

Appendix C – Tonbridge & Malling Borough Council (TMBC)

Appendix C1 - TWBC Response to TMBC Issues and Options November 2016



Please ask for: Kelvin Hinton

Mr I Bailey
Planning Policy Manager
Local Plans Team
Tonbridge and Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill
West Malling
ME19 4LZ

Date: 07 November 2016

Dear Mr Bailey

Tonbridge and Malling Borough Local Plan
Regulation 18 Issues and Options Consultation

Tunbridge Wells Borough Council welcomes the opportunity to engage with Tonbridge & Malling Borough Council as part of the Local Plan Regulation 18 Consultation 2016. The Council has several comments to make at this stage.

Based on the possible strategy presented in the consultation document at Appendix F and most particularly Tonbridge and Malling Borough Council's identified housing and employment development needs, as well as the suggested location and distribution of development, it is not considered that there would be any overall significant direct effect on the area comprising Tunbridge Wells borough.

With specific reference to the Tonbridge and surrounding area it is noted that the Issues and Options document acknowledges that any expansion of Tonbridge is limited by flood risk and other constraints including Green Belt; however, some land has been identified for potential development to the south-west of Tonbridge. Given the close proximity of this area to the Tunbridge Wells borough boundary it is considered there could be increased pressures on infrastructure provision, including highways and education, which would have implications for this borough and we would therefore welcome further discussion on this aspect as preparation of your new Local Plan progresses.

Also, with regard to the implications of Duty to Cooperate, it is noted that commentary is made that assessments to date illustrate that the proposed strategy could potentially deliver in the region of 10,000 homes which would be in excess of the 6,000 homes suggested as the additional need required to be met in Tonbridge & Malling borough. The consultation document does not, however, make any comment on the possibility of the Borough Council being asked to meet need from any adjoining authority area.

As you will be aware from our regular liaison and Duty to Cooperate meetings, Tunbridge Wells Borough Council is also undertaking preparation of a new Local Plan, which is intended to have a plan period of 2013-2033. This work has progressed well and is ongoing and our current timetable envisages an Issues and Options consultation in spring 2017.

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Given the level of Objectively Assessed Need (OAN) identified by our own SHMA, and having regard to the nature and extent of planning constraints impacting on Tunbridge Wells borough, there is a reasonable possibility that the issue of some need being accommodated within adjoining authority areas is likely to be raised at some point.

Whilst recognising that both Councils' Local Plan reviews are at different stages and that in the case of Tunbridge Wells Borough Council a draft plan that identifies housing targets against OAN has yet to be prepared, it is considered that there is still merit in discussing the specific circumstances relating to our respective boroughs and the ability for us to accommodate our own identified levels of development need at an early stage.

Yours sincerely

A large black rectangular box redacting the signature of Kelvin Hinton.

Kelvin Hinton
Planning Policy Manager

Appendix C2 - TWBC Response to TMBC Regulation 19 Pre- Submission Plan November 2018



Please ask for: Stephen Baughen

Planning Policy Team
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
Kent
ME19 4LZ

[REDACTED]

[REDACTED]

[REDACTED]

Date: 15 November 2018

Dear Sir/Madam

Tonbridge & Malling Borough Local Plan Regulation 19 Pre-Submission Publication Consultation

I refer to your communications dated 1 October 2018 (initial consultation) and 3 October 2018 (Statement of Representations Procedure and Fact), in respect of the current Regulation 19 Consultation for the Tonbridge & Malling Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Tonbridge & Malling Borough Council (TMBC) as part of this process and has several comments to make.

The headline needs of 13,920 homes and 46.8 hectares of employment land are noted.

The constraints of Tonbridge & Malling borough at 70% Green Belt and 28% AONB, as well as flood risk issues are also recognised.

With specific reference to Tonbridge and its surrounding area, it is noted that land to the South West of Tonbridge has been put forward as a Strategic Development Site (480 dwellings) under proposed Policy LP31. Concern was raised previously by TWBC in response to the TMBC Regulation 18 consultation in respect of increased pressures on infrastructure provision, such as highways and education, in this area in close proximity to the Tunbridge Wells borough boundary. However, TWBC welcomes the stipulated masterplan and planning performance agreement approach (to be prepared and completed prior to the submission of a formal planning application) in proposed Policy LP31. This policy clearly sets out the key infrastructure requirements for primary and secondary school provision, highway junction improvements, medical facilities and improvements to sustainable transport links to Tonbridge town centre; and TWBC considers that such an approach should be followed through in the implementation of any such development.

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The proposed green belt releases and changes to the confines of built development on the proposals maps for site allocations at land south of Vauxhall Gardens (61 dwellings) and Little Postern, Postern Lane (10.8 ha of B2 and B8 use) which are located within close proximity to the Tunbridge Wells borough boundary are also noted; and the requirement that they will only be permitted where proposals are of an acceptable design to the locality, do not result in unacceptable impacts on the highway network, air quality and the amenity of the area.

Overall, based on the strategy presented in the consultation document and most particularly TMBC's identified housing and employment development needs, as well as the suggested location and distribution of development and the detailed requirements of the policies outlined above (including in relation to transport and infrastructure), it is considered there would be no overall significant or direct effect on the area comprising Tunbridge Wells borough.

TWBC also have no additional comments to make in respect of the Sustainability Appraisal and the Habitat Regulations Assessment which support and form part of this consultation document.

TMBC, TWBC and Sevenoaks District Council (SDC) have been in joint discussion for some time now, including regular liaison and meetings to discuss housing, employment and other needs under the Duty to Cooperate and it is noted that the TMBC consultation document makes specific reference to the Duty to Cooperate. However, the document does not make any comment on the possibility of TWBC being asked to meet need from any adjoining authority area or vice versa. I can confirm that TWBC would be happy to continue regular liaison and Duty to Cooperate meetings with TMBC and SDC as the TMBC Plan progresses to examination, and in relation to the progression of the new TWBC Local Plan, and allocations within this – please see below. However, without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that account is taken of this when considering the representations made to the Regulation 19 consultation.

As you will be aware from our regular liaison and Duty to Cooperate meetings, TWBC is also undertaking preparation of a new Local Plan, which is intended to have a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, TWBC is currently preparing the Draft Local Plan document ready for consultation (Regulation 18) next year. We will continue to discuss and engage with TMBC ahead of this, including in terms of cross boundary issues such as transport, minerals and infrastructure, and will formally consult TMBC when the plan progresses to this stage.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely



Cllr Alan McDermott
Portfolio Holder for Planning and Transportation

AND



Steve Baughen
Head of Planning

Appendix C3 – TMBC response to TWBC Issues and Options 2017

From: Ian A Bailey [REDACTED]
Sent: 12 June 2017 16:38
To: Planning Policy (TWBC)
Cc: Steve Humphrey; Louise Reid; Jenny Knowles
Subject: TUNBRIDGE WELLS BOROUGH LOCAL PLAN - Issues and options Consultation

Dear Planning Policy Team,

Please find below some officer level comments on the above consultation on behalf of Tonbridge and Malling Borough Council. These will be subject to Member endorsement in due course.

These comments are of a more general nature than the specific set questions laid out in the response form. Therefore unless indicated otherwise, please assume they relate to Question 19 in the main.

Since there are no potential yields for each of the proposed development strategies going forward, it is difficult to provide a view on a preferred option or combination of options. The document is heavily caveated in respect of the challenges of fully meeting the objectively assessed needs over the Plan period, suggesting that none of the options will be sufficient, but the consultee has no indication whether one option or combination of options will meet more or less of the need than the others.

Whilst acknowledging that there is a second round of Call for Sites running in parallel to the current consultation and therefore it may be premature to include sites at this stage, it does beg the question whether a second round of consultation will be necessary when the sites are known. If this is required, then the current timetable may need to be extended.

Clearly from a neighbouring Local Planning Authority's point of view, located within the same housing market area, the options that could deliver more of the identified need would be preferable to those that will deliver less. There is a risk in carrying out the consultation without the benefit of potential yields could result in the most productive options being rejected before they have been fully considered.

Notwithstanding the overall capacity issues of the proposed options, there is also the matter of maintaining a five year supply of housing land. As there is no assessment of the phasing of each of the options, again preferences expressed at this stage could undermine the ability of a future strategy to deliver sufficient housing numbers across the Plan period. For example, while a new settlement may provide a significant proportion of the total need and therefore be an attractive option on the face of it, it will inevitably take some years before such a site could deliver housing and even then only provide 1-200 units a year. An approach more likely to succeed would be to have a mixed portfolio of small to large sites. This has also been supported in the Housing White Paper.

Those options promoting a northern extension to the Limits to Built Development north of Tunbridge Wells itself and option 4 which explores a development corridor approach along the A21 would clearly have cross boundary impacts on the local highway network, community infrastructure and air quality. Should these options be taken forward we would welcome the opportunity to work closely with TWBC as TMBC also brings forward future development proposals in the vicinity of south Tonbridge.

The references to the Duty to Cooperate are acknowledged and we welcome the recognition of the positive cross-boundary liaison on strategic planning matters so far and the opportunity to continue to do so. As noted in those meetings, Tonbridge and Malling in preparing its own Local Plan is striving to meet locally identified needs where they arise and in doing so, particularly for the West Kent Housing Market Area that we share with Tunbridge Wells, are addressing similar constraints and challenges.

I hope these brief comments are of assistance. I will confirm when our Members have endorsed these views and any additional comments they may wish to add.

Yours Sincerely,

Ian Bailey

Planning Policy Manager
TMBC

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Appendix C4 - TMBC response to TWBC DLP Regulation 18 consultation October 2019 (Letter and Response Form)

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Contact Ian Bailey
Email [REDACTED]
Your ref.
Our ref.
Date 16.10.2019

Dear Planning Policy Team,

Tunbridge Wells Local Plan Regulation 18 Consultation: Response on behalf of Tonbridge and Malling Borough Council (TMBC)

Thank you for the opportunity to comment on the above consultation.

The consultation draft of the emerging Tunbridge Wells Local Plan was considered at an extraordinary meeting of the Council's Planning and Transportation Advisory Board on the 2nd October and again by the Cabinet on the 16th October. Both meetings were characterised by comprehensive debate.

TMBC recognises the challenges facing Tunbridge Wells Borough Council (TWBC) in preparing this Plan as we share many of the same constraints, including significant areas of Green Belt and Areas of Outstanding Natural Beauty in preparing the Tonbridge and Malling Local Plan. The aim of meeting objectively assessed needs for future development within the Borough is one we both share and is welcomed.

However, the proximity of some of the major development proposals to the borough boundary and specifically, the south east of our main settlement of Tonbridge, is a matter of serious concern due to the potential impacts on the local highway network, rail services and other community infrastructure including health care and education, particularly when combined with planned developments in Tonbridge as part of our own Local Plan.

While appreciating that this is an early stage of plan making and the development strategy may be subject to change, in the event that these proposals are brought forward in later versions of the Local Plan, TMBC needs to be assured that it will be a key partner involved with future infrastructure planning and master planning of the allocations that are likely to

have a significant impact on Tonbridge and surrounding settlements close to the borough boundary. This collaborative approach would have to identify and mitigate any significant adverse impacts on existing infrastructure and services, including north-south travel throughout Tonbridge and Malling and any flood mitigation measures and also those planned as part of TMBC's Local Plan.

It should be recognised that if following this process any of the new infrastructure or mitigations identified to meet the demand arising from any of the new developments is located in Tonbridge and Malling, then developer contributions should be allocated as necessary.

Tonbridge and Malling support the proposed approach to meeting the identified needs for future development in Tunbridge Wells within the borough, subject to both authorities proactively working together to ensure all cross-boundary issues are satisfactorily addressed as part of the Local Plan process. This will contribute to the conclusion of the ongoing master planning work and delivery of any identified infrastructure to be phased with the planned development so that any potential impacts are mitigated.

More detailed comments on specific elements of the Local Plan can be found below.

Policy STR/CA1 The Strategy for Capel Parish and Policy AL/CA1 Tudeley Village

The potential significant impacts of the proposed developments at Tudeley and Capel on the local highway network and on infrastructure and services in nearby Tonbridge are a major concern for TMBC, particularly in the light of the existing infrastructure challenges in Tonbridge and surrounding villages and communities which have been identified by TMBC. TMBC believes that some of these will present delivery challenges for the allocation due to appropriate mitigation measures not being feasible. However, we wish to work collaboratively with TWBC to explore all possibilities and particularly welcome the early identification of a number of junctions requiring mitigation within TMBC.

It is acknowledged that Policies STR/CA1 and AL/CA1 recognise these issues and require comprehensive master planning and ongoing liaison between Tonbridge and Malling, Tunbridge Wells, Kent County Council and all other relevant stakeholders. This will include land owners, promoters, and infrastructure providers to ensure that the infrastructure accompanying these proposals is properly planned for and delivered at the appropriate time. TMBC requests that they are specifically mentioned in all relevant policies with the emerging Local Plan to ensure that this collaborative approach is enshrined in policy

Both this site and the Paddock Wood sites discussed below require appropriate onsite health service provision to be provided at a primary care level. Given the proximity of these sites to Tonbridge and the proposals for Local Care Hubs that are being progressed by the West Kent CCG, TMBC request that the potential for facilitating Local Care delivery through this strategic site allocation providing land or contribution (our preference is Tonbridge Cottage Hospital) should be explored in detail as part of the next stage of plan development, should this site be taken forward.

Policy AL/CA2 New Secondary School

The response is similar to that in respect of the new settlement at Tudeley above.

As this is the first opportunity to comment on the detailed development strategy set out in the draft Local Plan, TMBC would like to take this opportunity to suggest an alternative

location for the proposed new secondary school at Capel. In the opinion of Tonbridge and Malling, a location at or preferably between the new settlement at Tudeley and the allocations at Paddock Wood would represent a more sustainable solution, being closer to the need generated and the potential for reducing the need to travel to a site on the periphery of Tonbridge, on a constrained site with poor access, adjacent to a town which already has a large number of existing secondary schools and the associated transport issues.

An alternative location for the secondary school would also address a related concern that the proposed developments close to the built confines of Tonbridge would result in the coalescence of the settlements of Tonbridge, Capel, Tudeley, Five Oak Green and Paddock Wood.

The proximity of the proposed school site to the borough boundary and the distance from Tonbridge Station emphasises the importance of implementing sustainable transport improvements in this area to ensure any impacts on the local highway network are minimised. Whilst TMBC welcomes proposals for new bus routes that link Tonbridge/the school/the proposed new settlements/Paddock Wood, it must be recognised that there are significant delivery challenges in ensuring that route is feasible, particularly within the two town centre environments.

Ensuring there is an appropriate access across the railway will be an important consideration for master planning and viability.

TMBC's Local Plan has an employment allocation (LP36 site h), which is an extension of an existing site, immediately adjacent to this proposed allocation. It is essential that existing modelling work carried out to inform this and other local designations with the TMBC Local Plan are considered as part of the infrastructure master planning work that TWBC are proposing to undertake.

Policy STR/PW1 The Strategy for Paddock Wood and PolicyAL/PW1

Although Paddock Wood is further from the borough boundary than the sites at Tudeley and Capel, the size of the allocation here means that the same comments made above are also applicable, particularly for communities in East Peckham.

The aspiration to improve the A228 at Colts Hill is a long held West Kent priority and is supported by TMBC. However, TMBC has significant concerns about the impact of works on the A228 and the potential wider implications need to be thoroughly considered in a holistic fashion, working with KCC Highways, TMBC and Maidstone Borough Council. Following officer discussions, TMBC are requesting that this approach to the A228 corridor is enshrined in the relevant policies.

The implications of this allocation (and the new settlement at Tudeley, which is unlikely to justify the introduction of an additional railway station between Tonbridge and Paddock Wood) on future rail capacity to London will need to be the subject of on-going discussions with Network Rail and the rail service providers and be included in the Infrastructure Delivery Plan. This extends not only to train services but to commuter parking and likely travel habits. The frequency of services at Tonbridge station make this the more likely destination for commuters when compared to Paddock Wood. There is also the need to consider planned development at Marden, Staplehurst and Headcorn that will put additional pressure on the line.

Policy AL/SO3 and Policy AL/SO4 Land at Mabledon and Nightingale and Mabledon House

Although these are smaller proposals that do not require master planning in the way that the larger allocations at Tudeley, Capel and Paddock Wood do, the policy acknowledges that the implementation of the Mabledon House proposal will depend on the agreement of TMBC. It notes that:

“The main house is located within the borough of Tunbridge Wells and the ancillary buildings are located in the borough of Tonbridge & Malling; the Historic Park and Garden is split between the two boroughs. The above policy to be agreed with Tonbridge & Malling Borough Council to encourage a holistic and comprehensive approach to development proposals across the whole of the estate.”

TMBC welcomes the opportunity to discuss the proposed site allocation at Mabledon House with Tunbridge Wells Borough Council within the context of the emerging Local Plan, subject to a better understanding of the scale and form of the development, particularly in respect of that part of the site within Tonbridge and Malling, the very special circumstances for the development within the Metropolitan Green Belt and the impacts on High Weald AONB and its setting.

Policy AL/RTW12 Land Adjacent to Longfield Road, Tunbridge Wells

Tonbridge and Malling welcome the contribution the proposed allocation will make towards meeting the identified needs for employment land in Tunbridge Wells.

However, the concentration of such a significant proportion of the overall need in one location, on the A21 and relatively close to the borough boundary and the Tonbridge Industrial Area raises two concerns regarding the potential impact on the local highway network and competition with businesses in Tonbridge.

Therefore, TMBC would welcome working with the Borough Council, Highways England and Kent Highways to ensure that any potential adverse impacts on the highway network both in the immediate vicinity and more widely can be satisfactorily mitigated. We would also wish to ensure that the planned investments at Longfield Road and at Tonbridge are complementary rather than competitive to ensure that positive economic growth can be delivered either side of the borough boundary.

I hope these constructive comments are beneficial your ongoing process and contribute to the established collaborative working on cross boundary issues that are fundamental to the Duty to Cooperate, which forms a key element of the examination of a Local Plan (as detailed at paragraph 35 of the NPPF).

Yours sincerely,



Ian Bailey
Planning Policy Manager



Appendix C5 – TMBC response to TWBC Regulation 19 PSLP consultation June 2021

TONBRIDGE & MALLING



BOROUGH COUNCIL

HOWARD ROGERS

Borough Councillor for the
Hadlow, Golden Green & East Peckham Ward

Cockle Oast
Hartlake Road
Golden Green
Kent TN11 0BL

Local Plan Team
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent
TN11 1RS

2nd June 2021

Dear Planning Policy Team

In advance of the close of the Regulation 19 consultation on the Tunbridge Wells Borough Council Local Plan on Friday I write to express my views and concerns about the impact of this plan on my ward and Borough.

As you may realise my ward lies closest to the main housing proposals within this plan and the bulk of the proposed housing developments for all of Tunbridge Wells lie within a few miles of Hadlow, Golden Green and East Peckham. I therefore address most of my comments to Policy STR/CA1 The Strategy for Capel Parish and Policy AL/CA1 Tudeley Village. My home and those of the people I represent as well as my immediate hamlet neighbours lie on roads that will be significantly affected by these proposals.

When considering the overall impact of the TW local plan, my memory turns to several years ago when this Borough was drawing up the first draft of our own local plan. As Cabinet Member for Strategic Planning and Development at the time, I recall the hours that I spent with Steve Humphrey, Ian Bailey and his team pouring over maps, population projections, strategy documents, planning guidelines and countless other documents in drawing up a plan which was based not just on housing targets and government diktats but on what we knew to be the needs and desires of our local residents and also on common sense. This resulted in a Plan that was based on firm evidence, and did make sense. I remind members that the Inspectorate has halted the progress of our plan not on its solid and thoughtful content but on the inspector's perception of the process and procedures that were involved in our Duty to Co-operate with neighbouring authorities. I can only assume that many similar hours have been spent in Tunbridge Wells planning department carefully considering and drawing up the plan we are debating tonight, but struggle to understand how that all came to the conclusions and proposals that are now in front of us. In summary, common sense and the needs of Tunbridge Wells residents seem to have been discarded in favour of these proposals which place the bulk of residential development on the very northern edge of their Borough, and then questionably and poorly addresses the effect of that development on the infrastructure and the communities that will be immediately effected.

Back in October 2019 the TMBC Planning and Transportation Advisory Board gave a very strong message to TWBC about our concerns regarding the impact of their plan at the Reg 18 stage. We raised specific issues about the likely impact of the proposals on the local highway network, rail services and other community infrastructure including health care and education, particularly when combined with planned developments in Tonbridge as part of our own Local Plan. One of my particular concerns was the impact on North/South traffic flows through the limited network of unsuitable and unclassified roads such as Allders Road and Hartlake Road. It would appear that this message has been considered, a significant problem identified and a somewhat simplistic solution put forward in the proposal to close Hartlake Road to through traffic somewhere near the Borough

boundaries. I can tell you that at peak commute and school traffic times, the traffic rate along that road can exceed that of the A26 through Hadlow. What a dilemma, do we look forward to the prospect of living in a “Quiet Lane” as Hartlake was tentatively suggested to be by KCC some 20 years ago or do we face a future of even longer and environmentally damaging queues and delays along the A26 and A228 as more cars find alternate ways to cross the Medway and access the Summerhill Schools, Tonbridge schools, shops, stations & jobs or travel further afield? Surely after not so long ago spending several million pounds on the new Hartlake Bridge, KCC are not going to accept that is no longer of use.

It would seem that the work done to model the resultant effect on traffic flows and predict increases in traffic movements has scarcely scratched at the cross boundary issues let alone the knock on effects along the TMBC side of the A26, Seven Mile Lane and the minor roads which act as peak bypasses and overflows. Indeed the modelling data appears to be based on aged surveys and shows little if no account of the development proposals within the TMBC plan.

My other main concern about concentrating housing development so close to our boundary is its proximity to the River Medway. My ward floods. Residents’ homes and livelihoods are threatened and will continue to do so. This fact is acknowledged even by the Environment Agency who despite their major plan to increase the capacity of the Leigh Flood Storage Area has recently given the go ahead for a £1,000,000 Flood Resilience Scheme in East Peckham. While detailed provision and plans to counter the flood risk caused by development will be appropriate further down the planning cycle, I feel that the plan underestimates the consequences of such a significant number of new homes. The cumulative effect of these homes and the extensive permitted mineral extractions immediately to the north must be better understood and not considered in isolation.

As Chairman of the Upper Medway Internal Drainage Board, I have recently led its members to introduce a new scheme of Surface Water Development Contributions which is administered by the Water Management Alliance in King’s Lynn. The land in this plan is currently agricultural and provides a natural means of absorbing rainfall. Even with strict compliance with SUDS requirements and local mitigation measures and leaky dams upstream the proposed developments with roads, driveways, parking areas and rooftops cannot fail to increase the flow of water into the Hammer Dyke and Alders Stream. Along with the increased areas of mineral extraction to the north a significant area of natural storage will be lost and this will add to the pressure on the existing drainage channels. The Upper Medway Board will be requiring significant contributions to help manage the consequence of this. These contributions will be in addition to any Section 106 and should be considered in relation to any viability assessments.

There is much else that I could add to my comments, but from discussions that I have had with my fellow Councillors, I know that they will write on these and I am sure you would rather hear directly from them rather than repetition from me.

In summary, I am of the opinion that the firm response and list of concerns that I, many of my ward residents and TMBC gave to TWBC in our response to the Reg18 submission back in 2019 have not been sufficiently recognised or countered by evidence in this next Reg 19 stage. I retain serious concerns about the direct effects of large housing allocations immediately on the border of our districts and with the nearest large conurbation being Tonbridge itself. The plan proposals will put heavy and long term demands on Tonbridge town while TWBC will reap the benefits of the additional Council Tax as well as meeting your housing need. The proposal to close Hartlake Road demonstrates a complete lack of co-operation shown by TWBC to my residents and emphasises that there is no desire to allow Hadlow or Golden Green to enjoy a potential increase in demand of its services, retail outlets or employment sites. Little if no compensation proposals are suggested to be in the Borough most affected. Lastly I contend that, the Plan is in denial of the detrimental effect on flooding issues in our communities and those in authorities further downstream of the Medway.

Yours sincerely

A solid black rectangular box used to redact the signature of Howard Rogers.

Howard Rogers

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Contact Ian Bailey
Email [REDACTED]
Your ref.
Our ref.
Date 3.6.2021

Dear Planning Policy Team,

Tunbridge Wells Local Plan Regulation 19 Consultation: Response on behalf of Tonbridge and Malling Borough Council (TMBC)

Thank you for the opportunity to comment on the above consultation.

The consultation draft of the emerging Tunbridge Wells Local Plan was considered at an extraordinary meeting of this Council's Planning and Transportation Advisory Board on the 17th May 2021 and this response incorporates the views expressed by Members.

Tonbridge and Malling Borough Council welcomes the amendments made to the Regulation 18 draft of the Local Plan in response to the comments by this Council made in October 2019 and recognises the ongoing and pragmatic engagement in respect of the Duty to Cooperate to address the relevant cross-boundary issues and the continuing contributions to the infrastructure planning and master planning of the two strategic allocations at Tudeley and Paddock Wood.

However, the impact of these strategic sites, particularly on Tonbridge and the rural settlements of Hadlow, Golden Green and East Peckham, remains a serious concern. Having reviewed the Pre-Submission version of the Local Plan and the supporting evidence Members wish to make the specific comments set out below, which have also been included in this Council's on-line response. TMBC wishes to reiterate the importance of ensuring that the necessary infrastructure and mitigation measures are finalised and implemented in a timely and effective way. Continued close collaboration between the two authorities in respect of the master planning of both sites and the proposed Supplementary Planning Documents to refine the details is strongly encouraged.

The Local Plan has been prepared in accordance with the requirements of national policy as set out in the National Planning Policy Framework (2019) and Section 33A of the Planning and Compulsory Purchase Act 2004 in respect of the Duty to Cooperate. Please note that the Statement of Common Ground, which will reflect the matters raised in this Council's Regulation 19 response, will now be considered by the Planning and Transportation Advisory Board at its meeting on the 29th June 2021 before being agreed by Cabinet on 6th July.

Specific Comments

The transport evidence base documents underpinning the Local Plan are inconsistent, contradictory and unrealistically optimistic. There is therefore a lack of clarity regarding the infrastructure interventions required to deliver a sustainable plan.

To illustrate this point, the transport assessments, modelling assumptions and proposed mitigations do not take into account normal organic growth and planned development proposals in the Borough of Tonbridge & Malling or other neighbouring authorities and therefore do not adequately address the impacts on the local highway network and the consequential negative impacts on local communities.

Notwithstanding this, the mitigations proposed are considered to be insufficient to fully address all of the impacts on Tonbridge, for example, increased traffic flows into Tonbridge and surrounding villages causing increased congestion and a likely worsening of air quality.

The highway impacts on this Borough will extend beyond Tonbridge, Hadlow, Golden Green and East Peckham, for example additional traffic heading north along the A228 to access the M20 and A26 towards Maidstone and these should also be addressed.

The evidence for the impact on the landscape in the vicinity of the strategic site allocations and biodiversity is incomplete because the Landscape and Visual Impact Assessment only applies to sites located within the High Weald Area of Outstanding Natural Beauty.

The proposed closure of Hartlake Road to through traffic is a concern as it a well-used route at peak times and it is not clear how the new accesses and internal road layout will provide an alternative north-south route. Whereas, if Hartlake Road were to remain open after the delivery of the Tudeley, East of Capel Parish and Paddock Wood developments then this road and the lanes beyond would be inadequate for the significant new traffic being introduced and the wide reaching consequences described above would be even greater.

The strategic site allocations will increase the flood risk of the area to the north of Tudeley/Capel Parish, which is already prone to flooding, and this will have an adverse impact on the Medway flood plain.

As a result of this it is understood that the Upper Medway Internal Drainage Board will be seeking developer contributions. Has this been taken into account with regard to the whole plan viability study?

The Tudeley Garden Village master plan anticipates the delivery of new local service centres after phase 3 and the new secondary school will be delivered even later. This will put pressure on infrastructure in Tonbridge in the short to medium term, which the Local Plan seeks to avoid. Therefore, how will these impacts be mitigated?

Whilst recognising that there is not a requirement for a new railway station at Tudeley and that Network Rail has confirmed that the proposed growth in Tunbridge Wells borough does not require specific rail capacity interventions the omission of any mitigation of any impacts is a concern. TMBC encourages TWBC to continue to promote the opportunity for future provision with Network Rail and the rail operators and that this is revisited at the first review of the Plan. Without a new railway station undue pressure will be put on both Tonbridge and Hildenborough stations and TMBC members fear that the car parks serving both stations and the rail services themselves will be unable to cope with the increased demand created by the proposed development in Tudeley in particular.

The inclusion of cross-boundary walking and cycle routes both from the new settlement at Tudeley and associated with the Mabledon House Policy is a welcome contribution towards more sustainable means of transport, but concerns remain that this together with the proposed additional bus services will not result in the anticipated modal shift from private car use of 10%.

Paragraph 4.12 refers to the situation with respect to unmet housing need in neighbouring Sevenoaks District as being 'unclear' although it recognises that a potential shortfall of 1,900 dwellings may be further tested in the event the Local Plan Examination is allowed to continue. Since the Tunbridge Wells Local Plan was published for consultation on 26th March the request by Sevenoaks District Council to appeal the Judicial Review decision in respect of their Local Plan has been declined. Therefore, this contextual paragraph should now be updated.

Paragraph 4.13 recognises that there may be some unmet housing need and that it is therefore appropriate to assess the potential for also contributing to unmet needs. If this exercise has already been carried out, then there should be signposting to the relevant part of the evidence base. However, in light of the events described in paragraph 4.12, it may be more appropriate to update both paragraphs.

There appears to be a mapping error in respect of Map 33 and Map 34, which show the location of the new Secondary School as outside of the Garden Village site boundary, while Map 32 shows the school within the site boundary. For consistency, the maps should make clear that the site is inside the boundary, as the delivery of the school is now addressed by Policy STR/SS3.

I hope these comments are of assistance.

Yours sincerely,



Ian Bailey
Planning Policy Manager



Ref:

Date Received:

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Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

Policy No.

Policies Map
(Inset Map
No(s))

32, 33 and 34

2. Do you consider that the Local Plan:

- | | | | | | | |
|---|-----|-------------------------------------|----|--------------------------|------------|--------------------------|
| (a) Is legally compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (b) Is sound | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (c) Complies with the Duty to Cooperate | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

- | | | |
|---|-----|--------------------------|
| (a) It is not positively prepared | Yes | <input type="checkbox"/> |
| (b) It is not effective | Yes | <input type="checkbox"/> |
| (c) It is not justified | Yes | <input type="checkbox"/> |
| (d) It is not consistent with national policy | Yes | <input type="checkbox"/> |

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

There appears to be a mapping error in respect of Map 33 and Map 34, which show the location of the new Secondary School as outside of the Garden Village site boundary, while Map 32 shows the school within the site boundary.

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Please continue on a separate sheet or expand this box if necessary

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For consistency, the maps should make clear that the site is inside the boundary, as the delivery of the school is now addressed by Policy STR/SS3.

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Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

☒ **No**, I do not wish to participate in hearing session(s)

☐ **Yes**, I wish to participate in hearing session(s)

- 7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please continue on a separate sheet or expand this box if necessary

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Signature: Ian Bailey

Date: 3.6.21

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Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

5.217

Policy No.

Policies Map
(Inset Map
No(s))

2. Do you consider that the Local Plan:

- | | | | | | | |
|---|-----|-------------------------------------|----|-------------------------------------|------------|--------------------------|
| (a) Is legally compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (b) Is sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (c) Complies with the Duty to Cooperate | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

- | | | |
|---|-----|-------------------------------------|
| (a) It is not positively prepared | Yes | <input type="checkbox"/> |
| (b) It is not effective | Yes | <input type="checkbox"/> |
| (c) It is not justified | Yes | <input checked="" type="checkbox"/> |
| (d) It is not consistent with national policy | Yes | <input type="checkbox"/> |

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The inclusion of cross-boundary walking and cycle routes both from the new settlement at Tudeley (and associated with the Mabledon House Policy) is a welcome contribution towards more sustainable means of transport, but concerns remain that this together with the proposed additional bus services will not result in the anticipated modal shift from private car use of 10%.

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Further evidence of the estimated modal shift of 10% from motorised travel to Active Travel would be welcomed.

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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☒ **No**, I do not wish to participate in hearing session(s)

☐ **Yes**, I wish to participate in hearing session(s)

- 7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature: Ian Bailey

Date: 3.6.21

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Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

5.218

Policy No.

Policies Map
(Inset Map
No(s))

2. Do you consider that the Local Plan:

(a) Is legally compliant

Yes

☒

No

☐

Don't know

☐

(b) Is sound

Yes

☒

No

☐

Don't know

☐

(c) Complies with the Duty to Cooperate

Yes

☒

No

☐

Don't know

☐

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared

Yes

☐

(b) It is not effective

Yes

☐

(c) It is not justified

Yes

☐

(d) It is not consistent with national policy

Yes

☐

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Whilst recognising that there is not a requirement for a new railway station at Tudeley and that Network Rail has confirmed that the proposed growth in Tunbridge Wells borough does not require specific rail capacity interventions the omission of any mitigation of any impacts remains a concern.

TMBC encourages TWBC to continue to promote the opportunity for future provision with Network Rail and the rail operators and that this is revisited at the first review of the Plan. Without a new railway station undue pressure will be put on both Tonbridge and Hildenborough stations and TMBC members fear that the car parks serving both stations and the rail services themselves will be unable to cope with the increased demand created by the proposed development in Tudeley in particular.

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5. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

☒ x

No, I do not wish to participate in hearing session(s)

☐

Yes, I wish to participate in hearing session(s)

- 7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here,

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Signature: Ian Bailey

Date: 3.6.21

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Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

5.219

Policy No.

Policies Map
(Inset Map
No(s))

2. Do you consider that the Local Plan:

- | | | | | | | |
|---|-----|-------------------------------------|----|-------------------------------------|------------|--------------------------|
| (a) Is legally compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (b) Is sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (c) Complies with the Duty to Cooperate | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

- | | | |
|---|-----|-------------------------------------|
| (a) It is not positively prepared | Yes | <input type="checkbox"/> |
| (b) It is not effective | Yes | <input type="checkbox"/> |
| (c) It is not justified | Yes | <input checked="" type="checkbox"/> |
| (d) It is not consistent with national policy | Yes | <input type="checkbox"/> |

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The Tudeley Garden Village master plan anticipates the delivery of new local service centres after phase 3 and the new secondary school will be delivered even later. This will put pressure on infrastructure in Tonbridge in the short to medium term, which the Local Plan seeks to avoid. Therefore, how will these impacts be mitigated?

The proposed closure of Hartlake Road to through traffic is a concern as it a well-used route at peak times and it is not clear how the new accesses and internal road layout will provide an alternative north-south route. Whereas, if Hartlake Road were to remain open after the delivery of the Tudeley, East of Capel Parish and Paddock Wood developments then this road and the lanes beyond would be inadequate for the significant new traffic being introduced and the wide reaching consequences described above would be even greater.

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4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The local infrastructure and services at Tudeley planned to meet the needs arising from the strategic allocations and reduce the need to travel further afield to centres like Tonbridge should be delivered earlier in the master planning of the new settlement.

The proposed closure of Hartlake Road to through traffic should be reconsidered.

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

☒ **No**, I do not wish to participate in hearing session(s)

☐ **Yes**, I wish to participate in hearing session(s)

- 7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

1. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

5.222

Policy No.

Policies Map
(Inset Map
No(s))

2. Do you consider that the Local Plan:

- | | | | | | | |
|---|-----|-------------------------------------|----|-------------------------------------|------------|--------------------------|
| (a) Is legally compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (b) Is sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (c) Complies with the Duty to Cooperate | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

- | | | |
|---|-----|-------------------------------------|
| (a) It is not positively prepared | Yes | <input type="checkbox"/> |
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| (c) It is not justified | Yes | <input checked="" type="checkbox"/> |
| (d) It is not consistent with national policy | Yes | <input type="checkbox"/> |

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The supporting text states that development will be supported by a cohesive drainage strategy, however, the strategic site allocations will increase the flood risk of the area to the north of Tudeley/Capel Parish, which is already prone to flooding, and this will have an adverse impact on the Medway flood plain.

As a result of this it is understood that the Upper Medway Internal Drainage Board will be seeking developer contributions. Has this been taken into account with regard to the whole plan viability study?

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Confirmation that the flood risks have been fully taken into account.

Please continue on a separate sheet or expand this box if necessary

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Name or organisation: **Tonbridge and Malling Borough Council**

1. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

4.12.and 4.13

Policy No.

Policies Map
(Inset Map
No(s))

2. Do you consider that the Local Plan:

- | | | | | | | |
|---|-----|-------------------------------------|----|--------------------------|------------|--------------------------|
| (a) Is legally compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (b) Is sound | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (c) Complies with the Duty to Cooperate | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

- | | | |
|---|-----|--------------------------|
| (a) It is not positively prepared | Yes | <input type="checkbox"/> |
| (b) It is not effective | Yes | <input type="checkbox"/> |
| (c) It is not justified | Yes | <input type="checkbox"/> |
| (d) It is not consistent with national policy | Yes | <input type="checkbox"/> |

Please mark all of the above that apply

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph 4.12 refers to the situation with respect to unmet housing need in neighbouring Sevenoaks District as being 'unclear' although it recognises that a potential shortfall of 1,900 dwellings may be further tested in the event the Local Plan Examination is allowed to continue.

Since the Tunbridge Wells Local Plan was published for consultation on 26th March the request by Sevenoaks District Council to appeal the Judicial Review decision in respect of their Local Plan has been declined. Therefore, this contextual paragraph should now be updated.

Paragraph 4.13 recognises that there may be some unmet housing need and that it is therefore appropriate to assess the potential for also contributing to unmet needs. If this exercise has already been carried out, then there should be signposting to the relevant part of the evidence base. However, in light of the events described in paragraph 4.12, it may be more appropriate to update both paragraphs.

Ref:

Date Received:

(for official use only)

Please continue on a separate sheet or expand this box if necessary

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Paragraph 4.13 recognises that there may be some unmet housing need and that it is therefore appropriate to assess the potential for also contributing to unmet needs. If this exercise has already been carried out, then there should be signposting to the relevant part of the evidence base. However, in light of the events described in paragraph 4.12, it may be more appropriate to update both paragraphs.

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

☒ **No**, I do not wish to participate in hearing session(s)

☐ **Yes**, I wish to participate in hearing session(s)

- 7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Ref:

Date Received:

(for official use only)

Please continue on a separate sheet or expand this box if necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please continue on a separate sheet or expand this box if necessary

This information is on a separate page so that it can be easily removed prior to public display.

Signature: Ian Bailey

Date: 3.6.21

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

☒ **Yes**, I wish to be notified of future stages of the Local Plan

☐ **No**, I do not wish to be notified of future stages of the Local Plan

Data Protection and Privacy Notice

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform the Local Plan.

Please note, at the end of the consultation period, your responses will be published by the Borough Council, including on our website. We will publish your name and associated responses, but will not publish other personal information such as telephone numbers, e-mail addresses or private addresses.

The information you provide (including telephone numbers, e-mail addresses, etc.) will also be shared with the Programme Officer employed to administer the examination on behalf of the appointed Planning Inspector(s), to be used only for the purposes of conducting the examination. The names of those making representations will be shared, and potentially addresses, with the Planning Inspector(s). However, in some cases, in order to run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

If you choose not to provide data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

You have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information about how we and the Planning Inspectorate use your personal information, please visit the privacy pages on the Council's website: <https://tunbridgewells.gov.uk/privacy-and-cookies/service-privacy-notices/privacy-notices/planning/local-plan-regulation-19-consultation>

Tunbridge Wells Borough Pre-Submission Local Plan Representation Form

Ref:

Date Received:

(for official use only)

Please read the guidance notes at the end of this form before completing it.

NB Representations must be received by no later than 5pm on 4 June 2021

We are unable to accept anonymous representations. All duly made representations, together with the names of respondents, will be made available on the Council's website. Personal information such as telephone numbers, addresses, and email addresses will not be published. By submitting a representation, you are confirming that you understand that your consultation response will be published in full, together with your name, including on our website. Please see the Privacy Notice on page 7 for more details about how we use your information. The guidance notes can be found on page 8.

This form has two parts:

Part A – Personal Details and

Part B – Your representation(s). Please fill in a separate sheet for each representation.

Part A (please provide your full contact details)

1. Personal Details*		2. Agent's Details (if applicable)
<i>*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.</i>		
Title	Mr	
First Name	Ian	
Last Name	Bailey	
Job Title (where relevant)	Planning Policy Manager	
Organisation	Tonbridge and Malling Borough Council	
(where relevant)		
Address Line 1	Council Offices	
Address Line 2	Gibson Building	
Address Line 3	Gibson Drive	
Address Line 4	Kings Hill	
Post Code	ME194LZ	
Telephone Number		
Email address		

Ref:

Date Received:

(for official use only)

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Tonbridge and Malling Borough Council

3. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

Policy No.

STR/SS1 and
STR/SS3

Policies Map
(Inset Map
No(s))

4. Do you consider that the Local Plan:

(a) Is legally compliant

Yes ☒

No ☐

Don't know ☐

(b) Is sound

Yes ☐

No ☒

Don't know ☐

(c) Complies with the Duty to Cooperate

Yes ☒

No ☐

Don't know ☐

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared

Yes ☐

(b) It is not effective

Yes ☐

(c) It is not justified

Yes ☒

(d) It is not consistent with national policy

Yes ☐

Please mark all of the above that apply

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the evidence base supporting the two strategic site allocations at Tudeley and East Capel/Paddock Wood:

The transport evidence base documents underpinning the Local Plan are inconsistent, contradictory and unrealistically optimistic. There is therefore a lack of clarity regarding the infrastructure interventions required to deliver a sustainable plan.

To illustrate this point, the transport assessments, modelling assumptions and proposed mitigations do not take into account normal organic growth and planned development proposals in the Borough of Tonbridge & Malling or other neighbouring authorities and therefore do not adequately address the impacts on the local highway network and the consequential negative impacts on local communities.

Notwithstanding this, the mitigations proposed are considered to be insufficient to fully address all of the impacts on Tonbridge, for example, increased traffic flows into Tonbridge and surrounding villages causing increased congestion and a likely worsening of air quality.

Ref:

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The highway impacts on this Borough will extend beyond Tonbridge, Hadlow, Golden Green and East Peckham, for example additional traffic heading north along the A228 to access the M20 and A26 towards Maidstone and these should also be addressed.

The evidence for the impact on the landscape in the vicinity of the strategic site allocations and biodiversity is incomplete because the Landscape and Visual Impact Assessment only applies to sites located within the High Weald Area of Outstanding Natural Beauty.

