a critical **input** to traffic modelling) retrospectively to the issue of the **outputs** from their traffic modelling, then in SCPC's view this would render the traffic assessment work presented to date otiose and any conclusions drawn from it meaningless.
120. At this point, SCPC wishes to identify that there are no improvements to cycle safety or amenity proposed to connect the PW and EC elements of the draft allocation. This means, for example, that a child living in the residential areas to the southeast of PW seeking to travel to the secondary school to the northeast of EC would need to cycle on carriageway with motorised vehicles. Similarly, those in EC have the same safety issues along Badsell Road towards both Putlands (leisure) and Mascalls school. This does not meet the requirements of LTN1/20.
121. Moreover, in the absence of a new, LTN1/20 compliant railway crossing, it would make a journey between the two elements of STR/SS 1 unattractive to the majority of residents as well as dangerous.
122. The off-site active travel network not only does not meet minimum design recommendations it also relies on infrastructure elements which are not going to be provided. SCPC has not seen evidence that the proposed use of the FOG bypass in the submission Plan has been revised as part of the cycle route strategy.
123. SCPC has set out in our response to Matter 3 that the wider cycling opportunities towards Tonbridge are severely constrained by topography, availability of safe routes, land ownership issues, and compliance with LTN1/20.
124. The proposed public transport strategy is not financially viable and can only be delivered through the provision of an in-perpetuity subsidy. It does not appear that this can be secured and therefore cannot possibly be considered as sustainable. SCPC notes that the proposed bus service does not reach into surrounding communities who would still need to reach PW by car. It will also be tempting for some commuters in EC/west PW to drive to Tonbridge to access train services which are more frequent.

Q6. Is it sufficiently clear to users of the Plan what strategic highways improvements will be needed as a result of the growth proposed around Paddock Wood, where and when? Is the Plan (as suggested to be modified) justified and effective in this regard?

125. The masterplan for Policy STR/SS 1 requires significant infrastructure interventions and there is insufficient evidence to demonstrate that there is a reasonable opportunity of these being deliverable.
126. SCPC considers that the modelling seen identifies a number of impacts on both links and junctions and suggests mitigation measures. The evidence base fails to demonstrate that any mitigation could be delivered and in the case of major interventions at Colt's Hill and Kippings Cross:
- a. There is no policy requirement for the improvements to be delivered.
 - b. There is no funding mechanism for securing the delivery of the improvements.
 - c. There is no indication of when the improvements are required.
 - d. There is no delivery mechanism identified for the improvements.
127. In short, in the absence of the above, there is no certainty that these schemes will be delivered at all, and it would be rational – and essential - to assess the robustness of the revised Plan. In this context, and by the Council's own evidence that hotspots will remain even after mitigation, impacts will be severe. It is difficult to see how a local plan can be found sound under these circumstances.

ISSUE 5 – VIABILITY AND INFRASTRUCTURE PROVISION***Q1. Has the Infrastructure Delivery Plan ('IDP') been updated to reflect the suggested changes to the Plan?***

128. There is no updated Infrastructure Delivery Plan (IDP), which the Council states is a live document, to support the significant changes to the plan. The submission Plan version currently before the examination is from October 2021 and the Council expects to provide an update at the main modifications stage.
129. It is therefore unclear what infrastructure is **required** for the purposes of this Plan. That raises questions of soundness and deliverability.
130. SCPC considers that this, together with the missing and other yet to come evidence, is wholly unacceptable given the 18 months that has passed since the Inspector's findings.

Q2. What evidence is there to demonstrate that the necessary infrastructure requirements can be delivered over the plan period? Is the Plan viable?

131. There is very little evidence to demonstrate that the infrastructure requirements can be delivered either within the plan period or per se. Some examples include:

Colts Hill Bypass

132. At this stage, there is no clarity regarding funding and responsibility for delivery of the Colts Hill Bypass. This will take some time to resolve but even following this, the delivery mechanism includes several stages each of which is time consuming and incurs a risk of failing. At a high level these stages include:
- a. Preparation and submission of planning application including environmental impact assessment;
 - b. Compulsory Purchase Order inquiry;
 - c. Detailed design
133. The above activities, if no problems are encountered, would take in the order of 3-4 years at which point a further 18 months to 2 years might be expected for the construction phase (including contract preparation, tendering, etc).
134. So, starting in July 2024, assuming no material delays in progressing the scheme and assuming that a mechanism for funding and delivering the scheme is agreed, the earliest the CH Bypass might be delivered is July 2030. According to the Council's own evidence, at this

date there will already be almost 600²³ more car journeys travelling to and from PW during am /pm peak hours equating to **in excess of 5,000 new car journeys** over the 12-hour period 07:00 – 19:00 solely attributable to strategic development around PW. The CH Bypass is clearly required before this level of additional car journeys is allowed to arise. Given the process of delivering the CH Bypass, the delivery of housing at PW needs to be delayed into the future to allow the enabling infrastructure to be provided.

