



**Tunbridge Wells
Borough Local Plan (2020 – 2038)**

Representation Form

Please use a separate sheet for each representation

Ref: (For official use only)

Name of the Local Plan to which this representation relates:	Proposed Changes to the Tunbridge Wells Borough Local Plan (2020 - 2038): Response to Examination Inspector's Initial Findings, Received November 2022 and Supporting Documents, including Sustainability Appraisal
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Completed forms must be received at our offices by **midnight Monday 26 February 2024**

We encourage you to respond online using the consultation portal. Please note you do not have to sign in to respond via the portal: <https://consult.tunbridgewells.gov.uk/kse/>

Alternatively, you may email or scan forms to: LocalPlan@TunbridgeWells.gov.uk or send them by post to: Tunbridge Wells Borough Council, PLANNING POLICY, Town Hall, Royal Tunbridge Wells, TN1 1RS

Please note that representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. Please also note that all comments received will be available for the public to view and cannot be treated as confidential. Data will be processed and held in accordance with the Data Protection Act 2018 and the General Data Protection Regulations 2018.

	1. Personal Details	2. Agent Details (if applicable)
Title		
First Name		
Last Name		
Job title (where relevant)		
Organisation (where relevant)		Turley
Address Line 1		

Address Line 2		
Address Line 3		
Address Line 4		
Postcode		RG1 1NH
Telephone number		
Email address (where relevant)		

PART B – YOUR REPRESENTATION
(Please use a separate sheet for each representation)

Name or Organisation	Taylor Wimpey Strategic
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3.	To which part of the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) as set out in the Development Strategy Topic Paper Addendum?	
Chapter and (if applicable) sub heading		
Policy	STR1; and	
Paragraph number or appendix	Appendix C (Table 3)	

4.	Do you consider the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) would make it: (please tick as appropriate)				
4.1	Legally Compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.2	Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Please give details of why you consider the Proposed Changes to the Borough Local Plan Submission Version (2020 - 2038) (as set out in the Development Strategy Topic Paper Addendum) are not legally compliant or are unsound. Please be as precise as possible.

5. If you wish to support the legal compliance or soundness of the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) (as set out in the Development Strategy Topic Paper Addendum) please also use this box to set out your comments.

The text box will automatically expand if necessary.

Plan Period

Paragraph 11.5 of the Local Plan Development Strategy Paper – Addendum (Nov 2023) confirms the base year for calculating Local Housing Need has been updated to 2023 to accord with PPG. We concur this is the correct approach.

However, revised Table 3 and Policy STR1 start the plan period off in 2020, and retrospectively applies the 2023 calculated figure from 2020, as opposed to 2023. Table 3 also includes completions from 2020-2023. This is incorrect and does not accord with PPG. As outlined in PPG (Paragraph: 031 Reference ID: 68-031-20190722), *‘Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure.’*

The table and policy therefore should start with the baseline year of 2023, and given this is a strategic policy, should look forward 15 years from anticipated adoption in 2024/25 in accordance with NPPF paragraph 22. The Policy and corresponding table should therefore concern a plan period of **2024-2039**. All other calculations should be updated accordingly.

This approach was recently endorsed and confirmed in the Examination of the Dartford Local Plan. See Paragraphs 35-36 of Mr Phillip Mileham BA (Hons) MA MRTPI Report to Dartford Borough Council dated 5th February 2024 ([dartford-local-plan-inspector-s-rep](#)).

5YHLS

The Council’s latest ‘Five Year Housing Land Supply Statement’ (TWBC, Oct 2023) indicates as of 1st April 2023, the Council could only demonstrate a 4.29 years supply of land for housing. At paragraphs 39-40 of this Statement the Council confirm they have not included emerging site allocations in their calculations, stating:

‘It is important to note that these emerging Local Plan site allocations, which have not previously been allocated in the SALP, have not been, and will not be, included in the annual Five-Year Housing Land Supply Statement until positive direction has been received by the Planning Inspector following the ongoing Local Plan Examination (such as in the form of an Inspector’s Report). Following this, it is anticipated that emerging site allocations may be incorporated into subsequent Statements subject to the available evidence of deliverability at the time.’ (our emphasis).

