

**Planning, Infrastructure and  
Economic Development Policy  
Advisory Committee**

**28 March 2024**

**Consultation on Tunbridge Wells Borough Council's  
response to the Inspector's initial findings letter on the  
examination of their new Local Plan**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Planning, Infrastructure and Economic Development Policy Advisory Committee	28 March 2024
Cabinet Member for Planning, Infrastructure and Economic Development	2 April 2024

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Cabinet Member for Planning, Infrastructure and Economic Development
<b>Lead Head of Service</b>	Karen Britton (Head of Spatial Planning and Economic Development)
<b>Lead Officer and Report Author</b>	Helen Smith (Principal Planning Officer)
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

A public consultation on Tunbridge Wells Borough Council's response to the Inspector's initial findings letter on the Examination of their new Local Plan is underway. This report sets out the scope of the consultation and the key matters arising from the proposed changes that have the potential to impact upon Maidstone borough. Crucially, this includes a reduction in proposed levels of housing and employment development, in order to meet the identified needs of the borough for only the first ten years of the plan, with an expectation of immediate plan review upon

adoption. Maidstone Borough Council's proposed consultation response is set out in Appendix 1 of this report.

This report and associated appendix is to be considered by Planning, Infrastructure and Economic Development Policy Advisory Committee (PIED PAC) before being passed to the PIED Cabinet Member for agreement and submission to Tunbridge Wells Borough Council ahead of the 12<sup>th</sup> April 2024 consultation response deadline.

**Purpose of Report**

Recommendation to Cabinet Member.

**This report asks the Committee to consider the following recommendation to the PIED Cabinet Member:**

1. That the current consultation on Tunbridge Wells Borough Council's response to the Inspector's initial findings letter on the Examination of their new Local Plan is noted; and
2. That the draft response to the consultation (as appended to this report) is recommended to the Cabinet Member for Planning, Infrastructure and Economic Development for agreement and submission to Tunbridge Wells Borough Council ahead of the 12<sup>th</sup> April 2024 consultation response deadline.

# Consultation on Tunbridge Wells Borough Council's response to the Inspector's initial findings letter on the Examination of their new Local Plan

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will enable the Council to ensure that plans in a neighbouring authority do not materially harm its ability to achieve each of the corporate priorities.</p>	Karen Britton (Head of Spatial Planning and Economic Development)
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendations support the achievements of the four cross-cutting objectives by ensuring that plans from a neighbouring authority do not materially harm the council's ability to achieve these objectives.</p>	Karen Britton (Head of Spatial Planning and Economic Development)
<b>Risk Management</b>	Covered in the 'risk' section of this report.	Karen Britton (Head of Spatial Planning and Economic Development)

<b>Financial</b>	Any cost of participating in the consultation will be accommodated within existing budgets. The report notes the wider strategic implications of a neighbouring authority's plans.	Section 151 Officer & Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Karen Britton (Head of Spatial Planning and Economic Development)
<b>Legal</b>	Accepting the recommendations will help fulfil the Council's duties under Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations (2012) as amended and comply with its duty to co-operate under the National planning Policy Framework.	Russell Fitzpatrick (MKLS – Planning)
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Information Governance Officer
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	There are no significant implications to Crime and Disorder.	Karen Britton (Head of Spatial Planning and Economic Development)
<b>Procurement</b>	The recommendation has no identified impact on procurement.	Karen Britton (Head of Spatial Planning and Economic Development)
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and there are no significant implications on biodiversity and climate change.	Karen Britton (Head of Spatial Planning and Economic Development)

