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To: Cabinet Member for Environment, Highways & Waste

Subject: Tunbridge Wells Local Development Framework:
Consultation on Core Strategy Review
Representations by Kent County Council

Classification: Unrestricted

Reference: 11/01659

Summary

This report considers Tunbridge Wells Borough Council's consultation on the Core Strategy Review, and recommends a response on behalf of the County Council.

1 BACKGROUND

1.1 Tunbridge Wells Borough Council adopted its Core Strategy in June 2010 and is now consulting on a partial Review. The Review is to be undertaken in the light of the Government's intention to revoke the South East Plan and its target of 6,000 dwellings. The Borough Council wishes to "*reconsider this dwelling target and associated matters*" (para. 1.3). The Court of Appeal has recently confirmed that the South East Plan remains part of the development plan and LDFs should generally conform with it. This situation will continue until the *Localism and Decentralisation Bill* has been enacted, and the Government has completed a *Strategic Environmental Assessment* of the abolition of Regional Spatial Strategies.

1.2 The Borough Council's consultation seeks views on 13 questions. The matters of concern to KCC at this stage are as follows:

- whether to reduce the target for new dwellings below the 6,000 in the adopted Core Strategy and the South East Plan, and whether to alter the location of development.
- whether to make an allowance for future "windfall" sites, contrary to Government policy, and the approach to housing density
- to confirm that no changes will be made to the inner boundaries of the Green Belt.
- the appropriate role for Hawkhurst, as a 'Small Rural Town' or a 'village'.
- whether the number of pitches for gypsies and travellers should be identified in the Core Strategy
- to confirm that the Core Strategy will not seek to reinstate the *Special Landscape Area* designation.

1.3 The Review of the Core Strategy is being conducted before the Borough Council has completed the identification of sites to implement the adopted Core Strategy. A second consultation on sites is scheduled for October 2011, but it is not clear how this will be aligned with the current Review of the Core Strategy

1.4 It is proposed that KCC responds to the Consultation Questions as follows:

2 PLANNING ISSUES

a) *Housing Options*

Background

2.1 The Borough Council's adopted Core Strategy sets a target of 6,000 additional dwellings between 2006 and 2026, and complies with the South East Plan. The Borough Council and KCC sought a target of 5,000 dwellings during preparation of the South East Plan, but in 2006 the Panel that examined the Plan recommended that this be increased to 6,000.

2.2 The Borough Council is consulting on 4 Options for housing and states that "each is a reasonable choice" (para. 4.2). The Borough Council anticipates that consultees' preferences may combine elements of more than one Option.

2.3 The numbers of new dwellings with the four Options are as follows:

	Royal Tunbridge Wells	S'borough	Paddock Wood	Cranbrook	Hawkhurst	Villages and Rural	Total
Option 1	4,207	257	101	109	137	644	5,455
Option 2	2,900	700	400	400	300	1,300	6,000
Option 3	4,200	300	600	300	240	360	6,000
Option 4	3,500	250	500	250	200	300	5,000

Option 1: 5,455 dwellings: This option is based on the scale and location of previously developed land judged suitable for development, plus an allowance for future "windfall" sites. New dwellings would be concentrated at Tunbridge Wells, and the number at Small Rural Towns such as Paddock Wood and Hawkhurst would be reduced compared to the Adopted Core Strategy.

Option 2: 6,000 homes: This option would distribute 6,000 dwellings according to KCC projections of household change for wards. Compared to the adopted Core Strategy the number of new dwellings would be increased in villages and rural areas to 1,300, and reduced in the urban area.

Option 3: 6,000 homes: This is the adopted Core Strategy, with development focused on previously developed land at Tunbridge Wells, and located on a smaller scale at the Small Rural Towns, notably Paddock Wood.

Option 4: 5,000 homes: This Option retains the same distribution as Option 3 but reduces the housing target by 1,000 dwellings.

KCC's response to consultation Questions 4 and 5 is as follows :

Question 4 Do you agree that it is unnecessary to provide a home for everyone one-person household on a one for one basis?

