

# Appendix A – Statements of Common Ground (SoCGs) for Neighbouring Authorities

# Appendix A1: Sevenoaks DC - Signed SoCG between TWBC and SDC May 2019

**Statement of Common Ground**

as agreed between

**Tunbridge Wells Borough Council and  
Sevenoaks District Council**

Statement of Common Ground - Tunbridge Wells Borough Council and Sevenoaks District Council,  
May 2019

**Contents**

**1. Introduction**

*The basis for preparing this Statement of Common Ground*

**2. Key Matters**

*Housing*

*Economic Development*

*Conservation and enhancement of natural and historic environment – Ashdown Forest*

*Cross boundary infrastructure*

**3. Actions going forward**

**4. Signatories / Declaration**

**Appendix A: Administrative Areas**



## **1. Introduction**

### **The basis for preparing this Statement of Common Ground**

- 1.1 This Statement of Common Ground (SCG) has been prepared by Tunbridge Wells Borough Council (TWBC) together with Sevenoaks District Council (SDC). It reflects the agreed position between the parties.**
- 1.2 The purpose of this SCG is to set out the basis on which TWBC and SDC have actively and positively agreed to work together to meet the requirements of the Duty to Cooperate. TWBC have prepared their Local Plan for Regulation 18 consultation from September to November 2019. SDC have prepared their Local Plan for submission in spring 2019. This statement also describes the established mechanisms for ongoing cooperation on strategic matters.**
- 1.3 Under section 33A of the Planning and Compulsory Purchase Act 2004 (amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) 2019 it is a requirement under the Duty to Cooperate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan documents and other local development documents. This is a test that local authorities need to satisfy at the Local Plan examination stage and is an additional requirement to the test of soundness.**
- 1.4 The Duty to Cooperate applies to strategic planning issues of cross boundary significance. Local authorities all have common strategic issues and as set out in the National Planning Practice Guidance (NPPG) "*local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.*" The statutory requirements of the Duty to Cooperate are not a choice but a legal obligation. Whilst the obligation is not a duty to agree, cooperation should produce effective and deliverable policies on strategic cross boundary matters in accordance with the government policy in the NPPF, and practice guidance in the NPPG.**
- 1.5 The administrative areas set out in Appendix A show that TWBC and SDC share a common boundary and hence are required to work cooperatively in an effective way to address key strategic matters pertaining to these areas. It is acknowledged that the areas are also part of established and recognised Housing Market Areas and Functional Economic Market Areas.**

## 2. Key Matters

The NPPF defines the topic areas considered to be strategic matters (para 20). Those strategic matters relevant to TWBC and SDC are explored below.

### 2.1 Housing

- 2.1.1 Government policy places much emphasis on housing delivery as a means for ensuring economic growth and addressing the current national shortage of housing. The NPPF is very clear that *"strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period"*.
- 2.1.2 Sevenoaks District and Tunbridge Wells Borough share a functional housing market area as set out within the Strategic Housing Market Assessment which was produced jointly by the two authorities. This study identified that Sevenoaks and Tunbridge Wells fall within a West Kent Housing Market Area which includes Sevenoaks, Tonbridge and Tunbridge Wells and extends to include Crowborough, Hawkhurst and Heathfield. The SHMA also identifies cross-boundary interactions with the northern parts of Rother and Wealden districts in East Sussex, between Swanley and Dartford; and with London.
- 2.1.3 The Sevenoaks and Tunbridge Wells SHMA concludes that *"The principal adjoining authorities with a strong relationship would be Tonbridge & Malling, Wealden and Rother. Equally the commissioning authorities would need to engage with those authorities in respect of any unmet housing needs arising from these other authorities' areas. We would also advise the Councils to engage with the Greater London Authority and London Boroughs in respect of any unmet needs arising from London"*.
- 2.1.4 SDC has undertaken its Regulation 19 consultation on a Local Plan that includes proposed Green Belt release but also outlines a degree of unmet housing need. SDC is constrained by the Green Belt (93%) and the Area of Outstanding Natural Beauty (AONB) (60%) and it is noted that SDC cannot meet its need in full within its own administrative area. SDC's Regulation 19 Plan outlines a housing supply of 9,410 units. Based on a requirement of 707 units per annum, or 11,312 units in total over a 16 year period (2019-35), this leads to an unmet housing need of approximately 1,900 units (or 17% of the requirement).
- 2.1.5 Discussions have taken place with neighbouring authorities in the HMA to discuss assistance with any unmet need, but no authority to date has been in a position to assist SDC with its unmet need.
- 2.1.6 TWBC is currently preparing its second Regulation 18 version of the Draft Local Plan for consultation, which includes the vision, objectives and growth strategy, overarching strategic policies, place shaping policies and detailed Development Management Policies.
- 2.1.7 TWBC is also constrained by the Green Belt (22%) and the Area of Outstanding Natural Beauty (70%) as well as areas of flood risk and traffic congestion. The Regulation 18 Draft Local Plan identifies the need for 13,560 dwellings in accordance with the Standard

**Methodology.** Taking into account homes already built since 2013 and sites benefiting from planning permission and allocations within the existing Site Allocations Local Plan, TWBC is aiming to allocate land to meet the remaining balance of 8,914 (Note: this is still subject to change following ongoing work) dwellings. TWBC is seeking to meet its full objectively assessed need across the borough through development at a number of settlements, strategic release of Green Belt at Paddock Wood/Capel to allow expansion of the settlement and a new garden settlement within the Green Belt at Tudeley also within Capel Parish.

- 2.1.8 It is understood that, at present, TWBC is unable to assist SDC with unmet housing need, due to the constraints on both local authorities, and their inability to meet housing needs beyond their own, irrespective of unmet needs elsewhere.
- 2.1.9 Consequently, both councils will continue to work together and identify the position as both TWBC and SDC prepare to review their Local Plan every 5 years.

#### **Actions**

- TWBC and SDC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent housing market area in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London's growth, large scale developments and opportunities for meeting any unmet need.
- TWBC and SDC to each undertake a 5 year review of their respective Local Plans.

## **2.2 Economic Development**

- 2.2.1 It is considered that Tunbridge Wells and Sevenoaks form part of a wider regional economy, within which many areas share important economic relationships with London. There is also a more localised geography that has historically functioned as a sub-regional economy and which shares similar economic characteristics. It is considered that Sevenoaks district, Tunbridge Wells and Tonbridge and Malling boroughs share a functional economic market area. This reflects evidence of commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.
- 2.2.2 TWBC and SDC carried out a Joint Economic Needs Study (2016) in order to inform their respective Local Plans taking into account the recognised functional economic relationships. This identified a need for 11.6ha of new employment land within SDC and 11-14ha within TWBC. Additionally both authorities have carried out their own Retail and Leisure studies which seek to identify the retail, leisure, town centre needs over the Plan period, recognising the functional geography of these areas and the catchment areas for retail and leisure patterns across the wider sub-region.
- 2.2.3 TWBC is seeking to meet its identified employment land and retail needs in full through the retention, intensification and extension of the existing defined Key Employment Areas, in particular a strategic expansion in the Green Belt at land at Kingstanding Way, Royal

Tunbridge Wells and mixed use town centre enhancements primarily within Royal Tunbridge Wells and Paddock Wood.

2.2.4 SDC is seeking to meet its employment and retail, town centre needs in full through the retention of existing employment sites and the potential for intensification/expansion at the Vestry Trading Estate and around the Dunbrik A25 area. SDC is seeking to meet its retail and leisure needs through the promotion of a number of mixed use development sites within Sevenoaks, Swanley and Edenbridge.

2.2.5 Both Councils will continue to operate existing joint working arrangements through the wider Duty to Cooperate forum to ensure that suitable provision can be made as appropriate.

**Actions:**

- TWBC and SDC to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the functional economic market area in relation to economic related matters, including employment land and retail and town centre development.
- TWBC and SDC to each undertake a 5 year review of the Local Plan and the evidence base that informs it. Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.

**2.3 Conservation and enhancement of natural and historic environment - Ashdown Forest**

2.3.1 Both authorities have been actively involved in wider duty to cooperate matters affecting Ashdown Forest, a European site protected under the Habitat Regulations. Cross boundary issues of visitor pressure and vehicle emissions have the potential to adversely affect the protected habitats and species found on the Ashdown Forest.

2.3.2 TWBC and SDC have been working in partnership with other affected authorities to commission studies, undertake detailed analysis, and to develop policy to ensure planned development can go ahead without causing harm to the designated site. Both authorities are part of two formal partnerships covering these issues: one to address visitor pressure, "The Strategic Access Management and Monitoring (SAMMS) partnership"; and one to address vehicle emissions, the Ashdown Forest Working Group. The Ashdown Forest Steering Group has worked with the Planning Advisory Service as a pilot to produce a Statement of Common Ground, setting out a joint approach to this internationally-designated site.

**Actions:**

- TWBC and SDC to continue to be active members of the two working groups and undertake the actions set out in the signed Statements of Common Ground and any additional work/liaison as necessary.



## **2.4 Cross boundary infrastructure**

- 2.4.1** There are a number of cross boundary infrastructure issues that have an impact on both authorities including schools, education, health, roads, active travel etc. Any relevant issues are discussed and explored at the regular Duty to Cooperate meetings between the two authorities as well as with other agencies/stakeholders such as Kent County Council Education and Highways, and the West Kent Clinical Commissioning Group (WK CCG).
- 2.4.2** In relation to highway infrastructure, TWBC and SDC are committed to continue working together in partnership, with the aim of ensuring the necessary highways improvements to support sustainable growth delivered in a timely manner over the period of the TWBC and SDC Local Plans. TWBC and SDC recognise that securing sufficient funding to deliver highway improvement schemes is important. The two parties are committed to working together to secure the necessary funding and will positively consider all available mechanisms.
- 2.4.3** TWBC and SDC are committed to continued partnership working, including exploring joint bids to unlock funding to support sustainable growth and the necessary infrastructure in the local authority areas over the Local Plan period. TWBC and SDC will keep each other fully informed of any changes to any significant infrastructure needs and will continue to liaise on these matters at all levels and for all types of development, where appropriate, including through planning applications that are cross boundary.

### **Actions:**



- TWBC and SDC to continue to liaise and work together with the infrastructure providers on all cross boundary infrastructure matters, including planning applications.



### 3. Actions going forward

Key Issue	Agreed Action
Housing	TWBC and SDC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent housing market area in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London's growth, large scale developments and opportunities for meeting any unmet need, prior to a 5 year review of the respective Local Plans.
Economic Development	TWBC and SDC will continue to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent functional economic market area in relation to economic development matters, including the provision of employment land, retail, leisure and town centre uses. Opportunities for joint working will be explored as appropriate as part of a 5 year review of respective Local Plans.
Environment/Ashdown Forest	TWBC and SDC will continue to form part of the Ashdown Forest working group and implement actions set out in the signed Statements of Common Ground.
Infrastructure	TWBC and SDC will continue to liaise and work together with the infrastructure providers on all cross boundary infrastructure matters, including planning applications.

- 3.1 In addition to the agreed position between TWBC and SDC, both authorities are also working with Tonbridge & Malling Borough Council (TMBC) on a West Kent Statement of Common Ground, to address key strategic cross-boundary matters pertinent to all three authorities. The scope of the West Kent Statement of Common Ground may be broadened to cover other infrastructure issues which are pertinent and relevant to either two or all three of the West Kent authorities, for example infrastructure in relation to flood risk.

### 4. Signatories/Declaration

Signed on behalf of Tunbridge Wells Borough Council (Officer)	Signed on behalf of Tunbridge Wells Borough Council (Councillor)
	
Position: <u>HEAD OF PLANNING</u>	Position: <u>Portfolio Holder Planning</u>
Date: <u>21/5/2019</u>	Date: <u>21-5-19</u>

Signed on behalf of Sevenoaks District Council (Officer)	Signed on behalf of Sevenoaks District Council (Councillor)
	
Position: <u>Chief Executive</u>	Position: <u>Councillor</u>
<u>21.5.19</u>	

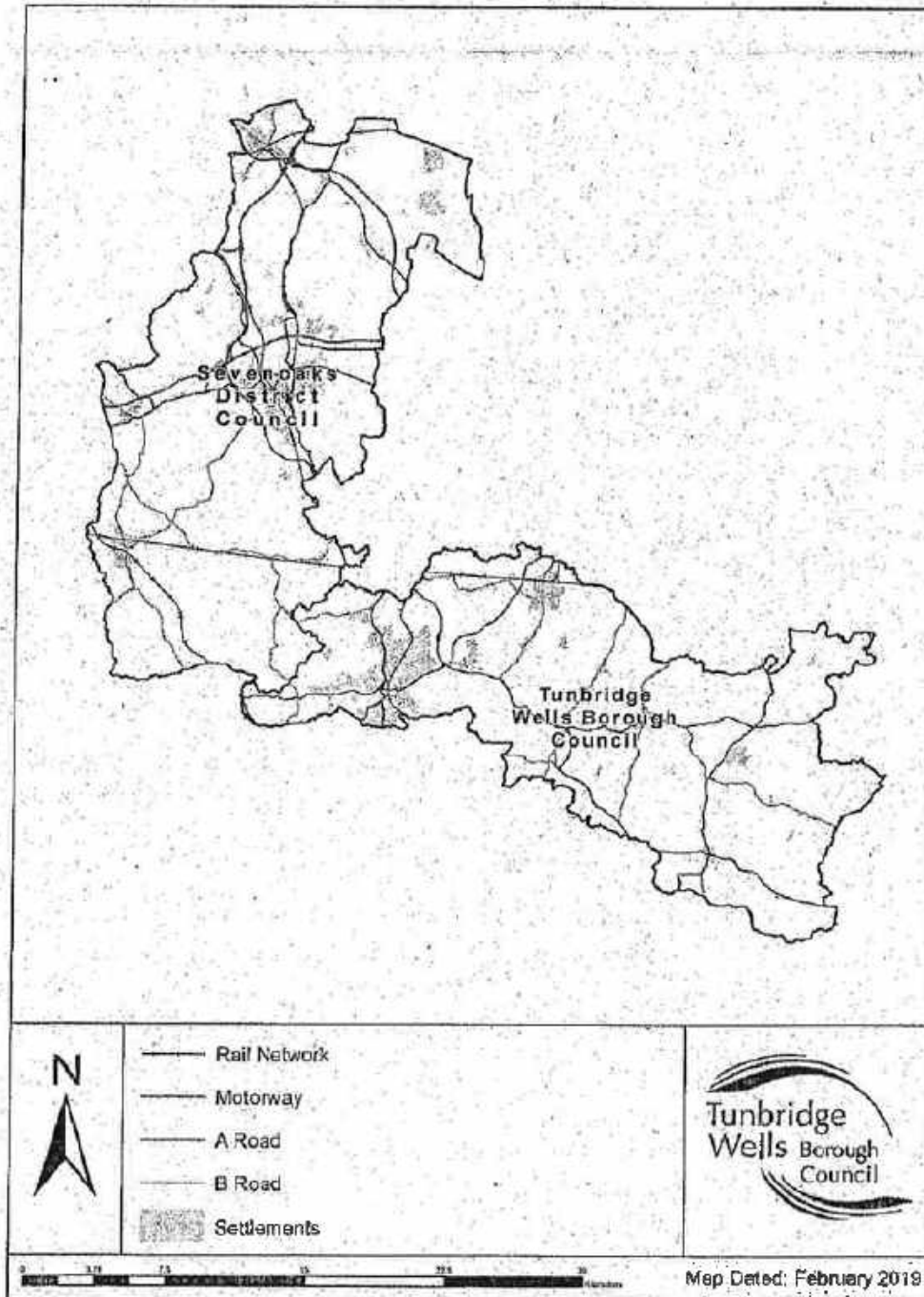
Statement of Common Ground - Tunbridge Wells Borough Council and Sevenoaks District Council,  
May 2019

Date:

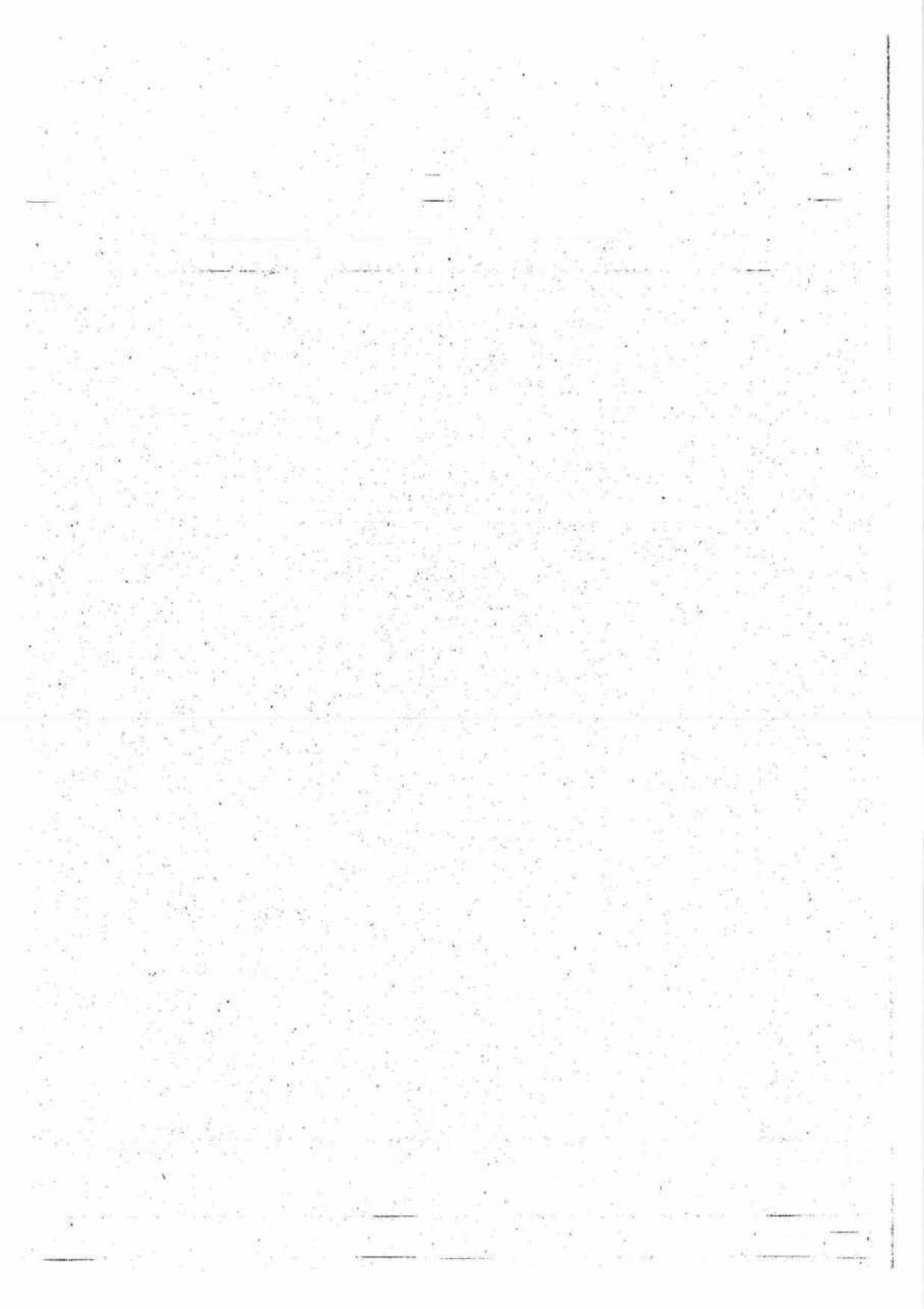
Date:

Appendix A: Administrative Areas

Administrative Areas



© Crown Copyright and database rights 2019 Ordnance Survey 100024289





# Appendix A2: Sevenoaks DC – Working Draft SoCG between TWBC and SDC October 2021

Sevenoaks District Council  
and  
Tunbridge Wells Borough Council  
**Statement of Common Ground**

---

October 2021



Commented [SB1]: Replace with SDC logo

1.0	Introduction .....	3
	Development Plans – current position .....	3
	This SoCG and the duty to cooperate .....	5
	Structure of the SoCG .....	6
2.0	Housing .....	8
	Housing Market Area (HMA) .....	8
	Housing requirements .....	9
	Gypsy, traveller and travelling showpeople .....	13
3.0	Economy .....	15
	Functional Economic Market Area (FEMA) .....	15
	Employment land needs and provision .....	16
4.0	Retailing .....	18
5.0	Cross-boundary Infrastructure Issues .....	20
	Potential/proposed developments on or near the LPAs' common boundary .....	21
6.0	Natural Environment .....	22
	Ashdown Forest European Site .....	22
	Ashdown Forest Special Area of Conservation (SAC) – Air Quality .....	22
	Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance .....	22
	High Weald Area of Outstanding Natural Beauty (AONB) .....	23
	Biodiversity .....	25
7.0	Governance arrangements .....	26
8.0	Actions and Review Timetable .....	27
9.0	Signatories/Declaration .....	29
	Appendix A: The Administrative Areas of Sevenoaks district and Tunbridge Wells borough .....	30

Commented [SB2]: All to be updated once SoCG has been reviewed by SDC

# 1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Sevenoaks District Council (SDC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate (DTC) matters, and the shared position of the two authorities, as at [date to be inserted]. The relevant DTC matters included in this SoCG are ongoing and subject to review, as set out below. This shared position between SDC and TWBC sets out the position in relation to the two Local Plans (the emerging SDC Local Plan (period yet to be confirmed) and the TWBC Pre-Submission version of the Local Plan 2020-2038), and will inform future policies and work on respective forthcoming Local Plans. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making.

## Development Plans – current position

### SDC

- 1.2 The current development plan for SDC consists of the SDC Core Strategy 2011, and the Allocations and Development Management Plan 2015. There are no 'made' Neighbourhood Plans, but a number of Parishes have been designated as Neighbourhood Areas.
- 1.3 SDC commenced work on a new Local Plan in 2015. Regulation 18 consultation was undertaken on an Issues and Options document (summer 2017) and the Draft Local Plan from July – September 2018. The Regulation 19 Proposed Submission version, covering the period 2019-2035, was published between 18<sup>th</sup> December 2018 and 3<sup>rd</sup> February 2019. The Proposed Submission Version was submitted on 30<sup>th</sup> April 2019.
- 1.4 The hearing sessions associated with the examination were held in September and October 2019. Following the conclusion of the first round hearing sessions, the appointed Inspector wrote to SDC setting out concerns regarding compliance with the duty to co-operate. After exchanges of correspondence, the Inspector's report was issued on 3<sup>rd</sup> March 2020. The report concluded that the Duty to Co-operate had not been complied with and recommended that the Local Plan should not be adopted. Accompanying the Inspector's report was a letter setting out the Inspector's thoughts relating to soundness issues.
- 1.5 Legal proceedings to challenge the Inspector's decision (a judicial review considered by the High Court and a subsequent application to the Court of Appeal following the High Court decision) have now concluded.

Deleted: significant

Deleted: the plan



1.6 SDC is of the view that the Proposed Submission Version of the Local Plan cannot be relied on for decision making purposes. The associated evidence base documents do, however, continue to be material consideration for both plan making and decision taking purposes in Sevenoaks.

**Deleted:** SDC considers that TWBC considers that SDC's Proposed Submission Version Local Plan (December 2018) is effectively "dead" and has nil weight in planning decisions.

- 1.7 The next steps in SDC's plan making process are set out in a revised Local Development Scheme (LDS). The Local Plan timetable, which will form part of the LDS was considered by the Council's Development and Conservation Advisory Committee (DCAC) in October 2021 and then Cabinet in November 2021. The most recent version of SDC's LDS is available on its website. The timetable considered by DCAC indicated Regulation 18 consultation in April and May 2022, followed by Regulation 19 consultation in December 2022 and January 2023 and submission in April 2023. Following Examination adoption is scheduled for April 2024.

**Deleted:** ¶  
1.6 Both SDC and TWBC consider that it is however TWBC also considers that it is material that the Planning Inspector for the SDC Local Plan set out that:  
- "significant concerns" about inter alia "the assessment of the Green Belt".  
- 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.

- 1.8 Moving forwards, the SDC plan making process will be informed by existing evidence base documents with appropriate updates and a number of new studies. The latest position on all aspects of the SDC's evidence base is set out on its website and in reports to its DCAC.

**Commented [SB4]:** James – am not sure what the issue with this is. It's factual. If it's a case that Cabinet haven't agreed it yet, I've amended it accordingly.

- 1.9 SDC has also launched a "call for sites" which will close on 20<sup>th</sup> January 2022. This comprises two stages: Stage 1 within settlements that are excluded from the Green Belt, followed by Stage 2, which relates to all other areas of the District.

**Deleted:** Development and Conservation Advisory Committee

**Deleted:** Local Plan This includes a Town Centre Strategy, District-wide Character Study, Settlement Capacity Study and Targeted Review of Local Housing Needs. All except the latter will seek to identify capacity for housing and employment.

## TWBC

- 1.10 The development plan for TWBC consists of the Core Strategy 2010, the Site Allocations Local Plan 2016 and saved policies in the Borough Local Plan 2006. There are two 'made' Neighbourhood Plans - Hawkhurst and Lamberhurst - with a further ten at varying stages of production.
- 1.11 TWBC is currently in the process of replacing these documents with a new Local Plan. The new Local Plan will cover the period 2020 - 2038. Regulation 18 consultations on an Issues and Options took place in 2017, and on a Draft Local Plan from September - November 2019.
- 1.12 Regulation 19 consultation took place on the Pre-Submission Local Plan between 26<sup>th</sup> March – 4<sup>th</sup> June 2021. A revised LDS (October 2021) sets out that submission will occur in October 2021, with adoption scheduled for January 2023.

**Formatted:** Superscript

## Areas where there is not common ground

- 1.13 There is not agreement over the status of the SDC's Proposed Submission Version Local Plan (December 2018). TWBC considers that it is effectively "dead" and has nil weight in planning decisions.
- 1.14 There is not agreement over the materiality to attach to the Planning Inspector for the SDC Local Plan's comments about the soundness of the SDC Local Plan, albeit

**Commented [SB5]:** SDC has commented on 1<sup>st</sup> Nov 2021: My last email to you sets out our thoughts on this point. I would be happy with a factual statement in the version I sent to you on Friday along the lines of:

SDC understands that TWBC has obtained a legal opinion on the status of SDC's Proposed Submission Local Plan. This opinion has not been shared with SDC.



accepting that she required further evidence on these points. SDC considers that it is material that she had:

- "significant concerns" about inter alia "the assessment of the Green Belt <sup>3</sup>".

- 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"<sup>4</sup>

**Commented [SB6]:** SDC has commented on 1<sup>st</sup> Nov 2021: The Inspector's letter is referred to elsewhere and the latest position on updates to evidence is clearly reflected. Circumstances have moved since the receipt of this letter and no further commentary is needed.

## This SoCG and the duty to cooperate

- 1.15 This SoCG relates to the Local Plans being produced by SDC and TWBC. It covers strategic cross-boundary matters, such as housing need (including unmet need), housing provisions, gypsy and traveller provisions, employment and retail needs, natural environment and infrastructure. It demonstrates commitment by SDC and TWBC to engage and be active on an on-going basis in relation to DfC matters in the preparation of their respective local plans, and future local plans.
- 1.16 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (February 2019), it is a requirement under the DfC for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan and other relevant planning documents.
- 1.17 Paragraph 27 of the NPPF (February, 2019) states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more SoCG, documenting the cross-boundary matters being addressed and progress in cooperating to address these. This notes that such SoCGs should be produced using the approach set out in the national planning guidance and be made publicly available throughout the plan-making process to ensure transparency.
- 1.18 A full account of engagement activities undertaken between SDC and TWBC in relation to housing need and other matters, is contained in the respective duty to cooperate statements.
- 1.19 The Planning Practice Guidance (PPG) ([see Paragraph 010 Reference ID: 61-010-20190315](#)) confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating

Deleted: all

<sup>3</sup> Note from Karen Baker (PINS) to James Gleave dated 14th October 2019

<sup>4</sup> Letter from Karen Baker (PINS) to James Gleave dated 2nd March 2020

at Examination that plans are deliverable over the plan period, and are based on effective joint working across local authority boundaries.

- 1.20 The administrative areas that are set out in **Appendix A** show that SDC and TWBC share a common administrative boundary along their south eastern and north western boundaries respectively. The plan at **Appendix A** shows that the administrative boundary between SDC and TWBC lies to the north west of Langton Green, Speldhurst, Rusthall and Southborough in Tunbridge Wells, and to the south east of Penshurst and Fordcombe in Sevenoaks. The A21, a trunk road managed by National Highways, runs through both councils' areas; it leaves Sevenoaks south east of Sevenoaks Weald (into Tonbridge and Malling (T&M) borough), before re-entering and then leaving Sevenoaks district again (to the east of Leigh) to run to the south of Tonbridge (within T&M) before entering into Tunbridge Wells borough.
- 1.21 SDC and TWBC formerly signed a SoCG in May 2019. This SoCG updates the position in relation to the DfC since May 2019.
- 1.22 SDC and TWBC are in agreement about the range of issues to be covered by this SoCG, and the need for full and frank deliberation.
- 1.23 The extent of joint working between SDC and TWBC has been discussed. Both agree that the most appropriate approach is one of continuing the regular liaison on cross-boundary matters, even if the DfC is abolished under national planning reforms.
- 1.24 There has been joint commissioning and undertaking of work for the respective Local Plans, including the Strategic Housing Market Assessment and Economic Needs Assessment; additionally, the Historic Environment Review was also commissioned jointly.
- 1.25 Liaison between the Councils reflects the nature of the strategic matters set out below. Responsibilities for agreement of this and future SoCG are set out under 'Governance Arrangements' and 'Actions and Review Timetable' in sections 7 and 8 respectively below.

## Structure of the SoCG

- 1.26 The remainder of the SoCG is structured as follows:
- **Section 2** – This section relates to housing provision for both local authorities and specifically housing needs (including unmet housing need), the Housing Market Areas (HMAs) for each respective area, and housing provision and gypsy and traveller provision;
  - **Section 3** – This relates to the employment needs of each respective local authority area;
  - **Section 4** – This relates to cross-boundary infrastructure requirements for both local authorities including potential/proposed developments on or near the LPA's common boundary;

- **Section 5** – This section relates to the natural environment and specifically the High Weald AONB, which overlays parts of both authorities, to biodiversity and the nearby Ashdown Forest. (Green Belt matters affecting SDC and TWBC are dealt with under housing needs in Section 2);
- **Section 6** – This outlines the agreed actions between SDC and TWBC going forward with respect to their Local Plans and future plan-making.

DRAFT



## 2 Housing

### Housing Market Area (HMA)

- 2.1 A Housing Market Area (HMA) is defined in the PPG as a geographical area determined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work ([see Paragraph: 018 Reference ID: 61-018-20190315](#)). These can be broadly defined by analysing:
- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas;
  - Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools);
  - Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

#### West Kent HMA

- 2.2 The Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) published in 2015 identified that Sevenoaks district, part of Tonbridge & Malling borough and Tunbridge Wells borough all fall within the West Kent HMA and this extends to include Crowborough, Hawkhurst and Heathfield, essentially as the 2011 Travel to Work Area (TTWA). SDC is currently updating its evidence on Housing Needs, in the form of a Targeted Review of Local Housing Needs (TRLHN). This study does not include Tunbridge Wells Borough,
- 2.3 In terms the relationship to local authority boundaries, the TTWA covers most of Sevenoaks district, with the western part of Tonbridge & Malling borough, focused on Tonbridge itself, providing a key linkage. The HMA also extends into the northern part of Wealden district and the north-western, quite rural, part of Rother district.
- 2.4 The Sevenoaks and Tunbridge Wells SHMA states that *"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. Equally the commissioning authorities would need to engage*

Deleted:

with these authorities in respect of any unmet housing needs arising from these other authorities' areas...."

- 2.5 Given the evidence above, both Councils agree that they currently share the same housing market areas. This has, and will be, taken into account when cooperating on strategic cross-boundary matters, such as housing, through the DTC process.

## Housing requirements

- 2.6 The housing need figures for both SDC and TWBC, based on the use of the Standard Method, in dwellings per annum (dpa), are set out in the following table:

Table 1: housing need figures for SDC and TWBC in dwellings per annum

Housing Target Source	SDC	TWBC
Statutory Development Plan	165 dpa under SDC Core Strategy (2011)	300 dpa under TWBC Core Strategy (2010)
'Standard Methodology' under NPPF (Feb. 2019)	707 (capped figure); SDC submission Local Plan (2019) 714 (capped figure) February 2021	678 dpa (capped figure) February 2021

- 2.7 SDC used the Standard Method calculation as set out in the NPPF at that time (2018) for the purposes of assessing local housing need for the Proposed Submission Local Plan (December 2018), whilst TWBC is using the Standard Method as set out in the NPPF (2021) as amended by the changes to the Planning Practice Guidance (December 2020). However, this will be kept under review including having regard to more recent projections, as well as to any revisions to Government policy or Guidance.

Deleted:

- 2.8 Throughout the period of plan making, since 2015, DTC discussions have taken place between SDC, TWBC and Tonbridge & Malling Borough Council (TMBC) in relation to the ability or otherwise to meet housing need. At times, written correspondence has been exchanged on this matter. These discussions have reflected the relevant provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 (The Local Plan Regulations), the requirements of national planning guidance and the basic principle that needs and requirements emerge as the plan progresses towards submission, in the light of all representations made.

Deleted: (i.e. neighbouring authorities in the HMA – please see above and below)

- 2.9 SDC wrote to Tunbridge Wells and other local authorities on 11<sup>th</sup> April 2019 to advise on a number of different aspects of its emerging Local Plan, including an unmet need of approximately 1,800 dwellings. The engagement undertaken to that point was noted and recipients were asked if they were in a position to meet any of

Deleted:

Deleted: 11

Deleted: , for the sake of completeness

Deleted: ,



this need. Offers of assistance were not forthcoming and the Proposed Submission Version of SDC's Plan was submitted for examination.

2.10 It is common ground that the unmet need figure of 1,800 units identified April 2019 can no longer be relied on.

**Commented [S88]:** James, whilst we're happy with the majority of the inserted text we cannot agree to the "for the sake of completeness" – you are aware of the importance we consider the request has had.

2.11 The overwhelming majority of land in Sevenoaks District is subject to nationally significant planning constraints and the challenges to meeting housing needs, in a manner that is consistent with all aspects of the NPPF, are recognised by both parties.

2.12 Whilst the outcome of SDC's plan making process cannot be predetermined, SDC considers at this time that it is highly unlikely that its housing need can be accommodated on land that is unaffected by the constraints listed in footnote 7 of the NPPF, including the Green Belt.

2.13 Paragraph 141 of the NPPF notes that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate it has fully examined all other reasonable options for meeting its identified need for development. This aspect will be assessed through the examination of strategic policies and whether the strategy has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified needs for development, as demonstrated through the Statement of Common Ground. It is expected that discussions will take place on paragraph 141 between SDC and TWBC under the duty to cooperate as SDC progresses its plan.

2.14 Notwithstanding the conclusions of previous discussions, there may be scope for any excess housing "buffer" in TWBC (as referred to in para ??) to be considered as part of the wider delivery of housing in the West Kent Housing Market Area, and for this to be discussed under the duty to cooperate. Whether there is scope will be dependant on the Examination and adoption of the TWBC Local Plan, and subsequent monitoring of housing delivery, as the buffer is being planned for as it is considered prudent to provide this degree of flexibility in TWBC's housing supply. Further work is needed to determine the proportion of SDC's housing need that can be met outside of the Green Belt and on land that is unaffected by footnote 7 constraints, and SDC's assessment of sites in areas affected by these constraints. The extent and availability of TWBC's 'buffer' will be clarified through its plan making process.

- ↓

TWBC

2.15 TWBC's approach to producing its Local Plan has been to assess sites, and consider a spatial strategy, unconstrained by an upper housing limit. Assessment through the Sustainability Appraisal (for the Draft Local Plan and Pre-Submission Local Plan) has included assessment of options which include i) meeting TWBC's uncapped need (741 dpa as compared to 678), and ii) meeting TWBC's uncapped need and SDC's unmet need (853 dpa).

**Deleted:** it may now be possible to accommodate a proportion any unmet housing from Sevenoaks in Tunbridge Wells Borough, through the 'buffer' referred to in paragraph XXX.

**Deleted:** :

**Deleted:** it is agreed that the key issue in relation to the Inspector's decision on the DfC (para 1.4) and current legal proceedings

**Deleted:** (para 1.5) is this unmet housing need.

**Deleted:** -> The extent to which SDC can meet its local housing need remains unclear

**Deleted:** -> at present, pending the outcome of the current legal proceedings. ¶

**Deleted:** -> Both LPAs recognise that the extent to which development needs can be met is an outcome of the plan making process rather than a starting point and this is not fully apparent until all evidence and representations have been considered. The emerging nature of housing needs has been a guiding principle of the engagement between SDC and TWBC, during the course of their respective plan making processes. It is acknowledged that housing needs and requirements are frequently discussed during the course of the Local Plan examination and can continue to alter up the point the Inspector issues his or her final report. ¶

In relation to the duty to cooperate, both LPAs are content they have made sound judgements on how and when to engage constructively in relation to strategic cross-boundary matters, including housing needs. As noted in paragraph 1.12 above, a full account of all engagement activities undertaken between SDC and TWBC

**Deleted:** -> in relation to housing need and other strategic cross boundary matters, is set out in the respective duty to co-operate statements. ¶

**Formatted:** Indent: Left: 1.75 cm, No bullets or numbering

**2.16** TWBC has continued to consider whether there is scope to accommodate unmet need, including through the assessment of additional sites submitted in the Regulation 18 consultation on the Draft Local Plan in autumn 2019 and beyond well into 2020, and through the Sustainability Appraisal and Strategic Housing Land Availability Assessment of the Pre-Submission Local Plan. TWBC has therefore been aware of and considered the scope to meet any unmet needs from SDC in preparing its Local Plan.

- 2.17** It became evident through the plan-making process that TWBC is reliant upon the release of land from the Green Belt, including for a new garden village settlement on land currently in the Green Belt and doubling the size of Paddock Wood, part of the extension of this settlement would fall in the Green Belt, as well as the allocation of sites for major development within the High Weald AONB, if TWBC were to meet its own housing needs.
- 2.18** The NPPF (paragraph 141, formerly paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraphs 176 and 177, formerly paragraph 172). TWBC raised this issue with its neighbouring LPAs, including SDC, and formally wrote in early October 2020 to ask what capacity they may have to assist, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan.
- 2.19** In response, SDC set out that it would not be able to assist due to the similar levels of constraint in Sevenoaks District as Tunbridge Wells, and despite the release of Green Belt in the Sevenoaks Local Plan, SDC is unable to meet its housing needs in full.
- 2.20** The TWBC Pre-Submission Local Plan makes provision to meet its own Local Housing Need (678 dpa), having determined that there are exceptional circumstances to amend Green Belt boundaries and for major development in the AONB. There is, additionally, a buffer of approximately 1,050 houses above TWBC's local housing need (para 2.3 of this SoCG). This buffer involves the release of land from the Green Belt and major development in the AONB.
- 2.21** The buffer has been planned for as it considered that it is prudent to provide this degree of flexibility in the actual housing supply, particularly having regard to the high contributions from the strategic sites (Tudeley Village and Paddock Wood including land in east Capel). However, it 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 DfC. This is, of course, dependent on the progression and adoption of the TWBC Local Plan.

Commented [SB12]: Moved to paras below

Moving forward



- 2.22
- 2.23 Both SDC and TWBC recognise the importance attached to the Green Belt, and other constraints such as the Area of Outstanding Natural Beauty.
- 2.24 SDC is undertaking a Call for Sites and updating a number of evidence base documents. It will seek to make the best use of land which is outside of the Green Belt and unaffected by the constraints defined in footnote 7 of the NPPF.
- 2.25 Following the production of SDC's updated evidence base, call for sites and relevant site assessment work, should SDC be unable to accommodate its housing needs on land outside the Green Belt, both authorities will discuss the resulting position and whether TWBC is able to assist. These discussions will inform any release of Green Belt land in SDC to meet housing needs, in accordance with paragraphs 140, 141 and 176 and 177 of the NPPF. It is anticipated that Tonbridge & Malling Borough Council, also being part of the West Kent Housing Market Area, will also be part of these discussions.
- 2.26 At the time of writing, both SDC and TWBC have received requests from Elmbridge Borough Council (EBC) to help meet its housing need. Neither authority expects to be able to assist at this time, aside from it being in a well-removed housing market area. Both authorities have not had any other requests to meet unmet need at this point.
- 2.27 Both SDC and TWBC recognise that housing needs (and whether there is a future binding housing requirement as suggested by the Planning for the Future White Paper), HMAs and constraints to development may change over time. Given the above, both SDC and TWBC will continually consider their positions on capacity to meet housing needs as they progress.

**Deleted:** The exchange of correspondence in October 2021 between TWBC and SDC has confirmed the latest position on plan making in each authority

**Deleted:** has helped to improve the clarity about SDC's approach to looking to meet housing need

**Commented [SB14]:** Agreed

**Deleted:** AONB and other NPPF footnote 7 constraints,

**Deleted:** TWBC and SDC agree to discuss

**Deleted:** could accommodate some or all of the balance of its housing need, as part of any SDC considerations as to whether exceptional circumstances exist for the alteration of Green Belt boundaries and/or major development in the AONB.

**Deleted:** Such discussions will be

**Commented [SB15]:** Agreed.

**Deleted:** TWBC does not

**Deleted:** **JG TO PROVIDE WORDING FOR SDC.**

**Commented [SB16]:** Box below agreed

### Areas where there is not common ground

- 2.28 It is SDC's view that given recent correspondence the 11 April 2019 request from SDC to assist in meeting its unmet housing need is effectively withdrawn. SDC has not agreed with this view.
- 2.29 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 that that 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.

**Commented [SB17]:** In an email of 1 Nov 2021 SDC advised: The statement already reflects the latest position on this issue. No need for additional text.

**Commented [SB18]:** In an email of 1 Nov 2021 SDC advised: As noted above, TWBC's views are a matter for the examination.

### Future Actions

SDC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs. A key juncture will be once SDC's emerging evidence base, call for sites and associated assessment work is completed and the outcomes have been assessed.

## Gypsy, traveller and travelling showpeople

### SDC

- 2.30 SDC's need for permanent Gypsy and Traveller (G&T) pitches is identified through a Gypsy and Traveller Accommodation Assessment which identified a need for 51 additional permanent pitches across the District up to 2035. The majority of these pitches have already been delivered. It also recommended two transit pitches on existing local authority sites, and no need for travelling showpeople plots in the District.
- 2.31 The SDC Pre-Submission Local Plan (December 2018) identified land allocations to ensure a rolling 5 Year Land supply of pitches up to 2035. This included accommodation for the G&T community who do not currently meet the PPTS definition, and is derived through (in summary) a combination of:
- regularising existing suitable pitches;
  - pitches within the existing site boundaries;
  - new pitches will be provided through small scale boundary amendments to sites with existing permanent pitches

Deleted: , which has since been reduced to 40 pitches due to the grant of planning permissions since April 2017.

SDC will be updating its evidence base and undertaking a call for sites with subsequent assessment. These aspects will inform an updated assessment of how Gypsy and Traveller needs will be met in Sevenoaks.

Deleted: 1



## TWBC

- 2.33 TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its Draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.
- 2.34 TWBC's Housing Supply and Trajectory Paper (February 2021) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 32-35 residential pitches.
- 2.35 TWBC considers that, based on its understanding of existing sites and the nature of demand, that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the large majority of outstanding need for additional pitches over the plan period, which will be supplemented by two new sites. The locations of these are identified in the Pre-Submission version of the Local Plan.
- 2.36 The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.
- 2.37 The actions below reflect the current and likely future positions in respect of plan making.

### Actions

- Both Councils will continue to seek to meet their own needs for permanent pitches (there have been no requests in relation to unmet needs at this time.)
- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by Ashford borough.
- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation.

- 2.38 There is no action required in relation to Travelling Showpeople, as no need has been identified in either area.

## 3 Economy

### Functional Economic Market Area (FEMA)

- 3.1 In terms of a Functional Economic Market Area (FEMA), the PPG ([see Paragraph 019 Reference ID 61-019-20190315](#)) states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:
- Extent of any Local Enterprise Partnership within the area;
  - Travel to work areas;
  - Housing market area;
  - Flows of goods, services and information within the local economy;
  - Service market for consumers;
  - Administrative area;
  - Catchment areas of facilities providing cultural and social well-being; and
  - Transport network.
- 3.2 It is agreed that Tunbridge Wells and Sevenoaks form part of a wider regional economy, within which many areas share important economic relationships with London. There is also a more localised geography that has historically functioned as a sub-regional economy and which shares similar economic characteristics. It is considered that Sevenoaks district, Tunbridge Wells and Tonbridge and Malling boroughs share a functional economic market area. This reflects evidence of commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.
- 3.3 TWBC and SDC carried out a joint Economic Needs Study (2016) in order to inform their respective Local Plans taking into account the recognised functional economic relationships. Additionally, both authorities have carried out their own Retail and Leisure studies (with TWBC's being undertaken in 2020) which seek to identify the retail, leisure, town centre needs over the Plan period, recognising the functional geography of these areas and the catchment areas for retail and leisure patterns across the wider sub-region.



## Employment land needs and provision

- 3.4 The Economic Needs Study was undertaken for SDC and TWBC by Turley, in association with Colliers.
- 3.5 For SDC it identified a need for a further 11 hectares of employment land. The SDC Pre Submission Local Plan (December 2018) made provision to meet this through the retention of existing employment sites, and the allocation of additional land at three sites at Sundridge and Sevenoaks, totalling 14.35 hectares.
- 3.6 SDC is currently updating its evidence base and undertaking a call for sites with subsequent assessment. These will inform an updated assessment of how employment needs will be met in Sevenoaks.
- 3.7 The Economic Needs Study for TWBC identified a need for at least 14 hectares of additional employment floorspace. TWBC is seeking to meet its identified employment land needs in full through the retention, intensification and extension of the existing defined Key Employment Areas, in particular a strategic expansion into the Green Belt and AONB at land at Kingstanding Way, Royal Tunbridge Wells (and through expansion on a smaller scale at Paddock Wood and Hawkhurst). This covers the range of site requirements.
- 3.8 As part of the considerations of the allocation of land at Kingstanding Way, and given that the NPPF (paragraph 141, formerly 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraphs 176 and 177, formerly 172), TWBC raised this issue with its neighbouring LPAs, including SDC. In early October 2020 TWBC formally wrote to SDC 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, SDC set out that it whilst it was able to meet its own employment needs the extensive work undertaken in the development of the Pre-Submission Local Plan (2019) has indicated that there is no scope for delivering any employment needs from TWBC. Given the early stage of the SDC emerging plan actions will relate mainly to discussing the emerging SDC position as the evidence base, call for sites and subsequent assessment work is concluded, and to continue to discuss opportunities for continuing joint working, and through wider discussions with those authorities outside the FEMA.

Commented [SB19]: James as n-you haven't made a comment on this I have accepted it

Deleted: ¶

Deleted: Given that both authorities are looking to meet their own employment needs, the

Commented [SB20]: James – as you haven't made a comment on this I have assumed that its accepted.

### Future Actions

- TWBC and SDC to discuss the position on employment land provision in the emerging SDC Local Plan at key points as it progresses.
- TWBC and SDC to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the functional economic market area in relation to economic related matters, including employment land and retail and town centre development.
- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.

DRAFT

## 4 Retailing

- 4.1 For TWBC, the Retail and Leisure Study (April 2017) carried out by consultants Nexus used the study area of previous retail studies for the borough. It covers the Tunbridge Wells borough area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge & Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer.
- 4.2 Nexus also undertook a Tunbridge Wells Retail, Leisure and Town Centre Uses Study Update (2020). This has identified that the retail economy has changed significantly over recent years and the trends which were emerging have accelerated exponentially as a result of the 2020/2021 Covid-19 pandemic. It is also expected that the increased movement towards home working and different times of working, hastened as a result of the Covid-19 'lockdown' periods, will structurally change the need, make up, and use of office space (including shared and flexible accommodation), and through this the operation of those town centre retailers which previously were linked to footfall associated with office employment.
- 4.3 The TWBC Pre-Submission Local Plan therefore proposes a Town Centre Area Plan for Royal Tunbridge Wells (which will be prepared and adopted by 2025), together with the revitalisation of Paddock Wood Town Centre.
- 4.4 For SDC a Retail Study was published in November 2016, prepared by GVA Bilfinger. This identified a need of 21,700 sq metres comparison goods floorspace, and 10,400 sq metres of convenience goods floorspace until 2035.
- 4.5 In light of the 2020/2021 Covid-19 pandemic, SDC is also in the process of updating the existing Retail Study evidence base to inform a new Town Centre Strategy. In addition to the demand for retail space, the strategy will consider the future of the District's four town centres in the light of recent events and changing retail patterns and behaviour.
- 4.6 The SDC Pre Submission Local Plan (December 2018) looked to meet the retailing need in full through:
- Redeveloping, regenerating and intensifying existing town centres;
  - Allocating additional retail floor space within suitable employment or mixed use allocations; and
  - Providing additional retail floor space on suitable brownfield land located close to transport hubs.
- 4.7 The main actions will be to discuss the emerging positions on the SDC Town Centre Strategy and the TWBC Town Centre Area Plan.

### Future Actions

SDC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan and the Sevenoaks Town Centre Strategy.

Deleted:

DRAFT



## 5 Cross-boundary Infrastructure Issues

- 5.1 In terms of cross boundary infrastructure, both TWBC and SDC are in two tier authority areas, where both education and highways are managed by Kent County Council (KCC). Given this, it is noted that both education provision and highway matters may require input from KCC, and if relevant given the route of the A21, National Highways.
- 5.2 TWBC and SDC in the drafting of their Local Plans have liaised, and will continue to liaise, with Kent County Council on matters relating to education provision and highways infrastructure, together with Highways England in respect of the A21.
- 5.3 In the future, if there is substantial development, particularly on or close to the administrative boundary of TWBC and SDC whether through the plan making or planning application process, then there will be a need to liaise over and coordinate the delivery of infrastructure improvements including the securing of any necessary funding. As above, it is noted that there is currently no such substantial development planned or proposed through planning applications close to or on the administrative boundary of TWBC with SDC.
- 5.4 It should be noted that TWBC and SDC work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters, TWBC and SDC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.
- 5.5 The Leigh flood storage expansion and Hildenborough embankment scheme, being led by the Environment Agency, is such an example where both authorities, through their individual actions and participation in the Medway Flood Action Plan, have worked to deliver such infrastructure improvements.
- 5.6 Both TWBC and SDC will continue to engage on highway and transport matters, including in relation to the A21 through ongoing discussions with National Highways and the operation of the Hastings to London rail line (which passes through Tunbridge Wells and Sevenoaks) with Network Rail.
- 5.7 Currently, both authorities agree there are no cross-boundary issues to be addressed in relation to education provision, transport, health or other issues. Liaison and partnership working will continue in relation to the Leigh flood storage and expansion area, or other or drainage matters.

Deleted:

Deleted:

Deleted: s

## Potential/proposed developments on or near the LPAs' common boundary

- 5.8 There is currently no such substantial development planned or proposed through planning applications close to or on the administrative boundary of TWBC with SDC.

### Future Actions

- SDC and TWBC will continue to engage on cross-boundary infrastructure issues.
- Both councils will liaise with Highways England and Network Rail and the respective local transport authorities in relation to any material impacts on the cross-boundary transport network, including the A21 and railway line.
- Both Councils will, through membership and participation in the Medway Flood Area Plan, continue to liaise on the Leigh flood storage expansion and Hildenborough embankment scheme.

## **6 Natural Environment**

### **Ashdown Forest European Site**

- 6.1 Ashdown Forest is a European Site and is designated as a Special Area of Conservation (SAC) for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.

### **Ashdown Forest Special Area of Conservation (SAC) – Air Quality**

- 6.2 Both authorities are active members and attend regular meetings of the Ashdown Forest SAC Working Group, which is chaired by the South Downs National Park Authority (SDNPA). The Planning Advisory Service worked alongside the group in relation to DfC. TWBC and SDC are signatories of the Ashdown Forest Air Quality Statement of Common Ground (SoCG) published in April 2018.
- 6.3 Both TWBC and SDC will continue to participate in the Ashdown Forest SAC Working Group which will seek to work with Natural England on addressing Air Quality issues in relation to Local Plan preparation and will endeavour to support wider initiatives to improve background air quality.
- 6.4 All future work in relation to air quality at Ashdown Forest will be developed in discussion with the Ashdown Forest SAC Working Group agreeing where possible on methodology and to cost sharing where appropriate. All future traffic modelling and ecological interpretation to inform Habitats Regulation Assessments in respect of air quality for Ashdown Forest by both TWBC and SDC will be developed in discussion with the Ashdown Forest SAC Working Group and where possible agreement sought on both methodology and findings. This work is necessary to ensure a strategic and consistent approach to the identified issues and assist with a common approach to HRA matters relevant to the SAC designation.

### **Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance**

- 6.5 TWBC and SDC are active members of the Strategic Access Management and Monitoring Strategy (SAMMS) partnership and are signatories to a legal agreement with other participating local authorities and The Conservators of Ashdown Forest. This sets out agreement on the collection of developer contributions and the administration of the SAMMS Strategy as part of a joint approach to provide



mitigation at Ashdown Forest for recreational disturbance from new residential development. Mitigation is provided through a scheme of access management and monitoring and contributions are collected between 400m and 7km from Ashdown Forest SPA. The 7km zone is the appropriate zone of influence, agreed by all partner local authorities and Natural England within which to collect SAMMS contributions. This is based on technical evidence from the Ashdown Forest Visitor Survey which the SAMM Strategy partnership jointly commissioned. Applications outside of the 7km will be assessed in relation to any impact on a case-by-case basis and in accordance with the planning policies of the relevant authority.

- 6.6 The majority of both SDC and TWBC falls outside the current agreed 7km zone, and neither are proposing to allocate sites within the part of the borough/district which do fall in this zone. Both authorities will seek developer contributions for SAMMs to mitigate the impact of visitor pressure from windfall developments which do come forward in this zone.
- 6.7 Both authorities will continue to participate in the SAMM Strategy partnership and work together to agree and jointly commission any future studies or surveys to inform the collective understanding of effects, and the most effective measures for mitigation and monitoring to ensure a consistent and strategic approach to the identified issues and a common approach to HRA.

Deleted: s

#### Future Actions

That both authorities continue to work as part of the Ashdown Forest Working Group in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.

## High Weald Area of Outstanding Natural Beauty (AONB)

- 6.8 As stated in the High Weald AONB Management Plan (2019-2024) ([see the High Weald AONB Management Plan](#)), both administrative areas of TWBC and SDC contain proportions of the High Weald AONB. In the case of TWBC, the High Weald AONB covers just under 69% of the borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it. In the case of SDC, some 16% of the district falls within the High Weald AONB, with a further 45% in the Kent Downs AONB to the north.
- 6.9 Both authorities are members of the Joint Advisory Committee (JAC) and Officer Steering Group for the High Weald AONB.
- 6.10 The High Weald AONB Management Plan 2019-2024 was agreed by the Joint Advisory Committee in November 2018, after public consultation and with input from



both authorities. The Management Plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by TWBC and endorsed by SDC in March 2019.

- 6.11 Both authorities are committed to continue to work together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.
- 6.12 Paragraphs 176 and 177 of the NPPF (2021) sets out the national planning policy for major development in AONBs. For TWBC, following representations received in relation to its Regulation 18 consultation, full LVIAs have been undertaken to assess the landscape impact of major development sites in the AONB. TWBC is engaging with Natural England and the High Weald AONB Unit (notwithstanding that both are taking a position of objecting to major developments in principle).
- 6.13 TWBC's reading of the NPPF is that it has to apply the tests in paragraphs 176 and 177 in order to come to a conclusion in relation to individual sites. In this context, although not explicit in relation to opportunities outside its own area, paragraph 177(b) may be interpreted as expecting the 'scope for developing outside the designated area' to extend to neighbouring LPAs as part of the consideration of exceptional circumstances.
- 6.14 TWBC has therefore asked SDC whether (October 2020) it has scope to accept any housing need from TWBC, as set out at paragraphs TBC above, that would comprise major development in the AONB.
- 6.15 SDC considered in 2020 that, given the constraints in the district, which includes the extent of AONB (both High Weald and Kent Downs) that it cannot.
- 6.16 This has been factored into TWBC's considerations as part of the preparation of the Pre-Submission version of the Local Plan. It is acknowledged that, following the further evidence undertaken on landscape and visual impact, that the amount of housing proposed as major development in the AONB has decreased significantly between the Draft Local Plan and the Pre-Submission version of the TWBC Local Plan.

#### **Future Actions**

Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.

## Biodiversity

- 6.17 Under both paragraphs 174 and 179 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Both authorities have proposals for Green infrastructure which have taken account of cross boundary proposals.
- 6.18 Both authorities have/had emerging policies (SDC Local Plan and TWBC Pre-Submission version of the Local Plan) which require biodiversity net gain and actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between all Kent LPAs is already occurring through engagement with the Kent Nature Partnership and, for the High Weald AONB the 'net gain sub group' of the High Weald AONB Officer Steering Group, chaired by TWBC and of which SDC is a member, to ensure a common approach and cooperation across the county and the High Weald AONB with particular regard for biodiversity offsetting and strategic biodiversity objectives.

### Future Actions

TWBC and SDC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.

## 7 Governance arrangements

- 7.01 It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.
- 7.02 The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date SoCG between the Councils.
- 7.03 Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.04 Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.05 Liaison in relation to the SoCG and the wider DtC will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the DtC and the SoCG, as appropriate.



## 8 Actions and Review Timetable

- 8.1 The agreed actions in this SoCG are reproduced below. This SoCG is an iterative document. Progress on the actions will be detailed in the next version of this SoCG.

Table 2: Agreed key issues and agreed actions

Key Issue	Agreed Actions	Progress on Actions
Housing	TBC ONCE SDC HAS REVIEWED DRAFT	
Gypsy, Traveller and Travelling Showpeople	TBC ONCE SDC HAS REVIEWED DRAFT	
Employment	TBC ONCE SDC HAS REVIEWED DRAFT	
Retail		
Cross Boundary Infrastructure	TBC ONCE SDC HAS REVIEWED DRAFT	
Natural Environment	TBC ONCE SDC HAS REVIEWED DRAFT	

- 8.2 This SoCG will be updated to reflect the latest iteration of the respective Local Plans.
- 8.3 The Councils will work jointly to ensure that there is an [updated](#) SoCG in place ahead of the formal consultations on any Local Plan published by either Council (i.e. under Regulation 18 or 19).
- 8.4 Based on current Local Plan programmes, it is currently anticipated that this SoCG will be prepared and updated in accordance with the following timetable:

Document	Target Sign-Off Date	Reasoning
SCG v1	<a href="#">October 2021</a>	<a href="#">Ahead of TWBC Examination.</a>

Deleted: February

Deleted: Ahead of TWBC Regulation 19 Local Plan

Deleted: v2

Deleted: October 2021

Deleted: Ahead of TWBC Examination

- 8.5 It may be that further updates may be appropriate if substantive new evidence becomes available or decisions are made. This will be kept under review.

- 8.6 The Councils will keep each other notified of proposals to publish the SoCG and any updates to it.

DRAFT

## 9 Signatories/Declaration

Signed on behalf of Sevenoaks District Council (Councillor)	Signed on behalf of Sevenoaks District Council (Chief Executive)
Position:	Position:
Date:	Date:

Signed on behalf of Tunbridge Wells Borough Council (Councillor)	Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)
Position:	Position:
Date:	Date:



## **Appendix A: The Administrative Areas of Sevenoaks district and Tunbridge Wells borough**

DRAFT

# Appendix A3: Tonbridge & Malling BC - Signed Memorandum of Understanding January 2020



## **Tonbridge & Malling Borough Local Plan**

### **Duty to Co-operate**

**Memorandum of Understanding between  
Tonbridge & Malling Borough Council and  
Tunbridge Wells Borough Council**



*Deliberately left blank for printing*

# **Duty to Co-operate - Memorandum of Understanding**

## **Parties**

This MoU is between Tonbridge & Malling Borough Council (TMBC) and Tunbridge Wells Borough Council (TWBC).

## **Introduction**

Section 33A of the Localism Act 2011 requires local planning authorities to meet the 'Duty to Co-operate' (the Duty) during the preparation of development plan documents.

The Duty requires local planning authorities to engage constructively, actively and on an ongoing basis during the preparation of development plan documents on strategic matters that would have a significant impact on at least two planning areas and/or would have a significant impact on a county matter.

## **Purpose**

The purpose of this Memorandum of Understanding (MoU) is to confirm that during the making of the Tonbridge & Malling Borough Local Plan up until its submission on 23 January 2019, it is considered by both parties that Tonbridge & Malling Borough Council (TMBC) met the requirements of the Duty in relation to its cooperation with Tunbridge Wells Borough Council.

## **Duty to Co-operate Statement**

TMBC's evidence of meeting the Duty is set out in the **Duty to Co-operate Statement (January 2019)** ("the DTC Statement").

The strategic cross-boundary matters and how the Duty was addressed are summarised in section 8 of the DTC Statement. The details are set out in sections 9 to 16. The record of engagement is documented in Appendix A.

## **Confirmation**

TWBC confirms that:

(1) The record of co-operation between TMBC and TWBC as set out in the DtC Statement is accurate (subject to the additional records set out in Appendix A to this MoU); and

(2) It considers that TMBC met the requirements of the Duty, as documented in the DtC Statement.

