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PSLP Representation No : 958, on behalf of Tunbridge Wells Green Party

Statement to Stage 2 Hearing, TWBC Local Plan Examination March 2022

This statement supplements my submission to the Reg 19 consultation by:

- i. Summarising the reasons why the Local Plan, which places over 50% of new dwellings in the Green Belt, is unsound, and
- ii. Reporting that the Full Council of 3rd February 2021 was warned of these non-compliances, and was also misled by an incomplete statement in their briefing papers, but nonetheless proceeded to vote to send the Pre-Submission Local Plan (PSLP) to the Reg 19 consultation

1. Reasons why the Local Plan is unsound

1.1 Numbers

The overall numbers are excessive, and involve some 50 - 55% of new houses being placed in the Green Belt constraint area, an obvious planning shortfall that should have been challenged and corrected, both by the Planning Department and by the Council. This makes the proposed Local Plan unsound, because it was not positively prepared, and the use of so much Green Belt is not justified.

The Local Plan contains a table summarising the Green Belt incursions and calculates that "only" 5.71% of the Green Belt is used up, but it does not calculate and report how many of the new dwellings are in Green Belt locations, so I made that analysis.

The resulting spreadsheet is included in submission 958, and for convenience as Appendix 1 to this submission. The numbers came from a table sent to Parish Councils by Planning in October 2020, and will have changed a little, but the conclusions remain valid:

Over 50% of new dwellings in the Local Plan are placed in the Green Belt.

Such an incursion into the prime planning constraint (the other being the High Weald AONB) cannot be right, and renders the Local Plan unsound on the basis of it not being properly prepared, and its contents not being justified.

When it was discovered that the proposed allocations led to such a damaging position, Planning and the Council should have taken steps to mitigate the impact, but they do not appear to have done so, and the bottom line is that the 50%+ of dwellings remain in the Green Belt, rendering its intended function of avoiding urban sprawl redundant.

Some of the steps that could have been taken at an early stage, say in 2018, include:

- taking effective steps before the Reg 18 consultation stage, under the Duty to Cooperate with adjacent LPAs, to resolve the issue
- lobbying Westminster for a target that would not intrude into the Green Belt. My submission to the Reg 18 consultation included an equivalent calculation to the Reg 19 one, and that showed that if the "2016" standard method were to be applied, the target numbers would reduce by 35%, and the need to use the Green Belt would disappear altogether.
- joining with other Kent Councils and MPs to push back on the Government's figures; it is noted that such cooperation was successful in 2020 when there was a proposed new "mutant algorithm" that produced even higher housing numbers in the South-East, and the Housing Minister had to withdraw it in the light of widespread objections.

1.2 Arbitrary buffer of approximately 1050 dwellings

An arbitrary buffer of some 1050 houses was added to the number derived from the "2014" standard method without any obvious methodology to justify its size; not adding such a large number could have avoided some of the most damaging proposed developments - which further intrude into the Green Belt and AONB constraints - being included in the Local Plan, which is thus unsound on the grounds of it not being properly prepared, and its contents not being justified.

1.2.1 The buffer

Paragraph 4.54 of the Local Plan states that at the mid-point of dwelling ranges there is a "buffer" of approximately 1,000 dwellings (it is actually 1,050).

1.2.2 The most damaging developments that it enabled

By including such a large buffer, the opportunity to exclude the most damaging developments (both from the environmental and the loss-of public-amenity aspects) from the Local Plan was missed, rendering the Local Plan unsound.

It is noted that there is no mechanism in the Plan to stop developers executing these damaging developments first, at great loss to the public, whilst leaving the 3,300 or so extant planning permissions untouched.

Whilst the 2,500+ dwelling housing estate at Tudeley is too big to have been saved by cancelling the buffer alone, the following developments could have been left out:

1.2.2.1 AL/RTW16 Land to the west of Eridge Road at Spratsbrook Farm (known locally as Ramslye Field); 120+ dwellings

This is Green Belt land much valued by local residents for recreation and relaxation, and which abuts the ancient woodlands leading to High Rocks. The developer has recently indicated a desire to increase the number of houses above the 120 stated in the Local Plan, and the site has room for 270.

