

Mr M. Birkinshaw BA(Hons) MSc MRTPI
 C/O Banks Solutions
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10th May 2022

Dear Mr M. Birkinshaw,

Examination of the Tunbridge Wells Borough Local Plan – Response to Matter 6 (Issue 3)

CBRE is instructed by Dandara in respect of their land interests within the Tunbridge Well Borough Local Plan (hereafter ‘the Plan’). With specific reference to the proposed allocations within the Plan their interest includes:

- **STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood (‘Paddock Wood’);**
- **STR/HA1 / AL/HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst (‘Hawkhurst’);**
- **STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough (‘Southborough’).**

Dandara also hold interest at **AL/RTW16 – Land to the West of Eridge Road at Spratsbrook Farm (‘Spratsbrook Farm’)** and representations in respect of this site are submitted by Barton Willmore.

Dandara also have interest in the Land East of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (‘Sissinghurst’) which for the purpose of the Plan is an omission site.

Response to Matter 6, Issue 3 – Size, Scale and Location of Development (Questions 1 and 3)

Q1. What is the justification for having a single policy (Policy STR/SS1) for the different development parcels at Paddock Wood and East Capel? Is it necessary to have development requirements for each specific area?

Q3. Is it clear to developers, decision-makers and local communities what scale and mix of uses are proposed on each parcel (including the amount of employment land)?

Our response to this Issue draws together Q1 and Q3 given their overlapping nature.

Dandara support the Council’s approach to the requirement for the production of four Framework Masterplan SPDs that are governed by the overarching Structure Plan. However, Dandara are mindful that Paragraph 16 (Part d) of the National Planning Policy Framework (NPPF) (July 2021) requires Plans to:

“d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.

With reference to Paragraph 16 of the NPPF (2021), Policy STR/SS1 should be restructured to provide individual policies or ‘sub policies’ with specific criteria for each of the four strategic land parcels and in doing so reduce the length of, and simplify, the wording of this site allocation policy. This would allow specific design and policy criteria to

be tailored to the individual land parcels, and make it clear what is to be delivered for each of the four strategic parcel areas and include some general criteria that applies to the entire strategic allocation.

The revised policy wording approach set about above would also assist Applicant’s with future masterplanning and progression to pre-application and planning application stage as well as assisting Council Officers in applying the policy as part of the determination of future applications. We also consider that it would be of benefit to ensuring that the policy is easily understood by members of the public and the local community.

Response to Matter 6, Issue 3 – Green Belt (Questions 5, 6 and 7)

Q5. In the Green Belt Study Stage 3, Map 2 identifies that releasing land to the west of Paddock Wood will cause ‘moderate’ harm nearest the existing settlement, with ‘high’ levels of harm on roughly the western half of the parcel nearest the A228. What are the reasons for this and how have the findings been taken into account in the preparation of the Plan?

The response is primarily for the Council and its consultants to respond to as it relates to the methodology that has been employed. It is important to state that with respect to Dandara’s Paddock Wood land interest, no residential development is proposed on the parcel of land identified as ‘high’ levels of harm.

The masterplan in this location proposes sporting use which can be considered as an appropriate form of development within the Green Belt – i.e. such uses generally preserve the openness of land. Whilst acknowledging that there will be some built form here the masterplan focus for this area it to have a general transition from the urban edge with the A228 creating a stronger boundary to the Green Belt. The NPPF (2021) encourages Local Planning authorities to satisfy themselves that Green Belt boundaries will not need to be revisited at the end of the plan period and the release of this land follows clear defensible boundaries (this is notably contrasted to the existing boundary which represents a harsh on the ground boundary).

Q6. Where it has been concluded that it is necessary to release Green Belt land for development, paragraph 142 of the Framework states that Plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. How will this be achieved?

Given the strategic nature of this issue we will rely on the Council to provide the primary response on this. Paragraph 2.40 of Dandara’s Statement of Common Ground with the Council (**CD3.138**) sets out the shared understanding on this Issue.

