

17 December 2019 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks  
Despatched: 09.12.19



# Development & Conservation Advisory Committee

## Membership:

Chairman, Cllr. Hunter; Vice-Chairman, Cllr. Thornton  
Cllrs. Barnett, Cheeseman, Clayton, Penny Cole, P. Darrington, Fothergill,  
McGregor, Pett, Reay and Roy

## Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To agree the minutes of the meeting of the Advisory Committee held on 15 October 2019, as a correct record.	(Pages 1 - 4)	
2. <b>Declarations of interest</b> Any interests not already registered.		
3. <b>Actions from previous meeting (if any)</b>		
4. <b>Update from Portfolio Holder</b>		
5. <b>Referral from Cabinet or the Audit Committee (if any)</b>		
6. <b>Presentation from the Urban Design Officer</b>	(Pages 5 - 6)	Amanda Gregor Tel: 01732227154
7. <b>Statement of Community Involvement</b>	(Pages 7 - 50)	Emma Coffin Tel: 01732227315
8. <b>Local Plan Update</b>	(Pages 51 - 90)	James Gleave Tel: 01732227326
9. <b>Work plan</b>	(Pages 91 - 92)	

## EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

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](mailto:democratic.services@sevenoaks.gov.uk).

**DEVELOPMENT & CONSERVATION ADVISORY COMMITTEE**

Minutes of the meeting held on 15 October 2019 commencing at 7.00 pm

Present: Cllr. Hunter (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Barnett, Clayton, Penny Cole, P. Darrington, Fothergill, McGregor, Reay, and Roy

Cllrs. Perry Cole and Dickens were also present.

13. Minutes

Resolved: That the Minutes of the meeting of the Development and Conservation Advisory Committee held on 9 July 2019, be approved and signed by the Chairman as a correct record.

14. Declarations of interest

No additional declarations of interest were made.

15. Actions from previous meeting

The actions were noted.

16. Update from Portfolio Holder

The Portfolio Holder reported that there were various opportunities for Members to complete training on planning, prior to the Development Control Committee Meetings. There was also a tour planned for Members of Development Control Committee on Monday 21 October 2019. The Portfolio Holder advised that there would be a training session on planning specifically for Parish Councillors on Wednesday 20 November 2019.

The Portfolio Holder updated Members on recent planning appeals and large scale planning applications. Members were reminded of the date of the CIL Spending Board happening on 9 December 2019.

The Portfolio Holder reported that the District Council was the first local planning authority to send text message updates to applicants on the progress of their applications. With only two applicants, since April, opting out of receiving text messages, the method of contact had been well received so far. Another improvement was that people were able to self-serve by accessing the planning history of various properties available online. Further plans to improve services included the introduction of an online booking system for application meetings and the tracking of letters sent to applicants.

17. Referral from Cabinet or the Audit Committee

There were none.

18. Budget 2020/21: Service Dashboards and Service Change Impact Assessments (SCIAs)

The Chief Officer Finance & Trading presented a report which explained that this was the second stage of the budget process and ensured that all Members of the Advisory Committees had a role to play in the governance of the Council and the budget decision making process. He explained that since the current financial strategy was introduced in 2011/12, over £7 million of savings had been agreed.

To continue to have a balanced budget position and remain financially self-sufficient, a net savings requirement of £93,000 for 2020/21 was included in the budget. The Chief Officer Finance & Trading also advised Members that other pressures may come out later in the budget process such as when the Local Government Finance Settlement was announced in December. These may result in additional savings being required.

No growth item and one savings proposal was included in the report for this Committee and Members were asked for their suggestions, in order to achieve the £93,000 net saving required for the next year, which would be considered by Cabinet, before finalising the budget for 2020/21.

Members gave their individual ideas for growth and savings items and considered whether there was anything they wanted taken forward as potential growth or savings suggestions. A number of growth and savings items were suggested and discussed, including exploring marketing opportunities on the website to promote the District Council's Building Control services.

It was noted that the performance of the services had improved since the publishing of the report. The performance indicators were currently 7 green and 1 amber, as opposed to 4 green, 2 amber and 2 red as recorded in Appendix A.

Before discussing potential growth and savings items, the Senior Planning Enforcement Officer removed himself from the room since there was a suggestion of making his role permanent.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) The savings proposal (SCIA03) identified in Appendix D to the report be considered; and
- b) the following options be put forward to Cabinet

Growth (increased expenditure or reduced income)

- Urban Design Officer - extend contract
- Review Enforcement resources to maintain recent improvements to the service

19. Planning Enforcement Update

The Planning Services Manager presented a report updating Members on the work and function, as well as the role and structure of the Planning Enforcement team. The report also identified the team's successes, achievements, current challenges and plans for improvement.

