



Tim Hickling
Head of Service – Strategy & Planning
Rother District Council
Town Hall
Bexhill-on-Sea
TN39 3JX

6th October 2020
Sent by Email Only

Dear Tim

Re Duty to Cooperate discussions between Tunbridge Wells Borough Council and Rother District Council: formal requests to accommodate development needs from Tunbridge Wells.

I refer to recent discussions held between our two Authorities under the Duty to Cooperate (DtC). These discussions have been positive and pragmatic. The following communication is set out in formal, and at times rather direct, language, and I would like to make it clear that this is due to the fact that such matters are of integral importance to the formation of the Tunbridge Wells Borough Local Plan, and have been expressed as such so there is no ambiguity at a later date – for example at the Examination of the Local Plan. I look forward to continuing future DtC discussions in the same vein as before.

As explained in our most recent meetings, Tunbridge Wells Borough Council (TWBC) undertook Regulation 18 consultation on its Draft Local Plan (DLP) in Autumn 2019. The borough of TW is highly constrained, with approximately 70% of the Borough within the High Weald Area of Outstanding Natural Beauty (AONB), 22% in the Green Belt, and with other areas falling within Flood Zones 2 and 3, together with infrastructural constraints.

The strategy for development as set out in the DLP:

- sought firstly to maximise the development potential of each site considered as suitable for sustainable development in locations outside of the AONB and Green Belt (particularly previously developed land in the built up areas of the borough);
- following an assessment of the development potential of smaller (not 'major') sites located within the AONB, undertook further consideration of the development potential of major development sites in the AONB, following the requirements of para 172 of the NPPF, and of potential sites in the Green Belt taking account of the requirements of paras 136 and 137 of the NPPF;

- is explained in the Distribution of Development Topic Paper for Draft Local Plan – Regulation 18 Consultation (September 2019)¹.

At the DtC meetings we have discussed this strategy, and the distribution of development as set out in the TWBC DLP, including both major development in the AONB, and the release of the Green Belt to accommodate both housing and employment uses, including proposed garden settlements at Land at East Capel and Paddock Wood and Tudeley. The distribution, relative to these constraints, can be summarised as:

Designation	Range of housing numbers	Employment
AONB	1608 - 1772	> 14 ha
GB	4724 – 5559	> 14 ha
Both GB and AONB	320 - 390	> 14 ha
Combined	6012 – 6941	> 14 ha

During the Regulation 18 consultation on the DLP, representations were made from over 2,000 residents, businesses, organisations and developers, which amounted to over 8,000 separate comments. TWBC has reviewed all of these representations, and is currently considering the spatial strategy for the Pre-Submission version of the Local Plan.

Consideration of Strategy

Green Belt

In accordance with para 137 of the NPPF, as part of these considerations, TWBC is fully examining all other reasonable options for meeting its identified need for development without the need for release of land from the Green Belt. This includes the specific requirement that the strategy be “*informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development [in the Green Belt], as demonstrated through the statement of common ground*”.

We have discussed the difficulties that your authority would have in accommodating additional need for development. However, to take forward these discussions, it is appropriate to formally request that Rother District Council (RDC) consider accommodating some, or all, of the following from TW borough: 4,724 – 5,559 dwellings, and at least 14 hectares of employment land.

AONB

in accordance with para 172 of the NPPF, before making a final consideration on the major developed sites in the AONB, TWBC is examining whether there is scope for, and the cost of, this development:

- being located outside the AONB;
- being met in some other way.

https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0012/301116/Distribution_of_Development_Topic_Paper.pdf

As part of this work, and as discussed in the recent DtC discussions:

- TWBC considers it pertinent to discuss with RDC whether there is scope for RDC to accommodate some, or all of the major employment or housing development which has been considered to be major development in the AONB in TW borough;
- TWBC acknowledges the initial discussions in which your colleagues outlined the difficulties that your authority would have in additional need for development, and the extent of AONB in Rother district.

Notwithstanding the above, it is still considered appropriate to formally request that RDC consider accommodating some, or all, of the following from TW Borough: 1,608 – 1,772 dwellings, and at least 14 hectares of employment land.

I would be grateful if you could please respond in writing to these formal requests by Friday 16th October 2020, or (if possible) earlier. Thank you for time in considering the above formal requests, and I look forward to hearing from you in due course. Please do not hesitate to contact me by email @ [REDACTED] or on telephone by [REDACTED] if you would like to discuss the further.

Yours sincerely,

A large black rectangular redaction box covering the signature area of the letter.

Steve Baughen
Head of Planning Services

Your ref:
Our ref: 6.8.2/T Wells/DTC
Please ask for: Nichola Watters
Direct dial no:
Date: 23rd November 2020



Malcolm Johnston MBA MSc BSc(Hons) MCIEH
Chief Executive

BY EMAIL ONLY:

Town Hall
Bexhill-on-Sea
East Sussex TN39 3JX

Dear Stephen Baughen

TUNBRIDGE WELLS BOROUGH COUNCIL LOCAL PLAN: DUTY TO CO-OPERATE – FORMAL REQUEST TO ACCOMMODATE DEVELOPMENT NEEDS FROM TUNBRIDGE WELLS

Thank you for your recent letter regarding the Local Plan for Tunbridge Wells. I also welcome the continued, on-going Duty to Co-operate (DtC) discussions our respective Local Authorities have been undertaking.

Within your letter dated 6 October 2020, a precis of the timeline for the development of your strategy and our DtC discussions to date are set out. It is noted that the Borough of Tunbridge Wells is high constrained, with approximately 70% of the Borough located within the High Weald Area of Outstanding Natural Beauty (AONB), 22% in the Green Belt and other areas falling within Flood Zone 2 and 3, together with infrastructural constraints. Your letter concludes by making a formal request that Rother District Council accommodate some, or all, of the outstanding development needs – some 1,608 – 1,772 dwellings, and at least 14 hectares of employment land.

Whilst these matters have been verbally discussed at our Duty to Cooperate meetings for clarity I will set out Rother's background position - Rother District Council adopted its Core Strategy in September 2014 and, more recently, adopted its Development and Site Allocations Local Plan, which gives effect to the Core Strategy, in December 2019. The Core Strategy is now more than 5 years old and the Council is in the early stages of working on its new Local Plan with a timeframe up to 2039. The current adopted Core Strategy identifies housing targets of 335 dwellings per annum and, under the Government's current standard methodology, the housing need figure is 736 dwellings per annum (as at 1 April 2020). The recent national consultation on the proposed changes to the standard methodology expect a housing figure of 1,173 dwellings per annum. These housing figures would require a considerable step-change in delivery, the latter of which represents some 412% above current delivery rates.

As you will appreciate, Rother District Council faces its own challenges going forward with the new Local Plan given that the local planning authority area comprises of some 82% of the District located within the High Weald AONB, whilst a further 7% of the district not in the AONB is either nationally or internationally designated for its nature conservation value. It is considered that, whilst we do not yet know how any 'abatement' might be



accounted for in the housing need calculations when taking factoring in our land constraints, we too will find seeking to accommodate our local housing need figure challenging. Therefore, we are unable to assist in meeting any of your potential shortfall of land to accommodate your unmet housing or employment need.

If you have any queries please do not hesitate to contact Nichola Watters, Planning Policy Manager on [REDACTED]

Yours sincerely

[REDACTED]

Tim Hickling
Head of Service – Strategy and Planning