

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

in respect of the
Tunbridge Wells Borough Local Plan 2020-38

And
Review of the Kent Minerals and Waste Local Plan 2024-39

[September 2024 -Version 3]



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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 2020 – 2038 and the Review of the Kent Minerals and Waste Local Plan 2024-39.
- 1.2 It takes account of the progress made on the production of the Local Plans including the Submission (Regulation 22) stage and the ongoing Independent Examination (Regulation 24) of the Tunbridge Wells Local Plan. Specifically, it reflects the comments and representations submitted by KCC on the emerging Tunbridge Wells Borough Local Plan at each stage of plan-making, as well as the Borough Council's responses to KCC's representations, and the Borough Council's responses to the Inspector's Initial Findings. As such, this SoCG provides an agreed position with respect to relevant strategic matters within the scope of the emerging Tunbridge Wells Borough Local Plan as of August 2024. This SoCG is termed Version 3, to reflect the fact that it has been updated from the existing SoCG February 2022 to take into account further discussions between Tunbridge Wells Borough Council and Kent County Council, particularly in regard to minerals (land-won) and waste infrastructure safeguarding.
- 1.3 This updated SoCG does not relate to any other relevant matters or areas of interest TWBC shares with KCC such as social and community services and Public Rights of Way which are included in the existing SoCG of February 2022. There is also an existing separate SoCG relating to highway matters and also an updated SoCG relating to education signed in September 2024. TWBC and KCC are in the process of finalising a Position Statement relating to Highways, which it is anticipated will be completed in September 2024.
- 1.4 It is appreciated that liaison in relation to the matters included in this SoCG is ongoing and will be subject to review as a consequence of any material changes resulting from the Independent Examination process of both plans. 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 of the Local Plans.

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).

TWBC DtC Statement

- 2.2 Details of the engagement between the parties is set out in TWBC's [TWBC's Duty to Cooperate Statement](#). Pages 59,60,80 and 81 are of particular relevance. The original SoCG between TWBC and KCC for a range of infrastructure provision was included in [TWBC's Duty to Cooperate Statement](#) (the SoCG itself being attached from page 224 onwards at [Appendices H to J - Prescribed and Other DtC Bodies](#)) and was submitted alongside the Tunbridge Wells Local Plan for examination.

KCC DtC Report

- 2.3 The most recent KMWLP consultation (Regulation 19 consultation above) included a Duty to Cooperate Report ([Duty to Cooperate Report - KMWLP 2024-39 - May 2024 \(kent.gov.uk\)](#)). This report includes tables summarising all the TWBC responses to previous KMWLP consultations and the KCC response/outcome:
- Table 3: Consultation with Kent District and Borough Councils Regulation 18 Public Consultation - December 2021 to January 2022. The TWBC responses are set out on pages 23 to 27.
 - Table 4: Consultation with Kent District and Borough Councils - Regulation 18 Public Consultation - October 2022 to December 2022. The TWBC responses are set out pages 34 to 38.
 - Table 5: Consultation with Kent District and Borough Councils - Further Proposed Changes - Regulation 18 Public Consultation - June 2023 to July 2023. The TWBC responses are set out pages 40 to 41.

- 2.4 The DtC report also refers to Statements of Common Ground (SoCG) (page 42). It mentions that KCC has engaged with the Borough and District Councils on their emerging Local Plans and commented on planning applications that affect minerals and waste interests in particular, ensuring that the minerals and waste management safeguarding implications are considered for any potential development and seeking to ensure that the KMWLP is not undermined. Table 6 summarises the position in relation to Statements of Common Ground with Kent District and Borough Councils. In the case of TWBC there is an already an agreed SoCG with KCC for all infrastructure provision (referred to above) which was prepared for the Tunbridge Wells Local Plan Examination (see [TWBC's Duty to Cooperate Statement](#) (the SoCG itself being attached from page 224 onwards at [Appendices H to J - Prescribed and Other DtC Bodies](#)). The subject SoCG provides an update to this in relation to Minerals and Waste matters.
- 2.5 Paragraph 1.32 of the Tunbridge Wells Local Plan refers to the extensive liaison between Tunbridge Wells Borough Council and KCC in the preparation of its 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.

