

Examination of the Tunbridge Wells
Borough Local Plan

Tunbridge Wells Borough Council
Hearing Statement

Matter 1: Legal Compliance
Issue 1: Duty to Cooperate

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Contents

Background to Duty to Cooperate	4
Inspector's Question 1: [re. meeting housing needs outside Green Belt and High Weald AONB areas].....	6
TWBC response to Question 1	6
Inspector's Question 2: [re. meeting employment needs outside Green Belt and High Weald AONB areas].....	13
TWBC response to Question 2.....	13
Inspector's Question 3: [re. SoCG with Sevenoaks District Council].....	19
TWBC response to Question 3.....	19
Inspector's Question 4: [re. joint working on strategic cross-boundary matters with Sevenoaks District Council]	23
TWBC response to Question 4.....	23
Inspector's Question 5: [re. response to Sevenoaks District Council's request for help in meeting its housing needs]	24
TWBC response to Question 5.....	24
Inspector's Question 6: [re. consideration of accommodating unmet housing needs from elsewhere]	32
TWBC response to Question 6.....	32
Inspector's Question 7: [re. any other approaches to accommodate any unmet needs].....	38
TWBC response to Question 7	38
Inspector's Question 8: [re. meeting any unmet housing needs from elsewhere]	40
TWBC response to Question 8.....	40
Inspector's Question 9: [re. consideration of implications of the strategic developments on Tonbridge & Malling].....	42
TWBC response to Question 9.....	42
Inspector's Question 10: [re. position on transport evidence, and a related SoCG, with KCC]	59
TWBC response to Question 10.....	59
Inspector's Question 11: [re. contribution of further dialogue on highways matters with KCC post-submission]	61
TWBC response to Question 11	61
Inspector's Question 12: [re. engagement with all relevant bodies in the preparation of the Plan].....	62
TWBC response to Question 12.....	62
Inspector's Question 13: [re. the Duty to Cooperate]	66
TWBC response to Question 13.....	66

Appendix 1: Map showing neighbouring authorities and extent of Green Belt and AONB	68
Appendix 2: Chart of DtC about scope of neighbouring authorities to assist in accommodating housing and employment which otherwise would potentially require Green Belt release or major development in the AONB	69
Appendix 3: Paragraphs which TWBC considered were appropriate to include in the SoCG with SDC, but SDC objected to	73
Appendix 4: Draft minutes of DtC meeting between SDC and TWBC on 16 th December 2021	74
Appendix 5: Letter from Hastings Borough Council to TWBC dated 3 rd November 2021	79
Appendix 6: Letter from TWBC to Hastings Borough Council dated 15 th December 2021	81
Appendix 7: DtC engagement and active working on non transport, flooding and infrastructure matters	84
Appendix 8: Information on how viability of strategic sites has been undertaken	86

Matter 1 – Legal Compliance

Issue 1 – Duty to Cooperate

Background to Duty to Cooperate

1. The requirements set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 in relation to the Duty to Cooperate (DtC) are reflected in the National Planning Policy Framework (NPPF) 2021 and the Planning Practice Guidance (PPG). Particularly relevant sections of both are set out below.
2. Paragraph 24 of the NPPF sets out that “*Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries*”. Paragraph 26 of the NPPF states that “*Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy...*”, whilst the PPG reflects legislation at Paragraph 029 that the legal duty on a local planning authority is “*...to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters*”.
3. The NPPF (paragraph 27) and PPG (various paragraphs) both reference that statements of common ground (SoCG) are important elements in demonstrating effective and on-going joint working on strategic cross-boundary matters being addressed. SoCG have been signed with all neighbouring Local Planning Authorities (LPAs), Kent County Council and other prescribed bodies. These are contained as appendices to the DtC Statement (November 2021) [[CD 3.132c](#)], and separately in a SoCG with Sevenoaks District Council (SDC) signed in February 2022 [[CD 3.151](#)].
4. Paragraph 26 of the NPPF also states that “*...In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.*” Both infrastructure identification and provision, and the ability or

otherwise to meet development needs – and particularly housing need from another neighbouring authority and from within the borough – have been fundamental elements of the Council’s actions in undertaking the DtC, and meeting the legal requirements, in preparation of the Local Plan.

5. The Council is acutely aware that, through the examination of their Local Plans, three neighbouring authorities (SDC, Wealden District Council (WDC) and Tonbridge and Malling Borough Council (TMBC)) have failed the DtC. The reasons differ between the three. The Council considers that its approach and actions under the DtC differ substantially to those of its neighbouring authorities, and that it has met the legal requirements of the DtC.
6. A number of documents are referenced below: those to which most frequent reference is made are the DtC Statement (November 2021) and associated appendices [CDs [3.132a](#) and [3.132c](#)], the Development Strategy Topic Paper (October 2021) [[CD 3.126](#)], the Submission version of the Sustainability Appraisal (the SSA) (October 2021) [[CD 3.130a](#)] and the Statement of Common Ground between Tunbridge Wells Borough Council (TWBC) and SDC (February 2022) [[CD 3.151](#)].

Inspector's Question 1: [re. meeting housing needs outside Green Belt and High Weald AONB areas]

The Duty to Cooperate Statement – Part 1 (Revised November 2021)¹ states that the Council has identified sufficient sites to meet its local housing need in full. Whilst this involves the removal of land from the Green Belt and some major development in the High Weald AONB, paragraph 4.14 states that neighbouring authorities were approached to help in meeting housing needs but were unable to assist. What did this process entail and how did the Council explore the possibility of meeting housing needs in areas outside the Green Belt and High Weald AONB? Can the Council point to evidence of effective and on-going joint working with neighbouring authorities beyond Green Belt and AONB boundaries?

TWBC response to Question 1

Introduction

7. For the avoidance of doubt, the following response focuses on how the Council explored the possibility of meeting housing needs in areas outside the Green Belt and High Weald AONB through the DtC, rather than in relation to meeting need in non-Green Belt and AONB locations within the borough itself, which is set out in the Development Strategy Topic Paper (October 2021) [[CD 3.126](#)], and is expected to be discussed at the Examination under Matter 3.
8. Tunbridge Wells borough lies in the West Kent Housing Market Area (HMA). Paragraph 2.68 of the Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) 2015 [[CD 3.80](#)] sets out that the appropriate definition of the HMA would include Sevenoaks, Tonbridge, Tunbridge Wells and Crowborough. Paragraph 2.69 explains that, in terms of best fit, there is a strong basis for considering Sevenoaks and Tunbridge Wells district/boroughs together, with Tonbridge and Malling being effectively split with part of the borough relating to this HMA (Tonbridge), and part (Malling) towards Maidstone. Paragraph 2.70 of the SHMA also explains that there are relationships between Tunbridge Wells and the northern parts of Wealden and Rother districts.

¹ Core Document 3.132a

9. Paragraph 2.72 of the SHMA [[CD 3.80](#)] states:

“The principal cross-boundary issue of relevance relates to any potential issues regarding unmet housing needs. If an unmet housing need arises from either of the commissioning authorities, it would be appropriate for them to approach other authorities with which they share an HMA to consider if needs can be met in these areas. The principal adjoining authorities with a strong relationship would be Tonbridge & Malling, Wealden and Rother ...”

10. The HMA is highly constrained. This is shown in **Appendix 1** which clearly demonstrates that the remainder of the HMA outside of Tunbridge Wells borough (with the exception of the larger settlements around which the designations wrap) is either in the Green Belt, or the High Weald or Kent Downs AONBs, or both Green Belt and AONB.

What did this process entail and how did the Council explore the possibility of meeting housing needs in areas outside the Green Belt and High Weald AONB?

Overview

11. As above, the response to this question sets out how the Council explored this possibility through the DtC, rather than within its own boundaries.
12. In summary, the Council did this through discussions with and formal requests to neighbouring authorities, and interrogation of the emerging plans of these neighbouring authorities. This process is set out below in further detail at paragraphs 15 – 28. The discussions, requests and plan interrogation took place with both:
- a) those authorities also in the HMA (SDC, TMBC, WDC and Rother District Council (RDC)), but also:
 - b) authorities which are outside of the HMA, but adjacent to the borough: Maidstone Borough Council (MBC) and Ashford Borough Council (ABC).
13. Some of the authorities under a), namely TMBC, WDC and RDC, contain areas which are outside of the AONB and Green Belt; these areas are beyond the HMA. Both MBC and ABC contain areas which are outside of the AONB and Green Belt.
14. As such, the Council was proactive and comprehensive in ascertaining, through the DtC, the scope for other authorities to accommodate housing outside the Green Belt

and AONB. It did this by approaching those authorities which are within the HMA but have land outside of these designations – which although is outside of the HMA is adjacent to it - and also approaching those authorities which are wholly outside the HMA, but which are immediately adjacent to it and the borough.

What did this process entail?

15. The Council has a clear understanding of the extent of Green Belt and AONB in the HMA and beyond. Housing need, and authorities' abilities to meet their own or others' needs has been discussed in the DtC throughout the process of producing the Local Plan, as set out in the DtC Statement (November 2021) [[CD 3.132a](#) and [CD 3.132c](#)]. Indeed, in the preparation of the Draft Local Plan (published September 2019), it was evident via DtC meetings that none of the adjoining councils were in a position at that time to assist in meeting TWBC's development needs, with both SDC and TMBC having submitted their local plans (in April 2019 and January 2019 respectively), both WDC and RDC were at examination with their local plans, while both MDC and ABC had recently adopted local plans (October 2017 and February 2019) and had not began review processes.
16. Hence, it appeared necessary to consider and consult upon, at least initially, options within the borough that involved Green Belt land and major developments in the AONB.
17. The Council could only reach a firm conclusion that not all of the housing need could be delivered on land within the borough boundaries outside of the Green Belt and AONB after the completion of the Regulation 18 consultation on the Draft Local Plan (September – November 2019), analysis of representations made and any further sites submitted and option testing through the Sustainability Appraisal. The representation and site analysis (including further work on the Strategic Housing and Economic Land Availability Assessment) and iterative SA work took place from late 2019 until summer 2020.
18. Accordingly, in summer 2020, as part of the considerations on the Pre-submission Local Plan, the Council undertook the process of discussion and formal request making with neighbouring authorities summarised in paragraphs 6.17 – 6.20 of the Development Strategy Topic Paper (October 2021) [[CD.3.126](#)]. The following paragraphs relay this.

19. The Council discussed, in meetings under the DtC, with all neighbouring authorities (not just those within/partially within the West Kent HMA) whether there was scope for the authorities to accommodate some or all of the housing need which was indicated as being on land proposed to be released from the Green Belt in the Draft Local Plan or would comprise major development within the AONB. **Appendix 2** shows the dates of these meetings.
20. This was followed up with a letter formally requesting the assistance of neighbouring authorities in meeting this need (paragraph 6.18 of the Development Strategy Topic Paper [[CD 3.126](#)]). Given that it was a formal request, the letter was written by the Council's Head of Planning to counterparts.
21. Responses were received from all neighbouring authorities. These, and the letters to the authorities, are provided at Core Documents CD [3.152a](#), [3.152b](#), [3.152c](#), [3.152d](#) and [3.152e](#), or in the case of SDC at Appendices SDC 15 and 16 of the DtC Statement [[CD 3.132c\(iii\)](#)]. As set out in paragraph 6.19 of the Development Strategy Topic Paper [[CD 3.126](#)]:
- “None [of the responses] indicated a clear potential to assist in meeting any housing needs from the borough, often citing similar environments designations/constraints. References are also made by some to the stage in their plan-making process, whereby either site suitability has recently been reviewed or is at an early stage such that the ability to meet local needs itself is not yet established”.*
22. A summary of the reasons given by the neighbouring authorities is provided in **Appendix 2**. The responses from authorities in the West Kent HMA and from MBC were detailed and comprehensive.
23. All responses were interrogated, in the knowledge of where each authority was in terms of producing its Local Plan. At the time of discussing these matters and making the formal request, SDC had applied for and was awaiting the outcome of an application to the High Court for judicial review of the SDC Local Plan Planning Inspector's decision that SDC had failed the DtC. TMBC was preparing for and then within the Examination of its Local Plan. WDC had, in February 2020, withdrawn its Plan that had failed the DtC and was in the very early stages of producing its new

Local Plan: consultation on a Direction of Travel took place shortly after from 23rd November to 18th January 2021. Details of ABC and MBC are provided below.

24. It was only the response from ABC which was not comprehensive. As above, Ashford borough falls outside the HMA. The closest of part of the borough to Tunbridge Wells borough is in the AONB (**Appendix 1**). ABC adopted a Local Plan in February 2019. Paragraph 1.4 of Appendix A8 of the DtC Statement (November 2021) [[CD 3.132c](#)] which contains the SoCG between ABC and TWBC (March 2021) sets out that “*ABC has not yet commenced substantive work on its next Local Plan, and the Local Development Scheme for ABC dates from 2019: this is due to be updated in 2021*”. Since then, the ABC Local Development Scheme has been updated in May 2021: it still has no reference to a timetable for a replacement local plan, instead setting out a timetable for a gypsy and traveller development plan document. Therefore, throughout the period of time that the Council has been progressing its local plan, ABC has not been undertaking any work on a local plan. Accordingly, in addition to Ashford borough being outside the HMA, ABC’s lack of progress on a new Local Plan has prevented further discussion on this point.
25. TWBC has, throughout the period of producing its Local Plan, paid close attention to the progress of each neighbouring authorities’ local plans. Since receipt of the responses to the Head of Planning’s formal request only WDC and MBC have undertaken Regulation 18 or 19 consultation on versions of plans. As above, WDC has undertaken Regulation 18 consultation on a “Direction of Travel” document from November 2020 – January 2021. Given the high-level nature of this document, it simply does not allow any conclusions to be drawn as to whether WDC’s justification in its response will be reflected in the future local plan, or not.
26. MBC had made significant progress on its Draft Local Plan by the time of the discussions and request. The Draft Local Plan contained proposed allocations, including the provision of two strategic settlements. Regulation 18 consultation was undertaken on the Draft Local Plan between 1st December 2020 and 8th January 2021: i.e. the response from MBC to the formal request (provide at Appendix 3d) was informed by this detailed work. Regulation 19 consultation on a Pre-Submission Local Plan was subsequently undertaken on 29 October 2021 until 12 December 2021.

27. Careful scrutiny has been given in its review of each iteration of the MBC (and for completeness WDC's) Local Plan. The justification given in the response to the Head of Planning's letter is reflected in the emerging MBC Plan, and the Council considers that it is valid. This is reflected in the most recent SoCG between MBC and the Council (October 2021) at paginated page 8 and digital page 116 of Appendix A7 of the DtC Statement (November 2021) [[CD 3.132c \(ii\)](#)].
28. SoCG have been signed with all neighbouring authorities confirming that discussions took place between the Council and those authorities about the ability to meet some or all of the housing need identified in the Green Belt or as major development in the AONB in the Draft Local Plan, but that authority was not able to. Reference to where these are set out in the SoCG is provided in **Appendix 2**.

Can the Council point to evidence of effective and on-going joint working with neighbouring authorities beyond Green Belt and AONB boundaries?

29. Yes - as set out above at paragraphs 15-27 above, through the process explained, with a) those authorities which are partly within the West Kent HMA but have land beyond which is outside of the Green Belt and AONB - namely TMBC, WDC and RDC and b) by not confining this work to those authorities within the HMA, the Council has also worked with MBC and ABC which are outside the HMA, but contain areas which are not in the Green Belt or AONB. The Council has interrogated the plans produced by neighbouring authorities, although it is only MBC which has advanced significantly in the relevant time period.
30. This work is referenced in the Development Strategy Topic Paper (October 2021) [[CD 3.126](#)], with the evidence of this provided in the DtC Statement and associated appendices (November 2021) [CDs [3.132a](#) and [3.132c](#)] and **Appendix 2** of this Statement.

Conclusion

31. The Development Strategy Topic Paper [[CD 3.126](#)] sets out how the Council explored the possibility of meeting housing needs in areas outside the Green Belt and High Weald AONB within its boundary: it is expected that this will be discussed under Matter 3 of the Examination.

