

Tonbridge & Malling Borough Council
and

Tunbridge Wells Borough Council

Statement of Common Ground

June 2021



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1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Tonbridge & Malling Borough Council (TMBC) 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 June 2021. The relevant DtC matters included in this SoCG are ongoing and subject to review, as set out below. This shared position between TMBC and TWBC sets out the position in relation to the two Local Plans (the TMBC Local Plan (submitted 23 January 2019) which covers the period up to 2031, and the TWBC Pre-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

TMBC

- 1.2 The current development plan for TMBC consists of the Tonbridge & Malling Core Strategy 2007, the Tonbridge & Malling Development Land Allocations Development Plan Document (DPD) April 2008, the Tonbridge Central Area Action Plan April 2008, the Managing Development and the Environment DPD April 2010 and the Compendium of Saved Policies April 2010. The Kent Minerals and Waste Local Plan also forms part of the development plan for all Kent Districts. There are no ‘made’ Neighbourhood Plans, but three parishes have been designated as Neighbourhood Areas (Ditton, West Malling and Hildenborough).
- 1.3 TMBC commenced work on a new Local Plan in 2012. Regulation 18 consultation was undertaken on an Issues and Options document “The Way Forward” from 30th September – 25th November 2016, and Regulation 19 Pre-Submission consultation on the Local Plan between 1st October 2018 - 19th November 2018. The Local Plan was submitted on 23rd January 2019. This was within the transitional period for the revised NPPF (July 2018) which concluded on 24th January 2019, and meant that the Plan itself is examined against the requirements of the 2012 version of the NPPF and the versions of the Government’s Planning Practice Guidance that pre-date the changes in July 2018. The Local Plan covers the period 2011 to 2031.
- 1.4 Hearing sessions were held on 6th – 8th October 2020. On 22nd October 2020 the Planning Inspectors examining the TMBC Local Plan wrote to TMBC setting out significant concerns regarding legal compliance of the TMBC plan. This was followed by a letter on 15th December 2020 from the Inspectors providing the details of these concerns. TMBC provided a detailed response to this letter on 29th January.
- 1.5 The Inspector’s final decision was received on 2nd March 2021, confirming their provisional decision that there had been a failure of the Duty to Cooperate on the matter of housing need, and specifically unmet housing need from SDC. TMBC is

considering whether to challenge this decision. TMBC responded to PINS on 11th March setting out that it would not be withdrawing the plan and inviting PINS to prepare the final report. The Inspector's final report was received on 8th June 2021.

TWBC

- 1.6 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 is one 'made' Neighbourhood Plan - Hawkhurst - with a further ten at varying stages of production.
- 1.7 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.
- 1.8 TWBC has published an updated Local Development Scheme (dated March 2021). This sets out that the Pre-Submission version of the Local Plan is due to undergo its Regulation 19 consultation in March - April 2021. TWBC Full Council, on 3rd February 2021, approved the Regulation 19 Local Plan and agreed that consultation should be undertaken with a target submission in July. Regulation 19 consultation duly began on 26th March, running until 4th June.

This SoCG and the duty to cooperate

- 1.9 This SoCG relates to the Local Plans produced and being produced by TMBC 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 TMBC 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.
- 1.10 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) (February 2019), 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.
- 1.11 Paragraph 27 of the NPPF (February, 2019) 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.

- 1.12 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 based on effective joint working across local authority boundaries.
- 1.13 The TMBC Local Plan was produced under the transitional provisions of the NPPF 2018, meaning that SoCG were not required for the TMBC Local Plan. A Memorandum of Understanding between TMBC and TWBC was signed in January 2020.
- 1.14 The administrative areas that are set out in **Appendix A** show that TMBC and TWBC share a common administrative boundary along their southern, and north eastern boundaries respectively. The plan at **Appendix A** shows that the administrative boundary between TMBC and TWBC lies to the north of Southborough, Five Oak Green and Paddock Wood in Tunbridge Wells, and to the south of Tonbridge in Tonbridge and Malling. The A21, a trunk road managed by Highways England, runs through both Councils' areas: it runs through the south western corner of Tonbridge and Malling borough, before entering Tunbridge Wells borough just to the south of Tonbridge. The Ashford (via Paddock Wood) to London railway line, and the Hasting to London railway line, both pass through Tonbridge.
- 1.15 TMBC and TWBC are in agreement about the range of issues to be covered by this SoCG, and the need for full and frank deliberation.
- 1.16 The extent of joint working between TMBC 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.
- 1.17 Liaison between the Councils reflect 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

