PARTICIPANT'S RESPONSE

MATTER 9 /
RYDON HOMES

U1 NO 516047

WEALDEN DISTRICT COUNCIL

LOCAL DEVELOPMENT FRAMEWORK

PROPOSED SUBMISSION
CORE STRATEGY (February 2011)

EXAMINATION IN PUBLIC

RESPONSE BY RYDON HOMES LTD

MATTER 9:
CROWBOROUGH AREA STRATEGY (WCS2, WCS3, WCS4)

HEARING SESSION - 1st February 2012

DECEMBER 2011

PREAMBLE

Rydon Homes Ltd - are a local firm of housebuilders based in East Grinstead. They are part of the Rydon Group which is a construction, development, maintenance, investment and management group operating throughout Southern England. Rydon Homes build at the quality end of the market, mainly in Kent, Surrey and East and West Sussex. They currently hold land interests that they are promoting in south-east Crowborough and Stone Cross.

Christopher Hough, BSc, FRICS - holds the degree of Bachelor of Science in Estate Management from the University of Reading and is a Fellow of the Royal Institution of Chartered Surveyors in the Planning and Development, Valuation, Commercial Property and Dispute Resolution Faculty. He is the Principal of Sigma Planning Services with offices in Tunbridge Wells, Kent. He is principally engaged in advising a wide range of clients upon a variety of planning matters throughout Great Britain. He has 37 years experience in that role.

Mrs. Heidi Kelly, BAhons, DIP, UP, MRTPI - is a Chartered Town Planner and a Strategic Land Manager for Rydon Homes Ltd dealing with the identification, acquisition and promotion of strategic land across the south-east of England. She has worked for private residential developers since graduating 15 years ago, 13 years of which have been for Rydon Homes. During that time Rydon has been involved in the promotion of sites in Wealden District, successfully securing four housing allocations in the last (non-statutory) Local Plan.

Question (a)

Have reasonable alternatives to the strategy been considered?

1. The answer to this question is 'No'. Crowborough is one of the three main settlements in the District and, with Uckfield and Hailsham, is classified as a District Centre in the settlement hierarchy (CDCS Table 1 p.10). With Hailsham, it is the largest centre of population in the District. It enjoys infrastructure and services capacity and, unlike Hailsham, has a rail connection. It faces the loss of a major local source of employment – the Council offices.

2. The characteristics of the town are set out in Paragraph 13 of the CDCS as being:-

   - dominated by the High Weald AONB;
   - influenced by the Ashdown Forest and the high level of nature conservation protection afforded by the Habitats Directive;
   - need to retain and enhance the role of the town as a local service centre;
   - limited employment opportunities;
   - residents look to other centres for services and facilities;
   - influenced by proximity to Tunbridge Wells;

   As a result of these factors growth is limited to an additional 300 dwellings. The overall provision figure of 935 dwellings 2006 – 2030 represents an average of only 39 dwellings per annum over the plan period which is roughly half the level of average annual completions achieved during the first four years of the plan period. No new employment allocations at all are proposed and two Council-owned sites at Pine Grove and Jarvis Brook are proposed to be removed from employment uses. However, the proposed requirement figure represents a remaining annual projected completion rate of 27.6 dwellings per annum from 2011 – 2030 (see Rydon 4 attached).

3. In contrast the draft Crowborough Town Centre Visioning Document (October 2008) refers to the revitalisation and redevelopment of the Town over the next 20 years and it looks to achieve continuous improvement and to get the best from the social, economic and environmental challenges that lie ahead. One of the eight strategic aims in the document is Business and housing development.

4. Similarly the Top of the Weald: A vision for Crowborough 2010 – 2030 published by Crowborough Town Council in May 2010 presents an upbeat vision for the town with the 8 aims of:-

i. a thriving and dynamic town centre

ii. protecting our natural and built environment

iii. a vibrant visitor destination

iv. effective and sustainable transport

v. supporting business and enterprise

vi. engaging with our young people

vii. delivering affordable housing

viii. focussing on the future at Pine Grove.

5. Assets enjoyed by the Town are stated to be:

- surrounded by idyllic countryside
- easy access to modern amenities
- great location to raise a family
- excellent local schools
- good health facilities
- easy food shopping
- low unemployment
- access to outdoor activities
- low levels of crime
- accessible transport links to London.

6. The main areas seen as in need of improvements are:-

- town centre retail enhancement

- public transport improvements
- more recreational activities for young people
- more local employment for under 18s and graduate jobs after completion of higher education.

7. A primary source of funding for this list of improvements is seen to be from Developer contributions. In terms of housing the delivery of high quality affordable housing is of paramount concern and it is recorded that in the short term (1-4 years) Public Consultation has identified that areas to the east and south-east of the Town could be the most appropriate locations for future housing.

