

Tunbridge Wells Borough



Tunbridge Wells Borough Council

**Duty to Cooperate Statement for Submission Local  
Plan (Superseded by document published as Part 1  
of 2, November 2021)**

**October 2021**



**This document has been amended to correct the cover page (above) only. No other updates have been made.**

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# 1.0 Introduction

- 1.1 The Localism Act, 2011, introduced a requirement for local planning authorities to cooperate, known as the 'Duty to Co-operate' (referred to as the Duty or DtC below), with other local planning authorities and prescribed public bodies to collaborate and address strategic issues that cross administrative boundaries, such as housing, employment and transport, in the preparation of a Local Plan.
- 1.2 The purpose of Part 1 of this Duty to Cooperate Statement is to identify and explain how Tunbridge Wells Borough Council (the Council) has collaborated, engaged and cooperated with neighbouring authorities, public bodies and other stakeholders, on an on-going basis, in meeting DtC requirements throughout the preparation of the Local Plan. The second part of this Statement, Part 2, which is a separate document includes all the appendices referenced below.
- 1.3 It is anticipated that such engagement will continue beyond submission of the Local Plan and will extend to include the masterplanning of strategic sites, as well as the preparation of neighbouring authorities' plans.
- 1.4 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act) imposes a duty on local planning authorities to cooperate with other local planning authorities, county councils or other bodies/persons prescribed in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The prescribed bodies are:
- Environment Agency
  - Historic England
  - Natural England
  - Mayor of London
  - Civil Aviation Authority
  - Homes and Communities Agency
  - Each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section
  - Office of Rail Regulation
  - Transport for London
  - Each Integrated Transport Authority
  - Each highway authority within the meaning of section 1 of the Highways Act 1980
  - Marine Management Organisation
- 1.5 The Duty requires a local planning authority to engage constructively and on an on-going basis in the preparation of a development plan or other local development/plan documents, and activities which prepare for and support this in relation to a strategic matter(s).

- 1.6 For the purposes of the DtC, a strategic matter is defined as sustainable development, use of land or strategic infrastructure that has or would have a significant impact on at least two planning areas. These matters can relate to a number of issues such as housing, employment, transport, water/flooding and other forms of infrastructure, and strategic environmental and nature conservation issues. These matters are set out in more detail below.
- 1.7 Meeting the DtC is a legal obligation. Whilst the obligation is not a duty to agree, cooperation should produce effective and deliverable policies on cross boundary issues in accordance with Government policy in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) below.
- 1.8 Under Section 20(5) (c) of the above Planning and Compulsory Purchase Act 2004, a Planning Inspector considers whether the Duty has been complied with up to the point the Local Plan is submitted as part of the Local Plan Examination.

# 2.0 Policy Background

## National Planning Context

### The National Planning Policy Framework (NPPF)

- 2.1 The latest version of the NPPF published in July 2021 confirms (in paragraphs 24 to 27) that local planning authorities and county councils (in two tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. Paragraph 25 states that:
- ‘Strategic policy-making authorities should collaborate to identify the relevant strategic matters which need to be addressed in their plans. They should also engage with local communities and other relevant bodies, including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected mayors and combined authorities.’*
- 2.2 Paragraph 26 recognises that effective and ongoing joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy, in particular when determining where infrastructure is necessary and whether development needs that cannot be fully met in one plan area can be met elsewhere.
- 2.3 In addition, paragraph 27 advises, 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. Such statements should be produced using the approach set out in national Planning Practice Guidance (PPG) below.

### National Planning Practice Guidance (PPG)

- 2.4 The PPG – Plan Making, provides further guidance on meeting the Duty to Cooperate (DtC), mainly advising on Statements of Common Ground and what information they should contain. Strategic policy-making authorities are expected to document the activities undertaken whilst cooperating on strategic cross-boundary matters, including:
- working together at the outset of plan-making to identify cross-boundary matters which will need addressing;
  - producing or commissioning joint research and evidence to address cross-boundary matters;
  - assessing impacts of emerging policies; and

- preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is coordinated

These activities need to be tailored to address local circumstances.

## Local Planning Context

### The existing Development Plan

- 2.5 The Development Plan for the borough currently comprises three documents which should be read in conjunction with each other: the saved Tunbridge Wells Borough Local Plan 2006 policies, the Tunbridge Wells Borough Core Strategy 2010 and the Tunbridge Wells Site Allocations Local Plan 2016:

#### Tunbridge Wells Borough Local Plan 2006

- 2.6 The 2006 Local Plan provides local planning policies which account for both change and conservation in the borough. However, since its adoption some changes have been made as a result of the 'saving' of policies in March 2009, the adoption of the Core Strategy in June 2010 and the adoption of the Site Allocations Local Plan in July 2016. Therefore, some policies which are no longer saved have been removed.

#### Core Strategy 2010

- 2.7 The Tunbridge Wells Borough Core Strategy was adopted by the Council in June 2010. The Core Strategy sets out the spatial vision for the borough to 2026, identifying the level of new growth required and the locations where it should take place.

#### Tunbridge Wells Site Allocations Local Plan 2016

- 2.8 The main purpose of the Site Allocations document is to allocate specific land for housing, employment, retail and other land uses to meet the identified needs of the communities within Tunbridge Wells borough to 2026 and beyond. This follows the strategic objectives and sustainable development objectives set out within the adopted Core Strategy (2010) above.

### The new Local Plan

- 2.9 The Submission Local Plan (SLP) sets out the spatial vision, strategic objectives, and the overarching development strategy for the borough and establishes the planning policy framework necessary to deliver them. It covers the period between 2020 and 2038. It will replace the 'saved' policies of the Tunbridge Wells Borough

Local Plan 2006, the Tunbridge Wells Borough Core Strategy 2010, and the Site Allocations Local Plan 2016 above.

- 2.10 The SLP is the outcome of an extensive process, including public consultations and dialogue with key stakeholders, including DtC bodies, as well as the assimilation of substantial work undertaken to provide a robust evidence base that takes account of relevant national and local plans and strategies.



**Figure 1: Local Plan Timescale**

- 2.11 As Figure 1 shows, the preparation of the SLP follows from the production and public consultation of three earlier documents, as set out below.

## **Tunbridge Wells Borough Issues and Options consultation 2017**

- 2.12 The [Issues and Options](#) consultation was the first borough-wide public consultation undertaken by the Council as part of the preparation of the new Local Plan in the summer of 2017. This consultation sought early views about the best way to approach the specific challenges, notably identified growth needs, for the borough. Most importantly, it proposed five possible spatial options for the location of new development across the borough. Around 6,700 responses (from 551 organisations and individuals) were received to this consultation. All the responses and representations received were carefully considered and taken into account in the preparation and development of the Regulation 18 Consultation Draft Local Plan 2019 (see below). The [Consultation Statement](#) relating to the Issues and Options consultation provides an overview and evaluation of the Issues and Options consultation, including the Council's responses to the comments received.

## **Tunbridge Wells Draft Local Plan (Regulation 18)**

- 2.13 A full [Draft Local Plan](#) was published in autumn 2019. It built on the Issues and Options document and the feedback received during the public consultation at stage one. It presented a preferred draft development strategy and a full suite of draft policies and proposed site allocations. The Draft Local Plan was subject to an eight-week public consultation, which ran from 20 September to 15 November 2019.



- 2.14 Over 8,000 individual comments, from over 2,000 individuals and organisations, were received to the Draft Local Plan public consultation. An overview of the responses received to this and how they were considered in the preparation of the Pre-Submission Local Plan can be viewed in the [Consultation Statement for the Pre-Submission Local Plan](#)

## **Tunbridge Wells Pre-Submission Local Plan (Regulation 19)**

- 2.15 Following further evidence base work and consideration of comments received at the above stages, the [Pre-Submission Local Plan](#), accompanying [Sustainability Appraisal](#) and [Supporting Evidence Base](#) were published and subject to public consultation under Regulation 19 for a period of 10 weeks from 26 March to 4 June 2021.
- 2.16 A total of 2,084 individual representations were received from 650 respondents to the Regulation 19 consultation. Multiple representations came mainly from organisations and development interests. All of the representations made are available on the Council's website: [Representations](#).
- 2.17 The Consultation Statement published in conjunction with the Submission version of the Local Plan provides an overview of the Pre-Submission Local Plan consultation and includes tables of the summaries of main issues raised in response to the Regulation 19 consultation.
- 2.18 All comments, including those from DtC bodies, have been carefully considered and taken into account in preparing the emerging Local Plan, as have relevant updated national planning policy and guidance, as well as further evidence gathered and evaluated by the Council.
- 2.19 All supporting documents referred to throughout this DtC Statement document can be found under [Supporting Documents](#) on the [Local Plan](#) web page.

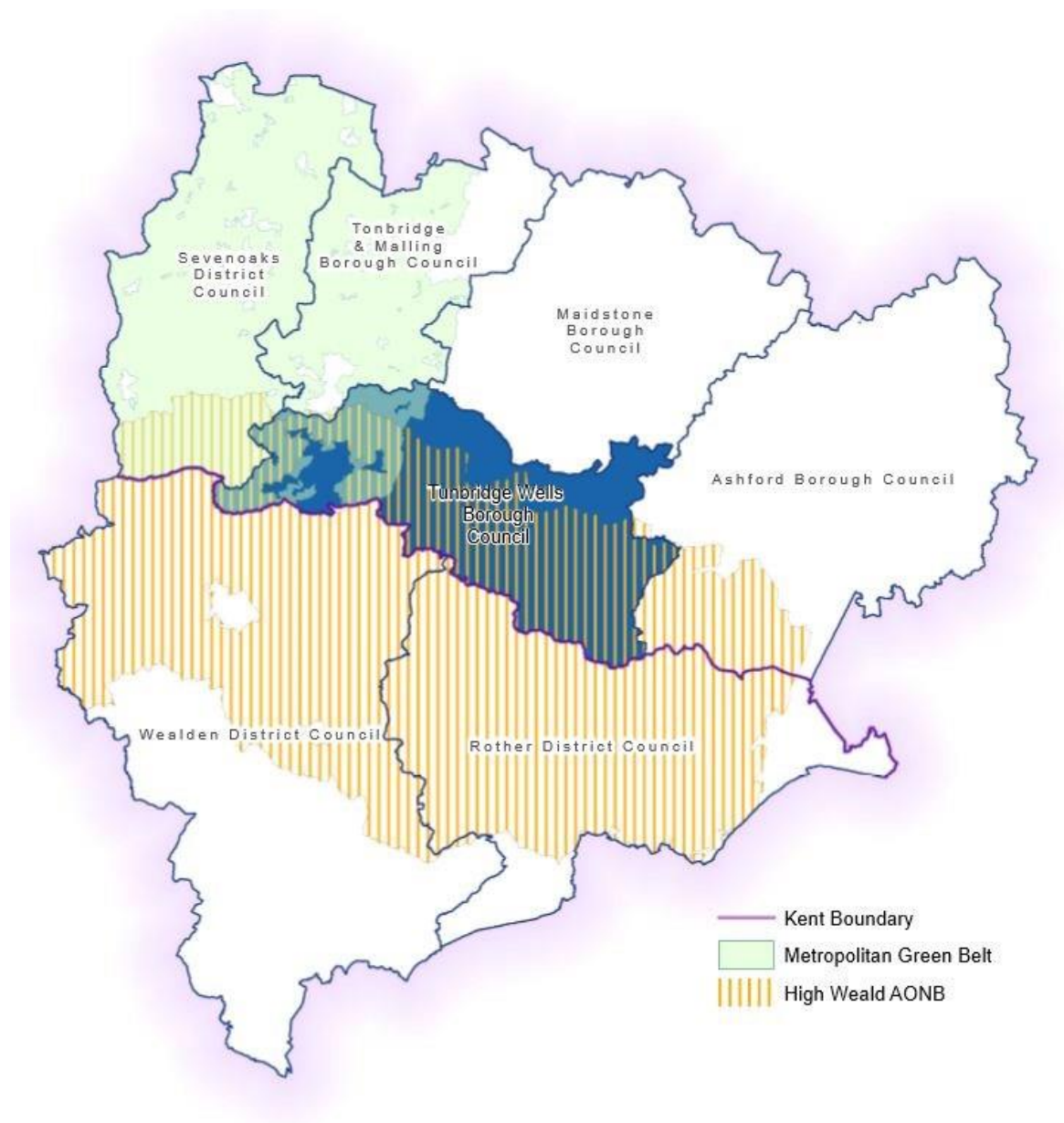
## **Neighbourhood Development Plans**

- 2.20 Neighbourhood Development Plans (NDPs) were introduced under the Localism Act 2011 above, to allow plan and decision making to be carried out at a more local level. NDPs need to conform with national policy, local adopted plans and other legal requirements. Amongst other things, these plans can be used to develop a shared local vision and may include identifying the location for any new non-strategic housing and employment/businesses developments. The Council has been working with a number of parish and town councils in the borough to progress their NDPs as well as liaising with adjoining authorities where cross boundary issues may occur in the preparation of an NDP.

- 2.21 Details of the Neighbourhood Plans within the borough can be found on the Council's website under [Neighbourhood Plans](#).
- 2.22 Further information on the relationship between the Local Plan and neighbourhood plans is set out in Section 4 of the Pre-Submission Local Plan at Policy STR 10: Neighbourhood Plans.

## 3.0 Tunbridge Wells area and context

- 3.1 The borough of Tunbridge Wells lies in the south west of Kent, bordering the county of East Sussex to the south. It covers an area of 126 square miles. The borough borders the adjoining local authorities of Sevenoaks, Tonbridge & Malling and Maidstone in Kent, and Rother and Wealden in East Sussex, as shown in Figure 2 below.



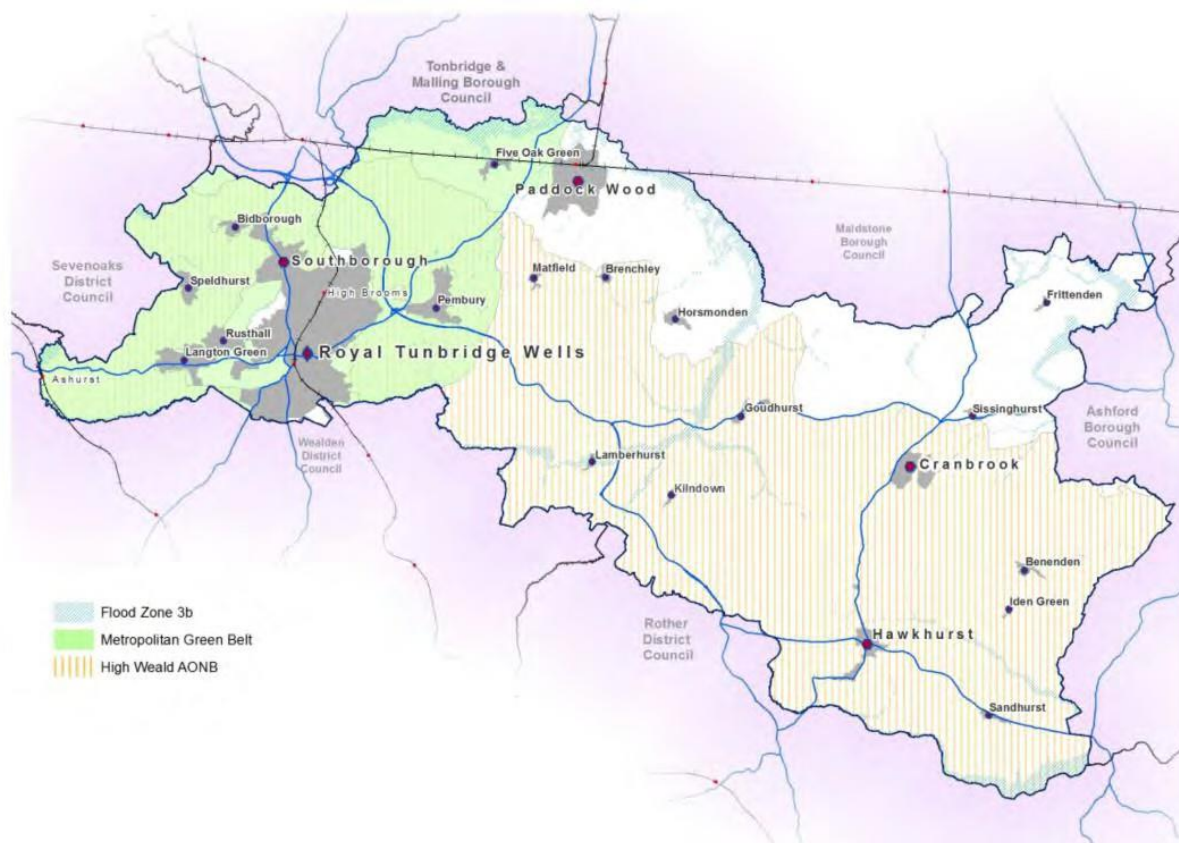
**Figure 2 Borough Location**

- 3.2 Figure 3 below shows an overview map of the borough and its main settlements and their relationship with key designations such as the High Weald AONB, Metropolitan Green Belt (Green Belt), flood zone areas, and main transport routes.
- 3.3 **Royal Tunbridge Wells**, located in the western part of the borough, is the principal town and administrative centre. Together with Southborough, it forms the 'main urban area' of the borough. It provides a large proportion of the social, cultural, and economic opportunities available in the borough. In addition to being the borough's main retail, leisure and cultural centre, the town provides a wide variety of services, including primary and secondary schools, sports and community facilities, and mainline train stations. Historical and architectural features, such as the Pantiles, also provide a high-quality environment that attracts a significant amount of tourism to the borough. There are also a number of parks and commons that are integral to the character of the town. The redevelopment of the museum and library underline the aspiration for the town to become the cultural centre of the High Weald.
- 3.4 **Southborough** lies to the north of Royal Tunbridge Wells, with its own, albeit smaller, town centre. As well as providing its own independent shopping facilities, Southborough also has a number of local and community services, such as primary schools and specialist education facilities, and a good range of recreational facilities, including a new community hub.
- 3.5 **Paddock Wood**, in the northern part of the borough, benefits from good transport links, including a mainline train station and wide range of facilities, including a secondary school and sports centre. There is a large employment area to the north of the railway line, which supports the town, the rural hinterland, and beyond. In addition to a supermarket, existing retailing is mainly devoted to the provision of local services. The western edge of the town abuts the Green Belt and, additionally, areas of the town and its surrounds fall within areas of flood risk.
- 3.6 **Cranbrook** is an attractive, vibrant rural town located within the High Weald AONB in the eastern part of the borough. The local architecture and features, such as the Cranbrook Windmill and nearby Sissinghurst Castle, give it a distinctive character. Cranbrook also benefits from a good range of independent shops, a supermarket, secondary schools, a sports centre, and other local services and facilities.
- 3.7 **Hawkhurst** is located within the High Weald AONB in the south eastern part of the borough and features local architecture, such as The Colonnade along its main shopping street, which is distinctive to the area. It functions as a rural service centre, supporting a wide rural hinterland and benefits from a primary school, small independent cinema, and two supermarkets, as well as a range of local services and facilities.
- 3.8 The borough is also home to several villages, each with its own distinctive character. Most of these villages are within the High Weald AONB, and some in the western part of the borough are also in the Green Belt. All provide some level of local services and facilities, such as a primary school, shops, community

groups/buildings, public house, place of worship, and leisure and recreational facilities.

- 3.9 In addition, there are a number of hamlets and other, more remote, clusters of buildings and farmsteads dispersed across the borough, many of which are located within the High Weald AONB and/or Green Belt, and provide important features of the landscape.

