

**Tunbridge Wells**  
**Draft Local Plan**  
**Gladman Representations**



**November 2019**

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# 1 INTRODUCTION

- 1.1.1 Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure. This document provides Gladman’s representations to the consultation on the Tunbridge Wells Draft Local Plan (the Local Plan).
- 1.1.2 Gladman welcome Tunbridge Wells Council’s (the Council) continued progress to advance the preparation of a new Local Plan towards adoption. The existing development plan is now significantly dated. An extensive period has passed since the development plan was prepared and examined. The dated nature of the development plan means that its strategic policies have never formally been tested against the policies of the NPPF. It is questionable how relevant these policies remain given that the supporting evidence base is inevitably significantly out-of-date.
- 1.1.3 The failure to adopt a new Local Plan could put at risk local decision making, and more importantly reduces the effectiveness of strategic plan making and decision making in meeting and responding to current local need, challenges, and fulfilling local opportunities.
- 1.1.4 This consultation provides the first opportunity to comment on the Council’s preferred approach for the Local Plan. The Local Plan is being prepared in conformity with the policies of the 2019 NPPF. Comments provided in this representation therefore consider whether the Council’s proposals meet the tests of soundness as set out in the 2019 NPPF.
- 1.1.5 The comments provided in this representation have been structured to reflect the Local Plan with Section 4 considering plan period, vision and objections; Section 5 spatial strategy; Section 6 Development Management Policies; and Section 7 Delivery and Monitoring. Before this Gladman briefly consider the latest national planning policy and guidance (see Section 2) and legal requirements (see Section 3).

## 2 NATIONAL PLANNING POLICY/GUIDANCE

### 2.1 National Planning Policy Framework (2019)

2.1.1 On the 24<sup>th</sup> July 2018, MHCLG published the revised National Planning Policy Framework. The first revision since 2012 sought to implement 85 reforms to national planning policy as announced through the 2017 Housing White Paper. This version of the NPPF was itself superseded on the 19<sup>th</sup> February 2019 (2019 NPPF), with the latest revision making alterations to wording relating to the approach to Appropriate Assessments, clarification to footnote 37, and minor amendments to the definition of 'deliverable' as set out in Annex 2 of the NPPF.

2.1.2 The revised NPPF introduces a number of major changes to national planning policy. The changes reaffirm the Government's commitment to ensuring that up-to-date plans are in place which provide a positive vision for the areas they cover. Plans should also provide a framework for addressing housing needs and other economic, social and environmental priorities, and provide a platform for local people to shape their communities. In particular, Paragraph 16 of the 2019 NPPF states that Plans should:

'Be prepared with the objective of contributing to the achievement of sustainable development;

Be prepared positively, in a way that is aspirational but deliverable;

Be shaped by early, proportionate and effective engagement between plan-makers, and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

Be accessible through the use of digital tools to assist public involvement and policy presentation; and

Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework), where relevant.'

2.1.3 NPPF 2019 revises the tests of soundness required to be demonstrated before a Local Plan can be adopted. Paragraph 35 of the NPPF confirms that to be considered 'sound' Plans must be:

- a) 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;

- b) Justified – An appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c) 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
  - d) Consistent with national policy – Enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 2.1.4 Annex 1 of the 2019 NPPF confirms that for Plans submitted for examination to the Secretary of State following the 24<sup>th</sup> January 2019, the policies contained in the 2019 NPPF apply. The Local Plan will therefore be tested against the policies of the 2019 NPPF.
- 2.1.5 To support the Government’s continued objective of significantly boosting the supply of new homes, it is important that the Local Plan provides a sufficient amount and variety of land that can come forward without delay where it is needed to meet housing needs.
- 2.1.6 In determining the minimum number of the amount of homes needed, strategic plans should be based upon a local housing needs assessment, defined using the standard method unless there are exceptional circumstances to justify an alternative approach.
- 2.1.7 Once the minimum number of homes that is required has been defined, Paragraph 67 of the 2019 NPPF requires a Local Planning Authority to have to clear understanding of the land available in their area through the preparation of a Strategic Housing Land Availability Assessment (SHLAA). This assessment should be used to identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Paragraph 67 requires a supply of:
- A) Specific, deliverable sites for years one to five of the plan period; and
  - B) Specific, deliverable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
- 2.1.8 Annex 2 of the 2019 NPPF, provides updated definitions for the terms ‘deliverable’ and ‘developable’. These are:
- ‘To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:
- a) Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

- b) Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.'
- 2.1.9 Local Authorities are required to meet the assessed housing need as defined by the Standard Method as a minimum, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so. Where it is found that full delivery of housing needs cannot be achieved (owing to conflict with specific policies of the NPPF), Local Authorities are required to engage with their neighbours to ensure that identified housing needs can be met in full (see Paragraph 35 of the 2019 NPPF).
- 2.1.10 Securing the full and timely delivery of housing is a key objective of the 2019 NPPF. Paragraph 73 confirms the need for local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. This should include a 5%, 10% or 20% buffer to the five-year supply depending on local circumstances.
- 2.1.11 The 2019 NPPF introduces the need for local planning authorities to ensure that housing delivery is maintained in alignment with the minimum requirements of the Plan over the duration of the plan period. The Housing Delivery Test provides a measure of how many homes are delivered in an authority over a rolling 3-year period in contrast to its housing requirement or need. Where delivery falls below specific thresholds of the housing requirement, the Housing Delivery Test identifies specific actions or consequences required to be implemented to strengthen the future supply.

## **2.2 Planning Practice Guidance**

- 2.2.1 The Planning Practice Guidance (PPG) was first published by the Government to provide clarity on how specific elements of the NPPF should be implemented. The PPG has been updated to reflect the changes introduced by the revised NPPF to national planning policy. The most significant changes made to PPG relate to defining housing need, housing supply and housing delivery performance.
- 2.2.2 The Standard Method was introduced by the Government to simplify the process for defining housing need, and avoid significant cost and delay experienced in the plan preparation process.
- 2.2.3 The Standard Method is derived utilising a three-step process defined in PPG. This confirms the use of nationally published household projections to determine the starting point for this assessment. An upward adjustment is then made in response to affordability problems based on a pre-determined formula. Where the Standard Method requirement results in an uplift of 40% or more to the existing OAN/requirement, a local authority is permitted to apply a cap to the requirement, adopting the capped requirement instead.

