



Gilian MacInnes
Interim Head of Planning and Development
Civic Centre
Tannery lane
Ashford
Kent
TN23 1PL

6th October 2020
Sent by Email Only

Dear Gilian

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

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

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

The strategy for development as set out in the DLP:

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

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

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

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

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

Consideration of Strategy

Green Belt

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

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

AONB

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

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

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

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

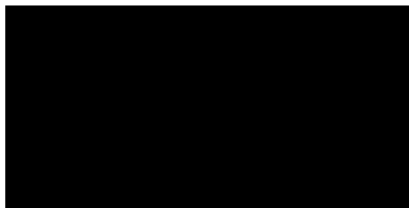
- TWBC considers it pertinent to discuss with ABC whether there is scope for ABC to accommodate some, or all of the major employment or housing development which has been considered to be major development in the AONB in TW borough;
- TWBC acknowledges the initial discussions in which your colleagues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

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

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

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

Yours sincerely,



Steve Baughen
Head of Planning Services

Planning & Development

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2nd December 2020

Dear Sir,

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

I refer to your letter dated the 6th October 2020 and can now confirm that following discussion at the Council's Local Plan and Planning Policy Task Group meeting on the 26th November the Council can formally confirm that it is not able to assist in the provision of additional residential and employment land to meet the development needs of Tunbridge Wells Borough Council.

I look forward to following progress with your Local Plan and to continuing the dialogue at officer level.

Yours faithfully

[REDACTED]

Gilian Macinnes – Head of Planning and Development on behalf of
Cllr Neil Shorter - Portfolio Holder for Planning and Development
Ashford Borough Council

