

**Tunbridge Wells Borough Council
Local Plan Examination**

Matters, Issues and Questions for Stage 1

HEARING STATEMENT

SUBMITTED BY

THE KENT SME DEVELOPERS NETWORK

FEBRUARY 2022

TUNBRIDGE WELLS BOROUGH COUNCIL

LOCAL PLAN EXAMINATION

MATTERS, ISSUES AND QUESTIONS FOR STAGE 1

FEBRUARY 2022

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i) Introduction

- 1.1 This Hearing Statement has been prepared by the Kent SME Developers Network to respond to Matters, Issues and Questions (MIQs) raised for Stage 1. This Statement focuses on matters raised by the Kent SME Developers Network expanding upon the response submitted to the Regulation 19 Consultation and specific questions posed in respect of Issue 3 – Sustainability Appraisal as part of the Inspector’s Questions to the Examination.
- 1.2 This statement does not seek to repeat the representations made at the Regulation 19 stage but will draw reference to specific paragraphs / points in answering the relevant questions to the Examination.

ii) Response to Questions

- 1.3 A significant objection from the SME Network is that insufficient allocations have been made for small sites (less than 1ha) in accordance with Paragraph 69 of the NPPF (noting this was previously paragraph 68 at the time of the Regulation 19 Representations) (see paras 3.10 – 3.23 of the submitted SME representations). In addition, objections were raised over the anticipated delivery rates of the new settlement at Tudeley and extension at Paddock Wood (see para. 2.10 – 2.27 of representations) and that a greater number of smaller sites were needed to be delivered in the early part of the plan period.
- 1.4 Within the MIQs, Under Issue 3 – Sustainability Appraisal, a number of questions are posed that seek to understand the extent to which alternative strategies were explored within the Sustainability Appraisal, namely;
- *Question 4: Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid major development in the High Weald AONB altogether?*
 - *Question 5: Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid releasing land from the Green Belt?*
 - *Question 9: Does the Sustainability Appraisal adequately and robustly consider reasonable alternative strategies for the size and scale of development proposed at Tudeley Village and Paddock Wood, including land at east Capel? For example does it consider smaller and/or larger forms of development as a way of meeting housing needs?*
 - *Q.10: Where individual sites are concerned, how did the Suitability Appraisal determine what are the reasonable alternatives?*
- 1.5 Whilst the above questions explore different matters, the Council’s continued failure to acknowledge SMEs and the requirements of Paragraph 69 of the NPPF has resulted in an unsound approach which

permeates throughout a number of documents in the Evidence Base, including the Sustainability Appraisal (Doc No. 3.11).

1.6 The unsound approach stems directly from the Council not positively addressing the policy requirements of the NPPF in respect of Paragraph 69. A review of the Sustainability Appraisal (Doc No. 3.11) and Development Strategy Topic Paper (Doc No. 3.126) identifies that there is not a single reference whatsoever to SMEs or the Policy requirement of Paragraph 69 (or paragraph 68 as it was then).

1.7 As a result, the role that smaller sites can play in meeting housing needs has not been properly assessed in:

- The Green Belt Studies (Doc No. 3.93a-c);
- The LVIA/AONB Studies (3.96a-i);
- The Development Strategy Topic Paper (Appendix 3) (Doc. No. 3.126); and
- The updated SHELA (Doc No. 3.77a-s)

1.8 The above documents do not qualitatively assess the role, function, impact and availability of these small sites in the wider context of meeting housing needs in accordance with the NPPF and the proposed Spatial Strategy and/or site selection:

- the SHELA should have assessed sites to understand and identify if the promotor/developer of applicable small sites is an established SME developer. If so, this should factor into the Council's assessment of the site to determine if its suitable and can meet Paragraph 69 requirements.
- The Council's LVIA and Development Strategy does not assess 'non-major' developments in the AONB. It simply determines if the preferred sites are considered major or not. It does not analyse any strategy whereby all non-major AONB sites are considered in advance of the release of major sites in the AONB.
- The Sustainability Appraisal should, in every tested scenario, include a 10% small sites allocation as a base line – as this is required by the NPPF.

1.9 Not only does the above demonstrate how reasonable alternative strategies were not considered, but the Evidence Base only seeks to justify the Councils submitted strategy, and not an assessment of the alternative strategies throughout all parts of the Evidence Base. Instead, reliance is placed on the alternative growth strategies set out in the Sustainability Appraisal (see page 6 of the SA), but no further analytic assessment is undertaken in other parts of the Evidence Base to fully explore the preferred strategy – especially in the light of the degree of change in some locations (i.e. AONB locations) from the Regulation 18 strategy. Instead, the other elements of the Evidence Base only

seeks to justify the Council's preferred strategy, which in places, is inconsistent in respect of sites assessed.

- 1.10 By way of example only, Appendix J of the Sustainability Appraisal (page 405), sets out the 'Scores for Reasonable Sites in Cranbrook and Sissinghurst'. The SA sets out a 'score' for 31 separate sites/locations and provides commentary on each. It does not however provide for an overall score or justification for why some sites were selected over others.
- 1.11 However, when other parts of the Evidence Base are examined, it demonstrates that only the 'submitted sites' are assessed (see page 108 of the Development Strategy Topic Paper). For Cranbrook and Sissinghurst, only 4No. sites are assessed out of the 31No. sites that are in the Sustainability Appraisal.
- 1.12 Furthermore and worryingly, the Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB (Doc No. 3.96a), assesses a different set of proposed allocated sites in Cranbrook and Sissinghurst than those identified in the submitted Local Plan and the Development Strategy Topic Paper - as evidenced in Chapter 6.6 (Document No. 3.96e) (see Figure 1c).
- 1.13 It is therefore apparent that the Sustainability Appraisal and wider Evidence Base is flawed. It first and foremost fails to acknowledge SMEs and how the Local Plan has fulfilled the policy requirements for 10% of housing to be on small sites as required by the NPPF (Paragraph 69). The outworking of this fundamental issue is that each strategy tested is flawed, and the subsequent supporting Evidence Base justifying the Council's submitted strategy is also flawed and in places inconsistent.
- 1.14 This strikes to the heart of whether the Council undertook an appropriate assessment of finding alternative sites/strategies in not only the Sustainability Appraisal (MIQ Q9), but also if the Council correctly tested the contribution small sites can make in alternative locations before the release of Green Belt (MIQ Q5) and major AONB development (MIQ Q4).
- 1.15 It is not evident that this exercise has been undertaken and there is a clear disconnect within the Evidence Base in respect of according with National Policy, and how the Council has 'out-worked' its strategy from the Evidence Base to site allocations or growth scenarios in specific locations such as Cranbrook and Hawkhurst.
- 1.16 The role of SMEs and small sites needs to be factored into the Local Plan and tested in the Evidence Base.