

of Tunbridge Wells Borough meeting Sevenoaks's unmet need (i.e. an additional 1,900 residential dwellings).

- 4.02 The findings of the SA work considered that in carrying out the appraisal for Growth Strategy 7 (increased growth), that TWBC had maximised development potential outside the High Weald AONB, including through strategic Green Belt releases for both a new garden settlement and the major expansion of Paddock Wood. It was also considered that substantial growth is already being proposed for Horsmonden, the other more sustainable settlement outside of the AONB, as well as through maximising opportunities for intensification of sites within the Main Urban Area of Royal Tunbridge Wells and Southborough. It was assumed that the additional 1,900 dwellings would essentially be in the AONB and that a garden settlement within the AONB would not be appropriate.
- 4.03 The Sustainability Appraisal concludes that *"a higher level of growth involving meeting any unmet needs from the Sevenoaks area – scores worse notably in terms of environmental, including landscape objectives, but also in relation to some social objectives"*²².
- 4.04 Therefore it is clear from the above that the option of 'increased growth' has been explored and tested robustly through the SA process, but has been considered to have significant adverse impacts on national designations within the borough contrary to the NPPF.
- 5.0 Statement of Common Ground between Tunbridge Wells Borough and Sevenoaks District
- 5.01 The Statement of Common Ground, agreed and signed by the two authorities in May 2019, clearly states the following *'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. 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'*.
- 5.02 The above statement is still considered to be pertinent to the discussions to be held through the SDC examination in due course and there are no significant changes to TWBC's position since the SoCG was signed on the 21 May 2019.
- 6.0 Summary
- 6.01 To conclude, as set out above, Tunbridge Wells Borough Council faces challenges very similar to Sevenoaks District Council in respect of constraints affecting the delivery of sites for new development. Despite this, TWBC has sought to plan positively to meet its own identified needs. It is considered that it would be wholly unreasonable to suggest that Tunbridge Wells Borough Council may be able to accommodate any of the unmet housing need from Sevenoaks District Council.

²² See the Tunbridge Wells Borough Local Plan – Sustainability Appraisal Issues and Options Report – Final Report – September 2019 - Section 6 (Pages 35-49)[Draft Local Plan](#)

6.02 As agreed in the Statement of Common Ground between the two authorities signed on the 21 May 2019, both councils will continue to work together through the DtC in relation to housing matters and will identify their position again as they prepare to review their respective Local Plans through the 5 year review.

SDC12 – Letter from TWBC to SDC
following Examination on 21
November 2019

Mr James Gleave
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Date: 21 November 2019

email: Stephen.baughen@tunbridgewells.gov.uk or
sharon.evans@tunbridgewells.gov.uk

Dear Mr Gleave

I write further to our joint meeting with Tonbridge and Malling Borough Council and officers from Sevenoaks District Council on the 12 November, following the initial hearing sessions for the Sevenoaks District Local Plan and the subsequent concerns raised by the Inspector in her letters of the 14 October and 28 October in relation to the cancellation of the further Hearing Sessions and the consideration of the Duty to Co-operate (DtC).

Tunbridge Wells Borough Council submitted a statement to the planning inspectorate and an officer representing the Borough Council attended the first day of the hearing sessions, including the session on DtC. At the Hearing session, Tunbridge Wells Borough Council re-iterated the fact that all three West Kent Authorities have worked collaboratively over a number of years and in particular since the commencement of work on their respective Local Plans in 2015. This has involved active, ongoing and constructive DtC engagement. It was also highlighted that Tunbridge Wells Borough and Sevenoaks District have produced joint evidence base studies in particular the Strategic Housing Market Assessment and the Economic Needs Study. This has involved close collaboration with officers and members of the two authorities as well as liaison with stakeholders across the respective areas.

Tunbridge Wells Borough Council's position is set out clearly within the Hearing Statement submitted and the Statement of Common Ground prepared by officers of Tunbridge Wells Borough Council and Sevenoaks District Council and signed by the relevant elected members. Additionally, details of the meetings/discussions that have taken place over the course of the Local Plan preparation are recorded within the Duty to Co-operate statement prepared by Sevenoaks District Council. Although, the relevant timings of DtC discussions were discussed at the hearing session and are noted in the Borough Councils hearing statement, it was re-iterated by the West Kent Authorities present, that all of the areas are subject to significant constraints, including Green Belt and Areas of Outstanding Natural Beauty as well as others and therefore the authorities faced similar challenges in meeting their own identified needs, with no prospect of being able to meet the needs of neighbouring authorities despite ongoing discussion and engagement at both officer and member level during preparation of the respective Local Plans.

Tunbridge Wells Borough Council note the content of the most recent letter sent from Sevenoaks District Council to the Planning Inspectorate and can confirm that Tunbridge Wells Borough Council attended the PAS workshop of the 24 April 2019. Officers of Tunbridge Wells Borough Council agree with the conclusions reached at the workshop, including paragraph 3.3 of the meeting note.

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Tunbridge Wells Borough Council would also be interested to see the Inspectors consideration of the other aspects of soundness that she raised in her initial letter.

Do please contact me if you would like to discuss any of the above further.

Yours sincerely

Stephen Baughen
Head of Planning

Planning Services

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SDC13 – Agreed minutes of West Kent DtC Meeting on 18 May 2020

Duty to Cooperate Meeting between Tunbridge Wells Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council

**Skype Call
18 May 2020**

Tonbridge and Malling Borough Council:

Ian Bailey – Planning Policy Manager
Bartholomew Wren – Principal Policy Planner

Sevenoaks District Council

James Gleave – Planning Policy Manager
Hannah Gooden – Team Leader Planning Policy

Tunbridge Wells Borough Council:

Steve Baughen – Head of Planning
Sharon Evans – Principal Planning Policy Officer
Hannah Young – Strategic Sites and Delivery Team Leader

	Item	Action
1	<p>Introduction and Purpose</p> <p>SE introduced the meeting as an opportunity for the three west Kent Authorities to have a discussion and update on progress on their respective Local Plans.</p> <p>SE introduced Hannah Young to those present and HY introduced herself, explained about her background and her role at TWBC.</p>	
2	<p>Local Plan updates</p> <p><u>Tunbridge Wells Borough Council</u></p> <p>-SB outlined position: consulted on DLP in 2019, currently reviewing representations received and assessing new site submissions. -SB explained that TWBC in the process of commissioning further work studies to help inform the next stage of the LP where felt necessary. -Explained that a new LDS has been agreed by the Planning Policy Working Group and will be public within next week – essentially resulting in a 6-month delay to the timetable with submission now scheduled for June/July 2021. -Also setting out a new base date of 2020 with the Plan period being until 2037. -IB queried the reason for the delay and SB confirmed that it was due to the volume and complexity of responses received through the consultation rather than in relation to the current COVID situation. -IB also queried whether TWBC would need to update any of their evidence to accord with the new base date and plan period and SB confirmed that we are updating some evidence base studies however most are still relevant.</p> <p><u>Tonbridge and Malling Borough Council</u></p> <p>-IB stated that their Local Plan Hearings should have been commencing</p>	

	<p>but that they have been delayed due to COVID 19 and correspondence from PINS is indicating that hearings may commence in November. Still unsure whether this would be a traditional hearing or virtual. The deadline for them to submit hearing statements to PINS is now July. These are being agreed with Inspector and currently being drafted with barrister input by TMBC.</p> <p>-Submitted Local Plan in Jan 2019; submitted under SHMA figure.</p> <p><u>Sevenoaks District Council</u></p> <p>- JG: reconfirmed that their hearing sessions were cancelled part way through on the grounds of not meeting the DtC and they submitted a JR challenge to the government in April 2020; Response received from MHCLG; Sevenoaks are currently looking at it in terms of grounds for a hearing; Haven't had confirmation yet as to whether will proceed to Hearing, and no date; -HG: Looking at updating SCI, to include consultation on NDPs, etc;</p>	
<p>3</p>	<p>Housing update</p> <p>-discussion was had about any other requests for unmet housing need from other authorities and it was confirmed that all three authorities received requests from Elmbridge - TMBC and SDC responded to Elmbridge request;</p> <p>-TMBC: had no other requests, although MBC have contacted re GTAA; SE confirmed that they had also been contacted.</p> <p>-TMBC: confirmed their position in relation to the 5 years supply as at 31/03/2019: 2.4 years based on 696 units per year, subject to forensic testing at Kings Hill Inquiry. BW circulated appeal decision in relation to this.</p> <p>-SDC: HG – re-affirming that they still have unmet need in the District; need to continue dialogue under the DtC whilst JR is progressing.</p> <p>-SDC: other than Elmbridge, haven't had any other requests.</p> <p>-SB: explained that TWBC DLP met OAN based on 2014 figures, plus 9% buffer. However currently reviewing sites for Pre-Submission version of Local Plan, and would update if things change over the coming months; i.e. if there is capacity/through further work or if not able to meet the OAN as per the current Draft Local Plan.</p>	
<p>4</p>	<p>Employment update</p> <p>-SE updated the group on the current work that TWBC are doing to review the retail/Town centre evidence base and would be looking to commission consultants in this regard. Also, will be looking at the Economic Needs Study and to sense check it against the current situation. Due to the fact that this work was carried out jointly with Sevenoaks DC, SE queried if they had any plans to update their work or if it was challenged at Examination. HG confirmed that they didn't get that far in their Examination, but that it was not challenged significantly.. However, they are currently reviewing all their evidence base to see what might need to be reviewed as a priority going forward.</p> <p>-BW stated that TMBC had approached the team at Turley's who also</p>	

	<p>carried out the TMBC ENS to seek their assistance at an appeal and they declined which was disappointing. Helpful to have consistency of approach with using Turley's across all 3 West Kent authorities, however concern that they may not back up findings, recommendations at Examination if required. BW happy to continue dialogue in this regard of helpful.</p>	
5	<p>Strategic Sites Working Group</p> <p>-SB provided an update on this and the current work and confirmed that would be holding the Strategic Sites Working Group meeting this week (20/05/20) virtually. Also explained that the planned Charrette for Tudeley village didn't happen because of the impending lockdown measures, but that an alternative engagement approach is being looked at.</p> <p>-SE also explained that Hadlow Estate were looking at alternative location on eastern side of TGV for secondary school.</p> <p>-SB: will be period of considerable work on strategic settlements in coming months.</p> <p>-BW: TMBC are ready, willing to engage on this</p>	
6	<p>Gypsy and Travellers</p> <p>-IB: 4 questions from PINS on G&T need as a matter for their Local Plan Examination, including an identified need for a transit site but no identified sites. The recent engagement with MBC in revising their GTAA is an opportunity to raise the matter as a cross boundary issue.;</p> <p>-SE: TWBC will also be responding on MBC GTAA;</p>	
7	<p>AONB</p> <p>-SE: TWBC have commissioned consultants to look at major development sites in AONB as part of ongoing Local Plan work.</p> <p>-IB: Noted that the review of the Kent Downs AONB Management Plan has been delayed – TMBC have also been working closely with the AONB Unit on Borough Green Gardens.</p> <p>-HG: Meeting in Dec 2019 with Natural England who were looking at adopting a more national approach but have not heard anything since.</p>	
8	<p>Infrastructure</p> <p><u>-Transport</u></p> <p>-BW: outlined positioned re A26 LCW infrastructure position. TMBC advice from KCC will implement cycling infrastructure from Quarry Hill to Brook Street junction in Tonbridge, under temporary pandemic measures.</p> <p>-BW: continued work with TWBC on other cycling infrastructure.</p> <p><u>-Education</u> – nothing further to add apart from previous discussions on location of secondary school at Capel</p> <p><u>-Water – Surface and potable</u></p> <p>-SE: set out that Emma Keefe of TMBC (Development Manager) had written indicated that Leigh Flood Barrier planning application is likely in July.</p>	

	-HG and IB thought that this is a cross-boundary issue that will be considered under the DM process.	
9	<p>Lessons from other LPA's</p> <p>-SE stated that aware of a number of LPA's Plans failing under the DtC; relevant to consider any lessons learnt from elsewhere.</p> <p>-Discussion around lessons from St Albans and Uttlesford.</p> <p>-HG referred to Tandridge and that infrastructure funding is no longer available for their key Garden Village site at Godstone so unclear how they will deal with this going forward.</p> <p>-JG mentioned correspondence between London Plan and Inspector;</p> <p>-SB drew attention to South Bucks/Chiltern Inspectors letter, particularly around sub-regional approach to longer term planning.</p> <p>-SE confirmed that she would circulate any pertinent decisions with the minutes of the meeting.</p>	
10	<p>Approach to future Duty to Cooperate meetings – TWBC recommended approach and all for discussion</p> <p>-SB discussed TWBC thoughts on 1) increased frequency of meetings, 2) TWBC to take lead on producing SoCG, 3) need to have frank discussions re Para 137 c) and 172 about ability for neighbouring authorities to accommodate that need and 4) potential need (if there is unmet need – as it appears there is at the moment given SDC work) to look at principle and possibility for sub-regional approach;</p> <p>-IB agreed with 1, 2 (albeit all LPAs to take responsibility for “to me/to you” elements of agreeing SoCG), 3 and whilst TMBC plan has been submitted, discussions under 4) are pertinent for 5 yr review;</p> <p>-JG explained that happy to have discussions re 4), but expressed concern that would be fundamentally problematic given all LPAs were at different stages;</p> <p>-SB set out that understood, but still felt – particularly given reference in SDC PINS letter – that whilst there was the prospect of unmet need that was appropriate to do so.</p>	
11	<p>Statements of Common Ground -</p> <p>-SE confirmed covered in the above discussion and that TWBC will be looking to agree SOCG going forward.</p>	
12	<p>AOB</p> <p>Nothing raised</p>	No action required
13	<p>Date of next meeting</p> <p>To be scheduled in the week commencing the 15 June 2020 – SE provided suggested dates and asked those present to confirm availability so as to get a date in the diary.</p>	

SDC14 - Minutes of West Kent DtC Meeting on 15 June 2020

Duty to Cooperate Meeting between Tunbridge Wells Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council

Skype Call
15 June 2020

Tonbridge and Malling Borough Council:

Ian Bailey – Planning Policy Manager
 Bartholomew Wren – Principal Policy Planner

Sevenoaks District Council

James Gleave – Planning Policy Manager

Tunbridge Wells Borough Council:

Steve Baughen – Head of Planning
 Sharon Evans – Principal Planning Policy Officer

	Item	Action
1	<p>Introduction and Purpose</p> <p>SE introduced the meeting as an opportunity for the three west Kent Authorities to have a discussion and update on progress on their respective Local Plans.</p> <p>SE stated had Circulated minutes from the last meeting and had been agreed by all authorities.</p>	
2	<p>Local Plan updates</p> <p><u>Tunbridge Wells Borough Council</u></p> <p>-SB outlined position: consulted on DLP in 2019, currently reviewing representations received and assessing new site submissions. -SB explained that TWBC in the process of commissioning further work studies to help inform the next stage of the LP where felt necessary. -Explained that a new LDS has been agreed by the Planning Policy Working Group and will be public within next week – essentially resulting in a 6-month delay to the timetable with submission now scheduled for June/July 2021. IB confirmed that they had now received the updated LDS.</p> <p><u>Sevenoaks District Council</u></p> <p>- JG updated on the JR challenge and progress on this. SDC are currently putting together a response and will get further notification in 8 weeks time on the hearing date from the courts.</p> <p><u>Tonbridge and Malling Borough Council</u></p> <p>-IB updated on T+M – Inspector has come back and confirmed that a socially distanced hearing will be carried out in October – this will run for 3 days initially from the 6-8 October and further dates are scheduled for the 3-5 and 10-11 November. The initial session will deal with Matters 1-4 and 70 questions have been issued to respond to dealing</p>	

	<p>with legal compliance, development in the AONB etc. extra days have been added from originally planned to allow for social distancing and the number of people who can be accommodated in the venue at one time. The new deadline for statements is September the x?</p> <p>-IB said that they are watching with interest what is happening at South Oxfordshire with their virtual hearings.</p>	
3	<p>Lessons from other LPA's</p> <p>- JG raised the example of Runnymede in terms of unmet employment need. Their plan is under the 15 years period and was submitted under the old NPPF so the Inspector was quite relaxed about this issue. Shows there is quite a lot of variation between views of different inspectors. JG also referred to wider work carried out in Surrey – local authorities working together jointly across the Surrey authorities. Runnymede only managed to meet their housing need by reducing the plan period. IB said that they are running the Runnymede decision past their barrister and will share anything useful which come out of this.</p>	<p>Action - IB – to share anything useful from Barristers review of the Runnymede inspectors decision</p>
4	<p>Housing need, including any requests from other authorities. To include discussions regarding:</p> <p>a) Potential levels of housing growth in Green Belt, proposals to release Green Belt and the need to address paragraph 137c of the NPPF, and the ability of neighbouring authorities to meet any of this need.</p> <p>b) Potential levels of housing growth in the AONB and the need to address paragraph 172 of the NPPF, and the ability of neighbouring authorities to meet any of this need.</p> <p>-SB introduced this item and raised the issue of levels of growth being proposed in TWBC in both the Green Belt and the AONB. SB set out that in order for TWBC to meet its own housing need but would require the allocation of sites within the GB and the AONB after assessing all reasonable alternatives, including pdl sites and then sites within existing settlements.</p> <p>-SB set out the relevant figures that TWBC are meeting – a range of between 2,221 and 2,466 dwellings in the AONB (293 hectares) and a range of between 4,724 and 5,559 in the GB (339 hectares). SB asked the question of whether any of TWBC's identified need can be met in either Sevenoaks DC or Tonbridge and Malling BC.</p> <p>-JG asked what percentage of the overall housing growth figure does this equate to? SB confirmed that for GB the upper limit was 41% and the lower limit was 35% and for AONB the upper limit was 18.2% and the lower limit was 16.4%. The combined figures for AONB and GB were 54% and 7,431 units and lower limit was 47% and 6,366 units.</p> <p>-SB set out his intention to write to both authorities to formally ask if they are able to assist in meeting the need but wanted the opportunity to raise it informally through this forum first.</p>	<p>Action – SB to send draft letter to TMBC and SDC</p>

