Site Allocations Local Plan Examination
Tunbridge Wells Borough Council

Statement for Matter F - Paddock Wood Allocations

Representor: Rydon Homes / Boyer Planning

Representation Number: SAL S 801-3

Prepared by Boyer on behalf of Rydon Homes | October 2015
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MATTER F PADDOCK WOOD ALLOCATIONS

Question 1:

1.1 At approximately 900 units, the scale of the housing allocations at Paddock Wood appears to be large relative to the scale of the settlement and to that extent it appears to be meeting needs arising in other settlements including Royal Tunbridge Wells and the rural area. The Core Strategy anticipated an allocation of in the region of 600 dwellings. Is the allocation approach justified?

1.1.1 We have no objection in principle to SALP increasing the level of development at Paddock Wood to a number of dwellings significantly above the Core Strategy requirement. However, this increase leaves a number of unresolved issues that must be addressed if the additional allocation of AL/PW4 is to be considered sound. These issues concern the purpose of the increased development, the site selection process, infrastructure requirements and phasing.

The Purpose of the Increased Requirement

1.1.2 Beyond the references to infrastructure requirements (considered below) the SALP does not directly address the purpose of the increased provision for housing at Paddock Wood. It is not clear whether the additional allocation of homes at AL/PW4 is required to increase overall Borough-wide provision within the plan period or to effectively extend the life of the Plan by identifying land that will meet needs beyond 2026. The references made to the AL/PW3 and AL/PW4 allocations being completed outside the plan period suggest the latter but this is not explained and it is currently without justification. This must be addressed if the additional allocation of AL/PW4 is to be considered sound.

1.1.3 Further, although the Sustainability Appraisal considers the cumulative impact of the AL/PW3 and AL/PW4 allocations, it does not consider the impact of the increased level of housing provision at Paddock Wood.

Site Selection

1.1.4 The Council had previously excluded the land at Mascalls Farm stating that:

“In the case of Paddock Wood, three sites are being actively promoted by developers: land at Mascalls Court Road; land at Church Farm; and land at Mascalls Farm. Although it is considered that, potentially, part of the site at Mascalls Farm could be suitable for development, it is considered by the Council that a large area of this site would be undevelopable due to landscape and ecological constraints, which would severely reduce the developable area and impact on the viability of the site.”

1.1.5 The Council has not made clear why this judgement has been changed and how the additional allocation AL/PW4 is justified and effective (and therefore sound).
Phasing

1.1.6 The current planning applications for land at Church Farm and Mascalls Court demonstrate that both sites can be delivered well within the Plan period and there is no justification for a phasing provision triggered by the introduction of an additional allocation at Paddock Wood that does not relate to the circumstances or deliverability of the AL/PW3 sites. If the Council is seeking to overprovide for housing in relation to the adopted Core Strategy, any provision to phase some of the additional provision beyond the Plan period should relate to the additional allocation that is the source of that overprovision.

Infrastructure

1.1.7 In seeking to justify the allocation of additional sites beyond those which are needed to meet the requirements of the adopted Core Strategy, the supporting text to the DPD advises:

“This increased level of growth reflects the need to provide adequate funding for necessary infrastructure, particularly for flood mitigation, transport and education provision to meet the new levels of growth.”

1.1.8 The supporting text of the DPD indicates that the key areas requiring additional funding relate to flood mitigation, transport and education provision. The stated infrastructure requirements for the AW/PW3 allocations remain as per the previous draft of the SALP. It is unclear therefore what infrastructure requirements have been identified that justify the requirement for a further allocation and greater clarity is needed in the Site Allocations DPD in order to make it clearly justified.

Question 2

Flooding is an acknowledged issue in Paddock Wood. The built area of the town south of the railway line is identified in the Strategic Flood Risk Assessment (SRFA) Level 2 (2009) [CD 3.40] as an ‘area of critical drainage’ and parts are in Flood Zone 2. Parts of the proposed allocations are also subject to flood risk.

2.1 Are there alternative deliverable sites not exposed or less exposed to flood risk that could be allocated for housing?

2.1.1 This question would appear to be based on paragraph 101 of the NPPF which states:
“The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.”

