

Sevenoaks District Council  
and  
Tunbridge Wells Borough Council  
**Statement of Common Ground**

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February 2022



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# 1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Sevenoaks District Council (SDC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate (DtC) matters, and the shared position of the two authorities, as at 7<sup>th</sup> February 2022. The relevant DtC matters included in this SoCG are ongoing and subject to review, as set out below.
- 1.2 This shared understanding between SDC and TWBC sets out the position in relation to the two Local Plans (the emerging SDC Local Plan (period yet to be confirmed) and the TWBC Submission version of the Local Plan (2020-2038), and will inform future policies and work on respective forthcoming Local Plans. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making.

## Development Plans – current position

### SDC

- 1.3 The current development plan for SDC consists of the SDC Core Strategy 2011, and the Allocations and Development Management Plan 2015. There are no ‘made’ Neighbourhood Plans, but a number of parishes have been designated as Neighbourhood Areas.
- 1.4 SDC commenced work on a new Local Plan in 2015. Regulation 18 consultation was undertaken on an Issues and Options document (summer 2017) and the Draft Local Plan from July to September 2018. The Regulation 19 Proposed Submission version, covering the period 2019-2035, was published between 18 December 2018 and 3 February 2019. The Proposed Submission Version was submitted on 30 April 2019.
- 1.5 The hearing sessions associated with the examination were held in September and October 2019. Following the conclusion of the first round hearing sessions, the appointed Inspector wrote to SDC setting out concerns regarding compliance with the duty to co-operate. After exchanges of correspondence, the Inspector’s report was issued on 3 March 2020. The report concluded that the Duty to Co-operate had not been complied with and recommended that the Local Plan should not be adopted. Accompanying the Inspector’s report was a letter setting out some of the Inspector’s thoughts relating to soundness issues.
- 1.6 Legal proceedings to challenge the Inspector’s decision (a judicial review considered by the High Court and a subsequent application to the Court of Appeal

following the High Court decision) have now concluded. SDC has not withdrawn the Local Plan, or the email dated 11 April 2019 (see para 2.9).

- 1.7 SDC is of the view that the Proposed Submission Version of the Local Plan cannot be relied on for decision making purposes. The associated evidence base documents do, however, continue to be material consideration for both plan making and decision taking purposes in Sevenoaks. TWBC has obtained a legal opinion on the status of the Proposed Submission version of SDC's Local Plan. SDC has not seen the opinion or the instruction and therefore cannot comment on any conclusions reached.
- 1.8 The next steps in SDC's plan making process are set out in a revised Local Development Scheme (LDS) November 2021. The Local Plan timetable, which forms part of the LDS was considered by the Council's Development and Conservation Advisory Committee (DCAC) in October 2021 and then Cabinet in November 2021. The most recent version of SDC's LDS is available on its website. This sets out Regulation 18 consultation in April and May 2022, followed by Regulation 19 consultation in December 2022 and January 2023 and submission in April 2023. Following the Examination, SDC is aiming to adopt the Local Plan in April 2024.
- 1.9 Moving forwards, the SDC plan making process will be informed by existing evidence base documents with appropriate updates and a number of new studies, including a Stage 2 Green Belt Assessment to supplement the Stage 1 work to be completed in 2022. TWBC will be consulted on this work. The latest position on all aspects of the SDCs evidence base is set out on its website and in reports to its DCAC.
- 1.10 SDC has also launched a "call for sites" which closed on 20 January 2022. This comprises two stages: Stage 1 within settlements that are excluded from the Green Belt, followed by Stage 2, which relates to all other areas of the District.

## **TWBC**

- 1.11 The development plan for TWBC consists of the Core Strategy 2010, the Site Allocations Local Plan 2016 and saved policies in the Borough Local Plan 2006. There are two 'made' Neighbourhood Plans - Hawkhurst and Lamberhurst - with a further 10 at varying stages of production.
- 1.12 TWBC is currently in the process of replacing these documents with a new Local Plan. The new Local Plan will cover the period 2020 - 2038. Regulation 18 consultations on an Issues and Options took place in 2017, and on a Draft Local Plan from September - November 2019.
- 1.13 Regulation 19 consultation took place on the Pre-Submission Local Plan between 26 March to 4 June 2021. A revised LDS was published in October 2021.

Submission occurred on 1 November 2021, with adoption scheduled for January 2023.