3.0 Relevant Local Plan/Policy context

National Policy context

- 3.1 Paragraph 20 of the [National Planning Policy Framework \(2023\)](#) 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;
- b) 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)**;*

Tunbridge Wells Local Plan

- 3.2 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.
- 3.3 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 Regulation 19 '[Pre-Submission Local Plan](#)' was published and consulted upon over a 10-week period from 26 March to 4 June 2021. KCC submitted representations in response to each of these consultations. KCC's comments in response to the TW Local Plan Regulation 19 Pre-Submission Local Plan and TWBC's response to them in relation to minerals and waste matters are included in the existing TWBC and KCC SoCG of February 2022.
- 3.4 The new Tunbridge Wells emerging Local Plan is now at an advanced stage of preparation and remains subject to Examination. The [Submission Local Plan](#) (Regulation 19) was submitted to the Secretary of State for independent Examination on 1 November 2021. Following the Local Plan examination hearing sessions (March to July 2022), the Inspector wrote to the Borough Council setting out his [Initial Findings](#) in November 2022. In response to the Inspector's initial findings, TWBC is proposing that the examination of the Local Plan be progressed with revisions to the Development Strategy to the Tunbridge Wells Submission Local Plan (SLP). The revised strategy includes the following changes:
- Proposed 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 on Flood Zone 1 and employment land on Flood Zone 2, along with a reduction of employment provision, and reconfigured sport and recreation provision and secondary school

education provision (as set out at Appendix D of the [Development Strategy Topic Paper Addendum](#), document reference PS_054).

- At Hawkhurst it is proposed to revise 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 a planning committee resolution on application reference 22/02664/HYBRID).
- Also at Hawkhurst, the Council proposes 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 Submission Local Plan.
- Progression of a 10 year housing land supply position including the requirement for an immediate review of the plan.

3.5 The revised development strategy was recently subject to a public consultation (ending 12 April 2024). This was followed by Stage 3 examination hearing sessions in June and July 2024. At the request of the Inspector, the Council is consulting on a number of additional evidence base documents (consultation running from the 16 September until the 23 October 2024), which have informed the Council's response to the Inspector's initial findings, and including a new, updated Gypsy and Travellers Accommodation Need Assessment. A further hearing session will then be held, followed by public consultation on proposed Main Modifications to the Local Plan. This could result in the need for further review and modification in due course.

3.6 KCC has made representations in response to the latest public consultation on TWBC's revised development strategy. This change had the effect of removing any significant impact on land-won mineral safeguarding matters in the Tudeley and Paddock Wood area. The earlier strategy affected the deposits of Sub Alluvial River Terrace that had been threatened with sterilisation. The deletion of one allocation (Tudeley Village) and the reduction in size of another (at Paddock Wood) effectively addresses this threat of sterilisation to the satisfaction of the County Council as the Mineral Planning Authority for the area.

Kent Minerals and Waste Local Plan

- 3.7 KCC is in the process of a formal review of the adopted Kent Minerals and Waste Local Plan (KMWLP) 2013-2030 (as partially reviewed in 2020). The singular main element of this review is the Plan's period to 2039 (an additional 15 years). This required the Plan's mineral supply and waste management capacities policies to be revised to ensure that the Plan will be justified and effective in all regards to 2039. The KMWLP Review document was submitted to the Secretary of State for Examination in May 2024. The Independent Examination of the Submission document is to occur in September 2024. It is not anticipated that this will have any significant impact on how TWBC will continue to progress their TWBC Local Plan through towards the end of the ongoing independent examination.
- 3.8 The following list is a summary of the timeline for the preparation of the Kent Minerals and Waste Local Plan (KMWLP). At each stage representations on behalf of TWBC were submitted:
- The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was originally adopted in July 2016.
 - This was then subject to an Early Partial Review that resulted in changes to a small number of policies which were adopted in September 2020.
 - First public consultation (Regulation 18): KCC commenced a 5 year review of the KMWLP in 2021 and draft changes to it were initially subject to consultation December 2021 to February 2022.
 - Second public consultation (Regulation 18): Further to the comments received, a revised draft plan was prepared and consulted on from October to December 2022.
 - Third public consultation (Regulation 18): Additional further changes were then made to the draft plan which were consulted on in May 2023.
 - Further public consultation (Regulation 19): Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024 – 2039 was recently consulted on from 17 January until 29 February 2024. TWBC's response to this latest consultation is attached at **Appendix 2** of this Statement of Common Ground. Several recommendations are made in relation to 'fine tuning' on matters of soundness,

which have been considered and amendments made to the KMWLP where considered appropriate by KCC prior to submission of the KMWLP in May 2024 for examination.

