

Tunbridge Wells Local Plan Stage 1, Issue 3 Statement for Bellway

February 2022

Turley

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Client
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Our reference
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1. Introduction

- 1.1 Bellway has a legal interest in the land to the north and south of High Woods Lane (Mouseden Farm) on the eastern edge of the built up area of Tunbridge Wells/Hawkenbury which it is promoting for residential led development. The site is separated by High Woods Lane. The area south of High Woods Lane is currently in agricultural use and bordered to the east by woodland, to the south by existing sports uses and to the west by existing residential development. The area north of High Woods Lane is also within agricultural use, with further agricultural uses/woodland to the east and an indoor bowls club and allotments to the west.
- 1.2 The draft Policies Map indicates that the southern part of the land (south of High Woods Lane) is to be designated under Policy AL/RTW19 for new and enhanced sport and recreation provision as part of a new stadia sports hub. The northern part of the land promoted by Bellway is not subject to any other proposed allocations. The draft Policies Map appears to indicate that both parts of the site will continue to be located within the Green Belt and AONB.
- 1.3 The southern part of the land promoted by Bellway (i.e. the land south of High Woods Lane) is subject to a planning permission for recreational uses. That application was submitted by the Borough Council, despite it having no interest in the land. In contrast, Bellway has a legal interest in the land and is promoting this area, as part of a wider site, for residential development. Bellway would be willing to work with the Borough Council to explore opportunities for bringing forward the approved recreational facilities in the area, which residential development on the site could help deliver.

2. Response to the Inspector's Questions for Stage 1, Issue 3

Q1. Option 11 in the Sustainability Appraisal of the Local Plan (Version for Submission)⁴ tests a growth strategy which includes an additional 1,900 dwellings (equivalent to the need identified by Sevenoaks District Council in April 2019). What were the outcomes of this assessment and how did they inform the preparation of the Plan?

- 2.1 Firstly, our understanding, based on page 6 of the SA, is that 'Growth Strategy 11' would provide for "Meeting the uncapped housing need and unmet need from elsewhere with strategic sites and further Green Belt release and growth in the AONB (853 dwellings per year)'.
- 2.2 At the outset, we consider that it is important that these growth options are considered. It is well known that Plan-making in east Kent authorities has been far from straightforward (including Tonbridge & Malling and Sevenoaks) where Plans have been withdrawn following concerns by Inspectors.
- 2.3 In that context it is entirely reasonable that the evidence to the TWBC Local Plan considers the manner in which it is able to accommodate greater levels of development, and in doing so, help to address unmet needs arising from elsewhere. Those unmet needs might arise because of the strategies adopted by those other LPAs, or the delays in Plan-making (and the unmet need which arises as a consequence).

Q2. Does Option 11 test the minimum housing requirement plus 1,900 dwellings to help meet unmet needs from elsewhere, or an alternative, higher figure? What is the justification for this?

- 2.4 No comment.

Q3. Does the Sustainability Appraisal adequately and robustly test a strategy that would contribute towards meeting previously identified unmet housing needs from Sevenoaks?

- 2.5 No comment.

Q4. Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid major development in the High Weald AONB altogether?

- 2.6 Whilst we do not comment specifically on whether the Council has assessed options which would avoid major development in the AONB altogether, we consider that this would be a flawed strategy in any event. Paragraph 2.27 of the draft Local Plan states:

"Both the natural and built environment of the borough are of high quality, and nearly 70% of the borough designated as High Weald AONB is of national significance, and all areas of the borough have distinct landscape and environmental characteristics much valued by residents, with commons, village greens, and parks providing important spaces and links to the countryside."

- 2.7 To reinforce our view that options should be considered which include major development within the AONB, we note that the only option which is said to avoid this outcome is Strategy 2 which is based on 560 dwellings per annum and which would support substantially lower housing delivery than required by the Local Housing Need figure
- 2.8 In particular we note that the AONB designation adjoins some of the most sustainable places in the Borough, including Tunbridge Wells. In our submission, if this Local Plan is to accommodate the levels of housing required in a sustainable manner, then major development within the AONB will be required.
- 2.9 The table on page 61 of the SA indicates that Strategy 2 has the potential to result in -/- - 'negative' effects due to the lack of housing delivered compared to needs. In fact, the SA states:
- “Score reflects fact that reduced development will not be sufficient to meet a significant proportion of local housing needs and that building less dwellings in the AONB will not help address the imbalance of higher house prices in the AONB”.*
- 2.10 However we note that Strategy 2 would also fails to deliver the Local Housing Needs by some margin and as such it is unclear why this Strategy achieves a 'better score' than Strategy 1 (which scores ---) against the housing objective, despite also failing to achieve the Local Housing Need figure.
- 2.11 In the context of the national imperative to boost significantly the supply of housing, we consider that this is a key factor weighing against this Strategy.