As indicated in the glossary of NPPF, such sites '*should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years*'. For the Examining Inspector to adjudge compliance formal with Paragraph 69 of NPPF, that evidence should be available during the plans Examination. If not, as seems to be implied, then it is unclear how the Council can claim an enhanced position of 6.13 years at paragraph 13.5 of the *Local Plan Development Strategy Paper – Addendum (Nov 2023)*. On that basis, the plan as presented would not accord with Paragraph 69 of NPPF.

Housing Land Supply

At paragraph 13.5 of the *Local Plan Development Strategy Paper – Addendum (Nov 2023)* the Council indicate they will have '*a surplus of 275 dwellings at the end of the 2034/35 monitoring year (i.e., at 10+ years after anticipated adoption)*'. However, to attain this, the Council have increased their assumed windfall allowance by 520 homes. The Council's justification for this is outlined in paragraphs 11.7-11.20 of the same document. Contrary to their assertions at Submission Stage, the Council no longer considers a discount for such uncertain sources is required. This is based purely on the last four years of completions. However, looking at data over the last four years does not in our view justify adopting a different approach to future years. We would accordingly respectfully suggest the Council revert to their submitted Local Plan approach, which built in discounting to reflect the uncertainty in this source over a fifteen period, and particularly in the latter part of the plan period.

If the above is accepted, then the Council is unable to meet the requirements of Paragraph 69 of NPPF for the first 10 years of the plan period. Even with, it is apparent great reliance is being placed on the delivery assumptions for sites relied upon, with only a 275 slippage allowance over a 10 year period. A 10% allowance over and above the equivalent 10 year requirement figure would seem more appropriate (c.667 units), particularly given the Council are not seeking to accord with paragraph 22 of NPPF, with respect to such strategic policies.

For the reasons stated therefore, **the policy as drafted is neither 'effective' or 'consistent with national policy'** and requires further revision to be deemed sound.

6.	<p>Please set out what modification(s) you consider necessary to the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) Incorporating the Proposed Changes set out in the Development Strategy Topic Paper Addendum, legally compliant or sound, having regard to the Matter you have identified at Section 5 (above) where this relates to legal compliance or soundness.</p> <p>You will need to say why this modification will make the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</p> <p>The text box will automatically expand if necessary.</p>
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Additional sites should be allocated to enable compliance with Paragraph 69 of NPPF, to address the shortfalls highlighted in the period in response to section 5 of this form. This will need to include further ‘deliverable’ sites to ensure compliance with Paragraph 69 (a) of NPPF, with respect to the first five years of the plan period post the intended date for adoption of the Local Plan.

We would suggest a useful starting point would be to revisit those sites deemed ‘reasonable alternatives’ through the SA process. Our client’s site (SHELAA Ref: 25) is confirmed as a ‘reasonable alternative site’ at Cranbrook in Table 53 (Page 150) of the SA (2021). As outlined in our Matter 5 Hearing Statement, our client has confirmed the availability, suitability and achievability of this site within the first five years of the plan period. We would respectfully request the Council allocate this and other sites to address the deficiencies highlighted, with a further round of consultation undertaken on such modifications prior to resuming the examination process.

7.	<p>Please use this box for any other comments you wish to make.</p> <p>The text box will automatically expand if necessary.</p>

8.	If your representation is seeking a modification, do you consider it necessary to participate at the examination hearings stage when it resumes?
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No, I do not wish to participate at the examination hearings

Yes, I wish to participate at the examination hearings

9.	If you wish to participate at the examination hearings stage once it resumes, please outline why you consider this to be necessary:
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To elaborate on and assist the Inspectors consideration of the matters highlighted.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearings stage once it resumes.

Sustainability Appraisal

10.	To which part of the Sustainability Appraisal does this representation relate?	
Chapter and (if applicable) sub heading		
Policy		
Paragraph number or appendix		

11.	<p>Please use this box for any comments you wish to make about the Sustainability Appraisal.</p> <p>The text box will automatically expand if necessary</p>	
<p>Click or tap here to enter text.</p>		

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at later stages.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

Signature		Date	19.02.24
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