



Chris Bending
Head of Policy and Economic Development
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
BN27 2AX

6th October 2020
Sent by Email Only

Dear Chris

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

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

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

The strategy for development as set out in the DLP:

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

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

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

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

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

Consideration of Strategy

Green Belt

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

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

AONB

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

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

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

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

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

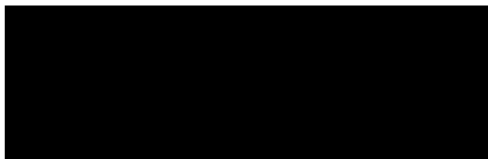
Notwithstanding the above, it is still considered appropriate to formally request that WDC consider accommodating some, or all, of the following from TW Borough: 1,608 – 1,772 dwellings, and at least 14 hectares of employment land.

I would be grateful if you could please respond in writing to these formal requests by Friday 16th October 2020, or (if possible) earlier.

I should advise that TWBC has also discussed these matters with our other neighbouring Local Planning Authorities, and I have sent similar letters to my counterparts at Rother District Council, Ashford Borough Council, Maidstone Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council.

Thank you for your time in considering the above formal requests, and I look forward to hearing from you in due course. Please do not hesitate to contact me by email @ [REDACTED] or on telephone by [REDACTED] if you would like to discuss the further.

Yours sincerely,



Steve Baughen
Head of Planning Services

OUR REF:

ASK FOR: Planning Policy

DATE: 20th November 2020

YOUR REF:

Sent by E-mail Only

Chris Bending
Head of Policy and Economic Development

Dear Stephen,

Re Duty to Cooperate discussions between Tunbridge Wells Borough Council and Wealden District Council: Formal requests to accommodate development needs from Tunbridge Wells

Thank you for your letter dated 6th October 2020 in relation to a formal request to accommodate development needs from Tunbridge Wells. We agree that our Duty to Cooperate discussions have been both positive and pragmatic to date and we welcome the approach we have taken so far to continue as we both progress with our Local Plans.

The formal request set out in your letter refers to Wealden District Council (WDC) accommodating some, or all, of Tunbridge Wells Borough Council's (TWBC's) unmet development needs. The request includes the distribution of growth in both the Area of Outstanding Natural Beauty (AONB) and the Green Belt located in Tunbridge Wells Borough. This amounts to between 1,608 and 1,772 dwellings, and at least 14 hectares of employment land in the AONB and 4724-5559 and at least 14 hectares of employment space in the Green Belt. Our response to this request is set out below. It is noted that TWBC has also formally requested other neighbouring local planning authorities as to whether they can accommodate some or all of the major development that would be located in Tunbridge Well's AONB and/or Green Belt also. This includes letters to Rother District Council, Ashford District Council, Maidstone Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council.

Background

WDC is in the early stages of developing its Local Plan and at a Full Council meeting on 22nd July 2020 a decision was made to adopt an updated Local Development Scheme (LDS). The LDS confirms that the Council will shortly be undertaking an early engagement consultation, now programmed to take place at the end of November 2020, followed by a consultation on a full Draft Local Plan (Regulation 18) in the spring of 2022 and a Regulation 19 consultation on a Proposed Submission version of the Local Plan in winter 2022/2023. The LDS sets out that a Draft Wealden Local Plan will be submitted to the Secretary of State in the spring of 2023. We are aiming to adopt our Local Plan by the end of 2023.

As part of our early work on a new Local Plan, we have started work on the Strategic Housing and Economic Land Availability Assessment (SHELAA) and have undertaken a 'call for sites'. The 'call for sites' ran from 1st June 2020 to 10th August 2020. We have mapped these sites and we have made all sites submitted up to 18th September 2020 publicly available via our [online mapping system](#). However, we have not yet started work on reviewing existing SHELAA sites or indeed assessing new sites that have been submitted. We cannot therefore confirm suitability or capacity of sites for growth at this early stage. This means that we are not able to confirm whether we have the availability of land to deliver our housing and employment growth or indeed any unmet need from Tunbridge Wells.