Question 5 Do you agree that the general housing target in the Borough could be lower than 6,000 to take account of the housing needs of some older people being met in other ways?

2.4 Two of the options are for reduced dwelling provision, and the Borough Council seeks to justify this using KCC forecasts. These have shown that 5,900 dwellings will be needed to meet the needs of the existing population if no allowance is made for continuing in-migration, and that the increase in households is largely among single persons and the elderly.

2.5 KCC's view is that all forecasts are subject to review, and the changing character of households will be accommodated in the housing market in many ways, including sheltered market housing for example. An allowance has been made in KCC's forecasts for a stable proportion of the elderly in care homes. The details of the forecasts do not by themselves justify lower dwelling provision

2.6 The Borough Council continues to support the principle of the adopted Core Strategy "to provide a sufficient mix of housing ... to support all sectors of the community" (para. 1.7). **The Core Strategy provision of 6,000 dwellings allows for no net in-migration to the Borough, and significantly lower provision is unlikely to meet the needs of all the community.**

KCC wishes to respond to Questions 8, 9 and 10 with qualifications, as follows:

Question 8 Rank the dwelling Options in order of preference

Question 9 Explain why a hybrid or alternative Option is preferred

Question 10 Select the aims that are important in setting a housing target

2.7 Option 1 has the advantage of providing 5,455 dwellings on previously developed land and windfall sites, so that new green field land would not be needed. Equally, a substantial number of potential sites were identified for further investigation in the Borough Council's consultation on their Allocations Development Plan Document in June 2010, and some of these may be suitable for development over the plan period. As matters stand, the Borough Council would need to justify providing less than the South East Plan in these circumstances.

2.8 Option 2 meets the South East Plan target for 6,000 dwellings, but the location of dwellings is based on household projections for wards and KCC could not recommend this approach. Other planning considerations should be taken into account in deciding the distribution of dwellings. This option would require new green land in rural areas, and would not make use of all the previously developed land that may come forward at Tunbridge Wells. It may be difficult to refuse planning permission for such sites and therefore they should be part of the preferred distribution of dwellings in the Borough.

2.9 Option 3 is the adopted Core Strategy that KCC has previously supported. However, while the process of identifying sites is incomplete the full implications for new land and KCC services are unclear. For example, Policy 11 of the adopted Core Strategy envisages an urban extension at Paddock Wood.

2.10 Option 4 is similar to Option 3 but reduces the dwelling provision to 5,000, which is 1,000 below the South East Plan target. Although the value of 5,000 dwellings was preferred at the time of the South East Plan, it would now be less than the land supply envisaged by the Borough Council from previously developed land and windfall sites. The forecasts do not support a reduction to this level and suggest

that 5,000 dwellings would be unlikely to meet the needs of all the community. Option 4 would also not make use of all the previously developed land that may come forward at Tunbridge Wells.

2.11 There are two additional considerations that could influence KCC's preferred dwelling Option:

KCC Services

2.12 At this stage it is not possible to identify a clear preference between the Options for the delivery of KCC services, notably because of the limited number of primary school places throughout the Borough. The parallel process of identifying sites for development should be conducted in consultation with KCC service providers to establish the implications more clearly.

2.13 School capacity is a key issue for KCC. Secondary school capacity overall is not an issue, although competition for grammar school places will increase as the population grows, however the situation for primary schools has changed in West Kent with net in-migration of households with children, and a lower proportion of parents choosing independent education. In the Royal Tunbridge Wells area there are currently less than 250 spare primary school places available across all year groups. In order to meet immediate pressures for additional pupil places KCC is planning to add mobile accommodation to several schools before the start of the new school year in September.

2.14 Thereafter, each of the Options will increase demand beyond capacity in most parts of the main urban area, and one or two new primary schools will be needed over the plan period. The requirement will depend on the exact location of developments, their timing and the dwelling type, and KCC will seek the Borough Council's support in obtaining developer contributions towards the cost of new schools or expansions.

2.15 Outside the main urban area, significant numbers of new dwellings in rural locations, notably as a result of Option 2, could exceed local primary school capacity. KCC may be able to serve new development by the expansion of existing schools if housing is dispersed. Again, the requirement will depend on the exact location of developments and their timing etc. and developer contributions will be sought.