Please continue on a separate sheet or expand this box if necessary

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To revise the evidence base to address the omissions identified and ensure that the necessary mitigations are implemented

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

☒ **No**, I do not wish to participate in hearing session(s)

☐ **Yes**, I wish to participate in hearing session(s)

Ref:

Date Received:

(for official use only)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please continue on a separate sheet or expand this box if necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

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Signature:

Date:

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☐ **No**, I do not wish to be notified of future stages of the Local Plan

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GUIDANCE NOTES

1. Introduction

1.1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

Appendix C6 - DtC engagement record between TWBC and TMBC

Duty to Cooperate engagement record for Tonbridge & Malling Borough Council (TMBC)

Meeting/ Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
31 March 2015	Tonbridge & Malling BC, Sevenoaks DC, Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, , Wealden DC, KCC TWBC Officers – Deborah Dixon, Matt Kennard, Sarah Lewis (TWBC Housing)	DtC : stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
14 May 2015	Maidstone BC (officers and Councillors), Tonbridge & Malling BC, Medway Council, Ashford BC. TWBC Officers – David Scully	DtC meeting	Green and Blue Infrastructure Strategy - for local authorities to feedback comments from previous rounds of consultation and to begin to develop an action plan for implementation
19 May 2015	Tonbridge & Malling BC TWBC Officers – Kelvin Hinton	DtC meeting	Planning Policy position of TMBC and wider West Kent area - To gain an understanding of TMBC's current work and timescales; to discuss cross-boundary issues (A21 dualling, Airports Commission, Local Sustainable Transport Fund (cycleway, schools)); Local Plan challenges - Green Belt reviews, Gypsy & Travellers, meeting Objectively Assessed Need, London effect, infrastructure, CIL / s106, viability testing, Neighbourhood Plans; Planning reform and implications for Plan Making - Right to Build, Starter Homes initiative, Gypsy & Traveller definitions

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
5 October 2015	Tonbridge Borough Council (Ian Bailey, Nigel De Wit), Sevenoaks District Council (Anthony Lancaster, Emma Boshell) TWBC Officers – Kelvin Hinton	West Kent DTC meeting	Local Plan updates; possible Member DTC; Housing Need and Supply; Green Belt; Economic Areas; Gypsies and Travellers; Infrastructure; Viability Continue to monitor progress of respective Local Plans Further discussion required re approach to including Members in the DTC; Continue to monitor emerging housing supply across the HMA and identify opportunities for cross-boundary sites
19 January 2016	Tonbridge & Malling BC (Ian Bailey), Ashford BC, Canterbury CC, Dover DC, Shepway Council, Thanet DC, Maidstone BC, KCC Also Environment Agency, NHS, Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DTC meeting	East Kent Memorandum of Understanding: Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
4 February 2016	Tonbridge & Malling BC- Ian Bailey; Sevenoaks DC - Anthony Lancaster TWBC Officers – Kelvin Hinton, Ellouisa McGuckin	West Kent DTC meeting	Updates on: 1. Local Plan Timetable 2. Housing Need and Supply; 3. Travellers Assessment; 4. Employment Land Review; 5. Strategic Flood Risk Assessment; 6. Green Belt Studies; 7. Housing & Planning Bill and NPPF

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			<p>consultation 8. DtC matters - relationship with other parts of the county and 9. Member engagement</p> <p>Continue to monitor progress of respective Local Plans</p> <p>Officers agreed to continue to share thoughts and good practice on development strategies, including testing a range of strategy options against the Sustainability Appraisal objectives</p> <p>Travellers assessment - Officers to monitor and disseminate case law on this matter</p> <p>Officers to monitor the progress of the Housing & Planning Bill</p>
15 March 2016	<p>Tonbridge and Malling DC -Ian Bailey, Ashford BC - Danielle Dunn, Sevenoaks DC--Emma Boshell, Maidstone BC -Sarah Anderton, Dartford BC -Tania Smith, Shepway - Matthew Nouch</p> <p>TWBC – Deborah Dixon</p>	DtC meeting	Gypsies and Travellers
24 May 2016	TMBC Officers - Ian Bailey;	West Kent DtC meeting	Local Plan updates

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	SDC Officers – Anthony Lancaster TWBC Officers – Kelvin Hinton, Deborah Dixon, Sharon Evans		
7 December 2016	Tonbridge & Malling BC – Louise Reid, Ian Bailey; Sevenoaks DC - Antony Lancaster, Emma Boshell TWBC Officers – Kelvin Hinton and Sharon Evans	West Kent DtC meeting	1. Local Plan Updates; 2. Housing Need and Supply; 3. Employment Land Need and Supply; 4. Green Belt; 5. Gypsies and Travellers; 6. Infrastructure
15 March 2017	SDC and Arc4 TMBC, Swale BC, Gravesham BC, Dartford BC, London Borough of Bexley, Ashford BC, Tandridge DC, Medway Council, KCC, TWBC	DtC meeting	Gypsies and Travellers including presentation of assessment findings for SDC (presented by Arc4) – All LPAs present were planning to meet their own G&T needs
5 April 2017	Tonbridge & Malling BC - Ian Bailey Sevenoaks DC - Anthony Lancaster, Emma Boshell TWBC Officers – Kelvin Hinton and Sharon Evans	West Kent DtC meeting	Local Plan Updates; Key Study Issues - Green Belt, Highways, GTAAs; Housing White Paper; Brownfield Registers - new regs; Neighbourhood Plan experiences
2 August 2017	Tonbridge & Malling BC - Ian Bailey and Nigel De Wit Sevenoaks DC - Antony Lancaster, Emma Henshall, Lily Mahoney; TWBC Officers – Kelvin Hinton	West Kent DtC meeting	Local Plan Updates; Issues and Options consultations, infrastructure, habitat regulations, Wealden DC and the Ashdown Forest, custom and self-build and the future approach to Duty to Cooperate
23 August 2017	Tonbridge& Malling BC Sevenoaks DC, Gravesham BC, Maidstone BC,	DtC Forum	Local Plan updates, KCC strategies for transport/highways and infrastructure requirements

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Dartford DC, Tandridge DC, KCC Highways and Economic Development (Not known who attended from TWBC)		
10 November 2017	Letter from PAS to TMBC, SDC and TWBC	DtC correspondence	PAS Statement of Common Ground Pilot Programme - Introductory letter on how scheme works and background on SoCGs
6 December 2017	Tonbridge & Malling BC - Ian Bailey and Nigel De Wit Sevenoaks DC - Antony Lancaster TWBC Officers – Kelvin Hinton PAS – Steve Barker	DtC Meeting including PAS discussion	Discussion of proposals for West Kent to become a Statement of Duty to Cooperate Pilot Local Plan Updates; Issues and Options consultations, infrastructure, habitat regulations, Wealden DC and the Ashdown Forest, custom and self-build and the approaches to Green Belt; GTAA's, future approach to Duty to Cooperate
10 January 2018	Tonbridge & Malling BC - Ian Bailey, Louise Reid, Cllr Rodgers TWBC – Cllr A McDermott, Kelvin Hinton, Stephen Baughen	DtC meeting (TMBC and TWBC only) with Portfolio Holder Members	Local Plan Updates; Issues and Options consultations, approaches to Green Belt; GTAA's, future approach to Duty to Cooperate. Statement of Common Ground PAS Pilot
22 January 2018 (TMBC Offices)	Tonbridge & Malling BC - Ian Bailey, Nigel De Wit, Sevenoaks DC – Emma Henshall TWBC Officers – Kelvin Hinton, Sharon Evans	DtC meeting	PAS Pilot SoCG meeting: Facilitation Process; who will do what; update on any progress/meetings/agreements; update on emerging Local Plans; drafting a timetable to produce SoCG

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
12 February 2018	<p>Tonbridge & Malling BC - Ian Bailey; Sevenoaks DC – Emma Henshall</p> <p>TWBC Officers – Stephen Baughen</p> <p>IPE facilitator – Sue Turner</p>	<p>DtC meeting (see Appendix SDC1 Agreed minutes of West Kent SoCG Pilot on 12 February 2018)</p>	<p>SoCG Pilot Programme (via facetime)</p> <p>Relationship with other SoCGs discussed including the Ashdown Forest, relationship of West Kent HMA with Maidstone HMA, housing need</p>
13 March 2018	<p>Tonbridge & Malling BC - Ian Bailey and Jill Peet, Sevenoaks DC – Helen French, , Canterbury CC - Shelley Rouse, Maidstone BC - Sarah Lee, Ashford BC - Helen Garnett, Dover DC, Dartford BC - Tania Smith, Medway Council - Tom Gilbert, Thanet DC - Jo Wadey, Swale BC - Alan Best and Aaron Wilkinson</p> <p>TWBC – Michael Hammacott</p>	<p>Meeting re Gypsy and Travellers</p>	<p>Update on LPA status of GTAA's, Planning policies, Transit sites</p>
14 March 2018	<p>TMBC SDC TWBC IPE (facilitator)</p>	<p>DtC meeting</p>	<p>SoCG Pilot Programme one of three pilot meetings:</p> <ul style="list-style-type: none"> • Implications of publication of revised NPPF • How to deal with cross referencing of overlapping SoCGs • Breadth of participants – balance between effectiveness and complexity • Risks • Governance • Triggers for reviewing the SoCG (agreed should be stated in the draft)

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
3 April 2018	SDC TMBC TWBC IPE (facilitator)	Facilitator's Note – DtC correspondence (see Appendix SDC2 Facilitators note of West Kent SoCG Pilot dated 3 April 2018)	SoCG Pilot Programme: <ul style="list-style-type: none"> • Purpose of pilot • Communications • Timing and programming • Housing and need • Governance • Risks • Flexibility
10 April 2018	SDC TMBC TWBC IPE (facilitator)	Facilitator's Note – DtC correspondence (see Appendix SDC3 Facilitators note of West Kent SoCG Pilot dated 10 April 2018)	Second iteration of Note (first published on 3 April 2018), amending paras 6.1, 6.2 and 6.3
17 July 2018	Tonbridge & Malling BC – Ian Bailey & Louise Reid TWBC – Steve Baughen and Hilary Smith	DtC meeting	TWBC set out proposals for potential allocation of strategic sites, including proposals at Tudeley village, Discussion on TMBC's initial thoughts
11 September 2018	Tonbridge & Malling BC - Ian Bailey; Sevenoaks DC - Hannah Gooden, Emma Henshall, TWBC Officer – Stephen Baughen	West Kent DtC meeting	Local Plan Updates, Ashdown Forest, West Kent SoCG
14 December 2018	Tonbridge & Malling BC - Bart Wren & Nigel DeWit TWBC Officers – Stephen Baughen, Sharon Evans	DtC meeting	Local Plan updates Cross boundary infrastructure issues relating to major/strategic development sites close to common boundary

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			TWBC indicated could meet their own OAN Preparation of SoCG
December 2018	Officers and Members of TWBC/Tonbridge and Malling BC and Sevenoaks DC	DtC meeting	Employment: <ul style="list-style-type: none"> • General update on Local Plan progress and approach to ED • Retail • Use of article 4 directions • Rural employment opportunities • Local Plan updates
10 June 2019	Tonbridge & Malling BC - Bart Wren and Nigel De Wit	DtC meeting	Local Plan updates. Agreed cross boundary issues: transport, flooding and town centre impact and that TWBC will lead on SoCG
19 September 2019	Eleanor Hoyle - Director of Health and Planning, Tonbridge and Malling Borough Council Louise Reid – Head of Planning – Tonbridge and Malling Louise Rowe – Kent County Council Highways – for Tonbridge and Malling and Sevenoaks area Nick Abrahams – KCC West Kent Education Officer Vicky Hubert – KCC Highways – for Tunbridge Wells Borough Council area Steve Baughen –TWBC Hilary Smith – TWBC Sharon Evans - TWBC	DtC meeting	Local Plan Updates Education needs and travel Patterns Health Flood risk

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
18 May 2020	SDC – James Gleave, Hannah Gooden TMBC – Ian Bailey and Bart Wren TWBC- Stephen Baughen, Sharon Evans and Hannah Young	West Kent DtC meeting	Updates on : Local Plans, Housing – including discussion about unmet need, Employment, AONB, Infrastructure, Strategic Sites, Gypsies and Travellers, approach to future DtC meetings and SoCGs
15 June 2020	SDC – James Gleave TMBC – Ian Bailey and Bart Wren TWBC – Steve Baughen and Sharon Evans	DtC meeting (see Appendix SDC14 Minutes of West Kent DtC Meeting on 15 June 2020)	Updates on local plan, lessons from other LPAs, housing need (including scope for TMBC and SDC to take housing and employment in Green Belt/AONB), economic needs, strategic sites, infrastructure and sub-regional planning
6 October 2020	TWBC – Stephen Baughen	DtC correspondence	TWBC formal request to TMBC to meet unmet TWBC housing/employment need
14 October 2020	TMBC - Ian Bailey TWBC – Stephen Baughen	DtC correspondence	TMBC response to formal request to meet unmet TWBC housing/employment need
21 October 2020	SDC – James Gleave TMBC – Bart Wren and Julian Ling TWBC – Sharon Evans and Steve Baughen	DtC Meeting (see Appendix SDC17 Minutes of West Kent DtC meeting on 21 October 2020)	Updates on local plans, cross boundary infrastructure, housing need, SoCGs
5 March 2021	TMBC- Ian Bailey TWBC – Stephen Baughen, Hannah Young, Hilary Smith	DtC Meeting	Local Plan updates; Tudeley site allocation; highway modelling; cycling and walking infrastructure; other infrastructure; SoCG
14 June 2021	TMBC - Cllr David Lettington , Eleanor Hoyle and Ian Bailey TWBC - Cllr Alan McDermott and Steve Baughen	DTC Portfolio Holder Meeting	Local Plan updates and housing need, other cross boundary issues, including infrastructure and SoCG

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
2 September 2021	TMBC – Bartholomew Wren, TMBC Consultants DHA, TWBC – Hilary Smith, KCC – Miranda Palmer & Katie Cullen	DtC Meeting	Update on TMBC Active Travel Strategy and links to TWBC LCWIP
29 October 2021	TWBC and TMBC	DtC email correspondence	Updated SoCG signed-off by both parties

Appendix D – Maidstone Borough Council (MBC)

Appendix D1: TWBC response to MBC Regulation 19 consultation March 2016



Comment Receipt

Event Name	Maidstone Borough Local Plan Publication (Regulation 19) February 2016
Comment by	Tunbridge Wells Borough Council (Mr Adrian Tofts)
Comment ID	R19
Response Date	18/03/16 15:35
Consultation Point	Maidstone Borough Local Plan - Publication (Regulation 19) February 2016 (Web Version) (View)
Status	Draft
Submission Type	Web
Version	0.1

Question 1

Do you consider that the Local Plan is legally compliant?	Yes
---	-----

Please give reasons for your answer to Question 1.

Please see answer to question 2.

Question 2

Do you consider the Local Plan is compliant with the Duty to Cooperate?	Yes
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Please give reasons for your answer to Question 2.

Tunbridge Wells Borough Council notes that the Maidstone Local Plan strategy aims to meet its objectively assessed need for housing within the borough and supports this approach and objective. It is also noted that the location of proposed development is based mainly in urban areas, with two broad concentrations to the northwest and south east of Maidstone borough. Adjoining to the south west of Maidstone borough, Tunbridge Wells Borough Council notes the nearest allocations to Tunbridge Wells borough are primarily in Marden and Staplehurst. Based on the presented strategy and, having considered potential cross boundary issues, Tunbridge Wells Borough Council has no comments to make. Tunbridge Wells Borough Council welcomes the opportunity to continue to engage with Maidstone Borough Council, as part of the Duty to Cooperate, on cross boundary issues and as detailed site development proposals come forward.

Question 3

In your opinion, is the Local Plan positively prepared?	Yes
---	-----

Please give reasons for your answer to Question 3.

Please see answer to question 2.

Question 4

In your opinion, is the Local Plan justified? Yes

Please give reasons for your answer to Question 4.

Please see answer to question 2.

Question 5

In your opinion, is the Local Plan effective? Yes

Please give reasons for your answer for Question 5.

Please see answer to question 2.

Question 6

In your opinion, is the Local Plan consistent with national policy? Yes

Please give reasons for your answer to Question 6.

Please see answer to question 2.

Appendix D2: TWBC response to Main Modifications to MBC Local Plan May 2017



Spatial Policy,
Maidstone Borough Council,
Maidstone House, King Street,
Maidstone,
Kent
ME15 6JQ.

Please ask for: Kelvin Hinton

Date: 19 May 2017

Dear Sirs

Maidstone Borough Local Plan
Main Modifications Consultation

Tunbridge Wells Borough Council welcomes the opportunity to continue to engage with Maidstone Borough Council as part of the Duty to Cooperate, and to have the opportunity to comment on the proposed modifications to the draft Maidstone Borough Local Plan.

Tunbridge Wells Borough Council does not have detailed comments to make on the proposed modifications but notes specifically modification number MM60 relating to a review of the Local Plan, to be adopted by the target date of April 2021.

Given this modification brings the review of your Local Plan forward the opportunity is being taken to confirm that this Council is in the early stages of preparing a new Local Plan for Tunbridge Wells and has recently commenced a Regulation 18 Issues and Options consultation. The envisaged preparation of our Local Plan has an adoption target timescale of spring 2019.

The Council will continue assessing the development capacity and constraints within Tunbridge Wells borough as part of our plan preparation and will wish to continue to engage in further discussions with neighbouring authorities, including Maidstone Borough, to address strategic, cross-boundary issues and to review the ability of each authority to accommodate its own identified levels of development need.

Whilst recognising that both Councils current new Local Plan preparations are at different stages, and that in the case of Tunbridge Wells Borough Council a draft plan that identifies a housing target against OAN has yet to be prepared, it is considered that there is still merit in holding regular discussions regarding the specific circumstances relating to our respective boroughs and the ability for us to accommodate our own identified levels of development need, both in regard to this Council's current Plan preparation and your Councils future review.

Yours sincerely

Kelvin Hinton
Planning Policy Manager

Town Hall Royal Tunbridge Wells Kent TN1 1RS

Appendix D3: TWBC response to MBC – Local Plan review – Scoping, Themes and Issues public consultation 2019



Comments

Local Plan Review - Scoping, Themes & Issues Public Consultation 2019 (19/07/19 to 30/09/19)

Comment by	Tunbridge Wells Borough Council (Planning Policy - 104211)
Comment ID	75
Response Date	30/09/19 14:07
Consultation Point	Local Plan Review - Scoping, Themes and Issues (View)
Status	Submitted
Submission Type	Web
Version	0.1

TQ1 What do you think should be the end date for the Local Plan Review? Why?

Please note: the introductory remarks have been entered here as there is not a general comments box.

Introductory remarks

Please find attached comments on behalf of Tunbridge Wells Borough Council (TWBC) in response to the above consultation.

MBC's consultation at this point, which will inform the direction of travel of its strategy, is welcomed. Indeed, while it can be difficult to engage at the current "high level", the consultation documents, with a useful Summary Document, are found to be clear and well written. The links to MBC's corporate Strategic Plan are regarded as a strong feature.

It should be noted that, at this early stage in plan-making, these are initial officer comments, reflective of TWBC's current and emerging Local Plan approach.

Comments are provided only in relation to the strategic issues, and questions, raised in the Technical Document. Furthermore, TWBC acknowledges the ongoing cooperation on cross-boundary strategic matters to date, that proposed to be undertaken on a three-way basis between TWBC, MBC and Tonbridge & Malling Borough Council, as well as the shared commitment to this as both Councils' Local Plans progress.

TQ1 – What do you think should be the end date for the Local Plan Review? Why?

It is noted that the Technical Document refers to an end date of at least 2037, as well as stating (on p16) that evidence will be gathered for the period up to 2042.

An end date of 2037 is only a year different from the end-date of the TWBC Draft Local Plan (2036), which may be helpful in preparing complementary evidence and for infrastructure planning. It would nonetheless be reasonable to consider a longer timeframe for any new settlement, if this were proposed.

It should be noted that the TWBC Draft Local Plan (currently out to consultation) proposes sufficient sites to meet its own housing need up to 2036. However, achieving this level of growth (which is more than double that currently planned) is highlighting tensions between key local and national housing

and environmental imperatives. These are most evident in relation to the identification of new and expanded settlements in the Green Belt, as well as of major developments in the High Weald AONB.

TWBC clearly feels, on the basis of available evidence, that it is able to strike a sustainable balance with regard to these objectives to meet housing needs up to 2036. Aside from the necessary consideration of responses to the consultation, including from the Government's environmental agencies, work to date certainly implies that TWBC may well not be able to meet its own housing needs over a longer timeframe without significant impacts on these national environmental designations.

As MBC will be well aware, the NPPF expects a plan period of at least 15 years from the date of adoption, as well as a review at least every five years.

TQ2 Have we identified the correct cross boundary issues? Please give reasons for your answer.

TQ2 – Have we identified the correct cross boundary issues? Please give reasons for your answer.

Strategic issues, drawing on the NPPF and applied locally, as set out in the table on p19, appear comprehensive. Perhaps one additional issue is that of water supply (and related water usage), given that the wider region is a 'water stress area'.

References to TWBC are reasonable, as a neighbouring authority. TWBC would welcome continuing engagement, particularly in relation to the definition of functional economic market areas, as well as housing market areas and retail catchments. Major transport and other infrastructure schemes (including flood risk management) may also be of common interest, particularly around Paddock Wood and in relation to rail capacity on the Ashford – Tonbridge line/

TQ3 How do you think the council can achieve a consistent annual rate of housebuilding throughout the Local Plan Review period?

TQ3 - How do you think the council can achieve a consistent annual rate of housebuilding throughout the Local Plan Review period?

MBC clearly benefits from having a relatively recent Local Plan to provide a supply of sites at least for the short-medium term.

It is sensible, as is proposed in the table on p25, to make allowance for some sites not being built out at the rate expected, or stalled completely. For clarification, this informs the overall number of dwellings to be identified, rather than the actual housing requirement itself.

TQ4 Have we identified all the possible types of housing sites?

TQ4 – Have we identified all the possible types of housing sites?

It is noted that consideration is being given to a new garden settlement. TWBC is proposing a garden village, at Tudeley, west of Paddock Wood, as well as the substantial expansion of Paddock Wood itself (including on land in the adjacent parish – Capel) on garden settlement principles. We would be happy to share learning on developing and implementing such proposals, as well as continuing to liaise on the specifics of this emerging proposal.

Appendix D4: TWBC response to MBC Gypsy and Traveller consultation May 2020

Maidstone Borough Council

Gypsy and Traveller Accommodation Assessment (GTAA)

Neighbouring Authorities Topic Guide

Introduction

Thank for participation

Stress anonymity and confidentiality explain that you will be referred to within the report as a council representative and a summary of what you say will be reported – no verbatim comments will be used.

Request permission to record interview

Explain

I have been asked by Maidstone Borough Council to invite you to participate in a telephone interview in relation to their respective Gypsy and Traveller Accommodation Assessment 2019.

My name is XXXX and I am a researcher at Opinion Research Services. We are an independent social research company with experience of conducting Accommodation Needs Assessments.

The local authorities have commissioned ORS to undertake the Accommodation Assessment so that they can establish whether the accommodation in their areas meets the current and future needs of the Gypsy, Traveller and Travelling Showpeople communities.

Your cooperation on this matter as a representative of your organisation is appreciated, which will help to ensure the study is as robust as possible.

Free to express both positives and negatives.

About You:

1) Name **Deborah Dixon**

a) What is your job title/department? **Principal Planning Officer, TWBC**

b) What dealings/relationships do you have with Gypsies & Travellers and Travelling Showpeople in the course of your job? **Lead Planning Policy Officer for this policy area**

Background

- 2) Since the last GTAA, what has your local authority done to meet the need of:
 - a) Gypsies and Travellers?
 - c) Travelling Showpeople?

TWBC Response

TWBC GTAA 2018 has been prepared to support the preparation of the draft TWBC Local Plan

https://beta.tunbridgewells.gov.uk/_data/assets/pdf_file/0003/291936/6C61B52DA81326C7E0531401A8C0A945_Gypsy_and-Traveller_Accommodation_Assessment_2018.pdf

The TWBC GTAA 2018 identified a need (as at January 2018) for 32 additional pitches. Since then the Council has granted planning consent for four additional pitches.

- a) The GTAA recommended that the most appropriate way of meeting the need for additional pitches, which stems from the growth of existing families, should largely be through the intensification and/or expansion of existing sites. However, it cautioned that for some sites this may not be appropriate, including where the expansion or intensification of a site may result in a site that is considered to be too large.
- b) The GTAA also advised that further capacity could also be met by granting full planning permission to occupiers residing on sites with temporary planning permission and also by reviewing appeal decisions.
Further work subsequently carried out by the Council suggests the need can be met through intensification/expansion of existing sites plus the delivery of four pitches through site allocations in the draft Local Plan.
- c) This approach is supported by a criteria based planning DM policy (Policy H13 Gypsies and Travellers in the Reg 18 draft Local Plan)
https://beta.tunbridgewells.gov.uk/_data/assets/pdf_file/0015/300606/Consultation-Draft-Local-Plan.pdf.
- d) In relation to travelling showpeople, as there are no known sites/plots in the borough, nor any travelling showpeople who have registered an interest in moving into the area, no need for such plots was identified by the GTAA.

Current Accommodation Provision

- 3) Could you tell me what provision there is for Gypsies and Travellers and Travelling Show people in the local authority area?
 - a) How well does this provision meet the needs of Travellers living in your area?
 - b) Are you aware of any overcrowding/concealed households?

- c) Are you aware of unauthorised encampments/tolerated sites/temporary permissions?
- d) Do you feel there are a lack of/sufficient amount of site accommodation? Please explain

TWBC Response to the above questions

Note – the issues raised by parts b) and c) have been dealt with as part of the preparation of the GTAA

Link to most recent Caravan Count figures published by central government (as at May 2020) relate to the January 2019 count <https://www.gov.uk/government/statistics/traveller-caravan-count-January-2019> showing a total of 82 caravans (on a total of 24 sites).

Internal TWBC records show a total of 79 caravans in July 2019 (on a total of 24 sites). The majority of G&T sites in the borough are private, family owned ones. There are also two relatively small publically owned sites, one run by the Borough Council (Cinderhill) and one by KCC (Heartenoak).

(January 2020 figures will be sent separately)

Analysis of the capacity that could be delivered through expansion/intensification of existing sites, regularisation of unauthorised sites and the potential capacity from site allocation policies in the draft TWBC Local Plan indicates that the number of additional pitches required to meet need as calculated in the GTAA 2018 will be met within the Plan period.

Bricks and Mortar Contacts

- 4) What is your area doing to meet the needs of Gypsies and Travellers and Travelling Showpeople who live in bricks and mortar?

TWBC Response: The GTAA 2018 identified the main drivers need for additional pitches are from newly forming families, families residing on overcrowded pitches, and psychological aversion of households living in bricks and mortar accommodation.

Any need generated by existing accommodation that is overcrowded or unsuitable ('unsuitable' in this context can include unsuitability by virtue of a person's cultural preference not to live in bricks-and-mortar accommodation) has been taken into account by the GTAA when assessing the overall need for additional pitches in the borough.

Short-term Roadside Encampments and Transit Provision

- 5) Thinking about Gypsies and Travellers in transit or moving through the area:
 - a) Are you aware of any short-term unauthorised encampments which occur in your area?

TWBC Response: Over the last 5 years, there has been an average of 6 unauthorised encampments/year. These are generally small encampments of short duration.

- b) Why do these occur? [**Interviewer probe for:** seasonal; employment opportunities; visiting families; shortage of permanent sites in the area/other neighbouring areas]
- c) How does your area meet their needs? [**Interviewer probe for:** transit provision public/private; agreed stopping places; move them on]
- d) Are there any locations/stopping places which are favoured by Travellers?
[**Interviewer probe for:** Why do you think these are chosen]
- e) Do you feel your area should be providing transit provision? [**Interviewer probe for:** what type (public, seasonal, stopping places; benefits and disadvantages)].

TWBC Response to above questions: In terms of transit site provision, relative to other neighbouring local authorities, the borough has a relatively lower need for transit provision (including for visitors). It is understood that most unauthorised encampments have been due to specific family events (for example, funerals or weddings). The relatively low occurrence of unauthorised encampments suggests that there is not enough demand to warrant a transit site in the borough. The TWBC GTAA did not identify a specific transit site need, but suggested a 'negotiated stopping places' policy

There is therefore a lack of clear evidence warranting allocation of a transit site in the borough, but further work is needed on a corporate policy in relation to unauthorised sites, as well as liaison with neighbouring authorities on such provision in central/west Kent.

Cross-Boundary Issues

As you will be aware, the Localism Act 2011 places a duty to co-operate in planning matters on local authorities; therefore, we are also speaking with neighbouring Boroughs to understand if there are any cross border issues which your area will need to consider when making decisions around the potential allocation of land for new pitches and/or plots.

- 6) Are you aware of any cross-border issues in relation to neighbouring Local Authorities?
 - a) How well do you feel that neighbouring local authorities are meeting their own need? [**Interviewer probe for:** Examples; Does this affect your area?]
 - b) Are you aware of any cross-border/joint working? [**Interviewer probe for:** could this be improved; examples of best practice]
 - c) Do you feel that **your area** is complying with the Duty to Cooperate?
[Interviewer probe for examples]
 - d) Do you feel that **neighbouring Boroughs** are complying with the Duty to Cooperate? [Interviewer probe for examples]

TWBC Response:

Preparation of the GTAA 2018 included consultations with a range of stakeholders to provide in-depth qualitative information about the accommodation needs of Gypsies, Travellers, and Showpeople. The aim of the consultation was to obtain both an overall perspective on issues facing

these groups, and an understanding of local issues that are specific to the study area. This included District and County Council officers with responsibility for Gypsy and Traveller issues (including planning officers, housing officers, education, and enforcement officers), elected members, planning agents, police, and health services. A detailed analysis of the GTAA's covering neighbouring authorities, including those in East Sussex, was included as part of the GTAA study.

Gypsy and Traveller issues are a standing item on the regular Duty to cooperate meetings that TWBC officers hold with neighbouring local authorities. Gypsy and Traveller issues are similarly discussed through Kent PPF (a regular meeting of planning officers).

We are not aware of neighbouring authorities being unable to meet their Gypsy and Traveller needs and no representations were made to the recent Reg 18 consultation on the Local Plan identifying any such need.

Response to (c) and (d) – same as above response

Future Priorities and Any Further Issues

- 7) What should your area prioritise in the Future? No comments
- 8) Are there any further issues you would like to discuss? none

THANK YOU FOR YOUR TIME

Appendix D5: TWBC additional response to MBC Gypsy and Traveller consultation May 2020

Tunbridge Wells Borough Council Borough Council

With regard to **overall accommodation need** in Tunbridge Wells Tonbridge, the views of the officer interviewed were as follows:

- » The last GTAA (2018) identified a need for 32 additional pitches. Since then the Council has granted planning consent for 4 additional pitches.
- » The GTAA recommended that the most appropriate way of meeting the need for additional pitches, which stems from the growth of existing families, should largely be through the intensification and/or expansion of existing sites. However, it cautioned that for some sites this may not be appropriate. The GTAA also advised that further capacity could also be met by granting full planning permission to occupiers residing on sites with temporary planning permission and also by reviewing appeal decisions.
- » Over the last five years, there has been an average of 6 unauthorised encampments/year. These are generally small encampments of short duration. It is understood that most unauthorised encampments have been due to specific family events (i.e. funerals and/or weddings). The 2018 GTAA did not identify a specific transit site need but suggested a 'negotiated stopping places' policy.

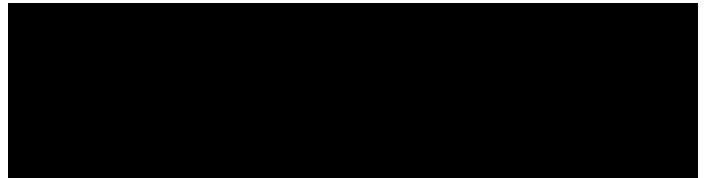
With regard to the subject of **cross border issues and the Duty to Cooperate**, the views of the officer interviewed were as follows:

- » No specific cross-border issues with neighbouring authorities were identified.
- » With regard to cross-border joint-working ventures, preparation of the Tunbridge Wells 2018 GTAA included consultations with a range of stakeholders from neighbouring authorities. Gypsy and Traveller issues are similarly discussed on a regular basis through the Kent Planning Policy Officer's Forum (KPPOF).
- » Gypsy and Traveller issues are a standing item on the regular Duty to cooperate meetings that Tunbridge Wells officers hold with neighbouring local authorities. No awareness was identified of any parties not meeting the Duty to Cooperate.

Appendix D6: TWBC response to MBC Local Plan Regulations 18b Preferred Approaches December 2020

Planning Policy Team
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Please ask for: Stephen Baughen



Date: 22 December 2020

Dear Sir/Madam

Maidstone Borough Council Local Plan Regulation 18b Preferred Approaches

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Maidstone Borough Council (MBC) as part of the Local Plan Regulation 18b Consultation 2020. TWBC has considered the consultation document and wishes to make the following comments relating to cross-boundary infrastructure matters and the proposed site allocation number LPRSA273 Land Between Maidstone Road and Whetsted Road.

TWBC is pleased that MBC is seeking to identify and allocate sufficient sites to meet its own Local Housing Need.

TWBC notes that there is nothing of a strategic nature significantly close to the borough boundary. It is recognised however, that the development proposed at Headcorn, Marden, Staplehurst and Yalding is likely to have an inter-relationship with the more northerly settlements in Tunbridge Wells borough, including Paddock Wood, Frittenden, Horsmonden and further afield Cranbrook. Given the close proximity of these MBC growth areas it is considered there could be increased pressures on infrastructure provision, such as highways, education, and health provision, which could have implications for the settlements with the Tunbridge Wells borough. TWBC therefore encourages continued and ongoing dialogue through regular Duty to Cooperate discussions.

TWBC acknowledges the key cross-boundary issues between both Councils which are presented in Table 3.2 of the consultation document. These relate to flood risk matters, transport infrastructure, protection of landscape and biodiversity, and also the sufficient provision of health and education facilities. It is critical that a close dialogue is continued between the two Councils through Duty to Cooperate meetings, and also with Kent County Council and the West Kent Clinical Commission Group on the provision of health, education, and flooding matters. This is so that any necessary infrastructure, the need for which arises as a consequence of the planned growth can be properly planned for within the MBC Local Plan review.

In relation to paragraph 3.16 of the consultation document, please note that the plan period for the TWBC Pre-Submission Local Plan has been extended to cover the period to 2038.

In relation to your emerging employment allocation at Maidstone Road/ Whetsted Road (LPRSA273), you will be aware from discussions undertaken during Duty to Cooperate and Strategic Site Working Group (SSWG) meetings, that the first stage of our masterplanning work for the growth around Paddock Wood (including land in Capel), undertaken by David Lock Associates,

is almost complete. This recommends that the land between Whetsted and Maidstone Road is bought forward as a dual-purpose leisure, recreation and flood mitigation wetland and open space area to respond to wider flood and drainage matters and mitigation in the area. The employment growth as part of this strategic growth site sees the existing Key Employment Area to the north of Paddock Wood expand around Lucks Lane and to the east of Transfesa Way. Following a review of the responses received as part of this consultation, if MBC is still seeking to proceed with employment uses on this site we would recommend this is considered in light of the Masterplanning work being undertaken for land around Paddock Wood and further discussions take place with both ourselves and the Environment Agency and KCC as the Lead Local Flood Authority.

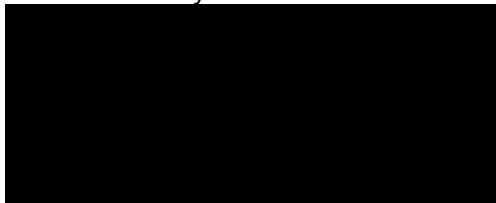
In summary, based on the strategy presented in the consultation document and most particularly MBC's identified housing and employment development needs, as well as the suggested location and distribution of development and the detailed requirements of the policies outlined above (including in relation to transport and infrastructure), it is considered there would be no overall significant effect on Tunbridge Wells borough. Continued engagement will be required to address cross boundary infrastructure requirements relating to growth.

TWBC has no comments to make in respect of the Sustainability Appraisal and the Habitat Regulations Assessment which support and form part of this consultation document.

As you will be aware from our regular liaison and Duty to Cooperate meetings, TWBC is currently preparing its Pre-Submission Local Plan document ready for Regulation 19 consultation in March/April 2021. We will continue to discuss and engage with MBC ahead of this, including in terms of cross boundary issues such as infrastructure provision and flood risk, and will formally consult MBC when the plan progresses to this stage.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely



Stephen Baughen
Head of Planning Services

Appendix D7: MBC Response to TWBC Issues and Options Consultation 2017

Alison Broom
Chief Executive

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Mr K Hinton
Planning Policy
Planning Services
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent
TN1 1RS

(BY EMAIL: planning.policy@tunbridgewellls.gov.uk)

Date: 31st May 2017

Dear Mr Hinton

Tunbridge Wells Borough Local Plan: Issues & Options Consultation & draft Landscape Character Assessment SPD

Thank you for consulting Maidstone Borough Council on the above documents.

The responses below are officer level comments, submitted in order to meet the consultation deadline of 12th June. This response will be considered by my council's Strategic Planning, Sustainability and Transportation Committee on 13th June. Following this meeting I will write to confirm if there are any adjustments to this response as a result of the Committee's consideration.

Issues & Options document

Question 1 re Draft Vision

The proposed Local Plan Vision commences with the statement that 'in 2033 Tunbridge Wells Borough Council will have delivered development to meet its local needs in a sustainable way'. In response, this reference to local needs is on the face of it contrary to the National Planning Policy Framework and the National Planning Practice Guidance and is therefore the wrong starting point for the Plan. It is considered that the Plan's objective should be to meet all of the borough's development needs (where this is consistent with national policy) and not be limited

to 'local' needs, however this is to be defined. For housing, the NPPF explicitly requires local planning authorities to take account of migration when identifying the amount of housing needed (paragraph 157) and not to limit requirements to natural growth only. Similarly Local Plans are required to plan for anticipated economic inward investment and new and emerging business sectors which may locate in an area (paragraph 21), emphasising that development needs may go beyond those generated by existing local businesses.

The reference to local needs should be omitted from the draft Vision.

Question 5 Draft Strategic Objectives.

Draft Objective 4 is 'To provide high quality housing: to deliver the Local Plan's housing requirements, to include a range of housing types to meet local needs.' The NPPF does not support limiting provision to local needs, instead directing that a mix of housing should reflect demographic and market trends (which would include migration) and the needs of specific groups (paragraph 50).

The reference to local needs should be omitted from the draft Strategic Objectives.

Q6e/f – Main housing issues affecting the borough

As drafted, this section does not mention the requirement to provide for the specific accommodation needs of Gypsies and Travellers in the borough. Whilst Tunbridge Wells borough is understood to have a relatively small established population of Gypsies, Travellers and Travelling Showpeople, making planned provision for this community is an issue that must be considered and addressed through the Local Plan, drawing on an up to date assessment of needs. There may also be a need to make specific site allocations in the Plan as a result.

Q7 Cross boundary strategic planning

The consultation document lists some examples of potential cross-boundary strategic planning issues, the first being 'how the growth and development needs of the wider area can be accommodated'.

Consultation on proposed Main Modifications to the Maidstone Borough Local Plan has recently closed. Subject to the findings of the Local Plan Inspector in his final report, the Local Plan will provide for this borough's development needs for housing, employment, retail and Gypsy & Traveller needs up to 2031. A planned review of the Plan to be adopted by April 2021 will, amongst other things, reinforce the housing land supply position for the post 2026 period and, potentially, roll the end date of the Plan forward.

Based on the work to date, the Issues & Options consultation document states that **“the Council may face significant challenges in seeking to provide for the borough’s relevant level of development need in the light of very significant landscape, environmental and infrastructure constraints” (paragraph 5.4). The document goes on to state that “the starting point is to meet the identified level of development needs in full, unless there are good planning reasons why this is not sustainable; for example, because of development constraints” (paragraph 5.17). Section 1 of the document identifies such potential constraints as including infrastructure capacity, highway capacity and congestion, landscape sensitivity, flooding and the nature of the existing built environment. It is understood that this draws on the council’s Development Constraints Study 2016 which provides a factual overview of the geographical location of environmental, transport and Green Belt constraints but does not, as yet, reach conclusions on the development capacity of the borough.**

Clearly this is a relatively early stage in the Plan making process and significant relevant studies are yet to be completed, in particular highways modelling, a Green Belt Review and further infrastructure capacity work.

As well as the identification of constraints, the work done to explore how such constraints can be overcome is likely to prove crucial. This accords with the NPPF requirement that Local Plans’ starting point is to meet identified needs in full and not be limited to an assessment of local requirements. A pro-active and iterative approach which explicitly tries to address constraints is likely to be strongly linked to the demonstration that the Local Plan has been positively prepared.

Only if it is adequately demonstrated, through evidence and positive planning, that needs cannot be met in full should the scope for provision in other authority areas be explored. With respect to housing, the relevant geographical area is the housing market area (NPPF paragraph 47). The Sevenoaks and Tunbridge Wells SHMA (2015) identifies a single HMA covering Sevenoaks, Tunbridge Wells, Tonbridge and Crowborough (in East Sussex). The SHMA advises that in the event of an unmet need it would be appropriate to approach the authorities which share the HMA (in whole or in part) namely Sevenoaks, Tonbridge & Malling, Wealden and Rother. In the event of a proven unmet need, MBC would therefore expect opportunities to be fully explored in these authority areas as the priority.

In a similar vein, the Tunbridge Wells Economic Study (2016) concludes that Tunbridge Wells borough shares a functional economic market area with Sevenoaks District and Tonbridge & Malling borough, reflecting, in particular, the pattern of

strongest commuting flows. These are the authorities with which Tunbridge Wells borough has the strongest economic links where any unmet needs should most appropriately be directed.

A further strategic issue identified in the consultation document is transport connections with Maidstone.

The principal road connections between the boroughs are A26 which connects Maidstone and Tunbridge Wells and A229 (Cranbrook/Staplehurst and then Maidstone). In respect of rail links, the Tonbridge to Ashford line connects Paddock Wood with the settlements of Marden, Staplehurst and Headcorn. Rail connections between Royal Tunbridge Wells and Maidstone town are indirect, requiring changes at both Tonbridge (Tonbridge - Hastings line) and Paddock Wood to reach Maidstone West via the Medway Valley Line.

