

Town and Country Planning Act 1990 (As Amended)

Tunbridge Wells Borough Local Plan  
Examination – Consultation on New Evidence Base  
Documents

Representations on Behalf of:  
**B.Yond Strategic Limited**

21 October 2024 v3

---



**Contents:**

**Page:**

1.0	Instructions and Introduction	2
2.0	Infrastructure Delivery Plan	3
3.0	Housing Need and Delivery (including Policy STR1)	5

**Appendices:**

<b>Appendix 1</b>	Neame Sutton Updated Housing Trajectory Tables (to be read alongside Housing Technical Paper submitted with Main Modifications Representations in February 2024)
-------------------	--

## 1.0 Instructions and Introduction

- 1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by B.Yond Strategic Limited (“B.Yond”) to prepare and submit representations in relation to the Council's new Evidence Base documents consultation for the Examination version of the Tunbridge Wells Borough Local Plan (“the Plan”) published in September 2024.
- 1.2 This document sets out B.Yond's Representations on the documents and deals with the following specific matters:
- The new Infrastructure Delivery Plan and its implications for delivery of the homes requirement across the District; and,
  - Consideration of the correct Housing Need and Housing Requirement within the Plan in the context of the Housing Supply identified by the Council and the proposed modifications to Policy STR1 and its supporting text.
- 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 supported by the new evidence base documents fails to comply with.

## 2.0 Infrastructure Delivery Plan

- 2.1 As a starting point it is important to highlight that the Council has produced the Infrastructure Delivery Plan ("IDP") 'after the event'. The absence of this key piece of evidence was a hinderance to the full and proper consideration of the Council's proposed revisions to the development strategy when they were considered during the consultation in January-February 2024 and then at the Stage 3 EiP Hearing sessions held in June and July 2024.
- 2.2 As a general point it is difficult to understand how the Council is able to retrospectively support its development strategy through the production of this updated IDP some 9 months after the initial consultation took place.
- 2.3 Turning now to consider the detail of the IDP.
- 2.4 There remain a number of inconsistencies between the IDP and the Council's proposed development strategy that raise questions on the deliverability of sites relied upon by the Council to demonstrate a supply in the first 5-years post adoption.
- 2.5 In particular the IDP confirms that the A228 Colts Hill/Badsell Road roundabout improvements are Critical and that they will be delivered in the Medium term with a Moderate risk in terms of securing the funding<sup>1</sup>.
- 2.6 Section 2 of the IDP confirms that Critical infrastructure must happen to enable physical development to take place. Critical infrastructure items may be required in order to 'unlock' development sites and are critical to enable the delivery of growth in the borough. Failure to provide this infrastructure could result in significant delays in delivery of development<sup>2</sup>.
- 2.7 A Moderate risk proposal is identified as having some constraints or uncertainty attached to delivery i.e. not clearly deliverable in Annex 2 terms<sup>3</sup>.
- 2.8 Medium term delivery is for the period 5 – 10 years from adoption<sup>4</sup>.
- 2.9 So the IDP confirms that a critical piece of infrastructure required to 'unlock' delivery at Paddock Wood has some constraints and uncertainty and in any event is not programmed for delivery under years 5-10 from adoption.

---

<sup>1</sup> See Appendix 1 of the IDP on Page 141.

<sup>2</sup> Paragraph 2.33 on Page 13 of IDP.

<sup>3</sup> Paragraph 2.34 on Page 14 of IDP.

<sup>4</sup> Paragraph 2.36 on Page 14 of IDP.

- 2.10 Turning to the updated housing trajectory (which is considered in detail in Section 3 of these representations) (TWLP/153) the Council states that its expectation is that the year of adoption will be 2025. Based on this assumption the Council anticipates delivery of some 800 no. dwellings at Paddock Wood in years 1-5 following adoption<sup>5</sup>. That is delivery of 800 no. dwellings before the period it expects the critical infrastructure to begin delivery, which cannot be right.
- 2.11 This is just one example of the mismatch in the evidence base. Others include the programmed delivery of further highway improvements, waste water infrastructure, education and healthcare provision, none of which appear to match with the proposed delivery trajectory for new homes.
- 2.12 These concerns were foreshadowed by a number of parties at the Stage 3 EiP Hearing sessions in June and July 2024 and simply now confirmed to be the case in the IDP that the Council has produced.
- 2.13 Whilst B.Yond does not seek to raise specific concerns in relation to Paddock Wood itself as a strategic allocation, there is a clear problem with the evidence base in terms of the infrastructure the Council identifies as being critical and the timetable it proposes for the delivery of the new homes. This has a fundamental implication for the wider housing delivery strategy that is discussed further in Section 3 below.

