

## SAVE CAPEL

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### HEARING STATEMENT

#### MATTER 2 – HOUSING AND EMPLOYMENT NEEDS (POLICY STR1)

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Abbreviations: as per SC's Matter 1 Statement

#### ISSUE 1 – HOUSING NEEDS AND THE HOUSING REQUIREMENT

***Q1. What is the minimum number of new homes needed over the plan period as calculated using the standard method? Are the calculations accurate and do they reflect the methodology and advice in the national Planning Practice Guidance (“the PPG”)?***

1. The Council has determined that latest guidance from the government on the Standard Method for Housing Need Assessment results in an annual figure of 678 new houses<sup>1</sup> to be built over the plan period (2020-2038), which is based on 2014 housing projections.
2. Assuming a plan period of 18 years this equates to a need of some 12,200 dwellings<sup>2</sup> from which the Council has determined 7,221 houses<sup>3</sup> are required from allocations in this Plan after deducting extant permissions (3,313 houses) and windfall sites of 1,670 dwellings.
3. The SC Reg 19 Representation (section 3) sets out many reasons why Policy STR1 is unsound, in particular the allowance for windfall and other sources of supply is understated because:
  - a. It has not reflected the recent changes in legislation that promotes the change of use of urban sites to residential.
  - b. There is a significant opportunity from the amount of vacant commercial space (offices, shops, etc.) which has become apparent with the changing environment following the pandemic. This has not been reflected in the calculation of overall need for strategic allocations.

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<sup>1</sup> Appendix 1 of TWBC Housing Needs Assessment Topic Paper **CD3.73**

<sup>2</sup> Para 4.10 of Local Plan Submission **CD3.128**

<sup>3</sup> Para 4.16 of Local Plan Submission **CD3.128**

- c. TWBC has identified the need for a review of town centre regeneration (scheduled for around 2025) but this should be reflected in the strategy now. Young people need affordable housing close to employment and social amenities. The development of our towns into mixed retail/residential could provide the vibrancy that is so often lacking.
- d. The strategy ignored sites with less than 10 units which should have been considered for allocation. These would cumulatively make a notable contribution.

***Q2. Are there any exceptional circumstances which justify an alternative approach to using the standard method? If so, what are they, and what should the housing requirement be?***

4. Strictly speaking, this question entails two separate issues: (1) the calculation of OAN and (2) whether or not the requirement should be reduced and OAN not met to reflect the constraints in this Borough. That latter question – the issue of the requirement – is considered further below in relation to Question 5.
5. SC set out its position during the examination of Matter 1 that the Council has failed to engage properly with all its neighbouring authorities in order to assess whether or not any of those authorities could meet some of its housing need. It does not repeat the points it made but they clearly are highly material to the overall question of whether TWBC’s identification of its housing requirement is reasonable.
6. SC’s response to question 2 specifically addresses the issue of how to calculate housing need, and in the next paragraphs focusses on whether or not there are exceptional circumstances to depart from the Standard Methodology. For the reasons set out below, SC considers that there are such reasons and that TWBC’s analysis as to why it should not depart from the Standard Methodology is incorrect.
7. The Plan asserts (at para 4.11) under the explanatory text to Policy STR1 that “*the Council has considered alternative approaches [to the standard method for calculating housing needs] but concluded that there are not exceptional circumstances to depart from this national default, standard method*”.
8. SC set out in its Housing Needs Assessment paper appended to its Reg 19 Representation the reasons why a departure from the standard method, by the use of the 2018 ONS figures rather than the 2014 ONS household projections (i.e. as required by the standard method), was justified. It considers that TWBC’s basis for not departing from the standard method is unsound.