As noted above, commuting patterns for Tunbridge Wells are strongest with Tonbridge & Malling, Sevenoaks and London whereas for Maidstone borough commuting flows are greatest with Tonbridge & Malling and London and Medway. The scale of commuting between Maidstone and Tunbridge Wells borough is, relative to other areas, less significant.

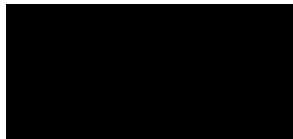
This understood, proposals which could upgrade transport connections, and specifically public transport services, between the boroughs would be welcome in principle. MBC would therefore request further clarification and discussion on this subject area as part of the Duty to Co-operate between the two authorities.

Landscape Character Area Assessment SPD

Section 7 of the document identifies that landscape character does not stop at administrative boundaries and that the assessment aims to join up with the equivalent studies in neighbouring areas. For Maidstone borough it is the 'Maidstone Landscape Character Assessment' (March 2012) **to which the assessment's authors should have regard.**

I hope these comments are helpful and I look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the Duty to Co-operate as your Local Plan progresses.

Yours sincerely,



Mark Egerton
Planning Policy Manager

P:\TUNBRIDGE WELLS LOCAL PLAN 2033\Response to TWBC June 2017.docx


Appendix D8: MBC Response to TWBC Regulation 18 Consultation 2019


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(BY EMAIL: localplan@tunbridgewells.gov.uk)

Date: 15 November 2019

Tunbridge Wells Borough draft Local Plan 2016-2036: Regulation 18 consultation

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). The responses below are officer-level comments, submitted ahead of the extended consultation deadline of 5pm, 15 November 2019.

Duty to cooperate

The Localism Act 2011 places a legal duty on planning authorities to engage constructively, actively, and on an ongoing basis, to ensure the effectiveness of Local Plan preparation in relation to strategic, cross-boundary issues. Effective and on-going joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy. MBC formally responded to Tunbridge Wells Borough Council's (TWBC) previous Local Plan consultation in 2017 and has continued to be informed of, and involved in, the preparation of the most recent draft Local Plan (the subject of this formal consultation) through regular officer-level meetings. This includes meetings to consider the proposed larger settlements/garden communities. MBC therefore considers that the duty to cooperate in plan-making between the two authorities is working successfully to date.

Strategic issues

The draft Local Plan is extensive and comprehensive, containing the spatial strategy for the borough, strategic and development management policies, land allocations and policies maps. **As a neighbouring planning authority, MBC's primary** focus is matters of a strategic, cross-boundary nature and as such this forms the basis of our comments.

Housing

The proposed spatial strategy is one of a dispersed growth approach, with site allocations in the majority of the settlements across the borough. In addition, proposals are included for a new garden settlement in Tudeley and the transformational expansion of Capel and Paddock

Wood. This 'transformational expansion' is directly to the south of MBC's administrative boundary and therefore has the greatest potential effect on Maidstone Borough. The matter will be discussed further under the heading Policy STR/PW 1, below.

The objectively assessed need (OAN) for housing in the borough over the plan period is identified as 13,560 new dwellings to 2036. MBC recognises that the draft TWBLP proposes to fully meet this identified need over the plan period, and that at this stage TWBC are therefore not expecting any other authorities, including MBC, to accommodate any unmet need. This approach is fully supported. Similarly, MBC acknowledges the indication in the draft TWBLP that there is limited ability for TWBC to meet any unmet housing needs from other councils. MBC is at an early stage in our own Local Plan Review (LPR) process and will progress on the basis of seeking to meet our own OAN for housing without the need to seek to accommodate any unmet need from TWBC. As with all strategic matters, this shall be kept under review through regular and ongoing communications between the two authorities under the duty to cooperate.

Employment

The TWBLP strategy for employment growth is based on the outcomes of the Sevenoaks and Tunbridge Wells Economic Needs Study (2016), which includes the target of at least 14 hectares of new employment land allocations. This allocation is to be reviewed as part of the preparation of the Regulation 19 pre-submission TWBLP. MBC is fully supportive of this review approach as it reduces the risk of basing land allocations on evidence data that would be five, **possibly even six years old at the time of submission and potentially 'out of date'**. It ensures that, as far as possible, the most accurate amount of land is allocated for employment uses based on the most up to date evidence at the point of submission.

The strategy to meet employment needs through allocations at, and extensions of, the defined Key Employment Areas (KEAs), particularly in proximity to the A21 Growth Corridor appears to be a logical and sensible approach. The expansion of the KEA around Maidstone Road and Paddock Wood is supported in principle and may well offer opportunities for residents and businesses particularly in the south of Maidstone to utilise the planned employment offering. MBC would request to be kept informed of the proposed make up of B1/B2/B8 employment uses as they become clearer throughout the masterplanning process specifically at Paddock Wood.

Retail

The proposed retail strategy is based on the 2017 Retail and Leisure Study, which projects the retail forecast forwards to 2033. MBC supports the approach to allocate retail floorspace for the first ten years of the plan period and to review this after five years, in line with the NPPF requirements. This is a particularly sensible approach given the current uncertainties surrounding the retail industry, and the difficulties this presents in projecting robust medium to long term forecasts with any real degree of certainty.

MBC agrees that the proposed additional provision of 400-700sqm of comparison retail floorspace plus additional town centre uses in Paddock Wood is consistent with, and justified **by, the proposed increased level of growth of the town's population**. The additional shops and services constitute a sustainable pattern of development and may also be beneficial for residents in the south of Maidstone, living within a reasonable proximity of Paddock Wood.

Infrastructure and connectivity

The draft TWBLP growth strategy is based on the premise of infrastructure-led development to ensure that essential infrastructure and connectivity is integral to all new development. MBC strongly supports this approach to delivering growth, particularly the emphasis on ensuring that sufficient infrastructure capacity is either available or can be provided in time to serve new development (criterion 5, policy STR5).

As a minor point of correction, under the heading of 'Water' in policy STR5, Kent County Council should be referred to as the Lead Local Flood *Authority* as opposed to Agency.

Transport

MBC considers the draft TWLP strategy in relation to transport and parking to be a sustainable yet pragmatic approach. Delivering sustainable patterns of development and prioritising sustainable and active modes of transport, whilst recognising that private car ownership in the borough is currently very high and that sufficient levels of parking should be provided, offers an appropriate balance. The recognition of the rapid development of technology in transportation, including in relation to autonomous vehicles is welcomed and the acknowledgement that policy STR6 may require updating as part of the five-year review of the Local Plan is strongly supported by MBC. This approach provides a clear opportunity to refine and revise policy over the short-term to ensure it aligns with the latest evidence and best practices at the time.

Policy STR/PW 1 – The strategy for Paddock Wood

This policy details the strategy for Paddock Wood – comprehensive masterplanning for a proportion of approximately 4,000 new dwellings, considerable employment and associated education, leisure and health facilities.

Given the location of Paddock Wood and the proposed allocations abutting Maidstone's administrative boundary, it is essential that MBC is involved in the comprehensive masterplanning of the area, including for the provision of strategic, cross-boundary infrastructure and the phasing of development associated with the timely delivery of infrastructure.

Importantly for MBC, we would wish to fully understand the impact of these allocations on the road network north of Paddock Wood, into Maidstone borough – primarily along the A228. The supporting Sweco transport evidence includes a modelled junction upgrade to provide additional capacity at the A228 Whetsted Road/B2160 Maidstone Road. However, it is not immediately apparent how far beyond the TW borough boundary the modelling has been

taken and therefore what impact any additional trip generation may have further north along the A228, into Maidstone borough. It is crucial for MBC to understand the impact of increased vehicular movements in both directions associated with an additional 4,000 new homes and a regenerated town centre at Paddock Wood. If there are likely to be impacts on the highways network further into Maidstone as a direct result of the development proposed in/around Paddock Wood, MBC would expect to see the planned provision of appropriate mitigation measures. Any impacts will also require factoring into transport modelling for MBC's potential growth options as the LPR progresses.

The final conclusions from the Sweco transport assessment state that "the traffic modelling... has shown that the measures proposed will mitigate the impacts of the Local Plan housing and employment allocations." MBC wishes to clarify this sentence insofar as asking whether or not this mitigation extends beyond TWBC administrative boundaries, where traffic from the housing and employment allocations may impact upon highways infrastructure in Maidstone borough and further mitigation may be required as a result?

Also key is the strategic cross-boundary issue of flood risk from all sources and any proposed mitigation measures. MBC requests confirmation as to whether any additional land within Maidstone borough is likely to be sought for flood storage, attenuation or mitigation purposes as a result of the proposed levels of development across the boundary in TWBC? From the supporting SFRA Level 2 parcel information it is our understanding that the residential development proposed at Paddock Wood north west parcel 3 would result in a reduction in flood risk on land to the north of the allocation (i.e. into Maidstone borough) when mitigation measures are factored in. However, this is all subject to further, more detailed modelling on a parcel specific basis. Could TWBC please confirm this to be the case?

MBC seeks assurance that any proposed development adjacent to our administrative boundary would not result in increased flood risk from any sources on land in Maidstone borough.

Policy AL/PW1 and land parcel PW1_3

Parcel 3 – North Central Parcel (SHELAA sites 316, 317, 318, 319) is proposed to be allocated for the following uses: residential, flood compensation/open space, scope for neighbourhood centre/mixed uses/primary school/sports pitches. MBC has no objection in principle to these proposed uses, where they are comprehensively masterplanned with the adjoining proposed allocations in/around Paddock Wood.

Under the heading of 'other considerations', it states that further discussions are required with MBC as to plans for land to the north by the Hop Farm Roundabout. This matter is discussed in more detail in our response below.

Maidstone Borough Local Plan Review

As alluded to earlier in our response, MBC is undertaking a Local Plan Review (LPR) of the adopted Maidstone Borough Local Plan (MBLP) 2017. As part of this, we carried out a public

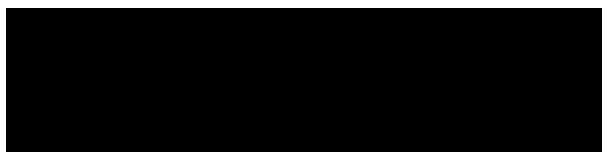
Call for Sites exercise, which ended in May 2019 and resulted in over 300 sites submitted to the Council for consideration for inclusion in the LPR. Whilst we are yet to assess the suitability of these sites for future development, all submissions are available to view on the **Council's website**: <https://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/local-plan-review/call-for-sites>

Your attention is drawn to the fact that some sites abut or are in proximity to the TW borough boundary. Site 273 in particular is located directly adjacent to your proposed allocation PW1_3 (as shown on the Paddock Wood Draft Policies Map). In the submission material, the site has been put forward for consideration for mixed employment uses in the first instance. As an alternative, the landowners would consider flood mitigation/SUDS uses to allow greater levels of housing on your proposed allocation (PW1_3). This is something MBC would welcome discussion with TWBC on, however, as the draft TWLP is able to meet its full housing needs, it is not expected that site 273 would be required purely for flood mitigation/SUDS purposes in order to allow greater levels of housing development within Tunbridge Wells borough. Indeed, MBC have received no such request from TWBC to date. At this stage, MBC are yet to assess our received site suggestions and as such, cannot say whether this site would be suitable for allocation as part of the LPR. Even in the instance that it is suitable, our evidence on employment land requirements and subsequent formulation of a strategy for the **borough's employment growth is yet to be formulated, therefore we** cannot say at this stage whether the site would be required for allocation, regardless of its suitability.

Whilst MBC and TWBC are clearly at different stages in the plan making progress, it is important that these sites are considered holistically as part of the broader location to ensure a sustainable and joined up approach to planning the area, should MBC ultimately determine the site suitable for allocation. MBC are therefore very supportive of **TWBC's** Council-led comprehensive masterplan approach to the broader area (policy STR/PW1). We would expect **the masterplan to have regard to MBC's LPR and any sites** we may be assessing as part of that process, and that any further work from TWBC in this regard is made available to MBC to ensure cohesive strategic planning.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as your Local Plan progresses.

Yours sincerely,



Rob Jarman

Head of Planning and Development

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

Appendix D9: MBC Response to TWBC Regulation 19 Consultation 2021

Comment

Consultee	Planning and Development ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Maidstone Borough Council
Address	Maidstone House King Street MAIDSTONE ME15 6JQ
Event Name	Pre-Submission Local Plan
Comment by	Maidstone Borough Council (Planning and Development [REDACTED])
Comment ID	PSLP_2258
Response Date	07/05/21 17:12
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Maidstone Borough Council
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

whole Plan: Duty to Cooperate

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). Maidstone Borough Council's comments on the draft plan are detailed below.

Duty to cooperate

The Localism Act 2011 places a legal duty on planning authorities to engage constructively, actively, and on an ongoing basis, to ensure the effectiveness of Local Plan preparation in relation to strategic, cross-boundary issues. Effective and on-going joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy. MBC formally responded to Tunbridge Wells Borough Council's (TWBC) previous Local Plan consultations in 2017 and 2019 and has continued to be informed of, and involved in, the preparation of the most recent draft Local Plan (the subject of this formal consultation) through regular officer-level meetings. This includes meetings to consider the proposed larger settlements/garden communities. Additionally, in March 2021 MBC and TWBC agreed a statement of common ground to accompany the TWBC Regulation 19 consultation.

MBC therefore considers that the duty to cooperate in plan-making between the two authorities has been satisfied and that cooperation is ongoing.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

Question 7


Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.


If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?


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(BY EMAIL: localplan@tunbridgewells.gov.uk)

Date: 07/05/21

Dear Stephen

Tunbridge Wells Borough draft Local Plan 2020-2038: Regulation 19 consultation

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). The responses below are officer-level comments, submitted ahead of the extended consultation deadline of 4 June 2021.

Duty to cooperate

The Localism Act 2011 places a legal duty on planning authorities to engage constructively, actively, and on an ongoing basis, to ensure the effectiveness of Local Plan preparation in relation to strategic, cross-boundary issues. Effective and on-going joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy. MBC formally responded to Tunbridge Wells Borough Council's (TWBC) previous Local Plan consultations in 2017 and 2019 and has continued to be informed of, and involved in, the preparation of the most recent draft Local Plan (the subject of this formal consultation) through regular officer-level meetings. This includes meetings to consider the proposed larger settlements/garden communities. Additionally, in March 2021 MBC and TWBC agreed a statement of common ground to accompany the TWBC Regulation 19 consultation.

MBC therefore considers that the duty to cooperate in plan-making between the two authorities has been satisfied and that cooperation is ongoing.

Strategic issues

The following sections set out our comments on the Local Plan.

Housing

The standard methodology identifies a need for 12,204 new dwellings for the plan period from 2020 to 2038. MBC recognises that the draft TWLP proposes to fully meet this identified need over the plan period, and that TWBC are not expecting any other authorities, including MBC, to accommodate any unmet need. Additionally, we note that TWBC is seeking meet its gypsy pitch need. This approach is fully supported. Similarly, MBC acknowledges the indication in the draft TWBLP that there is limited ability for TWBC to meet any unmet housing needs from other councils. MBC is planning to meet its own need without the need to seek to accommodate any unmet need from TWBC.

The proposed spatial strategy is one of a dispersed growth approach, with site allocations in the majority of the settlements across the borough. In addition, proposals are included for a new garden settlement in Tudeley and the expansion of Capel and Paddock Wood. This expansion is directly to the south of MBC's administrative boundary and therefore has the greatest potential effect on Maidstone Borough. The matter will be discussed further under the heading Policy STR/SS 1, below.

Employment

The strategy for employment growth and allocation of at least 14 hectares of land (approximately 120,000sqm) for employment use remains based on the Sevenoaks and Tunbridge Wells Economic Needs Study dated 2016. However, the strategy and quantum of land allocated to meet the borough's employment needs predominantly through extensions of the defined Key Employment Areas (KEAs) remains a logical and sensible approach which is supported by MBC. The expansion of the KEA around Maidstone Road and Paddock Wood may indeed offer opportunities for residents and businesses particularly in the south of Maidstone to utilise the planned employment offering.

MBC raises no further comments or objections in relation to the overall approach to employment.

Retail

The uncertainty surrounding the retail sector both nationally and more locally is recognised in the pre-submission Plan. MBC fully supports the flexible approach to uses in the town and other centres, including greater focus on the leisure and culture offer.

MBC is pleased to note that the 2017 Retail and Leisure Study has been updated for 2021 (RCLTCU Study 2021), recognising the current state of change within the wider retail market. This ensures that, as far as possible, the most accurate amount of floorspace is allocated for retail and leisure uses based on up-to-date evidence at the point of submission. In this particular case, the evidence does not identify a need for any allocation of land for convenience or comparison floorspace – with a focus instead on reuse of vacant floorspace and bolstering of existing units. MBC supports this approach – particularly in the short term – but suggests that this is kept under regular review to ensure sufficient floorspace remains available to meet needs over the plan period.

MBC raises no further comments or objections in relation to the overall approach to retail.

Landscape and Green Belt.

We note that TWBC have undertaken a range of studies to consider the impact of the strategy on the AONB and the release of land in the Metropolitan Green Belt.

Flooding

The SFRA identifies that areas to the north of Paddock Wood are particularly prone to flooding. As before, MBC raises no issue with the principle of the expansion of Paddock Wood on the provision that the expansion can be suitably accommodated without further risk of flooding to the surrounding areas of Maidstone Borough, and that betterment can and will be provided in these locations where appropriate.

MBC raises no further comments or objections in relation to the overall approach to flooding and flood risk mitigation.

Infrastructure and connectivity

As per the previous TWBC draft Plan consultation (Regulation 18), the growth strategy remains based on the premise of infrastructure-led development to ensure that essential infrastructure and connectivity is integral to all new development. MBC strongly supports this approach to delivering growth, particularly the emphasis on ensuring that sufficient infrastructure capacity is either available or can be provided in time to serve new development (criterion 5, policy STR5).

Transport

The strategy in relation to transport and parking intends to prioritise active and sustainable modes of transport, whilst recognising that private car ownership in the borough is currently very high and that sufficient levels of parking should be provided.

The draft Plan is supported by an Infrastructure Delivery Plan and a Transport Strategy. The following transport schemes are those which are considered necessary to support the growth identified in the plan which are relevant to Maidstone borough:

- Improved A228 Maidstone Road/Whetsted Road priority junction
- Improved A228/Whetsted Road/A228 Branbridges Road/B2160 Maidstone Road roundabout
- Improved B2160 Maidstone Road/Commercial Road priority junction

MBC recognises the need for and supports these highways improvements and will continue to engage with TWBC to assess their impacts as part of the duty to cooperate process.

In the interest of joined-up, cohesive planning, any opportunities to extend and/or join up active travel and public transport options beyond administrative boundaries, into Maidstone Borough – where sensible and feasible to do so – should be explored at all stages of the masterplanning process for the extension of Paddock Wood.

MBC raises no further comments or objections in relation to the overall approach to transport.

The strategy for Paddock Wood, including land at east Capel (policy STR/SS 1)

It is noted that the expansion of Paddock Wood (including land at east Capel) will seek to follow Garden Settlement principles and provide flood risk solutions. The Council-led approach to masterplanning the area, which is to take the form of SPD, is also noted. MBC will of course continue to engage in the regular Strategic Sites Working Group meetings as the masterplan SPD progresses.

Policy STR/SS1 details the strategy for development at Paddock Wood and east Capel, including approximately 3,490-3,590 dwellings; 3 neighbourhood centres providing approximately 2,000sqm total; and other associated infrastructure to serve the local needs. Proposals for piecemeal development will be resisted. The overall policy approach is considered to be suitably comprehensive and MBC raises no further comments or objections in this regard.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

Yours sincerely,

Rob Jarman

Head of Planning and Development


Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ


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Date: 17/06/2021

Dear Stephen

Tunbridge Wells Borough draft Local Plan 2020-2038: Regulation 19 consultation

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). **Maidstone Borough Council's comments on the draft plan** are detailed below.

Duty to cooperate

The Localism Act 2011 places a legal duty on planning authorities to engage constructively, actively, and on an ongoing basis, to ensure the effectiveness of Local Plan preparation in relation to strategic, cross-boundary issues. Effective and on-going joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy. MBC formally responded to Tunbridge Wells Borough Council's (TWBC) previous Local Plan consultations in 2017 and 2019 and has continued to be informed of, and involved in, the preparation of the most recent draft Local Plan (the subject of this formal consultation) through regular officer-level meetings. This includes meetings to consider the proposed larger settlements/garden communities. Additionally, in March 2021 MBC and TWBC agreed a statement of common ground to accompany the TWBC Regulation 19 consultation.

MBC therefore considers that the duty to cooperate in plan-making between the two authorities has been satisfied and that cooperation is ongoing.

Strategic issues

The following sections set out our comments on the Local Plan.

Housing

The standard methodology identifies a need for 12,204 new dwellings for the plan period from 2020 to 2038. MBC recognises that the draft TWLP proposes to fully meet this identified need over the plan period, and that TWBC are not expecting any other authorities, including MBC, to accommodate any unmet need. Additionally, we note that TWBC is seeking to meet its gypsy pitch need. This approach is fully supported. Similarly, MBC acknowledges the

indication in the draft TWBLP that there is limited ability for TWBC to meet any unmet housing needs from other councils. MBC is planning to meet its own need without the need to seek to accommodate any unmet need from TWBC.

The proposed spatial strategy is one of a dispersed growth approach, with site allocations in the majority of the settlements across the borough. In addition, proposals are included for a new garden settlement in Tudeley and the expansion of Capel and Paddock Wood. This expansion **is directly to the south of MBC's administrative boundary** and therefore has the greatest potential effect on Maidstone Borough. The matter will be discussed further under the heading Policy STR/SS 1, below.

Employment

The strategy for employment growth and allocation of at least 14 hectares of land (approximately 120,000sqm) for employment use remains based on the Sevenoaks and Tunbridge Wells Economic Needs Study dated 2016. However, the strategy and quantum of land **allocated to meet the borough's employment needs predominantly through extensions of** the defined Key Employment Areas (KEAs) remains a logical and sensible approach which is supported by MBC. The expansion of the KEA around Maidstone Road and Paddock Wood may indeed offer opportunities for residents and businesses particularly in the south of Maidstone to utilise the planned employment offering.

MBC raises no further comments or objections in relation to the overall approach to employment.

Retail

The uncertainty surrounding the retail sector both nationally and more locally is recognised in the pre-submission Plan. MBC fully supports the flexible approach to uses in the town and other centres, including greater focus on the leisure and culture offer.

MBC is pleased to note that the 2017 Retail and Leisure Study has been updated for 2021 (RCLTCU Study 2021), recognising the current state of change within the wider retail market. This ensures that, as far as possible, the most accurate amount of floorspace is allocated for retail and leisure uses based on up-to-date evidence at the point of submission. In this particular case, the evidence does not identify a need for any allocation of land for convenience or comparison floorspace – with a focus instead on reuse of vacant floorspace and bolstering of existing units. MBC supports this approach – particularly in the short term – but suggests that this is kept under regular review to ensure sufficient floorspace remains available to meet needs over the plan period.

MBC raises no further comments or objections in relation to the overall approach to retail.

Landscape and Green Belt.

We note that TWBC have undertaken a range of studies to consider the impact of the strategy on the AONB and the release of land in the Metropolitan Green Belt.

Flooding

The SFRA identifies that areas to the north of Paddock Wood are particularly prone to flooding. As before, MBC raises no issue with the principle of the expansion of Paddock Wood on the provision that the expansion can be suitably accommodated without further risk of flooding to the surrounding areas of Maidstone Borough, and that betterment can and will be provided in these locations where appropriate.

MBC raises no further comments or objections in relation to the overall approach to flooding and flood risk mitigation.

Infrastructure and connectivity

As per the previous TWBC draft Plan consultation (Regulation 18), the growth strategy remains based on the premise of infrastructure-led development to ensure that essential infrastructure and connectivity is integral to all new development. MBC strongly supports this approach to delivering growth, particularly the emphasis on ensuring that sufficient infrastructure capacity is either available or can be provided in time to serve new development (criterion 5, policy STR5).

Transport

The strategy in relation to transport and parking intends to prioritise active and sustainable modes of transport, whilst recognising that private car ownership in the borough is currently very high and that sufficient levels of parking should be provided.

The draft Plan is supported by an Infrastructure Delivery Plan and a Transport Strategy. The following transport schemes are those which are considered necessary to support the growth identified in the plan which are relevant to Maidstone borough:

- Improved A228 Maidstone Road/Whetsted Road priority junction
- Improved A228/Whetsted Road/A228 Branbridges Road/B2160 Maidstone Road roundabout
- Improved B2160 Maidstone Road/Commercial Road priority junction

MBC recognises the need for and supports these highways improvements and will continue to engage with TWBC to assess their impacts as part of the duty to cooperate process.

In the interest of joined-up, cohesive planning, any opportunities to extend and/or join up active travel and public transport options beyond administrative boundaries, into Maidstone Borough – where sensible and feasible to do so – should be explored at all stages of the masterplanning process for the extension of Paddock Wood.

MBC raises no further comments or objections in relation to the overall approach to transport.

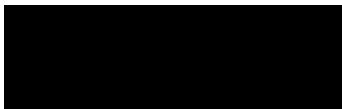
The strategy for Paddock Wood, including land at east Capel (policy STR/SS 1)

It is noted that the expansion of Paddock Wood (including land at east Capel) will seek to follow Garden Settlement principles and provide flood risk solutions. The Council-led approach to masterplanning the area, which is to take the form of SPD, is also noted. MBC will of course continue to engage in the regular Strategic Sites Working Group meetings as the masterplan SPD progresses.

Policy STR/SS1 details the strategy for development at Paddock Wood and east Capel, including approximately 3,490-3,590 dwellings; 3 neighbourhood centres providing approximately 2,000sqm total; and other associated infrastructure to serve the local needs. Proposals for piecemeal development will be resisted. The overall policy approach is considered to be suitably comprehensive and MBC raises no further comments or objections in this regard.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

Yours sincerely,



Rob Jarman

Head of Planning and Development

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

Comment

Consultee	Planning and Development ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Maidstone Borough Council
Address	Maidstone House King Street MAIDSTONE ME15 6JQ
Event Name	Pre-Submission Local Plan
Comment by	Maidstone Borough Council (Planning and Development - [REDACTED])
Comment ID	PSLP_2259
Response Date	07/05/21 17:12
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Maidstone Borough Council

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). Maidstone Borough Council's comments on the draft plan are detailed below.

Strategic issues

The following sections set out our comments on the Local Plan.

Housing

The standard methodology identifies a need for 12,204 new dwellings for the plan period from 2020 to 2038. MBC recognises that the draft TWLP proposes to fully meet this identified need over the plan period, and that TWBC are not expecting any other authorities, including MBC, to accommodate any unmet need. Additionally, we note that TWBC is seeking to meet its gypsy pitch need. This approach is fully supported. Similarly, MBC acknowledges the indication in the draft TWBLP that there is limited ability for TWBC to meet any unmet housing needs from other councils. MBC is planning to meet its own need without the need to seek to accommodate any unmet need from TWBC.

The proposed spatial strategy is one of a dispersed growth approach, with site allocations in the majority of the settlements across the borough. In addition, proposals are included for a new garden settlement in Tudeley and the expansion of Capel and Paddock Wood. This expansion is directly to the south of MBC's administrative boundary and therefore has the greatest potential effect on Maidstone Borough. The matter will be discussed further under the heading Policy STR/SS 1, below [TWBC: see PSLP_2260].

Employment

The strategy for employment growth and allocation of at least 14 hectares of land (approximately 120,000sqm) for employment use remains based on the Sevenoaks and Tunbridge Wells Economic Needs Study dated 2016. However, the strategy and quantum of land allocated to meet the borough's employment needs predominantly through extensions of the defined Key Employment Areas (KEAs) remains a logical and sensible approach which is supported by MBC. The expansion of the KEA around Maidstone Road and Paddock Wood may indeed offer opportunities for residents and businesses particularly in the south of Maidstone to utilise the planned employment offering.

MBC raises no further comments or objections in relation to the overall approach to employment.

Retail

The uncertainty surrounding the retail sector both nationally and more locally is recognised in the pre-submission Plan. MBC fully supports the flexible approach to uses in the town and other centres, including greater focus on the leisure and culture offer.

MBC is pleased to note that the 2017 Retail and Leisure Study has been updated for 2021 (RCLTCU Study 2021), recognising the current state of change within the wider retail market. This ensures that, as far as possible, the most accurate amount of floorspace is allocated for retail and leisure uses based on up-to-date evidence at the point of submission. In this particular case, the evidence does not identify a need for any allocation of land for convenience or comparison floorspace – with a focus instead on

reuse of vacant floorspace and bolstering of existing units. MBC supports this approach – particularly in the short term – but suggests that this is kept under regular review to ensure sufficient floorspace remains available to meet needs over the plan period.

MBC raises no further comments or objections in relation to the overall approach to retail.

Landscape and Green Belt.

We note that TWBC have undertaken a range of studies to consider the impact of the strategy on the AONB and the release of land in the Metropolitan Green Belt.

Flooding

The SFRA identifies that areas to the north of Paddock Wood are particularly prone to flooding. As before, MBC raises no issue with the principle of the expansion of Paddock Wood on the provision that the expansion can be suitably accommodated without further risk of flooding to the surrounding areas of Maidstone Borough, and that betterment can and will be provided in these locations where appropriate. MBC raises no further comments or objections in relation to the overall approach to flooding and flood risk mitigation.

Infrastructure and connectivity

As per the previous TWBC draft Plan consultation (Regulation 18), the growth strategy remains based on the premise of infrastructure-led development to ensure that essential infrastructure and connectivity is integral to all new development. MBC strongly supports this approach to delivering growth, particularly the emphasis on ensuring that sufficient infrastructure capacity is either available or can be provided in time to serve new development (criterion 5, policy STR5).

Transport

The strategy in relation to transport and parking intends to prioritise active and sustainable modes of transport, whilst recognising that private car ownership in the borough is currently very high and that sufficient levels of parking should be provided.

The draft Plan is supported by an Infrastructure Delivery Plan and a Transport Strategy. The following transport schemes are those which are considered necessary to support the growth identified in the plan which are relevant to Maidstone borough:

- Improved A228 Maidstone Road/Whetsted Road priority junction
- Improved A228/Whetsted Road/A228 Branbridges Road/B2160 Maidstone Road roundabout
- Improved B2160 Maidstone Road/Commercial Road priority junction

MBC recognises the need for and supports these highways improvements and will continue to engage with TWBC to assess their impacts as part of the duty to cooperate process.

In the interest of joined-up, cohesive planning, any opportunities to extend and/or join up active travel and public transport options beyond administrative boundaries, into Maidstone Borough – where sensible and feasible to do so – should be explored at all stages of the masterplanning process for the extension of Paddock Wood.

MBC raises no further comments or objections in relation to the overall approach to transport.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Planning and Development ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Maidstone Borough Council
Address	Maidstone House King Street MAIDSTONE ME15 6JQ
Event Name	Pre-Submission Local Plan
Comment by	Maidstone Borough Council (Planning and Development - [REDACTED])
Comment ID	PSLP_2260
Response Date	07/05/21 17:12
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Maidstone Borough Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

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Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). Maidstone Borough Council's comments on the draft plan are detailed below.

The strategy for Paddock Wood, including land at east Capel (policy STR/SS 1)

It is noted that the expansion of Paddock Wood (including land at east Capel) will seek to follow Garden Settlement principles and provide flood risk solutions. The Council-led approach to masterplanning the area, which is to take the form of SPD, is also noted. MBC will of course continue to engage in the regular Strategic Sites Working Group meetings as the masterplan SPD progresses.

Policy STR/SS1 details the strategy for development at Paddock Wood and east Capel, including approximately 3,490-3,590 dwellings; 3 neighbourhood centres providing approximately 2,000sqm total; and other associated infrastructure to serve the local needs. Proposals for piecemeal development will be resisted. The overall policy approach is considered to be suitably comprehensive and MBC raises no further comments or objections in this regard.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Appendix D10: DtC engagement record between TWBC and MBC

Duty to Cooperate engagement record for Maidstone Borough Council (MBC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
14 May 2015	Maidstone BC (officers and Councillors), Tonbridge & Malling BC, Medway Council, Ashford BC. TWBC Officers – David Scully	DTC stakeholder meeting	Green and Blue Infrastructure Strategy - for local authorities to feedback comments from previous rounds of consultation and to begin to develop an action plan for implementation
15 July 2015	Maidstone BC, Southern Water - Drainage Area Plans for Horsmonden, Headcorn and Staplehurst - Southern Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues. Water, Environment Agency, Kent County Council, Upper Medway Internal Drainage Board TWBC Officers - Adrian Tofts	DtC meeting	Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues.
23 October 2015	Maidstone BC - Andrew Thompson, Rob Jarvis, Cheryl Parks TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting	Local Plan updates; Housing Need; Gypsies and Travellers; Neighbourhood Plans
8 January 2016	Maidstone BC – Sarah Anderton TWBC - Kelvin Hinton	DtC correspondence	TWBC response to email request from Maidstone BC 11.12.2015 on TWBC's ability to accommodate Gypsy and Travellers.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
19 January 2016	Maidstone BC _ Andrew Thompson, Tonbridge & Malling BC, Ashford BC, Canterbury CC, Dover DC, Shepway Council , Thanet DC, Maidstone BC, KCC Also Environment Agency , NHS, Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting/presentation	East Kent Memorandum of Understanding: Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues
4 March 2016	Maidstone BC - Andrew Thompson, Sarah Anderton and Cheryl Parks TWBC Officers – Kelvin Hinton and Ellouisa McGuckin	DtC meeting	Local Plan updates; SA EiP update, LP preparation and timetables, TWBC response to MBC LP (reg 19), Statement of Common Ground
15 March 2016	Ashford BC - Danielle Dunn, Sevenoaks DC--Emma Boshell, Tonbridge and Malling DC -Ian Bailey, Maidstone BC -Sarah Anderton, Dartford BC -Tania Smith, Shepway - Matthew Nouch TWBC – Deborah Dixon	DtC meeting	Gypsy and Travellers
13 March 2018	Maidstone BC - Sarah Lee, Tonbridge & Malling BC - Ian Bailey and Jill Peet, Sevenoaks DC – Helen French, Canterbury CC - Shelley Rouse, Ashford BC - Helen Garnett, Dover DC, Dartford BC - Tania Smith, Medway Council - Tom Gilbert, Thanet DC - Jo Wadey,	DtC meeting	Gypsy and Travellers: Update on LPA status of GTAA's, Planning policies, Transit sites

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Swale BC - Alan Best and Aaron Wilkinson TWBC – Michael Hammacott		
22 June 2018	MBC – Sarah Lee, Mark Egerton, Rob Jarman TWBC – Hilary Smith, Steve Baughen	DtC Meeting	<ul style="list-style-type: none"> - Local Plan updates; - Transport and air quality; - Form of SoCG
2 July 2019	MBC – Mark Egerton, David Marlow TWBC – David Marlow, Steve Baughen	DtC Meeting	<ul style="list-style-type: none"> - Proposed allocation of strategic sites, and potential impact from PW (in particular) on MBC
20 September 2019	TWBC – Stephen Baughen, David Marlow, Sharon Evans MBC – Mark Egerton, Sarah Lee	DtC meeting (by Skype)	<ul style="list-style-type: none"> -Local Plan updates -Masterplanning process – Strategic Sites -Joint working with other neighbouring authorities and KCC -Strategic and site specific discussion -Future approach and meetings
29 July 2020	TWBC – Hannah Young, Steve Baughen MBC – Mark Egerton, Helen Smith	DtC meeting	<ul style="list-style-type: none"> - Local Plan updates - Position re housing need; - TWBC proposals for strategic sites, and MBC membership of SSWG, including submission of land at Beltring to MBC; - Position of green belt at boundary of TWBC and MBC; - Infrastructure including A228; G&T need

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
10 December 2020	TWBC – Stephen Baughen MBC – Rob Jarman	DtC correspondence	TWBC Formal request for MBC to accommodate unmet need
11 December 2020	MBC – Mark Egerton, Helen Garnett TWBC – Steve Baughen, Freya Jackson	Dtc Meeting	<ul style="list-style-type: none"> - Local Plan updates - Housing and employment needs; - Infrastructure; - Future DtC matters
21 December 2020	MBC - Rob Jarman TWBC – Stephen Baughen	DtC correspondence	MBC response to formal request above
11 January 2021	MBC – Philip Coyne, Mark Egerton TWBC – Lee Colyer, Steve Baughen	DtC Meeting	<ul style="list-style-type: none"> - Local Plan Updates, - Housing need and supply; - Garden Settlements; - Gypsies and Travellers; - Infrastructure - Environmental matters (landscape, AONB, Green Belt) - Managing flood risk
8 February 2021	MBC – Helen Garnett to TWBC	DtC email correspondence	Confirmation of receipt of draft SoCG (still awaiting sign off)
30 March 2021	MBC – Rob Jarman	DtC correspondence	Updated SoCG signed by MBC
8 April 2021	TWBC	DtC correspondence	Updated SoCG signed by TWBC and posted on TWBC Local Plan website
3 August 2021	TWBC – Steve Baughen, David Marlow MBC – Mark Egerton, David Marlow	Dtc meeting	<ul style="list-style-type: none"> - Update on Local Plans, - Housing need, - MBC proposed allocations
22 October 2021	MBC - Helen Garnett to TWBC	DtC email correspondence	Confirmation of updated SoCG
26 October 2021	TWBC and MBC	DtC correspondence	Final sign-off of SoCG

Appendix E – Ashford Borough Council (ABC)

Appendix E1: TWBC response to ABC Regulation 19 Consultation August 2016



Please ask for: Kelvin Hinton

Mr S Cole
Planning Policy Manager
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL

Date: 09 August 2016

Dear Mr Cole

**Ashford Borough Local Plan 2030 – Regulation 19 Consultation
Duty to Cooperate. Tunbridge Wells Local Plan Review**

I refer your letter dated 15 June and the current Regulation 19 Consultation in respect of the Ashford Borough Local Plan 2030. Thank you for the opportunity to comment on the draft Plan.

Having reviewed the Local Plan and supporting Sustainability Appraisal documents I would like to make the following representations on behalf of Tunbridge Wells Borough Council.

Based on the strategy presented in the draft Plan and most particularly Ashford Borough Council's housing and employment development targets, and the intended location and distribution of development, it is not considered that there would be any significant direct effect on the area comprising Tunbridge Wells borough. In this regard it is noted that the Local Plan strategy promotes development primarily in and around Ashford itself with some limited expansion in a variety of larger and smaller villages.

As regards Duty to Cooperate It is noted that commentary is made that Ashford Borough Council has received no requests from other local authorities to accommodate any unmet housing need and that in any event Ashford consider that there is no scope for significant additional housing to be delivered in the borough without consequent adverse social and environmental impacts.

Earlier this year, letter dated 16 February refers, we set out the situation in respect of this Council's own Local Plan review. This work has progressed in the intervening time and our current timetable envisages an Issues and Options consultation in spring 2017.

In February we also commented that the Tunbridge Wells Borough Council's Strategic Housing Market Assessment in defining the housing market area found a close set of interactions between the towns of Sevenoaks, Tonbridge and Royal Tunbridge Wells, reflecting their geographical proximity, and relatively weak interactions between the Tunbridge Wells and Ashford borough areas. None the less given the level of Objectively Assessed Need identified by our SHMA, and having regard to the nature and extent of planning constraints impacting on this Borough, we indicated that the issue of some need being accommodated within adjoining authority areas was likely to be raised at some point.

Town Hall Royal Tunbridge Wells Kent TN1 1RS

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DX 3929 Tunbridge Wells website www.tunbridgewells.gov.uk

Whilst recognising that both Councils local plan reviews are at different stages and that in the case of Tunbridge Wells Borough Council a draft plan that identifies housing targets against OAN has yet to be prepared it is considered that there is still merit in discussing the specific circumstances of each borough and in the case of Ashford those that have lead to the conclusion that there is no scope for significant additional housing to be delivered in the borough without consequent adverse social and environmental impacts.

Accordingly I would suggest that there is merit in arranging a meeting at your offices to discuss these matters, and will be in contact separately to arrange this.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely

A large black rectangular box redacting the signature of Kelvin Hinton.
Kelvin Hinton

**Acting Head of Planning
Planning Policy Manager**

Appendix E2: TWBC response to ABC Regulation 19 Consultation August 2017



Please ask for: Kelvin Hinton

Mr S Cole
Planning Policy Manager
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL

Date: 07 August 2017

Dear Mr Cole

Ashford Borough Local Plan 2030 – Proposed Changes Regulation 19 Consultation

Duty to Cooperate. Tunbridge Wells Borough Local Plan

I refer you to letter dated 10 July and the current Regulation 19 Consultation in respect of the Ashford Borough Local Plan 2030. Thank you for the opportunity to comment.

Having reviewed the proposed changes to the draft Local Plan, the subject of the current consultation, it is considered that the proposed changes would have no direct consequence to Tunbridge Wells borough in terms of the overall strategy, distribution and scale of development being proposed by the Plan compared with the original version. Consequently it is considered that this Council's response should be to make no further comments and rely on the original response, but also to take the opportunity to update you on the progress of this Council's own new Local Plan having regard to the Duty to Cooperate.

This Council has noted that in commenting on the Duty to Co-operate the revised Plan and documents supporting the Ashford Local Plan state:

"As mentioned elsewhere, the Council has fully engaged neighbouring Districts in the preparation of this Plan, recognising the proposed housing development strategies in the emerging Local Plans in those districts. In particular, the proposed Plans in Canterbury and Maidstone Districts, where there are very minor geographical housing market overlaps with Ashford borough, are intending to meet, at least, their respective OAN housing requirements. At the time of publishing this Local Plan, no other District has an outstanding request to this Council to assist meeting any unmet housing need in their area. Therefore, there is no need for the housing target in this Plan to be adjusted to reflect an unmet housing need from either within the Housing Market Area or beyond."

"Tunbridge Wells Borough Council has recently published an 'Issues and Options' report for consultation as an initial stage of their new Local Plan. In this 5 options for accommodating growth in the Borough are suggested. No reference is made to a need for any adjoining authority to accommodate any of the Borough's housing requirement, although the need for continuing dialogue with adjoining districts is referred to. As it stands, there is no formal or informal request from TWBC to ABC to meet any of its housing requirements and its own Local Plan preparation process is at a very early stage. In any event, most of the area that borders the two districts is designated as AONB and so additional development in this part of the borough would be specifically restricted

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by the policy guidance in the NPPF and they recognise that both their SHMA and the Ashford SHMA found relatively weak interactions between the respective housing market areas.”

This Council acknowledges that the National Planning Policy Framework makes clear that local planning authorities should meet their own housing need and meet the needs of other authorities in the same housing market area as far as is consistent with the policies set out in the Framework. As commented by Ashford Borough Council the interactions between the Tunbridge Wells housing market area and the housing market areas of Ashford and Maidstone are relatively weak. The most significant interactions are to the housing market areas of Tonbridge & Malling and Sevenoaks.

