

EXAMINATION STATEMENT – MATTER 2 HOUSING & EMPLOYMENT NEEDS

Issue 1 Housing Needs & the Housing Requirement

Tunbridge Wells Local Plan

Representations on behalf of
Crest Nicholson

March 2022

EXAMINATION STATEMENT – MATTER 2, ISSUE 1

TUNBRIDGE WELLS LOCAL PLAN

**REPRESENTATIONS ON BEHALF OF
CREST NICHOLSON**

MARCH 2022

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1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Barton Willmore LLP on behalf of our Client, Crest Nicholson, who has an interest in the land to the north west of Paddock Wood that forms a significant part of the housing allocation STR/SS1: The Strategy for Paddock Wood, including land east of Capel, which provides for circa 3,490-3,590 new dwellings across Paddock Wood. This Statement is prepared in response to the Inspectors' Matters, Issues and Questions.
- 1.2 Representations have been made on behalf of our client throughout the production of the emerging Local Plan and these representations expand upon earlier representations. While efforts have been made not to duplicate the content of previous representations, this Statement draws on previous responses where necessary.
- 1.3 These representations have been prepared in recognition of prevailing planning policy and guidance, particularly the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 1.4 These representations respond to the Inspectors' questions within Matter 2 Issue 1 – Housing Needs and the Housing Requirement. This Statement does not respond to all questions raised under this Matter but focuses on those questions of particular relevance to our Client's interests.
- 1.5 These representations have been considered in the context of the tests of 'soundness' as set out at paragraph 35 of the NPPF. This requires that a Local Plan be:
- **Positively Prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with National Policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

2.0 RESPONSE TO MATTER 2 ISSUE 1 – HOUSING NEEDS & THE HOUSING REQUIREMENT (POLICY STR1)

To determine the minimum number of homes needed, paragraph 61 of the National Planning Policy Framework ('the Framework') states that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

Question 6: Is the housing requirement justified, having particular regard to areas of Green Belt and AONB across Tunbridge Wells?

- 2.1 It is difficult to separate out this issue from considerations of development strategy, because paragraph 11 of the NPPF (set out below) requires LPAs to assess matters as a whole. Consequently, Crest has addressed this matter taking into account the Council's process and development strategy.
- 2.2 As set out below, Crest considers that the housing requirement is justified, having particular regard to areas of Green Belt and AONB across Tunbridge Wells; however, we do set out how Policy STR1 could be amended to be more positively prepared.
- 2.3 Under the title, 'The Presumption in favour of sustainable development', paragraph 11 of the NPPF makes it clear that:

"a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

2.4 Further Paragraph 60 of the NPPF further states, that, "*it is important that a sufficient amount and variety of land can come forward **where it is needed***" (author's emphasis).

Housing Need

- 2.5 The Standard Methodology quantum when calculated for TWBC is 749 dwellings pa; however, due to the significant increase from the adopted local plan housing figure of 225 dwellings pa, the Council has applied the 40% cap, which brings the annual figure down to 678 dwellings.
- 2.6 This seems a reasonable figure when balancing the actual uncapped housing need (which would provide 1300 more homes within the local plan period) and the historic undersupply against the physical constraints of the borough, and the need to provide for the social, economic and environmental needs of the borough.
- 2.7 Seeking to reduce housing need further, due to environmental constraints would mean more families being disadvantaged and less affordable homes and specialist housing (for older people, people with disabilities, etc) being provided, which in turn would impact the health and wellbeing of residents in the borough, limit economic prosperity and create additional social deprivation and a larger affordability ratio. This, in turn, would create an imbalance between social, economic and environmental factors.
- 2.8 The affordability issues already being experienced in TWBC is set out in the Council's review of local housing needs (CD3.75). These issues will be made worse by the number of new homes being capped in this local plan period, but the impacts would be seriously exacerbated if TWBC does not release land from the Green Belt to accommodate its needs. Such acute affordability issues in Tunbridge Wells can only add weight to the exceptional circumstances required to amend Green Belt boundaries.
- 2.9 Crest agrees with TWBC and its evidence base, therefore, that the Council should meet its capped housing need, if that need can be met without any adverse impacts that would "*significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*"

Seeking Assistance from Neighbouring Authorities

- 2.10 TWBC is environmentally constrained with approximately 75% of the borough being covered by the High Weald AONB and/or Metropolitan Green Belt; however no more so than some other local plan authorities within the Metropolitan Green Belt that have also provided for their own housing needs in recently examined local plans (e.g. Brentwood BC which has 89% of its borough within the Green Belt).
- 2.11 Its neighbouring authorities in the West Kent HMA Sevenoaks, Tonbridge & Malling, Wealden and Rother are similarly constrained, particularly within the HMA, as shown in the plan at Appendix 1 of the Council's document TWLP/001, Hearing statement Matter 1:Issue 1.
- 2.12 Further both Sevenoaks' and Tonbridge & Malling's local plans were found unsound, whilst this Plan was being drafted, creating an interesting political landscape for TWBC to work within and clearly limiting opportunities to discuss and agree options for those authorities to assist in taking any housing numbers from TWBC, as discussed in Stage 1 of this Examination, under Duty to Cooperate.
- 2.13 The idea of a joint Green Belt Study with neighbouring authorities, as suggested in Stage 1 of this Examination, is a good idea in theory, but Crest are at a loss to understand how this could have been possible with the pervading political landscape at the time particularly in Sevenoaks and Tonbridge & Malling, but also in Maidstone, all of which are seeking reduced numbers of dwellings within their own boundaries.
- 2.14 Crest agrees with TWBC and its evidence base/Duty to Cooperate statements, therefore, that although much work was undertaken to cooperate with neighbouring authorities, there was no opportunity to seek assistance from neighbouring authorities to meet its housing need nor to argue for an even lower housing need than the capped Standard Methodology calculation, if that need can be met without any adverse impacts that would *"significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Adverse Impacts

