

Statement of Common Ground

between

Tunbridge Wells Borough Council

and

Crest Nicholson

in respect of the

Tunbridge Wells Borough Local Plan

September 2021



Contents

1.0 Introduction	3
2.0 Development Statement.....	4
Local Plan Context: Land at Paddock Wood and East Capel Allocation (Policy STR/SS1) .	4
Land ownership	7
The Western Parcel.....	8
Site Description.....	8
Delivery.....	9
3.0 Areas of Agreement	14
Land at Paddock Wood and East Capel (TWLP Policy STR/SS1)	14
Joint working	17
4.0 Areas of Disagreement	18
5.0 Conclusions	21
6.0 Signatories	21

1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) is a jointly agreed statement between Crest Nicholson and Tunbridge Wells Borough Council ('TWBC'), hereafter referred to as "the parties", in relation to the preparation of the Tunbridge Wells Borough Local Plan (TWLP). Crest Nicholson has control over a large proportion of the western parcel of the wider "Land at Paddock Wood and east Capel" Strategic Allocation (Policy STR/SS1).
- 1.2 This SoCG is provided to inform the Examination into the soundness of the TWLP. It sets out key matters and the approach taken to how the site will come forward.
- 1.3 This Statement first sets out the development position as understood between both parties ('Development Statement' at Section 2.0). This sets out information on the evidence underpinning the delivery of part of this western parcel under the control of Crest Nicholson and its relationship to the wider allocation, provides details of the development proposals and sets out a future programme of joint work which will be undertaken. The Statement then sets out the matters of common ground between the Council, as the plan-making authority, and Crest Nicholson as one of the lead developers of the western parcel.
- 1.4 This SoCG also sets out those limited matters of dispute.
- 1.5 It is noted that Crest Nicholson has submitted representations to a range of policies within the Plan. This SoCG focuses predominately on the policy matters relating to the delivery of this site. Other matters are set out in the response tables appended to the Consultation Statement in the usual way.
- 1.6 It is appreciated that liaison in relation to the matters included in this SoCG are ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently through the examination into the Local Plan.

2.0 Development Statement

- 2.1 This section provides a summary of the development position relating to the land controlled by Crest Nicholson within the western parcel of the proposed significant urban expansion of Paddock Wood, including land in east Capel. It is a jointly agreed position statement by both parties. In doing so, this section briefly summarises the current evidence relating to the potential delivery of the allocation as a whole, and then specifically the land promoted by Crest Nicholson. It also provides a factual update on the development proposals which underpins this parcel.

Local Plan Context: Land at Paddock Wood and East Capel Allocation (Policy STR/SS1)

- 2.2 The strategic expansion of Paddock Wood to the north, east and west (the western extension including land in Capel Parish) is proposed as a long-term strategic site allocation under Policy STR/SS1 of the TWLP. This proposed expansion will provide a significant number of new homes, employment uses and associated infrastructure; all to be delivered on garden settlement principles.
- 2.3 The principle of directing a significant amount of growth through an urban extension to Paddock Wood, has been assessed within the evidence base of the Local Plan, including the:
1. Sustainability Appraisal of the Pre-Submission Local Plan, February 2021; and
 2. Strategic Housing and Economic Land Availability Assessment, January 2021.
- 2.4 These evidence base documents have identified the 'site' as a suitable location for housing and employment development, subject to the provision of the appropriate infrastructure which can enable the site to be delivered.
- 2.5 A Strategic Sites Infrastructure and Masterplanning Study has been prepared by David Lock Associates (2021) to inform the policy position within the TWLP. This will be developed as an SPD in line with the requirement of Policy STR/SS1.
- 2.6 This first element of this Study provides a Structure Plan for the growth around Paddock Wood and east Capel, which through a comprehensive masterplanning

exercise identifies the capacity of the expanded settlement in terms of new dwellings, level of non-residential floorspace and the location and provision of key infrastructure within the settlement to ensure integration of the settlement into the existing community at Paddock Wood. The existing constraints are well understood and appropriate solutions incorporated into the masterplanning work. Both parties agree that these constraints can be overcome through the provision of appropriate mitigation, typical of a site of this scale and nature.

