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13 April 2023

Dear Kevin,

Re: Hybrid application with appearance, landscaping, layout and scale reserved for a proposed development at Land West of Queen Street, Paddock Wood, Tonbridge, Kent [application reference: 23/00118/HYBRID]

Thank you for consulting Kent County Council (KCC) on the hybrid planning application for the development at Land West of Queen Street, comprising of the full application for the erection of 170 homes and Waste Water Treatment Works together with temporary construction/haul road off Queen Street to enable the delivery of the Waste Water Treatment Works and up to 150 dwellings, and an outline application (appearance, landscaping, layout and scale reserved) for the erection of up to 430 additional homes, inclusive of associated infrastructure including land for a new primary school, play areas, allotments, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works (the Redrow development).

The County Council notes that this application has been submitted alongside two related proposals. These include the Bus Link Application at Land West of Queen Street (reference: 23/00091/FULL) 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** on the following grounds:

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

Heritage Conservation: 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 County Council does not consider the inclusion of heritage in the Planning Statement, the Design and Access Statement and in the proposed Masterplan to be sufficient or appropriate. Additional assessment of Moat Plats and the Hop Pickers Line must be submitted with more appropriate mitigation proposed and this should be reflected in the Masterplan. The County Council also recommends that further fieldwork assessment is undertaken to clarify the presence/absence of significant archaeology, prior to determination of the application.

The County Council's response:

The County Council has reviewed the hybrid 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)

Introduction

The County Council, as Local Highway Authority in respect of Public Rights of Way, 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 benefitting personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion, supporting the local economy and improving local air quality. For these reasons, new development is expected to give 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 proposal is a hybrid application, seeking full planning permission for part of the development and part as outline planning permission. The County Council, in respect of PRow, considers it appropriate to respond on the basis of being a single permission.

The development is for up to 600 residential units, a Wastewater Treatment Works (WWTW) facility, a new school, as well as other facilities. In the event that planning permission is granted, reasonably this could bring c.2000 people to the area, and therefore significantly increase the demand on local off-road access.

This application has been submitted in parallel with an application for development on adjacent land by Persimmon Homes for up to 600 homes and various local facilities (reference: 23/00086/HYBRID). This would bring a further c.2000 people to the area.

Whether one or both of the residential applications are granted, the local PRow network can reasonably be expected to experience increased demand. The County Council, as authority with responsibility for the maintenance of PRow surfaces, will be faced with a consequential increase in maintenance demand in addition to pressure for new access opportunities.

A further Bus Link Application (reference: 23/00091/FULL) has been submitted for the construction of a bus, pedestrian and cycle link across the East Rhoden Stream to connect the Redrow development site with consented development known as Church Farm that is currently being built-out.

The following PRow are either recorded within, whether partly or wholly, or on the boundary of the applicant's proposed development:

- Public Footpath WT255
- Public Footpath WT256
- Public Footpath WT257

Other PRow in close proximity to the proposed development (not exhaustive):

- Public Bridleway WT318

The County Council has submitted comments regarding the above PRow in its consultation response to the Redrow Development.

The local network of paths is generally not contiguous, requiring path users to use the local road network to connect with the next PRow. Often these local roads are not provided with footways, therefore requiring path users to travel within the road width and be exposed to the hazards within. Additionally, the local network is predominantly formed of Public Footpaths, permitting as of right public access on foot and with certain mobility vehicles. A few Public Bridleways exist, which extend the public's access right to use on bicycle and horse, but these are even more disconnected and require greater use of lengths of road for users to continue their journey.

Information on the Definitive Map of Rights of Way and Definitive Statement, the legal record of PRow, and copy of a map of all Kent's PRow can be found [here](#). An extract of the Network Map for the application area can also be viewed in Appendix 2.

Comment

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 generally. Given the site's location on the periphery of the town, the application must be expected to support 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 Design and Access Statement, Planning Statement and Transport Assessment. The County Council is disappointed that only the latter defines active travel, as this should be defined in all three documents so that confidence can be provided for the consistency of provision. All three documents also fail to recognise the ROWIP, a statutory document that assesses need across the county PRow network and aims to address accessibility issues. All three documents should be revised to include specific consideration of both active travel and the ROWIP, relative to this development.

The application has inconsistencies regarding access provision, leaving the County Council uncertain of the exact proposal for walking and cycling. For example, the Masterplan, the Movement, Access and Footpaths drawing and the Sustainable Movement and Open Space Function Matrix do not show exactly the same walking and cycling routes - regarding parcel P2B, the first and second plans suggest new footpaths to be created whereas the third plan suggests walking and cycling routes are to be delivered. In the south-west corner of the site as shown on the Masterplan, it appears that a proposed cycleway will only connect with WT257. The applicant must clarify what is being proposed in order for the County Council (and indeed all consultees and members of the public) and the Local Planning Authority to adequately assess the proposal.

Reference is made within the Design and Access Statement, Planning Statement and Transport Assessment to the connection between walking and cycling routes within the site with planned paths in neighbouring developments, principally to facilitate walking and cycle access to/ from Paddock Wood town. However, no information is provided as to the certainty that routes within those developments 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 County Council as the Local Highway Authority to have confidence 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, Planning Statement and Transport Assessment and provided the following comments:

Design and Access Statement

Section 2 - 'Site Understanding and Considerations':

- This recognises Public Footpaths WT256 and WT257 but omits WT255 as running within the site boundary.
- This omits discussion of PRow within and in close proximity to the site boundary.

