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

STATEMENT FOR:

**MATTER 3 – SPATIAL STRATEGY AND
DISTRIBUTION OF DEVELOPMENT (POLICY
STR1, STR3, STR9 AND STR10)**

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.

CHD’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 3 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 3: SPATIAL STRATEGY AND DISTRIBUTION OF DEVELOPMENT (POLICIES STR1, STR3, STR9 AND STR10)

Issues 1 to 3

Issue 1 – Spatial Strategy

Question 1: Does the submission version Local Plan contain a settlement hierarchy in the same way as the adopted Core Strategy (2010) does?

- 2.1. No. The existing settlement hierarchy in the Core Strategy (Policy 1 and Box 3) is not replicated or refined in the submission Local Plan.

Question 2: The *Settlement Role and Function Study Update* scores settlements and groups them together between A and G. Is the methodology used robust and are the outcomes accurate?

- 2.2. Royal Tunbridge Wells is the most sustainable location in the Borough and should consequently be the focus for growth.

Question 3: What is the purpose of the *Settlement Role and Function Study Update*? How has it informed the Plan?

- 2.3. This is a matter for the Council. However as indicated detailed in the representation and the other statements to the Examination, it is not considered that the spatial strategy has adequately considered the scope for growth at Royal Tunbridge Wells.

Question 4: The Development Strategy in Policy STR1 supports the “...*major, transformational expansion of Paddock Wood (including land at east Capel)*...”. At a strategic level, what are the reasons for promoting significant new development at Paddock Wood? Is this justified?

- 2.4. The strategic reasons for major growth at Paddock Wood are for the Council to explain. This should also indicate why other more sustainable locations like to

the north of Royal Tunbridge Wells was not selected for growth. This is especially important as exceptional circumstances which potentially justify Green Belt revisions at Paddock Wood would equally apply to adjustments at Royal Tunbridge Wells. Consequently, the submitted Plan is not justified due to this inconsistency.

Question 5: The Development Strategy also supports the “...creation of a new garden settlement: Tudeley Village...”. What were the reasons for pursuing a new, standalone settlement, rather than the expansion of existing towns and villages? Is this justified?

- 2.5. It is for the Council to explain the reasons for Tudeley rather than the expansion of existing settlements.
- 2.6. This should outline why acknowledged sustainable locations like the northern edge of Royal Tunbridge Wells has not been selected for significant growth, especially as this includes an allocation for major employment development (AL/RTW17). Therefore the authority has not justifiably explained why growth adjoining the employment allocation is unsuitable.
- 2.7. As outlined in the representation and the matter 1 statement¹, the Council's appraisal did not adequately consider alternatives through the necessary finer grained assessment and therefore the selection of Tudeley as a new garden settlement is not justified.

Question 6: Paragraph 4.45 of the submitted Plan states that Royal Tunbridge Wells is surrounded by the High Weald AONB, except for areas to the west and the north. What options has the Council therefore looked at for new development to the west and the north of the town? Why were they discounted in favour of a standalone new settlement (which also requires land to be removed from the Green Belt)?

- 2.8. The Council must explain why growth at Royal Tunbridge Wells was

¹ Especially on issue 3

discounted.

- 2.9. However, as outlined in the representation, the land at Castle Hill (SHELAA ref 49) is a suitable location for growth and should have been included as an allocation within the plan for around 900 dwellings.
- 2.10. Through the representations on the Regulation 19 Plan, the capacity of the Castle Hill was refined from 1,600 dwellings² to 900 dwellings reflecting the additional technical work provided at this time. However, this revision to capacity and the technical work has not been considered and appraised by the authority.
- 2.11. Whilst the site lies within both the Green Belt and AONB, as detailed in the representation together with the Matter 1 Statement³, the Landscape Sensitivity Study⁴ acknowledged that at a localised scale, landscape containment offered scope to limit the impact of built development such that **“there may be pockets of land associated with the A21 or existing development where sensitivity to limited small scale development could be relatively contained in the wider landscape”** with only potentially medium/high sensitivity (comparable to same categorisation⁵ on sensitivity for the now accepted major employment development in the AONB). The accompanying table for parcel PE1 of CD2.102bi indicates that 2 and 2½ storey residential development is acceptable as indicated in Table 2.3 of CD3.102a.
- 2.12. This acceptability of residential development within area PE1 together with the technical evidence submitted for Castle Hill in the representation indicates that the Council has not undertaken the essential finer grained analysis. Had this occurred, further growth north of Royal Tunbridge Wells would have been identified.
- 2.13. Furthermore, had the Council’s Green Belt assessments (CD3.43a & 3.43b)

² As assessed in row 14 of Table 27 of the Council’s Sustainability Appraisal.