2.7 In summary, the Structure Plan includes the following for the allocation as a whole:

1. 3,540-3,590 homes
2. Around 11 hectares of employment land to the north
3. Two 2FE primary Schools (with land safeguarded in western parcel for a potential future expansion to 3 FE).
4. Three Local Centres, providing around 2,000sqm commercial floorspace in total
5. Sports hub (combined in indoor and outdoor sports facilities)
6. Two Gypsy and Traveller sites to provide 3 pitches.
7. Doctors' surgery: could be located within the Sports hub.
8. Town wide system of paths and cycle routes linking out of the town to nearby villages and leisure routes (including integration with the Hop Pickers Line)
9. A route for an electric hopper bus (or another form of sustainable transport solution)
10. New pedestrian and cycle links across the railway line: one within the western parcel, one adjacent to the Maidstone Road bridge running through the town centre, and improvements to the existing bridge to the east
11. Targeted flood embankments on the western parcel
12. Country level wetland park (recreation space which would also act as an occasional functional piece of flooding infrastructure).

2.8 The Structure Plan is referred to in TWLP Policy STR/SS1 (Map 28). However, it is recognised that this is not a fixed blueprint for development. Instead, it establishes critical elements which should be secured through the delivery of the strategic settlement. Policy STR/SS1 has been formulated with this approach as a starting point, as set out in the Strategic Sites Topic Paper (Section 8.0). The policy sets out the quantum of development of housing, approach to housing mix and affordable housing provision. The associated infrastructure as identified through the Infrastructure Framework (see below) is integrated within the Policy so the provision of these is

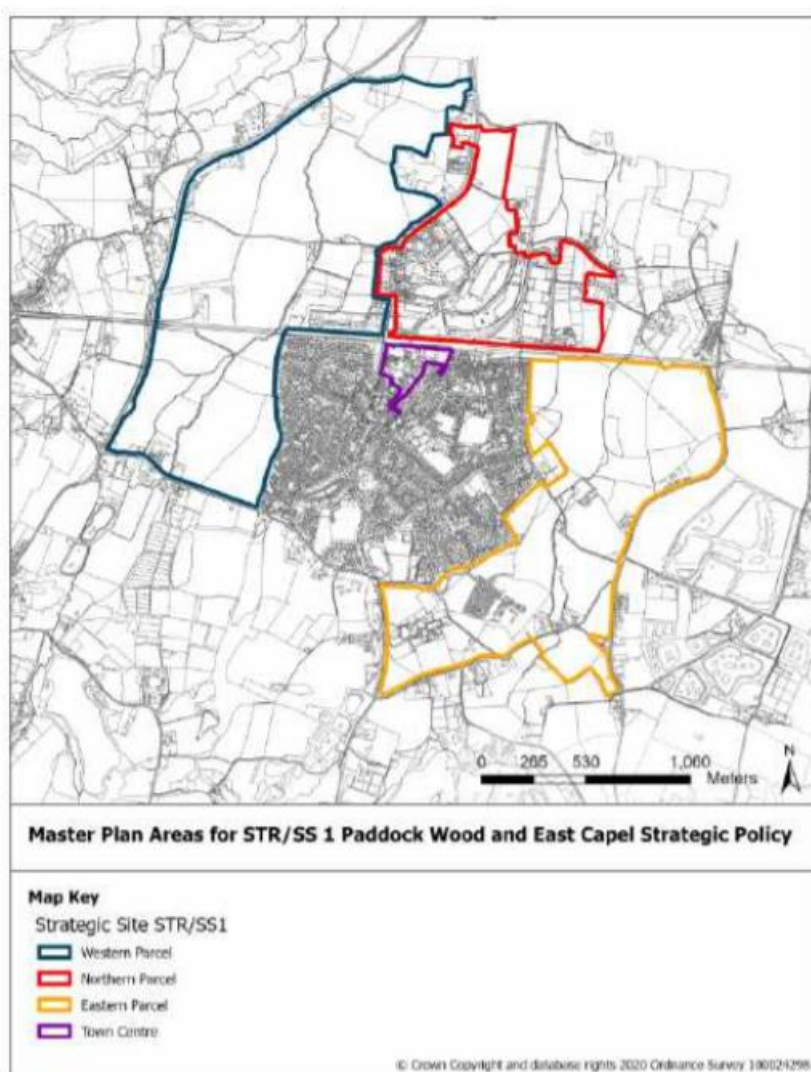
secured. This is done in a manner which sets out the broad locations where these should be provided, but seeks to allow flexibility within the parameters of the masterplans for these to be interpreted by the individual site promoters and development through the production of Framework Masterplan SPDs (see below).

