

SAVE CAPEL

And

CAPEL PARISH COUNCIL

Herein referred to collectively as
(“ SCPC ”)

HEARING STATEMENT

MATTER 8 – MEETING HOUSING NEEDS

INTRODUCTION

1. As per paragraph 11 of the “Examination Guidance Note for Stage 3”, Save Capel has been in discussion with Capel Parish Council and we have agreed to submit jointly prepared statements, given the commonality in the points both bodies wish to raise with the Inspector. We hope this will assist the Inspector with the timetable for representations and hearing arrangements.
2. In response to the Inspector’s questions, we have sought to avoid wholesale repetition of previously submitted evidence to the examination. This statement provides a summary of our points and expands on these where relevant to the specific MIQs ahead of the examination hearing scheduled for 20th June 2024.
3. At the time of writing SCPC have not had the benefit of sight of the Council’s responses to the MIQs and will seek to make further representations in the light of these at the hearing, where appropriate.



CAPEL PARISH COUNCIL



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OPENING STATEMENT ON MATTER 8 – MEETING HOUSING NEEDS

4. As an over-arching principle, from the outset, SCPC wishes to emphasise that whilst it welcomes the Council’s removal of Tudeley Village (“TGV”) from the Plan, the Council has not gone far enough in reconsidering reasonable alternatives to its strategy that is now advanced in its revised Plan (i.e the Plan without TGV). TGV is self-evidently an unsustainable option. Faced with that reality, the Council could, and should, have fundamentally re-considered its spatial strategy, gone back to the drawing board and re-considered, in light of TGV’s unsustainability, what alternative strategies might now be appropriate to meet its housing need. The Council instead has sought to do the minimum to try to salvage what is left of its original strategy, via:
 - a. not allocating any more sites at all, despite the excision of a strategic site allocation of 2,100 dwellings,
 - b. only providing for 10 years housing supply, and
 - c. its proposal for an early review.
5. Paragraph 68 of the applicable NPPF refers to the need for policies to identify “where possible” 11 – 15 years’ worth of supply. It is entirely possible for the Council to do this, by re-visiting its identified growth strategy options, and they have not adequately justified why they have not. Furthermore, paragraph 22 of the NPPF states that “...*strategic policies should look ahead over a minimum 15 year period from adoption*”. This Plan does not do that.
6. Further, the Council appears to be relying on a (misconceived) ability to trigger an early or immediate review. There is no justification for this even if the Council is able to demonstrate that all other reasonable alternatives to its current strategy have been adequately assessed. An early or immediate review would only be justifiable if the Council could identify now a possible change in circumstance (such as funding coming forward for infrastructure) which would justify an early review. It has not done so.

ISSUE 1 – HOUSING REQUIREMENT AND MEETING HOUSING NEEDS

Q1. Does the housing requirement and plan period from the submission Plan remain justified and up-to-date? If not, what changes are required to make the Plan sound?

7. SCPC have reviewed the development strategy and evidence base and considers that there are several issues that need to be clarified under this Question.
8. The submitted Local Plan (“SLP”) covers the period from April 2020 and the local housing need, as calculated under the ‘standard method’, has been revised based on the requirement from household projections for 10 years starting with the “current year”, the Council saying that is April 2023. The Council has determined a housing need that has fallen slightly to 667 dpa from the SLP figure of 678 dpa. SCPC questions whether this “requirement” is up to date.
9. The question as to whether the housing requirement, which seeks to meet the ‘standard method’ need in full, is justified turns entirely on whether there are exceptional reasons to release land from the Green Belt (“GB”). SCPC sets out under Matter 1, why we consider that exceptional circumstances are not justified at the strategic level.
10. Furthermore, whilst this examination is not bound by the new NPPF¹ which clarifies the ‘standard method’ as being advisory only and authorities are not required to amend GB boundaries, the clear direction of travel should be considered.
11. For all of these reasons, particularly given the unsustainability of the strategic allocation at Tudeley, a lower housing requirement would be justifiable. The Council has not provided any evidence as to why this has not been done in light of the revised strategy.
12. Turning to the plan period, SCPC note the NPPF requirement² that “*Strategic policies should look ahead over a minimum 15-year period from adoption...*”. Given that adoption could be, at the earliest, towards the end of 2024, several respondents have questioned whether retaining the end date of 2038 in the Plan is justified. SCPC will seek to make further representations in the light of the Council’s response to this Question at the hearing, where appropriate.

¹ NPPF December 2023, Annex 1

² NPPF paragraph 22

Q2. What Main Modifications are required to the housing trajectory and projected sources of supply as a consequence of the Council's suggested changes to the Plan? Are the suggested changes based on accurate and up-to-date information?

