

Wealden District Council Open Space, Sports and Recreation Assessment 2016 - Neighbouring Local Authorities: Cross Border and Strategic Planning Issues

Your Name	Sarah Lowe	Email address	sarah.lowe@tunbridgewells.gov.uk	Phone no.	01892 554057
------------------	------------	----------------------	----------------------------------	------------------	--------------

1. Please confirm whether your authority has completed (or is currently working on/about to start) any of the following studies/strategies/plans relating to open space, sport, recreation and play/youth provision.

Kind of study	Date completed ¹	Still current/relevant? (Yes/No/ Don't Know)	Any Comments/observations?
Green Infrastructure	2014	Yes	SPD adopted in 2014 – an update will be undertaken as part of new Local Plan
Open Space/PPG17 Study	2006	Significantly outdated	Review of Open Space Study shortly to be under way, going out to tender towards end of 2016
Parks/Greenspace/ Countryside Strategy	N/A	-	There will be a Greenspace Strategy but yet to be scoped, Parks Strategy will be informed by study above
Sport/Recreation Strategy	Under way	Yes	Being put to Cabinet for adoption on 22 nd June 2016
Play /Youth Strategy	N/A	-	-
Any other relevant studies/strategies?			
Playing Pitch Strategy	Under way	Yes	Consultants commissioned for Playing Pitch Strategy in June 2016, work aiming to be completed by Spring/Summer 2017.
Historic Landscape Characterisation	Under way	Yes	Borough-wide study to update Kent HLC in line with Sussex HLC.
Landscape Character Assessment	Under way	Yes	Update to existing 2011 SPD. (Out to tender, complete end of 2016)
Landscape Capacity Study	Under way	Yes	Focus on Royal Tunbridge Wells and Southborough, update and extension of 2009 study. Will include 1km zone around Royal Tunbridge Wells that falls within Wealden. (Out to tender, complete end of 2016)

2. Have you identified any issues in relation to any of the above (or from other completed work) that are of cross border significance with the Wealden District area and/or of wider strategic interest to Wealden District Council? Please tell us in the table below:

Kind of study	Any cross border issues? Y/N/DK	If yes please summarise	Any other comments/observations?

¹ If currently under way/planned please just note: under way - or provide start/anticipated completion date and explain further in comments/observations box

Green Infrastructure	Y	Includes land around Royal Tunbridge Wells that overlaps with Wealden District. See Option 1: Woodlands.	
Open Space/PPG17			
Parks/Greenspace/Countryside Strategy			
Sport/Recreation Strategy			
Play /Youth Strategy			
Any other relevant studies/strategies? Dark Skies SPD	Y	Ambition to produce Lighting/Dark Skies SPD which will overlap with adjoining authorities. Member support but no work progressed by Officers yet.	
Ecology	Y	Studies required for Local Plan which will need to consider land adjacent to Royal Tunbridge Wells within Wealden District Council.	

3. Are you aware of any other open space/sport/recreation/play facilities planning related issues in your local authority that are also relevant to the Wealden District Council area? If so please summarise:

Work is ongoing concerning SANGS and SAMMS for Ashdown Forest between affected authorities.

Sports Strategy due to be adopted at Cabinet on 22 July.

Development allocated at Hawkenbury Farm in the Site Allocations DPD for approximately 200 dwellings, very close to the border with Wealden.

4. If you have any other comments or observations please tells us below:

-

Many thanks for completing this pro-forma.

Please return to katie.spencer@ethosep.co.uk by Friday 15th July 2016.

Appendix G2: TWBC Response to WDC Reg. 19 Consultation October 2018



Planning Policy Team
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
Kent GN27 2AX

Please ask for: Stephen Baughen

Mobile: 07583 528365

Telephone: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 03 October 2018

Dear Sir/Madam

Wealden District Council's (WDC) Local Plan – Proposed Submission Wealden Local Plan (Regulation 19) Consultation

I refer to your communication dated 14 August 2018 and the current Regulation 19 Consultation in respect of the Wealden District Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Wealden District Council as part of the Proposed Submission Wealden Local Plan Regulation 19 Consultation 2018. The Council has several comments to make at this stage.

The headline needs of 14,228 homes between 2013-2028 (based on the government standard methodology using the 2014 household projections), 22,500 sq. metres of employment floorspace and 4,350 sq. metres of retail floorspace between 2015-2028 are noted.

The constraints of Wealden District with regard to the Ashdown Forest Special Protection Area and Special Area of Conservation and its protection under European legislation are noted, as are the proposed Policies AF1 (Air Quality and Wealden Local Plan Growth), AF2 (Air Quality Mitigation), and EA2 (Ashdown Forest Special Protection Area). Tunbridge Wells Borough Council supports the adoption of a 7km strategic zone as set out in Policy EA2 which is inline with our own evidence and the advice of Natural England. However TWBC will be making separate representations on these policies as they have the potential to affect development in the Tunbridge Wells Borough and because they raise complex technical issues that require further more detailed consideration.

TWBC also notes that 58% of the Plan area is designated as the High Weald Area of Outstanding Natural Beauty (AONB).

It is appreciated that it is a challenge trying to balance housing need against the above European designated area and AONB constraints. TWBC is also facing similar challenges in meeting housing need given the Green Belt constraints in the western part of the Borough and AONB across 70% of the borough.

It is also noted that the majority of proposed growth and change in Wealden is directed toward the South Wealden Growth Area with limited growth towards the north. However, TWBC is uncertain whether any development that does come forward, through windfall or appeal, in the north of the

Town Hall Royal Tunbridge Wells Kent TN1 1RS

switchboard 01892 526121 SMS (text) 07870 526121

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

district will impact on infrastructure in Tunbridge Wells and consequently will require a mechanism to ensure that sufficient contributions are made to mitigate any impact.

Having completed the Issues and Options consultation process last year, TWBC is currently preparing the Draft Preferred Local Plan document ready for consultation (Regulation 18) next year. TWBC will formally consult WDC when the plan progresses to this stage.

Without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within Tunbridge Wells Borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 19 consultation and in progressing the development strategy for the Wealden district.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'A.M.', with a long horizontal stroke extending to the right.

Cllr Alan McDermott
Deputy Leader; Portfolio Holder for Planning & Transportation

Appendix G3: Joint response to
WDC Regulation 19 consultation
from TWBC, South Downs National
Park Authority and Lewes District
Council 2 October 2018



02 October 2018

Planning Policy Team
Wealden District Council,
Council Offices,
Vicarage Lane,
Hailsham BN27 2AX

Dear Sir / Madam

Subject: Joint response of South Downs National Park Authority, Tunbridge Wells Borough Council and Lewes District Council on the Proposed Submission Wealden Local Plan August 2018 (Regulation 19) Consultation

Thank you for consulting the South Downs National Park Authority (SDNPA), Tunbridge Wells Borough Council (TWBC) and Lewes District Council (LDC) (henceforth referred to as the Authorities) on your emerging Local Plan. We have a number of comments we would like to make on the Proposed Submission Local Plan (henceforth referred to as the Plan), and the Habitats Regulations Assessment (HRA) principally concerning the approach to atmospheric pollution on European sites, as well as the Duty to Cooperate Background Paper; our response is structured accordingly.

Our joint response draws on a review of the Wealden Local Plan HRA by AECOM (28 September 2018) jointly commissioned by the Authorities, which forms Appendix I of this letter.

Proposed Submission Wealden Local Plan 2018 (the Plan)

Firstly, we would like to acknowledge and support the work done by Wealden District Council (WDC) in relation to visitor pressure on Ashdown Forest. This involved leading a partnership of affected authorities using jointly commissioned evidence and the agreement to operate a strategic mitigation strategy incorporating a 7km zone of influence as set out in draft Policy EA2. We therefore support draft Policy EA2 and the ongoing cooperation between authorities to address this issue.

The Plan puts the subject of air quality and the environment upfront in the development plan document, draft Policies AF1 and AF2 being the first two policies of the Plan. Whilst the Authorities acknowledge the volume and extent of evidence that WDC has generated to inform its position, we do not agree that the policies derived in response to that evidence are justified or would be effective in achieving their stated purpose or the objective of promoting sustainable development in the Plan period.

The technical aspects of the HRA and why it is considered flawed are dealt with in the section below. Most significantly, the HRA is premised on an entirely unrealistic scenario for future air quality

impacts, reflected also in paragraph 5.12 of the supporting text of the Plan. The Authorities find that the Strategic Environmental Assessment (SEA) (incorporated into the Sustainability Appraisal) is significantly flawed as it is misinformed by the technically and legally flawed HRA.

We note in paragraph 5.12 WDC's choice to focus on a scenario (Scenario A) that rejects any allowance for an improvement in emission factors or baseline emissions and deposition rates (as advocated by DMRB and Defra), despite it being underpinned by national and international policy/legislation and long-standing positive local trends for both NO_x and oxidized nitrogen deposition. This is contrary to the direct advice of Natural England: "*the competent authority should assess the implications of a plan or project against an improving background trend.*"¹ In not taking Natural England's direct or standing advice² WDC has chosen to rely on the least realistic scenario in order to justify limited growth and ignored those scenarios that present a more realistic forecast of improving trends in air quality. This is said to reflect the precautionary principle as required by the Habitats Regulations.

The Communication from the European Commission on the precautionary principle³ clarified "*The precautionary principle which is essentially used by decision makers in the management of risk should not be confused with the element of caution that scientists apply in their assessment of scientific data*". It would appear that WDC has confused the application of the precautionary principle and applied it to assessment of scientific data and not to the management of risk.

The precautionary principle does not require the competent authority to adopt an unrealistic "worst case" approach. It actually requires an assessment based on the best available scientific evidence, with scientific doubt being resolved in favour of the protection of the environment. It is contrary to that principle to plan on the basis of a future scenario which is not simply pessimistic, but in fact wholly unrealistic. By adopting this approach the Plan risks limiting sustainable development without proper justification.

Whilst the above comments are from all three of the Authorities, LDC and SDNPA are additionally concerned with the specific approach to Pevensey Levels SAC/Ramsar Site and Lewes Downs SAC as they are considered within their own HRAs (but which are excluded from TWBCs HRA). Specifically the inclusion of Lewes Downs SAC within draft Policies AF1 and AF2 is considered to be erroneous. Paragraph 5.21 of the Plan confirms WDC has used the 24-hour mean to take the air quality impact from only 10m from the roadside, when using the annual mean (at which point no calcareous grassland/designated feature is present as it is mostly woodland which is not an identified feature of the SAC), to predicting an impact "across the site".

The established position is that the annual mean is more ecologically significant than the 24-hour mean, Natural England advised WDC in their DAS report to use the annual mean: "*our advice is that as it is largely annual increases that are being assessed for likely significant effect and potentially adverse effect on integrity then use of the annual average is sufficient.*" The inclusion of Lewes Downs SAC within draft Policies AF1 and AF2 is not therefore considered justified and there is further evidence to support this conclusion, contained within the AECOM Review of the WDC HRA set out in Appendix I of this letter.

The inclusion of the Pevensey Levels SAC and Ramsar Site within draft Policies AF1 and AF2 is also unjustified because the interest features for both designations are not sensitive to atmospheric ammonia, NO_x or nitrogen deposition. The statement in paragraph 5.29 of the Plan referring to the

¹ Advice contained within the Discretionary Advice Service letter to Wealden District Council 16th February 2018, released under FOI for reasons of public interest.

² As set out in Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitat Regulations (version June 2018)

³ <https://publications.europa.eu/en/publication-detail/-/publication/21676661-a79f-4153-b984-aeb28f07c80a/language-en>.

critical load and levels for NO_x for this site is plainly wrong; there are no such loads or levels. The UK APIS⁴ does not list any interest features of the SAC or Ramsar as being sensitive to atmospheric nitrogen deposition.

Draft Policies AF1 and AF2 are based on the conclusions of the HRA, which is flawed and does not provide the conclusive evidence that mitigation is required. This is addressed further in the following section, which is supported by the accompanying AECOM review of the Plan HRA set out in Appendix I.

The Authorities are also concerned with the proposed approach to mitigation, even assuming that the overall approach to growth is justified. Since certainty is required as to the effects of the Plan, (as correctly stated in paragraph 5.12 of the Plan) where mitigation measures are relied on there must be a clear evidential basis for the quantified success of those measures. There is clearly no such evidential basis in this case. Indeed a number of the measures within draft Policy AF2 are not even mitigation; rather they are monitoring, investigations and ordinary sustainable transport measures expected within a Local Plan.

Furthermore, it is of considerable concern to the authorities that WDC has published midway through the consultation period the AF2 mitigation strategy with tariff and to have begun operating the financial obligations of AF2 prior to confirmation from Natural England that the conclusions of the HRA are supported. In light of this the Authorities wish to reserve the right to comment further during the examination process on the appropriateness of the financial contribution proposed, both in terms of viability and compliance with CIL Regulation 122.

Finally, it is not clear how criterion a) of draft Policy AF1 can work in practice and in conjunction with the stated position that measures in draft Policy AF2 will only mitigate the exact level of growth identified in the Plan. The indicators proposed to monitor draft Policy AF1 are not fit for purpose because they cannot distinguish between the different factors that contribute to a site's integrity. Site management and wider sources of atmospheric pollution (e.g. livestock, emissions from Europe and non-local traffic) have played and will continue to play a significant part in the condition of the Ashdown Forest and in the case of the Pevensy Levels run-off from farmland and discharge from the two Hailsham wastewater treatment works will continue to contribute significantly to the condition of this wetland environment.

Habitat Regulation Assessment (HRA)

The Authorities do not agree with the conclusion of the Wealden Local Plan HRA in relation to air quality and after detailed analysis and review of the HRA and the supporting studies (set out in Appendix I) find the approach taken and methodology used flawed, particularly regarding the approach taken in the HRA to vehicle emission factors and background trends. If the conclusions of the Wealden HRA are accepted as being justified, this may have knock-on effects on the Local Plans for adjoining authorities, and ultimately on growth in the wider area.

The Authorities have jointly commissioned technical studies and legal advice in order to understand the concerns raised by WDC about the effects of growth from our local plan areas and Wealden District with regards air quality on European Sites (Ashdown Forest SAC, Lewes Downs SAC and Pevensy levels SAC/Ramsar) and in particular with regards to the emissions from vehicles.

This work has been used to prepare HRAs and Practice Notes published by these authorities. It has specifically included a detailed review of all relevant work published by WDC as and when it became available and has considered the novel and non-standard approaches/issues used by WDC.

⁴ UK Air Pollution Information System www.apis.ac.uk

In essence the work carried out by the Authorities has shown that there is no basis to conclude an adverse effect on integrity of Ashdown Forest SAC or SPA from planned growth to 2033 in the wider area. Since no adverse effect on integrity is forecast, no mitigation as such would be required. The work for the Authorities used what might be described as “standard methodologies” by air quality experts; it allowed for a higher a level of growth across the wider area and took a precautionary approach to the likely ecological effects and rates of background improvements in air quality. Both the methodology used and the results were endorsed by Natural England.

In contrast the Wealden HRA has used bespoke methods and approaches that have been queried by Natural England. In then preparing their HRA, whilst WDC have modelled a number of scenarios, they have relied upon the most unrealistic scenario for future background air quality concluding that there will be an adverse effect on integrity and that consequently mitigation is required. Clearly it is not helpful to strategic planning to have one authority concluding an adverse effect on Ashdown Forest (and other sites) and others concluding that there is no adverse effect essentially arising from the same issues and sources and affecting the same site(s). Both conclusions cannot be correct.

Whilst HRA matters are for the competent authority to decide it should be noted that air quality is a cross boundary issue that requires cross boundary agreement and a strategic response.

WDC has objected to the approach and evidence provided by the Authorities on this matter. For example, WDC objected to the Pre-Submission South Downs Local Plan and the draft Lewes Local Plan Part 2 in 2017. Since that time the Authorities have reviewed those objections and provided further evidence to WDC, who has so far failed to provide detailed comments on this information or demonstrate that it has been taken into account in its published HRA.

In order to ensure that the Authorities have fully considered the HRA and the supporting evidence published by WDC they commissioned an independent review (Review of Wealden Local Plan HRA 28 September 2018 AECOM appendix 1) which concluded at paragraph 1.7:

“In summary, the Wealden Local Plan HRA differs in some particulars from the analyses undertaken by AECOM. However, it is considered that the Wealden HRA fails to take due account of the low vulnerability of Pevensey Levels SAC/Ramsar and the fact that the woodland at Lewes Downs SAC is not an international interest feature of the site. The Wealden HRA also has a substantial flaw in that it fails to recognize that that some of their modelled scenarios (notably Scenario B) are considerably more realistic than others (notably Scenario A).

WDC’s latest modelling generated three scenarios (A, B and C) which vary greatly in the extent to which they acknowledge existing improving trends in NO_x and oxidised nitrogen deposition and the likelihood of them continuing. Clearly all three scenarios cannot occur. The air quality modelling reports themselves make it clear that the modelled scenarios are not considered equally realistic or equally likely to occur; in particular, paragraph 7.11 of the original 2017 air quality modelling report described the NO_x emission assumptions underlying Scenarios similar to Scenario A as ‘an extreme worst-case’ [emphasis added]. However, the HRA report disregards this nuance, treats all three scenarios as equally likely/reasonable and thus focusses heavily on Scenario A; a scenario that is unrealistic and unlikely to arise in practice since it would require existing positive trends in NO_x concentrations and oxidized nitrogen deposition rates to substantially reverse at a time when further initiatives are being introduced to control them. The result is that the HRA exaggerates the air quality issues throughout.

For Ashdown Forest SAC, the maximum nitrogen dose from additional traffic on the network forecast in WDC’s most realistic scenario (Scenario B) is greater than that modelled by AECOM. However, this is explicable by differences introduced to the modelling approach that in themselves carry uncertainties and the modelled dose affects only a very small proportion of all heathland in the SAC and at worst is likely to mean that any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 may be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). While the numerals differ in some areas the overall

trends identified in WDC's most realistic scenario (a net improvement in nitrogen deposition over the plan period, despite forecast growth, which is only slightly retarded over a small proportion of the SAC) are the same as that forecast by AECOM. Given the confounding factors present as demonstrated by WDCs vegetation monitoring it is entirely possible that even this slight retardation of improvement may never materialise on the ground or be detectable.

There is therefore considered to be no need to update or amend the modelling work that AECOM undertook for South Downs National Park Authority, Lewes District Council and Tunbridge Wells Borough”.

A meeting was held on September 3rd 2018 called by Wealden and Mid Sussex Councils to present the Ashdown Forest element of the WDC HRA to adjoining authorities. WDC confirmed at the meeting that they had not fully reviewed the latest information provided by the Authorities and made verbal reference to recent advice provided by the Advocate General. The opinion of the Advocate General Kokott in C-293/17 and C-294/17 has subsequently been reviewed by the Authorities and it is considered that it does not mandate any change of approach in this case.

Consequently based on all available information, technical and legal advice the Authorities cannot agree with WDC's HRA and its conclusions and believe that it is flawed to the extent that it is not legally compliant with the requirements of the Habitat Directive.

The Authorities are of the joint opinion that if the WDC approach to HRA, particularly in regard to air quality, is found to be legally compliant and sound and subsequently adopted by WDC that it may have significant implications for the Local Plans of adjoining authorities and planned growth in the wider area.

Duty to Cooperate Background Paper

The Authorities agree with WDC that air quality and Ashdown Forest SAC is a strategic cross boundary issue. This was agreed at the first meeting of the Ashdown Forest Working Group (AFWG) of which the Authorities and WDC are members. The group also agreed to work collaboratively on the issue and share information and existing work to assist in traffic modelling for HRA work.

There are a number of matters in the WDC Duty to Cooperate Background Paper (henceforth referred to as the Paper) that the Authorities would like to address.

Firstly, the AFWG was not set up to produce a Statement of Common Ground (SCG) as stated in paragraph 16.7 of the Paper. The initial purpose of the group was to work collaboratively and share information on this cross-boundary strategic issue following the quashing of the Lewes Joint Core Strategy. The decision to work on a SCG was made several months later prompted by the *Right Homes in the Right Places* consultation introducing mandatory SCGs for local plans. Secondly, WDC has been invited to and attended every meeting of the AFWG. WDC was not invited to a wider meeting of affected authorities to whom WDC had sent letters of objections on a number of planning applications in regard to Ashdown Forest.

A deadline was set for all members of the AFWG to sign the SCG. It is a pragmatic matter that a line in the sand needs to be drawn in the preparation of such documents in order to make progress; the main driver in this case was the Submission of the South Downs Local Plan in April 2018. The decision of WDC not to sign the SCG within the agreed timeframe meant that the remaining signatories proceeded with an amended version that did not include input from WDC. This revised version had been agreed and signed some time before WDC advised it was in a position to sign.

The Authorities note that WDC will be supportive of other bodies being involved in a mitigation strategy moving forward. The Authorities can confirm that WDC has not officially approached them

on this matter notwithstanding the fact that Lewes Downs SAC is located in Lewes District and within the local planning area of the South Downs National Park. The Authorities have raised other fundamental issues on the mitigation strategy above.

The Authorities have sought to work collaboratively with WDC on this strategic cross-boundary issue. WDC has failed to work collaboratively on a number of occasions most notably by not signing the SCG within the agreed timeframe, not sharing evidence in a usable form and not engaging with the Authorities on their proposed mitigation measures.

In conclusion the Authorities consider that the Wealden Proposed Submission Local Plan has not been prepared in accordance with the Duty to Cooperate as required under paragraph 182 of the NPPF and Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended), which imposes a duty to co-operate with other local planning authorities on issues which are likely to have a significant effect on more than one planning area.

Conclusion

Reluctantly, the Authorities have come to the conclusion that the Proposed Submission Wealden Local Plan is not sound and is not legally compliant for the following reasons:

- Key policies are neither justified nor effective because they rely on a flawed HRA and SEA;
- The Plan erroneously applies the precautionary principle to justify a mitigation-dependent approach, which is then not supported by effective mitigation measures. This erroneous approach is used to justify low growth and therefore this means that the Plan is not positively prepared; and
- The Authorities consider that the Wealden Proposed Submission Local Plan has not been prepared in accordance with the Duty to Cooperate as required under paragraph 182 of the NPPF and Section 33 of the Planning and Compulsory Purchase Act and is not therefore legally compliant.

Please note that TWBC have submitted an individual representation on the Proposed Submission Plan.

We can confirm that we would like to be notified of the submission of the Wealden Local Plan for examination and we would like to attend and speak at the hearings.

Yours faithfully



Name: Tim Slaney
Position: Director of Planning
Email address: Tim.Slaney@southdowns.gov.uk
Phone number: 01730 814810



Name: Ian Fitzpatrick
Position: Director, Regeneration & Planning, Lewes District & Eastbourne Borough Councils
Email address: ian.fitzpatrick@lewes-eastbourne.gov.uk

Phone number: 01323 415935

A handwritten signature in black ink, appearing to read 'Alan McDermott', with a long horizontal flourish extending to the right.

Name: Cllr Alan McDermott

Position: Deputy Leader of TWBC; Portfolio Holder for Planning & Transportation

Email address: alan.mcdermott@tunbridgewells.gov.uk

Phone number 01892 526121

Appendix I – AECOM Report



28th September 2018

David Scully
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent
TN1 1RS

Review of Wealden Local Plan HRA

- 1.1.1 This review is organised by European site and by topic. The review is intended to assist in answering the following questions:
- Whether there is anything which differs from AECOM's work;
 - Whether the Wealden HRA presents any new scientific evidence or which casts a reasonable scientific doubt upon AECOM's work; and
 - Any statements, presentations of information or conclusions with which AECOM strongly disagrees.
- 1.1.2 Several evidence base documents are referenced in the HRA but were not available for review at the time the original analysis was written:
- AQC. 2018. Ashdown Forest Air Quality Monitoring and Modelling.
 - AQC. 2018. Air quality input for habitat regulations assessment. Lewes Downs. Air Quality Consultants, report J2933B/1.
 - AQC. 2018. Air quality input for habitat regulations assessment: Pevensey Levels. Air Quality Consultants, report J2808C/1/D1.
- 1.1.3 These were made available in mid-August 2018 and have therefore now been reviewed. They are discussed at the end of this report. The initial review of the HRA was based upon the version dated June 2018. A version has since been released dated August 2018. However, the HRA does not appear to have materially changed since June 2018 with regard to the matters discussed below, although some paragraph numbers have altered.
- 1.1.4 The most significant change to the HRA is that several paragraphs have been deleted and an 'impact assessment' section has been added to the ecological interpretation for Ashdown Forest and now constitutes paragraphs 11.112 to 11.125 of the HRA. However, that impact assessment confines itself entirely to the results of air quality modelling scenario A, which postulates a net deterioration in air quality, rather than either of the other two scenarios (which postulate a net improvement). It is stated that this is because it is the most precautionary scenario modelled. That does not acknowledge, however, that while undoubtedly the most cautious future scenario, it is also the least realistic since it would require long-established existing positive trends in key background pollutant concentrations and deposition rates to

reverse. As such the ecological interpretation provided would not apply to the most realistic scenario (Scenario B) that has been modelled by Wealden District Council's consultants.

- 1.1.5 Paragraph 11.113 states that '*In those locations where the critical levels and critical loads are predicted to be exceeded already, this additional [in combination] traffic growth will exacerbate these exceedances*'. However, this is only true for Scenario A, not for Scenarios B or C. It is stated in paragraph 11.123 that '*Caporn et al (2016) identified that statistically significant changes in community composition in lowland heath communities occurred at a threshold of 14.7 kg-N/hr/yr. Whilst each site is likely to have its own tipping point, using this as a guide would suggest that **any additional deposition above this would inhibit restoration and favourable condition***' [emphasis added]. Firstly, only scenario A postulates 'additional deposition' and secondly, this statement takes no account of the fact that one of the primary conclusions of Caporn et al 2016 (aka NECR210) is that the ecological effect of adding a given dose of nitrogen *declines* as the existing background nitrogen deposition rate increases.
- 1.1.6 There is also typographical error throughout paragraphs 11.114 and 11.115 with regard to units; whenever referring to concentrations in atmosphere the author uses milligrams per cubic metre (mg/m³) rather than micrograms per cubic metre (µg/m³) thus overstating modelled concentrations by a factor of one thousand.

1.2 Ashdown Forest – Recreational Pressure

- 1.2.1 It is noted from paragraph 13.23 of the WDC HRA that, following all the debate, WDC have ultimately settled on the same two-zone approach that had been established several years ago:

'Based on the work undertaken and following consultation with Natural England, a two-zone approach has been identified. This includes the following:

- *A 400m zone where it is unlikely that additional residential development can take place due to the inability to avoid or mitigate disturbance or urbanisation impacts;*
- *A 400m -7km zone where contributions to SANGS and SAMMs are required'.*

- 1.2.2 This would seem reasonable, proportionate and justified by the survey data. It is also noted from paragraph 13.36 that the existing mitigation approach is being rolled-forward: '*The Council is already implementing avoidance and mitigation measures as per that identified by the Wealden District Council Core Strategy. Whilst there are a number of different measures that could form part of a mitigation package the most deliverable and effective of these continue to be the complementary use of Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring (SAMM)*'.

1.3 Ashdown Forest – Air Quality

Methodology

- 1.3.1 The modelling and the conclusions drawn appear to be very similar to the same position WDC took in 2017 with regard to:
- Scenarios;
 - Consideration of flat emissions; or
 - Use of Emission Factor Toolkit (EFT) for future emissions; or
 - Use of CURED for future emissions;
 - Verification of outputs; and
 - Use of different approaches for deposition (EA and AQC Approaches).
- 1.3.2 One aspect that is now common across the habitats is quotes from the Centre for Ecology and Hydrology (CEH), noted as the authors of APIS, which discusses the concept of uncertainty for

critical levels by the identification of an uncertainty range of concentrations around the critical levels. The uncertainty ranges are presented in Table 2 Critical Levels of air pollutants:

- The 30 $\mu\text{g}/\text{m}^3$ annual mean critical level for NO_x has an uncertainty range of 15 to 45 $\mu\text{g}/\text{m}^3$.
- The 1 $\mu\text{g}/\text{m}^3$ ammonia (NH₃) critical level for lichens and bryophytes (where they form a key part of the ecosystem integrity) has an uncertainty range of 0.8 to 1.2 $\mu\text{g}/\text{m}^3$.
- The 3 $\mu\text{g}/\text{m}^3$ ammonia (NH₃) critical level for other vegetation (annual mean) has an uncertainty range of 2 to 4 $\mu\text{g}/\text{m}^3$.

1.3.3 The reasoning for the consideration of these uncertainty ranges for critical levels is presented in paragraph 5.31: *'APIS recommends that the lower-bound of the published national critical loads (i.e. 10 kg N/ha/yr) is used in air pollution impact assessments. However, The Centre of Hydrology and Ecology (CEH) have also provided uncertainty ranges as identified in table 3 above. These ranges are provided on the basis that critical levels have not been reviewed for some time and are therefore uncertain. For example the annual value of 30 $\mu\text{g}/\text{m}^3$ was established by the UNECE Workshop at Egham in 1992 being adopted into successive revisions of the UNECE Mapping Manual (UNECE, 2017, see Section III.2.2) and also being adopted without change review by WHO (2000). It has since been applied without further revision. Having not been substantively reviewed for nearly 20 years, this term should now be considered as rather uncertain. The uncertainty range provided by CEH is at least +/- 50% (15-45 $\mu\text{g}/\text{m}^3$). The ammonia critical level for lichens and bryophytes can be considered as robust and supported by several studies (e.g. UNECE, 2017 see Section III.2.3). However, the ammonia critical level threshold is considered by CEH to be uncertain to around +/-20% (0.8-1.2 $\mu\text{g}/\text{m}^3$)'.*

1.3.4 In response to this approach AECOM would make four points:

- Firstly, AECOM do not consider it advisable for bodies undertaking air quality impact assessments to determine for themselves (even using information provided by the likes of CEH) whether to deviate from the critical levels which have been agreed internationally until an appropriate scientific standard-setting organisation (e.g. UNECE), government agency or representative professional body (e.g. the Institute of Air Quality Management) take a consensus view that such a change should be made. This is because the major advantage to the use of critical levels is their international consistency. If organisations choose alternative reference levels for individual assessments it undermines the ability of anybody to undertake a meaningful air quality impact assessment.
- Secondly, the critical level for ammonia of 1 $\mu\text{g}/\text{m}^3$ is only relevant if significant lichen interest is present within the affected area, otherwise the more appropriate critical level is 3 $\mu\text{g}/\text{m}^3$. AECOM's investigations indicate that the area within 200m of the A26, A22 and A275 through Ashdown Forest does not support significant lichen interest and the ammonia concentrations in both AECOM and WDC modelling in these areas is below 3 $\mu\text{g}/\text{m}^3$.
- Thirdly, NO_x concentrations in the abstract are less relevant than nitrogen deposition rates as, at the concentrations forecast, NO_x is essentially a proxy for nitrogen deposition and the critical level for NO_x is generic for all vegetation whereas the critical load for nitrogen deposition is habitat specific. This is why AECOM's analysis involves much more discussion of nitrogen deposition rates than NO_x concentrations in the abstract.
- Fourthly, exceedance or otherwise of a given critical level is only one part of the air quality impact assessment (and arguably a less important part). What is more significant where one already has a baseline exceedance is the likely future trend in concentrations and whether they are likely to be significantly lower in the future, even allowing for growth, than they are at the present.

- 1.3.5 As such, AECOM does not consider that this acknowledgement of some uncertainties in the definition concentrations for some of the critical levels undermines their use.
- 1.3.6 The WDC HRA makes two references to the 200m distance criteria that is used to focus air quality assessments:
- Paragraph 5.5 '*However, it must also be noted that effects can occur beyond 200m. Therefore, the use of this figure as relevant to distance is limited*'.
 - Paragraph 5.7 '*Whilst 200m may therefore be used in initial screening, it may not be directly relevant to potential impacts that may occur on the ground. It is likely however, that this will be site specific*'.
- 1.3.7 Whilst very small changes could be predicted beyond 200m the potential for significant effects beyond 200m (either for schemes in isolation or in combination) must be very low. Since the effect of the road declines with distance any impact assessment will normally focus on the worst-case figures (i.e. those closest to the road) in any event.
- 1.3.8 The WDC HRA reports 24hr (short-term) NO_x concentrations as a metric as well as the more standard annual average. AECOM has already indicated in the South Downs Local Plan HRA why it does not consider the 24hr NO_x metric to be ecologically useful. The WHO (2000) guidelines include a short-term (24 hour average) NO_x critical level of 75 µg/m³. Originally set at 200 µg/m³, the guideline was considerably lowered in 2000 to reflect the fact that, globally, short-term episodes of elevated NO_x concentrations are often combined with elevated concentrations of O₃ or SO₂, which can cause effects to be observed at lower NO_x concentrations. However, high concentrations of O₃ and SO₂ are rarely recorded in the UK. As such, there is reason to conclude that in the UK the short-term NO_x concentration mean is not especially ecologically useful as a threshold. It is noted that Natural England made the same point on page 9 of their letter to Wealden District Council dated 16/02/18 ('*this level presumes exceedance of critical levels for SO₂ and O₃ as well*'). Additionally, CEH, whose advice was adopted on critical loads by in the WDC HRA also agree with AECOM that '*UN/ECE Working Group on Effects strongly recommended the use of the annual mean value, as the long-term effects of NO_x are thought to be more significant than the short-term effects*'⁵.
- 1.3.9 Appendix 8 of the HRA presents a literature review of the effects of nitrogen deposition on vegetation. There is nothing in this review that casts a reasonable scientific doubt on the work AECOM have undertaken and indeed the AECOM work references a number of the same pieces of literature. Appendix 9 presents a review of mitigation measures that are available. It appears to be reasonable for such a high level document.

Emissions scenarios

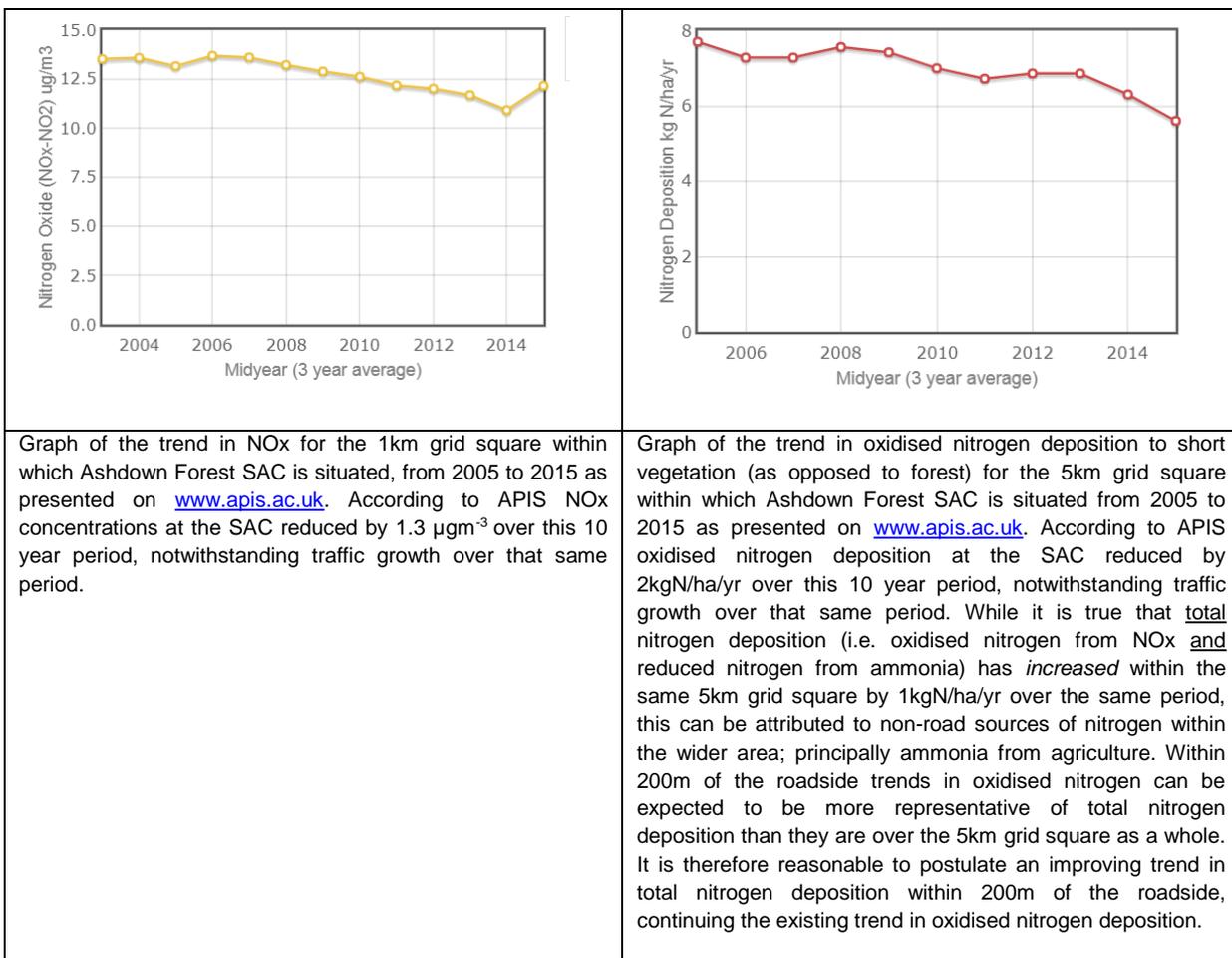
- 1.3.10 For the future scenarios WDC model three different outcomes relating to emission factors. Two of these scenarios (B and C) postulate an improvement in emissions technology. However, two of these three scenarios are unrealistic.
- 1.3.11 Scenario A assumes that vehicle emissions factors will be 'frozen' in 2015. This is highly unrealistic for several reasons:
- The most stringent emissions standard yet deployed (Euro 6/VI) had already become mandatory in 2014 for new heavy duty vehicles (HDVs) and buses, with new cars and light vehicles adopting the standards in September 2015, and further improvements in

⁵ Sutton MA, Howard CM, Erisman JW, Billen G, Bleeker A, Grennfelt P, van Grinsven H, Grizzetti B. 2013. The European Nitrogen Assessment: Sources, Effects and Policy Perspectives. Page 414. Cambridge University Press. 664pp. ISBN-10: 1107006120

June 2011. Manual on Methodologies and Criteria for Modelling and Mapping Critical Loads & Levels and Air Pollution Effects, Risks and Trends. Chapter 3: Mapping Critical Levels for Vegetation

emissions technology, as well as an increasing shift to electric and hybrid vehicles, are either planned or committed;

- The result of such an assumption is that Scenario A forecasts a net deterioration in nitrogen deposition and NOx concentrations to 2028 when traffic growth is taken into account. However, that would require existing long-standing trends to reverse without any good reason to make such an assumption. The graphs below show the trends in NOx and oxidised nitrogen deposition (that which derives from combustion processes) at Ashdown Forest SAC from 2005 to 2015. These trends are local manifestations of a broader long-term national trend. The general long-term trend for NOx has been one of improvement (particularly since 1990) despite an increase in vehicles on the roads⁶. Total nitrogen deposition⁷ to the UK decreased by 13% between 1988 and 2008, while NOx concentrations decreased by 50% over the same time period⁸. While it is therefore true that nitrogen deposition rates have not fallen as precipitately as NOx concentrations they *have* fallen and the component of deposition associated with combustion processes such as traffic (oxidised nitrogen) can be expected to continue to fall.



⁶ Emissions of nitrogen oxides fell by 69% between 1970 and 2015. Source: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/579200/Emissions_airpollutants_statisticalrelease_2016_final.pdf [accessed 04/07/18]

⁷ Oxidised nitrogen derives from combustion, such as vehicle exhausts, while reduced nitrogen results from ammonia primarily from agriculture. Total nitrogen deposition is both oxidised and reduced nitrogen combined.

⁸ Rowe EC, Jones L, Stevens CJ, Vieno M, Dore AJ, Hall J, Sutton M, Mills G, Evans CD, Helliwell RC, Britton AJ, Mitchell RJ, Caporn SJ, Dise NB, Field C & Emmett BA (2014) Measures to evaluate benefits to UK semi-natural habitats of reductions in nitrogen deposition. Final report on REBEND project (Defra AQ0823; CEH NEC04307)

- 1.3.12 Scenario C is also unrealistic, or at least insufficiently cautious, because it assumes the full scale of annual improvement (2% per annum) in nitrogen deposition advocated by DMRB throughout the entire plan period. The Design Manual for Roads and Bridges guidance for air quality assessment (document HA207/07)⁹ recommends reducing nitrogen deposition rates by 2% each year between the base year and assessment year (*'The total average deposition rates obtained from the Air Pollution Information System ... should be reduced by 2% per year to estimate deposition rates for the assessment years'*). While one would hope this will occur in practice, it would require a significantly greater annual improvement in total nitrogen deposition rates than is demonstrated by recent national trends¹⁰. Those trends pre-date the roll out of Euro 6/VI so are likely to be pessimistic as a future projection, but improvements in vehicle technology later in the plan period are more uncertain than those in the early part of the plan period.
- 1.3.13 Scenario B is considered most realistic because it *does* make an allowance for vehicle emission factors to continue to improve over the plan period *but* is considerably more cautious in doing so than DMRB. AQC do this using their CURED tool, which makes a more realistic assumption about the emissions of diesel vehicles than Defra's emissions factor toolkit. Therefore, it is considered that the results of emission Scenario B represent the most realistic forecasts.
- 1.3.14 The original air quality modelling report by AQC in 2017 acknowledged that most of their modelled scenarios (including the one now called Scenario A) were unrealistic. This is not acknowledged in the latest WDC HRA report which appears to imply that all their modelled scenarios are equally realistic. It may be acknowledged in the June 2018 AQC report which is not currently available.

Net change in NOx and nitrogen deposition between 2015 and 2028

- 1.3.15 The data for Ashdown Forest are not presented in the most easily interpreted manner. In particular the analysis often presents tables showing the amount (hectares) of the SAC that will exceed the critical level or load for each emission and growth scenario. The reporting focuses on this metric but that presents a very crude analysis since it gives no indication of how much of an exceedance is expected. Reporting in this way masks the fact that the degree of exceedance across the SAC is expected to reduce in two of their three modelled emissions scenarios. Table 35 for example is presented such that it appears at first glance that under all emissions scenarios growth 'in combination' will result in a net increase in the area of the SAC exceeding its critical load. However, that table only presents the data for 2028 in the 'with' and 'without' growth scenarios; all this table is actually showing is that, unsurprisingly, when you add more traffic for a given future year you get more NOx and nitrogen than you would in that same year without additional traffic. It is necessary to refer to other tables across the HRA to understand that when compared with the baseline (2015) scenario a *net improvement* in nitrogen deposition is forecast in two of the three 2028 emissions scenarios due to the application of the improved emission factors to both the additional and existing traffic volumes.
- 1.3.16 This can be gleaned by comparing Paragraph 10.3 and Table 22 for example. Paragraph 10.3 states that *'The [baseline] average annual mean NOx concentration across the whole SAC is 12.1 µg/m³*. Table 22 then shows that this average concentration would fall to 8.5 µg/m³ under Scenario B, even with all growth. Similarly, Table 17 provides a baseline average deposition to dry heath of 15.3 kgN/ha/yr. Table 25 then shows this falling to 13.7 kgN/ha/yr in emissions Scenario B, even allowing for all traffic growth 'in combination'. Under Scenario C the improvement is even greater. Comparing Tables 37 and 39 also reveals the net improvement in nitrogen deposition. For example, Table 37 shows that 1.93ha of dry heathland falls within

⁹ <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol11/section3/ha20707.pdf>

¹⁰ For example, a 13% improvement between 1998 and 2008 is an average per annum improvement of 0.65% compared to 1998 data

the deposition range 18-20 kgN/ha/yr as of 2015. Table 39 shows that this is forecast to have fallen to 0.13 ha by 2028 under the most realistic scenario (Scenario B), even allowing for all the traffic growth.

- 1.3.17 It is odd that the report draws to so little attention to this fact given its significance. There appears to be only one statement anywhere in the 600+ page report that actually spells it out: paragraph 10.158 states that *'The 'With Plan' scenarios B and C are assumed to show a decrease in results compared with scenario A as a result of predicted emission improvements'*, but goes on to say that due to uncertainties in the scale of improvement WDC are going to use Scenario A to form their conclusion as this is the most precautionary scenario. As discussed earlier, it is undoubtedly the most precautionary scenario of the three (A, B and C) but is also the most unlikely, unrealistic and scientifically unreasonable given that it would require long-standing positive trends to reverse at a time when increasing effort is being dedicated to improving vehicle emissions.
- 1.3.18 In summary therefore, WDC presents 3 emissions scenarios for 2028. Two of these scenarios forecast a net improvement in NOx and nitrogen deposition even allowing for all growth 'in combination'. Only Scenario A presents a net deterioration, and that would only arise if existing trends in NOx concentrations and oxidised nitrogen deposition were to reverse. WDC's consultants (AQC) have previously noted that such an eventuality would be unrealistic and (for NOx) 'extreme'.
- 1.3.19 AECOM's view is therefore that these results do not cast a reasonable scientific doubt on the modelling and conclusions of the AECOM work. They essentially make the same points that WDC's 2017 modelling made.

Nitrogen dose of additional traffic

- 1.3.20 Having looked at the net forecast change in NOx and nitrogen deposition between 2015 and 2028 (which takes into account improvements in background concentrations and deposition rates by applying improved emission factors to existing traffic volumes), AECOM now moves to look at the nitrogen dose that would be contributed by the additional traffic added to the network. In other words, this section examines the extent to which growth to 2028 is forecast to affect the improvement in nitrogen deposition rates that would otherwise occur by 2028 in the hypothetical absence of any traffic growth at all.
- 1.3.21 It is important to note that the WDC HRA tends to present this dose not as a 'retardation of improvement' (even when discussing Scenarios B and C) but rather as if it were a net deterioration. For example, paragraph 10.150 states that *'...the Wealden Local Plan alone and when considered combined with Tempo growth will result in elevated deposition [emphasis added]...'* and that *'The relevance of this is that the Wealden Local Plan either alone or when considered with Tempo growth is predicted to result in a worsening of the situation' [emphasis added]*. The final bullet point in 10.153 states that *'The overriding conclusion for the future year with Local Plan and Tempo growth results is that additional development proposed by the Wealden Local Plan is likely to make conditions worse' [emphasis added]*. These are misleading descriptions for all emissions scenarios except Scenario A, as they do not acknowledge that for Scenarios B and C this 'worsening' is not in comparison to the 2015 baseline situation but only to the 2028 situation in the hypothetical scenario of no growth. For example the 3.65ha of dry heathland that Table 40 claims to be 'elevated' into the 14-16 kgN/ha/yr deposition band by WDC Local Plan under Scenario B is the difference between the area within this band in Table 39 ('2028 with plan scenarios') and the area within this band in Table 38 ('2028 No WDC growth scenarios') which both present data for 2028. This is therefore not a true 'worsening' as most people would understand it because it is not a comparison with the baseline but with a strictly hypothetical alternative future scenario. By reporting their data in this manner WDC largely obscure the fact that two of their three

modelled emissions scenarios are actually postulating a net *improvement* in air quality when '2028 with growth' is compared to '2015 baseline'.

- 1.3.22 Putting that aside, according to paragraph 10.136 the worst-case 'in combination' nitrogen dose to heathland forecast in Scenario B is 1kgN/ha/yr (final sentence of the paragraph: '*8.23ha of the SAC is predicted to experience an increase of 10% (1kg-N/hr/yr) including 0.52ha of wet heathland*' [emphasis added]). This dose is three times greater than the maximum 0.3 kgN/ha/yr dose forecast by AECOM's modelling¹¹ but is still below the dose (1.3 kgN/ha/yr) reported in NECR210 as significantly affecting heathland species richness (i.e. reducing it by at least 1 species) at the lowest reported background rates at Ashdown Forest (c. 15 kgN/ha/yr). At the same background deposition rate a dose of 1 kgN/ha/yr may alter other vegetation parameters but only to a modest extent¹². The background rate at the location where this 1 kgN/ha/yr dose would be experienced is unclear from the WDC HRA. Given that the WDC modelling forecasts much of the SAC to be above 15 kgN/ha/yr in 2028 the vegetation effect may well be smaller than discussed here as the effect of a given dose lessens the greater the background rate.
- 1.3.23 Moreover, this maximum dose applies to only 0.5ha of heathland or 0.03% of all heathland at the SAC¹³; most heathland in the SAC would receive a much smaller dose according to WDC's modelling with the average dose to heathland under Scenario B being a negligible 0.03 to 0.07 kgN/ha/yr according to paragraph 10.136. Most significantly, even this maximum 1 kg/ha/yr dose does not represent a net increase in nitrogen deposition as there is still forecast to be a net *reduction* in nitrogen deposition compared to 2015 under both scenarios B and C. Paragraph 5.25 of the internal Natural England guidance¹⁴ is relevant here: '*Where the conservation objectives are to 'restore the concentrations and deposition of air pollutants to within benchmarks' (i.e. where the relevant benchmarks such as Critical Loads/Levels are already exceeded) they will be undermined by any proposals for which there is credible evidence that further emissions will compromise the ability of other national or local measures and initiatives to reduce background levels*' [emphasis added]. AECOM's modelling and two of WDC's three scenarios all suggest that further emissions will not compromise the ability of other national or local measures and initiatives to reduce background levels, albeit they will mean that the reduction is not quite as great as it would be in the absence of growth.
- 1.3.24 The statement in paragraph 10.136 does not appear to entirely correspond to Table 34 and the reason is not immediately clear. Table 34 actually reports a maximum 'in combination' increase in nitrogen deposition to heathland of 4.3kgN/ha/yr under Scenario B¹⁵, which is considerably greater than the maximum dose (0.3 kgN/ha/yr) forecast in AECOM's modelling (the reasons for this are set out in footnote 7). However, there is no indication in the WDC

¹¹ In the 2017 modelling WDC also reported doses greater than AECOM had reported in its modelling, while still postulating a net improvement in the most realistic scenarios. The reasons for this are unchanged: the AQC study uses a bespoke modelling method for nitrogen deposition. They relate it to an Environment Agency study published in 2008. However, paragraph 7.24 of the 2017 AQC report acknowledges that one of the drawbacks of this bespoke method is that '*... some of the parameters used in the deposition model are highly uncertain*' and that small variations in some, such as stomatal resistance, could have quite large effects on the resulting deposition fluxes. All forecasting methods have their benefits and drawbacks and one risk of using a complex model is that there is more room for uncertainties to affect the results due to the greater number of uncertain parameters in the model. AECOM re-ran its traffic data using its own model but with higher deposition rates and determined that it would not alter the ultimate conclusion.

¹² For example, Table 22 of NECR2010 shows that at background rates of 15 kgN/ha/yr one would expect a dose of 1 kgN/ha/yr to reduce the frequency of occurrence (percentage cover, or probability of presence) of five representative lowland heathland lower plant species (*Hylocomium splendens*, *Hylocomium splendens*, *Cladonia portentosa*, *Cladonia portentosa*, *Brachythecium rutabulum*) by between 0.2% and 0.5%. At higher background rates the change is even smaller. For the same dose at the same background rate Table 20 suggests grass cover would increase by 0.5%. In practice, there are many confounding factors (acknowledged in the WDC HRA) that might mean even this change was not observed.

¹³ According to the Natura 2000 data sheet there are 1,611 ha of heathland in the SAC

¹⁴ NE Internal Guidance – Approach to Advising Competent Authorities on Road Traffic Emissions and HRAs V1.4 Final - June 2018

¹⁵ This is confirmed by comparing Table 25, which states 27.7 kgN/ha/yr maximum deposition to heathland 'in combination' by 2028 with paragraph 10.26, which reports 23.4 kgN/ha/yr without any growth. The difference is 4.3 kgN/ha/yr.

HRA of the extent or location of this patch of heathland and this figure is not mentioned in paragraph 10.136 or anywhere else in the text. Presumably therefore the figure of 4.3 kgN/ha/yr only applies to a very small patch of heathland (i.e. well below the 0.5ha that would be subject to a dose of 1kgN/ha/yr since the area involved drops with increasing dose) and was thus not deemed a relevant statistic to cite by WDC. Even with this much higher dose WDC are still forecasting a net improvement in nitrogen deposition by 2028 due to national measures and initiatives to reduce background levels.

- 1.3.25 WDC do make some references to NECR210 but essentially try and dismiss its applicability (or at least the applicability of the documented trend for decreasing species richness with increased nitrogen dose) to Ashdown Forest. Paragraph 11.111 point (7) states that *'It is possible that a degraded habitat may show an increase in species richness as species that are not characteristic or desirable within a heathland habitat invade. This has been identified to be the case at Ashdown Forest SAC where species richness is higher closer to the road precisely for this reason i.e. undesirable species have invaded... NECR210 does not generally make any distinction in its species richness indices about exactly which species are contributing to the overall values [emphasis added]'*. The pattern of reduced species richness with increased nitrogen dose was considered credible for heathland in NECR210 and was observed when a range of sites were examined and confounding factors could therefore be removed. This is in contrast to calcareous grassland where the authors of NECR210 confirmed that the species-richness parameter was not useful for exactly the reasons identified in WDC's statement: there was no reduction in species richness with increased nitrogen deposition, just replacement of more desirable species with less desirable species. Therefore the underlined statement in paragraph 11.111 does not appear to be fair to the authors of NECR210; they did draw a distinction between desirable and undesirable species, where it was relevant to do so. WDC's argument is therefore not a sound basis for dismissing the species richness trend provided this is only used (as AECOM has done) to give an ecological context to the likely effect of a given dose when a net improving trend is expected.
- 1.3.26 Para 11.126 states that *'Whilst the NECR210 is a valuable report, permitting further deposition to a situation where concentrations and deposition is already critically exceeded will push conservation status further away from achieving favourable status.'* This is only true if you are forecasting a net deterioration. WDC are forecasting a net improvement in two of their three emission scenarios and in that context this statement is factually incorrect. It also contradicts the Natural England internal guidance cited earlier. Paragraph 5.26 of that guidance makes it clear that *'an exceedance alone is insufficient to determine the acceptability (or otherwise) of a project'*.
- 1.3.27 Paragraph 10.160 makes the statement that *'If growth such as that proposed to take place in Wealden is replicated across the UK, then this brings into question as to whether reductions (if they are successful) will take place'*. This doesn't appear to make much sense; more growth does of course mean more traffic but as can be seen from both WDC's modelling and AECOMs the net improvement in air quality within 200m of the local road network largely results from the benefits gained by applying the improving vehicle emission factors to the existing traffic volumes using that network, which outweighs the effects of traffic growth. As discussed, the long term national trend for NO_x and nitrogen deposition has been an improving one notwithstanding the growth that has occurred nationally. The further roll out of electric and hybrid vehicles prior to the ban on sale of new petrol and diesel cars in the UK in 2040 is likely to significantly further reduce per vehicle emissions.
- 1.3.28 Paragraph 10.165 states that *'All scenarios modelled predicted for both current conditions as well as conditions in 2028 an exceedance of the critical load for wet and dry heathland habitats. The implication of this is that further action will be required beyond that identified as part of the Defra reductions (scenarios B and C) to bring Ashdown Forest SAC into favourable conservation status from the perspective of nitrogen deposition, NO_x and NH₃ concentrations'*.

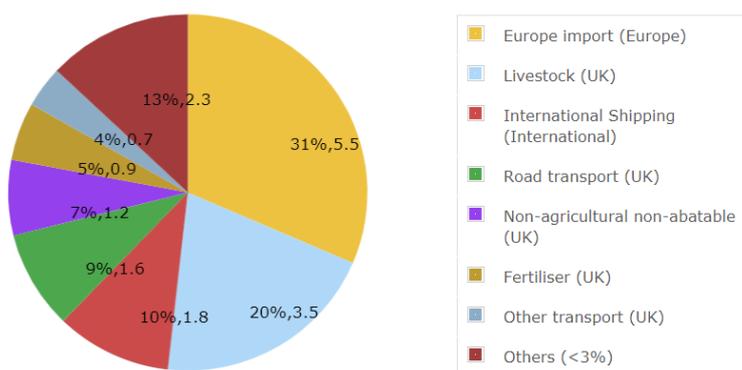
AECOM take issue with this on two grounds. Firstly, the need for measures to bring a site into favourable conservation status is an entirely separate issue from whether a given plan or collection of plans will have an adverse effect on the integrity of that site (i.e. whether they will *prevent* the site from achieving favourable conservation status). Secondly, the recently released internal Natural England guidance makes it clear in paragraph 5.26 that '*an exceedance alone is insufficient to determine the acceptability (or otherwise) of a project*' and two of WDCs own scenarios predict that the degree of exceedance will reduce by 2028 even when all growth is included. Therefore it is not at all obvious that 'the implication' of the fact that critical loads are already exceeded and will continue to be so is that further work needs to be done beyond the improvements in emissions technology. In any event 'further work' is being done beyond simple reliance on such improvements; as documented in the HRA of the South Downs Local Plan for example both South Downs National Park and Lewes District Council are introducing/have introduced policies to encourage greater sustainable transport use into their Local Plans.

- 1.3.29 Paragraphs 11.41 onwards summarise the ecological monitoring which has been undertaken at the site to date. The main outcome seems to be that no pattern is currently obviously relatable to road proximity (never mind road-related nitrogen deposition specifically) other than (perhaps) an increase in nitrogen in the plants, and that species richness actually declines with distance from the road in this case. For example, 11.49 states that '*...the Ecus Ltd data showed that overall species richness declined with distance from the road*' rather than increasing as might be expected. Paragraph 11.56 does state that '*This statistically significant correlation strongly indicates therefore, that soils in Ashdown Forest have more elevated levels of soil nitrogen near to roads. When considered in combination with the plant nitrogen index results, they provide convincing evidence that these effects are attributable to elevated levels of nitrogen emissions and deposition from motor vehicles*'. However, this merely proves what we already know, that nitrogen deposition will be elevated locally due to the presence of the road and this influence declines with distance from the road. No-one disputes this. However, it is interesting to note that paras 11.59 and 11.60 confirm that actual soil nitrogen did not show *any* pattern with distance from the road. Paragraph 11.50 suggests the increase in species richness with proximity to the road is due to '*additional nitrophile species being present in the vegetation communities closer to a road*' but even if true it is not evidence of any adverse effect and the paragraph itself acknowledges that other confounding factors might explain the reversal of the expected pattern with distance.
- 1.3.30 Paragraph 11.71 states that '*All of these failings [regarding the SAC failing to meet its targets on various parameters] reflect the known adverse effects from nitrogen deposition on heathlands established through experimental studies, including reduced diversity of desirable species (especially nitrophobic species), increase in invasive and exotic species (especially nitrophillic species) and the increased cover of graminoid species*'. However, they could also be explained by a wide range of other impact pathways. A visual inspection of the SAC suggests that its biggest and most obvious problem is inadequate management and that could explain many of the observed failures, particularly as these extend beyond 200m from the roadside and thus well outside the zone where the influence of the local roads will be greatest. This management issue is acknowledged in paragraph 11.74.
- 1.3.31 Paragraph 11.111 point 7 states that '*Site specific investigation is the only way to properly address complex ecological problems*'. This is true to an extent but the problem is that at a site level it is often impossible to disentangle all the influences on the site as WDC have demonstrated with their ecological monitoring. This is why the influence of nitrogen deposition is often only apparent when one examines trends across a range of sites with varying management, climate etc. The confused or inconclusive results of the ecological monitoring so far illustrate why, when moving from the hypothetical arena of modelling to the practical arena, confounding factors may mean that no effect of local road nitrogen deposition is ever observed in practice particularly since, based on AECOMs modelling and WDCs Scenarios B and C, one

would be looking not for a negative change in the vegetation but for a positive change that is slightly less positive than it might be otherwise.

- 1.3.32 Table 47 uses the JNCC decision framework to identify that N deposition is a threat to the site. This is the first time AECOM has seen this framework used in an impact assessment (it is more normally used as a site management tool to determine whether a site is vulnerable to increased nitrogen deposition) and its use here doesn't appear to be illuminating. All it indicates is that the site may well be being adversely affected by current nitrogen deposition; a conclusion which can already be reached from the fact that it exceeds its critical load. That is a totally separate matter from whether a given plan or plans will have an adverse effect (i.e. make the existing situation worse or significantly prevent it from getting better). WDCs own modelling for Scenarios B and C suggests that in combination growth will not prevent the site achieving its conservation objectives. This is because of a net improving trend and a dose due to growth that will not affect the vast majority of the SAC and may only slightly affect the degree of improvement in the remaining small areas (amounting to c. 0.03% of heathland in the SAC in Scenario B and even less than this in Scenario C).
- 1.3.33 Paragraph 11.110 states that the framework results mean the site '*requires action to reduce N deposition impacts at national or site-level*' but with regard to traffic emissions that is exactly what the improved vehicle emission standards are intended to do. It is also important to remember that there are many other sources of nitrogen for the site as a whole than road traffic. The pie chart below is the nitrogen source attribution for Ashdown Forest taken from www.apis.ac.uk. This shows that only 9% of nitrogen deposited at the SAC stems from UK road transport (note that this is the *whole* UK not just the local road network which will be a fraction of the 9%). In contrast, 91% of nitrogen deposited at the SAC comes from other sources with at least 25% from agriculture (livestock and fertilizer) and over 30% being imported from mainland Europe. Any Site Nitrogen Action Plan should target the major sources that do not currently have any abatement strategy in place (notably agriculture) rather than smaller sources such as road traffic that are already being addressed by national initiatives.

■ Pie Chart: Sources ranked by total Nitrogen deposition (Kg N/ha/yr)



Review of WDC Policies AF1 and AF2

- 1.3.34 AF1 appears to be a relatively standard policy for protecting European sites. The policy starts with an assumption that all growth will cause an in combination effect *'owing to a net increase in traffic movements beyond the 2014 baseline'*. However, it then sets out the requirement for HRA which would theoretically provide some developments with the opportunity to confirm that they would not contribute to this issue (i.e. because they will not lead to a net increase in vehicle movements through the SAC). It is unclear if this is how Wealden intend this policy to operate.
- 1.3.35 AF2 requires development that *'...results in the net increase in traffic movements across roads adjacent to Ashdown Forest SPA to make a financial contribution to a package of measures designed to ensure that there is no adverse impact on the integrity of Ashdown Forest SAC'*. However, it is noted that the policy refers explicitly to *'Development identified in this plan...'* and thus it does not presume to try and govern development in surrounding authorities.
- 1.3.36 The policy states that such measures could include, but are not limited to, the following:
- *'a) Air quality and ecology monitoring of Special Area of Conservation'* – this would certainly be needed but monitoring is not mitigation
 - *'b) Investigation of and the potential implementation of on-site management techniques'* – this is vague and the efficacy of changing site management is unclear. Moreover, improved management is most likely to actually address a broader (and in our view more significant) site issue, rather than a problem related to traffic or development
 - *'c) Investigation of measures to reduce local transport emissions from vehicles'* – other than electric charging mentioned later in the policy it is difficult to envisage what this would include. Per vehicle emissions are not something that can be influenced effectively at a local level, unless it simply means (for example) a more frequent bus service between key destinations. Again, this policy doesn't actually commit to such measures (whatever they may be) but only commits to investigating them
 - *'d) Reduction of emissions from other land uses that affect the Special Area of Conservation'* – if one does choose to tackle nitrogen deposition to the SAC this is the measure most likely to be effective. However, it is vague and it is unclear how this could actually be accomplished at a local level. One of the reasons why agricultural nitrogen deposition has not really been addressed is because, with the exception of some facilities such as intensive pig farms, there is no control mechanism in existence
- 1.3.37 The policy also states that *'All new development must also:*
- *'h) Provide appropriate electric vehicle charging infrastructure. The type and amount of infrastructure to be agreed with the competent authority to suitably mitigate the type of development'* [emphasis added] – the intention is laudable and should be supported but it would be interesting to understand how they intend to do the underlined calculation it does not provided developers with much clarity; and
 - *'i) Demonstrate that freight traffic resulting from new development will not impact the Special Area of Conservation through routing arrangements'* – this would appear to be very difficult to actually implement. Most freight traffic routing is accomplished through the driver's satellite navigation and the A26 and A22 are the obvious routes for freight to take if moving from (for example) Royal Tunbridge Wells to Brighton or East Grinstead to Eastbourne. For those heavy duty vehicle movements that are set to some extent externally (such as minerals traffic) it is difficult to envisage reasonable alternative routes that could be used.

- 1.3.38 So a number of the mitigation measures identified in the policy would seem to be vague or difficult to implement. They would also seem to be of limited effectiveness given the extent to which nitrogen deposition at the SAC is a cross-authority issue and includes sectors (notably agriculture) that are not within the control of a Local Plan or local authority planning policy or development control.

Conclusion

- 1.3.39 The main point to emerge from the most realistic scenario Wealden has modelled (Scenario B) is that the maximum nitrogen dose from additional traffic on the network is greater than that modelled by AECOM but affects only a very small proportion of all heathland in the SAC and at worst is likely to mean that any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 *may* be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). However, given the confounding factors present as demonstrated by WDCs vegetation monitoring it is entirely possible that even this effect may never materialise on the ground. AECOM's view is that inadequate management is a much bigger threat to the ability of the SAC to achieve its conservation objectives and favourable conservation status than increased local road traffic and that agriculture is a much greater source of nitrogen for this site, as well as being one which (unlike traffic) currently has no abatement strategy.

1.6 Pevensey Levels - Air Quality

Is the SAC/Ramsar site actually air quality sensitive?

