

**Maidstone Local Plan Review and Tunbridge Wells Local
Plan**

**Statement of Common Ground between Maidstone
Borough Council and Tunbridge Wells Borough Council**

March 2021

Maidstone and Tunbridge Wells context

Maidstone is a Borough Council within the County of Kent. Maidstone is the Local Planning Authority, while Kent County Council has responsibility for the provision of services including transport and education. Maidstone is surrounded by the Kent District Councils of Ashford, Tonbridge & Malling, Tunbridge Wells, Swale, and Medway Council which is a unitary authority which works collaboratively with Kent County Council to provide services.

Tunbridge Wells Borough Council (TWBC) is located to immediately the south of Maidstone Borough Council (MBC), and the two boroughs share a boundary that extends from north of Paddock Wood to the south of Headcorn. Both boroughs contain a mix of urban and rural environs, along with a range of landscape and environmental designations. The Metropolitan Green Belt extends into TW borough and Maidstone borough. The High Weald Area of Outstanding Natural Beauty (AONB) lies partly within TW borough and its setting extends into the south of Maidstone borough.

Administrative areas

The administrative area covered by this Statement of Common Ground is identified in the map below.



Purpose of this statement

Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires that in planning for sustainable development, local authorities must seek cooperation. The National Planning Policy Framework requires that strategic plan making authorities collaborate to identify strategic matters that need to be addressed through their plans. It requires effective and ongoing joint working between authorities which should be demonstrated through the preparation and maintaining of one or more statements of common ground.

This Statement of Common Ground (SoCG) has been prepared by MBC and TWBC and it reflects the agreed position between the parties on a range of matters as at 29 March 2021. This shared position between MBC and TWBC sets out the position in relation to the two Local Plans (the MBC Local Plan Review (Regulation 18), and the TWBC Pre-Submission version of the Local Plan 2020-2038), and will inform future policies and work on respective forthcoming Local Plans. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making. Its purpose is to demonstrate the effective joint working across local authority boundaries, which has been undertaken throughout the development of TWBC's and MBC's plan making processes to this point.

The key strategic issues being addressed by this statement

The key strategic issues being addressed by this draft statement are listed below. Included are the intended cross-boundary issues both authorities expect to seek agreement on and any matters where agreement has not yet been reached.

Strategic Issue for Maidstone borough, and, for Tunbridge Wells borough	Geographical area relevant for the 'Duty to Co-operate'	Possible Statement of Common Ground signatories
For TWBC and MBC: Meeting the borough's local housing need and helping to meet needs across the relevant Housing Market Area/s	Housing Market Area/s; neighboring authority areas. For the borough of Maidstone this is the Maidstone HMA, and for the borough of TW this is the West Kent HMA.	Tonbridge & Malling BC; Medway; Swale BC; Ashford BC; Tunbridge Wells BC.
For TWBC and MBC: Ensuring there is a sufficient supply of affordable housing		
For TWBC and MBC: Provision of Gypsy & Traveller (G&T) and where relevant Travelling Showpeople accommodation		
For TWBC and MBC: Ensuring sufficient land and floorspace is provided to support economic growth in the borough and to contribute to the needs of the wider economic market area	Shared regional economy, but more localised Functional Economic Market Areas, which differ between TW borough (focused on TW, Tonbridge & Malling and Sevenoaks boroughs/districts) and Maidstone borough which has a strong pull as the County Town.	Tonbridge & Malling BC; Medway. South East Local Enterprise Partnership
For MBC: Ensuring that Maidstone has a vital and vibrant town centre which maintains its role in the sub-region and that a network of local centres continue to serve local retail and service needs. For TWBC: the same in relation to Royal Tunbridge Wells, and other settlements in the borough	Retail Catchment Area	[extent of RCA to be confirmed through future evidence]

