
Examination Statement – Matter 5 Site Selection Methodology

Tunbridge Wells Local Plan

Representations on behalf of Crest Nicholson

May 2022

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Prepared by:	Jane Piper	Jane Piper
Checked by:	Huw Edwards	Huw Edwards
Authorised by:	Huw Edwards	Huw Edwards

Barton Willmore, now Stantec
26 Kings Hill Avenue
Kings Hill
West Malling
Kent
ME19 4AE

Tel: 01322 374660
Email: jane.piper@bartonwillmore.co.uk

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1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Barton Willmore now Stantec on behalf of our Client, Crest Nicholson, who has an interest in the land to the north west of Paddock Wood that forms a significant part of the housing allocation STR/SS1: The Strategy for Paddock Wood, including land east of Capel, which provides for circa 3,490-3,590 new dwellings across Paddock Wood. This Statement is prepared in response to the Inspectors' Matters, Issues and Questions.
- 1.2 Representations have been made on behalf of our client throughout the production of the emerging Local Plan and these representations expand upon earlier representations. While efforts have been made not to duplicate the content of previous representations, this Statement draws on previous responses where necessary.
- 1.3 These representations have been prepared in recognition of prevailing planning policy and guidance, particularly the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 1.4 These representations respond to the Inspectors' questions within Matter 5 Issue 1 – Site Selection Methodology. This Statement does not respond to all questions raised under this Matter but focuses on those questions of particular relevance to our Client's interests.
- 1.5 These representations have been considered in the context of the tests of 'soundness' as set out at paragraph 35 of the NPPF. This requires that a Local Plan be:
- **Positively Prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with National Policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

2.0 RESPONSE TO MATTER 5 – SITE SELECTION METHODOLOGY

Question 1: How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate?

Question 7: Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

2.1 The Development Strategy Topic Paper (re-issued in October 2021) sets out site identification and assessment in Part F. In summary, having established the overall housing need and then the quantum of new dwellings required in the plan period, the Council undertook a variety of assessments when considering sites for inclusion as allocations, including:

- Making effective use of land in built up areas and suitable brown field sites, including:
 - Reviewing all existing allocated sites in the SALP (2016) which did not have planning permission, drawing on further discussions with site promoters and developers to explore increasing densities
 - Considering intensification of sites that had significant area of hardstanding and built form
 - Utilising the masterplan process to optimise areas such as Paddock Wood town centre
- Undertaking two Call For Sites
- All sites considered through the Strategic Housing and Economic Land Availability Assessment (SHELAA) process undertaken in accordance with PPG methodology, concluding on each sites' suitability, availability, achievability and overall, on the sites' appropriateness for allocation in the Local Plan.
- The conclusions of the SHELAA then having regard to the findings of the Sustainability Assessment.

2.2 The assessment of each site's suitability included:

- a wide-ranging analysis of desktop information using geographical information systems (GIS);
- site visits;
- consideration of the outcome and recommendations of the relevant evidence base studies that have been prepared to support the Plan;
- site specific comments made to the Draft Local Plan;
- service provider comments;
- Parish, town council, neighbourhood plan group comments.

2.3 Following the first filtering stage, the SHELAA then undertook a detailed consideration of all remaining sites, which included if it was appropriate to merge sites.

2.4 The outcome of the SHELAA process is set out in paragraph 6.66 of the Development Strategy Topic Paper and has been to:

- *"identify sites across the borough that are suitable for further consideration for allocation for development through the local plan process*
- *draw out some more sites suitable for allocation within existing built-up areas, notably at Royal Tunbridge Wells*
- *have maximised the development potential of the areas outside the AONB and Green Belt, and represent proportionately more development than has been previously delivered*
- *identify a number of suitable sites around the eastern and northern sides of Paddock Wood and at Horsmonden, and (to a lesser extent) at Sissinghurst, East End (Benenden) and Frittenden, all of which are outside both the AONB and Green Belt designations*
- *show that even with a relatively widespread housing growth, the total amount of land suitable for housing and economic development will fall well short of meeting the identified needs without some 'strategic growth'."*

2.5 The SHELAA Site Assessment Sheets for Paddock Wood is CD 3.22I. The sites in North West Paddock wood, under control of Crest are sites 309 – 319.

