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Planning Policy
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Tunbridge Wells local plan

Local Plan Consultations: New Evidence Base Documents: September 2024

Representations made on behalf of Castle Hill Developments Limited.

On behalf of our clients, Castle Hill Developments Ltd, we make the following headline points in relation to the Tunbridge Wells Local Plan New Evidence Base Documents, the subject of the consultation from 11th September until 23rd October 2024.

Consistent with the earlier representations and our involvement in the hearing sessions following the consultation on the Main Modifications, we dispute that there should be any reference to Tudeley as a potential option for consideration through the essential review of the Local Plan, as detailed in revised policy STR1.

Whilst not repeating the earlier representations, it is essential that any review of the Plan is not arbitrarily constrained in its consideration of options through the contents of the current plan as suggested through the contents of "PS 109 – Revised Policy wording and supporting text for Policy STR1 – The Development Strategy", This is detailed below.

Furthermore, the Council also suggests a revision to the housing requirement, which is covered in the land supply assessment statement (Local Plan Examination Note for Inspector in response to Action Point 30 regarding the Local Plan and Five-Year Housing Land Supply Positions) and is shown as confirmed in the text of STR1. For the reasons detailed, we dispute the change in the calculation of the Borough's housing need in using the average forecasted change in households from 2024 to 2034 whereas the detailed assessment of supply relates to the position at April 2023. This is a further change to that consulted upon as part of the proposed Main Modifications (SLP Mod 3), including the updated assessment of supply as summarized in appendix B of the Main Modifications.

Representations to the Revised Policy and supporting text for Policy STR1

The representations to the Proposed Modifications highlighted our concern that the reduction of the Plan period to only 10 years conflicted with the clear guidance in paragraphs 22 and 69 of the NPPF. Although suggested policy STR1 envisages that the envisaged review will seek to address the shortfall in supply during the latter parts of the current plan period to 2038, this narrow focus would be inconsistent with the emerging national guidance as detailed in the Draft NPPF (July 2024).

The revised text of draft policy STR1 indicates that the Council will publish a timetable for the focused partial review within six months of the adoption of the Plan with the expectation that it can be submitted for examination within 30 months of commencement. Without commenting on the expected timetable for adoption of the current Plan, since further hearing sessions have provisionally been arranged for 14th and 15th November 2024, it is extremely unlikely that adoption will occur until early 2025.

The approach of draft policy STR1 consequently expects that the partial review to boost housing supply in the borough for the period to 2038 will therefore be submitted for examination by early 2028.

Although this is noted, any review of the Local Plan would be prepared in the context of a new NPPF and its associated guidance, especially as a draft of this was consulted upon from 30th July until 24th September 2024¹ and the final version is expected to be issued in late 2024/early 2025. Although the final version is awaited, the consultation draft version indicates a clear direction from the Government, particularly regarding plan periods, housing targets and the approach to the Green Belt. The draft version whilst retaining the obligation to ensure plans provide for a minimum 15 years post adoption (paragraph 22), it includes significant revisions in how housing targets are to be calculated (paragraph 62 and the amended standard method for determining Local Housing Need) together with the role of land in the Green Belt (section 13) as a clear opportunity for addressing these issues.

These will therefore be important factors informing the review of the Local Plan and whether the factors considered in preparing the current one remain valid. This is especially relevant with respect to the suggested reference to Tudeley as an option for growth, whereas the draft NPPF emphasizes the role of grey belt in sustainable locations as detailed in suggested paragraph 152. The representations on the draft submission

¹ Copy enclosed with the representation

Local Plan explained that the Green Belt review prepared did not include a fine grained analysis of the various parcels, as highlighted by the failure to appraise the land north of Tunbridge Wells including the Castle Hill location. Assuming the Draft NPPF is confirmed without significant changes, any review of the Local Plan will need to review the potential of grey belt before the option of Tudeley garden village can be assessed. Therefore, as explained during the earlier hearing sessions, we dispute that there should be any reference to Tudeley as an option for the review.