A26/B2017 Roundabout

135. The efficacy of the improvements at this location is not demonstrated. However, it is acknowledged that the level of detail to demonstrate this may not be appropriate at this stage in the planning process.
136. What is relevant is whether the improvements indicated are able to be delivered in principle. In this case, despite being raised as an in-principle constraint at Stage 2, the Council seems to have wholly failed to undertake even the most basic of due diligence. The Council relies on some form of widening of the B2017 westbound approach to achieve capacity improvements. It was pointed out at Stage 2, and is clearly visible on site, that the area of land in question has drainage features including a head wall. These are not highway assets as a simple question to the highway authority would have established. As 3rd party assets the Council may again need to go through a CPO process to establish control over them. Mitigation will need to be designed and installed to carry on undertaking the drainage function that they currently accommodate.
137. This is not a matter that can be left to a more detailed design stage because the Council has failed to demonstrate that land can be made available on which to design and build a scheme. The alternative that the Council will need to secure CPO land impacts on the timing of the delivery of the mitigation which in turn impacts the housing trajectory.

Secondary School

138. As set out under Issue 2 above, the provision of secondary schooling is unclear and SCPC considers that sustainable development requires the following order of priority in strategic planning: **Housing allocations** → **School Provision** → **Infrastructure**
139. Clearly, when considering all the above, any contribution of allocations in policy STR/SS 1 at Paddock Wood and Capel towards the 5-year housing land supply is untenable.

²³ Table 8 Appendix 1, Council's response to matter 3. Council's completions trajectory for Paddock Wood of 1126 by 2030

ISSUE 6 – EMPLOYMENT LAND

Q1. What is the justification for the suggested changes to the Plan? As suggested to be modified, will the strategy for employment be justified and consistent with national planning policy?

140. It is for the Council to justify their suggested changes.
141. Regarding the actual strategy, Para. 87 of the NPPF states that *‘Planning policies and decisions should recognise and address the specific locational requirements of different sectors.’* and further in Para 89 regarding rural areas *‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist’.*
142. It seems perverse that the two strategic sites originally chosen for the majority of housing in the whole of the Borough, in a rural area, with very poor transport links is **not** easily accessible (except by car) to the flagship employment allocation of Policy AL/RTW17 (also in Capel with an alternative site for housing adjoining it).
143. While the total area of Local Plan employment allocations is well over the minimum, it is recognised that the majority of the provision is at one site: ‘Land adjacent to Longfield Road’, Royal Tunbridge Wells, being 13.4 hectares. The allocation (Policy AL/RTW 17), which now has planning permission, lies close to the A21, and is seen as a strategic provision for the entire borough, which is likely to help meet employment needs extending beyond the current Local Plan period²⁴.
144. Furthermore, the provision of Class B employment predominantly identified at PW KEA is of concern in a rural area with poor transport links and roads already congested by lorries from Transfesa. Both PW and neighbouring Five Oak Green are to some extent already economically deprived with a high proportion of social housing and low paid jobs.

²⁴ PS_45 Employment Land Provision at Paddock Wood October 2023 Page 8 4.3

145. Page 10 para 4.9 of the Employment Land Provision at PW states: “*The Paddock Wood Economic Opportunities Report, December 2020 (SQW) (CD3.66 Appendix 1)*²⁵ express concern that, whilst an important sector of the economy, typically, B8-type land uses support lower employment density and lower paid, lower skilled, employment. Accordingly, it recommends seeking to diversify the additional employment stock to provide spaces that will attract productive, higher output sectors. It nonetheless sees extensions to the existing KEA would also be suited to distribution (B8) space needs, as well as to manufacturing”²⁶.
146. The following is clarified on page 24, para 7.11 : “*Given that the local industrial structure indicates that most of the demand for employment floorspace is likely to be for Class B8 units, which is also confirmed by the independent economic studies by Turleys and SQW.....*”
147. The above statement indicates that Paddock Wood and surrounding area is already heavily industrialised. The demand for Class B8 also is a constraint in a Flood risk area as due to its nature of business it is unsuited to being near residential areas and is in direct competition for space with housing.
148. The overriding concern is that, unlike office space, Class B development is not suitable to site near to residential areas due to both working practices and the increased number of HGVs and other commercial traffic. Paddock Wood is already industrialised.

Q2. What are the implications for the provision of employment land? Will the Plan provide sufficient sites to meet needs over the plan period?

149. This is for the Council and SCPC would seek to comment in the light of that response.
150. SCPC would summarise our point under Q1 that the core strategy for employment is focused on the provision of AL/RTW 17, which is remote from the TGV site. Another reason why TGV should not be considered any further.

