

Tunbridge Wells Borough Council

Kent County Council

**Joint Position Statement
between Kent County Council
Highways and Transportation
and Tunbridge Wells Borough
Council**

13 February 2022



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Background to the Duty to Cooperate


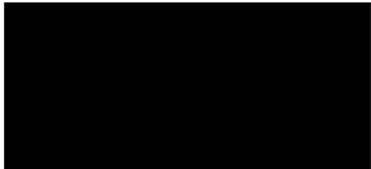
1. The requirements set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 in relation to the Duty to Cooperate (DtC) are reflected in the National Planning Policy Framework (NPPF) 2021 and the Planning Practice Guidance (PPG). Particularly relevant sections of both are set out below.
2. Paragraph 24 of the NPPF sets out 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 26 of the NPPF states that “*Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy...*”, whilst the PPG reflects legislation at Paragraph 029 that the legal duty on a local planning authority is “*...to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters*”.
3. Paragraph 26 of the NPPF also states that “*...In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.*”

Statement of Common Ground (October 2021) between Kent County Council Highways and Transportation and Tunbridge Wells Borough Council

1. A statement of Common Ground (SoCG) has been signed between Kent County Council Highways and Transportation (KCC H&T) and Tunbridge Wells Borough Council (TWBC). This is provided at Appendix H8 in the Duty to Cooperate [Core Document [3.132c\(v\)](#)] (October 2021), it states out at paragraph 2.7 that “*Both TWBC and KCC 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*”. i.e., at the point of submission of the Local Plan the work had been on-going, joint, constructive, effective and active.
2. Paragraphs 2.3-2.4 and 3.5-3.14 of the SoCG set out the iterative work which has taken place between KCC H&T and TWBC, and provide examples of how each authority has engaged constructively, actively and on an on-going basis through the preparation of the Local Plan.

Update on work since the submission of the Local Plan (1st November 2021)

3. KCC and TWBC have continued to work together positively since the submission of the Local Plan on the sensitivity testing reports of the evidence base which informed the Pre-Submission Local Plan. The outcomes of this work has already addressed a number of queries that KCC H&T had previously raised.
4. There is a clear timetable to jointly work to address the outstanding queries, and both parties are, subject to these queries being resolved, confident that a fresh SoCG will be signed ahead the submission of Hearing Statements for the week 6 Hearings for the Examination of the Tunbridge Wells Local Plan whereby, Transport Infrastructure under Matter 12 is set to be discussed.

Signed on behalf of Kent County Council)	Signed on behalf of Tunbridge Wells Borough Council
	
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