## This SoCG and the duty to cooperate

- 1.14 This SoCG relates to the Local Plans being produced by SDC and TWBC. It covers strategic cross-boundary matters, such as housing need (including unmet need), housing provisions, gypsy and traveller provisions, employment and retail needs, natural environment and infrastructure. It demonstrates commitment by SDC and TWBC to engage and be active on an on-going basis in relation to DtC matters in the preparation of their respective local plans and future local plans.
- 1.15 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (2021), it is a requirement under the DtC for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan and other relevant planning documents.
- 1.16 Paragraph 27 of the NPPF (2021) states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more SoCG, documenting the cross-boundary matters being addressed and progress in cooperating to address these. This notes that such SoCGs should be produced using the approach set out in the national planning guidance and be made publicly available throughout the plan-making process to ensure transparency.
- 1.17 A full account of engagement activities undertaken between SDC and TWBC in relation to housing need and other matters, is contained in the respective duty to cooperate statements.
- 1.18 The Planning Practice Guidance (PPG) ([see Paragraph: 010 Reference ID: 61-010-20190315](#)) confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at Examination that plans are deliverable over the plan period, and are based on effective joint working across local authority boundaries.
- 1.19 The administrative areas that are set out in **Appendix A** show that SDC and TWBC share a common administrative boundary along their south eastern and north western boundaries respectively. The plan at **Appendix A** shows that the administrative boundary between SDC and TWBC lies to the north west of Langton Green, Speldhurst, Rusthall and Southborough in Tunbridge Wells, and to the south east of Penshurst and Fordcombe in Sevenoaks. The A21, a trunk road managed by National Highways, runs through both councils' areas: it leaves Sevenoaks south

east of Sevenoaks Weald (into Tonbridge and Malling (T&M) borough), before re-entering and then leaving Sevenoaks district again (to the east of Leigh) to run to the south of Tonbridge (within T&M) before entering into Tunbridge Wells borough. Both authorities share a rail link to London and there is a daily passage of school children between each authority.

- 1.20 SDC and TWBC formerly signed a SoCG in May 2019. This SoCG (December 2021) updates the position in relation to the DtC since May 2019.
- 1.21 SDC and TWBC are in agreement about the range of issues to be covered by this SoCG, and the need for full and frank deliberation.
- 1.22 The extent of joint working between SDC and TWBC has been discussed. Both agree that the most appropriate approach is one of continuing the regular liaison on cross-boundary matters, even if the DtC is abolished under national planning reforms.
- 1.23 There has been joint commissioning and undertaking of work for the respective Local Plans, including the Strategic Housing Market Assessment and Economic Needs Assessment; additionally, the Historic Environment Review was also commissioned jointly.
- 1.24 Liaison between the Councils reflects the nature of the strategic matters set out below. Responsibilities for agreement of this and future SoCG are set out under 'Governance Arrangements' and 'Actions and Review Timetable' in sections 7 and 8 respectively below.

## Structure of the SoCG

- 1.25 The remainder of the SoCG is structured as follows:
- **Section 2** – This section relates to housing provision for both local authorities and specifically housing needs (including unmet housing need), the Housing Market Areas (HMAs) for each respective area, and housing provision and gypsy and traveller provision;
  - **Section 3** – This relates to the employment needs of each respective local authority area;
  - **Section 4** – This relates to cross-boundary infrastructure requirements for both local authorities including potential/proposed developments on or near the LPA's common boundary;
  - **Section 5** – This section relates to the natural environment and specifically the High Weald AONB, which overlays parts of both authorities, to biodiversity and the nearby Ashdown Forest. (Green Belt matters affecting SDC and TWBC are dealt with under housing needs in Section 2);

- **Section 6** – This outlines the agreed actions between SDC and TWBC going forward with respect to their Local Plans and future plan-making.

# 2.0 Housing

## Housing Market Area (HMA)

- 2.1 A Housing Market Area (HMA) is defined in the PPG as a geographical area determined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work ([see Paragraph: 018 Reference ID: 61-018-20190315](#)). These can be broadly defined by analysing:
- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas;
  - Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools);
  - Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

### West Kent HMA

- 2.2 The Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) published in 2015 identified that Sevenoaks district, part of Tonbridge & Malling borough and Tunbridge Wells borough all fall within the West Kent HMA and this extends to include Crowborough, Hawkhurst and Heathfield, essentially as the 2011 Travel to Work Area (TTWA). SDC has updated its evidence on Housing Needs, in the form of a Targeted Review of Local Housing Needs (TRLHN). This study does not include Tunbridge Wells Borough, but still focuses on the West Kent HMA.
- 2.3 In terms the relationship to local authority boundaries, the TTWA covers most of Sevenoaks district, with the western part of Tonbridge & Malling borough, focused on Tonbridge itself, providing a key linkage. The HMA also extends into the northern part of Wealden district and the north-western, quite rural, part of Rother district.
- 2.4 The Sevenoaks and Tunbridge Wells SHMA states that *“the principal cross-boundary issue of relevance relates to any potential issues regarding unmet housing needs. If an unmet housing need arises from either of the commissioning authorities, it would be appropriate for them to approach other authorities with which they share an HMA to consider if needs can be met in these areas. The principal adjoining authorities with a strong relationship would be Tonbridge & Malling,*



*Wealden and Rother. Equally the commissioning authorities would need to engage with these authorities in respect of any unmet housing needs arising from these other authorities' areas....”*

- 2.5 Given the evidence above, both Councils agree that they currently share the same housing market areas. This has, and will be, taken into account when cooperating on strategic cross-boundary matters, such as housing, through the DtC process.