2.2.4 It is clear in both the NPPF and PPG that the Standard Method forms only the minimum level of housing need for a local authority area. PPG also sets out that there will be circumstances where the housing requirement could be increased to a level which is higher than that identified through the application of the Standard Method. These circumstances include (but are not limited to):

- Where growth strategies are in place, particularly where those growth strategies identify that additional housing above historic trends is needed to support growth or funding to promote and facilitate growth (e.g. housing deals);
- Where strategic infrastructure improvements are planned that would support new homes;
- Where an authority has agreed to take on unmet need, calculated using the standard method, from neighbouring authorities, as set out in a statement of common ground;
- Previous delivery levels, where these have exceeded the minimum figure identified; and
- Recent assessments of need, such as a SHMA, where these suggest higher levels of need.

2.2.5 Whilst the Standard Method provides the Government's preferred approach to defining the minimum level of housing need for each local planning authority, alternative approaches may be applied where justified by exceptional circumstances.

## **3 LEGAL COMPLIANCE**

### **3.1 Duty to Cooperate**

- 3.1.1 The Duty to Cooperate (DTC) is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. The DTC requires local planning authorities to engage constructively, actively, and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues through the process of ongoing engagement and collaboration.
- 3.1.2 As confirmed in Section 2 of this representation, the NPPF 2019 has introduced a number of significant changes for how local planning authorities are expected to cooperate, including a new requirement for the preparation of Statement(s) of Common Ground (SoCG) which demonstrate that a Local Plan has been prepared based on effective cooperation with agreements reached with neighbouring authorities on strategic level cross boundary issues.
- 3.1.3 The Council will be aware of the recent experience of its neighbour, Sevenoaks District Council and the examination of its emerging Local Plan where the Inspector concluded that the DTC undertaken during the preparation of their Local Plan has been insufficient. This conclusion has meant, that despite the best efforts of the Council in other areas of its plan making, future progress with the Local Plan in its current form is now subject to significant uncertainty and a likely lengthy delay.
- 3.1.4 The findings of the Inspector at Sevenoaks reflect the changing tests of the 2019 NPPF in comparison to the 2012 NPPF in relation to DTC and underlines the need for constant and proactive engagement between neighbouring authorities and key stakeholders at each step of the plan making process to inform strategic decision and satisfy legal requirements and meet tests of soundness in relation to DTC.
- 3.1.5 To illustrate actions taken in relation to the DTC to date, the Council has prepared an interim Duty to Cooperate Statement. Inclusive within this are a number of Statements of Common Ground prepared between the Council, its neighbouring authorities, and statutory bodies.
- 3.1.6 It is recognised by Gladman that DTC in relation to the Local Plan is an evolving process and as such the Interim Duty to Cooperate Statement does not represent the final position. To fully discharge its legal requirements, the Council will need to continue to meet with neighbours and statutory bodies throughout the remaining plan preparation period and beyond, with associated SoCG prepared to date updated in response to the evolving discussion. Most importantly for the Council in the preparation of its Local Plan, noting the recent conclusions of the Sevenoaks Inspector<sup>1</sup>, is the

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<sup>1</sup> See Letter Dated 28<sup>th</sup> October 2019.

need for engagement with its neighbours to formulate a strategy now as to how cross-boundary needs are to be dealt with effectively rather than deferring this to a later plan review.

## **3.2 Sustainability Appraisal**

- 3.2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies that are set out in local plans must be the subject of a Sustainability Appraisal. Incorporating the requirements of the Environmental Assessments of Plans and Programmes Regulations 2004, the SA is a systematic process that should be undertaken at each stage of a plan's preparation; assessing the effects of a local plans proposals on sustainable development objectives when judged against reasonable alternatives.
- 3.2.2 The Council should ensure that the results of the SA process conducted through the preparation of the Local Plan clearly justify policy choices made, including proposed site allocations (or decisions not to allocate sites) when considered against reasonable alternatives. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed and others have been rejected.
- 3.2.3 The SA must demonstrate that a comprehensive testing of options has been undertaken and that it provides evidence and reasoning as to why any reasonable alternatives identified have not been pursued. A failure to adequately give reasons in the SA could lead to a challenge of the Council's position through the examination process. The SA should inform plan making. Whilst exercising planning judgement on the results of the SA in the Local Plan is expected, the SA should still clearly assess any reasonable alternatives and clearly articulate the results of any such assessment.

## **4 PLAN PERIOD, VISION AND OBJECTIVES**

### **4.1 Plan Period**

- 4.1.1 It is noted that the proposed plan period for the Local Plan runs from 2016 to 2036. The indicative timescale for the remaining stages of plan preparation to adoption as outlined in Figure 1 of the Local Plan show that the Council assume adoption in December 2021. The achievement of this timescale would provide for a plan period which is marginally less than 15-years post adoption contrary to Paragraph 22 of the 2019 NPPF.
- 4.1.2 Gladman consider that Figure 1 of the Draft Local Plan represents a best-case scenario for the adoption of the Local Plan in Tunbridge Wells, and it is likely this timescale will slip. It is noted that this timescale has already slipped from that outlined at Issues and Options, with plan preparation already falling 1-year behind the timeframe originally anticipated.
- 4.1.3 Evolving external factors beyond the control of the Council mean that it is likely the Local Plan will be subject to further delay. It is anticipated that the methodology for assessing housing need will be subject to review in 2020, with this completed ahead of the publication of the 2018-based household projections in September 2020. This will need to be reviewed by the Council in due course considering the role and weight both hold in national planning policy for defining housing need and implications this could have on the wider spatial strategy.
- 4.1.4 Gladman consider that it would be prudent for the Council to build flexibility into its timescales now and accept the potential for a delay over the next 12 months. Gladman consider that at least an additional year should be added to the plan period to account for this, with development requirements and supply increased proportionately. The plan period should therefore end, at the very least, in 2037.