9. TWBC forecasts that based on the 2014 ONS figures, household growth on average would be 484 per annum: see Table 4.1 **CD.3.75** (Review of Local Housing Needs by Icení – “the Icení Report”).
10. It forecasts based on the 2018 figures a much lower household growth of 347 per annum: see Table 4.4 **CD.3.75** on page 27.
11. The reasons why the Council decided not to depart from the standard method is set out in its Housing Needs Assessment Topic Paper **CD3.73** (see in particular pages 5 – 8).
12. The focus of TWBC’s analysis of whether it should use the Standard Method or not is primarily focussed on whether a capped (i.e. 40% cap) or uncapped figure should be used when applying the affordability uplift to the household projection figures (see paras 2.18 – 2.33 Section entitled “Regard to Demographic Trends and Market Signals”).
13. However, there is an earlier, more fundamental question: namely whether or not the ONS 2018 household projection should have been used rather than the 2014 figures.
14. TWBC’s Topic Paper relies on the Icení Report which suggests there is no locally-specific evidence that the Borough’s population has been over-estimated. It dismisses the use of later demographic information (i.e. the 2018 ONS projections) on that basis.
15. Icení’s analysis however shows that Tunbridge Wells does have a particularly low level of population growth when compared to other authorities: see Table 5.7. The mere fact that Tunbridge Wells’ population growth is lower when based on 2018 ONS figures rather than the 2014 figures, and the fact that this reflects the position nationally, is no reason to discount the ONS growth figures.
16. When translating housing projections to housing needs, if up-to-date demographic and market trends are used, a possible starting point can be based on the ONS 2018 household projections data released on 29th June 2020 which show an increase from 49,872 (2020) to 55,755 (2038) = **5,883 dwellings**. See SC Representation (appendix 9).
17. If Growth Strategy 1 (Table 12 of SA 2021 **CD 3.130a**), which is based on no GB removal, is followed then the Plan could deliver **6,228 dwellings** (346 x 18 years).

18. However, if just the two strategic sites in Capel parish (approx. 4,160 houses) were removed from the total supply yield of 13,059-13,444 dwellings<sup>4</sup> then the Plan could still deliver approximately **8,899-9,284 dwellings**.

***Q3. In addition to the local housing need figure for Tunbridge Wells, should the Plan also make provision for housing needs that cannot be met in neighbouring areas? If so, what should that figure be?***

19. This issue was explored in the examination of Matter 1 and questions regarding the potential unmet need at Sevenoaks remain.

20. It is unclear in the Plan whether TWBC has included any of this potential need, but an increased housing requirement beyond the identified need is not clearly explained (see our response to Q6).

21. SC continues to believe that TWBC has not engaged constructively with other authorities to take any of potential unmet need in Tunbridge Wells that could arise from excluding the Capel sites (see our Matter 1 Position Statement).

**Q4. Will the plan period look ahead over a minimum 15 year period from adoption, as required by paragraph 22 of the Framework?**

22. This is a question for the Council.

***Q5. Do policies relating to the Green Belt and/or the High Weald AONB provide a strong reason for restricting the scale of development in Tunbridge Wells?***

23. Yes, in so far as the reference to Tunbridge Wells here is to the Borough rather than simply the town.

24. This question as context of Tunbridge Wells borough includes 22% green belt land and has 70% AONB. With some green belt and AONB overlap, this equates to 75% designated land in the borough. In addition, the spatial strategy is proposing to deliver the majority of its housing in or adjacent to the borough's largest area subject to flood risk (EA flood zones).

25. These constraints were also the reason why the council should have thoroughly explored the option of whether neighbouring boroughs were able to accommodate some of this housing requirement (a step which they accept was necessary).

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<sup>4</sup> Para 4.53 of Local Plan Submission **CD3.128**

26. Despite all the evidence to the contrary, TWBC has not adequately considered the very real possibility that “exceptional circumstances” exist which would have enabled them to propose an alternative and more realistic housing requirement. It seems entirely reasonable to incorporate additional, supportive data to localise the output from the baseline calculation, rather than simply accepting it as a target.
27. Both SC and Capel Greenbelt Protection Society (a closely connected registered charity) have written to the Secretary of State who has replied in a letter dated 17<sup>th</sup> December 2021 “...I should be clear though, that local housing need is not a housing target. The standard method is only the starting point in the process of planning for new homes. Local authorities will still need to consider the constraints they face locally, such as Green Belt, before determining their housing requirement”<sup>5</sup>.
28. TWBC has acknowledged the importance of the High Weald AONB and have tried to restrict development on land of this designation – although the setting of large portions of this land will be negatively impacted by the proximity of many of the proposed developments.
29. However, the very fundamental purpose of the Green Belt appears to have been completely ignored, namely;
- a. *to check the unrestricted sprawl of large built-up areas;*
  - b. *to prevent neighbouring towns merging into one another;*
  - c. *to assist in safeguarding the countryside from encroachment;*
  - d. *to preserve the setting and special character of historic towns; and*
  - e. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
30. SC has identified several conflicts within the Plan at Reg19, including the proposed development of the Capel sites on GB versus Policy STR9. This topic will be discussed further in later Matters, but the above points provide a strong reason for restricting the scale of development in Tunbridge Wells borough.
31. It is therefore clear that the Council could, and should, have either (a) identified a lower housing requirement if it had properly and thoroughly investigated with other neighbouring authorities if they could meet some of TWBC’s OAN or (b) if, following those investigations it was clear through joint working with those authorities that its needs could not be met, consider a reduced overall housing requirement reflecting the constraints on the Borough posed by AONB and GB

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<sup>5</sup> See Appendix A – Letter from DLUHC

designation. Their failure to do so (i.e engage with other authorities) is set out in our Matter 1 Position Statement and is not repeated here.