	<p>-JG mentioned that this is the approach that was carried out at Runnymede and both JG and IB agreed that this is the correct approach and will respond to the request in writing. All agreed that SB would send a letter in draft first so that officers have the opportunity to raise this with senior staff and members first before the formal request is sent through. SB re-iterated that he would send the draft letters over the next month and it would then be followed up with a formal letter afterwards.</p>	
5	<p>Economic needs</p> <p>Nothing specific to raise on this at the moment, although IB just stated that they are not seeking to meet their full identified ED needs but rather promoting the intensification of existing sites.</p>	
6	<p>Strategic Sites Working Group – TWBC</p> <p>-SB stated that TWBC and TMBC are meeting later this week to discuss issues in relation to the Strategic Sites and also informed others that TWBC are meeting with the Hadlow Estate the following day (16 June 2020). SB confirmed that TWBC are confident that a new location for the secondary school at Tudely can be secured which should appease many of the TMBC residents who had concerns about this.</p> <p>-SB also highlighted the fact that the charrette previously scheduled before COVID was cancelled but that a shortened virtual exercise with consultants is planned to consult and liaise with infrastructure providers and stakeholders over the next few months and then with the community in August (subject to social distancing requirements). Highways/cycling provision will also feed in to this work.</p> <p>-SB also confirmed that TWBC are currently finalising the brief for the masterplanning over the coming days.</p> <p>-IB reiterated that officers and members would be keen to engage virtually in this process. BW also expressed that seeing sight of the infrastructure brief would be helpful and he would like to tie it in with the infrastructure requirements for T+M as well.</p>	
7	<p>Cross boundary Infrastructure</p> <p>-IB mentioned that waste facility at Alington, but stated that this is more of an issue with Maidstone than others in West Kent but that he would circulate the details for information</p>	<p>Action – IB to circulate the details about the Alington Waste facility?</p>
8	<p>Sub-regional planning, potentially for housing market area</p> <p>-This was briefly discussed at the last meeting and SB raised it again bearing in mind the work carried out in Runnymede on this issue. Conscious however that TWBC housing market area also includes north Wealden and so wondered what appetite there is to consider this at all?</p>	

	<p>Assume that It would be looking beyond the period of our current plans.</p> <p>A discussion was had by all on the anticipated Planning White and agreed would see what that sais and go from there. JG commented that he is expecting it to be reconsidering the planning system again and all agreed to consider this again following the publication of the White Paper, discuss in our respective authorities and raise again at this group at a future time.</p>	
9	<p>Updated SoCGs:</p> <p>a) whether to have three way, or between LPAs;</p> <p>b) Developing/updating the Statement(s) of Common Ground</p> <p>-Discussion was had about the merits of having a 3 way SCG and all considered that this would be helpful.</p>	
10	<p>Statements of Common Ground -</p> <p>-SE confirmed covered in the above discussion and that TWBC will be looking to agree SOCG going forward.</p>	
11	<p>AOB and Date of Next meeting</p> <p>Nothing raised and SE stated that she would put together minutes of the meeting and circulate for comment before finalising and would also send round dates for the next meeting probably late July/early August.</p>	

SDC15 - Letter from TWBC to SDC
re Green Belt and AONB



Richard Morris
Chief Officer - Planning & Regulatory Services
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent
TN13 1HG

6th October 2020
Sent by email Only

Dear Richard

Re Duty to cooperate discussions between Tunbridge Wells Borough Council and Sevenoaks District Council formal requests to accommodate development needs from Tunbridge Wells

I refer to recent discussions held between our two Authorities under the Duty to Cooperate (DtC). These discussions have been positive and pragmatic. The following communication is set out in formal, and at times rather direct, language, and I would like to make it clear that this is due to the fact that such matters are of integral importance to the formation of the Tunbridge Wells Borough Local Plan, and have been expressed as such so there is no ambiguity at a later date – for example at the Examination of the Local Plan. I look forward to continuing future DtC discussions in the same vein as before.

As explained in our most recent meetings, Tunbridge Wells Borough Council (TWBC) undertook Regulation 18 consultation on its Draft Local Plan (DLP) in Autumn 2019. The borough of TW is highly constrained, with approximately 70% of the Borough within the High Weald Area of Outstanding Natural Beauty (AONB), 22% in the Green Belt, and with other areas falling within Flood Zones 2 and 3, together with infrastructural constraints.

The strategy for development as set out in the DLP:

- sought firstly to maximise the development potential of each site considered as suitable for sustainable development in locations outside of the AONB and Green Belt (particularly previously developed land in the built up areas of the borough)
- following an assessment of the development potential of smaller (not 'major') sites located within the AONB, undertook further consideration of the development potential of major development sites in the AONB, following the requirements of para 172 of the NPPF, and of potential sites in the Green Belt taking account of the requirements of paras 136 and 137 of the NPPF

- is explained in the Distribution of Development Topic Paper for Draft Local Plan – Regulation 18 Consultation (September 2019)¹.

At the DtC meetings we have discussed this strategy, and the distribution of development as set out in the TWBC DLP, including both major development in the AONB, and the release of the Green Belt to accommodate both housing and employment uses, including proposed garden settlements at Land at East Capel and Paddock Wood and Tudeley. The distribution, relative to these constraints, can be summarised as:

Designation	Range of housing numbers	□ employment
AONB	1608 - 1772	□ 14 ha
GB	4724 – 5559	□ 14 ha
Both GB and AONB	320 - 390	□ 14 ha
Combined	6012 – 6941	□ 14 ha

During the Regulation 18 consultation on the DLP, representations were made from over 2,000 residents, businesses, organisations and developers, which amounted to over 8,000 separate comments. TWBC has reviewed all of these representations, and is currently considering the spatial strategy for the Pre-Submission version of the Local Plan.

□ **consideration of Strategy**

Green Belt

In accordance with para 137 of the NPPF, as part of these considerations, TWBC is fully examining all other reasonable options for meeting its identified need for development without the need for release of land from the Green Belt. This includes the specific requirement that the strategy be “*informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development in the Green Belt*” as demonstrated through the statement of common ground¹.

We have discussed the difficulties that your authority would have in accommodating additional need for development, the previous request regarding unmet housing met from Sevenoaks District Council (SDC) and the extent of Green Belt in your borough. However, to take forward these discussions, it is appropriate to formally request that SDC considers accommodating some, or all, of the following from TW borough: 4,724 – 5,559 dwellings, and at least 14 hectares of employment land.

AONB

in accordance with para 172 of the NPPF, before making a final consideration on the major developed sites in the AONB, TWBC is examining whether there is scope for, and the cost of, this development:

- being located outside the AONB □
- being met in some other way.

https://beta.tunbridgewells.gov.uk/_data/assets/pdf_file/0012/301116/Distribution_of_Development_Topic_Paper.pdf

As part of this work, and as discussed in the recent DtC discussions:

- TWBC considers it pertinent to discuss with SDC whether there is scope for SDC to accommodate some, or all of the major employment or housing development which has been considered to be major development in the AONB in TW borough
- TWBC acknowledges the initial discussions in which your colleagues outlined the difficulties that your authority would have in additional need for development, and the extent of Kent Downs and High Weald AONB in Sevenoaks borough.

Notwithstanding the above, it is still considered appropriate to formally request that SDC consider accommodating some, or all, of the following from TW Borough: 1,608 – 1,772 dwellings, and at least 14 hectares of employment land.

I would be grateful if you could please respond in writing to these formal requests by Friday 16th October 2020, or (if possible) earlier. I should advise that TWBC has also discussed these matters with our other neighbouring Local Planning Authorities, and I have sent similar letters to my counterparts at Wealden District Council, Rother District Council, Ashford Borough Council, Maidstone Borough Council, and Tonbridge and Malling Borough Council.

Thank you for time in considering the above formal requests, and I look forward to hearing from you in due course. Please do not hesitate to contact me by email stephen.baughen@tunbridgewells.gov.uk or on telephone by 01892 554482 if you would like to discuss the further.

Yours sincerely,

A handwritten signature in black ink, consisting of the letters 'S.' followed by a stylized, cursive signature.

Steve Baughen
Head of Planning Services

SDC16 - Letter from SDC to TWBC
re Green Belt and AONB

Mr Steve Baughen
Stephen.Baughen@Tunbridgewells.gov.uk

Tel No: 01732 227000
Ask for: Richard Morris
Email: Richard.morris@sevenoaks.gov.uk
My Ref: 2247/RM/sc
Your Ref:
Date: 16 October 2020

Dear Steve

Duty to Cooperate discussions between Tunbridge Wells Borough Council and Sevenoaks District Council: formal requests to accommodate development needs from Tunbridge Wells

Thank you for your letter in respect of the above matter, received via email on 6 October 2020.

Sevenoaks District Council (SDC) is highly supportive of joint working with neighbouring authorities and other development partners to address strategic, cross boundary matters. You will be aware of the evidence which demonstrates on-going and constructive engagement between our authorities since 2015, on matters such as housing, infrastructure and employment needs. Much of the discussion has taken place as part of the wider West Kent group with Tonbridge & Malling Borough Council.

In May 2019, a Statement of Common Ground was signed between SDC and Tunbridge Wells Borough Council (TWBC). This document sets out the issues and actions raised during duty to cooperate engagement, which include how both local authorities seek to meet a variety of development needs. It has been well documented that TWBC is not in a position to assist SDC in meeting its unmet housing needs due to the constraints referred to in your letter and that TWBC is seeking to meet its housing needs in full. Both authorities have documented that they are seeking to meet their employment needs in full.

Notwithstanding the most recent discussions regarding our respective positions, this formal request comes as somewhat of a surprise.

Chief Executive: Dr. Pav Ramewal

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For clarity, SDC will not be able to assist for the following reasons:

1. Sevenoaks District, similar to Tunbridge Wells Borough, is a highly constrained area, with 93% Green Belt, 60% Area of Outstanding Natural Beauty and 41 Conservation Areas. SDC is the top tied most constrained local authority in the country along with Tandridge and Epping Forest (MHCLG 2017).
2. Through the extensive work undertaken on the Sevenoaks District Local Plan, with a strategy that focuses on bringing forward sustainable development and despite releasing some 221 hectares of Green Belt land, SDC is unable to meet its housing needs in full.
3. Whilst the Sevenoaks District Local Plan proposes to allocate sufficient land to meet its employment needs, the extensive work undertaken in the development of the Plan has indicated that there is no scope for delivering any unmet employment needs from TWBC.

You will be aware that the Sevenoaks District Local Plan was submitted for examination last year and in March 2020, the Planning Inspector issued her final report, concluding that the Plan was not legally compliant in respect of the duty to cooperate. The Council was subsequently granted permission to challenge the decision through a judicial review and this was heard at the High Court last month. At the time of writing, we are awaiting a decision from the Court and will update you as soon as we are able.

SDC recognises the significant challenges associated with meeting development needs across the West Kent region. However, in the first instance, all reasonable efforts should be made to accommodate the development needs identified your letter within Tunbridge Wells. I would be grateful if you could please keep SDC updated on this matter, including the proposed approach to Green Belt release.

At this stage and on the basis of evidence and engagement to date, I am content that TWBC is doing all it can to comply with the requirements of the duty to co-operate. The Council looks forward to further constructive engagement on this matter.

Yours sincerely

A handwritten signature in black ink that reads "Richard Morris". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Richard Morris
Deputy Chief Executive and
Chief Officer - Planning & Regulatory Services

SDC17 - Minutes of West Kent DtC meeting on 21 October 2020

Duty to Cooperate Meeting between Tunbridge Wells Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council

**Skype Call
21 October 2020**

Tonbridge and Malling Borough Council:
Bartholomew Wren – Principal Policy Planner
Julian Ling – Senior Planning Policy Officer
Sevenoaks District Council
James Gleave – Planning Policy Manager
Tunbridge Wells Borough Council:
Steve Baughen – Head of Planning
Sharon Evans – Principal Planning Policy Officer

	Item	Action
1	<p>Introduction and Purpose</p> <p>SE introduced the meeting as an opportunity for the three west Kent Authorities to have a discussion and update on progress on their respective Local Plans.</p>	
2	<p>Local Plan updates</p> <p><u>Tonbridge and Malling Borough Council</u></p> <p>-Have completed the first three days of the hearings and expecting the agenda for the next sitting dates for the hearings over the next few days. These are scheduled for the 3/4/5 November with further dates of the 10/11 November if required. At this stage the Council’s Barrister was fairly positive after the first set of hearings.</p> <p><u>Sevenoaks District Council</u></p> <p>- JG updated on the JR challenge - they are still awaiting a decision from the High Court. Apart from the challenge, they are busy summarising the White Paper and providing briefings to members and various local groups and societies.</p> <p>- JG also confirmed that SDC have replied to our formal letter in relation to meeting housing need.</p> <p><u>Tunbridge Wells Borough Council</u></p> <p>-TWBC currently pulling the pre-submission version of the Local Plan together and taking through the Councils Planning Policy Working Group.</p> <p>-This version is due to go to the Council’s Planning Policy Working Group in December 2020 to then start going through the formal committee cycle early next year – with Cabinet in January and Special Full Council in February.</p>	

<p>3</p>	<p>Cross boundary Infrastructure</p> <p>- Discussion about local cycling, walking and infrastructure plan – TMBC will be consulting on in the spring – Consideration of TWBC and TMBC Cross boundary infrastructure in this regard.</p> <p>-SB re-iterated that will need continual discussion on infrastructure as we progress and go through to the spring. Also made others aware that SWECO – TWBC transport consultants are re-doing the modelling for the Regulation 19 Plan.</p> <p>-BW confirmed that he is willing to engage on any cross boundary infrastructure issues that arise. When TMBC update their Infrastructure Plan they will take into account TWBC’s. TMBC will refresh their IDP once TWBC have gone through their hearing sessions.</p> <p>-Discussion about possible new GP surgery at Paddock Wood and satellite surgery at the new garden village at Tudeley.</p> <p>-Sevenoaks stated that they don’t have a Walking and Cycling Strategy, but TMBC raised concerns about the extent of the Quality Bus Partnership – should be one and there isn’t. JG confirmed that he would raise this with Claire Pamberi who deals with infrastructure issues at SDC.</p> <p>-Brief discussion about the Leigh Flood Barrier and status of the planning application currently under consideration for the increased storage area and embankments at Hildenborough.</p>	<ul style="list-style-type: none"> • Check latest in relation to the Leigh Flood Storage area application • SDC to check position in relation to Quality Bus Partnerships
<p>4</p>	<p>Housing need, including any requests from other authorities</p> <p>-TMBC stated that they are updating their delivery trajectory in advance of November Hearing sessions. They have instructed GL Hearn to carry out a review based on the latest 2018 population projections on the request of the Inspector – nothing has changed as a result in terms of their OAN.</p> <p>-TMBC and SDC both confirmed that they have had no other requests from neighbouring authorities to meet need.</p> <p>-SB stated that had a DtC meeting with Maidstone Borough Council this morning where they confirmed that they are planning to meet their need in full.</p>	
<p>5</p>	<p>Statement of Common Ground</p> <p>-Agreed that need to put together a draft SoCG and set a date for a further meeting to discuss and go through draft.</p>	<ul style="list-style-type: none"> • TWBC to put together a draft SoCG
<p>6</p>	<p>AOB and Date of Next meeting</p> <p>-General discussion between all with regards to the White Paper, the role of DtC and cross boundary infrastructure projects as well as regional planning.</p>	<ul style="list-style-type: none"> • SE will circulate the minutes of the meeting • TWBC to prepare draft SoCG • SE to circulate dates for next meeting

**SDC18 - Email from TWBC to SDC
including draft SoCG 9 March 2021**

File Message Help Tell me what you want to do

Draft SoCG between SDC and TWBC




Stephen Baughen

To 'james.gleave@sevenoaks.gov.uk'; 'hannah.gooden@sevenoaks.gov.uk'

Cc Sharon Evans

Bcc Gwenda Bradley

 You replied to this message on 09/03/2021 16:02.
This message was sent with High importance.

Draft SDC and TWBC SoCG 07.02.2021.docx
210 KB[Enterprise Vault](#)

Hi James and Hannah

I hope you're both well.

As you know we are progressing towards our Regulation 19 consultation starting at the end of March (26th, running until 21st May), ahead of submission in July 2021.

We have produced a draft SoCG, reflecting our previous discussions under the DtC.

We would be grateful if you, or a colleague, could please review and advise whether you are happy with this as drafted, or let us know any comments you have? We'll be able to review any comments and come back to you in short order.

We are keen that it be signed by both authorities by the end of February, and ideally sooner if possible, so please do not hesitate to contact Sharon or I if you would like to discuss any of this further.

Thanks

Steve



Stephen Baughen
Head of Planning

M: 07583528365**T:** 01892 554482 extension 4947**E:** stephen.baughen@tunbridgewells.gov.uk

As has been widely publicised, since 01 April 2017 TWBC publicises applications for planning permission and listed building consent by Site Notice only. Letters are no longer sent to neighbouring properties (except for "larger household prior notifications").

You can register your details on the Council's website and set up an "area of search" to be notified of any applications on neighbouring properties, or within a particular road or area of the Borough, by clicking here: <http://www.tunbridgewells.gov.uk/notify>

SDC19 - Report on Local Plan
Update to SDC D and CAC on 6
July 2021

Local Plan Update

Development and Conservation Advisory Committee - 6 July 2021

Report of: Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

Status: For Information

Executive Summary: This report provides an update on the Local Plan and outlines the next steps in the plan making process.

This report supports the Key Aims of:

Protecting the Green Belt

Supporting and developing the local economy

Supporting the wellbeing of residents, businesses and visitors,

Ensuring that Sevenoaks remains a great place to live, work and visit.

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: James Gleave ext. 7326

Recommendation to Development and Conservation Advisory Committee:

That the Development and Conservation Advisory Committee

a) Notes the content of the report.

Background and Introduction

- 1 Members were briefed on the emerging Local Plan in March. Officers advised on the Council's legal challenge, the emerging evidence base and the next steps to move the Plan forwards. This report provides an update on all of these points, considers some emerging trends that are likely to influence planning policy in the longer term and sets out the latest position with regard to the Housing Delivery Test (HDT).

The Legal Challenge

- 2 On 8th April 2021 the Council received confirmation from the Court of Appeal that its application to challenge the judgement of Mr Justice Dove, regarding the approach to meeting the Duty to Co-operate (DtC), had not been successful. All members were advised of the decision on 9th April 2021.
- 3 The Council Appealed on two grounds, a failure to consider the 'margin of appreciation' that should have been afforded and insufficient reasoning being given to the original High Court decision, leaving uncertainty as to what had

been decided. Both grounds were well supported by the Council's legal team, including external Counsel and it is clear that the Court of Appeal judge simply disagreed with our case.

- 4 Officers disagree with the determination of the Court of Appeal, but can do nothing more to challenge the Inspector's decision. The Council's legal action has now concluded and officers will move forward with the production of an updated Local Plan, as set out in this report.

