



The Planning Inspectorate

Examination of the Tunbridge Wells Borough Local Plan

Inspector's Matters, Issues and Questions for Stage 1

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Inspector appointed by the Secretary of State

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Introduction

Prior to the forthcoming Stage 1 hearing sessions, responses are invited from participants on the following Matters, Issues and Questions ('MIQs') for Examination. The MIQs are based on the Main Issues identified by the Council and other relevant issues raised by representors.

Further information about the examination, hearings and format of written statements is provided in the accompanying Guidance Note, which should be read alongside the MIQs.

As set out in the examination Guidance Note, the deadline for providing hearing statements for Stage 1 hearing sessions is **15 February 2022**.

Matter 1 – Legal Compliance

Issue 1 – Duty to Cooperate

- Q1. The Duty to Cooperate Statement – Part 1 (Revised November 2021)¹ states that the Council has identified sufficient sites to meet its local housing need in full. Whilst this involves the removal of land from the Green Belt and some major development in the High Weald AONB, paragraph 4.14 states that neighbouring authorities were approached to help in meeting housing needs but were unable to assist.
- What did this process entail and how did the Council explore the possibility of meeting housing needs in areas outside the Green Belt and High Weald AONB? Can the Council point to evidence of effective and on-going joint working with neighbouring authorities beyond Green Belt and AONB boundaries?
- Q2. Likewise, how did the Council approach strategic decisions about meeting employment needs? Were options explored with duty to cooperate partners which sought to meet needs without releasing Green Belt land or requiring major development in an AONB? If so, where is this set out?
- Q3. Paragraph 27 of the National Planning Policy Framework (‘the Framework’) states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. Has a signed statement of common ground been prepared with Sevenoaks District Council, as required by the Framework?
- Q4. In the absence of a statement of common ground with Sevenoaks District Council, what evidence can the Council point to in order to demonstrate effective and on-going joint working on strategic cross-boundary matters?
- Q5. The Duty to Cooperate Statement – Part 1 (Revised November 2021) confirms that Sevenoaks District Council informed Tunbridge Wells Borough Council that it was unable to meet its own housing needs in April 2019. What steps has the Council taken since April 2019 in response to this request? Has the Council engaged constructively, actively and on an on-going basis insofar as the preparation of the Tunbridge Wells Borough Local Plan is concerned?
- Q6. Planning Practice Guidance advises that local planning authorities are not obliged to accept needs from other areas where it can be demonstrated that it would have an adverse impact when assessed against policies in the Framework.² How has the Council considered the likely possible impacts of accommodating unmet housing needs from elsewhere as part of the Plan’s preparation? What does this show and how have the results been shared and/or discussed with duty to cooperate partners?
- Q7. Has the Council been approached by other strategic policy-making authorities to accommodate any unmet needs in the Tunbridge Wells Borough Local Plan? What were the outcomes of these discussions?

¹ Core Document 3.132a

² Paragraph: 022 Reference ID: 61-022-20190315

- Q8. Does the Plan seek to meet any unmet housing needs from elsewhere? If not, what are the reasons for this and is it justified?
- Q9. The submitted Local Plan proposes two strategic developments (at Tudeley Village and Paddock Wood, including land at east Capel) which are situated reasonably close to the boundary with Tonbridge & Malling Borough. The Statement of Common Ground with Tonbridge & Malling Borough Council³ includes details of a 'Strategic Sites Working Group' which meets monthly and includes examples of some policy outcomes as a result of this joint working.

The Statement of Common Ground also clarifies that Tonbridge & Malling Borough Council has raised 'serious concerns' relating to the transport evidence base, transport impacts, flooding and infrastructure provision. In response, paragraph 5.12 concludes that both authorities will continue working to address these concerns, including where necessary with key infrastructure providers and statutory consultees.

How have these strategic cross-boundary matters been considered throughout the plan-making process and has the Council engaged constructively, actively and on an on-going basis in addressing them?

In answering this question, has the Council's approach been consistent with advice contained in the Planning Practice Guidance? It states that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the Inspector to direct them. If agreements cannot be reached, Planning Practice Guidance advises that plans may still be submitted for examination, but, states that comprehensive and robust evidence of the efforts made to cooperate, and any outcomes achieved, will be required.

- Q10. The Statement of Common Ground with Kent County Council (Highways) refers to the preparation of a Transport Assessment Addendum (dated September 2021) and a second Addendum dated October 2021. It then concludes that the Council and Kent County Council agree to continue working together over the coming weeks and months and will seek to update their positions through a further statement of common ground 'prior to the examination'.