**Figure 3 Borough Overview**



- 3.10 Both the natural and built environment of the borough are of high quality, and nearly 70% of the borough designated as High Weald AONB is of national significance, and all areas of the borough have distinct landscape and environmental characteristics much valued by residents, with commons, village greens, and parks providing important spaces and links to the countryside.
- 3.11 Around 22% of the western part of the borough surrounding Royal Tunbridge Wells, Southborough, Pembury and other villages, and abutting the western edge of Paddock Wood, is Green Belt.
- 3.12 Together, the AONB and Green Belt cover 75% of the borough, with substantial overlaps.
- 3.13 The borough is also rich in historic features and has a significant breadth of designated and non-designated heritage assets, including listed buildings,

conservation areas, scheduled ancient monuments, historic parks and gardens, agricultural buildings and farmsteads, historic routeways, medieval field patterns, and ancient woodland.

- 3.14 The borough supports a wide network of biodiversity sites, including Sites of Special Scientific Interest, Local Wildlife Sites, Sites of Local Nature Conservation Value and four Local Nature Reserves. As well as having a number of parks and commons, the borough also has in excess of 650 Tree Preservation Orders, including substantial areas of ancient woodland.

## 4.0 Meeting the Duty to Cooperate

- 4.1 The Council has sought to actively and constructively engage with county and neighbouring local authorities and the prescribed bodies on an on-going basis, in the following ways:
- On-going meetings and discussions to agree and discuss a way forward in respect of key cross boundary issues
  - Discussions between elected Members and officers from neighbouring authorities where appropriate
  - Meetings/engagement with other strategic planning/working groups, including those relating to specialist issues such as nature and the environment
  - On-going preparation and production of Statements of Common Ground
  - The exchange of formal correspondence in relation to requests to/from neighbouring authorities in meeting any unmet housing and employment need
  - The production of joint evidence base documents with others
  - The exchange of ideas and input into the evidence base of other local authorities
  - Responding to the various stages of Local Plan consultations of other authorities; and, in reverse, inviting them to make representation on the Tunbridge Wells Local Plan Issues and Options, Draft Local Plan (Regulation 18) and Pre-Submission Local Plan (Regulation 19)
  - Undertaking an independent peer review (Planning Advisory Service) with two other west Kent neighbouring authorities in respect of the preparation of the Local Plan and related Duty to Cooperate activities
  - Workshop sessions with various organisations and groups to discuss the growth strategy and any relevant cross boundary issues, particularly infrastructure
- 4.2 Further details of engagement and meetings and Statements of Common Ground with county and neighbouring local authorities, prescribed bodies and other groups are set out in more detail below.

# Cooperation between authorities

4.3 TWBC has been working with a number of other authorities in identifying and working on strategic, cross boundary issues. These authorities include:

## Kent Authorities

- Kent County Council (KCC)
- Sevenoaks District Council (SDC)
- Tonbridge & Malling Borough Council (TMBC)
- Maidstone Borough Council (MBC)
- Ashford Borough Council (ABC)

## Authorities outside of Kent

- East Sussex County Council
- Rother District Council
- Wealden District Council

## Authority related groups:

- **West Kent Duty to Co-operate meetings** – discussions under the DtC between Tunbridge Wells Borough Council, Tonbridge & Malling Borough Council and Sevenoaks District Council. The three authorities share a strategic housing market area, and a functional economic market area.
- **Ashdown Forest Working Group (To deal with Air Quality issues at Ashdown Forest Special Area of Conservation)** – Chaired by the South Downs National Park Authority (SDNPA)- Members: TWBC, SDNPA, 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. There are also some corresponding members i.e., LPAs from a wider area who do not feel the need to participate but wish to be kept informed on any studies or changes in circumstance. The group is concerned with the potential for air pollution arising from development to affect the SAC at Ashdown Forest which is a matter dealt with under the Habitat Regulations Assessment (HRA). Whilst no mitigation is currently required the group are concerned with monitoring the site and jointly considering any changes in advice or guidance. The participating members have a signed SoCG (2019) (see **Appendix 12**) with the exception of Wealden District Council (WDC) who were unable to sign at the time but have indicated a willingness to sign any future updates. The more recent SoCG between TWBC and Wealden DC (see **Appendix 10**) includes a commitment to continued



cooperation on the Ashdown Forest Working Group and collaboration on any studies. Currently the Group is considering how best to commission and undertake longer term, site specific air quality monitoring and associated traffic modelling to inform future HRAs.

- **Strategic Access Management and Monitoring Strategy (SAMMS) partnership (To address recreational Impact on Ashdown Forest Special protection Area)** - TWBC, Lewes DC, Mid Sussex DC, Sevenoaks DC, Tandridge DC, Wealden DC and Natural England. These Councils all adjoin Wealden District and work together to understand the extent to which visitors to Ashdown Forest might affect the SPA and how such effects might be mitigated through a strategic approach to inform the Habitat Regulation Assessment (HRA) and Local Plan policies. The group has a SoCG signed in 2019 (see **Appendix 13**) and have formed a legal partnership to allow for the collection and distribution of tariffs that funds approved mitigation measures. Through the partnership the group are currently updating visitor and bird surveys.
- **Medway Flood Partnership** – This was established in January 2017 and brings together local partners, national agencies, non-governmental organisations and community representatives to develop and produce a Medway Flood Action Plan: Country Land and Business Association, Forestry Commission, Kent Association of Local Councils, Maidstone Borough Council, Natural England, Environment Agency, Joint Parish Flood Group, Kent County Council, National Farmers Union, Sevenoaks District Council, South East Rivers Trust, Tonbridge & Malling Borough Council, Upper Medway Internal Drainage Board, Southern Water, Tunbridge Wells Borough Council. The **Medway Flood Action Group** is linked to this, concerned with more operational matters.
- **Kent Chief Planners Group** – represented by all Kent and Medway authorities – meet approximately every two months
- **Kent Planning Policy Forum** – represented by all Kent and Medway authorities - meet approximately every two months

## Summary of DtC engagement and outcomes with neighbouring authorities:

4.4 This section sets out, on an authority-by-authority basis, the engagement with neighbouring authorities, in the following order:

- Sevenoaks District Council (SDC)
- Tonbridge & Malling Borough Council (TMBC)
- Maidstone Borough Council (MBC)



- Ashford Borough Council (ABC)
- Rother District Council (RDC)
- Wealden District Council (WDC)

4.5 To set this engagement in context, for each authority, it presents:

- Current Local Plan status, both adopted and, where appropriate, emerging
- That Council's own most recent DtC Statement
- Key cross-boundary issues
- Key opportunities and constraints
- Common membership of strategic groups
- Formal Local Plan consultations
- Engagement
- Statements of Common Ground
- Overview and Outcomes

4.6 There is a separate, later section that provides an overview by strategic matter for all authorities.

## **Sevenoaks District Council**

### **Current Local Plan status:**

#### **Adopted Plan documents:**

- Sevenoaks District Council Core Strategy February 2011
- Sevenoaks District Council Allocations and Development Management Plan February 2015

#### **Local Plan submitted in April 2019:**

- Sevenoaks District Council Issues and Options Consultation Document July 2017
- Sevenoaks District Council Regulation 18 Consultation Local Plan July 2018
- Sevenoaks District Council Proposed Submission Version of the Local Plan (PSLP) (Regulation 19) December 2018

Considerable further comment is provided below on the Local Plan which was submitted in April 2019, including the subsequent findings of the Planning Inspector for the Examination of the SDC Local Plan that SDC had failed the duty to cooperate, and concerns about the soundness of the Plan.

#### Emerging Local Plan (summer 2021):

- No documents produced at present
- Reports and minutes to/of the SDC Conservation and Development & Conservation Advisory Committee on 6<sup>th</sup> July 2021 (Appendices SDC19 and 20) and 19<sup>th</sup> October 2021 (Appendices SDC26, SDC27 and SDC28) set out that SDC has commenced further evidence based work on an emerging plan, and provided a Local Plan timetable for this emerging plan. The timetable indicates Regulation 18 and Regulation 19 consultation to be undertaken in April - May 2022 and December 2022 – January 2023, and will be incorporated into a Local Development Scheme.
- A decision on the Local Plan timetable is to be taken by the SDC Cabinet on 11<sup>th</sup> November.

**Most recent published DtC Statement:** SDC Duty to Cooperate Statement May 2019 (submitted with SDC Regulation 19 Local Plan December 2018)

#### **Key cross-boundary issues:**

- Housing need within established and recognised Housing Market Area, and the potential for each authority to meet its own housing needs given cross boundary constraints, including Green Belt and Area of Outstanding Natural Beauty, and meeting any unmet need that arises in the Housing Market Area. Please see below.
- Economic Development - part of established and recognised Functional Economic Market Areas.
- Environment – Ashdown Forest issues: both members of Working Group including implementation of the actions of the SoCGs for this. AONB and flooding are also cross boundary issues
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways, education, health, transport and water/flooding related infrastructure

#### **Key opportunities and constraints:**

- West Kent Partnership
- The Green Belt and High Weald AONB straddle the common boundary;

- Significant areas of Ancient Woodland and areas of potential archaeological importance straddle, adjoin or are in close proximity to common boundary
- SSSI 5 Km protection zone to west of Tunbridge Wells borough and east/south east of Sevenoaks district,
- Both fall within the Ashdown Forest 7km Zone of influence
- EA Flood Zones 2 and 3 (River Medway) straddle the common boundary particularly to the north. The Leigh Flood Storage Area in Sevenoaks district (which also serves Tonbridge & Malling borough) is located close to the common boundary at the eastern edge of Sevenoaks district
- Aquifer Protection Zone – Straddles the Common boundary in the north western area of TWBC
- Historic Parks and Gardens adjacent to/straddling the common boundary – Swaylands, Danemore Park and Ashurst Park
- Significant number of Historic Farmsteads (in both authority areas) in close proximity to the common boundary
- Key roads: A21 runs from northern region of Tunbridge Wells borough north westwards through Tonbridge & Malling borough and beyond into the district of Sevenoaks; B2176 runs east-west from the A26 in Tunbridge Wells borough to Penshurst in Sevenoaks district; B2188 runs north from Fordcombe in Sevenoaks district south to the A264 in Tunbridge Wells borough
- The Hastings to Charing Cross railway line runs from Tunbridge Wells borough, through (the south west of) Tonbridge and Malling borough, and into Sevenoaks. From there it runs through south London to Charing Cross.
- Number of KCC PROWs run through the common boundary

#### **Common membership of strategic groupings:**

- West Kent Partnership – SDC, TWBC, TMBC
- Ashdown Forest Working Group
- Strategic Access Management and Monitoring Strategy (SAMMS) partnership for Ashdown Forest
- Kent Nature Partnership
- AONB Joint Advisory Committees
- Kent Gypsy and Traveller Planning Group
- Medway Flood Partnership and Medway Flood Action Group
- Kent Chief Planners Group
- Kent Planning Policy Forum

#### **Formal Local Plan consultations:**

##### TWBC responses to SDC consultations:

- TWBC response to SDC Issues and Options September 2017 – see **Appendix B1**
- TWBC response to SDC Local Plan Regulation 18 Consultation September 2018 – see **Appendix B2**
- TWBC response to SDC Local Plan regulation 19 Consultation – see **Appendix B3**

#### SDC responses to TWBC consultations:

- SDC response to TWBC Issues and Options Consultation June 2017 – see **Appendix B4**
- SDC response to TWBC Regulation 18 Draft Local Plan Consultation 15 November 2019 – see **Appendix B5**
- SDC response to TWBC Regulation 19 Pre-Submission Plan Consultation 3 June 2021– see **Appendix B6**

#### **Engagement:**

The DtC engagement log between TWBC and SDC is attached at **Appendix B7**

#### **Statements of Common Ground (SOCGs):**

- SoCG between TWBC and SDC May 2019 - see **Appendix A1**
- SoCG signed by Members of the Ashdown Forest Air Quality working group -Prepared by South Downs National Park Authority (SDNPA) and signed by Members of the Ashdown Forest Working Group- TWBC, SDNPA, 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 - see **Appendix A12**
- SoCG signed by Members of the Strategic Access Management and Monitoring Strategy (SAMMS) partnership for Ashdown Forest (Recreational Impact): TWBC, Lewes DC, Mid Sussex DC, Sevenoaks DC, Tandridge DC, Wealden DC and Natural England – see **Appendix A13**
- Working Draft SoCG between TWBC and SDC (October 2021) – see **Appendix A2**. Represents current position on SoCG at time of submission. Has been work on the SoCG (intermittently as has been affected by SDC’s legal challenges – please see below) since February 2021. TWBC had put suggestions to SDC on 29 October 2021. SDC responded to say that considered that earlier iteration sent by SDC to TWBC on 28 October 2021 was preferred. TWBC replied to SDC to say that iteration of 28 October 2021 contained elements that were not agreed, and suggested having sections (where relevant) to cover areas where there is not common ground, and offering to discuss this with SDC. A response was received on the morning of 1 November 2021, and a telephone discussion held after. It was apparent from the discussion that matters would not be resolved without a further meeting. Accordingly the document is submitted as a working draft, including SDC’s comments provided on

1 November 2021. It is expected that a finalised version will be submitted in due course.

## Overview and Outcomes:

- The Overview and Outcomes for SDC are considerably more detailed than for other authorities and bodies. This is set out below under separate headings. Accordingly, paragraph numbers have been used for this section.

- SDC 1.01 Many aspects of the DtC between TWBC and SDC have been effective, collaborative and ongoing through-out the period of producing the TWBC Local Plan.
- SDC 1.02 However, the issue of meeting housing need in the West Kent Housing Market Area (HMA) – and specifically unmet housing need from Sevenoaks - has been contentious and the approaches of two Councils in the HMA to this have resulted in the failure of their respective Local Plans to satisfactorily meet the duty to cooperate. Due to the importance of housing need under the duty to cooperate considerable information is provided below.
- SDC 1.03 In summary, the information below demonstrates that TWBC has met the duty to cooperate:
- As the likelihood of unmet housing need increased over time from 2017, TWBC – through its actions in preparing its Local Plan – worked positively, proactively and constructively to consider whether it could assist in meeting SDC’s unmet housing need;
  - Since October 2019 there has been significant uncertainty as to whether there is, or would be, unmet housing need from SDC, as SDC corresponded with the Planning Inspectorate, pursued legal challenges and engagement with the Ministry of Housing, Communities and Local Government in relation to the failure of its own plan;
  - TWBC has continued its work through this time to consider whether it could assist, and having waited patiently for uncertainty to have reduced through the actions of SDC, has then sought through its engagement to forge a way forward to improve the clarity around housing need in the Housing Market Area;
  - Through this work and engagement TWBC has enabled joint working to continue between strategic policy making authorities and has signed a Statement of Common Ground with SDC setting out that this will continue on an ongoing basis.

## 2.0 Background

- SDC 2.01 It is agreed by SDC and TWBC that they share a HMA (HMA), together with part of Tonbridge & Malling borough and the northern part of Wealden district,

and north-western part of Rother district (paras 2.1 – 2.5 of the working draft SoCG with SDC (**Appendix A2**): this text is agreed by both councils).

- SDC 2.02 The method to calculate housing need changed in 2018 through the introduction of the NPPF 2018 on 23 July 2018. Ahead of this:
- proposals for a standard method to calculate housing need were set out in the Housing White Paper “Fixing our broken housing market” in February 2017;
  - consultation on the introduction of a standard method took place in the “Planning for the right homes in the right places: consultation proposals” from 14 September to 9 November 2017. A table setting out the results of the proposed formula for calculating housing need by local authority was published on 14 September 2017;
  - the Government response to the “Planning for the right homes in the right places consultation response” was published in March 2018.
- SDC 2.03 Accordingly, the context as to housing need altered over the period of time that TWBC, and its neighbouring authorities, were producing their plans. This changing context undoubtedly affected whether authorities would, or would not, be able to plan to meet their housing needs: for both TMBC and SDC the housing need under the standard methodology is substantially higher.
- SDC 2.04 Following the initial days/weeks of Examination of both the SDC and TMBC Local Plans in 2019 and 2020 respectively, and subsequent exchanges of correspondence between those councils and the Planning Inspectors undertaking their Examinations, both councils were found to have failed the duty to cooperate related to unmet housing need from Sevenoaks. Reference will be made below, where relevant, to the Inspectors’ reports on these Plans.
- SDC 2.05 The duty to cooperate engagement log between TWBC and SDC is attached at Appendix B7. It sets out that there were numerous meetings between TWBC and SDC, and others in the period before mid/late 2017. These discussions, which at times included other authorities included:
- Joint commissioning of evidence base work – including Strategic Housing Market Assessment and the Employment Land Review – (2/12/2014, Dec 2014, Jan 2015, 6/2/15, 3/3/2015, 31/03/15, 10/06/2015, 9/9/2015, 18/03/2016, 28/09/2016) and the Ashdown Forest (6/7/2015);
  - Various matters, including local plan updates, possible Member discussions, housing need and supply, green belt, gypsies and travellers, highways and transport and flood risk national planning policy (5/10/2015, 28/09/2016). Some of these meetings were also with TMBC (4/2/2016, 24/5/2016, 7/12/2016, 5/4/2017, 02/08/2017) under the term West Kent DtC meetings;
  - Discussions with larger groups of local authorities on particular matters, such as gypsies and travellers (15/03/2016, 7/12/2016, 15/3/2017, 13/03/2018), SDC’s Green Belt assessment methodology (30/08/2016), Ashdown Forest habitat

regulation assessment/air quality work (20/9/2016, 14/12/2016, 5/4/2017, 21/06/2017, 23/10/2017, 18/1/2018) or on a number of matters including highways and infrastructure (23/08/2017).

3.0 mid 2017 – late 2017: the emergence of potential for unmet housing need in the Housing Market Area

- SDC 3.01 The TMBC Inspectors' Report (June 2021) sets out that TMBC was aware in 2017 – and makes reference to documents or correspondence either published or issued by TMBC in late 2017 – that SDC had or was likely to have unmet housing need, and that TMBC may be asked for help in meeting that need.
- SDC 3.02 TWBC was also aware – as per the Inspectors' conclusions for TMBC – from mid-2017 that there was the potential for unmet housing need in the HMA. However – as set out below – there was absolutely no specificity on this.
- SDC 3.03 This is demonstrated by the response from SDC, in its response to TWBC's Regulation 18 consultation on the Issues and Options version of the Local Plan (Appendix B4) in June 2017. This response raised the potential of unmet housing need but was clear that whether there would be unmet need or not in due course would be subject to the work being undertaken on its own Local Plan:
- “The emerging Sevenoaks District Local Plan will be subject to public consultation during summer 2017 and it is likely to be during late 2017/early 2018 when the District Council will be clearer about its ability, or not, to progress sustainable development that meets identified needs in either its own area or housing market area. This is due to the high level of Green Belt (93%) and AONB (60%) within Sevenoaks District. As it may not be possible to meet our own OAN in full for the District, SDC will continue to engage with its neighbouring authorities, including TWBC, under Duty to Co-operate for further discussions on how this issue can be resolved”.*
- SDC 3.04 When the three authorities met on 2 August 2017 housing need was not discussed: SDC had not started the consultation referred to above in para SDC 3.03 and in Appendix B4 which was in SDC's view necessary to “*be clearer*” about the ability to meet its housing need, and accordingly would not have been able to provide meaningful information on this point to discuss. The Regulation 18 consultation which SDC referred to commenced the following day (3 August) until 5 October 2017. This meeting was also before consultation started on the proposed standard method, which for TMBC and SDC significantly altered their housing needs.
- SDC 3.05 The potential of unmet housing need in the HMA was also recognised by TWBC in its response to SDC's Regulation 18 Issues and Options consultation (see Appendix B1) in September 2017. TWBC highlighted that unmet need may be raised by TWBC in due course and suggested more focused

discussions on the implications of delivery of full objectively assessed in respective local areas.

- SDC 3.06 Therefore, in summary, during this period of mid – late 2017 the potential for there being (in due course) unmet need in the HMA was recognised, but it was far from clear that this would materialise. Whether it would, or not, was dependant on the outcomes of the work being undertaken by SDC, TMBC and TWBC on their local plans, all of which were still at an early stage. It was also dependant on changes to national planning policy, in the form of the standard method. Details of the proposed standard method were only published on 14<sup>th</sup> September 2017.