Signed on behalf of Tunbridge Wells Borough Council (Officer):



Stephen Baughen

Head of Planning

Date: 31 January 2020

Signed on behalf of Tunbridge Wells Borough Council (Councillor)



Councillor Alan McDermott

Leader of the Council and Portfolio Holder for Planning and Transportation

Date: 31 January 2020

Signed on behalf of Tonbridge & Malling Borough Council (Officer):



Eleanor Hoyle

Director of Planning, Housing and Environmental Health

Date: 4 February 2020

Signed on behalf of Tonbridge & Malling Borough Council (Councillor)





Councillor David Lettington

Cabinet Member for Strategic Planning and Infrastructure

Date:

## Memorandum of Understanding – Appendix A

Record of DtC meetings between TMBC and TWBC omitted from the DtC Statement

Meeting Date	Those in Attendance with TWBC	Purpose
31 March 2015	Sevenoaks DC, Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Wealden DC, KCC	Initial stakeholder workshop - To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
14 May 2015	Maidstone BC (officers and Councillors), Tonbridge & Malling BC, Medway Council, Ashford BC.	Green and Blue Infrastructure Strategy - Stakeholder meeting for local authorities to feedback comments from previous rounds of consultation and to begin to develop an action plan for implementation
19 May 2015	Tonbridge & Malling BC (Ian Bailey)	Planning Policy position of TMBC and wider West Kent area - To gain an understanding of TMBC's current work and timescales; to discuss cross-boundary issues (A21 duelling, Airports Commission, Local Sustainable Transport Fund (cycleway, schools)); Local Plan challenges - Green Belt reviews, Gypsy & Travellers, meeting Objectively Assessed Need, London effect, infrastructure, CIL / s106, viability testing, Neighbourhood Plans; Planning reform and implications for Plan Making - Right to Build, Starter Homes initiative, Gypsy & Traveller definitions
19 January 2016	Ashford BC, Canterbury CC, Dover DC, Shepway Council, Thanet DC, Maidstone BC, Tonbridge & Malling BC (Ian Bailey), KCC  Also Environment Agency, NHS, Highways England, Natural England	East Kent Memorandum of Understanding, Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
7 December 2016	Sevenoaks DC; Tonbridge & Malling BC	1. Local Plan Updates; 2. Housing Need and Supply; 3. Employment Land Need and Supply; 4. Green Belt; 5. Gypsies and Travellers; 6. Infrastructure; 7. Any Other Business (Maidstone Local Plan Hearing;

Meeting Date	Those in Attendance with TWBC	Purpose
		London Plan; Self Build)
13 March 2018	Tonbridge & Malling BC (Ian Bailey and Jill Peet), Canterbury CC, Sevenoaks DC, Maidstone BC, Ashford BC, Dover DC, Dartford BC, Medway Council, Thanet DC, Swale Council	Update on LPA status of GTAAs, Planning policies and Transit sites



# Appendix A4: Tonbridge & Malling BC – Signed SoCG between TWBC and TMBC 29 October 2021

Tonbridge & Malling Borough Council  
and

Tunbridge Wells Borough Council

# **Statement of Common Ground**

---

October 2021





# 1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Tonbridge & Malling Borough Council (TMBC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate (DtC) matters, and the shared position of the two authorities, as at October 2021. The relevant DtC matters included in this SoCG are ongoing and subject to review, as set out below. This shared position between TMBC and TWBC sets out the position in relation to the two Local Plans (the emerging TMBC Local Plan, and the TWBC Pre-Submission version of the Local Plan 2020-2038), and will inform future policies and work on respective forthcoming Local Plans. Reference is also made, where relevant, to the TMBC Local Plan (submitted 23 January 2019) which proposed to cover the period up to 2031. This is referred to as the 2019 TMBC Local Plan. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making.

## Development Plans – current position

### TMBC

- 1.2 The current development plan for TMBC consists of the Tonbridge & Malling Core Strategy 2007, the Tonbridge & Malling Development Land Allocations Development Plan Document (DPD) April 2008, the Tonbridge Central Area Action Plan April 2008, the Managing Development and the Environment DPD April 2010 and the Compendium of Saved Policies April 2010. The Kent Minerals and Waste Local Plan also forms part of the development plan for all Kent Districts. There are no 'made' Neighbourhood Plans, but three parishes have been designated as Neighbourhood Areas (Ditton, West Malling and Hildenborough).
- 1.3 TMBC commenced work on a new Local Plan in 2012. Regulation 18 consultation was undertaken on an Issues and Options document "The Way Forward" from 30<sup>th</sup> September – 25<sup>th</sup> November 2016, and Regulation 19 Pre-Submission consultation on the Local Plan between 1<sup>st</sup> October 2018 - 19<sup>th</sup> November 2018. The Local Plan was submitted on 23<sup>rd</sup> January 2019. This was within the transitional period for the revised NPPF (July 2018) which concluded on 24<sup>th</sup> January 2019, and meant that the Plan itself was to be examined against the requirements of the 2012 version of the NPPF and the versions of the Government's Planning Practice Guidance that pre-date the changes in July 2018. The 2019 Local Plan proposed to cover the period 2011 to 2031.
- 1.4 Hearing sessions were held on 6<sup>th</sup> – 8<sup>th</sup> October 2020. On 22<sup>nd</sup> October 2020 the Planning Inspectors examining the TMBC Local Plan wrote to TMBC setting out significant concerns regarding legal compliance of the TMBC plan. This was followed by a letter on 15<sup>th</sup> December 2020 from the Inspectors providing the details of these concerns. TMBC provided a detailed response to this letter on 29<sup>th</sup> January.



- 1.5 The Inspector's final decision was received on 2<sup>nd</sup> March 2021, confirming their provisional decision that there had been a failure of the Duty to Cooperate on the matter of housing need, and specifically unmet housing need from Sevenoaks District Council (SDC). TMBC responded to PINS on 11<sup>th</sup> March setting out that it would not be withdrawing the plan and inviting PINS to prepare the final report. The Inspector's final report was received on 8<sup>th</sup> June 2021.
- 1.6 On the 13<sup>th</sup> July 2021 TMBC Full Council resolved to withdraw the 2019 Local Plan and to commence work on an emerging Local Plan.

## **TWBC**

- 1.7 The development plan for TWBC consists of the Core Strategy 2010, the Site Allocations Local Plan 2016 and saved policies in the Borough Local Plan 2006. There are two 'made' Neighbourhood Plans - Hawkhurst and Lamberhurst - with a further ten at varying stages of production.
- 1.8 TWBC is currently in the process of replacing these documents with a new Local Plan. The new Local Plan will cover the period 2020 - 2038. Regulation 18 consultations on an Issues and Options took place in 2017, and on a Draft Local Plan from September - November 2019. Regulation 19 consultation took place on a Pre-Submission Local Plan between March – June 2021.
- 1.9 TWBC is updating its Local Development Scheme (dated October 2021). This sets out that the Pre-Submission version of the Local Plan is due to be submitted in October 2021. TWBC Full Council, on 3<sup>rd</sup> February 2021, approved the Regulation 19 Local Plan for consultation and submission.

## **This SoCG and the duty to cooperate**

- 1.10 This SoCG relates to the Local Plans produced and being produced by TMBC and TWBC. It covers strategic cross-boundary matters, such as housing need (including unmet need), housing provisions, gypsy and traveller provisions, employment and retail needs, natural environment and infrastructure. It demonstrates commitment by TMBC and TWBC to engage and be active on an on-going basis in relation to DtC matters in the preparation of their respective local plans, and future local plans.
- 1.11 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (July 2021), it is a requirement under the DtC for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan and other relevant planning documents.

- 1.12 Paragraph 27 of the NPPF (February, 2019) states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more SoCG, documenting the cross-boundary matters being addressed and progress in cooperating to address these. This notes that such SoCGs should be produced using the approach set out in the national planning guidance and be made publicly available throughout the plan-making process to ensure transparency.
- 1.13 The Planning Practice Guidance (PPG) ([see Paragraph: 010 Reference ID: 61-010-20190315](#)) confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at Examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries.
- 1.14 The TMBC 2019 Local Plan was produced under the transitional provisions of the NPPF 2018, meaning that SoCG were not required for the TMBC Local Plan. A Memorandum of Understanding between TMBC and TWBC was signed in January 2020.
- 1.15 The administrative areas that are set out in **Appendix A** show that TMBC and TWBC share a common administrative boundary along their southern, and north eastern boundaries respectively. The plan at **Appendix A** shows that the administrative boundary between TMBC and TWBC lies to the north of Southborough, Five Oak Green and Paddock Wood in Tunbridge Wells, and to the south of Tonbridge in Tonbridge and Malling. The A21, a trunk road managed by Highways England, runs through both Councils' areas: it runs through the south western corner of Tonbridge and Malling borough, before entering Tunbridge Wells borough just to the south of Tonbridge. The Ashford (via Paddock Wood) to London railway line, and the Hasting to London railway line, both pass through Tonbridge.
- 1.16 TMBC and TWBC are in agreement about the range of issues to be covered by this SoCG, and the need for full and frank deliberation.
- 1.17 The extent of joint working between TMBC and TWBC has been discussed. Both agree that the most appropriate approach is one of continuing the regular liaison on cross-boundary matters, even if the DtC is abolished under national planning reforms.
- 1.18 Liaison between the Councils reflect the nature of the strategic matters set out below. Responsibilities for agreement of this and future SoCG are set out under 'Governance Arrangements' and 'Actions and Review Timetable' in sections 7 and 8 respectively below.

# Structure of the SoCG

1.19 The remainder of the SoCG is structured as follows:

- **Section 2** – This section relates to housing provision for both local authorities and specifically housing needs (including SDC's April 2019 request that TMBC, TWBC and others meet its unmet housing need at the time), the Housing Market Areas (HMAs) for each respective area, and housing provision and gypsy and traveller provision;
- **Section 3** – This relates to the employment needs of each respective local authority area;
- **Section 4** – This relates to cross-boundary infrastructure requirements for both local authorities including potential/proposed developments on or near the LPA's common boundary;
- **Section 5** – This section relates to the natural environment and specifically the High Weald AONB, which overlays parts of both authorities, to biodiversity and the nearby Ashdown Forest.
- **Section 6** – This outlines the agreed actions between TMBC and TWBC going forward with respect to their Local Plans and future plan-making.

# 2.0 Housing

## Housing Market Area (HMA)

- 2.1 A Housing Market Area (HMA) is defined in the PPG as a geographical area determined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work ([see Paragraph: 018 Reference ID: 61-018-20190315](#)). These can be broadly defined by analysing:
- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas;
  - Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools);
  - Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

### West Kent HMA

- 2.2 The Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) published in 2015 identified that Sevenoaks district, part of Tonbridge & Malling borough and Tunbridge Wells borough all fall within the West Kent HMA and this extends to include Crowborough, Hawkhurst and Heathfield, essentially as the 2011 Travel to Work Area (TTWA).
- 2.3 In terms of the relationship to local authority boundaries, the TTWA covers most of Sevenoaks district, with the western part of Tonbridge & Malling borough, focused on Tonbridge itself, providing a key linkage.
- 2.4 The central and eastern part of Tonbridge & Malling borough is part of the Maidstone HMA.
- 2.5 The Sevenoaks and Tunbridge Wells SHMA states that *“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. Equally the commissioning authorities would need to engage*



*with these authorities in respect of any unmet housing needs arising from these other authorities' areas...."*

- 2.6 Given the evidence above, both Councils agree that they share the same HMA, although TM borough also falls into part of another housing market area. This has, and will be, taken into account when cooperating on strategic cross-boundary matters, such as housing, through the DtC process.

## Housing requirements

- 2.7 The housing need figures for both TMBC and TWBC in the respective plans, in dwellings per annum (dpa), are set out in the following table.

**Table 1: housing need figures for TMBC and TWBC in dwellings per annum**

Housing Target Source	TMBC	TWBC
Statutory Development Plan	425 dpa under TMBC Core Strategy (2007)	300 dpa under TWBC Core Strategy (2010)
Local Plan	Emerging plan: 839 dpa (capped figure) 'Standard Methodology'  The 2019 Local Plan figure was 696 dpa OAN (see Housing Topic paper) <sup>1</sup>	678 dpa (capped figure) 'Standard Methodology' under NPPF (2021)

- 2.8 As above, it should be noted that the TMBC 2019 Local Plan was prepared against the requirements of the NPPF 2012: the Objectively Assessed Need for housing was determined to be 696 dwellings per year. The Standard Method under the NPPF for Tonbridge & Malling borough is 839 dpa. TWBC is using the Standard Method as set out in the NPPF (2021) as amended by the changes to the Planning Practice Guidance. However, this will be kept under review including having regard to more recent projections, as well as to any revisions to Government policy or Guidance.
- 2.9 Throughout the period of plan making, since 2012, there have discussions under the DtC between TMBC, TWBC and Sevenoaks District Council (SDC) (i.e. neighbouring authorities in the HMA – please see above and below) in relation to the ability or otherwise to meet housing need. This includes discussing significant constraints which could restrict any possible assistance with any unmet need if required.

---

<sup>1</sup> [https://www.tmbc.gov.uk/data/assets/pdf\\_file/0005/695462/Housing\\_Topic\\_Paper\\_Jan2019.pdf](https://www.tmbc.gov.uk/data/assets/pdf_file/0005/695462/Housing_Topic_Paper_Jan2019.pdf)

- 2.10 On 11<sup>th</sup> April 2019 SDC formally requested TWBC and TMBC whether either could accommodate any of SDC's unmet housing need (1,900 houses). The following sets out a summary of events in relation to the SDC plan, prior to April 2019:
- Regulation 18 consultation on the SDC Draft Local Plan closed on 10<sup>th</sup> September 2018. Although the SDC Draft Local Plan identified a shortfall of at least 600 houses, as this was consultation under Regulation 18 there remained the potential that further suitable sites may have been submitted to SDC, or representations made which meant that SDC could, in its consideration of the strategy of the Pre-Submission version of the Local Plan, have met its need in full;
    - o Regulation 19 consultation on the TMBC Local Plan took place from 1st October 2018 - 19th November 2018;
  - The SDC Pre-Submission version of the Local Plan was finalised in late 2018, with Regulation 19 consultation starting on 18<sup>th</sup> December 2018 and concluding on 3<sup>rd</sup> February 2019. The SDC (full) Council decision to submit the plan was made on 26<sup>th</sup> March 2019, with submission taking place on 30<sup>th</sup> April 2019;
    - o Prior to the conclusion of the SDC Regulation 19 consultation, TMBC submitted its Local Plan (on 23<sup>rd</sup> January 2019);
  - Hearing sessions were held between 24<sup>th</sup> – 26<sup>th</sup> September 2019, and 1<sup>st</sup> – 3<sup>rd</sup> October 2019 on the SDC Local Plan. The Inspector wrote to SDC on 14<sup>th</sup> October 2019, and there then followed a period of correspondence culminating in the provision of the Inspector's report on 3<sup>rd</sup> March 2020. This included correspondence where the Inspector indicated concerns about the soundness of the SDC Local Plan in relation to a number of matters;
  - In April 2020 SDC began judicial review (JR) proceedings, and the application for a JR was granted on 2nd June 2020. The JR was heard in the High Court on 2nd and 3rd September, and the decision was published on Friday 13th November 2020.
  - While the High Court dismissed the challenge, an application was made by SDC to the Court of Appeal on 4th December 2020. This was dismissed on 5<sup>th</sup> April 2021.
  - SDC met with the Ministry for Housing, Communities and Local Government in August 2021. SDC has commenced work on an emerging plan, but has not withdrawn its Local Plan in 2019 (despite it being found to not have passed the DtC) and has not withdrawn the requests made in April 2019 to accommodate some or all of the 1,900 houses.
- 2.11 Given the dismissal of the SDC application to the Court of Appeal TMBC and TWBC are in the process of discussing with SDC the formal withdrawal of its requests to TMBC and TWBC to meet some or all of its unmet housing need, it will not be

known until SDC progresses through its plan making process whether there will be any unmet need.

- 2.12 The TMBC 2019 Local Plan made provision to fully meet its OAN for housing until 2031 (13,920 dwellings), and to provide for a buffer of 972 dwellings. This would have involved the release of land from the Green Belt to achieve this. As set out in para 1.5 above, the Inspectors' final decision was received by TMBC on 2nd March 2021, confirming their provisional decision that there had been a failure of the Duty to Cooperate.
- 2.13 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".
- 2.14 TWBC's approach to producing its Local Plan has been to assess sites, and consider a spatial strategy, unconstrained by an upper housing limit. Assessment through the Sustainable Appraisal (for the Draft Local Plan and Pre-Submission Local Plan) has included assessment of options which include meeting TWBC's uncapped need (741 dpa as compared to 678), accommodating SDC's unmet need, and meeting TWBC's uncapped need and SDC's unmet need (853 dpa).
- 2.15 Between 2015 and early 2019 TWBC, whilst flagging the constraints in TW borough which may make accommodating its own need (or unmet need from neighbouring authorities) problematic, was only in a position (through the progression of work on its own Plan) to provide more definitive comments regarding the ability or otherwise to accommodate unmet need in early 2019, as work on the spatial strategy for the Draft Local Plan progressed. The considerations set out in DtC discussions in spring 2019, and the SoCG between SDC and TWBC - signed in May 2019 - that TWBC could not assist in accommodating unmet need, and the reasons for this, were reflective of the progressing work on the TWBC Local Plan.
- 2.16 Notwithstanding these comments, TWBC has continued throughout 2019, 2020 and 2021 to consider whether there is scope to accommodate SDC's unmet need, including through the assessment of additional sites submitted in the Regulation 18 consultation on the Draft Local Plan in autumn 2019 and beyond well into 2020, and through the Sustainability Appraisal of the Pre-Submission Local Plan (PSLP). If, through the considerations of the PSLP, TWBC considered that there was scope to accommodate any or all of the SDC unmet need, then TWBC would have advised SDC (and TMBC) of this.

- 2.17 The uncertainty caused by SDC not withdrawing the requests made on 11<sup>th</sup> April 2019 to TMBC and TWBC has created uncertainty around the housing situation in the West Kent SHMA.
- 2.18 The TWBC Pre-Submission Local Plan makes provision to meet its own Local Housing Need (678 dpa). There is, additionally, a buffer of approximately 1,050 houses. The buffer has been planned for as it is considered that it is prudent to provide this degree of flexibility in the actual housing supply, particularly having regard to the high contributions from the strategic sites (Tudeley Village and Paddock Wood including land in east Capel). However, it 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 DtC.
- 2.19 At the time of writing, both TMBC and TWBC have received requests from Elmbridge Borough Council to help meet its housing need. Neither TMBC or TWBC expect to be able to assist, aside from it being in a well-removed housing market area. Both authorities have not had any other requests to meet unmet need at this point.
- 2.20 It became evident through the plan-making process that TWBC is reliant upon the release of land from the Green Belt, including for a new garden village settlement on land currently in the Green Belt and doubling the size of Paddock Wood, part of which is in the Green Belt, as well as the allocation of sites for major development within the High Weald AONB, if TWBC were to meet its own housing needs.
- 2.21 Given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172). TWBC raised this issue with its neighbouring LPAs, including TMBC, and formally wrote in early October 2020 to ask what capacity they may have to assist, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan.
- 2.22 In response, TMBC set out that it would not be able to assist due there being insufficient sites within the part of Tonbridge & Malling borough that falls within the West Kent HMA to meet the borough's needs without removing the Green Belt designation: i.e. as established through the DtC there are no less constrained areas in the West Kent HMA in Tonbridge and Malling. As set out in para 1.5 above, the Inspectors for the TMBC Local Plan consider that TMBC should have gone further in its actions with SDC on this matter, and therefore have concluded that TMBC has failed the DtC.
- 2.23 Both TMBC and TWBC recognise that housing needs (and whether there is a future binding housing requirement, as suggested in the Planning for the Future White Paper), HMAs and constraints to development may change over time. Given the



above, both TMBC and TWBC will continually consider their positions on capacity to meet housing needs as they progress.

### **Actions**

TMBC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including capacity to meet local and unmet needs. This will include consideration of any future requests from London authorities, if received.

## **Gypsy, Traveller and Travelling Showpeople**

### **TMBC**

- 2.24 TMBC's need for permanent Gypsy and Traveller (G&T) pitches is identified through an assessment of the accommodation needs of Travellers and Travelling Showpeople (February 2018) which identified a need of 16 pitches for G&T and an additional two plots for Travelling Showpeople until 2030/31, plus a transit site for 6-10 pitches.
- 2.25 The TMBC 2019 Local Plan identified six G&T sites to be safeguarded, with the potential for them to be used more intensively recognised in the relevant policy, as well as two sites for Travelling Showpeople to be safeguarded.
- 2.26 Due to the early stage of the TMBC emerging Local Plan at this time, and until the conclusion of the evidence base and assessment work, TMBC cannot say whether there is, or is not, unmet need in relation to G&T and Travelling Showpeople. 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".

### **TWBC**

- 2.27 TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its Draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.
- 2.28 TWBC's Housing Supply and Trajectory Paper (February 2021) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 32 - 35 residential pitches.

- 2.29 TWBC considers that, based on its understanding of existing sites and the nature of demand, the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the large majority of outstanding need for additional pitches over the plan period, which will be supplemented by two new sites. The locations of these are identified in the Pre-Submission version of the Local Plan.
- 2.30 The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.
- 2.31 The actions below will, of course, be dependent on the outcome of TMBC's response to the Inspectors for its Local Plan, and request to the Secretary of State, but reflect the current and likely future positions in respect of plan making.

### **Actions**

- TWBC will continue to seek to meet their own needs for permanent pitches in relation to G&T). TMBC is updating its evidence base and undertaking assessment at this time, and accordingly cannot say whether it will be able to meet its own need, or not, at this time: TMBC is approaching the matter on a positively planned basis in accordance with Para 35 of the NPPF.
- There have been no requests in relation to unmet needs at this time.
- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by Ashford borough.
- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation.

# 3.0 Economy

## Functional Economic Market Area (FEMA)

- 3.1 In terms of a Functional Economic Market Area (FEMA), the PPG ([see Paragraph 019 Reference ID 61-019-20190315](#)) states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:
- Extent of any Local Enterprise Partnership within the area;
  - Travel to work areas;
  - Housing market area;
  - Flows of goods, services and information within the local economy;
  - Service market for consumers;
  - Administrative area;
  - Catchment areas of facilities providing cultural and social well-being; and
  - Transport network.
- 3.2 It is agreed that Tunbridge Wells and Tonbridge and Malling form part of a wider regional economy, within which many areas share important economic relationships with London. There is also a more localised geography that has historically functioned as a sub-regional economy and which shares similar economic characteristics. It is considered that Sevenoaks district, Tunbridge Wells and Tonbridge and Malling boroughs share a functional economic market area. This reflects evidence of commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.
- 3.3 TWBC commissioned Turleys to undertake an Economic Needs Study (2016) with SDC in order to inform their respective Local Plans taking into account the recognised functional economic relationships. TMBC undertook an Employment Land Review Update (2017), also undertaken by Turleys. Additionally, TWBC has carried out Retail and Leisure studies (with TWBC's most recent being undertaken in 2020) which seek to identify the retail, leisure, town centre needs over the Plan period. This includes recognising the functional catchment areas for retail and leisure patterns across the wider sub-region.

# Employment land needs and provision

- 3.4 The TMBC Employment Land Review identified a net need for 46.8 hectares of employment land that the 2019 Local Plan needed to address. Sites were identified in the 2019 Local Plan for approximately 38.5 hectares of additional employment land at a number of sites across the borough, with the balance to be delivered through the intensification of existing sites.
- 3.5 Due to the early stage of the TMBC emerging Local Plan at this time, and until the conclusion of the evidence base and assessment work, TMBC cannot say whether there is, or is not, unmet employment 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”.
- 3.6 The Economic Needs Study was undertaken for TWBC (and SDC) by Turley, in association with Colliers. For TWBC it identified a need for at least 14 hectares of additional employment floorspace. TWBC is seeking to meet its identified employment land needs in full through the retention, intensification and extension of the existing defined Key Employment Areas, in particular a strategic expansion into the Green Belt and AONB at land at Kingstanding Way, Royal Tunbridge Wells (and on a smaller scale at Paddock Wood and Hawkhurst). This covers the range of site requirements.
- 3.7 As part of the considerations of the allocation of land at Kingstanding Way, and given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172), TWBC raised this issue with its neighbouring LPAs, including TMBC. In early October 2020 TWBC formally wrote to TMBC 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, TMBC set out that as there were not surplus sites (n the 2019 Local Plan) to meet its own employment needs (i.e. it was requiring a combination of new allocations and intensification of existing sites), it cannot consider meeting unmet needs from neighbouring authorities.
- 3.8 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.



### **Actions**

- TWBC and TMBC will continue to discuss economic matters under the DtC, including as the evidence base and assessment work for TMBC progresses.
- TWBC and TMBC to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the functional economic market area in relation to economic related matters, including employment land and retail and town centre development.
- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.

## 4.0 Retailing

- 4.1 For TWBC, the Retail and Leisure Study (April 2017) carried out by consultants Nexus used the study area of previous retail studies for the borough. It covers the Tunbridge Wells borough area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge & Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer.
- 4.2 Nexus also undertook a Tunbridge Wells Retail, Leisure and Town Centre Uses Study Update (2020). This has identified that the retail economy has changed significantly over recent years and the trends which were emerging have accelerated exponentially as a result of the 2020/2021 Covid-19 pandemic. It is also expected that the increased movement towards home working and different times of working, hastened as a result of the Covid-19 'lockdown' periods, will structurally change the need, make up, and use of office space (including shared and flexible accommodation), and through this the operation of those town centre retailers which previously were linked to footfall associated with office employment.
- 4.3 The TWBC Pre-Submission Local Plan therefore proposes a Town Centre Area Plan for Royal Tunbridge Wells (which the updated LDS will set out will be prepared and adopted by 2025), together with the revitalisation of Paddock Wood Town Centre.
- 4.4 For TMBC, there has been considerable public realm and highway work undertaken in Tonbridge town centre in recent years. The 2019 Local Plan set out that it will maintain and enhance the role of the wide range of centres offering a diverse range of shopping and service facilities. It included a policy for Tonbridge town, including the town centre. TMBC will be reviewing this as part of the emerging Local Plan.
- 4.5 The TMBC focus is highly likely to remain being on maintenance and enhancement of the existing centres, and TWBC will be producing a Town Centre Area Plan for RTW, the main actions therefore relate to ensuring that discussions continue through the forthcoming period, including as TWBC progresses the Town Centre Area Plan.

### Actions

TMBC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan.

## 5.0 Cross-boundary Infrastructure Issues

- 5.1 In terms of cross boundary infrastructure, both TMBC and TWBC are in two tier authority areas, where both education and highways are managed by Kent County Council (KCC). Given this, it is noted that both education provision and highway matters may require input from KCC, and if relevant given the route of the A21, Highways England.
- 5.2 TWBC and TMBC in the drafting of their Local Plans (for TMBC the 2019 Local Plan) have liaised with their respective County Councils on matters relating to education provision and highways infrastructure, together with National Highways (formerly Highways England) in respect of the A21.
- 5.3 In the TMBC 2019 Local Plan, there was development proposed at the eastern side of Tonbridge, at Little Postern, Postern Lane, Tonbridge for 10.8 hectares of B2 and B8 uses.
- 5.4 Within TWBC, the following allocations could have strategic cross boundary implications in terms of highway, transport, education, water and health matters:
- the garden settlement at Tudeley village;
  - the transformational expansion of Paddock Wood;
  - employment land at Kingstanding Way, and;
  - a hotel allocation at Mabledon House.
- 5.5 Representations were made by TMBC in 2019 to the Draft Local Plan on these sites, and in terms of Tudeley and proposals for the A228 in particular set out TMBC's concerns at the cross boundary implications of these. Concern was also expressed about a further allocation located at Mabledon Farm, which is not proposed for allocation in the TWBC Pre-Submission version of the Local Plan. TMBC subsequently provided a representation to the Regulation 19 consultation on 3<sup>rd</sup> June 2021. Further commentary on these matters are provided below.
- 5.6 TWBC and TMBC have engaged under the DtC, and further officer working on these sites, particularly in relation to Tudeley village and Paddock Wood.

# Tudeley village and Paddock Wood

- 5.7 TMBC (and Maidstone Borough Council) officers have attended and are active participants in the monthly TWBC “Strategic Sites Working Group” (SSWG) which comprises developers, infrastructure providers, consultees and relevant parish and town councils and their neighbourhood plan groups. TMBC officers and members also attended and were active participants in the autumn 2020 workshops held as part of the masterplanning work undertaken by TWBC’s consultant team (David Lock Associates, and sub-consultants) as part of the masterplanning of Paddock Wood and consideration of infrastructure provision. This is demonstrative that TMBC and TWBC have and will continue to work in collaborative partnership on future infrastructure planning and masterplanning of the allocations.
- 5.8 The SSWG, and the masterplanning work, has actively involved health providers (the Kent and Medway Clinical Commission Group), KCC Education, KCC Highways and Transportation, National Highways/Highways England and Network Rail, ensuring that relevant strategic cross boundary matters (including those raised by TMBC) have and will continue to be addressed:
- The position of the secondary school shown in the TWBC Draft Local Plan (between Tudeley and Tonbridge), has been moved in the Pre-Submission Local Plan to that of TMBC’s preferred position at Tudeley (on the south eastern side, closer to Paddock Wood);
  - Assessment of impacts on highways junctions has included that outside the boundaries of Tunbridge Wells borough (including in Tonbridge and along the A228): costs for relevant mitigation measures have been included in the viability assessment work undertaken for the strategic sites (indicating that these can be delivered and are viable). Through the masterplanning work mechanisms to ensure that all developments make the necessary contributions to fund this infrastructure are being developed, and TMBC will be involved in this;
  - Work has taken place on active travel routes between the strategic sites and Tonbridge, including through direct liaison between the consultants instructed for both authorities;
  - Provision for sufficient health care has been made within Paddock Wood/Tudeley, and has been subject to viability testing. This is enshrined in policy in the Pre-Submission version of the Local Plan to ensure that this is delivered on-site. TWBC will continue to discuss with the Clinical Commission Group seeking on-site provision within Tudeley;
  - Discussions have been held with Network Rail in relation to both capacity on the railway line and facilities at Tonbridge Station, and Network Rail attend and are active participants of the SSWG. Network Rail has confirmed that the proposed growth in Tunbridge Wells borough does not require specific rail capacity interventions, and that it is expected that there will be long term changes to



commuting habits as a result of increased home working/different commuting times.

5.9 TMBC set out in its Regulation 19 response that:

- it “welcomes the amendments made to the Regulation 18 draft of the Local Plan in response to the comments by this Council (TMBC) made in October 2019 and recognises the ongoing and pragmatic engagement in respect of the Duty to Cooperate to address the relevant cross-boundary issues and the continuing contributions to the infrastructure planning and master planning of the two strategic allocations at Tudeley and Paddock Wood”
- “the (TWBC) Local Plan has been prepared in accordance with the requirements of national policy as set out in the National Planning Policy Framework (2019) and Section 33A of the Planning and Compulsory Purchase Act 2004 in respect of the Duty to Cooperate”

5.10 However, it also raised serious concerns relating to:

- The evidence base in relation to transport , i.e. the extent of study area, the future growth assumptions beyond those in the emerging Tunbridge Wells Local Plan and the high level modelling methodology used;
- The transport impact on Tonbridge and other settlements and communities in the Tonbridge and Malling Borough from the strategic sites , in respect of the concerns relating to the evidence base (i.e. that these impacts have been underestimated and therefore the proposed mitigation measures may also be insufficient);
- The impact on flooding from the strategic sites;
- The timing of the delivery of infrastructure, including education, and the impact of this on services in Tonbridge and Malling borough from housing coming forward before the delivery of the infrastructure.

5.11 Concerns were also raised around the landscape evidence base, although these have been relayed through further discussion.

5.12 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.

## Kingstanding Way

5.13 A planning application has been considered for this development. National Highways/Highways England and KCC Highways and Transportation have

considered the impact of the development, including on potential cross boundary implications, and support the application. TMBC provided comments on this application, and did not raise objection. Outline planning permission for this development has been granted.

## **Mabledon House**

- 5.14 This proposal (200 bedroom hotel) is of a considerably smaller scale than the strategic sites and Kingstanding Way. Both authorities commit to working together on detailed proposals for this site, including through any pre-application discussions and with KCC and Highways England in relation to vehicular access arrangements.

## **Mabledon Farm**

- 5.15 For the avoidance of doubt, the proposed allocation at Mabledon Farm indicated in the Regulation 18 Draft Local Plan for housing, between Southborough and the borough boundary, has not been carried forward into the SALP.

## **Leigh flood storage expansion and Hildenborough embankment scheme**

- 5.16 The Leigh flood storage expansion and Hildenborough embankment scheme, being led by the Environment Agency, is such an example where both authorities, through their individual actions and participation in the Medway Flood Action Plan, are working to deliver such infrastructure improvements.
- 5.17 Both authorities have considered, and support, the raising of the storage level.

## **(Non strategic sites related ) active travel provision**

- 5.18 The A26 runs from Tonbridge, through Southborough, into Royal Tunbridge Wells. TWBC has a costed scheme for significant improvements to cycling provision along the A26. Both authorities will continue to work together in developing this scheme.

## Potential/proposed developments on or near the LPAs' common boundary

- 5.19 In the future, if there is further substantial development, particularly on or close to the administrative boundary of TMBC and TWBC whether through the plan making or planning application process, then there will be a need to liaise over and coordinate the delivery of infrastructure improvements including the securing of any necessary funding.
- 5.20 It should be noted that TWBC and TMBC work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters (e.g. as has with the Leigh/Hildenborough flood storage scheme) TWBC and TMBC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.
- 5.21 Both TMBC and TWBC will continue to engage on highway and transport matters, including in relation to the A21 through ongoing discussions with Highways England and the operation of the Hastings to London and Ashford to London railway lines with Network Rail.

### **Actions**

- TWBC will continue to invite TMBC to the Strategic Sites Working Group, and TMBC officers will continue to attend and actively participate.
- TWBC and TMBC will, over the course of 2021 and onwards, have continued discussion and liaison with each other and relevant infrastructure providers, working in collaborative partnership, on the cross boundary implications of the proposed strategic allocations at Tudeley village and Paddock Wood.
- TMBC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues, including in terms of further (including pre-application) discussions for proposals at Mabledon House.
- Both Councils will, through membership and participation in the Medway Flood Area Plan, continue to liaise on the Leigh flood storage expansion and Hildenborough embankment scheme.

## **6.0 Natural Environment**

### **Ashdown Forest European Site**

- 6.1 Ashdown Forest is a European Site and is designated as a Special Area of Conservation (SAC) for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.
- 6.2 Cross boundary strategic matters have been identified in relation to air quality and visitor pressure.

### **Ashdown Forest Special Area of Conservation (SAC) – Air Quality**

- 6.3 TWBC is an active member and attends regular meetings of the Ashdown Forest SAC Working Group, and TMBC is a corresponding member.
- 6.4 Both TWBC and TMBC will continue to participate in the Ashdown Forest SAC Working Group, with TMBC's involvement being as relevant/necessary, given the distance of Tonbridge & Malling from the Forest.
- 6.5 All future work in relation to air quality at Ashdown Forest will be developed in discussion with the Ashdown Forest SAC Working Group agreeing where possible on methodology and to cost sharing where appropriate.

### **Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance**

- 6.6 This is not considered to be a cross boundary matter between TWBC and TMBC, largely as all of TMBC lies well outside the 7km zone of influence, which is the extent agreed by all partner local authorities and Natural England, based on technical evidence from the Ashdown Forest Visitor Survey which the Strategic Access Management and Monitoring (SAMM) Strategy partnership jointly commissioned.

### **Actions**

That both authorities continue to work as part of the Ashdown Forest Working Group, with TWBC as an active member and TMBC as a corresponding member, in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.

## **High Weald Area of Outstanding Natural Beauty (AONB)**

- 6.7 As stated in the High Weald AONB Management Plan (2019-2024) ([see the High Weald AONB Management Plan](#)), both administrative areas of TWBC and TMBC contain proportions of the High Weald AONB. In the case of TWBC, the High Weald AONB covers just under 69% of the borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it. In the case of TMBC, only a very small part of the borough falls within the High Weald AONB to the south of Tonbridge, with a further 27% in the Kent Downs AONB to the north.
- 6.8 Both authorities are members of the Joint Advisory Committee (JAC) and Officer Steering Group for the High Weald AONB.
- 6.9 The High Weald AONB Management Plan 2019-2024 was agreed by the Joint Advisory Committee in November 2018, after public consultation and with input from both authorities. The Management Plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by TWBC and TMBC in March 2019.
- 6.10 Both authorities are committed to continue to work together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.
- 6.11 Paragraph 172 of the NPPF (2019) sets out the national planning policy for major development in AONBs. For TWBC, following representations received in relation to its Regulation 18 consultation, full LVIAs have been undertaken to assess the landscape impact of major development sites in the AONB. TWBC is engaging with Natural England and the High Weald AONB Unit (notwithstanding that both are taking a position of objecting to major developments in principle).
- 6.12 TWBC's reading of the NPPF is that it has to apply the tests in paragraph 172 in order to come to a conclusion in relation to individual sites. In this context, although not explicit in relation to opportunities outside its own area, paragraph 172(b) may be interpreted as expecting the 'scope for developing outside the designated area' to



extend to neighbouring LPAs as part of the consideration of exceptional circumstances.

- 6.13 TWBC has therefore asked TMBC whether (October 2020) it has scope to accept any housing need from TWBC, as set out at paragraphs 2.20-21 above, that would comprise major development in the AONB. TMBC consider that there are no less constrained areas in the West Kent HMA in Tonbridge and Malling.
- 6.14 This has been factored into TWBC's considerations as part of the preparation of the Pre-Submission version of the Local Plan. It is acknowledged that, following the further evidence undertaken on landscape and visual impact, the amount of housing proposed as major development in the AONB has decreased significantly between the Draft Local Plan and the Pre-Submission version of the TWBC Local Plan.

### **Actions**

Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.

## **Biodiversity**

- 6.15 Under both paragraphs 174 and 179 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. TMBC in the 2019 Local Plan, and TWBC in the Pre-Submission included policies for Green infrastructure which have taken account of cross boundary proposals, and it is expected that the emerging TMBC plan will do so again.
- 6.16 Both authorities also had/have policies in the (TMBC 2019 Local Plan and TWBC Pre-Submission version of the Local Plan) which require actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between all Kent LPAs is already occurring through engagement with the Kent Nature Partnership and, for the High Weald AONB the 'net gain sub group' of the High Weald AONB Officer Steering Group, chaired by TWBC, to ensure a common approach and cooperation across the county and the High Weald AONB with particular regard for biodiversity offsetting and strategic biodiversity objectives.

### **Actions**

TMBC and TWBC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.

## 7.0 Governance arrangements

- 7.1 It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.
- 7.2 The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date SoCG between the Councils.
- 7.3 Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.4 Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.5 Liaison in relation to the SoCG and the wider DtC will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the DtC and the SoCG, as appropriate.

# 8.0 Actions and Review Timetable

8.1 The agreed actions in this SoCG are reproduced below. This SoCG is an iterative document. Progress on the actions will be detailed in the next version of this SoCG.

**Table 2: Agreed key issues and agreed actions**

Key Issue	Agreed Actions
Housing	TMBC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including capacity to meet local and unmet needs. This will include consideration of any future requests from London authorities, if received.
Gypsy, Traveller and Travelling Showpeople	<ul style="list-style-type: none"> <li>- TWBC will continue to seek to meet their own needs for permanent pitches in relation to G&amp;T). TMBC is updating its evidence base and undertaking assessment at this time, and accordingly cannot say whether it will be able to meet its own need, or not, at this time: TMBC is approaching the matter on a positively planned basis in accordance with Para 35 of the NPPF.</li> <li>- Both Councils will continue to seek to meet their own needs for permanent pitches (TMBC in relation to G&amp;T and Travelling Showpeople, and TWBC in relation to G&amp;T). There have been no requests in relation to unmet needs at this time.</li> <li>- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by Ashford borough.</li> <li>- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation.</li> </ul>
Employment	<ul style="list-style-type: none"> <li>- TWBC and TMBC will continue to discuss economic matters under the DtC, including as the evidence base and assessment work for TMBC progresses.</li> <li>- TWBC and TMBC to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the functional economic market area in relation to economic related matters, including employment land and retail and town centre development.</li> <li>- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.</li> </ul>
Retail	TMBC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan.

Key Issue	Agreed Actions
Cross Boundary Infrastructure	<ul style="list-style-type: none"> <li>- TWBC will continue to invite TMBC to the Strategic Sites Working Group, and TMBC officers will continue to attend and actively participate.</li> <li>- TWBC and TMBC will, over the course of 2021 and onwards, have continued discussion and liaison with each other and relevant infrastructure providers, working in collaborative partnership, on the cross boundary implications of the proposed strategic allocations at Tudeley village and Paddock Wood.</li> <li>- TMBC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues, including in terms of further (including pre-application) discussions for proposals at Mabledon House.</li> <li>- Both Councils will, through membership and participation in the Medway Flood Area Plan, continue to liaise on the Leigh flood storage expansion and Hildenborough embankment scheme.</li> </ul>
Natural Environment	<ul style="list-style-type: none"> <li>- That both authorities continue to work as part of the Ashdown Forest Working Group, with TWBC as an active member and TMBC as a corresponding member, in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.</li> <li>- Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.</li> <li>- TMBC and TWBC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.</li> </ul>

8.2 This SoCG will be updated to reflect the latest iteration of the respective Local Plans.

8.3 The Councils will work jointly to ensure that there is a SoCG in place ahead of the formal consultations on any Local Plan published by either Council (i.e. under Regulation 18 or 19).





- 8.4 Based on current Local Plan programmes, it is currently anticipated that this SoCG will be prepared and updated in accordance with the following timetable:

Document	Target Sign-Off Date	Reasoning
SCG v1	October 2021	Ahead of TWBC Submission
v2	February 2022	Ahead of TWBC Examination

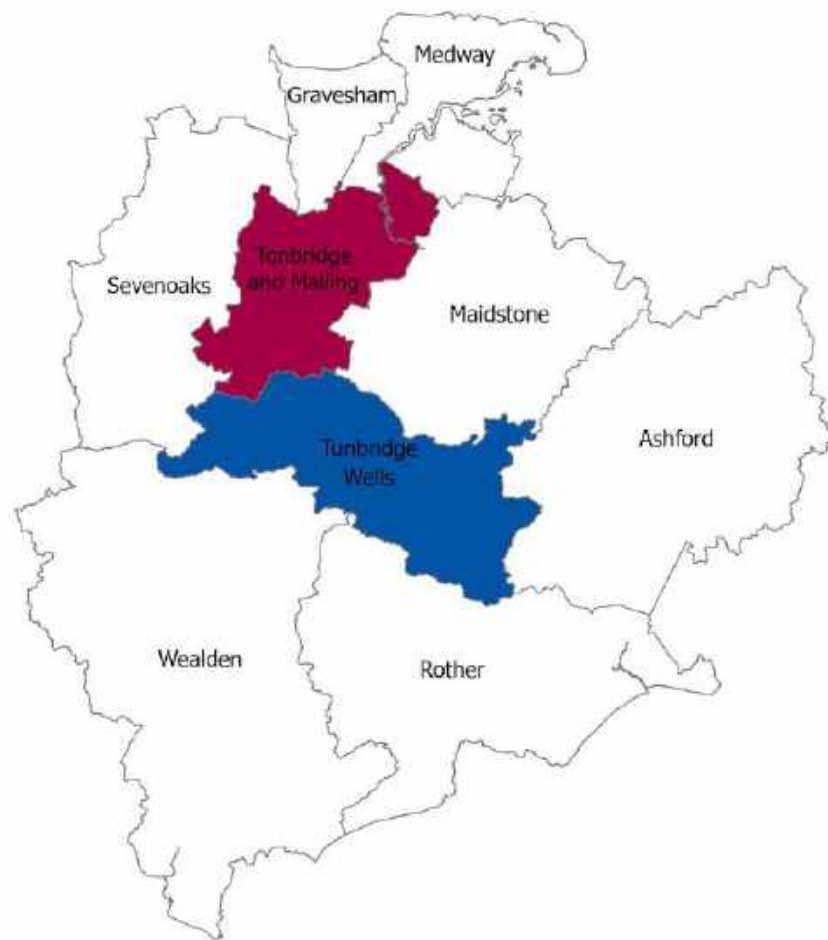
- 8.5 It may be that further updates may be appropriate if substantive new evidence becomes available or decisions are made. This will be kept under review.
- 8.6 The Councils will keep each other notified of proposals to publish the SoCG and any updates to it.

## 9.0 Signatories/Declaration

Signed on behalf of Tonbridge & Malling Borough (Councillor)	Signed on behalf of Tonbridge & Malling Borough Council
	
<b>Position:</b> Borough Councillor, Snodland West and Holborough Lakes Ward  Cabinet Member for Strategic Planning and Infrastructure and Deputy Executive Leader	<b>Position:</b> Director of Planning, Housing and Environmental Health
<b>Date:</b> 28 October 2021	<b>Date:</b> 28 October 2021

Signed on behalf of Tunbridge Wells Borough Council (Councillor)	Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)
	
<b>Position:</b> Councillor	<b>Position:</b> Chief Executive
<b>Date:</b> 29 October 2021	<b>Date:</b> 29 October 2021

# Appendix A: The Administrative Areas of Tonbridge & Malling borough and Tunbridge Wells borough



# Appendix A5: Maidstone BC - Signed SoCG between TWBC and MBC August 2016

**Maidstone Borough Local Plan 2016 Examination**

**Statement of Common Ground**

**As agreed between**

**Maidstone Borough Council**

**and**

**Tunbridge Wells Borough Council**

**August 2016**

P.R.	Correspondence?	
REF:		
	22 AUG 2016	Info
CHG. DEL. E		
PRINTER		



## **INTRODUCTION**

1. This Statement of Common Ground has been prepared jointly by Maidstone Borough Council ('MBC') and Tunbridge Wells Borough Council ('TWBC').
2. This Statement sets out confirmed points of agreement between MBC and TWBC on the key cross boundary issues with regard to the Maidstone Borough Local Plan 2016 ('the Local Plan') and its supporting evidence base, with the aim of assisting the Inspector during the Examination of the Local Plan. It should be read in conjunction with the Duty to Co-operate Compliance Statement (SUB 008) which was submitted with the Local Plan.

## **AGREED MATTERS**

3. The following matters are agreed:  
  
**Objectively assessed need for housing**
4. The Local Plan provides for Maidstone borough's full objectively assessed need for housing at the base date of 1<sup>st</sup> April 2016 within Maidstone borough's boundaries. It is agreed that MBC does not require TWBC to accommodate a proportion of its objectively assessed need for housing.
5. TWBC is in the early stages of preparing a new Local Plan which will cover the period to 2033. TWBC's approved Local Development Scheme (April 2016) sets out the timetable for the preparation of the new TWBC Local Plan as follows: Regulation 18 informal public consultation in April 2017 (issues and options) and January 2018 (preferred options), Regulation 19 public consultation in October 2018, submission of the TWBC Local Plan in March 2019 and adoption in January 2020.

6. As the preparation of the new TWBC Local Plan is at such an early stage, TWBC is not yet in a position to confirm if its objectively assessed need for housing will be met within Tunbridge Wells borough boundaries. TWBC has not requested that MBC accommodate a proportion of its objectively assessed need for housing.
7. It is agreed that Maidstone borough and Tunbridge Wells borough lie within separate housing market areas.

#### **Duty to Co-operate**

8. The Duty to Co-operate Compliance Statement (SUB 008) submitted with the Local Plan chronicles the extent and nature of positive engagement with TWBC during the preparation of the Local Plan.
9. It is agreed that MBC has fully complied with the Duty to Co-operate with TWBC during the preparation of the Local Plan with respect to matters of strategic importance between the two boroughs.
10. It is agreed that the two councils will continue to co-operate and work together on strategic cross-boundary issues.

#### **MATTERS NOT AGREED**

11. [none]

## AGREEMENT

Signed On behalf of Maidstone Borough Council		
Name & position	Signature	Date
Rob Jarman, Head of Planning & Development		22/8/16

Signed On behalf of Tunbridge Wells Borough Council		
Name & position	Signature	Date
Kelvin Hinton, Acting Head of Planning Planning Policy Manager		19.08.16

# Appendix A6: Maidstone BC - Signed SoCG between TWBC and MBC March 2021

# Maidstone Local Plan Review and Tunbridge Wells Local Plan

Statement of Common Ground between Maidstone  
Borough Council and Tunbridge Wells Borough Council

March 2021

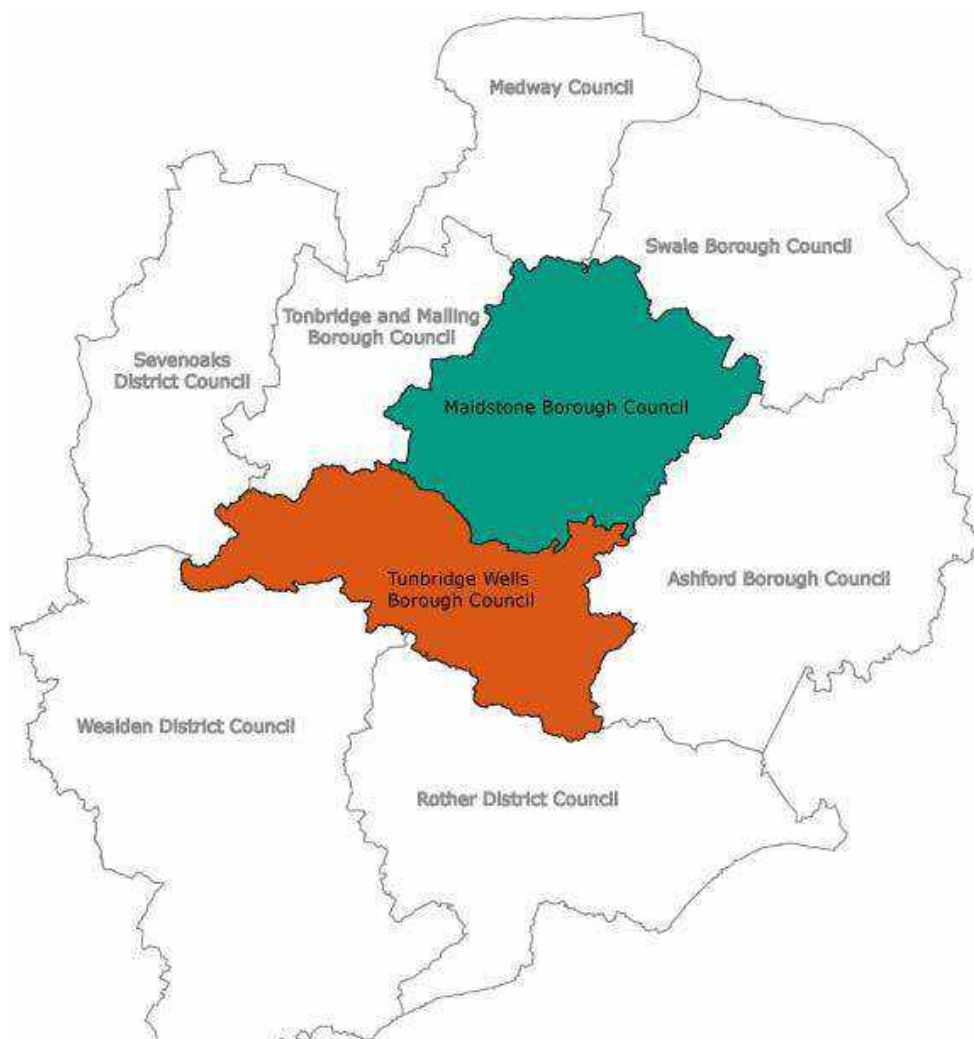
## Maidstone and Tunbridge Wells context

Maidstone is a Borough Council within the County of Kent. Maidstone is the Local Planning Authority, while Kent County Council has responsibility for the provision of services including transport and education. Maidstone is surrounded by the Kent District Councils of Ashford, Tonbridge & Malling, Tunbridge Wells, Swale, and Medway Council which is a unitary authority which works collaboratively with Kent County Council to provide services.

Tunbridge Wells Borough Council (TWBC) is located to immediately the south of Maidstone Borough Council (MBC), and the two boroughs share a boundary that extends from north of Paddock Wood to the south of Headcorn. Both boroughs contain a mix of urban and rural environs, along with a range of landscape and environmental designations. The Metropolitan Green Belt extends into TW borough and Maidstone borough. The High Weald Area of Outstanding Natural Beauty (AONB) lies partly within TW borough and its setting extends into the south of Maidstone borough.

## Administrative areas

The administrative area covered by this Statement of Common Ground is identified in the map below.





## Purpose of this statement

Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires that in planning for sustainable development, local authorities must seek cooperation. The National Planning Policy Framework requires that strategic plan making authorities collaborate to identify strategic matters that need to be addressed through their plans. It requires effective and ongoing joint working between authorities which should be demonstrated through the preparation and maintaining of one or more statements of common ground.

This Statement of Common Ground (SoCG) has been prepared by MBC and TWBC and it reflects the agreed position between the parties on a range of matters as at 29 March 2021. This shared position between MBC and TWBC sets out the position in relation to the two Local Plans (the MBC Local Plan Review (Regulation 18), and the TWBC Pre-Submission version of the Local Plan 2020-2038), and will inform future policies and work on respective forthcoming Local Plans. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making. Its purpose is to demonstrate the effective joint working across local authority boundaries, which has been undertaken **throughout the development of TWBC's and MBC's plan making processes to this point.**

## The key strategic issues being addressed by this statement

The key strategic issues being addressed by this draft statement are listed below. Included are the intended cross-boundary issues both authorities expect to seek agreement on and any matters where agreement has not yet been reached.

<b>Strategic Issue for Maidstone borough, and, for Tunbridge Wells borough</b>	<b>Geographical area relevant for the 'Duty to Co-operate'</b>	<b>Possible Statement of Common Ground signatories</b>
<p>For TWBC and MBC: Meeting the borough's local housing need and helping to meet needs across the relevant Housing Market Area/s</p> <p>For TWBC and MBC: Ensuring there is a sufficient supply of affordable housing</p> <p>For TWBC and MBC: Provision of Gypsy &amp; Traveller (G&amp;T) and where relevant Travelling Showpeople accommodation</p>	<p>Housing Market Area/s; neighboring authority areas. For the borough of Maidstone this is the Maidstone HMA, and for the borough of TW this is the West Kent HMA.</p>	<p>Tonbridge &amp; Malling BC; Medway; Swale BC; Ashford BC; Tunbridge Wells BC.</p>
<p>For TWBC and MBC: Ensuring sufficient land and floorspace is provided to support economic growth in the borough and to contribute to the needs of the wider economic market area</p>	<p>Shared regional economy, but more localised Functional Economic Market Areas, which differ between TW borough (focused on TW, Tonbridge &amp; Malling and Sevenoaks boroughs/districts) and Maidstone borough which has a strong pull as the County Town.</p>	<p>Tonbridge &amp; Malling BC; Medway.</p> <p>South East Local Enterprise Partnership</p>
<p>For MBC: Ensuring that Maidstone has a vital and vibrant town centre which maintains its role in the sub-region and that a network of local centres continue to serve local retail and service needs.</p> <p>For TWBC: the same in relation to Royal Tunbridge Wells, and other settlements in the borough</p>	<p>Retail Catchment Area</p>	<p>[extent of RCA to be confirmed through future evidence]</p>

For TWBC and MBC: Ensuring <b>that the borough's</b> environmental assets such as the AONB, Landscapes of Local Value, the countryside and Green Belt are suitably protected	Kent Downs AONB; setting of High Weald AONB	Tonbridge & Malling BC; Medway; Swale BC; Ashford BC; Tunbridge Wells BC.
	Landscapes of Local Value	Tonbridge & Malling BC; Ashford BC; Tunbridge Wells BC.
For MBC and TWBC: Ensuring <b>that the borough's biodiversity</b> and wildlife habitats are suitably protected and enhanced	SSSIs, Local Wildlife Sites, ancient woodland which straddle the <b>borough's boundaries.</b>	Natural England Tonbridge & Malling BC; Ashford BC; Medway; Swale BC; Tunbridge Wells BC.
For MBC and TWBC: Managing the risk of flooding from all sources.	Catchments of the River Medway, Stour, Beult & Teise.	Environment Agency; Tonbridge & Malling BC; Medway; Ashford BC; Tunbridge Wells BC
For MBC and TWBC: Ensuring sufficient transport infrastructure is provided to serve the new development that is planned, including in relation to the transformational expansion of Paddock Wood	Strategic highway network, local highway network, and public rights of way within the borough and, potentially, key junctions falling in neighbouring authority areas. Rail infrastructure within the borough.	Kent County Council; Highways England; Network Rail; Tonbridge & Malling BC; Ashford BC; Medway; Swale BC; Tunbridge Wells BC.
For MBC and TWBC: Ensuring that sufficient provision is made for health, education and other infrastructure to serve the new development that is planned.	Maidstone borough (subject to the selected spatial strategy)  TW borough	Kent County Council; West Kent Clinical Commissioning Group; Maidstone & Tunbridge Wells NHS Trust; Tunbridge Wells BC.

Engagement and cooperation to date.

MBC and TWBC have been engaged in ongoing and effective cooperation from inception to delivery of their local plans.

TWBC and MBC have engaged on a formal basis through regular duty to cooperate **meetings, the details of which are listed on MBC's website.** Through these meetings, both councils have identified any cross-boundary matters that needed further, more detailed consideration by both parties. Such issues included highways matters and the urban extension to Paddock Wood, which lies close to the boundary of Maidstone borough, where collaborative working has seen MBC take part in TWBC's **Strategic Sites Working Group.**

Where relevant, feedback on evidence base methodologies has been sought so as to ensure that studies have been sufficiently scoped and that cross-boundary

matters such as infrastructure have been considered in combination with each **borough's plans**.

Additionally, through their ongoing cooperation, MBC and TWBC have engaged on matters of policy development so as to consider the impact of emerging plans on cross boundary strategic matters.

Issues for which agreement is or is not in place

This is a record of where agreements have (or have not) been reached on key strategic issues, including the processes that have been undertaken in reaching or seeking to reach agreements on these.

Strategic Matters

Both authorities are monitoring the outcome of Local Plan examinations in Kent, specifically those where inspectors have raised concerns in relation to duty to cooperate. TWBC and MBC acknowledge that the outcome of the consultation on the Planning for the Future White Paper is expected in spring and anticipate that this will have implications for duty to cooperate and housing need.

Both are progressing their Local Plans in accordance with existing government policy.

Meeting Housing Need

MBC has prepared a Strategic Housing Market Assessment (SHMA) to consider overall and specific types of housing needs across the borough. This SHMA identifies an overall need of 18,210 houses which reflects the governments standard methodology. Whilst the housing market area of Maidstone extends west into the northern section of Tonbridge and Malling, it does not extend into Tunbridge Wells to the south. In its emerging Local Plan Review, Maidstone is seeking to meet its need in its entirety.

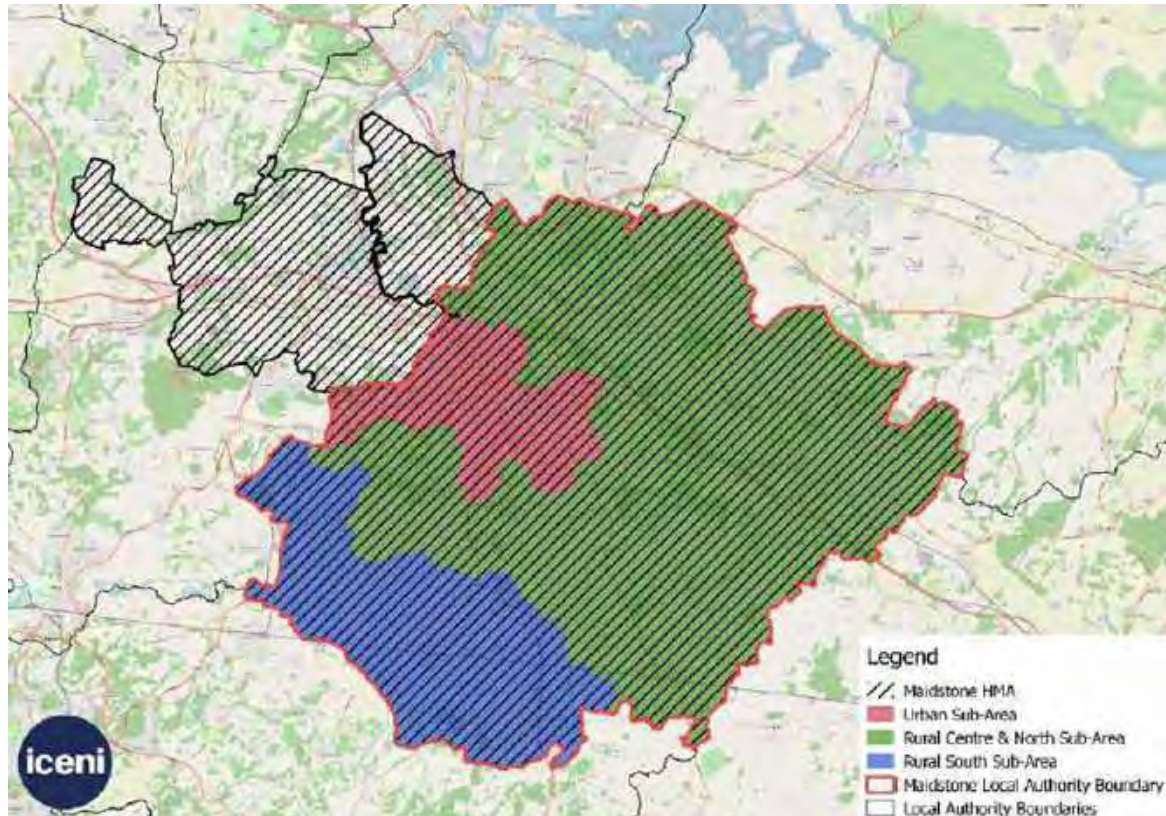


Figure 1: MBC Housing Market Area and sub-market geography

The proposed distribution of housing in MBC is concentrated in the main urban area along with two garden settlements at Lidsing and Lenham Heath. A small and proportionate level of new housing is proposed in the smaller settlements to the south of Maidstone, but this is some distance from the boundary with TWBC.