What is the latest position regarding 1) the completion, publication and consultation on this evidence and 2) the statement of common ground?

- Q11. How does the preparation of additional highways evidence and further dialogue with the County Council demonstrate compliance with the duty to cooperate, which relates to the preparation of the Plan and thus cannot be rectified post-submission?
- Q12. Has the Council engaged with all relevant local planning authorities, county councils and other prescribed bodies in the preparation of the Plan?

³ Contained within Core Document 3.132c(iv)

- Q13. Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to advice contained in the National Planning Policy Framework (the 'Framework') and the National Planning Practice Guidance (the 'PPG')?

Issue 2 – Habitats Regulations Assessment ('HRA')

- Q1. What is the justification for the 7km 'zone of influence' used in the HRA and Local Plan Policy EN11? Does it continue to represent an appropriate distance for considering recreational pressure?
- Q2. Policy EN11 suggests that the 7km figure may be subject to revision. Why and when is that likely to occur?
- Q3. As it stands, what is required of development proposals within 7km of the Ashdown Forest Special Protection Area ('SPA') and Special Area of Conservation ('SAC')? Are the necessary requirements sufficiently clear to developers, decision-makers and local communities?
- Q4. Where contributions to Strategic Access Management and Monitoring ('SAMM') and Suitable Alternative Natural Greenspace ('SANG's) are required, how will the Council ensure that the necessary mitigation is provided?
- Q5. The HRA concludes that there will be no adverse effects upon the integrity of the Ashdown Forest SPA/SAC as a result of increased atmospheric pollution or recreational pressure resulting from the submitted Plan. Is this conclusion reasonable and justified by appropriate evidence?

Issue 3 - Sustainability Appraisal

- Q1. Option 11 in the *Sustainability Appraisal of the Local Plan (Version for Submission)*⁴ tests a growth strategy which includes an additional 1,900 dwellings (equivalent to the need identified by Sevenoaks District Council in April 2019). What were the outcomes of this assessment and how did they inform the preparation of the Plan?
- Q2. Does Option 11 test the minimum housing requirement plus 1,900 dwellings to help meet unmet needs from elsewhere, or an alternative, higher figure? What is the justification for this?
- Q3. Does the Sustainability Appraisal adequately and robustly test a strategy that would contribute towards meeting previously identified unmet housing needs from Sevenoaks?
- Q4. Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid major development in the High Weald AONB altogether?
- Q5. Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid releasing land from the Green Belt?
- Q6. Does the Sustainability Appraisal adequately and robustly consider alternative distributions of development, such as focusing growth towards

⁴ Core Document 3.130a

existing settlements such as Royal Tunbridge Wells, rather than relying on a new settlement?

- Q7. Having established the strategy, what reasonable alternatives has the Council considered through the Sustainability Appraisal to the new settlement proposed at Tudeley?
- Q8. What was the justification for ruling out alternative options in locations such as Frittenden and Horsmonden on transport grounds, but not Tudeley Village?
- Q9. Does the Sustainability Appraisal adequately and robustly consider reasonable alternative strategies for the size and scale of development proposed at Tudeley Village and Paddock Wood, including land at East Capel? For example, does it consider smaller and/or larger forms of development as a way of meeting housing needs?
- Q10. Where individual sites are concerned, how did the Sustainability Appraisal determine what were reasonable alternatives?
- Q11. Are the scores and conclusions reached in the Sustainability Appraisal reasonable, sufficiently accurate and robust to inform the submission version of the Local Plan?
- Q12. What alternative strategies and/or site allocations does the Sustainability Appraisal consider for the provision of new employment land and buildings?

Issue 4 – Other Aspects of Legal Compliance

- Q1. Has public consultation been carried out in accordance with the Council's *Statement of Community Involvement*?
- Q2. Were adequate opportunities made available for participants to access and make comments on the Local Plan, and other relevant documents, in different locations and different formats – i.e. electronically and in person?
- Q3. Were representations adequately taken into account?
- Q4. Has the Local Plan been prepared in accordance with the Local Development Scheme ('LDS')?
- Q5. In what way does the Plan seek to ensure that due regard is had to the aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?
- Q6. In what ways does the Plan include policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change.
- Q7. Did the Council make available copies of all the submission policies maps, showing any changes that would result from the adoption of the Local Plan?

End.