2.16 KCC therefore seeks the Borough Council's support in obtaining developer contributions towards the cost of additional school capacity, and where necessary other services. The Core Strategy Review must contain policies making clear that the cost of providing KCC services to support new development must be met by the developers or other additional funds. Land for new schools etc. should be provided without cost to KCC, and be part of policy in the Core Strategy Review, with sites identified in the Sites Allocations DPD. Annex 1 gives further detail of KCC's approach to funding services.

A21 Pembury Bypass

2.17 The adopted Core Strategy refers to dualling the A21 Pembury bypass among projects to be undertaken (Table13), but transport is not included in the matters for the Review. There are no firm proposals in the adopted Core Strategy for new site allocations that are identified as affected by the capacity of the A21.

2.18 The Review should update the position with regard to dualling the A21. KCC is currently assessing the A21 project with a view to taking on the responsibility for its construction from the Highways Agency at lower cost. The reduction in dwelling numbers in the Royal Tunbridge Wells urban area in Options 2 and 4 could reduce the future scope for developer contributions to A21 improvement, but equally could reduce future traffic using the A21 junctions at Tunbridge Wells.

2.19 **KCC continues to support Option 3 for 6,000 dwellings which is the adopted Core Strategy. Option 3 complies with the South East Plan and could offer the greatest scope for developer contributions to A21 improvement. KCC could also be support Option 1 for 5,455 dwellings which would require no new green field land. As matters stand, the Borough Council would need to justify providing less than the South East Plan to an Inspector at public Examination.**

b) *Windfall sites and development density*

Question 6 Do you agree that the Council should make an allowance for windfalls in the first 10 years of its housing land supply at Royal Tunbridge Wells and Southborough?

2.20 The Borough Council proposes to include an estimate of future “windfall” sites in the total land supply. Government policy is that such an allowance should not be made for the first 10 years of the plan unless justified by the lack of other land. The inclusion of a windfall allowance could result in the Core Strategy being considered ‘unsound’ by the Planning Inspector unless full justification is provided.

2.21 Almost a quarter of new housing in the Borough in recent years has been built on “windfall” sites. Much of the Borough is within the Green Belt and 70% is within the High Weald Area of Outstanding Natural Beauty. KCC agrees with the Borough Council’s view that their allowance is “conservative” (para. 3.46).

2.22 **KCC supports the use of an allowance for windfall sites, but the Core Strategy should recognise that such sites may come forward in greater numbers and exceed the planned total.**

c) *Housing Density - development on garden land*

Question 7 Do you agree that the Council should use a more flexible approach to density which takes account of local character rather than using standard minimum density targets?

2.23 The Government has recently removed the requirement for a minimum of 30 dwellings to the hectare on new sites (see *PPS 3 Housing June 2010*). The Borough Council’s consultation states that the “*aim should be to achieve a well designed development that takes account of its surroundings and adds to its character*” (para. 3.54), and seeks views whether a more flexible approach to density should be adopted.

2.24 **KCC supports the proposed approach to dwelling densities. It should be applied in the Allocations DPD which is looking at individual sites, and the Borough Council should confirm whether their estimate of land supply is altered as a result and how this will affect the Core Strategy.**

e) *Green Belt boundary and Rural Fringe*

2.25 The South East Plan states that there may be a need for a small scale *Green Belt Review* at Tunbridge Wells to provide a long term reserve of development land. The *Adopted Core Strategy* identified such sites at Tunbridge Wells and Southborough for development after 2026, known as the '*Rural Fringe*' sites. However, the sites were first designated in 1988 and the Planning Inspector questioned whether they were still appropriate.

2.26 The Borough Council has decided to consider "*no changes to the Inner Green Belt boundaries before 2026*" in the Review and does not offer this decision for views in the consultation (para 3.18). The Council intends to re-assess the need for Rural Fringe sites and their location when the overall housing number has been established by the Core Strategy.