13. The Council has provided a revised housing trajectory³ in its response to the Inspector's findings which includes the deletion of policy STR/SS 3 Tudeley Village (which we strongly support) and reduced housing delivery at Paddock Wood and Capel in an attempt to address concerns about flooding and drainage. The table below shows the sources of supply in the revised housing trajectory and where a range of units is identified, the mid-point has been used:

Source of supply	* Cumulative to 2030	* Cumulative to 2035	SLP period to 2038
Extant permissions (01-April-2023)	2,845	2,845	2,845
Windfall sites (152 pa from 2026/27)	608	1,368	1,824
RTW town centre plan (RTW2)	20	175	175
Paddock Wood/Capel (SS1)	1,126	2,389	2,453
Paddock Wood town centre (SS2)	10	16	16
Other allocations	1,207	1,645	1,778
Total dwellings	5,816	8,438	9,091

** Cumulative totals to 5-year and 10-year periods⁴ from anticipated adoption by Mar-2025*

14. SCPC considers that the trajectory is very front-loaded and the Council claims that a 6.13 year housing supply would be achieved on adoption, i.e. in 2025. It would have been helpful if the Council had provided an updated position of actual completions since April 2023 before the hearing of this Matter on 20th June 2024.

15. The trajectory is heavily reliant on the delivery of 2,845 units from extant permissions for which there is no breakdown provided. SCPC requested this from the Council on 12/02/2024 and is still without a reply at the time of this submission and is therefore unable to have confidence in their stated rate of delivery – whether in total at all.

16. Achievement of the 10-year trajectory (which is the focus of the revised Plan) is also hugely dependant on delivery at the strategic sites (Policy STR/SS 1). SCPC have serious concerns about delivery of these sites which we set out under Issue 2 below.

³ PS_062 Updated Local Plan Housing Trajectory - 1 April 2023 Position

⁴ Periods identified in NPPF Para 68

17. SCPC are also concerned that there are only 30 ‘other’ allocations – excluding strategic sites – in the trajectory. SCPC questions whether this is an adequate response to the SHELAA and ‘call for sites’ which included over 400 sites. There is no adequate justification as to why the Council has not now included any omission sites given the revised strategy and potential for the trajectory not to be achieved.

Q3. Does the total housing land supply include an allowance for windfall sites? If so, what is this based on and is it justified?

18. SCPC acknowledges that windfall allowances have been increased from the SLP starting 2026/27 but their contribution to meet the 10-year need is uncertain. This amounts to an additional 500 or so dwellings in the supply up to 2038.

19. SCPC questions why the Council has not provided earlier data than the past four years of monitoring to justify this.

Q4. Does the Plan identify specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15 of the Plan? If not, how many years’ worth of supply does it identify?

20. The Council has chosen to identify specific site allocations, save for a modest <200 houses resulting from the emerging Royal Tunbridge Wells Town Centre Plan.

21. Referring to the identified need under the ‘standard method’ above [para 8], the Council has calculated a requirement of 667 pa across the plan period (667 x 18) giving a total of 12,006 dwellings for the period 2020 up to 2038.

22. Putting aside the question as to whether that period remains justified, the Council report 1,842 completions (2020-2023) in the trajectory. This results in a ‘requirement’ of 10,164 (12,006 less 1,842) dwellings. When comparing that with the identified supply in the table above [para 13], the revised Plan is 1,073 dwellings short (10,164 less 9,091).

23. It is unclear why the Council did not consider the inclusion of the possible alternative approach of ‘broad locations’ set out in NPPF, para 68. SCPC has set out why we consider the Council should have re-assessed alternative spatial strategies with the potential to meet the need in full under Matter 1.

24. SCPC reiterates what we submitted under Matters 1 and 3: that we do not accept that there is any justification that this would include Tudeley Village.

Q5. As modified, would the Plan be positively prepared? Would it provide a strategy, which, as a minimum, seeks to meet the area's objectively assessed needs?

25. SCPC submits that the modified Plan is not positively prepared, and it fails to meet the Borough's objectively assessed needs.
26. The revised Plan has proposed that a commitment to an 'early review' would meet NPPF requirements for a development plan. SCPC has set out under Matter 1 why we consider this approach is not justified, where the Council is merely "kicking the can down the road". A thorough assessment of alternative strategies is not evidenced that might support it being positively prepared – rather it appears to SCPC that the Council has simply agreed with the Inspector that Tudeley Village is unsound, and removed it – without undertaking the work needed to support and justify the alternative strategies now being pursued. Given that the Council has had a year to work on this, it is unclear as to why this work has not been commissioned or completed. This is the concern raised in our overarching principles, set out from [4] above.

Q6. If not, how could the Plan be modified to make it sound?

27. SCPC acknowledges and supports the first essential change made by the Council in the Plan towards making it sound – the deletion in full of the TGV proposal. This was a major step towards the production of a sound local plan. However, what has now been presented in respect of development around Paddock Wood stills remains problematic and the local plan cannot, as it is currently drafted, be considered to be sound.
28. In summary, we have fundamental concerns that the infrastructure necessary has not been made clear and justified with proportionate evidence (some is simply missing), exceptional circumstances for GB release are not justified, and that the housing trajectory of currently identified sources required to meet the 10-year need is not deliverable.
29. Our conclusion is therefore that the Plan's progression should be paused whilst the Council undertakes a comprehensive review of reasonable alternatives that are already available. This review should have an open mind with the aim of meeting the full needs by identifying specific sites and/or broad locations.
30. Failing that, then the review should, at the very minimum, identify more sustainable development options that would justify the Plan's progression with an early review (if required). Again, SCPC submits that there is no evidence to justify Tudeley Village being included.