- 2.15 TWBC's "Development Strategy Topic Paper" (TWBC, October 2021) along with the Sustainability Appraisal provides a comprehensive overview as to the basis and justification for the spatial development strategy that has evolved.
- 3.0 Paragraph 1.3 of Development Strategy Topic Paper states,

"Particular consideration has been given to the potential to accommodate development needs within the borough, notably for housing while also, where appropriate, prioritising opportunities for economic growth, without undue impacts on the functioning and purposes of the Green Belt and the defining characteristics of the High Weald Area of Outstanding Natural Beauty (AONB), and without exacerbating flood risk. Connectivity and the capacity of infrastructure, including transport, utilities, schools, and other community services/facilities has also contributed to the preparation of the proposed strategy, including assessments of future infrastructure requirements generated by proposed development, and how these will be delivered."

- 3.1 It is clear from the work undertaken by TWBC that housing needs cannot be met within the built up areas of the Borough outside the Green Belt or AONB. Therefore, to balance the issues set out in paragraph 1.3 of the development Strategy Topic Paper, the Council considered fewer but larger - more sustainable- sites to provide a more robust development strategy, as concluded in the SA. This accords with paragraph 73 of the NPPF which recognises that,

"The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities."

- 3.2 The Government places great weight on local planning authorities to meet their own housing needs whilst protecting Green Belt and AONB; however, the NPPF recognises that these designations are not absolutes, but should be considered against the appropriate tests. TWBC has assessed the development strategy and sites against these tests, whilst also balancing policies in the Framework as a whole.
- 3.3 In the case of Paddock Wood, the development strategy will not only provide a sustainable expansion of the town but will bring betterment to the existing settlement through alleviating flooding.
- 3.4 When considering sites for growth locations outside the AONB and Green Belt, that there are limited options to create, *"a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects."*

- 3.5 The Council's evidence does show, however, that as part of a wider strategy developing a major, transformational expansion of Paddock Wood following garden settlement principles, as set out in STR1, is a good sustainable option.
- 3.6 Development at Paddock Wood, under Policy STR/SS1 will assist TWBC to:
- meet the housing (market, affordable and specialist housing) needs of the borough
 - meet the employment needs of the borough
 - support and enhance the sustainability of the second largest settlement in the borough, which is served by existing rail and public transport services to higher order settlements
 - align growth and infrastructure, due to its sustainable scale
 - provide betterment to Paddock Wood town by addressing existing flooding issues, and thereby improving the environment and residents' quality of life, as well as mitigating climate change and its future effects
 - provide social betterment with additional new schools, a new sports and leisure hub and safer crossings of the rail line
 - provide a compact, healthy and active community that will be energy efficient and resilient.
- 3.7 When all these elements are put into the planning balance, it can be seen that TWBC is planning positively for the housing needs of its residents where it is needed whilst meeting the policies of the NPPF *when taken as a whole*.
- 3.8 As a result, Crest supports TWBC in seeking to meet the capped housing requirement for the Plan period, as a minimum.
- 3.9 It is thereby considered that TWBC has met the tests in the NPPF and has positively planned for its residents and the Borough's economic needs within its environmental constraints for this Plan period. This is welcomed and supported.
- 3.10 That said, however, the Development Strategy and in particular paragraph 4 of Policy STR1 could be worded positively, to better reflect the on-going work developers are doing with the Council to bring these sites forward, as demonstrated in the Statements of Common Ground.
- 3.11 Currently paragraph 4 of STR1 states that the Local Plan "*Includes an allowance for potential delays or non-delivery of sites*". To be more positively prepared, it is suggested that paragraph 4 is amended to read,

"The strategic sites will be comprehensively planned through co-produced Masterplans and Development Framework Supplementary Planning Documents that will allow individual planning applications to come forward in order to facilitate the timely delivery of development and minimise potential delays or non-delivery;"

Suggested Change to the Local Plan

- 3.12 To be more positively prepared, it is suggested that paragraph 4 of Policy STR1 should be modified from, *"Includes an allowance for potential delays or non-delivery of sites"* to read:

"The strategic sites will be comprehensively planned through co-produced Masterplans and Development Framework Supplementary Planning Documents that will allow individual planning applications to come forward in order to facilitate the timely delivery of development and minimise potential delays or non-delivery;"