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 Tunbridge Wells Borough Council (TWBC) are in the latter stages of preparing a new Local Plan to guide sustainable development and growth in the borough over the plan period 2020-2038.
- 2.2 Public consultations took place on Issues and Options for the new Local Plan in 2017, on a draft Local Plan in autumn 2019, and on the pre-submission plan (Regulation 19) in summer 2021. Maidstone Borough Council (MBC) responded to all three consultations. At the Regulation 19 consultation, the scope of MBC's response was limited to matters of legal compliance, soundness and compliance with the 'duty-to-cooperate'. The response was agreed by Strategic Planning and Infrastructure committee on 8<sup>th</sup> June 2021 and raised no objections to the plan on these grounds.
- 2.3 The pre-submission (Regulation 19) version of the TWBC Local Plan made provisions for the identified housing and employment needs to be met within Tunbridge Wells borough over the plan period. The Plan was submitted on this basis to the Secretary of State for independent examination on 1 November 2021. Hearing sessions took place between March and July 2022 and the Inspector issued his Initial Findings Letter in November 2022. In this letter, the Inspector raised three main issues to be addressed:
- consistency of the assessment of sites in the Green Belt;
  - a range of issues relating to the proposed new settlement at Tudeley Village (namely location and accessibility; provision of necessary infrastructure; and deliverability of the site in the manner envisaged); and
  - concerns around flood risk relating to proposed strategic housing and employment growth at Paddock Wood and land at east Capel (PWeC).
- 2.4 As a result of these initial findings, TWBC are now proposing a number of revisions to the submission Local Plan. These changes are summarised as follows:
- Removal of the strategic policy STR/SS 3: The Strategy for Tudeley Village from the Local Plan.
  - Revision of the strategic policy STR/SS 1: The Strategy for Paddock Wood and land at east Capel, including a reduction in the amount of residential housing growth by approximately 1,000 dwellings, with all housing being within Flood Zone 1 and employment land within Flood Zone 2, along with a reduction of employment provision, and reconfigured sport and recreation provision and secondary school education provision.
  - A revision to Hawkhurst site allocation policy number AL/HA 5: Land to the north of Birchfield Grove, to include housing, and land

safeguarded for primary school expansion (in accordance with application reference 22/02664/HYBRID).

- Also at Hawkhurst, the removal of site allocation policy number AL/HA 8: Limes Grove (March's Field) from the Local Plan. This site was proposed for employment use in the TWBC Submission Local Plan.
- Progression of a 10 year housing land supply position including the requirement for an immediate review of the plan.

2.5 A public consultation is now underway on the proposed changes as outlined above. It is part of the Examination process and is being held at the request of the Inspector. The consultation began on 15<sup>th</sup> January 2024 and runs until midnight on 12<sup>th</sup> April 2024. All information pertaining to the consultation is available to view online:

<https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/consultation-on-councils-response-to-inspectors-initial-findings>

2.6 In terms of providing a consultation response, representations are limited in scope to those changes to the submission plan as proposed by TWBC, and whether those changes meet the National Planning Policy Framework tests of soundness and legal compliance only. Namely, whether the revised plan is:

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

### **Implication of proposed changes on Maidstone Borough**

2.7 Of the proposed changes to the submission plan, the two with the potential to impact Maidstone borough are the removal of Tudeley Village and the reduction in proposed development at Paddock Wood/land east of Capel (PWeC). Both of these proposals contribute to a reduced housing and employment land supply of just 10 years, with the suggestion of a requirement for an immediate review of the plan as a result.

- 2.8 The removal of Tudeley Village in its entirety and the reduction in housing and employment development at PWeC equates to the delivery of approximately 3,100 fewer new homes over the plan period to 2038. It would also result in a reduction in net developable employment land at PWeC from 11.2 hectares to 8.4 hectares – sufficient only to ‘meet likely needs over the first ten years post-adoption’ (para 4.33 of the TWBC Topic Paper – Addendum, January 2024 [https://forms.tunbridgewells.gov.uk/\\_data/assets/pdf\\_file/0020/455132/P\\_S\\_054-Development-Strategy-Topic-Paper-Addendum.pdf](https://forms.tunbridgewells.gov.uk/_data/assets/pdf_file/0020/455132/P_S_054-Development-Strategy-Topic-Paper-Addendum.pdf)).
- 2.9 For Maidstone, there is a potential risk that the proposed reduction in development in Tunbridge Wells borough may place additional pressure on TWBC to ask adjoining authorities such as Maidstone borough to accommodate some or all of the unmet housing and employment land needs over the plan period. MBC, through the preparation of its own Local Plan Review, have already sought to accommodate Maidstone borough’s identified housing and employment needs within the borough boundary and are not at a stage in plan-making to be able to consider accommodating any additional unmet housing or employment needs from neighbouring authorities.
- 2.10 Conversely, although of minor benefit compared to the risk, the reduced level of growth planned for PWeC may lessen any potential pressure on services and facilities located to the south of Maidstone Borough as fewer people are expected to reside or work in the locality.