Wealden District is a highly constrained authority with over 53% of the district being located within the High Weald Area of Outstanding Natural Beauty (AONB), predominantly in the northern part of the district including the countryside that surrounds the southern border of Royal Tunbridge Wells. The district also contains part of the South Downs National Park (SDNP) with over 7% of the district falling within the National Park area. The local authority area contains the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) and the Pevensy Levels SAC and Ramsar site that are European / internationally designated biodiversity sites. Almost 10% of the district is covered by these sites alongside other Sites of Special Scientific Interest (SSSI)¹. There are a number of other notable constraints such as infrastructure provision (particularly major highway improvements) together with Ancient Woodland and areas of the district falling within Flood Zones 2 and 3.

In terms of the Council's own housing needs requirement, under the current 'standard method' in the National Planning Policy Framework (NPPF), this equates to 1,225 dwellings per annum (dpa). Over a twenty year plan period (2019-2039), this equates to a total of 24,500 dwellings to be delivered, excluding any potential unmet needs of other neighbouring local authorities. The Council will aim to meet its own housing and employment needs through its new Local Plan, but given the constraints listed above, whether we can meet our own needs will need to be tested through the Council's Local Plan process, including its evidence base. We are at the very beginning of this process and we are therefore unable to confirm at this time whether we can meet our own housing and employment needs. A key element of our local plan evidence will be transport modelling and testing options to assess the capacity of different locations for growth.

Consideration of Unmet Housing and Employment Need from TWBC

High Weald AONB

Paragraph 172 of the NPPF confirms that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection in relation to those issues. National planning policy notes that the scale and extent of development within these designated areas should be limited. It notes that planning permission should be refused for major development other than in exceptional circumstances. Consideration should be given to the following:

- a. the need for the development, including in terms of any national considerations, and the impact of permitting it, refusing it, upon the local economy;
- b. the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

As outlined in your letter, before making a final consideration on the major development sites in TWBCs Local Plan, your Council is examining whether there is scope for, and the cost of, this development being located outside the AONB, or being met in some other way. As discussed above, the High Weald AONB is located in the north of Wealden District and surrounds the

¹ It is noted that the some of these SSSIs are located within the High Weald AONB also.

southern area of Tunbridge Wells Borough, the market towns of Heathfield and Crowborough and washes over numerous other settlements in the northern part of Wealden District. The nearest sustainable settlement/town to TWBC within Wealden District that is located outside of the High Weald AONB is Uckfield, which is approximately 15-16 miles away.

WDC will consider all sites submitted to it for housing development as part of the local plan process. We will be required to consider national planning policy in the same way as TWBC (i.e. the cost of, and scope for developing outside the designated AONB area). Our local plan growth strategy will first need to look at land outside of the High Weald AONB, in the southern part of the district. This is some distance away from the TWBC area. If we were to consider sites closer to Tunbridge Wells Borough, we will encounter the same policy restrictions and indeed will encounter the exact same policy issues as to the reason why you are asking us to meet your unmet need.

Housing Market Area (HMA)

The Council last published its Strategic Housing Market Assessment (SHMA)² in August 2016 and this concluded that a wider Housing Market Area (HMA) for WDC was clearly defined, and included Eastbourne Borough Council, Tunbridge Wells Borough Council, Rother District Council, Lewes District Council and Mid Sussex District Council. It was acknowledged within this work that there are HMAs that overlap with this wider Wealden HMA, including the West Kent HMA. This is defined within TWBC Interim Duty to Cooperate Statement³ as including Sevenoaks District Council, TWBC and Tonbridge and Malling District Council and extends to include Crowborough, Hawkhurst (not within WDC area) and Heathfield.

As discussed previously, the settlements of Crowborough and Heathfield are surrounded by the High Weald AONB, with only limited space for further growth in these locations outside of the High Weald AONB. The growth of other sustainable settlements within Wealden District, such as Uckfield, Hailsham or other settlements on the outskirts of Eastbourne (i.e. Polegate, Stone Cross, Willingdon) fall outside the TWBC and WDC shared HMA. As noted above, the Wealden HMA is influenced by a number of larger towns close/adjacent to its administrative borders. In particular, the southern part of Wealden has a particular relationship with Eastbourne, for example. In considering the relationship between Eastbourne Borough and the south of Wealden District alongside Eastbourne's constraints to for delivering their housing and employment needs we have entered early discussions as to whether it will be possible to meet some or all of Eastbourne's needs. These discussions will be progressed as we progress through our respective local plan productions.

