

Paddock Wood Town Council

Matter 3 – Spatial Strategy and Distribution of Development (Policy STR1, STR3, STR9 and STR10)

ISSUE 1 – Spatial Strategy

Q1. Does the submission version Local Plan contain a settlement hierarchy in the same way as the adopted Core Strategy (2010) does?

PWTC Response:

1. The adopted Core Strategy places the settlement hierarchy at the heart of the spatial strategy for the borough with the quantity of development delivered at each settlement reflecting its place in the hierarchy. The hierarchy in the Core Strategy being **Main Urban Area** (Royal Tunbridge Wells; Southborough); **Small Rural Towns** (Cranbrook; Hawkhurst' Paddock Wood); **Villages** (Benenden; Bidborough; Brenchley; Five Oak Green; Frittenden Goudhurst; The Moor (Hawkhurst); Horsmonden; Iden Green; Kilndown; Lamberhurst; Langton Green; Matfield; Pembury; Sandhurst; Sissinghurst; Speldhurst).
2. The submission Local Plan does not appear to use a settlement hierarchy in the same way as the Core Strategy. The only policy that appears to use a hierarchy is Policy ED 9 (Town, Rural Service and Neighbourhood Centres, and Village Settlement Hierarchy) which is in relation to planning for retail and town centre uses and not the wider spatial strategy for the borough.

Q2. The *Settlement Role and Function Study Update*¹ scores settlements and groups them together between A and G. Is the methodology used robust and are the outcomes accurate?

PWTC Response:

3. No the methodology is not robust and the outcomes are not accurate as we explain below.
4. The Settlement Role and Function Study (February 2021) does not include Royal Tunbridge Wells. It gives the reason for this as "*its status as the main settlement of the borough*". Surely the fact that it is the main settlement of the borough

¹ CD 3.72

should have led to it being assessed as part of the study. After all the ‘Purpose of the Study’ in addition to *“providing an updated evidence base to help inform the settlement hierarchy of the borough... is to also give an indication of each settlement’s level of sustainability and potential to accommodate further growth”*². How can it possibly be that the role of the main settlement of the borough hasn’t been assessed against the other settlements? Is the Council concerned that including such an analysis would clearly demonstrate the mismatch of the settlement hierarchy and its preferred development strategy whereby the main settlement of the borough is earmarked for very considerably less development than less sustainable settlements such as Paddock Wood?

5. To further confuse matters, Southborough is “jointly considered as the main urban area” for the borough however unlike Royal Tunbridge Wells was assessed as part of this study. The study concludes that Southborough is in the ‘Grouping B’ along with Cranbrook, Paddock Wood and Hawkhurst whilst Royal Tunbridge Wells is placed in ‘Grouping A’ on its own. This is extremely confusing.

Whilst Southborough as a community may be considered to have an its own identity separate from Royal Tunbridge Wells in the same way as St Johns, Broadwater and Sherwood ; in terms of the settlement hierarchy such a distinction is irrelevant. It would appear to have been set up in order to tilt the settlement hierarchy calculation for the purposes of development allocation away from Tunbridge Wells.

6. The study’s method for creating settlement ‘groupings’ is not sufficiently explained and not really explained at all apart from a few lines in the ‘Conclusions’ section of the study. It states the following regarding the groupings:
- *“rather than simply categorising the settlements in order of size, the settlements are identified by grouping them in terms of their characteristics, focusing on the range of services and facilities they currently provide”*.
 - *“The findings of this updated Study show that larger settlements also tend to score more highly across the range of sustainability indicators identified in terms of the level of provision of services and facilities”*
 - *“Based on the scores and evidence collected in this Study, a revised table of settlement groupings is set out in Table 6 below. These groupings give an indication of the level of sustainability and appropriateness of these settlements to accommodate further growth in terms of access they provide to services and facilities that their support their sustainability”*³

² CD 3.72 Paragraph 1.4

³ CD 3.72 Paragraph 5.1

Table 6: Revised settlement groupings

Grouping	Settlement
A	Royal Tunbridge Wells (RTW) *
B	Southborough*, Cranbrook, Paddock Wood and Hawkhurst
C	Rusthall and Pembury
D	Goudhurst, Langton Green, Benenden, Brenchley and Horsmonden
E	Lamberhurst, Speldhurst, Sandhurst, Five Oak Green, Sissinghurst and Bidborough
F	Matfield and Frittenden
G	Kilndown and Iden Green

*RTW and Southborough are also jointly considered as the main urban area

Revised Settlement Groupings (Settlement Role and Function Study - Feb 2021)

7. This explanation given regarding the method for determining the groupings is wholly inadequate. It explains that it looks beyond just the 'size of settlements' however the study does not set out the size of each settlement either in population or in area. In order to understand population figures for the settlements one must refer to the superseded 2017 Settlement Role and Function Study ⁴(see below). However, the population assumptions provided are at the parish level and do not reflect the populations of the settlements themselves.

