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**BY EMAIL ONLY**

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13 April 2023

Dear Kevin,

**Re: Full application for a proposed development at Land West of Queen Street, Paddock Wood, Tonbridge, Kent [application reference: 23/00091/FULL]**

Thank you for consulting Kent County Council (KCC) on the full planning application for the development at Land West of Queen Street, comprising of the construction of a bus, pedestrian and cycle link between Land at Church Farm and Land West of Queen Street, together with associated works (the Bus Link Application).

The County Council notes that this application has been submitted alongside two related proposals. These include the Redrow Development at Land West of Queen Street (reference: 23/00118/HYBRID) which accompanies this application, and the Persimmon Development at Land West of Queen Street and Mile Oak Road (reference: 23/00086/HYBRID). A separate response is made in respect of these applications and where appropriate, the cumulative impact of these three applications is considered.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** to this application on the following ground:

Public Rights of Way (PRoW): The County Council does not consider that the application provides sufficient detail in respect of PRoW and the response sets out the material required for the County Council to appropriately consider the application.

The County Council has reviewed the full planning application and sets out its comments below:

### **Highways and Transportation**

The County Council as Local Highway Authority provided comments direct to the Borough Council on 13 March 2023 (Appendix 1).

### **Public Rights of Way (PRoW)**

The County Council, as Local Highway Authority in respect of Public Rights of Way (PRoW), raises a holding objection to the application pending the provision of information as set out within this response.

As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve PRoW in the County. The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the [KCC Rights of Way Improvement Plan](#) (ROWIP) and the KCC [Framing Kent's Future](#) strategy for 2022-2026. The County Council intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.

PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PRoW network is in providing the means to realise many personal and societal ambitions and needs, including access to and appreciation of landscapes for improving personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion, supporting the local economy, improving local air quality, and much more. For these reasons, new development is expected to have positive regard to PRoW.

In determining whether to grant planning permission, the Local Planning Authority is required to consider the local PRoW network and public off-road access generally. The PRoW network is a material consideration ([DEFRA PRoW Circular 1/09](#), paragraph 7.2) requiring careful consideration of the consequences of development and, in accordance with various parts of the [National Planning Policy Framework](#) (NPPF) (July 2021), is to be protected and enhanced.

#### *Site context*

The County Council recognises that there are no PRoW recorded within this application site. This can be verified by viewing the Definitive Map of Rights of Way and Definitive Statement, the legal record of PRoW, or a copy of the Definitive Map that can be found [here](#). An extract of the Network Map for the application area can also be viewed in Appendix 2.

The application identifies the future bus route corridor, connecting the land at Church Farm through the proposed Redrow and Persimmon Developments to Church Road (although

omits to show its continuation to Mascalls Court Road). This route would cross Public Footpaths WT256 and WT257 and, according to the Masterplan, appears also to run along parts of their recorded alignments.

The County Council is submitting separate comments regarding both the Redrow and Persimmon residential developments - this consultation response is additionally submitted to highlight the impact of the bus route on existing PRow.

### *Comment*

In support of this application, it is recognised that a Design and Access Statement and Transport Assessment have been submitted.

As general principles, the County Council expects development proposals to give positive consideration to the principle of active travel for access to amenities, facilities and services and to recognise the various statutory documents and framework for management of the PRow network and off-road access. Given the site's location on the periphery of the town, the County Council expects the application to demonstrate support for the concept of active travel to minimise additional local vehicle traffic on roads whilst also enhancing individuals' health and lifestyles. However, active travel receives only passing reference within the Transport Assessment and no reference within the Design and Access Statement. Both documents also fail to recognise the ROWIP, a statutory document that assesses need across the county PRow network and aims to address accessibility issues. The County Council considers that both documents should be revised to include specific consideration of active travel and the ROWIP, relative to this development.

Reference within the Design and Access Statement and Transport Assessment is made to the connection between roads and walking and cycling routes, in both the Redrow Development site and the Church Farm development, principally to facilitate walking and cycle access to/from Paddock Wood town. However, no information is provided as to the certainty that routes within the Church Farm development will be created, what status they will be given for public access, or who will be maintaining them. Given the need for the Local Planning Authority to be satisfied on the site's sustainability, and for the Local Highway Authority to have confidence that the future local access network will appropriately support the proposed development, it is fundamental that the applicant elaborates on the various references and provides supporting evidence as appropriate. As a principle, the County Council is inclined to support proposals that enhance walking and cycling and horse riding, including the creation of new links or improvement of existing facilities to better support enlarged future communities.

The County Council has reviewed the Design and Access Statement and Transport Assessment and comments specifically as follows:

### Design and Access Statement

- This refers to the creation of footpaths running north and south of the bus/pedestrian/cycle link on both sides of the stream. It is understood that these

paths would be surfaced to a 'hoggin' spec with timber edging (page 15). There is no comment as to the future status of these paths and no clarity on who would maintain these for future residents to enjoy.

- The creation of these four footpaths would appear, given their title, to exclude use on bicycle. In support of active travel and to provide a permeable and connected network, the County Council recommends these paths are provided for both walking and cycling.