It was highlighted by the Planning Services Manager that enforcement should be a last resort as advised by the government and that enforcement action should only be taken when harm was caused by a planning control breach.

A frequent challenge for planning enforcement was too much officer time being taken up by complaints which were not a planning breach or were not clear. To prevent this, a triage officer was proposed to be introduced, using funding from the Government to review each case and gain the correct information and also assess if there had been an actual breach of planning control. The Planning Services Manager advised that there were plans to improve communication through the use of technology and provision of training.

The Planning Services Manager invited Members to contact her by the end of the November with any further queries on the report.

The Chairman thanked the Planning Services Manager and Senior Planning Enforcement Manager for the improvements made in planning enforcement.

Resolved: That the report be noted.

20. Local Plan Update

The Chief Planning and Regulatory Services Officer briefed Members on the progress of the Local Plan Examination Process. There was currently an adjournment, reconvening on 5 November. They had been asked for further information around the housing trajectory. He had received positive feedback on officers' performance who were under relentless pressure from legal professionals. If, at the end of the process, the Inspector was satisfied there would be still likely be modifications which would have to go out to public consultation. He advised that this was the first local plan being considered under the revised framework and any decision would set a precedent.

Resolved: That the report be noted.

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21. Work plan

That the work plan was noted with the addition of a Local Plan Update and a Presentation from the Urban Planning Officer at the next meeting, along with Performance Indicators at the summer meeting.

THE MEETING WAS CONCLUDED AT 9.10 PM

CHAIRMAN

**PRESENTATION FROM URBAN DESIGN OFFICER**

**Development & Conservation Advisory Committee - 17 December 2019**

Report of Chief Officer Planning & Regulatory Services

Status: For Information

Key Decision: No

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**Portfolio Holder** Cllr. Julia Thornton

**Contact Officer** Amanda Gregor Ext. 7154

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**Recommendation to Development & Conservation Advisory Committee:** To note the content of presentation.

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**Reason for recommendation:** To update Members on new specialist design function and the work programme of the Urban Design Officer.

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**Introduction and Background**

- 1 The Urban Design Officer is attending to give a presentation on her work at the Council.

**Key Implications**

Financial

There are no financial implications to this report

Legal Implications and Risk Assessment Statement.

There are no legal implications associated with this report.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

**Appendices** None

**Background Documents** None

**Richard Morris**  
**Chief Officer Planning & Regulatory Services**





## STATEMENT OF COMMUNITY INVOLVEMENT

Development and Conservation Advisory Committee - 17 December 2019

**Report of:** Chief Officer Planning and Regulatory Services

**Status:** For Decision

**Also considered by:** Cabinet - 9 January 2020

**Key Decision:** No

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**This report supports the Key Aim of the Community Plan**

**Portfolio Holder** Cllr. Julia Thornton

**Contact Officer** Emma Coffin, Ext. 7315

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**Recommendation to Development and Conservation Advisory Committee:** That the recommendation to Cabinet is endorsed.

**Recommendation to Cabinet:** That Cabinet adopts the Statement of Community Involvement in Planning.

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**Reason for recommendation:** To update the previously adopted Statement of Community Involvement to provide an up-to-date reflection of our consultation methods for community involvement in planning.

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### Introduction and Background

- 1 This report explains the background to the production of a new Statement of Community Involvement (SCI) and includes a revised version of the document for consideration.
- 2 The SCI is a statutory document that provides a guideline framework for development management and strategic planning consultations undertaken by the Council. It sets how and when residents and other stakeholders are engaged, focusing specifically on ensuring that consultation takes place during the early stages of the planning process. A variety of methods of engagement are put forward in the SCI, which the Council is required to review on a five yearly basis.
- 3 The current SCI was adopted in 2014 and, since then, there have been a number of significant changes to the planning system, in particular the revision of the National Planning Policy Framework (NPPF) in 2018 and 2019. This

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refreshed version of the SCI reflects the requirements of the most up to date legislation and a number of ‘new’ methods of consultation and engagement.

- 4 Since the SCI was adopted in 2014, the Council has implemented a variety of new and innovative methods of consultation, including the increasing use of technologies. In particular, the revised SCI highlights the increased use of social media platforms, text notifications and technologies such as interactive tools and videos within planning consultations. All of these methods of consultation and engagement are now included in the document, which has been updated in conjunction with the Communities team.