Next Steps in the Local Plan Process

- 5 Officers reported in March on the main steps for taking the Plan forwards. The Council wrote to Christopher Pincher, Minister of State for Housing, on 28th May 2021, to confirm that further public money would not be risked until there is assurance that we can move forwards with confidence, particularly now the government appears to believe the DtC is not fit for purpose. A response has been received from the Minister and the Council is awaiting a selection of dates to meet with MHCLG. In addition to representatives from MHCLG, the Council has also requested attendance from the Planning Inspectorate.
- 6 Officers continue to be of the view that the development strategy underpinning the emerging plan - to accommodate as much development as possible in main settlements and release Green Belt land only where there are exceptional circumstances for doing so - remains sound. It is hugely significant that the plan submitted to the government had the support of residents across the District. Members will be aware that approximately 30% of all households responded to the Issues and Options stage and officers recognise the importance of maintaining public engagement in the plan making process.
- 7 Discussions at the meeting with MHCLG will focus on moving forwards as quickly as possible to meet the government target of ensuring that all local authorities have a Local Plan in place by 2023. Our objective for that meeting is to secure agreement with MHCLG of our route to achieve the 2023 deadline. Once agreed, the latest timetable for the emerging plan will need to be reflected in an updated Local Development Scheme (LDS). Subject to the outcome of the discussion, officers will present an updated LDS at the next DCAC meeting.
- 8 Discussions are on-going with the promoters of proposed larger site allocations that were put forward in the emerging Local Plan to ensure they remain deliverable or developable, make the best use of available land, meet infrastructure needs and deliver the right type of development over the Plan period. Reviews of development management policies are also on-going.
- 9 A further strand of work is to update the supporting evidence base. These studies will proceed in accordance with the timescales set out elsewhere in this report. Updates to the evidence base will be raised during the course of discussions with MHCLG.
- 10 Members will recall that the March report highlighted some key themes to be addressed in the evidence base. As a reminder, these were:

- Making best and most efficient use of land;
- Changes in work patterns and economic drivers; and
- The future of town centres.

11 Officers noted that a number of additional evidence base documents would be prepared to respond to these themes. The latest position on this work is explained in the following paragraphs.

District -Wide Characterisation Study

- 12 The District-Wide Characterisation Study (DWCS) is an important piece of work in seeking to ensure that policies and allocations in the updated Local Plan, as well as new development coming forward in the form of planning applications, makes the best and most efficient use of land.
- 13 The aim of the work is to understand the key characteristics across the District which, when read alongside other evidence base documents, will inform a context-led approach to growth and change. The DWCS will consider:
- Past influences and growth: both the historic and more recent factors that have shaped growth in Sevenoaks District;
 - The present state: a snapshot of the current social, economic and physical character of our places; and
 - Future trends: the factors that will influence growth and change over the period of the emerging Local Plan and the sensitivity of places to these changes.
- 14 The study will consider different aspects of character across Sevenoaks District, including:
- Physical - natural and built: This relates to the built form, but will also refer to the natural elements of physical character included in the Council's Landscape Character Assessment.
 - Social and socio-economic: Information on how people use the District, particularly in respect of living, working, leisure and tourism and how these activities are distributed. Much of this information will be obtained from the existing or emerging evidence base documents.
- 15 The DWCS will provide a commentary on how social and economic drivers for change have shaped and will continue to shape our places over the period of the emerging Local Plan. Relevant factors will include demographic pressures, such as migration away from London, changes to travel and working patterns and physical alterations to the transport network.
- 16 Officers are particularly keen to understand if the significant changes experienced in outer London over recent years will 'spill over' into adjoining authorities. The demographic trends and the social and economic changes that have been accelerated by the Covid-19 pandemic, such as home working

and changes in housing expectations, are particularly significant in this regard.

Timescale

- 17 The indicative timeline for the DWCS is as follows:
- An invitation to tender was issued on Friday 18th June 2021
 - Deadline for submission of expressions of interest: Friday 9th July 2021
 - Appointment of consultant: w/c 26th July 2021
 - Submission of draft report: November 2021
 - Submission of final report: January 2021
 - Workshop event to present findings: February 2022

Town Centre Strategy

- 18 The March update referred to the significant changes that have occurred in shopping patterns over recent years and the resulting impacts on High Streets. Officers noted that these on-going trends have been accelerated by the Covid-19 pandemic. The Town Centre Strategy (TCS) will inform Local Plan policy interventions and provide recommendations on maintaining the vitality and viability of town centres, in the light of changing social and economic conditions.
- 19 The Strategy will cover the four towns of Sevenoaks, Swanley, Edenbridge and Westerham. It should reflect the broader corporate strategies and address the following issues:
- Context: Overview of the issues affecting High Streets in Sevenoaks District, including emerging trends, current vacancies and future capacity for retail.
 - Vision: A clear vision for these town centres, to be achieved over the period of the Local Plan.
 - Leadership and Governance: Advice on a best practice approach to bring about change in town centres.
 - Potential Projects: Specific projects to ensure that town centres remain successful. These could include 'meanwhile' uses on vacant sites, public realm improvements, and/or further guidance to support independent traders.

Timescale

- 20 The indicative timetable for the TCS is as follows:
- Deadline for submission of expressions of interest: 13th July 2021
 - Appointment of consultant: Late July 2021
 - Submission of draft TCS: September 2021
 - Submission of final TCS: October 2021

Targeted Review of Housing Needs

- 21 Officers have issued an invitation to tender for consultants to update the Council's evidence on housing needs. The current Strategic Housing Market Assessment (SHMA) was completed in 2017. The update to this work will inform policies relating to affordable housing in the emerging Local Plan and the Corporate Housing Strategy, which is due for publication later this year. Particular issues for consideration will be migration in and out of the District, the number of affordable homes, the size of homes and tenure needed down to place making level. Further explanation will be provided on this aspect at the meeting.
- 22 The study is due to commence at the end of June and should be completed in September, to inform the Council's emerging Housing Strategy.

Other Work

- 23 Members will be aware that the Council has commenced a Settlement Capacity Study to proactively identify sites to accommodate new homes. A shortlist of potentially suitable sites has been compiled and officers will be writing to the respective landowners to assess availability. Sites found to be deliverable and/or developable will be included in the emerging Local Plan as sources of housing capacity.
- 24 Officers will be instigating an update to the current Green Belt review, which also forms part of the evidence base for the emerging Plan. Further updates on this work will be provided in future reports.

Emerging Trends

- 25 This section of the report contains information on emerging areas of policy and research that are likely to influence the built environment in Sevenoaks over the period of the Local Plan. It provides a short narrative on two key concepts, examples of how and where they have been implemented and the relevance to Sevenoaks District over the period of the Local Plan.
- 26 The following paragraphs consider the application of specific Local Plan policies related to health and wellbeing and the concepts associated with 'Smart City' technology.

Health and Wellbeing

- 27 There is a strong and long association between planning and public health. Successive versions of the Local Plan and government planning guidance have contained policies that seek to protect social infrastructure, including healthcare and public open space, internal space requirements and a host of environmental standards, such as those related to air quality
- 28 Much of the focus to date has been on improvements to physical health and Covid-19 has brought a renewed interest on this aspect. However, the role of planning in improving mental health and wellbeing has also received an increased level of scrutiny in recent years.

- 29 The Council's Mental Health Strategy provides an overview of this issue in the District. The Strategy identifies the measures that can be taken to improve mental health, including improved housing, environmental protection, supporting health and social care to address individual lifestyle factors, engaging with social and community networks and improved environmental conditions. The issue of wellbeing is being actively considered in Sevenoaks and there is greater scope to address the matter as a central theme in the emerging Local Plan.
- 30 In addition to established planning approaches to address physical health, there is on-going research to understand the concept of wellbeing, the causes of poor mental health and how changes to the built environment and planning policy might influence this. Key outcomes include the susceptibility of particular communities, the need for partnership working across different agencies to ensure wellbeing is incorporated into emerging Local Plan policy and how environmental stressors, such as heat, air quality and noise, can influence mental health.
- 31 Recommendations for the emerging Local Plan could include; the need for locally specific assessments of wellbeing to accompany large scale development proposals, the formation of a health and wellbeing advisory group and the instigation of partnerships with the academic community to monitor emerging research and consider how this could be translated into policy. Given the current global circumstances, it is important that the wellbeing agenda lies at the heart of the Local Plan vision.

Smart City Technology

- 32 A Smart City or Smart Development is an area of the built environment that uses different types of electronic methods and sensors to collect data, which is then used to manage assets, resources and services more efficiently. Data collected from residents' devices can interact with a wide range of systems and services, including traffic and transportation, utilities, waste collection and other community services.
- 33 The success of the Smart City concept requires a technology layer, including a network of connected devices and a series of smart applications, to make informed decisions. It also requires adoption by users, residents and decision-making bodies.

Current examples

- 34 The City of Westminster has implemented a Smart Parking network consisting of over 3,400 in-ground vehicle detection sensors, which detect if a parking bay is occupied or available. This real-time information is delivered to a Smart Cloud platform, which analyses the data and feeds into an app that provides GPS directions to available parking spaces.
- 35 Looking further afield, the Smart Dublin initiative is a partnership between the city and key infrastructure and technology providers, which incorporates a number of districts in the city as testbeds for Smart technology. The 'Smart Docklands' area includes smart waste bin technology to provide real-time data on bin capacity, a safer cycling app which uses crowd source data from

mobile phones to map safer cycling routes as an alternative to the car and a scheme which uses an array of sensors around the city to monitor rainfall and surface water build up to manage flood risk.

Implications for Sevenoaks

- 36 These examples are in the latter stages of implementation or trial. They represent the tip of the iceberg of what smart technology is predicted to bring to the management of the built environment over the coming years. Smart technology is being rolled out across the world and is likely to become a mainstream aspect of planning, design and the operation of new development.
- 37 Whilst the majority of existing examples of this type of smart technology are in larger urban areas, there is no doubt that there are relevant applications in Sevenoaks District. Indeed, Cleaner and Greener's 'Binrastructure Strategy' has just launched its first Smart Public Waste bin in Bligh's Meadow. The Council will therefore be considering how its application can be used in the development of policies in the Local Plan and in discussions with developers.

HDT Action Plan Update

- 38 The March report set out the latest Housing Delivery Test (HDT) result, which confirmed that the Council is delivering 70% of the number of homes required, against the housing need calculated using the government's 'standard method'. Certain sanctions apply for different levels of under delivery according to the test and are cumulative. The sanctions are set out by the NPPF and include:
- Below 95% - The Council must produce an action plan, which explores reasons for under delivery and sets out actions to improve the delivery of housing. The action plan must be published on the Council's website.
 - Below 85% - The Council must include a 20% buffer on 5-year housing land supply.
 - Below 75% - The presumption in favour of sustainable development applies.
- 39 Two previous action plans have been prepared. The latest version is published on the Council's website and demonstrates that housing delivery has far exceeded the targets in the adopted Core Strategy. It also sets out the main barriers to delivering housing in the District, the measures being taken to increase housing delivery and further actions that could be taken to address the issue. The HDT action plan is being updated in response to the latest HDT result. The key barriers to increasing the delivery of housing include:

Delay in adopting the new Local Plan

- 40 The Council cannot make significant improvements in housing delivery until an up to date Local Plan is in place. As noted elsewhere in the report, steps are being taken to address the issue.

Non implementation of planning permissions

- 41 The Council is aware of sites across district where the developer has chosen not to implement a planning consent for residential use.

Constrained nature of the District

- 42 The District is highly constrained with 93% Green Belt, 60% AONB and Designated Heritage Assets. In addition, the amount of available brownfield land within developed areas is a finite resource and can only go so far to deliver additional housing sites.

- 43 Other identified challenges include the recruitment market for senior level planners, the impacts of Covid-19 on the development industry and the complexities of developing brownfield sites. The action plan also looks at measures that have already been taken to improve delivery, including:

- Innovative recruitment schemes and training to hire, retain and develop planners;
- Effective use of Planning Performance Agreements;
- Fast and effective planning application validations;
- An interactive Brownfield Land Register;
- Member training on planning matters;
- The Rural Landowners Forum; and
- Quercus Housing - delivering affordable housing schemes.

- 44 The document also identifies additional actions that could be taken to improve housing delivery:

- Reintroduction of developers forum;
- An updated Strategic Housing and Economic Land Availability Assessment (SHELAA) and associated interactive map;
- Adoption of new Local Plan;
- New and updated evidence base documents;
- Updated monitoring, including contact with developers of large sites; and
- Continuing with measures that are already in place, such as review of the Brownfield Land Register, consideration of Council land for development and maintaining and updating the validation checklist.

- 45 The updated HDT action plan is due to be published on the Council's website by 20th July 2021.

Key Implications

Financial

The production of the Local Plan will be funded from the Local Plan reserve.

Legal Implications and Risk Assessment Statement.

Preparation of a Local Plan is a statutory requirement. There are defined legal requirements that must be met in plan making which are considered when the Plan is examined by a Government Planning Inspector. Risks associated with the Local Plan are set out in the Local Development Scheme

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusion

Officers will be happy to take any questions on the content of this report at the meeting.

Appendices

None

Background Papers

None

Richard Morris

Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

SDC20 - Minutes of SDC D and CAC 6 July 2021

DEVELOPMENT & CONSERVATION ADVISORY COMMITTEE

Minutes of the meeting held on 6 July 2021 commencing at 7.00 pm

Present: Cllr. Reay (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Cheeseman, Penny Cole, P. Darrington, Fothergill, Hunter, McGregor, Pett and Thornton

An apology for absence was received from Cllr. Roy

1. Appointment of Chairman

Resolved: That Cllr Reay be appointed Chairman of the Advisory Committee for 2021/22.

2. Appointment of Vice Chairman

Resolved: That Cllr Thornton be appointed Vice Chairman of the Advisory Committee for 2021/22.

3. Minutes

Resolved: That the Minutes of the meeting of the Development & Conservation Advisory Committee held on 4 March 2021, be approved and signed by the Chairman as a correct record.

4. Declarations of interest

No additional declarations of interest were made.

5. Actions from previous meeting

There were none.

6. Update from Portfolio Holder

The Portfolio Holder gave an update on the services within her portfolio. She expressed her thanks to Cllr Hunter for her service as Chairman of the Development & Conservation Advisory Committee and Deputy Portfolio Holder.

From 1 July, the Building Control Service came back in house following the end of the Partnership with Tonbridge & Malling. Admin and support with technology would continue while database separation is achieved.

Development & Conservation Advisory Committee - 6 July 2021

With more staff preparing to move back to more office based working, the team were keen to maintain some of the benefits the pandemic presented them with. For example, Zoom meetings and asking applicants to put up their own orange site notices as both initiative have been successful and allow saved time and travel expenses for officers. Printed plans for parish council consultations would not return which would make large savings in printing.

The Enforcement Plan was now online following Member engagement and training. The new structure of the Enforcement team had received positive feedback. In particular, they were praised for their work at Wheatsheaf Hill in Knockholt.

It was recently announced that the Government's long awaited response to the White Paper would not come out until the autumn, significantly later than expected in spring.

Member training had continued via Zoom on a monthly basis.

7. Referral from Cabinet or the Audit Committee

There were none.

8. Approval of AONB Management Plans

The Principal Planning Officer (Policy) presented the report which sought adoption of the management plan for the Kent Downs Area of Outstanding Natural Beauty (AONB), which the Council is legally required to do. The role of the management plan is to set out the key components, characteristics and qualities of the AONB and to identifies ways and opportunities to conserve and enhance the landscape.

The Kent Downs AONB Management Plan review (2021-2026) was approved by the Joint Advisory Committee (JAC) of the AONB unit on 26 January 2021.

Members discussed the report. It was clarified that management plan supported national and local planning policy but was not a policy in itself.

Cllr Hunter addressed the Board as the Council's Member representative on the JAC. She highlighted that the management plan had been thoroughly researched and widely consulted on.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that the adoption of the Kent Downs AONB Management Plan be recommended to Council.

Development & Conservation Advisory Committee - 6 July 2021

9. Local Plan Update

The Strategic Planning Manager presented the report which updated members on the local plan.

In April 2021, the Council received confirmation from the Court of Appeal that the application to challenge the judgement of Mr Justice Dove, regarding the approach to meeting the Duty to Co-operate, had not been successful.

There were plans to meet with the Ministry for Housing, Communities and Local Government (MHCLG) and Planning Inspectorate to discuss main steps for taking the plan forwards.

The evidence base would be updated in response to the themes identified in the March report, including making the best and most efficient use of land, changes in work patterns and economic drivers, and the future of town centres. Officers were currently advancing the productions of a District-Wide Characterisation Study, Town Centre Strategy and a targeted review of Housing Needs. Emerging areas of policy and research likely to influence the built environment included health and wellbeing, and smart city technology.

Following questions, Members were advised that engaging with the local community was very important in the production of the updated local plan. Members welcomed the use of smart technology to help support Council service delivery but expressed concerns over the use of residents' data.

Resolved: That the report be noted.

10. Work plan

The work plan was noted with the addition of an item on Budget 2022/23: Review of Service Dashboard and Service Change Impact Assessments (SCIAs) and a Building Control Update at the meeting scheduled on 19 October 2021. An Enforcement Update would brought to the following meeting on 2 December 2021.

The Committee requested their vote of thanks to be recorded, to the staff in the Enforcement team within the Council, to acknowledge their hard work in their service delivery and the positive feedback received from residents.

THE MEETING WAS CONCLUDED AT 8.00 PM

CHAIRMAN

SDC21 - Draft minutes SDC and TWBC DtC meeting on 8 July 2021

DtC meeting with Sevenoaks - 08.07.21

08 July 2021

Attendees:

- James Gleave – JG (Planning Policy Manager – SDC)
- Hannah Gooden - HG (Planning Policy Team Leader – SDC)
- Nichola Watters – NW (Planning Policy Manager – TWBC)
- Steve Baughen – SB (Head of Planning – TWBC)

Meeting was recorded.

