



Rob Jarman
Head of Planning and Development
Maidstone Borough Council
Maidstone House
King Street
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10 December 2020
Sent by Email Only

Dear Rob

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

I refer to 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 Maidstone Borough Council (MBC) 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:

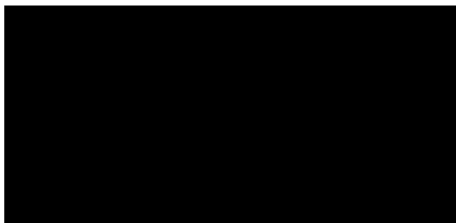
- TWBC considers it pertinent to discuss with MBC whether there is scope for MBC to accommodate some, or all of the major employment or housing development which has been considered to be major development in the AONB in TW borough;
- TWBC acknowledges the initial discussions in which your colleagues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

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

If possible I would be grateful if you could please respond in writing to these formal requests by Wednesday 23rd December, 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 counterparts at Wealden District Council, Rother District Council, Ashford Borough Council, Sevenoaks District Council, and Tonbridge and Malling Borough Council.

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

Yours sincerely,



Steve Baughen
Head of Planning Services

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Mr S Baughen
Head of Planning Services
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Date: 21 December 2020
Our ref: RJ/lu

Dear Steve

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

Thank you for your letter dated 10 December 2020.

I am sure that what I set out below has been conveyed to you in detail at the various Duty to Co-operate meetings that have taken place.

As a result of the MHCLG consultation (6 August 2020) inter alia regarding proposed changes to the standard method for calculating housing need, this Council has changed its Local Development Scheme to 'accelerate' the Local Plan Review timeframes in order that it is not 'caught' by the significantly higher housing numbers calculation that the proposed changes to the standard method would give rise to. The Regulation 18b version of the LPR is currently the subject of consultation and in its genesis there was careful consideration of meeting the needs of neighbouring local authorities but it has proved very challenging to accommodate the extra homes needed until 2037 with much of the growth focused on two 'garden communities'. Therefore, this Council is not able to accommodate any extra housing requirement from Tunbridge Wells Borough Council.

With regard to employment land and given the challenge of providing the right quantum, the Council is 'over providing' against assessed needs and so, again, this Council is not able to accommodate extra employment floorspace.

These considerations are all set out in the evidence base behind the LPR and will have formed the basis for detailed Duty to Co-operate meetings.

Yours sincerely

[Redacted signature]

Rob Jarman
Head of Planning & Development

[Redacted contact information]