***Q6. Is the housing requirement justified, having particular regard to areas of Green Belt and AONB across Tunbridge Wells?***

32. As outlined in our response to Q5, the housing requirement is not justified and therefore the Plan as a whole is unsound in its present form. The question as to whether the housing requirement, which seems to meet OAN in full, turns entirely on whether or not there are exceptional reasons to release GB land. For the reasons that will be explained under Matter 4 in more detail, such reasons clearly do not exist. SC will address that in full under that Matter.
33. Furthermore, it is unclear why the total supply yield of 13,059-13,444 dwellings has been determined versus a calculated need of 12,204 dwellings. This excess has no basis, particularly as so much GB is being released, and is described as a 'buffer' of up to 1,240 dwellings.
34. This level of requirement equates to c.747 dwellings per year over the Plan period, which is almost identical to that determined in Growth Strategy 10 (SA NTS pg3) of 749 per year. This alternative strategy was discussed during the hearing on Matter 1 Issue 3 when TW's counsel confirmed to the Inspector that this option was discounted due to harmful effects on landscape, heritage, and travel. It is therefore irreconcilable why the submitted Plan yield does not also have an unacceptable severe impact.
35. Housing supply in TW borough is understood to have improved since the preparation of the Plan, which is based on the position in March 2020. The housing trajectory<sup>6</sup> provided shows delivery far exceeding the baseline 678 per year through to 2025/26 when the strategic sites are assumed to kick in. SC believes this schedule to be optimistic in any event and intend to make further comments on the deliverability of the strategic sites in latter Matters.

## **ISSUE 2 – AFFORDABLE HOUSING NEEDS**

***Q1. What is the annual net need for affordable housing? For clarity to decisionmakers, developers and local communities, should the need for affordable housing be clearly set out in the Plan?***

36. This is a question for the Council.

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<sup>6</sup> Figure 3 of Housing Supply and Trajectory Topic Paper (pg 33) **CD 3.74**

**Q2. Has the need for affordable housing been accurately established and is it based on robust, up-to-date information?**

37. This is a question for the Council, although SC would like to see social housing policy given the same consideration under this Issue.

**Q3. How does the need for affordable housing compare to the housing requirement? Based on the thresholds and requirements in Policy H3, will affordable housing needs be met?**

38. SC is not confident that the policies for affordable housing will be met and intends to make further statements as to the viability and deliverability of the strategic sites in later Matters.

39. The SoCGs with major developers at the strategic sites – Hadlow Estate, Crest Nicholson, Dandara, Redrow & Persimmon – all include "exceptional circumstances" which TWBC has agreed with by signing the SoCGs.

40. There seems to be a point of viability in relation to the supply of affordable housing due to the vast infrastructure cost liabilities associated with the development of the strategic sites.

41. Hadlow Estate SoCG refers to affordable housing stated level (40%) being challenging. That looks like they are sowing the seed that they cannot afford to provide the stated level of affordable housing and that they will play the card of "exceptional circumstances".

42. In fact, several of the key developers are hedging their bets on the affordable housing obligations (emphasis added):

- a. Tudeley<sup>7</sup> - *The parties acknowledge that the Local Plan policy position for affordable housing is 40%. However, it is recognised by all parties that Policy H3 within the TWLP, which is referred to directly in Policy STR/SS3, allows for exceptional circumstances to be demonstrated if the provision of on-site affordable housing at the stated level is challenging. Given that Tudeley is an entirely new community, the aspiration will be to ensure the delivery of affordable housing on a phased basis where the quantum and specific tenure mix can be reflective of the availability of services through the different phases of development (to be agreed at planning application stage), but where the 'whole development' policy reference of 40% remains. Accordingly, a lower amount/ off-site provision/ change in tenure split may be accepted in certain exceptional circumstances in particular phases.*

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<sup>7</sup> SoCG TWBC and Hadlow Estate **CD 3.139 para 3.8**

- b. Three SoCGs with Crest Nicholson<sup>8</sup>, Dandara<sup>9</sup>, and Redrow & Persimmon<sup>10</sup> - *Policy H3 within the TWLP, which is referred to directly in Policy STR/SS1, sets a target of 40% affordable housing provision on qualifying sites across the Borough. Policy H3 also allows for exceptional circumstances to be demonstrated if the provision of on-site affordable housing at the stated level is not viable. Accordingly, a lower amount/ off site provision/ change in tenure split may be accepted. TWBC and the promoters will continue discussions on viability and phasing ahead of examination and provide an update to the Inspector.*
43. SC would like to see evidence of actual affordable provision at recent developments, in particular at Paddock Wood.