Section 4 - 'Movement and Access':

- Reference to LTN 1/20 for cycle infrastructure design and provision of visibility splays of 2.4m x 31m at cycle crossing points is acknowledged. Cycleways within Kent are managed by KCC Highways, not the County Council, so it will be for KCC Highways to comment on the suitability of cycleway provision, as also for footways and their associated drainage.
- This section states '*In addition to the formal pedestrian and cycle infrastructure, the site will also **consider** [author's emphasis] comprehensive improvement plans for PRow routes within and leading away from the site. This includes Footpaths WT257 and WT256. The Hop Pickers route will also form a pedestrian access route across the Redrow site*'. The County Council considers it reasonable to believe the development will increase demand on PRow within, leading away from and outside of the development boundary and, therefore, will require the applicant to mitigate this demand in order that the County Council is not unfairly burdened. It will not be acceptable for the applicant merely to '*consider*' improvements. The County Council notes paragraph 3.19 of the Transport Assessment states that '*a comprehensive improvement plan for PRow routes within and leading away from the site*', although this is not detailed, and the applicant is requested to propose '*a comprehensive improvement plan*' for the County Council's consideration.

Planning Statement

- This document does not greatly detail off-road access provision. However, unlike the Transport Assessment, it does recognise NPPF paragraphs 92, 93 and 98. The County Council would recommend that these be discussed in the document and it

should be considered how they will be applied/satisfied within the proposed development.

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 and it is recommended that they are therefore addressed. The proposal to establish various walking and cyclable routes within the site and links to neighbouring developments and into Paddock Wood town is welcomed. In the view of the County Council, it 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 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 reflect the need for future site residents to access the countryside east and south of the site. The County Council expects a programme of enhancements to be funded and delivered by the applicant, to be agreed with the County Council within a Section 106 Agreement. This should include a cyclable link within the site to Public Bridleway WT315 and enhancements on surrounding PRow to provide attractive opportunities for informal recreation, personal health and wellbeing. This could include links to the Wealden Cycle Trail, which would offer a cyclable link to Tunbridge Wells, and to neighbouring communities including Brenchley and Horsmonden.
- The County Council considers that 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:

3.13: Footpaths and shared use (walking and cycling) paths are proposed to be provided within the site. The County Council will require to agree specifications for works affecting any PRow, to include surfacing materials and future path width. On the latter, the County Council expects 3 metres width provision for footpaths and 5 metres width provision for shared use paths. Where PRow as Public Footpaths are proposed to become shared use paths, the County Council will require their status uplifted to Public Bridleway (which can be achieved under the Highways Act 1980 Section 25). It will not be acceptable to introduce cycling on a permissive basis onto a Public Footpath as the standards for safe and convenient shared access are not able to be enforced. The Applicant (or successor in title) could also unilaterally withdraw permissive rights, creating a significant issue for

on-going management of the path(s). The County Council will require appropriate detail within a Section 106 Agreement.

3.15: This paragraph proposes setting back hedges and fences 0.5 metres from footways or cycleways. Where plantings are proposed adjacent to any PRow, these must not be within 2 metres of the leading edge of any PRow (increasing to 3 metres for trees) to minimise the likelihood of future damage to PRow surfaces from roots.

3.24: The improvement to the bridge on WT257 at the applicant's cost is welcome, subject to formal agreement with the County Council on its specification.

3.26: WT257 appears in part to follow a proposed section of the 'Boulevard' running through the site. It is not acceptable to the County Council for any PRow to follow an estate road and would be contrary to [DEFRA PRow Circular 1/09](#), paragraph 7.8. The proposal must be revised, either moving the 'Boulevard' or proposing formal diversion of part of WT257, which likely could be achieved under the Town and Country Planning Act 1990, Section 257.

3.27: The County Council has not understood the statement regarding integration *'into the proposed site layout as a route with both off-road' lengths and sections running adjacent to the site highway network'*. The County Council requests clarification on this statement before providing a response.

3.28: Visibility splays to the satisfaction of KCC Highways will be necessary at the junction of WT256 with Queen Street. In respect of the suggestion to encourage cycling on WT256 (or any other Public Footpath within the site), the County Council refers to comments made on paragraph 3.13, which are also applicable here.

3.29: Any and all junctions/crossings of PRow with proposed roads must be designed and delivered to the satisfaction of the County Council and KCC Highways. The County Council will expect the design to acknowledge priority for walking and cycling (in accordance with NPPF paragraph 112a), such as by providing crossings as raised tables and use of coloured surfacing.

3.30: The County Council will require WT256, and WT255 to its junction with Queen Street, to be enhanced for cycling and for surface improvement. Cycling provision will enhance the local network and surface improvement will be necessary to accommodate the greatly increased use these paths will receive in the event of development. The County Council will require their status uplifted to Public Bridleway (which can be achieved under the Highways Act 1980 Section 25) and any design, to include path widths, must be approved by the County Council prior to commencement of the development.

3.31: This paragraph discusses the provision of walking and cycling links with Paddock Wood town centre. The County Council would refer to comments made in respect of paragraph 3 which are also applicable here.

3.33: A walking and cycling connection into the Church Farm development is proposed. As with comments above, the County Council welcomes the connections this would establish but is uncertain how this will be secured and delivered. The County Council will not seek for this to be formalised as a PRoW, nor the proposed 'Hop Pickers Line' path. It is therefore suggested that Tunbridge Wells Borough Council lead on this proposal, given its ambition to realise this.

3.34: The County Council considers a cyclable link north of No. 1 Thrift Cottages to connect with WT318 must be delivered. Without this, cyclists will unnecessarily be required to use Queen Street and be exposed unnecessarily to potential conflict with vehicles. Establishing this as a Public Bridleway as part of a 'loop' with WT256 and WT255 (see comment on 3.30 above) would demonstrate positive regard for local horse riders in addition to securing a safe and convenient cycle link for future site residents.

