

Tunbridge Wells Borough



Tunbridge Wells Borough Council

Duty to Cooperate Statement for Pre-Submission Local Plan

March 2021



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1.0 Introduction

- 1.1 The Localism Act, 2011, introduced a requirement for local planning authorities to cooperate, known as the 'Duty to Co-operate' (referred to as the Duty or DtC below), with other local planning authorities and prescribed public bodies to collaborate and address strategic issues that cross administrative boundaries, such as housing, employment and transport, in the preparation of a Local Plan.
- 1.2 The purpose of this Duty to Cooperate Statement is to identify and explain how Tunbridge Wells Borough Council (the Council) has collaborated, engaged and cooperated with neighbouring authorities, public bodies and other stakeholders, on an on-going basis, in meeting DtC requirements throughout the preparation of the Local Plan.
- 1.3 It is anticipated that such engagement will continue up to and beyond submission of the Local Plan, and will extend to include the masterplanning of strategic sites, as well as the preparation of neighbouring authorities' plans.
- 1.4 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act) imposes a duty on local planning authorities to cooperate with other local planning authorities, county councils or other bodies/persons prescribed in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The prescribed bodies are:
- Environment Agency
 - Historic England
 - Natural England
 - Mayor of London
 - Civil Aviation Authority
 - Homes and Communities Agency
 - Each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section
 - Office of Rail Regulation
 - Transport for London
 - Each Integrated Transport Authority
 - Each highway authority within the meaning of section 1 of the Highways Act 1980
 - Marine Management Organisation
- 1.5 The Duty requires a local planning authority to engage constructively and on an on-going basis in the preparation of a development plan or other local development/plan documents, and activities which prepare for and support this in relation to a strategic matter(s).

- 1.6 For the purposes of the DtC, a strategic matter is defined as sustainable development, use of land or strategic infrastructure that has or would have a significant impact on at least two planning areas. These matters can relate to a number of issues such as housing, employment, transport, water/flooding and other forms of infrastructure, and strategic environmental and nature conservation issues. These matters are set out in more detail below.
- 1.7 Meeting the DtC is a legal obligation. Whilst the obligation is not a duty to agree, cooperation should produce effective and deliverable policies on cross boundary issues in accordance with Government policy in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) below.
- 1.8 Under Section 20(5) (c) of the above Planning and Compulsory Purchase Act 2004, a Planning Inspector considers whether the Duty has been complied with up to the point the Local Plan is submitted as part of the Local Plan Examination.

2.0 Policy Background

National Planning Context

The National Planning Policy Framework (NPPF)

- 2.1 The latest version of the NPPF published in February 2019 confirms (in paragraphs 24 to 27) that local planning authorities and county councils (in two tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. Paragraph 25 states that:
- ‘Strategic policy-making authorities should collaborate to identify the relevant strategic matters which need to be addressed in their plans. They should also engage with local communities and other relevant bodies, including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected mayors and combined authorities.’*
- 2.2 Paragraph 26 recognises that effective and ongoing joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy, in particular when determining where infrastructure is necessary and whether development needs that cannot be fully met in one plan area can be met elsewhere.
- 2.3 In addition, paragraph 27 advises, that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more ‘Statements of Common Ground’, documenting the cross-boundary matters being addressed and progress in cooperating to address these. Such statements should be produced using the approach set out in national Planning Practice Guidance (PPG) below.

National Planning Practice Guidance (PPG)

- 2.4 The PPG provides further guidance on meeting the Duty to Cooperate (DtC), mainly advising on Statements of Common Ground and what information they should contain. Strategic policy-making authorities are expected to document the activities undertaken whilst cooperating on strategic cross-boundary matters, including:
- working together at the outset of plan-making to identify cross-boundary matters which will need addressing;
 - producing or commissioning joint research and evidence to address cross-boundary matters;
 - assessing impacts of emerging policies; and
 - preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is coordinated
- These activities need to be tailored to address local circumstances.

Local Planning Context

The existing Development Plan

- 2.5 The Development Plan for the borough currently comprises three documents which should be read in conjunction with each other: the saved Tunbridge Wells Borough Local Plan 2006 policies, the Tunbridge Wells Borough Core Strategy 2010 and the Tunbridge Wells Site Allocations Local Plan 2016:

Tunbridge Wells Borough Local Plan 2006

- 2.6 The 2006 Local Plan provides local planning policies which account for both change and conservation in the borough. However, since its adoption some changes have been made as a result of the 'saving' of policies in March 2009, the adoption of the Core Strategy in June 2010 and the adoption of the Site Allocations Local Plan in July 2016. Therefore, some policies which are no longer saved have been removed.

Core Strategy 2010

- 2.7 The Tunbridge Wells Borough Core Strategy was adopted by the Council in June 2010. The Core Strategy sets out the spatial vision for the borough to 2026, identifying the level of new growth required and the locations where it should take place.

Tunbridge Wells Site Allocations Local Plan 2016

- 2.8 The main purpose of the Site Allocations document is to allocate specific land for housing, employment, retail and other land uses to meet the identified needs of the communities within Tunbridge Wells borough to 2026 and beyond. This follows the strategic objectives and sustainable development objectives set out within the adopted Core Strategy (2010) above.

The new Local Plan

- 2.9 The Pre-Submission Local Plan (PSLP) sets out the spatial vision, strategic objectives, and the overarching development strategy for the borough and establishes the planning policy framework necessary to deliver them. It covers the period between 2020 and 2038. It will replace the 'saved' policies of the Tunbridge Wells Borough Local Plan 2006, the Tunbridge Wells Borough Core Strategy 2010, and the Site Allocations Local Plan 2016 above.
- 2.10 The PSLP is the outcome of an extensive process, including public consultations and dialogue with key stakeholders, including DtC bodies, as well as the assimilation of substantial work undertaken to provide a robust evidence base that takes account of relevant national and local plans and strategies.



Figure 1: Local Plan Timescale

2.11 As Figure 1 shows, the preparation of the PSLP follows from the production and public consultation of, two earlier documents, as set out below.

Tunbridge Wells Borough Issues and Options consultation 2017

2.12 The Issues and Options consultation was the first borough-wide public consultation undertaken by the Council as part of the preparation of the new Local Plan in the summer of 2017. This consultation sought early views about the best way to approach the specific challenges, notably identified growth needs, for the borough. Most importantly, it proposed five possible spatial options for the location of new development across the borough. Around 6,700 responses (from 551 organisations and individuals) were received to this consultation. All the responses and representations received were carefully considered and taken into account in the preparation and development of the Regulation 18 Consultation Draft Local Plan 2019 (see below). The [Consultation Statement](#) relating to the Issues and Options consultation provides an overview and evaluation of the Issues and Options consultation, including the Council’s responses to the comments received.

Tunbridge Wells Draft Local Plan (Regulation 18)

2.13 A full Draft Local Plan was published in autumn 2019. It built on the Issues and Options document and the feedback received during the public consultation at stage one. It presented a preferred draft development strategy and a full suite of draft policies and proposed site allocations. The Draft Local Plan was subject to an eight-week public consultation, which ran from 20 September to 15 November 2019.

2.14 Over 8,000 individual comments, from over 2,000 individuals and organisations, were received to the Draft Local Plan public consultation. A full list of the responses received can be found on the Council’s website under [Previous stages](#).

2.15 The main issues raised in the responses to the Regulation 18 public consultation included concerns about the following matters:

- implications of the development strategy in relation to individual settlements or sites; overall housing numbers (too high), affordable housing, and housing types (particularly housing for older people and first-time buyers);
- the Plan's consistency with national policies in relation to the release of Green Belt land, as well as the number of major developments in the High Weald Area of Outstanding Natural Beauty (AONB), and the impact on its conservation;
- provision and timing of the range of infrastructure needed to support new development, such as highways, medical services, schools, drainage, and water supply;
- flooding;
- highway matters and transport provision on already congested roads;
- the impact of the Plan and all the proposed development on climate change and sustainability

- 2.16 All comments, including those from DtC bodies, have been carefully considered and taken into account in preparing the current Local Plan, as has relevant updated national planning policy and guidance, as well as further evidence gathered and evaluated by the Council.
- 2.17 The Consultation Statement published in conjunction with the Pre-Submission Local Plan provides an overview of the public consultation and identifies the main issues raised in responses received. All supporting documents referred to throughout this document can be found under Supporting Documents on the [Local Plan](#) web page.

Neighbourhood Development Plans

- 2.18 Neighbourhood Development Plans (NDPs) were introduced under the Localism Act 2011 above, to allow plan and decision making to be carried out at a more local level. NDPs need to conform with national policy, local adopted plans and other legal requirements. Amongst other things, these plans can be used to develop a shared local vision and may include identifying the location for any new non-strategic housing and employment/businesses developments. The Council has been working with a number of parish and town councils in the borough to progress their NDPs as well as liaising with adjoining authorities where cross boundary issues may occur in the preparation of an NDP.
- 2.19 Details of the Neighbourhood Plans within the borough can be found on the Council's website under [Neighbourhood Plans](#).
- 2.20 Further information on the relationship between the Local Plan and neighbourhood plans is set out in Section 4 of the Pre-Submission Local Plan at Policy STR 10: Neighbourhood Plans.

3.0 Tunbridge Wells area and context

3.1 The borough of Tunbridge Wells lies in the south west of Kent, bordering the county of East Sussex to the south. It covers an area of 126 square miles. The borough borders the adjoining local authorities of Sevenoaks, Tonbridge & Malling and Maidstone in Kent, and Rother and Wealden in East Sussex, as shown in Figure 2 below.

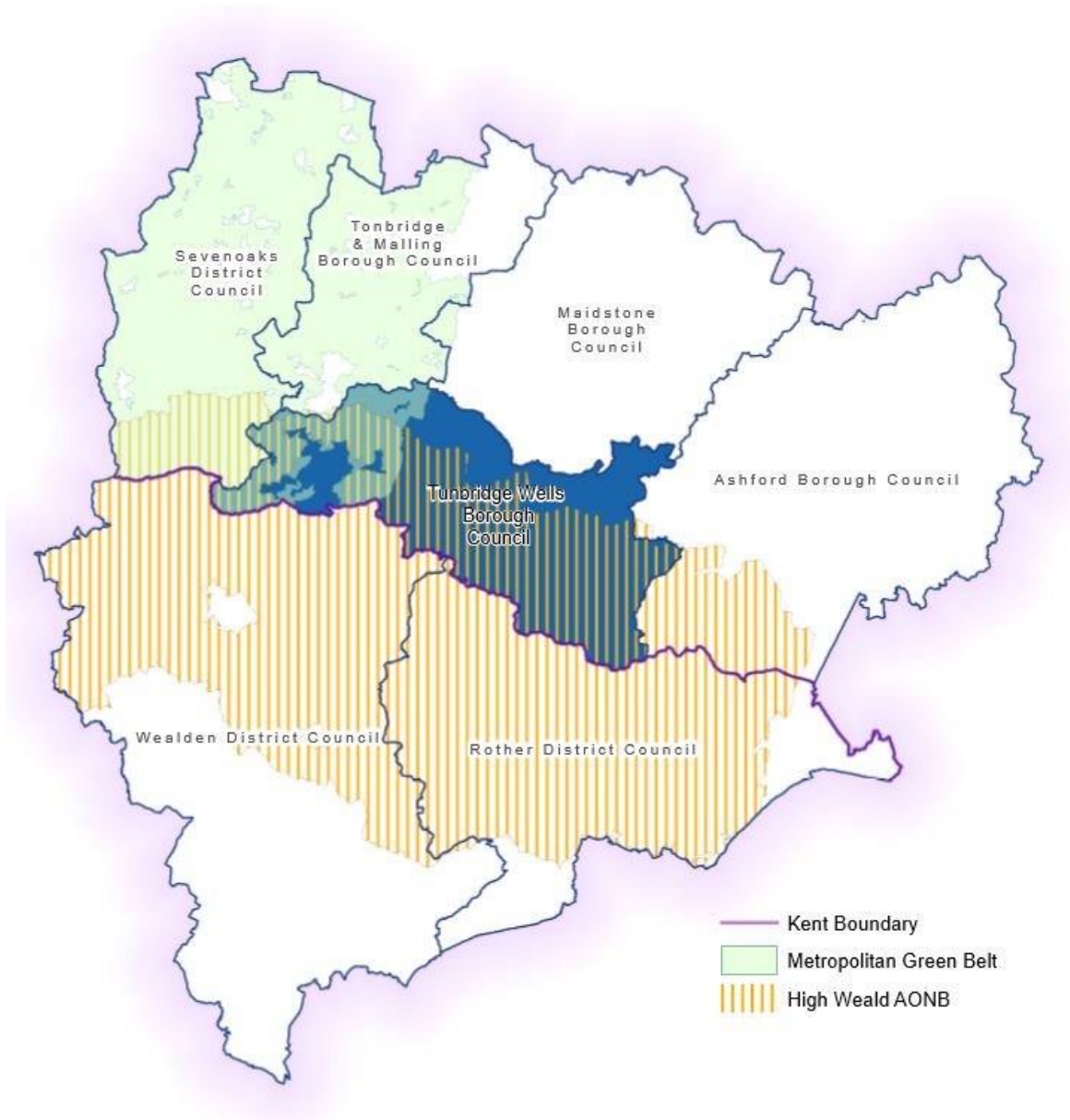
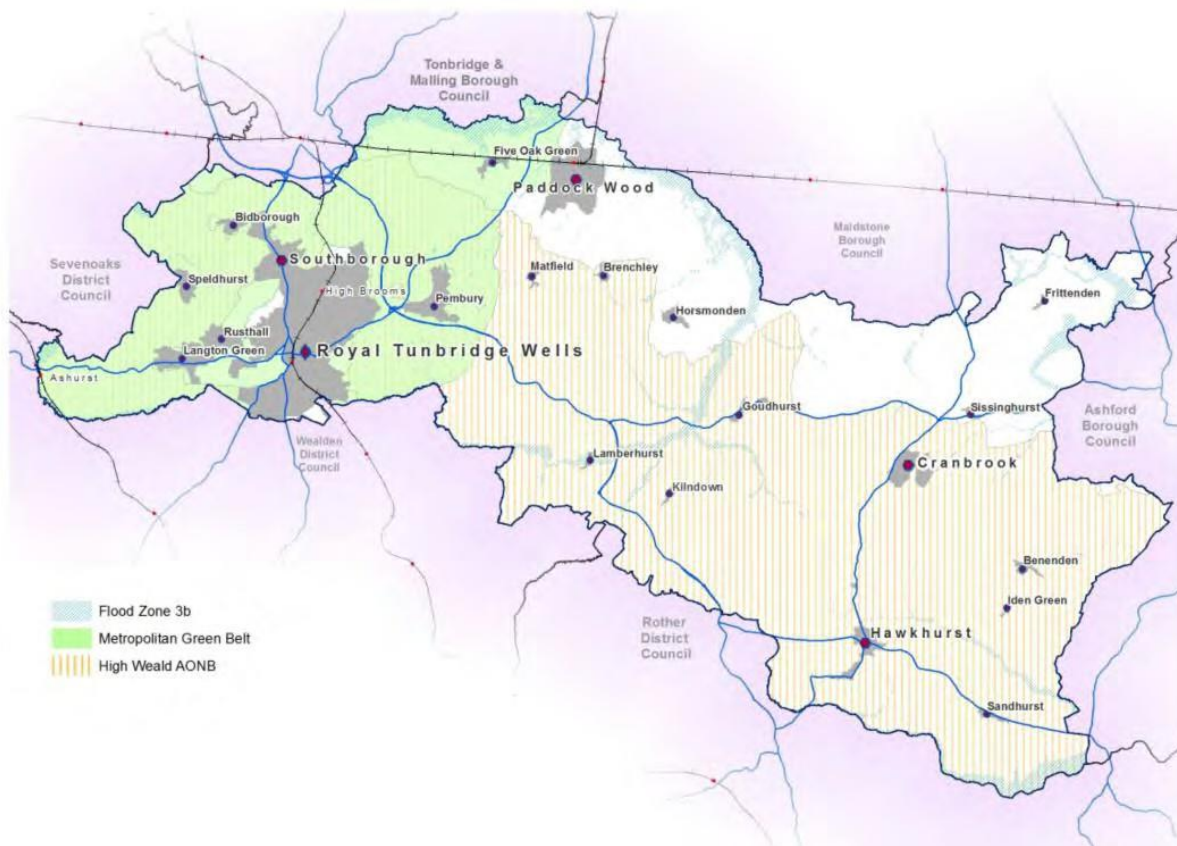


Figure 2 Borough Location

- 3.2 Figure 3 below shows an overview map of the borough and its main settlements and their relationship with key designations such as the High Weald AONB, Metropolitan Green Belt (Green Belt), flood zone areas, and main transport routes.
- 3.3 **Royal Tunbridge Wells**, located in the western part of the borough, is the principal town and administrative centre. Together with Southborough, it forms the 'main urban area' of the borough. It provides a large proportion of the social, cultural, and economic opportunities available in the borough. In addition to being the borough's main retail, leisure and cultural centre, the town provides a wide variety of services, including primary and secondary schools, sports and community facilities, and mainline train stations. Historical and architectural features, such as the Pantiles, also provide a high-quality environment that attracts a significant amount of tourism to the borough. There are also a number of parks and commons that are integral to the character of the town. The redevelopment of the museum and library underline the aspiration for the town to become the cultural centre of the High Weald.
- 3.4 **Southborough** lies to the north of Royal Tunbridge Wells, with its own, albeit smaller, town centre. As well as providing its own independent shopping facilities, Southborough also has a number of local and community services, such as primary schools and specialist education facilities, and a good range of recreational facilities, including a new community hub.
- 3.5 **Paddock Wood**, in the northern part of the borough, benefits from good transport links, including a mainline train station and wide range of facilities, including a secondary school and sports centre. There is a large employment area to the north of the railway line, which supports the town, the rural hinterland, and beyond. In addition to a supermarket, existing retailing is mainly devoted to the provision of local services. The western edge of the town abuts the Green Belt and, additionally, areas of the town and its surrounds fall within areas of flood risk.
- 3.6 **Cranbrook** is an attractive, vibrant rural town located within the High Weald AONB in the eastern part of the borough. The local architecture and features, such as the Cranbrook Windmill and nearby Sissinghurst Castle, give it a distinctive character. Cranbrook also benefits from a good range of independent shops, a supermarket, secondary schools, a sports centre, and other local services and facilities.
- 3.7 **Hawkhurst** is located within the High Weald AONB in the south eastern part of the borough and features local architecture, such as The Colonnade along its main shopping street, which is distinctive to the area. It functions as a rural service centre, supporting a wide rural hinterland and benefits from a primary school, small independent cinema, and two supermarkets, as well as a range of local services and facilities.
- 3.8 The borough is also home to several villages, each with its own distinctive character. Most of these villages are within the High Weald AONB, and some in the western part of the borough are also in the Green Belt. All provide some level of local services and facilities, such as a primary school, shops, community groups/buildings, public house, place of worship, and leisure and recreational facilities.

- 3.9 In addition, there are a number of hamlets and other, more remote, clusters of buildings and farmsteads dispersed across the borough, many of which are located within the High Weald AONB and/or Green Belt, and provide important features of the landscape.

Figure 3 Borough Overview



- 3.10 Both the natural and built environment of the borough are of high quality, and nearly 70% of the borough designated as High Weald AONB is of national significance, and all areas of the borough have distinct landscape and environmental characteristics much valued by residents, with commons, village greens, and parks providing important spaces and links to the countryside.
- 3.11 Around 22% of the western part of the borough surrounding Royal Tunbridge Wells, Southborough, Pembury and other villages, and abutting the western edge of Paddock Wood, is Green Belt.
- 3.12 Together, the AONB and Green Belt cover 75% of the borough, with substantial overlaps.
- 3.13 The borough is also rich in historic features and has a significant breadth of designated and non-designated heritage assets, including listed buildings, conservation areas, scheduled ancient monuments, historic parks and gardens, agricultural buildings and farmsteads, historic routeways, medieval field patterns, and ancient woodland.

- 3.14 The borough supports a wide network of biodiversity sites, including Sites of Special Scientific Interest, Local Wildlife Sites, Sites of Local Nature Conservation Value and four Local Nature Reserves. As well as having a number of parks and commons, the borough also has in excess of 650 Tree Preservation Orders, including substantial areas of ancient woodland.

4.0 Meeting the Duty to Cooperate

- 4.1 The Council has sought to actively and constructively engage with county and neighbouring local authorities and the prescribed bodies on an on-going basis, in the following ways:
- On-going meetings and discussions to agree and discuss a way forward in respect of key cross boundary issues
 - Discussions between elected Members and officers from neighbouring authorities where appropriate
 - Meetings/engagement with other strategic planning/working groups, including those relating to specialist issues such as nature and the environment
 - On-going preparation and production of Statements of Common Ground
 - The exchange of formal correspondence in relation to requests to/from neighbouring authorities in meeting any unmet housing and employment need
 - The production of joint evidence base documents with others
 - The exchange of ideas and input into the evidence base of other local authorities
 - Responding to the various stages of Local Plan consultations of other authorities; and, in reverse, inviting them to make representation on the Tunbridge Wells Local Plan Issues and Options and Draft Local Plan (Regulation 18)
 - Undertaking an independent peer review (Planning Advisory Service) in respect of the preparation of the Local Plan and related Duty to Cooperate activities
 - Workshop sessions with various organisations and groups to discuss the growth strategy and any relevant cross boundary issues, particularly infrastructure
- 4.2 Further details of engagement and meetings with county and neighbouring local authorities, prescribed bodies and other groups are set out in more detail below.

Cooperation between authorities

- 4.3 TWBC has been working with a number of other authorities in identifying and working on strategic, cross boundary issues. These authorities include:

Kent Authorities

- Kent County Council (KCC)
- Sevenoaks District Council (SDC)
- Tonbridge & Malling Borough Council (TMBC)
- Maidstone Borough Council (MBC)
- Ashford Borough Council (ABC)

Authorities outside of Kent

- East Sussex County Council
- Rother District Council
- Wealden District Council

Authority related groups:

- **West Kent Duty to Co-operate meetings** – Tunbridge Wells Borough Council, Tonbridge & Malling Borough Council and Sevenoaks District Council
- **Ashdown Forest Working Group (To deal with Air Quality issues at Ashdown Forest Special Area of Conservation)** – Chaired by the South Downs National Park Authority (SDNPA)- Members: TWBC, SDPNA, Lewes DC, Eastbourne BC, Mid Sussex DC, Tandridge DC, Crawley BC, Sevenoaks DC, Rother DC, East Sussex County Council (Minerals and Waste), West Sussex County Council and Natural England. Not signed by Wealden District Council (WDC) but they have indicated a willingness to sign any future updates.
- **Strategic Access Management and Monitoring Strategy (SAMMS) partnership (To address recreational Impact on Ashdown Forest Special protection Area)** - TWBC, Lewes DC, Mid Sussex DC, Sevenoaks DC, Tandridge DC, Wealden DC and Natural England
- **Medway Flood Partnership** – Country Land and Business Association, Forestry Commission, Kent Association of Local Council's, Maidstone Borough Council, Natural England, Environment Agency, Joint Parish Flood Group, Kent County Council, National Farmers Union, Sevenoaks District Council, South East Rivers Trust, Tonbridge & Malling Borough Council, Upper Medway Internal Drainage Board, Southern Water, Tunbridge Wells Borough Council.
- **Medway Flood Action Group** - Country Land and Business Association, Forestry Commission, Kent Association of Local Council's, Maidstone Borough Council, Natural England, Environment Agency, Joint Parish Flood Group, Kent County Council, National Farmers Union, Sevenoaks District Council, South East Rivers Trust, Tonbridge & Malling Borough Council, Upper Medway Internal Drainage Board, Southern Water, Tunbridge Wells Borough Council
- **Kent Chief Planners Group** - all Kent authorities – meet approximately every two months
- **Kent Planning Policy Forum** - all Kent authorities - meet approximately every two months

Summary of DtC engagement and outcomes with neighbouring authorities:

4.4 This section sets out, on an authority-by-authority basis, the engagement with neighbouring authorities, in the following order:

- Sevenoaks District Council (SDC)
- Tonbridge & Malling Borough Council (TMBC)
- Maidstone Borough Council (MBC)
- Ashford Borough Council (ABC)
- Rother District Council (RDC)
- Wealden District Council (WDC)

4.5 To set this engagement in context, for each authority, it presents:

- Current Local Plan status, both adopted and, where appropriate, emerging
- That Council's own most recent DtC Statement
- Key cross-boundary issues
- Key opportunities and constraints
- Common membership of strategic groups
- Formal Local Plan consultations
- Engagement
- Statements of Common Ground
- Overview and Outcomes

4.6 There is a separate, later section that provides an overview by strategic matter for all authorities.

Sevenoaks District Council

Current Local Plan status:

Adopted Plan documents:

- Sevenoaks District Council Core Strategy February 2011

- Sevenoaks District Council Allocations and Development Management Plan February 2015

New Local Plan:

- Sevenoaks District Council Issues and Options Consultation Document July 2017
- Sevenoaks District Council Regulation 18 Consultation Local Plan July 2018
- Sevenoaks District Council Proposed Submission Version of the Local Plan (PSLP) (Regulation 19) December 2018

Most recent published DtC Statement: SDC Duty to Cooperate Statement May 2019 (submitted with SDC Regulation 19 Local Plan December 2018)

Key cross-boundary issues:

- Housing and Economic Development - part of established and recognised Housing Market Areas and Functional Economic Market Areas. SDC cannot meet own objectively assessed housing need. However, both can meet own economic needs - employment, retail and leisure and town centre uses
- Environment – Ashdown Forest issues: both members of Working Group including implementation of the actions of the SoCGs for this. AONB and flooding are also cross boundary issues
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways, education, health, transport and water/flooding related infrastructure

Key opportunities and constraints:

- West Kent Partnership
- The Green Belt and High Weald AONB straddle the common boundary;
- Significant areas of Ancient Woodland and areas of potential archaeological importance straddle, adjoin or are in close proximity to common boundary
- SSSI 5 Km protection zone to west of Tunbridge Wells borough and east/south east of Sevenoaks district,
- Both fall within the Ashdown Forest 7km Zone of influence
- EA Flood Zones 2 and 3 (River Medway) straddle the common boundary particularly to the north. The Leigh Flood Storage Area in Sevenoaks district (which also serves Tonbridge & Malling borough) is located close to the common boundary at the eastern edge of Sevenoaks district
- Aquifer Protection Zone – Straddles the Common boundary in the north western area of TWBC.
- Historic Parks and Gardens adjacent to/straddling the common boundary – Swaylands, Danemore Park and Ashurst Park

- Significant number of Historic Farmsteads (in both authority areas) in close proximity to the common boundary
- Key roads: A21 runs from northern region of Tunbridge Wells borough north westwards through Tonbridge & Malling borough and beyond into the district of Sevenoaks; B2176 runs east-west from the A26 in Tunbridge Wells borough to Penshurst in Sevenoaks district; B2188 runs north from Fordcombe in Sevenoaks district south to the A264 in Tunbridge Wells borough
- The Hastings to Charing Cross railway line runs from Tunbridge Wells borough, through (the south west of) Tonbridge and Malling borough, and into Sevenoaks. From there it runs through south London to Charing Cross.
- Number of KCC PROWs run through the common boundary

Common membership of strategic groupings:

- West Kent Partnership – SDC, TWBC, TMBC
- Ashdown Forest Working Group
- Strategic Access Management and Monitoring Strategy (SAMMS) partnership for Ashdown Forest
- Kent Nature Partnership
- AONB Joint Advisory Committees
- Kent Gypsy and Traveller Planning Group
- Medway Flood Partnership
- Medway Flood Action Group
- Kent Chief Planners Group
- Kent Planning Policy Forum

Formal Local Plan consultations:

TWBC responses to SDC consultations:

- TWBC response to SDC Issues and Options September 2017 – see **Appendix B1**
- TWBC response to SDC Local Plan Regulation 18 Consultation September 2018 – see **Appendix B2**
- TWBC response to SDC Local Plan regulation 19 Consultation – see **Appendix B3**

SDC responses to TWBC consultations:

- SDC response to TWBC Issues and Options Consultation June 2017 – see **Appendix B4**
- SDC response to TWBC Regulation 18 Draft Local Plan Consultation 15 November 2019 – see **Appendix B5**

Engagement:

The DtC engagement log between TWBC and SDC is attached at **Appendix B6**

Statements of Common Ground (SOCGs):

- SoCG between TWBC and SDC May 2019 - see **Appendix A1**
- SoCG signed by Members of the Ashdown Forest Air Quality working group -Prepared by South Downs National Park Authority (SDNPA) and signed by Members of the Ashdown Forest Working Group- TWBC, SDNPA, Lewes DC, Eastbourne BC, Mid Sussex DC, Tandridge DC, Crawley BC, Sevenoaks DC, Rother DC, East Sussex County Council (Minerals and Waste), West Sussex County Council and Natural England - see **Appendix A7**
- SoCG signed by Members of the Strategic Access Management and Monitoring Strategy (SAMMS) partnership for Ashdown Forest (Recreational Impact): TWBC, Lewes DC, Mid Sussex DC, Sevenoaks DC, Tandridge DC, Wealden DC and Natural England – **see Appendix A8**
- An updated SoCG between TWBC and SDC is currently being prepared, but is delayed due to ongoing legal action by SDC following an adverse decision by the High Court in relation to its own Local Plan. An interim SoCG is expected to be signed imminently.

Overview and Outcomes:

- Outcome – as above, both Councils expected to sign a SoCG. Subject to progress of the SDC proceedings, this may itself be an interim SoCG in certain respects.
- TWBC is aiming to meet its own objectively assessed need. SDC has requested TWBC (and others) to meet its unmet need. TWBC has considered this, through its site assessments and Sustainability Appraisal. It has advised SDC of the work undertaken in the site assessment and Sustainability Appraisal, and position in relation to allocations in the PSLP. While there is ongoing communication on the matter, SDC's next steps are very much dependent on the outcome of its application to the Court of Appeal.
- Both Councils are seeking to meet their own need for permanent Gypsy and Traveller pitches.
- Both Councils seeking to meet their employment needs in full.
- Retail provision focused on existing principal towns.
- Recognise importance of rail and A21 links.
- Existing joint working in relation to AONB, Ashdown Forest and flooding involves both authorities.

- SoCG to be reviewed in due course, once clarity on SDC Local Plan, or ahead of TWBC Examination, whichever is the earlier.

Tonbridge & Malling Borough Council

Current Local Plan status:

Adopted Plan documents:

- Tonbridge & Malling Core Strategy 2007
- Tonbridge & Malling Development Land Allocations April 2008
- Tonbridge Central Area Action Plan April 2008
- Compendium of Saved Policies April 2010

New Local Plan Review:

- Tonbridge & Malling Local Plan The Way Forward (Issues and Options) September 2016
- No Regulation 18 Draft Local Plan
- Tonbridge & Malling Local Plan Submission Version (LPSV) January 2019
- The TMBC LPSV was submitted to the Planning Inspectorate in January 2019 for examination (to be accessed against the requirements of the NPPF 2012). The examination hearings due to take place in November 2020 were cancelled and a letter was sent from the Examination Inspector on 18 December 2020 requesting that the Plan be withdrawn. TMBC responded to this letter on 1 February 2021. The Inspectors wrote to TMBC on the 2nd March 2021 in response to the TMBC letter. TMBC responded on 11th March. The final report from the Planning Inspectors is awaited.

Most recent published DtC Statement:

TMBC Duty to Cooperate Statement January 2019 (submitted with the TMBC LPSV above).

Key cross-boundary issues:

- Housing and Economic Development - part of established and recognised Housing Market Areas and Functional Economic Market Areas. Both aiming to meet own objectively assessed housing and economic needs - employment, retail and leisure and town centre uses. Master planning important for strategic sites at Paddock Wood and Tudeley in close proximity to Tonbridge & Malling. Liaison between both authorities in respect of Gypsy and Traveller needs
- Environment – AONB and flooding are cross boundary issues
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters – highways, education, health, transport, water/flooding related infrastructure

Key opportunities and constraints:

- West Kent Partnership
- The Green Belt and High Weald AONB straddle almost the full length of the common boundary;
- Significant areas of Ancient Woodland and several areas of potential archaeological importance straddle, adjoin or are in close proximity to common boundary
- EA Flood Zones 2 and 3 (River Medway) straddle the common boundary and extend significantly beyond it in the eastern parts of both authorities. This is also the case at the western end of the common boundary at Upper Hayesden. Much of the central area of Tonbridge also lies within these flood zones. The Leigh Flood Storage Area in Sevenoaks district (which also serves Tonbridge & Malling borough) is located close to the common boundary at the western edge of Tonbridge & Malling.
- Aquifer Protection Zone – covers a significant catchment area across the common boundary of both authority areas mainly at Upper Hayesden, Tudeley and the central area of Tonbridge
- Historic Parks and Gardens adjacent to/straddling the common boundary - Somerhill Park (Somerhill School Buildings are Listed) and Mabledon (also Listed)
- Scheduled Monument – Castle Hill in Tunbridge Wells borough also relatively close to common boundary
- Significant number of Historic Farmsteads (in both authority areas) in close proximity to the common boundary
- Key roads: A26 – runs north-south from Royal Tunbridge Wells through Southborough and through the centre of Tonbridge. It also meets the A21 just north of the common boundary in Tonbridge & Malling which runs north west to the M25 and south east through the southern edge of Pembury and to Hastings beyond
- A228 – Runs north from the A21 and Pembury to East Peckham in the eastern part of Tonbridge & Malling and beyond.
- B2017 – runs from eastern edge of Tonbridge through Capel (Five Oak Green) to Paddock Wood
- B2160 – runs north-south from Paddock Wood where it links with the A228 to the north, on the south eastern edge of Tonbridge & Malling borough.
- Tonbridge Railway Station used by TW commuters, especially in the north of Tunbridge Wells borough. The train line from Tonbridge runs east-west through to Paddock Wood, Maidstone Stations (Marden, Staplehurst, Headcorn) and Ashford beyond. The Hastings to Charing Cross railway line runs from Tunbridge Wells borough, through (the south west of) Tonbridge and Malling borough onto Sevenoaks through south London to Charing Cross.

- Number of KCC PROWs run through the common boundary
- Significant number of schools (both primary and secondary) on the southern edge of the built up area of Tonbridge, relatively close to the common boundary
- As above, proposals for strategic growth in the north-eastern part of Tunbridge Wells borough require cross boundary discussion, including in relation to social and medical infrastructure.

Common membership of strategic groupings:

- West Kent Partnership – SDC, TWBC, TMBC
- Ashdown Forest Working Group (Air Quality)–
- Kent Nature Partnership
- AONB Joint Advisory Committees
- Kent Gypsy and Traveller Planning Group
- Medway Flood Partnership
- Medway Flood Action Group
- Kent Chief Planners Group
- Kent Planning Policy Forum

Formal Local Plan consultations:

TWBC responses to TMBC consultations:

- TWBC Response to TMBC Issues and Options November 2016 – see **Appendix C1**
- TWBC Response to TMBC Regulation 19 Pre-Submission Plan November 2018 – see **Appendix C2**

TMBC responses to TWBC consultations:

- TMBC response to TWBC Issues and Options 2017 – see **Appendix C3**
- TMBC response to TWBC DLP Regulation 18 consultation October 2019 (letter) – see **Appendix C4**
- TMBC response to TWBC DLP Regulation 18 consultation October 2019 (response form) – see **Appendix C4**

Engagement:

The DtC engagement log between TWBC and Tonbridge & Malling BC is attached at **Appendix C5**.

Statements of Common Ground (SoCGs):

- Memorandum of Understanding between TWBC and TMBC January 2020 (will be attached as Appendix A3) – **see Appendix A2**
- New draft SoCG between TWBC and TMBC is in preparation and is due to be formally considered by TMBC in May 2021.

Overview and Outcomes:

- Outcome – both Councils are committed to updating the current MoU through a new SoCG, and as above, it is expected that this will be formally considered by TMBC in May 2021.
- Both Councils are aiming to meet own objectively assessed need. However, the TMBC Local Plan is currently at examination and its Inspectors have expressed the view that TMBC has not met the Duty to Cooperate in respect of the unmet housing need at SDC. TMBC has questioned this position. The Inspector's decision notice is agreed.
- Both Councils are seeking to meet their own needs for permanent Gypsy and Traveller pitches.
- Both Councils seeking to meet their employment needs in full.
- Retail provision focused on existing principal towns.
- Recognise importance of rail and A21 links.
- Existing joint working in relation to AONB, Ashdown Forest and flooding involves both authorities.
- SoCG to be reviewed in due course, once clarity on TMBC Local Plan or ahead of TWBC Examination, whichever is the earlier.

Maidstone Borough Council

Current Local Plan status:

Adopted Local Plan:

- Maidstone Borough Local Plan October 2017

New Local Plan:

- Local Plan Review: Regulation 18b Preferred Approach Consultation 1 December 2020 - 8 January 2021
- **Most recent published DtC Statement:** Maidstone Duty to Cooperate Compliance Statement May 2016 (submitted with the Maidstone Borough Local Plan October 2017)

Key cross-boundary issues:

- Housing and Economic Development – Both aiming to meet own objectively assessed housing and economic needs - employment, retail and leisure and town centre uses. Liaison between both authorities in respect of Gypsy and Traveller needs.
- Environment – Flooding a cross boundary issue
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways, education, health, transport, water/flooding related infrastructure

Key opportunities and constraints:

- The Green Belt adjoins the common boundary (in Tunbridge Wells borough, but not Maidstone) at the south western tip of Maidstone borough to the north west of Paddock Wood in Tunbridge Wells borough;
- Significant areas of Ancient Woodland and areas of potential archaeological importance straddle, adjoin or are in close proximity to common boundary
- EA Flood Zones 2 and 3 straddle much of the common boundary and extend significantly beyond in both authorities, particularly in the area north of Paddock Wood in Tunbridge Wells borough;
- Significant number of Historic Farmsteads (in both authority areas) in close proximity to the common boundary
- Key roads: A229 runs north-south from Hawkhurst in Royal Tunbridge Wells to Staplehurst and beyond in Maidstone borough; B2162 runs north-south from Lamberhurst in Tunbridge Wells borough to Yalding in Maidstone borough; B2079 runs north-south from the Goudhurst area of Tunbridge Wells borough to Marden in Maidstone borough

- Train stations at Marden, Staplehurst and Headcorn, located along the mainline running east-west through Maidstone borough are used by Tunbridge Wells residents particularly in the north of Tunbridge Wells borough.
- Number of KCC PROWs run through the common boundary

Common membership of strategic groupings:

- East Kent Authorities Partnership
- AONB Joint Advisory Committees
- Kent Gypsy and Traveller Planning Group
- Medway Flood Partnership
- Medway Flood Action Group
- Kent Chief Planners Group
- Kent Planning Policy Forum

Formal Local Plan consultations:

TWBC responses to MBC consultations:

- TWBC response to MBC Regulation 19 consultation March 2016 – see **Appendix D1**:
- TWBC response to Main Modifications to MBC Local Plan May 2017 – see **Appendix D2**
- TWBC response to MBC – Local Plan review –Scoping, Themes and Issues public consultation 2019 – see **Appendix D3**
- TWBC response to MBC Gypsy and Traveller consultation May 2020 – see **Appendix D4**
- TWBC additional response to MBC Gypsy and Traveller consultation May 2020 – see **Appendix D5**
- TWBC response to MBC Local Plan Regulations 18b Preferred Approaches December 2020 – see **Appendix D6**

MBC responses to TWBC consultations:

- MBC Response to TWBC Issues and Options Consultation 2017 – see **Appendix D7**
- MBC Response to TWBC Regulation 18 Consultation 2019 – see **Appendix D8**

Engagement:

The DtC engagement record between TWBC and Maidstone BC is attached at **Appendix D9**.

Statements of Common Ground (SoCGs):

- SoCG signed between TWBC and MBC August 2016 - see **Appendix A3**
- A new SoCG between TWBC and MBC is being prepared and is expected to be signed shortly.

Overview and Outcomes:

- Both Councils aiming to meet their own objectively assessed housing needs through forthcoming plans.
- TWBC seeking to meet its own need for permanent Gypsy and Traveller pitches; MBC not yet in a position (due to stage of Gypsy and Traveller and Travelling Showpeople Accommodation Assessment and forthcoming Gypsy, Traveller and Travelling Showpeople DPD) to determine whether it can meet its needs for G&T and Travelling Showpeople.
- Both seeking to meet their own employment needs.
- Retail provision focused on existing principal towns.
- Agreed that the two garden settlements proposed in the MBC Regulation 18b Local Plan will not give rise to any strategic cross boundary matters with Tunbridge Wells borough, and TWBC has and will continue to work closely on strategic growth at Paddock Wood.
- MBC is not proposing any amendments to the Green Belt, and the land proposed to be removed from the Green Belt in TW borough will not materially affect the purposes of the Green Belt in Maidstone borough.
- Proposals for development in the TWBC Local Plan will not impact on the setting of the High Weald AONB in Maidstone, and the focus of MBC's growth in Maidstone borough has directed it away from the High Weald AONB and its setting.
- Existing joint working in relation to flooding, biodiversity and infrastructure.
- SoCG to be signed shortly and ahead of submission of the TWBC Local Plan (and, if necessary, updated ahead of MBC Regulation 19 consultation).

Ashford Borough Council

Current Local Plan status:

Adopted Local Plans:

- Ashford Local Plan adopted February 2019

Local Plan review:

- Ashford Gypsy and Traveller Accommodation Local Plan Options Report (regulation 18 Consultation) January 2020 – see **Appendix E3** (and TWBC response below)
- **Most recent published DtC Statement:** Ashford BC Duty to Cooperate Statement December 2017 (submitted with the Ashford Local Plan adopted February 2019 above)

Key cross-boundary issues:

- Housing and Economic Development - Both aiming to meet own objectively assessed housing and economic needs - employment, retail and leisure and town centre uses. Liaison between both authorities in respect of Gypsy and Traveller needs.
- Environment – AONB and flooding are cross boundary issues
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways, transport, water/flooding related infrastructure

Key opportunities and constraints:

- AONB straddles common boundary south of Golford Road (TWBC) and Cranbrook Road (ABC)
- Significant areas of Ancient Woodland and several areas of potential archaeological importance straddling, adjoining or in close proximity to common boundary
- EA Flood Zones 2 and 3 – Hammer Stream
- Key Roads - A262 through/from Sissinghurst runs north eastwards to Biddenden in Ashford Borough; the A268 runs through Sandhurst then east/south-east through Ashford Borough then southwards through to Rother District beyond; and the B2086 through/from Benenden runs south eastwards to Rolvenden in Ashford Borough
- Number of KCC PROWs run through the common boundary

Common membership of strategic groupings:

- East Kent Authorities Partnership

- Kent Gypsy & Traveller Planning Group
- Kent Nature Partnership
- High Weald and North Downs AONB Joint Advisory Committees
- Kent Planning Officers Group
- Kent Planning Policy Forum

Formal Local Plan consultations:

TWBC responses to ABC consultations:

- TWBC response to ABC Regulation 19 Consultation August 2016 – see **Appendix E1**
- TWBC response to ABC Regulation 19 Consultation August 2017 – see **Appendix E2**
- TWBC response to ABC Gypsy and Traveller Accommodation Local Plan Consultations Options Report February 2020 – see **Appendix E3**

ABC responses to TWBC consultations:

- No ABC response to TWBC Issues and Options Consultation 2017
- ABC response to TWBC Draft Local Plan Regulation 18 Consultation 6 November 2019 – see **Appendix E4**

Engagement:

The DtC engagement log between TWBC and Ashford BC is attached at **Appendix E5**.

Statements of Common Ground (SoCGs):

- A new SoCG between TWBC and ABC has recently been signed and is attached as **Appendix A4**.

Overview and Outcomes:

- Outcome – as mentioned above, an up-to-date signed SoCG is in place (**Appendix A4**)
- Both Councils aiming to meet their own objectively assessed housing needs through forthcoming (TWBC) and adopted (ABC) plans. ABC at too early a stage in Local Plan review to conclude for next Local Plan
- TWBC seeking to meet its own need for permanent Gypsy and Traveller pitches; ABC not yet in a position (due to stage of Gypsy and Traveller Accommodation Local Plan) to determine whether it can meet its needs for G&T and Travelling Showpeople;

- Both seeking to meet their own employment needs;
- Retail provision focused on existing principal towns;
- Existing joint working in relation to AONB;
- Protected sites (Ashdown Forest and Stodmarsh) generating strategic cross boundary matters, but not between ABC and TWBC;
- SoCG to be reviewed in due course, once clarity on ABC Local Plan timetable, or ahead of examination of TWBC Local Plan, whichever is the earlier.

Rother District Council

Current Local Plan status:

Adopted Plans:

Rother Core Strategy 2014

The Rother Development and Site Allocations Local Plan adopted 2019 implements the development strategy and core policies of the Core Strategy

New Local Plan:

RDC has commenced preparation on a new Local Plan that will cover the period 2019 to 2039. A targeted Early Engagement was undertaken for this in October 2020 (see below for TWBC response).

Most recent published DtC Statement: a DtC Statement was produced for the Core Strategy 2012 but is no longer available on RDC website)

Key cross-boundary issues:

- Housing and Economic Development - Both aim to meet own objectively assessed housing and economic needs - employment, retail and leisure and town centre uses
- Environment – Ashdown Forest issues both members of Air Quality Working Group including implementation of the actions of the SoCG for this. AONB and flooding are also cross boundary issues
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways (A21/Flimwell junction), education, health, transport, water/flooding related infrastructure

Key opportunities and constraints:

- Ashdown Forest Air Quality Group – see SoCG below;
- High Weald AONB straddles full length of common boundary;
- Significant areas of Ancient Woodland (including Bedgebury) and several areas of potential archaeological importance straddling, adjoining or in close proximity to common boundary;
- Bewl Water reservoir
- River Rother runs along common boundary at the eastern end of TW borough – so EA Flood Zones 2 and 3 run along the full length and straddle the common boundary; River Rother is joined by the Kent Ditch which also runs along a significant part of the common boundary;

- Key roads - A229 through Hawhurst which links with the A21 to the south in Rother District; B2244 (Hastings Road) from Hawhurst which runs south through Rother District; the Flimwell crossroads (A21/A268, located in Rother District) has implications for access/traffic/highway safety, especially large vehicles, as above;
- Number of KCC PROWs run through the common boundary;
- Kent and East Sussex Railway Line in Rother runs in close proximity to the common boundary at the eastern end of Tunbridge Wells borough;
- Lillesden Historic Park and Garden, south of Hawhurst and Bodiam Castle in Rother District are located in close proximity to the common boundary.

Common membership of strategic groupings:

- East Sussex Strategic Planning Group
- Ashdown Forest Air Quality Group
- High Weald AONB Joint Advisory Committee
- High Weald AONB steering group

Formal Local Plan consultations:

TWBC responses to RDC consultations:

- TWBC response to RDC DaSA Local Plan Regulation 19 Consultation December 2018 – see **Appendix F1**
- TWBC response to RDC Sustainability Scoping Report May 2020 – see **Appendix F2**
- TWBC response to RDC Targeted Early Engagement for Local Plan October 2020 – see **Appendix F3**

RDC responses to TWBC consultations:

- TWBC Issues and Option consultation 2017 – no response
- RDC response to TWBC Regulation 18 Consultation 2019 – see **Appendix F4**

Engagement:

The DtC engagement log between TWBC and Rother DC is attached at **Appendix F5**.

Statements of Common Ground (SoCGs):

- SoCG Prepared by South Downs National Park Authority (SDNPA) and signed by Members of the Ashdown Forest Air Quality Working Group- TWBC, SDPNA, Lewes DC, Eastbourne BC, Mid Sussex DC, Tandridge DC, Crawley BC, Sevenoaks DC, Rother DC, East Sussex County Council (Minerals and Waste), West Sussex County Council and Natural England – see **Appendix A7**

- SoCG was signed between TWBC and Rother DC in October 2020 – **see Appendix A5**

Overview and Outcomes:

- Outcome – both Councils have recently signed the SoCG above (**Appendix A5**)
- Both Councils aiming to meet their own objectively assessed housing needs although RDC at an early stage of their Local Plan review
- Both Councils are also seeking to meet their own need for permanent Gypsy and Traveller pitches; also, an unlikely overlap in relation to any transit needs
- Complementary employment provisions focused on main towns
- Mutually important role of A21 recognised, and support in principle for improvements
- Existing joint working in relation to AONB and Ashdown Forest SPA involves both authorities
- SoCG to be reviewed ahead of RDC Local Plan Regulation 18 consultation

Wealden District Council

Current Local Plan status:

Adopted Local Plans:

Wealden Local Plan adopted 1998

Wealden District Core Strategy Local Plan 2013

Affordable Housing Delivery Local Plan 2016

New Local Plan:

Withdrawn February 2020 and documents also withdrawn from website

Most recent published DtC Statement: (Not available – as all Planning documents withdrawn from website following withdrawal of LP)

Key cross-boundary issues:

- Housing and Economic Development – TWBC Housing Market Area overlaps with that of WDC. Both TWBC and WDC intend to meet their own objectively assessed housing needs. Liaison between both authorities in respect of Gypsy and Traveller needs
- Environment – Ashdown Forest issues for both air quality and recreational pressure on SPA and SAC, members of groups with SoCG. AONB and flooding are also cross boundary issues.
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways, education, health, transport, green and water/flooding related infrastructure

Key opportunities and constraints:

- The High Weald AONB straddles much of the common boundary;
- Significant areas of Ancient Woodland and areas of potential archaeological importance straddle, adjoin or are in close proximity to common boundary
- SSSI 5 Km protection zone across common boundary
- Ashdown Forest Zone of Influence
- Scheduled Ancient Monuments along common boundary: High Rocks prehistoric rock shelters and hillfort in Tunbridge Wells borough and Bayham Abbey in Wealden district
- EA Flood Zones 2 and 3 straddle the common boundary particularly to the east and west.

- Historic Parks and Gardens adjacent to/straddling the common boundary – Groombridge Place in Tunbridge Wells borough and Bayham Abbey in Wealden district
- Significant number of Historic Farmsteads (in both authority areas) in close proximity to the common boundary
- Bewl Water reservoir
- Key roads: A26 runs north-south from Royal Tunbridge Wells to Crowborough and beyond; A264 runs east-west from Ashurst in Tunbridge Wells borough to East Grinstead in Wealden; A267 runs north-south from Royal Tunbridge Wells through Wealden district to the Heathfield area; B2110 which forks westwards to Hartfield and eastwards to merge into the B2188 which runs north-south from the Langton Green area of Tunbridge Wells to the Black Hill area of Wealden; B2169 which runs northwest-southeast from the A267 in Royal Tunbridge Wells, through Wealden District then back into the Lamberhurst area of Tunbridge Wells borough.
- Number of KCC PROWs run through the common boundary

Common membership of strategic groupings:

- Ashdown Forest (Recreation SAMMS) Group
- High Weald AONB Joint Advisory Committee

Formal Local Plan consultations:

TWBC responses to WDC consultations:

- TWBC response to Wealden Open Space Study June 2016 (response form) – see **Appendix G1**
- TWBC Response to WDC Reg. 19 Consultation October 2018 – see **Appendix G2**
- Joint response to WDC Regulation 19 consultation from TWBC, South Downs National Park Authority and Lewes District Council 2 October 2018 - see **Appendix G3**
- TWBC response to WDC Call for Sites/draft SHELAA consultation June 2020 – see **Appendix G4**
- TWBC response to WDC Draft SA Scoping Report July 2020 – see **Appendix G5**
- TWBC response to WDC Direction of Travel Consultation November 2020 – see **Appendix G6**

WDC responses to TWBC consultations:

- No response from WDC on TWBC Issues and Options Consultation 2017
- WDC response to TWBC Regulation 18 consultation 2019 (response form) – **see Appendix G7**

Engagement:

The DtC engagement log between TWBC and Wealden DC is attached at **Appendix G8**.

Statements of Common Ground (SoCGs):

- SoCG signed by Members of the Strategic Access Management and Monitoring Strategy (SAMMS) partnership (Recreational Impact): TWBC, Lewes DC, Mid Sussex DC, Sevenoaks DC, Tandridge DC, Wealden DC – **see Appendix A8**
- A new SoCG between TWBC and WDC has been signed and is attached at as **Appendix A6**

Overview and Outcomes:

- Outcome – There is a recently signed SoCG as above (**Appendix A6**).
- Both aiming to meet own objectively assessed need, although WDC at early stage of its Local Plan review.
- Evidence base briefs and outcomes for landscape studies have been shared to ensure a common understanding of landscape resources proximate to the RTW/Wealden boundary.
- Both Councils are seeking to meet their own need for permanent Gypsy and Traveller pitches.
- Both Councils seeking to meet their employment needs in full.
- Retail provision focused on existing principal towns.
- Existing joint working in relation to AONB and Ashdown Forest to address visitor pressure from new development and recreational pressure involves both authorities as part of wider partnerships supported by Natural England.
- Information is shared on planning applications and any site submitted for Local Plan preparation where they fall on or close to the joint administrative boundary especially at Royal Tunbridge Wells where the town is hard up against the District boundary.

Shared Production of evidence

- 4.7 For some evidence base work and to aid the assessment of strategic housing and economic need issues, it has been useful to undertake work with others; such as the following studies commissioned in partnership with Sevenoaks District Council:
- Strategic Housing Market Assessment 2015
 - Economic Needs Study 2016
 - Historic Environment Review (Part 1) 2017
- 4.8 These studies and how TWBC has cooperated on strategic issues with some of the above authorities are discussed in more detail below under the themed headings: Housing, Economy, Infrastructure etc.
- 4.9 The Council has also been involved in, and continues to undertake, extensive duty to cooperate discussions with Kent County Council in terms of its role as the upper tier local authority, minerals and waste local planning authority, and infrastructure provider.

Cooperation between prescribed bodies and other bodies

4.10 Regular dialogue has been carried out with the following bodies:

List of Prescribed Bodies Relevant to TWBC

- Environment Agency
- Highways England
- Historic England
- KCC Highways
- Natural England
- Network Rail and South Eastern Rail
- Kent and Medway Clinical Commissioning Group (CCG) and NHS Trust
- East Sussex County Council Highways

List of other bodies relevant to TWBC

- High Weald AONB Unit
- KCC Education
- KCC Flooding
- KCC Heritage
- Kent Nature Partnership
- South East Water
- Southern Water
- Upper Medway Internal Drainage Board
- West Kent Partnership for Infrastructure and Transport
- A21 Reference Group
- Planning Advisory Service

4.11 Table 2 sets out a list of the on-going engagement with the prescribed bodies and Table 3 for other bodies. Further detail of their engagement is also explained in the cross boundary strategic issues section below.

Table 1: Prescribed bodies (under Section 33A)

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
Environment Agency	Early engagement November 2016 TWBC Issues and Options consultation 2017 TWBC Draft Local Plan	Flooding is an issue which could have implications for TWBC and other neighbouring authorities such as TMBC and SDC. There have been specific on-going discussions and engagement with KCC and the EA in relation to the

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
	<p>Consultation 2019</p> <p>Stakeholder IDP consultation with infrastructure providers in:</p> <ul style="list-style-type: none"> – July/August 2018 – March/April 2019 – June 2019 – October 2020 <p>Ongoing discussions during site allocation and policy formulation and as part of the SFRA production work and the Strategic Sites Working Group.</p> <p>See engagement record at Appendix H1</p>	<p>Strategic Flood Risk Assessment (SFRA) work undertaken by TWBC, in particularly in relation to the Capel/Paddock Wood and Tudeley area and Royal Tunbridge Wells. Outcomes include: flood alleviation schemes for Paddock Wood and Five Oak Green and other minor alleviation/culverting schemes; and proposed flood mitigation measures recommended in the SFRA such as flood defence and strategic storage, for the Paddock Wood area in response to the proposed growth strategy.</p> <p>The EA are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at Appendix J1)</p>
Historic England (HisE)	<p>Early engagement from 2016 through to June 2020</p> <p>Issues and Options Consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>See engagement record at Appendix H3</p>	<p>Early engagement involved discussion and recommendations on how the Council’s emerging Heritage Strategy should be taken forward. A Historic Environment Study was commissioned jointly by TWBC and SDC.</p> <p>Policy recommendations in HisEs response to the Issues and Options were considered in the formulation of new development management policies relating to the historic environment/heritage assets in the Local Plan.</p> <p>Meeting to review Historic England’s comments on Reg 18 Local Plan, June 2020. (notes)</p> <p>Discussion of draft revised policies, by email October – December 2020, resolving HE concerns.</p>
Natural England (NE)	<p>Issues and Options Consultation 2017</p> <p>TWBC Draft Local Plan</p>	<p>Policy recommendations in NEs response to the Issues and Options were considered in the formulation of new development management policies</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
	<p>Consultation 2019</p> <p>Involved in regular meetings as a member of the Ashdown Forest Working Group (above)</p> <p>Stakeholder IDP Consultation with infrastructure providers in October 2020</p> <p>See engagement record at Appendix H5</p>	<p>such as EN11 Net gains: biodiversity in the Local Plan.</p> <p>Involved in discussions on cross boundary environmental issues relating to the Ashdown Forest resulting in the production of relevant studies, policies and two SoCGs (as above – see also Appendices A7 and A8)</p>
<p>Health related bodies – NHS Kent and Medway Clinical Commissioning Group (CCG) and NHS Trust</p>	<p>Early engagement November 2016</p> <p>Issues and Options consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>Stakeholder IDP consultation with infrastructure providers in:</p> <ul style="list-style-type: none"> – July/August 2018 – March/April 2019 – June 2019 – October 2020 <p>Continuous engagement with CCG throughout strategy development</p> <p>See engagement record at Appendix H7</p>	<p>Continuous engagement with CCG in relation to emerging strategy and implications for primary care provision. Outcomes – GP surgeries (some of the existing GP surgeries are used by residents outside the borough): development, improvements, extensions to a number of existing GP surgeries, and new surgeries where applicable e.g Hawkhurst, Cranbrook, RTW, Capel/Paddock Wood Area and safeguarding of land for new surgery in Horsmonden. Hospital and other services – identified existing hospital at Pembury may need to be extended to serve the West Kent Area (including areas outside the borough) and Local Care Hubs which will be located nearby but outside the borough and will serve Tunbridge Wells residents</p> <p>The CCG are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at Appendix J1)</p>
<p>Network Rail, South Eastern Rail and KCC (Railways)</p>	<p>IDP consultation 2019</p> <p>IDP consultation with infrastructure providers in October 2020</p> <p>Series of meetings were held</p>	<p>Local Plan Growth Strategy indicates that Network Rail will undertake further modular studies in coming years to look in more detail at particular areas of the network in Kent.</p> <p>Ongoing liaison with Network Rail</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
	<p>during 2018, 2019 and 2020 with Network Rail.</p> <p>See engagement record at Appendix H6</p>	<p>throughout the process in relation to the strategy and on particular sites.</p> <p>Network Rail are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at Appendix J1)</p>
<p>Highways England (HE)</p>	<p>Issues and Options consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>Meetings with TWBC in 2016, 2020 and 2021</p> <p>Stakeholder IDP consultation with infrastructure providers in October 2020</p> <p>See engagement record at Appendix H2</p>	<p>HE responded to Issues and Options 2017 and Reg 18 consultation and there has been ongoing liaison throughout the process. Agreed to assess impact of proposed growth strategy on A21 and concluded no additional works needed to A21.</p> <p>Highways England are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at Appendix J1)</p>
<p>KCC Highways</p>	<p>TWBC Draft Local Plan Consultation 2019</p> <p>Numerous meetings with TWBC over the Local Plan review process, including meeting with HE above and stakeholder consultation as with infrastructure providers at the various stages in local plan preparation.</p> <p>See engagement record at Appendix H4</p>	<p>Worked as part of Officer Working Group on Transport Strategy. Assessment of over 300 sites submitted as part of the call for sites. Have worked closely with consultants on a Transport Assessment in relation to the Local Plan's proposed growth strategy and mitigation measures (including cross boundary issues).</p> <p>KCC Highways are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at Appendix J1)</p>
<p>East Sussex County Council (ESCC) Highways</p>	<p>Responded to IDP consultation in 2019</p>	<p>ESCC are considering a study/bid for major works to the A26 in East Sussex.</p> <p>They have been involved in ongoing discussions in respect of the Hawkhurst crossroads and nearby Flimwell</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
		junction.

Table 2: Other Bodies

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
Kent Nature Partnership (KNP)	<p>TWBC Officers have an active role in the partnership. Regular meetings have taken place over the course of development of the Local Plan to progress various work streams including a Kent Biodiversity Strategy and a Biodiversity net gain policy</p> <p>See engagement record at Appendix I 4</p>	<p>KNP policy recommendations and advice have been incorporated into some of the new development management policies in section 6 of the Local Plan and some outcomes underpin the evidence base. The Partnership, together with the Kent Wildlife Trust also oversees the Local Wildlife Site System on behalf of the LPAs in Kent</p>
High Weald AONB Unit	<p>Members and officers attend twice annual meetings of the JAC and officers are active members of the Officer Steering Group which meet at least twice annually. TWBC officers have been active members of project sub-groups including those for Design and Biodiversity Net gain. TWBC collaborate on projects of the AONB unit and have worked closely on evidence base documents.</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>See engagement record at Appendix I 1</p>	<p>Data from the Unit on AONB components has informed site assessments. Work with the Unit has informed evidence base documents and SPDs, including the Historic Landscape Characterisation Study, Landscape Character Assessment SPD, Landscape Sensitivity Studies, and Farmstead SPD as set out in paragraph 4.55 below. The AONB Unit's recommendations and advice have contributed to relevant development management policies in section 6 of the Local Plan and there are strong links to the AONB Management Plan and supporting documents. Comments of the Unit have had a strong influence on site-specific studies and the AONB setting study for the Local Plan.</p>
Upper Medway Internal Drainage Board (Flood Risk)	<p>See EA section above and KCC Flooding section below</p> <p>See engagement record at Appendix I 7</p>	<p>As per the EA section above and KCC Flooding section below</p> <p>The Drainage Board are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
		and east Capel and Tudeley Village and further modelling work carried out (See engagement record at Appendix J1)
Southern Water (waste water)	<p>Early engagement November 2016</p> <p>Issues and Options consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>Stakeholder IDP consultation with infrastructure providers in:</p> <ul style="list-style-type: none"> – July/August 2018 – March/April 2019 – June 2019 – October 2020 <p>Ongoing engagement throughout the process, particularly in regard to development at Paddock Wood.</p> <p>See engagement record at Appendix I 6</p>	<p>No major growth schemes committed at present but works are due to be carried out (next year) in the Paddock Wood area to increase pipe capacity. Further details are awaited in respect of reviewing the capacity network for the proposed growth at Capel/Paddock Wood.</p> <p>Southern Water are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at Appendix J1)</p>
South East Water (water supply)	<p>Early engagement November 2016</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>Stakeholder IDP consultation with infrastructure providers in:</p> <ul style="list-style-type: none"> – July/August 2018 – March/April 2019 – June 2019 – October 2020 <p>See engagement record at Appendix I 5</p>	<p>The provision of water supply/service for the proposed growth strategy in the Local Plan can be accommodated satisfactorily within the requirements of the SE Water Management Plan 2019 and Revised Water Resources Management Plan 2020-2080</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
KCC Education	<p>Early engagement November 2016</p> <p>Issues and Options consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>Stakeholder IDP consultation with infrastructure providers in:</p> <ul style="list-style-type: none"> – July/August 2018 – March/April 2019 – June 2019 – October 2020 <p>Ongoing engagement with the West Kent Area Education Officer throughout the process and as part of the Strategic Sites Working Group.</p> <p>See engagement record at Appendix I 2</p>	<p>Liaison with KCC (Education) has been a continuous process over the development of the Draft Local Plan – individual meetings, specific site discussions and district liaison meetings. Outcomes: proposed extension and provision of a number of new primary schools; extension of existing secondary schools and new secondary school within Tudeley Village; new learning hub in RTW for adult education (all of which may serve residents outside the borough)</p> <p>KCC Education are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at Appendix J1)</p>
KCC – Leading Local Flood Authority	<p>Early engagement November 2016.</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>Stakeholder IDP consultation with infrastructure providers in:</p> <ul style="list-style-type: none"> – July/August 2018 – March/April 2019 – June 2019 – October 2020 <p>Ongoing engagement throughout the process and as part of the Strategic Site Working Group.</p>	<p>Flooding is an issue which could have implications for neighbouring authorities such as TMBC and SDC.</p> <p>Specific on-going discussions and engagement with KCC and the EA in relation to the Strategic Flood Risk Assessment (SFRA) work undertaken by TWBC, in particular in relation to the Capel/Paddock Wood and Tudeley area and Royal Tunbridge Wells. Outcomes include: flood alleviation schemes for Paddock Wood and Five Oak Green and other minor alleviation/culverting schemes; and proposed flood mitigation measures recommended in the SFRA such as flood defence and strategic storage, for the Paddock Wood area in response to the proposed growth strategy.</p> <p>KCC Flooding are also involved in the</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
	See engagement record at Appendix I 3	Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at Appendix J1)
KCC - Heritage	TWBC Issues and Options consultation 2017 TWBC Draft Local Plan Consultation 2019	Discussion following the Draft Local Plan consultation in relation to the DM Policies for the Historic Environment and Heritage Assets. KCC Heritage has also provided advice on archaeological matters and work undertaken in relation to Historic Parks and Gardens and historic landscape characterisation as set out in paragraph 4.56 below.
West Kent Partnership Infrastructure and Transport Group (includes Bus Operators and KCC Public Transport Team)	Meeting held with a number of bus operators in January 2019 to discuss proposed growth strategy in Local Plan IDP consultations in 2018 and 2019 and 2020 See engagement record at Appendix I 8	Funding for enhanced bus services (cross boundary) Looking at ways to improve services to rural areas
A21 reference group	Quarterly meetings going back 10 years	This is a discussion group made up of several MPs, County Councillors (KCC and East Sussex) and Borough Councillors (TWBC, TMBC, SDC, RDC, Hastings BC) Mainly to drive the A21 bypass and other improvement and maintenance works and funding
Planning Advisory Service (PAS)	3 meetings held in early 2018 See engagement records for SDC (Appendix B6 and TMBC Appendix C5)	Statement of Common Ground Pilot Programme for TWBC, SDC and TMBC: PAS provided advice on the formulation and review of SoCGs in relation to cross boundary strategic issues

Cross boundary strategic issues

Housing

- 4.12 Meeting housing needs is a strategic matter, with cross-boundary implications where identified needs are not being fully met, where strategic growth (such as new settlements) is being proposed or where development will straddle or be close to local planning authority boundaries.
- 4.13 In respect of overall housing needs, TWBC has identified sufficient sites to meet its local housing need, as set by the Standard Method, in full.
- 4.14 This involves the removal of land from the Green Belt and some major developments in the High Weald AONB where, in both cases, both strategic and local exceptional circumstances exist. It follows on from previously asking all the neighbouring councils identified above whether they could assist in meeting the level of housing need involved in such proposals. Their replies – none of which were positive – are provided in the respective appendices.
- 4.15 TWBC has been working closely with other authorities in discussions on meeting their objectively assessed housing need, including those identified through the Council's Strategic Housing Market Assessment (SHMA) as being within the same housing market area, namely the 'West Kent Housing Market Area' (HMA), which includes SDC, TMBC and TWBC and extends to include parts of WDC and RDC.
- 4.16 As indicated above, only SDC of TWBC's neighbouring LPAs has either not produced a local plan which looks to fully meet their own housing needs or has indicated that they do not expect to be able to meet their local housing needs.
- 4.17 The focus of consideration has therefore been on Sevenoaks DC. It has a housing need of 707 dwellings/year, equivalent to 11,312 dwellings over its plan period (2019-2035), but its identified supply leaves a shortfall of some 1,900 dwellings.
- 4.18 SDC made a formal request to TWBC (and other neighbouring LPAs) as to whether it could meet any of its unmet need in April 2019. It does not have any arrangement in place to meet this unmet need at the present time, and the (SDC) strategy which resulted in the unmet need has not been subject to Examination.
- 4.19 TWBC has considered if it could meet some or all of this identified unmet need through its new Local Plan. It has:
- a) assessed the potential for higher rates of housebuilding through a commissioned Review of Housing Needs Study
 - b) not set limits on the overall scale of development on suitable sites
 - c) assessed different scales and distributions of development, including ones that included unmet needs from Sevenoaks (or elsewhere – see below)

- 4.20 The findings of this work have been that:
- there are real doubts about whether the higher rates of growth that would be involved in meeting SDC's unmet need would be deliverable, given the substantial increase in supply already required to meet local needs over what has been achieved in recent years
 - the higher scales of development have increasingly negative sustainability impacts, as set out in the SA (which has regard to the assessments of individual sites), in large part due to the adverse landscape, biodiversity, air quality, use of resources and accessibility impacts
- 4.21 Consequently, it is concluded that the Pre-Submission Local Plan should set a (minimum) housing requirement at the level of the housing need for the borough, as per the Government's 'standard method' – that is, for 678 dwellings pa. Delivery of the sites and allowances within the Local Plan to meet this target, which provide some flexibility, will be regularly monitored to ensure that local housing needs are met as far as possible.
- 4.22 Statements of Common Ground have been or are being updated with all neighbouring LPAs as part of what has been a continual engagement process. Details of these processes are set out above and in the respective appendices.
- 4.23 TWBC has also considered, and discussed with the relevant LPAs, how to address the SDC unmet housing need. The most pertinent points in relation to this are regarded as being:
- a) The SDC Local Plan, which indicates the shortfall, has not been found sound
 - b) The SDC LP Inspector properly puts the focus on SDC to seek to address the shortfall and finds that it has not adequately reviewed all options
 - c) The Inspector specifically finds that SDC has been limiting in its approach to the potential for Green Belt releases, beyond that set out in the NPPF
 - d) While TWBC is similarly constrained by Green Belt (and further constrained by the AONB designation), it has identified (following more detailed levels of study) some releases, including for strategic growth
- 4.24 Notwithstanding that TWBC has considered increasing its housing growth by some 1,900 dwellings (and more), it is evident that there is currently some uncertainty as to whether there is a proven need for SDC's neighbouring LPAs (of which TWBC is one of seven) to need to assist.
- 4.25 In conclusion, TWBC has fulfilled its legitimate expectations under DtC in relation to meeting housing needs and that it remains to be fully tested what, if any, unmet need there is from SDC. While TWBC has been an "active engager" with SDC it remains SDC's responsibility, rather than TWBC's, to lead on resolving its own housing needs. Discussions with SDC will continue on this matter ahead of submission of the TWBC Local Plan.

- 4.26 Further detail and justification for the Council’s proposed growth strategy and housing need is set out in the Development Strategy Topic Paper and Housing Needs Assessment Paper.
- 4.27 In relation to accommodation for Gypsies and Travellers, a needs assessment has been undertaken, which shows an outstanding locally derived need for additional permanent pitches over the plan period in the borough. TWBC plans to meet this need within the borough.
- 4.28 As regards transit provision, the very low level of unauthorised encampments in the borough suggests that there is no need for a transit site. TWBC is aware of somewhat higher levels of movement in other Kent districts and boroughs to the east and has indicated a willingness to continue to work together with other Kent authorities to support meeting any wider need that may be identified. At the same time, there have been no requests from neighbouring LPAs for help in meeting transit site needs.
- 4.29 As set out in the Development Strategy Topic Paper, TWBC is proposing two strategic housing-led growth areas, one through the transformational expansion of Paddock Wood and a new village, based on garden settlement principles, at Tudeley between Paddock Wood and Tonbridge. Given the proximity of these to Tonbridge & Malling borough, there has been regular dialogue with TMBC. This is articulated in the relevant Appendix C as well as in the Strategic Sites Topic Paper.
- 4.30 Elsewhere, in view of the close proximity of Royal Tunbridge Wells (RTW) to the boundary with Wealden, there has been particular focus in the dialogue with WDC on proposals on the southern edge of the town, in both LPAs’ area. Again, the details are set out in the relevant Appendix G as well as in the Statement of Common Ground at **Appendix A6**.

Economic development/Employment

- 4.31 The Economic Needs Study (2016) (ENS) which was commissioned to inform the Local Plan was carried out jointly with SDC by consultants, Turleys. It was considered that the assessment of economic needs across Functional Economic Market Areas (FEMAs) aligns with the guidance in the PPG.
- 4.32 Although there is no standard approach to defining such geographical relationships, TWBC considers that Sevenoaks district and Tunbridge Wells borough share important economic linkages which also extend to cover parts of neighbouring Tonbridge & Malling borough. This reflects evidence of commuting patterns and flows, and has become defined as a sub-regional economy through the West Kent Partnership which all three authorities are actively involved in. Although not part of the joint ENS, Tonbridge & Malling BC also used Turleys for their economic needs work, enabling some consistency across the Functional Economic Market Area.
- 4.33 Parts of Wealden and Rother districts also form part of the ‘Travel to Work Area’ for Tunbridge Wells, particularly for employment at the town of Royal Tunbridge Wells. Discussions have taken place with Wealden and Rother throughout the Plan

preparation process and TWBC has input as necessary to neighbouring evidence base studies.

- 4.34 As part of the ENS work, the consultants carried out a stakeholder workshop on the 16 March 2016 with a range of stakeholders who were invited to explore a number of topics by way of facilitated discussions in relation to employment provision within the borough. Local business groups, significant employers, landowners, agents, neighbouring authorities and Kent County Council all attended the session which received positive feedback and fed into the study findings.
- 4.35 With regard to Retailing and Town Centres, the Council has again commissioned a number of studies – the Retail and Leisure Study 2017, and a further updated ‘Retail, Commercial Leisure and Town Centre Uses Study’ (2021). In line with the DtC, Nexus (the consultants appointed on behalf of TWBC for both of these studies) worked in collaboration with officers from TWBC in engaging with neighbouring local authorities in order to identify future capacity and pipeline schemes within neighbouring and competing town centres. The pipeline schemes of interest were considered to be those of a nature and scale which could have the effect of consolidating their retail offer and enhancing their market share. Nexus also engaged with local Town and Parish Councils, as well as the RTW Town Forum in relation to this work.
- 4.36 Additionally, TWBC has provided comments to neighbouring authorities on their methodology and catchments for the production of retail and leisure studies to inform the work of other local planning authorities in the production of their Local Plans in particular with Wealden, Rother and Maidstone whose rural populations form part of the catchment area of Tunbridge Wells borough, in particular the town of Royal Tunbridge Wells in retailing and leisure terms.
- 4.37 In terms of employment land provision, TWBC is planning positively to meet the identified needs, by way of allocation of suitable sites across the borough which provide in excess of the minimum requirement of 14 hectares over the Plan period. This includes the release of Green Belt land within the borough and some development in the AONB, including major development by way of a strategic expansion into the Green Belt on land at Kingstanding Way, Royal Tunbridge Wells.
- 4.38 Also at a strategic scale, both Tonbridge & Malling BC and Maidstone BC, have been engaged in the Strategic Masterplanning process for the extension of Paddock Wood and east Capel and the garden village at Tudeley.
- 4.39 Further detail and justification for the Council’s proposed growth strategy including in relation to meeting employment land needs can be found in the Development Strategy Topic Paper 2021 and Economic Development Topic Paper 2021.

Infrastructure, including transport

- 4.40 There are a number of infrastructure issues which are particularly relevant to cross boundary considerations – including in the main, transport, health and education as well water supply and flood risk.

- 4.41 As part of the production of the Council's Infrastructure Delivery Plan (IDP), the relevant service providers have been engaged throughout the process through ongoing discussions, a number of specific stakeholder consultations as well as the more formal consultation stages. They have been engaged in the overall strategy for growth and input to the draft policies and proposed site allocations in the Local Plan. Summarised details of this are set out in the Prescribed Bodies and Other Bodies Tables 2 and 3 above. Full details of this process are set out in the Council's IDP which details the infrastructure requirements across the borough over the plan period.
- 4.42 Additionally, as part of the Local Plan preparation work, a Strategic Sites Working Group ('SSWG') was established in July 2019, following the finalisation of the Regulation 18 Draft Local Plan which set out the approach to growth around Paddock Wood and east Capel, and Tudeley Village. The SSWG provides a forum that facilitates collaborative working in the delivery of the two strategic sites. A range of interested parties are members of this group, including representatives from Tonbridge & Malling BC (Policy Manager) and Maidstone BC (Principal Policy Officer) as the two boroughs are in close proximity to the strategic sites. Meetings are held monthly, providing a forum to update and discuss key items in progressing the strategic sites through the Local Plan and beyond. All members have agreed to work positively and proactively in moving the sites forward – **see Appendix J1**
- 4.43 There has been ongoing engagement with Kent County Council (KCC) throughout the process on a number of county matter infrastructure issues. East Sussex County Council (ESCC) has also been consulted on any cross-boundary issues through the stakeholder consultation that has been carried out to determine if there are any impacts on neighbouring East Sussex.
- 4.44 By its nature, transport and highways have a number of cross boundary considerations, which have been explored as part of DtC discussions. In relation to the principal highways network, including the A21 Trunk Road, ongoing discussions have been had with Tonbridge & Malling to the north and Rother to the south, particularly in relation to the Flimwell Crossroads and impacts on the crossroads at Hawkhurst, as well as with each of the affected highway authorities (KCC, ESCC and Highways England).
- 4.45 In terms of rail connections, again TWBC has explored any cross-boundary concerns with those authorities along the strategic rail network including Ashford BC and Tonbridge & Malling BC. Similarly in regard to strategic bus services, the relevant operators have been engaged throughout the process and neighbouring authorities have been involved in strategic service level discussions.
- 4.46 In addition, transport connections, both local and of a strategic cross boundary nature have been a key consideration of the Strategic Sites Working Group as referred to above, involving a number of neighbouring authorities and KCC Highways. Integral to the masterplanning work for the growth of the strategic sites has been ongoing discussions with the borough's consultant preparing the Local Cycle Walking and Infrastructure Plan, which looks at active travel routes beyond

the borough boundary and have been developed through ongoing engagement with Tonbridge & Malling BC.

- 4.47 The provision of education has been addressed through collaborative working with the West Kent Area Education Officer at KCC who has input throughout the process. The provision of a new secondary school at Tudeley Village and expansion of Mascalls at Paddock Wood, as well as expansions of the secondary schools in Royal Tunbridge Wells also serve the wider West Kent area and have been discussed with Tonbridge & Malling BC as part of the DtC and specific discussions as part of the Strategic Sites Working Group.
- 4.48 In terms of health, the NHS Kent and Medway Clinical Commissioning Group (CCG) has also been involved throughout the process and has assessed the proposals against their practice mapping which covers a number of geographical areas also extending into neighbouring authorities as well as discussions with their counterparts in East Sussex. Specific discussions have also been held with neighbouring Tonbridge & Malling Borough Council in relation to the provision of a new medical centre at Tudeley to serve the garden village on the edge of the boundary of the borough. The CCG is also a member of the Strategic Sites Working Group.
- 4.49 In relation to water – TWBC has had ongoing discussions with Southern Water and South East Water in relation to connections and services. In terms of flooding and flood risk, discussions have been held with the Environment Agency and Kent County Council as the Lead Local Flood Agency in the production of the Council's Strategic Flood Risk Assessment (SFRA) and the Strategic Sites Working Group. The Council is also part of the Medway Flood Partnership and Medway Flood Action Group dealing with such issues as the Leigh Expansion and Hildenborough Expansion Scheme– with a number of other local authorities affected – including TMBC and SDC. In addition, all West Kent Authorities used the same consultant, JBA, for their SFRA work, allowing consistency across the West Kent area, in terms of sharing knowledge, the methodology used and addressing any cross-boundary issues.
- 4.50 Infrastructure issues, and in particular any cross boundary issues relating to transport, water/flood risk, education and health have also formed a standard discussion point with neighbouring authorities as part of regular DtC meetings and any potential issues/concerns have been raised at these meetings and discussed/actioned as appropriate.

Environmental Issues

- 4.51 A key part of the Councils cooperation and delivery on environmental issues takes place through the Kent High Weald Partnership (KHWP) a small team tasked with work on environmental education, conservation and community engagement. Jointly funded by TWBC and KCC with support from the High Weald AONB Unit and the Forestry Commission the KHWP works mostly in the Borough but on strategic projects such as River Catchment Management Plans and District Licensing for

Great Crested Newts the group will work on cross boundary sites. Also, as part of a system of countryside management teams across Kent they will often work on and support Kent wide schemes.

- 4.52 As noted above, the Council has been actively involved on wider duty to cooperate matters affecting the environment in particular there has been work on water, air quality, landscape, heritage and biodiversity.
- 4.53 **Water** - As set above under Infrastructure, there has been widespread cooperation on the production of the Councils SFRA and associated work. In addition, through the KHWP, the Council has supported the works of the Catchment Management Plans with works on the Teise and Beult and has supported the installation of Natural Floods Measures around Royal Tunbridge Wells.
- 4.54 **Air Quality** – The Council has no cross-boundary Air Quality Management Areas. As a result of concerns raised a few years ago regarding the effects of atmospheric pollution on Ashdown Forest a Europeans site for Nature Conservation the Council has been working with a wide group of Local Planning Authorities and Natural England as the Ashdown Forest Working Group, referred to above, to understand to better understand the issues and to collaborate on future studies and assessments.
- 4.55 **Landscape** – The Council has been careful to consult with adjoining authorities in the preparation of landscape evidence base documents including landscape sensitivity studies and landscape character assessments taking note of the evidence available from adjoining authorities. The Council is a key partner of the High Weald Joint Advisory Committee for the High Weald AONB with Officers and Members attending JAC meetings and officers attending separate Officer Steering Group Meetings to oversee the work of the AONB Unit and to support and participate in new studies or guidance. Council officers have been part of subgroups working on Biodiversity Net Gain and a Housing Design Guide. The Council has worked specifically with the AONB Unit to produce a Farmsteads Guidance SPD and a Historic Landscape Characterisation Study.
- 4.56 **Heritage** – The Council works closely with KCC Heritage who provide the Council’s advice service in respect of archaeology. The KCC team has supported the work on Historic Landscape Characterisation by the Council and has in partnership with the Council (and Historic England) helped with the Review of the KCC Compendium of Historic Parks and Gardens for Tunbridge Wells Borough. The project was specifically designed as a Pilot that would build capacity in the voluntary sector that could and has been used by other Kent LPAs. TWBC and KCC also collaborated on an industrial archaeological study of the former Paddock Wood to Hawkhurst Railway Line in support of a community group promoting the former railway line for education and recreation.
- 4.57 The Council has engaged closely with Historic England (HE) to ensure that the development strategy, site allocations and development management policies have due regard to the historic environment/heritage assets of the borough. Meetings followed both Issues and Options and Draft Local Plan stages, and have led to further revisions to address HE concerns (see **Appendix H3**).

- 4.58 **Biodiversity** – As mentioned above the Council is a member of the Ashdown Forest Working group that is concerned with potential issues of air pollution at Ashdown Forest a European Site. That partnership has 12 members from Planning Authorities around the Ashdown Forest plus Natural England and has its own SoCG signed in 2019 (**see Appendix A7**). There is a smaller partnership of LPAs who are much closer to Ashdown Forest who work together as the Strategic Access Management and Monitoring (SAMMS) Partnership to address visitor pressure. The partnership includes Wealden DC, Lewes DC, Mid Sussex DC, Sevenoaks DC, Tandridge DC, TWBC and the Conservators of Ashdown Forest as well as Natural England. The group work together to address visitor pressure which is an identified impact from development in the area and have jointly commissioned studies and agreed policies. The group has a SoCG signed in 2019 (**see Appendix A8**) and for the purposes of collecting and distributing tariffs has a formal legal agreement.
- 4.59 The Council is an active Member of the Kent Nature Partnership whose recent activities have included developing the Kent Biodiversity strategy and developing a biodiversity net gain approach for Kent with support from Natural England. KNP also acts as a panel to oversee the Local Wildlife Site System on behalf of all Kent authorities and the Council has a Service Level Agreement with Kent Wildlife Trust to undertake surveys and make recommendations for changes to Local Wildlife Sites (see **Appendix I 4**).
- 4.60 The Council's Biodiversity Evidence base has been prepared with significant input from The Kent and Medway Biological Records Centre who provide species and habitat monitoring data. The Kent Wildlife Trust is working in partnership with the Council on biodiversity net gain on development sites and on an interim off-site net gain project.

5.0 Conclusions

- 5.1 This Duty to Cooperate Statement sets out the Council's approach, actions, and outcomes in relation to undertaking the DtC with neighbouring authorities and other relevant bodies, in accordance legislation and with Government guidance.
- 5.2 The information included in this Statement demonstrates that TWBC has actively undertaken a process of on-going collaborative, constructive engagement working with others in progressing cross boundary strategic matters in the preparation of the Pre-Submission Local Plan. This Statement is a live document and will be reviewed and updated alongside the on-going Duty and engagement with neighbouring authorities and other relevant bodies as the Plan progresses to adoption and beyond, including its five-year post adoption review.

6.0 Appendices

List of appendices:

Appendix A – Statements of Common Ground (SoCGs)

Appendix A1: Sevenoaks DC - Signed SoCG between TWBC and SDC May 2019

Appendix A2: Tonbridge & Malling BC - Signed Memorandum of Understanding January 2020

Appendix A3: Maidstone BC - Signed SoCG between TWBC and MBC August 2016

Appendix A4: Ashford BC - Signed SoCG between TWBC and ABC 22 March 2021

Appendix A5: Rother DC - Signed SoCG between TWBC and RDC October 2020

Appendix A6: Wealden DC - Signed SoCG between TWBC and WDC 8 February 2021

Appendix A7: Ashdown Forest Working Group (Air Quality) - SoCG Prepared by South Downs National Park Authority (SDNPA) and signed by Members of the Ashdown Forest Working Group- TWBC, SDPNA, Lewes DC, Eastbourne BC, Mid Sussex DC, Tandridge DC, Crawley BC, Sevenoaks DC, Rother DC, East Sussex County Council (Minerals and Waste), West Sussex County Council and Natural England

Appendix A8: Ashdown Forest Working Group (Recreational Impact) - SoCG signed between TWBC, Lewes DC, Mid Sussex DC, Sevenoaks DC, Tandridge DC, Wealden DC

Appendix B – Sevenoaks District Council (SDC)

Appendix B1 – TWBC response to SDC Issues and Options consultation 2017

Appendix B2 - TWBC response to SDC Local Plan Regulation 18 Consultation September 2018

Appendix B3 - TWBC response to SDC Local Plan regulation 19 Consultation January 2019

Appendix B4 - SDC response to TWBC Issues and Options Consultation June 2017

Appendix B5 - SDC response to TWBC Regulation 18 Draft Local Plan Consultation 15 November 2019

Appendix B6 – DtC engagement record between TWBC and SDC

Appendix C – Tonbridge & Malling Borough Council (TMBC)

Appendix C1 - TWBC Response to TMBC Issues and Options November 2016

Appendix C2 - TWBC Response to TMBC Regulation 19 PreSubmission Plan November 2018

Appendix C3 – TMBC response to TWBC Issues and Options 2017

Appendix C4 - TMBC response to TWBC DLP Regulation 18 consultation October 2019 (Letter and Response Form)

Appendix C5 - DtC engagement record between TWBC and TMBC

Appendix D – Maidstone Borough Council (MBC)

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Appendix D2: TWBC response to Main Modifications to MBC Local Plan May 2017

Appendix D3: TWBC response to MBC – Local Plan review – Scoping, Themes and Issues public consultation 2019

Appendix D4: TWBC response to MBC Gypsy and Traveller consultation May 2020

Appendix D5: TWBC additional response to MBC Gypsy and Traveller consultation May 2020

Appendix D6: TWBC response to MBC Local Plan Regulations 18b Preferred Approaches December 2020

Appendix D7: MBC Response to TWBC Issues and Options Consultation 2017

Appendix D8: MBC Response to TWBC Regulation 18 Consultation 2019

Appendix D9: DtC engagement record between TWBC and MBC

Appendix E – Ashford Borough Council (ABC)

Appendix E1: TWBC response to ABC Regulation 19 Consultation August 2016

Appendix E2: TWBC response to ABC Regulation 19 Consultation August 2017

Appendix E3: TWBC response to ABC Gypsy and Traveller Accommodation Local Plan Consultations Options Report February 2020

Appendix E4: ABC response to TWBC Draft Local Plan Regulation 18 Consultation 6 November 2019

Appendix E5: DtC engagement record between TWBC and ABC

Appendix F – Rother District Council (RDC)

Appendix F1: TWBC response to RDC DaSA Local Plan Regulation 19 Consultation December 2018

Appendix F2: TWBC response to RDC Sustainability Scoping Report May 2020

Appendix F3: TWBC response to RDC Targeted Early Engagement for Local Plan October 2020

Appendix F4: RDC response to TWBC Regulation 18 Consultation 2019

Appendix F5: DtC engagement record between TWBC and RDC

Appendix G – Wealden District Council (WDC)

Appendix G1: TWBC response to Wealden Open Space Study June 2016 (Response Form)

Appendix G2: TWBC Response to WDC Reg. 19 Consultation October 2018

Appendix G3: Joint response to WDC Regulation 19 consultation from TWBC, South Downs National Park Authority and Lewes District Council 2 October 2018

Appendix G4: TWBC response to WDC Call for Sites/draft SHELAA consultation June 2020

Appendix G5: TWBC response to WDC Draft SA Scoping Report July 2020

Appendix G6: TWBC response to WDC Direction of Travel Consultation November 2020

Appendix G7: WDC response to TWBC Regulation 18 consultation 2019 (email)

Appendix G8: DtC engagement log between TWBC and Wealden DC

Appendix H – Appendices for DtC prescribed bodies

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Appendix H3: DtC engagement record for Historic England

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Appendix H5: DtC engagement record for Natural England

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Appendix H7: DtC engagement record for the Kent and Medway Clinical Commissioning Group (CCG) and NHS Trust

Appendix I – Appendices for other bodies

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Appendix I2: DtC engagement record for KCC Education

Appendix I3: DtC engagement record for KCC Flooding

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Appendix I7: DtC engagement record for Upper Medway Internal Drainage Board

Appendix I8: DtC engagement record for West Kent Partnership for Infrastructure and Transport

Appendix J – Strategic Sites Working Group (SSWG)

Appendix J1: DtC Engagement record for the SSWG

Appendix A – Statements of Common Ground (SoCGs)

Appendix A1: Sevenoaks DC -
Signed SoCG between TWBC and
SDC May 2019

1.

Statement of Common Ground

as agreed between

Tunbridge Wells Borough Council and
Sevenoaks District Council

Statement of Common Ground - Tunbridge Wells Borough Council and Sevenoaks District Council,
May 2019

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Appendix A: Administrative Areas

1. Introduction

The basis for preparing this Statement of Common Ground

- 1.1 This Statement of Common Ground (SCG) has been prepared by Tunbridge Wells Borough Council (TWBC) together with Sevenoaks District Council (SDC). It reflects the agreed position between the parties.
- 1.2 The purpose of this SCG is to set out the basis on which TWBC and SDC have actively and positively agreed to work together to meet the requirements of the Duty to Cooperate. TWBC have prepared their Local Plan for Regulation 18 consultation from September to November 2019. SDC have prepared their Local Plan for submission in spring 2019. This statement also describes the established mechanisms for ongoing cooperation on strategic matters.
- 1.3 Under section 33A of the Planning and Compulsory Purchase Act 2004 (amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) 2019 it is a requirement under the Duty to Cooperate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan documents and other local development documents. This is a test that local authorities need to satisfy at the Local Plan examination stage and is an additional requirement to the test of soundness.
- 1.4 The Duty to Cooperate applies to strategic planning issues of cross boundary significance. Local authorities all have common strategic issues and as set out in the National Planning Practice Guidance (NPPG) "*local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.*" The statutory requirements of the Duty to Cooperate are not a choice but a legal obligation. Whilst the obligation is not a duty to agree, cooperation should produce effective and deliverable policies on strategic cross boundary matters in accordance with the government policy in the NPPF, and practice guidance in the NPPG.
- 1.5 The administrative areas set out in Appendix A show that TWBC and SDC share a common boundary and hence are required to work cooperatively in an effective way to address key strategic matters pertaining to these areas. It is acknowledged that the areas are also part of established and recognised Housing Market Areas and Functional Economic Market Areas.

2. Key Matters

The NPPF defines the topic areas considered to be strategic matters (para 20). Those strategic matters relevant to TWBC and SDC are explored below.

2.1 Housing

- 2.1.1 Government policy places much emphasis on housing delivery as a means for ensuring economic growth and addressing the current national shortage of housing. The NPPF is very clear that *"strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period"*.
- 2.1.2 Sevenoaks District and Tunbridge Wells Borough share a functional housing market area as set out within the Strategic Housing Market Assessment which was produced jointly by the two authorities. This study identified that Sevenoaks and Tunbridge Wells fall within a West Kent Housing Market Area which includes Sevenoaks, Tonbridge and Tunbridge Wells and extends to include Crowborough, Hawkhurst and Healthfield. The SHMA also identifies cross-boundary interactions with the northern parts of Rother and Wealden districts in East Sussex, between Swanley and Dartford; and with London.
- 2.1.3 The Sevenoaks and Tunbridge Wells SHMA concludes that *"The principal adjoining authorities with a strong relationship would be Tonbridge & Malling, Wealden and Rother. Equally the commissioning authorities would need to engage with those authorities in respect of any unmet housing needs arising from these other authorities' areas. We would also advise the Councils to engage with the Greater London Authority and London Boroughs in respect of any unmet needs arising from London"*.
- 2.1.4 SDC has undertaken its Regulation 19 consultation on a Local Plan that includes proposed Green Belt release but also outlines a degree of unmet housing need. SDC is constrained by the Green Belt (93%) and the Area of Outstanding Natural Beauty (AONB) (60%) and it is noted that SDC cannot meet its need in full within its own administrative area. SDC's Regulation 19 Plan outlines a housing supply of 9,410 units. Based on a requirement of 707 units per annum, or 11,312 units in total over a 16 year period (2019-35), this leads to an unmet housing need of approximately 1,900 units (or 17% of the requirement).
- 2.1.5 Discussions have taken place with neighbouring authorities in the HMA to discuss assistance with any unmet need, but no authority to date has been in a position to assist SDC with its unmet need.
- 2.1.6 TWBC is currently preparing its second Regulation 18 version of the Draft Local Plan for consultation, which includes the vision, objectives and growth strategy, overarching strategic policies, place shaping policies and detailed Development Management Policies.
- 2.1.7 TWBC is also constrained by the Green Belt (22%) and the Area of Outstanding Natural Beauty (70%) as well as areas of flood risk and traffic congestion. The Regulation 18 Draft Local Plan identifies the need for 13,560 dwellings in accordance with the Standard

Methodology. Taking into account homes already built since 2013 and sites benefiting from planning permission and allocations within the existing Site Allocations Local Plan, TWBC is aiming to allocate land to meet the remaining balance of 8,914 (Note: this is still subject to change following ongoing work) dwellings. TWBC is seeking to meet its full objectively assessed need across the borough through development at a number of settlements, strategic release of Green Belt at Paddock Wood/Capel to allow expansion of the settlement and a new garden settlement within the Green Belt at Tudeley also within Capel Parish.

- 2.1.8 It is understood that, at present, TWBC is unable to assist SDC with unmet housing need, due to the constraints on both local authorities, and their inability to meet housing needs beyond their own, irrespective of unmet needs elsewhere.
- 2.1.9 Consequently, both councils will continue to work together and identify the position as both TWBC and SDC prepare to review their Local Plan every 5 years.

Actions

- TWBC and SDC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent housing market area in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London's growth, large scale developments and opportunities for meeting any unmet need.
- TWBC and SDC to each undertake a 5 year review of their respective Local Plans.

