
**Examination of the Submitted Tunbridge
Wells Borough Local Plan**

STATEMENT FOR:

MATTER 5 – SITE SELECTION METHDOLOGY

WRITTEN STATEMENT

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On behalf of:

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Executive Summary

Castle Hill Developments Ltd (“CHD”) has a controlling interest in sustainability located and deliverable omission sites that should be allocated for housing in seeking to meet the identified housing need during the plan period.

The Plan fails to plan for sufficient housing growth (in terms of the overall housing target in Policy STR1) and places undue reliance upon the delivery of housing from strategic sites including at Tudeley and Paddock Wood (which will fail to deliver at the rates suggested by the Council) and additional site allocations should therefore be identified.

MDH’s objections may be summarised as follows:

- The Plan is **not positively prepared** in so far as the proposed strategy for growth will fail to deliver the identified housing need for a minimum of 14,535 dwellings during the period 2020 to 2039 (i.e 765dpa).
- The Plan is **not justified** having regard to the approach envisaged to maintain a rolling five year supply of housing land and/or in relation to the approach to the allocation of sites for housing, such that it cannot be said to provide the most appropriate strategy when considered against the reasonable alternatives.
- The Plan is **not effective** and will fail to provide a five year supply of deliverable housing land on adoption and nor will it deliver the requisite amount of housing during the plan period; when assessed against the objectively assessed housing need.
- The Plan is **not consistent with national policy** having regard to the need to ensure housing site allocations will maintain an adequate supply of deliverable housing land.

The failure to provide sufficient deliverable site allocations will serve to frustrate attempts to address key factors affecting worsening affordability and denying people the opportunity to own their own home, contrary to Government policy which is seeking to boost the supply of housing to address the current housing crisis.

The above changes are necessary to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF (2021).

Land at Castle Hill, Royal Tunbridge Wells should be removed from the Green Belt allocated for a mixed use urban extension including around 900 dwellings (SHELAA Site Ref:49).

CONTEXT AND BACKGROUND

- 1.1. This Statement has been prepared by Woolf Bond Planning LLP on behalf of Castle Hill Developments Ltd (“CHD”), and addresses several questions posed for Matter 5 of the Hearing Sessions as set out in the Inspector’s Matters and Issues.
- 1.2. In setting out our response, we continue to rely upon the content of the detailed representations submitted on behalf of CHD in response to the Regulation 19 consultation on the Draft Local Plan in June 2021.
- 1.3. Our answers to the questions should be read in the context of our position that insufficient deliverable and developable land has been identified in the submitted Local Plan in order to maintain a rolling 5 year supply of housing land as obligated by paragraph 74 of the NPPF. The Plan would not be sound without an amendment to include additional site allocations within revised settlement boundaries alongside adjustments to Green Belt boundaries.
- 1.5. This Statement amplifies our Regulation 19 representations and details further responses to a number of the specific questions raised by the Inspector in his examination of the Local Plan.

MATTER 5: SITE SELECTION METHODOLOGY

Issue 1 – Site Selection Methodology

Q1. How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate?

- 2.1 Whilst this is a matter for the Council, as detailed in the representation, it is not considered that a robust approach to selecting sites was undertaken. This included as failure to undertake a fine grained analysis of the Borough's Green Belt, as explained in the statement for Matter 4. This was a reason why the St Albans Local Plan failed at its examination¹.
- 2.2 A further illustration of the unjustified approach of the Council in considering sites is indicated in its failure to take account of updated information. This is illustrated by the Council's rejection of our clients site at Castle Hill as outlined in the representation.
- 2.3. Our Regulation 19 representations (see paragraph 9.7) refers to the Council's discounting of the Castle Hill, Tunbridge Wells (SHELAA Ref 49) site through its Site Assessment Study (CD3.22e & 3.77e) due to the potential impact as a major development within the AONB. However, as indicated in the Regulation 19 representation including the technical appendices), the rejection of the site on this basis was shown to be unjustified. Nevertheless, the Council failed to reconsider its approach.
- 2.4. Should further housing land be required for housing, there are no technical reasons to preclude the selection of this site.
- 2.5. The Council's approach to the rejection of some of the SHLEAA sites is not justified.