2.6 Crest considers that the TWBC has applied all appropriate criteria to appropriate potential sites whilst it undertook the selection of sites, including that set out in the NPPF. Crest therefore considers the process to be robust.

Question 2: How were site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence?

2.7 In regard to Strategic Site at Paddock Wood, it is clear from the work undertaken by TWBC, within the Borough's constraints, that fewer but larger - more sustainable - sites provide a more robust development strategy, as concluded in the SA, even if this will result in the removal of land from the Green Belt. This accords with paragraph 73 of the NPPF which recognises that,

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

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

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

2.9 As paragraph 6.83 of the Development Strategy Topic Paper recognises scale is important for the functionality and sustainability of a new settlement. It needs to be sufficient to support everyday services, such as shops, education, and healthcare provision, as the provision of such services will influence quality of place, level of containment and ultimately households' decisions to live in a new settlement. As an established town with a broad range of existing services and facilities, a substantial level of growth could support and provide an opportunity to enhance this provision in the town.

2.10 Five options for scale and direction of strategic growth of Paddock Wood were assessed. Notwithstanding the Green Belt designation of land to the west, the option involving development all around the town was favoured in overall sustainability terms. This largely reflects the combination of facilitating business growth, general accessibility to central facilities, together with the flood betterment possible for the town.

2.11 Once, the most sustainable option for the strategic extension to Paddock Wood had been identified, TWBC commissioned David Lock Associates, supported by Stantec, JBA and SQW, to comprehensively masterplan the expanded settlement in 2020.

2.12 As set out in paragraph 6.92 of the Development Strategy Topic Paper, the purpose of the masterplanning work was twofold:

- To provide a Structure Plan for Paddock Wood and east Capel.
- To identify the capacity of the new settlement in terms of the number of dwellings, level of non-residential floorspace, and the location and provision of key infrastructure within the settlement.

2.13 As set out in Crest's Hearing Statement on Matter 3, Issue 2 (Question 7) the work undertaken by JBA Consulting inform the evidence base for two masterplan options being prepared by David Lock Associates, referred to as Options 1 and 3:

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

2.14 Whilst this was progressing, Crest's hydrology consultant, Ardent, were also undertaking work to consider how and where development could be located to the north west of Paddock Wood. Ardent's schemes includes a larger development platform area (57.5ha) and causes no increase in flood risk as a result of the proposals, in comparison to the JBA work which concluded that approximately 45.46ha. The principles of Ardent's Scheme were agreed with the Environment Agency during a meeting in October 2018.

2.15 This indicates that there are different solutions to this issue, which will be resolved as more detailed work is done through the evolution of the Development Framework document. (See Crest's Hearing Statement on Matter 6, Issue3, Question 2 for more detail on the suggested modifications specific to Policy STR/SS1 Strategy for Paddock Wood).

Question 3: In deciding whether to allocate sites for development, how did the Council take into account the effects of development on:

- **Landscape character, including the High Weald AONB and its setting;**
- **The availability of best and most versatile agricultural land;**
- **The local and strategic road network;**
- **The need for new and improved infrastructure (including community facilities);**
- **Heritage assets; and**
- **Nature conservation.**

2.16 As part of the site assessment process, in addition to those elements assessed as part of the SHELAA, the Council has undertaken the following studies: in relation to the above bullets:

- Landscape character, including the High Weald AONB and its setting
 - AONB setting Analysis Report (CD 3.95).
 - LVIA (CD 3.96).
 - Landscape Sensitivity Assessment (CD 3.102).
 - In addition, Crest submitted a LVA and Green Belt Review at Appendix 3 of its representations to the Reg 19 Plan in June 2021, which supports the Council's findings and conclusions in regard to NW Paddock Wood.
- The availability of best and most versatile agricultural land
 - This was taken from the Provisional Agricultural Land Classification (1977) mapping.
 - In regard to NW Paddock wood the agricultural land classification is Grade 3.
- The local and strategic road network
 - Kent County Council as Highway Authority has been involved throughout the evolution of the local plan and has been able to comment on the implications for local and strategic road network throughout the Plan's evolution. Its comments have been taken on board and reflected in the site allocation policies, where necessary.
- The need for new and improved infrastructure (including community facilities)
 - In regard to larger sites, this has been considered in response to consultations throughout the Plan making process and applying the expertise of the TWBC officers and David Lock Associates during the Strategic Sites Masterplanning.

