



Ian Bailey
Planning Policy Manager
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ

6th October 2020
Sent by Email Only

Dear Ian

Re Duty to Cooperate discussions between Tunbridge Wells Borough Council and Tonbridge and Malling Borough 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, and the extent of Green Belt in your borough. However, to take forward these discussions, it is appropriate to formally request that Tonbridge and Malling Borough Council (TMBC) considers 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 TMBC whether there is scope for TMBC 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 you outlined the difficulties that your authority would have in additional need for development, and the extent of Kent Downs and High Weald AONB in Tonbridge and Malling borough.

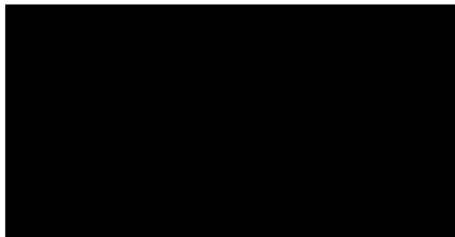
Notwithstanding the above, it is still considered appropriate to formally request that TMBC consider accommodating some, or all, of the following from TW Borough: 1,608 – 1,772 dwellings, and at least 14 hectares of employment land.

I would be grateful if you could please respond in writing to these formal requests by Friday 16th October 2020, or (if possible) earlier. I should advise that TWBC has also discussed these matters with our other neighbouring Local Planning Authorities, and I have sent similar letters to my counterparts at Wealden District Council, Rother District Council, Ashford Borough Council, Maidstone Borough Council, and Sevenoaks District Council.

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,



Steve Baughen
Head of Planning Services



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Contact Ian Bailey
Email [REDACTED]
Your ref.
Our ref.
Date 14th October 2020

By Email:
[REDACTED]

Dear Steve,

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

Thank you for your formal request, which we understand is a requirement under the current National Planning Policy Framework (NPPF) before exploring exceptional circumstances to release constrained land to meet identified development needs within the borough.

As you have noted in your letter we continue to have a positive and proactive engagement process under the Duty to Cooperate, which has been the case since its introduction in 2012. During that time we have shared our progress in preparing our respective Local Plans and the evidence on which they are based, together with colleagues in Sevenoaks District Council. Tonbridge and Malling acknowledges that Tunbridge Wells have set out a development strategy in their Regulation 18 version of the Local Plan that seeks to meet its future needs for new housing and employment in full as indeed is the case with the submitted Tonbridge and Malling Local Plan.

You have referred to the challenges both our Local Authorities have had to deal with planning for growth in the West Kent Housing Market Area (HMA), which is heavily constrained by Green Belt designations and Areas of Outstanding Natural Beauty. You will

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Director of Planning, Housing & Environmental Health:
Eleanor Hoyle
Head of Planning: Louise Reid (MRTPI)

Have you tried
contacting us at
[www.tmbc.gov.uk/
do-it-online?](http://www.tmbc.gov.uk/do-it-online?)

also be aware that the part of Tonbridge and Malling making up the West Kent HMA is almost exclusively Green Belt, with the exception of the built settlements.

The Tonbridge and Malling Local Plan was submitted in January 2019 in accordance with the 2012 NPPF under the transitional arrangements in place at that time. At that time we had not received any formal requests to meet development needs from our neighbouring authorities. Our Local Plan examination is proceeding on this basis and includes a development strategy that seeks to meet the borough's future needs in full in the most sustainable way. For the West Kent HMA, this has necessitated making exceptional circumstances for the removal of the Green Belt designation from sufficient sites to meet the needs arising in the HMA.

In the absence of a formal request and/or a defined quantum of unmet need to plan for at the point of submission Tonbridge and Malling Borough Council is satisfied that the Duty has been met.

However, if we had received a formal request prior to submission of the Local Plan the Borough Council would have responded by explaining that there were insufficient sites within that part of the borough in the West Kent HMA to meet the borough's needs without removing the designation. Therefore, the borough council could reasonably expect that requests from the rest of the HMA to meet future needs should also have explored the same options. I appreciate that the revised NPPF now requires a formal request to be made before taking that step, but in my opinion that is to ensure that less constrained sites in neighbouring authorities and within the same HMA are fully explored first. As we have established through the Duty to Cooperate, there are no less constrained areas in the West Kent HMA in Tonbridge and Malling.

The Tonbridge and Malling Housing Delivery Study (2017) prepared by GL Hearn and Partners and forming part of the Local Plan evidence base (see Examination Library document HO3) further explored the capacity of the borough's two HMAs to deliver housing at higher rates than those set out in the plan. This document concluded that there were limits to the rates of development that could be reasonably expected across both HMAs, but particularly in the case of that part of the Borough in the Maidstone HMA. The capacity in the West Kent HMA was greater, but caveated by the fact that the area was almost exclusively Green Belt (i.e. there was more capacity for higher levels of delivery, but only if exceptional circumstances could be made and the designation removed).

In terms of your request for meeting up to 14 hectares of employment land. In the submitted Local Plan for Tonbridge and Malling we have identified a much higher net need for employment land over the plan period to 2031 of 46.8 hectares, which reflects the employment characteristics of the borough compared to Tunbridge Wells and Sevenoaks. The Local Plan identifies suitable sites derived from the Call for Sites exercise equating to

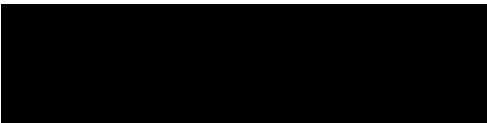
38.5 hectares of additional employment land. The remaining need for 8.3 hectares will be met through the intensification and expansion of existing employment sites.

As we have no surplus sites for meeting our own employment needs we cannot consider meeting unmet needs from neighbouring authorities.

Therefore, for the reasons set out above, the formal response of Tonbridge and Malling Borough Council to Tunbridge Wells Borough Council's request for accommodating some or all of 4,724-5,559 dwellings and at least 14 hectares of employment land is that we cannot accommodate your request.

I hope this is of assistance and look forward to continuing to work with you through the Duty to Cooperate.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Ian Bailey

Planning Policy Manager