## Housing requirements

- 2.6 The housing need figures for both SDC and TWBC, based on the use of the Standard Method, in dwellings per annum (dpa), are set out in the following table:

**Table 1: housing need figures for SDC and TWBC in dwellings per annum**

Housing Target Source	SDC	TWBC
Statutory Development Plan	165 dpa under SDC Core Strategy (2011)	300 dpa under TWBC Core Strategy (2010)
'Standard Methodology' under NPPF (Feb. 2019)	707 (capped figure): SDC submission Local Plan (2019)  714 (capped figure) February 2021	678 dpa (capped figure) February 2021

- 2.7 SDC used the Standard Method calculation as set out in the NPPF at that time (2018) for the purposes of assessing local housing need for the Proposed Submission Local Plan (December 2018), whilst TWBC is using the Standard Method as set out in the NPPF (2021) and the Planning Practice Guidance (December 2020). However, this will be kept under review including having regard to more recent projections, as well as to any revisions to Government policy or Guidance.
- 2.8 Throughout the period of plan making, since 2015, DtC discussions have taken place between SDC, TWBC and Tonbridge & Malling Borough Council (TMBC) in relation to the ability or otherwise to meet housing need. At times, written correspondence has been exchanged on this matter. These discussions have reflected the relevant provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 (The Local Plan Regulations), the requirements of national planning guidance and the basic principle that needs and requirements emerge as the plan progresses towards submission, in the light of all representations made.
- 2.9 SDC wrote to Tunbridge Wells and other local authorities on 11<sup>th</sup> April 2019, to advise on a number of different aspects of its emerging Local Plan, including an unmet need of approximately 1,800 dwellings. The email noted that all local

authorities bordering Sevenoaks and Kent County Council have engaged actively and on an on-going basis to meet the provisions of the duty to co-operate and referred to the Statements of Common Ground that were in preparation at that point. Recipients were asked “for the sake of completeness” if they were in a position to meet any of Sevenoaks’s unmet housing need. TWBC formally requested in writing on 6th October 2021 that the email of 11th April 2019 be withdrawn: the email has not been withdrawn. Both TWBC and SDC consider that the request and the figure of 1,800 units in April 2019 can no longer be relied on.

- 2.10 The overwhelming majority of land in Sevenoaks District is subject to nationally significant planning constraints and the challenges to meeting housing needs, in a manner that is consistent with all aspects of the NPPF, are recognised by both parties.
- 2.11 Whilst the outcome of SDC’s plan making process cannot be predetermined, SDC considers at this time that it highly unlikely that its housing needs can be accommodated on land that is unaffected by constraints listed in footnote 7 of the NPPF, including the Green Belt. Given the stage reached by each authority in its plan making process<sup>1\*</sup>, SDC’s emerging evidence base, and the outcome of future DtC discussions, sufficient information is not yet available to determine any such shortfall. In accordance with paragraph 141 of the NPPF, SDC will examine all reasonable options to meet its strategic development needs, before concluding on whether exceptional circumstances exist to justify the release of Green Belt land. The provisions of other footnote 7 constraints (including AONBs) will also be considered in accordance with national planning guidance.
- 2.12 Notwithstanding the conclusions of previous discussions, there may be scope for any excess housing “buffer” in TWBC (as referred to in para 2.18 below) to be considered as part of the wider delivery of housing in the West Kent Housing Market Area, and for this to be discussed under the duty to cooperate. Whether there is scope will be dependent on the Examination and adoption of the TWBC Local Plan, and subsequent monitoring of housing delivery, as the buffer is being planned for as it is considered prudent to provide this degree of flexibility in TWBC’s housing supply.

### TWBC

- 2.13 TWBC’s approach to producing its Local Plan has been to assess sites, and consider a spatial strategy, unconstrained by an upper housing limit. Assessment through the Sustainability Appraisal (for the Draft Local Plan and Pre-Submission Local Plan) has included assessment of options which include i) meeting TWBC’s uncapped need (741 dpa as compared to 678), and ii) meeting TWBC’s uncapped need and SDC’s unmet need (853 dpa).