- 1.3.40 AECOM's position on air quality and the Pevensey Levels SAC and Ramsar site, as expressed in the South Downs Local Plan HRA, is as follows:
- The Pevensey Levels SAC and Ramsar interest features are not sensitive to atmospheric ammonia, NO_x or nitrogen deposition. This is supported by reference to the UK Air Pollution Information System which does not list any interest features of the SAC as being sensitive to atmospheric nitrogen deposition, NO_x or ammonia. It is also noted that the Site Improvement Plan produced by Natural England does not mention air quality as a concern and AECOM understands from personal communication from Natural England officers that they do not currently see atmospheric nitrogen deposition as a risk to the integrity of this site. The Pevensey Levels SAC is designated for its population of lesser whirlpool ramshorn (*Anisus vorticulus*), while the Ramsar site is designated for both this snail and a range of other internationally important aquatic invertebrates and aquatic plants in the ditch network on site. The site also provides habitat for breeding and wintering birds but these are not a reason for Ramsar designation.
 - While eutrophication (excessive vegetation growth from nutrient enrichment) is a risk, the ditches of the Pevensey Levels (like most freshwater bodies) are understood to be 'phosphate-limited', meaning that phosphate is the most important nutrient to control. Phosphate does not derive from atmosphere but does come in large volumes from agricultural runoff and treated sewage effluent. Provided phosphate levels can be controlled then nitrogen inputs (even through the water column) are unlikely to have a material effect on plant growth/habitat structure in the ditches. This is why, in most freshwater SACs and Ramsar sites, the attention is focussed on controlling phosphate inputs rather than nitrogen inputs.
 - Since there are no applicable nitrogen critical loads, or NO_x or ammonia critical levels, for the interest features of this SAC or Ramsar site, there are no appropriate reference levels/damage thresholds for any impact assessment.

- 1.3.41 In their HRA Wealden are clearly trying to abide by their original declaration that an adverse effect on integrity is expected (paragraph 15.54: '*... it cannot currently be concluded with confidence that air pollutant effects will not have an adverse effect on the ecological integrity of Pevensy Levels SAC Ramsar to meet its conservation objectives*') while at the same time obliquely acknowledging that they can only draw this conclusion by essentially ignoring the SAC and Ramsar interest features and instead modelling the grazing marsh. This approach is stated in paragraph 15.40 '*a generic 'fen, marsh and swamp' habitat is considered in this assessment of ditch freshwater habitat*' despite the fact that these are not equivalent habitats. The Pevensy Levels are unusual in that they are only of international (as opposed to national) importance for a narrow collection of interest features (invertebrates and aquatic plants) associated with the ditch network. This is in contrast to the SSSI which is designated for a much broader range of interest features including the grazing marsh (seasonally flooded pasture), which makes up the majority of the site by area but plays a minimal role in supporting the SAC and Ramsar interest features.
- 1.3.42 While it is true that, as stated by WDC in paragraph 15.39, the physical extent of the SAC includes the grazing marsh, it is not unusual for SAC boundaries to include areas of 'site fabric' that do not support the SAC interest features but which it would be impractical to exclude from the site boundary. Natural England makes this point in the text quoted in paragraph 15.47 of the WDC report: '*Not all features of a designated site are present within a given location within the site. In some cases, a road surface and its adjacent verges may be included within a designated site boundary. This does not necessarily mean that it, and its associated verges, will be of nature conservation interest and form part of a qualifying feature*'. In this case it is most likely that the SAC boundary was chosen to fit with the SSSI boundary for convenience.
- 1.3.43 WDC seem determined to conclude an adverse effect a priori, despite acknowledging in paragraph 15.41 that '*...negative effects from atmospheric nitrogen deposition are not identified as a threat to the integrity of the SAC*' and that '*It is not possible to directly assess how elevated nitrogen deposition from road traffic exhaust emissions may have negatively altered the Pevensy Levels SAC and Ramsar ecosystem*' (paragraph 15.43). In subsequent paragraphs they discuss how runoff from the farmland catchment of watercourses can affect ditch water quality. However, they appear to miss two key points:
- Firstly, there is no discussion or acknowledgement of 'nutrient limitation'. Paragraph 15.46 states that '*Many studies have shown significant negative correlation between increasing nitrogen deposition and species richness in a variety of terrestrial habitats (e.g. Caporn et al., 2016) and there is no reason to suppose that things are different for the emergent and marginal ditch habitat vegetation...*'[emphasis added]. This is an entirely erroneous supposition and suggests that the author is unaware of the concept of 'growth-limiting nutrients' and how the key growth-limiting nutrient differs between terrestrial and most freshwater ecosystems. It is also of limited relevance given that the lesser whirlpool ramshorn snail prefers watercourses with very little emergent and marginal vegetation, often floating on the surface amongst duckweed. Most terrestrial habitats are nitrogen and phosphorus co-limited meaning that both nutrients are naturally scarce and adding either can stimulate growth. In contrast, most freshwater ecosystems are only phosphate-limited because compared to nitrogen that nutrient is naturally scarce in watercourses and lakes; increasing nitrogen inputs therefore has little effect on the growth of submerged and floating aquatic plants (or freshwater algae) unless phosphate is also present in unnatural abundance. Controlling phosphate levels, rather than nitrogen levels, is therefore the key to controlling eutrophication and is the target of the Environment Agency (EA) in freshwater systems. In contrast, the EA will rarely seek to control nitrogen discharge from Sewage Treatment Works into freshwater systems. WDC erroneously assume that the ditches must be nitrogen-limited (or at least co-limited) simply because this is true of terrestrial habitats. Natural England correct this assumption by emphasising the role of phosphorus in the text quoted in paragraph 15.47 of the WDC report, but WDC do not

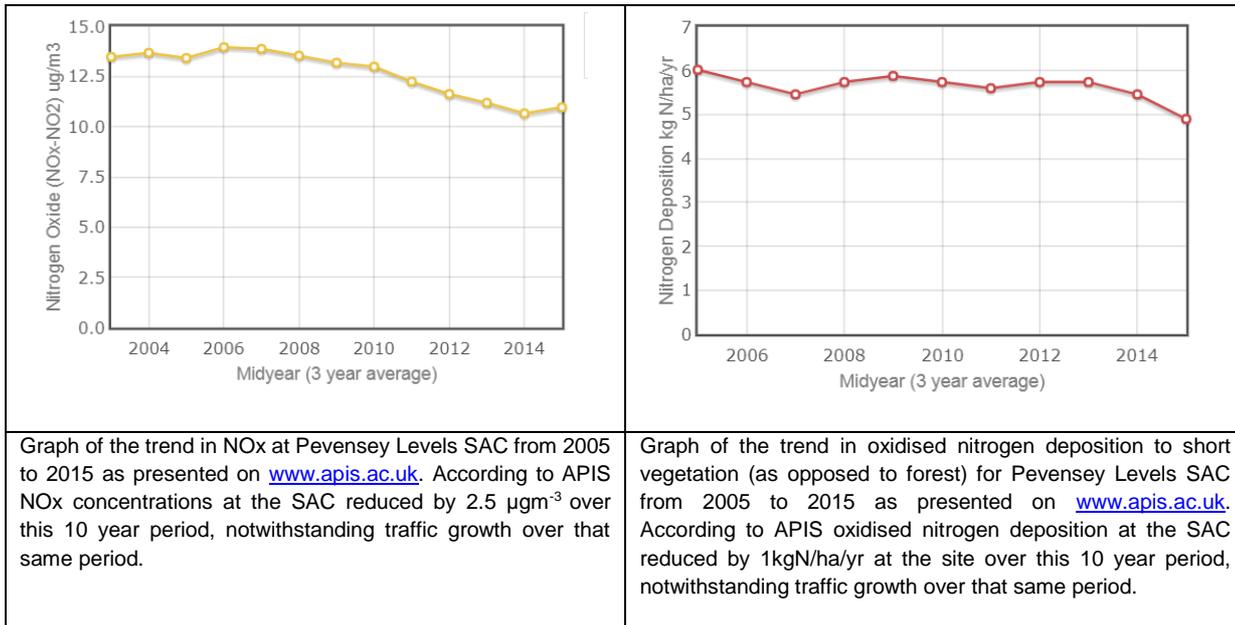
appear to understand the point being made. Table 70 of the HRA includes the statement that '*Although phosphorus has traditionally been recognised as the principal limiting nutrient in freshwater ecosystems it is now clear that this is not always the case*'. This appears to be the only place where nutrient-limitation is discussed. It is true that there are some freshwater systems that are nitrogen-limited but these are the minority; to the best of AECOM's knowledge there is no evidence that floating and submerged vegetation in lowland ditch and river systems is nitrogen-limited.

- Secondly, WDC mention the issue of runoff from the catchment but do not appear to make the connection that this farmland itself will therefore be by far the largest source of nutrients (phosphate as well as nitrogen) entering the system via this pathway. There is also no discussion in this section of the role played by Hailsham North and South Sewage Treatment Works, which discharge to the Pevensy Levels and where considerable effort is expended to control phosphate loading but not nitrogen inputs. This fact **is** noted in paragraph 16.63 of the HRA where it deals with water quality at the Ramsar site/SAC, but no link appears to have been realised between this and the air quality assessment. If nitrogen inputs *are* considered to be such a concern it is unclear why the water quality chapter of the HRA ignores nitrogen inputs from the STWs entirely (even though these will be substantial) and focusses on phosphorus. Nitrogen inputs from both agriculture and the STWs will dwarf the loading coming from atmosphere and affect a much larger area of the SAC and Ramsar site.

The modelling

- 1.3.44 This part of the review assumes purely for the sake of argument that it might be appropriate to take grazing marsh as a proxy for the ditch network on site. Even so doing, WDC's own modelling for the most realistic scenario does not support their conclusion of an adverse effect on integrity.
- 1.3.45 Paragraph 15.12 states that '*In 2015, baseline nutrient nitrogen deposition rates, based on the EA deposition method, are predicted to exceed the critical load of 20 kg-N/ha/yr¹⁶ at locations **up to 5 m from the roadside***' [emphasis added]. So, only the road verge itself is currently affected. For the future scenarios they then model three different outcomes relating to emission factors. Two of these scenarios (B and C) postulate an improvement in emissions technology. However, two of these three scenarios are unrealistic as discussed. The graphs below show that recent trends in NO_x and nitrogen deposition at Pevensy Levels SAC are positive.

¹⁶ 20 kgN/ha/yr is the critical load for grazing marsh since as already discussed the SAC interest features have no critical load.



1.3.46 According to paragraph 15.17 'In 2028, without the development proposals and using the EA deposition method nutrient nitrogen deposition rates are predicted to exceed the critical load up to 2 m from the roadside in scenario B'. So in the most realistic scenario the area of SAC exposed to elevated nitrogen deposition is actually expected to decrease due to improved emission factors from the already negligible 'up to 5m from the roadside' to 'up to 2m from the roadside' i.e. literally kerbside. When all growth in combination is taken into account Scenario B indicates that '... an exceedance of the critical load [for NOx] is predicted to extend 3m from a 150m stretch of the roadside of the A259 to the east of the Pevensley Roundabout and 1m for around 60% of the remaining A259' (paragraph 15.25) while for nitrogen deposition '...exceedances are predicted 1m from the A259 and apply to around 65% of its length only' (paragraph 15.28). So even when all growth is included by 2028 in the most realistic scenario only the area immediately adjacent to the kerb will exceed the critical level for NOx or critical load for nitrogen deposition. Moreover Table 67 shows that, while the critical level/load will continue to be exceeded, there is nonetheless forecast to be a net improvement in both pollutants expected by 2028 under Scenario B.

Conclusion

1.3.47 AECOM remains of the view that Pevensley Levels SAC and Ramsar site are not particularly sensitive to nitrogen deposition from atmosphere and this view is supported by the available evidence and apparently by the opinion of Natural England. Even WDCs own modelling suggests that, even if one assumes it is sensitive, only the road verge itself would be affected under the most realistic scenario (Scenario B). There is therefore nothing in the WDC HRA which casts a reasonable scientific doubt over the AECOM position.

1.4 Lewes Downs – air quality

1.4.1 Paragraph 14.13 states that 'Modelled baseline results predict an exceedance of the critical level for annual mean NOx at locations up to 20m from the roadside of the A26... The maximum [nitrogen] deposition flux occurs 10m from the kerb of the A26' [emphasis added]. In short therefore, WDC's own modelling suggests that the SAC is not currently suffering from a problem regarding traffic on the road. While the SAC boundary is adjacent to the A26, the

nearest area of calcareous grassland (the SAC interest feature) to the A26 (in the vicinity of Malling Industrial Estate) is approximately 50m from the roadside, with the intervening area being occupied by dense mature woodland. It is noted that *'Using modelled results, it is predicted that deposition exceeds the critical load at locations up to 200m from the roadside of the B2192'* but given the low traffic flows on that road it seems likely that this will be mainly due to agriculture. This is supported by the fact that no mention is made in this paragraph of elevated NOx concentrations along the B2192 but only of elevated nitrogen deposition.

- 1.4.2 As with Pevensey Levels, WDC model three different future outcomes relating to emission factors. For the reasons already cited Scenario B is considered the most realistic because it *does* make an allowance for vehicle emission factors to continue to improve over the plan period *but* is considerably more cautious in doing so than DMRB. AQC do this using their CURED tool, which makes a more realistic assumption about the emissions of diesel vehicles. Therefore, it is considered that the results of emission Scenario B represent the most realistic forecasts.
- 1.4.3 According to paragraph 14.22 *'The modelling predicts that with the Local Plan scenario combined with growth elsewhere, there will be an exceedance of the critical level for annual mean NOx under scenario A, but not for scenarios B or C'*. If NOx concentrations will have fallen below the critical level by 2028 under the most realistic scenario (B) even allowing for all traffic growth 'in combination' this strongly suggests that traffic will not be playing a significant role in continued elevated nitrogen deposition, as NOx is the main contribution of traffic to nitrogen deposition.
- 1.4.4 Figure 21 shows the area where additional annual NOx due to growth 'in combination' will exceed the triviality threshold of 1% of the critical level by 2028 for the worst-case scenario A. Even though this is an exaggerated scenario it shows that the only part of the SAC which would be subject to an 'in combination' increase in NOx that is greater than trivial would be woodland, rather than calcareous grassland.
- 1.4.5 Paragraph 14.27 states that *'In all local plan scenarios there are predicted to be exceedances of the critical load for nitrogen deposition for both the grassland and woodland'*. However, in itself this statement is meaningless since the site already exceeds its critical load. What the paragraph does not discuss (but is clear from comparing the tables) is that, although the critical load will continue to be exceeded (according to their model) nitrogen deposition will nonetheless be considerably better under their most realistic future scenario than it is at the moment. What is most significant is that paragraph 14.27 goes on to state that *'For scenarios B and C this range [an 'in combination' additional nitrogen deposition above 1% of the critical load] occurs up to 15m from the kerbside of the A26'*. In other words, only the woodland within the SAC will be affected by an 'in combination' increase in deposition that is greater than trivial. The figure of 15m appears to conflict with the figure cited in Table 57 where a figure of 50m is cited for Scenario B. However, the habitat within 50m of the A26 is woodland so the conclusion is still valid. Unfortunately only the unrealistically exaggerated Scenario A is depicted graphically in the report (Figure 23). The actual SAC interest feature will be subject to a trivial level of additional nitrogen deposition even 'in combination' and the nitrogen deposition rate even at the woodland will still be materially better in 2028 than is the case in 2015.
- 1.4.6 This conclusion is alluded to by WDC in paragraph 14.53 where they state that *'concentrations and deposition predicted in the June 2018 version of the Lewes Downs air quality report is not predicted to encroach into the area of calcareous grassland under Scenarios B and C'*. WDC tend to focus on Scenario A when drawing their conclusions as this is the most pessimistic scenario. While undoubtedly pessimistic, it is not a realistic scenario and in AECOM's view Scenario B presents a scenario that is more in line with the precautionary principle i.e. cautious but not unrealistically so.

1.4.7 WDC acknowledge in paragraph 14.62 '*Natural England's advice* [quoted in paragraph 14.52] *that this [the woodland] is not an area of concern*' but in order to maintain their existing stance they ignore Natural England's advice and argue that '*...it is also noted that woodland must be provided the right conditions in order to deliver its supporting function to the overall SAC and its protected features*'. This is an argument that has no merit within the context of this specific assessment. While woodland is indeed vulnerable to air quality and is of interest in itself, it is not a designated feature of this SAC. One might possibly argue (as Natural England allude in their advice quoted in paragraph 14.62) that the woodland provides a supporting function by sheltering the grassland behind it, but any such function would simply require the continued persistence of dense tree cover. Nitrogen deposition effects on woodland are related primarily to the precise botanical composition of the groundflora and lower plant interest; tree cover will continue to persist and in any case under Scenario B WDC are forecasting a net *improvement* in nitrogen deposition to the woodland by 2028 even allowing for growth 'in combination'. Therefore, effects on the woodland are simply not relevant to the conclusions regarding effects on the SAC.

Conclusion

1.4.8 The most realistic WDC scenario (Scenario B) concurs with that of AECOM in that a net improvement in NOx and nitrogen deposition is forecast to 2028 notwithstanding growth, and the only part of the SAC where the 'in combination' nitrogen dose would be greater than trivial is an area of woodland adjacent to the A26 which is not part of the SAC interest. There is therefore nothing in the WDC HRA which casts a reasonable scientific doubt over the AECOM position.

1.5 **Review of WDC Policies AF1 and AF2**

1.5.1 AF1 appears to be a relatively standard policy for protecting European sites, although it explicitly refers to Lewes Downs SAC and Pevensey Levels SAC as well as Ashdown Forest SAC. The policy starts with an assumption that all growth will cause an in combination effect '*owing to a net increase in traffic movements beyond the 2014 baseline*'. However, it then sets out the requirement for HRA which would theoretically provide some developments with the opportunity to confirm that they would not contribute to this issue (i.e. because they will not lead to a net increase in vehicle movements through the SAC). It is unclear if this is how Wealden intend this policy to operate.

1.5.2 AF2 is an unusual policy in that it requires financial contributions to be made to a mitigation strategy for Lewes Downs SAC that does not exist, is not considered necessary by the bodies that would presumably be charged with delivering it (e.g. Natural England, Lewes District Council, South Downs National Park Authority and East Sussex County Council as highway authority) and is not within the control of WDC. It is therefore unclear how this can be considered a workable policy for that particular SAC. It is also unclear how developers could actually comply with that policy as regards Lewes Downs SAC. There is a minor typo in the policy as quoted in the HRA report since it refers at one point to Lewes Downs SPA.

1.6 **Review of additional documentation uploaded to Wealden District Council website in August 2018**

1.6.1 The following documents have been reviewed to identify any new matters in relation to air quality and the WDC HRA. The documents have been reviewed from the Habitat Regulations Assessment page of WDC's web-page: (http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Evidence_Base/Planning_Evidence_Base_Habitat_Regulations_Assessment.aspx)

Document: Briefing Note on the Ashdown Forest, Pevensey Levels and Lewes Downs Air Quality reports, 3 November 2017

1.6.2 The note provides an overview of the air quality monitoring and predictions undertaken for Ashdown Forest. The key point raised for Ashdown Forest is that:

- Bullet point e (Page 3) identifies that for Ashdown Forest that: The other overriding conclusion for the future-year results is that the additional development contained within the Local Plan will make conditions in 2028 worse than they would be in 2028 without the Local Plan.

1.6.3 No notable air quality information is presented for Pevensy Levels and Lewes Downs.

Document: Discretionary Advice Service (Charged Advice) DAS 12666/226010 DRAFT Ashdown Forest SAC: Air quality monitoring and modelling, published 16 February 2018

1.6.4 The Natural England (NE) advice was prepared by Susan Zappala, Natural England's air quality specialist. The document largely supports the type of modelling approach and provision of information as AECOM recommends. In contrast the NE advice questions a number of the approaches utilised by Air Quality Consultants (AQC). Specifically:

- Consideration of diurnal and seasonal variations – noting this is because the focus is on annual averages to determine effects on habitat integrity (Page 4, paragraph 2);
- Deviation from two standard deposition velocities to use bespoke model of 9 deposition velocities, questioning the benefits of this added complexity (Page 4, paragraph 2);
- Questioning the uncertainties associated with the bespoke approaches (Page 4, paragraph 3).
- Disagreeing with the proposition that ammonia emissions will increase with reference to European Environment Agency advice in COPERT (Page 12, paragraph 2)
- Identifying that a number of scenarios has been considered and that some of these are considered to be unreasonable worst case scenarios: *We note that a number of scenarios have been used but the most relevant appear to be Scenarios 3 and 5. This is noted in the air quality report at Section 6.1.154 which states “..Scenarios 3 and 5 provide a reasonable worst-case assessment, whilst Scenarios 2, 4, 6 and 7 provide an extreme worst-case upper-bound”. In our opinion, scenarios 2, 4, 6 and 7 use an unreasonable worst case scenario by assuming that there will be no background decreases from technological improvements.*
- The guidance does accept that CURED is an acceptable approach to consider the uncertainty is future air quality (Page 12, paragraph 6).
- That rather than considering the 75 µg/m³ critical level that it is more appropriate to use a WHO level of 200 µg/m³, when SO₂ and ozone are not exceeded (Page 13, paragraph 7).

1.6.5 The NE Guidance suggests that AQC work is compared with what NE consider a standard methodology, considered to be consistent with the AECOM approaches (Page 4, paragraph 1). This does not appear to have been done based on the data reported in the HRA.

1.6.6 A 'General approach advised for HRA screening of air quality impacts' presented in Annex B, Wider Context is considered to represent the NE standard approach described in the review. The key aspects of this are:

- General approach advised for HRA screening of air quality impacts
- This is generally a stepwise approach to screen out at an early stage whether further consideration is needed.
- Check Distance Criteria and APIS introduction to air pollution.
- Habitat sensitivity to that emission type (See Site Relevant Critical Load).
- Where practicable, check the likely exposure of the site 's sensitive features to emissions.

- Ascertain the process-contribution (PC) from the plan or project. This can be either by consideration of the Annual Average Daily Traffic Flow (AADT) or the % of Critical Load/Level benchmark.
- Apply screening threshold (either an increase of 1000 AADT or whether the PC is above 1% of the Critical Load/Level benchmark) alone.
- Apply screening threshold in-combination.

1.6.7 In summary NE advice on scenarios and overall approach is very consistent with AECOM Standard approaches, with acceptance that CURED is an acceptable way to consider future air quality uncertainty. The note does not consider other ways to manage this uncertainty, but this is considered to be as no other approaches to consider this uncertainty was provided by AQC and so no other method was being reviewed by NE.

Document: Draft DAS Response Ashdown Forest SAC, dated 2nd March 2018

1.6.8 This document sets out in detail comments and questions on the above review from NE dated the 16th of February. The document reflects a misunderstanding of WDC of the term standard methodology i.e. what NE considers to be a standard methodology and asks a wide range of questions and outlines that WDC will provide further information or clarifications.

1.6.9 Document: Air Quality and Ecological Monitoring at Ashdown Forest: Considering the Current and Future Impacts on the SAC caused by Air Quality and Nitrogen Deposition: Response to Natural England February 2018 Advice. (Ashdown Forest Statement 15th March 2018)

1.6.10 This document provides a brief 2 page rebuttal of a range of points, including questioning why advice from Air Quality Consultants assessment work is dismissed, referencing Centre for Ecology and Hydrology (CEH) peer review as further support for the AQC assessment. The note asserts WDC role as the Competent Authority for Habitats Regulations Assessments (HRA) and highlights 'Areas of disagreement, Concern and Clarification with Natural England advice'.

1.6.11 The items of greatest relevance for air quality include the use of ill-defined standard methodology and clarification is requested by WDC in relation to a range of matters, but with specific reference to scenarios and in combination assessments. Specific details of these issues are not provided, rather the note is a high level position paper. However, it is likely that the same issues considered in previous WDC documents are being raised.

1.6.12 It is also considered that the standard approach being recommended by NE is that outlined in 'General approach advised for HRA screening of air quality impacts' (Annex B, Wider Context) in the above February 2018 advice. The general approach aligns well with AECOM scenarios standard approaches.

Document: Ashdown Forest SAC Air Quality Monitoring and Modelling Volume 1 (Redacted) and Volume 2: Appendices (Redacted)

1.6.13 These documents appear to be very similar to the documents previously reviewed by AECOM Autumn/Winter 2017/2018, last in February 2018. The AQC report was then dated October 2017.

1.6.14 The approaches and scenarios considered appear unchanged. Monitoring data is still presented as a whole period rather than annual averages (Table 8.2 Volume 1).

1.6.15 The updates are considered to be largely presentational. Therefore, the previous air quality comments made in relation to these reports are unchanged.

1.7 Overall conclusion

- 1.7.1 In summary, the Wealden Local Plan HRA differs in some particulars from the analyses undertaken by AECOM. However, it is considered that the Wealden HRA fails to take due account of the low vulnerability of Pevensey Levels SAC/Ramsar and the fact that the woodland at Lewes Downs SAC is not an international interest feature of the site. The Wealden HRA also has a substantial flaw in that it fails to recognize that some of their modelled scenarios (notably Scenario B) are considerably more realistic than others (notably Scenario A).
- 1.7.2 WDC's latest modelling generated three scenarios (A, B and C) which vary greatly in the extent to which they acknowledge existing improving trends in NO_x and oxidised nitrogen deposition and the likelihood of them continuing. Clearly all three scenarios cannot occur. The air quality modelling reports themselves make it clear that the modelled scenarios are not considered equally realistic or equally likely to occur; in particular, paragraph 7.11 of the original 2017 air quality modelling report described the NO_x emission assumptions underlying Scenarios similar to Scenario A as '*an extreme worst-case*' [emphasis added]. However, the HRA report disregards this nuance, treats all three scenarios as equally likely/reasonable and thus focusses heavily on Scenario A; a scenario that is unrealistic and unlikely to arise in practice since it would require existing positive trends in NO_x concentrations and oxidized nitrogen deposition rates to substantially reverse at a time when further initiatives are being introduced to control them. The result is that the HRA exaggerates the air quality issues throughout.
- 1.7.3 For Ashdown Forest SAC, the maximum nitrogen dose from additional traffic on the network forecast in WDC's most realistic scenario (Scenario B) is greater than that modelled by AECOM. However, this is explicable by differences introduced to the modelling approach that in themselves carry uncertainties and the modelled dose affects only a very small proportion of all heathland in the SAC and at worst is likely to mean that any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 *may* be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). While the numerals differ in some areas the overall trends identified in WDC's most realistic scenario (a net improvement in nitrogen deposition over the plan period, despite forecast growth, which is only slightly retarded over a small proportion of the SAC) are the same as that forecast by AECOM. Given the confounding factors present as demonstrated by WDC's vegetation monitoring it is entirely possible that even this slight retardation of improvement may never materialise on the ground or be detectable.
- 1.7.4 There is therefore considered to be no need to update or amend the modelling work that AECOM undertook for South Downs National Park Authority, Lewes District Council and Tunbridge Wells Borough.

Appendix G4: TWBC response to WDC Call for Sites/draft SHELAA consultation June 2020

From: Ellen Gilbert
Sent: 26 June 2020 06:09
To: 'shelaa@wealden.gov.uk'
Cc: Kate Jelly
Subject: Consultation comments from Tunbridge Wells Borough Council on draft SHELAA Methodology Wealden District Council

Dear Sirs,

Thank you for your consultation on the draft SHELAA methodology, received on the 28th May.

TWBC has considered the draft methodology against the SHELAA Methodology Guidance dated July 2019 and has the following comments to make:

TWBC raises no objection to the draft methodology, subject to clarification at paragraph 2.2 about sites to be included in the SHELAA; current wording reads as if this is Call for Site submissions only when other parts of the draft methodology explain that other sources of sites will be considered too. In addition, it is recommended that WDC takes a strategic overview of where development may be most appropriate, proactively identifying such opportunities, and seeking landowner interest.

TWBC also suggests that WDC screens sites against a similar data set to that used at TWBC. If you would like further information on the data set used at TWBC please contact us for assistance.

Finally TWBC welcomes continued engagement with WDC on sites, and cross-boundary issues and other Duty to Cooperate matters.

I trust that these comments are of assistance.

Kind regards,

Ellen



Ellen Gilbert
Principal Planning Officer
(Part Time)

T: Direct Line 01892 554059 or 01892 526121 ext: 4059

E: ellen.gilbert@tunbridgewells.gov.uk

www.tunbridgewells.gov.uk



Appendix G5: TWBC response to WDC Draft SA Scoping Report July 2020

Comments from Tunbridge Wells Borough Council

Wealden District Council draft SA Scoping Report (July 2020 v1)

Contact Officers: Natalie Bumpus and Kelly Sharp (WDC), Katie McFloyd (TWBC)

1. Do you agree that the plans, policies and programmes identified in Appendix A and Chapter 3 are the most relevant or are there other plans that need to be added?

- When discussing European legislation in chapter 3, it would be worth including some background context in the introduction regarding the status of the Directives in light of Brexit.
- Para 3.2.5. It would be worth stating explicitly that the new target is for emissions to be reduced to zero (not just reduced significantly) and that this is a new amendment to the Act introduced in 2019.
- Para 3.2.9. NPPF paragraph 148 is also relevant and should be referred to.

2. Do you agree that the baseline data collected in Chapter 3 is relevant, accurate and of sufficient detail?

- Para 3.2.41. Third bullet point. Would be clearer if explained this was a relative comparison of the different emission sources. In general, CO₂ emission from transport will decline over the plan period (but without the Local Plan) as national targets are influential.
- Para 3.4.42. The overall development strategy will also be crucial in reducing emissions and is worth mentioning.
- Para 3.3.38. local sites are also at risk. Final bullet point only mentions national and international designations
- 3.3.39. Appropriate net gains policy creation should be mentioned
- 3.6 Flooding. A map of the district including flood zones would be useful. Consistent with maps provided for the biodiversity chapter
- Para 3.6.24. This information in the table would be better presented as a map
- 3.9.13 This list could be better illustrated as a map
- 3.10.15 Loss of the setting of heritage assets may also be worth mentioning.
- 3.10.17. Be clear this includes non-designated heritage assets.

3. Do you have, or know of, any additional relevant baseline data which should be added to that already identified?

- 3.4 Soil carbon also worth mentioning in this chapter. National Soil Maps can provide an indication of whether carbon volume in soils are low, medium or high. See <http://www.landis.org.uk/soilscapes/>. Could be cross-referenced to para 3.7.21 – 3.7.23
- Water Quality (pg 50) Are there any groundwater sources protection zones in the district? If so, these should be described. A map would be useful.
- 3.9 Use of sustainable resources/materials (especially in construction) is not mentioned and overlaps with this chapter? Preference for reuse over demolition is mentioned in the NPPF.
- 3.15. This chapter could also mention access to historic assets being important from a mental health and wellbeing perspective. Historic England have undertaken studies and have recommendations on this topic. In light of ANGst, should the title of chapter refer to 'green open space'?
- 3.17 Access to useful broadband speeds/FTTP is an additional important consideration for this chapter. Cross reference to chapter 3.20?

4. As far as you are aware, are there any inaccuracies or anomalies in the data presented?

- Only minor points raised above.

5. Do you agree that the key sustainability issues identified in Chapter 3 are those most relevant for Wealden District?

- Yes, a very thorough and clear account.

6. Are you aware of any sustainability issues which, in your opinion, should be added, or any that should be removed?

- Chapter 4. Are there any cross-boundary water impacts to consider? Flooding/resources etc

7. Do you agree with the SA Objectives identified in Chapter 4? If not, why not, and should any objectives be re-worded or removed? Should any SA Objectives be added?

- Chapter 5. Excellent to see two separate objectives on climate change (mitigation and adaptation) reflecting the increasing importance of this topic. Support this approach.

8. Are there any particular indicators that we should be including or excluding for measurement and monitoring?

- No, list and approach seem thorough and appropriate.

9. Does your organisation collect any data/information that would be useful to the monitoring of the Local Plan document, which you would be happy to supply?

- None that comes to mind but happy to assist and share should anything become evident in the future.

10. Do you have any other comments on the draft SA Scoping Report?

- Not a strict requirement for Scoping Reports but, as is often the case with such a broad topic matter, the report is lengthy and would benefit from Non-Technical Summary that briefly explains the process, key findings and outcomes.
- As this report will go onto your website, accessibility standards will need to be considered. The colour in the tables, web address links (e.g. footnote 6) and footnotes could be problematic. Web links should be within sentences as in paragraph 2.5.2. Red/green colours in 5.3.2 will cause problems. Likewise, proposed appraisal matrix tables in Appendices D and E with merged cells will cause problems for screen readers. Seek advice from your digital services team or equivalent

Contact details for future consultations

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

Appendix G6: TWBC response to
WDC Direction of Travel
Consultation November 2020

Planning Policy Team
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

Please ask for: Stephen Baughen

Tel: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 18 January 2020

Dear Sir/Madam

Wealden Local Plan Direction of Travel Consultation

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Wealden District Council (WDC) as part of the Direction of Travel Consultation 2020. TWBC has considered the consultation document and wishes to make the following comments relating to the general themes within the document and the proposed growth options.

General themes

TWBC supports the general themes presented in the consultation document, particularly in relation to the delivery of infrastructure, where TWBC are pleased to note WDC's commitment to continued close collaboration with its neighbouring local planning authorities to identify cross boundary infrastructure issues. TWBC therefore encourages continued and ongoing dialogue with WDC through regular Duty to Cooperate (DtC) discussions.

With regards to town centre regeneration, TWBC note that although reference has been made to recent changes of shopping trends as a result of Covid-19, there is the need for updating the figures to reflect the current trends, as they could reduce the proportion of market share that is not retained within the Wealden District. TWBC also note the need for an updated settlement hierarchy/settlement role and function, as it is likely that many of the settlements will have lost services and/or retail, or changes to their offer since the last WDC Plan was being prepared.

In relation to the policy options for tackling climate change, TWBC suggest that WDC should also seek to maximise opportunities for the mitigation of climate change that arise for smaller scale developments too.

Growth Options

1) Focused Growth including large Extensions to existing Sustainable Settlements

TWBC notes that this option could direct development to settlements that lie close to the boundary of Tunbridge Wells borough, in particular to Royal Tunbridge Wells (RTW) itself. There is also the possibility that RTW may constitute an "existing sustainable settlement". It is therefore noted that any directed growth on the edge of the main urban settlement or borough boundary may cause an increase of pressure on the services, facilities, and infrastructure within RTW (or other settlements within Tunbridge Wells borough close to the boundary with WDC). Focused growth on larger settlements in Wealden close to TWBC area will need to consider transport impacts, particularly on the A26, A267 and the Hastings-

London line, into the borough, as would any significant growth of such settlements affecting the borough from other options. It is also important that WDC and TWBC are able to identify and address other cross boundary matters that may result from this growth option, including education provision and health provision, through DtC discussions, which should be conducted through early and continued engagement.

2. Semi-dispersed growth to Existing Sustainable Settlements and Larger Villages

TWBC note that the “smaller sustainable settlements” could include settlements within the northern areas of Wealden. Resultantly, there may be additional demand for services provided by the main urban area of RTW, as well as increased demand for commercial services and footfall. Again, it will be important for WDC and TWBC to engage in early discussions to ensure cross boundary matters, such as those previously identified under spatial option 1 are collaboratively planned for under this growth option and regularly discussed through DtC discussions.

3. Dispersed Growth

TWBC notes that this growth option would have the effect of spreading growth across Wealden District. As with options 1 and 2 this could involve an element of growth close to the boundary with TW borough including in proximity of RTW itself.

4. New Settlement (s) Growth

In the absence of any location, or locational criteria, for a new settlement, TWBC would note that opportunities appear very limited: such a proposal within the High Weald AONB would be extremely unlikely of being consistent with its designation, although this may be an option in the Low Weald close to Eastbourne, which may also help meet its unmet housing need, subject to transport capacity in particular. TWBC welcome ongoing engagement/discussion on this growth option so that if relevant, cross-boundary matters can be identified and discussed at the early stages.

Other matters: TWBC has no further comments to make in respect of the Sustainability Appraisal Scoping Report (which was previously consulted upon) and Consultation and Engagement Strategy which support this consultation document.

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Baughen', with a stylized flourish at the end.

Stephen Baughen
Head of Planning Services

Appendix G7: WDC response to TWBC Regulation 18 consultation 2019 (email)

TUNBRIDGE WELLS BOROUGH
DRAFT LOCAL PLAN (REGULATION 18)
Consultation 20 September to 01 November 2019

RESPONSE FORM

This response form is for use with the Draft Local Plan (Regulation 18) consultation document.

DATA PROTECTION AND FREEDOM OF INFORMATION

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

When you send us your response to this consultation, your contact details will be added to our consultation database and you will be kept informed of all future consultations on Planning Policy documents.

Please note that your responses will be published by the Borough Council, including on its website. The Council will publish names and associated responses but will not publish personal information such as telephone numbers, e-mails or private addresses.

For more information about how we use your personal data, please see the Council's Planning Policy Privacy Notice at <http://www.tunbridgewells.gov.uk/cookies-and-privacy/privacy-notices2/planning/planning-policy-privacy-notice>

Your details (please give full contact details)	
Name	Marina Brigginslaw
Company/organisation (if relevant)	Wealden District Council
Are you responding as an individual or organisation, or as an agent on behalf of somebody else?	<input checked="" type="checkbox"/> As an individual/on behalf of an organisation or group <input type="checkbox"/> As an agent
If you are an <u>agent</u>, please specify who you are representing	N/A
Email address	ldf@wealden.gov.uk
Postal address	Wealden District Council Council Offices, Vicarage Lane
Town	Hailsham
Post Code	BN27 2AX

Telephone Number	01892 602008
-------------------------	--------------

You will find details of where to return your completed forms on the next page

When you have completed this response form, please email it to:

localplan@tunbridgewells.gov.uk

Alternatively, you can print it and post it to:

Local Plan
Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 1RS

Or:

It is recommended that you make your comments directly online via our consultation portal at <https://tunbridgewells-consult.objective.co.uk>

This response form can be used to submit your comments on any part of the consultation Draft Local Plan. There is a separate comment box below for each type of comment.

COMMENTS ON A PARTICULAR SECTION OR PARAGRAPH

COMMENT BOX 1A Please state which section or paragraph number(s) you are commenting on.
Section Number: 4 The Development Strategy and Strategic Policies Paragraph Number(s): 4.7 to 4.17 (Housing Development)
COMMENT BOX 1B Please enter your comments in the box below.
<p>Please enter your comments here:</p> <p>Paragraph 4.7 of the draft Tunbridge Wells Borough Local Plan confirms that based on the projected submission of the Local Plan in 2020, the objectively assessed housing needs for the borough over the plan period to 2036 is 13,560 dwellings (equivalent to 678 dwellings per annum (dpa)), identified by the standard methodology as required by the NPPF. The Plan confirms at paragraph 4.16 that the total capacity of all identified sites (completed houses since 2016, extant planning permissions, retained Site Allocations Local Plan allocations, development through windfall sites, together with new allocations proposed in the draft Local Plan) provides for some 14,776 (net) additional dwellings.</p> <p>Therefore, the draft Tunbridge Wells Borough Local Plan would meet the housing needs identified under the standard methodology and would actually overprovide by approximately 9% if each site was to be brought forward as anticipated. However, it is recognised under paragraph 4.10 of the Draft Tunbridge Wells Borough Local Plan that Tunbridge Wells Borough Council (TWBC) would apply a 10% non-delivery rate for all existing extant planning permissions and sites contained within the retained Site Allocations Local Plan. It is considered, in the context of the new NPPF, that all housing sites included within supply for the Plan period should either be identified as 'deliverable', 'developable' or as a 'broad location for growth' in line with paragraph 67 of the NPPF.</p> <p>A 10% non-delivery rate across all housing sites in the categories above, particularly for those sites with detailed planning permission, may not conform to the latest NPPF and national planning practice guidance on these matters (see the NPPF Annex 2 Glossary – Deliverable). It is noted that this non-delivery rate is subject to further information about the delivery of such sites and that further information may come forward in the next iteration of the Plan. However, it is considered that the question as to whether a housing site can be delivered or not should be on a case by case basis in line with definition of 'deliverable' and 'developable' in the latest NPPF. The application of a 10% non-delivery rate to these categories may mean that the Plan actually delivers more than the minimum housing requirement for the Borough and could potentially deliver for the housing needs of neighbouring authorities, if it was established that this was required.</p> <p>Paragraph 4.8 and 4.9 of the draft Tunbridge Wells Borough Local Plan confirms that a) adjoining Councils are generally seeking to meet their own housing needs and b) that TWBC will keep the housing needs of both the borough and neighbouring councils under review and may need to update its housing targets as the Local Plan progresses. The</p>

Submission Wealden Local Plan (January, 2019) confirms that Wealden District Council is seeking to meet its own housing needs and that for the submitted Local Plan, it has not asked TWBC or other neighbouring authorities to meet its housing needs. Wealden District Council supports the position taken by TWBC relating to reviewing and where necessary updating its potential unmet housing needs of both the borough and neighbouring authorities who's Plans are under review or will be in the near future.

COMMENT BOX 1A

Please state which section or paragraph number(s) you are commenting on.

Section Number: 4: The Development Strategy and Strategic Policies

Paragraph Number(s): 4.18 – 4.23 (Economic Development)

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Paragraphs 4.18 – 4.19 of the draft Tunbridge Wells Borough Local Plan states that the Sevenoaks and Tunbridge Wells Economic Needs Study (ENS) recommends that the Council should allocate sites to accommodate at least 14 hectares of new employment land in order to support the creation of new employment opportunities over the Plan period. It is noted that the target of 14 hectares will be reviewed as part of the preparation for the Regulation 19 stage of the Local Plan.

The draft Tunbridge Wells Local Plan recommends the expansion of the existing Key Employment Areas at North Farm/Longfield Road in Royal Tunbridge Wells, around Maidstone Road in Paddock Wood, and at Gill's Green. Additionally, it is recognised the area around the A21 highways improvements as a location for significant employment growth potential. The importance of Tunbridge Wells town centre is also recognised in terms of existing and future office provision.

Wealden District Council supports the approach taken by TWBC relating to the identification of Key Employment Areas and recognises the importance of Tunbridge Wells town centre not only for residents and workers in Tunbridge Wells Borough, but also for those in surrounding areas including the Wealden District.

Paragraphs 4.22 – 4.23 states that the Retail and Leisure Study identifies a need for between 21,700 and 34,000 sqm of additional comparison floor space and between 7,500 and 9,500 sqm additional convenience floor space. It is noted that the retail market is in a current state of change and that allocated retail needs should look at least ten years in advance, with a review of needs as part of the Local Plan review process in accordance with the NPPF. The Plan includes detailed policies in relation to Royal Tunbridge Wells town centre as well as a retail hierarchy.

Wealden District Council supports the approach taken by TWBC in reviewing future retail floor space needs and the identification of a retail hierarchy to direct planning proposals. The Submission Wealden Local Plan states (January 2019) at page 30 (Table 1: Current

Settlement Hierarchy) that Tunbridge Wells is at the top of the settlement hierarchy and is described as “*a regional centre with accessibility to high order facilities and public transport options*”. It is supported that the focus of retail development within the borough would be in Tunbridge Wells, which is recognised as an important centre for those in surrounding areas, including Wealden District.

COMMENTS ON A POLICY

This comment box can be used for comments on Strategic Policies (Section 4), Strategic Place Shaping Policies (Section 5), Site Allocation Policies (section 5), or Development Management Policies (Section 6).

If you wish to make comments on multiple policies, please copy and paste Comment Boxes 2A and 2B for each Policy you are commenting on.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: STR 1: The Development Strategy

Please enter your comments here:

The scale and distribution of development within Tunbridge Wells Borough is set out in Table 3 (associated with Policy STR 1). This identifies the three main locations for housing development in Royal Tunbridge Wells and Southborough, Paddock Wood and Tudeley Village. Further development will be located in other settlements across the Borough and will largely be provided on a proportional basis relative to the size of each settlement.

A new garden settlement at Paddock Wood will deliver around 4,000 new homes and Tudeley Village will deliver approximately 1,900 new homes within the Plan period (a maximum of between 2,500 and 2,800 dwellings in total), which equates to almost half of the housing requirement over the Plan period. These allocations are located away from the High Weald AONB and Green Belt (in the case of Paddock Wood) to the north of the Borough where constraints are less prohibitive. This stance is supported by Wealden District Council given the more substantial planning constraints in the south of the Borough.

It is identified that 90,000 sqm of new employment floor space is allocated within the North Farm/Longfield Road Key Employment Area and a further 1,000 sqm allocated within the Gill's Green Key Employment Area. These employment allocations equal a total of 9.1 hectares.

As stated previously, the Tunbridge Wells ENS recommended the Plan should allocate sites to accommodate at least 14 hectares of employment floor space. Therefore, it could be argued that there is some uncertainty towards the remaining 4.9 hectares of floor space to be allocated within the Borough, especially if the target of 14 hectares is to remain after a review as part of the preparation for the Regulation 19 stage of the Local Plan.

Wealden District Council supports the North Farm/Longfield Road allocation in principle, as the approach is similar in nature to the A22 Employment Sector in the Submission Wealden Local Plan (January 2019) and is associated with the major settlement in the Tunbridge Wells Borough.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: STR/RTW 1: The Strategy for Royal Tunbridge Wells

Please enter your comments here:

Policy STR/RTW 1 identifies the strategy for Royal Tunbridge Wells and includes an allocation of between 20,000 – 30,000 sqm for A1 comparison floor space and an allocation of between 6,000 – 7,500 sqm for A1 convenience floor space.

As stated previously, the Retail and Leisure Study identified a need for between 21,700 and 34,000 sqm of additional comparison floor space and between 7,500 and 9,500 sqm additional convenience floor space within the Borough.

Therefore, the retail floor space needs of the Borough are generally being met within these proposed Royal Tunbridge Wells allocations. Wealden District Council supports TWBC in attempting to meet their retail needs in this centre.

Policy STR/RTW 1 also identifies that approximately 1,222-1,320 new dwellings will be delivered on 17 sites allocated in the draft Tunbridge Wells Local Plan for the plan period. It is noted that a number of sites share, or are in close proximity to the administrative boundary of Wealden District. These allocated sites are discussed in detail below. It is considered the town of Royal Tunbridge Wells should be a focus for new development and specifically employment and retail development.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Support with conditions

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy H13 Gypsies and Travellers

Please enter your comments here:

The Tunbridge Wells Borough Gypsy and Traveller Accommodation Assessment (GTAA) (January 2018) confirms that there is an overall need in the Borough of some 32 residential pitches for the plan period (2016-2036)¹ and that the majority of existing Gypsy and Traveller sites (nearly 80% of sites) have only one or two pitches, the largest site containing seven separate pitches. The GTAA recommended that based on their understanding of existing sites and the nature of demand that the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites.

Policy H13 (Gypsies and Travellers) of the draft Tunbridge Wells Borough Local Plan outlines a criteria based policy for the establishment of gypsy and traveller sites, with eight criteria that need to be satisfied. The criteria largely relates to development management matters, but criteria 1 confirms that the site must form part of, or be located adjacent to, an existing lawful permanent gypsy and traveller site, or is allocated within a policy in the Local Plan, or is provided as part of a wider residential or mixed use scheme. It is noted that an additional 4 (net) pitches are to be provided under Policy AL/PW 1 and Policy AL/CRS 15, which will leave a remaining 24 pitches to be provided under this policy.

It is noted that the TWBC are seeking to meet their own Gypsy and Traveller accommodation needs through identified allocations cited above and through the intensification and/or expansion sites. This is supported. However, the policy does not provide a list of such existing sites that are considered suitable for intensification/expansion, and therefore, the deliverability of those additional pitches maybe uncertain or untested. To provide clarity, it would be considered appropriate to identify those existing sites where additional pitches are likely to come forward and would be acceptable, providing the identified criteria is met.

The Submission Wealden Local Plan (January 2019) confirms that Wealden District Council will meet its fully identified Gypsy and Traveller accommodation needs for the Plan period through two identified sites within the Plan at Hailsham and Polegate. It is therefore considered that there are no current requirements for Gypsy and Traveller provision from Wealden District at the current time.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

Support

¹ This has been reduced to 28 residential pitches following a review of pitch completions and planning permissions since the base date.

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: TP 5: Railways

Please enter your comments here:

Policy TP 5 within the Tunbridge Wells Borough Local Plan outlines the need to safeguard railway infrastructure in response to the projected increase in the level of growth and development in the Borough. The existing Tunbridge Wells Central to Eridge railway line is to be safeguarded in the Plan in order that the opportunity to link the London-Uckfield railway line with the London-Hastings railway line is not lost.

Wealden District Council supports Policy TP 5 and similarly recognises the need to safeguard the Eridge Railway line within Policy INF 5 of the Submission Wealden Local Plan (January 2019).

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 18 – Land to the West of Eridge Road at Spratsbrook Farm

Please enter your comments here:

Policy AL/RTW 18 (Pages 108 to 110) relates to land to the west of Eridge Road at Spratsbrook Farm that has been allocated for 270 (net) dwellings and lies immediately west of the A26 Eridge Road, where there is existing access into the site. The site shares an administrative border with Wealden District that lies to the south. In addition, land directly adjacent to the allocation within Wealden District has been submitted for consideration as part of Wealden District Council's SHELAA. This is considered further below.

The site allocation in the Tunbridge Wells Local Plan is located within Green Belt, partially within the High Weald AONB and includes a small area of Ancient Woodland and an Ancient Monument in the western corner of the site that has archaeological potential. The policy confirms under policy AL/RTW 18 that as well as the provision of 270 (net) dwellings, the allocation will also provide a seven form entry secondary school on site. It is anticipated that contributions towards primary and secondary education, health and

medical facilities, a new sports hub at Hawkenbury Recreation Ground will be brought forward as part of the development proposals.

Paragraph 172 of the NPPF (February, 2019) confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to these issues. It notes that the scale and extent of development within these designated areas should be limited and that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. The remaining part of the paragraph confirms that consideration to be given to following issues that includes:

- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Tunbridge Wells Borough Council has published a supporting document named the 'Distribution of Development Topic Paper' that includes consideration of development potential in the High Weald AONB under Section 6(G), amongst other matters. This document notes under paragraph 6.93 of the document that of the 49 site allocations in the High Weald AONB that are being put forward for inclusion in the Draft Local Plan, around 17 are considered to be 'major' development in their local context. The document provides a commentary for the borough as a whole on how the strategy meets the exceptions test laid out in paragraph 172 of the NPPF on pages 51 to 53.

Appendix 3 of the 'Distribution of Development Topic Paper' outlines each site allocation within the High Weald AONB in terms of whether the site allocation is indeed 'major' development in the context of paragraph 172 of the NPPF and if so, whether it meets the exceptions and public interest test. The aforementioned site above was considered to be 'major' development of a very substantial scale and high impact on the High Weald AONB. In terms of justification for the development, it has been stated that this is the only site that has come forward that is suitable to deliver a new secondary school in this part of the Borough and would provide good connectivity to the town and wider landscape.

Given the scale of the development and its impact on the High Weald AONB, it is agreed by Wealden District Council that the development would be 'major' development in the context of paragraph 172 of the NPPF. However, the assessment for this site does not provide specific justification for the development against the aforementioned criteria in paragraph 172 of the NPPF. It is considered that it may be better to assess each 'major' development site in the High Weald AONB against each of the criteria and then to reach a conclusion as to whether the site is justified on this basis.

In July 2017, Wealden District Council commissioned Chris Blandford Associates to undertake the Wealden Local Plan Sites Landscape and Ecological Assessment Study and this details the ecological and landscape information to inform the process of identifying suitable sites for future development within those areas of the District outside of the South Wealden Growth Area (SWGGA).

As part of this process, Wealden District Council undertook a landscape assessment for the southern part of this site (the area of land located within Wealden District) in support of the Submission Wealden Local Plan (January, 2019). As part of this study the site was considered to have high visibility, very high landscape sensitivity and value, and a very low landscape capacity. This information was shared and discussed with Tunbridge Wells on the completion of this study. It also noted that whilst the whole site is highly sensitive, the north-western part of the site is most sensitive (nearest to the proposed allocation site)

as it lies within and adjacent to a nationally Scheduled Monument providing a characteristic landscape setting to a prehistoric site.

Criteria 7 of policy AL/RTW 18 in the draft Tunbridge Wells Local Plan confirms that the provision of a soft landscaping buffer along the south-western boundary within the Wealden District administrative area should be investigated. Such joint working is supported, however it is considered that the evidence base above should be taken into account and the landscape protected accordingly. It is considered that the policy wording should therefore be strengthened to ensure the protection of the landscape as part of any development coming forward. In this regard, further discussions are welcomed.

In addition, it is not clear how any cross boundary impacts on transport infrastructure or the setting of the High Weald AONB have been assessed, for example, and whether consideration of the secondary school included within this policy has included discussions with East Sussex County Council (ESCC), given its proximity to Wealden District and settlements such as Frant, Bells Yew Green and Eridge. Wealden District Council would welcome discussions involving East Sussex County Council in relation to education and highways matters to ensure that such an allocation, if not removed in the next iteration of the Plan, is both agreeable and where necessary the policy strengthened.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden District. It would also be helpful to show the green belt and AONB designations.

Spratsbrook Farm – Area of land within Wealden District (SHELAA ref: 729/1610)

Wealden District Council considered the allocation of land in the AONB adjacent to the Tunbridge Wells allocation as part of its Local Plan preparation.

The Wealden District Council Strategic Housing and Economic Land Availability Assessment (SHELAA) was published in January 2019. This document along with other evidence base documents including the Sustainability Appraisal informed plan preparation.

As part of the Wealden Local Plan preparation, key considerations included major development in the AONB and the national planning policy test whereby land outside the AONB serving Wealden District would need to be considered as well as the other necessary tests. The nature of Wealden District, as well as other factors including landscape considerations (as set out above), resulted in the land in the AONB surrounding Tunbridge Wells not being selected.

It is considered that the above matters would need to be duly considered should this area of land be promoted in the future.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 22 – Land at Bayham Sports Field West

Please enter your comments here:

Policy AL/RTW 22 (Pages 116 to 117) relates to Land at Bayham Sports Field West that has been allocated for between 20 and 25 (net) dwellings and lies immediately to the north of Bayham Road, beside the Kent and Sussex Crematorium.

It is noted that the constraints to the site are less on the basis that the site is not located within the Green Belt or High Weald AONB. The vehicular and pedestrian access for the site would need to be taken from Bayham Road, B2169.

Nonetheless, it not clear how Tunbridge Wells Borough Council has taken into account the sites proximity to the administrative boundary of Wealden District and its potential cross boundary impacts on infrastructure (transport, open space and recreation and green infrastructure / biodiversity and education particularly) and the setting of the High Weald AONB within Wealden District.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 26 – Land at Cemetery Depot, Benhall Mill Road

Please enter your comments here:

Policy AL/RTW 26 (Pages 124 to 125) relates to Land at Cemetery Depot, Benhall Mill Road that has been allocated for 20 (net) dwellings. The site comprises a depot site associated with the adjacent cemetery, with the site fronting onto Benhall Mill Road.

The constraints to this site are more limited, since it is not located within the Green Belt or High Weald AONB. The vehicular and pedestrian access for the site would need to be taken from Benhall Mill Road.

Nonetheless, it not clear how Tunbridge Wells Borough Council has taken into account the sites proximity to the administrative boundary of Wealden District and its potential cross boundary impacts on infrastructure (transport and education particularly) and the setting of the High Weald AONB within Wealden District.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden.

COMMENT BOX 2A

If you are commenting on a Policy, it would be helpful if you could mark the most appropriate answer.

General Observation

COMMENT BOX 2B

Please enter your comments in the box below. Please state which Policy you are commenting on.

Policy Number: Policy AL/RTW 27 – Land at Hawkenbury Road/Maryland Road

Please enter your comments here:

Policy AL/RTW 27 (Pages 126 to 128) relates to Land at Hawkenbury, off Hawkenbury Road/Maryland Road that has been allocated for between 220 and 250 dwellings and a primary school (two form entry). The site lies to the south of Hawkenbury Road, a short distance from the boundary of Wealden District to the south.

This site already has planning permission for residential development (of 247 (net) dwellings) and the provision of a new primary school and is under construction. It has been suggested by TWBC that if planning permission has been substantially completed by the publication of the Regulation 19 Pre-Submission Local Plan stage, then this policy will be deleted. It is likely that this will be the case so Wealden District Council has no further comment to make.

It would be helpful for the allocation plan associated with this site to show the District boundary for Wealden.

Copy and paste a further 2A/2B comment box here for each Policy you are commenting on.

COMMENTS ON THE VISION (SECTION 3)

COMMENT BOX 3

Please enter your comments on the Vision in the box below.

Please enter your comments here:

The vision is considered to provide an ambitious framework for the Tunbridge Wells Borough Local Plan to develop and does provide the spatial context for where the majority of new housing/employment development would take place. As stated elsewhere, the Draft

Tunbridge Wells Borough Local Plan seeks to meet the objectively assessed housing needs of the Borough (using the standard methodology in national planning practice guidance) for the plan period that runs from 2016 to 2036, which is ambitious given the recognised constraints of the borough that includes substantial areas of Green Belt and Areas of Outstanding Natural Beauty (AONB).

Although parts of the vision do consider the constraints to the Borough, particularly landscape, not all the major constraints to development are described and so it would be helpful to include those within the vision. For example, the Green Belt is not cited within the overall vision, although it covers a significant proportion of the Borough and is included within the strategic objectives described below (page 32 of the draft Tunbridge Wells Borough Local Plan). Similarly, there is no reference to the different types of housing that will be supported through the draft Tunbridge Wells Local Plan that includes affordable housing, student accommodation and older people's housing and their associated needs, albeit that this is included in the Plan itself and the local evidence base relating to housing need.

COMMENTS ON THE STRATEGIC OBJECTIVES (SECTION 3)

COMMENT BOX 4

Please enter your comments on the Strategic Objectives in the box below.

Please enter your comments here:

The strategic objectives set out under page 32 of the draft Tunbridge Wells Local Plan includes the provision of housing, affordable housing and employment land, amongst other needs identified in the Borough to be delivered by the end of the Plan period. Other strategic objectives relate to the delivery of infrastructure and transport schemes, tackling climate change, the protection of the High Weald AONB, the release of appropriate Green Belt land for development in a plan-led system, the formation of garden settlements and joint working with neighbourhood plan groups. It is considered that those strategic objectives are relatively brief and could be expanded upon to include details as to how those spatial objectives are expected to be achieved, even if this is just included within supporting text.

As discussed above, it appears that the vision does not include the planned release of appropriate Green Belt land, but this is included as a strategic objective. Conversely, the vision confirms that rural enterprise will have been supported, and the exceptional quality of the built and natural environments will have been protected and enhanced, but rural development and enterprise is not specifically identified within the strategic objectives. Given the above, it is considered that the proposed vision and the strategic objectives could be better aligned to ensure that they correspond with one another in a coherent fashion.

COMMENTS ON FIGURE 4: THE KEY DIAGRAM (SECTION 4)

COMMENT BOX 5

Please enter your comments on the Key Diagram (Figure 4) in the box below.

Please enter your comments here:

Paragraph 23 of the NPPF (February 2019) confirms that broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. The key diagram within the draft Tunbridge Wells Local Plan (page 41) includes all housing allocations within the plan, including the two proposed garden settlements, the location of both Green Belt and the High Weald AONB, as well major transport routes and settlements.

The key diagram does include broad locations for growth amongst other matters and provides an overview for the spatial distribution of the plan. This would comply with the NPPF.

COMMENTS ON A TABLE

COMMENT BOX 6

Please enter your comments on a table in the box below. Please state which table number you are commenting on.

Table Number:

Please enter your comments here:

No comments to make.

COMMENTS ON AN APPENDIX (Appendices 1-4)

This comment box should be used for comments on Appendices 1-4. If you are commenting on Appendices 5 or 6, please use the separate comment boxes below (Questions 8 & 9).

COMMENT BOX 7

Please enter your comments on an Appendix (Appendices 1-4) in the box below. Please state which Appendix you are commenting on.

Appendix Number:

Please enter your comments here:

No comments to make.

COMMENTS ON TOPIC PAPERS AND OTHER SUPPORTING DOCUMENTS (APPENDIX 5)

COMMENT BOX 8

Please enter your comments on a topic paper or other supporting document in the box below. Please state which topic paper or supporting document you are commenting on.

Habitats Regulations Assessment:

Wealden District Council submitted its HRA and subsequent documentation and evidence in January 2019 to support its Submission Wealden Local Plan and subsequently submitted further information in response to the Inspectors Matters. Stage 1 of the EiP for the Submission Wealden Local Plan took place in May and July 2019. Several days were dedicated solely to HRA matters, mainly in relation to the impact of air quality on European sites. The Council is now waiting to receive the Inspector's letter in relation to the outcome of its stage one EiP.

The Council has reviewed the Regulation 18 HRA that accompanies the Local Plan consultation. The Council notes that the direction of the HRA and certain considerations, which are key to the conclusion made of 'no adverse impact' as a result of air pollution on Ashdown Forest, diverge from the approach taken and the overall conclusion made in respect to the HRA Submission Wealden Local Plan.

Wealden District Council is mindful that in due course it will receive the Inspector's letter. On this basis, the Council wish to reserve the right to further comment on the HRA, when it has had the opportunity to consider the Inspectors letter in detail. In the meantime, please see the Wealden Local Plan HRA and supporting documentation and evidence. You may also wish to consider information submitted in respects to a recent Planning Inquiry relating to Mornings Mill, Polegate. This can be accessed here:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=139469>

COMMENT BOX 9

Please enter your comments on a topic paper or other supporting document in the box below. Please state which topic paper or supporting document you are commenting on.

Topic Paper or supporting document title: Green Infrastructure Framework

Please enter your comments here:

The Green Infrastructure Framework Supporting Document acknowledges that GI often extends beyond political/administrative boundaries. WDC welcomes this acknowledgement and the reference to the GI evidence base/work being undertaken in Wealden District and the potential for this to be furthered with cross boundary working.

It is noted that Appendix M of the document illustrates the GI priorities for TWBC as well as those of adjoining LPAs including Wealden District Council and that Appendix N presents the potential GI Network for Wealden District (as set out in the 2017 GI Study). The supporting document gives a clear illustration of where interactions and cross boundary working could be pursued in the future. In this regard, paragraph 53 states that adjoining LPAs GI studies/work have been reviewed, that cross boundary GI links have been identified and taken into account as part of the proposed GI mapping in Tunbridge Wells and that they should be supported through relevant GI proposals. This approach is supported by WDC.

WDC would welcome the opportunity to work collaboratively with TWBC on any potential GI projects/actions that may have cross boundary impacts, particularly but not necessarily limited to, the areas identified at para 53 and in Appendix M of the Green Infrastructure Framework Supporting Document.

WDC supports the inclusion of and clear references to biodiversity improvements in the GI Framework such as biodiversity offsetting and biodiversity net gain, which can be achieved by and help support GI improvements through projects and actions. The approach of seeking biodiversity gains away from a development site (where it is not possible or necessarily desirable to achieve them on site) will require careful consideration and potentially cross boundary working with WDC as relevant to sites adjacent to or in close proximity to the administrative boundary.

In addition, the GI Framework states at para 66 that "...the proposal for biodiversity offsetting may lead to landscape scale change and new elements of strategic GI, either as a standalone provision within the Borough or as part of a wider cross boundary project." WDC would welcome the opportunity to work with TWBC as relevant on such a project(s).

COMMENTS ON APPENDIX 6 (SUBMITTED SITES NOT INCLUDED IN THIS DRAFT LOCAL PLAN)

COMMENT BOX 9

Please enter your comments on any sites submitted through the Call for Sites that have not been included in this Draft Local Plan. Please state the Site Number and Site Address.

Site Number and Site Address:

Please enter your comments here:

None.

END OF COMMENT BOXES

Please note: if you wish to make comments on the Draft Sustainability Appraisal, please use the separate Sustainability Appraisal comment form

TUNBRIDGE WELLS BOROUGH
SUSTAINABILITY APPRAISAL FOR DRAFT LOCAL PLAN (REGULATION 18)

Consultation 20 September to 01 November 2019

RESPONSE FORM

This response form is for use with the Sustainability Appraisal which accompanies the Draft Local Plan (Regulation 18).

DATA PROTECTION AND FREEDOM OF INFORMATION

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform future stages of Sustainability Appraisal and Local Plan preparation.

When you send us your response to this consultation, your contact details will be added to our consultation database and you will be kept informed of all future consultations on Planning Policy documents.

Please note that your responses will be published by the Borough Council, including on its website. The Council will publish names and associated responses but will not publish personal information such as telephone numbers, e-mails or private addresses. (see <http://www.tunbridgewells.gov.uk/cookies-and-privacy/privacy-notices2/planning/planning-policy-privacy-notice>)

Your details (please give full contact details)	
Name	
Company/organisation (if relevant)	Wealden District Council
Are you responding as an individual or organisation, or as an agent on behalf of somebody else?	<input checked="" type="checkbox"/> As an individual/on behalf of an organisation or group <input type="checkbox"/> As an agent
If you are an <u>agent</u>, please specify who you are representing	N/A
Email address	ldf@wealden.gov.uk
Postal address	Wealden District Council Council Offices, Vicarage Lane
Town	Hailsham
Post Code	BN27 2AX
Telephone Number	01892 602008

You will find details of where to return your completed forms on the next page

When you have completed this response form, please email it to:

localplan@tunbridgewells.gov.uk

Alternatively, you can print it and post it to:

Local Plan
Planning Policy
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent TN1 1RS

Or:

It is recommended that you make your comments directly online via our consultation portal at <https://tunbridgewells-consult.objective.co.uk>

This response form can be used to submit your comments on any part of the Sustainability Appraisal.

COMMENTS ON THE SUSTAINABILITY APPRAISAL

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: SA as a whole document Paragraph Number(s): N/A

Site Number: N/A Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

In terms of the Sustainability Appraisal overall, it is considered that greater justification could be provided for policies within the draft Tunbridge Wells Local Plan and their reasonable alternatives as to why certain policies were 'selected' and others 'rejected'. Whilst the text has some brief explanations, this is more related to commentary in relation to explaining the scores against the SA Objectives rather than a holistic conclusion for each alternative considered.

Paragraph 018 Reference ID: 11-018-20140306 of the Planning Practice Guidance states that

"The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves...[and] In doing so it is important to:

- outline the reasons the alternatives were selected...and
- provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives".