### **4.2 Vision**

- 4.2.1 Gladman believe that insufficient regard is attached to social issues within the vision set out in the Local Plan. No reference is made within the vision to ensure that current inequalities within the Borough such as access and opportunity to affordable and high-quality new homes are addressed over the plan period. The need for authorities to meet identified local housing need is a key government objective for planning and needs to be reflected in the vision in order for it to be found sound. Similarly, Gladman consider that the vision should contain a commitment to secure an increase in the delivery of affordable housing, ensuring that new homes constructed are sufficiently sized and diverse to meet and respond to the needs of the community.

## 4.3 Objectives

4.3.1 Gladman is broadly supportive of the 10 Strategic Objectives as cited in the Local Plan subject to the following amendments:

- The words “in full” should be referenced to the delivery of identified development needs in the plan period as set out in Objective 1;
- The words “through a step change in housing delivery” should be added to Objective 4 as a response to redressing disparity between house prices and income; and
- A new objective should be inserted which seeks to secure new homes of the right size, type and tenure to meet the diverse housing needs of the community and improve access to housing.

## 5 SUPPORTING HOUSING GROWTH

### 5.1 Policy STR 1: The Development Strategy

#### Spatial Strategy

- 5.1.1 Policy STR1 sets the overarching strategy to meet development needs over the plan period for the Local Plan. Supporting text to the policy confirms that a strategy of distribution (Option 3) has formed the basis for the Council's approach in Policy STR1. Gladman supported this strategy in its submitted representations to the Issues and Options consultation, and as such welcomes the Council's decision. This approach promotes delivery across a broad area, and best supports the development needs of each settlement in the District including its rural areas.
- 5.1.2 The concentration of growth at Paddock Wood and new settlement at Tudeley represents a sound approach at which to deliver a large part of the future development needs of the District. Both sit outside the High Weald AONB and as such are unlikely to result in harmful effects on special and valued landscapes in line with the NPPF. The concentrated of development in these locations also ensures that other areas of Green Belt considered to fulfil an important function is safeguarded from development, promotes higher rates of housing delivery, and provides the opportunity to secure the delivery of new infrastructure necessary to secure this growth in accordance with the Plan's vision and objectives.
- 5.1.3 Notwithstanding this, there is a need for the Council to ensure that identified housing needs are met consistently through the plan period and as such smaller sites distributed across the wider Borough are necessary. The Local Plan demonstrably secures this with sites identified at sustainable and suitable settlements for growth such as Horsmorden and Pembury. This approach will help secure delivery in the earlier part of the plan period before strategic sites with longer lead-in times commence delivery and ensures that the Local Plan is better equipped to deal with locally arising housing need.
- 5.1.4 As part of this, Gladman welcomes the Council's decision to release land from within the Green Belt within the Borough and the allocation of major sites within the AONB. Gladman agree that the extensive development needs of the District and associated economic, social and environment impacts of failing to accommodate this in full, combined with the extent and constraining nature of the Green Belt and AONB to some of the Borough's most sustainable locations, provide the exceptional circumstances and public interest case required to develop the Green Belt and AONB in accordance with the tests of national planning policy.
- 5.1.5 Gladman therefore support the Council's spatial strategy as drafted.

### Housing Need

- 5.1.6 Supporting text to Policy STR1 confirms the Local Housing Needs of Tunbridge Wells for the period 2016 to 2036 is 13,560 dwellings. The basis for this need is set out in the Housing Needs Assessment Topic Paper.
- 5.1.7 The Housing Needs Assessment Topic Paper confirms that the housing needs of Tunbridge Wells have been derived applying the Standard Method as advocated in national planning policy<sup>2</sup>. In common with PPG, to determine the level of demographic housing need, the 2014-based household projections have been used<sup>3</sup>. This has been assessed over the period 2020 to 2030 to respond to PPG that a housing needs figure can be fixed for a 2-year period following submission<sup>4</sup>. The overall effect on housing need of rebasing this 10-year period from 2019-2029 to 2020-2030 is marginal given the limited change in demographic need and the fact that the adjustment made in response to affordability in the authority is capped.
- 5.1.8 Noting the above and based on current evidence, Gladman consider that the Council's approach in establishing the minimum level of local housing needs is sound. However, as set out in Paragraph 4.1.3 of this representation (and as recognised by the Council in the associated Topic Paper), both the approach to defining housing needs and data informing this calculation is subject to change within the next 12 months and as such should be subject to review ahead of consulting on the Submission version of the Local Plan.
- 5.1.9 The NPPF and PPG both confirm that the standard method represents the minimum housing needs of an area and confirms the circumstances where housing needs may be higher than the standard method indicates.<sup>5</sup> This includes, but is not limited to:
- Growth Strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals);
  - Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally;
  - An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground; and
  - On occasion, situations where previous levels of housing delivery in an area, or previous assessments of need are significantly greater than the outcome from the standard method.

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<sup>2</sup> PPG Paragraph 002 Reference ID: 2a-002-20190220

<sup>3</sup> PPG Paragraph 004 Reference ID: 2a-004-20190220

<sup>4</sup> PPG Paragraph 008 Reference ID: 2a-008-20190220

<sup>5</sup> PPG Paragraph 010 Reference ID: 2a-010-20190220

5.1.10 The Housing Needs Assessment Topic Paper only considers the latter two factors set out in the above list and as such, there is no evidence that economic or infrastructure needs have been accounted for by the Council in its assessment of housing need. Taking this in account Gladman cannot conclude that 678 dwellings represents a sound level of housing need for Tunbridge Wells and further work is needed.