2.1.2 The Church Farm site that is proposed to be allocated for 300 dwellings in Policy AL/PW3 is identified as “Paddock Wood Development Area 5” in the SFRA level 2 (2009) by Scott Wilson consultants. Maps of the flood zones within Area 5 are provided on page 18 of the SFRA and show the vast majority of the Church Farm to be within flood zone 1. This is consistent with the Environment Agency (EA) flood zone mapping for Paddock Wood.

2.1.3 The northern, north-western and north-eastern margins of the site adjacent to the railway line are within Flood Zones 2 and 3, as are two smaller areas at the extreme southern edge of the site and these areas are at risk from fluvial flooding. The Merebrook Flood Risk Assessment (FRA) that accompanied the planning application for the Church Farm site records that approximately 12% of the site falls within Flood Zone 3b – functional floodplain. Development will not be permitted in Flood Zone 3b. The remainder of the site, including the entirety of the development area, is in Flood Zone 1 and is therefore not considered to be at risk.

2.1.4 The Concluding section of the level 2 SFRA advises as follows:

“The information provided in this Level 2 SFRA can be used by TWBC to inform the development allocations and master planning by indicating the relative flood risk associated with flooding at and within particular development sites. This enables TWBC to apply a refined Sequential Test to areas in and around Paddock Wood and to ensure the sequential approach is used in development master planning.”

2.1.5 On the basis that the majority of the site falls within flood zone 1, that no development is proposed outside this area, and the site does not fall within the “critical drainage area” defined in the level 2 SFRA, we consider that the Council has correctly applied the sequential test in proposing Church Farm for residential development in policy AL/PW3 by directing development away from areas at highest risk (as required by NPPF para 100) as informed by the SFRA.

2.1.6 Notwithstanding the position established in the level 2 SFRA that the site is largely within flood zone 1 and is not part of the Paddock Wood “critical drainage area” (SFRA Level 2, Figure 11, “Area of Critical Drainage”) we have sought to address the general question of whether there are alternative deliverable sites that could be allocated for housing.
2.1.7 The Council has considered this question both within the Core Strategy and through the site selection process of the SALP. It has concluded that there are no suitable and deliverable alternative sites for housing at Paddock Wood other than those allocated in policies AL/PW3 and AL/PW4. This is apparent from paragraph 5.246 of the Core Strategy which states:

“The Green Belt abuts the western boundary of the town and the functional floodplain constrains the northern part of the town. In order to address local housing choice and affordability, therefore, an extension to the east and/or south of the town outside of the area subject to flood risk will be necessary during the course of the Plan period”

2.1.8 Paragraph 5.18 of the SALP largely repeats the second sentence above but prefaces this by noting:

“There are very limited opportunities remaining for residential development on previously developed land within Paddock Wood.”

2.1.9 The Council has therefore considered alternative sites both on previously developed land and on other flanks of the town in the process of bringing forward the AL/PW3 allocation of Church Farm. It should also be noted that previously developed land at Paddock Wood within the urban area forms part of the critical drainage area defined in the level 2 SFRA.

2.1.10 The Council has also applied the sequential test correctly in considering appropriate locations for development within the Church Farm Site by requiring in Policy AL/PW3:

a) that the masterplan shall “show an open space buffer in the northern part of the site in order to reduce flood risk”

b) by requiring that “no development shall occur on the northern section falling into Flood Zone 3b” and

c) by directing development to the western and central parts of the site.

2.1.11 Through the process of preparing and submitting an outline planning application for the Church Farm site, Rydon Homes have applied and refined these principles to ensure the optimum disposition of development on site to avoid areas at risk of flooding and reduce flood risks on the site and in the wider area. Rydon Homes has therefore applied the principle of the sequential test through the design and masterplanning process for the site, based on the SFRA and the draft Local plan allocation, whilst also taking into account landscape considerations.

2.1.12 In establishing the principle of development in AL/PW3, the Council requires “flood mitigation measures to reduce flood risk on the sites, reduce surface water run-off and reduce existing flood risks in Paddock Wood” via a site specific flood risk assessment and detailed drainage strategy”. The policy therefore follows the requirement of NPPF paragraph 100 of “where development is necessary, making it safe without increasing flood risks elsewhere”.
2.1.13 Rydon Homes have carried out extensive flood modelling and constructive engagement with key stakeholders and the wider Paddock Wood community on the subject of flood risk. This has included the Environment Agency (EA) who were consulted as part of Rydon’s detailed planning of the site prior to and since the submission of the current outline planning application.