It is considered that policies within the draft Tunbridge Wells Local Plan should consider all reasonable alternatives to the identified policies.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 6

Paragraph Number(s): 6.1.1 – 6.1.6

Site Number: N/A

Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Whilst these paragraphs set out the six growth strategies considered through the Issues and Options stage, a summary has not been provided to show which of the six growth strategies were considered appropriate (or not) to be taken forward in the draft Local Plan (i.e. why they were selected or rejected). Such information would be helpful and could be shown through a summary table, so as not to repeat text from the SA of the Issues and Options, which in itself is not wholly clear on which strategies were selected and rejected at that stage (i.e. not all of the strategies have reasoning/justification).

Appendix B of the SA for the Issues and Options provides the appraisal of the six growth strategies along with commentary on the effects of each on the SA Objectives, but it does not ultimately state which strategies were selected or rejected. This may have been best presented within the SA of the draft Local Plan September 2019 (Regulation 18).

It is noted that paragraphs 6.2.4 – 6.2.10 provides a discussion in general terms about some of the growth strategies considered and their relative merits, however these could be made clearer. There is a lack of explanation for all of the growth strategies that were appraised.

It is not clear throughout this section the reasons why certain options were selected and the others rejected and not taken forward in the draft Tunbridge Wells Local Plan. Some explanation is given in the supporting text but this would be much clearer to the reader, and in line with the legislation, if it were tabulated and either added to the SA matrices of the options in an additional column/row or as separate tables stating the justification for each option alone.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 7

Paragraph Number(s): 7.1.3 and 7.1.4 (3)

Site Number: N/A

Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the text states that Policy STR4 relates to the specific releases of Green Belt land (sites) and so is subject to a cumulative appraisal of all sites allocated in the draft Local Plan, there could be an appraisal of the policy in terms of the principle of releasing Green Belt Land in the first place, with the reasonable alternatives (or not as it may be) of not releasing this land. The overall thrust of the policy could be assessed against the SA Objectives and then the finer grain detail of the certain sites/land being released as allocations in the draft Local Plan.

This section could also cross refer to the evidence base used for de-designating parts of the Green Belt and consider that in an appraisal of the policy, as a policy in its own right, or the implications of taking forward the Local Plan without such a policy – even if this is just to state that not having a policy of this nature is unreasonable for whatever justification. It is considered that the appraisal of the policy and its justification should be presented here.

In addition, it could be made clearer in this section as to why specific policies were selected for the draft Tunbridge Wells Local Plan, with a greater level of detail where appropriate. The commentary in Tables 18 and 19 merely relates to the scores for each Objective rather than a final 'conclusion' for the selection of the policies over a 'no policy' approach.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8

Paragraph Number(s): 8.1.4

Site Number: N/A

Site Address: N/A

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

It would be helpful and informative for the reader to have a list of the sites that were filtered out at the initial stage (and a brief justification for this in relation to the criteria used).

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s): N/A

Site Number: 137

Site Address: Land to the west of Eridge Road at Spratsbrook Farm, Royal Tunbridge Wells, TN3

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) with regards to the individual appraisal of Site 137. It is considered that the appraisal does not account for the large site extending beyond the borough boundary and into Wealden District. There is no consideration of cross boundary impacts on transport infrastructure for example. In addition, there is no mention that the north western part of this allocation lies within the High Weald Area of Outstanding Natural Beauty (AONB) nor that the remainder of the site (within Wealden District) is also wholly within the High Weald AONB. The 'Landscape' SA Objective is given a negative score but in the commentary, no regard is given to this issue or to the allocation site potentially having a negative impact on the setting of the AONB within Wealden District.

Furthermore, there is no clear justification for why Site 137 was selected to be allocated, nor why other sites rejected in SA terms. This is applicable to both Table 21 and Appendix E.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s):

Site Number: 236

Site Address: Land at Bayham Sports Field West, Bayham Road, Tunbridge Wells

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) in regard to the individual appraisal of Site 236. No account has been taken of the sites proximity to the administrative boundary of Wealden District nor to the potential cross boundary impacts on infrastructure (transport and education, also open space provision) and the setting of the High Weald AONB within the Wealden District.

Furthermore, there is no clear justification for why Site 236 was selected to be allocated, nor why other sites were rejected in SA terms. This is applicable to both Table 21 and Appendix E.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s):

**Site Number: 249
Tunbridge wells**

Site Address: Cemetery Depot, Benhall Mill Road,

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) in regard to the individual appraisal of Site 249. No account has been taken of the sites proximity to the administrative boundary of Wealden District nor to the potential cross boundary impacts on infrastructure within Wealden District.

Furthermore, there is no clear justification for why Site 249 was selected to be allocated, nor why other sites rejected in SA terms. This is applicable to both Table 21 and Appendix E.

COMMENT BOX 1A

Please state which section, paragraph number(s), or site you are commenting on.

Section Number: 8 and Appendix E

Paragraph Number(s):

Site Number: 255

Hawkenbury Road/Maryland Road

Site Address: Land at Hawkenbury, off

COMMENT BOX 1B

Please enter your comments in the box below.

Please enter your comments here:

Although the allocations for Royal Tunbridge Wells are appraised in Table 21 on page 61 of the SA in a cumulative sense, there is a lack of sufficient and robust detail within Appendix E (as well as within Table 21) in regard to the individual appraisal of Site 255. No account has been taken of the sites proximity to the administrative boundary of Wealden District nor to the potential cross boundary impacts on infrastructure and the setting of the High Weald AONB (to the east of the site) within Wealden District.

It is noted that the allocation site has already received planning permission and is under construction so may be removed in the next stage of the Draft Tunbridge Wells Local Plan (Regulation 19).

If you wish to make further comments on other sections, paragraphs or sites, please copy and paste the 1A/1B comment box below here.

END OF COMMENT BOXES

Please note: if you wish to make comments on the Draft Local Plan (Regulation 18), please use the separate Local Plan comment form

Appendix G8: WDC response to TWBC Regulation 19 Consultation 2021

Comment

Consultee	Mr James Webster [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Wealden District Council
Address	Council Offices Vicarage Lane Hailsham BN27 2AX
Event Name	Pre-Submission Local Plan
Comment by	Wealden District Council [REDACTED] [REDACTED]
Comment ID	PSLP_1504
Response Date	03/06/21 09:53
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Wealden District Council
Question 3a	

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

PSLP

[TWBC: the section of this representation relating to the Ashdown Forest Special Protection Area and Special Area of Conservation has also been inputted against Policy EN 11 - please see Comment Number PSLP_1506]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

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

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

Question 5

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

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

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

With respect to legal compliance and specifically duty to cooperate matters, Wealden District Council and Tunbridge Wells Borough Council have signed a Statement of Common Ground (SoCG) in March 2021. The overall aim of the SoCG between the two parties is to demonstrate that ongoing and appropriate engagement and co-ordination is taking place between the parties that includes planning for identified cross-boundary strategic planning issues that exist and/or likely to arise resulting from the emerging Tunbridge Wells Borough Pre-Submission Local Plan that has now been published for its representation stage under regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended). This was agreed by Wealden District Council's Portfolio Holder for Planning and Development on 12th March 2021.

The SoCG confirms that effective cooperation is taking place between the parties in relation to matters that includes development on the administrative boundary between the two local planning authorities, housing provision, economic development, cross boundary infrastructure issues and matters relating to the natural environment, including the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA).

With respect to development on the administrative boundary between Tunbridge Wells Borough and Wealden District, the local authorities have agreed to work cooperatively on such issues and have agreed a protocol and set of principles for dealing with development on or close to the border between Royal Tunbridge Wells and Wealden District. These are set out in the SoCG under paragraph 2.6. It is noted that the emerging Tunbridge Wells Local Plan has allocated land under Policy AL/RTW 16 (named as Land to the west of Eridge Road at Spratsbrook Farm) for 120 dwellings. The Council is satisfied that the policy addresses the impacts on the adjacent land within the Wealden District Council area, and in terms of infrastructure provision with the relevant highway authority's.

In terms of housing provision, it is clear that the emerging Tunbridge Wells Borough Pre-Submission Local Plan sets out to at least meet its own need under the 'standard methodology', which equates to 678 dwellings per annum, or 12,204 homes over the plan period for 2020-2038. Indeed, the total supply expected from the emerging Local Plan ranges from 13,059-13,444 net dwellings, which allows for a buffer to either meet the unmet housing needs from neighbouring local authorities (most notably Sevenoaks District Council) or to ensure the deliverability of the Local Plan if certain housing allocations are delayed or do not come forward. The emerging Wealden District Council Local Plan, although at an earlier stage in the plan-making process, is also intending to meet its own housing needs that equates to 1,225 dwellings per annum under the 'standard methodology'. Wealden District Council will need to test this through the production of its new Local Plan.

It should be noted that Tunbridge Wells Borough Council formally wrote in early October 2020 to Wealden District Council (amongst other neighbouring local planning authorities) to ask what capacity

we would have to assist in delivering housing given the requirement for local planning authorities to look beyond the Green Belt first before releasing such land for development (paragraph 137 of the National Planning Policy Framework (NPPF)), as well as limiting major developments in Areas of Outstanding Natural Beauty (AONB) to where there are exceptional circumstances and in the public interest (paragraph 172 of the NPPF). The Council responded to this request and this is detailed within the SoCG at paragraph 3.2.8.

It should be noted that both authorities are intending to meet their own economic development needs, retail needs and gypsy and traveller accommodation needs through their respective Local Plans. There has been no request from Tunbridge Wells Borough Council or Wealden District Council at this stage to meet each other's needs in this regard. Both Councils will continue to operate existing joint working arrangements, as detailed in the SoCG, to ensure that suitable provision can be made as appropriate.

With respect to the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA), it is noted that the Habitats Regulation Assessment (HRA) accompanying the Tunbridge Wells Borough Pre-Submission Local Plan concludes that at this point in time, the Development Plan Document (DPD) does not present any potential risks to European Sites that it is considered are not capable of being mitigated. Both local authorities will continue to work as part of the Ashdown Forest working group for air quality and the Strategic Access Management and Monitoring Strategy (SAMMS) partnership to address visitor pressure in order to secure a common understanding and agreement on effects, avoidance, mitigation and monitoring and where possible to agree and cost share future studies or surveys.

It is considered that the Regulation 19 Tunbridge Wells Borough Pre-Submission Local Plan does not raise any new cross-boundary strategic issues in relation to matters identified above and therefore the Council is satisfied that the legal requirements of the duty to cooperate have been met with respect to Wealden District Council.

Question 7

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

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

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

Future Notifications

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

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

Comment

Consultee	Mr James Webster [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Wealden District Council
Address	Council Offices Vicarage Lane Hailsham BN27 2AX
Event Name	Pre-Submission Local Plan
Comment by	Wealden District Council [REDACTED] [REDACTED]
Comment ID	PSLP_1506
Response Date	03/06/21 09:53
Consultation Point	Policy EN 11 Ashdown Forest Special Protection Area and Special Area of Conservation (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Wealden District Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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

Policy EN 11 Ashdown Forest Special Protection Area and Special Area of Conservation

[TWBC: for the full representation by Wealden District Council please see Comment Number PSLP_1504]

Question 4

Do you consider that the Local Plan:

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

Question 4a

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

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

Question 5

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

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

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

With respect to the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA), it is noted that the Habitats Regulation Assessment (HRA) accompanying the Tunbridge Wells Borough Pre-Submission Local Plan concludes that at this point in time, the Development Plan Document (DPD) does not present any potential risks to European Sites that it is considered are not capable of being mitigated. Both local authorities will continue to work as part of the Ashdown Forest working group for air quality and the Strategic Access Management and Monitoring Strategy (SAMMS) partnership to address visitor pressure in order to secure a common understanding and agreement on effects, avoidance, mitigation and monitoring and where possible to agree and cost share future studies or surveys.

Question 7

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

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	No, I do not wish to participate in examination hearing session(s)
---	--

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:	Yes, I wish to be notified of future stages of the Local Plan
--	---

Appendix G9: DtC engagement log between TWBC and Wealden DC

Duty to Cooperate engagement record for Wealden District Council (WDC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
31 March 2015	Wealden DC and others: Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Sevenoaks DC and KCC TWBC Officers, Deborah Dixon, Matt Kennard, Sarah Lewis	DtC stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.
4 June 2015	Wealden DC - Marina Briggishaw, Emma Garner, Duncan Morrison TWBC – Kelvin Hinton, Adrian Tofts, Deborah Dixon, Matthew Kennard, Katie McFloyd	DtC Meeting	1. Discussion of Local Plan status in Wealden District and Tunbridge Wells Borough. 2. Discussion of preliminary findings of Wealden SHMA. 3. Employment Land Reviews. 4. Infrastructure. 5. Discussions with other authorities 6. Site at Frant.
16 July 2015	Wealden DC- Marina Briggishaw, Kelly Sharp; Mid Sussex - Claire Tester, Jennifer Hollingum; Lewes DC - Tondra Thom ; Tandridge DC - Sarah; Natural England –Marian Ashdown TWBC – Katie McFloyd	DtC Meeting	Discussion of Wealden DC’s reaction to Ashdown Forest legal judgement and Natural England perspective.
11 August 2015	Wealden DC - Marina Briggishaw, Emma Garner, Cllr Ann Newton TWBC -	DtC Meeting	1. Introduction for Portfolio Holders of WDC and TWBC and officers of both councils. 2. Update on progress with Site Allocations DPD and Local Plan review (TWBC) and with Local Plan

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Adrian Tofts, Ellouisa McGuckin, Cllr Allan McDermott		(WDC). 3. Agreement on text for WDC Issues, Options and Recommendations consultation
2 September 2015	Consultants Campbell Reith on behalf of Wealden DC TWBC – Adrian Tofts, Hilary Smith	DtC Email correspondence	TWBC email response re Transport modelling work and traffic data
9 September 2015	Wealden DC, Sevenoaks DC, Tandridge DC, Dartford BC GL Hearn (Consultants) TWBC – Deborah Dixon, Matthew Kennard, Sarah Lowe	DtC meeting	Strategic Housing Market Assessment findings - presentation given by GL Hearn to stakeholders
12 October 2015	Wealden DC – Emma Garner TWBC – Adrian Tofts	DtC Email correspondence	TWBC email response – to Wealden DC's draft Housing Market Position Statement
6 April 2016	Wealden DC – Marina Briggishaw, Kelly Sharp TWBC – Sharon Evans, David Scully	DtC Meeting	Local Plan update and timings; WDC commissioned evidence base studies – economic, dark skies, open space, recreation and leisure, CA appraisals; discussion re Ashdown Forest
17 August 2016	Wealden DC – Marina Briggishaw and Kelly Sharp TWBC – Sharon Evans and David Scully	DtC Meeting	Local Plan update, update on evidence studies, call for sites, Ashdown Forest
20 September 2016	Wealden DC (lead), Mid Sussex DC, Lewes DC, Sevenoaks DC and Mid Sussex DC and NE	DtC Meeting	Discussion on joint commissioning of Visitor Survey for Ashdown Forest for HRA work

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC – David Scully, Katie McFloyd		
15 November 2016	Wealden DC, Sevenoaks, DC AONB Unit, various parish Councils and stakeholders TWBC – David Scully, Sharon Evans, Deborah Dixon, Charlotte Oben	DtC workshop	Workshop on Landscape Sensitivity Study
14 December 2016	Wealden DC, Lewes DC, Sevenoaks DC and Mid Sussex DC and Natural England TWBC – David Scully	DtC Meeting	Review of Visitor Survey for Ashdown Forest for HRA work
4 January 2017	Wealden DC - Marina Briggishaw, Kelly Sharp TWBC – David Scully, Sharon Evans	DtC Meeting	1. Local Plan Timetable; 2. Update from PAS report regarding Duty to Cooperate 3. OAHN 4. Local Plan housing land supply surplus and deficits 5. Economic provision – cross boundary issues; 6. Retail provision – cross boundary issues 7. Tunbridge Wells BC Landscape study update 8. Ashdown Forest and nitrogen deposition
8 March 2017	East Sussex Strategic Planning Group (Wealden, Eastbourne, East Sussex, Hastings, Lewes, Rother, South Downs National Park, Brighton and Hove, Mid-Sussex)	DtC Meeting	<ul style="list-style-type: none"> - Wealden Local Plan update meeting - Local Plan updates from other members of the group - Discussion on Ashdown Forest

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC – Sharon Evans		
24 April 2017	Wealden DC – Nigel Hannam, Kelvin Williams, Marina Brigginsshaw TWBC – Sharon Evans, David Scully, Karen Fosset	DtC Meeting	<ul style="list-style-type: none"> - Update on Wealden Local Plan - Evidence gathering in relation to Ashdown Forest - Update of traffic modelling - Input from Natural England and DCLG - HRA - DtC going forward
09 May 2017	Ashdown Forest (SAMMS recreational) Group: Officers – Marina Brigginsshaw and Kelly Sharp – Wealden DC, Thondra Tom – Eastbourne and Lewes DC, Sarah Thompson – Tandridge DC, Mid Sussex DC and South Downs National Park and Natural England TWBC – Sharon Evans	DtC Meeting	<ul style="list-style-type: none"> - Update on each authorities Local Plans - Update on High Court ruling in relation to Ashdown Forest
21 June 2017	Ashdown Forest (Air Quality) Group: Officers – South Downs National Park Authority, Rother DC, East Sussex County Council, Eastbourne and Lewes, Tandridge, Sevenoaks DC, Wealden DC, Natural England TWBC – Sharon Evans	DtC Meeting	<ul style="list-style-type: none"> • Update from each local authority • Local Plan progress • Traffic Modelling • SNAPS's
03 November 2017	Ashdown Forest (SAMMS recreational) Group:	DtC Meeting	<ul style="list-style-type: none"> - Update on Legal agreement and schedules

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	<p>Wealden – Kelly Sharp, Marina Briggishaw, Eastbourne and Lewes - Thondra Tom, Hannah Gooden - Sevenoaks DC, Roger Black – Tandridge and Mid Sussex.</p> <p>TWBC – David Scully and Sharon Evans</p>		<ul style="list-style-type: none"> - Zone of influence - Additional work - SAMMS
23 November 2017	<p>Ashdown Forest (Air Quality) Group</p> <p>Officers – Marina Briggishaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park</p>	DtC Meeting	<ul style="list-style-type: none"> • Review and minutes of previous meeting • Air Quality report • Sign off arrangements • Housing numbers • Geographical area • Transport modelling • Risk register • Proportionality
18 January 2018	<p>Ashdown Forest (Air Quality) Group</p> <p>Officers – Marina Briggishaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park.</p>	DtC Meeting	Update on Wealden Plan and current approach to development management issues
2 November 2018	<p>East Sussex Strategic Planning Group: Wealden DC - Cllr Ann Newton (Host Chairman), Officers -</p>	DtC Meeting	<ul style="list-style-type: none"> • Discussion of cross boundary issues relating to the Wealden Local Plan

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	<p>Marina Brigginsshaw, Kelly Sharp, Isabel Garden, Wendy Newton-May; Rother DC - Cllr Gillian Johnson, Officers- Tim Hickling and Nicola Watters; Eastbourne BC- Cllr Jonathan Dowe and Officer - Matt Hitchen; East Sussex CC - Cllr Nick Bennett, Officers - Ellen Reith and Edward Sheath; Hastings BC - Kerry Culbert; Mid-Sussex DC - Cllr Andrew MacNaughton and Officer - Rachel Crisp; Lewes DC – Thondra Thom, South Downs National Park – Cllr Neville Johnson, Officer – Kirsten Williamson; Mid Sussex DC – Cllr Norman Webster, Officers – Lois Partridge</p> <p>Apologies -Brighton and Hove City Council)</p> <p>TWBC Officers – Sharon Evans</p>		<ul style="list-style-type: none"> • CIL discussion • Cross boundary infrastructure • Ashdown Forest – Concern about WDC objections to planning applications in neighbouring authorities <p>Also updates on:</p> <ul style="list-style-type: none"> • Waste and minerals plan review for East Sussex County Council; and • Rother’s Development and Site Allocations Local Plan
10 April 2019	TWBC – Stephen Baughen	DtC email correspondence	Request for further DtC discussions
29 April 2019	<p>Wealden DC- Marina Brigginsshaw, Isabel Garden</p> <p>TWBC – Stephen Baughen, David Scully</p>	DtC Meeting	Ashdown Forest; Sites close to shared administrative boundary; Green Infrastructure
1 November 2019	Wealden DC: Kelly Sharp Marina Brigginsshaw	DtC Meeting	Neighbourhood Plans Local Plan updates

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Jill Watson TWBC – Stephen Baughen and David Scully		Discussion on Statement of Common Ground
11 February 2020	WDC – Cllr Anne Newton, Officers – Isabel Garden, Kelly Sharp, Chris Bending TWBC – Cllr Alan McDermott Officers- Stephen Baughen, Peter Hockney and David Scully	DtC Meeting	Local Plan updates, Statement of Common Ground, Discussion of specific sites on/close to shared boundary
03 June 2020	WDC Kelly Sharp TWBC – David Scully	DtC Meeting (by phone)	Work on SoCG
12 June 2020	WDC – Kelly Sharp, Chris Bending TWBC – David Scully, Stephen Baughen	DtC Meeting	TWBC Local Plan, housing need, governance/joint working, principles for dealing with development on/near to common boundary, programme for cross boundary infrastructure
17 July 2020	WDC Kelly Sharp TWBC – David Scully	DtC Meeting (by phone)	Work on SoCG
July 2020	WDC –Natalie Bumpus WBC – David Scully	DtC Email correspondence	WDC informal email consultation on brief for Landscape Sensitivity Study (brief for work to be undertaken)
July/August 2020	WDC –Natalie Bumpus TWBC – David Scully	Email correspondence	TWBC informal email consultation on TWBC Green Belt Assessment Work (brief for work to be undertaken)
2 September 2020	WDC – Chris Bending, Kelly Sharp TWBC – Stephen Baughen, David Scully	DtC meeting	Local Plan Updates SoCG Update on cross boundary partnerships Site specific discussions
6 October 2020	TWBC – Stephen Baughen to WDC	DtC correspondence	TWBC formal request to WDC to meet unmet TWBC housing/employment need

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
20 November 2020	WDC – Chris Bending to TWBC – Stephen Baughen	DtC correspondence	WDC response to formal request to meet unmet TWBC housing/employment need
17 December 2020	WDC – Chris Bending, Kelly Sharp TWBC – Stephen Baughen, David Scully	DtC Meeting	Local Plan Updates SoCG
09 February 2021	WDC Kelly Sharp TWBC – David Scully	DtC Meeting (by phone)	Discussion on AONB Issues
11 March 2021	TWBC and WDC	DtC correspondence	SoCG finalised and signed off
12 October 2021	TWBC – David Scully WDC – Kelly Sharp	DtC email correspondence	Confirmation between both parties that no updates are required to the SoCG signed in March 2021 prior to submission of the TWBC Local Plan

Appendix G10: Letter (18 October 2021) from Elmbridge BC to TWBC (housing need)



Elmbridge
Borough Council

... bridging the communities ...

Civic Centre
High Street, Esher
Surrey KT10 9SD
01372 474474

contactus@elmbridge.gov.uk
elmbridge.gov.uk

FAO: Chief Planning Officer /
Head of Service with the responsibility for
Planning

Sent via email

contact: Suzanne Parkes
Planning Policy & Strategy
Manager

direct line: 01372 474810

e-mail: sparkes@elmbridge.gov.uk

my ref: DtC October 2021

your ref:

18th October 2021

Dear Sir/Madam,

Elmbridge Borough Council Local Plan: Meeting housing need

Elmbridge Borough Council is currently preparing a new Local Plan that will set out its development strategy and detailed planning policies for the borough up to 2037. As with most Local Planning Authorities (LPAs) in the South East, one of our biggest challenges is meeting our housing need (as set by the Government's standard methodology) against a backdrop of environmental and planning constraints.

We appreciate that LPAs are at different plan-making stages and others will be in a similar position in terms of responding positively to the challenge of addressing housing need. It is also noted that when we engaged with you in January 2020 on the potential unmet need of Elmbridge Borough and whether this can be met elsewhere, it was stated that your authority was not in a position to meet any unmet need arising from our Borough.

We are of course proactively engaging with LPAs within our housing market area to establish whether they may be able to accommodate all or part of our unmet need. However, in the event that the position of your Local Plan has changed over the last eighteen months and you consider that your authority would realistically be in a position to assist in meeting any of Elmbridge's unmet housing need, we would be pleased to discuss this with you further.

If you would like to discuss the above please do not hesitate to contact Suzanne Parkes, Planning Policy and Strategy Manager on 01372 474810 / sparkes@elmbridge.gov.uk by 1st November 2021.

Yours faithfully,

Kim Tagliarini
Head of Planning Services

Appendix G11: TWBC response to Elmbridge BC letter of 18 October 2021 (housing need)



Kim Tagliarini
Elmbridge Borough Council
Civic Centre
High Street
Esher
Surrey
KT10 9SD

29th October 2021

Dear Kim

RE Elmbridge Borough Council Local Plan: Meeting housing

I refer to your letter dated 18th October 2021 regarding the above.

The boundaries of Elmbridge borough are approximately 42 kilometres from the boundaries of the borough of Tunbridge Wells, as their closest point. There are several intervening housing market areas between the boroughs.

Tunbridge Wells borough falls in the West Kent Housing Market Area (HMA).

The Tunbridge Wells Borough Local Plan (2020-2038) is due to be submitted imminently. The Plan makes sufficient allocations to meet its (capped) housing need. This will require the release of land from the Green Belt and major development in the High Weald Area of Outstanding Natural Beauty.

The allocations also provide a buffer of 1,050 houses above the (capped) housing need. This has been planned for as it is considered that it is prudent to provide this degree of flexibility in the housing supply, particularly having regard to the high contribution of housing from two strategic sites. It may be, in due course following the Examination and adoption of the Local Plan and subsequent monitoring of housing delivery that there may be scope for any excess buffer to be considered as part of the wider delivery of housing in the West Kent HMA, and for this to be discussed under the duty to cooperate. There are other authorities in the West Kent HMA which – through their emerging plan making - may consider that they do not have capacity to meet their housing needs.

Tunbridge Wells Borough Council is therefore still unable to assist by accommodating any of Elmbridge's unmet housing need. I would also suggest that considering meeting the housing need from Elmbridge in Tunbridge Wells borough would not be sustainable.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a series of loops and a horizontal line extending to the right.

Steve Baughen
Head of Planning Services

Appendix H – Appendices for DtC prescribed bodies (Engagement Logs and SoCGs)

Environment Agency

Appendix H1: DtC engagement record for the Environment Agency

Prescribed Bodies

TWBC Duty to Cooperate engagement record for the Environment Agency (EA)

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
3 July 2015	Tunbridge Wells Borough Council (TWBC): Kelvin Hinton, Adrian Tofts, Sarah Lowe Environment Agency (EA): Peter Waring, Ghada Mitri Upper Medway Internal Drainage Board (IDB): Pete Dowling Kent County Council (KCC): Max Tant	DtC Meeting	Discussions of TW Site Allocations Plan, specific site allocations and other planning applications in relation to flooding
15 July 2015	Southern Water Environment Agency KCC Flooding Maidstone Borough Council Upper Medway Drainage Board MWH Consultants TWBC – Adrian Tofts	DtC Meeting	Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues.
19 January 2016	Environment Agency – Barrie Neaves and Jennifer Wilson, Tonbridge & Malling BC, Ashford BC, Canterbury CC, Dover DC, Shepway Council, Thanet DC, Maidstone BC, KCC Also Environment Agency,, NHS, Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC Meeting/presentation	East Kent Memorandum of Understanding - Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
5 September 2018	Medway Catchment Partnership Meeting – Natural England, Environment Agency, Southern Water, Forestry Commission, NFU. TWBC – Sharon Evans	Workshop meeting	<ul style="list-style-type: none"> • Discussion on a number of issues, • Natural Flood Management • River Basin Management Plans • Waster water treatment • Example flood alleviation schemes
6 November 2018	Environment Agency - Tony Gregory and Karolina Allu and KCC Flooding - Max Tant and Bronwyn Buntine TWBC Officers – Stephen Baughen and Sharon Evans and Ben Gibson from JBA consulting	DtC Meeting	Flood Risk - Discussed progress on the SFRA/modelling carried out and the initial outcomes
25 September 2019	EA – Kathy Aucott - Medway Flood Partnership TWBC Officers – Sharon Evans/Stephen Baughen	Information meeting	<ul style="list-style-type: none"> • Discussion about the Medway Flood Partnership Action Plan and Leigh Barrier • Affecting Tonbridge & Malling/Sevenoaks/Maidstone/TWBC
19 November 2020	EA- Karolina Allu EA- Peter Waring EA- Tony Gregory TWBC Officers- Stephen Baughen, Hannah Young DLA- Joanne Cave Stantec- Phil Brady JBA Consulting- Ben Gibson	Information meeting	Discussion re. flood matters for the masterplanning around Paddock Wood and east Capel.
22 April 2021	TWBC – Sharon Evans and Hannah Young EA - Karolina Alu, Peter Waring, Joanna Hodgson and Matthew Gaunlett JBA Consulting – Ben Gibson	DtC Meeting	Discussion on TWBC Pre-Submission Local Plan consultation and producing a SoCG
22 October 2021	TWBC and the EA	DtC email correspondence	Final sign-off of SoCG between both parties

Appendix H2: SoCG signed
between TWBC and the
Environment Agency 22 October
2021

Statement of Common Ground
between
Tunbridge Wells Borough Council
and
the Environment Agency

in respect of the
Tunbridge Wells Borough Local Plan

October 2021



Contents

1.0	Introduction	1
2.0	Overview	1
3.0	Local Plan context.....	2
4.0	Local Plan issues affecting the natural environment	3
(a)	Overall regard to the natural environment.....	3
(b)	Strategy for the natural environment.....	7
(c)	Strategic Policies	7
(d)	Site allocations.....	9
(e)	Development Management Policies	10
(f)	Other matters.....	12
5.0	Future working	12
6.0	Signatories	13
	Appendix 1: Detailed comments by the Environment Agency on the Pre-Submission Local Plan and agreed minor modifications	14

1.0 Introduction

- 1.1 This 'Statement of Common Ground' (SoCG) is a jointly agreed statement between the Environment Agency and Tunbridge Wells Borough Council (TWBC), hereafter referred to as "the parties", in relation to the preparation of the Tunbridge Wells Borough Local Plan.
- 1.2 It takes account of the development of the Local Plan up to and including the Pre-Submission (Regulation 19) stage including representations received from the EA to the Regulation 19 Local Plan and both parties agreed position. Specifically, it reflects the comments and representations submitted by the Environment Agency to the emerging Local Plan at each stage of plan-making, as well as the Borough Council's responses. As such, this SOCG provides an agreed position with respect to relevant strategic matters within the scope of the emerging Local Plan as at October 2021.
- 1.3 The strategic matters covered by this SoCG relate broadly to natural environmental matters covered by the Environment Agency within the borough within the Local Plan.
- 1.4 In particular, the SoCG sets out the parties' views on the consistency of the Pre-Submission Local Plan with national policies for protecting the natural environment as set out in the National planning Policy framework (NPPF).
- 1.5 At the same time, it is appreciated that liaison in relation to the matters included in this SoCG are ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently through the examination into the Local Plan.

2.0 Overview

- 2.1. The parties agree that both TWBC and the Environment Agency have been proactive in their approach to these strategic matters in accordance with the requirements under the Duty to Cooperate (DtC).

- 2.2. It is agreed that TWBC has a good and robust evidence base and appreciation of the protection of the natural environment in relation to planning matters within the borough. It is also agreed that TWBC provides a positive strategy for the natural environment through its Local Plan, supplemented by a range of other documents and actions. This is reflected in its proposed policies and site allocations, in relation to which there is little (if any) substantive area of “uncommon ground” at this point, largely as a result of an ongoing dialogue in the preparation of the Pre-Submission Local Plan. The minor amendments considered necessary by the Environment Agency are set out within Appendix 1 and the table records which of these amendments are accepted by the borough council.
- 2.3. This SOCG also highlights a shared belief in conserving and protecting the natural environment and a recognition of TWBC’s continuing commitment to this, as set out in Section 5, via ongoing liaison with the Environment Agency.

3.0 Local Plan context

- 3.1 TWBC is preparing a new, comprehensive Local Plan for the borough. It will set out the overall vision and objectives, development strategy, spatial strategies and site allocations, together with Development Management policies to guide development over the period 2020 – 2038.
- 3.2 There were two stages of consultation at the Regulation 18 stage, the first on ‘[Issues and Options](#)’ in 2017 and the second, on a full ‘[Draft Local Plan](#)’ in autumn 2019. Following further evidence base work and consideration of comments received at these stages, a ‘[Pre-Submission Local Plan](#)’ was published and consulted upon over a 10-week period from 26 March to 4 June 2021.
- 3.3 Details of engagement between the parties up to publication of the Pre-Submission Local Plan are set out in the [Duty to Cooperate Statement](#) that supports it, and are agreed by the parties.

4.0 Local Plan issues affecting the natural environment

- 4.1 TWBC has liaised with the Environment Agency throughout the preparation of the Local Plan, who have been involved with and commented on the drafting of the individual policies informally through the preparation stage and at the formal stages as referenced above.
- 4.2 The issues that have been raised during the preparation of the Local Plan can be seen as relating to the following matters:
- a) Has the borough's natural environment been sufficiently taken into account in producing the Local Plan and its overall strategy?
 - b) Does the Local Plan set out a positive strategy for the protection of the natural environment, including such matters as flood risk, biodiversity, and environmental protection, green, grey and blue infrastructure?
 - c) Do the Strategic Policies adequately deal with environmental matters within the Local Plan?
 - d) Has proper consideration been given to the protection of the natural environment in developing site allocations, most notably in relation to flood risk?
 - e) Are the specific Development Management policies relating to the natural environment sufficiently robust?
 - f) Other matters?

(a) Overall regard to the natural environment

- 4.3 TWBC believes that the borough's natural environment has been fully recognised, and respected, throughout Local Plan preparation. It points especially to its:
- **Development Constraints Study** – this study analyses the high-level constraints set out in footnote 6 of the NPPF, including areas at risk of flooding.

This was the starting point for the overall strategy for development advocated within the Local Plan

- **Tunbridge Wells SFRA Level 1 and Level 2 (2019)** – The SFRA was produced to provide the evidence to inform the Local Plan and the proposed development strategy in relation to areas of flood risk. It demonstrates that flood risk has been fully taken into account in selecting sites for allocation in the Local Plan. It has also informed the Development Management policies in relation to flood risk.
- **Paddock Wood Flood Modelling Work** – Further flood modelling work was carried out as part of the masterplanning of the proposed significant urban extension to Paddock Wood, including land in east Capel, as set out in the Strategic Sites Masterplanning and Infrastructure Report. The modelling work within the SFRA was updated flood modelling and the modelling assessment looked at the potential effects of the masterplan residential layout option on fluvial flood risk, compared with the existing ‘baseline’ condition, along watercourses flowing from south to north through Paddock Wood and East Capel (collectively referred to as the Paddock Wood Streams).
- **Sustainability Appraisal (2021)** – a Sustainability Appraisal was carried out at each stage of Plan preparation.
- **The Strategic Housing and Employment Land Availability Assessment (SHELAA) 2021**- All proposed sites promoted through the SHELAA were screened for their impact on a number of environmental and other designations, including in relation to environmental constraints, flood risk and drainage. This informed the final allocations identified within the Local Plan and any specific site and developer requirements detailed within the policies.
- **Biodiversity Evidence Base (February 2021)** – Includes baseline information on biodiversity used to inform the Local Plan, including Part 1- Habitats and Species in Tunbridge Wells borough, Part 2 - Impacts Assessment for SSSI’s and Part 3 – Species records for proposed allocated sites.
- **Tunbridge Wells Local Plan Regulation 19 Habitats Regulations Assessment (2020)** – a Habitats Regulations Assessment of the Regulation 19 Local Plan to identify any aspects of the Plan that would cause an adverse effect

on the integrity of European Sites, either in isolation or in combination with other plans and projects and to advise on appropriate policy mechanisms for delivering mitigation where such effects are identified.

- **Grassland Surveys (2020)** – A number of grassland surveys to assess the status of grasslands on a number of sites to inform potential development allocations in the Local Plan.
- **Green Infrastructure Framework for Pre-Submission Local Plan (February 2021)** - provides a framework for protecting and enhancing existing Green Infrastructure (GI) and for providing new GI as part of development provided for through the new Local Plan.

- 4.4 Within the Local Plan itself, the importance of '*... conserving and enhancing the borough's recognised environmental assets and achieving net gains for nature' ...*' is highlighted as a key issue/challenge in Section 2: Setting the Scene. This wording is carried through into the opening paragraph of the Vision statement.
- 4.5 Flooding is also recognised as a key issue/challenge, in particular '*ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment*'. It is recognised at paragraph 2.33 of the Local Plan that a key issue is ensuring that the proposed growth strategy can be accommodated without further harm and risk to areas that are vulnerable to flooding, to provide betterment.
- 4.6 The Local Plan's strategic policies set out within Section 4 of the Local Plan recognise the strategic significance of the natural environment, with Policy STR 8 (Conserving and Enhancing the Natural, Built and Historic Environment), firstly setting out that: '*Development is expected to make a positive contribution to the natural, built and historic environment*', subsequently adding that:
- 5. A hierarchical approach to nature conservation and the protection of biodiversity will be applied across the sites and habitats of national, regional and local importance within the borough. The objective is to achieve net gains for nature and protect and enhance sites of geological interest across the whole borough and*

where possible to secure the long-term management of sites, areas and features important for biodiversity and geodiversity.

6. Opportunities and locations for biodiversity enhancements will be identified and pursued by the creation, protection, enhancement, extension, and long term management of green corridors and through the development of green infrastructure networks in urban and rural areas to improve connectivity between habitats.

- 4.7 In respect of formulating the development strategy (at Policy STR 1), the supporting text (at paragraph 4.40) identifies the moderating impact on development in response to natural, built and historic environment factors.
- 4.8 The supporting text to Policy STR1 also highlights the role of the Sustainability Appraisal and of the Strategic Housing and Economic Land Availability Assessment (SHELAA):
- a) The Sustainability Appraisal, carried out at each stage of plan preparation, properly includes a number of ‘Sustainability Objectives’ against which development options were evaluated, including – ‘*Protect and enhance biodiversity and the natural environment*’ and ‘*Manage flood risk and conserve, protect and enhance water resources*’.
 - b) In relation to the SHELAA, the site assessment methodology and screening process includes the consideration of natural environmental issues such as the presence of Ancient Woodland, designated local wildlife sites and other ecological considerations as well as the consideration of Flood Zones, in particular, any land within Flood Zone 2 and 3. Such considerations have informed the site assessment outcomes and site density assessment. Also, specialist Council Officers have been involved throughout the SHELAA process, while external advice and comments during plan making have also been taken into account.
- 4.9 Hence, it is agreed that the Local Plan demonstrates a good understanding of, and due regard to, the natural environment in its preparation.

(b) Strategy for the natural environment

- 4.10 The Local Plan has regard to the natural environment through the strategic objectives and strategic policies STR2 (Place Shaping and Design), STR5 (Infrastructure and Connectivity) and STR8 (Conserving and Enhancing the Natural, Built and Historical Environment). Further elaboration is provided through the suite of Development Management policies in relation to the protection of the Natural Environment, including Policies EN 9 - 20 and those in relation to Air, Water, Noise and Land including Policies EN21 – EN28). Taking these into account, alongside the use of a meaningful evidence base in identifying spatial strategies and site allocations, it is agreed that the Local Plan provides a positive overarching strategy for the protection and enhancement of the natural environment, as sought by the NPPF.
- 4.11 Importantly, it is also recognised that TWBC benefits from having a number of specialist officers (Including the Landscape and Biodiversity Officer, the Tree Officer, Environmental Planning Officer as well as Conservation Officers) to ensure that elements of the natural environment are properly considered in the Development Management process, as well as to support the timely production of proposed related documents, as set out in Section 5.

(c) Strategic Policies

- 4.12 Strategic Policy STR2 – (Place Shaping and Design) aims to deliver the strategic objective – ‘to promote high quality and well-designed development that contributes to the local identity and character and creates attractive environments’. The EA consider that a small number of wording changes in relation to ‘*adaption measures against future impacts of climate change*’ and ‘*foster better resilience for wildlife corridors and incorporation of green/blue corridors*’ are included in order to aid clarity in the place shaping and design policy. TWBC consider that STR2 sets out design principles, which are elaborated in subsequent policies, including Policy EN3 – Climate Change Mitigation and STR7 – Climate Change, both of which contain the measures of mitigation to climate change in more detail. Similarly, Policy EN14

elaborates on design principles underpinning green, grey and blue corridors. Therefore it is agreed that this issue is adequately covered within the Local Plan.

- 4.13 Strategic Policy STR5 – Infrastructure and Connectivity provides the strategic approach to infrastructure provision to support the new development proposed within the Local Plan and refers to all types of infrastructure – including ‘*green, grey and blue*’. The EA suggest policy is enhanced with further wording on Green Infrastructure but the Council believe that this is adequately covered by Policy EN14 and the Green Infrastructure Framework. The EA have also suggested enhancing the wording to refer to ‘*all types of woodland*’ to highlight the point that there are all types of woodland within the borough including ‘*wet woodland*’. As all types of woodland include wet woodland this is not considered necessary. It is considered that the wording as written adequately provides for this and no change is proposed.
- 4.14 Additionally, in relation to Strategic Policy STR8 – (Conserving and Enhancing the Natural, Built and Historic Environment), the EA have requested that reference is made in the opening paragraph to ‘*the Priority River Habitats that also widely occur in the district (correction – should be borough), and that conserving and enhancing those watercourses which are also identified as Priority River Habitats*’. The Council consider that this is too much detail for this policy and that the issues raised are adequately covered by the comprehensive Natural Environment Development Management Policies contained within Section 6 of the Local Plan including Policies EN9 (Biodiversity Net Gain), EN10 (Protection of designated sites and habitats), EN11 (Ashdown Forest), EN12 (Trees, Woodland, Hedges and Development), EN13 (Ancient Woodland and Veteran Trees), EN14 (Green, Grey and Blue Infrastructure), EN15 (Local Green Space), EN16 (Landscape within the Built Environment), EN17 (Arcadian Areas), EN18 (Rural Landscape), EN19 (The High Weald Area of Outstanding Natural Beauty) and EN20 (Agricultural Land).
- 4.15 The EA would also like to see ‘*reference to green-blue infrastructure*’ at point 6 of the Policy, due to the fact that blue and green infrastructure can often coincide and that the two can be the same in some locations as well as further emphasis on blue infrastructure. The Council accepts that it would provide clarity if point 6 referred to “green and blue” rather than just “green” and have proposed a minor modification to clarify this point as set out in Appendix 1.

(d) Site allocations

- 4.16 The individual site allocations are contained within Section 5 - Place Shaping Policies of the Local Plan.
- 4.17 The Borough Council has liaised with the EA throughout the Local Plan preparation process in considering sites, particularly in relation to development at Paddock Wood and Land at East Capel and Tudeley– notably as part of the Strategic Sites Working Group.
- 4.18 Policy STR/SS1 – Paddock Wood and east Capel- the EA has confirmed through its representations that it has no objection in principle to the inclusion of the proposed developments around Paddock Wood (Policy STR/SS 1 – Paddock Wood Development Plan). The Council and the EA has worked closely together during the masterplanning stage for the growth around Paddock Wood. The EA refers to previous comments made in February 2021 to the Council in relation to flood risk matters, and has expressed its intention to work with the Council through the more detailed Flood Risk Assessment (FRA) stage which should detail the flood mitigation as required in order to meet and pass the exception test.
- 4.19 In relation to other site allocations, the EA have made suggestions for amendments and additional wording in relation to 2 sites in Royal Tunbridge Wells, including Policy AL/RTW 18 (Land at the Former North Farm Industrial Estate) and Policy AL/RTW 20 (Land at Culverden Stadium, Culverden Down). These refer to additional criteria to be added to the policies. Issues raised with regards woodland and priority habitats in the vicinity of RTW20 are already covered by a number of policies including EN 10 Protection of Designated Sites and Habitats, EN 12 Trees, Woodland, Hedges and Development and EN 13 Ancient Woodland and Veteran Trees and the changes sought by the EA are not considered necessary. Whilst the suggestion for RTW 18 is that there should be “no-development buffer zones of at least 5m” this could apply to a number of development sites and there is no evidential basis for setting a 5m zone. A suitable zone would need to be established based on the nature of the site and the proposed development. The policies in the PSLP and in particular policy EN 24 highlight the importance of water and require development to provide adequate

protection. Both parties subsequently agree that the change as set out above is not justified or necessary.

(e) Development Management Policies

- 4.20 The Local Plan includes a suite of Development Management policies which relate to the natural environment as previously referred to. The EA has been involved in the drafting of these policies through various iterations of the Local Plan preparation and formally through comments on the Regulation 18 Draft Local Plan.
- 4.21 The EA has made specific comments/suggested amendments on a number of the Development Management policies in relation to the natural environment. These do not constitute objections to the policies, but rather points of clarity or additional information/requirements that would help in the application/interpretation of the policy. The specific comments are detailed in Appendix 1 of this SoCG and refer to the following policies;
- 4.22 Policy EN 8: Outdoor Lighting and Dark Skies – This sets out the approach to lighting as part of new development. The EA welcomes this policy, however would recommend adjusting the wording to reflect that not only should light spill not have an unacceptable impact on wildlife, but also to avoid impactful light onto wildlife corridors as well as foraging behaviours. The potential for lighting to affect wildlife is set out at the beginning of the supporting text noting the potential to “disrupt behaviour in flora and fauna” and the policy takes direct references for the work of the Bat Conservation Trust which specifically considers the effects on foraging, it is not considered necessary therefore to add further information on this.
- 4.23 Policy EN 9: Biodiversity Net Gain - This policy has been developed to ensure that all development will contribute towards delivering net gains for nature so that biodiversity across the borough as a whole is improved by the end of the plan period and the existing networks of sites and habitats is protected and strengthened.
- 4.24 The Environment Agency supports the policy but refer to the possible inclusion of necessary demonstration through measurable means and specific use of the DEFRA Biodiversity metric system. The use of the DEFRA metric is already specifically

required under criteria one of the policy and so no change is required to address this comment.

- 4.25 Policy EN14 – Green, Grey and Blue Infrastructure - This policy details the expectation that development proposals will be expected to identify and protect existing green, grey and blue infrastructure and maximise opportunities for new infrastructure. The EA welcomes and supports this policy approach.
- 4.26 Policy EN 24 – Water Supply, Quality and Conservation – The inclusion of this policy is welcomed by the EA, however they have highlighted a number of references within the supporting text that need to be updated to reflect updated plans and evidence. It is agreed that the references highlighted should be updated and proposed amended wording is included in Appendix 1.
- 4.27 Additionally, the EA consider that the wording in relation to the Water Framework Directive is accurate and support the approach. However they feel there is a missed opportunity to remind developers that opportunities may exist to deliver physical enhancements that are recognised to approach reasons for not achieving good in a given water body which should be sought wherever possible. It is considered that this is covered by the Water Framework Directive and the Council’s approach is set out at Paragraph 6.264 of the Local Plan.
- 4.28 Whilst the EA welcome the requirements for water efficiency in residential developments and rainwater harvesting/recycling opportunities through this policy, they have additionally suggested a requirement for water efficiency in non-domestic developments such that at least larger developments meet a BREEAM standard of ‘Very Good’ or ‘Excellent’ – stating that some Councils have required ‘Outstanding’. Policy EN2 requires non domestic developments to meet BREEAM ‘Excellent’ by 2026 for developments 1,000-5,000m² (or by 2023 for development over 5,000m²). The viability work carried out on behalf of the Council concluded that a rating of ‘Excellent’ is achievable and therefore no change is proposed.
- 4.29 Policy EN 25 – Development and Flood Risk – sets out the policy in relation to development and flood risk across the borough. The EA welcomes the inclusion of this policy.

4.30 Policy EN 28 – Land Contamination – Although the EA welcome this policy they have made comments on this in relation to the inclusion of reference to ‘*closed landfill sites*’ and the requirement for a full technical analysis of the site and associated risks as part of any planning applications in the immediate vicinity of an historic landfill site, in accordance with Environmental Health and Environment Agency requirements. Policy EN 28 covers the situations that the EA refer to, however the Council considers that some additional wording can be added to the supporting text to aid clarity on this issue as set out in Appendix 1.

(f) Other matters

4.31 Invasive Non-Native Species – The EA have raised the issue that there is limited specific mention or wider consideration and acknowledgement of the proven and potential negative impacts of invasive non-native species upon the landscape character, environment resilience and other implications and a suitable strategy for dealing with such species as part of new development proposals. The control of invasive species is embedded in management plans and good practice and so will be covered by policies for the protection and conservation of the natural environment. However, it is considered that there is merit in making specific reference to this issue to ensure it is not overlooked and to give guidance on how it should be tackled. Therefore, it is considered appropriate to include reference to this within the Biodiversity Net Gain Supplementary Planning Document that will be prepared as this can then provide the level of detail needed for this issue and will cover on site and off site protection and enhancement. Reference will be made in the supporting text to Policy EN 9 to refer to this and the proposed wording is included in Appendix 1.

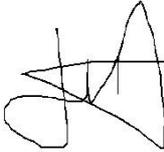
5.0 Future working

- 5.1 TWBC undertakes to engage with the Environment Agency in relation to not only to the progress of the Local Plan, but also in relation to its further work to protect and enhance the natural environment across the borough, in particular.
- 1.4 TWBC and the EA will continue to work together collaboratively on the progression of the Strategic Sites at Paddock Wood and east Capel, and Tudeley Village. The EA is

part of the Council's Strategic Sites Working Group which was formed in 2019 to facilitate collaborative working in the delivery of the two strategic sites.

6.0 Signatories

6.0 This statement has been prepared and agreed by the following organisations:

<p style="text-align: center;">Tunbridge Wells Borough Council</p> <p>Signature</p>   <p>Date: 22 October 2021</p>	<p style="text-align: center;">The Environment Agency</p> <p>Signature</p>  <p>Date: 12 October 2021</p>
---	--

Appendix 1: Detailed comments by the Environment Agency on the Pre-Submission Local Plan and agreed minor modifications

Page	Policy or paragraph	EA's comment	TWBC and EA position
	Section 4:		
	Policy STR 2: Place Shaping and Design	We welcome the reference to Kent Design Guide, as there are dedicated sections around the riverine environment and sensitivities. We would suggest, to ensure a clear definition of 'adaption measures against the future impacts of climate change' is included, as referenced within the Place shaping chapter. The elements aimed at sustainability are appropriate and valid for ensuring careful decisions are made, but it would be an enhancement to the objectives if the design principles also stated to foster better resilience for wildlife corridors and incorporation of green/blue corridors.	TWBC consider that STR2 sets out design principles, which are elaborated in subsequent policies, including Policy EN3 – Climate Change Mitigation and STR7 – Climate Change, both of which contain the measures of mitigation to climate change in more detail. Similarly, Policy EN14 elaborates on design principles underpinning green, grey and blue corridors. Therefore, it is agreed that this issue is adequately covered within the Local Plan
	Policy STR 5: Infrastructure and Connectivity	We suggest to enhance wording for examples within 'Green: network of natural and semi-natural features, including, for example, street trees, green roofs, parks, ponds, rivers, woodlands.' There are wet woodlands within the Tunbridge Wells District, suggest to add 'all types of woodland'.	It is considered that the wording as written adequately provides for this and no change is proposed.
	Policy STR 8:	It is recommended to add a	The Council consider that this

Page	Policy or paragraph	EA's comment	TWBC and EA position
	<p>Conserving and enhancing the Natural, Built and Historic Environment</p>	<p>reference to the opening paragraph about the Priority River Habitats that also widely occur in the district, and that conserving and enhancing those watercourses which are also identified as Priority River Habitats (map data available through data.gov.uk).</p> <p>The definition of a Priority River is that they consist of rivers and streams that exhibit a high degree of naturalness (i.e. show very little modification over time). The naturalness classification used to map priority river habitat is based on recent work to review the river SSSI series.</p> <p>We suggest reference to green-blue infrastructure is included in Point 6. There is an emphasis on Green types, whereas Blue includes wetlands and rivers – and often the two coincide, we would want to emphasise that the two can be the same in some locations. Also, highlighting an emphasis on Blue infrastructure delivery can also create support for delivering enhancement contributions towards achieving Water Framework Directive Status Objectives, Actions and Mitigation Measures.</p>	<p>is too much detail for this policy and that the issues raised are adequately covered by other policies for the natural environment.</p> <p>The Council accepts that it would provide clarity if point 6 referred to 'green and blue' rather than just 'green' and a minor amendment at criteria 6 of the policy is proposed as follows;</p> <p><i>'Opportunities and locations for biodiversity enhancements will be identified and pursued by the creation, protection, enhancement, extension, and long-term management of green <u>and blue</u> corridors and through the development of green <u>and blue</u> infrastructure networks in urban and rural areas to improve connectivity between habitats'</i>.</p>

Page	Policy or paragraph	EA's comment	TWBC and EA position
	Section 5:		
	Policy STR/SS 1	We have no objection in principle to the inclusion of the proposed developments around Paddock Wood (Policy STR/SS1 – Paddock Wood Development Plan), however flood risk concerns have been highlighted in previous comments made back in February and may become more apparent at detailed Flood Risk Assessment (FRA) stage. Once at the detailed FRA stage, the development brief should identify that considerable flood mitigation may be required but also that they can meet and pass the exception test.	Noted and TWBC and the EA have committed to working together as part of the work currently underway in regard to Paddock Wood as part of the Strategic Sites Working Group.
	Policy AL/RTW 18: Land at the former North Farm landfill site, North Farm Lane and Land at North Farm Lane, North Farm Industrial Estate	This location contains or borders with ordinary watercourses that would benefit from establishing no-development buffer zones of at least 5m.	Policy EN 24 highlights the importance of water and required development provides adequate protection. Consequently, it is considered that a change as suggested is not justified or necessary.
	Policy AL/RTW 20: Land at Culverden Stadium, Culverden Down	Note that woodland parcels to the east and north are mixed deciduous and wet woodland priority habitats, any landscape management scheme here ought to preserve and enhance the unique habitat qualities which occur here. There may be	Issues raised with regards to woodland and priority habitats in the vicinity of RTW 20 are already covered by a number of policies including EN 10 Protection of Designated Sites and Habitats, EN 12 Trees, Woodland, Hedges and

Page	Policy or paragraph	EA's comment	TWBC and EA position
		opportunity for boardwalk style pedestrian routes.	Development and EN 13 Ancient Woodland and Veteran Trees and the changes sought by the EA are not considered necessary.
	Section 6		
	Environment: Natural Environment	<p><u>Environmental Net Gain</u></p> <p>We would recommend the Local Plan ensures that Strategic policies point towards achieving Environmental Net Gain, and reflects a holistic Natural Capital objective.</p> <p><u>Invasive Non-Native Species</u></p> <p>There is limited specific mention or wider consideration and acknowledgment of the proven and potential negative impacts of invasive non-native species upon the landscape character, environmental resilience, prolonged costs of eradication once established in great numbers and waste management implications. It would be prudent to consider how developers, land sales and purchases might automatically require targeted surveys for such undesirable species, and intend to produce containment and management plans. Furthermore, they can support the existing co-ordinated action to manage catchment wide control by working in partnership with the external Catchment groups, by submitting records and reporting treatment</p>	<p>Noted</p> <p>The control of invasive species is embedded in management plans and good practice and so will be covered by policies for the protection and conservation of the natural environment. However, it is considered that there is merit in making specific reference to this issue to ensure it is not overlooked and to give guidance on how it should be tackled. Therefore, it is considered appropriate to include reference to this within the Biodiversity Net Gain Supplementary Planning Document that will be prepared as this can then provide the level of detail needed for this issue and will cover on site and off site protection and enhancement. Additionally, reference will be made in the supporting text to Policy EN 9</p>

Page	Policy or paragraph	EA's comment	TWBC and EA position
		programmes.	<p>at paragraph 6.138 in the list of considerations to be considered as part of proposals for biodiversity and landscaping to refer to this as follows;</p> <ul style="list-style-type: none"> • <i>Control of Invasive Non-Native Species</i>
	Policy EN 8 Outdoor Lighting and Dark Skies	This is welcomed and generally sound. We would recommend to adjust the wording to reflect that not only should light spill not unacceptable impact wildlife, but this in particular means to avoid impactful light spill onto wildlife corridors as well as foraging behaviours.	The potential for lighting to effect wildlife is set out at the beginning of the supporting text noting the potential to “disrupt behaviour in flora and fauna” and the policy takes direct references for the work of the Bat Conservation Trust which specifically considers the effects on foraging, It is not considered necessary therefore to add further information on this
	Policy EN 9 Biodiversity Net Gain	This is sound – with an inclusion of necessary demonstration through measurable means and specific use of the DEFRA Biodiversity metric system. No further comment.	The use of the DEFRA metric is already specifically required under criteria one of the policy and so no change is required to address the comment.
	Policy EN 14 Green, Grey, and Blue Infrastructure	<p>Policy EN 14: Green, Grey, and Blue Infrastructure</p> <p>We welcome the emphasis on multi-benefit schemes and the cross-cutting values that can be achieved for people and wildlife through smart designs and choices.</p> <p>We also welcome the statement highlighting ecology aspects and the need to build in resilience</p>	Noted

Page	Policy or paragraph	EA's comment	TWBC and EA position
		through wildlife networks and the specific recommendation to consult with multiple stakeholders to inform development outcomes, including regulators.	
	Policy EN 24 Water Supply, Quality, and Conservation	<p>We welcome the inclusion of the section on Water Supply, Quality and Conservation, which includes Policy EN24.</p> <p>The wording around Water Framework Directive is accurate and we welcome the strong support. However there is a missed opportunity to remind developers that opportunities may exist to deliver physical enhancements that are recognised to approach Reasons For Not Achieving Good in a given waterbody. These should be sought wherever feasible, i.e. benefits can be for both physical and of water quality, the two are linked to supporting WFD objectives and fostering resilience in wetland habitats.</p> <p><u>Groundwater resources</u></p> <p>Section 6.272 refers to South East Water's Water Resources Management Plan (2015-2040). This is now superseded by their Water resources management plan 2019 (2020-2080).</p>	<p>Noted - It is considered that this is covered by the Water Framework Directive and the Council's approach is set out at Paragraph 6.264 of the Local Plan.</p> <p>Noted – It is agreed that references to this can be updated in the supporting text of Policy EN24 at paragraph 6.272 as follows;</p> <p><i>'South East Water supplies water across the whole borough and developers should review the company's Water Resources Management Plan 2019 (2020-2080) for an</i></p>

Page	Policy or paragraph	EA's comment	TWBC and EA position
		<p>Section 6.273 may need minor updating soon as a revision to the Environment Agency's 2013 water stress classification has just been consulted upon. There will however be no change to the "serious water stress" status of the region - it will only be expanded.</p> <p>We welcome the requirement in section 6.274 and Policy EN24 for residential developments to meet the optional higher standard of water efficiency provided for in the Building Regulations. We also welcome the encouragement in Policy EN24 to consider rainwater harvesting and greywater recycling opportunities.</p> <p>We would additionally suggest a requirement for water efficiency in non-domestic developments such that at least larger developments meet a BREEAM standard of Very Good or Excellent. Some council's have required Outstanding.</p>	<p><i>overview of how water will be managed in the region into the future.'</i></p> <p>Noted – this reference at paragraph 6.273 (first sentence) will be amended and updated as a minor amendment as follows; <i>'In 2021, the Environment Agency produced an updated determination of areas of water stress (updating a previous 2013 study). In this report, the supply for all of Tunbridge Wells Borough, and indeed Kent, was classified as being under 'serious water stress'.</i></p> <p>Noted - Policy EN 2 requires non domestic developments to meet BREEAM 'Excellent' by 2026 for developments 1,000-5,000m2 (or by 2023 for development over 5,000m2. The viability work carried out on behalf of the Council concluded that a rating of 'Excellent' is achievable</p>
	Policy EN 25:	We welcome the inclusion of	Noted

Page	Policy or paragraph	EA's comment	TWBC and EA position
	Flood Risk	Flood Risk Policy EN25.	
	Policy EN 28: Land Contamination	<p>We also note and welcome Policy EN 28 on Land Contamination, but have the following comments.</p> <ul style="list-style-type: none"> • Closed landfill sites represent development risks that we believe should be addressed directly, either in Policy EN 28 or the subject of its own policy. • Any planning application on or in the immediate vicinity of an historic landfill must be accompanied by a full technical analysis of the site and its associated risks in accordance with Environmental Health and Environment Agency requirements for permitted sites. 	<p>Policy EN 28 covers the situations that the EA refers to, however the Council considers that some additional wording can be added to the supporting text to aid clarity on this issue</p> <p><i>'Some sites are particularly difficult and high risk in terms of redevelopment such as closed landfill sites and former gas works. In such cases the developer should ensure that a full site investigation and risk assessment is completed and submitted with the application to demonstrate that it is both technically and economically viable for its intended use.'</i></p>

National Highways (formerly Highways England)

Appendix H3: DtC engagement record for National Highways (was Highways England)

Prescribed Bodies

TWBC Duty to Cooperate engagement record for National Highways (formerly Highways England) (HE)

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
19 January 2016	Highways England – Kevin Bown, Tonbridge & Malling BC, Ashford BC, Canterbury CC, Dover DC, Shepway Council , Thanet DC, Maidstone BC, KCC Also, Environment Agency NHS, Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting	East Kent Memorandum of Understanding: Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
11 August 2016	Highways England TWBC – Kelvin Hinton, Hilary Smith, Sharon Evans, Deborah Dixon	DtC meeting	Early discussion in relation to the TW Local Plan and HE's desired outcomes and to agree transport related elements that will be needed as part of the evidence base to support the Local Plan.
7 August 2020	Highways England - Kevin Bown, David Bowie (DB), Nigel Walkenden (Atkins – supporting HE) SWECO -Dermot Hanney , Faiz Torky-Nassiri and Stacie Ballard KCC Highways - David Joyner TWBC officers : Hilary Smith, Ellen Gilbert and Steve Baughen	DtC meeting	Discussion of transport modelling for TW Local Plan.
3 February 2021	Highways England – Kevin Bown, David Bowie	DtC Meeting	Update on transport modelling for Local Plan

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	Sweco – Dermot Hanney, Mark Fitch, Faiz Torky-Nassiri, Jie Zhu, Stacie Ballard KCC Highways – David Joyner, Vicki Hubert TWBC – Stephen Baughen, Hilary Smith		
25 February 2021	Highways England – Kevin Bown, Peter Phillips, Kishore Ramdeen, Katarina Saradinova Sweco – Dermot Hanney, Mark Fitch TWBC – Stephen Baughen, Hilary Smith	DtC Meeting	HE presented programme of Safety Works for the A21 to feed into Transport Modelling.
10 May 2021	Highways England – Kevin Bown, David Bowie, Nigel Walkden KCC – Vicki Hubert TWBC – Stephen Baughen, Hilary Smith Sweco – Dermot Hanney, Mark Fitch, Faiz Torky-Nassiri, Jie Zhu, Stacie Ballard	DtC Meeting	Meeting to discuss modelling assessment and mitigation measures for the Local Plan.
14 June 2021	Highways England - Nigel Walkden	DtC Correspondence	Agreement on trip rates for PW and Tudeley Masterplan sites
23 July 2021	Highways England – Nigel Walkden	DtC Correspondence	Comments on modelling and request for clarification
23 September 2021	National Highways – Kevin Bown, David Bowie, Nigel Walkden Sweco – Mark Fitch TWBC – Stephen Baughen, Nichola Watters, Hilary Smith	DtC Meeting	Sweco presented the further sensitivity modelling tests that have been undertaken as part of the transport assessment evidence base.
11 October 2021	National Highways – Nigel Walkden	DtC Correspondence	Request for further data and clarification
29 October 2021	TWBC and National Highways	DtC Correspondence	SoCG signed-off by both parties

Appendix H4: SoCG signed between TWBC and National Highways 29 October 2021

Statement of Common Ground
between
Tunbridge Wells Borough Council
and
National Highways

in respect of the
Tunbridge Wells Borough Local Plan

29 October 2021



Contents

1.0	Introduction	1
2.0	Overview	4
3.0	Local Plan context.....	4
4.0	The Local Plan impact on the Strategic Road Network.....	11
5.0	Future working	14
6.0	Signatories.....	14
	Appendix 1: Evidence Base in relation to provision of transport infrastructure	16
	Appendix 2: Detailed comments by National Highways and agreed minor modifications	18

1.0 Introduction

- 1.1 This ‘Statement of Common Ground’ (SOCG) is a jointly agreed statement between National Highways (NH) – formerly known as Highways England and Tunbridge Wells Borough Council (TWBC), hereafter referred to as “the parties”, in relation to the preparation of the Tunbridge Wells Borough Local Plan.
- 1.2 It takes account of the development of the Local Plan up to and including the Pre-Submission (Regulation 19) stage including representations received from NH to the Regulation 19 Local Plan and both parties agreed position. Specifically, it reflects the comments and representations submitted by NH to the emerging Local Plan at each stage of plan-making, as well as the Borough Council’s responses. It is noted that the then Highways England contacted TWBC on the last day of the consultation stating that due to needing to complete final submissions to another Inquiry the response would arrive after the proscribed end of consultation deadline. The representations were made at 20.50 ie less than 4 hours after the deadline. Therefore, while technically not duly made, both parties agree that there has been no prejudice to the local plan process and hence the Highways England representations have been fully accepted. However, given that NH is a statutory consultee, the representations have been treated by TWBC as if they were received within the prescribed period for representations.
- 1.3 As such, this SOCG provides an agreed position with respect to relevant strategic matters within the scope of the emerging Local Plan as at October 2021.
- 1.4 NH is appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority, and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity.