4.0 Local Plan issues affecting Minerals and Waste provision

- 4.1 TWBC has liaised with KCC throughout the preparation of both the emerging Tunbridge Wells Local Plan, the partial early review of the KMWLP adopted in 2020 and the current review of the KMWLP 2024-39. This has taken place through an iterative process, informally through the preparation stages via ongoing liaison and discussions between the parties and at the more formal public consultation stages.
- 4.2 The existing SoCG February 2022 shows that consensual agreement was reached between both parties in relation to the adequate provision for minerals and waste safeguarding and infrastructure in the emerging Tunbridge Wells Local Plan in relation to strategic, site allocation and development management policies.
- 4.3 The main issue for consideration between both parties since the completion of the existing February 2022 SoCG, is the proposed revised development strategy for Tunbridge Wells, including the deletion of the proposed Tudeley Village site allocation (2,800 dwellings and other facilities) and a reduction in housing numbers for Paddock Wood by 1,000 dwellings; as well as any implications arising from the further review of the KMWLP 2024-39. As the proposed allocations initially incurred the potential sterilisation of Sub Alluvial River Terrace deposits that were unassessed as to their viability and any justified exemption from the presumption to safeguard. The subsequent deletion of the Tudeley Village allocation and reduction in size of the Paddock Wood allocation removed this concern of the County Council as Mineral Planning Authority.

Minerals Safeguarding

- 4.4 Minerals Safeguarding Areas (MSAs) cover areas of known mineral resources that are, or may in future be, of sufficient value to warrant protection for future generations. MSAs ensure that such resources are adequately and effectively considered in land-use planning decisions so that they are not needlessly sterilised. The Parties are agreed on the boundaries of the adopted MSAs for Tunbridge Wells borough, as set out in the Policies Maps in chapter 9 of the Regulation 19 Pre-Submission Kent MWLP (Early Partial Review 2020) at page 186.
- 4.5 It is agreed by both parties that the reduction in development as a result of the revised development strategy in the Tunbridge Wells Local Plan would have less impact on the MSAs. The main economic mineral deposit that were potentially threatened with sterilisation were the Upper Medway Sub-Alluvial River Terrace Deposits in the vicinity of the Tudeley and Paddock Wood settlements. Extraction has occurred in the past in this general area, though not recently. There is a permitted site (Stonecastle Farm Quarry, Whetsted) that is considered to be a site that could commence operations again if market conditions made this commercially attractive. The Review of the Kent Mineral Local Plan 2024-39 does not propose any changes to either the safeguarded status of this facility or the identified economically important mineral deposits in this area of the Tunbridge Wells borough.

Waste Management

- 4.6 Amendments were made to the Regulation 19 Pre-Submission Tunbridge Wells Local Plan at Policy STR5: Infrastructure and Connectivity to highlight to recognise the need for a new or extended Waste Transfer Station (WTS) at North Farm for the borough, within the Local Plan period to accommodate future growth.
- 4.7 However, as the proposed development strategy for Tunbridge Wells has now been revised and would reduce the overall required waste capacity it is questionable whether such a new or extended waste facility is still required. The parties agree that as TWBC will be undertaking an immediate review of their Local Plan post adoption

that the need for and location of the WTS could be considered further as part of this review with the potential to look at possible sites and/or expansion of the existing WTS. KCC agrees that this matter is a fundamental part of attaining a sustainable pattern of waste management capacity in the Tunbridge Wells borough, and that the immediate review of the TWBC Local Plan will afford the necessary opportunity to assess if expansion of the existing site or further WTS are necessary. This will be in conjunction with the County Council's Waste Management Authority as part of their responsibilities under the Joint Municipal Waste Management Strategy that is overseen by the Kent Resource Partnership Members Board, TWBC being a member of this board.