#### Housing Requirement

5.1.11 To aid the transparency and clarity of the Local Plan, Gladman consider that the housing requirement should be set out within Policy STR1. The adoption of this approach will improve the accessibility and legibility of the document and allow for more effective plan monitoring (see Section 7 of this representation).

#### Housing Supply

5.1.12 Table 1 of the Local Plan provides a breakdown of housing land supply as of 1<sup>st</sup> April 2019. Table 1 confirms:

- There have been 1,552 dwellings completed in the District between April 2016 and March 2019;
- There is a residual requirement of 12,008 dwellings at 1<sup>st</sup> April 2019 to meet the current identified local housing need;
- At 1<sup>st</sup> April 2019 there were commitments for 3,127 dwellings;
- This excludes a further 580 dwellings at existing allocated sites;
- A windfall allowance of 700 dwellings is made for the remaining plan period; and
- There is a need to identify allocations sufficient to deliver 7,593 dwellings to meet needs not already committed, allocated or accounted for.

5.1.13 The position set out in Table 1 is supported by evidence provided within the Housing Supply and Trajectory Topic Paper. This Paper provides the Council's rationale for the sources of supply referenced above including existing site allocations and windfall.

5.1.14 For site allocations, the Paper sets out that these have been subject to review by the Council, with sites considered deliverable retained in the supply as part of the new Local Plan. Sites found undeliverable have been removed. Whilst Gladman welcome and endorse the Council's approach, it is unclear where this assessment is, and as such the Council's conclusions cannot be examined. Gladman request that this is made available before the Local Plan is submitted to the Secretary of State for examination.

- 5.1.15 To demonstrate the windfall allowance applied through the emerging Local Plan the Council provide completions data for sites of 1-9 dwellings which have taken place in the authority since 2006. The data shows that on average around 144 dwellings were delivered at windfall sites over this period. Whilst this would appear to justify the 50 dwelling per year allowance made, it is unclear whether the Council's sample includes garden land development or not, and if it does, what effect this would have on identified rates were it to be excluded. Further information is needed from the Council in this regard before the Local Plan is submitted to the Secretary of State.
- 5.1.16 The overall level of supply provided by allocations identified within the local plan combined with commitments, completions and other sources of supply is outlined in Paragraph 4.16 of the Local Plan to amount to 14,776 dwellings (a 9% buffer).
- 5.1.17 The decision made by the Council to identify a surplus of land in comparison to the housing requirement is welcomed. This is necessary to ensure that the Local Plan is resilient to change and continues to be effective over the plan period should sites not deliver as expected.
- 5.1.18 Gladman is however concerned that a 9% buffer in housing land supply is insufficient and should be increased to around 20% (an equivalent uplift of 1,496 dwellings against that currently planned by the Council). This is of increased importance in the case of Tunbridge Wells noting:
- The designation of 22% of land in the authority as Green Belt including surrounding the main settlements of Royal Tunbridge Wells and Southborough, severely restricting development in this part of the District;
  - The absence of any carried forward safeguarded land within the District, and need set out within national planning policy to ensure that Green Belt boundaries set out in a Local Plan endure beyond the end of the plan period<sup>6</sup>;
  - The proportion of the District located within the High Weald Area of Outstanding Natural Beauty amounts to 70% (overlapping with Green Belt in some areas). This designation significantly restricts the delivery of major development in a large part of the District with a requirement to meet the tests of Paragraph 172 of the NPPF for any major development proposal brought forward in the area; and
  - The Plan contains several large-scale strategic sites which are identified to contribute significantly in response to residual housing needs in this plan period (circa 5,000 dwellings). If assumed timescales and delivery rates are not achieved at these sites, the Local Plan will quickly fail based on the current supply position.

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<sup>6</sup> See Paragraph 136 of the 2019 NPPF.

## **5.2 Policy STR 2: Presumption in favour of Sustainable Development**

5.2.1 Gladman is supportive of Policy STR2. The policy confirms the Council's commitment to secure the delivery of sustainable development consistent with the approach as set out in Paragraph 11 of the NPPF and is key in demonstrating compliance with national planning policy.

## **5.3 Policy STR3: Masterplanning and use of Compulsory Purchase Powers**

5.3.1 It is unclear to Gladman what this policy is seeking to achieve. Confirmation of masterplanning requirements is provided in relation to each relevant site allocation as set out through subsequent parts of the Local Plan. It is most appropriate for masterplanning to be dealt with on a site by site basis because requirements and key issues for each site to be taken into account through the planning process are likely to vary. The policy therefore unnecessarily duplicates these later parts of the Local Plan.

5.3.2 It is also unclear to Gladman why the Council is making reference to its CPO powers. It is commonly known that Councils have this power available to them, to apply where circumstances require it. It is however a lengthy and costly process and all other means possible should be taken before turning to CPO. Reference to CPO in the policy would appear to set out a ready willingness to use these, which sends out the wrong signals to landowners/developers about the Council's commitment to work cooperatively.

5.3.3 Reflecting on the above, Gladman do not consider that this policy is necessary and should be removed from the Local Plan.

## **5.4 Policy ST4: Green Belt**

5.4.1 Gladman welcome the Council's decision to review and release land from the Green Belt to meet identified development needs. The release of land from the Green Belt is a necessity given that the District's largest urban area, Royal Tunbridge Wells/Southborough, as well as other key sustainable settlements such as Pembury are tightly bounded by this designation resulting in a significant restriction to further development in this area. As such, in order to provide a sustainable pattern of development, ensure that development is sited in locations where it is needed, and to maintain and develop the role of these settlements, land currently designated as Green Belt must be released for development purposes.

5.4.2 It is unclear to Gladman why "land reserve sites" as first identified through the 2006 Local Plan and then carried forward through the 2016 Site Allocations DPD have not be renewed/reviewed through the draft Local Plan. As set out in Paragraph 5.1.18 of this representation, Gladman is concerned that the overall level of housing land supply identified through the Local Plan provides insufficient flexibility should identified sources of supply not deliver as expected. The presence of

safeguarded land in the plan would reduce the time necessary required to review the Local Plan should allocated sites fail to come forward as anticipated resulting in a shortfall in supply.