For TWBC and MBC: Ensuring that the borough's environmental assets such as the AONB, Landscapes of Local Value, the countryside and Green Belt are suitably protected	Kent Downs AONB; setting of High Weald AONB	Tonbridge & Malling BC; Medway; Swale BC; Ashford BC; Tunbridge Wells BC.
	Landscapes of Local Value	Tonbridge & Malling BC; Ashford BC; Tunbridge Wells BC.
For MBC and TWBC: Ensuring that the borough's biodiversity and wildlife habitats are suitably protected and enhanced	SSSIs, Local Wildlife Sites, ancient woodland which straddle the borough's boundaries.	Natural England Tonbridge & Malling BC; Ashford BC; Medway; Swale BC; Tunbridge Wells BC.
For MBC and TWBC: Managing the risk of flooding from all sources.	Catchments of the River Medway, Stour, Beult & Teise.	Environment Agency; Tonbridge & Malling BC; Medway; Ashford BC; Tunbridge Wells BC
For MBC and TWBC: Ensuring sufficient transport infrastructure is provided to serve the new development that is planned, including in relation to the transformational expansion of Paddock Wood	Strategic highway network, local highway network, and public rights of way within the borough and, potentially, key junctions falling in neighbouring authority areas. Rail infrastructure within the borough.	Kent County Council; Highways England; Network Rail; Tonbridge & Malling BC; Ashford BC; Medway; Swale BC; Tunbridge Wells BC.
For MBC and TWBC: Ensuring that sufficient provision is made for health, education and other infrastructure to serve the new development that is planned.	Maidstone borough (subject to the selected spatial strategy) TW borough	Kent County Council; West Kent Clinical Commissioning Group; Maidstone & Tunbridge Wells NHS Trust; Tunbridge Wells BC.

Engagement and cooperation to date.

MBC and TWBC have been engaged in ongoing and effective cooperation from inception to delivery of their local plans.

TWBC and MBC have engaged on a formal basis through regular duty to cooperate meetings, the details of which are listed on MBC's website. Through these meetings, both councils have identified any cross-boundary matters that needed further, more detailed consideration by both parties. Such issues included highways matters and the urban extension to Paddock Wood, which lies close to the boundary of Maidstone borough, where collaborative working has seen MBC take part in TWBC's Strategic Sites Working Group.

Where relevant, feedback on evidence base methodologies has been sought so as to ensure that studies have been sufficiently scoped and that cross-boundary

matters such as infrastructure have been considered in combination with each borough's plans.

Additionally, through their ongoing cooperation, MBC and TWBC have engaged on matters of policy development so as to consider the impact of emerging plans on cross boundary strategic matters.

Issues for which agreement is or is not in place

This is a record of where agreements have (or have not) been reached on key strategic issues, including the processes that have been undertaken in reaching or seeking to reach agreements on these.

Strategic Matters

Both authorities are monitoring the outcome of Local Plan examinations in Kent, specifically those where inspectors have raised concerns in relation to duty to cooperate. TWBC and MBC acknowledge that the outcome of the consultation on the Planning for the Future White Paper is expected in spring and anticipate that this will have implications for duty to cooperate and housing need.

Both are progressing their Local Plans in accordance with existing government policy.

Meeting Housing Need

MBC has prepared a Strategic Housing Market Assessment (SHMA) to consider overall and specific types of housing needs across the borough. This SHMA identifies an overall need of 18,210 houses which reflects the governments standard methodology. Whilst the housing market area of Maidstone extends west into the northern section of Tonbridge and Malling, it does not extend into Tunbridge Wells to the south. In its emerging Local Plan Review, Maidstone is seeking to meet its need in its entirety.

