

17 December 2019 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 17.12.2019



Development & Conservation Advisory Committee

Supplementary Agenda (1) website only

	Pages	Contact
8. Local Plan Update - Additional Appendix I - Duty to Co-operate Appendices	(Pages 1 - 130)	James Gleave Tel: 01732227326

Also published and accessible here -

<https://www.sevenoaks.gov.uk/downloads/file/2848/ed42c-appendix-3-duty-to-co-operate-appendices-4-december-2019>

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

This page is intentionally left blank

Duty to Co-operate Appendices

(in relation to letter ED42 and schedule ED42A submitted 18 November 2019)

4th December 2019

Contents

		Page No
1	Key Documents relating to the Peer Review Process:	
	a. Note prepared by IPE (Laura Graham), 4 December 2018	7
	b. PINS Advisory Visit Meeting Note, Jonathan Bore, 6 February 2019	17
	c. MHCLG correspondence, meeting 6 March 2019 (finalised minute not received)	25
	d. PAS Advice and workshop, 24 th April 2019	33
2	Documents related to discussion on unmet need with PAS, TMBC and TWBC:	
	a. PAS SoCG Pilot Facilitators Note, 10 April 2018 (see para. 6.3) Emails from Tonbridge and Malling Borough Council (TMBC) and Tunbridge Wells Borough Council (TWBC) regarding unmet need	41
	b. TMBC, 6 April 2018	51
	c. TWBC, 24 April 2019	55
3	Post examination correspondence and statements received from neighbouring authorities	
	List of letters/statements from neighbours	
	a. Tonbridge and Malling Borough Council, 27 November 2019	59
	b. Tunbridge Wells Borough Council, 21 November 2019	63
	c. Wealden District Council, 14 November 2019	67
	d. London Borough Bexley, 14 November 2019	69
	e. Dartford Council, 14 November 2019	71
	f. Kent County Council, 14 November 2019	73
	g. Gravesham Borough Council, 14 November 2019	75
4	Post examination correspondence received from participants:	
	a. Badgers Mount Parish Council, 8 November 2018	79
	b. Tarmac (David Lock Associates), 11 November 2018	81
	c. Berkeley Homes, 14 November 2019	83
	d. Sevenoaks Town Council, 25 November 2019	87
	e. Fawkham Parish Council, 25 November 2019	89
	f. Gladman Developments Ltd, 27 November 2019	93
5	Additional evidence of engagement and research	
	a. Issues and Options Duty to Co-operate Workshop, 23 August 2017	97
	b. DTC review of other local authorities	103
6	Other documents referenced in SDC correspondence 18 November 2019	
	a. Secretary of State, James Brokenshire letter to PINS, 18 June 2019	123
	b. SDC submission covering email to PINS, 30 April 2019	127

APPENDIX 1 - Key Documents relating to the Peer Review Process:

The following documents outline advice received as part of the peer review process that SDC undertook prior to the submission of the Local Plan for examination. This includes:

- Initial advice provided by Intelligent Plans and Examination (IPE),
- A note of the PINS 'Advisory Visit' chaired by Jonathan Bore, requested by SDC in December 2018
- Notes of a subsequent meeting with MHCLG and associated email correspondence, which arose as a result of the issues discussed at the Advisory Visit
- A record of the PAS duty to co-operate workshop session with neighbouring authorities, which was recommended to the Council by MHCLG.

1a. Note prepared by IPE (Laura Graham), 4 December 2018



**Revised note in respect of the preparation of the
Sevenoaks Local Plan**

Report by Intelligent Plans and Examinations (IPE) Ltd

Author: Laura Graham BSc MA MRTPI

4 December 2018

Preamble

Sevenoaks District Council has requested advice from Intelligent Plans and Examinations (IPE) through a review of the Local Plan Regulation 18 document with special emphasis on the approach to the Green Belt (GB) and Exceptional Circumstances (EC).

The following note takes account of the meeting between Laura Graham (IPE) and James Gleave, Spatial Planning Manager, Sevenoaks District Council and officers of his team held on 1 November 2018. The meeting agenda is appended to this note.

The Council anticipates submission of the Local Plan to the Secretary of State (SoS) in spring 2019, so the contents of the revised National Planning Policy Framework (NPPF) apply.¹

1. Green Belt and Exceptional Circumstances

- 1.1 There is no absolute requirement in the NPPF to meet housing need (in relation to this also see Nick Boles letter of 3 March 2014 which makes it clear that the alteration of GB boundaries must be a local planning authority's (LPA) choice).² However, in circumstances where development needs cannot be met outside the GB, an LPA would need to demonstrate, usually through the Sustainability Appraisal (SA), that it has considered the consequences of not meeting need, including any (probably negative) impact on social and economic objectives of sustainable development.
- 1.2 As part of any EC case, it will be critical to establish that all non-GB options have been exhausted. It is important to follow Planning Practice Guidance (PPG) advice on carrying out housing and economic land availability assessment unless there is a very good reason to do otherwise. The call for sites is just one aspect of the assessment, there is also a need to proactively identify sites through desktop review. From our meeting, I gained the impression that there is a wealth of local knowledge of sites that may have potential for development amongst planning officers, but this probably needs to be rationalised into a topic paper, or similar. The evidence base has to be proportionate, so there is no need to chase landowners of every small plot, but compile the evidence you have to show you are aware of potential opportunities in the urban area. You may conclude, however, that where ownership is fragmented and there is no clear impetus on behalf of landowners/developers, such potential opportunities are unlikely to meet housing or other needs at least in the short term.

Densities

- 1.3 Given the constraints on finding sites to meet housing or other needs, making the most effective use of sites in the urban area is important by achieving densities as high as possible whilst ensuring high quality design and sustainable development. Density on allocated sites need not 'match' the surroundings and a design-led approach may be able to achieve higher densities whilst creating a high quality environment. Sensitivity testing can help to establish what may be a reasonable density for the purposes of estimating how many new dwellings

¹ Paragraph 214, NPPF (2018).

² View at: <https://www.gov.uk/government/publications/inspectors-reports-on-local-plans>

Agenda Item 8

could be provided. Where sites are proposed to be released from the GB, consideration should be given to maximising density where this can be achieved without unacceptable impact on landscape or other factors, e.g. highway considerations.

- 1.4 It will also be important to demonstrate that any other options for meeting housing need outside the GB in neighbouring areas have been considered through the Duty to Cooperate.

2. What lessons can be learnt from Inspectors' Reports (IR), on how ECs can be established?

- 2.1 ECs are not defined in the NPPF, so it is instructive to look at the way it has been approached in recent IRs. The general concept seems to have been established that benefits should outweigh harm (see also the SoS letter to East Herts below).

Redbridge

- 2.2 The Council proposed the removal of a number of sites from the GB through the Local Plan. The Inspector recommended the deletion of two proposed strategic housing allocations in the GB. He did not find that ECs existed due to concerns about playing field provision. The Inspector describes the resulting shortfall against the London Plan target (c.900 dwellings) as 'significant'. See in particular paragraphs 41 – 47 of IR and also paragraphs 65 – 91 for consideration of specific sites.³

Birmingham

- 2.3 The Objectively Assessed Housing Need for housing was 89,000 with a brownfield supply of only 46,000. The Inspector describes the scale of unmet need as 'exceptional'. He says the release of GB sites to provide 5,350 new homes would make a 'very substantial' contribution, but he also says evidence does not support any further release, and the overall shortfall of 38,000 should be met elsewhere in the Housing Market Area. It is worth noting, also, that paragraph 220 does not support holding GB sites in reserve due to overwhelming evidence of the shortage of other land. The Birmingham Sustainability Appraisal (SA) considered a no-GB release (do nothing) option. See paragraph 141 of the IR for the overall conclusion on strategic GB release, and the paragraphs that follow for consideration of the specific sites. The conclusions on ECs are from paragraph 214 onwards.⁴

Rushcliffe

- 2.4 Three sustainable urban extensions (SUEs) were proposed (see paragraphs 33-58 of the IR) and paragraph 79 onwards for discussion of ECs.⁵
- 2.5 Other LPAs that have released GB through the LP process include *Warwick* and the *Cheltenham/Gloucester/Tewkesbury Joint Core Strategy*.

³ View at: <https://www.redbridge.gov.uk/media/4732/redbridge-local-plan-inspectors-report.pdf>

⁴ View at: https://www.birmingham.gov.uk/directory_record/1380/inspector_s_report

⁵ View at: <https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/corestrategyexamination/10%20Report%20of%20Inspector%20into%20Local%20Plan%20Part%201%20Rushcliffe%20Core%20Strategy.pdf>

Unsoundness

- 2.6 The St Albans LP was found unsound because of failure to meet the Duty to Cooperate in 2016. A revised Plan is now at the Regulation 19 stage and proposes some GB releases through identification of Broad Locations (see the key diagram). Though not yet submitted for examination, it may be worth keeping an eye on progress.⁶

Intervention

- 2.7 The SoS, in his letter withdrawing the holding direction on East Herts LP, dated 12/10/2018,⁷ found that: *The Inspector set out in her report that there had been a rigorous process of balancing the importance of the GB and the impact of development against the benefits. Further, she considered that there was an acute need for housing in the area and that each of the proposed sites was the most sustainable in contributing to the needs of the area.* This can be regarded as a clear steer of the approach that SoS expects to justify release of land from the GB as the SoS endorsed the Inspector's conclusions. See paragraphs 59 onwards of the IR, especially paragraph 62, and see paragraphs 67-73 for examples where sustainability outweighs the initial assessment of GB impact.⁸

3. Potential GB releases in Sevenoaks.

- 3.1 Experience elsewhere (see above) suggests that a need for new housing and/or employment development can contribute to a finding that ECs exist, but each proposed site needs to be considered on its own merits. The Regulation 18 version of the Sevenoaks draft LP included a number of sites where it was felt that ECs may exist to justify their release from the GB. In terms of large sites, officers have subsequently narrowed this down to a limited number of sites that warrant further consideration. It would be inappropriate for me to offer a conclusion on the merits of the various sites, but from the discussion at the meeting it appears that there are sites, for example near Edenbridge and at Sevenoaks Quarry which offer the opportunity to provide significant community benefits as well as a significant contribution to meeting housing needs, and which are also geographically well related to the existing settlements and/or transport links. Such sites align well with the overall strategy of the Plan to focus development at the four towns within the District and in the most sustainable locations where employment, key services and facilities and a range of transport options are available.
- 3.2 There are other sites which are not, on the face of it, as well related to existing settlements and may have other drawbacks. For example, a site to the east of Swanley, referred to as Pelham Place, is separated from the settlement of Swanley by the M25 motorway. However, Swanley is one of the main settlements in the District, and is in need of regeneration. In addition, the site is probably large enough to accommodate a development that would support a degree of self-containment. Another site at Broke Hill, a former golf course, is some distance from any of the four main towns which are the focus of the Plan's

⁶ View at: <http://www.stalbans.gov.uk/planning/Planningpolicy/>

⁷ View at: <https://eastherts.gov.uk/article/36394/District-Plan-Holding-Direction>

⁸ View at: <https://eastherts.gov.uk/article/36321/Inspectors-Final-Report>

Agenda Item 8

spatial strategy. The site has the advantage of being close to Knockholt railway station on the mainline from Sevenoaks to London. However, the Council advised that services from Knockholt are relatively limited (averaging 2 per hour in each direction). The station is not within or close to the village of Knockholt, but in an isolated rural location, on the border with the London Borough of Bromley. There is no evidence that LB Bromley is promoting development in the vicinity, or that Network Rail and the train operating companies have any plans to improve services to and from Knockholt station. In the circumstances, the weight that can be placed on the site's proximity to Knockholt station, bearing in mind paragraph 138 of the NPPF, may be limited. In all cases, where insufficient evidence has been provided to demonstrate ECs it may be preferable to leave these sites out of the Plan but revisit them when the Plan is reviewed.

- 3.3 The important task now is to carry out the 'rigorous process' of balancing harm to the GB and other impacts of development against the positive impacts of the proposal for each of the potential sites, to come to a conclusion on which sites should be included in the Regulation 19 version of the Plan.
- 3.4 I understand that there are a number of small brownfield/previously developed land (pdl) sites in villages, all of which are washed over by the GB. The fact that sites are pdl does not obviate the need to demonstrate ECs. Allocating such sites for residential development, without removing them from the GB, would not be considered sound because of the conflict with national policy. However, at our meeting you indicated that the Council does not want to end up with a 'swiss cheese' approach to the GB. An alternative approach may be to estimate the number of new dwellings that could be provided on such sites under the exceptions to inappropriate development set out in paragraph 145 of the NPPF, e.g. bullet points e), f) and g). However, individual proposals would have to be considered through the development management process.

Approach to establishing new GB boundaries

- 3.5 The NPPF advises in paragraph 139 that GB boundaries should be clearly defined, using physical features that are readily recognisable and likely to be permanent. Where none exist already in suitable locations, consideration should be given to creating defensible boundaries, through landscaping, for example. Where it is known that parts of large sites, which are being proposed for release from the GB, will be retained as open land, and where that is contiguous with the remaining GB, those areas of the larger sites could be retained as GB. However, the suitability of this approach would need to be considered on a site by site basis.

Local definition of pdl

- 3.6 Trying to use a local definition of pdl could be problematic. An Inspector may be wary of accepting a local definition in case it could set a precedent in other areas. The glossary definitions in NPPF are the result of careful consideration, taking into account the results of consultation. It will be preferable to use the factors that have been included in the local definition, as part of the exercise of balancing harm to the GB against benefits.

4. Housing need and delivery

- 4.1 In the light of the current MHCLG consultation, the housing need calculation should be based on the 2014 household projections.⁹
- 4.2 The standard method for calculating housing need, set out in the PPG, requires the local authority to calculate the projected average annual household growth over a ten year period (this should be 10 consecutive years, with the *current* year being the first year (my emphasis)). The method provides authorities with an annual number which can be applied over the whole plan period.
- 4.3 As you know, paragraph 67 of NPPF requires a supply of specific, deliverable sites for the first five years of the plan period, and specific developable sites or broad locations for years 6-10 and 11-15. *Note: MHCLG are currently consulting on clarifications to the glossary definition of 'deliverable'.*
- 4.4 Developable sites are as defined in the NPPF glossary and would usually be specific sites. Broad locations, may be much less specific, for example a general area or direction of growth identified by a symbol on a key diagram. However, some evidence that there are sites within that area that would be suitable for development and may come forward for development in due course will help to support that approach.
- 4.5 It will be important to have clear evidence explaining why one location or locations were chosen, rather than alternatives, and, where the chosen locations are subject to constraints to development, such as highway or other infrastructure issues, that there is a reasonable prospect that these could be overcome. For example, where a broad location would be likely to have an impact on the strategic road network, it will be important to get the agreement of Highways England that problems could be overcome, even if a detailed scheme is not yet in place. I think you would also need to give an indication of the likely scale of development that could be achieved, and how it is envisaged that any scheme would be progressed.
- 4.6 Given the extent of the GB in Sevenoaks it is inevitable that any broad location(s) for development will be in the GB. The approach you are currently pursuing is to leave any identified broad locations in the GB in this Plan. This seems reasonable to me, as it could be difficult to carry out the rigorous exercise of balancing harm against benefits to determine whether ECs exist to justify the release of GB, when the precise parameters of any future development are uncertain. However, you will need to demonstrate that there is a healthy supply of sites in the earlier years of the plan period, and that the Council is committed to reviewing the Plan so that the broad location(s) can be released from the GB in a timely fashion, bearing in mind the likely lead-in time for greenfield development. The Knowsley Local Plan Core Strategy Inspector's Report makes main modifications to change the Council's GB 'reserve locations' to allocations for sustainable urban extensions and to

⁹ View *Technical consultation on updates to national planning policy and guidance (October 2018)* at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751810/LHN_Consultation.pdf

Agenda Item 8

remove the phased approach to release of GB because of the Inspector's concerns about housing land supply in the first 10 years of the plan period.