⁴ CD 3.27

Table 2 Population and Household Figures

Settlement/Parish	Population (based on 2011 Census)	Households (by Parish based on Electoral Register 2017)
Royal Tunbridge Wells	48324 (7 wards)	22094
Southborough	12459	5037
Paddock Wood	8253	3346
Cranbrook and Sissinghurst	6717	2781
Pembury	6128	2470
Speldhurst and Langton Green (also includes Ashurst and Old Groombridge)	4978	1942
Rusthall	4976	2185
Hawkhurst (Highgate and The Moor)	4911	2139
Goudhurst and Kilndown (with Curtisden Green)	3327	1255
Brenchley and Matfield	2863	1174
Five Oak Green (part of Parish of Capel)	2467	931

Settlement Population (Settlement Role and Function Study - Feb 2017)

8. Referring to the population table, it is difficult to conclude that Southborough should be in the same grouping as Paddock Wood, Cranbrook and Hawkhurst. Southborough has a population of 12,459 whereas Paddock Wood has the next largest population at 8,253 some 4,206 less residents. Southborough is more than 2.5 times the size of Hawkhurst in population.

9. Turning to the assessment of the settlements in the 2021 study Southborough scores the highest here as well followed by Cranbrook with Paddock Wood in third and then Hawkhurst:
 - Southborough (presumably behind Royal Tunbridge Wells) received the highest score / ranking in the study at 100 using the 'new weighted method' and using all previous scoring systems as well.
 - Cranbrook trails Southborough in scoring coming in second place with 90 points.
 - Paddock Wood scores 82 points coming third.
 - Hawkhurst scores 71 points coming in fourth.
 - Rusthall scores 59 points coming in fifth.
 - Pembury scores 55 points coming in sixth.

Table 5: Summary of results using previous scoring system and new weighted method

Settlement	1st score	2nd score	3rd score	4th score (average of 1 st , 2 nd , 3rd)	New weighted method
Southborough	161	165	115	147	100
Cranbrook	153	163	116	144	90
Paddock Wood	128	136	96	120	82
Hawkhurst	90	100	65	85	71
Rusthall	68	72	39	59.7	59
Pembury	64	70	42	58.7	55
Goudhurst	42	46	26	38	39
Langton Green	38	38	23	33	38
Benenden	38	42	21	33.4	37
Brenchley	35	39	19	31	35
Lamberhurst	34	38	19	30.2	33
Horsmonden	34	36	20	30	35
Sandhurst	34	36	20	30	32
Speldhurst	31	35	17	27.6	33
Five Oak Green	30	32	16	26	30
Sissinghurst	27	27	15	23	27
Bidborough	26	26	14	22	25
Matfield	23	23	15	20.3	21
Frittenden	19	19	12	16.7	19
Kilndown	18	18	12	16	16
Iden Green	11	11	7	9.7	11

Summary Results of Settlement Role and Function Study (Feb 2021)

10. We make a number of additional critical observations and shortcomings about this important piece of work which claimed to inform the Local Plan's development strategy:

- Royal Tunbridge Wells is not included in the Study despite it being the 'Main Urban Settlement of the borough' (see above).
- The methodology is unclear as to how it has arrived at a number of the scores for the 'new weighted method' for the 2021 study including but not limited to the scores for bus services.
- The study does not include population figures for the settlements and relate this back to the level of services and facilities that are present in each settlement. In other words, particular services could be more or less adequate dependent on the population they are serving however the study provides no indication as to what services and facilities (and investment) are required to make them more sustainable.

- There is no analysis of the level of public transportation serving the settlements. The study simply says whether there is a bus service at least once an hour Monday – Saturday and whether there is a train station.
- The study is not locationally specific about any of the infrastructure or services and includes no mapping making it impossible to understand in spatial terms which areas of the borough are and are not well served by services and facilities.
- The study does not consider cycling and walking which should be seen as the focal point of considering sustainability and planning for healthy places.
- There has been no adjustment / update to the level of services and facilities that are present post pandemic, whilst this presents a clear practical difficulty it raises doubts as to the robustness of the conclusions drawn and the accuracy of this data.

11. It is extremely difficult to follow the logic of how the Settlement Role and Function and Study has informed the Development Strategy and proposed Local Plan allocations.

