



Planning Policy,  
Planning Services,  
Tunbridge Wells Borough Council  
Royal Tunbridge Wells  
Kent  
TN1 1RS

Our Ref: JAC/13203

26<sup>th</sup> February 2024

Dear Sir/Madam

**Response to TWBC's Further Public Consultation on Tunbridge Wells Borough Council's Response to the Inspector's Initial Findings Letter on the Examination of the New Local Plan**

In making comments on the TWBC further work on the Local Plan I consider it firstly important to remember what the Local Plan inspector said back in November 2022. In short the inspector reminded the Council that in order for local plans to be found sound they must be positively prepared.

He stated as follows;

*1. The starting point for considering the soundness of the Local Plan is the National Planning Policy Framework ('the Framework'). Paragraph 35 states that Plans are 'sound' if they are positively prepared,*

*2. Where the Green Belt is concerned, paragraph 137 of the Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Once established, boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of Plans.*

My submission is that Tunbridge Wells Borough Council have not responded to the Inspector's comments in a positive way in that having undertaken some further work, and having decided to delete Tudeley and part of Paddock Wood, they have not then looked in a positive way as to how the loss of units can be re-dressed, even in part.

This is in my view clear from the fact that while they have looked at some of the matters raised by the inspector, they have limited this largely to only Green Belt sites.

Bearing in mind the weight given by Government policy to the general protection of the Green Belt, it is not understood why TWBC did not consider it appropriate to review and

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revisit the raft of smaller scale sites that they removed from the emerging Plan following the Regulation 18 stage.

In view of the importance that the inspector placed upon the site in the Green Belt I consider this a negative and flawed process. In simple terms, it cannot be concluded that the Local Plan has been positively prepared and the Council should be required to undertake that process to ensure that future delivery has a prospect of keeping up with identified need.

Part of my concern in this respect stems from my own experience of working within the Council's administrative area.

The statistics are clear that the Council has consistently under-delivered in respect of housing. Indeed I believe they have fallen short on needs for nine of the past eleven years.

This year to date I have monitored housing permissions in the 10 months to the end of January and the figure is only 201 by the time renewals and amended permissions are accounted for. Analysis demonstrates that by 01/03/24 the Council will be below a 4 year Housing Land Supply figure and I fully expect that position to worsen.

The trend with TWBC is that they have consistently over predicted delivery and consistently failed on delivery. It is my view that the reason for this is actually very straightforward.

Unfortunately, the council has sought to continue to plough the same old furrow on a strategy that has failed and will continue to fail. In simple terms, over-reliance on large scale sites and ever increased asserted delivery within existing urban areas, rather than the appropriate identification and selection of "less sensitive" edge of settlements sites on the edge of sustainable settlements.

One significant issue here is that Government and local policy has for many years been for the redevelopment of brownfield land within settlements. This is of course a sensible strategy, but the supply of brownfield land is not infinite and there is a decreasing amount of land available. While I note that the Council claim a large recent average of windfall delivery, it is clear that in large part this is a consequence of a lack of 5 year supply influencing the Decision Maker. That trend would not continue if the Council had an adopted Local Plan.

It is a fact that up to draft Regulation 18 stage, the Council had identified a large number of sites for development on the edge of sustainable settlements such as Cranbrook. This included many sites that were smaller, with less technical difficulties where delivery could have been expected to be relatively quick. Many of these sat with SME's who cannot afford to land bank and who could reasonably be expected to deliver quickly.

As TWBC and the Inspector will be aware, Government policy very much supports SME's for this very reason.

However, what occurred, was that a large number of these sites, particularly those that lay within the AONB were deleted at the 11<sup>th</sup> hour and then not included in the Regulation 19 plan.

While I would need TWBC to confirm the reason why they removed quite so many sites in one go, and instead sought to meet supply by other means, I understand that this may be because Tunbridge Wells had been made aware that there may be major objections to the Local Plan from National organisations.



Whatever the reason the strategy of the Draft Plan changed significantly, with the Council instead pursuing the large scale strategic allocations while seeking to increase reliance on recycling land within the built up area.

What is now clear is that one of the major allocations has been fully deleted, and the other reduced by 1000's of units. This change is in my view more than the Inspector may have envisaged. It is my opinion that with this scale of deletions, the Inspector would expect a full review of not only Green Belt sites, but all other sites that had been considered acceptable up to Regulation 18 stage.