8. Pine Grove is seen as being a new heart for Crowborough based on improved civic and public services co-located with community, leisure, business and tourism uses. Affordable housing is also anticipated to be located here.

9. It is difficult to see how the SDCS proposals to reduce housing completion rates from 82 dpa (average 2006 – 2010) to 28 dph (projected average 2011 – 2030), to vacate Pine Grove employment site with no firm redevelopment proposals, to redevelop and employment site in Jarvis Brook for housing and to allocate no new employment sites, fits in with the Town Council vision.

10. An alternative strategy of limited growth with increased housing and employment provision should have been tested. There is every prospect that a greater, but still limited, scale of development could be accommodated in Crowborough. This could address some of the perceived negative aspects of the town. For example:-

- the AONB does not surround the town. It lies mainly to the north and west and there are a number of peripheral locations adjacent to the town boundary, particularly to the south-east of the town which lie outwith the AONB. In addition there are sites on the north and east sides of the town, such as Contingency site and Crowborough Training Camp where new built development has been contemplated in the past and is still not ruled out. The SHLAA has identified developable sites for 2,366 dwellings in the plan period to 2026. There is therefore no evident problem of capacity.

- high quality SANG provision has been demonstrated to be available to mitigate any impact upon the Ashdown Forest SAC/SPA.

- new development and increased local population will contribute positively to the retention and enhancement of town centre retailing.

- new employment sites will provide local employment.

- economic growth in the town will arrest any existing decline and prevent any future decline in services and facilities, thereby resisting the propensity of residents to look outside the town towards larger centres, such as Tunbridge Wells.

11. There is clearly a realistic prospect of a more positive strategy for Crowborough being identified and a range of scales and combinations of development options should have been tested and subjected to Environmental Assessment. The DSCS is too negative and dismissive of the potential for development.

12. The Plan is therefore unsound because the policy for Crowborough is not justified (there is no robust and credible evidence base) and reasonable alternatives have not been considered. The strategy for Crowborough can be made sound by the testing of a series of alternative development options for the Town.

Question (b)

Is there a clear audit trail showing how and why the preferred strategy was arrived at?

1. No. As indicated in the previous question, there does not appear to have been any clear evolution of a Strategy for Crowborough.

2. The area is assessed at Paragraphs 8.43 – 8.53 of the "Development of the Proposed Submission Core Strategy" background document. In addition to the characteristics summarised in Paragraph 3.13 of PSCS document (– see answer to Q (a) – Paragraph 2) there is reference to questions about the suitability of the transport network to accommodate growth (Paras 8.46 and 8.52). This concern is not carried through to the summary in Para 3.13 of the PSCS document, but the matter is referenced at Paragraph 6.36.

3. The strategy for Crowborough appears to be based solely on this somewhat arbitrary and inherently negative description of the town. There is no:-

   - vision for the town or detailed reference to the work of the Town Council;

   - more detailed investigation or assessment of the capacity of the town to accommodate growth including assessment of the environmental impact on the AONB and Ashdown Forest SAC/SPA or the effect of development on local traffic conditions;

   - no assessment has been carried out of the potentially harmful effects of such limited levels of new development on the socio-economics of the town over the 24 year plan period in terms of

     (i) the effect of an ageing population

     (ii) lower household sizes

     (iii) impact on the loss of employment from the Council's relocation to Hailsham

     (iv) the potential impact upon the economic profile of the town

     (v) its role as a local service centre

     (vi) the need to support and enhance local retail and community services and improve public transport services.

- No ways of delivering the level of affordable housing needed by the town are identified in the absence of any meaningful contribution from market housing cross subsidy.

- No alternative strategies, including higher levels of growth have been tested.

4. The appropriate assessment of the impact of development upon the Ashdown Forest was only published in August 2011 and represents a post-strategy assessment that seeks to justify the preferred Strategy rather than contribute to its formulation. This is, in any event, a very simplistic document that concludes that, in terms of impact upon air quality the generation of traffic from the levels of development proposed falls below the somewhat arbitrary threshold of increase of 1,000 traffic movements per day, which DMRB guidance says may give rise to likely significant effects. The impact of additional visitors to the Ashdown Forest is judged to be capable of mitigation through SANG provision.

5. There has been no testing of the impact of higher levels of development or recognition that, in the case of Crowborough and the A26, the road is generally peripheral to the SAC/SPA and does not run through it. The main stretch identified is the A26 Maresfield – Duddleswell Road which, tangentially, touches the eastern boundary of the SAC/SPA at one point but is generally well removed from it. There is therefore every possibility that detailed assessment would reveal that the level of impact in terms of air quality is unlikely to be unduly harmful to the ecological integrity of the Ashdown Forest SAC.

