

Examination of the Tunbridge Wells Local Plan

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Dear Ms Watters,

1. Thank you for providing the additional information requested at the Stage 1 hearing sessions on 1 and 2 March 2022. Amongst other things, this includes details of meetings held between Tunbridge Wells Borough Council and Maidstone Borough Council and the meetings of the Strategic Sites Working Group.¹
2. The additional information was provided to help demonstrate how the Council has engaged constructively, actively and on an ongoing basis with Maidstone Borough Council and Tonbridge & Malling Borough Council in the preparation of the Local Plan. More specifically, the main issues discussed at the hearings included how the Council had explored the possibility of meeting housing needs beyond the Green Belt and the High Weald AONB, and the “serious concerns”² raised by Tonbridge & Malling Borough Council regarding potential cross-boundary impacts of the proposed new settlement at Tudeley Village.
3. Having reviewed the additional information, I still have outstanding questions regarding the Council’s engagement with neighbouring planning authorities on these issues. As you are aware, Section 33A of the Planning and Compulsory Purchase Act 2004 places a duty on the Council to engage constructively, actively and on an ongoing basis insofar as it relates to a strategic cross-boundary matter.
4. Given the importance of this issue, and in the interests of fairness, I therefore conclude that a further hearing session is necessary to answer these questions before the examination can progress to Stage 2.

¹ Examination Documents TWLP-006 and TWLP-008

² Tonbridge & Malling Borough Council Matter 1 Hearing Statement, REP-24863-001

5. The Stage 2 hearings are currently scheduled to start on Thursday 24th March (sitting for a single day), with strategic matters, including site allocations, discussed from Tuesday 29th March until Friday 1st April. To avoid any abortive work, unfortunately it will therefore be necessary to postpone these hearing sessions until I have the answers to outstanding questions on the Duty to Cooperate. For the avoidance of doubt, the deadline for the submission of hearing statements for Week 3 and beyond are therefore also postponed.
6. Should the examination proceed to Stage 2, then additional dates for hearing sessions and the submission of statements will need to be agreed and relevant notices issued. However, it is anticipated that the majority of postponed hearing sessions could be re-scheduled for days already in the programme.
7. I recognise that both the Council and participants will have already committed time and resources to preparing hearing statements for the Stage 2 sessions. Most of the first day of the examination was also spent discussing the cooperation which took place in the preparation of the Plan. However, I trust that you will appreciate the importance of this matter for the examination. Unlike issues of soundness, a failure to comply with Section 33A cannot be rectified post-submission by recommendations from myself. It is therefore necessary to resolve these outstanding queries before progressing further.
8. Moving forward it appears that the majority of participants who attended the first Duty to Cooperate session are also due to attend on Tuesday 29th March. Given that the Council chamber is also presumably still available, I would therefore be grateful in the first instance for the Council's views on this date (or other previously notified dates that week) to hold the additional Duty to Cooperate session. Clearly this will also be dependent on the availability of participants and the Programme Officer will need to make contact with the relevant parties. It is not expected that any further written statements will be necessary. Instead, it is proposed that a short, focussed agenda will be used to guide discussions.
9. I have asked the Programme Officer to upload a copy of this letter to the website for those following the examination and circulate to participants scheduled to attend upcoming sessions. In the meantime, should you have any queries please do not hesitate to contact me.

Yours sincerely,

Matthew Birkinshaw

Inspector