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<sup>1</sup> SDC’s consideration of a call for sites exercise, to inform a Regulation 18 version of its Local Plan, TWBC’s stage being at Examination which will – together with housing monitoring – determine the amount of any buffer (see para 2.12)

- 2.14 TWBC has continued to consider whether there is scope to accommodate unmet need, including through the assessment of additional sites submitted in the Regulation 18 consultation on the Draft Local Plan in autumn 2019 and beyond well into 2020, and through the Sustainability Appraisal and Strategic Housing Land Availability Assessment of the Pre-Submission Local Plan. TWBC has therefore been aware of and considered the scope to meet any unmet needs from SDC in preparing its Local Plan.
- 2.15 It became evident through the plan-making process that TWBC is reliant upon the release of land from the Green Belt, including for a new garden village settlement on land currently in the Green Belt and doubling the size of Paddock Wood, part of the extension of this settlement would fall in the Green Belt, as well as the allocation of sites for major development within the High Weald AONB, if TWBC were to meet its own housing needs.
- 2.16 The NPPF (paragraph 141, formerly paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraphs 176 and 177, formerly paragraph 172). TWBC raised this issue with its neighbouring LPAs, including SDC, and formally wrote in early October 2020 to ask what capacity they may have to assist, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan.
- 2.17 In response, SDC set out that it would not be able to assist due to the similar levels of constraint in Sevenoaks District as Tunbridge Wells, and despite the release of Green Belt in the Sevenoaks Local Plan, SDC is unable to meet its housing needs in full.
- 2.18 The TWBC Pre-Submission Local Plan makes provision to meet its own Local Housing Need (678 dpa), having determined that there are exceptional circumstances to amend Green Belt boundaries and for major development in the AONB. There is, additionally, a buffer of approximately 1,050 houses above TWBC's local housing need (para 2.12 of this SoCG). This buffer involves the release of land from the Green Belt and major development in the AONB.
- 2.19 The buffer has been planned for as it considered that it is prudent to provide this degree of flexibility in the actual housing supply, particularly having regard to the high contributions from the strategic sites (Tudeley Village and Paddock Wood including land in east Capel). However, it may be that, in due course following Examination and adoption of the TWBC Local Plan and subsequent monitoring of housing delivery, there may be scope for any excess buffer to be considered as part of the wider delivery of housing in the Housing Market Area, and for this to be discussed under the DtC. This is, of course, dependent on the progression and adoption of the TWBC Local Plan.

### Moving forward

- 2.20 Both SDC and TWBC recognise the importance attached to the Green Belt, and other constraints such as the Area of Outstanding Natural Beauty.
- 2.21 At the time of writing, both SDC and TWBC have received requests from Elmbridge Borough Council (EBC) and Hastings Borough Council (HBC) to help meet their housing need. Neither authority expects to be able to assist at this time, aside from it/they being in a well-removed housing market area(s). Both authorities have not had any other requests to meet unmet need at this point.
- 2.22 Both SDC and TWBC recognise that housing needs (and whether there is a future binding housing requirement as suggested by the Planning for the Future White Paper), HMAs and constraints to development may change over time. Given the above, both SDC and TWBC will continually consider their positions on capacity to meet housing needs as they progress.

### **Future Actions**

SDC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs. A key juncture will be once SDC's emerging evidence base, call for sites and associated assessment work is completed and the outcomes have been assessed.

## **Gypsy, traveller and travelling showpeople**

### **SDC**

- 2.23 SDC's need for permanent Gypsy and Traveller (G&T) pitches is identified through a Gypsy and Traveller Accommodation Assessment which identified a need for 51 additional permanent pitches across the District up to 2035. The majority of these pitches have already been delivered. It also recommended two transit pitches on existing local authority sites, and no need for travelling showpeople plots in the District.
- 2.24 The SDC Pre-Submission Local Plan (December 2018) identified land allocations to ensure a rolling 5 Year Land supply of pitches up to 2035. This included accommodation for the G&T community who do not currently meet the PPTS definition, and is derived through (in summary) a combination of:
- regularising existing suitable pitches;
  - pitches within the existing site boundaries;

- new pitches will be provided through small scale boundary amendments to sites with existing permanent pitches

2.25 SDC will be updating its evidence base and undertaking a call for sites with subsequent assessment. These aspects will inform an updated assessment of how Gypsy and Traveller needs will be met in Sevenoaks.

## TWBC

2.26 TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its Draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.

2.27 TWBC's Housing Supply and Trajectory Paper (February 2021) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 32-35 residential pitches.