5. Gypsies and Travellers and Other issues

- 5.1 At the meeting we discussed gypsy and traveller issues. Section 124 of the Housing and Planning Act 2016 amends section 8 of the Housing and Planning Act 1985, which now requires each local housing authority in England to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. To date, this is an issue which has largely been dealt with at LP examinations by requiring an early review (for example Swale). However, Inspectors may take a firmer approach given that it could no longer be seen as something 'new'. In effect, the assessment of the need for traveller sites can be seen as a sub-set of the needs for caravan sites generally. Draft Guidance to local authorities on the periodical review of housing need – caravans and houseboats was published in March 2016.¹⁰ I am aware that Guildford BC in their LP, which is still being examined, have sought to address the need for pitches for caravan dwellers who do not meet the Planning Policy for Traveller Sites (PPTS) definition.¹¹
- 5.2 You asked me whether there were any other issues which are causing difficulties at LP examinations. I suggested that SA is still an area which attracts a good deal of interest. Since our meeting, and having looked at the hard copy of the draft Plan, I note that Policy 9 Affordable Housing of the draft Plan is not compliant with government policy in that it is seeking affordable housing provision in schemes of less than 10 units. You may wish to have regard to the way in which this has been addressed elsewhere, for example the IR for the Cornwall LP¹² and the IR for the Central Lincolnshire LP¹³. In both cases, the Inspectors found that there was not sufficient justification for departing from national policy. The Camden LP is the only instance I am aware of, although I have not conducted an exhaustive search, where a departure from national policy has been accepted by an Inspector – see paragraphs 61 – 65 of the IR.¹⁴ It is of note that the circumstances in Camden, which persuaded the Inspector, are very different from the Sevenoaks context.

6. Timetable for progression of the Plan

- 6.1 The timetable for submission of the Plan is led by the desire to make significant progress before next year's elections. It is going to be challenging to prepare the Regulation 19 version of the Plan before the end of the year, so as to submit for examination in the spring

¹⁰ View at:

<https://www.gov.uk/government/publications/review-of-housing-needs-for-caravans-and-houseboats-draft-guidance>

¹¹ View at: <https://www.guildford.gov.uk/newlocalplan/examination>

¹² View at: <https://www.cornwall.gov.uk/media/21914730/cornwall-inspectors-report-final-23-september.pdf>

¹³ View at: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

¹⁴ View at: https://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3586838&

of 2019. Releasing sites from the GB will inevitably be controversial and you will need to ensure that the 'rigorous approach' referred to above has been properly evidenced.

- 6.2 As discussed, it would be helpful to set a closing date for the 'call for sites' which has, so far, been open-ended. Hopefully that will minimise the likelihood of any significant new omission sites coming forward at Regulation 19 consultation. It is worth bearing in mind that the Inspector will focus on whether the draft Plan is sound. He or she may not consider omission sites in detail unless they have concerns that the Plan, as submitted, is not sound. However, if the Plan is not aiming to meet housing needs, it is more likely that the Inspector will look more closely at omission sites.
- 6.3 The Planning Inspectorate's Procedural Guidance¹⁵ cautions against trying to use the examination process to finalise the preparation of the Plan. See, in particular, paragraph 1.3 and the section on Post- Submission Changes Initiated by the LPA, paragraph 5.20 onwards. Paragraph 1.2 deals with the process for making changes between Regulation 19 and submission. The Procedural Guidance sets out a Procedural Timeline for the Examination but experience suggests that where plans raise controversial issues and generate significant public interest, the examination can take significantly longer.

Laura Graham

Laura Graham

December 2018

¹⁵ View *Examining local plans: procedural practice* at:
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

Agenda Item 8

Appendix: Visit to Sevenoaks DC by Laura Graham (IPE)

Agenda

10:30 Thursday 1 November 2018

1. Introductions
2. Green Belt and exceptional circumstances
 - a. Have all non-GB options been exhausted? Approach to SHELAA and DtC.
 - b. What lessons can be learnt from Inspectors' reports, including Redbridge, on how ECs can be established?
 - c. How can these be applied in the Sevenoaks context?
 - d. Approach to establishing new GB boundaries.
3. What are the implications of trying to use a local definition of pdl/ brownfield land?
4. Housing need (in the light of current MHCLG consultation, needs to be 2014-based) and delivery, including developable sites and 'broad areas'.
5. Any other issues

1b. PINS Advisory Visit Meeting Note, Jonathan Bore, 6 February 2019

**PINS advisory visit
Sevenoaks DC
6 February 2019**

In attendance

Jonathan Bore	PINS
Richard Morris	SDC Chief Planning Officer
James Gleave	SDC Spatial Planning Manager
Hannah Gooden	SDC Planning Policy Team Leader
Five other members of the Planning Team	

The plan

The version of the plan that was discussed at this meeting has been through Regulation 19 consultation and the Council want to submit it before the local elections in May. As published, the plan runs from 2015 to 2035 but the Council are considering changing the base date to 2019/20. This is dealt with below.

The housing requirement

The plan states categorically that the district is unable to meet its housing needs in full. The standard method gives an OAN of 698 dwellings per annum, or 13,960 homes over the 20 year plan period, using 2014-based household projections and capped at a 40% uplift. The affordability ratio is around 15. However, Policy ST3 makes provision for 10,568 homes. As part of this figure there is a "broad location" site that isn't removed from the GB and requires further information (see below), so the plan's effective commitment to housing provision could be no more than about 8,000.

The plan therefore falls seriously short of meeting OAN over the plan period, by 3,400 or nearly 6,000, depending on whether the "broad location" site is included. Moreover, this doesn't take any account of the need for headroom to ensure that the plan is resilient in relation to its 5 year housing land supply.

The OAN itself is a capped figure, so the real level of unmet need is higher; this in itself would require an early review and positive DtC action.

The plan does not contain any housing requirement figures or indicative figures for settlements or designated neighbourhood areas (which in Sevenoaks' case would be parishes) as indicated by the NPPF.

The Council say that the plan performs closely to its annual housing requirement of 698 in the early years, but then falls away. They are therefore placing emphasis on the short term. However, even if the base date was changed and the plan period was reduced to 15 years there would still be a shortfall: see below.

The Duty to Cooperate

Sevenoaks haven't sent formal letters asking other authorities to accommodate unmet need. They say they don't want to, because no authorities are willing to help with unmet need and asking the question would sour relations with them. Some neighbouring authorities such as Tandridge may also have unmet need. There is a SoCG with other authorities and a MOU with Maidstone, but the Council did not say that there is constructive engagement among the neighbouring authorities to resolve the issue, nor could they point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated.

Green Belt and AONB

93% of the District is Green Belt and 60% is AONB.

The Council's spatial strategy embodies the concept that exceptional circumstances to remove a site from the Green Belt for housing would only exist if to do so would enable significant infrastructure to be delivered that would benefit the existing community, such as a hospital or a school. Delivering housing on its own, in the Council's view, would not count as an exceptional circumstance. They rely heavily on the Nick Boles letter of 3 March 2014 which states in essence that changing the Green Belt boundary is a choice for the local authority.

The Council's position, which reflects a local political promise, has been a significant factor in limiting the number of sites that could be brought forward for housing. Other sites do exist but they don't meet this self-imposed requirement. This is a key point that I refer to below in relation to potential sites.

Housing supply

There is no housing trajectory in the plan. It is not possible to see the annual rate of delivery.

There is no indication of how the Council will maintain a rolling 5 year supply.

Agenda Item 8

There is no headroom should delivery on allocated or committed sites not come forward as expected. The plan therefore has no resilience.

Major site allocations

There are two site allocations in the Green Belt, but neither of them are strategic.

Sevenoaks Quarry is allocated for 600 homes. It is still partly being worked.

Land south of Four Elms Road, Edenbridge is allocated for 270 homes.

The plan identifies a broad location for growth, at Pedham Place (Policy ST2-28). This is on land to the east of Swanley and the M25 and is referred to as broad location for 2,500 homes. However, the plan doesn't take the site out of the Green Belt and says that further consideration will be given to its release when the plan is next reviewed. Moreover, there are other issues with it - it is located on "strongly performing Green Belt" according to the plan, it is within the AONB, and it is on the opposite side of Swanley from the M20 and M25 and is not closely connected to the urban area. Apparently the landowner has got a property company on board who are producing a masterplan but as yet it is not clear how it would be developed, how the severance issues would be addressed or how transport links would be organised. All these things considered, it is difficult to see how it can genuinely be counted towards the plan's housing supply in the plan period.

The availability of other sites

In 2018 the Council published a Reg 18 consultation Draft Plan which had 12 housing allocations on current Green Belt land.

Following that consultation, the Council applied the test that exceptional circumstances for Green Belt release would only exist if to do so would enable significant infrastructure to be delivered that would benefit the existing community (see earlier in this note). This eliminated 10 of the site allocations, leaving only two in the published Reg 19 plan.

So it would appear that there could be more potential housing sites if exceptional circumstances were considered to exist.

An additional four housing sites came forward too late to be accommodated into the Reg 19 Plan. The Council have consulted on these in parallel to the Reg 19 Plan.

The Council have the idea that the Inspector might enable discussion on both the 10 and the extra 4 "omission" sites in the hearings and direct their inclusion if required for soundness. I deal with this below.

Affordable housing

The Council are going to run an argument that they should be allowed to seek affordable housing on sites of 5-9 dwellings on the basis that much of their affordable housing is delivered on smaller sites.

My comments on the issues

I pointed out that meeting housing need and improving housing affordability are key national planning policies. Other Green Belt authorities such as Guildford and East Herts have got to grips with this by making strategic allocations on land removed from the Green Belt. They regarded meeting significant levels of housing need and other development need per se as a strategic-level exceptional circumstance, and did not make the definition of exceptional circumstances contingent on delivering infrastructure for the existing community. I said that if this Council-imposed impediment were taken away, and housing need on its own was recognised as potentially being an exceptional circumstance, there might be a more positive approach to housing delivery without harming the overall purposes of the Green Belt. I explained the strategic and local elements that should be addressed in any consideration of exceptional circumstances.

If the OAN really could not be accommodated within the District, I said that there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis. Currently, despite the MoU and SoCGs, this did not appear to exist in a positive form. I said that any Inspector would look closely at this in regard to whether the Duty to Cooperate had been fulfilled.

I said that whilst I could not pre-judge any conclusion the appointed Inspector might take, any Inspector would look very critically at the shortfall in housing provision and the related DtC issues and come to conclusions on soundness accordingly.

Agenda Item 8

I said that the Council should not expect the Inspector to hold hearings into the merits of the 10 omitted sites or the 4 additional sites because the Inspector was examining the submitted plan, not sites that aren't in it. If the examining Inspector considered that additional provision needed to be made for housing, it would be the Council's job to decide which additional housing sites should be included in it, which should be based on appropriate evidence and sustainability appraisal. These could then be consulted upon at the modifications stage. Following that, it is possible that a further hearing might be needed to discuss the additional site(s) but this would be a matter for the Inspector.

I pointed out that the policy to require affordable housing on small sites is contrary to the NPPF. Whilst affordable housing need is clearly an issue, the right approach is to seek to meet overall housing need, which would then enable more affordable homes to be delivered, improve market affordability and thus raise the point at which people fall into affordable housing need.

The published plan has a base date of 2015 and runs to 2035. The Council asked whether they could change the base date to the year of submission, 2019/20. At 698 dpa this would reduce the housing requirement to 11,168 over 11 years. I could not see any reason why they shouldn't do this, since the under-provision from 2015 to 2019/20 would be reflected in the affordability ratio. It might make the overall housing target easier to attain, particularly as the Council can get close to 698 dpa in the early years.

However, even if this were done, there would still be a shortfall of 600 over the plan period plus whatever headroom were needed to ensure a 5 year supply, or 2,100 plus headroom if Pedham Place isn't counted. I said that if they changed the base date they would need to make very sure that the plan contained sufficient provision to meet the OAN and provide headroom to ensure that a rolling 5 year supply was maintained, *and* the plan would need early review and action through the DtC to deal with the unmet need arising from the cap.

The Council think that housing provision in the early years is approaching 698 dpa. This will need to be tested, but I pointed out that one of the purposes of the 15 year plan period was to ensure that provision is made for the long lead-in times for strategic sites. These would normally be expected to appear in the plan.

In terms of practicalities, it ought not to be necessary to re-consult in order to change the base date to 2019/20. The Reg 19 plan has been through consultation, but since the overall 20 year housing

figure is referred to only in a couple of places in the supporting text, and not in any policy, and since the OAN is expressed as an annual figure, there would be no meaningful change to the substance of the plan.

Other than changing the base date, the Council are not prepared to make any changes to the plan, which has gone through consultation. Members want it submitted before the local elections in May. So the plan is going to be submitted with the Council admitting that it contains a significant housing shortfall.

There were questions from the Council about the Examination timescale. I explained the normal process: initial questions – matters and issues – statements – hearings – mods consultation. I explained how many weeks might be expected for hearings, and the usual sitting arrangements.

I did say that where other examinations have run into issues over housing provision, Inspectors have generally allowed time for additional work to be done, rather than suspending the examination, and that rather than finding a plan unsound, Inspectors try to work with the Council to frame modifications to make the plan sound. But I also said that ultimately the Inspector's approach would depend on the scale of any problems and whether they could be overcome.

I encouraged them to produce focused topic papers and an overall covering statement as a road map to the plan and its background evidence.

They asked about legal representation and I said some Inspectors find it helpful, as it can be useful to focus the Council's case and its responses, but it is not essential.

I urged them to avoid pitfalls by co-operating with the Inspector and helping to find solutions rather than resisting modifications to the plan.

I pointed out that the plan may contain some other policies that conflict with the NPPF but it would be up to the examining Inspector to raise these issues with the Council if they considered it necessary.

Jonathan Bore
INSPECTOR

- 1c. MHCLG correspondence, meeting 6 March 2019
(finalised minute not received)**

Agenda Item 8

From: [REDACTED] >

Sent: 14 February 2019 11:22

To: Richard Morris [REDACTED]

Cc: [REDACTED]

Subject: Sevenoaks Local Plan - Advisory Visit

Dear Richard,


I am writing to follow up the recent advisory visit by Jonathan Bore to Sevenoaks District Council. The Planning Inspectorate notified MHCLG that the visit took place last week, and advised us that you are intending to submit your Local Plan for examination in advance of the May 2019 local elections.

It would be helpful to understand how the visit went, and whether there is any assistance that we can offer as you prepare the draft plan for submission. Should you require it, we are able to set up meetings with colleagues at the Planning Advisory Service who can offer focused guidance on project planning, supporting evidence, and issues which may have come out of your recent consultation.

Please let me know if you would find such assistance useful.

Kind regards,

[REDACTED]
Development Plans Delivery Unit
Ministry of Housing, Communities & Local Government
Third Floor, Fry Building, 2 Marsham Street, London SW1P 4DF

 Ministry of Housing, Communities & Local Government

Subject: FW: Advisory Visit note and updates to affordability ratios

From: James Gleave [REDACTED]
Sent: 27 March 2019 17:40
To: [REDACTED]
Subject: RE: Advisory Visit note and updates to affordability ratios

Hi Sarah
Yes, we have spoken to adjoining authorities and most have agreed to participate. PAS has stated they are happy to facilitate – so I will be setting this up ASAP.
Apologies for being slow on the notes, I'll forward separately.
Thanks,
James

From: [REDACTED]
Sent: 27 March 2019 16:04
To: James Gleave
Cc: Hannah Gooden; [REDACTED]
Subject: RE: Advisory Visit note and updates to affordability ratios

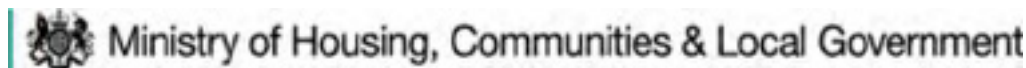
Hi James

Just a quick email to see whether you have spoken to PAS yet and whether this has been helpful in establishing a further DtC meeting with adjoining authorities?

You also mentioned you had comments on the notes of the meeting I circulated – grateful if you could forward these when available.