1.2.2.2 AL/RTW14 Land at Wyevale Garden Centre; 25 - 30 dwellings

This is Green Belt woodland that is an ecological extension of the well-protected Tunbridge Wells Common, and traffic would emerge onto either a dangerous blind corner on the busy Eridge Road, or onto the tranquil High Rocks Lane on the western side of the development.

1.2.2.3 AL/RTW5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenbrook Farm; 100 dwellings

This is Green Belt land that performs the valuable function of separating Southborough from Tunbridge Wells main town, ie it is a mini-Green Belt in its own right.

It was previously rejected by Planning at Reg 18, and was inserted shortly before the Full Council of 3 Feb 2021 with no convincing explanation why.

1.2.2.4 STR/SS1 The Strategy for Paddock Wood's most flood-prone areas, including Site numbers 20, 79, 141, 142 and 309; some 600 dwellings

These are just a few of the flood-prone Green Belt areas proposed to be developed in Paddock Wood, proposals that fly in the face of common sense as global efforts to combat the rise in atmospheric CO₂ fall short of requirements.

1.2.2.5 AL/BE3 & BE4 Land at Benenden Hospital, East End; 75+ dwellings

This is largely greenfield (though claimed to be brownfield) land with high ecological value on the outside edge of the High Weald AONB. Development will generate damaging amounts of daily traffic along narrow country lanes that have no footpaths or cycle tracks, as there is no infrastructure of any significance planned to support the residents of the 75+ dwellings.

2. Failures of the Full Council of 3 February 2021

I was one of the members of the public who spoke at the video-conference Full Council on 3 Feb 2021, which approved the PSLP proceeding to the Reg 19 consultation stage. My text as delivered is in the box below, and I would like to draw the Inspector's attention to two key points I made:

- the policy position of the then Housing Minister Robert Jenrick (MHCLG), and
- the reference to the Cabinet Advisory Board, and the misleading summary of MHCLG's reformed standard method statement given to Councillors

Dear Councillors, the Green Party supports some aspects of the PSLP, for example the use of brownfield sites near the town centre, though the Climate Emergency provisions need to be toughened up, for example by not building houses in flood-prone areas, and making them zero-carbon-ready, to reflect the Housing Ministry's energy efficiency requirements published last month.

But the Plan has a fatal flaw - it contains too many houses, and is hence unsustainable in a constrained Borough like Tunbridge Wells.

The Planners have tried to get a quart into a pint pot, and the overspill has placed over 50% of the new dwellings in the Green Belt, and has created unpopular developments from Ramslye to Benenden & Cranbrook, via Capel and Paddock Wood.

But on 16 December, Housing Minister Robert Jenrick reformed the standard method, putting the responsibility for determining the number of houses and where they go, back to Local Authorities.

This is what the Minister calls his policy position, prior to it going into the next NPPF:

QUOTE

Within the current planning system the standard method does not present a 'target' in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt...that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in... [the NPPF](#) or our strong protections for the Green Belt.

It is for local authorities to determine precisely how many homes to plan for and where those homes [are] most appropriately located...taking into account their local circumstances and constraints. UNQUOTE

I'm surprised this reform was not mentioned at the Cabinet Advisory Board, and the sentence about the reformed standard method in paragraph 3.19 on page 16 of the Agenda numbering is incomplete and thus misleading.

Councillors, since December the Local Plan numbers have become your numbers - and you are now free to reduce them where there are constraints.

It's time to take back control - the PSLP should be returned for rework, with say 30% fewer houses, to give Tunbridge Wells the sustainable Local Plan that it deserves. Thank You

The Full Council meeting of 3 February was preceded by a Planning and Transportation Cabinet Advisory Board on 11 January 2021; the Chair was Councillor McDermott, who was also Chair at Full Council on 3 February.