2.2 Economic Development

- 2.2.1 It is considered that Tunbridge Wells and Sevenoaks form part of a wider regional economy, within which many areas share important economic relationships with London. There is also a more localised geography that has historically functioned as a sub-regional economy and which shares similar economic characteristics. It is considered that Sevenoaks district, Tunbridge Wells and Tonbridge and Malling boroughs share a functional economic market area. This reflects evidence of commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.
- 2.2.2 TWBC and SDC carried out a joint Economic Needs Study (2016) in order to inform their respective Local Plans taking into account the recognised functional economic relationships. This identified a need for 11.6ha of new employment land within SDC and 11-14ha within TWBC. Additionally both authorities have carried out their own Retail and Leisure studies which seek to identify the retail, leisure, town centre needs over the Plan period, recognising the functional geography of these areas and the catchment areas for retail and leisure patterns across the wider sub-region.
- 2.2.3 TWBC is seeking to meet its identified employment land and retail needs in full through the retention, intensification and extension of the existing defined Key Employment Areas, in particular a strategic expansion in the Green Belt at land at Kingstanding Way, Royal

Tunbridge Wells and mixed use town centre enhancements primarily within Royal Tunbridge Wells and Paddock Wood.

2.2.4 SDC is seeking to meet its employment and retail, town centre needs in full through the retention of existing employment sites and the potential for intensification/expansion at the Vestry Trading Estate and around the Dunbrik A25 area. SDC is seeking to meet its retail and leisure needs through the promotion of a number of mixed use development sites within Sevenoaks, Swanley and Edenbridge.

2.2.5 Both Councils will continue to operate existing joint working arrangements through the wider Duty to Cooperate forum to ensure that suitable provision can be made as appropriate.

Actions:

- TWBC and SDC to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the functional economic market area in relation to economic related matters, including employment land and retail and town centre development.
- TWBC and SDC to each undertake a 5 year review of the Local Plan and the evidence base that informs it. Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.

2.3 Conservation and enhancement of natural and historic environment - Ashdown Forest

2.3.1 Both authorities have been actively involved in wider duty to cooperate matters affecting Ashdown Forest, a European site protected under the Habitat Regulations. Cross boundary issues of visitor pressure and vehicle emissions have the potential to adversely affect the protected habitats and species found on the Ashdown Forest.

2.3.2 TWBC and SDC have been working in partnership with other affected authorities to commission studies, undertake detailed analysis, and to develop policy to ensure planned development can go ahead without causing harm to the designated site. Both authorities are part of two formal partnerships covering these issues: one to address visitor pressure, "The Strategic Access Management and Monitoring (SAMMS) partnership"; and one to address vehicle emissions, the Ashdown Forest Working Group. The Ashdown Forest Steering Group has worked with the Planning Advisory Service as a pilot to produce a Statement of Common Ground, setting out a joint approach to this internationally-designated site.

Actions:

- TWBC and SDC to continue to be active members of the two working groups and undertake the actions set out in the signed Statements of Common Ground and any additional work/liaison as necessary.

2.4 Cross boundary infrastructure

- 2.4.1 There are a number of cross boundary infrastructure issues that have an impact on both authorities including schools, education, health, roads, active travel etc. Any relevant issues are discussed and explored at the regular Duty to Cooperate meetings between the two authorities as well as with other agencies/stakeholders such as Kent County Council Education and Highways, and the West Kent Clinical Commissioning Group (WK CCG).
- 2.4.2 In relation to highway infrastructure, TWBC and SDC are committed to continue working together in partnership, with the aim of ensuring the necessary highways improvements to support sustainable growth delivered in a timely manner over the period of the TWBC and SDC Local Plans. TWBC and SDC recognise that securing sufficient funding to deliver highway improvement schemes is important. The two parties are committed to working together to secure the necessary funding and will positively consider all available mechanisms.
- 2.4.3 TWBC and SDC are committed to continued partnership working, including exploring joint bids to unlock funding to support sustainable growth and the necessary infrastructure in the local authority areas over the Local Plan period. TWBC and SDC will keep each other fully informed of any changes to any significant infrastructure needs and will continue to liaise on these matters at all levels and for all types of development, where appropriate, including through planning applications that are cross boundary.

Actions:


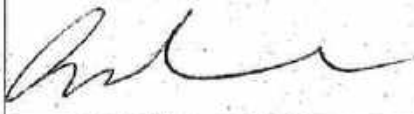
- TWBC and SDC to continue to liaise and work together with the infrastructure providers on all cross boundary infrastructure matters, including planning applications.

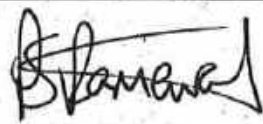

3. Actions going forward

Key Issue	Agreed Action
Housing	TWBC and SDC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent housing market area in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London's growth, large scale developments and opportunities for meeting any unmet need, prior to a 5 year review of the respective Local Plans.
Economic Development	TWBC and SDC will continue to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent functional economic market area in relation to economic development matters, including the provision of employment land, retail, leisure and town centre uses. Opportunities for joint working will be explored as appropriate as part of a 5 year review of respective Local Plans.
Environment/Ashdown Forest	TWBC and SDC will continue to form part of the Ashdown Forest working group and implement actions set out in the signed Statements of Common Ground.
Infrastructure	TWBC and SDC will continue to liaise and work together with the infrastructure providers on all cross boundary infrastructure matters, including planning applications.

- 3.1 In addition to the agreed position between TWBC and SDC, both authorities are also working with Tonbridge & Malling Borough Council (TMBC) on a West Kent Statement of Common Ground, to address key strategic cross-boundary matters pertinent to all three authorities. The scope of the West Kent Statement of Common Ground may be broadened to cover other infrastructure issues which are pertinent and relevant to either two or all three of the West Kent authorities, for example infrastructure in relation to flood risk.

4. Signatories/Declaration

Signed on behalf of Tunbridge Wells Borough Council (Officer)	Signed on behalf of Tunbridge Wells Borough Council (Councillor)
	
Position: HEAD OF PLANNING Date: 21/5/2019	Position: PORTFOLIO HOLDING PLANNING Date: 21-5-19

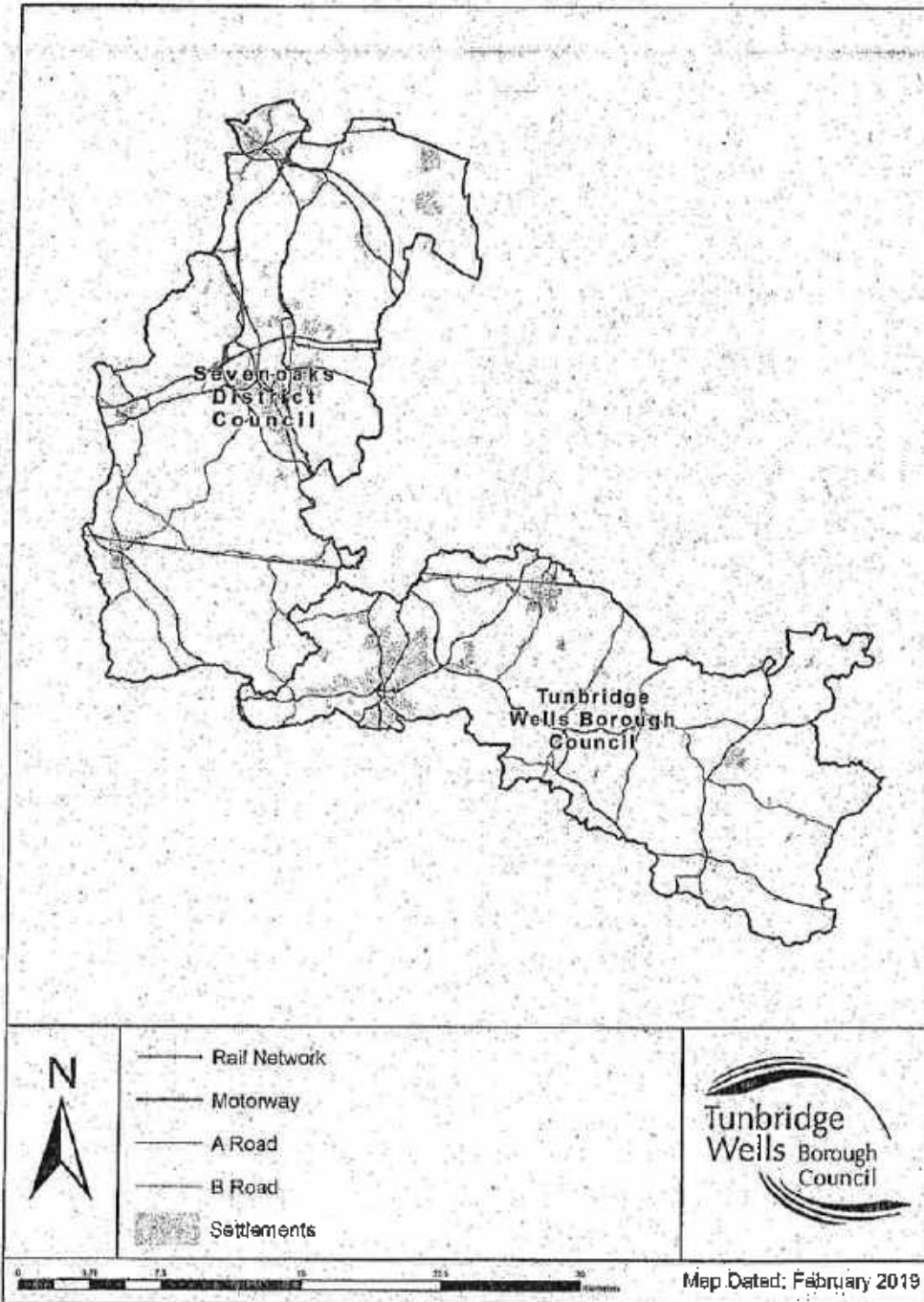
Signed on behalf of Sevenoaks District Council (Officer)	Signed on behalf of Sevenoaks District Council (Councillor)
	
Position: Chief Executive 21.5.19	Position: COUNCILLOR

Statement of Common Ground - Tunbridge Wells Borough Council and Sevenoaks District Council,
May 2019

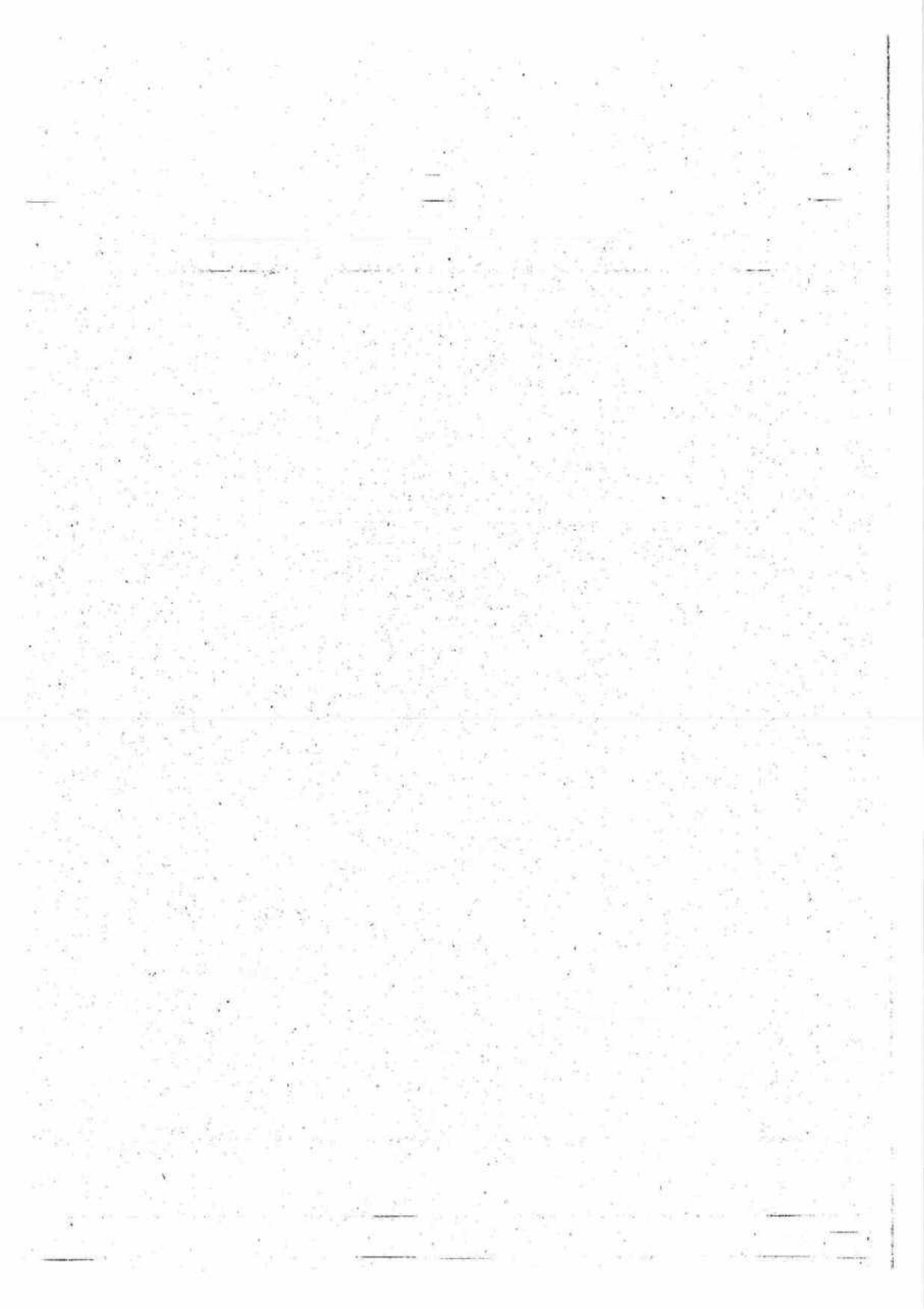
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Appendix A: Administrative Areas

Administrative Areas



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Appendix A2: Tonbridge & Malling BC - Signed Memorandum of Understanding January 2020



Tonbridge & Malling Borough Local Plan
Duty to Co-operate

Memorandum of Understanding between
Tonbridge & Malling Borough Council and
Tunbridge Wells Borough Council

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Duty to Co-operate - Memorandum of Understanding

Parties

This MoU is between Tonbridge & Malling Borough Council (TMBC) and Tunbridge Wells Borough Council (TWBC).

Introduction

Section 33A of the Localism Act 2011 requires local planning authorities to meet the 'Duty to Co-operate' (the Duty) during the preparation of development plan documents.

The Duty requires local planning authorities to engage constructively, actively and on an ongoing basis during the preparation of development plan documents on strategic matters that would have a significant impact on at least two planning areas and/or would have a significant impact on a county matter.

Purpose

The purpose of this Memorandum of Understanding (MoU) is to confirm that during the making of the Tonbridge & Malling Borough Local Plan up until its submission on 23 January 2019, it is considered by both parties that Tonbridge & Malling Borough Council (TMBC) met the requirements of the Duty in relation to its cooperation with Tunbridge Wells Borough Council.

Duty to Co-operate Statement

TMBC's evidence of meeting the Duty is set out in the **Duty to Co-operate Statement (January 2019)** ("the DTC Statement").

The strategic cross-boundary matters and how the Duty was addressed are summarised in section 8 of the DTC Statement. The details are set out in sections 9 to 16. The record of engagement is documented in Appendix A.

Confirmation

TWBC confirms that:

(1) The record of co-operation between TMBC and TWBC as set out in the DtC Statement is accurate (subject to the additional records set out in Appendix A to this MoU); and

(2) It considers that TMBC met the requirements of the Duty, as documented in the DtC Statement.

Signed on behalf of Tunbridge Wells Borough Council (Officer):



.....
Stephen Baughen
Head of Planning
Date: 31 January 2020

Signed on behalf of Tunbridge Wells Borough Council (Councillor)



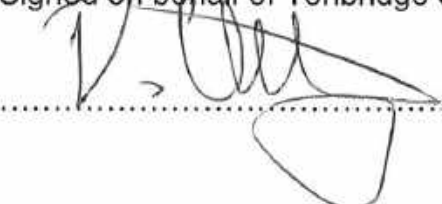
.....
Councillor Alan McDermott
Leader of the Council and Portfolio Holder for Planning and Transportation
Date: 31 January 2020

Signed on behalf of Tonbridge & Malling Borough Council (Officer):



.....
Eleanor Hoyle
Director of Planning, Housing and Environmental Health
Date: 4 February 2020

Signed on behalf of Tonbridge & Malling Borough Council (Councillor)



Councillor David Lettington

Cabinet Member for Strategic Planning and Infrastructure

Date:

Memorandum of Understanding – Appendix A

Record of DtC meetings between TMBC and TWBC omitted from the DtC Statement

Meeting Date	Those in Attendance with TWBC	Purpose
31 March 2015	Sevenoaks DC, Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Wealden DC, KCC	Initial stakeholder workshop - To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
14 May 2015	Maidstone BC (officers and Councillors), Tonbridge & Malling BC, Medway Council, Ashford BC.	Green and Blue Infrastructure Strategy - Stakeholder meeting for local authorities to feedback comments from previous rounds of consultation and to begin to develop an action plan for implementation
19 May 2015	Tonbridge & Malling BC (Ian Bailey)	Planning Policy position of TMBC and wider West Kent area - To gain an understanding of TMBC's current work and timescales; to discuss cross-boundary issues (A21 duelling, Airports Commission, Local Sustainable Transport Fund (cycleway, schools)); Local Plan challenges - Green Belt reviews, Gypsy & Travellers, meeting Objectively Assessed Need, London effect, infrastructure, CIL / s106, viability testing, Neighbourhood Plans; Planning reform and implications for Plan Making - Right to Build, Starter Homes initiative, Gypsy & Traveller definitions
19 January 2016	Ashford BC, Canterbury CC, Dover DC, Shepway Council, Thanet DC, Maidstone BC, Tonbridge & Malling BC (Ian Bailey), KCC Also Environment Agency, NHS, Highways England, Natural England	East Kent Memorandum of Understanding, Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
7 December 2016	Sevenoaks DC; Tonbridge & Malling BC	1. Local Plan Updates; 2.Housing Need and Supply; 3. Employment Land Need and Supply; 4. Green Belt; 5. Gypsies and Travellers; 6. Infrastructure; 7. Any Other Business (Maidstone Local Plan Hearing;

Meeting Date	Those in Attendance with TWBC	Purpose
		London Plan; Self Build)
13 March 2018	Tonbridge & Malling BC (Ian Bailey and Jill Peet), Canterbury CC, Sevenoaks DC, Maidstone BC, Ashford BC, Dover DC, Dartford BC, Medway Council, Thanet DC, Swale Council	Update on LPA status of GTAAs, Planning policies and Transit sites

Appendix A3: Maidstone BC -
Signed SoCG between TWBC and
MBC August 2016

Maidstone Borough Local Plan 2016 Examination

Statement of Common Ground

As agreed between

Maidstone Borough Council

and

Tunbridge Wells Borough Council

August 2016

P.R. Correspondence?	
REF:	
22 AUG 2016	Init'
CHK: 153. 2	
15/08/2016	

INTRODUCTION

1. This Statement of Common Ground has been prepared jointly by Maidstone Borough Council ('MBC') and Tunbridge Wells Borough Council ('TWBC').
2. This Statement sets out confirmed points of agreement between MBC and TWBC on the key cross boundary issues with regard to the Maidstone Borough Local Plan 2016 ('the Local Plan') and its supporting evidence base, with the aim of assisting the Inspector during the Examination of the Local Plan. It should be read in conjunction with the Duty to Co-operate Compliance Statement (SUB 008) which was submitted with the Local Plan.

AGREED MATTERS

3. The following matters are agreed:

Objectively assessed need for housing
4. The Local Plan provides for Maidstone borough's full objectively assessed need for housing at the base date of 1st April 2016 within Maidstone borough's boundaries. It is agreed that MBC does not require TWBC to accommodate a proportion of its objectively assessed need for housing.
5. TWBC is in the early stages of preparing a new Local Plan which will cover the period to 2033. TWBC's approved Local Development Scheme (April 2016) sets out the timetable for the preparation of the new TWBC Local Plan as follows: Regulation 18 informal public consultation in April 2017 (issues and options) and January 2018 (preferred options), Regulation 19 public consultation in October 2018, submission of the TWBC Local Plan in March 2019 and adoption in January 2020.

6. As the preparation of the new TWBC Local Plan is at such an early stage, TWBC is not yet in a position to confirm if its objectively assessed need for housing will be met within Tunbridge Wells borough boundaries. TWBC has not requested that MBC accommodate a proportion of its objectively assessed need for housing.
7. It is agreed that Maldstone borough and Tunbridge Wells borough lie within separate housing market areas.

Duty to Co-operate

8. The Duty to Co-operate Compliance Statement (SUB 008) submitted with the Local Plan chronicles the extent and nature of positive engagement with TWBC during the preparation of the Local Plan.
9. It is agreed that MBC has fully complied with the Duty to Co-operate with TWBC during the preparation of the Local Plan with respect to matters of strategic importance between the two boroughs.
10. It is agreed that the two councils will continue to co-operate and work together on strategic cross-boundary issues.

MATTERS NOT AGREED

11. [none]

AGREEMENT

Signed On behalf of Maidstone Borough Council		
Name & position	Signature	Date
Rob Jarman, Head of Planning & Development	R.LL. Jarman	22/8/16

Signed On behalf of Tunbridge Wells Borough Council		
Name & position	Signature	Date
Kelvin Hinton, Acting Head of Planning Planning Policy Manager	K P Hinton	19.08.16

Appendix A4: Ashford BC - Signed
SoCG between TWBC and ABC 22
March 2021

Ashford Borough Council

and

Tunbridge Wells Borough Council

Statement of Common Ground

March 2021

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1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Ashford Borough Council (ABC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate (DtC) matters, and the shared position of the two authorities, as at 23rd March 2021. The relevant DtC matters included in this SoCG are ongoing and subject to review, as set out below. This shared position between ABC and TWBC sets out the position in relation to the two Local Plans (the ABC Local Plan 2030, and the TWBC Pre-Submission version of the Local Plan 2020-2036), and will inform future policies and work on respective forthcoming Local Plans. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making.

Development Plans – current position

ABC

- 1.2 The current development plan for ABC comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020). There is one ‘made’ Neighbourhood Plan - Rolvenden (made 2019) - with a further eight at varying stages of production.
- 1.3 A Gypsy and Traveller (G&T) Accommodation Local Plan is being prepared to address the shortfall in meeting the full need through the Local Plan. An Options consultation for the Local Plan was held in early 2020. The next stage of the plan production will include draft policies and site allocations and is expected to be available for public consultation in 2021.
- 1.4 ABC has not yet commenced substantive work on its next Local Plan, and the Local Development Scheme for ABC dates from 2019: this is due to be updated in 2021.

TWBC

- 1.5 The development plan for TWBC consists of the Core Strategy 2010, the Site Allocations Local Plan 2016 and saved policies in the Borough Local Plan 2006. There is one ‘made’ Neighbourhood Plan - Hawkhurst - with a further ten at varying stages of production.
- 1.6 TWBC is currently in the process of replacing these documents with a new Local Plan. The new Local Plan will cover the period 2020 - 2038. Regulation 18

consultations on an Issues and Options took place in 2017, and on a Draft Local Plan from September - November 2019.

- 1.7 TWBC has published an updated Local Development Scheme (dated June 2020). This sets out that the Pre-Submission version of the Local Plan is due to undergo its Regulation 19 consultation in March - April 2021. TWBC Full Council has, on 3rd February 2021, approved the Regulation 19 Local Plan and agreed that consultation should be undertaken from 26th – 21st March 2021, with a target submission in July.

This SoCG and the duty to cooperate

- 1.8 This SoCG relates to the Local Plans produced and being produced by ABC and TWBC. It covers strategic cross-boundary matters, such as housing need (including unmet need), housing provisions, G&T provisions, employment and retail needs, natural environment and infrastructure. It demonstrates commitment by ABC and TWBC to engage and be active on an on-going basis in relation to DtC matters in the preparation of their respective local plans, and future local plans.
- 1.9 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (February 2019), it is a requirement under the DtC for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan and other relevant planning documents.
- 1.10 Paragraph 27 of the NPPF (February, 2019) states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more SoCG, documenting the cross-boundary matters being addressed and progress in cooperating to address these. This notes that such SoCGs should be produced using the approach set out in the national planning guidance and be made publicly available throughout the plan-making process to ensure transparency.
- 1.11 The Planning Practice Guidance (PPG) ([see Paragraph: 010 Reference ID: 61-010-20190315](#)) confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at Examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries.
- 1.12 The administrative areas that are set out in **Appendix A** show that ABC and TWBC share a common administrative boundary along their south western and eastern boundaries respectively. The plan at **Appendix A** shows that the administrative boundary between ABC and TWBC lies to the west of Rolvenden, Tenterden and Biddenden in Ashford borough and to the east of Sandhurst, Bendenden,

Sissinghand and Frittenden in Tunbridge Wells. The Ashford (via Tonbridge) to London railway line, runs from Ashford borough, through the southern part of Maidstone borough, to Paddock Wood (in Tunbridge Wells borough) and then onto Tonbridge.

- 1.13 ABC and TWBC are in agreement about the range of issues to be covered by this SoCG, and the need for full and frank deliberation.
- 1.14 Both agree that the most appropriate approach is one of continuing the regular liaison on cross-boundary matters, even if the DtC is abolished under national planning reforms.
- 1.15 Liaison between the Councils reflects the nature of the strategic matters set out below. Responsibilities for agreement of this and future SoCG are set out under 'Governance Arrangements' and 'Actions and Review Timetable' in sections 7 and 8 respectively below.

Structure of the SoCG

- 1.16 The remainder of the SoCG is structured as follows:
- **Section 2** – This section relates to housing provision for both local authorities and specifically housing needs (including unmet housing need), the Housing Market Areas (HMAs) for each respective area, and housing provision and gypsy and traveller provision;
 - **Section 3** – This relates to the employment needs of each respective local authority area;
 - **Section 4** – This relates to cross-boundary infrastructure requirements for both local authorities including potential/proposed developments on or near the LPA's common boundary;
 - **Section 5** – This section relates to the natural environment and specifically the High Weald AONB, which overlays parts of both authorities and biodiversity.
 - **Section 6** – This outlines the agreed actions between ABC and TWBC going forward with respect to their Local Plans and future plan-making.

2.0 Housing

Housing Market Area (HMA)

- 2.1 A Housing Market Area (HMA) is defined in the PPG as a geographical area determined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work ([see Paragraph: 018 Reference ID: 61-018-20190315](#)). These can be broadly defined by analysing:
- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas;
 - Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools);
 - Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

Ashford and West Kent HMAs

- 2.2 The ABC Strategic Housing Market Assessment (SHMA) and updates (2014, 2015 and 2017) identify that Ashford has a relatively contained housing market area that largely reflects the borough boundary.
- 2.3 The TWBC SHMA published in 2015 identified that Sevenoaks district, part of Tonbridge & Malling borough and Tunbridge Wells borough all fall within the West Kent HMA and this extends to include Crowborough, Hawkhurst and Heathfield, essentially as the 2011 Travel to Work Area (TTWA).
- 2.4 Given the evidence above, both Councils agree that they are in different housing market area. This has, and will be, taken into account when cooperating on strategic cross-boundary matters, such as housing, through the DtC process.

Housing requirements

- 2.5 The housing need figures for both ABC and TWBC in the respective plans, in dwellings per annum (dpa), are set out in the following table.

Table 1: housing need figures for ABC and TWBC in dwellings per annum

Housing Target Source	ABC	TWBC
Statutory Development Plan	1,093 dpa under ABC Local Plan 2030 (2019)	300 dpa under TWBC Core Strategy (2010)
Local Plan	1,093 dpa under ABC Local Plan 2030 (2019)	678 dpa (capped figure) February 2021. 'Standard Methodology' under NPPF (Feb. 2019)

- 2.6 The ABC Local Plan was prepared against the requirements of the NPPF 2012. The Standard Method as set out in the NPPF (2019) as amended by the changes to the Planning Practice Guidance (December 2020) for ABC equates to 970 dpa. TWBC is using the Standard Method. This will be kept under review including having regard to more recent projections, as well as to any revisions to Government policy or guidance.
- 2.7 Throughout the period of plan making there have discussions under the DtC between ABC and TWBC in relation to the ability or otherwise to meet housing need, including discussing significant constraints which could restrict any possible assistance with any unmet need if required.
- 2.8 The ABC Local Plan 2030 makes provision to meet its own Objectively Assessed Need (16,872), and to provide a buffer of 426 houses. At the time of writing, ABC does not know (for its next Local Plan) if it will be able to plan to meet its own local housing need through development within its own administrative boundary as it is too early in the stage of undertaking its housing evidence base for the next Local Plan.
- 2.9 On 3 February 2021, the TWBC Full Council approved the Regulation 19 Local Plan and agreed that consultation should be undertaken from 26th – 21st March 2021, with a target of submission in July 2021. The (Pre-Submission version of the) Local Plan has a plan period from 2020 – 2038 and makes provision to meet its own local housing need of 678 dpa, or 12,204 over the plan period. There is, additionally, a buffer of approximately 1,050 houses.
- 2.10 In April 2019 TWBC received a request from Sevenoaks District Council (SDC) to meet its unmet housing need of 1,900 houses. Between 2015 and early 2019 TWBC, whilst flagging the constraints in TW borough which may make accommodating its own need (or unmet need from neighbouring authorities) problematic, was only in a position (through the progression of work on its own Plan) to provide more definitive comments regarding the ability or otherwise to accommodate unmet need in early 2019, as work on the spatial strategy for the Draft Local Plan progressed.

- 2.11 TWBC advised SDC that it was not in a position to help meet this unmet need, given the difficulties in meeting its own needs and the findings of the Sustainability Appraisal that considered this option.
- 2.12 Notwithstanding these comments, TWBC has continued throughout 2019 and 2020 to consider whether there is scope to accommodate SDC's unmet need, including through the assessment of additional sites submitted in the Regulation 18 consultation on the Draft Local Plan in autumn 2019 and beyond well into 2020, and through the Sustainability Appraisal of the Pre-Submission Local Plan.
- 2.13 ABC did not receive such a request from SDC: it is in a different HMA to the West Kent HMA.
- 2.14 At the time of writing, both ABC and TWBC have received requests from Elmbridge Borough Council to help meet its housing need. Neither ABC or TWBC expect to be able to assist, aside from it being in a well-removed housing market area. Both authorities have not had any other requests to meet unmet need at this point.
- 2.15 It became evident through the plan-making process that TWBC is reliant upon the release of land from the Green Belt, including for a new garden village settlement on land currently in the Green Belt and doubling the size of Paddock Wood, part of which is in the Green Belt, as well as the allocation of sites for major development within the High Weald AONB, if TWBC were to meet its own housing needs.
- 2.16 Given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172). TWBC raised this issue with its neighbouring LPAs, including ABC, and formally wrote in early October 2020 to ask what capacity they may have to assist, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan.
- 2.17 In response, ABC set out through the DtC discussions and then formally in writing (December 2020) that it would not be able to assist.
- 2.18 Both ABC and TWBC recognise that housing needs (and whether there is a future binding housing requirement as suggested in the Planning for the Future White Paper), HMAs and constraints to development may change over time. Given the above, both ABC and TWBC will continually consider their positions on capacity to meet housing needs as they progress, including as ABC's work on its new Local Plan gathers pace.

Actions

ABC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs.

Gypsy, traveller and travelling showpeople

ABC

- 2.19 As set out above at paragraph 1.3, ABC is preparing a Gypsy and Traveller Accommodation Local Plan. An Options consultation for the Local Plan was held in early 2020. The next stage of the plan production will include draft policies and site allocations and is expected to be available for public consultation in early 2021. Therefore, ABC is not yet in a position to determine whether the needs for G&T and Travelling Showpeople can be accommodated.
- 2.20 As part of this plan preparation, ABC is leading on the wider Kent authorities' discussions regarding the provision of a transit site(s) in the county.

TWBC

- 2.21 TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its Draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.
- 2.22 TWBC's Housing Supply and Trajectory Paper (September 2019) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 28 residential pitches as of 1 April 2019.
- 2.23 TWBC considers that, based on its understanding of existing sites and the nature of demand, that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the large majority of outstanding need for additional pitches over the plan period, which will be supplemented by two new sites. The locations of these are identified in the Pre-Submission version of the Local Plan.
- 2.24 The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.
- 2.25 There is no need for accommodation for Travelling Showpeople in Tunbridge Wells borough.

Actions

- There have been no requests in relation to unmet G&T or Travelling Showpeople at this time: TWBC is seeking to accommodate its G&T needs through the Local Plan, and ABC is not yet in a position to determine whether it can meet its needs for G&T and Travelling Showpeople.
- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation as ABC progresses its Gypsy and Traveller Accommodation Local Plan.
- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by ABC.

3.0 Economy

Functional Economic Market Area (FEMA)

3.1 In terms of a Functional Economic Market Area (FEMA), the PPG ([see Paragraph 019 Reference ID 61-019-20190315](#)) states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:

- Extent of any Local Enterprise Partnership within the area;
- Travel to work areas;
- Housing market area;
- Flows of goods, services and information within the local economy;
- Service market for consumers;
- Administrative area;
- Catchment areas of facilities providing cultural and social well-being; and
- Transport network.

3.2 TWBC carried out an Economic Needs Study (2016) with SDC in order to inform their respective Local Plans taking into account the recognised functional economic relationships. It is considered that Sevenoaks district, Tunbridge Wells and Tonbridge and Malling boroughs share a functional economic market area. Additionally, TWBC has carried out a Retail and Leisure studies (with TWBC's being undertaken in 2020) which seek to identify the retail, leisure, town centre needs over the Plan period. This includes recognising the functional catchment areas for retail and leisure patterns across the wider sub-region. ABC undertook an Employment Land Review 2016 (ELR), which built on a Strategic Employment Options Report 2012.

Employment land needs and provision

3.3 The ABC Employment Land Review identifies a need for 63 hectares of employment land that the Local Plan needs to address. The Local Plan 2030 allocates sufficient land to meet this requirement. At the time of writing, ABC does not know the level of employment need to be planned for in the next Local Plan as it is too early in the stage of undertaking its employment housing base.

- 3.4 The Economic Needs Study was undertaken for TWBC (and SDC) by Turley, in association with Colliers. For TWBC it identified a need for at least 14 ha of additional employment floorspace. TWBC is seeking to meet its identified employment land needs in full through the retention, intensification and extension of the existing defined Key Employment Areas, in particular a strategic expansion into the Green Belt and AONB at land at Kingstanding Way, Royal Tunbridge Wells, and through expansion on a smaller scale at Paddock Wood and Hawkhurst. This covers the range of site requirements.
- 3.5 As part of the considerations of the allocation of land at Kingstanding Way, and given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172), TWBC raised this issue with its neighbouring LPAs, including ABC. In early October 2020 TWBC formally wrote to ABC to ask what capacity it may have to assist in terms of meeting employment need, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan. In response, ABC set out through the DtC discussions and then formally in writing (December 2020) that it would not be able to assist.
- 3.6 Given that both authorities are looking to meet their own employment needs, the actions relate mainly to continue to discuss opportunities for continuing joint working, and through wider discussions with other authorities.

Actions

- TWBC and ABC to engage through the wider Duty to Cooperate forum with other neighbouring authorities in relation to economic related matters, including employment land.
- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.

4.0 Retailing

- 4.1 For TWBC, the Retail and Leisure Study (April 2017) carried out by consultants Nexus used the study area of previous retail studies for the borough. It covers the Tunbridge Wells borough area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge & Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer.
- 4.2 Nexus also undertook a Tunbridge Wells Retail, Leisure and Town Centre Uses Study Update (2020). This has identified that the retail economy has changed significantly over recent years and the trends which were emerging have accelerated exponentially as a result of the 2020/2021 Covid-19 pandemic. It is also expected that the increased movement towards home working and different times of working, hastened as a result of the Covid-19 'lockdown' periods, will structurally change the need, make up, and use of office space (including shared and flexible accommodation), and through this the operation of those town centre retailers which previously were linked to footfall associated with office employment.
- 4.3 The TWBC PSLP therefore proposes a Town Centre Area Plan for Royal Tunbridge Wells (which will be prepared and adopted by 2025), together with the revitalisation of Paddock Wood Town Centre.
- 4.4 For ABC, there has been considerable development, and proposals for further development, in Ashford town centre in recent years. The Retail and Leisure Needs Assessment 2015 detailed limited need for new convenience and comparison floorspace. The Local Plan 2030 sets out that this can be provided through existing commitments, predominantly in Ashford town centre.
- 4.5 As the ABC focus is on maintenance and enhancement of the existing centre(s), and TWBC will be producing a Town Centre Area Plan for RTW, the main actions therefore relate to ensuring that discussions continue through the forthcoming period, including as TWBC progresses the Town Centre Area Plan.

Actions

ABC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan.

5.0 Cross-boundary Infrastructure Issues

- 5.1 In terms of cross boundary infrastructure, both ABC and TWBC are in two tier authority areas, where both education and highways are managed by Kent County Council (KCC). Given this, it is noted that both education provision and highway matters may require input from KCC.
- 5.2 TWBC and ABC in the drafting of their Local Plans have liaised with their respective County Councils on matters relating to education provision and highways infrastructure, together with Highways England in respect of the strategic road network.
- 5.3 In both plans, there is limited development proposed at the borough boundaries which would result in strategic cross boundary matters.
- 5.4 Whilst there is infrastructure provision in Ashford which are strategic cross boundary matters with some neighbouring authorities (e.g. the Border Facility at Sevington), these do not have an impact across the boundary between ABC and TWBC.

Potential/proposed developments on or near the LPAs' common boundary

- 5.5 In the future, if there is further substantial development, particularly on or close to the administrative boundary of ABC and TWBC whether through the plan making or planning application process, then there will be a need to liaise over and coordinate the delivery of infrastructure improvements including the securing of any necessary funding.
- 5.6 It should be noted that ABC and TWBC work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters TWBC and ABC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.
- 5.7 Both ABC and TWBC will continue to engage on transport matters, including in relation to the operation of the Ashford to London railway lines with Network Rail.

Actions

- ABC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues.

6.0 Natural Environment

Ashdown Forest European Site, Special Area of Conservation and Special Protection Area

- 6.1 Ashdown Forest is a European Site and is designated as a Special Area of Conservation (SAC) for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.
- 6.2 Cross boundary strategic matters have been identified in relation to air quality and visitor pressure on the Ashdown Forest between some neighbouring authorities, although this is not considered to be a strategic cross boundary matter between TWBC and ABC, because of the distance of Ashford borough from the forest.

Stodmarsh European Designated Sites

- 6.3 Stodmarsh lies east of Canterbury and is a SPA, Ramsar site, SAC, and a Site of Special Scientific Interest (SSSI) and parts are a National Nature Reserve (NNR). It is a site of national and international importance for a range of water dependent habitats and wildlife that relies upon them.
- 6.4 During 2017/18, a review of the internationally designated lakes at Stodmarsh identified that some of the lakes there had raised nitrogen and phosphate levels, leading to eutrophication of the lakes which occurs when an excessive amount of nutrients within a water body are present, resulting in increased plant growth that reduces the oxygen content in the water. This process makes it difficult for aquatic insects, invertebrates or fish to survive, in turn removing a food source from the food cycle.
- 6.5 In July 2020, Natural England (NE) issued advice to ABC on this matter in light of the relevant European case law. This advice has been updated by NE in November 2020.
- 6.6 Cross boundary strategic matters have been identified in relation to the Stodmarsh sites, although this is not considered to be a strategic cross boundary matter between TWBC and ABC, because land in Tunbridge Wells borough does not fall into the catchment for drainage into Stodmarsh.

Actions

None that relate to both authorities.

High Weald Area of Outstanding Natural Beauty (AONB)

- 6.7 As stated in the High Weald AONB Management Plan (2019-2024) ([see the High Weald AONB Management Plan](#)), both administrative areas of TWBC and ABC contain proportions of the High Weald AONB. In the case of TWBC, the High Weald AONB covers just under 69% of the borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it. In the case of ABC, part of the borough falls within the High Weald AONB, with part to the north in the Kent Downs AONB.
- 6.8 Both authorities are members of the Joint Advisory Committee (JAC) and Officer Steering Group for the High Weald AONB.
- 6.9 The High Weald AONB Management Plan 2019-2024 was agreed by the Joint Advisory Committee in November 2018, after public consultation and with input from both authorities. The Management Plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by ABC in January 2019 and TWBC in March 2019.
- 6.10 Both authorities are committed to continue to work together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.
- 6.11 Paragraph 172 of the NPPF (2019) sets out the national planning policy for major development in AONBs. For TWBC, following representations received in relation to its Regulation 18 consultation, full LVIA's have been undertaken to assess the landscape impact of major development sites in the AONB. TWBC is engaging with NE and the High Weald AONB Unit (notwithstanding that both are taking a position of objecting to major developments in principle).
- 6.12 TWBC's reading of the NPPF is that it has to apply the tests in paragraph 172 in order to come to a conclusion in relation to individual sites. In this context, although not explicit in relation to opportunities outside its own area, paragraph 172(b) may be interpreted as expecting the 'scope for developing outside the designated area' to extend to neighbouring LPAs as part of the consideration of exceptional circumstances.
- 6.13 TWBC has therefore asked ABC (October 2020) whether it has scope to accept any housing need from TWBC, as set out at paragraphs 2.15-2.16 above, that would comprise major development in the AONB. In response, ABC set out through the DtC discussions and then formally in writing (December 2020) that it would not be able to assist.
- 6.14 This has been factored into TWBC's considerations as part of the preparation of the Pre-Submission version of the Local Plan. It is acknowledged that, following the further evidence undertaken on landscape and visual impact, that the amount of

housing proposed as major development in the AONB has decreased significantly between the Draft Local Plan and the Pre-Submission version of the TWBC Local Plan.

Actions

Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.

Biodiversity

- 6.15 Under both paragraphs 170 and 174 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Both authorities have policies for Green infrastructure which have taken account of cross boundary proposals.
- 6.16 Both authorities also have policies in the (ABC Local Plan and TWBC Pre-Submission version of the Local Plan) which require biodiversity net gain and actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between all Kent LPAs is already occurring through engagement with the Kent Nature Partnership and, for the High Weald AONB the 'net gain sub group' of the High Weald AONB Officer Steering Group, chaired by TWBC, to ensure a common approach and cooperation across the county and the High Weald AONB with particular regard for biodiversity offsetting and strategic biodiversity objectives.

Actions

ABC and TWBC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.

7.0 Governance arrangements

- 7.1 It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.
- 7.2 The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date SoCG between the Councils.
- 7.3 Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.4 Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.5 Liaison in relation to the SoCG and the wider DtC will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the DtC and the SoCG, as appropriate.

8.0 Actions and Review Timetable

8.1 The agreed actions in this SoCG are reproduced below. This SoCG is an iterative document. Progress on the actions will be detailed in the next version of this SoCG.

Table 2: Agreed key issues and agreed actions

Key Issue	Agreed Actions
Housing	ABC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs.
Gypsy, Traveller and Travelling Showpeople	<ul style="list-style-type: none"> - There have been no requests in relation to unmet G&T or Travelling Showpeople at this time: TWBC is seeking to accommodate its G&T needs through the Local Plan, and ABC is not yet in a position to determine whether it can meet its needs for G&T and Travelling Showpeople. - Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation as ABC progresses its Gypsy and Traveller Accommodation Local Plan. - Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by ABC.
Employment land and provision	<ul style="list-style-type: none"> - TWBC and ABC to engage through the wider Duty to Cooperate forum with other neighbouring authorities in relation to economic related matters, including employment land. - Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.
Retail	ABC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan.
Cross Boundary Infrastructure	ABC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues.
Stodmarsh European Designated Sites	None that relate to both authorities.
High Weald AONB	<p>Actions</p> <p>Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are</p>

Key Issue	Agreed Actions
	located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.
Biodiversity	ABC and TWBC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.



- 8.2 This SoCG will be updated to reflect the latest iteration of the respective Local Plans.
- 8.3 The Councils will work jointly to ensure that there is a SoCG in place ahead of the formal consultations on any Local Plan published by either Council (i.e. under Regulation 18 or 19).
- 8.4 Based on current Local Plan programmes, it is currently anticipated that this SoCG will be prepared and updated in accordance with the following timetable:

Document	Target Sign-Off Date	Reasoning
March 2021	March 2021	Ahead of TWBC Regulation 19 Local Plan
v2	October 2021	Ahead of TWBC Examination

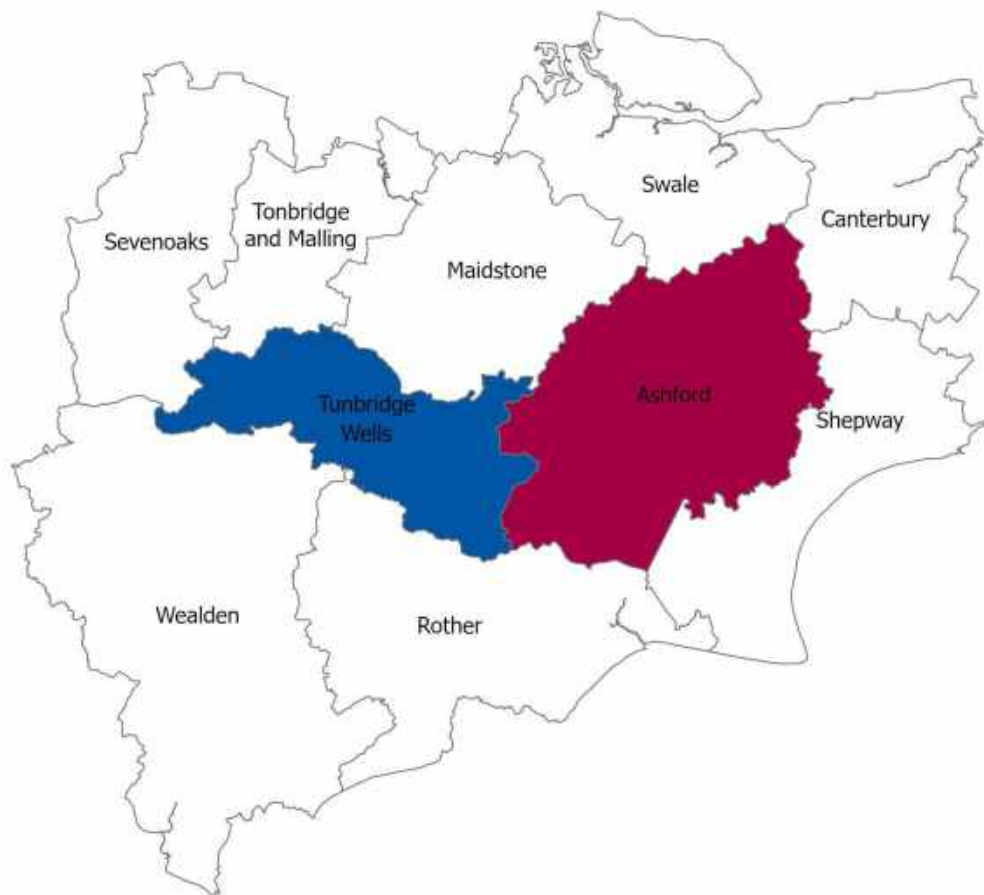
- 8.5 It may be that further updates may be appropriate if substantive new evidence becomes available or decisions are made. This will be kept under review.
- 8.6 The Councils will keep each other notified of proposals to publish the SoCG and any updates to it.

9.0 Signatories/Declaration

Signed on behalf of Ashford Borough Council (Councillor)	Signed on behalf of Ashford Borough Council (Chief Executive)
 <p>Simon Cole, Head of Planning & Development</p> <p>On behalf of Cllr Neil Shorter, Portfolio Holder for Planning & Development</p>	 <p>Ben Lockwood, Director of Finance & Economy</p> <p>On behalf of Tracey Kerly, Chief Executive</p>
Position: Head of Planning & Development	Position: Director of Finance & Economy
Date: 18.03.2021	Date: 18.03.2021

Signed on behalf of Tunbridge Wells Borough Council (Councillor)	Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)
 <p>Cllr Alan McDermot</p>	 <p>William Benson</p>
Position: Leader of Tunbridge Wells Borough Council	Position: Chief Executive
Date: 22 March 2021	Date: 22 March 2021

Appendix A: The Administrative Areas of Ashford borough and Tunbridge Wells borough



Appendix A5: Rother DC - Signed
SoCG between TWBC and RDC
October 2020

Rother District Council

and

Tunbridge Wells Borough Council

Statement of Common Ground

October 2020



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1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Rother District Council (RDC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate matters, and the shared position of the two authorities, as 20 October 2020. The relevant duty to cooperate matters included in this SoCG are ongoing and subject to review, as set out below. This shared position between RDC and TWBC will inform the refinement of policies and work on respective Local Plans. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making.
- 1.2 This SoCG demonstrates that RDC and TWBC have been proactive in their approach to meeting the requirements under the duty to cooperate and share a commitment to continue to work together positively to address cross-boundary matters.

Development Plans – current position

RDC

- 1.3 The current development plan for RDC consists of the RDC Development and Site Allocations Local Plan 2019, RDC Core Strategy 2014 and saved policies of the RDC Local Plan 2006. There are five ‘made’ Neighbourhood Plans - Sedlescombe, Salehurst & Robertsbridge, Crowhurst, Rye and Ticehurst. A further four Neighbourhood Plans are at varying stages of preparation.
- 1.4 RDC is in the very early stages of the process of replacing these documents with a new Local Plan. RDC is currently reviewing its Local Development Scheme (LDS). Officers are working on ongoing early engagement with key stakeholders, initially local Members and parish/town councils, on the direction of the new Local Plan. In August 2020, officers have also published a DtC ‘action plan’ for consultation with DtC bodies.
- 1.5 RDC is likely to publish its LDS in Autumn 2020. This will include a plan of engagement. Engagement with neighbouring Local Planning Authorities will follow. RDC has consulted on the SA/SEA Scoping Report prepared jointly with Hastings Borough Council, which covers strategic, cross-boundary issues. TWBC responded to this consultation. The new RDC Local Plan is likely to cover the plan period 2019 - 2039.
- 1.6 At present, RDC is working towards a tentative date of Summer 2021 for a Regulation 18 Draft Local Plan public consultation. However, this may be subject to review.

TWBC

- 1.7 The development plan for TWBC consists of the Core Strategy, 2010, the Site Allocations Local Plan, 2016 and saved policies in the Borough Local Plan, 2006. There is one 'made' Neighbourhood Plan – Hawkhurst, with a further ten at varying stages of production.
- 1.8 TWBC is currently in the process of replacing these documents with a new Local Plan. A regulation 18 consultation on a Draft Local Plan took place in autumn 2019.
- 1.9 TWBC has recently agreed and published an updated Local Development Scheme (dated June 2020). This sets out that the Pre-Submission version of the Local Plan is due to undergo its regulation 19 consultation in March-April 2021 and be submitted in July 2021. The new Local Plan will cover the period 2020-2037.

This SoCG and the duty to cooperate

- 1.10 This SoCG relates to the emerging Local Plans being produced by RDC and TWBC. It covers strategic cross-boundary matters, such as housing need (including unmet need), housing provisions, gypsy and traveller provisions, employment and retail needs, natural environment and infrastructure. It demonstrates commitment by RDC and TWBC to engage and be active on an on-going basis in relation to duty to cooperate matters in the preparation of their respective local plans.
- 1.11 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (February 2019), it is a requirement under the duty to cooperate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan and other relevant planning documents.
- 1.12 Paragraph 27 of the NPPF (February, 2019) states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. This notes that such SoCGs should be produced using the approach set out in the national planning guidance and be made publicly available throughout the plan-making process to ensure transparency.
- 1.13 The Planning Practice Guidance (PPG) ([see Paragraph: 010 Reference ID: 61-010-20190315](#)) confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries.

- 1.14 The administrative areas that are set out in Appendix A show that RDC and TWBC share a common administrative boundary along their northern and southern boundaries respectively. Both authorities are required to work cooperatively in an effective way to address key strategic matters for both areas. The plan at Appendix A shows that the administrative boundary between Rother DC and Tunbridge Wells BC lies to the north of the settlements of Flimwell, Hurst Green and Bodiam in Rother and to the south of Hawkhurst and Sandhurst in Tunbridge Wells BC. The A21, a trunk road managed by Highways England, runs through both Councils' areas, crossing from TWBC into RDC just before Flimwell, where it is joined by the A268.
- 1.15 RDC and TWBC are in agreement about the range of issues to be covered by this SoCG, and the need for full and frank deliberation.
- 1.16 The extent of joint working between RDC and TWBC has been discussed. Both agree that the most appropriate approach is one of continuing the regular liaison on cross-boundary matters. It is recognised that a joint planning approach is inappropriate, firstly as RDC's principal relationship is with Hastings BC (HBC), with which it has commissioned a joint Housing and Economic Development Needs Assessment. In addition to this, the two Councils are at very different stages in the plan-making process, with TWBC having most of its evidence base already in place.
- 1.17 Liaison between the Councils reflects the nature of the strategic matters set out below, the responsibilities for which and for resultant Statements of Common Ground are set out under 'Governance Arrangements' and 'Actions and Review Timetable' in sections 7 and 8 respectively below.

Structure of the SoCG

- 1.18 The remainder of the SoCG is structured as follows:
- **Section 2** – This section relates to housing provision for both local authorities and specifically housing needs (including unmet housing need), the Housing Market Areas (HMAs) for each respective area, and housing provision and gypsy and traveller provision;
 - **Section 3** – This relates to the employment needs of each respective local authority area;
 - **Section 4** – This relates to cross-boundary infrastructure requirements for both local authorities including potential/proposed developments on or near the LPA's common boundary;
 - **Section 5** – This section relates to the natural environment and specifically the High Weald AONB, which 'washes over' large parts of both authorities, to biodiversity and the nearby Ashdown Forest. (Green Belt matters affecting TWBC are dealt with under housing needs in Section 2);

- **Section 6** – This outlines the agreed actions between RDC and TWBC going forward with respect to their emerging Local Plans and future plan-making.

2.0 Housing

Housing Market Area (HMA)

2.1 A Housing Market Area (HMA) is defined in the PPG as a geographical area determined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work ([see Paragraph: 018 Reference ID: 61-018-20190315](#)). These can be broadly defined by analysing:

- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas;
- Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools);
- Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

RDC HMA

2.2 The Rother Housing Market Area (HMA) comprises Hastings Borough Council along with Rother District Council administrative areas, as defined in the Hastings and Rother Strategic Housing Market Update¹ (SHMA) Housing Needs Assessment from June 2013. Rother District Council, along with Hastings Borough Council have commissioned a Housing and Economic Development Needs Assessment (HEDNA) to support their respective new Local Plans. The HEDNA is planned to be completed in Autumn 2020. Draft conclusions from that study indicate that the Rother (and Hastings) HMA is consistent with that contained with the 2013 SHMA Update. Appendix B shows the Hastings and Rother HMA.

TWBC HMA

2.3 The Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) published in 2015 identified that Sevenoaks district, part of Tonbridge & Malling borough and Tunbridge Wells borough all fall within the West Kent HMA and

¹ <http://www.rother.gov.uk/CHttpHandler.ashx?id=20234&p=0>

this extends to include Crowborough, Hawkhurst and Heathfield, essentially as the 2011 Travel to Work Area (TTWA), as identified in the Sevenoaks and Tunbridge Wells SHMA Final Report, September 2015 and shown on the TTWA plan from that document reproduced in Appendix B

- 2.4 The SHMA notes that, for practical purposes, it is appropriate to consider the ‘best fit’ to local authority boundaries; it concludes that in this respect Tunbridge Wells and Sevenoaks would provide the best fit to the Housing Market Area.
- 2.5 The SHMA also identifies cross-boundary interactions with the northern parts of Rother and Wealden in East Sussex; between Swanley and Dartford; and with London. The SHMA identified that recognising these links, the Councils will need to engage with neighbouring authorities through the Duty to Cooperate.
- 2.6 The Sevenoaks and Tunbridge Wells SHMA states that *“the principal cross-boundary issue of relevance relates to any potential issues regarding unmet housing needs. If an unmet housing need arises from either of the commissioning authorities, it would be appropriate for them to approach other authorities with which they share an HMA to consider if needs can be met in these areas. The principal adjoining authorities with a strong relationship would be Tonbridge & Malling, Wealden and Rother. Equally the commissioning authorities would need to engage with these authorities in respect of any unmet housing needs arising from these other authorities’ areas. We would also advise the Councils to engage with the Greater London Authority and London Boroughs in respect of any unmet needs arising from London”*.
- 2.7 Given the evidence above, both Councils agree that there is a small degree of overlap in respect of their housing market areas, mainly in relation to villages in the north of Rother and to Hawkhurst within Tunbridge Wells borough. Therefore, and although a ‘best fit’ using LPA boundaries places them in separate HMAs, both RDC and TWBC appreciate there is a small degree of overlap and will take this into account when cooperating further on strategic cross-boundary matters, such as housing, through the duty to cooperate process.

Housing requirements

- 2.8 The current housing need figures for both RDC and TWBC, based on the use of the Standard Method, in dwellings per annum (dpa), are set out in the following table:

Table 1: current housing need figures for RDC and TWBC in dwellings per annum

Housing Target Source	RDC	TWBC
Statutory Development Plan	335 dpa under RDC Core Strategy (2014)	300 dpa under TWBC Core Strategy (2010)

Housing Target Source	RDC	TWBC
'Standard Methodology' under NPPF (Feb. 2019)	727 (capped figure) 2019 736 dpa (capped figure) April 2020	678 dpa (capped figure) April 2020

- 2.9 At this point, both Councils are using the Standard Method calculation as set out in the NPPF for the purposes of assessing local housing need. However, this will be kept under review including having regard to more recent projections, as well as to any revisions to Government policy or Guidance.
- 2.10 TWBC currently intends to meet its own local housing need through development within its own administrative boundary. At the time of writing, RDC does not know if it will be able to plan to meet its own local housing need through development within its own administrative boundary as it is too early in the stage of undertaking its housing evidence base for the Local Plan. At the time of writing, both RDC and TWBC have received requests from Elmbridge Borough Council (EBC) to help meet its housing need. As set out above, RDC does not yet know if it will be able to plan to meet its own need. TWBC does not expect to be able to assist, aside from it being in a well-removed housing market area. It is considered by both RDC and TWBC that they are very unlikely to be able to assist EBC meet its unmet housing need.
- 2.11 TWBC has had a request to accommodate 1,900 dwellings made by Sevenoaks District Council (SDC), this being the total level of unmet need for SDC from its own submission Local Plan. At the time of writing, the Planning Inspectorate (PINS) had written to SDC on 2 March 2020 setting out PINS recommendation that the Plan was not adopted, and SDC has sought judicial review of that decision. TWBC advised that it was not in a position to help meet this, given the difficulties in meeting its own needs and the findings of the Sustainability Appraisal that considered this option.
- 2.12 RDC and HBC are both at the early stages of the plan making process, so RDC has not had, or made, other requests to meet unmet needs at this point.
- 2.13 TWBC is reliant upon the release of land from the Green Belt, including for a new Garden Village settlement on land currently in the Green Belt and doubling the size of Paddock Wood. In total, the Draft Local Plan allocations, if carried forward, would include some 4,700-5,600 dwellings on land currently in the Green Belt.
- 2.14 In addition, TWBC is looking at distributing growth across the whole borough, of which nearly 70% is AONB, where most settlements have some growth. Its draft Plan includes over 20 sites in the AONB which are regarded as 'major developments', providing over 2,000 units.
- 2.15 Given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major

developments to where there are exceptional circumstances and in the public interest (paragraph 172) TWBC has raised this issue with its neighbouring LPAs, including RDC, and has formally written to ask what capacity they may have to assist, ahead of these options.

- 2.16 In response, and subject to a formal letter of response, at the time of writing and in line with its position in relation to any unmet need from TWBC, due to RDC being at the very early stages of updating its Local Plan, it is not yet possible to ascertain whether it can meet its own need yet. RDC therefore considers it is very unlikely that it would be able to accommodate housing need from TWBC arising either because TWBC would otherwise need to consider the release of land from the Green Belt and/or major developments in the AONB. RDC notes that it also has to have regard to its own significant increased level of local housing need and similar AONB constraints, which apply to some 82% of the district, including all of the areas of the overlapping HMAs.
- 2.17 It is recognised by both RDC and TWBC that housing needs, HMAs and constraints to development may change over time. Given the above, both RDC and TWBC will continually consider their positions on capacity to meet housing needs as they progress their respective Local Plans.

Actions

RDC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs.

Gypsy, traveller and travelling showpeople

RDC

- 2.18 Rother District Council's need for permanent Gypsy and Traveller pitches is identified through Policy LHN5 of the Rother District Core Strategy (adopted September 2014). This need figure was supported by a respective background paper exploring the need for Gypsy and Traveller pitches in the District up to 2028.
- 2.19 There is currently no transit provision within Rother District; however, East Sussex County Council owns and manages a transit site on behalf of all the authorities in East Sussex - a nine pitch transit site just outside Lewes, called Bridie's Tan. The site is one of only a few in the region.
- 2.20 In terms of transit provision, work undertaken across East Sussex has identified that there is no immediate need for any further transit pitches at this time. However, consideration may need to be given to an additional site further east along the A27/A259 corridor, subject to further work on future needs for transit provision across

East Sussex. RDC will continue to work with other Local Authorities across East Sussex to determine if any further countywide transit pitches are required.

- 2.21 No need has been identified for Travelling Showpeople pitches within Rother District.
- 2.22 Rother District Council along with other East Sussex Authorities is seeking to jointly commission a new Gypsy and Traveller Accommodation Assessment (GTAA) to support respective new Local Plans. The commission of a new GTAA is currently at very early stages.
- 2.23 At the time of writing, RDC does not know what its growth needs will be. It is anticipated that the figure for RDC will not be large, based on current provision.

TWBC

- 2.24 TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.
- 2.25 TWBC's Housing Supply and Trajectory Paper (September 2019) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 28 residential pitches as of 1 April 2019.
- 2.26 TWBC considers that, based on its understanding of existing sites and the nature of demand, that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the outstanding need for additional pitches over the plan period. The locations of these will be identified in the Pre-Submission Local Plan.
- 2.27 The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.

Actions

- Both Councils will continue to seek to meet their own needs for permanent pitches (There have been no requests in relation to unmet needs at this time.)
- Given that the main movements in East Sussex are along the A27/A259, it is appropriate to consider the transit needs for East Sussex and Kent on their respective county bases (while still having regard to overall provision).
- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation through the preparation of their respective Local Plans.

2.28 There is no action required in relation to Travelling Showpeople, as no need has been identified in either area.

3.0 Economy

Functional Economic Market Area (FEMA)

3.1 In terms of a Functional Economic Market Area (FEMA), the PPG ([see Paragraph 019 Reference ID 61-019-20190315](#)) states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:

- Extent of any Local Enterprise Partnership within the area;
- Travel to work areas;
- Housing market area;
- Flows of goods, services and information within the local economy;
- Service market for consumers;
- Administrative area;
- Catchment areas of facilities providing cultural and social well-being; and
- Transport network.

3.2 The draft TWBC Local Plan is supported by the Sevenoaks and Tunbridge Wells Economic Needs Study (August 2016) that was undertaken by Turley on behalf of both SDC and TWBC. This includes a section that endeavours to identify a FEMA for the borough.

3.3 Paragraph 2.32 of the Sevenoaks and Tunbridge Wells Economic Needs Study (2016) defines the Functional Economic Market Area and states “*while Tunbridge Wells Borough draws upon a more localised workforce, there is also an important inflow of commuters from Tonbridge & Malling and Wealden*”. It also states that this relationship is evidenced in the 2011 travel to work area (TTWA) published by the Office of National Statistics (ONS) that identifies a single TTWA centred on Royal Tunbridge Wells, which entirely covers Tunbridge Wells borough but also extends to Tonbridge, Crowborough and surrounding villages including in adjacent authorities, including north west of Rother. Notwithstanding this, on the basis of the evidence presented, it was considered that Tunbridge Wells, Sevenoaks and Tonbridge & Malling share a functional economic market area evidenced through commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.

- 3.4 For Rother, the draft HEDNA sets out that the FEMA constitutes the local planning authorities of Hastings Borough and Rother District and is consistent with the Housing Market Area. It sets out that when considering the wider economic relationships that exist, Hastings and Bexhill provide the primary services and act as service centres to the wider Rother District hinterland.
- 3.5 The main employment centres within RDC (Bexhill, Battle and Rye) all lie within the Hastings and Rother TTWA.

Employment land needs and provision

- 3.6 At the time of writing, TWBC is looking to meet its own employment needs through strategic allocations – notably via an extension to Longfield Road, Royal Tunbridge Wells and a number of smaller allocations. This covers the range of site requirements.
- 3.7 The adopted Rother Core Strategy sets a target of 100,000sq.m of employment floorspace (B uses) from 2011-2028, with some 60,000sq.m of this floorspace being located within Bexhill. The Development and Site Allocations (DaSA) Local Plan, adopted in 2019, allocates the outstanding floorspace requirements, taking into account sites which have been granted planning permission in the interim (save for any areas within Neighbourhood Plan areas).
- 3.8 Any future employment needs will be considered through the evidence base to support the new Local Plan. At the time of writing, RDC may need to revisit its economic growth needs. It expects, however, to meet its own need.

4.0 Retailing

- 4.1 For TWBC, the Retail and Leisure Study (April 2017) carried out by consultants Nexus used the study area used for previous retail studies for the borough. It covers the Tunbridge Wells borough area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge & Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer. At the time of writing, TWBC has recently instructed Nexus to undertake a Retail, Leisure and Town Centre Uses Study, but work on this has just commenced.
- 4.2 The Retail and Leisure Study (2017) sets out the postcodes of North Rother DC that are considered to fall within the catchment area for the retail study – i.e. those postcode areas that residents would travel from to the borough for shopping – in the main comparison shopping in RTW. These postcodes are listed as being TN19 7, TN31 6 and TN32 5.

- 4.3 For Rother, the district-wide Shopping Assessment (2008, 2013) undertaken for the Council identified some potential growth in each of Bexhill, Battle and Rye. In each case, a scale of growth is identified that would retain the town centres' roles and "clawback" some trade lost to Hastings and Eastbourne and other centres over recent years. The Core Strategy makes provision for some 2,000sq.m additional convenience goods and 4,000sq.m comparison goods floorspace, in Bexhill, some 1,650sq.m of convenience floorspace in Rye and 1,000sq.m convenience floorspace in Battle.
- 4.4 The DaSA Local Plan allocates an edge of centre site in Bexhill to meet the retail requirement. It is expected that the Battle Neighbourhood Plan will make provision for the requisite floorspace. Rye Neighbourhood Plan identified a change in circumstances for retail space within their Plan, with which the Examiner agreed, meaning that they did not allocate a site for retail within their Plan.
- 4.5 Further retail evidence will be commissioned to support any further retail need as part of the new Local Plan in due course.

Actions

RDC and TWBC will continue to liaise on the economic well-being of both areas. (This is notwithstanding that both RDC and TWBC expect to meet their own employment land needs.)

5.0 Cross-boundary Infrastructure Issues

- 5.1 In terms of cross boundary infrastructure, both TWBC and RDC are in two tier authority areas, where both education and highways are managed by their respective County Councils, which, in the case of TWBC, is Kent County Council and, in the case of RDC, is East Sussex County Council. Given this, it is noted that both education provision and highway matters may require input from both the agencies/stakeholders above, and if relevant Highways England.
- 5.2 TWBC and RDC in the drafting of their Local Plans will liaise with their respective County Councils on matters relating to education provision and highways infrastructure, together with Highways England in respect of the A21. Where substantial development, particularly on or close to the administrative boundary of TWBC and RDC is planned, then there will be a need to liaise over and coordinate the delivery of infrastructure improvements including the securing of any necessary funding. It is noted that there is currently no such substantial development planned close to or on the administrative boundary of TWBC with RDC.

- 5.3 It should be noted that TWBC and RDC work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters, TWBC and RDC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.
- 5.4 Both TWBC and RDC will continue to engage on highway matters, including in relation to the A21 at the Flimwell Crossroads. At the time of writing, TWBC is looking to set up a meeting with Highways England. RDC (and East Sussex County Council) will be invited to attend this meeting in relation to the A21 and Flimwell.
- 5.5 Currently, both authorities agree there are no cross-boundary issues to be addressed in relation to education provision, health issues or drainage matters.
- 5.6 It is noted that RDC is currently updating its Strategic Flood Risk Assessment.

Potential/proposed developments on or near the LPAs' common boundary

- 5.7 TWBC is currently reviewing its proposed site allocations in response to representations received to its Draft Local Plan public consultation. This includes sites at Hawkhurst, which may impact on traffic movements at the A21/Flimwell crossroads.

Actions

- RDC and TWBC will continue to engage on cross-boundary infrastructure issues.
- Both Councils will liaise with Highways England and the respective local transport authorities in relation to any material impacts on the cross-boundary transport network, including the A21.

6.0 Natural Environment

Ashdown Forest European Site

- 6.1 Ashdown Forest is a European Site and is designated as a SAC for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.

Ashdown Forest Special Area of Conservation (SAC) – Air Quality

- 6.2 Both authorities are active members and attend regular meetings of the Ashdown Forest SAC Working Group, which is chaired by the South Downs National Park Authority (SDNPA). The Planning Advisory Service worked alongside the group in relation to Duty to Cooperate matters in relation to the SAC. TWBC and RDC are signatories of the Ashdown Forest Air Quality Statement of Common Ground (SoCG) published in April 2018.
- 6.3 Both TWBC and RDC will continue to participate in the Ashdown Forest SAC Working Group which will seek to work with Natural England on addressing Air Quality issues in relation to Local Plan preparation and will endeavour to support wider initiatives to improve background air quality.
- 6.4 All future work in relation to air quality at Ashdown Forest will be developed in discussion with the Ashdown Forest SAC Working Group agreeing where possible on methodology and to cost sharing where appropriate. All future traffic modelling and ecological interpretation to inform Habitats Regulation Assessments in respect of air quality for Ashdown Forest by both TWBC and RDC will be developed in discussion with the Ashdown Forest SAC Working Group and where possible agreement sought on both methodology and findings. This work is necessary to ensure a strategic and consistent approach to the identified issues and assist with a common approach to HRA matters relevant to the SAC designation.

Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance

- 6.5 TWBC is an active member of the Strategic Access Management and Monitoring Strategy (SAMMS) partnership and are signatories to a legal agreement with other participating local authorities and The Conservators of Ashdown Forest. This sets out agreement on the collection of developer contributions and the administration of the SAMM Strategy as part of a joint approach to provide mitigation at Ashdown Forest for recreational disturbance from new residential development. Mitigation is provided through a scheme of access management and monitoring and contributions are collected between 400m and 7km from Ashdown Forest SPA. The 7km zone is the appropriate zone of influence, agreed by all partner local authorities and Natural England within which to collect SAMMS contributions. This is based on technical evidence from the Ashdown Forest Visitor Survey which the SAMM Strategy partnership jointly commissioned. Applications outside of the 7km will be assessed in relation to any impact on a case-by-case basis and in accordance with the planning policies of the relevant authority.

- 6.6 RDC falls outside the current agreed 7km zone and so is not a member of the SAMMS group but will give further consideration to possible recreational disturbance from new development within future HRAs. As a member of the SAMMS group TWBC will notify RDC of any changes in circumstances that might affect RDC.
- 6.7 TWBC will continue to participate in the SAMM Strategy partnership and work together to agree and jointly commission any future studies or surveys to inform the collective understanding of effects, and the most effective measures for mitigation and monitoring to ensure a consistent and strategic approach to the identified issues and a common approach to HRA.

Actions

That both authorities continue to work as part of the Ashdown Forest Working Group for air quality in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.

High Weald Area of Outstanding Natural Beauty (AONB)

- 6.8 As stated in the High Weald AONB Management Plan (2019-2024) ([see the High Weald AONB Management Plan](#)), both administrative areas of TWBC and RDC have a significant proportion of the High Weald AONB. In the case of TWBC, the High Weald AONB covers just under 69% of the borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it. In the case of RDC, some 82% of the district is designated AONB.
- 6.9 Both authorities are members of the Joint Advisory Committee (JAC) and Officer Steering Group for the High Weald AONB.
- 6.10 The High Weald AONB Management Plan 2019-2024 was agreed by the Joint Advisory Committee in November 2018, after public consultation and with input from both authorities. The Management Plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by TWBC in March 2019 and by RDC in February 2019.
- 6.11 Both authorities are committed to continue to work together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.
- 6.12 Paragraph 172 of the NPPF (2019) sets out the national planning policy for major development in AONBs. Given the housing needs referred to in Section 2 above,

TWBC's draft Local Plan provides for 2,000+ dwellings on major sites in the AONB. It is currently reviewing these, undertaking full LVIAs to assess the landscape impact of sites. It is engaging with Natural England and the High Weald AONB Unit (notwithstanding that both are taking a position of objecting to major developments in principle).

- 6.13 TWBC's reading of the NPPF is that it has to apply the tests in paragraph 172 in order to come to a conclusion in relation to individual sites. In this context, although not explicit in relation to opportunities outside its own area, paragraph 172(b) may be interpreted as expecting the 'scope for developing outside the designated area' to extend to neighbouring LPAs as part of the consideration of exceptional circumstances.
- 6.14 TWBC has therefore asked RDC whether it has scope to accept any unmet housing need from TWBC, as set out at paragraph 2.15 above.
- 6.15 RDC considers that, given the fact that the part of RDC closest to the TWBC boundary is also within the High Weald AONB, the extent of the AONB in RDC's area and because RDC does not yet know whether it can meet its own housing need, it is not yet known whether RDC would have capacity to accommodate the dwellings currently being proposed via major developments in the TWBC area of the AONB in addition to its own need. However, given the extent of its AONB coverage and scale of housing needs, it may have to give consideration to major developments to meet its own needs. Therefore, it is considered very unlikely that RDC would be in a position to accommodate any housing from major developments currently proposed in TWBC's AONB area.

Actions

Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.

Biodiversity

- 6.16 Under both paragraphs 170 and 174 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 6.17 The Green Infrastructure Plans and strategies for both LPAs recognise and reflect cross boundary issues. Both authorities are working towards biodiversity net gain policies and actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between RDC and TWBC is already occurring through the 'net gain sub group' of the High Weald AONB Officer Steering Group, chaired by TWBC, to ensure a common approach and cooperation across the High Weald AONB with particular regard for biodiversity offsetting and strategic biodiversity objectives.

Actions

TWBC and RDC will continue to liaise on Green Infrastructure proposals and cooperate through the High Weald AONB Steering Group and sub-groups on biodiversity net gain to ensure a common approach across the High Weald and offsetting proposals.

7.0 Governance arrangements

- 7.1 It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.
- 7.2 The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date Statement of Common Ground (SoCG) between the Councils.
- 7.3 Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.4 Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.5 Liaison in relation to the SoCG and the wider duty to cooperate will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the duty to cooperate and the SoCG, as appropriate.

8.0 Actions and Review Timetable

- 8.1 The agreed actions in this SoCG are reproduced below. This SoCG is an iterative document. Progress on the actions will be detailed in the next version of this SoCG.

Table 2: Agreed key issues and agreed actions

Key Issue	Agreed Actions	Progress on Actions
Housing	1) RDC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs.	
Gypsy, Traveller and Travelling Showpeople	2) Both Councils will continue to seek to meet their own needs for permanent pitches (There have been no requests in relation to unmet needs at this time.) 3) Given that the main movements in East Sussex are along the A27/A259, it is appropriate to consider the transit needs for East Sussex and Kent on their respective county bases (while still having regard to overall provision). 4) Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation through the preparation of their respective Local Plans.	
Employment and Retail	5) RDC and TWBC will continue to liaise on the economic well-being of both areas. (This is notwithstanding that both RDC and TWBC expect to meet their own employment land needs.)	
Cross Boundary Infrastructure	6) RDC and TWBC will continue to engage on cross-boundary infrastructure issues. 7) Both Councils will liaise with Highways England and the respective local transport authorities in relation to any material impacts on the cross-boundary transport network, including the A21.	
Natural Environment	8) That both authorities continue to work as part of the Ashdown Forest Working Group for air quality in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys. 9) Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting	

Key Issue	Agreed Actions	Progress on Actions
	<p>of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.</p> <p>10) TWBC and RDC will continue to liaise on Green Infrastructure proposals and cooperate through the High Weald AONB Steering Group and sub-groups on biodiversity net gain to ensure a common approach across the High Weald and offsetting proposals.</p>	



- 8.2 This SoCG will be updated to reflect the latest iteration of the respective Local Plans.
- 8.3 The Councils will work jointly to ensure that there is a SoCG in place ahead of the formal consultations on any Local Plan published by either Council (i.e. under Regulation 18 or 19).
- 8.4 Based on current Local Plan programmes, it is currently anticipated that this SoCG will be prepared and updated in accordance with the following timetable:

Document	Target Sign-Off Date	Reasoning
SCG v1	October 2020	Ahead of TWBC Regulation 19 Local Plan
v2	Spring 2021	Ahead of RDC Regulation 18 Consultation planned for Summer 2021

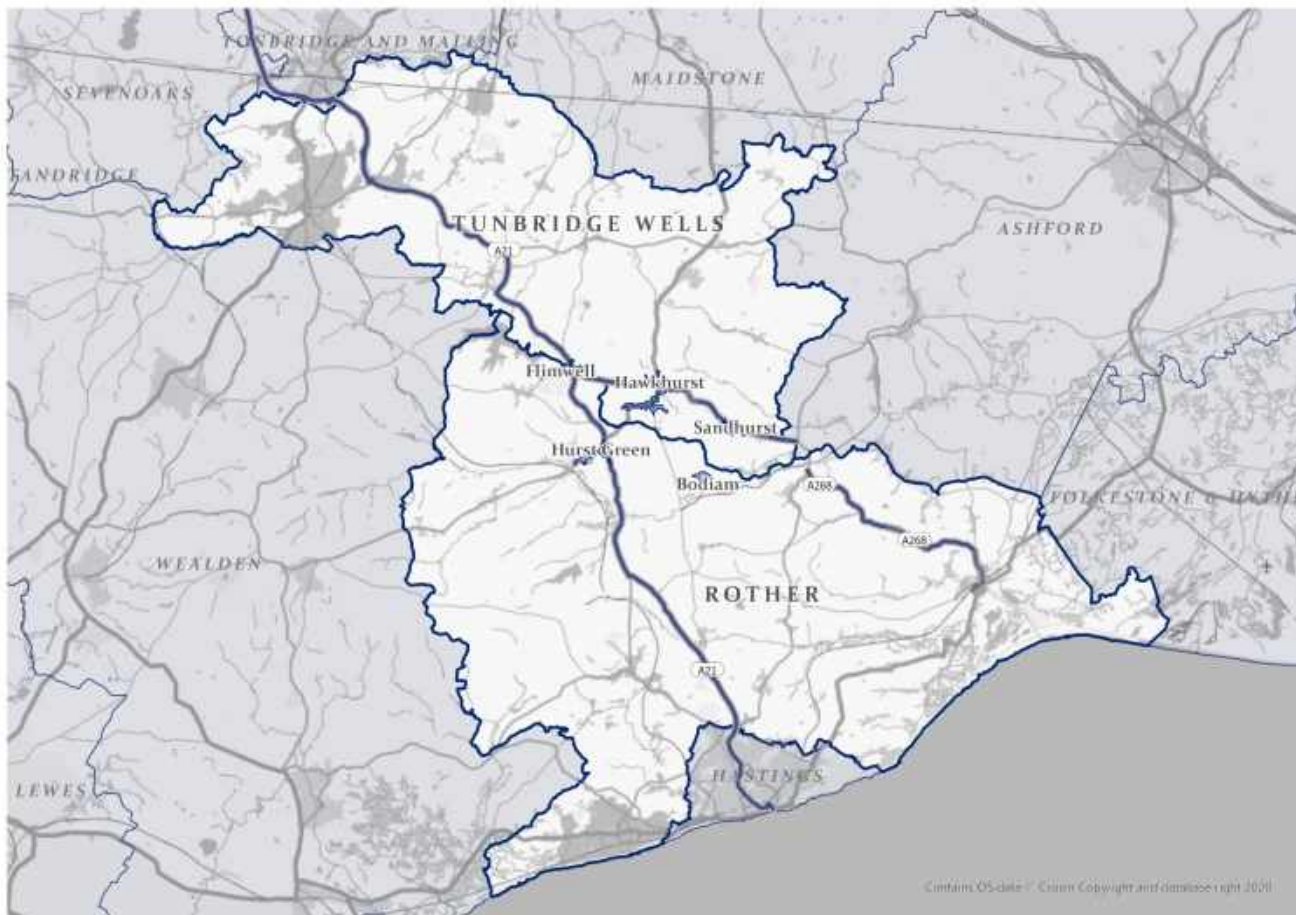
- 8.5 It may be that further updates may be appropriate if substantive new evidence becomes available or decisions are made. This will be kept under review.
- 8.6 The Councils will keep each other notified of proposals to publish the SoCG and any updates to it.

9.0 Signatories/Declaration

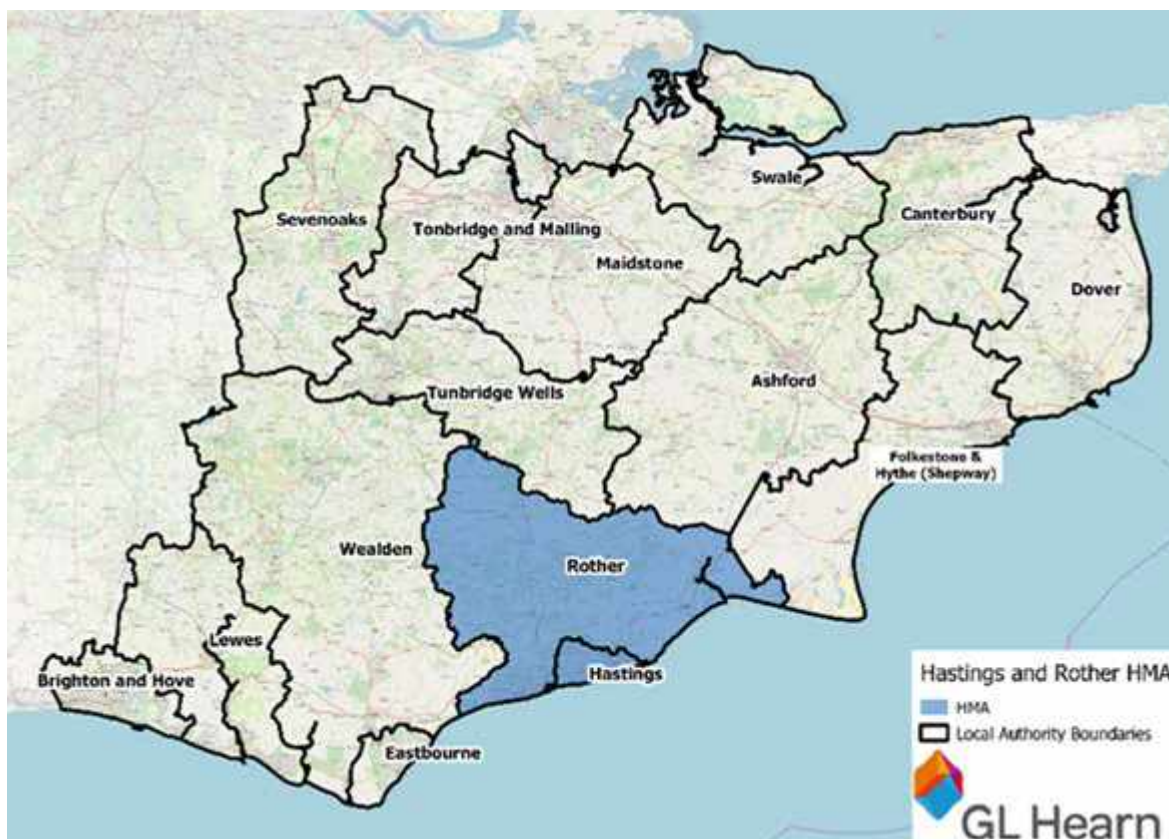
Signed on behalf of Rother District Council (Councillor)	Signed on behalf of Rother District Council (Chief Executive)
	
Position: LEAD MEMBER STRATEGY PLANNING	Position: CHIEF EXECUTIVE
Date: 8/10/2020	Date: 07/10/2020

Signed on behalf of Tunbridge Wells Borough Council (Councillor)	Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)
	
Position: Leader of Tunbridge Wells Borough Council	Position: Chief Executive
Date: 20 October 2020	Date: 20 October 2020

Appendix A: The Administrative Areas of Rother district and Tunbridge Wells borough



Appendix B: The Hastings and Rother Housing Market Area



Appendix A6: Wealden DC - Signed
SoCG between TWBC and WDC 8
February 2021

Statement of Common Ground

Wealden District Council and Tunbridge Wells Borough Council

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 - 6.3 *Ashdown Forest Special Protection Area (SPA)*
 - 6.4 *High Weald Area of Outstanding Natural Beauty (AONB)*
 - 6.5 *Biodiversity*
7. Governance
8. Actions Going Forward
9. Signatories / Declarations

Appendices

Appendix A: The Administrative Areas of Wealden and Tunbridge Wells

1. Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Wealden District Council (WDC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate matters, and agreed actions to resolve outstanding matters. It is not binding on any party, but sets out a clear and positive direction to inform ongoing strategy and plan-making.
- 1.2 The purpose of this SoCG is to set out the basis on which WDC and TWBC have actively and positively agreed to work together to meet the requirements of the duty to cooperate.
- 1.3 The current development plan for WDC consists of the Wealden District Core Strategy Local Plan that was adopted in February 2013, the Affordable Housing Delivery Local Plan (adopted in May 2016) and saved policies from the Wealden Local Plan (adopted in 1998). WDC had prepared its Local Plan for regulation 19¹ stage during the summer/autumn of 2018 that was submitted to the Planning Inspectorate on 18 January 2019. The Submission Wealden Local Plan (January, 2019) was examined in the spring/summer of 2019. The Planning Inspectorate issued a letter reporting on the findings of stage one of the examination and has concluded that the submitted plan cannot proceed further. WDC did not challenge the outcome contained in the Inspector's letter and withdrew the Submission Wealden Local Plan (January, 2019) following its Full Council meeting on 19 February 2020. The Council adopted an updated Local Development Scheme in July 2020 and has commenced work on a new Local Plan, including undertaking an eight week early Regulation 18 consultation which concluded on 18th January 2020. The next formal stage in plan making will be the Regulation 18 consultation on a Draft Local Plan, which is due to take place in spring 2022.
- 1.4 The development plan for TWBC currently consists of the Tunbridge Wells Core Strategy Development Plan Document (DPD) that was adopted in June 2010, the Site Allocations Local Plan (adopted in July 2016) and saved policies in the Tunbridge Wells Borough Local Plan (adopted in March 2006). TWBC is currently in the process of replacing these documents with a new Local Plan. The draft Local Plan was consulted upon in the autumn of 2019 under regulation 18². The draft Local Plan set out that the plan period starts from 2020 and plans for all types of development across the borough until 2036.

¹ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

² [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

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- 1.5 TWBC has agreed and published an updated Local Development Scheme (June 2020). TWBC Full Council has, on 3rd February 2021, approved the Regulation 19 Local Plan and agreed that consultation should be undertaken from 26th March – 21st May 2021, with a target submission in July. The plan period is from 2020 – 2038.
- 1.6 This SoCG relates to the emerging Local Plans that are to be, or are being, produced by WDC and TWBC and contains the appropriate amount of detail for both authorities on matters such as housing need (including unmet housing need), housing distribution, gypsy and traveller provision, employment and retail needs, cross boundary infrastructure requirements and impacts upon Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA). In addition, the SoCG provides a section on how both Councils will seek to address both planned and windfall development close to or on the administrative boundary for both authorities, and particularly the town of Royal Tunbridge Wells.
- 1.7 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (February 2019), it is a requirement under the duty to cooperate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan documents and other local development plan documents.
- 1.8 Paragraph 27 of the NPPF (February, 2019) states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. This notes that such SoCG should be produced using the approach set out in the national planning guidance, and be made publicly available throughout the plan-making process to ensure transparency.
- 1.9 The Planning Practice Guidance (PPG)³ confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local

³ [Paragraph: 010 Reference ID: 61-010-20190315](#)

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planning authorities, it also forms part of the evidence base required to demonstrate that they have complied with the duty to cooperate.

- 1.10 The administrative areas that are set out in **Appendix A** shows that WDC and TWBC share a common administrative boundary at the north of Wealden District and to the south of Tunbridge Wells Borough and are required to work cooperatively in an effective way to address key strategic matters for both areas. The plan at **Appendix A** shows that the administrative boundary of Wealden District is hard up against part of the built development of the southern edge of Royal Tunbridge Wells, the largest settlement in Tunbridge Wells Borough. Historically, development on either side and hard up against this administrative boundary has proved contentious due to the area falling within the High Weald Area of Outstanding Natural Beauty (AONB) and is therefore a key area for future cooperation between the two authorities.

Structure of the SoCG

- 1.11 The remainder of the SoCG is structured as follows:

- *Section 2* – This section relates to further work between officers and elected members to agree protocol and set of principles for dealing with development on or close to the border of Royal Tunbridge Wells and Wealden District.
- *Section 3* – This section relates to housing provision for both local authority's and specifically housing needs (including unmet housing need), the Housing Market Areas (HMAs) for each respective area, housing distribution and gypsy and traveller provision.
- *Section 4* – This section relates to the economy and specifically the Functional Economic Market Area (FEMA) and retail catchment area for each respective local authority area.
- *Section 5* – This section relates to cross boundary infrastructure requirements for both local authorities.
- *Section 6* – This section relates to the natural environment and specifically the Ashdown Forest Natura 2000 site that is located within Wealden District and the High Weald AONB that is located in both authorities.
- *Section 7* – *This deals with governance*
- *Section 8* – This section outlines the agreed actions between WDC and TWBC going forward with respect to their emerging Local Plans and future plan-making.

2. Development on the Administrative Boundary between Tunbridge Wells Borough and Wealden District

- 2.1 Development on the southern edge of Royal Tunbridge Wells is constrained by the Wealden District administrative boundary. Therefore, development within Tunbridge Wells Borough on the southern edge of Royal Tunbridge Wells may result in a need to resolve cross border issues such as service provision, landscape, infrastructure and impacts on communities within Wealden District. Similarly, development that occurs within Wealden District on or close to the administrative boundary with Tunbridge Wells Borough, either allocated or as windfall development, may result in a need to resolve cross border issues such as service provision, infrastructure, landscape, the economy and communities within Royal Tunbridge Wells. As plans for proposed development on administrative borders are progressed by both authorities or as and when windfall developments occur that raises cross boundary issues or even straddles boundaries, there is a clear need for a common understanding of how such developments will be treated and the matters they will be expected to address and how relevant infrastructure will be delivered (e.g. provision of highways improvements or developer contributions for community/education facilities).
- 2.2 As discussed above, TWBC has formally consulted on its draft Tunbridge Wells Local Plan under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This included a draft housing allocation named 'Land to the West of Eridge Road at Spratsbrook'⁴ that shares a border with Wealden District to the southwest of the draft allocation site. The site was put forward by TWBC as a draft allocation for residential development of approximately 270 dwellings and a seven form entry secondary school. WDC responded to this consultation on the draft Tunbridge Wells Local Plan and will undertake further work with TWBC in relation to this specific site.
- 2.3 The Pre-Submission version of the Local Plan, as agreed by TWBC Full Council for Regulation 19 consultation and submission, indicates an allocation of 120 houses, and no secondary school. This reflects draft landscape evidence and advice from Kent County Council Education on secondary school requirements.
- 2.4 It should be noted that the landowners for this draft site allocation have also submitted land adjoining the site within Wealden District that has been

⁴ Policy AL/RTW 18 – Land to the west of Eridge Road at Spartsbrook Farm (SHELAA reference: Site 137) of the [draft Tunbridge Wells Borough Local Plan](#), page 108.

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assessed within Wealden District Council's latest (January 2019) Strategic Housing and Economic Land Availability Assessment (SHELAA)⁵ under site reference 729/1610. The site submitted to WDC, named Land at Ramsyle Farm (Spratsbrook Farm), has a site area of approximately 40 hectares (gross) and is split in two parts, with a smaller land parcel adjoining the proposed TWBC Local Plan draft allocation to the south west, and a further significant parcel of land being located adjacent (to the west of) Eridge Road (A26). This site was considered 'unsuitable' in the assessment. The site submitted to WDC is wholly located within the High Weald AONB and was classified within WDC's landscape evidence base as having very high landscape sensitivity and being highly visible in the wider landscape. Given the scale and extent of the development area, WDC would need to consider the exceptional circumstances listed under paragraph 172 of the NPPF. WDC will be reviewing its SHELAA in the near future and will seek to work with TWBC and the landowner (as appropriate) on this matter.

- 2.5 The term 'development' in this context can relate to all types of development such as housing, employment, Gypsy and Traveller accommodation, retail, leisure and recreational facilities, community and educational facilities, amongst others. Both TWBC and WDC will liaise with each other on new development that is proposed on the administrative boundaries between the two authorities.
- 2.6 TWBC and WDC have agreed a protocol and set of principles for dealing with development on or close to the border between Royal Tunbridge Wells and Wealden District. These are as follows:
- a) Each local authority will share location plans for SHELAA submissions that are on or located near to each other's administrative boundary.
 - b) Following site visits, each local authority will discuss the opportunities and constraints and provide information as relevant as SHELAA assessments progress at various stages.
 - c) Where a local plan strategy is considering allocating sites on or near to the administrative boundary of the authorities this will be discussed as part of the duty to cooperate process and will be documented in SoCG.
 - d) Respective County Council's on planning matters relating to the development option(s) will be contacted by each local authority, as relevant. Where cross County discussions are required on matters of infrastructure then the process, format and attendees will be agreed and the meeting facilitated by the relevant local authority.

⁵ The [Strategic Housing and Economic Land Availability Assessment \(SHELAA\), January 2019](#), Page 137

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- e) Should development sites cross administrative boundaries, then joint meetings will be arranged with developers / stakeholders and will include officers from both TWBC and WDC and county council partners, as relevant.
- f) The Local Plan strategy for growth for both authorities and as relevant to cross boundary working will be discussed as part of the duty to cooperate process.
- g) Draft policies that have cross boundary impacts will be provided to each local authority and / or the County Councils', at the earliest opportunity and at a minimum of two weeks prior to any Regulation 18 or 19 consultation.
- h) The public will be consulted via statutory consultation stages.
- i) Discussions relating to infrastructure provision requirements (S106) including cross boundary provision will take place with the relevant parties and agreements will be reached based on an evidenced need for the infrastructure as a result of the development.

3. Housing

3.1 Housing Market Area (HMA)

3.1.1 A Housing Market Area (HMA) is defined in the PPG⁶ as a geographical area defined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work. These can be broadly defined by analysing:

- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas.
- Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools).
- Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

3.1.2 The Wealden District Strategic Housing Market Assessment (SHMA)⁷ was published in August 2016. Section 2 of this document (Defining the Housing Market Area) assesses the wider HMA for WDC based on PPG. The Wealden

⁶ [Paragraph: 018 Reference ID: 61-018-20190315](#)

⁷ [Wealden District Council – Strategic Housing Market Assessment \(SHMA\) Final Report, August 2016](#)

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SHMA identifies that Eastbourne Borough, Tunbridge Wells Borough, Rother District, Lewes District and Mid Sussex District have the strongest and most consistent migration and commuting relationships with Wealden, as well as linkages in house prices and rates of change.