- 1.18 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.
- **Section 6** – This outlines the agreed actions between TMBC and TWBC going forward with respect to their Local Plans and future plan-making.

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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).
- 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.
- 2.4 The central and eastern part of Tonbridge & Malling borough is part of the Maidstone HMA.
- 2.5 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....”

- 2.6 Given the evidence above, both Councils agree that they share the same HMA, although TM borough also falls into part of another housing market area. This has, and will be, taken into account when cooperating on strategic cross-boundary matters, such as housing, through the DtC process.

Housing requirements

- 2.7 The housing need figures for both TMBC and TWBC in the respective plans, in dwellings per annum (dpa), are set out in the following table.

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

| Housing Target Source | TMBC | TWBC |
|----------------------------|--|--|
| Statutory Development Plan | 425 dpa under TMBC Core Strategy (2007) | 300 dpa under TWBC Core Strategy (2010) |
| Local Plan | 696 OAN (see Housing Topic paper) ¹ | 678 dpa (capped figure) February 2021. 'Standard Methodology' under NPPF (Feb. 2019) |

- 2.8 As above, it should be noted that the TMBC Local Plan was prepared against the requirements of the NPPF 2012: the Objectively Assessed Need for housing was determined to be 696 dwellings per year. The Standard Method under the NPPF for Tonbridge & Malling borough would be 839 dpa. TWBC is using the Standard Method as set out in the NPPF (2019) as amended by the changes to 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.
- 2.9 Throughout the period of plan making, since 2012, there have discussions under the DtC between TMBC, TWBC and Sevenoaks District Council (SDC) (i.e. neighbouring authorities in the HMA – please see above and below) in relation to the ability or otherwise to meet housing need. This includes discussing significant constraints which could restrict any possible assistance with any unmet need if required.
- 2.10 On 11th April 2019 SDC formally requested TWBC and TMBC whether either could accommodate any of SDC's unmet housing need (1,900 houses). The following sets out a summary of events in relation to the SDC plan, prior to April 2019:

¹ https://www.tmbc.gov.uk/_data/assets/pdf_file/0005/695462/Housing_Topic_Paper_Jan2019.pdf

- Regulation 18 consultation on the SDC Draft Local Plan closed on 10th September 2018. Although the SDC Draft Local Plan identified a shortfall of at least 600 houses, as this was consultation under Regulation 18 there remained the potential that further suitable sites may have been submitted to SDC, or representations made which meant that SDC could, in its consideration of the strategy of the Pre-Submission version of the Local Plan, have met its need in full;
 - o Regulation 19 consultation on the TMBC Local Plan took place from 1st October 2018 - 19th November 2018;
- The SDC Pre-Submission version of the Local Plan was finalised in late 2018, with Regulation 19 consultation starting on 18th December 2018 and concluding on 3rd February 2019. The SDC (full) Council decision to submit the plan was made on 26th March 2019, with submission taking place on 30th April 2019;
 - o Prior to the conclusion of the SDC Regulation 19 consultation, TMBC submitted its Local Plan (on 23rd January 2019);
- Hearing sessions were held between 24th – 26th September 2019, and 1st – 3rd October 2019 on the SDC Local Plan. The Inspector wrote to SDC on 14th October 2019, and there then followed a period of correspondence culminating in the provision of the Inspector's report on 3rd March 2020. This included correspondence where the Inspector indicated concerns about the soundness of the SDC Local Plan in relation to a number of matters;
- In April 2020 SDC began judicial review (JR) proceedings, and the application for a JR was granted on 2nd June 2020. The JR was heard in the High Court on 2nd and 3rd September, and the decision was published on Friday 13th November 2020.
- While the High Court dismissed the challenge, an application was made by SDC to the Court of Appeal on 4th December 2020. This was dismissed on 5th April 2021.
- SDC has confirmed in communication to TWBC that it wrote (on 28th May) to Christopher Pincher – Minister of State for Housing - requesting a meeting with him, Simon Gallagher (MHCLG) and Stephen Davies (PINS) to agree 'next steps and the broad parameters of a procedural road map.' TWBC has been advised that the letter also sets out that 'The Council (SDC) is currently progressing updates to evidence on housing and infrastructure delivery, which indicate further potential to accommodate additional new homes in existing settlements and opportunities to make better use of land on proposed site allocations.' SDC advise that this letter has been acknowledged and SDC is waiting for a comprehensive reply. A further update will be provided at the meeting of the SDC Development & Conservation Advisory Committee on 6 July.