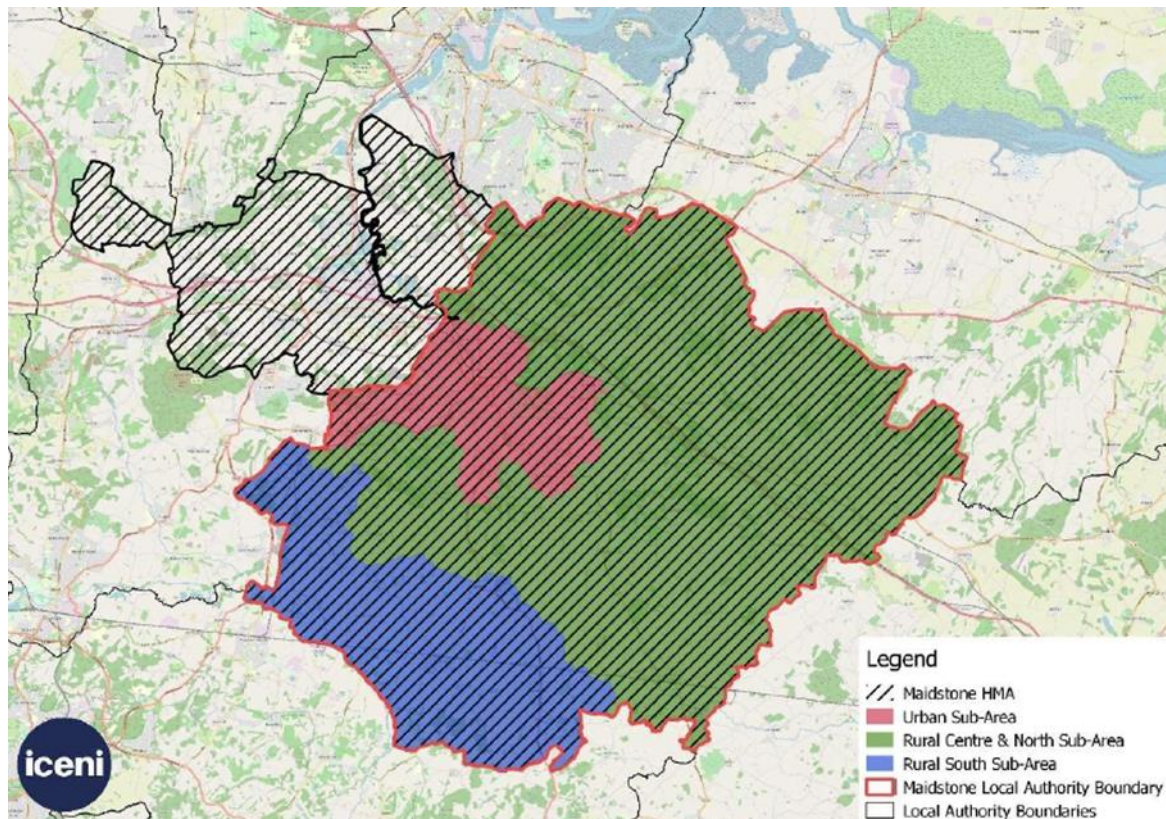


Figure 1: MBC Housing Market Area and sub-market geography

The proposed distribution of housing in MBC is concentrated in the main urban area along with two garden settlements at Lidsing and Lenham Heath. A small and proportionate level of new housing is proposed in the smaller settlements to the south of Maidstone, but this is some distance from the boundary with TWBC.

TWBC falls within the West Kent Housing Market Area which also covers the boroughs of Tonbridge and Malling and Sevenoaks. This is shown in Figure 2 below, from the Strategic Housing Market Assessment (2015).

