

Town and Country Planning Act 1990 (As Amended)

Tunbridge Wells Borough Local Plan
Examination – Main Modifications Consultation

Representations on Behalf of:
Rydon Homes Limited

25 February 2024 v3



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1.0 Instructions and Introduction

1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Rydon Homes Limited (“Rydon Homes”) to prepare and submit representations in relation to the Council’s Proposed Main Modifications consultation for the Examination version of the Tunbridge Wells Borough Local Plan (“the Plan”) published in January 2024.

1.2 This document sets out Rydon’s Representations on the Plan and deals with the following specific matters:

- Matters of Legal Compliance
- Consideration of the correct Housing Need and Housing Requirement within the Plan in the context of the Housing Supply identified by the Council; and,
- Other Matters of Soundness together with Site-specific representations in relation to Angley Road, Sissinghurst

1.3 The relevant sections of the Plan, including paragraph and policy references, are cited throughout these representations along with the soundness tests that it is considered the Plan as proposed to be modified fails to comply with.

1.4 These representations are supported by the following technical prepared by Rydon’s professional project team:

Table 1: Technical Report Accompanying Representations

Document	Author	Appendix
Housing Technical Paper	Neame Sutton Limited	Appendix 1

2.0 Legal Compliance

Proposed Plan Period:

- 2.1 At the heart of the National Planning Policy Framework 2021¹ (“the Framework 2021”) is the presumption in favour of sustainable development. For plan making this means that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses. The only exceptions to this are set out at Paragraph 11 b) i. and ii. of the Framework 2021 and do not include instances where a Council has been required to delete a strategic allocation during the Examination of its Plan as a result of serious issues of soundness.
- 2.2 The Council identifies that its objectively assessed need for housing, calculated via the Standard Method, equates to 667 dpa over the period 2020 – 2038, which is a minimum total of 12,006 dwellings. The Council does not however intend, through the main modifications proposed to the Plan to meet, or even get close to, this minimum total. Paragraph 3 of the Updated Local Plan Housing Trajectory (December 2023) (PS_062) confirms a shortfall of at least **-1,073 dwellings** against the need identified.
- 2.3 Paragraph 22 of the Framework 2021 confirms that strategic policies should look ahead over a minimum 15 year period from adoption. Allied to this Paragraph 68 confirms that planning policies should identify a sufficient supply and mix of sites to deliver a) a supply of specific deliverable sites for years 1-5 of the plan period; and, b) specific developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15 of the Plan.
- 2.4 The PPG² also confirms that strategic policies should be prepared over a minimum 15 year period and a LPA should be planning for the full plan period.
- 2.5 It must therefore follow that a LPA that does not plan for the full plan period has failed in its legal obligation to prepare and maintain an up-to-date Development Plan, which is of course fundamental to the Plan led system.

¹ The Plan is still being examined under the Framework 2021 as set out in the transitional provisions at Paragraph 230 of Annex 1 to the Framework 2023. Where relevant reference is also made to the Framework 2023 in these representations and clearly identified as such.

² Plan Making section of the PPG - Paragraph: 064 Reference ID: 61-064-20190315 Revision date: 15 03 2019

- 2.6 The Council's proposed Main Modification to Policy STR1 (Ref: SLP Mod 3) seeks to reduce the period covered by the Plan down to 10 years from the anticipated date of adoption (end of 2024). Rather than seeking to plan for the full plan period the Council is proposing an early review immediately following adoption of the Plan to cover the remaining 5 years of the Plan period upto 2038.
- 2.7 That approach does not comply with the Framework 2021 nor the PPG and consequently fails the tests of Soundness in respect of being Effective, Positively Prepared, Justified or Consistent with National Policy. Furthermore, the Council fails in its Statutory duty to prepare a Development Plan covering the full Plan period.
- 2.8 The reason the Council is proposing this modification is that with the deletion of Tudeley from the Plan and the reduction in the size of the allocation at Paddock Wood the Plan will be deficient by at least 1,073 dwellings over the full Plan period to 2038.
- 2.9 Rather than tackling the issue properly in order to meet the Government objective to significantly boost the supply of housing in the Borough and allocating further sites to meet the shortfall, the Council instead proposes a 'sticking plaster' of reducing the Plan period following by an early review. That approach will not meet the need identified by the Council and will result in significant delay in the delivery of much needed homes across the Borough.
- 2.10 The Council's approach should be rejected by the Inspector as unsound and a failure of legal compliance. Whilst it is noted that the Inspector's Interim Findings letter made reference to Paragraph 68 and the potential for considering meeting objectively assessed needs over a shorter timeframe (Paragraph 99) the Inspector also noted at Paragraph 100 that the process was not a straightforward exercise. It does not necessarily follow that the Council approach is a sound one nor that it meets with the relevant Statutory obligations.