TWBC falls within the West Kent Housing Market Area which also covers the boroughs of Tonbridge and Malling and Sevenoaks. This is shown in Figure 2 below, from the Strategic Housing Market Assessment (2015).



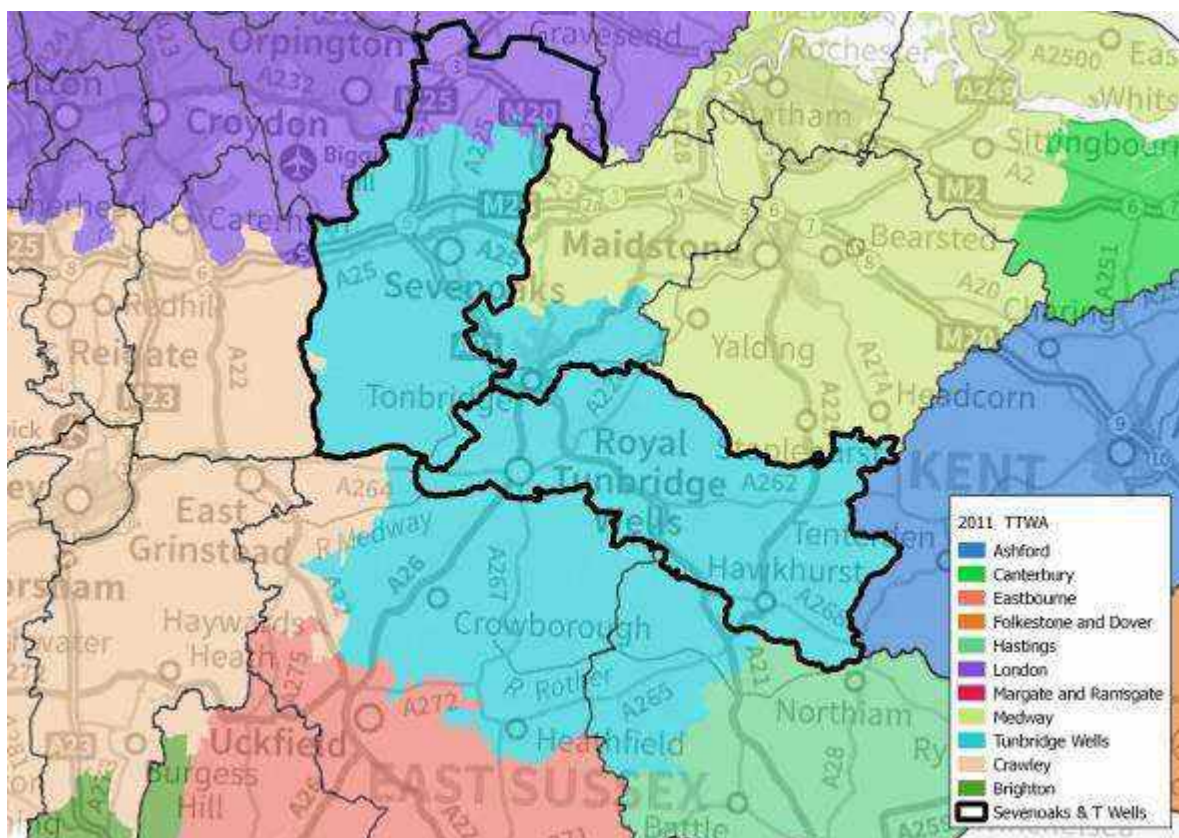


Figure 2: West Kent Housing Market Area (from Strategic Housing Market Area Assessment)

The Regulation 18 Draft Local Plan produced by Tunbridge Wells and consulted on in 2019, included provision for 14,776 new dwellings which includes a buffer of 1,216 units.

In September 2020, TWBC wrote to MBC indicating that they are exploring all potential options to meet the need of the borough. In this letter, TWBC formally requested that MBC accommodate some or all of the housing proposed in the Draft Local Plan within the Green Belt, or as major development in the AONB, and at least 14 hectares of employment land. An initial response was issued by MBC in December 2020. This stated **that MBC could not accommodate any of TWBC's need, as it was proving very challenging to accommodate the extra homes needed until 2037, necessitating growth to be focused on two 'garden communities'.**

TWBC accepts this position and has progressed to include allocations across the borough, including within the AONB and Green Belt, in order to meet its own local housing needs. MBC welcomes the fact that TWBC is meeting its housing need in full, and similarly expects to meet its housing need in full.

MBC notes that, if the TWBC Regulation 19 Local Plan strategy were to be found unsound at examination, requiring further land release, it would expect TWBC to look first at the potential for meeting such additional needs in its own borough.



TWBC received a request (April 2019) from Sevenoaks District Council to meet unmet need (1,900 houses). This has not been subject to examination. Sevenoaks district is in the West Kent Housing Market Area. As above Maidstone Borough is in the Maidstone Housing Market Area. Both authorities continue to monitor activity within the Greater London Area.

The housing requirements being planned for in the two authorities are set out below.

	Maidstone	Tunbridge Well
Housing Target	18,210	12,204 Regulation 19 draft includes a 1,050 unit buffer.
New Plan Until	2022-2037	2020-2038
Unmet need	0	0
New Plan Stage	Local Plan Review Regulation 18b December 2020. Regulation 19 June 2021.	Full Council approval for Regulation 19 consultation to start on 26 March 2021, until 21 May 2021 and Submission (expected July 2021).

#### Statement of Common Ground

Given the above, Maidstone Borough Council and Tunbridge Wells Borough Council agree that, at the time of agreeing this SoCG:

- Both authorities are looking to meet their own housing needs through the forthcoming Local Plans;
- MBC supports the strategy of the emerging TWBC plan, however, should at a future point TWBC seek to review its approach then MBC expect that TWBC will meet its housing and employment land need within its borough.
- MBC and TWBC will continue to engage with each other and other relevant authorities in relation to strategic housing matters

#### Gypsy and Traveller, and Travelling Showpeople Accommodation.

MBC has commissioned a new Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA). Survey work has been put on hold as a result of the Covid pandemic.

Whilst work on the MBC GTTSAA is at an early stage, discussions with consultants undertaking the GTTSAA have indicated that there will be a significant need for new pitches in Maidstone over the plan period to 2037. The Call for Sites exercise invited the submission of Gypsy, Traveller and Travelling Showpeople sites, however only a small number were put forward for inclusion in the plan. As a consequence, Maidstone is facing a significant shortfall of sites.

On the basis that the GTTSAA has not been completed and there will be a likely significant shortfall in sites that will not be met by Call for Sites submissions, it is

felt by MBC that the most appropriate course of action is to undertake a separate Gypsy, Traveller and Travelling Showpeople DPD, with targeted Call for Sites work, so that the needs of the community can be adequately and appropriately addressed and appropriate engagement can take place.

Therefore, MBC is not yet in a position to determine whether the needs for G&T and Travelling Showpeople can be accommodated in the period to 2037.

TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its Draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.

**TWBC's Housing Supply and Trajectory Paper (September 2019) states that** following a review of its pitch completions and planning permissions, that there is an outstanding need for 28 residential pitches as of 1 April 2019.

TWBC considers that, based on its understanding of existing sites and the nature of demand, that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the large majority of outstanding need for additional pitches over the plan period, which will be supplemented by two new sites. The locations of these are identified in the Pre-Submission version of the Local Plan.

The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that, at the time of drafting this SoCG:

- TWBC is seeking to accommodate its G&T needs through the Local Plan, and MBC is not yet in a position to determine its final need figure for G&T and Travelling Showpeople.
- Discussions will continue to take place in respect to the provision of a transit site(s) and this may include discussions with other authorities in Kent county.

#### Garden Settlements

In order to meet its housing need, MBC has sought to bring forward two garden settlements. The Regulation 18b Local Plan Review does not include the allocation of any garden settlements within close proximity to the boundary of TWBC. Land at Beltring has been put forward for **inclusion in MBC's Local Plan Review and this** has been discussed at previous Duty to Cooperate meetings. This site has not been carried forward in the MBC Regulation 18b Local Plan Review.

In its Regulation 19 Pre-Submission version of the Local Plan, TWBC propose significant growth (on transformational garden settlement principles) at Paddock Wood of approximately 3,600 new dwellings, plus employment and associated leisure and health facilities. This settlement lies close to the southern boundary of MBC, and the proposed urban extension of Paddock Wood would extend to the boundary shared by the boroughs. The structure plan for PW, as indicated in the Pre-Submission version of the Local Plan at Map 28, shows that the built footprint of the Paddock Wood garden community will be focussed away from the boundary with MBC, as the land adjoining MBC being used primarily as open space and wetlands/flood storage. TWBC has worked closely with MBC to develop its plans for Paddock Wood, with MBC being a stakeholder in the TWBC Strategic Sites Working Group.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- The two garden settlements proposed in the MBC Regulation 18b Local Plan are not expected to give rise to any strategic cross boundary matters with Tunbridge Wells borough, given their position within Maidstone borough;
- 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.

#### Meeting Employment Land Need

MBC has undertaken an Economic Development Needs study (2019/2020). This study indicates that the Functioning Economic Market Area broadly follows the southern boundary of the borough, but that a small proportion of the area overlaps into TW borough. Through its Local Plan Review, MBC is expecting to meet employment land need within the borough, with an additional degree of oversupply to provide flexibility and choice.

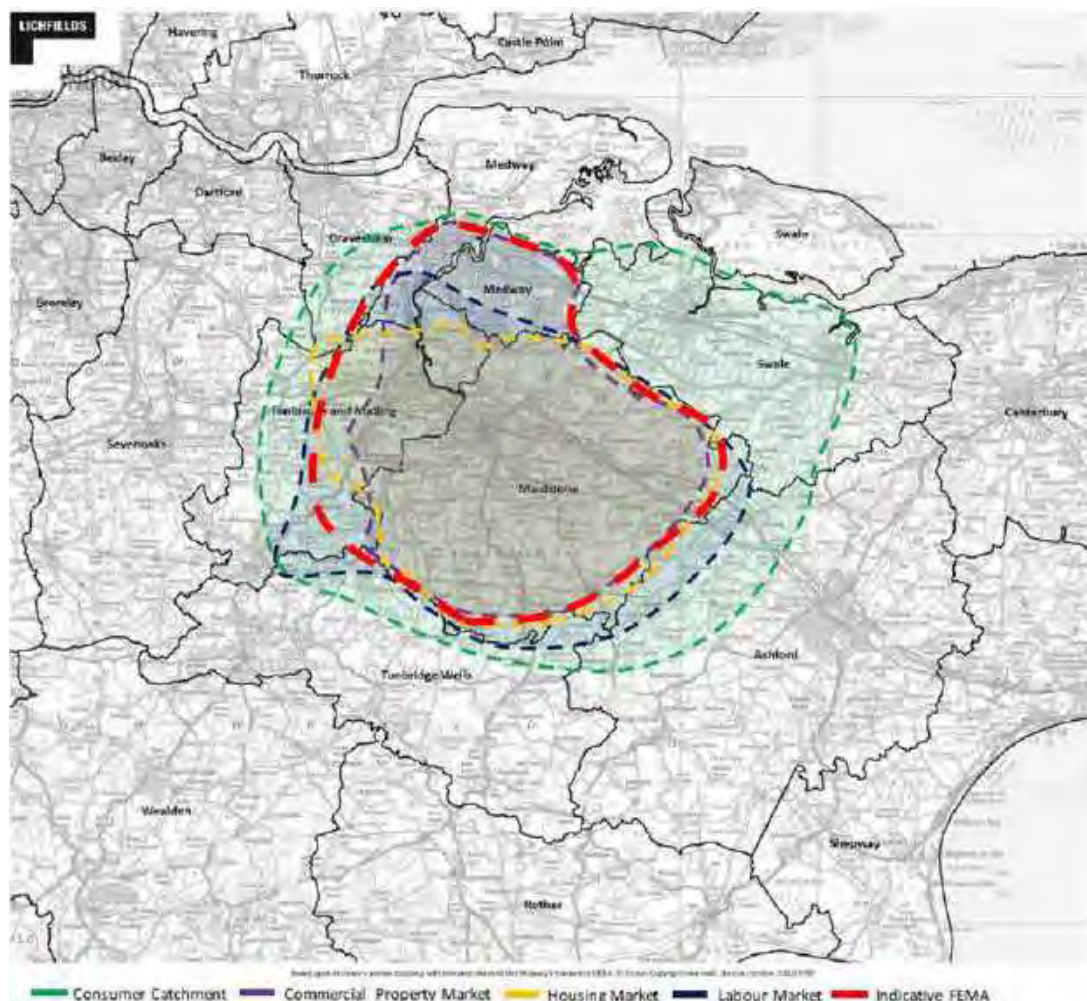


Figure 2: MBC Economic and development Needs Study market areas

TWBC has produced an Economic Needs Survey (ENS) through the consultancy Nexus. This ENS identified a need for a minimum of 14 hectares of additional employment land. TWBC is looking to meet its needs for employment land through an allocation adjacent to Royal Tunbridge Wells, and the expansion of the key employment area at Paddock Wood (and Hawkhurst).

As part of the considerations of the allocation of land adjacent to Royal Tunbridge Wells, and given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172), TWBC raised this issue with its neighbouring LPAs, including MBC – as set out above.

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.

Statement of Common Ground



Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- Both authorities are seeking to meet their own levels of employment need.
- TWBC and MBC to engage through the wider DtC forum with other neighbouring authorities in relation to economic related matters, including employment land development.

#### Meeting Retail Land Need

The EDNS produced on behalf of Maidstone indicated that the consumer catchment for the borough extends into a small portion of the north of TW borough, and that there is a retail floorspace requirement 2022-2032 is 10,838 sqm (gross). This need will be met within Maidstone borough.

The Retail and Leisure Study Update (2020) produced on behalf of TWBC indicated that there is no additional need for comparison and convenience locations, however the growth area identified for Paddock Wood is expected to deliver a reconfiguration and regeneration of the town centre. The Pre-Submission version of the Local Plan identifies that a Town Centre Area Plan will be produced for Royal Tunbridge Wells. Work will commence on this in 2021, with considerable informal engagement in 2022. If necessary, TWBC will involve MBC in discussions regarding the Town Centre Area Plan.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- At the time of drafting, that there is no action required from the two respective boroughs in relation to meeting each boroughs retail needs.

#### Environmental Matters

##### *Green Belt*

Amendments to GB in TWBC are not within close proximity to the MBC Green Belt, and therefore it will not impact on MBC. Comment on the communication from TWBC on the Green Belt, in relation to housing and employment provision, is set out above.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- MBC is not proposing any amendments to the Green Belt, and the land proposed to be removed from the Green Belt in TW borough will not materially affect the purposes of the Green Belt in Maidstone borough.

##### *Protected sites and biodiversity*

Neither MBC nor TWBC are proposing any development that would on its own, or cumulatively affect European sites within the other borough.

Under both paragraphs 170 and 174 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Both authorities have policies for Green infrastructure which have taken account of cross boundary proposals.

Both authorities also have policies in the (MBC Local Plan and TWBC Pre-Submission version of the Local Plan) which require biodiversity net gain and actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between all Kent LPAs is already occurring through engagement with partners.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that

- At the time of drafting, that the respective boroughs do not need to take action in relation to sites within the adjoining boroughs boundary.

#### *AONB & Landscape*

TWBC is proposing some sites within the High Weald AONB, only the setting of which extends into a small part of Maidstone borough. The location of the development in the AONB being brought forward by TWBC is located some distance from Maidstone borough, and therefore it is not considered that there will **be a direct or cumulative impact on MBC's landscape. MBC's focus of growth** to the centre and north of that borough has directed development away from the High Weald AONB and its setting.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that :

- Proposals for development in the TWBC Local Plan will not impact on the setting of the High Weald AONB in Maidstone.
- **The focus of MBC's growth in Maidstone borough** should mean that it does not have a significant impact on the High Weald AONB and its setting.

#### Managing Flood Risk

The River Medway flows through Maidstone borough and a number of tributaries within TW borough, including Tudeley Brook, eventually feed into this river. JBA have undertaken Strategic Flood Risk Assessments (SFRAs) for both TWBC and MBC. 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.

Both MBC and TWBC are part of the Medway Flood Area Plan.

#### Statement of Common Ground



Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- Through membership and participation in the Medway Flood Area Plan, the Duty to Cooperate, and through the TWBC Strategic Sites Working Group continue to liaise with each other on flooding matters.

### Infrastructure

MBC has produced an infrastructure statement to demonstrate that key infrastructure providers can accommodate growth within services in Maidstone borough. The pattern of growth in Maidstone borough is proposed to be located where enlarged or new services can best be delivered.

TWBC has similarly produced an Infrastructure Delivery Plan (a live document), which sets out the infrastructure required, and the costs and delivery mechanisms for this, to support the development proposed in the Pre-Submission version of the Local Plan.

### *Transport*

David Lock Associates and their sub-**consultant team, together with TWBC's** highway consultants (SWECO), have undertaken work on infrastructure for the TWBC strategic sites (including Paddock Wood) and have set out a framework to accommodate growth. There will need to be some improvements made to the A228 to meet the needs of development in Tudeley and Paddock Wood, but these improvements will take place largely within TWBC, or Tonbridge and Malling borough. The Colts Hill bypass is included for safeguarding in the emerging TWBC Local Plan, even though it is not directly needed to meet the needs of the Local Plan. Taking into account the mitigation and improvements proposed, there will be no adverse impact on highway infrastructure in Maidstone borough. Both authorities are aware of issues surrounding the wider connectivity between north, south and east Kent. MBC and TWBC will continue working with Kent County Council (KCC) as highways authority.

MBC Stage 1 modelling has been completed and Jacobs have been commissioned to undertake Stage 2 work. Owing to the distribution of development in Maidstone which is some distance from TW borough, it is not expected that growth in MBC will impact on transport infrastructure in TW borough.

### *Water supply and treatment*

Capacity at the existing wastewater treatment works (WwTW) at Paddock Wood would need to be expanded to accommodate the garden community there. Development proposed at Tudeley will utilise a WWTW to the west. Development in Maidstone borough will be served by infrastructure within that borough.

### *Health infrastructure*

As a consequence of growth on the TWBC/MBC border, there may be primary care capacity issues in the area. MBC and TWBC are working with the Clinical Commissioning Group to identify areas in need of increased healthcare capacity.

### *Education*

Growth at Paddock Wood will be served by new or enlarged education facilities within that settlement. It is expected that the education needs of new development in Maidstone will be met by enlarged or new facilities in that borough. TWBC have asked that particular consideration be given to the impact that growth in settlements to the south of the borough will have on education, as services in these settlements also serve some rural areas in the north of TW borough.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- Infrastructure requirements for development proposed in each authority is not intended to impact on infrastructure in the neighbouring authority;
- Nevertheless, MBC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues, including through the Duty to Cooperate **and MBC's attendance and participation in the TWBC Strategic Sites Working Group.**

#### Governance Arrangements

Where there is disagreement, each authority will seek to discuss the issue with the other, to see whether the relevant Plan can be modified to secure agreement. Where it can, the change will be noted a schedule within this or subsequent Statements of Common Ground, and where it cannot, it will be noted within this, or subsequent Statements.

Internal sign-off will be subject to governance arrangements within each individual borough.

This Statement of Common Ground will be updated on a regular basis, as matters arise and are resolved, and each version of this Statement of Common Ground will be saved as a record of discussions.

#### Timetable for review and future cooperation

- Ongoing DtC meetings.
- Signing of this Statement of Common Ground by March 2021

## Signatories

All signatories agree that this statement is an accurate representation of areas of agreement and disagreement between the two parties.

Signed:



Name: Rob Jarman

Position: Head of Planning & Development

*Maidstone Borough Council*

Date: 30 March 2021

Signed:



Name: William Benson - Chief Executive

Position: Alan McDermott - Councillor

*Tunbridge Wells Borough Council*

Date: 08.04.2021

# Appendix A7: Maidstone BC - Signed SoCG between TWBC and MBC October 2021

# **Maidstone Local Plan Review and Tunbridge Wells Local Plan**

## **Statement of Common Ground between Maidstone Borough Council and Tunbridge Wells Borough Council**

**October 2021**

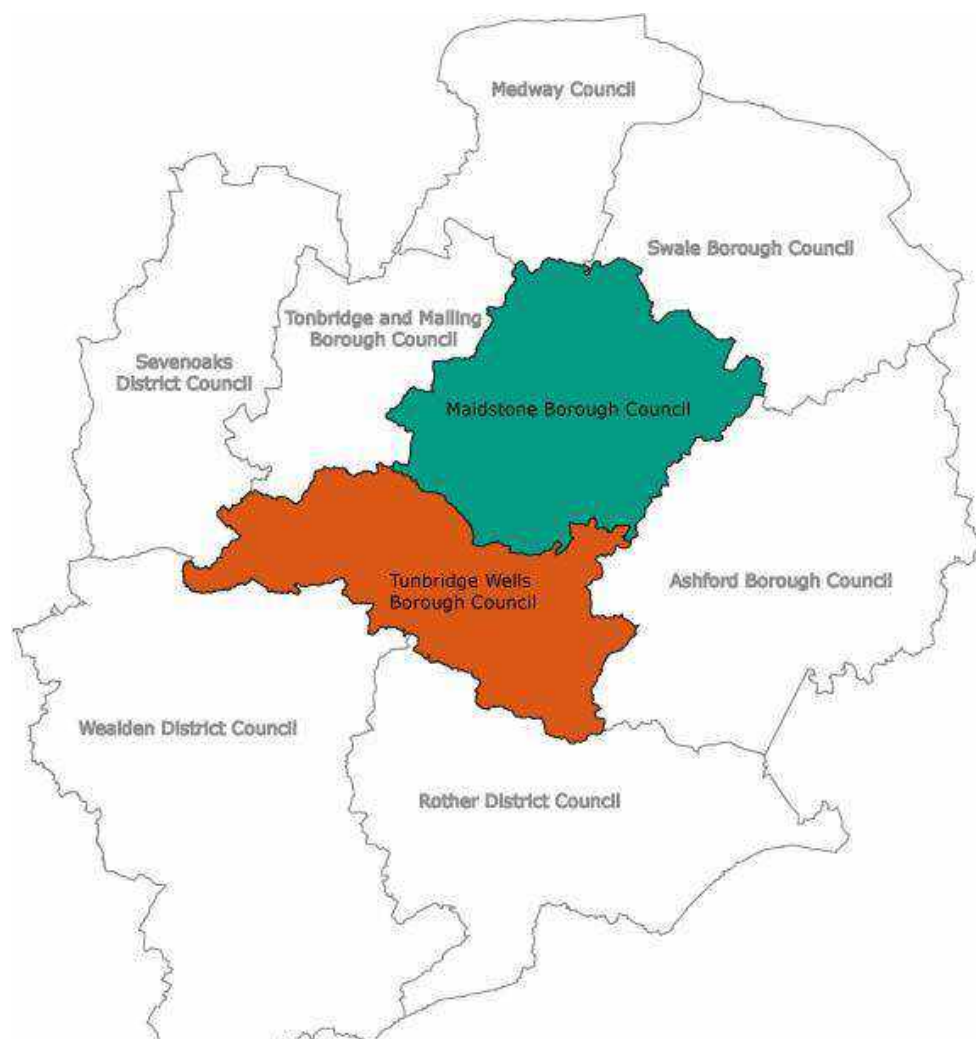
## Maidstone and Tunbridge Wells context

Maidstone is a Borough Council within the County of Kent. Maidstone is the Local Planning Authority, while Kent County Council is the LPA for minerals and waste and has responsibility for the provision of services including transport and education. Maidstone is surrounded by the Kent District Councils of Ashford, Tonbridge & Malling, Tunbridge Wells, Swale, and Medway Council which is a unitary authority which works collaboratively with Kent County Council to provide services.

Tunbridge Wells Borough Council (TWBC) is located to immediately the south of Maidstone Borough Council (MBC), and the two boroughs share a boundary that extends from north of Paddock Wood to the south of Headcorn. Both boroughs contain a mix of urban and rural environs, along with a range of landscape and environmental designations. The Metropolitan Green Belt extends into TW borough and Maidstone borough. The High Weald Area of Outstanding Natural Beauty (AONB) lies partly within TW borough and its setting extends into the south of Maidstone borough.

## Administrative areas

The administrative area covered by this Statement of Common Ground is identified in the map below.





## **Purpose of this statement**

Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires that in planning for sustainable development, local authorities must seek cooperation. The National Planning Policy Framework requires that strategic plan making authorities collaborate to identify strategic matters that need to be addressed through their plans. It requires effective and ongoing joint working between authorities which should be demonstrated through the preparation and maintaining of one or more statements of common ground.

This Statement of Common Ground (SoCG) has been prepared by MBC and TWBC and it reflects the agreed position between the parties on a range of matters as at 15 October 2021. This shared position between MBC and TWBC sets out the position in relation to the two Local Plans (the MBC Local Plan Review (Pre-submission), and the TWBC Pre-Submission version of the Local Plan 2020-2038), and will inform future policies and work on respective forthcoming Local Plans. It updates the SoCG agreed on 29 March 2021. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making. Its purpose is to demonstrate the effective joint working across local authority boundaries, which has been undertaken throughout the development of TWBC's and MBC's plan making processes to this point.

## **The key strategic issues being addressed by this statement**

The key strategic issues being addressed by this draft statement are listed below. Included are the intended cross-boundary issues both authorities expect to seek agreement on and any matters where agreement has not yet been reached.

<b>Strategic Issue for Maidstone borough, and, for Tunbridge Wells borough</b>	<b>Geographical area relevant for the 'Duty to Co-operate'</b>	<b>Possible Statement of Common Ground signatories</b>
<p>For TWBC and MBC: Meeting the borough's local housing need and helping to meet needs across the relevant Housing Market Area/s</p> <p>For TWBC and MBC: Ensuring there is a sufficient supply of affordable housing</p> <p>For TWBC and MBC: Provision of Gypsy &amp; Traveller (G&amp;T) and where relevant Travelling Showpeople accommodation</p>	<p>Housing Market Area/s; neighboring authority areas. For the borough of Maidstone this is the Maidstone HMA, and for the borough of TW this is the West Kent HMA.</p>	<p>Tonbridge &amp; Malling BC; Medway; Swale BC; Ashford BC.</p>
<p>For TWBC and MBC: Ensuring sufficient land and floorspace is provided to support economic growth in the borough and to contribute to the needs of the wider economic market area</p>	<p>Shared regional economy, but more localised Functional Economic Market Areas, which differ between TW borough (focused on TW, Tonbridge &amp; Malling and Sevenoaks boroughs/districts) and Maidstone borough which has a strong pull as the County Town.</p>	<p>Tonbridge &amp; Malling BC; Medway.</p> <p>South East Local Enterprise Partnership</p>
<p>For MBC: Ensuring that Maidstone has a vital and vibrant town centre which maintains its role in the sub-region and that a network of local centres continue to serve local retail and service needs.</p> <p>For TWBC: the same in relation to Royal Tunbridge Wells, and other settlements in the borough</p>	<p>Retail Catchment Area</p>	<p>Swale BC, Medway Council, Tunbridge Wells Borough Council Ashford Borough Council, Tonbridge and Malling Borough Council</p>

For TWBC and MBC: Ensuring <b>that the borough's</b> environmental assets such as the AONB, Landscapes of Local Value, the countryside and Green Belt are suitably protected	Kent Downs AONB; setting of High Weald AONB	Tonbridge & Malling BC; Medway; Swale BC; Ashford BC;
	Landscapes of Local Value	Tonbridge & Malling BC; Ashford BC.
For MBC and TWBC: Ensuring that the <b>borough's biodiversity</b> and wildlife habitats are suitably protected and enhanced	SSSIs, Local Wildlife Sites, ancient woodland which straddle the <b>borough's boundaries.</b>	Natural England Tonbridge & Malling BC; Ashford BC; Medway; Swale BC.
For MBC and TWBC: Managing the risk of flooding from all sources.	Catchments of the River Medway, Stour, Beult & Teise.	Environment Agency; Tonbridge & Malling BC; Medway; Ashford BC.
For MBC and TWBC: Ensuring sufficient transport infrastructure is provided to serve the new development that is planned, including in relation to the transformational expansion of Paddock Wood	Strategic highway network, local highway network, and public rights of way within the borough and, potentially, key junctions falling in neighbouring authority areas. Rail infrastructure within the borough.	Kent County Council; National Highways; Network Rail; Tonbridge & Malling BC; Ashford BC; Medway; Swale BC.
For MBC and TWBC: Ensuring that sufficient provision is made for health, education and other infrastructure to serve the new development that is planned.	Maidstone borough  TW borough	Kent County Council; Kent and Medway Clinical Commissioning Group; Maidstone & Tunbridge Wells NHS Trust.

## Engagement and cooperation to date.

MBC and TWBC have been engaged in ongoing and effective cooperation from inception to delivery of their local plans.

TWBC and MBC have engaged on a formal basis through regular duty to cooperate meetings, the details of which are listed on **MBC's website**. Through these meetings, both councils have identified any cross-boundary matters that needed further, more detailed consideration by both parties. Such issues included highways matters and the urban extension to Paddock Wood, which lies close to the boundary of Maidstone borough, where collaborative working has seen MBC take part in **TWBC's Strategic Sites Working Group**.

Where relevant, feedback on evidence base methodologies has been sought so as to ensure that studies have been sufficiently scoped and that cross-boundary

matters such as infrastructure have been considered in combination with each **borough's plans**.

Additionally, through their ongoing cooperation, MBC and TWBC have engaged on matters of policy development so as to consider the impact of emerging plans on cross boundary strategic matters.

## **Issues for which agreement is or is not in place**

This is a record of where agreements have (or have not) been reached on key strategic issues, including the processes that have been undertaken in reaching or seeking to reach agreements on these.

## **Strategic Matters**

Both authorities are monitoring the outcome of Local Plan examinations in Kent, specifically those where inspectors have raised concerns in relation to duty to cooperate. TWBC and MBC acknowledge that the outcome of the consultation on the Planning for the Future White Paper is expected in late 2021 and anticipate that this will have implications for duty to cooperate and housing need.

Both are progressing their Local Plans in accordance with existing government policy – i.e. that in the National Planning Policy Framework 2021.

### Meeting Housing Need

MBC has prepared a Strategic Housing Market Assessment (SHMA) to consider overall and specific types of housing needs across the borough. This SHMA identifies an overall need of 17,355 houses which reflects the government's standard methodology. Whilst the housing market area of Maidstone extends west into the northern section of Tonbridge and Malling, it does not extend into Tunbridge Wells to the south. In its Local Plan Review, Maidstone is seeking to meet its need in its entirety.

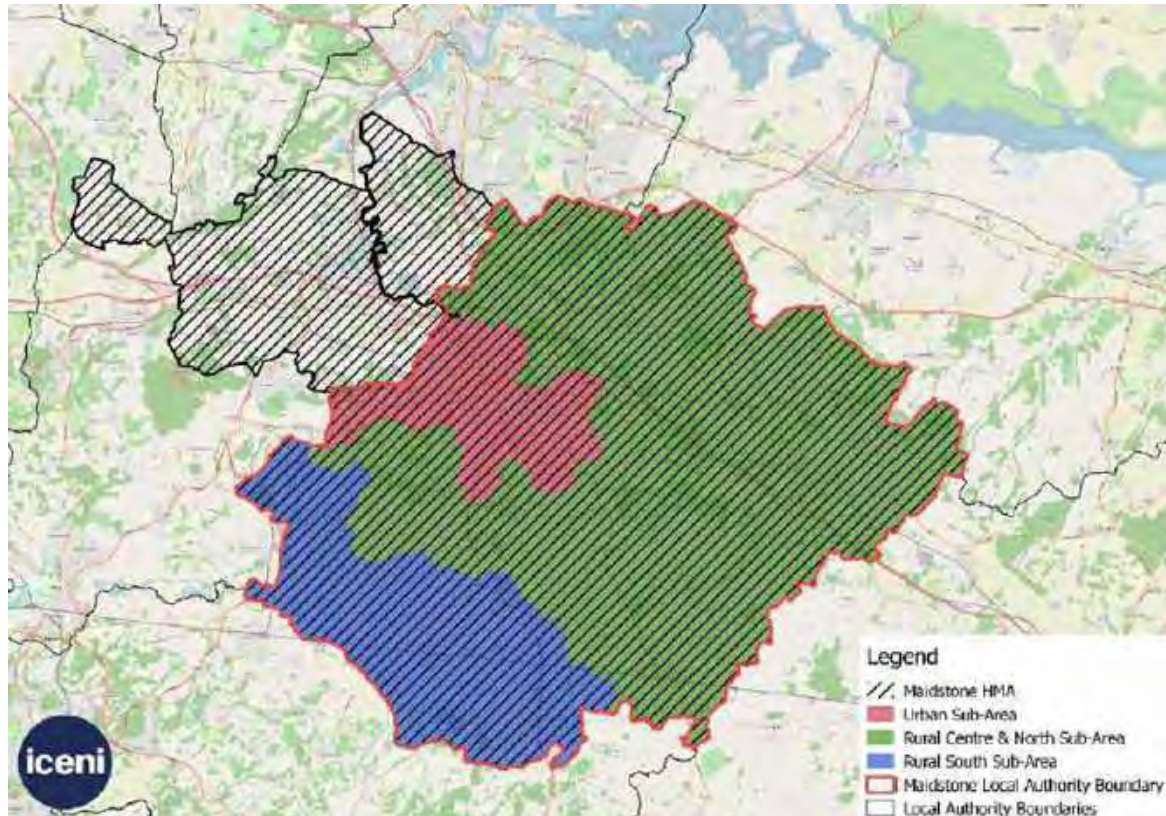


Figure 1: MBC Housing Market Area and sub-market geography

The proposed distribution of housing in MBC in the Pre-Submission Local Plan Review is concentrated in the main urban area along with two garden settlements at Lidsing and Lenham Heath. A small and proportionate level of new housing is proposed in the smaller settlements to the south of Maidstone, but this is some distance from the boundary with TWBC.

TWBC falls within the West Kent Housing Market Area which also covers the boroughs of Tonbridge and Malling and Sevenoaks. This is shown in Figure 2 below, from the Strategic Housing Market Assessment (2015).



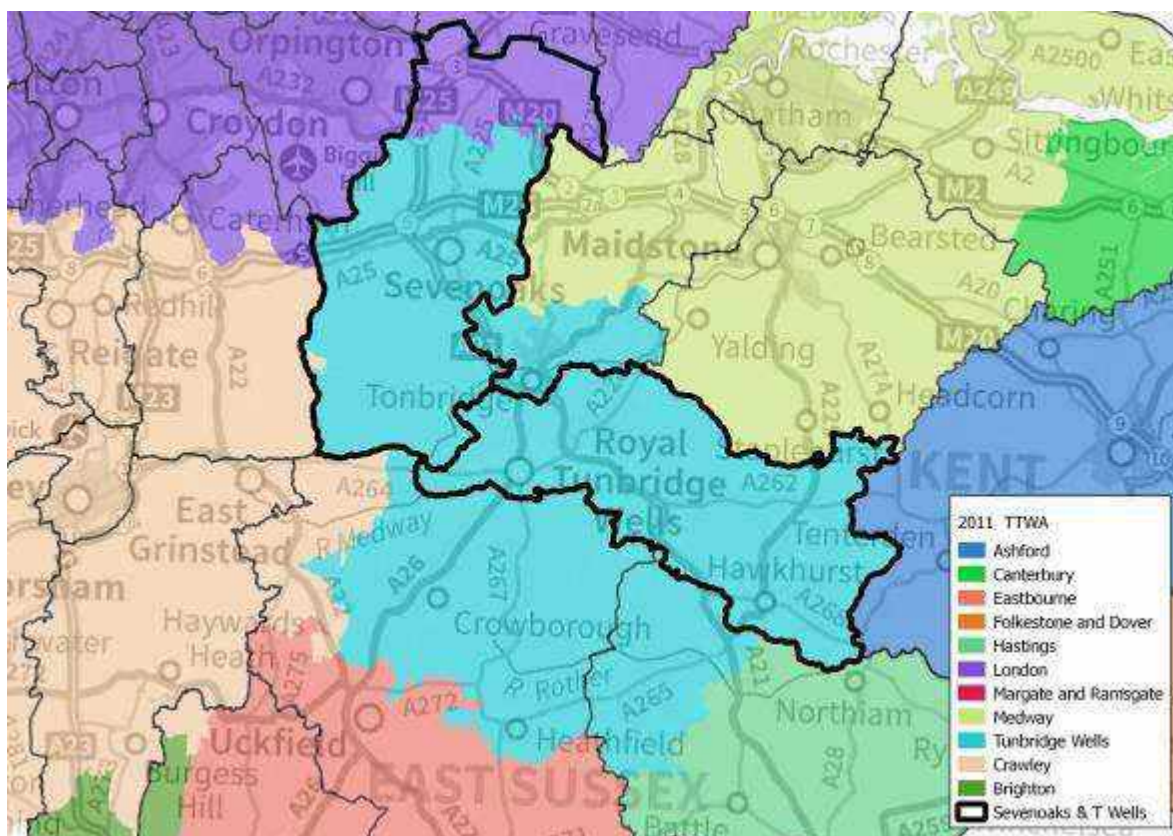


Figure 2: West Kent Housing Market Area (from Strategic Housing Market Area Assessment)

The Regulation 18 Draft Local Plan produced by Tunbridge Wells and consulted on in 2019, included provision for 14,776 new dwellings which includes a buffer of 1,216 units.

In September 2020, TWBC wrote to MBC indicating that they are exploring all potential options to meet the need of the borough. In this letter, TWBC formally requested that MBC accommodate some or all of the housing proposed in the Draft Local Plan within the Green Belt, or as major development in the AONB, and at least 14 hectares of employment land. An initial response was issued by MBC in December 2020. This stated **that MBC could not accommodate any of TWBC's need, as it was proving very challenging to accommodate the extra homes needed until 2037, necessitating growth to be focused on two 'garden communities'.**

TWBC accepts this position and has progressed - in the Pre-Submission Local Plan - to include allocations across the borough, including within the AONB and Green Belt, in order to meet its own local housing needs. MBC welcomes the fact that TWBC is meeting its housing need in full, and similarly expects to meet its housing need in full.

MBC notes that, if the TWBC Pre-Submission Local Plan strategy were to be found unsound at examination, requiring further land release, it would expect TWBC to look first at the potential for meeting such additional needs in its own borough.



TWBC received a request (April 2019) from Sevenoaks District Council to meet unmet need (1,900 houses). This has not been subject to examination. The Planning Inspectorate have issued a report setting out that Sevenoaks District Council has failed the Duty to Cooperate and all legal challenges by Sevenoaks have now failed. Sevenoaks district is in the West Kent Housing Market Area. As above Maidstone Borough is in the Maidstone Housing Market Area. Both authorities continue to monitor activity within the Greater London Area.

The housing requirements being planned for in the two authorities are set out below.

	Maidstone	Tunbridge Well
Housing Target	17,355	12,204 Regulation 19 draft includes a 1,050 unit buffer.
New Plan Until	2022-2037	2020-2038
Unmet need	0	0
New Plan Stage	Council approval for Regulation 19 consultation to start on 29 October 2021 until 12 December 2021 and subsequent submission .	Regulation 19 consultation between 26 March and 4 June 2021. Full Council approval for Submission (expected end of October 2021).

#### Statement of Common Ground

Given the above, Maidstone Borough Council and Tunbridge Wells Borough Council agree that, at the time of agreeing this SoCG:

- Both authorities are looking to meet their own housing needs through the forthcoming Local Plans;
- MBC supports the strategy of the TWBC plan, however, should at a future point TWBC seek to review its approach then MBC expect that TWBC will meet its housing and employment land need within its borough.
- MBC and TWBC will continue to engage with each other and other relevant authorities in relation to strategic housing matters

#### Gypsy and Traveller, and Travelling Showpeople Accommodation.

MBC has commissioned a new Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA). Survey work has been put on hold as a result of the Covid pandemic.

Whilst work on the MBC GTTSAA is at an early stage, discussions with consultants undertaking the GTTSAA have indicated that there will be a significant need for new pitches in Maidstone over the plan period to 2037. The Call for Sites exercise invited the submission of Gypsy, Traveller and Travelling Showpeople sites, however only a small number were put forward for inclusion in the plan. As a consequence, Maidstone is facing a significant shortfall of sites.

On the basis that the GTTSAA has not been completed and there will be a likely significant shortfall in sites that will not be met by Call for Sites submissions, it is felt by MBC that the most appropriate course of action is to undertake a separate Gypsy, Traveller and Travelling Showpeople DPD. This will be informed by the outcome of a Pitch Deliverability Assessment (to assess what proportion of the need can be met on existing sites through intensification or expansion) and if necessary, a targeted Call for Sites so that the needs of the community can be adequately and appropriately addressed and appropriate engagement can take place.

Therefore, MBC is not yet in a position to determine whether the needs for G&T and Travelling Showpeople can be accommodated in the period to 2037.

TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its Draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.

**TWBC's Housing Supply and Trajectory Paper** (February 2021) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 32-35 residential pitches.

TWBC considers that, based on its understanding of existing sites and the nature of demand, that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the large majority of outstanding need for additional pitches over the plan period, which will be supplemented by two new sites. The locations of these are identified in the Pre-Submission version of the Local Plan.

The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that, at the time of drafting this SoCG:

- TWBC is seeking to accommodate its G&T needs through the Local Plan, and MBC is not yet in a position to determine its final need figure for G&T and Travelling Showpeople.
- Discussions will continue to take place in respect to the provision of a transit site(s) and this may include discussions with other authorities in Kent county.

#### Garden Settlements

In order to meet its housing need, MBC has sought to bring forward two garden settlements. The Pre-Submission Regulation 19 Local Plan Review does not include the allocation of any garden settlements within close proximity to the

boundary of TWBC. Land at Beltring has been put forward for **inclusion in MBC's** Local Plan Review and this has been discussed at previous Duty to Cooperate meetings. This site has not been carried forward in the MBC Regulation 19 Pre-Submission Local Plan Review.

In its Regulation 19 Pre-Submission version of the Local Plan, TWBC proposes significant growth (on transformational garden settlement principles) at Paddock Wood of approximately 3,600 new dwellings, plus employment and associated leisure and health facilities. This settlement lies close to the southern boundary of MBC, and the proposed urban extension of Paddock Wood would extend to the boundary shared by the boroughs. The structure plan for PW, as indicated in the Pre-Submission version of the Local Plan at Map 28, shows that the built footprint of the Paddock Wood garden community will be focussed away from the boundary with MBC, as the land adjoining MBC being used primarily as open space and wetlands/flood storage. TWBC has worked closely with MBC to develop its plans for Paddock Wood, with MBC being a stakeholder in the TWBC Strategic Sites Working Group.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- The two garden settlements proposed in the MBC Regulation 19 Pre-Submission Local Plan Review are not expected to give rise to any strategic cross boundary matters with Tunbridge Wells borough, given their position within Maidstone borough;
- 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.

#### Meeting Employment Land Need

MBC has undertaken an Economic Development Needs study (2019/2020). This study indicates that the Functioning Economic Market Area broadly follows the southern boundary of the borough, but that a small proportion of the area overlaps into TW borough. Through its Local Plan Review, MBC is expecting to meet employment land need within the borough, with an additional degree of oversupply to provide flexibility and choice.

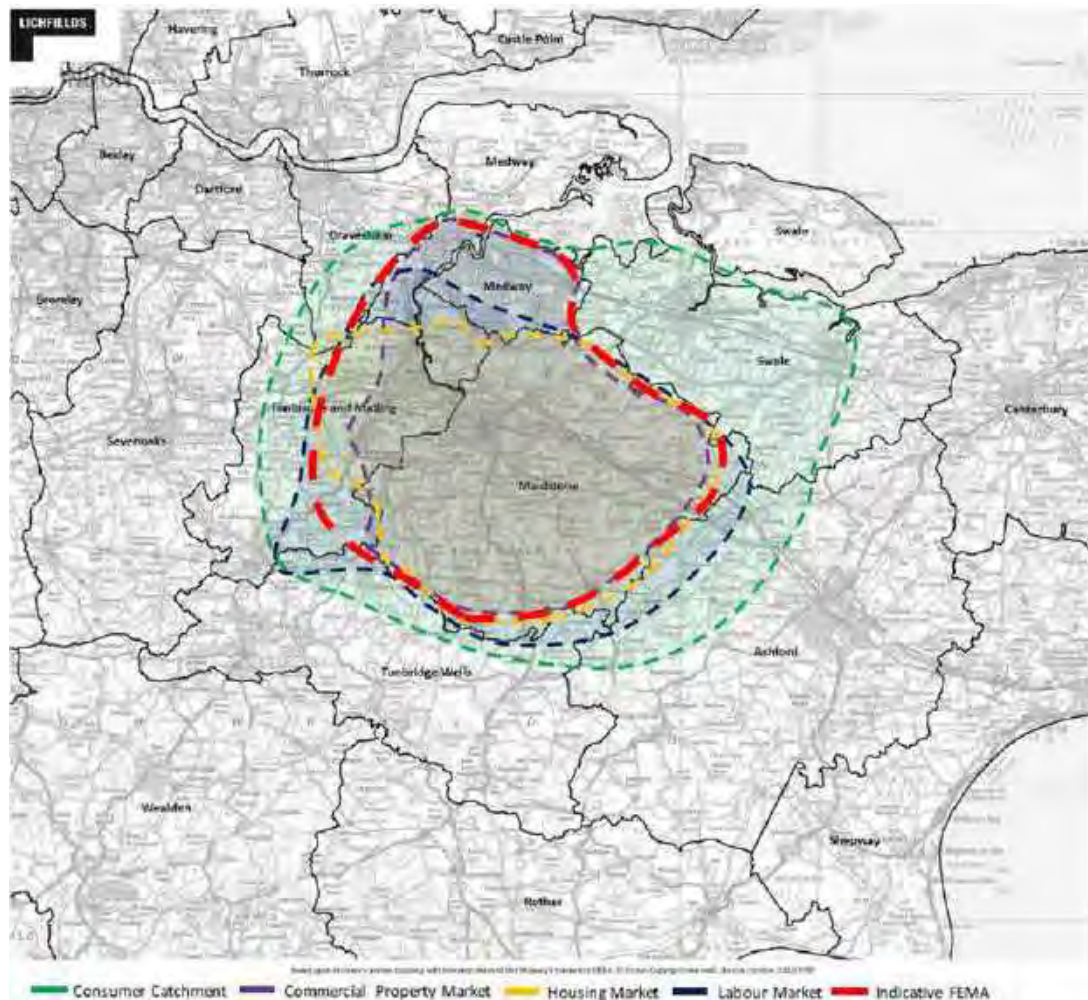


Figure 2: MBC Economic and development Needs Study market areas

TWBC has produced an Economic Needs Survey (ENS) through the consultancy Nexus. This ENS identified a need for a minimum of 14 hectares of additional employment land. TWBC is looking to meet its needs for employment land through an allocation adjacent to Royal Tunbridge Wells, and the expansion of the key employment area at Paddock Wood (and Hawkhurst).

As part of the considerations of the allocation of land adjacent to Royal Tunbridge Wells, and given that the NPPF (paragraph 141) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraphs 176 and 177), TWBC raised this issue with its neighbouring LPAs, including MBC – as set out above.

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.



## Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- Both authorities are seeking to meet their own levels of employment need.
- TWBC and MBC to engage through the wider DtC forum with other neighbouring authorities in relation to economic related matters, including employment land development.

## Meeting Retail Land Need

The EDNS produced on behalf of Maidstone indicated that the consumer catchment for the borough extends into a small portion of the north of TW borough, and that there is a retail floorspace requirement 2022-2032 is 10,838 sqm (gross). This need will be met within Maidstone borough.

The Retail and Leisure Study Update (2020) produced on behalf of TWBC indicated that there is no additional need for comparison and convenience locations, however the growth area identified for Paddock Wood is expected to deliver a reconfiguration and regeneration of the town centre. The Pre-Submission version of the Local Plan identifies that a Town Centre Area Plan will be produced for Royal Tunbridge Wells. Work will commence on this in 2021, with considerable informal engagement in 2022. If necessary, TWBC will involve MBC in discussions regarding the Town Centre Area Plan.

## Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- At the time of drafting, that there is no action required from the two respective boroughs in relation to meeting each boroughs retail needs.

## Environmental Matters

### *Green Belt*

Amendments to GB in TWBC are not within close proximity to the MBC Green Belt, and therefore it will not impact on MBC. Comment on the communication from TWBC on the Green Belt, in relation to housing and employment provision, is set out above.

## Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- MBC is not proposing any amendments to the Green Belt, and the land proposed to be removed from the Green Belt in TW borough will not materially affect the purposes of the Green Belt in Maidstone borough.

### *Protected sites and biodiversity*

Neither MBC nor TWBC are proposing any development that would on its own, or cumulatively affect European sites within the other borough.

Under both paragraphs 174 and 179 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Both authorities have policies for Green infrastructure which have taken account of cross boundary proposals.

Both authorities also have policies in the (MBC Pre-Submission Local Plan Review and TWBC Pre-Submission version of the Local Plan) which require biodiversity net gain and actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between all Kent LPAs is already occurring through engagement with partners.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that

- At the time of drafting, that the respective boroughs do not need to take action in relation to sites within the adjoining boroughs boundary.

#### *AONB & Landscape*

TWBC is proposing some sites within the High Weald AONB, only the setting of which extends into a small part of Maidstone borough. The location of the development in the AONB being brought forward by TWBC is located some distance from Maidstone borough, and therefore it is not considered that there will **be a direct or cumulative impact on MBC's landscape. MBC's focus of growth** to the centre and north of that borough has directed development away from the High Weald AONB and its setting.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that :

- Proposals for development in the TWBC Local Plan will not impact on the setting of the High Weald AONB in Maidstone.
- **The focus of MBC's growth in Maidstone** borough should mean that it does not have a significant impact on the High Weald AONB and its setting.

#### Managing Flood Risk

The River Medway flows through Maidstone borough and a number of tributaries within TW borough, including Tudeley Brook, eventually feed into this river. JBA have undertaken Strategic Flood Risk Assessments (SFRAs) for both TWBC and MBC. 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.



Both MBC and TWBC are part of the Medway Flood Area Plan.

#### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- Through membership and participation in the Medway Flood Area Plan, the Duty to Cooperate, and through the TWBC Strategic Sites Working Group continue to liaise with each other on flooding matters.

#### Infrastructure

MBC has produced an infrastructure statement to demonstrate that key infrastructure providers can accommodate growth within services in Maidstone borough. The pattern of growth in Maidstone borough is proposed to be located where enlarged or new services can best be delivered.

TWBC has similarly produced an Infrastructure Delivery Plan (a live document), which sets out the infrastructure required, and the costs and delivery mechanisms for this, to support the development proposed in the Pre-Submission version of the Local Plan.

#### *Transport*

David Lock Associates and their sub-**consultant team, together with TWBC's** highway consultants (SWECO), have undertaken work on infrastructure for the TWBC strategic sites (including Paddock Wood) and have set out a framework to accommodate growth. There will need to be some improvements made to the A228 to meet the needs of development in Tudeley and Paddock Wood, but these improvements will take place largely within TWBC, or Tonbridge and Malling borough. The Colts Hill bypass is included for safeguarding in the emerging TWBC Local Plan, even though it is not directly needed to meet the needs of the Local Plan. Taking into account the mitigation and improvements proposed, there will be no adverse impact on highway infrastructure in Maidstone borough. Both authorities are aware of issues surrounding the wider connectivity between north, south and east Kent. MBC and TWBC will continue working with Kent County Council (KCC) as highways authority.

MBC Stage 2 modelling has been completed. Owing to the distribution of development in Maidstone borough which is some distance from TW borough, growth in MBC will not impact on transport infrastructure in TW borough.

#### *Water supply and treatment*

Capacity at the existing wastewater treatment works (WwTW) at Paddock Wood would need to be expanded to accommodate the garden community there. Development proposed at Tudeley will utilise a WWTW to the west. Development in Maidstone borough will be served by infrastructure within that borough.

#### *Health infrastructure*

As a consequence of growth on the TWBC/MBC border, there may be primary care capacity issues in the area. MBC and TWBC are working with the Clinical Commissioning Group to identify areas in need of increased healthcare capacity.

### *Education*

Growth at Paddock Wood will be served by new or enlarged education facilities within that settlement. It is expected that the education needs of new development in Maidstone will be met by enlarged or new facilities in that borough: this remains the view following the announcement of the closure of the **High Weald Academy in Cranbrook (if confirmed after the end of the "listening period")**. TWBC have asked that particular consideration be given to the impact that growth in settlements to the south of the borough will have on education, as services in these settlements also serve some rural areas in the north of TW borough.

### Statement of Common Ground

Maidstone Borough Council and Tunbridge Wells Borough Council agree that:

- Infrastructure requirements for development proposed in each authority is not intended to impact on infrastructure in the neighbouring authority;
- Nevertheless, MBC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues, including through the Duty to Cooperate **and MBC's attendance and participation in the TWBC Strategic Sites Working Group.**

## **Governance Arrangements**

Where there is disagreement, each authority will seek to discuss the issue with the other, to see whether the relevant Plan can be modified to secure agreement. Where it can, the change will be noted a schedule within this or subsequent Statements of Common Ground, and where it cannot, it will be noted within this, or subsequent Statements.

Internal sign-off will be subject to governance arrangements within each individual borough.

This Statement of Common Ground will be updated on a regular basis, as matters arise and are resolved, and each version of this Statement of Common Ground will be saved as a record of discussions.

## **Timetable for review and future cooperation**

- Ongoing DtC meetings.
- Signing of this Statement of Common Ground by 15 October 2021

## Signatories

All signatories agree that this statement is an accurate representation of areas of agreement and disagreement between the two parties.

Signed:



Name: Rob Jarman

Position: Head of Planning & Development

*Maidstone Borough Council*

Date: 22 October 2021

Signed:



Name: Cllr Alan McDermott

Position:

*Tunbridge Wells Borough Council*

Date: 26/10/21

Signed:



Name: William Benson

Position: Chief Executive

*Tunbridge Wells Borough Council*

Date: 26/10/21

# Appendix A8: Ashford BC - Signed SoCG between TWBC and ABC 22 March 2021

Ashford Borough Council

and

Tunbridge Wells Borough Council

# **Statement of Common Ground**

---

March 2021

1.0	Introduction .....	3
	Development Plans – current position .....	3
	This SoCG and the duty to cooperate .....	4
	Structure of the SoCG .....	5
2.0	Housing.....	6
	Housing Market Area (HMA) .....	6
	Housing requirements .....	6
	Gypsy, traveller and travelling showpeople .....	9
3.0	Economy .....	11
	Functional Economic Market Area (FEMA) .....	11
	Employment land needs and provision.....	11
4.0	Retailing .....	13
5.0	Cross-boundary Infrastructure Issues .....	14
	Potential/proposed developments on or near the LPAs’ common boundary .....	14
6.0	Natural Environment .....	16
	Ashdown Forest European Site.....	16
	Ashdown Forest Special Area of Conservation (SAC) – Air Quality .....	16
	Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance .....	<b>Error!</b>
	<b>Bookmark not defined.</b>	
	High Weald Area of Outstanding Natural Beauty (AONB) .....	17
	Biodiversity .....	18
7.0	Governance arrangements .....	19
8.0	Actions and Review Timetable .....	20
9.0	Signatories/Declaration .....	22
	Appendix A: The Administrative Areas of Ashford borough and Tunbridge Wells borough ...	23



# 1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Ashford Borough Council (ABC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate (DtC) matters, and the shared position of the two authorities, as at 23<sup>rd</sup> March 2021. The relevant DtC matters included in this SoCG are ongoing and subject to review, as set out below. This shared position between ABC and TWBC sets out the position in relation to the two Local Plans (the ABC Local Plan 2030, and the TWBC Pre-Submission version of the Local Plan 2020-2036), and will inform future policies and work on respective forthcoming Local Plans. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making.

## Development Plans – current position

### ABC

- 1.2 The current development plan for ABC comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020). There is one 'made' Neighbourhood Plan - Rolvenden (made 2019) - with a further eight at varying stages of production.
- 1.3 A Gypsy and Traveller (G&T) Accommodation Local Plan is being prepared to address the shortfall in meeting the full need through the Local Plan. An Options consultation for the Local Plan was held in early 2020. The next stage of the plan production will include draft policies and site allocations and is expected to be available for public consultation in 2021.
- 1.4 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.

### TWBC

- 1.5 The development plan for TWBC consists of the Core Strategy 2010, the Site Allocations Local Plan 2016 and saved policies in the Borough Local Plan 2006. There is one 'made' Neighbourhood Plan - Hawkhurst - with a further ten at varying stages of production.
- 1.6 TWBC is currently in the process of replacing these documents with a new Local Plan. The new Local Plan will cover the period 2020 - 2038. Regulation 18

consultations on an Issues and Options took place in 2017, and on a Draft Local Plan from September - November 2019.

- 1.7 TWBC has published an updated Local Development Scheme (dated June 2020). This sets out that the Pre-Submission version of the Local Plan is due to undergo its Regulation 19 consultation in March - April 2021. TWBC Full Council has, on 3<sup>rd</sup> February 2021, approved the Regulation 19 Local Plan and agreed that consultation should be undertaken from 26<sup>th</sup> – 21<sup>st</sup> March 2021, with a target submission in July.

## This SoCG and the duty to cooperate

- 1.8 This SoCG relates to the Local Plans produced and being produced by ABC and TWBC. It covers strategic cross-boundary matters, such as housing need (including unmet need), housing provisions, G&T provisions, employment and retail needs, natural environment and infrastructure. It demonstrates commitment by ABC and TWBC to engage and be active on an on-going basis in relation to DtC matters in the preparation of their respective local plans, and future local plans.
- 1.9 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (February 2019), it is a requirement under the DtC for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan and other relevant planning documents.
- 1.10 Paragraph 27 of the NPPF (February, 2019) states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more SoCG, documenting the cross-boundary matters being addressed and progress in cooperating to address these. This notes that such SoCGs should be produced using the approach set out in the national planning guidance and be made publicly available throughout the plan-making process to ensure transparency.
- 1.11 The Planning Practice Guidance (PPG) ([see Paragraph: 010 Reference ID: 61-010-20190315](#)) confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at Examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries.
- 1.12 The administrative areas that are set out in **Appendix A** show that ABC and TWBC share a common administrative boundary along their south western and eastern boundaries respectively. The plan at **Appendix A** shows that the administrative boundary between ABC and TWBC lies to the west of Rolvenden, Tenterden and Biddenden in Ashford borough and to the east of Sandhurst, Biddenden,

Sissinghand and Frittenden in Tunbridge Wells. The Ashford (via Tonbridge) to London railway line, runs from Ashford borough, through the southern part of Maidstone borough, to Paddock Wood (in Tunbridge Wells borough) and then onto Tonbridge.

- 1.13 ABC and TWBC are in agreement about the range of issues to be covered by this SoCG, and the need for full and frank deliberation.
- 1.14 Both agree that the most appropriate approach is one of continuing the regular liaison on cross-boundary matters, even if the DtC is abolished under national planning reforms.
- 1.15 Liaison between the Councils reflects the nature of the strategic matters set out below. Responsibilities for agreement of this and future SoCG are set out under 'Governance Arrangements' and 'Actions and Review Timetable' in sections 7 and 8 respectively below.

## Structure of the SoCG

- 1.16 The remainder of the SoCG is structured as follows:
- **Section 2** – This section relates to housing provision for both local authorities and specifically housing needs (including unmet housing need), the Housing Market Areas (HMAs) for each respective area, and housing provision and gypsy and traveller provision;
  - **Section 3** – This relates to the employment needs of each respective local authority area;
  - **Section 4** – This relates to cross-boundary infrastructure requirements for both local authorities including potential/proposed developments on or near the LPA's common boundary;
  - **Section 5** – This section relates to the natural environment and specifically the High Weald AONB, which overlays parts of both authorities and biodiversity.
  - **Section 6** – This outlines the agreed actions between ABC and TWBC going forward with respect to their Local Plans and future plan-making.

# 2.0 Housing

## Housing Market Area (HMA)

- 2.1 A Housing Market Area (HMA) is defined in the PPG as a geographical area determined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work ([see Paragraph: 018 Reference ID: 61-018-20190315](#)). These can be broadly defined by analysing:
- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas;
  - Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools);
  - Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

### Ashford and West Kent HMAs

- 2.2 The ABC Strategic Housing Market Assessment (SHMA) and updates (2014, 2015 and 2017) identify that Ashford has a relatively contained housing market area that largely reflects the borough boundary.
- 2.3 The TWBC SHMA published in 2015 identified that Sevenoaks district, part of Tonbridge & Malling borough and Tunbridge Wells borough all fall within the West Kent HMA and this extends to include Crowborough, Hawkhurst and Heathfield, essentially as the 2011 Travel to Work Area (TTWA).
- 2.4 Given the evidence above, both Councils agree that they are in different housing market area. This has, and will be, taken into account when cooperating on strategic cross-boundary matters, such as housing, through the DtC process.