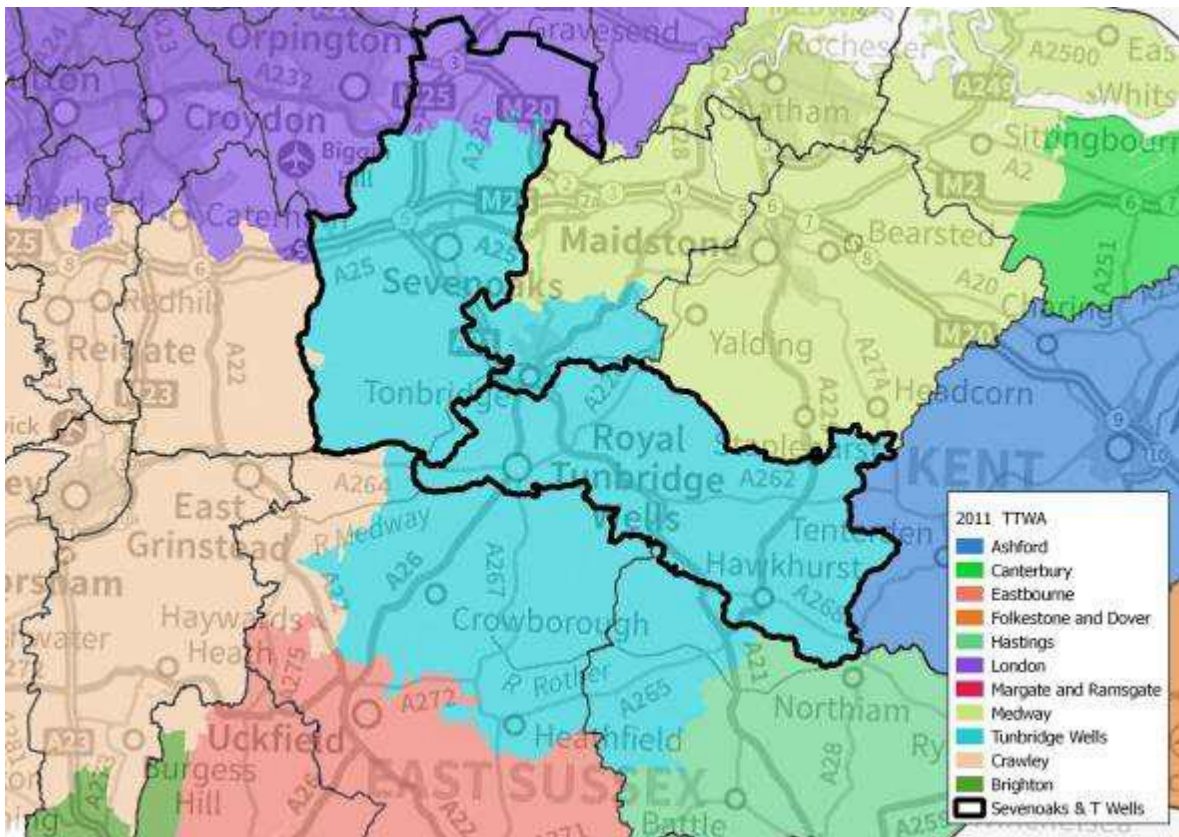


Figure 2: West Kent Housing Market Area (from Strategic Housing Market Area Assessment)

The Regulation 18 Draft Local Plan produced by Tunbridge Wells and consulted on in 2019, included provision for 14,776 new dwellings which includes a buffer of 1,216 units.

In September 2020, TWBC wrote to MBC indicating that they are exploring all potential options to meet the need of the borough. In this letter, TWBC formally requested that MBC accommodate some or all of the housing proposed in the Draft Local Plan within the Green Belt, or as major development in the AONB, and at least 14 hectares of employment land. An initial response was issued by MBC in December 2020. This stated that MBC could not accommodate any of TWBC's need, as it was proving very challenging to accommodate the extra homes needed until 2037, necessitating growth to be focused on two 'garden communities'.

TWBC accepts this position and has progressed to include allocations across the borough, including within the AONB and Green Belt, in order to meet its own local housing needs. MBC welcomes the fact that TWBC is meeting its housing need in full, and similarly expects to meet its housing need in full.

MBC notes that, if the TWBC Regulation 19 Local Plan strategy were to be found unsound at examination, requiring further land release, it would expect TWBC to look first at the potential for meeting such additional needs in its own borough.

TWBC received a request (April 2019) from Sevenoaks District Council to meet unmet need (1,900 houses). This has not been subject to examination. Sevenoaks district is in the West Kent Housing Market Area. As above Maidstone Borough is in the Maidstone Housing Market Area. Both authorities continue to monitor activity within the Greater London Area.

The housing requirements being planned for in the two authorities are set out below.

