

Examination of the Tunbridge Wells Borough Local Plan – Stage 3

Matter 4 – The Strategy for Paddock Wood

Issue 1 – Flooding and Flood Risk & Issue 7 – Policy Requirements / Masterplanning

This statement has been prepared by Kember Loudon Williams and is submitted on behalf of Mr Tony Whetstone for the purpose of the Examination of the Tunbridge Wells Borough Local Plan. It responds to Matter 4 – The Strategy for Paddock Wood, Issue 1 – Flooding and Flood Risk and Issue 7 – Policy Requirements / Masterplanning.

Mr Whetstone is the owner of Tudeley Brook Farm (SHELAA reference number DPC19), which is located within the northern portion of North-Western Parcel (A).

Issue 1

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?

Whether land identified by policy STR/SS1: The Strategy for Paddock Wood is proposed to be built upon or not, the wider allocated land clearly requires the green and blue infrastructure proposed, and identified by all parties involved in the production of the Local Plan, to:

- Act in tandem with the developed land to manage surface water from the development and protect new and existing residents from surface water flooding;
- Provide an appropriate visual context and outlook to new and existing residents;

- Provide informal recreational facilities and access to green space and amenity;
- Form part of the ecological enhancements for the allocated land.

The Tudeley Brook Farm site supports and justifies the delivery of the new development at Paddock Wood. The inclusion of the site within the site wide masterplan therefore needs to be protected and it needs to come forward as an integral part of the masterplan, and provisions within policy STR/SS1, to ensure that the masterplan is implemented in full and to remove any opportunity to cherry pick land within the proposed allocation to be included in any subsequent planning applications.

In our opinion, the continued inclusion of Tudeley Brook Farm as part of the site wide allocation serves to assist in addressing the soundness issues raised in the Inspector's Initial Findings. However, the mechanisms in place to ensure the delivery of the site as part of the site wide masterplan need to be addressed as we have set out in more detail below.

Issue 7

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?

The Inspector, in his Initial Findings, noted the need for several main modifications for the *"effectiveness of the Plan and to remove the reliance on supplementary planning documents."*

The Council, however, continue to rely upon a Framework Masterplan Supplementary Planning Document (SPD) in the delivery of development under the revised wording of policy STR/SS1. Reference is also made to the *"Council's Structure Plan SPD"* and so a reliance upon supplementary planning documents by the Council continues, which means that there is not complete certainty around the delivery of development under policy STR/SS1.



In his Initial Findings, the Inspector also stated that *“Another soundness issue is how the Council will ensure that development comes forward in a comprehensive manner, thus ensuring that the vision for a strategically and holistically planned expansion to the town is realised.”*

The Council has taken steps to allocate six parcels for development, and set out parameters for the scale, type and mix of uses permitted within the proposed amended wording of policy STR/SS1.

However, we retain a concern regarding the need to facilitate land equalisation agreements for the benefit of landowners required to “give over” their land for the future benefit of the wider community. The merit and benefit that Tudeley Brook Farm brings, and the other properties to be included in the allocation, should be acknowledged and properly accounted for in the Local Plan.

The revised wording of Policy STR/SS1 has removed reference to required land equalisation agreements. The policy wording within the Submission Local Plan acknowledged that it is *“highly likely”* that the development will require land equalisation, in the interests of astute planning and deliverability, and it continues to be the case that the Local Plan must address these land equalisation omissions now. Without the necessary controls to ensure the comprehensive delivery of the whole masterplan vision, the policy/plan is not effective and is, therefore, unsound.

It remains important that this land equalisation agreement is enshrined into the policy wording now for clarity and to avoid unnecessary delays in the delivery of the wider masterplan.

The correct vehicle to support the development of Paddock Wood is through an equalisation agreement. It is imperative that the Council, as the Local Planning Authority, take complete



charge of this process in the public interest and absent of private agreements between the affected stakeholders.

Q2. Is the suggested policy wording justified and effective?

Given the above, and to make the Local Plan sound in our view, we would therefore suggest the following modification to the proposed policy, to be inserted before or after paragraph 15 of the “Development principles” section of the revised proposed wording of the policy –

“Where the delivery of the development involves more than one landowner, land equalisation agreements will be required to be put in place prior to the submission of any relevant planning application. The Council will, if necessary, use its Compulsory Purchase Order powers to ensure the delivery of the appropriate masterplanned approach.”

This wording reintroduces the concept of equalisation agreements, as set out in the Submission Local Plan, and strengthens this by requiring equalisation agreements to be put in place.

We look forward to participating in the debate and expressing these points further at the Hearing on 16 July 2024.