2.28 TWBC considers that, based on its 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. TWBC considers that there is potential at existing sites to meet the large majority of outstanding need for additional pitches over the plan period, which will be supplemented by two new sites. The locations of these are identified in the Pre-Submission version of the Local Plan.

2.29 The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.

2.30 The actions below reflect the current and likely future positions in respect of plan making.

### **Actions**

- Both Councils will continue to seek to meet their own needs for permanent pitches (there have been no requests in relation to unmet needs at this time.)
- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by Ashford borough.
- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation.

2.31 There is no action required in relation to Travelling Showpeople, as no need has been identified in either area.

# 3.0 Economy

## Functional Economic Market Area (FEMA)

- 3.1 In terms of a Functional Economic Market Area (FEMA), the PPG ([see Paragraph 019 Reference ID 61-019-20190315](#)) states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:
- Extent of any Local Enterprise Partnership within the area;
  - Travel to work areas;
  - Housing market area;
  - Flows of goods, services and information within the local economy;
  - Service market for consumers;
  - Administrative area;
  - Catchment areas of facilities providing cultural and social well-being; and
  - Transport network.
- 3.2 It is agreed that Tunbridge Wells and Sevenoaks form part of a wider regional economy, within which many areas share important economic relationships with London. There is also a more localised geography that has historically functioned as a sub-regional economy and which shares similar economic characteristics. It is considered that Sevenoaks district, Tunbridge Wells and Tonbridge and Malling boroughs share a functional economic market area. This reflects evidence of commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.
- 3.3 TWBC and SDC carried out a joint Economic Needs Study (2016) in order to inform their respective Local Plans taking into account the recognised functional economic relationships. Additionally, both authorities have carried out their own Retail and Leisure studies (with TWBC's being undertaken in 2020) which seek to identify the retail, leisure, town centre needs over the Plan period, recognising the functional geography of these areas and the catchment areas for retail and leisure patterns across the wider sub-region. SDC will shortly be commissioning an updated Economic Needs Study to support its emerging Local Plan.

## Employment land needs and provision

- 3.4 The Economic Needs Study was undertaken for SDC and TWBC by Turley, in association with Colliers.
- 3.5 For SDC it identified a need for a further 11 hectares of employment land. The SDC Pre Submission Local Plan (December 2018) made provision to meet this through the retention of existing employment sites, and the allocation of additional land at three sites at Sundridge and Sevenoaks, totalling 14.35 hectares.
- 3.6 SDC is currently updating its evidence base and undertaking a call for sites with subsequent assessment. These will inform an updated assessment of how employment needs will be met in Sevenoaks.
- 3.7 The Economic Needs Study for TWBC identified a need for at least 14 hectares of additional employment floorspace. TWBC is seeking to meet its identified employment land needs in full through the retention, intensification and extension of the existing defined Key Employment Areas, in particular a strategic expansion into the Green Belt and AONB at land at Kingstanding Way, Royal Tunbridge Wells (and through expansion on a smaller scale at Paddock Wood and Hawkhurst). This covers the range of site requirements.
- 3.8 As part of the considerations of the allocation of land at Kingstanding Way, and given that the NPPF (paragraph 141, formerly 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraphs 176 and 177, formerly 172), TWBC raised this issue with its neighbouring LPAs, including SDC. In early October 2020 TWBC formally wrote to SDC to ask what capacity it may have to assist in terms of meeting employment need, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan. In response, SDC set out that whilst it was able to meet its own employment needs the extensive work undertaken in the development of the Pre-Submission Local Plan (2019) has indicated that there is no scope for delivering any employment needs from TWBC.
- 3.9 Given the early stage of the SDC emerging plan actions will relate mainly to discussing the emerging SDC position as the evidence base, call for sites and subsequent assessment work is concluded, and to continue to discuss opportunities for continuing joint working, and through wider discussions with those authorities outside the Functional Economic Market Area (FEMA).



## **Future Actions**

- TWBC and SDC to discuss the position on employment land provision in the emerging SDC Local Plan at key points as it progresses.
- TWBC and SDC to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the functional economic market area in relation to economic related matters, including employment land and retail and town centre development.
- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.