- 5.4.3 Paragraph 136 of the 2019 NPPF sets out that strategic policies should establish the need for changes to Green Belt boundaries, having regard to their intended permanence in the long term so they can endure beyond the plan period. Paragraph 139 of the 2019 NPPF confirms the role of Safeguarded Land in meeting longer-term development needs stretching well beyond the plan period. The decision to remove safeguarded land from the development plan should therefore be reconsidered.

## **5.5 Policy STR 7: Place Shaping and Design**

- 5.5.1 Policy STR7 sets out the overarching design principles it expects to be incorporated into development proposals. Some recognition is provided within the wording of the policy that not all principles listed are relevant to each development proposal depending on its location, scale and proposed use. Whilst this flexibility is welcome, Gladman do not consider that this goes far enough.
- 5.5.2 The type of application and scope of matters to be considered is also a factor influencing to what level of detail design matters are covered within a planning application. For example, an outline application may only consider in detail matters of access. As such, whilst points 1 to 8 of Policy STR7 may be relevant to the proposal, it might not be relevant to the stage of the application process. The policy should be reworded to recognise and reflect this. Gladman therefore consider that the policy should be revised to set out "All new development must use the following principles relevant to its location, scale, scope and use."

## **5.6 Policy STR 9: Neighbourhood Plans**

- 5.6.1 The policy attempts to set out how the Council will support and treat Neighbourhood Plans. The policy is unhelpful by failing to clarify what weight might be attached to an emerging Neighbourhood Plan at various stages. Gladman consider that this weight should be consistent with that typically attached to an emerging development plan document prepared by a local planning authority. This weighting exercise should also consider whether the Neighbourhood Plan conflicts with the strategic policies of the Local Plan where it is emerging or should it be out-of-date with a sufficiently progressed emerging Local Plan document. The role of the development proposal in meeting and responding to strategic plan requirements should also be considered.
- 5.6.2 It would assist the neighbourhood plan making process, if the Council could confirm through Policy ST9 which strategic policies of the Local Plan it is considered that a Neighbourhood Plan must be in conformity in order to meet the basic conditions. This will provide greater transparency and minimise the potential for delay during the plan preparation process.

## 5.7 Policy STR10: Limits to Built Development Boundaries

5.7.1 Gladman consider that the approach taken by the collective policies of the Local Plan towards development within the open countryside to be too restrictive and actively harms the sustainability of rural areas. A criteria based approach enabling proportionate and sustainable development are met, will be of benefit in enabling rural areas to continue to function and grow in a sustainable manner, which is not captured through proposed allocations, will diversify the range of development that can come forward in compliance with the development plan enhancing the and will provide added flexibility should sites identified not come forward as expected.

5.7.2 Gladman's favoured approach is provided by Policy HOU5 of the adopted Ashford Local Plan. The wording of Policy HOU5 is set out overleaf and should be adapted to be relevant to Tunbridge Wells.

*"Proposals for residential development adjoining or close to the existing built up confines of [listed settlements] will be acceptable provided that each of the following criteria is met:*

- a) *The scale of development proposed is proportionate in size to the settlement and level, type and quality of day to day service provision currently available, and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in the Local Plan and committed development in liaison with service providers;*
- b) *The Site is within easy walking distance of basis day to day services in the nearest settlement and/or has access to sustainable methods of transport to access a range of services;*
- c) *The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;*
- d) *The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;*
- e) *Conserves and enhances the natural environment and preserves or enhances any heritage assets in the locality; and*
- f) *The development (and any associated infrastructure) is of a high-quality design and meets the following requirements:*
  - i) *It sits sympathetically within the wider landscape;*
  - ii) *It provides or enhances the setting of the nearest settlement;*
  - iii) *It includes an appropriately sized and designed landscape buffer to the open countryside;*
  - iv) *It is consistent with the local character and built form, including scale, bulk and the materials used;*

- v) *It does not adversely impact on neighbouring uses or a good standard of amenity for nearby residents;*
- vi) *It would conserve biodiversity interests on the site and/or adjoining area and not adversely affect the integrity of international and nationally protected sites in line with Policy."*

5.7.3 In recognition of the landscape constraints of the Borough, it is recognised that an added criterion is necessary to reflect the policy position of the 2019 NPPF in relation to development within the AONB.

## 6 DEVELOPMENT MANAGEMENT POLICIES

### 6.1 Policy EN1: Design and Other Development Management Criteria

- 6.1.1 The policy sets out the key design and development management principles required of development proposals submitted in Tunbridge Wells. The policy provides a useful and all in one capture of the principle issues which the Council require applicants to address through the application process and clarifies the Council's expectations. This will help simplify the development management process enhancing its accessibility to the wider community and improving the transparency of the decision-making process.
- 6.1.2 Having reviewed the policy, Gladman is concerned about the overall lack of flexibility in its requirements. The starting sentence of the policy reads "all proposals for development within the borough will be required to satisfy all of the following criteria" and only allows divergence from this where "robustly justified in information submitted in support of this application". This wording places an unnecessary and unjustified burden on the applicant to set out why full compliance is not provided through a scheme when there may be perfectly reasonable circumstances for this. This includes the type of development proposed, and the scope of the planning application, where such information may not be required.
- 6.1.3 The wording of the policy should therefore be revised to set out that "all proposals for development within the borough will be required to satisfy all relevant criteria to the scope and type of development proposed".
- 6.1.4 Design Criteria 1 of Design Aspect Character and site context sets out that loss of buildings contributing to the street scene etc, open spaces, trees/vegetation, features of biodiversity/geodiversity, or other features important to built/landscape character should be avoided unless the proposed development provides for a demonstrably improvement overall. Gladman is concerned that this requirement goes beyond national planning policy by establishing a high level of protection for existing site features without the necessary evidence to justify this approach. The requirement also introduces a significant amount of uncertainty for applicants owing to the subjectivity of a number of the issues raised in this policy.
- 6.1.5 Gladman consider that this part of the policy should be revised to set out that loss of key features should be avoided as far as possible, and where necessary be sufficiently mitigated for consistent with the requirements of policies of the NPPF and the wider Local Plan.
- 6.1.6 Design Criteria 1 of Landscaping, Trees and Amenity sets out that existing individual trees, or groups of trees that contribute positively to an area shall be retained. Again, Gladman consider this requirement to be too onerous and inflexible should the loss of such trees be unavoidable and is justified. Instead the policy should outline that the loss of such trees should be avoided, but where necessary to secure the delivery of the development in accordance with other policies of the Local

Plan, will be assessed in the planning balance. Where trees are lost through a development proposal the Council should establish a requirement of a least 1:1 replacement through an agreed landscaping and management scheme.