Items

1. Position of TWBC Pre-Submission Local Plan

- Started reg 19 consultation end of March - 10 weeks, ending on 4th June 2021 - evidence base to support the plan was published.
- Received around 1,600 representations from around 600 representors
- Going through them now and identifying main issues
- Working with key consultees and promoters of key sites to develop SoCG to support the Plan
- LDS timetabled submission in July - late August/early September more likely for submission
- Sensitivity testing being undertaken at the moment - Highway England/KCC - precautionary approach of transport impact of development - that determines when we are likely to submit

- JG Q - Strategic sites - what was the public reaction (Capel etc) - *there have been objections raised to the garden settlement proposals, but there has been a lot of work undertaken through the SSWG to underpin the allocations.*
- JG Q - asked about PINS visits - *discussion about the two Inspectors that have been working with TWBC - is the advisory visit the new form of the pre-hearing meeting?*

2. Position of SDC Local Plan:

- a. Local Plan that was submitted in 2019
 - b. Update report to DCAC - every 3 months setting out the position
 - c. All legal action has now exhausted/concluded
 - d. Need to update the evidence - a number of studies due to commence - characterisation, TC, housing need, etc
 - e. Before we move forward with anything want to be more certain about the approach - meeting with CLG to agree the next steps in the process. Proposals for a meeting came out of correspondence with PINS, and to an extent with MHCLG;
 - f. Continue with large scale resident consultation as well as new evidence base

- g. Next steps and timetable for Local Plan
 - CLG are happy to meet - waiting for dates from them. Can't pre-judge what might happen within that meeting
 - Will update the LDS after that meeting
 - SB Q - has the council given thought to what those next steps might be? Return to pre-regulation 18 stage? *JG: need to find an approach that gets a plan in place asap, meeting the necessary regulation req, making sure that SDC has adequate levels of engagement in the process. SDC need to feed into that process going forward. SDC aren't throwing the whole strategy out, needs to look at urban capacity etc,. Ideal world would just want to go back to regulation 19 but going back to regulation 19 would limit the scope of consultation. Need to strike that balance.*
 - SB Q - Will SDC be striving to meet the needs? *JG: still believe that the broad development strategy is the right one (including GB release in exceptional circumstances)*
 - SB Q - Do you know if you have unmet need? *JG: will going to evolve as we are going forward - have always worked on the basis that the plan is an outcome of the evidence base work that is undertaken. Keeping members up to speed about what is going to come forward. Is there scope in TCs? What came forward in call for sites? What did we (SDC) miss as we were relying on a call for sites?*

3. Housing need

a. SDC position, including thoughts on meeting it within Local Plan

JG: Key point is that SDC are embarking again at a point yet to be determined, the evidence which is being undertaken is looking at capacity, look at sites again, see if anything has been missed and therefore can't say that there is an unmet need at the moment, as you don't yet know? What is the position for unmet need going forward?

b. TWBC position

SB Q – Require clarity from SDC on this point - you don't know whether you do or you don't have an unmet need? Is there the potential that you could meet your unmet need? *JG: The outcome of the evidence base is not yet clear, process for taking this forward are still up for discussion.*

SB Q - Do you think that there is the potential that you could meet the housing need (as per standard method)? *There is potential for lots of things to happen. The outcome of that process is dependent on the new work going forward. We can't say whether it will or won't be met? Legal judgement?* SB Q again – *so because you can't say one way of the other - there is no unmet need as you simply don't know at this point?*

JG Q - isn't whether there is an unmet need is a matter for the Examination? SB: *No, we need to resolve this now - the letter (in 2019 requesting that TWBC meets some/all of SDC's unmet need) has not been withdrawn – there is not clarity as to whether the need is still unmet. TWBC need to have a view about where you (SDC) think it stands in the process. Without the clarity from Sevenoaks, there is question mark over whether there is an unmet need. We need the clarity to set that out through a SoCG. Need to understand Sevenoaks' view and whether there is the potential to meet the housing need (through a new Local Plan).*

SB Q - When will Sevenoaks be in a position to be able to answer the question? *JG: Isn't it a matter for TWBC examination?*

SDC hope to get clarity from CLG in the next week or two. Another meeting after that meeting with CLG. This issue has been unresolved for a very long time.

SB: Need to have a way forward and needs to happen rapidly.

- c. G&T
 - SDC - no unmet need for G&T as they have found pitches - will be refreshing the GTAA and then trying to find sites to meet any further need
 - TWBC - criteria based policy, identified sites (expansion of existing or intensification and allocations from strategic sites), meet the need through the plan. Need for transit site (wider need) discussions led by Ashford.

4. Other cross boundary strategic matters

- a. Transport (particularly rail and road)
- b. Water, including Leigh flood barrier
- c. Other

No particular matters which have changed from previously discussed.

d. Statement of Common Ground

- Follows that we need to meet urgently to discuss this - needs to update the factual element of the SoCG for the basis of discussion of the next meeting.

e. AOB

- None

SDC22 - Draft minutes SDC and TWBC DtC meeting on 24 August 2021

DtC meeting with Sevenoaks - 24.08.21

24 August 2021

Attendees:

- James Gleave - JG (Planning Policy Manager – SDC)
- Nichola Watters – NW (Planning Policy Manager – TWBC)
- Steve Baughen - SB (Head of Planning – TWBC)

Items

1. Position of TWBC Pre-Submission Local Plan

- Still working through the representations from Regulation 19 - identifying the main issues & responses to those
- Good progress with various SoCG - main consultees & promoters of the SS
- Transport: KCC/HE are addressing some of the queries and questions on transport modelling
- Consultation Statement currently programmed for the Planning Policy Working Group in September – and then likely onwards to submission
- Documentation is to be taken to the PP working group in mid-September – which means likely that needs to be 10th September for the SoCG to be finalised?
- JG – confirmed that the procedure for SoCG sign off - TWBC Portfolio holder & CE sign off the SoCG
- **SDC next steps on Local Plan and housing need;**
- Evidence base updates - TC strategy commissioned, characterisation strategy, updates on housing need in hand
- CLG meeting:
 - Took place last Wednesday (i.e. 18th August): was productive. Joanna Averley and John Romanski, both MHCLG attended, but no one from PINS;
 - MHCLG made it clear that it wasn't their role to give prescriptive answers - more about how SDC would achieve certainty moving forward;
 - MHCLG recognised that the process that had already been gone through was not a good outcome for anyone, both MHCLG and SDC recognised that it was a learning process on both sides;

- Main outcome is that there will be a future series of further discussions moving forward/and the next steps in the Local Plan are for SDC to decide. MHCLG are committed to meeting on a regular basis and including PINS moving forward (maybe advisory visits - not clear);
 - Discussed procedural aspects of the plan, including the sub-regional issues.
- SDC consider that they shouldn't be tearing up the evidence base and starting from scratch, but rather updating the evidence base
 - SDC are considering the format of the plan - how does SDC future proof the plan: i.e. not just reflecting the current system but whether it was possible to have a hybrid plan which included growth/renewal/protection areas, and how those two systems might work together.
 - Timescales - broadly speaking – the end of 2023 deadline is the broad target. Will be looking to prepare a new LDS for mid October 2021, and are considering the nature/format of the plan. Will have a fair bit of information from the new evidence by then.

SB Q – are the thoughts that will pick up plan from pre-Regulation 18?
JG thinking that will need to do a regulation 18/19 consultation to allow for meaningful consultation, but not confirmed

SB Q – will SDC be doing a fresh call for sites: may be further sites available from previous considerations – TWBC has continued to have sites submitted through Local Plan process? – *JG: Not sure, but thinks not – have a lot of email correspondence from sites in original plan*

SB Q – evidence base work includes looking at capacity of town centres and other areas through characterisation. That work is still to be undertaken and their outcomes assessed. Given that does SDC think at this time that it could potentially meet its housing need? *JG: We go where the evidence takes us*

NW Q: So given that there is still uncertainty because of the outstanding evidence base surely SDC aren't even in a position to know whether it can meet housing need yet or not? *JG: We go where the evidence takes us*

SB Q: So given that evidence base is being undertaken on emerging plan, and that was referenced in DCAC in July (SB watched webcast) what is SDC's view of the position of the Local Plan in 2019? *JG: hasn't been/won't be withdrawn – is being held in abeyance.* SB and NW: even though PINS decision was clear and legal challenges exhausted: *JG: yes, strategy wasn't subject to full Examination as hearings ended early.* SB: will SDC be looking at the bar which SDC had in terms of exceptional circumstances for Green Belt release, including given comments from

Inspector about concerns over strategy? *JG: thinks that bar, particularly regarding provision of infrastructure to justify GB release is appropriate - wasn't tested at Examination.*

SB and NW Q: will SDC withdraw the requests made in 2019 regarding meeting unmet need? *JG: if Plan isn't being taken forward then no need to withdraw them.* SB: as per previous meeting means that the situation is less clear without them being withdrawn.

- **SoCG.**

SB: Draft interim SoCG prepared in March/April 2021: set out that it was an interim statement to be updated subsequently to the Court of Appeal outcome. All agreed that elements of it (G&T, infrastructure etc) still applicable, but need to look at bulk of it to update it to the current position. Need to capture where we are with the current situation at the point of submission.

AOB

- None

SDC23 - Email from SDC to TWBC
on draft SoCG 22 September 2021

RE: SoCG

Reply Reply All



James Gleave <James.Gleave@sevenoaks.gov.uk>
To: Stephen Baughen
Cc: Richard Morris; Hannah Gooden

You forwarded this message on 22/09/2021 15:54.
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.



Enterprise Vault Action Items

Hi Steve
Please find attached a revised draft with some thoughts – as noted last week, we haven't agreed this with our Portfolio Holder, so it's just for officer discussion at this stage.

Regards,

James

From: Stephen Baughen <Stephen.Baughen@Tunbridgewells.gov.uk>
Sent: 17 September 2021 11:39
To: James Gleave <James.Gleave@sevenoaks.gov.uk>
Cc: Richard Morris <Richard.Morris@sevenoaks.gov.uk>
Subject: RE: SoCG

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi James

Likewise I hope all is well with you too.

Looking likely for submission in October now.

Please send through the draft SoCG and we'll review.

We'll also send across the draft minutes of the recent DIC meetings early next week.

Thanks

Steve

From: James Gleave <James.Gleave@sevenoaks.gov.uk>
Sent: 17 September 2021 11:32
To: Stephen Baughen <Stephen.Baughen@Tunbridgewells.gov.uk>
Cc: Richard Morris <Richard.Morris@sevenoaks.gov.uk>
Subject: SoCG

Hi Steve

Hope you are well. When we last spoke you were going to send across some draft wording for the SoCG. I have put something together based on the earlier draft – this hasn't had member sign off yet, but I'm happy to send through for consideration subject to that.

I just wanted to check beforehand if you are still aiming for submission at the end of September?

Thanks

James

Debit/credit card payments for planning applications, pre-application enquiries and Appeals can be made online at our website. <https://myaccount.sevenoaks.gov.uk/planning-payment/> For all other Planning payment queries please telephone us on 01732 227000 or email planning.information@sevenoaks.gov.uk Our office hours are Monday - Thursday 08:45 -17:00 and Friday 08:45 - 16:45



SDC24 - Formal letter from TWBC
to SDC re DtC Housing Need and
way forward on 6 October 2021



Richard Morris
Deputy Chief Executive and Chief Officer - Planning & Regulatory Services
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent
TN13 1HG

6th October 2021
Sent by Email Only

Dear Richard

Re Duty to Cooperate (DtC) discussions between Tunbridge Wells Borough Council (TWBC) and Sevenoaks District Council (SDC), and housing need

I refer to recent discussions held between our two Local Planning Authorities under the Duty to Cooperate (DtC). To have to write in this manner is not something which I take lightly, but reflects the importance of moving matters in relation to the DtC forward rapidly. The letter is rather long, but necessarily so.

Background

As you are aware:

- on 11th April 2019 SDC wrote to TWBC requesting assistance in meeting some or all of SDC's unmet housing need of approximately 1,800 dwellings, based on its Local Plan at that time;
- SDC subsequently submitted its Local Plan (hereafter referred to as the 2019 SDC Local Plan) on 30th April 2019;
- from mid October 2019 – 2nd March 2020 there was correspondence between the Planning Inspector appointed to examine the 2019 SDC Local Plan and SDC, where the Inspector set out her concerns that SDC had not passed the DtC and raised other concerns including in relation to SDC's strategy and approach to the Green Belt, before issuing her report on the 2nd March 2020;
- SDC made an application for the Judicial Review of this decision, which was dismissed on 13th November 2020. An application to the Court of Appeal was subsequently dismissed on 7th April 2021.

Throughout the period of time from October 2019 there has been significant uncertainty as to whether there is, or will be, unmet housing need from SDC. SDC has explained its view that confirmation of the existence of this need (or otherwise) was dependent on the outcome of the Inspector's conclusions, and then the outcome of the legal challenges, and subsequently the actions that SDC determines to undertake in moving forward with its Local Plan. This

has taken a significant period of time, and the uncertainty associated with this has caused problems for TWBC in progressing its Local Plan.

As you are aware, TWBC has sought clarity at various times on whether there is unmet housing need from Sevenoaks District, and whether, when and in what form SDC would be re-starting its Local Plan process. Key to this has been whether SDC would be withdrawing the formal request made on 11th April 2019 for TWBC and others to accommodate some or all of SDC's unmet housing need at the point that it re-starts its Local Plan process, as the continued existence of these requests is causing uncertainty on the matter.

Post Court of Appeal

Following the dismissal by the Court of Appeal, TWBC has again sought that clarity regarding housing need. In response, SDC relayed through DtC discussions that it was waiting for a meeting with the Ministry of Housing, Communities and Local Government and the Planning Inspectorate before determining its next steps. Again, TWBC waited patiently for this meeting to take place (which eventually happened in mid-August, with, I understand, MHCLG only attending), and with TWBC then meeting with SDC immediately afterwards (24th August 2021).

At the DtC meetings with SDC on 8th July and 24th August 2021:

- SDC set out that it considered that the 2019 SDC Local Plan had not and would not be withdrawn, and was "*being held in abeyance*";
- SDC set out that it considered that the requests to neighbouring LPAs to assist with meeting unmet need from Sevenoaks made on 11th April 2019 were not relevant due to the passage of time and were a matter to be dealt with by the Inspector at the Examination of the TWBC Local Plan but, critically to us, declined to confirm that they would be withdrawn;
- SDC could not confirm whether the "emerging plan" would be a pre-Regulation 18 or pre-Regulation 19 plan.

At the meetings the two authorities discussed the situation of where a LPA is at the earlier stages of preparing a Local Plan and there is both i) evidence which considers the scope for additional housing and ii) site assessment work outstanding. It is TWBC's view that a LPA in this position simply cannot know until the completion of that evidence and site assessment work whether its housing need can be met or not. SDC is, of course, now in the earlier stages of producing its emerging Local Plan.

In response to questions on this point, SDC also advised that it could not confirm whether it would strive to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed housing need, as required by Para 35 a) of the NPPF.

Similarly, SDC's response to questions as to whether SDC agreed that, until the completion of the evidence and site assessment work, it could not say that its housing need cannot be met was, on several occasions: "*We go where the evidence takes us*". Whilst TWBC fully accepts that in due course the evidence and site assessment work will be important in determining whether need can be met or not, it is certainly not the case now. Not being able to agree on such straightforward points is frustrating discussions.

It is also TWBC's view that the earlier stages of plan making is an appropriate time to undertake a "call for sites" to understand if there are other sites which have not previously been considered which are available. This is the case even where there is part of an existing evidence base, and it is noted that Tonbridge and Malling Borough Council (TMBC) and Wealden District Council both did so following their plans not passing the DtC. At the

July and August DtC meetings SDC advised it was not intending to undertake a fresh call for sites, which would be somewhat surprising given the difficulties that SDC had to meet Para 35 a) of the NPPF.

However, positive steps need to be taken in order to provide clarity and remove uncertainty on the housing need situation in the West Kent Strategic Housing Market Area. The TWBC position is clear – it is set out in the Pre-Submission Local Plan. TMBC has moved swiftly to withdraw its Local Plan and is now progressing on updating its evidence base, and is at the position where at this point in time where it simply cannot say – until the conclusion of its evidence base and assessment of sites – whether it can meet its housing need or not.

The lack of clarity on housing needs and supply at SDC, which has now existed for nearly two years, has caused real difficulties in enabling TWBC to progress its own Local Plan, with the main issues being:

- i) SDC's non-withdrawal of the 2019 Local Plan;
- ii) SDC's non-withdrawal of the 11th April 2019 request to assist with unmet housing need, and
- iii) SDC's unwillingness/inability at this point (even if it is caveated with subject to approval by Members) to state whether the emerging plan will be pre-Regulation 18 or pre-Regulation 19.

TWBC actions since 24th August 2021

In light of the recent DtC meetings, TWBC has felt that it has had to seek Counsel's advice on the status of the 2019 SDC Local Plan: this advice was sourced from independent Counsel not supporting TWBC at Examination to ensure absolute objectivity.

The advice is clear:

- A) the 2019 SDC Local Plan is “*dead*” (Counsel's wording),
- B) if in due course SDC identifies any unmet housing need in Sevenoaks District then there can be no reliance on the 11th April 2019 request to TWBC and others to meet that need, and SDC would need to make a fresh request to TWBC and other neighbouring authorities;
- C) if SDC continues to refuse to confirm and clarify that the 2019 Local Plan is formally withdrawn, then this is precisely a scenario in which the Secretary of State could consider using his power under s21(9A) of the Planning and Compulsory Act 2004 to direct SDC to withdraw the 2019 Local Plan.

Whilst the legal advice is resounding, particularly in terms of point A), it appears that SDC's view is different. In the most recent draft of the Statement of Common Ground provided on 23rd September 2021, suggested wording inserted by SDC in relation to the 2019 Local Plan that “*At this stage, the provisions of SDC's Proposed Submission Version Local Plan (December 2018) have limited weight in planning decisions*”. The legal advice is contrary to that: the Plan is “*dead*” – i.e. has no weight.

This difference is indicative of the uncertainty which exists around the housing situation in the West Kent Strategic Housing Market Area, most pressingly affecting my Council, but also potentially TMBC, as well as SDC and other relevant bodies and the wider public. I reiterate that there is an urgent need to remove this uncertainty and provide clarity, particularly as both SDC and TMBC progress on their emerging plans.

Suggested way forward

TWBC has, through the Plan making process, considered 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 both the Draft and Pre-Submission Local Plan.

In particular, the approach has been to assess sites, and consider a spatial strategy, unconstrained by an upper housing limit. Assessment through the Sustainability Appraisal process has included assessment of options which include meeting TWBC's uncapped need (741 dwellings per annum as compared to 678), accommodating SDC's unmet need, and meeting TWBC's uncapped need and SDC's unmet need (853 dpa).

The TWBC Pre-Submission Local Plan makes provision to meet its own Local Housing Need (678 dpa). There is, additionally, a buffer of approximately 1,050 houses. The buffer has been planned for as it is considered that it is prudent to provide this degree of flexibility in the actual housing supply, particularly having regard to the high contributions from the strategic sites (Tudeley Village and Paddock Wood including land in east Capel). However, it may be that, in due course following Examination and adoption of the TWBC Local Plan and subsequent monitoring of housing delivery, there may be scope for any excess buffer to be considered as part of the wider delivery of housing in the Strategic Housing Market Area, and for this to be discussed under the DtC. This is, of course, dependent on the progression and adoption of the TWBC Local Plan.

In order to forge a way forward, I am therefore writing to formally request:

- 1) that the written request from SDC to meet unmet need made in April 2019 is withdrawn, given the early stage that the SDC "emerging plan" is at;
- 2) that SDC confirm that it will - in line with para 35 of the NPPF- at this stage of its "emerging plan" approach it on the basis of being "*positively prepared- providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs*", understanding that this may change as evidence/site assessment work is undertaken.
- 3) additionally, that SDC confirms that at this stage, and until the conclusion of the evidence base and assessment work, that it cannot say whether there is unmet housing need.

This will provide TWBC and TMBC with the greater clarity and certainty to move forward. I suggest that TWBC, SDC and TMBC meet promptly and regularly together. The new SDC timetable for its Local Plan and emerging outcomes from TMBC's call for sites and updated evidence will also be helpful in these discussions.

I understand that the papers for the Development & Conservation Advisory Committee on 19th October 2021 are due to be published on Monday 11th October 2021. Similarly, TWBC is looking to submit its Local Plan imminently. I therefore ask that this is treated with the utmost urgency, as prompt agreement on such points will allow both Authorities to develop the draft Statement of Common Ground further.