3.35: The County Council restates its position that means to cross the railway must be retained to ensure connectivity within the local PRoW network and that the applicant must engage with Network Rail to determine the future provision for walkers. Given the County Council's advice to the applicant in September 2021, this application was expected to comment on those negotiations, possibly to propose a solution to balance the requirements of the County Council, Network Rail, and the interests of future site residents. The County Council has no objection in principle to grade separated provision and will require to be part of discussions for the eventual solution to be delivered at the applicant's cost. In the event of grade separation, accommodation for use by cycles and horse should be provided, ensuring these users have safer means to cross the railway than the Queen Street ramped road bridge that limits forward visibility.

3.83: As with comments on paragraph 3.26, it is not acceptable to propose for a PRoW to follow part of an estate road, even if limited vehicle use is likely as could be expected with access to the future WWTW. The proposal must be revised, either moving the estate road or proposing formal diversion of part of WT257, which likely could be achieved under the Town and Country Planning Act 1990, Section 257.

Appendix 3 - WT263 (Persimmon Land & Adjacent), bullet 2: this refers to retention of an existing culvert. The applicant must confirm to the County Council which culvert is being referred to and clarify whether it is now proposed to provide cycle access over the structure. It may be that the culvert needs to be improved to accommodate increased use.

Appendix 3 - WT262 / WT257 (Southern Portion of Redrow Land & Adjacent), bullet 2: This proposes for cyclists to dismount on the eastern approach to the bridge crossing. Now that the applicant has finalised its proposal, this will no longer be acceptable to the County Council, as it is an avoidable inconvenience to future users and contrary to delivering an active travel network. The County Council requires the applicant to up-grade the structure for cycle access and provide suitable connection both sides of the bridge as part of the wider strategy to foster walking and cycling within and to/from the site.

In summary of the above, the County Council recognises and welcomes regard of the PRow network and its users but does not consider the proposal 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. It is suggested that the applicant, the County Council and stakeholders will further understand the proposal if the applicant were to prepare an Access Improvement Plan. This should identify the existing provision, showing in suitable detail the proposed future provision (including their differing status, such as PRow and non-PRow; their width; finished surfaces; all structures and limitations, for example, bridges, and gates), and detail on how works would be funded including by whom and within what timescale. This would be particularly helpful to enable faster negotiation of any Section 106 Agreement.

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 expects all PRow to be provided as open access. There should not be any gate or other structure/barrier, unless otherwise agreed with the County Council.
- 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 the Section 106 Agreement.
- The proposal as made makes no provision for horse riding. Whilst the PRow within the site boundary and towards Paddock Wood town are all Public Footpaths, there is considerable horse ownership in the local area and, due to the disconnected local bridleway network, riders are required to use local roads when enjoying their access. The volume of road traffic will increase as a result of development, which will reduce riders' amenity and increase the likelihood of conflict accident or injury. This is therefore a consequence of the development ([DEFRA PRow Circular 1/09](#), paragraph 7.2) and the applicant must mitigate this by offering new bridleway routes and improving existing local bridleways. The County Council is agreeable in principle for various existing Public Footpaths within the site to be uplifted to Public Bridleway by means of Highways Act 1980 Section 25 creation agreements, and external mitigation could be in the form of a financial contribution from the applicant. This will allow the County Council to improve the bridleway network outside the site boundary after negotiation with the relevant landowners.
- A PRow Management Plan including detail on management of PRow before, during and after construction must be prepared for approval by the County Council prior to the commencement of development. This should be approved by the County Council and provided by condition in the event of any future permission granted. 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.
- The Masterplan suggests WT256 will be crossed, from north to south, by the access road to the WWTW, the 'Boulevard' and a further estate road in close proximity, and the

'Boulevard' again. The incidence of road crossings should be minimised so as to retain the quality of users' experience, also to limit their exposure to the hazards of vehicle traffic. The County Council considers the impact on path users being disproportionate and lacking regard to NPPF paragraphs 100, 106d, 112a and 112c.

- Given the need to secure a Section 106 Agreement between the applicant and the County Council, the submitted Draft Heads of Terms must be revised to recognise PRow and the County Council.
- 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 (PRow)

The applicant must supply further information on the above points in order for the proposal to be appropriately considered 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.

Development Investment

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and considers that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in Appendices 3a-3e).

Request Summary for 170 dwellings on Full Application

	Per Applicable¹ House (x 152)	Per Applicable Flat (x 15)	Total	Project²
Primary Education	£6,800.00 ³	£1,700.00	£1,059,100.00	Towards a new primary school in the Paddock Wood Primary Education Planning Group as identified in the applicant's Planning Statement, by Site Layout Plan STR/SS1 and Infrastructure Delivery Plan of the submission Local Plan.
Primary Land	The provision at nil cost to the County Council of a 2.05 Ha land parcel on the development site to accommodate development of a minimum new 2FE Primary School. Land must be provided in line with the County Council's General Land Transfer Requirements.			
Secondary Education	£4,540.00	£1,135.00	£707,105.00	Contribution towards expansion of Mascalls Academy as identified in the Submission Local Plan, or expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.
Secondary Land	£3,377.03	£844.26	£525,972.46	Contribution towards the land requirement for the expansion of Mascalls Academy.

¹ 'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. KCC requires confirmation on whether the proposed 3 x 1 bed flats are below this threshold.

² Identified projects are in accordance with the Department of Education guidance on Securing Developer Contributions for education dated November 2019 (Paragraph 20), which recommends that a preferred and contingency school expansion project is identified in a planning obligation to enable local authorities to respond to changing circumstances and new information.

