

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

Date: 23 February 2024
Our ref: 63404/01/SSL/IT1/29616254v2

Dear Sir/Madam

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

We write on behalf of our client, Berkeley Homes (Eastern Counties) Ltd ('Berkeley Homes') in relation to the above consultation. Berkeley Homes welcomes the opportunity to comment on the Council's proposed response to the Inspector's Initial Findings letter on the examination of the emerging Local Plan ('eLP').

Introduction

As you will be aware, Berkeley Homes has control of land at Turnden which is allocated (AL/CRS 3) in the emerging Local Plan for housing and is also the subject of a live planning application (ref. 20/00815/FULL, APP/M2270/V/21/3273015) which has been subject to a Call-in Inquiry and is currently under consideration by the Secretary of State ('SoS'). The application seeks permission for the construction of 165 new dwellings and associated landscape management works, with the remaining 14.5ha of the site given over to landscaping, enhanced green and blue infrastructure, and ecological works.

The Inspector's report was issued to the SoS for consideration on 4th April 2022. The Inspector noted the site's juxtaposition between two consented developments, with limited public views, and the carefully considered high standard of design proposed, and considered that only limited harm would be caused to the HWAONB, with any effects neutralised in the long term. The Inspector concluded that substantial benefits will be delivered by the development that amount to exceptional circumstances and recommended that the application should be approved, and planning permission granted, subject to conditions and planning obligations.

On 6th April 2023, the SoS issued his decision which confirmed that he disagreed with the Inspector's professional recommendation and had decided to refuse planning permission with concerns being raised about the schemes design and whether the required 'exceptional circumstance' test (applicable to

decision making, as opposed to plan making) had been satisfied by this particular application proposal in the context of a incorrectly reported housing land supply figure. The SoS' decision was subsequently found to be flawed and unlawful on this basis and quashed by the High Court. The SoS is now in the process of re-determining the planning application.

Although, the SoS's (now quashed) decision refused planning permission for the scheme, the SoS agreed with the Inspector that the scheme would not have a significant negative impact on the High Weald AONB, that it would deliver landscape, ecological, heritage and highways safety benefits, provide substantial new open space which would enhance recreational opportunities and would deliver environmental benefits including planting of new woodland and management of existing woodland.

For these reasons, and while the application currently under consideration by the SoS relates to a specific proposal at the site, the outcome of the application does not have implications for the draft allocation in the emerging Local Plan for which different tests within the framework apply. This position has been publicly supported by TWBC, for example in the Officer's report to the Planning and Transportation Cabinet Advisory Board on 13th November 2023, which stated:

'Although not raised by the Inspector in his letter, the Council has previously advised about the appeal decision in relation to a planning application at Turnden Farm, Hartley Road, Cranbrook. It advised (see document TWLP_109) that it is the Council's view that the implications of the SoS's decision on application 20/00815/FULL are not such as to preclude the proposed allocation of the site for housing in the eLP. This remains the officer position. The decision by the SoS on the Turnden planning application has been subsequently quashed by the High Court. This decision is now back with the Department for Levelling Up Housing and Communities to be reconsidered.'

Inspector's Initial Findings Letter

Following the Examination in Public on the eLP which was held between March and July 2022, the Local Plan Inspector published his Initial Findings on 16 November 2022. It is noted that the Local Plan Inspector raised concerns in relation to the suitability or deliverability of eleven specific sites throughout the Borough; the site at Turnden was not among this list of sites.

The Local Plan Inspector's main area of concern related to Tudeley Village with reference to the location and accessibility of the site, whether or not the necessary infrastructure can be provided, and the deliverability of the site in the manner envisaged. In order to resolve these issues, he set out that the Council could provide additional justification, modify the allocation, or delete the allocation altogether from the Plan.

In his Initial Findings the Local Plan Inspector has made no reference to nor challenged the overall housing requirement for Tunbridge Wells nor has he commented adversely in any way on draft allocation AL/CRS3 for Land at Turnden.

Council's Response

Having considered the Inspector's Initial Findings TWBC proposes to progress the examination of the eLP through a revised development strategy, including in summary the following changes:

- 1 Removal of the strategic policy STR/SS 3: The Strategy for Tudeley Village from the Local Plan (N.b. this policy allocated the site for 2,800 new homes of which 2,100 were expected within the plan period).
- 2 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.
- 3 Revision to site allocation policy number AL/HA 5: Land to the north of Birchfield Grove, Hawkhurst to include housing, and land safeguarded for primary school expansion (in accordance with a planning committee resolution on application reference 22/02664/HYBRID).
- 4 The removal of site allocation policy number AL/HA 8: Limes Grove (March's Field) at Hawkhurst from the Local Plan. This site was proposed for employment use in the Submission Local Plan.
- 5 Progression of a 10 year housing land supply position including the requirement for an immediate review of the plan.

The Local Plan Development Strategy Topic Paper Addendum sets out further detail on the proposed changes and the Council's reasoning for proposing these amendments. The Council has decided to progress with a shorter, 10 year housing land supply position in order to progress the Local Plan, with a commitment to an immediate review upon adoption of the Plan.

Berkeley Homes is supportive of the principle of progressing with the eLP on the basis of a 10 year housing land supply position in order to allow the proposed allocations in the Local Plan to be adopted as soon as possible, and ensure that housing is delivered to meet local need in the short and medium term. It is considered that the Council's approach is pragmatic, and the Local Plan review may provide TWBC with the opportunity to resolve some of the Inspector's concerns regarding the deleted allocations such that these could come forward in the future. This approach is also consistent with the guidance from the SoS, Michael Gove, in his December 2023 Written Ministerial Statement where he set an expectation for LPAs to have up-to-date local plans in place, stating that '*there is now no excuse for local authorities not rapidly adopting ambitious plans*'.

Nevertheless, as demonstrated by the proposed amendments to Policy STR1 (The Development Strategy) and Table 4 in particular, the significant changes to two strategic allocations within the plan result in a substantial reduction in housing delivery in the order of c. 3,000 new homes. Over the revised 10 year plan period, there is a surplus of only 275 dwellings in the housing trajectory. Therefore, TWBC is increasingly reliant on the remaining allocations in the eLP in order to meet housing need over the 10 year period.

As a consequence, it is even more important that all other allocations, including that relating to Turnden, remain in the amended Plan and that the draft Plan is progressed quickly to adoption, to ensure that these sites are able to come forward and deliver much-needed new homes in the Borough.

We confirm that the Turnden site remains available, achievable and suitable for development, and the need for this allocation is now further increased due to the reduction of housing proposed within the eLP.

Summary and Conclusions

Overall, Berkeley Homes is supportive of the proposed amendments to the Local Plan set out in the Development Strategy Topic Paper Addendum and considers that these will allow TWBC to progress with a sound Local Plan, as per the requirements of paragraph 35 of the NPPF. It is important that the plan now progresses swiftly to adoption, with the remaining housing allocations in place, to ensure that much-needed new housing is delivered in TWBC.

The reduction in dwellings allocated within the eLP further increases the need for the remaining allocations including the land at Turnden. The site at Turnden is deliverable as it has been extensively assessed at an 18-day public inquiry between September and November 2021, subsequently by an Inspector who recommended that planning permission should be granted for development at the site, and also at a Hearing Session in relation to the eLP on 15 July 2022.

Should you wish to discuss these representations further please do not hesitate to contact me or my colleague Simon Slatford at this office.

Yours faithfully



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