6. Rydon's Highways Consultants have considered the methodology and conclusions of the UE Associates assessment. A copy of their critique is attached (Rydon 5). It concludes that:-

- the methodology is flawed in that it potentially overstates the traffic movements likely to be generated but also fails to take into account traffic generation from dwellings constructed 2006 – 2010 and from housing or employment development proposed elsewhere in the District or adjoining District. It is therefore incomplete;

- it does not test different scenarios of type or location of level of development;

- utilising the methodology but making more realistic assumptions confirms that further growth of at least 300 dwellings at Crowborough can be accommodated within the threshold.

7. The level of knowledge about impacts of new housing development upon the Ashdown Forest SAC/SPA therefore remains very limited and requires further work to identify the level of impact upon the integrity of the SAC/SPA and the scope for mitigation. WDC appear to have used the DMRB threshold as reassurance for their low level of housing requirement and as a means of avoiding the extra work of carrying out more detailed investigation of impacts. This is not an acceptable approach to the situation. Work on this matter should have been started earlier, have been more extensive and should have tested various scenarios and levels of development. The plan is therefore unsound because the evidence base is insufficiently robust in this respect.

8. With regard to employment development this appears to be justified by an alleged absence of available land ("Development of the DSCS" background document Paragraph 8.53). This is a superficial and unjustified conclusion – particularly when two existing employment sites are the subject of proposed housing allocations. No meaningful attempt has been made to assess the potential availability and suitability of land for new employment in Crowborough and there is a total absence of an employment vision or strategy for the Town.

9. The social consequences of such a large-scale under-provision of affordable housing and lack of employment have not been addressed and are likely to be significant. Rydon have criticised the DSCS for its lack of testing of options for higher levels of development but equally, in the case of Crowborough, they are concerned at the lack of testing of the consequences of substantial under-provision and lack of economic growth. Failure to provide adequate market and affordable housing produces adverse socio-economic consequences including:-

   - increased house prices and worsening affordability;

   - wealth re-distribution favouring existing home-owners, mainly older generations at the expense of the younger;

   - reduced labour mobility, thereby further constraining local employment and productivity;

   - costs in terms of economic welfare from the restriction in supply;

   - continuing unsatisfactory living conditions for those in need, including concealed households.

   The strategy does not answer the question how are housing needs in Crowborough going to be addressed and where do WDC expect those in housing need in Crowborough to go?

10. The plan is therefore unsound because the strategy for Crowborough is inadequate, largely absent and is not founded upon a robust and credible evidence base.

Question (c)

Have the infrastructure implications of the strategy clearly been identified and supported by the evidence base ? Is it clear who is going to deliver the required infrastructure and by when?

1. Due to the very limited level of new development that is proposed at Crowborough there is no question generally about the ability of existing infrastructure to accommodate the levels of development proposed. The more pertinent question is why, when there are potential infrastructure constraints elsewhere in the District, is infrastructure capacity of Crowborough not being more fully utilised?

2. Limitations on the ability of the highway network to the south of the town to accommodate significant new levels of traffic are referred to in the background documents and Paragraph 6.36 of the PSCS. These suggest that there are existing problems of congestion in the area. This is a widely held local perception, but there is no objective, technical assessment of the matter in the evidence base of the plan and no highway improvements are proposed by ESCC to remedy any existing problems. This raises the question that this potential constraint has not been fully investigated and therefore no formal conclusion can be reached about the seriousness of the situation or to what extent and in what manner it could be alleviated.

3. Rydon have commissioned some work on this matter and an update report from their highway consultant, Brian Plumb of WSP, is attached (Rydon 6). This demonstrates that there is a workable traffic management scheme that would improve traffic conditions in Western Road and it is agreed with ESCC that, in principle, a further 300 dwellings could be developed in this locality. Further work and discussion is currently under way, including micro-simulation modelling, to test higher levels of development.

4. The traffic management scheme would be carried out at the developer's expense as a legitimate requirement of the grant of planning permission for new housing and employment development.

Question (d)

Is the strategy sufficiently flexible to respond to an unexpected change in circumstances?

1. No. the strategy for Crowborough is unnecessarily inflexible because the limited amount of development proposed is likely to be taken up quickly in the early years of the Plan, leaving no scope for development in the latter part of the period. The problem is not one of inadequate land for potential new development, but the ceiling of housing and employment provision which will discourage development projects and general developer interest in the town.

Question (e)

Is SD8 justified and deliverable?