Notwithstanding the above commentary and context the Council expects that in preparing its own Local Plan to be challenged by others to demonstrate that all opportunities to meet our evidenced development needs, both for housing and economic development, have been identified and considered. The evidence from recent local plan examinations, including that at Maidstone, indicates that Inspectors will raise issues of cross authority co-operation in the accommodation of an authority's development need regardless of the specific market areas and planning constraints that apply.

Although no specific reference is made as part of the recent Issues and Options consultation to a need for any adjoining authority to accommodate any of the Borough's housing requirement that does not mean that such a need will not arise in the future as the plan preparation progresses or further ahead at any plan review stage. For these reasons there is obvious merit in continuing to engage in regular duty to co-operate discussions. At present our plan preparation timetable envisages a draft Tunbridge Wells Borough Local Plan being prepared and submitted to examination in 2018 and it is intended to provide an update on progress to all adjoining authorities at the earliest opportunity following consideration of the responses to the recent Issues and Options consultation.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely

Kelvin Hinton

Planning Policy Manager

Appendix E3: TWBC response to
ABC Gypsy and Traveller
Accommodation Local Plan
Consultations Options Report
February 2020

View Response

Response Details

From Tunbridge Wells Borough Council...

Date Started: 19 Feb 2020 14:49. Last modified: 19 Feb 2020 15:17

Status Complete

Response ID #784657

Options Question 1 : Plan Objectives

Do you support the Objectives? *(please select one option)*

☐

Option 1 - I support the objectives of the plan

☐

Option 2 – I disagree / propose changes to the objectives

Please explain your answers

Tunbridge Wells Borough Council (TWBC) supports the broad objectives of the plan.

It may be appropriate to clarify that Objective 2 relates to identifying specific sites in line with paragraph 10(b) of the 'Planning policy for traveller sites' (PPTS).

Also, should there be a reference within the objectives to liaison with neighbouring authorities, thinking particularly of transit site provision?

Options Question 2: PPTS v Cultural Need

Which need calculation option do you think this plan should deliver? *(please select one option)*

- ☐ Option 1 – Meet PPTS need only (39 pitches) through pitch allocation in this plan and remaining cultural need (25 pitches) will be addressed at Ashford Local Plan 2030 review
- ☐ Option 2 – Meet full Cultural need (64 pitches) through pitch allocation in this plan
- ☐ Option 3 – Meet PPTS need with pitch allocation (39 pitches) and additional Cultural need through a 'windfall' policy (HOU16 or alternative)

Please explain your answers

TWBC notes that the test of soundness in respect of consistency with national policies relates, in this situation, principally to the PPTS. Also, the most recent 2019 NPPF clarifies the need to assess needs based on the PPTS. At the same time, it is for ABC to take its own legal advice on the matter.

Options Question 3: Pitch 'buffer' Allowance

Do you think the plan should provide more allocations / allowance for pitches over the identified need figure to create a 'buffer' of pitch supply? *(please select one option)*

- ☐ Option 1 – Yes, support buffer allowance
- ☐ Option 2 – No, do not support additional pitch supply buffer – just provide for identified need.

Please explain your answers

It is noted that there is no requirement for pitch supply buffer due to the absence of a gypsy and traveller delivery test or an equivalent (such as the Housing Delivery Test for general housing delivery). Paragraph 27 of the PPTS also does not reference the need for a buffer, but rather that local planning authorities should aim to demonstrate an up-to-date 5 year supply of deliverable sites.

ABC may nevertheless consider it appropriate to allocate more pitches than the assessed requirement either in order to maintain a 5-year supply of sites into the future, particularly if there are uncertainties over deliverability, and/or having regard to additional needs beyond the proposed plan period.

If you Selected Option 1 Please respond below

If you selected Option 1 - which buffer allowance should be chosen? (*please select one sub-option*)

- ☐ 1a - As a % of Cultural need – what % is suitable?
- ☐ 1b - As a % of PPTS need – what % is suitable?
- ☐ 1c - As a set pitch number – what pitch number is suitable?

Please explain your answers

«No response»

Options Question 4: Transit Site

- ☒ Option 1 – Seek to address transit site need with neighbouring Kent authorities and KCC as a Kent-wide issue.
- ☐ Option 2 – Address Borough transit need within public site/s (existing or new)
- ☐ Option 3 – Address Borough transit need through specific site allocation

Please explain your answers

In relation to Option 1, TWBC is open to cooperating with Ashford Borough Council and other neighbouring Kent authorities and Kent County Council in accordance with the Duty to Cooperate (as a Kent-wide issue) in addressing transit site provision.

While TWBC's GTAA did not identify a specific transit site pitch need, given the low occurrence of unauthorised encampments in Tunbridge Wells borough, it did recommend a corporate policy on 'negotiated stopping places policy'. At the same time, a specific site in Ashford would be close enough to accommodate travellers moving through the borough. Further work would be needed to determine if the capacity of a transit site of 3-5 pitches would need to be increased at all to take account of neighbouring authorities' needs, but it may be that it would just be used a little more often. TWBC suggests that this is further considered with other authorities.

Options Question 5: Site Assessment Criteria

- ☐ Option 1 – Support proposed site assessment criteria
- ☒ Option 2 – Suggest changes or additions to site assessment criteria

Please explain your answers

Although it is considered that the site assessment criteria provided broadly covers the main issues and necessary considerations associated with any proposed additional pitch/pitches and/or new Gypsy and Traveller site, it is suggested that consideration is also given to perceived cumulative impacts.

Options Question 6: Borough Distribution and Family Need Balance

- ☒ Option 1 – Support proposal to consider borough distribution and family expansion needs as a balanced assessment.
- ☐ Option 2 – Do not support proposal to consider family needs as part of the borough distribution assessment.

Please explain your answers

TWBC supports Option 1's proposal to consider borough distribution and family expansion needs as a balanced assessment. This is due to family expansion being the main driver for additional pitch requirements/needs (as was found to be the case in TWBC's GTAA).

It follows that the intensification and/or expansion of existing sites to meet individual family needs should be given particular consideration, whilst also having regard to the suitability of this in other planning terms.

Options Question 7: Windfall Supply and Policy HOU16

Question 1 - Should we count windfall pitches in our supply? (*Please select one option*)

- ☐ Option 1a – As supply 'buffer' only – do not include in supply figures
- ☐ Option 1b – Count a % of windfall towards supply. How should this % be calculated?
- ☐ Option 1c – Do not count any windfall pitches as supply

Please explain your answers

Q1 Response: ABC will appreciate that the PPTS states, in paragraph 10, that local planning authorities should 'identify a supply of specific, developable sites, or broad locations for growth without referencing the acceptance of a windfall allowance as part of supply. This leans towards not relying on a windfall allowance to meet the base need, at least without strong evidence to justify it. Nonetheless, it is appropriate to not prevent suitable windfall opportunities – as response to Q2 below.

Q2 Response: TWBC considers Policy HOU16 to be appropriate in ensuring that fundamental requirements are met by relevant proposals. It is similarly worded to

the proposed development management policy in TWBC's own Draft Local Plan policy for Gypsies and Traveller sites. The limitation to 5 pitches is a matter for ABC, to be considered in the local context, both in terms of needs and site circumstances.

Options Question 7: Windfall Supply and Policy HOU16

Question 2 - Should policy HOU16 be retained/amended/deleted?

Please explain your answers

«No response»

Options Question 8: Chilmington Turnover

How should we count Chilmington turnover as Supply? *(Please select one option)*

- ☐ Option 1 - Count all 32 pitches as 'supply' over the plan period
- ☐ Option 2 - Reduce it by 50% to balance outward migration – count 16 pitches in supply over plan period
- ☐ Option 3 – Reduce by a different amount than suggested above
- ☐ Option 4 - Retain as part of a supply 'buffer' only (as 'windfall' supply not a set calculation)

Please explain your answers

As a general principle, turnover is a potential source of supply. However, as paragraph 4.22 states it is difficult to make assumptions about the impact of families moving off the Chilmington site, particularly in relation to whether they stay in the borough or move out. In fact, in either case, the move would not bring about a reduction in need across the wider area. Hence, assuming the move is to an identified site, the balance between need and supply across the wider area, albeit perhaps not in the borough, remains the same.

Options Question 9: New Public Site

Question 1 - Principle of new public site

(Please select one option)

☐

Option 1a - provide an additional public site in the borough to meet some of identified pitch need

☐

Option 1b - do not provide a new public site

Please explain your answers

No comment to all 4 questions under Question 9

Options Question 9: New Public Site

Question 2 - Management of new public site

(Please select one option)

☐

Option 2a - private sector management of the public site

☐ Option 2b - council managed site

Please explain your answers

«No response»

Options Question 9: New Public Site

Question 3 - Size of new public site

(Please select one option)

- ☐ Option 3a - less than 10 pitches
- ☐ Option 3b - 10-15 pitches
- ☐ Option 3c - more than 15 pitches

Please explain your answers

«No response»

Call for sites: New Public Site

Do you have suggestions for suitable broad locations or specific sites, which could accommodate the requirements for a public site set out above?

«No response»

Options Question 10: Safeguarding Existing Sites through Policy HOU17

Views on Policy HOU17 of the Local Plan 2030 which safeguards existing sites for Gypsy and Traveller accommodation

- ☐ Option 1 – Retain adopted policy HOU17
- ☐ Option 2 – Amend policy HOU17
- ☐ Option 3 – Delete policy HOU17

Please explain your answers

No comment

Options Question 11: Site / Pitch Design Policy

Should the plan include a design policy with the criteria listed in the Options Report? (please select one option)

- ☐ Option 1 – Support proposals for design policy covering all issues above
- ☐ Option 2 – Support principle of design policy but have suggestions/comments on criteria above
- ☐ Option 3 – Do not support principle of design policy in plan

Please explain your answers

No comment

Options Question 12: Site / Pitch Plans and Maps

Views on whether Plan should include site plans/maps *(please select one option)*

- ☐ Option 1 – Support proposals to provide plans/maps for allocated sites/pitches in the plan
- ☐ Option 2 – Do not support principle of creating site/pitch plans/maps

Please explain your answers

No comment

Options Question 13: Pitch Monitoring

Views on proposals for future monitoring of pitches *(please select one option)*

- ☐ Option 1 - Support the proposals for future site, pitch and household monitoring in addition to the caravan counts
- ☐ Option 2 – Do not support proposals for additional monitoring of sites

Please explain your answers

If it is considered appropriate to undertake further monitoring, it is suggested that this be at the same time as the bi-annual Gypsy and Traveller caravan count, meaning that there is no requirement for additional visits every year.

Options Question 13a: Pitch Monitoring

Do you have views on how visits and counts should be arranged with the travelling community?

«No response»

Options Question 14a: Public Engagement

Are there any specific individuals or groups which you recommend we consult with on this plan?

No comment

Options Question 14b: Public Engagement

Do you recommend any particular methods of engagement?

No comment

Call for Sites/Pitches

Are there any specific existing sites/pitches which meet the criteria set out for family expansion, regularisation, or temporary sites which could be made permanent?

Are there any currently unidentified sites/pitches which meet the criteria set out for allocation as a new single pitch or family site?

Please upload your [Site Submission Forms](#) and Maps here

You can upload up to 6 files.

«No files»

Other Comments

Please let us know if you think we have missed any information or a specific planning issue or option relating to this Gypsy and Traveller Local Plan subject below

«No response»

Appendix E4: ABC response to TWBC Draft Local Plan Regulation 18 Consultation 6 November 2019



Date: 6 November 2019

Ask for: Simon Cole

Email: [REDACTED]

Direct Line: [REDACTED]

Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
01233 331111

www.ashford.gov.uk



@ashfordcouncil



AshfordBoroughCouncil

Mr. Stephen Baughen
Head of Planning Services
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 – 1RS

Dear Mr. Baughen,

Re; Draft Local Plan (Regulation 18) Notice of Consultation

Ashford Borough Council welcome the invitation to comment on the Tunbridge Wells Borough Draft Local Plan. Further we acknowledge that both this consultation process and the conference phone call held between representatives of the Local Plan teams on Wednesday 30th October provides an opportunity to not only discuss strategic and cross boundary planning issues, but also to formally cooperate as required.

A full review has been undertaken of the draft Tunbridge Wells Borough Local Plan, it is noted with interest that you intend to meet your housing requirement of 13,560 in the plan period to 2036 through a planned urban extension of Paddock Wood, the establishment of a new garden settlement named Tudeley Village, and a policy of dispersed growth with site allocations for housing growth located in close proximity to the majority of existing settlements.

Ashford Borough Council are pleased to observe that Tunbridge Wells Borough Council are capable of meeting its identified housing needs within its borough boundaries. Our review of the draft plan confirms there are no cross boundary issues, infrastructure proposals or strategic issues that require any comments or a statement of common ground at this time. All planning matters that exist in proximity of the mutual borough boundary can continue to be managed under Local Development Plan policies as is the current situation.

It is acknowledged that both authorities continue to meet the statutory duty to cooperate throughout the Plan making process and I look forward to further discussions with you in due course.

Yours Sincerely

[REDACTED]

Mr. Simon Cole
Spatial Planning Manager
Ashford Borough Council

Appendix E5: ABC response to TWBC Pre-Submission Plan Regulation 19 Consultation 2021

Comment

Consultee	Councillor Neil Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1393
Response Date	04/06/21 14:05
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cllr Neil Bell, Ashford Borough Councillor for Biddenden
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_1391, PSLP_1393 and PSLP_1394]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Please see below my submission regarding the Tunbridge Wells Local Plan proposals.

My comments primarily concern the Benenden/East End proposals which are located at the boundary between Tunbridge Wells and Ashford boroughs.

Correction

Paragraph 5.411 contains a factually incorrect statement

"The closest station to East End is Staplehurst (eight miles to the north west), with the station at Etchingham being located 11.8 miles away. There is a limited bus service serving the settlements"

In fact, Headcorn is, by a considerable degree, the nearest station to East End and commuter traffic will have to negotiate the notorious Castleton's Oak crossroads accident blackspot and travel through Biddenden to get to Headcorn station.

Sustainability

Paragraph 5.413 highlights the lack of facilities at the East End location. East End residents will have to travel by car to use facilities such as primary schools, most shopping and work. I suggest the detrimental impact this travel will have on the environment outweighs the benefits of preserving the Benenden AONB. I would suggest that it would be better to develop a site or sites at the edge of Benenden village rather than at East End.

Traffic

Castleton's Oak crossroads has been an accident blackspot for many years despite many attempts by the local authority to improve it. Any further households built in the East End will generate more traffic movements through this junction which will increase the likelihood of accidents and fatalities at this junction. Again, I would suggest that developing sites at the edge of the village of Benenden would be safer and less impactful.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Councillor Neil Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1394
Response Date	04/06/21 14:05
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cllr Neil Bell, Ashford Borough Councillor for Biddenden
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_1391, PSLP_1393 and PSLP_1394]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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My comments primarily concern the Benenden/East End proposals which are located at the boundary between Tunbridge Wells and Ashford boroughs.

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In fact, Headcorn is, by a considerable degree, the nearest station to East End and commuter traffic will have to negotiate the notorious Castleton's Oak crossroads accident blackspot and travel through Biddenden to get to Headcorn station.

Sustainability

Paragraph 5.413 highlights the lack of facilities at the East End location. East End residents will have to travel by car to use facilities such as primary schools, most shopping and work. I suggest the detrimental impact this travel will have on the environment outweighs the benefits of preserving the Benenden AONB. I would suggest that it would be better to develop a site or sites at the edge of Benenden village rather than at East End.

Traffic

Castleton's Oak crossroads has been an accident blackspot for many years despite many attempts by the local authority to improve it. Any further households built in the East End will generate more traffic movements through this junction which will increase the likelihood of accidents and fatalities at this junction. Again, I would suggest that developing sites at the edge of the village of Benenden would be safer and less impactful.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

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Comment

Consultee	Councillor Neil Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1391
Response Date	04/06/21 14:05
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cllr Neil Bell, Ashford Borough Councillor for Biddenden
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_1391, PSLP_1393 and PSLP_1394]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

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Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Tunbridge Wells Borough Pre-Submission Local Plan Representation Form

Ref:

Date Received:

(for official use only)

Please read the guidance notes at the end of this form before completing it.

NB Representations must be received by no later than 5pm on 4 June 2021

We are unable to accept anonymous representations. All duly made representations, together with the names of respondents, will be made available on the Council's website. Personal information such as telephone numbers, addresses, and email addresses will not be published. By submitting a representation, you are confirming that you understand that your consultation response will be published in full, together with your name, including on our website. Please see the Privacy Notice on page 7 for more details about how we use your information. The guidance notes can be found on page 8.

This form has two parts:

Part A – Personal Details and

Part B – Your representation(s). Please fill in a separate sheet for each representation.

Part A (please provide your full contact details)

1. Personal Details*	2. Agent's Details (if applicable)
*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.	
Title	
First Name	
Last Name	
Job Title (where relevant)	
Organisation (where relevant)	
Address Line 1	
Address Line 2	
Address Line 3	
Address Line 4	
Post Code	
Telephone Number	
Email address	

Ref:

Date Received:

(for official use only)

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Ashford Borough Council

3. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

Policy No.

Policies Map
(Inset Map
No(s))

4. Do you consider that the Local Plan:

- | | | | | | | |
|---|-----|-------------------------------------|----|--------------------------|------------|--------------------------|
| (a) Is legally compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (b) Is sound | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
| (c) Complies with the Duty to Cooperate | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

- | | | |
|---|-----|--------------------------|
| (a) It is not positively prepared | Yes | <input type="checkbox"/> |
| (b) It is not effective | Yes | <input type="checkbox"/> |
| (c) It is not justified | Yes | <input type="checkbox"/> |
| (d) It is not consistent with national policy | Yes | <input type="checkbox"/> |

Please mark all of the above that apply

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Ashford Borough Council is grateful for the opportunity to comment on the Draft Local Plan that continues the on going dialogue between TWBC and ABC during the preparation of the Plan.

The Borough Council has no comments to make and would refer to the agreed SOCG that was signed and agreed on the 18th March 2021 that sets out the Council's respective positions.

Ref:

Date Received:

(for official use only)

Please continue on a separate sheet or expand this box if necessary

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

☒ **No**, I do not wish to participate in hearing session(s)

☐ **Yes**, I wish to participate in hearing session(s)

- 7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please continue on a separate sheet or expand this box if necessary

Ref:

Date Received:

(for official use only)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please continue on a separate sheet or expand this box if necessary

This information is on a separate page so that it can be easily removed prior to public display.

Signature: I M Grundy

Date: 2 June 2021

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

☒ **Yes**, I wish to be notified of future stages of the Local Plan

☐ **No**, I do not wish to be notified of future stages of the Local Plan

Data Protection and Privacy Notice

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform the Local Plan.

Please note, at the end of the consultation period, your responses will be published by the Borough Council, including on our website. We will publish your name and associated responses, but will not publish other personal information such as telephone numbers, e-mail addresses or private addresses.

The information you provide (including telephone numbers, e-mail addresses, etc.) will also be shared with the Programme Officer employed to administer the examination on behalf of the appointed Planning Inspector(s), to be used only for the purposes of conducting the examination. The names of those making representations will be shared, and potentially addresses, with the Planning Inspector(s). However, in some cases, in order to run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

If you choose not to provide data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

You have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information about how we and the Planning Inspectorate use your personal information, please visit the privacy pages on the Council's website: <https://tunbridgewells.gov.uk/privacy-and-cookies/service-privacy-notices/privacy-notices/planning/local-plan-regulation-19-consultation>

GUIDANCE NOTES

1. Introduction

1.1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

Appendix E6: DtC engagement record between TWBC and ABC

Duty to Cooperate engagement record for Ashford Borough Council (ABC)

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
31 March 2015	Ashford BC, Sevenoaks District Council, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Wealden DC, Kent CC TWBC Officers – Deborah Dixon, Matthew Kennard, Sarah Lewis (Housing)	DtC: Stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
14 May 2015	Ashford BC (also Councillors), Maidstone BC, Tonbridge & Malling BC, Medway Council TWBC Officers – David Scully	DtC meeting	Green and Blue Infrastructure Strategy: Stakeholder meeting for local authorities to feedback comments from previous rounds of consultation and to begin to develop an action plan for implementation
18 November 2015	Ashford BC- Simon Cole to TWBC – Kelvin Hinton	DtC correspondence	ABC Local Plan update and request to discuss DtC matters
19 January 2016	Ashford BC - Simon Cole and Ian Grundy, Canterbury CC- Karen Britton Dover DC - Adrian Fox, Rebecca Burden, Shepway Council - David Shore, David Whittington, Thanet DC - Jo Wadey, Maidstone BC - Andrew Thompson, Tonbridge & Malling BC - Ian Bailey, Environment Agency - Barrie Neaves, Jennifer Wilson, NHS - William Anderson, KCC - Kate Chantler, Highways England - Kevin Bown, Natural England - John Lister, Sean Hanna. TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting/presentation	East Kent Memorandum of Understanding - Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
16 February 2016	TWBC – Kelvin Hinton to ABC – Simon Cole	DtC correspondence	Response to ABC letter of 18.11.2015 above

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
15 March 2016	Ashford BC - Danielle Dunn, Sevenoaks DC - Emma Boshell, Tonbridge and Malling C - Ian Bailey, Maidstone BC - Sarah Anderton, Dartford BC- Tania Smith, Shepway –Council - Matthew Nouch TWBC Officer – Deborah Dixon	DtC meeting	Gypsies and Travellers
13 March 2018	Ashford BC – Helen Garnett, Tonbridge & Malling BC - Ian Bailey and Jill Peet, Canterbury CC - Shelley Rouse, Sevenoaks DC - Helen French, Maidstone BC - Sarah Lee Helen Garnett (Ashford BC), Dover DC, Dartford BC - Tania Smith, Medway Council -Tom Gilbert, Thanet DC - Jo Wadey, Swale BC - Alan Best and Aaron Wilkinson TWBC Officer – Michael Hammacott	DtC meeting	Gypsies and Travellers: Update on LPA status of GTAA's, Planning policies, Transit sites: Discussed preparing draft terms of reference and continuing to share information, take a strategic approach and explore the scope for future joint working, e.g. the identification of locations for transit sites, sharing resources, joint commissioning and so on. Impact of G&T sites on Green Belt was also discussed as a potential area for sharing experience/ joint working.
30 October 2019	Ashford BC - Simon Cole and Ian Grundy TWBC Officers – Stephen Baughen and Sharon Evans	DtC meeting	Discussion of cross boundary issues, TWBC Local Plan consultation and update on Ashford LP
7 January 2020	Ashford BC Officers: Ian Grundy (IG) TWBC Officers: Stephen Baughen, Sharon Evans	DtC meeting	Update on TWBC Draft Local Plan consultation; update on ABC position – Reg. 18 consultation on I&O paper on G&T accommodation to start 8 Jan 2020 for 6 weeks - TWBC will be consulted

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<p>ABC confirmed in their response to the TWBC Draft Local Plan Reg. 18 consultation that there are no strategic cross boundary issues</p> <p>ABC: confirmed no further requests from other neighbouring authorities to meet unmet housing need</p>
17 June 2020	Ashford BC Officers: Ian Grundy; Carly Pettit TWBC Officers: Stephen Baughen, Sharon Evans	DtC meeting	<p>Local Plan Updates</p> <p>Housing need</p> <p>Gypsy and Traveller update</p> <p>Statement of Common Ground</p>
6 October 2020	TWBC – Stephen Baughen to ABC	DtC correspondence	TWBC formal request to ABC to meet unmet TWBC housing/employment need
21 October 2020	ABC Officers: Ian Grundy TWBC Officers: Stephen Baughen, Sharon Evans	DtC meeting	<p>Local Plan Updates</p> <p>Housing need</p> <p>Statement of Common Ground</p>
2 December 2020	Ashford BC Gilian Maciness on behalf of Cllr Neil Shorter TWBC – Stephen Baughen	DtC correspondence	ABC response to TWBC formal request above to meet unmet TWBC housing/employment need
21 January 2021	Ashford BC – Daniel Carter TWBC – Sharon Evans, Thomas Vint	DtC email correspondence	Gypsy and Traveller sites – ABC request for mapping showing TWBC sites in close proximity to shared administrative boundary for ABC site work
8 February 2021	TWBC – Stephen Baughen to ABC	DtC email correspondence	Draft SoCG sent for MBC to review
22 March 2021	TWBC – Stephen Baughen and ABC	DtC email correspondence	SoCG finalised and signed off
13 August 2021	TWBC – Sharon Evans ABC – Daniel Carter	DtC email correspondence	Confirmation between both parties that no updates are required to the SoCG signed in March 2021 prior to submission of the TWBC Local Plan

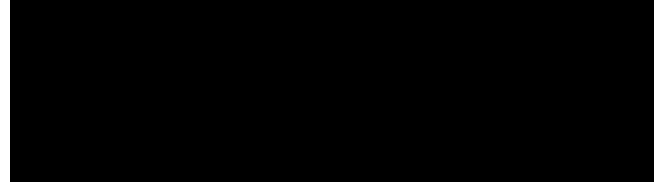
Appendix F – Rother District Council (RDC)

Appendix F1: TWBC response to RDC DaSA Local Plan Regulation 19 Consultation December 2018



Please ask for: Stephen Baughen

Service Manager - Strategy & Planning
Proposed Submission DaSA Local Plan
Rother District Council
Town Hall
Bexhill-on-Sea
East Sussex
TN39 3JX



Date: 7 December 2018

Dear Sir/Madam

Rother District Council Development and Site Allocations Local Plan Regulation 19 Pre-Submission Publication Consultation

I refer to your communications dated 26 October 2018, in respect of the current Regulation 19 Consultation for the Rother District Council (RDC) Development and Site Allocations (DaSA) Local Plan. Thank you for the opportunity comment.

DaSA Local Plan

The headline needs of 1,574 net additional dwellings (Core Strategy 2014 and updated 2018 residual requirement) and associated employment land are noted.

The constraints of Rother district at 82% AONB, a number of nature conservation areas, as well as flood risk issues are also recognised.

It is noted that most of the proposed economic and housing growth in the DaSA Local Plan is directed towards the southern parts of the district in Bexhill, Rye, Battle and the outskirts of Hastings, and so is less connected to Tunbridge Wells borough geographically.

Also, it is noted that the DaSA does not include housing allocations in designated Neighbourhood Plan Areas. Tunbridge Wells Borough Council (TWBC) is currently reviewing the Neighbourhood Plan for the Parish of Ticehurst, which is located in close proximity to the southern boundary of Tunbridge Wells borough, under a separate Regulation 16 consultation.

Overall, based on the strategy presented in the consultation document and most particularly RDC's identified housing and employment development needs, as well as the suggested location and distribution of development, it is considered there would be no overall significant or direct effect on the area comprising Tunbridge Wells borough.

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Sustainability Appraisal

TWBC has the following advisory comments to make in respect of the Sustainability Appraisal which supports and forms part of the DaSA consultation document. These are largely technical matters, following review by our Sustainability Officer:

Appendices 3 and 4

Page 5

The phrase “energy efficiency” is used instead of “water efficiency” for objective 13.

Page 9 (and other pages that score renewable energy and biomass proposal)

Objective 1 should be scored positively. Renewable energy provision is part of sustainable construction and would make a home more affordable to live in.

Page 10

Option A is scored negatively against objective 1 because of burden on developers. However, it is considered that developer burden is not one of the decision-aiding criteria for this objective. Normally, developer burden should be scored against the business growth and competitiveness objective. In addition, the commentary states that the burden would be “insignificant”. If this is the case, a negative score is not justified. Generally, it would be expected that increasing the threshold for applications from 10 to 50 homes would have a negative effect on this objective overall as, with a higher threshold, less sustainable homes would be built (energy efficiency is part of sustainable construction). Larger developers are already aware of the importance and so it is the smaller developers that need more focused encouragement.

Page 42.

Objective 11 - It is not clear how the protection of habitats, species and landscaping offsets the impacts of transport related carbon, as no link is described on page 51.

Page 56 onwards.

There are some inconsistencies in the scoring for objectives 10 and 11 and it is considered that transport-related carbon needs further consideration. Where the transport objective has been scored negatively in terms of congestion and air quality, the greenhouse gas objective would also be expected to score negatively.

Duty to Cooperate

RDC and TWBC have previously engaged in joint discussion relating to cross boundary issues such as housing, employment, transport, infrastructure, water resource and supply (Bewl Water), landscape, AONB, the Ashdown Forest and other needs under the Duty to Cooperate (DtC).

One issue that has formed part of these discussions relates to the A21/A268 crossroads at Flimwell. It is known that HGVs currently have problems turning left from Hawkhurst onto the A21 at the crossroads, causing serious detriment to highway safety. TWBC considers that highway improvements are required to rectify this problem. Given this and the fact that there may possibly be further development at Hawkhurst, as indicated by a current submission which TWBC is considering for an Environmental Impact Assessment Scoping Opinion (18/03008/EIASCO) for residential led development of around 400 dwellings including a relief road and associated infrastructure on the site of Hawkhurst Golf Club (High Street at Hawkhurst); this warrants further

investigation for the need for highway improvements at the crossroads. TWBC would welcome further discussion with RDC on this matter.

It is recognised that the main urban area of Royal Tunbridge Wells (RTW) acts as a service centre for parts of the rural north of Rother District where residents are likely to travel to RTW for work, medical needs (including the hospital at Pembury), shopping and leisure. As agreed in previous DtC discussions, TWBC will keep Rother informed in future engagement of any developments or changes which may affect the provision of such services. It is also known that Rother residents use other facilities, such as medical facilities and educational facilities in nearby settlements such as Hawkhurst and Sandhurst located in close proximity to the southern borough boundary of Tunbridge Wells. It is anticipated that where the expansion or new provision of such facilities is required, financial contributions may be sought from development within Rother district towards the funding of such provision.

It is noted that the Rother DaSA Local Plan document does not make any reference to the possibility of RDC asking for assistance to meet any unmet needs (housing/economic) from an adjoining authority area or vice versa. We understand that this is because this is a part two Plan where the matter has not arisen but will further considered as part of the Local Plan Review. We can confirm that TWBC would be happy to continue regular liaison and DtC meetings with RDC as the RDC DaSA Local Plan progresses to examination, and in relation to the progression of the new TWBC Local Plan, and allocations within this – please see below. However, without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within the borough of Tunbridge Wells to accommodate unmet development needs from another authority area. We would ask that account is taken of this when considering the representations made to the Regulation 19 consultation.

As you will be aware from previous engagement and DtC meetings, TWBC is also undertaking preparation of a new Local Plan, which is intended to have a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, TWBC is currently preparing the Draft Local Plan document ready for consultation (Regulation 18) next year and will formally consult RDC when the plan progresses to this stage.

We hope this information and response is of assistance and clarifies TWBC's position.

Yours sincerely



Cllr Alan McDermott
Portfolio Holder for Planning and Transportation

AND

Town Hall Royal Tunbridge Wells Kent TN1 1RS

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Steve Baughen
Head of Planning

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Appendix F2: TWBC response to RDC Sustainability Scoping Report May 2020

From: Katie McFloyd
Sent: 29 May 2020 16:36
To: 'planning.strategy@rother [REDACTED]'fplanning@hastings [REDACTED]
Cc: David Marlow; Gwenda Bradley
Subject: SA Scoping Report Comments

Hello,

Please find below comments from Tunbridge Wells Borough Council on the SA Scoping Report for Rother and Hastings. I hope they are useful and am happy to discuss further if it would be helpful.

Comments on the SA Framework

- Not a strict requirement for Scoping Report but, as is often the case with such a broad topic matter, the report is lengthy and would benefit from Non Technical Summary that briefly explains the process, key findings and outcomes.
- Para 13. It would be worth mentioning the provision for net gains in this paragraph as it is such a significant part of the new bill.
- Para 20. Biodiversity 2020: A strategy for England's Wildlife and Ecosystem Services could be added under National Policies and Plans.
- Page 23. Do you have any local or regional declarations of biodiversity emergency to include?
- Para 79. The significant amendment to this Act in 2019 changing the 2050 target from 80% to 100% (i.e. net zero) needs to be mentioned.
- You have chosen to separate climate change mitigation and adaptation into different chapters. For this reason, Para 80 is not relevant to energy consumption. If you continue with this structure, these aspects should be included in para 96 only.
- Page 36. It would be worth mentioning the East Sussex Climate Emergency declaration and targets.
- Para 86. This paragraph needs updating to reflect Hastings recent 2020 strategy to ensure it is consistent with para 106.
- Para 107. No context is provided for the list. Presumably, these are actions on the 2 year action plan? In addition, none of these actions relate to climate change adaptation (the topic for this chapter). It be more logical to list these actions in relation to Chapter 5 (Energy Consumption).
- Para 107. The longer term action plan will be most relevant to the new Local Plans.
- Para 114. Many environmental bodies would recommend highlighting climate change adaptation as a key issue for local plans. You have considered flood risk and coastal erosion but there is also the impact that rising temperatures and overheating will have on human health and wellbeing.
- Page 69. Waste generation is being discussed in the Pollution chapter but the specific monitoring data and resultant objective is a resource and consumption issue, rather than an pollution issue per se. It might be better placed in Chapter 5 which could be renamed 'Resource Consumption'?
- Para 228. It might be useful to distinguish between sustainable and active travel to demonstrate clearly that consideration is being given to more than public transport.

Comments on the Appendices

Appendix 1

- Number 3 should refer to regional and local carbon neutrality targets too as these are more ambitious than the national targets.
- Number 3. None of these appraisal questions relate to climate change adaptation as the SA objective suggests. See comments above about incorporating a consideration of climate change adaptation that goes beyond flood risk. All questions relate to reducing emissions i.e. climate change mitigation.
- Number 10. It could be worth distinguishing between active and sustainable travel?
- Page 13. The conflict between objective 4 (water consumption) and meeting housing need should be highlighted as red and described in the text.

- Page 13. As this report will go onto your website, Accessibility Standards which come into effect in September 2020 will need to be considered. The red and green colours in this table could be problematic. This will also be an important consideration later down the line, when you consider how to illustrate scores for the SA itself.

Appendices 2 and 3

- Very useful summary tables.
- As this report will go onto your website, accessibility standards will need to be considered. The red and green colours in the tables could be problematic. On some pages, the text size is too small if printed at A4. Seek advice from your digital services team or equivalent.

Comments on the Local Plan

- You'll be aware from Duty to Cooperate meetings, that TWBC is planning development at Hawkhurst that is likely to impact upon Flimwell and the A21 junction. In addition, a cross county bus service between Hawkhurst and Etchingham train station has been discussed in the past.

Contact details for future consultations

- Please send future consultation on the SA or the Local Plan to planning.policy@tunbridgewells.gov.uk

With kind regards,

Katie

Katie McFloyd MSc BSc (hons) MIEMA
Planning Environmental Officer
 (Part-time Mon, Tues, Fri)



Town Hall, Royal Tunbridge Wells, Kent, TN1 1RS

www.tunbridgewells.gov.uk



Appendix F3: TWBC response to RDC Targeted Early Engagement for Local Plan October 2020

From: Ellen Gilbert
Sent: 14 October 2020 15:11
To: 'planning.strategy@rother[REDACTED]'
Cc: David Marlow; Planning Policy (TWBC)
Subject: Rother DC Targeted Early Engagement on the Local Plan

Dear Nichola,

Thank you for consulting with Tunbridge Wells Borough Council on the Rother District Council Draft documents 1) Local Plan Early Engagement, August 2020 and 2) Duty to Cooperate Action Plan, August 2020.

We have reviewed both documents and in response to the specified 11 questions on page 23 of the Local Plan Early Engagement document, wish to respond as follows:-

Early Engagement on the Local Plan:

Question 1: TWBC welcomes the approach Rother is taking. It welcomes early engagement and this is reflected in the positive engagement that has taken place between Rother and TWBC through regular Duty to Cooperate meetings to date. This positive engagement has meant that the two Authorities have recently been able to sign a Statement of Common Ground, which will be reviewed and updated as necessary through further Duty to Cooperate meetings. TWBC welcomes this opportunity to continue to discuss strategic cross-boundary matters.

Question 2: TWBC welcomes the opportunity to engage with Rother on strategic cross-boundary matters at an early stage.

Question 3: Through Duty to Cooperate discussions, TWBC has kept Rother informed of work it is/has been conducting to inform production of its Pre-Submission Local Plan. There is no other work being conducted currently, required to inform the new Rother Local Plan. Conversely, Rother has kept TWBC informed of work it has/is doing to inform its new Local Plan. TWBC and RDC will continue to engage through Duty to Cooperate meetings, which will ensure both authorities are kept up to date on work conducted/being conducted to inform the respective plans.

Question 4: There are no specific planning issues to raise at this time which have not already been discussed through Duty to Cooperate meetings between Rother and TWBC.

Duty to Cooperate and Statements of Common Ground

Question 5: TWBC welcomes this.

Question 6: As discussed at Duty to Cooperate meetings between Rother and TWBC, the two Authorities are at very different stages in the production of their Local Plans. Rother and TWBC will continue to keep each other informed on timescales relating to the production of respective Local Plans.

Question 7: See response to question 3 above.

Question 8: TWBC is supportive of the need to work together on identified cross-boundary strategic issues, and where appropriate work together on joint evidence. The signed Statement of Common Ground between Rother and TWBC reflects this.

Question 9: TWBC has met with Rother on a regular basis, conducting Duty to Cooperate meetings to discuss strategic cross-boundary issues. Rother has recently signed a Statement of Common Ground with TWBC, which will be kept under review and updated as necessary through future Duty to Cooperate meetings. This demonstrates that TWBC is in support of formalising this work.

Question 10: The Statement of Common Ground signed between Rother and TWBC covers all strategic planning issues known about at this time. The Statement of Common Ground will be reviewed and amended accordingly through Duty to Cooperate meetings and should currently unidentified strategic issues be identified, these will be discussed and addressed accordingly.

Other Comments

Question 11: TWBC does not wish to make any further comment at this stage, other than to repeat its support for continued and early engagement with Rother to discuss and address strategic cross-boundary issues in a timely and efficient manner as has been done to date.

I trust that these comments are of assistance. Please do contact me if you have any questions about this.

Kind regards,

Ellen



Ellen Gilbert
Principal Planning Officer
(Part Time)



www.tunbridgewells.gov.uk 

Appendix F4: TWBC response to RDC Draft Statement of Community Involvement Consultation July 2021

Mr Tim Hickling – Head of Strategy & Planning
Rother District Council
Town Hall
Bexhill-On-Sea
East Sussex
TN39 3JX

Please ask for: Nichola Watters

Tel: [REDACTED]

[REDACTED]

RDC reference: 7.0/New Local Plan/SCI

Date: 9 July 2021

Dear Tim,

**ROTHER DISTRICT COUNCIL
DRAFT STATEMENT OF COMMUNITY INVOLVEMENT (SCI) CONSULTATION**

Thank you for consulting Tunbridge Wells Borough Council on the above document.

TWBC is supportive of the various measures set out within the document that seek to explain and ensure public involvement, including consultation with neighbouring Council's, in the planning process, both in the preparation of planning policy documents including the new Local Plan and through Development Management in the determination of planning applications. In particular to ensure engagement with hard to reach groups and through the greater use of online/social media methods.

In considering the Draft SCI it is noted that TWBC has had regard to the Temporary Coronavirus Addendum setting out alternative methods of engagement and RDC's Consultation Charter.

Particular comments TWBC suggests to aid the document are:

Para 2.9: where it is stated "The Council is obliged to consider, firstly, conformity with local planning policies, consistency with national policies, as well as having regard to all material considerations (which may pull in different directions) in making decisions" – consider adding in the word 'balanced' to "...making decisions" to read 'making balanced decisions';

Para 3.3: worth noting that the new Local Plan once adopted will supersede the documents set out in para. 3.2 of the SCI;

Para 3.7: it is set out here that once 'made' Neighbourhood Plans become part of the Local Plan – this should be the Development Plan rather than Local Plan;

Page 32, table H: it would be of assistance if 'Neighbourhood Forum' is defined/explains what is meant by this;

Para 5.1: relating to monitoring and review this paragraph covers the involvement of the community in planning policy preparation. It is suggested that additional wording be included so that it also covers the involvement of the community in the determination of

planning applications - which para 1.3 of the Introduction section of the SCI explains the SCI seeks to do.

I trust that this is of assistance.

Yours sincerely



Nichola Watters
Planning Policy Manager

Appendix F5: RDC response to TWBC Regulation 18 Consultation 2019

Your ref:
Our ref: 6.8.2.2
Please ask for: Tim Hickling
Direct dial no: 01424 787651
Date: 11th November 2019



Planning Policy Team
Tunbridge Wells Borough Council

Dr Anthony Leonard
Executive Director of Business Operations

BY EMAIL ONLY

Town Hall
Bexhill-on-Sea
East Sussex TN39 3JX

Dear Sir/Madam

**Tunbridge Wells Borough Draft Local Plan (Regulation 18)
Representations on behalf of Rother District Council**

I refer to your notification on the publication of the above Local Plan for representations.

By way of introduction, as a neighbouring Authority, my Council welcomes the production of statutory local plans in its locality in order to provide a clear, coherent, and locally-driven planning policy framework for the wider area. In this respect, it recognises the efforts of Tunbridge Wells Borough Council ("TWBC") in preparing a local plan that addresses a complex mix of needs, constraints and development demands.

There are a number of issues covered by the Local Plan that are common with those facing my Council. Some of these would clearly be regarded as strategic matters, such as in relation to international wildlife sites, housing provision and related major infrastructure, notably transport, and conservation of the High Weald Area of Outstanding Natural Beauty (AONB). Other issues may not be strategic in the sense that they do not require common policy responses, but would nonetheless benefit from similar or otherwise complementary policy responses; this covers such matters as water efficiency standards, the general approach to biodiversity, developments in the countryside, including equestrianism and rural employment sites. My Council's representations in respect of these common issues are attached as Appendix 1.

In relation to major infrastructure and transport, the main cross boundary issue arising would appear to relate to the effect that the proposed site allocations in the Parish of Hawkhurst will have on the Flimwell crossroads (which are physically located within Rother District). This issue should be investigated with East Sussex County Council Highway Authority and Kent County Council Highway Authority, where necessary, to see if there are any capacity issues and whether improvements are required at Flimwell or at junctions beyond. In this regard the reference within the policy strategy for Hawkhurst Parish¹ to establish the impact of the proposed developments on the Flimwell crossroads, and if necessary provide contributions towards works to this junction to mitigate that impact, is welcomed.