Additionally, although the suggested text of Policy STR1 indicates that the focus of the partial review should be on resolving housing need through to 2038, given that the Local Housing Need (when calculated using 2024 as the base date) associated with the revised NPPF results in an increase from 660 dwellings annually to 1,045 dwellings annually, it would be more appropriate to undertake a wholesale plan review consistent with the requirements of the new NPPF, once issued in late 2024/early 2025, especially given that its examination would be focused on whether it was consistent with the latest rather than any outdated national guidance.

As indicated in the response to the consultation on “Local Plan Examination Note for Inspector in response to Action Point 30 regarding the Local Plan and Five-Year Housing Land Supply Positions”, we also dispute the revisions to the Borough’s overall housing requirement. Instead, this should be maintained as seeking a minimum of 667 dwellings annually rather than 660 dwellings as now stated.

For the reasons detailed above, and as indicated in the earlier representations, the revised wording of STR1 is not sound as it not positively prepared, justified or consistent with national policy (both existing and emerging). To address this, we advocate that the introduction section of the policy together with that concerning the review of the Plan are amended as follows (deletions shown struck through and additions underlined):

The broad development strategy for Tunbridge Wells borough over the period 2020-2038, as shown indicatively on the Key Diagram (Figure 5), is to ensure that a minimum of 12,006² dwellings (at least 667 dwellings annually) and 14 hectares of employment (Use Classes B and E) land are developed, together with supporting infrastructure and services. The strategy of this plan provides for a housing supply for the first 10 years of the plan period with employment and other development including necessary supporting infrastructure, but with a requirement for an early focussed review of the plan to supply housing and other requisite development and supporting infrastructure for the final 5 years of the plan period.

Early ~~Partial~~ Review of the Local Plan

Following adoption of the Local Plan, the Council will publish an update to its Local Development Scheme (LDS). This shall set out a timetable for a ~~partial~~ early review of the Local Plan, which shall commence within six months of adoption of the Local Plan. The LDS shall provide an indicative timescale for submission of an updated Local Plan for Examination, to take place no later than 30 months from commencement of the

² The reference to 11,880 dwellings has been replaced as explained

early review of the Local Plan. The Council shall then undertake the early review consistent with national policy to which shall include investigation of ways of meeting identified unmet housing needs over the relevant until the end of the plan period (2038). The early review shall be conducted with the objective of securing sustainable development to:

(1) ~~meeting~~ the Council's ~~unmet-objectively~~ assessed housing need for a the period extending at least 15 years post its adoption of the Local Plan to the end of the plan period (2038), including unmet housing needs for Gypsy and Traveller and Travelling Show People, and

(2) provide other requisite development (including such employment development as may be necessary) and supporting infrastructure to meet the needs of the population for the whole of the plan period and beyond.

We also suggest that the additional paragraphs 4.49 to 4.57 are not included, especially given that the Inspector confirmed (as noted in draft paragraph 4.53) that the site of the suggest Tudeley village had “high” harm to Green Belt purposes if released. Such a conclusion means that the land cannot qualify as “grey belt” as currently defined in the glossary of the draft NPPF. In such instances, it cannot be detailed as a preferred location for consideration through any review, as this would conflict with national policy.

Representation to Local Plan Examination Note for Inspector in response to Action Point 30 regarding the Local Plan and Five-Year Housing Land Supply Positions

As indicated, we dispute the change in the Borough’s housing requirements since this results in inconsistency between the assessment of housing need (based upon the position in 2024) whereas the evidence on the supply is based upon that known at 1st April 2023. Although the Council may have advanced this option at the hearings on 20th June 2024, as indicated above, this results in inconsistency for the data associated with deriving the requirements and that for sources of supply. To avoid this and reflect the approach in the original submitted plan together with that referenced in our earlier hearing statements³, it is essential that a consistent date is used. Given that the information of the various sources of supply are related to the position from 1st April 2023, this should also be the starting point for assessing local housing need arising from the average change in household growth. Therefore, the Borough’s housing needs should be maintained as a minimum of 667 dwellings annually (at least 12,006 over the plan period 2020-38).