³ Please note that these figures are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3). They are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Request Summary for 430 dwellings on Outline Application
(assumes all dwelling are Houses for calculation purposes)

	Per Applicable House (x 430)	Per Applicable Flat	Totals (assumes all dwellings are Houses)	Project
Primary Education	£6,800.00	£1,700.00	£2,924,000.00	Towards a new 2FE primary school as identified in the applicant's planning statement and by Site Layout Plan STR/SS1 and Infrastructure Delivery Plan of the submission Local Plan.
Primary Land	The provision at nil cost to the County Council of a 2.05 Ha land parcel on the development site to accommodate development of a minimum new 2FE Primary School. Land must be provided in line with the County Council's General Land Transfer Requirements.			
Secondary Education	£4,540.00	£1,135.00	£1,952,200.00	Contribution towards expansion of Mascalls Academy as identified in the submission Local Plan, or expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.
Secondary Land	£3,377.03	£844.26	£1,452,122.90	Contribution towards the land requirement for the expansion of Mascalls Academy.

	Per Dwelling (x 600)	Total	Project
Cultural Hub	£437.21	£226,326.00	Towards Tunbridge Wells Cultural Hub - to accommodate increased demand for Libraries, Adult Learning and Social Care generated from this development.
Youth Service	£65.50	£39,300.00	Towards equipment and resources for local Youth Centres, including Outreach Services, serving the development.
Waste	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
	£183.67	£110,202.00	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion.

Justification for infrastructure provision/development contributions requested.

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out in Appendices 3a-3e.

Primary Education

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 3a.

The proposal gives rise to 164 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of school places at a new two form entry (FE) primary school on the proposed development site.

This proposal has been assessed in accordance with the County Council Development Contributions Guide methodology of '*first come, first served*' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

Build Contribution

The County Council requires a financial contribution towards construction of the new school at £6,800.00 per applicable⁴ house and £1,700.00 per applicable flat.

Land Contribution and the County Council's Land Transfer Terms

The County Council welcomes the applicant's inclusion of land for a new primary school within its development proposal. In due course, the County Council will request access to the proposed school site so that an initial site survey can be conducted. A new two FE primary school will require a minimum 2.05 Ha site, transferred to the County Council in line with its General Land Transfer Requirements, which are appended to this request (Appendix 3b).

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

The County Council will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its [Commissioning Plan for Education Provision](#) 2023-2027 and [Children, Young People and Education Vision and Priorities for Improvement](#) 2018-2021.

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 3a.

⁴ 'Applicable' means: all dwellings except 1 bed of less than 56sqm GIA. KCC requests confirmation on whether the 3 x 1 bed flats proposed are below this threshold.

The proposal is projected to give rise to 117 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation at the Mascalls Academy, or alternatively towards expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.

Build Contribution

The County Council requires a financial contribution towards construction of the school expansion at £4,540.00 per applicable⁵ house and £1,135.00 per applicable flat.

Land Contribution

The County Council understands that the neighbouring development proposal (reference: TW/23/00086/HYBRID) will be providing land for the necessary expansion of Mascalls Academy. It is therefore appropriate that this development makes proportionate contributions for the land requirement as it will be benefitting from the provision of new school places. Where the County Council expects the transfer of land to be provided at nil cost, any contributions from neighbouring developments will be passed onto the owner of the site providing the land for secondary expansion.

The County Council requires proportionate contributions towards the secondary school land acquisition cost at £3,377.03 per applicable house and £844.26 per applicable flat (Appendix 3c).

Please note, where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new secondary school accommodation will be delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan timetable and phasing, where available.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

The County Council will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its [Commissioning Plan for Education Provision 2023-2027](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

⁵ 'Applicable' means: all dwellings except 1 bed of less than 56sqm GIA. KCC requests confirmation on whether the 3 x 1 bed flats proposed are below this threshold.

Tunbridge Wells Cultural Hub

This new development will generate new users for the County Council Community services including Libraries, Social Care, and Community Learning. To mitigate the impact upon these services, contributions are required towards the new Tunbridge Wells Cultural Hub, which will make additional provision for all these services to accommodate the increased demand from new developments locally.

To accommodate the increased demand, the County Council requests £437.21 per dwelling towards the new Tunbridge Wells Cultural Hub, providing space, stock, services and resources for the local area (Appendix 3d).

Youth Service

The County Council has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires the County Council, so far as reasonably practicable, to secure sufficient educational leisure-time activities and facilities to improve the well-being of young people aged 13 to 19 and certain persons aged 20 to 24.

To accommodate the increased demand on County Council services, the County Council requests £65.50 per dwelling towards additional resources for the delivery of the Kent Youth Services including Outreach provision to serve the development.

Waste

The County Council is the statutory Waste Disposal Authority, responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRCs and half a tonne per year to be processed at WTSs. Existing HWRCs and WTSs are now over capacity (as of 2020) and additional housing has a significant impact on the manageability of waste in Kent.

A proportionate contribution of £183.67 per dwelling is required towards a new WTS and an expanded HWRC to serve Tunbridge Wells residents to mitigate the impact from new housing growth, including this development (Appendix 3e).

In total, the development of up to 1,160 new dwellings proposed by these applications (references: 23/00118/HYBRID and 23/00086/HYBRID) will place significant demand upon the County Council. All residential waste arisings from the district are currently taken for bulking up at North Farm Waste Transfer Station, Tunbridge Wells. Capacity at this facility is limited and the County Council has therefore identified the need for additional capacity to be provided to accommodate future growth.

The Environmental Statement for both residential developments (references: 23/00118/HYBRID and 23/00086/HYBRID) scoped out Waste as a topic, stating:

“It is expected that the waste planning authority will have planned for significant growth in the area for waste generation and ensure the provision of adequate waste disposal options. As a result there should be limited impact on the capacity of waste facilities in the area of the Site as a result of waste generated by the Proposed Development.”

