

Examination of the Tunbridge Wells Borough Local Plan

Tunbridge Wells Borough Council Hearing Statement

Matter 1: Green Belt Assessment, Sustainability Appraisal and Local Plan Review

Issue 3: Proposed Strategy and Early Review

Document Reference: TWLP/118



Contents

Matter 1 – Green Belt Assessment, Sustainability Appraisal and Local Plan Review	3
Issue 3 – Proposed Strategy and Early Review	3
Inspector’s Question 1: [re. Justification for Main Modifications and Early Review]	3
TWBC response to Question 1	3
Conclusion	8
Inspector’s Question 2: [re. Control of Early Review]	9
TWBC response to Question 2	9
Conclusion	12
Inspector’s Question 3: [re. Justification for Early Review]	14
TWBC response to Question 3	14

Matter 1 – Green Belt Assessment, Sustainability Appraisal and Local Plan Review

Issue 3 – Proposed Strategy and Early Review

Inspector’s Question 1: [re. Justification for Main Modifications and Early Review]

What is the justification for suggesting Main Modifications to the Plan, and subsequently requiring an immediate Review, rather than seeking to meet housing needs as part of this examination?

TWBC response to Question 1

Introduction

1. Upon Submission of the Local Plan and accompanying documents for Examination, in November 2021, the Council was seeking to meet its full growth needs over the 15-year plan-period. This has previously been discussed at the Stage 2 hearing sessions, Matter 9, Issue 1 Total Housing Supply held on 22 June 2022 [Document [TWLP-038](#)]. It is also addressed in the Development Strategy Topic Paper [[CD 3.126](#)] at Section 4 (Development Needs) and Section 7 (Summary and Conclusions for the Development Strategy).
2. In response to the Inspector’s Initial Findings letter received November 2022, [ID-012](#), the Council proposed main modifications to the Submission Local Plan [[CD 3.128](#)]. The modifications are set out in detail in the Development Strategy Topic Paper Addendum [[PS-054](#)], at Section 15 which identifies the proposed strategic policy revisions, with modifications set out within the appendices to the document.
3. The Development Strategy Topic Paper Addendum discusses housing need and supply at Section 11, in summary identifying that the modifications to the plan required to answer matters raised in the Initial Findings mean that the Council is no longer able to plan to

meet its full housing growth needs over the plan-period, with a 10 year rather than a 15 year housing land supply, being achieved as a consequence of the proposed main modifications to strategic allocations.

4. As a consequence of the reduced housing land supply, the Council proposes a main modification to strategic policy STR 1 The Development Strategy, committing to an early review of the Local Plan to enable the Council to investigate ways of meeting the identified housing needs for the period beyond the 10-year supply. This is explained at Section 14 of the Development Strategy Topic Paper Addendum [[PS_054](#)], with some suggested text at para 14.7, reflected at Appendix D of the Topic Paper Addendum (pages 66-67).
5. The following response sets out the Council's justification for committing to an early review of the Plan, rather than seeking to meet the full housing needs as part of this Examination.

Consideration

6. There are a number of factors, which have led the Council to believe that a main modification to Policy STR 1 The Development Strategy, to commit to an early review is justified. These are set out as follows:
 7. The lack of suitable further sites in this round of plan making.
 8. With the deletion of Tudeley from the Local Plan as a strategic site allocation, and reduced growth at Paddock Wood and land at East Capel, there has, as set out in the Development Strategy Topic Paper Addendum [[PS_054](#)], been a significant reduction in the housing land supply over the plan period.
 9. In determining the Council's response to the Inspector's Initial Findings, the Council did consider whether it was appropriate to allocate new, additional sites to help meet the shortfall in housing land supply.
10. At the Stage 2 hearing sessions, Matter 5, Issue 1 Site Selection Methodology, held on 27 May 2022, the examination considered the Council's Site Selection Methodology [Document [TWLP/021](#)], which is thorough and robust. This relates to assessment work

included in the Strategic Housing and Economic Land Availability Assessment (SHELAA) [CD 3.77] and methodology set out in the SHELAA Main Report [[CD 3.77a](#)].