- 3.1.3 It is noted within the Wealden SHMA Report that the HMA defined for Wealden “...is not regarded as definitive or exclusive HMA and is better understood as a grouping of the local authorities which have the strongest relationships with Wealden” (paragraph 2.10, page 13). Whilst the HMA identified above is centred on Wealden District, it is accepted that there are HMAs which are centred on other centres such as Tunbridge Wells, Hastings and Eastbourne. In the case of Tunbridge Wells, Lewes and Mid Sussex, it is considered by WDC that such authorities overlap with the Wealden HMA, but may have different local authority inclusion.
- 3.1.4 In terms of migration trends, the Wealden SHMA Report indicated that average in-migration to Wealden District from Tunbridge Wells amounted to 7% of all in-migration to Wealden District between 2010 and 2013 (behind only Lewes and Eastbourne). In terms of out-migration from Wealden District to Tunbridge Wells, this also amounted to 7% of the total moves out of Wealden District between 2010 and 2013 (behind only Eastbourne and Rother).
- 3.1.5 The Wealden SHMA Report also concluded that in terms of out commuting, at least 8% of working Wealden residents were employed within Tunbridge Wells Borough (only Eastbourne Borough at 13%, had a higher percentage of Wealden residents working in their administrative area), and moreover, Tunbridge Wells residents make up approximately 4% of the workforce within Wealden District (Census 2011). Given the above, the Wealden SHMA Report concluded that Tunbridge Wells Borough should be included within the wider Wealden HMA, amongst a number of other authorities (paragraph 10.3, page 235).
- 3.1.6 The Sevenoaks and Tunbridge Wells SHMA⁸ published in 2015 identified that Sevenoaks District, Tonbridge and Malling Borough and Tunbridge Wells Borough all fall within the West Kent HMA.
- 3.1.7 The Sevenoaks and Tunbridge Wells SHMA goes on to state that “*there is a close set of interactions between the towns of Sevenoaks, Tonbridge and Tunbridge Wells which reflects their geographical proximity. There is also a relationship into the northern part of Wealden. There are cross-boundary*

⁸ [Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment \(SHMA\) Final Report, September 2015](#)

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interactions between Swanley and Dartford and a stronger commuting relationship to London. Links from Tandridge are stronger to other authorities in Surrey and West Sussex”.

3.1.8 The Sevenoaks and Tunbridge Wells SHMA states that *“the principal adjoining authorities with a strong relationship would be Tonbridge & Malling, Wealden and Rother. Equally the commissioning authorities would need to engage with those authorities in respect of any unmet housing needs arising from these other authorities’ areas. We would also advise the Councils to engage with the Greater London Authority and London Boroughs in respect of any unmet needs arising from London”*. It should be noted that this SHMA was prepared jointly between Sevenoaks and TWBC and the references to the relationships with Wealden and Rother are *“between Tunbridge Wells and the northern part of Wealden and Rother Districts”* (paragraph 3.70, page 45).

3.1.9 In conclusion, the Sevenoaks and Tunbridge Wells SHMA defines the West Kent Housing Market Area (HMA) to *“include Sevenoaks, Tonbridge and Tunbridge Wells and extends to include Crowborough, Hawkhurst and Heathfield”* (paragraph 9.2, page 166) with both the towns of Crowborough and Heathfield being located within Wealden District.

3.1.10 Given the evidence above, both Councils agree that there are clear linkages between them in terms of the HMA, especially for towns and villages in the north of Wealden District and the town of Royal Tunbridge Wells. Both WDC and TWBC share administrative boundaries and are required to cooperate on strategic cross boundary matters, such as housing, through the duty to cooperate process.

3.2 *Housing Requirements*

3.2.1 The last adopted housing requirement for WDC was cited within the Wealden District Core Strategy Local Plan that was adopted in February 2013 and confirms under policy WCS1 (Provision of Homes and Jobs 2006-2027) that some 9440 dwellings will be delivered over the plan period, equating to 450 dwellings per annum (dpa). WDC considers this housing requirement to be out of date and therefore calculates its five year housing land position for planning applications/appeals using the ‘standard methodology’ for calculating the housing requirement under the NPPF (February, 2019). At the time of writing, the calculation for Wealden’s housing requirement under the ‘standard methodology’, irrespective of constraints, is 1,225 dwellings per annum (dpa). This would equate to 24,500 dwellings over a twenty-year period. This does not include any unmet housing needs from neighbouring authorities that would

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need to be considered through the duty to cooperate process. The Government announced revisions to the Standard Method in December 2020.

3.2.2 The last adopted housing requirement for TWBC was within the Core Strategy Development Plan Document (DPD) that was adopted in June 2010 and confirms under Core Policy 6 (Housing Provision) that 6,000 dwellings (net) will be provided in the Tunbridge Wells Borough in the period between 2006 and 2026, equating to 300 dpa. It should be noted that the new housing requirement for the TWBC Local Plan will now be considered under NPPF published in February 2019 and the standard methodology for calculating housing need, unless there are exceptional circumstances and subject to any revisions, as detailed above. It is stated in the Pre-Submission version of the Local Plan, at paragraph 4.9, page 35) that *“The standard method housing need figure for the borough is 678 dwellings per year; over the full plan period, 2020-2038, this equates to a need of some 12,200 dwellings. It is noted that national policy clarifies that this would be a minimum target.”*

3.2.3 The table below shows the respective housing targets of WDC and TWBC at the time of writing: once the revisions to the standard method have been provided, TWBC will review the position based on the new plan period.

Housing Source	Target	WDC	TWBC
Statutory Development Plan		450 dpa under Wealden District Core Strategy Local Plan (adopted February 2013)	300 dpa under Tunbridge Wells Core Strategy DPD (adopted June 2010)
'Standard Methodology' under NPPF (February, 2019)		1,225 dpa	678 dpa
Housing Target in Emerging Local Plan		Not yet published.	12,204 (net) dwellings between 2020 and 2038

3.2.4 Both TWBC and WDC at the time of writing intend to meet its own objectively assessed housing needs through development within their own respective administrative boundaries. Albeit that WDC will need to test this through the production of its new Local Plan and the TWBC approach is based on the release of land from the Green Belt. However, neither WDC nor TWBC at this time has requested each other to meet the unmet housing needs of their own District/Borough as part of the duty to cooperate process. It is recognised by

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both WDC and TWBC that housing requirements (including potential binding requirements, as suggested in the Planning for the Future White Paper), HMAs and constraints to development may change over time.

3.2.5 In April 2019, TWBC received a request from Sevenoaks District Council (SDC) to meet its unmet housing need of 1,900 houses. Between 2015 and early 2019 TWBC, whilst flagging the constraints in TW borough which may make accommodating its own need (or unmet need from neighbouring authorities) problematic, was only in a position (through the progression of work on its own Plan) to provide more definitive comments regarding the ability or otherwise to accommodate unmet need in early 2019, as work on the spatial strategy for the Draft Local Plan progressed.

3.2.6 TWBC advised SDC that it was not in a position to help meet this unmet need, given the difficulties in meeting its own needs and the findings of the Sustainability Appraisal that considered this option. Notwithstanding these comments, TWBC has continued throughout 2019 and 2020 to consider whether there is scope to accommodate SDC's unmet need, including through the assessment of additional sites submitted in the Regulation 18 consultation on the Draft Local Plan in autumn 2019 and beyond well into 2020, and through the Sustainability Appraisal of the Pre-Submission Local Plan.

3.2.7 Given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172). TWBC raised this issue with its neighbouring LPAs, including WDC, and formally wrote in early October 2020 to ask what capacity they may have to assist, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan.

3.2.8 WDC responded to this request on 20th November 2020. This set out:

- WDC has identified a number of issues indicating that meeting the housing requirement for Wealden will be challenging;
- WDC is not at present in a position to consider whether we can meet any unmet need from adjacent local authorities;
- WDC considers that given the geography of both the AONB and Housing Market Areas around northern Wealden and TWBC, the options for WDC to take some or all of the housing or employment land set out in the letter

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would result in building in AONB in WDC as opposed to AONB/Green Belt in TWBC, in a less sustainable location, or to seek to do so outside the AONB in WDC, which would be well outside the HMA, therefore not meeting the needs of TWBC residents and again in a less sustainable location;

For these reasons, WDC does not consider that providing this growth in Wealden provides a suitable alternative with reference to paragraphs 137 and 172 of the NPPF that refers to exceptional circumstances required to alter Green Belt boundaries or the exceptional circumstances required to allow major development within the AONB.

3.2.9 Given the above, both WDC and TWBC will continually consider its position on unmet housing needs in the future.

3.2.10 WDC and TWBC will continue to work together on housing matters and identify the position on unmet housing needs as both WDC and TWBC prepare to review their respective Local Plans.

Actions

- WDC and TWBC will engage through the wider duty to cooperate forum with other neighbouring authorities both within and outside of each other's HMA in relation to housing related matters, including unmet need, five year housing trajectory, best fit HMAs, affordability, large scale development and opportunities for meeting unmet need.
- Both authorities to undertake a review of the Local Plan at least within 5 years' time of adoption.

3.3 *Gypsy, Traveller and Travelling Showpeople*

3.3.1 WDC published its Gypsy and Traveller Accommodation Assessment (GTAA) in November 2016 following the revised definition for Gypsies and Travellers in the Planning Policy for Traveller Sites (PPTS) (August, 2015) document. This identified a requirement for 21 permanent pitches between 2016 and 2038 for those who met the new PPTS definition of a Gypsy and Traveller.

3.3.2 As stated at paragraph 1.3 of this SoCG, the Submission Wealden Local Plan (January, 2019) was examined in the spring/summer of 2019. The Planning Inspectorate issued a letter reporting on the findings of Stage One of the examination and concluded that the submitted plan cannot proceed further, and the Plan has been withdrawn. The Submission Wealden Local Plan (January, 2019) did contain site allocations to meet the full accommodation

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needs for Gypsies and Travellers during the plan period. WDC will now review the published GTAA (November 2016) in light of the submitted plan not proceeding to adoption. This work will be taking place in collaboration with other East Sussex local authority partners.

3.3.3 TWBC published its GTAA in January 2018 in support of its draft Tunbridge Wells Local Plan and in line with the revised definition for Gypsies and Travellers in the PPTS (August, 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a twenty year period between 2017 and 2037.

3.3.4 The draft Tunbridge Wells Local Plan under policy H13 (Gypsies and Travellers) confirms that proposals for the establishment of Gypsy and Traveller sites will be permitted provided a set of criteria is satisfied. This includes the site forming part of, or being located adjacent to, an existing lawful permanent Gypsy and Traveller site, or is allocated within a policy in the Local Plan, or is provided as part of wider residential or mixed use scheme. TWBC confirms under its Housing Supply and Trajectory Paper (September, 2019) that following a review of its pitch completions and planning permissions since the base date of the draft Local Plan, that there is an outstanding need for 28 residential pitches as of 1 April 2019. TWBC consider that based on their understanding of existing sites and the nature of demand that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that it is evident that there is potential at existing sites to meet the likely need over the plan period. Discussions are ongoing with other Kent authorities regarding the provision of a transit site.

3.3.5 There has been no request from TWBC to WDC to provide Gypsy and Traveller accommodation at this time and it is anticipated that each authority will be able to meet its own needs through their own Local Plans. Both Councils will continue to operate existing joint working arrangements through the wider duty to cooperate forum to ensure that suitable provision can be made as appropriate.

Actions:

- That both WDC and TWBC continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation through the review of their respective Local Plans.
- Both authorities to undertake a review of the Local Plan at least within 5 years' of adoption.

4. Economy

4.1 Functional Economic Market Area (FEMA)

4.1.1 In terms of a Functional Economic Market Area (FEMA) the PPG⁹ states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:

- Extent of any Local Enterprise Partnership within the area;
- Travel to work areas;
- Housing market area;
- Flows of goods, services and information within the local economy;
- Service market for consumers;
- Administrative area;
- Catchment areas of facilities providing cultural and social well-being; and
- Transport network.

4.1.2 The Wealden Economy Study¹⁰ was first published in December 2016 and updated in March 2018. Section 2 of the Wealden Economy Study (December, 2016) named 'Defining the Functional Economic Area' assesses the FEMA for WDC based on the relevant PPG. The issue of the FEMA for Wealden District was considered in the subsequent update to this study in 2018.

4.1.3 Paragraph 2.9 of the Wealden Economy Study (December, 2016) confirms that '*Wealden District is influenced primarily by two Travel to Work Areas (TTWAs), which are Eastbourne TTWA covering the area south of Uckfield and stretches to Eastbourne, and the Tunbridge Wells TTWA which is primarily influenced by Tunbridge Wells. In addition, parts of Wealden are also influenced by the Crawley and Hastings TTWAs respectively*'. The study also confirms that Wealden District sees strong commuting flows with Tunbridge Wells, amongst a number of other authorities that include Eastbourne, Lewes, Crawley, Mid Sussex and Brighton and Hove.

4.1.4 The Wealden Economy Study (December, 2016) concludes at paragraph 2.37, taking into account all the factors identified in the PPG, that the following districts and boroughs form part of the FEMA for Wealden:

- Eastbourne;

⁹ [Paragraph: 019 Reference ID 61-019-20190315](#)

¹⁰ [Wealden Economy Study, December 2016](#)

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- Tunbridge Wells;
- Lewes;
- Mid Sussex; and
- Rother.

4.1.5 This position was repeated in paragraph 2.3 of the Wealden Economy Study Update (2013-2028) that was published in March 2018¹¹.

4.1.6 The Pre-Submission version of the Tunbridge Wells Borough Local Plan is supported by the Sevenoaks and Tunbridge Wells Economic Needs Study (August, 2016) that was undertaken by Turley on behalf of both Sevenoaks District Council and TWBC. This includes a section that endeavours to identify a FEMA for the borough.

4.1.7 Paragraph 2.32 of the Sevenoaks and Tunbridge Wells Economic Needs Study (2016) defines the Functional Economic Market Area and states '*while Tunbridge Wells Borough draws upon a more localised workforce, there is also an important inflow of commuters from Tonbridge and Malling and Wealden*'. It also states that this relationship is evidenced in the 2011 TTWA published by the Office of National Statistics (ONS) that identifies a single TTWA centred on Royal Tunbridge Wells, which entirely covers Tunbridge Wells borough but also extends to Tonbridge, Crowborough and surrounding villages. Notwithstanding this, on the basis of the evidence presented, it is considered that Tunbridge Wells, Sevenoaks and Tonbridge and Malling share a functional economic market area evidenced through commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.

4.1.8 TWBC were consulted on the Wealden Retail and Economic Study produced by Regeneris where TWBC noted that the study included Tunbridge Wells within WDC FEMA. TWBC recognises that although the Sevenoaks and Tunbridge Wells Economic Needs Study (2016) does not include Wealden specifically, it does make reference as above to the fact that there are links between Royal Tunbridge Wells and Wealden with regards to travel to work areas etc. TWBC also recognises that a similar methodology and forecasting model has been used in both studies. The range of factors identified in the PPG to define a FEMA has also been used for both studies.

4.1.9 Given the evidence above, both Council's agree that there are clear linkages between them in terms of the TTWA, especially for towns and villages in the north of Wealden District and the town of Royal Tunbridge Wells. Both WDC and TWBC share administrative boundaries and are required to cooperate on

¹¹ [Wealden Economy Study Update 2013-2028, March 2018](#)

strategic cross boundary matters, such as employment needs, through the duty to cooperate process.

4.2 *Retail Catchment Area*

4.2.1 In December 2016, WDC published the Town Centre and Retail Study¹² that was undertaken by Carter Jonas on behalf of WDC. The study area included broad geographic/catchment areas such as Hailsham, Heathfield, Uckfield, Crowborough, Royal Tunbridge Wells, East Grinstead, Lewes, Polegate and Eastbourne. In summary, the survey-derived market shares showed that the retention of all food shopping trips and expenditure in the Heathfield, Uckfield and Crowborough zones is strong at between 77.1% and 88.8%. This demonstrates that expenditure in terms of convenience goods within northern towns and villages of Wealden District is largely retained in those areas.

4.2.2 However, in terms of comparison goods shopping, paragraph 4.7 of the Town Centre and Retail Study (2016) states that it is *'apparent that the District's Town Centres do not have the critical mass of retailing in terms of the scale, quality and choice of shops to compete with the larger competing centres and shopping destinations outside the District; principally Eastbourne, Royal Tunbridge Wells and East Grinstead'*. WDC considers that these three destinations outside the District, including Royal Tunbridge Wells are likely to remain the main draw for residents in Wealden District for comparison shopping particularly. Indeed, the study states at paragraph 5.2 that the *'survey results show that Eastbourne is the main shopping destination for residents living to the south of Wealden District, whereas Tunbridge Wells is generally the preferred shopping destination for those living in the north of the District'*. WDC accepts that the retail offering at Royal Tunbridge Wells is a significant draw for residents in the north of Wealden District for comparison goods and services.

4.2.3 For TWBC, the retail and leisure study (April, 2017) carried out by consultants Nexus on behalf of TWBC used the previously established study area used for previous retail studies for the borough. It covers the Tunbridge Wells Borough boundary area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge and Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer. This encompasses parts of Crowborough and Heathfield who travel to Royal Tunbridge Wells for the primary retail offer.

4.2.4 Nexus also undertook a Tunbridge Wells Retail, Leisure and Town Centre Uses Study Update (2020). This has identified that the retail economy has

¹² [Town Centre and Retail Study 2016, December 2016](#)

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changed significantly over recent years and the trends which were emerging have accelerated exponentially as a result of the 2020/2021 Covid-19 pandemic. It is also expected that the increased movement towards home working and different times of working, hastened as a result of the Covid-19 'lockdown' periods, will structurally change the need, make up, and use of office space (including shared and flexible accommodation), and through this the operation of those town centre retailers which previously were linked to footfall associated with office employment. The TWBC PSLP therefore proposes a Town Centre Area Plan for Royal Tunbridge Wells (which will be prepared and adopted by 2025), together with the revitalisation of Paddock Wood Town Centre.

- 4.2.5 WDC and TWBC agree that in terms of comparison shopping, those residents located within the northern part of Wealden District, particularly in the towns of Crowborough and Heathfield, use Royal Tunbridge Wells as their primary retail offer. This is demonstrated in both WDC and TWBC evidence base documents on retail as highlighted above.

Actions:

- That both WDC and TWBC continue dialogue on matters relating to Functional Economic Market Areas (FEMA) and retail catchment areas through the review of their respective Local Plans.
- Both authorities to undertake a review of the Local Plan at least within 5 years' of adoption.

5. Cross Boundary Infrastructure Issues

- 5.1.1 In terms of cross boundary infrastructure, both TWBC and WDC are in two tier authorities, where both education and highways are managed by their respective County Council's, which in the case of TWBC, is Kent County Council and in the case of WDC, is East Sussex County Council. Given the above, it is noted that both education provision and highway matters may require input from both the agencies/stakeholders above, and if relevant Highways England.

- 5.1.2 TWBC and WDC in the drafting of their Local Plans will liaise with their respective County Councils' on matters relating to education provision and highways infrastructure. Where substantial development, particularly on the administrative boundary of TWBC and WDC, is planned for, then there will be a need to coordinate the delivery of infrastructure improvements including the securing of any necessary funding.

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- 5.1.3 TWBC and WDC will therefore undertake further work at a high level between officers and elected members to agree a protocol and set of principles for dealing with the delivery of infrastructure improvements for development on or close to the administrative border of TWBC and WDC.
- 5.1.4 It should be noted that TWBC and WDC also work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters, TWBC and WDC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.
- 5.1.5 In terms of railway transport, the Pre-Submission version of the TWBC Local Plan at policy TP 5 (Safeguarding Railway Land) confirms that the local planning authority will safeguard the Tunbridge Wells Central to Eridge railway line, by seeking to refuse proposals that would compromise the reopening of the rail line and/or its use as a green infrastructure corridor. It is considered that this policy is necessary in order that the opportunity to link the London to Uckfield railway line with the London to Hastings railway line is not lost.
- 5.1.6 WDC also supports the safeguarding of both Uckfield/Lewes railway line and the Tunbridge Wells/Eridge railway line under its 'saved policies' from the Wealden Local Plan (adopted 1998). Both policies TR17 (Uckfield to Lewes railway line) and TR19 (Eridge to Tunbridge Wells railway line) confirm that development which would significantly prejudice the reinstatement of either line will not be permitted. Both TWBC and WDC are therefore in agreement that both rail routes should be safeguarded given the significant opportunities to increase rail travel for commuting and retail trips and subsequently reducing the reliance upon car-borne journeys.
- 5.1.7 In terms of Green Infrastructure (GI), there may be some opportunities through new planned development on the administrative boundaries between TWBC and WDC to improve existing GI and/or create new GI that links development within Wealden District to the settlement of Royal Tunbridge Wells particularly. To achieve such aims, both WDC and TWBC will need to liaise with each other on the types, scale and extent GI required for planned development on the administrative boundaries.
- 5.1.8 Lastly, in terms of sport pitch provision, it is noted that TWBC are in principle supportive of the expansion of Tunbridge Wells Rugby Football Club that lies at the southern edge of Royal Tunbridge Wells adjacent to the administrative boundary of WDC. It is likely that any expansion of the Tunbridge Wells

Rugby Football Club will require land within WDC administrative area. Given the above, WDC are committed to work with TWBC on any potential options relating to the development of the rugby club that come forward from the landowner through the Local Plan process.

Actions:

- TWBC and WDC will set a meeting date for senior officers and members to discuss and agree the scope and timetable for agreeing a set of principles in order to coordinate and agree the delivery of infrastructure improvements for development on or close to the administrative border of TWBC and WDC. This will in some cases require the participation and overall agreement on matters from other infrastructure providers.

6. Natural Environment

6.1 *Ashdown Forest European Site*

6.1.1 TWBC and WDC will continue to work positively together in relation to the Ashdown Forest which is a European Site and is designated as a SAC for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.

6.2 *Ashdown Forest Special Area of Conservation (SAC) – Air Quality*

6.2.1 Both authorities are active members and attend regular meetings of the Ashdown Forest SAC Working Group, which is chaired by the South Downs National Park Authority (SDNPA). The Planning Advisory Service worked alongside the group in relation to Duty to Cooperate matters in relation to the SAC. TWBC are signatories of the Ashdown Forest Air Quality Statement of Common Ground (SoCG)¹³ published in April 2018. Although WDC contributed to the Ashdown Forest SoCG, WDC did not become signatories to the Ashdown Forest Air Quality SoCG and published a Position Paper¹⁴ outlining the reasons why WDC had not become a signatory to the document. In view of the Inspector's letter on the Submission Wealden Local Plan (January, 2019), WDC will seek to review its position on air quality at the Ashdown Forest SAC and will become a signatory to any revised SoCG.

¹³ [The Ashdown Forest Statement of Common Ground, \(April 2018\)](#)

¹⁴ [Wealden District Council Position Statement – Ashdown Forest SAC Statement of Common Ground \(October, 2018\)](#)

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6.2.2 Both TWBC and WDC will continue to participate in the Ashdown Forest SAC Working Group which will seek to work with Natural England on addressing Air Quality issues in relation to Local Plan preparation and will endeavour to support wider initiatives to improve background air quality.

6.2.3 All future work in relation to air quality at Ashdown Forest will be developed in discussion with the Ashdown Forest SAC Working Group agreeing where possible on methodology and to cost sharing where appropriate. All future traffic modelling and ecological interpretation to inform Habitats Regulation Assessments in respect of air quality for Ashdown Forest by both TWBC and WDC will be developed in discussion with the Ashdown Forest SAC Working Group and where possible agreement sought on both methodology and findings. This work is necessary to ensure a strategic and consistent approach to the identified issues and assist with a common approach to HRA matters relevant to the SAC designation.

6.3 *Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance*

6.3.1 Both authorities participate in the Strategic Access Management and Monitoring Strategy (SAMMS) partnership and are signatories to a legal agreement with other participating local authorities and The Conservators of Ashdown Forest. This sets out agreement on the collection of developer contributions and the administration of the SAMM Strategy as part of a joint approach to provide mitigation at Ashdown Forest for recreational disturbance from new residential development. Mitigation is provided through a scheme of access management and monitoring and contributions are collected between 400m and 7km from Ashdown Forest SPA. The 7km zone is the appropriate zone of influence, agreed by all partner local authorities and Natural England within which to collect SAMMS contributions. This is based on technical evidence from the Ashdown Forest Visitor Survey which the SAMM Strategy partnership jointly commissioned. Applications outside of the 7km will be assessed in relation to any impact on a case-by-case basis and in accordance with the planning policies of the relevant authority.

6.3.2 WDC has also provided two Suitable Alternative Natural Greenspaces. One in Uckfield and one in Crowborough. The purpose of these are to divert dog walkers from using Ashdown Forest as a recreational location. TWBC will collect contributions for SANGS from any applicable development within the 7km zone of influence which will be used for SANGS provision. Discussions will take place with partner authorities, as appropriate, to consider the delivery of SANGs in Tunbridge Wells Borough or adjoining authorities.

6.3.3 Both authorities will continue to participate in the SAMM Strategy partnership and work together to agree and jointly commission any future studies or surveys to inform the collective understanding of effects, and the most effective measures for mitigation and monitoring to ensure a consistent and strategic approach to the identified issues and a common approach to HRA.

Actions:

- That both authorities continue to work as part of the Ashdown Forest working group for air quality and the SAMM Strategy partnership to address visitor pressure in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost share future studies or surveys.

6.4 *High Weald Area of Outstanding Natural Beauty (AONB)*

6.4.1 As stated in the High Weald AONB Management Plan (2019-2024)¹⁵, both administrative areas of TWBC and WDC have a significant proportion of the High Weald AONB. In the case of WDC, the High Weald AONB covers over 53% of the District and in the case of TWBC, the High Weald AONB covers just under 69% of the Borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it, including on and to the south of the administrative boundary between WDC and TWBC. Both the towns of Crowborough and Heathfield within Wealden District are also excluded from the designation, but are wholly surrounded by it.

6.4.2 Both authorities form part of the Joint Advisory Committee (JAC) and officer steering group for the High Weald AONB.

6.4.3 The High Weald AONB unit has recently produced the High Weald AONB Management Plan 2019-2024, which was agreed by the Joint Advisory Committee in November 2018 after public consultation and with input from both authorities. The management plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by WDC on 21 March 2019.

6.4.4 Both authorities are committed to continue working together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.

¹⁵ [The High Weald AONB Management Plan 2019-2024](#)

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6.4.5 Para 172 of the NPPF (2019) sets out the national planning policy for major development in AONBs. Given the housing needs referred to in Section 3 above, it is likely that there will be a need for future discussions on the provision of major development in the High Weald AONB and the specific requirements of this paragraph.

Actions:

- That both authorities continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.

6.5 *Biodiversity*

6.5.1 Under both paragraphs 170 and 174 of the NPPF it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. There may be some opportunities through new planned development on the administrative boundaries between TWBC and WDC to provide net gains in biodiversity and this could be explored through the duty-to-cooperate process. To achieve such aims, both WDC and TWBC will need to liaise with each other through their Local Plans to ensure that no opportunities are missed in terms of ensuring net gains in biodiversity.

6.5.2 In terms of cross-boundary biodiversity sites, both TWBC and WDC will continue to liaise with each other on such sites and ensure that they continue to be safeguarded in line with the hierarchy of biodiversity sites identified at paragraph 174 of the NPPF (February, 2019) and their respective Local Plans.

7. Governance arrangements

7.1. It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.

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- 7.2. The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date Statement of Common Ground (SoCG) between the Councils.
- 7.3. Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.4. Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.5. Liaison in relation to the SoCG and the wider duty to cooperate will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the duty to cooperate and the SoCG, as appropriate.

8. Actions Going Forward

- 8.1 The agreed key issues and agreed actions originating from this SoCG are detailed below. As discussed above, the agreed actions will have a specific timetable moving forward once agreed. This SoCG is an iterative document and any progress on the actions will be detailed in the next publication of this SoCG.

Key Issue	Agreed Actions	Progress on Actions
Timetable for DtC Actions	Both TWBC and WDC will seek to agree a new timetable for the actions listed below to be reviewed, including schedule meetings between the two authorities.	Ongoing
Development on the Administrative Boundary between WDC and TWBC	2) TWBC and WDC will set a meeting date for senior officers and members to discuss and agree the scope and timetable for agreeing a set of principles for dealing with development on or close to the administrative border	Complete. Set of principles provided above.

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	of TWBC and WDC.	
Housing	<p>3) WDC and TWBC will engage through the wider Duty to Cooperate forum with other neighbouring authorities both within and outside of each other's HMA in relation to housing related matters, including unmet need, five year housing trajectory, best fit HMAs, affordability, large scale development and opportunities for meeting unmet need.</p> <p>4) Both authorities to undertake a review of their Local Plan at least within 5 years' of adoption.</p>	Ongoing.
Gypsy, Traveller and Travelling Showpeople	<p>5) That both WDC and TWBC continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation through the review of their respective Local Plans.</p> <p>6) Both authorities to undertake a review of the Local Plan at least within 5 years' of adoption.</p>	Ongoing
Employment and Retail	<p>7) That both WDC and TWBC continue dialogue on matters relating to Functional Economic Market Areas (FEMA) and retail catchment areas through the review of their respective Local Plans.</p> <p>8) Both authorities to undertake a review of the Local Plan at least within 5 years' of adoption.</p>	Ongoing.
Cross Boundary Infrastructure	<p>9) TWBC and WDC will set a meeting date for senior officers and members to discuss and agree the scope and timetable for agreeing a set of principles in</p>	To be arranged



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	order to coordinate and agree the delivery of infrastructure improvements for development on or close to the administrative border of TWBC and WDC. This will in some cases require the participation and overall agreement on matters from other infrastructure providers.	
Natural Environment	<p>10) That both authorities continue to work as part of the Ashdown Forest working group for air quality and SAMM Strategy partnership to address visitor pressure in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost share future studies or surveys.</p> <p>11) That both authorities continue to liaise on cross-boundary matters relating to implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and the requirements of national planning policy in relation to major development in the AONB.</p>	Ongoing

9. Signatories/Declaration

<u>Signed on behalf of Wealden District Council</u> <u>(Councillor)</u>	<u>Signed on behalf of Wealden District Council</u> <u>(Chief Executive)</u>
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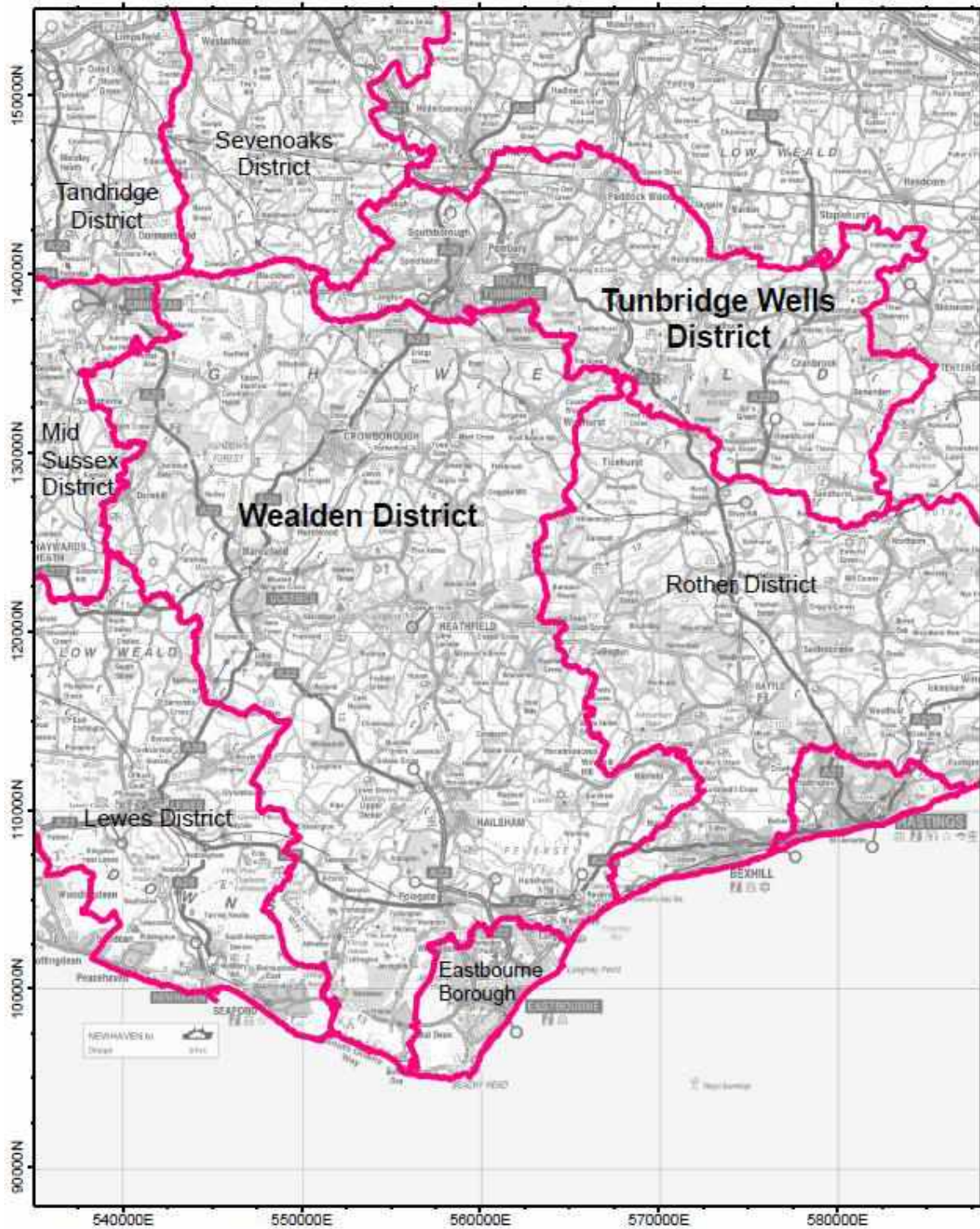
Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

 Cllr Ann Newton	 Trevor Scott
Position: Deputy Leader and Planning and Development Portfolio Holder	Position: Chief Executive
Date: 11 th March 2021	Date: 11 th March 2021

<u>Signed on behalf of Tunbridge Wells Borough Council (Councillor)</u>	<u>Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)</u>
 Cllr Alan McDermott	 William Benson
Position: Leader of Tunbridge Wells Borough Council	Position: Chief Executive
Date: 10 March 2021	Date: 10 March 2021

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Appendix A – The Administrative Areas of Wealden and Tunbridge Wells



Appendix A7: Ashdown Forest
Working Group (Air Quality) - SoCG
Prepared by South Downs National
Park Authority (SDNPA) and signed
by Members of the Ashdown Forest
Working Group- TWBC, SDPNA,
Lewes DC, Eastbourne BC, Mid
Sussex DC, Tandridge DC, Crawley
BC, Sevenoaks DC, Rother DC,
East Sussex County Council
(Minerals and Waste), West Sussex
County Council and Natural
England

Ashdown Forest Statement of Common Ground

Prepared by The South Downs National Park Authority, Chair of the
Ashdown Forest Working Group

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Appendix 1: Ashdown Forest SAC Reasons for Designation

Appendix 2: Location map of Ashdown Forest (to be provided)

Appendix 3: Meeting notes from the Ashdown Forest Working Group meetings May 2017 – January 2018

Appendix 4: Housing numbers table

Appendix 5: Traffic modelling table

Appendix 6: Air quality calculations table

I. Introduction

The basis for preparing this Statement of Common Ground

- I.1 This Statement of Common Ground (SCG) has been prepared by the South Downs National Park Authority (SDNPA) and is signed by the following members of the Ashdown Forest Working Group (AFWG):¹ the SDNPA, Lewes District Council, Eastbourne Borough Council, Tunbridge Wells Borough Council, Mid Sussex District Council, Tandridge District Council, Crawley Borough Council, Sevenoaks District Council, Rother District Council, East Sussex County Council (as the relevant Minerals and Waste Planning Authority), West Sussex County Council and Natural England. It should be noted that Wealden District Council (WDC) is a member of the AFWG and were involved in the drafting of this document; WDC did not sign the SCG. The signatories of this SCG have been self-selected and come from the AFWG. Further details of this group are set out below. The preparation of the SCG has been facilitated by the Planning Advisory Service (PAS).
- I.2 The purpose of this SCG is to address the strategic cross boundary issue of air quality impacts on the Ashdown Forest Special Area of Conservation (SAC) arising from traffic associated with new development. It provides evidence on how the authorities have approached the Duty to Co-operate, clearly setting out the matters of agreement and disagreement between members of the AFWG.
- I.3 The first section of the SCG introduces the document and explains the background to this cross boundary strategic issue. The second section sets out six key matters on HRA methodology for plan-making with which authorities either agree or disagree with or have no position on. Finally, actions going forward and summary conclusions are given.
- I.4 The SCG highlights a number of different approaches towards undertaking HRA work. It identifies that participating local planning authorities (LPAs) consider they have taken a robust and proportionate approach to the evidence base in plan making, producing in combination assessments which they consider to have been undertaken soundly. Natural England notes that some of the approaches differ and consider that it is up to individual LPAs to determine the specific approach they use. Natural England advise that approaches proportionate to the risk are acceptable and it is not necessary for all LPAs to use exactly the same approach.
- I.5 The different LPAs have used different consultants to undertake their Habitats Regulations Assessments (HRAs). AECOM are the HRA consultants for the SDNPA, Lewes District Council, Tunbridge Wells Borough Council, Tandridge District Council, East Sussex County Council and Sevenoaks District Council. Urban Edge Environmental Consulting, Amey and Arup are the HRA consultants for Mid-Sussex District Council. Crawley Borough Council, Eastbourne Borough Council and Rother District Council have not currently engaged HRA consultants as they have up to date adopted Local Plans.
- I.6 Ashdown Forest is also designated as a Special Protection Area (SPA). It should be noted that this Statement addresses the potential impact pathway of air quality on the Ashdown Forest SAC only and does not discuss matters of recreational pressure on the Ashdown Forest SPA.

¹ Tonbridge and Malling Borough Council are members of the Working Group but are not a signatory of this Statement on the basis of advice from Natural England. T&MBC continue to be part of the group to observe.

This is addressed through the working group of affected authorities that have assisted in the production of the Strategic Access Management and Monitoring Strategy.

Background to the issue

Ashdown Forest SAC

- 1.6 Ashdown Forest is a Natura 2000 site and is also known as a European site. It is a Special Area of Conservation (SAC) designated for its heathland habitat (and a population of great crested newt). Further details regarding the reason for its designation are set out in Appendix 1. Ashdown Forest SAC is located in Wealden District, East Sussex as shown on the map in Appendix 2.

Habitats Regulations Assessment

- 1.7 The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations) require an appropriate assessment of the implications for the site in view of that site's conservation objectives to be carried out for any plan or project where there are likely to be significant effects on a European site, alone or in combination with other plans or projects. The Ashdown Forest SAC features are vulnerable to atmospheric pollution from a number of sources including motor vehicles. There is a potential impact pathway from new development and associated increases in traffic flows on the roads such as the A275, A22 and A26, which traverse or run adjacent to the SAC. The emissions from these vehicles may cause a harmful increase in atmospheric pollutants which may adversely affect the integrity of the European site.

High Court Judgement

- 1.8 In March 2017 a legal challenge from Wealden District Council (WDC) was upheld by the High Court on the Lewes District and South Downs National Park Authority Joint Core Strategy (Lewes JCS)² on the grounds that the HRA was flawed because the assessment of air quality impact on the Ashdown Forest SAC was not undertaken 'in combination' with the increase in vehicle flows likely to arise from the adopted Wealden Core Strategy. This resulted in the quashing of Policies SP1 and SP2 of the Lewes JCS, insofar as they apply to the administrative area of the South Downs National Park, at the High Court on 20 March 2017.

Wealden DC Responses to other LPAs Plan Making and Decision Taking

- 1.9 It should be noted that the representation from WDC on the Pre-Submission version of the South Downs Local Plan and to the draft Lewes Local Plan Part 2 objects to their HRAs. Objections have also been made by WDC to the Main Modifications consultation on the Mid Sussex Local Plan. The South Downs National Park Authority, Lewes District Council and Mid Sussex District Council do not accept the objections made by Wealden District Council on the HRA work undertaken for their Local Plans and consider that the assessments undertaken are robust, reasonable and sound.
- 1.10 Since work started on this Statement of Common Ground, WDC have objected to planning applications in Tunbridge Wells Borough, Rother District, Lewes District, Mid Sussex District, Tandridge District, Horsham District, Sevenoaks District, Hastings Borough and Brighton & Hove City. The objections all centre on the issue of nitrogen deposition on Ashdown Forest.

² Wealden District Council vs Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority, and Natural England. [2017] EWHC 351 (Admin) <http://www.bailii.org/ew/cases/EWHC/Admin/2017/351.html>

This Statement of Common Ground is about plan-making rather than the determination of planning applications and so does not address these letters of objection.

Ashdown Forest Working Group

- 1.11 Following the High Court judgement, the SDNPA led on convening and now chairs the AFWG, which first met in May 2017. The group's members are listed in paragraph 1.1 of this SCG. This HRA matter has arisen for these authorities through their Local Plan work, through WDC objections to planning applications, or due to proximity to strategic roads traversing Ashdown Forest. As set out in legislation, Natural England is a statutory consultee on HRA and is providing advice on the outputs from the air quality modelling. The county councils, as well as the independent consultants mentioned in paragraph 1.5 provide advice in regard to transport evidence that has and is being undertaken to inform Local Plans.
- 1.12 The shared objective of the working group is to ensure that the impacts of development proposals in emerging local plans on Ashdown Forest are properly assessed through HRA and that, if required, a joint action plan is put in place should such a need arise. The Working Group has agreed to work collaboratively on the issues, to share information and existing work, and to prepare this Statement of Common Ground. The notes of the meetings are set out in Appendix 3.

2. Key matters

Proportionality

- 2.1 There is no universal standard on proportionality and the issue relates to what is the 'appropriate' level of assessment required for Local Plans. Paragraph 182 of the National Planning Policy Framework (NPPF) states that for a local plan to be considered sound it needs to be justified and based on proportionate evidence. The draft CLG guidance³ makes it clear that when implementing HRA of land-use plans, the appropriate assessment should be undertaken at a level of detail that is appropriate and proportional:

'The comprehensiveness of the assessment work undertaken should be proportionate to the geographical scope of the option and the nature and extent of any effects identified. An AA need not be done in any more detail, or using more resources than is useful for its purpose.'

- 2.2 The AFWG has discussed the issue of proportionality and the following principles were put forward:
- Where effects are demonstrably small the level of assessment can be justifiably less complex than a bespoke model.
 - Use of the industry standard air quality impact assessment methodology⁴ can, if carried out robustly, provide the necessary evidence to inform HRA on the potential effects of a development plan on the Natura 2000 network and Ramsar sites.

³ CLG (2006) Planning for the Protection of European Sites, Consultation Paper

⁴ The principles in Annex F of the Design Manual for Roads and Bridges (DMRB), Volume 11, Section 3, Part 1 (HA207/07) for the assessment of impacts on sensitive designated ecosystems due to highways works, which Highways England use for all their HRAs, but with the DMRB spreadsheet tool replaced by an appropriate dispersion model e.g. ADMS-Roads and, with appropriate allowance for rates of future improvement in air quality.

- Members of the working group are entitled, but not required, to carry out non-standard or bespoke assessments; and other members may have regard to the results of those non-standard or bespoke assessments when conducting their own HRAs.

Table 1: Signatory position regarding proportionality of assessments

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority			
Tunbridge Wells Borough Council			
Sevenoaks District Council			
Lewes District Council			
Eastbourne Borough Council			
East Sussex County Council			
Natural England			
Crawley Borough Council			
Tandridge District Council			
West Sussex County Council			
Mid Sussex District Council			
Rother District Council			

2.3 The named authorities agree with this approach for the following reasons. The approach outlined above sets out parameters for a robust and sound HRA, which is proportionate to the nature of the proposals and likely impacts. Where the spatial extent of the affected area is small then the risk to the integrity of the site needs to be approached in a reasonable and proportionate manner as concluded in the Natural England Research Report (NECR205)⁵ on small scale effects i.e. for much of the ‘affected habitat’ SAC features are not present and therefore can be excluded from consideration. With the remaining ‘affected area’ a proportionate approach to how this area contributes to the overall site integrity should be adopted.

Local Plan Housing Numbers

2.4 The quantum of development expected in each Local Planning Authority (LPA) area is an important matter as it is a key input into any traffic model. The AFWG has discussed this matter and the following approach is proposed as a general principle for the purpose of making forecasting assumptions relating to neighbouring planning authorities for in combination assessment of plan going forward:

⁵ CHAPMAN, C. & TYLDESLEY, D. 2016. Small-scale effects: How the scale of effects has been considered in respect of plans and projects affecting European sites - a review of authoritative decisions. Natural England Commissioned Reports, Number 205.

- Where a Local Plan is less than 5 years old, the adopted Local Plan figures should be used, unless the LPA advise in writing that, due to a change in circumstance, an alternative figure should be used or
- Where an emerging Local Plan is at or beyond the pre-submission consultation stage and the LPA undertaking the modelling can be confident of the figures proposed, then the emerging Local Plan figure should be used, or
- For Local Plans that are over 5 years old and considered out of date, and the emerging Local Plan has not progressed, then the OAN/Government Standard Methodology (once confirmed by CLG) should be used, unless otherwise evidenced.

Table 2: Signatory position on statements above on the approach to identifying appropriate local plan housing numbers to include in modelling for the purposes of forecasting assumptions for HRA air quality modelling.

Agree	Disagree	No position	Reserve judgement
South Downs National Park Authority		Natural England	
Lewes District Council		Tandridge District Council	
Tunbridge Wells Borough Council		East Sussex County Council	
Sevenoaks District Council		West Sussex County Council	
Eastbourne Borough Council			
Crawley Borough Council			
Mid Sussex District Council			
Rother District Council			

2.5 The named authorities agree with this approach for the following reasons: The approach outlined above provides a reasonable and practical way forward to ensure that housing numbers used in future modelling work are selected in a consistent and transparent way and are most robust to inform HRA work.

2.6 These named authorities have no position in regards to this approach for the following reasons:

- Tandridge District Council: will apply this approach for consistency and the Duty to Cooperate.
- West Sussex County Council: WSCC is not an LPA for housing.
- East Sussex County Council: ESCC is not an LPA for housing.

2.7 Based on the above principle set out in paragraph 2.5, Appendix 4 of the Statement sets out agreed housing numbers at the time of drafting this Statement (December 2017). It is recognised that housing numbers would change often due to the number of authorities that

are signatories to this Statement, and therefore these numbers represent a snapshot in time. In light of this, a further three principles are put forward:

- It is expected that each LPA will confirm housing numbers with individual authorities before running models;
- Housing numbers will be a standing item on the agenda for the Working Group going forward. AFWG members shall notify the working group immediately if events take place (relevant to paragraph 2.5) which require an amendment to Appendix 4. In the absence of any objection within 14 days of notification, Working Group members may use the amended figures pending formal sign-off of the changes to Appendix 4 at the next Working Group meeting.
- The agreement of specific housing numbers as set out in Appendix 4, as updated from time to time is applicable to future modelling runs and does not involve retrospectively re-running models. The focus of future modelling is agreed to be to assess the (in combination) impacts of forthcoming Local Plans, not to retrospectively reassess existing adopted Local Plans.

Table 3: Signatory position on the statements above regarding housing numbers and air quality modelling.

Agree	Disagree	No position	Reserve judgement
South Downs National Park Authority		Natural England	
Lewes District Council		East Sussex County Council	
Sevenoaks District Council		West Sussex County Council	
Tandridge District Council			
Eastbourne Borough Council			
Crawley Borough Council			
Tunbridge Wells Borough Council			
Mid Sussex District Council			
Rother District Council			

2.8 The named authorities agree with this approach for the following reasons. The approach outlined above provides a reasonable and practical way forward for LPAs to work together in sharing the latest information on housing numbers to inform future modelling work.

2.9 These named authorities have no position in regards to this approach for the following reasons:

- West Sussex County Council: WSCC is not an LPA for housing.
- East Sussex County Council: ESCC is not an LPA for housing.

Traffic Modelling

- 2.10 The key elements of the various traffic modelling approaches are set out in Appendix 5 of this Statement. Appendix 5 includes analysis of the major differences⁶, minor differences and commonalities in traffic modelling undertaken. The AFWG has discussed these approaches for the purpose of future in combination assessments and agree/disagree with the following:

Geographical Coverage

- 2.11 This SCG does not set out specific geographical coverage for traffic modelling work. It is a matter for each LPA to determine if modelling is necessary having regard to other sources of traffic flow information, and, to the extent that modelling is considered necessary, the geographic coverage should be sufficiently extensive to enable reasonable and proportionate modelling of flows on Ashdown Forest roads.

Table 4: Signatory position on geographical coverage of their traffic modelling

Agree	Disagree	No position	Reserve judgement
South Downs National Park Authority			
Lewes District Council			
Tunbridge Wells Borough Council			
Tandridge District Council			
Mid Sussex District Council			
Sevenoaks District Council			
Eastbourne Borough Council			
Rother District Council			

- 2.12 The named authorities agree with this approach for the following reasons. The nature of the issue is such that it is not appropriate for a set geographical boundary to be drawn. The above approach outlines a practical, proportionate and robust way forward in combination with the other parameters agreed in the subsections below.

Road Network in Ashdown Forest

- 2.13 The following roads through or adjacent to Ashdown Forest are modelled: A22 (Royal Ashdown Forest Golf Course), A22 (Wych Cross), A22 (Nutley), A275 (Wych Cross) and A26 (Poundgate). For peripheral authorities (i.e. those that do not host the SAC) it is considered that impacts would manifest on main (A) roads in the first instance and in usual circumstances. Therefore, it is logical and reasonable to begin by modelling the roads where

⁶ The words 'major' and 'minor' are given their common usage, and are not to be restricted to the definition of major development in the Town and County Planning (Development Management Procedure) (England) Order 2015, or to proposals that raise issues of national significance

the impact will be highest and if, when modelling A roads, a conclusions of no likely significant effects is identified then it is not considered necessary to go on to model B and minor roads.

Table 5: Signatory position on which roads through or adjacent to Ashdown Forest are modelled

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	Mid Sussex District Council
Lewes District Council		Natural England	
Tunbridge Wells Borough Council			
Tandridge District Council			
Eastbourne Borough Council			
Crawley Borough Council			
Sevenoaks District Council			
West Sussex County Council			

2.14 These named authorities agree with this statement for the following reasons: The above approach sets out a reasonable and logical approach for determining likely significant effects in such a way that is robust and also proportionate. Beginning by modelling the more strategic busiest routes, where impacts will be highest, is an appropriate way to identify likely significant effects. These routes have the greatest current and future flows and are also routes likely to experience greatest change in growth, especially those most likely to be used by residents of authorities some distance from the SAC.

2.15 Mid Sussex District Council reserves judgement in regards the approach set out above for the following reasons: Mid Sussex agrees with this practical approach, but has found that in its case it has been appropriate to consider traffic changes on forest roads, which link to mid Sussex District, including the B1110.

Data types for base year validation

2.16 The data type for the modelling base year is the 24hr Annual Average Daily Traffic (AADT) and uses base flow data provided by WDC for 2014.

Table 6: Signatory position on the data types for base year validation

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	Mid Sussex District Council
Lewes District Council		Rother District Council	
Tunbridge Wells Borough Council			
Tandridge District Council			

Eastbourne Borough Council			
Crawley Borough Council			
Natural England			
Sevenoaks District Council			
West Sussex County Council			

- 2.17 Rother District Council has no position in regards to the approach set out above for the following reasons: While Rother District Council agrees with the use of AADT as a basis for assessing traffic flows, it has not undertaken recent traffic modelling outside of Bexhill area, so has not considered the use of base flow data. Rather, it draws on the most recent traffic survey results from East Sussex County Council.
- 2.18 Mid Sussex District Council reserves judgement in regards the approach set out above for the following reasons: Mid Sussex believes that this should be the most recent robust and validated data source and this may refer to more recent years.

Trip Generation Methodology

- 2.19 Use of TRICS⁷ rates. TRICS is the national standard system of trip generation and analysis in the UK, and is used as an integral and essential part of the Transport Assessment process. The system allows its users to establish potential levels of trip generation for a wide range of development and location scenarios.

Table 7: Signatory position on trip generation methodology

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		Natural England	
Lewes District Council			
Tunbridge Wells Borough Council			
Tandridge District Council			
Eastbourne Borough Council			
East Sussex County Council			
Crawley Borough Council			
Sevenoaks District Council			
West Sussex County Council			
Mid Sussex District Council			
Rother District Council			

⁷ <http://www.trics.org/>

2.20 These named authorities agree with this approach for the following reasons. The approach outlined above is supported on the basis that TRICS is the most robust available system for LPAs to use in their respective modelling exercises.

Demand changes assessed in study

2.21 The demand changes assessed are housing and employment. Employment figures are either provided directly by the local authority or TEMPRO includes allowances for growth in jobs. Housing numbers are identified using the methodology set out in paragraphs 2.5 and 2.8 of this SCG. These are per annum based on Local Plans, or alternatively Objectively Assessed Need (as agreed in this Statement) to be used in the National Trip End Model Program (TEMPRO). The growth rate is adjusted according to each scenario as appropriate.

Table 8: Signatory position on the demand changes assessed in study

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		Natural England	
Lewes District Council			
Tunbridge Wells Borough Council			
Eastbourne Borough Council			
Sevenoaks District Council			
Tandridge District Council			
West Sussex County Council			
Crawley Borough Council			
Mid Sussex District Council			
Rother District Council			
East Sussex County Council			

2.22 The named authorities agree with this approach for the following reasons. TEMPRO is an industry standard database tool across Great Britain, provided by the Department for Transport and therefore forecasting using TEMPRO has a high degree of consistency. TEMPRO can be adjusted with emerging plan figures (as agreed in this Statement) to reflect the latest updates in expected growth.

Forecasting Growth

2.23 There are two key elements to the forecasting of growth arising from Local Plans:

- In combination assessment of the proposed Local Plan with other plans. For this the ‘Do Something’ (i.e. the proposed Local Plan) compared with the Base (i.e. all expected traffic growth over the assessment period).
- The relative contribution of the Local Plan in question to that in combination change. This is difference between Do Something (i.e. with Local Plan) and Do Nothing (without the

Local Plan). To forecast the ‘Do nothing’ background growth, which is the likely growth of traffic to arise without the proposals set out in the development plan being assessed, the current issued version of TEMPRO available at the date of commencing transport study work is used. TEMPRO is based on a combination of trend based and plan based forecasting, including growth totals for households and jobs at Local Planning Authority level from adopted Local Plans at the time when updating started for the TEMPRO version being used. TEMPRO does not assume that specific housing or employment site allocations or planning consents do or do not go ahead. The difference between the ‘Do Nothing’ scenario and the scenario which includes the development plan being assessed, shows the relative contribution of that development plan to changes in traffic movements.

Table 9: Signatory position on forecasting background growth

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		Natural England	Mid Sussex District Council
East Sussex County Council			
Tandridge District Council			
Lewes District Council			
Eastbourne Borough Council			
Sevenoaks District Council			
West Sussex County Council			
Crawley Borough Council			
Tunbridge Wells Borough Council			
Rother District Council			

- 2.24 The named authorities agree with this approach for the following reasons: The approach outlined above follows a logical, clear and robust methodology and uses TEMPRO - an industry standard database tool across Great Britain and therefore forecasting using TEMPRO has a high degree of consistency. It shows the predicted in combination growth of a Local Plan with other plans and projects along with the predicted relative contribution of that Local Plan to any change.
- 2.25 Mid Sussex District Council reserves judgement in regards the approach set out above for the following reasons: Mid Sussex agrees with the use of TEMPRO as a source of basic growth assumptions, but suggests that care is needed in the specification of the ‘do nothing’ or reference case and development plan case.

Air quality calculations

2.26 The key features of the air quality calculations methodology are set out in Appendix 6 of this Statement. The AFWG has discussed the following elements of air quality calculations, which are used to support the air quality HRA work and agree/disagree with the following:

Chemicals monitored and assessed in forecasting

2.27 Nitrogen oxides (NO_x which includes nitric oxide (NO) and nitrogen dioxide (NO₂)), Nitrogen deposition (N), Acid Deposition, and ammonia (NH₃). The chemicals listed here (excluding ammonia) are those included within the standard methodology⁸.

Table 10: Signatory position on the chemicals to be monitored and assessed in forecasting

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	
Lewes District Council		West Sussex County Council	
Eastbourne Borough Council			
Natural England			
Crawley Borough Council			
Sevenoaks District Council			
Tunbridge Wells Borough Council			
Rother District Council			
Tandridge District Council			
Mid Sussex District Council			

2.28 The named authorities agree with this approach for the following reasons. The approach outlined above is based on the industry standard methodology. Ammonia is agreed to be included as best practice going forward in assessment of Ashdown Forest on the basis of specific suitable evidence available.

2.29 These named authorities have no position in regards to this approach for the following reasons:

- West Sussex County Council: WSCC are not actively involved in this work to date.
- East Sussex County Council: ESCC are not actively involved in this work to date.

Conversion rates from NO_x to N

2.30 This process involves two stages. Firstly, NO_x to NO₂ conversion is calculated using Defra’s NO_x to NO₂ calculator. Secondly, for N deposition, the NO₂ value is multiplied by 0.1, as set

⁸ Design Manual for Roads and Bridges, Chapter 11, Section 3, Annex F

out in the Design Manual for Roads and Bridges⁹ (DMRB) guidance. The multiplication of NO_x concentrations by a factor is a standard approach set out in DMRB and in Environment Agency guidance¹⁰ or as provided in updated guidance.

Table II: Signatory position on conversion rates from NO_x to N

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		West Sussex County Council	Mid Sussex District Council
Lewes District Council		East Sussex County Council	
Eastbourne Borough Council			
Crawley Borough Council			
Natural England			
Sevenoaks District Council			
Tandridge District Council			
Tunbridge Wells Borough Council			
Rother District Council			

- 2.31 The named authorities agree with this statement for the following reasons. The approach outlined follows established guidance as set out in the Design Manual for Roads and Bridges and by the Environment Agency.
- 2.32 These named authorities have no position in regards to this approach for the following reasons:
- West Sussex County Council: WSCC are not actively involved in this work to date
 - East Sussex County Council: ESCC are not actively involved in this work to date.
- 2.33 Mid Sussex District Council reserves position in regards the approach set out above for the following reasons: Mid Sussex reserves its position and will take advice from its advisors on this issue at the point of future assessment.

Background improvement assumptions

- 2.34 The only Government guidance on this issue (from Defra and DMRB) indicates that an improvement in background concentrations and deposition rates of 2% per annum should be assumed. However, the modelling undertaken by AECOM takes a more cautious approach. Improvements in background concentrations and emission rates follow Defra/DMRB assumed improvements up to 2023, but with background rates/concentrations then being frozen for

⁹ The Design Manual for Roads and Bridges:
<http://www.standardsforhighways.co.uk/ha/standards/dmrb/index.htm>

¹⁰ Environment Agency. (2011). *Air Quality Technical Advisory Group 06 - Technical guidance on detailed modelling approach for an appropriate assessment for emissions to air.*

the remainder of the plan period. This is considered a realistic worst case and, averaged over the plan period, is in line with known trends in nitrogen deposition.

Table 12: Signatory position on background improvement assumptions set out in paragraph 2.39

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	Mid Sussex District Council
Lewes District Council		West Sussex County Council	
Tandridge District Council		Crawley Borough Council	
Eastbourne Borough Council			
Natural England			
Sevenoaks District Council			
Tunbridge Wells Borough Council			
Rother District Council			

2.35 The named authorities agree with this statement for the following reasons: The approach outlined above is considered robust and reasonable. It takes a precautionary approach using a realistic worst case scenario. There is a long history of improving trends in key pollutants (notably NO_x) and in nitrogen deposition rates, and there is no reason to expect that will suddenly cease; on the contrary, there is every reason to expect the rate of improvement to increase as more national and international air quality improvement initiatives receive support.

2.36 These named authorities have no position in regards to this approach for the following reasons:

- Crawley Borough Council; the evidence to support the adopted Local Plan screened out the need to undertake an air quality assessment and therefore Crawley has no position as we have not commissioned expertise
- West Sussex County Council: WSCC are not actively involved in this work to date.
- East Sussex County Council: ESCC are not actively involved in this work to date.

2.37 Mid Sussex District Council reserves position in regards the approach set out above for the following reasons: Mid Sussex reserves its position and will take advice from its advisors on this issue at the point of future assessment.

Rate of dispersal from the road

2.38 The use of the dispersion model ADMS-Roads, by Cambridge Environmental Research Consultants, calculating at varied intervals back from each road link from the centre line of the road to 200m, with the closest distance being the closest point to the designated sites to the road.

Table 13: Signatory position on the rate of dispersal from the road used

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	Mid Sussex District Council
Lewes District Council		West Sussex County Council	
Tandridge District Council			
Eastbourne Borough Council			
Natural England			
Crawley Borough Council			
Sevenoaks District Council			
Tunbridge Wells Borough Council			
Rother District Council ¹¹			

2.39 The named authorities agree with this statement for the following reasons: This approach follows the Department of Transport’s Transport Analysis Guidance which advises “Beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant”. In modelling work undertaken for the HRA for the South Downs Local Plan and Lewes District Local Plan, modelled transects show that NOx concentrations and nitrogen deposition rates are forecast to fall to background levels well before 200m from the roadside, therefore there is no value in extending transects any further.

2.40 These named authorities have no position in regards to this approach for the following reasons:

- West Sussex County Council: WSCC are not actively involved in this work to date
- East Sussex County Council: ESCC are not actively involved in this work to date.

2.41 Mid Sussex District Council reserves position in regards the approach set out above for the following reasons: Mid Sussex reserves its position and will take advice from its advisors on this issue at the point of future assessment.

Type of habitat included in the assessment e.g. woodland and heathland

2.42 Taking the precautionary approach it is assumed that pristine heathland (the SAC feature) is present, or could be present in the future, at any point on the modelled transects irrespective of existing habitat at that location. However, it is recognised that in practice there are affected areas in which heathland is not present and may never be present (as outlined by Natural England below) and this would need including in ecological interpretation of results’.

¹¹ RDC’s position is one of agreement, on the express basis (perhaps as a footnote) that this is accepted as being the reasonable the position of Natural England, as the Government’s advisors.

Table 14: Signatory position on the type of habitat included in the assessment

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	
Tandridge District Council		West Sussex County Council	
Lewes District Council			
Eastbourne Borough Council			
Natural England			
Crawley Borough Council			
Tunbridge Wells Borough Council			
Sevenoaks District Council			
Rother District Council ¹²			
Mid Sussex District Council			

2.43 Natural England add: This is an appropriate method for screening but on the ground it is rarely the case that all areas of a designated site will include all designated features. There are a number of reasons for this; sometimes features are SSSI notified but not part of the SAC/SPA notification and often a site boundary runs to a recognisable feature such as a field boundary or road for practicality reasons. Therefore areas of site may be considered site fabric as they do not contain and never will contain notified features of an N2K designation. This is something that is considered on a site by site basis dependant on specifics and on conservation objectives. If required the “on the ground” characteristics may be used for more detailed screening or if further assessment is required to ascertain whether plans or projects will have an adverse effect on the integrity of the site.

2.44 The named authorities agree with this statement for the following reasons. The approach outlined above takes an appropriate, precautionary and practical approach in modelling and ecological interpretation.

2.45 These named authorities have no position in regards to this approach for the following reasons:

- West Sussex County Council are not actively involved in this work to date
- East Sussex County Council are not actively involved in this work to date.

Ecological Interpretation

2.46 The section covers principles and methodology for the interpretation of the air quality modelling work to understand the impact of air quality changes on the ecology of Ashdown Forest SAC.

^{12 12} RDC’s position is one of agreement, on the express basis (perhaps as a footnote) that this is accepted as being the reasonable the position of Natural England, as the Government’s advisors.

- 2.47 The development of dose-response relationships for various habitats¹³ clarifies the rate of additional nitrogen deposition that would result in a measurable effect on heathland vegetation, defined as the loss of at least one species from the sward. For lowland heathland it is indicated that deposition rates of c. 10-15kgN/ha/yr (representative of the current and forecast future deposition rates using background mapping) an increase of 0.8-1.3kgN/ha/yr would be required for the loss of one species from the sward¹⁴. The sites covered in the research had a range of different 'conditions' but the identified trends were nonetheless observable. The fact that a given heathland site may not have been included in the sample shouldn't be a basis for the identified trend to be dismissed as inapplicable. On the contrary, the value of the dose-response research is precisely in the fact that it covered a range of sites, subject to a mixture of different influences, meaning that consistent trends were identified across sites despite differing conditions at the sites involved. Based on the consistent responses (in terms of trend) across the range of habitats studied there is no reason why the identified trends (which have been identified as applying to bogs, lowland heathland, upland heathland, dunes and a range of other habitats) should not apply to all types of heath.
- 2.48 There is a legal need to consider/identify whether there is an 'in combination' effect. However, there is no automatic legal assumption that all contributors to any effect must then mitigate/address their contribution, no matter how small. Not all contributors to an effect will be equal. Far more likely is that there will be a small number of contributors who are responsible for the majority of the exceedance. The identification of those contributors who need to mitigate must be ultimately based on whether mitigating/removing their specific contribution will actually convey any protection to the European site in terms of achieving its conservation objectives (since this is the purpose of the Habitats Directive) and/or whether mitigating the contribution of certain contributors to any effect will sufficiently mitigate that effect.
- 2.49 Within the context of a forecast net improvement in nitrogen deposition, rather than a forecast net deterioration, available dose-response data make it possible to gauge whether the air quality impact of a given plan is not just of small magnitude (which could still meaningfully contribute to an effect 'in combination') but of such a small magnitude that its contribution may exist in theory (such as in the second decimal place of the air quality model) but not in practice on the ground. Such a plan would be one where it could be said with confidence that: (a) there would not be a measurable difference in the vegetation whether or not the plan proceeded, and (b) there would not be a measurable effect on the vegetation whether or not the contribution of the plan was 'mitigated' (i.e. reduced to the extent that it did not appear in the model at all). It would clearly be unreasonable to claim that such a plan would cause adverse effect 'in combination' or that it should be mitigated.

¹³ Caporn, S., Field, C., Payne, R., Dise, N., Britton, A., Emmett, B., Jones, L., Phoenix, G., S Power, S., Sheppard, L. & Stevens, C. 2016. Assessing the effects of small increments of atmospheric nitrogen deposition (above the critical load) on semi-natural habitats of conservation importance. Natural England Commissioned Reports, number 210.

¹⁴ The cited rates are presented Table 21, page 59 of Caporn et al 2016, to illustrate the trends identified (which apply not just to species richness but, as illustrated by other tables in the same report, to other parameters). That table states that at a background rate of 10kgN/ha/yr an additional 0.3 kgN/ha/yr was associated with a reduction in species richness of '1' in lowland heathland sites. At a background rate of 15kgN/ha/yr the same effect was associated with an incremental increase of 1.3 kgN/ha/yr.

Table 15: Signatory position on ecological interpretation as part of assessments

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		West Sussex County Council	
Lewes District Council		East Sussex County Council	
Tandridge District Council			
Eastbourne Borough Council			
Natural England			
Crawley Borough Council			
Tunbridge Wells Borough Council			
Sevenoaks District Council			
Rother District Council ¹⁵			
Mid Sussex District Council			

2.50 These named authorities agree with this opinion for the following reasons: The approach outlined above takes an appropriate, precautionary and practical approach in modelling and ecological interpretation.

2.51 These named authorities have no position in regards to this approach for the following reasons:

- West Sussex County Council are not actively involved in this work to date.
- East Sussex County Council are not actively involved in this work to date.

Need for mitigation or compensation measures

2.52 The AFWG has discussed the possible findings of air quality work currently being undertaken, including the potential need for mitigation or compensation for air quality impacts associated with growth identified in Local Plans.

2.53 At present, published HRAs for adopted or emerging Local Plans have not concluded that mitigation or compensation is currently required. However, it is also recognised that the outcomes of ongoing technical modelling and assessments cannot be predicted or pre-determined. In this light, the AFWG recognises the value of early discussion of as a ‘back-pocket’ exercise, just in case they subsequently prove necessary. It is emphasised that initial suggestions and consideration of potential mitigation/solutions/compensation should not be interpreted as either a recognition that they will prove necessary, nor as a commitment to eventually pursuing such measures.

¹⁵ ¹⁵ RDC’s position is one of agreement, on the express basis (perhaps as a footnote) that this is accepted as being the reasonable the position of Natural England, as the Government’s advisors.

2.54 It is recognised that Wealden District Council as the SAC host, and Natural England, will necessarily have the key lead roles in identifying potential mitigations and/or compensation to benefit the SAC, although all parties may contribute. It is agreed to maintain a table of mitigation options in a transparent manner on an ongoing basis. This should enable all parties to be fully prepared for the possibility of needing to address effects on the SAC, enabling them to do so (if required) without causing undue delay to the planning process.

Table 16: Signatory position with regard to the need for mitigation or compensation measures

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	
Sevenoaks District Council		West Sussex County Council	
Lewes District Council			
Eastbourne Borough Council			
Tandridge District Council			
Tunbridge Wells Borough Council			
Crawley Borough Council			
Natural England			
Rother District Council			
Mid Sussex District Council			

2.55 These named authorities have no position in regards to this opinion for the following reasons:

- West Sussex County Council are not actively involved in this work to date.
- East Sussex County Council are not actively involved in this work to date.

3. Actions going forward

3.1 The members of the AFWG will continue to work together constructively, actively and on an on-going basis toward a consensus on the matter of air quality impacts on Ashdown Forest SAC associated with growth identified in Local Plans. The AFWG will continue to share evidence and information, and will work cooperatively together to discuss potential mitigation measures just in case need for these should arise, and will consider other measures to reduce the impact of nitrogen deposition around the Forest as matter of general good stewardship.

3.2 The Government consultation document ‘Planning for the right homes in the right places’ proposes as a minimum that SCG will need to be updated each time a signatory authority reaches a key milestone in the plan making process. The AFWG recognises that this SCG will need to be updated regularly in line with emerging Government policy and in order to reflect emerging evidence and established knowledge of air quality impact on European nature conservation designations.

Table 17: Signatory position on actions going forward for the AFWG

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority			
Sevenoaks District Council			
Tandridge District Council			
Lewes District Council			
East Sussex County Council			
Eastbourne Borough Council			
Crawley Borough Council			
Natural England			
West Sussex County Council			
Tunbridge Wells Borough Council			
Rother District Council			
Mid Sussex District Council			

4. Summary conclusions

- 4.1 This Statement of Common Ground has been signed by the following authorities and will be submitted by the SDNPA as part of the evidence base supporting the South Downs Local Plan in April 2018.



Signature: 
Logo: 
Date: 12/04/2018
Position: Director of Planning
Authority: South Downs National Park Authority

Signature 
Logo: 
Date 03/04/2018
Position: Head of Planning (Officer)
Authority: Lewes District and Eastbourne Borough Councils

Signature: 
Logo: 
Date: 09/04/2018
Position: Head of Strategic Housing and Planning Services (Officer)
Authority: Crawley Borough Council

Signature : 
Logo: 
Date: 12/04/2018
Position: Chief Executive
Authority: Mid Sussex District Council

Signature: 
Logo: 
Date: 04/04/2018
Position: Head of Planning & Environment
Authority: East Sussex County Council

Signature: 
Logo: 
Date 09/04/2018
Position: Sustainable Development Senior Adviser - Sussex and Kent Team
Organisation: Natural England

Signature: 
Logo: 
Date: 12/04/2018
Position: Director of the Strategy & Planning Service
Authority: Rother District Council

Signature: 
Logo: 
Date: 03/04/2018
Position: Head of Planning and Transportation
Authority: Tunbridge Wells Borough Council

Signature: 
Logo: 
Date: 06/04/2018
Position: Chief Planning Officer
Authority: Sevenoaks District Council

Signature: 
Logo: 
Date: 09/04/2018
Position: Head of Planning Services
Authority: West Sussex County Council

Signature: 
Logo: 
Date: 30/03/2018
Position: Strategic Director of Place
Authority: Tandridge District Council

Appendix I: Ashdown Forest SAC Reasons for Designation

The text below is extracted from the Habitats Regulations Assessment for the Pre-submission South Downs Local Plan, published for consultation in September 2017.

I.1 Introduction

Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England, with both European dry heaths and, in a larger proportion, wet heath.

I.2 Reasons for Designation

SAC criteria

The site was designated as being of European importance for the following interest features:

Wet heathland and dry heathland

Great crested newts

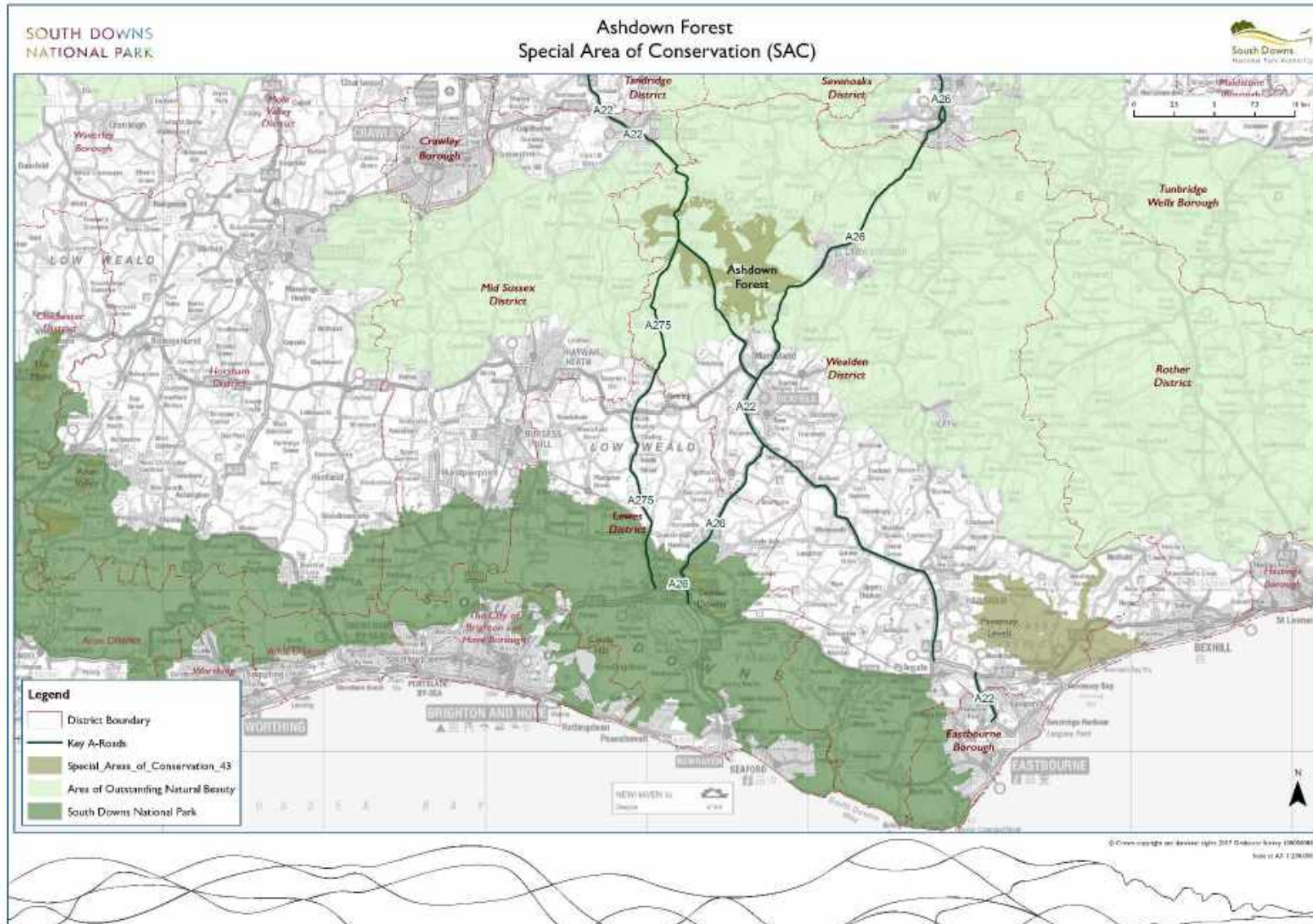
I.3 Historic Trends and Current Pressures

During the most recent condition assessment process, 99% of the SSSI was considered to be in either 'favourable' or 'unfavourable recovering' condition.

The following key environmental conditions were identified for Ashdown Forest SAC/SPA:

- Appropriate land management
- Effective hydrology to support the wet heathland components of the site
- Low recreational pressure
- Reduction in nutrient enrichment including from atmosphere.

Appendix 2: Map of Ashdown Forest



Appendix 3: Notes from Ashdown Forest Working Group meetings: May 2017 to January 2017

These meeting notes are a summary of officer discussions. The SCG sets out the final positions of each of the signatory organisations at the time of signing and where there are discrepancies the SCG takes precedence.

NOTES OF MEETING ASHDOWN FOREST 10:00 AM, 9TH MAY 2017 EASTERN AREA OFFICES, STANMER PARK, BRIGHTON & HOVE

Attendees:

Marian Ashdown (MA) – Natural England
 Marina Briggingshaw (MB) – Wealden District Council
 Sharon Evans (SE) - Tunbridge Wells Borough Council
 Jennifer Hollingum (JH) - Mid Sussex District Council
 Ellen Reith (ER) – East Sussex County Council
 Kelly Sharp (KS) – Wealden District Council
 Tondra Thom (TT) – Lewes and Eastbourne Councils
 Sarah Thompson (ST) – Tandridge District Council
 Chris Tunnell (CT) – Mid Sussex District Council
 Lucy Howard (LH) – South Downs National Park Authority
 Sarah Nelson (SN) - South Downs National Park Authority
 Kate Stuart (KS) - South Downs National Park Authority
 Alma Howell (AH) - South Downs National Park Authority

1. Introductions and Reasons for Meeting	Actions
<p>LH outlined the aims of this meeting which are to discuss:</p> <ul style="list-style-type: none"> • agreeing to work collaboratively on the issues; • agreeing to share information and existing work to assist in traffic modelling for HRA work; • setting up a working group. 	
<p>2. Key stages with Local Plans and HRA timetables</p>	
<p>SDNPA's Local Plan - Pre-Submission Consultation in September 2017 Tunbridge Wells Local Plan - Issues and Options consultation this Autumn Wealden Local Plan - Pre-Submission Consultation this Autumn Lewes Local Plan Part 2 – Allocations and DM Policies - Pre-Submission Consultation this Autumn Tandridge Local Plan - Pre-submission public consultation early next year Mid Sussex Local Plan – At Examination</p>	

<p>3. Moving on from High Court Decision</p> <p>LH highlighted that we now need to draw a line under the High Court decision as there will be no appeals or cross appeals. She explained that the group should agree to move forward together to address in combination effects of traffic generation on Ashdown Forest SAC and other affected SAC's.</p>	<p>All agreed to acknowledge the ruling and agreed to move forward together to address the in combination effects of traffic generation on Ashdown Forest SAC and other SACs</p>
<p>4. Wealden DC's latest work on HRA and Ashdown Forest</p> <p>LH introduced this item explaining that WDC had undertaken a large amount of work on this matter and that it would be very useful to the group if WDC could set out the main studies, timetables and output for this work. This is because all local authorities affected by this issue need to be broadly using the same information and working from the same base conditions.</p> <p>MB and KS outlined the work that Wealden had undertaken over the last four years which includes air pollution monitoring on the forest, traffic monitoring, ecology work and transport modelling of future scenarios looking at Wealden's growth alone and in combination with other local authorities. MB agreed to set out in an email to the group the methodologies of the work undertaken so far.</p> <p>LH also mentioned the email that David Scully from Tunbridge Wells had sent to her in advance of the meeting raising a number of technical questions with regards to Wealden's work. MB agreed to try and answer the queries if the email could be sent directly to her and she would copy her response to all. It was also suggested that it would be helpful if this email also explained the issue with using 1000 AADT as the threshold rather than 1% process contribution.</p>	<p>MB to send an email to all setting out the details of methodology of work undertaken so far.</p> <p>LH to send David Scully's email to MB and cc all</p> <p>MB to reply including in her response the issue re:1000 AAD and cc all</p>
<p>5. Natural England's latest work on air quality methodology for HRA's</p> <p>MA explained that in combination effects relating to air pollution on SAC's are complex and widespread and that this is a national issue and a priority for NE. NE has set up a project group to look specifically at this issue in relation to all protected sites in the South East that have exceeded their critical load. New internal guidance is being prepared to help NE specialists provide advice to local authorities undertaking HRA's and will be available in mid-June. This will include where to obtain data, habitat trends, APIS information etc. as well as guidance on policy, avoidance and compensatory measures. The group agreed that it would be useful if some of this information could be sent directly to them.</p> <p>MA questioned why Rother had not been included in this group. It was agreed that Rother, Crawley and Brighton and Hove should be included. MB agreed to check with their consultants where they felt the main traffic movements were occurring and which authorities were affected.</p>	<p>MA to send to group useful information from this guidance</p> <p>LH to invite Rother, Crawley and B&H to be part of group and attend future meetings.</p>

	<p>MB to check with consultant s which other local authorities are likely to be affected by this issue</p>
<p>6. Sharing and Understanding evidence</p> <p>LH said that we need to share what information we have and need.</p> <p>The first year of Wealden’s air pollution monitoring baseline data is in the public domain. Wealden are unable to share other year’s data and outcomes at the present time as they need to be sure, before it enters the public arena, that it is robust and the peer review has been completed. The peer review of this work is being undertaken by academics at The Centre of Hydrology and Ecology. A report setting out the results of this work would likely be published in July/August of this year. Wealden are willing to give raw data to Natural England for their specialist to interpret. NE will specify what they need to MB/KS who will endeavour to provide this.</p> <p>Mid Sussex has used the West Sussex Transport Model and TEMPRO data to assess in combination effects. They are looking at possible areas of the District where development here would not generate traffic on Ashdown Forest.</p>	<p>LH to circulate table to ascertain who has what information</p> <p>MA to speak to NE’s air pollution specialists to identify what data they need. MA then to email MB/KS who will supply the data and cc the group</p>
<p>7. Policy solution options to Nitrogen deposition</p> <p>The group discussed possible wider longer term solutions such as the creation of a Low Emission Zone and improvements to A27.</p> <p>MA explained that NE wished to encourage the creation of Shared Nitrogen Action Plans (SNAPs) which is something this group could establish and lead on as a way of reducing background levels of Nitrogen. The biggest contributor to nitrogen deposition on the Ashdown Forest is agriculture. All agreed that this would be a useful way forward for the group and would highlight that the local authorities were working collaboratively and identifying solutions. Developer contributions could be used to fund projects identified from this to reduce Nitrogen levels</p> <p>JH highlighted that there was some information on SNAPs on the NE website and she would send the links to this to the group.</p>	<p>JH to send web link to SNAPs to group. All agreed that this group should establish a SNAP as a way forward and longer term solution</p>
<p>8. Working Collaboratively as an Officer Group</p> <p>All agreed that the setting up of this group was extremely useful and that we should meet monthly. SDNPA would service the group in terms of chair, agenda and minutes. The venue would alternate between Stanmer and Mid Sussex and possibly a community centre in Wealden. MA explained that Tuesdays were not a good day for her to meet and the group proposed Wednesday as an alternative.</p>	<p>All agreed to set up a working group on Ashdown Forest</p> <p>SDNPA to send out notes of meeting and make arrangements for next monthly meeting.</p>

<p>In terms of cross boundary working and Member Briefing it was felt that the East Sussex Local Planning Managers Group and East Sussex Strategic Planning Members Group might be useful bodies to report to. However it was recognised that Mid Sussex, Tandridge and Tunbridge Wells were not members of these groups. It was important that officers reported back to their own members.</p>	
<p>9. AOB CT raised the issue of current planning applications that are caught by the High Court Ruling and whether Grampian conditions might be a way forward. MB suggested that this should only be considered once an HRA of the application had been carried out. However in the first instance she advised that a legal opinion should be sought.</p>	

NOTES OF MEETING ASHDOWN FOREST 10:00 AM, 21st JUNE 2017 EASTERN AREA OFFICES, STANMER PARK, BRIGHTON & HOVE

Attendees:

- Marian Ashdown (MA) – Natural England
- Marina Brigginsshaw (MB) – Wealden District Council
- Sharon Evans (SE) - Tunbridge Wells Borough Council
- Hannah Gooden (HG) – Sevenoaks District Council
- Lucy Howard (LH) – South Downs National Park Authority
- Pat Randall (PR) – East Sussex County Council
- Ellen Reith (ER) – East Sussex County Council
- Vivienne Riddle (VR) – Tandridge District Council
- David Scully (DS) – Tunbridge Wells Brough Council
- Kate Stuart (KS) - South Downs National Park Authority
- Tondra Thom (TT) – Lewes and Eastbourne Councils
- Sarah Thompson (ST) – Tandridge District Council
- David Marlow (DM) - Rother District Council

<p>10. Introductions and reasons for meeting</p> <ul style="list-style-type: none"> • Group introduced themselves and welcomed new attendees. 	<p>Actions</p>
<p>11. Minutes and actions from last meeting</p> <p>Group went through the minutes to check actions were completed. Key updates to note:</p>	<ul style="list-style-type: none"> • LH to ask Mid Sussex for contact at Crawley • LH to invite West Sussex County

<ul style="list-style-type: none"> • Natural England Guidance – not yet available as it is still being developed. The internal guidance document will be made available to staff at Natural England and it is hoped that the salient points can be picked out in order to assist LPAs with their Appropriate Assessments. • Attendees of the group – agreed that Crawley, Brighton (Steve Tremlett suggested as contact point) and West Sussex to be invited to the group, and that Kent and Surrey County Councils should be made aware of the group. • Evidence table (outlines the evidence held by authorities which are part of the group) – agreed that completing this now is premature as there is a lot of evidence/assessment currently being undertaken/finalised. Agreed that it should be filled out in the autumn. • NE were to make a detailed request to WDC about what data they would like to see – NE and WDC are in discussion. 	<p>Council and Brighton to next meeting</p> <ul style="list-style-type: none"> • LH to make Kent and Surrey County Councils aware of the group
<p>12. Legal advice sought on Ashdown Forest</p> <ul style="list-style-type: none"> • Legal advice already sought by TWBC. • Technical advice intended to be sought by WDC (primarily to do with PDL) and also LDC and SDNPA. • Advised that the latest position from Mid Sussex is available on their website. MSDC hearings regarding Ashdown Forest to be held on 24/25th July. 	<ul style="list-style-type: none"> • LH to share QC comments on Ashdown Forest from the Minerals Conference • ALL – those getting legal advice to share the gist of that advice with the group.
<p>13. Air quality and traffic modelling updates</p> <ul style="list-style-type: none"> • All agreed in principle to use broadly the same modelling approach (other than WDC as already progressed with own model). • All agreed in principle to share data to ensure consistency of inputs in models. • It is noted that all except WDC and MSDC are using AECOM for HRA work. • Discussed at what point development levels are taken into account – adoption/submission/publication? It was noted that TEMPRO uses growth figures as of 2014 TEMPRO can be adjusted to take into account subsequent Local Plan proposals. • It was noted that WDC have assessed all roads across Ashdown Forest, not just A roads. • It was commented that using travel to work data in the model may underestimate movements and therefore the associated impact of visitor numbers. • WDC do not have a date for the release of their HRA work – likely end of August. 	<ul style="list-style-type: none"> • ALL – agreed to share data inputs for model. • LDC/SDNPA ask James Riley re. impact of visitors.
<p>14. Progress with Local Plans</p> <ul style="list-style-type: none"> • All progressing with Local Plans as per previous meeting. • WDC advised there is a delay in their timetable. WDC are looking to commence pre-submission consultation by the end of the year. WDC met with DCLG and had a positive meeting – no discussion of the phasing policy. 	
<p>15. Long term solutions including Strategic Nitrogen Action Plans (SNAP)</p>	

<ul style="list-style-type: none"> • Agreed that this item would be held until a future meeting once HRA work has been progressed by authorities and findings are available. • Noted that Cath Jackson of NE is to be covering Ashdown Forest. Cath Jackson will be at the next meeting and a possible SNAP could be discussed then. • There was a discussion about SNAP. NE advise that SNAP is not suitable as mitigation because it doesn't have sufficient certainty. 	
<p>16. Wealden DC to provide an update on their transport model</p> <ul style="list-style-type: none"> • Technical note on transport model circulated to authorities for their information. Update now received which looks at contribution from other authorities. WDC advise they are happy to circulate update. 	<p>MB – circulate update to office group.</p>
<p>17. AOB</p> <ul style="list-style-type: none"> • WDC noted that there is an article in the HRA Journal that may be of interest which queries the 1%. Advised that the journal is subscription only. • WDC advise they are happy to share evidence individually with authorities, but also advise that some evidence is not yet feasible to share. • Agreed that the next meeting would be in August and held at MSDC offices in Haywards Heath. 	<p>LH – arrange next meeting for August JH – arrange meeting room at MSDC offices in Haywards Heath.</p>

NOTES OF MEETING ASHDOWN FOREST 10:00 AM, 30th AUGUST 2017 MID SUSSEX DISTRICT COUNCIL, HAYWARDS HEATH

Attendees:

Marian Ashdown (MA) – Natural England (NE)

Marina Briggishaw (MB) – Wealden District Council (WDC)

Kelly Sharp (KS) – Wealden District Council

Nigel Hannam (NH) – Wealden District Council

Hannah Gooden (HG) – Sevenoaks District Council

Jennifer Hollingum (JH) – Mid Sussex District Council (MSDC)

Lucy Howard (LH) – South Downs National Park Authority

Katharine Stuart (KS) – South Downs National Park Authority

David Marlow (DM) – Rother District Council

Ellen Reith (ER) – East Sussex County Council (ESCC)

Edward Sheath (ES) – East Sussex County Council

David Scully (DS) – Tunbridge Wells Borough Council (TWBC)

Aidan Thatcher (AT) – Lewes and Eastbourne Councils

Tondra Thom (TT) – Lewes and Eastbourne Councils (LDC)

Roger Comerford (RC) – Tandridge District Council

Ian Bailey – Tonbridge & Malling Borough Council

AGENDA ITEM	ACTION
<p>18. Introductions and minutes from last meeting</p> <ul style="list-style-type: none"> • Group introduced themselves and welcomed new attendees. • LH apologised for the lateness in sending out the minutes. Two corrections were agreed and revised minutes to be circulated. The following actions were still noted as outstanding: <ul style="list-style-type: none"> - LH to contact Crawley BC, WSCC, Surrey CC and Brighton & Hove CC - Update on WDC transport model not yet published although a technical note is available on line¹⁶. 	<ul style="list-style-type: none"> • LH to ask Mid Sussex for contact at Crawley • LH to invite West Sussex County Council and Brighton to next meeting • LH to make Kent and Surrey County Councils aware of the group
<p>19. Wealden DC to provide update on air quality and ecology monitoring (MB)</p> <ul style="list-style-type: none"> • WDC have received draft air quality reports on Pevensey Levels and Lewes Downs • WDC have received draft reports on air quality and ecology for Ashdown Forest. These are being checked through. Changes are needed to explain the outcomes from the model and statistical analysis more clearly. • Once agreed with consultants WDC will share with NE. • WDC committed to share with members of group after NE and before publication on website. This will hopefully be in September 2017. • LH queried the background nitrogen deposition text to A22 which at 50kgN/ha/year is much higher than the Defra mapping levels. MB explained that the Defra figures are the average across the SAC, whereas the WDC figures are by 2metres squared, i.e. more finely grained analysis. • NH explained that WDC and ESCC were working on expression of interest bids to the Housing & Infrastructure Fund on the introduction of mitigation and compensatory work for Ashdown Forest. The focus would be on low emission zones. Support from members of the group would help the expression of interest. A very swift turn around on the bid is 	<ul style="list-style-type: none"> • WDC to share air quality and ecology monitoring first with NE then the wider group in September or shortly afterwards. • NH/ES/LH to draft wording and circulate around the group for agreement.

¹⁶

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/CoreStrategy/CoreStrategyLibrary/Planning_Evidence_Base_Habitat_Regulations_Assessment.aspx

AGENDA ITEM	ACTION
<p>required. The group agreed that this had to be very high level and not set out any detail.</p>	
<p>20. Transport modelling and in combination assessments (JH)</p> <ul style="list-style-type: none"> • MSDC is updating their District Plan HRA following their Local Plan Hearings. MSDC is using the WSCC County Highways Model. The model takes account of background growth and growth in surrounding areas, using the National Trip End Model (NTEM) and TEMPRO assumptions. Amey are the consultants and JH will ask if data can be shared. • Discussion on the correct figures to use, i.e. 876 or 1,090 dwellings for MSDC. The Inspector verbally agreed at the Hearings that there are grounds for adoption of the District Plan at 876 dwellings per year to 2023/24 and then a figure of 1,090 dwellings per year thereafter subject to the Habitats Regulations Assessment. • It was agreed that we should agree all our housing figures to be used in our transport models in the statement of common ground. • Discussion on TEMPro. This includes allocations and permissions but there is a gap 2014-2017. All authorities present are using TEMPro in their modelling work. • Discussion on future NOx reductions. WDC are using figures different to Defra. 	<ul style="list-style-type: none"> • JH to query sharing traffic data with Amey
<p>21. Brief updates with Local Plans and HRAs</p> <ul style="list-style-type: none"> • Covered elsewhere in meeting. 	
<p>22. A statement of common ground (SCG) on Ashdown Forest (LH)</p> <ul style="list-style-type: none"> • We all need to meet the Duty to Cooperate and engage constructively, actively and on an ongoing basis on strategic cross boundary issues. The officer working group is a good starting point and a SCG on Ashdown Forest would help to formalise and drive the work forward. • LDC directors met with PAS who offered to work with the group on the statement. TT will progress with PAS. • TWBC have drafted a bilateral statement between themselves and WDC and are awaiting WDC response. DS agreed to share with group. <p>The following was agreed by the group:</p> <ul style="list-style-type: none"> • To be completed and agreed by January 2018 • It would set out matters that the group agreed and didn't agree on. • It would cover air quality matters only and not other matters such as recreational pressure • It would relate only to Ashdown Forest but there was the potential to replicate it for other international designations • It would agree the methodology assumptions for transport and air quality • It would agree housing numbers for all the LPAs to be used for traffic modelling • It would agree to share evidence and findings 	<ul style="list-style-type: none"> • TT to contact PAS and invite to October meeting and find out level of support available • DS to circulate draft statement of common ground • NE to consider being a signatory

AGENDA ITEM	ACTION
<ul style="list-style-type: none"> • It would explain the role of the officer working group • It would cover planning policy and not planning applications. Neighbourhood plans would be covered under planning policy • NE to consider whether it should be a signatory. The feeling of the group was that NE is a very necessary partner to the statement • All LPAs present happy to progress and be signatory subject to content 	
<p>23. Update from Natural England (MA)</p> <ul style="list-style-type: none"> • MA explained to the group that the guidance on HRAs was for internal use at NE. The group discussed that there was general confusion on the matter both at a local and national level. 	
<p>24. Current approach to planning applications (DS)</p> <ul style="list-style-type: none"> • TWBC has received an objection to a planning application from WDC and have sought legal advice. • No other LPAs have received any objections • WDC confirmed that they are scrutinising weekly lists and objecting if an HRA has not been done when there is a net increase in traffic. • MSDC is undertaking a HRA screening for planning applications • WDC has not determined any planning applications that would result in a net increase in traffic. No appeals have been lodged on non-determination. 	
<p>25. AOB</p> <ul style="list-style-type: none"> • NH said that a developer, planning agent and landowner stakeholder forum has been set up for Ashdown Forest and that WDC has been invited to the next meeting in September. • Next working group meeting to be held on 9th or 13th October. 	<p>LH – arrange next meeting for 9th or 13th October. JH – arrange meeting room at MSDC offices in Haywards Heath.</p>

NOTES OF MEETING ASHDOWN FOREST 10:00 AM, 13th OCTOBER 2017 MID SUSSEX DISTRICT COUNCIL, HAYWARDS HEATH

Attendees:

- Marian Ashdown (MA) – Natural England (NE)
- Kelly Sharp (KSh) – Wealden District Council (WDC)
- Nigel Hannam (NH) – Wealden District Council
- Jennifer Hollingum (JH) – Mid Sussex District Council (MSDC)
- Lois Partridge (LP) – Mid Sussex District Council (MSDC)
- Lucy Howard (LH) – South Downs National Park Authority (SDNPA)
- Katharine Stuart (KSt) – South Downs National Park Authority
- Ellen Reith (ER) – East Sussex County Council (ESCC)

Edward Sheath (ES) – East Sussex County Council

David Scully (DS) – Tunbridge Wells Borough Council

Hannah Gooden (HG) – Sevenoaks District Council

Tondra Thom (TT) – Lewes and Eastbourne Councils

Roger Comerford (RC) – Tandridge District Council

Guy Parfect (GP) – West Sussex County Council

Jenny Knowles (JK) – Tonbridge and Malling Borough Council

Stephen Barker (SB) – Planning Advisory Service (PAS)

AGENDA ITEM	ACTION
<p>1. Introductions and minutes from last meeting (LH)</p> <ul style="list-style-type: none"> • Group introduced themselves and welcomed new attendees. • Run through of actions from previous meeting: <ul style="list-style-type: none"> ○ NH and ES: bid submitted by ESCC focussing on Hailsham linked to AF mitigation. Letter of support submitted. No response yet. ES will circulate documents. NH thanked group for support. ○ Regarding HRA work undertaken by WDC, see below. ○ RC queried if LPA contributions would be disaggregated. GP advises that this is problematic traffic may reroute differently. 	<ul style="list-style-type: none"> • ES to circulate Expression of Interest documents to group
<p>2. Wealden DC and Natural England to provide update on air quality and ecology monitoring (KS & MA)</p> <ul style="list-style-type: none"> • WDC have sent draft reports on Ashdown Forest SAC, Pevensey Levels SAC and Lewes Downs SAC to NE for their review. • These reports will be circulated to this officer group toward the end of week commencing 16th October 2017, and will be published on WDC website one week after circulation. • The work shared and published will be methodology and air quality work for Ashdown Forest – it will not include the ecology work as WDC have commissioned further work on this. • WDC has a DAS agreement with NE • NE will review the work produced by WDC and will include their in house air quality specialist. • KSh for WDC raised concerns regarding ammonia pollution arising from catalytic converters fitted to vehicles. MA notes that ammonia dissipates quickly. <p>Discussion then began regarding Strategic Nitrogen Action Plans (SNAP):</p> <ul style="list-style-type: none"> • MA confirmed that NE sees merit in a SNAP for Ashdown Forest. SNAP would reduce background nitrogen. • RC circulated a table of potential mitigation and solutions 	<ul style="list-style-type: none"> • WDC to circulate reports to the officer group toward end of week commencing 16th October 2017. • LH to add SNAP to a future full officer group meeting (not SCG subgroup meeting). • MA to invite NE officer to SNAP meeting when date known. • MA to confirm that NE input into SNAP wouldn't be charged.