Table 4 Distribution of housing allocations

Parish/Settlement	Local Plan allocations	
	Lower	Upper
Royal Tunbridge Wells	1,416	1,536
Southborough	42	42
Paddock Wood	3,932	4,032
<i>Strategic urban expansion*</i>	<i>3,490</i>	<i>3,590</i>
<i>Town centre</i>	<i>30</i>	<i>30</i>
Capel*	2,100	2,100
<i>Tudeley Village - new settlement</i>	<i>2,100</i>	<i>2,100</i>
Cranbrook and Sissinghurst	453	467
<i>Cranbrook</i>	<i>415</i>	<i>429</i>
<i>Sissinghurst</i>	<i>38</i>	<i>38</i>
Hawkhurst	161	170
Benenden	87	95
<i>Benenden</i>	<i>43</i>	<i>45</i>
<i>East End</i>	<i>44</i>	<i>50</i>
Bidborough	0	0
Brenchley and Matfield	56	60
Frittenden	25	30
Goudhurst	25	25
Horsmonden	240	320
Lamberhurst	25	30
Pembury	389	417
Rusthall	15	15
Sandhurst	20	30
Speldhurst	10	12
Sub-total	8,996	9,381
Allocations with existing planning permission (to be discounted to avoid double counting)	920	920
Total (with existing planning permission discounted)	8,076	8,461

Local Plan Table 4 Distribution of Housing Allocations

Q3. What is the purpose of the *Settlement Role and Function Study Update*? How has it informed the Plan?

PWTC Response:

12. Paragraph 1.4 of the Study explains its purpose:

“The Settlement Role and Function Study provides information about settlements in the borough of Tunbridge Wells and their services and facilities. As well as providing an updated evidence base to help inform the settlement hierarchy of the borough, it also gives an indication of each settlement's level of sustainability and potential to accommodate further growth, including any smaller settlements that could become more sustainable as a result of any growth supporting additional services and infrastructure”

13. It is unclear from TWBC how the Study has informed the Local Plan however it appears to have been slanted in order to direct development towards predetermined settlements in the case of Paddock Wood and Hawkhurst so that the Study supports certain allocations rather than determining where those locations should be.

Q4. The Development Strategy in Policy STR1 supports the “...major, transformational expansion of Paddock Wood (including land at east Capel)...”. At a strategic level, what are the reasons for promoting significant new development at Paddock Wood? Is this justified?

PWTC Response:

14. Paragraph 4.42 of the Submission Local Plan states that the Draft Local Plan concluded that *“having seized all reasonable opportunities for growth ‘across the board’ meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements”*. We are confused by this statement that all reasonable opportunities for growth across the board being seized. The Council should explain what is meant by this as it seems quite an important conclusion to make at the Draft Local Plan stage.

The same paragraph (4.42) goes on to say that this position has been reviewed and based on site assessment work there is very little scope for more housing in

rural settlements, major development in the AONB or the dispersal of larger amounts of development to some smaller settlements with few facilities.

15. Paragraph 4.43 of the Submission Local Plan explains that *“It is found that, even promoting all suitable SHELAA sites for allocation in the Local Plan, the borough could only meet only a fraction of its housing need without the provision for strategic sites, namely the substantial expansion of Paddock Wood (including land at east Capel) and the creation of a new garden settlement at ‘Tudeley Village’”*.

As a starting point what is the Local Plan referring to when it says *“It is found that”*? What *“it”* is the Council referring to – is it the Draft Local Plan or another evidence document?

The statement that allocating all suitable SHELAA sites for allocation *“would only meet only a fraction of its housing need”* must be substantiated with evidence by the Council. Which sites are these and how many dwellings would they generate and which sites were left out of this assumption? What does the Council mean by *“only a fraction”*?

Based on the Council’s statements above it appears that TWBC considered its only option to meet its OAN was to create a “substantial expansion” of Paddock Wood and create a new garden settlement at Tudely Village. So the choice to focus on Paddock Wood appears to be based solely on housing numbers. However, the logic of arriving at this conclusion has not been substantiated by the Council in terms of the other parts of the borough being carefully considered as suitable locations for growth before concluding it had to be directed to Paddock Wood – which as it is well known has severe flood risk and wastewater issues and is not itself a suitable location for growth. There is no evidence that the Council considered applying the constraints imposed in the NPPF by AONB and Green Belt more robustly but rather decided to propose supporting the maximum amount of development plus an over generous buffer against non delivery into the two new strategic sites. (Major urban extension to Paddock Wood/Capel and a new settlement at Tudeley). This despite the constraints in both areas imposed by flood risk.