- 2.11 Given the dismissal of the SDC application to the Court of Appeal TMBC and TWBC are in the process of discussing with SDC the formal withdrawal of its requests to TMBC and TWBC to meet some or all of its unmet housing need, as it will not be known until SDC progresses through its plan making process whether there will be any unmet need.
- 2.12 The TMBC Local Plan makes provision to fully meet its OAN for housing until 2031 (13,920 dwellings), and to provide for a buffer of 972 dwellings. This would involve the release of land from the Green Belt to achieve this. As set out in para 1.5 above, the Inspectors' final decision was received by TMBC on 2nd March 2021, confirming their provisional decision that there had been a failure of the Duty to Cooperate. TMBC will be challenging this.
- 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 Sustainable Appraisal (for the Draft Local Plan and Pre-Submission Local Plan) has included assessment of options which include meeting TWBC's uncapped need (741 dpa as compared to 678), accommodating SDC's unmet need, and meeting TWBC's uncapped need and SDC's unmet need (853 dpa).
- 2.14 Between 2015 and early 2019 TWBC, whilst flagging the constraints in TW borough which may make accommodating its own need (or unmet need from neighbouring authorities) problematic, was only in a position (through the progression of work on its own Plan) to provide more definitive comments regarding the ability or otherwise to accommodate unmet need in early 2019, as work on the spatial strategy for the Draft Local Plan progressed. The considerations set out in DtC discussions in spring 2019, and the SoCG between SDC and TWBC - signed in May 2019 - that TWBC could not assist in accommodating unmet need, and the reasons for this, were reflective of the progressing work on the TWBC Local Plan.
- 2.15 Notwithstanding these comments, TWBC has continued throughout 2019 and 2020 to consider whether there is scope to accommodate SDC's 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 of the Pre-Submission Local Plan (PSLP). If, through the considerations of the PSLP, TWBC considered that there was scope to accommodate any or all of the SDC unmet need, then TWBC would have advised SDC (and TMBC) of this.
- 2.16 The TWBC Pre-Submission Local Plan makes provision to meet its own Local Housing Need (678 dpa). There is, additionally, a buffer of approximately 1,050 houses.
- 2.17 At the time of writing, both TMBC and TWBC have received requests from Elmbridge Borough Council to help meet its housing need. Neither TMBC or TWBC expect to be able to assist, aside from it being in a well-removed housing market

area. Both authorities have not had any other requests to meet unmet need at this point.

- 2.18 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 which is 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.
- 2.19 Given that the NPPF (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 (paragraph 172). TWBC raised this issue with its neighbouring LPAs, including TMBC, 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.
- 2.20 In response, TMBC set out that it would not be able to assist due there being insufficient sites within the part of Tonbridge & Malling borough that falls within the West Kent HMA to meet the borough's needs without removing the Green Belt designation: i.e. as established through the DtC there are no less constrained areas in the West Kent HMA in Tonbridge and Malling. As set out in para 1.5 above, the Inspectors for the TMBC Local Plan consider that TMBC should have gone further in its actions with SDC on this matter, and therefore have concluded that TMBC has failed the DtC.
- 2.21 Both TMBC and TWBC recognise that housing needs (and whether there is a future binding housing requirement, as suggested in the Planning for the Future White Paper), HMAs and constraints to development may change over time. Given the above, both TMBC and TWBC will continually consider their positions on capacity to meet housing needs as they progress. The actions below will, of course, be dependent on the outcome of the final report from the TMBC Inspectors for its Local Plan, and TMBC's request to the Secretary of State, but reflect the current and likely future positions in respect of plan making.

