

Matthew Birkinshaw MRTPI
The Planning Inspectorate
The Square
Temple Quay House
Bristol BS1 6PN

Date: 11.01.24

Dear Mr Birkinshaw,

RE: Examination of the Tunbridge Wells Borough Local Plan: Next Steps

In line with our previous communications, and in response to your letter dated November 2022 (ID-012), officers have been working hard to prepare additional evidence to resolve those concerns that you have raised.

At a meeting of Full Council on 13th December 2023 TWBC members agreed to undertake a public consultation on the proposed changes to the Submission Local Plan which respond to your Initial Findings. The consultation will focus on matters raised in your letter as set out in the Council's Development Strategy Topic Paper Addendum (DSTPA) and supporting Sustainability Appraisal Addendum (SAA).

The DSTPA covers all matters raised in your letter, with the SAA report appraising the additional work and identifying the implications of the proposed changes to the development strategy on the Sustainability Appraisal.

In addition to the DSTPA and the SAA there are a number of Post Initial Findings Evidence Base Documents which underpin the Council's proposed response. These include, as an example:

- Green Belt Stage 3 Addendum report – assessment of reasonable alternatives.
- RAG Assessment – Access and Movement – Five Oak Green bypass.
- TW Public Transport Feasibility Study.

- Updated Flood climate change Flood Zone modellings.
- Paddock Wood Strategic Sites Master Planning Addendum.
- Revised growth transport modelling.
- Local Plan Viability Assessment Addendum.

The above list is not exhaustive but covers the main areas of additional evidence. The entire list is found on the Councils website in the updated Local Plan: [Core Document List](#). The additional evidence base documents have mainly been prepared by consultants on the Councils behalf. Furthermore, Appendix A of the DSTPA lists the full comprehensive suite of additional Evidence Base and other supporting documents.

The consultation on the Proposed Changes to the Tunbridge Wells Borough Local Plan (2020 – 2038): Response to the Examination Inspector’s Initial Findings, received November 2022 and Supporting Documents including Sustainability Appraisal will be undertaken for a period of 6 weeks and will run from **15th January until 26th February 2024**.

It is anticipated that should further public Hearings be necessary these can be programmed for late spring / early summer, and we will continue to have dialogue through the Programme Officer on this matter.

The consultation does not include all modifications previously proposed as part of the SLP and those discussed in the Hearings (2022), which will be the subject of a future public consultation as part of the statutory Main Modifications part of the Examination process in due course, and once you have agreed the full schedule of Main Modifications to the SLP.

Other matters

On 31st October 2022, prior to the Council receiving your Initial Findings letter, a key court decision relating to Gypsy and Traveller Accommodation was made. The Lisa Smith v SSLUHC [2022] EWCA Civ 1391 ruling has resulted in the Government’s Planning Policy for Traveller Sites (PPTS) being revised on 19th December 2023. The PPTS now reflects the aforementioned judgement in that the Annex 1 Glossary

definition of gypsies and travellers in the revised policy is now:-

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’

The council’s Gypsy and Traveller Accommodation Assessment (GTAA) (core document reference [3.78](#)) assessed the Gypsy and Traveller needs for the Borough. These needs have been planned for as part of the preparation of the SLP (submission date 1st November 2021). The GTAA reflects the Government’s PPTS published in August 2015, which amended the definition of Gypsies and Travellers to exclude households who have permanently ceased to travel – in effect, for planning purposes, the 2015 PPTS regards such households as members of the settled community. As such, their accommodation needs have not been considered as part of the Council’s GTAA, but rather have been considered as part of the wider, general needs housing requirement.

The Council has undertaken the necessary assessments based on the national policy set out in the PPTS published at the time of the preparation of the SLP in order to assess its Gypsy and Traveller needs. Policy H9 of the SLP identifies sites to accommodate 32-35 pitches to meet the full identified Gypsy and Traveller need in the borough, evidenced within the Council’s current GTAA. Nevertheless, in light of the revisions made to the PPTS in December 2023, and the inclusion of those Gypsies and Travellers who may have permanently ceased to travel, it may be the case that some Gypsy and Traveller needs have now not been planned for as part of the Council’s Local Plan preparation, though as noted previously, such need has been incorporated into the overall housing need for the borough.

In order to establish whether there may be a shortfall in sites within the SLP which seek to meet the needs of the Gypsy and Traveller community as reflected in the December 2023 PPTS definition, an update to the Council’s GTAA is likely to be necessary.

The completion of a further GTAA as part of the current examination would add significant further delays to a timeframe that has already seen additional time pressures on the adoption of the local plan. As a consequence, it is considered that the most reasonable option, bearing in mind that some Gypsy and Traveller needs are being met as part of the SLP, and the Council can currently demonstrate a [5 year Supply of Gypsy and Traveller sites](#), would be for the Council to undertake this additional GTAA work as part of its commitment to review the Local Plan following adoption.

In addition to the above changes to the PPTS, a revised National Planning Policy Framework (NPPF) was published on 19th December 2023.

Annex 1 sets out the how the NPPF should be implemented and the transitional arrangements for the version published on 19th December 2023. It sets out at paragraph 228 that paragraph 22 relating to the policy on larger-scale development is engaged where the local plan has not reached Regulation 19 stage by 20th July 2021. TWBC consulted on its Regulation 19 stage Local Plan between 26th March and 4th June 2021. Therefore, it is considered that paragraph 22 is not engaged.

At Paragraph 230 the NPPF states that the policies within the framework (Dec 2023 version) will apply for the purpose of examining plans, where those plans reach Regulation 19 stage (pre-submission) after 19th March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. TWBC reached Regulation 19 stage on 26th March 2021 so it is considered that the examination will continue on the basis of the former NPPF published September 2023.

I trust that this is of assistance.

Yours sincerely



Carlos Hone MRTPI
Head of Planning Services
Tunbridge Wells Borough Council