<p>options, requesting that group members take shared ownership of this as a continuing ‘live’ piece of work, adding comments, updates and suggestions as they see fit. MA advise that the habitat management options would not be suitable as this would conflict with the reasons for the site designation. Other suggests could usefully feed into a SNAP. MA reiterated the key role of agriculture in the high background levels. To a lesser extent emissions from power stations on the continent also contribute. Noted that due to dispersal of pollution, Gatwick Airport was not a specific direct issue, rather a wider regional issue.</p> <ul style="list-style-type: none"> • TT reiterated, and MA confirmed LPAs, take action based on their own relative contribution – process contribution. • Officer Group agrees to produce a SNAP. SNAP to be added to the agenda for a future meeting (full officer group meeting rather than SCG sub-group meetings). • Advisor for management of Ashdown Forest from NE to attend future SNAP meeting. Cath Jackson likely to not be 	
<p>3. Update on South Downs Local Plan, HRA and background paper (KSt) Local Plan update</p> <ul style="list-style-type: none"> • Reg 19 Pre-Submission South Downs Local Plan consultation began on 26th September. It will run for 8 weeks until 21st November. <p>HRA work</p> <ul style="list-style-type: none"> • Air quality Appropriate Assessment work is set out in two sections: <ul style="list-style-type: none"> o Ashdown Forest: commissioned jointly with LDC and the methodology and results are set out in an addendum at the back of the report. o Other designations in and round the National Park: methodology is set out in section 2.6 and the results discussed in section 5.3. o Link to HRA: https://www.southdowns.gov.uk/wpcontent/uploads/2016/11/SDNPA-HabitatsRegulations-Assessment.pdf • Methodology: In-combination assessment undertaken using TEMPRO. Adjusted for the higher expected development likely to come forward in Local Plan around Ashdown Forest. Then air quality calculations for NOx and N were undertaken. Ecological interpretation was then done to establish the extent and significance of any changes expected. No thresholds (e.g. 1000 AADT) were used – all road links were subject to assessment at all stages. • Results: <ul style="list-style-type: none"> o Traffic: 5 key links modelled. In-combination traffic increase on all links between c.950 and c.3000 AADT. LDC/SDNPA contribution small between 0 and 260 AADT. o Air Quality: Currently above critical level for NOx on 3 of the routes. All expected to reduce to below critical level over the plan period even with AADT increases expected. For N deposition, improvements in background more than offset the additional from car movements. On A26 and A275 the LDC/SDNPA contributions slow this slightly within the first 5m of the road by 0.01kgN/ha/yr. • Conclusion re. Ashdown Forest: No adverse effect on integrity on the Ashdown Forest SAC alone or in combination with other plans and projects. 	<ul style="list-style-type: none"> • KSt to circulate links (found in the minutes)

<ul style="list-style-type: none"> • Conclusion re. other designations: Same as above, but with a recommendation to monitor designations close to the A3 corridor, which brings in line with the approaches of other nearby Local Plans. • NH queried the reduction in background N deposition. KSt responded that a % assumption in N reduction is used based on guidance from Institute of Air Quality Management and DMRB. 2% is the DMRB recommendation. SDNP/LDC have taken a precautionary approach and applied 2% for the first half and no improvement for the last half of the plan period – averaging to 1%. Principle was agreed. • Biodiversity background paper published on SDNPA website. 	
<p>4. Update from Mid-Sussex on HRA (JH)</p> <ul style="list-style-type: none"> • Agenda item not discussed. 	
<p>5. PAS support for the Statement of Common Ground (SCG) looking at (SB):</p> <ul style="list-style-type: none"> • SB introduces SCG and role of PAS: <ul style="list-style-type: none"> o Right Homes in the Right Places consultation introduces mandatory SCG o PAS and DCLG are keen to get some early learning on them o The purpose of SCG is to help the challenges around Duty to Co-operate – to make sure that opportunities to address matters prior to examination are taken and to clearly set out the key strategic cross boundary issues and actions to planning inspectors. o It is thought that SCG would consist of two parts: (1) geography and issues and (2) action plan o SCG would be a short document, signed by LPAs and other, and would generally need political sign off. It would be a living breathing document that would be updated whenever a signatory gets to a new stage in the plan making process. o SCG could be a helpful mechanism for unlocking infrastructure funding and other government funding. o PAS would like to work with 8 or so pilot groups to gather key learning ahead of the NPPF redraft – key window is next 9 weeks. NPPF draft is expected for a consultation (on wording rather than principles of content which were consulted upon over the last year or so) in January 2018 and final publish in March 2018. o In principle, DCLG would like preliminary SCG to be published by all authorities 6 months after publish of NPPF redraft (Sept 2018) and a full SCG 6 months after that (Mar 2019). o PAS can facilitate meetings and support write up of SCG. • LH confirms interest of the group in becoming a PAS supported pilot, and confirms that the group are working toward completing a draft SCG for January. 	
<p>6. A Statement of Common Ground on Ashdown Forest: follow on discussion (LH)</p> <ul style="list-style-type: none"> • Format of document: <ul style="list-style-type: none"> o SB advises that, as currently set out, each authority is expected to produce one SCG which sets out the various strategic cross boundary issues and actions, and other LPAs and stakeholders are signatories to the relevant parts of the document e.g. meeting housing need would be one section of the SCG and members of the HMA would be signatories to that part. o The group discussed and considered that this approach wouldn't work due nature of the issue, the large number of signatories and the timetable needs of the officer group. 	<ul style="list-style-type: none"> • All-Further work required to establish geographical scope and signatories • SB to provide risk register template to LH/KSt • SB to advise LH

<p>o SB and group agree that the Ashdown Forest Officer group will produce an AF specific SCG which can be cross referred to in LPAs wider SCG.</p> <p>o Agreed that the SCG on AF itself will cover multiple issues and not everyone needs to sign up to everything. For example: MA says that NE will be a signatory but only to issues on which they have a view.</p> <ul style="list-style-type: none"> • Geographical scope: <p>o The group recognised that establishing the geographical scope of the SCG would be a key issue for determining signatories. What is the extent of influence to warrant being a signatory? The scale of each LPA's contribution (process contribution) to the issue will also be a relevant factor for determining signatories. This will require further work by the group.</p> <ul style="list-style-type: none"> • A risk register will need to be produced. LH asks if SB can provide a template. SB agreed. • SB advises that there is no SCG template yet – the pilots will help in producing one which may be included within the redrafted NPPF. • PAS facilitator will not be SB – SBV to advise LH and TT of who they will be. • Way forward: • All-Further work required to establish geographical scope and signatories • SB to provide risk register template to LH/KSt • SB to advise LH and TT who the PAS facilitator will be • All to provide information on their LP timetable, sign off process and housing numbers. • LH to circulate meeting invites for 10th November and week commencing 20th November <p>o A series of meetings will be scheduled to work on these issues and draft the SCG: (1) geographical scope, signatories, governance arrangements, risks, establishing what the other elements of the scope are (previously agreed as air quality matters, methodology assumptions, housing numbers, sharing evidence and policy not applications), LP timetables.</p> <p>(2) all day workshop on issues and actions. Further meetings will be required to be decided depending on outcomes of the above.</p> <p>o Meetings to be attended by a self-selected subgroup</p> <p>o SDNPA will provide administrative support for the group.</p> <p>o All will need to speak with members regarding sign off and provide info to the group on their sign off process.</p>	<p>and TT who the PAS facilitator will be</p> <ul style="list-style-type: none"> • All to provide information on their LP timetable, sign off process and housing numbers. • LH to circulate meeting invites for 10th November and week commencing 20th November
<p>7. Any other business (LH)</p> <ul style="list-style-type: none"> • None. 	

Attendees:

Edward Purnell (EP) – Wood on behalf of Planning Advisory Service (PAS)

Marian Ashdown (MA) – Natural England (NE)

Kelly Sharp (KSh) – Wealden District Council (WDC)

Jennifer Hollingum (JH) – Mid Sussex District Council (MSDC)

Lucy Howard (LH) – South Downs National Park Authority (SDNPA)

Katharine Stuart (KSt) – South Downs National Park Authority

Hannah Gooden (HG) – Sevenoaks District Council

Tondra Thom (TT) – Lewes and Eastbourne Councils

Roger Comerford (RC) – Tandridge District Council

Guy Parfect (GP) – West Sussex County Council

Sharon Evans (SE) – Tunbridge Wells Borough Council (TWBC)

Michael Hancock?? (??) – Tunbridge Wells Borough Council (TWBC)

Apologies: Nigel Hannam (WDC), Marina Briggishaw (WDC), Ellen Reith (ESCC), Edward Sheath (ESCC), David Scully (TWBC), David Marlow (Rother District Council)

AGENDA ITEM	ACTION
<p>I. Minutes and actions from last meeting (LH) All the actions arising from the meeting on 13th October had been actioned. LH questioned why WDC had redacted key parts of their Ashdown Forest SAC Air Quality Monitoring & Modelling report. KSh confirmed that the redaction had been put in place to disguise the exact locations of the monitoring stations due to previous problems with vandalism, theft and sabotage. KSh confirmed that there was an exclusion under EIR regs to protect the ongoing study under public interest. LH confirmed that it was not possible for others to plug the information into their models without exact locations and again the unredacted information was requested by those using the AECOM model. KSh refused to share the data on the grounds detailed above. TT stressed the need to understand the abnormally high NOx figures in the WDC study. TT suggested we seek advice on how the data could be shared with other authorities without being subject to EIR requests and asked if WDC would consider any potential solutions to data sharing put forward by the group. KSh agreed WDC could consider data sharing proposals put forward. LH also requested WDC provided year 1 and 2 measurements separately. It was noted that NE had seen an early draft of the Air Quality and Ecology Monitoring Report . There was a brief discussion on the risk register.</p>	<ul style="list-style-type: none"> • KSh to send link to years 1 and 2 monitoring data • All to investigate sharing of information • EP to send risk register for SoCG

<p>RC noted that TDC were in the process of appointing Aecom to undertake traffic, air and ecological modelling, but the redactions in place meant it would be difficult to utilise the WDC data.</p>	
<p>2. Introductions and reasons for the meeting EP explained that the role of PAS was to provide skeletal but not detailed drafting of the SoCG. The SoCG was a mechanism for demonstrating Duty to Cooperate. The SoCG will not go into technical detail.</p>	
<p>3. Roles and responsibilities for the SoCG LH confirmed that the SDNPA will draft the SoCG.</p>	
<p>4. Geographical scope of the SoCG There was a discussion on the initial geographic approach relating to the 7km zone of influence for recreational disturbance for the SPA and then modified by journeys to work. It was noted that the 7km zone is not directly relevant to the SAC. However, due to the complexity of this work and the need to make progress it was decided by all that instead of 'geographic scope' the SoCG would refer to the 'geographical area defined by the membership of the Ashdown Forest Working Group.' The following authorities were defined as members and it was agreed to contact Crawley and Brighton & Hove again about membership.</p> <ul style="list-style-type: none"> • South Downs National Park Authority • Lewes District Council • Wealden District Council • Eastbourne Borough Council • Rother District Council • Tunbridge Wells Borough Council • Sevenoaks District Council • Tandridge District Council • Mid Sussex District Council • Crawley Borough Council • Brighton & Hove Council • East Sussex County Council • West Sussex County Council <p>It was discussed that the geographic areas having a bearing on Ashdown Forest air quality may in practice bisect individual lpa boundaries.</p> <p>KSh confirmed that WDC had received their transport model for Ashdown Forest this week.</p> <p>RC raised the option of widening the scope of the SoCG to encompass all Ashdown Forest issues (i.e. also including issues related to the SPA and recreational impacts). The Group decided to continue with current scope focusing solely on air quality.</p>	<ul style="list-style-type: none"> • JH to contact Crawley BC about membership • LH to contact B&H CC about membership of group
<p>5. Other elements of scope (a) Local Plan Housing numbers</p>	<ul style="list-style-type: none"> • KSt to re-circulate Housing Figures

<p>Most of this table had already been completed. Awaiting figures from Crawley, TWBC, T&MBC and Brighton & Hove if they choose to join the group. Figures for those districts partly covered by the National Park needed to be disaggregated for inside/outside the National Park to prevent double counting. The figures would then be agreed on 23rd November and frozen for a set period yet to be determined.</p>	<p>table for all to complete by 20-11-17</p> <ul style="list-style-type: none"> • KSt to disaggregate housing figures in regard to the National Park and circulate by 20-11-17
<p>5. Other elements of scope (b) Methodology assumption headlines It was agreed that there are 3 groups of assumptions each of which was discussed as follows:</p> <p>(i) Transport modelling Three different models had been used by the group namely West Sussex model used by MSDC, the Wealden model used by WDC and the AECOM model used by everyone else. The key differences between them were:</p> <ul style="list-style-type: none"> • What the model deals with e.g. residential, employment, visitors • Background future forecasting e.g. 2009/2014 • Input e.g. geographical unit such as Census super output area • Origin/destination zones • Outputs e.g. AADT • Roads • Other SACs • Model structure e.g. growth factors and base year • Input data e.g. Census and TRICs • Use of OAN or plan-based figures for neighbouring Ipas 'in-combination' housing number. <p>GP to draft the headings of a table and circulate for all to complete.</p> <p>(ii) Air quality calculations The principles of the following topics were discussed:</p> <ul style="list-style-type: none"> • Chemicals monitored • Forecasting assumptions for methodology <p>Circulation of another table was discussed. It was agreed however, that all parties would look into their own air quality calculations methodology for a discussion at the workshop.</p> <p>(iii) Ecological interpretation It was decided that there should be a discussion but not a table on ecological interpretation focusing on the following:</p> <ul style="list-style-type: none"> • 1% contribution process • Key HRA regs arguments 	<ul style="list-style-type: none"> • GP to draft and circulate table of transport modelling by 15-11-17 and all to complete and return to KSt by 20-11-17

<p>There was discussion about mitigation and whether it should be addressed in the SoCG. It was agreed that it shouldn't but should be discussed by the group in the New Year once the SoCG was finalised.</p> <p>RC requested that consideration of potential mitigation and compensation be included in the scope of the SoCG. TT noted that evidence does not exist to justify the need for compensation. The consensus was to not include this on the basis that it is a later HRA stage and would not necessarily be required. RC felt it should be covered as there is a risk that it may be required and we needed to be prepared for this eventuality. Alternatively, RC requested that the SoCG could at least include a statement to the effect that the Group agreed to work in partnership on mitigation/compensation in the event of such measures proving necessary. It was agreed that the group would look at Strategic Nitrogen Action Plans (SNAP) after the completion of the SoCG.</p>	
<p>6. Local Plan timetables Table to be completed by all.</p>	<ul style="list-style-type: none"> • All to complete table and return to KSt by 20-11-17
<p>7. Sign off arrangements and timelines for SoCG Table to be completed by all.</p>	<ul style="list-style-type: none"> • All to complete table and return to KSt by 20-11-17
<p>8. Planning for our workshop on 23rd November The workshop is expected to last approximately 6 hours. It was agreed that by the end of the workshop we needed enough information to draft the SoCG. NE will only be able to attend part of the workshop and it was thought most useful if this was the second half. The agenda would follow the same broad headings of today's meeting.</p> <p>There was a discussion about whether expert consultants should be allowed to attend the workshop. Their role would be to draw out the differences between the different assumptions but not the credence of the different models. EP to ask PAS whether James Riley's (SDNP, TWBC and LDC's HRA Consultant) attendance would be appropriate bearing in mind that WDC and MSDC Consultants are unlikely to be able to attend. EP/PAS to report back to the group with recommendations. All to ascertain availability of consultants for workshop.</p> <p>It was clarified that even if consultants were unable to attend, there would be an opportunity for the draft SoCG to be circulated to them post-workshop.</p>	<ul style="list-style-type: none"> • LH to circulate draft agenda 20-11-17 • EP to confirm with group whether it is appropriate or not for a Consultant(s) to attend next SoCC workshop. • All to confirm whether consultant(s) are available, as appropriate.
<p>9. AOB None</p>	

Post meeting notes:

- Tonbridge & Malling Borough Council have requested not to appear in the Statement of Common Ground on the advice given by Natural England on 13th October.
- The membership of East and West Sussex County Councils is to be discussed at the next meeting of the group.

NOTES OF MEETING ASHDOWN FOREST SAC WORKSHOP 10:00 AM, 23rd NOVEMBER 2017
MID SUSSEX DISTRICT COUNCIL, HAYWARDS HEATH

Attendees:

Edward Purnell (EP) – Wood on behalf of Planning Advisory Service (PAS)

Marian Ashdown (MA) – Natural England (NE)

Kelly Sharp (KSh) – Wealden District Council (WDC)

Marina Briggishaw (MB) – Wealden District Council

Jennifer Hollingum (JH) – Mid Sussex District Council (MSDC)

Lucy Howard (LH) – South Downs National Park Authority (SDNPA)

Katharine Stuart (KSt) – South Downs National Park Authority

Hannah Gooden (HG) – Sevenoaks District Council

Tondra Thom (TT) – Lewes and Eastbourne Councils

Roger Comerford (RC) – Tandridge District Council

Guy Parfect (GP) – West Sussex County Council

Sharon Evans (SE) – Tunbridge Wells Borough Council (TWBC)

David Scully (DS) – Tunbridge Wells Borough Council

Michael Hammacott (MH) – Tunbridge Wells Borough Council (TWBC)

David Marlow (DM) – Rother District Council (RDC)

Jenny Knowles (JK) – Tonbridge and Malling Borough Council (T&MBC)

Apologies: Nigel Hannam (WDC), Ellen Reith (ESCC), Pat Randall (ESCC), Edward Sheath (ESCC), Tom Nutt (Crawley)

AGENDA ITEM	ACTION
I. Introductions and minutes from last meeting (LH)	<ul style="list-style-type: none">• LH to request data from WDC

<ul style="list-style-type: none"> • Group went through the minutes and then actions from the previous meeting, discussing the amendments received by email prior to the meeting. A number of changes to the minutes were discussed and the final minutes were agreed by all. Further actions were also identified. • LH asked for a link to the separate Year 1 and Year 2 monitoring data to be circulated. KSh advised that only Year 1 was published in a standalone report and suggested we set out exactly what we are seeking in a question to be sent direct. • TT asked again for the redacted air quality monitoring locations, suggesting that the data could be shared consultant to consultant which would be exempt for EIR. KSh advised that when consultants hold information used for a public body, they are in effect equivalent to ‘an arm’ of the authority and would be subject to the same EIR risks. • WDC advised that they have instructed counsel on a number of Ashdown Forest/HRA related issues, including the request for the redacted air quality monitoring locations and the forthcoming SCG. • Feedback from Crawley BC was that they did want to join the group but could not attend today’s meeting. • Feedback from Brighton & Hove CC was that they did not currently want to join the group but would like to be kept up to date on progress. • EP reiterated the role of PAS as a facilitator to support the preparation of the SoCG which will: <ul style="list-style-type: none"> ○ assist in demonstrating that parties have co-operated; ○ draw out any differences and identify what may need to be done to resolve those differences ○ be concise and non-technical 	<p>in line with email from AECOM.</p> <ul style="list-style-type: none"> • KSt to make agreed changes to minutes and circulate finalised version.
<p>2. Sign off arrangements (table) (KSt)</p> <ul style="list-style-type: none"> • KSt outlined the table and noted that there were unlikely to be showstoppers for signoff by March. • RDC noted that they have provided two scenarios for sign off options depending on the content of the SoCG. • Queries arose regarding which authorities would be signatories. These are addressed under item 4 of the agenda. 	<ul style="list-style-type: none"> • All to advise Chair (LH) of any changes in expected sign off process.
<p>3. Local Plan housing numbers (table) (KSt)</p> <p>It was discussed whether housing numbers could be agreed, how long they might be frozen for and how these numbers should be used in modelling. It was agreed:</p> <ul style="list-style-type: none"> • The position at the last meeting was confirmed: any agreement around housing numbers would be just applicable to future modelling runs rather than retrospectively re-running models. 	<ul style="list-style-type: none"> • KSt, in due course, to update table with disaggregated housing figures for the National Park following discussion with

<ul style="list-style-type: none"> • Numbers would always be changing and any agreement would be a snapshot of the numbers as they stand upon signing the SoCG. • Housing numbers would be a standing item on the agenda for the Working Group going forward to update at key stages in plan making. • Each LPA to confirm housing numbers with individual authorities before running models. • A general principle in the agreement of housing numbers as follows: <ul style="list-style-type: none"> ○ If a LP is less than 5 years old use the adopted figure ○ If an emerging LP is nearing pre-submission and the LPA is confident then use the emerging figure ○ If the adopted LP is over 5 years old and an emerging plan has not progressed use the OAN/standard methodology (once confirmed by CLG) unless otherwise evidenced. <p>The group went through the table and indicated the preferred current housing figure to use.</p>	<p>respective authorities.</p> <ul style="list-style-type: none"> • KSt to compile housing table for the SoCG with the housing figures to use for each authority highlighted in bold • LH to add housing numbers as a standing item to future agendas.
<p>4. Geographical area defined by the membership of the Working Group (KSt)</p> <p>It was agreed at the previous SoCG meeting that signatories of the SoCG would be self-selecting and broadly make up the membership of the Working Group.</p> <p>At this workshop it was agreed:</p> <ul style="list-style-type: none"> • Tonbridge and Malling Borough Council would be removed from the signatories list on the basis of advice from Natural England that they did not foresee TMBC being involved in the SoCG. T&MBC would like to continue to be part of the group to observe. • Add Crawley BC • Remove Brighton and Hove CC • Rother included on a precautionary basis • West and East Sussex County Councils to be added • Surrey CC and Kent CC would be added to the circulation list for information, but would not be signatories. • Membership of the group and signatories may change based on emerging evidence • The list of signatories was confirmed as: <ul style="list-style-type: none"> ○ South Downs National Park Authority ○ Lewes District Council ○ Wealden District Council ○ Eastbourne Borough Council ○ Rother District Council ○ Tunbridge Wells Borough Council 	<ul style="list-style-type: none"> • KSt to contact Crawley to add their data to the tables.

<ul style="list-style-type: none"> ○ Sevenoaks District Council ○ Tandridge District Council ○ Mid Sussex District Council ○ Crawley Borough Council ○ East Sussex County Council ○ West Sussex County Council 	
<p>5. Transport modelling (table) (KSt & GP)</p> <ul style="list-style-type: none"> ● It was agreed that the table did not cover all elements required. It was agreed: <ul style="list-style-type: none"> ○ GP to rework the table and recirculate to the Working Group, providing guidance on how to complete the table. The table will be circulated on Monday 27th November. ○ Authorities will complete the table and return to GP by Monday 4th December. ○ GP will analyse the table and identify commonalities, minor differences and major differences. These will be colour coded. ○ GP will circulate this analysis for comment on Monday 11th December. ○ The table will need to be finalised by the end of December, ○ GP to provide narrative to the table to go into SOCG ● It was agreed that the table would provide a snapshot of some of the main differences/similarities and to get the full methodology for looking properly at the models. ● The possibility of agreeing common elements of transport modelling for future work was discussed but not agreed at this time. ● This topic would just deal with transport modelling drawing out the commonalities, major differences and minor differences. ● The use of models and proportionality was raised by TT with regard to the differing scale of additional AADT. Matter discussed further under agenda item 6. 	<ul style="list-style-type: none"> ● GP will rework the table and circulate to the Working Group on Monday 27th November, ● Authorities will complete the table and return to GP by 4th December. ● GP will undertake analysis of the table and will circulate on Monday 11th December.
<p>10. Risk Register (EP)</p> <p>An example risk register was circulated by PAS for consideration. The Working Group agreed that it didn't add value to the SoCG process and that the risk register related more to the preparation of individual local plans. It was agreed that the Working Group may wish to revisit the idea of a risk register once the SoCG is drafted.</p>	
<p>6. Proportionality (TT)</p>	<ul style="list-style-type: none"> ● WDC to provide the reasons and explanation for

<p>TT introduced this item- there is no universal standard on proportionality and the issue relates to what is the ‘appropriate’ level of assessment required for LPs? Where effects are demonstrably small can the level of assessment be justifiably less complex than WDC’s bespoke approach? TT queried what justification there is for objections from WDC to accepted industry standard methodology being used by those authorities where their evidenced contribution to any potential impact is proportionally, substantially smaller. The inference from the Habitats Regulations and government guidance is that the assessment should be proportionate to the likely scale of impact. LH pointed out that the NPPF states that Local Plan evidence should be proportionate. Objections to industry standard robustly carried out assessments may unnecessarily frustrate plan-making therefore TT posed agreement for the accepted industry standard methodology. Initial responses:</p> <ul style="list-style-type: none"> • SDNPA: agree • TWBC: agree • LDC: agree • EBC: agree • WDC: does not agree and will not move on the standard methodology on the basis of work already undertaken. WDC contend that the standard methodology does not meet the requirements of the Ashdown Forest context. This work was undertaken in response to the Wealden Core Strategy EiP. WDC have used the Mott Macdonald methodology as amended. • NE: agree with TT with regard to proportionality. Polluter pays. NE not objecting to the use of the standard methodology. • WDC say that the APIS calculation are slightly wrong with regard to deposition. WDC use a finer grained 2m² rather than 5km². • TWBC: standard methodology and result are not wrong, WDC grid squares just more refined. Justifiable to use best practice unless a clear reason not to do so. • TWBC asked WDC to confirm the reasons for taking such a pessimistic approach within their methodology and the absence of any allowance of background improvements to air quality. WDC replied that this approach was justified by the application of the precautionary principle. • WDC advise they will get legal advice regarding proportionality and will run their data through the standard methodology and make available. WDC advise their air quality experts will be busy until Christmas. <p>Rother and Tandridge reserved their position. All others generally agree to use standard methodology except WDC. Ask that WDC</p>	<p>methodology deviation to go into the SoCG.</p>
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<p>provide the reasons and explanation for deviation to go into the SoCG.</p>	
<p>7. Air quality calculations The following points were briefly discussed:</p> <ul style="list-style-type: none"> • WDC also assess non-standard ammonia and the 24-hr NOx mean. • MA – new cars don't emit as much ammonia – specific type of catalytic converter • WDC air quality report recognised both positive and negative limitations • WDC – ammonia and NOx interact in the atmosphere and this impacts N deposition. • NE will be signatory on air quality/ecological interpretation elements but not on housing numbers or traffic modelling parts of the SoCG • It was agreed that the standard responses on all the items on the SoCG were Agree, Disagree, or No position. <p>It was agreed that a table would be helpful for this. KSt to prepare a table based around key headings below and circulate on Monday 27th November. Working group to provide their responses by 11th December.</p> <ul style="list-style-type: none"> • Chemicals monitored and assessed in forecasting • Conversion ratios from NOx to N • Background improvement assumptions • Rate of dispersal from the centre line of the road up to 200m • Type of habitat included in the assessment – e.g. woodland in roadside vegetation. <p>There may be other aspects of the methodology others may wish to note.</p>	<ul style="list-style-type: none"> • KSt to prepare a table based around key headings below and circulate on Monday 27th November. Working group to provide their responses by 11th December. • KSt will send to AECOM for help in completing on behalf of all authorities using the AECOM model approach/standard methodology.
<p>8. Ecological interpretation Three items were put forward for discussion:</p> <ol style="list-style-type: none"> (1) 1% process contribution (2) Additional harm above the critical load/level (3) Type of habitat included in the assessment – e.g. woodland in roadside vegetation. <p>(1) NE advise: 1% or more process contribution triggers Appropriate Assessment as there is considered to be a likely significant effect. The threshold is not arbitrary and is based on robust science – process contributions below 1% cannot be properly modelled and changes in air quality cannot be seen in the ecology at these levels. Above 1% does not mean an adverse impact but should check through AA process.</p>	<ul style="list-style-type: none"> • KSt to add topic into the SoCG as something that may need to be addressed in the future.

<p>All use or are likely to use except WDC who have not drawn a conclusions on this matter but will consider.</p> <p>(2) NE: look at sensitivity of impact. Dose response is curvilinear. Key thing is loss of species richness in heathland.</p> <p>(3) Covered in agenda item above.</p> <p>Overall, NE advise that it is too soon for the authorities in the Working Group to consider ecological interpretation as there is currently no evidence (for example through AA) published which says that such measures are required. The Mid Sussex and AECOM HRA screening for LSE work touches on ecological interpretation but this is beyond requirement for LSE screening.</p> <p>All agreed this was a topic that would go into the SoCG but as something that may need to be addressed in the future.</p>	
<p>9. Site Nitrogen Action Plan (SNAP) Phrasing and nature of the approach was discussed. All agreed that paragraph 4.2.8 of the LDC/SDNPA HRA addendum will be included in the draft SoCG for consideration.</p> <p>Noted that a SNAP is not mitigation or compensation as there is not enough measurable certainly of the results. But may include some elements of mitigation. One of the ‘soft measures’ to address background levels from a range of sources. NE would lead on a SNAP working with other partners.</p>	<ul style="list-style-type: none"> • KSt to include paragraph 4.2.8 of the LDC/SDNPA HRA in the draft SoCG for consideration
<p>10. Actions and timetable going forward</p> <ul style="list-style-type: none"> • LH read out list of actions to the Working Group • When comment on or signing the SoCG as ‘disagree’ it is incumbent upon that party to say why, but be concise. • Noted that CIEEM are undertaking an internal consultation for members only on new air quality methodology guidance. • KSh recommended a style of table for setting out comments on the draft SoCG – KSh to email to LH/KSt • Agreed to meet in mid-January to discuss the draft SoCG 	<ul style="list-style-type: none"> • KSh recommended a style of table for setting out comments on the draft SoCG – KSh to email to LH/KSt • LH/KSt to circulate a draft SoCG by mid-December for the group to review. • LH/JH to arrange meeting in mid-January.

Ashdown Forest SAC Statement of Common Ground Workshop

10:00 am Thursday 18 January 2018

Mid Sussex District Council Offices, Haywards Heath

PLEASE NOTE THESE MEETING NOTES ARE DRAFT

Attendees:

Edward Purnell (EP)– on behalf of the Planning Advisory Service (PAS)

Lucy Howard (LH) – South Downs National Park Authority (SDNPA)

Kate Stuart (KSt) - South Downs National Park Authority (SDNPA)

Jennifer Hollingum (JH) - Mid Sussex District Council (MSDC)

Marian Ashdown (MA) – Natural England (NE)

Marina Briggingshaw (MB) – Wealden District Council (WDC)

Kelly Sharp (KSh) – Wealden District Council (WDC)

Tondra Thom (TT) – Lewes and Eastbourne Councils (LDC)

Aiden Thatcher (AT) – Lewes and Eastbourne Councils (LDC)

David Scully (DS) – Tunbridge Wells Borough Council (TWBC)

Sharon Evans (SE) - Tunbridge Wells Borough Council (TWBC)

Edward Sheath (ES) – East Sussex County Council (ESCC)

Roger Comerford (RC) – Tandridge District Council (TDC)

Guy Parfect (GP) – West Sussex County Council (WSCC)

David Marlow (DM) – Rother District Council (RDC)

Tom Nutt (TN) – Crawley District Council (CDC)

Helen French (HF) – Sevenoaks District Council (SDC)

Mark McLaughlin (MM) – Horsham District Council (HDC)

Agenda Item	Actions
1. Introductions and reasons for meeting: <ul style="list-style-type: none">• EP commends all for getting to this point in process and said the SoCG was a clear demonstration of the group's efforts to meet the Duty to Cooperate.• Advises that extra level of detail is required for arguments agreeing as well as disagreeing key matters.• The SoCG is intended for a Planning Inspector to pick up and understand the issues.	None
2. Minutes from last meeting <ul style="list-style-type: none">• Proposed amendments from TWBC agreed.• All actions identified had been actioned other than 'WDC to provide the reasons and explanation for methodology deviation.'	LH/MB/KS to follow up deviation from standard methodology

<p>3. Focused discussion on the following proposed changes to the SoCG</p>	<p>(a.) Summary of the High Court judgement, pages 4-5 (Tandridge District Council). Tandridge District Council suggest in their comments that this summary should be removed.</p> <ul style="list-style-type: none"> • Agree to delete majority of this section, retaining paragraph 1.8 	<ul style="list-style-type: none"> • KS to make changes to the draft SoCG as agreed in the meeting and recirculate on approximately 26th January – members of the group to then feed back. • MA will let the group know a rough date when internal guidance may be shared with LPAs. • MA to provide some revised wording for ‘Types of habitat to be included in the assessment’ section.
	<p>(b.) The use of agreed housing numbers in future model reruns, page 6, paragraph 2.3 (Wealden District Council). The text currently says that the agreed numbers would not involve retrospectively re-running models. Wealden District Council propose to add ‘for adopted local plans’.</p> <ul style="list-style-type: none"> • General disagreement with the proposed change from WDC. KS to add WDC disagree to the relevant table and WDC to provide reasons when next draft circulated. 	
	<p>(c.) Geographical coverage for transport modelling, pages 6-7</p> <ul style="list-style-type: none"> • NE noted that it has been asked if internal guidance may be shared with LPAs in due course and MA will let the group know a rough date when available. <p>(i.) Lewes District Council comment that this section should be deleted as the geographical coverage for in combination is a matter for each local authority to justify. (Lewes District Council)</p> <ul style="list-style-type: none"> • Agreed that geographical coverage within modelling work should be determined by each LPA and the following text reflecting this is to replace current wording in this section. ‘It has been agreed that it is a matter for each LPA to determine the geographical coverage of their traffic modelling.’ Table to be deleted. <p>(ii.) Wealden District Council comment that modelling should include, but not be limited to the proposals from the authorities listed (Wealden District Council).</p> <ul style="list-style-type: none"> • Agreed that this item no longer needed to be discussed as superseded by agreed changes above. 	
	<p>(d.) Roads to be included in modelling of Ashdown Forest, page 7 (West Sussex County Council) West Sussex County Council propose additional wording regarding modelling of B roads and minor roads.</p> <ul style="list-style-type: none"> • Change agreed 	
	<p>(e.) Types of habitat to be included in the assessment, page 11 (Natural England) Natural England comment that they disagree with the approach set out in the SoCG.</p> <ul style="list-style-type: none"> • Agreed that MA would provide some amended text and KSt to remove from ‘not agree’ column. 	
	<p>(f.) Precautionary principle, page 14 (Wealden District Council). Wealden District Council propose additional wording including the phrase <i>guarantee</i> no reasonable doubt.</p> <ul style="list-style-type: none"> • MA disagrees with WDC’s wording but MB said that it was wording from their barrister 	
	<p>General item 3 comments:</p>	

	<ul style="list-style-type: none"> • Every signatory to give their position in each table • Additional column titled 'reserve judgement' to be added • Space added for explanations on each position 	
<p>4. Letters of objection to various planning applications by Wealden DC</p>	<ul style="list-style-type: none"> • MB outlines the broad content of the letter and advises the letter is authored by the development management part of WDC. The letters are broadly the same with the last part of the letter tailored to each authority. • Purpose of the letters was to raise the need to undertake HRA • Tandridge District Council has received 11 objections, 3 of which relate to sites North of the M25 • Separate meeting is offered by WDC • The problem of separate letters coming from the policy and DM parts of WDC is raised and noted. Group say that a joint policy and DM response from WDC would be helpful. • Issue raised by affected LPAs that these letters have come forward with no discussion/prior warning and this has caused consternation amongst members and officers. • Some of the queries raised include: <ul style="list-style-type: none"> ○ How will WDC pursue the letter? ○ Why have these applications been chosen to receive the letter? Criteria for selecting applications which would receive the letter. ○ Are HRAs being objected to? ○ Clarification on the differences of the final paragraphs of each letter ○ Clarification of the approach with adopted and emerging plans. 	<ul style="list-style-type: none"> • MB to take questions from the group and discuss with Nigel Hannam • WDC will provide clarification to the group's questions by the 26th January in the form of a letter or statement • WDC to provide suggested dates for a meeting in early Feb to discuss the planning application objection letters.
<p>5. The timetable for the way forward with the SCG</p>	<ul style="list-style-type: none"> • Recognise that there is not a lot of time before the SoCG is needed in mid-March. Dates were discussed and agreed. • Wording of section 3 'actions going forward' was discussed. It was agreed that it is important for the group to determine a way forward which all can sign up to. KS to rework this section to reflect discussion. 	<ul style="list-style-type: none"> • Version 1 to circulate on approx. 26th Jan for people to state their position and provide explanations • Version 2 circulated approximately 9th Feb for final review and minor tweaks to position • Signatory version circulated approximately 16th Feb to be signed off by all by mid-March. • KS to reword section 3 to reflect discussion
<p>6. AOB</p>	<ul style="list-style-type: none"> • Mitigation discussed as raised by RC: 	<ul style="list-style-type: none"> • KS to make changes as agreed

<ul style="list-style-type: none">○ Agreed that phrasing of 'mitigation/compensation' should be changed on the basis that these two are very different.○ Discussed SNAP (and associated mitigation table) and agreed that it should be reflected in actions going forward● Appendix 5 transport modelling table raised by GP. Agreed that a table with less detail would be more appropriate, focusing on GP analysis.	<ul style="list-style-type: none">● GP to provide KS with revised Appendix 5 transport modelling table
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Appendix 4 – Housing numbers

This table sets out the various housing numbers approaches for each local planning authority. The numbers in **bold** are those which have been agreed by the Ashdown Forest Working Group at the time of drafting this Statement of Common Ground following the methodology outlined in section 2 of the Statement.

Authority Name	Adopted Local Plan housing number	OAN	DCLG new methodology	Numbers used for own LP (and in any modelling work undertaken so far if different)	Numbers used for other LPAs in modelling work	HMA figure
Crawley Borough Council	5,100 dwellings total 340 dwellings per annum annualised average	675 dwellings per annum	476 dwellings per annum			Northern West Sussex HMA: as for Mid Sussex District Council below
East Sussex County Council	n/a	n/a	n/a	n/a	n/a	n/a
Eastbourne Borough Council	5,022 by 2027 240 per annum	400	336 (capped)	No modelling undertaken to date	No modelling undertaken to date	Eastbourne & South Wealden HMA number TBD
Lewes District Council	6,900 345 per annum	520	483	345 LP plus an additional +50% allowance for Newick	Tunbridge Wells – OAN 648 per annum Sevenoaks – OAN 620 per annum Wealden – OAN 832 per annum Mid Sussex – inspector figure 1,026 per annum	520 (higher end) Lewes District (including the Park) within the Coastal West Sussex HMA

Authority Name	Adopted Local Plan housing number	OAN	DCLG new methodology	Numbers used for own LP (and in any modelling work undertaken so far if different)	Numbers used for other LPAs in modelling work	HMA figure
					Tandridge – OAN 470 per annum	
Mid Sussex District Council	<p>The emerging Mid Sussex District Plan 2014-2031 sets a minimum housing provision figure of 16,390 homes.</p> <p>For the purposes of calculating the five-year housing land supply a ‘stepped trajectory’ will be applied through the calculation of a 5-year rolling average. The annual provision in this stepped trajectory is 876 dwellings per annum for years 2014/15 until 2023/24 and thereafter, from 1st April 2024, 1,090 dwellings per annum until 2030/31, subject to future HRA on further allocated sites, to meet unmet needs of neighbouring authorities.</p>	14,892 (an average of 876 dwellings per annum) for 2014-2031	1,016 dwellings per annum for 2016-2026	See second column	<p>Growth assumptions for surrounding authorities used in the transport model:</p> <p>Crawley – 6,908 Wealden – 8,988 Lewes – 6,032 Brighton & Hove – 14,301 Horsham – 16,701 Tandridge – 6,395</p>	<p>Northern West Sussex HMA</p> <p>Crawley – 675 Horsham – 650 Mid Sussex – 876</p> <p>= 2,201 dwellings per annum</p>
Rother District Council	335 net dwellings pa	363 pa	469 pa (capped) 737 pa (uncapped)	n/a	n/a	Hastings and Rother HMA (as at 2014): 767 pa

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Authority Name	Adopted Local Plan housing number	OAN	DCLG new methodology	Numbers used for own LP (and in any modelling work undertaken so far if different)	Numbers used for other LPAs in modelling work	HMA figure
Sevenoaks District Council	165 / yr 3,300 over 20 year (2006-2026)	12,400 (2015-35) 620 pa	698pa	620 / 698	n/a	Tonbridge & Malling Tunbridge Wells
South Downs National Park Authority	There are several figures currently operating across the National Park but not one park-wide figure	447	Not applicable	250	Tunbridge Wells – OAN 648 per annum Sevenoaks – OAN 620 per annum Wealden – OAN 832 per annum Mid Sussex – inspector figure 1,026 per annum Tandridge – OAN 470 per annum	Coastal Sussex HMA : 274 Eastbourne and Wealden HMA: 14 Northern West Sussex HMA: 14 Central Hants : 144
Tandridge District Council	125 dpa	470	645	TBC	470	470
Tunbridge Wells Borough Council	The adopted Core Strategy figure is 300 per anum	648 (SHMA 2015)	692	648	As above	Tunbridge Wells Borough is considered to be in a HMA which includes Sevenoaks, Tonbridge and Tunbridge Wells and extends to include Crowborough, Hawkhurst and Heathfield.

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Authority Name	Adopted Local Plan housing number	OAN	DCLG new methodology	Numbers used for own LP (and in any modelling work undertaken so far if different)	Numbers used for other LPAs in modelling work	HMA figure
Wealden District Council	450 dwellings per annum or 9,600 in total 2008 - 2027	950 DPA	1247 (check)	11,456 (total) for Ashdown Forest modelling 11,724 for Lewes Downs and Pevensey Levels (revised figures post March 2017 Draft WLP).	2014 tempo data	Not yet determined.
West Sussex County Council	n/a	n/a	n/a	n/a	n/a	n/a

Appendix 5 - Ashdown Forest Transport Model Analysis

This table sets out the key elements of the transport modelling undertaken as part of HRA work for the respective local planning authorities. It also sets out some analysis prepared by West Sussex County Council on the major and minor differences and commonalities of the approaches taken.

Key	Model Base Year	Geographical Coverage	Road Network in Forest	Origin to Destination Demand Data Sources	Data Types for Base Year Validation	Origin to Destination Zone Definition	Forecasting Years	Trip Generation Methodology	Demand Changes Assessed in Study	Forecasting Background Growth	Time Periods Directly Modelled	Modelled Responses to Congestion	Other European Designated Sites Assessed?
Assessment of level of difference between Models:													
Colour Coding													
Comments	Two models are grown from older bases, whilst other models are all from 2014	Whilst all models include the Ashdown Forest SPA, there is wide variation in the choice and extent of which other areas are included, reflecting the location of the client authorities	All models include all the A class roads. Two models have represented B class roads and one minor road, although the assignment did not use them. One model also represents a number of Class C roads	There is a split between those models which use roadside interview data, - which captures all journey purposes but is based on a sample which requires infilling with data such as NTEM and NTS – and those which use 2011 census journey to work which captures only one journey purpose but with universal spatial coverage in UK and very high response rate	All models use continuous automatic traffic counters as a primary source of volumetric data. The extent to which manually observed data for junction turning movements or links is used varies and only two models have reported journey time observations.	All model zoning systems are based on Census areas, but the level of aggregation between models and and uniformity across parts of individual models is varied.	The headline forecasting year has a relatively narrow range from 2028 to 2033 (five years) No models have yet assessed intermediate forecast years for plan phasing. One model with an older base year has also used a present day forecast for comparison.	Universal use of TRICS for site specific trip generation. There will be some minor variations in use of site selection parameters where information is available.	All models assessed planned housing and employment. There is some difference in approach to smaller sites which may not vary in overall quantum from unplanned development trends. Some models concentrate mainly on individually modelled strategic sites with others treating all sites included in a Local Plan together by adjusting NTEM totals.	All models use TEMPro/NTEM with the version used reflecting the time when the model forecasting was started. There is some difference in approach to how TEMPro/NTEM is applied and the definition of what is background, with some models treating small non-strategic allocations or planned dispersed development along with background, whilst others treating all sites included in Local Plan together.	There is a split between those models which assess AADT traffic directly and those which simulate hourly flows, with AADT forecasts being calculated by factoring derived from observations.	All but one model allow re-routing. One model uses fixed routings; although there can be two alternative routings between O-D pairs, this does not vary according to travel times/costs. Two models allow destination choice, with only one model allowing mode choice.	This varies greatly according to the geographical extent of the model and study area, in particular the location of the client planning authority in relation to other designated sites.

Appendix 6 - Ashdown Forest Air Quality Calculations Methodology Information

This table sets out the key elements of the air quality calculations undertaken as part of HRA work for the respective local planning authorities.

Authority & consultant	Chemicals monitored and assessed in forecasting	Conversion ratios from NO_x to N	Background improvement assumptions	Rate of dispersal from the centre line of the road up to 200m	Type of habitat included in the assessment – e.g. woodland in roadside vegetation.
South Downs National Park Authority, Lewes District Council, Tunbridge Wells Brough Council, and likely Tandridge District Council - AECOM	NO _x , N deposition, Acid Deposition	NO _x to NO ₂ conversion calculated using Defra's NO _x to NO ₂ calculator. Then NO ₂ multiplied by 0.1 for N deposition as per DMRB guidance.	For N deposition -2% applied up to 2023 (equivalent of 1% per year for plan period to 2030). Improvements in background concentrations and emission rates assumed following Defra assumed improvements up to 2023.	Modelled using dispersion model ADMS-Roads, written by CERC.	A precautionary assumption was made that pristine heathland (the SAC feature) was present, or could be present in the future, at any point on the modelled transects irrespective of existing habitat at that location. Therefore heathland was the only modelled habitat.

Appendix A8: Ashdown Forest
Working Group (Recreational
Impact) - SoCG signed between
TWBC, Lewes DC, Mid Sussex DC,
Sevenoaks DC, Tandridge DC,
Wealden DC

DATED 19 March 2016/20

- (1) LEWES DISTRICT COUNCIL
 - (2) MID SUSSEX DISTRICT COUNCIL
 - (3) SEVENOAKS DISTRICT COUNCIL
 - (4) THE DISTRICT COUNCIL OF TANDRIDGE
 - (5) TUNBRIDGE WELLS BOROUGH COUNCIL
 - (6) WEALDEN DISTRICT COUNCIL
- And
- (7) THE CONSERVATORS OF ASHDOWN FOREST

AGREEMENT
relating to the delivery of a
Strategic Access Management and Monitoring Programme
in the Ashdown Forest

THIS AGREEMENT is dated

19 March

2019/20

BETWEEN:

- (1) **LEWES DISTRICT COUNCIL** whose principal place of business is at Southover House, Southover Road, Lewes, East Sussex BN7 1AB;
 - (2) **MID SUSSEX DISTRICT COUNCIL** whose principal place of business is at Oaklands, Oaklands Road, Haywards Heath, West Sussex RH16 1SS;
 - (3) **SEVENOAKS DISTRICT COUNCIL** whose principal place of business is at Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG;
 - (4) **THE DISTRICT COUNCIL OF TANDRIDGE** whose principal place of business is at 8 Station Road, East Oxted, Surrey RH8 0BT;
 - (5) **TUNBRIDGE WELLS BOROUGH COUNCIL** whose principal place of business is at Town Hall, Mount Pleasant Road, Tunbridge Wells, Kent, TN1 1RS;
 - (6) **WEALDEN DISTRICT COUNCIL** whose principal place of business is at Council Offices, Vicarage Lane, Hailsham, East Sussex BN27 2AX;
- and
- (7) **THE CONSERVATORS OF ASHDOWN FOREST** whose principal place of business is at The Ashdown Forest Centre, Wych Cross, Forest Row, East Sussex RH18 5JP (the "Conservators").

BACKGROUND:

- (A) Under EU Directive 2009/147/EC dated 30 November 2009 on the conservation of wild birds ("the Birds Directive") member states are under a duty to protect and manage wild bird species. The Birds Directive is implemented into UK law by the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations").
- (B) The Ashdown Forest Special Protection Area ("the Ashdown Forest SPA") was classified in March 1996 as it contains important populations of two of the species considered to be vulnerable or rare and listed in Annex 1 to the Birds Directive.
- (C) Under the Ashdown Forest Act 1974, the Conservators of Ashdown Forest have a duty to regulate and manage the recreational use of the Ashdown Forest and to conserve it as a quiet and natural area of outstanding beauty.
- (D) The LPAs and the Conservators of Ashdown Forest have agreed to work together to put in place a strategic access management and monitoring programme for the Ashdown Forest SPA for the purposes of ensuring effective avoidance and mitigation of any significant effects of new residential development and compliance with the requirements of the Habitats Regulations and to finance this by means of a tariff levied in respect of residential developments in their respective administrative areas that could have an impact on the Ashdown Forest SPA.
- (E) The purpose of this Agreement is to enable the parties to it to give effect to these arrangements.
- (F) The LPAs have power to enter into these arrangements in their capacity as Local Planning Authorities under s.1 of the Localism Act 2011, s.111 of the Local Government Act 1972 and the Conservation of Habitats and Species Regulations 2017.

1. DEFINITIONS AND INTERPRETATION

1.1 In this Agreement the following definitions shall have the following meanings:

“Authorised Officer” means an officer designated and appointed by each of the LPAs and the Conservators to manage and supervise this Agreement;

“Commencement Date” means the date of this Agreement;

“Conservators” means the Conservators of Ashdown Forest and, for the purposes of this Agreement, any other body which may be appointed from time to time by the Conservators to carry out services connected with the delivery of the Projects;

“Contingency Fund” means the reserve of money within the Financial Budget to deal with any possible shortfall in predicted costs for any Projects as may be approved by the JSG from time to time;

“EIR” means the Environmental Information Regulations 2004 or any re-enactment or replacement of these regulations;

“Financial Budget” means the annual financial plan and budget for the Projects approved by the JSG;

“Financial Year” means the period from 1 April in any year until 31 March in the following year;

“FOIA” means the Freedom of Information Act 2000 and any re-enactment or replacement of the Act;

“Joint SAMM Strategy” means the framework approved by the LPAs for the delivery of a strategic access management and monitoring programme in the Ashdown Forest SPA;

“JSG” means the Ashdown Forest Joint Steering Group appointed by the LPAs to make decisions and recommendations regarding the strategy and implementation of the Projects, whose composition is more particularly detailed in Clause 6 and Schedule 4;

“JWG” means the Ashdown Forest Joint Working Group responsible for overseeing the delivery of the Projects on a day-to-day basis, whose composition is more particularly detailed in Clause 6 and Schedule 4;

“Lead Authority” means Wealden District Council or such other body or organisation as may assume responsibility for receipt of the Tariff collected by the LPAs and payments to the Conservators under the direction of the JSG under and in accordance with the terms of this Agreement;

“LPAs” means Lewes District Council, Mid Sussex District Council, Sevenoaks District Council, the District Council of Tandridge, Tunbridge Wells Borough Council and Wealden District Council;

“Projects” means the delivery of a strategic access management and monitoring programme for the Ashdown Forest SPA, further details of which are set out in Schedule 1;

“Projects Expenditure” means expenditure on payment of salaries, revenue and capital costs together with any VAT properly chargeable thereon in relation to the delivery of the Projects, as approved by the JSG in each Financial Plan and Budget;

“Projects Officers” means the persons employed to the roles of the Access Management Lead Officer and the Assistant Access Management Officer (or such other roles as may replace these during the term of this Agreement) to work with the Conservators on the delivery of the Projects;

"Quarter" means a period of three (3) months ending on 31 March, 30 June, 30 September and 31 December in any Year, and "Quarterly" shall be defined accordingly;

"Relevant Development" means any proposed development where such development without avoidance or mitigation measures is considered to have a likely significant effect on the Ashdown Forest SPA, either alone or in combination with other plans or projects, following an assessment under the Habitats Regulations authorised by a planning permission in respect of which the application was received by the Local Planning Authority on or after the [] 2019 or in respect of which planning conditions are discharged on or after [] 2019, which will involve the construction of one or more units of residential accommodation, or in the case of other development is considered to require avoidance and mitigation measures to ensure that such development is not likely to have a significant impact on the Ashdown Forest SPA;

"Ring-fenced Account" means the account held and managed by the Lead Authority in which the Lead Authority will hold the Tariffs paid to it in accordance with Clause 2.2 and out of which it is required to pay the Projects Expenditure in accordance with Clause 4 and Clause 5.2;

"Tariff" means the amounts paid by way of an obligation pursuant to s106 of the Town and Country Planning Act 1990, the Community Infrastructure Levy Regulations 2010 or any other agreement in respect of each unit of residential accommodation within a Relevant Development to ensure that there is no significant effect to the Ashdown Forest SPA, in accordance with the methodology identified by the LPAs, provided always that such amount may be adjusted in the light of all relevant circumstances relating to the Projects or the proposed development which shall be a matter for each individual LPA to determine. Tariff shall also include any amounts the LPAs have received specifically for strategic access management and monitoring in connection with applications for planning permission within a Relevant Development received before the Commencement Date. For the avoidance of doubt, the Tariff shall also be inclusive of any interest on such amounts referred to above;

"Treasury Rate" means the long-term treasury rate, being the rate earned on long-term investments (maturity > 365 days) of monies in the Ring-fenced Account where sufficient sums are available to make such an investment and the short-term treasury rate will be used where there are insufficient sums in the Ring-fenced Account;

"Wealden" means Wealden District Council;

"Working Days" means any day that is not a Saturday, Sunday or bank holiday in England and Wales.

- 1.2 Where the context so admits or requires words denoting the singular include the plural and vice versa and words denoting any gender includes all genders.
- 1.3 Clause and Schedule headings are purely for ease of reference and do not form part of or affect the interpretation of this Agreement.
- 1.4 References to Clauses and Schedules are to Clauses and Schedules to this Agreement.
- 1.5 References to each party herein include references to its successors in title, permitted assigns and novatees.
- 1.6 In the event of any inconsistency between the provisions of any Schedule hereto and the provisions of the main body of this Agreement, the former shall prevail to the extent of this inconsistency.

2. TARIFF

- 2.1 Each LPA shall, on 31 March, 30 June, 30 September and 31 December each Year throughout the term of this Agreement, pay to the Lead Authority all the amounts It has received by way of Tariff within thirty (30) days of receipt by the LPA of the same.
- 2.2 The Lead Authority undertakes to hold the Tariff in the Ring-fenced Account. For the avoidance of doubt the Lead Authority shall also hold its Tariff in the Ring-fenced Account.
- 2.3 The amounts (including interest accrued) in the Ring-fenced Account shall be used to cover the Projects Expenditure to ensure the long-term protection and maintenance of the integrity of the Ashdown Forest SPA from the impact of any Relevant Development.
- 2.4 In the event that this Agreement is terminated in accordance with Clause 7, then any sums of money held by the Lead Authority in the Ring-fenced Account will be liquidated and used to cover any outstanding financial commitments in accordance with Clause 7.5 below.

3. PROJECT DELIVERY

- 3.1 The Conservators shall be responsible for the delivery of the Projects. The Lead Authority shall use reasonable endeavours to procure that the Conservators deliver the Projects in accordance with the project delivery requirements, as more particularly detailed in Schedule 1 and as directed by the JWG or the JSG from time to time.
- 3.2 The JSG may from time to time direct that Wealden takes over responsibility for the delivery of a Project(s). In this event the provisions of Schedule 5 shall apply to the delivery of any such Project(s) by Wealden.
- 3.3 At all times during the term of this Agreement the Conservators shall use their best endeavours in the delivery of the Projects, including any future projects agreed by the JSG or the JWG from time to time, to comply and act solely in accordance with, the instructions of the JSG, the JWG and the Financial Budget.
- 3.4 Ownership of capital assets purchased by the Conservators with money paid to the Conservators under this Agreement shall rest with the Conservators. If the Conservators cease to be responsible for the delivery of the Projects, the Lead Authority shall procure that ownership of such capital assets will be transferred by the Conservators at nil cost to any successor organisation that takes over the functions of the Conservators relating to the delivery of the Projects.
- 3.5 The Conservators shall report to the JSG and JWG, at each progress and review meeting, on the progress of the implementation and delivery of the Projects, including recommendations and/or decisions by the Conservators based on their opinion of the effectiveness of the Projects and whether they should continue in their present form or require modification. The Conservators shall in addition provide such information about the delivery of the Projects as may be reasonably requested by the JSG and/or JWG in writing from time to time.

3A. PROJECTS OFFICERS

- 3A.1 Wealden shall be responsible for the employment and management of the Projects Officers. The Projects Officers will work with the Conservators to ensure the delivery of the Projects in

accordance with the project delivery requirements but shall at all times act under the management and direction of Wealden.

- 3A.2 The costs of recruitment, employment and redundancy of the Projects Officers shall constitute Projects Expenditure. The Lead Authority shall ensure that at all times a contingency amount is retained in the Ring-fenced Account to cover the employment costs relating to the Projects Officers.
- 3A.3 Nothing in this Agreement shall constitute the Projects Officers as employees, agents or representatives of the Conservators or any of the LPAs.

4. EXPENDITURE PAYMENTS

- 4.1 The Lead Authority shall, monthly in advance, pay to the Conservators such Projects Expenditure amounting to fixed costs from the Ring-fenced Account as have been agreed by the JSG in the Financial Budget to be expended on the Projects in that year.
- 4.2 The Lead Authority shall, monthly in advance, pay Wealden from the Ring-fenced Account such employment costs for the Project Officers.
- 4.3 The Lead Authority shall pay to the Conservators such variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter, subject to and upon receipt of a valid invoice in respect of the same and provided that the value of such Projects Expenditure has been approved by the JSG and there are available funds in the Ring-fenced Account to cover the invoice amount.
- 4.4 The Conservators shall forward to the Lead Authority an invoice for any variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter.
- 4.5 The Conservators agree and accept that payment under Clause 4.3 shall only be made to the extent that the value of such Projects Expenditure has been approved by the JSG.
- 4.6 In the event that there are insufficient sums available in the Ring-fenced Account to cover the payments required under Clause 4.3, payment shall be made as soon as sufficient funds become available or, upon approval of the JSG, payments shall be made from the Contingency Fund.
- 4.7 Subject to Clauses 4.5 and 4.6, the Lead Authority shall pay all undisputed invoices within thirty (30) days of receipt.
- 4.8 If the Lead Authority fails to make any payment under Clause 4.7 when it falls due, it shall pay interest on the overdue amount at the rate of 2% per annum above the base rate of Lloyds Bank plc. Such interest shall accrue on a daily basis from the date it becomes due until the date of actual payment.
- 4.9 Any interest for late payment arising in respect of any amounts payable under Clause 4.8 shall be drawn from:
- a) the Ring-fenced Account where the reason for failure to make the payment is due to issues outside the control of the Lead Authority; or
 - b) the Lead Authority's own funds where the reason for failure to make the payment is due to issues within the control of the Lead Authority.

- 4.10 All sums due to the Conservators under this Agreement will be paid by the Lead Authority into a bank account in the name of the Conservators. The Conservators will keep all sums paid to it under this Agreement in an interest-bearing ring-fenced account. Payment will not be made to any other account without the prior written consent of the Lead Authority.
- 4.11 The Lead Authority will keep and maintain a record of all payments received and made under this Agreement for a period of ten (10) years from the end of the financial year to which they relate. This record will be available for review by the JSG upon written request.
- 4.12 The LPAs acknowledge and agree that if the Conservators enter into third party contracts in good faith in respect of the delivery of the Projects and the third party defaults on their contractual obligations for whatsoever reason, then, subject to the agreement of the JSG, the Conservators shall be reimbursed out of the Ring-fenced Account for any monies that it is required to expend either meeting the third parties contractual obligations or in taking reasonable steps to enforce the contract against the third party.
- 4.13 The Lead Authority has contributed funding to the Conservators' 'Every Dog Matters' programme, details of which are provided in Schedule 3. The Lead Authority shall recover the costs of such funding by way of deduction from the Ring-fenced Account following approval of the same by the JSG. Payment of these costs shall occur within a reasonable period from the date of approval from JSG.

5. THE LEAD AUTHORITY

- 5.1 The Lead Authority will provide all reasonable services and support required to manage the delivery of the Projects in partnership with the Conservators (or, if and where applicable, Wealden), in accordance with the provisions of this Clause 5 and Schedule 2, and in consultation with the LPAs and partner authorities.
- 5.2 The Lead Authority will be responsible for the following in relation to the financial administration of the Projects:
- a) receipt of the Tariffs in accordance with Clause 2.1;
 - b) administering the Ring-fenced Account;
 - c) making payments to the Conservators (or, if and where applicable, Wealden) in respect of the delivery of the Projects in accordance with Clause 4;
 - d) providing quarterly reports to the JSG in accordance with the Financial Reporting Requirements;
 - e) providing such financial information as may reasonably be requested by the JSG or the Conservators, and in such format as may reasonably be required;
 - f) updating the cash flow model in accordance with monitoring information provided by the LPAs; and
 - g) accounting for all expenditure and income.
- 5.3 The Lead Authority will also provide such legal and procurement services as may be reasonably required and as are agreed by the JSG to enable bird monitoring to take place at the Ashdown Forest SPA and visitor monitoring surveys to be undertaken at the Ashdown Forest SPA and at SANGs sites in its vicinity.

- 5.4 It is agreed and understood that the role of the Lead Authority is limited to the functions set out in this Clause 5 and that the Lead Authority is not assuming any role in providing either financial advice or strategic avoidance and mitigation advice.
- 5.5 The Lead Authority will keep full records relating to the functions it performs under this Agreement and will permit the LPAs, as well as their statutory auditors, access at all reasonable times upon written request to such records and to take copies of them.
- 5.6 On the third anniversary of the Commencement Date and on every third anniversary thereafter, the Lead Authority will be entitled to cease undertaking the functions of the Lead Authority under this Agreement provided that it has given no less than six (6) months' prior written notice to the JSG.
- 5.7 In the event that the Lead Authority no longer wishes to carry out its functions under this Agreement, then the JSG will use its best endeavours to procure that one of the other LPAs undertakes the role of Lead Authority.
- 5.8 In the event that no LPA is willing to undertake the role of Lead Authority, then the JSG, in conjunction with the LPAs, will procure that suitable arrangements are implemented to ensure the continued delivery of the Projects.

6. GOVERNANCE

Joint Steering Group

- 6.1 The delivery of the Joint SAMM Strategy, including the Projects, will be managed and overseen by the JSG.
- 6.2 The membership of the JSG will comprise two (2) officers from each of the LPAs. One officer from each LPA must have delegated authority to make decisions on behalf of its LPA. Members of the LPA will have full voting rights in proceedings of the JSG.
- 6.3 The JSG may at its discretion allow additional membership of the JSG, in a co-opted role with no voting rights, of the following:
 - a) up to two (2) representatives each from advisory bodies with appropriate and relevant technical expertise, as more particularly detailed in Schedule 4; and
 - b) the Lead Authority's Monitoring Officer and Chief Finance Officer.
- 6.4 The JSG will be responsible for strategic decision-making, steering the direction of the Joint SAMM Strategy, ensuring the objectives of the Projects are met and ensuring that delivery of the Projects represents value for money. Powers delegated to, and matters reserved from, the JSG are detailed in Schedule 4.
- 6.5 The JSG will meet four (4) times a year, unless an extraordinary meeting is requested by any JSG full member in accordance with its terms of reference. This provision shall remain in place unless and until the JSG resolve to change the frequency or structure of its meetings.
- 6.6 The quorum of a meeting of the JSG shall be no less than six (6) with at least one (1) member being from each of the constituent core members.

Joint Working Group

- 6.7 The delivery of the Projects will be managed and overseen on a day-to-day basis by the JWG, which will act as a vehicle for joint working, liaison and information exchange between the parties and selected stakeholders.
- 6.8 The membership of the JWG will comprise one (1) officer from each of the LPAs, who will have full voting rights in proceedings of the JWG. The Projects Officers will be members of the JWG but will have no voting rights in the proceedings of the JWG.
- 6.9 The JWG may at its discretion allow additional membership of the JWG, in a co-opted role with no voting rights, of representatives from advisory bodies with appropriate and relevant technical expertise, as more particularly detailed in Schedule 4.
- 6.10 The JWG will meet four (4) times a year, unless an extraordinary meeting is requested by any JSG core member in accordance with its terms of reference. This provision shall remain in place unless and until the JSG resolve to change the frequency or structure of its meetings.

7. TERM, TERMINATION AND WITHDRAWAL

- 7.1 This Agreement will come into force on the Commencement Date and will continue in force unless terminated in accordance with this Clause 7 or otherwise ended by mutual agreement, notwithstanding the right of any LPA to withdraw from this Agreement in accordance with this Clause 7.
- 7.2 The LPAs may by mutual agreement terminate this Agreement in the event that changes to statutes, regulations or orders including, without limitation, the Habitats Regulations, the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010, or changes to policy affect the LPAs' ability to deliver the Joint SAMM Strategy or collect the Tariff or which otherwise materially affects the LPAs' ability to fulfil their obligations under this Agreement.
- 7.3 In the event that the Lead Authority is in material breach of this Agreement then the LPAs may by notice in writing to the Lead Authority require such breach to be remedied within such reasonable period as may be set out in the notice. In the event that the Lead Authority fails to remedy the breach in accordance with the notice then the LPAs and the Lead Authority will submit to the dispute resolution procedure set out in Clause 11 (Dispute Resolution) in order to resolve the issue.
- 7.4 In the event that the Conservators are in material breach of this Agreement, then the Lead Authority (jointly with and on behalf of the LPAs) may by notice in writing to the Conservators require such breach to be remedied within such reasonable period as may be set out in the notice. In the event that the Conservators fail to remedy the breach in accordance with the notice then the Conservators and the Lead Authority shall submit to the dispute resolution procedure in Clause 11 (Dispute Resolution) in order to resolve the issue.
- 7.5 This Agreement will be subject to review on the first anniversary of the Commencement Date and thereafter on an annual basis or as otherwise agreed by the JSG. In the event that any party considers that the Agreement should be terminated or wishes to withdraw from the Agreement then, subject to satisfying the provisions of Clause 10 (Notices), it shall notify the other parties to this effect no later than six (6) months prior to such anniversary (such notice to expire no earlier than the second anniversary of the Commencement Date), setting out its

reasons. The parties shall consider the issue of termination and the Agreement shall terminate if and when a majority of two-thirds of the parties to this Agreement agree to such termination. In the event that a party wishes to withdraw from the Agreement, the other parties shall accept the decision of the withdrawing party, which shall be unfettered.

- 7.6 Following termination of the Agreement in accordance with this Clause 7 and in lieu of any substantially similar agreement taking its place, then under the direction of the JSG any sums of money held by the Lead Authority will be used to discharge any liabilities incurred by the Conservators or Wealden in relation to the Projects, including redundancy payments to the Projects Officers, provided that such redundancy payments relate solely to that proportion of their employment undertaking work on the Projects. The Lead Authority will use reasonable endeavours to procure that the Conservators and, where appropriate Wealden, minimise any costs arising from such termination.
- 7.7 In the event that, following discharge of any liabilities under Clause 7.5, any balance is left, such monies will be paid to the LPAs in the proportion of their payments of the Tariffs during the period from the Commencement Date until the date of termination, for the LPAs to spend on implementing alternative avoidance measures under the direction of the JSG.
- 7.8 In the event of withdrawal by one of the parties, the withdrawing party shall be released from its obligations under this Agreement including, without limitation, any liability to make further Tariff payments from the date of withdrawal. The withdrawing party shall not be entitled to any refund of the Tariff payments made or committed up to the date of withdrawal.

8. FREEDOM OF INFORMATION

- 8.1 The parties acknowledge that each of the LPAs is subject to the requirements of the FOIA and the EIR.
- 8.2 The parties shall where reasonable assist and co-operate with any LPA receiving a request for information (at each parties' own expense) to enable that LPA to comply with their information disclosure obligations under the FOIA and EIR, as applicable.
- 8.3 Where any party receives a request for information which should have been directed to one of the LPAs, the receiving party shall promptly (and in any event within five (5) working days) refer the request to the relevant LPA. Any request in relation to this Agreement or the Joint SAMM Strategy shall be passed to the Lead Authority.
- 8.4 Whenever practicable, the LPA receiving a request for information relating to this Agreement shall consult the other parties and have reasonable regard to their representations prior to the release of any information.
- 8.5 Each LPA shall retain ultimate responsibility for determining how it shall respond to such requests and/or whether any information is exempt from disclosure in accordance with the provisions of the Code of Practice on Government Information and the FOIA or EIR (as applicable), and each LPA shall be responsible for determining in its absolute discretion whether any information:
- (a) is exempt from disclosure under the FOIA or EIR (as applicable); and/or
 - (b) is to be disclosed in response to a request for information.
- 8.6 Each LPA acknowledges that the other LPAs may be obliged under the FOIA and/or EIR to disclose information:

- (a) without consulting with the other parties where it has not been practicable to achieve such consultation; or
- (b) following consultation with the other parties and having taken their views into account.

9. AUDIT

- 9.1 The Lead Authority (or if and where applicable, Wealden) shall, and shall procure that the Conservators shall, allow any of the LPAs and any auditors or other advisers to any of the LPAs to access its personnel and such of the Lead Authority's, Wealden's and the Conservators' records as any such LPA may reasonably require to:
- a) fulfil any legally enforceable request by any regulatory body;
 - b) verify the accuracy of any charges under this Agreement or identify a suspected fraud; and/or
 - c) verify the accuracy and completeness of any management information delivered or required by this Agreement.
- 9.2 The Lead Authority (or if and where applicable, Wealden) shall, and shall procure that the Conservators shall, use its reasonable endeavours to minimise any disruption or delay to the Projects caused by the conduct of an audit and that, where possible, individual audits are co-ordinated with each other.
- 9.3 Any LPA wishing to conduct an audit shall give the Lead Authority no less than five (5) Working Days' written notice of its intention to conduct an audit, save where the audit is conducted in respect of a suspected fraud, in which event no notice shall be required.
- 9.4 The parties shall bear their own costs and expenses incurred in respect of compliance with their obligations under this Clause 9.

10. NOTICES

- 10.1 Except as expressly stated to the contrary, all notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been properly given if delivered by hand or by courier, or sent by prepaid first-class post or special or recorded delivery to the relevant Authorised Officer at the address notified for that purpose, or such other address as either party may notify to the other for this purpose from time to time.
- 10.2 Any notice shall be treated as having been served on delivery if:
- a) delivered by hand, at the time of delivery;
 - b) delivered by courier, two (2) Working Days after despatch;
 - c) in the case of pre-paid first-class post or registered post, three (3) Working Days from the date of posting.

11. DISPUTE RESOLUTION

- 11.1 All disputes between the parties arising out of or in connection with this Agreement shall, in the first instance, be referred to the parties' respective Authorised Officers for resolution.

- 11.2 If the dispute is not resolved within a maximum of ten (10) Working Days, it shall be referred to the parties' respective Chief Executives (or equivalent position).
- 11.3 If, having been so referred, the dispute is not resolved within a maximum of twenty (20) Working Days, such dispute may be referred, by agreement between the parties, to a mediator. The mediator shall be selected by mutual agreement or, failing such agreement within fifteen (15) Working Days, shall be selected by the Centre for Effective Dispute Resolution or such other similar body as may be agreed. Decisions of the mediator shall be final and binding. The fees of the mediator shall be borne by the parties in such proportions as may be determined by the mediator.
- 11.4 If either party does not agree with any dispute being referred for resolution in accordance with this Clause 11, then the dispute shall be determined by the courts in accordance with Clause 12 (Law and Jurisdiction).

12. LAW AND JURISDICTION

- 12.1 The construction, validity and performance of this Agreement shall be governed by English law and, subject to Clause 11 (Dispute Resolution), the parties irrevocably submit to the exclusive jurisdiction of the English courts.

13. ASSIGNMENT AND SUB-CONTRACTING

- 13.1 The Conservators shall not assign, transfer, sub-license, novate, sub-contract or otherwise dispose of any or all of its rights and obligations under this Agreement without the prior written consent of the LPAs (such consent not to be unreasonably withheld or delayed).
- 13.2 A change in the legal status of any of the LPAs shall not affect the validity of this Agreement and this Agreement shall be binding on any successor body to that LPA.
- 13.3 In the event that the Conservators or Wealden enter into any sub-contract in connection with this Agreement it shall:
- a) remain responsible to the LPAs for the performance of its obligations under this Agreement notwithstanding the appointment of any sub-contractor and be responsible for the acts omissions and neglects of its sub-contractors;
 - b) impose obligations on its sub-contractor in the same terms as those imposed on it pursuant to this Agreement and shall procure that the sub-contractor complies with such terms; and
 - c) ensure that a copy of any sub-contract is provided to the Lead Authority within thirty (30) days after it is executed.
- 13.4 To the extent that the Conservators or Wealden sub-contract to any third party any of their obligations hereunder, any reference in this Agreement to the Conservators' or Wealden's (as the case may be) employees, agents and contractors shall include those of the relevant sub-contractor.

14. ENTIRE AGREEMENT

- 14.1 This Agreement, together with the schedules and all other documents attached or referred to in, or executed contemporaneously with, this Agreement constitutes the entire agreement between the parties regarding its subject matter and supersedes any prior agreement, arrangement and understanding between the parties.

- 14.2 No representation, promise or undertaking shall be taken to have been made or implied from anything said or written in negotiations between the parties prior to the Commencement Date, except as expressly stated in this Agreement. Each party acknowledges and agrees that it has not relied upon any information given or representation made by or on behalf of the other in entering into this Agreement.
- 14.3 No party shall have any remedy in respect of any untrue statement made by any other party upon which that party relied in entering into this Agreement and that party's only remedies shall be for breach of contract as provided in this Agreement.
- 14.4 Nothing in this Clause 14 shall operate to limit or exclude any liability of any party for, or remedy against any party in respect of, any fraudulent misrepresentation.

15. THIRD PARTY RIGHTS

- 15.1 A person who is not a party to this Agreement shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Agreement.

16. WAIVER

- 16.1 The failure of any party to enforce or exercise at any time or for any period of time any term of or any right pursuant to this Agreement does not constitute, and shall not be construed as, a waiver of such term or right and shall not affect that party's right to enforce or exercise it at a later stage.

17. SEVERABILITY

- 17.1 If any term of this Agreement is found to be illegal, invalid or unenforceable under any applicable law, such term shall, insofar as it is severable from the remaining terms, be deemed omitted from this Agreement and shall in no way affect the legality, validity or enforceability of the remaining terms.

18. SURVIVAL

- 18.1 Provisions of this Agreement which either are expressed to survive its expiry or termination or from their nature or context it is contemplated that they are to survive such termination, shall remain in full force and effect notwithstanding such expiry or termination.

19. INDEPENDENT PARTIES

- 19.1 The relationship of the parties is that of independent contractors dealing at arm's length and nothing in this Agreement shall constitute any party as the agent, employee or representative of any other party, or empower any party to act for, bind or otherwise create or assume any obligation on behalf of any other party, and no party shall hold itself out as having authority to do the same.

20. INJUNCTIVE RELIEF

- 20.1 The parties acknowledge and agree that a breach by any party of any of the terms of this Agreement may result in irreparable and continuing damage to the other parties for which there

may or will be no adequate remedy at law, and that in the event of such breach, the LPAs shall be entitled to apply for injunctive relief and/or a decree for specific performance and such other and further relief as may be appropriate.

21. VARIATIONS

21.1 No alteration to or variation of this Agreement shall take effect unless and until the same is in writing and signed on behalf of each of the parties by a duly authorised representative.

22. FURTHER ASSURANCE

22.1 The parties shall execute and deliver all such further documents, and take all such further actions, as may be required to give full effect to the matters and transactions contemplated by this Agreement.

23. COSTS

23.1 Each party will bear its own costs in the preparation and completion of any further agreements that may be required in connection with the Joint SAMM Strategy.

24. COUNTERPARTS

24.1 This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

DULY EXECUTED AS A DEED:

The Common Seal of
LEWES DISTRICT COUNCIL
is hereunto affixed to this Agreement
in the presence of:





002/20

The Common Seal of
MID SUSSEX DISTRICT COUNCIL
is hereunto affixed to this Agreement
in the presence of:





20794

13,134

The Common Seal of
SEVENOAKS DISTRICT COUNCIL
is hereunto affixed to this Agreement
in the presence of:

Mr. Thompson

Authorised Signatory

The Common Seal of
THE DISTRICT COUNCIL OF TANDRIDGE
is hereunto affixed to this Agreement
in the presence of:

Manipon

AUTHORISED SIGNATORY

WITNESS
The Common Seal of
TUNBRIDGE WELLS BOROUGH COUNCIL
is hereunto affixed to this Agreement
in the presence of:

[Signature]

The Common Seal of
WEALDEN DISTRICT COUNCIL
is hereunto affixed to this Agreement
in the presence of:

[Signature]



MT Gaslin
Authorised Signatory



25991

Signed by
THE CONSERVATORS OF ASHDOWN FOREST

Kiran Jagan
Chairman of the Board of Conservators.

SCHEDULE 1

Ashdown Forest Special Protection Area (SPA)

Strategic Access Management and Monitoring Strategy

Tariff Guidance

For

Lewes District Council

Mid Sussex District Council

Sevenoaks District Council

District Council of Tandridge

Tunbridge Wells Borough Council

Wealden District Council

1. Purpose of document

- 1.1. Wealden, Mid Sussex and Lewes District Councils and Tunbridge Wells Borough Council have been working in partnership with the Conservators of Ashdown Forest and Natural England since 2012 to develop a Joint Strategic Access Management and Monitoring (SAMM) Strategy. More recently, Tandridge and Sevenoaks District Councils have also been involved in the development of the SAMM Strategy.
- 1.2. To secure the delivery of the SAMM Strategy, partner local authorities and the Conservators of Ashdown Forest have entered into this Agreement. This is to facilitate the implementation of the SAMM Strategy to release development where this has previously been restricted due to Ashdown Forest Special Protection Area (SPA) mitigation requirements. Legal Agreements have been prepared in conjunction with the Conservators of Ashdown Forest as the delivery body for access management and on the ground bird monitoring.
- 1.3. This document provides SAMM tariff guidance for all local authority partners and outlines the level of financial contribution required from new residential development to contribute to a strategic SAMM mitigation strategy.

2. Background

Ashdown Forest Special Protection Area

- 2.1. The Ashdown Forest Special Protection Area (SPA) is located in the High Weald of East Sussex, within Wealden District. The Ashdown Forest SPA covers an area of 3,207 hectares. Together with the nearby Wealden Heaths SPA and Thames Basin Heath SPA, the Ashdown Forest SPA forms part of a complex of heathlands that support breeding bird populations of European importance, in particular the nightjar and Dartford warbler. The Ashdown Forest SPA is also a designated Special Area of Conservation (SAC) because it contains one of the largest single continuous blocks of lowland heath in South-East England with both European dry and North Atlantic wet heath. The SAC designation covers an overall area of 2,729 hectares. The Ashdown Forest SPA is also designated a Site of Special Scientific Interest (SSSI).
- 2.2. The Ashdown Forest SPA is protected in UK law by The Conservation of Habitats and Species Regulations 2017. The Habitats Regulations transpose the requirements of EC Directive 2009/147/EC on the Conservation of Wild Birds (the Birds Directive) and EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). Under the Habitats Regulations, development proposals must not give rise to adverse effects on the integrity of the Ashdown Forest SPA either alone or in combination with other plans or development proposals. If it is likely that a (significant) adverse effect will occur or where it is uncertain that an adverse effect may occur, then measures must be secured to either avoid or mitigate the impact. If it is not possible to avoid or mitigate an adverse impact then planning permission will be refused².

² In the absence of imperative reasons of overriding public interest and appropriate compensatory measures

Impact of Development at Ashdown Forest SPA

- 2.3. The delivery of new housing will lead to an increase in population within the Districts and Boroughs around the Ashdown Forest SPA. Visitor surveys at Ashdown Forest in 2008³ and 2016⁴ identified a significant use of Ashdown Forest by the existing local population, particularly for the purpose of dog walking. Data analysis⁵ following the 2008 survey identified that it is likely that any new population arising from new development in the local area will also use Ashdown Forest as a recreational resource.
- 2.4. Studies and evidence resulting from research undertaken at the Ashdown Forest SPA and other SPAs in the country has identified that one of the principal threats to the European protected Dartford warbler and nightjar is the damaging effects of disturbance caused by recreation during their breeding period. It is acknowledged that freely roaming dogs hugely exacerbate the disturbance caused by people visiting the site where they can inadvertently trample on or flush birds from their nest leaving chicks or eggs to die. It is likely therefore that without appropriate and proportionate avoidance and mitigation measures, new development could impact on the populations of nightjar and Dartford warbler within the Ashdown Forest SPA, and would be contrary to the requirements of the Habitats Regulations.

3. Ashdown Forest SPA mitigation and avoidance measures

- 3.1. The focus of mitigation measures is on the impact of new residential development. This is in consideration that new development in the vicinity of the Ashdown Forest SPA is likely to result in an increase in overall visitor numbers and could therefore result in an increase in recreational pressure / disturbance on the protected bird species without mitigation in place.
- 3.2. The complementary use of Suitable Alternative Natural Greenspace (SANG) and a Strategic Access Management and Monitoring (SAMM) Strategy as a mitigation measure has been recommended by Natural England. The aim of SANGs is to ensure that visit rates do not increase as a result of new development. Together with the provision of strategic access management this is considered to be an essential and effective mitigation measure whereby new or enhanced green space is provided to draw potential users away from the Ashdown Forest SPA. SANGs are being dealt with individually by each Local Authority and do not form part of this document.
- 3.3. The Ashdown Forest visitor survey (2009) has identified that the Ashdown Forest SPA is an attractive and compelling recreational resource attracting visitors from a wide area. Whilst SANGs are considered to be an essential and effective mitigation measure to help ensure that visit rates do not increase it has been identified that local residents enjoy using a variety of green spaces for their recreational activity including the Ashdown Forest SPA. It is likely therefore that residents living in new development will still visit and use the Ashdown Forest SPA from time to time even with SANGs in place. In considering the conservation objectives

³ Visitor Access Patterns on Ashdown Forest for Mid Sussex and Wealden District Councils (UE Associates and University of Brighton, 2009).

⁴ Liley, D., Panter, C. & Blake, D. (2016). Ashdown Forest Visitor Survey 2016.

⁵ Clarke, R.T., Sharp, J & Liley, D. 2010. Ashdown Forest visitor survey data analysis. Natural England Commissioned Reports Number 048.

of the Ashdown Forest SPA, mitigation is therefore required to take place at Ashdown Forest itself.

- 3.4. A number of different measures have been identified to form part of a mitigation package to avoid or reduce disturbance from an increase in recreational pressure at the Ashdown Forest SPA. These measures will need to be combined in order to ensure that they are effective.

4. Delivery of Strategic Access Management measures

- 4.1. The Local Authorities who are likely to deliver residential development near to the Ashdown Forest SPA have agreed to coordinate an approach to collect developer contributions to deliver visitor access management and monitoring measures at the Ashdown Forest SPA. This coordinated approach is supported by Natural England.
- 4.2. A number of access management initiatives have been identified to reduce the impact of people and their dogs who visit the Ashdown Forest SPA on the protected bird species, the Dartford warbler and nightjar during their breeding season. The SAMM Strategy also provides funding for bird and visitor monitoring to help assess the effectiveness of the mitigation measures and inform their ongoing delivery.
- 4.3. The responsibility for managing the majority of the Ashdown Forest SPA designated area lies with an independent body, the Board of Conservators of Ashdown Forest. Originally set up in 1885, the Board has been regulated under a series of Acts of Parliament, the most recent being the Ashdown Forest Act 1974. The access management measures and on the ground bird monitoring will be delivered by the Conservators of Ashdown Forest.
- 4.4. Regular meetings will take place between partner local authorities and the Conservators of Ashdown Forest to agree project expenditure and review the status and progress of projects and resolve any issues that may arise.

5. Aim of SAMM Strategy

5.1. In summary, the aim of the SAMM Strategy projects will be to:

- Raise awareness and build visitor understanding of the importance and sensitivity of ground nesting birds and their habitats within the Ashdown Forest SPA as part of the wider education and heathland management programme;
- Promote alternative recreational spaces (SANGs) for local people especially in the breeding bird season;
- Promote and enforce where necessary the Code of Conduct for dog walkers;
- Encourage responsible dog walking and behavioural change as set out in the Code of Conduct;

- Provide new and additional volunteering opportunities such as Volunteer Dog Rangers in the delivery of advice and on-site support to ensure and promote responsible behaviour and use of the Ashdown Forest SPA;
- Contribute to the existing Ashdown Forest education programme to deliver outcomes that relate to the required mitigation measures in relation to Ashdown Forest SPA; and
- Help coordinate and support bird monitoring on the Ashdown Forest SPA and undertake visitor monitoring on the Ashdown Forest SPA and at SANG sites. This will be used to:
 - Ensure that projects are effective;
 - Inform the direction of strategic access management; and
 - Measure the effectiveness of avoidance and mitigation measures.

6. SAMM Strategy projects

6.1. A number of projects have been identified through consultation with the Conservators of Ashdown Forest and Natural England as being necessary to deliver the above objectives. These include:

- Development of a Code of Conduct, with input from affected Local Authorities to ensure that the Code meets the requirements of the Habitats Regulations;
- Promotion of Code of Conduct using a variety of media resources;
- Producing leaflets regarding the Code of Conduct and distribution of leaflets;
- Development and procurement of appropriate signage and interpretation boards;
- Organising responsible dog ownership training events and managing the delivery of the events;
- Recruiting and managing Volunteer Dog Rangers;
- Recruiting an Access Management Lead Officer;
- Recruiting an Assistant Access Management Officer;
- Organisation and delivery of on site and off site (in relation to access management and monitoring at the Ashdown Forest SPA) education events; and
- Contributing to the wider Ashdown Forest education, information and volunteer programme.

6.2. Other projects have been developed and will be delivered in partnership with the Conservators of Ashdown Forest, with the affected Local Authorities responsible for the delivery of the projects. These include:

- The promotion of SANGs and the Code of Conduct for Dog Walkers on local authority websites;
- Development, production and distribution of leaflets to new households regarding the Code of Conduct and Suitable Alternative Natural Greenspaces (SANGs);
- The production of a bird monitoring methodology, coordination of bird surveys and subsequent analysis (involving Ashdown Forest bird monitoring volunteers and other relevant organisations as appropriate); and
- Visitor monitoring on the Ashdown Forest SPA and at SANGs sites.

6.3. Whilst the scope of the SAMM strategy has been agreed, projects and responsibilities for delivery will be finalised following collaborative working between partners.

7. Application of SAMM Strategy Tariff

7.1. Where it is concluded by a competent local authority that development is 'likely to have a significant effect' on the Ashdown Forest SPA, that development will be required to make a contribution to the SAMM Strategy to mitigate its impact. The SAMM Strategy will be applied to a zone of influence around the Ashdown Forest SPA. The extent of the zone is determined by each local authority. Please see the relevant local authority website for further information.

7.2. Within 400m of the Ashdown Forest SPA it is unlikely that any net new dwellings will be permitted because it will not be possible to fully mitigate impacts. This includes the impact of cat predation.

Permitted Development

7.3. On 6th April 2014 the Government extended the General Permitted Development Order to allow planning permission for certain classes of development without the requirement for a planning application, although prior approval may be required. This includes the change of use from farm buildings, shops (A1), Financial / Professional services (A2 uses) and office use (B1a) to dwellings⁶.

7.4. Notwithstanding the extension of permitted development rights, Sections 75 - 77 of the Habitats Regulations (2017) apply. This means that permitted development must still meet the requirements of the Habitats Regulations. Where it is considered that a 'significant effect' on the Ashdown Forest SPA may arise, the development must not commence until written approval has been received by the developer from the Local Planning Authority (or Natural England). In these circumstances, a developer will still be required to contribute to the SAMM Strategy in order to mitigate the impact of the development.

Affordable housing

7.5. Affordable housing developments will be required to make the full contribution to the SAMM Strategy.

Type of development and the application of the SAMM Tariff

7.6. The Habitats Regulations place a duty for all types of development to be considered in relation to their potential to have a significant effect on a European Site. Residential (Use class C) development is the main focus of the SAMM Strategy. However, in considering the potential impact on the Conservation Objectives of Ashdown Forest SPA, it may also be determined as part of a Habitats Regulations Assessment that other types of development, such as those not falling within a Use Class (for example Sui Generis which includes camp

⁶ Further information relating to permitted development including temporary permitted development can be found at: <http://www.planningportal.gov.uk/permission/commonprojects/changeofuse>

sites and caravan pitches) may be regarded to result in a significant impact. Types of development and their location will therefore need to be considered on a case by case basis. Further detail in relation to this is provided in Appendix 1.

CIL, S106 Planning Obligations and Unilateral undertakings

7.7. The projects identified as part of the SAMM Strategy constitute 'maintenance' rather than the provision of infrastructure⁷. On this basis, local authorities may fund the SAMM Strategy either through CIL or through the collection of planning obligations.

7.8. Each Local Planning Authority will be responsible for collecting its contributions for the SAMM Strategy. The mechanism used to collect contributions is a matter for individual local authorities and will be determined on a case by case basis.

Timing of contribution

7.9. Financial contributions for the SAMM Strategy will be agreed and, where applicable, entered into prior to the determination of a planning application. Payments to be made to each local authority are to be secured and paid no later than the commencement of development. For large development sites, payment by instalment could be considered subject to the agreement of the relevant local authority.

8. SAMM tariff

8.1. To fund the SAMM Strategy a tariff has been calculated on a per unit basis. This means that a set contribution will be required for each net unit whether a residential dwelling house or a flat, studio flat or other residential development use type.

8.2. It is noted that other avoidance and mitigation strategies elsewhere (Dorset and Thames Basin Heath) charge on a per bedroom basis. The per-bedroom tariff applied elsewhere has been considered as part of the SAMM Strategy work. Based on evidence, it is concluded that there is no justification at this time to charge on a per bedroom basis as relevant to mitigating the impact of new development on the Ashdown Forest SPA. Reasons for this include:

- Occupancy rates: The number of bedrooms in a dwelling does not necessarily reflect the number of persons living within a household⁸;
- There is no evidence to suggest that the more bedrooms in a dwelling would result in a higher number of visitors to the Ashdown Forest SPA or the potential for a greater recreational impact;
- There is no known relationship between the number of bedrooms, dog ownership and recreational use of the Ashdown Forest SPA;

⁷ The Community Infrastructure Levy Regulations 2010

⁸ <http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/overcrowding-and-under-occupation-in-england-and-wales/rpt-overcrowding-and-under-occupation-in-england-and-wales.html>

- It is not possible to predict the number of bedrooms likely to come forward in the plan period which impacts on the cost analysis and securing appropriate funding to deliver the SAMM Strategy; and

8.3. In considering the above, a flat rate tariff has been identified to meet the Planning Obligation tests as set out in the CIL Regulations. Notwithstanding the above, should acceptable evidence be presented which would justify a per bedroom tariff then the per-dwelling SAMM tariff will be reviewed.

9. Calculation of contribution

9.1. The SAMM tariff has been established with reference to the cost of avoidance and mitigation considered necessary to address the impact from an increase in visitors to the Ashdown Forest SPA from new dwellings and the anticipated increase in residential dwellings in each local authority's zone of influence.

9.2. For the purpose of calculating the tariff each local authority provided their estimated housing projections which have been applied to a cash flow model. As of December 2015, 3770 houses are projected to be delivered as relevant to the SAMM Strategy over a 13 year period⁹. Mitigation is required for the lifetime of the development (in perpetuity). For the purpose of the SAMM Strategy cash flow model perpetuity has been taken to mean 100 years¹⁰.

9.3. The estimated housing projections are based on development being completed in the same year that it commences. The Strategy includes projections from all local planning authorities (Wealden, Mid Sussex, Lewes, Tandridge, Sevenoaks and Tunbridge Wells). The SAMM Strategy will also supersede Mid Sussex District Council's Interim Mitigation Strategy¹¹.

9.4. SAMM Strategy costs (out flow) have been identified in consultation with Natural England and the Conservators of Ashdown Forest. A summary of forecast project costs in perpetuity and as identified in December 2015 is provided in Appendix 2. These costs have been modelled against housing projections (in flow) and a discount cash flow model has been applied with an interest rate of 3.5%¹². A summary of the forecast cash flow model is provided in appendix 3.

9.5. Based on the project costs and projected housing numbers and delivery the SAMM tariff has currently been set at £1,170 per dwelling.

⁹ The proposed plan periods for Mid Sussex and Lewes District extend to 2031 and 2030 respectively and therefore extend beyond that of Wealden District Councils current plan period (2027). It is not possible at this time to predict housing numbers beyond Wealden District Council's current plan period. However, housing number estimates alongside project costs will be regularly reviewed to ensure that housing and cost assumptions are as accurate as possible¹⁰ Perpetuity meaning 100 years is based on the lifetime of a residential development being 100 years as set out in National Planning Policy Guidance (NPPG).

¹⁰ Perpetuity meaning 100 years is based on the lifetime of a residential development being 100 years as set out in National Planning Policy Guidance (NPPG).

¹¹ Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation: Strategic Access Management and Monitoring (SAMM) – Interim Mitigation Strategy (Mid Sussex District Council – 22nd August 2013).

¹² This is in accordance with the current Treasuries Interest Rate.

- 9.6. The funds derived from each local authority will be combined. Therefore, the cumulative cash flow is linked between local authorities. A change in housing numbers or the timing of housing delivery from one local authority will ultimately impact on the total funding and interest accumulated. It will therefore be necessary to review the contribution amount on an annual basis and taking into account housing monitoring and the collection of funding. It is anticipated that a review will take place in Autumn 2019.
- 9.7. The cash flow model and budget will be reviewed annually at a minimum. The SMM tariff may be updated to reflect any increase or decrease in costs and / or the level of mitigation required in accordance with visitor survey results and to account for any updates to the Access Management Strategy.