Mapping

- 4.8 A mapping layer has been added to the TWBC Geographical Information System (GIS) to show the KCC minerals and waste safeguarded areas, so that when a pre-application proposal or planning application comes forward, including any relating to the proposed site allocations in the emerging TWBC Local Plan, these areas will be flagged up and KCC consulted on any requirements relating to safeguarding. As set out above, the Parties are also agreed on the boundaries of the adopted MSAs for Tunbridge Wells borough, as set out in the Policies Maps in chapter 9 of the Regulation 19 Pre-Submission Kent MWLP (Early Partial Review 2020) at page 186.

Neighbourhood Development Plans




- 4.9 Neighbourhood development plans (NDPs) are development plan documents produced for a local area by the relevant town/parish council or constituted neighbourhood forum, to guide future development in that area, the 'Designed Area'. For those in Tunbridge Wells borough, such plans need to be in general conformity with the strategic policies set out in the Tunbridge Wells Borough Local Plan. When approved (referred to as 'made'), NDPs become part of the statutory development plan, and their policies carry full weight in the determination of planning applications in that area. Since the completion of the SoCG February 2022, there have been a number of 'made' NDPs in Tunbridge Wells borough, nine in total (and three others are currently in production). The parties agree that where relevant, they will have regard to the policies in these NDPs in dealing with minerals and waste related matters/proposals.

5.0 Future working

- 5.1 TWBC and KCC will continue to engage in relation to not only the progress of their Local Plans, but also in relation to work regarding the provision of sufficient and timely services and infrastructure across Tunbridge Wells borough, including minerals and waste provision.
- 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 transport, education, flood risk, waste etc.
- 5.3 TWBC and KCC officers also regularly attend the Kent Planning Policy Forum as well as the Kent Chief Planners group.

6.0 Signatories

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

Tunbridge Wells Borough Council	Kent County Council
	Simon Jones Date: 19.09.24
Ben Chapelard Date : 19.09.24	
	Corporate Director
William Benson Date: 19.09.24	Growth Environment and Transport Kent County Council

Appendix 1: Tunbridge Wells Borough Council's (TWBC's) response to the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024 – 2039 (consulted on from 17 January until 29 February 2024)

KCC MWLP Policy	Previous TWBC Comments to Regulation 18 consultations	KCC Response to TWBC comments included in the KCC Consultation Statement	TWBC Comments to be submitted to KMWLP Regulation 19 Consultation
<p>Policy CSM 9: Building Stone in Kent</p>	<p>It is considered that criterion 3 in respect of site restoration is important and should be retained not deleted, in line with Policy DM19</p>	<p>No change proposed. For certain heritage restoration projects, it can be the case that they have very specific requirements in terms of what material is acceptable in order to maintain the integrity of heritage assets.</p>	<p>The explanation provided by KCC in response to the previous TWBC representations is unclear. TWBC still disagrees that this does not provide adequate justification for the deletion of Criterion (3)</p> <p>This is especially important for TWBC as 70% of the borough is within the designated High Weald National Landscape.</p> <p>TWBC therefore considers that it is likely this policy will have negative implications on the test of soundness for the KMWLP</p>