### Conclusion and Next Steps

- 5 Once the Statement of Community Involvement (SCI) is adopted, it will be posted on the Council’s website and used to inform strategic planning and development management consultation processes. It is important to note however, that this does not restrict consultation, and the Council are always looking for new and innovative methods of consultation to improve engagement with the community.
- 6 As set out in legislation, the Council is required to review the Statement of Community Involvement every 5 years.

### Other Options Considered and/or Rejected

The Council could continue to rely on and adhere to the existing Statement of Community Involvement from 2014, however this is out of date, and does not reflect a number of consultation methods which are currently used. Therefore, this option is not recommended.

### Key Implications

#### Financial

No additional costs to the Council arise from the adoption of the SCI.

#### Legal Implications and Risk Assessment Statement.

All local authorities are required to produce an SCI to set out their vision and strategy for effective community participation.

#### Equality Assessment

Consideration of impacts under the Public Sector Equality Duty		
Question	Answer	Explanation/Evidence
a. Does the decision being made or recommended	No	The Statement of Community Involvement is designed to ensure that Sevenoaks District Council effectively involves the

<p>through this paper have the potential to disadvantage or discriminate against different groups in the community?</p>		<p>community in the development of all documents, SPDs and DPDs that make up the Local Plan. The SCI also details how the Council consults on planning applications. The SCI aims to consider the needs and priorities of the whole community, and attempts to overcome any barriers which may prevent groups or individuals within the community from being involved in the planning process.</p>
<p>b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity</p>	<p>Yes</p>	
<p>c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?</p>	<p>N/A</p>	<p>No potential impacts have been identified.</p>

**Appendices**

Appendix A - Draft Statement of Community Involvement in Planning 2019

**Background Papers**

None

**Richard Morris**

**Chief Officer Planning and Regulatory Services**

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**Draft Statement of Community Involvement**

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## 1. Foreword

*“There is no power for change greater than a community discovering what it cares about.”*

*Margaret J. Wheatley*

Sevenoaks District Council is a **Seriously Different Council**. We have the busiest planning department in Kent and we go above and beyond what we are required to do, in terms of community consultation and engagement. We have a culture of openness and transparency, where evidence base documents, consultation feedback and plan drafts are all considered through public committees. We have sought to engage with new technologies and automated processes to increase involvement and improve communication in planning. This has involved the increased use of social media platforms, text notifications and technologies such as interactive mapping tools and videos within planning consultations.

Community involvement and participation is key. Our aim is to improve opportunities for the community to get involved in shaping the planning policies in our District and to ensure that our residents have a greater sense of ownership in planning decisions and outcomes. Together we will help shape the District for future generations, ensuring that all groups in the community are able to engage in the planning process. This will also help to promote enhanced physical and mental well-being through people feeling a sense of place and connection to the District.



Councillor Julia Thornton

Portfolio Holder for Development and Conservation

## 2. Introduction

### What is a Statement of Community Involvement?

- 2.1. Planning shapes the future of the places in which we live, work and play, and it is therefore important that all of our residents have the opportunity to engage with the process, through the formulation of local planning policy documents and decisions on planning applications.
- 2.2. Sevenoaks District Council wants to help people to get involved in planning the future of the District, and is driven to improving opportunities for engagement in planning processes.
- 2.3. This Statement of Community Involvement (SCI) has been produced to ensure that the Council is able to involve the local community effectively.
- 2.4. The previous SCI was adopted in November 2014. Since then there have been significant changes to the planning system, as well as the way in which the Council engages with local communities. This new version of the SCI has been revised to reflect the most up to date legislation and regulations.
- 2.5. The Council understands that in order to try to reach agreement within communities, people need to be involved from the early stages of the planning process. The SCI is therefore a public statement that lets communities and stakeholders know when and how they can be involved.

### Why prepare a Statement of Community Involvement?

- 2.6. It is a key objective of the planning system to strengthen community and stakeholder involvement in the planning and development process. Planning affects all communities, so it is important that local people understand the process and are given the opportunity to get involved.
- 2.7. As set out in Regulation 10A of the Town and Country Planning Regulations 2012 (as amended), all local authorities are required to produce a SCI, which sets out their vision and strategy for effective community participation.
- 2.8. Greater community participation and empowerment is also high on the national agenda, as outlined in the Localism Act 2011 and the National Planning Policy Framework 2019 which states that the planning system should provide “a platform for local people to shape their surroundings” (paragraph 15).
- 2.9. Engaging communities early in the plan-making process should ensure that plans reflect the needs and aspirations of local people, and will allow communities to fully understand the process from start to finish.