Q5. Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid releasing land from the Green Belt?

- 2.12 Page 6 of the SA suggests that Growth Options have been considered alternative strategies which avoid releasing land from the Green Belt.
- 2.13 Regardless of the fact that we disagree with the strategy ultimately pursued in the Local Plan, we note paragraph 2.28 of the Submission Local Plan which refers to the extent of the Borough within the Green Belt and states:
- 2.14 *“Also, around 22% of the western part of the borough surrounding Royal Tunbridge Wells, Southborough, Pembury and other villages, and abutting the western edge of Paddock Wood, is Green Belt, which contributes significantly to the discrete identity and setting of settlements.”*
- 2.15 It is not just the extent of Green Belt which is relevant, but also those settlements, namely Tunbridge Wells, which are effected by the designation. Given the sustainability credentials of locations such as Tunbridge Wells, we considered it to be entirely reasonable that the SA does consider options which involve the release of Green Belt land.

2.16 Our understanding is that the SA considers three options (1, 6 and 8) which do not involve the loss of Green Belt. In the case of Strategy 1, the SA refers to this delivering 346 dwellings per annum and we note that this represents around half the Local Housing Need figure. Strategy 6 is said to meet the need without the use of Green Belt land. The summary of Strategy 8 on page 8 of the SA is somewhat confusing and states “As for Growth Strategy 6 but with adjustments in distribution made to further moderate growth in the AONB”.

2.17 The table on page 58 of the SA indicates that Strategy 1 has the potential to result in ‘very negative’ effects due to the lack of housing delivered compared to needs. In the context of the national imperative to boost significantly the supply of housing, we consider that this is a key factor weighing against this Strategy.

2.18 Paragraph 6.2.11 of the SA sets out the concerns with Strategy 6 as:

“The scoring outcome for Growth Strategy 6 (Meet need with no Green Belt loss) demonstrated that, without Green Belt release, meeting the housing need causes highly negative impacts for travel and climate change and some social objectives are not as positive as they would be otherwise (housing, education, equality).”

2.19 However, having reviewed the SA, it is not immediately clear how the necessary levels of growth could be delivered without the use of Green Belt land in Strategies 6 and 8. The table on pages 54/55 of the SA seek to explain the assumptions made regarding distribution, but there is no explanation or consideration as far as we can tell as to how those assumptions have been established and what the individual or local effects of the distribution might be.

Q6. Does the Sustainability Appraisal adequately and robustly consider alternative distributions of development, such as focusing growth towards existing settlements such as Royal Tunbridge Wells, rather than relying on a new settlement?

2.20 In our submission, this is a clear failing of the SA which limits the nature of the options considered.

2.21 The following table shows whether each Growth Strategy is reliant upon a new settlement and/or growth at Paddock Wood:

Growth Strategy	Reliance on New Settlement/large extension of Paddock Wood
Strategy 1 (346 dwellings per annum)	New Settlement – no Expansion of Paddock Wood – yes
Strategy 2 (560 dwellings per annum)	New Settlement – yes Expansion of Paddock Wood - yes
Strategy 3 (678 dwellings per annum)	New Settlement – yes

	Expansion of Paddock Wood - yes
Strategy 4 (678 dwellings per annum)	New Settlement – no Expansion of Paddock Wood – yes
Strategy 5 (678 dwellings per annum)	New Settlement – no Expansion of Paddock Wood – yes
Strategy 6 (678 dwellings per annum)	New Settlement – no Expansion of Paddock Wood – yes
Strategy 7 (678 dwellings per annum)	Proportional to Services
Strategy 8 (678 dwellings per annum)	Services and AONB
Strategy 9 (678 dwellings per annum)	Dispersed countryside
Strategy 10 (741 dwellings per annum)	Uncapped need
Strategy 11	Uncapped & unmet need
Strategy 12	No Local Plan
Strategy 13	Pre-Submission Local Plan

- 2.22 It is not particularly easy to 'follow' how each Strategy is made up. The table starting on page 51 of the SA appears to require the reader to start at Strategy 3 and then remove or reduce allocations when looking at Strategies 1 and 2, or (it seems) add allocations/increase their capacity for Strategies 4 onwards.
- 2.23 Strategies 7 onwards are less clear as to the precise sources of supply, in part because they are simply based on assumptions such as proportional growth to settlements, or not adopting a Local Plan for example.
- 2.24 In our submission, the scope of spatial strategies considered within the SA is limited and there is little explanation as to why a new settlement has been included within some options. However, in our submission the most striking result of our table is that the SA assumes significant growth at Paddock Wood as a constant throughout Strategies 1 – 6. We are unable to identify any reasons for that approach and consider that a balanced assessment should have regard to the options for growth which do not involve strategic growth at Paddock Wood.