Appendix 1- Type of development and the application of the SAMM Tariff

Type	Explanation for contribution	Contribution calculation
C3: Dwelling houses		
Dwelling Houses	Proposals for one or more net units including affordable housing will be required to contribute to the SAMM Strategy.	Charge per additional net new unit.
Studio flats	Proposals for Studio Flats will be considered the same as a dwelling.	Charge per additional net new unit.
Retirement and age restricted properties	Proposals for one or more net units will be required to contribute to the SAMM Strategy.	Charge per unit.
C1: Hotels		
Staff residential accommodation	Proposals for a net increase in staff accommodation will be required to contribute to the SAMM Strategy.	Charge per additional net new unit or bedroom.
Holiday accommodation	Proposals for holiday accommodation will be required to contribute to the SAMM Strategy. This will include both new build and change of use applications.	Charge per net increase in holiday units.
Hotels / guesthouses	Proposals for hotels or guesthouses will be required to contribute to the SAMM Strategy where each bedroom will be considered as one unit. Where extensions to existing accommodation are proposed a contribution will be required for each net additional bedroom.	Charge per net increase in bedrooms.
C2: Residential Institutions		
Staff residential accommodation	Proposals for a net increase in staff accommodation will be required to contribute to the SAMM Strategy.	Charge per additional net new unit.
Residential care home / nursing home	Residential care homes and nursing homes will be considered on a case by case basis. This may include assessing the likely mobility of residents and the potential for pet ownership. Where no contribution is required then relevant conditions will need to be attached to any planning permission to ensure that no significant effect can arise for the lifetime of the development.	Considered on a case by case basis. Where applicable, charge per bedroom / unit.
C4: Houses in Multiple Occupation (HMOs)		
HMO	Proposals for HMOs will be required to contribute to the SAMM Strategy. Each	Charge per bedroom

	bedroom will be classed as one unit of accommodation.	
Change of use from C3 to C4	Proposals to change use from C3 to C4 will be required to contribute to the SAMM Strategy. The original dwelling will be classed as one unit and each bedroom will also be classed as one unit. The charge will apply to the net increase in units.	Charge per additional net increase in units.
Other types of development		
Annexes	Proposals for annexes will be required to be assessed on a case by case basis.	Where applicable, charge per unit.
Redevelopment sites	Where there is a net increase in units a charge will apply.	Charge per additional net new unit.
Replacement dwellings	A contribution will generally not be required for replacement dwellings. However, where ancillary accommodation such as an annexe is proposed as part of the replacement then this will need to be assessed on a case by case basis.	Considered on a case by case basis.
Camp sites and caravan sites (Temporary and permanent)	Proposals for camp sites and / or extensions to camp sites where the number of pitches increase will be required to contribute to the SAMM Strategy. This includes applications to extend temporary planning consent or to apply for permanent planning consent. The charge is only applicable once per pitch.	Charge per pitch or additional pitch. A reduction will apply where a camp or caravan site is seasonal. The charge will be proportionate to the number of months (or days) that the camp site is used. For example, if the site is open for six months then half the tariff will apply.
Mobile and temporary dwellings	Proposals for mobile or temporary dwellings will be required to contribute. If made permanent there will be no additional charge.	Charge per unit.
Temporary and permanent Gypsy and traveller pitches	Proposals for temporary or permanent Gypsy or Traveller pitches will be required to contribute. If made permanent no additional charge will apply.	Charge per pitch

Appendix 2 – SAMM Strategy Forecast Project costs in perpetuity

Project	Total cost in perpetuity (£)
Project 1b - Code of Conduct review and reprint	26,350
Project 2a (i) (ii) (iii) (iv) - Code of Conduct Promotion	8,806
Project 2a / 2b (iv) - Code of Conduct promotion	14,225
Project 2b (i) Code of Conduct review and reprint	15,130
Project 2b (ii) - Code of Conduct review and reprint	2,550
Project 2b (iii) - Code of Conduct review and reprint	3,532
Project 2b (iv) - Code of Conduct review and reprint	128,180
Project 2b (vi) - Code of Conduct review and reprint	8,415
Project 3 - Lead Access Management Officer	3,778,150
Project 3a - Volunteer Dog Rangers	56,100
Project 3b - Community Events	49,000
Project 4 - Assistant Access Management Officer	3,613,500
Project 5 - Dog training programme	49,500
Project M1 - Bird Monitoring	792,000
Project M2 - Visitor Monitoring	956,000
Contingency	1,791,900
Management fee	2,970,000
Interest rate contingency	540,000
Total	14,803,338

Note: Forecast Project costs last updated at December 2015

Appendix 3 - SAMM Strategy Forecast Cash Flow Summary

Wealden District Council

SAMMS project

	Year 1	Years 2-100	Total
Maintenance	£	£	£
Total Expenditure	8,806	14,794,532	14,803,338
Total Income	0	(5,469,358)	(5,469,358)
Mid Sussex - already collected	0	(1,058,458)	(1,058,458)
Cash Outflow/(inflow) total	8,806	8,266,716	8,275,522
PRESENT VALUE @ 3.5%	8,806	(12,604)	(3,799)

Houses	Year 1	Years 2-100	Total
Wealden	0	2918	2918
Lewes	0	108	108
TWBC	0	0	0
Tandridge	0	0	0
Mid Sussex	20	724	744
Mid Sussex (already committed)			465
Total Houses	20	3750	4235

Developer contribution per dwelling	£
All authorities	1170

Note: Forecast Cash Flow last updated at December 2015

SCHEDULE 2
Financial Requirements

1. Reporting

The Lead Authority will provide suitable income and expenditure accounts every three months that will include the following:

Income

- sources of income (i.e. from each LPA)
- period income received
- value of contributions from each LPA
- cumulative contributions from each LPA

Expenditure

- payment category (i.e. approved project)
- period in which payment was made
- value of each payment category
- cumulative value of the payments

Balances

- cumulative balances held in the Ring Fenced Account
- Interest amount applied to balances
- Interest Rates¹³ applied

Sample copies of the report layouts are shown in appendix 1 of this schedule.

The Lead Authority will prepare the annual accounts for audit and arrange for the accounts to be audited. The preparation of the annual accounts will be in accordance with the Accounts and Audit Regulations 2015 and the Code of Practice on Local Authority Accounting in the United Kingdom. Each member authority will receive financial reporting information to enable them to account for their share income and expenditure in their annual accounts in accordance with the closure of accounts timetables. A sample of the annual account statement is shown in appendix 2.

2. Receiving Income from the LPAs

Income will be received quarterly by BACS transfer. The BACS details are:

Account Name: Wealden District Council.
Bank: Lloyds Bank, City Office Branch, PO box 72, Gillingham Business Park, Kent. ME08
OLS
Sort Code: 30-80-12
Account Number: 10341360.

¹³ As per the Treasury Rate

3. Holding the Funds

A separate cost centre for the Ring-Fenced Account will be set up which will record income and expenditure during the Financial Year. Any balances at the end of each Financial Year will be carried forward and held in the Ring-Fenced Account.

4. Making Payments

Payments from the Ring-Fenced Account will be made quarterly upon receipt of detailed instructions from the Joint Steering Group or its authorised representative.

5. Investment Advice

The Lead Authority is limited to the functions set out in Clause 5 of the Agreement relating to the delivery of a Strategic Access Management and Monitoring Programme in the Ashdown Forest and is not assuming any role in providing either financial advice or strategic avoidance and mitigation advice.

Appendix 1

Joint Steering Group Financial Report (example layout)

Summary Financial Report for Quarter:

1

Financial year:

2017/18

Strategic Access Management & Monitoring Programme - Income & Expenditure	2017/18	2017/18	2017/18	2017/18	2017/18 Total	2017/18		
	Actual	Actual	Actual	Actual		2017/18	Forecast	2017/18
	Q1	Q2	Q3	Q4		Budget	Outturn	Variance
	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	
Income								
Lewes District Council					0.0			0.0
Mid Sussex District Council					0.0			0.0
Sevenoaks District Council					0.0			0.0
The District Council of Tandridge					0.0			0.0
Tunbridge Wells District Council					0.0			0.0
Wealden District Council					0.0			0.0
Total Income	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Expenditure								
Management fee					0.0			0.0
Legal and procurement costs					0.0			0.0
Project 1b - Code of Conduct review and reprint					0.0			0.0
Project 2a - Code of Conduct Promotion					0.0			0.0
Project 2b - Code of Conduct review and reprint					0.0			0.0
Project 3 - Lead Access Management Officer					0.0			0.0
Project 3a - Volunteer Dog Rangers					0.0			0.0
Project 4 - Assistant Access Management Officer					0.0			0.0
Project 5 - Dog training programme					0.0			0.0
Project M1 - Bird Monitoring					0.0			0.0
Project M2 - Visitor Monitoring					0.0			0.0
Contingency					0.0			0.0
Total Expenditure	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Net Expenditure - (Surplus)/Deficit for year	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Appendix 1

Strategic Access Management & Monitoring Programme - Balances	2017/18	2017/18	2017/18	2017/18	2017/18		
	Actual	Forecast	Forecast	Forecast	2017/18	Forecast	2017/18
	Q1	Q2	Q3	Q4	Budget	Outturn	Variance
	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)
Opening Balances brought forward	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Income from Local Planning Authorities							0.0
Funding of expenditure					0.0	0.0	0.0
Balances for Investment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Interest on balances	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Closing Balances carry forward	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Interest Rates applied to balances

1.00% 1.00% 1.00% 1.00% 1.00%

Appendix 2

Strategic Access Management & Monitoring Programme

Income & Expenditure statement 2017/18 by authority

Strategic Access Management & Monitoring Programme - Income & Expenditure	Total Actual income/ expenditure	Wealden District Council	Lewes District Council	Mid Sussex District Council	Sevenoaks District Council	The District Council of Tandridge	Tunbridge Wells District Council
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Income							
SAMMs tariff contribution	0	XX	XX	XX	XX	XX	XX
Investment income (interest)	0	XX	XX	XX	XX	XX	XX
Total Income	0	0	0	0	0	0	0
Expenditure							
Contingency	0	XX	XX	XX	XX	XX	XX
Project 1b - Code of Conduct review and reprint	0	XX	XX	XX	XX	XX	XX
Project 2a - Code of Conduct Promotion	0	XX	XX	XX	XX	XX	XX
Project 2b - Code of Conduct review and reprint	0	XX	XX	XX	XX	XX	XX
Project 3 - Lead Access Management Officer	0	XX	XX	XX	XX	XX	XX
Project 3a - Volunteer Dog Rangers	0	XX	XX	XX	XX	XX	XX
Project 4 - Assistant Access Management Officer	0	XX	XX	XX	XX	XX	XX
Project 5 - Dog training programme	0	XX	XX	XX	XX	XX	XX
Project M1 - Bird Monitoring	0	XX	XX	XX	XX	XX	XX
Project M2 - Visitor Monitoring	0	XX	XX	XX	XX	XX	XX
Total Expenditure	0	0	0	0	0	0	0
Net Expenditure - (Surplus)/Deficit for year	0	0	0	0	0	0	0

Appendix 2

Strategic Access Management & Monitoring Programme

Income & Expenditure statement 2017/18 by authority

	Total Actual income/ expenditure	Wealden District Council	Lewes District Council	Mid Sussex District Council	Sevenoaks District Council	The District Council of Tandridge	Tunbridge Wells District Council
Balances Brought Forward	0	XX	XX	XX	XX	XX	XX
(Surplus)/Deficit for year	0	XX	XX	XX	XX	XX	XX
Balances carried forward	0	0	0	0	0	0	0

Notes

- 1) Actual expenditure allocated proportionate to tariff contribution
- 2) Investment Income (i.e. interest) allocated proportionate to tariff contribution
- 3) In addition to the above statement, copies of the final accounts working papers can be provided to each LPA's Finance Team in accordance with closure of accounts timetables.

SCHEDULE 3

Interim SAMM Strategy funding

Conservators of Ashdown Forest

- 1.1. The responsibility for managing Ashdown Forest lies with an independent body, the Board of Conservators of Ashdown Forest. Originally set up in 1885, the Board has been regulated under a series of Acts of Parliament, the most recent being the Ashdown Forest Act 1974. There, in section 16, it is stated that:

"It shall be the duty of the Conservators at all times as far as possible to regulate and manage the forest as an amenity and place of resort subject to the existing rights of common upon the forest and to protect such rights of common, to protect the forest from encroachments, and to conserve it as a quiet and natural area of outstanding beauty".

Strategic Plan for Ashdown Forest (2016-2020)

- 1.2. The Conservators of Ashdown Forest published the Strategic Plan for Ashdown Forest in 2016. The Plan period is from 2016 to 2020, and identifies a strategic priority relating to the Strategic Access Management and Monitoring Strategy (SAMMS):

"Understand implication to Forest of the Local Authorities Strategic Access and Monitoring Strategy (SAMMS)".

- 1.3. The goal of the above priority is to implement projects proposed by the Conservators of Ashdown Forest and as approved by LPAs. The strategies identified to help deliver the Conservators strategic priority include:

- The Conservators existing 'Every Dog Matters' programme;
- Visitor management and monitoring;
- Education and information programme; and
- Bird monitoring.

Conservators of Ashdown Forest 'Every Dog Matters' Programme

- 1.4. The 'Every Dog Matters' programme is a project initiated by the Conservators of Ashdown Forest. The aim of the project is to reduce dog related incidents on Ashdown Forest, with particular regard to livestock, horses and wildlife. Whilst one of the objectives is to reduce the impact of dogs on livestock and horses, there is synergy with the objective of

mitigation to meet the Habitats Regulations requirements¹⁴. This is because the close control of dogs should assist in protecting wildlife including reducing any potential incidents of flushing Dartford warblers and nightjars from their nests during their breeding season.

1.5. The 'Every Dog Matters' programme includes:

- The development of a Code of Conduct for dog walkers;
- Publication and promotion of the Code of Conduct;
- The positive reinforcement of the Code of Conduct by Rangers and Volunteers; and
- Responsible dog ownership training events;

1.6. The 'Every Dog Matters' programme is not a statutory obligation for the Conservators of Ashdown Forest, but a programme instigated to tackle an existing problem arising on the Forest. Without additional external funding to assist with tackling an increase in visits to the forest from residents of new housing a significant proportion of this project would not be able to take place and therefore this would impact on the objectives of the overall Joint SAMM Strategy by way of the synergies with the Conservators' priorities.

Development of a Code of Conduct for Dog Walkers

1.7. The Conservators of Ashdown Forest received funding from Safer Wealden Partnership in 2014 to help produce a Code of Conduct for Dog Walkers. Funding for three days' worth of work was secured. An Access and Countryside Management Consultant undertook the work on behalf of the Conservators of Ashdown Forest. As part of the three days' work information obtained from the dog training events, consultation with the Dog Owners/Walkers Forum and the Ashdown Forest Parish Liaison Panel informed the Code of Conduct which was finalised in early 2015 and is now available.

1.8. The Code of Conduct promotes the 4 Cs which requires dog owners to:

- keep their dogs under **control** or on a lead if they do not respond to recall;
- to take **care** of livestock and wildlife (including ground nesting birds);
- to have **consideration** of others; and
- to **clean** up after their dogs.

1.9. The Code of Conduct and the 4 Cs are relevant to the implementation of the SAMM Strategy. A dedicated section has been provided to educate dog owners about ground nesting birds and how they are prone to

¹⁴ The requirement to reduce the amount of new visitors to Ashdown Forest arising from new development so that the baseline visits are not increased, and reduce the impact on the ground nesting birds (Dartford warbler and nightjar) from recreational pressure including dog walking.

disturbance by dogs and the impact of this during the bird breeding season.

Promotion of the Code of Conduct for Dog Walkers

1.10. The Code of Conduct was developed and finalised as part of the Conservators' Every Dog Matters Programme. However, it is also considered to be an important element of the SAMM Strategy project. With this in mind and in advance of the implementation of the Joint SAMM Strategy, funding has been provided to the Conservators to cover the costs for the following:

- Printing of 10,000 Code of Conduct leaflets;
- Printing of 500 laminate posters;
- 1 x issue of Ashdown Forest Life (dedicated to the Code of Conduct);
- 6 x movable outdoor signs;
- 60 x car park signs; and
- Administration costs.

1.11. The purpose of providing interim funding was to ensure the timely implementation of the Joint SAMM Strategy and to assist the Conservators in setting up the overall access management strategy. Interim funding to the amount of £8,806 was provided to ensure the timely promotion of the Code of Conduct to benefit all development requiring mitigation.

SCHEDULE 4

Terms of Governance

Joint Steering Group

- 1.1 The Joint Steering Group (JSG) will act as an advisory body for the LPAs. For the avoidance of doubt, the JSG cannot exercise any of the functions of a local planning authority or other competent authority, including setting formal planning policy or exerting control over planning decisions, nor can it fetter any decisions made by such bodies, nor the rights and responsibilities of Ashdown Forest SPA landowners.
- 1.2 The JSG will recognise and take account of the interests, rights and responsibilities of landowners, users and other stakeholders.

Membership

- 1.3 *Full members:* The following LPAs will be full members of the JSG and have full voting rights at meetings of the JSG:
- Wealden District Council
 - Mid Sussex District Council
 - Lewes District Council
 - Tunbridge Wells Borough Council
 - The District Council of Tandridge
 - Sevenoaks District Council
- 1.4 Membership of the JSG will consist of two officers from each member local authority. At least one officer from each member local authority will be a Senior Officer with delegated authority to make decisions.
- 1.5 Other local planning authorities may be invited to join the JSG Board if directly affected by any future review of the Ashdown Forest SPA designation or related policy.
- 1.6 *Advisory members:* The following organisations may be invited as advisory members of the JSG with rights of attendance and participation at all meetings but without voting rights:
- Natural England
 - RSPB
 - Selected landowners and / or land managers including:

- Conservators of Ashdown Forest
 - Sussex Wildlife Trust
 - Monitoring Officer and / or Chief Finance Officer from the Lead Authority.
- 1.7 At the discretion of the Chairman of the JSG, representatives of other stakeholder organisations that have a recognised and legitimate interest in the planning or management of land affected by the Ashdown Forest SPA may be invited to attend, advise and/or speak at meetings of the JSG, but will not have voting rights.

Procedures

- 1.8 A Chairman and Vice Chairman will be elected annually from amongst the nominated representatives of full member authorities.
- 1.9 Meetings of the JSG will be held four times per year or more if an extraordinary meeting is requested by a full member. The frequency of meetings will be reviewed after two years from the first meeting under these terms.
- 1.10 Meetings may be held at local authority offices or other appropriate venues. At least one representative from each member local authority with delegated powers must be present for meetings to be quorate.
- 1.11 Decisions will be taken by a majority vote of those present and entitled to vote.
- 1.12 Secretariat services will be provided by a full member authority on rotation.

Functions

- 1.13 The JSG will have the following functions:
- To act as a vehicle for joint working, liaison and exchange of information related to the Ashdown Forest SPA;
 - To steer the direction of the SAMM Strategy;
 - To retain an overview of, and monitor, the implementation and outcomes of measures to avoid the impact of development on the SPA, including:
 - local authority policy/avoidance strategies;
 - the coordinated provision of suitable alternative natural greenspace (SANG); and

- strategic access management and monitoring (SAMM) measures, including approving an annual financial plan and budget for the SAMM project.
- Ensuring that objectives and service levels are being met;
- Ensuring that value for money is being achieved;
- Reviewing the Joint SAMM Strategy and delivery priorities;
- To receive and review quarterly and annual reports relating to the delivery of the SAMM Strategy from the Lead Authority and/or the Conservators as required.

1.14 In carrying out these functions, the JSG may:

- Request that the Lead Authority, on behalf of the LPAs, commissions studies, surveys and reports associated with the provision of the Joint SAMM Strategy;
- Instruct the JWG, the Projects Officers or other LPA or partner organisation as the JSG may direct from time to time to undertake work in accordance with an agreed brief or work programme;
- Provide advice to member and stakeholder organisations, including making non-binding recommendations for a course of action;
- Approve and publish documents in relation to the long term protection of the Ashdown Forest SPA and the delivery of development around the Ashdown Forest SPA; and
- Raise funds from member organisations or other sources.

1.15 The JSG may review its terms of reference by unanimous agreement of the member LPAs.

2. Joint Working Group

2.1 The Joint Working Group (JWG) is appointed by the JSG to act as a vehicle for the delivery, liaison and information exchange of the Joint SAMM Strategy and make decisions and recommendations in relation to the implementation of the Joint SAMM Strategy. The JWG acts to support and advise the Conservators and the Projects Officers in taking decisions and ensuring the SAMM Strategy projects progress through open partnership discussions and solution-finding. The JWG will in effect oversee the delivery of the Joint SAMM Strategy on a day-to-day basis.

Membership

2.2 Membership of the JWG is agreed by the JSG and comprises:

- Full member: One representative from each of the LPAs.
 - Advisory members: Project Officers, selected landowner/manager or technical organisations such as:
 - Conservators of Ashdown Forest,
 - Sussex Wildlife Trust,
 - Natural England,
 - RSPB,
 - Sussex Biodiversity Records Centre.
- 2.3 Advisory Members will be selected on the basis of individual expertise. Meetings will be chaired by a nominated member.
- 2.4 Advisory Members may change from time to time in accordance with relevance to the delivery of the Joint SAMM Strategy and certain projects where members will be selected on the basis of individual involvement or expertise.
- 2.5 Responsibilities of JWG will include:
- Providing the Lead Authority with relevant information in the required formats in advance of meetings; and
 - Carrying out actions in line with deadlines set out by the Chair.

Procedures

- 2.6 The JWG will meet four (4) times a year and six weeks before the JSG meeting, unless an extraordinary meeting is requested by the JSG. The frequency of meetings can be reviewed after two years as directed by the JSG.
- 2.7 Full Members will have voting rights. Decisions will be made by a majority vote of those in attendance and entitled to vote. Advisory Members have rights of attendance and participation only.
- 2.8 Minutes of the JWG will be reported to the JSG Board. Secretariat functions will be provided by the Conservators or other nominated individual.

Functions

2.9 The JWG has responsibility for oversight of the delivery of the Projects by the Conservators of Ashdown Forest or other delivery bodies funded by the Joint SAMM Strategy and directing the Projects by:

- Agreeing the job description and recruitment of the Projects Officers;
- Agreeing and preparing the project plan, including project objectives, controls and processes;
- Approving key decisions in the contracting of delivery bodies in accordance with the agreed budget;
- Drafting and reviewing the annual business plans (including the financial plan) and recommend for approval to the JSG;
- Making decisions on expenditure within the approved budget;
- Monitoring progress against plans and expenditure;
- Monitoring the success of the avoidance/mitigation measures and making recommendations to the JSG;
- Making recommendations to the JSG when decisions are required beyond this group's remit; and
- Agreeing the engagement and education plan.

SCHEDULE 5

Project Delivery by Wealden

1. Delivery

- 1.1 Wealden shall use its best endeavours in the delivery of the Projects, including any future projects agreed by the JSG or the JWG from time to time, to comply and act solely in accordance with, the instructions of the JSG, the JWG and the Financial Budget.
- 1.2 Wealden shall report to the JSG (or, if it is no longer acting as lead authority, to the Lead Authority) at each progress and review meeting, on the progress of the implementation and delivery of the Projects, including recommendations and/or decisions by Wealden based on its opinion of the effectiveness of the Projects and whether they should continue in their present form or require modification. Wealden shall in addition provide such information about the delivery of the Projects as may be reasonably requested by the JSG (or, where applicable, the Lead Authority) in writing from time to time.

2. Expenditure Payments

- 2.1 Where Wealden is acting as the lead authority:
 - (i) it shall, monthly in advance, reimburse to itself such Projects Expenditure amounting to fixed costs from the Ring-fenced Account as have been agreed by the JSG in the Financial Budget to be expended on the Projects in that year;
 - (ii) it shall reimburse to itself such variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter, subject to and upon receipt of a valid invoice in respect of the same and provided that the value of such Projects Expenditure has been approved by the JSG and there are available funds in the Ring-fenced Account to cover the invoice amount.
- 2.2 Where Wealden is no longer acting as the lead authority:
 - (i) the Lead Authority shall, monthly in advance, pay to the Wealden such Projects Expenditure amounting to fixed costs from the Ring-fenced Account as have been agreed by the JSG in the Financial Budget to be expended on the Projects in that year;

- (ii) the Lead Authority shall pay to Wealden, such variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter, subject to and upon receipt of a valid invoice in respect of the same and provided that the value of such Projects Expenditure has been approved by the JSG and there are available funds in the Ring-fenced Account to cover the invoice amount.
 - (iii) If the Lead Authority fails to make any payment when it falls due, it shall pay interest on the overdue amount at the rate of 2% per annum above the base rate of Lloyds Bank plc. Such interest shall accrue on a daily basis from the date it becomes due until the date of actual payment.
 - (iv) Any interest for late payment arising in respect of any amounts payable under sub-clause (iii) above shall be drawn from:
 - (a) the Ring-fenced Account where the reason for failure to make the payment is due to issues outside the control of the Lead Authority; or
 - (b) the Lead Authority's own funds where the reason for failure to make the payment is due to issues within the control of the Lead Authority.
 - (v) All sums due to Wealden under this Agreement will be paid by the Lead Authority into a bank account in the name of Wealden. Wealden, will keep all sums paid to it under this Agreement in an interest-bearing ring-fenced account. Payment will not be made to any other account without the prior written consent of the Lead Authority.
- 2.3 Wealden shall forward to the JSG or to the Lead Authority (as applicable) an invoice for any variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter.
- 2.4 Wealden agrees and accepts that payment under Clause 2.1(ii) or Clause 2.2(ii) (as applicable) shall only be made to the extent that the value of such Projects Expenditure has been approved by the JSG.
- 2.5 In the event that there are insufficient sums available in the Ring-fenced Account to cover the payments required under Clause

2.1(ii) or Clause 2.2(ii) (as applicable), payment shall be made as soon as sufficient funds become available or, upon approval of the JSG, payments shall be made from the Contingency Fund.

- 2.6 Subject to Clauses 2.4 and 2.5, reimbursement or payment of all undisputed invoices shall be made within thirty (30) days of receipt.
- 2.7 Wealden will keep and maintain a record of all payments reimbursed and under this Agreement for a period of ten (10) years from the end of the financial year to which they relate. This record will be available for review by the JSG upon written request.
- 2.8 The LPAs acknowledge and agree that if Wealden enters into third party contracts in good faith in respect of the delivery of the Projects and the third party defaults on their contractual obligations for whatsoever reason, then, subject to the agreement of the JSG, Wealden shall be reimbursed out of the Ring-fenced Account for any monies that it is required to expend either meeting the third parties contractual obligations or in taking reasonable steps to enforce the contract against the third party.
- 2.9 In the event that Wealden are in material breach of this Agreement in respect of their obligations to deliver any Project(s) under Clause 3.2 of this Agreement, then the LPAs jointly may by notice in writing to Wealden require such breach to be remedied within such reasonable period as may be set out in the notice. In the event that Wealden fails to remedy the breach in accordance with the notice then Wealden and the LPAs (through a representative) shall submit to the dispute resolution procedure in Clause 11 (Dispute Resolution) of this Agreement in order to resolve the issue.

Appendix B – Sevenoaks District Council (SDC)

Appendix B1 – TWBC response to SDC Issues and Options consultation 2017



Planning Policy Team
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Please ask for: Kelvin Hinton

Extension: 2112

Email: kelvin.hinton@tunbridgewells.gov.uk

Date: 21 September 2017

Tel: 01892 554212

Dear Sirs

Sevenoaks District Council's Local Plan – Issues and Options Regulation 18 Consultation

Duty to Cooperate. Tunbridge Wells Borough Local Plan

I refer to your communication dated 3rd August and the current Regulation 18 Consultation in respect of the Sevenoaks District Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council welcomes the opportunity to engage with Sevenoaks District Council as part of the Local Plan Regulation 18 Consultation 2017. The Council has several comments to make at this stage.

Based on the possible preferred development strategy presented in section 6 and summarised in paragraph 6.8 of the consultation document, as well as the suggested location and distribution of development, it is not considered that there would be any overall significant direct effect on the area comprising Tunbridge Wells borough.

With regard to the implications of Duty to Cooperate, it is noted that the consultation document makes specific reference to the Duty to Cooperate and comments that on-going discussions with other authorities will be continued and escalated. The document also comments that cooperation with other local planning authorities will continue in order to explore capacity options in other less constrained areas of the sub-region.

As you will be aware from our regular liaison and Duty to Cooperate meetings, Tunbridge Wells Borough Council is also undertaking preparation of a new Local Plan, with a plan period of 2013-2033, and recently completed an Issues and Options consultation. The new Local Plan work is progressing well and is ongoing and our current timetable envisages a draft Local Plan being prepared for public consultation in the first half of 2018.

Given the level of Objectively Assessed Need (OAN) identified by our own SHMA, and having regard to the nature and extent of planning constraints impacting on Tunbridge Wells borough, there is a reasonable possibility that the issue of some development need being accommodated within an adjoining authority area is also likely to be raised in the case of our own new Local Plan.

Without prejudging the outcome of our local plan work there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another

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switchboard 01892 526121 SMS (text) 07870 526121
DX 3929 Tunbridge Wells website www.tunbridgewells.gov.uk

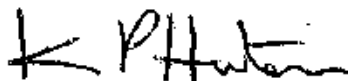
authority area. We would ask that you take account of this when considering the representations made to the Issues and Option consultation and in confirming your development strategy for the Sevenoaks district.

Tunbridge Wells Borough Council would suggest therefore that there is a need for, and merit in, more focused discussions about the implications of delivery of full objectively assessed needs within the respective west Kent local authority areas having regard to the environmental and other constraints that exist across these areas and wider afield.

Given that each west Kent authority has now reached at least Issues and Options stage in the plan making process there is an opportunity to agree an approach and strategy to take forward Duty to Cooperate work that meets the requirements of the National Planning Policy Framework, the National Planning Practice Guidance and other best practice.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely

A handwritten signature in black ink, appearing to read "K. Hinton".

Kelvin Hinton

Planning Policy Manager

Appendix B2 - TWBC response to
SDC Local Plan Regulation 18
Consultation September 2018



Planning Policy Team
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Please ask for: Stephen Baughen

Mobile: 07583528365

Telephone: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 7 September 2018

Dear Sir/Madam

Sevenoaks District Council's Local Plan – Draft Local Plan (Regulation 18) Consultation

I refer to your communication dated 16 July 2018 and the current Regulation 18 Consultation in respect of the Sevenoaks District Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Sevenoaks District Council as part of the Draft Local Plan Regulation 18 Consultation 2018. The Council has several comments to make at this stage.

The headline needs of 13,960 homes (based on the government standard methodology, which may be revised later this month), 11.6 hectares of employment land and 32000 sq. metres of retail floor space are noted.

The constraints of Sevenoaks District at 93% Green Belt and 60% AONB are recognised, which proposed Policy 1 - Balanced Strategy for Growth in a Constrained District seeks to address.

Like most authorities in the South East, the SDC strategy aims to make efficient use of existing settlements by "maximising supply" and making efficient use of previously developed land. However, it is also noted there is a strong and ambitious reliance on Green Belt releases "Exceptional Circumstances" sites (to be tested) as part of this growth strategy, located on the edge of settlements in the northern and western areas of the district which the Plan states could potentially accommodate up to 6800 dwellings and some employment sites.

It is appreciated that it is a challenge trying to balance housing need against the above Green Belt, AONB and other constraints. This is a challenge TWBC is also facing given the Green Belt constraints in the western part of the Borough and 70% AONB across much of the borough.

Sevenoaks District Council, TWBC and Tonbridge and Malling Borough Council (TMBC) have been in joint discussion for some time now, including regular liaison and meetings to discuss housing, employment and other needs under the Duty to Cooperate. However, given the above constraints and with regard to the implications of Duty to Cooperate, it is noted that the Sevenoaks District consultation document makes specific reference to the Duty to Cooperate and relays that to date, no discussions or processes have led to any neighbouring authorities being able to assist Sevenoaks in terms of Housing, Employment and Gypsy and Traveller sites and that on-going

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switchboard 01892 526121 SMS (text) 07870 526121

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discussions with other authorities will be continued and escalated as the Local Plan progresses to examination. I can confirm that Tunbridge Wells would be happy to continue regular liaison and Duty to Cooperate meetings with SDC and TMBC.

As you are aware from these meetings, TWBC is also undertaking preparation of a new Local Plan, with a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, we are currently preparing the Draft Preferred Local Plan document ready for consultation (Regulation 18) next year. TWBC will formally consult SDC when the plan progresses to this stage.

Without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 18 consultation and in progressing the development strategy for the Sevenoaks district.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely

A handwritten signature in black ink, appearing to be "A. McDermott".

Clr Alan McDermott
Portfolio Holder for Planning and Transportation

AND

A handwritten signature in black ink, appearing to be "S. Baughen".

Steve Baughen
Head of Planning

Appendix B3 - TWBC response to
SDC Local Plan regulation 19
Consultation January 2019



Planning Policy Team
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Please ask for: Stephen Baughen

Mobile: 07583528365

Telephone: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 30 January 2019

Dear Sir/Madam

Sevenoaks District Council's Local Plan – Draft Local Plan Proposed Submission Version Regulation 19 Consultation (December 2018)

I refer to your communication dated 18 December 2018 and the current Regulation 19 Consultation in respect of the Sevenoaks District Local Plan. Thank you for the opportunity to comment. Tunbridge Wells Borough Council (TWBC) has several comments to make at this stage.

The headline needs of 13,960 homes, 11.6 hectares of employment land and 32000 sq. metres of retail floor space are noted.

The constraints of Sevenoaks District at 93% Green Belt and 60% AONB are also recognised, which proposed Policy ST1 - Balanced Strategy for Growth in a Constrained District seeks to address.

Like most authorities in the South East, the SDC strategy aims to make efficient use of existing settlements by "maximising supply" and making efficient use of previously developed land. It is also noted that there will be reliance on sites released from the Green Belt under "Exceptional Circumstances", but the number of these sites has significantly reduced to that proposed in the previous Regulation 18 version of the Local Plan – now being two sites (Sevenoaks Quarry and land south of Four Elms Road, Edenbridge). However, a new Broad Area for Growth (around Pedham Place, south east of Swanley) has also since been introduced. The Plan states all three sites could potentially accommodate up to 3440 dwellings in total over the plan period. In addition to these sites, it is noted that four additional sites in the Green Belt have been submitted separately (post publication of the draft Plan) for consideration.

It is appreciated that it is a challenge trying to balance housing need against the above Green Belt, AONB and other constraints. This is a challenge TWBC also faces given the Green Belt constraints in the western part of the Borough and 70% AONB across much of the borough.

Sevenoaks District Council (SDC), TWBC and Tonbridge and Malling Borough Council (TMBC) have been in joint discussion for some time now, including regular liaison and meetings to discuss housing, employment and other needs under the Duty to Cooperate (DtC).

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DX 3929 Tunbridge Wells website www.tunbridgewells.gov.uk

Para 1.9 of Chapter One (A balanced Strategy for sustainable growth in a constrained district), of the Submission Version Plan states that given the constraints of the district, SDC are unable to meet their housing need figure by focusing within existing settlements, and they have been consulting with neighbouring authorities under the DtC, to see if they can assist with meeting this need. It also states that a number of Statements of Common Ground with other authorities have been produced (one of which is being drawn up with TWBC at present) and that to date, none of these discussions or processes has led to any authorities being able to assist SDC with their unmet need and discussions will continue as the Local Plan progresses to examination.

Para 2.33 of Chapter Two (Providing housing choices) states that SDC have again been working with neighbouring authorities to establish if they have land available to meet SDC's Gypsy and Traveller accommodation needs; and in Para 3.10 of Chapter Three (Supporting a Vibrant and Balanced Economy) to establish if other neighbouring authorities have land available to meet SDC's future employment needs. In both cases the Plan states that unfortunately, to date, no other authorities have identified any ability to assist SDC with any unmet need for pitches or employment land. However, in recent DtC discussions, when TWBC questioned whether SDC were able to meet their employment need, SDC confirmed they are able to and this is evidenced in the Plan. Likewise the Plan indicates that SDC are likely to meet the number of Gypsy and Traveller Pitches required by extension and intensification of existing pitches in the District. Therefore TWBC suggests that the information conveyed in the above paragraphs in relation to the DtC be reviewed to reflect the above. We can confirm that TWBC would be happy to continue regular liaison and DtC meetings with SDC (and TMBC) on all these matters as the Plan progresses to examination.

As you are aware from the above DtC meetings, TWBC is also undertaking preparation of a new Local Plan, with a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, we are currently preparing the Draft Preferred Local Plan document ready for consultation (Regulation 18) this coming summer. TWBC will formally consult SDC when the plan progresses to this stage.

Without prejudging the outcome of the TWBC local plan work there, and as discussed under the DtC meetings, there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 19 consultation and in progressing the development strategy for the Sevenoaks district.

With regard to the Ashdown Forest, TWBC agrees with SDC's approach with regard to the proposed policy for which Strategic Access Management and Monitoring (SAMMs) contributions are sought, to allow any windfall development within the 7km zone to proceed, whilst addressing their impact on the forest.

Please note that, TWBC will send any comments in relation to the Sustainability Appraisal Report for the Proposed Submission Version of the Local Plan under separate cover.

I hope this information and response is of assistance and clarifies the TWBC's position.

Yours sincerely



Town Hall Royal Tunbridge Wells Kent TN1 1RS

switchboard 01892 526121 SMS (text) 07870 526121

DX 3929 Tunbridge Wells website www.tunbridgewells.gov.uk

Cllr Alan McDermott
Portfolio Holder for Planning and Transportation

AND



Steve Baughen
Head of Planning

Appendix B4 - SDC response to
TWBC Issues and Options
Consultation June 2017

<p>Sevenoaks District Council</p>	<p>1150</p>	<p>RE: SEVENOAKS DISTRICT COUNCIL RESPONSE TO TUNBRIDGE WELLS BOROUGH COUNCIL'S LOCAL PLAN – ISSUES AND OPTIONS</p> <p>Sevenoaks District Council (SDC) welcomes the opportunity to comment on Tunbridge Wells Borough Council's (TWBC) Local Plan – Issue and Options. Please note that this is an officer level response.</p> <p>SDC and TWBC share a number of key constraints including Areas of Outstanding Natural Beauty (AONB) and Sites of Special Scientific Interest (SSSI). Also, it has been set out in the document that the Tunbridge Wells Borough shares similar issues with the Sevenoaks District in terms of providing for employment, similar housing market areas and issues surrounding housing affordability.</p> <p>SDC would like to make the following comments:</p> <p><u><i>Duty to Co-operate</i></u></p> <p>As an adjoining Local Planning Authority, it is important that SDC works with TWBC to address strategic, cross boundary issues such as housing, infrastructure, employment, transport etc. to ensure that development can be enabled over the respective plan period. In this case, we note that TWBC's new Local Plan will set out a new development strategy for the district up to 2033.</p> <p>Following the recent adoption of the Allocations and Development Management Plan (February 2015), SDC has recently embarked on producing a new Local Plan, which will cover the period 2015-2035. We have started to gather the necessary evidence to produce a new Local Plan, as well as working with neighbouring authorities under the Duty to Co-operate.</p> <p>Recent Local Plan examinations and the Housing White Paper place significant emphasis and weight on the Duty to Co-operate, and how successful an exercise it has been when preparing the Local Plan. Therefore, SDC welcomes the ongoing, useful Duty to Co-operate discussions with TWBC to address key cross boundary issues, specific to the local level. SDC has a number of working groups with its neighbouring authorities under Duty to Co-operate (i.e. West Kent, North Kent, London Boroughs etc.) and these wider meetings are working well. We will also continue to work together in other forums, outside of formal Duty to Co-operate discussions, to identify additional cross boundary issues such as health, infrastructure and transport with key delivery partners.</p> <p><u><i>Meeting the Borough's Objectively Assessed Need (OAN)</i></u></p> <p>The Strategic Housing Market Assessment (SHMA) for TWBC (which has been prepared jointly with Sevenoaks District Council) states that there is an OAN requirement of 648 units to be built annually over the plan period 2013-2033. This equates to a total of 12,960 units being built over the 20 year period.</p> <p>National planning policy and guidance sets out the parameters for assessing the ability for meeting a local authority's OAN, as well as identifying appropriate sites to meet the requirements. It is noted that the approach that TWBC has taken is a "settlement hierarchy" approach by focusing development in sustainable locations, and the broad principles on how this could be achieved through its strategic options and distribution of development.</p> <p>The emerging Sevenoaks District Local Plan will be subject to public</p>
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consultation during summer 2017 and it is likely to be during late 2017/early 2018 when the District Council will be clearer about its ability, or not, to progress sustainable development that meets identified needs in either its own area or housing market area. This is due to the high level of Green Belt (93%) and AONB (60%) within Sevenoaks District. As it may not be possible to meet our own OAN in full for the District, SDC will continue to engage with its neighbouring authorities, including TWBC, under Duty to Co-operate for further discussions on how this issue can be resolved.

For information, SDC has a Memorandum of Understanding with Maidstone Borough Council, with regards to the ability to meet the OAN requirement, and this can be provided to TWBC upon request.

Distribution of Development

The Local Plan Issues and Options outlines that the broad distribution of proposed development is directed to Royal Tunbridge Wells and Southborough, with a smaller proportion focused on the other three main settlements of Paddock Wood, Cranbrook and Hawkhurst. The proposed locations do not have a significant impact on Sevenoaks District. However, should significant development be brought forward using a Growth Corridor-led Approach, considerations should be given to the impact on highways, especially along the A21 and at Morelys Roundabout (at the bottom of Riverhill in Sevenoaks) as there might be increased usage as a result.

Descriptions and justifications for each option, including brief descriptions of transport links, services and facilities that are available should be detailed against each proposed option. It would be helpful for TWBC to publish its Settlement Hierarchy in future consultations, to illustrate clearly what services/facilities are available for sustainable development. This would give greater justification for more detailed site allocations for the new Local plan.

SDC recognises that the proposed urban extensions will be subject to further evidence regarding sensitivity testing and the deliverability of sites once allocated within the Local Plan.

Other Strategic Issues

As neighbouring authorities, strategic considerations must be looked at in the wider context of West Kent. Issues of health, infrastructure and transport will have to be considered as part of the new Local Plan and will involve a number of delivery partners, such as Kent County Council (KCC), Highways England and the West Kent Clinic Commissioning Group (CCG). As these issues are not confined to one local authority area, it is important that both SDC and TWBC engage with the appropriate delivery partners in the appropriate forums, both under direct Duty to Co-operate discussions as well as those additional forums that both authorities attend (i.e. West Kent CCG's Local Care Forum, the West Kent Infrastructure & Transport Group).

Furthermore, SDC recognises the Ashdown Forest having some impact on the southern areas of Sevenoaks District. This is concentrated on the parishes of Cowden, Chiddingstone and Penshurst. Following the commissioning of evidence with 6 neighbouring authorities to assess the impact of future development in the area, SDC will continue to work proactively with Natural England, the statutory nature conservation body, neighbouring authorities and any other relevant bodies to understand the impact of the Local Plan on such

sites and, if necessary, develop policies for their protection.

Conclusion

In summary, SDC believes that TWBC's approach to the Issues and Options for the new Local Plan is positive and proactive in light of current national planning policy. SDC will continue to positively engage with TWBC under the Duty to Co-operate, as both authorities progress their Local Plans and try to meet their requirements over the Plan period.

Appendix B5 - SDC response to
TWBC Regulation 18 Draft Local
Plan Consultation 15 November
2019

Stephen Baughen
Head of Planning Services
Tunbridge Wells Borough Council
Civic Way
Royal Tunbridge Wells
TN1 1RS

Ask for: Planning Policy
Email: planning.policy@sevenoaks.gov.uk
My Ref:
Your Ref:
Date: 15 November 2019

Dear Stephen,

SEVENOAKS DISTRICT COUNCIL RESPONSE TO TUNBRIDGE WELLS BOROUGH COUNCIL'S REGULATION 18 DRAFT LOCAL PLAN CONSULTATION

Sevenoaks District Council (SDC) welcomes the opportunity to comment on Tunbridge Wells Borough Council's (TWBC) Regulation 18 Draft Local Plan consultation. Please note that this is an officer level response.

SDC and TWBC share a number of key constraints including Green Belt, the High Weald Area of Outstanding Natural Beauty (AONB) and Sites of Specific Scientific Interest (SSSI). Also, it has been set out in the document that the Tunbridge Wells Borough shares similar issues with the Sevenoaks District in terms of development viability, a shared housing market area and issues surrounding housing affordability.

Before I make specific comments relating to the Regulation 18 Draft Local Plan, I would like make some observations relating to the progress of the Sevenoaks Local Plan, which was submitted in April 2019 for examination. Hearing sessions for the Local Plan began took place in late September/early October. We have recently received correspondence from the Inspector, advising the Council that there are significant concerns with the submitted Local Plan in relation to the Duty to Co-operate. We are currently responding to these concerns to determine how to proceed with our Local Plan, as discussed at our joint meeting on 12 November 2019.

Further information on the progress of the Local Plan Examination can be found our website (www.sevenoaks.gov.uk/localplanexamination).

Chief Executive: Dr. Pav Ramewal

Council offices
Argyle Road
Sevenoaks
Kent TN13 1HG

t 01732 227000
e information@sevenoaks.gov.uk
DX30006 Sevenoaks
www.sevenoaks.gov.uk

Duty to Co-operate

As an adjoining Local Planning Authority, it is important that SDC works with TWBC to address strategic, cross boundary issues such as housing, infrastructure, employment, transport etc. to ensure that development can be enabled over the respective plan period. In this case, we note that TWBC's new Local Plan will cover the plan period up to 2036, which closely aligns with the Sevenoaks Local Plan covering the Plan period up to 2035. It has been evidenced that both SDC and TWBC have been working closely on strategic cross-boundary issues under the Duty to Cooperate since 2015. This has included the preparation of evidence-based documents as well as having constructive dialogue with TWBC over cross-boundary issues, both individually and collectively with Tonbridge & Malling Borough Council as a West Kent authority.

In May 2019, a Statement of Common Ground was signed between SDC and TWBC which sets out the issues and actions raised during the Duty to Cooperate meetings, which include how both local authorities seek to meet a variety of needs (i.e. housing, employment, retail etc.). It has been documented that TWBC is not in a position to assist SDC in meeting its unmet housing needs due to the Borough's constraints (i.e. proportion of Green Belt and the High Weald Area of Outstanding Natural Beauty) and that TWBC is seeking to meet its housing needs in full.

It is noted that the Statement of Common Ground has been included in TWBC's Interim Duty to Cooperate Statement. This Statement of Common Ground has also been submitted as part of the Examination Library for the Sevenoaks Local Plan. Despite the Sevenoaks Local Plan Examination being paused at present, SDC will continue positive and proactive engagement with TWBC and assist with respective plan-making.

Meeting the Borough's Objectively Assessed Need (OAN) and Distribution of Development

In 2015, both SDC and TWBC commissioned a joint Strategic Housing Market Assessment (SHMA) to consider the area's Objectively Assessed Need (OAN). This was based on 2012-based population projections. It concluded that Tunbridge Wells had an OAN of 12,960 dwellings to be provided over the period 2011-2031.

The Government has introduced a standardised methodology for local authorities to calculate their own housing needs. This was adopted into national planning policy and guidance in February 2019. National policy and guidance states that local planning authorities are expected to meet the development needs in their area in full, unless there are compelling reasons as to why this is not possible.

Paragraph 4.7 of the TWBC Draft Local Plan document sets out the objectively assessed housing need for the Borough which equates to 13,560 dwellings up to 2036 (678 dwellings per annum). It is noted from Table 1 "Housing Need 2016-2036" that it is expected that the majority of the housing supply will come forward through new housing and mixed use allocations as set out in Policy STR1 of the Draft Local Plan. On this basis, it appears that TWBC is planning to meet its OAN in full.

SDC notes that TWBC consulted previously on a number of different approaches during its Issues and Options consultation, choosing Option 3 “Dispersed Growth” and Option 5 “New Settlement Growth” to base its Development Strategy as set out in paragraph 4.40 and Policy STR1 which adopts an infrastructure-led approach.

This is illustrated by Draft Local Plan Proposals Map which shows a dispersed approach to allocating sites where the distribution of development accords with the Tunbridge Wells Settlement Hierarchy. The main growth areas are around Paddock Wood and Tudeley, where a new Garden Village is proposed. Sevenoaks District shares an administrative boundary with western area of the Tunbridge Wells Borough. The Proposals Maps shows little development being proposed on this boundary and therefore the proposed growth is unlikely to have a significant impact on the Sevenoaks District.

The Sevenoaks Local Plan is currently under Examination, following its submission to the Planning Inspectorate in April 2019. Under the standardised methodology, the housing need for the Sevenoaks District is 707 dwellings per annum (11,042 dwellings over the Plan period 2019-2035). As outlined in our response to the Inspector’s Initial Questions [ED3]^[1], the Local Plan seeks to deliver 9,410 dwellings over the Plan period which is equivalent 588 dwellings per annum. This results in an unmet housing need of approximately 1,900 dwellings over the Plan period 2019-2035 (equivalent to 119 dwellings per annum). This is due to the high level of Green Belt (93%) and AONB (60%) within Sevenoaks District. On 22nd July 2019 the PPG was revised to state that C2 units will need to be included in the Housing Land Supply. Therefore, this will result in a higher level of land supply as set out through the Examination hearings.

Due to these constraints, the Sevenoaks Local Plan is based on the following development strategy following extensive public consultation:

- i. Focus on growth in existing settlements, including higher densities;
- ii. Redevelopment of previously developed “brownfield” land in sustainable locations; and
- iii. The development of greenfield Green Belt land only in “exceptional circumstances”, particularly where social and community infrastructure is being proposed, which could help address evidenced infrastructure deficiencies in the area.

As the submitted Plan does not meet housing need in full in the District, SDC will continue to engage with its neighbouring authorities, including TWBC, under Duty to Co-operate for further discussions on how this issue can be resolved. It is noted that SDC formally approached TWBC in April 2019 to ascertain whether TWBC could assist with unmet need. The letters were sent in order to formally document the already known position of neighbouring authorities, in preparation for examination, and the letters documented the conclusion of the process. TWBC re-confirmed its position that:

^[1] ED3 “Sevenoaks District Council’s response to Inspector’s Initial Questions” can be found in the Sevenoaks Local Plan Examination Library (www.sevenoaks.gov.uk/localplanexamination)

'The Duty to Co-operate meetings which have taken place so far over recent years (both between TWBC and SDC and in the three way discussions with TMBC) have included discussions about any assistance with unmet need, but through these discussions it has been clear that TWBC is not in a position to assist either authority (if needed) in this regard'.

Conclusion

In summary, SDC believes that TWBC's approach to the new Local Plan is positive and proactive in light of current national planning policy and guidance. SDC will continue to positively and constructively engage with TWBC under the Duty to Co-operate, as both authorities progress their Local Plans and try to meet their requirements over the Plan period, which will include further discussion around SDC's current unmet housing need.

If you have any questions regarding this response, please do not hesitate to contact Planning Policy on 01732 227000 or please email planning.policy@sevenoaks.gov.uk.

Yours sincerely,



Simon Taylor
Planning Officer (Planning Policy)

Appendix B6 – DtC engagement record between TWBC and SDC

Duty to Cooperate engagement record for Sevenoaks District Council (SDC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
2 December 2014	SDC Officers – Emma Boshell TWBC Officers – Jean Marshall, Adrian Tofts	DtC stakeholder workshop	Initial discussion of commissioning joint Strategic Housing Market Assessment (SHMA) for District/Borough areas of Sevenoaks and Tunbridge Wells to inform Core Strategy reviews for the two local authorities
December 2014	SDC TWBC Officers - Jean Marshall, Adrian Tofts, Deborah Dixon, Sarah Lewis	DtC meeting	Discussions to inform preparation of brief for joint SHMA prior to preparing tender document for consultants
January 2015	SDC TWBC Officers - Jean Marshall, Adrian Tofts, Deborah Dixon, Sarah Lewis	DtC meeting	Continued discussions to inform preparation of tender document for consultants.
6 February 2015	SDC Officers -Emma Boshell TWBC Officers - Jean Marshall, Adrian Tofts, Deborah Dixon	DtC meeting	To discuss and decide upon interview questions for prospective consultants
3 March 2015	SDC Officers -Emma Boshell, Alan Dyer, Liz Crockford TWBC Officers – Deborah Dixon and Sarah Lewis	DtC meeting	Initial meeting with appointed consultants to discuss timetable and broad approaches for SHMA work
31 March 2015	SDC and others: Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Wealden DC and KCC	DtC stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC Officers, Deborah Dixon, Matt Kennard, Sarah Lewis		
10 June 2015	SDC Officers - Anthony Lancaster and Emma Boshell TWBC Officers – Kelvin Hinton, Adrian Tofts	West Kent DtC meeting	<p>Discussion of how future meetings should be arranged; sub-regional issues; local plan updates; SMHA; evidence base and relevant studies to be undertaken</p> <ul style="list-style-type: none"> • TWBC / SDC to prepare joint SHMA presentation • TWBC / SDC to undertake joint Employment Land Review. TWBC to draft up brief • TWBC / SDC to prepare shared methodologies for SHLAAs / ELAAs
9 September 2015	<p>SDC</p> <p>Others: GL Hearn (Consultants), Tandridge DC, Dartford BC, Wealden DC</p> <p>TWBC Officers – Deborah Dixon, Matthew Kennard, Sarah Lowe</p>	Meeting - Presentation by GL Hearn consultants	Presentation/discussion of SHMA findings
5 October 2015	<p>SDC Officers - Anthony Lancaster and Emma Boshell</p> <p>TMBC Officers -Ian Bailey and Nigel De Wit</p> <p>TWBC officers – Kelvin Hinton</p>	West Kent DtC meeting	<p>Local Plan updates; possible Member DTC; Housing Need and Supply; Green Belt; Economic Areas; Gypsies and Travellers; Infrastructure; Viability</p> <p>Continue to monitor progress of respective Local Plans</p> <p>Further discussion required re approach to including Members in the DtC;</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
4 February 2016	<p>SDC Officers - Anthony Lancaster and Emma Boshell</p> <p>TMBC Officers - Ian Bailey and Nigel De Wit</p> <p>TWBC Officers – Kelvin Hinton</p>	West Kent DtC meeting	<p>Continue to monitor emerging housing supply across the HMA and identify opportunities for cross-boundary sites</p> <p>Updates on:</p> <ol style="list-style-type: none"> 1. Local Plan Timetable 2. Housing Need and Supply; 3. Travellers Assessment; 4. Employment Land Review; 5. Strategic Flood Risk Assessment; 6. Green Belt Studies; 7. Housing & Planning Bill and NPPF consultation 8. DtC matters - relationship with other parts of the county and 9. Member engagement <p>Continue to monitor progress of respective Local Plans</p> <p>Officers agreed to continue to share thoughts and good practice on development strategies, including testing a range of strategy options against the Sustainability Appraisal objectives</p> <p>Travellers assessment - Officers to monitor and disseminate case law on this matter</p> <p>Officers to monitor the progress of the Housing & Planning Bill</p>
15 March 2016	<p>Tonbridge and Malling DC -Ian Bailey, Ashford BC - Danielle Dunn, Sevenoaks DC--Emma Boshell,</p>	DtC meeting	Gypsies and Travellers

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Maidstone BC -Sarah Anderton, Dartford BC -Tania Smith, Shepway - Matthew Nouch TWBC – Deborah Dixon		
18 March 2016	SDC TWBC – Sarah Lowe	DtC meeting	Employment Needs Study stakeholder event: Discussion of: baseline data, local issues / factors which the study should take into account
24 May 2016	SDC Officers – Anthony Lancaster TMBC Officers - Ian Bailey TWBC Officers – Kelvin Hinton, Deborah Dixon, Sharon Evans	West Kent DtC Meeting	Local Plan updates
6 July 2016	SDC TWBC Officers – Kelvin Hinton and David Scully	DtC meeting	Discussion re Joint Commissioning for professional advice on Ashdown Forest
30 August 2016	Arup (consultants) on behalf of SDC. Others: Tandridge DC, Gravesham BC , Dartford BC and KCC officers TWBC Officers – Deborah Dixon	DtC meeting	Discussion of methodology for SDC Green Belt Assessment
20 September 2016	SDC Others: Wealden DC (lead), Mid Sussex DC, Lewes DC, and Natural England TWBC Officers – David Scully, Katie McFloyd	DtC meeting	Joint Commissioning of Visitor Survey for Ashdown Forest for HRA work

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
28 September 2016	SDC – Anthony Lancaster, Emma Boshell TWBC Officers – Kelvin Hinton, Sharon Evans	DtC meeting	Local Plan updates; future Member involvement; housing need and supply - implications of the 2014 household projections, and clarifications around being able to count some form of Class C2 towards the 5 Year Housing Land Supply; the outcome of the Economic Needs Study (how proposals for an increased economic base may create a demand for additional dwellings)
7 December 2016	SDC – Anthony Lancaster, Emma Boshell TMBC – Louise Reid, Ian Bailey TWBC – Kelvin Hinton, Sharon Evans	DtC meeting	1. Local Plan Updates; 2. Housing Need and Supply; 3. Employment Land Need and Supply; 4. Green Belt; 5. Gypsies and Travellers; 6. Infrastructure
14 December 2016	Wealden DC, Lewes DC, Sevenoaks DC and Mid Sussex DC and NE	DtC meeting	Review of Visitor Survey for Ashdown Forest for HRA work
15 March 2017	SDC and Arc4 TMBC, TWBC, Swale BC, Gravesham BC, Dartford BC, London Borough of Bexley, Ashford BC, Tandridge DC, Medway Council, KCC	DtC meeting	Meeting re Gypsies and Travellers including presentation of assessment findings for SDC (presented by Arc4) All LPAs present were planning to meet their own G&T needs.
5 April 2017	Anthony Lancaster, Emma Boshell (SDC); Ian Bailey (TMBC) TWBC Officers – Kelvin Hinton and Sharon Evans	West Kent DtC meeting	Local Plan Updates; Key Study Issues - Green Belt, Highways, GTAAs; Housing White Paper; Brownfield Registers - new regs; Neighbourhood Plan experiences
21 June 2017	Ashdown Forest (Air Quality) Group: Officers – South Downs National	DtC meeting	<ul style="list-style-type: none"> • Update from each local authority • Local Plan progress • Traffic Modelling

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Park Authority, Rother DC, East Sussex County Council, Eastbourne and Lewes, Tandridge, Sevenoaks DC, Wealden DC, Natural England TWBC – Sharon Evans		<ul style="list-style-type: none"> • SNAPS's
2 August 2017	Sevenoaks DC - Antony Lancaster, Emma Henshall, Lily Mahoney; Tonbridge & Malling BC - Ian Bailey and Nigel De Wit TWBC Officers – Kelvin Hinton	West Kent DtC meeting	Local Plan Updates; Issues and Options consultations, approaches to Green Belt; GTAA's, future approach to Duty to Cooperate
23 August 2017	Sevenoaks DC, Tonbridge& Malling BC, Gravesham BC, Maidstone BC, Dartford DC, Tandridge DC, KCC Highways and Economic Development (Not known who attended from TWBC)	DtC Forum	Local Plan updates, KCC strategies for transport/highways and infrastructure requirements
10 November 2017	Letter from PAS to SDC, TMBC and TWBC	DtC meeting	PAS Statement of Common Ground Pilot Programme - Introductory letter on how scheme works and background on SoCGs
23 November 2017	Ashdown Forest (Air Quality) Group Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park	DtC Meeting	<ul style="list-style-type: none"> • Review and minutes of previous meeting • Air Quality report • Sign off arrangements • Housing numbers • Geographical area • Transport modelling • Risk register • Proportionality
6 December 2017	Sevenoaks DC - Antony Lancaster ;	DtC meeting	Discussion of proposals for West Kent to

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Tonbridge & Malling BC - Ian Bailey and Nigel De Wit TWBC Officers – Kelvin Hinton PAS – Steve Barker		become a Statement of Duty to Cooperate Pilot Local Plan Updates; Issues and Options consultations, approaches to Green Belt; GTAA's, future approach to Duty to Cooperate. Possible Statement of Common Ground PAS Pilot
18 January 2018	Ashdown Forest (Air Quality) Group Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park	DtC Meeting	Update on Wealden Plan and current approach to development management issues
22 January 2018	Sevenoaks DC – Emma Henshall Tonbridge & Malling BC - Ian Bailey, Nigel De Wit TWBC Officers – Kelvin Hinton, Sharon Evans	DtC meeting	PAS Pilot SoCG meeting: Facilitation Process; who will do what; update on any progress/meetings/agreements; update on emerging Local Plans; drafting a timetable to produce SoCG
12 February 2018	Sevenoaks DC – Emma Henshall Tonbridge & Malling BC - Ian Bailey, TWBC Officers – Stephen Baughen IPE facilitator – Sue Turner	DtC meeting	SoCG Pilot Programme (via facetime Relationship with other SoCGs discussed including the Ashdown Forest
13 March 2018	Sevenoaks DC – Helen French, Tonbridge & Malling BC - Ian Bailey and Jill Peet, Canterbury CC - Shelley Rouse, Maidstone BC -	DtC meeting	Gypsy and Travellers: Update on LPA status of GTAA's, Planning policies, Transit sites

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Sarah Lee, Ashford BC - Helen Garnett, Dover DC, Dartford BC - Tania Smith, Medway Council - Tom Gilbert, Thanet DC - Jo Wadey, Swale BC - Alan Best and Aaron Wilkinson TWBC – Michael Hammacott		
14 March 2018	SDC TMBC TWBC PAS?	DtC meeting	SoCG Pilot Programme: <ul style="list-style-type: none"> • Implications of publication of revised NPPF • How to deal with cross referencing of overlapping SoCGs • Breadth of participants – balance between effectiveness and complexity • Risks • Governance • Triggers for reviewing the SoCG (agreed should be stated in the draft)
11 September 2018	Sevenoaks DC - Hannah Gooden, Emma Henshall, Tonbridge & Malling BC - Ian Bailey TWBC Officer – Stephen Baughen	West Kent DtC meeting	Local Plan Updates, Ashdown Forest, West Kent SoCG
29 November 2018	Members of Ashdown Forest Working Group – South Downs National Park Authority, Sevenoaks DC, Rother DC, Lewes DC, Eastbourne BC, Tandridge DC, Mid Sussex DC, Crawley BC, East Sussex CC, West Sussex CC, Natural England	DtC meeting	Air quality background issues in relation to the Ashdown Forest SAC

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	WDC TWBC		
December 2018	Officers and Members of TWBC/Tonbridge and Malling BC and Sevenoaks DC	DtC meeting	Employment: <ul style="list-style-type: none"> • General update on Local Plan progress and approach to ED • Retail • Use of article 4 directions • Rural employment opportunities
10 January 2019	Sevenoaks DC: Hannah Gooden, Emma Henshall TWBC Officers – Stephen Baughen, Sharon Evans	DtC meeting	To discuss housing and employment unmet need
1 March 2019	SDC: Cllr Piper, Emma Henshall TWBC - Cllr A McDermott, Stephen Baughen	DtC meeting	Strategy and Local Plan progress, key strategic cross boundary issues - housing, transport, infrastructure, education, DtC requirements, engagement with KCC
24 April 2019	TWBC – Stephen Baughen email to SDC	DtC correspondence	TWBC response to SDC request to meet unmet need
24 April 2019	Sevenoaks DC – Richard Morris, James Gleave, Hannah Gooden, Emma Henshall, Helen French, Cllr R Piper Also Tandridge DC, Dartford DC, Gravesham BC, London Borough of Bexley, Wealden DC, KCC TWBC – Stephen Baughen	DtC Workshop (SDC offices)	Peer review process (prior to submission of Plan), updates from all authorities in attendance, SDC summary of DtC activities and key outcomes
12 November 2019	SDC and TWBC meeting	DtC meeting	Local Plan updates and other key strategic cross boundary issues

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC Officers – Stephen Baughen and Sharon Evans		
21 November 2019	TWBC – Stephen Baughen to SDC -	DtC Correspondence	TWBC letter to SDC post SDC hearing on DtC matters
18 May 2020	SDC – James Gleave, Hannah Gooden TMBC – Ian Bailey and Bart Wren TWBC- Stephen Baughen, Sharon Evans and Hannah Young	West Kent DtC meeting	Updates on : Local Plans, Housing – including discussion about unmet need, Employment, AONB, Infrastructure, Strategic Sites, Gypsies and Travellers, approach to future DtC meetings and SoCGs
6 October 2020	TWBC – Stephen Baughen	DtC correspondence	TWBC formal request to SDC to meet unmet TWBC housing/employment need
16 October 2020	SDC – Richard Morris TWBC – Stephen Baughen	DtC correspondence	SDC response to formal request to meet unmet TWBC housing/employment need
8 February 2021	TWBC – Stephen Baughen to SDC	DtC email correspondence	Draft SoCG sent for SDC to review (still awaiting sign off)

Appendix C – Tonbridge & Malling Borough Council (TMBC)

Appendix C1 - TWBC Response to
TMBC Issues and Options
November 2016



Please ask for: Kelvin Hinton

Extension: 2112

Email: kelvin.hinton@tunbridgewells.gov.uk

Date: 07 November 2016

Tel: 01892 554212

Mr I Bailey
Planning Policy Manager
Local Plans Team
Tonbridge and Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill
West Malling
ME19 4LZ

Dear Mr Bailey

Tonbridge and Malling Borough Local Plan
Regulation 18 Issues and Options Consultation

Tunbridge Wells Borough Council welcomes the opportunity to engage with Tonbridge & Malling Borough Council as part of the Local Plan Regulation 18 Consultation 2016. The Council has several comments to make at this stage.

Based on the possible strategy presented in the consultation document at Appendix F and most particularly Tonbridge and Malling Borough Council's identified housing and employment development needs, as well as the suggested location and distribution of development, it is not considered that there would be any overall significant direct effect on the area comprising Tunbridge Wells borough.

With specific reference to the Tonbridge and surrounding area it is noted that the Issues and Options document acknowledges that any expansion of Tonbridge is limited by flood risk and other constraints including Green Belt; however, some land has been identified for potential development to the south-west of Tonbridge. Given the close proximity of this area to the Tunbridge Wells borough boundary it is considered there could be increased pressures on infrastructure provision, including highways and education, which would have implications for this borough and we would therefore welcome further discussion on this aspect as preparation of your new Local Plan progresses.

Also, with regard to the implications of Duty to Cooperate, it is noted that commentary is made that assessments to date illustrate that the proposed strategy could potentially deliver in the region of 10,000 homes which would be in excess of the 6,000 homes suggested as the additional need required to be met in Tonbridge & Malling borough. The consultation document does not, however, make any comment on the possibility of the Borough Council being asked to meet need from any adjoining authority area.

As you will be aware from our regular liaison and Duty to Cooperate meetings, Tunbridge Wells Borough Council is also undertaking preparation of a new Local Plan, which is intended to have a plan period of 2013-2033. This work has progressed well and is ongoing and our current timetable envisages an Issues and Options consultation in spring 2017.

Town Hall Royal Tunbridge Wells Kent TN1 1RS

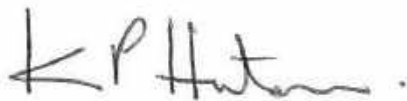
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Given the level of Objectively Assessed Need (OAN) identified by our own SHMA, and having regard to the nature and extent of planning constraints impacting on Tunbridge Wells borough, there is a reasonable possibility that the issue of some need being accommodated within adjoining authority areas is likely to be raised at some point.

Whilst recognising that both Councils' Local Plan reviews are at different stages and that in the case of Tunbridge Wells Borough Council a draft plan that identifies housing targets against OAN has yet to be prepared, it is considered that there is still merit in discussing the specific circumstances relating to our respective boroughs and the ability for us to accommodate our own identified levels of development need at an early stage.

Yours sincerely

A handwritten signature in black ink, appearing to read "K P Hinton".

Kelvin Hinton
Planning Policy Manager

Appendix C2 - TWBC Response to
TMBC Regulation 19 Pre-
Submission Plan November 2018



Planning Policy Team
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
Kent
ME19 4LZ

Please ask for: Stephen Baughen

Mobile: 07583528365

Telephone: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 15 November 2018

Dear Sir/Madam

Tonbridge & Malling Borough Local Plan Regulation 19 Pre-Submission Publication Consultation

I refer to your communications dated 1 October 2018 (initial consultation) and 3 October 2018 (Statement of Representations Procedure and Fact), in respect of the current Regulation 19 Consultation for the Tonbridge & Malling Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Tonbridge & Malling Borough Council (TMBC) as part of this process and has several comments to make.

The headline needs of 13,920 homes and 46.8 hectares of employment land are noted.

The constraints of Tonbridge & Malling borough at 70% Green Belt and 28% AONB, as well as flood risk issues are also recognised.

With specific reference to Tonbridge and its surrounding area, it is noted that land to the South West of Tonbridge has been put forward as a Strategic Development Site (480 dwellings) under proposed Policy LP31. Concern was raised previously by TWBC in response to the TMBC Regulation 18 consultation in respect of increased pressures on infrastructure provision, such as highways and education, in this area in close proximity to the Tunbridge Wells borough boundary. However, TWBC welcomes the stipulated masterplan and planning performance agreement approach (to be prepared and completed prior to the submission of a formal planning application) in proposed Policy LP31. This policy clearly sets out the key infrastructure requirements for primary and secondary school provision, highway junction improvements, medical facilities and improvements to sustainable transport links to Tonbridge town centre; and TWBC considers that such an approach should be followed through in the implementation of any such development.

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switchboard 01892 526121 SMS (text) 07870 526121

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The proposed green belt releases and changes to the confines of built development on the proposals maps for site allocations at land south of Vauxhall Gardens (61 dwellings) and Little Postern, Postern Lane (10.8 ha of B2 and B8 use) which are located within close proximity to the Tunbridge Wells borough boundary are also noted; and the requirement that they will only be permitted where proposals are of an acceptable design to the locality, do not result in unacceptable impacts on the highway network, air quality and the amenity of the area.

Overall, based on the strategy presented in the consultation document and most particularly TMBC's identified housing and employment development needs, as well as the suggested location and distribution of development and the detailed requirements of the policies outlined above (including in relation to transport and infrastructure), it is considered there would be no overall significant or direct effect on the area comprising Tunbridge Wells borough.

TWBC also have no additional comments to make in respect of the Sustainability Appraisal and the Habitat Regulations Assessment which support and form part of this consultation document.

TMBC, TWBC and Sevenoaks District Council (SDC) have been in joint discussion for some time now, including regular liaison and meetings to discuss housing, employment and other needs under the Duty to Cooperate and it is noted that the TMBC consultation document makes specific reference to the Duty to Cooperate. However, the document does not make any comment on the possibility of TWBC being asked to meet need from any adjoining authority area or vice versa. I can confirm that TWBC would be happy to continue regular liaison and Duty to Cooperate meetings with TMBC and SDC as the TMBC Plan progresses to examination, and in relation to the progression of the new TWBC Local Plan, and allocations within this – please see below. However, without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that account is taken of this when considering the representations made to the Regulation 19 consultation.

As you will be aware from our regular liaison and Duty to Cooperate meetings, TWBC is also undertaking preparation of a new Local Plan, which is intended to have a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, TWBC is currently preparing the Draft Local Plan document ready for consultation (Regulation 18) next year. We will continue to discuss and engage with TMBC ahead of this, including in terms of cross boundary issues such as transport, minerals and infrastructure, and will formally consult TMBC when the plan progresses to this stage.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely



Cllr Alan McDermott
Portfolio Holder for Planning and Transportation

AND



Steve Baughen
Head of Planning

Appendix C3 – TMBC response to TWBC Issues and Options 2017

From: Ian A Bailey <Ian.Bailey@tmbc.gov.uk>
Sent: 12 June 2017 16:38
To: Planning Policy (TWBC)
Cc: Steve Humphrey; Louise Reid; Jenny Knowles
Subject: TUNBRIDGE WELLS BOROUGH LOCAL PLAN - Issues and options Consultation

Dear Planning Policy Team,

Please find below some officer level comments on the above consultation on behalf of Tonbridge and Malling Borough Council. These will be subject to Member endorsement in due course.

These comments are of a more general nature than the specific set questions laid out in the response form. Therefore unless indicated otherwise, please assume they relate to Question 19 in the main.

Since there are no potential yields for each of the proposed development strategies going forward, it is difficult to provide a view on a preferred option or combination of options. The document is heavily caveated in respect of the challenges of fully meeting the objectively assessed needs over the Plan period, suggesting that none of the options will be sufficient, but the consultee has no indication whether one option or combination of options will meet more or less of the need than the others.

Whilst acknowledging that there is a second round of Call for Sites running in parallel to the current consultation and therefore it may be premature to include sites at this stage, it does beg the question whether a second round of consultation will be necessary when the sites are known. If this is required, then the current timetable may need to be extended.

Clearly from a neighbouring Local Planning Authority's point of view, located within the same housing market area, the options that could deliver more of the identified need would be preferable to those that will deliver less. There is a risk in carrying out the consultation without the benefit of potential yields could result in the most productive options being rejected before they have been fully considered.

Notwithstanding the overall capacity issues of the proposed options, there is also the matter of maintaining a five year supply of housing land. As there is no assessment of the phasing of each of the options, again preferences expressed at this stage could undermine the ability of a future strategy to deliver sufficient housing numbers across the Plan period. For example, while a new settlement may provide a significant proportion of the total need and therefore be an attractive option on the face of it, it will inevitably take some years before such a site could deliver housing and even then only provide 1-200 units a year. An approach more likely to succeed would be to have a mixed portfolio of small to large sites. This has also been supported in the Housing White Paper.

Those options promoting a northern extension to the Limits to Built Development north of Tunbridge Wells itself and option 4 which explores a development corridor approach along the A21 would clearly have cross boundary impacts on the local highway network, community infrastructure and air quality. Should these options be taken forward we would welcome the opportunity to work closely with TWBC as TMBC also brings forward future development proposals in the vicinity of south Tonbridge.

The references to the Duty to Cooperate are acknowledged and we welcome the recognition of the positive cross-boundary liaison on strategic planning matters so far and the opportunity to continue to do so. As noted in those meetings, Tonbridge and Malling in preparing its own Local Plan is striving to meet locally identified needs where they arise and in doing so, particularly for the West Kent Housing Market Area that we share with Tunbridge Wells, are addressing similar constraints and challenges.

I hope these brief comments are of assistance. I will confirm when our Members have endorsed these views and any additional comments they may wish to add.

Yours Sincerely,

Ian Bailey

Planning Policy Manager
TMBC

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Appendix C4 - TMBC response to
TWBC DLP Regulation 18
consultation October 2019 (Letter
and Response Form)



www.tmbc.gov.uk/localplan

localplan@tmbc.gov.uk

Local Plan - Planning Policy
Tonbridge Wells BC
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 1RS

Contact Ian Bailey
Email ian.bailey@tmbc.gov.uk
Your ref.
Our ref.
Date 16.10.2019

Dear Planning Policy Team,

Tunbridge Wells Local Plan Regulation 18 Consultation: Response on behalf of Tonbridge and Malling Borough Council (TMBC)

Thank you for the opportunity to comment on the above consultation.

The consultation draft of the emerging Tunbridge Wells Local Plan was considered at an extraordinary meeting of the Council's Planning and Transportation Advisory Board on the 2nd October and again by the Cabinet on the 16th October. Both meetings were characterised by comprehensive debate.

TMBC recognises the challenges facing Tunbridge Wells Borough Council (TWBC) in preparing this Plan as we share many of the same constraints, including significant areas of Green Belt and Areas of Outstanding Natural Beauty in preparing the Tonbridge and Malling Local Plan. The aim of meeting objectively assessed needs for future development within the Borough is one we both share and is welcomed.

However, the proximity of some of the major development proposals to the borough boundary and specifically, the south east of our main settlement of Tonbridge, is a matter of serious concern due to the potential impacts on the local highway network, rail services and other community infrastructure including health care and education, particularly when combined with planned developments in Tonbridge as part of our own Local Plan.

While appreciating that this is an early stage of plan making and the development strategy may be subject to change, in the event that these proposals are brought forward in later versions of the Local Plan, TMBC needs to be assured that it will be a key partner involved with future infrastructure planning and master planning of the allocations that are likely to

Planning Policy, Gibson Building, Gibson Drive, Kings Hill, West Malling,
Kent ME19 4LZ

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have a significant impact on Tonbridge and surrounding settlements close to the borough boundary. This collaborative approach would have to identify and mitigate any significant adverse impacts on existing infrastructure and services, including north-south travel throughout Tonbridge and Malling and any flood mitigation measures and also those planned as part of TMBC's Local Plan.

It should be recognised that if following this process any of the new infrastructure or mitigations identified to meet the demand arising from any of the new developments is located in Tonbridge and Malling, then developer contributions should be allocated as necessary.

Tonbridge and Malling support the proposed approach to meeting the identified needs for future development in Tunbridge Wells within the borough, subject to both authorities proactively working together to ensure all cross-boundary issues are satisfactorily addressed as part of the Local Plan process. This will contribute to the conclusion of the ongoing master planning work and delivery of any identified infrastructure to be phased with the planned development so that any potential impacts are mitigated.

More detailed comments on specific elements of the Local Plan can be found below.

Policy STR/CA1 The Strategy for Capel Parish and Policy AL/CA1 Tudeley Village

The potential significant impacts of the proposed developments at Tudeley and Capel on the local highway network and on infrastructure and services in nearby Tonbridge are a major concern for TMBC, particularly in the light of the existing infrastructure challenges in Tonbridge and surrounding villages and communities which have been identified by TMBC. TMBC believes that some of these will present delivery challenges for the allocation due to appropriate mitigation measures not being feasible. However, we wish to work collaboratively with TWBC to explore all possibilities and particularly welcome the early identification of a number of junctions requiring mitigation within TMBC.

It is acknowledged that Policies STR/CA1 and AL/CA1 recognise these issues and require comprehensive master planning and ongoing liaison between Tonbridge and Malling, Tunbridge Wells, Kent County Council and all other relevant stakeholders. This will include land owners, promoters, and infrastructure providers to ensure that the infrastructure accompanying these proposals is properly planned for and delivered at the appropriate time. TMBC requests that they are specifically mentioned in all relevant policies with the emerging Local Plan to ensure that this collaborative approach is enshrined in policy

Both this site and the Paddock Wood sites discussed below require appropriate onsite health service provision to be provided at a primary care level. Given the proximity of these sites to Tonbridge and the proposals for Local Care Hubs that are being progressed by the West Kent CCG, TMBC request that the potential for facilitating Local Care delivery through this strategic site allocation providing land or contribution (our preference is Tonbridge Cottage Hospital) should be explored in detail as part of the next stage of plan development, should this site be taken forward.

Policy AL/CA2 New Secondary School

The response is similar to that in respect of the new settlement at Tudeley above.

As this is the first opportunity to comment on the detailed development strategy set out in the draft Local Plan, TMBC would like to take this opportunity to suggest an alternative

location for the proposed new secondary school at Capel. In the opinion of Tonbridge and Malling, a location at or preferably between the new settlement at Tudeley and the allocations at Paddock Wood would represent a more sustainable solution, being closer to the need generated and the potential for reducing the need to travel to a site on the periphery of Tonbridge, on a constrained site with poor access, adjacent to a town which already has a large number of existing secondary schools and the associated transport issues.

An alternative location for the secondary school would also address a related concern that the proposed developments close to the built confines of Tonbridge would result in the coalescence of the settlements of Tonbridge, Capel, Tudeley, Five Oak Green and Paddock Wood.

The proximity of the proposed school site to the borough boundary and the distance from Tonbridge Station emphasises the importance of implementing sustainable transport improvements in this area to ensure any impacts on the local highway network are minimised. Whilst TMBC welcomes proposals for new bus routes that link Tonbridge/the school/the proposed new settlements/Paddock Wood, it must be recognised that there are significant delivery challenges in ensuring that route is feasible, particularly within the two town centre environments.

Ensuring there is an appropriate access across the railway will be an important consideration for master planning and viability.

TMBC's Local Plan has an employment allocation (LP36 site h), which is an extension of an existing site, immediately adjacent to this proposed allocation. It is essential that existing modelling work carried out to inform this and other local designations with the TMBC Local Plan are considered as part of the infrastructure master planning work that TWBC are proposing to undertake.

Policy STR/PW1 The Strategy for Paddock Wood and PolicyAL/PW1

Although Paddock Wood is further from the borough boundary than the sites at Tudeley and Capel, the size of the allocation here means that the same comments made above are also applicable, particularly for communities in East Peckham.

The aspiration to improve the A228 at Colts Hill is a long held West Kent priority and is supported by TMBC. However, TMBC has significant concerns about the impact of works on the A228 and the potential wider implications need to be thoroughly considered in a holistic fashion, working with KCC Highways, TMBC and Maidstone Borough Council. Following officer discussions, TMBC are requesting that this approach to the A228 corridor is enshrined in the relevant policies.

The implications of this allocation (and the new settlement at Tudeley, which is unlikely to justify the introduction of an additional railway station between Tonbridge and Paddock Wood) on future rail capacity to London will need to be the subject of on-going discussions with Network Rail and the rail service providers and be included in the Infrastructure Delivery Plan. This extends not only to train services but to commuter parking and likely travel habits. The frequency of services at Tonbridge station make this the more likely destination for commuters when compared to Paddock Wood. There is also the need to consider planned development at Marden, Staplehurst and Headcorn that will put additional pressure on the line.

Policy AL/SO3 and Policy AL/SO4 Land at Mabledon and Nightingale and Mabledon House

Although these are smaller proposals that do not require master planning in the way that the larger allocations at Tudeley, Capel and Paddock Wood do, the policy acknowledges that the implementation of the Mabledon House proposal will depend on the agreement of TMBC. It notes that:

“The main house is located within the borough of Tunbridge Wells and the ancillary buildings are located in the borough of Tonbridge & Malling; the Historic Park and Garden is split between the two boroughs. The above policy to be agreed with Tonbridge & Malling Borough Council to encourage a holistic and comprehensive approach to development proposals across the whole of the estate.”

TMBC welcomes the opportunity to discuss the proposed site allocation at Mabledon House with Tunbridge Wells Borough Council within the context of the emerging Local Plan, subject to a better understanding of the scale and form of the development, particularly in respect of that part of the site within Tonbridge and Malling, the very special circumstances for the development within the Metropolitan Green Belt and the impacts on High Weald AONB and its setting.

Policy AL/RTW12 Land Adjacent to Longfield Road, Tunbridge Wells

Tonbridge and Malling welcome the contribution the proposed allocation will make towards meeting the identified needs for employment land in Tunbridge Wells.

However, the concentration of such a significant proportion of the overall need in one location, on the A21 and relatively close to the borough boundary and the Tonbridge Industrial Area raises two concerns regarding the potential impact on the local highway network and competition with businesses in Tonbridge.

Therefore, TMBC would welcome working with the Borough Council, Highways England and Kent Highways to ensure that any potential adverse impacts on the highway network both in the immediate vicinity and more widely can be satisfactorily mitigated. We would also wish to ensure that the planned investments at Longfield Road and at Tonbridge are complementary rather than competitive to ensure that positive economic growth can be delivered either side of the borough boundary.

I hope these constructive comments are beneficial your ongoing process and contribute to the established collaborative working on cross boundary issues that are fundamental to the Duty to Cooperate, which forms a key element of the examination of a Local Plan (as detailed at paragraph 35 of the NPPF).

Yours sincerely,



Ian Bailey
Planning Policy Manager

Tel: 01732 876061

TUNBRIDGE WELLS BOROUGH
DRAFT LOCAL PLAN (REGULATION 18)
Consultation 20 September to 01 November 2019

RESPONSE FORM

This response form is for use with the Draft Local Plan (Regulation 18) consultation document.

DATA PROTECTION AND FREEDOM OF INFORMATION

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform future stages of Local Plan preparation.

When you send us your response to this consultation, your contact details will be added to our consultation database and you will be kept informed of all future consultations on Planning Policy documents.

Please note that your responses will be published by the Borough Council, including on its website. The Council will publish names and associated responses but will not publish personal information such as telephone numbers, e-mails or private addresses.

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Your details (please give full contact details)	
Name	Ian Bailey
Company/organisation (if relevant)	Tonbridge and Malling Borough Council
Are you responding as an individual or organisation, or as an agent on behalf of somebody else?	<input checked="" type="checkbox"/> As an individual/on behalf of an organisation or group <input type="checkbox"/> As an agent
If you are an <u>agent</u>, please specify who you are representing	
Email address	ian.bailey@tmbc.gov.uk
Postal address	Tonbridge and Malling Borough Council Planning Policy Gibson Building Gibson Drive Kings Hill
Town	WEST MALLING
Post Code	ME19 4LZ
Telephone Number	01732 876061

You will find details of where to return your completed forms on the next page

When you have completed this response form, please email it to:

localplan@tunbridgewells.gov.uk

Alternatively, you can print it and post it to:

**Local Plan
Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 1RS**

Or:

It is recommended that you make your comments directly online via our consultation portal at <https://tunbridgewells-consult.objective.co.uk>

This response form can be used to submit your comments on any part of the consultation Draft Local Plan. There is a separate comment box below for each type of comment.

COMMENTS ON A PARTICULAR SECTION OR PARAGRAPH

COMMENT BOX 1A

Please state which section or paragraph number(s) you are commenting on.

Section Number:

Paragraph Number(s):

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

COMMENTS ON A POLICY

This comment box can be used for comments on Strategic Policies (Section 4), Strategic Place Shaping Policies (Section 5), Site Allocation Policies (section 5), or Development Management Policies (Section 6).

If you wish to make comments on multiple policies, please copy and paste Comment Boxes 2A and 2B for each Policy you are commenting on.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Object

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: STR/CA1 and AL/CA1

Please enter your comments here:

The potential significant impacts of the proposed developments at Tudeley and Capel on the local highway network and on infrastructure and services in nearby Tonbridge are a major concern for TMBC, particularly in the light of the existing infrastructure challenges in Tonbridge and surrounding villages and communities which have been identified by TMBC. TMBC believes that some of these will present delivery challenges for the allocation due to appropriate mitigation measures not being feasible. However, we wish to work collaboratively with TWBC to explore all possibilities and particularly welcome the early identification of a number of junctions requiring mitigation within TMBC.

It is acknowledged that Policies STR/CA1 and AL/CA1 recognise these issues and require comprehensive master planning and ongoing liaison between Tonbridge and Malling, Tunbridge Wells, Kent County Council and all other relevant stakeholders. This will include land owners, promoters, and infrastructure providers to ensure that the infrastructure accompanying these proposals is properly planned for and delivered at the appropriate time. TMBC requests that they are specifically mentioned in all relevant policies with the emerging Local Plan to ensure that this collaborative approach is enshrined in policy.

Both this site and the Paddock Wood sites discussed below require appropriate onsite health service provision to be provided at a primary care level. Given the proximity of these sites to Tonbridge and the proposals for Local Care Hubs that are being progressed by the West Kent CCG, TMBC request that the potential for facilitating Local Care delivery through this strategic site allocation providing land or contribution (our preference is Tonbridge Cottage Hospital) should be explored in detail as part of the next stage of plan

development, should this site be taken forward.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Object

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: AL/CA2

Please enter your comments here:

The response is similar to that in respect of the new settlement at Tudeley above.

As this is the first opportunity to comment on the detailed development strategy set out in the draft Local Plan, TMBC would like to take this opportunity to suggest an alternative location for the proposed new secondary school at Capel. In the opinion of Tonbridge and Malling, a location at or preferably between the new settlement at Tudeley and the allocations at Paddock Wood would represent a more sustainable solution, being closer to the need generated and the potential for reducing the need to travel to a site on the periphery of Tonbridge, on a constrained site with poor access, adjacent to a town which already has a large number of existing secondary schools and the associated transport issues.

An alternative location for the secondary school would also address a related concern that the proposed developments close to the built confines of Tonbridge would result in the coalescence of the settlements of Tonbridge, Capel, Tudeley, Five Oak Green and Paddock Wood.

The proximity of the proposed school site to the borough boundary and the distance from Tonbridge Station emphasises the importance of implementing sustainable transport improvements in this area to ensure any impacts on the local highway network are minimised. Whilst TMBC welcomes proposals for new bus routes that link Tonbridge/the school/the proposed new settlements/Paddock Wood, it must be recognised that there are significant delivery challenges in ensuring that route is feasible, particularly within the two town centre environments.

Ensuring there is an appropriate access across the railway will be an important consideration for master planning and viability.

TMBC's Local Plan has an employment allocation (LP36 site h), which is an extension of

an existing site, immediately adjacent to this proposed allocation. It is essential that existing modelling work carried out to inform this and other local designations with the TMBC Local Plan are considered as part of the infrastructure master planning work that TWBC are proposing to undertake.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Object

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: STR/PW1 and AL/PW1

Please enter your comments here:

Although Paddock Wood is further from the borough boundary than the sites at Tudeley and Capel, the size of the allocation here means that the same comments made above are also applicable, particularly for communities in East Peckham.

The aspiration to improve the A228 at Colts Hill is a long held West Kent priority and is supported by TMBC. However, TMBC has significant concerns about the impact of works on the A228 and the potential wider implications need to be thoroughly considered in a holistic fashion, working with KCC Highways, TMBC and Maidstone Borough Council. Following officer discussions, TMBC are requesting that this approach to the A228 corridor is enshrined in the relevant policies.

The implications of this allocation (and the new settlement at Tudeley, which is unlikely to justify the introduction of an additional railway station between Tonbridge and Paddock Wood) on future rail capacity to London will need to be the subject of on-going discussions with Network Rail and the rail service providers and be included in the Infrastructure Delivery Plan. This extends not only to train services but to commuter parking and likely travel habits. The frequency of services at Tonbridge station make this the more likely destination for commuters when compared to Paddock Wood. There is also the need to consider planned development at Marden, Staplehurst and Headcorn that will put additional pressure on the line.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Support with conditions

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: AL/SO3 and AL/SO4

Please enter your comments here:

Although these are smaller proposals that do not require master planning in the way that the larger allocations at Tudeley, Capel and Paddock Wood do, the policy acknowledges that the implementation of the Mabledon House proposal will depend on the agreement of TMBC. It notes that:

“The main house is located within the borough of Tunbridge Wells and the ancillary buildings are located in the borough of Tonbridge & Malling; the Historic Park and Garden is split between the two boroughs. The above policy to be agreed with Tonbridge & Malling Borough Council to encourage a holistic and comprehensive approach to development proposals across the whole of the estate.”

TMBC welcomes the opportunity to discuss the proposed site allocation at Mabledon House with Tunbridge Wells Borough Council within the context of the emerging Local Plan, subject to a better understanding of the scale and form of the development, particularly in respect of that part of the site within Tonbridge and Malling, the very special circumstances for the development within the Metropolitan Green Belt and the impacts on High Weald AONB and its setting.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Object

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: AL/RTW12

Please enter your comments here:

Tonbridge and Malling welcome the contribution the proposed allocation will make towards meeting the identified needs for employment land in Tunbridge Wells.

However, the concentration of such a significant proportion of the overall need in one location, on the A21 and relatively close to the borough boundary and the Tonbridge Industrial Area raises two concerns regarding the potential impact on the local highway network and competition with businesses in Tonbridge.

Therefore, TMBC would welcome working with the Borough Council, Highways England and Kent Highways to ensure that any potential adverse impacts on the highway network both in the immediate vicinity and more widely can be satisfactorily mitigated. We would also wish to ensure that the planned investments at Longfield Road and at Tonbridge are complementary rather than competitive to ensure that positive economic growth can be delivered either side of the borough boundary.

Copy and paste a further 2A/2B comment box here for each Policy you are commenting on.

COMMENTS ON THE VISION (SECTION 3)

COMMENT BOX 3

Please enter your comments on the Vision in the box below.

Please enter your comments here:

TMBC recognises the challenges facing Tunbridge Wells Borough Council (TWBC) in preparing this Plan as we share many of the same constraints, including significant areas of Green Belt and Areas of Outstanding Natural Beauty in preparing the Tonbridge and Malling Local Plan. The aim of meeting objectively assessed needs for future development within the Borough is one we both share and is welcomed.

However, the proximity of some of the major development proposals to the borough boundary and specifically, the south east of our main settlement of Tonbridge, is a matter of serious concern due to the potential impacts on the local highway network, rail services and other community infrastructure including health care and education, particularly when combined with planned developments in Tonbridge as part of our own Local Plan.

While appreciating that this is an early stage of plan making and the development strategy may be subject to change, in the event that these proposals are brought forward in later versions of the Local Plan, TMBC needs to be assured that it will be a key partner involved with future infrastructure planning and master planning of the allocations that are likely to have a significant impact on Tonbridge and surrounding settlements close to the borough boundary. This collaborative approach would have to identify and mitigate any significant adverse impacts on existing infrastructure and services, including north-south travel throughout Tonbridge and Malling and any flood mitigation measures and also those planned as part of TMBC's Local Plan.

It should be recognised that if following this process any of the new infrastructure or

mitigations identified to meet the demand arising from any of the new developments is located in Tonbridge and Malling, then developer contributions should be allocated as necessary.

Tonbridge and Malling support the proposed approach to meeting the identified needs for future development in Tunbridge Wells within the borough, subject to both authorities proactively working together to ensure all cross-boundary issues are satisfactorily addressed as part of the Local Plan process. This will contribute to the conclusion of the ongoing master planning work and delivery of any identified infrastructure to be phased with the planned development so that any potential impacts are mitigated.

COMMENTS ON THE STRATEGIC OBJECTIVES (SECTION 3)

COMMENT BOX 4

Please enter your comments on the Strategic Objectives in the box below.

Please enter your comments here:

COMMENTS ON FIGURE 4: THE KEY DIAGRAM (SECTION 4)

COMMENT BOX 5

Please enter your comments on the Key Diagram (Figure 4) in the box below.

Please enter your comments here:

COMMENTS ON A TABLE

COMMENT BOX 6

Please enter your comments on a table in the box below. Please state which table

number you are commenting on.

Table Number:

Please enter your comments here:

COMMENTS ON AN APPENDIX (Appendices 1-4)

This comment box should be used for comments on Appendices 1-4. If you are commenting on Appendices 5 or 6, please use the separate comment boxes below (Questions 8 & 9).

COMMENT BOX 7

Please enter your comments on an Appendix (Appendices 1-4) in the box below. Please state which Appendix you are commenting on.

Appendix Number:

Please enter your comments here:

COMMENTS ON TOPIC PAPERS AND OTHER SUPPORTING DOCUMENTS (APPENDIX 5)

COMMENT BOX 8

Please enter your comments on a topic paper or other supporting document in the box below. Please state which topic paper or supporting document you are commenting on.

Topic Paper or supporting document title:

Please enter your comments here:

COMMENTS ON APPENDIX 6 (SUBMITTED SITES NOT INCLUDED IN THIS DRAFT LOCAL PLAN)

COMMENT BOX 9

Please enter your comments on any sites submitted through the Call for Sites that have not been included in this Draft Local Plan. Please state the Site Number and Site Address.