## Housing requirements

- 2.5 The housing need figures for both ABC and TWBC in the respective plans, in dwellings per annum (dpa), are set out in the following table.

**Table 1: housing need figures for ABC and TWBC in dwellings per annum**

<b>Housing Target Source</b>	<b>ABC</b>	<b>TWBC</b>
Statutory Development Plan	1,093 dpa under ABC Local Plan 2030 (2019)	300 dpa under TWBC Core Strategy (2010)
Local Plan	1,093 dpa under ABC Local Plan 2030 (2019)	678 dpa (capped figure) February 2021. 'Standard Methodology' under NPPF (Feb. 2019)

- 2.6 The ABC Local Plan was prepared against the requirements of the NPPF 2012. The Standard Method as set out in the NPPF (2019) as amended by the changes to the Planning Practice Guidance (December 2020) for ABC equates to 970 dpa. TWBC is using the Standard Method. This will be kept under review including having regard to more recent projections, as well as to any revisions to Government policy or guidance.
- 2.7 Throughout the period of plan making there have discussions under the DtC between ABC and TWBC in relation to the ability or otherwise to meet housing need, including discussing significant constraints which could restrict any possible assistance with any unmet need if required.
- 2.8 The ABC Local Plan 2030 makes provision to meet its own Objectively Assessed Need (16,872), and to provide a buffer of 426 houses. At the time of writing, ABC does not know (for its next Local Plan) if it will be able to plan to meet its own local housing need through development within its own administrative boundary as it is too early in the stage of undertaking its housing evidence base for the next Local Plan.
- 2.9 On 3 February 2021, the TWBC Full Council approved the Regulation 19 Local Plan and agreed that consultation should be undertaken from 26th – 21st March 2021, with a target of submission in July 2021. The (Pre-Submission version of the) Local Plan has a plan period from 2020 – 2038 and makes provision to meet its own local housing need of 678 dpa, or 12,204 over the plan period. There is, additionally, a buffer of approximately 1,050 houses.
- 2.10 In April 2019 TWBC received a request from Sevenoaks District Council (SDC) to meet its unmet housing need of 1,900 houses. Between 2015 and early 2019 TWBC, whilst flagging the constraints in TW borough which may make accommodating its own need (or unmet need from neighbouring authorities) problematic, was only in a position (through the progression of work on its own Plan) to provide more definitive comments regarding the ability or otherwise to accommodate unmet need in early 2019, as work on the spatial strategy for the Draft Local Plan progressed.

- 2.11 TWBC advised SDC that it was not in a position to help meet this unmet need, given the difficulties in meeting its own needs and the findings of the Sustainability Appraisal that considered this option.
- 2.12 Notwithstanding these comments, TWBC has continued throughout 2019 and 2020 to consider whether there is scope to accommodate SDC's unmet need, including through the assessment of additional sites submitted in the Regulation 18 consultation on the Draft Local Plan in autumn 2019 and beyond well into 2020, and through the Sustainability Appraisal of the Pre-Submission Local Plan.
- 2.13 ABC did not receive such a request from SDC: it is in a different HMA to the West Kent HMA.
- 2.14 At the time of writing, both ABC and TWBC have received requests from Elmbridge Borough Council to help meet its housing need. Neither ABC or TWBC expect to be able to assist, aside from it being in a well-removed housing market area. Both authorities have not had any other requests to meet unmet need at this point.
- 2.15 It became evident through the plan-making process that TWBC is reliant upon the release of land from the Green Belt, including for a new garden village settlement on land currently in the Green Belt and doubling the size of Paddock Wood, part of which is in the Green Belt, as well as the allocation of sites for major development within the High Weald AONB, if TWBC were to meet its own housing needs.
- 2.16 Given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172). TWBC raised this issue with its neighbouring LPAs, including ABC, and formally wrote in early October 2020 to ask what capacity they may have to assist, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan.
- 2.17 In response, ABC set out through the DtC discussions and then formally in writing (December 2020) that it would not be able to assist.
- 2.18 Both ABC and TWBC recognise that housing needs (and whether there is a future binding housing requirement as suggested in the Planning for the Future White Paper), HMAs and constraints to development may change over time. Given the above, both ABC and TWBC will continually consider their positions on capacity to meet housing needs as they progress, including as ABC's work on its new Local Plan gathers pace.



## Actions

ABC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs.

# Gypsy, traveller and travelling showpeople

## ABC

- 2.19 As set out above at paragraph 1.3, ABC is preparing a Gypsy and Traveller Accommodation Local Plan. An Options consultation for the Local Plan was held in early 2020. The next stage of the plan production will include draft policies and site allocations and is expected to be available for public consultation in early 2021. Therefore, ABC is not yet in a position to determine whether the needs for G&T and Travelling Showpeople can be accommodated.
- 2.20 As part of this plan preparation, ABC is leading on the wider Kent authorities' discussions regarding the provision of a transit site(s) in the county.

## TWBC

- 2.21 TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its Draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.
- 2.22 TWBC's Housing Supply and Trajectory Paper (September 2019) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 28 residential pitches as of 1 April 2019.
- 2.23 TWBC considers that, based on its understanding of existing sites and the nature of demand, that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the large majority of outstanding need for additional pitches over the plan period, which will be supplemented by two new sites. The locations of these are identified in the Pre-Submission version of the Local Plan.
- 2.24 The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.
- 2.25 There is no need for accommodation for Travelling Showpeople in Tunbridge Wells borough.

### ***Actions***

- There have been no requests in relation to unmet G&T or Travelling Showpeople at this time: TWBC is seeking to accommodate its G&T needs through the Local Plan, and ABC is not yet in a position to determine whether it can meet its needs for G&T and Travelling Showpeople.
- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation as ABC progresses its Gypsy and Traveller Accommodation Local Plan.
- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by ABC.

# 3.0 Economy

## Functional Economic Market Area (FEMA)

3.1 In terms of a Functional Economic Market Area (FEMA), the PPG ([see Paragraph 019 Reference ID 61-019-20190315](#)) states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:

- Extent of any Local Enterprise Partnership within the area;
- Travel to work areas;
- Housing market area;
- Flows of goods, services and information within the local economy;
- Service market for consumers;
- Administrative area;
- Catchment areas of facilities providing cultural and social well-being; and
- Transport network.

3.2 TWBC carried out an Economic Needs Study (2016) with SDC in order to inform their respective Local Plans taking into account the recognised functional economic relationships. It is considered that Sevenoaks district, Tunbridge Wells and Tonbridge and Malling boroughs share a functional economic market area. Additionally, TWBC has carried out a Retail and Leisure studies (with TWBC's being undertaken in 2020) which seek to identify the retail, leisure, town centre needs over the Plan period. This includes recognising the functional catchment areas for retail and leisure patterns across the wider sub-region. ABC undertook an Employment Land Review 2016 (ELR), which built on a Strategic Employment Options Report 2012.

## Employment land needs and provision

3.3 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.

- 3.4 The Economic Needs Study was undertaken for TWBC (and SDC) by Turley, in association with Colliers. For TWBC it identified a need for at least 14 ha of additional employment floorspace. TWBC is seeking to meet its identified employment land needs in full through the retention, intensification and extension of the existing defined Key Employment Areas, in particular a strategic expansion into the Green Belt and AONB at land at Kingstanding Way, Royal Tunbridge Wells, and through expansion on a smaller scale at Paddock Wood and Hawkhurst. This covers the range of site requirements.
- 3.5 As part of the considerations of the allocation of land at Kingstanding Way, and given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172), TWBC raised this issue with its neighbouring LPAs, including ABC. In early October 2020 TWBC formally wrote to ABC 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, ABC set out through the DtC discussions and then formally in writing (December 2020) that it would not be able to assist.
- 3.6 Given that both authorities are looking to meet their own employment needs, the actions relate mainly to continue to discuss opportunities for continuing joint working, and through wider discussions with other authorities.

### **Actions**

- TWBC and ABC to engage through the wider Duty to Cooperate forum with other neighbouring authorities in relation to economic related matters, including employment land.
- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.

## 4.0 Retailing

- 4.1 For TWBC, the Retail and Leisure Study (April 2017) carried out by consultants Nexus used the study area of previous retail studies for the borough. It covers the Tunbridge Wells borough area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge & Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer.
- 4.2 Nexus also undertook a Tunbridge Wells Retail, Leisure and Town Centre Uses Study Update (2020). This has identified that the retail economy has changed significantly over recent years and the trends which were emerging have accelerated exponentially as a result of the 2020/2021 Covid-19 pandemic. It is also expected that the increased movement towards home working and different times of working, hastened as a result of the Covid-19 'lockdown' periods, will structurally change the need, make up, and use of office space (including shared and flexible accommodation), and through this the operation of those town centre retailers which previously were linked to footfall associated with office employment.
- 4.3 The TWBC PSLP therefore proposes a Town Centre Area Plan for Royal Tunbridge Wells (which will be prepared and adopted by 2025), together with the revitalisation of Paddock Wood Town Centre.
- 4.4 For ABC, there has been considerable development, and proposals for further development, in Ashford town centre in recent years. The Retail and Leisure Needs Assessment 2015 detailed limited need for new convenience and comparison floorspace. The Local Plan 2030 sets out that this can be provided through existing commitments, predominantly in Ashford town centre.
- 4.5 As the ABC focus is on maintenance and enhancement of the existing centre(s), and TWBC will be producing a Town Centre Area Plan for RTW, the main actions therefore relate to ensuring that discussions continue through the forthcoming period, including as TWBC progresses the Town Centre Area Plan.

### **Actions**

ABC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan.

## 5.0 Cross-boundary Infrastructure Issues

- 5.1 In terms of cross boundary infrastructure, both ABC and TWBC are in two tier authority areas, where both education and highways are managed by Kent County Council (KCC). Given this, it is noted that both education provision and highway matters may require input from KCC.
- 5.2 TWBC and ABC in the drafting of their Local Plans have liaised with their respective County Councils on matters relating to education provision and highways infrastructure, together with Highways England in respect of the strategic road network.
- 5.3 In both plans, there is limited development proposed at the borough boundaries which would result in strategic cross boundary matters.
- 5.4 Whilst there is infrastructure provision in Ashford which are strategic cross boundary matters with some neighbouring authorities (e.g. the Border Facility at Sevington), these do not have an impact across the boundary between ABC and TWBC.

### Potential/proposed developments on or near the LPAs' common boundary

- 5.5 In the future, if there is further substantial development, particularly on or close to the administrative boundary of ABC and TWBC whether through the plan making or planning application process, then there will be a need to liaise over and coordinate the delivery of infrastructure improvements including the securing of any necessary funding.
- 5.6 It should be noted that ABC and TWBC work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters TWBC and ABC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.
- 5.7 Both ABC and TWBC will continue to engage on transport matters, including in relation to the operation of the Ashford to London railway lines with Network Rail.



### **Actions**

- ABC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues.

## 6.0 Natural Environment

### Ashdown Forest European Site, Special Area of Conservation and Special Protection Area

- 6.1 Ashdown Forest is a European Site and is designated as a Special Area of Conservation (SAC) for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.
- 6.2 Cross boundary strategic matters have been identified in relation to air quality and visitor pressure on the Ashdown Forest between some neighbouring authorities, although this is not considered to be a strategic cross boundary matter between TWBC and ABC, because of the distance of Ashford borough from the forest.

### Stodmarsh European Designated Sites

- 6.3 Stodmarsh lies east of Canterbury and is a SPA, Ramsar site, SAC, and a Site of Special Scientific Interest (SSSI) and parts are a National Nature Reserve (NNR). It is a site of national and international importance for a range of water dependent habitats and wildlife that relies upon them.
- 6.4 During 2017/18, a review of the internationally designated lakes at Stodmarsh identified that some of the lakes there had raised nitrogen and phosphate levels, leading to eutrophication of the lakes which occurs when an excessive amount of nutrients within a water body are present, resulting in increased plant growth that reduces the oxygen content in the water. This process makes it difficult for aquatic insects, invertebrates or fish to survive, in turn removing a food source from the food cycle.
- 6.5 In July 2020, Natural England (NE) issued advice to ABC on this matter in light of the relevant European case law. This advice has been updated by NE in November 2020.
- 6.6 Cross boundary strategic matters have been identified in relation to the Stodmarsh sites, although this is not considered to be a strategic cross boundary matter between TWBC and ABC, because land in Tunbridge Wells borough does not fall into the catchment for drainage into Stodmarsh.

#### **Actions**

None that relate to both authorities.

# High Weald Area of Outstanding Natural Beauty (AONB)

- 6.7 As stated in the High Weald AONB Management Plan (2019-2024) ([see the High Weald AONB Management Plan](#)), both administrative areas of TWBC and ABC contain proportions of the High Weald AONB. In the case of TWBC, the High Weald AONB covers just under 69% of the borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it. In the case of ABC, part of the borough falls within the High Weald AONB, with part to the north in the Kent Downs AONB.
- 6.8 Both authorities are members of the Joint Advisory Committee (JAC) and Officer Steering Group for the High Weald AONB.
- 6.9 The High Weald AONB Management Plan 2019-2024 was agreed by the Joint Advisory Committee in November 2018, after public consultation and with input from both authorities. The Management Plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by ABC in January 2019 and TWBC in March 2019.
- 6.10 Both authorities are committed to continue to work together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.
- 6.11 Paragraph 172 of the NPPF (2019) sets out the national planning policy for major development in AONBs. For TWBC, following representations received in relation to its Regulation 18 consultation, full LVIAs have been undertaken to assess the landscape impact of major development sites in the AONB. TWBC is engaging with NE and the High Weald AONB Unit (notwithstanding that both are taking a position of objecting to major developments in principle).
- 6.12 TWBC's reading of the NPPF is that it has to apply the tests in paragraph 172 in order to come to a conclusion in relation to individual sites. In this context, although not explicit in relation to opportunities outside its own area, paragraph 172(b) may be interpreted as expecting the 'scope for developing outside the designated area' to extend to neighbouring LPAs as part of the consideration of exceptional circumstances.
- 6.13 TWBC has therefore asked ABC (October 2020) whether it has scope to accept any housing need from TWBC, as set out at paragraphs 2.15-2.16 above, that would comprise major development in the AONB. In response, ABC set out through the DtC discussions and then formally in writing (December 2020) that it would not be able to assist.
- 6.14 This has been factored into TWBC's considerations as part of the preparation of the Pre-Submission version of the Local Plan. It is acknowledged that, following the further evidence undertaken on landscape and visual impact, that the amount of

housing proposed as major development in the AONB has decreased significantly between the Draft Local Plan and the Pre-Submission version of the TWBC Local Plan.

### **Actions**

Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.

## **Biodiversity**

- 6.15 Under both paragraphs 170 and 174 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Both authorities have policies for Green infrastructure which have taken account of cross boundary proposals.
- 6.16 Both authorities also have policies in the (ABC Local Plan and TWBC Pre-Submission version of the Local Plan) which require biodiversity net gain and actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between all Kent LPAs is already occurring through engagement with the Kent Nature Partnership and, for the High Weald AONB the 'net gain sub group' of the High Weald AONB Officer Steering Group, chaired by TWBC, to ensure a common approach and cooperation across the county and the High Weald AONB with particular regard for biodiversity offsetting and strategic biodiversity objectives.

### **Actions**

ABC and TWBC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.

## 7.0 Governance arrangements

- 7.1 It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.
- 7.2 The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date SoCG between the Councils.
- 7.3 Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.4 Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.5 Liaison in relation to the SoCG and the wider DtC will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the DtC and the SoCG, as appropriate.

# 8.0 Actions and Review Timetable

8.1 The agreed actions in this SoCG are reproduced below. This SoCG is an iterative document. Progress on the actions will be detailed in the next version of this SoCG.

**Table 2: Agreed key issues and agreed actions**

Key Issue	Agreed Actions
Housing	ABC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs.
Gypsy, Traveller and Travelling Showpeople	<ul style="list-style-type: none"> <li>- There have been no requests in relation to unmet G&amp;T or Travelling Showpeople at this time: TWBC is seeking to accommodate its G&amp;T needs through the Local Plan, and ABC is not yet in a position to determine whether it can meet its needs for G&amp;T and Travelling Showpeople.</li> <li>- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation as ABC progresses its Gypsy and Traveller Accommodation Local Plan.</li> <li>- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by ABC.</li> </ul>
Employment land and provision	<ul style="list-style-type: none"> <li>- TWBC and ABC to engage through the wider Duty to Cooperate forum with other neighbouring authorities in relation to economic related matters, including employment land.</li> <li>- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.</li> </ul>
Retail	ABC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan.
Cross Boundary Infrastructure	ABC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues.
Stodmarsh European Designated Sites	None that relate to both authorities.
High Weald AONB	<p>Actions</p> <p>Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are</p>





<b>Key Issue</b>	<b>Agreed Actions</b>
	located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.
Biodiversity	ABC and TWBC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.



- 8.2 This SoCG will be updated to reflect the latest iteration of the respective Local Plans.
- 8.3 The Councils will work jointly to ensure that there is a SoCG in place ahead of the formal consultations on any Local Plan published by either Council (i.e. under Regulation 18 or 19).
- 8.4 Based on current Local Plan programmes, it is currently anticipated that this SoCG will be prepared and updated in accordance with the following timetable:

<b>Document</b>	<b>Target Sign-Off Date</b>	<b>Reasoning</b>
March 2021	March 2021	Ahead of TWBC Regulation 19 Local Plan
v2	October 2021	Ahead of TWBC Examination

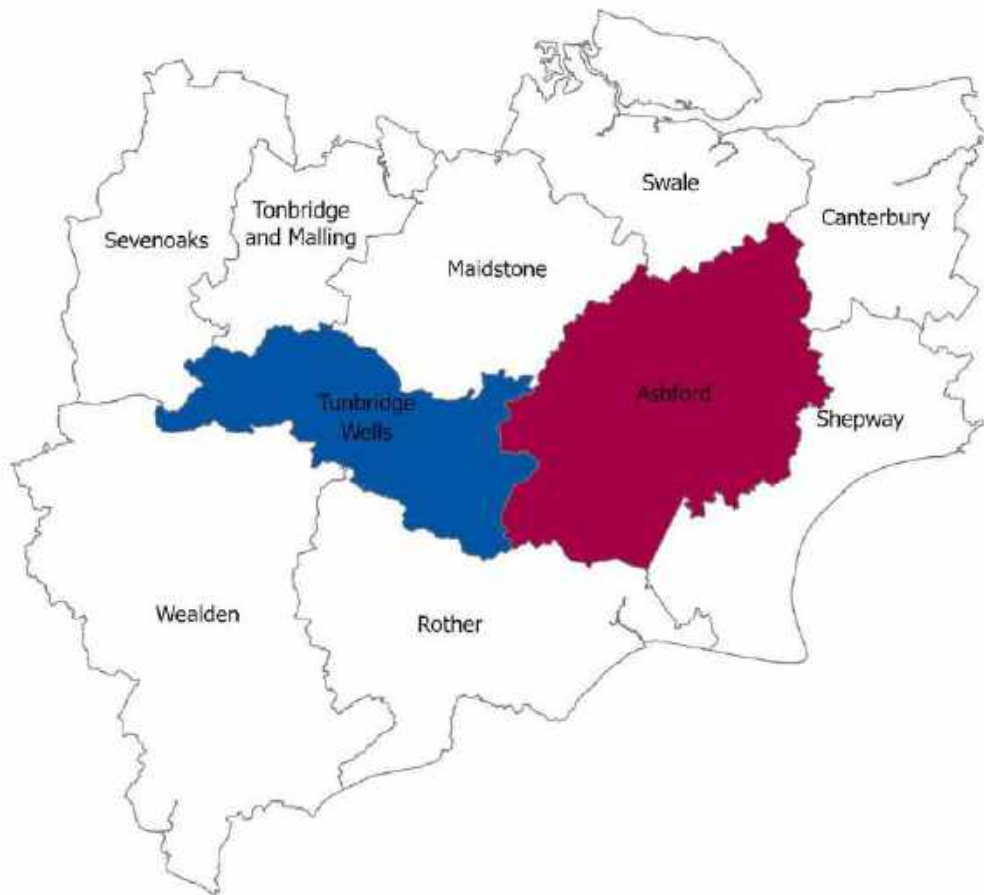
- 8.5 It may be that further updates may be appropriate if substantive new evidence becomes available or decisions are made. This will be kept under review.
- 8.6 The Councils will keep each other notified of proposals to publish the SoCG and any updates to it.

## 9.0 Signatories/Declaration

Signed on behalf of Ashford Borough Council (Councillor)	Signed on behalf of Ashford Borough Council (Chief Executive)
 Simon Cole, Head of Planning & Development On behalf of Cllr Neil Shorter, Portfolio Holder for Planning & Development	 Ben Lockwood, Director of Finance & Economy On behalf of Tracey Kerly, Chief Executive
<b>Position: Head of Planning &amp; Development</b>	<b>Position: Director of Finance &amp; Economy</b>
<b>Date: 18.03.2021</b>	<b>Date: 18.03.2021</b>

Signed on behalf of Tunbridge Wells Borough Council (Councillor)	Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)
 Cllr Alan McDermot	 William Benson
<b>Position: Leader of Tunbridge Wells Borough Council</b>	<b>Position: Chief Executive</b>
<b>Date: 22 March 2021</b>	<b>Date: 22 March 2021</b>

# Appendix A: The Administrative Areas of Ashford borough and Tunbridge Wells borough



# Appendix A9: Rother DC - Signed SoCG between TWBC and RDC October 2020

Rother District Council

and

Tunbridge Wells Borough Council

# **Statement of Common Ground**

---

October 2020



1.0	Introduction .....	3
	Development Plans – current position .....	3
	This SoCG and the duty to cooperate .....	4
	Structure of the SoCG .....	5
2.0	Housing.....	6
	Housing Market Area (HMA) .....	6
	Housing requirements .....	7
	Gypsy, traveller and travelling showpeople .....	9
3.0	Economy .....	11
	Functional Economic Market Area (FEMA) .....	11
	Employment land needs and provision.....	12
4.0	Retailing .....	12
5.0	Cross-boundary Infrastructure Issues .....	13
	Potential/proposed developments on or near the LPAs’ common boundary .....	14
6.0	Natural Environment .....	14
	Ashdown Forest European Site.....	14
	Ashdown Forest Special Area of Conservation (SAC) – Air Quality .....	15
	Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance .....	15
	High Weald Area of Outstanding Natural Beauty (AONB) .....	16
	Biodiversity .....	17
7.0	Governance arrangements .....	18
8.0	Actions and Review Timetable .....	18
9.0	Signatories/Declaration .....	21
	Appendix A: The Administrative Areas of Rother district and Tunbridge Wells borough.....	22
	Appendix B: The Hastings and Rother Housing Market Area .....	23



# 1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Rother District Council (RDC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate matters, and the shared position of the two authorities, as 20 October 2020. The relevant duty to cooperate matters included in this SoCG are ongoing and subject to review, as set out below. This shared position between RDC and TWBC will inform the refinement of policies and work on respective Local Plans. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making.
- 1.2 This SoCG demonstrates that RDC and TWBC have been proactive in their approach to meeting the requirements under the duty to cooperate and share a commitment to continue to work together positively to address cross-boundary matters.

## Development Plans – current position

### RDC

- 1.3 The current development plan for RDC consists of the RDC Development and Site Allocations Local Plan 2019, RDC Core Strategy 2014 and saved policies of the RDC Local Plan 2006. There are five ‘made’ Neighbourhood Plans - Sedlescombe, Salehurst & Robertsbridge, Crowhurst, Rye and Ticehurst. A further four Neighbourhood Plans are at varying stages of preparation.
- 1.4 RDC is in the very early stages of the process of replacing these documents with a new Local Plan. RDC is currently reviewing its Local Development Scheme (LDS). Officers are working on ongoing early engagement with key stakeholders, initially local Members and parish/town councils, on the direction of the new Local Plan. In August 2020, officers have also published a DtC ‘action plan’ for consultation with DtC bodies.
- 1.5 RDC is likely to publish its LDS in Autumn 2020. This will include a plan of engagement. Engagement with neighbouring Local Planning Authorities will follow. RDC has consulted on the SA/SEA Scoping Report prepared jointly with Hastings Borough Council, which covers strategic, cross-boundary issues. TWBC responded to this consultation. The new RDC Local Plan is likely to cover the plan period 2019 - 2039.
- 1.6 At present, RDC is working towards a tentative date of Summer 2021 for a Regulation 18 Draft Local Plan public consultation. However, this may be subject to review.

## TWBC

- 1.7 The development plan for TWBC consists of the Core Strategy, 2010, the Site Allocations Local Plan, 2016 and saved policies in the Borough Local Plan, 2006. There is one 'made' Neighbourhood Plan – Hawkhurst, with a further ten at varying stages of production.
- 1.8 TWBC is currently in the process of replacing these documents with a new Local Plan. A regulation 18 consultation on a Draft Local Plan took place in autumn 2019.
- 1.9 TWBC has recently agreed and published an updated Local Development Scheme (dated June 2020). This sets out that the Pre-Submission version of the Local Plan is due to undergo its regulation 19 consultation in March-April 2021 and be submitted in July 2021. The new Local Plan will cover the period 2020-2037.

## This SoCG and the duty to cooperate

- 1.10 This SoCG relates to the emerging Local Plans being produced by RDC and TWBC. It covers strategic cross-boundary matters, such as housing need (including unmet need), housing provisions, gypsy and traveller provisions, employment and retail needs, natural environment and infrastructure. It demonstrates commitment by RDC and TWBC to engage and be active on an on-going basis in relation to duty to cooperate matters in the preparation of their respective local plans.
- 1.11 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (February 2019), it is a requirement under the duty to cooperate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan and other relevant planning documents.
- 1.12 Paragraph 27 of the NPPF (February, 2019) 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. This notes that such SoCGs should be produced using the approach set out in the national planning guidance and be made publicly available throughout the plan-making process to ensure transparency.
- 1.13 The Planning Practice Guidance (PPG) ([see Paragraph: 010 Reference ID: 61-010-20190315](#)) confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries.

- 1.14 The administrative areas that are set out in Appendix A show that RDC and TWBC share a common administrative boundary along their northern and southern boundaries respectively. Both authorities are required to work cooperatively in an effective way to address key strategic matters for both areas. The plan at Appendix A shows that the administrative boundary between Rother DC and Tunbridge Wells BC lies to the north of the settlements of Flimwell, Hurst Green and Bodiam in Rother and to the south of Hawkhurst and Sandhurst in Tunbridge Wells BC. The A21, a trunk road managed by Highways England, runs through both Councils' areas, crossing from TWBC into RDC just before Flimwell, where it is joined by the A268.
- 1.15 RDC and TWBC are in agreement about the range of issues to be covered by this SoCG, and the need for full and frank deliberation.
- 1.16 The extent of joint working between RDC and TWBC has been discussed. Both agree that the most appropriate approach is one of continuing the regular liaison on cross-boundary matters. It is recognised that a joint planning approach is inappropriate, firstly as RDC's principal relationship is with Hastings BC (HBC), with which it has commissioned a joint Housing and Economic Development Needs Assessment. In addition to this, the two Councils are at very different stages in the plan-making process, with TWBC having most of its evidence base already in place.
- 1.17 Liaison between the Councils reflects the nature of the strategic matters set out below, the responsibilities for which and for resultant Statements of Common Ground are set out under 'Governance Arrangements' and 'Actions and Review Timetable' in sections 7 and 8 respectively below.

## Structure of the SoCG

- 1.18 The remainder of the SoCG is structured as follows:
- **Section 2** – This section relates to housing provision for both local authorities and specifically housing needs (including unmet housing need), the Housing Market Areas (HMAs) for each respective area, and housing provision and gypsy and traveller provision;
  - **Section 3** – This relates to the employment needs of each respective local authority area;
  - **Section 4** – This relates to cross-boundary infrastructure requirements for both local authorities including potential/proposed developments on or near the LPA's common boundary;
  - **Section 5** – This section relates to the natural environment and specifically the High Weald AONB, which 'washes over' large parts of both authorities, to biodiversity and the nearby Ashdown Forest. (Green Belt matters affecting TWBC are dealt with under housing needs in Section 2);

- **Section 6** – This outlines the agreed actions between RDC and TWBC going forward with respect to their emerging Local Plans and future plan-making.

## 2.0 Housing

### Housing Market Area (HMA)

- 2.1 A Housing Market Area (HMA) is defined in the PPG as a geographical area determined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work ([see Paragraph: 018 Reference ID: 61-018-20190315](#)). These can be broadly defined by analysing:
- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas;
  - Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools);
  - Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

#### RDC HMA

- 2.2 The Rother Housing Market Area (HMA) comprises Hastings Borough Council along with Rother District Council administrative areas, as defined in the Hastings and Rother Strategic Housing Market Update<sup>1</sup> (SHMA) Housing Needs Assessment from June 2013. Rother District Council, along with Hastings Borough Council have commissioned a Housing and Economic Development Needs Assessment (HEDNA) to support their respective new Local Plans. The HEDNA is planned to be completed in Autumn 2020. Draft conclusions from that study indicate that the Rother (and Hastings) HMA is consistent with that contained within the 2013 SHMA Update. Appendix B shows the Hastings and Rother HMA.

#### TWBC HMA

- 2.3 The Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) published in 2015 identified that Sevenoaks district, part of Tonbridge & Malling borough and Tunbridge Wells borough all fall within the West Kent HMA and

---

<sup>1</sup> <http://www.rother.gov.uk/CHttpHandler.ashx?id=20234&p=0>

this extends to include Crowborough, Hawkhurst and Heathfield, essentially as the 2011 Travel to Work Area (TTWA), as identified in the Sevenoaks and Tunbridge Wells SHMA Final Report, September 2015 and shown on the TTWA plan from that document reproduced in Appendix B

- 2.4 The SHMA notes that, for practical purposes, it is appropriate to consider the ‘best fit’ to local authority boundaries; it concludes that in this respect Tunbridge Wells and Sevenoaks would provide the best fit to the Housing Market Area.
- 2.5 The SHMA also identifies cross-boundary interactions with the northern parts of Rother and Wealden in East Sussex; between Swanley and Dartford; and with London. The SHMA identified that recognising these links, the Councils will need to engage with neighbouring authorities through the Duty to Cooperate.
- 2.6 The Sevenoaks and Tunbridge Wells SHMA states that “*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. Equally the commissioning authorities would need to engage with these authorities in respect of any unmet housing needs arising from these other authorities’ areas. We would also advise the Councils to engage with the Greater London Authority and London Boroughs in respect of any unmet needs arising from London*”.
- 2.7 Given the evidence above, both Councils agree that there is a small degree of overlap in respect of their housing market areas, mainly in relation to villages in the north of Rother and to Hawkhurst within Tunbridge Wells borough. Therefore, and although a ‘best fit’ using LPA boundaries places them in separate HMAs, both RDC and TWBC appreciate there is a small degree of overlap and will take this into account when cooperating further on strategic cross-boundary matters, such as housing, through the duty to cooperate process.

## Housing requirements

- 2.8 The current housing need figures for both RDC and TWBC, based on the use of the Standard Method, in dwellings per annum (dpa), are set out in the following table:

**Table 1: current housing need figures for RDC and TWBC in dwellings per annum**

Housing Target Source	RDC	TWBC
Statutory Development Plan	335 dpa under RDC Core Strategy (2014)	300 dpa under TWBC Core Strategy (2010)

<b>Housing Target Source</b>	<b>RDC</b>	<b>TWBC</b>
'Standard Methodology' under NPPF (Feb. 2019)	727 (capped figure) 2019 736 dpa (capped figure) April 2020	678 dpa (capped figure) April 2020

- 2.9 At this point, both Councils are using the Standard Method calculation as set out in the NPPF for the purposes of assessing local housing need. However, this will be kept under review including having regard to more recent projections, as well as to any revisions to Government policy or Guidance.
- 2.10 TWBC currently intends to meet its own local housing need through development within its own administrative boundary. At the time of writing, RDC does not know if it will be able to plan to meet its own local housing need through development within its own administrative boundary as it is too early in the stage of undertaking its housing evidence base for the Local Plan. At the time of writing, both RDC and TWBC have received requests from Elmbridge Borough Council (EBC) to help meet its housing need. As set out above, RDC does not yet know if it will be able to plan to meet its own need. TWBC does not expect to be able to assist, aside from it being in a well-removed housing market area. It is considered by both RDC and TWBC that they are very unlikely to be able to assist EBC meet its unmet housing need.
- 2.11 TWBC has had a request to accommodate 1,900 dwellings made by Sevenoaks District Council (SDC), this being the total level of unmet need for SDC from its own submission Local Plan. At the time of writing, the Planning Inspectorate (PINS) had written to SDC on 2 March 2020 setting out PINS recommendation that the Plan was not adopted, and SDC has sought judicial review of that decision. TWBC advised that it was not in a position to help meet this, given the difficulties in meeting its own needs and the findings of the Sustainability Appraisal that considered this option.
- 2.12 RDC and HBC are both at the early stages of the plan making process, so RDC has not had, or made, other requests to meet unmet needs at this point.
- 2.13 TWBC is reliant upon the release of land from the Green Belt, including for a new Garden Village settlement on land currently in the Green Belt and doubling the size of Paddock Wood. In total, the Draft Local Plan allocations, if carried forward, would include some 4,700-5,600 dwellings on land currently in the Green Belt.
- 2.14 In addition, TWBC is looking at distributing growth across the whole borough, of which nearly 70% is AONB, where most settlements have some growth. Its draft Plan includes over 20 sites in the AONB which are regarded as 'major developments', providing over 2,000 units.
- 2.15 Given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major



developments to where there are exceptional circumstances and in the public interest (paragraph 172) TWBC has raised this issue with its neighbouring LPAs, including RDC, and has formally written to ask what capacity they may have to assist, ahead of these options.

- 2.16 In response, and subject to a formal letter of response, at the time of writing and in line with its position in relation to any unmet need from TWBC, due to RDC being at the very early stages of updating its Local Plan, it is not yet possible to ascertain whether it can meet its own need yet. RDC therefore considers it is very unlikely that it would be able to accommodate housing need from TWBC arising either because TWBC would otherwise need to consider the release of land from the Green Belt and/or major developments in the AONB. RDC notes that it also has to have regard to its own significant increased level of local housing need and similar AONB constraints, which apply to some 82% of the district, including all of the areas of the overlapping HMAs.
- 2.17 It is recognised by both RDC and TWBC that housing needs, HMAs and constraints to development may change over time. Given the above, both RDC and TWBC will continually consider their positions on capacity to meet housing needs as they progress their respective Local Plans.

### **Actions**

RDC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs.

## **Gypsy, traveller and travelling showpeople**

### **RDC**

- 2.18 Rother District Council's need for permanent Gypsy and Traveller pitches is identified through Policy LHN5 of the Rother District Core Strategy (adopted September 2014). This need figure was supported by a respective background paper exploring the need for Gypsy and Traveller pitches in the District up to 2028.
- 2.19 There is currently no transit provision within Rother District; however, East Sussex County Council owns and manages a transit site on behalf of all the authorities in East Sussex - a nine pitch transit site just outside Lewes, called Bridie's Tan. The site is one of only a few in the region.
- 2.20 In terms of transit provision, work undertaken across East Sussex has identified that there is no immediate need for any further transit pitches at this time. However, consideration may need to be given to an additional site further east along the A27/A259 corridor, subject to further work on future needs for transit provision across

East Sussex. RDC will continue to work with other Local Authorities across East Sussex to determine if any further countywide transit pitches are required.

- 2.21 No need has been identified for Travelling Showpeople pitches within Rother District.
- 2.22 Rother District Council along with other East Sussex Authorities is seeking to jointly commission a new Gypsy and Traveller Accommodation Assessment (GTAA) to support respective new Local Plans. The commission of a new GTAA is currently at very early stages.
- 2.23 At the time of writing, RDC does not know what its growth needs will be. It is anticipated that the figure for RDC will not be large, based on current provision.

## TWBC

- 2.24 TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.
- 2.25 TWBC's Housing Supply and Trajectory Paper (September 2019) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 28 residential pitches as of 1 April 2019.
- 2.26 TWBC considers that, based on its understanding of existing sites and the nature of demand, that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the outstanding need for additional pitches over the plan period. The locations of these will be identified in the Pre-Submission Local Plan.
- 2.27 The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.

### Actions

- Both Councils will continue to seek to meet their own needs for permanent pitches (There have been no requests in relation to unmet needs at this time.)
- Given that the main movements in East Sussex are along the A27/A259, it is appropriate to consider the transit needs for East Sussex and Kent on their respective county bases (while still having regard to overall provision).
- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation through the preparation of their respective Local Plans.

2.28 There is no action required in relation to Travelling Showpeople, as no need has been identified in either area.

## 3.0 Economy

### Functional Economic Market Area (FEMA)

3.1 In terms of a Functional Economic Market Area (FEMA), the PPG ([see Paragraph 019 Reference ID 61-019-20190315](#)) states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:

- Extent of any Local Enterprise Partnership within the area;
- Travel to work areas;
- Housing market area;
- Flows of goods, services and information within the local economy;
- Service market for consumers;
- Administrative area;
- Catchment areas of facilities providing cultural and social well-being; and
- Transport network.

3.2 The draft TWBC Local Plan is supported by the Sevenoaks and Tunbridge Wells Economic Needs Study (August 2016) that was undertaken by Turley on behalf of both SDC and TWBC. This includes a section that endeavours to identify a FEMA for the borough.

3.3 Paragraph 2.32 of the Sevenoaks and Tunbridge Wells Economic Needs Study (2016) defines the Functional Economic Market Area and states “*while Tunbridge Wells Borough draws upon a more localised workforce, there is also an important inflow of commuters from Tonbridge & Malling and Wealden*”. It also states that this relationship is evidenced in the 2011 travel to work area (TTWA) published by the Office of National Statistics (ONS) that identifies a single TTWA centred on Royal Tunbridge Wells, which entirely covers Tunbridge Wells borough but also extends to Tonbridge, Crowborough and surrounding villages including in adjacent authorities, including north west of Rother. Notwithstanding this, on the basis of the evidence presented, it was considered that Tunbridge Wells, Sevenoaks and Tonbridge & Malling share a functional economic market area evidenced through commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.

- 3.4 For Rother, the draft HEDNA sets out that the FEMA constitutes the local planning authorities of Hastings Borough and Rother District and is consistent with the Housing Market Area. It sets out that when considering the wider economic relationships that exist, Hastings and Bexhill provide the primary services and act as service centres to the wider Rother District hinterland.
- 3.5 The main employment centres within RDC (Bexhill, Battle and Rye) all lie within the Hastings and Rother TTWA.

## Employment land needs and provision

- 3.6 At the time of writing, TWBC is looking to meet its own employment needs through strategic allocations – notably via an extension to Longfield Road, Royal Tunbridge Wells and a number of smaller allocations. This covers the range of site requirements.
- 3.7 The adopted Rother Core Strategy sets a target of 100,000sq.m of employment floorspace (B uses) from 2011-2028, with some 60,000sq.m of this floorspace being located within Bexhill. The Development and Site Allocations (DaSA) Local Plan, adopted in 2019, allocates the outstanding floorspace requirements, taking into account sites which have been granted planning permission in the interim (save for any areas within Neighbourhood Plan areas).
- 3.8 Any future employment needs will be considered through the evidence base to support the new Local Plan. At the time of writing, RDC may need to revisit its economic growth needs. It expects, however, to meet its own need.

## 4.0 Retailing

- 4.1 For TWBC, the Retail and Leisure Study (April 2017) carried out by consultants Nexus used the study area used for previous retail studies for the borough. It covers the Tunbridge Wells borough area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge & Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer. At the time of writing, TWBC has recently instructed Nexus to undertake a Retail, Leisure and Town Centre Uses Study, but work on this has just commenced.
- 4.2 The Retail and Leisure Study (2017) sets out the postcodes of North Rother DC that are considered to fall within the catchment area for the retail study – i.e. those postcode areas that residents would travel from to the borough for shopping – in the main comparison shopping in RTW. These postcodes are listed as being TN19 7, TN31 6 and TN32 5.

- 4.3 For Rother, the district-wide Shopping Assessment (2008, 2013) undertaken for the Council identified some potential growth in each of Bexhill, Battle and Rye. In each case, a scale of growth is identified that would retain the town centres' roles and "clawback" some trade lost to Hastings and Eastbourne and other centres over recent years. The Core Strategy makes provision for some 2,000sq.m additional convenience goods and 4,000sq.m comparison goods floorspace, in Bexhill, some 1,650sq.m of convenience floorspace in Rye and 1,000sq.m convenience floorspace in Battle.
- 4.4 The DaSA Local Plan allocates an edge of centre site in Bexhill to meet the retail requirement. It is expected that the Battle Neighbourhood Plan will make provision for the requisite floorspace. Rye Neighbourhood Plan identified a change in circumstances for retail space within their Plan, with which the Examiner agreed, meaning that they did not allocate a site for retail within their Plan.
- 4.5 Further retail evidence will be commissioned to support any further retail need as part of the new Local Plan in due course.

### **Actions**

RDC and TWBC will continue to liaise on the economic well-being of both areas. (This is notwithstanding that both RDC and TWBC expect to meet their own employment land needs.)

## **5.0 Cross-boundary Infrastructure Issues**

- 5.1 In terms of cross boundary infrastructure, both TWBC and RDC are in two tier authority areas, where both education and highways are managed by their respective County Councils, which, in the case of TWBC, is Kent County Council and, in the case of RDC, is East Sussex County Council. Given this, it is noted that both education provision and highway matters may require input from both the agencies/stakeholders above, and if relevant Highways England.
- 5.2 TWBC and RDC in the drafting of their Local Plans will liaise with their respective County Councils on matters relating to education provision and highways infrastructure, together with Highways England in respect of the A21. Where substantial development, particularly on or close to the administrative boundary of TWBC and RDC is planned, then there will be a need to liaise over and coordinate the delivery of infrastructure improvements including the securing of any necessary funding. It is noted that there is currently no such substantial development planned close to or on the administrative boundary of TWBC with RDC.

- 5.3 It should be noted that TWBC and RDC work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters, TWBC and RDC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.
- 5.4 Both TWBC and RDC will continue to engage on highway matters, including in relation to the A21 at the Flimwell Crossroads. At the time of writing, TWBC is looking to set up a meeting with Highways England. RDC (and East Sussex County Council) will be invited to attend this meeting in relation to the A21 and Flimwell.
- 5.5 Currently, both authorities agree there are no cross-boundary issues to be addressed in relation to education provision, health issues or drainage matters.
- 5.6 It is noted that RDC is currently updating its Strategic Flood Risk Assessment.

## Potential/proposed developments on or near the LPAs' common boundary

- 5.7 TWBC is currently reviewing its proposed site allocations in response to representations received to its Draft Local Plan public consultation. This includes sites at Hawkhurst, which may impact on traffic movements at the A21/Flimwell crossroads.

### Actions

- RDC and TWBC will continue to engage on cross-boundary infrastructure issues.
- Both Councils will liaise with Highways England and the respective local transport authorities in relation to any material impacts on the cross-boundary transport network, including the A21.

## 6.0 Natural Environment

### Ashdown Forest European Site

- 6.1 Ashdown Forest is a European Site and is designated as a SAC for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.



## **Ashdown Forest Special Area of Conservation (SAC) – Air Quality**

- 6.2 Both authorities are active members and attend regular meetings of the Ashdown Forest SAC Working Group, which is chaired by the South Downs National Park Authority (SDNPA). The Planning Advisory Service worked alongside the group in relation to Duty to Cooperate matters in relation to the SAC. TWBC and RDC are signatories of the Ashdown Forest Air Quality Statement of Common Ground (SoCG) published in April 2018.
- 6.3 Both TWBC and RDC will continue to participate in the Ashdown Forest SAC Working Group which will seek to work with Natural England on addressing Air Quality issues in relation to Local Plan preparation and will endeavour to support wider initiatives to improve background air quality.
- 6.4 All future work in relation to air quality at Ashdown Forest will be developed in discussion with the Ashdown Forest SAC Working Group agreeing where possible on methodology and to cost sharing where appropriate. All future traffic modelling and ecological interpretation to inform Habitats Regulation Assessments in respect of air quality for Ashdown Forest by both TWBC and RDC will be developed in discussion with the Ashdown Forest SAC Working Group and where possible agreement sought on both methodology and findings. This work is necessary to ensure a strategic and consistent approach to the identified issues and assist with a common approach to HRA matters relevant to the SAC designation.

## **Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance**

- 6.5 TWBC is an active member of the Strategic Access Management and Monitoring Strategy (SAMMS) partnership and are signatories to a legal agreement with other participating local authorities and The Conservators of Ashdown Forest. This sets out agreement on the collection of developer contributions and the administration of the SAMM Strategy as part of a joint approach to provide mitigation at Ashdown Forest for recreational disturbance from new residential development. Mitigation is provided through a scheme of access management and monitoring and contributions are collected between 400m and 7km from Ashdown Forest SPA. The 7km zone is the appropriate zone of influence, agreed by all partner local authorities and Natural England within which to collect SAMMS contributions. This is based on technical evidence from the Ashdown Forest Visitor Survey which the SAMM Strategy partnership jointly commissioned. Applications outside of the 7km will be assessed in relation to any impact on a case-by-case basis and in accordance with the planning policies of the relevant authority.

- 6.6 RDC falls outside the current agreed 7km zone and so is not a member of the SAMMS group but will give further consideration to possible recreational disturbance from new development within future HRAs. As a member of the SAMMS group TWBC will notify RDC of any changes in circumstances that might affect RDC.
- 6.7 TWBC will continue to participate in the SAMM Strategy partnership and work together to agree and jointly commission any future studies or surveys to inform the collective understanding of effects, and the most effective measures for mitigation and monitoring to ensure a consistent and strategic approach to the identified issues and a common approach to HRA.

### **Actions**

That both authorities continue to work as part of the Ashdown Forest Working Group for air quality in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.

## **High Weald Area of Outstanding Natural Beauty (AONB)**

- 6.8 As stated in the High Weald AONB Management Plan (2019-2024) ([see the High Weald AONB Management Plan](#)), both administrative areas of TWBC and RDC have a significant proportion of the High Weald AONB. In the case of TWBC, the High Weald AONB covers just under 69% of the borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it. In the case of RDC, some 82% of the district is designated AONB.
- 6.9 Both authorities are members of the Joint Advisory Committee (JAC) and Officer Steering Group for the High Weald AONB.
- 6.10 The High Weald AONB Management Plan 2019-2024 was agreed by the Joint Advisory Committee in November 2018, after public consultation and with input from both authorities. The Management Plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by TWBC in March 2019 and by RDC in February 2019.
- 6.11 Both authorities are committed to continue to work together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.
- 6.12 Paragraph 172 of the NPPF (2019) sets out the national planning policy for major development in AONBs. Given the housing needs referred to in Section 2 above,

TWBC's draft Local Plan provides for 2,000+ dwellings on major sites in the AONB. It is currently reviewing these, undertaking full LVIAs to assess the landscape impact of sites. It is engaging with Natural England and the High Weald AONB Unit (notwithstanding that both are taking a position of objecting to major developments in principle).

- 6.13 TWBC's reading of the NPPF is that it has to apply the tests in paragraph 172 in order to come to a conclusion in relation to individual sites. In this context, although not explicit in relation to opportunities outside its own area, paragraph 172(b) may be interpreted as expecting the 'scope for developing outside the designated area' to extend to neighbouring LPAs as part of the consideration of exceptional circumstances.
- 6.14 TWBC has therefore asked RDC whether it has scope to accept any unmet housing need from TWBC, as set out at paragraph 2.15 above.
- 6.15 RDC considers that, given the fact that the part of RDC closest to the TWBC boundary is also within the High Weald AONB, the extent of the AONB in RDC's area and because RDC does not yet know whether it can meet its own housing need, it is not yet known whether RDC would have capacity to accommodate the dwellings currently being proposed via major developments in the TWBC area of the AONB in addition to its own need. However, given the extent of its AONB coverage and scale of housing needs, it may have to give consideration to major developments to meet its own needs. Therefore, it is considered very unlikely that RDC would be in a position to accommodate any housing from major developments currently proposed in TWBC's AONB area.

### **Actions**

Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.

## **Biodiversity**

- 6.16 Under both paragraphs 170 and 174 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 6.17 The Green Infrastructure Plans and strategies for both LPAs recognise and reflect cross boundary issues. Both authorities are working towards biodiversity net gain policies and actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between RDC and TWBC is already occurring through the 'net gain sub group' of the High Weald AONB Officer Steering Group, chaired by TWBC, to ensure a common approach and cooperation across the High Weald AONB with particular regard for biodiversity offsetting and strategic biodiversity objectives.

### **Actions**

TWBC and RDC will continue to liaise on Green Infrastructure proposals and cooperate through the High Weald AONB Steering Group and sub-groups on biodiversity net gain to ensure a common approach across the High Weald and offsetting proposals.

## **7.0 Governance arrangements**

- 7.1 It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.
- 7.2 The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date Statement of Common Ground (SoCG) between the Councils.
- 7.3 Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.4 Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.5 Liaison in relation to the SoCG and the wider duty to cooperate will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the duty to cooperate and the SoCG, as appropriate.

## **8.0 Actions and Review Timetable**

- 8.1 The agreed actions in this SoCG are reproduced below. This SoCG is an iterative document. Progress on the actions will be detailed in the next version of this SoCG.

**Table 2: Agreed key issues and agreed actions**

<b>Key Issue</b>	<b>Agreed Actions</b>	<b>Progress on Actions</b>
Housing	1) RDC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs.	
Gypsy, Traveller and Travelling Showpeople	2) Both Councils will continue to seek to meet their own needs for permanent pitches (There have been no requests in relation to unmet needs at this time.)  3) Given that the main movements in East Sussex are along the A27/A259, it is appropriate to consider the transit needs for East Sussex and Kent on their respective county bases (while still having regard to overall provision).  4) Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation through the preparation of their respective Local Plans.	
Employment and Retail	5) RDC and TWBC will continue to liaise on the economic well-being of both areas. (This is notwithstanding that both RDC and TWBC expect to meet their own employment land needs.)	
Cross Boundary Infrastructure	6) RDC and TWBC will continue to engage on cross-boundary infrastructure issues.  7) Both Councils will liaise with Highways England and the respective local transport authorities in relation to any material impacts on the cross-boundary transport network, including the A21.	
Natural Environment	8) That both authorities continue to work as part of the Ashdown Forest Working Group for air quality in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.  9) Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting	

Key Issue	Agreed Actions	Progress on Actions
	<p>of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.</p> <p>10) TWBC and RDC will continue to liaise on Green Infrastructure proposals and cooperate through the High Weald AONB Steering Group and sub-groups on biodiversity net gain to ensure a common approach across the High Weald and offsetting proposals.</p>	

- 8.2 This SoCG will be updated to reflect the latest iteration of the respective Local Plans.
- 8.3 The Councils will work jointly to ensure that there is a SoCG in place ahead of the formal consultations on any Local Plan published by either Council (i.e. under Regulation 18 or 19).
- 8.4 Based on current Local Plan programmes, it is currently anticipated that this SoCG will be prepared and updated in accordance with the following timetable:

Document	Target Sign-Off Date	Reasoning
SCG v1	October 2020	Ahead of TWBC Regulation 19 Local Plan
v2	Spring 2021	Ahead of RDC Regulation 18 Consultation planned for Summer 2021

- 8.5 It may be that further updates may be appropriate if substantive new evidence becomes available or decisions are made. This will be kept under review.
- 8.6 The Councils will keep each other notified of proposals to publish the SoCG and any updates to it.



## 9.0 Signatories/Declaration

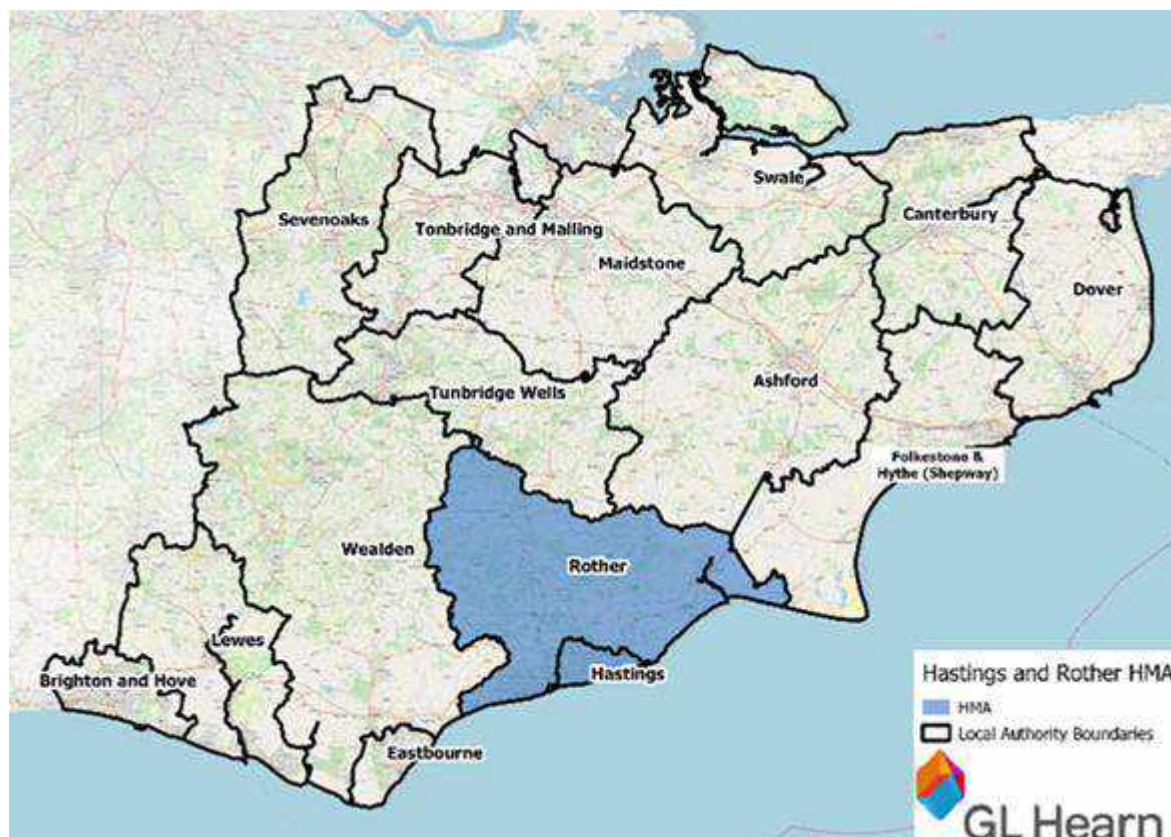
Signed on behalf of Rother District Council (Councillor)	Signed on behalf of Rother District Council (Chief Executive)
	
Position: <i>LEAD MEMBER STRATEGY LEANING</i>	Position: <i>CHIEF EXECUTIVE</i>
Date: <i>8/10/2020</i>	Date: <i>07/10/2020</i>

Signed on behalf of Tunbridge Wells Borough Council (Councillor)	Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)
	
Position: Leader of Tunbridge Wells Borough Council	Position: Chief Executive
Date: 20 October 2020	Date: 20 October 2020

# Appendix A: The Administrative Areas of Rother district and Tunbridge Wells borough



# Appendix B: The Hastings and Rother Housing Market Area



# Appendix A10: Wealden DC - Signed SoCG between TWBC and WDC 8 February 2021

## Statement of Common Ground

### Wealden District Council and Tunbridge Wells Borough Council

#### **Contents**

1. Introduction
2. Development on Administrative Boundaries
3. Housing
  - 3.1 *Housing Market Area*
  - 3.2 *Housing Requirements*
  - 3.3 *Gypsy, Travellers and Travelling Showpeople*
4. Economy
  - 4.1 *Functional Economic Market Area*
  - 4.2 *Retail Catchment Area*
5. Cross Boundary Infrastructure Issues
6. Natural Environment
  - 6.1 *Ashdown Forest European Site*
  - 6.2 *Ashdown Forest Special Area of Conservation (SAC)*
  - 6.3 *Ashdown Forest Special Protection Area (SPA)*
  - 6.4 *High Weald Area of Outstanding Natural Beauty (AONB)*
  - 6.5 *Biodiversity*
7. Governance
8. Actions Going Forward
9. Signatories / Declarations

#### **Appendices**

Appendix A: The Administrative Areas of Wealden and Tunbridge Wells



## 1. Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Wealden District Council (WDC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate matters, and agreed actions to resolve outstanding matters. It is not binding on any party, but sets out a clear and positive direction to inform ongoing strategy and plan-making.
- 1.2 The purpose of this SoCG is to set out the basis on which WDC and TWBC have actively and positively agreed to work together to meet the requirements of the duty to cooperate.
- 1.3 The current development plan for WDC consists of the Wealden District Core Strategy Local Plan that was adopted in February 2013, the Affordable Housing Delivery Local Plan (adopted in May 2016) and saved policies from the Wealden Local Plan (adopted in 1998). WDC had prepared its Local Plan for regulation 19<sup>1</sup> stage during the summer/autumn of 2018 that was submitted to the Planning Inspectorate on 18 January 2019. The Submission Wealden Local Plan (January, 2019) was examined in the spring/summer of 2019. The Planning Inspectorate issued a letter reporting on the findings of stage one of the examination and has concluded that the submitted plan cannot proceed further. WDC did not challenge the outcome contained in the Inspector's letter and withdrew the Submission Wealden Local Plan (January, 2019) following its Full Council meeting on 19 February 2020. The Council adopted an updated Local Development Scheme in July 2020 and has commenced work on a new Local Plan, including undertaking an eight week early Regulation 18 consultation which concluded on 18<sup>th</sup> January 2020. The next formal stage in plan making will be the Regulation 18 consultation on a Draft Local Plan, which is due to take place in spring 2022.
- 1.4 The development plan for TWBC currently consists of the Tunbridge Wells Core Strategy Development Plan Document (DPD) that was adopted in June 2010, the Site Allocations Local Plan (adopted in July 2016) and saved policies in the Tunbridge Wells Borough Local Plan (adopted in March 2006). TWBC is currently in the process of replacing these documents with a new Local Plan. The draft Local Plan was consulted upon in the autumn of 2019 under regulation 18<sup>2</sup>. The draft Local Plan set out that the plan period starts from 2020 and plans for all types of development across the borough until 2036.

---

<sup>1</sup> [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

<sup>2</sup> [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

## Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

- 1.5 TWBC has agreed and published an updated Local Development Scheme (June 2020). TWBC Full Council has, on 3rd February 2021, approved the Regulation 19 Local Plan and agreed that consultation should be undertaken from 26th March – 21st May 2021, with a target submission in July. The plan period is from 2020 – 2038.
- 1.6 This SoCG relates to the emerging Local Plans that are to be, or are being, produced by WDC and TWBC and contains the appropriate amount of detail for both authorities on matters such as housing need (including unmet housing need), housing distribution, gypsy and traveller provision, employment and retail needs, cross boundary infrastructure requirements and impacts upon Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA). In addition, the SoCG provides a section on how both Councils will seek to address both planned and windfall development close to or on the administrative boundary for both authorities, and particularly the town of Royal Tunbridge Wells.
- 1.7 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (February 2019), it is a requirement under the duty to cooperate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan documents and other local development plan documents.
- 1.8 Paragraph 27 of the NPPF (February, 2019) 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. This notes that such SoCG should be produced using the approach set out in the national planning guidance, and be made publicly available throughout the plan-making process to ensure transparency.
- 1.9 The Planning Practice Guidance (PPG)<sup>3</sup> confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local

---

<sup>3</sup> [Paragraph: 010 Reference ID: 61-010-20190315](#)



planning authorities, it also forms part of the evidence base required to demonstrate that they have complied with the duty to cooperate.

- 1.10 The administrative areas that are set out in **Appendix A** shows that WDC and TWBC share a common administrative boundary at the north of Wealden District and to the south of Tunbridge Wells Borough and are required to work cooperatively in an effective way to address key strategic matters for both areas. The plan at **Appendix A** shows that the administrative boundary of Wealden District is hard up against part of the built development of the southern edge of Royal Tunbridge Wells, the largest settlement in Tunbridge Wells Borough. Historically, development on either side and hard up against this administrative boundary has proved contentious due to the area falling within the High Weald Area of Outstanding Natural Beauty (AONB) and is therefore a key area for future cooperation between the two authorities.

#### Structure of the SoCG

- 1.11 The remainder of the SoCG is structured as follows:

- *Section 2* – This section relates to further work between officers and elected members to agree protocol and set of principles for dealing with development on or close to the border of Royal Tunbridge Wells and Wealden District.
- *Section 3* – This section relates to housing provision for both local authority's and specifically housing needs (including unmet housing need), the Housing Market Areas (HMAs) for each respective area, housing distribution and gypsy and traveller provision.
- *Section 4* – This section relates to the economy and specifically the Functional Economic Market Area (FEMA) and retail catchment area for each respective local authority area.
- *Section 5* – This section relates to cross boundary infrastructure requirements for both local authorities.
- *Section 6* – This section relates to the natural environment and specifically the Ashdown Forest Natura 2000 site that is located within Wealden District and the High Weald AONB that is located in both authorities.
- *Section 7 – This deals with governance*
- *Section 8* – This section outlines the agreed actions between WDC and TWBC going forward with respect to their emerging Local Plans and future plan-making.