Thanks,

[REDACTED]
Development Plans Delivery Unit
Ministry of Housing, Communities & Local Government
Third Floor, Fry Building, 2 Marsham Street, London SW1P 4DF
[REDACTED]



From: James Gleave [REDACTED]
Sent: 15 March 2019 16:53
To: [REDACTED]
Cc: Hannah Gooden [REDACTED]
David Roberts [REDACTED]
Subject: RE: Advisory Visit note and updates to affordability ratios

Hello Sarah

I do have some comments on the notes, which I'll send back next week. In the meantime, thank you for the meeting and also for the offer of support with the Local Plan. We noted that the West Kent authorities meet on a regular basis to discuss the production of their respective Local Plans and SDC is in the process of preparing Statements of

Agenda Item 8

Common Ground to address, amongst other things, the issue of unmet need. In addition to this work and in the light of our discussion, we feel it would be beneficial to hold a further joint DTC meeting that is facilitated by PAS. The session would focus specifically on the OAN but could also cover other matters raised by the group. Timing wise, it would be better for us if this could be held in April - would you be able to assist in setting this up?

Let me know if you have any queries,

Thanks and regards,

James


From: [REDACTED]
Sent: 14 March 2019 10:00
To: [REDACTED]
Subject: RE: Advisory Visit note and updates to affordability ratios

Hi James/Hannah/Helen/Dave

As Helen mentioned in her email, I attach the notes of our meeting held on the 6th March. Grateful if could advise me if you are content with these.

Thanks,

[REDACTED]
Development Plans Delivery Unit
Ministry of Housing, Communities & Local Government
Third Floor, Fry Building, 2 Marsham Street, London SW1P 4DF
[REDACTED]

 Ministry of Housing, Communities & Local Government

From: [REDACTED]
Sent: 11 March 2019 13:21
To: [REDACTED]
Cc: [REDACTED]
Subject: Advisory Visit note and updates to affordability ratios

Hi James / Hannah

It was good to meet you both last week, thank you for travelling to us for the meeting. Sarah will send round a note of the meeting later this week, but in advance of that I wanted to share the Advisory Visit note as we discussed. Jonathan Bore is aware that we are sharing this. In future, it will be clear at the outset that there will be a note prepared of the discussion and shared with both MHCLG and the LPA.

In addition, I wanted to make you aware that The Office for National Statistics will update the 'Housing affordability in England and Wales' statistics on 28 March 2019. This release will include updated median workplace-based affordability ratios for local authority areas which are used in the standard method for assessing local housing need. As advised in planning practice guidance, the annual local housing need figure generated using the standard method should be kept under review and updated where necessary. I wanted to alert you to this as you are intending to submit your plan after the updated stats are released. If you want to discuss any of this further, Dave Roberts would probably be the best person, he's currently on leave, back next week.

See relevant extracts from the planning practice guidance below:

When should strategic policy-making authorities assess their housing need figure for policy-making purposes?

Strategic policy-making authorities will need to calculate their local housing need figure at the start of the plan-making process. This number should be kept under review and revised where appropriate. The housing need figure generated using the standard method may change as the inputs are variable and this should be taken into consideration by strategic policy-making authorities. However, local housing need calculated using the standard method may be relied upon for a period of 2 years from the time that a plan is submitted to the Planning Inspectorate for examination.

Paragraph: 008 Reference ID: 2a-008-20190220

Revision date: 20 02 2019

How often are the affordability ratios updated?

Affordability ratios are published every year (usually in March).

Paragraph: 009 Reference ID: 2a-009-20190220

Revision date: 20 02 2019

Thanks

Helen

██████████
Plan Delivery Team Leader
Planning Development Plans | Ministry of Housing, Communities and Local Government
3rd Floor Fry Building | 2 Marsham Street | London | SW1P 4DF

██
██

██



Debit/credit card payments for planning applications, pre-application enquiries and Appeals can be made online at our website. <https://myaccount.sevenoaks.gov.uk/planning-payment/> For all other Planning payment queries please telephone us on 01732 227000 or email planning.information@sevenoaks.gov.uk Our office hours are Monday - Thursday 08:45 -17:00 and Friday 08:45 - 16:45

Notes of meeting with Sevenoaks

6 March 2019

Attendees

James Gleave - Sevenoaks District Council

Hannah Gooden – Sevenoaks District Council

██████████ – MHCLG

██████████ – MHCLG

██████████ – MHCLG

- Sevenoaks asked whether MHCLG meets with LPAs on a regular basis following an Advisory Visit or whether there were particular concerns with the emerging Sevenoaks plan. MHCLG explained that following the AV the Department had been made aware that there were some potentially significant issues with housing numbers and Duty to Co-operate, and constraints including Green Belt. Given these could be potential 'showstoppers' MHCLG wanted to talk through the issues, find out what further work Sevenoaks may be doing in respect of these and to discuss whether there is any assistance MHCLG could provide as the authority prepares its plan for submission.
- In terms of the Duty to Co-operate, Sevenoaks explained they had met regularly with neighbouring authorities at Officer and Member level to discuss x-boundary issues, of which housing need was a standing item on the agenda. [In addition, a regular Kent-Planning Officers Group was held at Kent County Council. This operates along similar lines to the ALBPO forum in London and serves to update colleagues on Local Plan preparation. Statements of Common Ground are currently being prepared with neighbours on strategic cross-boundary matters, including housing need](#)
- [JG ran through the progress and content of the Sevenoaks Local Plan, which Plan sets out a 10,568 housing target, OAN is 13,960 over the 20 year plan period. In terms of meeting housing need, Sevenoaks explained that the authority was 93% Green Belt. They recognised a key challenge was striking a balance between the equally weighted policy objectives of Green Belt protection and meeting housing needs. The approach the Council was taking in applying the exceptional circumstances test is:](#)
 - [i\) Consider how the site performs against the purposes of including land within the Green Belt](#)
 - [ii\) Consider whether the release of a site would enable significant infrastructure to be delivered](#)
 - [iii\) Consider how the site performs against sustainability criteria. Against this criteria the plan proposes to release 2 sites from the Green Belt.](#)

- JG ran through the some of the key messages from the Advisory Visit, focusing specifically on housing need. These were that housing need trumps Green Belt and that the Council's exceptional circumstances test was too stringent. In itself, housing need was an exceptional circumstance that could justify the release of Green Belt land.
- DR advised that the balance between protecting the environment and meeting housing needs was a planning judgement that had to be made locally. SH set out that the approach the LPA took would need to be justified, both in terms of why the authority was unable to meet its own needs and the reasons behind neighbouring authorities not being asked to accommodate some of Sevenoaks needs.
- ~~In terms of meeting housing need, Sevenoaks explained that the authority was 93% Green Belt. They recognised a key challenge was striking a balance between protection of the Green Belt and meeting housing needs. The approach the Council was taking in applying the exceptional circumstances test is:~~
 - ~~i) Consider how the site performs against the purposes of including land within the Green Belt~~
 - ~~ii) Consider whether the release of a site would enable significant infrastructure to be delivered~~
 - ~~iii) Consider how the site performs against sustainability criteria. Against this criteria the plan proposes to release 2 sites from the Green Belt.~~
- Sevenoaks explained that they were keen to get an up-to-date plan in place as soon as possible (Officers and Members) and that they wanted to get the plan submitted in advance of local elections on 2 May as they expected considerable change in the elected Members. Full Council is on 26 March. In developing the plan they have sought Peer Review from different bodies, including IPE. They had also taken legal advice.
- In terms of further work, Sevenoaks were looking to include a housing trajectory into the plan and to produce topic papers setting out the approach the Council had taken on key topic areas. They are also considering changing plan to change the base date of the plan from 2015 to 2019/20 which will reduce the shortfall in housing numbers.
- Sevenoaks requested a copy of the notes from the Advisory Visit if they were able to see them. MHCLG agreed to look into this (sent to Sevenoaks on 11/3/19).
- Agreed that MHCLG would remain in contact with the LPA and would inform PINS that the Council still wished to submit the plan prior to the upcoming local elections.
- Sevenoaks queried the 2014 Nick Boles letter which referred to balancing housing needs and Green Belt considerations. DR to follow this up to ascertain whether still current. – this is still awaited?

1d. PAS Advice and workshop, 24th April 2019



Sevenoaks District Council Note on the Duty to Cooperate and the Local Plan

Intelligent Plans and Examinations (IPE) Ltd
Author: Keith Holland BA (Hons) DipTP MRTPI ARICS
7 May 2019

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT
Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

1.0 Introduction

- 1.1 Intelligent Plans & Examinations (IPE) has been commissioned by the Planning Advisory Service (PAS) to provide advice on the implications of the Duty to Cooperate (DtC) for the soundness assessment of the Sevenoaks Local Plan (SLP) and also to meet with the neighbouring authorities, so they could outline their respective positions regarding meeting development needs in West Kent.

2.0 Meeting held on 17 April 2019

- 2.1 The first meeting was held with the following attendees:
- James Gleave - Spatial Planning Manager Sevenoaks District Council (SDC);
 - Hannah Gooden - Planning Policy Team Leader;
 - Other members of the Local Planning Team; and
 - Keith Holland (KH) – IPE.
- 2.2 The discussion focussed on the implications of the DtC for the soundness assessment of the SLP. At the time of the meeting, the Council's intention was to submit the SLP for examination at the end of the month (it was subsequently submitted on 30 April 2019). The discussion included a review of advice provided by Laura Graham of IPE and Jonathan Bore from the Planning Inspectorate (PINS). SDC feels that there is a degree of inconsistency between the PINS advice and that provided by IPE. SDC believe that the advice from PINS is based on a misunderstanding of the approach being adopted by SDC. In the view of SDC, PINS failed to fully appreciate that the council accepts unmet housing need as an exceptional circumstance justifying consideration of Green Belt (GB) land release. What PINS calls a "Council imposed impediment" (the provision of infrastructure for the existing community) is not the defining exceptional circumstance consideration – it is simply the logical requirement that any development in the GB needs to be accompanied by adequate infrastructure. In other words, SDC believes that PINS has placed too much emphasis on the infrastructure point and not enough on the unmet need consideration.
- 2.3 The SLP notes that the Council is unable to meet its housing need in full (paragraph 1.6), that it has explored all potential sources of housing land supply within the District (paragraph 1.8) and that it has consulted with neighbouring authorities to explore whether any of them can assist with meeting some of the unmet need from Sevenoaks (paragraph 1.9). The conclusion reached is that to date none of the other authorities are able to assist Sevenoaks. In the light of this position the Council have turned to a consideration of the potential of GB land to help meet its housing need (paragraph 1.10). In brief, the Council's approach will be to explain to the inspector that they cannot meet their own needs, even if some GB land is released for housing and that they are unable to rely on any help from neighbouring authorities under the terms of the DtC.
- 2.4 Referencing the Samuel Smith Old Brewery v Selby District Council Court of Appeal judgement¹ KH stressed the importance of having undertaken the DtC work before

¹ View at: <http://www.bailii.org/ew/cases/EWCA/Civ/2015/1107.html>

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

Agenda Item 8

submission. SDC has been involved in consultations with neighbouring authorities and is clear that the neighbouring authorities will not be able to assist in meeting some of the unmet housing need identified for Sevenoaks. It was agreed that the cooperation done thus far needed to be supplemented by confirmation of the respective positions of the authorities before submission. KH pointed to the questions asked by the PINS inspector at the St Albans examination² and the subsequent judgement by Sir Ross Cranston³, in particular his point that the duty requires active and on-going cooperation “even when discussions seem to have hit the buffers”. KH stressed the importance of providing the inspector with a clear narrative detailing the cooperation discussions that have taken place to date, with an emphasis on the outcomes of the discussions. It was also strongly advised that SDC should take the lead in trying to get strategic sub-regional work done supported at member level with, if possible, formal arrangements for joint working. Explaining this ongoing commitment to the local plan inspector would strengthen the Council’s contention that they have met, and wish to continue to meet, the DtC.

- 2.5 The Council’s housing land supply position and the allocation of housing sites was not discussed in detail. It is clear that the Council appreciate that the land supply position will need to be robustly defended at the local plan examination and that the issue of housing delivery is likely to be critically important. On the question of the broad location for growth identified at Pedham Place, SDC queried whether it would be advisable to revise the GB boundary in this area to exclude this site from the GB. At present the intention is to give keep this site in the GB and to give further consideration to this matter when the plan is reviewed. KH considers that there are two reasons why it would be advisable to reconsider this approach. First the site is an important element in the Council’s current land supply position. Second the national guidance favours setting long term GB boundaries where councils propose to revise GB boundaries in local plans. For these reasons, it would be logical to deal with the GB issue at this stage.
- 2.6 Regarding affordable housing, the Council is proposing a policy that is contrary to the National Planning Policy Framework (NPPF) and that hence the policy will need thorough justification. The Council believes that it has a strong argument to justify the approach.
- 2.7 It was agreed that KH would attend the meeting scheduled for 24 April 2019 at which the neighbouring authorities would be outlining their respective positions regarding meeting development needs in West Kent.

² View at:

https://www.stalbans.gov.uk/Images/SP_SLP_EXAM002St%20AlbansCityandDCSLPNotetoCouncilaboutconcerns_tcm15-55246.pdf

³ View at: https://www.stalbans.gov.uk/Images/St%20Albans-v-Sec%20of%20State%20Approved%2012.07.17_tcm15-61009.pdf

3.0 Meeting held on 24 April 2019

3.1 The attendance at the meeting was as follows:

- Cllr Robert Piper – SDC;
- Richard Morris - Chief Planner SDC;
- James Gleave and members of his SDC team;
- Mark Aplin and Teresa Ryszkowska - Dartford Borough Council;
- Jeff Baker - Gravesham Borough Council;
- Stephen Baughen – Tunbridge Wells Borough Council;
- Marina Briggshaw – Wealden District Council;
- Marie Killip – Tandridge District Council;
- Jeannie Patterson – London Borough of Bexley;
- Sarah Platts – Kent County Council; and
- Keith Holland - IPe.

No representatives attended from Tonbridge & Malling and Bromley.

3.2 Prior to the meeting, KH had the opportunity to review the Statements of Common Ground (SCG) between SDC and authorities – Wealden and Tandridge – as well as the Ashdown Forest SCG signed by six authorities (including SDC) with Natural England. KH also had sight of a comprehensive summary of the engagement that SDC has had to date with Bexley, Bromley, Dartford, Gravesham, Tandridge, Tonbridge & Malling, Tunbridge Wells and Wealden.

3.3 The message regarding the importance of the DtC and the way it is dealt with at local plan examinations was repeated. All parties present appreciate how important the duty is and how it has the potential to derail examinations. Each of the councils present outlined the position they are in at present regarding their development plans. From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem. The importance of preparing a clear and convincing narrative for the forthcoming SDC local plan examination was again stressed.

3.4 The importance of continuing to seek to meet development needs in West Kent through cooperative strategic working was discussed. In this regard, the need for a strategic approach to the provision of infrastructure was emphasised. KH explained the importance of getting member involvement and buy-in to any strategic work and that the more formal the process, the more likely it was to convince a local plan examiner that the councils are doing all they can to use the DtC effectively. Cllr Piper expressed severe reservations about the likelihood of effective strategic planning because of what he described as an inconsistency between the political message provided by the government regarding the GB and the guidance in the NPPF. KH pointed out that under the DtC there is nothing to stop local authorities undertaking joint strategic planning of the sort that previously happened in the South East through SERPLAN (London and South East Regional Planning Conference). KH also explained that the policy in the NPPF makes it clear that where there are

Agenda Item 8

exceptional circumstances local authorities can revise GB boundaries, but that this must be done through their local plans and not through the development management process.

Keith Holland

Keith Holland Director IPe

May 2019

APPENDIX 2 - Documents related to discussion on unmet need with PAS, TMBC and TWBC:

These documents include the finalised version of the PAS Statement of Common Ground Pilot Facilitators Note, which outlines at paragraph 6.3 that SDC is unlikely to be able to meet its housing need in full. This is contrary to the draft note, which incorrectly identified that SDC would be meeting full housing need. This section also includes correspondence from Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council regarding their awareness of unmet need in Sevenoaks.

2a. PAS SoCG Pilot Facilitators Note, 10 April 2018 (see para. 6.3)

West Kent Statement of Common Ground Pilot Project

Facilitator's note

10 April 2018

Participants

Sevenoaks District Council – Emma Henshall/ Hannah Gooden
Tonbridge and Malling Borough Council – Ian Bailey
Tunbridge Wells Borough Council - Stephen Baughen
IPE facilitator – Sue Turner

1. Purpose and objectives of the pilot project

1.1 Intelligent Plans & Examinations (IPE) were commissioned by PAS in February 2018 to facilitate the preparation of a Draft Statement of Common Ground (SoCG) for the West Kent Local Planning Authorities, as part of a Pilot Programme to develop good practice in this new area of development plan work.