2.25 As for Tunbridge Wells, we note that:

- Strategy 1 reduces the growth at the town (compared to Strategy 3);
- Strategy 2 reduces the growth at the town (compared to Strategy 3);
- Strategy 4 increases allocations at Tunbridge Wells from c. 1,270 to c. 3,000;
- Strategy 5 increases allocations at Tunbridge Wells from c. 1,270 to c. 3,000;
- Strategy 6 does not appear to be consistent with Strategy 3 in relation to growth at Tunbridge Wells;
- Strategy 7 provides for c. 2,250 dwellings at Tunbridge Wells / Southborough;
- Strategy 8 appears to provide for c. 2,250 dwellings at Tunbridge Wells / Southborough;
- Strategy 9 is unclear;
- Strategy 10 is unclear;
- Strategy 11 is unclear;
- Strategy 12 is unclear;
- Strategy 13 is unclear.

2.26 Where the SA considers growth at Tunbridge Wells, it is roughly consistent. As the largest and most sustainable settlement, we consider that it would be reasonable for strategies to be considered which direct a significantly greater level of development to the town, and for additional strategies to be considered where Tunbridge Wells is the focus. In our submission, the role of Tunbridge Wells has not been reflected from either of those viewpoints (the quantum of growth, or the number of strategies).

Q7. Having established the strategy, what reasonable alternatives has the Council considered through the Sustainability Appraisal to the new settlement proposed at Tudeley?

2.27 We explain elsewhere that the Council appears to have identified common themes through the alternatives, including use of a new settlement at Tudeley. In our submission, the 'alternatives' to this approach have been limited, and rather than considering other alternatives which focus development at sustainable settlements, the SA considers options which would see development in less sustainable places. This has the consequence of predetermining the outcome of the assessment.

Q8. What was the justification for ruling out alternative options in locations such as Frittenden and Horsmonden on transport grounds, but not Tudeley Village?

2.28 We are unable to identify any clear explanation for this in the SA.

Q9. Does the Sustainability Appraisal adequately and robustly consider reasonable alternative strategies for the size and scale of development proposed at Tudeley Village and Paddock Wood, including land at East Capel? For example, does it consider smaller and/or larger forms of development as a way of meeting housing needs?

- 2.29 No. We have already established that the inclusion of a new settlement, and growth at Paddock Wood are consistent 'themes' in the Growth Strategies considered in the SA. In our submission that then influences the outcome of the assessment (for example that growth should be directed to Paddock Wood, because it is a feature of so many options).
- 2.30 In addition to the unmet needs of adjoining LPAs, there are equally compelling grounds to test higher housing requirements as reasonable alternatives to SA Option 13. Firstly to help address affordable housing needs that are evidently not being met by the proposed Local Plan housing requirement; and secondly to build in further contingency into the boroughs housing land supply to ensure a continuous supply of housing is delivered, particularly in the first five years of the plan period.
- 2.31 The delivery expectations for the two proposed strategic site allocations, which between them account for between 67-69% of new allocations proposed in the Local Plan, are wholly unrealistic and contrary to the published evidence we reference in our Regulation 19 representations. Additional allocations capable of being delivered within the first five years of the plan period are therefore strongly recommended, ensuring the plan is both positively prepared and effective.
- 2.32 We respectfully suggest that TWBC be directed to revisit the SA process to objectively assess reasonable alternatives to meet such needs, including smaller 'deliverable' allocations around more sustainable settlements such as Tunbridge Wells.

Q10. Where individual sites are concerned, how did the Sustainability Appraisal determine what were reasonable alternatives?