#### 4.0 Late 2017 - 21st November 2018: the emergence of potential for unmet housing need from Sevenoaks

- SDC 4.01 In this period TWBC met with TMBC and SDC jointly as part of the Planning Advisory Service West Kent Statement of Common Ground Pilot Project, facilitated by IPe. The pilot project work included meetings on the 6 December 2017 and 22 January 2017 when updates on plans, infrastructure, the habitat regulations and the Ashdown Forest, custom and self-build housing and the proposed workings of the pilot project were discussed.
- SDC 4.02 Minutes of the meeting of 12 February 2018 (Appendix SDC1) set out that the ability or otherwise to meet housing need at each authority was discussed, albeit briefly.
- SDC 4.03 Following a meeting of the project group on 14 March 2018 the West Kent Pilot Meeting Note was issued on 4 April 2018 (Appendix SDC2), with a second iteration of the Note dated the 10 April (Appendix SDC3) provided by the facilitator in September 2019: this iteration reflected tracked changes to the draft dated 4 April 2018 agreed at the time but which the facilitator had not issued.
- SDC 4.04 These notes are important for several reasons:
- Firstly, para 6.1 of the Note dated 3 April 2018 and paras 6.1 – 6.6 of the Note dated 10<sup>th</sup> April sets out how the authorities were considering the potential impacts of the proposed introduction of the standard method for calculating housing need, which did not come into effect until the 23 July 2018 on the publication of the NPPF. As above the housing need (and therefore the ability to meet it) for Sevenoaks changed dramatically through the standard method;
  - Secondly, the iteration of the Note dated 10 April 2018 sets out at para 6.1 that the changes to the NPPF and the emerging evidence of the three local plans has meant that the “...*three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue*”;
  - Thirdly the iteration of the Note dated 10 April 2018 records that the discussions in early 2018 were the first time that the updated SDC position – that the



potential for Green Belt release was still being considered, but it was “unlikely” (regardless of the outcome of these considerations) that SDC would be able to meet its housing need – was expressed. This contrasts significantly with the comments in Appendix B4 quoted above in para SDC 3.03;

- Fourthly the Notes sets out that the three authorities acknowledged that the matter of unmet housing need was the most significant issue to be addressed through the duty to cooperate: i.e. now that the plans had progressed the strategic policy makers had collaborated to identify the potential for unmet housing need to be a relevant strategic matter which should be addressed in their plans.

SDC 4.05 Again, matters progressed further from April 2018: the range of potential unmet need from Sevenoaks became clearer through the publication of the SDC Draft Local Plan (which occurred on 19 June 2018 when it was attached to a report to the SDC Planning Advisory Committee meeting on 24 June 2018). The range of unmet need in the Draft Local Plan was potentially 600 – 7,000 houses.

SDC 4.06 TWBC accordingly referred to housing needs in its representations to the SDC Draft Local Plan on 7 September 2018 (Appendix B2). In this representation, TWBC again set out that there should be no presumption that there would be capacity to accommodate unmet need in TW borough, requested that SDC take account of this in preparing its plan, but that work on the TWBC Local Plan was ongoing and the representation was on the basis of “*without prejudging the outcome of the TWBC Local Plan work....*”. More information on this work, and the overall approach that TWBC was taking in 2018 and before to assess sites and consider a spatial strategy, unconstrained by an upper housing limit, is provided below.

SDC 4.07 Therefore, in summary, during this period:

- the recognition that that there was the potential for there to be unmet need in the HMA in late 2017 progressed by April 2018 to understanding that SDC had reached the stage in its plan making that it felt it was unlikely that it could accommodate its housing need (on the basis of the standard method being introduced);
- this then progressed further to understanding by late June 2018 the potential range of unmet need from SDC.

SDC 4.08 However, this increased understanding must be seen against the fact that there remained scope for SDC to:

- consider and potentially allocate additional sites submitted through the Regulation 18 consultation (four additional sites were submitted);
- to look again at its spatial strategy and its approach to the allocation of sites in the Green Belt and its consideration of the exceptional circumstances tests, and to adjust the plan accordingly in order to meet housing need.

SDC 4.09 As such whilst the range of potential unmet housing need was recognised, there remained uncertainty that this would endure post Regulation 18 into the SDC Pre-Submission Local Plan. This uncertainty was compounded by the fact that SDC did not make a formal verbal or written request to TWBC, or any other authority, to assist in meeting some of its potential unmet housing need throughout this period. The West Kent DtC meeting on 11<sup>th</sup> September 2018 (Appendix SDC4) did not facilitate discussion on this point as it took place a day after the closure of the Regulation 18 consultation – i.e. before SDC would have had chance to review the representations received. However, this meeting is noteworthy as it records the progress which had been made on the TWBC Local Plan - which was developing on an approach which was positive and proactive in respect of meeting housing need in the HMA.

5.0 Confirmation of the existence of unmet need, and the extent of unmet need, in the HMA: 14 November 2018 – mid 2019

SDC 5.01 The likelihood of there being unmet need in the HMA increased substantially when the SDC Pre-Submission Local Plan first became public: the Pre-Submission Local Plan was attached to a report to the SDC Planning Advisory Committee on 22 November 2018, which was published on 14 November 2018. The Pre-Submission Local Plan identified a shortfall against the local housing need of approximately 1,900 houses.

SDC 5.02 It is important to note the reasons why the level of unmet need from SDC changed between Draft Local Plan and Pre-Submission Local Plan stages: eight sites which had the scope for 3,760 dwellings which were considered in the Draft Local Plan were not carried forward to the Pre-Submission Local Plan. This demonstrates that SDC brought about considerable changes to the spatial strategy between the two plans and could – if it had not removed all eight of the Green Belt sites - have met its own need.

SDC 5.03 There also remained the possibility that SDC, having assessed the representations received during the Regulation 19 consultation which took place from 18 December 2018 – 3 February 2019, may have decided to not submit the plan and undertake further work and site allocations. The decision to submit was not made until the SDC Full Council of 26 March 2019. In the absence of a verbal or written request from SDC to TWBC and others to assist in meeting its unmet need – which was not made until the 11 April 2019 (Appendix SDC7) – this possibility remained. Accordingly, TWBC raised the issue of unmet need in the DtC meeting of 11<sup>th</sup> January 2019 (TWBC's contemporaneously taken notes of that minute, which are not agreed minutes, are provided at Appendix SDC5), which took place during the Regulation 19 consultation on the SDC Local Plan, and SDC confirmed at that time that it would not be making a written request.

SDC 5.04 In TWBC's representation (30 January 2019, Appendix B3) on the Pre-Submission Local Plan it again reiterated that work was ongoing on the TWBC Local Plan, that TWBC was not pre-judging the outcome of the Local Plan work,

and that there should be no presumption that there would be capacity in TW to assist in meeting unmet need.

- SDC 5.05 As above, SDC sent an email to TWBC and others on 11 April 2019 requesting assistance in meeting unmet housing need of 1,800 houses. This compared to an unmet need of 1,900 houses in the Pre-Submission Local Plan. The reduction in numbers reflected SDC's decision – post Regulation 19 – to adjust the start date of the plan period.
- SDC 5.06 In early March 2019 TWBC began to expect that SDC would make a written request to assist in meeting its unmet need (please see email correspondence on 12 March 2019 – Appendix SDC6). TWBC was rather frustrated that the written request was made after the closure of the Regulation 19 consultation. TWBC provided a written response to the 11 April 2021 request (on 24<sup>th</sup> April 2019 –Appendix SDC8), attended the SDC workshop on the same day (Appendix SDC9) and signed a statement of common ground on 21 May 2019 (Appendix A1). These set out that at that time TWBC:
- was aiming to allocate sufficient land to meet its housing need, which would involve release of Green Belt land and major development in the AONB;
  - was continuing that work and that matters were subject to change;
  - that at that present time TWBC was unable to assist SDC with unmet housing need.

## 6.0 TWBC actions from late 2017 – autumn 2019

- SDC 6.01 As above, it became apparent that there was the potential that there may be unmet housing need in the HMA in 2017: this was recognised and discussed with TMBC and SDC, although whether there would be need and the extent of any need were dependant on ongoing work on the various authorities' local plans, and the introduction of the standard methodology for calculating housing need.
- SDC 6.02 The likelihood of there being unmet need increased in spring 2018 as SDC progressed its plan and set out at the Pilot meetings that it was “unlikely” to meet its housing need. It increased again when SDC produced its Draft Local Plan in June 2018 and again further with its Pre-Submission Local Plan in November 2018. However, there remained uncertainty in relation to need. Firstly, there was the potential that this unmet need would fall away or decrease (or indeed increase) if SDC altered its approach post Regulation 18 and/or there were suitable sites submitted in the Regulation 18 consultation. Secondly, there was a lack of clarity from SDC: it did not make a formal written request, or indeed a verbal request, for neighbouring authorities to assist in meeting its unmet need. Thirdly, SDC may have decided to not progress with the submission of its Local Plan having had regard to the representations

received at Regulation 19, or the advice from the Planning Inspectorate/Planning Advisory Service/IPe.

- SDC 6.03 The TWBC Local Plan Inspector's Report sets out that there should have been constructive, active and ongoing engagement between TMBC and SDC from when SDC considered it likely that there was going to be some unmet need. TWBC's view – as set out above, is that there was the potential for unmet in the HMA in 2017, but it was only in April 2018 that SDC considered it "unlikely" that it would be able to meet its housing need. TWBC undertook discussions in this period with TMBC and SDC which involved collaboration and identification of the relevant strategic matters to be addressed in their plans, and this is evidenced in the appendices referred to above.
- SDC 6.04 From 2018 onwards – during which time work progressed significantly on the TWBC Local Plan – the approach taken has been one of assessing sites and considering a spatial strategy unconstrained by an upper housing limit. This approach has been positive and constructive in terms of accommodating need in the HMA: it is an approach which had scope to meet unmet need in the HMA.
- SDC 6.05 Furthermore, once the likelihood of there being unmet need increased substantially, and the extent of any potential unmet need became apparent, in late November 2018 (on first public viewing of the SDC Pre-Submission Local Plan), TWBC undertook considerable further work to see if it could accommodate SDC's unmet housing need. Work had progressed significantly on the TWBC Draft Local Plan - with the Sustainability Appraisal of the Draft Local Plan being produced alongside it - in 2018. From November 2018 further work was undertaken which included the Sustainability Appraisal of the Draft Local Plan assessing and exploring - as part of the iterative process of appraisal - an option (Growth option 7 in that Sustainability Appraisal) which specifically tested the inclusion of Tunbridge Wells Borough meeting Sevenoaks's unmet need.
- SDC 6.06 Therefore from late 2018 until summer 2019 as the TWBC Draft Local Plan progressed from an advanced stage in early 2019 to its finalised stage (it entered the TWBC Cabinet committee cycle on 26<sup>th</sup> July 2019) it specifically assessed the potential for, and the impacts of, planning to meet SDC's unmet need, and followed an approach which was unconstrained by an upper limit on housing. These approaches, which were positive, constructive, and proactive in seeking to address this cross boundary strategic matter, were set out in the TWBC Hearing Position Statement (paras 4.01 – 4.04 Appendix SDC11, 13 September 2013) for the SDC Local Plan Examination.
- SDC 6.07 TWBC was originally not invited to attend the SDC Examination. TWBC considered it important that it could attend, and accordingly wrote to the Programme Officer (Appendix SDC10). The Hearing Statement also explains the extensive background work undertaken (para 1.02) on the Draft Local Plan to that point, and how TWBC was at that time planning to meet its own need (paras 3.01 – 3.05). This work formed the basis of the TWBC representation at

Regulation 19 consultation on the SDC Pre-Submission Local Plan (Appendix B3) and the SoCG signed with SDC on 25 May 2019 (Appendix B1). As set out in para 1.04 of the Hearing Position Statement and in communication between TWBC, and the Programme Officer for the SDC Examination (Appendix SDC10), if SDC had made a request to TWBC for its assistance in meeting SDC's unmet need then the representation would have addressed the issue of unmet need more fully.

#### 7.0 Autumn 2019 – September 2021: TWBC Actions

- SDC 7.01 The positive, proactive and constructive work that TWBC had undertaken in 2019 in terms of meeting SDC's unmet need continued through-out 2019 into 2020 – although, as set out below, there has been such uncertainty in relation to housing need in the West Kent HMA that has caused real difficulties with progressing matters.
- SDC 7.02 TWBC's work included assessing additional sites submitted in the Regulation 18 consultation on the TWBC Draft Local Plan from September - November 2019 and beyond well into 2020 for their suitability, again without an upper limit to housing, to consider whether there is scope to accommodate SDC's unmet need. It also included the Sustainability Appraisal of the Pre-Submission Local Plan assessing a growth scenarios of meeting TWBC's uncapped housing need (Growth Strategy 10) and TWBC's uncapped housing need and unmet need from elsewhere (Growth Strategy 11).
- SDC 7.03 Through the work undertaken by TWBC the Pre-Submission Local Plan, which was largely finalised in January 2021 ahead of the Full Council decision to undertake regulation 19 consultation and to then submit in early February 2021, makes provision to meet its own local housing need, and to provide 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 duty to cooperate.
- SDC 7.04 The work outlined above, the provision of a buffer, and the potential scope to consider the use of any housing which is not required to ensure delivery of housing in Tunbridge Wells borough, is a positive, proactive, effective and constructive approach to addressing the cross-boundary issue of unmet housing need in the HMA.

SDC 7.05 However, as detailed in section SDC 8 below, there has been significant uncertainty since October 2019 as to whether there is, or will be, unmet housing need from SDC.

#### 8.0 October 2019 – September 2021: uncertainty on housing need from SDC

SDC 8.01 The period from May 2019 until mid-October 2021 was dominated by preparation by relevant parties for the SDC Examination which started in September 2019.

SDC 8.02 The course of events which has meant that there has been significant uncertainty as to whether there is, or will be, unmet housing need from SDC is set out below.

SDC 8.03 From mid October 2019 – 2 March 2020 there was correspondence between SDC and the Planning Inspector appointed to examine the 2019 SDC Local Plan. In this correspondence the Inspector set out her concerns that SDC had not passed the DtC and raised other concerns including in relation to SDC's strategy and approach to the Green Belt, before issuing her report on the 2 March 2020. The report concluded that SDC had failed the duty to cooperate. A letter dated also 2 March 2020 set out the areas that the Inspector considered required further evidence: this built on the comments made in earlier correspondence (17 October 2019) that she had significant concerns about the soundness of the SDC Local Plan for a number of reasons.

SDC 8.04 The West Kent DtC meeting on 12 November 2019, with the resultant letter from TWBC to SDC on 21 November 2019 (Appendix SDC12), focused on the discussions at the Examination and correspondence from the Planning Inspector.

SDC 8.05 SDC made an application for the Judicial Review of the Planning Inspector's decision that SDC had failed the duty to cooperate. Following a hearing on 3 September 2020 this was dismissed on 13 November 2020.

SDC 8.06 During this time SDC, TMBC and TWBC met on 18 May 2020 (Appendix SDC13). In the discussions held on housing need:

- SDC set out its views that it still had unmet need and that there was a need to continue dialogue under the DtC whilst the judicial review was progressing;
- TWBC advised that following the Regulation 18 consultation on the Draft Local Plan TWBC was reviewing sites for Pre-Submission version of Local Plan, and would update if things change over the coming months in terms of housing capacity.

SDC 8.07 Although TWBC had explained the difficulties of a potential sub-regional approach to plan making at the SDC DtC workshop on 24 April 2019 (Appendix SDC9) – partly given the suggested breadth of that plan given the number of attendees at the workshop – TWBC sought to discuss this as a potential way of

joint working to address unmet need with TMBC and SDC. This is set out under Agenda item 10. However, it failed to gain traction.

- SDC 8.08 During summer and autumn 2020 TWBC discussed with SDC and TMBC (and other authorities) as to whether any of these authorities had scope to accommodate some or all of the housing and employment provision which was indicated in the TWBC Draft Local Plan within the Green Belt or AONB. The discussions with SDC took place at a meeting on 15 June 2020 (Appendix SDC14) with a subsequent exchange of written correspondence (Appendices SDC15 and SDC16). Duty to cooperate discussions were also held on 21 October 2020 (Appendix SDC17).
- SDC 8.09 The view of SDC throughout this period of time was that there remained unmet housing need. However, there was huge uncertainty for TWBC as to whether there was unmet need or not: the SDC Local Plan had failed the duty to cooperate and the Inspector for that Plan had identified significant concerns about aspects of its soundness, although she had been clear that further review of evidence was required. In the event that the SDC application for judicial review was unsuccessful there was an entirely reasonable expectation that SDC would “re-start” its Local Plan process. Depending on the stage in which the process was “re-started”, there was significant potential (if SDC withdraw the failed plan and commenced work from the outset, or from a pre-Regulation 18 stage) that SDC would not know until it had completed its evidence base work and site assessment, whether there was going to be any unmet need. This was exactly the case at Wealden District Council (WDC): the WDC plan failed under the duty to cooperate. WDC promptly withdrew its failed local plan and re-commenced work. This has meant that WDC has not been in a position to know – until it has completed evidence gathering and site assessment work – whether it would have capacity to meet its housing need or not.
- SDC 8.10 Following the dismissal of the SDC application for judicial review on 13 November 2020 SDC made an application to the Court of Appeal on 4 December 2020.
- SDC 8.11 During the intervening period of time, until the application to the Court of Appeal was dismissed (7th April 2021), TWBC sought to reduce the uncertainty around whether there was, or would be, housing need in the West Kent HMA from Sevenoaks. Accordingly TWBC produced a draft interim SoCG, which was sent to SDC on 9 March 2021 (Appendix SDC18). The purpose of the interim SoCG was to agree a position pending the outcome of SDC’s application to the Court of Appeal. This contained the following draft text:
- “2.10 Both LPAs agree that the earliest that SDC could conclude that there would be unmet need was late 2018, with the formal request to neighbouring LPAs being made in mid April 2019, and that the existence of unmet need has not been subject to Examination. Both LPAs agree – given the Inspector’s comments regarding soundness - that there has been uncertainty from mid October 2019 as to whether the SDC Local Plan would have been, or will in due*

*course, be found sound at Examination – i.e. the existence of need has not been proven or agreed through confirmation by Examination of the SDC Local Plan.*

*2.11 This uncertainty will be resolved if:*

*a) SDC's challenge to the Court of Appeal is successful and the plan moves forward to Examination and the Inspector finds the plan sound;*

*b) SDC's challenge to the Court of Appeal is successful and the plan moves forward to Examination and the Inspector finds the plan unsound, or*

*c) if SDC starts again in its plan making approach, either as a result of i) the challenge to the Court of Appeal being unsuccessful, or ii) through independent action to do this.*

*2.12 In respect to a) and b), it is agreed that the uncertainty will only be resolved through consideration of the soundness of the SDC Local Plan, which has not yet occurred.*

*2.13 In the event of c), SDC agrees that it will formally withdraw its request to TWBC to meet some or all of its unmet need, as it will not be known until SDC progresses through its plan making process whether there will be any unmet need".*

- SDC 8.12 SDC did not agree this wording. Ultimately the SoCG was not resolved as the Court of Appeal dismissal of SDC's application meant that it was considered more appropriate to progress with a non-interim SoCG.
- SDC 8.13 The SDC Development and Conservation Advisory Committee was advised on 6 July 2021 (Appendices SDC19 and 20) that, subject to the outcome of the application to the Court of Appeal, the next steps that SDC would take would be to seek to meet with the Ministry of Housing, Communities and Local Government (MHCLG).
- SDC 8.14 Following the dismissal of the application by the Court of Appeal, TWBC waited patiently for SDC to meet with MHCLG. However, as time progressed, TWBC felt it increasingly important to seek to reduce the levels of uncertainty around whether there was unmet housing need: this uncertainty has and was causing real difficulties in enabling TWBC to progress its own plan.
- SDC 8.15 Accordingly, at the duty to cooperate meeting on 6 July 2021 TWBC sought clarity on a number of matters:
- what SDC's steps will be in terms of the Local Plan after the meeting with MHCLG?
  - will SDC be starting the plan making process in line with para 35 a) of the NPPF – i.e. providing a strategy that seeks to meet its needs?
  - (in light of the failed legal challenges) does SDC consider that it has unmet housing need, or given it will be an early stage of its re-started plan making



process will it not be possible to know until relevant assessments are undertaken? TWBC set out that as the April 2019 request to assist with unmet housing need had not been withdrawn that this was creating uncertainty in this respect.

