

ROYAL TUNBRIDGE WELLS & AREA ACCESS GROUP  
Founded 1948

Espousing a Pan Disability Approach

Mr Michael Coggles  
President

[REDACTED]

[REDACTED]

[REDACTED]

Tel: [REDACTED]

Mrs Anne Musker  
Chair

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Tel: [REDACTED]

26<sup>th</sup> April 2025

[REDACTED]

Planning Team  
Tunbridge Wells Borough Council  
Town Hall, Civic Way  
Royal Tunbridge Wells  
Kent TN1 1RS

Dear Sir/Madam

PROPOSED HOUSING DEVELOPMENTS OUTLINED IN LOCAL PLAN:

Whilst I appreciate the pressure under which the council has been placed by the Labour government to comply with the mandatory house building targets set for them, I am seeking to ascertain the following information to ensure that the council, its planning team and the relevant developers comply with the legal duties imposed by the:-

- Human Rights Act 1998
- Equality Act 2010
- UN Convention on the Rights of People with Disabilities & Its legally binding UK Disability Strategy 2012 (The UN have made clear that they do not recognise the devolved strategies issued in 2021 by the Johnson administration thus the final compliance date remains the end of 2025 see item 2 of Background)

To meet disability specific independent access for all disabled and elderly people, irrespective of cost, in accordance with the legal duty imposed by the Equality Act 2010 & Articles 9 & 19 of the said UN Convention.

Cam;paigning for the Rights of all People with Disabilities

I wish to be assured in writing that:-

- \* All new-build housing will be independently accessible throughout to all disabled and elderly people
- \* That all infrastructure including all townscapes will be disability specific independently accessible to all disabled and elderly people irrespective of the additional cost
- \* That 50% of all new-build homes will be affordable for first time buyers, enforceable on all developers as a condition of an planning approval
- \* That the design and construction of new-build homes must have solar panels' and pumps included as a requirement (that can be a condition according to the Energy Minister)
- \* That prior to the construction of new development water and sewage mains will be totally replaced and upgraded to meet the future demands, as will power networks and education facilities, road networks, with mandatory time limits imposed as a planning condition
- \* That prior to the construction of new developments all GP, NHS Primary and Acute Trusts be funded by the developers to recruit the necessary additional staff to ensure that no patient waits more than 24 hours for a face to face appointment with a GP and that sufficient staff are fully trained and available to ensure that within one month of a referral they are seen by NHS Trusts – currently this is not the case and both GP, NHS Acute & Primary Care Trusts in our area were designed for a smaller population demographic, not the proposed levels resulting from these imposed housing targets (Legal advice suggests that such applications could be refused on public health grounds)
- \* That all modes of public transport including all licensed hackney carriages and hire vehicles and the transport infrastructure are independently accessible to all disabled people, where necessary local transport totally funded by the developers for periods of up to 10 years
- \* Where new developments are adjacent to existing terraced housing without off street parking, the developer must make space available for those houses to have such off-street parking to reduce obstruction of the road networks, this is especially the case in many villages where the existing road networks cannot be changed. Failure to the developer

to provide such facilities at their expense as part of an application or the failure of the LPA to enforce this upon a developer will be seen as discriminating against existing rights of residents.

#### **BACKGROUND:**

- 1, In 2000 the then Prime Minister Sir Tony Blair used the legal device of the Equality Standards in Local Government Targets 2000 (ESLG), the forerunner of the Public Sector Equality Duty (PSED) to bring an International Treaty into UK law by requiring at the lowest level of compliance with the said Targets, “adoption and full compliance with the said Convention also known as the Social Model of Disability”. The Cabinet Office, the font of all wisdom on government policy, practice and procedure made clear in 2016:-

“The articles of the said UN Convention are non negotiable and must be complied with by 2025 or sooner if resources permit”

- 1.1 In two social care cases involving disabled people in 2016, the UK Supreme Court upheld the cases in favour of disabled people and in their ruling made clear:-

“The UN Convention and the legally binding UK Disability Strategy 2012 are stand alone, not part of the Equality Act 2010, but additional to it and must be complied with”

In 2020 in response to requests for further clarification the Cabinet Office made clear that:-

“That whilst it is the case that the UK does not adopt into UK law International Treaties, in 2000 Tony Blair then Prime Minister used the legal device of the ESLG to bring the said UN Convention into UK law. It is correct that many flagship policies of successive administrations are based on the long held assumption of total compliance by 2025. It is also correct that by the time the PSED was enacted “adoption

and total compliance" with the ESG was assumed, hence it was not specified within the later Act".

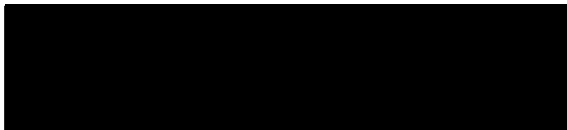
2. As I pointed out at the beginning of this letter the UN were approached by disability organisations and charities to see if in the light of Brexit, the financial turmoil, the pandemic and the war in Ukraine a ten year extension to the compliance date would be acceptable. We were told that if a Minister made such an application it would be favourably considered.
  - 2.1 The Johnson administration were approached but the Cabinet did not like the idea of going "cap in hand" to the UN and chose to issue in 2021 the devolved strategies, without I understand, consultation with the UN. The UN subsequently made clear that they do not deal with devolved administrations, only with the national government that adopted, formerly ratified and in the UK case, issued the legally binding UK Disability Strategy 2012 to reach the agreed compliance date set as 2025.
  - 2.2 Legal advice suggests that this invalidates the 2021 devolved strategies also any court action would rely upon the 2016 ruling of the UK's Supreme Court. The failure to comply by successive government administrations and in our case both KCC and Tunbridge Wells Borough Council who in 2001 issued their own disability strategies and were praised by the then Labour government as being the first to comply will be between a rock and hard place should litigation by disabled residents begin post 2025
3. To make new-build housing independently accessible will reduce the number of units per acre, also ensuring that the townscapes are totally compliant with dropped kerbs, wayfinding lines, tactile delineators and accessible signage, as well as ensuring that all housing or flats designs use ramps not steps.
  - 3.1 In the case of flats lifts must be included to enable wheelchair access to all floors.
  - 3.2 Planning Officers that fail to make these legal duties and requirements to developers will be held to have:-

**"Deliberately discriminated against disabled people  
and contributed to their exclusion"**

**Hence you will now understand the detailed legal reason for this request for information, the use of "confidentiality" is not applicable in this case and would be considered by our legal team, to be "unlawful and obstructive".**

**I look forward to your detailed response with interest.**

**Yours faithfully**



**Michael Coggles  
President RTW&AAG  
SE Rep' National Disability Cuts Watch Team**