---

<sup>5</sup> See Appendix 1 on Page 8 of TWLP/153.

### **3.0 Housing Need and Delivery (including Policy STR1)**

3.1 During the Stage 3 EiP Hearing sessions in June and July 2024 a number of matters were discussed in relation to the calculation of the Local Housing Need (“LHN”) for the Plan, the Plan period proposed by the Council, the application of a buffer and delivery from the various supply sources. Other matters such as the need for an early review mechanism to address the shortfall in housing delivery brought about by the Council truncating its Plan period to 10 years were also explored.

3.2 The Council has sought to address these matters in its document entitled: Local Plan Examination Note for Inspector in response to Action Point 30 regarding the Local Plan and Five-Year Housing Land Supply Positions (TWLP/153) along with proposed revised wording to Policy STR1.

3.3 B.Yond’s comments on are set out under the following sub-headings.

#### **The Correct LHN Calculation:**

3.4 As B.Yond set out at the Stage 3 EiP Hearing sessions the correct LHN calculation needs to be to the 2024 base date, which equates to 660 dpa. The Council has now accepted that this is the correct approach.

#### **The Need for a 5% Buffer:**

3.5 The Council also now accepts that its housing trajectory and 5-year housing land supply calculation must include a 5% buffer in accordance with the 2019 version of the Framework against which the Plan is being examined.

#### **What is the 5-Year Period to be Considered at Adoption?**

3.6 The Council has confirmed that the 5-year period should be based at 01 April 2025, which B.Yond agrees is the right approach to take.

3.7 It is therefore necessary for the Inspector to be satisfied that the Plan will be capable of demonstrating a 5-year housing land supply of deliverable housing sites at the point of adoption being to 01 April 2025 base date. This base date is also important in considering a range of other matters such as the delivery timetables set out in the IDP as dealt with in Section 2 of these representations.

3.8 It is also important to ensure that the base date is consistently applied across the Plan. The Council’s proposed modifications to Table 3 of the Plan do not correctly reflect the new base date of 01 April 2024 and instead work from the old date of 01 April

2023. The data in Table 3 is therefore incorrect and should be amended to reflect the up-to-date position.

**When should the Council's 10 Year Plan Period commence from?**

3.9 The Council sets out an updated housing delivery trajectory in Appendix 1 of TWLP/153 that clearly marks the years 1-18 for the overall Plan period. Year 1 commences in 2020/21, which is reflected in the revised wording to Policy STR1. The Council's housing delivery trajectory therefore works on the basis that the 10 year period runs from 2020 – 2030 i.e. there will only be 5 years of the period left at the proposed point of adoption.

3.10 This is an important consideration when exploring the Council's proposed approach to an early review. In effect at the point of adoption the Plan will only have 5-years worth of planned housing growth left, which is a high risk strategy to pursue and not one that is supported by National policy.

**Does the Plan Demonstrate a 5-year Housing Land Supply at 01 April 2025?**

3.11 Neame Sutton has updated its analysis undertaken in January/February 2024 and again in June/July 2024 for the Stage 3 EiP Hearing sessions to reflect the Council's most recent data. None of the concerns raised in the technical paper submitted in February 2024 have been addressed by the Council. It is also clear that there are major discrepancies between the IDP and the proposed delivery at Paddock Wood such that those sites cannot be considered deliverable in the 5 year period.

3.12 It is therefore clear that the Council is not in a position to demonstrate a 5-year housing land supply at 01 April 2025, which is a serious concern given that the Council is intending to produce a Plan with only 5 years worth of planned supply left in any event.

3.13 The detailed housing delivery trajectories attached at **Appendix 1** to these Representations set out the reasons why the Council cannot meet the Annex 2 deliverability test.