## **6.2 Policy EN2: Sustainable Design and Construction**

- 6.2.1 The policy sets out the requirements of new development to minimise effects on climate change and the environment. The overall objectives of what the development is trying to achieve is supported by Gladman, albeit it is considered that its approach requires some revision.
- 6.2.2 The wording of Policy EN2 is applicable to developers whom are required to follow the 12 steps outlined in the policy. This approach ignores that many of the issues outlined within the 12 steps are determined through the application process and it is not always the case that the applicant develops the site. As such the wording of the policy should be revised to set out that “applicants must follow..” in order to ensure that requirements of the policy is captured through the planning application process.
- 6.2.3 As with Policy EN1, Gladman consider that flexibility is required within the wording of the policy to recognise that not all issues will be relevant to all development proposals submitted within the Borough and that not all applications by their nature are required to provide the level of detail required to meet this policy’s considerations. As such the wording “where relevant” should be included within the first line of the policy.
- 6.2.4 In Steps 1 and 2, the Council should recognise that it will not always be possible to deliver development in locations which benefit from good access to GP surgeries, train stations, shopping areas and schools. This is indeed the case for some of the allocations identified through the Local Plan especially where they are responding to a rural housing need or provide a new settlement/SUE. The policy should therefore be revised to set out that development will be “concentrated” towards these areas and key transport corridors, in order to ensure that the wider less sustainable parts of the District also receive a level of development in response to needs.
- 6.2.5 The policy requires a Construction Environmental Management Plan to detail applicable topics set out in Steps 1 to 12. This document is typically conditioned after the principle of development has been secured and once the details of how a site is to be developed is known. The requirement of the policy to demonstrate compliance through this document is therefore onerous and does not reflect the planning application process. The requirement should be removed.

### **6.3 Policy EN3: Sustainable Design Standards**

- 6.3.1 The policy sets out the build quality standards for all development proposals submitted in Tunbridge Wells. The policy “strongly encourages” the application of Home Quality Standard 3 between 2021 and 2025, and Home Quality Standard 4 Stars from 2026 onwards on sites of 10 to 150 dwellings, and Home Quality Standard 4 Stars from 2021 onwards on sites larger than 150 dwellings. The wording implies some flexibility, but this should be at the discretion of the applicant. Should the Council require full compliance to the policy then sufficient evidence should be provided and its financial implications through the full plan viability assessment in order for its application to be considered consistent with PPG<sup>7</sup>.
- 6.3.2 The Council will no doubt be aware that the Government is currently consulting on proposals to introduce a Future Homes Standard as a build standard for all new homes from 2025<sup>8</sup>. The details of what the Future Homes Standard will be has not yet been determined, but as part of the consultation the Government has detailed measures to enhance Part F and Part L of Building Regulations to be introduced from 2020. This enhanced build standard will need to be assessed for its impact on viability as part of the Local Plan. With policies reflecting this standard at submission stage. The Council will need to review the Local Plan following adopted to implement the Future Homes Standard in full.

### **6.4 Policy EN7: Heritage Assets**

- 6.4.1 The policy sets out how development affecting heritage assets will be assessed. To ensure full compliance with national planning policy, the policy should be expanded to set out how the impact on the significance of a heritage will be assessed in the balance of the planning application. This is set out in Paragraphs 193 to 197 of the 2019 NPPF.

### **6.5 Policy EN10: Outdoor Lighting and Dark Skies**

- 6.5.1 The policy sets out how proposals which include lighting will be considered by the Council. Whilst Gladman is broadly supportive of the Dark Skies initiative, this will need to be balanced against other design principles such as secure by design in order to ensure that development does not promote crime. A pragmatic view should be taken where they two policy initiatives clash, depending on the scale, location and type of the development proposed. A development should not be refused where it does not meet this policy where secure by design requires a lighting scheme. Where lighting is necessary a suitable lighting scheme could be conditioned through the application, this could include time-restricted lighting and reduced lighting levels.

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<sup>7</sup> See Section 56 of PPG

<sup>8</sup> <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>

## **6.6 Policy EN11: Net Gains for Nature Biodiversity**

- 6.6.1 The Policy responds to the recent changes made to national planning policy which requires all development to provide net gain for nature biodiversity. Gladman accept the terms of the policy as set out by the Council. It is important that long term impacts are considered when reviewing proposals for biodiversity net gain taking into account the fact that many of the measures provided as part of a development will need to mature beyond the build period. The Council's approach acknowledges the mitigation hierarchy but applies this in a way which would result in the least impact on wildlife. Gladman however would add that if off-site mitigation provides the best opportunity for biodiversity gain, then this should not be ruled out from the planning application process. The need to ensure that biodiversity measures are maintained is important if the aims of such provision is to be most successful.
- 6.6.2 Gladman consider that paragraphs 6.126 to 6.129 amount to policy and as such in order to provide for an effective and transparent plan should be included within Policy EN11.