²⁵ PS_45 Employment Land Provision at Paddock Wood October 2023 Page 10 4.9

²⁶ PS_045 Employment Land Provision at Paddock Wood October 2023 Page 24, 7.11.

ISSUE 7 – POLICY REQUIREMENTS / MASTERPLANNING***Q1. Do the suggested changes adequately address the issues identified in the Inspector's Initial Findings? If not, what changes are necessary to make the Plan sound?***

151. SCPC reiterates its position that the revised Plan is unsound and can only be made so by the Council undertaking a comprehensive review now of existing and identified alternative strategies where sites are already available from the SHELAA. We do not repeat here all the reasons why.
152. Without prejudice to our position, we make the following points in response to this Question.
153. Whilst TWBC has sought to address the Inspector's concerns regarding the soundness of the strategic sites policy and the need for much more clarity on when/how the various parcels deliver what is an unclear responsibility for T&I, SCPC believes there remains too much uncertainty.
154. SCPC considers that there is still a heavy reliance on Supplementary Planning Documents (SPD) to deliver the growth, something that the Inspector recognised [para 40 of his findings] that there was a need to "...remove the reliance on supplementary planning documents". By their nature the proposed SPD will escape the examination process applied to development plan documents and SCPC is concerned that adopted policy needs to be far more explicit now.
155. The STR/SS 1 overall policy no longer sets out the housing requirement and now includes sub-policies in the attempt to achieve a co-ordinated scheme, but these themselves are inconsistent with DLA's work. For example, SS1(A) North-West specifies a minimum of 770 houses when the DLA evidence is for 725 – 773 as shown in the table 4 above. This inconsistency is repeated in the other parcel policies.
156. SC is concerned that the masterplan for Policy STR/SS 1 requires significant infrastructure interventions and there is insufficient evidence to demonstrate that there is a reasonable opportunity of these being deliverable. For example, there is no policy to deliver the Colts Hill bypass, which the examination has heard is essential, even now with the existing developments at Paddock Wood, due to the black-listed junction at Alders Road/Crittenden Road in particular. It should be noted that improvements at the northern roundabout were already expected from the existing developments.

157. The attempt to break down the policy area into six portions and allocate infrastructure/development quanta to each portion only serves to undermine the delivery of the infrastructure required to sustain the development. This is because development could occur within each parcel without a need to deliver any of the strategic infrastructure either required to sustain the allocation as a whole or within the context of the Borough wide plan.
158. The draft policy indicates, but does not require, that a new pedestrian and cycle connection is provided between north-west EC and south-east EC. This is too vague and uncertain. Either a connection is required or not.
159. The Council no longer proposes the delivery of the FOG Bypass to mitigate the effects on the village section of the B2017. In contrast to a new road, the suggested mitigation is a range of measures to ease traffic flow and promote walking, wheeling, and cycling. Fundamentally, capacity on links for traffic flow is correlated to carriageway width. The Council fails to provide any information on how both aims, which are mutually exclusive within the same space, will be achieved given the width constraints on many parts of this route. Policy requirements are needed as set out above in para 86 above.

Q2. Is the suggested policy wording justified and effective?

160. SCPC considers that the policies are not justified, with so much evidence yet to come, as set out above.
161. To be effective they also need to set out clearly what is required in terms of delivery, funding, phasing, trigger points, and how parcel development will contribute, e.g. what happens when a particular developer falls behind schedule or defaults. These requirements should cover (also for each parcel) the following, non-exhaustive, list:
- a. Colts Hill Bypass
 - b. Improvements at Kippings Cross
 - c. Pedestrian/cycle crossing of the railway to connect the various islands of residential development together in Capel.
 - d. Provision of primary and secondary education facilities
 - e. Leisure facilities
 - f. Provision for measures determined by the 'monitor & manage' of FOG village
 - g. Wastewater and drainage, including SUDs (both site specific and strategic)
 - h. Provision of 'local centres', GP practice, and other services
162. In terms of wording, SCPC will seek to comment on the proposed main modifications that may follow Stage 3 of the examination.

Q3. The Green Belt Assessment Stage 3 Study identified potential mitigation measures to reduce impacts on the perceived separation between Paddock Wood and Five Oak Green. How does the revised masterplan relate to the evidence and need to ensure separation between the two settlements?