Actions

TMBC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including capacity to meet local and unmet needs. This will include consideration of any future requests from London authorities, if received.

Gypsy, Traveller and Travelling Showpeople

TMBC

- 2.22 TMBC's need for permanent Gypsy and Traveller (G&T) pitches is identified through an assessment of the accommodation needs of Travellers and Travelling Showpeople (February 2018) which identified a need of 16 pitches for G&T and an additional two plots for Travelling Showpeople until 2030/31, plus a transit site for 6-10 pitches.
- 2.23 The TMBC Local Plan identifies six G&T sites to be safeguarded, with the potential for them to be used more intensively recognised in the relevant policy, as well as two sites for Travelling Showpeople to be safeguarded. The Local Plan sets out that TMBC is committed to meeting the identified need.

TWBC

- 2.24 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.
- 2.25 TWBC's Housing Supply and Trajectory Paper (September 2019) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 28 residential pitches as of 1 April 2019.
- 2.26 TWBC considers that, based on its understanding of existing sites and the nature of demand, 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.
- 2.27 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.
- 2.28 The actions below will, of course, be dependent on the outcome of TMBC's response to the Inspectors for its Local Plan, and request to the Secretary of State, but 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 (TMBC in relation to G&T and Travelling Showpeople, and TWBC in relation to G&T). 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.

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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 Tonbridge and Malling 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 commissioned Turleys to undertake an Economic Needs Study (2016) with SDC in order to inform their respective Local Plans taking into account the recognised functional economic relationships. TMBC undertook an Employment Land Review Update (2017), also undertaken by Turleys. Additionally, TWBC has carried out Retail and Leisure studies (with TWBC's most recent being undertaken in 2020) which seek to identify the retail, leisure, town centre needs over the Plan period. This includes recognising the functional catchment areas for retail and leisure patterns across the wider sub-region.

Employment land needs and provision

- 3.4 The TMBC Employment Land Review identifies a net need for 46.8 hectares of employment land that the Local Plan needs to address. Sites have been identified for approximately 38.5 hectares of additional employment land at a number of sites across the borough, with the balance to be delivered through the intensification of existing sites.
- 3.5 The Economic Needs Study was undertaken for TWBC (and SDC) by Turley, in association with Colliers. For TWBC it 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 on a smaller scale at Paddock Wood and Hawkhurst). This covers the range of site requirements.
- 3.6 As part of the considerations of the allocation of land at Kingstanding Way, and given that the NPPF (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 (paragraph 172), TWBC raised this issue with its neighbouring LPAs, including TMBC. In early October 2020 TWBC formally wrote to TMBC 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, TMBC set out that as there were not surplus sites to meet its own employment needs (i.e. it was requiring a combination of new allocations and intensification of existing sites), it cannot consider meeting unmet needs from neighbouring authorities.
- 3.7 Given that both authorities are looking to meet their own employment needs, the actions relate mainly to continue to discuss opportunities for continuing joint working, and through wider discussions with those authorities outside the FEMA.
- 3.8 The actions below will, of course, be dependent on the outcome of TMBC's response to the Inspectors for its Local Plan, and request to the Secretary of State, but reflect the current and likely future positions in respect of plan making.

Actions

- TWBC and TMBC 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.