Site Number and Site Address:

Please enter your comments here:

END OF COMMENT BOXES

Please note: if you wish to make comments on the Draft Sustainability Appraisal, please use the separate Sustainability Appraisal comment form

Appendix C5 - DtC engagement record between TWBC and TMBC

Duty to Cooperate engagement record for Tonbridge & Malling Borough Council (TMBC)

Meeting/ Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
31 March 2015	Tonbridge & Malling BC, Sevenoaks DC, Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, , Wealden DC, KCC TWBC Officers – Deborah Dixon, Matt Kennard, Sarah Lewis (TWBC Housing)	DtC : stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
14 May 2015	Maidstone BC (officers and Councillors), Tonbridge & Malling BC, Medway Council, Ashford BC. TWBC Officers – David Scully	DtC meeting	Green and Blue Infrastructure Strategy - for local authorities to feedback comments from previous rounds of consultation and to begin to develop an action plan for implementation
19 May 2015	Tonbridge & Malling BC TWBC Officers – Kelvin Hinton	DtC meeting	Planning Policy position of TMBC and wider West Kent area - To gain an understanding of TMBC's current work and timescales; to discuss cross-boundary issues (A21 dualling, Airports Commission, Local Sustainable Transport Fund (cycleway, schools)); Local Plan challenges - Green Belt reviews, Gypsy & Travellers, meeting Objectively Assessed Need, London effect, infrastructure, CIL / s106, viability testing, Neighbourhood Plans; Planning reform and implications for Plan Making - Right to Build, Starter Homes initiative, Gypsy & Traveller definitions
5 October 2015	Tonbridge Borough Council (Ian Bailey, Nigel De Wit), Sevenoaks District Council (Anthony Lancaster,	West Kent DtC meeting	Local Plan updates; possible Member DTC; Housing Need and Supply; Green Belt; Economic Areas; Gypsies and

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Emma Boshell) TWBC Officers – Kelvin Hinton		Travellers; Infrastructure; Viability
19 January 2016	Tonbridge & Malling BC (Ian Bailey), Ashford BC, Canterbury CC, Dover DC, Shepway Council , Thanet DC, Maidstone BC, KCC Also Environment Agency , NHS, Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting	East Kent Memorandum of Understanding: Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
4 February 2016	Tonbridge & Malling BC- Ian Bailey; Sevenoaks DC - Anthony Lancaster TWBC Officers – Kelvin Hinton, Ellouisa McGuckin	West Kent DtC meeting	1. Local Plan Timetable updates; 2. Housing Need and Supply; 3. Travellers Assessment Update; Employment Land Review Update; Strategic Flood Risk Assessment Update; Green Belt Study Update; Housing & Planning Bill + NPPF consultation (Brownfield Register, Starter Homes (Exception Sites), redefining affordable housing, housing delivery test, Plans in place by 2017 etc); 8. Wider DtC matters - relationship with other parts of the county, GIF, Members engagement
15 March 2016	Tonbridge and Malling DC -Ian Bailey, Ashford BC - Danielle Dunn, Sevenoaks DC--Emma Boshell, Maidstone BC -Sarah Anderton, Dartford BC -Tania Smith, Shepway - Matthew Nouch TWBC – Deborah Dixon	DtC meeting	Gypsies and Travellers
24 May 2016	TMBC Officers - Ian Bailey; SDC	West Kent DtC meeting	Local Plan updates

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Officers – Anthony Lancaster TWBC Officers – Kelvin Hinton, Deborah Dixon, Sharon Evans		
7 December 2016	Tonbridge & Malling BC – Louise Reid, Ian Bailey; Sevenoaks DC - Antony Lancaster, Emma Boshell TWBC Officers – Kelvin Hinton and Sharon Evans	West Kent DtC meeting	Discussion of: 1. Local Plan Updates; 2.Housing Need and Supply; 3. Employment Land Need and Supply; 4. Green Belt; 5. Gypsies and Travellers; 6. Infrastructure; 7. Any Other Business (Maidstone Local Plan Hearing; London Plan; Self Build)
15 March 2017	SDC and Arc4 TMBC, Swale BC, Gravesham BC, Dartford BC, London Borough of Bexley, Ashford BC, Tandridge DC, Medway Council, KCC, TWBC	DtC meeting	Gypsies and Travellers including presentation of assessment findings for SDC (presented by Arc4) – discussion of how all LPAs present were planning to meet their own G&T needs
5 April 2017	Tonbridge & Malling BC - Ian Bailey Sevenoaks DC - Antony Lancaster, Emma Boshell TWBC Officers – Kelvin Hinton and Sharon Evans	West Kent DtC meeting	Local Plan Updates; Key Study Issues - Green Belt, Highways, GTAA's; Housing White Paper; Brownfield Registers - new regs; Neighbourhood Plan experiences
2 August 2017	Tonbridge & Malling BC - Ian Bailey and Nigel De Wit Sevenoaks DC - Antony Lancaster, Emma Henshall, Lily Mahoney; TWBC Officers – Kelvin Hinton	West Kent DtC meeting	Local Plan Updates; Issues and Options consultations, approaches to Green Belt; GTAA's, future approach to Duty to Cooperate
23 August 2017	Tonbridge& Malling BC Sevenoaks DC, , Gravesham BC, Maidstone BC, Dartford DC, Tandridge DC, KCC Highways and Economic Development TWBC	West Kent DtC meeting	Local Plan updates, KCC strategies for transport/highways and infrastructure requirements
10 November 2017	Letter from PAS to TMBC, SDC and	PAS Statement of Common	Introductory letter on how scheme

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	TWBC	Ground Pilot Programme	works and background on SoCGs
6 December 2017	Tonbridge & Malling BC - Ian Bailey and Nigel De Wit Sevenoaks DC - Antony Lancaster TWBC Officers – Kelvin Hinton PAS – Steve Barker	DtC Meeting including PAS discussion	Steve Barker (PAS) - discussion of proposals for West Kent to become a Statement of Duty to Cooperate Pilot Local Plan Updates; Issues and Options consultations, approaches to Green Belt; GTAA's, future approach to Duty to Cooperate. Possible Statement of Common Ground PAS Pilot
10 January 2018	Tonbridge & Malling BC - Ian Bailey, Louise Reid, Cllr Rodgers TWBC – Cllr A McDermott, Kelvin Hinton, Stephen Baughen	DtC meeting (TMBC and TWBC only) with Portfolio Holder Members	Local Plan Updates; Issues and Options consultations, approaches to Green Belt; GTAA's, future approach to Duty to Cooperate. Statement of Common Ground PAS Pilot
22 January 2018 (TMBC Offices)	Tonbridge & Malling BC - Ian Bailey, Nigel De Wit; Sevenoaks DC – Emma Henshall TWBC Officers – Kelvin Hinton, Sharon Evans	DtC meeting	PAS Pilot SoCG meeting: Facilitation Process; who will do what; update on any progress/meetings/agreements; update on emerging Local Plans; drafting a timetable to produce SoCG
12 February 2018	Tonbridge & Malling BC - Ian Bailey; Sevenoaks DC – Emma Henshall TWBC Officers – Stephen Baughen IPE facilitator – Sue Turner	DtC meeting	SoCG Pilot Programme (via facetime) Relationship with other SoCGs also discussed including the Ashdown Forest
13 March 2018	Tonbridge & Malling BC - Ian Bailey and Jill Peet, Sevenoaks DC – Helen French, , Canterbury CC - Shelley Rouse, Maidstone BC - Sarah Lee, Ashford BC - Helen Garnett, Dover	Meeting re Gypsy and Travellers	Update on LPA status of GTAAs, Planning policies, Transit sites

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	DC, Dartford BC - Tania Smith, Medway Council - Tom Gilbert, Thanet DC - Jo Wadey, Swale BC - Alan Best and Aaron Wilkinson TWBC – Michael Hammacott		
14 March 2018	TMBC SDC TWBC	DtC meeting	SoCG Pilot Programme one of three pilot meetings): <ul style="list-style-type: none"> • Implications of publication of revised NPPF • How to deal with cross referencing of overlapping SoCGs • Breadth of participants – balance between effectiveness and complexity • Risks • Governance • Triggers for reviewing the SoCG (agreed should be stated in the draft)
11 September 2018	Tonbridge & Malling BC - Ian Bailey; Sevenoaks DC - Hannah Gooden, Emma Henshall, TWBC Officer – Stephen Baughen	West Kent DtC meeting	Local Plan Updates, Ashdown Forest, West Kent SoCG
14 December 2018	Tonbridge & Malling BC - Bart Wren & Nigel DeWit TWBC Officers – Stephen Baughen, Sharon Evans	DtC meeting	Local Plan updates Cross boundary infrastructure issues relating to major/strategic development sites close to common boundary TWBC indicated could meet their own OAN Preparation of SoCG

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
December 2018	Officers and Members of TWBC/Tonbridge and Malling BC and Sevenoaks DC	DtC meeting	Employment: <ul style="list-style-type: none"> • General update on Local Plan progress and approach to ED • Retail • Use of article 4 directions • Rural employment opportunities • Local Plan updates
10 June 2019	Tonbridge & Malling BC - Bart Wren and Nigel De Wit	DtC meeting	Local Plan updates. Agreed cross boundary issues: transport, flooding and town centre impact and that TWBC will lead on SoCG
19 September 2019	Eleanor Hoyle - Director of Health and Planning, Tonbridge and Malling Borough Council Louise Reid – Head of Planning – Tonbridge and Malling Louise Rowe – Kent County Council Highways – for Tonbridge and Malling and Sevenoaks area Nick Abrahams – KCC West Kent Education Officer Vicky Hubert – KCC Highways – for Tunbridge Wells Borough Council area Steve Baughen –TWBC Hilary Smith – TWBC Sharon Evans - TWBC	DtC meeting	Local Plan Updates Education needs and travel Patterns Health Flood risk
18 May 2020	SDC – James Gleave, Hannah Gooden TMBC – Ian Bailey and Bart Wren TWBC- Stephen Baughen, Sharon Evans and Hannah Young	West Kent DtC meeting	Updates on : Local Plans, Housing – including discussion about unmet need, Employment, AONB, Infrastructure, Strategic Sites, Gypsies and Travellers, approach to future DtC meetings and

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			SoCGs
6 October 2020	TWBC – Stephen Baughen	DtC correspondence	TWBC formal request to TMBC to meet unmet TWBC housing/employment need
14 October 2020	TMBC - Ian Bailey TWBC – Stephen Baughen	DtC correspondence	TMBC response to formal request to meet unmet TWBC housing/employment need
8 February 2021	TWBC – Stephen Baughen to TMBC	DtC email correspondence	Draft SoCG sent for TMBC to review (still awaiting sign off)
5 March 2021	TMBC- Ian Bailey TWBC – Stephen Baughen, Hannah Young, Hilary Smith	DtC Meeting	Local Plan updates; Tudeley site allocation; highway modelling; cycling and walking infrastructure; other infrastructure; SoCG

Appendix D – Maidstone Borough Council (MBC)

Appendix D1: TWBC response to
MBC Regulation 19 consultation
March 2016



Comment Receipt

Event Name	Maidstone Borough Local Plan Publication (Regulation 19) February 2016
Comment by	Tunbridge Wells Borough Council (Mr Adrian Tofts)
Comment ID	R19
Response Date	18/03/16 15:35
Consultation Point	Maidstone Borough Local Plan - Publication (Regulation 19) February 2016 (Web Version) (View)
Status	Draft
Submission Type	Web
Version	0.1

Question 1

Do you consider that the Local Plan is legally compliant? Yes

Please give reasons for your answer to Question 1.

Please see answer to question 2.

Question 2

Do you consider the Local Plan is compliant with the Duty to Cooperate? Yes

Please give reasons for your answer to Question 2.

Tunbridge Wells Borough Council notes that the Maidstone Local Plan strategy aims to meet its objectively assessed need for housing within the borough and supports this approach and objective. It is also noted that the location of proposed development is based mainly in urban areas, with two broad concentrations to the northwest and south east of Maidstone borough. Adjoining to the south west of Maidstone borough, Tunbridge Wells Borough Council notes the nearest allocations to Tunbridge Wells borough are primarily in Marden and Staplehurst. Based on the presented strategy and, having considered potential cross boundary issues, Tunbridge Wells Borough Council has no comments to make. Tunbridge Wells Borough Council welcomes the opportunity to continue to engage with Maidstone Borough Council, as part of the Duty to Cooperate, on cross boundary issues and as detailed site development proposals come forward.

Question 3

In your opinion, is the Local Plan positively prepared? Yes

Please give reasons for your answer to Question 3.

Please see answer to question 2.

Question 4

In your opinion, is the Local Plan justified? Yes

Please give reasons for your answer to Question 4.

Please see answer to question 2.

Question 5

In your opinion, is the Local Plan effective? Yes

Please give reasons for your answer for Question 5.

Please see answer to question 2.

Question 6

In your opinion, is the Local Plan consistent with national policy? Yes

Please give reasons for your answer to Question 6.

Please see answer to question 2.

Appendix D2: TWBC response to Main Modifications to MBC Local Plan May 2017



Spatial Policy,
Maidstone Borough Council,
Maidstone House, King Street,
Maidstone,
Kent
ME15 6JQ.

Please ask for: Kelvin Hinton

Extension: 2112

Email: kelvin.hinton@tunbridgewells.gov.uk

Date: 19 May 2017

Tel: 01892 554212

Dear Sirs

Maidstone Borough Local Plan
Main Modifications Consultation

Tunbridge Wells Borough Council welcomes the opportunity to continue to engage with Maidstone Borough Council as part of the Duty to Cooperate, and to have the opportunity to comment on the proposed modifications to the draft Maidstone Borough Local Plan.

Tunbridge Wells Borough Council does not have detailed comments to make on the proposed modifications but notes specifically modification number MM60 relating to a review of the Local Plan, to be adopted by the target date of April 2021.

Given this modification brings the review of your Local Plan forward the opportunity is being taken to confirm that this Council is in the early stages of preparing a new Local Plan for Tunbridge Wells and has recently commenced a Regulation 18 Issues and Options consultation. The envisaged preparation of our Local Plan has an adoption target timescale of spring 2019.

The Council will continue assessing the development capacity and constraints within Tunbridge Wells borough as part of our plan preparation and will wish to continue to engage in further discussions with neighbouring authorities, including Maidstone Borough, to address strategic, cross-boundary issues and to review the ability of each authority to accommodate its own identified levels of development need.

Whilst recognising that both Councils current new Local Plan preparations are at different stages, and that in the case of Tunbridge Wells Borough Council a draft plan that identifies a housing target against OAN has yet to be prepared, it is considered that there is still merit in holding regular discussions regarding the specific circumstances relating to our respective boroughs and the ability for us to accommodate our own identified levels of development need, both in regard to this Council's current Plan preparation and your Councils future review.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K P Hinton'.

Kelvin Hinton
Planning Policy Manager

Town Hall Royal Tunbridge Wells Kent TN1 1RS

switchboard 01892 526121 SMS (text) 07870 526121

DX 3929 Tunbridge Wells website www.tunbridgewells.gov.uk

Appendix D3: TWBC response to
MBC – Local Plan review –
Scoping, Themes and Issues public
consultation 2019



Comments

Local Plan Review - Scoping, Themes & Issues Public Consultation 2019 (19/07/19 to 30/09/19)

Comment by	Tunbridge Wells Borough Council (Planning Policy - 104211)
Comment ID	75
Response Date	30/09/19 14:07
Consultation Point	Local Plan Review - Scoping, Themes and Issues (View)
Status	Submitted
Submission Type	Web
Version	0.1

TQ1 What do you think should be the end date for the Local Plan Review? Why?

Please note: the introductory remarks have been entered here as there is not a general comments box.

Introductory remarks

Please find attached comments on behalf of Tunbridge Wells Borough Council (TWBC) in response to the above consultation.

MBC's consultation at this point, which will inform the direction of travel of its strategy, is welcomed. Indeed, while it can be difficult to engage at the current "high level", the consultation documents, with a useful Summary Document, are found to be clear and well written. The links to MBC's corporate Strategic Plan are regarded as a strong feature.

It should be noted that, at this early stage in plan-making, these are initial officer comments, reflective of TWBC's current and emerging Local Plan approach.

Comments are provided only in relation to the strategic issues, and questions, raised in the Technical Document. Furthermore, TWBC acknowledges the ongoing cooperation on cross-boundary strategic matters to date, that proposed to be undertaken on a three-way basis between TWBC, MBC and Tonbridge & Malling Borough Council, as well as the shared commitment to this as both Councils' Local Plans progress.

TQ1 – What do you think should be the end date for the Local Plan Review? Why?

It is noted that the Technical Document refers to an end date of at least 2037, as well as stating (on p16) that evidence will be gathered for the period up to 2042.

An end date of 2037 is only a year different from the end-date of the TWBC Draft Local Plan (2036), which may be helpful in preparing complementary evidence and for infrastructure planning. It would nonetheless be reasonable to consider a longer timeframe for any new settlement, if this were proposed.

It should be noted that the TWBC Draft Local Plan (currently out to consultation) proposes sufficient sites to meet its own housing need up to 2036. However, achieving this level of growth (which is more than double that currently planned) is highlighting tensions between key local and national housing

and environmental imperatives. These are most evident in relation to the identification of new and expanded settlements in the Green Belt, as well as of major developments in the High Weald AONB.

TWBC clearly feels, on the basis of available evidence, that it is able to strike a sustainable balance with regard to these objectives to meet housing needs up to 2036. Aside from the necessary consideration of responses to the consultation, including from the Government's environmental agencies, work to date certainly implies that TWBC may well not be able to meet its own housing needs over a longer timeframe without significant impacts on these national environmental designations.

As MBC will be well aware, the NPPF expects a plan period of at least 15 years from the date of adoption, as well as a review at least every five years.

TQ2 Have we identified the correct cross boundary issues? Please give reasons for your answer.

TQ2 – Have we identified the correct cross boundary issues? Please give reasons for your answer.

Strategic issues, drawing on the NPPF and applied locally, as set out in the table on p19, appear comprehensive. Perhaps one additional issue is that of water supply (and related water usage), given that the wider region is a 'water stress area'.

References to TWBC are reasonable, as a neighbouring authority. TWBC would welcome continuing engagement, particularly in relation to the definition of functional economic market areas, as well as housing market areas and retail catchments. Major transport and other infrastructure schemes (including flood risk management) may also be of common interest, particularly around Paddock Wood and in relation to rail capacity on the Ashford – Tonbridge line/

TQ3 How do you think the council can achieve a consistent annual rate of housebuilding throughout the Local Plan Review period?

TQ3 - How do you think the council can achieve a consistent annual rate of housebuilding throughout the Local Plan Review period?

MBC clearly benefits from having a relatively recent Local Plan to provide a supply of sites at least for the short-medium term.

It is sensible, as is proposed in the table on p25, to make allowance for some sites not being built out at the rate expected, or stalled completely. For clarification, this informs the overall number of dwellings to be identified, rather than the actual housing requirement itself.

TQ4 Have we identified all the possible types of housing sites?

TQ4 – Have we identified all the possible types of housing sites?

It is noted that consideration is being given to a new garden settlement. TWBC is proposing a garden village, at Tudeley, west of Paddock Wood, as well as the substantial expansion of Paddock Wood itself (including on land in the adjacent parish – Capel) on garden settlement principles. We would be happy to share learning on developing and implementing such proposals, as well as continuing to liaise on the specifics of this emerging proposal.

Appendix D4: TWBC response to MBC Gypsy and Traveller consultation May 2020

Maidstone Borough Council

Gypsy and Traveller Accommodation Assessment (GTAA)

Neighbouring Authorities Topic Guide

Introduction

Thank for participation

Stress anonymity and confidentiality explain that you will be referred to within the report as a council representative and a summary of what you say will be reported – no verbatim comments will be used.

Request permission to record interview

Explain

I have been asked by Maidstone Borough Council to invite you to participate in a telephone interview in relation to their respective Gypsy and Traveller Accommodation Assessment 2019.

My name is XXXX and I am a researcher at Opinion Research Services. We are an independent social research company with experience of conducting Accommodation Needs Assessments.

The local authorities have commissioned ORS to undertake the Accommodation Assessment so that they can establish whether the accommodation in their areas meets the current and future needs of the Gypsy, Traveller and Travelling Showpeople communities.

Your cooperation on this matter as a representative of your organisation is appreciated, which will help to ensure the study is as robust as possible.

Free to express both positives and negatives.

About You:

- 1) Name **Deborah Dixon**
 - a) What is your job title/department? **Principal Planning Officer, TWBC**
 - b) What dealings/relationships do you have with Gypsies & Travellers and Travelling Showpeople in the course of your job? **Lead Planning Policy Officer for this policy area**

Background

- 2) Since the last GTAA, what has your local authority done to meet the need of:
 - a) Gypsies and Travellers?
 - c) Travelling Showpeople?

TWBC Response

TWBC GTAA 2018 has been prepared to support the preparation of the draft TWBC Local Plan

https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0003/291936/6C61B52DA81326C7E0531401A8C0A945_Gypsy_and_Traveller_Accommodation_Assessment_2018.pdf

The TWBC GTAA 2018 identified a need (as at January 2018) for 32 additional pitches. Since then the Council has granted planning consent for four additional pitches.

- a) The GTAA recommended that the most appropriate way of meeting the need for additional pitches, which stems from the growth of existing families, should largely be through the intensification and/or expansion of existing sites. However, it cautioned that for some sites this may not be appropriate, including where the expansion or intensification of a site may result in a site that is considered to be too large.
- b) The GTAA also advised that further capacity could also be met by granting full planning permission to occupiers residing on sites with temporary planning permission and also by reviewing appeal decisions.
Further work subsequently carried out by the Council suggests the need can be met through intensification/expansion of existing sites plus the delivery of four pitches through site allocations in the draft Local Plan.
- c) This approach is supported by a criteria based planning DM policy (Policy H13 Gypsies and Travellers in the Reg 18 draft Local Plan)
https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0015/300606/Consultation-Draft-Local-Plan.pdf).
- d) In relation to travelling showpeople, as there are no known sites/plots in the borough, nor any travelling showpeople who have registered an interest in moving into the area, no need for such plots was identified by the GTAA.

Current Accommodation Provision

- 3) Could you tell me what provision there is for Gypsies and Travellers and Travelling Show people in the local authority area?
 - a) How well does this provision meet the needs of Travellers living in your area?
 - b) Are you aware of any overcrowding/concealed households?

- c) Are you aware of unauthorised encampments/tolerated sites/temporary permissions?
- d) Do you feel there are a lack of/sufficient amount of site accommodation? Please explain

TWBC Response to the above questions

Note – the issues raised by parts b) and c) have been dealt with as part of the preparation of the GTAA

Link to most recent Caravan Count figures published by central government (as at May 2020) relate to the January 2019 count <https://www.gov.uk/government/statistics/traveller-caravan-count-January-2019> showing a total of 82 caravans (on a total of 24 sites).

Internal TWBC records show a total of 79 caravans in July 2019 (on a total of 24 sites). The majority of G&T sites in the borough are private, family owned ones. There are also two relatively small publically owned sites, one run by the Borough Council (Cinderhill) and one by KCC (Heartenoak).

(January 2020 figures will be sent separately)

Analysis of the capacity that could be delivered through expansion/intensification of existing sites, regularisation of unauthorised sites and the potential capacity from site allocation policies in the draft TWBC Local Plan indicates that the number of additional pitches required to meet need as calculated in the GTAA 2018 will be met within the Plan period.

Bricks and Mortar Contacts

- 4) What is your area doing to meet the needs of Gypsies and Travellers and Travelling Showpeople who live in bricks and mortar?

TWBC Response: The GTAA 2018 identified the main drivers need for additional pitches are from newly forming families, families residing on overcrowded pitches, and psychological aversion of households living in bricks and mortar accommodation.

Any need generated by existing accommodation that is overcrowded or unsuitable ('unsuitable' in this context can include unsuitability by virtue of a person's cultural preference not to live in bricks-and-mortar accommodation) has been taken into account by the GTAA when assessing the overall need for additional pitches in the borough.

Short-term Roadside Encampments and Transit Provision

- 5) Thinking about Gypsies and Travellers in transit or moving through the area:
 - a) Are you aware of any short-term unauthorised encampments which occur in your area?

TWBC Response: Over the last 5 years, there has been an average of 6 unauthorised encampments/year. These are generally small encampments of short duration.

- b) Why do these occur? [**Interviewer probe for:** seasonal; employment opportunities; visiting families; shortage of permanent sites in the area/other neighbouring areas]
- c) How does your area meet their needs? [**Interviewer probe for:** transit provision public/private; agreed stopping places; move them on]
- d) Are there any locations/stopping places which are favoured by Travellers? [**Interviewer probe for:** Why do you think these are chosen]
- e) Do you feel your area should be providing transit provision? [**Interviewer probe for:** what type (public, seasonal, stopping places; benefits and disadvantages)].

TWBC Response to above questions: In terms of transit site provision, relative to other neighbouring local authorities, the borough has a relatively lower need for transit provision (including for visitors). It is understood that most unauthorised encampments have been due to specific family events (for example, funerals or weddings). The relatively low occurrence of unauthorised encampments suggests that there is not enough demand to warrant a transit site in the borough. The TWBC GTAA did not identify a specific transit site need, but suggested a 'negotiated stopping places' policy

There is therefore a lack of clear evidence warranting allocation of a transit site in the borough, but further work is needed on a corporate policy in relation to unauthorised sites, as well as liaison with neighbouring authorities on such provision in central/west Kent.

Cross-Boundary Issues

As you will be aware, the Localism Act 2011 places a duty to co-operate in planning matters on local authorities; therefore, we are also speaking with neighbouring Boroughs to understand if there are any cross border issues which your area will need to consider when making decisions around the potential allocation of land for new pitches and/or plots.

- 6) Are you aware of any cross-border issues in relation to neighbouring Local Authorities?
 - a) How well do you feel that neighbouring local authorities are meeting their own need? [**Interviewer probe for:** Examples; Does this affect your area?]
 - b) Are you aware of any cross-border/joint working? [**Interviewer probe for:** could this be improved; examples of best practice]
 - c) Do you feel that **your area** is complying with the Duty to Cooperate? [Interviewer probe for examples]
 - d) Do you feel that **neighbouring Boroughs** are complying with the Duty to Cooperate? [Interviewer probe for examples]

TWBC Response:

Preparation of the GTAA 2018 included consultations with a range of stakeholders to provide in-depth qualitative information about the accommodation needs of Gypsies, Travellers, and Showpeople. The aim of the consultation was to obtain both an overall perspective on issues facing

these groups, and an understanding of local issues that are specific to the study area. This included District and County Council officers with responsibility for Gypsy and Traveller issues (including planning officers, housing officers, education, and enforcement officers), elected members, planning agents, police, and health services. A detailed analysis of the GTAs covering neighbouring authorities, including those in East Sussex, was included as part of the GTAA study.

Gypsy and Traveller issues are a standing item on the regular Duty to cooperate meetings that TWBC officers hold with neighbouring local authorities. Gypsy and Traveller issues are similarly discussed through Kent PPF (a regular meeting of planning officers).

We are not aware of neighbouring authorities being unable to meet their Gypsy and Traveller needs and no representations were made to the recent Reg 18 consultation on the Local Plan identifying any such need.

Response to (c) and (d) – same as above response

Future Priorities and Any Further Issues

- 7) What should your area prioritise in the Future? No comments
- 8) Are there any further issues you would like to discuss? none

THANK YOU FOR YOUR TIME

Appendix D5: TWBC additional response to MBC Gypsy and Traveller consultation May 2020

Tunbridge Wells Borough Council Borough Council

With regard to **overall accommodation need** in Tunbridge Wells Tonbridge, the views of the officer interviewed were as follows:

- » The last GTAA (2018) identified a need for 32 additional pitches. Since then the Council has granted planning consent for 4 additional pitches.
- » The GTAA recommended that the most appropriate way of meeting the need for additional pitches, which stems from the growth of existing families, should largely be through the intensification and/or expansion of existing sites. However, it cautioned that for some sites this may not be appropriate. The GTAA also advised that further capacity could also be met by granting full planning permission to occupiers residing on sites with temporary planning permission and also by reviewing appeal decisions.
- » Over the last five years, there has been an average of 6 unauthorised encampments/year. These are generally small encampments of short duration. It is understood that most unauthorised encampments have been due to specific family events (i.e. funerals and/or weddings). The 2018 GTAA did not identify a specific transit site need but suggested a 'negotiated stopping places' policy.

With regard to the subject of **cross border issues and the Duty to Cooperate**, the views of the officer interviewed were as follows:

- » No specific cross-border issues with neighbouring authorities were identified.
- » With regard to cross-border joint-working ventures, preparation of the Tunbridge Wells 2018 GTAA included consultations with a range of stakeholders from neighbouring authorities. Gypsy and Traveller issues are similarly discussed on a regular basis through the Kent Planning Policy Officer's Forum (KPPOF).
- » Gypsy and Traveller issues are a standing item on the regular Duty to cooperate meetings that Tunbridge Wells officers hold with neighbouring local authorities. No awareness was identified of any parties not meeting the Duty to Cooperate.

Appendix D6: TWBC response to
MBC Local Plan Regulations 18b
Preferred Approaches December
2020



Planning Policy Team
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Please ask for: Stephen Baughen

Tel: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 22 December 2020

Dear Sir/Madam

Maidstone Borough Council Local Plan Regulation 18b Preferred Approaches

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Maidstone Borough Council (MBC) as part of the Local Plan Regulation 18b Consultation 2020. TWBC has considered the consultation document and wishes to make the following comments relating to cross-boundary infrastructure matters and the proposed site allocation number LPRSA273 Land Between Maidstone Road and Whetsted Road.

TWBC is pleased that MBC is seeking to identify and allocate sufficient sites to meet its own Local Housing Need.

TWBC notes that there is nothing of a strategic nature significantly close to the borough boundary. It is recognised however, that the development proposed at Headcorn, Marden, Staplehurst and Yalding is likely to have an inter-relationship with the more northerly settlements in Tunbridge Wells borough, including Paddock Wood, Frittenden, Horsmonden and further afield Cranbrook. Given the close proximity of these MBC growth areas it is considered there could be increased pressures on infrastructure provision, such as highways, education, and health provision, which could have implications for the settlements with the Tunbridge Wells borough. TWBC therefore encourages continued and ongoing dialogue through regular Duty to Cooperate discussions.

TWBC acknowledges the key cross-boundary issues between both Councils which are presented in Table 3.2 of the consultation document. These relate to flood risk matters, transport infrastructure, protection of landscape and biodiversity, and also the sufficient provision of health and education facilities. It is critical that a close dialogue is continued between the two Councils through Duty to Cooperate meetings, and also with Kent County Council and the West Kent Clinical Commission Group on the provision of health, education, and flooding matters. This is so that any necessary infrastructure, the need for which arises as a consequence of the planned growth can be properly planned for within the MBC Local Plan review.

In relation to paragraph 3.16 of the consultation document, please note that the plan period for the TWBC Pre-Submission Local Plan has been extended to cover the period to 2038.

In relation to your emerging employment allocation at Maidstone Road/ Whetsted Road (LPRSA273), you will be aware from discussions undertaken during Duty to Cooperate and Strategic Site Working Group (SSWG) meetings, that the first stage of our masterplanning work for the growth around Paddock Wood (including land in Capel), undertaken by David Lock Associates,

is almost complete. This recommends that the land between Whetsted and Maidstone Road is bought forward as a dual-purpose leisure, recreation and flood mitigation wetland and open space area to respond to wider flood and drainage matters and mitigation in the area. The employment growth as part of this strategic growth site sees the existing Key Employment Area to the north of Paddock Wood expand around Lucks Lane and to the east of Transfesa Way. Following a review of the responses received as part of this consultation, if MBC is still seeking to proceed with employment uses on this site we would recommend this is considered in light of the Masterplanning work being undertaken for land around Paddock Wood and further discussions take place with both ourselves and the Environment Agency and KCC as the Lead Local Flood Authority.

In summary, based on the strategy presented in the consultation document and most particularly MBC's identified housing and employment development needs, as well as the suggested location and distribution of development and the detailed requirements of the policies outlined above (including in relation to transport and infrastructure), it is considered there would be no overall significant effect on Tunbridge Wells borough. Continued engagement will be required to address cross boundary infrastructure requirements relating to growth.

TWBC has no comments to make in respect of the Sustainability Appraisal and the Habitat Regulations Assessment which support and form part of this consultation document.

As you will be aware from our regular liaison and Duty to Cooperate meetings, TWBC is currently preparing its Pre-Submission Local Plan document ready for Regulation 19 consultation in March/April 2021. We will continue to discuss and engage with MBC ahead of this, including in terms of cross boundary issues such as infrastructure provision and flood risk, and will formally consult MBC when the plan progresses to this stage.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely

A handwritten signature in black ink, appearing to read "S. Baughen". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Stephen Baughen
Head of Planning Services

Appendix D7: MBC Response to TWBC Issues and Options Consultation 2017

Maidstone Borough Council

Alison Broom
Chief Executive

Maidstone House
King Street
Maidstone ME15 6JQ
t 01622 602000
w www.digitalmaidstone.co.uk
minicom 01622 602224

Mr K Hinton
Planning Policy
Planning Services
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent
TN1 1RS

(BY EMAIL: planning.policy@tunbridgewells.gov.uk)

Date: 31st May 2017

Dear Mr Hinton

Tunbridge Wells Borough Local Plan: Issues & Options Consultation & draft Landscape Character Assessment SPD

Thank you for consulting Maidstone Borough Council on the above documents.

The responses below are officer level comments, submitted in order to meet the consultation deadline of 12th June. This response will be considered by my council's Strategic Planning, Sustainability and Transportation Committee on 13th June. Following this meeting I will write to confirm if there are any adjustments to this response as a result of the Committee's consideration.

Issues & Options document

Question 1 re Draft Vision

The proposed Local Plan Vision commences with the statement that 'in 2033 Tunbridge Wells Borough Council will have delivered development to meet its local needs in a sustainable way'. In response, this reference to local needs is on the face of it contrary to the National Planning Policy Framework and the National Planning Practice Guidance and is therefore the wrong starting point for the Plan. It is considered that the Plan's objective should be to meet all of the borough's development needs (where this is consistent with national policy) and not be limited

to 'local' needs, however this is to be defined. For housing, the NPPF explicitly requires local planning authorities to take account of migration when identifying the amount of housing needed (paragraph 157) and not to limit requirements to natural growth only. Similarly Local Plans are required to plan for anticipated economic inward investment and new and emerging business sectors which may locate in an area (paragraph 21), emphasising that development needs may go beyond those generated by existing local businesses.

The reference to local needs should be omitted from the draft Vision.

Question 5 Draft Strategic Objectives.

Draft Objective 4 is 'To provide high quality housing: to deliver the Local Plan's housing requirements, to include a range of housing types to meet local needs.' The NPPF does not support limiting provision to local needs, instead directing that a mix of housing should reflect demographic and market trends (which would include migration) and the needs of specific groups (paragraph 50).

The reference to local needs should be omitted from the draft Strategic Objectives.

Q6e/f – Main housing issues affecting the borough

As drafted, this section does not mention the requirement to provide for the specific accommodation needs of Gypsies and Travellers in the borough. Whilst Tunbridge Wells borough is understood to have a relatively small established population of Gypsies, Travellers and Travelling Showpeople, making planned provision for this community is an issue that must be considered and addressed through the Local Plan, drawing on an up to date assessment of needs. There may also be a need to make specific site allocations in the Plan as a result.

Q7 Cross boundary strategic planning

The consultation document lists some examples of potential cross-boundary strategic planning issues, the first being 'how the growth and development needs of the wider area can be accommodated'.

Consultation on proposed Main Modifications to the Maidstone Borough Local Plan has recently closed. Subject to the findings of the Local Plan Inspector in his final report, the Local Plan will provide for this borough's development needs for housing, employment, retail and Gypsy & Traveller needs up to 2031. A planned review of the Plan to be adopted by April 2021 will, amongst other things, reinforce the housing land supply position for the post 2026 period and, potentially, roll the end date of the Plan forward.

Maidstone Borough Council

Based on the work to date, the Issues & Options consultation document states that “the Council may face significant challenges in seeking to provide for the borough's relevant level of development need in the light of very significant landscape, environmental and infrastructure constraints” (paragraph 5.4). The document goes on to state that “the starting point is to meet the identified level of development needs in full, unless there are good planning reasons why this is not sustainable; for example, because of development constraints” (paragraph 5.17). Section 1 of the document identifies such potential constraints as including infrastructure capacity, highway capacity and congestion, landscape sensitivity, flooding and the nature of the existing built environment. It is understood that this draws on the council's Development Constraints Study 2016 which provides a factual overview of the geographical location of environmental, transport and Green Belt constraints but does not, as yet, reach conclusions on the development capacity of the borough.

Clearly this is a relatively early stage in the Plan making process and significant relevant studies are yet to be completed, in particular highways modelling, a Green Belt Review and further infrastructure capacity work.

As well as the identification of constraints, the work done to explore how such constraints can be overcome is likely to prove crucial. This accords with the NPPF requirement that Local Plans' starting point is to meet identified needs in full and not be limited to an assessment of local requirements. A pro-active and iterative approach which explicitly tries to address constraints is likely to be strongly linked to the demonstration that the Local Plan has been positively prepared.

Only if it is adequately demonstrated, through evidence and positive planning, that needs cannot be met in full should the scope for provision in other authority areas be explored. With respect to housing, the relevant geographical area is the housing market area (NPPF paragraph 47). The Sevenoaks and Tunbridge Wells SHMA (2015) identifies a single HMA covering Sevenoaks, Tunbridge Wells, Tonbridge and Crowborough (in East Sussex). The SHMA advises that in the event of an unmet need it would be appropriate to approach the authorities which share the HMA (in whole or in part) namely Sevenoaks, Tonbridge & Malling, Wealden and Rother. In the event of a proven unmet need, MBC would therefore expect opportunities to be fully explored in these authority areas as the priority.

In a similar vein, the Tunbridge Wells Economic Study (2016) concludes that Tunbridge Wells borough shares a functional economic market area with Sevenoaks District and Tonbridge & Malling borough, reflecting, in particular, the pattern of

Maidstone Borough Council

strongest commuting flows. These are the authorities with which Tunbridge Wells borough has the strongest economic links where any unmet needs should most appropriately be directed.

A further strategic issue identified in the consultation document is transport connections with Maidstone.

The principal road connections between the boroughs are A26 which connects Maidstone and Tunbridge Wells and A229 (Cranbrook/Staplehurst and then Maidstone). In respect of rail links, the Tonbridge to Ashford line connects Paddock Wood with the settlements of Marden, Staplehurst and Headcorn. Rail connections between Royal Tunbridge Wells and Maidstone town are indirect, requiring changes at both Tonbridge (Tonbridge - Hastings line) and Paddock Wood to reach Maidstone West via the Medway Valley Line.

As noted above, commuting patterns for Tunbridge Wells are strongest with Tonbridge & Malling, Sevenoaks and London whereas for Maidstone borough commuting flows are greatest with Tonbridge & Malling and London and Medway. The scale of commuting between Maidstone and Tunbridge Wells borough is, relative to other areas, less significant.

This understood, proposals which could upgrade transport connections, and specifically public transport services, between the boroughs would be welcome in principle. MBC would therefore request further clarification and discussion on this subject area as part of the Duty to Co-operate between the two authorities.

Landscape Character Area Assessment SPD

Section 7 of the document identifies that landscape character does not stop at administrative boundaries and that the assessment aims to join up with the equivalent studies in neighbouring areas. For Maidstone borough it is the 'Maidstone Landscape Character Assessment' (March 2012) to which the assessment's authors should have regard.

I hope these comments are helpful and I look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the Duty to Co-operate as your Local Plan progresses.

Maidstone Borough Council

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Egerton', is centered below the text 'Yours sincerely,'.

Mark Egerton
Planning Policy Manager




P:\TUNBRIDGE WELLS LOCAL PLAN 2033\Response to TWBC June 2017.docx

Appendix D8: MBC Response to TWBC Regulation 18 Consultation 2019

Local Plan
Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
TN1 1RS

Maidstone Borough Council

Maidstone House,
King Street,
Maidstone, Kent ME15 6JQ

 maidstone.gov.uk
 [maidstonebc](https://twitter.com/maidstonebc)
 [maidstoneboroughcouncil](https://www.facebook.com/maidstoneboroughcouncil)

(BY EMAIL: localplan@tunbridgewells.gov.uk)

Date: 15 November 2019

Tunbridge Wells Borough draft Local Plan 2016-2036: Regulation 18 consultation

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). The responses below are officer-level comments, submitted ahead of the extended consultation deadline of 5pm, 15 November 2019.

Duty to cooperate

The Localism Act 2011 places a legal duty on planning authorities to engage constructively, actively, and on an ongoing basis, to ensure the effectiveness of Local Plan preparation in relation to strategic, cross-boundary issues. Effective and on-going joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy. MBC formally responded to Tunbridge Wells Borough Council's (TWBC) previous Local Plan consultation in 2017 and has continued to be informed of, and involved in, the preparation of the most recent draft Local Plan (the subject of this formal consultation) through regular officer-level meetings. This includes meetings to consider the proposed larger settlements/garden communities. MBC therefore considers that the duty to cooperate in plan-making between the two authorities is working successfully to date.

Strategic issues

The draft Local Plan is extensive and comprehensive, containing the spatial strategy for the borough, strategic and development management policies, land allocations and policies maps. As a neighbouring planning authority, MBC's primary focus is matters of a strategic, cross-boundary nature and as such this forms the basis of our comments.

Housing

The proposed spatial strategy is one of a dispersed growth approach, with site allocations in the majority of the settlements across the borough. In addition, proposals are included for a new garden settlement in Tudeley and the transformational expansion of Capel and Paddock

Wood. This 'transformational expansion' is directly to the south of MBC's administrative boundary and therefore has the greatest potential effect on Maidstone Borough. The matter will be discussed further under the heading Policy STR/PW 1, below.

The objectively assessed need (OAN) for housing in the borough over the plan period is identified as 13,560 new dwellings to 2036. MBC recognises that the draft TWBLP proposes to fully meet this identified need over the plan period, and that at this stage TWBC are therefore not expecting any other authorities, including MBC, to accommodate any unmet need. This approach is fully supported. Similarly, MBC acknowledges the indication in the draft TWBLP that there is limited ability for TWBC to meet any unmet housing needs from other councils. MBC is at an early stage in our own Local Plan Review (LPR) process and will progress on the basis of seeking to meet our own OAN for housing without the need to seek to accommodate any unmet need from TWBC. As with all strategic matters, this shall be kept under review through regular and ongoing communications between the two authorities under the duty to cooperate.

Employment

The TWBLP strategy for employment growth is based on the outcomes of the Sevenoaks and Tunbridge Wells Economic Needs Study (2016), which includes the target of at least 14 hectares of new employment land allocations. This allocation is to be reviewed as part of the preparation of the Regulation 19 pre-submission TWBLP. MBC is fully supportive of this review approach as it reduces the risk of basing land allocations on evidence data that would be five, possibly even six years old at the time of submission and potentially 'out of date'. It ensures that, as far as possible, the most accurate amount of land is allocated for employment uses based on the most up to date evidence at the point of submission.

The strategy to meet employment needs through allocations at, and extensions of, the defined Key Employment Areas (KEAs), particularly in proximity to the A21 Growth Corridor appears to be a logical and sensible approach. The expansion of the KEA around Maidstone Road and Paddock Wood is supported in principle and may well offer opportunities for residents and businesses particularly in the south of Maidstone to utilise the planned employment offering. MBC would request to be kept informed of the proposed make up of B1/B2/B8 employment uses as they become clearer throughout the masterplanning process specifically at Paddock Wood.

Retail

The proposed retail strategy is based on the 2017 Retail and Leisure Study, which projects the retail forecast forwards to 2033. MBC supports the approach to allocate retail floorspace for the first ten years of the plan period and to review this after five years, in line with the NPPF requirements. This is a particularly sensible approach given the current uncertainties surrounding the retail industry, and the difficulties this presents in projecting robust medium to long term forecasts with any real degree of certainty.

MBC agrees that the proposed additional provision of 400-700sqm of comparison retail floorspace plus additional town centre uses in Paddock Wood is consistent with, and justified by, the proposed increased level of growth of the town's population. The additional shops and services constitute a sustainable pattern of development and may also be beneficial for residents in the south of Maidstone, living within a reasonable proximity of Paddock Wood.

Infrastructure and connectivity

The draft TWBLP growth strategy is based on the premise of infrastructure-led development to ensure that essential infrastructure and connectivity is integral to all new development. MBC strongly supports this approach to delivering growth, particularly the emphasis on ensuring that sufficient infrastructure capacity is either available or can be provided in time to serve new development (criterion 5, policy STR5).

As a minor point of correction, under the heading of 'Water' in policy STR5, Kent County Council should be referred to as the Lead Local Flood *Authority* as opposed to Agency.

Transport

MBC considers the draft TWLP strategy in relation to transport and parking to be a sustainable yet pragmatic approach. Delivering sustainable patterns of development and prioritising sustainable and active modes of transport, whilst recognising that private car ownership in the borough is currently very high and that sufficient levels of parking should be provided, offers an appropriate balance. The recognition of the rapid development of technology in transportation, including in relation to autonomous vehicles is welcomed and the acknowledgement that policy STR6 may require updating as part of the five-year review of the Local Plan is strongly supported by MBC. This approach provides a clear opportunity to refine and revise policy over the short-term to ensure it aligns with the latest evidence and best practices at the time.

Policy STR/PW 1 – The strategy for Paddock Wood

This policy details the strategy for Paddock Wood – comprehensive masterplanning for a proportion of approximately 4,000 new dwellings, considerable employment and associated education, leisure and health facilities.

Given the location of Paddock Wood and the proposed allocations abutting Maidstone's administrative boundary, it is essential that MBC is involved in the comprehensive masterplanning of the area, including for the provision of strategic, cross-boundary infrastructure and the phasing of development associated with the timely delivery of infrastructure.

Importantly for MBC, we would wish to fully understand the impact of these allocations on the road network north of Paddock Wood, into Maidstone borough – primarily along the A228. The supporting Sweco transport evidence includes a modelled junction upgrade to provide additional capacity at the A228 Whetsted Road/B2160 Maidstone Road. However, it is not immediately apparent how far beyond the TW borough boundary the modelling has been

taken and therefore what impact any additional trip generation may have further north along the A228, into Maidstone borough. It is crucial for MBC to understand the impact of increased vehicular movements in both directions associated with an additional 4,000 new homes and a regenerated town centre at Paddock Wood. If there are likely to be impacts on the highways network further into Maidstone as a direct result of the development proposed in/around Paddock Wood, MBC would expect to see the planned provision of appropriate mitigation measures. Any impacts will also require factoring into transport modelling for MBC's potential growth options as the LPR progresses.

The final conclusions from the Sweco transport assessment state that "the traffic modelling... has shown that the measures proposed will mitigate the impacts of the Local Plan housing and employment allocations." MBC wishes to clarify this sentence insofar as asking whether or not this mitigation extends beyond TWBC administrative boundaries, where traffic from the housing and employment allocations may impact upon highways infrastructure in Maidstone borough and further mitigation may be required as a result?

Also key is the strategic cross-boundary issue of flood risk from all sources and any proposed mitigation measures. MBC requests confirmation as to whether any additional land within Maidstone borough is likely to be sought for flood storage, attenuation or mitigation purposes as a result of the proposed levels of development across the boundary in TWBC? From the supporting SFRA Level 2 parcel information it is our understanding that the residential development proposed at Paddock Wood north west parcel 3 would result in a reduction in flood risk on land to the north of the allocation (i.e. into Maidstone borough) when mitigation measures are factored in. However, this is all subject to further, more detailed modelling on a parcel specific basis. Could TWBC please confirm this to be the case?

MBC seeks assurance that any proposed development adjacent to our administrative boundary would not result in increased flood risk from any sources on land in Maidstone borough.

Policy AL/PW1 and land parcel PW1_3

Parcel 3 – North Central Parcel (SHELAA sites 316, 317, 318, 319) is proposed to be allocated for the following uses: residential, flood compensation/open space, scope for neighbourhood centre/mixed uses/primary school/sports pitches. MBC has no objection in principle to these proposed uses, where they are comprehensively masterplanned with the adjoining proposed allocations in/around Paddock Wood.

Under the heading of 'other considerations', it states that further discussions are required with MBC as to plans for land to the north by the Hop Farm Roundabout. This matter is discussed in more detail in our response below.

Maidstone Borough Local Plan Review

As alluded to earlier in our response, MBC is undertaking a Local Plan Review (LPR) of the adopted Maidstone Borough Local Plan (MBLP) 2017. As part of this, we carried out a public

Call for Sites exercise, which ended in May 2019 and resulted in over 300 sites submitted to the Council for consideration for inclusion in the LPR. Whilst we are yet to assess the suitability of these sites for future development, all submissions are available to view on the Council's website: <https://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/local-plan-review/call-for-sites>

Your attention is drawn to the fact that some sites abut or are in proximity to the TW borough boundary. Site 273 in particular is located directly adjacent to your proposed allocation PW1_3 (as shown on the Paddock Wood Draft Policies Map). In the submission material, the site has been put forward for consideration for mixed employment uses in the first instance. As an alternative, the landowners would consider flood mitigation/SUDS uses to allow greater levels of housing on your proposed allocation (PW1_3). This is something MBC would welcome discussion with TWBC on, however, as the draft TWLP is able to meet its full housing needs, it is not expected that site 273 would be required purely for flood mitigation/SUDS purposes in order to allow greater levels of housing development within Tunbridge Wells borough. Indeed, MBC have received no such request from TWBC to date. At this stage, MBC are yet to assess our received site suggestions and as such, cannot say whether this site would be suitable for allocation as part of the LPR. Even in the instance that it is suitable, our evidence on employment land requirements and subsequent formulation of a strategy for the borough's employment growth is yet to be formulated, therefore we cannot say at this stage whether the site would be required for allocation, regardless of its suitability.

Whilst MBC and TWBC are clearly at different stages in the plan making progress, it is important that these sites are considered holistically as part of the broader location to ensure a sustainable and joined up approach to planning the area, should MBC ultimately determine the site suitable for allocation. MBC are therefore very supportive of TWBC's Council-led comprehensive masterplan approach to the broader area (policy STR/PW1). We would expect the masterplan to have regard to MBC's LPR and any sites we may be assessing as part of that process, and that any further work from TWBC in this regard is made available to MBC to ensure cohesive strategic planning.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as your Local Plan progresses.

Yours sincerely,



Rob Jarman

Head of Planning and Development

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

Appendix D9: DtC engagement record between TWBC and MBC

Duty to Cooperate engagement record for Maidstone Borough Council (MBC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
14 May 2015	Maidstone BC (officers and Councillors), Tonbridge & Malling BC, Medway Council, Ashford BC. TWBC Officers – David Scully	DTC stakeholder meeting	Green and Blue Infrastructure Strategy - for local authorities to feedback comments from previous rounds of consultation and to begin to develop an action plan for implementation
15 July 2015	Maidstone BC, Southern Water - Drainage Area Plans for Horsmonden, Headcorn and Staplehurst - Southern Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues. Water, Environment Agency, Kent County Council, Upper Medway Internal Drainage Board TWBC Officers - Adrian Tofts	DtC meeting	Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues.
23 October 2015	Maidstone BC - Andrew Thompson, Rob Jarvis, Cheryl Parks TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting	Local Plan updates; Housing Need; Gypsies and Travellers; Neighbourhood Plans
8 January 2016	Maidstone BC – Sarah Anderton TWBC - Kelvin Hinton	DtC correspondence	TWBC response to email request from Maidstone BC 11.12.2015 on TWBC's ability to accommodate Gypsy and Travellers.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
19 January 2016	Maidstone BC _ Andrew Thompson, Tonbridge & Malling BC, Ashford BC, Canterbury CC, Dover DC, Shepway Council , Thanet DC, Maidstone BC, KCC Also Environment Agency , NHS, Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting/presentation	East Kent Memorandum of Understanding: Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues
4 March 2016	Maidstone BC - Andrew Thompson, Sarah Anderton and Cheryl Parks TWBC Officers – Kelvin Hinton and Ellouisa McGuckin	DtC meeting	Local Plan updates; SA EiP update, LP preparation and timetables, TWBC response to MBC LP (reg 19), Statement of Common Ground
15 March 2016	Ashford BC - Danielle Dunn, Sevenoaks DC--Emma Boshell, Tonbridge and Malling DC -Ian Bailey, Maidstone BC -Sarah Anderton, Dartford BC -Tania Smith, Shepway - Matthew Nouch TWBC – Deborah Dixon	DtC meeting	Gypsy and Travellers
13 March 2018	Maidstone BC - Sarah Lee, Tonbridge & Malling BC - Ian Bailey and Jill Peet, Sevenoaks DC – Helen French, , Canterbury CC - Shelley Rouse, Ashford BC - Helen Garnett, Dover DC, Dartford BC - Tania Smith, Medway Council - Tom Gilbert, Thanet DC - Jo Wadey, Swale BC - Alan Best and Aaron Wilkinson	DtC meeting	Gypsy and Travellers: Update on LPA status of GTAAs, Planning policies, Transit sites

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	TWBC – Michael Hammacott		
20 September 2019	TWBC – Stephen Baughen, David Marlow, Sharon Evans MBC – Mark Egerton, Sarah Lee	Dtc meeting (by Skype)	-Local Plan updates -Masterplanning process – Strategic Sites -Joint working with other neighbouring authorities and KCC -Strategic and site specific discussion -Future approach and meetings
10 December 2020	TWBC – Stephen Baughen MBC – Rob Jarman	DtC correspondence	TWBC Formal request for MBC to accommodate unmet need
21 December 2020	MBC - Rob Jarman TWBC – Stephen Baughen	DtC correspondence	MBC response to formal request above
7 February 2021	TWBC – Stephen Baughen to MBC	DtC email correspondence	Draft SoCG sent for MBC to review
8 February 2021	MBC – Helen Garnett to TWBC	DtC email correspondence	Confirmation of receipt of draft SoCG (still awaiting sign off)

Appendix E – Ashford Borough Council (ABC)

Appendix E1: TWBC response to ABC Regulation 19 Consultation August 2016



Please ask for: Kelvin Hinton

Mr S Cole
Planning Policy Manager
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL

Extension: 2112

Email: kelvin.hinton@tunbridgewells.gov.uk

Date: 09 August 2016

Tel: 01892 554212

Dear Mr Cole

**Ashford Borough Local Plan 2030 – Regulation 19 Consultation
Duty to Cooperate, Tunbridge Wells Local Plan Review**

I refer your letter dated 15 June and the current Regulation 19 Consultation in respect of the Ashford Borough Local Plan 2030. Thank you for the opportunity to comment on the draft Plan.

Having reviewed the Local Plan and supporting Sustainability Appraisal documents I would like to make the following representations on behalf of Tunbridge Wells Borough Council.

Based on the strategy presented in the draft Plan and most particularly Ashford Borough Council's housing and employment development targets, and the intended location and distribution of development, it is not considered that there would be any significant direct effect on the area comprising Tunbridge Wells borough. In this regard it is noted that the Local Plan strategy promotes development primarily in and around Ashford itself with some limited expansion in a variety of larger and smaller villages.

As regards Duty to Cooperate It is noted that commentary is made that Ashford Borough Council has received no requests from other local authorities to accommodate any unmet housing need and that in any event Ashford consider that there is no scope for significant additional housing to be delivered in the borough without consequent adverse social and environmental impacts.

Earlier this year, letter dated 16 February refers, we set out the situation in respect of this Council's own Local Plan review. This work has progressed in the intervening time and our current timetable envisages an Issues and Options consultation in spring 2017.

In February we also commented that the Tunbridge Wells Borough Council's Strategic Housing Market Assessment in defining the housing market area found a close set of interactions between the towns of Sevenoaks, Tonbridge and Royal Tunbridge Wells, reflecting their geographical proximity, and relatively weak interactions between the Tunbridge Wells and Ashford borough areas. None the less given the level of Objectively Assessed Need identified by our SHMA, and having regard to the nature and extent of planning constraints impacting on this Borough, we indicated that the issue of some need being accommodated within adjoining authority areas was likely to be raised at some point.

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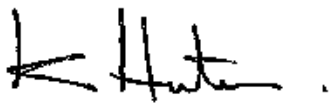
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Whilst recognising that both Councils local plan reviews are at different stages and that in the case of Tunbridge Wells Borough Council a draft plan that identifies housing targets against OAN has yet to be prepared it is considered that there is still merit in discussing the specific circumstances of each borough and in the case of Ashford those that have lead to the conclusion that there is no scope for significant additional housing to be delivered in the borough without consequent adverse social and environmental impacts.

Accordingly I would suggest that there is merit in arranging a meeting at your offices to discuss these matters, and will be in contact separately to arrange this.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely

A handwritten signature in black ink, appearing to read "K Hinton".

Kelvin Hinton

**Acting Head of Planning
Planning Policy Manager**

Appendix E2: TWBC response to
ABC Regulation 19 Consultation
August 2017



Please ask for: Kelvin Hinton

Extension: 2112

Email: kelvin.hinton@tunbridgewells.gov.uk

Date: 07 August 2017

Tel: 01892 554212

Mr S Cole
Planning Policy Manager
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL

Dear Mr Cole

Ashford Borough Local Plan 2030 – Proposed Changes Regulation 19 Consultation

Duty to Cooperate. Tunbridge Wells Borough Local Plan

I refer you to letter dated 10 July and the current Regulation 19 Consultation in respect of the Ashford Borough Local Plan 2030. Thank you for the opportunity to comment.

Having reviewed the proposed changes to the draft Local Plan, the subject of the current consultation, it is considered that the proposed changes would have no direct consequence to Tunbridge Wells borough in terms of the overall strategy, distribution and scale of development being proposed by the Plan compared with the original version. Consequently it is considered that this Council's response should be to make no further comments and rely on the original response, but also to take the opportunity to update you on the progress of this Council's own new Local Plan having regard to the Duty to Cooperate.

This Council has noted that in commenting on the Duty to Co-operate the revised Plan and documents supporting the Ashford Local Plan state:

“As mentioned elsewhere, the Council has fully engaged neighbouring Districts in the preparation of this Plan, recognising the proposed housing development strategies in the emerging Local Plans in those districts. In particular, the proposed Plans in Canterbury and Maidstone Districts, where there are very minor geographical housing market overlaps with Ashford borough, are intending to meet, at least, their respective OAN housing requirements. At the time of publishing this Local Plan, no other District has an outstanding request to this Council to assist meeting any unmet housing need in their area. Therefore, there is no need for the housing target in this Plan to be adjusted to reflect an unmet housing need from either within the Housing Market Area or beyond.”

“Tunbridge Wells Borough Council has recently published an ‘Issues and Options’ report for consultation as an initial stage of their new Local Plan. In this 5 options for accommodating growth in the Borough are suggested. No reference is made to a need for any adjoining authority to accommodate any of the Borough's housing requirement, although the need for continuing dialogue with adjoining districts is referred to. As it stands, there is no formal or informal request from TWBC to ABC to meet any of its housing requirements and its own Local Plan preparation process is at a very early stage. In any event, most of the area that borders the two districts is designated as AONB and so additional development in this part of the borough would be specifically restricted

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by the policy guidance in the NPPF and they recognise that both their SHMA and the Ashford SHMA found relatively weak interactions between the respective housing market areas.”

This Council acknowledges that the National Planning Policy Framework makes clear that local planning authorities should meet their own housing need and meet the needs of other authorities in the same housing market area as far as is consistent with the policies set out in the Framework. As commented by Ashford Borough Council the interactions between the Tunbridge Wells housing market area and the housing market areas of Ashford and Maidstone are relatively weak. The most significant interactions are to the housing market areas of Tonbridge & Malling and Sevenoaks.

Notwithstanding the above commentary and context the Council expects that in preparing its own Local Plan to be challenged by others to demonstrate that all opportunities to meet our evidenced development needs, both for housing and economic development, have been identified and considered. The evidence from recent local plan examinations, including that at Maidstone, indicates that Inspectors will raise issues of cross authority co-operation in the accommodation of an authority’s development need regardless of the specific market areas and planning constraints that apply.

Although no specific reference is made as part of the recent Issues and Options consultation to a need for any adjoining authority to accommodate any of the Borough’s housing requirement that does not mean that such a need will not arise in the future as the plan preparation progresses or further ahead at any plan review stage. For these reasons there is obvious merit in continuing to engage in regular duty to co-operate discussions. At present our plan preparation timetable envisages a draft Tunbridge Wells Borough Local Plan being prepared and submitted to examination in 2018 and it is intended to provide an update on progress to all adjoining authorities at the earliest opportunity following consideration of the responses to the recent Issues and Options consultation.

I hope this information and response is of assistance and clarifies the Council’s position.

Yours sincerely

Kelvin Hinton

Planning Policy Manager

Town Hall Royal Tunbridge Wells Kent TN1 1RS

switchboard 01892 526121 SMS (text) 07870 526121

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Appendix E3: TWBC response to
ABC Gypsy and Traveller
Accommodation Local Plan
Consultations Options Report
February 2020

View Response

Response Details

From Tunbridge Wells Borough Council...

Date Started: 19 Feb 2020 14:49. Last modified: 19 Feb 2020 15:17

Status Complete

Response ID #784657

Options Question 1 : Plan Objectives

Do you support the Objectives? *(please select one option)*

Option 1 - I support the objectives of the plan

Option 2 – I disagree / propose changes to the objectives

Please explain your answers

Tunbridge Wells Borough Council (TWBC) supports the broad objectives of the plan.

It may be appropriate to clarify that Objective 2 relates to identifying specific sites in line with paragraph 10(b) of the 'Planning policy for traveller sites' (PPTS).

Also, should there be a reference within the objectives to liaison with neighbouring authorities, thinking particularly of transit site provision?

Options Question 2: PPTS v Cultural Need

Which need calculation option do you think this plan should deliver? *(please select one option)*

- Option 1 – Meet PPTS need only (39 pitches) through pitch allocation in this plan and remaining cultural need (25 pitches) will be addressed at Ashford Local Plan 2030 review
- Option 2 – Meet full Cultural need (64 pitches) through pitch allocation in this plan
- Option 3 – Meet PPTS need with pitch allocation (39 pitches) and additional Cultural need through a 'windfall' policy (HOU16 or alternative)

Please explain your answers

TWBC notes that the test of soundness in respect of consistency with national policies relates, in this situation, principally to the PPTS. Also, the most recent 2019 NPPF clarifies the need to assess needs based on the PPTS. At the same time, it is for ABC to take its own legal advice on the matter.

Options Question 3: Pitch 'buffer' Allowance

Do you think the plan should provide more allocations / allowance for pitches over the identified need figure to create a 'buffer' of pitch supply? *(please select one option)*

- Option 1 – Yes, support buffer allowance
- Option 2 – No, do not support additional pitch supply buffer – just provide for identified need.

Please explain your answers

It is noted that there is no requirement for pitch supply buffer due to the absence of a gypsy and traveller delivery test or an equivalent (such as the Housing Delivery Test for general housing delivery). Paragraph 27 of the PPTS also does not reference the need for a buffer, but rather that local planning authorities should aim to demonstrate an up-to-date 5 year supply of deliverable sites.

ABC may nevertheless consider it appropriate to allocate more pitches than the assessed requirement either in order to maintain a 5-year supply of sites into the future, particularly if there are uncertainties over deliverability, and/or having regard to additional needs beyond the proposed plan period.

If you Selected Option 1 Please respond below

If you selected Option 1 - which buffer allowance should be chosen? (*please select one sub-option*)

1a - As a % of Cultural need – what % is suitable?

1b - As a % of PPTS need – what % is suitable?

1c - As a set pitch number – what pitch number is suitable?

Please explain your answers

«No response»

Options Question 4: Transit Site

- Option 1 – Seek to address transit site need with neighbouring Kent authorities and KCC as a Kent-wide issue.
- Option 2 – Address Borough transit need within public site/s (existing or new)
- Option 3 – Address Borough transit need through specific site allocation

Please explain your answers

In relation to Option 1, TWBC is open to cooperating with Ashford Borough Council and other neighbouring Kent authorities and Kent County Council in accordance with the Duty to Cooperate (as a Kent-wide issue) in addressing transit site provision.

While TWBC's GTAA did not identify a specific transit site pitch need, given the low occurrence of unauthorised encampments in Tunbridge Wells borough, it did recommend a corporate policy on 'negotiated stopping places policy'. At the same time, a specific site in Ashford would be close enough to accommodate travellers moving through the borough. Further work would be needed to determine if the capacity of a transit site of 3-5 pitches would need to be increased at all to take account of neighbouring authorities' needs, but it may be that it would just be used a little more often. TWBC suggests that this is further considered with other authorities.

Options Question 5: Site Assessment Criteria

- Option 1 – Support proposed site assessment criteria
- Option 2 – Suggest changes or additions to site assessment criteria

Please explain your answers

Although it is considered that the site assessment criteria provided broadly covers the main issues and necessary considerations associated with any proposed additional pitch/pitches and/or new Gypsy and Traveller site, it is suggested that consideration is also given to perceived cumulative impacts.

Options Question 6: Borough Distribution and Family Need Balance

- Option 1 – Support proposal to consider borough distribution and family expansion needs as a balanced assessment.
- Option 2 – Do not support proposal to consider family needs as part of the borough distribution assessment.

Please explain your answers

TWBC supports Option 1's proposal to consider borough distribution and family expansion needs as a balanced assessment. This is due to family expansion being the main driver for additional pitch requirements/needs (as was found to be the case in TWBC's GTAA).

It follows that the intensification and/or expansion of existing sites to meet individual family needs should be given particular consideration, whilst also having regard to the suitability of this in other planning terms.

Options Question 7: Windfall Supply and Policy HOU16

Question 1 - Should we count windfall pitches in our supply? (*Please select one option*)

- Option 1a – As supply ‘buffer’ only – do not include in supply figures
- Option 1b – Count a % of windfall towards supply. How should this % be calculated?
- Option 1c – Do not count any windfall pitches as supply

Please explain your answers

Q1 Response: ABC will appreciate that the PPTS states, in paragraph 10, that local planning authorities should 'identify a supply of specific, developable sites, or broad locations for growth without referencing the acceptance of a windfall allowance as part of supply. This leans towards not relying on a windfall allowance to meet the base need, at least without strong evidence to justify it. Nonetheless, it is appropriate to not prevent suitable windfall opportunities – as response to Q2 below.

Q2 Response: TWBC considers Policy HOU16 to be appropriate in ensuring that fundamental requirements are met by relevant proposals. It is similarly worded to

the proposed development management policy in TWBC's own Draft Local Plan policy for Gypsies and Traveller sites. The limitation to 5 pitches is a matter for ABC, to be considered in the local context, both in terms of needs and site circumstances.

Options Question 7: Windfall Supply and Policy HOU16

Question 2 - Should policy HOU16 be retained/amended/deleted?

Please explain your answers

«No response»

Options Question 8: Chilmington Turnover

How should we count Chilmington turnover as Supply? (*Please select one option*)

Option 1 - Count all 32 pitches as 'supply' over the plan period

Option 2 - Reduce it by 50% to balance outward migration – count 16 pitches in supply over plan period

Option 3 – Reduce by a different amount than suggested above

Option 4 - Retain as part of a supply 'buffer' only (as 'windfall' supply not a set calculation)

Please explain your answers

As a general principle, turnover is a potential source of supply. However, as paragraph 4.22 states it is difficult to make assumptions about the impact of families moving off the Chilmington site, particularly in relation to whether they stay in the borough or move out. In fact, in either case, the move would not bring about a reduction in need across the wider area. Hence, assuming the move is to an identified site, the balance between need and supply across the wider area, albeit perhaps not in the borough, remains the same.

Options Question 9: New Public Site

Question 1 - Principle of new public site

(Please select one option)

- Option 1a - provide an additional public site in the borough to meet some of identified pitch need
- Option 1b - do not provide a new public site

Please explain your answers

No comment to all 4 questions under Question 9

Options Question 9: New Public Site

Question 2 - Management of new public site

(Please select one option)

- Option 2a - private sector management of the public site

Option 2b - council managed site

Please explain your answers

«No response»

Options Question 9: New Public Site

Question 3 - Size of new public site

(Please select one option)

Option 3a - less than 10 pitches

Option 3b - 10-15 pitches

Option 3c - more than 15 pitches

Please explain your answers

«No response»

Call for sites: New Public Site

Do you have suggestions for suitable broad locations or specific sites, which could accommodate the requirements for a public site set out above?

«No response»

Options Question 10: Safeguarding Existing Sites through Policy HOU17

Views on Policy HOU17 of the Local Plan 2030 which safeguards existing sites for Gypsy and Traveller accommodation

- Option 1 – Retain adopted policy HOU17
- Option 2 – Amend policy HOU17
- Option 3 – Delete policy HOU17

Please explain your answers

No comment

Options Question 11: Site / Pitch Design Policy

Should the plan include a design policy with the criteria listed in the Options Report? (please select one option)

- Option 1 – Support proposals for design policy covering all issues above
- Option 2 – Support principle of design policy but have suggestions/comments on criteria above
- Option 3 – Do not support principle of design policy in plan

Please explain your answers

No comment

Options Question 12: Site / Pitch Plans and Maps

Views on whether Plan should include site plans/maps *(please select one option)*

- Option 1 – Support proposals to provide plans/maps for allocated sites/pitches in the plan
- Option 2 – Do not support principle of creating site/pitch plans/maps

Please explain your answers

No comment

Options Question 13: Pitch Monitoring

Views on proposals for future monitoring of pitches *(please select one option)*

- Option 1 - Support the proposals for future site, pitch and household monitoring in addition to the caravan counts
- Option 2 – Do not support proposals for additional monitoring of sites

Please explain your answers

If it is considered appropriate to undertake further monitoring, it is suggested that this be at the same time as the bi-annual Gypsy and Traveller caravan count, meaning that there is no requirement for additional visits every year.

Options Question 13a: Pitch Monitoring

Do you have views on how visits and counts should be arranged with the travelling community?

«No response»

Options Question 14a: Public Engagement

Are there any specific individuals or groups which you recommend we consult with on this plan?

No comment

Options Question 14b: Public Engagement

Do you recommend any particular methods of engagement?

No comment

Call for Sites/Pitches

Are there any specific existing sites/pitches which meet the criteria set out for family expansion, regularisation, or temporary sites which could be made permanent?

Are there any currently unidentified sites/pitches which meet the criteria set out for allocation as a new single pitch or family site?

Please upload your [Site Submission Forms](#) and Maps here

You can upload up to 6 files.

«No files»

Other Comments

Please let us know if you think we have missed any information or a specific planning issue or option relating to this Gypsy and Traveller Local Plan subject below

«No response»

Appendix E4: ABC response to
TWBC Draft Local Plan Regulation
18 Consultation 6 November 2019



Date: 6 November 2019

Ask for: Simon Cole
Email: simon.cole@ashford.gov.uk
Direct Line: (01233) 330642

Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
01233 331111

Mr. Stephen Baughen
Head of Planning Services
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 – 1RS

www.ashford.gov.uk



@ashfordcouncil



AshfordBoroughCouncil

Dear Mr. Baughen,

Re; Draft Local Plan (Regulation 18) Notice of Consultation

Ashford Borough Council welcome the invitation to comment on the Tunbridge Wells Borough Draft Local Plan. Further we acknowledge that both this consultation process and the conference phone call held between representatives of the Local Plan teams on Wednesday 30th October provides an opportunity to not only discuss strategic and cross boundary planning issues, but also to formally cooperate as required.

A full review has been undertaken of the draft Tunbridge Wells Borough Local Plan, it is noted with interest that you intend to meet your housing requirement of 13,560 in the plan period to 2036 through a planned urban extension of Paddock Wood, the establishment of a new garden settlement named Tudeley Village, and a policy of dispersed growth with site allocations for housing growth located in close proximity to the majority of existing settlements.

Ashford Borough Council are pleased to observe that Tunbridge Wells Borough Council are capable of meeting its identified housing needs within its borough boundaries. Our review of the draft plan confirms there are no cross boundary issues, infrastructure proposals or strategic issues that require any comments or a statement of common ground at this time. All planning matters that exist in proximity of the mutual borough boundary can continue to be managed under Local Development Plan policies as is the current situation.

It is acknowledged that both authorities continue to meet the statutory duty to cooperate throughout the Plan making process and I look forward to further discussions with you in due course.

Yours Sincerely

Mr. Simon Cole
Spatial Planning Manager
Ashford Borough Council

Appendix E5: DtC engagement record between TWBC and ABC

Duty to Cooperate engagement record for Ashford Borough Council (ABC)

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
31 March 2015	Ashford BC, Sevenoaks District Council, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Wealden DC, Kent CC TWBC Officers – Deborah Dixon, Matthew Kennard, Sarah Lewis (Housing)	DtC: Stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
14 May 2015	Ashford BC (also Councillors), Maidstone BC, Tonbridge & Malling BC, Medway Council TWBC Officers – David Scully	DtC meeting	Green and Blue Infrastructure Strategy: Stakeholder meeting for local authorities to feedback comments from previous rounds of consultation and to begin to develop an action plan for implementation
18 November 2015	Ashford BC- Simon Cole to TWBC – Kelvin Hinton	DtC correspondence	ABC Local Plan update and request to discuss DtC matters
19 January 2016	Ashford BC - Simon Cole and Ian Grundy, Canterbury CC- Karen Britton Dover DC - Adrian Fox, Rebecca Burden, Shepway Council - David Shore, David Whittington, Thanet DC - Jo Wadey, Maidstone BC - Andrew Thompson, Tonbridge & Malling BC - Ian Bailey, Environment Agency - Barrie Neaves, Jennifer Wilson, NHS - William Anderson, KCC - Kate Chantler, Highways England - Kevin Bown, Natural England - John Lister, Sean Hanna. TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting/presentation	East Kent Memorandum of Understanding - Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
16 February 2016	TWBC – Kelvin Hinton to ABC – Simon Cole	DtC correspondence	Response to ABC letter of 18.11.2015 above
15 March	Ashford BC - Danielle Dunn, Sevenoaks DC - Emma	DtC meeting	Gypsies and Travellers

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
2016	<p>Boshell, Tonbridge and Malling C - Ian Bailey, Maidstone BC - Sarah Anderton, Dartford BC- Tania Smith, Shepway –Council - Matthew Nouch</p> <p>TWBC Officer – Deborah Dixon</p>		
13 March 2018	<p>Ashford BC – Helen Garnett, Tonbridge & Malling BC - Ian Bailey and Jill Peet, Canterbury CC - Shelley Rouse, Sevenoaks DC - Helen French, Maidstone BC - Sarah Lee Helen Garnett (Ashford BC), Dover DC, Dartford BC - Tania Smith, Medway Council - Tom Gilbert, Thanet DC - Jo Wadey, Swale BC - Alan Best and Aaron Wilkinson</p> <p>TWBC Officer – Michael Hammacott</p>	DtC meeting	<p>Gypsies and Travellers:</p> <p>Update on LPA status of GTAAs, Planning policies, Transit sites:</p> <p>Discussed preparing draft terms of reference and continuing to share information, take a strategic approach and explore the scope for future joint working, e.g. the identification of locations for transit sites, sharing resources, joint commissioning and so on.</p> <p>Impact of G&T sites on Green Belt was also discussed as a potential area for sharing experience/ joint working.</p>
30 October 2019	<p>Ashford BC - Simon Cole and Ian Grundy TWBC Officers – Stephen Baughen and Sharon Evans</p>	DtC meeting	<p>Discussion of cross boundary issues, TWBC Local Plan consultation and update on Ashford LP</p>
7 January 2020	<p>Ashford BC Officers: Ian Grundy (IG) TWBC Officers: Stephen Baughen, Sharon Evans</p>	DtC meeting	<p>Update on TWBC Draft Local Plan consultation; update on ABC position – Reg. 18 consultation on I&O paper on G&T accommodation to start 8 Jan 2020 for 6 weeks - TWBC will be consulted</p> <p>ABC confirmed in their response to the TWBC Draft Local Plan Reg. 18 consultation that</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<p>there are no strategic cross boundary issues</p> <p>ABC: confirmed no further requests from other neighbouring authorities to meet unmet housing need</p>
17 June 2020	Ashford BC Officers: Ian Grundy; Carly Pettit TWBC Officers: Stephen Baughen, Sharon Evans	DtC meeting	Local Plan Updates Housing need Gypsy and Traveller update Statement of Common Ground
6 October 2020	TWBC – Stephen Baughen to ABC	DtC correspondence	TWBC formal request to ABC to meet unmet TWBC housing/employment need
21 October 2020	ABC Officers: Ian Grundy TWBC Officers: Stephen Baughen, Sharon Evans	DtC meeting	Local Plan Updates Housing need Statement of Common Ground
2 December 2020	Ashford BC Gilian Maciness on behalf of Cllr Neil Shorter TWBC – Stephen Baughen	DtC correspondence	ABC response to formal request to meet unmet TWBC housing/employment need
21 January 2021	Ashford BC – Daniel Carter TWBC – Sharon Evans, Thomas Vint	DtC email correspondence	Gypsy and Traveller sites – ABC request for mapping showing TWBC sites in close proximity to shared administrative boundary for ABC site work
8 February 2021	TWBC – Stephen Baughen to ABC	DtC email correspondence	Draft SoCG sent for MBC to review
22 March 2021	TWBC – Stephen Baughen and ABC	DtC email correspondence	SoCG finalised and signed off

Appendix F – Rother District Council (RDC)

Appendix F1: TWBC response to
RDC DaSA Local Plan Regulation
19 Consultation December 2018



Service Manager - Strategy & Planning
Proposed Submission DaSA Local Plan
Rother District Council
Town Hall
Bexhill-on-Sea
East Sussex
TN39 3JX

Please ask for: Stephen Baughen

Mobile: 07583528365

Telephone: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 7 December 2018

Dear Sir/Madam

Rother District Council Development and Site Allocations Local Plan Regulation 19 Pre-Submission Publication Consultation

I refer to your communications dated 26 October 2018, in respect of the current Regulation 19 Consultation for the Rother District Council (RDC) Development and Site Allocations (DaSA) Local Plan. Thank you for the opportunity comment.

DaSA Local Plan

The headline needs of 1,574 net additional dwellings (Core Strategy 2014 and updated 2018 residual requirement) and associated employment land are noted.

The constraints of Rother district at 82% AONB, a number of nature conservation areas, as well as flood risk issues are also recognised.

It is noted that most of the proposed economic and housing growth in the DaSA Local Plan is directed towards the southern parts of the district in Bexhill, Rye, Battle and the outskirts of Hastings, and so is less connected to Tunbridge Wells borough geographically.

Also, it is noted that the DaSA does not include housing allocations in designated Neighbourhood Plan Areas. Tunbridge Wells Borough Council (TWBC) is currently reviewing the Neighbourhood Plan for the Parish of Ticehurst, which is located in close proximity to the southern boundary of Tunbridge Wells borough, under a separate Regulation 16 consultation.

Overall, based on the strategy presented in the consultation document and most particularly RDC's identified housing and employment development needs, as well as the suggested location and distribution of development, it is considered there would be no overall significant or direct effect on the area comprising Tunbridge Wells borough.

Town Hall Royal Tunbridge Wells Kent TN1 1RS

switchboard 01892 526121 SMS (text) 07870 526121

DX 3929 Tunbridge Wells website www.tunbridgewells.gov.uk

Sustainability Appraisal

TWBC has the following advisory comments to make in respect of the Sustainability Appraisal which supports and forms part of the DaSA consultation document. These are largely technical matters, following review by our Sustainability Officer:

Appendices 3 and 4

Page 5

The phrase “energy efficiency” is used instead of “water efficiency” for objective 13.

Page 9 (and other pages that score renewable energy and biomass proposal)

Objective 1 should be scored positively. Renewable energy provision is part of sustainable construction and would make a home more affordable to live in.

Page 10

Option A is scored negatively against objective 1 because of burden on developers. However, it is considered that developer burden is not one of the decision-aiding criteria for this objective. Normally, developer burden should be scored against the business growth and competitiveness objective. In addition, the commentary states that the burden would be “insignificant”. If this is the case, a negative score is not justified. Generally, it would be expected that increasing the threshold for applications from 10 to 50 homes would have a negative effect on this objective overall as, with a higher threshold, less sustainable homes would be built (energy efficiency is part of sustainable construction). Larger developers are already aware of the importance and so it is the smaller developers that need more focused encouragement.

Page 42.

Objective 11 - It is not clear how the protection of habitats, species and landscaping offsets the impacts of transport related carbon, as no link is described on page 51.

Page 56 onwards.

There are some inconsistencies in the scoring for objectives 10 and 11 and it is considered that transport-related carbon needs further consideration. Where the transport objective has been scored negatively in terms of congestion and air quality, the greenhouse gas objective would also be expected to score negatively.

Duty to Cooperate

RDC and TWBC have previously engaged in joint discussion relating to cross boundary issues such as housing, employment, transport, infrastructure, water resource and supply (Bewl Water), landscape, AONB, the Ashdown Forest and other needs under the Duty to Cooperate (DtC).

One issue that has formed part of these discussions relates to the A21/A268 crossroads at Flimwell. It is known that HGVs currently have problems turning left from Hawkhurst onto the A21 at the crossroads, causing serious detriment to highway safety. TWBC considers that highway improvements are required to rectify this problem. Given this and the fact that there may possibly be further development at Hawkhurst, as indicated by a current submission which TWBC is considering for an Environmental Impact Assessment Scoping Opinion (18/03008/EIASCO) for residential led development of around 400 dwellings including a relief road and associated infrastructure on the site of Hawkhurst Golf Club (High Street at Hawkhurst); this warrants further

investigation for the need for highway improvements at the crossroads. TWBC would welcome further discussion with RDC on this matter.

It is recognised that the main urban area of Royal Tunbridge Wells (RTW) acts as a service centre for parts of the rural north of Rother District where residents are likely to travel to RTW for work, medical needs (including the hospital at Pembury), shopping and leisure. As agreed in previous DtC discussions, TWBC will keep Rother informed in future engagement of any developments or changes which may affect the provision of such services. It is also known that Rother residents use other facilities, such as medical facilities and educational facilities in nearby settlements such as Hawkhurst and Sandhurst located in close proximity to the southern borough boundary of Tunbridge Wells. It is anticipated that where the expansion or new provision of such facilities is required, financial contributions may be sought from development within Rother district towards the funding of such provision.

It is noted that the Rother DaSA Local Plan document does not make any reference to the possibility of RDC asking for assistance to meet any unmet needs (housing/economic) from an adjoining authority area or vice versa. We understand that this is because this is a part two Plan where the matter has not arisen but will further considered as part of the Local Plan Review. We can confirm that TWBC would be happy to continue regular liaison and DtC meetings with RDC as the RDC DaSA Local Plan progresses to examination, and in relation to the progression of the new TWBC Local Plan, and allocations within this – please see below. However, without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within the borough of Tunbridge Wells to accommodate unmet development needs from another authority area. We would ask that account is taken of this when considering the representations made to the Regulation 19 consultation.

As you will be aware from previous engagement and DtC meetings, TWBC is also undertaking preparation of a new Local Plan, which is intended to have a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, TWBC is currently preparing the Draft Local Plan document ready for consultation (Regulation 18) next year and will formally consult RDC when the plan progresses to this stage.

We hope this information and response is of assistance and clarifies TWBC's position.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan McDermott', written in a cursive style.

Cllr Alan McDermott
Portfolio Holder for Planning and Transportation

AND

Town Hall Royal Tunbridge Wells Kent TN1 1RS

switchboard 01892 526121 SMS (text) 07870 526121

DX 3929 Tunbridge Wells website www.tunbridgewells.gov.uk



Steve Baughen
Head of Planning

Appendix F2: TWBC response to
RDC Sustainability Scoping Report
May 2020

From: Katie McFloyd
Sent: 29 May 2020 16:36
To: 'planning.strategy@rother.gov.uk'; 'fplanning@hastings.gov.uk'
Cc: David Marlow; Gwenda Bradley
Subject: SA Scoping Report Comments

Hello,

Please find below comments from Tunbridge Wells Borough Council on the SA Scoping Report for Rother and Hastings. I hope they are useful and am happy to discuss further if it would be helpful.

Comments on the SA Framework

- Not a strict requirement for Scoping Report but, as is often the case with such a broad topic matter, the report is lengthy and would benefit from Non Technical Summary that briefly explains the process, key findings and outcomes.
- Para 13. It would be worth mentioning the provision for net gains in this paragraph as it is such a significant part of the new bill.
- Para 20. Biodiversity 2020: A strategy for England's Wildlife and Ecosystem Services could be added under National Policies and Plans.
- Page 23. Do you have any local or regional declarations of biodiversity emergency to include?
- Para 79. The significant amendment to this Act in 2019 changing the 2050 target from 80% to 100% (i.e. net zero) needs to be mentioned.
- You have chosen to separate climate change mitigation and adaptation into different chapters. For this reason, Para 80 is not relevant to energy consumption. If you continue with this structure, these aspects should be included in para 96 only.
- Page 36. It would be worth mentioning the East Sussex Climate Emergency declaration and targets.
- Para 86. This paragraph needs updating to reflect Hastings recent 2020 strategy to ensure it is consistent with para 106.
- Para 107. No context is provided for the list. Presumably, these are actions on the 2 year action plan? In addition, none of these actions relate to climate change adaptation (the topic for this chapter). It be more logical to list these actions in relation to Chapter 5 (Energy Consumption).
- Para 107. The longer term action plan will be most relevant to the new Local Plans.
- Para 114. Many environmental bodies would recommend highlighting climate change adaptation as a key issue for local plans. You have considered flood risk and coastal erosion but there is also the impact that rising temperatures and overheating will have on human health and wellbeing.
- Page 69. Waste generation is being discussed in the Pollution chapter but the specific monitoring data and resultant objective is a resource and consumption issue, rather than an pollution issue per se. It might be better placed in Chapter 5 which could be renamed 'Resource Consumption'?
- Para 228. It might be useful to distinguish between sustainable and active travel to demonstrate clearly that consideration is being given to more than public transport.

Comments on the Appendices

Appendix 1

- Number 3 should refer to regional and local carbon neutrality targets too as these are more ambitious than the national targets.
- Number 3. None of these appraisal questions relate to climate change adaptation as the SA objective suggests. See comments above about incorporating a consideration of climate change adaptation that goes beyond flood risk. All questions relate to reducing emissions i.e. climate change mitigation.
- Number 10. It could be worth distinguishing between active and sustainable travel?
- Page 13. The conflict between objective 4 (water consumption) and meeting housing need should be highlighted as red and described in the text.

- Page 13. As this report will go onto your website, Accessibility Standards which come into effect in September 2020 will need to be considered. The red and green colours in this table could be problematic. This will also be an important consideration later down the line, when you consider how to illustrate scores for the SA itself.

Appendices 2 and 3

- Very useful summary tables.
- As this report will go onto your website, accessibility standards will need to be considered. The red and green colours in the tables could be problematic. On some pages, the text size is too small if printed at A4. Seek advice from your digital services team or equivalent.

Comments on the Local Plan

- You'll be aware from Duty to Cooperate meetings, that TWBC is planning development at Hawkhurst that is likely to impact upon Flimwell and the A21 junction. In addition, a cross county bus service between Hawkhurst and Etchingham train station has been discussed in the past.

Contact details for future consultations

- Please send future consultation on the SA or the Local Plan to planning.policy@tunbridgewells.gov.uk

With kind regards,

Katie

Katie McFloyd MSc BSc (hons) MIEMA

Planning Environmental Officer
(Part-time Mon, Tues, Fri)



T: 01892 554065 **ext:** 4065

E: katie.mcfloyd@tunbridgewells.gov.uk

Town Hall, Royal Tunbridge Wells, Kent, TN1 1RS

www.tunbridgewells.gov.uk

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Appendix F3: TWBC response to RDC Targeted Early Engagement for Local Plan October 2020

From: Ellen Gilbert
Sent: 14 October 2020 15:11
To: 'planning.strategy@rother.gov.uk'
Cc: David Marlow; Planning Policy (TWBC)
Subject: Rother DC Targeted Early Engagement on the Local Plan

Dear Nichola,

Thank you for consulting with Tunbridge Wells Borough Council on the Rother District Council Draft documents 1) Local Plan Early Engagement, August 2020 and 2) Duty to Cooperate Action Plan, August 2020.

We have reviewed both documents and in response to the specified 11 questions on page 23 of the Local Plan Early Engagement document, wish to respond as follows:-

Early Engagement on the Local Plan:

Question 1: TWBC welcomes the approach Rother is taking. It welcomes early engagement and this is reflected in the positive engagement that has taken place between Rother and TWBC through regular Duty to Cooperate meetings to date. This positive engagement has meant that the two Authorities have recently been able to sign a Statement of Common Ground, which will be reviewed and updated as necessary through further Duty to Cooperate meetings. TWBC welcomes this opportunity to continue to discuss strategic cross-boundary matters.

Question 2: TWBC welcomes the opportunity to engage with Rother on strategic cross-boundary matters at an early stage.

Question 3: Through Duty to Cooperate discussions, TWBC has kept Rother informed of work it is/has been conducting to inform production of its Pre-Submission Local Plan. There is no other work being conducted currently, required to inform the new Rother Local Plan. Conversely, Rother has kept TWBC informed of work it has/is doing to inform its new Local Plan. TWBC and RDC will continue to engage through Duty to Cooperate meetings, which will ensure both authorities are kept up to date on work conducted/being conducted to inform the respective plans.

Question 4: There are no specific planning issues to raise at this time which have not already been discussed through Duty to Cooperate meetings between Rother and TWBC.

Duty to Cooperate and Statements of Common Ground

Question 5: TWBC welcomes this.

Question 6: As discussed at Duty to Cooperate meetings between Rother and TWBC, the two Authorities are at very different stages in the production of their Local Plans. Rother and TWBC will continue to keep each other informed on timescales relating to the production of respective Local Plans.

Question 7: See response to question 3 above.

Question 8: TWBC is supportive of the need to work together on identified cross-boundary strategic issues, and where appropriate work together on joint evidence. The signed Statement of Common Ground between Rother and TWBC reflects this.

Question 9: TWBC has met with Rother on a regular basis, conducting Duty to Cooperate meetings to discuss strategic cross-boundary issues. Rother has recently signed a Statement of Common Ground with TWBC, which will be kept under review and updated as necessary through future Duty to Cooperate meetings. This demonstrates that TWBC is in support of formalising this work.

Question 10: The Statement of Common Ground signed between Rother and TWBC covers all strategic planning issues known about at this time. The Statement of Common Ground will be reviewed and amended accordingly through Duty to Cooperate meetings and should currently unidentified strategic issues be identified, these will be discussed and addressed accordingly.

Other Comments

Question 11: TWBC does not wish to make any further comment at this stage, other than to repeat its support for continued and early engagement with Rother to discuss and address strategic cross-boundary issues in a timely and efficient manner as has been done to date.

I trust that these comments are of assistance. Please do contact me if you have any questions about this.

Kind regards,

Ellen



Ellen Gilbert
Principal Planning Officer
(Part Time)

T: Direct Line 01892 554059 or 01892 526121 ext: 4059

E: ellen.gilbert@tunbridgewells.gov.uk

www.tunbridgewells.gov.uk 

Appendix F4: RDC response to TWBC Regulation 18 Consultation 2019

Your ref:
Our ref: 6.8.2.2
Please ask for: Tim Hickling
Direct dial no: 01424 787651
Date: 11th November 2019



Planning Policy Team
Tunbridge Wells Borough Council

Dr Anthony Leonard
Executive Director of Business Operations

BY EMAIL ONLY

Town Hall
Bexhill-on-Sea
East Sussex TN39 3JX

Dear Sir/Madam

Tunbridge Wells Borough Draft Local Plan (Regulation 18) Representations on behalf of Rother District Council

I refer to your notification on the publication of the above Local Plan for representations.

By way of introduction, as a neighbouring Authority, my Council welcomes the production of statutory local plans in its locality in order to provide a clear, coherent, and locally-driven planning policy framework for the wider area. In this respect, it recognises the efforts of Tunbridge Wells Borough Council ("TWBC") in preparing a local plan that addresses a complex mix of needs, constraints and development demands.

There are a number of issues covered by the Local Plan that are common with those facing my Council. Some of these would clearly be regarded as strategic matters, such as in relation to international wildlife sites, housing provision and related major infrastructure, notably transport, and conservation of the High Weald Area of Outstanding Natural Beauty (AONB). Other issues may not be strategic in the sense that they do not require common policy responses, but would nonetheless benefit from similar or otherwise complementary policy responses; this covers such matters as water efficiency standards, the general approach to biodiversity, developments in the countryside, including equestrianism and rural employment sites. My Council's representations in respect of these common issues are attached as Appendix 1.

In relation to major infrastructure and transport, the main cross boundary issue arising would appear to relate to the effect that the proposed site allocations in the Parish of Hawkhurst will have on the Flimwell crossroads (which are physically located within Rother District). This issue should be investigated with East Sussex County Council Highway Authority and Kent County Council Highway Authority, where necessary, to see if there are any capacity issues and whether improvements are required at Flimwell or at junctions beyond. In this regard the reference within the policy strategy for Hawkhurst Parish¹ to establish the impact of the proposed developments on the Flimwell crossroads, and if necessary provide contributions towards works to this junction to mitigate that impact, is welcomed.



¹ Policy STR/HA 1 (requirement 6)

In respect of the individual site allocation policies, it is appreciated that under 'contributions', 'any other highway related works' are specified but it is requested, for clarity, that specific consideration is given to making an explicit cross-reference to requirement 6 of Policy STR/HA 1 or that its general requirements are repeated in some form in each of the site allocation policies² to ensure the traffic impacts are robustly considered.

There is much that is welcomed in the new Tunbridge Wells Borough Draft Local Plan ("the TWBDLP") in relation to what are often termed as the "development management policies". There is a high degree of consistency with this Council's policies, which not only reflects a consistent analysis of similar (but not necessarily the same) circumstances, but also will help provide a consistent message to developers and others, including residents and businesses being close to the administrative boundary.

While the two District Council areas are adjoining, Rother is substantially oriented towards Hastings Borough, whose area it (with the sea) envelops. Hence, a point that has been consistently made is that Rother is seen as integral to the 'Hastings housing market area' rather than to those of any other neighbouring authorities.

It is noted that TWBC does not propose to meet any unmet housing need from Rother. At the time of the Core Strategy, there was a shortfall in Rother of 480 dwellings over the period 2011-2028. Most of the demand stemmed from in-migration from the greater London area. Given that this information is now somewhat dated and that my Council is, in conjunction with Hastings Borough Council, in the process of undertaking a new Housing and Employment Development Needs Assessment for its respective forthcoming Local Plan Reviews, it would not seem timely or reasonable, at this juncture to expect the current TWBDLP to make provision for further housing to meet any unmet need from Rother district.

Looking ahead, infrastructure capacity, notably of transport networks/services as well as that of the natural environment, of which the High Weald AONB is a vital element, should be kept under close and constant review. In this regard I look forward to continuing our positive working relationship in the future.

Yours faithfully



Tim Hickling

Head of Service – Strategy and Planning

² Policies AL/HA 1, AL/HA 2, AL/HA 3, AL/HA 4, AL/HA 5, AL/HA 6, AL/HA 8, AL/HA 9 and AL/HA 10.



APPENDIX 1

Rother District Council representations on the Proposed Submission Wealden Local Plan

Policy/paragraph	Representation	
	Nature	Reason
Paragraphs 1.38 – 1.44	Support	There has been positive, active engagement between the two councils on strategic cross boundary issues, such as in relation to international wildlife sites, housing provision and related major infrastructure, notably transport, and conservation of the High Weald Area of Outstanding Natural Beauty (AONB), together with a high degree of consistency between the “Development Management” policies.
Paragraph 4.3	Support	It is welcomed that the proposed Development Strategy indicates how the full development needs of the borough can be most appropriately met.
Paragraph 4.8	General comment	It is noted that TWBC does not propose to meet any unmet housing need from Rother. At the time of the Core Strategy, there was a shortfall in Rother of 480 dwellings over the period 2011-2028. Most of the demand stemmed from in-migration from the greater London area. Given that this information is now somewhat dated and that my Council is, in conjunction with Hastings Borough Council, in the process of undertaking a new Housing and Employment Development Needs Assessment for its respective forthcoming Local Plan Reviews, it would not seem timely or reasonable, at this juncture to expect the current TWBDLP to make provision for further housing to meet any unmet need from Rother district.
Paragraph 4.38 and Policy STR1	Support	The proposed development strategy for the borough, and specifically the way in which it takes account of the need to maximise the amount of major development outside of the High Weald AONB, is consistent with this Council's approach.
Policy STR/HA 1 (requirement 1)	General comment	The increase in the number of new dwellings compared to the previous Regulation 18 consultation is noted. However, provided any necessary improvements to the Flimwell crossroads are secured, as detailed below, no objection is raised over this matter.
Policy STR/HA 1 (requirement 6)	Support	Reference within the policy strategy for Hawkhurst Parish to establish the impact of the proposed developments on the Flimwell crossroads, and if necessary provide contributions towards works to this junction to mitigate that impact, is welcomed.
Policy STR6	Support	Improving connectivity along the A21, and specifically between Kippings Cross and Lamberhurst, would have positive impacts for this Council and Tunbridge Wells.
Policies AL/HA 1, AL/HA 2, AL/HA 3, AL/HA 4, AL/HA 5, AL/HA 6, AL/HA 8,	General comment	It is noted that contributions for ‘any other highway related works’ are referred to within each of the policies. However, in order for any necessary improvements to the Flimwell crossroads to be



AL/HA 9 and AL/HA 10.		secured, it is specifically requested that explicit reference is made to requirement 6 of Policy STR/HA 1 or that its general requirements repeated in some form in each of the site allocation policies to ensure the traffic impacts are robustly considered.
Policy EN10	Support	Accords with our landscape policies which seek to protect the dark night sky from inappropriate or unnecessary external lighting.
Policies EN11, EN12, EN14, EN15	Support	The general approach to protecting and enhancing biodiversity, including ancient woodland and veteran trees, is in line with this Council's policies as well as with the NPPF.
Policy EN21	Support	The general approach to development in the High Weald AONB, with a focus on small scale development is supported.
Policy EN27	Support	The adoption of the optional, higher water efficiency standard is wholly consistent with the identification of the south-east region as a 'water stress area'. This Council has similarly proposed this policy measure.
Policies EN28 and EN29	Support	The general approach to flood risk and drainage accords with this Council's policies and the NPPF.
Policy H7	Support	The very limited and exceptional cases in which rural exception sites for affordable housing will be permitted is in line with this Council's policies, with developments required to be well related to any settlement in both scale and location.
Policy H10	Support	The approach taken to rural workers' dwellings is in line with this Council's policy on this issue and only supports the creation of new dwellings in extremely limited circumstances to support farming and land-based industries.
Policy ED5	Support	The priority to the employment use of rural buildings is consistent with the policy approach of this Council, having regard to the need to support economic activity in rural areas, especially in the AONB and the pressure on such opportunities to be lost to housing.
Policy ED6	Support	Accords with this Council's policies for equestrian development in the countryside, with a requirement for proposals within the AONB to conserve its special landscape character and features.
Policy ED7	Support	The general approach taken to the promotion of new and retention of existing tourist accommodation is consistent with this Council's policies.