- 1.5 The National Planning Policy Framework (NPPF)¹ states that planning policies should be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned. In relation to plan making, DfT Circular 02/2013² states that:
- The then Highways Agency, now NH will work with the local authority to understand the transport implications of development options. This will include assessing the cumulative and individual impacts of the Local Plan proposals upon the ability of the road links and junctions affected to accommodate the forecast traffic flows in terms of capacity and safety. Such assessments should be carried out in line with current Department for Transport guidance or on a basis otherwise agreed with NH. (paragraph 15);
 - NH will work with local authorities and developers to identify opportunities to introduce travel plan and demand management measures through their Local Plans. These will be based on existing and proposed patterns of development in a manner that will support sustainable transport choice and retain capacity within the transport network so as to provide for further development in future Plan periods. (paragraph 17);
 - Capacity enhancements and infrastructure required to deliver strategic growth should be identified at the Local Plan stage, which provides the best opportunity to consider development aspirations alongside the associated strategic infrastructure needs. Enhancements should not normally be considered as fresh proposals at the planning application stage. NH will work with strategic delivery bodies to identify infrastructure and access needs at the earliest possible opportunity in order to assess suitability, viability and deliverability of such proposals, including the identification of potential funding arrangements. (paragraph 18);

¹ National Planning Policy Framework, paragraph 104b (2021) MHCLG:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

² Department for Transport Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development (Sep 2013):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/237412/dft-circular-strategic-road.pdf

- Where a potential capacity need is identified, this will be considered and weighed alongside environmental and deliverability considerations. Additional capacity may be considered in the context of the NH's forward programme of works, balancing the needs of motorists and other road users with wider impact on the environment and the local/regional community (paragraph 19).

- 1.6 The strategic matters covered by this SOCG relate broadly to the operation of the Strategic Road Network (SRN). Within Tunbridge Wells Borough, the SRN comprises the A21. However, it is also noted that the Local Plan will need to assess and, as necessary, mitigate any impacts across the wider SRN outwith that of Tunbridge Wells administrative area, whilst ensuring sufficient transport infrastructure is provided to serve the new development that is planned. In addition, it is also imperative that the need for the SRN and Local Road Network (LRN), that which is managed by Kent County Council (KCC) is also suitably co-ordinated. Therefore, NH also has an interest in LRN modelling and mitigation to ensure that the safety, reliability and/or operational efficiency of the SRN is also ensured.
- 1.7 Specifically, the SOCG sets out the parties' views on the consistency of the Pre-Submission Local Plan with national policies for the road network as set out in the NPPF and particularly the movement of vehicular traffic on the SRN.
- 1.8 At the same time, it is appreciated that liaison in relation to the matters included in this SOCG are ongoing and will be subject to review. Moreover, this SOCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently through the examination into the Local Plan.

2.0 Overview

- 2.1. The parties agree that both TWBC and NH have been proactive in their approach to these strategic matters in accordance with the requirements under the Duty to Cooperate (DtC).
- 2.2. It is agreed that the evolving TWBC evidence base is seeking to identify and mitigate the impacts of the Local Plan on the SRN. That work continues and both parties are confident it can be completed in a timely fashion ahead of the Local Plan. It is also agreed that TWBC provides a strategy for the SRN through its Local Plan, supplemented by a range of other documents and actions, including the Infrastructure Delivery Plan. This is reflected in its proposed policies and site allocations. The minor policy and text amendments considered necessary by the NH are set out within **Appendix 2** and the table records which of these amendments are accepted by the borough council.
- 2.3. This SOCG also highlights a shared interest in considering the impact on the SRN and a recognition of TWBC's continuing commitment to this, as set out in Section 5, via ongoing liaison with NH.
- 2.4. Both TWBC and NH agree that the other authority has met the requirements under the Duty to Cooperate on strategic matters that cross administrative boundaries, and through effective and on-going joint working.

3.0 Local Plan context

National Planning Policy Framework (NPPF)

- 3.1 Both TWBC and NH agree that the following (paras 20,104 – 106, 110 – 113) are the most pertinent paragraphs and parts of paragraphs of the NPPF (2021) in relation to the development of the TWBC Local Plan on highways, active travel and public transport matters, in addition to those set out at paras 24 – 27 of the NPPF in terms of the duty to cooperate and paras 107 and 108 in relation to parking

3.2 Paragraph 20 of the NPPF requires that Strategic Policies within the Local Plan should set out the overall strategy for the pattern, scale and quality of development, and make sufficient provision for;

a) *'infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*

3.3 Paragraphs 104 – 106 of the NPPF state:

"104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

a) *the potential impacts of development on transport networks can be addressed;*

b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*

c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*

d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*

e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places".*

"105. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable

transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”.

“106. Planning policies should:

a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;

b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;

c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).....”;

3.4 Paragraphs 110 - 113 of the NPPF state:

“110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.

“111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

“112. Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use....”;

“113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed”.

Iterative Working

- 3.5 The process of producing the Local Plan has been an iterative one, with discussions and liaison with NH being undertaken at each stage. Therefore the formal representations from NH only form a small part of the continuous, proactive and on-going engagement between the parties.
- 3.6 The effective and on-going joint working between TWBC and NH is demonstrated by the changes between the TWBC Draft Local Plan and the PSLP. Regulation 18 consultation was undertaken on the Draft Local Plan in 2019. The Draft Local Plan was supported by various elements of the evidence base, including the Transport Assessment Report 2019 produced by SWECO.
- 3.7 Representations from NH at the Regulation 18 stage of plan preparation included requests for clarification on the construction and validation of the strategic model and assurance that further detailed modelling would be undertaken for junctions on the SRN that would potentially be impacted by proposed growth.

3.8 In addition, TWBC and NH have worked together throughout the Local Plan preparation process in considering sites, particularly in relation to development at the following locations:

- Pembury village
- Paddock Wood and Tudeley Masterplan Areas (including through membership of the Strategic Sites Working Group, which involves infrastructure providers, statutory consultees, parish and town councils, developers/landowners and elected members)
- Royal Tunbridge Wells, including Longfield Road
- Sites such as Castle Hill, to the eastern side of Southborough/Royal Tunbridge Wells, to the west of the A21
- Cranbrook and Hawkhurst (Flimwell junction)

3.8 The representations made by NH at Regulation 18 stage (i.e. on the Draft Local Plan) included concerns expressed about the impact of the scale of proposed development on the junction of the A268 and A229 at Hawkhurst village. Whilst there were a variety of factors which contributed to the allocation of considerably less houses in the settlements of Hawkhurst (520 - 561 less), Cranbrook (303 – 374 less) and Sissinghurst (62-77) in the PSLP as compared to the Draft Local Plan, this is an example of how the iterative development of the Local Plan and joint working between TWBC and NH (and KCC H&T) has been effective in seeking to address NH's comments expressed at Regulation 18 stage.

PSLP

3.9 TWBC has prepared a transport evidence base to support the Local Plan strategy and site allocations. The relevant documents are listed below in **Appendix 1**.

3.10 The *Local Plan Evidence Base: Transport Assessment Report Update for the Pre-Submission Local Plan (Transport Modelling report)*, dated March 2021 provides details of the AM and PM SATURN model that supports the strategic modelling for the PSLP. This provides a core model simulation network centred around the key settlement areas of Royal Tunbridge Wells, Pembury, Tonbridge and Paddock Wood.

The Base Case has been set out using surveys undertaken from 2018/2019 and includes projected growth up to the end of the Local Plan (2038). The Report Update uses the TemPRO modelling approach.

- 3.11 The PSLP has an integrated and comprehensive transport strategy which offers choice and prioritises a) active travel and then b) public transport whilst ensuring that c) there are necessary improvements to the existing highway network and infrastructure to mitigate and address the impact of development to an acceptable degree and to ensure highway safety. This is set out in:
- Strategic Policy STR6 Transport and Parking;
 - Policy TP2 Transport Design and Accessibility;
 - Policy TP5 Safeguarding Railway Land, and;
 - Policy TP6 Safeguarding Roads.
- 3.12 Detailed discussions took place with NH (and KCC H&T) ahead of and during the Regulation 19 consultation. As a result of these discussions, NH (and KCC H&T) requested further sensitivity modelling be undertaken. This included a request that this sensitivity modelling is undertaken using the TRICS approach – whereby all sites are assessed individually.
- 3.13 Accordingly an Addendum Report (September 2021) has been prepared and provided to NH (and KCC H&T) that sets out the results of the sensitivity tests that have been undertaken (i.e, using the TRICS approach) and responds to the queries raised by both NH and KCC H&T.
- 3.14 Following review of this Addendum Report, NH (and KCC H&T) has raised some further queries and sought further information. This included the detailed reporting to discern whether there are capacity issues at junctions on or near to the SRN and also further details of merge and diverge analysis for the A21 junctions.
- 3.15 Accordingly, a further Local Plan – Transport Assessment Addendum 2 report (October 2021) has been produced which updates the Addendum Report (September 2021). This has been provided to NH (and KCC H&T) and addresses the queries and provides the further information sought. This Addendum 2 Report includes further

modelling that adjusts the Reference Case and covers a scenario with no reduction in trip rates from existing residents of Paddock Wood.

- 3.16 It is agreed that through the Addendum Report (September 2021) and Addendum 2 Report (October 2021) there is broad agreement on the principles of the modelling undertaken.
- 3.17 Both NH and TWBC agree to continue to work together over the coming weeks and months on the recent sensitivity testing and proposed mitigation measures and will seek to update the position prior to the Examination in a further SOCG. This further SOCG will set out clearly the areas where there is agreement, and, if relevant, those areas where there is not.

4.0 The Local Plan impact on the Strategic Road Network

4.1 The following reflects the comments made by NH in its representations to the Regulation 19 consultation on the TWBC PSLP. The parties acknowledge that the following may be subject to change pending the final outcomes of the sensitivity modelling being undertaken, including policy or text and/or the location, form, timing, governance and funding of any required mitigation.

- NH has identified a number of junctions on the SRN that have congestion issues and have therefore stated that the emphasis within the Local Plan should be on reducing the need to travel and, where travel is necessary, to use more sustainable modes rather than relying on infrastructure improvements being in place. It is agreed by both parties that the Development Strategy in STR 1 sets out the approach to sustainable growth that will reduce the need to travel, including effective use of urban sites and previously developed land and growth based on garden settlement principles. In addition, a clear hierarchy prioritising active and sustainable travel is set out in STR 6 (Transport and Parking), and supported in the IDP and the evidence documents in **Appendix 1**.
- NH has stated that any necessary infrastructure improvements required as a result of proposed development need to be identified, designed, managed and fully funded via the individual proposals or via a Local Plan mechanism. It is agreed by both parties that Policy STR5 refers to the IDP which identifies the scope of infrastructure to be provided, the phasing of such infrastructure linked to the planned development, and the mechanisms by which the Council considers that the infrastructure will be delivered, including the use of Section 106 agreements, infrastructure levy (if introduced), or equivalent policy as applicable.
- NH has requested further clarification about the assumptions made in the transport model for the Local Plan, details of the junctions exhibiting capacity issues and the proposed mitigation for these junctions, in order to ensure that these are adequate and deliverable. NH have set out in the Regulation 19

response that it has no reason to believe that the mitigation measures cannot be agreed ahead of the Examination into the soundness of the plan. Further modelling work has been undertaken in response to these comments and the results of this work is set out in the 2 Addendums to the TA referenced in Section 3 of this SOCG. As set out above, both NH and TWBC agree to continue to work together over the coming weeks and months on the recent sensitivity testing and proposed mitigation measures and will seek to update the position prior to the Examination in a further SOCG.

- NH has referred to the proposed bypass of Colt's Hill village and the link road to Five Oak Green. It is agreed by TWBC and NH (and KCC H&T) that further detailed work will be required covering geo-technical, flooding and environmental impact assessment for this infrastructure.
- In the representation NH has requested that Policy TP6 is amended to delete the reference to safeguarded land for future dualling of the A21 from Kippings Cross to Lamberhurst Roundabout. NH has since clarified that it has no objection to the safeguarding, but is clear that NH has not requested or required the safeguarding of this land. Whilst not required to mitigate growth proposed in the Local Plan, the Council is safeguarding the A21 Kippings Cross to Lamberhurst route as it remains a long-term, cross-district transport priority in the TWBC Transport Strategy and the KCC Local Transport Plan 4. .
- TWBC and NH agree that the list of design guidance in para 6.24 should include relevant design guidance to roads such as the Design Manual for Roads and Bridges (DMRB): Manual for Streets is already included in the PSLP at this paragraph.
- NH has noted that there is no mention of where highways surface runoff may connect into various highway systems within Policy EN 24. It is agreed that reference should be made to this Circular in the supporting text to Policy EN26, rather than Policy EN24 as this is more relevant. It is also agreed that it would be appropriate to do so by a new paragraph after existing paragraph 6.289 to read as follows: "*Developers are also advised to have regard to the Department for Transport's Circular 02/2013 (paragraph 50)(or any update to this) in relation*

to water run-off that may arise due to proposed development. The Circular advises that such water run off will not be accepted into the highway drainage systems, and there should no new connections into those systems from third party development or drainage systems”.

- NH and TWBC are agreed that that the supporting text for Policy EN7 (Advertisements) should cross reference to DfT Circular 02/2013 that contains guidance regarding advertising along, or visible from, the SRN. It is agreed that it would be appropriate to address this by an additional paragraph after existing paragraph 6.117 to read as follows: *“For advertisements located along, or visible from the Strategic Road Network (motorways or some A roads), National Highways advises that regard should be had to the Department of Transport’s Circular 02/2013 (or any update to this)”.*

- NH and TWBC recognise that transport assessments and in some instances distribution assessments will be required for employment proposals, for example applications for parcel delivery companies. Accordingly, and following NH representations made at Regulation 18 stage, supporting text was included to for Policy TP1: Transport Assessments, Travel Plans and Mitigation at para 6.447 to state: *“Some changes of use/new development proposals may require the submission of a transport assessment to support a planning application, as set out in Policy TP 1: Transport Assessments, Travel Plans, and Mitigation, depending on their size and relationship to the local highway network. This may be particularly relevant where planning permission is required for parcel delivery companies which generate a high number of vehicular movements”.*

5.0 Future working

- 5.01 Both NH and TWBC agree to continue to work effectively and positively on transportation matters. An updated SoCG will be provided ahead of the Examination setting out this work and updating the position in relation to NH's agreement, and, if relevant, any areas where there is not agreement, with the modelling and mitigation measures proposed.
- 5.02 Both parties are committed to continued collaborative working to plan and deliver sustainable growth and infrastructure within the borough.

6.0 Signatories

- 6.01 This statement has been prepared and agreed by the following organisations:

Tunbridge Wells Borough Council	National Highways
<p>Signature</p>  <p>Alan McDermott, Councillor Date: 29 October 2021</p>	<p>Signature</p> <p>Agreed by email dated 29 October 2021 @ 10.14 by Kevin Bown, Spatial (Town) Planning Manager, South East Region Operations Directorate, National Highways Date: 29 October 2021</p>
<p>Signature</p>  <p>William Benson, Chief Executive Date: 29 October 2021</p>	

Appendices

Appendix 1: Evidence Base in relation to provision of transport infrastructure

Evidence in relation to general infrastructure provision

- [Tunbridge Wells Borough Council – Infrastructure Delivery Plan](#) (March 2021) – This IDP sets out the details of the infrastructure that is required to support existing and future needs and demands for the borough to support new development and a growing population as envisaged through the Council’s Local Plan. It covers a range of services and infrastructure.
- [Development Constraints Study](#) (October 2016) – this study analyses the high-level constraints set out in footnote 6 of the NPPF. This was the starting point for the overall strategy for development advocated within the Local Plan.
- [Tunbridge Wells Strategic Sites Masterplanning and Infrastructure Study](#) (February 2021) - This report sets out the key findings and recommendations about whether the study sites should be allocated in the Local Plan, by gathering evidence on whether specified scales of development at the locations identified in the DLP are deliverable from a masterplanning, infrastructure and viability perspective.

Evidence in relation to Highways

- [Tunbridge Wells Borough Council Parking Strategy 2016 – 2026](#) (2016) – The strategy considers car parking in the borough by reviewing consultation responses on the provision of parking of town and responding to these along with initiatives for tackling congestion.
- [Tunbridge Wells Borough Council Transport Strategy 2015 – 2026](#) (July 2015) – The strategy, prepared jointly by TWBC and KCC, sets out the vision for transport in the borough between 2015 and 2026.
- [Tunbridge Wells Borough Council Transport Strategy Review: Context and Way Forward](#) (September 2019) – The paper sets out the contextual framework for the review of the Transport Strategy, including key challenges, from which proposed aims for the review are put forward. It sets out how the aims are relevant with the objectives and policies in the new Local Plan.

- [Transport Assessment Report Update for the Pre-Submission Local Plan](#) (March 2021) – This report sets out the modelling and analysis undertaken to support the Local Plan, with particular focus on the core model simulation networked centred around the key settlement centres, including Royal Tunbridge Wells, Pembury, and Paddock Wood. Mitigation measures are identified to offset the effects of additional trips from the Local Plan developments on the local transport network.
- [Tunbridge Wells Park and Ride Feasibility Study](#) (June 2018) – A commissioned study to investigate the feasibility of introducing Park and Ride in the town, with particular consideration of the effects and necessary actions related to town centre parking.
- [Residential Parking Standards Topic Paper for Pre-Submission Local Plan](#) (February 2021) – This paper sets out recommendations based on the analysis for new residential parking standards to take forward into the new Local Plan in the parking standards development management policy.

Evidence in relation to Active travel as well as Public Rights of Way

- [Tunbridge Wells Borough Council Cycling Strategy 2016-2020](#) (2016) – The Cycling Strategy includes actions and principles which support the promotion of cycling and the delivery of related infrastructure in the borough. The document acts as a tool to assist in the delivery of the vision and objectives of the Transport Strategy.
- [Local Cycling and Walking Infrastructure Plan \(LCWIP\) Phase 1](#) (November 2019) – Phase 1 of the LCWIP focuses on key routes into Royal Tunbridge Wells town centre where there is a significant opportunity to convert many shorter journeys to more active and sustainable modes of travel.
- [Local Cycling and Walking Infrastructure Plan \(LCWIP\) Phase 2](#) (March 2021) – Phase 2 of the LCWIP was commissioned to expand upon Phase 1 LCWIP by developing complementary measures for Low-Traffic Neighbourhoods and Inter-Urban routes which further support the Borough’s ambition for mode shift to sustainable modes.

Appendix 2: Detailed comments by National Highways and agreed minor modifications

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
Highways England	Highways England General Comments	<ol style="list-style-type: none"> Highways England identified a number of junctions which have congestion issues; therefore strongly advised that emphasis within Local Plan is placed on reducing need to travel, and use sustainable modes where travel is necessary rather than rely on improvements being in place. Kippings Cross/Blue Blues requires sensitivity testing as part of evidence base and will also be required as part of the assessment of any forthcoming applications likely to affect these junctions. May be helpful to include text in the Plan (e.g. para 2.39) covering applicants' need to engage with Highways England. Could refer to need for developers of sites that by 	<p>Noted. In accordance with STR 6 (Transport and Parking), active travel, followed by public transport, will be prioritised over the private car.</p> <p>Noted. The Kippings Cross/Blue boys junction has been sensitivity tested as part of the sensitivity testing of the modelling work for the evidence base with mitigation measures identified in the Transport Assessment Addendum 2 report (October 2021).</p>	<p>No changes proposed.</p> <p>No changes proposed.</p>

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
		<p>virtue of its location or traffic generation may affect safety or operation of strategic road network to provide robust evidence regarding impacts and, as appropriate, to mitigate them. Mitigation likely to be agreed/delivered via use of S278 agreements rather than S106 or CIL; cross referencing to national transport policy and Highways England guidance would also assist; process should out what infrastructure is needed to enable delivery of all development, and also detail associated costs, sources of funding, timescales for delivery and gaps in funding; should also cross reference text on Transport and Parking, Section 6. Similar text/cross references should also be included in IDP.</p> <p>4. Vision and Objectives 1 (para 3.4) makes no mention of sustainable travel.</p>	<p>Noted. Is reference at para 6.548 (supporting text to Policy TP1 Transport Assessments and Statements) to the need for mitigation, and that to be determined in agreement with Highways England (and others). Policy TP1 has requirements about how infrastructure improvements will be provided (i.e. funded by development).</p> <p>Noted. A clear hierarchy prioritising active and sustainable travel is set out in STR 6 (Transport and Parking).</p>	<p>Given text elsewhere in plan – no proposed changes.</p> <p>No changes proposed.</p>
Highways England	SWECO Transport Modelling	Highways England note the following observations/need for further discussions on the SWECO Transport Modelling:	Noted and further sensitivity testing of the modelling work has been undertaken to address the issues raised.	No changes proposed.

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
		<ol style="list-style-type: none"> 1. Strategic model construction, where some assumptions appear to have gone beyond what is normally accepted. Need to understand justification for approach taken; potentially model will need adjusting. 2. Discussion regarding calibration/validation and forecasting approach taken. 3. Clear that further junction augmentation required by detailed application junction models to add clarity around traffic impacts of both Local Plan development and cumulative impacts. 	<p>Noted. Further information is set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.</p>	
Highways England	STR/SS 1 (The Strategy for Paddock Wood, including land at east Capel)	<p>Regarding proposed bypass and link roads, whilst Highways England has no objection in principle, in order to provide a full response, proposals need to be supported by a robust review of DLP model, and supplemented by additional junction modelling in each area; also need to be supported by full transport assessment and likely geo-technical, flooding, and environmental impact assessment.</p>	<p>Noted. Further information is set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.</p> <p>It is agreed that further detailed work will be required covering geo-technical, flooding and environmental impact assessment for the proposed bypass and link road at Paddock Wood/east Capel.</p>	No changes proposed.

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
Highways England	STR/SS 3 (The Strategy for Tudeley Village)	Highways England identify that further modelling and junction assessments would be required to ensure that Vauxhaul Junction is able to accommodate proposed level of growth and not require further mitigation.	Noted. Further information is set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.	No changes proposed.
Highways England	Section 5: Place shaping: Pembury	<ol style="list-style-type: none"> <li data-bbox="696 520 1245 783">1. <u>Congestion</u>: Severe congestion around Pembury is identified with reference to an A21 safety package including works between Tonbridge and Lamberhurst, with specific locations identified. The inability of small-scale schemes to add capacity to the network is identified. <li data-bbox="696 847 1245 1315">2. Various references are made to congestion issues, pinch points, modelling requirements and mitigation being required and junctions including A21/A228 and Kipping's Cross roundabout. Various references to existing planning consents and a need for sensitivity testing is identified as part of evidence base for the PSLP as well as the need to potentially use Grampian conditions in the future to limit occupation, as well as Transport Assessments needed for some sites and careful consideration of 	<p data-bbox="1272 520 1821 767">Noted. Further information is set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination..</p> <p data-bbox="1272 1142 1637 1174">Noted. Response as above.</p>	<p data-bbox="1850 520 2078 584">No changes are proposed.</p> <p data-bbox="1850 1134 2078 1198">No changes are proposed.</p>

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
		<p>intensification of use of junctions (A21/Henwood Green Road)</p> <p>3. <u>Responsibility of Local Plan and planning applications:</u> reference is made to the need to assess individual/ cumulative impacts and mitigation and delivery of improvements by proposals/the Plan (with reference to identification, design, management and funding and mechanisms).</p> <p>4. <u>Reference to need for emphasis being on reducing the need to travel/use of more sustainable modes</u> rather than reliance on highway improvements.</p>	<p>Noted. In addition to the sensitivity testing undertaken, Policy TP1 is clear that the cumulative impact should also be assessed in transport assessments/statements.</p> <p>Noted. In STR 1 the Development Strategy sets out the approach to sustainable growth that will reduce the need to travel including effective use of urban and previously developed land and growth based on garden settlement principles. A clear hierarchy prioritising active and sustainable travel is set out in STR 6 (Transport and Parking).</p>	<p>No changes are proposed.</p> <p>No changes proposed.</p>
Highways England	Development Management Policy: TP6 and para. 6.582	<u>Amendment sought to Policy TP6 and para. 6.582</u> to delete reference to safeguarded land for future dualling of the	While not required to mitigate growth proposed in the Local Plan, as per policy TP6, the Council is safeguarding the A21 Kippings Cross to Lamberhurst route as it remains a long-term cross-district	No changes proposed

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
		A21 (Kipping's Cross to Lamberhurst roundabout).	<p>transport priority in the Kent County Council Transport Plan 2016-2031.</p> <p>Discussions will continue on this point ahead of Examination, with an updated position to be provided in the further SoCG mentioned previously. Further discussions</p>	
Highways England	STR 2 (Place Shaping and Design)	Highways England consider that the list of design guidance in para 4.64 should include various design guidance relevant to roads such as the Design Manual for Roads and Bridges and the Manual for Streets.	Noted. Para 4.64 does not include a list of design guidance, but rather this is set out at para 6.24. Para 6.24 already includes Manual for Streets, but does not include Design Manual for Roads and Bridges (DMRB).	Change to insert Design Manual for Roads and Bridges (DMRB) in bullet points at para 6.24
Highways England	STR 4 (Ensuring Comprehensive Development)	Highways England note that a 'holistic' approach should be taken for larger sites in terms of transport infrastructure within the wider area, and an assessment made of sensitive junctions likely to be impacted by proposed development. Major sites within PSLP cannot be assessed in isolation.	<p>Noted. A comprehensive approach to transport assessment has been undertaken.</p> <p>Further modelling work has been undertaken in response to the issues raised by NH with additional information set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National</p>	No changes proposed.

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
			Highways (as now known) and TWBC to be provided ahead of the Examination.	
Highways England	Section 5 Place Shaping Policies: Cranbrook	<p>Given multiple proposals are for >100 dwellings, Highways England recommend a full transport assessment accompanies proposal. TA should include junction modelling for A21/A268 roundabout.</p> <p>Proposed that STR/CRS 1 is updated to include statement that “all development proposals establish an acceptable impact upon the Hawkhurst crossroads junction (the A229/A268) and the Flimwell crossroads (the A21/A268)” in line with policy STR/HA 1.</p>	<p>The request for this addition is noted.</p> <p>Transport modelling work and sensitivity testing has been undertaken to support the Local Plan.</p> <p>However, with the exception of AL/CRS2 Corn Hall, Cranbrook (for 35-45 dwellings) and Policy AL/CRS 6 Land south of The Street, Sissinghurst, all housing sites at Cranbrook and Sissinghurst have planning permission or a resolution to grant permission.</p> <p>National Highways raised no objection to applications for AL/CRS1 (Land at Brick Kiln Farm) which has planning permission for 1880 houses and AL/CRS3 (Turnden Farm) which has a resolution to grant for 170 houses.</p> <p>The applications for AL/CRS2 and 6 will be accompanied by a Transport Assessment/Statement, which will (if</p>	No changes proposed.

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
			<p>required) assessing the impact on the Flimwell crossroads.</p> <p>Accordingly it is not considered that further changes are required.</p>	
Highways England	Section 5 Place Shaping Policies: Hawkhurst	<p>Highway capacity improvements proposed to mitigate impact.</p> <p>Transport Assessment submitted with 19/02025/HYBRID planning app mentions.</p> <p>S106/S278 Agreement</p> <p>Junction sensitivity tests may be required as part of a cumulative impact assessment and modelling at A21/Flimwell and Hawkhurst Junction (A229/A268) as part of any future planning applications. Increase in proposed housing number likely to cause congestion increases that will require appropriate mitigation.</p>	<p>Noted.</p> <p>All housing sites for allocation in Hawkhurst parish have planning permission, except AL/HA4 (land at Copthall Avenue and Highgate Hill). No objection was raised on an application for this site by National Highways during its consideration in 2021.</p> <p>Further modelling work has been undertaken in response to the issues raised by NH with additional information set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.</p>	No changes proposed.

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
Highways England	Section 5 Place Shaping Policies: Brenchley & Matfield	The location of Matfield means there is only 1 primary route option for traffic accessing the A21. Recommend junction modelling at the A21/B2160 roundabout. Mitigation at roundabout may be required to accommodate increase in trips.	Further modelling work has been undertaken in response to the issues raised by NH with additional information set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.	No changes proposed.
Highways England	Section 5 Place Shaping Policies: Horsmonden	T junction modelling recommended at the B2162 Lamberhurst Rd/ A262 to understand impact of development turning right onto the A262 to join A21. Roundabout modelling recommended at Forstal Farm roundabout. Mitigation at roundabout may be required to accommodate increase in trips.	Further modelling work has been undertaken in response to the issues raised by NH with additional information set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.	No changes proposed.
Highways England	Section 5 Place Shaping Policies: Lamberhurst	Roundabout modelling recommended at Forstal Farm roundabout.	Further modelling work has been undertaken in response to the issues raised by NH with additional information set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National	No changes proposed.

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
			Highways (as now known) and TWBC to be provided ahead of the Examination.	
Highways England	Section 5 Place Shaping Policies: Five Oak Green	<p>Highways England have the following comments:</p> <p>Strategic transport links shall be provided between Tonbridge, Tudeley Village, the A228, Five Oak Green, Royal Tunbridge Wells/Southborough, and land at Capel and Paddock Wood and Paddock Wood Town Centre. To include the provision of an offline A228 strategic link. Links from Tudeley Village to the east should minimise the impact on the road network in the settlement of Five Oak Green.</p> <p>The exact location of such a link has not been determined;</p>	Noted. Proposed strategic infrastructure is set out in STR 6 (Transport and Parking) and in the Infrastructure Delivery Plan.	No changes proposed.
Highways England	Section 5 Place Shaping Policies: Paddock Wood	<p>Highways England have the following comments:</p> <p>Transport infrastructure to include the A228 Colts Hill bypass, a distributor road in the eastern part of Paddock Wood, and</p>	<p>Noted. Proposed strategic infrastructure is set out in STR 6 (Transport and Parking) and in the Infrastructure Delivery Plan.</p> <p>Noted. Further modelling work has been undertaken in response to the issues raised by NH with additional information set out in Statement of Common Ground</p>	No changes proposed.

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
		<p>bus and cycle links from Paddock Wood to Tonbridge via Tudeley.</p> <p>Mitigations measures required for Kippings Cross/ Tonbridge Rod Roundabout; full modelling assessment.</p> <p>Trip distribution assessment onto M20.</p>	<p>between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.</p>	
Highways England	Section 5 Place Shaping Policies: Capel (Tudeley)	<p>Highways England have the following comments:</p> <p>Local road network improvements for A228 (Colts Hill bypass).</p> <p>Eastern link from Tudeley Village to be considered.</p> <p>TA required with junction modelling and trip distribution for A21/A26 Pembury Rd Roundabout and further distribution onto M20 and M26.</p>	<p>Further modelling work has been undertaken in response to the issues raised by NH with additional information set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.</p>	No changes proposed.
Highways England	Section 5 Place Shaping	<p>Highways England have the following comments:</p>	<p>Further modelling work has been undertaken in response to the issues raised by NH with additional information</p>	No changes proposed.

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
	Policies: Southborough	<p>Transport Assessment likely for this area given the relationship to the A21 and Royal Tunbridge Wells.</p> <p>Trip distribution and assignment to the wider M25/26 should also be assessed.</p> <p>For Mabledon, safe and direct access will be provided from the A26. Full capacity modelling would be required for the junction given its proximity.</p>	<p>set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.</p> <p>Criteria in relation to the requirement for a highways assessment and the provision of a safe and acceptable access arrangement from the A26 is included at criteria 1 of Policy SO 2 which adequately deals with this issue.</p>	No changes proposed
Highways England	Section 5 Place Shaping Policies: Royal Tunbridge Wells	<p>Highways England have the following comments:</p> <p>Transport Assessment likely for this area given the relationship to the A21 at various junction points, especially A21/A26.</p>	Further modelling work has been undertaken in response to the issues raised by NH with additional information set out in Statement of Common Ground between NH and TWBC – including on sensitivity testing, with a further Statement of Common Ground between National Highways (as now known) and TWBC to be provided ahead of the Examination.	No changes proposed

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
		Trip distribution and assignment to the wider M25/26 should also be assessed.		
Enplan for Mabledon Services Ltd.	AL/SO 2 (Land at Mabledon House)	Site promoters of Mabledon House continue to promote the development of a hotel at the site and support the Council's policy AL/SO 2 for the house, grounds and parkland. Site promoter supports wording amendments since Reg.18.	Support for the allocation policy AL/SO 2 from the site promoter is noted.	No changes proposed
Highways England	EN 7 (Advertisements)	For completeness, Highways England considers that the supporting text should cross reference to DfT Circular 02/2013 that contains guidance regarding advertising along, or visible from, the Strategic Road Network.	It is agreed that reference should be made to this Circular in the supporting text to the Policy, by adding in a new paragraph after existing paragraph 6.117 to read as follows: <i>For advertisements located along, or visible from the Strategic Road Network (motorways or some A roads), National Highways advises that regard should be had to the Department of Transport's Circular 02/2013 (or any update to this).</i>	Yes, as a minor modification as set out in the table of minor modifications
Highways England	EN 26 (Sustainable Drainage Systems)	Highways England notes that there is no mention of where highways surface runoff may connect into various highway systems within Policy EN 24. Policy should be amended to reflect national policy regarding the Strategic Road Network (in line with DfT C2/13 para 50).	It is agreed that reference should be made to this Circular in the supporting text to Policy EN26, rather than Policy EN24 as this is more relevant, by adding in a new paragraph after existing paragraph 6.289 to read as follows: <i>Developers are also advised to have regard to the Department for Transport's</i>	Yes, as a minor modification as set out in the table of minor modifications

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
			<p><i>Circular 02/2013 (paragraph 50)(or any update to this) in relation to water run-off that may arise due to proposed development. The Circular advises that such water run off will not be accepted into the highway drainage systems, and there should no new connections into those systems from third party development or drainage systems.</i></p>	

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
Highways England	ED 1 (Key Employment Areas)	<ol style="list-style-type: none"> 1. Highways England note that a large number of employment sites (specifically B8) can be predominantly vehicle-based. Therefore, as well as providing a Transport Assessment, a route distribution assessment will be required. This requirement should be included in policy/text as appropriate. 2. Highways England recommends that policy/text explicitly states that applications for parcel delivery companies are dealt with on own merits and not automatically considered to be in accordance with Local Plan (as tend to generation up to 6-8 times more traffic as other B8 uses). 	<p>Highways England submitted both of these comments in response to the Draft Local Plan Regulation 18 consultation, and the following wording was added to the supporting text of the PSLP Regulation 19 Policy to address these issues:</p> <p><i>PSLP Paragraph 6.447- Some changes of use/new development proposals may require the submission of a transport assessment to support a planning application, as set out in Policy TP 1: Transport Assessments, Travel Plans, and Mitigation, depending on their size and relationship to the local highway network. This may be particularly relevant where planning permission is required for parcel delivery companies which generate a high number of vehicular movements.</i></p> <p>No further changes are considered to be necessary.</p>	No changes proposed
Highways England	Infrastructure Delivery Plan	Highways England made the following comments on the IDP:		

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
		<p>1. It would assist to include a map of the borough showing key infrastructure locations.</p> <p>2. While themes are helpful, Plan/IDP should ensure that a holistic approach is taken; e.g., to ensure the transport implications of the delivery of education, health, energy or communications provision in particular locations are assessed at the outset.</p> <p>3. Theme 1 Transport: Text should be included to acknowledge that mitigation is required as a result of development within the borough may be located beyond its boundary; e.g., at the Flimwell Crossroads.</p>	<p>A map is included at Figure 1: Local Plan Key Diagram which illustrates the key settlements and key transport infrastructure and road improvements. It is difficult to clearly show all of the key infrastructure locations on a map of this scale and is not considered appropriate.</p> <p>A holistic approach has been taken and considered as part of the overall plan preparation. The Themes set out the overall needs per service area and the Infrastructure Delivery Schedule details all of the infrastructure requirements per settlement as well as identifying borough wide infrastructure.</p> <p>Agreed – amended wording proposed below:</p> <ul style="list-style-type: none"> • Cross boundary infrastructure; <p>Paragraph 3.16</p> <p>3.1 Individual site allocations will bring forward site-specific mitigation on the local road network, through the</p>	<p>No changes proposed</p> <p>No changes proposed</p> <p>Yes, as amendment in IDP.</p>

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
		<p>4. Table 1: Equestrians should be included under transport.</p>	<p>mechanism of site-specific Transport Assessments. It is also acknowledged that mitigation required as a result of development within the borough may be located beyond its boundary; for example, at the Flimwell Crossroads, within East Sussex.</p> <p>Reference will be made to equestrians (see below), although there are no specific equestrian requirements identified.</p> <p>Table 1 – Types of Infrastructure</p> <p>Under ‘Cycling and Walking’ – amend to say ‘Cycling and walking including Public Rights of Way’</p> <p>Amendment to paragraph 3.61 as follows</p> <p><i>A growing population will undoubtedly add to the pressure and importance of the PRow network, as the public seek opportunities for walking and cycling. Appropriate investments will therefore need to be made in the PRow network, to ensure this access resource caters for future user demands, including walking</i></p>	<p>Yes, as amendment in IDP.</p>

Representations	Policy/Topic area	Main issues	TWBC initial response	Changes – Yes/No
			<p><i>and equestrian users as part of the <u>Bridleway network</u> and these highly regarded links are not degraded. The Borough Council will also work with and support the work of the Public Rights of Way and Access service at KCC to support localised Public Rights of Way improvements across the borough.</i></p>	
Highways England	Transport Strategy Review	<p>Highways England made the following comments on the Transport Strategy Review:</p> <ol style="list-style-type: none"> 1. Public Transport: Highways England would be supportive of measures that allowed for an increase in public transport uptake, but did not encourage rail heading. 2. Rural Transport Issues: While Highways England welcome measures to address gaps in availability of public transport in rural areas, a connected cycling/walking scheme that is designed with a purpose along with improvements to bus services in these areas are likely to be the main drivers of modal shift. 	<p>Noted.</p> <p>Improved bus-rail links are set out in the Transport Assessment and IDP.</p> <p>Noted. Measures to facilitate walking and cycling area set out in the LCWIP and IDP.</p>	No changes proposed.

Historic England

Appendix H5: DtC engagement record for Historic England

Prescribed Bodies

TWBC Duty to Cooperate engagement record for Historic England (HisE)

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
3 May 2016	Historic England - Rob Lloyd - Sweet, Stephanie Dance-Groom, Alan Byrne, Martin Small TWBC Officers – Kelvin Hinton, Mark Stephenson, Debbie Maltby	DtC meeting	<ul style="list-style-type: none">– Discussion about Neighbourhood Plans: training and community engagement/toolkits– Local Listing– Historic environment in Local Plans– TWBC emerging Heritage Strategy,– Setting study– Training opportunities for elected members
1 October 2018	Historic England - Alan Byrne TWBC Officer – Gwenda Bradley	DtC correspondence	Historic England's early response to TWBC's draft DM Policies relating to the Historic Environment and Heritage Assets. HE advised that the Policy in relation to Heritage Assets is too generalised and there should be separate policies for each e.g. conservation areas, listed buildings etc.
9 October 2018	Historic England -Alan Byrne TWBC Officer – Gwenda Bradley	DtC correspondence	TWBC request for further clarification from HE in relation to their response above
2 November 2018	Historic England - Alan Byrne TWBC Officer – Gwenda Bradley	DtC consultation (DM policies)	HE further response – reinforcement of the issue that each asset should have its own policy. Should TWBC pursue an umbrella policy for all assets then HE advised a strong supporting case would be needed for meeting NPPF

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			requirements for robust and sound policies that relate to the specific circumstances of Tunbridge Wells.
3 June 2020	Historic England - Alan Byrne TWBC Officers – David Marlow, Debbie Maltby	DtC meeting	Discussion following on from the above correspondence and comments received from HE in relation to the TW Draft Local Plan Regulation 18 and SA consultation 2019: <ol style="list-style-type: none"> 1. Strategic policy approach 2. Settlement strategies and related site allocations 3. DM policies – EN6: Historic Environment and EN7- Heritage Assets
1 October 2020	TWBC - Debbie Salter to Historic England - Alan Byrne	DtC email correspondence and follow up exchange	To gain HE advise on emerging policies for the historic environment
4 May 2021	Historic England – Alan Byrne and Alice Brockway TWBC - David Marlow and Debbie Salter	DtC meeting	Discussion, including: <ol style="list-style-type: none"> 1. Overview of the Pre-Submission Local Plan and highlight amendments to the Reg 18 DLP re historic environment to assist with HisE formal response, including: <ul style="list-style-type: none"> • Plan objectives and strategic policy STR 8: Conserving and Enhancing the Natural, Built, and Historic Environment • Development Management polices EN4: Historic Environment and EN5: Heritage Assets

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<ul style="list-style-type: none"> • Site allocation policies 2. Production of a SoCG
5 July 2021	Historic England – Alan Byrne and TWBC – David Marlow	DtC email correspondence	Draft SoCG and agreement of wording
13 July 2021	Historic England and TWBC	DtC email correspondence	Final sign-off of SoCG between both parties

Appendix H6: SoCG signed
between TWBC and Historic
England 13 July 2021

Statement of Common Ground
between
Tunbridge Wells Borough Council
and
Historic England

in respect of the
Tunbridge Wells Borough Local Plan

13th July 2021



Contents

1.0	Introduction	3
2.0	Overview	3
3.0	Local Plan context	4
4.0	Local Plan issues affecting the historic environment	4
a)	Overall regard to historic environment.....	5
b)	Strategy for the historic environment	7
c)	Royal Tunbridge Wells town centre and other site allocations	7
d)	Development Management Policies	8
5.0	Future working.....	9
6.0	Signatories	10

1.0 Introduction

- 1.1 This 'Statement of Common Ground' (SoCG) is a jointly agreed statement between Historic England and Tunbridge Wells Borough Council (TWBC), hereafter referred to as "the parties", in relation to the preparation of the Tunbridge Wells Borough Local Plan.
- 1.2 It takes account of the development of the Local Plan up to and including the Pre-Submission (Regulation 19) stage. Specifically, it reflects the comments and representations submitted by Historic England to the emerging Local Plan at each stage of plan-making, as well as the Borough Council's responses. As such, this SoCG provides an agreed position with respect to relevant strategic matters within the scope of the Local Plan as at July 2021.
- 1.3 The strategic matters covered by this SoCG relate broadly to the regard to heritage assets and wider historic environment of the borough within the Local Plan.
- 1.4 In particular, the SoCG sets out the parties' views on the consistency of the Pre-Submission Local Plan with national policies for conserving and enhancing the historic environment as set out in the National Planning Policy Framework (NPPF).
- 1.5 At the same time, it is appreciated that liaison in relation to the matters included in this SoCG are ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently.

2.0 Overview

- 2.1. The parties agree that both TWBC and Historic England have been proactive in their approach to these strategic matters in accordance with the requirements under the Duty to Cooperate (DtC), including both meetings and correspondence to draw out issues and identify mutually acceptable outcomes.
- 2.2. It is agreed that TWBC has a good evidence base and appreciation of the contribution of the historic environment. It is also agreed that TWBC provides a positive strategy for the historic environment through its Local Plan, supplemented by

a range of other documents and actions. This is reflected in its proposed policies and site allocations.

- 2.3. This SOCG also highlights a shared belief in conserving and enhancing the historic environment and a recognition of TWBC's continuing commitment to this, as set out in Section 5, via ongoing liaison with Historic England.

3.0 Local Plan context

- 3.1 TWBC is preparing a new, comprehensive Local Plan for the borough. It will set out the overall vision and objectives, development strategy, spatial strategies and site allocations, together with Development Management policies to guide development over the period 2020 – 2038.
- 3.2 There were two stages of consultation at the Regulation 18 stage, the first on '[Issues and Options](#)' in 2017 and the second, on a full '[Draft Local Plan](#)' in autumn 2019. Following further evidence base work and consideration of comments received at these stages, a '[Pre-Submission Local Plan](#)' was published and consulted upon over a 10-weeks period from 26 March to 4 June 2021.

4.0 Local Plan issues affecting the historic environment

- 4.1 TWBC has liaised with Historic England throughout the preparation of the Local Plan, which has been involved with and commented on the drafting of the individual policies informally through the preparation stage and at the formal stages. Details of engagement between the parties up to publication of the Pre-Submission Local Plan are set out in the [Duty to Cooperate Statement](#) that supports it, and are agreed by the parties.
- 4.2 The issues that have been raised during the preparation of the Local Plan in relation to the historic environment can be seen as relating to the following four matters:
- a) Has the borough's historic environment been sufficiently taken into account in producing the Local Plan and its overall strategy?
 - b) Does the Local Plan set out a positive strategy for the conservation and enjoyment of the historic environment?

- c) Has proper consideration been given to specific heritage assets in developing site allocations, most notably for the town centre of Royal Tunbridge Wells?
- d) Are the specific Development Management policies relating to the historic environment and heritage assets sufficiently robust?

a) Overall regard to historic environment

4.3 TWBC believes that the borough's historic environment has been fully recognised, and respected, throughout Local Plan preparation. It points especially to its:

- **Historic Environment Review** – which examines the historic environment of the borough and contains an accessible summary of the predominant heritage themes of the borough, and heritage asset typologies.
- **Historic Landscape Characterisation** - which builds on the larger-scale Borough Landscape Character Assessment with a more detailed characterisation study of the historic landscape.
- **Suite of Conservation Area Appraisals**
- **Local Heritage Assets SPD and Local List of Historic Parks and Gardens** (part of the wider Kent Compendium)- the SPD provides the framework for the compilation of a Local List of Heritage Assets, which will include the Historic Parks and Gardens
- **Farmsteads Assessment Guidance SPD**

4.4 Reference may also be made the defining characteristics of the High Weald AONB, which is recognised as an essential Medieval landscape covering over two-thirds of the borough, information about which has informed both heritage and landscape assessments.

4.5 Within the Local Plan itself, the importance of '*... conserving and enhancing the borough's recognised heritage*' ...' is highlighted as a key issue/challenge in Section 2: Setting the Scene. This wording is carried through into the opening paragraph of the Vision statement.

4.6 The Local Plan's strategic policies set out within Section 4 of the Local Plan recognise the strategic significance of the historic environment, with Policy STR 8 firstly setting out that:

'Development is expected to make a positive contribution to the natural, built and historic environment', subsequently adding that:

- 7. The designated and non-designated heritage assets of the borough, including historic field patterns, routeways, listed buildings, conservation areas, Scheduled Ancient Monuments, archaeological sites, and historic parks and gardens, will be conserved and enhanced, and special regard will be had to their settings;*
- 8. Regard shall be given to the Historic England Conservation Principles and the Council's Historic Environment Review, which identifies historic environment themes particular to the borough; and*
- 9. The positive management of heritage assets through partnership approaches and measures will be encouraged, including by the use of conservation area management plans.*

4.7 In respect of formulating the development strategy (at Policy STR 1), the supporting text (at paragraph 4.40) identifies the moderating impact on development in response to natural, built and historic environment factors.

4.8 The supporting text to Policy STR1 also highlights the role of the Sustainability Appraisal and of the Strategic Housing and Economic Land Availability Assessment (SHELAA):

- a) The Sustainability Appraisal, carried out at each stage of plan preparation, properly includes *'Protect and enhance cultural heritage assets'* as one of the sustainability objectives against which options are evaluated.
- b) In relation to the SHELAA, the site assessment methodology notes that on-site heritage assets (including historic components of the High Weald AONB landscape) have been screened and planning judgements made for off-site heritage matters, which have informed site assessment outcomes and site density assessment. Also, specialist Conservation Officers have been involved throughout

the SHELAA process, while external advice and comments during plan making have also been taken into account.

- 4.9 Hence, it is agreed that the Local Plan demonstrates a good understanding of, and due regard to, the historic environment in its preparation.

b) Strategy for the historic environment

- 4.10 Having regard to coverage of the historic environment in both the strategic objectives and strategic policy STR8, the elaboration provided through both Development Management policies EN 4 and EN 5, and the use of a meaningful evidence base in identifying spatial strategies and site allocations, it is agreed that the Local Plan provides a positive strategy for the conservation and enjoyment of the historic environment, as sought by the NPPF.
- 4.11 Royal Tunbridge Wells is recognised in the Local Plan and by Historic England as having sensitive heritage assets, which warrant particularly careful consideration – see (c) below.
- 4.12 It is recognised that TWBC benefits from having a strong Conservation team to ensure that the historic environment is also properly considered in the Development Management process, as well as to support the timely production of proposed related documents, as set out in Section 5.

c) Royal Tunbridge Wells town centre and other site allocations

- 4.13 The individual site allocations are contained within Section 5 - Place Shaping Policies.
- 4.14 As noted above, both Historic England and TWBC recognise the importance of the historic layout and architecture of the early spa town of Royal Tunbridge Wells (RTW). TWBC has already produced a range of evidence documents to enable proper regard to the sensitive approach towards its town centre, including the Tunbridge Wells Conservation Area Appraisal, the designation of a new Conservation Area at Warwick Park and Madeira Park, and the draft Urban Design Framework.
- 4.15 In view of the changing economic and commercial property market context and the current uncertainties of what this means for the future of the town centre, Historic

England agree with the Local Plan's approach of setting out a broad framework policy for RTW town centre (STR/RTW 2) to be elaborated on, including through any new site allocations, forward via a bespoke, separate 'Area Local Plan'. It is also agreed that this should be produced in the short term, as proposed.

- 4.16 Earlier Draft Local Plan proposals for a site in RTW, at Spratsbrook Farm, which were initially of concern in relation to the potential impact on heritage assets, notably an Scheduled Ancient Monument (SAM), have now been considerably scaled back, and away from the SAM following a landscape and visual impact assessment (LVIA) which assessed impacts on historic landscape character. In this instance, this is accepted as an appropriate means of assessing the heritage issue (i.e. as part of the landscape), rather than further separate heritage assessment.
- 4.17 The proposal for a new settlement at Tudeley Village is another main area of interest of Historic England in view of the heritage assets and specifically the Grade I Listed Church. It notes the initial heritage assessment undertaken by TWBC and its masterplanning and delivery work undertaken to date, as well as that by the [Hadlow Estate](#). It is pleased that the policy has a strong protection and enhancement element, with specific reference made to the setting of heritage assets, especially All Saints Church.

d) Development Management Policies

Policy EN 4 - Historic Environment

- 4.18 This policy has been developed to provide an overarching approach to development in the context of the historic environment.
- 4.19 The parties agree that its requirements for development to both '*... reflect the local distinctiveness, condition (state of repair) and sensitivity to change of the historic environment ...*' and to '*... contribute to the overall conservation and, where possible, enhancement of the historic environment of the borough*' are appropriate and justified.
- 4.20 Historic England supports the policy reference to its 'Good Practice Advice Notes' as well as to the 'Historic England Advice Notes'.

Policy EN 5 - Heritage Assets

- 4.21 This policy focuses on the conservation and enhancement of both designated and undesignated heritage assets. The expansive supporting text provides a detailed resume of different types of heritage assets and their presence in the borough.
- 4.22 It is agreed that amendments made to the earlier Draft Local Plan policy have addressed Historic England’s concerns in its Regulation 18 comments in respect of the encouragement now added to ‘... *bringing a heritage asset at risk back into a use consistent with its conservation ...*’
- 4.23 [The supporting text also includes amendments, regarding relevant legislative references and further reference to the archaeological heritage, to reflect Historic England’s comments on the earlier Draft Local Plan.]
- 4.24 While Historic England is supportive of this policy, it notes that the reference to different legislative planning requirements could be expanded to refer to different national planning policy contexts. TWBC will duly clarify this in the form of an additional modification.

Other Development Management policies related to the historic environment

- 4.25 The Local Plan also put forward policies in relation to the Shop Fronts (Policy EN 6) and Advertisements (Policy EN 7), both of which require sensitive treatment in historic contexts, which are welcomed by Historic England, especially in view of the extent of traditional shopfronts and Conservation Areas covering many of the borough’s settlement centres.’

5.0 Future working

- 5.1 TWBC undertakes to engage with Historic England in relation to not only to the progress of the Local Plan, but also in relation to its further work to promote the historic environment.

- **Royal Tunbridge Wells Town Centre Area Local Plan** – TWBC will keep Historic England apprised of the progress of this “inset local plan” and invite contributions to its formulation, including through either the proposed working group or other fora.

- **Historic Environment SPD** – as proposed in the Council’s [Local Development Scheme](#), to apply the principles of the Historic Environment Review and supplement the Local Plan’s policies and the requirements of relevant site allocations.
- **Heritage Strategy and Historic Environment Framework** – to provide a more corporate mission statement with performance indicators, supported by a suite of practical strategies for the conservation, enjoyment and enhancement of the historic environment.
- **Heritage at Risk Strategy** – to be a key part of the above Historic Environment Framework, including a standard approach to identifying and monitoring heritage assets at risk in the Borough.

6.0 Signatories

1.6 This statement has been prepared and agreed by the following organisations:

Tunbridge Wells Borough Council		Historic England	
		Signature	
Signature	William Benson	Date:	7 July 2021
Position	Chief Executive		
Date	13 July 2021		
			
Signature	Alan McDermott		
Position	Planning & Transportation Portfolio Holder		
Date:	13 July 2021		

KCC Highways

Appendix H7: DtC engagement record for KCC Highways

Prescribed Bodies

TWBC Duty to Cooperate engagement record for KCC Highways

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
29 September 2015	KCC Highways – Vicki Hubert KCC Strategic Planning and Policy – Liz Shier, April Newing KCC Economic Development – Nicholas Abrahams KCC Education – Jared Nehra KCC Property – Katie Jarvis TWBC – Kelvin Hinton and Bartholomew Wren	DtC TWBC and KCC Liaison meeting	Discussion of Local Plan, Major Sites and Regeneration Projects <ol style="list-style-type: none">1. Local Plan Update -2. Site Allocations Examination3. Strategic Housing Market Assessment4. Neighbourhood Plans Update5. Infrastructure Delivery Plan6. CIL and S106 incl. monitoring7. Major applications8. Transport strategy9. Regeneration Projects - Town Centre10. Investment Initiatives and Gap Funding Strategy11. Employment
21 March 2016	KCC Highways – Vicki Hubert KCC Strategic Planning and Policy – April Newing KCC Economic Development – Nicholas Abrahams KCC Education – Jared Nehra TWBC – Kelvin Hinton and Hilary Smith	DtC TWBC and KCC Liaison meeting	Discussion of Local Plan, Major Sites and Regeneration Projects <ol style="list-style-type: none">1. Local Plan and Neighbourhood Plans update2. Call for Sites (9 February – 1 August 2016)3. Infrastructure Delivery Plan4. CIL and S106 incl. monitoring5. Education6. Major applications

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			7. Future planning applications 8. Regeneration projects 9. Transport
20 April 2016	KCC Highways – Vicki Hubert TWBC – Kelvin Hinton, Sharon Evans	DtC Information meeting	Discussion on situation regarding specific roads/routes <ul style="list-style-type: none"> • A26, A264 and A228 • North Farm improvements • Hawkhurst • KCC requested broad locations and numbers in order to run some transport work on possible transport solutions.
31 October 2016	KCC and TWBC Officers	DtC TWBC and KCC Liaison meeting	Discussion of Local Plan, Major Sites and Regeneration Projects: <ol style="list-style-type: none"> 1. Local Plan Update / Neighbourhood Plans Update 2. Infrastructure Delivery Plan / CIL & S106 monitoring 3. Kent and Medway Growth and Infrastructure Framework 4. Major applications <ul style="list-style-type: none"> • Knights Park • Church Farm/ Mascalls Farm • Hawkenbury • Union House • The Old Dairy Crest Site • Brick Kiln Farm, Cranbrook • Southborough Hub • Cinema Site, Tunbridge Wells

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<ul style="list-style-type: none"> • Paddock Wood (Mascalls Court Farm, Church Farm, and Mascalls Farm) 5. Future Applications 6. Regeneration Projects - Town Centre
6 July 2017	TWBC – Sharon Evans TWBC - David Scully KCC – Vicki Hubert	DtC nformation meeting	<ul style="list-style-type: none"> • TWBC briefed KCC on Ashdown Forest • Discussed producing a transport constraints report – Vicki to complete this and report to PPWG, also comparing RTWW with other Kent towns, i.e. Maidstone • importance of JTB working group • Agreed to share with Vicki the maps showing all of the site submissions for discussion.
17 September 2018	KCC - Sarah Platts, Vicki Hubert, Jared Nehra, Nick Abrahams - TWBC - Sharon Evans Hilary Smith	DtC meeting – District liaison Meeting	<ul style="list-style-type: none"> • Local Plan update • Transport discussions • Education discussions • Neighbourhood Plans • GIF
25 March 2020	KCC – Vicki Hubert Hawkhurst PC TWBC – Stephen Baughen, Hilary Smith	DtC meeting (by skype)	Discussion of KCC owned and managed junction model proposal for Hawkhurst crossroads
16 September 2020	KCC – Vicki Hubert TWBC – Sharon Evans, Ellen Gilbert, Deborah Dixon	DtC Information meeting (by skype)	Discussion around specific sites allocated within the Draft Local Plan and access and highways issues
11 November 2020	KCC- Vicki Hubert KCC- David Joyner TWBC- Stephen Baughen	DtC Information meeting	Discussion around strategic highway solutions for the strategic sites

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC- Hannah Young TWBC- Hilary Smith DLA- Joanne Cave Stantec- Phil Brady Sweco- Mark Fitch Sweco- Dermot O’Leary		
19 January 2021	KCC- Vicki Hubert TWBC- Hilary Smith TWBC-Hannah Young TWBC- Stephen Baughen	DtC Information Meeting	Update on highway issues re. Strategic Sites
8 February 2021	KCC- Tim Read KCC- David Joyner KCC- Vicki Hubert KCC- John Farmer KCC- Lee Burchill TWBC- Stephen Baughen TWBC- Hannah Young TWBC- Hilary Smith	DtC Information Meeting	Meeting to discuss the A228 proposals within the Local Plan, and how this relates to future aspirations for the wholly offline A228 works by KCC
23 February 2021	KCC- Tim Read KCC- David Joyner KCC- Vicki Hubert KCC -John Farmer TWBC- Stephen Baughen TWBC- Hannah Young TWBC- Hilary Smith	DtC Information Meeting	Update meeting following the meeting on 8/02/21
20 May 2021	KCC – Vicki Hubert, David Joyner, Sarah Platts TWBC - Stephen Baughen, Freya Jackson, Hilary Smith	DtC Meeting	Update meeting about the TWBC Pre-Submission Local Plan (PSLP) and discussion on producing a SoCG. Items discussed:

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			The transport modelling work (being undertaken by TWBC's transport consultants SWECO) for the Local Plan Local Plan policies relating to transport and parking standards.
14 July 2021	KCC – Vicki Hubert to TWBC	DtC Correspondence	Request for further information relating to modelling
18 August 2021	KCC – Vicki Hubert to TWBC	DtC Correspondence	Request for clarification re modelling
22 September 2021	KCC – Vicki Hubert, David Joyner TWBC – Stephen Baughen, Nichola Watters, Hilary Smith	DtC Meeting	The additional transport sensitivity modelling work undertaken by TWBC's transport consultants was presented to KCC.
28 September 2021	KCC – Vicki Hubert to TWBC	DtC Correspondence	Comments on modelling assumptions re PW existing development
5 October 2021	KCC – Vicki Hubert to TWBC	DtC Correspondence	Further comments on assumptions and request for further information.
29 October 2021	KCC – Sarah Platts to TWBC	DtC Correspondence	Confirmation that the SoCG is agreed by KCC.

Appendix H8: SoCG between TWBC and KCC Highways

Statement of Common Ground
between
Tunbridge Wells Borough Council
and
Kent County Council

in respect of the
Tunbridge Wells Borough Local Plan
Transport Matters

[October 2021]



Contents

- 1.0 Introduction 1
- 2.0 Overview 1
- 3.0 Local Plan NPPF, Local Plan Approach and Evidence Base and Current Position on Transport Modelling..... **Error! Bookmark not defined.**
- 4.0 Local Transport Assessments, Travel Plans and Mitigation, Active Travel and Car Parking2
- 5.0 Future working2
- 6.0 Signatories..... 1
- Appendix 1: Evidence Base in relation to provision of infrastructure2

1.0 Introduction

- 1.1 This 'Statement of Common Ground' (SoCG) is a jointly agreed statement between Kent County Council (KCC) and Tunbridge Wells Borough Council (TWBC), hereafter referred to as "the parties", in relation to the preparation of the Tunbridge Wells Borough Local Plan: specifically and solely related to local highway and transportation matters. Other matters relating to wider KCC interests (as referred to in paragraph 1.4 below) are dealt with in a separate SoCG.
- 1.2 It takes account of the development of the Local Plan including the Pre-Submission (Regulation 19) stage. Specifically, it reflects the comments and representations submitted by KCC to the emerging Local Plan at each stage of plan-making, as well as the Borough Council's responses. As such, this SOCG provides an agreed position with respect to relevant strategic matters within the scope of the emerging Local Plan as at October 2021.
- 1.3 The strategic matters covered by this SoCG relate to the provision of transport services and infrastructure to be provided/funded by developers to support the growth in the borough proposed within the Local Plan. In broad terms this covers the following matters;
- Highways
 - Active Travel
 - Public Transport
- 1.4 This SoCG should be read in conjunction with the SoCG signed on 29th October 2021, which covers other services, infrastructure and matters) for which KCC is the relevant body or authority.
- 1.5 Para 24 of the NPPF sets out that Local Planning Authorities and county councils (in two tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. Para 26 states that:
- "Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified*

strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere”.

- 1.6 Likewise, para 106 b) of the NPPF states: *“Planning policies should:....be prepared with the active involvement of local highway authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned”.*
- 1.7 TWBC has worked with KCC and East Sussex County Council as the local highways authorities, and National Highways (NH), formerly Highways England, Network Rail and the operators of public transport provision, for example local bus operators. SoCGs have been prepared and signed with East Sussex County Council and Network Rail and are in the process of being agreed with National Highways.
- 1.8 Liaison in relation to the matters included in this SoCG is ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently through the examination into the Local Plan.

2.0 Overview

- 2.1. The parties agree that both TWBC and KCC have been proactive in their approach to strategic matters in relation to strategic highways and transport matters in accordance with the requirements under the Duty to Cooperate (DtC).
- 2.2. It is agreed that the evolving TWBC transport evidence base is seeking to identify and mitigate the impacts of the Local Plan on the highway and transport network. That work continues and both parties are committed to completing this in a timely fashion ahead of the Local Plan Examination.
- 2.3. Paragraph 1.28 of the Pre-submission Local Plan (PSLP) refers to the extensive liaison between Tunbridge Wells Borough Council and KCC in the preparation of the Local Plan, in terms of KCC's role as Local Highway Authority. Further to this, paragraph 1.30 of the PSLP confirms that regard has been had to other strategies and plans of key agencies, including those of the County Council in relation to all relevant transport matters.
- 2.4. Examples of the effective and on-going joint working between TWBC and KCC include:
 - An iterative process of ongoing liaison with KCC, including both formally and informally through the preparation stages of the Local Plan, including through periodic meetings of officers and Members;
 - KCC provided a significant financial contribution to the costs of the highway modelling and evidence base for the TWBC Local Plan;
 - TWBC provides contributions from its staff budget to fund half of a Senior Transport Planner employed by KCC, whose focus is on sites and transport matters in the borough of Tunbridge Wells;
 - KCC officers attend the Strategic Sites Working Group which has met since July 2019 and is attended by stakeholders, infrastructure providers, land owners and elected Members in relation to the two strategic sites (Tudeley village and Paddock Wood and land in east Capel);

- KCC were involved in the interviewing of consultants who have been appointed by and have undertaken key pieces of evidence in the preparation of the TWBC Local Plan. This includes the Tunbridge Wells Park and Ride Feasibility Study (June 2018) and the Local Cycling and Walking Infrastructure Plan (LCWIP) Phase 2;
- Liaison between TWBC and KCC officers occurred through workshops on access arrangements for various sites during assessment of their suitability for allocation, particularly those between Regulation 18 and 19 consultations – i.e. during the preparation of the PSLP;
- KCC and TWBC Members and relevant officers met to discuss the overall transport strategy for the Local Plan, and KCC and TWBC officers met on a number of occasions to investigate and develop potential bids for infrastructure, including elements of the A228 Colts Hill bypass from Pembury to the Alders' Road junction.

2.5. The evidence base for transport and highways matters for the TWBC PSLP is that set out in **Appendix 1**.

2.6. In addition, two addendum reports have been produced. Further details on these are provided below in Section 3.0.

2.7 Both TWBC and KCC agree that the other authority has met the requirements under the Duty to Cooperate on strategic matters that cross administrative boundaries, and through effective and on-going joint working.

3.0 NPPF, Local Plan Approach and Evidence Base and Current Position on transport modelling

National Planning Policy Framework (NPPF)

- 3.1 TWBC and KCC agree that the following (paras 20,104 – 106, 110 – 113) are the most pertinent paragraphs and parts of paragraphs of the NPPF (2021) in relation to the development of the TWBC Local Plan on highways, active travel and public transport matters, in addition to those set out at paras 24 – 27 of the NPPF in terms of the duty to cooperate and paras 107 and 108 in relation to parking.
- 3.2 Paragraph 20 of the NPPF requires that Strategic Policies within the Local Plan should set out the overall strategy for the pattern, scale and quality of development, and make sufficient provision for;
- a) *'infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- 3.3 Paragraphs 104 – 106 of the NPPF state:
- "104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
- a) *the potential impacts of development on transport networks can be addressed;*
 - b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
 - c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
 - d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”.

“105. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”.

“106. Planning policies should:

a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;

b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;

c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).....”;

3.4 Paragraphs 110 - 113 of the NPPF state:

“110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*

“111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

“112. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use....”;*

“113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

Iterative working

- 3.5 As detailed above, the process of producing the Local Plan has been an iterative one, with discussions and liaison with KCC being undertaken at each stage.

- 3.6 The effective and on-going joint working between TWBC and KCC is demonstrated by the changes between the TWBC Draft Local Plan and the PSLP. Regulation 18 consultation was undertaken on the Draft Local Plan in 2019. The Draft Local Plan was supported by various elements of the evidence base, including the Transport Assessment Report 2019 produced by SWECO.
- 3.7 The representations made by KCC at Regulation 18 stage (i.e. on the Draft Local Plan) included concerns expressed about the impact of the scale of proposed development on the junction of the A268 and A229 at Hawkhurst village and proposals to locate housing in locations which KCC considered to not have appropriate facilities including in a number of the villages in the borough. Whilst there were a variety of factors which contributed to the allocation of considerably less houses in the settlements of Hawkhurst (520 - 561 less), Cranbrook (303 – 374 less) and Sissinghurst (62-77) in the PSLP as compared to the Draft Local Plan, this is an example of how the iterative development of the Local Plan and joint working between TWBC and KCC has been effective.