2.1.14 In correspondence between the EA and Rydon Homes, the EA have raised a number of issues about the flood risk assessment, flood modelling and site planning in relation to reducing flood risk and both parties are currently working to bring this process to a conclusion. Throughout this process, the EA has made clear that it has no objection to the principle of development at this location and that it welcomes the approach to reducing existing flood risk. For the most part the issues raised by and discussed with the EA concern the technical detail of how flood risk is to be addressed and accurately quantifying the betterment achieved rather than these requirements not being achievable in principle.

2.1.15 A further factor in the Council’s decision to allocate the Church Farm site was the potential for development here to reduce flood risk within the existing urban area. We consider this potential in answer to the next question below on the flood mitigation requirements of the existing town. However, it is important at this stage to note that this is an added benefit of the site’s selection for development. This potential was fully recognised in the level 2 SFRA and section 4.2 “use of the level 2 SFRA outputs” comments as follows on Area 5:

“Improvements to the flooding experienced by existing properties in the east of Paddock Wood could be facilitated by new development at Area 5. By making space for water on Area 5 opportunities exist to control the extent of the floodplain and its influence on the storm water sewer system serving existing properties in the east of Paddock Wood. Such a scheme may result in an increase in floodplain areas on Area 5 necessary for the betterment to existing property.”

2.1.16 This opportunity was recognised by the Council and included in Policy AL/PW4 which refers to the development incorporating “measures to reduce existing flood risks in Paddock Wood”.

2.1.17 We have indicated above that the Council has correctly followed the sequential test in allocating the site for development. In view of the site’s Flood Zone 1 status, there is no need to apply the Exceptions test. However, it should be recognised that if this test were applied, the significant potential betterment in reducing flood risk to existing properties would be a factor in establishing “wider sustainability benefits to the community” as defined in NPPF paragraph 102.

2.2 Are the flood alleviation measures proposed in the housing allocations sufficient to address the flood mitigation / storm drainage surcharge requirements for the existing town in addition to the new needs generated by development on these sites?
If so, are the necessary measures sufficiently secured in the policies for these allocations?

2.2.1 It would not be reasonable, practical or appropriate to require that new development fully resolves existing flood issues at Paddock Wood. The important point is that the flood alleviation measures proposed at Church Farm are sufficient to make a significant and important contribution to flood alleviation within the existing urban area, as well as addressing the requirements of the site itself. As stated above, this has been an important consideration in the selection of the site for allocation through the SALP.

2.2.2 The potential for new development to help reduce flooding within the existing urban area was recognised and pursued by TWBC at an early stage of the development plan process (see reference to the SFRA level 2 dated 2009 in paragraph…. above). The potential to reduce flood risks to the existing urban area is recognised and pursued by the adopted Core Strategy. Core Policy 11, sub paragraph 4 states:

“Opportunities will be taken to integrate flood risk management with the planning and delivery of new development including, wherever possible, the reduction of existing flood risks in the town”

2.2.3 This potential is also recognised in the Sustainability Appraisal. Section 8 “Conclusions – significant impacts of the site allocations DPD” comments as follows on Paddock Wood:

“In the absence of mitigation, a risk was identified of Policies AL/PW1 and AL/PW3 having a significant adverse impact on the water/flood risk objective. However, Core Policies CP3, CP4, CP5, CP8 and CP11 of the Core Strategy 2010, together with the forthcoming Local Flood Risk Management Strategy being prepared by Kent County Council, should address this risk. In addition, the policy requires that flood measures must seek to reduce problems in the wider settlement. This would create an overall improvement in the susceptibility of Paddock Wood to flooding.”

2.2.4 The Site Allocation templates document for Paddock Wood (February 2015), also comments on this issue as follows:

“The scheme will also need to deliver attenuation basins and appropriate drainage solutions in order to reduce existing flood risk within the site and, where possible, within the wider town of Paddock Wood”

2.2.5 The Paddock Wood Surface Water Management Plan prepared for TWBC by JBA consulting (2012) considers the benefits of providing strategic flood storage outside the urban area. The provision of attenuation ponds is considered as one of the options (Option 2) to manage current and future surface water flood risk. The report concludes that “Storage outside the urban area could benefit several of the sites (Option 2) and sites 5, 6 and 7 have the potential for providing storage to the benefit of neighbouring areas and to benefit from upstream land management (Option 5)”.