**2.10.** Some of the benefits of community involvement include:

- Outcomes that better reflect local needs and aspirations;
- Improved quality and efficiency of decisions by drawing on local knowledge and minimising conflict;
- Education and communication amongst the community of different sectors' needs and the planning process;
- Promotion of social cohesion – making real connections with and between communities; and
- Enhanced buy-in and a greater sense of ownership for decisions and outcomes.

**The Council Plan 2018**

“We’re a Seriously Different Council. This means going beyond the traditional remit of a district council by putting the wellbeing of our residents and businesses at the heart of everything we do.

Everything we do is built on...

**Excellence** – Outstanding services to all our residents and customers

**Value for money** – The highest quality for the best price

**Innovation** – Finding even better ways to deliver the services you need”.

### Corporate Linkages

- 2.11.** The Council Plan 2018 ([www.sevenoaks.gov.uk/councilplan](http://www.sevenoaks.gov.uk/councilplan)) sets out that we are committed to the communities we serve, stating:

*“We know that a great deal of what we already do makes a significant contribution to our residents’ quality of life and sense of wellbeing. But we are ambitious for our communities and we want to do more”.*

It is important for us to keep our Statement of Community Involvement (SCI) up-to-date and relevant, in order to clarify how people can get involved in shaping local planning policy.

- 2.12.** The Council also has its own policies and aims relating to community engagement and places a great deal of emphasis on ensuring that the community has the opportunity to get involved in all areas of Council work.
- 2.13.** The Sevenoaks District Community Plan ‘Making it Happen Together’ was adopted in 2013 and creates a long-term vision (2013-2028) for the Sevenoaks District. The Sevenoaks District Community Plan Priorities presents the priorities for the next three years 2019-2022. Both documents are based on widespread consultation with local people and our partners.
- 2.14.** The Community Plan is delivered by the Sevenoaks District Local Strategic Partnership. This is made up of public sector organisations, together with voluntary, community and faith sector representatives. It is coordinated by Sevenoaks District Council.
- 2.15.** The Community Plan contains a number of themes and priorities for action that are required to successfully deliver the vision for the District. The Council’s planning policy documents will build upon these objectives and will be the principal mechanism for delivering the land management elements of the Community Plan.
- 2.16.** The SCI has been produced in accordance with these corporate policies, and all consultation activities will aim to meet their objectives. The Council will work with other departments to ensure that a consistent approach is taken to consultation on planning policy documents. Where appropriate, public consultations may also be linked with events and activities organised by other council departments and vice versa.

**How can I get involved?**

**2.17.** There are three main areas of planning that you can get involved in:

Strategic Planning (Local Plan)	Setting the policy framework against which planning applications will be assessed, including the Local Plan, Neighbourhood Plans, Conservation Areas and Supplementary Planning Documents (SPDs).	See Chapter 3 for more information.
Development Management (Planning Applications and Trees)	<p>Most types of development require a planning application to be submitted and approved, and anyone can comment on a planning application.</p> <p>Protecting trees and woodlands that offer amenity value.</p>	<p>See Chapter 6 for more information</p> <p>See Chapter 8 for more information</p>
Enforcement	Investigating alleged breaches of planning control	See Chapter 7 for more information

**2.18.** Planning applications are determined in accordance with the Local Plan, so it is essential to get involved with strategic planning policy as well as specific planning applications.

### 3. Community Involvement in Strategic Planning

#### The Planning System

- 3.1. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies and how these should be applied. The Planning System requires local authorities to produce planning policy documents, which set out what, where and when development will occur in the District. Once formally adopted, these documents provide the basis on which planning applications are determined.
- 3.2. Planning legislation sets out which documents must be produced and which are optional. Regulations also exist to set out which of the documents must be developed with community input, and which must then be examined by an independent planning inspector.
- 3.3. There are two types of planning policy document: development plan documents (DPDs) and supplementary planning documents (SPDs). DPDs set out planning policies to manage land use within a local area, and SPDs provide further detail on the implementation of these policies. Together they form the Local Plan.
- 3.4. Further information regarding the Council’s work programme for preparing planning policy documents is contained in the Local Development Scheme (LDS). The LDS is a timetable which lists the planning policy documents that the Council will produce, explaining how they will be prepared and when they will be published. Copies of the LDS are available from the Council’s offices and website: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) (insert LDS in the search-box).
- 3.5. The Statement of Community Involvement will be used by the Council to guide the development of its planning policy and supporting documents.