PSLP

- 3.8 TWBC has prepared a transport evidence base to support the Local Plan strategy and site allocations. The relevant documents are listed below in **Appendix 1**.
- 3.9 The *Local Plan Evidence Base: Transport Assessment Report Update for the Pre-Submission Local Plan (Transport Modelling report)*, dated March 2021 provides details of the AM and PM SATURN model that supports the strategic modelling for the PSLP. This provides a core model simulation network centred around the key settlement areas of Royal Tunbridge Wells, Pembury, Tonbridge and Paddock Wood. The Base Case has been set out using surveys undertaken from 2018/2019 and includes projected growth up to the end of the Local Plan (2038).
- 3.10 The PSLP has an integrated and comprehensive transport strategy which offers choice and prioritises a) active travel and then b) public transport whilst ensuring that c) there are necessary improvements to the existing highway network and infrastructure to mitigate and address the impact of development to an acceptable degree and to ensure highway safety. This is set out in:

- Strategic Policy STR6 Transport and Parking;

- Policy TP2 Transport Design and Accessibility;
- Policy TP5 Safeguarding Railway Land, and;
- Policy TP6 Safeguarding Roads.

- 3.11 Detailed discussions took place with KCC (and National Highways (NH)) ahead of and during the Regulation 19 consultation. As a result of these discussions (referred to in KCC's Regulation 19 consultation response), NH and KCC (and NH) requested further sensitivity modelling be undertaken. This included a request that this sensitivity modelling is undertaken using the TRICS approach – whereby all sites are assessed individually.
- 3.12 Accordingly an Addendum Report (September 2021) has been prepared and provided to KCC (and NH) that sets out the results of the sensitivity tests that have been undertaken (i.e, using the TRICS approach) and responds to the queries raised by both KCC and NH.
- 3.13 Following review of this Addendum Report, KCC has raised some further queries, and sought further information.
- 3.14 Accordingly, a further Local Plan – Transport Assessment Addendum 2 report (October 2021) has been produced which tests and is supplemental to the Local Plan Transport Assessment Report and supersedes the Addendum Report (September 2021). This Addendum 2 Report includes further modelling that covers a scenario which KCC considers should be assessed (no reduction in trip rates from existing residents of Paddock Wood as a result of mitigation measures and inclusion of mitigation measures for consented schemes in the base case scenario).
- 3.15 Both KCC and TWBC agree to continue to work together positively over the coming weeks and months on the modelling and mitigation measures proposed in the evidence base including the recent subsequent sensitivity testing reports and will seek to update the position prior to the Examination in a further SoCG. As above, this further SoCG will set out clearly the areas where there is agreement, and, if relevant, those areas where there is not.

4.0 Transport Assessments, Travel Plans and Mitigation, Active Travel and Car Parking

4.1 The following reflects the comments made by KCC in its partial representation to the Regulation 19 consultation on the TWBC PSLP. The parties acknowledge that the following may be subject to change pending the final outcomes of the sensitivity modelling being undertaken, including policy or text and/or the location, form, timing, governance and funding of any required mitigation. Comments on specific site policies and areas of agreement/non agreement will be made in due course and set out in the further SoCG referred to in Section 3.0 above.

Transport Assessments, Travel Plans and Mitigation

4.2 KCC considers the approach to Transport Assessments, Travel Plans and Mitigation (as set out in paras 6.546 – 6.549 and Policy TP1 in the PSLP) to be acceptable.

4.3 Active Travel:

- KCC supports Policy TP2, however has suggested alterations to the policy supporting text as follows; *'paragraph 6.550 should say 'Local Cycling and Walking Infrastructure Plan', rather than 'Local Cycling and Walking Infrastructure Fund'*. TWBC agrees that this wording amendment should be made to correct the reference and will advise the Inspector that this can be made as an additional (minor) modification;
- KCC has also suggested that an amendment should be made to the final paragraph of policy TP2, where it refers to *'shared space schemes'* – KCC does not consider that this reference is necessary as any proposed shared space schemes should be assessed by the County Council as Highway Authority, as part of the Transport Assessment and so this reference should be removed. It has been agreed that this be addressed by a minor amendment to this final paragraph to clarify the approach, which is *"Shared space schemes which are regarded as suitable by Kent County Council, as the Local Highway Authority, will be considered as part of new residential schemes or within existing residential streets with very low levels of traffic"*.

Car Parking and safeguarding Policies

- 4.4 KCC has stated its support for the development management policies which relate to parking, including Policies TP3 – Parking Standards and TP4 – Public Car Parks. Additionally, they consider the safeguarding policies – TP5 – Safeguarding Railway Land and TP6 – Safeguarding Road to be acceptable.

5.0 Future working

- 5.1 Both KCC and TWBC agree to continue to work effectively and positively on transportation matters. An updated SoCG will be provided ahead of the Examination setting out this work and updating the position in relation to KCC H&T's agreement, and, if relevant, any areas where there is not agreement, with the modelling and mitigation measures proposed.
- 5.2 Both parties are committed to continued collaborative working to plan and deliver sustainable growth and infrastructure within the borough.

6.0 Signatories

6.1 This statement has been prepared and agreed by the following organisations:

<p style="text-align: center;">Tunbridge Wells Borough Council</p> <p>Signature</p>  <p>Alan McDermott Date: 1 November 2021</p> <p>Signature</p>  <p>William Benson Date: 1 November 2021</p>	<p style="text-align: center;">Kent County Council</p> <p>Signature</p>  <p>Simon Jones Date: 29 October 2021</p>
--	--

Appendix 1: Evidence Base in relation to provision of transport infrastructure

Evidence in relation to general infrastructure provision

- [Tunbridge Wells Borough Council – Infrastructure Delivery Plan](#) (March 2021) – This IDP sets out the details of the infrastructure that is required to support existing and future needs and demands for the borough to support new development and a growing population as envisaged through the Council’s Local Plan. It covers a range of services and infrastructure.
- [Development Constraints Study](#) (October 2016) – this study analyses the high-level constraints set out in footnote 6 of the NPPF. This was the starting point for the overall strategy for development advocated within the Local Plan.
- [Tunbridge Wells Strategic Sites Masterplanning and Infrastructure Study](#) (February 2021) - This report sets out the key findings and recommendations about whether the study sites should be allocated in the Local Plan, by gathering evidence on whether specified scales of development at the locations identified in the DLP are deliverable from a masterplanning, infrastructure and viability perspective.

Evidence in relation to Highways

- [Tunbridge Wells Borough Council Parking Strategy 2016 – 2026](#) (2016) – The strategy considers car parking in the borough by reviewing consultation responses on the provision of parking of town and responding to these along with initiatives for tackling congestion.
- [Tunbridge Wells Borough Council Transport Strategy 2015 – 2026](#) (July 2015) – The strategy, prepared jointly by TWBC and KCC, sets out the vision for transport in the borough between 2015 and 2026.

- [Tunbridge Wells Park and Ride Feasibility Study](#) (June 2018) – A commissioned study to investigate the feasibility of introducing Park and Ride in the town, with particular consideration of the effects and necessary actions related to town centre parking.
- [Tunbridge Wells Borough Council Transport Strategy Review: Context and Way Forward](#) (September 2019) – The paper sets out the contextual framework for the review of the Transport Strategy, including key challenges, from which proposed aims for the review are put forward. It sets out how the aims are relevant with the objectives and policies in the new Local Plan.
- [Transport Assessment Report Update for the Pre-Submission Local Plan](#) (March 2021) – This report sets out the modelling and analysis undertaken to support the Local Plan, with particular focus on the core model simulation networked centred around the key settlement centres, including Royal Tunbridge Wells, Pembury, and Paddock Wood. Mitigation measures are identified to offset the effects of additional trips from the Local Plan developments on the local transport network.
- **Transport Assessment Addendum (Version 1 September 2021, and Version 2 October 2021)**

Evidence in relation to Active travel as well as Public Rights of Way

- [Tunbridge Wells Borough Council Cycling Strategy 2016-2020](#) (2016) – The Cycling Strategy includes actions and principles which support the promotion of cycling and the delivery of related infrastructure in the borough. The document acts as a tool to assist in the delivery of the vision and objectives of the Transport Strategy.
- [Local Cycling and Walking Infrastructure Plan \(LCWIP\) Phase 1](#) (November 2019) – Phase 1 of the LCWIP focuses on key routes into Royal Tunbridge Wells town centre where there is a significant opportunity to convert many shorter journeys to more active and sustainable modes of travel.
- [Local Cycling and Walking Infrastructure Plan \(LCWIP\) Phase 2](#) (March 2021) – Phase 2 of the LCWIP was commissioned to expand upon Phase 1 LCWIP by developing complementary measures for Low-Traffic Neighbourhoods and Inter-Urban routes which further support the Borough’s ambition for mode shift to sustainable modes.

Evidence in relation to Parking

- [Residential Parking Standards Topic Paper for Pre-Submission Local Plan](#) (February 2021) – This paper sets out recommendations based on the analysis for new residential parking standards to take forward into the new Local Plan in the parking standards development management policy.

Natural England

Appendix H9: DtC engagement record for Natural England

Prescribed Bodies

TWBC Duty to Cooperate engagement record for Natural England (NE)

Meeting/Correspondence Log

Note: Both Tunbridge Wells BC and Natural England are Members of the Ashdown Forest SAC Working Group and the Strategic Access Management and Monitoring Strategy (SAMMS) Partnership that cooperate on the understanding a protection of the Ashdown Forest. For further details of these groups are provided in the DtC statement.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
19 January 2016	Natural England – John Lister and Sean Hanna, Environment Agency, Tonbridge & Malling BC, Ashford BC, Canterbury CC, Dover DC, Shepway Council , Thanet DC, Maidstone BC, KCC Also Environment Agency, NHS, Highways England, Natural England TWBC Officers – Adrian Tofts, Ellouisa McGuckin	DtC meeting	East Kent Memorandum of Understanding discussion: Update from the East Kent districts about Local Plan progress / key issues, Updates from other districts, discussion on key infrastructure / service issues.
17 June 2019	Amy Kitching NE David Scully and David Marlow TWBC	Meeting	Discretionary Advice Service Scoping meeting to cover the Tunbridge Draft Local Plan
27 September 2019	TWBC – David Scully to Natural England	Email Correspondence	Information about the access to documents and relevant policies relating to the TWBC Draft Local Plan Regulation 18 Consultation 2019

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
09 October 2019	Between David Scully TWBC and Amy Kitching NE	Email Correspondence	Consult on brief for Landscape consultants appointment to undertake LVIAs for AONB Sites
03 February 2020	Between David Scully TWBC and Julia Coneybeer NE	Email Correspondence	Exchange of emails regarding the developing approach to major AONB development.
27 February 2020	David Scully TWBC Tanya Kirk HDA Amy Kitching, Amy NE Patrick McKernan NE	Meeting	To review LVIA outputs and methodology.
28 February 2020	David Scully TWBC to Tanya Kirk HDA Amy Kitching, Amy NE Patrick McKernan NE	Email	To set out understanding of and outcomes of meeting on 27/02/2020
9 April 2020	David Scully TWBC David Marlow TWBC Tanya Kirk HDA Amy Kitching NE Patrick McKernan NE	Virtual Meeting	A telecall to discuss NE's advice on the Tunbridge Wells local plan, and the use of LVIAs, with regard to major development proposals within the High Weald AONB.
01 May 2020	From Patrick Mckernan NE to David Scully TWBC	Letter via email	Written advice received from NE summarizing current position.
27 May 2020	From David Scully TWBC to Patrick Mckernan NE	Email correspondence	Response and clarification on written advice

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
6 April 2020	David Scully TWBC David Marlow TWBC Tanya Kirk HDA Amy Kitching, Amy NE Patrick McKernan NE Andrew Gale	Email correspondence	Revised draft LVIA chapter sent
9 April 2020	David Scully TWBC David Marlow TWBC Tanya Kirk HDA Amy Kitching, Amy NE Patrick McKernan NE Andrew Gale	Virtual meeting	To discuss revised LVIA and approach to major development
09 April 2020	From McKernan NE to David Scully TWBC Tanya Kirk HDA (CC Amy Kitching, NE Patrick Andrew Gale NE)	Email correspondence	Follow up note from discussion.
01 May 2020	From Patrick McKernan NE to David Scully TWBC Tanya Kirk HDA (CC Amy Kitching, NE Andrew Gale NE)	Letter via email	Further advice on LVIA and major development.
27 May 2020	From David Scully TWBC to Patrick McKernan NE (CC Tanya Kirk HDA Amy Kitching, NE Andrew Gale NE)	Email correspondence	Setting out understanding of further advice, changes being made and clarifications.
08 June 2020	From Amy Kitching, NE to David Scully TWBC (CC Patrick McKernan NE Tanya Kirk HDA Andrew Gale NE)	Email correspondence	Further responses on LVIA work

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
30 July 2020	From Patrick McKernan NE to David Scully TWBC (CC Amy Kitching, NE Tanya Kirk HDA Andrew Gale NE)	Email correspondence	Detailed response to work by TWBC.
07 August 2020	From David Scully TWBC to Patrick McKernan NE (CC Tanya Kirk HDA Amy Kitching, NE Andrew Gale NE)	Email correspondence	Follow up to latest comments of NE and some discussion re specific application for major development at Cranbrook (Turnden).
22 December 2020	From David Scully TWBC to Patrick McKernan NE (CC Tanya Kirk HDA Amy Kitching, NE Andrew Gale NE)	Email correspondence	Request for meeting on Local Plan and LVIA
11 January 2021	From David Scully TWBC to Patrick McKernan NE (CC David Marlow TWBC Stephen Baughen TWBC Amy Kitching NE Andrew Gale NE)	Email correspondence	Documents provided in advance of meeting on alternative strategic site in the AONB.
11 January 2021	David Scully TWBC David Marlow TWBC Stephen Baughen TWBC Patrick McKernan NE Amy Kitching NE Andrew Gale NE	DtC meeting	Discussion on latest position re Local Plan and alternative strategic sites in the AONB.
7 May 2021	Patrick McKernan and Richard Cobb - NE and David Marlow and David Scully TWBC	DtC meeting	To highlight relevant aspects of the PSLP, to assist with NE's formal response to the

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			PSLP Regulation 19 consultation
11 August 2021	Richard Cobb and James Seymour - NE) and David Scully, David Marlow, Nichola Watters and Katie McFloyd - TWBC	DtC meeting	To discuss NE's Regulation 19 comments and seek ways to resolve issues, including the Development Management policies
9 September 2021	From David Marlow – TWBC to NE (as above)	DtC email correspondence	Forwarding of draft SoCG for comment
21 October 2021	Richard Cobb (NE), David Marlow & David Scully (WBC)	DtC meeting and follow-up email correspondence	To agree the SoCG wording
26 October 2021	TWBC and NE	DtC email correspondence	Final sign-off of SoCG between both parties

Appendix H10: SoCG signed
between TWBC and Natural
England 26 October 2021

Statement of Common Ground
between
Tunbridge Wells Borough Council
and
Natural England

in respect of the
Tunbridge Wells Borough Local Plan

October 2021



Contents

1.0	Introduction	1
2.0	Summary Overview	1
3.0	Local Plan context	3
4.0	Strategic matters affecting the natural environment.....	4
5.0	Habitats Regulations Assessments	6
6.0	Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)	7
7.0	Evidence base	13
8.0	Development Strategy	15
9.0	Site allocations.....	20
	Sites within the AONB	20
	Strategic site allocations close to the AONB.....	24
10.0	Development Management Policies	26
11.0	Future working.....	28
12.0	Signatories.....	28
	Appendix 1: Detailed comments by Natural England on the Pre-Submission Local Plan's 'Development Management Policies' (and a related Sustainability Appraisal comment) together with the Council's response, highlighting agreed modifications.....	29
	Appendix 2: Detailed comments by Natural England on the Pre-Submission Local Plan's 'Strategic Sites policies' together with the Council's responses	35

1.0 Introduction

- 1.1 This 'Statement of Common Ground' (SoCG) is a joint statement between Natural England and Tunbridge Wells Borough Council "(the Council)", hereafter referred to as "the parties", in relation to the preparation of the Tunbridge Wells Borough Local Plan. It provides evidence of the continuing dialogue between the parties as part of the 'Duty to Cooperate'.
- 1.2 The SoCG covers the development of the Local Plan up to and including the Pre-Submission (Regulation 19) stage, highlighting the current position of the parties ahead of submission of the Local Plan.
- 1.3 The strategic matters covered by this SoCG relate broadly to the need to have regard to conserving and enhancing the natural environment of the borough within the Local Plan. In particular, the SoCG sets out the parties' views on the consistency of the Pre-Submission Local Plan with relevant national policies as set out in the National Planning Policy Framework (NPPF).
- 1.4 As such, this SOCG highlights areas of both agreement and disagreement.
- 1.5 The parties acknowledge that their positions may change in response to changing circumstances, such as the outcome of the public inquiry (Ref 3273015) Turnden, Cranbrook. Furthermore, for the avoidance of doubt, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently through the examination into the Local Plan. This is particularly due to the nature of the Public Inquiry and the consideration of major development within protected landscapes.

2.0 Summary Overview

- 2.1. The SoCG highlights that whilst Natural England has outstanding concerns regarding the impact of the Local Plan's development strategy on the High Weald Area of Outstanding Natural Beauty (AONB), there is agreement that the requirements under the Duty to Cooperate (DtC) have been met.

- 2.2. Natural England has welcomed the level of consideration that the Council has given to address some of the issues that it raised during the Regulation 18 consultation. Indeed, the constructive engagement that has taken place during the course of preparing the Local Plan has continued subsequent to the publication of the Local Plan at Regulation 19 stage, as reflected in this Statement.
- 2.3. Natural England is satisfied that, following early engagement in the process and comments at the Regulation 18 stage, the requirements under the Conservation of Habitats and Species Regulations 2017 have been met in respect of the inclusion of suitable policies for the Conservation of Natural Habitats and Habitats of Species and the Assessment of Implications for European Sites (Part 6 CHAPTER 8 Land Use Plans).
- 2.4. While it is agreed that the Sustainability Appraisal presents an appropriate range of options, Natural England does not agree that it gives due weight to environmental factors, and specifically to the conservation and enhancement of the AONB, in informing the choice of the preferred option. Furthermore, Natural England does not agree that the Local Plan's development strategy and related allocations pay proper regard to conserving and enhancing the landscape and scenic beauty of the High Weald AONB. This relates most notably to the proposed 'major' developments, to which Natural England has raised an objection in principle.
- 2.5. Natural England broadly supports the Local Plan's Development Management policy approaches for the natural environment and the Council's commitment to produce supporting Supplementary Planning Guidance for biodiversity (in furtherance of the policy for minimum biodiversity net gains. It has made several detailed suggestions for improvements in its Regulation 19 representations relating to biodiversity and landscape. These are set out in Appendix 1 alongside the Council's response. Following further discussion, a number of additional (minor) modifications are proposed by the Council and (in the main) agreed. Natural England raises no objections in relation to the proposed Development Management Policies for climate change and water.

3.0 Local Plan context

- 3.1 The Council is at an advanced stage of preparing a new, comprehensive Local Plan for the borough which sets out the overall vision and objectives, development strategy, spatial strategies and site allocations, together with ‘Development Management’ policies to guide development over the period 2020 – 2038.
- 3.2 There were two stages of consultation at the Regulation 18 stage, the first on ‘[Issues and Options](#)’ in 2017 and the second, on a full ‘[Draft Local Plan](#)’ in autumn 2019. A Sustainability Appraisal of the Draft Local Plan for the Regulation 18 Consultation was prepared and published alongside the Draft Local Plan. This was also subject to public consultation from 20 September to 15 November 2019. Following further evidence base work and consideration of comments received at these stages, a ‘[Pre-Submission Local Plan](#)’ was published and consulted upon over a 10-week period from 26 March to 4 June 2021 together with an updated Sustainability Appraisal. The Council has considered representations received and is shortly to submit the Local Plan for examination.
- 3.3 Details of engagement between the parties up to publication of the Pre-Submission Local Plan are set out in the [Duty to Cooperate Statement*](#) that supports it.

[* It is noted that the Council will update its DtC Statement to take account of the range of further cooperation with prescribed bodies ahead of submission of the Local Plan.]

4.0 Strategic matters affecting the natural environment

4.1 The main issues for preparation of the Tunbridge Wells Local Plan relevant to Natural England's interests are regarded as relating to the following six matters:

a) **Habitats Regulations Assessments:**

- Have necessary Habitats Regulations Assessments (HRA) been duly undertaken?
- Has Natural England's advice been taken into account?

[NB The extent to which the Sustainability Appraisal/Strategic Environmental Assessment and the Local Plan's relevant policies reflect the HRAs' findings is considered under the respective headings below.]

b) **Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA):**

- Does the methodology properly provide for consideration of the range of natural environmental issues and does it appropriately balance environmental objectives with other sustainability objectives?

c) **Evidence base:**

- Is the evidence base about the natural environment sufficient, proportionate and up-to-date to inform the Local Plan, having particular regard to the landscape and scenic beauty of the High Weald AONB the national importance for biodiversity of Sites of Special Scientific Interest (SSSIs), internationally important Habitats Sites and irreplaceable habitats?

d) **Development strategy:**

- Does the Local Plan's development strategy properly reflect national policy in relation to areas and assets of particular importance, as defined by paragraph 11 footnote 7 of the NPPF, including the High Weald AONB?

e) **Site allocations:**

- Are site allocations that either individually or cumulatively constitute major development in the AONB fully justified having regard to NPPF Chapter 15?
- Do site allocations impact nationally or internationally designated sites of biological or geological importance?

- f) **Development Management policies and related thematic Strategic Policies**
- Are the Strategic and Development Management policies for the natural environment, including those for landscape and biodiversity, consistent with national policy in a manner that reasonably reflects local circumstances, and seeks to maximise environmental benefits?

5.0 Habitats Regulations Assessments

- 5.1 The Council produced a [HRA](#), via its consultants AECOM, to support the Pre-Submission Local Plan. Its [Appendix 3](#), which is an 'Ashdown Forest Air Quality Impact Assessment, 2020', is a separate document. AECOM also provided an [Addendum letter](#) in response to the subsequent proposed inclusion of a further allocation (for a medical centre and associated parking).
- 5.2 That HRA followed on from an earlier '[Habitat Regulations Assessment of the Regulation 18 Tunbridge Wells Local Plan](#)' (September 2019) that supported publication of the Draft Local Plan and an earlier Interim HRA, entitled '[Analysis of the Implications of Tunbridge Wells Borough Local Plan: Issues and Options for European Sites](#)' (March 2017).
- 5.3 The focus of these HRAs are the Special Protection Area (SPA) and the Special Area of Conservation (SAC) relating to the Ashdown Forest.
- 5.4 The HRAs are consistent with the approach of neighbouring councils and reflect the established joint working arrangements in relation to these designations, which also involve Natural England, as identified in the Council's Duty to Cooperate Statement.
- 5.5 Furthermore, the respective Working Groups have produced a joint SoCG specific to both designations, which is co-signed by Natural England.
- 5.6 There are no material areas of concern by Natural England in relation to the conduct of the HRA or its conclusions. [NB Natural England has requested that the Sustainability Appraisal make further reference to the findings of the HRA, in line with Pre-Submission Local Plan Policy EN 11 – see SA/SEA below.]

6.0 Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)

- 6.1 The main potential issues identified at 4.1(b) above relate to whether the methodology properly provides for consideration of the range of natural environmental issues, and whether it appropriately balances environmental and other sustainability objectives.
- 6.2 The Council has undertaken an SA/SEA to inform each stage of plan-making. It has been duly iterative, reflective of the stage reached and consultation responses at preceding stages. All SA/SEA reports are presented on the Council's website at: <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/sustainability-appraisal>
- 6.3 Of particular note, there was consultation with Natural England on the draft scope of the SA/SEA, the response to which informed (and is recorded in) the initial [Sustainability Appraisal Scoping Report](#) (October 2016).
- 6.4 Appendix H of the above Scoping Report shows the comments Natural England made and the subsequent amendments made to the SA methodology by the Council. Natural England's comments were in relation to access to nature, treatment of priority habitats and habitat connectivity. It also advised of appropriate types of plans to refer to, including the AONB Management Plan, and drew attention to potential monitoring indicators for landscape impacts.
- 6.5 In respect of the most recent SA/SEA that informs the Pre-Submission Local Plan, Natural England does not object to the range of growth strategy options within the Sustainability Appraisal (SA), but has made several representations regarding the basis of the choice of preferred growth strategy in the SA.
- 6.6 For clarity, and fairness, each of these concerns are summarised below, with the Council's position on them outlined after each point in *italics*:

a) NPPF consistency

Natural England: The chosen growth strategy has significant negative landscape impacts, contrary to the NPPF which sets out that economic, environmental and social objectives need to be pursued in mutually supportive ways and, moreover, that 'Significant adverse impacts on these objectives should be avoided and,

wherever possible, alternative options which reduce or eliminate such impacts should be pursued.’ (Paragraph 32, NPPF) It is our view that the Council’s approach does not give sufficient weight to paragraph 11(i) of the NPPF and the policies which provide strong reasons for restricting the overall scale, type or distribution of development, namely policies relating to conserving and enhancing AONBs due to the great weight that should be given to the landscape and scenic beauty of the AONB, which has the ‘highest status of protection in relation to these issues’ (NPPF paragraph 176).

Council response: The SA/SEA takes a balanced approach to sustainability objectives. Indeed, if anything, there is a greater coverage of environmental objectives, than economic and social ones – see SA Table 6.

The preferred development strategy is found not to have ‘significant adverse impact’ on landscape objectives (SA Table 25) and better overall impacts than other options, including that of the Draft Local Plan. It is appreciated that there is a degree of negative landscape impact, but this is regarded as compatible with NPPF paragraph 11, which states that ‘strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’ (Council emphasis)*

Hence, the approach is not inconsistent with the NPPF when read as a whole.

b) Weighting of objectives

Natural England: The SA appears to prioritise social and economic considerations over environmental ones, as Section 6.2.19 states:

‘The term ‘preferable’ is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar.’

This does not suggest that an appropriate level of consideration has been given to the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

This unbalanced consideration of objectives is also demonstrated by the fact that Housing scores very positively (+++) but environmental factors such as landscape score negatively (-) for the chosen growth strategy, despite the provision of paragraph 11 of NPPF which provides a strong reason for restricting development. Furthermore, this slightly negative score is underestimated, as outlined elsewhere in this statement (point d), which adds to the imbalance of objectives in our view.

Council response: This interpretation is not accepted. By way of context, the quoted text is written in relation to the ‘Strategic Sites’, where it is most evident that there will be a tension between economic and environmental objectives, such that the degree of respective benefits and harms are relevant to the assessment. Furthermore, the Council’s consideration of the Strategic Sites options demonstrates that opportunities for environmental benefits, in terms of landscape, biodiversity and water/flood risk, are considered. (SA Tables 28 and 29)

More generally, the Council believes that the weighting applied to environmental objectives was appropriate (with a ‘HIGH’ weighting to Landscape), as set out in the SA ‘Appendix B - Decision-aiding questions used for scoring SA objectives. The scoring for the chosen growth strategy acknowledges ‘slightly negative’ landscape impacts, but this does not imply that there has been a lesser regard to them, or specifically to AONB impacts, to which great weight is given. Indeed, it is evident that the rejection of options for higher levels of growth is in large part reflective of their higher landscape impacts.

c) Regard to national landscape designations

Natural England: Given the provisions of NPPF paragraph 11 (and consequently paragraphs 176 and 177), insufficient weight has been afforded to protecting nationally designated landscapes. The great weight required to be given to conserving and enhancing landscape and scenic beauty in AONBs has not been

sufficiently considered as part of exploring alternative options, and the environmental value of the AONB has been underestimated.

Council response: This is not accepted. The SA has due regard to the value of the High Weald AONB and its defining characteristics, as set out in the High Weald Management Plan 2019 – 2024, which is highlighted in SA Table 4. (Table 3 duly highlights the NPPF itself.) The key information in relation to these characteristics has formed part of the screening work. - see Appendix B of the Sustainability Appraisal. (Moreover, the Council notes that the scoring in relation to the Landscape objective has been agreed with the High Weald Unit.)

It is further noted that, both as part of and outside of the SA process, the Council has investigated options for accommodating major developments elsewhere in the borough and beyond (see Duty to Cooperate Statement).

d) Major developments in the AONB

Natural England: Significant impacts have not been avoided as far as possible, with particular reference to major development within the AONB. Specifically, the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. It notes that the chosen growth strategy achieves a very positive score ('+++') for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including 'slightly negative' ('-') for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood. Natural England does not agree with the assertion that this scale of development within the AONB and its setting only demonstrates a 'slightly negative' impact on landscape.

Council response: The assessments are considered to fairly draw on available evidence, which in relation to the strategic sites includes reports prepared by the Council's landscape consultants on their actual impacts of the proposed developments on the setting of the AONB. Indeed, more generally, considerable effort has been made to ensure that proposed developments avoid significant AONB impacts, with many of the earlier draft allocations reduced in scale or

otherwise amended (and, in a number of cases, removed) in response to further work and assessment of such matters.

e) Regard to enhancement and mitigation

Natural England: Securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions.

[A related objection to the proposed allocation at Turnden (AL/CRS 3), despite scoring a very negative score for landscape, is contained in Section 9 below.]

Council response: *The Council is fully aware of the issues in relation to accommodating major development in the High Weald AONB and has a good track record of taking a highly sensitive approach, with the support of specialist officers. Furthermore, the major developments considered at Draft Local Plan stage have also now been subject to LVIA's by landscape consultants, the findings of which are taken into account in the SA assessments. In essence, the assessments are regarded as fair and balanced.*

f) Scoring for climate change in different growth strategies

Natural England: For Growth Strategy 2 (no major development within the AONB), it notes that climate change is scored as negative ('-' in table 14) despite having lower growth in the AONB and Borough compared with Growth Strategy 13 (adopted approach for Pre-Submission Local Plan) which includes higher growth and major development within the AONB but only scores slightly negatively for climate change ('-' in table 25). In contrast, Natural England's view is that Growth Strategy 2 would reduce carbon emissions associated with transport and new dwellings as well as carbon sequestration, which we note is not mentioned in the SA, when compared with Growth Strategy 13.

Council response: *The Council believes the scores are accurate and consistent with the accepted methodology. Climate change objective scores were very similar across growth strategies 2 and 13 and reflected the balance of implementing strong energy policies and reducing transport-related carbon. In fact, the score for Growth Strategy 2 is' -/-' ,rather than '- ', very close to that for Growth Strategy 13. It is agreed that the lesser scale of development under Growth Strategy 2 would be a factor in its favour, but distribution of development is seen as more significant. In*

this respect, two points are noted; firstly, Growth Strategy 2 omits the only strategic employment allocation in the Local Plan (as it is a major development in the AONB), with a consequential greater prospect of more distant commuting; secondly, excepting the major AONB sites, the distribution of development in Growth Strategy 2 is as the Draft Local Plan, whereas the proposed growth strategy (13) has more development at Royal Tunbridge Wells and exiting urban areas, with higher access to jobs and services. Soil carbon was considered and available GIS-based information on this was reviewed in undertaking the SA/SEA, although not specifically highlighted.

g) Biodiversity

Natural England: Given the scale of development within the AONB, and its setting, in the chosen growth strategy, it questions the neutral score given for biodiversity. While Natural England supports biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution and should have regard to the special qualities of the designated landscape.

Council response: *The neutral score was applied to reflect the small loss offset by potential large gains on strategic sites and the strong commitment to net gains policy also bringing benefits. Where development in the AONB was reduced in Growth Strategy 2, an overall positive effect was predicted to reflect nature conservation designations being more common in the AONB.*

- 6.7 The Council accepts Natural England's representation that SA paragraph 3.2.8 does not fully reflect the findings of the HRA and the mitigation proposed for Ashdown Forest SPA; hence, it proposes a textual clarification, as set out at Appendix 1.

7.0 Evidence base

7.1 The Council's evidence base in respect of the borough's natural environment, in addition to the HRA and SA/SEA, includes the following documents, all of which are published on the Local Plan pages of the Council's website:

- **Historic Environment Review**
- **Historic Landscape Characterisation**
- **Farmsteads Assessment Guidance SPD**
- **Landscape Sensitivity Assessment**
- **Development Constraints Study**
- **Biodiversity Evidence Base Update (and Addendum)**
- **Grassland Surveys**
- **Green Infrastructure Framework Update**
- **Landscape and Visual Impact Assessments (LVIAs)** in respect of potential major developments in the AONB
- **AONB Setting Analysis Report**
- **Green Belt Studies - Stages 1, 2 and 3**
- **Local Green Space Assessment Update and Methodology Update, and Interactive Map**
- **Water Efficiency Background Paper**
- **Strategic Flood Risk Assessment (SFRA)**
- **SHELAA** – which screens sites against the defining characteristics of the High Weald AONB.

7.2 Natural England expressed concern at the limited landscape evidence to support draft allocation for major developments in the AONB at the Regulation 18 stage.

7.3 The Council subsequently commissioned LVIAs, in respect of which Natural England recognises and welcomes the level of effort and consideration that the Council has made to address its previous concerns by using LVIA evidence and drawing on Natural England's advice to reassess the allocation of major development within the AONB. (As a result of this process, it also recognises and supports the Council's decision to delete a number of major development site allocations in the AONB.)

7.4 Notwithstanding that Natural England accepts the overall thoroughness of the evidence base and welcomes the use of LVIA's to inform the design, extent and layout of development within the AONB and in the setting, its Regulation 19 representation elaborates, stating that:

'.. the LVIA's do not provide adequate assurance that the effects of the development on the landscape and scenic beauty of the nationally designated and sensitive landscape of the High Weald could be sufficiently mitigated. In particular, we do not support that developing within the AONB can be justified where sites are in poor condition, have fewer AONB components or where attempts will be made to enhance retained parts of the AONB on or near site.'

7.5 While appreciating Natural England's perspective, the Council highlights that the LVIA's take full account of the defining characteristics and features of the High Weald AONB, as set out in its 'Statement of Significance'. Moreover, while it is right that the AONB as a whole should be treated as being intrinsically 'high' landscape value (which the LVIA's do), it is also the case that particular qualities of the area under assessment must be also considered. This is integral to LVIA methodology and, fundamentally, to ensuring that the specific landscape and visual effects of a proposed development which is otherwise appropriate, have been fully considered, including in terms of form and location, on the special qualities of the AONB.

7.6 The Council also notes, and it is agreed, that the LVIA's themselves do not determine the inclusion of developments, notably 'major' ones, in the AONB, in the Local Plan. Rather, they inform the wider consideration, including that of consistency with the NPPF. The relevant documents containing these broader assessments are the SA/SEA, and the SHELAA and, notably, the Development Strategy Topic Paper.

8.0 Development Strategy

- 8.1 As noted in the Summary Overview at Section 2 above, the parties disagree as to whether the Local Plan's development strategy properly applies national policy in relation to areas and assets of particular importance, as defined by paragraph 11 footnote 7 of the NPPF, notably in relation to the High Weald AONB.
- 8.2 Natural England's core reason for considering the Local Plan as unsound is due to the proposed allocations within the AONB that have been defined by TWBC as major development. Specifically, its advice is that:
- 'the AONB's designation purpose to conserve and enhance is very difficult to achieve if significant parts of it are permanently lost to major development built directly onto it. This is because it is likely to entirely alter the landscape character across the site and, potentially, the surrounding area, especially where its character is intrinsically linked to the absence of adjacent or nearby development. In contrast, very carefully designed, smaller scale housing schemes that reflect local vernacular and settlement morphology, may achieve genuine enhancement or at least keep the level of impact on the AONB below a significant threshold.'*
- 8.3 As part of an ongoing dialogue, it is agreed that it is inaccurate to say that the AONB is "lost" to development, as the AONB comprises areas of built development, including whole settlements, as well as countryside. Natural England maintains, however, that the major developments proposed in the Local Plan mean that significant parts of the AONB will likely have their landscape character permanently altered to the detriment of the landscape and the key characteristics of the AONB (and in this regard that considering areas of landscape as a percentage of the total area of the whole of the AONB downplays the significance of these detrimental effects).
- 8.4 The Council does not believe that "significant parts" of the AONB are lost to major development; as shown in Appendix 5 of the Development Strategy Topic Paper, only 0.36% of the AONB will be covered by the Local Plan's proposed site allocations for built development (of all sizes). It also points out that proposed allocations often incorporate significant areas of landscape to be retained and enhanced following AONB Management Plan objectives.

- 8.5 Natural England's view is that even a small percentage represents a significant area of the AONB that would be lost and therefore unable to contribute to its statutory purpose of conserving and enhancing the protected landscape. Furthermore, this percentage does not consider the significant wider loss and impact to the AONB visually and in terms of landscape character which would be permanently altered by having to accommodate the new development.
- 8.6 In response to Natural England's statements at paragraphs 8.3 and 8.5 above regarding the impact of new development in permanently altering the landscape to its detriment, the Council cannot agree with the premise that major development is unable to contribute to the landscape and special qualities of the AONB. This is a matter to be assessed on a site-specific basis, which is how the Council has approached it.
- 8.7 Natural England has also clarified that its objection relates essentially to the scale of individual and adjoining development proposals that make them major¹ where the national policy objection lies, rather than their overall quantum or the fact that the Local Plan is meeting its housing need.
- 8.8 The Council appreciates not only the national policy distinction in approaches to non-major and major development in AONBs, but also the settlement pattern of the High Weald AONB favours smaller-scale development.
- 8.9 While the Council does believe that there is scope for some developments that may be classed as 'major', it and Natural England agree that it would be wholly inappropriate for site strategic growth, such as a new settlement/community, within the High Weald AONB. Such substantial growth would be incompatible with Area of Outstanding Natural Beauty designation, especially given the defining characteristics of the High Weald AONB landscape as set out in its Statement of Significance. It would also almost inevitably be significantly harmful to the particular contribution of respective locations/sites to the landscape and scenic beauty of the AONB.

¹ The assessment process undertaken to determine whether development is 'major' is discussed at paragraphs 8.10 – 8.14 below.

- 8.10 The Council highlights that the majority of the Local Plan housing allocations that lies wholly or partly in the AONB are non-major. It proposes fifteen² non-major housing allocations, compared to five locations where housing sites either individually (3 sites) or collectively (two locations each involving 3 sites) are identified as major. (See Development Strategy Topic Paper, Appendix 3, Table 10).
- 8.11 Also, when assessing potentially major developments against the NPPF's exceptional circumstances and public interest tests,³ the Council has given careful consideration to the relative impacts, both positive and negative, of smaller-scale (i.e. non major) developments on the environment, the landscape and recreational opportunities, and the extent to which those could be moderated, (See Section 9 below) but concludes that the proposed major allocations are justified in their particular circumstances.
- 8.12 It is agreed that the definition of what constitutes major development is that provided in the NPPF, which states at footnote 60 to paragraph 177 that:
- For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*
- 8.13 This definition is consistent with that of previous NPPFs.
- 8.14 In order to provide a transparent and consistent application of the factors set out in the NPPF, the Council prepared a methodology statement which it shared, in draft form, with Natural England. Natural England has broadly agreed the methodology, whilst maintaining an objection in principle to major development within the High Weald AONB in relation to the allocations listed in paragraph 9.1. In fact, in its representations, it states: '*We recognise TWBC's commitment to working with us and their transparency regarding their methodology towards their updated Development Strategy (STR 1) and Site Allocations.*'
- 8.15 The methodology is set out at Appendix 2 of the Development Strategy Topic Paper, with its application to sites in the AONB forming Appendix 3.

² Including site allocation RTW 16, which both parties agree is now not major.

³ paragraph 176 of NPPF, 2020

- 8.16 There is agreement between Natural England and the Council on which proposed allocations, either individually or in concert with adjoining sites, are 'major'. These are identified in the following section.
- 8.17 The Council made significant changes in terms of proposed site allocations in the AONB between the Draft Local Plan (Regulation 18) and Pre-Submission local Plan (Regulation 19) stages. These are reviewed at Appendix 4 of the Development Strategy Topic Paper, which shows that the chosen strategy provides for nearly 50% less than previously consulted upon, including through the omission of 8 'major' development sites. This responded to the further work carried out, notably the LVIAs, comments at the Regulation 18 stage and a review of the draft distribution strategy, which the Council found would have put substantial strain on the AONB.
- 8.18 Natural England acknowledges this, but has restated its position, as follows:

'We welcome the significant improvements that have been made such as dropping a number of major development allocations in favour of smaller developments that are more sensitive to the AONB. However, we cannot advise that the plan has met the NPPF tests, specifically due to the plan's assessment of the need for major development site allocations within the Protected Landscape and the determination of these allocations prior to them being tested through the plan-led approach, which need to be addressed before we can advise that a sound local plan can be secured.

Natural England advises that we consider the local plan fails the test of soundness as its Development Strategy (STR 1) and the major development site allocations within the High Weald Area of Outstanding Natural Beauty (AONB) are **not consistent with national policy** with regard to conserving and enhancing the landscape and scenic beauty within the AONB (NPPF Paragraphs 11 and 172).

Natural England also advises that the Development Strategy (STR 1) and the major development site allocations within the AONB are **not justified** because we do not consider that it has been demonstrated that the allocation sites are deliverable without resulting in an adverse impact on the High Weald AONB, considered against reasonable alternatives.'

- 8.19 In clarification of this objection, Natural England advised that the major development allocations within the AONB should not be pursued and that alternative approaches should be further explored to avoid negative impacts on the AONB by reducing the size and scale of these allocations.
- 8.20 As noted earlier, the Council has assessed alternative means of meeting housing need without recourse to major development in the AONB, as well as considered the option of under-delivering on housing needs. Reference is again made here to the SA/SEA and the Development Strategy Topic Paper.

9.0 Site allocations

Sites within the AONB

9.1 The major development site allocation policies that Natural England considers fail the test of soundness are:

- AL/RTW 17 Land adjacent to Longfield Road
- AL/CRS 1 Land at Brick Kiln Farm, Cranbrook
- AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook
- AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook
- AL/HA 4 Land off Cophall Avenue and Highgate Hill
- AL/BM 1 Land between Brenchley Road, Coppers Lane and Maidstone Road
- AL/PE1 Land rear of High Street and west of Chalket Lane
- AL/PE2 Land at Hubbles Farm and south of Hastings Road
- AL/PE3 Land north of the A21, south and west of Hastings Road

9.2 The following table highlights the planning status of the proposed site allocations which are regarded as major, and where (at Cranbrook and Pembury) this is based on their cumulative effect (see Appendix 3 of the Development Strategy Topic Paper).

Location	Proposed site allocations	Planning Status (Sept. 2021)
RTW	AL/RTW 17 Land adjacent to Longfield Road	Extant Planning Permission (PP)
Cranbrook	AL/CRS 1 Land at Brick Kiln Farm AL/CRS 2 Land south of Corn Hall, Crane Valley AL/CRS 3 Turnden Farm, Hartley Road,	AL/CRS1 – Extant PP SALP allocation AL/CRS3 – At Call-in appeal
Hawkhurst	AL/HA 4 Land off Cophall Avenue and Highgate Hill	Appealed
Matfield	AL/BM 1 Land between Brenchley Road, Coppers Lane and Maidstone Road	Extant Planning Permission
Pembury	AL/PE1 Land rear of High Street and west of Chalket Lane AL/PE2 Land at Hubbles Farm and south of Hastings Road AL/PE3 Land north of the A21, south and west of Hastings Road	N/A N/A N/A

- 9.3 In fact, the above lists represent the totality of the major developments, as identified by the Council, in the Pre-Submission Local Plan, with one exception. This relates to The White House, Hawkhurst (AL/HA 1) which was granted planning permission for 43 retirement units, on appeal, in 2020. It was taken to be major development, which was not challenged as part of the appeal.
- 9.4 It is noted that the Distribution of Development Topic Paper supporting the Pre-Submission Local Plan identified 'Land to the west of Eridge Road at Spratsbrook Farm, Royal Tunbridge Wells' (Policy AL/RTW16) as 'major'. However, following a substantial reduction from the Draft Local Plan's proposal, only a very small area of built development is now within the AONB. The parties agree that this would not constitute major development, although careful consideration would still need to be given to its impact on the setting of the AONB.
- 9.5 Further consideration is given to individual sites below. This has regard to Natural England's detailed comments regarding soundness and ways to address its concerns, notably in respect of its advice that 'the major development allocations within the AONB (listed above) should not be pursued and that alternative approaches should be further explored to avoid negative impacts on the AONB by reducing the size and scale of these allocations.'

Royal Tunbridge Wells: AL/RTW 17 - Land adjacent to Longfield Road

- 9.6 The Council continues to put the site forward as an allocation notwithstanding that a planning application (19/02267/OUT) for development at this site has been granted permission. This is because it is not yet implemented and the allocation provides valuable criteria relevant to future applications and or 'reserved matters'.
- 9.7 Although Natural England objected to the planning application on basis of it being major development within AONB, it did not seek a call-in. It is appreciated that there are more limited alternatives in terms of the location of major employment development relative to that for housing.

In light of the extant planning permission, it is agreed that the requirements of the policy provide a helpful framework for Development Management.

Cranbrook: AL/CRS 1 - Land at Brick Kiln Farm, AL/CRS 2 - Land south of Corn Hall, Crane Valley and AL/CRS 3 - Turnden Farm, Hartley Road

Land at Brick Kiln Farm (AL/CRS 1)

- 9.8 The Council considers that the principle of the development of Land at Brick Kiln Farm (AL/CRS 1) has been clearly established; it is an existing allocated site (in the Tunbridge Wells Site Allocations Local Plan 2016) and, moreover, has extant consent for 180 dwellings. Nevertheless, as this represents major development within the AONB. Natural England continues to object it as an allocation for major development as it is being put forward in the context of a new local plan and needs to be tested through the new local plan process.
- 9.9 The Council favours including the development as an allocation in the Local Plan, notwithstanding that it is in the development pipeline, as it provides helpful detailed development criteria. In this context, the parties agree that, as a site allocation, it is open to be “re-tested” through the examination process, recognising that development may progress in the meantime.

Land south of Corn Hall (AL/CRS 2)

- 9.10 Land south of Corn Hall (AL/CRS 2) is agreed to represent major development cumulatively with AL/CRS 1 and given its close proximity to AL/CRS 3.
- 9.11 Natural England’s position is that it *‘objects its inclusion as an allocation but we consider that it may be more acceptable if AL/CRS 1 and AL/CRS 3 are withdrawn or significantly reduced such that they no longer represent major development, and where AL/CRS 2 is sensitively designed.’*
- 9.12 The Council notes that this is effectively an objection “by way of association”, which is understandable, given that it constitutes part of the permitted 2016 Local Plan allocation with Land at Brick Kiln Farm, as noted above.

Turnden Farm (AL/CRS 3),

- 9.13 Turnden Farm (AL/CRS 3), being the larger element within the cluster of sites, was the subject of a recent planning application (20/00815/FULL), which has been called in by the Secretary of State at the request of Natural England and is the subject of a public inquiry, scheduled for September to November 2021.

9.14 Given that Natural England considers that this major development proposal, which aligns with the Pre-Submission Local Plan policy, would result in significant harm to the AONB, which the Council does not consider to be the case, with the positions currently in the process of being tested through appeal. The parties recognise that they may need to revisit this in the light of the appeal outcome.

Hawkhurst: AL/HA 4 - Land off Copthall Avenue and Highgate Hill

9.15 Natural England objects to this site's inclusion as an allocation, although it considers that it may be more acceptable if its size and scale are significantly reduced such that it no longer represents major development.

9.16 The Council has considered the appropriateness of a lesser development but believes that the extent proposed in the Local Plan is consistent with landscape character, as appraised through an LVIA process. Also, the proposed allocation is sufficient to enable significant areas of publicly accessible open space to be provided, linked to an adjoining locally designated ecological site, as well as contributions to active travel measures. While a planning application for development on the site has recently been refused by the Council, this is regarded as specific to the submitted scheme. Furthermore, the applicants have appealed the refusal and it is agreed that further consideration should be informed by the outcome of the appeal.

9.17 The parties both note that a larger proposal, for up to 375 dwellings, is currently at appeal on another site, at Hawkhurst Golf Course Highgate Hill, Hawkhurst. Subject to the outcome of the appeal, Natural England would also not support this major development if it was being re-considered for inclusion in the Local Plan.

Matfield: AL/BM 1 - Land between Brenchley Road, Coppers Lane and Maidstone Road

9.18 This proposed allocation, for approximately 45 dwellings, has a recent planning permission (19/01099/OUT). Natural England objected to that on the basis of major development within AONB and maintains its objection to the Local Plan allocation.

9.19 In this context, at the present time, the parties agree that the policy will continue to provide a clear framework for any future applications, even though the principle of development has been determined in favour of a scheme reflecting the site allocation.

Pembury: AL/PE1 - Land rear of High Street and west of Chalket Lane; AL/PE2 - Land at Hubbles Farm and south of Hastings Road; AL/PE3 - Land north of the A21, south and west of Hastings Road

- 9.20 Natural England objects to the inclusion of these allocations on the basis that they, cumulatively, represent major development. It also considers that they may be more acceptable if their size and scale are reduced such that, taken together, they no longer represent major development.
- 9.21 The Council has undertaken LVIA's in respect of these sites and, in response, has reduced their developable areas and dwelling numbers (by c16%). It finds that the respective scales of development reflect their site circumstances, close relationship with the core of the village and the clear physical boundary provided by the A21 to the south. Also, all of the proposed allocations will provide real community benefits as well as landscape enhancements, including the provision of 40% affordable housing, joint promotion of a segregated east-west cycle route connecting to an improved bridleway network, and much enhanced landscape planting adjacent to the A21. Also, site AL/PE1 will provide approximately 30 parking spaces for the adjacent village hall and wider public to use, as well as a pedestrian link to the village hall; site, while AL/PE 2 includes land safeguarded for an extension of the Pembury Cemetery.
- 9.22 Together, and in conjunction with market housing needs, these real community as well as landscape enhancements provide the exceptional circumstances. Indeed, the Council maintain that the proposals are "landscape-led" and that there would be little landscape justification for their curtailment, and this would be difficult to justify on other planning grounds. Natural England nevertheless advise that this needs to be independently assessed by an Inspector as they do not agree that this demonstrates exceptional circumstances, adding that it considers that they may be more acceptable if their size and scale are reduced such that, taken together, they no longer represent major development.

Strategic site allocations close to the AONB

- 9.23 In principle, Natural England does not object to these allocations under policies STR/SS 1 and STR/SS 3. It nonetheless advises that a sensitive approach be taken regarding the significant impact the proposals may have on the AONB setting.

- 9.24 Natural England welcomes the policy commitment to produce Framework Masterplan SPDs to set out how these strategic allocations will be designed and delivered. It seeks that that these sites be very sensitively designed, using a landscape-led approach informed by the AONB Management Plan, to ensure the impacts to the setting of the AONB are avoided and mitigated.
- 9.25 Natural England has further advised that improvements should be made to the proposed policies and text, which are presented in Appendix 2, alongside the Council's responses.

10.0 Development Management Policies

- 10.1 Natural England provided comments in relation to a number of development Management policies, which it does not consider to be unsound, but given to help the Council improve the overall suitability of the local plan and to highlight policies that it supports.
- 10.2 The detailed comments are contained in Appendix 1, with the Council's responses alongside. A continuing dialogue has resulted in a number of modifications being proposed and, in some cases, the suggested changes being withdrawn or amended. In most cases, agreement has been reached on improved wording which the Council will put forward as modifications when it submits the Local Plan.
- 10.3 A summary of the main matters under discussion and the progress on them is provided below.

EN1: Sustainable Design

- 10.4 Natural England has no objection to this policy, being pleased to see that its Regulation 18 response to remove 'where possible' in relation to achieving net gain, has been addressed.

EN 9: Biodiversity net gain

- 10.5 Natural England has no fundamental objection to this policy, being pleased to see that its Regulation 18 response has been incorporated in the updated policy as it now includes a measurable minimum net gain figure (10%). It welcomes the numerous positive requirements and references to helpful guidance. It agrees that further detail regarding the approach to BNG should be incorporated within an SPD, especially as national policy and legislation relating to BNG continues to emerge.
- 10.6 At the same time, Natural England suggests several wording changes, the consideration of which is set out in Appendix 1 and results in some agreed textual amendments.

EN10: Protection of Designated Sites and Habitats

- 10.7 Natural England has no objections to this policy and welcomes the addition of management and maintenance in relation to this policy.

EN 11 Ashdown Forest Special Protection Area and Special Area of Conservation

- 10.8 Natural England has no objections to this policy and welcomes the incorporation of its Regulation 18 advice to align the policy with the established SANG/SAMM strategic approach to avoiding adverse effect on the integrity of Ashdown Forest SPA and SAC from recreational disturbance.

EN12: Trees, Woodlands, Hedges and Development

- 10.9 Natural England generally welcomed the policy and, while it made some suggested wording improvements, it is satisfied with the policy and supporting text as drafted.

EN13: Ancient Woodland and Veteran Trees

- 10.10 Natural England has no objections to this policy and welcomes the fact that its Regulation 18 comments have been addressed (which advised that the principles relating to exceptional circumstances for impacts to ancient woodland or veteran trees are removed and the clarification that they cannot be considered in net gain calculations).

EN 14: Green, Grey and Blue Infrastructure

- 10.11 While Natural England is pleased to see that its Regulation 18 comments have been addressed regarding the strengthening of policy wording to maximise the benefits of Infrastructure, it considers that the term 'connectivity' could be made clearer by adding 'ecological' where indicated as *italics* in this sentence:

'Proposals for new green, grey, and blue infrastructure should aim to improve *ecological* connectivity and be informed by, and respond to:'

- 10.12 The Council is happy to make this amendment.

EN 21: High Weald Area of Outstanding Natural Beauty (AONB)

- 10.13 Natural England welcome the overall intention of this policy but advises that some changes should be made to strengthen the policy wording to ensure an appropriate level of consideration for this important landscape and to better recognise the great weight that should be given to its conservation and enhancement according to national policy.

10.14 The various suggestions are set out in Appendix 1, together with the Council's responses. The discussion on the matters raised has resulted in several textual amendments being proposed by the Council as part of its submitted Local Plan.

11.0 Future working

11.1 TWBC undertakes to engage with Natural England in relation to not only progress the Local Plan, but also in relation to its further work to promote the natural environment, including the preparation of a Biodiversity Net Gain SPD

12.0 Signatories

This statement has been prepared and agreed by the following organisations:

Tunbridge Wells Borough Council	Natural England
Signature 	Signature
William Benson	Richard Cobb
Cllr Alan McDermott	
	Date: 25/10/2021
Date: 26/10/2021	

Appendix 1: Detailed comments by Natural England on the Pre-Submission Local Plan’s ‘Development Management Policies’ (and a related Sustainability Appraisal comment) together with the Council’s response, highlighting agreed modifications

Doc.	Policy or paragraph	NE’s Reg. 19 comment	TWBC response
SA	3.2.8	<p>Minor addition/clarification is needed to make the SA consistent with EN11 to clarify that all development that results in a net increase in housing within the 7km defined zone of influence will need to use the strategic solution to ensure no adverse effect on Ashdown Forest from recreational pressure. (i.e. comply with the strategic SANG and SAMM solution outlined in policy EN11)</p> <p><i>[Postscript: NE accepts the modification put forward by the Council opposite.]</i></p>	<p>Agreed. Amend paragraph 3.2.8 on page 25 of the SA, as below:</p> <p><i>3.2.8 The Ashdown Forest SPA is vulnerable to recreational pressure because of the risk of reducing the breeding success of nightjar and Dartford warbler, which are ground nesting birds. <u>To mitigate this, all development that results in a net increase in dwellings within a prescribed 7km zone of influence must comply with the strategic solutions outlined in Local Plan policy EN11.</u> However, the nearest <u>substantial</u> settlement in Tunbridge Wells Borough (Speldhurst) is over 7km away and a visitor survey of the Ashdown Forest carried out in summer 2016 found that a very small proportion of the visitors to the Ashdown Forest are from the borough.</i></p>
PSLP	EN 9: Biodiversity net gain (BNG)	<p>We support the principle of prioritising on-site measures to achieve net-gain.</p> <p>However, in some cases, off-site measures can achieve more meaningful net-gains if on-site opportunities are limited. Therefore, we consider the reference in point 6.135 to only accepting off-site measures in ‘exceptional circumstances’ is too strong. Instead, we suggest that the wording should require major developments to ‘exhaust</p>	<p>Support noted.</p> <p>This comment prioritises on-site BNG measures, in support of the policy, but notes that there can be limitations for these. The actual policy requires BNG to be on, or adjacent to, the site ‘<i>wherever possible</i>’, irrespective of scale. The supporting text elaborates, with some more flexibility for off-site measures in relation to achieving BNG gains for non-</p>

Doc.	Policy or paragraph	NE's Reg. 19 comment	TWBC response
		<p>all reasonable opportunities to achieve measurable and meaningful biodiversity net-gain on-site before considering off-site measures, in line with the Good Practice Guide jointly produced by CIEEM CIRIA and IEMA that is referenced elsewhere in the policy'. The wording used regarding non-major development should also apply to major development: 'where it offers the best outcome for biodiversity, is in reasonably close proximity to the application site, and follows the mitigation hierarchy.'</p> <p>The Environment Bill is expected to require Biodiversity Net Gain on non-major developments as well as major developments. Therefore, we advise that point 6.135 should state that BNG will be expected to be achieved on non-major developments, when Defra's Small Site Metric is adopted and when legislation requires this. This is something that the upcoming SPD for BNG should cover in more detail.</p> <p>We welcome the reference to the Defra Biodiversity Metric throughout. In EN 9 policy point 1, we suggest further strengthening the policy by advising that the Defra Biodiversity Metric be used in line with the latest guidance from Defra/Natural England.</p> <p>Point 6.125 [sic 6,135] refers to 'offsetting' as part of non-major development. This term should be removed as it is open to misinterpretation and is not consistent with the terminology used for Biodiversity Net Gain which refers to 'off-site'</p>	<p>major developments where that provides the best outcome for biodiversity. It is agreed that the phrase '<i>...only in exceptional circumstances...</i>' at line 5 of paragraph 6.135 be replaced by '<i>where necessary and appropriate ...</i>' No further amendments are considered necessary, as the paragraph already provides that mitigation may be 'immediately adjacent to the site' while criterion 2 of the policy covers the need to accord with the mitigation hierarchy.</p> <p>Paragraph 6.135 may also be amended to highlight that legislation and guidance is evolving, including to cover small sites. Therefore, it is proposed for the following text be added after the second sentence, to read: '<u>Subject to forthcoming legislation provisions, a similar approach applies to non-major development, in a proportionate manner, also having regard to the most recent Metric and the Small Sites Metric and supporting Defra/Natural England guidance.</u></p> <p>And the followings sentence be amended as follows: '<i>For such development, on-site mitigation, compensation, and enhancement measures will be the preferred option, but off-site measures or offsetting will be considered ...</i>'</p> <p>Noted. This point is addressed in the amended text, as set out above, covering both major and smaller sites.</p>

Doc.	Policy or paragraph	NE's Reg. 19 comment	TWBC response
		<p>measures that are more clearly defined.</p> <ul style="list-style-type: none"> Point 6.120 [sic 6.132] should refer to delivering 'measurable' net gains <p><i>[Postscript: NE accepts the modifications put forward by the Council opposite.]</i></p>	<p>Agreed. It is proposed that the word '<i>measurable</i>' be inserted between '<i>delivering</i>' and '<i>net gains</i>' in the first line of paragraph 6.132.</p>
	<p>EN12: Trees, Woodlands, Hedges and Development</p>	<p>We note that our Regulation 18 consultation feedback does not appear to have been addressed, regarding on-site mitigation and compensation measures. We advise that where unavoidable tree loss occurs on site, efforts to compensate for this should be prioritised on site as well as off site where this is needed. This is because there is a risk that looking first or only to securing tree planting off-site will contradict aims for securing both net gains for nature and providing urban Green Infrastructure.</p> <p>This policy could be further improved by considering opportunities to maximise ecological benefits in terms of the right species in the right place, as well as any other benefits (e.g. air quality, carbon sequestration).</p>	<p>Earlier comments were, in fact, addressed (as now acknowledged by Natural England):</p> <p>The policy states: '<i>Where there is an unavoidable loss of trees on-site, however, an appropriate number of suitable replacement trees (in terms of species and size) that replaces or exceeds that which is lost will be required to be planted <u>on-site</u>.</i></p> <p>While there are exceptional circumstances allowing off-site planting, these are very limited and closely managed.</p> <p>In addition, the following sentence was added to the draft policy in response to the comment: <i>This does not necessarily replace the requirements of other policies with regards net gain for biodiversity or Green Infrastructure but may contribute to those objectives.</i></p> <p>Part 8 of the policy incorporates 'ecological', in response to the Reg 18 comment and now states: '<i>An important contribution to green infrastructure or other important ecological networks.</i></p> <p>Also, the roles of trees in these other respects is covered in the supporting text at paragraph 6.169, while this policy should be read in conjunction with other</p>

Doc.	Policy or paragraph	NE's Reg. 19 comment	TWBC response
		<p>landscape assessments, including against the AONB Management Plan and its associated guidance, should be carried out for any non-major development proposals within the AONB, or its setting, where they are expected to significantly impact the AONB.</p> <p><i>{Postscript: NE subsequently noted that the above term 'significantly impact' is open to interpretation and sought some qualification. The Council responded by highlighting that it would be a professional judgement stemming from landscape assessment, having regard to the character components of the HW AONB, as highlighted in 6.235 and 6.236.</i></p> <p><i>NE also further suggested that the text could also be further strengthened by saying that where there are significant opportunities to enhance the AONB, landscape assessments should be undertaken to maximise these opportunities. In response, the Council noted that the relevant text (paragraph 6.238) only deals with the circumstances for a LVIA, whereas the policy itself seems the proper place to pursue opportunities to enhance the AONB – which it does both generally and in some specific respects.</i></p> <p><i>In conclusion, the Council's proposed modifications opposite are agreed to be acceptable.]</i></p> <p>NE also advise that the following changes should be made:</p>	<p>Management Plan in relation to all development. Furthermore, paragraph 6.236 similarly refers to the Management Plan for all development, as well as its associated guidance, which is regarded as appropriate, as this is not a statutory document.</p> <p>The undertaking of landscape assessments is a process matter, rather than an outcome and, hence, more appropriately included within supporting text. Also, the policy highlights at line 1 that it relates to development "within or affecting the setting of the High Weald AONB". Hence, the setting of the AONB, as emphasised in the new NPPF, is regarded as already covered.</p> <p>Notwithstanding this, it is agreed that paragraph 6.238 may be expanded to read: <u>"All proposals for major or other development either in the AONB or its setting, where they are expected to significantly impact the AONB, should be accompanied by a landscape and visual impact assessment and an assessment of the proposal against all relevant AONB Management Plan objectives."</u></p>

Doc.	Policy or paragraph	NE's Reg. 19 comment	TWBC response
		<ul style="list-style-type: none"> <li data-bbox="491 226 919 656">• Make the following wording change: '<i>All development within, or affecting the setting of, the High Weald Area of Outstanding Natural Beauty (AONB) shall seek to conserve and enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan.</i>' <li data-bbox="491 696 919 1059">• Placing the policy in point 6.238 within the Policy EN 19 summary box to give it more emphasis and to make it clear that this is not an optional consideration, or add specific reference to these supporting notes (6.234 to 6.238) in the summary box itself (as has been done for EN 9 Biodiversity Net Gain for example) <li data-bbox="491 1099 919 1227">• Add a requirement for LVIAs to be in line with the most recent edition of the good practice Guidelines for LVIA. <li data-bbox="491 1267 919 1765">• Strengthen the wording to make it clear that the recommendations from the landscape assessments should inform the proposal's design and layout as part of ensuring suitable measures are in place to avoid or mitigate negative impacts on the AONB landscape. Proposals with impacts that cannot be adequately mitigated should not be accepted except in exceptional circumstances (NPPF para 172, footnote 55) <p data-bbox="491 1805 919 1906"><i>[Postscript: NE accepts the Council's reasoning in relation to the above comments.]</i></p>	<p data-bbox="946 226 1402 555">The policy is already positively worded in relation to seeking to conserve and enhance the AONB in line with legislation and national policy. Making conservation and enhancement an absolute requirement goes beyond the legal and NPPF positions, so is inappropriate and cannot be agreed.</p> <p data-bbox="946 696 1402 824">The form of landscape assessment is a process matter, not considered appropriate as part of a land use policy.</p> <p data-bbox="946 1099 1402 1227">This is considered unnecessary, as it is inherent in the undertaking of an LVIA that it is in accordance with Landscape Institute guidance.</p> <p data-bbox="946 1267 1402 1731">This is considered unnecessary, as any landscape assessment will be reviewed to inform the decision on an application, in the light of the policy requirements. It is a matter of good practice. 'Exceptional circumstances' in the NPPF relates to major development, which is already highlighted at paragraph 6.237, as part of the context for the Local Plan policy and for decision-making. No amendments are considered necessary.</p>

Appendix 2: Detailed comments by Natural England on the Pre-Submission Local Plan’s ‘Strategic Sites policies’ together with the Council’s responses

Ref.	Natural England Reg. 19 comment	Council response
SS3 (7b)	<p>Welcomes reference that consideration should be given to key landscape characteristics. However, it seeks the landscape-led approach to be strengthened by:</p> <ul style="list-style-type: none"> • requiring a high quality and detailed Landscape and Visual Impact Assessment (LVIA) and landscape capacity study as part of the application • strengthen wording around need for considerable detailed assessment of mitigation options, including quantum, location, density, height and design of buildings • require an overarching Green Infrastructure (GI) strategy for the garden settlement which includes a functional assessment of existing GI assets and apply consideration of the needs of the new community. This should include what function is needed and where, and what type of GI is needed to deliver it, and how this will be managed in the long-term. 	<p>Noted.</p> <p>A detailed LVIA will be expected to support a planning application. It is a process matter and not suited to policy coverage, which is already provided by criterion 7b.</p> <p>These are all matters that would properly fall within the scope of the SPD. Further detail, in the already substantial policy, is not necessary. NE has clarified that its comments were to inform the SPD.</p> <p>A GI strategy, with particular regard to garden settlement principles, will be integral to the SPD.</p> <p>There is already cross-reference to the GI policy (EN 14) under the policy; further highlighting is considered unnecessary.</p>
Para. 5.223	<p>Welcomes principle 8, which commits to good quality green and blue infrastructure. However, it seeks that the wording is strengthened to show a clear commitment to delivering environmental net gains. Instead of ‘considers opportunities’, we suggest wording that looks to embrace the opportunities by delivering environmental net gains should be used.</p>	<p>The Local Plan already sets out a strong commitment to biodiversity net gain, which is supported by natural England, at Policy EN9.</p> <p>For broader environmental matters, the existing wording is considered appropriately positive, recognising that development cannot be expected to deliver universal environmental gains. There is separate provision for achieving Biodiversity Net Gains.</p>

Ref.	Natural England Reg. 19 comment	Council response
	<p>Also, this strategic site allocation should be given particular consideration within TWBC's upcoming SPD for Biodiversity Net Gain (EN 9).</p> <p>Sustainable Drainage Systems (SuDS) that maximise landscape and biodiversity value are prioritised and should be mentioned in the policy.</p>	<p>Noted, an agree that this proposal provides the opportunity for connected ecological networks as part of delivering biodiversity net gains.</p> <p>The Local Plan already contains a specific SuDS policy (EN 26), which is cross-referenced under the strategic sites policy as being particularly relevant to it. Further reference in the policy itself is considered unnecessary, and repetitive.</p>
Paras. 5.227 and 5.118	Point welcomed and suggest this would be stronger if it directly references national and local net-zero carbon commitments and the climate emergency.	Noted, but considered unnecessary given existing cross-reference to other Development Management policies, which should be read alongside.
Para. 5.228	The provisional LBDs should be determined by landscape-led approaches and ecological considerations, including consideration of ancient woodland that is adjacent to the site and supported by appropriately detailed ecological studies as part of the masterplan.	Noted. The Council's approach for determining LBDs is set out in its Topic Paper on the subject. The masterplanning work is drawing/will draw upon ecological work, the findings of which will inform the final LBDs.
Para. 5.229	Amend wording to read: <i>'The SPD will need to be adopted before any planning permissions for substantial new development at Tudeley Village are granted, <u>which would be considered to pre-empt the vision of strategic development before it has been appropriately scrutinised, unless exceptional circumstances arise</u></i>	The Council is committed to bring forward the SPD as soon as the Local Plan progresses sufficiently to provide a clear policy framework, as set out in its LDS. The housing trajectory takes account of this. At the same time, while being committed to ensuring that development is brought forward in a comprehensive, planned manner, the Council is obliged to consider planning applications as they arise and take a view on them in the circumstances at that time.
Paras. 5.161 and 5.162	Support promotion of the design principle of maintaining a strong tree belt and its connection with nearby ancient woodland.	Noted
SS1 Wetlands Park	Welcome the principle of using nature-based solutions that is evident in proposals for Paddock Wood as a	Noted

Ref.	Natural England Reg. 19 comment	Council response
	significant new area of natural open space which provides multiple benefits.	
SS1	Welcome recognition that this strategic site should be a source of reducing flood risk, particularly given the land that is in flood risk zone 2/3 and advise that a policy requirement is added that will require SuDS and Green Infrastructure as an integrated part of future development.	As above comments; these matters are considered to be already sufficiently addressed by existing wording and cross-references to other Local Plan policies.