ISSUE 2 – FIVE-YEAR HOUSING LAND SUPPLY***Q1. What will be the five-year housing land requirement upon adoption of the Plan?***

31. This is for the Council to provide an up-to-date position. SCPC would wish to make representations at the hearing.

Q2. Based on the latest housing trajectory, how many dwellings are expected to be delivered in the first five years following adoption of the Plan?

32. As set out under Issue 1, there is uncertainty about which years constitute the first five years for the purpose of this Question.

33. SCPC questions whether the proposed trajectory for the first five years in PS_062 is deliverable.

Q3. Where sites have been identified in the Plan, but do not yet have planning permission, or where major sites have only outline planning permission, is there clear evidence that housing completions will begin within five years?

34. In response to this Question, SCPC seeks clarification from the Council on the supply from extant permissions [see para 15] and considers that the proposed delivery rate at the strategic sites is not deliverable. The modified Plan (relying on an early review) is hugely reliant on these sites in Paddock Wood & Capel.

35. The projected housing completions⁵ in the strategic sites are set out below for the 10-year horizon which is the focus of the modified Plan. The DLA addendum⁶ specifies the delivery as “A reduced number of homes (2532) based on the anticipated site capacity, and a reduced delivery rate to 250 homes/annum. This is based on 5 developer outlets, each delivering 50 homes per year. These are anticipated to be 2x in the east, 2x in the northwest, and 1x in the southwest”.

2025/26	50	2030/31	295
2026/27	206	2031/32	295
2027/28	285	2032/33	295
2028/29	290	2033/34	275
2029/30	295	2034/35	103

36. This shows that one site would provide completions as early as next year, with at least four from 2026/27. SCPC has not seen evidence to support the trajectory nor the delivery of the infrastructure necessary. SCPC’s consultants, Motion, have determined that this trajectory is

⁵ PS_062 Updated Local Plan Housing Trajectory - 1 April 2023 Position

⁶ PS_046-Paddock-Wood-Strategic-Sites-Master-Planning-Addendum (para 4.5)

not deliverable⁷ concluding that “...*the earliest that meaningful numbers of sustainable occupations could occur following adoption of the plan is 2029, with a date in the early – mid 2030’s more realistic*”.

37. Therefore, lead in times for the delivery of infrastructure interventions which are critical to the sustainable and acceptable delivery of policy STR/SS 1 are such that the predicted housing trajectory for the policy has no prospect of being delivered.
38. Furthermore, the Inspector has found⁸ “*The most up-to-date, independent evidence of deliverability on large sites before the examination is Start to Finish: Second Edition (Lichfields, 2020). It shows that the average time from validation of an outline planning application to the delivery of houses on large sites over 2,000 dwellings range from 5.0 to 8.4 years*”. As we have not even reached the outline planning stage, the complex development of seven separate parcels, particularly in dealing with the required flood & drainage measures, raises serious concerns about the soundness of the strategy.
39. In summary, the proposed delivery schedule for the strategic sites of commencing in 2025/26 to full delivery completed in 2036/37 is simply delusional. This is the same timescale as submitted in the SLP and the examination is now in its third year.
40. This further undermines the soundness of the plan and demonstrates yet another reason why alternatives should have been fully assessed and the previous site assessments (SHELAA) revisited.

Q4. What allowance has been made for windfall sites as part of the anticipated five-year housing land supply? Is there compelling evidence to suggest that windfall sites will come forward as expected in the first five years?

41. SCPC awaits the response by the Council to this Question, whilst noting our above response to Issue 1 Q3.

Q5. Will there be a five-year supply upon adoption of the Plan? If not, is the Plan sound?

42. As set out above, SCPC questions whether there will be a five-year supply upon potential adoption of the development plan.
43. We also, for the reasons set out above, consider that the Plan is unsound.

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⁷ PIFC_152 Save Capel response (Appendix 1)

⁸ ID_012 Inspector’s Initial Findings [para 34]

ISSUE 3 – HOUSING FOR OLDER PEOPLE & PEOPLE WITH DISABILITIES

Q1. Considering the conclusions reached in paragraphs 89-92 of the Inspector's Initial Findings, how can the Plan be modified to rectify the soundness issues identified?

44. This is for the Council to provide an up-to-date position. SCPC would wish to make representations at the hearing.

Q2. What implications will the Council's suggested changes to the Plan have on the provision of housing to meet the needs of older people and people with disabilities?

45. Given the removal of Tudeley Village and scope for such housing provision, this is for the Council to provide an up-to-date position.

46. SCPC would wish to make representations at the hearing in response.

Q3. In the event that needs will not be met, how can the Plan be modified in order to make it sound?

47. At the time of writing SCPC does not have sight of the Council's responses to the MIQs and would wish to make further representations in the light of these at the hearing.

JOINT HEARING STATEMENT**MATTER 8****31ST MAY 2024****CAPEL PARISH COUNCIL****SAVECAPEL**