16. Paragraph 4.44 of the Local Plan explains why the Council thinks that Paddock Wood is a logical choice for strategic growth:

“Paddock Wood is a logical choice for strategic growth for a number of reasons; an existing service and employment centre, having a central railway station

and main road links, giving wider accessibility. It is also outside the AONB and, except for land to the west, beyond the Green Belt”.

As we have already set out there is no evidence to support this claim that Paddock Wood is a ‘logical choice for strategic growth’. It is misleading of the Council to make this statement in the Local Plan and not even mention the fact that Paddock Wood is in the highest area of flood risk in the borough which makes it the least logical choice for strategic growth which is a clear physical constraint and threat to safety and the environment (rather than simply a policy constraint).

The Settlement Role and Function Study, which is not a sound piece of evidence, does not lead one to conclude that Paddock Wood is somehow the most sustainable place for strategic growth. Even by the Council’s own scoring it comes in third behind Southborough and Cranbrook and as we already pointed out the Study did not include the main settlement in the borough Royal Tunbridge Wells.

Q5. The Development Strategy also supports the “...creation of a new garden settlement: Tudeley Village...”. What were the reasons for pursuing a new, standalone settlement, rather than the expansion of existing towns and villages? Is this justified?

PWTC Response:

17. No Comment.

Q6. Paragraph 4.45 of the submitted Plan states that Royal Tunbridge Wells is surrounded by the High Weald AONB, except for areas to the west and the north. What options has the Council therefore looked at for new development to the west and the north of the town? Why were they discounted in favour of a standalone new settlement (which also requires land to be removed from the Green Belt)?

PWTC Response:

18. We also pose the question why the options for development at Royal Tunbridge Wells were discounted in favour of Paddock Wood. From a strategic point of view it would seem more logical to direct development along the A21 corridor, recently much improved by Highways England, to the Northwest of Tunbridge Wells. This would have enabled through traffic to bypass both Tonbridge and Tunbridge Wells

rather than being directed to Paddock Wood and Tudeley whose Road connections are already poor and at capacity.

Q7. The *Development Strategy Topic Paper*⁵ refers to constraints to such as the Green Belt, the High Weald AONB and areas of flood risk. Which areas of the Borough are not constrained by flooding and/or the Green Belt and AONB? Why could housing needs not be met in these areas?

PWTC Response:

19. These options for meeting housing needs outside of flood risk areas, Green Belt and AONB have clearly not been fully explored by the Council before it concluded its preferred development strategy. We look forward to seeing the Council's evidence outlining how it left 'no stone unturned' in terms of seeking to meet its housing needs outside of areas with flood risk, Green Belt and AONB. Again the areas along the A21 corridor should have been considered. It is for the Inspector to determine whether the conclusion reached by the Council is reasonable when balancing the constraints of the AONB and Green Belt against the constraints of flood risk, not just to the areas to be developed but to the existing settlement of Paddock Wood.

Q8. Could housing needs be met in a way that did not require land to be removed from the Green Belt and/or require development in the AONB?

PWTC Response:

20. No Comment.

Q9. Do policies relating to the Green Belt, the High Weald AONB and/or flood risk provide a strong reason for restricting the scale, type and distribution of development in Tunbridge Wells?

PWTC Response:

⁵ CD 3.64

21. Yes. In relation to flood risk the NPPF is clear in Paragraph 159 that in appropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

The NPPF explains at Paragraph 161 that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate – so as to avoid, where possible flood risk to people and property. Based on the Council’s proposed development strategy it is clear that it has clearly not undertaken a sequential risk-based approach (our Regulation 19 representations provide much greater detail on how the Council did not undertake a sequential approach) and has not sought avoid where possible flood risk to people and property – it has decided to locate its most strategic development in the highest risk location at Paddock Wood.

At no stage in the preparation of the plan has any evidence been provided that either the Council or their Flood Risk Consultants carried out the sequential test and exception test as required by the NPPF when considering development in Flood Risk areas.

ISSUE 2 – Distribution of Development

Q1. How was the distribution of development established? Has the Council sought to direct housing growth towards settlements based on their scoring in the *Settlement Role and Function Study*, or by another means?

PWTC Response:

22. As we set out in our response to Issue 1 and in our Regulation 19 representations there appears to be no or very limited correlation between the Settlement Role and Function Study and the housing distribution and we are not aware of any other means put forward by the Council for justifying its decisions.