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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 the updated LDS will set out will be prepared and adopted by 2025), together with the revitalisation of Paddock Wood Town Centre.
- 4.4 For TMBC, there has been considerable public realm and highway work undertaken in Tonbridge town centre in recent years. The Local Plan sets out that it will maintain and enhance the role of the wide range of centres offering a diverse range of shopping and service facilities. It includes a policy for Tonbridge town, including the town centre.
- 4.5 As the TMBC focus is on maintenance and enhancement of the existing centres, and TWBC will be producing a Town Centre Area Plan for RTW, the main actions therefore relate to ensuring that discussions continue through the forthcoming period, including as TWBC progresses the Town Centre Area Plan.
- 4.6 The actions below will, of course, be dependent on the outcome of TMBC's response to the Inspectors for its Local Plan, and request to the Secretary of State, but reflect the current and likely future positions in respect of plan making.

Actions

TMBC 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.

5.0 Cross-boundary Infrastructure Issues

- 5.1 In terms of cross boundary infrastructure, both TMBC and TWBC 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, Highways England.
- 5.2 TWBC and TMBC in the drafting of their Local Plans have liaised with their respective County Councils on matters relating to education provision and highways infrastructure, together with Highways England in respect of the A21.
- 5.3 In the TMBC Local Plan, there is development proposed at the eastern side of Tonbridge, at Little Postern, Postern Lane, Tonbridge for 10.8 hectares of B2 and B8 uses.
- 5.4 Within TWBC, the following allocations could have strategic cross boundary implications in terms of highway, transport, education, water and health matters:
- the garden settlement at Tudeley village;
 - the transformational expansion of Paddock Wood;
 - employment land at Kingstanding Way, and;
 - a hotel allocation at Mabledon House.
- 5.5 Representations were made by TMBC in 2019 to the Draft Local Plan on these sites, and in terms of Tudeley and proposals for the A228 in particular set out TMBC's concerns at the cross boundary implications of these. Concern was also expressed about a further allocation located at Mabledon Farm, which is not proposed for allocation in the TWBC Pre-Submission version of the Local Plan. TMBC subsequently provided a representation to the Regulation 19 consultation on 3rd June 2021/ Further commentary on these matters are provided below.
- 5.6 TWBC and TMBC have engaged under the DtC, and further officer working on these sites, particularly in relation to Tudeley village and Paddock Wood.

Tudeley village and Paddock Wood

- 5.7 TMBC (and Maidstone Borough Council) officers have attended and are active participants in the monthly TWBC "Strategic Sites Working Group" (SSWG) which

comprises developers, infrastructure providers, consultees and relevant parish and town councils and their neighbourhood plan groups. TMBC officers and members also attended and were active participants in the autumn 2020 workshops held as part of the masterplanning work undertaken by TWBC's consultant team (David Lock Associates, and sub-consultants) as part of the masterplanning of Paddock Wood and consideration of infrastructure provision. This is demonstrative that TMBC and TWBC have and will continue to work in collaborative partnership on future infrastructure planning and masterplanning of the allocations.

5.8 The SSWG, and the masterplanning work, has actively involved health providers (the Kent and Medway Clinical Commission Group), KCC Education, KCC Highways and Transportation, Highways England and Network Rail, ensuring that relevant strategic cross boundary matters (including those raised by TMBC) have and will continue to be addressed:

- The position of the secondary school shown in the TWBC Draft Local Plan (between Tudeley and Tonbridge), has been moved in the Pre-Submission Local Plan to that of TMBC's preferred position at Tudeley (on the south eastern side, closer to Paddock Wood);
- Assessment of impacts on highways junctions has included that outside the boundaries of Tunbridge Wells borough (including in Tonbridge and along the A228): costs for relevant mitigation measures have been included in the viability assessment work undertaken for the strategic sites (indicating that these can be delivered and are viable). Through the masterplanning work mechanisms to ensure that all developments make the necessary contributions to fund this infrastructure are being developed, and TMBC will be involved in this;
- Work has taken place on active travel routes between the strategic sites and Tonbridge, including through direct liaison between the consultants instructed for both authorities;
- Provision for sufficient health care has been made within Paddock Wood/Tudeley, and has been subject to viability testing. This is enshrined in policy in the Pre-Submission version of the Local Plan to ensure that this is delivered on-site. TWBC will continue to discuss with the Clinical Commission Group seeking on-site provision within Tudeley;
- Discussions have been held with Network Rail in relation to both capacity on the railway line and facilities at Tonbridge Station, and Network Rail attend and are active participants of the SSWG. Network Rail has confirmed that the proposed growth in Tunbridge Wells borough does not require specific rail capacity interventions, and that it is expected that there will be long term changes to commuting habits as a result of increased home working/different commuting times.