11. In planning to meet the full housing needs over the 15-year plan-period, the Submission Local Plan allocated all sites identified as suitable by the SHELAA process. Put simply, the SHELAA has not identified 'spare' sites available for allocation at this time.
12. Whilst some representations are promoting omission sites, (including for example some sites at Five Oak Green owing because of a reduction in Green Belt harm rating as a consequence of the Green Belt Stage 3 Addendum [[PS_035](#)]), for allocation at this stage in the examination process, it is considered these are best considered as part of the proposed Local Plan review. This is explained at paras 2.25 – 2.27 of the Development Strategy Topic Paper Addendum [[PS-054](#)]. Section 2.0 of the Topic Paper relates to the Green Belt more generally, with a summary of the findings set out at paras 2.22 – 2.28.
13. If the Council were to seek to allocate additional sites at this time, the reality of the situation is such that a new 'Call for Sites' would be required so that more land can be found and assessed for potential development. Furthermore, given the Council's focus on Brownfield land and urban land, set out in Section E of the Development Strategy Topic Paper [[CD 3.126](#)] and as set out at para 1.2 of the Brownfield and Urban Land Topic Paper [[CD 3.83](#)], it is particularly important in a borough with protected landscape qualities and substantial green belt constraints that effective and efficient use is made of urban land and suitable brownfield sites. It reduces pressure to develop greenfield land and, more broadly, ensures that best use is made of the higher levels of accessibility to supporting infrastructure, services and facilities within established urban areas and makes uses of underutilised existing resources and buildings. So, whilst there are sites at Five Oak Green that the Council considers would be considered as part of a Local Plan Review, these would need to be considered in the context of a wider spatial strategy, in which the Council would continue to focus development on brownfield land and urban areas, including a preference for greenfield sites outside the Green Belt designation. Clearly, the Council would wish to firstly consider whether there are non-Green Belt/non-greenfield sites appropriate for allocation in the first instance, rather than allocating sites at Five Oak Green simply because they now have a lower Green Belt harm rating.

14. The consideration of further sites through a Call for Sites process at this stage of the examination would result in further delay of the Examination and Adoption of the Local Plan and would have a detrimental impact on the Council's ability to deliver planned growth in the near future.
15. A new Call for Sites would clearly have consequences for the remaining stages of the examination and eventual adoption of the Local Plan. There would most likely be several months of delay to enable a Call for Sites to take place, and after that, a thorough assessment of the sites submitted, following the same, robust methodology discussed previously at the Stage 2 hearing session held on 27 May 2022. Such a delay to the examination process would subsequently have a knock-on effect, delaying adoption of the Local Plan considerably.
16. This is recognised at para 10.19 of the Development Strategy Topic Paper Addendum [[PS_054](#)], which recognises that it will inevitably take some time to gather more, and updated, evidence and re-assess possible site allocation options (notwithstanding they will have recently been found unsuitable through the SHELAA process). In effect, resulting in a pause to the Examination.
17. Para 10.21 of the Development Strategy Topic Paper Addendum sets out that:
- “There is, of course, a potential merit is awaiting the introduction of the new planning system, but this carries a lot of risks in itself – it is not clear what it will require or when it will be effective. The Government has indicated transitional arrangements which pursuing the current Local Plan would benefit from”.*

National Planning Policy – NPPF

18. The Council's commitment to an early review in the context of a 10-year housing land supply, is not contrary to national policy. The inability of the Council to meet the 15-year housing growth needs in full does not mean that the Plan is unsound.
19. The approach advocated by the Council fully accords with Para 69 of the NPPF which 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 five years following the intended date of adoption; and*
- b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period”.*

20. It is considered that the proposed modifications to the development strategy, with a 10-year housing land supply, is not contrary to para 69 – part b) is clearly relevant, advising that for years 11-15, specific, developable sites or broad locations for growth should be identified **where possible** (author emphasis).
21. It can be demonstrated that a number of other Councils have successfully had Local Plans found sound and have been able to adopt them on the basis of a commitment to an early review, in the absence of being able to meet growth needs in full. This is explained further in the Council’s response to Question 2.
22. Representations received in response to the Council’s consultation early this year (relating to its response to the Inspector’s initial findings) support the proposed early review. It is acknowledged there are other representations that challenge this approach. In terms of support however, this includes neighbouring Councils including Sevenoaks ([rep number 48](#)), Wealden ([rep number 162](#)), Tonbridge and Malling ([rep number 164](#)), and Rother ([rep number 187](#)).
23. A summary of the representations relating to the proposed modification to Policy STR 1 The Development Strategy to include the commitment to an early Local Plan review, along with the Council’s response is provided at [PS 077a](#).