¹ Policy STR/HA 1 (requirement 6)

In respect of the individual site allocation policies, it is appreciated that under 'contributions', 'any other highway related works' are specified but it is requested, for clarity, that specific consideration is given to making an explicit cross-reference to requirement 6 of Policy STR/HA 1 or that its general requirements are repeated in some form in each of the site allocation policies² to ensure the traffic impacts are robustly considered.

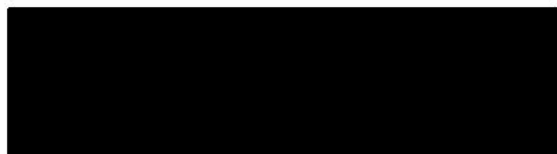
There is much that is welcomed in the new Tunbridge Wells Borough Draft Local Plan ("the TWBDLP") in relation to what are often termed as the "development management policies". There is a high degree of consistency with this Council's policies, which not only reflects a consistent analysis of similar (but not necessarily the same) circumstances, but also will help provide a consistent message to developers and others, including residents and businesses being close to the administrative boundary.

While the two District Council areas are adjoining, Rother is substantially oriented towards Hastings Borough, whose area it (with the sea) envelops. Hence, a point that has been consistently made is that Rother is seen as integral to the 'Hastings housing market area' rather than to those of any other neighbouring authorities.

It is noted that TWBC does not propose to meet any unmet housing need from Rother. At the time of the Core Strategy, there was a shortfall in Rother of 480 dwellings over the period 2011-2028. Most of the demand stemmed from in-migration from the greater London area. Given that this information is now somewhat dated and that my Council is, in conjunction with Hastings Borough Council, in the process of undertaking a new Housing and Employment Development Needs Assessment for its respective forthcoming Local Plan Reviews, it would not seem timely or reasonable, at this juncture to expect the current TWBDLP to make provision for further housing to meet any unmet need from Rother district.

Looking ahead, infrastructure capacity, notably of transport networks/services as well as that of the natural environment, of which the High Weald AONB is a vital element, should be kept under close and constant review. In this regard I look forward to continuing our positive working relationship in the future.

Yours faithfully



Tim Hickling

Head of Service – Strategy and Planning

² Policies AL/HA 1, AL/HA 2, AL/HA 3, AL/HA 4, AL/HA 5, AL/HA 6, AL/HA 8, AL/HA 9 and AL/HA 10.



APPENDIX 1

Rother District Council representations on the Proposed Submission Wealden Local Plan

Policy/paragraph	Representation	
	Nature	Reason
Paragraphs 1.38 – 1.44	Support	There has been positive, active engagement between the two councils on strategic cross boundary issues, such as in relation to international wildlife sites, housing provision and related major infrastructure, notably transport, and conservation of the High Weald Area of Outstanding Natural Beauty (AONB), together with a high degree of consistency between the "Development Management" policies.
Paragraph 4.3	Support	It is welcomed that the proposed Development Strategy indicates how the full development needs of the borough can be most appropriately met.
Paragraph 4.8	General comment	It is noted that TWBC does not propose to meet any unmet housing need from Rother. At the time of the Core Strategy, there was a shortfall in Rother of 480 dwellings over the period 2011-2028. Most of the demand stemmed from in-migration from the greater London area. Given that this information is now somewhat dated and that my Council is, in conjunction with Hastings Borough Council, in the process of undertaking a new Housing and Employment Development Needs Assessment for its respective forthcoming Local Plan Reviews, it would not seem timely or reasonable, at this juncture to expect the current TWBDLP to make provision for further housing to meet any unmet need from Rother district.
Paragraph 4.38 and Policy STR1	Support	The proposed development strategy for the borough, and specifically the way in which it takes account of the need to maximise the amount of major development outside of the High Weald AONB, is consistent with this Council's approach.
Policy STR/HA 1 (requirement 1)	General comment	The increase in the number of new dwellings compared to the previous Regulation 18 consultation is noted. However, provided any necessary improvements to the Flimwell crossroads are secured, as detailed below, no objection is raised over this matter.
Policy STR/HA 1 (requirement 6)	Support	Reference within the policy strategy for Hawkhurst Parish to establish the impact of the proposed developments on the Flimwell crossroads, and if necessary provide contributions towards works to this junction to mitigate that impact, is welcomed.
Policy STR6	Support	Improving connectivity along the A21, and specifically between Kippings Cross and Lamberhurst, would have positive impacts for this Council and Tunbridge Wells.
Policies AL/HA 1, AL/HA 2, AL/HA 3, AL/HA 4, AL/HA 5, AL/HA 6, AL/HA 8,	General comment	It is noted that contributions for 'any other highway related works' are referred to within each of the policies. However, in order for any necessary improvements to the Flimwell crossroads to be



AL/HA 9 and AL/HA 10.		secured, it is specifically requested that explicit reference is made to requirement 6 of Policy STR/HA 1 or that its general requirements repeated in some form in each of the site allocation policies to ensure the traffic impacts are robustly considered.
Policy EN10	Support	Accords with our landscape policies which seek to protect the dark night sky from inappropriate or unnecessary external lighting.
Policies EN11, EN12, EN14, EN15	Support	The general approach to protecting and enhancing biodiversity, including ancient woodland and veteran trees, is in line with this Council's policies as well as with the NPPF.
Policy EN21	Support	The general approach to development in the High Weald AONB, with a focus on small scale development is supported.
Policy EN27	Support	The adoption of the optional, higher water efficiency standard is wholly consistent with the identification of the south-east region as a 'water stress area'. This Council has similarly proposed this policy measure.
Policies EN28 and EN29	Support	The general approach to flood risk and drainage accords with this Council's policies and the NPPF.
Policy H7	Support	The very limited and exceptional cases in which rural exception sites for affordable housing will be permitted is in line with this Council's policies, with developments required to be well related to any settlement in both scale and location.
Policy H10	Support	The approach taken to rural workers' dwellings is in line with this Council's policy on this issue and only supports the creation of new dwellings in extremely limited circumstances to support farming and land-based industries.
Policy ED5	Support	The priority to the employment use of rural buildings is consistent with the policy approach of this Council, having regard to the need to support economic activity in rural areas, especially in the AONB and the pressure on such opportunities to be lost to housing.
Policy ED6	Support	Accords with this Council's policies for equestrian development in the countryside, with a requirement for proposals within the AONB to conserve its special landscape character and features.
Policy ED7	Support	The general approach taken to the promotion of new and retention of existing tourist accommodation is consistent with this Council's policies.



Appendix F6: RDC response to TWBC Regulation 19 Consultation 2021

Comment

Consultee	Mr Tim Hickling [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rother District Council
Address	Town Hall London Road BEXHILL-ON-SEA TN39 3JX
Event Name	Pre-Submission Local Plan
Comment by	Rother District Council [REDACTED]
Comment ID	PSLP_120
Response Date	06/05/21 14:59
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Rother District Council
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
4.12, 4.13	
Question 4	
Do you consider that the Local Plan:	

Is legally compliant	Yes
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Rother District Council (RDC) has had regular and continued Duty to Cooperate meetings with Tunbridge Wells Borough Council (TWBC) to discuss the progress of our respective local plans and to address any emerging or evolving cross-boundary strategic planning matters. RDC are content that these have been addressed in the Pre-Submission Local Plan.

At this moment in time, RDC is not at a significantly advanced stage in the production of its new Local Plan to determine whether it will require neighbouring planning authorities to assist in helping meet any unmet local development (housing and employment) needs. We acknowledge in para 4.13 of the Tunbridge Wells Pre-Submission Local Plan, that reference is made to changing circumstances in relation to the position of neighbouring planning authorities, which would apply to RDC. We also appreciate that the development strategy has built in a certain degree of flexibility, in seeking to deliver a quantum of housing development above the calculated standard method for local housing need for the Borough.

Within this section of the Local Plan there are two minor typographical errors to note:

Para. 4.8 refers to the current year (rather than the start of the planning period) as 2020; and

Para 4.17 refers to a figure of 7,721 rather than 7,221 as stated in Table 3.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

RDC do not consider any major modifications are required.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

RDC have no comments to make on the SA/SEA.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Appendix F7: DtC engagement record between TWBC and RDC

Duty to Cooperate engagement record for Rother District Council (RDC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
31 March 2015	Rother DC, Sevenoaks DC, Ashford BC, Dartford BC, Gravesham BC, Tandridge DC, Tonbridge & Malling BC, Wealden DC and KCC TWBC Officers - Deborah Dixon, Matt Kennard, Sarah Lewis	DtC stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
8 March 2017	East Sussex Strategic Planning Group: Rother DC - David Marlow and Tim Hickling, Wealden DC - Cllr Ann Newton (Host Chairman), Officers - Charlie Lant, Nigel Hannam, Marina Briggishaw, Sarah Lawrence; Eastbourne BC- Matt Hitchen; East Sussex CC - Cllr Rupert Simmons, Officers - Ellen Reith and Edward Sheath; Hastings BC - Kerry Culbert; Mid-Sussex DC - Cllr Andrew MacNaughton and Officer - Rachel Crisp (Apologies - Lewes DC, South Downs National Park, Brighton and Hove City Council, Mid Sussex DC) TWBC Officers – Sharon Evans	DtC meeting	Update on Wealden Local Plan and the Ashdown Forest
21 June 2017	Ashdown Forest (Air Quality) Group: Officers – South Downs National Park Authority, Rother DC, East Sussex County Council, Eastbourne	DtC meeting	<ul style="list-style-type: none"> • Update from each local authority • Local Plan progress • Traffic Modelling • SNAPS's

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	and Lewes, Tandridge, Sevenoaks DC, Wealden DC, Natural England TWBC – Sharon Evans		
23 November 2017	Ashdown Forest (Air Quality) Group Officers – Marina Briggshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park	DtC meeting	<ul style="list-style-type: none"> • Review and minutes of previous meeting • Air Quality report • Sign off arrangements • Housing numbers • Geographical area • Transport modelling • Risk register • Proportionality
18 January 2018	Ashdown Forest (Air Quality) Group Officers – Marina Briggshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park	DtC meeting	Update on Wealden Plan and current approach to development management issues
2 November 2018	East Sussex Strategic Planning Group: Rother DC - Cllr Gillian Johnson, Officers- Tim Hickling and Nichola Watters; Wealden DC - Cllr Ann Newton (Host Chairman), Officers - Marina Briggshaw, Kelly Sharp, Isabel Garden, Wendy Newton-May; Eastbourne BC- Cllr Jonathan Dowe and Officer - Matt	DtC meeting	<p>Discussion of:</p> <ul style="list-style-type: none"> • cross boundary issues relating to the Wealden Local Plan • CIL discussion • Cross boundary infrastructure • Ashdown Forest – Concern about WDC objections to planning applications in neighbouring authorities

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	<p>Hitchin; East Sussex CC - Cllr Nick Bennett, Officers - Ellen Reith and Edward Sheath; Hastings BC - Kerry Culbert; Mid-Sussex DC - Cllr Andrew MacNaughton and Officer - Rachel Crisp Lewes DC – Thondra Thom, South Downs National Park – Cllr Neville Johnson, Officer – Kirsten Williamson; Mid Sussex DC – Cllr Norman Webster, Officers – Lois Partridge Apologies -Brighton and Hove City Council)</p> <p>TWBC Officers – Sharon Evans</p>		<p>Also updates on:</p> <ul style="list-style-type: none"> • Waste and minerals plan review for East Sussex County Council; and • Rother's Development and Site Allocations Local Plan
15 November 2018	<p>Rother DC – David Marlow TWBC – David Scully, Sharon Evans</p>	DtC meeting	<ul style="list-style-type: none"> • Local Plan updates and discussion of strategic cross boundary issues – housing, employment (functional economic area), transport and infrastructure, landscape and green infrastructure, tourism and leisure • Production of Statement of Common Ground
17 March 2020	<p>Rother DC - Nichola Watters (NW), Matthew Worsley (MW)</p> <p>TWBC - David Marlow (DM), Ellen Gilbert (EG)</p>	DtC meeting	Local Plan updates, including TWBC Reg.18 consultation (Flimwell crossroads), AONB

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
21 May 2020	<p>Rother DC - Nichola Watters (NW), Craig Steenhoff (CS)</p> <p>TWBC - David Marlow (DM), Ellen Gilbert (EG)</p>	DtC meeting	<ul style="list-style-type: none"> Local Plan updates, including updating LDS, discussion of most appropriate continued approach on DtC matters. Strategic matters (a) housing needs – TWBC asked RDC if able to take any unmet need but RDC not able to confirm at present as their numbers are under review and have similar constraints – AONB; GTTA – both confirmed able to meet own needs, (b) economic needs – both authorities able to meet own needs at present (c) cross boundary infrastructure – transport – both authorities to attend a further meeting re transport modelling work affecting Flimwell Crossroads, RDC are currently updating SFRA, TWBC reviewing site allocations in AONB and undertaking further Green Belt review work, both authorities will continue liaison through local nature partnership and Ashdown Forest working groups – no other infrastructure matters identified.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<ul style="list-style-type: none"> • TWBC to prepare SoCG with RDC which will be reviewed every few months.
6 October 2020	TWBC - Stephen Baughen	DtC correspondence	TWBC formal request to RDC to meet unmet TWBC housing/employment need
20 October 2020	TWBC and RDC	DtC email correspondence	SoCG finalised and signed off
17 November 2020	RDC – Nicola Watters, Craig Steenhoff TWBC- David Marlow, Ellen Gilbert	DtC Meeting	Local Plan updates Discussion on SoCG Outcome of RDC consultation on LP engagement
23 November 2020	RDC – Tim Hickling TWBC – Stephen Baughen	DtC correspondence	Response to TWBC formal request letter of 6 October 2020 above to meet unmet TWBC housing/employment need
24 February 2021	RDC – Nicola Watters, Craig Steenhoff TWBC- David Marlow, Ellen Gilbert	DtC Meeting	<ul style="list-style-type: none"> – Local Plan updates – Programme of review for SoCG – Response to recent central government consultations
21 June 2021	TWBC – Ellen Gilbert RDC – Craig Steenhoff	DtC email correspondence	Confirmation between both parties that no updates are required to the SoCG signed in October 2020 prior to submission of the TWBC Local Plan

Appendix G – Wealden District Council (WDC)

Appendix G1: TWBC response to Wealden Open Space Study June 2016 (Response Form)

Wealden District Council Open Space, Sports and Recreation Assessment 2016 - Neighbouring Local Authorities: Cross Border and Strategic Planning Issues

Your Name	Sarah Lowe	Email address		Phone no.	
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1. Please confirm whether your authority has completed (or is currently working on/about to start) any of the following studies/strategies/plans relating to open space, sport, recreation and play/youth provision.

Kind of study	Date completed ¹	Still current/relevant? (Yes/No/ Don't Know)	Any Comments/observations?
Green Infrastructure	2014	Yes	SPD adopted in 2014 – an update will be undertaken as part of new Local Plan
Open Space/PPG17 Study	2006	Significantly outdated	Review of Open Space Study shortly to be under way, going out to tender towards end of 2016
Parks/Greenspace/ Countryside Strategy	N/A	-	There will be a Greenspace Strategy but yet to be scoped, Parks Strategy will be informed by study above
Sport/Recreation Strategy	Under way	Yes	Being put to Cabinet for adoption on 22 nd June 2016
Play /Youth Strategy	N/A	-	-
Any other relevant studies/strategies?			
Playing Pitch Strategy	Under way	Yes	Consultants commissioned for Playing Pitch Strategy in June 2016, work aiming to be completed by Spring/Summer 2017.
Historic Landscape Characterisation	Under way	Yes	Borough-wide study to update Kent HLC in line with Sussex HLC.
Landscape Character Assessment	Under way	Yes	Update to existing 2011 SPD. (Out to tender, complete end of 2016)
Landscape Capacity Study	Under way	Yes	Focus on Royal Tunbridge Wells and Southborough, update and extension of 2009 study. Will include 1km zone around Royal Tunbridge Wells that falls within Wealden. (Out to tender, complete end of 2016)

2. Have you identified any issues in relation to any of the above (or from other completed work) that are of cross border significance with the Wealden District area and/or of wider strategic interest to Wealden District Council? Please tell us in the table below:

Kind of study	Any cross border issues? Y/N/DK	If yes please summarise	Any other comments/observations?
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¹ If currently under way/planned please just note: under way - or provide start/anticipated completion date and explain further in comments/observations box

Green Infrastructure	Y	Includes land around Royal Tunbridge Wells that overlaps with Wealden District. See Option 1: Woodlands.	
Open Space/PPG17			
Parks/Greenspace/Countryside Strategy			
Sport/Recreation Strategy			
Play /Youth Strategy			
Any other relevant studies/strategies? Dark Skies SPD	Y	Ambition to produce Lighting/Dark Skies SPD which will overlap with adjoining authorities. Member support but no work progressed by Officers yet.	
Ecology	Y	Studies required for Local Plan which will need to consider land adjacent to Royal Tunbridge Wells within Wealden District Council.	

3. Are you aware of any other open space/sport/recreation/play facilities planning related issues in your local authority that are also relevant to the Wealden District Council area? If so please summarise:

Work is ongoing concerning SANGS and SAMMS for Ashdown Forest between affected authorities.

Sports Strategy due to be adopted at Cabinet on 22 July.

Development allocated at Hawkenbury Farm in the Site Allocations DPD for approximately 200 dwellings, very close to the border with Wealden.

4. If you have any other comments or observations please tell us below:

-

Many thanks for completing this pro-forma.

Please return to [REDACTED] by Friday 15th July 2016.

Appendix G2: TWBC Response to WDC Reg. 19 Consultation October 2018



Please ask for: Stephen Baughen

Planning Policy Team
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
Kent GN27 2AX

[Redacted]

[Redacted]

[Redacted]

Date: 03 October 2018

Dear Sir/Madam

Wealden District Council's (WDC) Local Plan – Proposed Submission Wealden Local Plan (Regulation 19) Consultation

I refer to your communication dated 14 August 2018 and the current Regulation 19 Consultation in respect of the Wealden District Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Wealden District Council as part of the Proposed Submission Wealden Local Plan Regulation 19 Consultation 2018. The Council has several comments to make at this stage.

The headline needs of 14,228 homes between 2013-2028 (based on the government standard methodology using the 2014 household projections), 22,500 sq. metres of employment floorspace and 4,350 sq. metres of retail floorspace between 2015-2028 are noted.

The constraints of Wealden District with regard to the Ashdown Forest Special Protection Area and Special Area of Conservation and its protection under European legislation are noted, as are the proposed Policies AF1 (Air Quality and Wealden Local Plan Growth), AF2 (Air Quality Mitigation), and EA2 (Ashdown Forest Special Protection Area). Tunbridge Wells Borough Council supports the adoption of a 7km strategic zone as set out in Policy EA2 which is inline with our own evidence and the advice of Natural England. However TWBC will be making separate representations on these policies as they have the potential to affect development in the Tunbridge Wells Borough and because they raise complex technical issues that require further more detailed consideration.

TWBC also notes that 58% of the Plan area is designated as the High Weald Area of Outstanding Natural Beauty (AONB).

It is appreciated that it is a challenge trying to balance housing need against the above European designated area and AONB constraints. TWBC is also facing similar challenges in meeting housing need given the Green Belt constraints in the western part of the Borough and AONB across 70% of the borough.

It is also noted that the majority of proposed growth and change in Wealden is directed toward the South Wealden Growth Area with limited growth towards the north. However, TWBC is uncertain whether any development that does come forward, through windfall or appeal, in the north of the

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district will impact on infrastructure in Tunbridge Wells and consequently will require a mechanism to ensure that sufficient contributions are made to mitigate any impact.

Having completed the Issues and Options consultation process last year, TWBC is currently preparing the Draft Preferred Local Plan document ready for consultation (Regulation 18) next year. TWBC will formally consult WDC when the plan progresses to this stage.

Without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within Tunbridge Wells Borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 19 consultation and in progressing the development strategy for the Wealden district.

I hope this information and response is of assistance and clarifies the Council's position.

Yours faithfully

A black rectangular box redacting the signature of Cllr Alan McDermott.

Cllr Alan McDermott
Deputy Leader; Portfolio Holder for Planning & Transportation

Appendix G3: Joint response to WDC Regulation 19 consultation from TWBC, South Downs National Park Authority and Lewes District Council 2 October 2018



02 October 2018

Planning Policy Team
Wealden District Council,
Council Offices,
Vicarage Lane,
Hailsham BN27 2AX

Dear Sir / Madam

Subject: Joint response of South Downs National Park Authority, Tunbridge Wells Borough Council and Lewes District Council on the Proposed Submission Wealden Local Plan August 2018 (Regulation 19) Consultation

Thank you for consulting the South Downs National Park Authority (SDNPA), Tunbridge Wells Borough Council (TWBC) and Lewes District Council (LDC) (henceforth referred to as the Authorities) on your emerging Local Plan. We have a number of comments we would like to make on the Proposed Submission Local Plan (henceforth referred to as the Plan), and the Habitats Regulations Assessment (HRA) principally concerning the approach to atmospheric pollution on European sites, as well as the Duty to Cooperate Background Paper; our response is structured accordingly.

Our joint response draws on a review of the Wealden Local Plan HRA by AECOM (28 September 2018) jointly commissioned by the Authorities, which forms Appendix I of this letter.

Proposed Submission Wealden Local Plan 2018 (the Plan)

Firstly, we would like to acknowledge and support the work done by Wealden District Council (WDC) in relation to visitor pressure on Ashdown Forest. This involved leading a partnership of affected authorities using jointly commissioned evidence and the agreement to operate a strategic mitigation strategy incorporating a 7km zone of influence as set out in draft Policy EA2. We therefore support draft Policy EA2 and the ongoing cooperation between authorities to address this issue.

The Plan puts the subject of air quality and the environment upfront in the development plan document, draft Policies AF1 and AF2 being the first two policies of the Plan. Whilst the Authorities acknowledge the volume and extent of evidence that WDC has generated to inform its position, we do not agree that the policies derived in response to that evidence are justified or would be effective in achieving their stated purpose or the objective of promoting sustainable development in the Plan period.

The technical aspects of the HRA and why it is considered flawed are dealt with in the section below. Most significantly, the HRA is premised on an entirely unrealistic scenario for future air quality

impacts, reflected also in paragraph 5.12 of the supporting text of the Plan. The Authorities find that the Strategic Environmental Assessment (SEA) (incorporated into the Sustainability Appraisal) is significantly flawed as it is misinformed by the technically and legally flawed HRA.

We note in paragraph 5.12 WDC's choice to focus on a scenario (Scenario A) that rejects any allowance for an improvement in emission factors or baseline emissions and deposition rates (as advocated by DMRB and Defra), despite it being underpinned by national and international policy/legislation and long-standing positive local trends for both NO_x and oxidized nitrogen deposition. This is contrary to the direct advice of Natural England: "*the competent authority should assess the implications of a plan or project against an improving background trend.*"¹ In not taking Natural England's direct or standing advice² WDC has chosen to rely on the least realistic scenario in order to justify limited growth and ignored those scenarios that present a more realistic forecast of improving trends in air quality. This is said to reflect the precautionary principle as required by the Habitats Regulations.

The Communication from the European Commission on the precautionary principle³ clarified "*The precautionary principle which is essentially used by decision makers in the management of risk should not be confused with the element of caution that scientists apply in their assessment of scientific data*". It would appear that WDC has confused the application of the precautionary principle and applied it to assessment of scientific data and not to the management of risk.

The precautionary principle does not require the competent authority to adopt an unrealistic "worst case" approach. It actually requires an assessment based on the best available scientific evidence, with scientific doubt being resolved in favour of the protection of the environment. It is contrary to that principle to plan on the basis of a future scenario which is not simply pessimistic, but in fact wholly unrealistic. By adopting this approach the Plan risks limiting sustainable development without proper justification.

Whilst the above comments are from all three of the Authorities, LDC and SDNPA are additionally concerned with the specific approach to Pevensey Levels SAC/Ramsar Site and Lewes Downs SAC as they are considered within their own HRAs (but which are excluded from TWBCs HRA). Specifically the inclusion of Lewes Downs SAC within draft Policies AF1 and AF2 is considered to be erroneous. Paragraph 5.21 of the Plan confirms WDC has used the 24-hour mean to take the air quality impact from only 10m from the roadside, when using the annual mean (at which point no calcareous grassland/designated feature is present as it is mostly woodland which is not an identified feature of the SAC), to predicting an impact "across the site".

The established position is that the annual mean is more ecologically significant than the 24-hour mean, Natural England advised WDC in their DAS report to use the annual mean: "*our advice is that as it is largely annual increases that are being assessed for likely significant effect and potentially adverse effect on integrity then use of the annual average is sufficient.*" The inclusion of Lewes Downs SAC within draft Policies AF1 and AF2 is not therefore considered justified and there is further evidence to support this conclusion, contained within the AECOM Review of the WDC HRA set out in Appendix I of this letter.

The inclusion of the Pevensey Levels SAC and Ramsar Site within draft Policies AF1 and AF2 is also unjustified because the interest features for both designations are not sensitive to atmospheric ammonia, NO_x or nitrogen deposition. The statement in paragraph 5.29 of the Plan referring to the

¹ Advice contained within the Discretionary Advice Service letter to Wealden District Council 16th February 2018, released under FOI for reasons of public interest.

² As set out in Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitat Regulations (version June 2018)

³ <https://publications.europa.eu/en/publication-detail/-/publication/21676661-a79f-4153-b984-ae28f07c80a/language-en>.

critical load and levels for NO_x for this site is plainly wrong; there are no such loads or levels. The UK APIS⁴ does not list any interest features of the SAC or Ramsar as being sensitive to atmospheric nitrogen deposition.

Draft Policies AF1 and AF2 are based on the conclusions of the HRA, which is flawed and does not provide the conclusive evidence that mitigation is required. This is addressed further in the following section, which is supported by the accompanying AECOM review of the Plan HRA set out in Appendix I.

The Authorities are also concerned with the proposed approach to mitigation, even assuming that the overall approach to growth is justified. Since certainty is required as to the effects of the Plan, (as correctly stated in paragraph 5.12 of the Plan) where mitigation measures are relied on there must be a clear evidential basis for the quantified success of those measures. There is clearly no such evidential basis in this case. Indeed a number of the measures within draft Policy AF2 are not even mitigation; rather they are monitoring, investigations and ordinary sustainable transport measures expected within a Local Plan.

Furthermore, it is of considerable concern to the authorities that WDC has published midway through the consultation period the AF2 mitigation strategy with tariff and to have begun operating the financial obligations of AF2 prior to confirmation from Natural England that the conclusions of the HRA are supported. In light of this the Authorities wish to reserve the right to comment further during the examination process on the appropriateness of the financial contribution proposed, both in terms of viability and compliance with CIL Regulation 122.

Finally, it is not clear how criterion a) of draft Policy AF1 can work in practice and in conjunction with the stated position that measures in draft Policy AF2 will only mitigate the exact level of growth identified in the Plan. The indicators proposed to monitor draft Policy AF1 are not fit for purpose because they cannot distinguish between the different factors that contribute to a site's integrity. Site management and wider sources of atmospheric pollution (e.g. livestock, emissions from Europe and non-local traffic) have played and will continue to play a significant part in the condition of the Ashdown Forest and in the case of the Pevensey Levels run-off from farmland and discharge from the two Hailsham wastewater treatment works will continue to contribute significantly to the condition of this wetland environment.

Habitat Regulation Assessment (HRA)

The Authorities do not agree with the conclusion of the Wealden Local Plan HRA in relation to air quality and after detailed analysis and review of the HRA and the supporting studies (set out in Appendix I) find the approach taken and methodology used flawed, particularly regarding the approach taken in the HRA to vehicle emission factors and background trends. If the conclusions of the Wealden HRA are accepted as being justified, this may have knock-on effects on the Local Plans for adjoining authorities, and ultimately on growth in the wider area.

The Authorities have jointly commissioned technical studies and legal advice in order to understand the concerns raised by WDC about the effects of growth from our local plan areas and Wealden District with regards air quality on European Sites (Ashdown Forest SAC, Lewes Downs SAC and Pevensey levels SAC/Ramsar) and in particular with regards to the emissions from vehicles.

This work has been used to prepare HRAs and Practice Notes published by these authorities. It has specifically included a detailed review of all relevant work published by WDC as and when it became available and has considered the novel and non-standard approaches/issues used by WDC.

⁴ UK Air Pollution Information System www.apis.ac.uk

In essence the work carried out by the Authorities has shown that there is no basis to conclude an adverse effect on integrity of Ashdown Forest SAC or SPA from planned growth to 2033 in the wider area. Since no adverse effect on integrity is forecast, no mitigation as such would be required. The work for the Authorities used what might be described as “standard methodologies” by air quality experts; it allowed for a higher level of growth across the wider area and took a precautionary approach to the likely ecological effects and rates of background improvements in air quality. Both the methodology used and the results were endorsed by Natural England.

In contrast the Wealden HRA has used bespoke methods and approaches that have been queried by Natural England. In then preparing their HRA, whilst WDC have modelled a number of scenarios, they have relied upon the most unrealistic scenario for future background air quality concluding that there will be an adverse effect on integrity and that consequently mitigation is required. Clearly it is not helpful to strategic planning to have one authority concluding an adverse effect on Ashdown Forest (and other sites) and others concluding that there is no adverse effect essentially arising from the same issues and sources and affecting the same site(s). Both conclusions cannot be correct.

Whilst HRA matters are for the competent authority to decide it should be noted that air quality is a cross boundary issue that requires cross boundary agreement and a strategic response.

WDC has objected to the approach and evidence provided by the Authorities on this matter. For example, WDC objected to the Pre-Submission South Downs Local Plan and the draft Lewes Local Plan Part 2 in 2017. Since that time the Authorities have reviewed those objections and provided further evidence to WDC, who has so far failed to provide detailed comments on this information or demonstrate that it has been taken into account in its published HRA.

In order to ensure that the Authorities have fully considered the HRA and the supporting evidence published by WDC they commissioned an independent review (Review of Wealden Local Plan HRA 28 September 2018 AECOM appendix 1) which concluded at paragraph 1.7:

“In summary, the Wealden Local Plan HRA differs in some particulars from the analyses undertaken by AECOM. However, it is considered that the Wealden HRA fails to take due account of the low vulnerability of Pevensey Levels SAC/Ramsar and the fact that the woodland at Lewes Downs SAC is not an international interest feature of the site. The Wealden HRA also has a substantial flaw in that it fails to recognize that some of their modelled scenarios (notably Scenario B) are considerably more realistic than others (notably Scenario A).

WDC’s latest modelling generated three scenarios (A, B and C) which vary greatly in the extent to which they acknowledge existing improving trends in NO_x and oxidised nitrogen deposition and the likelihood of them continuing. Clearly all three scenarios cannot occur. The air quality modelling reports themselves make it clear that the modelled scenarios are not considered equally realistic or equally likely to occur; in particular, paragraph 7.11 of the original 2017 air quality modelling report described the NO_x emission assumptions underlying Scenarios similar to Scenario A as ‘an extreme worst-case’ [emphasis added]. However, the HRA report disregards this nuance, treats all three scenarios as equally likely/reasonable and thus focusses heavily on Scenario A; a scenario that is unrealistic and unlikely to arise in practice since it would require existing positive trends in NO_x concentrations and oxidized nitrogen deposition rates to substantially reverse at a time when further initiatives are being introduced to control them. The result is that the HRA exaggerates the air quality issues throughout.

For Ashdown Forest SAC, the maximum nitrogen dose from additional traffic on the network forecast in WDC’s most realistic scenario (Scenario B) is greater than that modelled by AECOM. However, this is explicable by differences introduced to the modelling approach that in themselves carry uncertainties and the modelled dose affects only a very small proportion of all heathland in the SAC and at worst is likely to mean that any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 may be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). While the numerals differ in some areas the overall

trends identified in WDC's most realistic scenario (a net improvement in nitrogen deposition over the plan period, despite forecast growth, which is only slightly retarded over a small proportion of the SAC) are the same as that forecast by AECOM. Given the confounding factors present as demonstrated by WDCs vegetation monitoring it is entirely possible that even this slight retardation of improvement may never materialise on the ground or be detectable.

There is therefore considered to be no need to update or amend the modelling work that AECOM undertook for South Downs National Park Authority, Lewes District Council and Tunbridge Wells Borough”.

A meeting was held on September 3rd 2018 called by Wealden and Mid Sussex Councils to present the Ashdown Forest element of the WDC HRA to adjoining authorities. WDC confirmed at the meeting that they had not fully reviewed the latest information provided by the Authorities and made verbal reference to recent advice provided by the Advocate General. The opinion of the Advocate General Kokott in C-293/17 and C-294/17 has subsequently been reviewed by the Authorities and it is considered that it does not mandate any change of approach in this case.

Consequently based on all available information, technical and legal advice the Authorities cannot agree with WDC's HRA and its conclusions and believe that it is flawed to the extent that it is not legally compliant with the requirements of the Habitat Directive.

The Authorities are of the joint opinion that if the WDC approach to HRA, particularly in regard to air quality, is found to be legally compliant and sound and subsequently adopted by WDC that it may have significant implications for the Local Plans of adjoining authorities and planned growth in the wider area.

Duty to Cooperate Background Paper

The Authorities agree with WDC that air quality and Ashdown Forest SAC is a strategic cross boundary issue. This was agreed at the first meeting of the Ashdown Forest Working Group (AFWG) of which the Authorities and WDC are members. The group also agreed to work collaboratively on the issue and share information and existing work to assist in traffic modelling for HRA work.

There are a number of matters in the WDC Duty to Cooperate Background Paper (henceforth referred to as the Paper) that the Authorities would like to address.

Firstly, the AFWG was not set up to produce a Statement of Common Ground (SCG) as stated in paragraph 16.7 of the Paper. The initial purpose of the group was to work collaboratively and share information on this cross-boundary strategic issue following the quashing of the Lewes Joint Core Strategy. The decision to work on a SCG was made several months later prompted by the *Right Homes in the Right Places* consultation introducing mandatory SCGs for local plans. Secondly, WDC has been invited to and attended every meeting of the AFWG. WDC was not invited to a wider meeting of affected authorities to whom WDC had sent letters of objections on a number of planning applications in regard to Ashdown Forest.

A deadline was set for all members of the AFWG to sign the SCG. It is a pragmatic matter that a line in the sand needs to be drawn in the preparation of such documents in order to make progress; the main driver in this case was the Submission of the South Downs Local Plan in April 2018. The decision of WDC not to sign the SCG within the agreed timeframe meant that the remaining signatories proceeded with an amended version that did not include input from WDC. This revised version had been agreed and signed some time before WDC advised it was in a position to sign.

The Authorities note that WDC will be supportive of other bodies being involved in a mitigation strategy moving forward. The Authorities can confirm that WDC has not officially approached them

on this matter notwithstanding the fact that Lewes Downs SAC is located in Lewes District and within the local planning area of the South Downs National Park. The Authorities have raised other fundamental issues on the mitigation strategy above.

The Authorities have sought to work collaboratively with WDC on this strategic cross-boundary issue. WDC has failed to work collaboratively on a number of occasions most notably by not signing the SCG within the agreed timeframe, not sharing evidence in a usable form and not engaging with the Authorities on their proposed mitigation measures.

In conclusion the Authorities consider that the Wealden Proposed Submission Local Plan has not been prepared in accordance with the Duty to Cooperate as required under paragraph 182 of the NPPF and Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended), which imposes a duty to co-operate with other local planning authorities on issues which are likely to have a significant effect on more than one planning area.

Conclusion

Reluctantly, the Authorities have come to the conclusion that the Proposed Submission Wealden Local Plan is not sound and is not legally compliant for the following reasons:

- Key policies are neither justified nor effective because they rely on a flawed HRA and SEA;
- The Plan erroneously applies the precautionary principle to justify a mitigation-dependent approach, which is then not supported by effective mitigation measures. This erroneous approach is used to justify low growth and therefore this means that the Plan is not positively prepared; and
- The Authorities consider that the Wealden Proposed Submission Local Plan has not been prepared in accordance with the Duty to Cooperate as required under paragraph 182 of the NPPF and Section 33 of the Planning and Compulsory Purchase Act and is not therefore legally compliant.

Please note that TWBC have submitted an individual representation on the Proposed Submission Plan.

We can confirm that we would like to be notified of the submission of the Wealden Local Plan for examination and we would like to attend and speak at the hearings.

Yours faithfully



Name: Tim Slaney

Position: Director of Planning



Name: Ian Fitzpatrick

Position: Director, Regeneration & Planning, Lewes District & Eastbourne Borough Councils



[REDACTED]



Name: Cllr Alan McDermott

Position: Deputy Leader of TWBC; Portfolio Holder for Planning & Transportation

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Appendix I – AECOM Report



28th September 2018

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Review of Wealden Local Plan HRA

- 1.1.1 This review is organised by European site and by topic. The review is intended to assist in answering the following questions:
- Whether there is anything which differs from AECOM's work;
 - Whether the Wealden HRA presents any new scientific evidence or which casts a reasonable scientific doubt upon AECOM's work; and
 - Any statements, presentations of information or conclusions with which AECOM strongly disagrees.
- 1.1.2 Several evidence base documents are referenced in the HRA but were not available for review at the time the original analysis was written:
- AQC. 2018. Ashdown Forest Air Quality Monitoring and Modelling.
 - AQC. 2018. Air quality input for habitat regulations assessment. Lewes Downs. Air Quality Consultants, report J2933B/1.
 - AQC. 2018. Air quality input for habitat regulations assessment: Pevensey Levels. Air Quality Consultants, report J2808C/1/D1.
- 1.1.3 These were made available in mid-August 2018 and have therefore now been reviewed. They are discussed at the end of this report. The initial review of the HRA was based upon the version dated June 2018. A version has since been released dated August 2018. However, the HRA does not appear to have materially changed since June 2018 with regard to the matters discussed below, although some paragraph numbers have altered.
- 1.1.4 The most significant change to the HRA is that several paragraphs have been deleted and an 'impact assessment' section has been added to the ecological interpretation for Ashdown Forest and now constitutes paragraphs 11.112 to 11.125 of the HRA. However, that impact assessment confines itself entirely to the results of air quality modelling scenario A, which postulates a net deterioration in air quality, rather than either of the other two scenarios (which postulate a net improvement). It is stated that this is because it is the most precautionary scenario modelled. That does not acknowledge, however, that while undoubtedly the most cautious future scenario, it is also the least realistic since it would require long-established existing positive trends in key background pollutant concentrations and deposition rates to

reverse. As such the ecological interpretation provided would not apply to the most realistic scenario (Scenario B) that has been modelled by Wealden District Council's consultants.

1.1.5 Paragraph 11.113 states that '*In those locations where the critical levels and critical loads are predicted to be exceeded already, this additional [in combination] traffic growth will exacerbate these exceedances*'. However, this is only true for Scenario A, not for Scenarios B or C. It is stated in paragraph 11.123 that '*Caporn et al (2016) identified that statistically significant changes in community composition in lowland heath communities occurred at a threshold of 14.7 kg-N/hr/yr. Whilst each site is likely to have its own tipping point, using this as a guide would suggest that **any additional deposition above this would inhibit restoration and favourable condition***' [emphasis added]. Firstly, only scenario A postulates 'additional deposition' and secondly, this statement takes no account of the fact that one of the primary conclusions of Caporn et al 2016 (aka NECR210) is that the ecological effect of adding a given dose of nitrogen *declines* as the existing background nitrogen deposition rate increases.

1.1.6 There is also typographical error throughout paragraphs 11.114 and 11.115 with regard to units; whenever referring to concentrations in atmosphere the author uses milligrams per cubic metre (mg/m³) rather than micrograms per cubic metre (µg/m³) thus overstating modelled concentrations by a factor of one thousand.

1.2 Ashdown Forest – Recreational Pressure

1.2.1 It is noted from paragraph 13.23 of the WDC HRA that, following all the debate, WDC have ultimately settled on the same two-zone approach that had been established several years ago:

'Based on the work undertaken and following consultation with Natural England, a two-zone approach has been identified. This includes the following:

- *A 400m zone where it is unlikely that additional residential development can take place due to the inability to avoid or mitigate disturbance or urbanisation impacts;*
- *A 400m -7km zone where contributions to SANGS and SAMMs are required'.*

1.2.2 This would seem reasonable, proportionate and justified by the survey data. It is also noted from paragraph 13.36 that the existing mitigation approach is being rolled-forward: '*The Council is already implementing avoidance and mitigation measures as per that identified by the Wealden District Council Core Strategy. Whilst there are a number of different measures that could form part of a mitigation package the most deliverable and effective of these continue to be the complementary use of Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring (SAMM)*'.

1.3 Ashdown Forest – Air Quality

Methodology

1.3.1 The modelling and the conclusions drawn appear to be very similar to the same position WDC took in 2017 with regard to:

- Scenarios;
- Consideration of flat emissions; or
- Use of Emission Factor Toolkit (EFT) for future emissions; or
- Use of CURED for future emissions;
- Verification of outputs; and
- Use of different approaches for deposition (EA and AQC Approaches).

1.3.2 One aspect that is now common across the habitats is quotes from the Centre for Ecology and Hydrology (CEH), noted as the authors of APIS, which discusses the concept of uncertainty for

critical levels by the identification of an uncertainty range of concentrations around the critical levels. The uncertainty ranges are presented in Table 2 Critical Levels of air pollutants:

- The 30 $\mu\text{g}/\text{m}^3$ annual mean critical level for NO_x has an uncertainty range of 15 to 45 $\mu\text{g}/\text{m}^3$.
- The 1 $\mu\text{g}/\text{m}^3$ ammonia (NH₃) critical level for lichens and bryophytes (where they form a key part of the ecosystem integrity) has an uncertainty range of 0.8 to 1.2 $\mu\text{g}/\text{m}^3$.
- The 3 $\mu\text{g}/\text{m}^3$ ammonia (NH₃) critical level for other vegetation (annual mean) has an uncertainty range of 2 to 4 $\mu\text{g}/\text{m}^3$.