- SDC 8.16 The draft minutes (which have been sent to SDC but have not been agreed by SDC – Appendix SDC21) set out the extent to which TWBC sought to answers to these important questions.
- SDC 8.17 SDC met with MHCLG on 18 August 2021. TWBC and SDC held a further duty to cooperate meeting on 24 August 2021 – the draft minutes which have again been sent to, but not agreed by, SDC are set out in Appendix SDC22. At this meeting TWBC again sought to reduce the uncertainty about housing need. Questions were raised around:
- What SDC’s position was in relation to the plan submitted in 2019? To which SDC set out that it has not been, and will not be withdrawn – but is being held in abeyance;
  - whether SDC would be undertaking a call for sites? To which SDC said it was not intending on doing so;
  - whether the evidence base which was looking at housing capacity meant that SDC felt it would potentially be able to accommodate its need?
  - whether the SDC approach to exceptional circumstances in the Green Belt will be adjusted?
- SDC 8.18 The minutes show the answers to these questions. During 2021 SDC and TWBC had informally discussed whether SDC would be withdrawing the request made to assist in meeting unmet housing need on the 11 April 2019. The question was specifically asked by TWBC of SDC in the meeting of 24 August 2021: the response was that if the SDC Local Plan is not being taken forward then there is no need for these to be withdrawn. TWBC expressed again that this means that the situation in relation to unmet housing need in the West Kent HMA is less clear.
- SDC 8.19 Following the meeting on 24 August 2021 TWBC received a draft SoCG from SDC (Appendix SDC23) on 22 September 2021. This included the following, largely suggested by SDC - the underlined text shows that suggested previously by TWBC:
- “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. At this stage, the provisions of SDC’s Proposed Submission Version Local Plan (December 2018) have limited weight in planning decisions. The associated evidence base remains a consideration in the plan making and decision taking processes”.*

- SDC 8.20 Given the discussions held at the July and August duty to cooperate meetings, and the suggested wording for the SoCG, TWBC sought legal advice on several matters. These included:
- the status of the SDC 2019 Local Plan – the advice was that the plan is “dead”;
  - whether (in the event that unmet need is identified in Sevenoaks in due course) SDC could rely on the April 2019 requests for assistance in meeting this;
  - whether there could be grounds for the Secretary of State to use his powers to direct the withdrawal of the 2019 Local Plan if SDC continued to not withdraw it.

#### 9.0 October 2021

- SDC 9.01 Due to the now urgent and pressing need to take positive steps in order to provide clarity and remove uncertainty on the housing need situation in the HMA, TWBC then sent a formal letter to SDC on 6 October 2021 (Appendix SDC24). This letter set out the background to the situation and the legal advice received.
- SDC 9.02 The letter also explained the positive, constructive and proactive work that TWBC has undertaken to consider whether there is scope to accommodate SDC’s unmet need, as detailed above in Section 6.0. It also explained to SDC that there may be scope for any excess of the 1,050 house buffer in the TWBC Pre-Submission Local Plan, following examination and adoption of the TWBC Local Plan and subject to subsequent monitoring of housing delivery, to be considered as part of the wider delivery of housing in the HMA, to be discussed under the DtC.
- SDC 9.03 Finally, in order to forge a way forward and to provide TWBC (and TMBC) with greater clarity and certainty to progress, TWBC formally requested:
- 1) that the written request from SDC to meet unmet need made in April 2019 is withdrawn, given the early stage that the SDC “emerging plan” is at;
  - 2) that SDC confirms that it will - in line with para 35 of the NPPF - at this stage of its “emerging plan” - approach it on the basis of being “positively prepared - providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs”, understanding that this may change as evidence/site assessment work is undertaken.
  - 3) additionally, that SDC confirms that at this stage, and until the conclusion of the evidence base and assessment work, that it cannot say whether there is unmet housing need.
- SDC 9.04 SDC responded on 22 October 2021 (Appendix SDC28). SDC did not explicitly confirm any of the requests made. SDC did set out:
- “The email (of 11 April 2019) refers to an unmet need of 1,800 units. In the light of our emerging evidence base, it is agreed that this figure cannot be relied on”.*

- SDC 9.05 SDC also set out that it considers that it is highly unlikely that it will be able to accommodate its housing need on land that its not covered by the constraints listed in footnote 7 of the NPPF. No reference is made to whether SDC considers – at this stage – that it can accommodate its housing need or not on land that is within the constraints, including through Green Belt release. The letter also states that it would be sensible to discuss the housing buffer in TWBC in relation to para 141 of the NPPF, and also refers to the local plan timetable set out in the Agenda to the SDC Development and Conservation Advisory Committee on 19 October, which had been published on 11 October. Reports to this Committee on the local plan timetable (Appendix SDC25) and local plan update (Appendix SDC26) clarified that SDC would be undertaking a call for sites (contrary to the discussions at the duty to cooperate meeting on 24 August 2021 - Appendix SDC22) and that the Local Plan would commence at a pre-Regulation 18 stage. Although not mentioned in the minutes (Appendix SDC27), comments made at the Committee were that “*we’re just doing what is necessary to get it (the Local Plan) across the finishing line*”.
- SDC 9.06 Given SDC’s response to the formal letter and the information contained in the Committee Agenda TWBC considers that this has improved the clarity about SDC’s approach to looking to meet housing need, although considerable uncertainty still exists. TWBC has interpreted SDC’s letter that the 11 April 2019 request for assistance in meeting unmet need is effectively withdrawn.
- SDC 9.07 As details above, a SoCG has not been signed, and accordingly a working draft is provided at **Appendix A2**, with a signed SoCG anticipated to be provided in due course. There remain areas where there are, and are not agreement, but TWBC considers that recent discussions and exchanges of correspondence provide a platform for effective and on-gong joint working.

## 10.0 Conclusions on Housing Need

- SDC 10.01 There have been four broad periods of time since the potential for unmet housing need in the HMA first emerged. These, and TWBC’s actions during these periods, are set out below.

**Table 1: Timescales in relation to reviewing housing need**

	<b>Housing need</b>	<b>TWBC actions</b>
<b>Mid 2017 – late 2017</b>	Potential for unmet need in HMA emerging. However, SDC clear that cannot say that there is unmet need until Regulation 18 consultation on Issues and Options is undertaken. Emergence	Recognised potential, communicated this in representations, however difficult to have meaningful discussions given emerging nature of evidence and changing national policy context

	<b>Housing need</b>	<b>TWBC actions</b>
	of housing need through standard methodology	
<b>Late 2017- Autumn 2019</b>	Likelihood of unmet increased in April 2018, June 2018 and increased further in November 2018. However no formal request to assist in meeting unmet need made by SDC until April 2019	TWBC undertook site assessment and consideration of spatial strategy unconstrained by upper housing limit. Specifically assessed in Sustainability Appraisal of Draft Local Plan option of accommodating SDC's unmet housing need
<b>Autumn 2019 – September 2021</b>	Significant uncertainty as to whether there would be unmet need: SDC Local Plan failed the DtC and the Inspector identified significant concerns around soundness.	<p>TWBC continued to assess sites unconstrained by upper housing limit, including through assessment of additional sites received in Regulation 18 consultation and after. Specifically assessed in Sustainability Appraisal of Pre-Submission Local Plan option of accommodating higher numbers (TWBC's uncapped need) and accommodating SDC's unmet need.</p> <p>Sought to reduce uncertainty over whether there is unmet housing need in HMA through discussions with SDC</p>
<b>October 2021</b>	By end of month some improved clarity about SDC's approach to looking to meet housing need	<p>Forged a way forward. Communicated that may be scope for excess buffer to be considered as part of wider delivery of housing in HMA, to be discussed under DtC. Set a platform for ongoing effective joint working</p>

SDC 10.02 The actions set out above, in summary, demonstrate that TWBC has met the duty to cooperate in its cooperation with SDC on the matter of unmet housing need. It has collaborated to identify a key cross boundary strategic matter, and has been positive, constructive and proactive in its actions. It is recognised that TWBC perhaps could have been more forthright in its communications with

SDC around unmet need in 2018 and early 2019, although following a patient approach from October 2019 as SDC pursued legal challenge and other matters, TWBC has sought to forge a way forward and to reduce uncertainty around unmet housing need matters. The actions have set a path for effective and further ongoing and collaborative working.

- SDC 10.03 SDC has set out in its representation on the Regulation 19 Pre-Submission Local Plan that TWBC has met the duty to cooperate (Appendix B6).

11.0 Gypsy and traveller accommodation, employment, retailing, infrastructure, other matters

- SDC 11.01 TWBC is planning to meet the housing need for gypsy and traveller accommodation. As set out in the working draft of the SoCG (in text that SDC has agreed) SDC is updating its evidence on gypsy and traveller housing need, but is seeking to meet its need.
- SDC 12.01 In terms of employment need and retailing TWBC is planning to meet its need, and SDC is currently updating its evidence base. Both authorities agree to discuss these matters going forward, as work on the SDC plan progresses.
- SDC 12.02 There is agreement to continue to jointly work together where there are proposals which impact on cross boundary infrastructure, including working with the relevant infrastructure providers, and as part of the Ashdown Forrest Working Group in relation to the Ashdown Forest, and on AONB matters.

- Outcome – as above, both Councils expected to sign a SoCG. A working draft is provided at Appendix A2.
- TWBC is aiming to meet its own objectively assessed housing need. In 2019 SDC has requested TWBC (and others) to meet its unmet need. TWBC has considered this, through its site assessments and Sustainability Appraisal. It has advised SDC of the work undertaken in the site assessment and Sustainability Appraisal, and position in relation to allocations in the PSLP. Details of the current SDC position are set out above. There will be ongoing discussion on this matter moving forward.
- Both Councils are seeking to meet their own need for permanent Gypsy and Traveller pitches, although SDC needs to update its evidence base in this respect.
- There will be future discussions on retailing and employment needs provision as the SDC evidence base progresses.
- There is commitment to continue to work together when considering developments which could impact on cross boundary infrastructure
- Existing joint working in relation to AONB, Ashdown Forest and flooding involves both authorities.
- A signed SoCG is to be completed in due course.

## **Tonbridge & Malling Borough Council**

### **Current Local Plan status:**

#### **Adopted Plan documents:**

- Tonbridge & Malling Core Strategy 2007
- Tonbridge & Malling Development Land Allocations April 2008
- Tonbridge Central Area Action Plan April 2008
- Managing Development and the Environment DPD April 2010
- Compendium of Saved Policies April 2010

#### **2019 Local Plan Review:**

- Tonbridge & Malling Local Plan The Way Forward (Issues and Options) September 2016
- No Regulation 18 Draft Local Plan
- Tonbridge & Malling Local Plan Submission Version (LPSV) January 2019
- The TMBC LPSV was submitted to the Planning Inspectorate in January 2019 for examination (to be accessed against the requirements of the NPPF 2012). Hearing sessions were held on 6 – 8 October 2020. On 22 October 2020 the Planning Inspectors examining the TMBC Local Plan wrote to TMBC setting out significant

concerns regarding legal compliance of the TMBC plan. Following an exchange of correspondence the Inspectors' final report was issued on 8 June 2021 setting out that there had been a failure of the duty to cooperate on the matter of housing need, and specifically unmet housing need from SDC.

- On the 13th July 2021 TMBC Full Council resolved to withdraw the 2019 Local Plan and to commence work on an emerging Local Plan.

### **Most recent published DtC Statement:**

TMBC Duty to Cooperate Statement January 2019 (submitted with the TMBC LPSV above).

### **Key cross-boundary issues:**

- Housing:
  - TMBC and TWBC are part of an established and recognised Housing Market Area.
  - 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.
  - TWBC and TMBC engaged with one another, and SDC, under the duty to cooperate on housing need, both during the preparation of the TMBC 2019 and after. Agreed matters in relation to these discussions, and the issues of unmet housing need from SDC are set out in Section 2.0 of the signed SoCG between TMBC and TWBC (October 2021 – **Appendix A4**).
  - Both SDC's and TMBC's plans failed under the duty to cooperate, principally for the actions during the period 2017 – early/spring 2019 when the two authorities submitted their plans. TWBC's joint working with SDC and TMBC has taken place for a further 2.5 years, and the approach in preparing the TWBC Local Plan (including the assessment of options under the Sustainability Appraisal) differed to TMBC's.
  - As part of the discussions between TWBC and TMBC in the preparation of the TWBC Local Plan, TWBC discussed with TMBC whether TMBC had capacity to assist in accommodating some or all of the housing and employment need that was indicated in the TWBC Draft Local Plan in the Green Belt or which comprised major development in the AONB. TMBC was not able to assist. This is covered in paras 2.20 – 2.22 of the SoCG (October 2021).
  - 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, but 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” (para 2.13 of the SoCG (October 2021)).

- Both authorities agree 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 (Actions box on 12 of the SoCG). Both authorities agree (para 2.11 of the SoCG) that it will not be known until SDC progresses through its plan making process whether there will be unmet need in the HMA in due course.
  - Discussions under the duty to cooperate have also taken place in respect of gypsies and travellers. This is set out in paras 2.24 – 2.31 of the SoCG. Future actions in relation to gypsy and traveller housing provision is set out in the Actions box on page 13 of the SocG: TWBC will continue to seek to meet their own needs for permanent pitches in relation to G&T, and as 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. However TMBC is approaching the matter on a positively planned basis in accordance with Para 35 of the NPPF.
- TMBC and TWBC engaged under the duty to cooperate on economic development matters:
    - Both share a Functional Economic Market Area. The TMBC 2019 Local Plan planned to meet the identified employment of the borough, as does the TWBC Local Plan.
    - As set out in para 3.5 of the SoCG due to the early stages of the TMBC emerging Local Plan at this stage 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”.
    - There are agreed actions to continue to discuss economic matters under the duty to cooperate.
    - The SoCG in paras 4.1 – 4.5 sets out the discussions and actions in relation to retailing.
  - Infrastructure, including impact on highways and transport infrastructure:



- The TWBC Local Plan proposes two strategic sites in relatively close proximity to the boundary of T&M borough. Considerable discussion and joint working has taken place on the impacts of these settlements on the borough of T&M, including on Tonbridge itself.
  - This joint working has involved TMBC attending and being an active member of the Strategic Sites Working Group, and TMBC Members and Officers being part of the masterplanning work, which included infrastructure masterplanning. Details of the SSWG and this work is set out in paras 5.7 and 5.8.
  - Details of how the potential impact on infrastructure has been addressed, though joint working including with infrastructure providers, is set out in para 5.8 of the SoCG. Specific amendments were made between the TWBC Draft Local Plan and the Pre-Submission Local Plan – particularly in relation to the allocation at Tudeley - which reflected or sought to address concerns raised by TMBC.
  - TMBC has raised serious concerns, including in relation to the impact on highways (para 5.10) and the transport modelling. TWBC recognises that the strategic sites will impact on T&M borough, including on Tonbridge town. Despite TMBC's concerns there is a clear commitment and agreement between both authorities to continue to discuss and undertake collaborative working on the strategic cross boundary implications of the proposed growth at Tudeley and Paddock Wood, and to work to address those with infrastructure providers and statutory consultees. This is set out at para 5.12 of the SoCG.
  - TWBC has previously set out that it commits to meeting regularly with TMBC officers and relevant members, including in “three way meetings” with statutory consultees and infrastructure providers.
  - There is a similar commitment from both authorities to work effectively and on an on-going basis with one another on other developments that may have cross boundary infrastructural implications, comprise pieces of cross boundary infrastructure, or have cross boundary impacts – such as through flooding.
- Environment – AONB and flooding are cross boundary issues

### **Most recent published DtC Statement:**

TMBC Duty to Cooperate Statement January 2019 (submitted with the TMBC LPSV above).

### **Key cross-boundary issues:**

- Housing and Economic Development - part of established and recognised Housing Market Areas and Functional Economic Market Areas. Both aiming to meet own

objectively assessed housing and economic needs - employment, retail and leisure and town centre uses. Master planning important for strategic sites at Paddock Wood and Tudeley in close proximity to Tonbridge & Malling. Liaison between both authorities in respect of Gypsy and Traveller needs

- Environment – AONB and flooding are cross boundary issues
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters – highways, education, health, transport, water/flooding related infrastructure

### **Key opportunities and constraints:**

- West Kent Partnership
- The Green Belt and High Weald AONB straddle almost the full length of the common boundary;
- Significant areas of Ancient Woodland and several areas of potential archaeological importance straddle, adjoin or are in close proximity to common boundary
- EA Flood Zones 2 and 3 (River Medway) straddle the common boundary and extend significantly beyond it in the eastern parts of both authorities. This is also the case at the western end of the common boundary at Upper Hayesden. Much of the central area of Tonbridge also lies within these flood zones. The Leigh Flood Storage Area in Sevenoaks district (which also serves Tonbridge & Malling borough) is located close to the common boundary at the western edge of Tonbridge & Malling.
- Aquifer Protection Zone – covers a significant catchment area across the common boundary of both authority areas mainly at Upper Hayesden, Tudeley and the central area of Tonbridge
- Historic Parks and Gardens adjacent to/straddling the common boundary - Somerhill Park (Somerhill School Buildings are Listed) and Mabledon (also Listed)
- Scheduled Monument – Castle Hill in Tunbridge Wells borough also relatively close to common boundary
- Significant number of Historic Farmsteads (in both authority areas) in close proximity to the common boundary
- Key roads: A26 – runs north-south from Royal Tunbridge Wells through Southborough and through the centre of Tonbridge. It also meets the A21 just north of the common boundary in Tonbridge & Malling which runs north west to the M25 and south east through the southern edge of Pembury and to Hastings beyond
- A228 – Runs north from the A21 and Pembury to East Peckham in the eastern part of Tonbridge & Malling and beyond.
- B2017 – runs from eastern edge of Tonbridge through Capel (Five Oak Green) to Paddock Wood

- B2160 – runs north-south from Paddock Wood where it links with the A228 to the north, on the south eastern edge of Tonbridge & Malling borough.
- Tonbridge Railway Station used by TW commuters, especially in the north of Tunbridge Wells borough. The train line from Tonbridge runs east-west through to Paddock Wood, Maidstone Stations (Marden, Staplehurst, Headcorn) and Ashford beyond. The Hastings to Charing Cross railway line runs from Tunbridge Wells borough, through (the south west of) Tonbridge and Malling borough onto Sevenoaks through south London to Charing Cross.
- Number of KCC PROWs run through the common boundary
- Significant number of schools (both primary and secondary) on the southern edge of the built-up area of Tonbridge, relatively close to the common boundary
- As above, proposals for strategic growth in the north-eastern part of Tunbridge Wells borough require cross boundary discussion, including in relation to social and medical infrastructure.