32. The above sets out the process, and how, through the DtC, the Council explored the possibility of meeting housing need outside the Green Belt and major development in the High Weald AONB. This involved discussions, formal requests and interrogation of emerging plans of both those authorities in the West Kent HMA which have land outside of these designations, together with those neighbouring authorities which are outside the HMA and neighbouring to Tunbridge Wells borough.
33. Ultimately, the outcome of this work was one of a number of matters that were taken into account in the Council's decision on the Development Strategy, including to release land from the Green Belt and to allocate some major development in the AONB.

Inspector's Question 2: [re. meeting employment needs outside Green Belt and High Weald AONB areas]

Likewise, how did the Council approach strategic decisions about meeting employment needs? Were options explored with duty to cooperate partners which sought to meet needs without releasing Green Belt land or requiring major development in an AONB? If so, where is this set out?

TWBC response to Question 2

Introduction

34. The Council has considered how best to meet employment needs in the strategic context from an early stage of plan preparation. Of course, Green Belt and AONB designations have similar implications for employment and housing developments; hence, many of the references made in response to Question 1 above are applicable to meeting employment needs.
35. Accordingly, within this response, cross-reference is made to previously mentioned processes and events, as applicable, as well as highlighting cooperation specifically on meeting employment needs.

Consideration

36. At the very beginning of the process, the Council took a strategic approach to determining employment needs and identifying suitable opportunities to meet that need. This was manifest in the commissioning of the Sevenoaks and Tunbridge Wells Economic Needs Assessment ("ENS"), 2016. [[CD 3.25](#) (also [CD 3.87](#))]. This was done jointly with SDC because, as stated at paragraph 3 of that Study, *"It is evident that Sevenoaks and Tunbridge Wells share important economic linkages, which also extend to cover at least parts of neighbouring Tonbridge and Malling."*
37. In fact, Tonbridge and Malling Borough Council (TMBC) was also engaged in this process, although not a party to the commission (having already undertaken its own study). Furthermore, the ENS itself shows that there was an appreciation of economic needs and opportunities across the wider functional economic geography, also covering both parts of neighbouring Tonbridge and Malling, essentially covering

Tonbridge itself (as well as the northern parts of Wealden district, including the town of Crowborough, and Rother district). [[CD 3.25](#) Paragraphs 10.18 -10.25 refer].

38. In fact, neighbouring authorities, including TMBC, contributed to the work through stakeholder workshops and to the consideration of its findings through regular DtC meetings and via the West Kent Partnership group, as set out in response to Question 1 – see [CD 3.132c \(i\)](#), [CD 3.132c \(ii\)](#), [3.132c \(iii\)](#) and [3.132c \(iv\)](#) – page 59.
39. While the Study itself did not make planning judgements, it clearly appreciated that *“Going forwards locations for growth will require careful selection given the constraints of the High Weald Area of Outstanding Natural Beauty and Metropolitan Green Belt”* (Paragraph 3.20). This was duly further considered by the respective councils, with emerging proposals discussed through regular DtC meetings.
40. For example, the West Kent Partnership group discussed the findings of the ENS in December 2016, and at that meeting highlighted consideration of Green Belt implications of development and the benefits of sharing methodologies to provide a consistent basis for assessing impacts. Indeed, the Engagement Record with SDC shows that this also took place in August 2016 [See [CD 3.132c \(iii\)](#) Appendix B7 – DtC engagement].
41. As highlighted in response to Question 1, it should be appreciated that all of the urban areas with close economic linkages to the borough – Sevenoaks, Edenbridge, Westerham, Tonbridge and Crowborough – are similarly heavily constrained, in terms of being largely surrounded by the Metropolitan Green Belt or either the High Weald or Kent Downs AONB, or a combination of two designations. This is shown in **Appendix 1**.
42. Hence, consideration had to be given to such locations in order to inform decisions on the scale and locations of growth. Relevant studies were carried out by the respective councils in relation to their Green Belt and AONB areas.
43. In the preparation of the Draft Local Plan (published September 2019), it was evident via DtC meetings that none of the adjoining councils were in a position at that time to assist in meeting TWBC’s development needs, with both SDC and TMBC having submitted their local plans (in April 2019 and January 2019 respectively), both WDC and RDC at examination with their local plans, while both Maidstone Borough

Council (MBC) and Ashford Borough Council (ABC) had recently adopted local plans (October 2017 and February 2019) and had not begun review processes.

44. Hence, it appeared necessary to consider and consult upon, at least initially, options within the borough that involved Green Belt land and major developments in the AONB.
45. The prospect of meeting at least some of the borough's employment needs in the Green Belt and AONB, if it were to be met locally, was evident following the Draft Local Plan consultation. Hence, as set out in the Council's response to Question 1 above, in preparing the Pre-Submission Local Plan, TWBC discussed, in meetings under the DtC, with all neighbouring authorities whether there was scope for the authorities to accommodate some or all of the employment (as well as housing) need which was indicated as being on land proposed to be released from the Green Belt in the Draft Local Plan, or would comprise major development within the AONB.
46. All neighbouring councils were subsequently formally written to in autumn 2020 regarding their ability to assist in meeting development needs for these reasons. Their replies are summarised in **Appendix 2** and are provided in full at CDs [3.152a](#), [3.152b](#), [3.152c](#), [3.152d](#) and [3.152e](#).
47. It is clear that there was no clear scope to assist.
48. Of note, while the northern part of TMBC's area is beyond the Green Belt, its response to the letter formally requesting the assistance, stated that:
"As we have no surplus sites for meeting our own employment needs we cannot consider meeting unmet needs from neighbouring authorities." [CD [3.152d](#)]
49. Also, neither WDC or RDC were in a position, given their own AONB constraints, as well as the position in their plan-making to indicate a likelihood of being able to help meet TWBC's employment needs in their areas. (See respective responses to formal letter requests.) Within its comprehensive letter, WDC comment that:
"It is considered, on sustainability grounds alone, it would be better to address unmet development needs within/adjacent to a large regional centre such as Royal Tunbridge Wells, where jobs, sustainable transport links and retail are largely located. This would be in line with national planning policy on this matter. Substantial

development away from these areas, particularly to the south of the High Weald AONB designation in rural areas would be considerably less sustainable and may exacerbate existing out-commuting patterns from Wealden District.”

It goes on to conclude that:

“Given the above, WDC would not be able to commit at this stage of its plan-making process that it could deliver the suggested amount of unmet housing and employment needs of TWBC.”

50. In the SoCG with Maidstone Borough Council (MBC), dated March 2021, at Appendix A6 to CD [3.132c\(ii\)](#), MBC set out that:

“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.”

The SoCG (at Figure 2) also highlights that its Functional Economic Market Area has only a marginal overlap with Tunbridge Wells borough and that it is within the more rural north-eastern edge.

51. In the SoCG with ABC (March 2021) (Appendix A8 of the DtC Statement (November 2021 [CD [3.132c\(ii\)](#)])) ABC confirmed its response to the letter request in December 2020 that it would not be able to assist in meeting any employment land needs. It also noted that:

“The ABC Employment Land Review identifies a need for 63 hectares of employment land that the Local Plan needs to address. The Local Plan 2030 allocates sufficient land to meet this requirement. At the time of writing, ABC does not know the level of employment need to be planned for in the next Local Plan as it is too early in the stage of undertaking its employment housing base.”

52. Most recently, in the SoCG between TWBC and TMBC in October 2021 (Appendix A48 of the DtC Statement (November 2021 [CD [3.132c\(ii\)](#)]]), TMBC has set out that:

“Given that TMBC is at an early stage in its emerging Local Plan and TWBC is looking to meet its own employment needs, the actions relate mainly to continue to discuss the matter as the TMBC emerging Local Plan progresses and opportunities for continuing joint working, and through wider discussions with those authorities outside the FEMA.”

53. Of course, TWBC considered options of removing or reducing the scale of proposed (employment) developments within the designated areas as part of its own consideration of development options. This will be explained more in relation to the spatial strategy, but it may be noted here that:
- a) the Council has been conscious of the need to meet employment needs arising from housing growth in the borough, and to reduce the extent and length of out-commuting;
 - b) it has a relatively localised employment catchment, serving mainly local occupiers;
 - c) market activity in terms of office and industrial activity is strongly clustered in Royal Tunbridge Wells and at Paddock Wood;
 - d) following further landscape assessment work in respect of land at Gills Green, Hawkhurst, the proposed allocations were reduced in scale and extent between the regulation 18 and 19 stages;
 - e) Paddock Wood, which is not so constrained, has been accepted as a prime candidate for employment (and housing) growth
 - f) just one, albeit relatively large, site to the north-east of RTW, adjoining the existing Royal Tunbridge Wells North Farm/Longfield Road ‘Key Employment Area’, which is currently in the Green Belt and in the AONB, is proposed for employment purposes, principally because it offers unique locational advantages (see Paragraph 10.30 of the ENS). It is further noted that an outline planning application for essentially B1 and B8 uses was submitted in August 2019 and the Council’s Planning Committee resolved to grant planning in September 2020 (prior to the Pre-Submission Local Plan), with planning permission granted in March 2021.

- g) in addition, a little to the north of the above proposed allocation, Colebrooke House, also in the Green Belt and AONB, is not proposed to be allocated but, rather, safeguarded to meet potential longer-term employment needs.

Conclusion

54. In summary, from the joint commissioning of the ENS with SDC, there has been regular dialogue on meeting employment land needs with relevant DtC bodies, including through working arrangements within West Kent.
55. There has been joint oversight of consultants' recommendations, notwithstanding that the thrust of those was to seek to meet local employment land needs locally. Indeed, all Councils recognised the clear difficulties in accommodating new employment space within this highly constrained local economic area. This led to the Council to formally ask all neighbouring councils if they could assist in meeting both housing and employment needs that would otherwise likely have to be met in the Green Belt and/or through major development in the AONB.
56. In large part, the TWBC Local Plan looks to support existing employment locations, especially 'Key Employment Areas', and provides for significant employment growth at Paddock Wood (as part of strategic growth), as well as at a smaller scale at Gills Green in Hawkhurst, serving the more rural eastern areas. The only proposed major employment allocation (Policy RTW/AL 17) that lies within the Green Belt and AONB is regarded as critically important for local economic sustainability, to maintain the employment role of Royal Tunbridge Wells, adjoining the town's existing principal employment area and very well related to the improved A21. No other location offers a similar opportunity.

Inspector's Question 3: [re. SoCG with Sevenoaks District Council]

Paragraph 27 of the National Planning Policy Framework ('the Framework') states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. Has a signed statement of common ground been prepared with Sevenoaks District Council, as required by the Framework?

TWBC response to Question 3

Introduction

57. Yes – please see [CD 3.151](#).
58. It has taken a very long time to agree the SoCG with Sevenoaks District Council (SDC). The timeline is set out in the sub section below. Throughout this period the Council has striven to agree a SoCG with SDC: it has led in its drafting and suggesting different approaches to its structure to find ways forward where there have been concerns expressed by SDC over factual content or areas where there is disagreement between the two authorities.
59. The following explains that SDC has objected to the inclusion of factual content regarding its Local Plan which was submitted in April 2019, and the Council's views on housing need in SDC. Ultimately, the Council has agreed to not include all of this content in order to progress the SoCG.

Delay in agreeing SoCG

60. Much of the delay (since the first drafts were provided) in agreeing the SoCG has been due to a lack of clarity from SDC as to whether it considers that there is, or could be, unmet housing need from the district. SDC's decision to not withdraw its 2019 Local Plan which was submitted in April 2019 (and subsequently found to have failed the DtC), and by its failure to formally withdraw a written request to the Council (made in April 2019) and others to assist in accommodating unmet housing need, has contributed to this lack of clarity. Indeed, uncertainty around the existence of

unmet housing need from Sevenoaks, as a result of SDC's actions, has characterised DtC discussions in West Kent since autumn 2019.

61. However, and it is only in recent weeks that this has occurred, SDC has finally provided wording that provides greater clarity on this point. Paragraph 2.11 of the SoCG (February 2022) [\[CD 3.151\]](#) sets out – in summary – that as SDC is at an early stage of its plan making process with evidence outstanding and the fact that it needs to have discussions under the DtC in line with paragraphs 140 and 141 of the NPPF, that it has not (and the Council considers cannot) at this point determine whether there are exceptional circumstances to justify the release of land from the Green Belt. It is only through such conclusions that SDC will know if there will be unmet housing need from the district. The same would apply to major development in the AONB. Similarly, whilst paragraph 1.6 of the SoCG explains that SDC has not withdrawn the written request from April 2019 (despite the Council's request that it does so), it has latterly agreed that the request and figure can no longer be relied on (paragraph 2.9 of the SoCG). It can therefore be concluded that there is no unmet housing need from Sevenoaks. It is important to note that whilst SDC has only recently agreed the above wording, the context in relation to SDC's plan now is as it was when the Local Plan was submitted in November 2021 - therefore, the fact that there is no unmet housing need now means that it was the case that there was no unmet need since before the Local Plan was submitted.

62. The signed SoCG with SDC [\[CD 3.151\]](#), together with the situation at Tunbridge Wells and Tonbridge & Malling set out below, therefore clarifies that there is none at present, and was none at the time of submission of the Local Plan. TWBC is planning to meet its housing need as derived from the standard method and TMBC cannot say whether there is, or is not, unmet housing need for the following reason (paragraph 2.13 of Appendix A4 - the SoCG between Tonbridge and Malling Borough Council and TWBC (October 2021) – of the DtC Statement (November 2021) [\[CD 3.32 c\(iii\)\]](#))

“Following the withdrawal of the 2019 Local Plan TMBC is now at an early stage of producing its emerging Local Plan. This will involve an update of the existing evidence base, and a call for sites. At this stage, and until the conclusion of the evidence base and assessment work, TMBC cannot say whether there is, or is not,

unmet housing need. At this early stage of the emerging plan TMBC is - in line with para 35 of the NPPF - approaching it on the basis of being “positively prepared providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs”.

63. The DtC Statement (November 2021) [[CD 3.132a](#)] explains in paragraphs 8.01 – 10.01 and in Table 1 that there has been significant uncertainty about the existence of unmet housing need in the West Kent HMA since Autumn 2019. These parts of the DtC Statement also set out how clarity on this point improved by October 2021. The SoCG with SDC now provides further clarity. This matter will be addressed further in the response to **Question 5**.

Timeline for producing the SoCG

64. The first draft of an interim SoCG was sent to SDC (to establish an interim position ahead of the outcome of SDC’s application to the Court of Appeal) on 8th February 2021. There involved numerous alterations to wording, and drafts. The working draft of the SoCG as it was at the time of submission of the Local Plan was provided as Appendix A2 to the DtC Statement (November 2021) [[CD 3.132c \(ii\)](#)]. The signing of the final SoCG took place on 14th February 2022.
65. The key reason why the process of agreeing the SoCG has taken so long was that SDC would not agree to the inclusion of matters which the Council considered were appropriate to be included, and met with the guidance in the PPG set out in Paragraph: 011 Reference ID: 61-011-20190315 Revision date: 15 03 2019 and Paragraph: 012 Reference ID: 61-012-20190315 Revision date: 15 03 2019 <https://www.gov.uk/guidance/plan-making>. These matters were either factual or set out where there was not agreement between the two authorities.
66. As above, the Council has reluctantly agreed to the removal of some wording in relation to:
- a) factual matters regarding SDC’s Submission Local Plan and the SDC Inspector’s comments about her “*significant concerns*” as to the soundness of the SDC Local Plan 2019 [[CD 3.151a](#)], and
 - b) the Council’s view as to whether a LPA which is at the early stages of producing a Local Plan and has yet to complete its evidence base (which includes evidence

which will assess the capacity for accommodating housing need in the district), site assessment and considerations under paragraphs 140 and 141 and 175 and 176 of the NPPF (in relation to exceptional circumstances for Green Belt release and major development in the AONB) can know at that point if it will have, or will not, have any unmet housing need.