Please do not hesitate to contact me by email to arrange a time to discuss this further.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'S' followed by a stylized, cursive name that appears to be 'Baughen'.

Steve Baughen

Head of Planning Services

cc. James Gleave (SDC Planning Policy Manager)

Cllr Alan McDermott (TWBC Portfolio Holder for Planning and Transportation)

Cllr Tom Dawlings (TWBC Leader)

William Benson (TWBC Chief Executive)

SDC25 - Report on LDS to SDC D and CAC on 19 October 2021

LOCAL PLAN TIMETABLE

Development and Conservation Advisory Committee - 19 October 2021

Report of: Deputy Chief Executive and Chief Officer - Planning & Regulatory Services

Status: For Consideration, Development & Conservation Advisory Committee / For Decision, Cabinet

Also considered by:

- Cabinet - 11 November

Key Decision: Yes

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: Hannah Gooden, Ext. 7178

Recommendation to Development & Conservation Advisory Committee:

To consider the proposed Local Plan timetable and recommend its approval to Cabinet.

Recommendation to Cabinet:

To approve the Local Plan timetable.

Reason for recommendation: To update the Local Plan work programme to reflect the current timetable for the production of the Local Plan.

Introduction and Background

- 1 This report outlines the proposed timetable for the Local Plan. This is known as the Local Development Scheme (LDS).
- 2 The Local Development Scheme (LDS) is the document that sets out the Council's proposals and timetable for the production of the Local Plan. The LDS no longer has to be submitted to the Secretary of State for approval, but has to be made available and published on the Council's website. This is so that local communities and interested parties can keep track of progress.
- 3 The Council's current LDS was approved by Cabinet in 2018 and is now out of date. This revision (please see Appendix 1) has been prepared to bring the timetable up to date. This timetable will be included within an LDS

document, which will also provide details of other relevant documents such as Supplementary Planning Documents (SPDs) and Neighbourhood Plans.

Proposed Timetable

4 The LDS proposes the following timetable:

5 Evidence base preparation, call for sites, policy preparation (autumn 2021-spring 2022) (shown in blue). This will include ongoing work on a number of evidence base studies, including:

- Settlement Capacity Study (due to complete Sept 21)
- Targeted review of housing need (due to complete Sept 21)
- Settlement hierarchy (due to complete Nov 21)
- Town Centre Strategy (due to complete Dec 21)
- Characterisation Study (due to complete Feb 22)

We will also be commissioning updates to our existing evidence base documents to ensure that they remain up to date and indicate of current needs. A call-for-sites, initially focusing on sites within built confines, will also take place. Discussions with neighbouring authorities and statutory providers are ongoing, in relation to the Duty to Co-operate, and will continue throughout the plan-making process.

6 Informal consultation (Regulation 18) (April/May 2022) (shown in orange). An initial 6-week consultation on the draft plan is programmed to take place in late spring 2022. This will be followed by a period of further policy preparation, reviewing the representations, undertaking Duty to Co-operate discussions, concluding evidence base work and refining the policies within the Local Plan (shown in blue).

7 Pre-submission publication (Regulation 19) (Dec 22/Jan 23) (shown in brown). The plan will be published in winter 2022/23 for final representations, which are then provided to the examining Inspector. This stage of the plan making process asks for specific comments on legal compliance, soundness and whether the duty to co-operate has been met.

8 Reviewing representations / submission preparation (spring 23) (shown in green). Representations received under Regulation 19 will be reviewed and the Plan documents prepared for submission. Given the focus on legal compliance and the duty to co-operate, it is important that officers have sufficient time to consider representations on these matters and if necessary, discuss the issues with relevant parties, including those who raised concerns.

9 The timetable assumes that no significant concerns are raised at this stage and the Council can proceed to submitting the plan for adoption. Officers

will seek to meet this timescale by addressing as many issues as possible immediately after the Regulation 18 stage. However, we cannot assume a predetermined outcome. In the event that significant issues are raised, it may be necessary to consider further rounds of consultation.

- 10 Submission (Regulation 22) (April 23) (shown in yellow) The plan will be considered by Full Council for submission to the Secretary of State, for an examination which will be carried out by the Planning Inspectorate (PINS).
- 11 Examination (April 23-April 24) (shown in purple) The timetable for the examination and hearings is at the discretion of PINS, but it is shown indicatively lasting for a year. Adoption (shown in grey) is shown in April 2024.

Conclusion

- 12 This report outlines the proposed update to the Local Development Scheme (LDS) which sets out the work programme for the production of the Local Plan.

Other options Considered and/or rejected

The current LDS is out of date and it cannot remain unchanged. The reasons for the changes in its content and programme are explained above.

Key Implications

Financial

No additional costs to the Council arise from the amendment of the LDS. Evidence base work is funded from the Council's Local Plan reserve.

Legal Implications and Risk Assessment Statement.

All local authorities are required to produce an LDS to set out their timetable for the production of planning policy documents.

Local authorities are required to have an up-to-date Local Plan in place by December 2023. The government may intervene where local authorities fail to meet this deadline in accordance with the existing statutory powers, considering appropriate action on a case-by-case basis. It is suggested that provided the Local Plan is submitted before this date and that the examination is ongoing, the risk of intervention is minimal.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Sevenoaks District Council aims to effectively involve the community in the development of all Local Plan documents, in line with the Statement of Community

Involvement.

Appendices

Appendix A - LDS timetable

Background Papers

None

Richard Morris

Deputy Chief Executive and Chief Officer - Planning & Regulatory Services

Local Development Scheme
 (Planning Policy Timetable)
 Updated Sept 2021

	2021				2022					2023					2024													
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Local Plan	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Orange	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Green	Green	Yellow	Purple*	Purple*	Purple*	Purple*	Purple*	Purple*	Purple*	Purple*	Purple*

- Evidence base / call for sites / policy prep
- Informal consultation (Regulation 18)
- Pre-submission publication (Regulation 19)
- Reviewing reps / submission prep
- Submission (Regulation 22)
- Examination
- Adoption
- * Timetable at the discretion of PINS

SDC26 - Report on Local Plan
Update to SDC D and CAC on 19
October 2021

LOCAL PLAN UPDATE

Development and Conservation Advisory Committee - 19 October 2021

Report of: Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

Status: For Information

Executive Summary: This report provides an update on the Local Plan and outlines the next steps in the plan making process.

This report supports the Key Aims of:

Protecting the Green Belt

Supporting and developing the local economy

Supporting the wellbeing of residents, businesses and visitors

Ensuring that Sevenoaks remains a great place to live, work and visit

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: James Gleave ext. 7326

Recommendation to Development and Conservation Advisory Committee:

That the report be noted.

Background and Introduction

- 1 Members were last updated on the Local Plan in July, when Officers briefed them on the emerging evidence base and the next steps to move the plan forwards, including discussions with the Ministry for Housing, Communities and Local Government (MHCLG). This report provides an update on these points and should be read in conjunction with the separate report on the Local Development Scheme (LDS), which sets out the next steps for the plan making process.

Discussions with MHCLG

2. The latest position on discussions with the Minister of State for Housing and representatives from MHCLG was reported in July. Significant progress has been made since this time.
3. A meeting took place with representatives from MHCLG on 18th August 2021. Discussions were constructive and positive, with some clear conclusions on

how the Council could progress an updated Local Plan. Specific issues raised during the course of the discussion were:

- We were successful in proposing a four-fold increase in housing, whilst taking the local community with us. It is disappointing and frustrating that such a significant increase was not accepted by the Inspector;
 - Collectively, there are lessons to be learnt from SDCs experience of plan making;
 - The Council highlighted the steps it has taken to put a plan in place as soon as possible;
 - Existing evidence should be used as a basis for an updated plan;
 - Where necessary, new evidence is being prepared and updated to support policies and allocations;
 - The importance of a 'route map' with the Planning Inspectorate was emphasised. The Council noted it was producing an up to date LDS and would make this available as part of forthcoming discussions;
 - Significant changes to the planning system are on the horizon and should provide greater clarity for proposed site allocations;
 - The Council should not aim for a hybrid document that incorporates elements of the Planning White Paper;
 - We should, however, seek to 'future proof' the updated Local Plan, so that it is not out of date at the point of publication;
 - The Council should aim to have a plan in place by 2023 to avoid the complexities of transition to a new planning system; and
 - The Ministry understood the Council's frustrations and was keen to assist in progressing the plan through to examination.
4. It was agreed that a series of meetings would be held with representatives from MHCLG and the Planning Inspectorate (PINS), during the preparation of the updated Local Plan. Members will be informed on the outcome of these discussions in subsequent reports.

Updated Evidence Base

5. Members were given an overview of emerging evidence base documents in July. The following paragraphs provide an update on these studies.

Town Centre Strategy (TCS)

6. The Strategic Planning and Economic Development teams have jointly commissioned Allies and Morrison (A&M) to prepare the TCS, which will cover Sevenoaks town, Swanley, Edenbridge, Westerham and New Ash Green. This study will play an important role in helping to shape the future of these town centres and in particular, will:
- Ensure the continued vitality and viability of our town centres, in the light of changing shopping patterns and permitted development rights;

- Consider how town centres can respond to the social and economic shifts arising from the global pandemic;
 - Provide up to date town centre and retail evidence for Local Plan policies and site allocations;
 - Develop a clear vision for town centres and a governance structure to ensure the strategy is implemented;
 - Inform the Council's Economic Development Strategy, which sets out the major priorities for economic development in the District over the next three years; and
 - Provide a basis to secure funding for town centre improvements and assist with regeneration plans for Council owned sites.
7. Throughout October, A&M will be undertaking community engagement, consulting with a number of stakeholders who are involved in town centre management including councillors, town/parish councils, neighbourhood planning groups, chambers of commerce and members of the public. A member briefing will also be arranged in November to discuss the draft strategy. The TCS is due to be finalised in December 2021.

District-wide Character Study (DWCS)

8. An update on the DWCS was also provided in July. The inception meeting took place at the beginning of September and the appointed consultant (also A&M) is in the process of gathering evidence on the key historical, physical, social and socio-economic characteristics of the District. This information will be mapped and launched as an initial StoryMap - an online interactive website which summarises the key findings.
9. The StoryMap will include a survey to capture residents' views and experiences of the places they live. The information captured through the survey will feed into the second stage of the project; an analysis of area types, building typologies and the changes that are influencing place shaping across the District, such as Covid-19, demographic shifts and climatic effects. An engagement workshop will take place in mid-November to test the findings of the analysis. The final stage of the study will be to report on all the information gathered, with a follow-up workshop in mid-January 2022.
10. The study will result in a report and an interactive website (StoryMap) showing the past, present and likely future character across the District, with key themes and recommendations as part of the analysis output. The report will influence more detailed emerging design codes, allocations for new development in the Local Plan and will be a material consideration in the consideration of future planning applications.

Targeted Review of Local Housing Needs (TRLHN)

11. Officers have been working closely with the Arc4, the consultants commissioned to undertake the TRLHN. The study builds on the housing needs evidence in the Strategic Housing Market Assessment (SHMA) from 2015, to bring it up to date. Specifically, the study will set out an updated need for affordable homes, tenure requirements for affordable housing and determine

the level of discount required for First Homes. The data will be analysed down to placemaking level, recognising that housing needs differ across the District.

12. The emerging findings of the study were presented to members at virtual workshops on 14th and 16th September. The evidence will be used to inform both Local Plan preparation and the Council's emerging Housing Strategy.

Settlement Capacity Study (SCS)

13. The development strategy for the emerging Local Plan has been and will remain to accommodate as much development as possible in existing settlements and release Green Belt land only where there are exceptional circumstances for doing so. As referred to in previous reports, officers will seek to ensure the most efficient use of land on all sites and make the most of capacity in existing settlements.
14. To reinforce this strategy and as reported in July, the Council has completed the first phase of the SCS, as part of the evidence base for the emerging Local Plan. The study considers the potential to accommodate additional residential development in the settlements of Sevenoaks, Swanley, Edenbridge, Westerham, New Ash Green, Otford and Hartley.
15. The initial findings of the SCS have been discussed with relevant members and Development Management colleagues. At this stage and taking account of feedback received, the study suggests there is potential to accommodate up to 1,000 residential units across these settlements, over and above the five-year housing land supply.
16. The identified potential is considered to be compliant with national planning policies. The next phase will be to invite specific sites to come forward through the call for sites process and undertake further work on delivery and developability. The options for expressing the outcomes of the SCS in the updated Local Plan will be discussed with MHCLG and detailed in subsequent reports.

Call for Sites

17. Officers propose to undertake a two-stage call for sites process to inform the publication of an updated Regulation 18 version of the Local Plan, as set out in the LDS. The first stage (Stage 1) is due to commence in mid October and will seek to identify sites that are within existing settlements and not subject to significant planning constraints. The landowners identified through the SCS process will be contacted at this stage and invited to submit sites for consideration, should they wish to do so.
18. Following an assessment of the Stage 1 outcomes, an opportunity will be given for the submission of sites in all other areas of the District. These sites are likely to be subject to national policy constraints, such as Green Belt or an Area of Outstanding Natural Beauty. This process, referred to as the Stage 2 call for sites, will take place during November. The call for sites will be discussed with MHCLG and any changes will be detailed in subsequent reports.
19. A question and answer sheet will be prepared for the Local Plan pages on the Council's website to address any specific queries about the evidence base

documents, including the SCS and the call for sites processes. Contact details for the planning policy team will be shared in this note.

Public Engagement

20. Officers recognise the need to ensure that all stakeholders are fully informed on the approach to preparing an updated Local Plan and have an opportunity to submit comments. The engagement process will be undertaken in accordance with statutory requirements and the Council's Statement of Community Involvement (SCI).

Next Steps

21. The next steps in the plan making process are set out in an updated LDS, which is the subject of a separate report.

Emerging Trends

22. Given the number of Local Plan specific items that are due for discussion at this meeting, this report does not contain the standing item of emerging trends that are likely to influence strategic planning in Sevenoaks District over the coming years. However, members may wish to select topics for discussion at the next meeting. Suggested topics are:
 - Equitable Transport: Can transport choices in Sevenoaks be more accessible for all?
 - The London Plan and how development pressures in outer London could impact on Sevenoaks District
 - Post-pandemic living and working trends
 - Tackling tenure and type: Housing needs in Sevenoaks District
 - White Paper or White Elephant - Whatever Next?

Key Implications

Financial

The production of the Local Plan will be funded from the Local Plan reserve.

Legal Implications and Risk Assessment Statement.

Preparation of a Local Plan is a statutory requirement. There are defined legal requirements that must be met in plan making, which are considered when the Plan is examined by a Government Planning Inspector. Risks associated with the Local Plan are set out in the Local Development Scheme.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusion

Officers will be happy to take any questions on the content of this report at the meeting.

Appendices

None

Richard Morris

Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

SDC27 - Relevant extracts of minutes of SDC D and CAC on 19 October 2021

DEVELOPMENT & CONSERVATION ADVISORY COMMITTEE

Minutes of the meeting held on 19 October 2021 commencing at 7.00 pm

Present: Cllr. Reay (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Cheeseman, Penny Cole, P. Darrington, Fothergill, McGregor, and Roy

Apologies for absence were received from Cllrs. Barnett, Clayton and Pett

Cllrs. Clayton, Dickins, Morris were also present via a virtual media platform, which does not constitute attendance as recognised by the Local Government Act 1972.

11. Minutes

Resolved: That the Minutes of the Development & Conservation Advisory Committee held on 6 July 2021, be approved and signed by the Chairman as a correct record.

12. Declarations of interest

No additional declarations of interest were made.

13. Actions from previous meeting

There were none.

14. Update from Portfolio Holder

The Portfolio Holder gave an update on the services within her portfolio. She advised that there continued to be huge number of applications being submitted to the Council, and based on the same period as the previous year there had already been a 22% increase, which equated to 228 more applications more than last year already. Performance remained high and performance indicators remained in the green. The team were working hard and effectively.

The Enforcement Team also remained busy under the Enforcement Team Manager and there had been some staffing changes including a temporary member of staff becoming a permanent Enforcement Officer and agreed recruitment for another Enforcement Officer.

Development & Conservation Advisory Committee - 19 October 2021

Members took the opportunity to ask questions of clarification, and discussed the types of infrastructure projects that had received monies through the CIL Spending Board. Discussions also took place around the priorities for spending this year and that Edenbridge should be included as a priority area for health services.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) The criteria for prioritising infrastructure projects for funding in the Infrastructure Funding Statement, as set out below, be agreed;
 - The projects fall with the infrastructure types/projects identified in the IFS report.
 - The projects have been identified in our Infrastructure Delivery Plan. (This ensures that the infrastructure prioritised supports the Local Plan).
 - The projects support and are clearly related to proposed or allocated development in the District. They therefore provide a strong link between development and the proposed project.
 - That there is a strong social, environmental or economic justification for the scheme.
 - That projects have not received CIL previously.
 - The scheme has support from infrastructure providers
 - That there is a need or it will be expected to be delivered within the next 5 years.
 - That it is identified as having a critical or high need where the project has to be delivered prior to any development to support it.
 - Where it is likely that the infrastructure project can be delivered within the plan period as there are little or no issues with funding or landownership.
 - Where there is a clear plan as to how the project would be funded; and
- b) the specific projects and types of Infrastructure recommended in paragraphs 28 - 38 of the report, be identified in the Infrastructure Funding Statement as having a priority for full or partial funding, with the inclusion of Edenbridge under priorities under Health and Social Care

19. Local Plan Timetable

The Planning Policy Team Leader (Policy) presented the report which set out the proposed timetable for the Local Plan, which was also known as the Local Development Scheme (LDS). The timetable would be included within an LDS

Development & Conservation Advisory Committee - 19 October 2021

document, which would also provide details of other relevant documents such as Supplementary Planning Documents (SPDs) and Neighbourhood Plans.

Members were provided with a summary of the timetable and that it was hoped for the plan to be published in winter 2022/23 for final representations which would then be provided to the examining Inspector. It was anticipated that the plan would be adopted by April 2024.

Members discussed the timetable noting that it was a pressurised timetable and the amount of work which would be undertaken by the team.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that the Local Plan Timetable (LDS), be approved.

20. Local Plan Update

The Strategic Planning Manager presented the report which updated Members on the Local Plan, noting the information which had been set out within the Local Plan Timetable for the next steps for the plan making process.

Discussions with the Department for Levelling up, Housing & Communities were continuing and discussions were constructive and positive, with some clear conclusions on how the Council could progress an updated Local Plan. Members were also updated on the progress of the emerging evidence base studies, including the District-Wide Character Study, Town Centre Strategy, targeted review of Housing Needs and Settlement Capacity Study. Members were encouraged to take part in the Character Study consultation, which was due to run until 8 November 2021.