1.3.3 The reasoning for the consideration of these uncertainty ranges for critical levels is presented in paragraph 5.31: *'APIS recommends that the lower-bound of the published national critical loads (i.e. 10 kg N/ha/yr) is used in air pollution impact assessments. However, The Centre of Hydrology and Ecology (CEH) have also provided uncertainty ranges as identified in table 3 above. These ranges are provided on the basis that critical levels have not been reviewed for some time and are therefore uncertain. For example the annual value of 30 $\mu\text{g}/\text{m}^3$ was established by the UNECE Workshop at Egham in 1992 being adopted into successive revisions of the UNECE Mapping Manual (UNECE, 2017, see Section III.2.2) and also being adopted without change review by WHO (2000). It has since been applied without further revision. Having not been substantively reviewed for nearly 20 years, this term should now be considered as rather uncertain. The uncertainty range provided by CEH is at least +/- 50% (15-45 $\mu\text{g}/\text{m}^3$). The ammonia critical level for lichens and bryophytes can be considered as robust and supported by several studies (e.g. UNECE, 2017 see Section III.2.3). However, the ammonia critical level threshold is considered by CEH to be uncertain to around +/-20% (0.8-1.2 $\mu\text{g}/\text{m}^3$)'.*

1.3.4 In response to this approach AECOM would make four points:

- Firstly, AECOM do not consider it advisable for bodies undertaking air quality impact assessments to determine for themselves (even using information provided by the likes of CEH) whether to deviate from the critical levels which have been agreed internationally until an appropriate scientific standard-setting organisation (e.g. UNECE), government agency or representative professional body (e.g. the Institute of Air Quality Management) take a consensus view that such a change should be made. This is because the major advantage to the use of critical levels is their international consistency. If organisations choose alternative reference levels for individual assessments it undermines the ability of anybody to undertake a meaningful air quality impact assessment.
- Secondly, the critical level for ammonia of 1 $\mu\text{g}/\text{m}^3$ is only relevant if significant lichen interest is present within the affected area, otherwise the more appropriate critical level is 3 $\mu\text{g}/\text{m}^3$. AECOM's investigations indicate that the area within 200m of the A26, A22 and A275 through Ashdown Forest does not support significant lichen interest and the ammonia concentrations in both AECOM and WDC modelling in these areas is below 3 $\mu\text{g}/\text{m}^3$.
- Thirdly, NO_x concentrations in the abstract are less relevant than nitrogen deposition rates as, at the concentrations forecast, NO_x is essentially a proxy for nitrogen deposition and the critical level for NO_x is generic for all vegetation whereas the critical load for nitrogen deposition is habitat specific. This is why AECOM's analysis involves much more discussion of nitrogen deposition rates than NO_x concentrations in the abstract.
- Fourthly, exceedance or otherwise of a given critical level is only one part of the air quality impact assessment (and arguably a less important part). What is more significant where one already has a baseline exceedance is the likely future trend in concentrations and whether they are likely to be significantly lower in the future, even allowing for growth, than they are at the present.

- 1.3.5 As such, AECOM does not consider that this acknowledgement of some uncertainties in the definition concentrations for some of the critical levels undermines their use.
- 1.3.6 The WDC HRA makes two references to the 200m distance criteria that is used to focus air quality assessments:
- Paragraph 5.5 *'However, it must also be noted that effects can occur beyond 200m. Therefore, the use of this figure as relevant to distance is limited'*.
 - Paragraph 5.7 *'Whilst 200m may therefore be used in initial screening, it may not be directly relevant to potential impacts that may occur on the ground. It is likely however, that this will be site specific'*.
- 1.3.7 Whilst very small changes could be predicted beyond 200m the potential for significant effects beyond 200m (either for schemes in isolation or in combination) must be very low. Since the effect of the road declines with distance any impact assessment will normally focus on the worst-case figures (i.e. those closest to the road) in any event.
- 1.3.8 The WDC HRA reports 24hr (short-term) NO_x concentrations as a metric as well as the more standard annual average. AECOM has already indicated in the South Downs Local Plan HRA why it does not consider the 24hr NO_x metric to be ecologically useful. The WHO (2000) guidelines include a short-term (24 hour average) NO_x critical level of 75 µg/m³. Originally set at 200 µg/m³, the guideline was considerably lowered in 2000 to reflect the fact that, globally, short-term episodes of elevated NO_x concentrations are often combined with elevated concentrations of O₃ or SO₂, which can cause effects to be observed at lower NO_x concentrations. However, high concentrations of O₃ and SO₂ are rarely recorded in the UK. As such, there is reason to conclude that in the UK the short-term NO_x concentration mean is not especially ecologically useful as a threshold. It is noted that Natural England made the same point on page 9 of their letter to Wealden District Council dated 16/02/18 (*'this level presumes exceedance of critical levels for SO₂ and O₃ as well'*). Additionally, CEH, whose advice was adopted on critical loads by in the WDC HRA also agree with AECOM that *'UN/ECE Working Group on Effects strongly recommended the use of the annual mean value, as the long-term effects of NO_x are thought to be more significant than the short-term effects'*⁵.
- 1.3.9 Appendix 8 of the HRA presents a literature review of the effects of nitrogen deposition on vegetation. There is nothing in this review that casts a reasonable scientific doubt on the work AECOM have undertaken and indeed the AECOM work references a number of the same pieces of literature. Appendix 9 presents a review of mitigation measures that are available. It appears to be reasonable for such a high level document.

Emissions scenarios

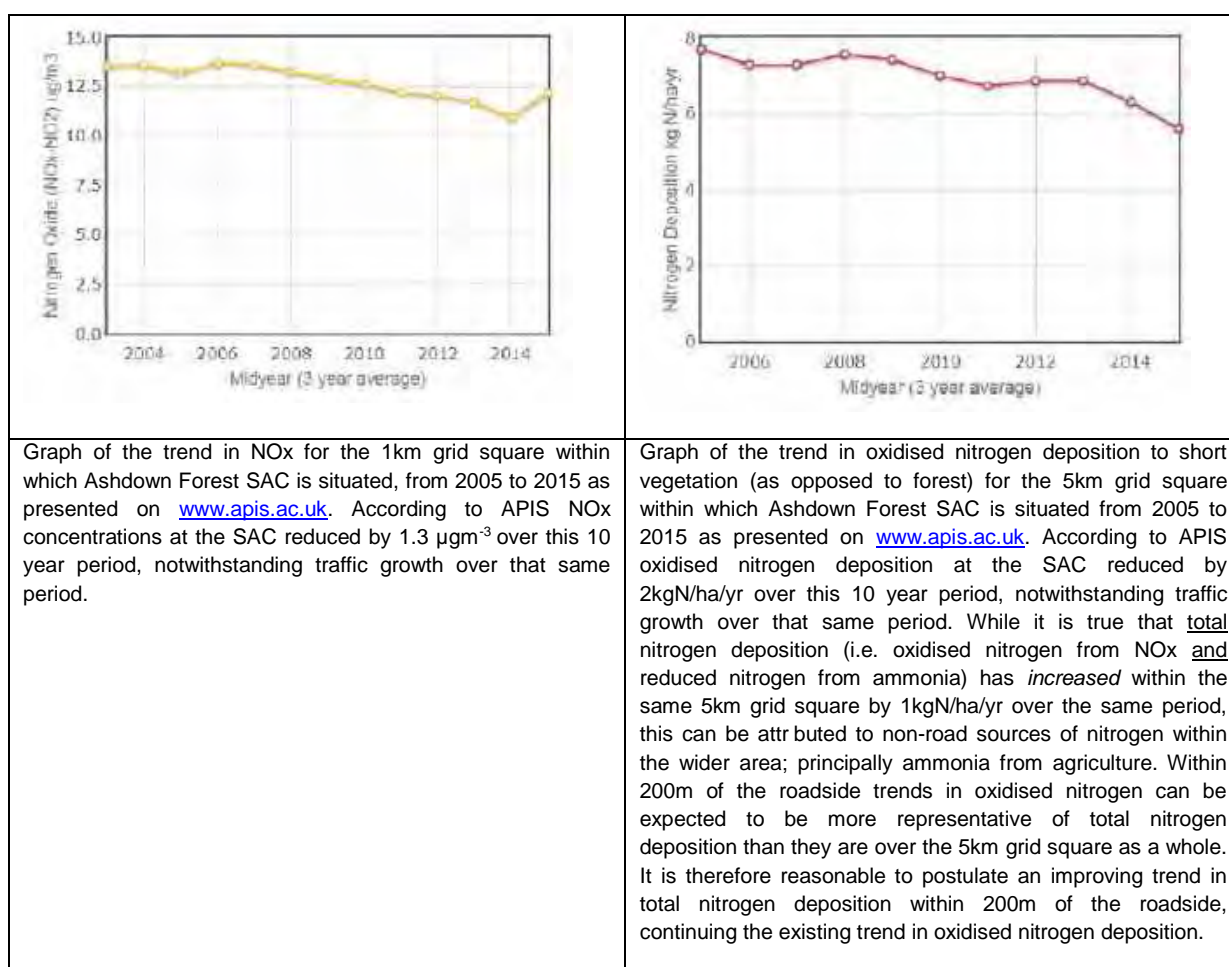
- 1.3.10 For the future scenarios WDC model three different outcomes relating to emission factors. Two of these scenarios (B and C) postulate an improvement in emissions technology. However, two of these three scenarios are unrealistic.
- 1.3.11 Scenario A assumes that vehicle emissions factors will be 'frozen' in 2015. This is highly unrealistic for several reasons:
- The most stringent emissions standard yet deployed (Euro 6/VI) had already become mandatory in 2014 for new heavy duty vehicles (HDVs) and buses, with new cars and light vehicles adopting the standards in September 2015, and further improvements in

⁵ Sutton MA, Howard CM, Erismann JW, Billen G, Bleeker A, Grennfelt P, van Grinsven H, Grizzetti B. 2013. The European Nitrogen Assessment: Sources, Effects and Policy Perspectives. Page 414. Cambridge University Press. 664pp. ISBN-10: 1107006120

June 2011. Manual on Methodologies and Criteria for Modelling and Mapping Critical Loads & Levels and Air Pollution Effects, Risks and Trends. Chapter 3: Mapping Critical Levels for Vegetation

emissions technology, as well as an increasing shift to electric and hybrid vehicles, are either planned or committed;

- The result of such an assumption is that Scenario A forecasts a net deterioration in nitrogen deposition and NO_x concentrations to 2028 when traffic growth is taken into account. However, that would require existing long-standing trends to reverse without any good reason to make such an assumption. The graphs below show the trends in NO_x and oxidised nitrogen deposition (that which derives from combustion processes) at Ashdown Forest SAC from 2005 to 2015. These trends are local manifestations of a broader long-term national trend. The general long-term trend for NO_x has been one of improvement (particularly since 1990) despite an increase in vehicles on the roads⁶. Total nitrogen deposition⁷ to the UK decreased by 13% between 1988 and 2008, while NO_x concentrations decreased by 50% over the same time period⁸. While it is therefore true that nitrogen deposition rates have not fallen as precipitately as NO_x concentrations they *have* fallen and the component of deposition associated with combustion processes such as traffic (oxidised nitrogen) can be expected to continue to fall.



⁶ Emissions of nitrogen oxides fell by 69% between 1970 and 2015. Source: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/579200/Emissions_airpollutants_statisticalrelease_2016_final.pdf [accessed 04/07/18]

⁷ Oxidised nitrogen derives from combustion, such as vehicle exhausts, while reduced nitrogen results from ammonia primarily from agriculture. Total nitrogen deposition is both oxidised and reduced nitrogen combined.

⁸ Rowe EC, Jones L, Stevens CJ, Vieno M, Dore AJ, Hall J, Sutton M, Mills G, Evans CD, Helliwell RC, Britton AJ, Mitchell RJ, Caporn SJ, Dise NB, Field C & Emmett BA (2014) Measures to evaluate benefits to UK semi-natural habitats of reductions in nitrogen deposition. Final report on REBEND project (Defra AQ0823; CEH NEC04307)

- 1.3.12 Scenario C is also unrealistic, or at least insufficiently cautious, because it assumes the full scale of annual improvement (2% per annum) in nitrogen deposition advocated by DMRB throughout the entire plan period. The Design Manual for Roads and Bridges guidance for air quality assessment (document HA207/07)⁹ recommends reducing nitrogen deposition rates by 2% each year between the base year and assessment year (*'The total average deposition rates obtained from the Air Pollution Information System ... should be reduced by 2% per year to estimate deposition rates for the assessment years'*). While one would hope this will occur in practice, it would require a significantly greater annual improvement in total nitrogen deposition rates than is demonstrated by recent national trends¹⁰. Those trends pre-date the roll out of Euro 6/VI so are likely to be pessimistic as a future projection, but improvements in vehicle technology later in the plan period are more uncertain than those in the early part of the plan period.
- 1.3.13 Scenario B is considered most realistic because it *does* make an allowance for vehicle emission factors to continue to improve over the plan period *but* is considerably more cautious in doing so than DMRB. AQC do this using their CURED tool, which makes a more realistic assumption about the emissions of diesel vehicles than Defra's emissions factor toolkit. Therefore, it is considered that the results of emission Scenario B represent the most realistic forecasts.
- 1.3.14 The original air quality modelling report by AQC in 2017 acknowledged that most of their modelled scenarios (including the one now called Scenario A) were unrealistic. This is not acknowledged in the latest WDC HRA report which appears to imply that all their modelled scenarios are equally realistic. It may be acknowledged in the June 2018 AQC report which is not currently available.

Net change in NOx and nitrogen deposition between 2015 and 2028

- 1.3.15 The data for Ashdown Forest are not presented in the most easily interpreted manner. In particular the analysis often presents tables showing the amount (hectares) of the SAC that will exceed the critical level or load for each emission and growth scenario. The reporting focuses on this metric but that presents a very crude analysis since it gives no indication of how much of an exceedance is expected. Reporting in this way masks the fact that the degree of exceedance across the SAC is expected to reduce in two of their three modelled emissions scenarios. Table 35 for example is presented such that it appears at first glance that under all emissions scenarios growth 'in combination' will result in a net increase in the area of the SAC exceeding its critical load. However, that table only presents the data for 2028 in the 'with' and 'without' growth scenarios; all this table is actually showing is that, unsurprisingly, when you add more traffic for a given future year you get more NOx and nitrogen than you would in that same year without additional traffic. It is necessary to refer to other tables across the HRA to understand that when compared with the baseline (2015) scenario a *net improvement* in nitrogen deposition is forecast in two of the three 2028 emissions scenarios due to the application of the improved emission factors to both the additional and existing traffic volumes.
- 1.3.16 This can be gleaned by comparing Paragraph 10.3 and Table 22 for example. Paragraph 10.3 states that *'The [baseline] average annual mean NOx concentration across the whole SAC is 12.1 µg/m³'*. Table 22 then shows that this average concentration would fall to 8.5 µg/m³ under Scenario B, even with all growth. Similarly, Table 17 provides a baseline average deposition to dry heath of 15.3 kgN/ha/yr. Table 25 then shows this falling to 13.7 kgN/ha/yr in emissions Scenario B, even allowing for all traffic growth 'in combination'. Under Scenario C the improvement is even greater. Comparing Tables 37 and 39 also reveals the net improvement in nitrogen deposition. For example, Table 37 shows that 1.93ha of dry heathland falls within

⁹ <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol11/section3/ha20707.pdf>

¹⁰ For example, a 13% improvement between 1998 and 2008 is an average per annum improvement of 0.65% compared to 1998 data

the deposition range 18-20 kgN/ha/yr as of 2015. Table 39 shows that this is forecast to have fallen to 0.13 ha by 2028 under the most realistic scenario (Scenario B), even allowing for all the traffic growth.

- 1.3.17 It is odd that the report draws to so little attention to this fact given its significance. There appears to be only one statement anywhere in the 600+ page report that actually spells it out: paragraph 10.158 states that *'The 'With Plan' scenarios B and C are assumed to show a decrease in results compared with scenario A as a result of predicted emission improvements'*, but goes on to say that due to uncertainties in the scale of improvement WDC are going to use Scenario A to form their conclusion as this is the most precautionary scenario. As discussed earlier, it is undoubtedly the most precautionary scenario of the three (A, B and C) but is also the most unlikely, unrealistic and scientifically unreasonable given that it would require long-standing positive trends to reverse at a time when increasing effort is being dedicated to improving vehicle emissions.
- 1.3.18 In summary therefore, WDC presents 3 emissions scenarios for 2028. Two of these scenarios forecast a net improvement in NOx and nitrogen deposition even allowing for all growth 'in combination'. Only Scenario A presents a net deterioration, and that would only arise if existing trends in NOx concentrations and oxidised nitrogen deposition were to reverse. WDC's consultants (AQC) have previously noted that such an eventuality would be unrealistic and (for NOx) 'extreme'.
- 1.3.19 AECOM's view is therefore that these results do not cast a reasonable scientific doubt on the modelling and conclusions of the AECOM work. They essentially make the same points that WDC's 2017 modelling made.

Nitrogen dose of additional traffic

- 1.3.20 Having looked at the net forecast change in NOx and nitrogen deposition between 2015 and 2028 (which takes into account improvements in background concentrations and deposition rates by applying improved emission factors to existing traffic volumes), AECOM now moves to look at the nitrogen dose that would be contributed by the additional traffic added to the network. In other words, this section examines the extent to which growth to 2028 is forecast to affect the improvement in nitrogen deposition rates that would otherwise occur by 2028 in the hypothetical absence of any traffic growth at all.
- 1.3.21 It is important to note that the WDC HRA tends to present this dose not as a 'retardation of improvement' (even when discussing Scenarios B and C) but rather as if it were a net deterioration. For example, paragraph 10.150 states that *'...the Wealden Local Plan alone and when considered combined with Temprow growth will result in elevated deposition [emphasis added]...'* and that *'The relevance of this is that the Wealden Local Plan either alone or when considered with Temprow growth is predicted to result in a worsening of the situation' [emphasis added]*. The final bullet point in 10.153 states that *'The overriding conclusion for the future year with Local Plan and Temprow growth results is that additional development proposed by the Wealden Local Plan is likely to make conditions worse' [emphasis added]*. These are misleading descriptions for all emissions scenarios except Scenario A, as they do not acknowledge that for Scenarios B and C this 'worsening' is not in comparison to the 2015 baseline situation but only to the 2028 situation in the hypothetical scenario of no growth. For example the 3.65ha of dry heathland that Table 40 claims to be 'elevated' into the 14-16 kgN/ha/yr deposition band by WDC Local Plan under Scenario B is the difference between the area within this band in Table 39 ('2028 with plan scenarios') and the area within this band in Table 38 ('2028 No WDC growth scenarios') which both present data for 2028. This is therefore not a true 'worsening' as most people would understand it because it is not a comparison with the baseline but with a strictly hypothetical alternative future scenario. By reporting their data in this manner WDC largely obscure the fact that two of their three

modelled emissions scenarios are actually postulating a net *improvement* in air quality when '2028 with growth' is compared to '2015 baseline'.

- 1.3.22 Putting that aside, according to paragraph 10.136 the worst-case 'in combination' nitrogen dose to heathland forecast in Scenario B is 1kgN/ha/yr (final sentence of the paragraph: '*8.23ha of the SAC is predicted to experience an increase of 10% (1kg-N/hr/yr) including 0.52ha of wet heathland*' [emphasis added]). This dose is three times greater than the maximum 0.3 kgN/ha/yr dose forecast by AECOM's modelling¹¹ but is still below the dose (1.3 kgN/ha/yr) reported in NECR210 as significantly affecting heathland species richness (i.e. reducing it by at least 1 species) at the lowest reported background rates at Ashdown Forest (c. 15 kgN/ha/yr). At the same background deposition rate a dose of 1 kgN/ha/yr may alter other vegetation parameters but only to a modest extent¹². The background rate at the location where this 1 kgN/ha/yr dose would be experienced is unclear from the WDC HRA. Given that the WDC modelling forecasts much of the SAC to be above 15 kgN/ha/yr in 2028 the vegetation effect may well be smaller than discussed here as the effect of a given dose lessens the greater the background rate.
- 1.3.23 Moreover, this maximum dose applies to only 0.5ha of heathland or 0.03% of all heathland at the SAC¹³; most heathland in the SAC would receive a much smaller dose according to WDC's modelling with the average dose to heathland under Scenario B being a negligible 0.03 to 0.07 kgN/ha/yr according to paragraph 10.136. Most significantly, even this maximum 1 kg/ha/yr dose does not represent a net increase in nitrogen deposition as there is still forecast to be a net *reduction* in nitrogen deposition compared to 2015 under both scenarios B and C. Paragraph 5.25 of the internal Natural England guidance¹⁴ is relevant here: '*Where the conservation objectives are to 'restore the concentrations and deposition of air pollutants to within benchmarks' (i.e. where the relevant benchmarks such as Critical Loads/Levels are already exceeded) they will be undermined by any proposals for which there is credible evidence that further emissions will compromise the ability of other national or local measures and initiatives to reduce background levels*' [emphasis added]. AECOM's modelling and two of WDC's three scenarios all suggest that further emissions will not compromise the ability of other national or local measures and initiatives to reduce background levels, albeit they will mean that the reduction is not quite as great as it would be in the absence of growth.
- 1.3.24 The statement in paragraph 10.136 does not appear to entirely correspond to Table 34 and the reason is not immediately clear. Table 34 actually reports a maximum 'in combination' increase in nitrogen deposition to heathland of 4.3kgN/ha/yr under Scenario B¹⁵, which is considerably greater than the maximum dose (0.3 kgN/ha/yr) forecast in AECOM's modelling (the reasons for this are set out in footnote 7). However, there is no indication in the WDC

¹¹ In the 2017 modelling WDC also reported doses greater than AECOM had reported in its modelling, while still postulating a net improvement in the most realistic scenarios. The reasons for this are unchanged: the AQC study uses a bespoke modelling method for nitrogen deposition. They relate it to an Environment Agency study published in 2008. However, paragraph 7.24 of the 2017 AQC report acknowledges that one of the drawbacks of this bespoke method is that '*... some of the parameters used in the deposition model are highly uncertain*' and that small variations in some, such as stomatal resistance, could have quite large effects on the resulting deposition fluxes. All forecasting methods have their benefits and drawbacks and one risk of using a complex model is that there is more room for uncertainties to affect the results due to the greater number of uncertain parameters in the model. AECOM re-ran its traffic data using its own model but with higher deposition rates and determined that it would not alter the ultimate conclusion.

¹² For example, Table 22 of NECR2010 shows that at background rates of 15 kgN/ha/yr one would expect a dose of 1 kgN/ha/yr to reduce the frequency of occurrence (percentage cover, or probability of presence) of five representative lowland heathland lower plant species (*Hylocomium splendens*, *Hylocomium splendens*, *Cladonia portentosa*, *Cladonia portentosa*, *Brachythecium rutabulum*) by between 0.2% and 0.5%. At higher background rates the change is even smaller. For the same dose at the same background rate Table 20 suggests grass cover would increase by 0.5%. In practice, there are many confounding factors (acknowledged in the WDC HRA) that might mean even this change was not observed.

¹³ According to the Natura 2000 data sheet there are 1,611 ha of heathland in the SAC

¹⁴ NE Internal Guidance – Approach to Advising Competent Authorities on Road Traffic Emissions and HRAs V1.4 Final - June 2018

¹⁵ This is confirmed by comparing Table 25, which states 27.7 kgN/ha/yr maximum deposition to heathland 'in combination' by 2028 with paragraph 10.26, which reports 23.4 kgN/ha/yr without any growth. The difference is 4.3 kgN/ha/yr.

HRA of the extent or location of this patch of heathland and this figure is not mentioned in paragraph 10.136 or anywhere else in the text. Presumably therefore the figure of 4.3 kgN/ha/yr only applies to a very small patch of heathland (i.e. well below the 0.5ha that would be subject to a dose of 1kgN/ha/yr since the area involved drops with increasing dose) and was thus not deemed a relevant statistic to cite by WDC. Even with this much higher dose WDC are still forecasting a net improvement in nitrogen deposition by 2028 due to national measures and initiatives to reduce background levels.

- 1.3.25 WDC do make some references to NECR210 but essentially try and dismiss its applicability (or at least the applicability of the documented trend for decreasing species richness with increased nitrogen dose) to Ashdown Forest. Paragraph 11.111 point (7) states that *'It is possible that a degraded habitat may show an increase in species richness as species that are not characteristic or desirable within a heathland habitat invade. This has been identified to be the case at Ashdown Forest SAC where species richness is higher closer to the road precisely for this reason i.e. undesirable species have invaded... NECR210 does not generally make any distinction in its species richness indices about exactly which species are contributing to the overall values [emphasis added]'*. The pattern of reduced species richness with increased nitrogen dose was considered credible for heathland in NECR210 and was observed when a range of sites were examined and confounding factors could therefore be removed. This is in contrast to calcareous grassland where the authors of NECR210 confirmed that the species-richness parameter was not useful for exactly the reasons identified in WDC's statement: there was no reduction in species richness with increased nitrogen deposition, just replacement of more desirable species with less desirable species. Therefore the underlined statement in paragraph 11.111 does not appear to be fair to the authors of NECR210; they did draw a distinction between desirable and undesirable species, where it was relevant to do so. WDC's argument is therefore not a sound basis for dismissing the species richness trend provided this is only used (as AECOM has done) to give an ecological context to the likely effect of a given dose when a net improving trend is expected.
- 1.3.26 Para 11.126 states that *'Whilst the NECR210 is a valuable report, permitting further deposition to a situation where concentrations and deposition is already critically exceeded will push conservation status further away from achieving favourable status.'* This is only true if you are forecasting a net deterioration. WDC are forecasting a net improvement in two of their three emission scenarios and in that context this statement is factually incorrect. It also contradicts the Natural England internal guidance cited earlier. Paragraph 5.26 of that guidance makes it clear that *'an exceedance alone is insufficient to determine the acceptability (or otherwise) of a project'*.
- 1.3.27 Paragraph 10.160 makes the statement that *'If growth such as that proposed to take place in Wealden is replicated across the UK, then this brings into question as to whether reductions (if they are successful) will take place'*. This doesn't appear to make much sense; more growth does of course mean more traffic but as can be seen from both WDC's modelling and AECOMs the net improvement in air quality within 200m of the local road network largely results from the benefits gained by applying the improving vehicle emission factors to the existing traffic volumes using that network, which outweighs the effects of traffic growth. As discussed, the long term national trend for NOx and nitrogen deposition has been an improving one notwithstanding the growth that has occurred nationally. The further roll out of electric and hybrid vehicles prior to the ban on sale of new petrol and diesel cars in the UK in 2040 is likely to significantly further reduce per vehicle emissions.
- 1.3.28 Paragraph 10.165 states that *'All scenarios modelled predicted for both current conditions as well as conditions in 2028 an exceedance of the critical load for wet and dry heathland habitats. The implication of this is that further action will be required beyond that identified as part of the Defra reductions (scenarios B and C) to bring Ashdown Forest SAC into favourable conservation status from the perspective of nitrogen deposition, NOx and NH₃ concentrations'*.

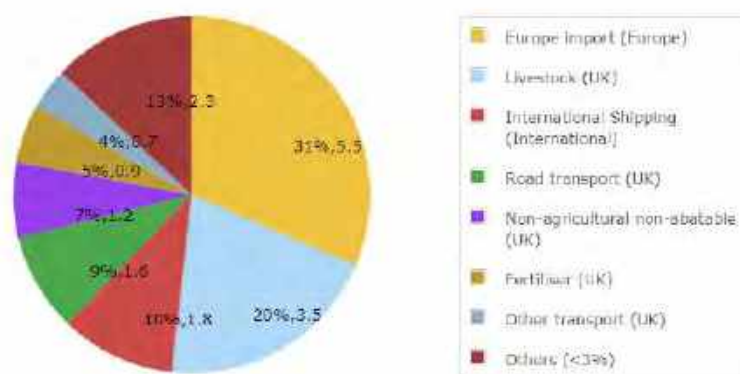
AECOM take issue with this on two grounds. Firstly, the need for measures to bring a site into favourable conservation status is an entirely separate issue from whether a given plan or collection of plans will have an adverse effect on the integrity of that site (i.e. whether they will *prevent* the site from achieving favourable conservation status). Secondly, the recently released internal Natural England guidance makes it clear in paragraph 5.26 that '*an exceedance alone is insufficient to determine the acceptability (or otherwise) of a project*' and two of WDCs own scenarios predict that the degree of exceedance will reduce by 2028 even when all growth is included. Therefore it is not at all obvious that 'the implication' of the fact that critical loads are already exceeded and will continue to be so is that further work needs to be done beyond the improvements in emissions technology. In any event 'further work' is being done beyond simple reliance on such improvements; as documented in the HRA of the South Downs Local Plan for example both South Downs National Park and Lewes District Council are introducing/have introduced policies to encourage greater sustainable transport use into their Local Plans.

- 1.3.29 Paragraphs 11.41 onwards summarise the ecological monitoring which has been undertaken at the site to date. The main outcome seems to be that no pattern is currently obviously relatable to road proximity (never mind road-related nitrogen deposition specifically) other than (perhaps) an increase in nitrogen in the plants, and that species richness actually declines with distance from the road in this case. For example, 11.49 states that '*...the Ecus Ltd data showed that overall species richness declined with distance from the road*' rather than increasing as might be expected. Paragraph 11.56 does state that '*This statistically significant correlation strongly indicates therefore, that soils in Ashdown Forest have more elevated levels of soil nitrogen near to roads. When considered in combination with the plant nitrogen index results, they provide convincing evidence that these effects are attributable to elevated levels of nitrogen emissions and deposition from motor vehicles*'. However, this merely proves what we already know, that nitrogen deposition will be elevated locally due to the presence of the road and this influence declines with distance from the road. No-one disputes this. However, it is interesting to note that paras 11.59 and 11.60 confirm that actual soil nitrogen did not show any pattern with distance from the road. Paragraph 11.50 suggests the increase in species richness with proximity to the road is due to '*additional nitrophile species being present in the vegetation communities closer to a road*' but even if true it is not evidence of any adverse effect and the paragraph itself acknowledges that other confounding factors might explain the reversal of the expected pattern with distance.
- 1.3.30 Paragraph 11.71 states that '*All of these failings [regarding the SAC failing to meet its targets on various parameters] reflect the known adverse effects from nitrogen deposition on heathlands established through experimental studies, including reduced diversity of desirable species (especially nitrophobic species), increase in invasive and exotic species (especially nitrophilic species) and the increased cover of graminoid species*'. However, they could also be explained by a wide range of other impact pathways. A visual inspection of the SAC suggests that its biggest and most obvious problem is inadequate management and that could explain many of the observed failures, particularly as these extend beyond 200m from the roadside and thus well outside the zone where the influence of the local roads will be greatest. This management issue is acknowledged in paragraph 11.74.
- 1.3.31 Paragraph 11.111 point 7 states that '*Site specific investigation is the only way to properly address complex ecological problems*'. This is true to an extent but the problem is that at a site level it is often impossible to disentangle all the influences on the site as WDC have demonstrated with their ecological monitoring. This is why the influence of nitrogen deposition is often only apparent when one examines trends across a range of sites with varying management, climate etc. The confused or inconclusive results of the ecological monitoring so far illustrate why, when moving from the hypothetical arena of modelling to the practical arena, confounding factors may mean that no effect of local road nitrogen deposition is ever observed in practice particularly since, based on AECOMs modelling and WDCs Scenarios B and C, one

would be looking not for a negative change in the vegetation but for a positive change that is slightly less positive than it might be otherwise.

- 1.3.32 Table 47 uses the JNCC decision framework to identify that N deposition is a threat to the site. This is the first time AECOM has seen this framework used in an impact assessment (it is more normally used as a site management tool to determine whether a site is vulnerable to increased nitrogen deposition) and its use here doesn't appear to be illuminating. All it indicates is that the site may well be being adversely affected by current nitrogen deposition; a conclusion which can already be reached from the fact that it exceeds its critical load. That is a totally separate matter from whether a given plan or plans will have an adverse effect (i.e. make the existing situation worse or significantly prevent it from getting better). WDCs own modelling for Scenarios B and C suggests that in combination growth will not prevent the site achieving its conservation objectives. This is because of a net improving trend and a dose due to growth that will not affect the vast majority of the SAC and may only slightly affect the degree of improvement in the remaining small areas (amounting to c. 0.03% of heathland in the SAC in Scenario B and even less than this in Scenario C).
- 1.3.33 Paragraph 11.110 states that the framework results mean the site '*requires action to reduce N deposition impacts at national or site-level*' but with regard to traffic emissions that is exactly what the improved vehicle emission standards are intended to do. It is also important to remember that there are many other sources of nitrogen for the site as a whole than road traffic. The pie chart below is the nitrogen source attribution for Ashdown Forest taken from www.apis.ac.uk. This shows that only 9% of nitrogen deposited at the SAC stems from UK road transport (note that this is the *whole* UK not just the local road network which will be a fraction of the 9%). In contrast, 91% of nitrogen deposited at the SAC comes from other sources with at least 25% from agriculture (livestock and fertilizer) and over 30% being imported from mainland Europe. Any Site Nitrogen Action Plan should target the major sources that do not currently have any abatement strategy in place (notably agriculture) rather than smaller sources such as road traffic that are already being addressed by national initiatives.

■ Pie Chart: Sources ranked by total Nitrogen deposition (Kg N/ha/yr)



Review of WDC Policies AF1 and AF2

- 1.3.34 AF1 appears to be a relatively standard policy for protecting European sites. The policy starts with an assumption that all growth will cause an in combination effect *‘owing to a net increase in traffic movements beyond the 2014 baseline’*. However, it then sets out the requirement for HRA which would theoretically provide some developments with the opportunity to confirm that they would not contribute to this issue (i.e. because they will not lead to a net increase in vehicle movements through the SAC). It is unclear if this is how Wealden intend this policy to operate.
- 1.3.35 AF2 requires development that *‘...results in the net increase in traffic movements across roads adjacent to Ashdown Forest SPA to make a financial contribution to a package of measures designed to ensure that there is no adverse impact on the integrity of Ashdown Forest SAC’*. However, it is noted that the policy refers explicitly to *‘Development identified in this plan...’* and thus it does not presume to try and govern development in surrounding authorities.
- 1.3.36 The policy states that such measures could include, but are not limited to, the following:
- *‘a) Air quality and ecology monitoring of Special Area of Conservation’* – this would certainly be needed but monitoring is not mitigation
 - *‘b) Investigation of and the potential implementation of on-site management techniques’* – this is vague and the efficacy of changing site management is unclear. Moreover, improved management is most likely to actually address a broader (and in our view more significant) site issue, rather than a problem related to traffic or development
 - *‘c) Investigation of measures to reduce local transport emissions from vehicles’* – other than electric charging mentioned later in the policy it is difficult to envisage what this would include. Per vehicle emissions are not something that can be influenced effectively at a local level, unless it simply means (for example) a more frequent bus service between key destinations. Again, this policy doesn’t actually commit to such measures (whatever they may be) but only commits to investigating them
 - *‘d) Reduction of emissions from other land uses that affect the Special Area of Conservation’* – if one does choose to tackle nitrogen deposition to the SAC this is the measure most likely to be effective. However, it is vague and it is unclear how this could actually be accomplished at a local level. One of the reasons why agricultural nitrogen deposition has not really been addressed is because, with the exception of some facilities such as intensive pig farms, there is no control mechanism in existence
- 1.3.37 The policy also states that *‘All new development must also:*
- *‘h) Provide appropriate electric vehicle charging infrastructure. The type and amount of infrastructure to be agreed with the competent authority to suitably mitigate the type of development’* [emphasis added] – the intention is laudable and should be supported but it would be interesting to understand how they intend to do the underlined calculation it does not provided developers with much clarity; and
 - *‘i) Demonstrate that freight traffic resulting from new development will not impact the Special Area of Conservation through routing arrangements’* – this would appear to be very difficult to actually implement. Most freight traffic routing is accomplished through the driver’s satellite navigation and the A26 and A22 are the obvious routes for freight to take if moving from (for example) Royal Tunbridge Wells to Brighton or East Grinstead to Eastbourne. For those heavy duty vehicle movements that are set to some extent externally (such as minerals traffic) it is difficult to envisage reasonable alternative routes that could be used.

- 1.3.38 So a number of the mitigation measures identified in the policy would seem to be vague or difficult to implement. They would also seem to be of limited effectiveness given the extent to which nitrogen deposition at the SAC is a cross-authority issue and includes sectors (notably agriculture) that are not within the control of a Local Plan or local authority planning policy or development control.

Conclusion

- 1.3.39 The main point to emerge from the most realistic scenario Wealden has modelled (Scenario B) is that the maximum nitrogen dose from additional traffic on the network is greater than that modelled by AECOM but affects only a very small proportion of all heathland in the SAC and at worst is likely to mean that any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 *may* be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). However, given the confounding factors present as demonstrated by WDCs vegetation monitoring it is entirely possible that even this effect may never materialise on the ground. AECOM's view is that inadequate management is a much bigger threat to the ability of the SAC to achieve its conservation objectives and favourable conservation status than increased local road traffic and that agriculture is a much greater source of nitrogen for this site, as well as being one which (unlike traffic) currently has no abatement strategy.

1.6 Pevensey Levels - Air Quality

Is the SAC/Ramsar site actually air quality sensitive?

- 1.3.40 AECOM's position on air quality and the Pevensey Levels SAC and Ramsar site, as expressed in the South Downs Local Plan HRA, is as follows:
- The Pevensey Levels SAC and Ramsar interest features are not sensitive to atmospheric ammonia, NO_x or nitrogen deposition. This is supported by reference to the UK Air Pollution Information System which does not list any interest features of the SAC as being sensitive to atmospheric nitrogen deposition, NO_x or ammonia. It is also noted that the Site Improvement Plan produced by Natural England does not mention air quality as a concern and AECOM understands from personal communication from Natural England officers that they do not currently see atmospheric nitrogen deposition as a risk to the integrity of this site. The Pevensey Levels SAC is designated for its population of lesser whorlpool ramshorn (*Anisus vorticulus*), while the Ramsar site is designated for both this snail and a range of other internationally important aquatic invertebrates and aquatic plants in the ditch network on site. The site also provides habitat for breeding and wintering birds but these are not a reason for Ramsar designation.
 - While eutrophication (excessive vegetation growth from nutrient enrichment) is a risk, the ditches of the Pevensey Levels (like most freshwater bodies) are understood to be 'phosphate-limited', meaning that phosphate is the most important nutrient to control. Phosphate does not derive from atmosphere but does come in large volumes from agricultural runoff and treated sewage effluent. Provided phosphate levels can be controlled then nitrogen inputs (even through the water column) are unlikely to have a material effect on plant growth/habitat structure in the ditches. This is why, in most freshwater SACs and Ramsar sites, the attention is focussed on controlling phosphate inputs rather than nitrogen inputs.
 - Since there are no applicable nitrogen critical loads, or NO_x or ammonia critical levels, for the interest features of this SAC or Ramsar site, there are no appropriate reference levels/damage thresholds for any impact assessment.

- 1.3.41 In their HRA Wealden are clearly trying to abide by their original declaration that an adverse effect on integrity is expected (paragraph 15.54: '*... it cannot currently be concluded with confidence that air pollutant effects will not have an adverse effect on the ecological integrity of Pevensey Levels SAC Ramsar to meet its conservation objectives*') while at the same time obliquely acknowledging that they can only draw this conclusion by essentially ignoring the SAC and Ramsar interest features and instead modelling the grazing marsh. This approach is stated in paragraph 15.40 '*a generic 'fen, marsh and swamp' habitat is considered in this assessment of ditch freshwater habitat*' despite the fact that these are not equivalent habitats. The Pevensey Levels are unusual in that they are only of international (as opposed to national) importance for a narrow collection of interest features (invertebrates and aquatic plants) associated with the ditch network. This is in contrast to the SSSI which is designated for a much broader range of interest features including the grazing marsh (seasonally flooded pasture), which makes up the majority of the site by area but plays a minimal role in supporting the SAC and Ramsar interest features.
- 1.3.42 While it is true that, as stated by WDC in paragraph 15.39, the physical extent of the SAC includes the grazing marsh, it is not unusual for SAC boundaries to include areas of 'site fabric' that do not support the SAC interest features but which it would be impractical to exclude from the site boundary. Natural England makes this point in the text quoted in paragraph 15.47 of the WDC report: '*Not all features of a designated site are present within a given location within the site. In some cases, a road surface and its adjacent verges may be included within a designated site boundary. This does not necessarily mean that it, and its associated verges, will be of nature conservation interest and form part of a qualifying feature*'. In this case it is most likely that the SAC boundary was chosen to fit with the SSSI boundary for convenience.
- 1.3.43 WDC seem determined to conclude an adverse effect a priori, despite acknowledging in paragraph 15.41 that '*...negative effects from atmospheric nitrogen deposition are not identified as a threat to the integrity of the SAC*' and that '*It is not possible to directly assess how elevated nitrogen deposition from road traffic exhaust emissions may have negatively altered the Pevensey Levels SAC and Ramsar ecosystem*' (paragraph 15.43). In subsequent paragraphs they discuss how runoff from the farmland catchment of watercourses can affect ditch water quality. However, they appear to miss two key points:
- Firstly, there is no discussion or acknowledgement of 'nutrient limitation'. Paragraph 15.46 states that '*Many studies have shown significant negative correlation between increasing nitrogen deposition and species richness in a variety of terrestrial habitats (e.g. Caporn et al., 2016) and there is no reason to suppose that things are different for the emergent and marginal ditch habitat vegetation...*'[emphasis added]. This is an entirely erroneous supposition and suggests that the author is unaware of the concept of 'growth-limiting nutrients' and how the key growth-limiting nutrient differs between terrestrial and most freshwater ecosystems. It is also of limited relevance given that the lesser whorlpool ramshorn snail prefers watercourses with very little emergent and marginal vegetation, often floating on the surface amongst duckweed. Most terrestrial habitats are nitrogen and phosphorus co-limited meaning that both nutrients are naturally scarce and adding either can stimulate growth. In contrast, most freshwater ecosystems are only phosphate-limited because compared to nitrogen that nutrient is naturally scarce in watercourses and lakes; increasing nitrogen inputs therefore has little effect on the growth of submerged and floating aquatic plants (or freshwater algae) unless phosphate is also present in unnatural abundance. Controlling phosphate levels, rather than nitrogen levels, is therefore the key to controlling eutrophication and is the target of the Environment Agency (EA) in freshwater systems. In contrast, the EA will rarely seek to control nitrogen discharge from Sewage Treatment Works into freshwater systems. WDC erroneously assume that the ditches must be nitrogen-limited (or at least co-limited) simply because this is true of terrestrial habitats. Natural England correct this assumption by emphasising the role of phosphorus in the text quoted in paragraph 15.47 of the WDC report, but WDC do not

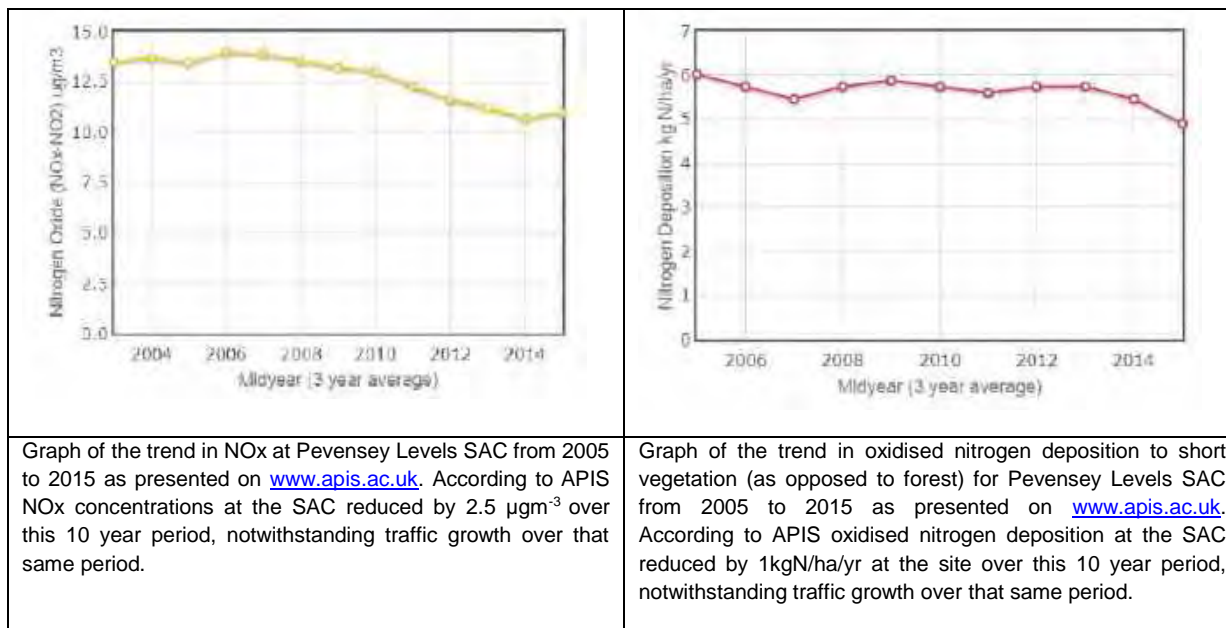
appear to understand the point being made. Table 70 of the HRA includes the statement that '*Although phosphorus has traditionally been recognised as the principal limiting nutrient in freshwater ecosystems it is now clear that this is not always the case*'. This appears to be the only place where nutrient-limitation is discussed. It is true that there are some freshwater systems that are nitrogen-limited but these are the minority; to the best of AECOM's knowledge there is no evidence that floating and submerged vegetation in lowland ditch and river systems is nitrogen-limited.