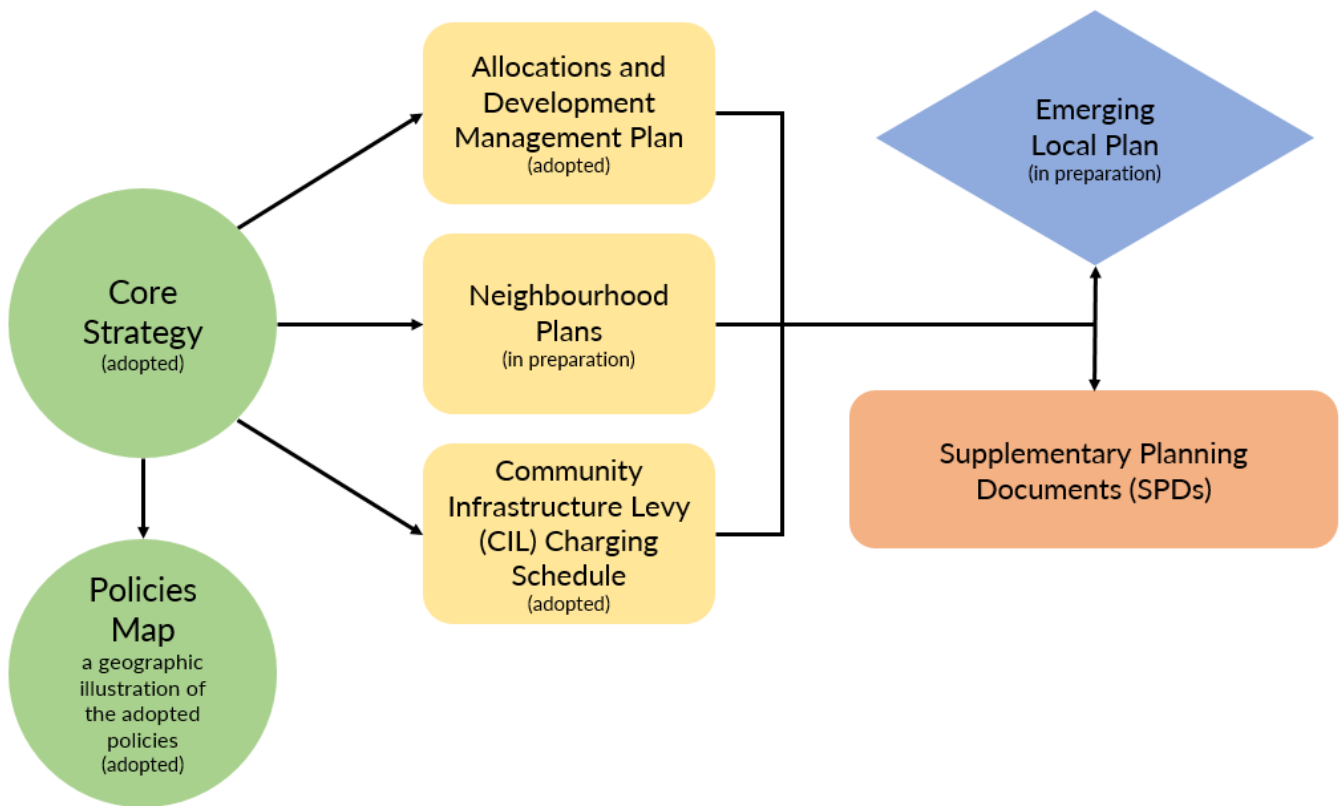
#### Planning Policy

National	National Planning Policy Framework (NPPF) 2019
Local	Local Plan Other Development Plan Documents
Town and Parish	Neighbourhood Plans

- 3.6. Other supporting documents include:
  - Conservation area appraisals
  - Village Design Statements
  - Supplementary Planning Documents (SPDs)

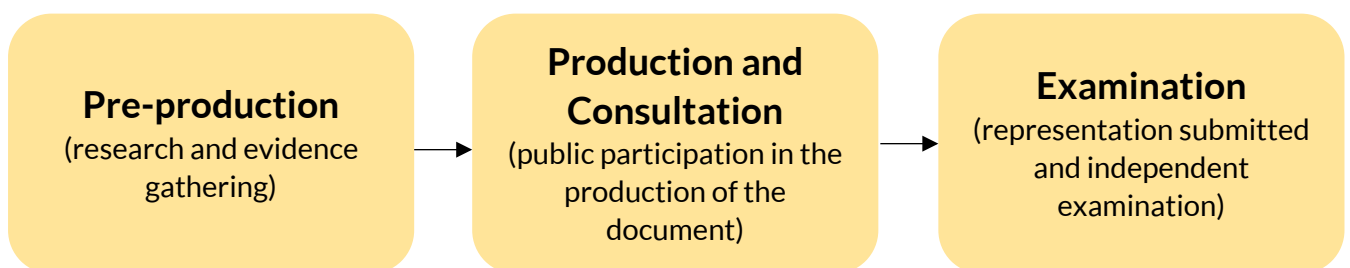
**The Local Plan**

3.7. The below diagram outlines the relationship between planning policy documents which will be, or have already been, produced.