Members discussed the emerging trends for discussion, and requested briefings on each of the topics outside of the Local Plan Update. Members also took the opportunity to ask questions. In response to questions, Members were advised that the Call for Sites would be undertaken in two stages. Stage 1, which had now commenced, invites the submission of sites in settlements outside of the Green Belt and will be informed by the Settlement Capacity Study. Stage 2 would begin on 25 November and invites sites from all other areas of the District. The Stage 1 and Stage 2 Call for Sites will close on 20 January 2022.

Resolved: That the report be noted.

21. Work plan

The work plan was noted with the following additions for 2 December 2021:

- Building Control - meet the team

SDC28 - SDC response letter to
TWBC on 22 October 2021

Mr Steve Baughen
Head of Planning Services
Tunbridge Wells Borough Council

Sent by email only:
Stephen.Baughen@Tunbridgewells.gov.uk

Tel No: 01732 227000
Ask for: James Gleave
Email: James.gleave@sevenoaks.gov.uk
My Ref: JG/sc
Your Ref:
Date: 22 October 2021

Dear Mr Baughen

Duty to Cooperate (Dtc) discussions between Tunbridge Wells Borough Council (TWBC) and Sevenoaks District Council (SDC), and housing need

Thank you for your letter to Richard Morris dated 6 October 2021. Richard and I have discussed the issues raised and he has asked me to respond. Further to our discussions, I am fully aware of the extensive background on this matter and SDC is now moving forward with the production of an updated Local Plan.

The latest position on emerging evidence and an updated Local Development Scheme (LDS) was presented at our Development and Conservation Advisory Committee (DCAC) on 19 October. The [DCAC report](#) should hopefully clarify any procedural questions you have regarding next steps in the plan making process and/or the Call for Sites.

SDC stands by its decision to challenge the Inspector's conclusions and the actions outlined in the 'Post Court of Appeal' section of your letter. You have identified the timescales for these processes, which have been outside of our control. The next steps for us will firstly be to hold a further meeting with representatives of the Department for Levelling Up, Housing and Local Communities on 4 November. Discussions will continue at regular intervals during the course of the plan making process and we are keen to ensure that areas of potential concern are raised at the earliest possible stage. The department is aware of the status of our plan and I will mention the issues raised in your letter.

I note the legal advice you have received and hope this provides sufficient guidance on the soundness and legal compliance of your emerging plan, ahead of the examination. It would be helpful if you could please send through the legal opinion in full. With regard to the specific comments on the weight to be attached to SDCs emerging Local Plan, we would certainly agree that it cannot be relied on for

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decision-making purposes. However, as noted in the latest version of the Statement of Common Ground sent to you on 22 September, we are of the view that the Local Plan evidence base continues to be a material consideration in both plan making and decision taking. This view reflects our latest discussions with Government and is significant in that the findings of the evidence base have influenced our conclusions on unmet housing need.

Your letter touches on the application of paragraph 35 of the National Planning Policy Framework (NPPF). SDC's approach to plan making has and will continue to apply the NPPF as a whole. The provisions of paragraph 11 (b) are also relevant. Notwithstanding the emerging evidence discussed during the course of our DtC meetings, SDC considers it highly unlikely that its housing need can be accommodated on land that is unaffected by the constraints listed in footnote 7 of the NPPF, including the Green Belt.

The 'Suggested Way Forward' section of your letter indicates that it may now be possible to accommodate some unmet housing need from Sevenoaks in Tunbridge Wells District. This is significant in the context of paragraph 141 of the NPPF, which requires 'other reasonable options' to be explored, before concluding that Green Belt land should be released to meet development needs. To ensure compliance with paragraph 141 c), it would seem sensible to discuss the extent of the buffer, whether it would require the release of land affected by footnote 7 constraints and an updated assessment of how housing needs will be met in Sevenoaks. This final point will be clarified through the production of SDCs emerging evidence base. All of these issues can be referred to in the Statement of Common Ground.

The legal opinion seems to provide you with a clear steer on the status of SDCs email dated 11 April 2019. Much has changed since this time and moving forwards, SDC will be guided by existing and emerging evidence, with the aim of making the best use of land which is unaffected by footnote 7 constraints. Reasonable options, including discussions with neighbouring authorities, will need to be explored, before concluding that exceptional circumstances exist to release Green Belt land. The email refers to an unmet need of 1,800 units. In the light of our emerging evidence base, it is agreed that this figure cannot be relied on.

My perspective is that SDC and TWBC have worked positively to address the significant planning challenges that are common to West Kent local authorities. These constructive working relationships will need to continue if we are to plan positively in the light of a complex, dynamic and uncertain national planning framework.

I suggest the next steps are to transfer our common understanding in to a Statement of Common Ground and hope that we can continue to work towards this.

Yours sincerely



James Gleave
Strategic Planning Manager

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 4L

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.

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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 4L □

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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The proposed green belt releases and changes to the confines of built development on the proposals maps for site allocations at land south of □auxhall 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

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Cllr Ian McDermott
Portfolio Holder for Planning and Transportation

AND



Steve Laughen
Head of Planning

Appendix C3 – TMBC response to TWBC Issues and Options 2017

Thomas Vint

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)



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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 1 consultation Response on behalf of
Tonbridge and Malling Borough Council**

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

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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 □illage

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

Appendix C5 – TMBC response to
TWBC Regulation 19 PSLP
consultation June 2021

TONBRIDGE & MALLING



BOROUGH COUNCIL

HOWARD ROGERS

Borough Councillor for the
Hadlow, Golden Green & East Peckham Ward

Cockle Oast
Hartlake Road
Golden Green
Kent TN11 0BL

Email: howard.rogers@tmbc.gov.uk

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Local Plan Team
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent
TN1 1RS

2nd June 2021

Dear Planning Policy Team

In advance of the close of the Regulation 19 consultation on the Tunbridge Wells Borough Council Local Plan on Friday I write to express my views and concerns about the impact of this plan on my ward and Borough.

As you may realise my ward lies closest to the main housing proposals within this plan and the bulk of the proposed housing developments for all of Tunbridge Wells lie within a few miles of Hadlow, Golden Green and East Peckham. I therefore address most of my comments to Policy STR/CA1 The Strategy for Capel Parish and Policy AL/CA1 Tudeley Village. My home and those of the people I represent as well as my immediate hamlet neighbours lie on roads that will be significantly affected by these proposals.

When considering the overall impact of the TW local plan, my memory turns to several years ago when this Borough was drawing up the first draft of our own local plan. As Cabinet Member for Strategic Planning and Development at the time, I recall the hours that I spent with Steve Humphrey, Ian Bailey and his team pouring over maps, population projections, strategy documents, planning guidelines and countless other documents in drawing up a plan which was based not just on housing targets and government diktats but on what we knew to be the needs and desires of our local residents and also on common sense. This resulted in a Plan that was based on firm evidence, and did make sense. I remind members that the Inspectorate has halted the progress of our plan not on its solid and thoughtful content but on the inspector's perception of the process and procedures that were involved in our Duty to Co-operate with neighbouring authorities. I can only assume that many similar hours have been spent in Tunbridge Wells planning department carefully considering and drawing up the plan we are debating tonight, but struggle to understand how that all came to the conclusions and proposals that are now in front of us. In summary, common sense and the needs of Tunbridge Wells residents seem to have been discarded in favour of these proposals which place the bulk of residential development on the very northern edge of their Borough, and then questionably and poorly addresses the effect of that development on the infrastructure and the communities that will be immediately effected.

Back in October 2019 the TMBC Planning and Transportation Advisory Board gave a very strong message to TWBC about our concerns regarding the impact of their plan at the Reg 18 stage. We raised specific issues about the likely impact of the proposals 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. One of my particular concerns was the impact on North/South traffic flows through the limited network of unsuitable and unclassified roads such as Allders Road and Hartlake Road. It would appear that this message has been considered, a significant problem identified and a somewhat simplistic solution put forward in the proposal to close Hartlake Road to through traffic somewhere near the Borough

boundaries. I can tell you that at peak commute and school traffic times, the traffic rate along that road can exceed that of the A26 through Hadlow. What a dilemma, do we look forward to the prospect of living in a "Quiet Lane" as Hartlake was tentatively suggested to be by KCC some 20 years ago or do we face a future of even longer and environmentally damaging queues and delays along the A26 and A228 as more cars find alternate ways to cross the Medway and access the Summerhill Schools, Tonbridge schools, shops, stations & jobs or travel further afield? Surely after not so long ago spending several million pounds on the new Hartlake Bridge, KCC are not going to accept that is no longer of use.

It would seem that the work done to model the resultant effect on traffic flows and predict increases in traffic movements has scarcely scratched at the cross boundary issues let alone the knock on effects along the TMBC side of the A26, Seven Mile Lane and the minor roads which act as peak bypasses and overflows. Indeed the modelling data appears to be based on aged surveys and shows little if no account of the development proposals within the TMBC plan.

My other main concern about concentrating housing development so close to our boundary is its proximity to the River Medway. My ward floods. Residents' homes and livelihoods are threatened and will continue to do so. This fact is acknowledged even by the Environment Agency who despite their major plan to increase the capacity of the Leigh Flood Storage Area has recently given the go ahead for a £1,000,000 Flood Resilience Scheme in East Peckham. While detailed provision and plans to counter the flood risk caused by development will be appropriate further down the planning cycle, I feel that the plan underestimates the consequences of such a significant number of new homes. The cumulative effect of these homes and the extensive permitted mineral extractions immediately to the north must be better understood and not considered in isolation.

As Chairman of the Upper Medway Internal Drainage Board, I have recently led its members to introduce a new scheme of Surface Water Development Contributions which is administered by the Water Management Alliance in King's Lynn. The land in this plan is currently agricultural and provides a natural means of absorbing rainfall. Even with strict compliance with SUDS requirements and local mitigation measures and leaky dams upstream the proposed developments with roads, driveways, parking areas and rooftops cannot fail to increase the flow of water into the Hammer Dyke and Alders Stream. Along with the increased areas of mineral extraction to the north a significant area of natural storage will be lost and this will add to the pressure on the existing drainage channels. The Upper Medway Board will be requiring significant contributions to help manage the consequence of this. These contributions will be in addition to any Section 106 and should be considered in relation to any viability assessments.

There is much else that I could add to my comments, but from discussions that I have had with my fellow Councillors, I know that they will write on these and I am sure you would rather hear directly from them rather than repetition from me.

In summary, I am of the opinion that the firm response and list of concerns that I, many of my ward residents and TMBC gave to TWBC in our response to the Reg18 submission back in 2019 have not been sufficiently recognised or countered by evidence in this next Reg 19 stage. I retain serious concerns about the direct effects of large housing allocations immediately on the border of our districts and with the nearest large conurbation being Tonbridge itself. The plan proposals will put heavy and long term demands on Tonbridge town while TWBC will reap the benefits of the additional Council Tax as well as meeting your housing need. The proposal to close Hartlake Road demonstrates a complete lack of co-operation shown by TWBC to my residents and emphasises that there is no desire to allow Hadlow or Golden Green to enjoy a potential increase in demand of its services, retail outlets or employment sites. Little if no compensation proposals are suggested to be in the Borough most affected. Lastly I contend that, the Plan is in denial of the detrimental effect on flooding issues in our communities and those in authorities further downstream of the Medway.

Yours sincerely



Howard Rogers



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 3.6.2021

Dear Planning Policy Team,

Tunbridge Wells Local Plan Regulation 19 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 this Council's Planning and Transportation Advisory Board on the 17th May 2021 and this response incorporates the views expressed by Members.

Tonbridge and Malling Borough Council welcomes the amendments made to the Regulation 18 draft of the Local Plan in response to the comments by this Council made in October 2019 and recognises the ongoing and pragmatic engagement in respect of the Duty to Cooperate to address the relevant cross-boundary issues and the continuing contributions to the infrastructure planning and master planning of the two strategic allocations at Tudeley and Paddock Wood.

However, the impact of these strategic sites, particularly on Tonbridge and the rural settlements of Hadlow, Golden Green and East Peckham, remains a serious concern. Having reviewed the Pre-Submission version of the Local Plan and the supporting evidence Members wish to make the specific comments set out below, which have also been included in this Council's on-line response. TMBC wishes to reiterate the importance of ensuring that the necessary infrastructure and mitigation measures are finalised and implemented in a timely and effective way. Continued close collaboration between the two authorities in respect of the master planning of both sites and the proposed Supplementary Planning Documents to refine the details is strongly encouraged.

Planning Policy, Gibson Building, Gibson Drive, Kings Hill, West Malling,
Kent ME19 4LZ

Have you tried
contacting us at
[www.tmbc.gov.uk/
do-it-online?](http://www.tmbc.gov.uk/do-it-online?)

The Local Plan has been prepared in accordance with the requirements of national policy as set out in the National Planning Policy Framework (2019) and Section 33A of the Planning and Compulsory Purchase Act 2004 in respect of the Duty to Cooperate. Please note that the Statement of Common Ground, which will reflect the matters raised in this Council's Regulation 19 response, will now be considered by the Planning and Transportation Advisory Board at its meeting on the 29th June 2021 before being agreed by Cabinet on 6th July.

Specific Comments

The transport evidence base documents underpinning the Local Plan are inconsistent, contradictory and unrealistically optimistic. There is therefore a lack of clarity regarding the infrastructure interventions required to deliver a sustainable plan.

To illustrate this point, the transport assessments, modelling assumptions and proposed mitigations do not take into account normal organic growth and planned development proposals in the Borough of Tonbridge & Malling or other neighbouring authorities and therefore do not adequately address the impacts on the local highway network and the consequential negative impacts on local communities.

Notwithstanding this, the mitigations proposed are considered to be insufficient to fully address all of the impacts on Tonbridge, for example, increased traffic flows into Tonbridge and surrounding villages causing increased congestion and a likely worsening of air quality.

The highway impacts on this Borough will extend beyond Tonbridge, Hadlow, Golden Green and East Peckham, for example additional traffic heading north along the A228 to access the M20 and A26 towards Maidstone and these should also be addressed.

The evidence for the impact on the landscape in the vicinity of the strategic site allocations and biodiversity is incomplete because the Landscape and Visual Impact Assessment only applies to sites located within the High Weald Area of Outstanding Natural Beauty.

The proposed closure of Hartlake Road to through traffic is a concern as it a well-used route at peak times and it is not clear how the new accesses and internal road layout will provide an alternative north-south route. Whereas, if Hartlake Road were to remain open after the delivery of the Tudeley, East of Capel Parish and Paddock Wood developments then this road and the lanes beyond would be inadequate for the significant new traffic being introduced and the wide reaching consequences described above would be even greater.

The strategic site allocations will increase the flood risk of the area to the north of Tudeley/Capel Parish, which is already prone to flooding, and this will have an adverse impact on the Medway flood plain.

As a result of this it is understood that the Upper Medway Internal Drainage Board will be seeking developer contributions. Has this been taken into account with regard to the whole plan viability study?

The Tudeley Garden Village master plan anticipates the delivery of new local service centres after phase 3 and the new secondary school will be delivered even later. This will put pressure on infrastructure in Tonbridge in the short to medium term, which the Local Plan seeks to avoid. Therefore, how will these impacts be mitigated?

Whilst recognising that there is not a requirement for a new railway station at Tudeley and that Network Rail has confirmed that the proposed growth in Tunbridge Wells borough does not require specific rail capacity interventions the omission of any mitigation of any impacts is a concern. TMBC encourages TWBC to continue to promote the opportunity for future provision with Network Rail and the rail operators and that this is revisited at the first review of the Plan. Without a new railway station undue pressure will be put on both Tonbridge and Hildenborough stations and TMBC members fear that the car parks serving both stations and the rail services themselves will be unable to cope with the increased demand created by the proposed development in Tudeley in particular.

The inclusion of cross-boundary walking and cycle routes both from the new settlement at Tudeley and associated with the Mabledon House Policy is a welcome contribution towards more sustainable means of transport, but concerns remain that this together with the proposed additional bus services will not result in the anticipated modal shift from private car use of 10%.

Paragraph 4.12 refers to the situation with respect to unmet housing need in neighbouring Sevenoaks District as being 'unclear' although it recognises that a potential shortfall of 1,900 dwellings may be further tested in the event the Local Plan Examination is allowed to continue. Since the Tunbridge Wells Local Plan was published for consultation on 26th March the request by Sevenoaks District Council to appeal the Judicial Review decision in respect of their Local Plan has been declined. Therefore, this contextual paragraph should now be updated.

Paragraph 4.13 recognises that there may be some unmet housing need and that it is therefore appropriate to assess the potential for also contributing to unmet needs. If this exercise has already been carried out, then there should be signposting to the relevant part of the evidence base. However, in light of the events described in paragraph 4.12, it may be more appropriate to update both paragraphs.

There appears to be a mapping error in respect of Map 33 and Map 34, which show the location of the new Secondary School as outside of the Garden Village site boundary, while Map 32 shows the school within the site boundary. For consistency, the maps should make clear that the site is inside the boundary, as the delivery of the school is now addressed by Policy STR/SS3.

I hope these comments are of assistance.

Yours sincerely,



Ian Bailey
Planning Policy Manager
Tel: 01732 876061

Ref:
Date Received:
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Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph No(s)	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map (Inset Map No(s))	32, 33 and 34
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2. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.
Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

There appears to be a mapping error in respect of Map 33 and Map 34, which show the location of the new Secondary School as outside of the Garden Village site boundary, while Map 32 shows the school within the site boundary.

Ref:
Date Received:
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Please continue on a separate sheet or expand this box if necessary

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For consistency, the maps should make clear that the site is inside the boundary, as the delivery of the school is now addressed by Policy STR/SS3.

Please continue on a separate sheet or expand this box if necessary

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5. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please continue on a separate sheet or expand this box if necessary

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please continue on a separate sheet or expand this box if necessary

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so that the page containing your signature

can be easily removed prior to public display

This information is on a separate page so that it can be easily removed prior to public display.

Signature:	Ian Bailey	Date:	3.6.21
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

No, I do not wish to be notified of future stages of the Local Plan

Data Protection and Privacy Notice

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform the Local Plan.

Please note, at the end of the consultation period, your responses will be published by the Borough Council, including on our website. We will publish your name and associated responses, but will not publish other personal information such as telephone numbers, e-mail addresses or private addresses.

The information you provide (including telephone numbers, e-mail addresses, etc.) will also be shared with the Programme Officer employed to administer the examination on behalf of the appointed Planning Inspector(s), to be used only for the purposes of conducting the examination. The names of those making representations will be shared, and potentially addresses, with the Planning Inspector(s). However, in some cases, in order to run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

If you choose not to provide data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

You have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information about how we and the Planning Inspectorate use your personal information, please visit the privacy pages on the Council's website: <https://tunbridgewells.gov.uk/privacy-and-cookies/service-privacy-notices/privacy-notices/planning/local-plan-regulation-19-consultation>

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(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph No(s)	5.217	Policy No.		Policies Map (Inset Map No(s))	
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2. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

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Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input checked="" type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

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If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The inclusion of cross-boundary walking and cycle routes both from the new settlement at Tudeley (and associated with the Mabledon House Policy) is a welcome contribution towards more sustainable means of transport, but concerns remain that this together with the proposed additional bus services will not result in the anticipated modal shift from private car use of 10%.