Network Rail

Appendix H11: DtC engagement record for Network Rail and South Eastern Rail

Prescribed Bodies

TWBC Duty to Cooperate engagement record for Railway Networks- Network Rail and South Eastern Rail

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
06 August 2018	Stephen Baughen – TWBC Hilary Smith – TWBC Vicki Hubert – KCC Stephen Gasche – KCC Paul Best – Network Rail Nina Peake - Southeastern	Information meeting	Meeting to discuss rail capacity in Tunbridge Wells with reference to the Local Plan
03 September 2018	Sharon Evans – TWBC Hilary Smith – TWBC Paul Donald – Network Rail John Gill – Network Rail	Information meeting	<ul style="list-style-type: none">• Discussion re: Network Rail and business priorities – change in tact at NR – looking for business opportunities• 5 year control period• Discussion re: Garden Village and options for a new halt• Discussion re: NR land in TWBC and any significant sites
13 September 2019	William Benson – TWBC Lee Colyer – TWBC Stephen Baughen – TWBC Hilary Smith - TWBC Paul Donald – Network Rail John Gill – Network Rail	Information meeting	Discussion re Network Rail priorities and business opportunities. Including reference to Garden Village
04 November 2019	Stephen Baughen – TWBC Hilary Smith – TWBC Paul Donald – Network Rail	Information phone call	Discussion regarding Garden Village and rail halt

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Paul Best – Network Rail Simon Hulse – Network Rail		
06 November 2020	Stephen Baughen- TWBC Hannah Young – TWBC Paul Donald- Network Rail James Craig- Network Rail Joanna Cave- DLA Phil Brady - Stantec	Meeting	<p>Meeting to provide Network Rail with further information on the masterplanning of the strategic sites(Land at Paddock Wood and east Capel and Tudeley Village - NR is also a member of the Strategic Sites Working Group). Specific matters included:</p> <ul style="list-style-type: none"> • Capacity on the railway line at Tonbridge and Paddock Wood/ commuter patterns post Covid • Provision of new and improved railway crossings. • Potential redevelopment to the front of Paddock Wood station. • Fluvial flood management
29 June 2021	Stephen Baughen- TWBC Hannah Young – TWBC Hilary Smith- TWBC Paul Donald- Network Rail James Craig- Network Rail Darren Furness- Network Rail Jonathan Boulton- Network Rail	DtC Meeting	General update meeting to provide an update on the Local Plan and progress on Strategic Sites. Specific Matters were as per the meeting on 6 November 2020.
29 September	Hannah Young – TWBC to Network Rail	DtC email correspondence	Initial draft SoCG sent to Network Rail

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
8 October 2021	James Craig – Network Rail to TWBC	DtC email correspondence	Draft SoCG and agreement of wording
22 October 2021	TWBC and Network Rail	DtC email correspondence	Final sign-off of SoCG between both parties

Appendix H12: SoCG signed
between TWBC and Network Rail
22 October 2021

Statement of Common Ground
between
Tunbridge Wells Borough Council
and
Network Rail

in respect of the
Tunbridge Wells Borough Local Plan

October 2021



Contents

1.0	Introduction	1
2.0	Overview	1
3.0	Local Plan context.....	2
4.0	Local Plan issues regarding Rail Infrastructure	3
(a)	Capacity within the Rail Network	4
(b)	Existing Railway Station Facilities.....	5
(c)	Prospects of delivering connections over railway line	6
(d)	Railway Station at Tudeley Village.....	7
(e)	Fluvial Flood Management.....	8
(f)	Paddock Wood Town Centre	8
5.0	Future working	8
6.0	Signatories.....	9

1.0 Introduction

- 1.1 This ‘Statement of Common Ground’ (SoCG) is a jointly agreed statement between Network Rail and Tunbridge Wells Borough Council (TWBC), hereafter referred to as “the parties”, in relation to the preparation of the Tunbridge Wells Borough Local Plan (Local Plan).
- 1.2 It takes account of the development of the Local Plan up to and including the Pre-Submission (Regulation 19) stage. Network Rail did not submit formal responses to either the Regulation 18 or Regulation 19 consultation stage of the Local Plan but has engaged with TWBC on various matters which have informed the Plan’s preparation. Further, Network Rail attends and is an active participant of the Strategic Sites Working Group (SSWG).
- 1.3 As such, this SoCG provides an agreed position with respect to relevant strategic matters within the scope of the Local Plan as at October 2021. The strategic matters covered by this SoCG relate principally to the delivery of the Strategic Sites at Tudeley Village and Paddock Wood (including land in east Capel) within the Local Plan.
- 1.4 At the same time, it is appreciated that liaison in relation to the matters included in this SoCG is ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently through the examination into the Local Plan.

2.0 Overview

- 2.1. The parties agree that both TWBC and Network Rail have been proactive in their approach to these strategic matters in accordance with the requirements under the Duty to Cooperate (DtC).
- 2.2. It is agreed that TWBC has a good evidence base and understanding of the provision of infrastructure in respect to movement and access across the borough. It is also agreed that TWBC provides a positive strategy for the provision of

necessary infrastructure through its Local Plan, supplemented by the Infrastructure Delivery Plan ('IDP') and Strategic Sites Masterplanning and Infrastructure Study which have been produced in support of the strategy proposed in the Local Plan. This is reflected in the Local Plan proposed policies and site allocations, in relation to which there is little (if any) substantive area of "uncommon ground" at this point, largely as a result of an ongoing dialogue in the preparation of the Pre-Submission Local Plan. No representations were submitted to the Local Plan Regulation 19 consultation by Network Rail and so modifications to the Plan are not proposed or considered necessary.

- 2.3. This SoCG also highlights a shared belief in the provision of appropriate infrastructure to support new development and a recognition of TWBC's continuing commitment to this, as set out in Section 5.0, via ongoing liaison with Network Rail or Great British Railways in due course.

3.0 Local Plan context

- 3.1 TWBC is preparing a new, comprehensive Local Plan for the borough. It will set out the overall vision and objectives, development strategy, spatial strategies and site allocations, together with Development Management policies to guide development over the period 2020 – 2038.
- 3.2 There were two stages of consultation at the Regulation 18 stage, the first on ['Issues and Options'](#) in 2017 and the second, on a full ['Draft Local Plan'](#) in autumn 2019. Following further evidence base work and consideration of comments received at these stages, a ['Pre-Submission Local Plan'](#) was published and consulted upon over a 10-week period from 26 March to 4 June 2021.
- 3.3 Details of engagement between the parties up to publication of the Pre-Submission Local Plan are set out in the [Duty to Cooperate Statement](#) that supports it, and are agreed by the parties.
- 3.4 As identified above, the Local Plan evidence base includes an Infrastructure Delivery Plan and the Strategic Sites Masterplanning and Infrastructure Framework. The IDP sets out details of the infrastructure that is required to support the existing and future needs and demands for the borough to support

new development, and a growing population as envisaged through the Council's Local Plan. It includes an Infrastructure Delivery Schedule setting out the infrastructure required, priority, risk, delivery body, indicative costs and funding position.

- 3.5 The Strategic Sites Masterplanning and Infrastructure Study has been prepared in relation to the Strategic Sites and identifies the significant infrastructure proposed to deliver the settlements on garden settlement principles. This document has informed the IDP and the key infrastructure items reflected within it accordingly.

4.0 Local Plan issues regarding Rail Infrastructure

- 4.1 TWBC has liaised with Network Rail throughout the preparation of the Local Plan; Network Rail has been involved with and commented on the provision of the requisite infrastructure as set out in the IDP and the Strategic Sites Masterplanning and Infrastructure Study.
- 4.2 The issues that have been raised during the preparation of the Local Plan relate to the following matters:
- a) Can the proposed population growth across the borough, and specifically within the Strategic Sites at Paddock Wood and Capel, be accommodated within the existing rail network?
 - b) Is there a need for additional facilities to be provided within the existing railway stations in the borough, and at Tonbridge?
 - c) Are there realistic prospects of delivering the bridges and connections across the railway line as identified within the IDP and Strategic Sites Masterplanning and Infrastructure Framework, which are integral to the access and movement strategy identified for the strategic sites?
 - d) The position regarding a railway station at Tudeley Village
 - e) Network Rail's role in fluvial flood management.
 - f) The role of Network Rail in shaping Paddock Wood Town Centre.

(a) Capacity within the Rail Network

- 4.3 Through discussions that have taken place between Network Rail and TWBC throughout the plan making process, it has been advised by Network Rail that the growth set out in the Local Plan is captured in the long term industry planning forecast. Network Rail confirms it looks and plans for growth in broad terms; calculated based on forecast demand/ forecast growth in the Transport Appraisal Guidance (TAG) for the route as a whole rather than specific locations, which includes the TWBC housing growth forecasts.
- 4.4 Network Rail advised that there may be a need to increase capacity across the network over time. However, this need is not a specific response to the growth in TWBC but a wider network response to growth in TWBC, neighbouring boroughs and beyond. It is therefore agreed by both parties that the Local Plan does not need to plan for specific rail interventions to facilitate the growth.
- 4.5 Network Rail noted that there are no infrastructure limitations to capacity in the TWBC area as all stations have 12-car platforms and infrastructure capability allows for additional services. It was stated that the constraints are predominantly between Tonbridge and London Charing Cross which is why a network view is taken to planning capacity.
- 4.6 Network Rail noted that the combination of TWBC and Maidstone Borough Council proposals at stations along the same route between Tonbridge and Ashford will place pressure on existing services but are both part of the network view taken in planning future demand.
- 4.7 It is also agreed that this position will not change if schemes for a significant number of dwellings come forward elsewhere on the railway line, which has not been specifically considered and discussed through the Local Plan process with other Local Planning Authorities. This is as TAG forecasts are based on overall housing allocations which each Local Plan is responding to. Network Rail noted that their network forecasts are updated over time as Local Plans are committed so any changes outside of this Local Plan process would be picked up at a later date.

- 4.8 In terms of the impact of Covid-19 on rail patterns, Network Rail considers it is too early to understand fully how commuter patterns may change as the country emerges out of lockdown towards a new “normal”. It is expected that rail routes will recover, as rail remains the most sustainable form of commuting, albeit it is likely there will be changes to commuting habits as a result of increased home working and different commuter times. Network Rail is unlikely to have a firm view of the potential changes to commuter patterns for circa 12-18 months post end of lockdown and continues to assess capacity needs using multiple plausible scenarios. Future capacity requirements will be established over time in response to both the covid implications and local growth amongst other factors.
- 4.9 The capacity at Tonbridge station has been discussed between the parties, with specific regard to the demand on the station which will be presented by the growth proposed at Tudeley Village. Although the development will drive growth and increase demand, it is not anticipated at this stage that there will be any capacity concerns specifically at Tonbridge Station itself.
- 4.10 However, as with other stations in the area, car parking and cycle parking capacity may require review (please see the sub-section below) and there remain opportunities to deliver enhancements at Tonbridge to improve the quality of the station for current and future passengers as part of a wider station masterplan which Network Rail would support.

(b) Existing Railway Station Facilities

- 4.11 Following discussions with Network Rail, provision is made within both the IDP and Strategic Sites Masterplanning and Infrastructure Framework for additional cycle parking at both Tonbridge and Paddock Wood railway stations to support the growth resulting from the Strategic Sites. It is anticipated that this will be provided through developer funding from planning applications in these locations.
- 4.12 With regard to car parking, there is existing provision for off-street parking at the stations in the borough. However, it is recognised that on-street commuter parking creates issues at all the stations. There is likely to be a requirement for additional station parking in the borough, but this has not yet been quantified. However,

improvements to bus, cycle, and pedestrian infrastructure will aim to encourage more rail passengers to access the stations by these more sustainable modes, as reflected in the Council's Local Cycling and Walking Infrastructure Plan; especially within the Strategic Sites where sustainable transport modes is integral to the strategy for delivering these on garden settlement principles.

(c) Prospects of delivering connections over railway line

4.13 The two proposed strategic growth allocations within the Local Plan: Tudeley Village and Land at east Capel and Paddock Wood, have the London to Ashford railway line dissecting the allocations. It is acknowledged by both parties that ensuring permeability over the railway line in these locations is important to meeting the garden settlement criteria envisaged within these allocations and to promote sustainable movement patterns.

4.14 The IDP and Strategic Sites Masterplanning and Infrastructure Study identify a number of infrastructure items to facilitate movement across the railway line within the strategic sites. This includes the items listed below, with the associated costs identified alongside:

Tudeley Village

- Railway Bridge (all modes): (£10million)
- Tunnel (£20million)
- Railway Bridge- ped and cycle (£3.5million)

Paddock Wood and East Capel

- Ped/ Cycle bridge over West Parcel: (£3.5million)
- Ped/ Cycle Bridge: East A228 (£3.5million)
- Improvement to NE existing pedestrian/cycle bridge over Railway (£3.5million)

4.15 Network Rail agrees that the costs identified for each of the key items are broadly correct. It is acknowledged by both parties that the costs of delivering these items

of infrastructure will be met through development contributions from the planning proposals within the Strategic Sites. This has been factored into the associated viability assessment. It is agreed in principle that Network Rail can take responsibility for constructing the bridge links across the railway line on receipt of the contributions.

- 4.16 It is accepted by both parties that a payment to Network Rail may be required for the associated “air rights” to any of the crossings over the railway line. The cost for this will be determined on a case-by-case basis depending on a range of factors which could include any additional risk to an existing crossing caused by additional homes, development value etc. It is agreed that in reaching agreement on such matters that both parties will work proactively together, and where required with the site promoters, to facilitate the delivery of improved connections in this location to deliver sustainable new garden settlements.
- 4.17 It is recognised that the delivery of some bridges as set out may facilitate the removal of unattended pedestrian crossings over the railway line, which would be a benefit in safety terms. Such provision would be looked upon favourably by Network Rail and would likely be considered and offset against the costs associated with air rights as detailed above.

(d) Railway Station at Tudeley Village

- 4.18 The Tudeley Village proposal provides an opportunity for a new railway station to be delivered on the site to provide rail linkages to London on the Ashford/ Dover line (linking to Tonbridge and Paddock Wood). At this time, it is accepted by TWBC that Network Rail does not consider there is significant merit or scope for providing a new station in this location due to: its proximity to existing stations; proposals for enhanced bus and cycle routes; and impacts on the existing network including track capacity and existing passengers. Accordingly, the delivery of a station is not anticipated during the plan period, and provision of a station has not been included in the Council’s considerations of this site through the Sustainability Appraisal, or in terms of planning merits or infrastructure requirements.

4.19 However, it is recognised by both parties that the Tudeley Village masterplan makes provision for a station to be accommodated in the future, if this can be realised, to ensure the development does not preclude this - if the viability and merit of the proposal changes.

(e) Fluvial Flood Management

4.20 Through discussions between Network Rail and TWBC, it is recognised that there are existing drainage issues relating to the existing culverts (in particular the West Rhoden Culvert) under the railway line in Paddock Wood. Network Rail accepts responsibility to maintain these culverts on an annual basis and recognises that there have been circumstances where between maintenance these have become blocked and flooding has occurred as a result.

4.21 Both parties agree to continue to work together proactively in the consideration of such issues, and look to find solutions (potentially through the delivery of growth at Paddock Wood) to reduce flood impact for existing and future residents.

(f) Paddock Wood Town Centre

4.22 The masterplanning work which TWBC has commissioned for Paddock Wood to inform a future Town Centre Supplementary Planning Document, as set out in Policy STR/SS2 of the Local Plan, has been discussed with Network Rail at a high level. Network Rail owns significant landholdings around Paddock Wood railway station, which could be utilised to support TWBC in playing a key role in delivering the vision for the town centre. Network Rail has confirmed it recognises the opportunity and is open to explore options for development in this location, and it is agreed by both parties that they will engage proactively on driving forward a vision for the town centre which will assist in developing a town centre SPD.

5.0 Future working

5.1 TWBC agrees to engage with Network Rail in relation to not only the progress of the Local Plan, but also in relation to its further work to provide relevant and timely

updates to the Infrastructure Delivery Plan and through discussions on individual sites and planning applications.

5.2 Both parties will continue to work together collaboratively to support the progression of the Strategic Sites at Paddock Wood and east Capel, and Tudeley Village. Network Rail is part of the Council's SSWG, which facilitates collaborative working in the delivery of the two strategic sites. In addition, it is intended that separate meetings will be arranged quarterly to progress matters as set out in this Statement.

5.3 In addition, both parties will continue to discuss wider matters through regular discussions which take place at the Tunbridge Wells Public Transport Forum and the West Kent Partnership Transport and Infrastructure Sub-Group (the latter also includes KCC, Sevenoaks DC and Tonbridge and Malling BC).

6.0 Signatories

6.1 This statement has been prepared and agreed by the following organisations:

Tunbridge Wells Borough Council



Signature



Date: 22nd October 2021

Network Rail

Signature



Paul Donald

Business Development Manager

Date: 14th October 2021

Kent and Medway Clinical Commissioning Group (CCG) and NHS Trust

Appendix H13: DtC engagement record for the Kent and Medway Clinical Commissioning Group (CCG) and NHS Trust

Prescribed Bodies

TWBC Duty to Cooperate engagement record for Kent and Medway Clinical Commissioning Group (CCG) and NHS Trust

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
14 October 2015	Sharon Evans – TWBC Jo Fox – NHS Property	Information Meeting	<ul style="list-style-type: none">• Ascertain future aspirations for health provision in RTW Town Centre• Discussion on specific sites and GP practices.• Funding, site identification, Local Plan process
5 May 2016	Sharon Evans – TWBC Ian Airyes - CCG	Phone call	<ul style="list-style-type: none">• Introduction to the role of the CCG- looking at the whole of West Kent – next 15-20 years• Strategic issues, future discussions• Ian to contact TWBC setting out future working and contact details
25 May 2017	Sharon Evans – TWBC David Candlin – TWBC Alison Burchell – CCG Gail Arnold - CCG	Information meeting	<ul style="list-style-type: none">• General introduction to the CCG and work currently being carried out.• Agreed CCG would do a mapping exercise of existing GP practices and will need to consider alongside call for sites and future Local Plan work.• Discussed Local Plan – how future services are to be delivered.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
November 2017	Sharon Evans – TWBC Alison Burchell – CCG	Phone discussion	General discussion about the Local Plan and implications for health provision on a settlement basis.
January 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • General Local Plan update • Updates on Hawkhurst and Cranbrook.
22 February 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • General update on Cranbrook • Specific discussion re: Hawkhurst and sites considered for new medical centre
3 April 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • Local Plan update • Update on Hawkhurst, Pembury, Cranbrook, Horsmonden, RTW and Southborough and Paddock Wood. • Specific discussion about garden village option • Update on Local Care Hubs • Confirmation on Local Plan timetable
17 October 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	General catch up discussion – focused on Hawkhurst, RTW, Pembury, TN2 Centre, Greggswood, Cranbrook.
22 November 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<p>General catch up discussion :</p> <ul style="list-style-type: none"> • Looking at growth across the borough and any impacts on Primary care. • Specific discussions around Horsmonden, RTW, Paddock Wood, Cranbrook, Pembury, Hawkhurst. • Action – set up specific meeting to discuss Tudeley/Paddock Wood.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
13 December 2018	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • Specific discussion around Paddock Wood and Tudeley. • Discussed possible patient list size and site size required. • Agreed to set up further meeting re: Paddock Wood
1 February 2019	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • Catch up on settlement specifics – Horsmonden, Hawkhurst, Cranbrook, PW, RTW, Pembury • Discussed format for the IDP – List all existing GP practices and possible mapping.
21 June 2019	Sharon Evans – TWBC Dianne Brady - TWBC Alison Burchell – CCG Dr Bruno Capone – Lonsdale Medical Centre	Information Meeting	<ul style="list-style-type: none"> • Discussion re: requirements of Lonsdale Medical Practice for re-location during the Local Plan period. • Lonsdale confirmed their intent and happy to consider possible options through the Local Plan process
30 October 2019	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • Update on the Local Plan process • Update on key areas/projects including Cranbrook, Hawkhurst, RTW, Greggswood, RTW Town centre options, Pembury, Paddock Wood/Capel/Tudeley, Horsmonden
13 February 2020	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • General catch up • Update on Local Plan and key areas/projects – RTW – Greggswood and Rowantree, Hawkhurst and Cranbrook
8 June 2020	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	<ul style="list-style-type: none"> • General catch up o Local Plan progress and any issues

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<ul style="list-style-type: none"> • Specific discussion re: provision in RTW – TN2 Centre, Horsmonden, Cranbrook. • CCG raised fact that the Hospital Trust should be involved in discussions on PW
23 July 2020	Hannah Young – TWBC Alison Burchell- CCG	Phone discussion	General catch up on growth at the Strategic Sites.
21 September 2020	Sharon Evans – TWBC Alison Burchell – CCG	Phone discussion	<ul style="list-style-type: none"> • General catch up on Local Plan • Specific discussion re: Hawkhurst, Cranbrook, Horsmonden, RTW
30 November 2020	Sharon Evans – TWBC Alison Burchell - CCG	Phone discussion	Specific discussion re: Hawkhurst and Fowlers Park site – to be discussed further with GP’s and landowner
12 February 2021	Hannah Young – TWBC Alison Burchell- CCG	Phone discussion	General catch up on growth at the Strategic Sites.
21 June 2021	Sharon Evans – TWBC Alison Burchell - CCG	DtC meeting	Update meeting about the TWBC Pre-Submission Local Plan and discussion on producing a SoCG
8 th July 2021	Hannah Young – TWBC Alison Burchell- CCG Funmilola Owolabi- CCG	Phone discussion	General catch up on growth at the Strategic Sites.
1 September 2021	Sharon Evans - TWBC Funmilola Owolabi - CCG	DtC meeting	Quarterly update meeting and discussion on the SoCG
22 October 2021	TWBC and the CCG	DtC email correspondence	Final sign-off of SoCG between both parties

Appendix H14: SoCG signed between TWBC and the CCG

Statement of Common Ground
between
Tunbridge Wells Borough Council
and
**NHS Kent and Medway Clinical
Commissioning Group**

in respect of the
Tunbridge Wells Borough Local Plan

September 2021



Contents

1.0	Introduction	1
2.0	Overview	1
3.0	Local Plan context.....	2
4.0	Local Plan issues affecting Primary medical care infrastructure	2
(a)	Overall regard to Primary medical care provision	3
(b)	Consideration of Primary medical care at specific settlements and individual site allocations	5
5.0	Future working	6
6.0	Signatories	7
	Appendix 1: Detailed comments by NHS Kent and Medway Clinical Commissioning Group on the Pre-Submission Local Plan and agreed minor modifications	8

1.0 Introduction

- 1.1 This 'Statement of Common Ground' (SoCG) is a jointly agreed statement between NHS Kent and Medway Clinical Commissioning Group (CCG) and Tunbridge Wells Borough Council (TWBC), hereafter referred to as "the parties", in relation to the preparation of the Tunbridge Wells Borough Local Plan.
- 1.2 It takes account of the development of the Local Plan up to and including the Pre-Submission (Regulation 19) stage. Specifically, it reflects the comments and representations submitted by the CCG in relation to the emerging Local Plan at each stage of plan-making, as well as the Borough Council's responses. As such, this SOCG provides an agreed position with respect to relevant strategic matters within the scope of the emerging Local Plan as at September 2021.
- 1.3 The strategic matters covered by this SoCG relate broadly to the provision of Primary medical care within the borough as provided for within the Local Plan.
- 1.4 In particular, the SoCG sets out the parties' views on the consistency of the Pre-Submission Local Plan with national policies in relation to health and the provision of infrastructure as set out in the National planning Policy framework (NPPF).
- 1.5 At the same time, it is appreciated that liaison in relation to the matters included in this SoCG are ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently through the examination into the Local Plan.

2.0 Overview

- 2.1. The parties agree that both TWBC and the CCG have been proactive in their approach to these strategic matters in accordance with the requirements under the Duty to Cooperate (DtC).
- 2.2. It is agreed that TWBC has a good evidence base and understanding of health and infrastructure issues across the borough. It is also agreed that TWBC provides a positive strategy for the provision of the necessary infrastructure through its Local

Plan, supplemented by the Infrastructure Delivery Plan which has been produced in support of the strategy proposed in the Local Plan. This is reflected in the Local Plan proposed policies and site allocations, in relation to which there is little (if any) substantive area of “uncommon ground” at this point, largely as a result of an ongoing dialogue in the preparation of the Pre-Submission Local Plan. The minor amendments considered necessary by the CCG are accepted by TWBC, as set out in **Appendix 1**.

- 2.3. This SOCG also highlights a shared belief in the provision of infrastructure to support new development and a recognition of TWBC’s continuing commitment to this, as set out in Section 5, via ongoing liaison with the CCG.

3.0 Local Plan context

- 3.1 TWBC is preparing a new, comprehensive Local Plan for the borough. It will set out the overall vision and objectives, development strategy, spatial strategies and site allocations, together with Development Management policies to guide development over the period 2020 – 2038.
- 3.2 There were two stages of consultation at the Regulation 18 stage, the first on ‘[Issues and Options](#)’ in 2017 and the second, on a full ‘[Draft Local Plan](#)’ in autumn 2019. Following further evidence base work and consideration of comments received at these stages, a ‘[Pre-Submission Local Plan](#)’ was published and consulted upon over a 10-week period from 26 March to 4 June 2021.
- 3.3 Details of engagement between the parties up to publication of the Pre-Submission Local Plan are set out in the [Duty to Cooperate Statement](#) that supports it, and are agreed by the parties.

4.0 Local Plan issues affecting Primary medical care infrastructure

- 4.1 TWBC has liaised with the CCG throughout the preparation of the Local Plan, who have been involved with and commented on the drafting of the individual policies

informally through the preparation stage and at the formal stages as referenced above.

- 4.2 The issues that have been raised during the preparation of the Local Plan can be seen as relating to the following two matters:
- a) Has the provision of Primary medical care across the borough been sufficiently taken into account in producing the Local Plan and its overall strategy?
 - b) Has proper consideration been given to Primary medical care provision in specific settlements and between settlements (as well as any cross boundary considerations) in developing site allocations, most notably for the allocation or safeguarding of land for the provision of Primary medical care facilities and are the specific policies relating to the provision of infrastructure and the framework for collecting developer contributions towards infrastructure provision sufficiently robust?

(a) Overall regard to Primary medical care provision

- 4.3 TWBC and the CCG believe that the provision of Primary medical care infrastructure within the borough has been fully recognised throughout Local Plan preparation. It points especially to its:
- **Tunbridge Wells Borough Council – Infrastructure Delivery Plan** (March 2021 – Note to be updated before Submission of Local Plan) – This IDP sets out the details of the infrastructure that is required to support existing and future needs and demands for the borough to support new development and a growing population as envisaged through the Council’s Local Plan. It covers a range of services and infrastructure including the provision of Health infrastructure and Primary medical care.
- 4.4 Within the Local Plan itself, the overall ‘*Vision*’ refers to ‘*Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs*’. Following on from this, Strategic Objective 5 states ‘*To*

achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities’.

- 4.5 In terms of the development strategy, paragraph 4.37 recognises the availability of infrastructure, including proposed infrastructure improvements to support growth as being a key concern to be addressed in formulating the development strategy. Furthermore, paragraph 4.59 recognises the importance of essential infrastructure being provided to support the proposed growth. It states *‘that the strategic approach to delivering infrastructure is set out within Policy STR5...details of particular infrastructure to be provided in association with development is set out within the place shaping policies and the individual site allocations in Section 5. Additionally, a detailed Infrastructure Delivery Plan is produced in parallel with this Plan, and is published as a supporting document’.*
- 4.6 The Local Plan’s strategic policies set out within Section 4 of the Local Plan recognise the strategic significance of the provision of infrastructure, with Policy STR 5 providing the strategic policy approach to the provision of infrastructure. Specifically, in relation to health provision, Policy STR5 states the following:

Health

Ensure that essential healthcare infrastructure is provided as part of new development in the form of new or expanded healthcare facilities. This should include primary and acute care, and any other supporting healthcare facilities, such as social care, that the Council is made aware of through consultation with the NHS Kent and Medway Clinical Commissioning Group or other relevant providers.

- 4.7 Paragraph 4.95 acknowledges that a number of infrastructure projects are required to support the growth proposed in the Local Plan, including a number of specific projects some of which are identified within the IDP as being *‘Critical’* or *‘Essential’*. In terms of health provision, the following are identified in the supporting text to Policy STR5; ***‘Health: provision of new medical facilities at Paddock Wood/Tudeley Village, Royal Tunbridge Wells, Cranbrook, Hawkhurst, and Horsmonden, as well as expansion of a number of existing premises, including at Paddock Wood and Pembury’.***

4.8 Hence, it is agreed that the Local Plan demonstrates a good understanding of, and due regard to, the provision of infrastructure, including health in its preparation.

(b) Consideration of Primary medical care at specific settlements and individual site allocations

4.9 Settlement Strategic Policies and individual site allocations are contained within Section 5 - Place Shaping Policies.

4.10 As noted above, liaison has taken place between TWBC and the CCG throughout the process of formulating the development strategy, settlement strategies and individual site allocations.

4.11 Through discussions with the CCG in terms of identifying potential capacity issues and requirements, the Local Plan identifies a number of settlements and sites which require Primary medical care infrastructure during the plan period – either through developer contributions or through the allocation/safeguarding of sites for new facilities during the plan period. This work is set out in further detail within the IDP.

4.12 The Local Plan makes specific provision for additional Primary medical care within a number of the Strategic Policies for settlements within the borough. These Strategic policies set out the framework for each settlement and identify any infrastructure that is required to support the growth proposed within the Local Plan for that settlement. Criteria within these strategic policies refer to developer contributions either in kind (normally land) and/or financial, towards the provision of medical facilities – either existing or new premises.

4.13 It is considered that this provides a robust framework for seeking developer contributions from the development proposed within the Local Plan and also through windfall development on unallocated sites which may come forward and have an impact on local health infrastructure.

4.14 In addition to the Settlement Strategic Policies, a number of Place Shaping Policies specifically allocate/safeguard land for the provision of medical facilities, including the following policies;

- Policy AL/RTW8 – TN2 Centre and adjacent land, Greggs Wood Road, Sherwood, Royal Tunbridge Wells - for a new medical centre and associated community facility.
- Policy AL/RTW15 – Land at Showfields Road and Rowan Tree Road, Royal Tunbridge Wells - for residential and health and community uses to include a new medical centre.
- Policy STR/SS1 – The Strategy for Paddock Wood, including land at east Capel, provides for a health centre with the potential for it to be co-located within the sports and leisure hub.
- Policy AL/HA5 – Land to the north of Birchfield Grove, Hawkhurst – is allocated for a medical centre and parking to serve the facility.
- Policy AL/HO3 – Land to the east of Horsmonden, Horsmonden – is allocated for residential and safeguarded land for future expansion of Horsmonden Primary School, new health centre/doctors surgery and a community orchard and open space.

4.15 The CCG have supported the opportunity these allocations provide to inform the planning for Primary medical care services within the borough. An additional comment has also been made by the CCG with regard to clarification of Primary medical care at the parish of Goudhurst. Amended wording has been agreed to clarify this point as a minor modification to Paragraph 5.536 of the Local Plan as set out in Appendix 1 of this SoCG.

4.16 In addition, updates will be provided within the updated IDP in accordance with the comments made by the CCG with regard to any specific current and planned projects across the borough.

5.0 Future working

5.1 TWBC undertakes to engage with the CCG in relation to not only to the progress of the Local Plan, but also in relation to its further work to provide relevant and timely infrastructure through regular updates to the Infrastructure Delivery Plan and through discussions on individual sites and planning applications. Specific

meetings are scheduled on individual sites and planning applications as well as part of the discussion on Strategic Sites. Regular meetings are scheduled on a quarterly basis between officers of the council's Planning Policy team and representatives of the CCG in order to update and discuss requirements and ongoing and future projects across the borough and any implications within the wider West Kent area and other cross boundary areas.

6.0 Signatories

6.1 This statement has been prepared and agreed by the following organisations:

<p>Tunbridge Wells Borough Council</p>   <p>Signature Date: 22.10.21</p>	<p>NHS Kent and Medway Clinical Commissioning Group</p> <p>Signature </p> <p>Date: 23.09.2021</p>
--	---

Appendix 1: Detailed comments by NHS Kent and Medway Clinical Commissioning Group on the Pre-Submission Local Plan and agreed minor modifications

Page	Policy or paragraph	NHS Kent and Medway Clinical Commissioning Groups comment	TWBC and CCG's position
	General comment	I can confirm that the CCG has been engaged in the local plan development process in order to assess implications for primary medical care provision. The impacts are set out in the IDP and will be regularly reviewed and updated in line with the CCG's GP Estates Strategy. The following comments are provided on specific policies in relation to general practice provision for completeness.	Noted and welcomed
	Policy AL/RTW8 – TN2 Centre and adjacent land, Greggs Wood Road, Sherwood	The allocation for a medical centre is noted as an opportunity to inform the planning for primary medical care services in Tunbridge Wells	Noted
	Policy AL/RTW15 – Land at Showfields Road and Rowan Tree Road	The statement regarding a new medical centre in Policy AL/RTW 15 is noted as an opportunity to inform the planning for primary medical care services in Tunbridge Wells.	Noted
	Policy STR/SS1 –	The above policies recognise the need for additional primary medical	Noted – no change proposed but further discussions will

Page	Policy or paragraph	NHS Kent and Medway Clinical Commissioning Groups comment	TWBC and CCG's position
	The Strategy for Paddock Wood, including land at east Capel	care provision and infrastructure. The infrastructure and delivery/timing requirements for this will need to be further developed. Please note the CCG position reflected in the IDP which highlights the need for facilities in both areas of development – both Paddock Wood and Tudeley. Of specific note (as detailed in the IDP) is the CCG's view that the population of Tudeley will flow to practices in the Tonbridge area in order to register with a GP, however there is not the capacity in these practices to accommodate this growth. Whilst more detailed planning is required it is considered that a medical centre facility should be provided for within Tudeley Village.	take place via the Strategic Sites Working Group
	Policy STR/SS3 – The Strategy for Tudeley Village	The above policies recognise the need for additional primary medical care provision and infrastructure. The infrastructure and delivery/timing requirements for this will need to be further developed. Please note the CCG position reflected in the IDP which highlights the need for facilities in both areas of development – both Paddock Wood and Tudeley. Of specific note (as detailed in the IDP) is the CCG's view that the population of Tudeley will flow to practices in the Tonbridge area in order to register with a GP, however there is not the capacity in these practices to accommodate this growth. Whilst more detailed planning is required it is considered that a medical centre	Noted – no change proposed but further discussions will take place via the Strategic Sites Working Group

Page	Policy or paragraph	NHS Kent and Medway Clinical Commissioning Groups comment	TWBC and CCG's position
		facility should be provided for within Tudeley Village.	
	Policy STR/CRS1 – The Strategy for Cranbrook and Sissinghurst Parish	The CCG can confirm that support in principle (Stage 1 of CCG governance process) has been provided to enable existing general practices to engage in the proposed medical centre project on this site. A business case and plans will be developed and considered through CCG governance. To clarify it is the intention that a new medical centre will be replacing existing GP facilities within Cranbrook.	Noted – an update will be made to the IDP to reflect this latest position
	Policy AL/HA5 – Land to the north of Birchfield Grove	The CCG notes the allocation and confirms that the two general practices in Hawkhurst are developing plans and a business case with regards to relocating to this site. These will be considered through CCG governance at the appropriate time	Noted
	Policy PSTR/BM1 – The Strategy for Brenchley and Matfield Parish	To clarify the delivery of services from a single site for the practice population has not been considered at this time. The CCG has highlighted that an allocation or safeguarding of land for a doctors practice in Horsmonden may be required to ensure delivery of required infrastructure in the future. It is however important to stress that a more detailed discussion and assessment is required in this area to define any future requirements; specifically noting that the majority of housing growth proposed in Horsmonden is expected in the latter part of the plan period.	Noted

Page	Policy or paragraph	NHS Kent and Medway Clinical Commissioning Groups comment	TWBC and CCG's position
		The statement regarding safeguarding of land for a new health centre in Policy AL/HO3 is noted as an opportunity to inform the planning for primary medical care services in the area.	
	Policy PSTR/GO1 – The Strategy for Goudhurst Parish and paragraph 5.536	To clarify the CCG has not identified a need for a new premises requirement for Goudhurst. It is a separate general practice and has a separate catchment area to Howell Surgery where a potential need was originally identified and detailed in the IDP. This information provided by the CCG in the IDP has been misinterpreted and can be updated to further clarify this point. The reference to 'cluster areas', now Primary Care Networks is simply recognising that practices work in a network with other practices.	<p>Minor modification proposed at paragraph 5.536 of the Local Plan to clarify this point – delete existing wording of paragraph 5.536 and replace with the following;</p> <p><i>'The IDP identifies that there is existing practice provision serving this area at Goudhurst. The NHS Kent and Medway Clinical Commissioning Group confirms that it is expected that contributions will be required towards the Old Parsonage Surgery at Goudhurst (improvements/reconfiguration, etc) or another practice within the area if appropriate, in order to mitigate the impact of development'.</i></p> <p>The IDP will also be updated accordingly.</p>
	Policy PSTR/HO1 – The Strategy for Horsmonden	To clarify the delivery of services from a single site for the practice population has not been considered at this time. The CCG has highlighted that an allocation or safeguarding of land for a doctors practice in Horsmonden may be required to ensure delivery of required infrastructure in the future. It is however important to stress that a more detailed discussion and	Noted

Page	Policy or paragraph	NHS Kent and Medway Clinical Commissioning Groups comment	TWBC and CCG's position
		<p>assessment is required in this area to define any future requirements; specifically noting that the majority of housing growth proposed in Horsmonden is expected in the latter part of the plan period.</p> <p>The statement regarding safeguarding of land for a new health centre in Policy AL/HO3 is noted as an opportunity to inform the planning for primary medical care services in the area.</p>	
	<p>Policy AL/HO3 – Land to the east of Horsmonden</p>	<p>To clarify the delivery of services from a single site for the practice population has not been considered at this time. The CCG has highlighted that an allocation or safeguarding of land for a doctors practice in Horsmonden may be required to ensure delivery of required infrastructure in the future. It is however important to stress that a more detailed discussion and assessment is required in this area to define any future requirements; specifically noting that the majority of housing growth proposed in Horsmonden is expected in the latter part of the plan period.</p> <p>The statement regarding safeguarding of land for a new health centre in Policy AL/HO3 is noted as an opportunity to inform the planning for primary medical care services in the area.</p>	<p>Noted</p>

Appendix I – Appendices for other bodies (Engagement Logs and any relevant SoCGs)

Appendix I1: DtC engagement record for High Weald AONB Unit

Other Bodies

TWBC Duty to Cooperate engagement record for the High Weald AONB Unit

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
15 November 2016	Wealden DC, Sevenoaks DC, High Weald AONB Unit, various parish Councils and stakeholders TWBC Officers – David Scully, Sharon Evans, Deborah Dixon and Charlotte Oben	DtC workshop	Workshop on landscape sensitivity
05 June 2019	Invitation to training session being run by High Weald unit at Council Offices to all Planning staff.	Training from the High Weald Unit on the New MP	Training presented by High Weald AONB Unit “Introduction to the new High Weald AONB Management Plan and supporting guidance for planners”
10 October 2019	High Weald AONB Unit (Claire Tester) TWBC – David Scully and David Marlow	DtC meeting	Discussion: TW Draft Local Plan Regulation 18 consultation, new DM Policies relating to the landscape, other Topic Papers (Green Infrastructure Framework, Habitat Regulation Assessment and Biodiversity Evidence Base) and further landscape/biodiversity studies
28 January 2020	High Weald AONB Unit (Claire Tester and Sally Marsh) TWBC Officers – David Scully and David Marlow	DtC meeting	Update on TWBC Draft Local Plan, discussion of work being undertaken by landscape consultants in relation to major sites proposed in the Draft Local Plan, discussion re strategic sites and policies, Development management policies and evidence base

30 January 2020	Email from TWBC – David Scully to the AONB Unit	DtC email correspondence	Information regarding further work to be undertaken on major sites proposed in the AONB
16 July 2020 18:13	Email from TWBC – David Scully to Claire Tester and Sally Marsh of the AONB Unit	DtC email correspondence	Consultation on proposed sites within the AONB - sent draft reports for comment and requested any further information on proposed sites.
05 August 2020	Email from TWBC – David Scully to Claire Tester of the AONB Unit	DtC email correspondence	Seeking confirmation on Biodiversity Net Gain policy – registered as objection – was that correct? Answer received verbally was yes.
11 August 2020	Email from Claire Tester of the AONB Unit to – David Scully TWBC	DtC email correspondence	Response to consultations provided on Cranbrook, Hawkhurst and Lamberhurst but from subsequent telephone call similar comments applied to other settlements
12 August 2020	Email from TWBC – David Scully to Claire Tester of the AONB Unit	DtC email correspondence	Requested confirmation that there was no further information to be shared on the proposed sites.
17 August 2020	Email from Claire Tester of the AONB Unit to David Scully - TWBC	DtC email correspondence	AONB Unit confirmed – no further information to provide.
10 February 2021	Emails between TWBC – David Scully and Claire Tester and Sally Marsh of the AONB Unit	DtC email correspondence	Discussion on Farmsteads SPD following Public Inquiry – how guidance can be improved
15 February 2021	Emails between TWBC – David Scully and Claire Tester of the AONB Unit	DtC email correspondence	Discussion regarding NPPF and PPG changes re paragraph 172(176) and implications for Local Plan making.
13 May 2021	HW AONB - Claire Tester TWBC - David Marlow and David Scully	DtC Meeting	Discussion about the Pre-Submission Local Plan and the relevant landscape/biodiversity development management policies; site allocation policies; major development in the AONB. The parties discussed a possible separate SoCG in addition to

			that being discussed with the statutory consultee Natural England but agreed that a separate one was not needed at this stage.
March to November 2021	HW AONB Officers Sally Marsh, Jason Lavender and Claire Tester TWBC – David Scully	Numerous emails and discussions in relation to a planning application at Cranbrook on proposed allocation site: AL/CRS3	The AONB Unit objected to the application which was approved by the Council and called in by the SoS. The AONB Unit were a Rule 6 party at the Public Inquiry and completed a SoCG with the Council and applicant for the purposes of the Inquiry. The Inquiry and SoCG covered a number of issues relating to the Local Plan.

Appendix I2: DtC engagement record for KCC Education

Other Bodies

TWBC Duty to Cooperate engagement record for KCC Education

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
24 May 2017	TWBC – Sharon Evans, Hilary Smith KCC – Sarah Platts, Katy Jarvis, Nick Abrahams	DtC meeting – District liaison Meeting	<ul style="list-style-type: none">• District Liaison Meeting including;• Local Plan update• Education• Transport• GIF
September 2017	GIF Meeting Officers of KCC TWBC – Sharon Evans	DtC Meeting	<ul style="list-style-type: none">• Update on the GIF• Infrastructure included• Actions and next steps
23 May 2018	TWBC – Sharon Evans, Steve Baughen KCC – Nick Abrahams, Jared Nehra	DtC meeting	<ul style="list-style-type: none">• Update on Local Plan and education infrastructure• Discussed settlement implications of proposed growth and key sites.• Secondary provision in RTW and PW• Other KCC services – adult social care and library services• Agreed to share mapping and sites information and neighbourhood plan progress
17 September 2018	KCC - Sarah Platts, Vicki Hubert, Jared Nehra, Nick Abrahams -	DtC meeting – District liaison Meeting	<ul style="list-style-type: none">• Local Plan update

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	TWBC - Sharon Evans Hilary Smith		<ul style="list-style-type: none"> • Transport discussions • Education discussions • Neighbourhood Plans • GIF
7 January 2020	<p>TWBC: Sharon Evans and Councillor Alan McDermott – Leader of the Council</p> <p>KCC :Richard Long – Cabinet Member for Education and Skills KCC Education: Nick Abrahams (Area Education Officer for West Kent – KCC)</p>	DtC meeting	<p>Current position in relation to schools in TWBC and the production of the Kent Commissioning Plan for education which is a 5 year rolling plan updated annually</p> <p>Future provision – strategy for dealing with ‘bulge’ in children coming through the system as a result of high birth rates between 2006-2013, reaching a peak in 2021/22 and 2022/23 in terms of secondary school places</p> <p>Discussion of longer term education provision as a result of the emerging TWBC Local Plan and IDP</p> <p>As any amendments are made to the emerging submission plan, close liaison with KCC will be required to ensure that any changes and implications are</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			<p>picked up in education planning terms</p> <p>Meetings/discussion will therefore be ongoing</p>
23 June 2020	Sharon Evans – TWBC Steve Baughen – TWBC Hannah Young – TWBC Ben Shereard – KCC Nick Abrahams - KCC	Information meeting (via Skype)	<ul style="list-style-type: none"> • General update meeting on education and the Local Plan • Specific discussion regarding Tudeley Village and site options for a new secondary school as well as primary provision. • Specific discussion regarding Paddock Wood. • Specific discussion regarding provision in RTW and KCC confirmed no longer require new sites – Spratsbrook. • KCC provided update on Kent Commissioning Plan – due to be published early in the year
26 November 2020	Hannah Young- TWBC Joanne Cave- DLA Nick Abrahams- KCC	Information meeting (via Skype)	Meeting to discuss primary school provision for Paddock Wood and Capel.
20 May 2021	KCC (Education, Libraries and Developer Contributions) – Nicholas Abrahams, Richard Kidd, Sarah Platts, Jackie Taylor-Smith	DtC Meeting	Update meeting about the TWBC Pre-Submission Local Plan (PSLP) and discussion on:

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
	TWBC - Stephen Baughen, Sharon Evans, Freya Jackson, David Marlow		<ul style="list-style-type: none"> • School places in relation to proposed growth and development across TW borough • KCC library (building review) • Developer contributions – affordable housing • Producing a SoCG between TWBC and all relevant KCC services
4 October 2021	TWBC- Stephen Baughen, Sharon Evans, Nichola Watters, Peter Hockney and Hannah Young KCC – Nick Abrahams	Meeting	Meeting to discuss the closure of High Weald Academy.
20 October 2021	TWBC – Councillor Dawlings (leader of the Council) Stephen Baughen, William Benson, Sharon Evans. KCC – Shellina Prendergast, Nick Abrahams	Meeting	<ul style="list-style-type: none"> • KCC Update on the new Kent County Council Commissioning Plan in relation to the borough.
29 October 2021	KCC to TWBC	DtC correspondence	Confirmation that the SoCG is agreed by KCC.

Appendix I3: DtC engagement record for KCC Flooding

Other Bodies

TWBC Duty to Cooperate engagement record for KCC Flooding

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
3 July 2015	Tunbridge Wells Borough Council (TWBC): Kelvin Hinton, Adrian Tofts, Sarah Lowe Environment Agency (EA): Peter Waring, Ghada Mitri Upper Medway Internal Drainage Board (IDB): Pete Dowling Kent County Council (KCC): Max Tant	DtC Meeting	Discussions of TW Site Allocations Plan, specific site allocations and other planning applications in relation to flooding
15 July 2015	Southern Water Environment Agency KCC Flooding Maidstone Borough Council Upper Medway Drainage Board MWH Consultants TWBC – Adrian Tofts	DtC meeting	Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues.
24 October 2017	Sharon Evans – TWBC Max Tant – KCC Flooding	Phone conversation	<ul style="list-style-type: none">• General discussion on flood risk and Local Plan and work currently underway as part of the SFRA.• Particular focus on Paddock Wood and RTW.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
21 August 2018	Sharon Evans - TWBC Bronwyn Buntine – KCC Flooding	Information meeting	<ul style="list-style-type: none"> • Update on flood risk policies in Local Plan • Importance of integration of flood risk policies and the SFRA. • Good examples from elsewhere in Kent • Action – share site submissions with Bronwyn to review
September 2018	Sharon Evans – TWBC Max Tant – KCC Flooding	Phone conversation	General discussion regarding emerging policy, SUD's, drainage, surface water management and liaison with Southern Water. Specific discussion re: flooding in RTW.
6 November 2018	Environment Agency - Tony Gregory and Karolina Allu and KCC Flooding - Max Tant and Bronwyn Buntine TWBC Officers – Stephen Baughen and Sharon Evans and Ben Gibson from JBA consulting	DtC Meeting	Flood Risk - Discussed progress on the SFRA/modelling carried out and the initial outcomes
19 May 2021	KCC - Bronwyn Buntine, Francesca Potter TWBC - Stephen Baughen, Sharon Evans, Freya Jackson, Hannah Young	DtC Meeting	Update meeting about the TWBC Pre-Submission Local Plan (PSLP) and discussion on water related issues (particularly in relation to Sustainable Urban Drainage Systems) relating to the development management (EN24 and EN26) and site allocation

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			policies (including the strategic sites) in the PSLP
29 October 2021	KCC to TWBC	DtC correspondence	Confirmation that the SoCG is agreed by KCC.

Appendix I4: DtC engagement record for KCC Heritage

Other Bodies

TWBC Duty to Cooperate engagement record for KCC Heritage

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
19 September 2018	KCC Heritage – Paul Cuming TWBC Officer – Gwenda Bradley	DtC email correspondence	KCC – Heritage’s response to early consultation on TWBC’s draft DM Policies relating to the Historic Environment and Heritage Assets. KCC supportive of policies but requested further inclusion of information in relation to the historic landscape, health and well being, archaeological sites/assessments and other points of clarity .
9 September 2020	KCC Heritage – Paul Cuming and Wendy Rogers TWBC – David Scully, David Marlow, Mark Stephenson, Debbie Maltby	DtC meeting	Discussion of heritage policies (EN6: Historic Environment and EN7; Heritage Assets) for emerging Local Plan including site allocations, particularly in relation to archaeology Now addressed in revised policy wording.
10 May 2021	KCC - Charlotte Beck, Kate Beswick, Paul Cuming, Bryan Geake, Francesca Potter, Sharon Thompson (Apologies from Bronwyn Buntine) TWBC - Stephen Baughen, Sharon Evans, Ellen Gilbert, Freya Jackson, David Marlow, Debbie Salter, Hannah Young	DtC meeting	Update meeting about the TWBC Pre-Submission Local Plan (PSLP) and discussion on producing a SoCG. In terms of Heritage – Development management policies EN4 and EN5 were discussed and KCC have no objection to the PSLP wording. Issues regarding PROWs and Minerals and Waste were also discussed at this meeting.

29 October 2021	KCC to TWBC	DtC correspondence	Confirmation that the SoCG is agreed by KCC
-----------------	-------------	--------------------	---

Appendix I5: DtC engagement record for KCC Minerals and Waste

Other Bodies

TWBC Duty to Cooperate engagement record for KCC Minerals and Waste

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
6 October 2020	TWBC – Gwenda Bradley to KCC	DtC email correspondence	<p>Follow up of DLP Regulation 18 comments received from KCC:</p> <ul style="list-style-type: none">• Identification of approach on how proposed site allocations with a potential impact on minerals and waste safeguarding were being considered in the TWBC Local Plan review and Sustainability Appraisal• Suggestion of deletion and replacement of Draft Local Plan Policy EN32: Mineral and Waste with a new addition in Section 1: Introduction of the PSLP to include the Kent Minerals and Waste Local Plan (KMLP) (as modified in September 2020) as part of the Development Plan for TWBC and how this should be presented• Mapping of safeguarded minerals and waste areas for TWBC
9 November 2020	KCC – Bryan Geake to TWBC	DtC email correspondence	<p>KCC response to TWBC email above:</p> <p>Agreed with general approach above for site allocations and suggested some additional wording for the PSLP Introduction in relation</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			to the KMWLP. Also, confirmed KCC could provide some mapping information
3 March 2021	KCC – Bryan Geake to TWBC	DtC email correspondence	Forwarding of KCC Minerals and Waste Safeguarded Facilitates GIS Data/mapping layers for inclusion and formulation into the TWBC Local Plan
26 March 2021	KCC – Alice Short	Email correspondence	KCC notification of the review of the Kent Minerals and Waste Local Plan 2013-30
30 April 2021	TWBC – Ellen Gilbert	DtC email correspondence	TWBC response to KCC consultation on the review of the Kent Minerals and Waste Local Plan 2013-30
10 May 2021	<p>KCC - Charlotte Beck, Kate Beswick, Paul Cuming, Bryan Geake, Francesca Potter, Sharon Thompson</p> <p>TWBC - Stephen Baughen, Sharon Evans, Ellen Gilbert, Freya Jackson, David Marlow, Debbie Salter, Hannah Young</p>	DtC meeting with KCC – PROWs, Minerals and Waste and Heritage teams	<ul style="list-style-type: none"> • Discussion on how minerals and waste safeguarding should be addressed in the Local Plan in relation to proposed site allocations and compliance with KMWLP policies DM 7 and DM 8. TWBC Confirmed that for LP policies STR/SS1 (part 11) and STR/SS3 (part 9) there is a requirement to recognise minerals safeguarding and the policy wording aligns with the requirements of DM 7. • TWBC confirmed new section added to Part 1 of Local Plan. • TWBC confirmed the relevant mapping/screening for minerals and

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			waste safeguarded areas has been undertaken.
29 October 2021	KCC to TWBC	DtC correspondence	Confirmation that matters relating to Minerals and Waste are still subject to review and consideration by KCC. These will be considered and an updated SoCG will be provided prior to the Local Plan Examination.

Appendix I6: DtC engagement record for KCC Community Services

Other Bodies

TWBC Duty to Cooperate engagement record for KCC Community Services and Broadband

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
20 May 2021	KCC – Nicholas Abrahams, Richard Kidd, Sarah Platts, Jackie Taylor-Smith TWBC - Stephen Baughen, Sharon Evans, Freya Jackson, David Marlow	DtC Meeting Education, Libraries and Developer Contributions	Update meeting about the TWBC Pre-Submission Local Plan (PSLP) and discussion on producing a SoCG. Matters discussed in relation to the proposed growth strategy in the PSLP: <ul style="list-style-type: none">• Education – school places• Libraries – access and provision• Developer contributions – for a range of issues relating to the proposed site allocations
2 June 2021	KCC - Melanie Anthony, Francesca Potter TWBC – David Marlow, Deborah West	DtC Meeting Adult Social Care	Update meeting about the TWBC Pre-Submission Local Plan (PSLP) and discussion on producing a SoCG. Discussion of specific housing needs of older people, with particular reference to PSLP Development Management Policy H6: Housing for Older people and People with Disabilities and the TWBC evidence base work undertaken to feed into this policy.
29 September 2021	TWBC - Gwenda Bradley KCC – Jake Huggett	DtC Meeting Broadband	Meeting about KCC Broadband Team's comments received in response to the PSLP Regulation 19 consultation in relation to PSLP Development Management Policy ED3: Digital Communications and Fibre to the Premises (FTTP)

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			Discussion on specific changes to wording to clarify the emphasis on FTTP as a priority, and minimum speeds. Reference also made to producing a SoCG.
6 October 2021	TWBC – Gwenda Bradley to KCC	DtC email correspondence	Follow up email to meeting setting out suggested amendments to DM policy ED3 to be included in the submission Local Plan and SoCG.
12 October	KCC – Jake Huggett	DtC email correspondence	KCC response to TWBC email of 6 October 2021 agreeing the proposed minor amendments to Policy ED3 wording.
29 October 2021	KCC to TWBC	DtC correspondence	Confirmation that the SoCG is agreed by KCC.

Appendix I7: SoCG between TWBC and KCC (including Education, Flooding, Heritage, Minerals and Waste, Community Services and Broadband)

Statement of Common Ground
between
Tunbridge Wells Borough Council
and
Kent County Council

in respect of the
Tunbridge Wells Borough Local Plan

[October 2021]



Contents

1.0	Introduction	1
2.0	Overview	2
3.0	Local Plan context	2
4.0	Local Plan issues affecting infrastructure and the range of services provided for by Kent County Council.....	3
5.0	Future working	18
6.0	Signatories.....	19
	Appendix 1: Evidence Base in relation to provision of infrastructure	21
	Appendix 2: Detailed comments by Kent County Council on the Pre-Submission Local Plan and minor modifications	27

1.0 Introduction

- 1.1 This 'Statement of Common Ground' (SoCG) is a jointly agreed statement between Kent County Council (KCC) and Tunbridge Wells Borough Council (TWBC), hereafter referred to as "the parties", in relation to the preparation of the Tunbridge Wells Borough Local Plan.
- 1.2 It takes account of the development of the Local Plan including the Pre-Submission (Regulation 19) stage. Specifically, it reflects the comments and representations submitted by KCC on the emerging Local Plan at each stage of plan-making, as well as the Borough Council's responses. As such, this SoCG provides an agreed position with respect to relevant strategic matters within the scope of the emerging Local Plan as at October 2021.
- 1.3 The strategic matters covered by this SoCG relate to the provision of services and infrastructure where these are provided by KCC to support the growth in the borough proposed within the Local Plan, with the exception of Highways matters, which are dealt with in a separate Statement of Common Ground. Therefore, this Statement of Common Ground covers the following matters;
- Public Rights of Way
 - Natural and Historic Environment – Surface Water Drainage, Biodiversity and Heritage
 - Education – Primary and Secondary, Early Years and SEN
 - Social and community – Libraries and Digital Communications
 - Minerals and Waste infrastructure
- 1.4 In particular, the SoCG sets out the parties' views on the consistency of the Pre-Submission Local Plan with national policies in relation to the provision of services and infrastructure as set out in the National Planning Policy Framework (NPPF).
- 1.5 At the same time, it is appreciated that liaison in relation to the matters included in this SoCG is ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that

either party may wish to raise subsequently through the examination into the Local Plan.

2.0 Overview

- 2.1. The parties agree that both TWBC and KCC have been proactive in their approach to these strategic matters in accordance with the requirements under the Duty to Cooperate (DtC).
- 2.2. Paragraph 1.28 of the Local Plan refers to the extensive liaison between Tunbridge Wells Borough Council and KCC in the preparation of the Local Plan, notably in terms of KCC's roles as the minerals and waste local planning authority, the local highway authority, local education authority and lead local flood authority. Further to this, paragraph 1.30 confirms that regard has been had to other strategies and plans of key agencies, including those of the County Council in relation to transport, education, adult social care and public health.
- 2.3. It is agreed that TWBC has an evidence base and appreciation of the importance of a range of services and infrastructure that are provided for by KCC – including the provision of essential infrastructure.
- 2.4. This SOCG also highlights a shared commitment to the provision of a range of services and infrastructure to serve the development proposed within the borough and TWBC's continuing commitment to this, as set out in Section 5, via ongoing liaison with KCC.

3.0 Local Plan context

- 3.1 TWBC is preparing a new, comprehensive Local Plan for the borough. It will set out the overall vision and objectives, development strategy, spatial strategies and site allocations, together with Development Management policies to guide development over the period 2020 – 2038.
- 3.2 There were two stages of consultation at the Regulation 18 stage, the first on '[Issues and Options](#)' in 2017 and the second, on a full '[Draft Local Plan](#)' in autumn 2019. Following further evidence base work and consideration of comments received at

these stages, a '[Pre-Submission Local Plan](#)' was published and consulted upon over a 10-week period from 26 March to 4 June 2021.

- 3.3 Details of engagement between the parties are set out in the [Duty to Cooperate Statement](#) that supports it, and are agreed by the parties.

4.0 Local Plan issues affecting infrastructure and the range of services provided for by Kent County Council

- 4.1 Paragraph 20 of the National Planning Policy Framework (2021) requires that Strategic Policies within the Local Plan should set out the overall strategy for the pattern, scale and quality of development, and make sufficient provision for;

- a) *'infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- b) *Community facilities (such as health, education and cultural infrastructure); and*
- c) *Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaption'.*

- 4.2 Furthermore, the NPPF sets out specific guidance on the provision of the various forms of infrastructure and requirements in relation to the strategic issues set out including the delivery of sufficient supply of homes, building a strong, competitive economy, promoting healthy and safe communities, promoting sustainable transport, supporting high quality communications, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment, and facilitating the sustainable use of minerals.

- 4.3 The above requirements have been taken into account in the preparation of the Local Plan and much of the above infrastructure is delivered or maintained by KCC.

- 4.4 TWBC has liaised with KCC officers throughout the preparation of the Local Plan. This has taken place through an iterative process, informally through the preparation

stage via ongoing liaison and discussions between the parties and at the more formal stages as referenced above.

4.5 The issues that have been raised during the preparation of the Local Plan can be seen as relating to the following matters:

- a) Has the Local Plan had overall regard to the provision of services and infrastructure and the protection of the natural and historic environment?
- b) Has the provision of infrastructure to support new development proposed through the Local Plan been adequately assessed, considered and provided for?

a. **Has the Local Plan, had overall regard to the provision of services and infrastructure and the protection of the natural and historic environment?**

4.6 Section 2 (Setting the Scene) of the Local Plan, identified the 'Key Issues, Challenges and Opportunities', of the Plan, of which one is identified as'

'Key issue/challenge: ensuring sufficient infrastructure is available to meet the needs of new development and support sustainable communities.'

4.7 The different types of infrastructure to be provided are detailed in Table 2. A number of the other 'Key issues' cross cut with services provided by KCC, including in relation to meeting housing needs, including those of an ageing population, climate change, conserving and enhancing the borough's natural, built and historic environment, flooding and transport.

4.8 Section 3 (Vision and Objectives) of the Plan, details the 'Vision' and 'Strategic Objectives' and again the provision of infrastructure is specifically stated as Strategic Objective 5 – *'To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities.'*

4.9 Within Section 4 (The Development Strategy and Strategic Policies), of the Local Plan, paragraph 4.37 recognises the availability of infrastructure, including proposed infrastructure improvements to support growth as being a key concern to be addressed in formulating the development strategy.

4.10 Furthermore, paragraph 4.59 recognises the importance of essential infrastructure being provided to support the proposed growth and refers to the strategic approach to

delivering infrastructure as being set out within Policy STR5 and Policy STR6 in relation to transport. It is also confirmed that details of particular infrastructure, to be provided in association with development is set out within the place shaping policies and the individual site allocations in Section 5 of the Local Plan. It is also stated that a detailed Infrastructure Delivery Plan is produced in parallel with the Local Plan and is published as a supporting document. A comprehensive list of the supporting documents that are relevant to the provision of infrastructure and the services provided for by KCC are detailed within Appendix 1 of this SoCG.

4.11 As referred to above, Policy STR5 – Infrastructure and Connectivity is the key policy in the Local Plan in terms of the provision of infrastructure. Paragraphs 4.88- 4.96 set the context and supporting text to the policy and details the importance of the delivery of infrastructure and the types of infrastructure. Essential infrastructure projects are identified by TWBC at Paragraph 4.95 and further detail is set out within Policy STR5 itself. Both parties agree that a robust approach is required to ensure the timely provision of infrastructure to support the growth proposed across the borough within the Local Plan.

b) Has the provision of infrastructure to support new development proposed through the Local Plan been adequately assessed, considered and provided for?