Benefits of an early Local Plan review

24. There are clear benefits in enabling the Local Plan to proceed on the basis of an early review, namely the fact that it would enable the Local Plan to be adopted sooner, rather than being delayed by a potentially lengthy Call for Sites and assessment process, and the potential need for further evidence gathering.

25. Adoption of the Local Plan would ensure the provision of a new, up to date suite of planning policies against which planning decisions would be made. It would ensure the Council has a five-year housing land supply and will enable the Council to guide development in the borough, giving more certainty to communities and the development industry, restricting inappropriate speculative development across the Borough.

Conclusion

26. The response to Question 1 sets out the reasons why the Council is proposing an early review of the Local Plan (through a main modification to strategic policy STR 1 The Development Strategy), to seek ways of meeting housing land supply for years 11-15 of the plan period post adoption. This is instead of allocating additional sites at this stage in the examination process, to meet the full 15-year housing growth needs.

27. The response explains that there are several factors that have led to this approach, including a lack of suitable alternative sites available at this time to allocate, and not wishing to further delay the examination process or adoption of the Local Plan. Furthermore, and very importantly, it is explained that such an approach does not conflict with national policy on this matter, the approach being entirely in accordance with para 69 of the NPPF. Through the Council's consultation on its response to the Inspector's initial findings, support for a commitment to an early review has been received. Finally, the response sets out that there are clear benefits from enabling the examination to progress and allowing adoption of the Local Plan, identifying also, that there are examples of other Council's having been successful at examination where they have been unable to meet growth needs in full and have therefore proposed an early review.

Inspector's Question 2: [re. Control of Early Review]

How would the Council's intended early review of the Plan be controlled? What would be the implications (if any) if an update to the Plan was either significantly delayed or not prepared at all?

TWBC response to Question 2

Consideration - How would the Council's intended early review of the Plan be controlled?

28. The response to Question 1 above explains that the Council seeks a main modification to the strategic policy STR 1 The Development Strategy in the Submission Local Plan, to commit to an early review in the absence of a 15-year post adoption housing land supply.

29. Suggested wording committing to the early review is set out at para 14.7 of the Development Strategy Topic Paper Addendum [[PS_054](#)], namely:

“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”.

30. It is anticipated that the mechanism and timing of such a review will be discussed at the forthcoming Stage 3 hearing session scheduled for 18 June 2024. Should the Inspector consider that Policy STR 1 The Development Strategy requires further modification to ensure the policy and commitment to the early review is clear to users of the Plan, controlled appropriately, and therefore sound, the Council would wish for the opportunity to suggest modified text to address any such soundness issues. This would be with the view that any revised policy wording would be consulted on through the main modifications consultation in due course.

31. As outlined in the response to Question 1 above, a number of other Councils have successfully had Local Plans found sound and have been able to adopt them on the basis of a commitment of an early review, in the absence of being able to meet growth needs in full. **Table 1** below provides a non-exhaustive list of examples of where this has been the case.

32. **Table 1:** Councils with adopted Local Plans that include commitment to an early review.