We will be reviewing the HMA as part of a new Housing Needs Assessment and will seek to consider any additional implications (if any) of this study between TWBC and WDC and will have dialogue with TWBC and other local authority partners on this issue in the near future. However, it is clear from the current evidence base that the area of Wealden located outside of the AONB falls outside the Tunbridge Wells and Wealden HMA. Should growth be possible outside of the AONB then this will unlikely fulfil the housing or employment needs of TWBC specifically.

Sustainability of New Development

Given the issues identified above, with WDC unlikely to be able to support substantial growth within the High Weald AONB in the northern part of the district, this would mean that as part of our local plan strategy we will first need to assess whether we can allocate housing within the area of Wealden District located outside of the High Weald AONB designation. Locating growth outside of the AONB will be some distance from Royal Tunbridge Wells.

Paragraph 72 of the NPPF confirms that the supply of a large number of new homes can often be best achieved through planning for larger scale development, such as new settlements or

² [Wealden Strategic Housing Market Assessment \(SHMA\), August 2016](#)

³ [Interim Duty-to-Cooperate Statement, TWBC, September 2019](#)

significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Paragraph 103 of the NPPF confirms that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It is considered, on sustainability grounds alone, it would be better to address unmet development needs within/adjacent to a large regional centre such as Royal Tunbridge Wells, where jobs, sustainable transport links and retail are largely located. This would be in line with national planning policy on this matter. Substantial development away from these areas, particularly to the south of the High Weald AONB designation in rural areas would be considerably less sustainable and may exacerbate existing out-commuting patterns from Wealden District.

It is noted that land surrounding Royal Tunbridge Wells and within Wealden District is located within the High Weald AONB and therefore national policy restrictions relating to the High Weald AONB would also apply in these locations.

Infrastructure

WDC, as part of its Local Plan process, will also need to consider its existing infrastructure constraints and to test how and where we can accommodate growth, including the strategic road network. It is not yet known whether WDC's own development needs can be met through its existing infrastructure and/or what new infrastructure is required to deliver growth in the longer term.

As part of our local plan production we will be working with East Sussex County Council and other local authority partners (Eastbourne, Rother and Lewes) to test growth options, specifically in relation to existing road networks. A transport model will be devised for this purpose. We will also need to consider as part of our growth strategy whether an offline A27 is required to support growth. RIS2 was published in March 2020 and identifies further work will be undertaken on developing proposals for the A27 between Lewes and Polegate as a potential pipeline scheme for construction between 2025 and 2030. We will need further clarification as to the potential of this scheme to inform housing delivery and options for delivery. In the meantime, we are waiting to hear the outcome of a Major Road Network (MRN) bid to support the delivery of a number of junction improvements for the A22/A27 to facilitate growth. We hope to know more on this next year.

Conclusions

WDC has identified a number of issues above that demonstrates that meeting the housing requirement for Wealden will be challenging and that we are at the early stages of our local plan making process, where we will need to test whether we can meet our own housing and employment needs, in considering the constraints that we have in the District. Once we have understood this, we will then be in a position to consider whether we can meet any unmet need from adjacent local authorities.

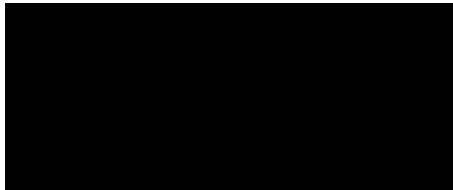
Turning to your specific request, we are clear that given the geography of both the AONB and Housing Market Areas around northern Wealden and TWBC, the options for WDC to take some or all of this need would be clearly and demonstrably worse than the alternative of delivering the growth within TWBC. Put simply, any solution would either be to build in AONB in WDC as opposed to AONB/Green Belt in TWBC, in a clearly less sustainable location, or to seek to do so outside the AONB in WDC, which would be well outside the HMA, therefore not meeting the needs of TWBC residents and again in a less sustainable location.

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

Given the above, WDC would not be able to commit at this stage of its plan-making process that it could deliver the suggested amount of unmet housing and employment needs of TWBC. However, the Council is developing its evidence base for its new Local Plan and will naturally consider any changes to its evidence base as it progresses through the relevant plan-making stages. We welcome the opportunity to continue having dialogue on these matters as we advance the Local Plan and its supporting evidence base.

I trust that the above comments are helpful and clear at this stage. If you have any further queries, then please do not hesitate to contact us.

Yours sincerely,



Chris Bending
Head of Policy and Economic Development