	Maidstone	Tunbridge Well
Housing Target	18,210	12,204 Regulation 19 draft includes a 1,050 unit buffer.
New Plan Until	2022-2037	2020-2038
Unmet need	0	0
New Plan Stage	Local Plan Review Regulation 18b December 2020. Regulation 19 June 2021.	Full Council approval for Regulation 19 consultation to start on 26 March 2021, until 21 May 2021 and Submission (expected July 2021).

Statement of Common Ground

Given the above, Maidstone Borough Council and Tunbridge Wells Borough Council agree that, at the time of agreeing this SoCG:

- Both authorities are looking to meet their own housing needs through the forthcoming Local Plans;
- MBC supports the strategy of the emerging TWBC plan, however, should at a future point TWBC seek to review its approach then MBC expect that TWBC will meet its housing and employment land need within its borough.
- MBC and TWBC will continue to engage with each other and other relevant authorities in relation to strategic housing matters

Gypsy and Traveller, and Travelling Showpeople Accommodation.

MBC has commissioned a new Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA). Survey work has been put on hold as a result of the Covid pandemic.

Whilst work on the MBC GTTSAA is at an early stage, discussions with consultants undertaking the GTTSAA have indicated that there will be a significant need for new pitches in Maidstone over the plan period to 2037. The Call for Sites exercise invited the submission of Gypsy, Traveller and Travelling Showpeople sites, however only a small number were put forward for inclusion in the plan. As a consequence, Maidstone is facing a significant shortfall of sites.

On the basis that the GTTSAA has not been completed and there will be a likely significant shortfall in sites that will not be met by Call for Sites submissions, it is

felt by MBC that the most appropriate course of action is to undertake a separate Gypsy, Traveller and Travelling Showpeople DPD, with targeted Call for Sites work, so that the needs of the community can be adequately and appropriately addressed and appropriate engagement can take place.

Therefore, MBC is not yet in a position to determine whether the needs for G&T and Travelling Showpeople can be accommodated in the period to 2037.

TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its Draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.

TWBC's Housing Supply and Trajectory Paper (September 2019) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 28 residential pitches as of 1 April 2019.

TWBC considers that, based on its understanding of existing sites and the nature of demand, that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the large majority of outstanding need for additional pitches over the plan period, which will be supplemented by two new sites. The locations of these are identified in the Pre-Submission version of the Local Plan.

The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.

Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that, at the time of drafting this SoCG:

- TWBC is seeking to accommodate its G&T needs through the Local Plan, and MBC is not yet in a position to determine its final need figure for G&T and Travelling Showpeople.
- Discussions will continue to take place in respect to the provision of a transit site(s) and this may include discussions with other authorities in Kent county.

Garden Settlements

In order to meet its housing need, MBC has sought to bring forward two garden settlements. The Regulation 18b Local Plan Review does not include the allocation of any garden settlements within close proximity to the boundary of TWBC. Land at Beltring has been put forward for inclusion in MBC's Local Plan Review and this has been discussed at previous Duty to Cooperate meetings. This site has not been carried forward in the MBC Regulation 18b Local Plan Review.

In its Regulation 19 Pre-Submission version of the Local Plan, TWBC propose significant growth (on transformational garden settlement principles) at Paddock Wood of approximately 3,600 new dwellings, plus employment and associated leisure and health facilities. This settlement lies close to the southern boundary of MBC, and the proposed urban extension of Paddock Wood would extend to the boundary shared by the boroughs. The structure plan for PW, as indicated in the Pre-Submission version of the Local Plan at Map 28, shows that the built footprint of the Paddock Wood garden community will be focussed away from the boundary with MBC, as the land adjoining MBC being used primarily as open space and wetlands/flood storage. TWBC has worked closely with MBC to develop its plans for Paddock Wood, with MBC being a stakeholder in the TWBC Strategic Sites Working Group.

Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- The two garden settlements proposed in the MBC Regulation 18b Local Plan are not expected to give rise to any strategic cross boundary matters with Tunbridge Wells borough, given their position within Maidstone borough;
- That TWBC and MBC have worked closely together through TWBC's development of its plans for Paddock Wood, with MBC being a stakeholder in the TWBC Strategic Sites Working Group. This close working will continue going forward.

Meeting Employment Land Need

MBC has undertaken an Economic Development Needs study (2019/2020). This study indicates that the Functioning Economic Market Area broadly follows the southern boundary of the borough, but that a small proportion of the area overlaps into TW borough. Through its Local Plan Review, MBC is expecting to meet employment land need within the borough, with an additional degree of oversupply to provide flexibility and choice.

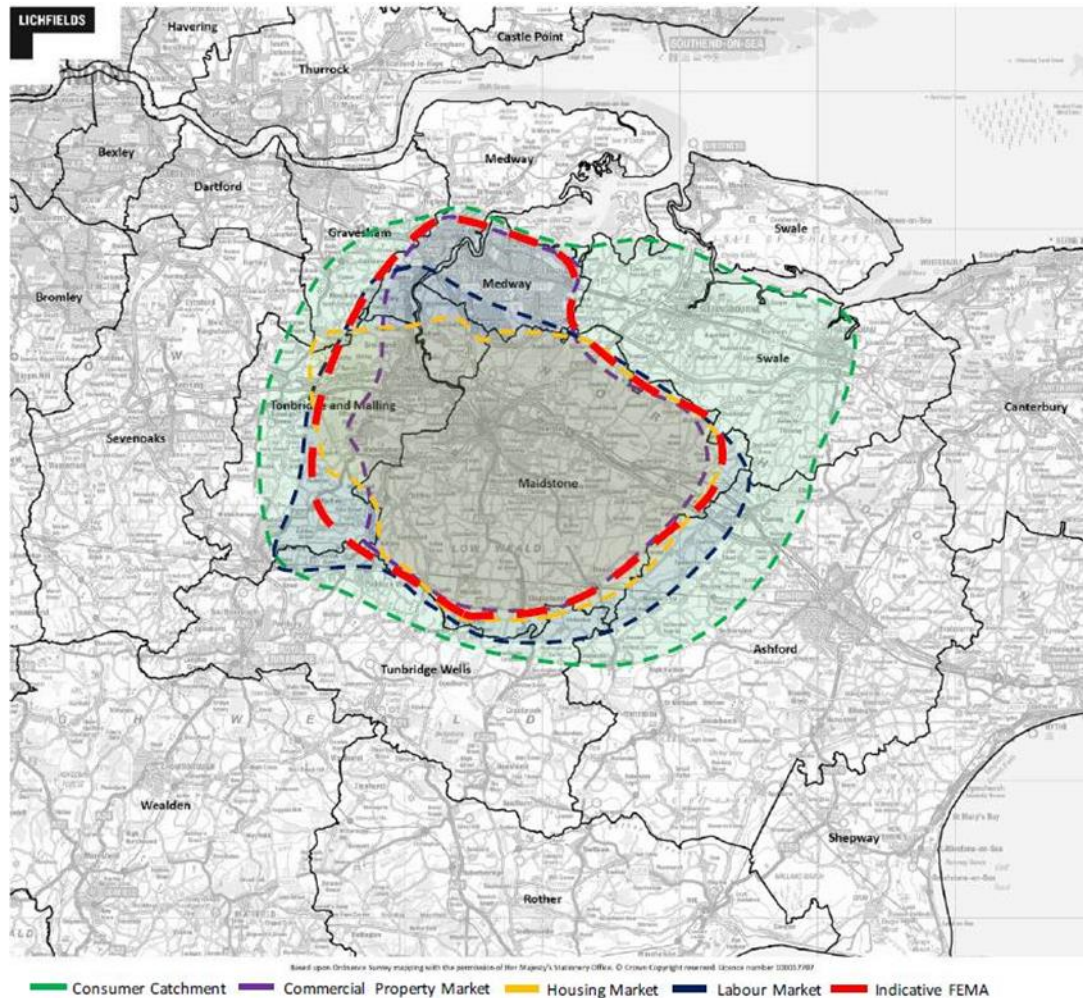


Figure 2: MBC Economic and development Needs Study market areas

TWBC has produced an Economic Needs Survey (ENS) through the consultancy Nexus. This ENS identified a need for a minimum of 14 hectares of additional employment land. TWBC is looking to meet its needs for employment land through an allocation adjacent to Royal Tunbridge Wells, and the expansion of the key employment area at Paddock Wood (and Hawkhurst).