Local Plan	Policy	Policy Text
Mendip (adopted 2021)	Policy LP1 Future Development Plan Review	<p>The Council commits to an immediate review of the Local Plan Part I and Part II. One or more documents will be produced which replace, revise or update adopted policies. The review of the Local Plan will commence within 2 months of adoption of the Local Plan Part II. The Council also commit to submit a successor development plan to the Planning Inspectorate within 3 years of commencement.</p> <p>The replacement Mendip Local Plan will extend the existing Part I plan period by at least 5 years and as a minimum will review the following matters:</p> <ul style="list-style-type: none"> • The housing requirement for Mendip and the housing supply needed to meet this need; • Any unmet need arising from adjacent authorities; • Employment land requirements for Mendip as identified through an updated comprehensive evidence base; • Provision for Gypsies, Travellers and Travelling Showpeople (GTTs), to include at least one site to accommodate the needs of the Gypsy and Traveller community unless a site has already been allocated in a submitted development plan document; and • An evidence-based assessment of highways and other infrastructure needs, in partnership with Somerset County Highways Authority and Highways England.
Milton Keynes (adopted 2019)	Policy DS0 Review Of Plan:MK	<p>The Council commits to undertaking an early review of Plan: MK, with the submission of a draft plan for examination, containing strategic policies for the long-term growth of Milton Keynes, no later than December 2022.</p> <p>Following the completion of the Joint Strategic Growth Study and adoption of the Council's Strategy for 2050 in 2019, the review of Plan: MK will bring the delivery of the long-term aspirations for transformational growth into a statutory planning policy document.</p> <p>The parameters and format of the review will also reflect Milton Keynes' growth proposals within the context of a potential growth deal as well as progress on the delivery of the Government's wider Cambridge - Milton Keynes - Oxford Corridor growth agenda, including associated national infrastructure projects and a corridor-wide Joint Vision Statement anticipated in Spring 2019.</p>

		<p>The review will also develop and formalise, as appropriate, joint working arrangements with neighbouring authorities which may result in the preparation of a joint strategic plan on a wider geography.</p>
<p>Wyre (adopted 2019)</p>	<p>LPR 1 Wyre Local Plan Review</p>	<p>The Local Planning Authority will bring forward a partial review of the Plan with the objective of meeting the full Objectively Assessed Housing Needs. This will commence before the end of 2019 with submission of the review for examination by early 2022.</p> <p>Specific matters to be addressed by the review include the following:</p> <ol style="list-style-type: none"> 1. An update of Objectively Assessed Housing Needs. 2. A review of transport and highway issues taking into account: (i) housing commitments and updated housing needs; (ii) implemented and committed highway schemes; (iii) the scope for sustainably located sites where the use of sustainable transport modes can be maximised; and (iv) the additional transport and highways infrastructure that will be needed to meet in full the updated Objectively Assessed Housing Needs. 3. Allocation of sites to meet the full Objectively Assessed Housing Needs taking into account 2. above.
<p>Maidstone (adopted 2017)</p>	<p>LPR 1 Review of the Local Plan</p>	<p>The council will undertake a first review of the local plan.</p> <p>The matters which the first review may need to address include:</p> <ol style="list-style-type: none"> i. A review of housing needs; ii. The allocation of land at the Invicta Park Barracks broad location and at the Lenham broad location if the latter has not been achieved through a Lenham Neighbourhood Plan in the interim; iii. Identification of additional housing land to maintain supply towards the end of the plan period and, if required as a result, consideration of whether the spatial strategy needs to be amended to accommodate such development; iv. A review of employment land provision and how to accommodate any additional employment land needed as a result;

		<p>v. Whether the case for a Leeds-Langley Relief Road is made, how it could be funded and whether additional development would be associated with the road;</p> <p>vi. Alternatives to such a relief road;</p> <p>vii. The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution;</p> <p>viii. Reconsideration of the approach to the Syngenta and Baltic Wharf sites if these have not been resolved in the interim; and</p> <p>ix. Extension of the local plan period.</p> <p>The target adoption date for the review of the local plan is April 2021.</p>
--	--	---

Consideration - What would be the implications (if any) if an update to the Plan was either significantly delayed or not prepared at all?

33. The Council is confident that the proposed early review of the Local Plan can be undertaken within a set period, to enable the growth needs towards the later end of the plan period to be met. The strategic and Development Management policies contained in the Local Plan would apply for the entire plan period (2038). The purpose of the early plan review would be to meet the shortfall in housing need.

34. If the Local Plan review were to be significantly delayed or in the worst case, not prepared at all, the implications of this would be that the housing policies in the Plan may be deemed out of date. This is set out at para 11, part d) of the NPPF – where circumstances would trigger the presumption in favour of sustainable development.

35. If the Council’s housing monitoring indicates that delivery has fallen below its housing requirement over the previous three years, the Housing Delivery Test consequences set out at para 79 of the NPPF could apply.

