

26 February 2024

**Delivered by email**

Tunbridge Wells Borough Council  
Town Hall  
Royal Tunbridge Wells  
Kent  
TN1 1RS

Ref: BELR3032

Dear Sir / Madam

## **REPRESENTATIONS ON BEHALF OF BELLWAY TO THE PUBLIC CONSULTATION ON TUNBRIDGE WELLS BOROUGH COUNCIL'S RESPONSE TO THE INSPECTOR'S INITIAL FINDINGS LETTER ON THE EXAMINATION OF THE NEW LOCAL PLAN**

These representations have been submitted on behalf of Bellway to the 'Public Consultation on Tunbridge Wells Borough Council's Response to the Inspector's Initial Findings Letter on the Examination of the New Local Plan'. The Inspector wrote to the Council with his initial findings in November 2022.

### **BACKGROUND**

As the Council (and the Inspector will be aware), Bellway has a legal interest in the land to the north and south of High Woods Lane (Mouseden Farm) on the eastern edge of the built up area of Tunbridge Wells/Hawkenbury which it is promoting for residential led development. The site is separated by High Woods Lane. The area south of High Woods Lane is currently in agricultural use and bordered to the east by woodland, to the south by existing sports uses and to the west by existing residential development. The area north of High Woods Lane is also within agricultural use, with further agricultural uses/woodland to the east and an indoor bowls club and allotments to the west.

The draft Policies Map indicates that the southern part of the land (south of High Woods Lane) is to be designated under Policy AL/RTW19 for new and enhanced sport and recreation provision as part of a new stadia sports hub. The northern part of the land promoted by Bellway is not subject to any other proposed allocations. The draft Policies Map appears to indicate that both parts of the site will continue to be located within the Green Belt and AONB (National Landscape).

The southern part of the land promoted by Bellway (i.e. the land south of High Woods Lane) is subject to a planning permission for recreational uses. That application was submitted by the Borough Council, despite it having no interest in the land. In contrast, Bellway has a legal interest in the land and is promoting this area, as part of a wider site, for residential development. Bellway would be willing to work with the Borough Council to explore

The Pinnacle  
20 Tudor Road  
Reading  
RG1 1NH

T [REDACTED] turley.co.uk

opportunities for bringing forward the approved recreational facilities in the area, which residential development on the site could help deliver.

We note that, in summary, the proposed changes are:

- *“Proposed removal of the strategic policy STR/SS 3: The Strategy for Tudeley Village from the Local Plan.*
- *Revision of the strategic policy STR/SS 1: The Strategy for Paddock Wood and land at east Capel, including a reduction in the amount of residential housing growth by approximately 1,000 dwellings, with all housing being on Flood Zone 1 and employment land on Flood Zone 2, along with a reduction of employment provision, and reconfigured sport and recreation provision and secondary school education provision (as set out at Appendix D of the Development Strategy Topic Paper Addendum).*
- *At Hawkhurst it is proposed to revise site allocation policy number AL/HA 5: Land to the north of Birchfield Grove, to include housing, and land safeguarded for primary school expansion (in accordance with a planning committee resolution on application reference 22/02664/HYBRID).*
- *Also at Hawkhurst, the Council proposes the removal of site allocation policy number AL/HA 8: Limes Grove (March’s Field) from the Local Plan. This site was proposed for employment use in the Submission Local Plan.*
- *Progression of a 10 year housing land supply position including the requirement for an immediate review of the plan.”*

## REPRESENTATIONS

At the outset, we welcome the removal of the Tudeley Village proposal from the Local Plan. In our submission, that allocation was never shown to be a sustainable, developable and viable solution for delivering new homes during the Plan period. Similarly, we welcome the revisions made to the Strategy for Paddock Wood and land at east Capel through reconfigurations which remove residential development from areas.

We assume that this Local Plan is to be considered against the NPPF 2021.

## SLP Mod 3 - Housing Supply Matters

The Council intends that the Plan period is 2020 – 2038 and the proposed changes indicate that a minimum of 12,0006 dwellings are developed during that period. We note that in the same modification, the Council proposes to introduce the concept of a ‘Plan-Review’, stating that “Following adoption, the Council will undertake an early review of the Local Plan, which will include further investigation of ways of meeting identified housing needs for the period post 2034.”

In Appendix B of the ‘Summary of Proposed Modifications to the Development Strategy, following Inspector’s Initial Findings Letter’ the Council sets out an updated position for ‘Housing Need and Supply 2020 – 2038’. Once existing sources are discounted, the Council identify a minimum requirement for 5,495 dwellings through allocations. However in Appendix C of the same document, the Council identifies a total supply (through allocations) of 4,595 dwellings, although the Development Strategy Topic Paper – Addendum (January 2024) demonstrates, that supply could actually generate between 4,150 – 4,595 dwellings. Either way, the Topic Paper identifies a deficit of 900 – 1,345 dwellings relative to the (residual) local housing need to 2038 of 5,495. The Topic Paper confirms that “this approach would not provide a 15-year housing land supply”.

Paragraph 74 of the NPPF 2021 states: *“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites.”*

Based on the content of this current consultation, it is evident that this Plan cannot / does not ‘include a trajectory illustrating the expected rate of housing delivery over the plan period’.