## 4.0 Retailing

- 4.1 For TWBC, the Retail and Leisure Study (April 2017) carried out by consultants Nexus used the study area of previous retail studies for the borough. It covers the Tunbridge Wells borough area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge & Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer.
- 4.2 Nexus also undertook a Tunbridge Wells Retail, Leisure and Town Centre Uses Study Update (2020). This has identified that the retail economy has changed significantly over recent years and the trends which were emerging have accelerated exponentially as a result of the 2020/2021 Covid-19 pandemic. It is also expected that the increased movement towards home working and different times of working, hastened as a result of the Covid-19 'lockdown' periods, will structurally change the need, make up, and use of office space (including shared and flexible accommodation), and through this the operation of those town centre retailers which previously were linked to footfall associated with office employment.
- 4.3 The TWBC Pre-Submission Local Plan therefore proposes a Town Centre Area Plan for Royal Tunbridge Wells (which will be prepared and adopted by 2025), together with the revitalisation of Paddock Wood Town Centre.
- 4.4 For SDC a Retail Study was published in November 2016, prepared by GVA Bilfinger. This identified a need of 21,700 sq metres comparison goods floorspace, and 10,400 sq metres of convenience goods floorspace until 2035.
- 4.5 In light of the 2020/2021 Covid-19 pandemic, SDC is also in the process of updating the existing Retail Study evidence base to inform a new Town Centre Strategy. In addition to the demand for retail space, the strategy will consider the future of the District's four town centres in the light of recent events and changing retail patterns and behaviour.
- 4.6 The SDC Pre Submission Local Plan (December 2018) looked to meet the retailing need in full through:
- Redeveloping, regenerating and intensifying existing town centres;
  - Allocating additional retail floor space within suitable employment or mixed use allocations; and
  - Providing additional retail floor space on suitable brownfield land located close to transport hubs.
- 4.7 The main actions will be to discuss the emerging positions on the SDC Town Centre Strategy and the TWBC Town Centre Area Plan.

## **Future Actions**

SDC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan and the Sevenoaks Town Centre Strategy.

# 5.0 Cross-boundary Infrastructure Issues

- 5.1 In terms of cross boundary infrastructure, both TWBC and SDC are in two tier authority areas, where both education and highways are managed by Kent County Council (KCC). Given this, it is noted that both education provision and highway matters may require input from KCC, and if relevant given the route of the A21, National Highways.
- 5.2 TWBC and SDC in the drafting of their Local Plans have liaised, and will continue to liaise, with Kent County Council on matters relating to education provision and highways infrastructure, together with National Highways in respect of the A21.
- 5.3 In the future, if there is substantial development, particularly on or close to the administrative boundary of TWBC and SDC whether through the plan making or planning application process, then there will be a need to liaise over and coordinate the delivery of infrastructure improvements including the securing of any necessary funding. As above, it is noted that there is currently no such substantial development planned or proposed through planning applications close to or on the administrative boundary of TWBC with SDC.
- 5.4 It should be noted that TWBC and SDC work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters, TWBC and SDC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.
- 5.5 The Leigh flood storage expansion and Hildenborough embankment scheme, being led by the Environment Agency, is such an example where both authorities, through their individual actions and participation in the Medway Flood Action Plan, have worked to deliver such infrastructure improvements.
- 5.6 Both TWBC and SDC will continue to engage on highway and transport matters, including in relation to the A21 through ongoing discussions with National Highways and the operation of the Hastings to London rail line (which passes through Tunbridge Wells and Sevenoaks) with Network Rail.
- 5.7 Currently, both authorities agree there are no cross-boundary issues to be addressed in relation to education provision, transport, health or other issues. Liaison and partnership working will continue in relation to the Leigh flood storage and expansion area, or other or drainage matters.

## Potential/proposed developments on or near the LPAs' common boundary

5.8 There is currently no such substantial development planned or proposed through planning applications close to or on the administrative boundary of TWBC with SDC.

### Future Actions

- SDC and TWBC will continue to engage on cross-boundary infrastructure issues.
- Both councils will liaise with National Highways and Network Rail and the respective local transport authorities in relation to any material impacts on the cross-boundary transport network, including the A21 and railway line.
- Both Councils will, through membership and participation in the Medway Flood Area Plan, continue to liaise on the Leigh flood storage expansion and Hildenborough embankment scheme.

# 6.0 Natural Environment

## Ashdown Forest European Site

- 6.1 Ashdown Forest is a European Site and is designated as a Special Area of Conservation (SAC) for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.

## Ashdown Forest Special Area of Conservation (SAC) – Air Quality

- 6.2 Both authorities are active members and attend regular meetings of the Ashdown Forest SAC Working Group, which is chaired by the South Downs National Park Authority (SDNPA). The Planning Advisory Service worked alongside the group in relation to DtC. TWBC and SDC are signatories of the Ashdown Forest Air Quality Statement of Common Ground (SoCG) published in April 2018.
- 6.3 Both TWBC and SDC will continue to participate in the Ashdown Forest SAC Working Group which will seek to work with Natural England on addressing Air Quality issues in relation to Local Plan preparation and will endeavour to support wider initiatives to improve background air quality.
- 6.4 All future work in relation to air quality at Ashdown Forest will be developed in discussion with the Ashdown Forest SAC Working Group agreeing where possible on methodology and to cost sharing where appropriate. All future traffic modelling and ecological interpretation to inform Habitats Regulation Assessments in respect of air quality for Ashdown Forest by both TWBC and SDC will be developed in discussion with the Ashdown Forest SAC Working Group and where possible agreement sought on both methodology and findings. This work is necessary to ensure a strategic and consistent approach to the identified issues and assist with a common approach to HRA matters relevant to the SAC designation.

## Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance

- 6.5 TWBC and SDC are active members of the Strategic Access Management and Monitoring Strategy (SAMMS) partnership and are signatories to a legal agreement with other participating local authorities and The Conservators of Ashdown Forest. This sets out agreement on the collection of developer contributions and the administration of the SAMM Strategy as part of a joint approach to provide

mitigation at Ashdown Forest for recreational disturbance from new residential development. Mitigation is provided through a scheme of access management and monitoring and contributions are collected between 400m and 7km from Ashdown Forest SPA. The 7km zone is the appropriate zone of influence, agreed by all partner local authorities and Natural England within which to collect SAMMS contributions. This is based on technical evidence from the Ashdown Forest Visitor Survey which the SAMM Strategy partnership jointly commissioned. Applications outside of the 7km will be assessed in relation to any impact on a case-by-case basis and in accordance with the planning policies of the relevant authority.

- 6.6 The majority of both SDC and TWBC falls outside the current agreed 7km zone, and neither are proposing to allocate sites within the part of the borough/district which do fall in this zone. Both authorities will seek developer contributions for SAMMs to mitigate the impact of visitor pressure from windfall developments which do come forward in this zone.
- 6.7 Both authorities will continue to participate in the SAMM Strategy partnership and work together to agree and jointly commission any future studies or surveys to inform the collective understanding of effects, and the most effective measures for mitigation and monitoring to ensure a consistent and strategic approach to the identified issues and a common approach to HRA.

### **Future Actions**

That both authorities continue to work as part of the Ashdown Forest Working Group in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.

## **High Weald Area of Outstanding Natural Beauty (AONB)**

- 6.8 As stated in the High Weald AONB Management Plan (2019-2024) ([see the High Weald AONB Management Plan](#)), both administrative areas of TWBC and SDC contain proportions of the High Weald AONB. In the case of TWBC, the High Weald AONB covers just under 69% of the borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it. In the case of SDC, some 16% of the district falls within the High Weald AONB, with a further 45% in the Kent Downs AONB to the north.
- 6.9 Both authorities are members of the Joint Advisory Committee (JAC) and Officer Steering Group for the High Weald AONB.
- 6.10 The High Weald AONB Management Plan 2019-2024 was agreed by the Joint Advisory Committee in November 2018, after public consultation and with input from

both authorities. The Management Plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by TWBC and endorsed by SDC in March 2019.

- 6.11 Both authorities are committed to continue to work together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.
- 6.12 Paragraphs 176 and 177 of the NPPF (2021) sets out the national planning policy for major development in AONBs. For TWBC, following representations received in relation to its Regulation 18 consultation, full LVIAs have been undertaken to assess the landscape impact of major development sites in the AONB. TWBC is engaging with Natural England and the High Weald AONB Unit (notwithstanding that both are taking a position of objecting to major developments in principle).
- 6.13 TWBC's reading of the NPPF is that it has to apply the tests in paragraphs 176 and 177 in order to come to a conclusion in relation to individual sites. In this context, although not explicit in relation to opportunities outside its own area, paragraph 177(b) may be interpreted as expecting the 'scope for developing outside the designated area' to extend to neighbouring LPAs as part of the consideration of exceptional circumstances.
- 6.14 TWBC has therefore asked SDC whether (October 2020) it has scope to accept any housing need from TWBC, as set out at paras 21.16 – 2.17 above, that would comprise major development in the AONB.
- 6.15 SDC considered in 2020 that, given the constraints in the district, which includes the extent of AONB (both High Weald and Kent Downs) that it cannot.
- 6.16 This has been factored into TWBC's considerations as part of the preparation of the Pre-Submission version of the Local Plan. It is acknowledged that, following the further evidence undertaken on landscape and visual impact, that the amount of housing proposed as major development in the AONB has decreased significantly between the Draft Local Plan and the Pre-Submission version of the TWBC Local Plan.

### **Future Actions**

Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.