In this respect, I note that Paragraph 6 of the Inspector's Interim Findings stated as follows;

*6. However, the Green Belt Study Stage 3 only considers sites allocated for development in the submitted Plan - i.e. sites which the Council has already determined are sound and concluded that exceptional circumstances exist to remove them from the Green Belt. If it is accepted that Green Belt land will be required, then why did the Council not carry out a comparative assessment of reasonable alternatives at Stage 3 in order to avoid, or at least minimise, harmful impacts where possible? This is especially relevant when the two largest allocations in the Plan (Tudeley Village and Paddock Wood) were found to cause "high" levels of harm to the Green Belt.*

In looking at the "new" information provided by TWBC, it is clear that they have not re-visited all "reasonable alternatives" but rather have chosen to only re-visit Green Belt sites and have sought to continue to only rely on sites they had previously concluded were sound. This is clearly not "positive preparation" in that they have chosen not to address the deletion of a very substantial number of units, but rather, simply said they will undertake an early review.

Based on historic delivery, I consider there can be no confidence that the Local Plan will deliver the required housing needs at the appropriate rate. On the basis that a further New Local Plan could be expected to take another 2-4 years, it seems to me that there are likely to be a significant further number of years of under delivery, and importantly a very significant and increasing shortage of affordable housing.

It seems to me that in effect TWBC have tried to avoid revisiting perfectly acceptable sites because they consider they might not be popular with Parish Council's and others who have a negative stance toward the delivery of housing and have a rather protectionist mindset. In Cranbrook for example the PC have not sought to allocate any sites for housing, but rather to create a protective green ring around the settlement. This is in a situation where Cranbrook is one of the Council's most sustainable settlements.

In this respect I must reiterate that The Inspector made clear at paragraphs 7 and 8 that the Council should look at reasonable alternatives. The relevant paragraph reads as follows;

*7. Carrying out a comparative assessment may have resulted in the same sites allocated for development. Just because a site would have a "low" level of harm to the Green Belt does not automatically justify its allocation in the Plan. Other factors, such as the need to promote sustainable patterns of development are also clearly relevant. However, national planning policy is clear that the Government attaches great importance to Green Belts and that boundaries should only be amended in exceptional circumstances. Reaching that conclusion should be based on a thorough assessment process which includes an*



*understanding of the likely impacts when compared with other site options, especially where the magnitude of harm from the two largest allocations is "high".*

*8. Further work is therefore necessary before a conclusion can be reached that exceptional circumstances exist to release the relevant site allocations from the Green Belt.*

In respect of Tudeley, the Inspector was clear that the allocation faced severe difficulties.

It is clear that when TWBC looked again at Tudeley and the concerns raised by the Inspector, they realised that their evidence base for the allocation of land at Tudeley was not sound.

While we appreciate that TWBC has now proposed removal of the allocation of land at Tudeley, I consider the same basic issues arise with the allocations at Paddock Wood and Capel. In the case of Paddock Wood, while I consider the allocation sensible, multiple land ownerships, flood risk and drainage and infrastructure issues will inevitably mean that the planned number of units are unlikely to be delivered within 5 years.

As set out at Paragraph 3942 and paragraph 52 the Council previously proposed a major development at Paddock Wood. The Inspector commented as follows;

*39. The significant expansion of Paddock Wood is proposed by Policy STR/SS1. In total, sites sufficient to provide around 3,500 houses and roughly 11 hectares of employment land are allocated. The majority of new housing would be to the east and west of the town, with employment to the north.*

*Strategy and Implementation 40. We discussed at the hearings the need for several main modifications to make it clear what is proposed, where and when at Paddock Wood. These changes are needed for the effectiveness of the Plan and to remove the reliance on supplementary planning documents.*

*41. Another soundness issue is how the Council will ensure that development comes forward in a comprehensive manner, thus ensuring that the vision for a strategically and holistically planned expansion to the town is realised. As submitted, there is insufficient detail on how the parcels will be delivered. The Plan must be clear on how it will tie the component parts together in order to be effective in achieving the stated aims and objectives.*

*42. One way of making the Plan sound might be to allocate each parcel for development, set out parameters for the scale, type and mix of uses permitted and then differentiate between the necessary on-site and shared infrastructure. The policy for each parcel could then include a requirement for phasing and infrastructure delivery, in addition to a requirement to accord with a town-wide framework masterplan (or other such document). This would allow individual schemes to progress, whilst ensuring a common objective on shared infrastructure. As part of any re-drafted policy, it will still be necessary to prevent piecemeal development and ensure that developers continue to work collaboratively, especially where connection between sites is required (such as across the railway line).*

*Conclusion 52. Paddock Wood is a town with a good range of services, employment premises and public transport provision. It is also surrounded by some land which is outside the Green Belt and AONB – a unique position in Tunbridge Wells. I therefore agree with the Council that it represents a 'logical choice' for growth<sup>14</sup>. However, the strategy for the town needs revisiting to set out clearly what is proposed on each parcel, both in terms of the scale and mix of uses and any necessary infrastructure provision. In addition, the location of new housing, community and employment uses in areas at higher risk of flooding is not*