As part of the considerations of the allocation of land adjacent to Royal Tunbridge Wells, and given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172), TWBC raised this issue with its neighbouring LPAs, including MBC – as set out above.

In September 2020 TWBC formally wrote to MBC to ask what capacity it may have to assist in terms of meeting employment need, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan. In response, MBC set out that it was not able to accommodate additional employment provision above that identified in the Regulation 18b plan, however MBC and TWBC will continue to engage on matters relating to employment land provision.

Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- Both authorities are seeking to meet their own levels of employment need.
- TWBC and MBC to engage through the wider DtC forum with other neighbouring authorities in relation to economic related matters, including employment land development.

Meeting Retail Land Need

The EDNS produced on behalf of Maidstone indicated that the consumer catchment for the borough extends into a small portion of the north of TW borough, and that there is a retail floorspace requirement 2022-2032 is 10,838 sqm (gross). This need will be met within Maidstone borough.

The Retail and Leisure Study Update (2020) produced on behalf of TWBC indicated that there is no additional need for comparison and convenience locations, however the growth area identified for Paddock Wood is expected to deliver a reconfiguration and regeneration of the town centre. The Pre-Submission version of the Local Plan identifies that a Town Centre Area Plan will be produced for Royal Tunbridge Wells. Work will commence on this in 2021, with considerable informal engagement in 2022. If necessary, TWBC will involve MBC in discussions regarding the Town Centre Area Plan.

Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- At the time of drafting, that there is no action required from the two respective boroughs in relation to meeting each boroughs retail needs.

Environmental Matters

Green Belt

Amendments to GB in TWBC are not within close proximity to the MBC Green Belt, and therefore it will not impact on MBC. Comment on the communication from TWBC on the Green Belt, in relation to housing and employment provision, is set out above.

Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- MBC is not proposing any amendments to the Green Belt, and the land proposed to be removed from the Green Belt in TW borough will not materially affect the purposes of the Green Belt in Maidstone borough.

Protected sites and biodiversity

Neither MBC nor TWBC are proposing any development that would on its own, or cumulatively affect European sites within the other borough.

Under both paragraphs 170 and 174 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Both authorities have policies for Green infrastructure which have taken account of cross boundary proposals.

Both authorities also have policies in the (MBC Local Plan and TWBC Pre-Submission version of the Local Plan) which require biodiversity net gain and actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between all Kent LPAs is already occurring through engagement with partners.

Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that

- At the time of drafting, that the respective boroughs do not need to take action in relation to sites within the adjoining boroughs boundary.

AONB & Landscape

TWBC is proposing some sites within the High Weald AONB, only the setting of which extends into a small part of Maidstone borough. The location of the development in the AONB being brought forward by TWBC is located some distance from Maidstone borough, and therefore it is not considered that there will be a direct or cumulative impact on MBC's landscape. MBC's focus of growth to the centre and north of that borough has directed development away from the High Weald AONB and its setting.

Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that :

- Proposals for development in the TWBC Local Plan will not impact on the setting of the High Weald AONB in Maidstone.
- The focus of MBC's growth in Maidstone borough should mean that it does not have a significant impact on the High Weald AONB and its setting.

Managing Flood Risk

The River Medway flows through Maidstone borough and a number of tributaries within TW borough, including Tudeley Brook, eventually feed into this river. JBA have undertaken Strategic Flood Risk Assessments (SFRAs) for both TWBC and MBC. Whilst it is expected that significant flood mitigation work will be needed as a consequence of the developments in and around Paddock Wood, it is anticipated that such mitigation measures will sufficiently ensure that flood risk is not increased downstream in Maidstone borough.