#### **Common membership of strategic groupings:**

- West Kent Partnership – SDC, TWBC, TMBC
- Ashdown Forest Working Group (Air Quality)
- Kent Nature Partnership
- AONB Joint Advisory Committees
- Kent Gypsy and Traveller Planning Group
- Medway Flood Partnership
- Medway Flood Action Group
- Kent Chief Planners Group
- Kent Planning Policy Forum

#### **Formal Local Plan consultations:**

##### TWBC responses to TMBC consultations:

- TWBC Response to TMBC Issues and Options November 2016 – see **Appendix C1**
- TWBC Response to TMBC Regulation 19 Pre-Submission Plan November 2018 – see **Appendix C2**

##### TMBC responses to TWBC consultations:

- TMBC response to TWBC Issues and Options 2017 – see **Appendix C3**
- TMBC response to TWBC DLP Regulation 18 consultation October 2019 (letter) – see **Appendix C4**

- TMBC response to TWBC DLP Regulation 18 consultation October 2019 (response form) – see **Appendix C4**
- TMBC response to TWBC Regulation 19 PSLP consultation June 2021– see **Appendix C5**

### **Engagement:**

The DtC engagement log between TWBC and Tonbridge & Malling BC is attached at **Appendix C6**.

### **Statements of Common Ground (SoCGs):**

- Memorandum of Understanding between TWBC and TMBC January 2020 – see **Appendix A3**
- A new SoCG between TWBC and TMBC has been recently agreed and signed off in October 2021 – see **Appendix A4**

### **Overview and Outcomes:**

- Outcome – both Councils have signed a SoCG.
- Due to the early stages of the TMBC Local Plan process, TMBC is not in a position to know at this time whether it can meet its employment, housing and other needs, but is working on the basis of providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.
- There is recognition that there is a need for continued collaborative joint working (including with infrastructure providers) on infrastructural and other aspects associated with the strategic sites proposed in the TWBC PSLP, and there is commitment between the two authorities to do this.
- Existing joint working in relation to AONB, Ashdown Forest and flooding involves both authorities.

## **Maidstone Borough Council**

### **Current Local Plan status:**

Adopted Local Plan:

- Maidstone Borough Local Plan October 2017

New Local Plan:

- Local Plan Review: Regulation 18b Preferred Approach Consultation 1 December 2020 - 8 January 2021. Regulation 19 Consultation 29 October 2021- 12 December 2021.
- **Most recent published DtC Statement:** Maidstone Duty to Cooperate Compliance Statement May 2016 (submitted with the Maidstone Borough Local Plan October 2017)

### **Key cross-boundary issues:**

- Housing and Economic Development – Both aiming to meet own objectively assessed housing and economic needs - employment, retail and leisure and town centre uses. Liaison between both authorities in respect of Gypsy and Traveller needs.
- Environment – Flooding a cross boundary issue
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways, education, health, transport, water/flooding related infrastructure

### **Key opportunities and constraints:**

- The Green Belt adjoins the common boundary (in Tunbridge Wells borough, but not Maidstone) at the south western tip of Maidstone borough to the north west of Paddock Wood in Tunbridge Wells borough;
- Significant areas of Ancient Woodland and areas of potential archaeological importance straddle, adjoin or are in close proximity to common boundary
- EA Flood Zones 2 and 3 straddle much of the common boundary and extend significantly beyond in both authorities, particularly in the area north of Paddock Wood in Tunbridge Wells borough;
- Significant number of Historic Farmsteads (in both authority areas) in close proximity to the common boundary
- Key roads: A229 runs north-south from Hawkhurst in Royal Tunbridge Wells to Staplehurst and beyond in Maidstone borough; B2162 runs north-south from Lamberhurst in Tunbridge Wells borough to Yalding in Maidstone borough; B2079 runs north-south from the Goudhurst area of Tunbridge Wells borough to Marden in Maidstone borough
- Train stations at Marden, Staplehurst and Headcorn, located along the mainline running east-west through Maidstone borough are used by Tunbridge Wells residents particularly in the north of Tunbridge Wells borough.
- Number of KCC PROWs run through the common boundary

### **Common membership of strategic groupings:**

- East Kent Authorities Partnership
- AONB Joint Advisory Committees
- Kent Gypsy and Traveller Planning Group
- Medway Flood Partnership
- Medway Flood Action Group
- Kent Chief Planners Group
- Kent Planning Policy Forum

### **Formal Local Plan consultations:**

TWBC responses to MBC consultations:

- TWBC response to MBC Regulation 19 consultation March 2016 – see **Appendix D1**:
- TWBC response to Main Modifications to MBC Local Plan May 2017 – see **Appendix D2**
- TWBC response to MBC – Local Plan review –Scoping, Themes and Issues public consultation 2019 – see **Appendix D3**
- TWBC response to MBC Gypsy and Traveller consultation May 2020 – see **Appendix D4**
- TWBC additional response to MBC Gypsy and Traveller consultation May 2020 – see **Appendix D5**
- TWBC response to MBC Local Plan Regulations 18b Preferred Approaches December 2020 – see **Appendix D6**

MBC responses to TWBC consultations:

- MBC Response to TWBC Issues and Options Consultation 2017 – see **Appendix D7**
- MBC Response to TWBC Regulation 18 Consultation 2019 – see **Appendix D8**
- MBC Response to TWBC Regulation 19 Consultation 2021 (7 May 2021) – see **Appendix D9**

### **Engagement:**

The DtC engagement record between TWBC and Maidstone BC is attached at **Appendix D10**.

## Statements of Common Ground (SoCGs):

- SoCG signed between TWBC and MBC August 2016 - see **Appendix A5**
- A SoCG was signed between TWBC and MBC in April 2021, shortly after the TWBC Pre- Submission Plan went out to consultation – see **Appendix A6**
- A further SoCG has also been signed since, in October 2021 which includes updates in relation to the MBC Local Plan – see **Appendix A7**

## Overview and Outcomes:

- Both Councils aiming to meet their own objectively assessed housing needs through forthcoming plans. It is noted that whilst Maidstone borough's housing market extends west into the northern section of Tonbridge and Malling, it does not extend into Tunbridge Wells to the south.
- TWBC seeking to meet its own need for permanent Gypsy and Traveller pitches; MBC not yet in a position (due to stage of Gypsy and Traveller and Travelling Showpeople Accommodation Assessment and forthcoming Gypsy, Traveller and Travelling Showpeople DPD) to determine whether it can meet its needs for G&T and Travelling Showpeople.
- Both seeking to meet their own employment needs. Both authorities also continue to engage through the wider DtC forum with other neighbouring authorities in relation to economic related matters, including employment land development.
- Retail provision is focused on existing principal towns.
- Agreed that the two garden settlements proposed in the MBC Regulation 18b Local Plan will not give rise to any strategic cross boundary matters with Tunbridge Wells borough, and TWBC has and will continue to work closely on strategic growth at Paddock Wood. TWBC was consulted by MBC in April 2021 on an EIA Scoping Opinion for the development of up to 2,000 dwellings, care home, new primary school, nursery, retail and employment provision, associated community facilities, and open space and infrastructure improvements, including improvements to Marden train station on land to the north of Marden. TWBC's provided a response advising which issues should be included in an Environmental Statement to support any future outline planning application for the proposal. These issues related to air, water, climate change, biodiversity and landscape and the cumulative impact of the proposed development with other proposals within the area such as the proposed strategic sites at Paddock Wood and land at east Capel and the new settlement at Tudeley within the borough of Tunbridge Wells.
- It is noted that the strategic site proposal within the TWBC Plan at Paddock Wood lies in close proximity to the southern boundary of Maidstone Borough; and would extend the settlement up to the boundary line (albeit the land immediately adjoining Maidstone's borough boundary will be use primarily as open space and wetlands/

flood storage). MBC notes that TWBC has worked closely with them to develop its plans for Paddock Wood, with MBC being a stakeholder in the TWBC SSWG.

- 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.
- Proposals for development in the TWBC Local Plan will not impact on the setting of the High Weald AONB in Maidstone (either directly or cumulatively), and the focus of MBC's growth in Maidstone borough has directed it away from the High Weald AONB and its setting.
- Existing joint working will continue in relation to flooding (through the Medway Flood Area Plan and SSWG). The River Medway flows through Maidstone borough, and 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.
- Existing joint work will continue in relation to biodiversity and infrastructure. With respect to the latter, it is noted that education facilities will be provided around Paddock Wood as part of the growth planned, and that the growth in Maidstone will be served by educational establishments in that borough. This remains the view of both parties following the announcement of the closure of the High Weald Academy in Cranbrook (if confirmed after the end of the "listening period"). TWBC has asked that particular consideration be given to the impact that growth in settlements to the south of Maidstone borough will have on education, as services in these settlements also serve some rural areas in the north of TW borough.
- MBC notes the transport mitigation proposed through the TWBC Local Plan, particularly around Paddock Wood and Tudeley (i.e. Colts Hill bypass) but considers there will be no adverse impact on highway infrastructure in Maidstone borough.
- As above, a new SoCG has been recently signed between both authorities in October 2021 ahead of submission of the TWBC Local Plan.

## **Ashford Borough Council**

### **Current Local Plan status:**

#### **Adopted Local Plans:**

- Ashford Local Plan adopted February 2019

#### **Local Plan review:**

- Ashford Gypsy and Traveller Accommodation Local Plan Options Report (regulation 18 Consultation) January 2020 – see **Appendix E3** (and TWBC response below)



- **Most recent published DtC Statement:** Ashford BC Duty to Cooperate Statement December 2017 (submitted with the Ashford Local Plan adopted February 2019 above)

### **Key cross-boundary issues:**

- Housing and Economic Development - Both aiming to meet own objectively assessed housing and economic needs - employment, retail and leisure and town centre uses. Liaison between both authorities in respect of Gypsy and Traveller needs.
- Environment – AONB and flooding are cross boundary issues
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways, transport, water/flooding related infrastructure

### **Key opportunities and constraints:**

- AONB straddles common boundary south of Golford Road (TWBC) and Cranbrook Road (ABC)
- Significant areas of Ancient Woodland and several areas of potential archaeological importance straddling, adjoining or in close proximity to common boundary
- EA Flood Zones 2 and 3 – Hammer Stream
- Key Roads - A262 through/from Sissinghurst runs north eastwards to Biddenden in Ashford Borough; the A268 runs through Sandhurst then east/south-east through Ashford Borough then southwards through to Rother District beyond; and the B2086 through/from Benenden runs south eastwards to Rolvenden in Ashford Borough
- Number of KCC PROWs run through the common boundary

### **Common membership of strategic groupings:**

- East Kent Authorities Partnership
- Kent Gypsy & Traveller Planning Group
- Kent Nature Partnership
- High Weald and North Downs AONB Joint Advisory Committees
- Kent Planning Officers Group
- Kent Planning Policy Forum

### **Formal Local Plan consultations:**

#### TWBC responses to ABC consultations:

- TWBC response to ABC Regulation 19 Consultation August 2016 – see **Appendix E1**
- TWBC response to ABC Regulation 19 Consultation August 2017 – see **Appendix E2**
- TWBC response to ABC Gypsy and Traveller Accommodation Local Plan Consultations Options Report February 2020 – see **Appendix E3**

#### ABC responses to TWBC consultations:

- No ABC response to TWBC Issues and Options Consultation 2017
- ABC response to TWBC Draft Local Plan Regulation 18 Consultation 6 November 2019 – see **Appendix E4**
- ABC response to TWBC Pre-Submission Plan Regulation 19 Consultation 2021 (2 June 2021) – see **Appendix E5**

#### **Engagement:**

The DtC engagement log between TWBC and Ashford BC is attached at **Appendix E6**.

#### **Statements of Common Ground (SoCGs):**

- A SoCG between TWBC and ABC was signed in March 2021 and is attached as **Appendix A8**. It has been agreed between both authorities that no updates were required to the SoCG prior to submission of the TWBC Local Plan.

#### **Overview and Outcomes:**

- Outcome – as mentioned above, an up-to-date signed SoCG is in place (**Appendix A8**).
- Both Councils aiming to meet their own objectively assessed housing needs through forthcoming (TWBC) and adopted (ABC) plans. ABC at too early a stage in Local Plan review to conclude for next Local Plan. It is recognised by both parties that they are in different housing market areas at this time.
- TWBC seeking to meet its own need for permanent Gypsy and Traveller pitches; ABC not yet in a position (due to stage of Gypsy and Traveller Accommodation Local Plan) to determine whether it can meet its needs for G&T and Travelling Showpeople. Both parties are in discussions with Kent authorities regarding the provision of a transit site(s) in the county.
- Both seeking to meet their own employment needs.
- Retail provision is focused on existing principal towns.
- Existing joint working in relation to AONB through the Joint Advisory Committee and Officer Steering Group for the High Weald AONB, and both parties adopting the High Weald AONB Management Plan 2019-2024. Both authorities will continue to liaise on cross-boundary matters relating to the implementation of this Plan and on any

developments that straddle the administrative boundary or located in/ affect the setting of the High Weald AONB.

- Both will continue to engage with Kent Nature Partnership and the High Weald AONB to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent.
- In both TWBC and ABC Plans, there is limited development proposed at the borough boundaries which would result in strategic cross boundary matters.
- Both parties will continue to engage on transport matters including in relation to the operation of the Ashford to London railway lines with Network Rail.
- Protected sites (Ashdown Forest and Stodmarsh) generating strategic cross boundary matters, but not between ABC and TWBC.
- SoCG to be reviewed in due course, once clarity on ABC Local Plan timetable, or ahead of examination of TWBC Local Plan, whichever is the earlier.
- Commitment by both parties to continue to engage with each other and through wider engagement with other neighbouring authorities.

## **Rother District Council**

### **Current Local Plan status:**

#### **Adopted Plans:**

Rother Core Strategy 2014

The Rother Development and Site Allocations Local Plan adopted 2019 implements the development strategy and core policies of the Core Strategy

#### **New Local Plan:**

RDC has commenced preparation on a new Local Plan that will cover the period 2019 to 2039. A targeted Early Engagement was undertaken for this in October 2020 (see below for TWBC response).

**Most recent published DtC Statement:** a DtC Statement was produced for the Core Strategy 2012 but is no longer available on RDC website)

### **Key cross-boundary issues:**

- Housing and Economic Development - Both aim to meet own objectively assessed housing and economic needs - employment, retail and leisure and town centre uses

- Environment – Ashdown Forest issues both members of Air Quality Working Group including implementation of the actions of the SoCG for this. AONB and flooding are also cross boundary issues
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways (A21/Flimwell junction), education, health, transport, water/flooding related infrastructure

#### **Key opportunities and constraints:**

- Ashdown Forest Air Quality Group – see SoCG below;
- High Weald AONB straddles full length of common boundary;
- Significant areas of Ancient Woodland (including Bedgebury) and several areas of potential archaeological importance straddling, adjoining or in close proximity to common boundary;
- Bewl Water reservoir
- River Rother runs along common boundary at the eastern end of TW borough – so EA Flood Zones 2 and 3 run along the full length and straddle the common boundary; River Rother is joined by the Kent Ditch which also runs along a significant part of the common boundary;
- Key roads - A229 through Hawhurst which links with the A21 to the south in Rother District; B2244 (Hastings Road) from Hawhurst which runs south through Rother District; the Flimwell crossroads (A21/A268, located in Rother District) has implications for access/traffic/highway safety, especially large vehicles, as above;
- Number of KCC PROWs run through the common boundary;
- Kent and East Sussex Railway Line in Rother runs in close proximity to the common boundary at the eastern end of Tunbridge Wells borough;
- Lillesden Historic Park and Garden, south of Hawhurst and Bodiam Castle in Rother District are located in close proximity to the common boundary.

#### **Common membership of strategic groupings:**

- East Sussex Strategic Planning Group
- Ashdown Forest Air Quality Group
- High Weald AONB Joint Advisory Committee
- High Weald AONB steering group

#### **Formal Local Plan consultations:**

##### TWBC responses to RDC consultations:

- TWBC response to RDC DaSA Local Plan Regulation 19 Consultation December 2018 – see **Appendix F1**
- TWBC response to RDC Sustainability Scoping Report May 2020 – see **Appendix F2**
- TWBC response to RDC Targeted Early Engagement for Local Plan October 2020 – see **Appendix F3**
- TWBC response to RDC Draft Statement of Community Involvement Consultation July 2021 – see **Appendix F4**

#### RDC responses to TWBC consultations:

- TWBC Issues and Option consultation 2017 – no response
- RDC response to TWBC Regulation 18 Consultation 2019 – see **Appendix F5**
- RDC response to TWBC Regulation 19 Consultation 2021 (6 May 2021) – see **Appendix F6**.

#### **Engagement:**

The DtC engagement log between TWBC and Rother DC is attached at **Appendix F7**.

#### **Statements of Common Ground (SoCGs):**

- SoCG Prepared by South Downs National Park Authority (SDNPA) and signed by Members of the Ashdown Forest Air Quality 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 – see **Appendix A12**
- SoCG was signed between TWBC and Rother DC in October 2020 – see **Appendix A9**. It has been agreed between both authorities that no updates were required to the SoCG prior to submission of the TWBC Local Plan.

#### **Overview and Outcomes:**

- Outcome – both Councils have recently signed the SoCG above (**Appendix A9**)
- Both Councils are aiming to meet their own objectively assessed housing needs although RDC is at an early stage of their Local Plan review. It is agreed that there is a small degree of overlap in respect of both authorities housing market areas.
- Both Councils are also seeking to meet their own need for permanent Gypsy and Traveller pitches; also, an unlikely overlap in relation to any transit needs
- Both authorities expect to meet their own economic growth needs, and have appropriate strategies in place to meet their retail needs. Both parties will continue to liaise on the economic well-being of both areas.

- Mutually important role of A21 recognised, and support in principle for improvements, particularly at the Flimwell Crossroads. A commitment for both authorities to liaise with Highways England and the respective local transport authorities in relation to any material impacts on the cross-boundary transport network.
- Existing joint working in relation to AONB. Both authorities are members of the Joint Advisory Committee and Officer Steering Group for the High Weald AONB, and have both adopted the High Weald AONB Management Plan 2019-2024. The parties will continue to work together, amongst other things, in relation to sites which straddle the administrative boundary between the two authorities.
- Existing joint working in relation to Ashdown Forest: both participate in the Ashdown Forest SAC Working Group and will continue to work together.
- A commitment to continue to work together on Green Infrastructure proposals and to cooperate on biodiversity net gain to ensure a common approach across the High Weald.
- SoCG to be reviewed ahead of RDC Local Plan Regulation 18 consultation.

## **Wealden District Council**

### **Current Local Plan status:**

#### **Adopted Local Plans:**

Wealden Local Plan adopted 1998

Wealden District Core Strategy Local Plan 2013

Affordable Housing Delivery Local Plan 2016

#### **New Local Plan:**

Withdrawn February 2020 and documents also withdrawn from website

**Most recent published DtC Statement:** (Not available – as all Planning documents withdrawn from website following withdrawal of LP)

### **Key cross-boundary issues:**

- Housing and Economic Development – TWBC Housing Market Area overlaps with that of WDC. Both TWBC and WDC intend to meet their own objectively assessed housing needs. Liaison between both authorities in respect of Gypsy and Traveller needs

- Environment – Ashdown Forest issues for both air quality and recreational pressure on SPA and SAC, members of groups with SoCG. AONB and flooding are also cross boundary issues.
- Infrastructure – both authorities liaise on key cross boundary infrastructure matters highways, education, health, transport, green and water/flooding related infrastructure

### **Key opportunities and constraints:**

- The High Weald AONB straddles much of the common boundary;
- Significant areas of Ancient Woodland and areas of potential archaeological importance straddle, adjoin or are in close proximity to common boundary
- SSSI 5 Km protection zone across common boundary
- Ashdown Forest Zone of Influence
- Scheduled Ancient Monuments along common boundary: High Rocks prehistoric rock shelters and hillfort in Tunbridge Wells borough and Bayham Abbey in Wealden district
- EA Flood Zones 2 and 3 straddle the common boundary particularly to the east and west.
- Historic Parks and Gardens adjacent to/straddling the common boundary – Groombridge Place in Tunbridge Wells borough and Bayham Abbey in Wealden district
- Significant number of Historic Farmsteads (in both authority areas) in close proximity to the common boundary
- Bewl Water reservoir
- Key roads: A26 runs north-south from Royal Tunbridge Wells to Crowborough and beyond; A264 runs east-west from Ashurst in Tunbridge Wells borough to East Grinstead in Wealden; A267 runs north-south from Royal Tunbridge Wells through Wealden district to the Heathfield area; B2110 which forks westwards to Hartfield and eastwards to merge into the B2188 which runs north-south from the Langton Green area of Tunbridge Wells to the Black Hill area of Wealden; B2169 which runs northwest-southeast from the A267 in Royal Tunbridge Wells, through Wealden District then back into the Lamberhurst area of Tunbridge Wells borough.
- Number of KCC PROWs run through the common boundary

### **Common membership of strategic groupings:**

- Ashdown Forest (Recreation SAMMS) Group

- High Weald AONB Joint Advisory Committee

### **Formal Local Plan consultations:**

#### TWBC responses to WDC consultations:

- TWBC response to Wealden Open Space Study June 2016 (response form) – see **Appendix G1**
- TWBC Response to WDC Reg. 19 Consultation October 2018 – see **Appendix G2**
- Joint response to WDC Regulation 19 consultation from TWBC, South Downs National Park Authority and Lewes District Council 2 October 2018 - see **Appendix G3**
- TWBC response to WDC Call for Sites/draft SHELAA consultation June 2020 – see **Appendix G4**
- TWBC response to WDC Draft SA Scoping Report July 2020 – see **Appendix G5**
- TWBC response to WDC Direction of Travel Consultation November 2020 – see **Appendix G6**

#### WDC responses to TWBC consultations:

- No response from WDC on TWBC Issues and Options Consultation 2017
- WDC response to TWBC Regulation 18 Consultation 2019 (response form) – see **Appendix G7**
- WDC response to TWBC Regulation 19 Consultation 2021 (3 June 2021) – see **Appendix G8**

### **Engagement:**

The DtC engagement log between TWBC and Wealden DC is attached at **Appendix G9**.

