

SAVE CAPEL

ADDITIONAL COMMENTS IN RESPONSE TO NEW MATERIAL ON MATTER 1 PROVIDED BY TWBC

Introduction and summary

1. Save Capel (“SC”) welcomes the opportunity to comment on the additional evidence provided by TWBC as requested by the Inspector during the hearing of Matter 1.
2. As a general point, it is entirely unsatisfactory that these minutes have been published so late in the process. Given the Council’s reliance in particular on SSWG they could and should have been provided for the Reg19 consultation and the additional time and costs avoided at this stage. It is troubling why TWBC stated at the hearing that the minutes could not have been released due to confidentiality/commercial reasons and would take time to be redacted. There is no such redaction in the evidence now provided. The clear lack of transparency of TWBC in this regard is now understandable given the weakness of the material that TWBC has now been forced to disclose.
3. Notwithstanding the timing of this disclosure, SC submits that this new material does not provide any meaningful assistance in answering our concerns raised at Matter 1. Contrary to the assertions of TWBC prior to their disclosure as to what these minutes would demonstrate, they plainly do not demonstrate:
 - a) joint working between TMBC/TWBC/Sevenoaks in terms of GB release, and
 - b) joint working re transport impacts/modelling with TMBC
 - c) joint working with KCC Highways (as issues remain outstanding and a SoCG has not been signed)
4. In summary, SC considers that if this is the totality of the evidence that TWBC relies on then DtC has clearly not been met in relation to the following strategic matters:

- a) Housing need and GB belt release with other local authorities within the HMA, and with other neighbouring authorities including and in particular Maidstone Borough Council.
- b) Traffic impacts and transport modelling with both TMBC and KCC Highways. The “serious concerns” by TMBC have not been addressed through joint working prior to the submission of the plan (notwithstanding the reticence at officer level on the part of TMBC to articulate how fundamental they were despite the Inspector raising – rightly – that he needed to be satisfied they did give rise to fundamental issues engaging the DtC). There remains a wholesale lack of evidence of co-operation with KCC Highways.

The Strategic Sites Working Group minutes (“SSWG”)

5. SC raised this issue in our Matter 1 Statement (para 17) and has reviewed the SSWG minutes which have now been provided. It addresses below whether this material provides any further evidence of effective and on-going joint working in respect of each local authority and public authority.
6. As an initial point, having reviewed the minutes of the SSWG it confirms what SC suspected: that these meetings (attended as they were by over 35 individuals) was in essence a ‘talking shop’, with a focus on updates and briefing, rather than an effective vehicle through which substantive joint working would be carried out. Each of the agenda items are headed “updates” which shows the true purpose of the SSWG: as an information updating forum rather than a meaningful attempt to work together on the substantive issues. The minutes are also replete with reference to meetings with other LPAs that took place outside of the SSWG. It is clear that the minutes do not contain actual evidence of joint working and the outputs of any such work.

(1) TMBC

7. TWBC has repeatedly relied on the existence of the SSWG in its evidence base in particular in relation to evidencing its joint working on cross-boundary matters with TMBC such as the transport evidence base, transport impacts, flooding, and infrastructure provision: see for example its Matter 1 Hearing Statement in response to the Inspector’s Question 9 on Issue 1: it referred expressly to the SSWG at para. 118: “*the Council has worked closely with DtC partners both individually and through the SSWG*”. It claimed that the SSWG exercise “*ensured that flooding, transport and infrastructure matters were looked at holistically*”.

8. It also referred in the SoCG with TMBC (**CD 3.132c(ii)**) at page 19) to the SSWG work as “*demonstrative that TMBC and TWBC have and will continue to work in collaborative partnership on future infrastructure planning and masterplanning of the allocations*”.
9. Contrary to those assertions, the minutes simply do not actually show any real substantive joint working with TMBC on cross boundary issues: see for example:
 - a) The total input from Ian Bailey (an officer at TMBC) throughout were two queries, one on Active Travel (Aug 20) and one on Masterplanning Workshop (Sept 20¹) where the answer is bizarre, plus updates regarding the TMBC local plan;
 - b) The traffic impacts on T&M were not raised by Ian Bailey nor specifically discussed within the SSWG. Tellingly the "significant/serious" concerns T&M Members had regarding the strategic sites cross boundary issues were not relayed to the members of the SSWG.
10. The mere fact that meetings took place is not sufficient evidence of joint working: it is the outputs of those meetings that is important (e.g. in the form of jointly commissioned studies and reports). The SSWG minutes do nothing to substantiate TWBC’s reliance on them to evidence joint working with TMBC on strategic matters. To the contrary they show that key issues were at best cursorily referred to but do not show any substantive conclusions as to on what the solutions are or should be. None of this material is sufficient to evidence active, on-going, and effective engagement