**Planning Policy Documents**

3.8. The community will be involved throughout the different stages of production for each document prior to adoption, which can be summarised as follows:



3.9. The regulations require the Council to publicise consultations on the website and to provide documents for inspection at the Council’s offices and local libraries, as well as sending emails and/or letters to statutory, general and other consultees.

3.10. The Council recognises the value of including more of the community in the development process – not least, that the documents will more closely reflect local needs and priorities. Therefore, there is a commitment by the Council to go “above

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and beyond” the minimum requirements, to ensure active, widespread and effective community engagement in the planning process.

### Stages of consultation for Development Plan Documents

**3.11.** DPDs go through eight stages of plan making. The below table identifies what the Council will do at each stage, and how the community can get involved.

Stage 1	Evidence Base	The Council collects up to date information on a range of social, economic and environmental matters.
Stage 2	Public participation in the preparation of a DPD (Regulation 18*)	<p>The results of stage 1 are used to identify the main issues that the plan needs to address and the options that are available. An assessment of the plan’s social, economic and environmental impacts is also produced at this point, called a Sustainability Appraisal (SA). At this stage the Council is required to notify each of the statutory consultees that may have an interest in the proposal, and any appropriate general consultation bodies as to the subject of the proposed plan, and invite them to make representations. Local residents and businesses may also be informed and invited to comment. The Council maintains a consultation database of interested parties.</p> <p>The Council must take into account any representations received as a result of preparing the plan.</p> <p>The Council will undertake a public consultation for a minimum of six weeks. The Council will endeavour to run consultations for up to 8 weeks, where possible.</p>
Stage 3	Preparation of the DPD	The Council continues to develop the plan. This includes considering any comments from Stage 2 and the findings of any new studies.
Stage 4	Publications of the DPD (Regulation 19*)	<p>The Council publishes the final draft of the plan. A more detailed Sustainability Appraisal (SA), and a draft proposals map showing any changes that would result from the adoption of the plan are also published.</p> <p>The Council will undertake a public consultation for a minimum of six weeks.</p> <p>A statement of consultation will be produced, which provides a summary of the main issues raised by the representations. This allows Officers and District Councillors to review the</p>

		representations and to consider what, if any, changes should be made to the plan before submission.
Stage 5	Consider Representations	The Council will consider any points raised in the consultation. If there are significant issues the Council may review the plan and return to Stage 3. Once all issues raised have been addressed, the plan can move to Stage 6.
Stage 6	Submission (Regulation 22*)	The Council will send the plan and any supporting documents to the Secretary of State to be examined.  The Council will make all documents relating to Submission available to the public.
Stage 7	Examination (Regulation 24*)	An inspector appointed by the government will carry out an independent examination of the 'soundness' of the plan. Those who objected to the plan during Stage 4 may be allowed to appear in front of the inspector in person, at the discretion of the inspector.
Stage 8	Receipt of inspector's report and adoption (Regulations 25 and 26*)	The inspector writes a report of the examination and decides what changes (if any) need to be made. Once the Council receives the inspector's report the plan has to be changed in line with their recommendations, if the Council wishes to adopt it. It is this version of the plan that will be adopted.

\* <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Regulation 18: Preparation of a local plan

Regulation 19: Publication of a local plan

Regulation 22: Submission of documents and information to the Secretary of State

Regulation 24: Independent examination

Regulation 25: Publication of the recommendations of the appointed person

Regulation 26: Adoption of a local plan

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### Stages of consultation for Supplementary Planning Documents (SPDs)

**3.12.** SPDs go through four stages of plan making. The below table identifies what the Council will do at each stage, and how the community can get involved.

Stage 1	Development of evidence base	The Council collects up to date information on a range of social, economic and environmental matters.
Stage 2	Preparation of the draft SPD	The Council produces a draft version of the SPD based on the evidence collected at Stage 1.
Stage 3	Consultation on the draft SPD (Regulation 12*)	Once the draft document has been produced, the Council will undertake a public consultation for a minimum of six weeks  Any representations made will be considered and amendments will be made to the document where required.
Stage 4	Adoption (Regulation 14*)	The Council will consider the revised document and councillors at Cabinet will adopt the SPD in line with regulation 14 requirements.