### **Statements of Common Ground (SoCGs):**

- SoCG signed by Members of the Strategic Access Management and Monitoring Strategy (SAMMS) partnership (Recreational Impact): TWBC, Lewes DC, Mid Sussex DC, Sevenoaks DC, Tandridge DC, Wealden DC – **see Appendix A13**
- A SoCG between TWBC and WDC was signed in March 2021 and is attached at as **Appendix A10**. It has been agreed between both authorities that no updates were required to the SoCG prior to submission of the TWBC Local Plan



## Overview and Outcomes:

- Outcome – There is a recently signed SoCG as above (**Appendix A10**).
- Both aiming to meet own objectively assessed need, although WDC at early stage of is Local Plan review. It is agreed by both authorities that there are clear links between the two Housing Market Areas.
- Evidence base briefs and outcomes for landscape studies have been shared to ensure a common understanding of landscape resources proximate to the RTW/Wealden boundary.
- Both Councils are seeking to meet their own need for permanent Gypsy and Traveller pitches.
- Both Councils are seeking to meet their employment needs in full. It is recognised that there are clear links between the authorities in terms of the Travel To Work Area, especially for towns and villages in the north of Wealden District and the town of Royal Tunbridge Wells and will continue to cooperate on these matters.
- Retail provision is focused on existing principal towns, with a recognition and acceptance by WDC that residents to the north of Wealden district rely on Royal Tunbridge Wells for its comparison retail offer.
- Both Plans safeguard the Tunbridge Wells Central to Eridge railway line by seeking to refuse planning permission for proposals that would compromise the reopening of the rail line or its use as a green infrastructure corridor. This will facilitate any future opportunity to link the London to Uckfield railway line to the London to Hastings railway line.
- Existing joint working in relation the Ashdown Forest to address visitor pressure from new development and recreational pressure involves both authorities as part of wider partnerships supported by Natural England. This includes participating in the Ashdown Forest SAC Working Group and the Strategic Access Management and Monitoring Strategy. Both parties commit to continue to work positively in this regard.
- Existing joint working in relation to the High Weald AONB. Both authorities form part of the Joint Advisory Committee and officer steering group for the High Weald AONB. Both parties have adopted the High Weald AONB Management Plan 2019-2024. Both authorities will continue to liaise on cross-boundary matters relating to the implementation of this Plan, and any proposals which straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB.
- Both parties agree to liaise on opportunities with developments near the administrative boundaries to enhance green infrastructure corridors.
- Both parties commit to working together on biodiversity matters.

- Information is shared on planning applications and any site submitted for Local Plan preparation where they fall on or close to the joint administrative boundary especially at Royal Tunbridge Wells where the town is hard up against the District boundary. It is agreed that there should be a common understanding of how such developments will address and secure the relevant infrastructure. an agreed protocol and set of principles is in place.
- A specific commitment to work together on land at Spratsbrook Farm. Part of the site is included within the TWBC Plan, and an adjoining parcel of land was submitted to WDC by the same landowner and considered unsuitable in the WDC SHEELA in 2019. WDC commits to working with TWBC when reviewing its SHELAA in the near future.
- WDC commits to working with TWBC on any future expansion of the Tunbridge Wells Rugby Football Club which lies adjacent to the administrative boundary of WDC, and is likely to involve land within both administrative areas.

## Shared Production of evidence

- 4.7 For some evidence base work and to aid the assessment of strategic housing and economic need issues, it has been useful to undertake work with others; such as the following studies commissioned in partnership with Sevenoaks District Council:
- Strategic Housing Market Assessment 2015
  - Economic Needs Study 2016
  - Historic Environment Review (Part 1) 2017
- 4.8 These studies and details of how TWBC has cooperated on strategic issues with some of the above authorities are discussed in more detail below under the themed headings: Housing, Economy, Infrastructure etc.
- 4.9 The Council has also been involved in, and continues to undertake, extensive duty to cooperate discussions with Kent County Council in terms of its role as the upper tier local authority, minerals and waste local planning authority, lead Local Flood Authority and infrastructure provider, resulting in the production of two SoCGs (see **Appendices I 7 and H8**).

# Cooperation between prescribed bodies and other bodies

4.10 Regular dialogue has been carried out with the following bodies:

## **List of Prescribed Bodies Relevant to TWBC**

- Environment Agency
- Highways England
- Historic England
- KCC Highways
- Natural England
- Network Rail and South Eastern Rail
- Kent and Medway Clinical Commissioning Group (CCG) and NHS Trust
- East Sussex County Council Highways

## **List of other bodies relevant to TWBC**

- High Weald AONB Unit
- KCC Education
- KCC Flooding
- KCC Heritage
- Kent Nature Partnership
- South East Water
- Southern Water
- Upper Medway Internal Drainage Board
- West Kent Partnership for Infrastructure and Transport
- A21 Reference Group
- Planning Advisory Service

4.11 Table 2 sets out a list of the on-going engagement with the prescribed bodies and Table 3 for other bodies. Further detail of their engagement is also explained in the cross boundary strategic issues section further below.

**Table 2: Prescribed bodies (under Section 33A)**

<b>Prescribed Body</b>	<b>Engagement/Discussion dates</b>	<b>Involvement/key outcomes</b>
Environment Agency (EA)	Early engagement November 2016  TWBC Local Plan consultations:	Ongoing liaison between EA and TWBC throughout the preparation of the Local Plan, and the parties have worked together on the drafting of individual policies relating to flood matters and

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
	<p>TWBC Issues and Options consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>TWBC Stakeholder IDP consultation with infrastructure providers in:</u></p> <ul style="list-style-type: none"> <li>– July/August 2018</li> <li>– March/April 2019</li> <li>– June 2019</li> <li>– October 2020</li> </ul> <p><u>Other further engagement:</u></p> <p>Ongoing discussions during site allocation and policy formulation and as part of the SFRA production work and the Strategic Sites Working Group.</p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, discussions have taken place between the EA and TWBC and as a result a SoCG was signed on 22 October 2021 between both parties – see <b>Appendix H2</b></p> <p>See engagement record at <b>Appendix H1</b></p>	<p>relating to specific site allocation policies.</p> <p>The EA agrees that the borough's natural environment has been fully recognised and respected throughout the Local Plan preparation, as identified within the evidence base documents which underpin the Local Plan. The strategy for the natural environment, in terms of the strategic objectives and development management policies are supported. The EA also recognises that TWBC benefits from having a number of specialist officers (Landscape and Biodiversity, Tree, Environment Planning and Conservation officers) to ensure the elements of the natural environment are properly considered.</p> <p>Flooding is recognised as a key issue which could have implications for TWBC and other neighbouring authorities such as TMBC and SDC. It is agreed by both parties as set out in the Plan that ensuring the Council's growth strategy can be accommodated without further harm and risk to areas that are vulnerable to flooding, and to provide betterment, is a key matter.</p> <p>There have been specific on-going discussions and engagement with KCC and the EA in relation to the Strategic Flood Risk Assessment (SFRA) work undertaken by TWBC, in particularly in relation to the Capel/Paddock Wood and Tudeley area and Royal Tunbridge Wells. The EA has confirmed it has no objection in principle to the inclusion of the proposed Strategic Sites developments at Paddock Wood and Tudeley, having worked closely with the Council during the masterplanning stage for the growth around Paddock Wood. The EA commits to working with the Council through the more detailed FRA stage (application stage) which should</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
		<p>detail the flood mitigation as required to meet and pass the exception test</p> <p>Agreed outcomes at this stage include: flood alleviation schemes for Paddock Wood and Five Oak Green and other minor alleviation/culverting schemes; and proposed flood mitigation measures recommended in the SFRA such as flood defence and strategic storage, for the Paddock Wood area in response to the proposed growth strategy.</p> <p>The EA are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at <b>Appendix J1</b>)</p>
Historic England (HisE)	<p>Early engagement from 2016 through to June 2020</p> <p><u>TWBC Local Plan consultations:</u></p> <p>Issues and Options Consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>Other further engagement:</u></p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, discussions have taken place between HisE and TWBC and as a result a SoCG was signed (on 13</p>	<p>Early engagement involved discussion and recommendations on how the Council's emerging Heritage Strategy should be taken forward. A Historic Environment Study was commissioned jointly by TWBC and SDC.</p> <p>Policy recommendations in HisEs response to the Issues and Options were considered in the formulation of new development management policies relating to the historic environment/heritage assets in the Local Plan.</p> <p>Meeting to review Historic England's comments on Reg 18 Local Plan, June 2020. (notes)</p> <p>Discussion of draft revised policies, by email October – December 2020, resolving HE concerns.</p> <p>HisE agrees that TWBC has a good evidence base and appreciation of the contribution of the historic environment and TWBC provides a positive strategy</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
	<p>July 2021) between both parties – see <b>Appendix H6</b></p> <p>See engagement record at <b>Appendix H5</b></p>	<p>for the historic environment through its Local Plan.</p> <p>It is also recognised by HisE that TWBC benefits from having a strong Conservation team to ensure that the historic environment is also properly considered in the Development Management process.</p> <p>Of note, HisE agrees with the Local Plan's approach for an Area Local Plan for RTW town centre, which has a sensitive heritage character and will provide a policy framework to allow these to be fully considered. HisE also supports the scaled back proposals for Spratsbrook Farm from the Reg. 18 Plan which helps preserve the Scheduled Ancient Monument on site.</p> <p>With regard to Tudeley Village, and the inclusion of the Grade I listed Church, HisE is pleased the policy has a strong protection and enhancement element, with specific reference made to the setting of heritage assets, and notes the masterplanning work undertaken, including that by Hadlow Estate.</p>
Natural England (NE)	<p><u>TWBC Local Plan consultations:</u></p> <p>Issues and Options Consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>Other further engagement:</u></p> <p>Involved in regular meetings as a member of the Ashdown Forest Working Group (above)</p>	<p>Policy recommendations in NEs response to the Issues and Options were considered in the formulation of new development management policies such as EN11 Net gains: biodiversity in the Local Plan.</p> <p>Involved in discussions on cross boundary environmental issues relating to the Ashdown Forest resulting in the production of relevant studies, policies and two SoCGs (as above – see also Appendices A12 and A13).</p> <p>The SoCG highlights that whilst Natural England has outstanding concerns regarding the impact of the Local Plan's development strategy on the High</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
	<p>TWBC Stakeholder IDP Consultation with infrastructure providers in October 2020</p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, discussions have taken place between NE and TWBC and as a result a SoCG was signed on 26 October 2021 between both parties – see <b>Appendix H10</b></p> <p>See engagement record at <b>Appendix H9</b></p>	<p>Weald AONB, there is agreement that the requirements under the DtC have been met.</p> <p>Natural England has welcomed the level of consideration that the Council has given to address some of the issues that it raised during the Regulation 18 consultation; and the constructive engagement that has taken place during the course of preparing the Local Plan has continued subsequent to the publication of the Local Plan at Regulation 19 stage. This includes the LVIAs prepared to support draft allocations for major developments in the Green Belt (albeit there remains some disagreement over whether these provide adequate assurance that the effects of development on the AONB can be adequately mitigated).</p> <p>Natural England is satisfied that, following early engagement in the process and comments at the Regulation 18 stage, the requirements under the Conservation of Habitats and Species Regulations 2017 have been met in respect of the inclusion of suitable policies for the Conservation of Natural Habitats and Habitats of Species and the Assessment of Implications for European Sites (Part 6 CHAPTER 8 Land Use Plans).</p> <p>While it is agreed that the Sustainability Appraisal presents an appropriate range of options, Natural England does not agree that it gives due weight to environmental factors, and specifically to the conservation and enhancement of the AONB, in informing the choice of the preferred option. Furthermore, Natural England does not agree that the Local Plan's development strategy and related allocations pay proper regard to</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
		<p>conserving and enhancing the landscape and scenic beauty of the High Weald AONB. This relates most notably to the proposed 'major' developments, to which Natural England has raised an objection in principle.</p> <p>Natural England broadly supports the Local Plan's Development Management policy approaches for the natural environment and the Council's commitment to produce supporting Supplementary Planning Guidance for biodiversity (in furtherance of the policy for minimum biodiversity net gains. It has made several detailed suggestions for improvements in its Regulation 19 representations relating to biodiversity and landscape. Following further discussion, a number of additional (minor) modifications are proposed by the Council and (in the main) agreed. Natural England raises no objections in relation to the proposed Development Management Policies for climate change and water.</p> <p>There are no material areas of concern by Natural England in relation to the conduct of the Habitats Regulation Assessment prepared by TWBC to support the pre-submission Local Plan, or its conclusions. [NB Natural England has requested that the Sustainability Appraisal make further reference to the findings of the HRA. The Council accepts Natural England's representation that SA paragraph 3.2.8 does not fully reflect the findings of the HRA and the mitigation proposed for Ashdown Forest SPA; and TWBC proposes a textual clarification,</p>



Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
		In principle, Natural England does not object to the allocations for strategic growth around Paddock Wood and east Capel, and Tudeley Village. It nonetheless advises that a sensitive approach be taken regarding the significant impact the proposals may have on the AONB setting. It welcomes the approach for Framework Masterplan SPDs in these locations.
Health related bodies – NHS Kent and Medway Clinical Commissioning Group (CCG) and NHS Trust	<p>Early engagement November 2016</p> <p><u>TWBC Local Plan consultations:</u></p> <p>Issues and Options consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>TWBC Stakeholder IDP consultation with infrastructure providers in:</u></p> <ul style="list-style-type: none"> <li>– July/August 2018</li> <li>– March/April 2019</li> <li>– June 2019</li> <li>– October 2020</li> </ul> <p><u>Other further engagement:</u></p> <p>Continuous engagement with CCG throughout strategy development</p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, discussions have taken place between the CCG and TWBC and as a result a</p>	<p>Continuous engagement with CCG in relation to emerging strategy and implications for primary care provision. The CCG has been involved with and commented on the drafting of the individual policies informally through the preparation stage and the formal stages of consultation.</p> <p>The CCG agrees that TWBC has a good evidence base and understanding of health and infrastructure issues across the borough; and the Local Plan provides a positive strategy for the provision of the necessary infrastructure through its Local Plan. Both parties consider the provision of primary medical care infrastructure within the borough has been fully recognised. The IDP reflects discussion over the provision of primary care infrastructure to meet the growth stemming from the Council's development strategy.</p> <p>Key agreed outcomes include – GP surgeries (some of the existing GP surgeries are used by residents outside the borough): development, improvements, extensions to a number of existing GP surgeries, and new surgeries where applicable e.g Hawkhurst, Cranbrook, RTW, Capel/Paddock Wood Area and safeguarding of land for new surgery in Horsmonden. Hospital and other services – identified existing hospital at</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
	<p>SoCG was signed (on 22 October 2021) between both parties – see <b>Appendix H14</b></p> <p>See engagement record at <b>Appendix H13</b></p>	<p>Pembury may need to be extended to serve the West Kent Area (including areas outside the borough) and Local Care Hubs which will be located nearby but outside the borough and will serve Tunbridge Wells residents</p> <p>The CCG are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at <b>Appendix J1</b>)</p>
<p>Network Rail, South Eastern Rail and KCC (Railways)</p>	<p><u>TWBC Stakeholder IDP consultation with infrastructure providers</u></p> <p>IDP consultation 2019</p> <p>IDP consultation with infrastructure providers in October 2020</p> <p><u>Other further engagement:</u></p> <p>Series of meetings were held during 2018, 2019, 2020 and 2021 with Network Rail.</p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, engagement/discussions have taken place between Network Rail and TWBC and as a result a SoCG was signed on 22 October 2021 between both parties – see <b>Appendix H12</b></p> <p>See engagement record at <b>Appendix H11</b></p>	<p>It is agreed that TWBC has a good understanding of the provision of infrastructure in respect to movement and access, and that the Local Plan provides a positive strategy for the provision of infrastructure.</p> <p>Network Rail and TWBC have had regular discussions over the development strategy with the Local Plan with regard to capacity within the existing rail network. Network Rail advise that there may be a need to increase capacity across the network over time. However, this need is not a specific response to the growth in TWBC but a wider network response to growth in TWBC, neighbouring boroughs and beyond. It is therefore agreed by both parties that the Local Plan does not need to plan for specific rail interventions to facilitate the growth.</p> <p>The capacity at Tonbridge station has been discussed between the parties, with specific regard to the demand on the station which will be presented by the growth proposed at Tudeley Village. Although the development will</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
		<p>drive growth and increase demand, it is not anticipated at this stage that there will be any capacity concerns specifically at Tonbridge Station itself.</p> <p>The two proposed strategic growth allocations within the Local Plan: Tudeley Village and Land at east Capel and Paddock Wood, have the London to Ashford railway line dissecting the allocations. It is acknowledged by both parties that ensuring permeability over the railway line in these locations is important to meeting the garden settlement criteria envisaged within these allocations and to promote sustainable movement patterns. TWBC and Network Rail agree to work positively together to facilitate the new crossings.</p> <p>Network Rail owns significant landholdings around Paddock Wood railway station, which could be utilised to support TWBC in playing a key role in delivering the vision for the town centre. Network Rail has confirmed it recognises the opportunity and is open to explore options for development in this location, and it is agreed by both parties that they will engage proactively on driving forward a vision for the town centre which will assist in developing a town centre SPD.</p> <p>Network Rail are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at <b>Appendix J1</b>)</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
<p>National Highways(NH) (formerly Highways England (HE))</p>	<p><u>TWBC Local Plan consultations:</u></p> <p>Issues and Options consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>Other further engagement:</u></p> <p>Meetings with TWBC in 2016, 2020 and 2021</p> <p>TWBC Stakeholder IDP consultation with infrastructure providers in October 2020</p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, engagement/ discussions have taken place between Highways England and TWBC and as a result a SOCG was signed on 29 October 2021 by both parties – see <b>Appendix H4</b></p> <p>See engagement record at <b>Appendix H3</b></p>	<p>Both TWBC and NH agree that the other authority has met the requirements under the Duty to Cooperate on strategic matters that cross administrative boundaries, and through effective and on-going joint working. The process of producing the Local Plan has been an iterative one, with discussions and liaison with NH being undertaken at each stage. Therefore the formal representations from NH only form a small part of the continuous, proactive and on-going engagement between the parties.</p> <p>NH (formerly HE) responded to Issues and Options 2017 and Reg 18 consultation and there has been ongoing liaison throughout the process. Agreed to assess impact of proposed growth strategy on A21 and concluded no additional works needed to A21.</p> <p>NH (formerly HE) are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at <b>Appendix J1</b>). It has also worked closely with TWBC in considering some of the other key development sites, particularly in relation to development at Pembury Village, Royal Tunbridge Wells (including Longfield Road), sites such as Castle Hill, on eastern side of Southborough (w. A21) and Cranbrook and Hawkhurst (Flimwell Junction).</p> <p>It is agreed that the evolving TWBC evidence base is seeking to identify and mitigate the impacts of the Local Plan on the SRN. That work continues and both parties are confident it can be completed in a timely fashion ahead of the Local Plan. It is also agreed that TWBC provides a strategy for the SRN</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
		<p>through its Local Plan, supplemented by a range of other documents and actions, including the Infrastructure Delivery Plan.</p> <p>Detailed discussions took place with NH (and KCC H&amp;T) ahead of and during the Regulation 19 consultation. As a result of these discussions, NH (and KCC H&amp;T) requested further sensitivity modelling be undertaken. This included a request that this sensitivity modelling is undertaken using the TRICS approach – whereby all sites are assessed individually. This has resulted in two Addendum reports, and there is broad agreement with NH on the principles of the modelling undertaken. Both NH and TWBC agree to continue to work together over the coming weeks and months on the recent sensitivity testing and proposed mitigation measures and will seek to update the position prior to the Examination in a further SOCG.</p>
KCC Highways and Transportation	<p><u>TWBC Local Plan consultations:</u></p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>Other further engagement:</u></p> <p>Numerous meetings with TWBC over the Local Plan review process, including meeting with HE above and stakeholder consultation as with infrastructure providers at the various stages in local plan preparation.</p> <p>Between the TWBC Pre-Submission Local Plan</p>	<p>The parties agree that both TWBC and KCC have been proactive in their approach to strategic matters in relation to strategic highways and transport matters in accordance with the requirements under the Duty to Cooperate. This includes ongoing liaison both formally and informally through the preparation stages of the Local Plan , including periodic meetings of officers and Members. KCC officers also attend the SSWG in relation to the two strategic sites.</p> <p>(See engagement record at <b>Appendix J1</b>)</p> <p>The process of producing the Local Plan has been an iterative one, with</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
	<p>Regulation 19 consultation and submission of the Local Plan, engagement/ discussions have taken place between NH (formerly HE) and TWBC and as a result a SoCG has been signed between both parties on 29 October 2021 – see <b>Appendix H8</b></p> <p>See engagement record at <b>Appendix H7</b></p>	<p>discussions and liaison with KCC being undertaken at each stage. KCC and TWBC worked together as part of Officer Working Group on Transport Strategy. Assessment of over 300 sites submitted as part of the TWBC call for sites in 2016 and 2017.</p> <p>It is agreed that the evolving TWBC transport evidence base is seeking to identify and mitigate the impacts of the Local Plan on the highway and transport network. That work continues and both parties are committed to completing this in a timely fashion ahead of the Local Plan Examination</p> <p>Detailed discussions took place with KCC (and National Highways (NH)) ahead of and during the Regulation 19 consultation. As a result of these discussions (referred to in KCC's Regulation 19 consultation response), NH and KCC (and NH) requested further sensitivity modelling be undertaken. This included a request that this sensitivity modelling is undertaken using the TRICS approach – whereby all sites are assessed individually. This has resulted in two Addendum reports, and both KCC and TWBC agree to continue to work together over the coming weeks and months on the recent sensitivity testing and proposed mitigation measures and will seek to update the position prior to the Local Plan Examination in a further SOCG.</p>
East Sussex County Council (ESCC) Highways	<p>Responded to IDP consultation in 2019</p> <p>Prior to submission of the Tunbridge Wells Local plan, TWBC have engaged with East Sussex County Council and a SoCG was signed (on</p>	<p>ESCC and TWBC agree that they have been proactive in their approach relating to matters which affect where the highway network within Kent County meets that within East Sussex county ; around Ashburst, Groombridge, Royal</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
	<p>22 October 2021) between both parties to identify areas of common ground in relation to ESCC's highway network – <b>see Appendix A11</b></p>	<p>Tunbridge Wells, Lamberhurst, Flimwell and south of Hawkhurst.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