Paragraph 68 of the NPPF states that:

*“Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:*

*a) specific, deliverable sites for years one to five 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.”*

We recognise that it is not an absolute requirement to identify specific sites or broad locations for years 11 – 15 as the NPPF states that this should be done “where possible”. In our view it has not been established that this *would not* be possible. In reality, the position here is that the proposed changes of the Local Plan *do not* identify either specific, developable sites or broad locations for growth for years 11 – 15 because the Council pursued an approach which it has subsequently decided to abandon.

In our view this is a flawed approach. The Council should revisit its Local Plan to ensure that it does provide for the housing needs across the Plan-period in a manner which is consistent with the NPPF. Had the Council not pursued the flawed approach, we expect that it would be possible for the Council to have identified sufficient sources of supply, in the conventional manner expected by the NPPF.

## **Policy AL/RTW19**

Bellway’s primary concern with the draft Local Plan has always been the proposed allocation of the land south of High Woods Lane, Tunbridge Wells under Policy AL/RTW19 for new and enhanced sport and recreation provision as part of a new stadia sports hub. The Council has granted planning permission (in April 2021) for its own scheme under reference 21/00300/FULL for the “Change of use of land to expand the existing recreational facilities through the provision of additional sports pitches, together with associated access, car parking provision, 'ball stop' fencing, changing rooms and ground works”. As far as we are aware, no attempts have been made to discharge conditions of that permission. The 2021 permission followed an earlier scheme (17/03232/FULL) for a similar proposal which was not implemented.

In any event, it is clear that the schemes which the Council has granted permission for on the land south of High Woods Lane are fundamentally different to that which the draft Local Plan proposes under reference AL/RTW19. It is our understanding (based on the comments made at the Examination sessions) that the Council anticipates that a 3,000 seater stadium might be accommodated at this site, yet we can find no evidence supporting the Local Plan that the impact of the anticipated scheme on the AONB (now referred to as National Landscape) or the Green Belt.

It is worth noting that the Council has no interest in the land south of High Woods Lane and as such the proposed allocation and / or planning permission is not deliverable. However, as Bellway have previously confirmed (and as reiterated in this submission), if the land north of High Woods Lane were allocated for residential development then they would be willing to work with the Borough Council to explore opportunities for bringing forward the approved recreational facilities in the area, which residential development on the northern site could help deliver.

The fact that the Council proposes to allocate the land south of High Woods Lane for such purposes (and has sought permission for its scheme on two occasions) is surprising given its assessment of the site in the 'Strategic Housing and Economic Land Available Assessment: Reasonable Alternative Green Belt Sites (October 2023)'. Notwithstanding the fact that Bellway have promoted this as a location for new homes, the Council's assessment is that *"Vehicular access to the site is through field gates to both parcels of land. High Woods Lane east of Cleeve Avenue is possibly a private road. There is a lack of pedestrian access to the site. There is a lack of pavement along High Woods Lane, beyond the bowls club going east"*. If the Council cannot explain how the site could be accessed (by vehicles, let alone pedestrians), it is curious that the Council continues to promote the sport and recreation scheme.

Despite the passage of time since the Local Plan was prepared and submitted, we note that the Council has not published any updated evidence regarding the need for this site to be allocated for such purposes, or to explore whether its intended use (to assist in the relation of Tunbridge Wells FC) is still appropriate.

### **Strategic Housing and Economic Land Available Assessment: Reasonable Alternative Green Belt Sites (October 2023)**

The land promoted by Bellway to the north and south of High Woods Lane is considered in this document as Site Reference 53. We note that the Council concludes that *"This site on balance is highly sustainable, the parcel to the north being less so as it is more detached from the built up area than the southern parcel"*. We have already expressed, through our previous representations that, in our view, the Council's evidence base overstates the impact of any residential development scheme (such as proposed by Bellway) on these sites.

### **Green Belt Study Stage Three Addendum Assessment of Reasonable Alternative Sites (May 2023)**

The land promoted by Bellway either side of High Woods Lane is considered in this document under reference RA/RTW 5. For the areas to the north of High Woods Lane, the authors found that there would be a Very High or High harm (to the Green Belt). Notwithstanding the fact that Bellway consider that the Council's has consistently overstated the role of this site in the Green Belt, there is no indication in the evidence base that the Council has properly considered the implications of the scheme it is understood to be proposing on the land to the south of the Lane.

## **SUMMARY**

Bellway welcome a number of the changes made to the draft Local Plan for Tunbridge Wells Borough, however they maintain the fundamental concern, reiterated by virtue of the deletion of Tudeley Village and the consequential changes, with the Council only identifying housing supply for years 1 – 10, that this draft Plan does not make sufficient provision for housing land supply.

In addition, Bellway maintain their strong concerns regarding site AL/RTW19. This site forms part of a wider area under option to Bellway, yet the Council proposes it for sports and recreation uses, despite having no interest in the land. Furthermore, it is clear that at no point has the Council properly investigated the impact of its proposals for that site on relevant designations and the site's location within the Green Belt and a National Landscape.

Yours sincerely

David Murray-Cox  
**Director**

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