Both MBC and TWBC are part of the Medway Flood Area Plan.

Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- Through membership and participation in the Medway Flood Area Plan, the Duty to Cooperate, and through the TWBC Strategic Sites Working Group continue to liaise with each other on flooding matters.

Infrastructure

MBC has produced an infrastructure statement to demonstrate that key infrastructure providers can accommodate growth within services in Maidstone borough. The pattern of growth in Maidstone borough is proposed to be located where enlarged or new services can best be delivered.

TWBC has similarly produced an Infrastructure Delivery Plan (a live document), which sets out the infrastructure required, and the costs and delivery mechanisms for this, to support the development proposed in the Pre-Submission version of the Local Plan.

Transport

David Lock Associates and their sub-consultant team, together with TWBC's highway consultants (SWECO), have undertaken work on infrastructure for the TWBC strategic sites (including Paddock Wood) and have set out a framework to accommodate growth. There will need to be some improvements made to the A228 to meet the needs of development in Tudeley and Paddock Wood, but these improvements will take place largely within TWBC, or Tonbridge and Malling borough. The Colts Hill bypass is included for safeguarding in the emerging TWBC Local Plan, even though it is not directly needed to meet the needs of the Local Plan. Taking into account the mitigation and improvements proposed, there will be no adverse impact on highway infrastructure in Maidstone borough. Both authorities are aware of issues surrounding the wider connectivity between north, south and east Kent. MBC and TWBC will continue working with Kent County Council (KCC) as highways authority.

MBC Stage 1 modelling has been completed and Jacobs have been commissioned to undertake Stage 2 work. Owing to the distribution of development in Maidstone which is some distance from TW borough, it is not expected that growth in MBC will impact on transport infrastructure in TW borough.

Water supply and treatment

Capacity at the existing wastewater treatment works (WwTW) at Paddock Wood would need to be expanded to accommodate the garden community there. Development proposed at Tudeley will utilise a WWTW to the west. Development in Maidstone borough will be served by infrastructure within that borough.

Health infrastructure

As a consequence of growth on the TWBC/MBC border, there may be primary care capacity issues in the area. MBC and TWBC are working with the Clinical Commissioning Group to identify areas in need of increased healthcare capacity.

Education

Growth at Paddock Wood will be served by new or enlarged education facilities within that settlement. It is expected that the education needs of new development in Maidstone will be met by enlarged or new facilities in that borough. TWBC have asked that particular consideration be given to the impact that growth in settlements to the south of the borough will have on education, as services in these settlements also serve some rural areas in the north of TW borough.

Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- Infrastructure requirements for development proposed in each authority is not intended to impact on infrastructure in the neighbouring authority;
- Nevertheless, MBC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues, including through the Duty to Cooperate and MBC's attendance and participation in the TWBC Strategic Sites Working Group.

Governance Arrangements

Where there is disagreement, each authority will seek to discuss the issue with the other, to see whether the relevant Plan can be modified to secure agreement. Where it can, the change will be noted a schedule within this or subsequent Statements of Common Ground, and where it cannot, it will be noted within this, or subsequent Statements.

Internal sign-off will be subject to governance arrangements within each individual borough.

This Statement of Common Ground will be updated on a regular basis, as matters arise and are resolved, and each version of this Statement of Common Ground will be saved as a record of discussions.

Timetable for review and future cooperation

- Ongoing DtC meetings.
- Signing of this Statement of Common Ground by March 2021

Signatories

All signatories agree that this statement is an accurate representation of areas of agreement and disagreement between the two parties.

Signed:

R. L. Jarman

Name: Rob Jarman

Position: Head of Planning & Development

Maidstone Borough Council

Date: 30 March 2021

Signed:



Name: William Benson - Chief Executive

Alan McDermott - Councillor

Tunbridge Wells Borough Council

Date: 08.04.2021