# Biodiversity

- 6.17 Under both paragraphs 174 and 179 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Both authorities have proposals for Green infrastructure which have taken account of cross boundary proposals.
- 6.18 Both authorities have/had emerging policies (SDC Local Plan and TWBC Pre-Submission version of the Local Plan) which require biodiversity net gain and actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between all Kent LPAs is already occurring through engagement with the Kent Nature Partnership and, for the High Weald AONB the 'net gain sub group' of the High Weald AONB Officer Steering Group, chaired by TWBC and of which SDC is a member, to ensure a common approach and cooperation across the county and the High Weald AONB with particular regard for biodiversity offsetting and strategic biodiversity objectives.

## Future Actions

TWBC and SDC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.

# 7.0 Governance arrangements

- 7.1 It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.
- 7.2 The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date SoCG between the Councils.
- 7.3 Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.4 Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.5 Liaison in relation to the SoCG and the wider DtC will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the DtC and the SoCG, as appropriate.

# 8.0 Actions and Review Timetable

8.1 The agreed actions in this SoCG are reproduced below. This SoCG is an iterative document. Progress on the actions will be detailed in the next version of this SoCG.

**Table 2: Agreed key issues and agreed actions**

Key Issue	Agreed Actions
Housing	SDC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including meeting capacity to meet local and unmet needs. A key juncture will be once SDC's emerging evidence base, call for sites and associated assessment work is completed and the outcomes have been assessed.
Gypsy, Traveller and Travelling Showpeople	<ul style="list-style-type: none"> <li>- Both Councils will continue to seek to meet their own needs for permanent pitches (there have been no requests in relation to unmet needs at this time.)</li> <li>- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by Ashford borough.</li> <li>- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation.</li> </ul>
Employment	<ul style="list-style-type: none"> <li>- TWBC and SDC to discuss the position on employment land provision in the emerging SDC Local Plan at key points as it progresses.</li> <li>- TWBC and SDC to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the functional economic market area in relation to economic related matters, including employment land and retail and town centre development.</li> <li>- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.</li> </ul>
Retail	SDC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan and the Sevenoaks Town Centre Strategy.
Cross Boundary Infrastructure	<ul style="list-style-type: none"> <li>- SDC and TWBC will continue to engage on cross-boundary infrastructure issues.</li> <li>- Both councils will liaise with National Highways and Network Rail and the respective local transport authorities in relation to any material impacts on the cross-boundary transport network, including the A21 and railway line.</li> <li>- Both Councils will, through membership and participation in the Medway Flood Area Plan, continue to liaise on the Leigh flood storage expansion and Hildenborough embankment scheme.</li> </ul>



<b>Key Issue</b>	<b>Agreed Actions</b>
Natural Environment	<ul style="list-style-type: none"> <li>- That both authorities continue to work as part of the Ashdown Forest Working Group in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.</li> <li>- Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 - 2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.</li> <li>- TWBC and SDC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.</li> </ul>


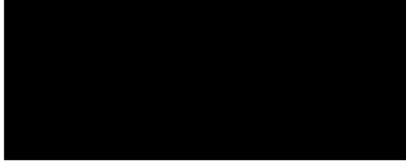
- 8.2 This SoCG will be updated to reflect the latest iteration of the respective Local Plans.
- 8.3 The Councils will work jointly to ensure that there is an updated SoCG in place ahead of the formal consultations on any Local Plan published by either Council (i.e. under Regulation 18 or 19).
- 8.4 Based on current Local Plan programmes, it is currently anticipated that this SoCG will be prepared and updated in accordance with the following timetable:

<b>Document</b>	<b>Target Sign-Off Date</b>	<b>Reasoning</b>
SCG v2	End of March/early April 2022	Ahead of SDC Regulation 18 consultation
SCG v3	November 2022	Ahead of SDC Regulation 19 consultation

- 8.5 It may be that further updates may be appropriate if substantive new evidence becomes available or decisions are made. This will be kept under review.
- 8.6 The Councils will keep each other notified of proposals to publish the SoCG and any updates to it.

# 9.0 Signatories/Declaration

<b>Signed on behalf of Sevenoaks District Council (Councillor)</b>	<b>Signed on behalf of Sevenoaks District Council (Chief Executive)</b>
	
<b>Position:</b> Development & Conservation Portfolio Holder	<b>Position:</b> Deputy Chief Executive and Chief Officer – Planning & Regulatory Services
<b>Date:</b> 11 <sup>th</sup> February 2022	<b>Date:</b> 11 <sup>th</sup> February 2022

<b>Signed on behalf of Tunbridge Wells Borough Council (Councillor)</b>	<b>Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)</b>
	
<b>Position:</b> Portfolio Holder for Planning and Transportation	<b>Position:</b> Chief Executive
<b>Date:</b> 14 <sup>th</sup> February 2022	<b>Date:</b> 14 <sup>th</sup> February 2022

# Appendix A: The Administrative Areas of Sevenoaks district and Tunbridge Wells borough