67. For the avoidance of doubt the sections which TWBC has reluctantly removed are included as **Appendix 3**.

Inspector's Question 4: [re. joint working on strategic cross-boundary matters with Sevenoaks District Council]

In the absence of a statement of common ground with Sevenoaks District Council, what evidence can the Council point to in order to demonstrate effective and on-going joint working on strategic cross-boundary matters?

TWBC response to Question 4

68. The signed SoCG with Sevenoaks District Council (SDC) has been submitted as [CD 3.151](#). This is comprehensive, and covers the joint commissioning of evidence base work, and the results of discussions and joint working through-out the period of producing the Local Plan on matters such as housing, including for gypsies, travellers and travelling showpeople, the economy, infrastructure and the natural environment.
69. Further evidence of on-going joint working is demonstrated and set out in responses to previous and subsequent Inspector's Questions in this Statement, including particularly Questions 3, 5 and 6.
70. SDC has set out in its representation on the Regulation 19 Pre-Submission Local Plan that TWBC has met the duty to cooperate (Appendix B6 of the DtC Statement (November 2021) [[CD 3.132c \(iii\)](#)]).

Inspector's Question 5: [re. response to Sevenoaks District Council's request for help in meeting its housing needs]

The Duty to Cooperate Statement – Part 1 (Revised November 2021) confirms that Sevenoaks District Council informed Tunbridge Wells Borough Council that it was unable to meet its own housing needs in April 2019. What steps has the Council taken since April 2019 in response to this request? Has the Council engaged constructively, actively and on an ongoing basis insofar as the preparation of the Tunbridge Wells Borough Local Plan is concerned?

TWBC response to Question 5

Introduction

71. The DtC Statement (November 2021) [[CD 3.132a](#)] sets out at paragraphs 2.01 – 9.06 the chronology in relation to:
- i) changes to how housing need is calculated;
 - ii) the emergence of potential unmet housing need in the West Kent HMA;
 - iii) the progress of the SDC Local Plan and subsequent difficulties which Sevenoaks District Council (SDC) encountered at Examination, followed by the Planning Inspector's conclusions that SDC had failed the DtC and subsequent legal challenges, and the uncertainty that this has created in regard to housing need in the West Kent HMA;
 - iv) the discussions between the Council, SDC and Tonbridge and Malling Borough Council (TMBC) on housing need in the West Kent HMA;
 - v) the actions which the Council has taken in relation to this key cross boundary strategic matter.
72. The chronology is summarised in Table 1, on paginated and digital pages 36 of the DtC Statement. It also covers the period before April 2019: the information below focuses on the period immediately before, and then following the written request made by SDC in April 2019.

What steps has the Council taken since April 2019 in response to this request?

Pre 2019 to autumn 2019

73. The DtC Statement [[CD 3.132a](#)] sets out that TWBC’s approach was, from 2018, positive, constructive and proactive in seeking to address emerging unmet need:
- A) *“the approach taken has been one of assessing sites and considering a spatial strategy unconstrained by an upper housing limit. This approach has been positive and constructive in terms of accommodating need in the HMA: it is an approach which had scope to meet unmet need in the HMA”*. [Paragraph 6.04 of the DtC Statement [[CD 3.1323a](#)]]
74. Furthermore, even ahead of the written request having been made in April 2019, the Council was aware of SDC’s emerging position from November 2018 when the SDC Draft Local Plan was attached to a report to SDC’s Planning Advisory Committee (paragraph SDC 5.01 of the DtC Statement (November 2011) [[CD 3.132a](#)]). The further steps the Council took from November 2018 included:
- B) *“From November 2018 further work was undertaken which included the Sustainability Appraisal of the Draft Local Plan assessing and exploring - as part of the iterative process of appraisal - an option (Growth option 7 in that Sustainability Appraisal) which specifically tested the inclusion of Tunbridge Wells Borough meeting Sevenoaks’s unmet need”*. [Paragraph 6.04 of the DtC Statement [[CD 3.132a](#)]]
75. Since the written request was received, further steps have included:
- C) *“assessing additional sites submitted in the Regulation 18 consultation on the TWBC Draft Local Plan from September to November 2019 and beyond well into 2020 for their suitability, again without an upper limit to housing, to consider whether there is scope to accommodate SDC’s unmet need”* [Paragraph 7.02 of the DtC Statement [[CD 3.132a](#)]]
- D) ... *“the Sustainability Appraisal of the Pre-Submission Local Plan assessing a growth scenarios of meeting TWBC’s uncapped housing need (Growth Strategy 10) and TWBC’s uncapped housing need and unmet need from elsewhere (Growth Strategy 11)”*. [Paragraph 7.02 of the DtC Statement [[CD 3.132a](#)]]. Further

information on this is provided in relation to Question 6 below, and in the Council's responses to the Inspector's Questions 1, 2 and 3 of Stage 1, Matter 3.

- E) the provision in the Submission Local Plan of allocations to meet the Tunbridge Wells' own local housing need, and to provide a buffer of approximately 1,050 houses, which "*...may be that, in due course following Examination and adoption of the TWBC Local Plan and subsequent monitoring of housing delivery, there may be scope for any excess buffer to be considered as part of the wider delivery of housing in the Strategic Housing Market Area, and for this to be discussed under the duty to cooperate*". [Paragraph 7.03 of the DtC Statement [\[CD 3.132a\]](#)]. This was communicated to SDC in the Council's formal letter of 6th October 2021 – Appendix SDC24 of the DtC Statement (November 2021) [\[CD 3.132c\(iii\)\]](#)
- F) the Council instigating with SDC and TMBC discussions on a sub-regional approach to plan making as a potential way to address unmet [Paragraph SDC 8.07 of the DtC Statement [\[CD 3.132a\]](#)]

76. Table 1 (paginated and digital pages 36) of the DtC Statement (November 2021) [\[CD 3.132a\]](#) summarises how the potential for there being unmet housing need in the West Kent HMA from Sevenoaks increased from mid-2017 until, in autumn 2019 the situation changed as a result of the SDC Local Plan Planning Inspector's concerns and conclusions on the DtC and other aspects of the soundness of the SDC Local Plan. The chain of events are set out in paragraphs SDC 8.02 – SDC 8.10 of the DtC Statement [\[CD 3.132a\]](#). Explanation as to why there was huge uncertainty for the Council as to whether there was unmet need or not is provided at paragraph SDC 8.09:

"However, there was huge uncertainty for TWBC as to whether there was unmet need or not: the SDC Local Plan had failed the duty to cooperate and the Inspector for that Plan had identified significant concerns about aspects of its soundness, although she had been clear that further review of evidence was required. In the event that the SDC application for judicial review was unsuccessful there was an entirely reasonable expectation that SDC would "re-start" its Local Plan process. Depending on the stage in which the process was "re-started", there was significant potential (if SDC withdraw the failed plan and commenced work from the outset, or from a pre-Regulation 18 stage) that SDC would not know until it had completed its

evidence base work and site assessment, whether there was going to be any unmet need...".

77. The “*significant concerns*” [that the SDC Local Plan Inspector had were] about the soundness of the Plan in respect of a number of areas including the approach to Sustainability Appraisal, the chosen Strategy for Growth, the assessment of the Green Belt and housing supply and distribution” (Letter from SDC Local Plan Inspector to SDC dated 14 October 2019 [[CD 3.151a](#)]).
78. Since autumn 2021 TWBC has taken steps through the DtC to seek to reduce the uncertainty as to whether there is unmet housing need in the West Kent HMA:
- G) inclusion of the text (set out at paragraph SDC 8.11 of the DtC Statement [[CD 3.132a](#)] in the draft Interim SoCG which sought to agree a position pending the outcome of SDC’s application to the Court of Appeal. It is noted that SDC objected to the inclusion of this text [Paragraph SDC 8.11 of the DtC Statement [[CD 3.132a](#)];
- H) seeking clarity from SDC at the DtC meetings of 6 July and 24 August 2021 (before and after SDC’s meeting with the (as was) Ministry of Housing, Communities and Local Government) on various matters related to housing need in the West Kent HMA through frank discussion, question raising and challenging the responses given where they were vague or non-committal. Details of these are set out in paragraphs SDC 8.15, 8.17 and 8.18 of the DtC Statement [[CD 3.132a](#)];
- I) seeking legal advice on i) the status of the SDC 2019 Local Plan, ii) whether – in due course and if unmet need at Sevenoaks is identified - SDC could rely on the April 2019 written request, and iii) whether there could be grounds for the Secretary of State to direct that SDC withdraws the 2019 Local Plan, as set out at paragraph SDC 8.20 of the DtC Statement [[CD 3.132a](#)]. This legal advice informed a formal letter sent by the Head of Planning at TWBC to his SDC counterpart, setting out the formal requests detailed in paragraph 9.03 of the DtC Statement [[CD 3.132a](#)] and explained the situation (as referred to in E) above) regarding the 1,050 housing buffer in the Pre-Submission Local Plan. The formal letter is provided at Appendix SDC24 of the DtC Statement [[CD 3.132c\(iii\)](#)].

J) the response from SDC on 22 October 2021 did not explicitly confirm any of the requests made by the Council in the formal letter but did improve the clarity as to SDC's approach to looking to meet housing need. Whilst it is acknowledged that assessment as to whether the Council has met the duty to cooperate relates to plan preparation until the point of submission, the DtC requirements are ongoing. Accordingly, TWBC has continued to meet with SDC, both informally to discuss the wording of the SoCG and through formal DtC meetings (16th December 2021, with a West Kent DtC meeting scheduled for 21st February 2022) to further reduce this uncertainty. Draft minutes of the DtC meeting (which have not, at the time of writing, been agreed by SDC) are provided at **Appendix 4**. This dialogue and post submission correspondence has ultimately resulted in the signed SoCG [[CD 3.151](#)], including paragraph 2.11 which provides, for the first time since October 2019, clarity that there is no unmet housing need in the West Kent HMA at this time. As detailed above, whilst SDC has only recently agreed the wording at paragraph 2.11 of the SoCG, the context in relation to SDC's plan at this present time is broadly as it was when the Local Plan was submitted in November 2021 - therefore, the fact that there is no unmet housing need now means that it was the case that there was no unmet need since before the Local Plan was submitted.

79. The Council also considers that whilst SDC has not withdrawn the 2019 Local Plan, no weight can be attached to this plan. Accordingly it cannot be suggested at this time (or at the point of submission of the Local Plan) that there is likely to be unmet need on the basis that the SDC 2019 Local Plan was not able to accommodate SDC's housing need, and SDC is likely to come to the same conclusion in due course. The reasons for this are:
- the Counsel's legal advice which the Council received is unequivocal: that plan is "dead";
 - the SDC Local Plan Inspector raised "*significant concern*" regarding the soundness of that plan [[CD 3.151a](#)], including in respect of a number of areas which the Council considers to be fundamental, including the approach to Sustainability Appraisal, the chosen strategy for growth, the assessment of the Green Belt and housing supply and distribution;

- in the SDC Local Plan Inspector's Report on the SDC Local Plan 2019 [[CD 3.151b](#)], the Inspector was clear at paragraph 37 that SDC should have had earlier discussions under the DtC and then formally reconsidered its own constraints to reach a final view on whether or not it could appropriately fully meet its own housing needs. This could have included a reconsideration of the balance to be struck between planning policies that might constrain development and the merits of providing sufficient housing to meet identified needs. The Council considers that SDC – in due course – may have to take a different approach in considering whether there are exceptional circumstances to justify release of land from the Green Belt, or major development in the AONB. SDC has confirmed that it will make such a judgement in due course, in accordance with paragraph 141 of the NPPF (paragraph 2.11 of the SoCG with SDC (February 2022)) [[CD 3.151](#)]. The further work which SDC is undertaking in relation to Green Belt (paragraph 1.9 of the SoCG with SDC (February 2022) [[CD 3.151](#)]) could result in different conclusions to that reached previously;
- SDC is undertaking additional evidence gathering, including a Town Centre Strategy, District Wide Character Study, and Settlement Capacity Study which have the potential to identify capacity for housing in Sevenoaks district.

Has the Council engaged constructively, actively and on an ongoing basis insofar as the preparation of the Tunbridge Wells Borough Local Plan is concerned?

80. Yes. The SoCG with SDC [[CD 3.151](#)] covers the full range of matters where the Council has engaged constructively, actively and on an ongoing basis with SDC on a variety of cross boundary strategic matters. In relation to housing need, paragraph SDC 10.02 of the DtC Statement (November 2021) [[CD 3.132a](#)] explains how the Council has done this, both in the period before the written request was received in April 2019, and after. Further detail is provided on this point at paragraph SDC 1.03, which for completeness is repeated below:

“In summary, the information below demonstrates that TWBC has met the duty to cooperate:

- *As the likelihood of unmet housing need increased over time from 2017, TWBC – through its actions in preparing its Local Plan – worked positively, proactively and constructively to consider whether it could assist in meeting SDC’s unmet housing need;*
- *Since October 2019 there has been significant uncertainty as to whether there is, or would be, unmet housing need from SDC, as SDC corresponded with the Planning Inspectorate, pursued legal challenges and engagement with the Ministry of Housing, Communities and Local Government in relation to the failure of its own plan;*
- *TWBC has continued its work through this time to consider whether it could assist, and having waited patiently for uncertainty to have reduced through the actions of SDC, has then sought through its engagement to forge a way forward to improve the clarity around housing need in the Housing Market Area....”*

81. As set out above and in paragraph SDC 10.02 of the DtC Statement, the Council “perhaps could have been more forthright in its communications with SDC around unmet need in 2018 and early 2019...”. Whilst the Council adopted a patient approach from October 2019 as SDC pursued legal challenges and other matters, there have been frustrations with SDC in terms of its the non-withdrawal of the SDC 2019 Local Plan, vagueness in responding to direct verbal and written questions, and SDC’s concerns about the inclusion of wording in the SoCG which the Council considered factual or appropriate. This frustration has been driven by the Council seeking to address the ever increasing urgency of providing clarity and removing uncertainty on the housing need situation in the West Kent HMA.
82. Regardless of the above frustrations, the Council has taken numerous steps on the housing need matter through the DtC – as set out above. It has been effective in its working, direct where necessary and not afraid to discuss a difficult strategic matter and to press and challenge SDC where appropriate. In accordance with Paragraph 022 Reference ID 61-022-20190315, Revision date 15 03 2019 of the PPG the Council, through the steps explained above, has not deferred housing need in the West Kent HMA to subsequent plan updates and is not relying on the Inspector to direct the Council or SDC. Through this work and constructive, active and ongoing engagement the Council has enabled joint working to continue between strategic policy making authorities, and the recently signed SoCG (February 2022) [[CD 3.151](#)]

provides further clarity on the position – i.e. that there is not unmet housing need and therefore that there was not unmet need at the point of submission of the Local Plan - and sets out that this will continue on an ongoing basis.

Inspector's Question 6: [re. consideration of accommodating unmet housing needs from elsewhere]

Planning Practice Guidance advises that local planning authorities are not obliged to accept needs from other areas where it can be demonstrated that it would have an adverse impact when assessed against policies in the Framework.² How has the Council considered the likely possible impacts of accommodating unmet housing needs from elsewhere as part of the Plan's preparation? What does this show and how have the results been shared and/or discussed with duty to cooperate partners?

TWBC response to Question 6

Introduction

83. There has only been two indications of unmet housing need through the period of plan preparation: from Sevenoaks District Council (SDC) (please see questions 4 and particularly 5) and Elmbridge Borough Council (EBC). As set out in response to question 7 a request was also made by Hastings Borough Council (HBC) to accommodate unmet need on 3rd November 2022 – i.e. after the Local Plan had been submitted.
84. Table 1 (paginated and digital pages 36) of the DtC Statement (November 2021) [[CD 3.132a](#)] summarises how potential unmet housing need emerged during the plan preparation period (before becoming more uncertain from Autumn 2019): further details are provided in paras 4.01-5.06. Similarly, these sections of the DtC Statement also set out how the Council's strategy had regard to the potential for there to be unmet housing need, and how this was factored into the work undertaken in the positive preparation of the Plan.