¹ See paragraph 3 of Inspectors letter included as Appendix 13 to the representation

- 2.6. As indicated our Statement for Matter 4, the Council's initial Green Belt assessment identified Tudeley as fulfilling strong Green Belt purposes. The Council initially discounted the suitability of this broad area for development due to its impact upon Green Belt purposes. Nevertheless, in the Submitted Local Plan, this area is proposed for development.
- 2.7. Given that there are alternative locations in the Borough to Tudeley, where development would be both less harmful to the Green Belt and its sustainably located with respect of the services and facilities together with public transport services available at Royal Tunbridge Wells (especially on land to the north at Castle Hill), it is not justified to promoted development in a location which not suitable; given the suitability of deliverable alternatives.
- 2.8. This unsuitability of Tudeley in contrast to locations like Castle Hill is further demonstrated by the challenges of viability of development. The Viability Assessment (CD3.65) indicates that development at Tudeley is dependent upon lower land values and high property values to show a viable scheme (Figure 6). Therefore, the Tudeley location is not a preferred viable location contrary to the approach of the NPPF (paragraphs 58 and 68).
- 2.9. Alongside the poor viability of Tudeley the site needs extensive improvements in infrastructure (including transport together with health and education facilities) in order to contribute towards the clear aims of both minimise travel needs alongside providing choice (NPPF paragraphs 73 and 105). Taking account of these illustrations of inconsistency in the Council's assessment, it is not considered that the site selection process is justified.

Q2. How were site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence?

- 2.10. This is a matter for the Council. The SHELAA Main Report (CD3.77) indicates that a standard yield of 30dph was applied.

Q3. In deciding whether to allocate sites for development, how did the Council take into account the effects of development on:

- **Landscape character, including the High Weald AONB and its setting;**
- **The availability of best and most versatile agricultural land;**
- **The local and strategic road network;**
- **The need for new and improved infrastructure (including community facilities);**
- **Heritage assets; and**
- **Nature conservation.**

2.11. This is a matter for the Council.

2.12. However, as indicated in the representation, Castle Hill (HELAA ref 49) site was discounted through the Council's Site Assessment Study (CD3.22e & 3.77e) due to concerns over acceptability of major development in the AONB. As indicated in the representation and the associated Technical Work supplied, this rejection is unjustified, especially as the Landscape Sensitivity Assessment (CD3.40a) confirms for the parcel containing Castle Hill (PE1) " **there may be pockets of land associated with the A21 or existing development where sensitivity to limited small-scale development which could be relatively contained in the wider landscape would be medium-high**". Therefore, should housing land be required, there are no technical reasons to preclude the selection of this site.

2.13. This is further illustrated by the Council's inclusion of allocations on land within the AONB. The Council's Development Strategy Topic Paper (CD3.126) (Table 2) lists the proposed allocations within the AONB. Within paragraphs 6.150 to 6.156 in then details the exceptional circumstances for allowing major development within the AONB. This therefore equally applies to the Castle Hill site, especially due to its proximity and accessibility to Royal Tunbridge Wells. The discounting of this in the Council's assessment is a further illustration that the authority has been inconsistent in its approach.

Q4. How did the Council consider the viability and deliverability of sites, especially where new supporting infrastructure is required?

- 2.14. The Council's Viability Assessment (CD3.65) provides an appraisal of this factor for sites. As indicated in the representation alongside the Statements to the Examination, the strategic site at Tudeley is only viable at low existing land values and high property values (figure 6).
- 2.15. This highlights significant risks to the viability of the proposal, especially having regard to the significant infrastructure, both for public transport together with the provision of services/facilities i.e. education² and health in order for sustainable lifestyles and behaviours to arise. The limited existing provision indicates that early residents will not have sustainable behaviours embedded from the start due to their limited availability.
- 2.16. The representation highlighted the failure of the Local Plans advocating new settlements and the robustness of the viability evidence accompanying them. These were the local plans for Uttlesford (appendix 9 of the representation) together with North Essex Authorities (appendix 10). The representation specifically highlighted the failure of Tudeley to appropriately contribute towards the Colts Hill off-line improvement which is an essential infrastructure improvement for the scheme³.
- 2.17. With the very significant infrastructure investment required for Tudeley (as outlined in the Infrastructure Delivery Plan (CD3.71) and the Visibility Assessment (CD3.65)), notwithstanding the viability concerns, their delivery programme will impact upon the sustainability of the location, especially if dependent upon the higher property values to ensure they are funded. The Viability Assessment includes 5% contingency alongside 10% for professional fees. The Inspector examining the Uttlesford Local Plan (appendix 9 of the representation) states (paragraph 63): Inspector's considered that 6% was too low for the Garden Community proposal (paragraph 63):

² Appendix 1 of the Viability Assessment (CD3.65) indicates that the Health facility would be financed by December 2032 and Sports Hubs by December 2028, after 8 and 4 years (respectively) of dwelling completions at Paddock Wood and Tudeley (assuming both commence Jan 2025).

³ As referenced in criterion 6 of policy STR/SS3 Appendix 1 of the Viability Assessment (CD3.65) indicates that the Colts Hill bypass is scheduled to open in December 2028, after 4 years of dwelling completions at Paddock Wood and Tudeley (assuming both commence Jan 2025).