5.9 TMBC set out in its Regulation 19 response that:

- it “welcomes the amendments made to the Regulation 18 draft of the Local Plan in response to the comments by this Council (TMBC) 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”
- “the (TWBC) 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”

5.10 However, it also raised serious concerns relating to:

- The evidence base in relation to transport;
- The transport impact on Tonbridge and other settlements and communities in the Tonbridge and Malling Borough from the strategic sites;
- The impact on flooding from the strategic sites;
- The timing of the delivery of infrastructure, including education, and the impact of this on services in Tonbridge and Malling borough from housing coming forward before the delivery of the infrastructure.

5.11 Concerns were also raised around the landscape evidence base, although these have been relayed through further discussion.

5.12 Both authorities will continue the discussions and collaborative working on the strategic cross boundary implications of the proposed growth at Tudeley and Paddock Wood, noting the TMBC concerns, and working to address these including where necessary key infrastructure providers and statutory consultees.

Kingstanding Way

5.13 A planning application has been considered for this development. Highways England and KCC Highways and Transportation have considered the impact of the development, including on potential cross boundary implications, and support the application. TMBC provided comments on this application, and did not raise objection. Outline planning permission for this development has been granted.

Mabledon House

5.14 This proposal (200 bedroom hotel) is of a considerably smaller scale than the strategic sites and Kingstanding Way. Both authorities commit to working together

on detailed proposals for this site, including through any pre-application discussions and with KCC and Highways England in relation to vehicular access arrangements.

Mabledon Farm

- 5.15 For the avoidance of doubt, the proposed allocation at Mabledon Farm indicated in the Regulation 18 Draft Local Plan for housing, between Southborough and the borough boundary, has not been carried forward into the SALP.

Leigh flood storage expansion and Hildenborough embankment scheme

- 5.16 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, are working to deliver such infrastructure improvements.
- 5.17 Both authorities have considered, and support, the raising of the storage level.

(Non strategic sites related) active travel provision

- 5.18 The A26 runs from Tonbridge, through Southborough, into Royal Tunbridge Wells. TWBC has a costed scheme for significant improvements to cycling provision along the A26. Both authorities will work together in developing this scheme.

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

- 5.19 In the future, if there is further substantial development, particularly on or close to the administrative boundary of TMBC and TWBC 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.
- 5.20 It should be noted that TWBC and TMBC 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 (e.g.

as has with the Leigh/Hildenborough flood storage scheme) TWBC and TMBC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.

- 5.21 Both TMBC and TWBC will continue to engage on highway and transport matters, including in relation to the A21 through ongoing discussions with Highways England and the operation of the Hastings to London and Ashford to London railway lines with Network Rail.

Actions

- TWBC will continue to invite TMBC to the Strategic Sites Working Group, and TMBC officers will continue to attend and actively participate.
- TWBC and TMBC will, over the course of 2021 and onwards, have continued discussion and liaison with each other and relevant infrastructure providers, working in collaborative partnership, on the cross boundary implications of the proposed strategic allocations at Tudeley village and Paddock Wood.
- TMBC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues, including in terms of further (including pre-application) discussions for proposals at Mabledon House.
- 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.
- 6.2 Cross boundary strategic matters have been identified in relation to air quality and visitor pressure.

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

- 6.3 TWBC is an active member and attends regular meetings of the Ashdown Forest SAC Working Group, and TMBC is a corresponding member.
- 6.4 Both TWBC and TMBC will continue to participate in the Ashdown Forest SAC Working Group, with TMBC's involvement being as relevant/necessary, given the distance of Tonbridge & Malling from the Forest.
- 6.5 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.

Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance

- 6.6 This is not considered to be a cross boundary matter between TWBC and TMBC, largely as all of TMBC lies well outside the 7km zone of influence, which is the extent agreed by all partner local authorities and Natural England, based on technical evidence from the Ashdown Forest Visitor Survey which the Strategic Access Management and Monitoring (SAMM) Strategy partnership jointly commissioned.