4.12 This SoCG reflects ongoing liaison between TWBC and KCC with regard to the range of services that KCC provides for the borough. Additionally, a number of specific meetings were held with officers of KCC and TWBC during the Regulation 19 consultation period. This enabled officers of TWBC to brief KCC officers on the Regulation 19 consultation period, draw the evidence base and supporting documents to their attention and highlight any specific sections of the Local Plan and answer any queries, in order to assist KCC in formulating their responses. Details of these meetings are included within the Duty to Cooperate Statement.

4.13 Following on from this liaison, KCC has made a number of comments on the Regulation 19 Plan relating to a range of infrastructure and services. The detailed comments made by KCC are detailed in Appendix 2. Commentary on the representations made and the areas of agreement between the two parties in relation to the infrastructure and service areas provided by KCC is summarised below.

General comments made by KCC

- 4.14 KCC as a key stakeholder, has made a number of comments and observations on the Local Plan in regard to a range of issues. Of particular note, KCC, as a key infrastructure provider, recognises that the Local Plan looks to deliver a sustainable future, ensuring that the necessary infrastructure is available to support development and welcomes the incorporation of strategic policies such as Policy STR5 - Infrastructure and Connectivity, which sets out the role of infrastructure in the delivery of new communities and the delivery of a range of services and community facilities across the borough.
- 4.15 Additionally, support is also noted for the detailed consideration of the infrastructure requirements to support development in each of the proposed site allocations. Both parties agree that sustainable development requires timely provision of infrastructure to meet the planned growth proposed for the borough.
- 4.16 KCC is also generally supportive of Policy STR1 – The Development Strategy but seeks to have a continued role in the master-planning process of the Strategic Sites to ensure that necessary infrastructure is planned and delivered. It is agreed by both parties that they will continue to work collaboratively on such matters and liaise with other neighbouring authorities as necessary throughout the process.
- 4.17 In terms of developer contributions to support the provision of infrastructure, KCC supports the continued commitment by TWBC for the use of Section 106 agreements to secure development contributions within the borough, which both parties agree is effective in the timely and effective delivery of infrastructure to support growth within the Local Plan. KCC also considers that there is opportunity through this Local Plan to support the collection of developer contributions for sites of fewer than 10 dwellings and/or on sites of 0.5 ha or more in order to seek contributions towards local infrastructure to support all development in the borough. TWBC's position is that there is no set threshold for infrastructure contributions in the TW Local Plan. However, TWBC considers that where there is a demonstrable additional demand for a particular service, such as school places, the policy stance does not preclude seeking contributions towards that need. Therefore, TWBC will continue to seek developer contributions where a clear need has been identified on a case-by-case

basis, and no change/additional wording is considered necessary. KCC and TWBC are not agreed on this matter.

- 4.18 The approach taken to Policy STR4 – Ensuring Comprehensive Development, is also supported by KCC and both TWBC and KCC are committed to working together, particularly in relation to the masterplanning for the Strategic Sites to ensure that infrastructure requirements are integrated within the proposals for new development from the outset.
- 4.19 More generally, in terms of the economy of the borough, KCC has registered its support of the flexible approach taken by TWBC within the Local Plan to the provision of retail and town centres to allow adaptable and resilient centres. The importance and inclusion of community facilities and cultural infrastructure is also welcomed.
- 4.20 Support by KCC is also noted for Policy ED1 – The Key Employment Areas, Policy ED2 – Retention of Existing Employment Sites and Buildings, ED4 – Rural Diversification, ED5 – Conversion of Rural Buildings outside of the Limits to Built Development and ED6 – Commercial and Private Recreational uses in the Countryside.
- 4.21 KCC has made a number of comments on the Strategic Sites that are allocated within the Local Plan as part of the growth strategy – Policy STR/SS1 – The Strategy for Paddock Wood, including land at east Capel and Policy STR/SS3 – The Strategy for Tudeley Village. The comments raise a variety of issues, including the provision of a range of infrastructure items as part of the development proposed – primarily in relation to transport, education, drainage and waste management. KCC is engaged with TWBC in this process through the Strategic Sites Working Group - see also Section 5 of this SoCG.
- 4.22 It is acknowledged by both KCC and TWBC that the Local Plan has been prepared during a time of unprecedented change through the impact (and continuing impacts) of the Covid 19 pandemic. It is agreed that the Local Plan should be adaptable to accommodate changing trends and patterns in terms of home working and travel patterns as the long-term influence of Covid 19 becomes apparent and KCC welcomes the Local Plan's recognition of this.

PRoW

- 4.23 KCC has made a number of comments on individual site allocation policies in relation to PRoW – both in terms of the reference to a number of specific public footpaths, byways and bridleways that are affected by policies or fall within allocation sites, and also in terms of the inclusion of reference to the need for development contributions to be made as appropriate towards the PRoW network. The specific sites that these comments refer to are listed in Appendix 2 and responses are provided. PRoWs are detailed on the site layout plans included in the Local Plan and references made in the policies to pedestrian permeability, footpath links and associated matters. The County Council and TWBC do not agree on whether specific references to footpath numbers should be included within the Local Plan.
- 4.24 KCC has also requested that mention of Public Rights of Way should be added to paragraph 2.23/2.39 and the opportunities that it provides for enhancement through new development alongside walking and cycling as active travel opportunities. It is considered appropriate to add reference to Public Rights of Way within this section and the following wording will be added at paragraph 2.39 after the second sentence to provide context - *‘The borough’s Public Rights of Way (PRoW) network also provides linkages and opportunities for enhancement through new development.’*
- 4.25 Additionally, mention of PRoW is also requested within the general commentary to Section 3 of the Local Plan - Vision and Objectives. TWBC does not consider it to be necessary or appropriate, to make reference to the PRoW network within this section of the Local Plan, which sets out the background for formulating the Vision and Objectives for the Local Plan. As above, reference to the PRoW network and the enhancement opportunities through new development has been added to paragraph 2.39 above, which is considered by TWBC to adequately address this issue. KCC remains of the view that additional reference to PRoW should be made within Section 3 of the Local Plan to reflect the significant role the network can play in sustainable travel.
- 4.26 Car Parking and safeguarding Policies – KCC consider Policies TP3 – Parking Standards; TP4 – Public Car Parks; TP5 – Safeguarding Railway Land and TP6 – Safeguarding Road to be acceptable.

Natural and Historic Environment – Flood Risk, Biodiversity and Heritage

Water and Flood Risk

- 4.27 KCC has considered the policies in relation to water and flood risk contained within the Local Plan and has provided comments specifically on Policy EN25 – Flood Risk and Policy EN26 – Sustainable Urban Drainage.
- 4.28 KCC as the Lead Local Flood Authority is supportive of the flood risk considerations contained within the Local Plan and have confirmed that they were consulted during the preparation of the Strategic Flood Risk Assessment as well as in the consideration of the proposed Local Plan policies. Specifically, KCC has referred to the fact that in accordance with the requirements of the NPPF, the consideration of cumulative impacts has been considered through the Strategic Flood Risk Assessment – level 2, which is greatly appreciated given the size of development in the Paddock Wood area. Both parties have also recognised the contribution of the impact of surface water runoff and that site-specific Flood risk Assessments (FRAs) may be required in certain instances. The policies in the Local Plan provide for this requirement.
- 4.29 It is however recommended by KCC, that Policy EN25 should provide clarity in terms of which ‘*development proposals*’ require a flood risk assessment – KCC states that they, as a statutory consultee, are required to provide consultation responses on major development applications which have a wider application than those sites over 1 hectare as currently required in Policy EN25. KCC is therefore seeking an amendment to include reference to require that all ‘*major development*’ within Flood Zone 1, should provide a flood risk assessment and/or drainage strategy to assess any impact on flood risk. It is not considered necessary by TWBC to make this amendment, as the approach taken by TWBC is consistent with the requirements of the NPPF. It is however considered that there could be instances where it may be appropriate to require an FRA for smaller developments and it would therefore be appropriate to consult with KCC as the lead local flood authority on a case-by-case basis. An amendment to the supporting text to Policy EN25 is proposed to address this issue raised and is included in Appendix 2.
- 4.30 In terms of Policy EN26, KCC welcomes the reference to the requirements for the promotion of multi-functional sustainable drainage systems. KCC has however

requested that clarity is provided in relation to the expectation by the Borough Council of how the provision of adequate drainage as part of new development is demonstrated. KCC has recommended revised text in this regard. The suggested text is not considered necessary as this issue is already covered within Policies EN25 and EN26. However, an amendment to the supporting text at paragraph 6.277 to address this point is proposed by TWBC and is included within Appendix 2.

- 4.31 Specifically, in relation to the Strategic Sites, KCC has made comments on the importance of appropriate drainage strategies for these areas and recommends the promotion of drainage measures integrated within open space to provide multi-functional benefits. The use of design codes or supplementary planning documents is recommended by KCC to provide guidance on such measures. It is agreed by both parties that a detailed drainage strategy should be dealt with through the production of Supplementary Planning Documents for the Strategic Sites. Additionally, the strategic policies should be considered alongside Policy EN26 – Sustainable Drainage, which provides policy guidance and consideration of multi-functional benefits and cross referencing to Policy EN26 provides clarity in this regard as set out within Appendix 2.
- 4.32 Climate Change - Support is also noted for Policy STR7 – Climate Change and the embedding of climate change, the environment and net zero throughout the Local Plan. Both parties are committed to working towards a sustainable future for the borough through the strategy and policies of the Local Plan. The County Council is also seeking that reference is made to address how climate change will impact farming and the need to adapt to new crops and farm practices – however it is considered by TWBC that reference to this is not necessary or justified and would be adequately covered by other plans and strategies rather than a Local land use Plan.
- 4.33 Biodiversity – KCC has made comments in support of a number of the Local Plan policies which provide policy protection for the natural environment and biodiversity. Of particular note, KCC is supportive of the references within Strategic Policy STR8 – Conserving and Enhancing the Natural, Built and Historic Environment to net gains for nature and green corridors.
- 4.34 In terms of biodiversity – the County Council requests that consideration of native species planting is included within Policy EN1: Sustainable Design. Policy EN1

already makes reference to native tree planting in the design checklist under Point 4 (d) – Landscape, trees and amenity – *‘In rural areas, has particular attention been paid to the retention and addition of native vegetation appropriate to the local landscape character to help assimilate development into its rural setting?’*. Native planting is also mentioned in the supporting text (at paragraph 6.173) to Policy EN12: Trees, Woodland, Hedges, and Development, which states *‘Where development does take place, there will be a presumption in favour of increasing tree cover, especially in urban areas, with planting specification, species selection, size, diversity, and connectivity being important considerations. Native species indigenous to the area should be used, unless justified by strong design reasons, using local provenance plants and seeds wherever possible.’* In addition, the suitability of trees proposed as part of any landscaping scheme submitted at the planning application stage would be assessed in context, including the use of native planting where appropriate. It is therefore agreed by both parties that no changes are required to the policy wording.

- 4.35 KCC is also supportive of a number of the Development Management Policies securing the protection of the natural environment including Policies EN8 – Outdoor Lighting and Dark Skies (in reference to dark skies/light pollution in relation to wildlife), Policy EN9 – Biodiversity Net Gain and additionally that the biodiversity value of an area will be *‘conserved and enhanced’* in accordance with national biodiversity policy. KCC also requests that Policy EN9 make reference to ‘Kent’s Plan Bee’ - a pollinator action plan developed by KCC. TWBC does not consider it necessary or justified to include reference to this within Policy EN9.
- 4.36 KCC also supports Policy EN10 – Protection of Designated Sites and Habitats, Policy EN12 – Trees, Woodland, Hedges and Development, EN13 – Ancient Woodland and Veteran Trees, EN14 – Green, Grey and Blue Infrastructure, EN19 – The High Weald Area of Outstanding Natural Beauty and EN20 – Agricultural Land.
- 4.37 Historic Environment - KCC has highlighted that TWBC has held extensive discussions with KCC during the development of the historic environment policies which build on the heritage strategy for the borough. KCC in particular, has registered its support for the approach taken in Policies EN4 – Historic Environment and Policy EN5 – Heritage Assets. KCC and TWBC are in agreement that the Local

Plan provides a sound basis for the protection of the historic environment of the borough through the Local Plan.

Public health and housing

- 4.38 KCC's support, in respect of public health, is noted for Policies STR 2 – Place Shaping and Design, STR 6 – Transport and Parking and STR 7 – Climate Change. Policy H1 – Housing Mix and Policy H3 – Affordable Housing are also supported by KCC.
- 4.39 In terms of health inequalities, the Local Plan provides for this through its Development Management Policies, including in relation to accessible housing, health infrastructure, access to open space, and protection and enhancement of employment opportunities.
- 4.40 Additionally, an Equalities Impact Assessment (EQIA) has been prepared in support of the Local Plan, which considers that the Local Plan has the potential to impact on all protected characteristics as it relates to all people who live in, work in, or visit the borough. It also has the potential to include outcomes that support all aims of the Public Sector Equality Duty. The EQIA considers that the Local Plan takes into account the needs of people with protected characteristics.
- 4.41 The Sustainability Appraisal has been produced alongside the Local Plan and evaluates the social, economic and environmental impacts of the strategy and policy within the Local Plan to assess if they align with the sustainable objectives. As part of the SA scoping exercise, a baseline review of the environmental, social and economic issues relevant to Tunbridge Wells Borough was undertaken. This includes the identification and consideration of a number of local and national datasets in relation to a range of issues including health.
- 4.42 A range of data has been used to inform the above documents and the Local Plan itself and is considered to be up to date. Objective 9 of the Sustainability Appraisal is to '*improve health and wellbeing and reduce health inequalities*' and a number of considerations were taken into account in the SA scoring which related to health deprivation, any specialist health needs, access to accessible green open space and recreation etc. Additionally, a number of sites are specifically allocated within the Local Plan which provide for improved health facilities and community facilities as part

of a 'Community Hub' approach. TWBC does not consider it necessary or justified to include reference to further evidence as raised by KCC.

- 4.43 Community buildings – KCC has recommended that the Local Plan includes policy wording that requires community buildings to be designed and built to be inclusive to all users, including a number of measures such as being 'dementia friendly', accessible catering areas and toilet and changing facilities. It is considered by TWBC that such references are overly specific to be included in the Local Plan and would be covered by other legislation. Furthermore, Policy EN1 – Sustainable Design, provides an extensive list of design guidance documents, which cover issues such as accessibility for all types of development.
- 4.44 Specialist care accommodation – In terms of the delivery of specialist care accommodation, Policy H6 of the Local Plan details the policy approach towards 'Housing for Older people and people with disabilities'. Additionally, there are a number of individual site allocations in the Local Plan which safeguard land/sites for such specialist housing. Both parties will continue to work together with other partners to ensure that such specialist housing is provided for over the Plan period.
- 4.45 Sports and Recreation – KCC has confirmed its support for the approach taken in the Local Plan and is supportive of Policy OSSR1 – Retention of Open Space. KCC is keen to engage with the borough council to further support sport and physical activity provision and participation in the borough particularly following the impact of the Covid pandemic.

Education

- 4.46 Throughout the preparation of the Local Plan, ongoing discussions have taken place between officers of TWBC and the County's West Kent Area Education Officer to ensure that adequate school places (both Primary and Secondary) are provided for to meet the needs of the borough and the growth planned.
- 4.47 The details of the additional education provision required are set out in detail in the IDP and are reflected within Policy STR5 and the individual strategic settlement policies and specific allocations where relevant.
- 4.48 The provision reflects that which is identified within KCC's most up to date Education Commissioning Plan which TWBC has taken account of to ensure that the growth

proposed aligns with KCC's forecasting for education needs and KCC agrees that the provision set out within the Local Plan reflects the discussions that have taken place and appropriately provides for education within the Local Plan subject to the comments below.

- 4.49 KCC has, in its comments at the Regulation 19 stage, made a number of observations in relation to education, notably with regard to the provision under Policy STR/SS1 – The Strategy for Paddock Wood, including land at east Capel as follows;

'The education provision outlined in the Local Plan incorporates the additional education provision required within the proposed allocations. It is important to note that the 2 FE Primary School within the Mascalls Court Farm site that already has planning permission, is required in part to also support the total growth within this policy.'

- 4.50 TWBC note this comment and confirm that the primary school has planning permission.

- 4.51 Additionally, KCC has made a comment on STR/SS3 – The Strategy for Tudeley Village as noted below;

'The County Council supports the proposal for a new three form entry primary school within the development. The County Council would request that additional land to support the expansion of Capel Primary School must be secured through this policy to enable the school to expand from one form of entry to two form entry. The County Council notes the revised location of the secondary school, which from an education perspective, is a much more satisfactory solution.'

The County Council notes that the necessary new secondary school required to meet the additional demand for secondary school places arising from Paddock Wood and Tudeley Garden Village is outlined in Policy STR/SS 3 2d as to the South East of the proposed Garden Village. The County Council considers this an appropriate location to meet the educational needs and does not hold concerns regarding the suitability of this site, subject to site inspections and investigations at a later date.'

- 4.52 With regard to Capel Primary School, it is understood that the primary school can expand within the existing site and contributions will be sought from the proposed development towards this provision which is already provided for within Policy

STR/SS3 (criteria c) and is detailed within the IDP (and the Strategic Sites Masterplanning and Infrastructure Study) and no amendment to the policy or supporting text is required.

- 4.53 The comment in relation to the secondary school is noted and welcomed by TWBC and reflects the outcome of detailed discussions between TWBC and KCC following concerns raised during the Regulation 18 consultation from KCC and other parties. Subsequent amendments to the location of the Secondary School within the proposed garden village made to the Regulation 19 plan alleviate the concerns raised by KCC as confirmed by the above statement.
- 4.54 TWBC and KCC are in agreement that education matters and the adequate provision of both primary and secondary education across the borough over the plan period has been provided for. It is also acknowledged that KCC will be updating their Education Commissioning Plan over the coming months and TWBC will ensure that they engage with the County in this regard.
- 4.55 Additionally, TWBC acknowledge the requirement for Early Years and SEN provision across the borough and recognise the need for TWBC to engage with KCC to ensure necessary provision is delivered.

Libraries and Digital Communications

- 4.56 Libraries - It is noted that KCC is keen to continue working in partnership with the Borough Council to bring forward more services under one roof or the provision of improved premises, such as those at the Southborough Civic Centre, the 'Amelia' and the planned new community centre at Cranbrook. TWBC and KCC are in agreement that working in partnership is a way for library services to remain at the heart of communities and provide modern, fit for purpose buildings to accommodate existing and new residents as facilitated through the Local Plan.
- 4.57 Digital Communications/Broadband – With regard to Policy EN1: Sustainable design, KCC supports the need for proposals to include infrastructure that meets the need of modern communication and technology. However, they recommend that several elements of the wording relating to Policy ED3: Digital Communications and Fibre to the Premises (FTTP) be amended, as follows: at paragraph 6.462 of the supporting text to the policy they suggest that reference to 24mbps should be amended to

30Mbps, as this definition is increasingly used by Government to define superfast broadband; and that the wording of paragraph 6.459 be reviewed so it reads better. Also, in relation to the wording of the policy itself, KCC has requested that clarity is provided as to why wireless is being allowed in areas which are within the limits of built development, as they should be close to a point of presence; and advise that wireless should only be considered if Fibre to the Premises (FTTP) cannot be offered. Therefore, KCC recommends that there should at least be reference gigabit-capable technologies within in the policy as 'wireless' can offer a range of speed options.

- 4.58 Also, in relation to the wording of the policy itself, KCC requests clarity as to why wireless is being allowed in areas which are within the limits of built development, as they should be close to a point of presence; and advise that wireless should only be considered if Fibre to the Premises (FTTP) cannot be offered. Therefore, KCC recommends that there should at least be reference gigabit-capable technologies within the policy as 'wireless' can offer a range of speed options.
- 4.59 Both parties have since discussed the issues raised above and have agreed to increase the emphasis and importance of FTTP and gigabit capable technologies, as well as to improve clarity, in the amendment of paragraph 6.459 of the supporting text to say- *'The Council considers that such changes include the requirement to provide fibre to the premises (FTTP) for all new developments, wherever practical. FTTP is recognised by the Government and European Commission as a Next Generation Access (NGA) technology, investment in which has been prioritised accordingly. Should the implementation of FTTP not be possible for the reasons set out below at paragraphs 6.460 and 6.461, then consideration should firstly be given to opportunities for connections that are 'gigabit capable' (gigabit internet delivers download speeds of up to one gigabit per second). Other wireless solutions, which can vary considerably in speed, should only be considered where the implementation of either FTTP or gigabit capable technologies are not possible'*.
- 4.60 In order to address the issues raised in relation to minimum speeds (the suggested change of 24 Mbps should be increased to 30 Mbps), it is agreed by both parties that the minimum speed of 24Mbps should remain, but that the following wording be added to paragraph 6.462 to cover the possibility that minimum speeds are likely to change in the future as technology advances - *'Where a FTTP solution is not*

deemed possible, or for smaller developments, the provision of other technologies capable of providing speeds in excess of 24 mbps (megabits per second) or the minimum speed specified in Government guidance at the time of submitting an application proposal, should be delivered wherever practical.'

- 4.61 Finally, a number of changes are proposed to the policy wording itself of Policy ED3, which have been agreed by both parties, again to increase the emphasis on FTTP and cover minimum speed requirements, the proposed amendments are detailed in Appendix 2.

Waste Management

- 4.62 Waste - Paragraph 2.22 of the Local Plan states that Local Plans must take account of, and where necessary, meet the needs of new development and the required improvements in infrastructure. Table 2 details the types of infrastructure to be delivered and includes 'Waste and recycling'. KCC welcomes the inclusion of 'Waste' in the list but recommend that the current sentence that states '*local waste collection, recycling and disposal, waste*' is altered to read – '*facilities to support local waste collection, bulking, recycling and disposal*'. It is agreed this suggested change would help to provide clarity on the waste service provided by KCC and the infrastructure that is required.
- 4.63 Policy STR5 details the Council's approach to the provision of all types of infrastructure including that required for the provision for waste and recycling. KCC has stated that they welcome the additional detail provided within the Regulation 19 Local Plan in respect of waste management following comments made at the previous Regulation 18 consultation. KCC and TWBC both acknowledge that pressures on the waste disposal service will continue to grow during the Local Plan period due to increased development and therefore the Local Plan needs to ensure that waste management needs are considered.
- 4.64 Amendments were made to the Regulation 19 Local Plan at STR5 to highlight this issue and the recognised need for a new waste transfer facility for the borough, within the Local Plan period. Previous discussions with KCC had identified the timescale for the delivery of a new waste transfer facility as being within 5-10 years, which is reflected within the IDP, however more recent discussions arising as a result of current capacity issues have identified that additional infrastructure may be required

within 5 years, which is reflected within the County's Regulation 19 comments which differ from the previous timescale identified.

- 4.65 Policy STR5 identifies the need for the infrastructure required and it is agreed between both parties, that the timescale will be updated. Both parties have committed to work together on this matter to bring forward a solution to meet the infrastructure needs identified.
- 4.66 Additionally, KCC has requested that contributions towards the expansion of essential waste infrastructure should be included within STR/SS1 and STR/SS3 under 'developer contributions'. The requirement for a new waste facility to serve the borough is detailed within Policy STR5 and within the IDP. It is therefore agreed that cross referencing to Policy STR5 should be made within Policies STR/SS1 and STR/SS3.

Minerals and Waste

- 4.67 The comments provided by KCC on Minerals and Waste matters and TWBC's response is still subject to review and consideration by KCC and has not been possible during the timeframe of preparing this SoCG. This will be considered and an updated SoCG will be provided to address this matter in due course. The comments made by KCC and TWBC's interim response is provided within Appendix 2

5.0 Future working

- 5.1 TWBC undertakes to engage with KCC in relation to not only the progress of the Local Plan, but also in relation to its further work in relation to the provision of sufficient and timely services and infrastructure across the borough.
- 5.2 Regular 'District Liaison' meetings are held between officers of TWBC and KCC to discuss and update each other on current work/issues affecting the borough (from a KCC and TWBC perspective) and individual meetings are held on an ongoing basis. Such meetings cover a range of issues/services, including in relation to transport, education, flood risk, waste and other issues as necessary.
- 5.3 Officers of TWBC also regularly attend the Kent Planning Policy Forum as well as the Kent Chief Planners group.

- 5.4 There are also regular meetings between KCC and TWBC Councillors, which are referred to as 'Local Area Boards'. Additionally, the 'Joint Transportation Advisory Board', established in 2005, is a joint working group of KCC and TWBC to co-operate regarding highway and transportation issues.
- 5.5 KCC are also a member of the 'Strategic Sites Working Group', set up by TWBC to masterplan and deliver the Strategic Sites proposed within the Local Plan at Paddock Wood, land at east Capel and Tudeley and relevant KCC officers attend the meetings regularly.
- 5.6 Both parties are committed to continued collaborative working to plan and deliver sustainable growth and infrastructure within the borough. Discussions will continue with KCC and TWBC and an updated SoCG may be provided ahead of the Examination, if considered necessary and appropriate.

6.0 Signatories

6.1 This statement has been prepared and agreed by the following organisations:

<p style="text-align: center;">Tunbridge Wells Borough Council</p> <p>Signature</p>  <p>Alan McDermott Date: 1 November 2021</p> <p>Signature</p>  <p>William Benson Date: 1 November 2021</p>	<p style="text-align: center;">Kent County Council</p> <p>Signature</p>  <p>Simon Jones Date: 29 October 2021</p>
---	--

Appendix 1: Evidence Base in relation to provision of infrastructure

Evidence in relation to general infrastructure provision

- [Tunbridge Wells Borough Council – Infrastructure Delivery Plan](#) (March 2021) – This IDP sets out the details of the infrastructure that is required to support existing and future needs and demands for the borough to support new development and a growing population as envisaged through the Council’s Local Plan. It covers a range of services and infrastructure.
- [Development Constraints Study](#) (October 2016) – this study analyses the high-level constraints set out in footnote 6 of the NPPF. This was the starting point for the overall strategy for development advocated within the Local Plan.
- [Tunbridge Wells Strategic Sites Masterplanning and Infrastructure Study](#) (February 2021) - This report sets out the key findings and recommendations about whether the study sites should be allocated in the Local Plan, by gathering evidence on whether specified scales of development at the locations identified in the DLP are deliverable from a masterplanning, infrastructure and viability perspective.

Evidence in relation to the natural environment

- [Biodiversity Evidence Base](#) (February 2021) – Includes baseline information on biodiversity used to inform the Local Plan, including Part 1- Habitats and Species in Tunbridge Wells borough, Part 2 - Impacts Assessment for SSSI’s and Part 3 – Species records for proposed allocated sites.
- [Tunbridge Wells Local Plan Regulation 19 Habitats Regulations Assessment](#) (September 2019) – a Habitats Regulations Assessment of the Regulation 19 Local Plan to identify any aspects of the Plan that would cause an adverse effect on the integrity

of European Sites, either in isolation or in combination with other plans and projects and to advise on appropriate policy mechanisms for delivering mitigation where such effects are identified.

- [Grassland Surveys](#) (September 2020) –A number of grassland surveys to assess the status of grasslands on a number of sites to inform potential development allocations in the Local Plan.
- [Green Infrastructure Framework for Pre-Submission Local Plan](#) (February 2021) - provides a framework for protecting and enhancing existing Green Infrastructure (GI) and for providing new GI as part of development provided for through the new Local Plan.
- [Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB](#) (November 2020) – This high-level report provides Landscape and visual Impact Assessments for 21 potential site allocations which lie within the AONB. Advice is given on additional measures of mitigation which could reduce effects that have been assessed as adverse.
- [Landscape Sensitivity Assessment](#) (February 2017) - This study provides an assessment of the extent to which the character and quality of the landscape is susceptible to change as a result of development and was used to inform the new Local Plan and will be used to assist in future development management decisions.
- [AONB Setting Analysis Report](#) (November 2020) – The report was commissioned to provide an analysis of potential strategic sites outside of the AONB or larger sites that might raise concerns over the setting of the AONB.
- [Suite of Conservation Area Appraisals](#) – This link contains the suite of 14 Conservation Area Appraisals in the Tunbridge Wells borough, to accompany the 25 identified conservation areas.
- [Local Heritage Assets SPD](#) (2012) and [Local List of Historic Parks and Gardens](#) (part of the wider Kent Compendium)- the SPD provides the framework for the compilation of a Local List of Heritage Assets, which will include the Historic Parks and Gardens
- [Sustainability Appraisal](#) (February 2021) – a Sustainability Appraisal was carried out at each stage of Plan preparation.

Evidence in relation to the Built Environment

- [The Strategic Housing and Employment Land Availability Assessment \(SHELAA\)](#) (January 2021)- All proposed sites promoted through the SHELAA were screened for their impact on a number of environmental and other designations, including in relation to environmental constraints and flood risk. This informed the final allocations identified within the Local Plan and any specific site and developer requirements detailed within the policies.
- [Housing Needs Assessment Topic Paper for Pre-Submission Local Plan February](#) (February 2021) – This paper identifies the overall housing need for the borough that the Local Plan should aim to meet over the plan period, and also identifies the particular housing needs, for instance in relation to affordable housing and gypsies and travellers.
- [Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan February](#) (February 2021) – This paper outlines the housing delivery and phasing methodology for phasing and like build-out rates of site allocations expected to be delivered within the plan period.
- [Review of Local Housing Needs Final Report](#) (December 2020) – This study was commissioned to consider whether the Government’s standard method provides an appropriate assessment of housing need to take forward as part of the Local Plan and whether there are exceptional circumstances to deviate from it.
- [Review of affordable housing needs in the context of ‘First Homes’](#) (February 2021) – This commissioned report provides an updated assessment of the need for affordable housing in the borough, particularly in light of the expectation of the introduction of a new tenure of affordable housing (First Homes).
- [Housing Needs Study](#) 2018 – This study considers the affordable housing needs of households, expectations of those households moving in the market, and the need for particular types of dwelling by virtue of age or disability.
- [Sevenoaks & Tunbridge Wells Strategic Housing Market Assessment](#) (September 2015) – The SHMA considers housing need in Tunbridge Wells Borough and Sevenoaks District, considering overall housing need, need for different size of homes and need for different types of homes.

- [Tunbridge Wells Strategic Housing Market Assessment Update](#) (January 2017) – This report provides an update on the SHMA 2015 and considers the objectively assessed need for housing in the borough and the implications of the latest population and household projections.

Evidence in relation to Heritage

- [Historic Environment Review](#) (January 2018) – which examines the historic environment of the borough and contains an accessible summary of the predominant heritage themes of the borough, and heritage asset typologies.
- [Historic Landscape Characterisation](#) - which builds on the larger-scale Borough Landscape Character Assessment with a more detailed characterisation study of the historic landscape.

Evidence in relation to Highways

- [Tunbridge Wells Borough Council Parking Strategy 2016 – 2026](#) (2016) – The strategy considers car parking in the borough by reviewing consultation responses on the provision of parking of town and responding to these along with initiatives for tackling congestion.
- [Tunbridge Wells Borough Council Transport Strategy 2015 – 2026](#) (July 2015) – The strategy, prepared jointly by TWBC and KCC, sets out the vision for transport in the borough between 2015 and 2026.
- [Tunbridge Wells Borough Council Transport Strategy Review: Context and Way Forward](#) (September 2019) – The paper sets out the contextual framework for the review of the Transport Strategy, including key challenges, from which proposed aims for the review are put forward. It sets out how the aims are relevant with the objectives and policies in the new Local Plan.
- [Transport Assessment Report Update for the Pre-Submission Local Plan](#) (March 2021) – This report sets out the modelling and analysis undertaken to support the Local Plan, with particular focus on the core model simulation networked centred around the key settlement centres, including Royal Tunbridge Wells, Pembury, and Paddock Wood. Mitigation measures are identified to offset the effects of additional trips from the Local Plan developments on the local transport network.

- [Tunbridge Wells Park and Ride Feasibility Study](#) (June 2018) – A commissioned study to investigate the feasibility of introducing Park and Ride in the town, with particular consideration of the effects and necessary actions related to town centre parking.
- [Residential Parking Standards Topic Paper for Pre-Submission Local Plan](#) (February 2021) – This paper sets out recommendations based on the analysis for new residential parking standards to take forward into the new Local Plan in the parking standards development management policy.

Evidence in relation to Active travel as well as Public Rights of Way

- [Tunbridge Wells Borough Council Cycling Strategy 2016-2020](#) (2016) – The Cycling Strategy includes actions and principles which support the promotion of cycling and the delivery of related infrastructure in the borough. The document acts as a tool to assist in the delivery of the vision and objectives of the Transport Strategy.
- [Local Cycling and Walking Infrastructure Plan \(LCWIP\) Phase 1](#) (November 2019) – Phase 1 of the LCWIP focuses on key routes into Royal Tunbridge Wells town centre where there is a significant opportunity to convert many shorter journeys to more active and sustainable modes of travel.
- [Local Cycling and Walking Infrastructure Plan \(LCWIP\) Phase 2](#) (March 2021) – Phase 2 of the LCWIP was commissioned to expand upon Phase 1 LCWIP by developing complementary measures for Low-Traffic Neighbourhoods and Inter-Urban routes which further support the Borough’s ambition for mode shift to sustainable modes.

Evidence in relation to Water

- [Tunbridge Wells SFRA Level 1 and Level 2](#) (July 2019) - The SFRA was produced to provide the evidence to inform the Local Plan and the proposed development strategy in relation to areas of flood risk. It demonstrates that flood risk has been fully taken into account in selecting sites for allocation in the Local Plan. It has also informed the Development Management policies in relation to flood risk.

- **Paddock Wood Flood Modelling work** (September 2021) - Further flood modelling work was carried out as part of the masterplanning of the proposed significant urban extension to Paddock Wood, including land in east Capel, as set out in the Strategic Sites Masterplanning and Infrastructure Report. The modelling work within the SFRA was updated flood modelling and the modelling assessment looked at the potential effects of the masterplan residential layout option on fluvial flood risk, compared with the existing 'baseline' condition, along watercourses flowing from south to north through Paddock Wood and East Capel (collectively referred to as the Paddock Wood Streams).
- [Water Efficiency Background Paper](#) (December 2017) – This study investigates the feasibility of introducing a development management policy that would facilitate a reduction in water consumption in new development.

Evidence in relation to Health

- [Tunbridge Wells Borough Council – Infrastructure Delivery Plan](#) (see above)

Evidence in relation to Education

- [Tunbridge Wells Borough Council – Infrastructure Delivery Plan](#) (see above)

Appendix 2: Detailed comments by Kent County Council on the Pre-Submission Local Plan and minor modifications

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
Section 1: Introduction		<p>The County Council recognises that the Tunbridge Wells Borough Local Plan looks to deliver a sustainable future, making effective use of brownfield land across the Borough and ensuring that the necessary infrastructure is available to support development.</p> <p>The County Council, as a key infrastructure provider, welcomes the incorporation of strategic policies such as Policy STR5 “Infrastructure and Connectivity” which set out the role of infrastructure in the delivery of sustainable new communities. This will help ensure that planned residential and commercial growth will be of high quality and delivered in a way that will help to create the places where people want to live. The detailed consideration of the infrastructure requirements to support development in each of the proposed site allocations is acknowledged and welcomed. Taking an “Infrastructure First” approach to growth is advocated by the County Council and is also embedded in the Kent and Medway Infrastructure Proposition; a proposed deal with Government for new infrastructure investment that will enable accelerated housing delivery, focussed on building the right homes in the right places and providing the public services, transport infrastructure, jobs and homes that residents will need, now and in the future. It is crucial for an infrastructure first approach to be applied to planned growth in the Borough - commitment to close collaboration between key partners will be essential to ensure that good growth is planned, funded and delivered in a timely manner.</p>	Noted and support welcomed

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>Within this response, the County Council provides detailed commentary on the proposed policies and supporting paragraphs. However, the County Council, in its role as Local Highway Authority, has not taken this approach on highways and transportation matters. This is because it is considered that further modelling is needed to inform the assessment of specific strategic and site policies.</p> <p>During the pandemic, a significant proportion of the population shifted to radically different ways of working, which has revealed the potential for long term changes in where people live and work and how they use infrastructure. It is too early to draw conclusions about long-term behavioural trends that may emerge as a result of the pandemic. However, it will be important to consider scenarios of how people's behavioural trends (that could impact infrastructure use) might change. As Local Highway Authority, the County Council would want to agree the assumptions for such scenario testing.</p> <p>The County Council, as Local Highway Authority, is concerned that whilst there are a number of welcomed policy proposals with regard to promoting sustainable access and development, the consultation requires further highway evidence to justify the Local Plan's growth strategy.</p> <p>The County Council, as Local Highway Authority, has worked closely with the Borough Council over the past years on the emerging growth strategy. Nevertheless, its current position is that it requires further supporting evidence, to an agreed methodology, that accurately reflects the proposed growth before KCC can make a fully informed set of comments on the proposals presented in the Local Plan consultation document.</p>	<p>Subject to further discussion through the DtC and agreed position via the SoCG.</p> <p>As above, TWBC is still in discussion with KCC on Highways matters to be considered in a separate SoCG.</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>The County Council has reviewed the Local Plan and supporting documents, including the Transport Assessment, and identifies the following key issues that require further work:</p> <ol style="list-style-type: none"> 1 Reference case validity (and therefore future scenario validity) 2 The trip rates used 3 Ambiguity regarding forecast modal shift 4 Deliverability and viability of the mitigation package <p>Therefore, a full assessment in respect of the impact of the growth strategy on highways and transportation matters cannot currently be carried out and commentary on the Local Plan policies and proposed allocations can be provided once the outstanding information is received.</p> <p>KCC will look to continue working with the Borough Council over the coming months on the provision of accurate modelling and commensurate and viable mitigation and will aim to update the position as work commences on the Statement of Common Ground.</p>	
Section 2: Setting the Scene			
	General Commentary	<p><u>Waste Management</u></p> <p>Paragraph 2.22</p> <p>The County Council welcomes the inclusion of waste in the list of types of infrastructure that will need to be delivered alongside growth. KCC recommends that the sentence that states '<i>local waste collection, recycling</i></p>	Noted and agreed to make minor amendment to amend the wording at paragraph 2.22 which should be replaced with the following wording to aid clarity on the waste service provided by

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p><i>and disposal, waste</i>' is altered to <i>'facilities to support local waste collection, bulking, recycling and disposal.</i></p> <p><u>Public Rights of Way</u></p> <p>Paragraph 2.23 / 2.39</p> <p>The County Council supports the reference to walking and cycling and the promotion of Active Travel within this chapter. However, KCC requests specific mention of the Public Rights of Way (PRoW) network and the opportunities for its enhancement through new development.</p>	<p>KCC and the infrastructure that is required;</p> <p><i>'facilities to support local waste collection, bulking, recycling and disposal'.</i></p> <p>Noted. Policy STR 6: Transport and Parking makes explicit reference to active travel across various settlements and within the strategic sites. It also makes specific reference to enhancing PRoWs. It is considered appropriate to add reference to Public Rights of Way within this section and the following wording will be added at paragraph 2.39 after the second sentence to provide context - <i>'The borough's Public Rights of Way (PRoW) network also provides linkages and opportunities for</i></p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			<i>enhancement through new development.'</i>
Section 3: Vision and Objectives			
General Commentary		Tunbridge Wells has historical, attractive and well used routes that draw visitors to the area and as such these should be maintained and enhanced to a high-quality standard. The County Council requests specific mention of the 594km of PRow within the Borough and the role of the County Council and its Rights of Way Improvement Plan within this section.	Noted. Active travel is specifically referenced within this chapter but it is not considered necessary to include the detail suggested.
Section 4: The Development Strategy and Strategic Policies			
	STR1: The Development Strategy	<p>Notwithstanding its position in respect of highways and transportation set out above, in principle, the County Council is generally supportive of strategic scale development where it is able to provide necessary infrastructure alongside housing growth to support both new and existing communities. KCC will welcome a continued role in the master-planning processes of the strategic sites to ensure that the necessary infrastructure is planned for, is of high quality design, funded and delivered in a timely manner, ahead of housing growth where necessary.</p> <p>The County Council advises that full consideration is given to assess the cumulative impacts of the dispersed growth to be delivered outside of the strategic developments across the Borough and the cumulative impact of</p>	Noted and will continue to work with KCC and others on the matters raised– no changes proposed.

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>these proposed development sites in respect of ensuring that necessary infrastructure is available to support new and existing communities.</p> <p>There is evidence that the proximity of schools in Tunbridge Wells to the East Sussex border in particular can have an impact on county infrastructure – with East Sussex residents crossing the border to access Kent schools, libraries, youth services, social care and waste facilities. The County Council appreciates that this is likely to occur, particularly because East Sussex schools are not in such close proximity to those of Kent. KCC would look to Tunbridge Wells Borough Council to support the County Council in its engagement with East Sussex County Council to mitigate and monitor the impacts that this has on the provision of county services.</p> <p>The County Council supports the continued commitment to section 106 agreements to secure development contributions in the Borough. The County Council considers that there is an opportunity through this Local Plan to support the collection of developer contributions for sites of less than 10 dwellings on sites of 0.5 ha or more. This would enable developer contributions to be sought towards local infrastructure to support all development in the Borough.</p>	<p>There is no set threshold for infrastructure contributions in the TW Local Plan. However, where there is a demonstrable additional demand for a particular service, such as school places, the policy stance does not preclude seeking contributions towards that need. Therefore, proposals would be assessed on a case by case basis. No changes are proposed.</p>
	STR2: Place Shaping and Design	The County Council welcomes reference to the Kent Design Guide in this section.	-Support noted for Policies STR2, STR 6 and STR 7.

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p><u>Public Health</u></p> <p>In respect of its responsibilities concerning public health, the County Council is supportive of Policy STR 2, Policy STR 6 and Policy STR 7 which include considerations around active travel, air quality, climate change and a number of references to improving promoting healthy lifestyles. The County Council suggests that aligning the priorities and objectives from the Borough Council's Five Year Plan (2017-2022) could help strengthen the ability to address health inequalities in the Borough.</p> <p>To ensure the robustness of any policies supporting improvements in population health, a greater use of the evidence base is recommended using data from the Kent Joint Strategic Needs Assessment (JSNA) and/or other sources of public health data from the Public Health Outcomes Framework (PHOF), including ward level data, in addition to referencing how these policies support the Kent Health and Wellbeing Strategy. Providing evidence of the health needs of the population is in line with the National Planning Policy Framework and will further justify planning policies regarding health and wellbeing.</p>	<p>In terms of health inequalities, the Local Plan provides for this through its Development Management Policies, including in relation to accessible housing, health infrastructure, access to open space, and protection and enhancement of employment opportunities.</p> <p>Objective 9 of the Sustainability Appraisal is to <i>'improve health and wellbeing and reduce health inequalities'</i> and a number of considerations were taken into account in the SA scoring which related to health deprivation, any specialist health needs, access to accessible green open space and recreation etc. Additionally, a number of sites are specifically allocated within the Local Plan which provide for improved health facilities</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			<p>and community facilities as part of a 'Community Hub' approach.</p> <p>Additionally, an Equalities Impact Assessment has been prepared in support of the Local Plan, which considers that the Local Plan has the potential to impact on all protected characteristics as it relates to all people who live in, work in, or visit the borough. It also has the potential to include outcomes that support all aims of the Public Sector Equality Duty. The EQIA considers that the Local Plan takes into account the needs of people with protected characteristics.</p> <p>Therefore, although it is not specifically mentioned within the Local Plan, the objectives of a 'prosperous', 'well' and 'inclusive' borough are enshrined within the</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p><u>Biodiversity</u></p> <p>The County Council welcomes consideration that the biodiversity value of an area will be 'conserved and enhanced'. This fits in with national biodiversity policy (Natural Environment and Rural Communities Act 2006 and section 15 of the National Planning Policy Framework).</p>	<p>Local Plan and its vision and objectives. The 5 Year Plan is currently the subject of review by TWBC.</p> <p>Support noted</p>
	<p>STR4: Ensuring Comprehensive Development</p>	<p><u>Provision and Delivery of County Council Community Services and Facilities</u></p> <p>Paragraph 4.85</p> <p>On large sites with multiple developers (perhaps where land may be in more than one ownership), the County Council would support the use of land equalisation agreements to avoid dispute and delays on the development of land for education or other community infrastructure requirements which could affect the delivery of sustainable residential growth. With the use of equalisation agreements, community infrastructure can be apportioned fairly and agreed early on in the process.</p> <p>The County Council as key infrastructure provider would welcome continued engagement from the early stages of master-planning to ensure that infrastructure requirements are integrated within the design of new developments from the outset.</p>	<p>Support noted – no changes proposed</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
Support	STR5: Infrastructure and Connectivity	<p><u>Provision and Delivery of County Council Community Services and Facilities</u></p> <p>There is need to ensure that all growth is delivered with an appropriate range of community facilities, including Early Years provision, Youth Services, Adult Social Care, Community Facilities and Social Services.</p> <p>As set out within the Kent County Council Education Commissioning Plan, assessing the childcare market and ensuring sufficiency and long-term viability of provision for early years is complex and presents a significant challenge for local authorities. The County Council (commissioned through The Education People) is required to work with providers in making available a sufficient range of flexible provision, in the right geographical areas, at the right times and offering the right sessions to fit with both standard and atypical working patterns. The County Council would welcome engagement with the Borough Council to ensure adequate early years provision is provided to support growth.</p> <p><u>Community buildings</u> -The County Council recommends that the Local Plan includes policy wording that requires community buildings to designed and built to be inclusive to all users – this should include:</p> <ul style="list-style-type: none"> • Design that is dementia friendly with dementia friendly decoration and signage • A catering area which is compliant with the Government's Access to and use of buildings: Approved Document M, including adjustable height work surfaces, wash areas and cupboards 	<p>Support noted</p> <p>It is considered that such references are overly specific to be included in the Local Plan and would be covered by other legislation. Furthermore, Policy EN1 – Sustainable Design, provides an extensive list of design guidance documents, which cover issues such as</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>• Toilets and changing facilities for the severely disabled in accordance with the Changing Places specification: http://www.changing-places.org/the_campaign/what_are_changing_places_toilets .aspx</p> <p><u>Specialist care accommodation</u></p> <p>KCC recommends that the Local Plan supports the delivery of specialist care accommodation through developer contributions secured through section 106 agreements. The Local Plan should ensure the delivery of specialised homes that support the diverse and evolving range of needs of the local community, including those with learning and physical disabilities and other vulnerable groups. KCC would welcome continued engagement with the Borough Council in ensuring that the necessary homes to support a sustainable community are delivered.</p> <p><u>Waste Management</u></p> <p>The County Council welcomes the additional detail provided within this Regulation 19 consultation in respect of waste management, following the comments provided within the KCC Regulation 18 consultation response. Pressures on the County Council waste disposal service continue to grow and KCC would recommend a number of amendments within the Local Plan to ensure that waste management needs are fully captured and considered.</p> <p>The County Council, as Waste Disposal Authority, and the Borough Council, as Waste Collection Authority, have received feedback regarding delays to collection rounds which are caused by limited capacity - there is currently no capacity for contingency or resilience to change in the Borough. KCC is committed to close working with the Borough Council to ensure a sustainable future in respect of waste management.</p>	<p>accessibility for all types of development</p> <p>Policy H6 of the Local Plan details the policy for 'Housing for Older People and People with Disabilities' and there are relevant site allocations within the Local Plan to deliver such form of housing.</p> <p>Policy STR5 identifies the need for the infrastructure required and it is agreed between both parties, that the timescale will be updated. Both parties have committed to work together on this matter to bring forward a solution to meet the infrastructure needs identified.</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>As set out in the Local Plan Regulation 19 consultation, KCC will require a new facility to be delivered in order to support the planned growth. The timescale for the delivery of the proposed new facility was set at five to ten years within the Infrastructure Delivery Plan, however, issues are beginning to arise with capacity now and so KCC has revised this timescale down to five years. KCC therefore requests that the Local Plan and evidence base are updated accordingly and will welcome further engagement to take this forward.</p> <p><u>Libraries</u></p> <p>The County Council is keen to continue the partnership working within the Borough including bringing more services under one roof at new or improved premises, for example at the Southborough Civic Centre, The Amelia and the planned new community centre at Cranbrook. Working in partnership is a way for library services to remain at the heart of communities and provide fit for purpose buildings to accommodate existing and new residents in the future.</p> <p><u>Public Rights of Way</u></p> <p>The Public Rights of Way network (PRoW) has an integral role in the delivery of sustainable growth. Growth in the Borough should seek to maintain and enhance the PRoW network to provide opportunities for active travel and outdoor recreation, improve connectivity to local services and boost the health and wellbeing of new and existing communities. To ensure that this consideration is factored into planning for growth at early stages of developments, the County Council would recommend that PRoW is included in the relevant place-shaping and development management policies throughout the Local Plan (including the following policies: Policy</p>	<p>Noted</p> <p>Noted. Policy STR 6: Transport and Parking makes explicit reference to active travel across various settlements and within the strategic sites. It also makes specific reference to enhancing PRoWs. It is not necessary to also include PRoWs in Policy STR 5. No change proposed.</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		STR 2 - Place Shaping and Design, Policy STR 4 - Ensuring Comprehensive Development and STR 6 -Transport and Parking).	
	STR7: Climate Change	<p>The County Council supports the embedding of climate change, the environment and net zero throughout the Local Plan, and the sustainability policies within it. The County Council welcomes the requirement for developments to support Net Zero targets and for this to be stated as a strategic objective. Reference to the Kent and Medway Energy and Low Emissions Strategy, as well as the Borough Council's own targets, is also welcomed.</p> <p>The County Council recommends that there is reference within the Local Plan to address how climate change will impact farming and the need to adapt to new crops and farm practices. This could have an impact on the land characteristics of the area and the introduction of more reliant crops. Consideration should also be had to water irrigation/bore holes and reservoirs which may be required to support sustainable farm practices.</p>	<p>Noted</p> <p>It is considered that reference to this is neither necessary or justified and would be adequately covered by other plans and strategies rather than a land use Local Plan</p>
	STR8: Conserving and Enhancing the Natural, Built and Historic Environment	<p>The County Council is supportive of references to net gains for nature and green corridors within this policy. The objective to achieve net gains for nature and to protect and enhance sites of geological interest across the whole borough, and where possible, to secure the long-term management of sites, areas and features important for biodiversity and geodiversity is welcomed.</p> <p><u>Public Rights of Way</u></p> <p>The County Council recommends that the PRow network is considered an asset within the Borough.</p>	<p>Noted</p> <p>Noted. Policy STR 6: Transport and Parking makes explicit reference to active travel and enhancing</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		Consideration should also be given to ensure that the character and value of rural views in wider environments of development sites should not be changed to a state that they become unattractive or out of context for users.	PRoWs. It is not necessary to also include PRoWs in Policy STR 8. No change proposed.
Section 5: Place Shaping Policies			
General		<p><u>Minerals and Waste</u></p> <p>The County Council, as Minerals and Waste Planning Authority, notes that paragraphs 1.6 and 1.7 of the Local Plan accurately set out the minerals and waste safeguarding policies of the Kent Minerals and Waste Local Plan 2013-30 and the main minerals and waste developments that exist in the Borough. However, the Plan does not detail how the proposed allocations have taken account of the safeguarded land-won minerals that are coincident with of these allocations (particularly for housing not within the defined urban areas within the Borough area where mineral safeguarding is exempted by the Kent Minerals and Waste Local Plan 2013-30 [Early Partial Review 2020]). The approach currently taken within the Local Plan is to identify safeguarded minerals where they coincide with areas identified for major new development, in order to state that workable minerals should be extracted prior to development (Policy STR/SS 1, point 11; The Strategy for Paddock Wood, including land at East Capel). Within the Tudeley Village proposal, any economic minerals (such as Tunbridge Wells Sandstone) should be accompanied by a Minerals Assessment, which seeks to assess mineral safeguarding issues (Policy STR/SS 3, point 9; The Strategy for Tudeley Village).</p>	<p><u>Minerals</u></p> <p>In correspondence between both parties between the Local Plan Regulation 18 and 19 consultations, firstly it was acknowledged by both parties that the potential site allocations identified as having a minerals safeguarding impact were being considered in the following documents (as part of the TWBC Local Plan evidence base): The Strategic Housing and Economic Land Availability Assessment , Sustainability Appraisal, the masterplanning of the strategic site allocations</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>The Local Plan's proposed allocations could be strengthened through the prior evaluation of the need to secure the long-term conservation of economic minerals - as set out by the National Planning Policy Framework (2019). A Mineral Assessment should be carried out to determine if an exemption to the presumption to safeguard could be applied for allocations where it may be a relevant issue. A similar approach is taken with safeguarded waste management and minerals handling and transportation infrastructure. Where it has been identified as being either coincident or within 250 metres of an allocation, the delivery criteria indicate that it should be considered as a requirement of the development - "It must be demonstrated through any planning application that there will be no material adverse impact on the operation of safeguarded waste management facilities" (Policy AL/RTW 17 Land adjacent to Longfield Road and at Policy AL/RTW 18 Land at the former North Farm landfill site, North Farm Lane and land at North Farm Lane, North Farm Industrial Estate). The County Council recommends that Minerals and/or Infrastructure Assessments (as appropriate) are carried out ahead of planning application stages to ensure due consideration of the Kent Minerals and Waste Local Plan and the deliverability of the proposed allocations.</p>	<p>(Paddock Wood and land at east Capel and Tudeley Village) and the IDP.</p> <p>It was also noted that there was less concern about the supplies/ protection of the Ardingly Sandstone Formation [ASS], Tunbridge Wells Sand Formation [TWSS] and Ashdown Sandstone Formation [ASH], as current supplies are meeting demand. Also, that the Pauldina Limestone Weald Clay Formation [PLS] is a rarely used specialist material, with no current requirement to maintain a landbank. For these reasons, no reference is made to these mineral deposits in any of the affected site allocations.</p> <p>However, with regard to the Superficial Sub-Alluvial River Terrace deposits (river valley terrace sands and gravels), it was noted that for affected site allocations,</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			<p>reference should be made for the potential need for the submission of a Minerals Assessment. This deposit relates mainly to the proposed strategic site allocations at Paddock Wood and land at East Capel and Tudeley Village (see relevant section on minerals in the main document above which explains how this has been addressed and agreed by both parties). As well as Wyevale Garden Centre (PSLP site allocation AL/RTW14) – however, there is no reference to minerals safeguarding in this allocation in the PSLP and it is proposed that the following wording be added to the supporting text of this policy – <i>The site is located within a 250 metre buffer of a minerals and waste safeguarding area (in relation to Superficial Sub-Alluvial River Terrace</i></p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			<p><i>deposits) and therefore advice should be sought from KCC (Minerals and Waste) in advance of submitting any planning application, as a minerals assessment may be needed.</i></p> <p>Also as mentioned above, a mapping layer has been added to the TWBC GIS system to include the KCC minerals and waste safeguarded areas, which will be flagged up at the pre/application stage and KCC consulted.</p> <p><u>Waste</u></p> <p>With regard to waste safeguarding there is an existing criterion in both site allocations AL/RTW17 and AL/RTW18 which states: <i>It must be demonstrated through any planning application that there will be no material adverse impact on the operation of</i></p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			<i>safeguarded waste management facilities.</i> Therefore no changes are proposed.
Royal Tunbridge Wells			
	General	<ul style="list-style-type: none"> - KCC requests reference to the PRow network, the Rights of Way Improvement Plan (ROWIP) and the Local Cycling and Walking Infrastructure Plan (LCWIP) within this policy. These improvement Plans have a significant role in the connectivity for employment and leisure travel between local facilities. 	Noted. Policy STR/RTW 1 sets out at point 8 the approach to active travel including reference to the LCWIP. The ROWIP is specifically mentioned in the IDP. It is not necessary to reference all background documents in the Policy. No change proposed.
	Policy allocations	<ul style="list-style-type: none"> - KCC have requested that direct reference is made to a number of Public Footpaths and Restricted Byways in proximity or within allocated sites including AL/RTW1, AL/RTW5, AL/RTW7, AL/RTW14, AL/RTW17 and AL/RTW21. 	Noted. PROWs are shown on the site layout plan and reference made in the policy to footpaths. Specific references to footpath numbers are considered unnecessary. No change proposed.
Southborough			

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
	Policy STR/SO1: The Strategy for Southborough	KCC requests that the policy includes reference to the need for development contributions to be made as appropriate towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRow, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
	AL/SO1: Speldhurst Road Allotments	KCC requests direct reference to Public Footpath WS19A and links to WS22. Improvements to these footpaths would ensure urban connectivity in the area.	Noted. Reference is made in the policy to footpaths and their wider connectivity to the existing footpath network. Specific references to footpath numbers are unnecessary. No change proposed
Strategic Sites			
	General	Given the scale of the strategic developments proposed within this Local Plan, the County Council would welcome continued engagement to ensure the funding and delivery of necessary infrastructure, within a timely manner, to support the creation of balanced and sustainable communities.	Noted

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>It will be critical to ensure that sites across the Borough are designed with an adequate supply of open space. Studies show the significant contribution that green spaces can provide in respect of health and well-being benefits for the public, but such spaces face increasing pressure from new development and population growth. Master-planning will need to ensure that necessary steps are put in place to protect, and provide sustainable access to, existing green spaces, and to also ensure that new green spaces are an integral part of new development.</p> <p><u>Waste Management</u></p> <p>Additional development, especially within growth focussed at Paddock Wood and Tudeley Village, will place particular pressure on the waste transfer station in Tunbridge Wells. Contributions towards the expansion of essential waste infrastructure should be included within STR/SS1 under section 15 “developer contributions” and in Policy STR/SS 3, under section 12 “developer contributions”.</p>	<p>The requirement for a new waste facility to serve the borough is detailed within Policy STR5 and within the IDP. It is therefore proposed that cross referencing to Policy STR5 should be made within Policies STR/SS1 and STR/SS3.</p>
	<p>STR/SS1: The Strategy for Paddock Wood, including land at east Capel</p>	<p><u>Education</u></p> <p>The education provision outlined in the Local Plan incorporates the additional education provision required within the proposed allocations. It is important to note that the 2FE Primary School within the Mascalls Court Farm site that already has planning permission, is required in part to also support the total growth within this policy.</p>	<p>Noted- no change proposed – the school has planning permission</p> <p>Noted</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p><u>Provision and Delivery of County Council Community Services and Facilities</u></p> <p>The County Council recommends that the provision of extra or specialist care goes beyond consideration of older people but also supports those with learning and physical disabilities and other vulnerable groups. KCC would welcome continued engagement with the Borough Council in ensuring that the necessary homes to support a sustainable community are delivered.</p> <p><u>Sustainable Urban Drainage Systems</u></p> <p>The County Council supports the requirement for a Drainage Strategy to be produced for development coming forward within the Paddock Wood and Capel area, which if based upon the assessment undertaken within the Strategic Flood Risk Assessment (SFRA), will ensure the management of surface water and flood risk within the locality.</p> <p>KCC recommends that the policy promotes the integration of drainage measures within open space to provide for multi-functional benefits.</p> <p>KCC also recommends that design codes or supplementary planning documents are developed for this strategic allocation to promote quality sustainable drainage design, which should include consideration of water quantity, quality, amenity and biodiversity. There must also be consideration of on-plot controls such as green roofs, rain gardens and swales. Any design code should also ensure that any existing watercourses are retained to the degree possible and have sufficient margins to enable maintenance.</p> <p><u>Public Rights of Way</u></p>	<p>It is considered that a detailed drainage strategy should be dealt with through the production of Supplementary Planning Documents for the Strategic Sites. Additionally, the policy should be considered alongside Policy EN26 – Sustainable Drainage which provides policy guidance and consideration of multi-functional benefits.</p> <p>Noted. The Policy sets out in point 9 that the design of the scheme should provide good levels of permeability,</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>The PRow network should be specifically mentioned within this policy. The existing network of Footpaths, Bridleway and Restricted Byway in the area provides an opportunity for Active Travel connectivity across the Borough.</p>	<p>including walking & cycling linkages. In addition, the supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRowS, including improving connectivity and securing contributions. No change proposed.</p>
	<p>STR/SS2: The Strategy for Paddock Wood Town Centre</p>	<p><u>Public Rights of Way</u></p> <p>The County Council supports the references made to pedestrian and cycle environments but would draw attention to the need for connectivity between the network to local facilities and safe use of these sustainable transport opportunities.</p>	<p>Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRowS, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
	STR/SS3: The Strategy for Tudeley Village	<p><u>Education</u></p> <p>The County Council supports the proposal for a new three form entry primary school within the development. The County Council would request that additional land to support the expansion of Capel Primary School must be secured through this policy to enable the school to expand from one form entry to two form entry. The County Council notes the revised location of the secondary school, which from an education perspective, is a much more satisfactory solution.</p> <p>The County Council notes that the necessary new secondary school required to meet the additional demand for secondary school places arising from Paddock Wood and Tudeley Garden Village is outlined in Policy STR/SS 3 2d as to the South East of the proposed Garden Village. The County Council considers this an appropriate location to meet the educational needs and does not hold concerns regarding the suitability of this site, subject to site inspections and investigations at a later date.</p> <p><u>Sustainable Urban Drainage Systems</u></p> <p>The County Council supports the requirement for a Drainage Strategy for development coming forward within Tudeley and would reference commentary stated for Policy STR / SS1 as also applicable for this policy.</p> <p>The County Council requests that clarity is provided regarding the development boundary on the northern border and the proximity to the areas of flood risk around Tudeley Hale. Surface water drainage measures to serve the proposed development must be outside of any areas of potential flood risk. This must be included within any design code for the development area.</p>	<p>Noted - With regard to Capel Primary School, it is understood that the primary school can expand within the existing site and contributions will be sought from the proposed development towards this provision which is already provided for within Policy STR/SS3 (criteria c) and is detailed within the IDP (and the Strategic Sites Infrastructure Plan).</p> <p>This will be dealt with through the Supplementary Planning Document and detailed planning applications for the sites.</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p><u>Public Rights of Way</u></p> <p>The County Council considers that this proposal offers significant opportunities for future sustainable transport and would therefore recommend specific mention of the PRow network. Improvements and upgrades to the network will help create high quality connections both within the Garden Village and to the wider Borough. Mitigation will need to be sought to take account of the increased use of the network resulting from this growth proposal.</p>	<p>Noted. The Policy sets out in point 7a that the design of the scheme should provide good levels of permeability, including walking & cycling linkages, with the supporting text also highlighting the key garden settlement principles of a cohesive, walkable community. In addition, the supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRows, including improving connectivity and securing contributions. No change proposed.</p>
Paddock Wood			
	STR/PW1: The Strategy for the parish of Paddock Wood	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			outcomes for PRowS, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
	AL/PW1: Land at Mascalls Farm	KCC requests direct reference to Public Footpath WBT268.	Noted. PRowS are shown on the site layout plan and reference made in the policy to pedestrian linkages connecting to the wider network. Specific references to footpath numbers are unnecessary. No change proposed.
Capel			
	STR/CA1: The Strategy for Capel parish	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRowS, including improving connectivity and securing

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
Cranbrook and Sissinghurst			
	Policy Allocations	KCC have requested that direct reference is made to a number of Public Footpaths and Restricted Byways in proximity or within allocated sites including AL/CRS1, AL/CRS2, AL/CRS3, AL/CRS4, AL/CRS6, AL/CRS7. -KCC also request that active travel links and connectivity including pedestrian, cycling and equestrian are provided for under policy AL/CR2, AL/CR4 and AL/CR7.	Noted. PROWs are shown on the site layout plan and reference made in the policy to the provision of pedestrian links to provide permeability. Specific references to footpath numbers are unnecessary. No change proposed.
Benenden	PSTR/BE1: The Strategy for Benenden Parish	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the ProW network to provide Active Travel opportunities in the area. The local aim of improving and enhancing Public Footpaths WC326/325 to all weather routes, providing access to the school, should be referred to within this policy.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PROWs, including improving connectivity and securing contributions. Given that the Plan is taken as a whole

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			specific reference in the Policy is not necessary. No change proposed.
Bidborough			
	PSTR/BI1: The Strategy for Bidborough Parish	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRow, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
Brenchley and Matfield			
	PSTR/BM1: The Strategy for Brenchley and Matfield Parish	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRow,

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
Frittenden			
	PSTR/FR1: The Strategy for Frittenden Parish	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRow, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
Goudhurst			
	Policy PSTR/GO1: The Strategy for Goudhurst	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			Accessibility which the approach for positive outcomes for PRowS, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
Horsmonden			
	Policy PSTR/HO1	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRowS, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
	Policy AL/HO3	KCC requests direct reference to Restricted Byway WT340A and Public Footpath WT341. Reference should also be made within the policy to the need for wider network improvements to support connectivity.	Noted. Reference is made in the policy to the provision of a pedestrian link to join up with the existing footway network. Specific references to footpath numbers are unnecessary. No change proposed.
Lamberhurst			
	Policy PSTR/LA1: The Strategy for Lamberhurst	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRow, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
	AL/LA1: Land to the west of Spray Hill	KCC requests direct reference to Public Footpath WT388	Noted. PRow are shown on the site layout plan and reference made in the policy to the provision of a

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			pedestrian link to join up with the existing footway network. Specific references to footpath numbers are unnecessary. No change proposed.
Pembury			
	PSTR/PE1: The Strategy for Pembury Parish	The County Council requests reference is made to the local PRow opportunities that exist to ensure connectivity in the area and opportunities for active travel.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRows, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
	AL/PE4: Land at Downingbury Farm, Maidstone Road	KCC requests direct reference to Public Footpaths WT218 and WT217B.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			outcomes for PRowS, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
Rusthall			
	PSTR/RU1: The Strategy for Rusthall Parish	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRowS, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
Sandhurst			

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
	PSTR/SA1: The Strategy for Sandhurst Parish	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRowS, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.
	AL/SA1: Land on the south side of Saville, Rye Road and west of Marsh Quarter Lane, Sandhurst	KCC requests direct reference to Public Footpath WC295 that runs through the site and the need for improvements to link to wider network. Improvements are required to Public Footpath WC297 to provide an active travel link to local facilities.	Noted. Supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRowS, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			Policy is not necessary. No change proposed.
Speldhurst			
	PSTR/SP1: The Strategy for Speldhurst Parish	KCC requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.	Noted. Policy PSTR/SP 1 makes specific reference to supporting <i>active travel by delivering improvements to the local pedestrian network....including through the provision of contributions</i> . No amendment necessary. In addition, supporting text to the Policy sets out cross reference to Policy TP 2: Transport Design and Accessibility which the approach for positive outcomes for PRowS, including improving connectivity and securing contributions. Given that the Plan is taken as a whole specific reference in the Policy is not necessary. No change proposed.