Q2. When taking into account commitments and completions since the start of the Plan period, what proportion of new housing will be distributed to each group of settlements, as per the *Settlement Role and Function Study*?

PWTC Response:

23. We look forward to the Council's response to this question as it is currently unclear in the Local Plan and evidence base.

Q3. Is the strategy consistent with paragraph 105 of the Framework, which states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes?

PWTC Response:

24. As we have set out earlier, the existing or future sustainability of locations has not been properly assessed by the Council. In terms of The Settlement Role and Function Study:

- There is no analysis of the level of public transportation serving the settlements. The study simply says whether there is a bus service at least once an hour Monday – Saturday and whether there is a train station.
- The study is not locationally specific about any of the infrastructure or services and includes no mapping making it impossible to understand in

spatial terms which areas of the borough are and are not well served by services and facilities.

- The study does not consider cycling and walking which should be seen as the focal point of considering sustainability and planning for healthy places.
- From a sustainability viewpoint it would seem more logical to direct development along the A21 corridor with its recently completed cycle path network, well connected to Tunbridge Wells and Pembury , and much improved road network to the Northwest of Tunbridge Wells. This would have enabled through traffic to bypass both Tonbridge and Tunbridge Wells rather than being directed to Paddock Wood and Tudeley whose Road connections are already poor and at capacity and where there is no cycle network and the narrow winding roads with no pavements are totally unsuitable for cycling or walking.

Q4. Having established the principle of significant growth at Paddock Wood (see Matter 3, Issue 1, Question 4 above), how did the Council determine the scale of additional housing proposed in the Plan?

PWTC Response:

25. As we have commented earlier, if this was the approach taken then this is further evidence that a Sequential Test (Flooding) was clearly not followed by the Council if it decided to locate development in the borough's highest flood risk area first. A major urban extension seems to have been proposed to meet the numbers required rather than be justified by any strategic considerations. Indeed, the failure to consider the impact upon adjacent boroughs such as Tonbridge and Maidstone and their roads and infrastructure of such large scale development does not appear to have been considered and if it was we cannot see the evidence.

Q5. Where new development is proposed in towns and villages, is the scale, type and distribution of housing development proportionate to their character, role and function?

PWTC Response:

26. Please see our previous comments. The overwhelming scale of development in Paddock Wood without commensurate social infrastructure will obliterate the character of the current settlement and turn it into a 'dormitory' town.

Q6. What is the justification for distributing new housing development to settlements within the High Weald AONB? How did the AONB designation influence the scale, type and distribution of housing development?

PWTC Response:

27. No Comment.

Q7. How have flooding constraints been taken into account in determining the spatial distribution of development? Is the Plan consistent with paragraph 161 of the Framework which states that all plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

PWTC Response:

28. No. TWBC and its consultants appear to have avoided applying a 'sequential test' in respect of the whole borough. This is despite the Strategic Flood Risk Assessment (SFRA – Level 1 & Level 2 combined) (July 2019)⁶ stating as its first recommendation: *"The NPPF supports a risk-based and sequential approach to development and flood risk in England, so that development is located in the lowest flood risk areas where possible; it is recommended that this approach is adopted for all future developments within the borough"*⁷.

- a. Despite the SFRA consultants recommending that a sequential approach to development and flood risk is utilised for all future developments within the borough, the same SFRA consults explain that the SFRA has not performed the Sequential Test of potential development sites but that it provides a summary at Table 13.1 summarising the flood risk to the potential development sites which can assist with completion of the Sequential Test (see figure below). As it explains at Paragraph 13.1 the SFRA does assess all 472 sites within the borough identified through the SHELAA and Call for Sites process though. The SFRA does not explain why

⁶ CD 3.44 a-b

⁷ CD3.44 a-b page IV

it does not undertake the Sequential Test – were the consultants asked not to undertake it as TWBC may not like the conclusions? It is entirely unclear from the evidence but it explains that the assessments will “assist the Council when they undertake the Sequential Test”.

- b. The SFRA states that (see below) “The majority of sites are located within Flood Zone 1”.

13 Level 1 assessment of potential development sites with site information

13.1 Introduction

A total of 472 sites within the borough were identified from the Strategic Housing and Employment Land Availability Assessment (SHELAA) Call for Sites process (which ran in two parts) and additional submission of sites after the Call for Sites process (number correct as of 15 April 2019). These sites were screened against a suite of available flood risk information and spatial data to provide a summary of risk to each site (see Table 13-1). Information considered includes the flood risk datasets listed below. Indication is provided on the proportion of a given site affected by levels and types of flood risk.