² Paragraph: 022 Reference ID: 61-022-20190315

How has the Council considered the likely possible impacts of accommodating unmet housing needs from elsewhere as part of the Plan's preparation? What does this show?

From 2018 to autumn 2019

85. To reiterate, as explained in relation to Q5, at para 73 A) the work on the Local Plan has followed an approach of assessing site and a strategy unconstrained by an upper limit: this provided scope to meet unmet need, subject to other findings.
86. Paragraphs 12 – 13 of the responses to Inspector's Question 1 Matter 1: Legal Compliance/Issue 3: Sustainability sets out that the Sustainability Appraisal of the Draft Local Plan [\[\[CD 3.11\]](#) specifically considered the possible impacts of accommodating unmet housing need from elsewhere, on the basis of that unmet need being 1,900 as that had been indicated in the SDC Pre-Submission Local Plan. This was Growth Option 7 in that Sustainability Appraisal. For the sake of completeness the reasoning for this, and what the consideration shows are repeated below:

"12. Specifically in terms of considering the unmet housing need at Sevenoaks District Council identified firstly in April 2019, it should be appreciated that a Growth Strategy option that embraced an unmet need of 1900 was considered in the preparation of the Draft Local Plan and is identified accordingly in the Draft Local Plan Sustainability Appraisal [\[CD 3.11\]](#). At the time, this was known as Growth Strategy 7 and it can be seen in Table 12 on page 36. The assessment, in Table 14 (pages 39/40) found that there would be very negative impacts on Landscape and Land Use objectives, as well as negative scores in respect of Climate Change/Energy and Heritage. Hence, it was concluded that it was highly unlikely to represent sustainable development.

13. This information informed the strategy of the Draft Local Plan, which was published for consultation purposes under Regulation 18, alongside the supporting SA, in Autumn 2019".

From autumn 2019

87. As explained at paragraph 74 b) above, the Council continued its approach to positively plan for meeting need through-out this period, including assessing further sites submitted.

88. The response to Inspector’s Question 1 and 2 of Matter 1: Legal Compliance/ Issue 3: Sustainability, at paragraphs 5 and 16, explains that the Submission Sustainability Appraisal tested a Growth Strategy (Option 11) of the borough’s uncapped housing need of 741 dwellings per year plus a figure of 1,900 houses representing unmet need from elsewhere, on the basis of that unmet need being 1,900 as that had been indicated in the SDC Pre-Submission Local Plan. The reasoning for testing the borough’s uncapped housing and the figure of 1,900 houses, rather than the capped housing need (678 dwellings per year) and a figure of 1,900 houses is set out at paragraph 18 of the response to Inspector’s Question 2, with further justification at paragraphs 19-23.

89. The results of this consideration are summarised at paragraph 6 of the response to Inspector’s Question 2:

“6. In general terms, this option is expected to result in substantial harm to the sensitive landscapes both from individual developments and cumulatively, with the Landscape objective scoring very negatively. Additionally, the Air Quality, Climate Change, Heritage, Land Use (including loss of greenfield land, soils and green belt), Noise and Travel objectives all scored negativity to varying degrees with Land Use scoring particularly poorly”.

How have the results been shared and/or discussed with duty to cooperate partners?

90. As set out above, only two authorities have made requests to accommodate unmet need: SDC and EBC during the plan preparation period. HBC made a request on 3rd November 2021. Although this is after the Local Plan was submitted, for completeness this is covered below.

Sevenoaks District Council

91. Paragraphs SDC 6.06 explain that the TWBC Draft Local Plan – and associated Sustainability Appraisal - progressed from an advanced stage in early 2019 to its finalised stage: it entered the Council’s Cabinet committee cycle on 26th July 2019. During this time Growth Option 7 was developed, on the basis of the need of 1,900 houses which first emerged in November 2018 in SDC’s Pre-Submission Local Plan. There were no DtC meetings during this period, with the exception of the Planning Advisory Service facilitated “DtC Workshop” on 24th April 2019. The Hearing Statement was therefore the first opportunity to relay the outcomes of the

considerations of Growth Option 7 to SDC, and indeed to TMBC which was in attendance at that Hearing session of the SDC Examination.

92. The outcomes of the assessment of Growth Option 7 of the Sustainability Appraisal were set out in paragraphs 4.01 - 4.04 in TWBC's Hearing Statement to the SDC Local Plan (September 2019) (Appendix SDC11 of the DtC Statement [[CD 3.132 c \(iii\)](#)]). Paragraphs 4.03 and 4.04 state:

"4.03 The Sustainability Appraisal concludes that "a higher level of growth involving meeting any unmet needs from the Sevenoaks area – scores worse notably in terms of environmental, including landscape objectives, but also in relation to some social objectives .

4.04 Therefore it is clear from the above that the option of 'increased growth' has been explored and tested robustly through the SA process, but has been considered to have significant adverse impacts on national designations within the borough contrary to the NPPF."

93. SDC did not raise any objection – indeed did not provide any comment - on this in its representation to the TWBC Draft Local Plan and associated Sustainability Appraisal (Appendix B5 of the DtC Statement (November 2021) dated 15 November 2019) [[CD 3.132c \(iii\)](#)].
94. Therefore, SDC has been made explicitly aware of the results of the Council's considerations as to the likely possible impacts of accommodating unmet housing needs from elsewhere from the earliest interaction which the Council had with SDC following the assessment of Growth Option 7. TMBC would have also been aware from this point.
95. As set out in the DtC Statement (November 2021) [[CD 3.132a](#)] there has been significant uncertainty regarding the existence of unmet housing need in the West Kent HMA since autumn 2019, and as explained in relation to Question 3 there is now considered to be no unmet need. If, in due course, SDC approaches TWBC with a request to accommodate unmet housing need then the results of the considerations in the Sustainability Appraisal will (again) be relayed.

Elmbridge Borough Council

96. EBC has made written requests to LPAs as far away as east Kent, many of them with no prior discussion with those LPAs. EBC did not make representations on the TWBC Draft Local Plan or Pre-Submission Local Plan. The results of the Council's considerations on the Sustainability Appraisal have not been shared with EBC. Elmbridge is approximately 42 km from the borough's boundaries and there are several housing market areas between Tunbridge Wells and Elmbridge: it is not a "*neighbouring area*" (paragraph 35a of the NPPF [[CD 1.44](#)]) and to accommodate housing from Elmbridge in Tunbridge Wells borough would not be sustainable. In respect of the 1,050 house buffer – if there is any remaining after housing monitoring then it would be most likely to be used in the West Kent HMA. These are considered to be sufficient justification to explain to EBC why TWBC cannot assist.

Hastings Borough Council

97. HBC's request to assist in meeting unmet need was made after the submission of the Local Plan [**Appendix 5** to this Hearing Statement]. TWBC's response [**Appendix 6** to this Hearing Statement] clearly sets out the results of the Council's considerations of as to the likely possible impacts of accommodating unmet housing needs from elsewhere.

Other authorities

98. The results of these outcomes have been shared with all other DtC partners through invitation to review and comment on the Sustainability Appraisals, and the Topic Papers which reference the outcomes of the Council's considerations on this point, through the Regulation 18 consultation on the Draft Local Plan, and Regulation 19 consultation on the Pre-Submission Local Plan.

Conclusion

99. The Council's considerations as to the likely possible impacts of accommodating unmet housing needs from elsewhere were made in the Sustainability Appraisals of the Draft Local Plan and Pre-Submission Local Plan. The results of these are that accommodating this growth is highly unlikely to represent sustainable development. The results have been shared directly with SDC at the earliest opportunity, which is the only authority within or close to the HMA to make a request to accommodate

unmet need. They have been shared with other partners through the Regulation 18 and 19 consultations.

Inspector’s Question 7: [re. any other approaches to accommodate any unmet needs]

Has the Council been approached by other strategic policy-making authorities to accommodate any unmet needs in the Tunbridge Wells Borough Local Plan? What were the outcomes of these discussions?

TWBC response to Question 7

Introduction

100. Yes. During the course of preparing the Local Plan the Council was approached by Elmbridge Borough Council (EBC), as set out at paragraphs 79 and 92 above. After the submission of the Local Plan, the Council has been approached by Hastings Borough Council (HBC), as set out at paragraphs 79 and 93.

Elmbridge Borough Council

101. As explained above EBC sent written correspondence, without any prior discussion, to authorities across the south east, indeed authorities in east Kent received such correspondence. The most recent correspondence is provided at Appendices G10 and 11 of the DtC Statement (November 2021) [[CD 3.132c \(iii\)](#)].

102. As detailed previously, the Council relayed that Elmbridge borough is a significant distance from Tunbridge Wells borough, there are intervening housing market areas and to provide housing at Tunbridge Wells to meet the Elmbridge need would not be sustainable. The Council also relayed that whilst the Tunbridge Wells Local Plan makes provision for a buffer above the (capped) housing need, and subject to the adoption of the Plan, the monitoring of future housing delivery and discussions under the DtC there may be scope for any excess buffer to be considered as part of wider housing delivery in the West Kent HMA, due to the position in terms of plan making of other authorities in the HMA which may consider that they do not have capacity to meet their housing needs.

103. Ultimately the results of these discussions (through exchange of correspondence) is that whilst the request from EBC was not part of any wider engagement from this authority with the Council through the plan making period (including commenting through consultations on the emerging plan) and relates to a distant HMA, the

Council has justifiably explained that it is not able to assist in accommodating any unmet housing need from Elmbridge.

Hastings Borough Council

104. Hastings does not fall in the West Kent HMA. As explained at paragraph 93 a request from HBC was received after the Local Plan was submitted [**Appendix 5** to this Statement]. There was no prior communication ahead of receipt of the letter. Letters were sent by HBC to a significant number of LPAs in the south east.
105. The response from the Council [**Appendix 6**] set out:
- whilst the Council is sympathetic to HBC's situation, the Council emphasises the need for a strategic approach across the largely self contained HMA between HBC and RDC, and that all avenues of housing supply should be explored before concluding on HBC's ability to meet its housing need;
 - that HBC thoroughly investigate other avenues of possible supply, which are listed as bullets points;
 - that Tunbridge Wells borough falls in the West Kent HMA, and in relation to the buffer (as explained to EBC above) that any future excess in the buffer may contribute to meeting housing market need in the West Kent HMA;
 - that the Tunbridge Wells Local Plan assessed alternative options through the Sustainability Appraisal process, which included considerations as to the effects of meeting unmet need from elsewhere, and the conclusions of these considerations – i.e. that it was unsustainable – please refer to Inspector's Question 6.
106. The results of these discussions (through exchange of correspondence) is that whilst the request from HBC has not been part of any wider engagement from this authority with the Council through the plan making period (including commenting through consultations on the emerging plan) and relates to an adjacent HMA, the Council has justifiably explained that it is not able to assist in accommodating any unmet housing need from Hastings.

Inspector's Question 8: [re. meeting any unmet housing needs from elsewhere]

Does the Plan seek to meet any unmet housing needs from elsewhere? If not, what are the reasons for this and is it justified?

TWBC response to Question 8

Unmet Housing Need

107. As explained in relation to Inspector's Question 3 above, there is no unmet housing need in the West Kent HMA at present, or the time prior to the submission of the Local Plan.
108. The request from Elmbridge Borough Council (EBC) relates to a distant HMA, and the request from Hastings Borough Council (HBC) was received after the submission of the Local Plan.

Does the Plan seek to meet any unmet housing needs from elsewhere?

109. No, it does not. However, for the reasons explained in the DtC Statement (November 2021) [[CD 3.132a](#)] and in response to Inspector's Question 5 due to the potential for there being unmet need the Local Plan has been positively prepared: the approach provided scope that unmet need from neighbouring areas could, subject to the outcome of the preparation process, potentially be accommodated where it is practical to do so and is consistent with achieving sustainable development.
110. The ways in which this was undertaken are (heavily) summarised in Table 1 (paginated and digital pages 36 and 37 of the DtC Statement (November 2021) [[CD 3.132a](#)]) and in response to Inspector's Question 5:
- the approach taken in the preparation of the Local Plan has been one where site assessment and consideration of the spatial strategy unconstrained by upper housing limit;
 - the Sustainability Appraisal of the Draft Local Plan considered the option of accommodating unmet housing need of 1,900 houses, and the Sustainability Appraisal of Pre Submission Local Plan considered the option of accommodating

higher numbers (the Council's uncapped need) and accommodating unmet housing need of 1,900 houses;

- the Council continued to assess sites unconstrained by upper housing limit, including through assessment of additional sites received in Regulation 18 process consultation and after.

111. Furthermore, the Council has also communicated to others that if, in due course and subject to the adoption of the Local Plan, housing delivery in the borough and the outcome of DtC discussions, there is scope for "excess buffer" to be considered as part of the wider delivery of housing in the HMA – i.e. if there is unmet need in the future.

If not, what are the reasons for this and is it justified?

112. There is no unmet housing need in the HMA and was none prior to the submission of the Local Plan. There were no requests to assist in meeting housing need from adjacent HMAs during the Local Plan preparation. The only request is from a distant HMA, from an LPA which has not engaged in any wider discussions with the Council. Therefore, there is no unmet housing need from "neighbouring areas".

113. At times during the Local Plan preparation there was unmet housing need – as explained in relation to Inspector's Question 5 and in the DtC Statement. As set out above, the approach to preparing the plan was positive. However, ultimately, the conclusions of the Sustainability Appraisal at both Draft and Pre-Submission Local Plan stages, which considered the implications of accommodating unmet housing need in addition to both the borough's capped and uncapped housing needs, were that this was unsustainable and justifies not seeking to meet unmet housing need (if indeed any such existed from neighbouring areas).

114. Nevertheless, and to re-iterate that set out above, the provision of the 1,050 house buffer does allow (subject to adoption and monitoring of housing delivery) discussion under the DtC for any excess to contribute to housing provision and meeting unmet need that may arise in the future from neighbouring areas.

Inspector's Question 9: [re. consideration of implications of the strategic developments on Tonbridge & Malling]

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 Council³ 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?

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.

TWBC response to Question 9

Introduction

115. Whilst the first part of this question refers specifically to Tonbridge and Malling Borough Council (TMBC), the Council's constructive, active and on-going joint working on the matters of transport evidence base, transport impacts, flooding and infrastructure provision for the strategic sites, has taken place with TMBC and a

³ Contained within Core Document 3.132c(iv)

number of other relevant DtC partners. Further detail is provided on this in the subsections below.

116. The response to this question is structured as such:

- an overview of the work undertaken on the DtC is set out;
- how the evidence base was produced through engagement with partners, and was used to inform the DtC discussions, is explained;
- information is provided on the discussions held with TMBC, and Maidstone Borough Council (MBC);
- the role of the Strategic Sites Working Group (SSWG) and the infrastructure masterplanning exercise undertaken in 2020, as part of constructive engagement and joint working are explained;
- evidence is provided as to how, under the matters of flooding, transport and infrastructure provision (in relation to the strategic sites), the Council has addressed these matters through the DtC.

117. Additionally, the Council has worked to address a number of other matters on the strategic sites through the DtC. Examples of this are provided in **Appendix 7**.

Has the Council engaged constructively, actively and on an on-going basis in addressing these strategic cross-boundary matters?

118. Yes. The following sub-sections demonstrate that the Council has:

- from the earliest stage engaged and worked jointly with TMBC on the strategic sites;
- worked closely with DtC partners both individually and through the SSWG on these matters. This has included comprehensive infrastructure masterplanning. SoCGs confirm that the relevant DtC partners are satisfied with the work undertaken on flooding and infrastructure provision, and as set out below in relation to questions 10 and 11 it is expected that Kent County Council (KCC) will confirm as such shortly in relation to highway modelling and impacts;

- not deferred these issues and is not relying on the Inspector for direction: the (joint) working and engagement undertaken, and evidence for the Local Plan, is proportionate to the stage of development of the proposals for the strategic sites. Further detailed work will be required as the proposals progress – and TMBC will be part of these where relevant – but that is to be expected for sites of such size;
- met the DtC. All relevant DtC partners, including TMBC, have confirmed in SoCG that the Council has met the DtC,

How have these strategic cross-boundary matters been considered throughout the plan-making process?