- Secondly, WDC mention the issue of runoff from the catchment but do not appear to make the connection that this farmland itself will therefore be by far the largest source of nutrients (phosphate as well as nitrogen) entering the system via this pathway. There is also no discussion in this section of the role played by Hailsham North and South Sewage Treatment Works, which discharge to the Pevensey Levels and where considerable effort is expended to control phosphate loading but not nitrogen inputs. This fact **is** noted in paragraph 16.63 of the HRA where it deals with water quality at the Ramsar site/SAC, but no link appears to have been realised between this and the air quality assessment. If nitrogen inputs *are* considered to be such a concern it is unclear why the water quality chapter of the HRA ignores nitrogen inputs from the STWs entirely (even though these will be substantial) and focusses on phosphorus. Nitrogen inputs from both agriculture and the STWs will dwarf the loading coming from atmosphere and affect a much larger area of the SAC and Ramsar site.

The modelling

- 1.3.44 This part of the review assumes purely for the sake of argument that it might be appropriate to take grazing marsh as a proxy for the ditch network on site. Even so doing, WDC's own modelling for the most realistic scenario does not support their conclusion of an adverse effect on integrity.
- 1.3.45 Paragraph 15.12 states that '*In 2015, baseline nutrient nitrogen deposition rates, based on the EA deposition method, are predicted to exceed the critical load of 20 kg-N/ha/yr¹⁶ at locations **up to 5 m from the roadside***' [emphasis added]. So, only the road verge itself is currently affected. For the future scenarios they then model three different outcomes relating to emission factors. Two of these scenarios (B and C) postulate an improvement in emissions technology. However, two of these three scenarios are unrealistic as discussed. The graphs below show that recent trends in NO_x and nitrogen deposition at Pevensey Levels SAC are positive.

¹⁶ 20 kgN/ha/yr is the critical load for grazing marsh since as already discussed the SAC interest features have no critical load.



- 1.3.46 According to paragraph 15.17 *'In 2028, without the development proposals and using the EA deposition method nutrient nitrogen deposition rates are predicted to exceed the critical load up to 2 m from the roadside in scenario B'*. So in the most realistic scenario the area of SAC exposed to elevated nitrogen deposition is actually expected to decrease due to improved emission factors from the already negligible 'up to 5m from the roadside' to 'up to 2m from the roadside' i.e. literally kerbside. When all growth in combination is taken into account Scenario B indicates that *'... an exceedance of the critical load [for NOx] is predicted to extend 3m from a 150m stretch of the roadside of the A259 to the east of the Pevensy Roundabout and 1m for around 60% of the remaining A259'* (paragraph 15.25) while for nitrogen deposition *'...exceedances are predicted 1m from the A259 and apply to around 65% of its length only'* (paragraph 15.28). So even when all growth is included by 2028 in the most realistic scenario only the area immediately adjacent to the kerb will exceed the critical level for NOx or critical load for nitrogen deposition. Moreover Table 67 shows that, while the critical level/load will continue to be exceeded, there is nonetheless forecast to be a net improvement in both pollutants expected by 2028 under Scenario B.

Conclusion

- 1.3.47 AECOM remains of the view that Pevensy Levels SAC and Ramsar site are not particularly sensitive to nitrogen deposition from atmosphere and this view is supported by the available evidence and apparently by the opinion of Natural England. Even WDCs own modelling suggests that, even if one assumes it *is* sensitive, only the road verge itself would be affected under the most realistic scenario (Scenario B). There is therefore nothing in the WDC HRA which casts a reasonable scientific doubt over the AECOM position.

1.4 Lewes Downs – air quality

- 1.4.1 Paragraph 14.13 states that *'Modelled baseline results predict an exceedance of the critical level for annual mean NOx at locations up to 20m from the roadside of the A26... The maximum [nitrogen] deposition flux occurs 10m from the kerb of the A26' [emphasis added]. In short therefore, WDC's own modelling suggests that the SAC is not currently suffering from a problem regarding traffic on the road. While the SAC boundary is adjacent to the A26, the*

nearest area of calcareous grassland (the SAC interest feature) to the A26 (in the vicinity of Malling Industrial Estate) is approximately 50m from the roadside, with the intervening area being occupied by dense mature woodland. It is noted that *'Using modelled results, it is predicted that deposition exceeds the critical load at locations up to 200m from the roadside of the B2192'* but given the low traffic flows on that road it seems likely that this will be mainly due to agriculture. This is supported by the fact that no mention is made in this paragraph of elevated NOx concentrations along the B2192 but only of elevated nitrogen deposition.

- 1.4.2 As with Pevensey Levels, WDC model three different future outcomes relating to emission factors. For the reasons already cited Scenario B is considered the most realistic because it *does* make an allowance for vehicle emission factors to continue to improve over the plan period *but* is considerably more cautious in doing so than DMRB. AQC do this using their CURED tool, which makes a more realistic assumption about the emissions of diesel vehicles. Therefore, it is considered that the results of emission Scenario B represent the most realistic forecasts.
- 1.4.3 According to paragraph 14.22 *'The modelling predicts that with the Local Plan scenario combined with growth elsewhere, there will be an exceedance of the critical level for annual mean NOx under scenario A, but not for scenarios B or C'*. If NOx concentrations will have fallen below the critical level by 2028 under the most realistic scenario (B) even allowing for all traffic growth 'in combination' this strongly suggests that traffic will not be playing a significant role in continued elevated nitrogen deposition, as NOx is the main contribution of traffic to nitrogen deposition.
- 1.4.4 Figure 21 shows the area where additional annual NOx due to growth 'in combination' will exceed the triviality threshold of 1% of the critical level by 2028 for the worst-case scenario A. Even though this is an exaggerated scenario it shows that the only part of the SAC which would be subject to an 'in combination' increase in NOx that is greater than trivial would be woodland, rather than calcareous grassland.
- 1.4.5 Paragraph 14.27 states that *'In all local plan scenarios there are predicted to be exceedances of the critical load for nitrogen deposition for both the grassland and woodland'*. However, in itself this statement is meaningless since the site already exceeds its critical load. What the paragraph does not discuss (but is clear from comparing the tables) is that, although the critical load will continue to be exceeded (according to their model) nitrogen deposition will nonetheless be considerably better under their most realistic future scenario than it is at the moment. What is most significant is that paragraph 14.27 goes on to state that *'For scenarios B and C this range [an 'in combination' additional nitrogen deposition above 1% of the critical load] occurs up to 15m from the kerbside of the A26'*. In other words, only the woodland within the SAC will be affected by an 'in combination' increase in deposition that is greater than trivial. The figure of 15m appears to conflict with the figure cited in Table 57 where a figure of 50m is cited for Scenario B. However, the habitat within 50m of the A26 is woodland so the conclusion is still valid. Unfortunately only the unrealistically exaggerated Scenario A is depicted graphically in the report (Figure 23). The actual SAC interest feature will be subject to a trivial level of additional nitrogen deposition even 'in combination' and the nitrogen deposition rate even at the woodland will still be materially better in 2028 than is the case in 2015.
- 1.4.6 This conclusion is alluded to by WDC in paragraph 14.53 where they state that *'concentrations and deposition predicted in the June 2018 version of the Lewes Downs air quality report is not predicted to encroach into the area of calcareous grassland under Scenarios B and C'*. WDC tend to focus on Scenario A when drawing their conclusions as this is the most pessimistic scenario. While undoubtedly pessimistic, it is not a realistic scenario and in AECOM's view Scenario B presents a scenario that is more in line with the precautionary principle i.e. cautious but not unrealistically so.

- 1.4.7 WDC acknowledge in paragraph 14.62 '*Natural England's advice* [quoted in paragraph 14.52] *that this [the woodland] is not an area of concern*' but in order to maintain their existing stance they ignore Natural England's advice and argue that '*...it is also noted that woodland must be provided the right conditions in order to deliver its supporting function to the overall SAC and its protected features*'. This is an argument that has no merit within the context of this specific assessment. While woodland is indeed vulnerable to air quality and is of interest in itself, it is not a designated feature of this SAC. One might possibly argue (as Natural England allude in their advice quoted in paragraph 14.62) that the woodland provides a supporting function by sheltering the grassland behind it, but any such function would simply require the continued persistence of dense tree cover. Nitrogen deposition effects on woodland are related primarily to the precise botanical composition of the groundflora and lower plant interest; tree cover will continue to persist and in any case under Scenario B WDC are forecasting a net *improvement* in nitrogen deposition to the woodland by 2028 even allowing for growth 'in combination'. Therefore, effects on the woodland are simply not relevant to the conclusions regarding effects on the SAC.

Conclusion

- 1.4.8 The most realistic WDC scenario (Scenario B) concurs with that of AECOM in that a net improvement in NO_x and nitrogen deposition is forecast to 2028 notwithstanding growth, and the only part of the SAC where the 'in combination' nitrogen dose would be greater than trivial is an area of woodland adjacent to the A26 which is not part of the SAC interest. There is therefore nothing in the WDC HRA which casts a reasonable scientific doubt over the AECOM position.

1.5 Review of WDC Policies AF1 and AF2

- 1.5.1 AF1 appears to be a relatively standard policy for protecting European sites, although it explicitly refers to Lewes Downs SAC and Pevensey Levels SAC as well as Ashdown Forest SAC. The policy starts with an assumption that all growth will cause an in combination effect '*owing to a net increase in traffic movements beyond the 2014 baseline*'. However, it then sets out the requirement for HRA which would theoretically provide some developments with the opportunity to confirm that they would not contribute to this issue (i.e. because they will not lead to a net increase in vehicle movements through the SAC). It is unclear if this is how Wealden intend this policy to operate.
- 1.5.2 AF2 is an unusual policy in that it requires financial contributions to be made to a mitigation strategy for Lewes Downs SAC that does not exist, is not considered necessary by the bodies that would presumably be charged with delivering it (e.g. Natural England, Lewes District Council, South Downs National Park Authority and East Sussex County Council as highway authority) and is not within the control of WDC. It is therefore unclear how this can be considered a workable policy for that particular SAC. It is also unclear how developers could actually comply with that policy as regards Lewes Downs SAC. There is a minor typo in the policy as quoted in the HRA report since it refers at one point to Lewes Downs SPA.

1.6 Review of additional documentation uploaded to Wealden District Council website in August 2018

- 1.6.1 The following documents have been reviewed to identify any new matters in relation to air quality and the WDC HRA. The documents have been reviewed from the Habitat Regulations Assessment page of WDC's web-page: (http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Evidence_Base/Planning_Evidence_Base_Habitat_Regulations_Assessment.aspx)

Document: Briefing Note on the Ashdown Forest, Pevensey Levels and Lewes Downs Air Quality reports, 3 November 2017

1.6.2 The note provides an overview of the air quality monitoring and predictions undertaken for Ashdown Forest. The key point raised for Ashdown Forest is that:

- Bullet point e (Page 3) identifies that for Ashdown Forest that: The other overriding conclusion for the future-year results is that the additional development contained within the Local Plan will make conditions in 2028 worse than they would be in 2028 without the Local Plan.

1.6.3 No notable air quality information is presented for Pevensey Levels and Lewes Downs.

Document: Discretionary Advice Service (Charged Advice) DAS 12666/226010 DRAFT Ashdown Forest SAC: Air quality monitoring and modelling, published 16 February 2018

1.6.4 The Natural England (NE) advice was prepared by Susan Zappala, Natural England's air quality specialist. The document largely supports the type of modelling approach and provision of information as AECOM recommends. In contrast the NE advice questions a number of the approaches utilised by Air Quality Consultants (AQC). Specifically:

- Consideration of diurnal and seasonal variations – noting this is because the focus is on annual averages to determine effects on habitat integrity (Page 4, paragraph 2);
- Deviation from two standard deposition velocities to use bespoke model of 9 deposition velocities, questioning the benefits of this added complexity (Page 4, paragraph 2);
- Questioning the uncertainties associated with the bespoke approaches (Page 4, paragraph 3).
- Disagreeing with the proposition that ammonia emissions will increase with reference to European Environment Agency advice in COPERT (Page 12, paragraph 2)
- Identifying that a number of scenarios has been considered and that some of these are considered to be unreasonable worst case scenarios: *We note that a number of scenarios have been used but the most relevant appear to be Scenarios 3 and 5. This is noted in the air quality report at Section 6.1.154 which states “..Scenarios 3 and 5 provide a reasonable worst-case assessment, whilst Scenarios 2, 4, 6 and 7 provide an extreme worst-case upper-bound”. In our opinion, scenarios 2, 4, 6 and 7 use an unreasonable worst case scenario by assuming that there will be no background decreases from technological improvements.*
- The guidance does accept that CURED is an acceptable approach to consider the uncertainty in future air quality (Page 12, paragraph 6).
- That rather than considering the 75 µg/m³ critical level that it is more appropriate to use a WHO level of 200 µg/m³, when SO₂ and ozone are not exceeded (Page 13, paragraph 7).

1.6.5 The NE Guidance suggests that AQC work is compared with what NE consider a standard methodology, considered to be consistent with the AECOM approaches (Page 4, paragraph 1). This does not appear to have been done based on the data reported in the HRA.

1.6.6 A 'General approach advised for HRA screening of air quality impacts' presented in Annex B, Wider Context is considered to represent the NE standard approach described in the review. The key aspects of this are:

- General approach advised for HRA screening of air quality impacts
- This is generally a stepwise approach to screen out at an early stage whether further consideration is needed.
- Check Distance Criteria and APIS introduction to air pollution.
- Habitat sensitivity to that emission type (See Site Relevant Critical Load).
- Where practicable, check the likely exposure of the site 's sensitive features to emissions.

- Ascertain the process-contribution (PC) from the plan or project. This can be either by consideration of the Annual Average Daily Traffic Flow (AADT) or the % of Critical Load/Level benchmark.
- Apply screening threshold (either an increase of 1000 AADT or whether the PC is above 1% of the Critical Load/Level benchmark) alone.
- Apply screening threshold in-combination.

1.6.7 In summary NE advice on scenarios and overall approach is very consistent with AECOM Standard approaches, with acceptance that CURED is an acceptable way to consider future air quality uncertainty. The note does not consider other ways to manage this uncertainty, but this is considered to be as no other approaches to consider this uncertainty was provided by AQC and so no other method was being reviewed by NE.

Document: Draft DAS Response Ashdown Forest SAC, dated 2nd March 2018

1.6.8 This document sets out in detail comments and questions on the above review from NE dated the 16th of February. The document reflects a misunderstanding of WDC of the term standard methodology i.e. what NE considers to be a standard methodology and asks a wide range of questions and outlines that WDC will provide further information or clarifications.

1.6.9 Document: Air Quality and Ecological Monitoring at Ashdown Forest: Considering the Current and Future Impacts on the SAC caused by Air Quality and Nitrogen Deposition: Response to Natural England February 2018 Advice. (Ashdown Forest Statement 15th March 2018)

1.6.10 This document provides a brief 2 page rebuttal of a range of points, including questioning why advice from Air Quality Consultants assessment work is dismissed, referencing Centre for Ecology and Hydrology (CEH) peer review as further support for the AQC assessment. The note asserts WDC role as the Competent Authority for Habitats Regulations Assessments (HRA) and highlights 'Areas of disagreement, Concern and Clarification with Natural England advice'.

1.6.11 The items of greatest relevance for air quality include the use of ill-defined standard methodology and clarification is requested by WDC in relation to a range of matters, but with specific reference to scenarios and in combination assessments. Specific details of these issues are not provided, rather the note is a high level position paper. However, it is likely that the same issues considered in previous WDC documents are being raised.

1.6.12 It is also considered that the standard approach being recommended by NE is that outlined in 'General approach advised for HRA screening of air quality impacts' (Annex B, Wider Context) in the above February 2018 advice. The general approach aligns well with AECOM scenarios standard approaches.

Document: Ashdown Forest SAC Air Quality Monitoring and Modelling Volume 1 (Redacted) and Volume 2: Appendices (Redacted)

1.6.13 These documents appear to be very similar to the documents previously reviewed by AECOM Autumn/Winter 2017/2018, last in February 2018. The AQC report was then dated October 2017.

1.6.14 The approaches and scenarios considered appear unchanged. Monitoring data is still presented as a whole period rather than annual averages (Table 8.2 Volume 1).

1.6.15 The updates are considered to be largely presentational. Therefore, the previous air quality comments made in relation to these reports are unchanged.

1.7 Overall conclusion

- 1.7.1 In summary, the Wealden Local Plan HRA differs in some particulars from the analyses undertaken by AECOM. However, it is considered that the Wealden HRA fails to take due account of the low vulnerability of Pevensey Levels SAC/Ramsar and the fact that the woodland at Lewes Downs SAC is not an international interest feature of the site. The Wealden HRA also has a substantial flaw in that it fails to recognize that some of their modelled scenarios (notably Scenario B) are considerably more realistic than others (notably Scenario A).
- 1.7.2 WDC's latest modelling generated three scenarios (A, B and C) which vary greatly in the extent to which they acknowledge existing improving trends in NO_x and oxidised nitrogen deposition and the likelihood of them continuing. Clearly all three scenarios cannot occur. The air quality modelling reports themselves make it clear that the modelled scenarios are not considered equally realistic or equally likely to occur; in particular, paragraph 7.11 of the original 2017 air quality modelling report described the NO_x emission assumptions underlying Scenarios similar to Scenario A as '*an extreme worst-case*' [emphasis added]. However, the HRA report disregards this nuance, treats all three scenarios as equally likely/reasonable and thus focusses heavily on Scenario A; a scenario that is unrealistic and unlikely to arise in practice since it would require existing positive trends in NO_x concentrations and oxidized nitrogen deposition rates to substantially reverse at a time when further initiatives are being introduced to control them. The result is that the HRA exaggerates the air quality issues throughout.
- 1.7.3 For Ashdown Forest SAC, the maximum nitrogen dose from additional traffic on the network forecast in WDC's most realistic scenario (Scenario B) is greater than that modelled by AECOM. However, this is explicable by differences introduced to the modelling approach that in themselves carry uncertainties and the modelled dose affects only a very small proportion of all heathland in the SAC and at worst is likely to mean that any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 *may* be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). While the numerals differ in some areas the overall trends identified in WDC's most realistic scenario (a net improvement in nitrogen deposition over the plan period, despite forecast growth, which is only slightly retarded over a small proportion of the SAC) are the same as that forecast by AECOM. Given the confounding factors present as demonstrated by WDCs vegetation monitoring it is entirely possible that even this slight retardation of improvement may never materialise on the ground or be detectable.
- 1.7.4 There is therefore considered to be no need to update or amend the modelling work that AECOM undertook for South Downs National Park Authority, Lewes District Council and Tunbridge Wells Borough.

Appendix G4: TWBC response to WDC Call for Sites/draft SHELAA consultation June 2020

From: Ellen Gilbert
Sent: 26 June 2020 06:09
To: 'shelaa@wealden.gov.uk'

Subject: Consultation comments from Tunbridge Wells Borough Council on draft SHELAA Methodology Wealden District Council

Dear Sirs,

Thank you for your consultation on the draft SHELAA methodology, received on the 28th May.

TWBC has considered the draft methodology against the SHELAA Methodology Guidance dated July 2019 and has the following comments to make:

TWBC raises no objection to the draft methodology, subject to clarification at paragraph 2.2 about sites to be included in the SHELAA; current wording reads as if this is Call for Site submissions only when other parts of the draft methodology explain that other sources of sites will be considered too. In addition, it is recommended that WDC takes a strategic overview of where development may be most appropriate, proactively identifying such opportunities, and seeking landowner interest.

TWBC also suggests that WDC screens sites against a similar data set to that used at TWBC. If you would like further information on the data set used at TWBC please contact us for assistance.

Finally TWBC welcomes continued engagement with WDC on sites, and cross-boundary issues and other Duty to Cooperate matters.

I trust that these comments are of assistance.

Kind regards,

Ellen



Ellen Gilbert
Principal Planning Officer
(Part Time)

[Redacted signature block]

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Appendix G5: TWBC response to WDC Draft SA Scoping Report July 2020

Comments from Tunbridge Wells Borough Council

Wealden District Council draft SA Scoping Report (July 2020 v1)

Contact Officers: Natalie Bumpus and Kelly Sharp (WDC), Katie McFloyd (TWBC)

1. Do you agree that the plans, policies and programmes identified in Appendix A and Chapter 3 are the most relevant or are there other plans that need to be added?

- When discussing European legislation in chapter 3, it would be worth including some background context in the introduction regarding the status of the Directives in light of Brexit.
- Para 3.2.5. It would be worth stating explicitly that the new target is for emissions to be reduced to zero (not just reduced significantly) and that this is a new amendment to the Act introduced in 2019.
- Para 3.2.9. NPPF paragraph 148 is also relevant and should be referred to.

2. Do you agree that the baseline data collected in Chapter 3 is relevant, accurate and of sufficient detail?

- Para 3.2.41. Third bullet point. Would be clearer if explained this was a relative comparison of the different emission sources. In general, CO₂ emission from transport will decline over the plan period (but without the Local Plan) as national targets are influential.
- Para 3.4.42. The overall development strategy will also be crucial in reducing emissions and is worth mentioning.
- Para 3.3.38. local sites are also at risk. Final bullet point only mentions national and international designations
- 3.3.39. Appropriate net gains policy creation should be mentioned
- 3.6 Flooding. A map of the district including flood zones would be useful. Consistent with maps provided for the biodiversity chapter
- Para 3.6.24. This information in the table would be better presented as a map
- 3.9.13 This list could be better illustrated as a map
- 3.10.15 Loss of the setting of heritage assets may also be worth mentioning.
- 3.10.17. Be clear this includes non-designated heritage assets.

3. Do you have, or know of, any additional relevant baseline data which should be added to that already identified?

- 3.4 Soil carbon also worth mentioning in this chapter. National Soil Maps can provide an indication of whether carbon volume in soils are low, medium or high. See <http://www.landis.org.uk/soilscapes/>. Could be cross-referenced to para 3.7.21 – 3.7.23
- Water Quality (pg 50) Are there any groundwater sources protection zones in the district? If so, these should be described. A map would be useful.
- 3.9 Use of sustainable resources/materials (especially in construction) is not mentioned and overlaps with this chapter? Preference for reuse over demolition is mentioned in the NPPF.
- 3.15. This chapter could also mention access to historic assets being important from a mental health and wellbeing perspective. Historic England have undertaken studies and have recommendations on this topic. In light of ANGst, should the title of chapter refer to 'green open space'?
- 3.17 Access to useful broadband speeds/FTTP is an additional important consideration for this chapter. Cross reference to chapter 3.20?

4. As far as you are aware, are there any inaccuracies or anomalies in the data presented?

- Only minor points raised above.

5. Do you agree that the key sustainability issues identified in Chapter 3 are those most relevant for Wealden District?

- Yes, a very thorough and clear account.

6. Are you aware of any sustainability issues which, in your opinion, should be added, or any that should be removed?

- Chapter 4. Are there any cross-boundary water impacts to consider? Flooding/resources etc

7. Do you agree with the SA Objectives identified in Chapter 4? If not, why not, and should any objectives be re-worded or removed? Should any SA Objectives be added?

- Chapter 5. Excellent to see two separate objectives on climate change (mitigation and adaptation) reflecting the increasing importance of this topic. Support this approach.

8. Are there any particular indicators that we should be including or excluding for measurement and monitoring?

- No, list and approach seem thorough and appropriate.

9. Does your organisation collect any data/information that would be useful to the monitoring of the Local Plan document, which you would be happy to supply?

- None that comes to mind but happy to assist and share should anything become evident in the future.

10. Do you have any other comments on the draft SA Scoping Report?

- Not a strict requirement for Scoping Reports but, as is often the case with such a broad topic matter, the report is lengthy and would benefit from Non-Technical Summary that briefly explains the process, key findings and outcomes.
- As this report will go onto your website, accessibility standards will need to be considered. The colour in the tables, web address links (e.g. footnote 6) and footnotes could be problematic. Web links should be within sentences as in paragraph 2.5.2. Red/green colours in 5.3.2 will cause problems. Likewise, proposed appraisal matrix tables in Appendices D and E with merged cells will cause problems for screen readers. Seek advice from your digital services team or equivalent

Contact details for future consultations

- Please send future consultation on the SA or the Local Plan to planning.policy@tunbridgewells.gov.uk

Appendix G6: TWBC response to WDC Direction of Travel Consultation November 2020

Planning Policy Team
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

Please ask for: Stephen Baughen

Date: 18 January 2020

Dear Sir/Madam

Wealden Local Plan Direction of Travel Consultation

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Wealden District Council (WDC) as part of the Direction of Travel Consultation 2020. TWBC has considered the consultation document and wishes to make the following comments relating to the general themes within the document and the proposed growth options.

General themes

TWBC supports the general themes presented in the consultation document, particularly in relation to the delivery of infrastructure, where TWBC are pleased to note WDC's commitment to continued close collaboration with its neighbouring local planning authorities to identify cross boundary infrastructure issues. TWBC therefore encourages continued and ongoing dialogue with WDC through regular Duty to Cooperate (DtC) discussions.

With regards to town centre regeneration, TWBC note that although reference has been made to recent changes of shopping trends as a result of Covid-19, there is the need for updating the figures to reflect the current trends, as they could reduce the proportion of market share that is not retained within the Wealden District. TWBC also note the need for an updated settlement hierarchy/settlement role and function, as it is likely that many of the settlements will have lost services and/or retail, or changes to their offer since the last WDC Plan was being prepared.

In relation to the policy options for tackling climate change, TWBC suggest that WDC should also seek to maximise opportunities for the mitigation of climate change that arise for smaller scale developments too.

Growth Options

1) Focused Growth including large Extensions to existing Sustainable Settlements

TWBC notes that this option could direct development to settlements that lie close to the boundary of Tunbridge Wells borough, in particular to Royal Tunbridge Wells (RTW) itself. There is also the possibility that RTW may constitute an "existing sustainable settlement". It is therefore noted that any directed growth on the edge of the main urban settlement or borough boundary may cause an increase of pressure on the services, facilities, and infrastructure within RTW (or other settlements within Tunbridge Wells borough close to the boundary with WDC). Focused growth on larger settlements in Wealden close to TWBC area will need to consider transport impacts, particularly on the A26, A267 and the Hastings-

London line, into the borough, as would any significant growth of such settlements affecting the borough from other options. It is also important that WDC and TWBC are able to identify and address other cross boundary matters that may result from this growth option, including education provision and health provision, through DtC discussions, which should be conducted through early and continued engagement.

2. Semi-dispersed growth to Existing Sustainable Settlements and Larger Villages

TWBC note that the "smaller sustainable settlements" could include settlements within the northern areas of Wealden. Resultantly, there may be additional demand for services provided by the main urban area of RTW, as well as increased demand for commercial services and footfall. Again, it will be important for WDC and TWBC to engage in early discussions to ensure cross boundary matters, such as those previously identified under spatial option 1 are collaboratively planned for under this growth option and regularly discussed through DtC discussions.

3. Dispersed Growth

TWBC notes that this growth option would have the effect of spreading growth across Wealden District. As with options 1 and 2 this could involve an element of growth close to the boundary with TW borough including in proximity of RTW itself.

4. New Settlement (s) Growth


In the absence of any location, or locational criteria, for a new settlement, TWBC would note that opportunities appear very limited: such a proposal within the High Weald AONB would be extremely unlikely of being consistent with its designation, although this may be an option in the Low Weald close to Eastbourne, which may also help meet its unmet housing need, subject to transport capacity in particular. TWBC welcome ongoing engagement/discussion on this growth option so that if relevant, cross-boundary matters can be identified and discussed at the early stages.

Other matters: TWBC has no further comments to make in respect of the Sustainability Appraisal Scoping Report (which was previously consulted upon) and Consultation and Engagement Strategy which support this consultation document.

As you will be aware from our regular liaison and DtC meetings, TWBC is currently preparing its Pre-Submission Local Plan document ready for Regulation 19 consultation in March/April 2021. We will continue to discuss and engage with WDC ahead of this, including in terms of cross boundary issues and will formally consult WDC when the plan progresses to this stage.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely



Stephen Baughen
Head of Planning Services

Appendix G7: WDC response to TWBC Regulation 18 consultation 2019 (email)

TUNBRIDGE WELLS BOROUGH
DRAFT LOCAL PLAN (REGULATION 18)
Consultation 20 September to 01 November 2019

RESPONSE FORM

This response form is for use with the Draft Local Plan (Regulation 18) consultation document.

DATA PROTECTION AND FREEDOM OF INFORMATION

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform future stages of Local Plan preparation.

When you send us your response to this consultation, your contact details will be added to our consultation database and you will be kept informed of all future consultations on Planning Policy documents.

Please note that your responses will be published by the Borough Council, including on its website. The Council will publish names and associated responses but will not publish personal information such as telephone numbers, e-mails or private addresses.

For more information about how we use your personal data, please see the Council's Planning Policy Privacy Notice at <http://www.tunbridgewells.gov.uk/cookies-and-privacy/privacy-notices2/planning/planning-policy-privacy-notice>

Your details (please give full contact details)	
Name	Marina Briginshaw
Company/organisation (if relevant)	Wealden District Council
Are you responding as an individual or organisation, or as an agent on behalf of somebody else?	<input checked="" type="checkbox"/> As an individual/on behalf of an organisation or group <input type="checkbox"/> As an agent
If you are an <u>agent</u> , please specify who you are representing	N/A
Email address	ldf@wealden.gov.uk
Postal address	Wealden District Council Council Offices, Vicarage Lane
Town	Hailsham
Post Code	BN27 2AX

Telephone Number	<div></div>
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You will find details of where to return your completed forms on the next page

When you have completed this response form, please email it to:

localplan@tunbridgewells.gov.uk

Alternatively, you can print it and post it to:

Local Plan
Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 1RS

Or:

It is recommended that you make your comments directly online via our consultation portal at <https://tunbridgewells-consult.objective.co.uk>

This response form can be used to submit your comments on any part of the consultation Draft Local Plan. There is a separate comment box below for each type of comment.

COMMENTS ON A PARTICULAR SECTION OR PARAGRAPH

COMMENT BOX 1A

Please state which section or paragraph number(s) you are commenting on.

Section Number: 4 The Development Strategy and Strategic Policies

Paragraph Number(s): 4.7 to 4.17 (Housing Development)

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Paragraph 4.7 of the draft Tunbridge Wells Borough Local Plan confirms that based on the projected submission of the Local Plan in 2020, the objectively assessed housing needs for the borough over the plan period to 2036 is 13,560 dwellings (equivalent to 678 dwellings per annum (dpa)), identified by the standard methodology as required by the NPPF. The Plan confirms at paragraph 4.16 that the total capacity of all identified sites (completed houses since 2016, extant planning permissions, retained Site Allocations Local Plan allocations, development through windfall sites, together with new allocations proposed in the draft Local Plan) provides for some 14,776 (net) additional dwellings.

Therefore, the draft Tunbridge Wells Borough Local Plan would meet the housing needs identified under the standard methodology and would actually overprovide by approximately 9% if each site was to be brought forward as anticipated. However, it is recognised under paragraph 4.10 of the Draft Tunbridge Wells Borough Local Plan that Tunbridge Wells Borough Council (TWBC) would apply a 10% non-delivery rate for all existing extant planning permissions and sites contained within the retained Site Allocations Local Plan. It is considered, in the context of the new NPPF, that all housing sites included within supply for the Plan period should either be identified as 'deliverable', 'developable' or as a 'broad location for growth' in line with paragraph 67 of the NPPF.

A 10% non-delivery rate across all housing sites in the categories above, particularly for those sites with detailed planning permission, may not conform to the latest NPPF and national planning practice guidance on these matters (see the NPPF Annex 2 Glossary – Deliverable). It is noted that this non-delivery rate is subject to further information about the delivery of such sites and that further information may come forward in the next iteration of the Plan. However, it is considered that the question as to whether a housing site can be delivered or not should be on a case by case basis in line with definition of 'deliverable' and 'developable' in the latest NPPF. The application of a 10% non-delivery rate to these categories may mean that the Plan actually delivers more than the minimum housing requirement for the Borough and could potentially deliver for the housing needs of neighbouring authorities, if it was established that this was required.

Paragraph 4.8 and 4.9 of the draft Tunbridge Wells Borough Local Plan confirms that a) adjoining Councils are generally seeking to meet their own housing needs and b) that TWBC will keep the housing needs of both the borough and neighbouring councils under review and may need to update its housing targets as the Local Plan progresses. The

Submission Wealden Local Plan (January, 2019) confirms that Wealden District Council is seeking to meet its own housing needs and that for the submitted Local Plan, it has not asked TWBC or other neighbouring authorities to meet its housing needs. Wealden District Council supports the position taken by TWBC relating to reviewing and where necessary updating its potential unmet housing needs of both the borough and neighbouring authorities who's Plans are under review or will be in the near future.

COMMENT BOX 1A

Please state which section or paragraph number(s) you are commenting on.

Section Number: 4: The Development Strategy and Strategic Policies

Paragraph Number(s): 4.18 – 4.23 (Economic Development)

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Paragraphs 4.18 – 4.19 of the draft Tunbridge Wells Borough Local Plan states that the Sevenoaks and Tunbridge Wells Economic Needs Study (ENS) recommends that the Council should allocate sites to accommodate at least 14 hectares of new employment land in order to support the creation of new employment opportunities over the Plan period. It is noted that the target of 14 hectares will be reviewed as part of the preparation for the Regulation 19 stage of the Local Plan.

The draft Tunbridge Wells Local Plan recommends the expansion of the existing Key Employment Areas at North Farm/Longfield Road in Royal Tunbridge Wells, around Maidstone Road in Paddock Wood, and at Gill's Green. Additionally, it is recognised the area around the A21 highways improvements as a location for significant employment growth potential. The importance of Tunbridge Wells town centre is also recognised in terms of existing and future office provision.

Wealden District Council supports the approach taken by TWBC relating to the identification of Key Employment Areas and recognises the importance of Tunbridge Wells town centre not only for residents and workers in Tunbridge Wells Borough, but also for those in surrounding areas including the Wealden District.

Paragraphs 4.22 – 4.23 states that the Retail and Leisure Study identifies a need for between 21,700 and 34,000 sqm of additional comparison floor space and between 7,500 and 9,500 sqm additional convenience floor space. It is noted that the retail market is in a current state of change and that allocated retail needs should look at least ten years in advance, with a review of needs as part of the Local Plan review process in accordance with the NPPF. The Plan includes detailed policies in relation to Royal Tunbridge Wells town centre as well as a retail hierarchy.

Wealden District Council supports the approach taken by TWBC in reviewing future retail floor space needs and the identification of a retail hierarchy to direct planning proposals. The Submission Wealden Local Plan states (January 2019) at page 30 (Table 1: Current

Settlement Hierarchy) that Tunbridge Wells is at the top of the settlement hierarchy and is described as “*a regional centre with accessibility to high order facilities and public transport options*”. It is supported that the focus of retail development within the borough would be in Tunbridge Wells, which is recognised as an important centre for those in surrounding areas, including Wealden District.

COMMENTS ON A POLICY

This comment box can be used for comments on Strategic Policies (Section 4), Strategic Place Shaping Policies (Section 5), Site Allocation Policies (section 5), or Development Management Policies (Section 6).

If you wish to make comments on multiple policies, please copy and paste Comment Boxes 2A and 2B for each Policy you are commenting on.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: STR 1: The Development Strategy

Please enter your comments here:

The scale and distribution of development within Tunbridge Wells Borough is set out in Table 3 (associated with Policy STR 1). This identifies the three main locations for housing development in Royal Tunbridge Wells and Southborough, Paddock Wood and Tudeley Village. Further development will be located in other settlements across the Borough and will largely be provided on a proportional basis relative to the size of each settlement.

A new garden settlement at Paddock Wood will deliver around 4,000 new homes and Tudeley Village will deliver approximately 1,900 new homes within the Plan period (a maximum of between 2,500 and 2,800 dwellings in total), which equates to almost half of the housing requirement over the Plan period. These allocations are located away from the High Weald AONB and Green Belt (in the case of Paddock Wood) to the north of the Borough where constraints are less prohibitive. This stance is supported by Wealden District Council given the more substantial planning constraints in the south of the Borough.

It is identified that 90,000 sqm of new employment floor space is allocated within the North Farm/Longfield Road Key Employment Area and a further 1,000 sqm allocated within the Gill's Green Key Employment Area. These employment allocations equal a total of 9.1 hectares.

As stated previously, the Tunbridge Wells ENS recommended the Plan should allocate sites to accommodate at least 14 hectares of employment floor space. Therefore, it could be argued that there is some uncertainty towards the remaining 4.9 hectares of floor space to be allocated within the Borough, especially if the target of 14 hectares is to remain after a review as part of the preparation for the Regulation 19 stage of the Local Plan.

Wealden District Council supports the North Farm/Longfield Road allocation in principle, as the approach is similar in nature to the A22 Employment Sector in the Submission Wealden Local Plan (January 2019) and is associated with the major settlement in the Tunbridge Wells Borough.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: STR/RTW 1: The Strategy for Royal Tunbridge Wells

Please enter your comments here:

Policy STR/RTW 1 identifies the strategy for Royal Tunbridge Wells and includes an allocation of between 20,000 – 30,000 sqm for A1 comparison floor space and an allocation of between 6,000 – 7,500 sqm for A1 convenience floor space.

As stated previously, the Retail and Leisure Study identified a need for between 21,700 and 34,000 sqm of additional comparison floor space and between 7,500 and 9,500 sqm additional convenience floor space within the Borough.

Therefore, the retail floor space needs of the Borough are generally being met within these proposed Royal Tunbridge Wells allocations. Wealden District Council supports TWBC in attempting to meet their retail needs in this centre.

Policy STR/RTW 1 also identifies that approximately 1,222-1,320 new dwellings will be delivered on 17 sites allocated in the draft Tunbridge Wells Local Plan for the plan period. It is noted that a number of sites share, or are in close proximity to the administrative boundary of Wealden District. These allocated sites are discussed in detail below. It is considered the town of Royal Tunbridge Wells should be a focus for new development and specifically employment and retail development.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Support with conditions

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy H13 Gypsies and Travellers

Please enter your comments here:

The Tunbridge Wells Borough Gypsy and Traveller Accommodation Assessment (GTAA) (January 2018) confirms that there is an overall need in the Borough of some 32 residential pitches for the plan period (2016-2036)¹ and that the majority of existing Gypsy and Traveller sites (nearly 80% of sites) have only one or two pitches, the largest site containing seven separate pitches. The GTAA recommended that based on their understanding of existing sites and the nature of demand that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites.

Policy H13 (Gypsies and Travellers) of the draft Tunbridge Wells Borough Local Plan outlines a criteria based policy for the establishment of gypsy and traveller sites, with eight criteria that need to be satisfied. The criteria largely relates to development management matters, but criteria 1 confirms that the site must form part of, or be located adjacent to, an existing lawful permanent gypsy and traveller site, or is allocated within a policy in the Local Plan, or is provided as part of a wider residential or mixed use scheme. It is noted that an additional 4 (net) pitches are to be provided under Policy AL/PW 1 and Policy AL/CRS 15, which will leave a remaining 24 pitches to be provided under this policy.

It is noted that the TWBC are seeking to meet their own Gypsy and Traveller accommodation needs through identified allocations cited above and through the intensification and/or expansion sites. This is supported. However, the policy does not provide a list of such existing sites that are considered suitable for intensification/expansion, and therefore, the deliverability of those additional pitches maybe uncertain or untested. To provide clarity, it would be considered appropriate to identify those existing sites where additional pitches are likely to come forward and would be acceptable, providing the identified criteria is met.

The Submission Wealden Local Plan (January 2019) confirms that Wealden District Council will meet its fully identified Gypsy and Traveller accommodation needs for the Plan period through two identified sites within the Plan at Hailsham and Polegate. It is therefore considered that there are no current requirements for Gypsy and Traveller provision from Wealden District at the current time.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Support

¹ This has been reduced to 28 residential pitches following a review of pitch completions and planning permissions since the base date.

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: TP 5: Railways

Please enter your comments here:

Policy TP 5 within the Tunbridge Wells Borough Local Plan outlines the need to safeguard railway infrastructure in response to the projected increase in the level of growth and development in the Borough. The existing Tunbridge Wells Central to Eridge railway line is to be safeguarded in the Plan in order that the opportunity to link the London-Uckfield railway line with the London-Hastings railway line is not lost.

Wealden District Council supports Policy TP 5 and similarly recognises the need to safeguard the Eridge Railway line within Policy INF 5 of the Submission Wealden Local Plan (January 2019).