2.2.6 The importance of ensuring that the proposals provide a flood risk betterment has also been a key theme in the engagement which Rydon Homes have undertaken in the development of the proposals of the site including with the Environment Agency, Internal Drainage Board, Paddock Wood Town Council and local residents.

2.2.7 The proposals for the site that form part of the submitted planning application provide for the realisation of the opportunity identified in the Core Strategy, draft SALP and development plan evidence base.

2.2.8 In terms of the existing major flood risk issues of fluvial, surface water, and surface water sewer flooding, the proposed flood water storage basins (as detailed in the current planning application) and resultant increased capacity of the functional floodplain, together with on-plot attenuation and storage are able not only to reduce the flood risk from the Site but will help relieve existing flooding in parts of Paddock Wood and are thus of beneficial significance.

2.2.9 Only approximately 30% of the flood storage basins provided would be required for surface water from the site itself. The remaining volume will be available to store excess river flows, which would periodically enter the basins, reducing flood levels within the surrounding area.

2.2.10 The hydraulic modelling undertaken by Edenvale Young has confirmed the benefits of the proposed strategic attenuation and flood water storage basins with an overall reduction in flood depths and a reduction in peak flows at the downstream boundary of the Site which will provide a betterment in terms of relieving existing flooding in Paddock Wood as a whole.

2.2.11 With the Mascalls Court Road residential development factored-in to the assessment, further improvements can also be secured as a result of restricting inflows to less than existing greenfield runoff rates originating from this site and hence to the Church Farm development.

2.2.12 We consider that the SFRA establishes that potential exists to achieve a significant improvement in flooding conditions within the existing town and there is no doubt that this can be achieved. Furthermore, substantial progress has been made in demonstrating how it is to be achieved. As indicated above, discussions with the EA are continuing in the context of Rydon Homes’ current planning application for the Church Farm site in order to fully demonstrate how the betterment to the wider town is to be secured.

2.2.13 It would not be realistic to require the SALP to fully document the flood modelling that will achieve the flood betterment objective. This should be, and is, being pursued through the development management process.
2.2.14 It is also important to recognise that providing flood betterment to the existing town is an added benefit of the Church Farm allocation rather than a pre-requisite for this allocation to be confirmed. The wider sustainability benefits of the site (as documented in our representations and in the current outline planning application) are such that the allocation is fully justified provided there is policy provision to ensure that the development does not increase flood risk elsewhere and adequately addresses flood risk on the site itself.

2.3 Policy AL/PW3 refers to ‘an open space buffer in the northern part of the [Church Farm] site to reduce flood risk...’. This appears to spatially direct the main flood mitigation measures downstream from the bulk of the allocated site. Is this degree of spatial direction appropriate or does it constrain the ability of the flood mitigation scheme to deliver the outcomes sought for the site and the town?

2.3.1 The “open space buffer” is provided for in the current planning application for the site and includes provision of attenuation basins as envisaged in the Site Templates document.

2.3.2 The position of the open space and attenuation basins downstream from the bulk of the site is necessary and appropriate. This is the best location to intercept and store flood water, close to the highest areas of flood risk, and close to the culverts under the railway.

2.3.3 Rydon Homes are currently carrying out additional modelling to demonstrate how the attenuation basins will function, allowing for degrees of blockage within the culverts, to ensure a robust solution that will cope with all possible conditions and worst case scenarios.

3 AL/PW3 and AL/PW4 both contain significant areas identified as ‘open space within site allocation’. AL/PW4 is understood to contain ancient woodland and to closely abut nature conservation sites (EN15).

Are the allocations sound?

Do the policies sufficiently protect these natural environment assets?

3.1 We recognise that Policy AL/PW3 provides for open space as part of the development and we consider the principle of this provision to be appropriate and justified. Our detailed proposals for open space for recreation, flood alleviation and landscape purposes are set out in the outline planning application for the development at Church Farm submitted by Rydon Homes and represent our client’s response to these policy requirements.

3.2 The Church Farm site will have no impact on ancient woodland or the nature conservation sites covered by saved Local Plan Policy EN15. The historic orchard on site, which is a BAP habitat, is to be retained.
3.3 The allocation of AL/PW3 is sound in terms of the subject matter addressed by this question.

4 Question 4 (concerning alternative housing land supply)

4.1 We have no comments to make in response to this question.