Whilst planning for future waste infrastructure relies on the County Council as Minerals and Waste Planning Authority, the new Tunbridge Wells Local Plan which identifies growth in this area has not been adopted. Therefore, the demand that will be created by the developments has not been fully accounted for/is not currently able to be accommodated.

As set out in the Developer Contributions Guide, the County Council will consequently be including a request for a financial contribution from these developments towards the identified project to create more WTS and HWRC capacity.

Implementation

The County Council considers that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 (s106) obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council’s legal costs, surveyors’ fees and expenses incurred in completing the Agreement. The County Council would be grateful if a draft copy of any s106 agreement or Unilateral Undertaking prior to its finalisation could be shared at the earliest opportunity.

The County Council requests confirmation on when this application will be considered and that a draft copy of the Committee report is provided prior to it being made publicly available. If the contributions requested are not considered to be fair, reasonable and compliant with CIL Regulation 122, it is requested that the County Council is notified immediately and to allow The County Council at least 10 working days to provide such additional supplementary information as may be necessary to assist the decision-making process in advance of the Committee report being prepared and the application being determined.

Minerals and Waste

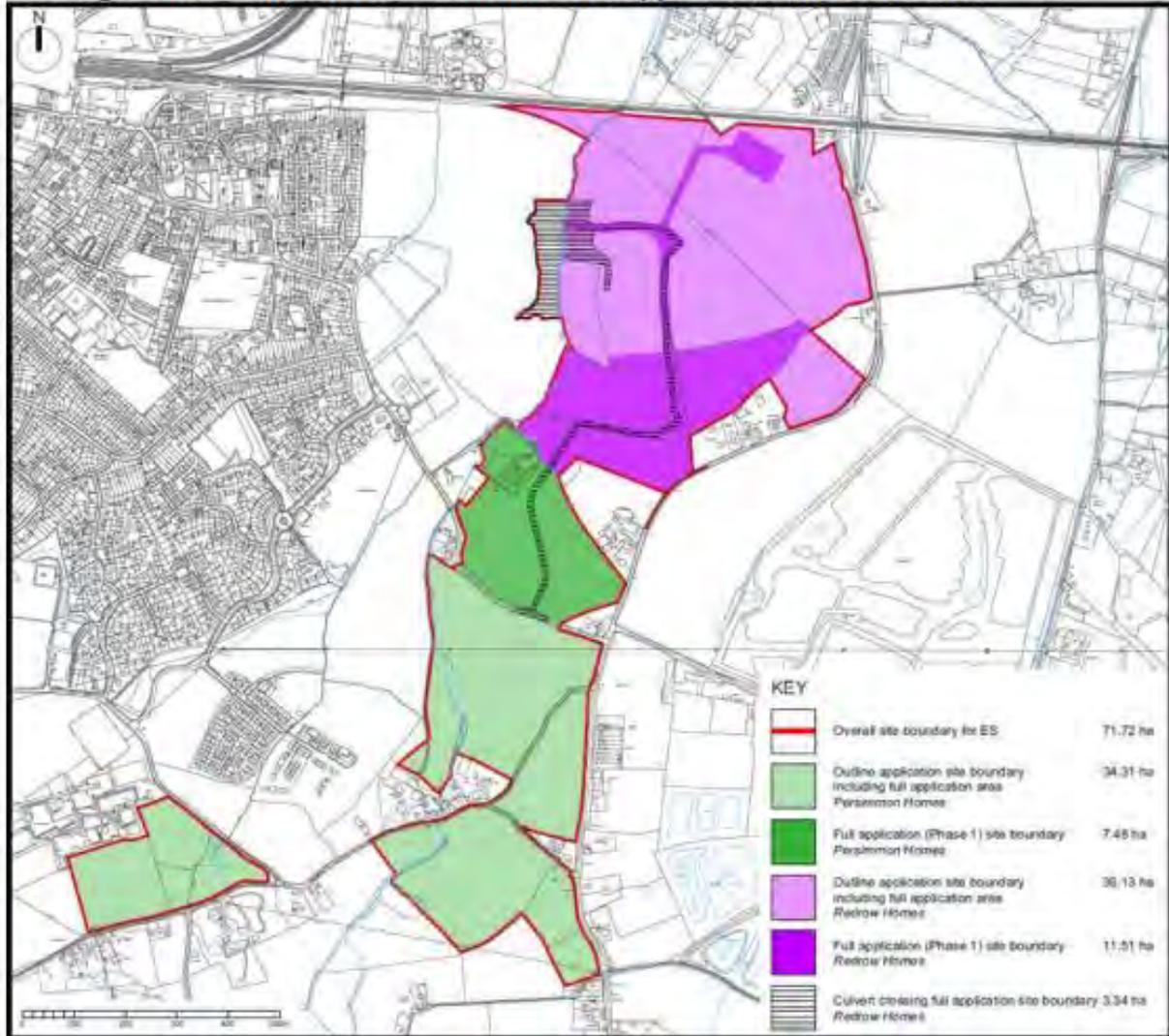
The County Council, as Minerals and Waste Planning Authority, can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and therefore would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted [Kent Minerals and Waste Local Plan \(2013-30\)](#) (KMWLP).

