

Examination of the Tunbridge Wells Borough Local Plan

Statement on behalf of Taylor Wimpey UK Ltd

Matter 5 – Site Selection Methodology

March 2022

Turley

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Taylor Wimpey UK Ltd

Our reference
TAYS3041

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1. Introduction

- 1.1 This statement is submitted on behalf of Taylor Wimpey UK Ltd for purposes of the Examination of the Tunbridge Wells Borough Local Plan.
- 1.2 The statement responds to the Inspectors' Issues and Questions for Matter 5 – Site Selection Methodology.
- 1.3 The concerns outlined by our client at the Regulation 19 stage (letter to TMBC dated 25th May 2021), on issues pertaining to the plan's legal compliance and soundness, have not been overcome thus far. If anything, the documents published by the Council for submission purposes only serve to highlight the deficiencies evident in the production of the plan now submitted.
- 1.4 Accordingly, we have examined the Inspector's questions for Matter 5 and provide responses to those we wish to contribute to debate on. We have also respectfully requested the opportunity to participate in the forthcoming hearing sessions to assist the Inspector further on such matters.

2. Response to Issues and Questions for Matter 5 – Site Selection Methodology

Issue 1 – Site Selection Methodology

Question 7. Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

- 2.1 As outlined in our Regulation 19 representations, the site selection process that flows from the SA (TWBC, 2021) and SHELAA (TWBC, 2021) contains notable errors and inconsistencies, which appear to have contributed significantly to the omission of more suitable and sustainable sites in favour of those proposed in the submitted Local Plan. The grounds for rejecting reasonable alternatives in favour of sites proposed for allocation are equally lacking or unsupported by evidence in some cases.
- 2.2 An example of this is evident in the site selection process for Cranbrook and Sissinghurst. In the Draft Local Plan (2019), 803 homes were proposed to be distributed on sites at Cranbrook, with another 115 at Sissinghurst. The SA accompanying that version of the plan assessed and supported this level of growth, in line with the sustainability objectives of the plan.
- 2.3 The submission Local Plan halves this level of growth to 429 homes at Cranbrook, and 38 at Sissinghurst. This followed the deletion of some of the draft local plan allocations, that were deemed to have greater biodiversity, landscape or heritage impacts, amongst other reasons. However, there is little evidence to suggest the Council revisited the reasonable alternative sites to determine what contribution these could make to addressing the needs lost through the deletion of such sites.
- 2.4 The reduction in growth proposed at sustainable settlements such as Cranbrook, between draft and submission stages of the local plan, has not in our view been sufficiently justified, particularly given the scale of housing need, and a spatial strategy which places an over reliance on two large strategic sites to meet 70% of the boroughs needs¹. In this context, we consider it would have been prudent for the Council to revisit settlements like Cranbrook, which ranks second only after Southborough in the Settlement Role and Function Study (TWBC, 2021), to determine whether any of the reasonable alternative sites could have been released to make a modest contribution to meeting needs.
- 2.5 This includes sites of a scale categorised as ‘not substantial’ for AoNB assessment purposes at Table 7 of Appendix 2 of the Councils ‘*Development Strategy Topic Paper for Pre-Submission Local Plan*’ (TWBC, Oct 2021). An example of which being Site 25.
- 2.6 As we highlight below, there are fundamental flaws and errors in the way TWBC have assessed SHELAA Site 25 as a reasonable alternative against others, particularly those proposed for allocation, through both the SA and SHELAA site selection process. This has led to the unjustified omission of Site 25 in our view. Rather than informing ‘an

¹ As outlined in our Matter 2 and 3 Statements

appropriate strategy' for Cranbrook, the site selection process appears instead to have been designed with a pre-determined outcome in mind. This is even more evident if one examines and compares the published SHELAA for 2019 and 2021, where factual errors, poorly evidenced statements and inconsistent assessments are noted. These are matters we have sought to highlight to TWBC throughout the drafting stages of the Local Plan; and as outlined below, in meetings with TWBC in February 2021.

- 2.7 In February 2021, our client met with Officers to discuss discrepancies and inconsistencies in the SA, SHELAA and site selection process at Cranbrook. Our firm conclusion was that Site 25 had been incorrectly categorised as unsuitable, particularly when assessed objectively and consistently with others that the LPA had classified as suitable.
- 2.8 This is particularly evident if one compares the assessment of Site 25 at Appendix J (Page 317) of the SA (Oct 2021), with other sites selected as suitable in Table 54 of the SA (Page 153). Site 25 performs better than 4 of the 7 sites selected. Site 25 represents a modest proposal that is well contained by woodland, is partly within the settlement, has good accessibility to the high street and other facilities by foot (far better than some of those chosen for allocation), and no overriding highway access or capacity constraints to development (see Documents A and B of our Regulation 19 Representations). We therefore expressed surprise over why such a suitable and sustainable site had been overlooked in favour of less favourable options. If this was for local community or political reasons, then we were happy to hear what those grounds were, but our firm assertion was that the SA / SHELAA assessment needed to be independent, objective, transparent and consistently applied; and on basis of the evidence we had highlighted, this didn't appear to be the case.
- 2.9 Officers confirmed in the meeting in February that they were in the process of updating the SHELAA (2019) prior to publication and would correct inconsistencies where necessary. One fundamental error that Officers acknowledged needed updating, was the assertion the site did not have a deliverable access via Frythe Way.
- 2.10 The comments we provided to the LPA in our email of 25th February (Document C of our Regulation 19 representations) can be summarised as follows:

SHELAA (2019) – Site 25 Assessment Comments (By Sub-Header)

- *Potential Yield:* The LPA had assessed a yield higher than that proposed by our client.
- *Landscape Sensitivity:* The 'Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells (LUC, 2018)' [LSS] included Site 25 within sub-area CR1 for assessment. This parcel was considered to comprise moderate – high sensitivity to small development scenarios; but importantly concluded at page 122 that the 'open field adjacent to Frythe Way is relatively well contained by tree cover and so has a more moderate level of sensitivity to development that is modest enough in scale to avoid appearing above tree lines.' (Our emphasis).