Prescribed Body	Engagement/Discussion dates	Involvement/key outcomes
		Spratsbrook Farm, and any other “windfall” sites which come forward in close proximity to the county boundary.

**Table 3: Other Bodies**

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
Kent Nature Partnership (KNP)	<p>TWBC Officers have an active role in the partnership. Regular meetings have taken place over the course of development of the Local Plan to progress various work streams including a Kent Biodiversity Strategy and a Biodiversity net gain policy</p> <p>TWBC Pre-Submission Plan Consultation 2021</p>	KNP policy recommendations and advice have been incorporated into some of the new development management policies in section 6 of the Local Plan and some outcomes underpin the evidence base. The Partnership, together with the Kent Wildlife Trust also oversees the Local Wildlife Site System on behalf of the LPAs in Kent
High Weald AONB Unit	<p><u>TWBC Local Plan consultations:</u></p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>Other further engagement:</u></p> <p>Members and officers attend twice annual meetings of the JAC and officers are active members of the Officer Steering Group which meet at least twice annually. TWBC officers have been active members of project sub-groups including those for Design and Biodiversity Net gain. TWBC collaborate on projects of the AONB unit</p>	Data from the Unit on AONB components has informed site assessments. Work with the Unit has informed evidence base documents and SPDs, including the Historic Landscape Characterisation Study, Landscape Character Assessment SPD, Landscape Sensitivity Studies, and Farmstead SPD as set out in paragraph 4.55 below. The AONB Unit’s recommendations and advice have contributed to relevant development management policies in section 6 of the Local Plan and there are strong links to the AONB Management Plan and supporting documents. Comments of the Unit have had a strong influence on site-specific studies and the AONB setting study for the Local Plan.



Other bodies	Engagement/Discussion dates	Involvement/key outcomes
	and have worked closely on evidence base documents.  See engagement record at <b>Appendix I 1</b>	
Upper Medway Internal Drainage Board (Flood Risk)	See EA section above and KCC Flooding section below	As per the EA section above and KCC Flooding section below  The Drainage Board are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at <b>Appendix J1</b> )
Southern Water (waste water)	<p>Early engagement November 2016</p> <p><u>TWBC Local Plan consultations:</u></p> <p>Issues and Options consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>TWBC Stakeholder IDP consultation with infrastructure providers in:</u></p> <ul style="list-style-type: none"> <li>– July/August 2018</li> <li>– March/April 2019</li> <li>– June 2019</li> <li>– October 2020</li> </ul> <p><u>Other further engagement:</u></p> <p>Ongoing engagement throughout the Local Plan process, particularly in regard to development at Paddock Wood.</p>	<p>Southern Water agrees that TWBC has a good evidence base and understanding of water, drainage and wastewater issues across the borough. It is also agreed that TWBC provides an appropriate strategy for the provision of the necessary drainage infrastructure through its Local Plan.</p> <p>TWBC has liaised with Southern Water throughout the preparation of the Local Plan, which has been involved with and commented on the drafting of the individual policies informally through the preparation stage and at the formal stages as referenced in the prior column</p> <p>TWBC has also attended several workshops between May and October 2021 in relation to the preparation of Southern Water's Drainage and Wastewater Management Plan (DWMP). This is a long-term investment plan (up to 50 years) for drainage and wastewater management to ensure the sustainability of drainage infrastructure and systems into the future for wastewater catchment areas across the Medway Basin, including the borough of Tunbridge Wells. In particular, TWBC is working with Southern Water collaboratively on</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
	<p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, engagement/ discussions have taken place between Southern Water and TWBC and as a result a SoCG was signed (on 22 October 2021) between both parties – see <b>Appendix I 10</b></p> <p>See engagement record at <b>Appendix I 9</b></p>	<p>producing the DWMP for the area, including around Paddock Wood and Capel where significant growth is proposed through Policies STR/SS1, STR/SS2 and STR/SS3</p> <p>Southern Water has confirmed that projects of a strategic scale that are required to increase the local sewer network and treatment works capacity, in particular in the Paddock Wood/Capel area, will need to be planned for in its next AMP (AMP 8 - 2025-2030). This will cover the period from 2025-2030 and will be agreed by Ofwat, the Water Services regulation Authority. The delivery of any scheme that is planned for will be provided in line with the occupation of the developments. TWBC and Southern Water are liaising closely over the drainage requirements for the Paddock Wood/ Capel areas stemming from the strategic growth proposals, and Southern Water has confirmed that the housing which is planned to be delivered prior to 2025 can be accommodated within the existing Network (up to 180 units across the Paddock Wood/ Capel strategic sites which exceeds the anticipated trajectory (120) as set out in the Development Strategy Topic Paper).</p> <p>Southern Water are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at <b>Appendix J1</b>)</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
South East Water (water supply)	<p>Early engagement November 2016</p> <p><u>TWBC Local Plan consultations:</u></p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>TWBC Stakeholder IDP consultation with infrastructure providers in:</u></p> <ul style="list-style-type: none"> <li>– July/August 2018</li> <li>– March/April 2019</li> <li>– June 2019</li> <li>– October 2020</li> </ul> <p>See engagement record at <b>Appendix I 8</b></p>	<p>The provision of water supply/service for the proposed growth strategy in the Local Plan can be accommodated satisfactorily within the requirements of the SE Water Management Plan 2019 and Revised Water Resources Management Plan 2020-2080</p>
KCC Education	<p>Early engagement November 2016</p> <p><u>TWBC Local Plan consultations:</u></p> <p>Issues and Options consultation 2017</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>TWBC Stakeholder IDP consultation with infrastructure providers in:</u></p> <ul style="list-style-type: none"> <li>– July/August 2018</li> <li>– March/April 2019</li> <li>– June 2019</li> <li>– October 2020</li> </ul> <p><u>Other further engagement:</u></p>	<p>Throughout the preparation of the Local Plan, ongoing discussions have taken place between officers of TWBC and the County's West Kent Area Education Officer to ensure that adequate school places (both Primary and Secondary) are provided for to meet the needs of the borough and the growth planned. This has been through individual meetings, specific site discussions and district liaison meetings. Outcomes include proposed extension and provision of a number of new primary schools; extension of existing secondary schools; new learning hub in RTW for adult education (all of which may serve residents outside the borough). The provision reflects that which is identified within KCC's most up to date Education Commissioning Plan which TWBC has taken account of to ensure that the growth proposed aligns with KCC's forecasting for education needs and KCC agrees that the provision set</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
	<p>Ongoing engagement with the West Kent Area Education Officer throughout the Local Plan process and as part of the Strategic Sites Working Group.</p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, engagement/ discussions have taken place between KCC Education and TWBC and as a result a SoCG was signed between both parties on 29 October 2021- see <b>Appendix I 7</b></p> <p>See engagement record at <b>Appendix I 2</b></p>	<p>out within the Local Plan reflects the discussions that have taken place and appropriately provides for education within the Local Plan subject to the comments as set out in SoCG. In particular, KCC supports the relocation of the proposed secondary school at Tudeley Village from the west side as shown at Reg. 18 to the eastern side, as proposed in the Local Plan.</p> <p>KCC Education are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at <b>Appendix J1</b>).</p> <p>It is also acknowledged that KCC will be updating its Education Commissioning Plan over the coming months and TWBC will ensure that they engage with the County in this regard.</p> <p>Additionally, TWBC acknowledge the requirement for Early Years and SEN provision across the borough and recognise the need for TWBC to engage with KCC to ensure necessary provision is delivered.</p>
KCC – Leading Local Flood Authority	<p>Early engagement November 2016.</p> <p><u>TWBC Local Plan consultations:</u></p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p>	<p>Flooding is an issue which could have implications for neighbouring authorities such as TMBC and SDC.</p> <p>KCC as the Lead Local Flood Authority is supportive of the flood risk considerations contained within the Local Plan and have confirmed that they were consulted during the preparation of the Strategic Flood Risk Assessment as well as in the consideration of the proposed Local Plan policies. Specifically, KCC has</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
	<p><u>TWBC Stakeholder IDP consultation with infrastructure providers in:</u></p> <ul style="list-style-type: none"> <li>– July/August 2018</li> <li>– March/April 2019</li> <li>– June 2019</li> <li>– October 2020</li> </ul> <p><u>Other further engagement:</u></p> <p>Ongoing engagement throughout the process and as part of the Strategic Site Working Group.</p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, engagement/discussions have taken place between KCC Flooding and TWBC and as a result a SoCG was signed between both parties on 29 October 2021- see <b>Appendix I 7</b></p> <p>See engagement record at <b>Appendix I 3</b></p>	<p>referred to the fact that in accordance with the requirements of the NPPF, the consideration of cumulative impacts has been considered through the Strategic Flood Risk Assessment – level 2, which is greatly appreciated given the size of development in the Paddock Wood area. Both parties have also recognised the contribution of the impact of surface water runoff and that site-specific Flood risk assessments (FRA's) may be required in certain instances. The policies in the Local Plan provide for this requirement.</p> <p>Specifically, in relation to the Strategic Sites, KCC has made comments on the importance of appropriate drainage strategies for these areas and recommends the promotion of drainage measures integrated within open space to provide multi-functional benefits. The use of design codes or supplementary planning documents is recommended by KCC to provide guidance on such measures. It is agreed by both parties that a detailed drainage strategy should be dealt with through the production of Supplementary Planning Documents for the Strategic Sites.</p> <p>KCC Flooding are also involved in the Strategic Sites Working Group masterplanning for the identified growth at the strategic sites at Paddock Wood and east Capel and Tudeley Village and further modelling work carried out (See engagement record at <b>Appendix J1</b>)</p>
KCC - Heritage	<p><u>TWBC Local Plan consultations:</u></p> <p>TWBC Issues and Options consultation 2017</p>	<p>KCC has highlighted that TWBC has held extensive discussions with KCC during the development of the historic environment policies which build on the heritage strategy for the borough. KCC</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
	<p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>Other further engagement:</u></p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, engagement/discussions have taken place between KCC Heritage and TWBC and as a result a SoCG was signed between both parties on 29 October 2021- see <b>Appendix I 7</b></p> <p>See engagement record at <b>Appendix I 4</b></p>	<p>in particular, has registered its support for the approach taken in Policies EN4 – Historic Environment and Policy EN5 – Heritage Assets. KCC and TWBC are in agreement that the Local Plan provides a sound basis for the protection of the historic environment.</p>
KCC – Minerals and Waste	<p>TWBC Local Plan consultations:</p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, engagement/discussions have taken place between KCC Minerals and Waste and TWBC. As mentioned in the KCC SoCG at Appendix I 7, the comments provided by KCC on Minerals and Waste matters and TWBC's response are still subject to review and consideration by KCC. These will be considered and an updated SoCG will be provided prior</p>	<p>Ongoing engagement following the Draft Local Plan consultation in relation to proposed site allocations and wording for the Pre-Submission Plan in respect of minerals and waste safeguarding.</p> <p>With regard to waste, KCC and TWBC both acknowledge that pressures on the waste disposal service will continue to grow during the Local Plan period and therefore the Local Plan needs to ensure that waste management needs are considered. Policy STR5 highlights the recognised need for a new waste transfer facility for the borough, within the Local Plan period. Previous discussions with KCC had identified the timescale for the delivery of a new waste transfer facility as being within 5-10 years, which is reflected within the IDP, however more recent discussions arising as a result of current capacity issues have identified that additional infrastructure may be required within 5 years, which is reflected within the</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
	<p>to the Local Plan Examination.</p> <p>See engagement record at <b>Appendix I 5</b></p>	<p>County's Regulation 19 comments which differ from the previous timescale identified. Policy STR5 identifies the need for the infrastructure required and it is agreed between both parties, that the timescale will be updated.</p> <p>KCC also provided information and support in relation to the mapping work required for the minerals and waste safeguarding areas across Tunbridge Wells borough.</p>
KCC Community Services and Broadband	<p><u>TWBC Local Plan consultations:</u></p> <p>TWBC Draft Local Plan Consultation 2019</p> <p>TWBC Pre-Submission Plan Consultation 2021</p> <p><u>Other further engagement:</u></p> <p>Between the TWBC Pre-Submission Local Plan Regulation 19 consultation and submission of the Local Plan, engagement/ discussions have taken place between KCC Community Services and TWBC and as a result a SoCG was signed between both parties on 29 October 2021- see <b>Appendix I 7</b></p> <p>See engagement record at <b>Appendix I 6</b></p>	<p>KCC and TWBC will continue to bring forward more services under one roof or the provision of improved premises, such as those at the Southborough Civic Centre, the 'Amelia' and the planned new community centre at Cranbrook. TWBC and KCC are in agreement that working in partnership is a way for library services to remain at the heart of communities and provide modern, fit for purpose buildings to accommodate existing and new residents as facilitated through the Local Plan.</p> <p>KCC and TWBC have worked positively together with regard to digital communications and the wording of Policy ED3 to address certain broadband and speed requirements, as set out in the SoCG.</p>
West Kent Partnership Infrastructure and Transport Group (includes Bus Operators and	<p>Meeting held with a number of bus operators in 2019, 2020 and 2021 to discuss the proposed growth strategy for the Local Plan</p> <p><u>TWBC Stakeholder IDP consultation with</u></p>	<p>Funding for enhanced bus services (cross boundary)</p> <p>Looking at ways to improve services to rural areas</p>

Other bodies	Engagement/Discussion dates	Involvement/key outcomes
KCC Public Transport Team)	<u>infrastructure providers</u> in 2018, 2019 and 2020  See engagement record at <b>Appendix I 11</b>	
A21 reference group	Quarterly meetings going back 10 years	This is a discussion group made up of several MPs, County Councillors (KCC and East Sussex) and Borough Councillors (TWBC, TMBC, SDC, RDC, Hastings BC)  Mainly to drive the A21 bypass and other improvement and maintenance works and funding
Planning Advisory Service (PAS)	3 meetings held in early 2018  See engagement records for SDC (Appendix B7 and TMBC Appendix C6)	Statement of Common Ground Pilot Programme for TWBC, SDC and TMBC:  PAS provided advice on the formulation and review of SoCGs in relation to cross boundary strategic issues



# Cross boundary strategic issues

## Housing

- 4.12 Meeting housing needs is a strategic matter, with cross-boundary implications where identified needs are not being fully met, where strategic growth (such as new settlements) is being proposed or where development will straddle or be close to local planning authority boundaries.
- 4.13 In respect of overall housing needs, TWBC has identified sufficient sites to meet its local housing need, as set by the Standard Method, in full.
- 4.14 This involves the removal of land from the Green Belt and some major developments in the High Weald AONB where, in both cases, both strategic and local exceptional circumstances exist. It follows on from previously asking all the neighbouring councils identified above whether they could assist in meeting the level of housing need involved in such proposals. Their replies – none of which were positive – are provided in the respective appendices.
- 4.15 TWBC has been working closely with other authorities in discussions on meeting their objectively assessed housing need, including those identified through the Council's Strategic Housing Market Assessment (SHMA) as being within the same housing market area, namely the 'West Kent Housing Market Area' (HMA), which includes SDC, TMBC and TWBC and extends to include parts of WDC and RDC.
- 4.16 As indicated above, only SDC of TWBC's neighbouring LPAs has either not produced a local plan which looks to fully meet their own housing needs, has indicated that they do not expect to be able to meet their local housing needs or has not indicated that it will be starting its plan making process on the basis of a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.
- 4.17 The focus of consideration has therefore been on Sevenoaks DC. In its 2019 Local Plan, which has not been withdrawn although SDC was found to have failed the duty to cooperate and has exhausted its legal challenges, it had a housing need of 707 dwellings/year, equivalent to 11,312 dwellings over its plan period (2019-2035), but its identified supply leaves a shortfall of some 1,900 dwellings.
- 4.18 SDC made a formal request to TWBC (and other neighbouring LPAs) as to whether it could meet any of its unmet need in April 2019. It did not have any arrangement in place to meet this unmet need at the time that the Local Plan was submitted. The (SDC) strategy which resulted in the unmet need has not been subject to Examination, although the Inspector identified significant concerns in relation to the soundness of the 2019 plan.
- 4.19 TWBC has considered if it could meet some or all of this identified unmet need through its new Local Plan. It has:

- a) assessed the potential for higher rates of housebuilding through a commissioned Review of Housing Needs Study
- b) not set limits on the overall scale of development on suitable sites
- c) continued to assess sites submitted in the Regulation 18 consultation and after
- d) assessed different scales and distributions of development, including ones that included unmet needs from Sevenoaks (or elsewhere – see below)

4.20 The findings of this work have been that:

- there are real doubts about whether the higher rates of growth that would be involved in meeting SDC's unmet need would be deliverable, given the substantial increase in supply already required to meet local needs over what has been achieved in recent years
- the higher scales of development have increasingly negative sustainability impacts, as set out in the SA (which has regard to the assessments of individual sites), in large part due to the adverse landscape, biodiversity, air quality, use of resources and accessibility impacts

4.21 Consequently, it is concluded that the Pre-Submission Local Plan should set a (minimum) housing requirement at the level of the housing need for the borough, as per the Government's 'standard method' – that is, for 678 dwellings pa. Delivery of the sites and allowances within the Local Plan to meet this target, which provide some flexibility, will be regularly monitored to ensure that local housing needs are met as far as possible.