- 2.33 As far as we can establish, paragraph 8.1.5 of the SA seeks to explain how assumptions were made to the assessment of reasonable alternatives, however our concern is primarily related to the identification of sites for assessment in the first place. Paragraph 8.1.3 of the SA appears to suggest that this is the result of the SHELAA report and further analysis against 12 criteria.
- 2.34 In the January 2021 SHELAA the land promoted by Bellway is considered under site reference 53.
- 2.35 However we note that in the July 2019 document, the assessment found that the "*Site is suitable in part as a potential Local Plan allocation subject to further consideration*". The reason for this conclusion was stated as being "*The southern parcel of this site lies adjacent to the LBD and is likely to be sustainable in this context. This would form a logical extension to LBD. The remaining area, the first parcel whilst in proximity to the LBD would not form a logical extension to the LBD and is considered to adversely affect the landscape setting of the town and is part of a Green Belt parcel the release of which is considered to result in very high harm, and setting of an Historic Park and Garden.*"

- 2.36 The 2019 SHELAA conclusion was that the southern part of the site promoted by Bellway (i.e. the land south of High Woods Lane) would be a logical extension to the LBD.
- 2.37 In our previous representations, we noted that the SHELAA is an assessment of sites for housing and economic land purposes and so the conclusions of that document must be read in that regard. The analysis of site 53 and the conclusions in relation to the suitability, sustainability and logic of the site must therefore refer to housing or economic land uses. There is no suggestion in the SHELAA that the conclusions in relation to site 53 relate to any other form of land use or that they would not apply in relation to housing or economic uses.
- 2.38 However TWBC's January 2021 SHELAA now suggests that the assessment in relation to the southern parcel of land relates to a potential allocation for sport and recreation uses. We do not consider that conclusion is justified and reiterate that the SHELAA is intended to address housing and economic land matters. The conclusion in the 2021 SHELAA appears to be a consequence of the decision to allocate the site for sports and recreation uses.
- 2.39 The land promoted by Bellway is identified in Table 44 of the SA as a reasonable alternative site in Royal Tunbridge Wells (again using reference 53). However, having identified those reasonable alternatives, Table 45 of the SA then considers the SA scores for allocated sites in Tunbridge (seemingly based on Appendix F of the SA).
- 2.40 How the scoring in Table 45 has been calculated is not clear. In the case of the land promoted by Bellway, this is proposed to be allocated (in part) under allocation AL/RTW19 for sports and recreation uses, but has been promoted consistently for residential development. This then raises the question as to what use the SA considers at the site.
- 2.41 In any event, notwithstanding the scores in Table 45, we cannot find any evidence to show how those have been calculated or informed.
- 2.42 Notwithstanding the fact that the site promoted by Bellway is considered as a reasonable alternative, there is no explanation as to why others were excluded.

Q11. Are the scores and conclusions reached in the Sustainability Appraisal reasonable, sufficiently accurate and robust to inform the submission version of the Local Plan?

- 2.43 As noted in our response to question 10, we note that the tables and appendices in the SA (for example Table 45 and Appendix F) include scores against various SA objectives. However, as far as we can establish, there is no evidential basis or explanation as to how those scores are achieved.
- 2.44 We also note that the same concerns arise in relation to the proposed Garden Village at Tudeley, which is considered in Table 50 of the SA. Tudeley Village is considered against the SA objectives, yet there is no information as to how scores have been formulated.

- 2.45 Furthermore, the scores for sites such as Tudeley Village do not appear accurate or to reflect reality. For example in table 50, Tudeley Village scores ++ against 'Travel'. We understand that the 'Travel' objective includes considerations of options to travel by means other than the private car. In our previous representations, we noted that The Policy does not include any requirements for the garden settlement to provide a new railway station, despite referring to the 'opportunity' for the provision of a station.
- 2.46 On the basis of this policy context and the description of Tudeley in the draft Local Plan, our interpretation is that the area would, in normal circumstances, be considered to be a wholly unsustainable location for the scale of growth envisaged in the emerging Local Plan. There are very little facilities or employment opportunities in the area and the existing public transport opportunities are limited. The Council's approach appears to be that the garden settlement itself may deliver employment uses and facilities and that links to other settlements will be provided.
- 2.47 However unless and until such time as the Tudeley Village scheme is substantially realised (including with associated facilities and services), then, in our submission it would not support sustainable travel (although that is not to say it would once delivered).
- 2.48 This is just one example of the flawed scoring and we would expect to identify additional areas of concern during the hearing session.
- 2.49 Due to the unjustified scoring, and the lack of explanation as to how each option has been assessed, we submit that the Plan is **not justified** – it has not been shown to be an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence as required by paragraph 35 of the NPPF.

Q12. What alternative strategies and/or site allocations does the Sustainability Appraisal consider for the provision of new employment land and buildings?

- 2.50 No comment.

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