- 2.9 The second element of the DLA Study is the production of an Infrastructure Framework. This identifies the infrastructure capacity requirements stemming from both the Strategic Sites at Paddock Wood and east Capel, and Tudeley Village (a new garden settlement of around 2,800 new homes two miles to the west). This includes green, blue, movement and social infrastructure. The infrastructure requirement is intended to mitigate the impacts stemming from the growth as anticipated at present, and provides the requisite infrastructure considered necessary by TWBC to deliver the settlement in line with garden settlement principles. The information identified within the Infrastructure Framework stems from discussions with the relevant stakeholders based on their identified needs, and is included within the Infrastructure Delivery Plan which underpins the Local Plan as an evidence base document. It is noted further work to refine the delivery of this infrastructure in terms of trigger points, potential funding opportunities and phasing for example is required.
- 2.10 The infrastructure requirement has been fully itemised, and costs assigned by the Council's viability consultant, Dixon Searle, and inputted into the Local Plan viability model. This concludes that based on the assumptions made that all scenarios are viable when set against a benchmark land value of £250,000 per gross hectare. It is recognised that the nature of Viability Assessments at this stage of the Local Plan process are necessarily high level and that the range of assumptions could change over time. It is further acknowledged that a benchmark land value of £250,000 per gross hectare has not been agreed by Crest Nicholson.
- 2.11 The evidence work prepared and referred to above concludes that the delivery of the growth around Paddock Wood and east Capel can occur over the plan period provided that the necessary strategic infrastructure is delivered to enable housing and employment to be developed and that appropriate measures are put in place to mitigate any impacts.

Land ownership

2.12 Policy STR/SS1 recognises there are three distinct parcels around Paddock Wood which form part of the allocation: western, eastern and northern parcels, as shown in Figure 1:

Figure 1: Land Parcels STR/SS1



2.13 There are four principal housebuilders who control land within the western and eastern parcels: Redrow, Persimmon, Dandara and Crest Nicholson. The northern parcel is predominantly being developed for employment uses.

2.14 Crest Nicholson controls a large proportion of the western parcel; broadly speaking the majority of the land to the north of the railway line in the western parcel, and a small

proportion of the south western parcel adjoining the railway line. Appendix 1 shows the land that is being promoted by Crest Nicholson.

- 2.15 Dandara is the other principal site promoter of land within the western parcel; controlling most of the land to the south of the railway line.
- 2.16 It is accepted that planning applications will be bought forward by each housebuilder separately, but within the requirements of Policy STR/SS1 which looks at the whole plan holistically. In this respect, it is intended that Crest Nicholson submits a planning application for the land within its control only; separate to the land controlled by Dandara.
- 2.17 A small number of other parties control other landholdings within the western parcel; all parts of the site are available and the site has been planned, along with the other parcels identified in the allocation, as a single comprehensive urban extension to Paddock Wood. In that context, Crest Nicholson is committed to working together as partners on the strategic growth around Paddock Wood alongside other developers, particular the other housebuilders named above. Crest Nicholson forms part of the Strategic Sites Working Group; a forum established in July 2019 to facilitate collaborative working in the delivery of the two strategic sites.