While the area of the application site is not significantly coincident with land-won safeguarded minerals, there are two land-won safeguarded minerals that are slightly coincident and in the general proximity of the application site area. These are the Sub-Alluvial River Terrace deposits on the application site’s immediate western boundary, and

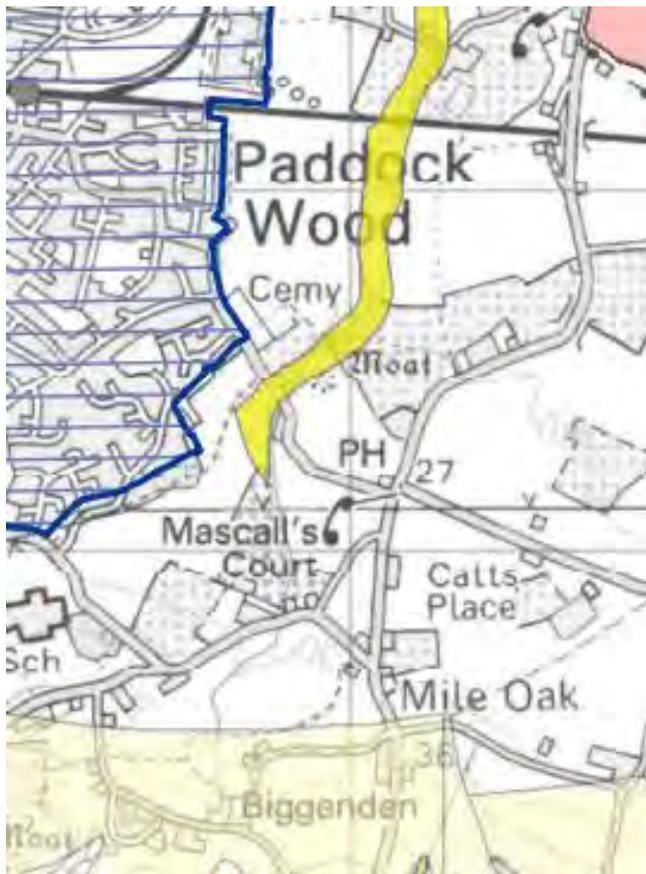
the Tunbridge Wells Sand Formation (Sandstone) that is slightly coincident with part of the application site, in the south. This is shown below in an extract from the application's planning statement and the Mineral Safeguarding Area of the Tunbridge wells Borough Proposals Map of the KMWLP:

Extract of the Site Boundary from the Application's Planning Statement

JAA Figure 2.1 – The Redrow and Persimmon Application Site Boundaries



Mineral Safeguarding Area of the Tunbridge Wells Borough Proposals Map of the KMWLP



-  Sub - Alluvial River Terrace Deposits
-  Sandstone - Tunbridge Wells Sand Formation

The submitted Planning Statement does address land-won mineral safeguarding in relation to the Sub-Alluvial River Terrace deposits, but not the Tunbridge Wells Sand Formation (Sandstone). The applicant argues that exemption criteria 2 and 5 of Policy DM 7: Safeguarding Mineral Resources can be invoked, although only one criterion is required to gain an exemption from the presumption to safeguard, as set out in Policy CSM 5: Land-won Mineral Safeguarding of the KMWLP.

Of the arguments to satisfy the criteria, the applicant states for criterion 2:

“2. that extraction of the mineral would not be viable or practicable; or

We further note that in terms of geographical distribution, the Alluvial River Terrace Deposits identified on the current Tunbridge Wells Borough Mineral Safeguarding Area Plan are relatively widespread across the Borough, and indeed the rest of Kent, where deposits are found in much larger catchments along the main rivers than they are along this relatively thin strip that runs along the bed of the East Rhoden Stream.”

While it is clear that the deposit is a 'thin' ribbon deposit and unlikely to be economically viable to prior extraction, this has not been proved by the applicant. However, the proposed

development identifies the area that is coincident and proximate as green open space. Therefore, it could be argued that the mineral is not being directly sterilised, however, any future extraction would be unlikely to be acceptable if it became in close proximity to the future communities occupying this development.

Criterion 5 of the KMWLP states:

“5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or”

And the applicant’s arguments to meet this criterion are:

“6.23.9 In addition to satisfying criterion 2 [sic] of policy DM7, as set out in this statement the proposed development provides for significant social, economic, and environmental benefits, including the delivery of new housing in an area of significant need which also comprises 40% affordable housing, a matter that should be afforded significant weight. These material considerations should, we believe, override the protection of the mineral resources effected, especially considering the limited extent of the resource there is on this site.

6.23.10 In the context of the above prior extraction is not, given the comments above, practical given the location of the mineral resources and the impact its extract would have on the surrounding landscape, ecological and heritage features, let along the amenity of adjacent residents.”

Whilst paragraph 6.23.9 is an arguable matter, the County Council considers the argument in paragraph 6.23.10 to be more compelling, which relates to when a prior extraction can potentially take place as being a viable mineral extraction operation. As the applicant has not proven that a viable mineral deposit prior extraction operation is not possible, the presumption to safeguard remains effective. However, this would have an unacceptable impact on the environment and communities in the location. Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development, is therefore required to be satisfied.

To conclude, even if a viable mineral deposit prior extraction operation were to be undertaken, it would likely not meet the test of being in accordance with Policy DM 9 of the KMWLP. This is particularly given that field hedgerows/woodland are coincident with this mineral deposit and the close proximity of development that is occurring to the immediate west of the application site that may be occupied by the time that any prior extraction could take place.

The Planning Statement does not refer to the Tunbridge Wells Sand Formation (Sandstone). Although this is an omission, only a small amount of this mineral (a building stone resource) is threatened with sterilisation and, given the lack of any recent demand for this material in Kent and the extensive nature of this massive geological unit over much of the borough area, the County Council considers that criterion (2) of Policy DM 7 would apply. Any further Mineral Assessment submissions to address this omission are therefore not required for this mineral.