119. Information will firstly be provided in relation to an overview of the approach to address these, before focusing on how each matter has been considered individually through the DtC, both with relevant DtC partners (particularly those with responsibility for the individual matter) and with TMBC.

Overview

120. The evidence base on these matters (transport, flooding and infrastructure) has been developed iteratively with significant liaison with relevant DtC partner organisations, with subsequent updates or work to verify evidence undertaken to address issues raised by those partner organisations.

121. The Council has also formed and led a Strategic Sites Working Group, in which DtC partners and others have been, and are, still heavily involved (please see below), and has been the main vehicle for engagement and joint working on a comprehensive masterplanning exercise undertaken by nationally renowned consultants. This exercise ensured that flooding, transport and infrastructure matters were looked at holistically and with input from relevant lead agencies. The Council has also developed and refined the strategic sites allocations (including in terms of policies) in relation to these strategic matters, as a result of the evidence base work and the DtC discussions undertaken, particularly between Draft Local Plan and Pre-Submission Local Plan stages.

122. In respect of the points raised by TMBC, the Council has engaged extensively and worked directly with TMBC and others, looking across borough boundaries. This work has been proportionate for the preparation of the Local Plan: the Council is fully

committed to continue to work with TMBC and with partnership organisations as Supplementary Planning Documents (SPDs) and proposals for planning applications progress.

Evidence base

123. The evidence base for the matters identified (flooding, transport and infrastructure) during the preparation of the Local Plan has, in most instances, included both evidence which assesses these matters at a borough scale, followed by more targeted evidence in relation to the strategic sites. Both the borough wide evidence, and more targeted evidence was produced through joint working with the relevant DtC partner organisations. For all of these matters the evidence work was then interrogated, used as part of, and (in some instances) supplemented with additional evidence, through the masterplanning work which was undertaken. Further information on the particular evidence base documents will be provided under each strategic matter below.
124. Paragraph 31 of the NPPF (2021) states that the evidence to be used in the preparation of policies should be relevant, up-to-date, “...adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals” (paragraph 31 of the NPPF). Evidence should therefore not necessarily, at this stage, be overly detailed. Paragraph: 059 Reference ID: 61-059-20190315 Revision date: 15 03 2019 of the PPG recognises that there is not always certainty in relation to infrastructure provision for large scale sites such as Paddock Wood and land in east Capel and Tudeley, but LPAs must demonstrate that there is a “reasonable prospect” that proposals can be delivered.

Early and ongoing discussions with TMBC and MBC

125. Given the proximity of the strategic sites, and particularly Tudeley, discussions occurred at the earliest opportunity with TMBC as the potential allocations of the strategic sites emerged - on 17th July 2018, (digital page 62 of Appendix C6: engagement record between TWBC and TMBC of DtC Statement (October 2021) [[CD 3.132c \(iv\)](#)]). The engagement records for both TMBC and MBC show that there has then been regular discussion and joint working on the potential impact from the strategic sites and the need to ensure that there is appropriate infrastructure provision to mitigate the impact of this growth thereafter. These discussions were in

addition to the attendance of both LPAs at the Strategic Sites Working Group (SSWG), which is described below. Relevant DtC meetings include:

- for example for TMBC on 14 December 2018, 10 June 2019, 19 September 2019, 18 May 2020, 15 June 2020, 15 June 2020, 21 October 2020, 5 March 2021 and 14 June 2021 (Appendix C6 of DtC Statement (October 2021) [[CD 3.132c \(iv\)](#)]) and;
- for example for MBC on 2 July 2019, 20 September 2019, 29 July 2020 and 11 January 2021 (Appendix D10 of DtC Statement (October 2021) [[CD 3.132c \(iv\)](#)]).

126. The engagement records show that there has been extensive discussions with other partners – where relevant these will be referred to below in relation to the individual matters identified in the question.
127. Both TMBC and MBC made representations on the Draft Local Plan and Pre-Submission Local Plan which referred to the strategic sites, and some of the matters referred to in the question: those from TMBC are provided at Appendices C4 and C5 and from MBC are provided at Appendices D8 and D9 of the DtC Statement (October 2021) [[CD 3.132c \(iv\)](#)].
128. Paragraph 5.12 of the SoCG with TMBC (Appendix C6 of DtC Statement (October 2021) [[CD 3.132c \(iv\)](#)]) states that:
- “Both authorities will continue the discussions and collaborative working on the strategic cross boundary implications of the proposed growth at Tudeley and Paddock Wood, noting the TMBC concerns, and working to address these including where necessary key infrastructure providers and statutory consultees”.*
129. As will be demonstrated below, this is not a case of the Council (or TMBC for that matter) deferring these matters to subsequent plan updates or relying on the Inspector to direct them. In most instances the DtC partners with responsibility for the relevant strategic matter has confirmed that the preparation of the Local Plan has satisfied them in respect of that matter at this stage, and it is expected that KCC Highways and Transport (H&T) and National Highways will confirm this in due course. Therefore, to reiterate, the reference to “working to address these” is a case of working to address the concerns identified by TMBC through the production of

Supplementary Planning Documents and as proposals (e.g. at pre-application stage) for development progress.

130. There is accordingly a balance to be struck in terms of the evidence: it being proportionate and tightly focused for policy preparation, versus the detail needed to address all concerns.
131. This clear recognition of the need for more detailed evidence and work beyond the Local Plan or policy formation stage is set out in the relevant policies in the Local Plan [\[CD 3.128\]](#) – for example at policy STR/SS1 (please see below) – together with a clear recognition of the need to ensure the active involvement of the neighbouring authorities, particularly TMBC, in these.
- “...The delivery of this infrastructure should be through ongoing discussions with relevant stakeholders. This includes, but is not limited to, Kent County Council, adjacent local planning authorities (Tonbridge & Malling and Maidstone Borough Councils) and other statutory consultees.”* [Policy STR/SS1 of the submission Local Plan (October 2021) paginated page 148 digital page 149 [\[CD 3.128\]](#)].
132. The Local Development Scheme (October 2021) [\[CD 3.143\]](#) provides timetables for the work on the relevant SPDs, and the Council is actively engaged in the preparation of some already.
133. Therefore, the concerns of TMBC are recognised. However, the Council is not deferring addressing these: it is actively preparing SPDs and commencing further work on such matters which TMBC will – together with other relevant DtC partners – provide more detailed evidence commensurate with the progress of developing the strategic sites beyond the local plan stage. A clear commitment was made to TMBC that its members (as well as officers) will be actively engaged and part of this (further) joint working at the meeting of Portfolio Holders on 14 June 2021 (Appendix C6 of the DtC Statement (October 2021) [\[CD 3.123c \(iv\)\]](#)). Examples of such active work (post submission of the Local Plan) include:
- a) KCC H&T’s commissioning of a public transport, active travel and highways corridor study of the A26 and Tonbridge town centre, which KCC H&T is leading and will involve TMBC and TWBC, and TWBC has confirmed that it will contribute to – including in relation to funding, and

b) a study to confirm the route, timing and delivery of a rapid bus link from Paddock Wood station, through Tudeley, to Tonbridge station.

Strategic Sites Working Group (SSWG)

134. The SSWG was established in summer 2019 ahead of Regulation 18 consultation; the group's purpose being to facilitate discussions and undertake joint working between the key stakeholders in relation to the comprehensive masterplanning and delivery of the Paddock Wood and land in east Capel and Tudeley allocations, including that of infrastructure provision. TMBC, along with MBC, were founding members of the SSWG to ensure the key discussions and joint working on cross boundary matters could be facilitated in a full and proper manner from the outset – in addition to those discussions which occurred under specific formal DtC meetings. Membership of the SSWG also includes KCC (as highway, education and lead local flood authorities), the Kent & Medway Clinical Commissioning Group (K&M CCG), Network Rail, the Environment Agency and National Highways; the key stakeholders in regard to the strategic matters referred to in this question. It was also attended by Capel Parish Council, Paddock Wood Town Council and relevant TWBC and KCC members. More information on the SSWG is provided on the Strategic Sites Topic Paper (March 2021) [\[CD 3.67\]](#) at paragraphs 3.3 – 3.6, including that “*All members have agreed to work positively and proactively in moving the sites forward (albeit, notwithstanding an ‘in principle’ objection to the growth in Capel parish held by Capel Parish Council)*”.

Masterplanning and Infrastructure Study

135. Paragraphs 3.14 – 3.20 of the Strategic Sites Topic Paper (March 2021) [\[CD 3.67\]](#) provides further information on this work, commissioned by the Council and undertaken by David Lock Associates (DLA) and their experienced sub-consultant team. The brief for this work was circulated for review, comment and agreement by all members of the SSWG, including TMBC.
136. Paragraphs 3.16 and 3.17 of the Topic Paper explains that this work comprised two elements:
- a) through a comprehensive masterplanning exercise, the capacity of the expanded settlement around Paddock Wood and east Capel, in terms of the number of

dwellings, level of non-residential floorspace, and the location and provision of key infrastructure within the settlement;

- b) a Strategic Sites Infrastructure Framework to identify the infrastructure capacity requirements stemming from both of the strategic sites: Paddock Wood and east Capel and Tudeley, and provides advice on the deliverability of this.

137. Paragraphs 3.7 and 3.10 of the Strategic Sites Masterplanning and Infrastructure Study (February 2021) [[CD 3.66a](#)] explain that:

- a) technical workshops were undertaken on particular themes (largely based around infrastructure which brought together a wide variety of agencies (many of which are DtC partners) and on-to-one follow up meetings with key stakeholders. Officers from TMBC were invited to attend these, as part of joint working with the Council and others;
- b) a Community Representatives Workshop was held, which included elected representatives from TMBC to explore “...*local understanding, aspirations and objectives towards potential growth and development*” (paragraph 3.10 of the Study), including infrastructure provision. Further information is provided at paragraphs 5.5 – 5.11 of the Study, including confirmation of attendance and involvement in this joint working by TMBC Members.

138. Sections 6 and 7 of the Study, together with relevant appendices, set out the extensive work undertaken by DLA and their subconsultant team in relation to comprehensive infrastructure provision. This builds on the existing evidence base (which, as above, was developed with joint working with DtC partners), involved discussions with DtC partners (including TMBC) through the masterplanning process and was informed by an understanding from TMBC Members as to the concerns around flooding, transport and infrastructure provision, through TMBC’s involvement in the Community Representative Workshop and representations made at Regulation 18 (Appendix C4 of the DtC Statement (October 2021) [[CD 3.123c \(iv\)](#)]).

Flooding

139. The evidence base for the strategic sites in relation to flooding comprises the Strategic Flood Risk Assessment Levels 1 and 2 (July 2019) [[CD 3.44](#)] and the Technical Note (January 2021) which forms Appendix 5 to the Strategic Sites

Masterplanning and Infrastructure Study (February 2021) [[CD 3.66f](#)]. These became increasingly concentrated on the strategic sites: the latter specifically examined the flood risk associated with the development of the strategic site at Paddock Wood including land in east Capel. All of these were developed with liaison with appropriate DtC partners, including the Environment Agency and KCC as the Lead Local Flood Authority. Constructive and active engagement by the Council with these partners is shown in Appendices H1 (for the Environment Agency) and I3 (for KCC as the Lead Local Flood Authority) and as described above considerations of flooding (both locally and strategically) were key elements that formed part of the masterplanning work described above.

140. Similar engagement and joint working has also been undertaken with Southern Water, as there is localised (to Paddock Wood) instances of sewer flooding. Further detail on this engagement and work in relation to cross boundary foul water infrastructure provision for the strategic sites is provided in the subsection below.

141. The effectiveness of the constructive, active and on-going engagement and joint working is provided in the SoCGs with the various partners, and demonstrates that the Council has addressed the strategic cross-boundary matters in relation to flooding concerns regarding the strategic sites. Within the SoCG with the Environment Agency at Appendix H2 of the DtC Statement (October 2021) [[CD 3.123c \(v\)](#)]):

a) paragraph 1.4 sets out that the EA considers that the Council has met the DtC requirements;

b) paragraphs 4.17 and 4.18 state:

“4.17 The Borough Council has liaised with the EA throughout the Local Plan preparation process in considering sites, particularly in relation to development at Paddock Wood and Land at East Capel and Tudeley– notably as part of the Strategic Sites Working Group.

4.18 Policy STR/SS1 – Paddock Wood and east Capel- the EA has confirmed through its representations that it has no objection in principle to the inclusion of the proposed developments around Paddock Wood (Policy STR/SS 1 – Paddock Wood Development Plan). The Council and the EA has worked closely together

during the masterplanning stage for the growth around Paddock Wood. The EA refers to previous comments made in February 2021 to the Council in relation to flood risk matters, and has expressed its intention to work with the Council through the more detailed Flood Risk Assessment (FRA) stage which should detail the flood mitigation as required in order to meet and pass the exception test”.

142. For the SoCG between TWBC and KCC – as the Lead Local Flood Authority - (October 2021) at Appendix 17 of the DtC Statement [[CD 3.123c \(v\)](#)];
- a) at paragraph 2.1 KCC agrees the Council has been proactive in its approach to this (and other) strategic matters in accordance with the requirements under the DtC;
 - b) at paragraphs 4.16 and 4.21 where both KCC and the Council agree to continue to work collaboratively on the masterplanning of strategic sites, including infrastructure provision);
 - c) at paragraph 4.28:

“4.28 KCC as the Lead Local Flood Authority is supportive of the flood risk considerations contained within the Local Plan and have confirmed that they were consulted during the preparation of the Strategic Flood Risk Assessment as well as in the consideration of the proposed Local Plan policies. Specifically, KCC has referred to the fact that in accordance with the requirements of the NPPF, the consideration of cumulative impacts has been considered through the Strategic Flood Risk Assessment – level 2, which is greatly appreciated given the size of development in the Paddock Wood area. Both parties have also recognised the contribution of the impact of surface water runoff and that site-specific Flood risk Assessments (FRAs) may be required in certain instances. The policies in the Local Plan provide for this requirement”.
 - d) at paragraph 4.31 which includes agreement that: *“The use of design codes or supplementary planning documents is recommended by KCC to provide guidance on such measures. It is agreed by both parties that a detailed drainage strategy should be dealt with through the production of Supplementary Planning Documents for the Strategic Sites”.*

e) at paragraph 5.5 confirming KCC's attendance in the joint working SSWG.

143. As above, the Council either directly, or through their consultants (JBA), engaged constructively and actively, and have undertaken effective joint working, with the Environment Agency and KCC as the Lead Local Flood Authority on cross boundary flooding matters in relation to the strategic sites, and in the knowledge of TMBC's concerns. Similar engagement and work has taken place with Southern Water in relation to localised sewer flooding. The Environment Agency and KCC have confirmed their satisfaction with the evidence, engagement and joint working on flooding matters.
144. Paragraph 4.31 of the SoCG with KCC (Appendix I7 of the DtC Statement (October 2021) [[CD 3.123c \(v\)](#)]) also exemplifies that the Council has not deferred addressing the matter of flooding with TMBC: further detailed work is required (and as set out above TMBC will be part of this), and the appropriate route – as agreed by the relevant DtC partner - for this is through SPD.
145. For completeness, MBC does not share significant concerns in relation to flooding, despite the fact that the borough is downstream from the strategic sites. The paragraph under the sub-heading Managing Flood Risk on paginated page 14/digital page 122 of the SoCG between TWBC and MBC (October 2021) at Appendix A7 of the DtC Statement (November 2021) [[CD 3.132a](#)] sets out that both MBC and the Council have used the same flooding consultant to undertake the two authorities' Strategic Flood Risk Assessments, and it is concluded that: "*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*".