The Western Parcel

Site Description

- 2.18 The site promoted by Crest Nicholson comprises land to the west of Paddock Wood; the majority of this site is located within Capel Parish – but immediately abuts the existing residential and industrial areas of Paddock Wood.
- 2.19 The north-western and western boundaries are predominantly formed by the A228 Maidstone Road. The Site is not within the AONB. The land west of PRoW WT175 within the western part of the Site is located within the London Metropolitan Green Belt.
- 2.20 In Green Belt terms, this part of the Site makes a limited contribution to 4 of the 5 purposes of the Green Belt, as defined by the NPPF, but it is noted that the Council's

Green Belt Study (Stage 3) concludes that it does make a strong contribution to safeguarding the countryside from encroachment

- 2.21 The Site benefits from strong physical and visual enclosure because of the A228, the western built-up edge of Paddock Wood and strong vegetated boundaries of woodland, tree belts and hedgerows.
- 2.22 Drainage (Flood Risk) is another key consideration that has informed the technical evaluation for this Site – in close liaison with the Environment Agency.
- 2.23 This has resulted in a connected network of green and blue infrastructure that builds upon the network of streams and open ditches and reinforces the Green Infrastructure of the Site. These robust features will be retained and provide the opportunity for an enhanced integrated green-blue infrastructure.
- 2.24 The constraints that have been identified do not present any fundamental issues that undermine the principle of development the site. The constraints will be addressed in planning terms through the development of a Framework Masterplan SPD for this parcel and the subsequent planning application process.
- 2.25 As noted in the Masterplanning work undertaken by DLA, the western parcel is more constrained in landscape and flooding terms than the eastern parcel of the allocation, and accordingly, development capacity within the western parcel has been masterplanned accordingly. There are significant amounts of open space, breaking development up and forming space for active movement networks, along with flood risk mitigation.

Delivery

Illustrative Masterplan

- 2.26 Crest Nicholson is developing a masterplan for its land holding within the western parcel in line with the parameters established within the DLA Structure Plan.
- 2.27 By way of information purposes at this stage, Crest's preliminary plans presently provide for:
- Overall Site Area: circa 117ha (or 290 acres);
 - Circa 1,500 dwellings (across circa 40ha);
 - Coordinated “green” and “blue” infrastructure;

- Circa 75ha of informal and formal open space (inc circa 16ha Flood Compensation Areas);
- A 2FE Primary School (with land to be safeguarded for expansion to 3fe if required);
- Local Centre and services; and
- Supporting infrastructure.

Planning Application Timeframes

- 2.28 Crest will be commencing formal pre-application discussions with TWBC in November/December 2021, with the intention of submitting a hybrid application in Summer 2022 – with the EiP having commenced in March/April 2022.
- 2.29 Both parties agree that they will work proactively and collaboratively throughout the planning process from commencement of pre-application discussions, through to the determination of the planning application. A Planning Performance Agreement will be entered into to facilitate discussions and help aid the delivery of a comprehensive planning permission in line with the Policy requirements on this site.
- 2.30 Crest Nicholson also agrees to undertake a Design Review Panel at least once at pre-application stage, and again post submission, to help drive forward a high quality scheme for this parcel of the wider allocation.

Trajectory

- 2.31 Crest Nicholson anticipates completing its first units on site in 2024/25, in line with the following delivery trajectory.

Table 1

	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36
Crest Nicholson		28	85	170	170	170	170	170	170	170	170	72

- 2.32 This trajectory has been considered as part of the overall housing trajectory for the delivery of the Local Plan as set out in the Housing and Delivery Topic Paper. This has been refined, but in broad terms the trajectory remains the same

Biodiversity Net Gain

- 2.33 Both parties agree that there is a requirement to ensure biodiversity net gain through the development, and Crest Nicholson will deliver this in line with the policy requirements as set out through Policy EN9 on the site. The approach to managing flood risk on the site will present opportunities for innovative uses of SUDs to the benefit of both drainage and biodiversity.

Flood Risk and Drainage

- 2.34 It is acknowledged by both parties that there are flooding and drainage issues in relation to parts of land within the western parcel. This is an area which has been considered in detail through the evidence base to the Local Plan, including the Strategic Flood Risk Assessment and the Flood Risk noted appended to the Strategic Sites Masterplanning and Infrastructure Study. This has been informed through discussions with the Environment Agency.
- 2.35 Crest Nicholson has appointed Ardent Consulting Engineers to review the flood risk and surface water drainage associated with its site.
- 2.36 The findings of the technical reports prepared by both parties, confirm the allocation is deliverable with flood mitigation in place. Both parties agree to work together, and with the relevant statutory consultees, to ensure the issues relating to flood risk and drainage are adequately addressed in the consideration of any future planning application.