It is evident from comparing the LSS parcel assessments (p.119-153) that Parcel CR1, specifically the part comprising Site 25, was concluded to be less sensitive² to development than most of the other parcels proposed for allocation. No evidence is provided by TWBC to demonstrate why, despite performing better than others, Site 25 should therefore be concluded to be unsuitable on landscape grounds.

- *Heritage – Cumulative impact on setting of Conservation area in context of other 20th/21st century development – further loss of rural setting:* Unlike many of the proposed allocation sites, which abut or are near the Conservation Area, Site 25 is well screened and well beyond the area likely to impact on the setting of the Conservation Area. Also, on a point of consistency, the 'cumulative impact' comment raised for Site 25, had not been raised in the SHELAA assessments for sites within the zone of influence of the Conservation Area (such as sites 396 and 430). This did not therefore in our view justify a conclusion that Site 25 was unsuitable.
- *Highway matters:* In the meeting of 25th February, Officers acknowledged that the properties in Frythe Way formed part of Site 25, and that an appropriate means of access could be achieved in principle. Our client also shared correspondence of a meeting with Kent County Council Highways (see Document B of Regulation 19 Representations), confirming there were no overriding highway constraints to the site's delivery in principle. The site is close to and has good footpath access to Cranbrook High Street, significantly reducing the need to use the car for some journeys. Our client therefore reasonably expected this to be accounted for in the revisions to the SHELAA, including a revised conclusion of site suitability.
- *Sustainability Assessment:* The SA concluded the site scored largely neutral, with some benefit to housing, and negatively on land use and landscape impact informed by the loss of a greenfield site in the AONB, which lies adjacent to an historic settlement and route ways. Considering the fact Site 25 scores better in landscape terms than some of the sites proposed for allocation, which are more peripheral in sustainability terms, and within the zone of influence of the Conservation Area, it is difficult to understand why this comment hasn't been added to any of the other sites proposed for allocation. It highlights an inconsistency of approach to assessment first and foremost.
- *LPA Reason for Discounting Site:* It is important to note that the reasons the LPA cite for unsuitability are limited to two grounds. Firstly, landscape concerns, which we address and contend are unjustified and inconsistent with conclusions reached with more landscape sensitive sites assessed in the SA. Secondly, the Council conclude there is 'concern about the ability to provide an appropriate means of vehicular access to the site, which is likely to require access through adjacent site' (our emphasis). This was a factual error conceded by Officers, as the site did have an appropriate means of access to Frythe Way. Accordingly, our client reasonably expected to see the SHELAA (2019) updated

² Indeed, of a scale (circa 70 units) the Council subsequently concluded as 'not substantial' for AoNB assessment purposes at Table 7 of Appendix 2 of the Councils 'Development Strategy Topic Paper for Pre-Submission Local Plan' (TWBC, Oct 2021).

with a revised conclusion of the site being suitable. This being a fair and consistent approach to assessment with other sites the LPA had concluded to be suitable.

SHELAA (TWBC, Jan 2021)

- 2.11 On release of the final SHELAA (Jan 2021) our client was surprised to see the suitability conclusion for Site 25 had not been revised. Instead, Officers had revised and added alternative and additional reasons to support the original conclusion reached.
- 2.12 In the SHELAA (2019) Officers concluded the site did not have an appropriate means of vehicular access, which our clients had shown to be factually incorrect. Rather than omitting this, Officers have instead changed the wording to now add in that this is from 'the wider road network', referencing impacts from increased traffic movements on junctions from the site into the centre of Cranbrook. No evidence has been presented to substantiate this in the transport assessments accompanying the plan, or elsewhere we can find. Neither does it align with the advice of Kent County Council Highways in their response to such matters (see Document B of our Regulation 19 Representations).
- 2.13 Importantly, this traffic impact comment has not been added to proposed allocation CRS4, which arguably has the potential for greater traffic impacts on the same set of junctions. It is unclear therefore why the Council have retrospectively sought to update their conclusion by adding yet further grounds against suitability, other than to avoid altering the conclusion reached to date on this site. This illustrates an inconsistent approach to the assessment and rejection of reasonable alternatives through both the SHELAA and SA processes.
- 2.14 As we outline in our Matter 2 and 3 Statements, we contend there are strong grounds to revisit the quantum of growth assessed through the SA process, and the reasonable alternatives to distribute this to sustainable settlements in the settlement hierarchy. In this respect, we note at Table 53 (Page 150) of the SA (2021), our client's site (SHELAA Ref: 25) is listed as a 'reasonable alternative site' at Cranbrook. We would respectfully suggest there are strong grounds to reassess such reasonable alternatives. This a logical, modest and suitable location for homes, located a short walk from the heart of Cranbrook. It will make a modest contribution to meeting needs lost through the deletion of allocations between the Draft Local Plan and Submission versions, including for affordable housing, and contribute to the contingency we contend is needed to ensure a continuous supply of land for housing is delivered, particularly in the first five years of the plan period (see Matter Statements 2 and 3).

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