Appendix F5: DtC engagement record between TWBC and RDC

Duty to Cooperate engagement record for Rother District Council (RDC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
31 March 2015	Rother DC, Sevenoaks DC, Ashford BC, Dartford BC, Gravesham BC, Tandridge DC, Tonbridge & Malling BC, Wealden DC and KCC TWBC Officers - Deborah Dixon, Matt Kennard, Sarah Lewis	DtC stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
8 March 2017	East Sussex Strategic Planning Group: Rother DC - David Marlow and Tim Hickling, Wealden DC - Cllr Ann Newton (Host Chairman), Officers - Charlie Lant, Nigel Hannam, Marina Brigginsshaw, Sarah Lawrence; Eastbourne BC- Matt Hitchen; East Sussex CC - Cllr Rupert Simmons, Officers - Ellen Reith and Edward Sheath; Hastings BC - Kerry Culbert; Mid-Sussex DC - Cllr Andrew MacNaughton and Officer - Rachel Crisp (Apologies - Lewes DC, South Downs National Park, Brighton and Hove City Council, Mid Sussex DC) TWBC Officers – Sharon Evans	DtC meeting	Update on Wealden Local Plan and the Ashdown Forest
21 June 2017	Ashdown Forest (Air Quality) Group: Officers – South Downs National Park Authority, Rother DC, East Sussex County Council, Eastbourne and Lewes, Tandridge, Sevenoaks	DtC meeting	<ul style="list-style-type: none"> • Update from each local authority • Local Plan progress • Traffic Modelling • SNAPS's

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	DC, Wealden DC, Natural England TWBC – Sharon Evans		
23 November 2017	Ashdown Forest (Air Quality) Group Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park	DtC meeting	<ul style="list-style-type: none"> • Review and minutes of previous meeting • Air Quality report • Sign off arrangements • Housing numbers • Geographical area • Transport modelling • Risk register • Proportionality
18 January 2018	Ashdown Forest (Air Quality) Group Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park	DtC meeting	Update on Wealden Plan and current approach to development management issues
2 November 2018	East Sussex Strategic Planning Group: Rother DC - Cllr Gillian Johnson, Officers- Tim Hickling and Nichola Watters; Wealden DC - Cllr Ann Newton (Host Chairman), Officers - Marina Brigginsshaw, Kelly Sharp, Isabel Garden, Wendy Newton-May; Eastbourne BC- Cllr Jonathan Dowe and Officer - Matt Hitchen; East Sussex CC - Cllr Nick Bennett, Officers - Ellen Reith and	DtC meeting	<p>Discussion of:</p> <ul style="list-style-type: none"> • cross boundary issues relating to the Wealden Local Plan • CIL discussion • Cross boundary infrastructure • Ashdown Forest – Concern about WDC objections to planning applications in neighbouring authorities <p>Also updates on:</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Edward Sheath; Hastings BC - Kerry Culbert; Mid-Sussex DC - Cllr Andrew MacNaughton and Officer - Rachel Crisp Lewes DC – Thondra Thom, South Downs National Park – Cllr Neville Johnson, Officer – Kirsten Williamson; Mid Sussex DC – Cllr Norman Webster, Officers – Lois Partridge Apologies -Brighton and Hove City Council) TWBC Officers – Sharon Evans		<ul style="list-style-type: none"> Waste and minerals plan review for East Sussex County Council; and Rother’s Development and Site Allocations Local Plan
15 November 2018	Rother DC – David Marlow TWBC – David Scully, Sharon Evans	DtC meeting	<ul style="list-style-type: none"> Local Plan updates and discussion of strategic cross boundary issues – housing, employment (functional economic area), transport and infrastructure, landscape and green infrastructure, tourism and leisure Production of Statement of Common Ground
17 March 2020	Rother DC - Nichola Watters (NW), Matthew Worsley (MW) TWBC - David Marlow (DM), Ellen Gilbert (EG)	DtC meeting	Local Plan updates, including TWBC Reg.18 consultation (Flimwell crossroads), AONB
21 May 2020	Rother DC - Nichola Watters (NW), Craig Steenhoff (CS) TWBC - David Marlow (DM), Ellen	DtC meeting	<ul style="list-style-type: none"> Local Plan updates, including updating LDS, discussion of most appropriate continued approach on DtC matters.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Gilbert (EG)		<ul style="list-style-type: none"> • Strategic matters (a) housing needs – TWBC asked RDC if able to take any unmet need but RDC not able to confirm at present as their numbers are under review and have similar constraints – AONB; GTTA – both confirmed able to meet own needs, (b) economic needs – both authorities able to meet own needs at present (c) cross boundary infrastructure – transport – both authorities to attend a further meeting re transport modelling work affecting Flimwell Crossroads, RDC are currently updating SFRA, TWBC reviewing site allocations in AONB and undertaking further Green Belt review work, both authorities will continue liaison through local nature partnership and Ashdown Forest working groups – no other infrastructure matters identified. • TWBC to prepare SoCG with RDC which will be reviewed every few months.
6 October 2020	TWBC - Stephen Baughen	DtC correspondence	TWBC formal request to RDC to meet unmet TWBC housing/employment need
20 October 2020	TWBC and RDC	DtC email correspondence	SoCG finalised and signed off
17 November 2020	RDC – Nicola Watters, Craig	DtC Meeting	Local Plan updates

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Steenhoff TWBC- David Marlow, Ellen Gilbert		Discussion on SoCG Outcome of RDC consultation on LP engagement
23 November 2020	RDC – Tim Hickling TWBC – Stephen Baughen	DtC correspondence	Response to TWBC formal request letter of 6 October 2020 above to meet unmet TWBC housing/employment need
24 February 2021	RDC – Nicola Watters, Craig Steenhoff TWBC- David Marlow, Ellen Gilbert	DtC Meeting	<ul style="list-style-type: none"> – Local Plan updates – Programme of review for SoCG – Response to recent central government consultations

Appendix G – Wealden District Council (WDC)

Appendix G1: TWBC response to Wealden Open Space Study June 2016 (Response Form)

Wealden District Council Open Space, Sports and Recreation Assessment 2016 - Neighbouring Local Authorities: Cross Border and Strategic Planning Issues

Your Name	Sarah Lowe	Email address	sarah.lowe@tunbridgewells.gov.uk	Phone no.	01892 554057
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1. Please confirm whether your authority has completed (or is currently working on/about to start) any of the following studies/strategies/plans relating to open space, sport, recreation and play/youth provision.

Kind of study	Date completed ¹	Still current/relevant? (Yes/No/ Don't Know)	Any Comments/observations?
Green Infrastructure	2014	Yes	SPD adopted in 2014 – an update will be undertaken as part of new Local Plan
Open Space/PPG17 Study	2006	Significantly outdated	Review of Open Space Study shortly to be under way, going out to tender towards end of 2016
Parks/Greenspace/ Countryside Strategy	N/A	-	There will be a Greenspace Strategy but yet to be scoped, Parks Strategy will be informed by study above
Sport/Recreation Strategy	Under way	Yes	Being put to Cabinet for adoption on 22 nd June 2016
Play /Youth Strategy	N/A	-	-
Any other relevant studies/strategies?			
Playing Pitch Strategy	Under way	Yes	Consultants commissioned for Playing Pitch Strategy in June 2016, work aiming to be completed by Spring/Summer 2017.
Historic Landscape Characterisation	Under way	Yes	Borough-wide study to update Kent HLC in line with Sussex HLC.
Landscape Character Assessment	Under way	Yes	Update to existing 2011 SPD. (Out to tender, complete end of 2016)
Landscape Capacity Study	Under way	Yes	Focus on Royal Tunbridge Wells and Southborough, update and extension of 2009 study. Will include 1km zone around Royal Tunbridge Wells that falls within Wealden. (Out to tender, complete end of 2016)

2. Have you identified any issues in relation to any of the above (or from other completed work) that are of cross border significance with the Wealden District area and/or of wider strategic interest to Wealden District Council? Please tell us in the table below:

Kind of study	Any cross border issues? Y/N/DK	If yes please summarise	Any other comments/observations?

¹ If currently under way/planned please just note: under way - or provide start/anticipated completion date and explain further in comments/observations box

Green Infrastructure	Y	Includes land around Royal Tunbridge Wells that overlaps with Wealden District. See Option 1: Woodlands.	
Open Space/PPG17			
Parks/Greenspace/Countryside Strategy			
Sport/Recreation Strategy			
Play /Youth Strategy			
Any other relevant studies/strategies? Dark Skies SPD	Y	Ambition to produce Lighting/Dark Skies SPD which will overlap with adjoining authorities. Member support but no work progressed by Officers yet.	
Ecology	Y	Studies required for Local Plan which will need to consider land adjacent to Royal Tunbridge Wells within Wealden District Council.	

3. Are you aware of any other open space/sport/recreation/play facilities planning related issues in your local authority that are also relevant to the Wealden District Council area? If so please summarise:

Work is ongoing concerning SANGS and SAMMS for Ashdown Forest between affected authorities.

Sports Strategy due to be adopted at Cabinet on 22 July.

Development allocated at Hawkenbury Farm in the Site Allocations DPD for approximately 200 dwellings, very close to the border with Wealden.

4. If you have any other comments or observations please tell us below:

-

Many thanks for completing this pro-forma.

Please return to katie.spencer@ethosep.co.uk by Friday 15th July 2016.

Appendix G2: TWBC Response to WDC Reg. 19 Consultation October 2018



Planning Policy Team
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
Kent GN27 2AX

Please ask for: Stephen Baughen

Mobile: 07583 528365

Telephone: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 03 October 2018

Dear Sir/Madam

Wealden District Council's (WDC) Local Plan – Proposed Submission Wealden Local Plan (Regulation 19) Consultation

I refer to your communication dated 14 August 2018 and the current Regulation 19 Consultation in respect of the Wealden District Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Wealden District Council as part of the Proposed Submission Wealden Local Plan Regulation 19 Consultation 2018. The Council has several comments to make at this stage.

The headline needs of 14,228 homes between 2013-2028 (based on the government standard methodology using the 2014 household projections), 22,500 sq. metres of employment floorspace and 4,350 sq. metres of retail floorspace between 2015-2028 are noted.

The constraints of Wealden District with regard to the Ashdown Forest Special Protection Area and Special Area of Conservation and its protection under European legislation are noted, as are the proposed Policies AF1 (Air Quality and Wealden Local Plan Growth), AF2 (Air Quality Mitigation), and EA2 (Ashdown Forest Special Protection Area). Tunbridge Wells Borough Council supports the adoption of a 7km strategic zone as set out in Policy EA2 which is inline with our own evidence and the advice of Natural England. However TWBC will be making separate representations on these policies as they have the potential to affect development in the Tunbridge Wells Borough and because they raise complex technical issues that require further more detailed consideration.

TWBC also notes that 58% of the Plan area is designated as the High Weald Area of Outstanding Natural Beauty (AONB).

It is appreciated that it is a challenge trying to balance housing need against the above European designated area and AONB constraints. TWBC is also facing similar challenges in meeting housing need given the Green Belt constraints in the western part of the Borough and AONB across 70% of the borough.

It is also noted that the majority of proposed growth and change in Wealden is directed toward the South Wealden Growth Area with limited growth towards the north. However, TWBC is uncertain whether any development that does come forward, through windfall or appeal, in the north of the

Town Hall Royal Tunbridge Wells Kent TN1 1RS

switchboard 01892 526121 SMS (text) 07870 526121

DX 3929 Tunbridge Wells website www.tunbridgewells.gov.uk

district will impact on infrastructure in Tunbridge Wells and consequently will require a mechanism to ensure that sufficient contributions are made to mitigate any impact.

Having completed the Issues and Options consultation process last year, TWBC is currently preparing the Draft Preferred Local Plan document ready for consultation (Regulation 18) next year. TWBC will formally consult WDC when the plan progresses to this stage.

Without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within Tunbridge Wells Borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 19 consultation and in progressing the development strategy for the Wealden district.

I hope this information and response is of assistance and clarifies the Council's position.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Alan McDermott".

Cllr Alan McDermott
Deputy Leader; Portfolio Holder for Planning & Transportation

Appendix G3: Joint response to
WDC Regulation 19 consultation
from TWBC, South Downs National
Park Authority and Lewes District
Council 2 October 2018



02 October 2018

Planning Policy Team
Wealden District Council,
Council Offices,
Vicarage Lane,
Hailsham BN27 2AX

Dear Sir / Madam

Subject: Joint response of South Downs National Park Authority, Tunbridge Wells Borough Council and Lewes District Council on the Proposed Submission Wealden Local Plan August 2018 (Regulation 19) Consultation

Thank you for consulting the South Downs National Park Authority (SDNPA), Tunbridge Wells Borough Council (TWBC) and Lewes District Council (LDC) (henceforth referred to as the Authorities) on your emerging Local Plan. We have a number of comments we would like to make on the Proposed Submission Local Plan (henceforth referred to as the Plan), and the Habitats Regulations Assessment (HRA) principally concerning the approach to atmospheric pollution on European sites, as well as the Duty to Cooperate Background Paper; our response is structured accordingly.

Our joint response draws on a review of the Wealden Local Plan HRA by AECOM (28 September 2018) jointly commissioned by the Authorities, which forms Appendix I of this letter.

Proposed Submission Wealden Local Plan 2018 (the Plan)

Firstly, we would like to acknowledge and support the work done by Wealden District Council (WDC) in relation to visitor pressure on Ashdown Forest. This involved leading a partnership of affected authorities using jointly commissioned evidence and the agreement to operate a strategic mitigation strategy incorporating a 7km zone of influence as set out in draft Policy EA2. We therefore support draft Policy EA2 and the ongoing cooperation between authorities to address this issue.

The Plan puts the subject of air quality and the environment upfront in the development plan document, draft Policies AF1 and AF2 being the first two policies of the Plan. Whilst the Authorities acknowledge the volume and extent of evidence that WDC has generated to inform its position, we do not agree that the policies derived in response to that evidence are justified or would be effective in achieving their stated purpose or the objective of promoting sustainable development in the Plan period.

The technical aspects of the HRA and why it is considered flawed are dealt with in the section below. Most significantly, the HRA is premised on an entirely unrealistic scenario for future air quality

impacts, reflected also in paragraph 5.12 of the supporting text of the Plan. The Authorities find that the Strategic Environmental Assessment (SEA) (incorporated into the Sustainability Appraisal) is significantly flawed as it is misinformed by the technically and legally flawed HRA.

We note in paragraph 5.12 WDC's choice to focus on a scenario (Scenario A) that rejects any allowance for an improvement in emission factors or baseline emissions and deposition rates (as advocated by DMRB and Defra), despite it being underpinned by national and international policy/legislation and long-standing positive local trends for both NO_x and oxidized nitrogen deposition. This is contrary to the direct advice of Natural England: "*the competent authority should assess the implications of a plan or project against an improving background trend.*"¹ In not taking Natural England's direct or standing advice² WDC has chosen to rely on the least realistic scenario in order to justify limited growth and ignored those scenarios that present a more realistic forecast of improving trends in air quality. This is said to reflect the precautionary principle as required by the Habitats Regulations.

The Communication from the European Commission on the precautionary principle³ clarified "*The precautionary principle which is essentially used by decision makers in the management of risk should not be confused with the element of caution that scientists apply in their assessment of scientific data*". It would appear that WDC has confused the application of the precautionary principle and applied it to assessment of scientific data and not to the management of risk.

The precautionary principle does not require the competent authority to adopt an unrealistic "worst case" approach. It actually requires an assessment based on the best available scientific evidence, with scientific doubt being resolved in favour of the protection of the environment. It is contrary to that principle to plan on the basis of a future scenario which is not simply pessimistic, but in fact wholly unrealistic. By adopting this approach the Plan risks limiting sustainable development without proper justification.

Whilst the above comments are from all three of the Authorities, LDC and SDNPA are additionally concerned with the specific approach to Pevensey Levels SAC/Ramsar Site and Lewes Downs SAC as they are considered within their own HRAs (but which are excluded from TWBCs HRA). Specifically the inclusion of Lewes Downs SAC within draft Policies AF1 and AF2 is considered to be erroneous. Paragraph 5.21 of the Plan confirms WDC has used the 24-hour mean to take the air quality impact from only 10m from the roadside, when using the annual mean (at which point no calcareous grassland/designated feature is present as it is mostly woodland which is not an identified feature of the SAC), to predicting an impact "across the site".

The established position is that the annual mean is more ecologically significant than the 24-hour mean, Natural England advised WDC in their DAS report to use the annual mean: "*our advice is that as it is largely annual increases that are being assessed for likely significant effect and potentially adverse effect on integrity then use of the annual average is sufficient.*" The inclusion of Lewes Downs SAC within draft Policies AF1 and AF2 is not therefore considered justified and there is further evidence to support this conclusion, contained within the AECOM Review of the WDC HRA set out in Appendix I of this letter.

The inclusion of the Pevensey Levels SAC and Ramsar Site within draft Policies AF1 and AF2 is also unjustified because the interest features for both designations are not sensitive to atmospheric ammonia, NO_x or nitrogen deposition. The statement in paragraph 5.29 of the Plan referring to the

¹ Advice contained within the Discretionary Advice Service letter to Wealden District Council 16th February 2018, released under FOI for reasons of public interest.

² As set out in Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitat Regulations (version June 2018)

³ <https://publications.europa.eu/en/publication-detail/-/publication/21676661-a79f-4153-b984-aeb28f07c80a/language-en>.

critical load and levels for NO_x for this site is plainly wrong; there are no such loads or levels. The UK APIS⁴ does not list any interest features of the SAC or Ramsar as being sensitive to atmospheric nitrogen deposition.

Draft Policies AF1 and AF2 are based on the conclusions of the HRA, which is flawed and does not provide the conclusive evidence that mitigation is required. This is addressed further in the following section, which is supported by the accompanying AECOM review of the Plan HRA set out in Appendix I.

The Authorities are also concerned with the proposed approach to mitigation, even assuming that the overall approach to growth is justified. Since certainty is required as to the effects of the Plan, (as correctly stated in paragraph 5.12 of the Plan) where mitigation measures are relied on there must be a clear evidential basis for the quantified success of those measures. There is clearly no such evidential basis in this case. Indeed a number of the measures within draft Policy AF2 are not even mitigation; rather they are monitoring, investigations and ordinary sustainable transport measures expected within a Local Plan.

Furthermore, it is of considerable concern to the authorities that WDC has published midway through the consultation period the AF2 mitigation strategy with tariff and to have begun operating the financial obligations of AF2 prior to confirmation from Natural England that the conclusions of the HRA are supported. In light of this the Authorities wish to reserve the right to comment further during the examination process on the appropriateness of the financial contribution proposed, both in terms of viability and compliance with CIL Regulation 122.

Finally, it is not clear how criterion a) of draft Policy AF1 can work in practice and in conjunction with the stated position that measures in draft Policy AF2 will only mitigate the exact level of growth identified in the Plan. The indicators proposed to monitor draft Policy AF1 are not fit for purpose because they cannot distinguish between the different factors that contribute to a site's integrity. Site management and wider sources of atmospheric pollution (e.g. livestock, emissions from Europe and non-local traffic) have played and will continue to play a significant part in the condition of the Ashdown Forest and in the case of the Pevensey Levels run-off from farmland and discharge from the two Hailsham wastewater treatment works will continue to contribute significantly to the condition of this wetland environment.

Habitat Regulation Assessment (HRA)

The Authorities do not agree with the conclusion of the Wealden Local Plan HRA in relation to air quality and after detailed analysis and review of the HRA and the supporting studies (set out in Appendix I) find the approach taken and methodology used flawed, particularly regarding the approach taken in the HRA to vehicle emission factors and background trends. If the conclusions of the Wealden HRA are accepted as being justified, this may have knock-on effects on the Local Plans for adjoining authorities, and ultimately on growth in the wider area.

The Authorities have jointly commissioned technical studies and legal advice in order to understand the concerns raised by WDC about the effects of growth from our local plan areas and Wealden District with regards air quality on European Sites (Ashdown Forest SAC, Lewes Downs SAC and Pevensey levels SAC/Ramsar) and in particular with regards to the emissions from vehicles.

This work has been used to prepare HRAs and Practice Notes published by these authorities. It has specifically included a detailed review of all relevant work published by WDC as and when it became available and has considered the novel and non-standard approaches/issues used by WDC.

⁴ UK Air Pollution Information System www.apis.ac.uk

In essence the work carried out by the Authorities has shown that there is no basis to conclude an adverse effect on integrity of Ashdown Forest SAC or SPA from planned growth to 2033 in the wider area. Since no adverse effect on integrity is forecast, no mitigation as such would be required. The work for the Authorities used what might be described as “standard methodologies” by air quality experts; it allowed for a higher a level of growth across the wider area and took a precautionary approach to the likely ecological effects and rates of background improvements in air quality. Both the methodology used and the results were endorsed by Natural England.

In contrast the Wealden HRA has used bespoke methods and approaches that have been queried by Natural England. In then preparing their HRA, whilst WDC have modelled a number of scenarios, they have relied upon the most unrealistic scenario for future background air quality concluding that there will be an adverse effect on integrity and that consequently mitigation is required. Clearly it is not helpful to strategic planning to have one authority concluding an adverse effect on Ashdown Forest (and other sites) and others concluding that there is no adverse effect essentially arising from the same issues and sources and affecting the same site(s). Both conclusions cannot be correct.

Whilst HRA matters are for the competent authority to decide it should be noted that air quality is a cross boundary issue that requires cross boundary agreement and a strategic response.

WDC has objected to the approach and evidence provided by the Authorities on this matter. For example, WDC objected to the Pre-Submission South Downs Local Plan and the draft Lewes Local Plan Part 2 in 2017. Since that time the Authorities have reviewed those objections and provided further evidence to WDC, who has so far failed to provide detailed comments on this information or demonstrate that it has been taken into account in its published HRA.

In order to ensure that the Authorities have fully considered the HRA and the supporting evidence published by WDC they commissioned an independent review (Review of Wealden Local Plan HRA 28 September 2018 AECOM appendix 1) which concluded at paragraph 1.7:

“In summary, the Wealden Local Plan HRA differs in some particulars from the analyses undertaken by AECOM. However, it is considered that the Wealden HRA fails to take due account of the low vulnerability of Pevensey Levels SAC/Ramsar and the fact that the woodland at Lewes Downs SAC is not an international interest feature of the site. The Wealden HRA also has a substantial flaw in that it fails to recognize that some of their modelled scenarios (notably Scenario B) are considerably more realistic than others (notably Scenario A).

WDC’s latest modelling generated three scenarios (A, B and C) which vary greatly in the extent to which they acknowledge existing improving trends in NO_x and oxidised nitrogen deposition and the likelihood of them continuing. Clearly all three scenarios cannot occur. The air quality modelling reports themselves make it clear that the modelled scenarios are not considered equally realistic or equally likely to occur; in particular, paragraph 7.11 of the original 2017 air quality modelling report described the NO_x emission assumptions underlying Scenarios similar to Scenario A as ‘an extreme worst-case’ [emphasis added]. However, the HRA report disregards this nuance, treats all three scenarios as equally likely/reasonable and thus focusses heavily on Scenario A; a scenario that is unrealistic and unlikely to arise in practice since it would require existing positive trends in NO_x concentrations and oxidized nitrogen deposition rates to substantially reverse at a time when further initiatives are being introduced to control them. The result is that the HRA exaggerates the air quality issues throughout.

For Ashdown Forest SAC, the maximum nitrogen dose from additional traffic on the network forecast in WDC’s most realistic scenario (Scenario B) is greater than that modelled by AECOM. However, this is explicable by differences introduced to the modelling approach that in themselves carry uncertainties and the modelled dose affects only a very small proportion of all heathland in the SAC and at worst is likely to mean that any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 may be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). While the numerals differ in some areas the overall

trends identified in WDC's most realistic scenario (a net improvement in nitrogen deposition over the plan period, despite forecast growth, which is only slightly retarded over a small proportion of the SAC) are the same as that forecast by AECOM. Given the confounding factors present as demonstrated by WDCs vegetation monitoring it is entirely possible that even this slight retardation of improvement may never materialise on the ground or be detectable.

There is therefore considered to be no need to update or amend the modelling work that AECOM undertook for South Downs National Park Authority, Lewes District Council and Tunbridge Wells Borough”.

A meeting was held on September 3rd 2018 called by Wealden and Mid Sussex Councils to present the Ashdown Forest element of the WDC HRA to adjoining authorities. WDC confirmed at the meeting that they had not fully reviewed the latest information provided by the Authorities and made verbal reference to recent advice provided by the Advocate General. The opinion of the Advocate General Kokott in C-293/17 and C-294/17 has subsequently been reviewed by the Authorities and it is considered that it does not mandate any change of approach in this case.

Consequently based on all available information, technical and legal advice the Authorities cannot agree with WDC's HRA and its conclusions and believe that it is flawed to the extent that it is not legally compliant with the requirements of the Habitat Directive.

The Authorities are of the joint opinion that if the WDC approach to HRA, particularly in regard to air quality, is found to be legally compliant and sound and subsequently adopted by WDC that it may have significant implications for the Local Plans of adjoining authorities and planned growth in the wider area.

Duty to Cooperate Background Paper

The Authorities agree with WDC that air quality and Ashdown Forest SAC is a strategic cross boundary issue. This was agreed at the first meeting of the Ashdown Forest Working Group (AFWG) of which the Authorities and WDC are members. The group also agreed to work collaboratively on the issue and share information and existing work to assist in traffic modelling for HRA work.

There are a number of matters in the WDC Duty to Cooperate Background Paper (henceforth referred to as the Paper) that the Authorities would like to address.

Firstly, the AFWG was not set up to produce a Statement of Common Ground (SCG) as stated in paragraph 16.7 of the Paper. The initial purpose of the group was to work collaboratively and share information on this cross-boundary strategic issue following the quashing of the Lewes Joint Core Strategy. The decision to work on a SCG was made several months later prompted by the *Right Homes in the Right Places* consultation introducing mandatory SCGs for local plans. Secondly, WDC has been invited to and attended every meeting of the AFWG. WDC was not invited to a wider meeting of affected authorities to whom WDC had sent letters of objections on a number of planning applications in regard to Ashdown Forest.

A deadline was set for all members of the AFWG to sign the SCG. It is a pragmatic matter that a line in the sand needs to be drawn in the preparation of such documents in order to make progress; the main driver in this case was the Submission of the South Downs Local Plan in April 2018. The decision of WDC not to sign the SCG within the agreed timeframe meant that the remaining signatories proceeded with an amended version that did not include input from WDC. This revised version had been agreed and signed some time before WDC advised it was in a position to sign.

The Authorities note that WDC will be supportive of other bodies being involved in a mitigation strategy moving forward. The Authorities can confirm that WDC has not officially approached them

on this matter notwithstanding the fact that Lewes Downs SAC is located in Lewes District and within the local planning area of the South Downs National Park. The Authorities have raised other fundamental issues on the mitigation strategy above.

The Authorities have sought to work collaboratively with WDC on this strategic cross-boundary issue. WDC has failed to work collaboratively on a number of occasions most notably by not signing the SCG within the agreed timeframe, not sharing evidence in a usable form and not engaging with the Authorities on their proposed mitigation measures.

In conclusion the Authorities consider that the Wealden Proposed Submission Local Plan has not been prepared in accordance with the Duty to Cooperate as required under paragraph 182 of the NPPF and Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended), which imposes a duty to co-operate with other local planning authorities on issues which are likely to have a significant effect on more than one planning area.

Conclusion

Reluctantly, the Authorities have come to the conclusion that the Proposed Submission Wealden Local Plan is not sound and is not legally compliant for the following reasons:

- Key policies are neither justified nor effective because they rely on a flawed HRA and SEA;
- The Plan erroneously applies the precautionary principle to justify a mitigation-dependent approach, which is then not supported by effective mitigation measures. This erroneous approach is used to justify low growth and therefore this means that the Plan is not positively prepared; and
- The Authorities consider that the Wealden Proposed Submission Local Plan has not been prepared in accordance with the Duty to Cooperate as required under paragraph 182 of the NPPF and Section 33 of the Planning and Compulsory Purchase Act and is not therefore legally compliant.

Please note that TWBC have submitted an individual representation on the Proposed Submission Plan.

We can confirm that we would like to be notified of the submission of the Wealden Local Plan for examination and we would like to attend and speak at the hearings.

Yours faithfully



Name: Tim Slaney
Position: Director of Planning
Email address: Tim.Slaney@southdowns.gov.uk
Phone number: 01730 814810



Name: Ian Fitzpatrick
Position: Director, Regeneration & Planning, Lewes District & Eastbourne Borough Councils
Email address: ian.fitzpatrick@lewes-eastbourne.gvo.uk

Phone number: 01323 415935

A handwritten signature in black ink, appearing to read 'Alan McDermott', with a long horizontal flourish extending to the right.

Name: Cllr Alan McDermott

Position: Deputy Leader of TWBC; Portfolio Holder for Planning & Transportation

Email address: alan.mcdermott@tunbridgewells.gov.uk

Phone number 01892 526121

Appendix I – AECOM Report



28th September 2018

David Scully
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent
TN1 1RS

Review of Wealden Local Plan HRA

1.1.1 This review is organised by European site and by topic. The review is intended to assist in answering the following questions:

- Whether there is anything which differs from AECOM's work;
- Whether the Wealden HRA presents any new scientific evidence or which casts a reasonable scientific doubt upon AECOM's work; and
- Any statements, presentations of information or conclusions with which AECOM strongly disagrees.

1.1.2 Several evidence base documents are referenced in the HRA but were not available for review at the time the original analysis was written:

- AQC. 2018. Ashdown Forest Air Quality Monitoring and Modelling.
- AQC. 2018. Air quality input for habitat regulations assessment. Lewes Downs. Air Quality Consultants, report J2933B/1.
- AQC. 2018. Air quality input for habitat regulations assessment: Pevensey Levels. Air Quality Consultants, report J2808C/1/D1.

1.1.3 These were made available in mid-August 2018 and have therefore now been reviewed. They are discussed at the end of this report. The initial review of the HRA was based upon the version dated June 2018. A version has since been released dated August 2018. However, the HRA does not appear to have materially changed since June 2018 with regard to the matters discussed below, although some paragraph numbers have altered.

1.1.4 The most significant change to the HRA is that several paragraphs have been deleted and an 'impact assessment' section has been added to the ecological interpretation for Ashdown Forest and now constitutes paragraphs 11.112 to 11.125 of the HRA. However, that impact assessment confines itself entirely to the results of air quality modelling scenario A, which postulates a net deterioration in air quality, rather than either of the other two scenarios (which postulate a net improvement). It is stated that this is because it is the most precautionary scenario modelled. That does not acknowledge, however, that while undoubtedly the most cautious future scenario, it is also the least realistic since it would require long-established existing positive trends in key background pollutant concentrations and deposition rates to

reverse. As such the ecological interpretation provided would not apply to the most realistic scenario (Scenario B) that has been modelled by Wealden District Council's consultants.

- 1.1.5 Paragraph 11.113 states that '*In those locations where the critical levels and critical loads are predicted to be exceeded already, this additional [in combination] traffic growth will exacerbate these exceedances*'. However, this is only true for Scenario A, not for Scenarios B or C. It is stated in paragraph 11.123 that '*Caporn et al (2016) identified that statistically significant changes in community composition in lowland heath communities occurred at a threshold of 14.7 kg-N/hr/yr. Whilst each site is likely to have its own tipping point, using this as a guide would suggest that **any additional deposition above this would inhibit restoration and favourable condition***' [emphasis added]. Firstly, only scenario A postulates 'additional deposition' and secondly, this statement takes no account of the fact that one of the primary conclusions of Caporn et al 2016 (aka NECR210) is that the ecological effect of adding a given dose of nitrogen *declines* as the existing background nitrogen deposition rate increases.
- 1.1.6 There is also typographical error throughout paragraphs 11.114 and 11.115 with regard to units; whenever referring to concentrations in atmosphere the author uses milligrams per cubic metre (mg/m³) rather than micrograms per cubic metre (µg/m³) thus overstating modelled concentrations by a factor of one thousand.

1.2 Ashdown Forest – Recreational Pressure

- 1.2.1 It is noted from paragraph 13.23 of the WDC HRA that, following all the debate, WDC have ultimately settled on the same two-zone approach that had been established several years ago:

'Based on the work undertaken and following consultation with Natural England, a two-zone approach has been identified. This includes the following:

- *A 400m zone where it is unlikely that additional residential development can take place due to the inability to avoid or mitigate disturbance or urbanisation impacts;*
- *A 400m -7km zone where contributions to SANGS and SAMMs are required'.*

- 1.2.2 This would seem reasonable, proportionate and justified by the survey data. It is also noted from paragraph 13.36 that the existing mitigation approach is being rolled-forward: '*The Council is already implementing avoidance and mitigation measures as per that identified by the Wealden District Council Core Strategy. Whilst there are a number of different measures that could form part of a mitigation package the most deliverable and effective of these continue to be the complementary use of Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring (SAMM)*'.

1.3 Ashdown Forest – Air Quality

Methodology

- 1.3.1 The modelling and the conclusions drawn appear to be very similar to the same position WDC took in 2017 with regard to:
- Scenarios;
 - Consideration of flat emissions; or
 - Use of Emission Factor Toolkit (EFT) for future emissions; or
 - Use of CURED for future emissions;
 - Verification of outputs; and
 - Use of different approaches for deposition (EA and AQC Approaches).
- 1.3.2 One aspect that is now common across the habitats is quotes from the Centre for Ecology and Hydrology (CEH), noted as the authors of APIS, which discusses the concept of uncertainty for

critical levels by the identification of an uncertainty range of concentrations around the critical levels. The uncertainty ranges are presented in Table 2 Critical Levels of air pollutants:

- The 30 $\mu\text{g}/\text{m}^3$ annual mean critical level for NO_x has an uncertainty range of 15 to 45 $\mu\text{g}/\text{m}^3$.
- The 1 $\mu\text{g}/\text{m}^3$ ammonia (NH₃) critical level for lichens and bryophytes (where they form a key part of the ecosystem integrity) has an uncertainty range of 0.8 to 1.2 $\mu\text{g}/\text{m}^3$.
- The 3 $\mu\text{g}/\text{m}^3$ ammonia (NH₃) critical level for other vegetation (annual mean) has an uncertainty range of 2 to 4 $\mu\text{g}/\text{m}^3$.

1.3.3 The reasoning for the consideration of these uncertainty ranges for critical levels is presented in paragraph 5.31: *'APIS recommends that the lower-bound of the published national critical loads (i.e. 10 kg N/ha/yr) is used in air pollution impact assessments. However, The Centre of Hydrology and Ecology (CEH) have also provided uncertainty ranges as identified in table 3 above. These ranges are provided on the basis that critical levels have not been reviewed for some time and are therefore uncertain. For example the annual value of 30 $\mu\text{g}/\text{m}^3$ was established by the UNECE Workshop at Egham in 1992 being adopted into successive revisions of the UNECE Mapping Manual (UNECE, 2017, see Section III.2.2) and also being adopted without change review by WHO (2000). It has since been applied without further revision. Having not been substantively reviewed for nearly 20 years, this term should now be considered as rather uncertain. The uncertainty range provided by CEH is at least +/- 50% (15-45 $\mu\text{g}/\text{m}^3$). The ammonia critical level for lichens and bryophytes can be considered as robust and supported by several studies (e.g. UNECE, 2017 see Section III.2.3). However, the ammonia critical level threshold is considered by CEH to be uncertain to around +/-20% (0.8-1.2 $\mu\text{g}/\text{m}^3$)'.*

1.3.4 In response to this approach AECOM would make four points:

- Firstly, AECOM do not consider it advisable for bodies undertaking air quality impact assessments to determine for themselves (even using information provided by the likes of CEH) whether to deviate from the critical levels which have been agreed internationally until an appropriate scientific standard-setting organisation (e.g. UNECE), government agency or representative professional body (e.g. the Institute of Air Quality Management) take a consensus view that such a change should be made. This is because the major advantage to the use of critical levels is their international consistency. If organisations choose alternative reference levels for individual assessments it undermines the ability of anybody to undertake a meaningful air quality impact assessment.
- Secondly, the critical level for ammonia of 1 $\mu\text{g}/\text{m}^3$ is only relevant if significant lichen interest is present within the affected area, otherwise the more appropriate critical level is 3 $\mu\text{g}/\text{m}^3$. AECOM's investigations indicate that the area within 200m of the A26, A22 and A275 through Ashdown Forest does not support significant lichen interest and the ammonia concentrations in both AECOM and WDC modelling in these areas is below 3 $\mu\text{g}/\text{m}^3$.
- Thirdly, NO_x concentrations in the abstract are less relevant than nitrogen deposition rates as, at the concentrations forecast, NO_x is essentially a proxy for nitrogen deposition and the critical level for NO_x is generic for all vegetation whereas the critical load for nitrogen deposition is habitat specific. This is why AECOM's analysis involves much more discussion of nitrogen deposition rates than NO_x concentrations in the abstract.
- Fourthly, exceedance or otherwise of a given critical level is only one part of the air quality impact assessment (and arguably a less important part). What is more significant where one already has a baseline exceedance is the likely future trend in concentrations and whether they are likely to be significantly lower in the future, even allowing for growth, than they are at the present.

- 1.3.5 As such, AECOM does not consider that this acknowledgement of some uncertainties in the definition concentrations for some of the critical levels undermines their use.
- 1.3.6 The WDC HRA makes two references to the 200m distance criteria that is used to focus air quality assessments:
- Paragraph 5.5 '*However, it must also be noted that effects can occur beyond 200m. Therefore, the use of this figure as relevant to distance is limited*'.
 - Paragraph 5.7 '*Whilst 200m may therefore be used in initial screening, it may not be directly relevant to potential impacts that may occur on the ground. It is likely however, that this will be site specific*'.
- 1.3.7 Whilst very small changes could be predicted beyond 200m the potential for significant effects beyond 200m (either for schemes in isolation or in combination) must be very low. Since the effect of the road declines with distance any impact assessment will normally focus on the worst-case figures (i.e. those closest to the road) in any event.
- 1.3.8 The WDC HRA reports 24hr (short-term) NO_x concentrations as a metric as well as the more standard annual average. AECOM has already indicated in the South Downs Local Plan HRA why it does not consider the 24hr NO_x metric to be ecologically useful. The WHO (2000) guidelines include a short-term (24 hour average) NO_x critical level of 75 µg/m³. Originally set at 200 µg/m³, the guideline was considerably lowered in 2000 to reflect the fact that, globally, short-term episodes of elevated NO_x concentrations are often combined with elevated concentrations of O₃ or SO₂, which can cause effects to be observed at lower NO_x concentrations. However, high concentrations of O₃ and SO₂ are rarely recorded in the UK. As such, there is reason to conclude that in the UK the short-term NO_x concentration mean is not especially ecologically useful as a threshold. It is noted that Natural England made the same point on page 9 of their letter to Wealden District Council dated 16/02/18 ('*this level presumes exceedance of critical levels for SO₂ and O₃ as well*'). Additionally, CEH, whose advice was adopted on critical loads by in the WDC HRA also agree with AECOM that '*UN/ECE Working Group on Effects strongly recommended the use of the annual mean value, as the long-term effects of NO_x are thought to be more significant than the short-term effects*'⁵.
- 1.3.9 Appendix 8 of the HRA presents a literature review of the effects of nitrogen deposition on vegetation. There is nothing in this review that casts a reasonable scientific doubt on the work AECOM have undertaken and indeed the AECOM work references a number of the same pieces of literature. Appendix 9 presents a review of mitigation measures that are available. It appears to be reasonable for such a high level document.

Emissions scenarios

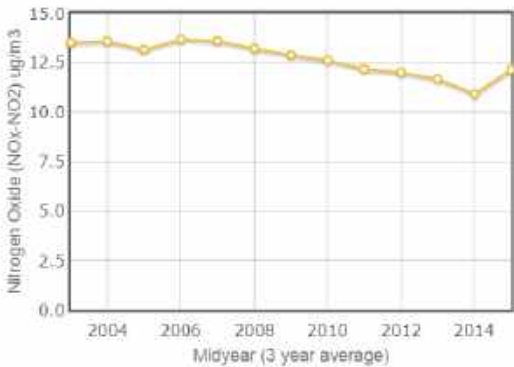
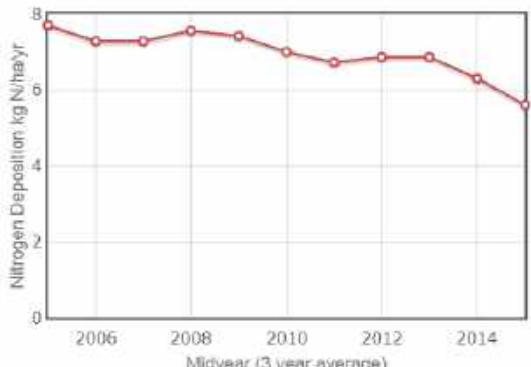
- 1.3.10 For the future scenarios WDC model three different outcomes relating to emission factors. Two of these scenarios (B and C) postulate an improvement in emissions technology. However, two of these three scenarios are unrealistic.
- 1.3.11 Scenario A assumes that vehicle emissions factors will be 'frozen' in 2015. This is highly unrealistic for several reasons:
- The most stringent emissions standard yet deployed (Euro 6/VI) had already become mandatory in 2014 for new heavy duty vehicles (HDVs) and buses, with new cars and light vehicles adopting the standards in September 2015, and further improvements in

⁵ Sutton MA, Howard CM, Erisman JW, Billen G, Bleeker A, Grennfelt P, van Grinsven H, Grizzetti B. 2013. The European Nitrogen Assessment: Sources, Effects and Policy Perspectives. Page 414. Cambridge University Press. 664pp. ISBN-10: 1107006120

June 2011. Manual on Methodologies and Criteria for Modelling and Mapping Critical Loads & Levels and Air Pollution Effects, Risks and Trends. Chapter 3: Mapping Critical Levels for Vegetation

emissions technology, as well as an increasing shift to electric and hybrid vehicles, are either planned or committed;

- The result of such an assumption is that Scenario A forecasts a net deterioration in nitrogen deposition and NOx concentrations to 2028 when traffic growth is taken into account. However, that would require existing long-standing trends to reverse without any good reason to make such an assumption. The graphs below show the trends in NOx and oxidised nitrogen deposition (that which derives from combustion processes) at Ashdown Forest SAC from 2005 to 2015. These trends are local manifestations of a broader long-term national trend. The general long-term trend for NOx has been one of improvement (particularly since 1990) despite an increase in vehicles on the roads⁶. Total nitrogen deposition⁷ to the UK decreased by 13% between 1988 and 2008, while NOx concentrations decreased by 50% over the same time period⁸. While it is therefore true that nitrogen deposition rates have not fallen as precipitately as NOx concentrations they *have* fallen and the component of deposition associated with combustion processes such as traffic (oxidised nitrogen) can be expected to continue to fall.

	
<p>Graph of the trend in NOx for the 1km grid square within which Ashdown Forest SAC is situated, from 2005 to 2015 as presented on www.apis.ac.uk. According to APIS NOx concentrations at the SAC reduced by 1.3 µg^m-³ over this 10 year period, notwithstanding traffic growth over that same period.</p>	<p>Graph of the trend in oxidised nitrogen deposition to short vegetation (as opposed to forest) for the 5km grid square within which Ashdown Forest SAC is situated from 2005 to 2015 as presented on www.apis.ac.uk. According to APIS oxidised nitrogen deposition at the SAC reduced by 2kgN/ha/yr over this 10 year period, notwithstanding traffic growth over that same period. While it is true that <u>total</u> nitrogen deposition (i.e. oxidised nitrogen from NOx <u>and</u> reduced nitrogen from ammonia) has <i>increased</i> within the same 5km grid square by 1kgN/ha/yr over the same period, this can be attributed to non-road sources of nitrogen within the wider area; principally ammonia from agriculture. Within 200m of the roadside trends in oxidised nitrogen can be expected to be more representative of total nitrogen deposition than they are over the 5km grid square as a whole. It is therefore reasonable to postulate an improving trend in total nitrogen deposition within 200m of the roadside, continuing the existing trend in oxidised nitrogen deposition.</p>

⁶ Emissions of nitrogen oxides fell by 69% between 1970 and 2015. Source: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/579200/Emissions_airpollutants_statisticalrelease_2016_final.pdf [accessed 04/07/18]

⁷ Oxidised nitrogen derives from combustion, such as vehicle exhausts, while reduced nitrogen results from ammonia primarily from agriculture. Total nitrogen deposition is both oxidised and reduced nitrogen combined.

⁸ Rowe EC, Jones L, Stevens CJ, Vieno M, Dore AJ, Hall J, Sutton M, Mills G, Evans CD, Helliwell RC, Britton AJ, Mitchell RJ, Caporn SJ, Dise NB, Field C & Emmett BA (2014) Measures to evaluate benefits to UK semi-natural habitats of reductions in nitrogen deposition. Final report on REBEND project (Defra AQ0823; CEH NEC04307)

- 1.3.12 Scenario C is also unrealistic, or at least insufficiently cautious, because it assumes the full scale of annual improvement (2% per annum) in nitrogen deposition advocated by DMRB throughout the entire plan period. The Design Manual for Roads and Bridges guidance for air quality assessment (document HA207/07)⁹ recommends reducing nitrogen deposition rates by 2% each year between the base year and assessment year (*'The total average deposition rates obtained from the Air Pollution Information System ... should be reduced by 2% per year to estimate deposition rates for the assessment years'*). While one would hope this will occur in practice, it would require a significantly greater annual improvement in total nitrogen deposition rates than is demonstrated by recent national trends¹⁰. Those trends pre-date the roll out of Euro 6/VI so are likely to be pessimistic as a future projection, but improvements in vehicle technology later in the plan period are more uncertain than those in the early part of the plan period.
- 1.3.13 Scenario B is considered most realistic because it *does* make an allowance for vehicle emission factors to continue to improve over the plan period *but* is considerably more cautious in doing so than DMRB. AQC do this using their CURED tool, which makes a more realistic assumption about the emissions of diesel vehicles than Defra's emissions factor toolkit. Therefore, it is considered that the results of emission Scenario B represent the most realistic forecasts.
- 1.3.14 The original air quality modelling report by AQC in 2017 acknowledged that most of their modelled scenarios (including the one now called Scenario A) were unrealistic. This is not acknowledged in the latest WDC HRA report which appears to imply that all their modelled scenarios are equally realistic. It may be acknowledged in the June 2018 AQC report which is not currently available.

Net change in NOx and nitrogen deposition between 2015 and 2028

- 1.3.15 The data for Ashdown Forest are not presented in the most easily interpreted manner. In particular the analysis often presents tables showing the amount (hectares) of the SAC that will exceed the critical level or load for each emission and growth scenario. The reporting focuses on this metric but that presents a very crude analysis since it gives no indication of how much of an exceedance is expected. Reporting in this way masks the fact that the degree of exceedance across the SAC is expected to reduce in two of their three modelled emissions scenarios. Table 35 for example is presented such that it appears at first glance that under all emissions scenarios growth 'in combination' will result in a net increase in the area of the SAC exceeding its critical load. However, that table only presents the data for 2028 in the 'with' and 'without' growth scenarios; all this table is actually showing is that, unsurprisingly, when you add more traffic for a given future year you get more NOx and nitrogen than you would in that same year without additional traffic. It is necessary to refer to other tables across the HRA to understand that when compared with the baseline (2015) scenario a *net improvement* in nitrogen deposition is forecast in two of the three 2028 emissions scenarios due to the application of the improved emission factors to both the additional and existing traffic volumes.
- 1.3.16 This can be gleaned by comparing Paragraph 10.3 and Table 22 for example. Paragraph 10.3 states that *'The [baseline] average annual mean NOx concentration across the whole SAC is 12.1 µg/m³*. Table 22 then shows that this average concentration would fall to 8.5 µg/m³ under Scenario B, even with all growth. Similarly, Table 17 provides a baseline average deposition to dry heath of 15.3 kgN/ha/yr. Table 25 then shows this falling to 13.7 kgN/ha/yr in emissions Scenario B, even allowing for all traffic growth 'in combination'. Under Scenario C the improvement is even greater. Comparing Tables 37 and 39 also reveals the net improvement in nitrogen deposition. For example, Table 37 shows that 1.93ha of dry heathland falls within

⁹ <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol11/section3/ha20707.pdf>

¹⁰ For example, a 13% improvement between 1998 and 2008 is an average per annum improvement of 0.65% compared to 1998 data

the deposition range 18-20 kgN/ha/yr as of 2015. Table 39 shows that this is forecast to have fallen to 0.13 ha by 2028 under the most realistic scenario (Scenario B), even allowing for all the traffic growth.

- 1.3.17 It is odd that the report draws so little attention to this fact given its significance. There appears to be only one statement anywhere in the 600+ page report that actually spells it out: paragraph 10.158 states that *'The 'With Plan' scenarios B and C are assumed to show a decrease in results compared with scenario A as a result of predicted emission improvements'*, but goes on to say that due to uncertainties in the scale of improvement WDC are going to use Scenario A to form their conclusion as this is the most precautionary scenario. As discussed earlier, it is undoubtedly the most precautionary scenario of the three (A, B and C) but is also the most unlikely, unrealistic and scientifically unreasonable given that it would require long-standing positive trends to reverse at a time when increasing effort is being dedicated to improving vehicle emissions.
- 1.3.18 In summary therefore, WDC presents 3 emissions scenarios for 2028. Two of these scenarios forecast a net improvement in NO_x and nitrogen deposition even allowing for all growth 'in combination'. Only Scenario A presents a net deterioration, and that would only arise if existing trends in NO_x concentrations and oxidised nitrogen deposition were to reverse. WDC's consultants (AQC) have previously noted that such an eventuality would be unrealistic and (for NO_x) 'extreme'.
- 1.3.19 AECOM's view is therefore that these results do not cast a reasonable scientific doubt on the modelling and conclusions of the AECOM work. They essentially make the same points that WDC's 2017 modelling made.

Nitrogen dose of additional traffic

- 1.3.20 Having looked at the net forecast change in NO_x and nitrogen deposition between 2015 and 2028 (which takes into account improvements in background concentrations and deposition rates by applying improved emission factors to existing traffic volumes), AECOM now moves to look at the nitrogen dose that would be contributed by the additional traffic added to the network. In other words, this section examines the extent to which growth to 2028 is forecast to affect the improvement in nitrogen deposition rates that would otherwise occur by 2028 in the hypothetical absence of any traffic growth at all.
- 1.3.21 It is important to note that the WDC HRA tends to present this dose not as a 'retardation of improvement' (even when discussing Scenarios B and C) but rather as if it were a net deterioration. For example, paragraph 10.150 states that *'...the Wealden Local Plan alone and when considered combined with Tempo growth will result in elevated deposition [emphasis added]...'* and that *'The relevance of this is that the Wealden Local Plan either alone or when considered with Tempo growth is predicted to result in a worsening of the situation' [emphasis added]*. The final bullet point in 10.153 states that *'The overriding conclusion for the future year with Local Plan and Tempo growth results is that additional development proposed by the Wealden Local Plan is likely to make conditions worse' [emphasis added]*. These are misleading descriptions for all emissions scenarios except Scenario A, as they do not acknowledge that for Scenarios B and C this 'worsening' is not in comparison to the 2015 baseline situation but only to the 2028 situation in the hypothetical scenario of no growth. For example the 3.65ha of dry heathland that Table 40 claims to be 'elevated' into the 14-16 kgN/ha/yr deposition band by WDC Local Plan under Scenario B is the difference between the area within this band in Table 39 ('2028 with plan scenarios') and the area within this band in Table 38 ('2028 No WDC growth scenarios') which both present data for 2028. This is therefore not a true 'worsening' as most people would understand it because it is not a comparison with the baseline but with a strictly hypothetical alternative future scenario. By reporting their data in this manner WDC largely obscure the fact that two of their three

modelled emissions scenarios are actually postulating a net *improvement* in air quality when '2028 with growth' is compared to '2015 baseline'.

- 1.3.22 Putting that aside, according to paragraph 10.136 the worst-case 'in combination' nitrogen dose to heathland forecast in Scenario B is 1kgN/ha/yr (final sentence of the paragraph: '*8.23ha of the SAC is predicted to experience an increase of 10% (1kg-N/hr/yr) including 0.52ha of wet heathland*' [emphasis added]). This dose is three times greater than the maximum 0.3 kgN/ha/yr dose forecast by AECOM's modelling¹¹ but is still below the dose (1.3 kgN/ha/yr) reported in NECR210 as significantly affecting heathland species richness (i.e. reducing it by at least 1 species) at the lowest reported background rates at Ashdown Forest (c. 15 kgN/ha/yr). At the same background deposition rate a dose of 1 kgN/ha/yr may alter other vegetation parameters but only to a modest extent¹². The background rate at the location where this 1 kgN/ha/yr dose would be experienced is unclear from the WDC HRA. Given that the WDC modelling forecasts much of the SAC to be above 15 kgN/ha/yr in 2028 the vegetation effect may well be smaller than discussed here as the effect of a given dose lessens the greater the background rate.
- 1.3.23 Moreover, this maximum dose applies to only 0.5ha of heathland or 0.03% of all heathland at the SAC¹³; most heathland in the SAC would receive a much smaller dose according to WDC's modelling with the average dose to heathland under Scenario B being a negligible 0.03 to 0.07 kgN/ha/yr according to paragraph 10.136. Most significantly, even this maximum 1 kg/ha/yr dose does not represent a net increase in nitrogen deposition as there is still forecast to be a net *reduction* in nitrogen deposition compared to 2015 under both scenarios B and C. Paragraph 5.25 of the internal Natural England guidance¹⁴ is relevant here: '*Where the conservation objectives are to 'restore the concentrations and deposition of air pollutants to within benchmarks' (i.e. where the relevant benchmarks such as Critical Loads/Levels are already exceeded) they will be undermined by any proposals for which there is credible evidence that further emissions will compromise the ability of other national or local measures and initiatives to reduce background levels*' [emphasis added]. AECOM's modelling and two of WDC's three scenarios all suggest that further emissions will not compromise the ability of other national or local measures and initiatives to reduce background levels, albeit they will mean that the reduction is not quite as great as it would be in the absence of growth.
- 1.3.24 The statement in paragraph 10.136 does not appear to entirely correspond to Table 34 and the reason is not immediately clear. Table 34 actually reports a maximum 'in combination' increase in nitrogen deposition to heathland of 4.3kgN/ha/yr under Scenario B¹⁵, which is considerably greater than the maximum dose (0.3 kgN/ha/yr) forecast in AECOM's modelling (the reasons for this are set out in footnote 7). However, there is no indication in the WDC

¹¹ In the 2017 modelling WDC also reported doses greater than AECOM had reported in its modelling, while still postulating a net improvement in the most realistic scenarios. The reasons for this are unchanged: the AQC study uses a bespoke modelling method for nitrogen deposition. They relate it to an Environment Agency study published in 2008. However, paragraph 7.24 of the 2017 AQC report acknowledges that one of the drawbacks of this bespoke method is that '*... some of the parameters used in the deposition model are highly uncertain*' and that small variations in some, such as stomatal resistance, could have quite large effects on the resulting deposition fluxes. All forecasting methods have their benefits and drawbacks and one risk of using a complex model is that there is more room for uncertainties to affect the results due to the greater number of uncertain parameters in the model. AECOM re-ran its traffic data using its own model but with higher deposition rates and determined that it would not alter the ultimate conclusion.

¹² For example, Table 22 of NECR2010 shows that at background rates of 15 kgN/ha/yr one would expect a dose of 1 kgN/ha/yr to reduce the frequency of occurrence (percentage cover, or probability of presence) of five representative lowland heathland lower plant species (*Hylocomium splendens*, *Hylocomium splendens*, *Cladonia portentosa*, *Cladonia portentosa*, *Brachythecium rutabulum*) by between 0.2% and 0.5%. At higher background rates the change is even smaller. For the same dose at the same background rate Table 20 suggests grass cover would increase by 0.5%. In practice, there are many confounding factors (acknowledged in the WDC HRA) that might mean even this change was not observed.

¹³ According to the Natura 2000 data sheet there are 1,611 ha of heathland in the SAC

¹⁴ NE Internal Guidance – Approach to Advising Competent Authorities on Road Traffic Emissions and HRAs V1.4 Final - June 2018

¹⁵ This is confirmed by comparing Table 25, which states 27.7 kgN/ha/yr maximum deposition to heathland 'in combination' by 2028 with paragraph 10.26, which reports 23.4 kgN/ha/yr without any growth. The difference is 4.3 kgN/ha/yr.

HRA of the extent or location of this patch of heathland and this figure is not mentioned in paragraph 10.136 or anywhere else in the text. Presumably therefore the figure of 4.3 kgN/ha/yr only applies to a very small patch of heathland (i.e. well below the 0.5ha that would be subject to a dose of 1kgN/ha/yr since the area involved drops with increasing dose) and was thus not deemed a relevant statistic to cite by WDC. Even with this much higher dose WDC are still forecasting a net improvement in nitrogen deposition by 2028 due to national measures and initiatives to reduce background levels.

- 1.3.25 WDC do make some references to NECR210 but essentially try and dismiss its applicability (or at least the applicability of the documented trend for decreasing species richness with increased nitrogen dose) to Ashdown Forest. Paragraph 11.111 point (7) states that *'It is possible that a degraded habitat may show an increase in species richness as species that are not characteristic or desirable within a heathland habitat invade. This has been identified to be the case at Ashdown Forest SAC where species richness is higher closer to the road precisely for this reason i.e. undesirable species have invaded... NECR210 does not generally make any distinction in its species richness indices about exactly which species are contributing to the overall values [emphasis added]'*. The pattern of reduced species richness with increased nitrogen dose was considered credible for heathland in NECR210 and was observed when a range of sites were examined and confounding factors could therefore be removed. This is in contrast to calcareous grassland where the authors of NECR210 confirmed that the species-richness parameter was not useful for exactly the reasons identified in WDC's statement: there was no reduction in species richness with increased nitrogen deposition, just replacement of more desirable species with less desirable species. Therefore the underlined statement in paragraph 11.111 does not appear to be fair to the authors of NECR210; they did draw a distinction between desirable and undesirable species, where it was relevant to do so. WDC's argument is therefore not a sound basis for dismissing the species richness trend provided this is only used (as AECOM has done) to give an ecological context to the likely effect of a given dose when a net improving trend is expected.
- 1.3.26 Para 11.126 states that *'Whilst the NECR210 is a valuable report, permitting further deposition to a situation where concentrations and deposition is already critically exceeded will push conservation status further away from achieving favourable status.'* This is only true if you are forecasting a net deterioration. WDC are forecasting a net improvement in two of their three emission scenarios and in that context this statement is factually incorrect. It also contradicts the Natural England internal guidance cited earlier. Paragraph 5.26 of that guidance makes it clear that *'an exceedance alone is insufficient to determine the acceptability (or otherwise) of a project'*.
- 1.3.27 Paragraph 10.160 makes the statement that *'If growth such as that proposed to take place in Wealden is replicated across the UK, then this brings into question as to whether reductions (if they are successful) will take place'*. This doesn't appear to make much sense; more growth does of course mean more traffic but as can be seen from both WDC's modelling and AECOMs the net improvement in air quality within 200m of the local road network largely results from the benefits gained by applying the improving vehicle emission factors to the existing traffic volumes using that network, which outweighs the effects of traffic growth. As discussed, the long term national trend for NO_x and nitrogen deposition has been an improving one notwithstanding the growth that has occurred nationally. The further roll out of electric and hybrid vehicles prior to the ban on sale of new petrol and diesel cars in the UK in 2040 is likely to significantly further reduce per vehicle emissions.
- 1.3.28 Paragraph 10.165 states that *'All scenarios modelled predicted for both current conditions as well as conditions in 2028 an exceedance of the critical load for wet and dry heathland habitats. The implication of this is that further action will be required beyond that identified as part of the Defra reductions (scenarios B and C) to bring Ashdown Forest SAC into favourable conservation status from the perspective of nitrogen deposition, NO_x and NH₃ concentrations'*.

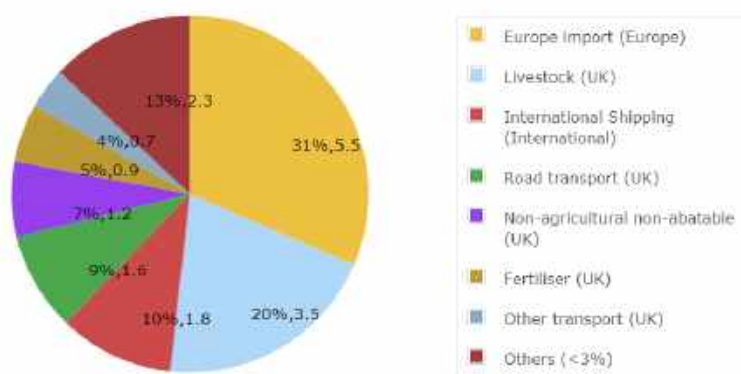
AECOM take issue with this on two grounds. Firstly, the need for measures to bring a site into favourable conservation status is an entirely separate issue from whether a given plan or collection of plans will have an adverse effect on the integrity of that site (i.e. whether they will *prevent* the site from achieving favourable conservation status). Secondly, the recently released internal Natural England guidance makes it clear in paragraph 5.26 that '*an exceedance alone is insufficient to determine the acceptability (or otherwise) of a project*' and two of WDCs own scenarios predict that the degree of exceedance will reduce by 2028 even when all growth is included. Therefore it is not at all obvious that 'the implication' of the fact that critical loads are already exceeded and will continue to be so is that further work needs to be done beyond the improvements in emissions technology. In any event 'further work' is being done beyond simple reliance on such improvements; as documented in the HRA of the South Downs Local Plan for example both South Downs National Park and Lewes District Council are introducing/have introduced policies to encourage greater sustainable transport use into their Local Plans.

- 1.3.29 Paragraphs 11.41 onwards summarise the ecological monitoring which has been undertaken at the site to date. The main outcome seems to be that no pattern is currently obviously relatable to road proximity (never mind road-related nitrogen deposition specifically) other than (perhaps) an increase in nitrogen in the plants, and that species richness actually declines with distance from the road in this case. For example, 11.49 states that '*...the Ecus Ltd data showed that overall species richness declined with distance from the road*' rather than increasing as might be expected. Paragraph 11.56 does state that '*This statistically significant correlation strongly indicates therefore, that soils in Ashdown Forest have more elevated levels of soil nitrogen near to roads. When considered in combination with the plant nitrogen index results, they provide convincing evidence that these effects are attributable to elevated levels of nitrogen emissions and deposition from motor vehicles*'. However, this merely proves what we already know, that nitrogen deposition will be elevated locally due to the presence of the road and this influence declines with distance from the road. No-one disputes this. However, it is interesting to note that paras 11.59 and 11.60 confirm that actual soil nitrogen did not show *any* pattern with distance from the road. Paragraph 11.50 suggests the increase in species richness with proximity to the road is due to '*additional nitrophile species being present in the vegetation communities closer to a road*' but even if true it is not evidence of any adverse effect and the paragraph itself acknowledges that other confounding factors might explain the reversal of the expected pattern with distance.
- 1.3.30 Paragraph 11.71 states that '*All of these failings [regarding the SAC failing to meet its targets on various parameters] reflect the known adverse effects from nitrogen deposition on heathlands established through experimental studies, including reduced diversity of desirable species (especially nitrophobic species), increase in invasive and exotic species (especially nitrophillic species) and the increased cover of graminoid species*'. However, they could also be explained by a wide range of other impact pathways. A visual inspection of the SAC suggests that its biggest and most obvious problem is inadequate management and that could explain many of the observed failures, particularly as these extend beyond 200m from the roadside and thus well outside the zone where the influence of the local roads will be greatest. This management issue is acknowledged in paragraph 11.74.
- 1.3.31 Paragraph 11.111 point 7 states that '*Site specific investigation is the only way to properly address complex ecological problems*'. This is true to an extent but the problem is that at a site level it is often impossible to disentangle all the influences on the site as WDC have demonstrated with their ecological monitoring. This is why the influence of nitrogen deposition is often only apparent when one examines trends across a range of sites with varying management, climate etc. The confused or inconclusive results of the ecological monitoring so far illustrate why, when moving from the hypothetical arena of modelling to the practical arena, confounding factors may mean that no effect of local road nitrogen deposition is ever observed in practice particularly since, based on AECOMs modelling and WDCs Scenarios B and C, one

would be looking not for a negative change in the vegetation but for a positive change that is slightly less positive than it might be otherwise.

- 1.3.32 Table 47 uses the JNCC decision framework to identify that N deposition is a threat to the site. This is the first time AECOM has seen this framework used in an impact assessment (it is more normally used as a site management tool to determine whether a site is vulnerable to increased nitrogen deposition) and its use here doesn't appear to be illuminating. All it indicates is that the site may well be being adversely affected by current nitrogen deposition; a conclusion which can already be reached from the fact that it exceeds its critical load. That is a totally separate matter from whether a given plan or plans will have an adverse effect (i.e. make the existing situation worse or significantly prevent it from getting better). WDCs own modelling for Scenarios B and C suggests that in combination growth will not prevent the site achieving its conservation objectives. This is because of a net improving trend and a dose due to growth that will not affect the vast majority of the SAC and may only slightly affect the degree of improvement in the remaining small areas (amounting to c. 0.03% of heathland in the SAC in Scenario B and even less than this in Scenario C).
- 1.3.33 Paragraph 11.110 states that the framework results mean the site '*requires action to reduce N deposition impacts at national or site-level*' but with regard to traffic emissions that is exactly what the improved vehicle emission standards are intended to do. It is also important to remember that there are many other sources of nitrogen for the site as a whole than road traffic. The pie chart below is the nitrogen source attribution for Ashdown Forest taken from www.apis.ac.uk. This shows that only 9% of nitrogen deposited at the SAC stems from UK road transport (note that this is the *whole* UK not just the local road network which will be a fraction of the 9%). In contrast, 91% of nitrogen deposited at the SAC comes from other sources with at least 25% from agriculture (livestock and fertilizer) and over 30% being imported from mainland Europe. Any Site Nitrogen Action Plan should target the major sources that do not currently have any abatement strategy in place (notably agriculture) rather than smaller sources such as road traffic that are already being addressed by national initiatives.

- Pie Chart: Sources ranked by total Nitrogen deposition (Kg N/ha/yr)



Review of WDC Policies AF1 and AF2

- 1.3.34 AF1 appears to be a relatively standard policy for protecting European sites. The policy starts with an assumption that all growth will cause an in combination effect *'owing to a net increase in traffic movements beyond the 2014 baseline'*. However, it then sets out the requirement for HRA which would theoretically provide some developments with the opportunity to confirm that they would not contribute to this issue (i.e. because they will not lead to a net increase in vehicle movements through the SAC). It is unclear if this is how Wealden intend this policy to operate.
- 1.3.35 AF2 requires development that *'...results in the net increase in traffic movements across roads adjacent to Ashdown Forest SPA to make a financial contribution to a package of measures designed to ensure that there is no adverse impact on the integrity of Ashdown Forest SAC'*. However, it is noted that the policy refers explicitly to *'Development identified in this plan...'* and thus it does not presume to try and govern development in surrounding authorities.
- 1.3.36 The policy states that such measures could include, but are not limited to, the following:
- *'a) Air quality and ecology monitoring of Special Area of Conservation'* – this would certainly be needed but monitoring is not mitigation
 - *'b) Investigation of and the potential implementation of on-site management techniques'* – this is vague and the efficacy of changing site management is unclear. Moreover, improved management is most likely to actually address a broader (and in our view more significant) site issue, rather than a problem related to traffic or development
 - *'c) Investigation of measures to reduce local transport emissions from vehicles'* – other than electric charging mentioned later in the policy it is difficult to envisage what this would include. Per vehicle emissions are not something that can be influenced effectively at a local level, unless it simply means (for example) a more frequent bus service between key destinations. Again, this policy doesn't actually commit to such measures (whatever they may be) but only commits to investigating them
 - *'d) Reduction of emissions from other land uses that affect the Special Area of Conservation'* – if one does choose to tackle nitrogen deposition to the SAC this is the measure most likely to be effective. However, it is vague and it is unclear how this could actually be accomplished at a local level. One of the reasons why agricultural nitrogen deposition has not really been addressed is because, with the exception of some facilities such as intensive pig farms, there is no control mechanism in existence
- 1.3.37 The policy also states that *'All new development must also:*
- *'h) Provide appropriate electric vehicle charging infrastructure. The type and amount of infrastructure to be agreed with the competent authority to suitably mitigate the type of development'* [emphasis added] – the intention is laudable and should be supported but it would be interesting to understand how they intend to do the underlined calculation it does not provided developers with much clarity; and
 - *'i) Demonstrate that freight traffic resulting from new development will not impact the Special Area of Conservation through routing arrangements'* – this would appear to be very difficult to actually implement. Most freight traffic routing is accomplished through the driver's satellite navigation and the A26 and A22 are the obvious routes for freight to take if moving from (for example) Royal Tunbridge Wells to Brighton or East Grinstead to Eastbourne. For those heavy duty vehicle movements that are set to some extent externally (such as minerals traffic) it is difficult to envisage reasonable alternative routes that could be used.

- 1.3.38 So a number of the mitigation measures identified in the policy would seem to be vague or difficult to implement. They would also seem to be of limited effectiveness given the extent to which nitrogen deposition at the SAC is a cross-authority issue and includes sectors (notably agriculture) that are not within the control of a Local Plan or local authority planning policy or development control.

Conclusion

- 1.3.39 The main point to emerge from the most realistic scenario Wealden has modelled (Scenario B) is that the maximum nitrogen dose from additional traffic on the network is greater than that modelled by AECOM but affects only a very small proportion of all heathland in the SAC and at worst is likely to mean that any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 *may* be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). However, given the confounding factors present as demonstrated by WDCs vegetation monitoring it is entirely possible that even this effect may never materialise on the ground. AECOM's view is that inadequate management is a much bigger threat to the ability of the SAC to achieve its conservation objectives and favourable conservation status than increased local road traffic and that agriculture is a much greater source of nitrogen for this site, as well as being one which (unlike traffic) currently has no abatement strategy.

1.6 Pevensey Levels - Air Quality

Is the SAC/Ramsar site actually air quality sensitive?

- 1.3.40 AECOM's position on air quality and the Pevensey Levels SAC and Ramsar site, as expressed in the South Downs Local Plan HRA, is as follows:
- The Pevensey Levels SAC and Ramsar interest features are not sensitive to atmospheric ammonia, NO_x or nitrogen deposition. This is supported by reference to the UK Air Pollution Information System which does not list any interest features of the SAC as being sensitive to atmospheric nitrogen deposition, NO_x or ammonia. It is also noted that the Site Improvement Plan produced by Natural England does not mention air quality as a concern and AECOM understands from personal communication from Natural England officers that they do not currently see atmospheric nitrogen deposition as a risk to the integrity of this site. The Pevensey Levels SAC is designated for its population of lesser whirlpool ramshorn (*Anisus vorticulus*), while the Ramsar site is designated for both this snail and a range of other internationally important aquatic invertebrates and aquatic plants in the ditch network on site. The site also provides habitat for breeding and wintering birds but these are not a reason for Ramsar designation.
 - While eutrophication (excessive vegetation growth from nutrient enrichment) is a risk, the ditches of the Pevensey Levels (like most freshwater bodies) are understood to be 'phosphate-limited', meaning that phosphate is the most important nutrient to control. Phosphate does not derive from atmosphere but does come in large volumes from agricultural runoff and treated sewage effluent. Provided phosphate levels can be controlled then nitrogen inputs (even through the water column) are unlikely to have a material effect on plant growth/habitat structure in the ditches. This is why, in most freshwater SACs and Ramsar sites, the attention is focussed on controlling phosphate inputs rather than nitrogen inputs.
 - Since there are no applicable nitrogen critical loads, or NO_x or ammonia critical levels, for the interest features of this SAC or Ramsar site, there are no appropriate reference levels/damage thresholds for any impact assessment.

- 1.3.41 In their HRA Wealden are clearly trying to abide by their original declaration that an adverse effect on integrity is expected (paragraph 15.54: '*... it cannot currently be concluded with confidence that air pollutant effects will not have an adverse effect on the ecological integrity of Pevensy Levels SAC Ramsar to meet its conservation objectives*') while at the same time obliquely acknowledging that they can only draw this conclusion by essentially ignoring the SAC and Ramsar interest features and instead modelling the grazing marsh. This approach is stated in paragraph 15.40 '*a generic 'fen, marsh and swamp' habitat is considered in this assessment of ditch freshwater habitat*' despite the fact that these are not equivalent habitats. The Pevensy Levels are unusual in that they are only of international (as opposed to national) importance for a narrow collection of interest features (invertebrates and aquatic plants) associated with the ditch network. This is in contrast to the SSSI which is designated for a much broader range of interest features including the grazing marsh (seasonally flooded pasture), which makes up the majority of the site by area but plays a minimal role in supporting the SAC and Ramsar interest features.
- 1.3.42 While it is true that, as stated by WDC in paragraph 15.39, the physical extent of the SAC includes the grazing marsh, it is not unusual for SAC boundaries to include areas of 'site fabric' that do not support the SAC interest features but which it would be impractical to exclude from the site boundary. Natural England makes this point in the text quoted in paragraph 15.47 of the WDC report: '*Not all features of a designated site are present within a given location within the site. In some cases, a road surface and its adjacent verges may be included within a designated site boundary. This does not necessarily mean that it, and its associated verges, will be of nature conservation interest and form part of a qualifying feature*'. In this case it is most likely that the SAC boundary was chosen to fit with the SSSI boundary for convenience.
- 1.3.43 WDC seem determined to conclude an adverse effect a priori, despite acknowledging in paragraph 15.41 that '*...negative effects from atmospheric nitrogen deposition are not identified as a threat to the integrity of the SAC*' and that '*It is not possible to directly assess how elevated nitrogen deposition from road traffic exhaust emissions may have negatively altered the Pevensy Levels SAC and Ramsar ecosystem*' (paragraph 15.43). In subsequent paragraphs they discuss how runoff from the farmland catchment of watercourses can affect ditch water quality. However, they appear to miss two key points:
- Firstly, there is no discussion or acknowledgement of 'nutrient limitation'. Paragraph 15.46 states that '*Many studies have shown significant negative correlation between increasing nitrogen deposition and species richness in a variety of terrestrial habitats (e.g. Caporn et al., 2016) and there is no reason to suppose that things are different for the emergent and marginal ditch habitat vegetation...*'[emphasis added]. This is an entirely erroneous supposition and suggests that the author is unaware of the concept of 'growth-limiting nutrients' and how the key growth-limiting nutrient differs between terrestrial and most freshwater ecosystems. It is also of limited relevance given that the lesser whirlpool ramshorn snail prefers watercourses with very little emergent and marginal vegetation, often floating on the surface amongst duckweed. Most terrestrial habitats are nitrogen and phosphorus co-limited meaning that both nutrients are naturally scarce and adding either can stimulate growth. In contrast, most freshwater ecosystems are only phosphate-limited because compared to nitrogen that nutrient is naturally scarce in watercourses and lakes; increasing nitrogen inputs therefore has little effect on the growth of submerged and floating aquatic plants (or freshwater algae) unless phosphate is also present in unnatural abundance. Controlling phosphate levels, rather than nitrogen levels, is therefore the key to controlling eutrophication and is the target of the Environment Agency (EA) in freshwater systems. In contrast, the EA will rarely seek to control nitrogen discharge from Sewage Treatment Works into freshwater systems. WDC erroneously assume that the ditches must be nitrogen-limited (or at least co-limited) simply because this is true of terrestrial habitats. Natural England correct this assumption by emphasising the role of phosphorus in the text quoted in paragraph 15.47 of the WDC report, but WDC do not

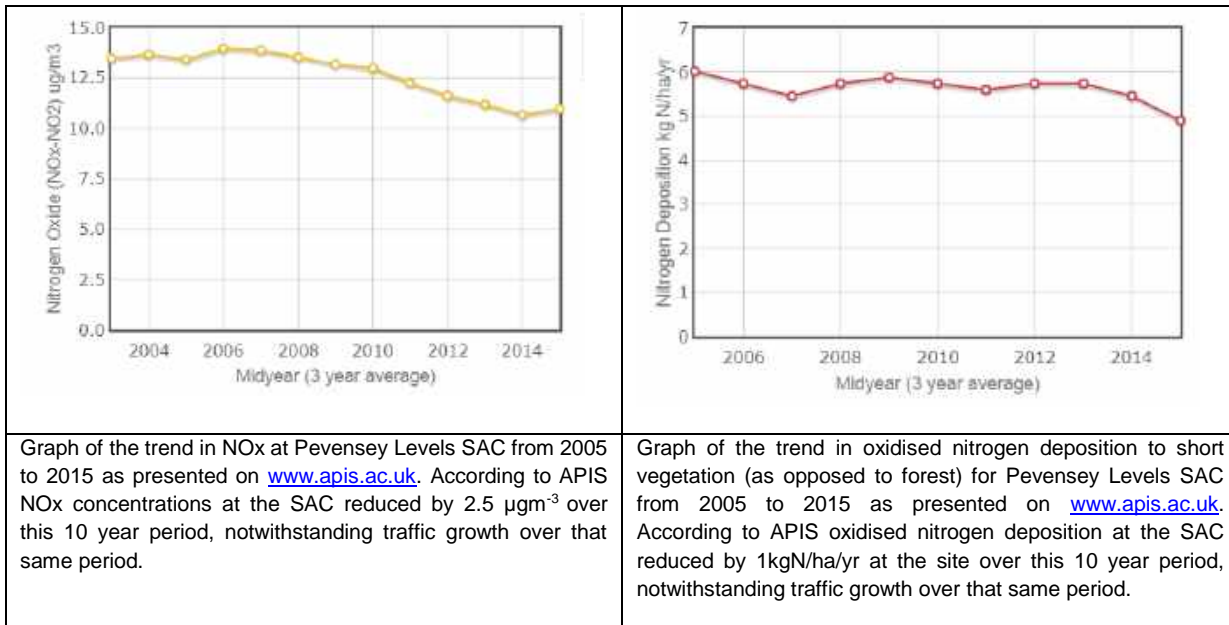
appear to understand the point being made. Table 70 of the HRA includes the statement that '*Although phosphorus has traditionally been recognised as the principal limiting nutrient in freshwater ecosystems it is now clear that this is not always the case*'. This appears to be the only place where nutrient-limitation is discussed. It is true that there are some freshwater systems that are nitrogen-limited but these are the minority; to the best of AECOM's knowledge there is no evidence that floating and submerged vegetation in lowland ditch and river systems is nitrogen-limited.

- Secondly, WDC mention the issue of runoff from the catchment but do not appear to make the connection that this farmland itself will therefore be by far the largest source of nutrients (phosphate as well as nitrogen) entering the system via this pathway. There is also no discussion in this section of the role played by Hailsham North and South Sewage Treatment Works, which discharge to the Pevensy Levels and where considerable effort is expended to control phosphate loading but not nitrogen inputs. This fact **is** noted in paragraph 16.63 of the HRA where it deals with water quality at the Ramsar site/SAC, but no link appears to have been realised between this and the air quality assessment. If nitrogen inputs *are* considered to be such a concern it is unclear why the water quality chapter of the HRA ignores nitrogen inputs from the STWs entirely (even though these will be substantial) and focusses on phosphorus. Nitrogen inputs from both agriculture and the STWs will dwarf the loading coming from atmosphere and affect a much larger area of the SAC and Ramsar site.

The modelling

- 1.3.44 This part of the review assumes purely for the sake of argument that it might be appropriate to take grazing marsh as a proxy for the ditch network on site. Even so doing, WDC's own modelling for the most realistic scenario does not support their conclusion of an adverse effect on integrity.
- 1.3.45 Paragraph 15.12 states that '*In 2015, baseline nutrient nitrogen deposition rates, based on the EA deposition method, are predicted to exceed the critical load of 20 kg-N/ha/yr¹⁶ at locations **up to 5 m from the roadside***' [emphasis added]. So, only the road verge itself is currently affected. For the future scenarios they then model three different outcomes relating to emission factors. Two of these scenarios (B and C) postulate an improvement in emissions technology. However, two of these three scenarios are unrealistic as discussed. The graphs below show that recent trends in NO_x and nitrogen deposition at Pevensy Levels SAC are positive.

¹⁶ 20 kgN/ha/yr is the critical load for grazing marsh since as already discussed the SAC interest features have no critical load.



1.3.46 According to paragraph 15.17 'In 2028, without the development proposals and using the EA deposition method nutrient nitrogen deposition rates are predicted to exceed the critical load up to 2 m from the roadside in scenario B'. So in the most realistic scenario the area of SAC exposed to elevated nitrogen deposition is actually expected to decrease due to improved emission factors from the already negligible 'up to 5m from the roadside' to 'up to 2m from the roadside' i.e. literally kerbside. When all growth in combination is taken into account Scenario B indicates that '... an exceedance of the critical load [for NOx] is predicted to extend 3m from a 150m stretch of the roadside of the A259 to the east of the Pevensley Roundabout and 1m for around 60% of the remaining A259' (paragraph 15.25) while for nitrogen deposition '...exceedances are predicted 1m from the A259 and apply to around 65% of its length only' (paragraph 15.28). So even when all growth is included by 2028 in the most realistic scenario only the area immediately adjacent to the kerb will exceed the critical level for NOx or critical load for nitrogen deposition. Moreover Table 67 shows that, while the critical level/load will continue to be exceeded, there is nonetheless forecast to be a net improvement in both pollutants expected by 2028 under Scenario B.

Conclusion

1.3.47 AECOM remains of the view that Pevensley Levels SAC and Ramsar site are not particularly sensitive to nitrogen deposition from atmosphere and this view is supported by the available evidence and apparently by the opinion of Natural England. Even WDCs own modelling suggests that, even if one assumes it is sensitive, only the road verge itself would be affected under the most realistic scenario (Scenario B). There is therefore nothing in the WDC HRA which casts a reasonable scientific doubt over the AECOM position.

1.4 Lewes Downs – air quality

1.4.1 Paragraph 14.13 states that 'Modelled baseline results predict an exceedance of the critical level for annual mean NOx at locations up to 20m from the roadside of the A26... The maximum [nitrogen] deposition flux occurs 10m from the kerb of the A26' [emphasis added]. In short therefore, WDC's own modelling suggests that the SAC is not currently suffering from a problem regarding traffic on the road. While the SAC boundary is adjacent to the A26, the

nearest area of calcareous grassland (the SAC interest feature) to the A26 (in the vicinity of Malling Industrial Estate) is approximately 50m from the roadside, with the intervening area being occupied by dense mature woodland. It is noted that *'Using modelled results, it is predicted that deposition exceeds the critical load at locations up to 200m from the roadside of the B2192'* but given the low traffic flows on that road it seems likely that this will be mainly due to agriculture. This is supported by the fact that no mention is made in this paragraph of elevated NOx concentrations along the B2192 but only of elevated nitrogen deposition.

- 1.4.2 As with Pevensey Levels, WDC model three different future outcomes relating to emission factors. For the reasons already cited Scenario B is considered the most realistic because it *does* make an allowance for vehicle emission factors to continue to improve over the plan period *but* is considerably more cautious in doing so than DMRB. AQC do this using their CURED tool, which makes a more realistic assumption about the emissions of diesel vehicles. Therefore, it is considered that the results of emission Scenario B represent the most realistic forecasts.
- 1.4.3 According to paragraph 14.22 *'The modelling predicts that with the Local Plan scenario combined with growth elsewhere, there will be an exceedance of the critical level for annual mean NOx under scenario A, but not for scenarios B or C'*. If NOx concentrations will have fallen below the critical level by 2028 under the most realistic scenario (B) even allowing for all traffic growth 'in combination' this strongly suggests that traffic will not be playing a significant role in continued elevated nitrogen deposition, as NOx is the main contribution of traffic to nitrogen deposition.
- 1.4.4 Figure 21 shows the area where additional annual NOx due to growth 'in combination' will exceed the triviality threshold of 1% of the critical level by 2028 for the worst-case scenario A. Even though this is an exaggerated scenario it shows that the only part of the SAC which would be subject to an 'in combination' increase in NOx that is greater than trivial would be woodland, rather than calcareous grassland.
- 1.4.5 Paragraph 14.27 states that *'In all local plan scenarios there are predicted to be exceedances of the critical load for nitrogen deposition for both the grassland and woodland'*. However, in itself this statement is meaningless since the site already exceeds its critical load. What the paragraph does not discuss (but is clear from comparing the tables) is that, although the critical load will continue to be exceeded (according to their model) nitrogen deposition will nonetheless be considerably better under their most realistic future scenario than it is at the moment. What is most significant is that paragraph 14.27 goes on to state that *'For scenarios B and C this range [an 'in combination' additional nitrogen deposition above 1% of the critical load] occurs up to 15m from the kerbside of the A26'*. In other words, only the woodland within the SAC will be affected by an 'in combination' increase in deposition that is greater than trivial. The figure of 15m appears to conflict with the figure cited in Table 57 where a figure of 50m is cited for Scenario B. However, the habitat within 50m of the A26 is woodland so the conclusion is still valid. Unfortunately only the unrealistically exaggerated Scenario A is depicted graphically in the report (Figure 23). The actual SAC interest feature will be subject to a trivial level of additional nitrogen deposition even 'in combination' and the nitrogen deposition rate even at the woodland will still be materially better in 2028 than is the case in 2015.
- 1.4.6 This conclusion is alluded to by WDC in paragraph 14.53 where they state that *'concentrations and deposition predicted in the June 2018 version of the Lewes Downs air quality report is not predicted to encroach into the area of calcareous grassland under Scenarios B and C'*. WDC tend to focus on Scenario A when drawing their conclusions as this is the most pessimistic scenario. While undoubtedly pessimistic, it is not a realistic scenario and in AECOM's view Scenario B presents a scenario that is more in line with the precautionary principle i.e. cautious but not unrealistically so.

1.4.7 WDC acknowledge in paragraph 14.62 '*Natural England's advice* [quoted in paragraph 14.52] *that this [the woodland] is not an area of concern*' but in order to maintain their existing stance they ignore Natural England's advice and argue that '*...it is also noted that woodland must be provided the right conditions in order to deliver its supporting function to the overall SAC and its protected features*'. This is an argument that has no merit within the context of this specific assessment. While woodland is indeed vulnerable to air quality and is of interest in itself, it is not a designated feature of this SAC. One might possibly argue (as Natural England allude in their advice quoted in paragraph 14.62) that the woodland provides a supporting function by sheltering the grassland behind it, but any such function would simply require the continued persistence of dense tree cover. Nitrogen deposition effects on woodland are related primarily to the precise botanical composition of the groundflora and lower plant interest; tree cover will continue to persist and in any case under Scenario B WDC are forecasting a net *improvement* in nitrogen deposition to the woodland by 2028 even allowing for growth 'in combination'. Therefore, effects on the woodland are simply not relevant to the conclusions regarding effects on the SAC.

Conclusion

1.4.8 The most realistic WDC scenario (Scenario B) concurs with that of AECOM in that a net improvement in NOx and nitrogen deposition is forecast to 2028 notwithstanding growth, and the only part of the SAC where the 'in combination' nitrogen dose would be greater than trivial is an area of woodland adjacent to the A26 which is not part of the SAC interest. There is therefore nothing in the WDC HRA which casts a reasonable scientific doubt over the AECOM position.

1.5 Review of WDC Policies AF1 and AF2

1.5.1 AF1 appears to be a relatively standard policy for protecting European sites, although it explicitly refers to Lewes Downs SAC and Pevensey Levels SAC as well as Ashdown Forest SAC. The policy starts with an assumption that all growth will cause an in combination effect '*owing to a net increase in traffic movements beyond the 2014 baseline*'. However, it then sets out the requirement for HRA which would theoretically provide some developments with the opportunity to confirm that they would not contribute to this issue (i.e. because they will not lead to a net increase in vehicle movements through the SAC). It is unclear if this is how Wealden intend this policy to operate.

1.5.2 AF2 is an unusual policy in that it requires financial contributions to be made to a mitigation strategy for Lewes Downs SAC that does not exist, is not considered necessary by the bodies that would presumably be charged with delivering it (e.g. Natural England, Lewes District Council, South Downs National Park Authority and East Sussex County Council as highway authority) and is not within the control of WDC. It is therefore unclear how this can be considered a workable policy for that particular SAC. It is also unclear how developers could actually comply with that policy as regards Lewes Downs SAC. There is a minor typo in the policy as quoted in the HRA report since it refers at one point to Lewes Downs SPA.

1.6 Review of additional documentation uploaded to Wealden District Council website in August 2018

1.6.1 The following documents have been reviewed to identify any new matters in relation to air quality and the WDC HRA. The documents have been reviewed from the Habitat Regulations Assessment page of WDC's web-page: (http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Evidence_Base/Planning_Evidence_Base_Habitat_Regulations_Assessment.aspx)

Document: Briefing Note on the Ashdown Forest, Pevensey Levels and Lewes Downs Air Quality reports, 3 November 2017

1.6.2 The note provides an overview of the air quality monitoring and predictions undertaken for Ashdown Forest. The key point raised for Ashdown Forest is that:

- Bullet point e (Page 3) identifies that for Ashdown Forest that: The other overriding conclusion for the future-year results is that the additional development contained within the Local Plan will make conditions in 2028 worse than they would be in 2028 without the Local Plan.

1.6.3 No notable air quality information is presented for Pevensy Levels and Lewes Downs.

Document: Discretionary Advice Service (Charged Advice) DAS 12666/226010 DRAFT Ashdown Forest SAC: Air quality monitoring and modelling, published 16 February 2018

1.6.4 The Natural England (NE) advice was prepared by Susan Zappala, Natural England's air quality specialist. The document largely supports the type of modelling approach and provision of information as AECOM recommends. In contrast the NE advice questions a number of the approaches utilised by Air Quality Consultants (AQC). Specifically:

- Consideration of diurnal and seasonal variations – noting this is because the focus is on annual averages to determine effects on habitat integrity (Page 4, paragraph 2);
- Deviation from two standard deposition velocities to use bespoke model of 9 deposition velocities, questioning the benefits of this added complexity (Page 4, paragraph 2);
- Questioning the uncertainties associated with the bespoke approaches (Page 4, paragraph 3).
- Disagreeing with the proposition that ammonia emissions will increase with reference to European Environment Agency advice in COPERT (Page 12, paragraph 2)
- Identifying that a number of scenarios has been considered and that some of these are considered to be unreasonable worst case scenarios: *We note that a number of scenarios have been used but the most relevant appear to be Scenarios 3 and 5. This is noted in the air quality report at Section 6.1.154 which states “..Scenarios 3 and 5 provide a reasonable worst-case assessment, whilst Scenarios 2, 4, 6 and 7 provide an extreme worst-case upper-bound”. In our opinion, scenarios 2, 4, 6 and 7 use an unreasonable worst case scenario by assuming that there will be no background decreases from technological improvements.*
- The guidance does accept that CURED is an acceptable approach to consider the uncertainty is future air quality (Page 12, paragraph 6).
- That rather than considering the 75 µg/m³ critical level that it is more appropriate to use a WHO level of 200 µg/m³, when SO₂ and ozone are not exceeded (Page 13, paragraph 7).

1.6.5 The NE Guidance suggests that AQC work is compared with what NE consider a standard methodology, considered to be consistent with the AECOM approaches (Page 4, paragraph 1). This does not appear to have been done based on the data reported in the HRA.

1.6.6 A 'General approach advised for HRA screening of air quality impacts' presented in Annex B, Wider Context is considered to represent the NE standard approach described in the review. The key aspects of this are:

- General approach advised for HRA screening of air quality impacts
- This is generally a stepwise approach to screen out at an early stage whether further consideration is needed.
- Check Distance Criteria and APIS introduction to air pollution.
- Habitat sensitivity to that emission type (See Site Relevant Critical Load).
- Where practicable, check the likely exposure of the site 's sensitive features to emissions.

- Ascertain the process-contribution (PC) from the plan or project. This can be either by consideration of the Annual Average Daily Traffic Flow (AADT) or the % of Critical Load/Level benchmark.
- Apply screening threshold (either an increase of 1000 AADT or whether the PC is above 1% of the Critical Load/Level benchmark) alone.
- Apply screening threshold in-combination.

1.6.7 In summary NE advice on scenarios and overall approach is very consistent with AECOM Standard approaches, with acceptance that CURED is an acceptable way to consider future air quality uncertainty. The note does not consider other ways to manage this uncertainty, but this is considered to be as no other approaches to consider this uncertainty was provided by AQC and so no other method was being reviewed by NE.

Document: Draft DAS Response Ashdown Forest SAC, dated 2nd March 2018

1.6.8 This document sets out in detail comments and questions on the above review from NE dated the 16th of February. The document reflects a misunderstanding of WDC of the term standard methodology i.e. what NE considers to be a standard methodology and asks a wide range of questions and outlines that WDC will provide further information or clarifications.

1.6.9 Document: Air Quality and Ecological Monitoring at Ashdown Forest: Considering the Current and Future Impacts on the SAC caused by Air Quality and Nitrogen Deposition: Response to Natural England February 2018 Advice. (Ashdown Forest Statement 15th March 2018)

1.6.10 This document provides a brief 2 page rebuttal of a range of points, including questioning why advice from Air Quality Consultants assessment work is dismissed, referencing Centre for Ecology and Hydrology (CEH) peer review as further support for the AQC assessment. The note asserts WDC role as the Competent Authority for Habitats Regulations Assessments (HRA) and highlights 'Areas of disagreement, Concern and Clarification with Natural England advice'.

1.6.11 The items of greatest relevance for air quality include the use of ill-defined standard methodology and clarification is requested by WDC in relation to a range of matters, but with specific reference to scenarios and in combination assessments. Specific details of these issues are not provided, rather the note is a high level position paper. However, it is likely that the same issues considered in previous WDC documents are being raised.

1.6.12 It is also considered that the standard approach being recommended by NE is that outlined in 'General approach advised for HRA screening of air quality impacts' (Annex B, Wider Context) in the above February 2018 advice. The general approach aligns well with AECOM scenarios standard approaches.

Document: Ashdown Forest SAC Air Quality Monitoring and Modelling Volume 1 (Redacted) and Volume 2: Appendices (Redacted)

1.6.13 These documents appear to be very similar to the documents previously reviewed by AECOM Autumn/Winter 2017/2018, last in February 2018. The AQC report was then dated October 2017.

1.6.14 The approaches and scenarios considered appear unchanged. Monitoring data is still presented as a whole period rather than annual averages (Table 8.2 Volume 1).

1.6.15 The updates are considered to be largely presentational. Therefore, the previous air quality comments made in relation to these reports are unchanged.