1.2 The revised NPPF will require all LPAs to prepare a SoCG as evidence that the Duty to Co-operate has been met. They should be based on HMA's or other relevant (topic based) planning areas. The pilot project provides a facilitator to monitor and record the early stages of preparing a SoCG, with the aim of capturing the learning from the process. This is intended to help those undertaking the pilot to create a SoCG which is focussed and effective whilst ensuring that the process is not onerous or laborious. The findings from this exercise may be used to inform more general guidance on preparing SoCGs.

1.2 The West Kent Pilot project seeks to prepare a draft of the SoCG to be ready 6 months after agreement of NPPF. It will take SoCG preparation to a first draft, when the group should have reached agreement on the geographic area, strategic issues, the parties to be involved and governance arrangements. The first draft of the West Kent SoCG was initially intended to be completed by 31 March 2018. However each of the Councils has had to prioritise work on preparing its own Local Plan and absorbing newly published national planning policy. The first draft is now expected to be completed in April.

2 Background

2.1 The West Kent group of Councils have worked together over a number of years and were part of a previous Local Strategic Partnership, now the West Kent Partnership. They are also linked by some shared services. The three Councils face similar challenges, for example they all include large areas of Green Belt and share infrastructure issues, as well as all needing to have regard to the Ashdown Forest designated Special Area of Conservation (SAC). Progress on Local Plan preparation is broadly aligned, making the timetable for preparation of the SoCG appropriate for all three Councils.

2.2 These factors have meant that agreement of the geographical area, which covers the whole of the three Council areas and the key participants has been a straightforward matter. However it should be noted that Tonbridge and Malling BC will also be party to

a separate SoCG, because the eastern part of the borough falls within a HMA shared with Maidstone, whilst Sevenoaks DC and Tunbridge Wells BC are also party to a separate topic based SoCG which relates to the Ashdown Forest. This overlapping of SoCGs was the subject of some discussion and is addressed later in this note.

2.3 In early March the government published the draft revised NPPF for consultation. This was discussed at the final meeting of the pilot study and implications taken into account.

3. Communications

3.1 Officers from the three Councils have already been meeting quarterly on a formal basis but informally through meetings on other issues, including those relating to the Ashdown Forest SoCG. Discussions will continue through regular meetings of the West Kent Duty to Co-operate group. There is similar ongoing communication between members and portfolio holders (see below).

3.2 During the pilot, which ran from January to March 2018, three facilitated meetings took place as follows:

Meeting 1: 22 January 2018 (at Tonbridge and Malling Council offices)

- Introductions
- Aspirations
- Background information from each Council (stage of LP progress, OAN current thinking, member involvement)
- Timetable
- Strategic issues first thoughts
- Communications

Meeting 2: 12 February 2018 (by Skype from Sevenoaks Council offices)

Updates on progress including:

- Confirmation that portfolio holders in each Council have agreed to the pilot and are being updated informally as work progresses
- Facilitator suggested that draft list of strategic issues should be circulated (this was done immediately after the meeting)
- Update on OAN discussions/ progress in each area
- Relationship with other SoCGs
- First discussion on identification of potential risks

Meeting 3: 14 March 2018 (at Tunbridge Wells Council offices)

Update on LP preparation and anticipated Regulation 19 submission dates

Discussions on detailed issues including:

- Implications from publication of draft revised NPPF

Agenda Item 8

- How to deal with cross referencing to overlapping SoCGs
- Breadth of participants – balance between effectiveness and complexity
- Risks
- Governance
- Triggers for reviewing the SoCG which it was agreed should be stated in the draft

4. Timing and programming

4.1 The Councils' emerging Local Plans are all broadly at Regulation 18 stage:

- Sevenoaks DC has an adopted Core Strategy (2011) and an Allocations and Development Management Plan (2015) which are both subject to a 5 year review. It undertook Regulation 18 consultation for its emerging Local Plan, for the period 2015 – 2035, in autumn 2017 and plans to make an additional Regulation 18 consultation in summer 2018. Regulation 19 pre submission publication is planned for winter 2018 with submission in early 2019.
- Tonbridge and Malling BC has a full suite of Development Plan documents adopted between 2007 and 2010. It is now preparing single Local Plan for the period to 2031. Regulation 18 consultation took place in autumn 2016 and consultation responses were reported in July 2017. It aims to submit its Regulation 19 draft in late 2018 which will be within the NPPF transition period.
- Tunbridge Wells BC is seeking to prepare a quick and concise Local Plan for the period to 2033, based on the Local Plan Expert Group recommendations. A high level Issues and Options document was published for consultation in June/ July 2016 and generated approximately 6,500 responses. Review is currently underway with the aim of publishing a Regulation 18 preferred option draft in March 2018 and submitting a Regulation 19 draft in September 2019.

4.2 The timetable for the West Kent SoCG is as stated in 1.2 above, with a first draft to be completed by the spring of 2018 and a full draft to be ready 6 months after the revised NPPF is agreed. In any event an agreed version of the SoCG will need to be available to accompany the first plan to be submitted for examination, which at present is expected to be the Tonbridge and Malling Local Plan.

5. Issues and participants

5.1 A table of draft key strategic cross boundary issues and list of other participants was prepared and agreed by the three Councils in mid-February 2018. This is attached as appendix A.

5.2 This draft included the following points which had emerged through discussions:

- Need to address the matter of any unmet need in the HMA – this is acknowledged by all as the most significant issue

- Recognition that London's growth ambitions may need to be addressed
- Green Belt
- Infrastructure, with particular reference to secondary school provision and highway infrastructure – acknowledged as the second most significant issue
- The Ashdown Forest SAC and the emerging draft SoCG on this issue.

5.3 It was agreed that the issues will determine the relevant participants and some discussion took place regarding the level of involvement of participants and the possible impact on timing.

6. Housing and OAN

6.1 During the short lifespan of this pilot project there have been several changes both to the policy background, for example the revised draft of the NPPF issued for consultation on 5 March 2018 and to the emerging evidence base which will support the three Local Plans. Consequently the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue. The current situation, at the end of the pilot project, is as follows.

Sevenoaks DC

6.2 In Sevenoaks the OAN of 12,400 compares with an indicative figure of 13,960 based on the government's standardised methodology. With Regulation 19 submission planned to take place in early 2019 it likely to fall outside the NPPF transition period, therefore the higher figure will apply. However the district is highly constrained, with 93% of the district lying within the Green Belt and 60% within AONBs.

6.3 The Council is currently examining the potential of releasing some Green Belt land where a convincing exceptional circumstances case is made. This would mean that any proposed development would need to deliver evidenced social and community benefits as well as housing. Sites where this might be the case will be the subject of Regulation 18 consultation. This may increase the housing land supply but it remains unlikely that Sevenoaks DC will be able to meet its housing need in full.

Tonbridge and Malling BC

6.4 The evidence base for the Tonbridge and Malling Local Plan, which includes an up to date SHMA covering two housing market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. However the position has changed since the pilot project began with the revised NPPF draft proposing a transitional period for introducing the standardised methodology of assessing housing need. Provided the Regulation 19 submission can be made within the transition period, as proposed by the Council, then the lower locally derived OAN can be used. This level of housing growth is considered deliverable.

Agenda Item 8

Tunbridge Wells BC

6.5 When the pilot project commenced Tunbridge Wells BC was planning to meet its locally derived OAN as determined by the joint SHMA which was updated in 2017. The SHMA sets an OAN of 696 dpa for Tunbridge Wells, which is consistent with the government's indicative figure of 692 dpa using the proposed standard methodology. Recently updated evidence on strategic flood risk suggests that some re appraisal may be necessary, but the Council is still endeavouring to ensure that it can meet its own housing need.

Summary

6.6 Each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling BC is confident that it can meet its need, Sevenoaks DC and Tunbridge Wells BC have not yet completed the work needed to determine whether or not they can meet their housing need. Thus the Councils are not yet in a position to reach agreement on the matter of housing supply.

7. Governance

7.1 Officers of the three Councils meet quarterly and over the past 6 months all Councils have been involving members in briefings and discussions. It is anticipated that portfolio holders will meet together with officers prior to formal sign off of the SoCG.

8. Learning points

Overlapping SoCGs

8.1 The matter of overlapping with other SoCGs and how this is dealt with has been a discussed by the group. There are two types of overlap which raise different issues.

8.2 First, a geographical overlap exists where part of the West Kent SoCG area (ie the eastern part of Tonbridge and Malling) will also fall within a future SoCG covering the Maidstone HMA. The group agreed that this should be clearly explained in the SoCG, possibly in a map/ diagrammatic form and that relevant cross referencing should be made to ensure consistency and co-ordination.

8.3 Second, the Ashdown Forest SoCG has a broad reach and overlaps with Sevenoaks and Tunbridge Wells. Whilst it is based on a single issue it will have wider implications for all three Council areas and each of their Local Plans on matters such as infrastructure. These matters are likely to require extensive cross referencing and consistency checking within the West Kent SoCG.

Risks

- 8.4 The most significant risk to this SoCG is that the Councils are unable to reach agreement on how housing need will be met. Scenarios where Sevenoaks, Tunbridge Wells or both are unable to meet their OAN in full will present a challenge to the group. However both Councils have accepted that they will be using the local housing need figure derived from the standard methodology (LHN), providing certainty and minimising risk of an imposed increase. In Tunbridge Wells' case the LHN is almost identical to the OAN, but for Sevenoaks it represents a significant increase and may not be achieved.
- 8.5 If Tunbridge and Malling were to base its housing need on the standard methodology it would be faced with a much more significant increase which its evidence base has indicated is not deliverable. It is therefore understandable that the Council has chosen to submit its plan during the transition period, based on the lower figure in the locally assessed OAN. However this carries an element of risk, should submission of the Plan be delayed and so fall outside the transition period.
- 8.6 The group identified a further potential risk relating to governance and member "sign up", although in West Kent the close working relationship between the Councils and the good communication between officers and members are protective factors which represent best practice in managing risk in this area.
- 8.7 Some discussion took place regarding the number of participants in preparation of the SoCG and their level of involvement. It was agreed that there is a balance to be struck between involving all parties necessary to address the key strategic issues and the increased complexity and potential delays that requiring "sign up" from a large number of participants would bring. It was suggested that this could be handled by having different levels of signatory relative to the significance of the level of interest or the categories of some participants "working with" rather than "signing up".

Changing circumstances/ flexibility

- 8.8 The group considers the SoCG to be a live document which will need to be constantly reviewed and updated. Indeed within the short lifetime of the pilot project circumstances have changed nationally, with the government's publication of the draft revised NPPF and locally, with new information such as updated flood risk data for Tunbridge Wells.
- 8.9 The group has suggested that the SoCG should include triggers for review, which will not only identify risks but also mark key milestones which could trigger the need to review.

Process, communications and relationships

- 8.10 The Pilot Project has clearly been the continuation of a process which is already underway. However it is hoped that it has given a boost to preparation of the SoCG. Meetings have enabled some new questions to be addressed with regard to matters such as risks, involvement of other participants, the relationship between this and other SoCGs and clarity of presentation.

Agenda Item 8

8.11 As referred to above and despite concerns about the absence of discussion to tackle housing land supply across the area, it is clear that these three Councils have a positive and easy relationship with many shared issues and that each has an understanding of the others' situation. Whatever transpires with regard to the housing issue, the group is well placed to work collaboratively to create a robust SoCG to demonstrate that they have met the Duty to Co-operate.

Sue Turner

10 April 2018

Appendix A attached

From: Sue Turner [REDACTED]
Sent: 27 September 2019 12:39
To: Hannah Gooden
Cc: [REDACTED]
Subject: Re: PAS Pilot
Attachments: Facilitator's note.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Hannah,

Thanks for your message and I'm sorry that you're having trouble tracking down notes from 18 March. Actually the draft that you attached is headed "facilitators note" and is dated 3 April. I think it is the final note from the project as a whole rather than notes from a specific meeting.

I have a later version of this note which is dated 10 April 2018 and which is attached and which was intended to be the final record of the PAS project.

I apologise if I didn't send this final version to you - I can't find a copy of an outgoing email on my computer.

However from a quick glance I think it does incorporate most of the track changes suggested by Ian. If some of Ian's suggested changes are not incorporated that is probably because I decided they were not necessary - bearing in mind that it is my note as facilitator.

I hope this is helpful but please let me know if you need any more information or clarification,

best wishes

Sue

On 27 Sep 2019, at 10:29, Hannah Gooden [REDACTED] wrote:

Hi Stephen / Sue

We're currently in our Local Plan examination hearings and we've been asked to submit to the hearings some of the notes from the PAS West Kent SoCG pilot.

I've found the attached draft note (from the meeting 14 March 18) with comments from Ian (T&M), Stephen (TW) and Emma (SDC), but I can't seem to find a finalised note and neither can the other participants

My colleague Emma is now on maternity leave but Ian (from T&M) has suggested I contact you both to see if you have a final version of these notes:?

Many thanks for your assistance
Kind regards
Hannah

- 2b. Email from Tonbridge and Malling Borough Council regarding unmet need, 6 April 2018**

Agenda Item 8

From: Ian A Bailey [REDACTED]
Sent: 06 April 2018 16:28
To: Sue Turner; Emma Henshall; Stephen Baughen; Hannah Gooden
Subject: RE: SoCG draft note
Attachments: Facilitator's note with IB tracked changes 6.4.18.docx

Dear Sue,

I suspect from the lack of responses from my colleagues that everyone else is on leave this week, which is perhaps unsurprising being Easter.

Thank you for sending the draft note for comment. I hope you don't mind, but I have made a few changes, which I have included in the tracked version attached, which no doubt Emma, Hannah and Steve will also wish to review, hopefully next week.

I think the sections describing T&M's proposed approach to OAN (and the risk this represents to the SoCG) need updating in the light of the publication of the draft NPPF and in particular the proposed transitional period. As noted at our last meeting and reflected in section 4.1 of the note, T&M are working towards a submission date within the transition period, which would enable the Plan to proceed using the locally derived OAN of 696. If this is the case, T&M are confident that this level of growth can be accommodated and this is supported by the evidence prepared to date. This would mean T&M would not be seeking assistance for meeting unmet need for this Local Plan.

Also, it is my understanding that SDC are not planning to meet all of their OAN and will have unmet need. I think this has been a consistent position since the Reg18 consultation unless something has changed that I am unaware of. This is not reflected in the note.

Tunbridge Wells were hoping to meet all of their needs, but as I understood things there was an element of doubt in the light of the revised SFRA findings that had only just been received at the time of our last SoCG meeting. This is not to say that their position has definitely changed, only that they may need more time to confirm.

The other correction I have made is to the references to the Ashdown Forest SoCG, to recognise that T&M is not a signatory.

I have suggested some updated wording for the main sections highlighted in the attached below.

I hope this is of assistance,

Ian

Housing and OAN

6.1 Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the **proposed standardised methodology published in Planning for the Right Homes in the Right Places in September 2017, which represents a slight uplift on the OAN identified in the** joint SHMA which was updated in 2017. In Sevenoaks the OAN of 11,740 (578 dpa) compares with an indicative figure of 13,960 (698 dpa) based on the government's standardised methodology. In Tunbridge Wells the SHMA gives an OAN of 696dpa, which is consistent with the government's indicative figure of 692 dpa using the proposed standard methodology. **Sevenoaks is likely to have unmet need that will need to be addressed.**

6.2 Tonbridge and Malling are anticipating submission of their Local Plan within the proposed transitional period for introducing the standardised methodology and will therefore be planning to meet their locally derived OAN of 696 dpa. This is lower than the standardised methodology OAN of 859 dpa, which would have represented a 23% uplift on the locally derived figure, but T&M are confident that the 696 can be fully met and have an evidence base to support this. The issue of the standardised methodology will be revisited when the Local Plan is next reviewed. The situation in Tonbridge and Malling is more complex. The evidence base, which includes an up to date SHMA covering 2 housing market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. Members have agreed to continue with 696 dpa figure. The Council accepts the standardised methodology and will reflect this as national policy in its Local Plan. However it proposes to demonstrate that the higher figure is undeliverable based on past trends and capacity issues. This position will be supported by evidence including the housing deliverability study prepared by G L Hearn in September 2017. The Council's concerns are clarified in more detail in its consultation response to Planning for the Right Homes in the Right Places.