\* <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Regulation 12: Public participation

Regulation 14: Adoption of supplementary planning documents



## 4. Consultation Methods

- 4.1. Since the publication of the last Statement of Community Involvement in 2014, the ways in which the Council engages with community have developed and improved. One of the main changes is the increased use of technology, both for consultation and notification purposes. Over the past year, the Council has increased its use of social networking sites, such as Facebook, Twitter and Instagram, to communicate with residents. Approximately 6,000 people now receive regular updates from the Council through these sites.
- 4.2. A variety of methods will be used at various stages of the planning process to engage community involvement in planning. These methods include, but are not limited to:

The Website	<p>All consultation activities will be publicised through the Council’s website, on both the planning policy pages and the news page. The consultation portal will be available for people to read the documents and submit comments online.</p> <p>Where possible The Council will publish interactive forms of consultation, such as Interactive Maps and online questionnaires.</p>
Social Media (Facebook, Twitter and Instagram)	<p>All consultation events will be advertised on the Council’s corporate Facebook and Twitter pages.</p> <p>Social Media will be used where possible to publish photos and videos in relation to planning matters, to keep residents informed and up to date.</p> <p>Social Media campaigns will be used where possible to inform hard to reach groups such as young people and commuters.</p>
Local newspapers	<p>Often, the Council will advertise in the local press. Advertisements will include details on when and where planning documents can be inspected, how copies can be obtained, the closing date for representations and where to send them. In addition, the Council often issues press releases at the time of consultations.</p>
Leaflets	<p>Leaflets, flyers and brochures may be distributed separately, or with other council correspondence (such as the Council’s ‘In Shape’ magazine), to summarise detailed information.</p> <p>Leaflets will be distributed in various places around the District, such as Libraries, Town and Parish Council Offices and Train Stations, as appropriate.</p>

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Emails / letters	Notifications will be sent to statutory bodies, stakeholders, relevant groups and other individuals and organisations on the Council's consultation database, in line with the GDPR. Organisations and individuals interested in becoming more involved in preparation of planning policy documents should contact the Planning Policy team by phone on 01732 227000 or by email to <a href="mailto:planning.policy@sevenoaks.gov.uk">planning.policy@sevenoaks.gov.uk</a> to register on the consultation database.
Inspection points	Documents will be made available for inspection at the Council's offices, Town and Parish Council offices and local libraries, where appropriate.
Presentations	To groups, organisations and stakeholders as appropriate, to target particular people in the community who may be interested in a specific issue, for example the Agents Forum, Interest Groups Forum or the Town and Parish Councils Forum.
Questionnaires / Surveys	Use of questionnaires, surveys and/or focus groups to determine attitudes towards particular issues and options. Such research can target groups and individuals with particular interests or citizens panels with multiple interests.
Public exhibitions / displays / roadshows	<p>For larger consultations, the Council may promote events at a public exhibition, display or a roadshow, during the day and in the evening. This has the ability to target members of the community who may not get involved through more formal methods. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Town and Parish Council forums.</li> <li>- Agents/Developers Forum</li> <li>- Interest Group Forums</li> <li>- Family Fun Days</li> <li>- School Presentations</li> <li>- Drop-in Events</li> <li>- Commuter engagement at railway stations</li> </ul>
Interactive workshops	Use of interactive workshops to identify and focus discussion around difficult issues and key themes. These can reach people who might not get involved in more formal groups but who may respond to this kind of contact, for example Placemaking, Drop in Sessions or an Interest Group Forums
Community / resident meetings and groups	Use of pre-existing community/resident meetings and meetings of community groups to target people with particular characteristics/interests, for example Drop-in Sessions and Interest Group Forums, in conjunction with the Council's Communities team.

<p>Council meetings</p>	<p>Where appropriate, documents will be taken to relevant council meetings (below) for feedback from District Councillors.</p> <p>DCAC – Development and Conservation Advisory Committee DCC – Development Control Committee Cabinet Full Council</p>
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### 5. Communicating Effectively

#### Who the Council consults

- 5.1. The planning regulations require local authorities to meet a minimum level of community involvement and specify a number of organisations which must be consulted if it is considered that they will be affected, known as statutory consultees and general consultation bodies.
- 5.2. In addition to meeting statutory obligations, the Council is committed to ensuring that local groups, organisations and individuals are given the best possible opportunity to become involved in the preparation of planning policy documents.
- 5.3. The Council maintains a consultation database of approximately 10,000 consultees who have either commented on, or expressed an interest in being involved with, the production of planning policy documents. This database is used to keep registered individuals, organisations and groups informed on the production of any planning policy documents and complies fully with the GDPR. New consultees can be added to the consultation database as requested, organisations and individuals interested in registering on the consultation database should contact the Planning Policy team by phone on 01732 227000 or by email to [planning.policy@sevenoaks.gov.uk](mailto:planning.policy@sevenoaks.gov.uk).
- 5.4. The Council will continue to consult with elected Members of the District Council, as well as, wherever possible, Members of Parliament for the District, and seek their input into the preparation of planning policy documents.
- 5.5. Where possible, the Council will take further action to encourage involvement in the planning process from hard to reach groups, such as Young People, the Gypsy and Traveller Community and Commuters.
- 5.6. A list of statutory consultees, general consultation bodies and other organisations and groups the Council involves in the plan making process are included at Appendix B, C and D.