Ensuring consistency in the data on sources of supply with the derivation of the requirement also reflects the conclusions of Inspector’s undertaking the examinations of other Local Plans, including that of the neighbouring Maidstone Borough. As indicated in paragraph 51 of the Inspector’s letter on the Maidstone Local Plan (March 2024):

³ See appendices 1-3 of the Matter 2 Statement on Housing and Employment Needs illustrating the example of Watford Borough

“The start date of the plan period will need to be amended from 1 April 2022 as submitted. Adjusting the start date to 1 April 2021 would align with much of the submitted evidence base, including the SHMA12 and EDNS. It would also reflect that the Plan was submitted for examination before 1 April 2022. Furthermore, it would enable an initial two years monitoring data on housing delivery in 2021/23 to be accounted for in the housing trajectory. Accordingly, I recommend MM7 which would adjust the plan period and so ensure the Plan would be justified in terms of aligning with the evidence base against which it was prepared.”

This therefore further reinforces our view of the importance of ensuring consistency of the Plan period, the choice of as date and the availability of evidence. For the reasons explained, we remain of the view that the derivation of Local Housing Need should be based upon the household growth expected over the period 2023 to 2033, since this aligns with the data on the supply of land. Therefore, the approach to calculating the adequacy of supply, including the five- year position would be based upon this. This is shown in the tables below:

year	LHN	Supply	Difference	Cumulative differences at end of each monitoring period
2020/21	667	688	21	21
2021/22	667	518	-149	-128
2022/23	667	636	-31	-159
2023/24	667	842	175	16
2024/25	667	736	69	85
2025/26	667	713	46	131
2026/27	667	923	256	387
2027/28	667	703	36	423
2028/29	667	789	122	545
2029/30	667	561	-106	439
2030/31	667	843	176	615
2031/32	667	610	-57	558
2023/33	667	557	-110	448
2033/34	667	534	-133	315
3034/35	667	447	-220	95
2025/36	667	372	-295	-200
2036/37	667	270	-397	-597
2027/38	667	241	-426	-1,023
total	12,006	10,983	-1,023	

As the draft NPPF omits the current paragraph 77 which enables over supply to be taken into account in determining the achievement of a rolling five-year supply, the table below provides the assessments of this over the plan period, based upon the LHN as detailed in the Main Modifications (667dpa).

Five-year period	Five-year requirement (inc 5% buffer and shortfall (if applicable ⁴))	Five-year supply	Five-year position
Apr 21-Mar 26	3,502	3,445	4.92
Apr 22 - Mar 27	3,636	3,850	5.29
Apr 23 - Mar 28	3,669	3,917	5.34
Apr 24 - Mar 29	3,502	3,864	5.52
Apr 25 - Mar 30	3,502	3,689	5.27
Apr 26 - Mar 31	3,502	3,819	5.45
Apr 27 - Mar 32	3,502	3,506	5.01
Apr 28 - Mar 33	3,502	3,360	4.80
Apr 29 - Mar 34	3,502	3,105	4.43
Apr 30 - Mar 35	3,502	2,991	4.27
Apr 31 - Mar 36	3,502	2,520	3.60
Apr 33 - Mar 37	3,502	2,180	3.11
Apr 34 - Mar 38	3,502	1,864	2.66

The table shows that consistent with the position of the Council, assuming their expectations of delivery are robust, a five-year supply will be demonstrated every year commencing in April 2022 through to April 2027. The above therefore shows that retention of 667 annual housing requirement as envisaged in the Proposed Modifications (reflecting our response to the suggested revisions to policy STR1) would indicate five-year supplies for the years immediately after adoption. For the periods from April 2028 onwards, the full review of the Local Plan to ensure compliance with the forthcoming revised NPPF would provide the necessary route to maintaining sufficient supply in later periods.

Summary

As indicated in these representations, the approach currently advocated by the Council in the revisions to policy STR1 and the assessment of five-year land supply are unsound, as they are not positively prepared, justified or consistent with national policy. The changes advocated in these representations would resolve these issues.

Consistent with the earlier involvement in the examination, I would wish to appear at the reconvened hearing sessions to explore these matters further.

Yours sincerely,



Douglas Bond.

⁴ Shortfall included in assessments at 1st April 2022 and 2023.