- Heritage assets
 - Historic Landscape Characterisation (CD 3.101).
- Nature conservation
 - Grassland Surveys (CD 3.97).
 - Biodiversity Evidence Base (CD 3.31) and Updates (CD 3.91).

Question 4: How did the Council consider the viability and deliverability of sites, especially where new supporting infrastructure is required?

2.17 The Council commissioned Dixon Searle Partnership to undertake a Viability Assessment as follows:

- Stage 1, as part of the Regulation 18 Local Plan, in 2019 (CD 3.54)
- Stage 2, as part of the Submission Local Plan, in 2021 (CD 3.65).

2.18 Despite objecting to certain aspects of infrastructure requirements set out in the Local Plan in regard to development at Paddock Wood due to the lack of evidence; Crest, along with the other housebuilders of the STR/SS1 Paddock Wood allocation (Dandara, Persimmon and Redrow) are working collaboratively with TWBC to agree a mechanism for apportioning evidenced based infrastructure costs and to set out who will deliver it and when. These will recognise the proportionate impact of developments towards the delivery of the required infrastructure in accordance with the Regulation 122 (CIL Regulations 2010) tests (of being necessary, directly related and fairly and reasonably related in scale and kind to the development). The latest situation is set out in the Council's Position Statement, entitled 'Tunbridge Wells Borough Council and Strategic Site Promoters Delivery and Funding of Shared Infrastructure'. As set out in the Conclusion,

"TWBC and the site promoters:

- a. recognise the need for an equitable cost sharing mechanism;*
- b. have agreed to collaborate on its development;*
- c. agree the key principles to be applied to enable delivery and funding to be provided through the planning process at the appropriate point in time;*
- d. understand the policy requirement to deliver one extra care and one sheltered housing scheme within the allocation. "*

- 2.19 The Council's position on CIL/future Infrastructure Levy needs to be set out in the Local Plan to make it clear what developers will be expected to pay within the local plan period, to give certainty and to set out how the Council will avoid 'double-dipping'. This is particularly important for the strategic sites. The messaging in the Council's evidence is not particularly consistent or clear. For example, The LDS (February 2021) states:

"No decision has been made on this matter, with the focus being on taking the Local Plan through to its next stage...CIL would not replace S106 contributions entirely, but these would need to be related to the specific circumstances of the development site. The Council would be responsible for setting the charge, collecting the levy, and distributing a proportion to other organisations that provide community infrastructure, such as Kent County Council and town and parish councils or other appropriate bodies.

If a decision is made not to adopt, and in the intervening period, funding for infrastructure will continue to be secured through the use of Section 106 Agreements."

- 2.20 But in regard to the strategic sites, paragraph 2.4.19 of the Stage 2 Viability Assessment Report (February 2021) states,

"In the case of the specific approach taken to the Paddock Wood and Tudeley appraisals, no CIL / planning obligations contingency / tariff charge has been assumed as specific cost allowances (current stage estimates as per the DLA master planning work) for infrastructure and s.106 works / contributions costs are included in the development appraisal modelling."

- 2.21 The Local Plan must make it clear (Policy STR 5 seems the most appropriate place) that if the Council decides to introduce CIL within the Plan period, it will not be applied to the strategic sites/they will be zero-rated. If alternative methods of infrastructure delivery are introduced in future planning law and TWBC implements that new method, this zero-rated approach must be protected and reflected within the new methodology to ensure deliverability of development.
- 2.22 In regard to the paragraph entitled 'Health' of Policy STR5, developer funding for new healthcare facilities can be requested where they are evidenced as being required to support population growth arising from new developments. TWBC therefore needs to evidence the need. As such, the paragraph entitled 'Health' should refer to the evidence of need and be

modified to read, "*Subject to evidence of need, ensure that essential healthcare infrastructure is provided as part of new development...*"

2.23 The paragraph entitled 'Water' of Policy STR5 does not contain policy but is merely a statement that the water authorities have been consulted, water will be provided, and close liaison is required regarding flood, but as the paragraph says, this is covered by Policies EN25 and EN26. As a result, this paragraph should be deleted from Policy STR5 and inserted as supporting text, if considered necessary.