1. Rydon have no particular comment on SD8. The decision to relocate the Council Offices to Hailsham is regrettable for the town of Crowborough and no real decision has been made about the timing and nature of redevelopment. The site is important and the vision of the Town Council is laudable. It should represent an opportunity for employment to replace that which is being lost and also is an opportunity to revitalise the town centre retail, leisure and community facilities. It is a relatively neutral allocation in that it is needed to restrict economic decline rather than to promote economic growth. There is very limited scope for market housing if employment, retail and leisure uses are to be properly represented on the site. The ability to deliver affordable housing on the site will depend upon the viability of redevelopment proposals which may be marginal and, without subsidy, affordable housing will not be delivered. There is a danger that, as a matter of expediency, the site will be allowed to be used for market housing in response to the strong and unrequited demand in the town. This would be to the detriment of the vitality of the town centre and the long term economic prosperity and functions of the settlement.

Question (f)

Is the loss of some employment land at SD8 without specific provision for employment uses elsewhere in the Crowborough area soundly based?

1. For the reasons explained in the responses to earlier questions Rydon consider that there is no evident or coherent strategy for economic or employment growth in Crowborough. The strategy set out in Paragraph 68 of the DSCS is superficial, not effective and is unlikely to lead to any material enhancement of economic prosperity in the town. This is because it is not supported by any practical development opportunities and it is founded predominantly upon a commitment of support with little practical indication of how that support will be effective. Many of the strategy elements are therefore meaningless because they are not backed by practical means of implementation. The Plan is unsound as a result.

Question (g)

Is SD9 justified and deliverable?

1. No. This is effectively a site and location that is suitable for employment use and redevelopment. It should be retained for that purpose.

Question (h)

Is SD10 justified and deliverable?

1. Substantially yes. Rydon control an area of land extending to about 45 hectares on the southern side of Walshes Road and this is capable of delivering up to around 350 dwellings by itself. This can be supported by the provision of a high quality SANG as part of the development and on adjoining land (see Rydon 7). The necessary improvements to the local road network are achievable and viable in terms of provision as part of the development proposals (see Rydon 6).

2. Rydon have been in discussion with local community groups about the provision of replacement, improved and additional community facilities which are much needed in this area. These can be provided and to some extent funded by new housing and employment development but this is largely dependent upon the scale of development that is proposed.

3. The level of housing development proposed in the DSCS can easily be accommodated but would only take up a very small proportion of the potential for this area, which would benefit from a larger scale and more comprehensive approach.

4. Other land in the locality – both to the north and south of Walshes Road, is in the hands of developers and has some potential for development although there are access, topographical, ecological and woodland amenity constraints to the release of part of this land and development would not be as straightforward as the land abutting directly onto Walshes Road.

Question (i)

Is there appropriate justification for the phasing of housing at SD10 from 2024?

1. No. As stated previously, there is no justification for delaying development on SD10 until post 2024. The Council have not provided evidence of the existence of a highway constraint or assessed how it might justifiably prevent development or if there is potential for alleviation. The Appellant's contribution to the evidence base of the plan shows that the constraint can be addressed and indeed more housing than that currently proposed can be accommodated.

2. The evidence base for the phasing of SD10 in Figure 5, Page 31 of the PSCS is therefore not robust or credible in this respect and the Plan is unsound as a result.

3. It is also unacceptable to have a strategy that proposes that there should be no planned delivery of housing in Crowborough between 2020 and 2024.

Question (j)

Has the contingency urban extension north of the A26 been justified? What are the circumstances that support the identification of a contingency site here but not elsewhere in the District?

1. Rydon can see no justification for the contingency urban extension. They have demonstrated through their highway assessment that there is no effective highway constraint on the delivery of SD10 which has capacity to accommodate all currently proposed development and considerably more as required. The basic justification for the contingency site is that it may be needed if SD10 is not delivered but the Council have not provided any substantive, objective, empirical evidence that there is a highway constraint to the south of the town to a degree that would justify preventing SD10 coming forward. Rydon have provided evidence to the contrary and this supports the conclusion that SD10 is deliverable and has potential for greater levels of development.

Question (k)

Have reasonable alternatives to SD8, SD9 and SD10 been considered – omission sites?

1. Yes, in the main. Potential development sites in and adjacent to Crowborough have been considered in a series of Options and assessment documents as part of the previous Local Plan process, the current LDF process and, most recently, in the SHLAA. Generally the most suitable development locations are identified by SD8 and SD10. SD9 is a development location, albeit very limited, but should be retained for employment uses.

2. Land to the north and east of the town is constrained by AONB, proximity to Ashdown Forest and, in a number of cases, topography and ecological/woodland value.

3. There may be some potential on individual sites to the north of the town, such as the contingency site or Crowborough Training Camp, but these sites lie in the AONB and close to Ashdown Forest and therefore do not constitute reasonable alternatives to SD8 and SD10 which lie outside the AONB and, in the case of SD10 at least, well away from the Ashdown Forest.