Green Belt Matters

- 2.37 It is recognised by both parties that the proposed allocation requires land to be released from the Green Belt. It is agreed by both parties that there are exceptional circumstances to justify this release, and the changes to the Green Belt boundary are such that the new Green Belt boundary is robust and likely to endure over time. Further the remaining Green Belt land will continue to play a strategic role in preventing neighbouring settlements merging. In line with policy requirements (para.

142 of the NPPF), Crest Nicholson agrees to provide compensatory improvements to remaining Green Belt land. The PPG sets out a range of measures including enhanced walking and cycle routes, woodland planting and enhanced green infrastructure that could be considered as compensatory measures to the Green Belt. Suggested mitigation measures within the Council's Green Belt study to help strengthen a newly defined edge (i.e. through the planting of additional vegetation) is being incorporated into the masterplan for this site prepared by Crest Nicholson and includes consideration of:

1. enhancing roadside planting using locally characteristic woodland copses, belts and hedgerows
2. the application of 'garden settlement' principles to create an appropriate character for the settlement and settlement edge
3. ensuring new development is designed sensitively with regards to views and local character
4. through use of set-back from boundaries and appropriately designed road infrastructure
5. the use of landscape features to define/enhance separation between settlement and countryside, integrating with the existing landscape pattern

2.38 The emerging Local Plan identifies a number of off-site cycle and pedestrian route improvements that are being sought to be provided. Some of these are located within the Green Belt and will result in compensatory improvements to land remaining in the Green Belt. These existing cycle and pedestrian routes will be enhanced through financial contributions to appropriate wayfinding/ interpretation boards and improvements of these connections will improve access from the existing community to the proposed Sports Hub.

Delivery of Crossing over the Railway Line

2.39 Both parties support the principle of a connection across the railway line within the western parcel, in order to ensure permeability through the new settlement and sustainable linkages to Paddock Wood. TWBC accepts that the provision of the

railway link is dependent on third party support with agreement required from Network Rail, and has a Statement of Common Ground in place with Network Rail). This Statement confirms that there is also agreement over the principle of reasonable financial contributions towards the construction of the crossing and the broad approach to agreeing the air and other rights for this, and Network Rail and TWBC will continue to work in a positive manner to facilitate this. There is broad agreement over the costs for the provision of the crossing that has been factored into the viability assessment, but details are yet to be finalised and agreed.

Framework Masterplan SPD

- 2.40 A Framework Masterplan SPD will be progressed for the western parcel through joint working with all parties, and Dandara as the principal land promoter for the residual land in this parcel. This is set out as a requirement in Policy STR/SS1. The purpose of this SPD will be to set out guidance to show how the policy requirements together with other policies within the Local Plan should be delivered on the site. At this stage it is anticipated that the SPD will include a comprehensive Masterplan Framework, setting out detail on layout, land uses and housing mix, green and blue infrastructure, movement, development character, placemaking, energy and sustainability. It may include design codes. Integral to the SPD will be how the parcel delivers on garden settlement principles, including a proposed strategy for Stewardship over the lifetime of the development.
- 2.41 The Council's adopted Local Development Scheme (LDS) sets out the timeframes for the preparation of this SPD. It is anticipated that the SPD will be developed alongside the planning application, as the detailed masterplan work progresses.

Working Collaboratively

- 2.42 Both parties recognise and agree that the western parcel forms part of the wider growth around Paddock Wood, including land at east Capel, which should be delivered in line with the Structure Plan principles to ensure the whole settlement as expanded embeds the garden settlement principles. Accordingly, as set out in Policy STR/SS1 there may be a requirement for an approach of equalisation. It is agreed that all parties will work together positively and expeditiously to agree an appropriate mechanism for equitable and timely infrastructure delivery.