The County Council, as Minerals and Waste Planning Authority, has no land-won safeguarded minerals or waste management capacity safeguarding objections regarding this proposal.

Heritage Conservation

In summary, the proposed developments are supported by a very good assessment of the historic environment but there is insufficient proposed mitigation for non-designated heritage assets. Further consideration of suitable mitigation measures is therefore needed prior to determination of the applications to ensure there is not an unacceptable negative impact on the historic environment. There is also a need to consider additional fieldwork assessment prior to determination of the applications to clarify the presence/absence of significant archaeology.

The proposed developments are located within an area which has multi-period archaeological potential, ranging from Palaeolithic remains through to WWII or Cold War structures. There are no designated heritage assets within the application sites, however, there are designated buildings adjacent and their settings could be impacted. The proposed development sites contain known non-designated heritage assets including the 19th/20th century Hop Pickers Line and a possible Medieval moat complex. Further archaeology is identified within the site through recent assessment and there is potential for as yet unknown archaeology to survive.

Based on current information, the proposed development sites lie within the wide valley of the River Medway and a significant stream, East Rhoden Stream, runs down the west side. The proximity of River Terrace Gravels and the presence of Alluvium within the site means there is potential for Palaeolithic and Prehistoric remains. Prehistoric activity in this Wealden area of Kent is not well understood but it is assumed thick woodland predominated with routeways criss-crossing through the land, especially close to water channels. There is some recent evidence of Mesolithic activity sites and woodland plants and animals and water are key resources needed. Iron Age and Romano-British utilisation of the resources including timber, iron-working and woodland management probably took place, with more established routeways connecting isolated small holdings, settlements and industrial sites. The geophysical survey may have identified a Bronze or Iron Age settlement within the Redrow development site.

There may be isolated small holdings of Early Medieval origin within this general area but even during the Medieval Period it is likely there were just single farms and small holdings with surrounding "assarts" and woodland clearance for farming. Moat Plats on the Persimmon's development is considered to be a Medieval moated complex, possibly of manorial high status, located on, and utilising, the natural stream on the western side. This moated complex would have been served by a variety of routeways and would have had control over some of the surrounding land. Some of the field boundaries and routeways evident now may be directly related to this Medieval site.

The development sites are both bordered by a variety of Post Medieval farms and small holdings. Their immediate and wider landscape settings survive in places but the origin and

multi-period and multi-functions of each building is not necessarily clear at this stage. There are some additional buildings identifiable on the Tithe Maps which may survive within the application sites below ground. As such, there is a network of multi-period and multi-functional buildings, routeways, fields and land use reflecting Medieval, Post Medieval and Early 20th century horticulture, farming and industry; all components of the archaeological landscape of this area of Kent. Nearby are later Post Medieval industrial sites, such as the brickworks and brick kilns south of Chantler's Hill to the south.

Of considerable importance is the Hop Pickers Line which crosses the Redrow Development site to the north. This railway was a specifically built branch line leading off the main railway to take seasonal workers to the hop fields across the countryside towards Hawkhurst. It was built around the 1890s and dismantled in the 1960s and reflects the special horticultural heritage of this area of Kent. Although much of the fabric of the line seems to no longer survive, it is still an archaeological landscape feature. Some associated structures and parts of the line survive and it is still reflected in the field boundaries. This is a unique heritage asset, is particularly part of Paddock Wood's heritage and links the area to other parishes of Kent through to Hawkhurst. There is a special report on the line commissioned by Tunbridge Wells Borough Council which needs to be a guiding reference for the proposed development schemes.

Although there are a few recorded crash sites nearby, there is little Historic Environment Record (HER) data on 20th century military and civil defence archaeology within or adjacent to the development scheme. However, the lack of data does not necessarily mean there are no 20th century military or civil defence structures within the site.

In summary, the proposed development sites do have known important heritage assets on and nearby and there is potential for significant archaeology below the current surface. Moat Plats medieval site and the 19th century Hop Pickers Line are of particular importance but there is potential for little known prehistoric occupation sites.

With regard to the applicant's assessment of the historic environment, the assessment by the archaeological consultant RPS is supported. The County Council welcomes the Archaeological Desk Based Assessment (DBA) with the Geophysical Survey report, the Built Environment Statement and in particular the Historic Landscape Assessment, and has provided comments on these documents below.

Archaeological DBA (Redrow development site)

The County Council is supportive of this DBA, but would welcome additional assessment of Early Prehistoric potential and the implications of the Alluvium and stream along the west side of the site. The County Council would also welcome a more detailed account of the Hop Pickers Line. There seems to be more on the Medieval moated site south of this application site rather than on the linear heritage asset on the site itself. There is high potential for remains associated with the construction, use and dismantling of the railway line.

Geophysical Survey

The County Council welcomes this pre-determination fieldwork but notes that only about half the development scheme area was covered. The survey did locate anomalies and potential archaeology, particularly in the Redrow site on the western side, which may be evidence of a prehistoric settlement. There is a need to test the anomalies through trenching to understand the nature and significance of archaeology.

Built Environment Assessments (Redrow and Persimmon developments)

The County Council considers that the assessment is reasonable but there is a focus on the historic farms as isolated buildings without considering their place within the wider landscape, particularly the field system and routeways. This is needed to ensure appropriate understanding of the origins, multi-functional historic use and relationship to the immediate surroundings. The assessment of the Hop Pickers Line is disappointingly brief and emphasises negative elements. For example, contrary to paragraph 4.3, the line is still a noticeable landscape line and there are known remnants, such as surviving track to the west end, with high potential for as yet unidentified structural remnants. This is a significant linear archaeological landscape feature and needs to be assessed in detail, particularly the north western end of the line where known structural remains survive within the woodland.