1.7 Overall conclusion

- 1.7.1 In summary, the Wealden Local Plan HRA differs in some particulars from the analyses undertaken by AECOM. However, it is considered that the Wealden HRA fails to take due account of the low vulnerability of Pevensey Levels SAC/Ramsar and the fact that the woodland at Lewes Downs SAC is not an international interest feature of the site. The Wealden HRA also has a substantial flaw in that it fails to recognize that some of their modelled scenarios (notably Scenario B) are considerably more realistic than others (notably Scenario A).
- 1.7.2 WDC's latest modelling generated three scenarios (A, B and C) which vary greatly in the extent to which they acknowledge existing improving trends in NO_x and oxidised nitrogen deposition and the likelihood of them continuing. Clearly all three scenarios cannot occur. The air quality modelling reports themselves make it clear that the modelled scenarios are not considered equally realistic or equally likely to occur; in particular, paragraph 7.11 of the original 2017 air quality modelling report described the NO_x emission assumptions underlying Scenarios similar to Scenario A as '*an extreme worst-case*' [emphasis added]. However, the HRA report disregards this nuance, treats all three scenarios as equally likely/reasonable and thus focusses heavily on Scenario A; a scenario that is unrealistic and unlikely to arise in practice since it would require existing positive trends in NO_x concentrations and oxidized nitrogen deposition rates to substantially reverse at a time when further initiatives are being introduced to control them. The result is that the HRA exaggerates the air quality issues throughout.
- 1.7.3 For Ashdown Forest SAC, the maximum nitrogen dose from additional traffic on the network forecast in WDC's most realistic scenario (Scenario B) is greater than that modelled by AECOM. However, this is explicable by differences introduced to the modelling approach that in themselves carry uncertainties and the modelled dose affects only a very small proportion of all heathland in the SAC and at worst is likely to mean that any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 *may* be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). While the numerals differ in some areas the overall trends identified in WDC's most realistic scenario (a net improvement in nitrogen deposition over the plan period, despite forecast growth, which is only slightly retarded over a small proportion of the SAC) are the same as that forecast by AECOM. Given the confounding factors present as demonstrated by WDC's vegetation monitoring it is entirely possible that even this slight retardation of improvement may never materialise on the ground or be detectable.
- 1.7.4 There is therefore considered to be no need to update or amend the modelling work that AECOM undertook for South Downs National Park Authority, Lewes District Council and Tunbridge Wells Borough.

Appendix G4: TWBC response to WDC Call for Sites/draft SHELAA consultation June 2020

From: Ellen Gilbert
Sent: 26 June 2020 06:09
To: 'shelaa@wealden.gov.uk'
Cc: Kate Jelly
Subject: Consultation comments from Tunbridge Wells Borough Council on draft SHELAA Methodology Wealden District Council

Dear Sirs,

Thank you for your consultation on the draft SHELAA methodology, received on the 28th May.

TWBC has considered the draft methodology against the SHELAA Methodology Guidance dated July 2019 and has the following comments to make:

TWBC raises no objection to the draft methodology, subject to clarification at paragraph 2.2 about sites to be included in the SHELAA; current wording reads as if this is Call for Site submissions only when other parts of the draft methodology explain that other sources of sites will be considered too. In addition, it is recommended that WDC takes a strategic overview of where development may be most appropriate, proactively identifying such opportunities, and seeking landowner interest.

TWBC also suggests that WDC screens sites against a similar data set to that used at TWBC. If you would like further information on the data set used at TWBC please contact us for assistance.

Finally TWBC welcomes continued engagement with WDC on sites, and cross-boundary issues and other Duty to Cooperate matters.

I trust that these comments are of assistance.

Kind regards,

Ellen



Ellen Gilbert
Principal Planning Officer
(Part Time)

T: Direct Line 01892 554059 or 01892 526121 ext: 4059

E: ellen.gilbert@tunbridgewells.gov.uk

www.tunbridgewells.gov.uk



Appendix G5: TWBC response to WDC Draft SA Scoping Report July 2020

Comments from Tunbridge Wells Borough Council

Wealden District Council draft SA Scoping Report (July 2020 v1)

Contact Officers: Natalie Bumpus and Kelly Sharp (WDC), Katie McFloyd (TWBC)

1. Do you agree that the plans, policies and programmes identified in Appendix A and Chapter 3 are the most relevant or are there other plans that need to be added?

- When discussing European legislation in chapter 3, it would be worth including some background context in the introduction regarding the status of the Directives in light of Brexit.
- Para 3.2.5. It would be worth stating explicitly that the new target is for emissions to be reduced to zero (not just reduced significantly) and that this is a new amendment to the Act introduced in 2019.
- Para 3.2.9. NPPF paragraph 148 is also relevant and should be referred to.

2. Do you agree that the baseline data collected in Chapter 3 is relevant, accurate and of sufficient detail?

- Para 3.2.41. Third bullet point. Would be clearer if explained this was a relative comparison of the different emission sources. In general, CO₂ emission from transport will decline over the plan period (but without the Local Plan) as national targets are influential.
- Para 3.4.42. The overall development strategy will also be crucial in reducing emissions and is worth mentioning.
- Para 3.3.38. local sites are also at risk. Final bullet point only mentions national and international designations
- 3.3.39. Appropriate net gains policy creation should be mentioned
- 3.6 Flooding. A map of the district including flood zones would be useful. Consistent with maps provided for the biodiversity chapter
- Para 3.6.24. This information in the table would be better presented as a map
- 3.9.13 This list could be better illustrated as a map
- 3.10.15 Loss of the setting of heritage assets may also be worth mentioning.
- 3.10.17. Be clear this includes non-designated heritage assets.

3. Do you have, or know of, any additional relevant baseline data which should be added to that already identified?

- 3.4 Soil carbon also worth mentioning in this chapter. National Soil Maps can provide an indication of whether carbon volume in soils are low, medium or high. See <http://www.landis.org.uk/soilscapes/>. Could be cross-referenced to para 3.7.21 – 3.7.23
- Water Quality (pg 50) Are there any groundwater sources protection zones in the district? If so, these should be described. A map would be useful.
- 3.9 Use of sustainable resources/materials (especially in construction) is not mentioned and overlaps with this chapter? Preference for reuse over demolition is mentioned in the NPPF.
- 3.15. This chapter could also mention access to historic assets being important from a mental health and wellbeing perspective. Historic England have undertaken studies and have recommendations on this topic. In light of ANGst, should the title of chapter refer to 'green open space'?
- 3.17 Access to useful broadband speeds/FTTP is an additional important consideration for this chapter. Cross reference to chapter 3.20?

4. As far as you are aware, are there any inaccuracies or anomalies in the data presented?

- Only minor points raised above.

5. Do you agree that the key sustainability issues identified in Chapter 3 are those most relevant for Wealden District?

- Yes, a very thorough and clear account.

6. Are you aware of any sustainability issues which, in your opinion, should be added, or any that should be removed?

- Chapter 4. Are there any cross-boundary water impacts to consider? Flooding/resources etc

7. Do you agree with the SA Objectives identified in Chapter 4? If not, why not, and should any objectives be re-worded or removed? Should any SA Objectives be added?

- Chapter 5. Excellent to see two separate objectives on climate change (mitigation and adaptation) reflecting the increasing importance of this topic. Support this approach.

8. Are there any particular indicators that we should be including or excluding for measurement and monitoring?

- No, list and approach seem thorough and appropriate.

9. Does your organisation collect any data/information that would be useful to the monitoring of the Local Plan document, which you would be happy to supply?

- None that comes to mind but happy to assist and share should anything become evident in the future.

10. Do you have any other comments on the draft SA Scoping Report?

- Not a strict requirement for Scoping Reports but, as is often the case with such a broad topic matter, the report is lengthy and would benefit from Non-Technical Summary that briefly explains the process, key findings and outcomes.
- As this report will go onto your website, accessibility standards will need to be considered. The colour in the tables, web address links (e.g. footnote 6) and footnotes could be problematic. Web links should be within sentences as in paragraph 2.5.2. Red/green colours in 5.3.2 will cause problems. Likewise, proposed appraisal matrix tables in Appendices D and E with merged cells will cause problems for screen readers. Seek advice from your digital services team or equivalent

Contact details for future consultations

- Please send future consultation on the SA or the Local Plan to planning.policy@tunbridgewells.gov.uk

Appendix G6: TWBC response to
WDC Direction of Travel
Consultation November 2020

Planning Policy Team
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

Please ask for: Stephen Baughen

Tel: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 18 January 2020

Dear Sir/Madam

Wealden Local Plan Direction of Travel Consultation

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Wealden District Council (WDC) as part of the Direction of Travel Consultation 2020. TWBC has considered the consultation document and wishes to make the following comments relating to the general themes within the document and the proposed growth options.

General themes

TWBC supports the general themes presented in the consultation document, particularly in relation to the delivery of infrastructure, where TWBC are pleased to note WDC's commitment to continued close collaboration with its neighbouring local planning authorities to identify cross boundary infrastructure issues. TWBC therefore encourages continued and ongoing dialogue with WDC through regular Duty to Cooperate (DtC) discussions.

With regards to town centre regeneration, TWBC note that although reference has been made to recent changes of shopping trends as a result of Covid-19, there is the need for updating the figures to reflect the current trends, as they could reduce the proportion of market share that is not retained within the Wealden District. TWBC also note the need for an updated settlement hierarchy/settlement role and function, as it is likely that many of the settlements will have lost services and/or retail, or changes to their offer since the last WDC Plan was being prepared.

In relation to the policy options for tackling climate change, TWBC suggest that WDC should also seek to maximise opportunities for the mitigation of climate change that arise for smaller scale developments too.

Growth Options

1) Focused Growth including large Extensions to existing Sustainable Settlements

TWBC notes that this option could direct development to settlements that lie close to the boundary of Tunbridge Wells borough, in particular to Royal Tunbridge Wells (RTW) itself. There is also the possibility that RTW may constitute an "existing sustainable settlement". It is therefore noted that any directed growth on the edge of the main urban settlement or borough boundary may cause an increase of pressure on the services, facilities, and infrastructure within RTW (or other settlements within Tunbridge Wells borough close to the boundary with WDC). Focused growth on larger settlements in Wealden close to TWBC area will need to consider transport impacts, particularly on the A26, A267 and the Hastings-

London line, into the borough, as would any significant growth of such settlements affecting the borough from other options. It is also important that WDC and TWBC are able to identify and address other cross boundary matters that may result from this growth option, including education provision and health provision, through DtC discussions, which should be conducted through early and continued engagement.

2. Semi-dispersed growth to Existing Sustainable Settlements and Larger Villages

TWBC note that the “smaller sustainable settlements” could include settlements within the northern areas of Wealden. Resultantly, there may be additional demand for services provided by the main urban area of RTW, as well as increased demand for commercial services and footfall. Again, it will be important for WDC and TWBC to engage in early discussions to ensure cross boundary matters, such as those previously identified under spatial option 1 are collaboratively planned for under this growth option and regularly discussed through DtC discussions.

3. Dispersed Growth

TWBC notes that this growth option would have the effect of spreading growth across Wealden District. As with options 1 and 2 this could involve an element of growth close to the boundary with TW borough including in proximity of RTW itself.

4. New Settlement (s) Growth

In the absence of any location, or locational criteria, for a new settlement, TWBC would note that opportunities appear very limited: such a proposal within the High Weald AONB would be extremely unlikely of being consistent with its designation, although this may be an option in the Low Weald close to Eastbourne, which may also help meet its unmet housing need, subject to transport capacity in particular. TWBC welcome ongoing engagement/discussion on this growth option so that if relevant, cross-boundary matters can be identified and discussed at the early stages.

Other matters: TWBC has no further comments to make in respect of the Sustainability Appraisal Scoping Report (which was previously consulted upon) and Consultation and Engagement Strategy which support this consultation document.

As you will be aware from our regular liaison and DtC meetings, TWBC is currently preparing its Pre-Submission Local Plan document ready for Regulation 19 consultation in March/April 2021. We will continue to discuss and engage with WDC ahead of this, including in terms of cross boundary issues and will formally consult WDC when the plan progresses to this stage.

I hope this information and response is of assistance and clarifies the Council’s position.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Baughen', with a stylized flourish at the end.

Stephen Baughen
Head of Planning Services

Appendix G7: WDC response to TWBC Regulation 18 consultation 2019 (email)

TUNBRIDGE WELLS BOROUGH
DRAFT LOCAL PLAN (REGULATION 18)
Consultation 20 September to 01 November 2019

RESPONSE FORM

This response form is for use with the Draft Local Plan (Regulation 18) consultation document.

DATA PROTECTION AND FREEDOM OF INFORMATION

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform future stages of Local Plan preparation.

When you send us your response to this consultation, your contact details will be added to our consultation database and you will be kept informed of all future consultations on Planning Policy documents.

Please note that your responses will be published by the Borough Council, including on its website. The Council will publish names and associated responses but will not publish personal information such as telephone numbers, e-mails or private addresses.

For more information about how we use your personal data, please see the Council's Planning Policy Privacy Notice at <http://www.tunbridgewells.gov.uk/cookies-and-privacy/privacy-notices2/planning/planning-policy-privacy-notice>

Your details (please give full contact details)	
Name	Marina Brigginsshaw
Company/organisation (if relevant)	Wealden District Council
Are you responding as an individual or organisation, or as an agent on behalf of somebody else?	<input checked="" type="checkbox"/> As an individual/on behalf of an organisation or group <input type="checkbox"/> As an agent
If you are an <u>agent</u>, please specify who you are representing	N/A
Email address	ldf@wealden.gov.uk
Postal address	Wealden District Council Council Offices, Vicarage Lane
Town	Hailsham
Post Code	BN27 2AX

Telephone Number	01892 602008
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You will find details of where to return your completed forms on the next page

When you have completed this response form, please email it to:

localplan@tunbridgewells.gov.uk

Alternatively, you can print it and post it to:

**Local Plan
Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 1RS**

Or:

It is recommended that you make your comments directly online via our consultation portal at <https://tunbridgewells-consult.objective.co.uk>

This response form can be used to submit your comments on any part of the consultation Draft Local Plan. There is a separate comment box below for each type of comment.

COMMENTS ON A PARTICULAR SECTION OR PARAGRAPH

COMMENT BOX 1A

Please state which section or paragraph number(s) you are commenting on.

Section Number: 4 The Development Strategy and Strategic Policies

Paragraph Number(s): 4.7 to 4.17 (Housing Development)

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Paragraph 4.7 of the draft Tunbridge Wells Borough Local Plan confirms that based on the projected submission of the Local Plan in 2020, the objectively assessed housing needs for the borough over the plan period to 2036 is 13,560 dwellings (equivalent to 678 dwellings per annum (dpa)), identified by the standard methodology as required by the NPPF. The Plan confirms at paragraph 4.16 that the total capacity of all identified sites (completed houses since 2016, extant planning permissions, retained Site Allocations Local Plan allocations, development through windfall sites, together with new allocations proposed in the draft Local Plan) provides for some 14,776 (net) additional dwellings.

Therefore, the draft Tunbridge Wells Borough Local Plan would meet the housing needs identified under the standard methodology and would actually overprovide by approximately 9% if each site was to be brought forward as anticipated. However, it is recognised under paragraph 4.10 of the Draft Tunbridge Wells Borough Local Plan that Tunbridge Wells Borough Council (TWBC) would apply a 10% non-delivery rate for all existing extant planning permissions and sites contained within the retained Site Allocations Local Plan. It is considered, in the context of the new NPPF, that all housing sites included within supply for the Plan period should either be identified as 'deliverable', 'developable' or as a 'broad location for growth' in line with paragraph 67 of the NPPF.

A 10% non-delivery rate across all housing sites in the categories above, particularly for those sites with detailed planning permission, may not conform to the latest NPPF and national planning practice guidance on these matters (see the NPPF Annex 2 Glossary – Deliverable). It is noted that this non-delivery rate is subject to further information about the delivery of such sites and that further information may come forward in the next iteration of the Plan. However, it is considered that the question as to whether a housing site can be delivered or not should be on a case by case basis in line with definition of 'deliverable' and 'developable' in the latest NPPF. The application of a 10% non-delivery rate to these categories may mean that the Plan actually delivers more than the minimum housing requirement for the Borough and could potentially deliver for the housing needs of neighbouring authorities, if it was established that this was required.

Paragraph 4.8 and 4.9 of the draft Tunbridge Wells Borough Local Plan confirms that a) adjoining Councils are generally seeking to meet their own housing needs and b) that TWBC will keep the housing needs of both the borough and neighbouring councils under review and may need to update its housing targets as the Local Plan progresses. The

Submission Wealden Local Plan (January, 2019) confirms that Wealden District Council is seeking to meet its own housing needs and that for the submitted Local Plan, it has not asked TWBC or other neighbouring authorities to meet its housing needs. Wealden District Council supports the position taken by TWBC relating to reviewing and where necessary updating its potential unmet housing needs of both the borough and neighbouring authorities who's Plans are under review or will be in the near future.

COMMENT BOX 1A

Please state which section or paragraph number(s) you are commenting on.

Section Number: 4: The Development Strategy and Strategic Policies

Paragraph Number(s): 4.18 – 4.23 (Economic Development)

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Paragraphs 4.18 – 4.19 of the draft Tunbridge Wells Borough Local Plan states that the Sevenoaks and Tunbridge Wells Economic Needs Study (ENS) recommends that the Council should allocate sites to accommodate at least 14 hectares of new employment land in order to support the creation of new employment opportunities over the Plan period. It is noted that the target of 14 hectares will be reviewed as part of the preparation for the Regulation 19 stage of the Local Plan.

The draft Tunbridge Wells Local Plan recommends the expansion of the existing Key Employment Areas at North Farm/Longfield Road in Royal Tunbridge Wells, around Maidstone Road in Paddock Wood, and at Gill's Green. Additionally, it is recognised the area around the A21 highways improvements as a location for significant employment growth potential. The importance of Tunbridge Wells town centre is also recognised in terms of existing and future office provision.

Wealden District Council supports the approach taken by TWBC relating to the identification of Key Employment Areas and recognises the importance of Tunbridge Wells town centre not only for residents and workers in Tunbridge Wells Borough, but also for those in surrounding areas including the Wealden District.

Paragraphs 4.22 – 4.23 states that the Retail and Leisure Study identifies a need for between 21,700 and 34,000 sqm of additional comparison floor space and between 7,500 and 9,500 sqm additional convenience floor space. It is noted that the retail market is in a current state of change and that allocated retail needs should look at least ten years in advance, with a review of needs as part of the Local Plan review process in accordance with the NPPF. The Plan includes detailed policies in relation to Royal Tunbridge Wells town centre as well as a retail hierarchy.

Wealden District Council supports the approach taken by TWBC in reviewing future retail floor space needs and the identification of a retail hierarchy to direct planning proposals. The Submission Wealden Local Plan states (January 2019) at page 30 (Table 1: Current

Settlement Hierarchy) that Tunbridge Wells is at the top of the settlement hierarchy and is described as “*a regional centre with accessibility to high order facilities and public transport options*”. It is supported that the focus of retail development within the borough would be in Tunbridge Wells, which is recognised as an important centre for those in surrounding areas, including Wealden District.

COMMENTS ON A POLICY

This comment box can be used for comments on Strategic Policies (Section 4), Strategic Place Shaping Policies (Section 5), Site Allocation Policies (section 5), or Development Management Policies (Section 6).

If you wish to make comments on multiple policies, please copy and paste Comment Boxes 2A and 2B for each Policy you are commenting on.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: STR 1: The Development Strategy

Please enter your comments here:

The scale and distribution of development within Tunbridge Wells Borough is set out in Table 3 (associated with Policy STR 1). This identifies the three main locations for housing development in Royal Tunbridge Wells and Southborough, Paddock Wood and Tudeley Village. Further development will be located in other settlements across the Borough and will largely be provided on a proportional basis relative to the size of each settlement.

A new garden settlement at Paddock Wood will deliver around 4,000 new homes and Tudeley Village will deliver approximately 1,900 new homes within the Plan period (a maximum of between 2,500 and 2,800 dwellings in total), which equates to almost half of the housing requirement over the Plan period. These allocations are located away from the High Weald AONB and Green Belt (in the case of Paddock Wood) to the north of the Borough where constraints are less prohibitive. This stance is supported by Wealden District Council given the more substantial planning constraints in the south of the Borough.

It is identified that 90,000 sqm of new employment floor space is allocated within the North Farm/Longfield Road Key Employment Area and a further 1,000 sqm allocated within the Gill's Green Key Employment Area. These employment allocations equal a total of 9.1 hectares.

As stated previously, the Tunbridge Wells ENS recommended the Plan should allocate sites to accommodate at least 14 hectares of employment floor space. Therefore, it could be argued that there is some uncertainty towards the remaining 4.9 hectares of floor space to be allocated within the Borough, especially if the target of 14 hectares is to remain after a review as part of the preparation for the Regulation 19 stage of the Local Plan.

Wealden District Council supports the North Farm/Longfield Road allocation in principle, as the approach is similar in nature to the A22 Employment Sector in the Submission Wealden Local Plan (January 2019) and is associated with the major settlement in the Tunbridge Wells Borough.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: STR/RTW 1: The Strategy for Royal Tunbridge Wells

Please enter your comments here:

Policy STR/RTW 1 identifies the strategy for Royal Tunbridge Wells and includes an allocation of between 20,000 – 30,000 sqm for A1 comparison floor space and an allocation of between 6,000 – 7,500 sqm for A1 convenience floor space.

As stated previously, the Retail and Leisure Study identified a need for between 21,700 and 34,000 sqm of additional comparison floor space and between 7,500 and 9,500 sqm additional convenience floor space within the Borough.

Therefore, the retail floor space needs of the Borough are generally being met within these proposed Royal Tunbridge Wells allocations. Wealden District Council supports TWBC in attempting to meet their retail needs in this centre.

Policy STR/RTW 1 also identifies that approximately 1,222-1,320 new dwellings will be delivered on 17 sites allocated in the draft Tunbridge Wells Local Plan for the plan period. It is noted that a number of sites share, or are in close proximity to the administrative boundary of Wealden District. These allocated sites are discussed in detail below. It is considered the town of Royal Tunbridge Wells should be a focus for new development and specifically employment and retail development.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Support with conditions

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy H13 Gypsies and Travellers

Please enter your comments here:

The Tunbridge Wells Borough Gypsy and Traveller Accommodation Assessment (GTAA) (January 2018) confirms that there is an overall need in the Borough of some 32 residential pitches for the plan period (2016-2036)¹ and that the majority of existing Gypsy and Traveller sites (nearly 80% of sites) have only one or two pitches, the largest site containing seven separate pitches. The GTAA recommended that based on their understanding of existing sites and the nature of demand that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites.

Policy H13 (Gypsies and Travellers) of the draft Tunbridge Wells Borough Local Plan outlines a criteria based policy for the establishment of gypsy and traveller sites, with eight criteria that need to be satisfied. The criteria largely relates to development management matters, but criteria 1 confirms that the site must form part of, or be located adjacent to, an existing lawful permanent gypsy and traveller site, or is allocated within a policy in the Local Plan, or is provided as part of a wider residential or mixed use scheme. It is noted that an additional 4 (net) pitches are to be provided under Policy AL/PW 1 and Policy AL/CRS 15, which will leave a remaining 24 pitches to be provided under this policy.

It is noted that the TWBC are seeking to meet their own Gypsy and Traveller accommodation needs through identified allocations cited above and through the intensification and/or expansion sites. This is supported. However, the policy does not provide a list of such existing sites that are considered suitable for intensification/expansion, and therefore, the deliverability of those additional pitches maybe uncertain or untested. To provide clarity, it would be considered appropriate to identify those existing sites where additional pitches are likely to come forward and would be acceptable, providing the identified criteria is met.

The Submission Wealden Local Plan (January 2019) confirms that Wealden District Council will meet its fully identified Gypsy and Traveller accommodation needs for the Plan period through two identified sites within the Plan at Hailsham and Polegate. It is therefore considered that there are no current requirements for Gypsy and Traveller provision from Wealden District at the current time.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Support

¹ This has been reduced to 28 residential pitches following a review of pitch completions and planning permissions since the base date.

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: TP 5: Railways

Please enter your comments here:

Policy TP 5 within the Tunbridge Wells Borough Local Plan outlines the need to safeguard railway infrastructure in response to the projected increase in the level of growth and development in the Borough. The existing Tunbridge Wells Central to Eridge railway line is to be safeguarded in the Plan in order that the opportunity to link the London-Uckfield railway line with the London-Hastings railway line is not lost.

Wealden District Council supports Policy TP 5 and similarly recognises the need to safeguard the Eridge Railway line within Policy INF 5 of the Submission Wealden Local Plan (January 2019).

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 18 – Land to the West of Eridge Road at Spratsbrook Farm

Please enter your comments here:

Policy AL/RTW 18 (Pages 108 to 110) relates to land to the west of Eridge Road at Spratsbrook Farm that has been allocated for 270 (net) dwellings and lies immediately west of the A26 Eridge Road, where there is existing access into the site. The site shares an administrative border with Wealden District that lies to the south. In addition, land directly adjacent to the allocation within Wealden District has been submitted for consideration as part of Wealden District Council's SHELAA. This is considered further below.

The site allocation in the Tunbridge Wells Local Plan is located within Green Belt, partially within the High Weald AONB and includes a small area of Ancient Woodland and an Ancient Monument in the western corner of the site that has archaeological potential. The policy confirms under policy AL/RTW 18 that as well as the provision of 270 (net) dwellings, the allocation will also provide a seven form entry secondary school on site. It is anticipated that contributions towards primary and secondary education, health and

medical facilities, a new sports hub at Hawkenbury Recreation Ground will be brought forward as part of the development proposals.

Paragraph 172 of the NPPF (February, 2019) confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to these issues. It notes that the scale and extent of development within these designated areas should be limited and that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. The remaining part of the paragraph confirms that consideration to be given to following issues that includes:

- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Tunbridge Wells Borough Council has published a supporting document named the 'Distribution of Development Topic Paper' that includes consideration of development potential in the High Weald AONB under Section 6(G), amongst other matters. This document notes under paragraph 6.93 of the document that of the 49 site allocations in the High Weald AONB that are being put forward for inclusion in the Draft Local Plan, around 17 are considered to be 'major' development in their local context. The document provides a commentary for the borough as a whole on how the strategy meets the exceptions test laid out in paragraph 172 of the NPPF on pages 51 to 53.

Appendix 3 of the 'Distribution of Development Topic Paper' outlines each site allocation within the High Weald AONB in terms of whether the site allocation is indeed 'major' development in the context of paragraph 172 of the NPPF and if so, whether it meets the exceptions and public interest test. The aforementioned site above was considered to be 'major' development of a very substantial scale and high impact on the High Weald AONB. In terms of justification for the development, it has been stated that this is the only site that has come forward that is suitable to deliver a new secondary school in this part of the Borough and would provide good connectivity to the town and wider landscape.

Given the scale of the development and its impact on the High Weald AONB, it is agreed by Wealden District Council that the development would be 'major' development in the context of paragraph 172 of the NPPF. However, the assessment for this site does not provide specific justification for the development against the aforementioned criteria in paragraph 172 of the NPPF. It is considered that it may be better to assess each 'major' development site in the High Weald AONB against each of the criteria and then to reach a conclusion as to whether the site is justified on this basis.

In July 2017, Wealden District Council commissioned Chris Blandford Associates to undertake the Wealden Local Plan Sites Landscape and Ecological Assessment Study and this details the ecological and landscape information to inform the process of identifying suitable sites for future development within those areas of the District outside of the South Wealden Growth Area (SWGGA).

As part of this process, Wealden District Council undertook a landscape assessment for the southern part of this site (the area of land located within Wealden District) in support of the Submission Wealden Local Plan (January, 2019). As part of this study the site was considered to have high visibility, very high landscape sensitivity and value, and a very low landscape capacity. This information was shared and discussed with Tunbridge Wells on the completion of this study. It also noted that whilst the whole site is highly sensitive, the north-western part of the site is most sensitive (nearest to the proposed allocation site)

as it lies within and adjacent to a nationally Scheduled Monument providing a characteristic landscape setting to a prehistoric site.

Criteria 7 of policy AL/RTW 18 in the draft Tunbridge Wells Local Plan confirms that the provision of a soft landscaping buffer along the south-western boundary within the Wealden District administrative area should be investigated. Such joint working is supported, however it is considered that the evidence base above should be taken into account and the landscape protected accordingly. It is considered that the policy wording should therefore be strengthened to ensure the protection of the landscape as part of any development coming forward. In this regard, further discussions are welcomed.

In addition, it is not clear how any cross boundary impacts on transport infrastructure or the setting of the High Weald AONB have been assessed, for example, and whether consideration of the secondary school included within this policy has included discussions with East Sussex County Council (ESCC), given its proximity to Wealden District and settlements such as Frant, Bells Yew Green and Eridge. Wealden District Council would welcome discussions involving East Sussex County Council in relation to education and highways matters to ensure that such an allocation, if not removed in the next iteration of the Plan, is both agreeable and where necessary the policy strengthened.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden District. It would also be helpful to show the green belt and AONB designations.

Spratsbrook Farm – Area of land within Wealden District (SHELAA ref: 729/1610)

Wealden District Council considered the allocation of land in the AONB adjacent to the Tunbridge Wells allocation as part of its Local Plan preparation.

The Wealden District Council Strategic Housing and Economic Land Availability Assessment (SHELAA) was published in January 2019. This document along with other evidence base documents including the Sustainability Appraisal informed plan preparation.

As part of the Wealden Local Plan preparation, key considerations included major development in the AONB and the national planning policy test whereby land outside the AONB serving Wealden District would need to be considered as well as the other necessary tests. The nature of Wealden District, as well as other factors including landscape considerations (as set out above), resulted in the land in the AONB surrounding Tunbridge Wells not being selected.

It is considered that the above matters would need to be duly considered should this area of land be promoted in the future.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 22 – Land at Bayham Sports Field West

Please enter your comments here:

Policy AL/RTW 22 (Pages 116 to 117) relates to Land at Bayham Sports Field West that has been allocated for between 20 and 25 (net) dwellings and lies immediately to the north of Bayham Road, beside the Kent and Sussex Crematorium.

It is noted that the constraints to the site are less on the basis that the site is not located within the Green Belt or High Weald AONB. The vehicular and pedestrian access for the site would need to be taken from Bayham Road, B2169.

Nonetheless, it not clear how Tunbridge Wells Borough Council has taken into account the sites proximity to the administrative boundary of Wealden District and its potential cross boundary impacts on infrastructure (transport, open space and recreation and green infrastructure / biodiversity and education particularly) and the setting of the High Weald AONB within Wealden District.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 26 – Land at Cemetery Depot, Benhall Mill Road

Please enter your comments here:

Policy AL/RTW 26 (Pages 124 to 125) relates to Land at Cemetery Depot, Benhall Mill Road that has been allocated for 20 (net) dwellings. The site comprises a depot site associated with the adjacent cemetery, with the site fronting onto Benhall Mill Road.

The constraints to this site are more limited, since it is not located within the Green Belt or High Weald AONB. The vehicular and pedestrian access for the site would need to be taken from Benhall Mill Road.

Nonetheless, it not clear how Tunbridge Wells Borough Council has taken into account the sites proximity to the administrative boundary of Wealden District and its potential cross boundary impacts on infrastructure (transport and education particularly) and the setting of the High Weald AONB within Wealden District.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 27 – Land at Hawkenbury Road/Maryland Road

Please enter your comments here:

Policy AL/RTW 27 (Pages 126 to 128) relates to Land at Hawkenbury, off Hawkenbury Road/Maryland Road that has been allocated for between 220 and 250 dwellings and a primary school (two form entry). The site lies to the south of Hawkenbury Road, a short distance from the boundary of Wealden District to the south.

This site already has planning permission for residential development (of 247 (net) dwellings) and the provision of a new primary school and is under construction. It has been suggested by TWBC that if planning permission has been substantially completed by the publication of the Regulation 19 Pre-Submission Local Plan stage, then this policy will be deleted. It is likely that this will be the case so Wealden District Council has no further comment to make.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden.

Copy and paste a further 2A/2B comment box here for each Policy you are commenting on.

COMMENTS ON THE VISION (SECTION 3)

COMMENT BOX 3

Please enter your comments on the Vision in the box below.

Please enter your comments here:

The vision is considered to provide an ambitious framework for the Tunbridge Wells Borough Local Plan to develop and does provide the spatial context for where the majority of new housing/employment development would take place. As stated elsewhere, the Draft

Tunbridge Wells Borough Local Plan seeks to meet the objectively assessed housing needs of the Borough (using the standard methodology in national planning practice guidance) for the plan period that runs from 2016 to 2036, which is ambitious given the recognised constraints of the borough that includes substantial areas of Green Belt and Areas of Outstanding Natural Beauty (AONB).

Although parts of the vision do consider the constraints to the Borough, particularly landscape, not all the major constraints to development are described and so it would be helpful to include those within the vision. For example, the Green Belt is not cited within the overall vision, although it covers a significant proportion of the Borough and is included within the strategic objectives described below (page 32 of the draft Tunbridge Wells Borough Local Plan). Similarly, there is no reference to the different types of housing that will be supported through the draft Tunbridge Wells Local Plan that includes affordable housing, student accommodation and older people's housing and their associated needs, albeit that this is included in the Plan itself and the local evidence base relating to housing need.

COMMENTS ON THE STRATEGIC OBJECTIVES (SECTION 3)

COMMENT BOX 4

Please enter your comments on the Strategic Objectives in the box below.

Please enter your comments here:

The strategic objectives set out under page 32 of the draft Tunbridge Wells Local Plan includes the provision of housing, affordable housing and employment land, amongst other needs identified in the Borough to be delivered by the end of the Plan period. Other strategic objectives relate to the delivery of infrastructure and transport schemes, tackling climate change, the protection of the High Weald AONB, the release of appropriate Green Belt land for development in a plan-led system, the formation of garden settlements and joint working with neighbourhood plan groups. It is considered that those strategic objectives are relatively brief and could be expanded upon to include details as to how those spatial objectives are expected to be achieved, even if this is just included within supporting text.

As discussed above, it appears that the vision does not include the planned release of appropriate Green Belt land, but this is included as a strategic objective. Conversely, the vision confirms that rural enterprise will have been supported, and the exceptional quality of the built and natural environments will have been protected and enhanced, but rural development and enterprise is not specifically identified within the strategic objectives. Given the above, it is considered that the proposed vision and the strategic objectives could be better aligned to ensure that they correspond with one another in a coherent fashion.

COMMENTS ON FIGURE 4: THE KEY DIAGRAM (SECTION 4)

COMMENT BOX 5

Please enter your comments on the Key Diagram (Figure 4) in the box below.

Please enter your comments here:

Paragraph 23 of the NPPF (February 2019) confirms that broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. The key diagram within the draft Tunbridge Wells Local Plan (page 41) includes all housing allocations within the plan, including the two proposed garden settlements, the location of both Green Belt and the High Weald AONB, as well major transport routes and settlements.

The key diagram does include broad locations for growth amongst other matters and provides an overview for the spatial distribution of the plan. This would comply with the NPPF.

COMMENTS ON A TABLE

COMMENT BOX 6

Please enter your comments on a table in the box below. Please state which table number you are commenting on.

Table Number:

Please enter your comments here:

No comments to make.

COMMENTS ON AN APPENDIX (Appendices 1-4)

This comment box should be used for comments on Appendices 1-4. If you are commenting on Appendices 5 or 6, please use the separate comment boxes below (Questions 8 & 9).

COMMENT BOX 7

Please enter your comments on an Appendix (Appendices 1-4) in the box below. Please state which Appendix you are commenting on.

Appendix Number:

Please enter your comments here:

No comments to make.

COMMENTS ON TOPIC PAPERS AND OTHER SUPPORTING DOCUMENTS (APPENDIX 5)

COMMENT BOX 8

Please enter your comments on a topic paper or other supporting document in the box below. Please state which topic paper or supporting document you are commenting on.

Habitats Regulations Assessment:

Wealden District Council submitted its HRA and subsequent documentation and evidence in January 2019 to support its Submission Wealden Local Plan and subsequently submitted further information in response to the Inspectors Matters. Stage 1 of the EiP for the Submission Wealden Local Plan took place in May and July 2019. Several days were dedicated solely to HRA matters, mainly in relation to the impact of air quality on European sites. The Council is now waiting to receive the Inspector's letter in relation to the outcome of its stage one EiP.

The Council has reviewed the Regulation 18 HRA that accompanies the Local Plan consultation. The Council notes that the direction of the HRA and certain considerations, which are key to the conclusion made of 'no adverse impact' as a result of air pollution on Ashdown Forest, diverge from the approach taken and the overall conclusion made in respect to the HRA Submission Wealden Local Plan.

Wealden District Council is mindful that in due course it will receive the Inspector's letter. On this basis, the Council wish to reserve the right to further comment on the HRA, when it has had the opportunity to consider the Inspectors letter in detail. In the meantime, please see the Wealden Local Plan HRA and supporting documentation and evidence. You may also wish to consider information submitted in respects to a recent Planning Inquiry relating to Mornings Mill, Polegate. This can be accessed here:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=139469>

COMMENT BOX 9

Please enter your comments on a topic paper or other supporting document in the box below. Please state which topic paper or supporting document you are commenting on.

Topic Paper or supporting document title: Green Infrastructure Framework

Please enter your comments here:

The Green Infrastructure Framework Supporting Document acknowledges that GI often extends beyond political/administrative boundaries. WDC welcomes this acknowledgement and the reference to the GI evidence base/work being undertaken in Wealden District and the potential for this to be furthered with cross boundary working.

It is noted that Appendix M of the document illustrates the GI priorities for TWBC as well as those of adjoining LPAs including Wealden District Council and that Appendix N presents the potential GI Network for Wealden District (as set out in the 2017 GI Study). The supporting document gives a clear illustration of where interactions and cross boundary working could be pursued in the future. In this regard, paragraph 53 states that adjoining LPAs GI studies/work have been reviewed, that cross boundary GI links have been identified and taken into account as part of the proposed GI mapping in Tunbridge Wells and that they should be supported through relevant GI proposals. This approach is supported by WDC.

WDC would welcome the opportunity to work collaboratively with TWBC on any potential GI projects/actions that may have cross boundary impacts, particularly but not necessarily limited to, the areas identified at para 53 and in Appendix M of the Green Infrastructure Framework Supporting Document.

WDC supports the inclusion of and clear references to biodiversity improvements in the GI Framework such as biodiversity offsetting and biodiversity net gain, which can be achieved by and help support GI improvements through projects and actions. The approach of seeking biodiversity gains away from a development site (where it is not possible or necessarily desirable to achieve them on site) will require careful consideration and potentially cross boundary working with WDC as relevant to sites adjacent to or in close proximity to the administrative boundary.

In addition, the GI Framework states at para 66 that "...the proposal for biodiversity offsetting may lead to landscape scale change and new elements of strategic GI, either as a standalone provision within the Borough or as part of a wider cross boundary project." WDC would welcome the opportunity to work with TWBC as relevant on such a project(s).

COMMENTS ON APPENDIX 6 (SUBMITTED SITES NOT INCLUDED IN THIS DRAFT LOCAL PLAN)

COMMENT BOX 9

Please enter your comments on any sites submitted through the Call for Sites that have not been included in this Draft Local Plan. Please state the Site Number and Site Address.

Site Number and Site Address:

Please enter your comments here:

None.

END OF COMMENT BOXES

Please note: if you wish to make comments on the Draft Sustainability Appraisal, please use the separate Sustainability Appraisal comment form

TUNBRIDGE WELLS BOROUGH
SUSTAINABILITY APPRAISAL FOR DRAFT LOCAL PLAN (REGULATION 18)
Consultation 20 September to 01 November 2019

RESPONSE FORM

This response form is for use with the Sustainability Appraisal which accompanies the Draft Local Plan (Regulation 18).

DATA PROTECTION AND FREEDOM OF INFORMATION

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform future stages of Sustainability Appraisal and Local Plan preparation.

When you send us your response to this consultation, your contact details will be added to our consultation database and you will be kept informed of all future consultations on Planning Policy documents.

Please note that your responses will be published by the Borough Council, including on its website. The Council will publish names and associated responses but will not publish personal information such as telephone numbers, e-mails or private addresses. (see <http://www.tunbridgewells.gov.uk/cookies-and-privacy/privacy-notices2/planning/planning-policy-privacy-notice>)

Your details (please give full contact details)	
Name	
Company/organisation (if relevant)	Wealden District Council
Are you responding as an individual or organisation, or as an agent on behalf of somebody else?	<input checked="" type="checkbox"/> As an individual/on behalf of an organisation or group <input type="checkbox"/> As an agent
If you are an <u>agent</u>, please specify who you are representing	N/A
Email address	ldf@wealden.gov.uk
Postal address	Wealden District Council Council Offices, Vicarage Lane
Town	Hailsham
Post Code	BN27 2AX
Telephone Number	01892 602008

You will find details of where to return your completed forms on the next page

When you have completed this response form, please email it to:

localplan@tunbridgewells.gov.uk

Alternatively, you can print it and post it to:

Local Plan
Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 1RS

Or:

It is recommended that you make your comments directly online via our consultation portal at <https://tunbridgewells-consult.objective.co.uk>

This response form can be used to submit your comments on any part of the Sustainability Appraisal.

COMMENTS ON THE SUSTAINABILITY APPRAISAL

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: SA as a whole document Paragraph Number(s): N/A

Site Number: N/A Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

In terms of the Sustainability Appraisal overall, it is considered that greater justification could be provided for policies within the draft Tunbridge Wells Local Plan and their reasonable alternatives as to why certain policies were 'selected' and others 'rejected'. Whilst the text has some brief explanations, this is more related to commentary in relation to explaining the scores against the SA Objectives rather than a holistic conclusion for each alternative considered.

Paragraph 018 Reference ID: 11-018-20140306 of the Planning Practice Guidance states that

"The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves...[and] In doing so it is important to:

- outline the reasons the alternatives were selected...and
- provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives".

It is considered that policies within the draft Tunbridge Wells Local Plan should consider all reasonable alternatives to the identified policies.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 6

Paragraph Number(s): 6.1.1 – 6.1.6

Site Number: N/A

Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Whilst these paragraphs set out the six growth strategies considered through the Issues and Options stage, a summary has not been provided to show which of the six growth strategies were considered appropriate (or not) to be taken forward in the draft Local Plan (i.e. why they were selected or rejected). Such information would be helpful and could be shown through a summary table, so as not to repeat text from the SA of the Issues and Options, which in itself is not wholly clear on which strategies were selected and rejected at that stage (i.e. not all of the strategies have reasoning/justification).

Appendix B of the SA for the Issues and Options provides the appraisal of the six growth strategies along with commentary on the effects of each on the SA Objectives, but it does not ultimately state which strategies were selected or rejected. This may have been best presented within the SA of the draft Local Plan September 2019 (Regulation 18).

It is noted that paragraphs 6.2.4 – 6.2.10 provides a discussion in general terms about some of the growth strategies considered and their relative merits, however these could be made clearer. There is a lack of explanation for all of the growth strategies that were appraised.

It is not clear throughout this section the reasons why certain options were selected and the others rejected and not taken forward in the draft Tunbridge Wells Local Plan. Some explanation is given in the supporting text but this would be much clearer to the reader, and in line with the legislation, if it were tabulated and either added to the SA matrices of the options in an additional column/row or as separate tables stating the justification for each option alone.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 7

Paragraph Number(s): 7.1.3 and 7.1.4 (3)

Site Number: N/A

Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the text states that Policy STR4 relates to the specific releases of Green Belt land (sites) and so is subject to a cumulative appraisal of all sites allocated in the draft Local Plan, there could be an appraisal of the policy in terms of the principle of releasing Green Belt Land in the first place, with the reasonable alternatives (or not as it may be) of not releasing this land. The overall thrust of the policy could be assessed against the SA Objectives and then the finer grain detail of the certain sites/land being released as allocations in the draft Local Plan.

This section could also cross refer to the evidence base used for de-designating parts of the Green Belt and consider that in an appraisal of the policy, as a policy in its own right, or the implications of taking forward the Local Plan without such a policy – even if this is just to state that not having a policy of this nature is unreasonable for whatever justification. It is considered that the appraisal of the policy and its justification should be presented here.

In addition, it could be made clearer in this section as to why specific policies were selected for the draft Tunbridge Wells Local Plan, with a greater level of detail where appropriate. The commentary in Tables 18 and 19 merely relates to the scores for each Objective rather than a final 'conclusion' for the selection of the policies over a 'no policy' approach.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8

Paragraph Number(s): 8.1.4

Site Number: N/A

Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

It would be helpful and informative for the reader to have a list of the sites that were filtered out at the initial stage (and a brief justification for this in relation to the criteria used).

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s): N/A

Site Number: 137

Site Address: Land to the west of Eridge Road at Spratsbrook Farm, Royal Tunbridge Wells, TN3

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) with regards to the individual appraisal of Site 137. It is considered that the appraisal does not account for the large site extending beyond the borough boundary and into Wealden District. There is no consideration of cross boundary impacts on transport infrastructure for example. In addition, there is no mention that the north western part of this allocation lies within the High Weald Area of Outstanding Natural Beauty (AONB) nor that the remainder of the site (within Wealden District) is also wholly within the High Weald AONB. The 'Landscape' SA Objective is given a negative score but in the commentary, no regard is given to this issue or to the allocation site potentially having a negative impact on the setting of the AONB within Wealden District.

Furthermore, there is no clear justification for why Site 137 was selected to be allocated, nor why other sites rejected in SA terms. This is applicable to both Table 21 and Appendix E.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s):

Site Number: 236

Site Address: Land at Bayham Sports Field West, Bayham Road, Tunbridge Wells

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) in regard to the individual appraisal of Site 236. No account has been taken of the sites proximity to the administrative boundary of Wealden District nor to the potential cross boundary impacts on infrastructure (transport and education, also open space provision) and the setting of the High Weald AONB within the Wealden District.

Furthermore, there is no clear justification for why Site 236 was selected to be allocated, nor why other sites were rejected in SA terms. This is applicable to both Table 21 and Appendix E.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s):

**Site Number: 249
Tunbridge wells**

Site Address: Cemetery Depot, Benhall Mill Road,

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) in regard to the individual appraisal of Site 249. No account has been taken of the sites proximity to the administrative boundary of Wealden District nor to the potential cross boundary impacts on infrastructure within Wealden District.

Furthermore, there is no clear justification for why Site 249 was selected to be allocated, nor why other sites rejected in SA terms. This is applicable to both Table 21 and Appendix E.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s):

Site Number: 255

Hawkenbury Road/Maryland Road

Site Address: Land at Hawkenbury, off

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) in regard to the individual appraisal of Site 255. No account has been taken of the sites proximity to the administrative boundary of Wealden District nor to the potential cross boundary impacts on infrastructure and the setting of the High Weald AONB (to the east of the site) within Wealden District.

It is noted that the allocation site has already received planning permission and is under construction so may be removed in the next stage of the Draft Tunbridge Wells Local Plan (Regulation 19).

If you wish to make further comments on other sections, paragraphs or sites, please copy and paste the 1A/1B comment box below here.

END OF COMMENT BOXES

Please note: if you wish to make comments on the Draft Local Plan (Regulation 18), please use the separate Local Plan comment form

Appendix G8: DtC engagement log between TWBC and Wealden DC

Duty to Cooperate engagement record for Wealden District Council (WDC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
31 March 2015	Wealden DC and others: Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Sevenoaks DC and KCC TWBC Officers, Deborah Dixon, Matt Kennard, Sarah Lewis	DtC stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
4 June 2015	Wealden DC - Marina Brigginsshaw, Emma Garner, Duncan Morrison TWBC – Kelvin Hinton, Adrian Tofts, Deborah Dixon, Matthew Kennard, Katie McFloyd	DtC Meeting	1. Discussion of Local Plan status in Wealden District and Tunbridge Wells Borough. 2. Discussion of preliminary findings of Wealden SHMA. 3. Employment Land Reviews. 4. Infrastructure. 5. Discussions with other authorities 6. Site at Frant.
16 July 2015	Wealden DC- Marina Brigginsshaw, Kelly Sharp; Mid Sussex - Claire Tester, Jennifer Hollingum; Lewes DC - Tondra Thom ; Tandridge DC - Sarah; Natural England –Marian Ashdown TWBC – Katie McFloyd	DtC Meeting	Discussion of Wealden DC's reaction to Ashdown Forest legal judgement and Natural England perspective.
11 August 2015	Wealden DC - Marina Brigginsshaw, Emma Garner, Cllr Ann Newton TWBC - Adrian Tofts, Ellouisa McGuckin, Cllr Allan McDermott	DtC Meeting	1. Introduction for Portfolio Holders of WDC and TWBC and officers of both councils. 2. Update on progress with Site Allocations DPD and Local Plan review (TWBC) and with Local Plan (WDC). 3. Agreement on text for WDC Issues, Options and Recommendations

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			consultation
2 September 2015	Consultants Campbell Reith on behalf of Wealden DC TWBC – Adrian Tofts, Hilary Smith	DtC Email correspondence	TWBC email response re Transport modelling work and traffic data
9 September 2015	Wealden DC, Sevenoaks DC, Tandridge DC, Dartford BC GL Hearn (Consultants) TWBC – Deborah Dixon, Matthew Kennard, Sarah Lowe	DtC meeting	Strategic Housing Market Assessment findings - presentation given by GL Hearn to stakeholders
12 October 2015	Wealden DC – Emma Garner TWBC – Adrian Tofts	DtC Email correspondence	TWBC email response – to Wealden DC’s draft Housing Market Position Statement
6 April 2016	Wealden DC – Marina Briggshaw, Kelly Sharp TWBC – Sharon Evans, David Scully	DtC Meeting	Local Plan update and timings; WDC commissioned evidence base studies – economic, dark skies, open space, recreation and leisure, CA appraisals; discussion re Ashdown Forest
17 August 2016	Wealden DC – Marina Briggshaw and Kelly Sharp TWBC – Sharon Evans and David Scully	DtC Meeting	Local Plan update, update on evidence studies, call for sites, Ashdown Forest
20 September 2016	Wealden DC (lead), Mid Sussex DC, Lewes DC, Sevenoaks DC and Mid Sussex DC and NE TWBC – David Scully, Katie McFloyd	DtC Meeting	Discussion on joint commissioning of Visitor Survey for Ashdown Forest for HRA work
15 November 2016	Wealden DC, Sevenoaks, DC AONB	DtC workshop	Workshop on Landscape Sensitivity

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Unit, various parish Councils and stakeholders TWBC – David Scully, Sharon Evans, Deborah Dixon, Charlotte Oben		Study
14 December 2016	Wealden DC, Lewes DC, Sevenoaks DC and Mid Sussex DC and Natural England TWBC – David Scully	DtC Meeting	Review of Visitor Survey for Ashdown Forest for HRA work
4 January 2017	Wealden DC - Marina Brigginslaw, Kelly Sharp TWBC – David Scully, Sharon Evans	DtC Meeting	1. Local Plan Timetable; 2. Update from PAS report regarding Duty to Cooperate 3. OAHN 4. Local Plan housing land supply surplus and deficits 5. Economic provision – cross boundary issues; 6. Retail provision – cross boundary issues 7. Tunbridge Wells BC Landscape study update 8. Ashdown Forest and nitrogen deposition
8 March 2017	East Sussex Strategic Planning Group (Wealden, Eastbourne, East Sussex, Hastings, Lewes, Rother, South Downs National Park, Brighton and Hove, Mid-Sussex) TWBC – Sharon Evans	DtC Meeting	<ul style="list-style-type: none"> - Wealden Local Plan update meeting - Local Plan updates from other members of the group - Discussion on Ashdown Forest
24 April 2017	Wealden DC – Nigel Hannam, Kelvin Williams, Marina Brigginslaw TWBC – Sharon Evans, David Scully,	DtC Meeting	<ul style="list-style-type: none"> - Update on Wealden Local Plan - Evidence gathering in relation to Ashdown Forest - Update of traffic modelling

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Karen Fosset		<ul style="list-style-type: none"> - Input from Natural England and DCLG - HRA - DtC going forward
09 May 2017	<p>Ashdown Forest (SAMMS recreational) Group:</p> <p>Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, Thondra Tom – Eastbourne and Lewes DC, Sarah Thompson – Tandridge DC, Mid Sussex DC and South Downs National Park and Natural England</p> <p>TWBC – Sharon Evans</p>	DtC Meeting	<ul style="list-style-type: none"> - Update on each authorities Local Plans - Update on High Court ruling in relation to Ashdown Forest
21 June 2017	<p>Ashdown Forest (Air Quality) Group:</p> <p>Officers – South Downs National Park Authority, Rother DC, East Sussex County Council, Eastbourne and Lewes, Tandridge, Sevenoaks DC, Wealden DC, Natural England</p> <p>TWBC – Sharon Evans</p>	DtC Meeting	<ul style="list-style-type: none"> • Update from each local authority • Local Plan progress • Traffic Modelling • SNAPS's
03 November 2017	<p>Ashdown Forest (SAMMS recreational) Group:</p> <p>Wealden – Kelly Sharp, Marina Brigginsshaw, Eastbourne and Lewes - Thondra Tom, Hannah Gooden - Sevenoaks DC, Roger Black – Tandridge and Mid Sussex.</p>	DtC Meeting	<ul style="list-style-type: none"> - Update on Legal agreement and schedules - Zone of influence - Additional work - SAMMS

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC – David Scully and Sharon Evans		
23 November 2017	<p>Ashdown Forest (Air Quality) Group</p> <p>Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park</p>	DtC Meeting	<ul style="list-style-type: none"> • Review and minutes of previous meeting • Air Quality report • Sign off arrangements • Housing numbers • Geographical area • Transport modelling • Risk register • Proportionality
18 January 2018	<p>Ashdown Forest (Air Quality) Group</p> <p>Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park.</p>	DtC Meeting	Update on Wealden Plan and current approach to development management issues
2 November 2018	<p>East Sussex Strategic Planning Group: Wealden DC - Cllr Ann Newton (Host Chairman), Officers - Marina Brigginsshaw, Kelly Sharp, Isabel Garden, Wendy Newton-May; Rother DC - Cllr Gillian Johnson, Officers- Tim Hickling and Nicola Watters; Eastbourne BC- Cllr Jonathan Dowe and Officer - Matt Hitchen; East Sussex CC - Cllr Nick</p>	DtC Meeting	<ul style="list-style-type: none"> • Discussion of cross boundary issues relating to the Wealden Local Plan • CIL discussion • Cross boundary infrastructure • Ashdown Forest – Concern about WDC objections to planning applications in neighbouring authorities

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	<p>Bennett, Officers - Ellen Reith and Edward Sheath; Hastings BC - Kerry Culbert; Mid-Sussex DC - Cllr Andrew MacNaughton and Officer - Rachel Crisp; Lewes DC – Thondra Thom, South Downs National Park – Cllr Neville Johnson, Officer – Kirsten Williamson; Mid Sussex DC – Cllr Norman Webster, Officers – Lois Partridge</p> <p>Apologies -Brighton and Hove City Council)</p> <p>TWBC Officers – Sharon Evans</p>		<p>Also updates on:</p> <ul style="list-style-type: none"> • Waste and minerals plan review for East Sussex County Council; and • Rother’s Development and Site Allocations Local Plan
10 April 2019	TWBC – Stephen Baughen	DtC email correspondence	Request for further DtC discussions
29 April 2019	<p>Wealden DC- Marina Briggishaw, Isabel Garden</p> <p>TWBC – Stephen Baughen, David Scully</p>	DtC Meeting	Ashdown Forest; Sites close to shared administrative boundary; Green Infrastructure
1 November 2019	<p>Wealden DC: Kelly Sharp Marina Briggishaw Jill Watson</p> <p>TWBC – Stephen Baughen and David Scully</p>	DtC Meeting	Neighbourhood Plans Local Plan updates Discussion on Statement of Common Ground
11 February 2020	<p>WDC – Cllr Anne Newton, Officers – Isabel Garden, Kelly Sharp, Chris Bending</p> <p>TWBC – Cllr Alan McDermott</p>	DtC Meeting	Local Plan updates, Statement of Common Ground, Discussion of specific sites on/close to shared boundary

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Officers- Stephen Baughen, Peter Hockney, David Scully		
03 June 2020	WDC Kelly Sharp TWBC – David Scully	DtC Meeting (by phone)	Work on SoCG
12 June 2020	WDC – Kelly Sharp, Chris Bending TWBC – David Scully, Stephen Baughen	DtC Meeting	TWBC Local Plan, housing need, governance/joint working, principles for dealing with development on/near to common boundary, programme for cross boundary infrastructure
17 July 2020	WDC Kelly Sharp TWBC – David Scully	DtC Meeting (by phone)	Work on SoCG
July 2020	WDC –Natalie Bumpus TWBC – David Scully	DtC Email correspondence	WDC informal email consultation on brief for Landscape Sensitivity Study (brief for work to be undertaken)
July/August 2020	WDC –Natalie Bumpus TWBC – David Scully	Email correspondence	TWBC informal email consultation on TWBC Green Belt Assessment Work (brief for work to be undertaken)
2 September 2020	WDC – Chris Bending, Kelly Sharp TWBC – Stephen Baughen, David Scully	DtC meeting	Local Plan Updates SoCG Update on cross boundary partnerships Site specific discussions
17 December 2020	WDC – Chris Bending, Kelly Sharp TWBC – Stephen Baughen, David Scully	DtC Meeting	Local Plan Updates SoCG
09 February 2021	WDC Kelly Sharp TWBC – David Scully	DtC Meeting (by phone)	Discussion on AONB Issues
11 March 2021	TWBC and WDC	DtC correspondence	SoCG finalised and signed off

Appendix H – Appendices for DtC prescribed bodies

Appendix H1: DtC engagement record for the Environment Agency

Prescribed Bodies

TWBC Duty to Cooperate engagement record for the Environment Agency (EA)

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
3 July 2015	Tunbridge Wells Borough Council (TWBC): Kelvin Hinton, Adrian Tofts, Sarah Lowe Environment Agency (EA): Peter Waring, Ghada Mitri Upper Medway Internal Drainage Board (IDB): Pete Dowling Kent County Council (KCC): Max Tant	DtC Meeting	Discussions of TW Site Allocations Plan, specific site allocations and other planning applications in relation to flooding
15 July 2015	Southern Water Environment Agency KCC Flooding Maidstone Borough Council Upper Medway Drainage Board MWH Consultants TWBC – Adrian Tofts	DtC Meeting	Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues.
19 January 2016	Environment Agency – Barrie Neaves and Jennifer Wilson, Tonbridge & Malling BC, Ashford BC, Canterbury CC, Dover DC, Shepway Council , Thanet DC, Maidstone BC, KCC Also Environment Agency , NHS,	DtC Meeting/presentation	East Kent Memorandum of Understanding - Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin		
5 September 2018	Medway Catchment Partnership Meeting – Natural England, Environment Agency, Southern Water, Forestry Commission, NFU. TWBC – Sharon Evans	Workshop meeting	<ul style="list-style-type: none"> • Discussion on a number of issues, • Natural Flood Management • River Basin Management Plans • Waster water treatment • Example flood alleviation schemes
6 November 2018	Environment Agency - Tony Gregory and Karolina Allu and KCC Flooding - Max Tant and Bronwyn Buntine TWBC Officers – Stephen Baughen and Sharon Evans and Ben Gibson from JBA consulting	DtC Meeting	Flood Risk - Discussed progress on the SFRA/modelling carried out and the initial outcomes
25 September 2019	EA – Kathy Aucott - Medway Flood Partnership TWBC Officers – Sharon Evans/Stephen Baughen	Information meeting	<ul style="list-style-type: none"> • Discussion about the Medway Flood Partnership Action Plan and Leigh Barrier • Affecting Tonbridge & Malling/Sevenoaks/Maidstone/TWBC
19 November 2020	EA- Karolina Allu EA- Peter Waring EA- Tony Gregory TWBC Officers- Stephen Baughen, Hannah Young DLA- Joanne Cave Stantec- Phil Brady JBA- Ben Gibson	Information meeting	Discussion re. flood matters for the masterplanning around Paddock Wood and east Capel.

Appendix H2: DtC engagement record for Highways England

Prescribed Bodies

TWBC Duty to Cooperate engagement record for Highways England (HE)

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
19 January 2016	Highways England – Kevin Bown, Tonbridge & Malling BC, Ashford BC, Canterbury CC, Dover DC, Shepway Council , Thanet DC, Maidstone BC, KCC Also, Environment Agency NHS, Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting	East Kent Memorandum of Understanding: Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
11 August 2016	Highways England TWBC – Kelvin Hinton, Hilary Smith, Sharon Evans, Deborah Dixon	DtC meeting	Early discussion in relation to the TW Local Plan and HE's desired outcomes and to agree transport related elements that will be needed as part of the evidence base to support the Local Plan.
7 August 2020	Highways England - Kevin Bown, David Bowie (DB), Nigel Walkenden (Atkins – supporting HE) SWECO -Dermot Hanney , Faiz Torky-Nassiri and Stacie Ballard KCC Highways - David Joyner TWBC officers : Hilary Smith, Ellen Gilbert and Steve Baughen	DtC meeting	Discussion of transport modelling for TW Local Plan.
3 February 2021	Highways England – Kevin Bown, David Bowie Sweco – Dermot Hanney, Mark Fitch, Faiz Torky-Nassiri, Jie Zhu, Stacie Ballard	DtC Meeting	Update on transport modelling for Local Plan

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	KCC Highways – David Joyner, Vicki Hubert TWBC – Stephen Baughen, Hilary Smith		
25 February 2021	Highways England – Kevin Bown, Peter Phillips, Kishore Ramdeen, Katarina Saradinova Sweco – Dermot Hanney, Mark Fitch TWBC – Stephen Baughen, Hilary Smith	DtC Meeting	HE presented programme of Safety Works for the A21 to feed into Transport Modelling.

Appendix H3: DtC engagement record for Historic England

Prescribed Bodies

TWBC Duty to Cooperate engagement record for Historic England (HE)

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
3 May 2016	Historic England - Rob Lloyd - Sweet, Stephanie Dance-Groom, Alan Byrne, Martin Small TWBC Officers – Kelvin Hinton, Mark Stephenson, Debbie Maltby	DtC meeting	<ul style="list-style-type: none">– Discussion about Neighbourhood Plans: training and community engagement/toolkits– Local Listing– Historic environment in Local Plans– TWBC emerging Heritage Strategy,– Setting study– Training opportunities for elected members
1 October 2018	Historic England - Alan Byrne TWBC Officer – Gwenda Bradley	DtC correspondence	Historic England's early response to TWBC's draft DM Policies relating to the Historic Environment and Heritage Assets. HE advised that the Policy in relation to Heritage Assets is too generalised and there should be separate policies for each e.g. conservation areas, listed buildings etc.
9 October 2018	Historic England - Alan Byrne TWBC Officer – Gwenda Bradley	DtC correspondence	TWBC request for further clarification from HE in relation to their response above
2 November 2018	Historic England - Alan Byrne TWBC Officer – Gwenda Bradley	DtC consultation (DM policies)	HE further response – reinforcement of the issue that each asset should have its own policy. Should TWBC pursue an umbrella policy for all assets then HE advised a strong supporting case would be needed for meeting NPPF requirements for robust and sound

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			policies that relate to the specific circumstances of Tunbridge Wells.
3 June 2020	Historic England - Alan Byrne TWBC Officers – David Marlow, Debbie Maltby	DtC meeting	Discussion following on from the above correspondence and comments received from HE in relation to the TW Draft Local Plan Regulation 18 and SA consultation 2019: <ul style="list-style-type: none"> 1. Strategic policy approach 2. Settlement strategies and related site allocations 3. DM policies – EN6: Historic Environment and EN7- Heritage Assets

Appendix H4: DtC engagement record for KCC Highways

Prescribed Bodies

TWBC Duty to Cooperate engagement record for KCC Highways

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
29 September 2015	<p>KCC Highways – Vicki Hubert KCC Strategic Planning and Policy – Liz Shier, April Newing KCC Economic Development – Nicholas Abrahams KCC Education – Jared Nehra KCC Property – Katie Jarvis</p> <p>TWBC – Kelvin Hinton and Bartholomew Wren</p>	DtC TWBC and KCC Liaison meeting	<p>Discussion of Local Plan, Major Sites and Regeneration Projects</p> <ol style="list-style-type: none"> 1. Local Plan Update - 2. Site Allocations Examination 3. Strategic Housing Market Assessment 4. Neighbourhood Plans Update 5. Infrastructure Delivery Plan 6. CIL and S106 incl. monitoring 7. Major applications 8. Transport strategy 9. Regeneration Projects - Town Centre 10. Investment Initiatives and Gap Funding Strategy 11. Employment
21 March 2016	<p>KCC Highways – Vicki Hubert KCC Strategic Planning and Policy – April Newing KCC Economic Development – Nicholas Abrahams KCC Education – Jared Nehra</p> <p>TWBC – Kelvin Hinton and Hilary Smith</p>	DtC TWBC and KCC Liaison meeting	<p>Discussion of Local Plan, Major Sites and Regeneration Projects</p> <ol style="list-style-type: none"> 1. Local Plan and Neighbourhood Plans update 2. Call for Sites (9 February – 1 August 2016) 3. Infrastructure Delivery Plan 4. CIL and S106 incl. monitoring 5. Education 6. Major applications 7. Future planning applications

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			8. Regeneration projects 9. Transport
20 April 2016	KCC Highways – Vicki Hubert TWBC – Kelvin Hinton, Sharon Evans	DtC Information meeting	Discussion on situation regarding specific roads/routes <ul style="list-style-type: none"> • A26, A264 and A228 • North Farm improvements • Hawkhurst • KCC requested broad locations and numbers in order to run some transport work on possible transport solutions.
31 October 2016	KCC and TWBC Officers	DtC TWBC and KCC Liaison meeting	Discussion of Local Plan, Major Sites and Regeneration Projects: <ol style="list-style-type: none"> 1. Local Plan Update / Neighbourhood Plans Update 2. Infrastructure Delivery Plan / CIL & S106 monitoring 3. Kent and Medway Growth and Infrastructure Framework 4. Major applications <ul style="list-style-type: none"> • Knights Park • Church Farm/ Mascalls Farm • Hawkenbury • Union House • The Old Dairy Crest Site • Brick Kiln Farm, Cranbrook • Southborough Hub • Cinema Site, Tunbridge Wells • Paddock Wood (Mascalls Court Farm, Church Farm, and Mascalls Farm)

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			5. Future Applications 6. Regeneration Projects - Town Centre
6 July 2017	TWBC – Sharon Evans TWBC - David Scully KCC – Vicki Hubert	DtC nformation meeting	<ul style="list-style-type: none"> • TWBC briefed KCC on Ashdown Forest • Discussed producing a transport constraints report – Vicki to complete this and report to PPWG, also comparing RTWW with other Kent towns, i.e. Maidstone • importance of JTB working group • Agreed to share with Vicki the maps showing all of the site submissions for discussion.
17 September 2018	KCC - Sarah Platts, Vicki Hubert, Jared Nehra, Nick Abrahams - TWBC - Sharon Evans Hilary Smith	DtC meeting – District liaison Meeting	<ul style="list-style-type: none"> • Local Plan update • Transport discussions • Education discussions • Neighbourhood Plans • GIF
25 March 2020	KCC – Vicki Hubert Hawkhurst PC TWBC – Stephen Baughen, Hilary Smith	DtC meeting (by skype)	Discussion of KCC owned and managed junction model proposal for Hawkhurst crossroads
16 September 2020	KCC – Vicki Hubert TWBC – Sharon Evans, Ellen Gilbert, Deborah Dixon	DtC Information meeting (by skype)	Discussion around specific sites allocated within the Draft Local Plan and access and highways issues
11 November 2020	KCC- Vicki Hubert KCC- David Joyner TWBC- Stephen Baughen TWBC- Hannah Young TWBC- Hilary Smith DLA- Joanne Cave Stantec- Phil Brady	DtC Information meeting	Discussion around strategic highway solutions for the strategic sites

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Sweco- Mark Fitch Sweco- Dermot O'Leary		
19 January 2021	KCC- Vicki Hubert TWBC- Hilary Smith TWBC-Hannah Young TWBC- Stephen Baughen	DtC Information Meeting	Update on highway issues re. Strategic Sites
8 February 2021	KCC- Tim Read KCC- David Joyner KCC- Vicki Hubert KCC- John Farmer KCC- Lee Burchill TWBC- Stephen Baughen TWBC- Hannah Young TWBC- Hilary Smith	DtC Information Meeting	Meeting to discuss the A228 proposals within the Local Plan, and how this relates to future aspirations for the wholly offline A228 works by KCC
23 February 2021	KCC- Tim Read KCC- David Joyner KCC- Vicki Hubert KCC -John Farmer TWBC- Stephen Baughen TWBC- Hannah Young TWBC- Hilary Smith	DtC Information Meeting	Update meeting following the meeting on 8/02/21

Appendix H5: DtC engagement record for Natural England

Prescribed Bodies

TWBC Duty to Cooperate engagement record for Natural England (NE)

Meeting/Correspondence Log

Note: Both Tunbridge Wells BC and Natural England are Members of the Ashdown Forest SAC Working Group and the Strategic Access Management and Monitoring Strategy (SAMMS) Partnership that cooperate on the understanding a protection of the Ashdown Forest. For further details of these groups are provided in the DtC statement.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
19 January 2016	Natural England – John Lister and Sean Hanna, Environment Agency, Tonbridge & Malling BC, Ashford BC, Canterbury CC, Dover DC, Shepway Council , Thanet DC, Maidstone BC, KCC Also Environment Agency, NHS, Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting	East Kent Memorandum of Understanding discussion: Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
17 June 2019	Amy Kitching NE David Scully and David Marlow TWBC	Meeting	Discretionary Advice Service Scoping meeting to cover the Tunbridge Draft Local Plan
27 September 2019	TWBC – David Scully to Natural England	Email Correspondence	Information about the access to documents and relevant policies relating to the TWBC Draft Local Plan Regulation 18 Consultation 2019
09 October 2019	Between David Scully TWBC and Amy Kitching	Email Correspondence	Consult on brief for Landscape consultants

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	NE		appointment to undertake LVIAs for AONB Sites
03 February 2020	Between David Scully TWBC and Julia Coneybeer NE	Email Correspondence	Exchange of emails regarding the developing approach to major AONB development.
27 February 2020	David Scully TWBC Tanya Kirk HDA Amy Kitching, Amy NE Patrick McKernan NE	Meeting	To review LVIA outputs and methodology.
28 February 2020	David Scully TWBC to Tanya Kirk HDA Amy Kitching, Amy NE Patrick McKernan NE	Email	To set out understanding of and outcomes of meeting on 27/02/2020
9 April 2020	David Scully TWBC David Marlow TWBC Tanya Kirk HDA Amy Kitching NE Patrick McKernan NE	Virtual Meeting	A telecall to discuss NE's advice on the Tunbridge Wells local plan, and the use of LVIAs, with regard to major development proposals within the High Weald AONB.
01 May 2020	From Patrick Mckernan NE to David Scully TWBC	Letter via email	Written advice received from NE summarizing current position.
27 May 2020	From David Scully TWBC to Patrick Mckernan NE	Email correspondence	Response and clarification on written advice
6 April 2020	David Scully TWBC David Marlow TWBC Tanya Kirk HDA Amy Kitching, Amy NE Patrick McKernan NE	Email correspondence	Revised draft LVIA chapter sent

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Andrew Gale		
9 April 2020	David Scully TWBC David Marlow TWBC Tanya Kirk HDA Amy Kitching, Amy NE Patrick McKernan NE Andrew Gale	Virtual meeting	To discuss revised LVIA and approach to major development
09 April 2020	From McKernan NE to David Scully TWBC Tanya Kirk HDA (CC Amy Kitching, NE Patrick Andrew Gale NE)	Email correspondence	Follow up note from discussion.
01 May 2020	From Patrick McKernan NE to David Scully TWBC Tanya Kirk HDA (CC Amy Kitching, NE Andrew Gale NE)	Letter via email	Further advice on LVIA and major development.
27 May 2020	From David Scully TWBC to Patrick McKernan NE (CC Tanya Kirk HDA Amy Kitching, NE Andrew Gale NE)	Email correspondence	Setting out understanding of further advice, changes being made and clarifications.
08 June 2020	From Amy Kitching, NE to David Scully TWBC (CC Patrick McKernan NE Tanya Kirk HDA Andrew Gale NE)	Email correspondence	Further responses on LVIA work
30 July 2020	From Patrick McKernan NE to David Scully TWBC (CC Amy Kitching, NE Tanya Kirk HDA	Email correspondence	Detailed response to work by TWBC.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Andrew Gale NE)		
07 August 2020	From David Scully TWBC to Patrick McKernan NE (CC Tanya Kirk HDA Amy Kitching, NE Andrew Gale NE)	Email correspondence	Follow up to latest comments of NE and some discussion re specific application for major development at Cranbrook (Turnden).
22 December 2020	From David Scully TWBC to Patrick McKernan NE (CC Tanya Kirk HDA Amy Kitching, NE Andrew Gale NE)	Email correspondence	Request for meeting on Local Plan and LVIA
11 January 2021	From David Scully TWBC to Patrick McKernan NE (CC David Marlow TWBC Stephen Baughen TWBC Amy Kitching NE Andrew Gale NE)	Email correspondence	Documents provided in advance of meeting on alternative strategic site in the AONB.
11 January 2021	David Scully TWBC David Marlow TWBC Stephen Baughen TWBC Patrick McKernan NE Amy Kitching NE Andrew Gale NE	Virtual Meeting	Discussion on latest position re Local Plan and alternative strategic sites in the AONB.

Appendix H6: DtC engagement record for Network Rail and South Eastern Rail

Prescribed Bodies

TWBC Duty to Cooperate engagement record for Railway Networks- Network Rail and South Eastern Rail

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
06 August 2018	Stephen Baughen – TWBC Hilary Smith – TWBC Vicki Hubert – KCC Stephen Gasche – KCC Paul Best – Network Rail Nina Peake - Southeastern	Information meeting	Meeting to discuss rail capacity in Tunbridge Wells with reference to the Local Plan
03 September 2018	Sharon Evans – TWBC Hilary Smith – TWBC Paul Donald – Network Rail John Gill – Network Rail	Information meeting	<ul style="list-style-type: none">• Discussion re: Network Rail and business priorities – change in tact at NR – looking for business opportunities• 5 year control period• Discussion re: Garden Village and options for a new halt• Discussion re: NR land in TWBC and any significant sites
13 September 2019	William Benson – TWBC Lee Colyer – TWBC Stephen Baughen – TWBC Hilary Smith - TWBC Paul Donald – Network Rail John Gill – Network Rail	Information meeting	Discussion re Network Rail priorities and business opportunities. Including reference to Garden Village
04 November 2019	Stephen Baughen – TWBC Hilary Smith – TWBC	Information phone call	Discussion regarding Garden Village and rail halt

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Paul Donald – Network Rail Paul Best – Network Rail Simon Hulse – Network Rail		
06 November 2020	Stephen Baughen- TWBC Hannah Young – TWBC Paul Donald- Network Rail James Craig- Network Rail Joanna Cave- DLA Phil Brady - Stantec	Meeting	Meeting to provide Network Rail with further information on the masterplanning of the strategic sites(Land at Paddock Wood and east Capel and Tudeley Village - NR is also a member of the Strategic Sites Working Group). Specific matters included: <ul style="list-style-type: none"> • Capacity on the railway line at Tonbridge and Paddock Wood/ commuter patterns post Covid • Provision of new and improved railway crossings. • Potential redevelopment to the front of Paddock Wood station. • Fluvial flood management

Appendix H7: DtC engagement
record for the Kent and Medway
Clinical Commissioning Group
(CCG) and NHS Trust

Prescribed Bodies

TWBC Duty to Cooperate engagement record for Kent and Medway Clinical Commissioning Group (CCG) and NHS Trust

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
14 October 2015	Sharon Evans – TWBC Jo Fox – NHS Property	Information Meeting	<ul style="list-style-type: none">• Ascertain future aspirations for health provision in RTW Town Centre• Discussion on specific sites and GP practices.• Funding, site identification, Local Plan process
5 May 2016	Sharon Evans – TWBC Ian Airyes - CCG	Phone call	<ul style="list-style-type: none">• Introduction to the role of the CCG- looking at the whole of West Kent – next 15-20 years• Strategic issues, future discussions• Ian to contact TWBC setting out future working and contact details
25 May 2017	Sharon Evans – TWBC David Candlin – TWBC Alison Burchell – CCG Gail Arnold - CCG	Information meeting	<ul style="list-style-type: none">• General introduction to the CCG and work currently being carried out.• Agreed CCG would do a mapping exercise of existing GP practices and will need to consider alongside call for sites and future Local Plan work.• Discussed Local Plan – how future services are to be

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			delivered.
November 2017	Sharon Evans – TWBC Alison Burchell – CCG	Phone discussion	General discussion about the Local Plan and implications for health provision on a settlement basis.
January 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • General Local Plan update • Updates on Hawkhurst and Cranbrook.
22 February 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • General update on Cranbrook • Specific discussion re: Hawkhurst and sites considered for new medical centre
3 April 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • Local Plan update • Update on Hawkhurst, Pembury, Cranbrook, Horsmonden, RTW and Southborough and Paddock Wood. • Specific discussion about garden village option • Update on Local Care Hubs • Confirmation on Local Plan timetable
17 October 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	General catch up discussion – focused on Hawkhurst, RTW, Pembury, TN2 Centre, Greggswood, Cranbrook.
22 November 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<p>General catch up discussion :</p> <ul style="list-style-type: none"> • Looking at growth across the borough and any impacts on Primary care. • Specific discussions around

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<p>Horsmonden, RTW, Paddock Wood, Cranbrook, Pembury, Hawkhurst.</p> <ul style="list-style-type: none"> Action – set up specific meeting to discuss Tudeley/Paddock Wood.
13 December 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> Specific discussion around Paddock Wood and Tudeley. Discussed possible patient list size and site size required. Agreed to set up further meeting re: Paddock Wood
1 February 2019	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> Catch up on settlement specifics – Horsmonden, Hawkhurst, Cranbrook, PW, RTW, Pembury Discussed format for the IDP – List all existing GP practices and possible mapping.
21 June 2019	Sharon Evans – TWBC Dianne Brady - TWBC Alison Burchell – CCG Dr Bruno Capone – Lonsdale Medical Centre	Information Meeting	<ul style="list-style-type: none"> Discussion re: requirements of Lonsdale Medical Practice for re-location during the Local Plan period. Lonsdale confirmed their intent and happy to consider possible options through the Local Plan process
30 October 2019	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> Update on the Local Plan process Update on key areas/projects including Cranbrook, Hawkhurst,

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			RTW, Greggswood, RTW Town centre options, Pembury, Paddock Wood/Capel/Tudeley, Horsmonden
13 February 2020	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • General catch up • Update on Local Plan and key areas/projects – RTW – Greggswood and Rowantree, Hawkhurst and Cranbrook
8 June 2020	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • General catch up o Local Plan progress and any issues • Specific discussion re: provision in RTW – TN2 Centre, Horsmonden, Cranbrook. • CCG raised fact that the Hospital Trust should be involved in discussions on PW
23 July 2020	Hannah Young – TWBC Alison Burchell- CCG	Phone discussion	General catch up on growth at the Strategic Sites.
21 September 2020	Sharon Evans – TWBC Alison Burchell – CCG	Phone discussion	<ul style="list-style-type: none"> • General catch up on Local Plan • Specific discussion re: Hawkhurst, Cranbrook, Horsmonden, RTW
30 November 2020	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	Specific discussion re: Hawkhurst and Fowlers Park site – to be discussed further with GP’s and landowner
12 February 2021	Hannah Young – TWBC Alison Burchell- CCG	Phone discussion	General catch up on growth at the Strategic Sites.

Appendix I – Appendices for other bodies

Appendix I1: DtC engagement record for High Weald AONB Unit

Other Bodies

TWBC Duty to Cooperate engagement record for the High Weald AONB Unit

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
15 November 2016	Wealden DC, Sevenoaks DC, High Weald AONB Unit, various parish Councils and stakeholders TWBC Officers – David Scully, Sharon Evans, Deborah Dixon and Charlotte Oben	DtC workshop	Workshop on landscape sensitivity
05 June 2019	Invitation to training session being run by High Weald unit at Council Offices to all Planning staff.	Training from the High Weald Unit on the New MP	Training presented by High Weald AONB Unit “Introduction to the new High Weald AONB Management Plan and supporting guidance for planners”
10 October 2019	High Weald AONB Unit (Claire Tester) TWBC – David Scully and David Marlow	DtC meeting	Discussion: TW Draft Local Plan Regulation 18 consultation, new DM Policies relating to the landscape, other Topic Papers (Green Infrastructure Framework, Habitat Regulation Assessment and Biodiversity Evidence Base) and further landscape/biodiversity studies
28 January 2020	High Weald AONB Unit (Claire Tester and Sally Marsh) TWBC Officers – David Scully and David Marlow	DtC meeting	Update on TWBC Draft Local Plan, discussion of work being undertaken by landscape consultants in relation to major sites proposed in the Draft Local Plan, discussion re strategic sites and policies, Development management policies and evidence base

30 January 2020	Email from TWBC – David Scully to the AONB Unit	DtC email correspondence	Information regarding further work to be undertaken on major sites proposed in the AONB
16 July 2020 18:13	Email from TWBC – David Scully to Claire Tester and Sally Marsh of the AONB Unit	DtC email correspondence	Consultation on proposed sites within the AONB - sent draft reports for comment and requested any further information on proposed sites.
05 August 2020	Email from TWBC – David Scully to Claire Tester of the AONB Unit	DtC email correspondence	Seeking confirmation on Biodiversity Net Gain policy – registered as objection – was that correct? Answer received verbally was yes.
11 August 2020	Email from Claire Tester of the AONB Unit to – David Scully TWBC	DtC email correspondence	Response to consultations provided on Cranbrook, Hawkhurst and Lamberhurst but from subsequent telephone call similar comments applied to other settlements
12 August 2020	Email from TWBC – David Scully to Claire Tester of the AONB Unit	DtC email correspondence	Requested confirmation that there was no further information to be shared. On the proposed sites.
17 August 2020	Email from Claire Tester of the AONB Unit to – David Scully TWBC	DtC email correspondence	AONB Unit confirmed – no further information to provide.
10 February 2021	Emails between TWBC – David Scully and Claire Tester and Sally Marsh of the AONB Unit	DtC email correspondence	Discussion on Farmsteads SPD following Public Inquiry – how guidance can be improved!
15 February 2021	Emails between TWBC – David Scully and Claire Tester of the AONB Unit	DtC email correspondence	Discussion regarding NPPF and PPG changes re paragraph 172(176) and implications for Local Plan making.

Appendix I2: DtC engagement record for KCC Education

Other Bodies

TWBC Duty to Cooperate engagement record for KCC Education

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
24 May 2017	TWBC – Sharon Evans, Hilary Smith KCC – Sarah Platts, Katy Jarvis, Nick Abrahams	DtC meeting – District liaison Meeting	<ul style="list-style-type: none">• District Liaison Meeting including;• Local Plan update• Education• Transport• GIF
September 2017	GIF Meeting Officers of KCC TWBC – Sharon Evans	DtC Meeting	<ul style="list-style-type: none">• Update on the GIF• Infrastructure included• Actions and next steps
23 May 2018	TWBC – Sharon Evans, Steve Baughen KCC – Nick Abrahams, Jared Nehra	DtC meeting	<ul style="list-style-type: none">• Update on Local Plan and education infrastructure• Discussed settlement implications of proposed growth and key sites.• Secondary provision in RTW and PW• Other KCC services – adult social care and library services• Agreed to share mapping and sites information and neighbourhood plan progress
17 September 2018	KCC - Sarah Platts, Vicki Hubert, Jared Nehra, Nick Abrahams -	DtC meeting – District liaison Meeting	<ul style="list-style-type: none">• Local Plan update

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	TWBC - Sharon Evans Hilary Smith		<ul style="list-style-type: none"> • Transport discussions • Education discussions • Neighbourhood Plans • GIF
7 January 2020	<p>TWBC: Sharon Evans and Councillor Alan McDermott – Leader of the Council</p> <p>KCC :Richard Long – Cabinet Member for Education and Skills KCC Education: Nick Abrahams (Area Education Officer for West Kent – KCC)</p>	DtC meeting	<p>Current position in relation to schools in TWBC and the production of the Kent Commissioning Plan for education which is a 5 year rolling plan updated annually</p> <p>Future provision – strategy for dealing with ‘bulge’ in children coming through the system as a result of high birth rates between 2006-2013, reaching a peak in 2021/22 and 2022/23 in terms of secondary school places</p> <p>Discussion of longer term education provision as a result of the emerging TWBC Local Plan and IDP</p> <p>As any amendments are made to the emerging submission plan, close liaison with KCC will be required to ensure that any changes and implications are picked up in education planning terms</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			Meetings/discussion will therefore be ongoing
23 June 2020	Sharon Evans – TWBC Steve Baughen – TWBC Hannah Young – TWBC Ben Shereard – KCC Nick Abrahams - KCC	Information meeting (via Skype)	<ul style="list-style-type: none"> • General update meeting on education and the Local Plan • Specific discussion regarding Tudeley Village and site options for a new secondary school as well as primary provision. • Specific discussion regarding Paddock Wood. • Specific discussion regarding provision in RTW and KCC confirmed no longer require new sites – Spratsbrook. • KCC provided update on Kent Commissioning Plan – due to be published early in the year
26 November 2020	Hannah Young- TWBC Joanne Cave- DLA Nick Abrahams- KCC	Information meeting (via Skype)	Meeting to discuss primary school provision for Paddock Wood and Capel.

Appendix I3: DtC engagement record for KCC Flooding

Other Bodies

TWBC Duty to Cooperate engagement record for KCC Flooding

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
3 July 2015	Tunbridge Wells Borough Council (TWBC): Kelvin Hinton, Adrian Tofts, Sarah Lowe Environment Agency (EA): Peter Waring, Ghada Mitri Upper Medway Internal Drainage Board (IDB): Pete Dowling Kent County Council (KCC): Max Tant	DtC Meeting	Discussions of TW Site Allocations Plan, specific site allocations and other planning applications in relation to flooding
15 July 2015	Southern Water Environment Agency KCC Flooding Maidstone Borough Council Upper Medway Drainage Board MWH Consultants TWBC – Adrian Tofts	DtC meeting	Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues.
24 October 2017	Sharon Evans – TWBC Max Tant – KCC Flooding	Phone conversation	<ul style="list-style-type: none">• General discussion on flood risk and Local Plan and work currently underway as part of the SFRA.• Particular focus on Paddock Wood and RTW.
21 August 2018	Sharon Evans - TWBC Bronwyn Buntine – KCC Flooding	Information meeting	<ul style="list-style-type: none">• Update on flood risk policies in Local Plan• Importance of integration of flood

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			risk policies and the SFRA. <ul style="list-style-type: none"> • Good examples from elsewhere in Kent • Action – share site submissions with Bronwyn to review
September 2018	Sharon Evans – TWBC Max Tant – KCC Flooding	Phone conversation	General discussion regarding emerging policy, SUD's, drainage, surface water management and liaison with Southern Water. Specific discussion re: flooding in RTW.
6 November 2018	Environment Agency - Tony Gregory and Karolina Allu and KCC Flooding - Max Tant and Bronwyn Buntine TWBC Officers – Stephen Baughen and Sharon Evans and Ben Gibson from JBA consulting	DtC Meeting	Flood Risk - Discussed progress on the SFRA/modelling carried out and the initial outcomes

Appendix I4: DtC engagement record for Kent Nature Partnership

Other Bodies

TWBC Duty to Cooperate engagement record for Kent Nature Partnership (KNP)

Meeting/Correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
25 January 2018	Ashford BC, Dartford BC, Dover DC, Ebbsfleet Development Corporation TWBC – David Scully, Thomas Vint	KNP workshop -wider engagement with a number of SE authorities	Discussion of: <ul style="list-style-type: none">• Evidence for Local Plans• Planning Policies Model policies• Green Space Needs Assessment• NPPF
25 May 2019	Kent Nature Partnership TWBC Officers – David Scully	DtC meeting Local Plan engagement	Discussion of Policy wording for Draft Local Plan - including habitats, wildlife sites, protected sites, ancient woodland with recommendations from KNP.

Appendix I5: DtC engagement record for South East Water

Other Bodies

TWBC Duty to Cooperate engagement record for South East Water

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
31 July 2020	Hannah Young- TWBC Pedro Santos- South East Water Tamzyn Janes- Southern Water	Information Meeting	Meeting to discuss the growth planned around Paddock Wood, Capel and Tudeley in respect of planning for water capacity.

Appendix I6: DtC engagement record for Southern Water

Other Bodies

TWBC Duty to Cooperate engagement record for Southern Water

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
15 July 2015	Southern Water Environment Agency KCC Flooding Maidstone Borough Council Upper Medway Drainage Board MWH Consultants TWBC – Adrian Tofts	DtC meeting	Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues.
5 August 2015	TWBC – Kelvin Hinton, Adrian Tofts and Sharon Evans Southern Water – Susan Solbra and Mike Tomlinson	Information Meeting	<ul style="list-style-type: none"> • Follow on from previous meeting • Discussion over flooding issues • Southern Water confirmed fully committed to working with TWBC through the Local process • Particular discussion around Paddock Wood
15 August 2016	TWBC – Kelvin Hinton and Southern Water	Email correspondence	Query in respect of the inclusion of Horsmonden in the Drainage Plan Area review
2 July 2019	Sharon Evans – TWBC Steve Baughen – TWBC Pete Hockney - TWBC Claire Smith – Southern Water Charlottw Mayall – Southern Water	Information Meeting	<ul style="list-style-type: none"> • Update from Southern Water – change of structure and priorities – aiming to be less reactive and more proactive. • Update on Local Plan and discussion re: key growth

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			<p>proposed and SW priorities and current and future projects.</p> <ul style="list-style-type: none"> • Particular discussion re: ongoing problems and planned improvements at Paddock Wood. • other areas – Capel/Tudeley • funding arrangements and DM process.
17 January 2020	<p>Gregg Clark MP (Chair) Adam Hignett (Gregg Clark’s assistant) Southern Water: Sarah Feasey Simon Sharp Andy Adams John Wylie Paddock Wood Town Council: Cllr Ray Moon Cllr Claire Reiley Cllr Meryl Flashman Cllr Sarah Hamilton (also a Kent County Councillor) Peter Trent (Local resident supporting PWTC) Capel Parish Council Charles Machonockie Tunbridge Wells Borough Council: Cllr Sarah Hamilton Cllr Matthew Bailey Sharon Evans (SE) – Principal</p>	Information Meeting	For Southern Water to relay to residents their planned growth scheme to improve drainage issues in the Paddock Wood area.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Planning Policy Officer		
31 July 2020	Hannah Young- TWBC Pedro Santos- South East Water Tamzyn Janes- Southern Water	Information Meeting	Meeting to discuss the growth planned around Paddock Wood, Capel and Tudeley in respect of planning for water capacity.
11 August 2020	Gregg Clark MP (Chair) Adam Hignett (Gregg Clark's assistant) Southern Water: Paddock Wood Town Council: Charles Machonockie Tunbridge Wells Borough Council: Hannah Young Stephen Baughen`	Information Meeting	For Southern Water to provide an update on their scheme to address drainage issues in the Paddock Wood area.

Appendix I7: DtC engagement record for Upper Medway Internal Drainage Board

Other Bodies

TWBC Duty to Cooperate engagement record for Upper Medway Drainage Board

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
3 July 2015	Upper Medway Internal Drainage Board (IDB): Pete Dowling Environment Agency (EA): Peter Waring, Ghada Mitri Kent County Council (KCC): Max Tant Tunbridge Wells Borough Council (TWBC): Kelvin Hinton, Adrian Tofts, Sarah Lowe	Meeting	Discussions of TW Site Allocations Plan, specific site allocations and other planning applications in relation to flooding
15 July 2015	Upper Medway Drainage Board Southern Water Environment Agency KCC Flooding Maidstone Borough Council MWH Consultants TWBC – Adrian Tofts	Meeting	Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues.

Appendix I8: DtC engagement record for West Kent Partnership for Infrastructure and Transport

Other Bodies

TWBC Duty to Cooperate engagement record for West Kent Partnership for Infrastructure and Transport

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
07 January 2020	Hilary Smith – TWBC Beth Parsons – TWBC Claire Pamberi – Sevenoaks DC Bartholomew Wren - TMBC Wendy Wood – West Kent Partnership David Joyner – KCC Nola Cooper – KCC Alan Hewett – NHS Trust Various representatives from public transport operators including: Southeastern Network Rail Arriva	Information Sharing Meeting	Regular quarterly meetings to discuss: <ul style="list-style-type: none">- West Kent priority projects including funding opportunities- Highway schemes- Public transport operational issues/projects- Local Plan/Transport Strategy updates
03 July 2020	As above	Information Meeting	As above
29 September 2020	As above	Information Meeting	As above
07 January 2021	As above	Information Meeting	As above

Appendix J – Strategic Sites Working Group (SSWG)

Appendix J1: DtC Engagement record for the SSWG

TWBC Duty to Cooperate engagement record for the Strategic Sites Working Group

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
<p>2019:</p> <p>18 July -Initial Mtg 4 September 4 December</p>	<p>The distribution list for the SSWG is as follows. The meetings are well attended and key sites are mostly represented at every meeting. A full attendance list can be made available for each meeting upon request.</p>	<p>The Strategic Sites Working Group (SSWG) is a forum that facilitates collaborative working in the delivery of the two strategic sites.</p>	<p>The monthly meetings provide a round table forum to update and discuss key items in progressing the strategic sites through the Local Plan and beyond.</p>
<p>2020:</p> <p>8 January 5 February 4 March No April meeting 20 May No June meeting 1 July 5 August 2 September 7 October 18 November 16 December</p>	<ol style="list-style-type: none"> 1. Barsleys Dept. Store 2. Barton Willmore (Agent representing Crest Nicholson) 3. Capel PC 4. Charterhouse 5. Countryside Properties 6. CBRE (representing Dandara) 7. Churchill Retirement 8. Dandara 9. Crest Nicholson 10. David Hickens Associates 11. Environment Agency 12. Gallagher 13. Highways England 14. Icefox Development Ltd 15. Judith Ashton Associates (representing Redrow and Persimmon) 16. KCC Education 17. KCC Flooding 18. KCC Highways 19. KCC Planning 	<p>Meetings are held monthly (in person and via Skype for Business and MS Teams from March 2020).</p> <p>It was established July 2019, following the finalisation of the Regulation 18 Draft Local Plan which set out the approach to growth around Paddock Wood and east Capel, and Tudeley Village.</p>	<p>All members have agreed to work positively and proactively in moving the sites forward (albeit, notwithstanding an 'in principle' objection to the growth in Capel parish held by Capel Parish Council).</p>
<p>2021:</p> <p>No January meeting 3 February 3 March Scheduled Monthly</p>	<ol style="list-style-type: none"> 16. KCC Education 17. KCC Flooding 18. KCC Highways 19. KCC Planning 	<p>All site promoters were invited to participate, along with a representative from associated community groups (Capel Parish and Paddock Wood Town Councils), Borough ward members, relevant neighbourhood planning groups, adjoining local planning authorities to the site (Tonbridge and Malling BC, and Maidstone</p>	<p>Various issues are addressed including updates on the Local Plan, Masterplanning work , updates from the Hadlow Estate, matters regarding current major planning applications in Paddock Wood and standing updates from Southern Water.</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	<ul style="list-style-type: none"> 20. Kember Loudon Williams (representing land at Tudeley Brook Farm) 21. Lambert and Foster 22. Network Rail 23. Paddock Wood TC 24. Persimmon Homes 25. Redrow 26. Southern Water 27. Turnberry Consulting (representing The Hadlow Estate) 28. TWBC: Ward Members 29. Tesco 30. Upper Medway Internal Drainage Board 31. The Kent and Medway NHS Clinical Commissioning Group 32. Maidstone Borough Council 33. Tonbridge and Malling Borough Council 34. Volatire Financial 	<p>BC) and other statutory consultees and infrastructure providers.</p>	

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Planning Policy

Planning Services

Tunbridge Wells Borough Council

Town Hall

Royal Tunbridge Wells

Kent TN1 1RS

Telephone: 01892 554056