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Further evidence of the estimated modal shift of 10% from motorised travel to Active Travel would be welcomed.

Please continue on a separate sheet or expand this box if necessary

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- 7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature:	Ian Bailey	Date:	3.6.21
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(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph No(s)	5.218	Policy No.		Policies Map (Inset Map No(s))	
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2. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.
Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Whilst recognising that there is not a requirement for a new railway station at Tudeley and that Network Rail has confirmed that the proposed growth in Tunbridge Wells borough does not require specific rail capacity interventions the omission of any mitigation of any impacts remains a concern.

TMBC encourages TWBC to continue to promote the opportunity for future provision with Network Rail and the rail operators and that this is revisited at the first review of the Plan. Without a new railway station undue pressure will be put on both Tonbridge and Hildenborough stations and TMBC members fear that the car parks serving both stations and the rail services themselves will be unable to cope with the increased demand created by the proposed development in Tudeley in particular.

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Please continue on a separate sheet or expand this box if necessary

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5. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature:	Ian Bailey	Date:	3.6.21
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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

No, I do not wish to be notified of future stages of the Local Plan

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Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph No(s)	5.219	Policy No.		Policies Map (Inset Map No(s))	
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2. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.
Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input checked="" type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The Tudeley Garden Village master plan anticipates the delivery of new local service centres after phase 3 and the new secondary school will be delivered even later. This will put pressure on infrastructure in Tonbridge in the short to medium term, which the Local Plan seeks to avoid. Therefore, how will these impacts be mitigated?

The proposed closure of Hartlake Road to through traffic is a concern as it a well-used route at peak times and it is not clear how the new accesses and internal road layout will provide an alternative north-south route. Whereas, if Hartlake Road were to remain open after the delivery of the Tudeley, East of Capel Parish and Paddock Wood developments then this road and the lanes beyond would be inadequate for the significant new traffic being introduced and the wide reaching consequences described above would be even greater.

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4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The local infrastructure and services at Tudeley planned to meet the needs arising from the strategic allocations and reduce the need to travel further afield to centres like Tonbridge should be delivered earlier in the master planning of the new settlement.

The proposed closure of Hartlake Road to through traffic should be reconsidered.

Please continue on a separate sheet or expand this box if necessary

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Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph No(s)	5.222	Policy No.		Policies Map (Inset Map No(s))	
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2. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.
Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input checked="" type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The supporting text states that development will be supported by a cohesive drainage strategy, however, the strategic site allocations will increase the flood risk of the area to the north of Tudeley/Capel Parish, which is already prone to flooding, and this will have an adverse impact on the Medway flood plain.

As a result of this it is understood that the Upper Medway Internal Drainage Board will be seeking developer contributions. Has this been taken into account with regard to the whole plan viability study?

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4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Confirmation that the flood risks have been fully taken into account.

Please continue on a separate sheet or expand this box if necessary

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5. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

- 7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature:	Ian Bailey	Date:	3.6.21
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Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph No(s)	4.12.and 4.13	Policy No.		Policies Map (Inset Map No(s))	
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2. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.
Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph 4.12 refers to the situation with respect to unmet housing need in neighbouring Sevenoaks District as being 'unclear' although it recognises that a potential shortfall of 1,900 dwellings may be further tested in the event the Local Plan Examination is allowed to continue.

Since the Tunbridge Wells Local Plan was published for consultation on 26th March the request by Sevenoaks District Council to appeal the Judicial Review decision in respect of their Local Plan has been declined. Therefore, this contextual paragraph should now be updated.

Paragraph 4.13 recognises that there may be some unmet housing need and that it is therefore appropriate to assess the potential for also contributing to unmet needs. If this exercise has already been carried out, then there should be signposting to the relevant part of the evidence base. However, in light of the events described in paragraph 4.12, it may be more appropriate to update both paragraphs.

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4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Paragraph 4.13 recognises that there may be some unmet housing need and that it is therefore appropriate to assess the potential for also contributing to unmet needs. If this exercise has already been carried out, then there should be signposting to the relevant part of the evidence base. However, in light of the events described in paragraph 4.12, it may be more appropriate to update both paragraphs.

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5. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

- 7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Tunbridge Wells Borough Pre-Submission Local Plan Representation Form

Ref:

Date Received:

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Please read the guidance notes at the end of this form before completing it.

NB Representations must be received by no later than 5pm on 4 June 2021

We are unable to accept anonymous representations. All duly made representations, together with the names of respondents, will be made available on the Council's website. Personal information such as telephone numbers, addresses, and email addresses will not be published. By submitting a representation, you are confirming that you understand that your consultation response will be published in full, together with your name, including on our website. Please see the Privacy Notice on page 7 for more details about how we use your information. The guidance notes can be found on page 8.

This form has two parts:

Part A – Personal Details and

Part B – Your representation(s). Please fill in a separate sheet for each representation.

Part A (please provide your full contact details)

1. Personal Details*		2. Agent's Details (if applicable)
Title	Mr	
First Name	Ian	
Last Name	Bailey	
Job Title (where relevant)	Planning Policy Manager	
Organisation (where relevant)	Tonbridge and Malling Borough Council	
Address Line 1	Council Offices	
Address Line 2	Gibson Building	
Address Line 3	Gibson Drive	
Address Line 4	Kings Hill	
Post Code	ME194LZ	
Telephone Number	01732876061	
Email address	ian.bailey@tmbc.gov.uk	



Tunbridge Wells Borough Pre-Submission Local Plan Representation Form

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Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

3. To which part of the Local Plan does this representation relate?

Paragraph No(s)	<input type="text"/>	Policy No.	STR/SS1 and STR/SS3	Policies Map (Inset Map No(s))	<input type="text"/>
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4. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.
Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input checked="" type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the evidence base supporting the two strategic site allocations at Tudeley and East Capel/Paddock Wood:

The transport evidence base documents underpinning the Local Plan are inconsistent, contradictory and unrealistically optimistic. There is therefore a lack of clarity regarding the infrastructure interventions required to deliver a sustainable plan.

To illustrate this point, the transport assessments, modelling assumptions and proposed mitigations do not take into account normal organic growth and planned development proposals in the Borough of Tonbridge & Malling or other neighbouring authorities and therefore do not adequately address the impacts on the local highway network and the consequential negative impacts on local communities.

Notwithstanding this, the mitigations proposed are considered to be insufficient to fully address all of the impacts on Tonbridge, for example, increased traffic flows into Tonbridge and surrounding villages causing increased congestion and a likely worsening of air quality.

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The highway impacts on this Borough will extend beyond Tonbridge, Hadlow, Golden Green and East Peckham, for example additional traffic heading north along the A228 to access the M20 and A26 towards Maidstone and these should also be addressed.

The evidence for the impact on the landscape in the vicinity of the strategic site allocations and biodiversity is incomplete because the Landscape and Visual Impact Assessment only applies to sites located within the High Weald Area of Outstanding Natural Beauty.

Please continue on a separate sheet or expand this box if necessary

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To revise the evidence base to address the omissions identified and ensure that the necessary mitigations are implemented

Please continue on a separate sheet or expand this box if necessary

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7. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

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7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p style="text-align: right;">Please continue on a separate sheet or expand this box if necessary</p>

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<p style="text-align: right;">Please continue on a separate sheet or expand this box if necessary</p>

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The information you provide (including telephone numbers, e-mail addresses, etc.) will also be shared with the Programme Officer employed to administer the examination on behalf of the appointed Planning Inspector(s), to be used only for the purposes of conducting the examination. The names of those making representations will be shared, and potentially addresses, with the Planning Inspector(s). However, in some cases, in order to run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

If you choose not to provide data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

You have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information about how we and the Planning Inspectorate use your personal information, please visit the privacy pages on the Council's website: <https://tunbridgewells.gov.uk/privacy-and-cookies/service-privacy-notices/privacy-notices/planning/local-plan-regulation-19-consultation>

GUIDANCE NOTES

1. Introduction

1.1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

Appendix C6 - 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

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
5 October 2015	Tonbridge Borough Council (Ian Bailey, Nigel De Wit), Sevenoaks District Council (Anthony Lancaster, Emma Boshell) TWBC Officers – Kelvin Hinton	West Kent DtC meeting	Local Plan updates; possible Member DTC; Housing Need and Supply; Green Belt; Economic Areas; Gypsies and Travellers; Infrastructure; Viability Continue to monitor progress of respective Local Plans Further discussion required re approach to including Members in the DtC; Continue to monitor emerging housing supply across the HMA and identify opportunities for cross-boundary sites
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	Updates on: 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

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			<p>consultation 8. DtC matters - relationship with other parts of the county and 9. Member engagement</p> <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, Maidstone BC -Sarah Anderton, Dartford BC -Tania Smith, Shepway - Matthew Nouch</p> <p>TWBC – Deborah Dixon</p>	DtC meeting	Gypsies and Travellers
24 May 2016	TMBC Officers - Ian Bailey;	West Kent DtC meeting	Local Plan updates

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	<p>SDC Officers – Anthony Lancaster</p> <p>TWBC Officers – Kelvin Hinton, Deborah Dixon, Sharon Evans</p>		
7 December 2016	<p>Tonbridge & Malling BC – Louise Reid, Ian Bailey;</p> <p>Sevenoaks DC - Antony Lancaster, Emma Boshell</p> <p>TWBC Officers – Kelvin Hinton and Sharon Evans</p>	West Kent 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
15 March 2017	<p>SDC and Arc4</p> <p>TMBC, Swale BC, Gravesham BC, Dartford BC, London Borough of Bexley, Ashford BC, Tandridge DC, Medway Council, KCC, TWBC</p>	DtC meeting	<p>Gypsies and Travellers including presentation of assessment findings for SDC (presented by Arc4) –</p> <p>All LPAs present were planning to meet their own G&T needs</p>
5 April 2017	<p>Tonbridge & Malling BC - Ian Bailey</p> <p>Sevenoaks DC - Anthony Lancaster, Emma Boshell</p> <p>TWBC Officers – Kelvin Hinton and Sharon Evans</p>	West Kent DtC meeting	Local Plan Updates; Key Study Issues - Green Belt, Highways, GTAAs; Housing White Paper; Brownfield Registers - new regs; Neighbourhood Plan experiences
2 August 2017	<p>Tonbridge & Malling BC - Ian Bailey and Nigel De Wit</p> <p>Sevenoaks DC - Antony Lancaster, Emma Henshall, Lily Mahoney; TWBC Officers – Kelvin Hinton</p>	West Kent DtC meeting	Local Plan Updates; Issues and Options consultations, infrastructure, habitat regulations, Wealden DC and the Ashdown Forest, custom and self-build and the future approach to Duty to Cooperate
23 August 2017	Tonbridge& Malling BC Sevenoaks DC, Gravesham BC, Maidstone BC,	DtC Forum	Local Plan updates, KCC strategies for transport/highways and infrastructure requirements

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Dartford DC, Tandridge DC, KCC Highways and Economic Development (Not known who attended from TWBC)		
10 November 2017	Letter from PAS to TMBC, SDC and TWBC	DtC correspondence	PAS Statement of Common Ground Pilot Programme - Introductory letter on how scheme 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	Discussion of proposals for West Kent to become a Statement of Duty to Cooperate Pilot Local Plan Updates; Issues and Options consultations, infrastructure, habitat regulations, Wealden DC and the Ashdown Forest, custom and self-build and the approaches to Green Belt; GTAA's, future approach to Duty to Cooperate
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

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
12 February 2018	<p>Tonbridge & Malling BC - Ian Bailey; Sevenoaks DC – Emma Henshall</p> <p>TWBC Officers – Stephen Baughen</p> <p>IPE facilitator – Sue Turner</p>	<p>DtC meeting (see Appendix SDC1 Agreed minutes of West Kent SoCG Pilot on 12 February 2018)</p>	<p>SoCG Pilot Programme (via facetime)</p> <p>Relationship with other SoCGs discussed including the Ashdown Forest, relationship of West Kent HMA with Maidstone HMA, housing need</p>
13 March 2018	<p>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 DC, Dartford BC - Tania Smith, Medway Council - Tom Gilbert, Thanet DC - Jo Wadey, Swale BC - Alan Best and Aaron Wilkinson</p> <p>TWBC – Michael Hammacott</p>	<p>Meeting re Gypsy and Travellers</p>	<p>Update on LPA status of GTAAAs, Planning policies, Transit sites</p>
14 March 2018	<p>TMBC SDC TWBC IPE (facilitator)</p>	<p>DtC meeting</p>	<p>SoCG Pilot Programme one of three pilot meetings:</p> <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)

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
3 April 2018	SDC TMBC TWBC IPE (facilitator)	Facilitator's Note – DtC correspondence (see Appendix SDC2 Facilitators note of West Kent SoCG Pilot dated 3 April 2018)	SoCG Pilot Programme: <ul style="list-style-type: none"> • Purpose of pilot • Communications • Timing and programming • Housing and need • Governance • Risks • Flexibility
10 April 2018	SDC TMBC TWBC IPE (facilitator)	Facilitator's Note – DtC correspondence (see Appendix SDC3 Facilitators note of West Kent SoCG Pilot dated 10 April 2018)	Second iteration of Note (first published on 3 April 2018), amending paras 6.1, 6.2 and 6.3
17 July 2018	Tonbridge & Malling BC – Ian Bailey & Louise Reid TWBC – Steve Baughen and Hilary Smith	DtC meeting	TWBC set out proposals for potential allocation of strategic sites, including proposals at Tudeley village, Discussion on TMBC's initial thoughts
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

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			TWBC indicated could meet their own OAN Preparation of SoCG
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

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
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
15 June 2020	SDC – James Gleave TMBC – Ian Bailey and Bart Wren TWBC – Steve Baughen and Sharon Evans	DtC meeting (see Appendix SDC14 Minutes of West Kent DtC Meeting on 15 June 2020)	Updates on local plan, lessons from other LPAs, housing need (including scope for TMBC and SDC to take housing and employment in Green Belt/AONB), economic needs, strategic sites, infrastructure and sub-regional planning
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
21 October 2020	SDC – James Gleave TMBC – Bart Wren and Julian Ling TWBC – Sharon Evans and Steve Baughen	DtC Meeting (see Appendix SDC17 Minutes of West Kent DtC meeting on 21 October 2020)	Updates on local plans, cross boundary infrastructure, housing need, SoCGs
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
14 June 2021	TMBC - Cllr David Lettington , Eleanor Hoyle and Ian Bailey TWBC - Cllr Alan McDermott and Steve Baughen	DTC Portfolio Holder Meeting	Local Plan updates and housing need, other cross boundary issues, including infrastructure and SoCG

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
2 September 2021	TMBC – Bartholomew Wren, TMBC Consultants DHA, TWBC – Hilary Smith, KCC – Miranda Palmer & Katie Cullen	DtC Meeting	Update on TMBC Active Travel Strategy and links to TWBC LCWIP
29 October 2021	TWBC and TMBC	DtC email correspondence	Updated SoCG signed-off by both parties

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 6Q.

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 Hinton'.

Kelvin Hinton
Planning Policy Manager

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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 stylized "Baughen".

Stephen Baughen
Head of Planning Services

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

Alison Broom
Chief Executive

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Mr K Hinton
Planning Policy
Planning Services
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent
TN1 1RS

(BY EMAIL: planning.policy@tunbridgewellls.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 blue ink, appearing to read 'M. Egerton', written in a cursive style.

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

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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: MBC Response to TWBC Regulation 19 Consultation 2021

Comment

Consultee	Planning and Development ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Maidstone Borough Council
Address	Maidstone House King Street MAIDSTONE ME15 6JQ
Event Name	Pre-Submission Local Plan
Comment by	Maidstone Borough Council (Planning and Development [REDACTED])
Comment ID	PSLP_2258
Response Date	07/05/21 17:12
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Maidstone Borough Council
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

whole Plan: Duty to Cooperate

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). Maidstone Borough Council's comments on the draft plan are detailed below.

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 consultations in 2017 and 2019 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. Additionally, in March 2021 MBC and TWBC agreed a statement of common ground to accompany the TWBC Regulation 19 consultation.

MBC therefore considers that the duty to cooperate in plan-making between the two authorities has been satisfied and that cooperation is ongoing.

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 our respective Local Plans progress.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Local Plan
Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
TN1 1RS

Maidstone Borough Council

Maidstone House,
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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: 07/05/21

Dear Stephen

Tunbridge Wells Borough draft Local Plan 2020-2038: Regulation 19 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 4 June 2021.

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 consultations in 2017 and 2019 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. Additionally, in March 2021 MBC and TWBC agreed a statement of common ground to accompany the TWBC Regulation 19 consultation.

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Strategic issues

The following sections set out our comments on the Local Plan.

Housing

The standard methodology identifies a need for 12,204 new dwellings for the plan period from 2020 to 2038. MBC recognises that the draft TWLP proposes to fully meet this identified need over the plan period, and that TWBC are not expecting any other authorities, including MBC, to accommodate any unmet need. Additionally, we note that TWBC is seeking meet its gypsy pitch 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 planning to meet its own need without the need to seek to accommodate any unmet need from TWBC.

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 expansion of Capel and Paddock Wood. This 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/SS 1, below.

Employment

The strategy for employment growth and allocation of at least 14 hectares of land (approximately 120,000sqm) for employment use remains based on the Sevenoaks and Tunbridge Wells Economic Needs Study dated 2016. However, the strategy and quantum of land allocated to meet the borough's employment needs predominantly through extensions of the defined Key Employment Areas (KEAs) remains a logical and sensible approach which is supported by MBC. The expansion of the KEA around Maidstone Road and Paddock Wood may indeed offer opportunities for residents and businesses particularly in the south of Maidstone to utilise the planned employment offering.

MBC raises no further comments or objections in relation to the overall approach to employment.

Retail

The uncertainty surrounding the retail sector both nationally and more locally is recognised in the pre-submission Plan. MBC fully supports the flexible approach to uses in the town and other centres, including greater focus on the leisure and culture offer.

MBC is pleased to note that the 2017 Retail and Leisure Study has been updated for 2021 (RCLTCU Study 2021), recognising the current state of change within the wider retail market. This ensures that, as far as possible, the most accurate amount of floorspace is allocated for retail and leisure uses based on up-to-date evidence at the point of submission. In this particular case, the evidence does not identify a need for any allocation of land for convenience or comparison floorspace – with a focus instead on reuse of vacant floorspace and bolstering of existing units. MBC supports this approach – particularly in the short term – but suggests that this is kept under regular review to ensure sufficient floorspace remains available to meet needs over the plan period.

MBC raises no further comments or objections in relation to the overall approach to retail.