The 1178-page Public Reports Pack included the Agenda and the draft Pre-Submission Local Plan (PSLP), and at paragraph 3.19 an identical short comment to the one discussed below in the context of Full Council. Robert Jenrick's policy position in his statement of 16 December 2020 had been posted nearly a month earlier on his departmental website:

<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system#proposed-changes-to-the-standard-method-for-assessing-local-housing-need>

I attended the Cabinet Advisory Board video meeting, and do not recall the Housing Minister's policy position being described to the Councillors; they thus approved the Local Plan going to Full Council for Reg 19 Consultation approval without being made aware of this major development in the basis of UK Local Planning.

Full Council of 3 February 2021 was given a 23-page briefing note/Agenda, which did mention that MHCLG had carried out two consultations in autumn 2020, and that the changes from those consultations might take 2-3 years to work through, but it only made the following short reference to MHCLG's 16 December statement, in paragraph 3.19:

MHCLG confirmed, on 16th December 2020 that the changes to the standard method would essentially only apply to city areas.

As my speech stated, this is anything but a complete and accurate interpretation of MHCLG's 16 December statement, which included a policy position **that put responsibility for determining all housing numbers back to LPAs, to determine within their constraints such as the Green Belt.**

Full Council was thus misled about what the Minister's overall policy position was, and how it could affect the Tunbridge Wells Local Plan.

I believe this made the Council's decision to approve the PSLP going for Reg 19 Consultation invalid, and the Local Plan has thus not been properly prepared.

Appendix 1 - number and % of dwellings in the Green Belt in the Local Plan

NB the full table is included as an Excel file in submission 958.

Jan 2021 (pre-Reg 19) PSLP figures								
Distribution of Growth per Settlement, from Oct 2020 Stakeholder Consultation						G	H	I
Source: Table 1 on p172 of Infrastructure Delivery Plan (Oct 2020) within PSLP docs as at 11 Jan 2021						DELTA	AONB	Green
		C	D	E	F	2021 - 2019	or GB	Belt
2019 figures arranged into 2021 PSLP areas	Settlement	Upper Allocation Capacity (excluding sites with planning permission in column D)	Number of Dwellings with Extant Planning Consent (as at April 2020; this figure may include allocated sites in Column C)	Indicative Distribution of Windfall Development as a Share of Local Plan Indicative Windfall Allowance	Total Dwellings Expected within Plan Period 2020-2037 (Columns C+D+E)			Future dwellings (from PSLP Policy Numbers) in Green Belt areas
	133	Benenden	95	51	28	174	41	AONB
10	Bidborough	0	10	16	26	16		
163	Brenchley & Matfield	87	63	56	206	43	AONB	
1913	Capel	2000	27	24	2051	138	GB	2100
986	Cranbrook & Sissinghurst	307	306	103	716	-270	AONB	
38	Frittenden	30	18	10	58	20	Neither	
49	Goudhurst	0	39	35	74	25	AONB	
738	Hawkhurst	489	146	106	741	3	AONB	
328	Horsmonden	205	31	50	286	-42	Neither	
58	Lamberhurst	30	5	27	62	4	AONB	
5149	Paddock Wood	3763	990	72	4825	-324	GB (part)	2060
348	Pembury	245	119	27	391	43	GB&AONB	259
2267	RTW	1186	1342	750	3278	1011	GB (part)	248
22	Rusthall	15	20	44	79	57	Neither?	
34	Sandhurst	30	20	15	65	31	AONB	
265	Southborough	26	153	155	334	69	AONB	
20	Speldhurst	12	22	50	84	64	GB&AONB	11
12524	TOTALS	8520	3362	1568	13450	926		4678
incl Windfalls Allowance (WA):								
13224	Note 1: 2019 had WA of 700 (unallocated); 2021 has WA of 1568 (allocated as per column E)							
	Note 2: Capel has 2100 in the PSLP; that +100 has not been added above, but has been in GB calc)							
	Note 3: Total 8520 Allocations in column C is close to the 8427 in Table 4 of the PSLP at 11 Jan 2021							
						Summary: Green Belt % = 4678/8520 = 55% of New Dwellings		