6.2 The emerging Tonbridge and Malling Local Plan, if it continues to propose a housing supply which is lower than the standardised OAN, clearly presents a risk to finalising an agreed SoCG. Whilst at present neither Sevenoaks or Tunbridge Wells will require Tonbridge and Malling to accept unmet need, it is possible that the reverse may apply. Even if all three Councils sign up to a SoCG which includes a lower housing figure for Tonbridge and Malling than the standard methodology indicates, this could be undermined when its Local Plan is examined.

Risks

8.4 The greatest risk to this SoCG is the decision by Tonbridge and Malling to continue plan for a level of housing supply which is below the OAN identified by the government's standard methodology. As Tonbridge and Malling takes its Local Plan forwards it will be relying on evidence which states that capacity and delivery issues prevent it from meeting the higher OAN.

8.5 Whilst both Sevenoaks and Tunbridge Wells are aiming to meet their standard methodology OANs, both are heavily constrained by green belt and infrastructure issues and are unlikely to be capable of accommodating unmet need from Tonbridge and Malling. **The greatest risk to this SoCG is demonstrating how any unmet housing need is to be satisfactorily addressed.** This pilot project is not the appropriate place to address this matter in detail. However if the final SoCG is to have any real meaning and to be robust in supporting the three Local Plans there will need to be some hard talking within the group on this matter. This is a potential showstopper in terms of the utility of the SoCG and its capability of serving its desired purpose.

From: Sue Turner [REDACTED]
Sent: 03 April 2018 15:56
To: Emma Henshall [REDACTED] Stephen Baughen
[REDACTED] Ian A Bailey [REDACTED]
Subject: SoCG draft note

Dear all,

as promised in my email earlier today I am attaching my draft note on the SoCG meetings which we have had and that work that you have all done.

Agenda Item 8

I hope that you feel that this is a fair representation but I would be happy to make any changes if you feel that there are any inaccuracies.

Also, I would be grateful if you could let me know if there has been any progress on the draft as I would like to refer to it in my note.

In order for me to do this and send to PAS early next week please could you get back to me by the end of this week or by Monday at the very latest,

best wishes

Sue

Have you tried contacting us at www.tmbc.gov.uk/do-it-online ?

This e-mail may contain information which is sensitive, confidential, or protectively marked up to OFFICIAL-SENSITIVE level and should be handled accordingly. If you are not the intended recipient of this e-mail or any part of it, please inform the sender immediately on receipt and do not copy it or disclose the contents to any other person. All e-mail traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

- 2c. Email from Tunbridge Wells Borough Council regarding unmet need, 24 April 2019**

Agenda Item 8

From: Stephen Baughen [REDACTED] >
Sent: 24 April 2019 10:33
To: James Gleave
Cc: Emma Henshall; Hannah Gooden; Simon Taylor; David Marlow; Sharon Evans
Subject: FW: Sevenoaks Local Plan & the Duty to Cooperate

Follow Up Flag: Follow up
Flag Status: Flagged

Dear James

Thank you for your email regarding the above.

I confirm that I will be attending the meeting. Apologies for the delay in responding: I am just back from leave.

I note your comments regarding the length of the SDC plan period.

In respect of your question whether TWBC will be able to meet any of SDC's unmet housing need:

- Firstly, I am somewhat surprised by this request, given the Duty to Co-operate meetings which have taken place so far over recent years (both between TWBC and SDC and in the three way discussions with TMBC) have included discussions about any assistance with unmet need, but through these discussions it has been clear that TWBC is not in a position to assist either authority (if needed) in this regard;
- For clarity, TWBC will not be able to assist:
 - o TWB is, like Sevenoaks, a highly constrained borough, including with extensive areas of AONB, Green Belt, areas of flooding, transport capacity for which mitigation will be highly problematic, etc;
 - o Whilst the TWB Draft (Reg 18) Local Plan will be proposing to allocate sufficient land to meet the need derived from the standard methodology plus a small buffer to ensure deliverability, the significant levels of work undertaken in the development of the Draft Local Plan have indicated that there are not other sites which meet the requirements of the NPPF/G which would be suitable to meet any unmet need from SDC.

In terms of a joint sub-regional strategy, I would need further information on this in order to provide further comment.

I look forward to meeting you at noon.

Many thanks

Steve



Stephen Baughen
Head of Planning

M: [REDACTED]
E: [REDACTED]

APPENDIX 3 – Post examination correspondence and statements received from neighbouring authorities:

A number of letters and statements have been received from neighbouring local authorities, setting out their position in relation to the Duty to Co-operate.

3a. Tonbridge and Malling Borough Council, 27 November 2019

Agenda Item 8

James Gleave
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Contact	Ian Bailey
Email	[REDACTED]
Your ref.	
Our ref.	
Date	27 th November 2019

Dear James,

Re: Sevenoaks Local Plan - Duty to Cooperate

Further to our recent, joint Duty to Cooperate meeting with colleagues from Tunbridge Wells on the 12th November to discuss the first phase of the Sevenoaks Local Plan Hearing sessions I am writing to reiterate the matters that I raised in respect of the Duty to Cooperate on the first day of the Hearing on the 24th September.

The comments I made in support of the Duty being met in respect of our two authorities making every effort to secure the necessary cooperation on strategic cross boundary matters before submission, in accordance with National Planning Practice Guidance, builds on the signed Statement of Common Ground (Document ED6) and my Hearing Statements.

These comments referred to the challenges in planning to meet Objectively Assessed Needs (OAN) for new housing across the West Kent Housing Market Area (HMA) and the fact that similar constraints are faced by those parts of Tonbridge and Malling and Tunbridge Wells that together with Sevenoaks make up the HMA. I explained why it is not possible for Tonbridge and Malling to accommodate unmet need in addition to meeting our own OAN in full, referring to the similar constraints in that part of the borough in the West Kent HMA and the challenging rates of delivery that are planned for the east of the borough making up part of the Maidstone HMA.

In response to comments made by others attending the Hearing session on Day One, I explained that there had been regular, constructive and cooperative liaison between the three West Kent Authorities regarding cross boundary issues throughout the plan making process at Officer and Member level. I used examples of this, which I understand you have since provided to the Inspector in your recent correspondence, so I will not repeat here.

While the issue of unmet need has not been resolved through the Duty to Cooperate for the reasons already stated, as I noted on the day, due to the proximity to London and on top of the challenges we all face in meeting our own needs, it is unlikely that any Local Authorities in the wider South East will be in a position to accommodate additional growth.

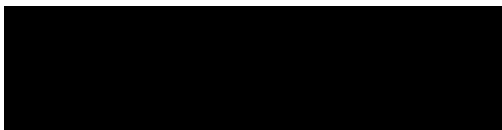
In my opinion, if there are sound reasons why unmet need cannot be accommodated by neighbouring authorities and this has been fully discussed and agreed through the Duty to Cooperate meetings and Statements of Common Ground, then the next step should be for the Local Planning Authority to revisit alternative options for meeting that need within the District. The fact that there is unmet need is not as a result of the failure of the Duty, but it is arguable whether all alternative options for meeting the need in situ have been exhausted.

Consequently, I concluded by stating at the Hearing that in my opinion and on behalf of Tonbridge and Malling Borough Council that the Duty to Cooperate has been met in full.

If the Inspector is minded to agree, then the issue of unmet need could be addressed through the remainder of the examination process, by a combination of assessing the ability of allocations already included to meeting future needs and seeking additional sites that could meet the District's OAN in full through main modifications, with the necessary updates to the evidence base that this would require.

I hope this is of assistance and look forward with interest to the Inspector's response in due course.

Yours sincerely,



Ian Bailey
Planning Policy Manager
Tonbridge and Malling Borough Council

Direct line: 

3b. Tunbridge Wells Borough Council, 21 November 2019



Mr James Gleave
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Date: 21 November 2019

email: [REDACTED]@tunbridgewells.gov.uk or
[REDACTED]@tunbridgewells.gov.uk

Dear Mr Gleave

I write further to our joint meeting with Tonbridge and Malling Borough Council and officers from Sevenoaks District Council on the 12 November, following the initial hearing sessions for the Sevenoaks District Local Plan and the subsequent concerns raised by the Inspector in her letters of the 14 October and 28 October in relation to the cancellation of the further Hearing Sessions and the consideration of the Duty to Co-operate (DtC).

Tunbridge Wells Borough Council submitted a statement to the planning inspectorate and an officer representing the Borough Council attended the first day of the hearing sessions, including the session on DtC. At the Hearing session, Tunbridge Wells Borough Council re-iterated the fact that all three West Kent Authorities have worked collaboratively over a number of years and in particular since the commencement of work on their respective Local Plans in 2015. This has involved active, ongoing and constructive DtC engagement. It was also highlighted that Tunbridge Wells Borough and Sevenoaks District have produced joint evidence base studies in particular the Strategic Housing Market Assessment and the Economic Needs Study. This has involved close collaboration with officers and members of the two authorities as well as liaison with stakeholders across the respective areas.

Tunbridge Wells Borough Council's position is set out clearly within the Hearing Statement submitted and the Statement of Common Ground prepared by officers of Tunbridge Wells Borough Council and Sevenoaks District Council and signed by the relevant elected members. Additionally, details of the meetings/discussions that have taken place over the course of the Local Plan preparation are recorded within the Duty to Co-operate statement prepared by Sevenoaks District Council. Although, the relevant timings of DtC discussions were discussed at the hearing session and are noted in the Borough Councils hearing statement, it was re-iterated by the West Kent Authorities present, that all of the areas are subject to significant constraints, including Green Belt and Areas of Outstanding Natural Beauty as well as others and therefore the authorities faced similar challenges in meeting their own identified needs, with no prospect of being able to meet the needs of neighbouring authorities despite ongoing discussion and engagement at both officer and member level during preparation of the respective Local Plans.

Tunbridge Wells Borough Council note the content of the most recent letter sent from Sevenoaks District Council to the Planning Inspectorate and can confirm that Tunbridge Wells Borough Council attended the PAS workshop of the 24 April 2019. Officers of Tunbridge Wells Borough Council agree with the conclusions reached at the workshop, including paragraph 3.3 of the meeting note.

Planning Services

Planning Policy

Town Hall Royal Tunbridge Wells Kent TN1 1RS
Telephone 01892 554056

DX 3929 Tunbridge Wells e-mail planning.policy@tunbridgewells.gov.uk



Tunbridge Wells Borough Council would also be interested to see the Inspectors consideration of the other aspects of soundness that she raised in her initial letter.

Do please contact me if you would like to discuss any of the above further.

Yours sincerely

Stephen Baughen
Head of Planning

Planning Services

Planning Policy

Town Hall Royal Tunbridge Wells Kent TN1 1RS
Telephone 01892 54056

DX 3929 Tunbridge Wells e-mail planning.policy@tunbridgewells.gov.uk

3c. Wealden District Council, 14 November 2019

Joint Statement on the Duty to Co-operate (DTC)


14 November 2019

This statement has been prepared in response to the Duty to Co-operate concerns raised by the Inspector in her letters dated 14 October and 28 October in relation to the Sevenoaks Local Plan examination.

Firstly, the signatories do not consider that there has been a failure in the Duty to Co-operate.

Secondly, the signatories agree with the conclusions reached at the PAS-facilitated DTC workshop on 24 April 2019, in particular paragraph 3.3 of the meeting note (attached), which states that:

3.3 *The message regarding the importance of the DtC and the way it is dealt with at local plan examinations was repeated. All parties present appreciate how important the duty is and how it has the potential to derail examinations. Each of the councils present outlined the position they are in at present regarding their development plans. From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem. The importance of preparing a clear and convincing narrative for the forthcoming SDC local plan examination was again stressed.*

<u>Signed on behalf of</u> Sevenoaks District Council	<u>Signed on behalf of</u> Wealden District Council
	
Name: James Gleave	Name: Marina Briginshaw
Position: Strategic Planning Manager	Position: Head of Policy and Economic Development
Date: 14/11/19	Date: 18/11/19

3d. London Borough Bexley, 14 November 2019

Joint Statement on the Duty to Co-operate (DTC)

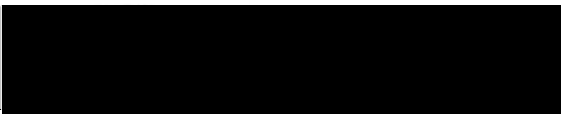
14 November 2019

This statement has been prepared in response to the Duty to Co-operate concerns raised by the Inspector in her letters dated 14 October and 28 October in relation to the Sevenoaks Local Plan examination.

Firstly, the signatories do not consider that there has been a failure in the Duty to Co-operate.

Secondly, the signatories agree with the conclusions reached at the PAS-facilitated DTC workshop on 24 April 2019, in particular paragraph 3.3 of the meeting note (attached), which states that:

3.3 The message regarding the importance of the DtC and the way it is dealt with at local plan examinations was repeated. All parties present appreciate how important the duty is and how it has the potential to derail examinations. Each of the councils present outlined the position they are in at present regarding their development plans. From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem. The importance of preparing a clear and convincing narrative for the forthcoming SDC local plan examination was again stressed.

<u>Signed on behalf of</u> Sevenoaks District Council	<u>Signed on behalf of</u> London Borough of Bexley
	
Name: James Gleave	Name: Seb Salom
Position: Strategic Planning Manager	Position: Head of Strategic Planning & Growth
Date: 14/11/19	Date: 18/11/19

3e. Dartford Council, 14 November 2019

Agenda Item 8

Joint Statement on the Duty to Co-operate (DTC)

14 November 2019



This statement has been prepared in response to the Duty to Co-operate concerns raised by the Inspector in her letters dated 14 October and 28 October in relation to the Sevenoaks Local Plan examination.

Firstly, the signatories do not consider that there has been a failure in the Duty to Co-operate.

Secondly, the signatories agree with the conclusions reached at the PAS-facilitated DTC workshop on 24 April 2019, in particular paragraph 3.3 of the meeting note (attached), which states that:

3.3 The message regarding the importance of the DtC and the way it is dealt with at local plan examinations was repeated. All parties present appreciate how important the duty is and how it has the potential to derail examinations. Each of the councils present outlined the position they are in at present regarding their development plans. From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem. The importance of preparing a clear and convincing narrative for the forthcoming SDC local plan examination was again stressed.

This position was confirmed by representations submitted by Dartford Council and as documented in the signed Statement of Common Ground.

<u>Signed on behalf of Dartford Council</u>	<u>Signed on behalf of Dartford Council</u>
	
Name: Teresa Ryszkowska	Name: Mark Aplin
Position: Head of Regeneration	Position: Planning Policy Manager
Date: 29.11.2019	Date: 29.11.2019

3f. Kent County Council, 14 November 2019

Agenda Item 8

Joint Statement on the Duty to Co-operate (DTC)

14 November 2019

This statement has been prepared in response to the Duty to Co-operate concerns raised by the Inspector in her letters dated 14 October and 28 October in relation to the Sevenoaks Local Plan examination.

Firstly, the signatories do not consider that there has been a failure in the Duty to Co-operate.

Secondly, the signatories agree with the conclusions reached at the PAS-facilitated DTC workshop on 24 April 2019, in particular paragraph 3.3 of the meeting note (attached), which states that:

- 3.3 *The message regarding the importance of the DtC and the way it is dealt with at local plan examinations was repeated. All parties present appreciate how important the duty is and how it has the potential to derail examinations. Each of the councils present outlined the position they are in at present regarding their development plans. From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem. The importance of preparing a clear and convincing narrative for the forthcoming SDC local plan examination was again stressed.*

Signed on behalf of Sevenoaks District Council

Name: James Gleave
Position: Strategic Planning Manager
Date: 14/11/19

<u>Kent County Council:</u>

Name: Sarah Platts
Position: Strategic Planning and Infrastructure Manager
Date: 18/11/19

3g. Gravesham Borough Council, 14 November 2019

Joint Statement on the Duty to Co-operate (DTC)


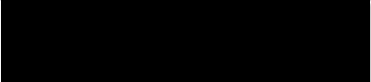
14 November 2019

This statement has been prepared in response to the Duty to Co-operate concerns raised by the Inspector in her letters dated 14 October and 28 October in relation to the Sevenoaks Local Plan examination.