## **6.7 Policy EN17: Local Green Space**

- 6.7.1 Local Green Space provides a legitimate way of safeguarding green spaces within communities which have demonstrated value to local communities. Such spaces are to be reasonably close in proximity to the community served and excludes extensive tracts of land. The list and coverage of proposed Local Green Spaces is set out in Appendix 2 of the Local Plan and illustrated on the draft policies map. The list is extensive and includes over 200 sites. The Council's justification for this list is provided within the Local Green Space Assessment Draft which sits alongside this consultation. Reviewing this document, in most cases, only a brief comment regarding any candidate site and its role is provided and there is little evidence sitting behind the comments made. Gladman's view is that the paper does not provide sufficient evidence to demonstrate that any land identified for Local Green Space is special to the local community which is required to justify the protection afforded by this designation. A more detailed assessment is needed.

## **6.8 Policy EN20: Rural Landscape**

- 6.8.1 The policy sets out how development proposed beyond built settlement limits should respond to the landscape. Gladman do not believe that sufficient consideration is given to development proposals at the settlement edge which are often faced by different circumstances to those within a more rural setting. Gladman consider that the transitory character of urban fringe sites must also be recognised by the policy and how a site contributes to this. Where there is a potential for the development to soften the effect on the existing urban landscape (through urban design and landscaping) on a wider rural area this should be considered in the planning balance.

## **6.9 Policy EN22: Agricultural Land**

6.9.1 This policy seeks to protect against the loss of best and most versatile agricultural land and requires the loss of agricultural land on wider farming resource and ecosystem to be assessed. Gladman consider that the policy goes beyond the requirements of national planning policy, which at Paragraph 170 sets out that planning policies (and decisions) should recognise the economic and other benefits of best and most versatile land. As such, the loss of best and most versatile land should be considered in the context of the overall planning balance.

## **6.10 Policy EN29: Sustainable Drainage**

6.10.1 The policy sets out the Council's approach to drainage from a new development. This includes a requirement to secure a betterment in drainage from a development with a requirement to exceed greenfield run-off rates. This exceeds current standards and will not always be possible for developments submitted in the area owing to site constraints/conditions. Gladman consider that the policy requirement should be limited to greenfield run-off rates, with any betterment achieved exceeding this rate, considered positively in the overall planning balance.

## **6.11 Policy H1: Implementation of Planning Permission for New Residential Dwellings**

6.11.1 Securing the delivery of new housing is a key policy aim of the Government. This is translated into the 2019 NPPF which sets out that authorities can include measures to fasten the pace of housing delivery. Policy H1 is the Council's response to this national policy approach and is supported by Gladman.

## **6.12 Policy H2: Multi-developer Delivery and Piecemeal Development of Larger Sites**

6.12.1 The policy sets out the Council's support for the multi-developer delivery at larger sites allocated within the plan. This will allow larger sites to come forward at a faster pace preventing delay due to the need for a single planning application and is likely to reduce the likelihood for delay as a result of legal or landownership issues. The policy clarifies the Council's position in relation to the piecemeal delivery of large sites, establishing the necessary safeguards to ensure policy compliance and full infrastructure provision, as well as securing a comprehensive development. The policy is supported by Gladman.

## **6.13 Policy H3: Housing Mix**

6.13.1 To determine housing mix of a proposal the Council reference the 2018 Housing Needs Study (and its successor) with the aim to balance the housing mix where evidenced this is necessary. Gladman consider that this document should form one source of evidence which is referenced in determining housing mix for a site. Market signals and demand information can provide an

important source of information as to what is necessary to satisfy the market and help reduce local house prices. A further influence is site character and its relationship to wider surroundings which might be a specific type of housing would be unsuitable.

## **6.14 Policy H4: Density**

6.14.1 Policy H4 promotes housing delivery at a high density where appropriate in accordance to site and wider context. This is broadly reflective of the NPPF however ignores the role played by access to public transport and the benefits this can have in supporting a higher density development.

## **6.15 Policy H5: Affordable Housing**

6.15.1 Policy H5 makes clear that there is an expectation for developments which provide for 1 net dwelling to 9 net dwellings to provide a financial contribution on 20% of the gross units to be provided at the site to fund off-site affordable housing provision. Gladman object to this requirement and considers this to be contrary to national planning policy.

6.15.2 Paragraph 63 of the NPPF clearly sets out that provision of affordable housing should not be sought for residential development that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). No parishes within Tunbridge Wells have been designated a rural area and as such the requirement for minor development to contribute towards affordable housing is not sound.

6.15.3 The Council will have to consider whether alternative means should be made available through the Local Plan to increase the amount of affordable housing expected to be provided with this source of supply removed. Existing supply is already some 100 dwellings below the identified need, despite being identified as a key objective for the Local Plan to address.

## **6.16 Policy H9: Housing for Older People**

6.16.1 Policy H9 sets out that larger developments may be required to set aside land to meet C2 housing need. The aims of the Local Plan and national planning policy to respond to the housing needs of all of the community is recognised and supported by Gladman, however to provide certainty and ensure that proposed allocations are viable and deliverable without delay, the Council should clarify which sites are expected to respond to this requirement.

6.16.2 The policy also confirms that all affordable housing will need to meet Part M4(2) of Building Regulations and at least 5% of dwellings on sites of 20 dwellings or more which need to meet Part M4(3) of Building Regulations. Again, the aims of this policy requirement are supported by Gladman, however to be considered consistent with PPG, the justification for the application of

these standards to new dwellings must be supported by proportionate evidence and have been subject to viability testing through the full Local Plan Viability Appraisal<sup>9</sup>.

- 6.16.3 Gladman is concerned that the Policy attempts to define C2 uses in an overly simplistic way. Whilst the Council's approach provides clarity, Gladman consider that some flexibility should be shown within the policy to enable the applicant to justify the use class of their proposal. This reflects the fact that many developments do not reflect a one size fits all approach as applied through Policy H9 and as such the policy will need to be malleable to take into account the full range of C2 products now available.