Landscape and Green Belt.

We note that TWBC have undertaken a range of studies to consider the impact of the strategy on the AONB and the release of land in the Metropolitan Green Belt.

Flooding

The SFRA identifies that areas to the north of Paddock Wood are particularly prone to flooding. As before, MBC raises no issue with the principle of the expansion of Paddock Wood on the provision that the expansion can be suitably accommodated without further risk of flooding to the surrounding areas of Maidstone Borough, and that betterment can and will be provided in these locations where appropriate.

MBC raises no further comments or objections in relation to the overall approach to flooding and flood risk mitigation.

Infrastructure and connectivity

As per the previous TWBC draft Plan consultation (Regulation 18), the growth strategy remains 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).

Transport

The strategy in relation to transport and parking intends to prioritise active and sustainable 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.

The draft Plan is supported by an Infrastructure Delivery Plan and a Transport Strategy. The following transport schemes are those which are considered necessary to support the growth identified in the plan which are relevant to Maidstone borough:

- Improved A228 Maidstone Road/Whetsted Road priority junction
- Improved A228/Whetsted Road/A228 Branbridges Road/B2160 Maidstone Road roundabout
- Improved B2160 Maidstone Road/Commercial Road priority junction

MBC recognises the need for and supports these highways improvements and will continue to engage with TWBC to assess their impacts as part of the duty to cooperate process.

In the interest of joined-up, cohesive planning, any opportunities to extend and/or join up active travel and public transport options beyond administrative boundaries, into Maidstone Borough – where sensible and feasible to do so – should be explored at all stages of the masterplanning process for the extension of Paddock Wood.

MBC raises no further comments or objections in relation to the overall approach to transport.

The strategy for Paddock Wood, including land at east Capel (policy STR/SS 1)

It is noted that the expansion of Paddock Wood (including land at east Capel) will seek to follow Garden Settlement principles and provide flood risk solutions. The Council-led approach to masterplanning the area, which is to take the form of SPD, is also noted. MBC will of course continue to engage in the regular Strategic Sites Working Group meetings as the masterplan SPD progresses.

Policy STR/SS1 details the strategy for development at Paddock Wood and east Capel, including approximately 3,490-3,590 dwellings; 3 neighbourhood centres providing approximately 2,000sqm total; and other associated infrastructure to serve the local needs. Proposals for piecemeal development will be resisted. The overall policy approach is considered to be suitably comprehensive and MBC raises no further comments or objections in this regard.

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Yours sincerely,

Rob Jarman

Head of Planning and Development


Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

Local Plan
Planning Policy
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(BY EMAIL: localplan@tunbridgewells.gov.uk)

Date: 17/06/2021

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Yours sincerely,

R. L. Jarman

Rob Jarman

Head of Planning and Development

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

Comment

Consultee	Planning and Development ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Maidstone Borough Council
Address	Maidstone House King Street MAIDSTONE ME15 6JQ
Event Name	Pre-Submission Local Plan
Comment by	Maidstone Borough Council (Planning and Development - [REDACTED])
Comment ID	PSLP_2259
Response Date	07/05/21 17:12
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Maidstone Borough Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

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Question 5

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Question 7

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Comment

Consultee	Planning and Development ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Maidstone Borough Council
Address	Maidstone House King Street MAIDSTONE ME15 6JQ
Event Name	Pre-Submission Local Plan
Comment by	Maidstone Borough Council (Planning and Development - [REDACTED])
Comment ID	PSLP_2260
Response Date	07/05/21 17:12
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Maidstone Borough Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

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Policy STR/SS1 details the strategy for development at Paddock Wood and east Capel, including approximately 3,490-3,590 dwellings; 3 neighbourhood centres providing approximately 2,000sqm total; and other associated infrastructure to serve the local needs. Proposals for piecemeal development will be resisted. The overall policy approach is considered to be suitably comprehensive and MBC raises no further comments or objections in this regard.

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Appendix D10: 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,	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
	Swale BC - Alan Best and Aaron Wilkinson TWBC – Michael Hammacott		
22 June 2018	MBC – Sarah Lee, Mark Egerton, Rob Jarman TWBC – Hilary Smith, Steve Baughen	DtC Meeting	<ul style="list-style-type: none"> - Local Plan updates; - Transport and air quality; - Form of SoCG
2 July 2019	MBC – Mark Egerton, David Marlow TWBC – David Marlow, Steve Baughen	DtC Meeting	<ul style="list-style-type: none"> - Proposed allocation of strategic sites, and potential impact from PW (in particular) on MBC
20 September 2019	TWBC – Stephen Baughen, David Marlow, Sharon Evans MBC – Mark Egerton, Sarah Lee	DtC meeting (by Skype)	<ul style="list-style-type: none"> -Local Plan updates -Masterplanning process – Strategic Sites -Joint working with other neighbouring authorities and KCC -Strategic and site specific discussion -Future approach and meetings
29 July 2020	TWBC – Hannah Young, Steve Baughen MBC – Mark Egerton, Helen Smith	DtC meeting	<ul style="list-style-type: none"> - Local Plan updates - Position re housing need; - TWBC proposals for strategic sites, and MBC membership of SSWG, including submission of land at Beltring to MBC; - Position of green belt at boundary of TWBC and MBC; - Infrastructure including A228; G&T need

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
10 December 2020	TWBC – Stephen Baughen MBC – Rob Jarman	DtC correspondence	TWBC Formal request for MBC to accommodate unmet need
11 December 2020	MBC – Mark Egerton, Helen Garnett TWBC – Steve Baughen, Freya Jackson	Dtc Meeting	<ul style="list-style-type: none"> - Local Plan updates - Housing and employment needs; - Infrastructure; - Future DtC matters
21 December 2020	MBC - Rob Jarman TWBC – Stephen Baughen	DtC correspondence	MBC response to formal request above
11 January 2021	MBC – Philip Coyne, Mark Egerton TWBC – Lee Colyer, Steve Baughen	DtC Meeting	<ul style="list-style-type: none"> - Local Plan Updates, - Housing need and supply; - Garden Settlements; - Gypsies and Travellers; - Infrastructure - Environmental matters (landscape, AONB, Green Belt) - Managing flood risk
8 February 2021	MBC – Helen Garnett to TWBC	DtC email correspondence	Confirmation of receipt of draft SoCG (still awaiting sign off)
30 March 2021	MBC – Rob Jarman	DtC correspondence	Updated SoCG signed by MBC
8 April 2021	TWBC	DtC correspondence	Updated SoCG signed by TWBC and posted on TWBC Local Plan website
3 August 2021	TWBC – Steve Baughen, David Marlow MBC – Mark Egerton, David Marlow	Dtc meeting	<ul style="list-style-type: none"> - Update on Local Plans, - Housing need, - MBC proposed allocations
22 October 2021	MBC - Helen Garnett to TWBC	DtC email correspondence	Confirmation of updated SoCG
26 October 2021	TWBC and MBC	DtC correspondence	Final sign-off of SoCG

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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DX 3929 Tunbridge Wells website www.tunbridgewells.gov.uk

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



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

□elvin Hinton

Planning Policy □anager

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
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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



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[AshfordBoroughCouncil](https://www.facebook.com/AshfordBoroughCouncil)

Dear Mr. Baughen,

Re: Draft Local Plan Regulation 1 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: ABC response to
TWBC Pre-Submission Plan
Regulation 19 Consultation 2021

Comment

Consultee	Councillor Neil Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1393
Response Date	04/06/21 14:05
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cllr Neil Bell, Ashford Borough Councillor for Biddenden
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_1391, PSLP_1393 and PSLP_1394]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Please see below my submission regarding the Tunbridge Wells Local Plan proposals.

My comments primarily concern the Benenden/East End proposals which are located at the boundary between Tunbridge Wells and Ashford boroughs.

Correction

Paragraph 5.411 contains a factually incorrect statement

"The closest station to East End is Staplehurst (eight miles to the north west), with the station at Etchingam being located 11.8 miles away. There is a limited bus service serving the settlements"

In fact, Headcorn is, by a considerable degree, the nearest station to East End and commuter traffic will have to negotiate the notorious Castleton's Oak crossroads accident blackspot and travel through Biddenden to get to Headcorn station.

Sustainability

Paragraph 5.413 highlights the lack of facilities at the East End location. East End residents will have to travel by car to use facilities such as primary schools, most shopping and work. I suggest the detrimental impact this travel will have on the environment outweighs the benefits of preserving the Benenden AONB. I would suggest that it would be better to develop a site or sites at the edge of Benenden village rather than at East End.

Traffic

Castleton's Oak crossroads has been an accident blackspot for many years despite many attempts by the local authority to improve it. Any further households built in the East End will generate more traffic movements through this junction which will increase the likelihood of accidents and fatalities at this junction. Again, I would suggest that developing sites at the edge of the village of Benenden would be safer and less impactful.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Councillor Neil Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1394
Response Date	04/06/21 14:05
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cllr Neil Bell, Ashford Borough Councillor for Biddenden
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_1391, PSLP_1393 and PSLP_1394]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Please see below my submission regarding the Tunbridge Wells Local Plan proposals.

My comments primarily concern the Benenden/East End proposals which are located at the boundary between Tunbridge Wells and Ashford boroughs.

Correction

Paragraph 5.411 contains a factually incorrect statement

"The closest station to East End is Staplehurst (eight miles to the north west), with the station at Etchingam being located 11.8 miles away. There is a limited bus service serving the settlements"

In fact, Headcorn is, by a considerable degree, the nearest station to East End and commuter traffic will have to negotiate the notorious Castleton's Oak crossroads accident blackspot and travel through Biddenden to get to Headcorn station.

Sustainability

Paragraph 5.413 highlights the lack of facilities at the East End location. East End residents will have to travel by car to use facilities such as primary schools, most shopping and work. I suggest the detrimental impact this travel will have on the environment outweighs the benefits of preserving the Benenden AONB. I would suggest that it would be better to develop a site or sites at the edge of Benenden village rather than at East End.

Traffic

Castleton's Oak crossroads has been an accident blackspot for many years despite many attempts by the local authority to improve it. Any further households built in the East End will generate more traffic movements through this junction which will increase the likelihood of accidents and fatalities at this junction. Again, I would suggest that developing sites at the edge of the village of Benenden would be safer and less impactful.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Councillor Neil Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1391
Response Date	04/06/21 14:05
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cllr Neil Bell, Ashford Borough Councillor for Biddenden
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_1391, PSLP_1393 and PSLP_1394]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Please see below my submission regarding the Tunbridge Wells Local Plan proposals.

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Sustainability

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

**If responder hasn't ticked an option on this box,
data inputter to tick 'not stated' box.**

Not Stated



Tunbridge Wells Borough Pre-Submission Local Plan Representation Form

Ref:

Date Received:

(for official use only)

Please read the guidance notes at the end of this form before completing it.

NB Representations must be received by no later than 5pm on 4 June 2021

We are unable to accept anonymous representations. All duly made representations, together with the names of respondents, will be made available on the Council's website. Personal information such as telephone numbers, addresses, and email addresses will not be published. By submitting a representation, you are confirming that you understand that your consultation response will be published in full, together with your name, including on our website. Please see the Privacy Notice on page 7 for more details about how we use your information. The guidance notes can be found on page 8.

This form has two parts:

Part A – Personal Details and

Part B – Your representation(s). Please fill in a separate sheet for each representation.

Part A (please provide your full contact details)

1. Personal Details*	2. Agent's Details (if applicable)
<i>*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.</i>	
Title	
First Name	
Last Name	
Job Title (where relevant)	
Organisation (where relevant)	Ashford Borough Council
Address Line 1	
Address Line 2	
Address Line 3	
Address Line 4	
Post Code	
Telephone Number	
Email address	ian.grundy@ashford.gov.uk

This page is intentionally blank

so that the front page containing your personal details

can be easily removed prior to public display

Ref:
Date Received:
<i>(for official use only)</i>

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: **Ashford Borough Council**

3. To which part of the Local Plan does this representation relate?

Paragraph No(s)	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map (Inset Map No(s))	<input type="text"/>
-----------------	----------------------	------------	----------------------	--------------------------------	----------------------

4. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not sound, please answer this question.
Do you consider that the Local Plan is **not** sound because:**

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Ashford Borough Council is grateful for the opportunity to comment on the Draft Local Plan that continues the on going dialogue between TWBC and ABC during the preparation of the Plan.

The Borough Council has no comments to make and would refer to the agreed SOCG that was signed and agreed on the 18th March 2021 that sets out the Council's respective positions.

Ref:
Date Received:
(for official use only)

Please continue on a separate sheet or expand this box if necessary

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please continue on a separate sheet or expand this box if necessary

Ref:
Date Received:
<i>(for official use only)</i>

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please continue on a separate sheet or expand this box if necessary

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so that the page containing your signature
can be easily removed prior to public display

This information is on a separate page so that it can be easily removed prior to public display.

Signature:	I M Grundy	Date:	2 June 2021
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

No, I do not wish to be notified of future stages of the Local Plan

Data Protection and Privacy Notice

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform the Local Plan.

Please note, at the end of the consultation period, your responses will be published by the Borough Council, including on our website. We will publish your name and associated responses, but will not publish other personal information such as telephone numbers, e-mail addresses or private addresses.

The information you provide (including telephone numbers, e-mail addresses, etc.) will also be shared with the Programme Officer employed to administer the examination on behalf of the appointed Planning Inspector(s), to be used only for the purposes of conducting the examination. The names of those making representations will be shared, and potentially addresses, with the Planning Inspector(s). However, in some cases, in order to run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

If you choose not to provide data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

You have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information about how we and the Planning Inspectorate use your personal information, please visit the privacy pages on the Council's website: <https://tunbridgewells.gov.uk/privacy-and-cookies/service-privacy-notices/privacy-notices/planning/local-plan-regulation-19-consultation>

GUIDANCE NOTES

1. Introduction

1.1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

Appendix E6: 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

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
15 March 2016	Ashford BC - Danielle Dunn, Sevenoaks DC - Emma Boshell, Tonbridge and Malling C - Ian Bailey, Maidstone BC - Sarah Anderton, Dartford BC- Tania Smith, Shepway –Council - Matthew Nouch TWBC Officer – Deborah Dixon	DtC meeting	Gypsies and Travellers
13 March 2018	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 TWBC Officer – Michael Hammacott	DtC meeting	Gypsies and Travellers: Update on LPA status of GTAA's, Planning policies, Transit sites: 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. Impact of G&T sites on Green Belt was also discussed as a potential area for sharing experience/ joint working.
30 October 2019	Ashford BC - Simon Cole and Ian Grundy TWBC Officers – Stephen Baughen and Sharon Evans	DtC meeting	Discussion of cross boundary issues, TWBC Local Plan consultation and update on Ashford LP
7 January 2020	Ashford BC Officers: Ian Grundy (IG) TWBC Officers: Stephen Baughen, Sharon Evans	DtC meeting	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

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<p>ABC confirmed in their response to the TWBC Draft Local Plan Reg. 18 consultation that 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 TWBC formal request above 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
13 August 2021	TWBC – Sharon Evans ABC – Daniel Carter	DtC email correspondence	Confirmation between both parties that no updates are required to the SoCG signed in March 2021 prior to submission of the TWBC Local Plan

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 3UU

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 16 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



Mr Ian 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



S. Laughen

Steve Laughen
Head of Planning

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

Thomas Vint

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)



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

Thomas Vint

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: TWBC response to RDC Draft Statement of Community Involvement Consultation July 2021

Thomas Vint

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)

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Appendix F5: 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 F6: RDC response to TWBC Regulation 19 Consultation 2021

Comment

Consultee	Mr Tim Hickling [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rother District Council
Address	Town Hall London Road BEXHILL-ON-SEA TN39 3JX
Event Name	Pre-Submission Local Plan
Comment by	Rother District Council [REDACTED]
Comment ID	PSLP_120
Response Date	06/05/21 14:59
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Rother District Council
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

4.12, 4.13

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Rother District Council (RDC) has had regular and continued Duty to Cooperate meetings with Tunbridge Wells Borough Council (TWBC) to discuss the progress of our respective local plans and to address any emerging or evolving cross-boundary strategic planning matters. RDC are content that these have been addressed in the Pre-Submission Local Plan.

At this moment in time, RDC is not at a significantly advanced stage in the production of its new Local Plan to determine whether it will require neighbouring planning authorities to assist in helping meet any unmet local development (housing and employment) needs. We acknowledge in para 4.13 of the Tunbridge Wells Pre-Submission Local Plan, that reference is made to changing circumstances in relation to the position of neighbouring planning authorities, which would apply to RDC. We also appreciate that the development strategy has built in a certain degree of flexibility, in seeking to deliver a quantum of housing development above the calculated standard method for local housing need for the Borough.

Within this section of the Local Plan there are two minor typographical errors to note:

Para. 4.8 refers to the current year (rather than the start of the planning period) as 2020; and

Para 4.17 refers to a figure of 7,721 rather than 7,221 as stated in Table 3.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

RDC do not consider any major modifications are required.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

RDC have no comments to make on the SA/SEA.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Appendix F7: 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 Briggishaw, 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	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
	<p>and Lewes, Tandridge, Sevenoaks DC, Wealden DC, Natural England</p> <p>TWBC – Sharon Evans</p>		
23 November 2017	<p>Ashdown Forest (Air Quality) Group</p> <p>Officers – Marina Briggishaw 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 Briggishaw 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: Rother DC - Cllr Gillian Johnson, Officers- Tim Hickling and Nichola Watters; Wealden DC - Cllr Ann Newton (Host Chairman), Officers - Marina Briggishaw, Kelly Sharp, Isabel Garden, Wendy Newton-May; Eastbourne BC- Cllr Jonathan Dowe and Officer - Matt</p>	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

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	<p>Hitchen; East Sussex CC - Cllr Nick 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 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
15 November 2018	<p>Rother DC – David Marlow TWBC – David Scully, Sharon Evans</p>	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	<p>Rother DC - Nichola Watters (NW), Matthew Worsley (MW)</p> <p>TWBC - David Marlow (DM), Ellen Gilbert (EG)</p>	DtC meeting	Local Plan updates, including TWBC Reg.18 consultation (Flimwell crossroads), AONB

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
21 May 2020	<p>Rother DC - Nichola Watters (NW), Craig Steenhoff (CS)</p> <p>TWBC - David Marlow (DM), Ellen Gilbert (EG)</p>	DtC meeting	<ul style="list-style-type: none"> • Local Plan updates, including updating LDS, discussion of most appropriate continued approach on DtC matters. • 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.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<ul style="list-style-type: none"> • 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 Steenhoff TWBC- David Marlow, Ellen Gilbert	DtC Meeting	Local Plan updates 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
21 June 2021	TWBC – Ellen Gilbert RDC – Craig Steenhoff	DtC email correspondence	Confirmation between both parties that no updates are required to the SoCG signed in October 2020 prior to submission of the TWBC Local Plan

Appendix G – Wealden District Council (WDC)

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