Firstly, the signatories do not consider that there has been a failure in the Duty to Co-operate.

Secondly, the signatories agree with the conclusions reached at the PAS-facilitated DTC workshop on 24 April 2019, in particular paragraph 3.3 of the meeting note (attached), which states that:

3.3 The message regarding the importance of the DtC and the way it is dealt with at local plan examinations was repeated. All parties present appreciate how important the duty is and how it has the potential to derail examinations. Each of the councils present outlined the position they are in at present regarding their development plans. From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem. The importance of preparing a clear and convincing narrative for the forthcoming SDC local plan examination was again stressed.

<u>Signed on behalf of</u>	<u>Signed on behalf of</u>
	
Name: Shazad Ghani	Name: James Gleave
Position: Planning Manager (Policy)	Position: Strategic Planning Manager
Date: 04/12/2019	Date: 14/11/19

In terms of Gravesham - our view is that the Statement of Common Ground between us clearly shows active engagement between the two Council's. This includes discussions on unmet housing need and the fact that SDC would be seeking West Kent authorities to meet any unmet need in the first instance, before turning to neighbours (which includes Gravesham). Given the planning constraints in Gravesham and were we are with our plan, we agreed to keep this matter under review during our plan preparation (currently underway) and 5 year reviews of our respective Local Plans via Duty to Cooperate discussions.

APPENDIX 4 - Post examination correspondence received from participants

4a. Badgers Mount Parish Council, 8 November 2018

BADGERS MOUNT PARISH COUNCIL

8th November 2019

James Gleave
Strategic Planning Manager
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent
TN13 1 HG

Dear Mr Gleave

SEVENOAKS DISTRICT COUNCIL LOCAL PLAN

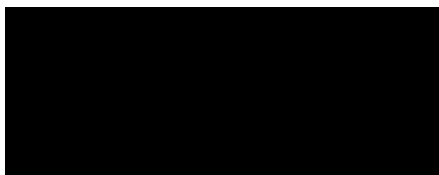
Badgers Mount Parish Council has seen the Planning Inspector's letter of 28th October in which she sets out her reasons for withdrawing the Local Plan and your reply of 31st October challenging this.

We are puzzled by the Inspectors comments and fully support the District Council's actions in this matter.

We would be grateful to be kept informed on the latest developments, and would be happy to consider anything we could do to help the District Council's position.

I am copying this letter to the Local Plan Inspector and to all the other Parish Council's in the District at the request of the Parish Council.

Kind Regards



Geoff Dessent
Clerk Badgers Mount Parish Council

4b. Tarmac (David Lock Associates), 11 November 2018

Louise St John Howe
PO Services
PO Box 10965
Sudbury
Suffolk
CO10 3BF

BY EMAIL: louise@poservices.co.uk and post

11th November 2019

Dear Louise,

Our ref: LAF047/DB

SEVENOAKS DISTRICT COUNCIL LOCAL PLAN

I am writing on behalf of Tarmac regarding the recent correspondence between the Inspector and Sevenoaks District Council regarding the Local Plan Examination and, in particular, the Inspector's concerns over Duty to Cooperate. Tarmac is the owner and promoter of Sevenoaks Quarry (Policy ST2-13) and are a participant in the Examination (ref. 3630).

Tarmac respects the Inspector's considerations regarding the Duty to Cooperate but it is disappointing and surprising that the conclusion reached so far is to either withdraw the Local Plan or to issue a report recommending non-adoption. It is evident that Sevenoaks District Council has engaged in a dialogue with its neighbouring authorities and that none of its neighbours are maintaining objections on Duty to Cooperate grounds.

We welcome the Inspector's intention (expressed in her letter to Sevenoaks District Council on 14th October) not to reach any final conclusion on the matter until the Council's response has been considered and understand the Council will provide further information by 15th November. In this context, we would encourage a pragmatic and positive approach to avoid unnecessary delay to the the progression of the Local Plan and provide the certainty to support local investment and development needs in Sevenoaks.

Yours sincerely



DARREN BELL
PARTNER

Email: 

cc: J Gleave, H Gooden; Sevenoaks District Council
D McCabe; Tarmac

DAVID LOCK ASSOCIATES LIMITED
50 North Thirteenth Street
Central Milton Keynes
Buckinghamshire
MK9 3BP

+44 (0) 1908 666276
mail@davidlock.com
www.davidlock.com

VAT Reg. No. 486 0599 05.
Registered in England No. 2422692.
Registered Office as above.

4c. Berkeley Homes, 14 November 2019

Louise St John Howe
PO Services
PO Box 10965
Sudbury
Suffolk
CO10 3BF

14th November 2019

Dear Louise,

Sevenoaks Local Plan

Following the recent publications from the Planning Inspectorate regards the emerging Local Plan for the District I thought it would be useful if I wrote to you and set out Berkeley's current position on the Local Plan.

As you are aware, Berkeley have been actively participating in each stage of the Local Plan process including appearing at the Examination in Public (EiP). Our representations and subsequent case made at the EiP was that although we believe that there are issues of soundness relating to the overall housing requirement and Green Belt these areas can be addressed through modifications to the Plan. This solution is opposed to withdrawing the Local Plan as a whole as was suggested by the Inspector in her letter to the Council of 31st October 2019.

I have set out below our reasoning for the above;

Duty to Cooperate

In terms of legal compliance of the Plan Berkeley believe that the Council has duly discharged the Duty to Co-Operate. As the Council set out in the published Duty to Co-operate Statement we believe that effective and ongoing joint working between the surrounding Councils was ongoing. Through the multiple meetings that took place we believe that adequate discussion on strategic matters that cross administrative boundaries such as additional infrastructure and unmet housing need had been addressed. Critically, the surrounding local authorities are akin to Sevenoaks in that they also operate within a constrained District, which has made meeting their housing requirement a challenging yet achievable procedure. In light of this we believe that regardless of any additional time that the surrounding authorities may have had in deciding whether or not they could meet Sevenoaks' unmet housing needs it was highly unlikely that a surrounding authority would have been capable of doing so. As such, we believe that in line with the Planning and Compulsory Purchase act 2004 and the NPPF the Local Plan is legally compliant.

Housing Requirement & Green Belt

As I mentioned earlier in this letter Berkeley's main concern with the Plan surrounds the housing requirement and the Councils approach to the Green Belt. We believe that there are issues of soundness surrounding the exceptional circumstances towards releasing land from the Green Belt. If the Inspector was to agree with this view there would be an unjustified housing shortfall in terms of the overall Plan requirement. However, a clear solution to meeting the overall housing requirement could be achieved through main modifications to the Plan. The Council had identified at Regulation 18 stage that there were a total of ten potential Green Belt sites that had been identified through the ARUP Green Belt Study that together along with existing commitments, past completions and brownfield provision would practically meet the full housing needs of Sevenoaks. In addition, there were four separate sites that were deemed potentially suitable that were consulted upon alongside the Regulation 19 Plan that could also contribute to meeting the Districts housing needs.

It is Berkeley's view that the Plan is capable of being found sound and adopted through some modifications to the Plan using the Councils existing evidence base. Therefore the Council would not need to withdraw the Plan as is currently proposed by the Inspector and a clear and obvious way forward is established towards gaining an adopted Local Plan for Sevenoaks in 2020.

I trust the above is helpful and in the meantime I will continue to monitor the examination website for any further updates. However, please do not hesitate to contact me if you require any further information. I look forward to continuing to participate in the Sevenoaks Local Plan process generally and, in particular, continuing to work in partnership with Sevenoaks District Council.

Yours sincerely



Ronan T. Kirrane
SENIOR LAND MANAGER

4d. Sevenoaks Town Council, 25 November 2019

James Gleave
Strategic Planning Manager
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent
TN13 1HG



Dear Mr Gleave,

Sevenoaks Local Plan

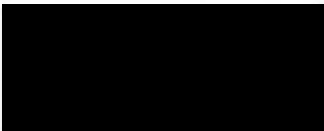
I am writing on behalf of Sevenoaks Town Council to express its dissatisfaction with the Planning Inspector's recommendation to withdraw the Local Plan from consideration, outlined in correspondence on 31st October 2019.

As a Town Council which is directly impacted by the policies outlined in this document, we wish to extend, in no uncertain terms, our complete support for Sevenoaks District Council throughout this process.

The ongoing development of Sevenoaks Town Council's Neighbourhood Plan has meant we have been in close contact with the District Council throughout the formation of the Local Plan. The Town Council is confident that it is a document that reflects the wishes of the Sevenoaks Town community as a whole, demonstrated by the very high level of public support for local proposals at consultation

We would appreciate notification of future progress on the Local Plan and would be prepared to further assist Sevenoaks District Council, however it sees fit, regarding this matter.

Yours sincerely,



Linda Larter

Chief Executive / Town Clerk

Town Council Offices
Bradbourne Vale Road
Sevenoaks Kent TN13 3QG

tel: 01732 459 953 fax: 01732 742 577
email: council@sevenoakstown.gov.uk
web: sevenoakstown.gov.uk



4e. Fawkham Parish Council, 25 November 2019

FAWKHAM PARISH COUNCIL

c/o 8 Viking Way, West Kingsdown, Kent, TN15 6DY

25th November 2019

Ms K Baker

% Louise St John Howe

Programme Office

PO Services

PO Box 10965

Sudbury

Suffolk

CO10 3BF

Dear Ms Baker

I am writing to express Fawkham Parish Council's disappointment regarding the discontinuation of the Hearing Sessions and your suggestion that Sevenoaks District Council withdraws the Local Plan from further Examination. Considerable time and effort has been expended by Fawkham Parish Council members and by our residents in submitting responses to the Consultations and in preparing Hearing Position Statements.

Regarding the Duty to Cooperate, it is our view that it is evident SDC engaged in effective dialogue with neighbouring authorities, none of which has stated they believe the Duty to Cooperate is not met, and none of which is in a position to accommodate the unmet need. Withdrawing the plan at this stage does not appear to be the positive or pragmatic approach to plan making required by the NPPF.

We understand you also have concerns over aspects of soundness, although we cannot comment on these as you have not yet made full details available. However, Fawkham Parish Council considers that the

extent of the housing need that is proposed to be met is reasonable for a district which is the third most constrained by Green Belt, with only 7% non-Green Belt land in which to build, and that the Green Belt should remain protected from development.

We trust that you will consider the responses provided by SDC in its letter of 18th November, and avoid further delay to the Local Plan's progression.

Yours sincerely

Laura Evans
Chair, Fawkham Parish Council

c.c. James Gleave, Strategic Planning Manager, Sevenoaks District Council

4f. Gladman Developments Ltd, 27 November 2019



Louise St John Howe
PO Services
PO Box 10965
Sudbury
Suffolk
C010 3BF

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

By email: louise@poservices.co.uk

T: 01260 288800
www.gladman.co.uk

27th November 2019

Dear Louise,

Examination of the Sevenoaks Local Plan


I am writing as the site promoter of Pedham Place regarding the correspondence between the Inspector and the Council, noting that the Inspector has raised significant concerns with regard the Duty to Cooperate. Gladman have been involved in all the sessions in weeks 1 and 2 of the examination and prepared evidence in relation to the Duty to Cooperate.

Gladman recognise the importance of the role of the Planning Inspectorate and the challenging job it has in balancing the range of views that are put forward through the examination of Local Plans. Having considered the Sevenoaks Local Plan in detail Gladman noted a number of instances in which we considered that the plan was not sound, we identified and put these forward in representations and orally at the hearings, however we at no point considered that these issues of soundness were ones that could not be addressed through further work and main modifications to the Local Plan. It was with some surprise therefore that we read the Inspectors interim findings indicating that she considered the plan needed to be withdrawn or she would need to prepare a report recommending non-adoption.

The reality is that the Council is in an extremely challenging position given the level of constraints which sit across the district, and whilst it is not meeting its housing need in full, it has to its credit been open and upfront about those issues with its neighbouring authorities. In circumstances such as this several similarly constrained authorities have not sought to take as proactive and pragmatic an approach as Sevenoaks. Whilst we consider that further work is needed on the plan, we would urge the inspector to look again at the work done by the Council with regard the Duty to Cooperate.

Gladman hope that, in this instance, the Inspector will take a pragmatic view to the plan making process in Sevenoaks in order to ensure that much needed housing and infrastructure can be brought forward as quickly as possible.

Yours sincerely


Mathieu Evans
Senior Strategic Planning Director

APPENDIX 5 - Additional evidence of engagement and research

Documents in this section provide additional evidence of early Duty to Co-operate engagement and a review of where other authorities have experienced DTC issues and IPE advice in relation to DTC activity undertaken by Green Belt authorities.

5a. Issues and Options Duty to Co-operate Workshop, 23 August 2017

Agenda Item 8

Local Plan Issues and Options Consultation Duty to Co-operate Workshop

23 August 2017

Neighbouring Authorities in Attendance:

- KCC Economic Development
- KCC Highways
- Tandridge District Council
- Gravesham Borough Council
- Tonbridge & Malling Borough Council
- Maidstone Borough Council
- Tunbridge Wells Borough Council
- Dartford Borough Council

Agenda

- Introduction and Presentation
- Update from each authority
- Group Questions
- Feedback and Conclusion

Standard Questions

1. What do you think of our preferred approach?
2. It is clear following this approach that we will have a shortfall in meeting the identified housing need. We have been discussing this issue through our Duty to Co-operate meetings but do you think we could do more? Do we need a different approach? Do we now need to start getting members involved?
3. How do you view our evidence base?
 - a. What do you think are the positive elements?
 - b. Is there anything that you might benefit from?
 - c. Do you think there is anything we have missed?
4. Any ideas for engaging “hard to reach” groups?

Specific Group Questions		
Group 1	Dartford Gravesham KCC Highways	1. Clearly there is an impact on all our areas from London. -what are the main impacts for your area? -How is your relationship with the neighbouring London Boroughs? -How are you keeping up to date with the London plan?

		<p>-Do you think we need a more consistent approach to the London Plan from Kent and south London?</p> <p>2. Are you going to meet your housing targets and what is your approach? Approach to Green Belt and landscape?</p> <p>3. Discuss the impact of the major development in the area: -Ebbsfleet -Paramount – Swanscombe peninsula -Bluewater -Lower Thames Crossing</p> <p>4. What are the current influences you are facing from Medway?</p> <p>5. What is the current situation regarding your Gypsy policies and the status of your GTAA?</p> <p>6. Look at the sub regional issues – is there anything we have missed?</p>
<p>Group 2</p>	<p>Tonbridge & Malling Tunbridge Wells Maidstone KCC Highways KCC Economic Development</p>	<p>1. If we do not meet the OAN across the Housing Market Area – what do we do?</p> <p>2. We are also within the same FEMA – how are you intending to meet your identified economic need?</p> <p>3. Do we need a statement of common ground? Can PAS help?</p> <p>4. What are the wider Kent issues that will affect West Kent as a whole?</p> <p>5. What is the current situation regarding your Gypsy & Traveller policies and the status of your GTAA?</p> <p>6. Sub regional issues – is there anything we have missed?</p>
<p>Group 3</p>	<p>Tandridge KCC Highways</p>	<p>1. What is their current approach to the Green Belt? What is the impact if they would have less than 94% of their area covered by Green Belt?</p> <p>2. Are they going to meet their housing need?</p> <p>3. What is the selection process for considering the Garden Villages? Are there any preferred sites coming through? Has the impact on Edenbridge being considered in particular in regard to Transport and services?</p> <p>4. What is the current situation regarding your Gypsy policies and the status of your GTAA?</p> <p>6. Look at the sub regional issues – is there anything we have missed?</p>

Agenda Item 8

Session Two– Public Bodies & Statutory Consultees (split into 3 groups according to characteristics/relationships)

- NHS Dartford, Gravesham & Swanley CCG
- CPRE Kent
- Network Rail
- Kent Police
- Kent Downs AONB Unit
- North West Kent Countryside Partnership
- Highways England
- High Weald AONB Unit
- NHS West Kent CCG
- KCC Local Lead Flood Authority (SuDS)

Standard Questions

What do you think of our preferred approach?