Q7. Taking into account the answers provided under Matter 4, do the exceptional circumstances exist at site specific level to justify amending the Green Belt boundary in this location?

Yes. The Council’s Development Strategy Topic Paper (**CD.126**) (October 2021) at Page 60 clearly sets out the Local Exceptional Circumstances case for the release of Land at Paddock Wood (including land in east Capel). This is summarised as follows with our supplement text included below to further develop these points that have been set out by the Council.

- (1) the land proposed to be released from the Green Belt here is part of a wider release of non-Green Belt land to deliver development in a sustainable location, around an existing settlement, with the potential to rejuvenate and revitalise the town centre: approximately 48% of the total area of land included for the comprehensive urban extension is currently designated as Green Belt;

In developing point (1) further, in promoting the sustainable development on Paddock Wood it is clear that the benefits to sustainable development would be significantly less if further expansion of Paddock Wood was prioritised on ‘non-Green Belt’ land – this is clearly set out in **CD3.130a (Page 97)**. Given the way that the Green Belt boundary is drawn

around Paddock Wood to avoid Green Belt land would result in greater travel distances to the train station and key services in the High Street and would be inconsistent with Paragraph 138 of the NPPF (2021).

Similarly, for the rejuvenation and revitalisation of Paddock Wood Town Centre it is important that the new population (and associated expenditure) is located in close proximity to the Town Centre such that there is a greater likelihood of the regeneration effect being realised. To prioritise non-Green Belt land either in settlements away from Paddock Wood or on the very outer edges of Paddock Wood would likely increase the level of car dependency and decrease the possibility of localised trips for goods and services being realised. The release of Green Belt land to deliver regeneration improvements was recently considered through the allocation of Berinsfield in South Oxfordshire and found sound by Inspector Jonathan Bore (see Paragraph 131 of Inspector Report¹). The case of Berinsfield, in being allocated for 2,000 homes has parallels to the considerations at Paddock Wood.

Page 14 of the Paddock Wood Economic Opportunities Report (**CD3.66b**) clearly sets out the challenges currently facing Paddock Wood. In addition, as set out in the Sustainability Appraisal (SA) a key objective of the SA is to respond to issues of deprivation. Within **CD3.77I** deprivation scores positively to reflect the substantial regeneration benefit to Paddock Wood Town Centre which contains areas of high-income deprivation. The ability to realise this positive assessment in the SA would not materialise if other land outside of Paddock Wood was utilised.

- (2) through the comprehensive development of this site, and particularly the land to the west of Paddock Wood (i.e. that which would be released from the Green Belt), it has been identified through the Strategic Flood Risk Assessment that there is the potential for the flood mitigation required in association with this development to deliver “betterment” through reduced flood risk to existing areas of Paddock Wood and its surrounds. This requirement is specifically included in the policy, and is considered to make a significant contribution to the exceptional circumstances for the release of this land from the Green Belt;

In respect of (2) it is important to state that the betterment that would result is a product of the site being allocated for housing development which in effect acts as enabling works to the proposed re-modelling. It would not be feasible for the re-modelling work to be undertaken in isolation from the site being allocated for development.

- (3) Expansion of the town offers opportunities both within the new development and existing development to increase the use of alternative modes of transport (to cars) for local journeys, improve Green Infrastructure and taken together with land at Tudeley there are opportunities to provide significant new highway infrastructure and localised highways improvements.

Akin to the point made in (1) such improvements would not materialise if land was prioritised on the non-Green Belt land further to the east of Paddock Wood. This would likely result in no meaningful improvement to existing services for those living in the west of Paddock Wood. The land to the east is also recognised within the evidence as having more sensitivity in terms of its relationship to the AONB.

Whilst not included in the Councils evidence, it is relevant to note that the existing boundary between the Green Belt and Paddock Wood on the western approach into the town is abrupt, characterised by a dense housing area. The release of the site from the Green Belt offers the potential for a more logical boundary to be established to the Green Belt which is capable of enduring in the longer term using strong features (in the tree belt and road) which are physical and likely to be permanent.