### **Matters of Soundness and Legal Compliance**

- 2.11 In his November 2022 letter, the Inspector presents the removal of Tudeley Village as one of three potential options and suggests that this approach ‘may negate the need for significant further work and potentially avoid lengthy delays to the examination process’. The reasons for the removal of Tudeley Village from the submission plan are therefore understood by MBC. Similarly, the reduced development capacity at PWeC due to flood risk is also understood, based on the content of the Inspector’s letter. It is commendable that TWBC are seeking to progress the plan in order to ensure the certainty of a plan-led system and the wider benefits that this brings.
- 2.12 However, the Inspector goes on to state that ‘the Council will therefore need to give further consideration to how best the Plan can still meet housing needs, having particular regard to the requirements in paragraph 68 of the [National Planning Policy] Framework’<sup>1</sup>. There is concern that the proposals put forward by TWBC to meet development needs over the next ten years only are not positively prepared as the plan would no longer, as a minimum, seek to meet the identified needs over the plan period. On this basis, MBC officers do not consider the TWBC Local Plan to be ‘sound’. This position is reflected in the proposed consultation response at Appendix 1 of this report.

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<sup>1</sup> Now paragraph 67: "Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period."

- 2.13 In order to be found 'sound', the Tunbridge Wells Local Plan needs to be positively prepared in that it must set out how it plans to meet identified needs in full over the plan period. It is the opinion of MBC officers that the development expected in the final third of the TWBC local plan period should not be left to a subsequent – albeit immediate – review of the plan. The risks associated with this approach, e.g. potential timetable slippages or change in political direction may delay review progress and place additional development pressures on neighbouring authorities where they should have been addressed fully as part of this Local Plan.
- 2.14 That being said, if the Inspector considers TWBC's approach to be sound in his final report – be that subject to any caveats of immediate plan review or otherwise; MBC would not seek to dispute this conclusion.
- 2.15 MBC raises no concerns or objections on the grounds of legal compliance.
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### 3. AVAILABLE OPTIONS

- 3.1 **Option 1:** That this Policy Advisory Committee recommends the draft response (at Appendix 1 of this report) be agreed by the Cabinet Member for Planning, Infrastructure and Economic Development, and submitted to Tunbridge Wells Borough Council ahead of the 12<sup>th</sup> April 2024 consultation deadline.
- 3.2 This option ensures that Maidstone Borough Council have taken the opportunity to raise concerns relating to the plan's soundness based on the proposed changes to the TWBC local plan; and that these concerns are duly considered by the Inspector when examining the plan and drafting his final report. It also set out that Maidstone borough is not currently in a position to accommodate any unmet development needs from Tunbridge Wells due to the stage of plan-making we have reached. This option is recommended.
- 3.3 **Option 2:** That this Policy Advisory Committee recommends amendments to the draft response (at Appendix 1 of this report) to be agreed by the Cabinet Member for Planning, Infrastructure and Economic Development, and submitted to Tunbridge Wells Borough Council ahead of the 12<sup>th</sup> April 2024 consultation deadline.
- 3.4 If Members are minded to make amendments to the proposed response at Appendix 1 – relating to matters of soundness and/or legal compliance only – then this option would be suitable, as per recommended option 1.
- 3.5 **Option 3:** That this Policy Advisory Committee recommends not submitting a response to the Tunbridge Wells Borough Council current public consultation on proposed amendment to their draft local plan.
- 3.6 This option could be viewed by TWBC and the Inspector that the proposal to meet development needs only over the first ten years of the plan period is fundamentally acceptable to MBC. As explained in this report, this has potential implications for Maidstone borough should TWBC formally request

help from neighbouring authorities to accommodate some or all of the identified unmet needs in the future. This would also run countenance to the spirit of the duty to co-operate. This option is not recommended.

