

Tunbridge Wells Borough Local Plan Examination

Matter 1 – Legal Compliance

Tonbridge & Malling Borough Council’s Statement

Issue 1 – Duty to Cooperate

Q.9a: 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 Council 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?

Tonbridge & Malling Borough Council’s Response to Q9a:

- 1. Tonbridge & Malling Borough Council (TMBC) can confirm that Tunbridge Wells Borough Council (TWBC) engaged constructively, actively and on an on-going basis with TMBC on strategic cross-boundary matters during plan-making. This point is made clear in our response to the consultation on the Regulation 19 Plan¹ and detailed in the signed Statement of Common Ground (SoCG) between the two authorities.**
- 2. This constructive process allowed TMBC to raise, during plan-making, strategic cross-boundary matters relating to allocations close to our shared boundary. These included the highways impacts of the strategic allocations at Tudeley**

¹ See letter dated 3 June 2021 from TMBC to TWBC in response to the Council's Regulation 19 consultation, page 2, first paragraph.

and Paddock Wood on networks and communities in Tonbridge & Malling borough.

3. TWBC responded in a constructive way by inviting TMBC officers to monthly Strategic Sites Working Group meetings and workshops focussed on the masterplanning of the strategic sites. We took an active part in these meetings when capacity allowed. Positive outcomes from this process included the relocation of the proposed secondary school to TMBC's preferred position and the assessment of highways impacts on junctions outside of the boundaries of Tunbridge Wells borough, including Tonbridge and along the A228.
4. While TMBC still holds some serious concerns, we are confident that these can be effectively addressed through continued constructive engagement between the two authorities on the strategic sites, particularly in respect of the more detailed work required to produce the Structure Plan for Paddock Wood and east Capel Supplementary Planning Document (SPD) and the Framework Masterplan SPDs. This more detailed work can ensure the timely delivery of effective infrastructure to mitigate the impacts of the developments. The relevant parent policies in the submitted Plan² provide the necessary hooks for these issues to be properly addressed through the preparation of the SPDs. Our confidence in the established process is highlighted by the signed SoCG.
5. While TMBC can confirm that we consider the Plan to be legally compliant, with the Duty to Cooperate requirements being met during plan-preparation, we will make clear our serious concerns regarding the strategic sites highlighted above in our responses to the relevant stage 2 matters, issues and questions.

² Policies STR/SS 1 and STR/SS 3

Q9b: 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.

Tonbridge & Malling Borough Council's (TMBC's) Response to Q9b:

6. TMBC can confirm that the Council's approach has been consistent with advice contained in the Planning Practice Guidance, as highlighted by our response to question 9a and our response to the Regulation 19 consultation.
7. During plan-making, TMBC highlighted serious concerns about strategic cross-boundary matters relating to the strategic allocations at Tudeley and Paddock Wood. As documented in the signed SoCG between the two authorities, and highlighted above, TWBC managed to address some of these concerns through constructive on-going engagement with TMBC. This included engagement via the Strategic Sites Working Group, the masterplanning workshops and wider Duty to Cooperate meetings. This resulted in positive outcomes in respect of the siting of the secondary school and the assessment of wider highways impacts.
8. While TMBC still holds some serious concerns, we are confident that these can be addressed effectively through continued constructive engagement with TWBC via established forums, particularly as more detailed work for the SPD is prepared. This is made clear in the signed SoCG between the two authorities³, which highlights our confidence in the established process for ensuring the timely delivery of effective infrastructure to mitigate the impacts of the developments.
9. While TMBC can confirm that we consider the Plan to be legally compliant, with the Duty to Cooperate requirements being met during plan-preparation, we will make clear our serious concerns regarding the strategic sites highlighted above in our responses to the relevant stage 2 matters, issues and questions.

³ See para. 5.12 in the signed SoCG between TWBC and TMBC