Conclusion

36. The Council’s response to Question 2 demonstrates that an appropriate Main Modification to the strategic policy STR 1 The Development Strategy, to commit to an early review of the Local Plan is achievable, and a sensible approach. Examples of other Council’s

having followed this approach are given, noting that the examples have been successful at examination and subsequently adopted. The response explains the implications should the early review be delayed, or not undertaken. Namely that housing policies in the Plan could be deemed out of date, triggering the presumption in favour of sustainable development. In addition, there could be consequences under the Housing Delivery Test.

Inspector's Question 3: [re. Justification for Early Review]

The Development Strategy Topic Paper Addendum states that “...other distribution options that may provide the full 15 years' housing land supply were assessed as part of the formulation of the Pre-Submission Local Plan through rigorous consideration. However, there was not an obvious alternative strategy to the one proposed at the SLP stage.”¹ What is the justification, therefore, of seeking an early review to the Plan if options without Tudeley Village have already been considered and discounted?

TWBC response to Question 3

Introduction

37. The Development Strategy Topic Paper Addendum [[PS_054](#)], at Section 9 sets out seven development strategy options then at Section 10 sets out the Council's consideration of these seven development strategy options.

38. Para 10.1 states:

“Ahead of considering these options, it is pointed out that, of course, other distribution options that may provide the full 15-years' housing land supply were assessed as part of the formulation of the Pre-Submission Local Plan through rigorous consideration. However, there was not an obvious alternative strategy to the one proposed at the SLP stage. Furthermore, to seek to adopt any other fundamentally different option that requires the identification of a significant amount of additional land elsewhere for development is captured under Option 7”.

39. Section 12 of the Development Strategy Topic Paper Addendum [[PS_054](#)] identifies the conclusions on the preferred development strategy option, concluding that Option 5 (which essentially corresponds to the Inspector's 'Option 3 (Delete the (Tudeley Village)' allocation from the submitted Plan) is the preferred development strategy option (para 12.6).

¹ Examination Document PS_054, paragraph 10.1

40. It is noted that development strategy options 4 – 6 inclusive, are all ‘no Tudeley Village’ options and include revised proposals for Paddock Wood including land in east Capel, with three sub-options: Option 5 is the sub-option described at para 10.15 as being “No housing in FZ2/3, but some employment in FZ2”
41. The response that follows explains the justification of seeking an early review of the Plan, given that options without Tudeley Village have already been considered and discounted.

Consideration

42. As stated above, at para 10.1 of the Development Strategy Topic Paper Addendum it says that:

“Furthermore, to seek to adopt any other fundamentally different option that requires the identification of a significant amount of additional land elsewhere for development is captured under Option 7”.

43. Development Strategy Option 7 is described at paras 10.19 – 10.24 of the Topic Paper, as being “Defer the examination to review options for means of achieving a 15-year housing land supply” – it is essentially a ‘No Plan’ option.
44. Question 1 of this hearing statement explains the Councils justification for suggesting Main Modifications to the Plan, and subsequently requiring an immediate Review. The response to Question 1 addresses the second part of Question 3, which is “What is the justification, therefore, of seeking an early review to the Plan if options without Tudeley Village have already been considered and discounted”.
45. Particularly relevant is the fact that a new Call for Sites would be required in order for the Council to seek more land that can be assessed for future development potential.
46. Whilst the Council does consider that a thoroughly robust and detailed review of development options have been explored as part of the preparation of the Submission Local Plan and has been evidenced in the Development Strategy Topic Paper [[CD 3.126](#)] the Call for Sites process would still need to be re-run as part of the commitment to an early review of the plan. The previous stages of preparation of the Submission Local Plan sought the promotion of sites through the Call for Sites. This process is set out in detail in

the Councils Stage 2 Hearing Statement for Matter 5 'Site Selection Methodology' Issue 1 Q7 [\[TWLP/021\]](#).

47. Whilst the process for identifying sites was entirely appropriate and thorough it nevertheless was undertaken up until 2018 when the pre-submission Local Plan was being prepared.

48. In its commitment to an early review of the plan the Council would undertake a further Call for Sites to review available land in a similarly robust way which may as a result of the passage of time identify further appropriate sites for development.