4.22 Statements of Common Ground have been (and are expected to be with SDC in due course) with all neighbouring LPAs as part of what has been a continual engagement process. Details of these processes are set out above and in the respective appendices.

4.23 Recent correspondence with SDC, and information in SDC committee papers, have improved the clarity about SDC's approach to looking to meet housing need, although uncertainty still exists around the SDC position in relation to unmet housing need, although TWBC has also considered, and discussed with the relevant LPAs, how to address the SDC unmet housing need. The most pertinent points in relation to this are regarded as being:

- a) The SDC Local Plan, which indicates the shortfall, has not been found sound
- b) The SDC LP Inspector properly puts the focus on SDC to seek to address the shortfall and finds that it has not adequately reviewed all options
- c) The Inspector specifically finds that SDC has been limiting in its approach to the potential for Green Belt releases, beyond that set out in the NPPF

d) While TWBC is similarly constrained by Green Belt (and further constrained by the AONB designation), it has identified (following more detailed levels of study) some releases, including for strategic growth

- 4.24 Notwithstanding that TWBC has considered increasing its housing growth by some 1,900 dwellings (and more), it is evident that there is currently some uncertainty as to whether there is a proven need for SDC's neighbouring LPAs (of which TWBC is one of seven) to need to assist. TWBC has sort to forge a way forward in relation to housing need in the West Kent HMA – as set out in detailed in the SDC section of this Statement.
- 4.25 TWBC, as have many authorities in the south east, have received communication from Esher Borough Council regarding its housing need. TWBC's recent communication on this matters is set out at Appendix G10: Letter (18 October 2021) from Elmbridge BC to TWBC (housing need) and Appendix G11: TWBC response to Elmbridge BC letter of 18 October 2021 (housing need).
- 4.26 In conclusion, TWBC has fulfilled its legitimate expectations under DtC in relation to meeting housing needs and that it remains to be fully tested what, if any, unmet need arises from SDC. While TWBC has been an "active engager" with SDC it remains SDC's responsibility, rather than TWBC's, to lead on resolving its own housing needs, although discussions with SDC will continue on this matter ahead of examination of the TWBC Local Plan.
- 4.27 Further detail and justification for the Council's proposed growth strategy and housing need is set out in the Development Strategy Topic Paper and Housing Needs Assessment Paper.
- 4.28 In relation to accommodation for Gypsies and Travellers, a needs assessment has been undertaken, which shows an outstanding locally derived need for additional permanent pitches over the plan period in the borough. TWBC plans to meet this need within the borough. There have been no other requests to meet unmet housing need elsewhere from neighbouring authorities.
- 4.29 As regards transit provision, the very low level of unauthorised encampments in the borough suggests that there is no need for a transit site. TWBC is aware of somewhat higher levels of movement in other Kent districts and boroughs to the east and has indicated a willingness to continue to work together with other Kent authorities to support meeting any wider need that may be identified. At the same time, there have been no requests from neighbouring LPAs for help in meeting transit site needs.
- 4.30 As set out in the Development Strategy Topic Paper, TWBC is proposing two strategic housing-led growth areas, one through the transformational expansion of Paddock Wood and a new village, based on garden settlement principles, at Tudeley between Paddock Wood and Tonbridge. Given the proximity of these to Tonbridge & Malling borough, there has been regular dialogue with TMBC. This is articulated in the relevant Appendix C as well as in the Strategic Sites Topic Paper. As set out below both authorities are committed to continuing collaborative, positive

and joint working – including with infrastructure providers – in relation to the housing to be provided from the strategic sites, their cross boundary impacts and associated mitigations.

- 4.31 Elsewhere, in view of the close proximity of Royal Tunbridge Wells (RTW) to the boundary with Wealden, there has been particular focus in the dialogue with WDC on proposals on the southern edge of the town, in both LPAs' area. Again, the details are set out in the relevant Appendix G as well as in the Statement of Common Ground at **Appendix A10**.

## **Economic development/Employment**

- 4.32 The Economic Needs Study (2016) (ENS) which was commissioned to inform the Local Plan was carried out jointly with SDC by consultants, Turleys. It was considered that the assessment of economic needs across Functional Economic Market Areas (FEMAs) aligns with the guidance in the PPG.
- 4.33 Although there is no standard approach to defining such geographical relationships, TWBC considers that Sevenoaks district and Tunbridge Wells borough share important economic linkages which also extend to cover parts of neighbouring Tonbridge & Malling borough. This reflects evidence of commuting patterns and flows, and has become defined as a sub-regional economy through the West Kent Partnership which all three authorities are actively involved in. Although not part of the joint ENS, Tonbridge & Malling BC also used Turleys for their economic needs work, enabling some consistency across the Functional Economic Market Area.
- 4.34 Parts of Wealden and Rother districts also form part of the 'Travel to Work Area' for Tunbridge Wells, particularly for employment at the town of Royal Tunbridge Wells. Discussions have taken place with Wealden and Rother throughout the Plan preparation process and TWBC has input as necessary to neighbouring evidence base studies.
- 4.35 As part of the ENS work, the consultants carried out a stakeholder workshop on the 16 March 2016 with a range of stakeholders who were invited to explore a number of topics by way of facilitated discussions in relation to employment provision within the borough. Local business groups, significant employers, landowners, agents, neighbouring authorities and Kent County Council all attended the session which received positive feedback and fed into the study findings.
- 4.36 With regard to Retailing and Town Centres, the Council has again commissioned a number of studies – the Retail and Leisure Study 2017, and a further updated 'Retail, Commercial Leisure and Town Centre Uses Study' (2021). In line with the DtC, Nexus (the consultants appointed on behalf of TWBC for both of these studies) worked in collaboration with officers from TWBC in engaging with neighbouring local authorities in order to identify future capacity and pipeline schemes within neighbouring and competing town centres. The pipeline schemes of interest were considered to be those of a nature and scale which could have the effect of consolidating their retail offer and enhancing their market share. Nexus also

engaged with local Town and Parish Councils, as well as the RTW Town Forum in relation to this work.

- 4.37 Additionally, TWBC has provided comments to neighbouring authorities on their methodology and catchments for the production of retail and leisure studies to inform the work of other local planning authorities in the production of their Local Plans in particular with Wealden, Rother and Maidstone whose rural populations form part of the catchment area of Tunbridge Wells borough, in particular the town of Royal Tunbridge Wells in retailing and leisure terms.
- 4.38 In terms of employment land provision, TWBC is planning positively to meet the identified needs, by way of allocation of suitable sites across the borough which provide in excess of the minimum requirement of 14 hectares over the Plan period. This includes the release of Green Belt land within the borough and some development in the AONB, including major development by way of a strategic expansion into the Green Belt on land at Kingstanding Way, Royal Tunbridge Wells.
- 4.39 Also at a strategic scale, both Tonbridge & Malling BC and Maidstone BC, have been engaged in the Strategic Masterplanning process for the extension of Paddock Wood and east Capel and the garden village at Tudeley. They both attend regular Strategic Sites Working Group Meetings.
- 4.40 Further detail and justification for the Council's proposed growth strategy including in relation to meeting employment land needs can be found in the Development Strategy Topic Paper 2021 and Economic Development Topic Paper 2021.

## **Infrastructure, including transport**

- 4.41 There are a number of infrastructure issues which are particularly relevant to cross boundary considerations – including in the main, transport, health and education as well water supply and flood risk.
- 4.42 As part of the production of the Council's Infrastructure Delivery Plan (IDP), the relevant service providers have been engaged throughout the process through ongoing discussions, a number of specific stakeholder consultations as well as the more formal consultation stages. They have been engaged in the overall strategy for growth and input to the draft policies and proposed site allocations in the Local Plan. Summarised details of this are set out in the Prescribed Bodies and Other Bodies Tables 2 and 3 above. Full details of this process are set out in the Council's IDP which details the infrastructure requirements across the borough over the plan period.
- 4.43 Additionally, as part of the Local Plan preparation work, a Strategic Sites Working Group ('SSWG') was established in July 2019, following the finalisation of the Regulation 18 Draft Local Plan which set out the approach to growth around Paddock Wood and east Capel, and Tudeley Village. The SSWG provides a forum that facilitates collaborative working in the delivery of the two strategic sites. A range of interested parties are members of this group, including representatives

from Tonbridge & Malling BC (Policy Manager) and Maidstone BC (Principal Policy Officer) as the two boroughs are in close proximity to the strategic sites. Meetings are held monthly, providing a forum to update and discuss key items in progressing the strategic sites through the Local Plan and beyond. All members have agreed to work positively and proactively in moving the sites forward – **see Appendix J1**

- 4.44 There has been ongoing engagement with Kent County Council (KCC) throughout the process on a number of county matter infrastructure issues across a number of KCC departments as set out in Tables 2 and 3 above and consequently a joint SoCG was produced between them and TWBC as attached at **Appendix I 7**. East Sussex County Council (ESCC) has also been consulted on any cross-boundary issues through the stakeholder consultation that has been carried out to determine if there are any impacts on neighbouring East Sussex and a SoCG produced with them as attached at **Appendix A11**.
- 4.45 By its nature, transport and highways have a number of cross boundary considerations, which have been explored as part of DtC discussions. In relation to the principal highways network, including the A21 Trunk Road, ongoing discussions have been had with Tonbridge & Malling to the north and Rother to the south, particularly in relation to the Flimwell Crossroads and impacts on the crossroads at Hawkhurst, as well as with each of the affected highway authorities (KCC, ESCC and Highways England). Close working between KCC, National Highways and TWBC will continue in due course, including in terms of sensitivity testing of the transport modelling in the evidence base. Further SoCG will be submitted ahead of the examination with these bodies.
- 4.46 In terms of rail connections, again TWBC has explored any cross-boundary concerns with those authorities along the strategic rail network including Ashford BC and Tonbridge & Malling BC and Network Rail (please see SoCG at **Appendix H12** with Network Rail for information on discussions). Similarly in regard to strategic bus services, the relevant operators have been engaged throughout the process and neighbouring authorities have been involved in strategic service level discussions.
- 4.47 In addition, transport connections, both local and of a strategic cross boundary nature have been a key consideration of the Strategic Sites Working Group as referred to above, involving a number of neighbouring authorities and KCC Highways. Integral to the masterplanning work for the growth of the strategic sites has been ongoing discussions with the borough's consultant preparing the Local Cycle Walking and Infrastructure Plan, which looks at active travel routes beyond the borough boundary and have been developed through ongoing engagement with Tonbridge & Malling BC.
- 4.48 The provision of education has been addressed through collaborative working with the West Kent Area Education Officer at KCC who has input throughout the process and is party to the SoCG signed with TWBC at **Appendix I 7**. The provision of a new secondary school at Tudeley Village and expansion of Mascalls at Paddock Wood, as well as expansions of the secondary schools in Royal Tunbridge Wells also serve the wider West Kent area and have been discussed with Tonbridge &

Malling BC as part of the DtC and specific discussions as part of the Strategic Sites Working Group.

- 4.49 In terms of health, the NHS Kent and Medway Clinical Commissioning Group (CCG) has also been involved throughout the process and has assessed the proposals against their practice mapping and is party to the signed SoCG with TWBC at **Appendix H14**. The work covers a number of geographical areas also extending into neighbouring authorities as well as discussions with their counterparts in East Sussex. Specific discussions have also been held with neighbouring Tonbridge & Malling Borough Council in relation to the provision of a new medical centre at Tudeley to serve the garden village on the edge of the boundary of the borough. The CCG is also a member of the Strategic Sites Working Group.
- 4.50 In relation to water – TWBC has had ongoing discussions with Southern Water and South East Water in relation to connections and services. In terms of flooding and flood risk, discussions have been held with the Environment Agency and Kent County Council as the Lead Local Flood Agency in the production of the Council's Strategic Flood Risk Assessment (SFRA) and the Strategic Sites Working Group. The Council is also part of the Medway Flood Partnership and Medway Flood Action Group dealing with such issues as the Leigh Expansion and Hildenborough Expansion Scheme– with a number of other local authorities affected – including TMBC and SDC. In addition, all West Kent Authorities used the same consultant, JBA, for their SFRA work, allowing consistency across the West Kent area, in terms of sharing knowledge, the methodology used and addressing any cross-boundary issues. As above, SoCGs have been produced and signed between TWBC and Southern Water (see **Appendix I 10** ), the Environment Agency (see **Appendix H2**) and KCC (Flooding) (see **Appendix I 7**). TWBC is aware of concerns Tonbridge and Malling borough council have regarding flooding and is committed to working together on such matters.
- 4.51 Infrastructure issues, and in particular any cross-boundary issues relating to transport, water/flood risk, education and health have also formed a standard discussion point with neighbouring authorities as part of regular DtC meetings and any potential issues/concerns have been raised at these meetings and discussed/actioned as appropriate.

## Environmental Issues

- 4.52 A key part of the Councils cooperation and delivery on environmental issues takes place through the Kent High Weald Partnership (KHWP) a small team tasked with work on environmental education, conservation and community engagement. Jointly funded by TWBC and KCC with support from the High Weald AONB Unit and the Forestry Commission the KHWP works mostly in the Borough but on strategic projects such as River Catchment Management Plans and District Licensing for Great Crested Newts the group will work on cross boundary sites. Also, as part of a system of countryside management teams across Kent they will often work on and support Kent wide schemes.



- 4.53 As noted above, the Council has been actively involved on wider duty to cooperate matters affecting the environment in particular there has been work on water, air quality, landscape, heritage and biodiversity.
- 4.54 **Water** - As set above under Infrastructure, there has been widespread cooperation on the production of the Councils SFRA and associated work. In addition, through the KHWP, the Council has supported the works of the Catchment Management Plans with works on the Teise and Beult and has supported the installation of Natural Floods Measures around Royal Tunbridge Wells.
- 4.55 **Air Quality** – The Council has no cross-boundary Air Quality Management Areas. As a result of concerns raised a few years ago regarding the effects of atmospheric pollution on Ashdown Forest a Europeans site for nature conservation the Council has been working with a wide group of Local Planning Authorities and Natural England as the Ashdown Forest Working Group, to understand to better understand the issues and to collaborate on future studies and assessments. Currently the Group is considering how best to commission and undertake longer-term site specific air quality monitoring.
- 4.56 **Landscape** – The Council has been careful to consult with adjoining authorities in the preparation of landscape evidence base documents including landscape sensitivity studies and landscape character assessments taking note of the evidence available from adjoining authorities. The Council is a key partner of the High Weald Joint Advisory Committee for the High Weald AONB with Officers and Members attending JAC meetings and officers attending separate Officer Steering Group Meetings to oversee the work of the AONB Unit and to support and participate in new studies or guidance and the production of the High Weald AONB Management Plan. Council officers have been part of subgroups working on new issues such as Biodiversity Net Gain and have assisted in the publication of a High Weald AONB Housing Design Guide to help raise the quality of developments across the High Weald designated landscape. The Council has worked specifically with the AONB Unit to produce a Farmsteads Guidance SPD and a borough wide Historic Landscape Characterisation Study.
- 4.57 **Heritage** – The Council works closely with KCC Heritage who provide the Council's advice service in respect of archaeology. The KCC team has supported the work on Historic Landscape Characterisation by the Council and has in partnership with the Council (and Historic England) helped with the Review of the KCC Compendium of Historic Parks and Gardens for Tunbridge Wells Borough. The project was specifically designed as a Pilot that would build capacity in the voluntary sector that could and has been used by other Kent LPAs. TWBC and KCC also collaborated on an industrial archaeological study of the former Paddock Wood to Hawkhurst Railway Line in support of a community group promoting the former railway line for education and recreation.
- 4.58 The Council has engaged closely with Historic England (HE) to ensure that the development strategy, site allocations and development management policies have due regard to the historic environment/heritage assets of the borough. Meetings



followed all three Local Plan consultations which have led to further revisions to address HisE concerns; and following discussions between the Regulation 18 and 19 Local Plan Consultations, the production of a SoCG between both parties (see **Appendix H6**).

- 4.59 **Biodiversity** – As mentioned above the Council is a member of the Ashdown Forest Working group that is concerned with potential issues of air pollution at Ashdown Forest a European Site. That partnership has 12 members from Planning Authorities around the Ashdown Forest plus Natural England and has its own SoCG signed in 2019 (**see Appendix A12**). There is a smaller partnership of LPAs who are much closer to Ashdown Forest who work together as the Strategic Access Management and Monitoring (SAMMS) Partnership to address visitor pressure. The partnership includes Wealden DC, Lewes DC, Mid Sussex DC, Sevenoaks DC, Tandridge DC, TWBC and the Conservators of Ashdown Forest as well as Natural England. The group work together to address visitor pressure which is an identified impact from development in the area and have jointly commissioned studies and agreed policies. The group has a SoCG signed in 2019 (**see Appendix A13**) and for the purposes of collecting and distributing tariffs has a formal legal agreement. The group are currently updating visitor and bird surveys.
- 4.60 The Council is an active Member of the Kent Nature Partnership whose recent activities have included developing the Kent Biodiversity strategy and developing a biodiversity net gain approach for Kent with support from Natural England. KNP also acts as a panel to oversee the Local Wildlife Site System on behalf of all Kent authorities and the Council has a Service Level Agreement with Kent Wildlife Trust to undertake surveys and make recommendations for changes to Local Wildlife Sites.
- 4.61 The Council's Biodiversity Evidence base has been prepared with significant input from The Kent and Medway Biological Records Centre who provide species and habitat monitoring data. The Kent Wildlife Trust is working in partnership with the Council on biodiversity net gain on development sites and on an interim off-site net gain project.

## 5.0 Conclusions

- 5.1 This Duty to Cooperate Statement sets out the Council's approach, actions, and outcomes in relation to undertaking the DtC with neighbouring authorities and other relevant bodies, in accordance legislation and with Government guidance.
- 5.2 The information included in this Statement demonstrates that TWBC has actively undertaken a process of on-going collaborative, constructive engagement working with others in progressing cross boundary strategic matters in the preparation of the Submission Local Plan. This Statement is a live document and will be reviewed and updated alongside the on-going Duty and engagement with neighbouring authorities and other relevant bodies as the Plan progresses to adoption and beyond, including its five-year post adoption review.