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
Section 6: Development Management Policies			
	Policy EN1: Sustainable Design	<p>The County Council supports the sustainable design criteria outlined within this policy. KCC requests consideration of whether there would be ground to consider if it would be viable and reasonable for the requirement for a Construction Environmental Management Plan (CEMP) to be extended to all developments - not just those over 20 units or 2,000sqm floorspace.</p> <p>Furthermore, the County Council would encourage the inclusion of policy/guidance on the use of carbon offset, and to state whether or not developers can use offsetting to deliver emission reduction targets.</p> <p><u>Broadband</u></p> <p>The County Council supports the need for proposals to include infrastructure that meets the need of modern communication and technology.</p> <p><u>Biodiversity</u></p> <p>The County Council requests consideration of native species planting. In an ecological context, one of the most positive landscape contributions of</p>	<p>The CEMP thresholds are deemed appropriate and reasonable, so as not to overburden smaller developers. No change proposed.</p> <p>The council is trying to encourage developers to reduced emissions in preference to offset (in line with the energy hierarchy). In addition, carbon offsetting is considered generally by Policy EN3 in the form of renewable energy provision. No change proposed.</p> <p>Noted</p> <p>As above, native planting is adequately referred to in the</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>any development is to include native plant species only. Many native insects (c.10,000 species) will require native species in which to complete their lifecycle (with non-natives unable to provide this function).</p> <p>Section 5 also states "Proposals should identify and not undermine the value of ecosystem services that the site provides". The County Council is supportive of this in principle, though KCC would question how development proposals can practically and definitively assess a site's capacity to provide various ecosystem services.</p> <p><u>Residential Amenity</u></p> <p>Given the anticipated impact from COVID-19 of increased home working as a permanent adjustment to people's working lives, the County Council recommends consideration of how to ensure safe and reasonable home working areas. Ensuring that suitable spaces for home working are designed into new development will have positive benefits by boosting the resilience in this area of the local workforce and their ability to continue working and to learn.</p> <p>High quality design should also be accessible, taking into account the varying needs of the evolving community, which includes providing diverse housing types, such as extra care housing, that is flexible and responsive to changing needs. The County Council recommends that this should</p>	<p>design checklist to policy EN1 as well as policy EN12: Trees, Woodland, Hedges, and Development and the suitability of trees proposed as part of any landscaping scheme submitted at the planning application stage. No change proposed.</p> <p>Guidance on ecosystem services is continuing to be developed but following existing Defra guidance will ensure that development can be policy compliant.</p> <p>This is already mentioned in criterion 7 of Policy EN1. No change proposed.</p> <p>Paragraph 6.367 of Policy H6 - Housing for Older People and People with Disabilities - makes</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>include consideration of dementia friendly design within the Local Plan. Small design changes to housing and infrastructure can help someone living with dementia to be more independent by providing a home and environment that is clearly defined, easy to navigate, and feels safe.</p> <p><u>Sustainable Urban Drainage Systems</u></p> <p>The County Council notes that the Local Plan makes reference to many design elements that will provide multiple benefits and makes note specifically of green roofs. Green roofs are drainage measures that can control runoff from roof areas for small storm events, which comprise the majority of UK's rainfall. Unfortunately, as a design element and part of the building fabric, it is difficult for Kent as Lead Local Flood Authority to influence planning at early stages for their inclusion, so they must be considered as part of the design code for an area.</p> <p>The County Council would encourage the promotion of green roofs in planning guidance for appropriate developments and recommends that they are included in design codes or supplementary planning documents for strategic sites, especially in relation to large commercial buildings, logistic hubs and public buildings.</p> <p>This policy also includes the requirements for preparation of a Construction Environmental Management Plan (CEMP). Recently, KCC has experienced a number of queries from concerned residents in relation to the control of erosion and silt deposition from construction sites. KCC would recommend that the importance of erosion and silt control is also included in the detail of a site's CEMP.</p>	<p>reference to accommodation for people with dementia. No change proposed.</p> <p>Noted – This is covered by other policies within the Local Plan and other plans and legislation.</p> <p>Green roofs are already referred to in other policies and the Biodiversity Net Gain SPD will also include reference to them.</p> <p>The control of erosion and silt deposition would be included in the CEMP; and explicit mention is therefore not deemed necessary. Also, the word 'above' needs removing from the third line relating to CEMPs</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			in the policy box, to improve clarity.
	Policy EN3: Climate Change and Adaption	<p>This policy includes a section on energy reduction in new buildings, calling for a “A ‘fabric first’ approach in which all development comprising the construction of new buildings is required to reduce operational CO2 emissions by at least 10% below the Target Emission Rate (TER), as set out in Building Regulations Part L (2013)”. The Future Buildings Standards, due to come into force in 2021, will introduce an uplift to Part L of 31%, which will mean Policy EN3 will be superseded. This policy also includes requirements to address climate change adaptation. KCC welcomes this inclusion and would recommend that the policy references the Kent Climate Change Risk and Impact Assessment, which will help ensure developments understand more localised future risks from climate change.</p> <p>KCC notes that EN3 Climate Change does not make reference to provisions for the climate change allowance, which is usually applied to flood risk assessments with respect to river levels or rainfall statistics. Climate change is referenced within the policy statement for EN25 but for completeness, it is recommended that reference is included within this policy (EN3).</p>	<p>Noted – no change proposed</p> <p>The Climate change allowance has been incorporated within the Strategic Flood Risk Assessment and it is considered that Policy EN25 deals with flood risk and paragraph 6.34 explains that this policy deals will the elements of climate change that are not considered elsewhere in the Local Plan –</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			It is proposed to add at the end of paragraph 6.48, the following text – <i>'Policy EN 3 details how the Local Planning Authority will ensure this takes place <u>and developers should refer to KCC's Climate Risk and Impact Assessment for local advice</u>'.</i>
	Policy EN4: Historic Environment and Policy EN5: Heritage Assets	The County Council is supportive of these policies. The Borough Council has held extensive discussions with KCC during the development of the historic environment policies and have included commentary in the revised policy proposals and supporting text. The policies also build on a Heritage Strategy and relevant Supplementary Planning Documents (SPD) (Local List of Heritage Assets and Historic Farmsteads).	Noted and no change proposed
	Policy EN8: Outdoor Lighting and Dark Skies	The County Council is supportive of the references to dark skies/light pollution in relation to wildlife within this policy.	Noted and no change proposed
	Policy EN9: Biodiversity Net Gain	The County Council considers that this policy is of vital importance for biodiversity/and ecology, denoting that applications must demonstrate a net-gain in biodiversity can be achieved. The policy includes all the necessary information linked to achieving and maintaining, biodiversity net-gain.	Noted – It is considered that reference to Kent's Plan Bee is not necessary within the Local Plan and that Policy EN9 provides adequate provision for this.

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>Importantly, all the site-specific policies caveat that Policy EN 9 must be referred to, ensuring an ecological baseline is undertaken and demonstrable net-gain proposals are provided.</p> <p>The County Council recommends reference to Kent's Plan Bee, a pollinator action plan developed by the County Council that seeks to improve the food sources and general habitat for pollinators.</p>	
	Policy EN10: Protection of Designated Sites and Habitats	The wording of this policy adequately accounts for all statutory and non-statutory designated sites. These sites have been defined and identified within the Local Plan. The County Council is therefore supportive of this policy.	Noted – no change proposed
	EN12: Trees, Woodland, Hedges and Development, EN13: Ancient Woodland and Veteran Trees and EN14: Green, Grey and Blue Infrastructure	The County Council is supportive of these policies and the wording adequately accounts for trees, woodland and hedges	Noted – no change proposed
	EN18: Rural Landscape, EN19: The High Weald Area of Outstanding Natural Beauty and EN20: Agricultural Land	The County Council is broadly supportive of these policies which fairly comprehensively cover rural issues.	Noted – no change proposed

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
	EN25: Flood Risk	<p>The County Council, as Lead Local Flood Authority, is supportive of the flood risk considerations within strategies for areas which are known to have flood risk issues, including Paddock Wood. KCC was consulted during the development of the Strategic Flood Risk Assessment Level 2 and was engaged with consideration of the proposed policies. Policy EN 25 "Flood Risk" requires that new development contributes to overall flood risk reduction. These policies will help address the constraints that occur within at-risk areas.</p> <p>Kent County Council, as a statutory consultee within the planning process, is required to provide consultation responses on major development applications which have a wider application than those sites over 1 ha. The County Council notes that this policy requires that all developments over 1 ha are required to have a Flood Risk Assessment, as well as those with other sources of flood risk. The County Council, as Lead Local Flood Authority, requests clarity of the meaning of "development proposals". For example, a multi-residential/commercial development with a parking area may have a site area less than 1 ha but may have a significant contribution of impermeable area that is required to be managed. Therefore, restricting the requirements for flood risk submissions, means that some development proposals will not be required to submit sufficient information to be assessed appropriately. As KCC is the Lead Local Flood Authority for major development, insufficient information to assess the creation or impact on flood risk would lead to an objection. Therefore, KCC would recommend that a flood risk assessment and/or drainage strategy is required for "all major development" within Flood Zone 1.</p> <p>The NPPF specifically references the consideration of cumulative impacts. This has been undertaken on a strategic level for the Paddock Wood area under the new Strategic flood Risk Assessment (SFRA) Level 2. That is</p>	<p>Support is noted for Policy EN25. It is not considered necessary to make this amendment, as the approach taken by TWBC is consistent with the requirements of the NPPF. It is however considered that there could be instances where it may be appropriate to require an FRA for smaller developments and it would therefore be appropriate to consult with KCC as the lead local flood authority on a case-by-case basis. An amendment to the supporting text to Policy EN25 at paragraph 6.279 is proposed to address this issue raised as follows; <i>'The approach taken within Policy EN25 is in accordance with the NPPF, however there may be instances where it may be appropriate to require a Flood Risk Assessment for</i></p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		greatly appreciated for the size of development in that area – however, it must also be acknowledged that infrastructure capacity issues may also mean that surface water contributions from smaller development (including minor development) may also need to be controlled to reflect the capacity of the receiving drainage system. A site-specific Flood Risk Assessment (FRA) may be required in those instances.	<i>smaller developments and it would therefore be appropriate to consult with KCC as the lead local flood authority on a case-by-case basis</i> '.
	EN26: Sustainable Drainage	<p>This policy states that all development applications include adequate drainage provision. KCC requests clarity as to whether there is any expectation by the Borough Council as to how this will be demonstrated - whether through the submission of a drainage strategy (for all major development) or building plans for minor development. KCC would recommend that the text is revised as follows - "All development applications should include adequate drainage provision so that flood risk is managed appropriately, both within the site and off-site."</p> <p>The County Council welcomes the reference to the requirements for the promotion of multi-functional sustainable drainage systems.</p>	<p>It is considered that this issue is already adequately covered within Policy EN25, however an amendment to the supporting text at paragraph 6.277 is proposed as follows;</p> <p><i>It is essential that new development across the borough does not increase flood risk, <u>either on site or elsewhere and provides adequate drainage provision so that flood risk is managed effectively. Any new development proposed in areas that are vulnerable to flood risk, should 'build in...</u></i></p>
	Policy H1: Housing Mix	The County Council is supportive of this policy. Developments should seek to provide a diverse range of housing to take into account the varying needs of the evolving local community by providing diverse housing types,	Noted – no change proposed

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		such as extra care housing, that is flexible and responsive to changing needs.	
	Policy H3: Affordable Housing	<p>The County Council set up an Affordable Housing Select Committee in 2019 to determine whether KCC can play a greater role in maximising the development of affordable housing in Kent. The Select Committee report sets out a range of recommendations, many of which are for KCC to consider, and which would go some way to support the development of genuinely affordable housing for the people of Kent. The County Council will welcome continued engagement with key stakeholders, including the Borough Council, in the delivery of affordable housing. Affordable housing will need to be of high quality, in the right location and with the infrastructure to support residents to have a good quality of life, with a range of types and tenures delivered to meet the needs of the community.</p> <p>The County Council notes that Building Regulation Standard Part M4(2) and Part M4(3) are only referenced in relation to affordable housing within the Pre-Submission Local Plan. The County Council would urge consideration of the adoption of these standards across all housing development types. The County Council's current development contributions requests that all homes should be built to these standards.</p>	Noted – no change proposed
	Policy H7: Rural Workers Dwellings	The County Council is broadly supportive of this policy.	Noted - no change proposed
	Policy ED1: The Key Employment Areas and Policy ED2: Retention of Existing	The County Council supports the overarching principle of these policies to ensure that suitable employment spaces are retained and developed in the Borough to ensure there remains adequate employment opportunities available to support growth. The COVID 19 pandemic has had a considerable impact on the way communities live and work and the long-term impacts of this pandemic are still evolving. The Local Plan will have to	Noted - no change proposed

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
	Employment Sites and Buildings	<p>be flexible and resilient to adapt to the changing needs of employers as the full impacts of the COVID-19 pandemic and its impact on the local workforce become apparent. There are likely to be changes in future working patterns as a result of COVID-19 and this will need to be considered alongside changing demands for employment space. Although the long-term impacts are unclear, there may be a shift in the demand for office spaces which could potentially be replaced with demand for shared workspaces and meeting spaces for Small to Medium Enterprises (SMEs), with further demands from entrepreneurs and potentially businesses relocating out of London in particular, in response to post-COVID ways of working. Shared workspaces and accessible employment locations have the added benefit of reducing the level of commuting out of the local area. The Local Plan should be adaptable to accommodate these changing trends in work patterns, as the long-term influence of COVID-19 becomes apparent and KCC welcomes the Local Plan's recognition of the potential impacts of COVID-19.</p>	
	Policy ED3: Digital Communications and Fibre to the Premises	<p>Broadband Paragraph 6.454-6.464</p> <p>The County Council recommends that reference to 24mbps should be amended to 30mbps, as this is definition increasingly used by Government to define superfast broadband.</p> <p>The wording of paragraph 6.459 should be reviewed to ensure it is clear.</p> <p><u>Policy ED 3 Digital Communications and Fibre to the Premises (FTTP)</u></p> <p>The County Council requests clarity as to why wireless is being allowed in areas which are within the limits of built development, as they should be close to a point of presence. Wireless should only be considered if FTTP</p>	<p>As above, both parties have agreed the following amendments:</p> <p>Para 6.459 (supporting text)- <i>'The Council considers that such changes include the requirement to provide fibre to the premises (FTTP) for all new developments, wherever practical. FTTP is recognised by the</i></p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		cannot be offered. The County Council recommends that there should at least be reference gigabit-capable technologies within in the policy as 'wireless' can offer a range of speed options so there is value in being specific and clear.	<p><i>Government and European Commission as a Next Generation Access (NGA) technology, investment in which has been prioritised accordingly. <u>Should the implementation of FTTP not be possible for the reasons set out below at paragraphs 6.460 and 6.461, then consideration should firstly be given to opportunities for connections that are 'gigabit capable' (gigabit internet delivers download speeds of up to one gigabit per second). Other wireless solutions, which can vary considerably in speed, should only be considered where the implementation of either FTTP or gigabit capable technologies are not possible</u>.</i></p> <p>Para 6.462 (supporting text: 'Where a FTTP solution is not deemed possible, or for smaller developments, the</p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			<p><i>provision of other technologies capable of providing speeds in excess of 24 mbps (megabits per second) <u>or the minimum speed specified in Government guidance at the time of submitting an application proposal</u>, should be delivered wherever practical.'</i></p> <p><i>Agreed amendments within the policy box:</i></p> <p><i>All residential and employment developments within the Limits to Built Development of Royal Tunbridge Wells, Southborough, Paddock Wood, Hawkhurst, Cranbrook, Pembury and Tudeley Village, including site allocations promoted in this Plan, will enable FTTP <u>or where this is not possible</u>, other wireless solutions.</i></p> <p><i>In other areas, all residential developments over five dwellings and employment</i></p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			<p><i>proposals of 500 sqm or more (including through conversion) will enable FTTP or <u>where this is not possible</u>, other wireless solutions.</i></p> <p><i>For schemes under these thresholds, the Council's expectation is that provision for FTTP and other wireless solutions (<u>where the implementation of FTTP is not possible</u>), will be achieved wherever practical.</i></p> <p><i>For sites of less than five dwellings or 500sqm of employment space, or where it can be demonstrated that FTTP is not practical due to special circumstances, (such as issues of viability, the inability to provide the appropriate physical trench, and proximity to the nearest breakout point on the fibre network), then other non-Next Generation Access technologies, including wired and wireless</i></p>

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
			<i>infrastructure, providing all-inclusive internet access speeds in excess of 24Mbps, or the minimum speed specified in Government guidance at the time of submitting an application proposal, should be delivered wherever practical.'</i>
	Policy ED4: Rural Diversification, Policy ED5: Conversion of Rural Buildings outside of the Limits to Built Development and ED6: Commercial and Private Recreational (Including equestrian) uses in the Countryside	The County Council considers that rural economic development is covered appropriately within these policies.	Noted - no change proposed
	General commentary	The County Council is supportive of the flexible approach set out within the Local Plan to ensure the "provision of retail and complementary uses and makes mixed use allocations within the defined centres to broadly meet the needs and provide a range of sites to meet future needs". Adaptability of the high street will help secure the resilience of these spaces. The County Council would draw attention to the role of community facilities and	Noted - no change proposed

Section of Local Plan	Policy or paragraph	KCC's comment	TWBC position
		<p>services within the high street to ensure these spaces are easily accessible for both new and existing communities. Cultural infrastructure is also an essential feature within a town centre to create a vibrant mix of uses. It can be delivered as multifunctional spaces that offer opportunities for community services and affordable creative workspaces to support small businesses and freelancers, alongside cultural offerings. The cultural sector also provides local employment opportunities, with the role of higher and further education facilities developing skills in the cultural and creative industries. The Local Plan should therefore consider the delivery of necessary cultural infrastructure, as mentioned in Policy STR 5, to support sustainable development in the Borough. The County Council encourages the use of art in design to create a sense of place and identity in both new and existing communities.</p>	
	<p>Policy OSSR1: Retention of Open Space</p>	<p>Sports and Recreation</p> <p>The County Council welcomes the approvals sought from Sport England and is keen for further engagement to assess how KCC can further support to increase sport and physical activity provision and participation in the Borough.</p> <p>Attention is also drawn to the latest Active Lives data which considers the impact of Coronavirus on activity levels within the Borough - The impact of coronavirus on activity levels revealed Sport England</p>	<p>Noted - no change proposed</p>

Appendix I8: DtC engagement record for South East Water

Other Bodies

TWBC Duty to Cooperate engagement record for South East Water (updated Oct 2021)

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
31 July 2020	Hannah Young- TWBC Pedro Santos- South East Water Tamzyn Janes- Southern Water	Information Meeting	Meeting to discuss the growth planned around Paddock Wood, Capel and Tudeley in respect of planning for water capacity.
26 May 2021	Pedro Santos, Lee Dance and Helen Woods - South East Water Sharon Evans and Katie McFloyd - TWBC	DtC Meeting	Update meeting about the TWBC Pre-Submission Local Plan (PSLP) and discussion of relevant water related policies

Appendix I9: DtC engagement record for Southern Water

Other Bodies

TWBC Duty to Cooperate engagement record for Southern Water

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
15 July 2015	Southern Water Environment Agency KCC Flooding Maidstone Borough Council Upper Medway Drainage Board MWH Consultants TWBC – Adrian Tofts	DtC meeting	Discussion of Southern Water's plans for new Drainage Area Plans for catchments at Horsmonden, Headcorn and Staplehurst. Discussion highlighting growth plans within the areas and key drainage issues.
5 August 2015	TWBC – Kelvin Hinton, Adrian Tofts and Sharon Evans Southern Water – Susan Solbra and Mike Tomlinson	Information Meeting	<ul style="list-style-type: none"> • Follow on from previous meeting • Discussion over flooding issues • Southern Water confirmed fully committed to working with TWBC through the Local process • Particular discussion around Paddock Wood
15 August 2016	TWBC – Kelvin Hinton and Southern Water	Email correspondence	Query in respect of the inclusion of Horsmonden in the Drainage Plan Area review
2 July 2019	Sharon Evans – TWBC Steve Baughen – TWBC Pete Hockney - TWBC Claire Smith – Southern Water Charlottw Mayall – Southern Water	Information Meeting	<ul style="list-style-type: none"> • Update from Southern Water – change of structure and priorities – aiming to be less reactive and more proactive. • Update on Local Plan and discussion re: key growth proposed and SW priorities and current and future projects.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			<ul style="list-style-type: none"> • Particular discussion re: ongoing problems and planned improvements at Paddock Wood. • other areas – Capel/Tudeley • funding arrangements and DM process.
17 January 2020	<p>Gregg Clark MP (Chair) Adam Hignett (Gregg Clark's assistant) Southern Water: Sarah Feasey Simon Sharp Andy Adams John Wylie Paddock Wood Town Council: Cllr Ray Moon Cllr Claire Reiley Cllr Meryl Flashman Cllr Sarah Hamilton (also a Kent County Councillor) Peter Trent (Local resident supporting PWTC) Capel Parish Council Charles Machonockie Tunbridge Wells Borough Council: Cllr Sarah Hamilton Cllr Matthew Bailey Sharon Evans (SE) – Principal Planning Policy Officer</p>	Information Meeting	For Southern Water to relay to residents their planned growth scheme to improve drainage issues in the Paddock Wood area.
31 July 2020	Hannah Young- TWBC Pedro Santos- South East Water Tamzyn Janes- Southern Water	Information Meeting	Meeting to discuss the growth planned around Paddock Wood, Capel and

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
			Tudeley in respect of planning for water capacity.
11 August 2020	Gregg Clark MP (Chair) Adam Hignett (Gregg Clark's assistant) Southern Water: Paddock Wood Town Council: Charles Machonockie Tunbridge Wells Borough Council: Hannah Young Stephen Baughen`	Information Meeting	For Southern Water to provide an update on their scheme to address drainage issues in the Paddock Wood area.
26 May 2021	SW - Tamzyn Janes TWBC – Sharon Evans and Gwenda Bradley	DtC meeting	Update meeting about the TWBC Pre-Submission Local Plan (PSLP) and discussion on producing a SoCG
26 May 2021	SW - Tamzyn Janes TWBC – Sharon Evans and Gwenda Bradley	DtC email correspondence	Post meeting follow up email from SW to TWBC to explain new SW infrastructure funding mechanisms
8 September 2021	SW – Tamzyn Janes and Sandra Norval TWBC - Sharon Evans, Nichola Watters, Hannah Young and Gwenda Bradley	DtC meeting	Discussion on draft SoCG, including any proposed changes to the policy wording for PSLP strategic and non-strategic site allocations and development management policies and how to work together going forward.
22 September 2021	Hannah Young – TWBC Tamzyn Janes- Southern Water	Phone Call (and subsequent email exchange)	Discussion over drainage capacity within Strategic Sites ahead of AMP8.
26 October 2021	TWBC and Southern Water	DtC email correspondence	Final sign-off of SoCG between both parties

Appendix I10: SoCG between TWBC and Southern Water

Draft Statement of Common Ground
between
Tunbridge Wells Borough Council
and
Southern Water

in respect of the
Tunbridge Wells Borough Local Plan

October 2021



Contents

1.0	Introduction	3
2.0	Overview	3
3.0	Local Plan context	4
4.0	Local Plan issues affecting water, drainage and wastewater infrastructure	4
a)	Overall regard to water, drainage and wastewater infrastructure	5
d)	Development Management Policies	13
5.0	Future working.....	14
6.0	Signatories	15
	Appendix 1: Detailed comments by Southern Water on the Pre-Submission Local Plan and agreed minor modifications	16

1.0 Introduction

- 1.1 This 'Statement of Common Ground' (SoCG) is a jointly agreed statement between Southern Water (SW) and Tunbridge Wells Borough Council (TWBC), hereafter referred to as "the parties", in relation to the preparation of the Tunbridge Wells Borough Local Plan.
- 1.2 It takes account of the development of the Local Plan up to and including the Pre-Submission (Regulation 19) stage. Specifically, it reflects the comments and representations submitted by Southern Water to the emerging Local Plan at each stage of plan-making, as well as the Borough Council's responses. As such, this SOCG provides an agreed position with respect to relevant strategic matters within the scope of the emerging Local Plan as at October 2021.
- 1.3 The strategic matters covered by this SoCG relate broadly with regard to water and drainage matters within the borough within the Local Plan.
- 1.4 In particular, the SoCG sets out the parties' views on the consistency of the Pre-Submission Local Plan with national policies in relation to water and drainage and the provision of infrastructure as set out in the National Planning Policy Framework (NPPF).
- 1.5 At the same time, it is appreciated that liaison in relation to the matters included in this SoCG are ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail that either party may wish to raise subsequently through the examination into the Local Plan.

2.0 Overview

- 2.1. The parties agree that both TWBC and Southern Water have been proactive in their approach to these strategic matters in accordance with the requirements under the Duty to Cooperate (DtC).
- 2.2. It is agreed that TWBC has a good evidence base and understanding of water, drainage and wastewater issues across the borough. It is also agreed that TWBC provides an appropriate strategy for the provision of the necessary drainage infrastructure through its Local Plan, supplemented by a range of other documents and actions, in particular the Infrastructure Delivery Plan which has been produced in support of the strategy proposed in the Local Plan. This is reflected in the Local Plan proposed policies and site allocations, in relation to which there is little (if any) substantive area of "uncommon ground" at this point, largely as a result of an ongoing dialogue in the preparation of the Pre-Submission Local Plan. The minor

amendments considered necessary by Southern Water are accepted by TWBC, as set out in Appendix 1.

- 2.3. This SOCG also highlights a shared belief in the provision of infrastructure to support new development and a recognition of TWBC's continuing commitment to this, as set out in Section 5, via ongoing liaison with Southern Water.

3.0 Local Plan context

- 3.1 TWBC is preparing a new, comprehensive Local Plan for the borough. It will set out the overall vision and objectives, development strategy, spatial strategies and site allocations, together with Development Management policies to guide development over the period 2020 – 2038.
- 3.2 There were two stages of consultation at the Regulation 18 stage, the first on '[Issues and Options](#)' in 2017 and the second, on a full '[Draft Local Plan](#)' in autumn 2019. Following further evidence base work and consideration of comments received at these stages, a '[Pre-Submission Local Plan](#)' was published and consulted upon over a 10-weeks period from 26 March to 4 June 2021.
- 3.3 Details of engagement between the parties up to publication of the Pre-Submission Local Plan are set out in the [Duty to Cooperate Statement](#) that supports it, and are agreed by the parties.

4.0 Local Plan issues affecting water, drainage and wastewater infrastructure

- 4.1 TWBC has liaised with Southern Water throughout the preparation of the Local Plan, which has been involved with and commented on the drafting of the individual policies informally through the preparation stage and at the formal stages as referenced above.
- 4.2 The issues that have been raised during the preparation of the Local Plan can be seen as relating to the following three matters:

- a) Has sufficient and timely water, drainage and wastewater infrastructure been sufficiently taken into account in producing the Local Plan and its overall strategy?
- b) Has proper consideration been given to specific water, drainage and wastewater infrastructure in developing site allocations across the borough?
- c) Are the specific Development Management policies relating to water, drainage and wastewater sufficiently robust?

a) Overall regard to water, drainage and wastewater infrastructure

4.3 TWBC believes that the provision of water drainage and wastewater infrastructure within the borough has been fully recognised throughout Local Plan preparation. It points especially to its:

- **Tunbridge Wells Borough Council – Infrastructure Delivery Plan (March 2021 – Note to be updated before Submission of Local Plan)** – This IDP sets out the details of the infrastructure that is required to support existing and future needs and demands for the borough to support new development and a growing population as envisaged through the Council’s Local Plan. It covers a range of infrastructure and in ‘Theme 4’ relates to water including water supply, waste water and Flood risk.
- **Tunbridge Wells SFRA Level 1 and Level 2 (2019)** – The SFRA was produced to provide the evidence to inform the Local Plan and the proposed development strategy in relation to flood risk. It demonstrates that flood risk has been fully taken into account in selecting sites for allocation in the Local Plan. It has also informed the Development Management policies in relation to flood risk.
- **The Strategic Housing and Employment Land Availability Assessment (SHELAA) 2021** – All proposed sites promoted through the SHELAA were screened for their impact on a number of environmental and other designations, including in relation to environmental constraints, flood risk and drainage. This informed the final allocations identified within the Local Plan and any specific site and developer requirements detailed within the policies.

4.4 Within the Local Plan itself, the overall ‘Vision’ refers to ‘*Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs*’. Following on from this, Strategic Objective 5 states ‘*To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities*’.

4.5 In terms of the development strategy, paragraph 4.37 recognises the availability of infrastructure, including proposed infrastructure improvements to support growth as being a key concern to be addressed in formulating the development strategy. Furthermore, paragraph 4.59 recognises the importance of essential infrastructure being provided to support the proposed growth. It states ‘*that the strategic approach to delivering infrastructure is set out within Policy STR 5...details of particular infrastructure to be provided in association with development is set out within the place shaping policies and the individual site allocations in Section 5. Additionally, a detailed Infrastructure Delivery Plan is produced in parallel with this Plan and is published as a supporting document*’.

4.6 The Local Plan’s strategic policies set out within Section 4 of the Local Plan recognise the strategic significance of the provision of infrastructure, with Policy STR 5 providing the strategic policy approach to the provision of infrastructure. Specifically, in relation to water, Policy STR 5 states the following:

.....**Water**

Providing an adequate supply of fresh water and dealing with the removal of foul water is essential across the whole borough as part of any planned growth, and Southern Water and South East Water as the regulatory bodies have been fully consulted as part of the plan preparation process to ensure that the necessary provision is delivered in a timely way in accordance with Policy EN24: Water Supply, Quality and Conservation.....'

- 4.7 Paragraph 4.95 of the Local Plan acknowledges that a number of infrastructure projects are required to support the growth proposed in the Local Plan, including a number of specific projects, some of which are identified within the IDP as being 'Critical' or 'Essential'. In terms of water provision, the following are identified in the supporting text to Policy STR5;
- 4.8 *'Water: additional capacity at waste water treatment works and the sewerage network across the borough to accommodate growth...'*
- 4.9 Hence, it is agreed by the parties that the Local Plan demonstrates a good understanding of, and due regard to, water and drainage and waste water infrastructure in its preparation. Southern Water are putting together a new strategic plan that sets out how they intend to extend and maintain a robust and resilient drainage and wastewater system known as Drainage and Wastewater Management Plans (DWMPs).
- 4.10 DWMPs are a long-term planning tool looking forward for a minimum period of 25 years and involve consultation with all the statutory and water related bodies. DWMPs ultimately aim to encompass all drivers and investment, in drainage and wastewater services to manage risks and build resilience and are expected to become statutory plans and updated every 5 years. The outputs from these strategic documents will feed into the Business Plan and internal risk and value process which is designed to enable Southern Water to deliver the most efficient programme at best value to its customers. TWBC is working collaboratively with SW on producing the DWMP for the area, including around Paddock Wood and Capel where significant growth is proposed through Policies STR/SS1, STR/SS2 and STR/SS3.

b) Southern Water has confirmed that projects of a strategic scale that are required to increase the local sewer network and treatment works capacity, in particular in the Paddock Wood/Capel area, will need to be planned for in its next AMP (AMP 8 - 2025-2030). This will cover the period from 2025-2030 and will be agreed by Ofwat, the Water Services regulation Authority. The delivery of any scheme that is planned for will be provided in line with the occupation of the developments. TWBC and Southern Water are liaising closely over the drainage requirements for the Paddock Wood/ Capel areas stemming from the strategic growth proposals, and Southern Water has confirmed that the housing which is planned to be delivered prior to 2025 can be accommodated within the existing Network (up to 180 units across the Paddock Wood/ Capel strategic sites which exceeds the anticipated trajectory (120) as set out in the Development Strategy Topic Paper).

c) Site allocations

4.11 The individual site allocations are contained within Section 5 - Place Shaping Policies.

4.12 The Borough Council has liaised with Southern Water throughout the Local Plan preparation process in considering sites, particularly in relation to development at Paddock Wood and Land at East Capel and Tudeley as part of the Strategic Sites Working Group.

4.13 Southern Water has made representations at the Regulation 19 stage on a number of site allocation policies, stating that the following criteria should be added to the policy – *'Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes'*. This wording has been suggested for the following site allocation policies:

- Policy AL/RTW1 – Former Cinema Site, Mount Pleasant Road, Royal Tunbridge Wells
- Policy AL/RTW3 – Land at Lifestyle Ford, Mount Ephraim/Culverden Street/Rock Villa Road, Royal Tunbridge Wells.
- Policy AL/RTW4 – Land at 36-46 St Johns Road, Royal Tunbridge Wells
- Policy AL/RTW7 – Former Gas Works, Sandhurst Road, Royal Tunbridge Wells
- Policy AL/RTW10 – Land at Montacute Gardens, Royal Tunbridge Wells

- Policy AL/RTW11 – Former Plant and Tool Hire, Eridge Road, Royal Tunbridge Wells
- Policy AL/RTW12 – Land at Tunbridge Wells Telephone Engineering Centre, Broadwater Down, Royal Tunbridge Wells
- Policy AL/RTW13 – Turners Pie Factory, Broadwater Lane, Royal Tunbridge Wells
- Policy AL/RTW14 – Land at Tunbridge Wells Garden Centre, Royal Tunbridge Wells
- Policy AL/RTW15 – Land at Showfields and Rowan Tree Road, Royal Tunbridge Wells
- Policy AL/RTW21 – Land at Colebrook Sports Field, Liptraps Lane, Royal Tunbridge Wells
- Policy STR/SS1 – The Strategy for Paddock Wood, including Land at east Capel
- Policy STR/SS2 – The Strategy for Paddock Wood Town Centre
- Policy AL/SO3 – Land at Baldwins Lane, Southborough
- Policy AL/CRS3 – 3 Turnden Farm, Hartley Road, Cranbrook
- Policy AL/CRS6 – Land south of the Street, Sissinghurst
- Policy HA2 – Brook House, Cranbrook Road, Hawkhurst.
- Policy HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst
- Policy AL/GO1 – Land east of Balcombes Hill and adjacent to Tiddymotts Lane, Goudhurst
- Policy AL/HO2 – Land south of Brenchley Road and west of Fromandez Drive, Horsmonden
- Policy AL/LA1 – Land to the west of Spray Hill, Lamberhurst
- Policy AL/PE4 – Land at Downingbury Farm, Maidstone Road, Pembury
- Policy AL/SA1 – Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane, Sandhurst.

- 4.14 It is agreed between TWBC and SW that it is not necessary to add the additional criteria to each of these site allocation policies, as it is considered that Development Management Policy EN24 - Water Supply, Quality, and Conservation, which incorporates the requirement that '**Access to the existing sewerage system must be provided for future maintenance and upsizing purposes**' adequately deals with this issue; and that it would be more appropriate to cross reference Policy EN24 in the site allocation policies where relevant.
- 4.15 Additionally, Southern Water have identified a number of sites where the development would generate the need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. The following wording criteria has been suggested by Southern Water for inclusion '*occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider*'. The following sites have been identified:
- Policy AL/RTW5 – Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road, Royal Tunbridge Wells
 - Policy AL/RTW7 – Land at former Gas Works, Sandhurst Road, Royal Tunbridge Wells
 - Policy AL/RTW15 – Land at Showfields Road and Rowan Tree Road, Royal Tunbridge Wells
 - Policy STR/SS1 – The Strategy for Paddock Wood, including land at East Capel
 - Policy AL/PW1 – Land at Mascalls Farm, Paddock Wood
 - Policy AL/CRS3 – Turnden Farm, Hartley Road, Cranbrook
 - Policy AL/CRS6 – Land south of The Street, Sissinghurst
 - Policy AL/HA1 – Land at the White House, Highgate Hill, Hawkhurst
 - Policy AL/HA3 – Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst
 - Policy AL/BE1 – Land adjacent to New Pond Road, Benenden
 - Policy AL/BE2 – Feoffe Cottages and Land, Walkhurst Road, Benenden
 - Policy AL/LA1 – Land to the West of Spray Hill, Lamberhurst

- Policy AL/PE2 – Land at Hubbles Farm and south of Hastings Road, Pembury
- Policy AL/PE3 – Land north of the A21, south and west of Hastings Road, Pembury
- Policy AL/PE4 – Land at Downingbury Farm, Maidstone Road, Pembury

4.16 TWBC has considered this representation and believes that the timing of occupation is a detailed matter to be determined at the planning application stage (and controlled, if necessary, by a condition). Policy EN24 already incorporates a policy requirement that: *‘Where necessary, occupation of development is to be phased to align with the delivery of agreed sewerage infrastructure, in liaison with the service provider.’* It is not considered necessary to repeat this policy position. However, insofar as it appears likely to apply to the above sites, it is agreed between TWBC and SW that a cross-reference to Policy EN 24 will be added in relation to each of these site allocation policies.

4.17 Southern Water also made specific representations at the Regulation 19 stage on three other place shaping policies in relation to the sites’ proximity to a pumping station currently in operation by Southern Water. Southern Water states that in order to mitigate any impacts from such facilities, a 15-metre gap between the facility and any residential dwelling would be required. This requirement applies to the following policies:

- Policy STR/SS1 – The Strategy for Paddock Wood, including land at East Capel
- Policy AL/PW1 – Land at Mascalls Farm, Paddock Wood
- Policy AL/CRS3 – Turnden Farm, Hartley Road, Cranbrook

4.18 It is accepted that the proximity of residential units to pumping stations is an important amenity consideration in the consideration of planning applications. Policies EN1: Sustainable Design and EN27: Noise (see paragraph 4.26 below) in the Local Plan require developments to demonstrate that the scheme is not exposed to, amongst other things, excessive noise, odour or vibration. It is therefore agreed that these policies provide the appropriate mechanisms to ensure this matter is considered in an appropriate manner and no further amendments are required to the wording of the above policies.

- 4.19 Instead, additional wording will be added to the supporting text of each of these policies to ensure this matter is identified within the plan and as a specific consideration for these sites.
- 4.20 For policies AL/PW1 and AL/CRS3, the additional agreed wording is below:
“There is a pumping station within close proximity to the development site, which can raise amenity issues such as noise and vibration. It is typically recommended that residential uses are at least 15 metres from any pumping station and the schemes should be considered accordingly against the requirements of Policies EN1 and EN27”.
- 4.21 For Policy STR/SS1, which plays a more strategic role in the local plan and relates to a much wider area, the following additional wording is considered appropriate:
“There are a small number of pumping stations within the existing town, which can raise amenity issues such as noise and vibration. It is typically recommended that residential uses are at least 15 metres from any pumping station and schemes within this strategic allocation should be considered accordingly against the requirements of Policies EN1 and EN27”
- 4.22 In relation to Policy STR/SS1, SW have raised an additional comment – ‘The development layout must provide sufficient distance between Paddock Wood Wastewater Treatment Works and sensitive land uses, such as residential units, schools and recreational areas to allow for adequate odour dispersion on the basis of an odour assessment to be undertaken in consultation with Southern Water. It is agreed that this is an important consideration for developments which come forward within this strategic location, albeit given the geographical extent of this policy the degree to which this consideration is applicable, will vary widely. As such, instead of requiring a blanket approach to the requirement for an Odour Assessment, which has been scoped out for recent applications in Paddock Wood, it is agreed that the supporting text will include reference to discussions needing to take place with Southern Water at the pre-application stage on the need to consider odour disbursement from the Wastewater Treatment works on sensitive uses including residential, recreational and educational development. The following wording has been agreed for inclusion in the supporting text to Policy STR/SS1:

“Planning applications for sensitive land uses (including residential, recreational and educational development) in 500 metres of the Paddock Wood Wastewater Treatment works should consider the impact of odour disbursement through discussions with Southern Water. In some cases, an odour assessment may be required”.

- 4.23 A further comment has been made by Southern Water In relation to Policy AL/LA1 – Land to the west of Spray Hill, Lamberhurst, where they state that their infrastructure crosses the site and that the site incorporates Lamberhurst Wastewater Treatment Works (WTW). On checking the mapping in this area, both parties can confirm that the waste water treatment works for Lamberhurst is at some distance from the site, to the north-east on the east side of Spray Hill. The ‘Spray Hill Allocation site’ is located to the west of Spray Hill and therefore is not directly affected by the pumping station. However, it is apparent that SW’s infrastructure follows the eastern boundary of the site – therefore, additional wording has been agreed for inclusion in the supporting text to Policy AL/LA1:

‘Southern Water’s underground infrastructure follows the eastern boundary of the site and therefore the layout and design of the scheme should take account of this infrastructure.’

d) Development Management Policies

Policy EN 24 – Water Supply, Quality and Conservation

- 4.24 Policy EN24 deals with ensuring that all development has adequate water supply and wastewater treatment facilities in place to serve all new development and measures to ensure water conservation throughout the plan period. Southern Water welcomes the inclusion of a policy aimed at supporting the delivery of the utilities infrastructure required to meet the needs of current and future residents and businesses within Tunbridge Wells Borough. They also consider that it is essential to ensure that development occurs in tandem with infrastructure delivery and they believe that Policy EN24 will support strategic infrastructure delivery where this is required.

Policy EN26 – Sustainable Drainage Systems

- 4.25 This policy has been developed to provide an overarching approach to development and drainage and the approach to Sustainable Urban Drainage Systems. Southern

Water welcomes the inclusion of a policy aimed at supporting the delivery of sustainable drainage, the use of the sustainable urban drainage hierarchy and the statement '*it will not be acceptable for surface water runoff to enter the foul water system*' in Policy EN26, which will minimise the impact of new developments on the sewerage system and the environment.

- 4.26 Southern Water also supports the use of sustainable urban drainage as part of the approach set out in Policy EN26 as it is in line with section 3 of the Governments Building Regulations 2010 for the drainage of surface waters. Southern Water will be adopting many of these systems in line with national guidance within the SuDs Manual (CIRIA), Guidance on the Construction of SuDs (Ciria) and Sewers for Adoption in England.

Policy EN27 - Noise

- 4.27 The aim of Policy EN27 is to ensure that noise issues and appropriate mitigation and acoustic measures are addressed and incorporated into the design of all development proposals. Southern Water welcomes the inclusion of this policy aimed at noise although they refer to the fact that noise inevitably arises as a result of the equipment used in its operations and that new development must be adequately separated from WTWs and WPSs to safeguard the amenity of future occupiers.
- 4.28 However, Southern Water in particular make reference to bullet point 2 of the policy which they feel adequately covers any issues that may arise from placing sensitive development near to their existing equipment and treatment works.

5.0 Future working

- 5.1 TWBC undertakes to engage with Southern Water in relation to not only to the progress of the Local Plan, but also in relation to its further work to provide relevant and timely infrastructure through regular updates to the Infrastructure Delivery Plan. This is through discussions on individual sites and planning applications and through on-going engagement in the current preparation of the Southern Water Drainage and Wastewater Management Plan (DWMP), a long-term strategic plan that sets out how Southern Water intends to extend and maintain a robust and resilient drainage and wastewater system to serve the Medway Basin.

- 5.2 Specific meetings are scheduled on individual sites and planning applications as well as part of the discussion on Strategic Sites. Meetings are scheduled as required between officers of the council's Planning Policy team and representatives of Southern Water in order to update and discuss requirements and ongoing and future projects across the borough and any implications within the wider West Kent area and other cross boundary areas.
- 5.3 In particular, the preparation of the DWMP is led by Southern Water and includes interactive workshops and follow-up sessions, on a stage by stage basis, with a number of local planning authorities across the Medway Basin (Kent, Surrey and Mid Sussex) as well as other statutory and water related bodies such as the Environment Agency, Natural England, South East Rivers Trust and Kent Wildlife Trust.

6.0 Signatories

- 6.1 This statement has been prepared and agreed by the following organisations:

<p style="text-align: center;">Tunbridge Wells Borough Council</p>  <p>William Benson</p>  <p>Cllr Alan McDermott</p> <p>Date: 26/10/2021</p>	<p style="text-align: center;">Southern Water</p> <p>Signature</p>  <p>Date: October 25th 2021</p>
---	---

Appendix 1: Detailed comments by Southern Water on the Pre-Submission Local Plan and agreed minor modifications

Page	Policy or paragraph	SW's comment	TWBC and SW position
	Section 5: Place Shaping Policies		
		<p>Southern Water is the statutory wastewater undertaker for (<i>Parish/settlement</i>). Our assessment has revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting.</p> <p>In consideration of the above, we recommend the following criterion for Policy XX.</p> <p><i>Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes.</i></p> <p><i>Applies to the following sites;</i></p> <ul style="list-style-type: none"> • <i>Policy AL/RTW1 – Former Cinema Site, Mount Pleasant Road, RTW</i> • <i>Policy AL/RTW3 – Land at Lifestyle Ford, Mount Ephraim/Culverden Street/Rock Villa Road, RTW</i> • <i>Policy AL/RTW4 – Land at 36-46 St Johns Road, RTW</i> • <i>Policy AL/RTW7 – Former Gas Works, Sandhurst Road, RTW</i> 	<p>As explained at paragraph 4.15 above, cross reference is to be made in the individual site allocation policy to the Local Plan Development Management Policy - EN 24 - Water Supply, Quality, and Conservation, which adequately deals with this issue.</p>

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<ul style="list-style-type: none"> • <i>Policy AL/RTW10 – Land at Montacute Gardens, RTW</i> • <i>Policy AL/RTW11 – Former Plant and Tool Hire, Eridge Road, RTW</i> • <i>Policy AL/RTW12 – Land at Tunbridge Wells Telephone Engineering Centre, Broadwater Down, RTW</i> • <i>Policy AL/RTW13 – Turners Pie Factory, Broadwater Lane, RTW</i> • <i>Policy AL/RTW14 – Land at Tunbridge Wells Garden Centre, RTW</i> • <i>Policy AL/RTW15 – Land at Showfields and Rowan Tree Road, RTW</i> • <i>Policy AL/RTW21 – Land at Colebrook Sports Field, Liptraps Lane, RTW</i> • <i>Policy STR/SS1 – The Strategy for Paddock Wood, including Land at east Capel</i> • <i>Policy STR/SS2 – The Strategy for Paddock Wood Town Centre</i> • <i>Policy AL/SO3 – Land at Baldwins Lane, Southborough</i> • <i>Policy AL/CRS3 – 3 Turnden Farm, Hartley Road, Cranbrook</i> • <i>Policy AL/CRS6 – Land south of the Street, Sissinghurst</i> • <i>Policy HA2 – Brook House, Cranbrook Road, Hawkhurst.</i> • <i>Policy HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst</i> • <i>Policy AL/GO1 – Land east of Balcombes Hill and adjacent to Tiddymotts Lane, Goudhurst</i> 	

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<ul style="list-style-type: none"> • <i>Policy AL/HO2 – Land south of Brenchley Road and west of Fromandez Drive, Horsmonden</i> • <i>Policy AL/LA1 – Land to the west of Spray Hill</i> • <i>Policy AL/PE4 – Land at Downingbury Farm, Maidstone Road, Pembury</i> • <i>Policy AL/SA1 – Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane, Sandhurst.</i> 	
	Section 5: Place Shaping Policies	<p>Southern Water is the statutory wastewater undertaker for (<i>Parish/settlement</i>) As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. Our previous assessment of the site was only valid for 12 months due to our sewer network constantly evolving as new development connects upstream which will affect the available capacity downstream. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.</p> <p>Proposals for x dwellings at this site will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure charge to developers, and Southern Water will need to work with site promoters to understand the development program and</p>	As explained at paragraph 4.17 above, cross reference is to be made in the individual site allocation policy to the Local Plan Development Management Policy - EN 24 - Water Supply, Quality, and Conservation, which adequately deals with this issue.

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>to review whether the delivery of network reinforcement aligns with the occupation of the development. Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation.</p> <p>Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure, and does not contribute to pollution of the environment, in line with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019).</p> <p>In consideration of the above, we recommend the following criterion for Policy XX.</p> <p><i>Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.</i></p> <p>Applies to the following sites;</p> <ul style="list-style-type: none"> • Policy AL/RTW5 – Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road, RTW • Policy AL/RTW7 – Land at former Gas Works, Sandhurst Road, RTW • Policy AL/RTW15 – Land at Showfields Road and Rowan Tree Road • Policy STR/SS1 – The Strategy for Paddock Wood, including land at East Capel 	

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<ul style="list-style-type: none"> • Policy AL/PW1 – Land at Mascalls Farm, Paddock Wood • Policy AL/CR5 – 3 Turnden Farm, Hartley Road, Cranbrook • Policy AL/CRS6 – Land south of The Street, Sissinghurst • Policy AL/HA1 – Land at the White House, Highgate Hill, Hawkhurst • Policy AL/HA3 – Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst • Policy AL/BE1 – Land adjacent to New Pond Road, Benenden • Policy AL/BE2 – Feoffe Cottages and Land, Walkhurst Road, Benenden • Policy AL/LA1 – Land to the West of Spray Hill, Lamberhurst • Policy AL/PE2 – Land at Hubbles Farm and south of Hastings Road, Pembury • Policy AL/PE3 – Land north of the A21, south and west of Hastings Road, Pembury • Policy AL/PE4 – Land at Downingbury Farm, Maidstone Road, Pembury 	
	<p>Policy STR/SS1 – The Strategy for Paddock Wood, including land at East Capel</p>	<p>Southern Water is the statutory wastewater undertaker for Paddock Wood and Capel. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. The assessment reveals that local sewerage infrastructure in closest proximity to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the</p>	<p>As explained at paragraphs 4.15, 4.17 and 4.19 above, cross reference is to be made in the individual site allocation policy to Local Plan Development Management Policies EN1: Sustainable Design,</p>

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>development is phased to align with the delivery of wastewater infrastructure.</p> <p>Proposals for 3,490-3,590 dwellings at this site will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure charge to developers, and Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development. Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation.</p> <p>Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure, and does not contribute to pollution of the environment, in line with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019).</p> <p>In addition, our assessments have revealed that Southern Water's underground infrastructure crosses the site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting.</p>	<p>EN24: Water Supply, Quality, and Conservation and EN27: Noise, which adequately deal with the issues raised;</p> <p>with additional wording to be added to the supporting text to the policy:</p> <p><i>There are a small number of pumping stations within the existing town, which can raise amenity issues such as noise and vibration. It is typically recommended that residential uses are at least 15 metres from any pumping station and schemes within this strategic allocation should be considered accordingly against the requirements of Policies EN1 and EN27 (paragraph 4.22 above)</i></p> <p>and</p> <p><i>Planning applications for sensitive land uses (including residential, recreational and educational development) in 500 metres of the Paddock Wood Wastewater Treatment works</i></p>

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>This site incorporates a few of Southern Water's Pumping Station (WPS). In order to mitigate any noise and/or vibration generated by their essential operation, a 15 metre gap between the pumping station and any residential dwelling would be required. This will also help ensure Policy EN27 bullet 2 of the Tonbridge Wells Local Plan is adhered to.</p> <p>In addition, we note that this site is incorporates Paddock Wood Wastewater Treatment Works (WTW), which is owned and operated by Southern Water.</p> <p>Southern Water endeavours to operate its sewage and sludge treatment works efficiently and in accordance with best practice to prevent pollution. However, unpleasant odours inevitably arise as a result of the treatment processes that occur. New development must be adequately separated from WTWs to safeguard the amenity of future occupiers. This is in line with paragraph 180 of the National Planning Policy Framework (NPPF, 2018), which states that 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects</p> <p>(including cumulative effects) of pollution on living conditions' and Paragraph 182 which states 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.' In addition, paragraph 7.6.5 of the Kent Waste</p>	<p><i>should consider the impact of odour disbursement through discussions with Southern Water. In some cases, an odour assessment may be required (paragraph 4.23 above).</i></p>

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>& Minerals Local Plan 2016 (p106) states that 'certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with [...] waste management activities which are industrial in nature.'</p> <p>Policy DM 8 further stipulates ' Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.'</p> <p>Southern Water believes that development that is sensitive to odour should only be permitted if the distance to the works is sufficient to allow adequate odour dispersion. We would expect an assessment to be carried out that would demonstrate that there would not be a detrimental impact on amenity by reason of odour.</p> <p>In consideration of the above, we recommend the following criterion is added to Policy STR/SS 1</p> <p><i>Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.</i></p> <p><i>Layout is planned to ensure future access to existing water and/or wastewater infrastructure for maintenance and upsizing purposes</i></p>	

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p><i>A 15 metre gap between the pumping station and any sensitive development (such as housing) should be taken into consideration in the site layout.</i></p> <p><i>The development layout must provide sufficient distance between Paddock Wood Wastewater Treatment Works and sensitive land uses, such as residential units, schools and recreational areas, to allow adequate odour dispersion, on the basis of an odour assessment to be undertaken in consultation with Southern Water.</i></p>	
	<p>Policy AL/PW1 – Land at Mascalls Farm, Paddock Wood</p>	<p>Southern Water is the statutory wastewater undertaker for Paddock Wood. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. Our previous assessment of the site was only valid for 12 months due to our sewer network constantly evolving as new development connects upstream which will affect the available capacity downstream. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.</p> <p>Proposals for 413 dwellings at this site will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure charge to developers, and Southern Water will need to work with site promoters to</p>	<p>As explained at paragraphs 4.15, 4.17 and 4.19 above, cross reference is to be made in the individual site allocation policy to Local Plan Development Management Policies EN1: Sustainable Design, EN24: Water Supply, Quality, and Conservation and EN27: Noise, which adequately deal with the issues raised;</p> <p>With additional wording to the supporting text to the policy to say :</p> <p><i>There is a pumping station within close proximity to the development site, which can raise</i></p>

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development. Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation.</p> <p>Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure, and does not contribute to pollution of the environment, in line with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019).</p> <p>This site incorporates Southern Water's Badsell Road Paddock Wood Pumping Station (WPS). In order to mitigate any noise and/or vibration generated by its essential operation, a 15 metre gap between the pumping station and any residential dwelling would be required.</p> <p>Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.</p> <p>A 15 metre gap between the pumping station and any sensitive development (such as housing) should be taken into consideration in the site layout.</p>	<p><i>amenity issues such as noise and vibration. It is typically recommended that residential uses are at least 15 metres from any pumping station and the schemes should be considered accordingly against the requirements of Policies EN1 and EN27 (paragraph 4.21 above).</i></p>
	Policy AL/CR3 – Turnden Farm,	Southern Water is the statutory wastewater undertaker for Cranbrook. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure	As explained at paragraphs 4.15, 4.17 and 4.19 above, cross

Page	Policy or paragraph	SW's comment	TWBC and SW position
	Hartley Road, Cranbrook	<p>and its ability to meet the forecast demand for this proposal. Our previous assessment of the site was only valid for 12 months due to our sewer network constantly evolving as new development connects upstream which will affect the available capacity downstream. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.</p> <p>Proposals for 204 dwellings at this site will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure charge to developers, and Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development. Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation.</p> <p>Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure, and</p>	<p>reference is to be made in the individual site allocation policy to Local Plan Development Management Policies EN1: Sustainable Design, EN24: Water Supply, Quality, and Conservation and EN27: Noise, which adequately deal with the issues raised; with additional wording to the supporting text to the policy to say:</p> <p><i>There is a pumping station within close proximity to the development site, which can raise amenity issues such as noise and vibration. It is typically recommended that residential uses are at least 15 metres from any pumping station and the schemes should be considered accordingly against the requirements of Policies EN1 and EN27 (paragraph 4.21 above).</i></p>

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>does not contribute to pollution of the environment, in line with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019).</p> <p>Our assessment has revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting.</p> <p>This site incorporates Southern Water's Turnden Cranbrook Pumping Station (WPS). In order to mitigate any noise and/or vibration generated by its essential operation, a 15 metre gap between the pumping station and any residential dwelling would be required.</p> <p>In consideration of the above, we recommend adding the following criterion to Policy AL/CRS 3</p> <p><i>Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.</i></p> <p><i>Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes.</i></p> <p><i>A 15 metre gap between the pumping station and any sensitive development (such as housing) should be taken into consideration in the site layout.</i></p>	
	Policy AL/LA 1 Land to the west of	Southern Water is the statutory wastewater undertaker for Lamberhurst. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure	As explained at paragraphs 4.15 and 4.17 above, cross reference is to be made in the

Page	Policy or paragraph	SW's comment	TWBC and SW position
	Spray Hill, Lamberhurst	<p>and its ability to meet the forecast demand for this proposal. Our previous assessment of the site was only valid for 12 months due to our sewer network constantly evolving as new development connects upstream which will affect the available capacity downstream. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.</p> <p>Proposals for 30 dwellings at this site will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure charge to developers, and Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development. Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation.</p> <p>Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure, and</p>	<p>individual site allocation policy to Local Plan Development Management Policy EN24: Water Supply, Quality, and Conservation, which adequately deals with the issues raised. In addition, paragraph 4.24 above sets out further text relating to the underground infrastructure which passes along the eastern boundary:</p> <p><i>'Southern Water's underground infrastructure follows the eastern boundary of the site and therefore the layout and design of the scheme should take account of this infrastructure.'</i></p>

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>does not contribute to pollution of the environment, in line with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019).</p> <p>Our assessment has also revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting.</p> <p>In addition, we note that this site is incorporates Lamberhurst Wastewater Treatment Works (WTW) which is owned and operated by Southern Water. Southern Water endeavours to operate its sewage and sludge treatment works efficiently and in accordance with best practice to prevent pollution. However, unpleasant odours inevitably arise as a result of the treatment processes that occur. New development must be adequately separated from WTWs to safeguard the amenity of future occupiers. This is in line with paragraph 180 of the National Planning Policy Framework (NPPF, 2018), which states that 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on living conditions' and Paragraph 182 which states Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed</p>	

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>on them as a result of development permitted after they were established.'</p> <p>In addition, paragraph 7.6.5 of the Kent Waste & Minerals Local Plan 2016 (p106) states that 'certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with waste management activities which are industrial in nature.' Policy DM 8 further stipulates ' Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.'</p> <p>Southern Water believes that development that is sensitive to odour should only be permitted if the distance to the works is sufficient to allow adequate odour dispersion. We would expect an assessment to be carried out that would demonstrate that there would not be a detrimental impact on amenity by reason of odour.</p> <p>In consideration of the above, we recommend the following criterion for Policy AL/BE 2 [TWBC: this modification was likely intended for Policy AL/LA 1 given the references to Lamberhurst]</p> <p><i>Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.</i></p>	

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p><i>Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes.</i></p> <p><i>The development layout must provide sufficient distance between Lamberhurst Wastewater Treatment Works and sensitive land uses, such as residential units, schools and recreational areas, to allow adequate odour dispersion, on the basis of an odour assessment to be undertaken in consultation with Southern Water.</i></p>	
	Section 6		
	Policy EN24 – Water Supply, quality and Conservation	Policy EN24 deals with ensuring that all development has adequate water supply and wastewater treatment facilities in place to serve all new development and measures to ensure water conservation throughout the plan period. Southern Water welcomes the inclusion of a policy aimed at supporting the delivery of the utilities infrastructure required to meet the needs of current and future residents and businesses within Tunbridge Wells Borough. They also consider that it is essential to ensure that development occurs in tandem with infrastructure delivery and they believe that Policy EN24 will support strategic infrastructure delivery where this is required.	Noted
	Policy EN26 – Sustainable Drainage	This policy has been developed to provide an overarching approach to development and drainage and the approach to Sustainable Urban Drainage Systems. Southern Water welcomes the inclusion of a policy aimed at supporting the delivery of sustainable drainage, the use of the sustainable urban drainage hierarchy and the statement 'it will not be acceptable for surface water runoff to enter the foul water	Noted

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>system' in Policy EN26, which will minimise the impact of new developments on the sewerage system and the environment.</p> <p>Southern Water also supports the use of sustainable urban drainage as part of the approach set out in Policy EN26 as it is in line with section 3 of the Governments Building Regulations 2010 for the drainage of surface waters. Southern Water will be adopting many of these systems in line with national guidance within the SuDs Manual (CIRIA), Guidance on the Construction of SuDs (Ciria) and Sewers for Adoption in England.</p>	
	<p>Policy EN27 - Noise</p>	<p>Southern Water welcomes the inclusion of a policy aimed at Noise. Southern Water endeavours to operate its sewage and sludge treatment works efficiently and in accordance with best practice to prevent pollution. However, noise inevitably arises as a result of the equipment used. New development must be adequately separated from WTWs and WPSs to safeguard the amenity of future occupiers. This is in line with paragraph 180 of the National Planning Policy Framework (NPPF, 2018), which states that 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on living conditions' and Paragraph 182 which states 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.</p> <p>Existing businesses and facilities should not have unreasonable restrictions placed</p>	<p>Noted</p>

Page	Policy or paragraph	SW's comment	TWBC and SW position
		<p>on them as a result of development permitted after they were established.'</p> <p>In addition, paragraph 7.6.5 of the Kent Waste & Minerals Local Plan 2016 (p106) states that 'certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with waste management activities which are industrial in nature.' Policy DM 8 further stipulates ' Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.' We believe Policy EN27 bullet 2 'For residential and other noise-sensitive development, users and occupiers will not be exposed to unacceptable noise disturbance from existing or planned uses' adequately covers any issues that may arise from placing sensitive development near to our existing equipment and treatment works.</p>	

Appendix I11: DtC engagement record for West Kent Partnership for Infrastructure and Transport

Other Bodies

TWBC Duty to Cooperate engagement record for West Kent Partnership for Infrastructure and Transport

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
07 January 2020	Hilary Smith – TWBC Beth Parsons – TWBC Claire Pamberi – Sevenoaks DC Bartholomew Wren - TMBC Wendy Wood – West Kent Partnership David Joyner – KCC Nola Cooper – KCC Mark Welch – KCC Alan Hewett – NHS Trust Various representatives from public transport operators including: Southeastern Network Rail Arriva	Information Sharing Meeting	Regular quarterly meetings to discuss: <ul style="list-style-type: none">- West Kent priority projects including funding opportunities- Highway schemes- Public transport operational issues/projects- Local Plan/Transport Strategy updates- Active Travel projects
03 July 2020	As above	Information Meeting	As above
29 September 2020	As above	Information Meeting	As above
07 January 2021	As above	Information Meeting	As above
25 March 2021	As above	Information Meeting	As above
17 June 2021	As above	Information Meeting	As above
23 September 2021	As above	Information Meeting	As above

Appendix J – Strategic Sites Working Group (SSWG)

Appendix J1: DtC Engagement record for the SSWG

TWBC Duty to Cooperate engagement record for the Strategic Sites Working Group

Meeting/correspondence log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
<p>2019:</p> <p>18 July -Initial Mtg 4 September 4 December</p> <p>2020:</p> <p>8 January 5 February 4 March No April meeting 20 May No June meeting 1 July 5 August 2 September 7 October 18 November 16 December</p> <p>2021:</p> <p>No January meeting 3 February 3 March 7 April 5 May</p>	<p>The distribution list for the SSWG is as follows. The meetings are well attended, and key sites are mostly represented at every meeting. A full attendance list can be made available for each meeting upon request.</p> <ol style="list-style-type: none"> 1. Barsleys Dept. Store 2. Barton Willmore (Agent representing Crest Nicholson) 3. Capel PC 4. Charterhouse 5. Countryside Properties 6. CBRE (representing Dandara) 7. Churchill Retirement 8. Dandara 9. Crest Nicholson 10. David Hickens Associates 11. Environment Agency 12. Gallagher 13. Highways England 14. Icefox Development Ltd 15. Judith Ashton Associates (representing Redrow and Persimmon) 16. KCC Education 	<p>The Strategic Sites Working Group (SSWG) is a forum that facilitates collaborative working in the delivery of the two strategic sites.</p> <p>Meetings are held monthly (in person and via Skype for Business and MS Teams from March 2020).</p> <p>It was established July 2019, following the finalisation of the Regulation 18 Draft Local Plan which set out the approach to growth around Paddock Wood and east Capel, and Tudeley Village.</p> <p>All site promoters were invited to participate, along with a representative from associated community groups (Capel Parish and Paddock Wood Town Councils), Borough ward members, relevant neighbourhood planning groups, adjoining local planning authorities to the site (Tonbridge</p>	<p>The monthly meetings provide a round table forum to update and discuss key items in progressing the strategic sites through the Local Plan and beyond.</p> <p>All members have agreed to work positively and proactively in moving the sites forward (albeit, notwithstanding an 'in principle' objection to the growth in Capel parish held by Capel Parish Council).</p> <p>Various issues are addressed including updates on the Local Plan, Masterplanning work, updates from the Hadlow Estate, matters regarding current major planning applications in Paddock Wood and standing updates from Southern Water.</p> <p>From August 2021 onwards, the SSWG meetings are to be held less frequently (every quarter) with smaller workshops/ technical/ communication meetings in the interim period.</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose /Outcomes
<p>7 July 3 November</p> <p>A number of smaller meetings have taken place between August to November 2021.</p>	<p>17. KCC Flooding 18. KCC Highways 19. KCC Planning 20. Kember Loudon Williams (representing land at Tudeley Brook Farm) 21. Lambert and Foster 22. Network Rail 23. Paddock Wood TC 24. Persimmon Homes 25. Redrow 26. Southern Water 27. Turnberry Consulting (representing The Hadlow Estate) 28. TWBC: Ward Members 29. Tesco 30. Upper Medway Internal Drainage Board 31. The Kent and Medway NHS Clinical Commissioning Group 32. Maidstone Borough Council 33. Tonbridge and Malling Borough Council 34. Volatire Financial</p>	<p>and Malling BC, and Maidstone BC) and other statutory consultees and infrastructure providers.</p>	