**Does Policy STR1 identify the Correct housing delivery figure?**

3.14 In short – no. The Council cannot include a requirement to deliver a minimum of 11,880 dwellings over the 18 year period 2020 – 2038, whilst at the same time confirming that the most the Plan can deliver is 10,983 dwellings<sup>6</sup>. The most that Policy STR1 therefore is capable of delivering is 1,000 dwellings less than the minimum

<sup>6</sup> See trajectory in Appendix 1 Page 10 of TWLP/153

requirement. This should be stated in express terms within the policy so that minimum shortfall at the point of adoption is clear.

### **Does the Proposed Early Review Mechanism Work?**

- 3.15 B.Yond has already set out its concerns with the Council's proposed approach to an early review mechanism during the Stage 3 EIP Hearing sessions. These points are not therefore repeated.
- 3.16 In general terms, when taken in isolation from the current National planning context, the proposed wording for the early review mechanism set out in Policy STR1 seems reasonable with a requirement for commencement of the review within 6 months of adoption and submission within 30 months. These requirements are however only proposed for a partial review of the Plan solely to address the unmet housing need in the later part of the Plan period i.e. the minimum 1,000 dwelling shortfall (using the Council's figures). The Council is clear that all other policies would remain applicable for the entire plan period 2020 – 2038<sup>7</sup>.
- 3.17 There is of course one serious problem with the Council's approach that has not been considered or even mentioned by the Council.
- 3.18 That problem is the Labour Government's proposed new Framework that is due for publication around the end of 2024.
- 3.19 One of the key reforms set out in the recent consultation by Government is the introduction of a new Standard Method calculation of LHN, which for Tunbridge Wells could result in an increase from 660 dpa up to 1,045 dpa i.e. an increase of 385 dpa or 58%, which is massive. Furthermore, the Government proposes the reintroduction of the 5% and 20% buffers.
- 3.20 The consultation confirms that in circumstances where a Council has adopted a Plan with a housing requirement that is greater than 200 dpa below the new LHN (as would be the case here) it is expected to commence plan-making in the new plan-making system at the earliest opportunity to address the shortfall in housing need<sup>8</sup>.
- 3.21 In other words the Council will, most likely, be required to undertake an immediate review of the whole Plan to address the shortfall in housing need against the new LHN, which is far greater than 1,000 dwellings currently identified. Although the consultation draft changes are necessarily afforded limited weight at the present

<sup>7</sup> Paragraph 4.56 on Page 4 of the Revised Wording for Policy STR1 document refers.

<sup>8</sup> Paragraph 227 of the consultation version of the Framework published 30 July 2024.

time they set out a clear direction of travel by Government<sup>9</sup> that will come into effect before this Plan reaches adoption and in this respect they are material to the way in which this early review mechanism is considered.

- 3.22 It is likely that the Council will be facing the need for an immediate and full review of the Plan in any event and therefore the early review mechanism proposed would become obsolete. The early review mechanism wording therefore needs to acknowledge this eventuality to ensure transparency and to provide focus for a full and immediate review under the terms of the new Framework when it is brought into effect.
- 3.23 In addition the early review mechanism needs to acknowledge the level of shortfall identified at the point of adoption i.e. at least 1,000 dwellings and also reference to the new Standard Method under the scenario when the new Framework is in place.
- 3.24 Irrespective of the National policy position the 30 month review process proposed by the Council that focusses just on a part of the Plan is not workable because the key evidence base much of which stems from the start of this plan making process around 2018/2019 will be out-of-date and not reflective of current National policy and requirements. The Council will have to update its evidence base that inevitably has an impact on other areas of the Plan including the spatial strategy, which means that a partial review is unworkable.
- 3.25 The Council is now in a difficult position given the length of time that its Plan examination has taken whereby the national planning system has overtaken and inevitably the Plan, if adopted, will fail to meet with the new Government's objectives particularly in terms of significantly boosting the supply of housing nationally.
- 3.26 There is a serious question over whether continuing with the current Plan is in fact the right and most efficient way forward for Tunbridge Wells. It is clear that a whole new Plan taking account of the new planning system introduced through the Government reforms will be required immediately upon adoption of this Plan (if indeed it can be found Sound), which will render much of the current Plan out-of-date.

---

<sup>9</sup> As confirmed by the Deputy Prime Minister's Written Ministerial Statement from 30 July 2024 - <https://questions-statements.parliament.uk/written-statements/detail/2024-07-30/hcws48>