

**Paddock Wood Town Council**  
**Comments on TWLP006 (TWBC Note on Maidstone Borough Council)**  
**11<sup>th</sup> March 2022**

TWBC's note regarding cooperation with Maidstone Borough Council (MBC) provides further evidence that TWBC did not engage with MBC in an active ongoing and constructive on strategic cross boundary matters from the commencement of preparing the Local Plan to submission of the Local Plan for Examination.

TWBC's note provides three instances of claimed cooperation:

- A meeting on 29<sup>th</sup> July 2020
- A meeting on 11<sup>th</sup> January 2021
- A meeting on 3<sup>rd</sup> August 2021

The rest of the Duty to Cooperate activities with MBC claimed by TWBC are letters, committee meetings and responding to consultations which should not be considered as Duty to Cooperate activities.

We note from TWBC's TWLP008 (The Role of the Strategic Sites Working Group) in Appendix 2 (Schedule of meetings which have taken place since June 2021) that Maidstone Borough Council was not in attendance at any of the SSWG meetings which is further evidence that there was not sufficient cooperation for the Inspector to conclude that TWBC has discharged its Duty to Cooperate.

It is troubling to read where TWBC states in TWLP006 (and as Officers explained at the Local Plan Hearings):

*"The Council explained that it keeps a "close eye" on the progress of neighbouring authorities' plan making, and reviews documentation as soon as it is in the public domain, ahead of formal publication. This is usually through reading reports attached to relevant Committee documents." (TWLP006 Paragraph 10)*

Keeping a 'close eye' on the progress of neighbouring authority plan making and reviewing documentation as soon as it is in the public domain ahead of formal publication is something any interested individual, or organisation can do. The whole point of the Duty to Cooperate is to ensure effective cooperation leading to constructive action and policy outcomes well before decisions are taken by the prescribed bodies. TWBC seems to completely misunderstand and underestimate the role and their legal responsibilities of the Duty to Cooperate as evidenced by their statement above.

We consider that the legal responsibilities of Duty to Cooperate should have entailed cooperation and collaboration with neighbouring authorities, including Maidstone BC, prior to development sites being considered and approved for inclusion in the Draft Local Plan. TWBC has failed to provide any evidence whatsoever that this work was undertaken with the SSWG having only begun to meet as the Draft Local Plan went out to public consultation in 2019. No further minutes of meetings or copies of correspondence with these authorities prior to this time have been provided to the Inspector. It is clear that TWBC's mind was already made up on its spatial strategy and preferred sites by this time.

As the Town Council has set out in its response to the Stage 1 Hearings, we appreciate that the Examination has focused on potential unmet housing needs arising from Tunbridge Wells borough and how Green Belt and AONB land were considered in the process of preparing the plan and its reasonable alternatives. However, we consider that the issue of flood risk, given its clear importance for the Borough with the Council's preferred spatial strategy of locating the highest level of strategic growth in an area of known for high flood risk, TWBC should have also undertaken testing for meeting OAN for housing outside the areas of high flood risk (at Paddock Wood) in the same way as they should have sought to meet its OAN outside the Green Belt and AONB.

*“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).”  
NPPF Paragraph 159*

From our observation of the Stage 1 Hearings, it appears this has not been undertaken by the Council in its discussions with the prescribed bodies (including Maidstone Borough Council) under the Duty to Cooperate. In addition, the Stage 2 Hearings will no doubt discuss and uncover the inadequacies of TWBC's flood risk evidence base and its failure to undertake a sequential test and exception test as required by the NPPF.