Actions

That both authorities continue to work as part of the Ashdown Forest Working Group, with TWBC as an active member and TMBC as a corresponding member, 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)

- 6.7 As stated in the High Weald AONB Management Plan (2019-2024) ([see the High Weald AONB Management Plan](#)), both administrative areas of TWBC and TMBC 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 TMBC, only a very small part of the borough falls within the High Weald AONB to the south of Tonbridge, with a further 27% in the Kent Downs AONB to the north.
- 6.8 Both authorities are members of the Joint Advisory Committee (JAC) and Officer Steering Group for the High Weald AONB.
- 6.9 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 TMBC in March 2019.
- 6.10 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.
- 6.11 Paragraph 172 of the NPPF (2019) sets out the national planning policy for major development in AONBs. For TWBC, following representations received in relation to its Regulation 18 consultation, full LVIA's 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).
- 6.12 TWBC's reading of the NPPF is that it has to apply the tests in paragraph 172 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 172(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.

- 6.13 TWBC has therefore asked TMBC whether (October 2020) it has scope to accept any housing need from TWBC, as set out at paragraph 2.19 above, that would comprise major development in the AONB. TMBC consider that there are no less constrained areas in the West Kent HMA in Tonbridge and Malling.
- 6.14 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, 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.

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

- 6.15 Under both paragraphs 170 and 174 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 policies for Green infrastructure which have taken account of cross boundary proposals.
- 6.16 Both authorities also have policies in the (TMBC Local Plan and TWBC Pre-Submission version of the Local Plan) which require 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, 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.

Actions

TMBC and TWBC 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.

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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.

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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 | TMBC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including capacity to meet local and unmet needs. This will include consideration of any future requests from London authorities, if received. |
| Gypsy, Traveller and Travelling Showpeople | <ul style="list-style-type: none"> - Both Councils will continue to seek to meet their own needs for permanent pitches (TMBC in relation to G&T and Travelling Showpeople, and TWBC in relation to G&T). 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. |
| Employment | <ul style="list-style-type: none"> - TWBC and TMBC 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. |
| Retail | TMBC 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. |
| Cross Boundary Infrastructure | <ul style="list-style-type: none"> - TWBC will continue to invite TMBC to the Strategic Sites Working Group, and TMBC officers will continue to attend and actively participate. - TWBC and TMBC will, over the course of 2021 and onwards, have continued discussion and liaison with each other and relevant infrastructure providers, working in collaborative partnership, on the cross boundary implications of the proposed strategic allocations at Tudeley village and Paddock Wood. |

| Key Issue | Agreed Actions |
|---------------------|---|
| | <ul style="list-style-type: none"> - TMBC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues, including in terms of further (including pre-application) discussions for proposals at Mabledon House. - 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. |
| Natural Environment | <ul style="list-style-type: none"> - That both authorities continue to work as part of the Ashdown Forest Working Group, with TWBC as an active member and TMBC as a corresponding member, 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. - 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. - TMBC and TWBC 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. |

- 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 a 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:

| Document | Target Sign-Off Date | Reasoning |
|----------|----------------------|--|
| SCG v1 | June 2021 | Ahead of TWBC Regulation 19 Local Plan |
| v2 | October 2021 | Ahead of TWBC Examination |
| | | |

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- 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.

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9.0 Signatories/Declaration

| | |
|---|--|
| Signed on behalf of Tonbridge & Malling Borough (Councillor) | Signed on behalf of Tonbridge & Malling Borough Council (Chief Executive) |
| | |
| Position: | Position: |
| Date: | Date: |

| | |
|---|--|
| Signed on behalf of Tunbridge Wells Borough Council (Councillor) | Signed on behalf of Tunbridge Wells Borough Council (Chief Executive) |
| | |
| Position: | Position: |
| Date: | Date: |

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Appendix A: The Administrative Areas of Tonbridge & Malling borough and Tunbridge Wells borough