2.27 The consultation does not ask a question on Breen belt boundary but KCC supports the proposed approach to the inner Green Belt boundary.

f) Settlement Hierarchy

Question 1 Do you think Hawkhurst (Highgate) should be reclassified as a 'village'?

2.23 The adopted Core Strategy has the following settlement hierarchy (Box 4):

Hierarchy	Settlement
1. Main Urban Area	Royal Tunbridge Wells, Southborough
2. Small Rural Towns	Cranbrook, Hawkhurst, Paddock Wood
3. Villages	17 villages including The Moor (Hawkhurst).

2.24 The Kent & Medway Structure Plan identified Hawkhurst as a *Rural Service Centre* because of the services it provides to the local area, and the consultation states that its status as a *Small Rural Town* is "*still appropriate*" on the evidence of its service role and population. The centre of Hawkhurst is defined as the only District Centre in the adopted Core Strategy (Table 10).

2.25 The consultation refers to the approach in the Adopted Core Strategy that sites may be allocated adjacent to the existing built up area of Small Rural Towns in order to accommodate a share of the Borough's total development (para. 2.2, and adopted Core Strategy para. 5.11). This approach distinguishes them from villages where development outside the limit to built development is not envisaged.

2.26 KCC supports the retention of Hawkhurst as a Small Rural Town because of its service role, but that the Core Strategy should allow the scale of development in small rural towns to be determined by detailed local investigation of suitable sites.

g) Accommodation For Gypsies And Travellers

Question 11 Do you agree that the government should review and strengthen the criteria that guide the determination of planning applications for gypsy and traveller sites?

Question 12 Do you agree with the Council's proposal to wait for a clearer statement of Government guidance before setting a level of pitch provision and commencing the site allocation process?

2.27 Because the South East Plan is expected to be revoked, regional work has ceased on the number of pitches for gypsies and travellers to be provided by local authorities. The Government is currently consulting on a new Planning Policy Statement for such sites, and the Borough Council proposes to wait for a firm policy decision before proposing the number of pitches or allocating sites (para. 5.5).

2.28 KCC's Gypsy and Traveller Unit considers there was clear evidence of further need for sites from the West Kent Gypsy and Traveller Accommodation Assessment. This was published in 2007 and showed a need for a further 7 pitches by 2011. The options considered during the Review of the South East Plan ranged from 9 to 14 further pitches by 2016, and KCC expressed a preference for 9 pitches. The Government has referred to "local and historic demand" being met, and it is unlikely that new guidance will remove the need for further accommodation.

2.29 The Gypsy and Traveller Unit argues that without a realistic target for 2016 in the Core Strategy there could be more pressure from unauthorised developments and the Borough Council will be at a disadvantage in taking enforcement action. The Unit favours strong yet flexible criteria for determining planning applications, but criteria alone have been found to be ineffective in ensuring enough sites are provided.

2.30 KCC does not support the Borough Council's approach of waiting for Government policy before setting a level of pitch provision, and the Core Strategy Review should contain such a target to 2016. KCC supports the Borough Council's suggestion to review and strengthen the criteria for determining planning applications for gypsy and traveller sites.

i) Special Landscape Areas

Question 13 Do you agree that the Council should not pursue the reinstatement of the Special landscape Area (SLA) any further?

2.31 KCC and Medway Council designated Special Landscape Areas (SLAs) in the Kent & Medway Structure Plan, but this and similar designations elsewhere were not carried forward by the South East Plan. The Inspector at the Tunbridge Wells Core Strategy Examination considered that the SLA policy should not be retained because such local designations are contrary to national guidance and policy.

2.32 The Borough Council now recommends that the reinstatement of the SLA should not be pursued further in the Core Strategy Review. The Borough Landscape Character Area Assessment is being updated and this will inform a criteria based policy for assessing proposals.

2.35 KCC supports the approach to landscape which conforms with current national policy. KCC argued against the loss of SLA at the South East Plan Examination, but such designation would now require a consistent County wide approach.