## **6.17 Policy H11: Self-Build and Custom Housebuilding**

- 6.17.1 The policy sets out the Council's approach to self-build and custom build housing. The policy confirms that the provision of this type of dwelling is to be achieved principally through on-site provision as a proportion of strategic scale developments (sites of 100 dwellings per more). A plot-based requirement of 5% of total provision at these sites is identified, with affordable housing requirements also applicable.
- 6.17.2 Although supportive of the aims to increase opportunities for self-build and custom build homes, Gladman do not consider that the policy approach as drafted provides for an effective mechanism in meeting this type of housing need.
- 6.17.3 At present there is evidenced to be 163 entrants on the Council's self-build register. This reduces to 103 entrants when people whom are not local to the Borough are excluded. Also, there is the possibility that entrants included on the list also feature on the self-build register of neighbouring authorities, and their housing need might be addressed or change over the plan period.
- 6.17.4 Under the proportionate approach of Policy H11 a total of 422 self-build/custom built dwellings could be built if applied across the Borough universally. This is significantly more than the identified need. As a result, Gladman do not consider that the policy requirement is justified.
- 6.17.5 A further problem with the drafted approach is its effectiveness is responding to the needs and requirements of those included within the list. As acknowledged by the Council in Paragraph 6.358 of the Local Plan, evidence collated by the Council confirms that most people want single plots, rather than plots on large housing schemes for self-build. As a result, whilst the policy might provide plots in response to an identified need for self-build, there is no guarantee that these plots will be occupied by the people identified as having this need owing to a potential lack of demand for the location and type of development within which the plot is available. A different approach is therefore required.

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<sup>9</sup> See Section 56 of PPG

- 6.17.6 The final problem with the drafted approach is how such plots are to be delivered as part of a larger scheme. The requirement for self-build within a development creates difficulties with how that larger sites is developed, such as infrastructure provision and phasing. There are also security and health and safety issues of enabling third party access to an active construction site.
- 6.17.7 Based on the above, Gladman consider that a much more effective way of responding to self-build and custom build housing is to set out a positive policy framework which promotes self-build through windfall development. Gladman consider that such delivery could be achieved through suggested wording for development beyond but adjacent to settlement boundaries as submitted in response to Policy STR10 (see Section 5 of this representation).

## **6.18 Policy TP1: Transport Assessments, Travel Plans, and Mitigation**

- 6.18.1 This policy sets out the Council's overarching approach to assessing highways impact and mitigation. Gladman is concerned with part 1 of the policy which sets out that development proposals must "demonstrate that the impacts of trips generated to and from the development are accommodated, remedied, or mitigated to prevent significant residual impacts..". The wording set out in relation to highway impact differs from that outlined within the NPPF which sets out that development prevented or refused on highways grounds only if the residual cumulative impacts on the road network would be severe (see Paragraph 109). The draft wording of Policy TP1 sets a higher bar than national planning policy in relation to highways impact and is not sufficiently justified. To address this the Council should revise the policy to adopt the wording of the NPPF.

## **6.19 Policy TP2: Transport Design and Accessibility**

- 6.19.1 The policy establishes the transport related design and accessibility principles for all new developments and requires full compliance of listed criteria. As set out above, this universal requirement ignores the variation in scale, type and scope of developments which might be submitted and considered within the plan period. As such there is need for flexibility with the policy for criteria to apply only where relevant to the submitted development and stage of the planning application process.
- 6.19.2 It should be recognised within the policy that the diversion of public rights of way or highways forms a separate process to the planning application system with advice provided as to how and when to engage in this process. This will improve transparency and reduce the potential for misunderstanding. It is acknowledged that there are material planning issues related to the diversion or stopping up of public rights of way or highways and as such the reference made in the policy is considered sound.

## **7 DELIVERY AND MONITORING**

### **7.1 Monitoring and Review**

7.1.1 Section 7 of the Draft Local Plan sets out how the Council is to secure the delivery of its policies and objectives. To enhance the effectiveness of this, together with ensuring that the Local Plan is responsive to changing standards, requirements and sub-regional needs, Gladman consider that a review mechanism should be inserted into the Local Plan.

7.1.2 Gladman consider that triggers for such a review include:

- Significant changes to housing or economic land requirements;
- A request from a neighbouring authority to meet declared unmet housing needs and/or the adoption of a sub-regional spatial framework to respond to unmet housing needs;
- Where housing delivery consistently falls short of identified requirements;
- Where the Council is unable to identify a five-year supply of housing land with no prospect of a five-year land supply in the near future;
- Should delivery at a strategic site integral to the spatial strategy fail to come forward within the timescales or at the pace estimated;
- Should identified infrastructure required to support the sustainable delivery of the spatial strategy fail to come forward as required;
- Should national planning policy or associated standards change significantly; and
- Should viability evidence indicate a significant shift in the value of land to accommodate identified policy and infrastructure requirements.

7.1.3 The timescale necessary to conduct and conclude such a review will largely depend on its scope. Gladman consider that a full plan review could be completed to submission to secretary of state within a period of 30 months. Whilst a partial review could be completed in 18 months.

7.1.4 Critically to ensure that such a review holds true, the wording for the policy should set out that any policy subject to review will be treated as out-of-date until such review has been concluded. In this circumstance national planning policy would apply.

## **8 CONCLUSIONS**

### **8.1 Assessment against the Tests of Soundness**

- 8.1.1 Having considered the Draft Local Plan, Gladman is concerned by a range of matters including plan period, vision and objectives, housing need/requirement, duty to cooperate, housing supply (extent of), green belt release, neighbourhood planning, development boundaries, design, landscape, drainage, local green space, affordable housing, homes for older people, self-build, highways and transport.
- 8.1.2 In relation to all matters, Gladman has suggested how concerns might be overcome ahead of the future Regulation 19 consultation. Gladman also considers that the Council should insert a policy committing to an early review of the Local Plan should certain circumstances arise.
- 8.1.3 The Local Plan must be positively prepared, effective, justified and consistent with national planning policy to be found sound at examination.
- 8.1.4 Gladman welcomes the opportunity to comment on the draft Local Plan and hopes that the Council finds these submissions constructive. Gladman requests to be added to the consultation database and looks forward to reviewing future versions of the Local Plan in due course.