**2. Development on the Administrative Boundary between Tunbridge Wells Borough and Wealden District**

- 2.1 Development on the southern edge of Royal Tunbridge Wells is constrained by the Wealden District administrative boundary. Therefore, development within Tunbridge Wells Borough on the southern edge of Royal Tunbridge Wells may result in a need to resolve cross border issues such as service provision, landscape, infrastructure and impacts on communities within Wealden District. Similarly, development that occurs within Wealden District on or close to the administrative boundary with Tunbridge Wells Borough, either allocated or as windfall development, may result in a need to resolve cross border issues such as service provision, infrastructure, landscape, the economy and communities within Royal Tunbridge Wells. As plans for proposed development on administrative borders are progressed by both authorities or as and when windfall developments occur that raises cross boundary issues or even straddles boundaries, there is a clear need for a common understanding of how such developments will be treated and the matters they will be expected to address and how relevant infrastructure will be delivered (e.g. provision of highways improvements or developer contributions for community/education facilities).
- 2.2 As discussed above, TWBC has formally consulted on its draft Tunbridge Wells Local Plan under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This included a draft housing allocation named 'Land to the West of Eridge Road at Spratsbrook'<sup>4</sup> that shares a border with Wealden District to the southwest of the draft allocation site. The site was put forward by TWBC as a draft allocation for residential development of approximately 270 dwellings and a seven form entry secondary school. WDC responded to this consultation on the draft Tunbridge Wells Local Plan and will undertake further work with TWBC in relation to this specific site.
- 2.3 The Pre-Submission version of the Local Plan, as agreed by TWBC Full Council for Regulation 19 consultation and submission, indicates an allocation of 120 houses, and no secondary school. This reflects draft landscape evidence and advice from Kent County Council Education on secondary school requirements.
- 2.4 It should be noted that the landowners for this draft site allocation have also submitted land adjoining the site within Wealden District that has been

---

<sup>4</sup> Policy AL/RTW 18 – Land to the west of Eridge Road at Spartsbrook Farm (SHELAA reference: Site 137) of the [draft Tunbridge Wells Borough Local Plan](#), page 108.

assessed within Wealden District Council's latest (January 2019) Strategic Housing and Economic Land Availability Assessment (SHELAA)<sup>5</sup> under site reference 729/1610. The site submitted to WDC, named Land at Ramsyle Farm (Spratsbrook Farm), has a site area of approximately 40 hectares (gross) and is split in two parts, with a smaller land parcel adjoining the proposed TWBC Local Plan draft allocation to the south west, and a further significant parcel of land being located adjacent (to the west of) Eridge Road (A26). This site was considered 'unsuitable' in the assessment. The site submitted to WDC is wholly located within the High Weald AONB and was classified within WDC's landscape evidence base as having very high landscape sensitivity and being highly visible in the wider landscape. Given the scale and extent of the development area, WDC would need to consider the exceptional circumstances listed under paragraph 172 of the NPPF. WDC will be reviewing its SHELAA in the near future and will seek to work with TWBC and the landowner (as appropriate) on this matter.

- 2.5 The term 'development' in this context can relate to all types of development such as housing, employment, Gypsy and Traveller accommodation, retail, leisure and recreational facilities, community and educational facilities, amongst others. Both TWBC and WDC will liaise with each other on new development that is proposed on the administrative boundaries between the two authorities.
- 2.6 TWBC and WDC have agreed a protocol and set of principles for dealing with development on or close to the border between Royal Tunbridge Wells and Wealden District. These are as follows:
- a) Each local authority will share location plans for SHELAA submissions that are on or located near to each other's administrative boundary.
  - b) Following site visits, each local authority will discuss the opportunities and constraints and provide information as relevant as SHELAA assessments progress at various stages.
  - c) Where a local plan strategy is considering allocating sites on or near to the administrative boundary of the authorities this will be discussed as part of the duty to cooperate process and will be documented in SoCG.
  - d) Respective County Council's on planning matters relating to the development option(s) will be contacted by each local authority, as relevant. Where cross County discussions are required on matters of infrastructure then the process, format and attendees will be agreed and the meeting facilitated by the relevant local authority.

---

<sup>5</sup> The [Strategic Housing and Economic Land Availability Assessment \(SHELAA\), January 2019](#), Page 137

- e) Should development sites cross administrative boundaries, then joint meetings will be arranged with developers / stakeholders and will include officers from both TWBC and WDC and county council partners, as relevant.
- f) The Local Plan strategy for growth for both authorities and as relevant to cross boundary working will be discussed as part of the duty to cooperate process.
- g) Draft policies that have cross boundary impacts will be provided to each local authority and / or the County Councils', at the earliest opportunity and at a minimum of two weeks prior to any Regulation 18 or 19 consultation.
- h) The public will be consulted via statutory consultation stages.
- i) Discussions relating to infrastructure provision requirements (S106) including cross boundary provision will take place with the relevant parties and agreements will be reached based on an evidenced need for the infrastructure as a result of the development.

### 3. Housing

#### 3.1 Housing Market Area (HMA)

3.1.1 A Housing Market Area (HMA) is defined in the PPG<sup>6</sup> as a geographical area defined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work. These can be broadly defined by analysing:

- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas.
- Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools).
- Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

3.1.2 The Wealden District Strategic Housing Market Assessment (SHMA)<sup>7</sup> was published in August 2016. Section 2 of this document (Defining the Housing Market Area) assesses the wider HMA for WDC based on PPG. The Wealden

---

<sup>6</sup> [Paragraph: 018 Reference ID: 61-018-20190315](#)

<sup>7</sup> [Wealden District Council – Strategic Housing Market Assessment \(SHMA\) Final Report, August 2016](#)

## Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

SHMA identifies that Eastbourne Borough, Tunbridge Wells Borough, Rother District, Lewes District and Mid Sussex District have the strongest and most consistent migration and commuting relationships with Wealden, as well as linkages in house prices and rates of change.

- 3.1.3 It is noted within the Wealden SHMA Report that the HMA defined for Wealden *“...is not regarded as definitive or exclusive HMA and is better understood as a grouping of the local authorities which have the strongest relationships with Wealden”* (paragraph 2.10, page 13). Whilst the HMA identified above is centred on Wealden District, it is accepted that there are HMAs which are centred on other centres such as Tunbridge Wells, Hastings and Eastbourne. In the case of Tunbridge Wells, Lewes and Mid Sussex, it is considered by WDC that such authorities overlap with the Wealden HMA, but may have different local authority inclusion.
- 3.1.4 In terms of migration trends, the Wealden SHMA Report indicated that average in-migration to Wealden District from Tunbridge Wells amounted to 7% of all in-migration to Wealden District between 2010 and 2013 (behind only Lewes and Eastbourne). In terms of out-migration from Wealden District to Tunbridge Wells, this also amounted to 7% of the total moves out of Wealden District between 2010 and 2013 (behind only Eastbourne and Rother).
- 3.1.5 The Wealden SHMA Report also concluded that in terms of out commuting, at least 8% of working Wealden residents were employed within Tunbridge Wells Borough (only Eastbourne Borough at 13%, had a higher percentage of Wealden residents working in their administrative area), and moreover, Tunbridge Wells residents make up approximately 4% of the workforce within Wealden District (Census 2011). Given the above, the Wealden SHMA Report concluded that Tunbridge Wells Borough should be included within the wider Wealden HMA, amongst a number of other authorities (paragraph 10.3, page 235).
- 3.1.6 The Sevenoaks and Tunbridge Wells SHMA<sup>8</sup> published in 2015 identified that Sevenoaks District, Tonbridge and Malling Borough and Tunbridge Wells Borough all fall within the West Kent HMA.
- 3.1.7 The Sevenoaks and Tunbridge Wells SHMA goes on to state that *“there is a close set of interactions between the towns of Sevenoaks, Tonbridge and Tunbridge Wells which reflects their geographical proximity. There is also a relationship into the northern part of Wealden. There are cross-boundary*

---

<sup>8</sup> [Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment \(SHMA\) Final Report, September 2015](#)

*interactions between Swanley and Dartford and a stronger commuting relationship to London. Links from Tandridge are stronger to other authorities in Surrey and West Sussex”.*

3.1.8 The Sevenoaks and Tunbridge Wells SHMA states that *“the principal adjoining authorities with a strong relationship would be Tonbridge & Malling, Wealden and Rother. Equally the commissioning authorities would need to engage with those authorities in respect of any unmet housing needs arising from these other authorities’ areas. We would also advise the Councils to engage with the Greater London Authority and London Boroughs in respect of any unmet needs arising from London”*. It should be noted that this SHMA was prepared jointly between Sevenoaks and TWBC and the references to the relationships with Wealden and Rother are *“between Tunbridge Wells and the northern part of Wealden and Rother Districts”* (paragraph 3.70, page 45).

3.1.9 In conclusion, the Sevenoaks and Tunbridge Wells SHMA defines the West Kent Housing Market Area (HMA) to *“include Sevenoaks, Tonbridge and Tunbridge Wells and extends to include Crowborough, Hawkhurst and Heathfield”* (paragraph 9.2, page 166) with both the towns of Crowborough and Heathfield being located within Wealden District.

3.1.10 Given the evidence above, both Councils agree that there are clear linkages between them in terms of the HMA, especially for towns and villages in the north of Wealden District and the town of Royal Tunbridge Wells. Both WDC and TWBC share administrative boundaries and are required to cooperate on strategic cross boundary matters, such as housing, through the duty to cooperate process.

## 3.2 *Housing Requirements*

3.2.1 The last adopted housing requirement for WDC was cited within the Wealden District Core Strategy Local Plan that was adopted in February 2013 and confirms under policy WCS1 (Provision of Homes and Jobs 2006-2027) that some 9440 dwellings will be delivered over the plan period, equating to 450 dwellings per annum (dpa). WDC considers this housing requirement to be out of date and therefore calculates its five year housing land position for planning applications/appeals using the ‘standard methodology’ for calculating the housing requirement under the NPPF (February, 2019). At the time of writing, the calculation for Wealden’s housing requirement under the ‘standard methodology’, irrespective of constraints, is 1,225 dwellings per annum (dpa). This would equate to 24,500 dwellings over a twenty-year period. This does not include any unmet housing needs from neighbouring authorities that would



## Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

need to be considered through the duty to cooperate process. The Government announced revisions to the Standard Method in December 2020.

3.2.2 The last adopted housing requirement for TWBC was within the Core Strategy Development Plan Document (DPD) that was adopted in June 2010 and confirms under Core Policy 6 (Housing Provision) that 6,000 dwellings (net) will be provided in the Tunbridge Wells Borough in the period between 2006 and 2026, equating to 300 dpa. It should be noted that the new housing requirement for the TWBC Local Plan will now be considered under NPPF published in February 2019 and the standard methodology for calculating housing need, unless there are exceptional circumstances and subject to any revisions, as detailed above. It is stated in the Pre-Submission version of the Local Plan, at paragraph 4.9, page 35) that *“The standard method housing need figure for the borough is 678 dwellings per year; over the full plan period, 2020-2038, this equates to a need of some 12,200 dwellings. It is noted that national policy clarifies that this would be a minimum target.”*

3.2.3 The table below shows the respective housing targets of WDC and TWBC at the time of writing: once the revisions to the standard method have been provided, TWBC will review the position based on the new plan period.

Housing Source	Target	WDC	TWBC
Statutory Development Plan		450 dpa under Wealden District Core Strategy Local Plan (adopted February 2013)	300 dpa under Tunbridge Wells Core Strategy DPD (adopted June 2010)
'Standard Methodology' under NPPF (February, 2019)		1,225 dpa	678 dpa
Housing Target in Emerging Local Plan		Not yet published.	12,204 (net) dwellings between 2020 and 2038

3.2.4 Both TWBC and WDC at the time of writing intend to meet its own objectively assessed housing needs through development within their own respective administrative boundaries. Albeit that WDC will need to test this through the production of its new Local Plan and the TWBC approach is based on the release of land from the Green Belt. However, neither WDC nor TWBC at this time has requested each other to meet the unmet housing needs of their own District/Borough as part of the duty to cooperate process. It is recognised by

both WDC and TWBC that housing requirements (including potential binding requirements, as suggested in the Planning for the Future White Paper), HMAs and constraints to development may change over time.

3.2.5 In April 2019, TWBC received a request from Sevenoaks District Council (SDC) to meet its unmet housing need of 1,900 houses. Between 2015 and early 2019 TWBC, whilst flagging the constraints in TW borough which may make accommodating its own need (or unmet need from neighbouring authorities) problematic, was only in a position (through the progression of work on its own Plan) to provide more definitive comments regarding the ability or otherwise to accommodate unmet need in early 2019, as work on the spatial strategy for the Draft Local Plan progressed.

3.2.6 TWBC advised SDC that it was not in a position to help meet this unmet need, given the difficulties in meeting its own needs and the findings of the Sustainability Appraisal that considered this option. Notwithstanding these comments, TWBC has continued throughout 2019 and 2020 to consider whether there is scope to accommodate SDC's unmet need, including through the assessment of additional sites submitted in the Regulation 18 consultation on the Draft Local Plan in autumn 2019 and beyond well into 2020, and through the Sustainability Appraisal of the Pre-Submission Local Plan.

3.2.7 Given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172). TWBC raised this issue with its neighbouring LPAs, including WDC, and formally wrote in early October 2020 to ask what capacity they may have to assist, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan.

3.2.8 WDC responded to this request on 20th November 2020. This set out:

- WDC has identified a number of issues indicating that meeting the housing requirement for Wealden will be challenging:
- WDC is not at present in a position to consider whether we can meet any unmet need from adjacent local authorities;
- WDC considers that given the geography of both the AONB and Housing Market Areas around northern Wealden and TWBC, the options for WDC to take some or all of the housing or employment land set out in the letter

would result in building in AONB in WDC as opposed to AONB/Green Belt in TWBC, in a less sustainable location, or to seek to do so outside the AONB in WDC, which would be well outside the HMA, therefore not meeting the needs of TWBC residents and again in a less sustainable location;

For these reasons, WDC does not consider that providing this growth in Wealden provides a suitable alternative with reference to paragraphs 137 and 172 of the NPPF that refers to exceptional circumstances required to alter Green Belt boundaries or the exceptional circumstances required to allow major development within the AONB.

3.2.9 Given the above, both WDC and TWBC will continually consider its position on unmet housing needs in the future.

3.2.10 WDC and TWBC will continue to work together on housing matters and identify the position on unmet housing needs as both WDC and TWBC prepare to review their respective Local Plans.

### **Actions**

- WDC and TWBC will engage through the wider duty to cooperate forum with other neighbouring authorities both within and outside of each other's HMA in relation to housing related matters, including unmet need, five year housing trajectory, best fit HMAs, affordability, large scale development and opportunities for meeting unmet need.
- Both authorities to undertake a review of the Local Plan at least within 5 years' time of adoption.

### **3.3 *Gypsy, Traveller and Travelling Showpeople***

3.3.1 WDC published its Gypsy and Traveller Accommodation Assessment (GTAA) in November 2016 following the revised definition for Gypsies and Travellers in the Planning Policy for Traveller Sites (PPTS) (August, 2015) document. This identified a requirement for 21 permanent pitches between 2016 and 2038 for those who met the new PPTS definition of a Gypsy and Traveller.

3.3.2 As stated at paragraph 1.3 of this SoCG, the Submission Wealden Local Plan (January, 2019) was examined in the spring/summer of 2019. The Planning Inspectorate issued a letter reporting on the findings of Stage One of the examination and concluded that the submitted plan cannot proceed further, and the Plan has been withdrawn. The Submission Wealden Local Plan (January, 2019) did contain site allocations to meet the full accommodation

needs for Gypsies and Travellers during the plan period. WDC will now review the published GTAA (November 2016) in light of the submitted plan not proceeding to adoption. This work will be taking place in collaboration with other East Sussex local authority partners.

3.3.3 TWBC published its GTAA in January 2018 in support of its draft Tunbridge Wells Local Plan and in line with the revised definition for Gypsies and Travellers in the PPTS (August, 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a twenty year period between 2017 and 2037.

3.3.4 The draft Tunbridge Wells Local Plan under policy H13 (Gypsies and Travellers) confirms that proposals for the establishment of Gypsy and Traveller sites will be permitted provided a set of criteria is satisfied. This includes the site forming part of, or being located adjacent to, an existing lawful permanent Gypsy and Traveller site, or is allocated within a policy in the Local Plan, or is provided as part of wider residential or mixed use scheme. TWBC confirms under its Housing Supply and Trajectory Paper (September, 2019) that following a review of its pitch completions and planning permissions since the base date of the draft Local Plan, that there is an outstanding need for 28 residential pitches as of 1 April 2019. TWBC consider that based on their understanding of existing sites and the nature of demand that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that it is evident that there is potential at existing sites to meet the likely need over the plan period. Discussions are ongoing with other Kent authorities regarding the provision of a transit site.

3.3.5 There has been no request from TWBC to WDC to provide Gypsy and Traveller accommodation at this time and it is anticipated that each authority will be able to meet its own needs through their own Local Plans. Both Councils will continue to operate existing joint working arrangements through the wider duty to cooperate forum to ensure that suitable provision can be made as appropriate.

**Actions:**

- That both WDC and TWBC continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation through the review of their respective Local Plans.
- Both authorities to undertake a review of the Local Plan at least within 5 years' of adoption.

## 4. Economy

### 4.1 Functional Economic Market Area (FEMA)

4.1.1 In terms of a Functional Economic Market Area (FEMA) the PPG<sup>9</sup> states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:

- Extent of any Local Enterprise Partnership within the area;
- Travel to work areas;
- Housing market area;
- Flows of goods, services and information within the local economy;
- Service market for consumers;
- Administrative area;
- Catchment areas of facilities providing cultural and social well-being; and
- Transport network.

4.1.2 The Wealden Economy Study<sup>10</sup> was first published in December 2016 and updated in March 2018. Section 2 of the Wealden Economy Study (December, 2016) named 'Defining the Functional Economic Area' assesses the FEMA for WDC based on the relevant PPG. The issue of the FEMA for Wealden District was considered in the subsequent update to this study in 2018.

4.1.3 Paragraph 2.9 of the Wealden Economy Study (December, 2016) confirms that *'Wealden District is influenced primarily by two Travel to Work Areas (TTWAs), which are Eastbourne TTWA covering the area south of Uckfield and stretches to Eastbourne, and the Tunbridge Wells TTWA which is primarily influenced by Tunbridge Wells. In addition, parts of Wealden are also influenced by the Crawley and Hastings TTWAs respectively'*. The study also confirms that Wealden District sees strong commuting flows with Tunbridge Wells, amongst a number of other authorities that include Eastbourne, Lewes, Crawley, Mid Sussex and Brighton and Hove.

4.1.4 The Wealden Economy Study (December, 2016) concludes at paragraph 2.37, taking into account all the factors identified in the PPG, that the following districts and boroughs form part of the FEMA for Wealden:

- Eastbourne;

---

<sup>9</sup> [Paragraph: 019 Reference ID 61-019-20190315](#)

<sup>10</sup> [Wealden Economy Study, December 2016](#)

## Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

- Tunbridge Wells;
- Lewes;
- Mid Sussex; and
- Rother.

4.1.5 This position was repeated in paragraph 2.3 of the Wealden Economy Study Update (2013-2028) that was published in March 2018<sup>11</sup>.

4.1.6 The Pre-Submission version of the Tunbridge Wells Borough Local Plan is supported by the Sevenoaks and Tunbridge Wells Economic Needs Study (August, 2016) that was undertaken by Turley on behalf of both Sevenoaks District Council and TWBC. This includes a section that endeavours to identify a FEMA for the borough.

4.1.7 Paragraph 2.32 of the Sevenoaks and Tunbridge Wells Economic Needs Study (2016) defines the Functional Economic Market Area and states '*while Tunbridge Wells Borough draws upon a more localised workforce, there is also an important inflow of commuters from Tonbridge and Malling and Wealden*'. It also states that this relationship is evidenced in the 2011 TTWA published by the Office of National Statistics (ONS) that identifies a single TTWA centred on Royal Tunbridge Wells, which entirely covers Tunbridge Wells borough but also extends to Tonbridge, Crowborough and surrounding villages. Notwithstanding this, on the basis of the evidence presented, it is considered that Tunbridge Wells, Sevenoaks and Tonbridge and Malling share a functional economic market area evidenced through commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.

4.1.8 TWBC were consulted on the Wealden Retail and Economic Study produced by Regeneris where TWBC noted that the study included Tunbridge Wells within WDC FEMA. TWBC recognises that although the Sevenoaks and Tunbridge Wells Economic Needs Study (2016) does not include Wealden specifically, it does make reference as above to the fact that there are links between Royal Tunbridge Wells and Wealden with regards to travel to work areas etc. TWBC also recognises that a similar methodology and forecasting model has been used in both studies. The range of factors identified in the PPG to define a FEMA has also been used for both studies.

4.1.9 Given the evidence above, both Council's agree that there are clear linkages between them in terms of the TTWA, especially for towns and villages in the north of Wealden District and the town of Royal Tunbridge Wells. Both WDC and TWBC share administrative boundaries and are required to cooperate on

---

<sup>11</sup> [Wealden Economy Study Update 2013-2028, March 2018](#)

strategic cross boundary matters, such as employment needs, through the duty to cooperate process.

#### 4.2 Retail Catchment Area

4.2.1 In December 2016, WDC published the Town Centre and Retail Study<sup>12</sup> that was undertaken by Carter Jonas on behalf of WDC. The study area included broad geographic/catchment areas such as Hailsham, Heathfield, Uckfield, Crowborough, Royal Tunbridge Wells, East Grinstead, Lewes, Polegate and Eastbourne. In summary, the survey-derived market shares showed that the retention of all food shopping trips and expenditure in the Heathfield, Uckfield and Crowborough zones is strong at between 77.1% and 88.8%. This demonstrates that expenditure in terms of convenience goods within northern towns and villages of Wealden District is largely retained in those areas.

4.2.2 However, in terms of comparison goods shopping, paragraph 4.7 of the Town Centre and Retail Study (2016) states that it is *'apparent that the District's Town Centres do not have the critical mass of retailing in terms of the scale, quality and choice of shops to compete with the larger competing centres and shopping destinations outside the District; principally Eastbourne, Royal Tunbridge Wells and East Grinstead'*. WDC considers that these three destinations outside the District, including Royal Tunbridge Wells are likely to remain the main draw for residents in Wealden District for comparison shopping particularly. Indeed, the study states at paragraph 5.2 that the *'survey results show that Eastbourne is the main shopping destination for residents living to the south of Wealden District, whereas Tunbridge Wells is generally the preferred shopping destination for those living in the north of the District'*. WDC accepts that the retail offering at Royal Tunbridge Wells is a significant draw for residents in the north of Wealden District for comparison goods and services.

4.2.3 For TWBC, the retail and leisure study (April, 2017) carried out by consultants Nexus on behalf of TWBC used the previously established study area used for previous retail studies for the borough. It covers the Tunbridge Wells Borough boundary area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge and Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer. This encompasses parts of Crowborough and Heathfield who travel to Royal Tunbridge Wells for the primary retail offer.

4.2.4 Nexus also undertook a Tunbridge Wells Retail, Leisure and Town Centre Uses Study Update (2020). This has identified that the retail economy has

---

<sup>12</sup> [Town Centre and Retail Study 2016, December 2016](#)



changed significantly over recent years and the trends which were emerging have accelerated exponentially as a result of the 2020/2021 Covid-19 pandemic. It is also expected that the increased movement towards home working and different times of working, hastened as a result of the Covid-19 'lockdown' periods, will structurally change the need, make up, and use of office space (including shared and flexible accommodation), and through this the operation of those town centre retailers which previously were linked to footfall associated with office employment. The TWBC PSLP therefore proposes a Town Centre Area Plan for Royal Tunbridge Wells (which will be prepared and adopted by 2025), together with the revitalisation of Paddock Wood Town Centre.

- 4.2.5 WDC and TWBC agree that in terms of comparison shopping, those residents located within the northern part of Wealden District, particularly in the towns of Crowborough and Heathfield, use Royal Tunbridge Wells as their primary retail offer. This is demonstrated in both WDC and TWBC evidence base documents on retail as highlighted above.

**Actions:**

- That both WDC and TWBC continue dialogue on matters relating to Functional Economic Market Areas (FEMA) and retail catchment areas through the review of their respective Local Plans.
- Both authorities to undertake a review of the Local Plan at least within 5 years' of adoption.

**5. Cross Boundary Infrastructure Issues**

- 5.1.1 In terms of cross boundary infrastructure, both TWBC and WDC are in two tier authorities, where both education and highways are managed by their respective County Council's, which in the case of TWBC, is Kent County Council and in the case of WDC, is East Sussex County Council. Given the above, it is noted that both education provision and highway matters may require input from both the agencies/stakeholders above, and if relevant Highways England.
- 5.1.2 TWBC and WDC in the drafting of their Local Plans will liaise with their respective County Councils' on matters relating to education provision and highways infrastructure. Where substantial development, particularly on the administrative boundary of TWBC and WDC, is planned for, then there will be a need to coordinate the delivery of infrastructure improvements including the securing of any necessary funding.

## Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

- 5.1.3 TWBC and WDC will therefore undertake further work at a high level between officers and elected members to agree a protocol and set of principles for dealing with the delivery of infrastructure improvements for development on or close to the administrative border of TWBC and WDC.
- 5.1.4 It should be noted that TWBC and WDC also work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters, TWBC and WDC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.
- 5.1.5 In terms of railway transport, the Pre-Submission version of the TWBC Local Plan at policy TP 5 (Safeguarding Railway Land) confirms that the local planning authority will safeguard the Tunbridge Wells Central to Eridge railway line, by seeking to refuse proposals that would compromise the reopening of the rail line and/or its use as a green infrastructure corridor. It is considered that this policy is necessary in order that the opportunity to link the London to Uckfield railway line with the London to Hastings railway line is not lost.
- 5.1.6 WDC also supports the safeguarding of both Uckfield/Lewes railway line and the Tunbridge Wells/Eridge railway line under its 'saved policies' from the Wealden Local Plan (adopted 1998). Both policies TR17 (Uckfield to Lewes railway line) and TR19 (Eridge to Tunbridge Wells railway line) confirm that development which would significantly prejudice the reinstatement of either line will not be permitted. Both TWBC and WDC are therefore in agreement that both rail routes should be safeguarded given the significant opportunities to increase rail travel for commuting and retail trips and subsequently reducing the reliance upon car-borne journeys.
- 5.1.7 In terms of Green Infrastructure (GI), there may be some opportunities through new planned development on the administrative boundaries between TWBC and WDC to improve existing GI and/or create new GI that links development within Wealden District to the settlement of Royal Tunbridge Wells particularly. To achieve such aims, both WDC and TWBC will need to liaise with each other on the types, scale and extent GI required for planned development on the administrative boundaries.
- 5.1.8 Lastly, in terms of sport pitch provision, it is noted that TWBC are in principle supportive of the expansion of Tunbridge Wells Rugby Football Club that lies at the southern edge of Royal Tunbridge Wells adjacent to the administrative boundary of WDC. It is likely that any expansion of the Tunbridge Wells

Rugby Football Club will require land within WDC administrative area. Given the above, WDC are committed to work with TWBC on any potential options relating to the development of the rugby club that come forward from the landowner through the Local Plan process.

**Actions:**

- TWBC and WDC will set a meeting date for senior officers and members to discuss and agree the scope and timetable for agreeing a set of principles in order to coordinate and agree the delivery of infrastructure improvements for development on or close to the administrative border of TWBC and WDC. This will in some cases require the participation and overall agreement on matters from other infrastructure providers.

**6. Natural Environment**

**6.1 *Ashdown Forest European Site***

6.1.1 TWBC and WDC will continue to work positively together in relation to the Ashdown Forest which is a European Site and is designated as a SAC for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.

**6.2 *Ashdown Forest Special Area of Conservation (SAC) – Air Quality***

6.2.1 Both authorities are active members and attend regular meetings of the Ashdown Forest SAC Working Group, which is chaired by the South Downs National Park Authority (SDNPA). The Planning Advisory Service worked alongside the group in relation to Duty to Cooperate matters in relation to the SAC. TWBC are signatories of the Ashdown Forest Air Quality Statement of Common Ground (SoCG)<sup>13</sup> published in April 2018. Although WDC contributed to the Ashdown Forest SoCG, WDC did not become signatories to the Ashdown Forest Air Quality SoCG and published a Position Paper<sup>14</sup> outlining the reasons why WDC had not become a signatory to the document. In view of the Inspector's letter on the Submission Wealden Local Plan (January, 2019), WDC will seek to review its position on air quality at the Ashdown Forest SAC and will become a signatory to any revised SoCG.

---

<sup>13</sup> [The Ashdown Forest Statement of Common Ground, \(April 2018\)](#)

<sup>14</sup> [Wealden District Council Position Statement – Ashdown Forest SAC Statement of Common Ground \(October, 2018\)](#)

6.2.2 Both TWBC and WDC will continue to participate in the Ashdown Forest SAC Working Group which will seek to work with Natural England on addressing Air Quality issues in relation to Local Plan preparation and will endeavour to support wider initiatives to improve background air quality.

6.2.3 All future work in relation to air quality at Ashdown Forest will be developed in discussion with the Ashdown Forest SAC Working Group agreeing where possible on methodology and to cost sharing where appropriate. All future traffic modelling and ecological interpretation to inform Habitats Regulation Assessments in respect of air quality for Ashdown Forest by both TWBC and WDC will be developed in discussion with the Ashdown Forest SAC Working Group and where possible agreement sought on both methodology and findings. This work is necessary to ensure a strategic and consistent approach to the identified issues and assist with a common approach to HRA matters relevant to the SAC designation.

### 6.3 *Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance*

6.3.1 Both authorities participate in the Strategic Access Management and Monitoring Strategy (SAMMS) partnership and are signatories to a legal agreement with other participating local authorities and The Conservators of Ashdown Forest. This sets out agreement on the collection of developer contributions and the administration of the SAMM Strategy as part of a joint approach to provide mitigation at Ashdown Forest for recreational disturbance from new residential development. Mitigation is provided through a scheme of access management and monitoring and contributions are collected between 400m and 7km from Ashdown Forest SPA. The 7km zone is the appropriate zone of influence, agreed by all partner local authorities and Natural England within which to collect SAMMS contributions. This is based on technical evidence from the Ashdown Forest Visitor Survey which the SAMM Strategy partnership jointly commissioned. Applications outside of the 7km will be assessed in relation to any impact on a case-by-case basis and in accordance with the planning policies of the relevant authority.

6.3.2 WDC has also provided two Suitable Alternative Natural Greenspaces. One in Uckfield and one in Crowborough. The purpose of these are to divert dog walkers from using Ashdown Forest as a recreational location. TWBC will collect contributions for SANGS from any applicable development within the 7km zone of influence which will be used for SANGS provision. Discussions will take place with partner authorities, as appropriate, to consider the delivery of SANGs in Tunbridge Wells Borough or adjoining authorities.

- 6.3.3 Both authorities will continue to participate in the SAMM Strategy partnership and work together to agree and jointly commission any future studies or surveys to inform the collective understanding of effects, and the most effective measures for mitigation and monitoring to ensure a consistent and strategic approach to the identified issues and a common approach to HRA.

**Actions:**

- That both authorities continue to work as part of the Ashdown Forest working group for air quality and the SAMM Strategy partnership to address visitor pressure in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost share future studies or surveys.

6.4 *High Weald Area of Outstanding Natural Beauty (AONB)*

- 6.4.1 As stated in the High Weald AONB Management Plan (2019-2024)<sup>15</sup>, both administrative areas of TWBC and WDC have a significant proportion of the High Weald AONB. In the case of WDC, the High Weald AONB covers over 53% of the District and in the case of TWBC, the High Weald AONB covers just under 69% of the Borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it, including on and to the south of the administrative boundary between WDC and TWBC. Both the towns of Crowborough and Heathfield within Wealden District are also excluded from the designation, but are wholly surrounded by it.
- 6.4.2 Both authorities form part of the Joint Advisory Committee (JAC) and officer steering group for the High Weald AONB.
- 6.4.3 The High Weald AONB unit has recently produced the High Weald AONB Management Plan 2019-2024, which was agreed by the Joint Advisory Committee in November 2018 after public consultation and with input from both authorities. The management plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by WDC on 21 March 2019.
- 6.4.4 Both authorities are committed to continue working together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.

---

<sup>15</sup> [The High Weald AONB Management Plan 2019-2024](#)

6.4.5 Para 172 of the NPPF (2019) sets out the national planning policy for major development in AONBs. Given the housing needs referred to in Section 3 above, it is likely that there will be a need for future discussions on the provision of major development in the High Weald AONB and the specific requirements of this paragraph.

**Actions:**

- That both authorities continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.

**6.5 Biodiversity**

6.5.1 Under both paragraphs 170 and 174 of the NPPF it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. There may be some opportunities through new planned development on the administrative boundaries between TWBC and WDC to provide net gains in biodiversity and this could be explored through the duty-to-cooperate process. To achieve such aims, both WDC and TWBC will need to liaise with each other through their Local Plans to ensure that no opportunities are missed in terms of ensuring net gains in biodiversity.

6.5.2 In terms of cross-boundary biodiversity sites, both TWBC and WDC will continue to liaise with each other on such sites and ensure that they continue to be safeguarded in line with the hierarchy of biodiversity sites identified at paragraph 174 of the NPPF (February, 2019) and their respective Local Plans.

**7. Governance arrangements**

7.1. It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.

## Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

- 7.2. The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date Statement of Common Ground (SoCG) between the Councils.
- 7.3. Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.4. Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.5. Liaison in relation to the SoCG and the wider duty to cooperate will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the duty to cooperate and the SoCG, as appropriate.

## 8. Actions Going Forward

- 8.1 The agreed key issues and agreed actions originating from this SoCG are detailed below. As discussed above, the agreed actions will have a specific timetable moving forward once agreed. This SoCG is an iterative document and any progress on the actions will be detailed in the next publication of this SoCG.

Key Issue	Agreed Actions	Progress on Actions
Timetable for DtC Actions	Both TWBC and WDC will seek to agree a new timetable for the actions listed below to be reviewed, including schedule meetings between the two authorities.	Ongoing
Development on the Administrative Boundary between WDC and TWBC	2) TWBC and WDC will set a meeting date for senior officers and members to discuss and agree the scope and timetable for agreeing a set of principles for dealing with development on or close to the administrative border	Complete. Set of principles provided above.



Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

	of TWBC and WDC.	
Housing	<p>3) WDC and TWBC will engage through the wider Duty to Cooperate forum with other neighbouring authorities both within and outside of each other's HMA in relation to housing related matters, including unmet need, five year housing trajectory, best fit HMAs, affordability, large scale development and opportunities for meeting unmet need.</p> <p>4) Both authorities to undertake a review of their Local Plan at least within 5 years' of adoption.</p>	Ongoing.
Gypsy, Traveller and Travelling Showpeople	<p>5) That both WDC and TWBC continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation through the review of their respective Local Plans.</p> <p>6) Both authorities to undertake a review of the Local Plan at least within 5 years' of adoption.</p>	Ongoing
Employment and Retail	<p>7) That both WDC and TWBC continue dialogue on matters relating to Functional Economic Market Areas (FEMA) and retail catchment areas through the review of their respective Local Plans.</p> <p>8) Both authorities to undertake a review of the Local Plan at least within 5 years' of adoption.</p>	Ongoing.
Cross Boundary Infrastructure	9) TWBC and WDC will set a meeting date for senior officers and members to discuss and agree the scope and timetable for agreeing a set of principles in	To be arranged



Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council



	order to coordinate and agree the delivery of infrastructure improvements for development on or close to the administrative border of TWBC and WDC. This will in some cases require the participation and overall agreement on matters from other infrastructure providers.	
Natural Environment	<p>10) That both authorities continue to work as part of the Ashdown Forest working group for air quality and SAMM Strategy partnership to address visitor pressure in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost share future studies or surveys.</p> <p>11) That both authorities continue to liaise on cross-boundary matters relating to implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and the requirements of national planning policy in relation to major development in the AONB.</p>	Ongoing

9. Signatories/Declaration

<u>Signed on behalf of Wealden District Council</u> <u>(Councillor)</u>	<u>Signed on behalf of Wealden District Council</u> <u>(Chief Executive)</u>
----------------------------------------------------------------------------	---------------------------------------------------------------------------------

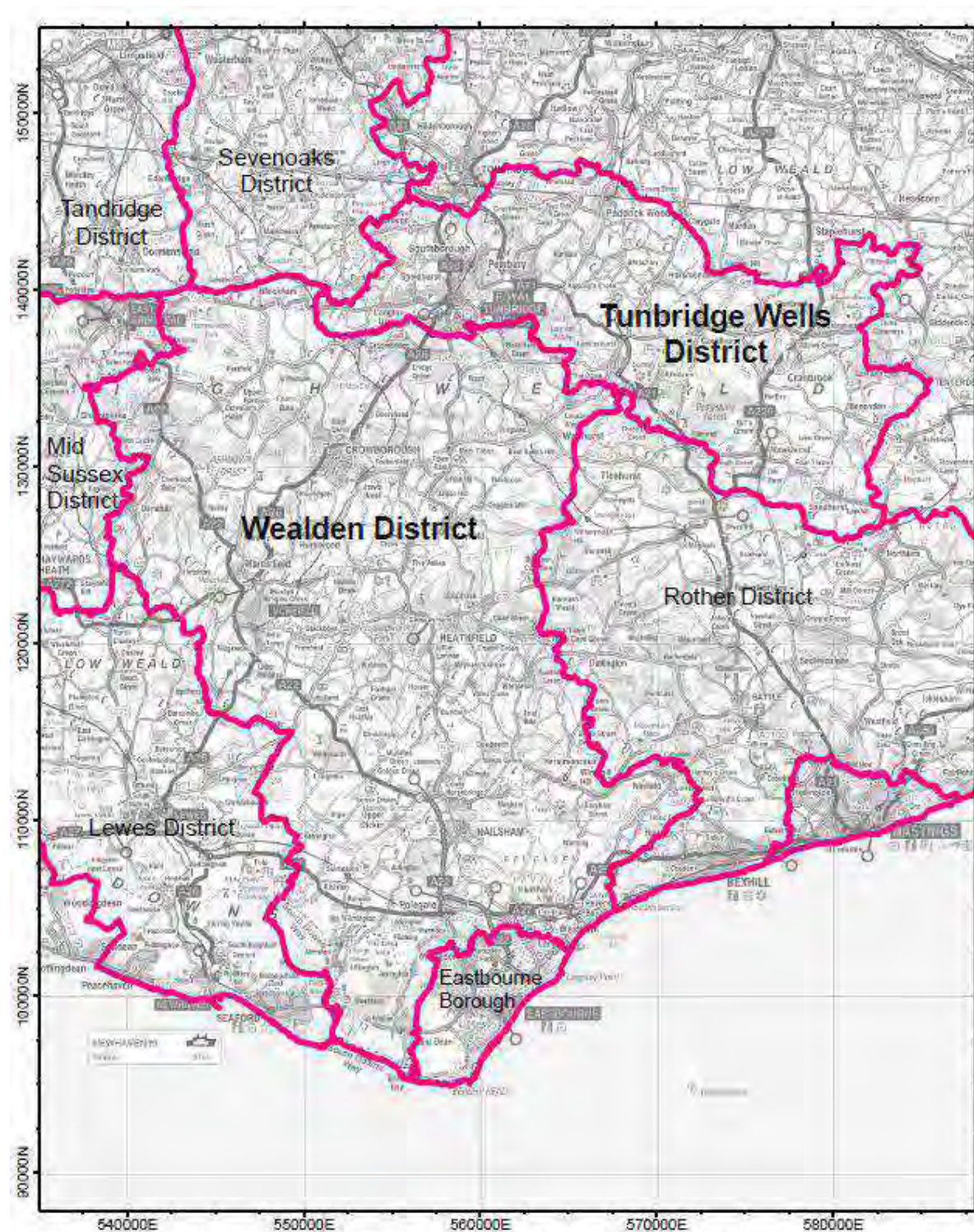
Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

 <u>Cllr Ann Newton</u>	 <u>Trevor Scott</u>
<u>Position:</u> Deputy Leader and Planning and Development Portfolio Holder	<u>Position:</u> Chief Executive
<u>Date:</u> 11 <sup>th</sup> March 2021	<u>Date:</u> 11 <sup>th</sup> March 2021

<u>Signed on behalf of Tunbridge Wells Borough Council (Councillor)</u>	<u>Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)</u>
 <u>Cllr Alan McDermott</u>	 <u>William Benson</u>
<u>Position:</u> Leader of Tunbridge Wells Borough Council	<u>Position:</u> Chief Executive
<u>Date:</u> 10 March 2021	<u>Date:</u> 10 March 2021

# Statement of Common Ground between Wealden District Council and Tunbridge Wells Borough Council

## Appendix A – The Administrative Areas of Wealden and Tunbridge Wells



# Appendix A11: Signed SoCG between TWBC and ESCC 22 October 2021

**Statement of Common Ground**  
between  
**Tunbridge Wells Borough Council**  
and  
**East Sussex County Council**

---

in respect of the  
**Tunbridge Wells Borough Local Plan**

October 2021



Contents

1.0 Introduction .....3

2.0 Overview .....4

3.0 Local Plan context.....4

4.0 Evidence base supporting the Local Plan in respect of transport and the ESCC Road Network.....5

5.0 Local Plan issues affecting the East Sussex County Road Network.....5

6.0 Matters of agreement.....7

7.0 Signatories .....8



# 1.0 Introduction

- 1.1 This 'Statement of Common Ground' (SoCG) is a jointly agreed statement between East Sussex County Council (ESCC) as the highways authority for the adjacent county (located to the south of Kent county), hereafter referred to as "the parties", in relation to the preparation of the Tunbridge Wells Borough Local Plan.
- 1.2 It takes account of the development of the Local Plan up to and including the Pre-Submission (Regulation 19) stage including a representation received from ESCC to the Regulation 18 Draft Local Plan in November 2019 and both parties' agreed position. It is noted that ESCC did not make representations during the Regulation 19 consultation on the Pre-Submission Local Plan in March – June 2021.
- 1.3 As such, this SOCG provides an agreed position with respect to relevant strategic matters within the scope of the emerging Local Plan as at October 2021.
- 1.4 The National Planning Policy Framework (NPPF) ([see paragraph 104b \(2019\) MHCLG](#)) states that planning policies should be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned.
- 1.5 The key points where the highway network for ESCC join with the highway network for which Kent County Council (KCC) is the local highway authority are:
- Ashurst: A264;
  - Groombridge: B2110;
  - Royal Tunbridge Wells: A26, A267 and B2169;
  - Lamberhurst: B2169 and B2100;
  - Flimwell: B2087/A268 and the A21 – which is part of the Strategic Road Network (SRN) for which National Highways (formerly Highways England) is the relevant highway authority, and;
  - south of Hawkhurst: A229 and B2244.

- 1.6 Specifically, the SoCG sets out that both parties' views on the consistency of the Pre-Submission Local Plan with national policies for the road network as set out in the NPPF.
- 1.7 At the same time, it is appreciated that liaison in relation to the matters included in this SoCG are ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently through the examination into the Local Plan.

## 2.0 Overview

- 2.1. The parties agree that both TWBC and ESCC have been proactive in their approach to these strategic matters in accordance with the requirements under the Duty to Cooperate (DtC).
- 2.2. It is agreed that TWBC has a robust evidence base, looking at the impacts of the proposed development on the highway network. It is also agreed that TWBC provides a positive strategy for the highway network through its Local Plan, supplemented by a range of other documents and actions, including the Infrastructure Delivery Plan. This is reflected in its proposed policies and site allocations, in relation to which there is little (if any) substantive area of "uncommon ground" at this point.
- 2.3. This SOCG also highlights a shared interest in the ongoing consideration of the impact on the highway network in both Kent and East Sussex counties, and a recognition of TWBC's continuing commitment to this, as set out in Section 6, via ongoing liaison with ESCC. This includes such consideration of planning applications and the consideration of any potential site allocations near to the county boundary through the development of the local plans in Rother and Wealden District Councils.

## 3.0 Local Plan context

- 3.1 TWBC is preparing a new, comprehensive Local Plan for the borough. It sets out the overall vision and objectives, development strategy, spatial strategies and site

allocations, together with Development Management policies to guide development over the period 2020 – 2038.

- 3.2 There were two stages of consultation at the Regulation 18 stage, the first on 'Issues and Options' in 2017 and the second, on a full 'Draft Local Plan' in autumn 2019. Following further evidence base work and consideration of comments received at these stages, a 'Pre-Submission Local Plan' was published and consulted upon over a 10-week period from 26 March to 4 June 2021 under Regulation 19.
- 3.3 Details of engagement between the parties up to publication of the Pre-Submission Local Plan are set out in the Duty to Cooperate Statement that supports it, and are agreed by the parties. It is recognised that ESCC made representations on the Draft Local Plan in 2019, but not the Pre-Submission Local Plan in 2021.

## **4.0 Evidence base supporting the Local Plan in respect of transport and the ESCC Road Network**

- 4.1. TWBC has prepared a comprehensive transport evidence base to support the Local Plan strategy and site allocations.
- 4.2 Both parties believe that the impact on ESCC's highway network has been fully recognised, and respected, throughout Local Plan preparation.

## **5.0 Local Plan issues affecting the East Sussex County Road Network**

- 5.1 The Draft Local Plan (2019) proposed allocations for 681 – 731 houses at the settlement of Hawkhurst, which is to the north of the East Sussex county, with the A229, B2244 and B2087/A268 highways running across the county boundary. ESCC's representation on the Draft Local Plan (November 2019) set out that it considered that more detailed junction modelling was required on the junctions of the A21 with the A229, A265 and A268.

- 5.2 In August 2020 ESCC submitted a representation objecting to a planning application for the Hawkhurst Golf Course site for a new relief road and junctions with A268 and A229, and outline planning permission for residential development (approximately 375 dwellings). This set out that ESCC objected to the proposal on the grounds of concern over the impact of this development on the highway network at the Flimwell crossroads, and particularly that excessive queuing on the eastbound and westbound lanes on the B2087 and A268, respectively at either side of the Flimwell crossroads would be a highway hazard for traffic approaching and not having sufficient warning of stationary vehicles during red phases of the lights.
- 5.3 The Pre-Submission Local Plan (2021) allocates far less development at Hawkhurst (161 – 170 dwellings) than was proposed for allocation in the Draft Local Plan (681 – 731 houses). The strategic policy for STR/HA 1 “The Strategy for Hawkhurst parish” in the Pre Submission Local Plan requires that *“all development proposals establish an acceptable impact upon the Hawkhurst crossroads junction (the A229/A268) and the Flimwell crossroads (the junction of the A21 and A268)”* and that proposals *“seek developer contributions, either in kind (normally land) and/or financial, from residential schemes to be used towards the provision of: a. transport measures....”*
- 5.4 The allocation of the Hawkhurst Golf Course – which included both housing and a relief road - was not carried forward into the Pre-Submission Local Plan.
- 5.5 The Draft Local Plan also included a proposed allocation at a site called Land to the west of Eridge Road at Spratsbrook Farm (Royal Tunbridge Wells) for 270 dwellings and a seven-form entry secondary school. This site is in close proximity to the county boundary. ESCC did not raise concern regarding this allocation in the representation on the Draft Local Plan.
- 5.6 The allocation in the Pre-Submission Local Plan at Land to the west of Eridge Road at Spratsbrook Farm is for a substantially lower number of dwellings (120 dwellings) and no secondary school.
- 5.7 Following consideration of the Regulation 19 representations it is not proposed to increase, or indeed remove, any allocations from the Pre-Submission Local Plan ahead of its submission for Examination.

- 5.8 Both the Draft Local Plan and the Pre-Submission Local Plan propose to safeguard a route for the A21 to dual the remaining section of this part of the Strategic Road Network from Kippings Cross roundabout to the dualled section at the Lamberhurst roundabout.




## **6.0 Matters of agreement**

- 6.1 TWBC and ESCC agree that the emphasis within Local Plan should be on reducing the need to travel and, where travel is necessary, to use more sustainable modes rather than relying on infrastructure improvements being in place. It is agreed by both parties that a clear hierarchy of modes is set out in Strategic Policy STR6 and supported in the evidence documents above.
- 6.2 TWBC and ESCC also agree that any necessary infrastructure improvements required as a result of proposed development need to be identified, designed, managed and fully funded via the individual proposals or via a Local Plan mechanism. It is agreed that Policy STR5 refers to the IDP which identifies the scope of infrastructure to be provided, the phasing of such infrastructure linked to the planned development, and the mechanisms by which the Council considers that the infrastructure will be delivered, including the use of Section 106 agreements, infrastructure levy, or equivalent policy as applicable.
- 6.3 It is agreed that ESCC have not raised concern or objection to the development strategy set out in the Pre-Submission Local Plan.
- 6.4 It is also agreed that TWBC and ESCC are supportive of the safeguarded route for the dualling of the A21 between Kippings Cross and Lamberhurst roundabouts, and that TWBC will liaise with ESCC on any future planning application at Land to the west of Ramslye Road at Spratsbrook Farm, and any other “windfall” sites which come forward in close proximity to the county boundary.
- 6.5 It is known that the house builder which has control over the site Land to the west of Ramslye Road at Spratsbrook Farm is also promoting other land to the south of this – i.e., beyond the county and borough boundary in East Sussex County - for residential and possibly education development, for inclusion in the Wealden District Council Local Plan. Wealden District Council have not concluded its assessments of sites.

TWBC and ESCC agree that it will liaise closely on any future wider proposals for this site – for example if Wealden District Council consider that such an allocation is appropriate, or a planning application is submitted – in relation to highways and other relevant matters.

## 7.0 Signatories

7.1 This statement has been prepared and agreed by the following organisations:

<p><b>Tunbridge Wells Borough Council</b></p> <p>Signature</p>  <p>William Benson</p>  <p>Cllr Alan McDermott</p> <p>Date: 22/10/2021</p>	<p><b>East Sussex County Council</b></p> <p>Signature</p>  <p>Edward Sheath – Head of Planning &amp; Environment</p> <p>Date: 20/10/2021</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Appendix A12: Ashdown Forest  
Working Group (Air Quality) - SoCG  
Prepared by South Downs National  
Park Authority (SDNPA) and signed  
by Members of the Ashdown Forest  
Working Group: TWBC, SDPNA,  
Lewes DC, Eastbourne BC, Mid  
Sussex DC, Tandridge DC, Crawley  
BC, Sevenoaks DC, Rother DC,  
East Sussex County Council  
(Minerals and Waste), West Sussex  
County Council and Natural  
England



# Ashdown Forest Statement of Common Ground

---

Prepared by The South Downs National Park Authority, Chair of the  
Ashdown Forest Working Group

## **Contents**

<b>1. Introduction .....</b>	<b>3</b>
<i>The basis for preparing this Statement of Common Ground .....</i>	<i>3</i>
<i>Background to the issue.....</i>	<i>4</i>
<b>2. Key matters .....</b>	<b>5</b>
<i>Proportionality.....</i>	<i>5</i>
<i>Local Plan Housing Numbers.....</i>	<i>6</i>
<i>Traffic Modelling .....</i>	<i>9</i>
<i>Air quality calculations .....</i>	<i>13</i>
<i>Ecological Interpretation.....</i>	<i>18</i>
<i>Need for mitigation or compensation measures .....</i>	<i>20</i>
<b>3. Actions going forward .....</b>	<b>21</b>
<b>4. Summary conclusions.....</b>	<b>22</b>

**Appendix 1: Ashdown Forest SAC Reasons for Designation**

**Appendix 2: Location map of Ashdown Forest (to be provided)**

**Appendix 3: Meeting notes from the Ashdown Forest Working Group meetings May 2017 – January 2018**

**Appendix 4: Housing numbers table**

**Appendix 5: Traffic modelling table**

**Appendix 6: Air quality calculations table**

## **I. Introduction**

### **The basis for preparing this Statement of Common Ground**

- I.1 This Statement of Common Ground (SCG) has been prepared by the South Downs National Park Authority (SDNPA) and is signed by the following members of the Ashdown Forest Working Group (AFWG):<sup>1</sup> the SDNPA, Lewes District Council, Eastbourne Borough Council, Tunbridge Wells Borough Council, Mid Sussex District Council, Tandridge District Council, Crawley Borough Council, Sevenoaks District Council, Rother District Council, East Sussex County Council (as the relevant Minerals and Waste Planning Authority), West Sussex County Council and Natural England. It should be noted that Wealden District Council (WDC) is a member of the AFWG and were involved in the drafting of this document; WDC did not sign the SCG. The signatories of this SCG have been self-selected and come from the AFWG. Further details of this group are set out below. The preparation of the SCG has been facilitated by the Planning Advisory Service (PAS).
- I.2 The purpose of this SCG is to address the strategic cross boundary issue of air quality impacts on the Ashdown Forest Special Area of Conservation (SAC) arising from traffic associated with new development. It provides evidence on how the authorities have approached the Duty to Co-operate, clearly setting out the matters of agreement and disagreement between members of the AFWG.
- I.3 The first section of the SCG introduces the document and explains the background to this cross boundary strategic issue. The second section sets out six key matters on HRA methodology for plan-making with which authorities either agree or disagree with or have no position on. Finally, actions going forward and summary conclusions are given.
- I.4 The SCG highlights a number of different approaches towards undertaking HRA work. It identifies that participating local planning authorities (LPAs) consider they have taken a robust and proportionate approach to the evidence base in plan making, producing in combination assessments which they consider to have been undertaken soundly. Natural England notes that some of the approaches differ and consider that it is up to individual LPAs to determine the specific approach they use. Natural England advise that approaches proportionate to the risk are acceptable and it is not necessary for all LPAs to use exactly the same approach.
- I.5 The different LPAs have used different consultants to undertake their Habitats Regulations Assessments (HRAs). AECOM are the HRA consultants for the SDNPA, Lewes District Council, Tunbridge Wells Borough Council, Tandridge District Council, East Sussex County Council and Sevenoaks District Council. Urban Edge Environmental Consulting, Amey and Arup are the HRA consultants for Mid-Sussex District Council. Crawley Borough Council, Eastbourne Borough Council and Rother District Council have not currently engaged HRA consultants as they have up to date adopted Local Plans.
- I.6 Ashdown Forest is also designated as a Special Protection Area (SPA). It should be noted that this Statement addresses the potential impact pathway of air quality on the Ashdown Forest SAC only and does not discuss matters of recreational pressure on the Ashdown Forest SPA.

---

<sup>1</sup> Tonbridge and Malling Borough Council are members of the Working Group but are not a signatory of this Statement on the basis of advice from Natural England. T&MBC continue to be part of the group to observe.

This is addressed through the working group of affected authorities that have assisted in the production of the Strategic Access Management and Monitoring Strategy.

## **Background to the issue**

### **Ashdown Forest SAC**

- 1.6 Ashdown Forest is a Natura 2000 site and is also known as a European site. It is a Special Area of Conservation (SAC) designated for its heathland habitat (and a population of great crested newt). Further details regarding the reason for its designation are set out in Appendix 1. Ashdown Forest SAC is located in Wealden District, East Sussex as shown on the map in Appendix 2.

### **Habitats Regulations Assessment**

- 1.7 The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations) require an appropriate assessment of the implications for the site in view of that site's conservation objectives to be carried out for any plan or project where there are likely to be significant effects on a European site, alone or in combination with other plans or projects. The Ashdown Forest SAC features are vulnerable to atmospheric pollution from a number of sources including motor vehicles. There is a potential impact pathway from new development and associated increases in traffic flows on the roads such as the A275, A22 and A26, which traverse or run adjacent to the SAC. The emissions from these vehicles may cause a harmful increase in atmospheric pollutants which may adversely affect the integrity of the European site.

### **High Court Judgement**

- 1.8 In March 2017 a legal challenge from Wealden District Council (WDC) was upheld by the High Court on the Lewes District and South Downs National Park Authority Joint Core Strategy (Lewes JCS)<sup>2</sup> on the grounds that the HRA was flawed because the assessment of air quality impact on the Ashdown Forest SAC was not undertaken 'in combination' with the increase in vehicle flows likely to arise from the adopted Wealden Core Strategy. This resulted in the quashing of Policies SP1 and SP2 of the Lewes JCS, insofar as they apply to the administrative area of the South Downs National Park, at the High Court on 20 March 2017.

### **Wealden DC Responses to other LPAs Plan Making and Decision Taking**

- 1.9 It should be noted that the representation from WDC on the Pre-Submission version of the South Downs Local Plan and to the draft Lewes Local Plan Part 2 objects to their HRAs. Objections have also been made by WDC to the Main Modifications consultation on the Mid Sussex Local Plan. The South Downs National Park Authority, Lewes District Council and Mid Sussex District Council do not accept the objections made by Wealden District Council on the HRA work undertaken for their Local Plans and consider that the assessments undertaken are robust, reasonable and sound.
- 1.10 Since work started on this Statement of Common Ground, WDC have objected to planning applications in Tunbridge Wells Borough, Rother District, Lewes District, Mid Sussex District, Tandridge District, Horsham District, Sevenoaks District, Hastings Borough and Brighton & Hove City. The objections all centre on the issue of nitrogen deposition on Ashdown Forest.

---

<sup>2</sup> Wealden District Council vs Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority, and Natural England. [2017] EWHC 351 (Admin) <http://www.bailii.org/ew/cases/EWHC/Admin/2017/351.html>

This Statement of Common Ground is about plan-making rather than the determination of planning applications and so does not address these letters of objection.

## **Ashdown Forest Working Group**

- 1.11 Following the High Court judgement, the SDNPA led on convening and now chairs the AFWG, which first met in May 2017. The group's members are listed in paragraph 1.1 of this SCG. This HRA matter has arisen for these authorities through their Local Plan work, through WDC objections to planning applications, or due to proximity to strategic roads traversing Ashdown Forest. As set out in legislation, Natural England is a statutory consultee on HRA and is providing advice on the outputs from the air quality modelling. The county councils, as well as the independent consultants mentioned in paragraph 1.5 provide advice in regard to transport evidence that has and is being undertaken to inform Local Plans.
- 1.12 The shared objective of the working group is to ensure that the impacts of development proposals in emerging local plans on Ashdown Forest are properly assessed through HRA and that, if required, a joint action plan is put in place should such a need arise. The Working Group has agreed to work collaboratively on the issues, to share information and existing work, and to prepare this Statement of Common Ground. The notes of the meetings are set out in Appendix 3.

## **2. Key matters**

### **Proportionality**

- 2.1 There is no universal standard on proportionality and the issue relates to what is the 'appropriate' level of assessment required for Local Plans. Paragraph 182 of the National Planning Policy Framework (NPPF) states that for a local plan to be considered sound it needs to be justified and based on proportionate evidence. The draft CLG guidance<sup>3</sup> makes it clear that when implementing HRA of land-use plans, the appropriate assessment should be undertaken at a level of detail that is appropriate and proportional:

*'The comprehensiveness of the assessment work undertaken should be proportionate to the geographical scope of the option and the nature and extent of any effects identified. An AA need not be done in any more detail, or using more resources than is useful for its purpose.'*

- 2.2 The AFWG has discussed the issue of proportionality and the following principles were put forward:
- Where effects are demonstrably small the level of assessment can be justifiably less complex than a bespoke model.
  - Use of the industry standard air quality impact assessment methodology<sup>4</sup> can, if carried out robustly, provide the necessary evidence to inform HRA on the potential effects of a development plan on the Natura 2000 network and Ramsar sites.

---

<sup>3</sup> CLG (2006) Planning for the Protection of European Sites, Consultation Paper

<sup>4</sup> The principles in Annex F of the Design Manual for Roads and Bridges (DMRB), Volume 11, Section 3, Part 1 (HA207/07) for the assessment of impacts on sensitive designated ecosystems due to highways works, which Highways England use for all their HRAs, but with the DMRB spreadsheet tool replaced by an appropriate dispersion model e.g. ADMS-Roads and, with appropriate allowance for rates of future improvement in air quality.

- Members of the working group are entitled, but not required, to carry out non-standard or bespoke assessments; and other members may have regard to the results of those non-standard or bespoke assessments when conducting their own HRAs.

**Table 1: Signatory position regarding proportionality of assessments**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority			
Tunbridge Wells Borough Council			
Sevenoaks District Council			
Lewes District Council			
Eastbourne Borough Council			
East Sussex County Council			
Natural England			
Crawley Borough Council			
Tandridge District Council			
West Sussex County Council			
Mid Sussex District Council			
Rother District Council			

- 2.3 The named authorities agree with this approach for the following reasons. The approach outlined above sets out parameters for a robust and sound HRA, which is proportionate to the nature of the proposals and likely impacts. Where the spatial extent of the affected area is small then the risk to the integrity of the site needs to be approached in a reasonable and proportionate manner as concluded in the Natural England Research Report (NECR205)<sup>5</sup> on small scale effects i.e. for much of the ‘affected habitat’ SAC features are not present and therefore can be excluded from consideration. With the remaining ‘affected area’ a proportionate approach to how this area contributes to the overall site integrity should be adopted.

### Local Plan Housing Numbers

- 2.4 The quantum of development expected in each Local Planning Authority (LPA) area is an important matter as it is a key input into any traffic model. The AFWG has discussed this matter and the following approach is proposed as a general principle for the purpose of making forecasting assumptions relating to neighbouring planning authorities for in combination assessment of plan going forward:

<sup>5</sup> CHAPMAN, C. & TYLDESLEY, D. 2016. Small-scale effects: How the scale of effects has been considered in respect of plans and projects affecting European sites - a review of authoritative decisions. Natural England Commissioned Reports, Number 205.

- Where a Local Plan is less than 5 years old, the adopted Local Plan figures should be used, unless the LPA advise in writing that, due to a change in circumstance, an alternative figure should be used or
- Where an emerging Local Plan is at or beyond the pre-submission consultation stage and the LPA undertaking the modelling can be confident of the figures proposed, then the emerging Local Plan figure should be used, or
- For Local Plans that are over 5 years old and considered out of date, and the emerging Local Plan has not progressed, then the OAN/Government Standard Methodology (once confirmed by CLG) should be used, unless otherwise evidenced.