How do you view our evidence base?

- a. What do you think are the positive elements?
- b. Is there anything that you might benefit from?
- c. Do you think there is anything we have missed?

Do you think we have covered all the issues? Is there anything you think we have missed or would like to see?

Specific Group Questions		
Group 1	CPRE High Weald AONB Unit North Downs AONB Unit NWKCP KCC SuDs	<ol style="list-style-type: none"> 1. What are the main areas of concern with our District? 2. What issues have you objected to in the past? 3. What would you like to see in place in our plan? 4. The need to conserve and enhance – what does this mean? Officers are not sure how to interpret this. Is it looking at the locality and the AONB in wider context? Is it looking to improve economy or looking at details e.g. the choice of colours. 5. Can they provide good examples of policies/Guidance elsewhere? 6. Can they provide examples/issues to include in our design SPD
Group 2	Network Rail Highways England	<ol style="list-style-type: none"> 7. What are the main areas of concern/issues within our District? 8. What issues have you objected to in the past?

		<ol style="list-style-type: none"> 9. What would you like to see covered in our plan? 10. Where are they looking to invest in the future? What are their future plans? 11. What is the best way to contact you? What information do you require and at what stage? 12. Can they provide good examples of policies/Guidance elsewhere? 13. Can they provide examples/issues to include in our design SPD? 14. How much contact do you have with KCC? 15. Local issues
<p>Group 3</p>	<p>West Kent CCG DGS CCG Kent Police</p>	<ol style="list-style-type: none"> 1. What are the main areas of concern/issues within our District? 2. What issues have you objected to in the past? 3. What would you like to see covered in our plan? 4. Note - Page 31 – provides rough housing figures for each area. 5. What is the best way to contact you? What information do you require and at what stage? 6. Are they likely to bid through CIL? What kind of projects? 7. Main feedback that we receive – there is not enough health care provision in the District ? What is your view? 8. What are your future plans? Is it more for larger central hubs? GPs that specialise 9. Local Issues

5b. DTC review of other local authorities

Tabular form of assessment of Examination Reports issued in 2019/2018 under the transitional arrangements of the NPPF (Produced in June 2019)

The following schedule is an extract from a report provided to the Council in June 2019 by Intelligent Plans and Examinations. It provides a tabular summary of 10 examination reports issued in the last two years and includes a section on how the Duty to Co-operate was discharged in each case. All reports were based on the 2012 NPPF and were examined on the transitional arrangements put in place by the 2019 NPPF (new NPPF).

Whilst different approach approaches have been taken in each case to reflect local circumstances, common themes relating to whether the duty has been met include the production of joint evidence base documents, participation in a Local Enterprise Partnership (LEP) and signed Statements of Common Ground. The Council has produced a number of joint evidence base documents with neighbouring authorities, has Statements of Common Ground in place and is a member of the South East LEP

Plan and context	DtC	Key Issues affecting GB	Selected key evidence	Outcomes	GB release specifically required by Inspector
Nuneaton and Bedworth Borough Council	<p>The Council's DtC Statement usefully sets out the context for the Borough Plan within Warwickshire and with regard to Coventry in particular. The Council was involved in commissioning a joint SHMA and SHLAA whilst being involved with the LEP and associated activity, including a City Deal.</p> <p>There were issues around signing</p>	<p>Spatial Strategy The Plan takes a hierarchical approach to its settlements and the consequent distribution of development. As such, Nuneaton is the primary focus for most development which impacts upon the GB.</p> <p>Housing and Employment Land The Borough is part of a wider HMA. As informed by a variety of SHMA and demographic data, the Borough has an apportioned OAN of 10,040 dwellings which was accepted by the Inspector excluding Coventry's unmet need of 4,020. The distribution of the unmet needs from Coventry was resolved by a MoU and consequently the Inspector required a modification of the Plan to increase the</p>	<p>SA</p> <p>Habitats Regs Screening Assessment</p> <p>SHMA and SHLAA</p> <p>Background paper on housing and employment needs</p> <p>Housing Topic Paper</p> <p>Employment Land Review</p>	<p>The Plan was found sound with significant release of GB designated land.</p>	<p>Not specifically.</p>

	<p>Memorandum of Understanding with partners in relation to meeting the unmet housing and employment land needs of neighbouring authorities but this did not prevent the Inspector concluding that the Duty had been discharged adequately (report paragraphs 17-28).</p>	<p>overall housing requirement to at least 14,060 (from 13,374) in lieu of Coventry's need.</p> <p>Nuneaton is the focus for new housing and employment developments. The Council have significant allocations and commitments on non-GB land to the north of the town. The Plan and its evidence indicate that further northern growth is undesirable for a range of reasons including peripherality, connectivity and overall sustainability. The SA supports this position. As supported by the Council's SA and GB Review, which assessed the land parcels against NPPF purposes of designation, land to the south of the town is proposed for development. The Inspector accepted the Council's position and found at a strategic level that exceptional circumstances existed to warrant release of GB land for development.</p> <p>The Inspector found similarly for other settlements (eg Bedworth).</p> <p>The collective evidence, including the Council's Employment Land Study and MoU, indicated a need for additional employment land to serve the Borough needs (87ha) and approximately 66% of Coventry's unmet need.</p> <p>See Background Paper on Housing and Employment Needs for a reasonable summary of the Council's position.</p>	<p>Employment Land Study</p> <p>GB Study 2015</p>	
--	---	---	---	--

<p>Ruby Borough Council</p>	<p>The Council's DtC Statement of Compliance indicates how the Council has worked (in a two tier government structure) with prescribed bodies and partners on strategic matters including:</p> <ul style="list-style-type: none"> • A joint SHMA and SHLAA; • Joint LEP employment land studies; 	<p>GB The Plan proposed GB land release to meet its housing requirement and to support strategic and non-strategic site allocations. In doing so, the Council had regard to its GB Review, SA and SHLAA. Whilst the Inspector accepted that exceptional circumstances had been demonstrated to warrant the site allocations which affected GB land, he also expressed reservations about the totality of the housing land supply such that an additional GB site was identified and included within the modified Plan.</p> <p>The majority of employment sites allocated would necessitate GB release which the Inspector accepted was warranted.</p> <p>Note – the Plan has not yet been adopted.</p> <p>Housing and Economy Based on the collective evidence, the Plan allows for 480dpa to meet the objectively assessed housing needs of Rugby Borough and 140dpa to meet part of the unmet need of neighbouring Coventry. A target figure of 663 dpa was set to allow for past under delivery et al.</p> <p>Employment evidence indicated a need for employment land over the plan period to serve the Borough and its surrounds (Coventry). The Plan was found to make adequate provision (report paragraph 265).</p>	<p>SA HRA Housing Background Paper SHMA and SHLAA Employment Land Study and Background Paper Coventry and Works Joint Green Belt Review 2015</p>	<p>The submitted Plan was altered by the main modifications to reduce the extent of GB land released for development.</p>	<p>Inspector confirmed that aspects of GB release were not justified and modified the Plan accordingly.</p>
-----------------------------	--	--	--	---	---

<p>Guildford (south eastern Borough, constrained by GB and landscape designations)</p>	<ul style="list-style-type: none"> Joint Green Belt review (2009/14); Coventry and Warks C Ex and Managers group Employment Land Memorandum of Understanding <p>Concerns were raised that the DTC had not been met by the Council with regard to Coventry's unmet housing need but the approach taken was not deemed unsound.</p>	<p>GB</p> <p>It should be noted that the Inspector did not accept two housing allocations and two employment sites within the Plan due, in part, to conflict with national policy on the GB.</p> <p>Relying in part upon its GB Review study, the Plan proposed de-designation of GB land to accommodate housing delivery at the main rural settlements and the Council relied on capacity work undertaken by its SHLAA. However, while the Inspector accepted the principle, he considered an adequate (surplus) housing land supply would exist and, with regard to the site merits of each site, did not accept all of the site-specific proposals. He effectively modified the Plan to remove some of the site allocations accordingly (report paragraphs 214/217).</p> <p>Similarly, an adequate supply of employment land resulted in the Inspector's conclusion that exceptional circumstances did not exist to designate GB site allocations.</p>	<p>See Examination website and core documents and: SHLAA PT1 SHLAA PT2</p>	<p>The housing requirement was reduced from the submitted figure to 562 dpa. Modifications were made to release additional</p>	<p>No</p>
--	--	--	--	--	-----------

	<p>The DtC was found to be discharged (Report paragraph 20)</p>	<p>Modifications were made to increase the short term delivery of housing and included strategic sites.</p> <p>GB The Council relied upon its Green Belt and Countryside Study (see summary) which consists of 4 volumes and was undertaken over a considerable time period (2009 onwards). This was predicated on the potential for GB site release to meet needs.</p> <p>Issue 5 of the Inspector’s report (paragraph 78 onwards) states: Whether at the strategic level there are exceptional circumstances which justify altering Green Belt boundaries to meet development needs, and whether the Plan’s Green Belt policy is sound?</p> <p>Paragraph 79 neatly sums up the housing need position: <i>“Guildford has a pressing housing need, severe and deteriorating housing affordability and a very serious shortfall in the provision of affordable homes. There is additional unmet housing need from Woking. There is no scope to export Guildford’s housing need to another district;”</i> ...</p> <p>Paragraph 80: <i>“The ability to meet the identified business needs therefore depends on making suitable new land available and there is no realistic alternative to releasing land from the Green Belt. Exceptional circumstances therefore arise at the</i></p>	<p>West Surrey SHMAA (Summary) (May 17 update) (see website for other SHMA data)</p> <p>SA – the SA process is detailed through its iterations and includes consideration of the spatial strategy and latterly site alternatives.</p> <p>The HRA concluded that the Plan would not cause individual or combined harm.</p>	<p>sites including those in the GB to ensure adequate housing delivery over the plan period.</p>	
--	---	---	---	--	--

<p>Wyre Borough Council (north western borough adjacent to Blackpool, Preston and Lancaster – constrained by</p>	<p>The Council produced a Statement of Compliance with the DfC. This is a relatively lengthy document that details how the Council seeks to work with prescribed bodies and others in the formulation of its Plan.</p>	<p><i>strategic level to alter Green Belt boundaries to accommodate business and employment needs...”</i></p> <p>Land availability: paragraph 81 – “All available sites have been assessed for their suitability as part of the Land Availability Assessment process which considered approximately 1,000 sites.”</p> <p><i>Conclusion paragraphs 89/90: “In conclusion, all the above points amount to strategic-level exceptional circumstances to alter the Green Belt boundary to meet development needs in the interests of the proper long-term planning of the Borough. Local level exceptional circumstances are considered in Issues 10 and 11. Guildford Borough Local Plan: strategy and sites, Inspector’s Report 27 March 2019 23 90.</i></p> <p><i>There are no exceptional circumstances justifying the creation of new Green Belt between Ash Village and the Ash and Tongham urban area. Policy P2 Green Belt is sound subject to MM9.”</i></p> <p>Spatial Strategy The Borough considered three options for growth which took into account the existing constraints of highway capacity, green belt, flooding and land availability. With the support of the SA, the Plan adopted a hybrid approach of managed dispersed development across settlements.</p> <p>Housing and Economy The Council relied on its SHMA and associated evidence in establishing a need of 479 dpa whilst</p>	<p>Green Belt and strategic areas of separation paper 2017 and 2018 Wyre Green Belt Study 2016 Housing Background Paper 2017</p>	<p>3 GB sites released. Modification necessary to increase housing requirement in combination with an early partial review of the Local Plan.</p>	<p>No</p>
--	--	---	--	---	-----------

<p>coastline et al).</p>	<p>The evidence includes governance structures, a Memorandum of Understanding between the Fylde Coast Authorities and a joint SHMA.</p> <p>The DtC was found to have been discharged (report paragraph 22)</p>	<p>the Plan provided a requirement of 411 dpa due to constraints.</p> <p>However, the Inspector disagreed with the constrained requirement figure and identified: firstly, a need to modify the Plan to accommodate 460 dpa and, secondly, to undertake an early partial review in order to meet the OAN. Subject to the early review and the use of the ‘Liverpool’ method of accommodating previous housing shortfall, the Inspector concluded that a sufficient housing land supply should be secured.</p> <p>GB</p> <p>The Council undertook a Green Belt Study and identified three land parcels for release which made limited contributions to GB purposes.</p> <p>The Council states¹ that: <i>In the circumstances pertaining to Wyre the recommendation to release three sites from Green Belt was made regardless of any pressure to allocate land for future development. It was made on the basis of evidence which concluded that the sites only made a limited contribution to Green Belt and therefore they did not fulfil the purposes of Green Belt as defined in the NPPF. This was considered to be the exceptional circumstance and furthermore their removal would produce a more sustainable outcome of planned development within Wyre.</i></p>	<p>Fylde Coast SHMA and addenda</p> <p>Strategic Housing Land Availability Assessment (SHLAA)</p> <p>SA and summary</p> <p>HRA</p>	
--------------------------	--	--	--	--

¹Green Belt and strategic areas of separation paper 2017 and 2018.

<p>Kirklees Council</p>	<p>The Council produced a Duty to Cooperate Statement. This sets out the measures taken which include its membership within the Local Economic Partnership and the West Yorkshire Combined Authority. The Council had worked cooperatively on issues such as flooding, renewable energy, housing and economic activity. A variety of Statements of Common Ground were prepared. The Inspectors found the DtC had been met.</p>	<p>The Inspector accepted that their release was exceptionally justified (report paragraphs 37-46) due to the absence of the land serving any GB purpose or by reason of the loss causing limited harm off-set by the sustainable location of proposed development. Housing and Employment Land and the GB The Local Plan identifies the Borough as being the appropriate HMA and that the OAN/minimum housing requirement of 1730 dpa can be met over the plan period. Outside of the built-up area the District is comprised of GB land. As identified by the Inspectors (paragraphs 45/46) the Council undertook a thorough assessment of urban capacity through its SHLAA, employment land reviews and Urban Green Space assessment. Consequently, the Inspector accepted that without the GB release approximately a third of the housing requirement would not be delivered. Similarly, the Inspectors accepted the employment land requirements proposed within the Plan which could only be met by additional GB site release. The Council's GB Review finds that in principle GB release can be accommodated without significant harm to the wider integrity of GB designation in the district and that site specific exceptional circumstances exist which ultimately warrant GB release.</p>	<p>SHMA 2016 Green Belt Review 2017 Employment and Housing Technical Papers 2017 HRA SA SA Non-Technical Summary</p>	<p>The submitted Plan proposed GB release which was accepted by the Inspectors.</p>	<p>No.</p>
-------------------------	--	--	--	---	------------

<p>Bromley Borough Council</p>	<p>The Council produced a Duty to Cooperate Statement and a Statement of Consultation. This and other evidence indicated that it had ongoing working relationships with prescribed bodies including the neighbouring Borough of Croydon and the GLA on matters such as housing.</p> <p>Note – Sevenoaks DC made representations (29.12.16) to the Bromley Plan (Reg 19) to confirm DtC endeavours.</p>	<p>The Plan proposes a host of GB site release opportunities, which were subject to SA with the consideration of alternatives, and all were predominantly accepted as sound by the Inspectors.</p> <p>Housing and Employment The Council accepts the housing targets within the London Plan which are derived from a range of evidence sources including the London wide SHMA and SHLAA. These were supplemented by the jointly commissioned SE London SHMA 2014. Bromley Borough’s approach to employment land and the economy is in conformity with the London Plan.</p> <p>Additional traveller pitches were required within the GB.</p> <p>Education Infrastructure The Council’s evidence indicated a pressing need for additional and expanded education infrastructure. Options were tested via the SA and draft allocations developed. These involve the designation of GB land.</p> <p>GB A partial review of the GB was undertaken in order to consider changes to GB designation on sites where development may be warranted. Thus striking a perceived balance between protection of GB (as required by the London Plan) and the development needs of the Borough.</p>	<p>SA HRA SHMA and SHLAA and Traveller Assessment Capacity Reviews of Biggin Hill GLA Reg 19 letter and response</p>	<p>The submitted Plan and its designation of GB land to accommodate housing, education and employment was developed by the Inspector.</p>	<p>No</p>
--------------------------------	---	---	--	---	-----------