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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 is preferred, whereby this Policy Advisory Committee recommends the draft response (at Appendix 1 of this report) be agreed by the Cabinet Member for Planning, Infrastructure and Economic Development, and submitted to Tunbridge Wells Borough Council ahead of the 12<sup>th</sup> April 2024 consultation deadline.
- 4.2 This ensures that the Maidstone Borough Council have taken the opportunity to raise concerns relating to the plan's soundness based on the proposed changes to the TWBC local plan; and that these concerns are duly considered by the Inspector when examining the plan and drafting his final report. It also reiterates Maidstone borough's current position of being unable to accommodate any unmet needs from TWBC as a result of their revised plan and reduced development capacity.
- 4.3 If Members are minded to make amendments to the proposed response at Appendix 1 – relating to matters of soundness and/or legal compliance only – then Option 2 would also be appropriate.
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#### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 As set out in section 2 of this report, public consultations on the TWBC local plan took place in 2017 (issues and options), in autumn 2019 (draft plan), and on the pre-submission plan (Regulation 19) in summer 2021. MBC responded to all three consultations. At the Regulation 19 consultation, the scope of MBC's response was limited to matters of legal compliance, soundness and compliance with the 'duty-to-cooperate'. The response was agreed by Strategic Planning and Infrastructure (SPI) committee on 8<sup>th</sup> June 2021 and raised no objections to the plan on these grounds.
- 6.2 For ease of reference, a link to the June 2021 SPI report and appended consultation response is provided in section 9 of this report.
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## 7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If Members opt to recommend the draft response to the Cabinet Member for Planning, Infrastructure and Economic Development (with or without amendments), it is expected that the Cabinet Member will agree the consultation response and ensure it is submitted to Tunbridge Wells Borough Council ahead of the consultation deadline of midnight, 12<sup>th</sup> April 2024.
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## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- **Appendix 1:** Draft response to the public consultation on Tunbridge Wells Borough Council's response to the Inspector's initial findings letter on the Examination of the new Local Plan.
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## 9. BACKGROUND PAPERS

- Strategic Planning and Infrastructure Committee report 8<sup>th</sup> June 2021: Consultation on the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Plan  
[https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq\\_content\\_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGJbWVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRnM3NzMXNSUyRkNvbnN1bHRhdGlvbiUyMG9uJTIwdGhJTlIwVHVuYnJpZGdlJTlIwV2VsbHMIMjBCb3JvdWdoJTlIwQ291bmNpbCUyMFBYzS1TdWJtaXNzaW9uJTlIwUmVndWxhdGlvbiUyMDE5JTlIwUGxhbi5wZGYmYWxsPTE%3D](https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGJbWVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRnM3NzMXNSUyRkNvbnN1bHRhdGlvbiUyMG9uJTIwdGhJTlIwVHVuYnJpZGdlJTlIwV2VsbHMIMjBCb3JvdWdoJTlIwQ291bmNpbCUyMFBYzS1TdWJtaXNzaW9uJTlIwUmVndWxhdGlvbiUyMDE5JTlIwUGxhbi5wZGYmYWxsPTE%3D)
- Strategic Planning and Infrastructure Committee report 8<sup>th</sup> June 2021: Consultation on the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Plan. Appendix 1:  
[https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq\\_content\\_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGJbWVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRnM3NzMXNiUyRkFwcGVuZGI4JTlIwQSUyMERyYWZ0JTlIwcmVzcG9uc2UIMjB0byUyMHRoZSUyMFRXQkMIMjBSZWcuMTkIMjBsb2NhbCUyMHBsYW4IMjBjb25zdWx0YXRpb24ucGRmJmFsbD0x](https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGJbWVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRnM3NzMXNiUyRkFwcGVuZGI4JTlIwQSUyMERyYWZ0JTlIwcmVzcG9uc2UIMjB0byUyMHRoZSUyMFRXQkMIMjBSZWcuMTkIMjBsb2NhbCUyMHBsYW4IMjBjb25zdWx0YXRpb24ucGRmJmFsbD0x)
- Inspector's Initial Findings Letter on the submitted Tunbridge Wells Local Plan (November 2022):  
[https://forms.tunbridgewells.gov.uk/data/assets/pdf\\_file/0007/434392/ID-012-Inspectors-Initial-Findings.pdf](https://forms.tunbridgewells.gov.uk/data/assets/pdf_file/0007/434392/ID-012-Inspectors-Initial-Findings.pdf)