**Table 2: Signatory position on statements above on the approach to identifying appropriate local plan housing numbers to include in modelling for the purposes of forecasting assumptions for HRA air quality modelling.**

Agree	Disagree	No position	Reserve judgement
South Downs National Park Authority		Natural England	
Lewes District Council		Tandridge District Council	
Tunbridge Wells Borough Council		East Sussex County Council	
Sevenoaks District Council		West Sussex County Council	
Eastbourne Borough Council			
Crawley Borough Council			
Mid Sussex District Council			
Rother District Council			

- 2.5 The named authorities agree with this approach for the following reasons: The approach outlined above provides a reasonable and practical way forward to ensure that housing numbers used in future modelling work are selected in a consistent and transparent way and are most robust to inform HRA work.
- 2.6 These named authorities have no position in regards to this approach for the following reasons:
- Tandridge District Council: will apply this approach for consistency and the Duty to Cooperate.
  - West Sussex County Council: WSCC is not an LPA for housing.
  - East Sussex County Council: ESCC is not an LPA for housing.
- 2.7 Based on the above principle set out in paragraph 2.5, Appendix 4 of the Statement sets out agreed housing numbers at the time of drafting this Statement (December 2017). It is recognised that housing numbers would change often due to the number of authorities that



are signatories to this Statement, and therefore these numbers represent a snapshot in time. In light of this, a further three principles are put forward:

- It is expected that each LPA will confirm housing numbers with individual authorities before running models;
- Housing numbers will be a standing item on the agenda for the Working Group going forward. AFWG members shall notify the working group immediately if events take place (relevant to paragraph 2.5) which require an amendment to Appendix 4. In the absence of any objection within 14 days of notification, Working Group members may use the amended figures pending formal sign-off of the changes to Appendix 4 at the next Working Group meeting.
- The agreement of specific housing numbers as set out in Appendix 4, as updated from time to time is applicable to future modelling runs and does not involve retrospectively re-running models. The focus of future modelling is agreed to be to assess the (in combination) impacts of forthcoming Local Plans, not to retrospectively reassess existing adopted Local Plans.

**Table 3: Signatory position on the statements above regarding housing numbers and air quality modelling.**

Agree	Disagree	No position	Reserve judgement
South Downs National Park Authority		Natural England	
Lewes District Council		East Sussex County Council	
Sevenoaks District Council		West Sussex County Council	
Tandridge District Council			
Eastbourne Borough Council			
Crawley Borough Council			
Tunbridge Wells Borough Council			
Mid Sussex District Council			
Rother District Council			

2.8 The named authorities agree with this approach for the following reasons. The approach outlined above provides a reasonable and practical way forward for LPAs to work together in sharing the latest information on housing numbers to inform future modelling work.

2.9 These named authorities have no position in regards to this approach for the following reasons:

- West Sussex County Council: WSCC is not an LPA for housing.
- East Sussex County Council: ESCC is not an LPA for housing.

## Traffic Modelling

- 2.10 The key elements of the various traffic modelling approaches are set out in Appendix 5 of this Statement. Appendix 5 includes analysis of the major differences<sup>6</sup>, minor differences and commonalities in traffic modelling undertaken. The AFWG has discussed these approaches for the purpose of future in combination assessments and agree/disagree with the following:

### Geographical Coverage

- 2.11 This SCG does not set out specific geographical coverage for traffic modelling work. It is a matter for each LPA to determine if modelling is necessary having regard to other sources of traffic flow information, and, to the extent that modelling is considered necessary, the geographic coverage should be sufficiently extensive to enable reasonable and proportionate modelling of flows on Ashdown Forest roads.

**Table 4: Signatory position on geographical coverage of their traffic modelling**

Agree	Disagree	No position	Reserve judgement
South Downs National Park Authority			
Lewes District Council			
Tunbridge Wells Borough Council			
Tandridge District Council			
Mid Sussex District Council			
Sevenoaks District Council			
Eastbourne Borough Council			
Rother District Council			

- 2.12 The named authorities agree with this approach for the following reasons. The nature of the issue is such that it is not appropriate for a set geographical boundary to be drawn. The above approach outlines a practical, proportionate and robust way forward in combination with the other parameters agreed in the subsections below.

### Road Network in Ashdown Forest

- 2.13 The following roads through or adjacent to Ashdown Forest are modelled: A22 (Royal Ashdown Forest Golf Course), A22 (Wych Cross), A22 (Nutley), A275 (Wych Cross) and A26 (Poundgate). For peripheral authorities (i.e. those that do not host the SAC) it is considered that impacts would manifest on main (A) roads in the first instance and in usual circumstances. Therefore, it is logical and reasonable to begin by modelling the roads where

<sup>6</sup> The words 'major' and 'minor' are given their common usage, and are not be restricted to the definition of major development in the Town and County Planning (Development Management Procedure) (England) Order 2015, or to proposals that raise issues of national significance

the impact will be highest and if, when modelling A roads, a conclusions of no likely significant effects is identified then it is not considered necessary to go on to model B and minor roads.

**Table 5: Signatory position on which roads through or adjacent to Ashdown Forest are modelled**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	Mid Sussex District Council
Lewes District Council		Natural England	
Tunbridge Wells Borough Council			
Tandridge District Council			
Eastbourne Borough Council			
Crawley Borough Council			
Sevenoaks District Council			
West Sussex County Council			

2.14 These named authorities agree with this statement for the following reasons: The above approach sets out a reasonable and logical approach for determining likely significant effects in such a way that is robust and also proportionate. Beginning by modelling the more strategic busiest routes, where impacts will be highest, is an appropriate way to identify likely significant effects. These routes have the greatest current and future flows and are also routes likely to experience greatest change in growth, especially those most likely to be used by residents of authorities some distance from the SAC.

2.15 Mid Sussex District Council reserves judgement in regards the approach set out above for the following reasons: Mid Sussex agrees with this practical approach, but has found that in its case it has been appropriate to consider traffic changes on forest roads, which link to mid Sussex District, including the B1110.

**Data types for base year validation**

2.16 The data type for the modelling base year is the 24hr Annual Average Daily Traffic (AADT) and uses base flow data provided by WDC for 2014.

**Table 6: Signatory position on the data types for base year validation**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	Mid Sussex District Council
Lewes District Council		Rother District Council	
Tunbridge Wells Borough Council			
Tandridge District Council			

Eastbourne Borough Council			
Crawley Borough Council			
Natural England			
Sevenoaks District Council			
West Sussex County Council			

- 2.17 Rother District Council has no position in regards to the approach set out above for the following reasons: While Rother District Council agrees with the use of AADT as a basis for assessing traffic flows, it has not undertaken recent traffic modelling outside of Bexhill area, so has not considered the use of base flow data. Rather, it draws on the most recent traffic survey results from East Sussex County Council.
- 2.18 Mid Sussex District Council reserves judgement in regards the approach set out above for the following reasons: Mid Sussex believes that this should be the most recent robust and validated data source and this may refer to more recent years.

### ***Trip Generation Methodology***

- 2.19 Use of TRICS<sup>7</sup> rates. TRICS is the national standard system of trip generation and analysis in the UK, and is used as an integral and essential part of the Transport Assessment process. The system allows its users to establish potential levels of trip generation for a wide range of development and location scenarios.

**Table 7: Signatory position on trip generation methodology**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		Natural England	
Lewes District Council			
Tunbridge Wells Borough Council			
Tandridge District Council			
Eastbourne Borough Council			
East Sussex County Council			
Crawley Borough Council			
Sevenoaks District Council			
West Sussex County Council			
Mid Sussex District Council			
Rother District Council			

<sup>7</sup> <http://www.trics.org/>

- 2.20 These named authorities agree with this approach for the following reasons. The approach outlined above is supported on the basis that TRICS is the most robust available system for LPAs to use in their respective modelling exercises.

***Demand changes assessed in study***

- 2.21 The demand changes assessed are housing and employment. Employment figures are either provided directly by the local authority or TEMPRO includes allowances for growth in jobs. Housing numbers are identified using the methodology set out in paragraphs 2.5 and 2.8 of this SCG. These are per annum based on Local Plans, or alternatively Objectively Assessed Need (as agreed in this Statement) to be used in the National Trip End Model Program (TEMPRO). The growth rate is adjusted according to each scenario as appropriate.

**Table 8: Signatory position on the demand changes assessed in study**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		Natural England	
Lewes District Council			
Tunbridge Wells Borough Council			
Eastbourne Borough Council			
Sevenoaks District Council			
Tandridge District Council			
West Sussex County Council			
Crawley Borough Council			
Mid Sussex District Council			
Rother District Council			
East Sussex County Council			

- 2.22 The named authorities agree with this approach for the following reasons. TEMPRO is an industry standard database tool across Great Britain, provided by the Department for Transport and therefore forecasting using TEMPRO has a high degree of consistency. TEMPRO can be adjusted with emerging plan figures (as agreed in this Statement) to reflect the latest updates in expected growth.

***Forecasting Growth***

- 2.23 There are two key elements to the forecasting of growth arising from Local Plans:
- In combination assessment of the proposed Local Plan with other plans. For this the 'Do Something' (i.e. the proposed Local Plan) compared with the Base (i.e. all expected traffic growth over the assessment period).
  - The relative contribution of the Local Plan in question to that in combination change. This is difference between Do Something (i.e. with Local Plan) and Do Nothing (without the

Local Plan). To forecast the 'Do nothing' background growth, which is the likely growth of traffic to arise without the proposals set out in the development plan being assessed, the current issued version of TEMPRO available at the date of commencing transport study work is used. TEMPRO is based on a combination of trend based and plan based forecasting, including growth totals for households and jobs at Local Planning Authority level from adopted Local Plans at the time when updating started for the TEMPRO version being used. TEMPRO does not assume that specific housing or employment site allocations or planning consents do or do not go ahead. The difference between the 'Do Nothing' scenario and the scenario which includes the development plan being assessed, shows the relative contribution of that development plan to changes in traffic movements.

**Table 9: Signatory position on forecasting background growth**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		Natural England	Mid Sussex District Council
East Sussex County Council			
Tandridge District Council			
Lewes District Council			
Eastbourne Borough Council			
Sevenoaks District Council			
West Sussex County Council			
Crawley Borough Council			
Tunbridge Wells Borough Council			
Rother District Council			

- 2.24 The named authorities agree with this approach for the following reasons: The approach outlined above follows a logical, clear and robust methodology and uses TEMPRO - an industry standard database tool across Great Britain and therefore forecasting using TEMPRO has a high degree of consistency. It shows the predicted in combination growth of a Local Plan with other plans and projects along with the predicted relative contribution of that Local Plan to any change.
- 2.25 Mid Sussex District Council reserves judgement in regards the approach set out above for the following reasons: Mid Sussex agrees with the use of TEMPRO as a source of basic growth assumptions, but suggests that care is needed in the specification of the 'do nothing' or reference case and development plan case.

## Air quality calculations

- 2.26 The key features of the air quality calculations methodology are set out in Appendix 6 of this Statement. The AFWG has discussed the following elements of air quality calculations, which are used to support the air quality HRA work and agree/disagree with the following:

**Chemicals monitored and assessed in forecasting**

- 2.27 Nitrogen oxides (NO<sub>x</sub> which includes nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>)), Nitrogen deposition (N), Acid Deposition, and ammonia (NH<sub>3</sub>). The chemicals listed here (excluding ammonia) are those included within the standard methodology<sup>8</sup>.

**Table 10: Signatory position on the chemicals to be monitored and assessed in forecasting**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	
Lewes District Council		West Sussex County Council	
Eastbourne Borough Council			
Natural England			
Crawley Borough Council			
Sevenoaks District Council			
Tunbridge Wells Borough Council			
Rother District Council			
Tandridge District Council			
Mid Sussex District Council			

- 2.28 The named authorities agree with this approach for the following reasons. The approach outlined above is based on the industry standard methodology. Ammonia is agreed to be included as best practice going forward in assessment of Ashdown Forest on the basis of specific suitable evidence available.
- 2.29 These named authorities have no position in regards to this approach for the following reasons:
- West Sussex County Council: WSCC are not actively involved in this work to date.
  - East Sussex County Council: ESCC are not actively involved in this work to date.

**Conversion rates from NO<sub>x</sub> to N**

- 2.30 This process involves two stages. Firstly, NO<sub>x</sub> to NO<sub>2</sub> conversion is calculated using Defra's NO<sub>x</sub> to NO<sub>2</sub> calculator. Secondly, for N deposition, the NO<sub>2</sub> value is multiplied by 0.1, as set

<sup>8</sup> Design Manual for Roads and Bridges, Chapter 11, Section 3, Annex F



out in the Design Manual for Roads and Bridges<sup>9</sup> (DMRB) guidance. The multiplication of NO<sub>x</sub> concentrations by a factor is a standard approach set out in DMRB and in Environment Agency guidance<sup>10</sup> or as provided in updated guidance.

**Table 11: Signatory position on conversion rates from NO<sub>x</sub> to N**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		West Sussex County Council	Mid Sussex District Council
Lewes District Council		East Sussex County Council	
Eastbourne Borough Council			
Crawley Borough Council			
Natural England			
Sevenoaks District Council			
Tandridge District Council			
Tunbridge Wells Borough Council			
Rother District Council			

- 2.31 The named authorities agree with this statement for the following reasons. The approach outlined follows established guidance as set out in the Design Manual for Roads and Bridges and by the Environment Agency.
- 2.32 These named authorities have no position in regards to this approach for the following reasons:
- West Sussex County Council: WSCC are not actively involved in this work to date
  - East Sussex County Council: ESCC are not actively involved in this work to date.
- 2.33 Mid Sussex District Council reserves position in regards the approach set out above for the following reasons: Mid Sussex reserves its position and will take advice from its advisors on this issue at the point of future assessment.

### **Background improvement assumptions**

- 2.34 The only Government guidance on this issue (from Defra and DMRB) indicates that an improvement in background concentrations and deposition rates of 2% per annum should be assumed. However, the modelling undertaken by AECOM takes a more cautious approach. Improvements in background concentrations and emission rates follow Defra/DMRB assumed improvements up to 2023, but with background rates/concentrations then being frozen for

<sup>9</sup> The Design Manual for Roads and Bridges:

<http://www.standardsforhighways.co.uk/ha/standards/dmr/index.htm>

<sup>10</sup> Environment Agency. (2011). *Air Quality Technical Advisory Group 06 - Technical guidance on detailed modelling approach for an appropriate assessment for emissions to air.*

the remainder of the plan period. This is considered a realistic worst case and, averaged over the plan period, is in line with known trends in nitrogen deposition.

**Table 12: Signatory position on background improvement assumptions set out in paragraph 2.39**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	Mid Sussex District Council
Lewes District Council		West Sussex County Council	
Tandridge District Council		Crawley Borough Council	
Eastbourne Borough Council			
Natural England			
Sevenoaks District Council			
Tunbridge Wells Borough Council			
Rother District Council			

2.35 The named authorities agree with this statement for the following reasons: The approach outlined above is considered robust and reasonable. It takes a precautionary approach using a realistic worst case scenario. There is a long history of improving trends in key pollutants (notably NO<sub>x</sub>) and in nitrogen deposition rates, and there is no reason to expect that will suddenly cease; on the contrary, there is every reason to expect the rate of improvement to increase as more national and international air quality improvement initiatives receive support.

2.36 These named authorities have no position in regards to this approach for the following reasons:

- Crawley Borough Council; the evidence to support the adopted Local Plan screened out the need to undertake an air quality assessment and therefore Crawley has no position as we have not commissioned expertise
- West Sussex County Council: WSCC are not actively involved in this work to date.
- East Sussex County Council: ESCC are not actively involved in this work to date.

2.37 Mid Sussex District Council reserves position in regards the approach set out above for the following reasons: Mid Sussex reserves its position and will take advice from its advisors on this issue at the point of future assessment.

### ***Rate of dispersal from the road***

2.38 The use of the dispersion model ADMS-Roads, by Cambridge Environmental Research Consultants, calculating at varied intervals back from each road link from the centre line of the road to 200m, with the closest distance being the closest point to the designated sites to the road.

**Table 13: Signatory position on the rate of dispersal from the road used**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	Mid Sussex District Council
Lewes District Council		West Sussex County Council	
Tandridge District Council			
Eastbourne Borough Council			
Natural England			
Crawley Borough Council			
Sevenoaks District Council			
Tunbridge Wells Borough Council			
Rother District Council <sup>11</sup>			

- 2.39 The named authorities agree with this statement for the following reasons: This approach follows the Department of Transport's Transport Analysis Guidance which advises "Beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant". In modelling work undertaken for the HRA for the South Downs Local Plan and Lewes District Local Plan, modelled transects show that NO<sub>x</sub> concentrations and nitrogen deposition rates are forecast to fall to background levels well before 200m from the roadside, therefore there is no value in extending transects any further.
- 2.40 These named authorities have no position in regards to this approach for the following reasons:
- West Sussex County Council: WSCC are not actively involved in this work to date
  - East Sussex County Council: ESCC are not actively involved in this work to date.
- 2.41 Mid Sussex District Council reserves position in regards the approach set out above for the following reasons: Mid Sussex reserves its position and will take advice from its advisors on this issue at the point of future assessment.

***Type of habitat included in the assessment e.g. woodland and heathland***

- 2.42 Taking the precautionary approach it is assumed that pristine heathland (the SAC feature) is present, or could be present in the future, at any point on the modelled transects irrespective of existing habitat at that location. However, it is recognised that in practice there are affected areas in which heathland is not present and may never be present (as outlined by Natural England below) and this would need including in ecological interpretation of results'.

<sup>11</sup> RDC's position is one of agreement, on the express basis (perhaps as a footnote) that this is accepted as being the reasonable the position of Natural England, as the Government's advisors.

**Table 14: Signatory position on the type of habitat included in the assessment**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	
Tandridge District Council		West Sussex County Council	
Lewes District Council			
Eastbourne Borough Council			
Natural England			
Crawley Borough Council			
Tunbridge Wells Borough Council			
Sevenoaks District Council			
Rother District Council <sup>12</sup>			
Mid Sussex District Council			

2.43 Natural England add: This is an appropriate method for screening but on the ground it is rarely the case that all areas of a designated site will include all designated features. There are a number of reasons for this; sometimes features are SSSI notified but not part of the SAC/SPA notification and often a site boundary runs to a recognisable feature such as a field boundary or road for practicality reasons. Therefore areas of site may be considered site fabric as they do not contain and never will contain notified features of an N2K designation. This is something that is considered on a site by site basis dependant on specifics and on conservation objectives. If required the “on the ground” characteristics may be used for more detailed screening or if further assessment is required to ascertain whether plans or projects will have an adverse effect on the integrity of the site.

2.44 The named authorities agree with this statement for the following reasons. The approach outlined above takes an appropriate, precautionary and practical approach in modelling and ecological interpretation.

2.45 These named authorities have no position in regards to this approach for the following reasons:

- West Sussex County Council are not actively involved in this work to date
- East Sussex County Council are not actively involved in this work to date.

### **Ecological Interpretation**

2.46 The section covers principles and methodology for the interpretation of the air quality modelling work to understand the impact of air quality changes on the ecology of Ashdown Forest SAC.

<sup>12</sup> <sup>12</sup> RDC’s position is one of agreement, on the express basis (perhaps as a footnote) that this is accepted as being the reasonable the position of Natural England, as the Government’s advisors.

- 2.47 The development of dose-response relationships for various habitats<sup>13</sup> clarifies the rate of additional nitrogen deposition that would result in a measurable effect on heathland vegetation, defined as the loss of at least one species from the sward. For lowland heathland it is indicated that deposition rates of c. 10-15kgN/ha/yr (representative of the current and forecast future deposition rates using background mapping) an increase of 0.8-1.3kgN/ha/yr would be required for the loss of one species from the sward<sup>14</sup>. The sites covered in the research had a range of different 'conditions' but the identified trends were nonetheless observable. The fact that a given heathland site may not have been included in the sample shouldn't be a basis for the identified trend to be dismissed as inapplicable. On the contrary, the value of the dose-response research is precisely in the fact that it covered a range of sites, subject to a mixture of different influences, meaning that consistent trends were identified across sites despite differing conditions at the sites involved. Based on the consistent responses (in terms of trend) across the range of habitats studied there is no reason why the identified trends (which have been identified as applying to bogs, lowland heathland, upland heathland, dunes and a range of other habitats) should not apply to all types of heath.
- 2.48 There is a legal need to consider/identify whether there is an 'in combination' effect. However, there is no automatic legal assumption that all contributors to any effect must then mitigate/address their contribution, no matter how small. Not all contributors to an effect will be equal. Far more likely is that there will be a small number of contributors who are responsible for the majority of the exceedance. The identification of those contributors who need to mitigate must be ultimately based on whether mitigating/removing their specific contribution will actually convey any protection to the European site in terms of achieving its conservation objectives (since this is the purpose of the Habitats Directive) and/or whether mitigating the contribution of certain contributors to any effect will sufficiently mitigate that effect.
- 2.49 Within the context of a forecast net improvement in nitrogen deposition, rather than a forecast net deterioration, available dose-response data make it possible to gauge whether the air quality impact of a given plan is not just of small magnitude (which could still meaningfully contribute to an effect 'in combination') but of such a small magnitude that its contribution may exist in theory (such as in the second decimal place of the air quality model) but not in practice on the ground. Such a plan would be one where it could be said with confidence that: (a) there would not be a measurable difference in the vegetation whether or not the plan proceeded, and (b) there would not be a measurable effect on the vegetation whether or not the contribution of the plan was 'mitigated' (i.e. reduced to the extent that it did not appear in the model at all). It would clearly be unreasonable to claim that such a plan would cause adverse effect 'in combination' or that it should be mitigated.

---

<sup>13</sup> Caporn, S., Field, C., Payne, R., Dise, N., Britton, A., Emmett, B., Jones, L., Phoenix, G., S Power, S., Sheppard, L. & Stevens, C. 2016. Assessing the effects of small increments of atmospheric nitrogen deposition (above the critical load) on semi-natural habitats of conservation importance. Natural England Commissioned Reports, number 210.

<sup>14</sup> The cited rates are presented Table 21, page 59 of Caporn et al 2016, to illustrate the trends identified (which apply not just to species richness but, as illustrated by other tables in the same report, to other parameters). That table states that at a background rate of 10kgN/ha/yr an additional 0.3 kgN/ha/yr was associated with a reduction in species richness of '1' in lowland heathland sites. At a background rate of 15kgN/ha/yr the same effect was associated with an incremental increase of 1.3 kgN/ha/yr.

**Table 15: Signatory position on ecological interpretation as part of assessments**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		West Sussex County Council	
Lewes District Council		East Sussex County Council	
Tandridge District Council			
Eastbourne Borough Council			
Natural England			
Crawley Borough Council			
Tunbridge Wells Borough Council			
Sevenoaks District Council			
Rother District Council <sup>15</sup>			
Mid Sussex District Council			

2.50 These named authorities agree with this opinion for the following reasons: The approach outlined above takes an appropriate, precautionary and practical approach in modelling and ecological interpretation.

2.51 These named authorities have no position in regards to this approach for the following reasons:

- West Sussex County Council are not actively involved in this work to date.
- East Sussex County Council are not actively involved in this work to date.

### **Need for mitigation or compensation measures**

2.52 The AFWG has discussed the possible findings of air quality work currently being undertaken, including the potential need for mitigation or compensation for air quality impacts associated with growth identified in Local Plans.

2.53 At present, published HRAs for adopted or emerging Local Plans have not concluded that mitigation or compensation is currently required. However, it is also recognised that the outcomes of ongoing technical modelling and assessments cannot be predicted or pre-determined. In this light, the AFWG recognises the value of early discussion of as a ‘back-pocket’ exercise, just in case they subsequently prove necessary. It is emphasised that initial suggestions and consideration of potential mitigation/solutions/compensation should not be interpreted as either a recognition that they will prove necessary, nor as a commitment to eventually pursuing such measures.

<sup>15</sup> <sup>15</sup> RDC’s position is one of agreement, on the express basis (perhaps as a footnote) that this is accepted as being the reasonable the position of Natural England, as the Government’s advisors.

- 2.54 It is recognised that Wealden District Council as the SAC host, and Natural England, will necessarily have the key lead roles in identifying potential mitigations and/or compensation to benefit the SAC, although all parties may contribute. It is agreed to maintain a table of mitigation options in a transparent manner on an ongoing basis. This should enable all parties to be fully prepared for the possibility of needing to address effects on the SAC, enabling them to do so (if required) without causing undue delay to the planning process.

**Table 16: Signatory position with regard to the need for mitigation or compensation measures**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority		East Sussex County Council	
Sevenoaks District Council		West Sussex County Council	
Lewes District Council			
Eastbourne Borough Council			
Tandridge District Council			
Tunbridge Wells Borough Council			
Crawley Borough Council			
Natural England			
Rother District Council			
Mid Sussex District Council			

- 2.55 These named authorities have no position in regards to this opinion for the following reasons:
- West Sussex County Council are not actively involved in this work to date.
  - East Sussex County Council are not actively involved in this work to date.

### **3. Actions going forward**

- 3.1 The members of the AFWG will continue to work together constructively, actively and on an on-going basis toward a consensus on the matter of air quality impacts on Ashdown Forest SAC associated with growth identified in Local Plans. The AFWG will continue to share evidence and information, and will work cooperatively together to discuss potential mitigation measures just in case need for these should arise, and will consider other measures to reduce the impact of nitrogen deposition around the Forest as matter of general good stewardship.
- 3.2 The Government consultation document 'Planning for the right homes in the right places' proposes as a minimum that SCG will need to be updated each time a signatory authority reaches a key milestone in the plan making process. The AFWG recognises that this SCG will need to be updated regularly in line with emerging Government policy and in order to reflect emerging evidence and established knowledge of air quality impact on European nature conservation designations.



**Table 17: Signatory position on actions going forward for the AFWG**

Agree	Disagree	No Position	Reserve judgement
South Downs National Park Authority			
Sevenoaks District Council			
Tandridge District Council			
Lewes District Council			
East Sussex County Council			
Eastbourne Borough Council			
Crawley Borough Council			
Natural England			
West Sussex County Council			
Tunbridge Wells Borough Council			
Rother District Council			
Mid Sussex District Council			

#### **4. Summary conclusions**

- 4.1 This Statement of Common Ground has been signed by the following authorities and will be submitted by the SDNPA as part of the evidence base supporting the South Downs Local Plan in April 2018.

Signature:

Logo:

Date: 12/04/2018
Position: Director of Planning
Authority: South Downs National Park Authority

Signature

Logo:

Date 03/04/2018
Position: Head of Planning (Officer)
Authority: Lewes District and Eastbourne Borough Councils

Signature:



Logo:

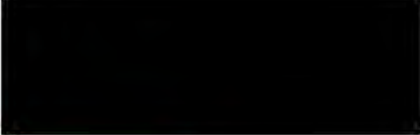

Date: 09/04/2018
Position: Head of Strategic Housing and Planning Services (Officer)
Authority: Crawley Borough Council

Signature :

Logo:

Date: 12/04/2018
Position: Chief Executive
Authority: Mid Sussex District Council


Signature:

Logo:

Date: 04/04/2018
Position: Head of Planning & Environment
Authority: East Sussex County Council

Signature:

Logo:

Date 09/04/2018
Position: Sustainable Development Senior Adviser - Sussex and Kent Team
Organisation: Natural England

Signature:

Logo:

Date: 12/04/2018
Position: Director of the Strategy & Planning Service
Authority: Rother District Council

Signature:

Logo:

Date: 03/04/2018
Position: Head of Planning and Transportation
Authority: Tunbridge Wells Borough Council

Signature:

Logo:

Date: 06/04/2018
Position: Chief Planning Officer
Authority: Sevenoaks District Council

Signature:

Logo:

Date: 09/04/2018
Position: Head of Planning Services
Authority: West Sussex County Council

Signature:

Logo:

Date: 30/03/2018
Position: Strategic Director of Place
Authority: Tandridge District Council

## **Appendix I: Ashdown Forest SAC Reasons for Designation**

The text below is extracted from the Habitats Regulations Assessment for the Pre-submission South Downs Local Plan, published for consultation in September 2017.

### **I.1 Introduction**

Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England, with both European dry heaths and, in a larger proportion, wet heath.

### **I.2 Reasons for Designation**

#### SAC criteria

The site was designated as being of European importance for the following interest features:

Wet heathland and dry heathland

Great crested newts

### **I.3 Historic Trends and Current Pressures**

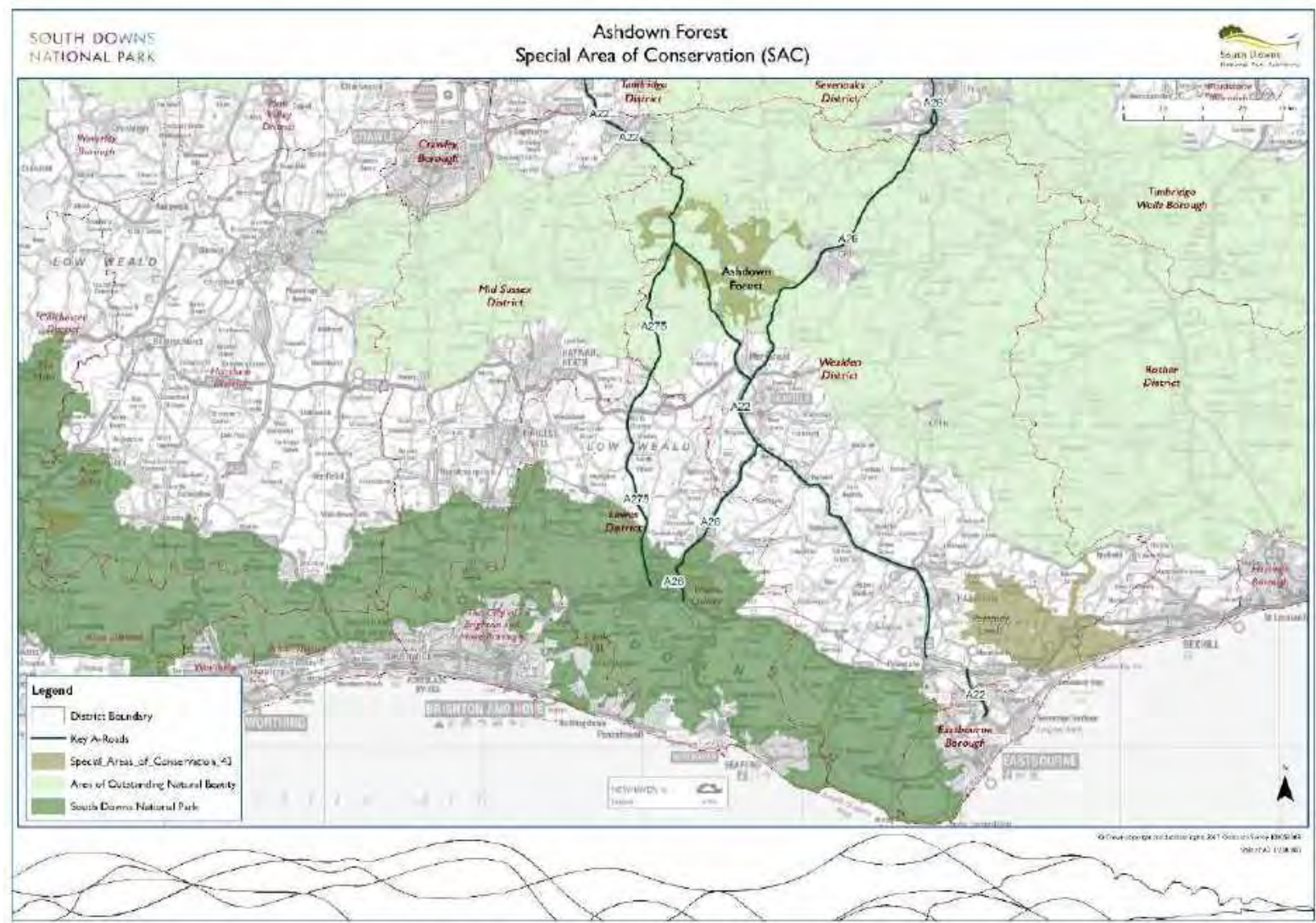
During the most recent condition assessment process, 99% of the SSSI was considered to be in either 'favourable' or 'unfavourable recovering' condition.

The following key environmental conditions were identified for Ashdown Forest SAC/SPA:

- Appropriate land management
- Effective hydrology to support the wet heathland components of the site
- Low recreational pressure
- Reduction in nutrient enrichment including from atmosphere.



Appendix 2: Map of Ashdown Forest



### **Appendix 3: Notes from Ashdown Forest Working Group meetings: May 2017 to January 2017**

These meeting notes are a summary of officer discussions. The SCG sets out the final positions of each of the signatory organisations at the time of signing and where there are discrepancies the SCG takes precedence.

NOTES OF MEETING ASHDOWN FOREST 10:00 AM, 9<sup>TH</sup> MAY 2017 EASTERN AREA OFFICES,  
STANMER PARK, BRIGHTON & HOVE

Attendees:

Marian Ashdown (MA) – Natural England  
 Marina Briggishaw (MB) – Wealden District Council  
 Sharon Evans (SE) - Tunbridge Wells Borough Council  
 Jennifer Hollingum (JH) - Mid Sussex District Council  
 Ellen Reith (ER) – East Sussex County Council  
 Kelly Sharp (KS) – Wealden District Council  
 Tondra Thom (TT) – Lewes and Eastbourne Councils  
 Sarah Thompson (ST) – Tandridge District Council  
 Chris Tunnell (CT) – Mid Sussex District Council  
 Lucy Howard (LH) – South Downs National Park Authority  
 Sarah Nelson (SN) - South Downs National Park Authority  
 Kate Stuart (KS) - South Downs National Park Authority  
 Alma Howell (AH) - South Downs National Park Authority

<p><b>1. Introductions and Reasons for Meeting</b></p> <p>LH outlined the aims of this meeting which are to discuss:</p> <ul style="list-style-type: none"> <li>• agreeing to work collaboratively on the issues;</li> <li>• agreeing to share information and existing work to assist in traffic modelling for HRA work;</li> <li>• setting up a working group.</li> </ul>	<p><b>Actions</b></p>
<p><b>2. Key stages with Local Plans and HRA timetables</b></p> <p>SDNPA's Local Plan - Pre-Submission Consultation in September 2017          Tunbridge Wells Local Plan - Issues and Options consultation this Autumn          Wealden Local Plan - Pre-Submission Consultation this Autumn          Lewes Local Plan Part 2 – Allocations and DM Policies - Pre-Submission Consultation this Autumn          Tandridge Local Plan - Pre-submission public consultation early next year          Mid Sussex Local Plan – At Examination</p>	

<p><b>3. Moving on from High Court Decision</b></p> <p>LH highlighted that we now need to draw a line under the High Court decision as there will be no appeals or cross appeals. She explained that the group should agree to move forward together to address in combination effects of traffic generation on Ashdown Forest SAC and other affected SAC's.</p>	<p>All agreed to acknowledge the ruling and agreed to move forward together to address the in combination effects of traffic generation on Ashdown Forest SAC and other SACs</p>
<p><b>4. Wealden DC's latest work on HRA and Ashdown Forest</b></p> <p>LH introduced this item explaining that WDC had undertaken a large amount of work on this matter and that it would be very useful to the group if WDC could set out the main studies, timetables and output for this work. This is because all local authorities affected by this issue need to be broadly using the same information and working from the same base conditions.</p> <p>MB and KS outlined the work that Wealden had undertaken over the last four years which includes air pollution monitoring on the forest, traffic monitoring, ecology work and transport modelling of future scenarios looking at Wealden's growth alone and in combination with other local authorities. MB agreed to set out in an email to the group the methodologies of the work undertaken so far.</p> <p>LH also mentioned the email that David Scully from Tunbridge Wells had sent to her in advance of the meeting raising a number of technical questions with regards to Wealden's work. MB agreed to try and answer the queries if the email could be sent directly to her and she would copy her response to all. It was also suggested that it would be helpful if this email also explained the issue with using 1000 AADT as the threshold rather than 1% process contribution.</p>	<p>MB to send an email to all setting out the details of methodology of work undertaken so far.</p> <p>LH to send David Scully's email to MB and cc all</p> <p>MB to reply including in her response the issue re:1000 AADT and cc all</p> <p>.</p>
<p><b>5. Natural England's latest work on air quality methodology for HRA's</b></p> <p>MA explained that in combination effects relating to air pollution on SAC's are complex and widespread and that this is a national issue and a priority for NE. NE has set up a project group to look specifically at this issue in relation to all protected sites in the South East that have exceeded their critical load. New internal guidance is being prepared to help NE specialists provide advice to local authorities undertaking HRA's and will be available in mid-June. This will include where to obtain data, habitat trends, APIS information etc. as well as guidance on policy, avoidance and compensatory measures. The group agreed that it would be useful if some of this information could be sent directly to them.</p> <p>MA questioned why Rother had not been included in this group. It was agreed that Rother, Crawley and Brighton and Hove should be included. MB agreed to check with their consultants where they felt the main traffic movements were occurring and which authorities were affected.</p>	<p>MA to send to group useful information from this guidance</p> <p>LH to invite Rother, Crawley and B&amp;H to be part of group and attend future meetings.</p>



	MB to check with consultant s which other local authorities are likely to be affected by this issue
<p><b>6. Sharing and Understanding evidence</b></p> <p>LH said that we need to share what information we have and need.</p> <p>The first year of Wealden's air pollution monitoring baseline data is in the public domain. Wealden are unable to share other year's data and outcomes at the present time as they need to be sure, before it enters the public arena, that it is robust and the peer review has been completed. The peer review of this work is being undertaken by academics at The Centre of Hydrology and Ecology. A report setting out the results of this work would likely be published in July/August of this year. Wealden are willing to give raw data to Natural England for their specialist to interpret. NE will specify what they need to MB/KS who will endeavour to provide this.</p> <p>Mid Sussex has used the West Sussex Transport Model and TEMPRO data to assess in combination effects. They are looking at possible areas of the District where development here would not generate traffic on Ashdown Forest.</p>	<p>LH to circulate table to ascertain who has what information</p> <p>MA to speak to NE's air pollution specialists to identify what data they need. MA then to email MB/KS who will supply the data and cc the group</p>
<p><b>7. Policy solution options to Nitrogen deposition</b></p> <p>The group discussed possible wider longer term solutions such as the creation of a Low Emission Zone and improvements to A27.</p> <p>MA explained that NE wished to encourage the creation of Shared Nitrogen Action Plans (SNAPs) which is something this group could establish and lead on as a way of reducing background levels of Nitrogen. The biggest contributor to nitrogen deposition on the Ashdown Forest is agriculture. All agreed that this would be a useful way forward for the group and would highlight that the local authorities were working collaboratively and identifying solutions. Developer contributions could be used to fund projects identified from this to reduce Nitrogen levels</p> <p>JH highlighted that there was some information on SNAPs on the NE website and she would send the links to this to the group.</p>	<p>JH to send web link to SNAPs to group.</p> <p>All agreed that this group should establish a SNAP as a way forward and longer term solution</p>
<p><b>8. Working Collaboratively as an Officer Group</b></p> <p>All agreed that the setting up of this group was extremely useful and that we should meet monthly. SDNPA would service the group in terms of chair, agenda and minutes. The venue would alternate between Stanmer and Mid Sussex and possibly a community centre in Wealden. MA explained that Tuesdays were not a good day for her to meet and the group proposed Wednesday as an alternative.</p>	<p>All agreed to set up a working group on Ashdown Forest</p> <p>SDNPA to send out notes of meeting and make arrangements for next monthly meeting.</p>

<p>In terms of cross boundary working and Member Briefing it was felt that the East Sussex Local Planning Managers Group and East Sussex Strategic Planning Members Group might be useful bodies to report to. However it was recognised that Mid Sussex, Tandridge and Tunbridge Wells were not members of these groups. It was important that officers reported back to their own members.</p>	
<p><b>9. AOB</b> CT raised the issue of current planning applications that are caught by the High Court Ruling and whether Grampian conditions might be a way forward. MB suggested that this should only be considered once an HRA of the application had been carried out. However in the first instance she advised that a legal opinion should be sought.</p>	

NOTES OF MEETING ASHDOWN FOREST 10:00 AM, 21<sup>st</sup> JUNE 2017 EASTERN AREA OFFICES,  
STANMER PARK, BRIGHTON & HOVE

Attendees:

Marian Ashdown (MA) – Natural England  
 Marina Briginshaw (MB) – Wealden District Council  
 Sharon Evans (SE) - Tunbridge Wells Borough Council  
 Hannah Gooden (HG) – Sevenoaks District Council  
 Lucy Howard (LH) – South Downs National Park Authority  
 Pat Randall (PR) – East Sussex County Council  
 Ellen Reith (ER) – East Sussex County Council  
 Vivienne Riddle (VR) – Tandridge District Council  
 David Scully (DS) – Tunbridge Wells Brough Council  
 Kate Stuart (KS) - South Downs National Park Authority  
 Tondra Thom (TT) – Lewes and Eastbourne Councils  
 Sarah Thompson (ST) – Tandridge District Council  
 David Marlow (DM) - Rother District Council

<p><b>10. Introductions and reasons for meeting</b></p> <ul style="list-style-type: none"> <li>Group introduced themselves and welcomed new attendees.</li> </ul>	<p><b>Actions</b></p>
<p><b>11. Minutes and actions from last meeting</b></p> <p>Group went through the minutes to check actions were completed. Key updates to note:</p>	<ul style="list-style-type: none"> <li>LH to ask Mid Sussex for contact at Crawley</li> <li>LH to invite West Sussex County</li> </ul>

<ul style="list-style-type: none"> <li>• Natural England Guidance – not yet available as it is still being developed. The internal guidance document will be made available to staff at Natural England and it is hoped that the salient points can be picked out in order to assist LPAs with their Appropriate Assessments.</li> <li>• Attendees of the group – agreed that Crawley, Brighton (Steve Tremlett suggested as contact point) and West Sussex to be invited to the group, and that Kent and Surrey County Councils should be made aware of the group.</li> <li>• Evidence table (outlines the evidence held by authorities which are part of the group) – agreed that completing this now is premature as there is a lot of evidence/assessment currently being undertaken/finalised. Agreed that it should be filled out in the autumn.</li> <li>• NE were to make a detailed request to WDC about what data they would like to see – NE and WDC are in discussion.</li> </ul>	<p>Council and Brighton to next meeting</p> <ul style="list-style-type: none"> <li>• LH to make Kent and Surrey County Councils aware of the group</li> </ul>
<p><b>12. Legal advice sought on Ashdown Forest</b></p> <ul style="list-style-type: none"> <li>• Legal advice already sought by TWBC.</li> <li>• Technical advice intended to be sought by WDC (primarily to do with PDL) and also LDC and SDNPA.</li> <li>• Advised that the latest position from Mid Sussex is available on their website. MSDC hearings regarding Ashdown Forest to be held on 24/25<sup>th</sup> July.</li> </ul>	<ul style="list-style-type: none"> <li>• LH to share QC comments on Ashdown Forest from the Minerals Conference</li> <li>• ALL – those getting legal advice to share the gist of that advice with the group.</li> </ul>
<p><b>13. Air quality and traffic modelling updates</b></p> <ul style="list-style-type: none"> <li>• All agreed in principle to use broadly the same modelling approach (other than WDC as already progressed with own model).</li> <li>• All agreed in principle to share data to ensure consistency of inputs in models.</li> <li>• It is noted that all except WDC and MSDC are using AECOM for HRA work.</li> <li>• Discussed at what point development levels are taken into account – adoption/submission/publication? It was noted that TEMPRO uses growth figures as of 2014 TEMPRO can be adjusted to take into account subsequent Local Plan proposals.</li> <li>• It was noted that WDC have assessed all roads across Ashdown Forest, not just A roads.</li> <li>• It was commented that using travel to work data in the model may underestimate movements and therefore the associated impact of visitor numbers.</li> <li>• WDC do not have a date for the release of their HRA work – likely end of August.</li> </ul>	<ul style="list-style-type: none"> <li>• ALL – agreed to share data inputs for model.</li> <li>• LDC/SDNPA ask James Riley re. impact of visitors.</li> </ul>
<p><b>14. Progress with Local Plans</b></p> <ul style="list-style-type: none"> <li>• All progressing with Local Plans as per previous meeting.</li> <li>• WDC advised there is a delay in their timetable. WDC are looking to commence pre-submission consultation by the end of the year. WDC met with DCLG and had a positive meeting – no discussion of the phasing policy.</li> </ul>	
<p><b>15. Long term solutions including Strategic Nitrogen Action Plans (SNAP)</b></p>	

<ul style="list-style-type: none"> <li>Agreed that this item would be held until a future meeting once HRA work has been progressed by authorities and findings are available.</li> <li>Noted that Cath Jackson of NE is to be covering Ashdown Forest. Cath Jackson will be at the next meeting and a possible SNAP could be discussed then.</li> <li>There was a discussion about SNAP. NE advise that SNAP is not suitable as mitigation because it doesn't have sufficient certainty.</li> </ul>	
<p><b>16. Wealden DC to provide an update on their transport model</b></p> <ul style="list-style-type: none"> <li>Technical note on transport model circulated to authorities for their information. Update now received which looks at contribution from other authorities. WDC advise they are happy to circulate update.</li> </ul>	MB – circulate update to office group.
<p><b>17. AOB</b></p> <ul style="list-style-type: none"> <li>WDC noted that there is an article in the HRA Journal that may be of interest which queries the 1%. Advised that the journal is subscription only.</li> <li>WDC advise they are happy to share evidence individually with authorities, but also advise that some evidence is not yet feasible to share.</li> <li>Agreed that the next meeting would be in August and held at MSDC offices in Haywards Heath.</li> </ul>	LH – arrange next meeting for August JH – arrange meeting room at MSDC offices in Haywards Heath.

NOTES OF MEETING ASHDOWN FOREST 10:00 AM, 30<sup>th</sup> AUGUST 2017 MID SUSSEX DISTRICT COUNCIL, HAYWARDS HEATH

Attendees:

Marian Ashdown (MA) – Natural England (NE)

Marina Briggishaw (MB) – Wealden District Council (WDC)

Kelly Sharp (KS) – Wealden District Council

Nigel Hannam (NH) – Wealden District Council

Hannah Gooden (HG) – Sevenoaks District Council

Jennifer Hollingum (JH) – Mid Sussex District Council (MSDC)

Lucy Howard (LH) – South Downs National Park Authority

Katharine Stuart (KS) – South Downs National Park Authority

David Marlow (DM) – Rother District Council

Ellen Reith (ER) – East Sussex County Council (ESCC)

Edward Sheath (ES) – East Sussex County Council

David Scully (DS) – Tunbridge Wells Borough Council (TWBC)

Aidan Thatcher (AT) – Lewes and Eastbourne Councils

Tondra Thom (TT) – Lewes and Eastbourne Councils (LDC)

Roger Comerford (RC) – Tandridge District Council

Ian Bailey – Tonbridge & Malling Borough Council

AGENDA ITEM	ACTION
<p><b>18. Introductions and minutes from last meeting</b></p> <ul style="list-style-type: none"> <li>Group introduced themselves and welcomed new attendees.</li> <li>LH apologised for the lateness in sending out the minutes. Two corrections were agreed and revised minutes to be circulated. The following actions were still noted as outstanding: <ul style="list-style-type: none"> <li>LH to contact Crawley BC, WSCC, Surrey CC and Brighton &amp; Hove CC</li> <li>Update on WDC transport model not yet published although a technical note is available on line<sup>16</sup>.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>LH to ask Mid Sussex for contact at Crawley</li> <li>LH to invite West Sussex County Council and Brighton to next meeting</li> <li>LH to make Kent and Surrey County Councils aware of the group</li> </ul>
<p><b>19. Wealden DC to provide update on air quality and ecology monitoring (MB)</b></p> <ul style="list-style-type: none"> <li>WDC have received draft air quality reports on Pevensey Levels and Lewes Downs</li> <li>WDC have received draft reports on air quality and ecology for Ashdown Forest. These are being checked through. Changes are needed to explain the outcomes from the model and statistical analysis more clearly.</li> <li>Once agreed with consultants WDC will share with NE.</li> <li>WDC committed to share with members of group after NE and before publication on website. This will hopefully be in September 2017.</li> <li>LH queried the background nitrogen deposition text to A22 which at 50kgN/ha/year is much higher than the Defra mapping levels. MB explained that the Defra figures are the average across the SAC, whereas the WDC figures are by 2metres squared, i.e. more finely grained analysis.</li> <li>NH explained that WDC and ESCC were working on expression of interest bids to the Housing &amp; Infrastructure Fund on the introduction of mitigation and compensatory work for Ashdown Forest. The focus would be on low emission zones. Support from members of the group would help the expression of interest. A very swift turn around on the bid is</li> </ul>	<ul style="list-style-type: none"> <li>WDC to share air quality and ecology monitoring first with NE then the wider group in September or shortly afterwards.</li> <li>NH/ES/LH to draft wording and circulate around the group for agreement.</li> </ul>

<sup>16</sup>

[http://www.wealden.gov.uk/Wealden/Residents/Planning\\_and\\_Building\\_Control/Planning\\_Policy/CoreStrategy/CoreStrategyLibrary/Planning\\_Evidence\\_Base\\_Habitat\\_Regulations\\_Assessment.aspx](http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/CoreStrategy/CoreStrategyLibrary/Planning_Evidence_Base_Habitat_Regulations_Assessment.aspx)

AGENDA ITEM	ACTION
required. The group agreed that this had to be very high level and not set out any detail.	
<p><b>20. Transport modelling and in combination assessments (JH)</b></p> <ul style="list-style-type: none"> <li>MSDC is updating their District Plan HRA following their Local Plan Hearings. MSDC is using the WSCC County Highways Model. The model takes account of background growth and growth in surrounding areas, using the National Trip End Model (NTEM) and TEMPRO assumptions. Amey are the consultants and JH will ask if data can be shared.</li> <li>Discussion on the correct figures to use, i.e. 876 or 1,090 dwellings for MSDC. The Inspector verbally agreed at the Hearings that there are grounds for adoption of the District Plan at 876 dwellings per year to 2023/24 and then a figure of 1,090 dwellings per year thereafter subject to the Habitats Regulations Assessment.</li> <li>It was agreed that we should agree all our housing figures to be used in our transport models in the statement of common ground.</li> <li>Discussion on TEMPro. This includes allocations and permissions but there is a gap 2014-2017. All authorities present are using TEMPro in their modelling work.</li> <li>Discussion on future NOx reductions. WDC are using figures different to Defra.</li> </ul>	<ul style="list-style-type: none"> <li>JH to query sharing traffic data with Amey</li> </ul>
<p><b>21. Brief updates with Local Plans and HRAs</b></p> <ul style="list-style-type: none"> <li>Covered elsewhere in meeting.</li> </ul>	
<p><b>22. A statement of common ground (SCG) on Ashdown Forest (LH)</b></p> <ul style="list-style-type: none"> <li>We all need to meet the Duty to Cooperate and engage constructively, actively and on an ongoing basis on strategic cross boundary issues. The officer working group is a good starting point and a SCG on Ashdown Forest would help to formalise and drive the work forward.</li> <li>LDC directors met with PAS who offered to work with the group on the statement. TT will progress with PAS.</li> <li>TWBC have drafted a bilateral statement between themselves and WDC and are awaiting WDC response. DS agreed to share with group.</li> </ul> <p>The following was agreed by the group:</p> <ul style="list-style-type: none"> <li>To be completed and agreed by January 2018</li> <li>It would set out matters that the group agreed and didn't agree on.</li> <li>It would cover air quality matters only and not other matters such as recreational pressure</li> <li>It would relate only to Ashdown Forest but there was the potential to replicate it for other international designations</li> <li>It would agree the methodology assumptions for transport and air quality</li> <li>It would agree housing numbers for all the LPAs to be used for traffic modelling</li> <li>It would agree to share evidence and findings</li> </ul>	<ul style="list-style-type: none"> <li>TT to contact PAS and invite to October meeting and find out level of support available</li> <li>DS to circulate draft statement of common ground</li> <li>NE to consider being a signatory</li> </ul>

AGENDA ITEM	ACTION
<ul style="list-style-type: none"> <li>• It would explain the role of the officer working group</li> <li>• It would cover planning policy and not planning applications. Neighbourhood plans would be covered under planning policy</li> <li>• NE to consider whether it should be a signatory. The feeling of the group was that NE is a very necessary partner to the statement</li> <li>• All LPAs present happy to progress and be signatory subject to content</li> </ul>	
<p><b>23. Update from Natural England (MA)</b></p> <ul style="list-style-type: none"> <li>• MA explained to the group that the guidance on HRAs was for internal use at NE. The group discussed that there was general confusion on the matter both at a local and national level.</li> </ul>	
<p><b>24. Current approach to planning applications (DS)</b></p> <ul style="list-style-type: none"> <li>• TWBC has received an objection to a planning application from WDC and have sought legal advice.</li> <li>• No other LPAs have received any objections</li> <li>• WDC confirmed that they are scrutinising weekly lists and objecting if an HRA has not been done when there is a net increase in traffic.</li> <li>• MSDC is undertaking a HRA screening for planning applications</li> <li>• WDC has not determined any planning applications that would result in a net increase in traffic. No appeals have been lodged on non-determination.</li> </ul>	
<p><b>25. AOB</b></p> <ul style="list-style-type: none"> <li>• NH said that a developer, planning agent and landowner stakeholder forum has been set up for Ashdown Forest and that WDC has been invited to the next meeting in September.</li> <li>• Next working group meeting to be held on 9<sup>th</sup> or 13<sup>th</sup> October.</li> </ul>	<p>LH – arrange next meeting for 9<sup>th</sup> or 13<sup>th</sup> October. JH – arrange meeting room at MSDC offices in Haywards Heath.</p>

NOTES OF MEETING ASHDOWN FOREST 10:00 AM, 13<sup>th</sup> OCTOBER 2017 MID SUSSEX DISTRICT COUNCIL, HAYWARDS HEATH

Attendees:

Marian Ashdown (MA) – Natural England (NE)

Kelly Sharp (KSh) – Wealden District Council (WDC)

Nigel Hannam (NH) – Wealden District Council

Jennifer Hollingum (JH) – Mid Sussex District Council (MSDC)

Lois Partridge (LP) – Mid Sussex District Council (MSDC)

Lucy Howard (LH) – South Downs National Park Authority (SDNPA)

Katharine Stuart (KSt) – South Downs National Park Authority

Ellen Reith (ER) – East Sussex County Council (ESCC)



Edward Sheath (ES) – East Sussex County Council

David Scully (DS) – Tunbridge Wells Borough Council

Hannah Gooden (HG) – Sevenoaks District Council

Tondra Thom (TT) – Lewes and Eastbourne Councils

Roger Comerford (RC) – Tandridge District Council

Guy Parfect (GP) – West Sussex County Council

Jenny Knowles (JK) – Tonbridge and Malling Borough Council

Stephen Barker (SB) – Planning Advisory Service (PAS)

AGENDA ITEM	ACTION
<p><b>1. Introductions and minutes from last meeting (LH)</b></p> <ul style="list-style-type: none"> <li>• Group introduced themselves and welcomed new attendees.</li> <li>• Run through of actions from previous meeting: <ul style="list-style-type: none"> <li>○ NH and ES: bid submitted by ESCC focussing on Hailsham linked to AF mitigation. Letter of support submitted. No response yet. ES will circulate documents. NH thanked group for support.</li> <li>○ Regarding HRA work undertaken by WDC, see below.</li> <li>○ RC queried if LPA contributions would be disaggregated. GP advises that this is problematic traffic may reroute differently.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• ES to circulate Expression of Interest documents to group</li> </ul>
<p><b>2. Wealden DC and Natural England to provide update on air quality and ecology monitoring (KS &amp; MA)</b></p> <ul style="list-style-type: none"> <li>• WDC have sent draft reports on Ashdown Forest SAC, Pevensey Levels SAC and Lewes Downs SAC to NE for their review.</li> <li>• These reports will be circulated to this officer group toward the end of week commencing 16th October 2017, and will be published on WDC website one week after circulation.</li> <li>• The work shared and published will be methodology and air quality work for Ashdown Forest – it will not include the ecology work as WDC have commissioned further work on this.</li> <li>• WDC has a DAS agreement with NE</li> <li>• NE will review the work produced by WDC and will include their in house air quality specialist.</li> <li>• KSh for WDC raised concerns regarding ammonia pollution arising from catalytic converters fitted to vehicles. MA notes that ammonia dissipates quickly.</li> </ul> <p>Discussion then began regarding Strategic Nitrogen Action Plans (SNAP):</p> <ul style="list-style-type: none"> <li>• MA confirmed that NE sees merit in a SNAP for Ashdown Forest. SNAP would reduce background nitrogen.</li> <li>• RC circulated a table of potential mitigation and solutions</li> </ul>	<ul style="list-style-type: none"> <li>• WDC to circulate reports to the officer group toward end of week commencing 16th October 2017.</li> <li>• LH to add SNAP to a future full officer group meeting (not SCG subgroup meeting).</li> <li>• MA to invite NE officer to SNAP meeting when date known.</li> <li>• MA to confirm that NE input into SNAP wouldn't be charged.</li> </ul>

<p>options, requesting that group members take shared ownership of this as a continuing 'live' piece of work, adding comments, updates and suggestions as they see fit. MA advise that the habitat management options would not be suitable as this would conflict with the reasons for the site designation. Other suggests could usefully feed into a SNAP. MA reiterated the key role of agriculture in the high background levels. To a lesser extent emissions from power stations on the continent also contribute. Noted that due to dispersal of pollution, Gatwick Airport was not a specific direct issue, rather a wider regional issue.</p> <ul style="list-style-type: none"> <li>• TT reiterated, and MA confirmed LPAs, take action based on their own relative contribution – process contribution.</li> <li>• Officer Group agrees to produce a SNAP. SNAP to be added to the agenda for a future meeting (full officer group meeting rather than SCG sub-group meetings).</li> <li>• Advisor for management of Ashdown Forest from NE to attend future SNAP meeting. Cath Jackson likely to not be</li> </ul>	
<p><b>3. Update on South Downs Local Plan, HRA and background paper (KSt)</b> Local Plan update</p> <ul style="list-style-type: none"> <li>• Reg 19 Pre-Submission South Downs Local Plan consultation began on 26th September. It will run for 8 weeks until 21st November.</li> </ul> <p>HRA work</p> <ul style="list-style-type: none"> <li>• Air quality Appropriate Assessment work is set out in two sections: <ul style="list-style-type: none"> <li>o Ashdown Forest: commissioned jointly with LDC and the methodology and results are set out in an addendum at the back of the report.</li> <li>o Other designations in and round the National Park: methodology is set out in section 2.6 and the results discussed in section 5.3.</li> <li>o Link to HRA: <a href="https://www.southdowns.gov.uk/wpcontent/uploads/2016/11/SDNPA-HabitatsRegulations-Assessment.pdf">https://www.southdowns.gov.uk/wpcontent/uploads/2016/11/SDNPA-HabitatsRegulations-Assessment.pdf</a></li> </ul> </li> <li>• Methodology: In-combination assessment undertaken using TEMPRO. Adjusted for the higher expected development likely to come forward in Local Plan around Ashdown Forest. Then air quality calculations for NOx and N were undertaken. Ecological interpretation was then done to establish the extent and significance of any changes expected. No thresholds (e.g. 1000 AADT) were used – all road links were subject to assessment at all stages.</li> <li>• Results: <ul style="list-style-type: none"> <li>o Traffic: 5 key links modelled. In-combination traffic increase on all links between c.950 and c.3000 AADT. LDC/SDNPA contribution small between 0 and 260 AADT.</li> <li>o Air Quality: Currently above critical level for NOx on 3 of the routes. All expected to reduce to below critical level over the plan period even with AADT increases expected. For N deposition, improvements in background more than offset the additional from car movements. On A26 and A275 the LDC/SDNPA contributions slow this slightly within the first 5m of the road by 0.01kgN/ha/yr.</li> </ul> </li> <li>• Conclusion re. Ashdown Forest: No adverse effect on integrity on the Ashdown Forest SAC alone or in combination with other plans and projects.</li> </ul>	<ul style="list-style-type: none"> <li>• KSt to circulate links (found in the minutes)</li> </ul>