Summary

- 2.43 This sub-section seeks to demonstrate to the Inspector that the land being promoted by Crest Nicholson within the western parcel of the Paddock Wood and east Capel site is developable site which can deliver circa 1,500 homes before the end of the Plan period to support the housing growth within the Borough. The site has several constraints, as typical for development sites of this size. However, none are fundamental constraints that cannot be addressed via infrastructure investment and appropriate mitigation.
- 2.44 Land to the west of Paddock Wood is “suitable” and “available”, and “developable” within the Plan period. All parties are committed to preparing an SPD which will set out how the development allocated in the parcel will be bought forward, and how it will integrate with the wider growth around Paddock Wood and east Capel in a holistic manner.

3.0 Areas of Agreement

- 3.1 The previous section sets out the shared position statement on the development of the land controlled by Crest Nicholson in the western parcel. This section seeks to summarise the key areas of agreement on the Local Plan.

Land at Paddock Wood and East Capel (TWLP Policy STR/SS1)

- 3.2 The parties agree on the principle of allocating Land at Paddock Wood and east Capel to accommodate a significant urban extension to the existing town, to be delivered on Garden Settlement principles.
- 3.3 The parties agree that the growth around Paddock Wood, including land in east Capel has the potential to play in a key role in delivering the housing need for the Borough over the plan period. It is strategically well located, served by an existing mainline railway station with direct connections to London, and it located outside the Area of Outstanding Natural Beauty which covers over 70% of the Borough.

- 3.4 It is agreed that there are exceptional circumstances to release the land to the west of Paddock Wood (within Capel Parish) from the Green Belt.
- 3.5 It is a shared position that the site is developable in line with the presumption of sustainable development as set out in the NPPF. It is a suitable location, it is available and could be delivered within the Plan period.
- 3.6 The parties agree that the development within the allocation should be delivered in line with the principles of the Strategic Sites Masterplanning and Infrastructure Framework, which has informed policy STR/SS1. The parties also acknowledge that this is not a fixed blueprint; instead establishing critical elements which should be secured through the delivery of the growth around Paddock Wood.
- 3.7 The parties commit to working together to ensure the urban extension to Paddock Wood responds to the opportunities which presents through providing growth of this scale in terms of creating the infrastructure to deliver a garden settlement community to the expanded town of Paddock Wood.
- 3.8 The parties agree that in line with the housing trajectory in Section 2.0, that Crest Nicholson will be able to deliver circa 1,500 houses over the Plan period. The land shown in Appendix 1 is available for development and Crest Nicholson will be looking to undertake pre-application discussions with TWBC from November/December 2021.
- 3.9 The parties agreed to entering into a Planning Performance Agreement to aid collaborative and proactive pre-application discussions and determination of a planning application.
- 3.10 The parties agree that further work is required to develop the delivery of the infrastructure associated with the growth around Paddock Wood, from the schedule set out in the DLA Masterplanning and Infrastructure Study. Whilst it is agreed that this is sufficient in terms of informing the Local Plan policy, further work is required to aid delivery on the ground. This information will be produced through ongoing discussions with the key stakeholders, and set out within the Framework Masterplan. This will include detail on contributions towards the A228 off and online works, the Five Oak Green Bypass, the sports hub and education provision and how contributions will be apportioned. In requesting contributions, TWBC confirms this will only be done when necessary to make the development acceptable in planning terms; directly related to

the development; and fairly and reasonably related in scale and kind to the development (as set out in Part 122 of the CIL Regulations).