163. SCPC cannot find any consideration of green belt or the need for separation in the masterplan addendum prepared by DLA. It is evidently purely another desktop exercise to maximise housing development in what they consider to be flood zone 1.
164. Building in East Capel ignores the fact that properties on Badsell Road (both sides of Dampiers) are in Five Oak Green and the urban boundary line of PW is very distinct due to the flood plain/fields. The separation between FOG and PW is not merely “perceived” but rather it is actual and therefore building on the said floodplain will negate this.
165. The now five disparate parcels of housing development in Capel are effectively “islands” connected only by causeway linkages across the areas north and south of the railway. There is no proposed vehicular access across the railway, this is not the cohesion and connectivity envisaged by the Council’s ‘garden settlement’ objectives in the proposed PW expansion.
166. Turning to the GB assessment²⁷, the addition of a further parcel of housing, that replaces the sports hub, alongside the A228 completely contradicts the suggested mitigation by the Council’s consultants (LUC) where they refer [at para 4.145] to draft policy AL/PW1 saying “...*the need for development to be set back from A228 to reduce visual impact of development on countryside*”. SCPC cannot find any evidence that the impacts of noise from the A228 have been addressed in the revised structure plan.
167. SCPC is extremely concerned about the reduced buffers in general set out in the revised structure plan. For example, LUC suggest [para 4.146] “*Reduce the potential impact on the sense of separation from the washed-over settlement of Whetsted through use of set-back from the A228*”.
168. These reduced buffers also compromise the need for vegetation to mitigate the harm, with LUC saying “...*and by enhancing hedgerow planting and introduction of characteristic small woodland copses and tree belts along the A228*”. There is also a need to consider buffers/lower density in relation to the railway, ancient woodland, and properties in Whetsted. SCPC considers that the developable areas identified by DLA, when it comes to the planning application stage along with detailed flood risk assessments, are at best optimistic in any event.

²⁷ CD_3.141_Green-Belt-Study-Stage-3

169. SCPC therefore reiterates our points that the Council should have considered alternative sites, and the revised strategy is not justified by evidence. It remains unclear why, for example, the Council has not assessed the potential of restricting GB removal to the east of the natural boundary of Tudeley Brook (which is incidentally the Ecclesiastical parish boundary) and east of the strong hedgerows to the north of the railway. This would avoid development in areas considered by LUC to have a “high harm” rating.

ISSUE 8 – EXCEPTIONAL CIRCUMSTANCES

Q1. Following the Council's suggested changes to the Plan, do the exceptional circumstances exist to alter the Green Belt boundary in this location, having regard to paragraphs 140 – 143 of the Framework?

170. The hearing on Matter 1 determined that the Council has not provided any such justification which Save Capel highlighted in its submission²⁸. The Inspector directed the Council to provide an evidence paper with its hearing statement for this Matter 4.
171. As SCPC does not have sight of that evidence paper at the time of writing this, we will seek to make further representations in the light of the new evidence at the hearing, where appropriate. SCPC have the following points ahead of being able to consider that new paper.
172. With the deletion of Tudeley Village, the largest proposed release of GB land is in the eastern part of Capel amounting to 148.2 hectares. SCPC notes the inspector's findings that *"...national planning policy is clear that the Government attaches great importance to Green Belts and that boundaries should only be amended in exceptional circumstances. Reaching that conclusion should be based on a thorough assessment process which includes an understanding of the likely impacts when compared with other site options, especially where the magnitude of harm from the two largest allocations is "high"*
173. The revised strategy, with around 1,000 fewer dwellings, is not justified by adequate evidence and the lack of a sequential test is relevant here. See Issue 1 above.
174. SCPC has serious concerns about leisure facilities, as set out above under Issue 3. The submission Plan proposed a significant sports hub in the south-west of SS1(B), including an indoor sports centre with 6 x 25m pool, gym, changing areas, sports halls, and studio rooms. These have been replaced with only pitches and by contrast a modest clubhouse. The provision of indoor facilities and swimming pool were discussed at the hearings in 2022 as being a significant 'exceptional circumstance' for releasing GB which is clearly now devalued.
175. Another matter that arises from the revisions to the plan is housing density. In their attempt to deal with the requirements of the sequential test, the Council now proposes to build a reduced amount of around 1,250 houses with a GB release of 148.2 hectares which equates to a net density of only **8.44 dph**.

²⁸ PIFC_152 Save Capel response (from para 2.55)

176. Whilst SC acknowledges the provision of open spaces in the plan, we are mindful of the NPPF requirement²⁹ to “optimise development” before concluding that exceptional circumstances exist, where in para 141(b) “...*including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport*”. [emphasis added].
177. As the Council is arguing that the EC sites are well located to public transport, these very low densities are another factor that should have prompted them to conduct a meaningful review of alternative strategies.
178. In conclusion, SCPC considers that the revisions to the Plan actually weaken the justification and maintains that the necessary ‘exceptional circumstances’ are not substantiated at the Capel sites.

JOINT HEARING STATEMENT

MATTER 4

28 JUNE 2024



CAPEL PARISH COUNCIL



SAVECAPEL

²⁹ NPPF September 2023 para 141