- Flood Zones (present day)
- Future Flood Zone 3a in the 2080s epoch (Higher central and Upper end estimates)
- Risk of Flooding from Surface Water
- Risk of Flooding from Reservoirs
- Areas Susceptible to Groundwater Flooding

The information provided is intended to enable a more informed consideration of the sites following the sequential approach. This should be used to determine whether more detailed assessment of sites is required as part of a Level 2 SFRA to further identify those that should be taken forward as potential development allocations.

13.2 Sequential testing

The SFRA has not performed the Sequential Test of potential development sites. However, Table 13-1 summarises the flood risk to the potential development sites which can assist with completion of the Sequential Test. The majority of sites are located within Flood Zone 1 and where part of the site is located within higher flood risk zones, a large number remain predominantly within Flood Zone 1. However, the majority of sites are shown to be at risk from surface water flooding (indicated by the RoFSW extent being present in the site).

Inclusion of SHELAA sites in the SFRA does not mean that development can be permitted without further consideration of the Sequential Test. The required evidence should be prepared as part of a Local Plan Sustainability Appraisal or alternatively, it can be demonstrated through a free-standing document, or as part of strategic housing land or employment land availability assessments. NPPF Planning Practice Guidance for Flood Risk and Coastal Change describes how the Sequential Test should be applied in the preparation of a Local Plan. The assessments undertaken for this SFRA will assist the Council when they undertake the Sequential Test.

SFRA Level 1 Assessment of potential development sites with site information

- c. As the SFRA concluded that the majority of sites in the SHELAA and Call for Sites process are located within Flood Zone 1, how is that the most strategic growth was directed towards Paddock Wood which has the highest level of flood risk in the borough? As PPG sets out in its guidance for the application of the Sequential Test for Local Plan preparation (and as stated in the NPPF) if development can be steered towards areas in Flood Zone 1 then the sequential test is passed and it does not need to be examined further and an exceptions test is not required.
- d. Nowhere in TWBC’s evidence can we find a statement confirming that a Sequential Test was undertaken by the Council. The Local Plan itself makes no mention of a Sequential Test being undertaken as required by the NPPF. This is a fundamental flaw in the Local Plan process and evidence base and the Local Plan can clearly not continue until such a study is undertaken and consulted on.
- e. Despite no Sequential Test being undertaken, the SFRA undertakes a Level 2 Assessment of strategic parcels as “*potential development locations have been provided by the council to be assessed in the SFRA*”. Twelve strategic parcels were assessed which presumably means that regardless of what a Sequential Test may have concluded, that the twelve parcels had been pre-determined as potentially preferred sites by TWBC. There is no summary map indicating where the development parcels are located or how they were selected. The evidence simply jumps from the recommendation that a Sequential Test be undertaken by TWBC to an assessment of twelve strategic development parcels.

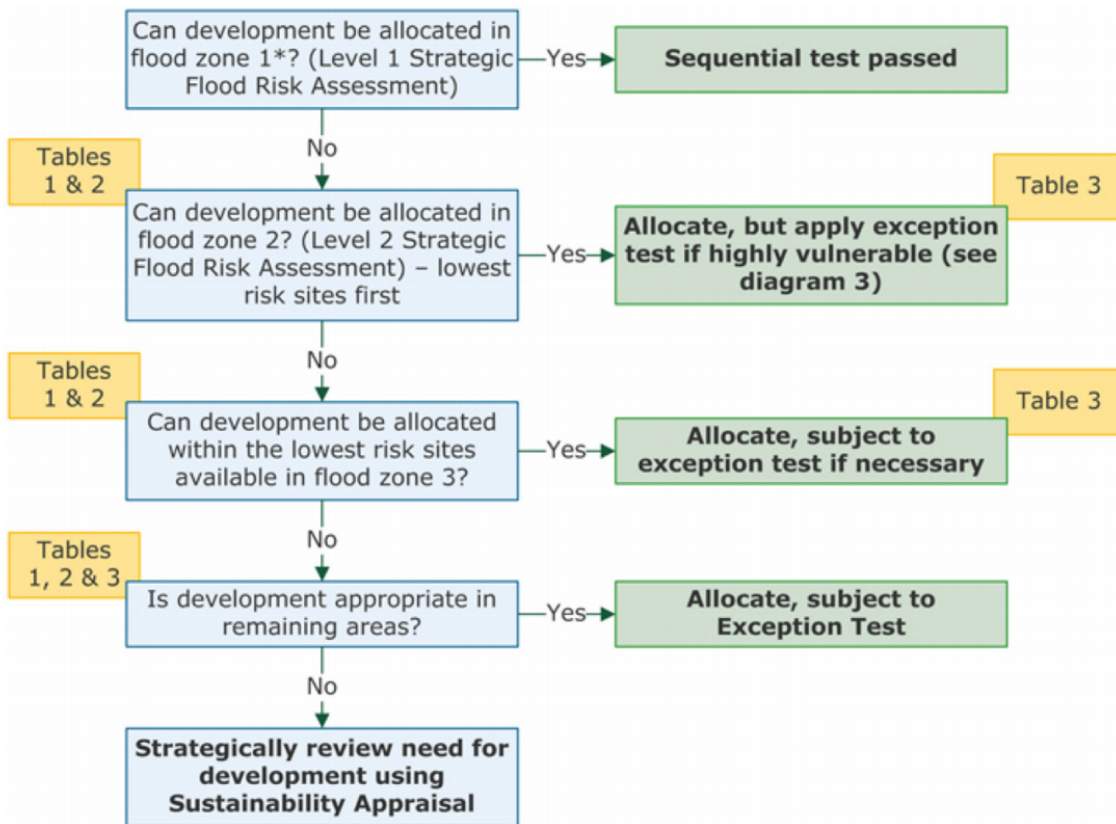
1 Level 2 Assessment of strategic development parcels