Historic Landscape Assessment (Redrow and Persimmon Developments)

The County Council welcomes this assessment, however, the consideration of the East Rhoden Stream along the western boundary is insufficient. This water channel is still active, flowing south to north but its longevity is represented in the extent of Alluvium. It could very easily have been a focus for prehistoric and later settlement and activity. A more robust description of the geology and topography would be useful in order to provide a sound assessment of the palaeo-landscape and suggest the potential origins of field boundaries and routeways, both visible ones and those that are lost. The background account 1.3 is not entirely applicable to the Weald. There is no evidence to date of prehistoric or Roman woodland clearance in this area and it seems more likely that this area was fairly dense woodland until the later Medieval and Post Medieval Periods with occasional isolated communities and industrial sites linked through occasional routeways. There is growing evidence of sporadic or seasonable Mesolithic communities through the Weald with activity, such as iron-working, gradually increasing during the Iron Age period. If there is a prehistoric settlement on the application site, evidence of its landscape context could be very important. In addition, Moat Plats is located and fed by the East Rhoden Stream but it is not clear if the stream has been diverted to fill the moat ditch or whether the moated site was integrated into the natural channel. It is therefore important to understand the nature of the East Rhoden Stream and its valley.

The specialist reports mentioned above are generally supported but there is a slight lack of consistency between the reports. KCC suggests an integrated approach to heritage provides greater depth and robustness, placing prehistoric archaeology in its palaeo-landscape; ensuring the origins and reasons for industrial sites and sites involving water are considered;

understanding the land around farm complexes, not just the buildings themselves; understanding the reason for routeways and field boundaries.

The comprehensive assessment of heritage is not well reflected in the Planning Statement nor in the Design and Access Statement although there is some welcomed consideration. KCC does not consider the proposed mitigation for archaeology to be sufficient or appropriate. For example, it may be that buried archaeology can be addressed through a programme of investigation leading to preservation in situ and/or preservation by record, but “*evaluation*”, as mentioned Planning Statement paragraph 6.14.6, is not detailed mitigation but part of a process to determine presence/absence. Detailed mitigation for buried archaeology is more complex and needs to be fully informed and appropriate.

The Redrow Development site may contain a prehistoric settlement at least, based on current information. This may be of considerable significance given the rarity of known prehistoric settlements in this part of the Weald. It should not be assumed that preservation by record is sufficient mitigation (Planning Statement paragraph 6.14.11). Further fieldwork to “*ground truth*” the geophysical survey results needs to be considered before the Masterplan is finalised.

KCC notes the proposals for “*positive heritage measures*” for preservation of the medieval moat and the Hop Pickers Line. However, the proposed mitigation for the currently known and visible heritage assets of Moat Plats and the Hop Pickers Line is not sympathetic and is detrimental to their significance. For example, the Planning Statement on Archaeology within the Persimmon Development site suggests the impact on the alteration of the setting of the medieval moated site is “*considered to be low*”. This is not the case because the moated site shown in the Masterplan is left as an isolated block of land with no connections to the active stream, an essential part of its significance, or the surrounding land with the proposed road system acting as a division. The Masterplan of the Persimmon Development site does not seem to reflect the historic landscape, particularly the 19th century field boundaries. In contrast, the Bus Link Application area within the Redrow Development site does seem to reflect 19th century field system, which is welcomed.

The Planning Statement suggests the proposed development represents “*an enhancement*” of the Hop Pickers Line heritage asset, however, KCC does not agree with this. The Masterplan suggests the Hop Pickers Line will be retained as a narrow strip of land hosting a footpath. Soft natural landscaping with a footpath does not reflect a railway line. The branch railway line would have been fairly wide and a combination of metal and wood with hard foundation. To provide genuine positive enhancement of this heritage asset, more suitable measures should be considered including, for example, a hard or gravelled surface wide enough to host a railway track with identification, protection and conservation measures for surviving remains, especially towards the North West end.

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 KCC 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 largescale, 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.

The County Council therefore places a **holding objection** on the application until further information is submitted in respect of heritage conservation.

Sustainable Urban Drainage Systems (SuDS)

The County Council as Lead Local Flood Authority provided the following commentary direct to the Borough Council on 24 February 2023 (Appendix 4).

Biodiversity

The County Council has reviewed the application documents and notes that a whole suite of ecological information has been submitted, including:

- Species surveys
- Ecological mitigation strategies
- Ecological Management Plan

The County Council would therefore anticipate that the submitted information will provide an understanding of the ecological impact of the proposed development. However, it is advised that Tunbridge Wells Borough Council must be satisfied that that the information is sufficient and appropriate to ensure that policy and legislation can be considered when determining the application.

Where habitat creation has been proposed as part of the ecological mitigation or enhancements, the County Council recommends that the landscaping/parameter plans must demonstrate that it can be implemented.

The County Council also highlights the need to ensure that the proposed management for the open spaces is appropriate and can be implemented in the long term.

Sport and Recreation

The County Council is concerned with the lack of provision for sport and physical activity and would welcome a conversation with the applicants on their plans for open space and the provision of the local centre, to ensure that the sport and physical activity needs of the local community are met.

The County Council may have access to funding to support this increased provision and any additional needs facilities which may need to be considered as part of these applications.

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

- Enc.
- Appendix 1: LHA response provided direct on 13.03.2023
 - Appendix 2: Extract of the Network Map
 - Appendix 3a: Education Assessment
 - Appendix 3b: Kent County Council General Land Transfer Terms
 - Appendix 3c: New School Land Costs
 - Appendix 3d: Communities Assessment
 - Appendix 3e: Waste Assessment
 - Appendix 4: LLFA Response provided direct on 24.02.2023