¹ <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2020/11/Inspectors-Report-November-2020.pdf>



Figure 1 – Image of Existing Green Belt Boundary

Response to Matter 6, Issue 3 – Flood Risk and Drainage (Question 8)

Q8. What is a ‘proportionate application of the sequential test’? Is the allocation of land to the west of Paddock Wood consistent with paragraph 162 of the Framework, which states that 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?

The PPG states that ‘*in plan-making, local planning authorities apply a sequential approach to site selection so that development is, as far as reasonably possible, located where the risk of flooding (from all sources) is lowest, taking account of climate change and the vulnerability of future uses to flood risk.*’ This is important to flag at the outset and highlights that the exercise of planning judgement is at play when considering site selection and that the application of the sequential test for plan making purposes is not a binary matter.

Given the technical nature of the role in undertaking the exercise, Paragraph 156 of the NPPF (2021) states that local planning authorities should take advice from the Environment Agency and other relevant flood risk management bodies such as lead local flood authorities and internal drainage boards. The Statement of Common Ground with the Environment Agency and Lead Local Flood Authority (**CD.132c(v)**) confirms no objection to the inclusion of the land west of Paddock Wood.

The PPG requires that a local planning authority should demonstrate through evidence that it has considered a range of options in the site allocation process, using the Strategic Flood Risk Assessment to apply the Sequential Test and the Exception Test where necessary. Table 29 of **CD 3.130a** demonstrates how the Council has considered different scenarios in Paddock Wood. It highlights that the removal of the land from the west would deliver reduced positive outcomes in respect of flood risk as there would be less opportunity to deliver betterment to the existing community.

In considering the soundness of the approach taken to flood risk, Paragraph 3 of the NPPF (2021) is key in simply stating that ‘*the Framework should be read as a whole.*’ Thus whilst Paragraph 162 of the NPPF (2021) sets out the approach to be taken to the sequential test, this should be read alongside other important paragraphs of the NPPF (2021) which promote the need for environmental, social and economic benefits to be sought simultaneously.

In this regard, and in drawing upon the response to Question 7, in delivering upon the Council’s commitment to produce a plan that, as part of a range of objectives, addresses deprivation it is entirely consistent with the NPPF and sound for land within areas of higher flood risk in Paddock Wood to be considered. In the circumstances and responding to the PPG it would not be reasonable to suggest the identification of land further away from Paddock Wood as it would not deliver the same regenerative benefits and/or would likely contribute to more unsustainable patterns of development.

Finally, in the context of Paddock Wood it is important to note that the remodeled flood plain would likely deliver a betterment to the existing community in respect of its resilience to flood risk.

Response to Matter 6, Issue 3 – Mix of Uses and Infrastructure Requirement (Questions 11, 12 and 14)

Q11. How have the type and location of community uses been established? For example, what is the justification for the proposed sports hub (including a 25m swimming pool) and why is it in the location proposed?

Q12. In the location envisaged, will the sports hub be accessible to existing and future residents of Paddock Wood by sustainable modes of transport?

Dandara is fully supportive of the need to provide new facilities to support the new community within the proposed allocation. Dandara also recognise that part of the justification for housing in the Green Belt around Paddock Wood is its ability to deliver benefits to the existing residents of Paddock Wood, such as the alleviation of flood risk.. However, in terms of the regeneration benefits, these needs to be considered as being those that are delivered by the allocation (in a manner that is fair and commensurate with the allocation and compliant with CIL Legislation) and those that are wider regeneration objectives/aspirations but are not delivered by the allocation but the Draft Local Plan provides a positive framework to support and assist the delivery of.

The questions raised in Q11 and Q12 are consistent with the questions raised by Dandara in their Regulation 19 response. Whilst the Council’s response to these matters is outstanding we reserve the right to formally comment on this during the EiP Hearings themselves at which point we would have had the opportunity to digest the response provided within the Council’s Matter Statement.