KCC MWLP Policy	Previous TWBC Comments to Regulation 18 consultations	KCC Response to TWBC comments included in the KCC Consultation Statement	TWBC Comments to be submitted to KMWLP Regulation 19 Consultation
Policy DM 16: Information Required in Support of an Application	<p>TWBC queries whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan. By way of assistance, at the recent hearings held for the examination of the Tunbridge Wells Local Plan, it was clearly explained by the Planning Inspector that the purpose of a development management policy is not to list information which should be submitted with an application. This would normally be sufficiently dealt with under the application validation process.</p>	<p>Noted - The Policy is considered justified on the basis that it provides advice for the required level of information to be submitted for mineral and waste development and will be assessed against the policies of the Plan.</p>	<p>TWBC's previous comments remain and this approach (with reference to the TWBC Local Plan) was supported by verbal comments from the TWBC Planning Inspector at the recent Examination in Public hearings on the TWBC Submission Local Plan. TWBC therefore considers that it is likely this policy will have negative implications on the test of soundness for the KMWLP.</p> <p>TWBC would advise that KCC adopt a local validation list which would set out the circumstances where additional information will be required.</p>
Policy DM 19: Restoration, Aftercare and After-use	<p>TWBC consider that restoration should be for a 30-year period (not 5 years as stated in the policy) in line with the forthcoming Environment Bill. It is suggested that the 30 years should be</p>	<p>No policy change required. Individual circumstances will indicate what length of restoration and aftercare management and monitoring will be required.</p>	<p>It is noted that no changes are proposed to the aftercare period which is stated to be a minimum of 5 years and that KCC is satisfied that not imposing a 30 year blanket requirement will allow</p>

KCC MWLP Policy	Previous TWBC Comments to Regulation 18 consultations	KCC Response to TWBC comments included in the KCC Consultation Statement	TWBC Comments to be submitted to KMWLP Regulation 19 Consultation
	<p>secured through a Landscape and Ecological Management Plan (LEMP) and should be phased in conjunction with the extraction plan.</p>	<p>A blanket 30-year requirement would not be applicable in every circumstance as the policy wording currently allows for</p>	<p>some flexibility on a case by case basis.</p> <p>However, TWBC still notes that PPG advice in relation to the new BNG legislative requirements states that <i>'The maintenance of a significant onsite habitat enhancement must be secured by either a planning condition, planning obligation or conservation covenant for at least 30 years after the completion of the development'</i> , which could be applicable in a significant number of restoration cases.</p> <p>It is considered this should be reflected in the policy wording/ supporting text. There could also be a stated range – minimum of 5 years and up to a minimum of 30 years where a significant onsite</p>

KCC MWLP Policy	Previous TWBC Comments to Regulation 18 consultations	KCC Response to TWBC comments included in the KCC Consultation Statement	TWBC Comments to be submitted to KMWLP Regulation 19 Consultation
			habitat enhancement is to be secured, rather than needing to be a blanket requirement.
Policy DM 22: Enforcement	TWBC would query whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan.	<p>Consultation Statement: No Policy change proposed.</p> <p>The County Council considers enforcement to be a critical element in minerals and waste planning, particularly given the scope for environmental damage that unauthorised waste and mineral development can result in. Therefore, having the weight of policy to undertake any required enforcement action strengthens the authority's ability to safeguard the environment.</p>	<p>TWBC's previous comments remain.</p> <p>TWBC considers that this policy could have negative implications on the test of soundness for the KMWLP.</p>

KCC MWLP Policy	Previous TWBC Comments to Regulation 18 consultations	KCC Response to TWBC comments included in the KCC Consultation Statement	TWBC Comments to be submitted to KMWLP Regulation 19 Consultation
<p>Duty to Cooperate Report (part of current KMWLP Reg 19 consultation)</p>	<p>n/a</p>	<p>n/a</p>	<p>TWBC notes that the Duty to Cooperate report refers to Statements of Common Ground (SoCG) at page 42 and that that KCC has engaged with the Borough and District Councils on their emerging Local Plans and commented on planning applications that affect minerals and waste interests. Table 6 summarises the position in relation to SoCGs with Kent District and Borough Councils.</p> <p>In the case of TWBC there is an already an agreed SoCG which was prepared for the Tunbridge Wells Local Plan Examination. TWBC had already suggested (prior to the KMWLP Regulation 19 consultation) that it would be helpful to review this SoCG given the development strategy for the emerging TWBC Local Plan has recently been revised and is subject to public consultation.</p>

KCC MWLP Policy	Previous TWBC Comments to Regulation 18 consultations	KCC Response to TWBC comments included in the KCC Consultation Statement	TWBC Comments to be submitted to KMWLP Regulation 19 Consultation
			<p>TWBC notes and welcomes that KCC confirm in the report that the SoCG will be reviewed prior to the submission of the KMWLP to the Planning Inspectorate for examination; and will accordingly work with KCC on this matter going forward.</p>