Transport modelling and impacts

146. The most relevant transport evidence base in relation to the strategic sites comprises the:
- a) Local Plan Transport Evidence Base: Transport Assessment Report (September 2019) [[CD 3.48](#)];

- b) Local Cycling and Walking Infrastructure Plan (LCWIP) Phase 1 (November 2019, updated March 2021) [[CD 3.115a \(i\)](#)],
- c) Strategic Sites Masterplanning and Infrastructure Study (February 2021) [[CD. 3.66a](#)], Appendix 2 - Appendix 4 - Access and Movement Report (Stantec) [[CD 3.66e \(i\)](#)], Appendix 4 - Access and Movement Report (Stantec - Appendix A) [[CD 3.66e \(ii\)](#)], Appendix 4 - Access and Movement Report (Stantec - Appendix B Paddock Wood) [[CD 3.66e \(iii\)](#)] and Appendix 4 - Access and Movement Report (Stantec – Appendix B Tudeley) [[CD 3.66e \(iv\)](#)];
- d) Transport Assessment (March 2021) [[CD 3.114](#)];
- e) the Local Cycling and Walking Infrastructure Plan (LCWIP) Phase 2 (March 2021) [[CD 3.115b \(ii\)](#)]

147. All of these were developed through liaison with appropriate DtC partners, including KCC H&T (and National Highways). The SoCG refers to the iterative working undertaken (e.g. paragraph 3.4 of the SoCG with KCC H&T at Appendix H8 of the DtC Statement (October 2021) [[CD 3.132c \(v\)](#)])). Evidence of constructive and active engagement with these partners is shown in Appendices H3 (for National Highways) and H7 (for KCC H&T), and both have been actively engaged in the joint working through the SSWG (paragraph 3.8 of the SoCG with National Highways at Appendix H4 and paragraph 2.4 of the SoCG with KCC H&T at Appendix H8 of the DtC Statement (October 2021) [[CD 3.132c \(v\)](#)])). Work on the Local Cycling and Walking Infrastructure Plans (LCWIPs) involved close joint working with TMBC, including joint assessment (via joint route visits) of cross boundary routes by officers and consultants acting for each authority. SWECO, the consultants who produced the transport evidence base for the Tunbridge Wells Local Plan, worked closely with Stantec, who were part of the sub-consultant team which undertake the infrastructure masterplanning described previously, which as detailed above involved considerable DtC partners including TMBC.

148. Questions 10 and 11 provide further information on the robustness of the modelling in the transport evidence base: in summary the Council considers that it is robust and the progress of the sensitivity testing has already addressed a number of the queries which KCC H&T and National Highways raised on the evidence base, and will

address the remaining. For example National Highways has confirmed at paragraph 2.2 of the SoCG that: “*That work [the sensitivity testing] continues and both parties are confident it can be completed in a timely fashion ahead of the Local Plan [Examination]*”, whilst at paragraph 3.16 it is agreed that through the sensitivity testing “*...there is broad agreement on the principles of the modelling*”. Similarly in the Joint Position Statement [[CD. 3.154](#)], KCC H&T confirm:

“3...The outcomes of this work has already addressed a number of queries that KCC H&T had previously raised.

4. There is a clear timetable to jointly work to address the outstanding queries, and both parties are, subject to these queries being resolved, confident that a fresh SoCG will be signed ahead the submission of Hearing Statements for the week 6 Hearings for the Examination of the Tunbridge Wells Local Plan whereby, Transport Infrastructure under Matter 12 is set to be discussed”.

149. The evidence base work has assessed the cross boundary implications of vehicular and people movement, both into Tonbridge and Malling and Maidstone boroughs, and further afield. It has identified scope where mitigation is required outside of the borough of Tunbridge Wells – including into the town centre of Tonbridge - and the costs and means to deliver these. This mitigation relates to highway improvement works, active travel routes and public transport provision.
150. The Council has therefore either directly, or through their consultants (SWECO and Stantec), engaged constructively and actively and has undertaken effective joint working with KCC H&T and National Highways on transport modelling and cross boundary transport matters in relation to the strategic sites, and in the knowledge of TMBC’s concerns. There is confidence from both that a SoCG will be signed ahead the submission of Hearing Statements for the week 6 Hearings, and this will cover the two highway authorities’ views on the modelling in the evidence base, the impact on Tonbridge and other areas, and the infrastructure to mitigate this.
151. Similarly, as referred to above, whilst the Council is confident that the evidence for the Local Plan is relevant, adequate and proportionate, it is not deferring the fact that there are concerns from a neighbouring authority to a subsequent plan, or seeking instruction from the Inspector. For example, it is progressing work already on public

transport provision and contributing to (joint) work comprising a corridor study within Tonbridge.

152. Again, for completeness, it is considered relevant to set out the views of MBC on this matter. The paragraph of the SoCG between TWBC and MBC (October 2021) at Appendix A7 of the DtC Statement (November 2021) [[CD 3.132a](#)] under the sub-heading Transport on paginated page 15/ digital page 123 of the SoCG states “*Taking into account the mitigation and improvements proposed, there will be no adverse impact on highway infrastructure in Maidstone borough*”.

Infrastructure provision, and timing

153. The Council has engaged with other DtC partners and infrastructure providers in a similar manner to that described above with the Environment Agency, KCC as the Lead Local Flood and Highway and Transport authorities and National Highways. This includes in the iterative preparation of the Infrastructure Delivery Plans (the IDPs), the SSWG and the infrastructure masterplanning undertaken by DLA and their subcontractor team. For the sake of succinctness this engagement will not be covered in the same detail as above.
154. It is recognised that the strategic sites will have a heavy infrastructure requirement. **Appendix 8** sets out how the infrastructure has been subject to viability assessment, which demonstrates that the infrastructure is deliverable, together with the amount of affordable housing set out in policy.

Education

155. Paragraph 5.8 of the SoCG with TMBC (Appendix C6 of DtC Statement (October 2021) [[CD 3.132c \(iv\)](#)]) explains how the position of the secondary school proposed (originally between Tonbridge and Tudeley) was relocated to the south eastern side of Tudeley in the Pre-Submission Local Plan, which directly addressed a concern raised by TMBC in its representations during Regulation 18 consultation on the Draft Local Plan.
156. At paragraphs 4.49 – 4.54 (education provision at the strategic sites) of SoCG between TWBC and KCC (October 2021) at Appendix I7 of the DtC Statement [[CD 3.123c \(v\)](#)] KCC as the education authority confirms that the policies in the Local Plan make sufficient provision for education infrastructure as generated by the

strategic sites, and its confirmation as to the suitability of the site to the south east of Tudeley.

157. In relation to TMBC's "timing" concern, taking secondary education as an example, the Local Plan and IDP is clear that provision is to be firstly through the expansion of Mascalls secondary school, and then through the provision of a new school to the south east of Tudeley. The discussions and joint working with KCC as the education authority have factored in broad timing of delivery, and this will be further refined as work on SPDs and planning applications progress – and as set out above will involve TMBC. This is, as explained in relation to other strategic matters above, demonstrative that the Council has been involved in effective, ongoing, constructive and active engagement and joint working with both the lead DtC partner on this strategic matter (KCC) but has also worked with TMBC to address elements of concern (position of secondary school), and will continue to do so. Again, it is not deferring resolution of these matters, but the detail of the evidence work undertaken to date is reflective of the need for that evidence to be proportionate, relevant and tightly focused given the position of the Local Plan.

Health infrastructure

158. The SoCG between the Council and the Kent & Medway Clinical Commissioning Group (K&M CCG) (September 2021) at Appendix H14 of the DtC Statement [[CD 3.123c \(v\)](#)] sets out the following:

“2.2. It is agreed that TWBC has a good evidence base and understanding of health and infrastructure issues across the borough. It is also agreed that TWBC provides a positive strategy for the provision of the necessary infrastructure through its Local Plan Version: September 2021 Plan, supplemented by the Infrastructure Delivery Plan which has been produced in support of the strategy proposed in the Local Plan. This is reflected in the Local Plan proposed policies and site allocations, in relation to which there is little (if any) substantive area of “uncommon ground” at this point, largely as a result of an ongoing dialogue in the preparation of the Pre-Submission Local Plan....”

159. Paragraphs 4.13, 4.14 and 4.15 of the SoCG states that the Local Plan provides a robust framework for seeking developer contributions from the development proposed within the Local Plan to provide for health infrastructure, and the CCG

supports the opportunity provided by Policy STR/SS1 for the provision of a health centre.

160. The approach taken by the Council to the provision of health infrastructure is similar to that of the provision of education infrastructure: having regard to the concerns from TMBC, close liaison with the relevant DtC partner (the CCG) including through the SSWG, consideration of health infrastructure through the masterplanning work with the result that the relevant DtC partner is satisfied with the proposals. This is a proportionate position given the stage of development of proposals for the strategic sites. In due course further – more detailed - work will be undertaken, as the proposals for the strategic sites are developed. As above, TMBC will be part of these discussions.

Foul water drainage

161. There is a similar situation in relation to foul water drainage. The SoCG between TWBC and Southern Water (October 2021) at Appendix I10 of the DtC Statement [[CD 3.123c \(v\)](#)] confirms at paragraphs 4.9-4.10 and 4.12 how the Council is working with Southern Water so that suitable foul drainage provision will be provided for the strategic sites through a new strategic plan that sets out how Southern Water intends to extend and maintain a robust and resilient drainage and wastewater system known as Drainage and Wastewater Management Plans (DWMPs). Again, paragraph 4.10 sets out that “*The delivery of any scheme that is planned for will be provided in line with the occupation of the developments*”, and further work will be undertaken with Southern Water, and involving TMBC, as there is progress on the proposals for the strategic sites.

Conclusion

162. The strategic matters identified are complex and involve a number of DtC partners. The sections above demonstrates that the Council has undertaken extensive engagement and joint working under the DtC on flooding, transport and infrastructure provision in relation to the strategic sites, and the comprehensive approach taken. The proposed policy enshrines the provision of suitable infrastructure (including in relation to flooding and transport) and requires the involvement of relevant DtC partners including TMBC in the development of more detailed evidence. The Council is committed to undertaking the necessary more detailed and ongoing joint working,

and has started to commence work strands of this already. It will continue to do so in the same comprehensive manner that it has done to this point. The Council is not seeking to defer these matters, or for direction from the Inspector, as explained above.

Inspector’s Question 10: [re. position on transport evidence, and a related SoCG, with KCC]

The Statement of Common Ground with Kent County Council (Highways) refers to the preparation of a Transport Assessment Addendum (dated September 2021) and a second Addendum dated October 2021. It then concludes that the Council and Kent County Council agree to continue working together over the coming weeks and months and will seek to update their positions through a further statement of common ground ‘prior to the examination’.

What is the latest position regarding 1) the completion, publication and consultation on this evidence and 2) the statement of common ground?

TWBC response to Question 10

What is the latest position regarding 1) the completion, publication and consultation on this evidence

163. As explained in relation to Question 9, both National Highways and Kent County Council Highways & Transportation (KCC H&T) requested that sensitivity testing of the evidence base for the Local Plan be undertaken. This is summarised at paragraphs 3.11-3.15 of the SoCG with KCC H&T (Appendix H8 of the DtC Statement (October 2021) [[CD 3.132c \(v\)](#)].
164. The Joint Position Statement between the Council and KCC H&T (February 2022) [[CD 3.154](#)] sets out that:
- “3. KCC and TWBC have continued to work together positively since the submission of the Local Plan on the sensitivity testing reports of the evidence base which informed the Pre-Submission Local Plan.”* The outcomes of this work has already addressed a number of queries that KCC H&T had previously raised.
165. There has been ongoing consultation, engagement and discussion on the sensitivity testing with KCC H&T (and National Highways). It is not intended that it will be subject to separate consultation as its purpose is to verify, for KCC H&T and National Highways, the robustness of the evidence base for the Pre-Submission Local Plan.
166. Work to address the final queries from KCC H&T is nearing completion: the Joint Position Statement sets out that:

“4. There is a clear timetable to jointly work to address the outstanding queries, and both parties are, subject to these queries being resolved, confident that a fresh SoCG will be signed ahead the submission of Hearing Statements for the week 6 Hearings for the Examination of the Tunbridge Wells Local Plan whereby, Transport Infrastructure under Matter 12 is set to be discussed”.

167. It is intended that the relevant evidence will be appended to the SoCG in due course.

What is the latest position regarding 2) the statement of common ground?

168. As set out above, both parties are confident that a fresh SoCG will be signed ahead the submission of Hearing Statements for the week 6 Hearings.

Inspector’s Question 11: [re. contribution of further dialogue on highways matters with KCC post-submission]

How does the preparation of additional highways evidence and further dialogue with the County Council demonstrate compliance with the duty to cooperate, which relates to the preparation of the Plan and thus cannot be rectified post-submission?

TWBC response to Question 11

169. The SoCG with Kent County Council Highways & Transportation (KCC H&T) (Appendix H8 of the DtC Statement (October 2021) [[CD 3.132c \(v\)](#)]) sets out at paragraph 2.4 examples of how the Council has engaged constructively and actively with KCC H&T through-out the preparation of the plan, and has worked jointly with the county council. Paragraphs 3.5 – 3.15 summarise the iterative working which has taken place, with engagement between the Council and KCC H&T at each stage. This engagement and joint working has been from the very beginning of the plan preparation, to the submission of the plan and beyond.
170. This is recognised by KCC H&T, as enshrined at paragraph 2.7 of the SoCG:

“Both TWBC and KCC agree that the other authority has met the requirements under the Duty to Cooperate on strategic matters that cross administrative boundaries, and through effective and on-going joint working”.
171. It is also recognised at paragraph 2 of the Joint Position Statement [[CD 3.154](#)] which, after making reference to confirmation both authorities consider that the DtC has been met, goes onto clarify that: *“i.e. at the point of submission of the Local Plan the work had been on-going, joint, constructive, effective and active”.*
172. It is not a case that either authority is not cooperating with the other. Similarly it is not the case that either authority envisages that agreement will not be reached. Therefore, the Council is not seeking to rectify a failure under the DtC post submission, as both authorities agree that the DtC was met prior at the point of submission. Rather, the further (post submission) dialogue and sensitivity testing is a continuation of the positive, ongoing, active and constructive engagement and joint working which has taken place through-out the local plan production.

Inspector's Question 12: [re. engagement with all relevant bodies in the preparation of the Plan]

Has the Council engaged with all relevant local planning authorities, county councils and other prescribed bodies in the preparation of the Plan?

TWBC response to Question 12

173. Yes. The Council has not only engaged with DtC partners, but it has met the DtC requirements with each. The evidence for this is largely in the DtC Statement, and elaborated on in response to these questions.

Relevant local planning authorities

174. The relevant neighbouring local planning authorities are considered to be those neighbouring the borough. They include those in the West Kent HMA, and FEMA. There has been approaches from only one authority from further afield regarding assistance to meet unmet need during the preparation of the Local Plan: Elmbridge Borough Council (EBC). As explained in the answer to Questions 6, 7 and 8 this communication was part of correspondence sent by EBC to a wide variety of LPAs, including some which are well divorced from EBC's HMA. EBC has had no other engagement in the Local Plan preparation, including making representations at Regulation 18 or 19 stage. There have been no other requests during the plan preparation (although as described above one has been received post submission from Hastings Borough Council, again without prior communication). This includes from London authorities.

County Councils

175. The Council has engaged and undertaken joint working with Kent County Council on a variety of matters, including as the highway authority. The engagement logs are provided at appendices H7, I2, I4, I5, I6 (for Highways & Transportation) and the SoCGs at appendices H8, I3, I7n of the DtC Statement (October 2021) [[CD 3.132c \(v\)](#)] and [CD 3.155](#)]. The SoCGs confirm that the DtC has been met. A SoCG is signed with neighbouring East Sussex County Council, in relation to highway matters, at Appendix A11 of the DtC Statement (October 2021) [[CD 3.132c \(iv\)](#)].