<ul style="list-style-type: none"> <li>• Conclusion re. other designations: Same as above, but with a recommendation to monitor designations close to the A3 corridor, which brings in line with the approaches of other nearby Local Plans.</li> <li>• NH queried the reduction in background N deposition. KSt responded that a % assumption in N reduction is used based on guidance from Institute of Air Quality Management and DMRB. 2% is the DMRB recommendation. SDNP/LDC have taken a precautionary approach and applied 2% for the first half and no improvement for the last half of the plan period – averaging to 1%. Principle was agreed.</li> <li>• Biodiversity background paper published on SDNPA website.</li> </ul>	
<p>4. Update from Mid-Sussex on HRA (JH)</p> <ul style="list-style-type: none"> <li>• Agenda item not discussed.</li> </ul>	
<p>5. PAS support for the Statement of Common Ground (SCG) looking at (SB):</p> <ul style="list-style-type: none"> <li>• SB introduces SCG and role of PAS: <ul style="list-style-type: none"> <li>o Right Homes in the Right Places consultation introduces mandatory SCG</li> <li>o PAS and DCLG are keen to get some early learning on them</li> <li>o The purpose of SCG is to help the challenges around Duty to Co-operate – to make sure that opportunities to address matters prior to examination are taken and to clearly set out the key strategic cross boundary issues and actions to planning inspectors.</li> <li>o It is thought that SCG would consist of two parts: <ul style="list-style-type: none"> <li>(1) geography and issues and (2) action plan</li> </ul> </li> <li>o SCG would be a short document, signed by LPAs and other, and would generally need political sign off. It would be a living breathing document that would be updated whenever a signatory gets to a new stage in the plan making process.</li> <li>o SCG could be a helpful mechanism for unlocking infrastructure funding and other government funding.</li> <li>o PAS would like to work with 8 or so pilot groups to gather key learning ahead of the NPPF redraft – key window is next 9 weeks. NPPF draft is expected for a consultation (on wording rather than principles of content which were consulted upon over the last year or so) in January 2018 and final publish in March 2018.</li> <li>o In principle, DCLG would like preliminary SCG to be published by all authorities 6 months after publish of NPPF redraft (Sept 2018) and a full SCG 6 months after that (Mar 2019).</li> <li>o PAS can facilitate meetings and support write up of SCG.</li> </ul> </li> <li>• LH confirms interest of the group in becoming a PAS supported pilot, and confirms that the group are working toward completing a draft SCG for January.</li> </ul>	
<p>6. A Statement of Common Ground on Ashdown Forest: follow on discussion (LH)</p> <ul style="list-style-type: none"> <li>• Format of document: <ul style="list-style-type: none"> <li>o SB advises that, as currently set out, each authority is expected to produce one SCG which sets out the various strategic cross boundary issues and actions, and other LPAs and stakeholders are signatories to the relevant parts of the document e.g. meeting housing need would be one section of the SCG and members of the HMA would be signatories to that part.</li> <li>o The group discussed and considered that this approach wouldn't work due nature of the issue, the large number of signatories and the timetable needs of the officer group.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• All-Further work required to establish geographical scope and signatories</li> <li>• SB to provide risk register template to LH/KSt</li> <li>• SB to advise LH</li> </ul>

<ul style="list-style-type: none"> <li>o SB and group agree that the Ashdown Forest Officer group will produce an AF specific SCG which can be cross referred to in LPAs wider SCG.</li> <li>o Agreed that the SCG on AF itself will cover multiple issues and not everyone needs to sign up to everything. For example: MA says that NE will be a signatory but only to issues on which they have a view.</li> <li>• Geographical scope: <ul style="list-style-type: none"> <li>o The group recognised that establishing the geographical scope of the SCG would be a key issue for determining signatories. What is the extent of influence to warrant being a signatory? The scale of each LPA's contribution (process contribution) to the issue will also be a relevant factor for determining signatories. This will require further work by the group.</li> </ul> </li> <li>• A risk register will need to be produced. LH asks if SB can provide a template. SB agreed.</li> <li>• SB advises that there is no SCG template yet – the pilots will help in producing one which may be included within the redrafted NPPF.</li> <li>• PAS facilitator will not be SB – SBV to advise LH and TT of who they will be.</li> <li>• Way forward: <ul style="list-style-type: none"> <li>• All-Further work required to establish geographical scope and signatories</li> <li>• SB to provide risk register template to LH/KSt</li> <li>• SB to advise LH and TT who the PAS facilitator will be</li> <li>• All to provide information on their LP timetable, sign off process and housing numbers.</li> <li>• LH to circulate meeting invites for 10<sup>th</sup> November and week commencing 20<sup>th</sup> November</li> </ul> </li> <li>o A series of meetings will be scheduled to work on these issues and draft the SCG: (1) geographical scope, signatories, governance arrangements, risks, establishing what the other elements of the scope are (previously agreed as air quality matters, methodology assumptions, housing numbers, sharing evidence and policy not applications), LP timetables.</li> <li>(2) all day workshop on issues and actions. Further meetings will be required to be decided depending on outcomes of the above.</li> <li>o Meetings to be attended by a self-selected subgroup</li> <li>o SDNPA will provide administrative support for the group.</li> <li>o All will need to speak with members regarding sign off and provide info to the group on their sign off process.</li> </ul>	<p>and TT who the PAS facilitator will be</p> <ul style="list-style-type: none"> <li>• All to provide information on their LP timetable, sign off process and housing numbers.</li> <li>• LH to circulate meeting invites for 10<sup>th</sup> November and week commencing 20<sup>th</sup> November</li> </ul>
<p>7. Any other business (LH)</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>	

# **Attendees:**

Edward Purnell (EP) – Wood on behalf of Planning Advisory Service (PAS)

Marian Ashdown (MA) – Natural England (NE)

Kelly Sharp (KSh) – Wealden District Council (WDC)

Jennifer Hollingum (JH) – Mid Sussex District Council (MSDC)

Lucy Howard (LH) – South Downs National Park Authority (SDNPA)

Katharine Stuart (KSt) – South Downs National Park Authority

Hannah Gooden (HG) – Sevenoaks District Council

Tondra Thom (TT) – Lewes and Eastbourne Councils

Roger Comerford (RC) – Tandridge District Council

Guy Parfect (GP) – West Sussex County Council

Sharon Evans (SE) – Tunbridge Wells Borough Council (TWBC)

Michael Hancock?? (??) – Tunbridge Wells Borough Council (TWBC)

Apologies: Nigel Hannam (WDC), Marina Briggishaw (WDC), Ellen Reith (ESCC), Edward Sheath (ESCC), David Scully (TWBC), David Marlow (Rother District Council)

AGENDA ITEM	ACTION
<p><b>I. Minutes and actions from last meeting (LH)</b></p> <p>All the actions arising from the meeting on 13<sup>th</sup> October had been actioned. LH questioned why WDC had redacted key parts of their Ashdown Forest SAC Air Quality Monitoring &amp; Modelling report. KSh confirmed that the redaction had been put in place to disguise the exact locations of the monitoring stations due to previous problems with vandalism, theft and sabotage. KSh confirmed that there was an exclusion under EIR regs to protect the ongoing study under public interest. LH confirmed that it was not possible for others to plug the information into their models without exact locations and again the unredacted information was requested by those using the AECOM model. KSh refused to share the data on the grounds detailed above. TT stressed the need to understand the abnormally high NOx figures in the WDC study. TT suggested we seek advice on how the data could be shared with other authorities without being subject to EIR requests and asked if WDC would consider any potential solutions to data sharing put forward by the group. KSh agreed WDC could consider data sharing proposals put forward. LH also requested WDC provided year 1 and 2 measurements separately. It was noted that NE had seen an early draft of the Air Quality and Ecology Monitoring Report . There was a brief discussion on the risk register.</p>	<ul style="list-style-type: none"> <li>• KSh to send link to years 1 and 2 monitoring data</li> <li>• All to investigate sharing of information</li> <li>• EP to send risk register for SoCG</li> </ul>

<p>RC noted that TDC were in the process of appointing Aecom to undertake traffic, air and ecological modelling, but the redactions in place meant it would be difficult to utilise the WDC data.</p>	
<p><b>2. Introductions and reasons for the meeting</b> EP explained that the role of PAS was to provide skeletal but not detailed drafting of the SoCG. The SoCG was a mechanism for demonstrating Duty to Cooperate. The SoCG will not go into technical detail.</p>	
<p><b>3. Roles and responsibilities for the SoCG</b> LH confirmed that the SDNPA will draft the SoCG.</p>	
<p><b>4. Geographical scope of the SoCG</b> There was a discussion on the initial geographic approach relating to the 7km zone of influence for recreational disturbance for the SPA and then modified by journeys to work. It was noted that the 7km zone is not directly relevant to the SAC. However, due to the complexity of this work and the need to make progress it was decided by all that instead of 'geographic scope' the SoCG would refer to the 'geographical area defined by the membership of the Ashdown Forest Working Group.' The following authorities were defined as members and it was agreed to contact Crawley and Brighton &amp; Hove again about membership.</p> <ul style="list-style-type: none"> <li>• South Downs National Park Authority</li> <li>• Lewes District Council</li> <li>• Wealden District Council</li> <li>• Eastbourne Borough Council</li> <li>• Rother District Council</li> <li>• Tunbridge Wells Borough Council</li> <li>• Sevenoaks District Council</li> <li>• Tandridge District Council</li> <li>• Mid Sussex District Council</li> <li>• Crawley Borough Council</li> <li>• Brighton &amp; Hove Council</li> <li>• East Sussex County Council</li> <li>• West Sussex County Council</li> </ul> <p>It was discussed that the geographic areas having a bearing on Ashdown Forest air quality may in practice bisect individual lpa boundaries.</p> <p>KSh confirmed that WDC had received their transport model for Ashdown Forest this week.</p> <p>RC raised the option of widening the scope of the SoCG to encompass all Ashdown Forest issues (i.e. also including issues related to the SPA and recreational impacts). The Group decided to continue with current scope focusing solely on air quality.</p>	<ul style="list-style-type: none"> <li>• JH to contact Crawley BC about membership</li> <li>• LH to contact B&amp;H CC about membership of group</li> </ul>
<p><b>5. Other elements of scope</b> <b>(a) Local Plan Housing numbers</b></p>	<ul style="list-style-type: none"> <li>• KSt to re-circulate Housing Figures</li> </ul>

<p>Most of this table had already been completed. Awaiting figures from Crawley, TWBC, T&amp;MBC and Brighton &amp; Hove if they choose to join the group. Figures for those districts partly covered by the National Park needed to be disaggregated for inside/outside the National Park to prevent double counting. The figures would then be agreed on 23<sup>rd</sup> November and frozen for a set period yet to be determined.</p>	<p>table for all to complete by 20-11-17</p> <ul style="list-style-type: none"> <li>• KSt to disaggregate housing figures in regard to the National Park and circulate by 20-11-17</li> </ul>
<p><b>5. Other elements of scope</b>  <b>(b) Methodology assumption headlines</b>  It was agreed that there are 3 groups of assumptions each of which was discussed as follows:  <b>(i) Transport modelling</b>  Three different models had been used by the group namely West Sussex model used by MSDC, the Wealden model used by WDC and the AECOM model used by everyone else. The key differences between them were:</p> <ul style="list-style-type: none"> <li>• What the model deals with e.g. residential, employment, visitors</li> <li>• Background future forecasting e.g. 2009/2014</li> <li>• Input e.g. geographical unit such as Census super output area</li> <li>• Origin/destination zones</li> <li>• Outputs e.g. AADT</li> <li>• Roads</li> <li>• Other SACs</li> <li>• Model structure e.g. growth factors and base year</li> <li>• Input data e.g. Census and TRICs</li> <li>• Use of OAN or plan-based figures for neighbouring lps 'in-combination' housing number.</li> </ul> <p>GP to draft the headings of a table and circulate for all to complete.</p> <p><b>(ii) Air quality calculations</b>  The principles of the following topics were discussed:</p> <ul style="list-style-type: none"> <li>• Chemicals monitored</li> <li>• Forecasting assumptions for methodology</li> </ul> <p>Circulation of another table was discussed. It was agreed however, that all parties would look into their own air quality calculations methodology for a discussion at the workshop.</p> <p><b>(iii) Ecological interpretation</b>  It was decided that there should be a discussion but not a table on ecological interpretation focusing on the following:</p> <ul style="list-style-type: none"> <li>• 1% contribution process</li> <li>• Key HRA regs arguments</li> </ul>	<ul style="list-style-type: none"> <li>• GP to draft and circulate table of transport modelling by 15-11-17 and all to complete and return to KSt by 20-11-17</li> </ul>



<p>There was discussion about mitigation and whether it should be addressed in the SoCG. It was agreed that it shouldn't but should be discussed by the group in the New Year once the SoCG was finalised.</p> <p>RC requested that consideration of potential mitigation and compensation be included in the scope of the SoCG. TT noted that evidence does not exist to justify the need for compensation. The consensus was to not include this on the basis that it is a later HRA stage and would not necessarily be required. RC felt it should be covered as there is a risk that it may be required and we needed to be prepared for this eventuality. Alternatively, RC requested that the SoCG could at least include a statement to the effect that the Group agreed to work in partnership on mitigation/compensation in the event of such measures proving necessary. It was agreed that the group would look at Strategic Nitrogen Action Plans (SNAP) after the completion of the SoCG.</p>	
<p><b>6. Local Plan timetables</b> Table to be completed by all.</p>	<ul style="list-style-type: none"> <li>• All to complete table and return to KSt by 20-11-17</li> </ul>
<p><b>7. Sign off arrangements and timelines for SoCG</b> Table to be completed by all.</p>	<ul style="list-style-type: none"> <li>• All to complete table and return to KSt by 20-11-17</li> </ul>
<p><b>8. Planning for our workshop on 23rd November</b> The workshop is expected to last approximately 6 hours. It was agreed that by the end of the workshop we needed enough information to draft the SoCG. NE will only be able to attend part of the workshop and it was thought most useful if this was the second half. The agenda would follow the same broad headings of today's meeting.</p> <p>There was a discussion about whether expert consultants should be allowed to attend the workshop. Their role would be to draw out the differences between the different assumptions but not the credence of the different models. EP to ask PAS whether James Riley's (SDNP, TWBC and LDC's HRA Consultant) attendance would be appropriate bearing in mind that WDC and MSDC Consultants are unlikely to be able to attend. EP/PAS to report back to the group with recommendations. All to ascertain availability of consultants for workshop.</p> <p>It was clarified that even if consultants were unable to attend, there would be an opportunity for the draft SoCG to be circulated to them post-workshop.</p>	<ul style="list-style-type: none"> <li>• LH to circulate draft agenda 20-11-17</li> <li>• EP to confirm with group whether it is appropriate or not for a Consultant(s) to attend next SoCC workshop.</li> <li>• All to confirm whether consultant(s) are available, as appropriate.</li> </ul>
<p><b>9. AOB</b> None</p>	

**Post meeting notes:**

- Tonbridge & Malling Borough Council have requested not to appear in the Statement of Common Ground on the advice given by Natural England on 13<sup>th</sup> October.
- The membership of East and West Sussex County Councils is to be discussed at the next meeting of the group.

NOTES OF MEETING ASHDOWN FOREST SAC WORKSHOP 10:00 AM, 23<sup>rd</sup> NOVEMBER 2017  
MID SUSSEX DISTRICT COUNCIL, HAYWARDS HEATH

**Attendees:**

Edward Purnell (EP) – Wood on behalf of Planning Advisory Service (PAS)

Marian Ashdown (MA) – Natural England (NE)

Kelly Sharp (KSh) – Wealden District Council (WDC)

Marina Briggshaw (MB) – Wealden District Council

Jennifer Hollingum (JH) – Mid Sussex District Council (MSDC)

Lucy Howard (LH) – South Downs National Park Authority (SDNPA)

Katharine Stuart (KSt) – South Downs National Park Authority

Hannah Gooden (HG) – Sevenoaks District Council

Tondra Thom (TT) – Lewes and Eastbourne Councils

Roger Comerford (RC) – Tandridge District Council

Guy Parfect (GP) – West Sussex County Council

Sharon Evans (SE) – Tunbridge Wells Borough Council (TWBC)

David Scully (DS) – Tunbridge Wells Borough Council

Michael Hammacott (MH) – Tunbridge Wells Borough Council (TWBC)

David Marlow (DM) – Rother District Council (RDC)

Jenny Knowles (JK) – Tonbridge and Malling Borough Council (T&MBC)

Apologies: Nigel Hannam (WDC), Ellen Reith (ESCC), Pat Randall (ESCC), Edward Sheath (ESCC), Tom Nutt (Crawley)

AGENDA ITEM	ACTION
I. Introductions and minutes from last meeting (LH)	<ul style="list-style-type: none"><li>• LH to request data from WDC</li></ul>

<ul style="list-style-type: none"> <li>• Group went through the minutes and then actions from the previous meeting, discussing the amendments received by email prior to the meeting. A number of changes to the minutes were discussed and the final minutes were agreed by all. Further actions were also identified.</li> <li>• LH asked for a link to the separate Year 1 and Year 2 monitoring data to be circulated. KSh advised that only Year 1 was published in a standalone report and suggested we set out exactly what we are seeking in a question to be sent direct.</li> <li>• TT asked again for the redacted air quality monitoring locations, suggesting that the data could be shared consultant to consultant which would be exempt for EIR. KSh advised that when consultants hold information used for a public body, they are in effect equivalent to 'an arm' of the authority and would be subject to the same EIR risks.</li> <li>• WDC advised that they have instructed counsel on a number of Ashdown Forest/HRA related issues, including the request for the redacted air quality monitoring locations and the forthcoming SCG.</li> <li>• Feedback from Crawley BC was that they did want to join the group but could not attend today's meeting.</li> <li>• Feedback from Brighton &amp; Hove CC was that they did not currently want to join the group but would like to be kept up to date on progress.</li> <li>• EP reiterated the role of PAS as a facilitator to support the preparation of the SoCG which will: <ul style="list-style-type: none"> <li>○ assist in demonstrating that parties have co-operated;</li> <li>○ draw out any differences and identify what may need to be done to resolve those differences</li> <li>○ be concise and non-technical</li> </ul> </li> </ul>	<p>in line with email from AECOM.</p> <ul style="list-style-type: none"> <li>• KSt to make agreed changes to minutes and circulate finalised version.</li> </ul>
<p><b>2. Sign off arrangements (table) (KSt)</b></p> <ul style="list-style-type: none"> <li>• KSt outlined the table and noted that there were unlikely to be showstoppers for signoff by March.</li> <li>• RDC noted that they have provided two scenarios for sign off options depending on the content of the SoCG.</li> <li>• Queries arose regarding which authorities would be signatories. These are addressed under item 4 of the agenda.</li> </ul>	<ul style="list-style-type: none"> <li>• All to advise Chair (LH) of any changes in expected sign off process.</li> </ul>
<p><b>3. Local Plan housing numbers (table) (KSt)</b></p> <p>It was discussed whether housing numbers could be agreed, how long they might be frozen for and how these numbers should be used in modelling. It was agreed:</p> <ul style="list-style-type: none"> <li>• The position at the last meeting was confirmed: any agreement around housing numbers would be just applicable to future modelling runs rather than retrospectively re-running models.</li> </ul>	<ul style="list-style-type: none"> <li>• KSt, in due course, to update table with disaggregated housing figures for the National Park following discussion with</li> </ul>

<ul style="list-style-type: none"> <li>• Numbers would always be changing and any agreement would be a snapshot of the numbers as they stand upon signing the SoCG.</li> <li>• Housing numbers would be a standing item on the agenda for the Working Group going forward to update at key stages in plan making.</li> <li>• Each LPA to confirm housing numbers with individual authorities before running models.</li> <li>• A general principle in the agreement of housing numbers as follows: <ul style="list-style-type: none"> <li>○ If a LP is less than 5 years old use the adopted figure</li> <li>○ If an emerging LP is nearing pre-submission and the LPA is confident then use the emerging figure</li> <li>○ If the adopted LP is over 5 years old and an emerging plan has not progressed use the OAN/standard methodology (once confirmed by CLG) unless otherwise evidenced.</li> </ul> </li> </ul> <p>The group went through the table and indicated the preferred current housing figure to use.</p>	<p>respective authorities.</p> <ul style="list-style-type: none"> <li>• KSt to compile housing table for the SoCG with the housing figures to use for each authority highlighted in bold</li> <li>• LH to add housing numbers as a standing item to future agendas.</li> </ul>
<p><b>4. Geographical area defined by the membership of the Working Group (KSt)</b></p> <p>It was agreed at the previous SoCG meeting that signatories of the SoCG would be self-selecting and broadly make up the membership of the Working Group.</p> <p>At this workshop it was agreed:</p> <ul style="list-style-type: none"> <li>• Tonbridge and Malling Borough Council would be removed from the signatories list on the basis of advice from Natural England that they did not foresee TMBC being involved in the SoCG. T&amp;MBC would like to continue to be part of the group to observe.</li> <li>• Add Crawley BC</li> <li>• Remove Brighton and Hove CC</li> <li>• Rother included on a precautionary basis</li> <li>• West and East Sussex County Councils to be added</li> <li>• Surrey CC and Kent CC would be added to the circulation list for information, but would not be signatories.</li> <li>• Membership of the group and signatories may change based on emerging evidence</li> <li>• The list of signatories was confirmed as: <ul style="list-style-type: none"> <li>○ South Downs National Park Authority</li> <li>○ Lewes District Council</li> <li>○ Wealden District Council</li> <li>○ Eastbourne Borough Council</li> <li>○ Rother District Council</li> <li>○ Tunbridge Wells Borough Council</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• KSt to contact Crawley to add their data to the tables.</li> </ul>

<ul style="list-style-type: none"> <li>○ Sevenoaks District Council</li> <li>○ Tandridge District Council</li> <li>○ Mid Sussex District Council</li> <li>○ Crawley Borough Council</li> <li>○ East Sussex County Council</li> <li>○ West Sussex County Council</li> </ul>	
<p><b>5. Transport modelling (table) (KSt &amp; GP)</b></p> <ul style="list-style-type: none"> <li>• It was agreed that the table did not cover all elements required. It was agreed: <ul style="list-style-type: none"> <li>○ GP to rework the table and recirculate to the Working Group, providing guidance on how to complete the table. The table will be circulated on Monday 27<sup>th</sup> November.</li> <li>○ Authorities will complete the table and return to GP by Monday 4<sup>th</sup> December.</li> <li>○ GP will analyse the table and identify commonalities, minor differences and major differences. These will be colour coded.</li> <li>○ GP will circulate this analysis for comment on Monday 11<sup>th</sup> December.</li> <li>○ The table will need to be finalised by the end of December,</li> <li>○ GP to provide narrative to the table to go into SOCG</li> </ul> </li> <li>• It was agreed that the table would provide a snapshot of some of the main differences/similarities and to get the full methodology for looking properly at the models.</li> <li>• The possibility of agreeing common elements of transport modelling for future work was discussed but not agreed at this time.</li> <li>• This topic would just deal with transport modelling drawing out the commonalities, major differences and minor differences.</li> <li>• The use of models and proportionality was raised by TT with regard to the differing scale of additional AADT. Matter discussed further under agenda item 6.</li> </ul>	<ul style="list-style-type: none"> <li>• GP will rework the table and circulate to the Working Group on Monday 27<sup>th</sup> November,</li> <li>• Authorities will complete the table and return to GP by 4<sup>th</sup> December.</li> <li>• GP will undertake analysis of the table and will circulate on Monday 11<sup>th</sup> December.</li> </ul>
<p><b>10. Risk Register (EP)</b></p> <p>An example risk register was circulated by PAS for consideration. The Working Group agreed that it didn't add value to the SoCG process and that the risk register related more to the preparation of individual local plans. It was agreed that the Working Group may wish to revisit the idea of a risk register once the SoCG is drafted.</p>	
<p><b>6. Proportionality (TT)</b></p>	<ul style="list-style-type: none"> <li>• WDC to provide the reasons and explanation for</li> </ul>

<p>TT introduced this item- there is no universal standard on proportionality and the issue relates to what is the 'appropriate' level of assessment required for LPs? Where effects are demonstrably small can the level of assessment be justifiably less complex than WDC's bespoke approach? TT queried what justification there is for objections from WDC to accepted industry standard methodology being used by those authorities where their evidenced contribution to any potential impact is proportionally, substantially smaller. The inference from the Habitats Regulations and government guidance is that the assessment should be proportionate to the likely scale of impact. LH pointed out that the NPPF states that Local Plan evidence should be proportionate. Objections to industry standard robustly carried out assessments may unnecessarily frustrate plan-making therefore TT posed agreement for the accepted industry standard methodology. Initial responses:</p> <ul style="list-style-type: none"> <li>• SDNPA: agree</li> <li>• TWBC: agree</li> <li>• LDC: agree</li> <li>• EBC: agree</li> <li>• WDC: does not agree and will not move on the standard methodology on the basis of work already undertaken. WDC contend that the standard methodology does not meet the requirements of the Ashdown Forest context. This work was undertaken in response to the Wealden Core Strategy EiP. WDC have used the Mott Macdonald methodology as amended.</li> <li>• NE: agree with TT with regard to proportionality. Polluter pays. NE not objecting to the use of the standard methodology.</li> <li>• WDC say that the APIS calculation are slightly wrong with regard to deposition. WDC use a finer grained 2m<sup>2</sup> rather than 5km<sup>2</sup>.</li> <li>• TWBC: standard methodology and result are not wrong, WDC grid squares just more refined. Justifiable to use best practice unless a clear reason not to do so.</li> <li>• TWBC asked WDC to confirm the reasons for taking such a pessimistic approach within their methodology and the absence of any allowance of background improvements to air quality. WDC replied that this approach was justified by the application of the precautionary principle.</li> <li>• WDC advise they will get legal advice regarding proportionality and will run their data through the standard methodology and make available. WDC advise their air quality experts will be busy until Christmas.</li> </ul> <p>Rother and Tandridge reserved their position. All others generally agree to use standard methodology except WDC. Ask that WDC</p>	<p>methodology deviation to go into the SoCG.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------

<p>provide the reasons and explanation for deviation to go into the SoCG.</p>	
<p><b>7. Air quality calculations</b>  The following points were briefly discussed:</p> <ul style="list-style-type: none"> <li>• WDC also assess non-standard ammonia and the 24-hr NOx mean.</li> <li>• MA – new cars don't emit as much ammonia – specific type of catalytic converter</li> <li>• WDC air quality report recognised both positive and negative limitations</li> <li>• WDC – ammonia and NOx interact in the atmosphere and this impacts N deposition.</li> <li>• NE will be signatory on air quality/ecological interpretation elements but not on housing numbers or traffic modelling parts of the SoCG</li> <li>• It was agreed that the standard responses on all the items on the SoCG were Agree, Disagree, or No position.</li> </ul> <p>It was agreed that a table would be helpful for this. KSt to prepare a table based around key headings below and circulate on Monday 27<sup>th</sup> November. Working group to provide their responses by 11<sup>th</sup> December.</p> <ul style="list-style-type: none"> <li>• Chemicals monitored and assessed in forecasting</li> <li>• Conversion ratios from NOx to N</li> <li>• Background improvement assumptions</li> <li>• Rate of dispersal from the centre line of the road up to 200m</li> <li>• Type of habitat included in the assessment – e.g. woodland in roadside vegetation.</li> </ul> <p>There may be other aspects of the methodology others may wish to note.</p>	<ul style="list-style-type: none"> <li>• KSt to prepare a table based around key headings below and circulate on Monday 27<sup>th</sup> November. Working group to provide their responses by 11<sup>th</sup> December.</li> <li>• KSt will send to AECOM for help in completing on behalf of all authorities using the AECOM model approach/standard methodology.</li> </ul>
<p><b>8. Ecological interpretation</b>  Three items were put forward for discussion:</p> <ol style="list-style-type: none"> <li>(1) 1% process contribution</li> <li>(2) Additional harm above the critical load/level</li> <li>(3) Type of habitat included in the assessment – e.g. woodland in roadside vegetation.</li> </ol> <p>(1) NE advise: 1% or more process contribution triggers Appropriate Assessment as there is considered to be a likely significant effect. The threshold is not arbitrary and is based on robust science – process contributions below 1% cannot be properly modelled and changes in air quality cannot be seen in the ecology at these levels. Above 1% does not mean an adverse impact but should check through AA process.</p>	<ul style="list-style-type: none"> <li>• KSt to add topic into the SoCG as something that may need to be addressed in the future.</li> </ul>



<p>All use or are likely to use except WDC who have not drawn a conclusions on this matter but will consider.</p> <p>(2) NE: look at sensitivity of impact. Dose response is curvilinear. Key thing is loss of species richness in heathland.</p> <p>(3) Covered in agenda item above.</p> <p>Overall, NE advise that it is too soon for the authorities in the Working Group to consider ecological interpretation as there is currently no evidence (for example through AA) published which says that such measures are required. The Mid Sussex and AECOM HRA screening for LSE work touches on ecological interpretation but this is beyond requirement for LSE screening.</p> <p>All agreed this was a topic that would go into the SoCG but as something that may need to be addressed in the future.</p>	
<p><b>9. Site Nitrogen Action Plan (SNAP)</b> Phrasing and nature of the approach was discussed. All agreed that paragraph 4.2.8 of the LDC/SDNPA HRA addendum will be included in the draft SoCG for consideration.</p> <p>Noted that a SNAP is not mitigation or compensation as there is not enough measurable certainly of the results. But may include some elements of mitigation. One of the 'soft measures' to address background levels from a range of sources. NE would lead on a SNAP working with other partners.</p>	<ul style="list-style-type: none"> <li>• KSt to include paragraph 4.2.8 of the LDC/SDNPA HRA in the draft SoCG for consideration</li> </ul>
<p><b>10. Actions and timetable going forward</b></p> <ul style="list-style-type: none"> <li>• LH read out list of actions to the Working Group</li> <li>• When comment on or signing the SoCG as 'disagree' it is incumbent upon that party to say why, but be concise.</li> <li>• Noted that CIEEM are undertaking an internal consultation for members only on new air quality methodology guidance.</li> <li>• KSh recommended a style of table for setting out comments on the draft SoCG – KSh to email to LH/KSt</li> <li>• Agreed to meet in mid-January to discuss the draft SoCG</li> </ul>	<ul style="list-style-type: none"> <li>• KSh recommended a style of table for setting out comments on the draft SoCG – KSh to email to LH/KSt</li> <li>• LH/KSt to circulate a draft SoCG by mid-December for the group to review.</li> <li>• LH/JH to arrange meeting in mid-January.</li> </ul>

## **Ashdown Forest SAC Statement of Common Ground Workshop**

**10:00 am Thursday 18 January 2018**

**Mid Sussex District Council Offices, Haywards Heath**

### **PLEASE NOTE THESE MEETING NOTES ARE DRAFT**

#### **Attendees:**

Edward Purnell (EP) – on behalf of the Planning Advisory Service (PAS)

Lucy Howard (LH) – South Downs National Park Authority (SDNPA)

Kate Stuart (KSt) - South Downs National Park Authority (SDNPA)

Jennifer Hollingum (JH) - Mid Sussex District Council (MSDC)

Marian Ashdown (MA) – Natural England (NE)

Marina Brigginsshaw (MB) – Wealden District Council (WDC)

Kelly Sharp (KSh) – Wealden District Council (WDC)

Tondra Thom (TT) – Lewes and Eastbourne Councils (LDC)

Aiden Thatcher (AT) – Lewes and Eastbourne Councils (LDC)

David Scully (DS) – Tunbridge Wells Borough Council (TWBC)

Sharon Evans (SE) - Tunbridge Wells Borough Council (TWBC)

Edward Sheath (ES) – East Sussex County Council (ESCC)

Roger Comerford (RC) – Tandridge District Council (TDC)

Guy Parfect (GP) – West Sussex County Council (WSCC)

David Marlow (DM) – Rother District Council (RDC)

Tom Nutt (TN) – Crawley District Council (CDC)

Helen French (HF) – Sevenoaks District Council (SDC)

Mark McLaughlin (MM) – Horsham District Council (HDC)

<b>Agenda Item</b>	<b>Actions</b>
1. Introductions and reasons for meeting: <ul style="list-style-type: none"><li>• EP commends all for getting to this point in process and said the SoCG was a clear demonstration of the group's efforts to meet the Duty to Cooperate.</li><li>• Advises that extra level of detail is required for arguments agreeing as well as disagreeing key matters.</li><li>• The SoCG is intended for a Planning Inspector to pick up and understand the issues.</li></ul>	None
2. Minutes from last meeting <ul style="list-style-type: none"><li>• Proposed amendments from TWBC agreed.</li><li>• All actions identified had been actioned other than 'WDC to provide the reasons and explanation for methodology deviation.'</li></ul>	LH/MB/KS to follow up deviation from standard methodology

<p>3. Focused discussion on the following proposed changes to the SoCG</p>	<p>(a.) Summary of the High Court judgement, pages 4-5 (Tandridge District Council). Tandridge District Council suggest in their comments that this summary should be removed.</p> <ul style="list-style-type: none"> <li>• Agree to delete majority of this section, retaining paragraph 1.8</li> </ul>	<ul style="list-style-type: none"> <li>• KS to make changes to the draft SoCG as agreed in the meeting and recirculate on approximately 26<sup>th</sup> January – members of the group to then feed back.</li> <li>• MA will let the group know a rough date when internal guidance may be shared with LPAs.</li> <li>• MA to provide some revised wording for ‘Types of habitat to be included in the assessment’ section.</li> </ul>
	<p>(b.) The use of agreed housing numbers in future model reruns, page 6, paragraph 2.3 (Wealden District Council). The text currently says that the agreed numbers would not involve retrospectively re-running models. Wealden District Council propose to add ‘for adopted local plans’.</p> <ul style="list-style-type: none"> <li>• General disagreement with the proposed change from WDC. KS to add WDC disagree to the relevant table and WDC to provide reasons when next draft circulated.</li> </ul>	
	<p>(c.) Geographical coverage for transport modelling, pages 6-7</p> <ul style="list-style-type: none"> <li>• NE noted that it has been asked if internal guidance may be shared with LPAs in due course and MA will let the group know a rough date when available.</li> </ul> <p>(i.) Lewes District Council comment that this section should be deleted as the geographical coverage for in combination is a matter for each local authority to justify. (Lewes District Council)</p> <ul style="list-style-type: none"> <li>• Agreed that geographical coverage within modelling work should be determined by each LPA and the following text reflecting this is to replace current wording in this section. ‘It has been agreed that it is a matter for each LPA to determine the geographical coverage of their traffic modelling.’ Table to be deleted.</li> </ul> <p>(ii.) Wealden District Council comment that modelling should include, but not be limited to the proposals from the authorities listed (Wealden District Council).</p> <ul style="list-style-type: none"> <li>• Agreed that this item no longer needed to be discussed as superseded by agreed changes above.</li> </ul>	
	<p>(d.) Roads to be included in modelling of Ashdown Forest, page 7 (West Sussex County Council) West Sussex County Council propose additional wording regarding modelling of B roads and minor roads.</p> <ul style="list-style-type: none"> <li>• Change agreed</li> </ul>	
	<p>(e.) Types of habitat to be included in the assessment, page 11 (Natural England) Natural England comment that they disagree with the approach set out in the SoCG.</p> <ul style="list-style-type: none"> <li>• Agreed that MA would provide some amended text and KSt to remove from ‘not agree’ column.</li> </ul>	
	<p>(f.) Precautionary principle, page 14 (Wealden District Council). Wealden District Council propose additional wording including the phrase <i>guarantee</i> no reasonable doubt.</p> <ul style="list-style-type: none"> <li>• MA disagrees with WDC’s wording but MB said that it was wording from their barrister</li> </ul>	
	<p>General item 3 comments:</p>	

	<ul style="list-style-type: none"> <li>• Every signatory to give their position in each table</li> <li>• Additional column titled 'reserve judgement' to be added</li> <li>• Space added for explanations on each position</li> </ul>	
4. Letters of objection to various planning applications by Wealden DC	<ul style="list-style-type: none"> <li>• MB outlines the broad content of the letter and advises the letter is authored by the development management part of WDC. The letters are broadly the same with the last part of the letter tailored to each authority.</li> <li>• Purpose of the letters was to raise the need to undertake HRA</li> <li>• Tandridge District Council has received 11 objections, 3 of which relate to sites North of the M25</li> <li>• Separate meeting is offered by WDC</li> <li>• The problem of separate letters coming from the policy and DM parts of WDC is raised and noted. Group say that a joint policy and DM response from WDC would be helpful.</li> <li>• Issue raised by affected LPAs that these letters have come forward with no discussion/prior warning and this has caused consternation amongst members and officers.</li> <li>• Some of the queries raised include: <ul style="list-style-type: none"> <li>○ How will WDC pursue the letter?</li> <li>○ Why have these applications been chosen to receive the letter? Criteria for selecting applications which would receive the letter.</li> <li>○ Are HRAs being objected to?</li> <li>○ Clarification on the differences of the final paragraphs of each letter</li> <li>○ Clarification of the approach with adopted and emerging plans.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• MB to take questions from the group and discuss with Nigel Hannam</li> <li>• WDC will provide clarification to the group's questions by the 26th January in the form of a letter or statement</li> <li>• WDC to provide suggested dates for a meeting in early Feb to discuss the planning application objection letters.</li> </ul>
5. The timetable for the way forward with the SCG	<ul style="list-style-type: none"> <li>• Recognise that there is not a lot of time before the SoCG is needed in mid-March. Dates were discussed and agreed.</li> <li>• Wording of section 3 'actions going forward' was discussed. It was agreed that it is important for the group to determine a way forward which all can sign up to. KS to rework this section to reflect discussion.</li> </ul>	<ul style="list-style-type: none"> <li>• Version 1 to circulate on approx. 26<sup>th</sup> Jan for people to state their position and provide explanations</li> <li>• Version 2 circulated approximately 9<sup>th</sup> Feb for final review and minor tweaks to position</li> <li>• Signatory version circulated approximately 16<sup>th</sup> Feb to be signed off by all by mid-March.</li> <li>• KS to reword section 3 to reflect discussion</li> </ul>
6. AOB	<ul style="list-style-type: none"> <li>• Mitigation discussed as raised by RC:</li> </ul>	<ul style="list-style-type: none"> <li>• KS to make changes as agreed</li> </ul>

<ul style="list-style-type: none"> <li>○ Agreed that phrasing of 'mitigation/compensation' should be changed on the basis that these two are very different.</li> <li>○ Discussed SNAP (and associated mitigation table) and agreed that it should be reflected in actions going forward</li> <li>• Appendix 5 transport modelling table raised by GP. Agreed that a table with less detail would be more appropriate, focusing on GP analysis.</li> </ul>	<ul style="list-style-type: none"> <li>• GP to provide KS with revised Appendix 5 transport modelling table</li> </ul>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------

## Appendix 4 – Housing numbers

This table sets out the various housing numbers approaches for each local planning authority. The numbers in **bold** are those which have been agreed by the Ashdown Forest Working Group at the time of drafting this Statement of Common Ground following the methodology outlined in section 2 of the Statement.

Authority Name	Adopted Local Plan housing number	OAN	DCLG new methodology	Numbers used for own LP (and in any modelling work undertaken so far if different)	Numbers used for other LPAs in modelling work	HMA figure
Crawley Borough Council	5,100 dwellings total <b>340</b> dwellings per annum annualised average	675 dwellings per annum	476 dwellings per annum			Northern West Sussex HMA: as for Mid Sussex District Council below
East Sussex County Council	n/a	n/a	n/a	n/a	n/a	n/a
Eastbourne Borough Council	5,022 by 2027 240 per annum	<b>400</b>	336 (capped)	No modelling undertaken to date	No modelling undertaken to date	Eastbourne & South Wealden HMA number TBD
Lewes District Council	6,900 <b>345</b> per annum	520	483	345 LP plus an additional +50% allowance for Newick	Tunbridge Wells – OAN 648 per annum Sevenoaks – OAN 620 per annum Wealden – OAN 832 per annum Mid Sussex – inspector figure 1,026 per annum	520 (higher end) Lewes District (including the Park) within the Coastal West Sussex HMA

Authority Name	Adopted Local Plan housing number	OAN	DCLG new methodology	Numbers used for own LP (and in any modelling work undertaken so far if different)	Numbers used for other LPAs in modelling work	HMA figure
					Tandridge – OAN 470 per annum	
Mid Sussex District Council	<p>The emerging Mid Sussex District Plan 2014-2031 sets a minimum housing provision figure of 16,390 homes.</p> <p>For the purposes of calculating the five-year housing land supply a 'stepped trajectory' will be applied through the calculation of a 5-year rolling average. The annual provision in this stepped trajectory is <b>876 dwellings per annum for years 2014/15 until 2023/24 and thereafter, from 1st April 2024, 1,090 dwellings per annum until 2030/31</b>, subject to future HRA on further allocated sites, to meet unmet needs of neighbouring authorities.</p>	14,892 (an average of 876 dwellings per annum) for 2014-2031	1,016 dwellings per annum for 2016-2026	See second column	<p>Growth assumptions for surrounding authorities used in the transport model:</p> <p>Crawley – 6,908  Wealden – 8,988  Lewes – 6,032  Brighton &amp; Hove – 14,301  Horsham – 16,701  Tandridge – 6,395</p>	<p>Northern West Sussex HMA</p> <p>Crawley – 675  Horsham – 650  Mid Sussex – 876</p> <p>= 2,201 dwellings per annum</p>
Rother District Council	335 net dwellings pa	363 pa	469 pa (capped) 737 pa (uncapped)	n/a	n/a	Hastings and Rother HMA (as at 2014): 767 pa



<b>Authority Name</b>	<b>Adopted Local Plan housing number</b>	<b>OAN</b>	<b>DCLG new methodology</b>	<b>Numbers used for own LP (and in any modelling work undertaken so far if different)</b>	<b>Numbers used for other LPAs in modelling work</b>	<b>HMA figure</b>
Sevenoaks District Council	165 / yr 3,300 over 20 year (2006-2026)	12,400 (2015-35) 620 pa	698pa	<b>620</b> / 698	n/a	Tonbridge & Malling Tunbridge Wells
South Downs National Park Authority	There are several figures currently operating across the National Park but not one park-wide figure	447	Not applicable	<b>250</b>	Tunbridge Wells – OAN 648 per annum Sevenoaks – OAN 620 per annum Wealden – OAN 832 per annum Mid Sussex – inspector figure 1,026 per annum Tandridge – OAN 470 per annum	Coastal Sussex HMA : 274 Eastbourne and Wealden HMA: 14 Northern West Sussex HMA: 14 Central Hants : 144
Tandridge District Council	125 dpa	<b>470</b>	645	TBC	470	470
Tunbridge Wells Borough Council	The adopted Core Strategy figure is 300 per anum	<b>648</b> (SHMA 2015)	692	648	As above	Tunbridge Wells Borough is considered to be in a HMA which includes Sevenoaks, Tonbridge and Tunbridge Wells and extends to include Crowborough, Hawkhurst and Heathfield.

<b>Authority Name</b>	<b>Adopted Local Plan housing number</b>	<b>OAN</b>	<b>DCLG new methodology</b>	<b>Numbers used for own LP (and in any modelling work undertaken so far if different)</b>	<b>Numbers used for other LPAs in modelling work</b>	<b>HMA figure</b>
Wealden District Council	450 dwellings per annum or 9,600 in total 2008 - 2027	950 DPA	1247 (check)	11,456 (total) for Ashdown Forest modelling 11,724 for Lewes Downs and Pevensey Levels (revised figures post March 2017 Draft WLP).	2014 tempo data	Not yet determined.
West Sussex County Council	n/a	n/a	n/a	n/a	n/a	n/a

## Appendix 5 - Ashdown Forest Transport Model Analysis

This table sets out the key elements of the transport modelling undertaken as part of HRA work for the respective local planning authorities. It also sets out some analysis prepared by West Sussex County Council on the major and minor differences and commonalities of the approaches taken.

Key	Model Base Year	Geographical Coverage	Road Network in Forest	Origin to Destination Demand Data Sources	Data Types for Base Year Validation	Origin to Destination Zone Definition	Forecasting Years	Trip Generation Methodology	Demand Changes Assessed in Study	Forecasting Background Growth	Time Periods Directly Modelled	Modelled Responses to Congestion	Other European Designated Sites Assessed?
<b>Assessment of level of difference between Models:</b>													
Colour Coding													
Comments	Two models are grown from older bases, whilst other models are all from 2014	Whilst all models include the Ashdown Forest SPA, there is wide variation in the choice and extent of which other areas are included, reflecting the location of the client authorities	All models include all the A class roads. Two models have represented B class roads and one minor road, although the assignment did not use them. One model also represents a number of Class C roads	There is a split between those models which use roadside interview data, - which captures all journey purposes but is based on a sample which requires infilling with data such as NTEM and NTS – and those which use 2011 census journey to work which captures only one journey purpose but with universal spatial coverage in UK and very high response rate	All models use continuous automatic traffic counters as a primary source of volumetric data. The extent to which manually observed data for junction turning movements or links is used varies and only two models have reported journey time observations.	All model zoning systems are based on Census areas, but the level of aggregation between models and and uniformity across parts of individual models is varied.	The headline forecasting year has a relatively narrow range from 2028 to 2033 (five years) No models have yet assessed intermediate forecast years for plan phasing. One model with an older base year has also used a present day forecast for comparison.	Universal use of TRICS for site specific trip generation. There will be some minor variations in use of site selection parameters where information is available.	All models assessed planned housing and employment. There is some difference in approach to smaller sites which may not vary in overall quantum from unplanned development trends. Some models concentrate mainly on individually modelled strategic sites with others treating all sites included in a Local Plan together by adjusting NTEM totals.	All models use TEMPro/NTEM with the version used reflecting the time when the model forecasting was started. There is some difference in approach to how TEMPro/NTEM is applied and the definition of what is background, with some models treating small non-strategic allocations or planned dispersed development along with background, whilst others treating all sites included in Local Plan together.	There is a split between those models which assess AADT traffic directly and those which simulate hourly flows, with AADT forecasts being calculated by factoring derived from observations.	All but one model allow re-routing. One model uses fixed routings; although there can be two alternative routings between O-D pairs, this does not vary according to travel times/costs. Two models allow destination choice, with only one model allowing mode choice.	This varies greatly according to the geographical extent of the model and study area, in particular the location of the client planning authority in relation to other designated sites.

## Appendix 6 - Ashdown Forest Air Quality Calculations Methodology Information

This table sets out the key elements of the air quality calculations undertaken as part of HRA work for the respective local planning authorities.

Authority & consultant	Chemicals monitored and assessed in forecasting	Conversion ratios from NO <sub>x</sub> to N	Background improvement assumptions	Rate of dispersal from the centre line of the road up to 200m	Type of habitat included in the assessment – e.g. woodland in roadside vegetation.
South Downs National Park Authority, Lewes District Council, Tunbridge Wells Brough Council, and likely Tandridge District Council - AECOM	NO <sub>x</sub> , N deposition, Acid Deposition	NO <sub>x</sub> to NO <sub>2</sub> conversion calculated using Defra's NO <sub>x</sub> to NO <sub>2</sub> calculator. Then NO <sub>2</sub> multiplied by 0.1 for N deposition as per DMRB guidance.	For N deposition -2% applied up to 2023 (equivalent of 1% per year for plan period to 2030). Improvements in background concentrations and emission rates assumed following Defra assumed improvements up to 2023.	Modelled using dispersion model ADMS-Roads, written by CERC.	A precautionary assumption was made that pristine heathland (the SAC feature) was present, or could be present in the future, at any point on the modelled transects irrespective of existing habitat at that location. Therefore heathland was the only modelled habitat.

Appendix A13: Ashdown Forest  
Working Group (Recreational  
Impact) - SoCG signed between  
TWBC, Lewes DC, Mid Sussex DC,  
Sevenoaks DC, Tandridge DC,  
Wealden DC

DATED 19 March 2016/20

- (1) LEWES DISTRICT COUNCIL
  - (2) MID SUSSEX DISTRICT COUNCIL
  - (3) SEVENOAKS DISTRICT COUNCIL
  - (4) THE DISTRICT COUNCIL OF TANDRIDGE
  - (5) TUNBRIDGE WELLS BOROUGH COUNCIL
  - (6) WEALDEN DISTRICT COUNCIL
- And
- (7) THE CONSERVATORS OF ASHDOWN FOREST

---

**AGREEMENT**  
relating to the delivery of a  
**Strategic Access Management and Monitoring Programme**  
in the Ashdown Forest

---





**THIS AGREEMENT** is dated

19 March

2019/20

**BETWEEN:**

- (1) **LEWES DISTRICT COUNCIL** whose principal place of business is at Southover House, Southover Road, Lewes, East Sussex BN7 1AB;
  - (2) **MID SUSSEX DISTRICT COUNCIL** whose principal place of business is at Oaklands, Oaklands Road, Haywards Heath, West Sussex RH16 1SS;
  - (3) **SEVENOAKS DISTRICT COUNCIL** whose principal place of business is at Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG;
  - (4) **THE DISTRICT COUNCIL OF TANDRIDGE** whose principal place of business is at 8 Station Road, East Oxted, Surrey RH8 0BT;
  - (5) **TUNBRIDGE WELLS BOROUGH COUNCIL** whose principal place of business is at Town Hall, Mount Pleasant Road, Tunbridge Wells, Kent, TN1 1RS;
  - (6) **WEALDEN DISTRICT COUNCIL** whose principal place of business is at Council Offices, Vicarage Lane, Hailsham, East Sussex BN27 2AX;
- and
- (7) **THE CONSERVATORS OF ASHDOWN FOREST** whose principal place of business is at The Ashdown Forest Centre, Wych Cross, Forest Row, East Sussex RH18 5JP (the "Conservators").

**BACKGROUND:**

- (A) Under EU Directive 2009/147/EC dated 30 November 2009 on the conservation of wild birds ("the Birds Directive") member states are under a duty to protect and manage wild bird species. The Birds Directive is implemented into UK law by the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations").
- (B) The Ashdown Forest Special Protection Area ("the Ashdown Forest SPA") was classified in March 1996 as it contains important populations of two of the species considered to be vulnerable or rare and listed in Annex 1 to the Birds Directive.
- (C) Under the Ashdown Forest Act 1974, the Conservators of Ashdown Forest have a duty to regulate and manage the recreational use of the Ashdown Forest and to conserve it as a quiet and natural area of outstanding beauty.
- (D) The LPAs and the Conservators of Ashdown Forest have agreed to work together to put in place a strategic access management and monitoring programme for the Ashdown Forest SPA for the purposes of ensuring effective avoidance and mitigation of any significant effects of new residential development and compliance with the requirements of the Habitats Regulations and to finance this by means of a tariff levied in respect of residential developments in their respective administrative areas that could have an impact on the Ashdown Forest SPA.
- (E) The purpose of this Agreement is to enable the parties to it to give effect to these arrangements.
- (F) The LPAs have power to enter into these arrangements in their capacity as Local Planning Authorities under s.1 of the Localism Act 2011, s.111 of the Local Government Act 1972 and the Conservation of Habitats and Species Regulations 2017.

## **1. DEFINITIONS AND INTERPRETATION**

1.1 In this Agreement the following definitions shall have the following meanings:

"Authorised Officer" means an officer designated and appointed by each of the LPAs and the Conservators to manage and supervise this Agreement;

"Commencement Date" means the date of this Agreement;

"Conservators" means the Conservators of Ashdown Forest and, for the purposes of this Agreement, any other body which may be appointed from time to time by the Conservators to carry out services connected with the delivery of the Projects;

"Contingency Fund" means the reserve of money within the Financial Budget to deal with any possible shortfall in predicted costs for any Projects as may be approved by the JSG from time to time;

"EIR" means the Environmental Information Regulations 2004 or any re-enactment or replacement of these regulations;

"Financial Budget" means the annual financial plan and budget for the Projects approved by the JSG;

"Financial Year" means the period from 1 April in any year until 31 March in the following year;

"FOIA" means the Freedom of Information Act 2000 and any re-enactment or replacement of the Act;

"Joint SAMM Strategy" means the framework approved by the LPAs for the delivery of a strategic access management and monitoring programme in the Ashdown Forest SPA;

"JSG" means the Ashdown Forest Joint Steering Group appointed by the LPAs to make decisions and recommendations regarding the strategy and implementation of the Projects, whose composition is more particularly detailed in Clause 6 and Schedule 4;

"JWG" means the Ashdown Forest Joint Working Group responsible for overseeing the delivery of the Projects on a day-to-day basis, whose composition is more particularly detailed in Clause 6 and Schedule 4;

"Lead Authority" means Wealden District Council or such other body or organisation as may assume responsibility for receipt of the Tariff collected by the LPAs and payments to the Conservators under the direction of the JSG under and in accordance with the terms of this Agreement;

"LPAs" means Lewes District Council, Mid Sussex District Council, Sevenoaks District Council, the District Council of Tandridge, Tunbridge Wells Borough Council and Wealden District Council;

"Projects" means the delivery of a strategic access management and monitoring programme for the Ashdown Forest SPA, further details of which are set out in Schedule 1;

"Projects Expenditure" means expenditure on payment of salaries, revenue and capital costs together with any VAT properly chargeable thereon in relation to the delivery of the Projects, as approved by the JSG in each Financial Plan and Budget;

"Projects Officers" means the persons employed to the roles of the Access Management Lead Officer and the Assistant Access Management Officer (or such other roles as may replace these during the term of this Agreement) to work with the Conservators on the delivery of the Projects;

"Quarter" means a period of three (3) months ending on 31 March, 30 June, 30 September and 31 December in any Year, and "Quarterly" shall be defined accordingly;

"Relevant Development" means any proposed development where such development without avoidance or mitigation measures is considered to have a likely significant effect on the Ashdown Forest SPA, either alone or in combination with other plans or projects, following an assessment under the Habitats Regulations authorised by a planning permission in respect of which the application was received by the Local Planning Authority on or after the [ ] 2019 or in respect of which planning conditions are discharged on or after [ ] 2019, which will involve the construction of one or more units of residential accommodation, or in the case of other development is considered to require avoidance and mitigation measures to ensure that such development is not likely to have a significant impact on the Ashdown Forest SPA;

"Ring-fenced Account" means the account held and managed by the Lead Authority in which the Lead Authority will hold the Tariffs paid to it in accordance with Clause 2.2 and out of which it is required to pay the Projects Expenditure in accordance with Clause 4 and Clause 5.2;

"Tariff" means the amounts paid by way of an obligation pursuant to s106 of the Town and Country Planning Act 1990, the Community Infrastructure Levy Regulations 2010 or any other agreement in respect of each unit of residential accommodation within a Relevant Development to ensure that there is no significant effect to the Ashdown Forest SPA, in accordance with the methodology identified by the LPAs, provided always that such amount may be adjusted in the light of all relevant circumstances relating to the Projects or the proposed development which shall be a matter for each individual LPA to determine. Tariff shall also include any amounts the LPAs have received specifically for strategic access management and monitoring in connection with applications for planning permission within a Relevant Development received before the Commencement Date. For the avoidance of doubt, the Tariff shall also be inclusive of any interest on such amounts referred to above;

"Treasury Rate" means the long-term treasury rate, being the rate earned on long-term investments (maturity > 365 days) of monies in the Ring-fenced Account where sufficient sums are available to make such an investment and the short-term treasury rate will be used where there are insufficient sums in the Ring-fenced Account;

"Wealden" means Wealden District Council;

"Working Days" means any day that is not a Saturday, Sunday or bank holiday in England and Wales.

- 1.2 Where the context so admits or requires words denoting the singular include the plural and vice versa and words denoting any gender includes all genders.
- 1.3 Clause and Schedule headings are purely for ease of reference and do not form part of or affect the interpretation of this Agreement.
- 1.4 References to Clauses and Schedules are to Clauses and Schedules to this Agreement.
- 1.5 References to each party herein include references to its successors in title, permitted assigns and novatees.
- 1.6 In the event of any inconsistency between the provisions of any Schedule hereto and the provisions of the main body of this Agreement, the former shall prevail to the extent of this inconsistency.

## **2. TARIFF**

- 2.1 Each LPA shall, on 31 March, 30 June, 30 September and 31 December each Year throughout the term of this Agreement, pay to the Lead Authority all the amounts it has received by way of Tariff within thirty (30) days of receipt by the LPA of the same.
- 2.2 The Lead Authority undertakes to hold the Tariff in the Ring-fenced Account. For the avoidance of doubt the Lead Authority shall also hold its Tariff in the Ring-fenced Account.
- 2.3 The amounts (including interest accrued) in the Ring-fenced Account shall be used to cover the Projects Expenditure to ensure the long-term protection and maintenance of the integrity of the Ashdown Forest SPA from the impact of any Relevant Development.
- 2.4 In the event that this Agreement is terminated in accordance with Clause 7, then any sums of money held by the Lead Authority in the Ring-fenced Account will be liquidated and used to cover any outstanding financial commitments in accordance with Clause 7.5 below.

## **3. PROJECT DELIVERY**

- 3.1 The Conservators shall be responsible for the delivery of the Projects. The Lead Authority shall use reasonable endeavours to procure that the Conservators deliver the Projects in accordance with the project delivery requirements, as more particularly detailed in Schedule 1 and as directed by the JWG or the JSG from time to time.
- 3.2 The JSG may from time to time direct that Wealden takes over responsibility for the delivery of a Project(s). In this event the provisions of Schedule 5 shall apply to the delivery of any such Project(s) by Wealden.
- 3.3 At all times during the term of this Agreement the Conservators shall use their best endeavours in the delivery of the Projects, including any future projects agreed by the JSG or the JWG from time to time, to comply and act solely in accordance with, the instructions of the JSG, the JWG and the Financial Budget.
- 3.4 Ownership of capital assets purchased by the Conservators with money paid to the Conservators under this Agreement shall rest with the Conservators. If the Conservators cease to be responsible for the delivery of the Projects, the Lead Authority shall procure that ownership of such capital assets will be transferred by the Conservators at nil cost to any successor organisation that takes over the functions of the Conservators relating to the delivery of the Projects.
- 3.5 The Conservators shall report to the JSG and JWG, at each progress and review meeting, on the progress of the implementation and delivery of the Projects, including recommendations and/or decisions by the Conservators based on their opinion of the effectiveness of the Projects and whether they should continue in their present form or require modification. The Conservators shall in addition provide such information about the delivery of the Projects as may be reasonably requested by the JSG and/or JWG in writing from time to time.

## **3A. PROJECTS OFFICERS**

- 3A.1 Wealden shall be responsible for the employment and management of the Projects Officers. The Projects Officers will work with the Conservators to ensure the delivery of the Projects in

accordance with the project delivery requirements but shall at all times act under the management and direction of Wealden.

- 3A.2 The costs of recruitment, employment and redundancy of the Projects Officers shall constitute Projects Expenditure. The Lead Authority shall ensure that at all times a contingency amount is retained in the Ring-fenced Account to cover the employment costs relating to the Projects Officers.
- 3A.3 Nothing in this Agreement shall constitute the Projects Officers as employees, agents or representatives of the Conservators or any of the LPAs.

#### **4. EXPENDITURE PAYMENTS**

- 4.1 The Lead Authority shall, monthly in advance, pay to the Conservators such Projects Expenditure amounting to fixed costs from the Ring-fenced Account as have been agreed by the JSG in the Financial Budget to be expended on the Projects in that year.
- 4.2 The Lead Authority shall, monthly in advance, pay Wealden from the Ring-fenced Account such employment costs for the Project Officers.
- 4.3 The Lead Authority shall pay to the Conservators such variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter, subject to and upon receipt of a valid invoice in respect of the same and provided that the value of such Projects Expenditure has been approved by the JSG and there are available funds in the Ring-fenced Account to cover the invoice amount.
- 4.4 The Conservators shall forward to the Lead Authority an invoice for any variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter.
- 4.5 The Conservators agree and accept that payment under Clause 4.3 shall only be made to the extent that the value of such Projects Expenditure has been approved by the JSG.
- 4.6 In the event that there are insufficient sums available in the Ring-fenced Account to cover the payments required under Clause 4.3, payment shall be made as soon as sufficient funds become available or, upon approval of the JSG, payments shall be made from the Contingency Fund.
- 4.7 Subject to Clauses 4.5 and 4.6, the Lead Authority shall pay all undisputed invoices within thirty (30) days of receipt.
- 4.8 If the Lead Authority fails to make any payment under Clause 4.7 when it falls due, it shall pay interest on the overdue amount at the rate of 2% per annum above the base rate of Lloyds Bank plc. Such interest shall accrue on a daily basis from the date it becomes due until the date of actual payment.
- 4.9 Any interest for late payment arising in respect of any amounts payable under Clause 4.8 shall be drawn from:
- a) the Ring-fenced Account where the reason for failure to make the payment is due to issues outside the control of the Lead Authority; or
  - b) the Lead Authority's own funds where the reason for failure to make the payment is due to issues within the control of the Lead Authority.



- 4.10 All sums due to the Conservators under this Agreement will be paid by the Lead Authority into a bank account in the name of the Conservators. The Conservators will keep all sums paid to it under this Agreement in an interest-bearing ring-fenced account. Payment will not be made to any other account without the prior written consent of the Lead Authority.
- 4.11 The Lead Authority will keep and maintain a record of all payments received and made under this Agreement for a period of ten (10) years from the end of the financial year to which they relate. This record will be available for review by the JSG upon written request.
- 4.12 The LPAs acknowledge and agree that if the Conservators enter into third party contracts in good faith in respect of the delivery of the Projects and the third party defaults on their contractual obligations for whatsoever reason, then, subject to the agreement of the JSG, the Conservators shall be reimbursed out of the Ring-fenced Account for any monies that it is required to expend either meeting the third parties contractual obligations or in taking reasonable steps to enforce the contract against the third party.
- 4.13 The Lead Authority has contributed funding to the Conservators' 'Every Dog Matters' programme, details of which are provided in Schedule 3. The Lead Authority shall recover the costs of such funding by way of deduction from the Ring-fenced Account following approval of the same by the JSG. Payment of these costs shall occur within a reasonable period from the date of approval from JSG.

## **5. THE LEAD AUTHORITY**

- 5.1 The Lead Authority will provide all reasonable services and support required to manage the delivery of the Projects in partnership with the Conservators (or, if and where applicable, Wealden), in accordance with the provisions of this Clause 5 and Schedule 2, and in consultation with the LPAs and partner authorities.
- 5.2 The Lead Authority will be responsible for the following in relation to the financial administration of the Projects:
- a) receipt of the Tariffs in accordance with Clause 2.1;
  - b) administering the Ring-fenced Account;
  - c) making payments to the Conservators (or, if and where applicable, Wealden) in respect of the delivery of the Projects in accordance with Clause 4;
  - d) providing quarterly reports to the JSG in accordance with the Financial Reporting Requirements;
  - e) providing such financial information as may reasonably be requested by the JSG or the Conservators, and in such format as may reasonably be required;
  - f) updating the cash flow model in accordance with monitoring information provided by the LPAs; and
  - g) accounting for all expenditure and income.
- 5.3 The Lead Authority will also provide such legal and procurement services as may be reasonably required and as are agreed by the JSG to enable bird monitoring to take place at the Ashdown Forest SPA and visitor monitoring surveys to be undertaken at the Ashdown Forest SPA and at SANGs sites in its vicinity.