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15 MARCH 2022



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<sup>8</sup> SoCG TWBC and Crest Nicholson **CD 3.137 para 3.11**

<sup>9</sup> SoCG TWBC with Dandara **CD 3.138 para 3.11**

<sup>10</sup> SoCG TWBC with Redrow & Persimmon **CD 3.140 para 3.10**





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Our Ref:12968456  
Your Ref:

Date:17 December 2021

Dear [REDACTED],

Thank for your letter of 16 November to the Rt Hon Michael Gove MP, on behalf of Capel Greenbelt Protection Society, regarding the Tunbridge Wells Local Plan. I have been asked to respond on his behalf.

I regret that due to the Secretary of State's quasi-judicial functions in the planning system, we are unable to comment on the details of a specific Local Plan or planning application. However, I can provide the following general comments.

The Government sets the legislative policy framework within which the planning system operates. Local Authorities interpret legislation, national policy and guidance according to local circumstances and are responsible for plan preparation and local decision-taking.

On your concerns regarding Green Belt, this Government is committed to its protection and enhancement, in line with the manifesto. Ministers have made clear that the strong protections for Green Belt set out in the National Planning Policy Framework (the Framework) are to remain in place.

The Framework states that a local authority should consider releasing land from Green Belt only in exceptional circumstances and only if it can fully evidence that it has explored all other reasonable options for meeting its development needs. The authority should be able to show at examination that it has been using brownfield land as much as possible, optimising the density of development, and discussing with neighbouring authorities whether they could accommodate some of the development required.

Furthermore, the Framework also strongly encourages the re use of suitable brownfield land – especially for development to meet housing need and regenerate our town centres. The Government is committed to make the most of brownfield land and is putting significant investment into brownfield redevelopment.

In relation to flood risk National Planning Policy Framework is clear that inappropriate development in areas at risk of flooding should be avoided. Where development is necessary, it should be made safe and resilient – and without increasing flood risk elsewhere.

## APPENDIX A

The National Planning Policy Framework (NPPF) was amended in July 2021 to make sure that all sources of flood risk need to be considered (including areas that are at risk of surface water flooding due to drainage problems), taking into account future flood risk, to ensure that any new development is safe for its lifetime without increasing the risk of flooding elsewhere. The NPPF is clear that areas at little to no risk of flooding from any source should always be developed in preference to areas at a higher risk of flooding.

Regarding your comments about housing need, the Government does not require councils to provide more houses than are needed, but does expect them to understand and plan to meet this need and ensure that local communities get the houses they need in the right place and at the right time.

Your letter references the use of 2014-based household projections as part of the standard method for calculating housing need. After a year of uncertainty due to COVID-19 it was particularly important to provide stability and certainty for plan-making and decision-making, so that local areas can get on and plan based on a method and level of ambition that they are familiar with. The Government carefully considered whether to use the 2018-based household projections and concluded at the time that, in the interests of stability for local planning and for local communities, the 2014-based projections would be used.

I should be clear though, that local housing need is not a housing target. The standard method is only the starting point in the process of planning for new homes. Local authorities will still need to consider the constraints they face locally, such as Green Belt, before determining their housing requirement.

In relation to your comments about future changes to the planning system, an announcement on the proposed way forward with planning reforms will be made in due course. In the meantime, local authorities should continue work on meeting the deadline the Government has set to have an up-to-date local plan in place by the end of 2023. Local authorities are more at risk of appeals and speculative planning applications being successful if they do not have a Local Plan setting out an up-to-date housing requirement as the presumption in favour of sustainable development applies.

The Tunbridge Wells Local Plan has been submitted for examination and an Inspector has been appointed. The independent Inspector plays an important role in examining plans impartially to ensure that they are legally compliant and sound. Councils can only adopt a plan that is sound - it must conform with national policy, be supported by evidence and take the views of local people into account. As you note the Local Plan has been through a number of consultations and the independent Inspector will consider the responses when they examine the plan.

With thanks again for your time,

Yours sincerely  
Sara Lewis

Senior Planning Officer