(2) Maidstone Borough Council.

11. Again, the involvement of Maidstone in the SSWG was relied on to show how there had been collaborative working: see SoCG **CD 3.132c(ii)** page 114 and 119. However, the total input from Maidstone BC was an update at meetings on their LP progression apart from reference to an employment site on the border of MBC in Feb-21. Nothing in the SSWG minutes actually shows joint working.

¹ 02/09/2020 3. Ian Bailey enquired about whether TMBC Members had or would expect to receive an invitation. Joanne Cave and Hannah Young agreed to discuss the matter outside of the meeting to confirm.

(3) KCC Highways.

12. See **CD 3.132b(v)** page 102 for again the reliance on the SSWG. The first reference to highways matters was on 1st December 2019 when a separate meeting with KCC Highways was planned, with an update at next SSWG on 8th January 2020. The fact that they were not involved prior to that point in itself is concerning. Minutes for the Jan-20 meeting have not been provided and it is unclear whether the KCC meeting happened. The only other reference to KCC Highways involvement was in 1 July 2020. Again, there is no evidence of joint working with KCC Highways over the particular issues over transport modelling, which to date remain unresolved, and any meaningful attempt to resolve those. There is no other section or agenda item dedicated to this issue throughout any of the 96 pages of material.

MBC Minutes

13. Save Capel raised these issues in our Matter 1 Statement (para 18) and has reviewed the evidence which has now been provided.
14. The Council has submitted evidence (*TWLP-006*) which includes minutes of meetings/emails with MBC and other authorities.
15. SC has reviewed these documents and concludes that they merely confirm that TWBC contacted neighbouring authorities in mid/late 2020 to request whether any of them could meet any unmet need in TW borough. The Council did not adequately pursue the responses and it gives the impression that it merely accepted the situation. This further supports what Save Capel said at the Matter 1 hearing: a tick box exercise has been carried out without proper joint working.
16. These minutes plainly do not constitute sufficient evidence of effective joint working, and this again raises the question of why these formal requests were made so late in the process. In particular, there was no request back in 2017/2018, or even in 2019, at a time when it was clear that a significant amount of GB land might need to be released for T Wells to meet its own need.
17. There therefore remains no evidence of strategic planning to address the wider issue of GB release and the necessary consideration of cross-boundary infrastructure requirements to support local plans in the wider area.

Conclusion on new material disclosed by TWBC

18. This additional evidence does not alter SC's position as set out and presented at the Matter 1 hearing sessions. To the contrary the new material confirms that on the face of the evidence as submitted by TWBC before this examination it cannot possibly be concluded that the DtC has been met. The SSWG in particular appeared to be merely a meeting for updates on activity beyond the SSWG, rather than a collaborative and pro-active forum for discussion and decision-making on progressing the TWBC Local Plan and solving or working to solve key strategic issues on a joint basis. In short, the SSWG has all the hallmarks of a cosmetic exercise, arranged to tick the box of DtC requirements without actually incurring any real co-operation within the meaning of that duty.
19. SC therefore maintains its position that there are fundamental and systemic failures in how:
- a) the Council engaged with all neighbouring authorities in respect of the need to avoid GB release in T Wells' area; and
 - b) regarding critical highways issues and associated impacts which go to the very feasibility of the Council's chosen growth strategy.
20. For these reasons the Inspector is respectfully requested to pause the examination before all parties incur further wasted time and expense in dealing with the Stage 2 matters and issues.

SAVE CAPEL

10 MARCH 2022