2.24 The paragraph entitled 'Utilities and digital infrastructure utilities' of STR5 should recognise that provision of digital infrastructure and other utilities is subject to utility providers providing the requisite infrastructure up to the site boundary; hence, that paragraph should read,

*"Ensure that the provision of digital infrastructure and other utilities is supported, including that provided strategically, and for developers **and providers** to ensure that infrastructure is provided..."*

2.25 In regard to Policy H3: Affordable Housing, Crest supports the principle of the policy but does not consider the policy to be justified.

2.26 The supporting text at paragraph 6.337-6.339 has a section on viability, however, Policy H3 does not reference viability. Policy EN3 deals with this issue, however, so for consistency, the same paragraph should be added at the end of 'Overall Approach' as follows:

"There may be exceptional circumstances where compliance with this policy would make the development not viable. In each case these circumstances would need to be fully demonstrated to warrant a departure from compliance with this policy"

Question 5: How did the Council take into account flood risk? Has the Plan applied a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property as required by paragraph 161 of the Framework?

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

2.28 In summary:

- A Strategic Flood Risk Assessment (SFRA) has been produced to inform the plan-making process and the distribution of development, including the proposed site allocations and policies.
- The SFRA was prepared in two parts – a Level 1 SFRA for the whole borough and a Level 2 SFRA focusing on the land around Paddock Wood including land in east Capel. There has also been additional flood modelling work by the Council's consultants (JBA) in relation to the masterplanning of Paddock Wood and east Capel.
- In accordance with paragraph 161 of the NPPF, TWBC considered a range of site allocations, using a Strategic Flood Risk Assessment to apply the Sequential and Exceptions Tests where necessary. The Sequential Test was applied to steer new development to areas with the lowest probability of flooding.
- The Flood Zones, which were refined through new detailed modelling as part of the production of the SFRA (and have been agreed and adopted by the Environment Agency for planning purposes) provide the basis for applying the Sequential Test. In terms of Paddock Wood, this more detailed hydraulic modelling work redefined the majority of the site from Flood Zone 3 to Flood Zone 1 and 2.
- The Level 1 SFRA applied the Sequential Test to the whole Local Planning Authority area; however, it is accepted that it is often the case that it is not possible for all new development to be allocated on land that is not at risk from flooding.
- All of the sites submitted to the Call for Sites were screened against a suite of available flood risk information and spatial data to provide a summary of risk to each site. This information informed the consideration of sites through the SHELAA, following the sequential approach and was used to determine whether more detailed assessment of sites would be required as part of a Level 2 SFRA to further identify those sites that should be taken forward as potential development allocations.

- The relatively extensive areas of land available for potential housing development in Zones 1 and 2 within the borough made it possible to select potential new housing sites outside of the high-risk flood zone (Zone 3). Where potential housing sites were shown to comprise some land in Zone 3, proposed development would only be allowed to take place on land in Zones 1 or 2.
- In accordance with the Sequential Test and the Exceptions Test – those sites which are proposed to be allocated, that fall within or partly within areas of Flood Zone 2 or 3 have then been the subject of further work as part of the Exceptions Test carried out through the Level 2 SFRA.
- The Level 2 SFRA focussed on the area around Paddock Wood and land to the east of Capel Parish, in accordance with the requirements of the Exceptions Test.
- The testing completed as part of the Level 2 SFRA provides a strategic understanding of the potential effect of development and the potential for mitigation by implementing flood risk management measures, with some sites being discounted as a result.
- The Level 2 SFRA also considered future flood risk, due to the influence of climate change on fluvial flood flows.
- The Level 2 SFRA considered that strategic provisions of flood risk management could not only provide for the proposed development but could also influence flood risk on existing areas of development in Paddock Wood, i.e. provide 'betterment' for the existing settlement.
- It is acknowledged within the SFRA and was recognised in the Draft Local Plan Policies that future and more detailed assessment work should refine understanding of how flood risk measures may reduce flood risk, and their viability.

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

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

- Option 3 has a smaller total residential area, with residential areas positioned in Flood Zone 1.

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

2.31 This indicates that the work undertaken by TWBC has been proportionate and done in accordance with the NPPF, paragraph 162 included, but the modelling – and the mitigation - will continue to evolve through the planning process as the SPD is drafted and the planning application is prepared. These documents will also set out a SUDS strategy to deal with the increased runoff from the development itself, thereby ensuring that flood risk is not increased off site.

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