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 18 – Land to the West of Eridge Road at Spratsbrook Farm

Please enter your comments here:

Policy AL/RTW 18 (Pages 108 to 110) relates to land to the west of Eridge Road at Spratsbrook Farm that has been allocated for 270 (net) dwellings and lies immediately west of the A26 Eridge Road, where there is existing access into the site. The site shares an administrative border with Wealden District that lies to the south. In addition, land directly adjacent to the allocation within Wealden District has been submitted for consideration as part of Wealden District Council's SHELAA. This is considered further below.

The site allocation in the Tunbridge Wells Local Plan is located within Green Belt, partially within the High Weald AONB and includes a small area of Ancient Woodland and an Ancient Monument in the western corner of the site that has archaeological potential. The policy confirms under policy AL/RTW 18 that as well as the provision of 270 (net) dwellings, the allocation will also provide a seven form entry secondary school on site. It is anticipated that contributions towards primary and secondary education, health and

medical facilities, a new sports hub at Hawkenbury Recreation Ground will be brought forward as part of the development proposals.

Paragraph 172 of the NPPF (February, 2019) confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to these issues. It notes that the scale and extent of development within these designated areas should be limited and that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. The remaining part of the paragraph confirms that consideration to be given to following issues that includes:

- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or 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.

Tunbridge Wells Borough Council has published a supporting document named the 'Distribution of Development Topic Paper' that includes consideration of development potential in the High Weald AONB under Section 6(G), amongst other matters. This document notes under paragraph 6.93 of the document that of the 49 site allocations in the High Weald AONB that are being put forward for inclusion in the Draft Local Plan, around 17 are considered to be 'major' development in their local context. The document provides a commentary for the borough as a whole on how the strategy meets the exceptions test laid out in paragraph 172 of the NPPF on pages 51 to 53.

Appendix 3 of the 'Distribution of Development Topic Paper' outlines each site allocation within the High Weald AONB in terms of whether the site allocation is indeed 'major' development in the context of paragraph 172 of the NPPF and if so, whether it meets the exceptions and public interest test. The aforementioned site above was considered to be 'major' development of a very substantial scale and high impact on the High Weald AONB. In terms of justification for the development, it has been stated that this is the only site that has come forward that is suitable to deliver a new secondary school in this part of the Borough and would provide good connectivity to the town and wider landscape.

Given the scale of the development and its impact on the High Weald AONB, it is agreed by Wealden District Council that the development would be 'major' development in the context of paragraph 172 of the NPPF. However, the assessment for this site does not provide specific justification for the development against the aforementioned criteria in paragraph 172 of the NPPF. It is considered that it may be better to assess each 'major' development site in the High Weald AONB against each of the criteria and then to reach a conclusion as to whether the site is justified on this basis.

In July 2017, Wealden District Council commissioned Chris Blandford Associates to undertake the Wealden Local Plan Sites Landscape and Ecological Assessment Study and this details the ecological and landscape information to inform the process of identifying suitable sites for future development within those areas of the District outside of the South Wealden Growth Area (SWGA).

As part of this process, Wealden District Council undertook a landscape assessment for the southern part of this site (the area of land located within Wealden District) in support of the Submission Wealden Local Plan (January, 2019). As part of this study the site was considered to have high visibility, very high landscape sensitivity and value, and a very low landscape capacity. This information was shared and discussed with Tunbridge Wells on the completion of this study. It also noted that whilst the whole site is highly sensitive, the north-western part of the site is most sensitive (nearest to the proposed allocation site)

as it lies within and adjacent to a nationally Scheduled Monument providing a characteristic landscape setting to a prehistoric site.

Criteria 7 of policy AL/RTW 18 in the draft Tunbridge Wells Local Plan confirms that the provision of a soft landscaping buffer along the south-western boundary within the Wealden District administrative area should be investigated. Such joint working is supported, however it is considered that the evidence base above should be taken into account and the landscape protected accordingly. It is considered that the policy wording should therefore be strengthened to ensure the protection of the landscape as part of any development coming forward. In this regard, further discussions are welcomed.

In addition, it is not clear how any cross boundary impacts on transport infrastructure or the setting of the High Weald AONB have been assessed, for example, and whether consideration of the secondary school included within this policy has included discussions with East Sussex County Council (ESCC), given its proximity to Wealden District and settlements such as Frant, Bells Yew Green and Eridge. Wealden District Council would welcome discussions involving East Sussex County Council in relation to education and highways matters to ensure that such an allocation, if not removed in the next iteration of the Plan, is both agreeable and where necessary the policy strengthened.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden District. It would also be helpful to show the green belt and AONB designations.

Spratsbrook Farm – Area of land within Wealden District (SHELAA ref: 729/1610)

Wealden District Council considered the allocation of land in the AONB adjacent to the Tunbridge Wells allocation as part of its Local Plan preparation.

The Wealden District Council Strategic Housing and Economic Land Availability Assessment (SHELAA) was published in January 2019. This document along with other evidence base documents including the Sustainability Appraisal informed plan preparation.

As part of the Wealden Local Plan preparation, key considerations included major development in the AONB and the national planning policy test whereby land outside the AONB serving Wealden District would need to be considered as well as the other necessary tests. The nature of Wealden District, as well as other factors including landscape considerations (as set out above), resulted in the land in the AONB surrounding Tunbridge Wells not being selected.

It is considered that the above matters would need to be duly considered should this area of land be promoted in the future.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 22 – Land at Bayham Sports Field West

Please enter your comments here:

Policy AL/RTW 22 (Pages 116 to 117) relates to Land at Bayham Sports Field West that has been allocated for between 20 and 25 (net) dwellings and lies immediately to the north of Bayham Road, beside the Kent and Sussex Crematorium.

It is noted that the constraints to the site are less on the basis that the site is not located within the Green Belt or High Weald AONB. The vehicular and pedestrian access for the site would need to be taken from Bayham Road, B2169.

Nonetheless, it not clear how Tunbridge Wells Borough Council has taken into account the sites proximity to the administrative boundary of Wealden District and its potential cross boundary impacts on infrastructure (transport, open space and recreation and green infrastructure / biodiversity and education particularly) and the setting of the High Weald AONB within Wealden District.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 26 – Land at Cemetery Depot, Benhall Mill Road

Please enter your comments here:

Policy AL/RTW 26 (Pages 124 to 125) relates to Land at Cemetery Depot, Benhall Mill Road that has been allocated for 20 (net) dwellings. The site comprises a depot site associated with the adjacent cemetery, with the site fronting onto Benhall Mill Road.

The constraints to this site are more limited, since it is not located within the Green Belt or High Weald AONB. The vehicular and pedestrian access for the site would need to be taken from Benhall Mill Road.

Nonetheless, it not clear how Tunbridge Wells Borough Council has taken into account the sites proximity to the administrative boundary of Wealden District and its potential cross boundary impacts on infrastructure (transport and education particularly) and the setting of the High Weald AONB within Wealden District.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 27 – Land at Hawkenbury Road/Maryland Road

Please enter your comments here:

Policy AL/RTW 27 (Pages 126 to 128) relates to Land at Hawkenbury, off Hawkenbury Road/Maryland Road that has been allocated for between 220 and 250 dwellings and a primary school (two form entry). The site lies to the south of Hawkenbury Road, a short distance from the boundary of Wealden District to the south.

This site already has planning permission for residential development (of 247 (net) dwellings) and the provision of a new primary school and is under construction. It has been suggested by TWBC that if planning permission has been substantially completed by the publication of the Regulation 19 Pre-Submission Local Plan stage, then this policy will be deleted. It is likely that this will be the case so Wealden District Council has no further comment to make.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden.

Copy and paste a further 2A/2B comment box here for each Policy you are commenting on.

COMMENTS ON THE VISION (SECTION 3)

COMMENT BOX 3

Please enter your comments on the Vision in the box below.

Please enter your comments here:

The vision is considered to provide an ambitious framework for the Tunbridge Wells Borough Local Plan to develop and does provide the spatial context for where the majority of new housing/employment development would take place. As stated elsewhere, the Draft

Tunbridge Wells Borough Local Plan seeks to meet the objectively assessed housing needs of the Borough (using the standard methodology in national planning practice guidance) for the plan period that runs from 2016 to 2036, which is ambitious given the recognised constraints of the borough that includes substantial areas of Green Belt and Areas of Outstanding Natural Beauty (AONB).

Although parts of the vision do consider the constraints to the Borough, particularly landscape, not all the major constraints to development are described and so it would be helpful to include those within the vision. For example, the Green Belt is not cited within the overall vision, although it covers a significant proportion of the Borough and is included within the strategic objectives described below (page 32 of the draft Tunbridge Wells Borough Local Plan). Similarly, there is no reference to the different types of housing that will be supported through the draft Tunbridge Wells Local Plan that includes affordable housing, student accommodation and older people's housing and their associated needs, albeit that this is included in the Plan itself and the local evidence base relating to housing need.

COMMENTS ON THE STRATEGIC OBJECTIVES (SECTION 3)

COMMENT BOX 4

Please enter your comments on the Strategic Objectives in the box below.

Please enter your comments here:

The strategic objectives set out under page 32 of the draft Tunbridge Wells Local Plan includes the provision of housing, affordable housing and employment land, amongst other needs identified in the Borough to be delivered by the end of the Plan period. Other strategic objectives relate to the delivery of infrastructure and transport schemes, tackling climate change, the protection of the High Weald AONB, the release of appropriate Green Belt land for development in a plan-led system, the formation of garden settlements and joint working with neighbourhood plan groups. It is considered that those strategic objectives are relatively brief and could be expanded upon to include details as to how those spatial objectives are expected to be achieved, even if this is just included within supporting text.

As discussed above, it appears that the vision does not include the planned release of appropriate Green Belt land, but this is included as a strategic objective. Conversely, the vision confirms that rural enterprise will have been supported, and the exceptional quality of the built and natural environments will have been protected and enhanced, but rural development and enterprise is not specifically identified within the strategic objectives. Given the above, it is considered that the proposed vision and the strategic objectives could be better aligned to ensure that they correspond with one another in a coherent fashion.

COMMENTS ON FIGURE 4: THE KEY DIAGRAM (SECTION 4)

COMMENT BOX 5

Please enter your comments on the Key Diagram (Figure 4) in the box below.

Please enter your comments here:

Paragraph 23 of the NPPF (February 2019) confirms that broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. The key diagram within the draft Tunbridge Wells Local Plan (page 41) includes all housing allocations within the plan, including the two proposed garden settlements, the location of both Green Belt and the High Weald AONB, as well major transport routes and settlements.

The key diagram does include broad locations for growth amongst other matters and provides an overview for the spatial distribution of the plan. This would comply with the NPPF.

COMMENTS ON A TABLE

COMMENT BOX 6

Please enter your comments on a table in the box below. Please state which table number you are commenting on.

Table Number:

Please enter your comments here:

No comments to make.

COMMENTS ON AN APPENDIX (Appendices 1-4)

This comment box should be used for comments on Appendices 1-4. If you are commenting on Appendices 5 or 6, please use the separate comment boxes below (Questions 8 & 9).

COMMENT BOX 7

Please enter your comments on an Appendix (Appendices 1-4) in the box below. Please state which Appendix you are commenting on.

Appendix Number:

Please enter your comments here:

No comments to make.

COMMENTS ON TOPIC PAPERS AND OTHER SUPPORTING DOCUMENTS (APPENDIX 5)

COMMENT BOX 8

Please enter your comments on a topic paper or other supporting document in the box below. Please state which topic paper or supporting document you are commenting on.

Habitats Regulations Assessment:

Wealden District Council submitted its HRA and subsequent documentation and evidence in January 2019 to support its Submission Wealden Local Plan and subsequently submitted further information in response to the Inspectors Matters. Stage 1 of the EiP for the Submission Wealden Local Plan took place in May and July 2019. Several days were dedicated solely to HRA matters, mainly in relation to the impact of air quality on European sites. The Council is now waiting to receive the Inspector's letter in relation to the outcome of its stage one EiP.

The Council has reviewed the Regulation 18 HRA that accompanies the Local Plan consultation. The Council notes that the direction of the HRA and certain considerations, which are key to the conclusion made of 'no adverse impact' as a result of air pollution on Ashdown Forest, diverge from the approach taken and the overall conclusion made in respect to the HRA Submission Wealden Local Plan.

Wealden District Council is mindful that in due course it will receive the Inspector's letter. On this basis, the Council wish to reserve the right to further comment on the HRA, when it has had the opportunity to consider the Inspectors letter in detail. In the meantime, please see the Wealden Local Plan HRA and supporting documentation and evidence. You may also wish to consider information submitted in respects to a recent Planning Inquiry relating to Mornings Mill, Polegate. This can be accessed here:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=139469>

COMMENT BOX 9

Please enter your comments on a topic paper or other supporting document in the box below. Please state which topic paper or supporting document you are commenting on.

Topic Paper or supporting document title: Green Infrastructure Framework

Please enter your comments here:

The Green Infrastructure Framework Supporting Document acknowledges that GI often extends beyond political/administrative boundaries. WDC welcomes this acknowledgement and the reference to the GI evidence base/work being undertaken in Wealden District and the potential for this to be furthered with cross boundary working.

It is noted that Appendix M of the document illustrates the GI priorities for TWBC as well as those of adjoining LPAs including Wealden District Council and that Appendix N presents the potential GI Network for Wealden District (as set out in the 2017 GI Study). The supporting document gives a clear illustration of where interactions and cross boundary working could be pursued in the future. In this regard, paragraph 53 states that adjoining LPAs GI studies/work have been reviewed, that cross boundary GI links have been identified and taken into account as part of the proposed GI mapping in Tunbridge Wells and that they should be supported through relevant GI proposals. This approach is supported by WDC.

WDC would welcome the opportunity to work collaboratively with TWBC on any potential GI projects/actions that may have cross boundary impacts, particularly but not necessarily limited to, the areas identified at para 53 and in Appendix M of the Green Infrastructure Framework Supporting Document.

WDC supports the inclusion of and clear references to biodiversity improvements in the GI Framework such as biodiversity offsetting and biodiversity net gain, which can be achieved by and help support GI improvements through projects and actions. The approach of seeking biodiversity gains away from a development site (where it is not possible or necessarily desirable to achieve them on site) will require careful consideration and potentially cross boundary working with WDC as relevant to sites adjacent to or in close proximity to the administrative boundary.

In addition, the GI Framework states at para 66 that "...the proposal for biodiversity offsetting may lead to landscape scale change and new elements of strategic GI, either as a standalone provision within the Borough or as part of a wider cross boundary project." WDC would welcome the opportunity to work with TWBC as relevant on such a project(s).

COMMENTS ON APPENDIX 6 (SUBMITTED SITES NOT INCLUDED IN THIS DRAFT LOCAL PLAN)

COMMENT BOX 9

Please enter your comments on any sites submitted through the Call for Sites that have not been included in this Draft Local Plan. Please state the Site Number and Site Address.

Site Number and Site Address:

Please enter your comments here:

None.

END OF COMMENT BOXES

Please note: if you wish to make comments on the Draft Sustainability Appraisal, please use the separate Sustainability Appraisal comment form

TUNBRIDGE WELLS BOROUGH
SUSTAINABILITY APPRAISAL FOR DRAFT LOCAL PLAN (REGULATION 18)
Consultation 20 September to 01 November 2019

RESPONSE FORM

This response form is for use with the Sustainability Appraisal which accompanies the Draft Local Plan (Regulation 18).

DATA PROTECTION AND FREEDOM OF INFORMATION

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform future stages of Sustainability Appraisal and Local Plan preparation.

When you send us your response to this consultation, your contact details will be added to our consultation database and you will be kept informed of all future consultations on Planning Policy documents.

Please note that your responses will be published by the Borough Council, including on its website. The Council will publish names and associated responses but will not publish personal information such as telephone numbers, e-mails or private addresses. (see <http://www.tunbridgewells.gov.uk/cookies-and-privacy/privacy-notices2/planning/planning-policy-privacy-notice>)

Your details (please give full contact details)	
Name	
Company/organisation (if relevant)	Wealden District Council
Are you responding as an individual or organisation, or as an agent on behalf of somebody else?	<input checked="" type="checkbox"/> As an individual/on behalf of an organisation or group <input type="checkbox"/> As an agent
If you are an agent, please specify who you are representing	N/A
Email address	ldf@wealden.gov.uk
Postal address	Wealden District Council Council Offices, Vicarage Lane
Town	Hailsham
Post Code	BN27 2AX
Telephone Number	

You will find details of where to return your completed forms on the next page

When you have completed this response form, please email it to:

localplan@tunbridgewells.gov.uk

Alternatively, you can print it and post it to:

Local Plan
Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 1RS

Or:

It is recommended that you make your comments directly online via our consultation portal at <https://tunbridgewells-consult.objective.co.uk>

This response form can be used to submit your comments on any part of the Sustainability Appraisal.

COMMENTS ON THE SUSTAINABILITY APPRAISAL

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: SA as a whole document Paragraph Number(s): N/A

Site Number: N/A Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

In terms of the Sustainability Appraisal overall, it is considered that greater justification could be provided for policies within the draft Tunbridge Wells Local Plan and their reasonable alternatives as to why certain policies were 'selected' and others 'rejected'. Whilst the text has some brief explanations, this is more related to commentary in relation to explaining the scores against the SA Objectives rather than a holistic conclusion for each alternative considered.

Paragraph 018 Reference ID: 11-018-20140306 of the Planning Practice Guidance states that

"The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves...[and] In doing so it is important to:

- outline the reasons the alternatives were selected...and
- provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives".

It is considered that policies within the draft Tunbridge Wells Local Plan should consider all reasonable alternatives to the identified policies.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 6

Paragraph Number(s): 6.1.1 – 6.1.6

Site Number: N/A

Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Whilst these paragraphs set out the six growth strategies considered through the Issues and Options stage, a summary has not been provided to show which of the six growth strategies were considered appropriate (or not) to be taken forward in the draft Local Plan (i.e. why they were selected or rejected). Such information would be helpful and could be shown through a summary table, so as not to repeat text from the SA of the Issues and Options, which in itself is not wholly clear on which strategies were selected and rejected at that stage (i.e. not all of the strategies have reasoning/justification).

Appendix B of the SA for the Issues and Options provides the appraisal of the six growth strategies along with commentary on the effects of each on the SA Objectives, but it does not ultimately state which strategies were selected or rejected. This may have been best presented within the SA of the draft Local Plan September 2019 (Regulation 18).

It is noted that paragraphs 6.2.4 – 6.2.10 provides a discussion in general terms about some of the growth strategies considered and their relative merits, however these could be made clearer. There is a lack of explanation for all of the growth strategies that were appraised.

It is not clear throughout this section the reasons why certain options were selected and the others rejected and not taken forward in the draft Tunbridge Wells Local Plan. Some explanation is given in the supporting text but this would be much clearer to the reader, and in line with the legislation, if it were tabulated and either added to the SA matrices of the options in an additional column/row or as separate tables stating the justification for each option alone.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 7

Paragraph Number(s): 7.1.3 and 7.1.4 (3)

Site Number: N/A

Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the text states that Policy STR4 relates to the specific releases of Green Belt land (sites) and so is subject to a cumulative appraisal of all sites allocated in the draft Local Plan, there could be an appraisal of the policy in terms of the principle of releasing Green Belt Land in the first place, with the reasonable alternatives (or not as it may be) of not releasing this land. The overall thrust of the policy could be assessed against the SA Objectives and then the finer grain detail of the certain sites/land being released as allocations in the draft Local Plan.

This section could also cross refer to the evidence base used for de-designating parts of the Green Belt and consider that in an appraisal of the policy, as a policy in its own right, or the implications of taking forward the Local Plan without such a policy – even if this is just to state that not having a policy of this nature is unreasonable for whatever justification. It is considered that the appraisal of the policy and its justification should be presented here.

In addition, it could be made clearer in this section as to why specific policies were selected for the draft Tunbridge Wells Local Plan, with a greater level of detail where appropriate. The commentary in Tables 18 and 19 merely relates to the scores for each Objective rather than a final 'conclusion' for the selection of the policies over a 'no policy' approach.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8

Paragraph Number(s): 8.1.4

Site Number: N/A

Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

It would be helpful and informative for the reader to have a list of the sites that were filtered out at the initial stage (and a brief justification for this in relation to the criteria used).

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s): N/A

Site Number: 137

Site Address: Land to the west of Eridge Road at Spratsbrook Farm, Royal Tunbridge Wells, TN3

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) with regards to the individual appraisal of Site 137. It is considered that the appraisal does not account for the large site extending beyond the borough boundary and into Wealden District. There is no consideration of cross boundary impacts on transport infrastructure for example. In addition, there is no mention that the north western part of this allocation lies within the High Weald Area of Outstanding Natural Beauty (AONB) nor that the remainder of the site (within Wealden District) is also wholly within the High Weald AONB. The 'Landscape' SA Objective is given a negative score but in the commentary, no regard is given to this issue or to the allocation site potentially having a negative impact on the setting of the AONB within Wealden District.

Furthermore, there is no clear justification for why Site 137 was selected to be allocated, nor why other sites rejected in SA terms. This is applicable to both Table 21 and Appendix E.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s):

Site Number: 236

Site Address: Land at Bayham Sports Field West, Bayham Road, Tunbridge Wells

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) in regard to the individual appraisal of Site 236. No account has been taken of the sites proximity to the administrative boundary of Wealden District nor to the potential cross boundary impacts on infrastructure (transport and education, also open space provision) and the setting of the High Weald AONB within the Wealden District.

Furthermore, there is no clear justification for why Site 236 was selected to be allocated, nor why other sites were rejected in SA terms. This is applicable to both Table 21 and Appendix E.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s):

**Site Number: 249
Tunbridge wells**

Site Address: Cemetery Depot, Benhall Mill Road,

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) in regard to the individual appraisal of Site 249. No account has been taken of the sites proximity to the administrative boundary of Wealden District nor to the potential cross boundary impacts on infrastructure within Wealden District.

Furthermore, there is no clear justification for why Site 249 was selected to be allocated, nor why other sites rejected in SA terms. This is applicable to both Table 21 and Appendix E.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s):

Site Number: 255

**Site Address: Land at Hawkenbury, off
Hawkenbury Road/Maryland Road**

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) in regard to the individual appraisal of Site 255. No account has been taken of the sites proximity to the administrative boundary of Wealden District nor to the potential cross boundary impacts on infrastructure and the setting of the High Weald AONB (to the east of the site) within Wealden District.

It is noted that the allocation site has already received planning permission and is under construction so may be removed in the next stage of the Draft Tunbridge Wells Local Plan (Regulation 19).

If you wish to make further comments on other sections, paragraphs or sites, please copy and paste the 1A/1B comment box below here.

END OF COMMENT BOXES

Please note: if you wish to make comments on the Draft Local Plan (Regulation 18), please use the separate Local Plan comment form

Appendix G8: WDC response to TWBC Regulation 19 Consultation 2021

Comment

Consultee	Mr James Webster [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Wealden District Council
Address	Council Offices Vicarage Lane Hailsham BN27 2AX
Event Name	Pre-Submission Local Plan
Comment by	Wealden District Council [REDACTED] [REDACTED]
Comment ID	PSLP_1504
Response Date	03/06/21 09:53
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Wealden District Council
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

PSLP

[TWBC: the section of this representation relating to the Ashdown Forest Special Protection Area and Special Area of Conservation has also been inputted against Policy EN 11 - please see Comment Number PSLP_1506]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
----------------------	-----

Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

With respect to legal compliance and specifically duty to cooperate matters, Wealden District Council and Tunbridge Wells Borough Council have signed a Statement of Common Ground (SoCG) in March 2021. The overall aim of the SoCG between the two parties is to demonstrate that ongoing and appropriate engagement and co-ordination is taking place between the parties that includes planning for identified cross-boundary strategic planning issues that exist and/or likely to arise resulting from the emerging Tunbridge Wells Borough Pre-Submission Local Plan that has now been published for its representation stage under regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended). This was agreed by Wealden District Council's Portfolio Holder for Planning and Development on 12th March 2021.

The SoCG confirms that effective cooperation is taking place between the parties in relation to matters that includes development on the administrative boundary between the two local planning authorities, housing provision, economic development, cross boundary infrastructure issues and matters relating to the natural environment, including the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA).

With respect to development on the administrative boundary between Tunbridge Wells Borough and Wealden District, the local authorities have agreed to work cooperatively on such issues and have agreed a protocol and set of principles for dealing with development on or close to the border between Royal Tunbridge Wells and Wealden District. These are set out in the SoCG under paragraph 2.6. It is noted that the emerging Tunbridge Wells Local Plan has allocated land under Policy AL/RTW 16 (named as Land to the west of Eridge Road at Spratsbrook Farm) for 120 dwellings. The Council is satisfied that the policy addresses the impacts on the adjacent land within the Wealden District Council area, and in terms of infrastructure provision with the relevant highway authority's.

In terms of housing provision, it is clear that the emerging Tunbridge Wells Borough Pre-Submission Local Plan sets out to at least meet its own need under the 'standard methodology', which equates to 678 dwellings per annum, or 12,204 homes over the plan period for 2020-2038. Indeed, the total supply expected from the emerging Local Plan ranges from 13,059-13,444 net dwellings, which allows for a buffer to either meet the unmet housing needs from neighbouring local authorities (most notably Sevenoaks District Council) or to ensure the deliverability of the Local Plan if certain housing allocations are delayed or do not come forward. The emerging Wealden District Council Local Plan, although at an earlier stage in the plan-making process, is also intending to meet its own housing needs that equates to 1,225 dwellings per annum under the 'standard methodology'. Wealden District Council will need to test this through the production of its new Local Plan.

It should be noted that Tunbridge Wells Borough Council formally wrote in early October 2020 to Wealden District Council (amongst other neighbouring local planning authorities) to ask what capacity

we would have to assist in delivering housing given the requirement for local planning authorities to look beyond the Green Belt first before releasing such land for development (paragraph 137 of the National Planning Policy Framework (NPPF)), as well as limiting major developments in Areas of Outstanding Natural Beauty (AONB) to where there are exceptional circumstances and in the public interest (paragraph 172 of the NPPF). The Council responded to this request and this is detailed within the SoCG at paragraph 3.2.8.

It should be noted that both authorities are intending to meet their own economic development needs, retail needs and gypsy and traveller accommodation needs through their respective Local Plans. There has been no request from Tunbridge Wells Borough Council or Wealden District Council at this stage to meet each other's needs in this regard. Both Councils will continue to operate existing joint working arrangements, as detailed in the SoCG, to ensure that suitable provision can be made as appropriate.

With respect to the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA), it is noted that the Habitats Regulation Assessment (HRA) accompanying the Tunbridge Wells Borough Pre-Submission Local Plan concludes that at this point in time, the Development Plan Document (DPD) does not present any potential risks to European Sites that it is considered are not capable of being mitigated. Both local authorities will continue to work as part of the Ashdown Forest working group for air quality and the Strategic Access Management and Monitoring Strategy (SAMMS) partnership to address visitor pressure in order to secure a common understanding and agreement on effects, avoidance, mitigation and monitoring and where possible to agree and cost share future studies or surveys.

It is considered that the Regulation 19 Tunbridge Wells Borough Pre-Submission Local Plan does not raise any new cross-boundary strategic issues in relation to matters identified above and therefore the Council is satisfied that the legal requirements of the duty to cooperate have been met with respect to Wealden District Council.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr James Webster [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Wealden District Council
Address	Council Offices Vicarage Lane Hailsham BN27 2AX
Event Name	Pre-Submission Local Plan
Comment by	Wealden District Council [REDACTED] [REDACTED]
Comment ID	PSLP_1506
Response Date	03/06/21 09:53
Consultation Point	Policy EN 11 Ashdown Forest Special Protection Area and Special Area of Conservation (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Wealden District Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 11 Ashdown Forest Special Protection Area and Special Area of Conservation

[TWBC: for the full representation by Wealden District Council please see Comment Number PSLP_1504]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound Yes

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

With respect to the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA), it is noted that the Habitats Regulation Assessment (HRA) accompanying the Tunbridge Wells Borough Pre-Submission Local Plan concludes that at this point in time, the Development Plan Document (DPD) does not present any potential risks to European Sites that it is considered are not capable of being mitigated. Both local authorities will continue to work as part of the Ashdown Forest working group for air quality and the Strategic Access Management and Monitoring Strategy (SAMMS) partnership to address visitor pressure in order to secure a common understanding and agreement on effects, avoidance, mitigation and monitoring and where possible to agree and cost share future studies or surveys.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Appendix G9: DtC engagement log between TWBC and Wealden DC

Duty to Cooperate engagement record for Wealden District Council (WDC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
31 March 2015	Wealden DC and others: Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Sevenoaks DC and KCC TWBC Officers, Deborah Dixon, Matt Kennard, Sarah Lewis	DtC stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
4 June 2015	Wealden DC - Marina Briggishaw, Emma Garner, Duncan Morrison TWBC – Kelvin Hinton, Adrian Tofts, Deborah Dixon, Matthew Kennard, Katie McFloyd	DtC Meeting	1. Discussion of Local Plan status in Wealden District and Tunbridge Wells Borough. 2. Discussion of preliminary findings of Wealden SHMA. 3. Employment Land Reviews. 4. Infrastructure. 5. Discussions with other authorities 6. Site at Frant.
16 July 2015	Wealden DC- Marina Briggishaw, Kelly Sharp; Mid Sussex - Claire Tester, Jennifer Hollingum; Lewes DC - Tondra Thom ; Tandridge DC - Sarah; Natural England –Marian Ashdown TWBC – Katie McFloyd	DtC Meeting	Discussion of Wealden DC's reaction to Ashdown Forest legal judgement and Natural England perspective.
11 August 2015	Wealden DC - Marina Briggishaw, Emma Garner, Cllr Ann Newton TWBC -	DtC Meeting	1. Introduction for Portfolio Holders of WDC and TWBC and officers of both councils. 2. Update on progress with Site Allocations DPD and Local Plan review (TWBC) and with Local Plan

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Adrian Tofts, Ellouisa McGuckin, Cllr Allan McDermott		(WDC). 3. Agreement on text for WDC Issues, Options and Recommendations consultation
2 September 2015	Consultants Campbell Reith on behalf of Wealden DC TWBC – Adrian Tofts, Hilary Smith	DtC Email correspondence	TWBC email response re Transport modelling work and traffic data
9 September 2015	Wealden DC, Sevenoaks DC, Tandridge DC, Dartford BC GL Hearn (Consultants) TWBC – Deborah Dixon, Matthew Kennard, Sarah Lowe	DtC meeting	Strategic Housing Market Assessment findings - presentation given by GL Hearn to stakeholders
12 October 2015	Wealden DC – Emma Garner TWBC – Adrian Tofts	DtC Email correspondence	TWBC email response – to Wealden DC's draft Housing Market Position Statement
6 April 2016	Wealden DC – Marina Briggishaw, Kelly Sharp TWBC – Sharon Evans, David Scully	DtC Meeting	Local Plan update and timings; WDC commissioned evidence base studies – economic, dark skies, open space, recreation and leisure, CA appraisals; discussion re Ashdown Forest
17 August 2016	Wealden DC – Marina Briggishaw and Kelly Sharp TWBC – Sharon Evans and David Scully	DtC Meeting	Local Plan update, update on evidence studies, call for sites, Ashdown Forest
20 September 2016	Wealden DC (lead), Mid Sussex DC, Lewes DC, Sevenoaks DC and Mid Sussex DC and NE	DtC Meeting	Discussion on joint commissioning of Visitor Survey for Ashdown Forest for HRA work

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC – David Scully, Katie McFloyd		
15 November 2016	Wealden DC, Sevenoaks, DC AONB Unit, various parish Councils and stakeholders TWBC – David Scully, Sharon Evans, Deborah Dixon, Charlotte Oben	DtC workshop	Workshop on Landscape Sensitivity Study
14 December 2016	Wealden DC, Lewes DC, Sevenoaks DC and Mid Sussex DC and Natural England TWBC – David Scully	DtC Meeting	Review of Visitor Survey for Ashdown Forest for HRA work
4 January 2017	Wealden DC - Marina Briggins Shaw, Kelly Sharp TWBC – David Scully, Sharon Evans	DtC Meeting	1. Local Plan Timetable; 2. Update from PAS report regarding Duty to Cooperate 3. OAHN 4. Local Plan housing land supply surplus and deficits 5. Economic provision – cross boundary issues; 6. Retail provision – cross boundary issues 7. Tunbridge Wells BC Landscape study update 8. Ashdown Forest and nitrogen deposition
8 March 2017	East Sussex Strategic Planning Group (Wealden, Eastbourne, East Sussex, Hastings, Lewes, Rother, South Downs National Park, Brighton and Hove, Mid-Sussex)	DtC Meeting	<ul style="list-style-type: none"> - Wealden Local Plan update meeting - Local Plan updates from other members of the group - Discussion on Ashdown Forest

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC – Sharon Evans		
24 April 2017	Wealden DC – Nigel Hannam, Kelvin Williams, Marina Briggishaw TWBC – Sharon Evans, David Scully, Karen Fosset	DtC Meeting	<ul style="list-style-type: none"> - Update on Wealden Local Plan - Evidence gathering in relation to Ashdown Forest - Update of traffic modelling - Input from Natural England and DCLG - HRA - DtC going forward
09 May 2017	Ashdown Forest (SAMMS recreational) Group: Officers – Marina Briggishaw and Kelly Sharp – Wealden DC, Thondra Tom – Eastbourne and Lewes DC, Sarah Thompson – Tandridge DC, Mid Sussex DC and South Downs National Park and Natural England TWBC – Sharon Evans	DtC Meeting	<ul style="list-style-type: none"> - Update on each authorities Local Plans - Update on High Court ruling in relation to Ashdown Forest
21 June 2017	Ashdown Forest (Air Quality) Group: Officers – South Downs National Park Authority, Rother DC, East Sussex County Council, Eastbourne and Lewes, Tandridge, Sevenoaks DC, Wealden DC, Natural England TWBC – Sharon Evans	DtC Meeting	<ul style="list-style-type: none"> • Update from each local authority • Local Plan progress • Traffic Modelling • SNAPS's
03 November 2017	Ashdown Forest (SAMMS recreational) Group:	DtC Meeting	<ul style="list-style-type: none"> - Update on Legal agreement and schedules

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	<p>Wealden – Kelly Sharp, Marina Brigginsshaw, Eastbourne and Lewes – Thondra Tom, Hannah Gooden – Sevenoaks DC, Roger Black – Tandridge and Mid Sussex.</p> <p>TWBC – David Scully and Sharon Evans</p>		<ul style="list-style-type: none"> - Zone of influence - Additional work - SAMMS
23 November 2017	<p>Ashdown Forest (Air Quality) Group</p> <p>Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park</p>	DtC Meeting	<ul style="list-style-type: none"> • Review and minutes of previous meeting • Air Quality report • Sign off arrangements • Housing numbers • Geographical area • Transport modelling • Risk register • Proportionality
18 January 2018	<p>Ashdown Forest (Air Quality) Group</p> <p>Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park.</p>	DtC Meeting	Update on Wealden Plan and current approach to development management issues
2 November 2018	East Sussex Strategic Planning Group: Wealden DC - Cllr Ann Newton (Host Chairman), Officers -	DtC Meeting	<ul style="list-style-type: none"> • Discussion of cross boundary issues relating to the Wealden Local Plan

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	<p>Marina Brigginsshaw, Kelly Sharp, Isabel Garden, Wendy Newton-May; Rother DC - Cllr Gillian Johnson, Officers- Tim Hickling and Nicola Watters; Eastbourne BC- Cllr Jonathan Dowe and Officer - Matt Hitchen; East Sussex CC - Cllr Nick Bennett, Officers - Ellen Reith and Edward Sheath; Hastings BC - Kerry Culbert; Mid-Sussex DC - Cllr Andrew MacNaughton and Officer - Rachel Crisp; Lewes DC – Thondra Thom, South Downs National Park – Cllr Neville Johnson, Officer – Kirsten Williamson; Mid Sussex DC – Cllr Norman Webster, Officers – Lois Partridge</p> <p>Apologies -Brighton and Hove City Council)</p> <p>TWBC Officers – Sharon Evans</p>		<ul style="list-style-type: none"> • CIL discussion • Cross boundary infrastructure • Ashdown Forest – Concern about WDC objections to planning applications in neighbouring authorities <p>Also updates on:</p> <ul style="list-style-type: none"> • Waste and minerals plan review for East Sussex County Council; and • Rother's Development and Site Allocations Local Plan
10 April 2019	TWBC – Stephen Baughen	DtC email correspondence	Request for further DtC discussions
29 April 2019	<p>Wealden DC- Marina Brigginsshaw, Isabel Garden</p> <p>TWBC – Stephen Baughen, David Scully</p>	DtC Meeting	Ashdown Forest; Sites close to shared administrative boundary; Green Infrastructure
1 November 2019	Wealden DC: Kelly Sharp Marina Brigginsshaw	DtC Meeting	Neighbourhood Plans Local Plan updates

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Jill Watson TWBC – Stephen Baughen and David Scully		Discussion on Statement of Common Ground
11 February 2020	WDC – Cllr Anne Newton, Officers – Isabel Garden, Kelly Sharp, Chris Bending TWBC – Cllr Alan McDermott Officers- Stephen Baughen, Peter Hockney and David Scully	DtC Meeting	Local Plan updates, Statement of Common Ground, Discussion of specific sites on/close to shared boundary
03 June 2020	WDC Kelly Sharp TWBC – David Scully	DtC Meeting (by phone)	Work on SoCG
12 June 2020	WDC – Kelly Sharp, Chris Bending TWBC – David Scully, Stephen Baughen	DtC Meeting	TWBC Local Plan, housing need, governance/joint working, principles for dealing with development on/near to common boundary, programme for cross boundary infrastructure
17 July 2020	WDC Kelly Sharp TWBC – David Scully	DtC Meeting (by phone)	Work on SoCG
July 2020	WDC –Natalie Bumpus WBC – David Scully	DtC Email correspondence	WDC informal email consultation on brief for Landscape Sensitivity Study (brief for work to be undertaken)
July/August 2020	WDC –Natalie Bumpus TWBC – David Scully	Email correspondence	TWBC informal email consultation on TWBC Green Belt Assessment Work (brief for work to be undertaken)
2 September 2020	WDC – Chris Bending, Kelly Sharp TWBC – Stephen Baughen, David Scully	DtC meeting	Local Plan Updates SoCG Update on cross boundary partnerships Site specific discussions
6 October 2020	TWBC – Stephen Baughen to WDC	DtC correspondence	TWBC formal request to WDC to meet unmet TWBC housing/employment need

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
20 November 2020	WDC – Chris Bending to TWBC – Stephen Baughen	DtC correspondence	WDC response to formal request to meet unmet TWBC housing/employment need
17 December 2020	WDC – Chris Bending, Kelly Sharp TWBC – Stephen Baughen, David Scully	DtC Meeting	Local Plan Updates SoCG
09 February 2021	WDC Kelly Sharp TWBC – David Scully	DtC Meeting (by phone)	Discussion on AONB Issues
11 March 2021	TWBC and WDC	DtC correspondence	SoCG finalised and signed off
12 October 2021	TWBC – David Scully WDC – Kelly Sharp	DtC email correspondence	Confirmation between both parties that no updates are required to the SoCG signed in March 2021 prior to submission of the TWBC Local Plan

Appendix G10: Letter (18 October 2021) from Elmbridge BC to TWBC (housing need)



Elmbridge
Borough Council
bridging the communities

Civic Centre
High Street, Esher
Surrey KT10 9SD
01372 474474
contactus@elmbridge.gov.uk
elmbridge.gov.uk

FAO: Chief Planning Officer /
Head of Service with the responsibility for
Planning

Sent via email

contact: Suzanne Parkes
Planning Policy & Strategy
Manager

my ref: [REDACTED]
your ref: DtC October 2021

18th October 2021

Dear Sir/Madam,

Elmbridge Borough Council Local Plan: Meeting housing need

Elmbridge Borough Council is currently preparing a new Local Plan that will set out its development strategy and detailed planning policies for the borough up to 2037. As with most Local Planning Authorities (LPAs) in the South East, one of our biggest challenges is meeting our housing need (as set by the Government's standard methodology) against a backdrop of environmental and planning constraints.

We appreciate that LPAs are at different plan-making stages and others will be in a similar position in terms of responding positively to the challenge of addressing housing need. It is also noted that when we engaged with you in January 2020 on the potential unmet need of Elmbridge Borough and whether this can be met elsewhere, it was stated that your authority was not in a position to meet any unmet need arising from our Borough.

We are of course proactively engaging with LPAs within our housing market area to establish whether they may be able to accommodate all or part of our unmet need. However, in the event that the position of your Local Plan has changed over the last eighteen months and you consider that your authority would realistically be in a position to assist in meeting any of Elmbridge's unmet housing need, we would be pleased to discuss this with you further.

If you would like to discuss the above please do not hesitate to contact Suzanne Parkes, Planning Policy and Strategy Manager on [REDACTED] by 1st November 2021.

Yours faithfully,

[REDACTED]

Kim Tagliarini
Head of Planning Services

Appendix G11: TWBC response to Elmbridge BC letter of 18 October 2021 (housing need)



Kim Tagliarini
Elmbridge Borough Council
Civic Centre
High Street
Esher
Surrey
KT10 9SD

29th October 2021

Dear Kim

RE Elmbridge Borough Council Local Plan: Meeting housing

I refer to your letter dated 18th October 2021 regarding the above.

The boundaries of Elmbridge borough are approximately 42 kilometres from the boundaries of the borough of Tunbridge Wells, as their closest point. There are several intervening housing market areas between the boroughs.

Tunbridge Wells borough falls in the West Kent Housing Market Area (HMA).

The Tunbridge Wells Borough Local Plan (2020-2038) is due to be submitted imminently. The Plan makes sufficient allocations to meet its (capped) housing need. This will require the release of land from the Green Belt and major development in the High Weald Area of Outstanding Natural Beauty.

The allocations also provide a buffer of 1,050 houses above the (capped) housing need. This has been planned for as it is considered that it is prudent to provide this degree of flexibility in the housing supply, particularly having regard to the high contribution of housing from two strategic sites. It may be, in due course following the Examination and adoption of the Local Plan and subsequent monitoring of housing delivery that there may be scope for any excess buffer to be considered as part of the wider delivery of housing in the West Kent HMA, and for this to be discussed under the duty to cooperate. There are other authorities in the West Kent HMA which – through their emerging plan making - may consider that they do not have capacity to meet their housing needs.

Tunbridge Wells Borough Council is therefore still unable to assist by accommodating any of Elmbridge's unmet housing need. I would also suggest that considering meeting the housing need from Elmbridge in Tunbridge Wells borough would not be sustainable.

Yours sincerely,



Steve Baughen
Head of Planning Services