- 3.11 Policy H3 within the TWLP, which is referred to directly in Policy STR/SS1, sets a target of 40% affordable housing provision on qualifying sites across the Borough. Policy H3 also allows for exceptional circumstances to be demonstrated if the provision of on-site affordable housing at the stated level is not viable. Accordingly, a lower amount/ off site provision/ change in tenure split may be accepted. TWBC and the promoters will continue discussions on viability and phasing ahead of examination and provide an update to the Inspector. This agreement is notwithstanding Crest Nicholson's view in its Regulation 19 representations to the TWLP that this reference needs to be made clearer.
- 3.12 The parties agree that the broad conclusions of the viability work carried out by Dixon Searle means there is a reasonable prospect of the growth around Paddock Wood and east Capel, including the requisite infrastructure, being delivered without external funding being necessary. Notwithstanding this, the parties agree that there are funding opportunities which could be explored to help deliver the sites.
- 3.13 The parties agree that land at Paddock Wood and east Capel and its associated strategic road infrastructure has been assessed within the SWECO Local Plan model, and this modelling work in overall terms is robust and demonstrates a transport strategy for the strategic site to enable the development to deliver significant benefits to the local highway network. This is notwithstanding Crest Nicholson's comments at Regulation 19 stage that it would like some further comfort that that the bypass works proposed are required to mitigate the impacts of the growth.
- 3.14 The parties agree that the development could be served by suitable bus routes to connect the site to key locations including Paddock Wood town centre and railway station, the proposed employment sites to the north, Royal Tunbridge Wells and Tonbridge. The sustainable principles of the modelling work, as set out in the Local Cycle and Walking Infrastructure Plan, are supported and it is agreed that the development within the western parcel has the ability to deliver pedestrian and cycle infrastructure required to facilitate this. All parties agree with this approach to integrate sustainable travel infrastructure in existing and proposed settlements to drive modal shift away from the private car.

- 3.15 The parties agree that the identified constraints in terms of landscaping, flood risk and heritage can be properly mitigated against and addressed through the development of a detailed masterplan and future planning application.
- 3.16 The parties agree to work together in the delivery of a Framework Masterplan SPD in line with the policy requirements of STR/SS1.
- 3.17 The parties agree to the principle of an approach to equalisation measures with the other site developers within the allocation to enable to delivery of growth holistically and in line with the Structure Plan provisions. All parties will work collaboratively and proactively where required, working on the basis that such contributions are fair, reasonable and directly related to the proposed development.
- 3.18 The Stage 1 viability assessment work undertaken by Dixon Searle to inform the Local Plan considered the potential to introduce CIL, with the Stage 2 work carrying forward assumptions made about potential levels of CIL and costs. However, at this time, the Council is not looking to adopt a CIL Charging Schedule for applications within the borough alongside this Local Plan. It is recognised by both parties that if this position changes, the position regarding the strategic sites would need to be carefully considered given the infrastructure identified to be delivered by the strategic sites so they are delivered on garden settlement principles are significant. The production of a CIL Charging Schedule would be subject to a detailed viability assessment accordingly, building on the work undertaken by Dixon Searle previously.

Joint working

- 3.19 The parties are committed to constructive joint working to bring forward and deliver development to the west of Paddock Wood on land in the eastern part of Capel parish. TWBC notes Crest Nicholson's comment that it has not been engaged as much as it would have liked in the preparation of the DLA Structure Plan; the Council is disappointed in this comment but notes this accordingly. In TWBC's opinion, joint working in an appropriate manner has taken place in the preparation of the Masterplanning and Infrastructure Study undertaken by David Lock Associates which has informed the policy position in the TWLP (STR/SS1). This has included sharing of information from the site promoters on the sites and one to one discussions with DLA

on its aspirations for the parcels. An ownership blind approach to the masterplanning of the allocation as a whole, as advocated by DLA was agreed to be a prudent approach by TWBC to ensure a holistic and sustainable approach.

- 3.20 Notwithstanding the above difference of opinions, both parties commit to working together positively moving forward as set out below.
- 3.21 All parties agree that a Planning Performance Agreement will be agreed to take forward the pre-application discussions in a positive and collaborative manner.
- 3.22 The parties will continue to work together, including in producing a SPD for this parcel of the strategic site, which will set out the principles for the development and provide a comprehensive masterplan for the allocation site.
- 3.23 The parties are committed to public consultation, community involvement and stakeholder liaison in respect of the development. This will include engaging with parish/town councils, the Neighbourhood Plan group and other local groups. Both parties are aware of local concerns about the development site and, whilst it is a shared position between the parties that none of these concerns fundamentally make the site unsuitable for development, the parties will seek to work with those stakeholders and ensure the development is designed to minimise any impacts upon the existing communities. Both parties also agree to engage proactively with each other in progressing the site.
- 3.24 There will be continued joint working with statutory consultees, building on the constructive discussions undertaken to date.
- 3.25 For the avoidance of doubt, Crest Nicholson's outstanding objections to the TWLP (as set out below) does not affect the commitment to constructive joint working with the Council.