3.0 Housing Need, Housing Requirement/Target and, Supply

- 3.1 This section of the Representations explores the Council's updated Housing Trajectory to establish whether it represents a sound approach to the delivery of housing across the proposed reduced Plan period. The matter of 5-year housing land supply is also considered. This is particularly important given the new provision set out at Paragraph 76 of the Framework 2023.
- 3.2 This section is supported by a Technical Note prepared by Neame Sutton that is attached at **Appendix 1** of these Representations.
- 3.3 The Council proposes to meet its minimum Local Housing Need ("LHN") via the following sources of supply:
- Completions 2020 – 2023
 - Extant permissions as at 01 April 2023
 - Windfalls (Small and large sites)
 - Outstanding unimplemented allocations in the adopted Local Plan
 - Outstanding Brenenden Neighbourhood Plan Allocations
 - Allocations made in the Plan
- 3.4 The total supply identified by the Council equates to 10,933 dwellings from the above sources, which set against the LHN of 12,933 dwellings leads to a deficit of -1,073 dwellings.
- 3.5 The Plan does not therefore meet the full objectively assessed needs over the full Plan period as a matter of fact.
- 3.6 It is clear from the analysis undertaken in the attached Technical Note that the Council's assumptions in terms of delivery from the supply sources identified suffer the same deficiencies as were identified by Neame Sutton during the Matter 9 Examination Hearing session, namely failure to meet the Annex 2 test in terms of deliverability and failure to demonstrate compelling evidence³ in respect of Windfalls. Furthermore the assumptions made in respect of the delivery rates for the strategic site at Paddock Wood are flawed and not supported by credible evidence.
- 3.7 The consequence of the deficiencies in the Council's evidence base is that even its proposed reduced level of supply is unrealistic leading to a reduction of at least **1,389 dwellings** over the Plan period.

³ Paragraph 71 of the Framework 2021

- 3.8 That means the Plan as proposed to be modified will fail even to deliver the shortfall the Council has identified of -1,073 dwellings. This will lead to a worsening of the housing crisis in the Borough and is unacceptable.
- 3.9 The position is compounded when the rolling 5-year housing land supply position is considered. Trajectory 2 in the attached Technical Note confirms that at no point over the remainder of the Plan period will the Council be able to demonstrate a 5-year housing land supply. That is shocking and is manifestly a failure of the Plan as proposed to be modified to meet the relevant Soundness tests.
- 3.10 All of the above exists before the Inspector considers whether there is a case for an uplift to the LHN.
- 3.11 The answer to the above problems is a simple one, the Council needs to allocate more sites across the Borough to meet the need identified and ensure a robust housing delivery strategy for the full Plan period that maintains a rolling 5-year housing land supply.

4.0 Other Matters of Soundness

(i) Consideration of Other Reasonable Alternatives

- 4.1 Given the scale of the task facing the Council in terms of the shortfall it has identified against the minimum LHN, the Council has failed to take the opportunity presented by the Main Modifications process to consider other reasonable alternatives for site allocation such as locations outside of the Green Belt. Locations such as Cranbrook and Sissinghurst offer opportunity for sustainable development in accordance with the spatial strategy set out by the Council alongside Green Belt releases (for which Exceptional Circumstances have firmly been demonstrated at both the strategic and local levels) to help meet the shortfall identified.
- 4.2 This is another significant failure of the Plan as proposed to be modified that further demonstrates the approach proposed by the Council to reduce the period covered by the Plan and 'kick the can down the road' to an early review is incorrect and does not amount to positive planning that will lead to a sound Plan.
- 4.3 Rydon Homes has already demonstrated in its Regulation 19 Representations and various Matters Statements why the above approach should be taken forward and the Inspector is therefore referred back to those documents⁴.

⁴ Please see Regulation 19 Representations and Matters Statements

5.0 Areas Where Changes are Required for Plan to be Legally Compliant and Sound

5.1 In summary the following areas of change are required for the Plan to be both legally compliant and sound:

1. The Council needs to ensure that the Plan meets the full objectively assessed needs for the full plan period i.e up to 2038 at least;
 2. Further allocations are needed to ensure Point 1 above is met;
 3. Further allocations are needed in any event to enable the Council to demonstrate a 5-year housing land supply at the point of adoption and then to maintain a rolling 5-year housing land supply thereafter; and,
 4. The Council should explore all other reasonable alternatives including in locations such as Cranbrook and Sissinghurst to help meet the shortfall in housing. As Rydon Homes has previously identified these locations can also make a valuable contribution towards meeting the minimum LHN over the whole Plan period and in particular Rydon Homes' promotion site at Angley Lane, Sissinghurst.
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