In addition to the above, it is not currently understood why options to regenerate and enhance (through offsite contributions) the existing centrally located Putlands Sports and Leisure Centre has been dismissed. This forms an important part of the Council’s evidence base particularly with the Putlands Sports and Leisure Centre not being located in the Green Belt.

Q14. Where will the proposed sheltered and extra care accommodation be located? For effectiveness, should this be set out in the Plan?

Proposed sheltered and extra care accommodation is expected to be delivered within the strategic allocation for Paddock Wood (**STR/PW1 / STR/SS1**) as part of satisfying the Council’s housing needs. Such specialist accommodation where possible should be directed to Paddock Wood town centre and the proposed new local centres, where residents will benefit from the sustainable transport modes and good access to shops and services as well as encouraging healthy lifestyles in accordance with paragraphs 92 and 93 of the NPPF.

Response to Matter 6, Issue 3 – Highways and Transport (Question 15)

Q15. How will the north-south pedestrian and cycle link over the railway line be provided as part of the western parcel? Is it deliverable?

As per the response provided as part of the Regulation 19 Submission, whilst Danadara is supportive of the principle of a new cross over the railway line this should be seen as an aspiration rather than a firm policy requirement. There is an existing crossing located circa 400m to the west of the proposed crossing which would be upgraded as part of the allocation (refer to Structure Plan on Page 151 of **CD3.128**).

The Statement of Common Ground between the Council and Network Rail in **CD3.132c(v)** establishes sufficient comfort (for the purpose of soundness) that the proposed link is deliverable. As would be consistent with a site of this

nature and scale, the SPD process will provide further detail on the phasing and approach to the specifics around the pedestrian and cycle link.

Response to Matter 6, Issue 3 – Landscape and Heritage (Question 21)

Q21. What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Grade II listed buildings at Badsell Manor Farmhouse, Mascalls Court, Mascalls Court Lane and Knell’s Farm? How have heritage assets been taken into account in the preparation of the Plan?

Sub-areas PW7 and PW8 of **CD3.40c** consider Badsell Manor Farmhouse. With respect to Badsell Manor Farmhouse it is noted that in **CD3.40c** that:

‘Modern infill and the presence of a busy road has had some impact on landscape character around Badsell Manor Farm, but development is still focused on a historic farmstead and has relatively strong containment by well-treed hedgerows and small woodland blocks.’

The level of containment that is experienced in respect of the site would not be effected by the development of Paddock Wood, i.e. no trees would be removed in this location. In addition, as shown in the Structure Plan an appropriate buffer is included to avoid development immediately adjacent to this heritage asset. In addition, there is no development proposed to the immediate north of Badsell Manor Farmhouse thus preserving this element of its wider setting. In addition, the parcel of land to the east includes a significant amount of open space to be retained as part of the remodeling work to the flood plain. As part of the more detailed work to be undertaken as part of the SPD process, there is an opportunity for the landscape narrative of this part of the site to be sensitively considered to assist in heritage understanding of Badsell Manor.

As part of their Regulation 19 representations submission, Dandara commission Turley’s to produce a Heritage Baseline Study. The Heritage Baseline Study concludes that any perceived adverse impact on the significance of the listed buildings arising from development of the site and the associated change in part of its landscape setting, would be towards the lower end of the scale of less-than-substantial harm, identified by NPPF (2021) Paragraph 196. In that context, that less-than-substantial harm should be weighed against the significant public benefits of the proposed development, having regard to the considerable weight and importance to be placed on the desirability of preserving their special interest and setting (i.e. sustaining their heritage significance) in considering the overall acceptability of development on-site.

We would be grateful if the Programme Officer could confirm receipt of this response.

Yours sincerely,



Adam Kindred
Director
CBRE Ltd

cc. Ben Shaw – Senior Planning Manager, Dandara