4.0 Areas of Disagreement

- 4.1 There remain areas of disagreement between Crest Nicholson and the Council; Crest Nicholson's position is set out in the response to the Proposed Submission Version of the TWLP and will be set out in separate Matter Statements.

4.2 In relation to the position regarding the delivery of the strategic growth around Paddock Wood and east Capel, the following key matters remain in dispute:

1. The inclusion of the requirement to provide gypsy and traveller pitches within the allocation. Crest Nicholson questions whether there is a need for such pitches in Paddock Wood and east Capel and does not consider the provision to be justified. They also consider the proposed location within the allocation is inappropriate.
2. The approach taken to the policy for the strategic allocation. The TWLP has one policy for the proposed growth around Paddock Wood and east Capel (Policy STR/SS1). This reflects the holistic approach taken to the development; and the need to consider each parcel coming forward in the context of the wider growth which is to transform the existing and expanded town into a garden settlement. However, Crest Nicholson considers this is too long and repetitive and considers it would be clearer and more effective to have separate elements within the policy considering individual parcels.
3. Crest Nicholson considers further work is required to demonstrate that the Colts Hill offline/ online improvements, as included within the plan, are reasonable and necessary to accommodate the growth. TWBC is satisfied the Transport work undertaken by SWECO demonstrates that this infrastructure provision is required and is reasonably related to the scale of development in line with the CIL Regulations and NPPF. As noted above, further work will be undertaken ahead of examination to provide further information on the delivery and mechanisms to secure contributions from each of the key development parcels.
4. The TWLP makes it clear that travel routes/ links through the new settlements are integral to the development and a fundamental element to the settlement being delivered on garden settlement principles. Crest Nicholson considers the wording of the policy should be amended to provide for flexibility in this regard, so these are only provided “where possible, practical and appropriate”.
5. With regard to the new link across the railway line as required through the policy Crest Nicholson is seeking amendments to the policy requirement for this link (part 2(i)) so it makes clear that the delivery of this is subject to agreement with Network Rail and will be delivered by the Council. As set out at Section 3.0,

TWBC accepts delivery is dependent on third party support and is engaging positively with Network Rail in this regard. TWBC disagrees that changes are required to the policy as the provision of this connection is an important element for development in this location; the policy requirement should be firm in this regard. TWBC also does not consider it precludes development coming forward on the land controlled by Crest Nicholson if negotiations with Network Rail become protracted. Crest Nicholson is therefore content with the principle of financial contributions towards a new link across the railway line, with its delivery to be implemented by others. This position is noted by the Council, but not yet firmly agreed.

6. Crest Nicholson considers that TWBC should be identifying through Policy STR/SS1 the parcel to which the extra care accommodation should be located. TWBC disagrees this is necessary; and the approach taken provides sufficient flexibility moving forward. TWBC notes from submissions to the Regulation 19 Local Plan that there is large demand for sites from extra care providers and discussions between the site promoters and TWBC can determine the most appropriate location.

4.3 There are some minor amendments being sought to the policy as set out in Crest Nicholson's representations to the Regulation 19 consultation, along with requests for further clarification. These are not referred to above as they are considered minor and not material to the overall policy. Unless stated in Sections 2.0 and 3.0, TWBC and Crest Nicholson remain in disagreement over the requirement for these changes or the need for further information at this time.

4.4 In addition to comments on the allocation itself, and in terms of the over plan, the following areas remain in dispute:

1. Further clarification required to Policy EN9.
2. Further clarification required to Policy H3.

5.0 Conclusions

- 5.1 The above is agreed as a shared position and both TWBC and Crest Nicholson look forward to delivering a vibrant and sustainable new urban extension to Paddock Wood.

6.0 Signatories

- 6.1 This statement has been prepared and agreed by the following organisations:

<p>Tunbridge Wells Borough Council</p> <p>Signature</p> <p>Redacted signatures</p> <p>Date: 22nd October 2021</p>	<p>Crest Nicholson</p> <p>Signature</p> <p>Redacted signatures</p> <p>Date: 20th October 2021</p>
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