<p>Barnsley Borough Council</p>	<p>The Council produced a Duty to Cooperate Statement. This and other evidence indicated that it had ongoing working relationships with prescribed bodies and included specific outcomes (section 4). This included the formation of a wider</p>	<p>Key issues affecting the Plan and the GB were a Strategic Outer London Development Centre (SOLDC), traveller accommodation and the provision of education infrastructure. The GLA supported the principles proposed but not all of the site designations. The Inspector accepted that exceptional circumstances existed to warrant 'insets' within the GB to accommodate traveller requirements. The Inspector accepted (paragraph 70) that re-designation of some GB land to Urban Open Space to accommodate education infrastructure was exceptionally justified. Three sites were released from the GB to facilitate development in support of the SOLDC (Inspector report paragraph 101) following specific studies into GB impacts.</p>	<p>SA HRA GB and Safeguarded Land Background Paper 2016 Housing Background Papers SHELAA</p>	<p>The submitted Plan and its designation of GB land to accommodate housing and employment development was accepted by the Inspector including modifications for additional GB release.</p>	<p>Not specifically albeit interim findings indicated an unresolved issue of insufficient land supply.</p>
---------------------------------	---	--	--	---	--

<p>authority group to agree a common approach to the Local Plan Green Belt Review (p10).</p> <p>The Inspector found the DtC to have been discharged notwithstanding uncertainties around the longer term governance arrangements for cooperation (Inspector's report paragraph 28/29)</p>	<p>The Plan was modified to accommodate an increase in the housing requirement to match the OAN (1134dpa).</p> <p>Employment The Inspector found that a revised (down) figure of 297ha of employment land to be delivered over the plan period to be justified.</p> <p>GB Over three quarters of the Borough is designated GB.</p> <p>The Council's GB review aimed to identify land for de-designation with minimal harm and future boundary permanence. It was informed by the SA and a SHLAA of 2013 and a SHELAA of 2016. This found a shortfall of housing land to accommodate 6000 dwellings.</p> <p>The Council considered the use of pdl (note reference to Brownfield Land Register) and increased densities. It explored the scope for neighbouring authorities to meet its un-met housing and employment land needs without success (in different HMAs). In summary, de-designation was identified in conjunction with a smaller scale of newly designated GB land. Specific sites were considered and exceptional circumstances were, in the main, accepted as justifying the release of GB land for development.</p> <p>The borough is a relatively compact urban area which contains a number of constraints upon</p>	<p>SHMA Employment Background Papers Review of Employment Policy Areas</p>	<p>The submitted Plan and its de-</p>	<p>No.</p>
<p>The Council prepared a Duty to Cooperate</p>	<p>SA</p>	<p>The submitted Plan and its de-</p>	<p>No.</p>	

<p>Primarily urban in character with Green Belt to the north, Poole Harbour to the south and a variety of potential constraints to development.</p>	<p>Statement of Compliance² which indicated how the Council had worked with prescribed bodies and others in the preparation of the Plan (see page 13 of the Statement for some detail). Amongst the work undertaken was the Dorset Strategic Planning Forum with a clear governance structure and a mandate to consider housing needs, green belt review, employment requirements and infrastructure.</p> <p>The Inspector concluded the duty had been discharged (report paragraph 14)</p>	<p>development including GB, landscape designation and habitat conservation.</p> <p>Housing and Employment</p> <p>The Council's evidence relied in part upon a jointly commissioned SHMA 2015 for the east of the county which represents a defined HMA and a later Borough SHMA (2017). The borough's OAN was identified as around 710 dpa (with a high level of affordable homes required) and the Inspector accepted that the housing requirement could be derived at 710dpa/14,200 homes over the plan period to be delivered on a stepped/phased basis.</p> <p>The majority of the homes to be delivered are intended for Poole Town Centre and the existing urban area with 1,200 in urban extensions.</p> <p>In relation to employment land, the Council relied upon the jointly commissioned Workplace Strategy 2016 which led to an accepted conclusion that 33ha of land was required over the plan period.</p> <p>GB</p> <p>Whilst the Council, supported by the SA, identified the majority of new development to occur in the urban area, two urban extensions into the GB were proposed.</p> <p>The Council evidenced that its unmet need was not capable of being 'exported' nor or being</p>	<p>HRA Green Belt Review SHMA, SHLAA and HELAA</p>	<p>designation of GB land to accommodate housing development was accepted by the Inspector.</p>
---	--	--	--	---

²In order to access the Poole documents from the embedded links, you will need to create an account in the Council's 'sharepoint' when prompted.

<p>Cambridge City Council</p>	<p>Cambridge City Council and South Cambridgeshire Council have historically worked closely on planning matters. The Council's sought to align their separate Local Plans and are now engaged on producing a joint Greater Cambridge Local Plan.</p> <p>In general, the Inspectors accepted that the DtC had been discharged (see report paragraphs 9-16) as</p>	<p>sustainably subsumed in its urban area. The Council undertook a Green Belt Review which assessed the designated land parcels against NPPF purposes.</p> <p>Ultimately the Inspector accepted that exceptional circumstances existed to warrant de-designation of GB land to accommodate housing development – please see report paragraphs 74-77 for a reasonable summary.</p> <p>It should be noted that new GB designation was made on safeguarded land and two other GB boundary alterations were made (de-designation) to accommodate educational infrastructure.</p> <p>Spatial Strategy The Plan seeks to maximise new development within the urban area. Thereafter the urban edge of the city is identified for growth but with the recognised constraint of established GB. The Plan did not propose significant areas of GB release.</p> <p>Housing and Employment There was much evidence, often pulling in different directions, as to the quantum of housing required for the city. Ultimately, the Inspectors accepted an OAN of 14,000 dwellings as the basis for its housing requirement and provision (14,500).</p> <p>The Inspectors identified concerns at historic housing delivery rates but accepted that the Plan would provide an adequate rate of delivery over</p>	<p>Cambridge Inner Green Belt Boundary Study 2015 Employment Topic Paper South Cambridgeshire & Cambridge City Employment Land Review and addendum SHMA and SHLAA and update</p>	<p>The submitted Plan and its de-designation of GB land to accommodate housing development was accepted by the Inspector.</p>	<p>No</p>
-------------------------------	--	---	--	---	-----------

<p>Adur District Council</p>	<p>evidenced by the Joint Strategic Planning Unit of local authorities and the DtC Statement et al.</p>	<p>the plan period and could demonstrate a 5 year HLS (report paragraph 46).</p> <p>The Employment Land Review identified the need to protect industrial floorspace and underpins the Council approach to the development of new land which is identified within the Plan.</p> <p>GB Historically, significant areas of land were removed from the GB in the 2006 Local Plan which are in the process of being developed. The Council undertook a review of the extant GB (2012) and a further review in 2015. The latter found that the majority of GB remained important to GB purposes.</p> <p>Nonetheless, two sites within the GB were accepted as being permissible for housing (see report paragraphs 55-57) wherein the benefit of housing development to meet needs in a sustainable location was deemed to warrant (exceptional circumstances) GB release.</p> <p>In addition, two sites were proposed for release for employment (technology) purposes and once again exceptional circumstances (including the national economy) were found to exist.</p> <p>The submitted Local Plan identified the location of Adur and the constraints upon development that were perceived to exist, particularly flood risk and the South Downs National Park. The SA considered alternatives (chapter 10) and supported the spatial</p>	<p>Housing Land Supply</p> <p>SA (see iterations for modifications)</p> <p>HRA (see iterations)</p>	<p>The Inspector accepted that the Local Plan could set housing and employment land</p>	<p>No GB land relevant. Some limited</p>
	<p>During the Examination, the Inspector responded to concerns at how/whether the</p>		<p>Employment Topic Paper</p> <p>Housing Topic Paper</p>		

	<p>DtC had been discharged. Ultimately the Inspector, with regard to the reasonably extensive DtC Statement and MoU concluded that the circumstances of Adur and its context were such that the duty had been met.</p>	<p>strategy which in part was summarised as: <i>Working towards meeting the objectively assessed development needs of Adur as far as possible, taking into account environmental constraints and the capacity of infrastructure.</i></p> <p>Housing and Economy The Council and the Inspector considered that the housing needs for the District equated to 325 dpa. Provision was identified at 177 dpa due to constraints as supported by the SA. The constraints were addressed by the Inspector (see Issue 2 of report).</p> <p>Similarly, whilst the Employment Land Review identified a need for up to 60,00sqm of new employment floorspace, the Inspector accepted the Council's argument that 41,000sqm at three locations was justified in order to mitigate against unacceptable impacts (as supported by the SA).</p> <p>Green Gaps Whilst the District contains no GB, the Local Plan took a robust position on maintaining two identified Green Gaps. These were not designed to be 'absolute constraints to development or used to avoid meeting OAN for housing' (topic paper paragraph 4.5) but were supported by a detailed evidence base including a landscape study and sensitivity analysis. The Inspector accepted their veracity.</p>	<p>SA SFRA DtC Statement LDS Green Gaps Topic Paper</p>	<p>requirements below the level of identified needs. A partial Review was required.</p>	<p>formerly protected land released in revised Green Gap policies.</p>
--	--	--	---	---	--

				Ultimately, the Plan was found sound despite not meeting identified needs albeit subject to review.		
--	--	--	--	---	--	--

**APPENDIX 6 - Other documents referenced in SDC
correspondence 18 November 2019**

6a. Secretary of State, James Brokenshire letter to PINS, 18 June 2019



Ministry of Housing,
Communities &
Local Government

The Rt Hon James Brokenshire MP
*Secretary of State for Housing, Communities and
Local Government*

**Ministry of Housing, Communities and Local
Government**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3450

Email:

james.brokenshire@communities.gsi.gov.uk

www.gov.uk/mhclg

Sarah Richards
Chief Executive
Planning Inspectorate

18 June 2019

Dear Sarah,

The Government wants to see every community covered by an up-to-date plan for sustainable development - meaning that communities are in control of development and are not exposed to speculative development. As made clear in the National Planning Policy Framework, the preparation and implementation of these plans is key to achieving sustainable development.

I recognise the important role that the Planning Inspectorate plays in examining local plans on my behalf and I am committed to ensuring the independence of the examination process. If local people and their representatives are to see the plan as an important platform for shaping their surroundings then they must have confidence that examination of the plan is fair and open and that decisions are made impartially. They are also right to expect that examination will be efficient, timely and easy to engage with.

I do not generally have a role in the examination of local plans. However, this letter – which I am publicising on gov.uk – reminds inspectors and local authorities that Parliament has given me a number of legal powers that, where justified, allow me to become involved in plan making. This includes powers to notify or direct the Inspectorate to take certain steps in relation to the examination of the plan¹ or to intervene to direct modification of the plan or that it is submitted to me for approval². I am frequently asked by those affected by the plan making process to consider use of these powers and must look at each of these requests on a case by case basis. This includes requests from Members of Parliament, who have a legitimate interest in the progress of local plans in their areas and are accountable to their electorates. I am pleased that the Planning Inspectorate's published Procedural Practice encourages MPs to participate in the examination hearing sessions even if they did not make a representation and I would encourage their involvement in this way.

I am grateful for the work that the Planning Inspectorate does in providing factual information to my officials on the progress of examinations that allows them to advise me

¹ S.20(6A) Planning and Compulsory Purchase Act 2004 (as amended)

² S 21 Planning and Compulsory Purchase Act 2004 (as amended)


on whether use of my powers would be appropriate. However, I think more can be done to make the provision of this factual information more routine and transparent. For this reason, I am writing formally to set out two changes to our arrangements for sharing information that will be in place from immediate effect.

These changes are:

1. On a quarterly basis the Planning Inspectorate will publish a report that sets out the plans that are expected to be submitted for examination in the following 6-month period. I ask that this report be published on the Planning Inspectorate website. Clearly this can only be as good as the information received from local authorities, and I am arranging for this to be drawn to the attention of local authorities to remind them of the importance of giving clear timetables;
2. The Planning Inspectorate will share all post-hearing advice letters, letters containing interim findings, and any other letters which raise soundness or significant legal compliance issues, as well as fact check³ reports, with my department on a for information basis, at least 48 hours in advance of them being sent to the Local Planning Authority.

These arrangements are in addition to asking you to continue to respond positively to routine requests for information that arise on a case by case basis. I ask that you update the Planning Inspectorate procedural guidance to be clear that these arrangements are in place. I will ask the Chief Planner to write to Local Planning Authorities to draw their attention to this matter.

Finally, on the substance of plan examinations, I wanted to stress to inspectors – who are doing a challenging job – the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority and consistent in how they deal with different authorities. We support and expect Inspectors to work with LPAs to achieve a sound plan, including by recommending constructive main modifications in line with national policy. In this regard, I would reiterate the views set out by the Rt Hon Greg Clark MP in his 2015 letter, which I attach, on the need to work pragmatically with councils towards achieving a sound plan.

Yours sincerely,


RT HON JAMES BROKESHIRE MP

³ The fact check report is the version of the report the Planning Inspectorate sends to the LPA to check for factual errors or inconsistencies. The final report is issued after this process has been completed.

6b. SDC submission covering email to PINS, 30 April 2019

Stephen Davies
Planning Inspectorate
Local Plans Team
3/12 Kite Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

Tel No: 01732 [REDACTED]
Ask for: James Gleave
Email: [REDACTED]
My Ref:
Your
Ref:
Date: 30/04/19

Dear Mr Davies

SUBMISSION OF SEVENOAKS DISTRICT COUNCIL'S LOCAL PLAN

Further to our recent discussions and in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, I am pleased to submit Sevenoaks District Council's Local Plan to the Secretary of State for examination. The Local Plan comprises the Proposed Submission Version attached to this letter as a hard copy and the Policies Map, which is hosted on the Council's website.

The Council has undertaken two rounds of Regulation 18 Consultation, firstly on the Issues and Options paper in August 2017 and then on the draft Local Plan document in summer 2018. The responses to these documents are outlined in the attached Consultation Statement and have influenced the content of the Regulation 19 Proposed Submission Version that is submitted to you today.

Documents Submitted

In addition to the hard copy of the Local Plan, the following documents have been submitted to you in electronic format:

- The Proposed Submission Version of the Local Plan (December 2018)
- Sustainability Appraisal Report for the Proposed Submission Version of the Local Plan –Volumes 1 and 2
- Habitat Regulation Assessment
- Duly made representations received on the Local Plan
- A Consultation Statement setting out:

Chief Executive: Dr. Pav Ramewal

Council offices
Argyle Road
Sevenoaks
Kent TN13 1HG

t 01732 227000
e information@sevenoaks.gov.uk
DX30006 Sevenoaks
www.sevenoaks.gov.uk

- Which bodies and persons the Council invited to make representations under Regulation 18;
 - How those bodies and persons were invited to make representations;
 - How any representations made pursuant to Regulation 18 have been taken into account; and
 - Details of the Regulation 20 reps received.
- A summary of the main issues arising from the Regulation 18 and Regulation 19 consultations.
 - All supporting documents considered relevant to the production of the Local Plan.

In addition to the above the Council is in the process of preparing additional information to support the submission, including topic papers and a Duty to Co-operate Statement. As agreed, the additional documents will be sent to you within two to three weeks of the submission date.

Programme Officer

The Council has appointed Louise St John Howe as the Programme Officer to organise and administer the examination process. Louise's details are as follows:

Local Plan Programme Officer: Louise St John Howe

Email: louise@poservices.co.uk

Telephone: 07789 486419

Address: PO Services, PO Box 10965, Sudbury, Suffolk CO10 3BF

Hearing Sessions

It is envisaged that the examination hearings will take approximately 2 weeks to complete. The Council is happy for the sessions to commence during the summer period and is in the process of identifying a suitable, publically accessible venue.

I would be grateful if you could please confirm the safe receipt of the submitted documents. Should you have any further queries at this stage, please do not hesitate to contact either myself or the Programme Officer listed above.

Yours sincerely,



James Gleave
Strategic Planning Manager

This page is intentionally left blank