Summary

3.1 KCC's response to the consultation in summary is therefore as follows:

- The Borough Council should be asked to clarify how the current work on site allocations will be aligned with the current Review of the Core Strategy

- KCC can continue to support Option 3 for 6,000 dwellings, which is the adopted Core Strategy. Option 3 complies with the South East Plan and could offer the greatest scope for developer contributions to A21 improvement. KCC could also support Option 1 for 5,455 dwellings which would require no new green field land, but as matters stand the Borough Council would need to justify providing less than the South East Plan to an Inspector at public Examination. Cabinet Members may wish to consider their views on the merits of these options.
- Option 2 locates new dwellings based on household projections for wards and KCC could not recommend this approach, which increases provision in the rural area. Option 4 is for 5,000 dwellings, and the forecasts suggest this level would be unlikely to meet the needs of all the community. Neither of these options would make use of all the previously developed land that may come forward at Tunbridge Wells.
- At this stage it is not possible to identify a clear preference between the Options for the delivery of KCC services, notably because of the limited number of primary school places throughout the Borough. The identification of sites for development should be conducted in consultation with KCC service providers to establish the implications more clearly.
- KCC will seek the Borough Council's support in obtaining developer contributions towards the cost of additional school capacity, and where necessary other services. The *Core Strategy Review* must contain policies making clear that the cost of providing KCC services to support new development must be met by the developers or other additional funds. Land for new schools etc. should be provided without cost to KCC, and be part of policy in the Core Strategy Review, with sites identified in the *Sites Allocations DPD*.
- KCC supports the use of an allowance for windfall sites, but the Core Strategy should recognise that such sites may come forward in greater numbers and exceed the planned total.
- KCC supports the proposed approach to dwelling densities.
- KCC supports the retention of Hawkhurst as a *Small Rural Town* because of its service role, but the Core Strategy should allow the scale of development in small rural towns to be determined by detailed local investigation of suitable sites.
- KCC does not support the Borough Council's approach to the provision of gypsy and traveller pitches, and the Core Strategy Review should contain a target to 2016. KCC does support the Borough Council's suggestion to review and strengthen the criteria for determining planning applications for gypsy and traveller sites.
- KCC supports the approach to landscape policy which conforms with current national policy.

4 Recommendation

It is recommended that the County Council submits representations to Tunbridge Wells BC on the Core Strategy Review as above.

Accountable Officers:

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Background Documents:

Tunbridge Wells Borough Council *“Core Strategy Review : Consultation Document
16th May-26th June 2011”*

Tunbridge Wells Borough Council *“Adopted Core Strategy” June 2010*

Annex 1 : KCC Services and Rural Areas

1 The County Council continues to follow a Manage and Invest approach originally set down in RSS policy CC7. The substantial reductions in public expenditure introduced by the Government following the comprehensive spending review, has constrained the provision of public services. Considerable reliance is now placed on securing private sector funding to support the additional services and facilities arising from new development. The County Council now adopts a three step approach:

- Managing the provision of existing services to enhance service delivery in a cost effective way and identifying surplus capacities which might meet indigenous needs.
- Examining alternative sources of funding to support service delivery. In the future this may include promoting, alongside District and Borough Council's, the Community Infrastructure Levy; Regional Growth Fund, Tax Incremental Financing and European funding streams.
- Securing private sector financial contributions or development in kind through section 106 obligations, to meet the additional needs arising from new developments.

2 The success of these various approaches can be strongly influenced by the location of new development. It is essential that the Borough Council's overall planning strategy and the subsequent residential site selection process, is influenced by the need to ensure that development sites can be serviced in an efficient and cost effective manner. To secure this, the Borough Council should have regard to the County Council's advice as to where existing surplus capacities have been identified in service provision, and where new infrastructure investment is proposed.

3 While economies of scale may usually be achieved by focussing new development within the larger built up areas, surplus capacities may exist in rural areas. It is essential to consult KCC's service providers for upto date assessments of current and future capacity in urban and rural areas.

4 KCC will need to carefully consider the cumulative impact of smaller sites on the delivery of infrastructure and services, especially in rural areas. The provision of rural housing on exception sites to meet specific local housing needs helps support the rural community. KCC is also concerned to support rural businesses through the provision of fast broadband in new developments, the retention of rural employment sites, and the introduction of live and work accommodation.