Prescribed bodies

176. The engagement logs and SoCG for the following bodies are in the DtC Statement (October 2021) at [CD 3.132c \(iv\)](#) and [CD 3.132c \(v\)](#):
- Appendices H1 and H2, respectively, for the Environment Agency. It confirms that the DtC has been met at paragraph 2.1 of the SoCG;
 - Appendices H5 and H6, respectively, for Historic England. It confirms that the DtC has been met at paragraph 2.1 of the SoCG;
 - Appendices H9 and H10, respectively, for Natural England;
 - Appendices H13 and H14, respectively, for the Kent and Medway Clinical Commissioning Group. It confirms that the DtC has been met at paragraph 2.1 of the SoCG. Through the engagement and joint working with the CCG, the Council has met the DtC with the National Health Service Commissioning Board, now referred to as NHS England;
 - Appendices H3 and H4, respectively, for National Highways. It confirms that the DtC has been met at paragraph 2.1 of the SoCG. Through this engagement, and that with Network Rail, the DtC has been met with the Office of Rail and Road;
 - Appendices H11 and H12, respectively, for Network Rail. It confirms that the DtC has been met at paragraph 2.1 of the SoCG.
177. The proposals in the Local Plan do not affect the Mayor of London, Transport for London, an Integrated Transport Authority or the Marine Management Organisation.
178. There has been engagement and discussion with Homes England (formerly the Homes and Communities Agency), chiefly in relation to advice on the strategic settlements and discussions around bringing forward sites which had – at the time – stalled. In relation to aviation the Council has engaged constructively and actively with Gatwick airport.
179. The Kent Nature Partnership was awarded Local Nature Partnership (LNP) status by the government in July 2012. The Partnership is led by an Executive Level Board supported by the Management Working Group (MWG) with sub groups working on priority areas. The Council is represented on the Board by the Kent Planning Officers

Group and on the MWG by the Council's Landscape and Biodiversity Officer who also sits on the Biodiversity Net Gain sub-group.

180. Although the Kent Nature Partnership has limited resources the Council has been fully engaged with the organisation through its officers contributing to strategic actions for biodiversity across Kent such as the Kent Biodiversity Strategy. Kent Nature Partnership play a key role in the selection and review of the Local Wildlife Site System. Proposals by Kent Wildlife Trust in respect of the Local Wildlife Site system are presented to the Partnership MWG who make recommendations to the relevant planning authority with regards and designation, deletion or alteration. As the Kent Nature Partnership has a limited capacity to comment on all local plans, the Partnership has developed a self-assessment checklist and guidance note to help planning authorities to ensure that relevant nature considerations are included in their Local Plan. The Council was involved in the development of the proforma and used it to guide the preparation of the Local Plan. The Council has also – through its involvement with the Partnership - gained comments on policy development in respect of Biodiversity Net Gain. The Council has participated in workshops organised by Kent Nature Partnership and as an early adopter of biodiversity net gain presented at events for planning colleagues. The Council continues to work with KNP attending meetings, inputting to programmes of work and collaborating on proposals for Biodiversity Net Gain through the Biodiversity Net Gain sub group.
181. The Council is a member of the West Kent Partnership (WKP), the Board led by Leaders and Chief Executives from the Council, SDC and TMBC, together with KCC, business and other stakeholders. The engagement log of the WKP is at Appendix I11 of the DtC Statement (October 2021) [[CD 3.132c \(v\)](#)]. Officers from the West Kent authorities together with the County Council meet on a regular basis to discuss opportunities and delivery across the area, including key infrastructure such as the A228, cycling and walking routes and the Royal Tunbridge Wells town centre.
182. Directly but also through the WKP, the Council has developed effective engagement and joint working relationships with the Kent & Medway Economic Partnership (KMEP - a partnership between businesses and local authorities) and the South East Local Economic Partnership (SELEP) contributing to and influencing strategic economic policy and priorities. The Council is directly represented on KMEP. SELEP

is a federated partnership comprising Essex, South Essex, East Sussex, and Kent and Medway. SELEP representatives are appointed through KMEP and its structures to the SELEP Board. The Council engages and works with SELEP, for example through securing Local Growth Fund for the West Kent Local Sustainable Transport Fund, Tunbridge Wells Junction Improvement Package and A26 Cycle Improvements and Getting Building Funding to facilitate development of a key location within Royal Tunbridge Wells town centre.

Inspector's Question 13: [re. the Duty to Cooperate]

Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to advice contained in the National Planning Policy Framework (the 'Framework') and the National Planning Practice Guidance (the 'PPG')?

TWBC response to Question 13

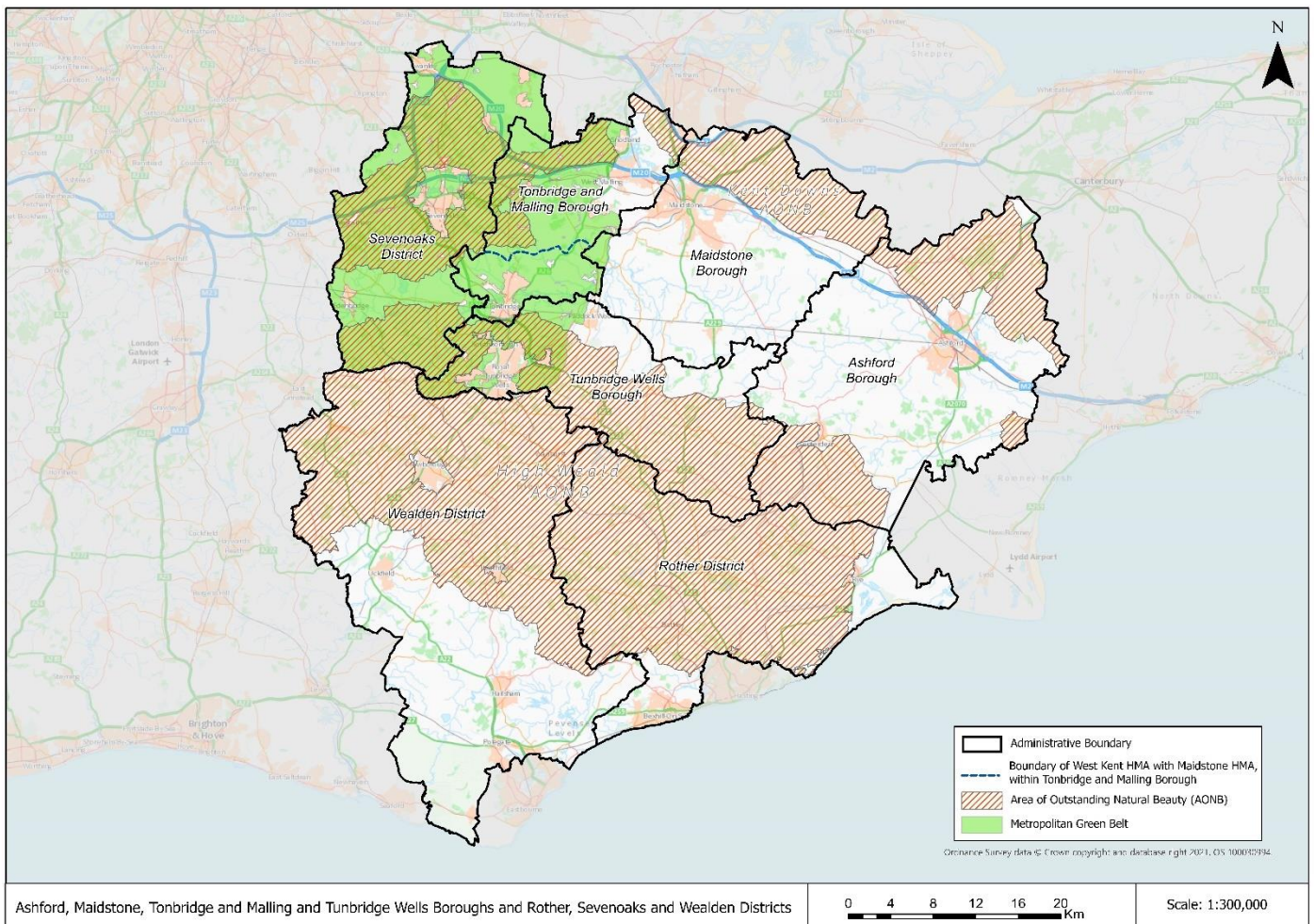
Introduction

183. Yes – please refer to Question 12, and responses to previous questions.

Appendices

Appendix 1: Map showing neighbouring authorities and extent of Green Belt and AONB

Please note that the West Kent HMA comprises all of the district/borough of Sevenoaks and Tunbridge Wells, the section to the south and west of the dashed line through Tonbridge & Malling Borough, and the northern parts of Wealden and Rother districts.



Appendix 2: Chart of DtC about scope of neighbouring authorities to assist in accommodating housing and employment which otherwise would potentially require Green Belt release or major development in the AONB

	Date of DtC meeting	Response from neighbouring authority		
		Date of letter	Reasons given for not being able to assist in letter	Reference to letter in Statement of Common Ground (SoCG)
Sevenoaks	15.06.20	16.10.20	<ul style="list-style-type: none"> • SDC is a constrained area, with 93% Green Belt, 60% Area of Outstanding Natural Beauty and 41 Conservation Areas. • SDC is unable to meet its housing needs in full. • The work undertaken in the development of the SDC Plan has indicated that there is no scope for delivering any unmet employment needs 	2.18, 2.19

	Date of DtC meeting	Response from neighbouring authority		
		Date of letter	Reasons given for not being able to assist in letter	Reference to letter in Statement of Common Ground (SoCG)
Tonbridge & Malling	15.06.20	14.10.20	<ul style="list-style-type: none"> • TMBC received no formal request and/or a defined quantum of unmet need to plan for at the point of submission. • There were insufficient sites within that part of the borough in the West Kent HMA • No surplus sites for meeting own employment needs 	2.10
Wealden	12.06.20	20.11.20	<ul style="list-style-type: none"> • WDC had not yet started work on reviewing existing SHELAA sites, so were unable to confirm capacity of sites for growth, so unable to confirm if there is capacity to accommodate housing or employment need. • WDC is Constrained, with 53% in AONB and other issues such as areas in Flood Zones 2 and 3 and Ancient Woodland 	3.2.7 – 3.2.9

	Date of DtC meeting	Response from neighbouring authority		
		Date of letter	Reasons given for not being able to assist in letter	Reference to letter in Statement of Common Ground (SoCG)
			<ul style="list-style-type: none"> Any growth accommodated would be outside of the TWB HMA 	
Rother	21.05.20	23.11.20	<ul style="list-style-type: none"> RDC is constrained as 82% in AONB, whilst a further 7% is either nationally or internationally designated for its nature conservation value Meeting its own need will be challenging, so RDC is unable to accommodate additional need 	2.16
Maidstone	20.07.20	21.12.20	<ul style="list-style-type: none"> It is challenging for MBC to accommodate its own housing need, with much of the growth focused on two 'garden communities'. MBC is 'over providing' against its own assessed needs in terms of employment need. The reasoning for this is set out in MBC Local Plan documentation 	Page 8, paragraph 2

	Date of DtC meeting	Response from neighbouring authority		
		Date of letter	Reasons given for not being able to assist in letter	Reference to letter in Statement of Common Ground (SoCG)
Ashford	17.06.20	02.12.20	<ul style="list-style-type: none"> ABC has no capacity for additional residential and employment land to meet the development needs of TWBC 	2.16

Appendix 3: Paragraphs which TWBC considered were appropriate to include in the SoCG with SDC, but SDC objected to

Development Plans – current position

TWBC

TWBC views on SDC Proposed Submission Version Local Plan (December 2018) and emerging Local Plan

- 1.13 TWBC considers that SDC’s Proposed Submission Version Local Plan is effectively “dead” and has nil weight in planning decisions.
- 1.14 TWBC considers it material that the Inspector on the SDC Proposed Local Plan set out that:
- she had “*significant concerns*” about inter alia “*the assessment of the Green Belt*”⁴;
 - if the SDC Examination had have continued - she would have been likely to require further evidence to allow her to reach conclusions on the “*Green Belt Assessment, in particular the methodology chosen and the range of sizes of the parcels identified as the starting point for the assessment*”⁵, although TWBC does acknowledge that SDC is to undertake a Stage 2 Green Belt Assessment.
- 1.16 TWBC considers that the SDC Town Centre Strategy, District Wide Character Study, and Settlement Capacity Study have the potential to identify capacity for housing and employment in Sevenoaks.

Housing requirements

TWBC

- 2.22 It is TWBC’s view that when a local planning authority is at the earlier stages of preparing a Local Plan and there is both i) evidence which considers the scope for additional housing and ii) site assessment work outstanding meaning that the authority simply cannot know until the completion of that evidence and site assessment work whether its housing need can be met or not. TWBC considers that SDC is in such a position. SDC has not agreed to this view in discussions.

⁴ Note from Karen Baker (PINS) to James Gleave (SDC) dated 14th October 2019

⁵ Letter from Karen Baker (PINS) to James Gleave (SDC) dated 2nd March 2020

Appendix 4: Draft minutes of DtC meeting between SDC and TWBC on 16th December 2021

Thursday 16 December 2021

TWBC & SDC Duty to Co-operate Meeting

Attendees:

- James Gleave – JG (Planning Policy Manager – SDC)
- Hannah Gooden - HG (Planning Policy Team Leader – SDC)
- Nichola Watters – NW (Planning Policy Manager – TWBC)
- Steve Baughen – SB (Head of Planning – TWBC)
- Adam Reguera – AR (Planning Policy Graduate – TWBC)

Items

1. Update on TWBC Local Plan + provisional examination dates

184.

- Few discussions with programme officer, hearings will likely be a blended approach with some face to face and some virtual.
- The inspector will be Matthew Birkinshaw.
- Timetable is in line with LDS with some flexibility, such as extending it forwards to late February and at the end to early May to account for differences in half term dates.
- But no official correspondence regarding dates.
- DtC sessions will likely be towards the beginning, i.e. late February. TWBC will update on dates and any other relevant info from Inspector as soon as received, so SDC is aware for DtC session.
- Retail, commercial matters – started work on RTW town centre area plan. The first meeting for the working group will be in mid-January.

185.

2. Update on SDC emerging Local Plan, inc Targeted Review of Local Housing Need

SB - noted in draft SoCG that SDC had removed reference to the West Kent housing market area, asked if the evidence base is proposing a change to the extent of the HMA?

JG - updated on SHMA, with the final version now completed, due to be published this week. It doesn't look at total housing needs. It covers the following aspects - components of affordable housing, size and tenure of units need to support, emerging demographic trends, proportions and totals of affordable housing needs, first homes, and build to rent (mentions it

is new to the district, describing it as a stop gap solution to affordable housing needs by providing more stability to tenants).

SB - asked if housing market area is the same.

JG - yes but not sure on what the conclusions were going to be. West Kent area still stands.

HG - stated it will be published onto website shortly.

JG - timescale pushed forward for the emerging housing strategy.

SB - asked about call for sites and evidence base.

JG – yes, call for sites is still running, As expected for this stage, many sites come in at the last minute, so SDC will see where they are on 20th Jan.

HG – updated on town centre – initial findings for retail capacity, how to support different town centres. Looking at SDC land as well as how to work with partners. Final report due for mid-late January.

Green belt update - need sites to input into – i.e. have to wait until 20th Jan, tight timescale. Character studies progressing, due for completion in February.

SB - asked about character studies and what it encompasses, including whether identifies scope for accommodating development?

JG – describes the key aspects as defining different character areas - social, economic factors etc., how residents feel of the places they live. To develop a baseline of the different characters across the district. Involves key stakeholder engagement. Will be presented as a story map for how SDC has developed over time, along with the character and resident values of the areas. It will inform policy, DM policy and things like potential housing density, so policies are not arbitrary but rather character driven.

HG – explained how it will be used to see how far SDC can push density in some settlements, maximising the efficient use of land. In comparison to previously accepting what developers pushed forward, but now want to be able to test it.

SB - green belt study – TWBC have had stage 1 and 2. Asked about a more joined up approach with TWBC, TMBC, SDC on green belt study going forward, and particularly that TWBC will be consulted on the SDC study?

HG – Confirmed that there will be a session in mid-January to which TWBC and others will be invited, SDC wants all neighbours signed up to the methodology

SB - Will make sure someone from TWBC attends – most likely David Scully.

JG - discussed transport work and the cumulative impact of it. How to satisfy Highway England, KCC etc. KCC transport model pretty much complete.

SB - KCC model too late for TWBC. Transport modelling will be a discussion next time round.

SB - asked if still awaiting outcome of evidence base to inform Reg 18 version of plan?