### Transport Assessment

- The County Council welcomes acknowledgement of NPPF paragraphs 104, 105, 110, 111 and 112. However, reference is omitted to paragraphs 92, 93, 98, 100 and 106 and in determining this application, the Local Planning Authority is required to carefully consider the proposal against all of these paragraphs. The proposal to establish various walking and cyclable routes within the Redrow and Persimmon development sites, and links to neighbouring developments and into Paddock Wood town, are welcomed and will contribute to the principle of active travel. However, the County Council would welcome further proposals to provide all paths within the site as suitable for both walking and cycling. This will help to establish a culture of the ease to travel locally without vehicle transport.
- NPPF paragraphs 100 and 104c require the applicant to enhance local walking and cycling and ensure convenient access for all. However, the County Council does not consider the proposal to satisfy these paragraphs, as it does not seek to provide cycle access on the four footpaths proposed, which lead from the bus/pedestrian/cycle link.
- The County Council considers NPPF paragraph 112b is not satisfied as disabled/mobility-impaired access need is only acknowledged when proposing car parking needs. The applicant must consider the wider needs of the disabled/mobility-impaired and revise its proposal accordingly.
- Specific comments are made below on various paragraphs within the Transport Assessment:

3.79: This paragraph states that '*access to the crossing will be prohibited during extreme rainfall events*'. The County Council suggests that clarity is needed as to what is defined as an extreme rainfall event and by whom, in order that decision making is clear and appropriately fast. The County Council also encourages prior consideration of an alternative route for walkers and cyclists and how this information would be conveyed to users of the bus/pedestrian/cycle link.

3.83: Although the proposed Wastewater Treatment Works is discussed within the Redrow site, this is also relevant to the proposed bus route as it follows part of WT256 and/or WT257. This is not acceptable to the County Council and would be contrary to [DEFRA PROW Circular 1/09](#), paragraph 7.8. The proposal must be revised; either

moving the estate road or proposing formal diversion of part(s) of WT256/ 257, which could be achieved under the Town and Country Planning Act 1990 Section 257.

In summary of the above, the County Council does not consider that the proposal goes far enough to satisfy the various NPPF paragraphs, [DEFRA PROW Circular 1/09](#), and the expected need that will be generated by the size of the development.

In addition to comments made above, the County Council wishes to bring to the applicant's attention the following points:

- Any and all comments related to the existing and/or future road highway network, for example, regarding visibility splays, must be sought from the Local Highway Authority. This also includes cycleways.
- The County Council does not seek to adopt any proposed new paths as formal PRow other than specifically commented on within this response or as agreed in negotiation for any Section 106 Agreement with the applicant.
- A PRow Management Plan, including detail on management of PRow before, during and after construction of the bus route corridor, must be prepared for approval by the County Council prior to the commencement of development. This must be requested by condition. This Plan will be expected to ensure safe and convenient access on all PRow during works unless a Temporary Traffic Regulation Order (details can be found [here](#)) has been granted in advance of works. It should also include detail on the legal processes to be initiated for any PRow creations/diversions and their expected timescales.
- Standards will only increase over time, as will access demands, so provision should not limit/prevent future uplift, for example, consideration of the use of e-cycles.

### *Conclusion*

The applicant must supply further information on the above points in order for the proposal to be considered appropriate by the County Council.

The County Council therefore submits a **holding objection** until further information is submitted on the above points. The County Council will then re-assess the proposal and provide further comment. If the Local Planning Authority is minded to determine the application in the meantime, the County Council would request engagement in respect of PRow.

### **Heritage Conservation**

In summary, these hybrid largescale proposed developments could have a major impact on the historic environment, particularly on the heritage assets of Moat Plats and the Hop Pickers Line. The heritage assessment is good and the County Council particularly welcomes the Historic Landscape Assessment and the geophysical survey. However, the consideration of heritage in the Planning Statement, the Design and Access Statement and in the proposed Masterplan is not sufficient or appropriate.

The County Council recommends that, prior to determination of these applications, there should be additional assessment of Moat Plats and the Hop Pickers Line with more appropriate mitigation proposed and this should be reflected in the Masterplan. In view of the geophysical survey results, the County Council also recommends that further fieldwork assessment is undertaken to clarify the presence/absence of significant archaeology.

As part of this large scale, strategic scheme, the County Council would welcome more details on suitable positive heritage mitigation measures with more sympathetic and appropriate treatment of Moat Plats and Hop Pickers Line. Some of these measures could be included within a s106 Agreement and be part of a Heritage Interpretation and Management Framework.

Once the additional pre-determination assessment works have been undertaken, it may be that archaeological concerns can be addressed through a range of conditions and part of a s106 Agreement.

### **Sustainable Urban Drainage Systems (SuDS)**

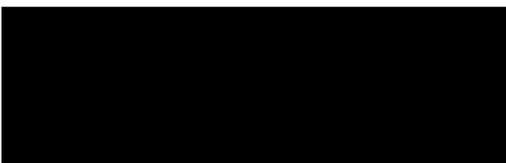
The County Council, as Lead Local Flood Authority, provided the following commentary direct to the Borough Council on 6 March 2023 (Appendix 3).

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The County Council will continue to work closely with Tunbridge Wells Borough Council to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with Tunbridge Wells Borough Council and the applicant on the matters raised in this response.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely,



**Stephanie Holt-Castle**  
**Director for Growth and Communities**

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Appendix 1: LHA response provided direct on 13.03.2023

Appendix 2: Extract of the Network Map

Appendix 3: LLFA response provided direct on 06.03.2023