*justified. Comprehensive main modifications will therefore be required to the submitted Plan in order to make it sound. As with my conclusions on the Tudeley Village allocation, the implications for the examination moving forward are discussed below.*

As stated, I do seek to raise issue with the amended policy for Paddock Wood. My concern is with the likely timescale for delivery. In this respect I note that the Inspector commented as follows;

*95. As for the strategic sites, significant changes and/or the preparation of further supporting information is going to be necessary before they can be found sound. At Paddock Wood, I am relatively confident that this can be achieved without fundamental changes to the Plan's strategy. However, the implications of my initial findings at Tudeley Village could have far greater, consequential impacts on other aspects of the Plan, from infrastructure provision to whether the Plan is able to identify a sufficient supply of housing land.*

*99. One of the main consequences of deleting Tudeley Village is the impact on housing provision. The Plan envisages 2,100 dwellings coming forward over the plan period. In deciding how to proceed, the Council will therefore need to give further consideration to how best the Plan can still meet housing needs, having particular regard to the requirements in paragraph 68 of the Framework. It may be, for example, that needs could be catered for over a shorter timeframe without the need for any specific additional sites to be identified at this stage.*

It is clear to me that the response from TWBC fails to plan positively for housing needs.

What is clear, is that the deletion of Tudeley and the removal of over 1000 units from Paddock Wood leaves a gaping hole in future delivery in a situation where the Council has failed to meet needs in nine of the past eleven years.

The additional documentation does not assist in giving confidence on the likely timeframe for delivery at Paddock Wood, and while I support that allocation I would not expect delivery before 5-10 years after the adoption of the Local Plan for the reasons set out by the Inspector.

The simple reality is that the Council's previous strategies have not delivered the adequate housing and the deletion of over 3200 units allied with an over reliance on the delivery of units on brownfield land will inevitably lead to failed housing delivery rates.

Paragraph 1.3 of the Council's local plan topic paper, appears to suggest that the Inspector only expected the Council to review Green Belt sites in order to assess ongoing future delivery.

I do not consider that that can be correct. I consider it should have been clear to TWBC that they should have reviewed all of the sites that it had previously assessed to be suitable "less sensitive" sites at Reg 18 stage, including less sensitive sites within the AONB. I consider they should also have undertaken an exercise comparing impacts and harm arising between the Green Belt sites and those deleted at Reg 18 Stage. The fact they have not done so is in my opinion a major flaw in the process and one that means it cannot be concluded that the Local Plan has been positively prepared.

In simple terms the failure to properly review all sites at this stage does in my view mean that the plan cannot proceed unless substantial further work is undertaken.



I consider the failure of the Council to review all sites, including those deleted at Regulation 18 stage is to miss the point in assessing whether there are preferable sites to the release of land within the Green Belt.

While this representation is not site specific, my clients land at Quaker Lane/Angle Road Cranbrook falls into the category and issues I have set out. This is a prime example of where the Council have failed to revisit the suitability of a site where evidence now demonstrates that the Concerns of a Planning Appeal Case Inspector can be overcome.

In short what the council have sought to do is continue with the same flawed strategy without re evaluating non Green Belt sites. Bearing in mind the recent emphasis placed upon the Green Belt by Mr Gove, I do not consider this constitutes positive approach to the development plan. Rather it would appear that the council have shied away from properly assessing sites so that appropriate comparisons on harm and impacts are made.

This is particularly concerning for locations such as Cranbrook as they are accepted by the Local Plan Inspector as a Group A (i.e. highly sustainable) settlement. In this regard the Inspector wrote as follows.

*17. The scale of commercial floorspace is justified by comparison to settlements such as Cranbrook and Pembury. But Cranbrook is a historic market town which serves a much wider rural area, including other villages such as Sissinghurst. It is categorised by the Council's own assessment as a Group A settlement, second only to the main urban area of Royal Tunbridge Wells and Southborough. It is therefore materially different to Tudeley.*

In view of all of the above I conclude that the Council's response to the Inspector's Initial Findings does not demonstrate the Local Plan to be sound on the basis that it has not been positively prepared. Indeed the response has failed to appropriately address the matters raised by the Inspector,. That should have been the minimum necessary to progress the Plan.

I wish to place on record that I would wish to appear at the EiP to explain my position and to answer any queries the Inspector may have on the above.

Your faithfully

A large black rectangular redaction box covering the signature area.

John Collins

Director

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