Also, Appendix B to Viability Testing Local Plans – Advice for planning practitioners (June 2012)¹, advises in relation to costs of promoting schemes and associated fees that on large scale schemes care needs to be taken not to underestimate these. It suggests that fees relating to design, planning and other professional fees can range from 8-10% for straightforward sites to 20% for the most complex. The Council's VA allows for a higher percentage (12%) on the smallest of sites (10 units or less), but only 6% for the Garden Community sites. We consider this figure to be far too low, particularly as these sites are likely to be more complex than straightforward

- 2.18. The Inspector's examining the North Essex Authorities Local Plan (appendix 10 with representation) also referenced what were appropriate contingencies for the three garden communities envisaged in that draft Plan. This is within paragraphs 231-234 which confirm.

231. For the above reasons, I consider that the Inflation scenarios, the scenarios based on average housing delivery of 300dpa, and the scenarios for the proposed West of Braintree GC including land in Uttlesford district do not provide a reliable indication of the viability of the proposed GCs. It is appropriate to consider the viability of the proposed Tendring / Colchester Borders and Colchester / Braintree Borders GCs based on the Grant scenarios, since their associated HIF grants have been confirmed. The Reference scenario is the appropriate basis for considering the proposed West of Braintree GC. Based on my findings above on contingency allowances, in each of these scenarios a contingency allowance of at least 40% needs to be applied to all the items in the Scheme Wide Other Itemised category

232. As noted above, the 2019 Update and Supplementary Information follows the residual valuation method, in which all the costs of development are subtracted from the value of the development in order to arrive at a residual land value. The costs of development include the infrastructure requirements for the GCs, which (in accordance with national policy) appropriately reflect the garden city principles that underpin them. In order to demonstrate the viability of each proposed GC, the residual land value produced by the appropriate assessment scenario must achieve a competitive return to a willing landowner that is above the margin of viability⁸². Should this not be achieved, the viability of the GC will not have been demonstrated.

233. For the proposed Tendring / Colchester Borders GC, the Grant scenario assessment in the 2019 Supplementary Information, based on average delivery of 250dpa with a 40% contingency allowance, gives a residual land value of over £175,000/acre. That

is well above the figure that I consider would constitute a competitive return to a willing landowner. This would allow sufficient financial headroom to overcome any concerns about the contingency allowance for the A120/A133 link road, or any additional costs associated with the link road or with RTS Route 1. I therefore consider that the viability of the Tendring / Colchester Borders GC has been demonstrated.

234. For the Colchester / Braintree Borders GC, on the other hand, the Grant scenario assessment, based on average delivery of 250dpa with a 40% contingency allowance, gives a residual land value of only around £24,500/acre. That is well below what I consider to be a competitive return to a willing landowner.

235. For the West of Braintree GC, the Reference scenario, based on delivery of 250dpa with a 40% contingency allowance, produces a residual land value of around £52,000/acre. I consider that this would place the development below or, at best, at the margin of viability.

- 2.19. The conclusions of both the Inspector's examining the Local Plans of Uttlesford and the North Essex Authorities was a clear contingency allowance together with a land value that adequately incentivises the landowner to sell. Given the limited scenarios in the Viability Assessment showing a clear incentive to sell, notwithstanding the Statement of Common Ground with Hadlow Estate (CD3.139) it is not considered that especially the new village at Tudeley is viable. Although the Hadlow Estate Statement of Common Ground (CD3.139) endorses the £250,000/ha Benchmark Land Value in Figure 6 of the Viability Assessment (CD3.65), this only shows very limited surplus in value to demonstrate viability (between 1.2% and 3.19% per dwelling). With limited contingency for infrastructure, especially highways, this raises doubts over the deliverability and viability of these new and/or extended communities at Tudeley and Paddock Wood. This is especially as other mixed use allocations listed in figure 8 have significantly larger surpluses or can maintain viability with lower sales values.
- 2.20. Taking account of the assessment together with the conclusions of other Inspectors (Uttlesford and north Essex), it is not considered that the Plan as current submitted has demonstrated that it is viable, consistent with NPPF paragraphs 58 and 68.

Q5. How did the Council take into account flood risk? Has the Plan applied a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property as required by paragraph 161 of the Framework?

2.21. This is a matter for the Council.

Q6. What are the reasons for the different affordable housing requirements between allocations in the Plan?

2.22. This is a matter for the Council.

Q7. Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

2.23. No. As detailed in the representation, the approach to selection of sites is inconsistent with the evidence⁴. The Council has unjustifiably excluded smaller sites due to the artificial approach to site appraisal within its Green Belt and other reviews. The failure to adequately and robustly assess smaller parcels was one of the reasons why the Local Plan for St Albans failed⁵. This also applies to Tunbridge Wells Borough.

2.24. The Council was provided with detailed information indicating that the conclusions of its assessment are not justified⁶. This has not been taken into account, and consequently the site selection process is unjustified.

2.26. To address this shortcoming, the Council's site appraisal should be undertaken again, and its conclusions refined to reflect the latest information.

⁴ As illustrated by the discounting of the Castle Hill (SHELAA Ref 49)

⁵ Inspector's Report submitted as Appendix 13 with the representation

⁶ See the submitted representation together with the technical reports enclosed