- 5.4 It is agreed and understood that the role of the Lead Authority is limited to the functions set out in this Clause 5 and that the Lead Authority is not assuming any role in providing either financial advice or strategic avoidance and mitigation advice.
- 5.5 The Lead Authority will keep full records relating to the functions it performs under this Agreement and will permit the LPAs, as well as their statutory auditors, access at all reasonable times upon written request to such records and to take copies of them.
- 5.6 On the third anniversary of the Commencement Date and on every third anniversary thereafter, the Lead Authority will be entitled to cease undertaking the functions of the Lead Authority under this Agreement provided that it has given no less than six (6) months' prior written notice to the JSG.
- 5.7 In the event that the Lead Authority no longer wishes to carry out its functions under this Agreement, then the JSG will use its best endeavours to procure that one of the other LPAs undertakes the role of Lead Authority.
- 5.8 In the event that no LPA is willing to undertake the role of Lead Authority, then the JSG, in conjunction with the LPAs, will procure that suitable arrangements are implemented to ensure the continued delivery of the Projects.

## **6. GOVERNANCE**

### **Joint Steering Group**

- 6.1 The delivery of the Joint SAMM Strategy, including the Projects, will be managed and overseen by the JSG.
- 6.2 The membership of the JSG will comprise two (2) officers from each of the LPAs. One officer from each LPA must have delegated authority to make decisions on behalf of its LPA. Members of the LPA will have full voting rights in proceedings of the JSG.
- 6.3 The JSG may at its discretion allow additional membership of the JSG, in a co-opted role with no voting rights, of the following:
- a) up to two (2) representatives each from advisory bodies with appropriate and relevant technical expertise, as more particularly detailed in Schedule 4; and
  - b) the Lead Authority's Monitoring Officer and Chief Finance Officer.
- 6.4 The JSG will be responsible for strategic decision-making, steering the direction of the Joint SAMM Strategy, ensuring the objectives of the Projects are met and ensuring that delivery of the Projects represents value for money. Powers delegated to, and matters reserved from, the JSG are detailed in Schedule 4.
- 6.5 The JSG will meet four (4) times a year, unless an extraordinary meeting is requested by any JSG full member in accordance with its terms of reference. This provision shall remain in place unless and until the JSG resolve to change the frequency or structure of its meetings.
- 6.6 The quorum of a meeting of the JSG shall be no less than six (6) with at least one (1) member being from each of the constituent core members.

## **Joint Working Group**

- 6.7 The delivery of the Projects will be managed and overseen on a day-to-day basis by the JWG, which will act as a vehicle for joint working, liaison and information exchange between the parties and selected stakeholders.
- 6.8 The membership of the JWG will comprise one (1) officer from each of the LPAs, who will have full voting rights in proceedings of the JWG. The Projects Officers will be members of the JWG but will have no voting rights in the proceedings of the JWG.
- 6.9 The JWG may at its discretion allow additional membership of the JWG, in a co-opted role with no voting rights, of representatives from advisory bodies with appropriate and relevant technical expertise, as more particularly detailed in Schedule 4.
- 6.10 The JWG will meet four (4) times a year, unless an extraordinary meeting is requested by any JSG core member in accordance with its terms of reference. This provision shall remain in place unless and until the JSG resolve to change the frequency or structure of its meetings.

## **7. TERM, TERMINATION AND WITHDRAWAL**

- 7.1 This Agreement will come into force on the Commencement Date and will continue in force unless terminated in accordance with this Clause 7 or otherwise ended by mutual agreement, notwithstanding the right of any LPA to withdraw from this Agreement in accordance with this Clause 7.
- 7.2 The LPAs may by mutual agreement terminate this Agreement in the event that changes to statutes, regulations or orders including, without limitation, the Habitats Regulations, the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010, or changes to policy affect the LPAs' ability to deliver the Joint SAMM Strategy or collect the Tariff or which otherwise materially affects the LPAs' ability to fulfil their obligations under this Agreement.
- 7.3 In the event that the Lead Authority is in material breach of this Agreement then the LPAs may by notice in writing to the Lead Authority require such breach to be remedied within such reasonable period as may be set out in the notice. In the event that the Lead Authority fails to remedy the breach in accordance with the notice then the LPAs and the Lead Authority will submit to the dispute resolution procedure set out in Clause 11 (Dispute Resolution) in order to resolve the issue.
- 7.4 In the event that the Conservators are in material breach of this Agreement, then the Lead Authority (jointly with and on behalf of the LPAs) may by notice in writing to the Conservators require such breach to be remedied within such reasonable period as may be set out in the notice. In the event that the Conservators fail to remedy the breach in accordance with the notice then the Conservators and the Lead Authority shall submit to the dispute resolution procedure in Clause 11 (Dispute Resolution) in order to resolve the issue.
- 7.5 This Agreement will be subject to review on the first anniversary of the Commencement Date and thereafter on an annual basis or as otherwise agreed by the JSG. In the event that any party considers that the Agreement should be terminated or wishes to withdraw from the Agreement then, subject to satisfying the provisions of Clause 10 (Notices), it shall notify the other parties to this effect no later than six (6) months prior to such anniversary (such notice to expire no earlier than the second anniversary of the Commencement Date), setting out its



reasons. The parties shall consider the issue of termination and the Agreement shall terminate if and when a majority of two-thirds of the parties to this Agreement agree to such termination. In the event that a party wishes to withdraw from the Agreement, the other parties shall accept the decision of the withdrawing party, which shall be unfettered.

- 7.6 Following termination of the Agreement in accordance with this Clause 7 and in lieu of any substantially similar agreement taking its place, then under the direction of the JSG any sums of money held by the Lead Authority will be used to discharge any liabilities incurred by the Conservators or Wealden in relation to the Projects, including redundancy payments to the Projects Officers, provided that such redundancy payments relate solely to that proportion of their employment undertaking work on the Projects. The Lead Authority will use reasonable endeavours to procure that the Conservators and, where appropriate Wealden, minimise any costs arising from such termination.
- 7.7 In the event that, following discharge of any liabilities under Clause 7.5, any balance is left, such monies will be paid to the LPAs in the proportion of their payments of the Tariffs during the period from the Commencement Date until the date of termination, for the LPAs to spend on implementing alternative avoidance measures under the direction of the JSG.
- 7.8 In the event of withdrawal by one of the parties, the withdrawing party shall be released from its obligations under this Agreement including, without limitation, any liability to make further Tariff payments from the date of withdrawal. The withdrawing party shall not be entitled to any refund of the Tariff payments made or committed up to the date of withdrawal.

## **8. FREEDOM OF INFORMATION**

- 8.1 The parties acknowledge that each of the LPAs is subject to the requirements of the FOIA and the EIR.
- 8.2 The parties shall where reasonable assist and co-operate with any LPA receiving a request for information (at each parties' own expense) to enable that LPA to comply with their information disclosure obligations under the FOIA and EIR, as applicable.
- 8.3 Where any party receives a request for information which should have been directed to one of the LPAs, the receiving party shall promptly (and in any event within five (5) working days) refer the request to the relevant LPA. Any request in relation to this Agreement or the Joint SAMM Strategy shall be passed to the Lead Authority.
- 8.4 Whenever practicable, the LPA receiving a request for information relating to this Agreement shall consult the other parties and have reasonable regard to their representations prior to the release of any information.
- 8.5 Each LPA shall retain ultimate responsibility for determining how it shall respond to such requests and/or whether any information is exempt from disclosure in accordance with the provisions of the Code of Practice on Government Information and the FOIA or EIR (as applicable), and each LPA shall be responsible for determining in its absolute discretion whether any information:
- (a) is exempt from disclosure under the FOIA or EIR (as applicable); and/or
  - (b) is to be disclosed in response to a request for information.
- 8.6 Each LPA acknowledges that the other LPAs may be obliged under the FOIA and/or EIR to disclose information:

- (a) without consulting with the other parties where it has not been practicable to achieve such consultation; or
- (b) following consultation with the other parties and having taken their views into account.

## **9. AUDIT**

- 9.1 The Lead Authority (or if and where applicable, Wealden) shall, and shall procure that the Conservators shall, allow any of the LPAs and any auditors or other advisers to any of the LPAs to access its personnel and such of the Lead Authority's, Wealden's and the Conservators' records as any such LPA may reasonably require to:
  - a) fulfil any legally enforceable request by any regulatory body;
  - b) verify the accuracy of any charges under this Agreement or identify a suspected fraud; and/or
  - c) verify the accuracy and completeness of any management information delivered or required by this Agreement.
- 9.2 The Lead Authority (or if and where applicable, Wealden) shall, and shall procure that the Conservators shall, use its reasonable endeavours to minimise any disruption or delay to the Projects caused by the conduct of an audit and that, where possible, individual audits are co-ordinated with each other.
- 9.3 Any LPA wishing to conduct an audit shall give the Lead Authority no less than five (5) Working Days' written notice of its intention to conduct an audit, save where the audit is conducted in respect of a suspected fraud, in which event no notice shall be required.
- 9.4 The parties shall bear their own costs and expenses incurred in respect of compliance with their obligations under this Clause 9.

## **10. NOTICES**

- 10.1 Except as expressly stated to the contrary, all notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been properly given if delivered by hand or by courier, or sent by prepaid first-class post or special or recorded delivery to the relevant Authorised Officer at the address notified for that purpose, or such other address as either party may notify to the other for this purpose from time to time.
- 10.2 Any notice shall be treated as having been served on delivery if:
  - a) delivered by hand, at the time of delivery;
  - b) delivered by courier, two (2) Working Days after despatch;
  - c) in the case of pre-paid first-class post or registered post, three (3) Working Days from the date of posting.

## **11. DISPUTE RESOLUTION**

- 11.1 All disputes between the parties arising out of or in connection with this Agreement shall, in the first instance, be referred to the parties' respective Authorised Officers for resolution.

- 11.2 If the dispute is not resolved within a maximum of ten (10) Working Days, it shall be referred to the parties' respective Chief Executives (or equivalent position).
- 11.3 If, having been so referred, the dispute is not resolved within a maximum of twenty (20) Working Days, such dispute may be referred, by agreement between the parties, to a mediator. The mediator shall be selected by mutual agreement or, failing such agreement within fifteen (15) Working Days, shall be selected by the Centre for Effective Dispute Resolution or such other similar body as may be agreed. Decisions of the mediator shall be final and binding. The fees of the mediator shall be borne by the parties in such proportions as may be determined by the mediator.
- 11.4 If either party does not agree with any dispute being referred for resolution in accordance with this Clause 11, then the dispute shall be determined by the courts in accordance with Clause 12 (Law and Jurisdiction).

## **12. LAW AND JURISDICTION**

- 12.1 The construction, validity and performance of this Agreement shall be governed by English law and, subject to Clause 11 (Dispute Resolution), the parties irrevocably submit to the exclusive jurisdiction of the English courts.

## **13. ASSIGNMENT AND SUB-CONTRACTING**

- 13.1 The Conservators shall not assign, transfer, sub-license, novate, sub-contract or otherwise dispose of any or all of its rights and obligations under this Agreement without the prior written consent of the LPAs (such consent not to be unreasonably withheld or delayed).
- 13.2 A change in the legal status of any of the LPAs shall not affect the validity of this Agreement and this Agreement shall be binding on any successor body to that LPA.
- 13.3 In the event that the Conservators or Wealden enter into any sub-contract in connection with this Agreement it shall:
- a) remain responsible to the LPAs for the performance of its obligations under this Agreement notwithstanding the appointment of any sub-contractor and be responsible for the acts omissions and neglects of its sub-contractors;
  - b) impose obligations on its sub-contractor in the same terms as those imposed on it pursuant to this Agreement and shall procure that the sub-contractor complies with such terms; and
  - c) ensure that a copy of any sub-contract is provided to the Lead Authority within thirty (30) days after it is executed.
- 13.4 To the extent that the Conservators or Wealden sub-contract to any third party any of their obligations hereunder, any reference in this Agreement to the Conservators' or Wealden's (as the case may be) employees, agents and contractors shall include those of the relevant sub-contractor.

## **14. ENTIRE AGREEMENT**

- 14.1 This Agreement, together with the schedules and all other documents attached or referred to in, or executed contemporaneously with, this Agreement constitutes the entire agreement between the parties regarding its subject matter and supersedes any prior agreement, arrangement and understanding between the parties.

- 14.2 No representation, promise or undertaking shall be taken to have been made or implied from anything said or written in negotiations between the parties prior to the Commencement Date, except as expressly stated in this Agreement. Each party acknowledges and agrees that it has not relied upon any information given or representation made by or on behalf of the other in entering into this Agreement.
- 14.3 No party shall have any remedy in respect of any untrue statement made by any other party upon which that party relied in entering into this Agreement and that party's only remedies shall be for breach of contract as provided in this Agreement.
- 14.4 Nothing in this Clause 14 shall operate to limit or exclude any liability of any party for, or remedy against any party in respect of, any fraudulent misrepresentation.

## **15. THIRD PARTY RIGHTS**

- 15.1 A person who is not a party to this Agreement shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Agreement.

## **16. WAIVER**

- 16.1 The failure of any party to enforce or exercise at any time or for any period of time any term of or any right pursuant to this Agreement does not constitute, and shall not be construed as, a waiver of such term or right and shall not affect that party's right to enforce or exercise it at a later stage.

## **17. SEVERABILITY**

- 17.1 If any term of this Agreement is found to be illegal, invalid or unenforceable under any applicable law, such term shall, insofar as it is severable from the remaining terms, be deemed omitted from this Agreement and shall in no way affect the legality, validity or enforceability of the remaining terms.

## **18. SURVIVAL**

- 18.1 Provisions of this Agreement which either are expressed to survive its expiry or termination or from their nature or context it is contemplated that they are to survive such termination, shall remain in full force and effect notwithstanding such expiry or termination.

## **19. INDEPENDENT PARTIES**

- 19.1 The relationship of the parties is that of independent contractors dealing at arm's length and nothing in this Agreement shall constitute any party as the agent, employee or representative of any other party, or empower any party to act for, bind or otherwise create or assume any obligation on behalf of any other party, and no party shall hold itself out as having authority to do the same.

## **20. INJUNCTIVE RELIEF**

- 20.1 The parties acknowledge and agree that a breach by any party of any of the terms of this Agreement may result in irreparable and continuing damage to the other parties for which there

may or will be no adequate remedy at law, and that in the event of such breach, the LPAs shall be entitled to apply for injunctive relief and/or a decree for specific performance and such other and further relief as may be appropriate.

## 21. VARIATIONS

- 21.1 No alteration to or variation of this Agreement shall take effect unless and until the same is in writing and signed on behalf of each of the parties by a duly authorised representative.

## 22. FURTHER ASSURANCE

- 22.1 The parties shall execute and deliver all such further documents, and take all such further actions, as may be required to give full effect to the matters and transactions contemplated by this Agreement.

## 23. COSTS

- 23.1 Each party will bear its own costs in the preparation and completion of any further agreements that may be required in connection with the Joint SAMM Strategy.

## 24. COUNTERPARTS

- 24.1 This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

### DULY EXECUTED AS A DEED:

The Common Seal of  
**LEWES DISTRICT COUNCIL**  
is hereunto affixed to this Agreement  
in the presence of:

\_\_\_\_\_ 



002/20

The Common Seal of  
**MID SUSSEX DISTRICT COUNCIL**  
is hereunto affixed to this Agreement  
in the presence of:

\_\_\_\_\_ 



202/20



The Common Seal of  
**SEVENOAKS DISTRICT COUNCIL**  
is hereunto affixed to this Agreement  
in the presence of:

[Redacted Signature]

*Authorised Signatory*

The Common Seal of  
**THE DISTRICT COUNCIL OF TANDRIDGE**  
is hereunto affixed to this Agreement  
in the presence of:

[Redacted Signature]

*AUTHORISED SIGNATORY*

*WITNESSES*  
The Common Seal of  
**TUNBRIDGE WELLS BOROUGH COUNCIL**  
is hereunto affixed to this Agreement  
in the presence of:

[Redacted Signature]

The Common Seal of  
**WEALDEN DISTRICT COUNCIL**  
is hereunto affixed to this Agreement  
in the presence of:

[Redacted Signature]

Signed by  
**THE CONSERVATORS OF ASHDOWN FOREST**

[Redacted Signature]

*Chairman of the Board of Conservators*



25991

**SCHEDULE 1**

**Ashdown Forest Special Protection Area (SPA)**

**Strategic Access Management and Monitoring Strategy**

**Tariff Guidance**

**For**

**Lewes District Council**

**Mid Sussex District Council**

**Sevenoaks District Council**

**District Council of Tandridge**

**Tunbridge Wells Borough Council**

**Wealden District Council**



## **1. Purpose of document**

- 1.1. Wealden, Mid Sussex and Lewes District Councils and Tunbridge Wells Borough Council have been working in partnership with the Conservators of Ashdown Forest and Natural England since 2012 to develop a Joint Strategic Access Management and Monitoring (SAMM) Strategy. More recently, Tandridge and Sevenoaks District Councils have also been involved in the development of the SAMM Strategy.
- 1.2. To secure the delivery of the SAMM Strategy, partner local authorities and the Conservators of Ashdown Forest have entered into this Agreement. This is to facilitate the implementation of the SAMM Strategy to release development where this has previously been restricted due to Ashdown Forest Special Protection Area (SPA) mitigation requirements. Legal Agreements have been prepared in conjunction with the Conservators of Ashdown Forest as the delivery body for access management and on the ground bird monitoring.
- 1.3. This document provides SAMM tariff guidance for all local authority partners and outlines the level of financial contribution required from new residential development to contribute to a strategic SAMM mitigation strategy.

## **2. Background**

### Ashdown Forest Special Protection Area

- 2.1. The Ashdown Forest Special Protection Area (SPA) is located in the High Weald of East Sussex, within Wealden District. The Ashdown Forest SPA covers an area of 3,207 hectares. Together with the nearby Wealden Heaths SPA and Thames Basin Heath SPA, the Ashdown Forest SPA forms part of a complex of heathlands that support breeding bird populations of European importance, in particular the nightjar and Dartford warbler. The Ashdown Forest SPA is also a designated Special Area of Conservation (SAC) because it contains one of the largest single continuous blocks of lowland heath in South-East England with both European dry and North Atlantic wet heath. The SAC designation covers an overall area of 2,729 hectares. The Ashdown Forest SPA is also designated a Site of Special Scientific Interest (SSSI).
- 2.2. The Ashdown Forest SPA is protected in UK law by The Conservation of Habitats and Species Regulations 2017. The Habitats Regulations transpose the requirements of EC Directive 2009/147/EC on the Conservation of Wild Birds (the Birds Directive) and EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). Under the Habitats Regulations, development proposals must not give rise to adverse effects on the integrity of the Ashdown Forest SPA either alone or in combination with other plans or development proposals. If it is likely that a (significant) adverse effect will occur or where it is uncertain that an adverse effect may occur, then measures must be secured to either avoid or mitigate the impact. If it is not possible to avoid or mitigate an adverse impact then planning permission will be refused<sup>2</sup>.

---

<sup>2</sup> In the absence of imperative reasons of overriding public interest and appropriate compensatory measures

## Impact of Development at Ashdown Forest SPA

- 2.3. The delivery of new housing will lead to an increase in population within the Districts and Boroughs around the Ashdown Forest SPA. Visitor surveys at Ashdown Forest in 2008<sup>3</sup> and 2016<sup>4</sup> identified a significant use of Ashdown Forest by the existing local population, particularly for the purpose of dog walking. Data analysis<sup>5</sup> following the 2008 survey identified that it is likely that any new population arising from new development in the local area will also use Ashdown Forest as a recreational resource.
- 2.4. Studies and evidence resulting from research undertaken at the Ashdown Forest SPA and other SPAs in the country has identified that one of the principal threats to the European protected Dartford warbler and nightjar is the damaging effects of disturbance caused by recreation during their breeding period. It is acknowledged that freely roaming dogs hugely exacerbate the disturbance caused by people visiting the site where they can inadvertently trample on or flush birds from their nest leaving chicks or eggs to die. It is likely therefore that without appropriate and proportionate avoidance and mitigation measures, new development could impact on the populations of nightjar and Dartford warbler within the Ashdown Forest SPA, and would be contrary to the requirements of the Habitats Regulations.

### **3. Ashdown Forest SPA mitigation and avoidance measures**

- 3.1. The focus of mitigation measures is on the impact of new residential development. This is in consideration that new development in the vicinity of the Ashdown Forest SPA is likely to result in an increase in overall visitor numbers and could therefore result in an increase in recreational pressure / disturbance on the protected bird species without mitigation in place.
- 3.2. The complementary use of Suitable Alternative Natural Greenspace (SANG) and a Strategic Access Management and Monitoring (SAMM) Strategy as a mitigation measure has been recommended by Natural England. The aim of SANGs is to ensure that visit rates do not increase as a result of new development. Together with the provision of strategic access management this is considered to be an essential and effective mitigation measure whereby new or enhanced green space is provided to draw potential users away from the Ashdown Forest SPA. SANGs are being dealt with individually by each Local Authority and do not form part of this document.
- 3.3. The Ashdown Forest visitor survey (2009) has identified that the Ashdown Forest SPA is an attractive and compelling recreational resource attracting visitors from a wide area. Whilst SANGs are considered to be an essential and effective mitigation measure to help ensure that visit rates do not increase it has been identified that local residents enjoy using a variety of green spaces for their recreational activity including the Ashdown Forest SPA. It is likely therefore that residents living in new development will still visit and use the Ashdown Forest SPA from time to time even with SANGs in place. In considering the conservation objectives

---

<sup>3</sup> Visitor Access Patterns on Ashdown Forest for Mid Sussex and Wealden District Councils (UE Associates and University of Brighton, 2009).

<sup>4</sup> Liley, D., Panter, C. & Blake, D. (2016). Ashdown Forest Visitor Survey 2016.

<sup>5</sup> Clarke, R.T., Sharp, J & Liley, D. 2010. Ashdown Forest visitor survey data analysis. Natural England Commissioned Reports Number 048.

of the Ashdown Forest SPA, mitigation is therefore required to take place at Ashdown Forest itself.

- 3.4. A number of different measures have been identified to form part of a mitigation package to avoid or reduce disturbance from an increase in recreational pressure at the Ashdown Forest SPA. These measures will need to be combined in order to ensure that they are effective.

#### **4. Delivery of Strategic Access Management measures**

- 4.1. The Local Authorities who are likely to deliver residential development near to the Ashdown Forest SPA have agreed to coordinate an approach to collect developer contributions to deliver visitor access management and monitoring measures at the Ashdown Forest SPA. This coordinated approach is supported by Natural England.
- 4.2. A number of access management initiatives have been identified to reduce the impact of people and their dogs who visit the Ashdown Forest SPA on the protected bird species, the Dartford warbler and nightjar during their breeding season. The SAMM Strategy also provides funding for bird and visitor monitoring to help assess the effectiveness of the mitigation measures and inform their ongoing delivery.
- 4.3. The responsibility for managing the majority of the Ashdown Forest SPA designated area lies with an independent body, the Board of Conservators of Ashdown Forest. Originally set up in 1885, the Board has been regulated under a series of Acts of Parliament, the most recent being the Ashdown Forest Act 1974. The access management measures and on the ground bird monitoring will be delivered by the Conservators of Ashdown Forest.
- 4.4. Regular meetings will take place between partner local authorities and the Conservators of Ashdown Forest to agree project expenditure and review the status and progress of projects and resolve any issues that may arise.

#### **5. Aim of SAMM Strategy**

- 5.1. In summary, the aim of the SAMM Strategy projects will be to:

- Raise awareness and build visitor understanding of the importance and sensitivity of ground nesting birds and their habitats within the Ashdown Forest SPA as part of the wider education and heathland management programme;
- Promote alternative recreational spaces (SANGs) for local people especially in the breeding bird season;
- Promote and enforce where necessary the Code of Conduct for dog walkers;
- Encourage responsible dog walking and behavioural change as set out in the Code of Conduct;

- Provide new and additional volunteering opportunities such as Volunteer Dog Rangers in the delivery of advice and on-site support to ensure and promote responsible behaviour and use of the Ashdown Forest SPA;
- Contribute to the existing Ashdown Forest education programme to deliver outcomes that relate to the required mitigation measures in relation to Ashdown Forest SPA; and
- Help coordinate and support bird monitoring on the Ashdown Forest SPA and undertake visitor monitoring on the Ashdown Forest SPA and at SANG sites. This will be used to:
  - Ensure that projects are effective;
  - Inform the direction of strategic access management; and
  - Measure the effectiveness of avoidance and mitigation measures.

## **6. SAMM Strategy projects**

6.1. A number of projects have been identified through consultation with the Conservators of Ashdown Forest and Natural England as being necessary to deliver the above objectives. These include:

- Development of a Code of Conduct, with input from affected Local Authorities to ensure that the Code meets the requirements of the Habitats Regulations;
- Promotion of Code of Conduct using a variety of media resources;
- Producing leaflets regarding the Code of Conduct and distribution of leaflets;
- Development and procurement of appropriate signage and interpretation boards;
- Organising responsible dog ownership training events and managing the delivery of the events;
- Recruiting and managing Volunteer Dog Rangers;
- Recruiting an Access Management Lead Officer;
- Recruiting an Assistant Access Management Officer;
- Organisation and delivery of on site and off site (in relation to access management and monitoring at the Ashdown Forest SPA) education events; and
- Contributing to the wider Ashdown Forest education, information and volunteer programme.

6.2. Other projects have been developed and will be delivered in partnership with the Conservators of Ashdown Forest, with the affected Local Authorities responsible for the delivery of the projects. These include:

- The promotion of SANGs and the Code of Conduct for Dog Walkers on local authority websites;
- Development, production and distribution of leaflets to new households regarding the Code of Conduct and Suitable Alternative Natural Greenspaces (SANGs);
- The production of a bird monitoring methodology, coordination of bird surveys and subsequent analysis (involving Ashdown Forest bird monitoring volunteers and other relevant organisations as appropriate); and
- Visitor monitoring on the Ashdown Forest SPA and at SANGs sites.



- 6.3. Whilst the scope of the SAMM strategy has been agreed, projects and responsibilities for delivery will be finalised following collaborative working between partners.

## **7. Application of SAMM Strategy Tariff**

- 7.1. Where it is concluded by a competent local authority that development is 'likely to have a significant effect' on the Ashdown Forest SPA, that development will be required to make a contribution to the SAMM Strategy to mitigate its impact. The SAMM Strategy will be applied to a zone of influence around the Ashdown Forest SPA. The extent of the zone is determined by each local authority. Please see the relevant local authority website for further information.
- 7.2. Within 400m of the Ashdown Forest SPA it is unlikely that any net new dwellings will be permitted because it will not be possible to fully mitigate impacts. This includes the impact of cat predation.

### Permitted Development

- 7.3. On 6th April 2014 the Government extended the General Permitted Development Order to allow planning permission for certain classes of development without the requirement for a planning application, although prior approval may be required. This includes the change of use from farm buildings, shops (A1), Financial / Professional services (A2 uses) and office use (B1a) to dwellings<sup>6</sup>.
- 7.4. Notwithstanding the extension of permitted development rights, Sections 75 - 77 of the Habitats Regulations (2017) apply. This means that permitted development must still meet the requirements of the Habitats Regulations. Where it is considered that a 'significant effect' on the Ashdown Forest SPA may arise, the development must not commence until written approval has been received by the developer from the Local Planning Authority (or Natural England). In these circumstances, a developer will still be required to contribute to the SAMM Strategy in order to mitigate the impact of the development.

### Affordable housing

- 7.5. Affordable housing developments will be required to make the full contribution to the SAMM Strategy.

### Type of development and the application of the SAMM Tariff

- 7.6. The Habitats Regulations place a duty for all types of development to be considered in relation to their potential to have a significant effect on a European Site. Residential (Use class C) development is the main focus of the SAMM Strategy. However, in considering the potential impact on the Conservation Objectives of Ashdown Forest SPA, it may also be determined as part of a Habitats Regulations Assessment that other types of development, such as those not falling within a Use Class (for example Sui Generis which includes camp

<sup>6</sup> Further information relating to permitted development including temporary permitted development can be found at: <http://www.planningportal.gov.uk/permission/commonprojects/changeofuse>

sites and caravan pitches) may be regarded to result in a significant impact. Types of development and their location will therefore need to be considered on a case by case basis. Further detail in relation to this is provided in Appendix 1.

#### CIL, S106 Planning Obligations and Unilateral undertakings

- 7.7. The projects identified as part of the SAMM Strategy constitute 'maintenance' rather than the provision of infrastructure<sup>7</sup>. On this basis, local authorities may fund the SAMM Strategy either through CIL or through the collection of planning obligations.
- 7.8. Each Local Planning Authority will be responsible for collecting its contributions for the SAMM Strategy. The mechanism used to collect contributions is a matter for individual local authorities and will be determined on a case by case basis.

#### Timing of contribution

- 7.9. Financial contributions for the SAMM Strategy will be agreed and, where applicable, entered into prior to the determination of a planning application. Payments to be made to each local authority are to be secured and paid no later than the commencement of development. For large development sites, payment by instalment could be considered subject to the agreement of the relevant local authority.

### **8. SAMM tariff**

- 8.1. To fund the SAMM Strategy a tariff has been calculated on a per unit basis. This means that a set contribution will be required for each net unit whether a residential dwelling house or a flat, studio flat or other residential development use type.
- 8.2. It is noted that other avoidance and mitigation strategies elsewhere (Dorset and Thames Basin Heath) charge on a per bedroom basis. The per-bedroom tariff applied elsewhere has been considered as part of the SAMM Strategy work. Based on evidence, it is concluded that there is no justification at this time to charge on a per bedroom basis as relevant to mitigating the impact of new development on the Ashdown Forest SPA. Reasons for this include:
- Occupancy rates: The number of bedrooms in a dwelling does not necessarily reflect the number of persons living within a household<sup>8</sup>;
  - There is no evidence to suggest that the more bedrooms in a dwelling would result in a higher number of visitors to the Ashdown Forest SPA or the potential for a greater recreational impact;
  - There is no known relationship between the number of bedrooms, dog ownership and recreational use of the Ashdown Forest SPA;

---

<sup>7</sup> The Community Infrastructure Levy Regulations 2010

<sup>8</sup> <http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/overcrowding-and-under-occupation-in-england-and-wales/rpt-overcrowding-and-under-occupation-in-england-and-wales.html>



- It is not possible to predict the number of bedrooms likely to come forward in the plan period which impacts on the cost analysis and securing appropriate funding to deliver the SAMM Strategy; and

8.3. In considering the above, a flat rate tariff has been identified to meet the Planning Obligation tests as set out in the CIL Regulations. Notwithstanding the above, should acceptable evidence be presented which would justify a per bedroom tariff then the per-dwelling SAMM tariff will be reviewed.

## 9. Calculation of contribution

9.1. The SAMM tariff has been established with reference to the cost of avoidance and mitigation considered necessary to address the impact from an increase in visitors to the Ashdown Forest SPA from new dwellings and the anticipated increase in residential dwellings in each local authority's zone of influence.

9.2. For the purpose of calculating the tariff each local authority provided their estimated housing projections which have been applied to a cash flow model. As of December 2015, 3770 houses are projected to be delivered as relevant to the SAMM Strategy over a 13 year period<sup>9</sup>. Mitigation is required for the lifetime of the development (in perpetuity). For the purpose of the SAMM Strategy cash flow model perpetuity has been taken to mean 100 years<sup>10</sup>.

9.3. The estimated housing projections are based on development being completed in the same year that it commences. The Strategy includes projections from all local planning authorities (Wealden, Mid Sussex, Lewes, Tandridge, Sevenoaks and Tunbridge Wells). The SAMM Strategy will also supersede Mid Sussex District Council's Interim Mitigation Strategy<sup>11</sup>.

9.4. SAMM Strategy costs (out flow) have been identified in consultation with Natural England and the Conservators of Ashdown Forest. A summary of forecast project costs in perpetuity and as identified in December 2015 is provided in Appendix 2. These costs have been modelled against housing projections (in flow) and a discount cash flow model has been applied with an interest rate of 3.5%<sup>12</sup>. A summary of the forecast cash flow model is provided in appendix 3.

9.5. Based on the project costs and projected housing numbers and delivery the SAMM tariff has currently been set at £1,170 per dwelling.

<sup>9</sup> The proposed plan periods for Mid Sussex and Lewes District extend to 2031 and 2030 respectively and therefore extend beyond that of Wealden District Council's current plan period (2027). It is not possible at this time to predict housing numbers beyond Wealden District Council's current plan period. However, housing number estimates alongside project costs will be regularly reviewed to ensure that housing and cost assumptions are as accurate as possible<sup>10</sup> Perpetuity meaning 100 years is based on the lifetime of a residential development being 100 years as set out in National Planning Policy Guidance (NPPG).

<sup>10</sup> Perpetuity meaning 100 years is based on the lifetime of a residential development being 100 years as set out in National Planning Policy Guidance (NPPG).

<sup>11</sup> Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation: Strategic Access Management and Monitoring (SAMM) – Interim Mitigation Strategy (Mid Sussex District Council – 22<sup>nd</sup> August 2013).

<sup>12</sup> This is in accordance with the current Treasuries Interest Rate.



- 9.6. The funds derived from each local authority will be combined. Therefore, the cumulative cash flow is linked between local authorities. A change in housing numbers or the timing of housing delivery from one local authority will ultimately impact on the total funding and interest accumulated. It will therefore be necessary to review the contribution amount on an annual basis and taking into account housing monitoring and the collection of funding. It is anticipated that a review will take place in Autumn 2019.
- 9.7. The cash flow model and budget will be reviewed annually at a minimum. The SAMM tariff may be updated to reflect any increase or decrease in costs and / or the level of mitigation required in accordance with visitor survey results and to account for any updates to the Access Management Strategy.

## Appendix 1- Type of development and the application of the SAMM Tariff

Type	Explanation for contribution	Contribution calculation
<b>C3: Dwelling houses</b>		
Dwelling Houses	Proposals for one or more net units including affordable housing will be required to contribute to the SAMM Strategy.	Charge per additional net new unit.
Studio flats	Proposals for Studio Flats will be considered the same as a dwelling.	Charge per additional net new unit.
Retirement and age restricted properties	Proposals for one or more net units will be required to contribute to the SAMM Strategy.	Charge per unit.
<b>C1: Hotels</b>		
Staff residential accommodation	Proposals for a net increase in staff accommodation will be required to contribute to the SAMM Strategy.	Charge per additional net new unit or bedroom.
Holiday accommodation	Proposals for holiday accommodation will be required to contribute to the SAMM Strategy. This will include both new build and change of use applications.	Charge per net increase in holiday units.
Hotels / guesthouses	Proposals for hotels or guesthouses will be required to contribute to the SAMM Strategy where each bedroom will be considered as one unit. Where extensions to existing accommodation are proposed a contribution will be required for each net additional bedroom.	Charge per net increase in bedrooms.
<b>C2: Residential Institutions</b>		
Staff residential accommodation	Proposals for a net increase in staff accommodation will be required to contribute to the SAMM Strategy.	Charge per additional net new unit.
Residential care home / nursing home	Residential care homes and nursing homes will be considered on a case by case basis. This may include assessing the likely mobility of residents and the potential for pet ownership. Where no contribution is required then relevant conditions will need to be attached to any planning permission to ensure that no significant effect can arise for the lifetime of the development.	Considered on a case by case basis.  Where applicable, charge per bedroom / unit.
<b>C4: Houses in Multiple Occupation (HMOs)</b>		
HMO	Proposals for HMOs will be required to contribute to the SAMM Strategy. Each	Charge per bedroom

	bedroom will be classed as one unit of accommodation.	
Change of use from C3 to C4	Proposals to change use from C3 to C4 will be required to contribute to the SAMM Strategy. The original dwelling will be classed as one unit and each bedroom will also be classed as one unit. The charge will apply to the net increase in units.	Charge per additional net increase in units.
Other types of development		
Annexes	Proposals for annexes will be required to be assessed on a case by case basis.	Where applicable, charge per unit.
Redevelopment sites	Where there is a net increase in units a charge will apply.	Charge per additional net new unit.
Replacement dwellings	A contribution will generally not be required for replacement dwellings. However, where ancillary accommodation such as an annexe is proposed as part of the replacement then this will need to be assessed on a case by case basis.	Considered on a case by case basis.
Camp sites and caravan sites (Temporary and permanent)	Proposals for camp sites and / or extensions to camp sites where the number of pitches increase will be required to contribute to the SAMM Strategy. This includes applications to extend temporary planning consent or to apply for permanent planning consent. The charge is only applicable once per pitch.	Charge per pitch or additional pitch.  A reduction will apply where a camp or caravan site is seasonal. The charge will be proportionate to the number of months (or days) that the camp site is used. For example, if the site is open for six months then half the tariff will apply.
Mobile and temporary dwellings	Proposals for mobile or temporary dwellings will be required to contribute. If made permanent there will be no additional charge.	Charge per unit.
Temporary and permanent Gypsy and traveller pitches	Proposals for temporary or permanent Gypsy or Traveller pitches will be required to contribute. If made permanent no additional charge will apply.	Charge per pitch

## Appendix 2 – SAMM Strategy Forecast Project costs in perpetuity

Project	Total cost in perpetuity (£)
Project 1b - Code of Conduct review and reprint	26,350
Project 2a (i) (ii) (iii) (iv) - Code of Conduct Promotion	8,806
Project 2a / 2b (iv) - Code of Conduct promotion	14,225
Project 2b (i) Code of Conduct review and reprint	15,130
Project 2b (ii) - Code of Conduct review and reprint	2,550
Project 2b (iii) - Code of Conduct review and reprint	3,532
Project 2b (iv) - Code of Conduct review and reprint	128,180
Project 2b (VI) - Code of Conduct review and reprint	8,415
Project 3 - Lead Access Management Officer	3,778,150
Project 3a - Volunteer Dog Rangers	56,100
Project 3b - Community Events	49,000
Project 4 - Assistant Access Management Officer	3,613,500
Project 5 - Dog training programme	49,500
Project M1 - Bird Monitoring	792,000
Project M2 - Visitor Monitoring	956,000
Contingency	1,791,900
Management fee	2,970,000
Interest rate contingency	540,000
<b>Total</b>	<b>14,803,338</b>

Note: Forecast Project costs last updated at December 2015

### Appendix 3 - SAMM Strategy Forecast Cash Flow Summary

Wealden District Council

SAMM5 project

	Year 1	Years 2-100	Total
Maintenance	£	£	£
Total Expenditure	8,806	14,794,532	14,803,338
Total Income	0	(5,469,358)	(5,469,358)
Mid Sussex - already collected	0	(1,056,456)	(1,056,456)
Cash Outflow/(inflow) total	8,806	8,266,716	8,275,522
<b>PRESENT VALUE @ 3.5%</b>	<b>8,806</b>	<b>(12,604)</b>	<b>(3,799)</b>

Houses	Year 1	Years 2-100	Total
Wealden	0	2918	2918
Lewes	0	108	108
TWBC	0	0	0
Tandridge	0	0	0
Mid Sussex	20	724	744
Mid Sussex (already committed)			465
<b>Total Houses</b>	<b>20</b>	<b>3750</b>	<b>4235</b>

<i>Developer contribution per dwelling</i>	£
All authorities	1170

Note: Forecast Cash Flow last updated at December 2015

## **SCHEDULE 2**

### **Financial Requirements**

#### **1. Reporting**

The Lead Authority will provide suitable income and expenditure accounts every three months that will include the following:

##### **Income**

- sources of income (i.e. from each LPA)
- period income received
- value of contributions from each LPA
- cumulative contributions from each LPA

##### **Expenditure**

- payment category (i.e. approved project)
- period in which payment was made
- value of each payment category
- cumulative value of the payments

##### **Balances**

- cumulative balances held in the Ring Fenced Account
- Interest amount applied to balances
- Interest Rates<sup>13</sup> applied

Sample copies of the report layouts are shown in appendix 1 of this schedule.

The Lead Authority will prepare the annual accounts for audit and arrange for the accounts to be audited. The preparation of the annual accounts will be in accordance with the Accounts and Audit Regulations 2015 and the Code of Practice on Local Authority Accounting in the United Kingdom. Each member authority will receive financial reporting information to enable them to account for their share income and expenditure in their annual accounts in accordance with the closure of accounts timetables. A sample of the annual account statement is shown in appendix 2.

#### **2. Receiving Income from the LPAs**

Income will be received quarterly by BACS transfer. The BACS details are:

Account Name:	Wealden District Council.
Bank:	Lloyds Bank, City Office Branch, PO box 72, Gillingham Business Park, Kent. ME08 OLS
Sort Code:	30-80-12
Account Number:	10341360.

---

<sup>13</sup> As per the Treasury Rate



### **3. Holding the Funds**

A separate cost centre for the Ring-Fenced Account will be set up which will record income and expenditure during the Financial Year. Any balances at the end of each Financial Year will be carried forward and held in the Ring-Fenced Account.

### **4. Making Payments**

Payments from the Ring-Fenced Account will be made quarterly upon receipt of detailed instructions from the Joint Steering Group or its authorised representative.

### **5. Investment Advice**

The Lead Authority is limited to the functions set out in Clause 5 of the Agreement relating to the delivery of a Strategic Access Management and Monitoring Programme in the Ashdown Forest and is not assuming any role in providing either financial advice or strategic avoidance and mitigation advice.



## Appendix 1

### Joint Steering Group Financial Report (example layout)

Summary Financial Report for Quarter:

1

Financial year:

2017/18

Strategic Access Management & Monitoring Programme - Income & Expenditure	2017/18	2017/18	2017/18	2017/18	2017/18	2017/18		
	Actual	Actual	Actual	Actual	2017/18	2017/18	Forecast	2017/18
	Q1	Q2	Q3	Q4	Total	Budget	Outturn	Variance
	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)
<b>Income</b>								
Lewes District Council					0.0			0.0
Mid Sussex District Council					0.0			0.0
Sevenoaks District Council					0.0			0.0
The District Council of Tandridge					0.0			0.0
Tunbridge Wells District Council					0.0			0.0
Wroalden District Council					0.0			0.0
<b>Total Income</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Expenditure</b>								
Management fee					0.0			0.0
Legal and procurement costs					0.0			0.0
Project 1b - Code of Conduct review and reprint					0.0			0.0
Project 2a - Code of Conduct Promotion					0.0			0.0
Project 2b - Code of Conduct review and reprint					0.0			0.0
Project 3 - Lead Access Management Officer					0.0			0.0
Project 3a - Volunteer Dog Rangers					0.0			0.0
Project 4 - Assistant Access Management Officer					0.0			0.0
Project 5 - Dog training programme					0.0			0.0
Project M1 - Bird Monitoring					0.0			0.0
Project M2 - Visitor Monitoring					0.0			0.0
Contingency					0.0			0.0
<b>Total Expenditure</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Net Expenditure - (Surplus)/Deficit for year</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Appendix 1

Strategic Access Management & Monitoring Programme - Balances	2017/18	2017/18	2017/18	2017/18	2017/18		
	Actual	Forecast	Forecast	Forecast	2017/18	Forecast	2017/18
	Q1	Q2	Q3	Q4	Budget	Outturn	Variance
	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)
<b>Opening Balances brought forward</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
Income from Local Planning Authorities							0.0
Funding of expenditure					0.0	0.0	0.0
<b>Balances for Investment</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
Interest on balances	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Closing Balances carry forward</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Interest Rates applied to balances

1.00%    1.00%    1.00%    1.00%    1.00%

## Appendix 2

### Strategic Access Management & Monitoring Programme

#### Income & Expenditure statement 2017/18 by authority

Strategic Access Management & Monitoring Programme - Income & Expenditure	Total Actual income/ expenditure	Wealden District Council	Lewes District Council	Mid Sussex District Council	Sevenoaks District Council	The District Council of Tandridge	Tunbridge Wells District Council
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Income</b>							
SAMMs tariff contribution	0	XX	XX	XX	XX	XX	XX
Investment income (Interest)	0	XX	XX	XX	XX	XX	XX
<b>Total Income</b>	0	0	0	0	0	0	0
<b>Expenditure</b>							
Contingency	0	XX	XX	XX	XX	XX	XX
Project 1b - Code of Conduct review and reprint	0	XX	XX	XX	XX	XX	XX
Project 2a - Code of Conduct Promotion	0	XX	XX	XX	XX	XX	XX
Project 2b - Code of Conduct review and reprint	0	XX	XX	XX	XX	XX	XX
Project 3 - Lead Access Management Officer	0	XX	XX	XX	XX	XX	XX
Project 3a - Volunteer Dog Rangers	0	XX	XX	XX	XX	XX	XX
Project 4 - Assistant Access Management Officer	0	XX	XX	XX	XX	XX	XX
Project 5 - Dog training programme	0	XX	XX	XX	XX	XX	XX
Project M1 - Bird Monitoring	0	XX	XX	XX	XX	XX	XX
Project M2 - Visitor Monitoring	0	XX	XX	XX	XX	XX	XX
<b>Total Expenditure</b>	0	0	0	0	0	0	0
<b>Net Expenditure - (Surplus)/Deficit for year</b>	0	0	0	0	0	0	0

## Appendix 2

### Strategic Access Management & Monitoring Programme

#### Income & Expenditure statement 2017/18 by authority

	<b>Total Actual income/ expenditure</b>	<b>Wealden District Council</b>	<b>Lewes District Council</b>	<b>Mid Sussex District Council</b>	<b>Sevenoaks District Council</b>	<b>The District Council of Tandridge</b>	<b>Tunbridge Wells District Council</b>
Balances Brought Forward	0	XX	XX	XX	XX	XX	XX
(Surplus)/Deficit for year	0	XX	XX	XX	XX	XX	XX
<b>Balances carried forward</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Notes**

- 1) Actual expenditure allocated proportionate to tariff contribution
- 2) Investment Income (i.e. interest) allocated proportionate to tariff contribution
- 3) In addition to the above statement, copies of the final accounts working papers can be provided to each LPA's Finance Team in accordance with closure of accounts timetables.



### **SCHEDULE 3**

#### **Interim SAMM Strategy funding**

##### **Conservators of Ashdown Forest**

- 1.1. The responsibility for managing Ashdown Forest lies with an independent body, the Board of Conservators of Ashdown Forest. Originally set up in 1885, the Board has been regulated under a series of Acts of Parliament, the most recent being the Ashdown Forest Act 1974. There, in section 16, it is stated that:

*"It shall be the duty of the Conservators at all times as far as possible to regulate and manage the forest as an amenity and place of resort subject to the existing rights of common upon the forest and to protect such rights of common, to protect the forest from encroachments, and to conserve it as a quiet and natural area of outstanding beauty".*

##### **Strategic Plan for Ashdown Forest (2016-2020)**

- 1.2. The Conservators of Ashdown Forest published the Strategic Plan for Ashdown Forest in 2016. The Plan period is from 2016 to 2020, and identifies a strategic priority relating to the Strategic Access Management and Monitoring Strategy (SAMMS):

*"Understand implication to Forest of the Local Authorities Strategic Access and Monitoring Strategy (SAMMS)".*

- 1.3. The goal of the above priority is to implement projects proposed by the Conservators of Ashdown Forest and as approved by LPAs. The strategies identified to help deliver the Conservators strategic priority include:

- The Conservators existing 'Every Dog Matters' programme;
- Visitor management and monitoring;
- Education and information programme; and
- Bird monitoring.

##### **Conservators of Ashdown Forest 'Every Dog Matters' Programme**

- 1.4. The 'Every Dog Matters' programme is a project initiated by the Conservators of Ashdown Forest. The aim of the project is to reduce dog related incidents on Ashdown Forest, with particular regard to livestock, horses and wildlife. Whilst one of the objectives is to reduce the impact of dogs on livestock and horses, there is synergy with the objective of

mitigation to meet the Habitats Regulations requirements<sup>14</sup>. This is because the close control of dogs should assist in protecting wildlife including reducing any potential incidents of flushing Dartford warblers and nightjars from their nests during their breeding season.

1.5. The 'Every Dog Matters' programme includes:

- The development of a Code of Conduct for dog walkers;
- Publication and promotion of the Code of Conduct;
- The positive reinforcement of the Code of Conduct by Rangers and Volunteers; and
- Responsible dog ownership training events;

1.6. The 'Every Dog Matters' programme is not a statutory obligation for the Conservators of Ashdown Forest, but a programme instigated to tackle an existing problem arising on the Forest. Without additional external funding to assist with tackling an increase in visits to the forest from residents of new housing a significant proportion of this project would not be able to take place and therefore this would impact on the objectives of the overall Joint SAMM Strategy by way of the synergies with the Conservators' priorities.

Development of a Code of Conduct for Dog Walkers

1.7. The Conservators of Ashdown Forest received funding from Safer Wealden Partnership in 2014 to help produce a Code of Conduct for Dog Walkers. Funding for three days' worth of work was secured. An Access and Countryside Management Consultant undertook the work on behalf of the Conservators of Ashdown Forest. As part of the three days' work information obtained from the dog training events, consultation with the Dog Owners/Walkers Forum and the Ashdown Forest Parish Liaison Panel informed the Code of Conduct which was finalised in early 2015 and is now available.

1.8. The Code of Conduct promotes the 4 Cs which requires dog owners to:

- keep their dogs under **control** or on a lead if they do not respond to recall;
- to take **care** of livestock and wildlife (including ground nesting birds);
- to have **consideration** of others; and
- to **clean** up after their dogs.

1.9. The Code of Conduct and the 4 Cs are relevant to the implementation of the SAMM Strategy. A dedicated section has been provided to educate dog owners about ground nesting birds and how they are prone to

---

<sup>14</sup> The requirement to reduce the amount of new visitors to Ashdown Forest arising from new development so that the baseline visits are not increased, and reduce the impact on the ground nesting birds (Dartford warbler and nightjar) from recreational pressure including dog walking.

disturbance by dogs and the impact of this during the bird breeding season.

#### Promotion of the Code of Conduct for Dog Walkers

1.10. The Code of Conduct was developed and finalised as part of the Conservators' Every Dog Matters Programme. However, it is also considered to be an important element of the SAMM Strategy project. With this in mind and in advance of the implementation of the Joint SAMM Strategy, funding has been provided to the Conservators to cover the costs for the following:

- Printing of 10,000 Code of Conduct leaflets;
- Printing of 500 laminate posters;
- 1 x issue of Ashdown Forest Life (dedicated to the Code of Conduct);
- 6 x movable outdoor signs;
- 60 x car park signs; and
- Administration costs.

1.11. The purpose of providing interim funding was to ensure the timely implementation of the Joint SAMM Strategy and to assist the Conservators in setting up the overall access management strategy. Interim funding to the amount of £8,806 was provided to ensure the timely promotion of the Code of Conduct to benefit all development requiring mitigation.

## **SCHEDULE 4**

### **Terms of Governance**

#### **Joint Steering Group**

- 1.1 The Joint Steering Group (JSG) will act as an advisory body for the LPAs. For the avoidance of doubt, the JSG cannot exercise any of the functions of a local planning authority or other competent authority, including setting formal planning policy or exerting control over planning decisions, nor can it fetter any decisions made by such bodies, nor the rights and responsibilities of Ashdown Forest SPA landowners.
- 1.2 The JSG will recognise and take account of the interests, rights and responsibilities of landowners, users and other stakeholders.

#### **Membership**

- 1.3 *Full members:* The following LPAs will be full members of the JSG and have full voting rights at meetings of the JSG:
- Wealden District Council
  - Mid Sussex District Council
  - Lewes District Council
  - Tunbridge Wells Borough Council
  - The District Council of Tandridge
  - Sevenoaks District Council
- 1.4 Membership of the JSG will consist of two officers from each member local authority. At least one officer from each member local authority will be a Senior Officer with delegated authority to make decisions.
- 1.5 Other local planning authorities may be invited to join the JSG Board if directly affected by any future review of the Ashdown Forest SPA designation or related policy.
- 1.6 *Advisory members:* The following organisations may be invited as advisory members of the JSG with rights of attendance and participation at all meetings but without voting rights:
- Natural England
  - RSPB
  - Selected landowners and / or land managers including:



- Conservators of Ashdown Forest
    - Sussex Wildlife Trust
  - Monitoring Officer and / or Chief Finance Officer from the Lead Authority.
- 1.7 At the discretion of the Chairman of the JSG, representatives of other stakeholder organisations that have a recognised and legitimate interest in the planning or management of land affected by the Ashdown Forest SPA may be invited to attend, advise and/or speak at meetings of the JSG, but will not have voting rights.

#### Procedures

- 1.8 A Chairman and Vice Chairman will be elected annually from amongst the nominated representatives of full member authorities.
- 1.9 Meetings of the JSG will be held four times per year or more if an extraordinary meeting is requested by a full member. The frequency of meetings will be reviewed after two years from the first meeting under these terms.
- 1.10 Meetings may be held at local authority offices or other appropriate venues. At least one representative from each member local authority with delegated powers must be present for meetings to be quorate.
- 1.11 Decisions will be taken by a majority vote of those present and entitled to vote.
- 1.12 Secretariat services will be provided by a full member authority on rotation.

#### Functions

- 1.13 The JSG will have the following functions:
- To act as a vehicle for joint working, liaison and exchange of information related to the Ashdown Forest SPA;
  - To steer the direction of the SAMM Strategy;
  - To retain an overview of, and monitor, the implementation and outcomes of measures to avoid the impact of development on the SPA, including:
    - local authority policy/avoidance strategies;
    - the coordinated provision of suitable alternative natural greenspace (SANG); and

- strategic access management and monitoring (SAMM) measures, including approving an annual financial plan and budget for the SAMM project.
  - Ensuring that objectives and service levels are being met;
  - Ensuring that value for money is being achieved;
  - Reviewing the Joint SAMM Strategy and delivery priorities;
  - To receive and review quarterly and annual reports relating to the delivery of the SAMM Strategy from the Lead Authority and/or the Conservators as required.
- 1.14 In carrying out these functions, the JSG may:
- Request that the Lead Authority, on behalf of the LPAs, commissions studies, surveys and reports associated with the provision of the Joint SAMM Strategy;
  - Instruct the JWG, the Projects Officers or other LPA or partner organisation as the JSG may direct from time to time to undertake work in accordance with an agreed brief or work programme;
  - Provide advice to member and stakeholder organisations, including making non-binding recommendations for a course of action;
  - Approve and publish documents in relation to the long term protection of the Ashdown Forest SPA and the delivery of development around the Ashdown Forest SPA; and
  - Raise funds from member organisations or other sources.
- 1.15 The JSG may review its terms of reference by unanimous agreement of the member LPAs.

## **2. Joint Working Group**

- 2.1 The Joint Working Group (JWG) is appointed by the JSG to act as a vehicle for the delivery, liaison and information exchange of the Joint SAMM Strategy and make decisions and recommendations in relation to the implementation of the Joint SAMM Strategy. The JWG acts to support and advise the Conservators and the Projects Officers in taking decisions and ensuring the SAMM Strategy projects progress through open partnership discussions and solution-finding. The JWG will in effect oversee the delivery of the Joint SAMM Strategy on a day-to-day basis.

### Membership

- 2.2 Membership of the JWG is agreed by the JSG and comprises:

- Full member: One representative from each of the LPAs.
  - Advisory members: Project Officers, selected landowner/manager or technical organisations such as:
    - Conservators of Ashdown Forest,
    - Sussex Wildlife Trust,
    - Natural England,
    - RSPB,
    - Sussex Biodiversity Records Centre.
- 2.3 Advisory Members will be selected on the basis of individual expertise. Meetings will be chaired by a nominated member.
- 2.4 Advisory Members may change from time to time in accordance with relevance to the delivery of the Joint SAMM Strategy and certain projects where members will be selected on the basis of individual involvement or expertise.
- 2.5 Responsibilities of JWG will include:
- Providing the Lead Authority with relevant information in the required formats in advance of meetings; and
  - Carrying out actions in line with deadlines set out by the Chair.

#### Procedures

- 2.6 The JWG will meet four (4) times a year and six weeks before the JSG meeting, unless an extraordinary meeting is requested by the JSG. The frequency of meetings can be reviewed after two years as directed by the JSG.
- 2.7 Full Members will have voting rights. Decisions will be made by a majority vote of those in attendance and entitled to vote. Advisory Members have rights of attendance and participation only.
- 2.8 Minutes of the JWG will be reported to the JSG Board. Secretariat functions will be provided by the Conservators or other nominated individual.

#### Functions

2.9 The JWG has responsibility for oversight of the delivery of the Projects by the Conservators of Ashdown Forest or other delivery bodies funded by the Joint SAMM Strategy and directing the Projects by:

- Agreeing the job description and recruitment of the Projects Officers;
- Agreeing and preparing the project plan, including project objectives, controls and processes;
- Approving key decisions in the contracting of delivery bodies in accordance with the agreed budget;
- Drafting and reviewing the annual business plans (including the financial plan) and recommend for approval to the JSG;
- Making decisions on expenditure within the approved budget;
- Monitoring progress against plans and expenditure;
- Monitoring the success of the avoidance/mitigation measures and making recommendations to the JSG;
- Making recommendations to the JSG when decisions are required beyond this group's remit; and
- Agreeing the engagement and education plan.

## **SCHEDULE 5**

### **Project Delivery by Wealden**

#### **1. Delivery**

- 1.1 Wealden shall use its best endeavours in the delivery of the Projects, including any future projects agreed by the JSG or the JWG from time to time, to comply and act solely in accordance with, the instructions of the JSG, the JWG and the Financial Budget.
- 1.2 Wealden shall report to the JSG (or, if it is no longer acting as lead authority, to the Lead Authority) at each progress and review meeting, on the progress of the implementation and delivery of the Projects, including recommendations and/or decisions by Wealden based on its opinion of the effectiveness of the Projects and whether they should continue in their present form or require modification. Wealden shall in addition provide such information about the delivery of the Projects as may be reasonably requested by the JSG (or, where applicable, the Lead Authority) in writing from time to time.

#### **2. Expenditure Payments**

##### **2.1 Where Wealden is acting as the lead authority:**

- (i) it shall, monthly in advance, reimburse to itself such Projects Expenditure amounting to fixed costs from the Ring-fenced Account as have been agreed by the JSG in the Financial Budget to be expended on the Projects in that year;
- (ii) it shall reimburse to itself such variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter, subject to and upon receipt of a valid invoice in respect of the same and provided that the value of such Projects Expenditure has been approved by the JSG and there are available funds in the Ring-fenced Account to cover the invoice amount.

##### **2.2 Where Wealden is no longer acting as the lead authority:**

- (i) the Lead Authority shall, monthly in advance, pay to the Wealden such Projects Expenditure amounting to fixed costs from the Ring-fenced Account as have been agreed by the JSG in the Financial Budget to be expended on the Projects in that year;

- (ii) the Lead Authority shall pay to Wealden, such variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter, subject to and upon receipt of a valid invoice in respect of the same and provided that the value of such Projects Expenditure has been approved by the JSG and there are available funds in the Ring-fenced Account to cover the invoice amount.
- (iii) If the Lead Authority fails to make any payment when it falls due, it shall pay interest on the overdue amount at the rate of 2% per annum above the base rate of Lloyds Bank plc. Such interest shall accrue on a daily basis from the date it becomes due until the date of actual payment.
- (iv) Any interest for late payment arising in respect of any amounts payable under sub-clause (iii) above shall be drawn from:
  - (a) the Ring-fenced Account where the reason for failure to make the payment is due to issues outside the control of the Lead Authority; or
  - (b) the Lead Authority's own funds where the reason for failure to make the payment is due to issues within the control of the Lead Authority.
- (v) All sums due to Wealden under this Agreement will be paid by the Lead Authority into a bank account in the name of Wealden. Wealden, will keep all sums paid to it under this Agreement in an interest-bearing ring-fenced account. Payment will not be made to any other account without the prior written consent of the Lead Authority.

- 2.3 Wealden shall forward to the JSG or to the Lead Authority (as applicable) an invoice for any variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter.
- 2.4 Wealden agrees and accepts that payment under Clause 2.1(ii) or Clause 2.2(ii) (as applicable) shall only be made to the extent that the value of such Projects Expenditure has been approved by the JSG.
- 2.5 In the event that there are insufficient sums available in the Ring-fenced Account to cover the payments required under Clause

2.1(ii) or Clause 2.2(ii) (as applicable), payment shall be made as soon as sufficient funds become available or, upon approval of the JSG, payments shall be made from the Contingency Fund.

- 2.6 Subject to Clauses 2.4 and 2.5, reimbursement or payment of all undisputed invoices shall be made within thirty (30) days of receipt.
- 2.7 Wealden will keep and maintain a record of all payments reimbursed and under this Agreement for a period of ten (10) years from the end of the financial year to which they relate. This record will be available for review by the JSG upon written request.
- 2.8 The LPAs acknowledge and agree that if Wealden enters into third party contracts in good faith in respect of the delivery of the Projects and the third party defaults on their contractual obligations for whatsoever reason, then, subject to the agreement of the JSG, Wealden shall be reimbursed out of the Ring-fenced Account for any monies that it is required to expend either meeting the third parties contractual obligations or in taking reasonable steps to enforce the contract against the third party.
- 2.9 In the event that Wealden are in material breach of this Agreement in respect of their obligations to deliver any Project(s) under Clause 3.2 of this Agreement, then the LPAs jointly may by notice in writing to Wealden require such breach to be remedied within such reasonable period as may be set out in the notice. In the event that Wealden fails to remedy the breach in accordance with the notice then Wealden and the LPAs (through a representative) shall submit to the dispute resolution procedure in Clause 11 (Dispute Resolution) of this Agreement in order to resolve the issue.