HG - yes, expecting May – June out for consultation on a Draft Local Plan. Will build upon previous plan by updating evidence base.

3. Housing Need and 4. SoCG

SB - asked about unmet housing need and states TWBC feel this is going forward still going to be the main cross boundary strategic matter. Keen to discuss regularly and to set out what TWBC's considerations are for SDC position at present – i.e. that as SDC is still at an early stage of its plan making with evidence outstanding that SDC simply doesn't know if it can meet its housing need or not.

JG - set out that SDC's position on housing was as previously stated. In terms of where SDC stands on the SoCG feels that it is now as much about process as content.

Feels it should be for each authority to put forward the position they believe is correct in the statement. All of the debate around the draft statement is based on what TWBC has set out as its views on SDC's local plan. JG felt that SDC has drafted some text that sort of covers the issue. Reiterates that it should be the process that it is for the individual authorities to prepare the sections on their plans. If there are disagreements, then there is scope to bring that out during the examination. In terms of the text in the document, they've gone back and forth, and SDC has (as set out in JC's November email) got text on their LP they feel comfortable with. Suggested that maybe now is the time to stop those discussions and move it on from there.

SB – Considered that there is a difference of view in terms of what can and should be included in a SoCG between TWBC and SDC. TWBC view is that the SoCG is the place to set those agreements and disagreements out. For example, Natural England's view differs to TWBC, this is explained in the SoCG and both parties happy to sign up for that. SoCG should contain those elements where there isn't agreement.

TWBC has redrafted sections several times over to try and use different approaches to try find one that SDC would be happy with.

JG – likewise. Mentioned that the other statements they have, are probably 1/3rd of length of what we have got to and are largely factual.

HG – gave examples of Bexley and Dartford, which were pretty swift and significantly shorter.

JG – there are all sort of requirements, and conscious that they should be factual and feels the drafts with TWBC are moving towards subjective route. Disagrees with some things TWBC has said to inspector, claims it's putting words into their mouth. Explained how it is currently at 30 pages, saying there is no need to be including things like quotations, which are out of context. Discussed the procedural aspects of preparing the statement and feels the content of the draft is moving away from the spirit of SoCG. Suggests to SB to publish their legal opinion, rather than quotations in SoCG

SB – Stated all TWBC's SoCG's are around the same length, most are a bit shorter, but the SoCG with TMBC, for example, is a little longer and follows that approach of explaining both views with both authorities happy to sign up. It did involve some difficult conversations and areas of disagreement but worked through it and came to a conclusion.

JG - disagreed, saying they have not commented much on TWBC's LP in the SoCG. Have made amendments, trying to accommodate TWBC as much as possible which has taken months and believes it's time to say what we have got to and go with that version. There

have been changes with each version, and believes they have got to a point where can't move any further on it. Very much around the process aspect of it to prepare the document.

SB - knows SDC didn't comment on TWBC's Local Plan in the SoCG even though SDC could have – presumably as no issues with it - but think it is necessary to include TWBC's view on SDC's Local Plan and include relevant documents (e.g. inspector comments) as SDC has not withdrawn the submitted Plan.

JG - sees little benefit of including text on these points as the relevant documents are out there somewhere. Example of why comment on something 2 years ago, making it longer and repetitive, and not meeting the requirement to be concise. Shouldn't take this long to move on this point for SoCG.

SB - trying to find a way to include what each feel is important to include. TWBC's expectation was, following the Court of Appeal's decision, that SDC's LP would be withdrawn. But as it hasn't SB feels it is necessary to included inspector comments. Important to remember that original draft as an interim SoCG pending outcome of court decisions, and then subsequent ones have had to reflect SDC approach of not withdrawing plan.

JG – says the important info is in there and is not convinced references to previous inspector letters is helpful.

SB – this is where we have reached an impasse, and considers that there is now the need to update the TWBC inspector on that. SDC disagree on what TWBC think is important to include. Need to continue post discussion, the various matters such as green belt and housing need. It is clear that there will be a DtC session at the TWBC examination. JC has been clear that feels that areas of disagreement should be discussed at Examination. However TWBC are conscious that SDC didn't attend TMBC Examination and want to ensure that SDC is at TWBC exam so these points can be discussed.

JG - better to have a SoCG than none. Can't give an answer right now on the SDC position of attending the Examination, will update.

SB - asks for clarification on attending or not? Presumably SDC will because JG has expressed numerous times these are matters for the Examination, but SB is concerned on the point.

JG – by the time it gets to Exam, things will have moved on, like on the SDC plan. SoCG is one step in the road, and its not the final word, sort of a live document. Hopes it's recognised that things will be moved on.

SB - yes, then a new SoCG will be signed to update the position.

JG – discusses on the procedure and is important to sign SoCG. Attending TWBC exam something to discuss internally.

SB- asks how we moving forward?

JG - feels like it's gone as far as it can in terms of content and procedure. Got to get portfolio holder to sign, spoken to them at various points in process. Comments from 18th Nov are the final set of comments.

SB – summarised to say that the version SDC is comfortable with is the version of 18th Nov and despite subsequent iterations SDC won't sign any other version, although know that TWBC considers it is necessary to have points included on TWBC's view on SDC Local Plan. To not have these points would suggest that TWBC had no concerns over the SDC Local Plan.

NW - asked about discussions with portfolio holder, and whether she has seen the versions after November?

JG - that was the last conversion had with her around it, issues were fairly similar.

NW - there have been a couple versions since them, asks if any of those have been discussed?

JG - kept her updated generally, but not specifically other than Nov one.

SB - to take this forward and to sum up SDC's position: to sign SoCG, it has to reflect comments of 18th November, excluding things TWBC thinks are appropriate to include. Thinks it's necessary to include TWBC's view, and state it as so. Expects that we will advise inspector of this. Will continue discussion of green belt and housing needs in the new year.

4. AOB

- None

Appendix 5: Letter from Hastings Borough Council to TWBC dated 3rd November 2021



Please quote:
Your reference:
Date: 3 November 2021
Please ask for: Kerry Culbert
Telephone direct:
E-mail:
Web: www.hastings.gov.uk

Regeneration and Culture

Muriel Matters House, Breeds Place
Hastings, East Sussex
TN34 3UY

FAO: Chief Planning Officer / Head of Service with the responsibility for Planning Policy

Dear Sir/Madam,

Re: Hastings Borough Council Local Plan: Duty to Co-operate

Hastings Borough Council is currently preparing a new Local Plan that will set out its development strategy and detailed planning policies for the borough up to 2039. As with most Local Planning Authorities (LPAs) in the South East, one of our biggest challenges is meeting our housing need (as set by the Government's standard methodology) against a backdrop of environmental and planning constraints.

As part of the Plan's preparation, the Council is exploring how its housing need figure can be met. As set out in the [Regulation 18](#) Draft New Local Plan 2019-2039, it is highly unlikely that there will be sufficient land within the existing built-up areas to accommodate circ. 9,075 new homes in full. Our estimate at present is that there is sufficient land to build approximately 3,900 new homes; equating to a potential shortfall of land to accommodate 5,175 new homes.

We appreciate that LPAs are at different plan-making stages and others will be in a similar position in terms of responding positively to the challenge of addressing housing need.

However, under the 2011 Localism Act and the provisions of the National Planning Policy Framework (NPPF) I am formally asking whether your authority would be able to meet any of Hastings unmet housing need?

I look forward to hearing from you on this important issue and would be grateful for a response by 1 December 2021. Please respond to fplanning@hastings.gov.uk using the subject line "Unmet Need".

If you have any questions, please do not hesitate to contact Kerry Culbert, Planning Policy Manager

Yours Faithfully,

Victoria Conheady, Assistant Director Regeneration and Culture

Appendix 6: Letter from TWBC to Hastings Borough Council dated 15th December 2021

BY EMAIL ONLY:
FAO: Victoria Conheady

Hastings Borough Council
Muriel
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15 December 2021

Dear Victoria

RE Hastings Borough Council Local Plan: Duty to Co-operate

I refer to your letter dated 3rd November 2021 regarding the above. I apologise for the slight delay in responding to your letter: as previously explained, Tunbridge Wells Borough Council wanted to consider its response after having a Duty to Co-operate (DtC) discussion with Rother District Council which was held on 9 December 2022.

Having this DtC meeting with Rother District Council was seen as imperative given that Hastings and Rother, largely, share the same self-contained Housing Market Area (HMA). This response is formulated in knowledge of that DtC meeting with Rother District Council.

It is understood that in the Hastings Regulation 18 Draft Plan which was consulted upon in Spring 2021 (ending on 24 March 2021) that Hastings Borough Council was planning for a minimum of 4,275 new homes over the plan period against the standard method calculation of housing need for the borough which equated to 8,600 dwellings over the plan period at that time. Your recent correspondence now indicates that the standard method calculation has risen to circa 9,075 dwellings over the plan period.

Irrespective of that change, you now state that you estimate is that there is only sufficient land to build approximately 3,900 homes, leaving a potential shortfall of some 5,175 new homes.

Whilst Tunbridge Wells Borough Council is sympathetic to Hastings' situation, we would like to emphasise the need for a strategic approach across your HMA to ensure that all avenues of housing land supply have been sufficiently explored before concluding on Hastings Borough Council's ability to meet its housing need in full.

It is not clear from your website what further evidence gathering has been undertaken since the publication of the Regulation 18 Plan to inform this further reduction in capacity to accommodate housing need, whereas it is clear there have been a number of recent national planning policy changes which could impact on development yields and/or the potential supply of new housing.

Tunbridge Wells Borough Council would advocate that the following avenues of potential supply be thoroughly investigated to ensure that proper consideration has been made to how they could contribute towards meeting Hastings' housing need. These include:

- The contribution from brownfield land including proper consideration of how the recent changes to permitted development rights could contribute towards additional housing supply, potentially through an enhanced windfall allowance in the Plan;
- Clear consideration of the impacts of COVID 19 and wider economic restructuring on economic land allocations in the borough, and the changing patterns of the workforce. These could have an impact on employment land requirements, particularly in respect of those existing employment land allocations which continue to remain unimplemented and have done for some considerable time;
- A thorough exploration of development options for greenfield expansion north and west of the borough, including land located within the High Weald Area of Outstanding Natural Beauty, particularly where they straddle the administrative boundary with Rother District Council. Joint exploration of these potential development options with Rother District Council through the DtC should be reflected through a joint strategy/approach for the locale, building on the existing joint visions for Hastings and Bexhill in respective Local Plans and those previously set out through work undertaken by the Hastings and Bexhill Taskforce.

Irrespective on those points set out above, I would like to point out that Tunbridge Wells Borough falls in the West Kent Housing Market Area (HMA). The Tunbridge Wells Borough Local Plan (2020-2038) was submitted to the Planning Inspectorate on 1 November 2021 and Examination of the Plan is expected in March/April 2022, in line with the timetable set out in the Local Development Scheme. The Plan makes sufficient allocations to meet its (capped) housing need of 678 dwellings per annum. This will require the release of land from the Green Belt and major development in the High Weald Area of Outstanding Natural Beauty. The allocations also provide a buffer of 1,050 dwellings above the (capped) housing need. This has been planned for as it is considered that it is prudent to provide this degree of flexibility in the housing supply, particularly having regard to the high contribution of housing from two strategic sites.

As part of the evolution of the Tunbridge Wells Local Plan process, alternative options have been considered and tested through the Sustainability Appraisal process including seeking both to meet the uncapped need housing figure for the borough as well as unmet housing need from elsewhere (in order of some 749 -853 dwellings per year over the plan period). However, this was considered unsustainable, resulting in large negative effects towards environmental objectives. As such, these options were not carried forward and hence the approach set out in the Tunbridge Wells Submission Local Plan of seeking to meet our (uncapped) housing need of 678 dwellings per annum plus the buffer.

It should be noted that it may be, in due course following the Examination and adoption of the Tunbridge Wells Local Plan and subsequent monitoring of housing delivery, that there may be

scope for any excess buffer to be considered as part of the wider delivery of housing in the West Kent HMA first, and for this to be discussed under the DtC. There are other authorities in the West Kent HMA which – through their emerging plan making - may consider that they do not have capacity to meet their housing needs.

Notwithstanding the comments made above in relation to the need for Hastings Borough Council (and Rother District Council) to thoroughly explore the avenues of additional housing supply set out above, Tunbridge Wells Borough Council is unable to assist by accommodating any of Hastings' unmet housing need.

Yours sincerely,

Steve Baughen

Head of Planning Services

Appendix 7: DtC engagement and active working on non transport, flooding and infrastructure matters

A. Engagement and active working also took place with the following partners in relation to the strategic sites, with references to relevant parts of the associated SoCG provided below:

- Historic England at paragraph 4.17 of the SoCG between TWBC and Historic England (July 2021) at Appendix H6 of the DtC Statement [[CD 3.123c \(v\)](#)], where Historic England sets out in relation to Tudeley village (STR/SS3):

“The proposal for a new settlement at Tudeley Village is another main area of interest of Historic England in view of the heritage assets and specifically the Grade I Listed Church. It notes the initial heritage assessment undertaken by TWBC and its masterplanning and delivery work undertaken to date, as well as that by the Hadlow Estate. It is pleased that the policy has a strong protection and enhancement element, with specific reference made to the setting of heritage assets, especially All Saints Church.”

- Natural England at paragraph 9.23, 9.24 and 9.25 of the SoCG between TWBC and Natural England (October 2021) at Appendix H10 of the DtC Statement [[CD 3.123c \(v\)](#)] where, inter alia, Natural England does not object in principle to the allocation policies for the strategic sites and welcomes future Framework Masterplan SPDs ;
- KCC at paragraphs 5.5 (KCC attendance at the Strategic Sites Working Group) and section 4.0 - particularly paragraphs 4.16 (both the Council and KCC agreeing to continue to work collaboratively on masterplanning of strategic sites, including infrastructure provision), 4.21 (various matters), and 4.66 (waste provision in relation to the strategic sites) – of the SoCG between TWBC and KCC (October 2021) at Appendix I7 of the DtC Statement [[CD 3.123c \(v\)](#)];
- Southern Water at paragraphs 4.17 - 4.18 and 4.21 (proximity of strategic sites to pumping stations) and paragraph 4.22 (proximity of strategic sites to waste water

treatment works) of the SoCG between TWBC and Southern Water (October 2021) at Appendix I10 of the DtC Statement [[CD 3.123c \(v\)](#)];

- Maidstone Borough Council, including:
 - o the paragraph at the top of paginated page 11/digital page 118 of the SoCG between TWBC and MBC (October 2021) at Appendix A7 of the DtC Statement (November 2021) [[CD 3.132a](#)] regarding the potential allocation of a site in Maidstone borough adjacent to Paddock Wood;
 - o the agreed statement in the centre of this page: “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”;
 - o paragraphs on paginated pages 14 and 15/digital pages 123 and 124 identify that other infrastructure elements (water supply and treatment education and health) of the strategic sites - and elsewhere – will be accommodated within each borough.

B. In addition this joint working has taken place with organisations such as the Upper Medway Internal Drainage board.

Appendix 8: Information on how viability of strategic sites has been undertaken

- A. Paragraphs 7.1 – 7.16 of the Strategic Sites Topic Paper (March 2021) [\[CD 3.64\]](#) sets out the detailed work which has been undertaken, which demonstrates that the infrastructure necessary to mitigate the impact of the development, and the costs associated with the strategic sites being delivered on garden settlement principles and the provision of affordable housing, is viable.
- B. The Council considers that the viability work undertaken meets these requirements in relation to the formation of the strategic sites policies. Further work, particularly on the “trigger points” for the timing delivery of the infrastructure has started – and as set out below the Council will engage with, and work jointly with, TMBC (and other DtC partners) on this – but this level of detail is not considered to be proportionate or focused tightly on supporting and justifying the policies: it goes beyond this. Undertaking this work now and in due course is not deferring this until a later local plan, or seeking direction from the Inspector. Rather it is a reflection of the approach of having proportionate evidence relative to the stage of progression of these sites: as the sites progress further, so the level of detail will increase.