1.1 Introduction

The SFRA forms an integral part of Tunbridge Wells Borough Council's evidence base for the production of a new Local Plan, in terms of identifying locations for development and preparation of flood risk policies in the Local Plan, with one of the objectives of an SFRA being to help inform site allocations so they are in accordance with the NPPF. Potential development locations have been provided by the council to be assessed in the SFRA. The Level 2 SFRA considered a refined set of parcels (grouping of sites from the Call for Sites process, including some received after this process had ended) supplied by the council subsequent to the finalisation of the Level 1 SFRA. The parcels taken forward and description of the refinements are recorded in Table 1-1. Note that parcels numbered 8 (named East of Queen Street Parcel) and 10 (named Playing Pitches) are excluded from the assessment as they are not allocated for built development, but rather intended for either biodiversity, landscaping or recreation land uses.

SFRA Level 2 Assessment of strategic development parcels

Diagram 2: Application of the Sequential Test for Local Plan preparation



PPG Application of the Sequential Test for Local Plan preparation

- f. The Council’s Development Strategy Topic Paper explains that, in relation to Sequential Testing, *“the aim is to steer development to Flood Zone 1. Where there are no reasonable available sites in Flood Zone 1, guidance states that LPAs should take into account the flood risk vulnerability of land uses and consider reasonable available sites in Flood Zone 2”*⁸. It goes onto state that the Level 1 SFRA considers how the sequential test should be carried out by TWBC in preparing its Local Plan. However this Sequential Test was never undertaken.
- g. The Topic Paper states that *“It is accepted that it is often the case that it is not possible for all new development to be allocated that is not at risk from flooding”*⁹. However, this is precisely the role of the Sequential Test as stated in the NPPF to direct development to Flood Zone 1 which TWBC has blatantly ignored at arriving at its conclusion that it should locate its strategic growth in the area of the borough with the highest flood risk.

⁸ CD 3.64 paragraph 6.222

⁹ CD 3.64 paragraph 6.224

Q8. Does the Plan identify any areas of safeguarded land, in between the urban area and the Green Belt in order to meet longer-term development needs stretching beyond the plan-period?

PWTC Response:

29. No evidence has been provided by the Council of this.

ISSUE 3 – Limits to Built Development

Q1. How have the Limits to Built Development been defined? What are they based on and are they accurate?

PWTC Response:

30. Limits to built development seem to have been drawn to match the allocations rather than development being designed to fit within the limits to built development. This indicates a lack of strategic planning in the plan's preparation.

Q2. Do the submission version policies maps adequately show the changes to the Limits to Built Development that would arise from the adoption of the Plan?

PWTC Response:

31. No it does not.

Q3. Where new site allocations are concerned, the *Limits to Built Development Topic Paper*¹⁰ states that only the developable areas have been included. Landscape buffers, open space and outdoor recreation areas have been excluded from the Limits to Built Development. What is the justification for this?

PWTC Response:

32. PWTC considers that these 'green buffers' should remain excluded from the LBD in order to protect them from future development proposals and retain some open landscape features.

Q4. When taking into account that the detailed design and layout of a site allocation will be determined at the planning application stage, will the approach to defining Limits to Built Development be effective?