³ Especially on issue 3

⁴ Site ref PE1 in CD3.102bi (page 92)

⁵ Typologies shown in table 2.3 of CD3.102a (page 17) which confirms the Longfield Road approved scheme is a large development scenario.

included a more extensive assessment of smaller parcels⁶, rather than broad areas⁷, it is likely that further areas could have been identified with limited contribution towards Green Belt purposes.

2.14. The failure to undertake a finer grained Green Belt analysis was a reason why the Inspector concluded that the St Albans Local Plan had failed⁸. The same therefore also applies with respect of the overly large broad areas considered to the north of Royal Tunbridge Wells.

2.15. Therefore, the Council has not justified the discounting of additional growth north of Royal Tunbridge Wells.

Question 7: The Development Strategy Topic Paper refers to constraints to such as the Green Belt, the High Weald AONB and areas of flood risk. Which areas of the Borough are not constrained by flooding and/or the Green Belt and AONB? Why could housing needs not be met in these areas?

2.16. This is a matter for the Council to explain. However, the Borough's need for development (including housing) provides the exceptional circumstances for allowing development in both the Green Belt (through boundary revisions) together with the AONB.

Question 8: Could housing needs be met in a way that did not require land to be removed from the Green Belt and/or require development in the AONB?

2.17. No.

Question 9: Do policies relating to the Green Belt, the High Weald AONB and/or flood risk provide a strong reason for restricting the scale, type and distribution of development in Tunbridge Wells?

2.18. No. The Borough's need for development (including housing) provides the exceptional circumstances for allowing development in both the Green Belt

⁶ i.e parcel TW4 which coincides with the draft employment allocation AL/RTW17

⁷ i.e. Parcels BA1 and BA2 north of Royal Tunbridge Wells

⁸ See paragraph 68 of the Inspector's letter included as appendix 13 with the representation and the reference in the Matter 1 Statement.

(through boundary revisions) together with the AONB.

Issue 2 – Distribution of Development

Question 1. How was the distribution of development established? Has the Council sought to direct housing growth towards settlements based on their scoring in the Settlement Role and Function Study, or by another means?

2.19. This is a matter for the Council to explain.

2.20. However, it is not considered that the allocation of sites has adequately considered the sustainability of existing settlements, especially given the extensive range of facilities and services available at Royal Tunbridge Wells and its sustainability for growth. This consequently should have been identified as a key focus for growth, beyond that currently identified.

2.21. Although the Local Plan (CD3.128) (Table 5) indicates that Royal Tunbridge Wells is the focus for employment allocations (51.9%⁹), this is not reflected in the provision of housing. Table 4 indicates that allocations at Royal Tunbridge Wells are for between 1,416 and 1,536 dwellings. This is 15.7% or 16.3% of the respective lower and higher figures.

2.22. When compared to the importance of the town for existing employment, retail, leisure, education and cultural facilities together with its public transport services, it is not considered that provision of around 16% of the borough's housing allocations is justified given the Settlement Role and Function Study.

Question 2: When taking into account commitments and completions since the start of the Plan period, what proportion of new housing will be distributed to each group of settlements, as per the Settlement Role and Function Study?

2.23. This is a matter for the Council to respond. The response to question 1 highlights the significant difference between housing and employment allocations at Royal Tunbridge Wells.

⁹ Allocation for 13.4ha at AL/RTW17, 52% of the 25.8ha identified in the table

Question 3: Is the strategy consistent with paragraph 105 of the Framework, which states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes?

2.24. No. The strategy includes the unjustified inclusion of a new settlement at Tudeley. Growth at existing settlements which ensure sustainable behaviours are embedded from initial occupation as there is local services and facilities available. This contrasts with that at Tudeley¹⁰.

2.25. Furthermore, there is uncertainty whether the necessary transport improvements required for Tudeley are viable¹¹. This is especially important given the Tudeley is only viable at the lowest existing land values and highest property values¹². Therefore, the Council's strategy, especially its reliance on Tudeley is inconsistent with the Framework.

Question 4: Having established the principle of significant growth at Paddock Wood (see Matter 3, Issue 1, Question 4 above), how did the Council determine the scale of additional housing proposed in the Plan?

2.26. This is a matter for the Council to justify.

Question 5: Where new development is proposed in towns and villages, is the scale, type and distribution of housing development proportionate to their character, role and function?

2.27. No. The approach of the plan does not proposed growth that is proportionate to their character and function. Whilst we have highlighted the under-provision at Royal Tunbridge Wells, this is also a result in the over-emphasis on some locations, especially Tudeley.

¹⁰ see paragraph 1.1 of our Regulation 19 representations

¹¹ See paragraphs 9.8 & 9.9 of our representation

¹² See paragraph 9.15 of our representation ando appendix IIa of the Stage 2 Viability Assessment (CD3.54a(ii))

Question 6: What is the justification for distributing new housing development to settlements within the High Weald AONB? How did the AONB designation influence the scale, type and distribution of housing development?

- 2.28. The need for development within the Borough provides exceptional circumstances for allowing development within settlements that also lie within the AONB.
- 2.29. Whilst it is for the Council to explain how the AONB designation influenced the scale, type and distribution of housing development, major employment development is envisaged in the AONB in draft allocation AL/RTW17.
- 2.30. The justification for employment therefore also applies to residential development. This is consistent with the conclusions of Inspector's examining other Local Plans as referenced in the representation¹³ together with Court judgements¹⁴.
- 2.31. Given the clear need for residential and other development, it is not considered that the Council has fully recognised the acceptability of locations within the AONB, including north of Royal Tunbridge Wells for further development.

Question 7: How have flooding constraints been taken into account in determining the spatial distribution of development? Is the Plan consistent with paragraph 161 of the Framework which states that all plans should apply 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.

- 2.32. This is a matter for the Council to explain. However, the NPPF allows for development in both the Green Belt and AONB where, as in Tunbridge Wells Borough's case, there is a clear need. It will be for the authority to explain why locations in the Green Belt and/or AONB should not be considered in preference to locations within flood zone 2.

¹³ See paragraphs 10.30-33 of the representation

¹⁴ *Averse et al v Dorset Council* included as appendix 17 to the representation together with *Compton PC v Guildford Borough* included as Document TWLP-009 in examination library.

Question 8: Does the Plan identify any areas of safeguarded land, in between the urban area and the Green Belt in order to meet longer-term development needs stretching beyond the plan-period?

2.33. No. However, consistent with the NPPF (paragraph 143), the Plan should include safeguarded land. As with the current Site Allocations Local Plan, a pool of safeguarded land will provide an initial opportunity for development sites through a review of the Local Plan.

Issue 3: Limits to Built development

Question 1: How have the Limits to Built Development been defined? What are they based on and are they accurate?

2.34. Whilst this is a matter for the Council, for the reasons set out in our representations, additional sites should be allocated for residential development to meet the Borough's development needs (including unmet needs of neighbouring authorities) whilst seeking to maintain a rolling 5 year supply of housing land.

Question 2: Do the submission version policies maps adequately show the changes to the Limits to Built Development that would arise from the adoption of the Plan?

2.35. No. See response to Question 1 above.

Question 3: Where new site allocations are concerned, the Limits to Built Development Topic Paper states that only the developable areas have been included. Landscape buffers, open space and outdoor recreation areas have been excluded from the Limits to Built Development. What is the justification for this?

2.36. Whilst this is a matter for the Council to justify, the inclusion of only the currently envisaged developable areas means that opportunities for alternative schemes which both address the Borough's development needs whilst reflecting the approach of both the NPPF and Development Plan will be restricted.

2.37. Given the need for development in the Borough and whether the Council can maintain a five year supply of housing land¹⁵, the approach of the authority is unduly restrictive.

Question 4: When taking into account that the detailed design and layout of a site allocation will be determined at the planning application stage, will the approach to defining Limits to Built Development be effective?

2.38. No. This is explained in our response to question 3.

Question 5: What are the ‘Provisional Limits to Built Development’ as shown on the Submission Local Plan Inset Map Legend? Which sites/areas do they relate to? Are they justified and effective?

2.39. It is for the Council to explain which sites they relate to. However, as explained in our response to questions 3 and 4, they are neither justified nor effective.

Question 6: Where boundary changes are proposed as part of the submission version Local Plan, are they justified by appropriate evidence and analysis?

2.40. No. As explained in our response to questions 3 and 4, they are not justified by appropriate evidence and analysis.

Question 7: What is the justification for removing heritage assets and recreation areas from the Limits to Built Developments? Is this consistent with the principles set out in Core Document 3.82, which states that Limits to Built Development are policy lines drawn around the main built-up area of settlements?

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2.41. This for the Council to explain.

Question 8: What is the justification for the removal of the settlement boundaries at Iden Green and Kilndown? Is this justified and is it consistent with the

¹⁵ See our representation and will be covered further in our Matter 9 Statement

principles of Limits to Built Development which seek to draw lines around the main built-up areas of settlements?

2.42. This is for the Council to explain.

Question 9: Is it clear to decision-makers, developers and local communities how planning applications will be considered for development proposals both within, and outside, Limits to Built Development?

2.43. No. The reason for our view is detailed in the response to questions 1 to 4 which highlight the need for flexibility, especially where equally acceptable solutions are proposed on allocations and other development sites.

Question 10: Table 7 in the submission version Local Plan lists nine sites that are identified as part of the 'Rural Fringe'. What is the status of these sites and how will they be defined in the Plan? What is the justification for not including them within the Limits to Built Development?

2.44. This is a question for the Council, including the justification for not including them within the limits to built development.