PWTC Response:

33. No it will not – for example the 'Provisional Limits to Built Development' proposed at Paddock Wood it covers the widest possible extent of the sites which is not only

¹⁰ CD 3.82

potentially misleading but could result in the development proposals not making the most efficient use of land. It points to the Council not having a firm idea of the actual extent of the proposed allocation it is making.

Q5. What are the 'Provisional Limits to Built Development' as shown on the *Submission Local Plan Inset Map Legend*¹¹? Which sites/areas do they relate to? Are the justified and effective?

PWTC Response:

34. They are not justified as explained in our response to Question 4 and are certainly not effective as explained.

35. In relation to both Paddock Wood and Paddock Wood parish Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel) and Policy STR/PW1 (The Strategy for Paddock Wood parish) state that *"The Strategy for Paddock Wood, including land at east Capel, set illustrative Limits to Built Development for Paddock Wood on the Policies Map (Inset Map 4) as a framework for new development over the plan period"*

We have a number of points about these specific parts of the policies and the Council's proposal in the Local Plan:

- Surely the proposed 'Limits to Built Development' cannot be 'illustrative' – what policy status does something that is 'illustrative' on a policies map have?
- We note that the 'illustrative LBD' proposed at Paddock Wood for the most part follows the boundaries of the proposed allocations but not in all cases as it also includes within its boundary considerable areas of 'white land'. If this 'illustrative LBD' were to be included in an adopted Policies Map how would a decision maker determine a planning application given its ambiguous status?
- How does the Council propose as its mechanism for confirming or otherwise 'illustrative LBDs'? Surely this cannot be through the preparation of a later SPD which will not go through the statutory process that a DPD would.
- it is very concerning and further evidence that TWBC does not have clarity about the geographic extent of development it is proposing to allocate at Paddock Wood. The Strategic Sites proposed at Paddock Wood are after all proposed allocations and not 'areas of search' or 'broad locations of

growth' and they should (along with their amended LBD), therefore have the level of precision one would associate with an allocation.

- The lack of specifics on this matter indicates that the detail of the proposed developments have not been sufficiently considered prior to submission of the plan, such vagueness does not make for planning certainty and leave the way open for poor site design and unsustainable development.

Q6. Where boundary changes are proposed as part of the submission version Local Plan, are they justified by appropriate evidence and analysis?

PWTC Response:

36. No there does not appear to be an appropriate evidence base and analysis that informed the proposed changes. The Local Plan's ability to assess and for example redraw LBD boundaries could be a source of considerable housing supply that should have been thoroughly examined before it concluded that development had to be directed to Paddock Wood.

Q7. What is the justification for removing heritage assets and recreation areas from the Limits to Built Developments? Is this consistent with the principles set out in Core Document 3.82, which states that Limits to Built Development are policy lines drawn around the main built-up area of settlements?

PWTC Response:

37. This is an unconventional approach by the Council as we have never seen such an approach in other Local Plans as settlement boundaries normally include within them heritage assets and recreation areas.

Q8. What is the justification for the removal of the settlement boundaries at Iden Green and Kilndown? Is this justified and is it consistent with the principles of Limits to Built Development which seek to draw lines around the main built-up areas of settlements?

PWTC Response:

38. No Comment.

Q9. Is it clear to decision-makers, developers and local communities how planning applications will be considered for development proposals both within, and outside, Limits to Built Development?

PWTC Response:

39. No it is not clear. There are a number of DM policies that relate to specific development types outside of the Limits to Built Development such as Policy H10 (Replacement Dwellings outside LBDs); Policy H12 (Extensions to Residential Curtilages outside LBDs); Policy ED5 (Conversion of Rural Buildings outside LBDs) and Policy STR3 (Brownfield Land) which refers to brownfield land within LBDs being encouraged and brownfield land outside of LBDs being supported where it meets certain conditions. It is the view of PWTC that these exceptions to the LBD's render the purpose of the limits weak and open to exploitation.

Q10. Table 7 in the submission version Local Plan lists nine sites that are identified as part of the 'Rural Fringe'. What is the status of these sites and how will they be defined in the Plan? What is the justification for not including them within the Limits to Built Development?

PWTC Response:

40. No Comment.

ISSUE 4 – Management of Development in the Green Belt

Q1. It is sufficiently clear to decision-makers, developers and local communities' which settlements are 'washed-over' by Green Belt?

PWTC Response:

41. No Comment

Q2. Where new development is proposed in the Green Belt, is Policy STR9 justified, effective and consistent with national planning policy?

PWTC Response:

42. Dependent upon the Council's answer to Issue 1 Q8 and how effectively they can be considered to have balanced the major planning constraints against each other.