#### Sustainability Appraisal

- 5.7. Local planning authorities must undertake a Sustainability Appraisal (SA) of each of the DPDs they produce, in accordance with the legislation.
- 5.8. A Sustainability Appraisal aims to ensure that the policies and proposals reflect the principles of sustainable development. A Sustainability Appraisal will be undertaken whilst preparing each stage of a DPD and a report will be consulted on through the plan making process, at the same time as the DPD itself, in accordance with the legislation.

5.9. A Sustainability Appraisal is not required for SPDs.

#### **Feeding information into decisions**

5.10. The information that the Council obtains through community involvement will be collated and used to inform the decisions made and/or to shape any documents that are produced.

5.11. A summary of the responses will be produced, showing how they were used to inform decisions or documents, and providing an indication of the resulting outcomes.

5.12. This will be made available on the Council's website

#### **Feeding back**

5.13. Each planning policy document will require a 'statement of consultation'. This will outline how the Statement of Community Involvement has been followed and how doing so has benefited document production. This will provide some indication of the benefits of involvement.

5.14. The Council will make all general feedback and summary outcomes available on the website and from the Council's offices on request.

5.15. In addition, the Council aims to feed back directly to those involved in either specific involvement activities such as workshops, or consultation processes associated with planning policy documents.

#### **The Council's Feedback Commitment**

The Council aims to provide feedback on any involvement activities or consultation processes associated with local plan development.

At a minimum, the feedback will include:

1. An acknowledgement of your comments;
2. A summary of how the process is going; and
3. How your information will be used.

When applicable and/or possible the Council will also:

1. Summarise the key information received;
2. Outline the decision made and why; and
3. Outline the benefits provided by community involvement.

Acknowledgments will generally be provided by email and summaries/updates will be made available on the Council's website.

### 6. Community Involvement in Development Management

- 6.1. The Statement of Community Involvement also outlines how the community will be involved in planning applications.
- 6.2. The Council is already required to consult with the community on all planning applications submitted. The table at paragraph 6.33 (page 22) sets out the legal minimum action that must be taken to provide you with an opportunity to put forward your views or concerns.
- 6.3. However, the Council recognises that, in some cases, it will be beneficial and appropriate to involve more people and/or involve them earlier in the process.

#### Greater community involvement

- 6.4. Involving people before an application is made allows them to influence developments as they are being designed, helping to deal with issues that may become major issues later.
- 6.5. For each stage of the planning application process, and for the different types of application, the Council will consider whether greater involvement is appropriate and how it can support developers in involving people more effectively.
- 6.6. The NPPF states that “Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community” (Paragraph 39).

#### General advice and assistance

- 6.7. A wealth of information on the Council’s development management functions including validation requirements can be obtained on the website: <http://www.sevenoaks.gov.uk/services/environment-and-planning/planning>
- 6.8. The Planning Portal is an online planning, appeals and building regulations resource for England and Wales and also provides advice and services for the public and professionals: [www.planningportal.co.uk](http://www.planningportal.co.uk).
- 6.9. Additionally, Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees. This service encourages people to become involved in the planning system: <http://www.rtpi.org.uk/planning-aid>.

#### Permitted Development

- 6.10.** In certain circumstances you can carry out minor extensions and alterations to your property without the need to apply for planning permission. This is known as permitted development and is derived from a general planning permission granted by Parliament.
- 6.11.** Permitted development applies to many common projects for houses, but bear in mind that it does not apply to flats, maisonettes or other buildings. In these circumstances, a planning application will need to be submitted.
- 6.12.** To check if your proposed works are covered by permitted development, the Council encourages all prospective applicants to view the interactive house guide, provided by the Planning portal:  
[https://www.planningportal.co.uk/info/200125/do\\_you\\_need\\_permission/90/interactive\\_house](https://www.planningportal.co.uk/info/200125/do_you_need_permission/90/interactive_house)
- 6.13.** If you wish for the Council to confirm in writing whether or not planning permission is required for your proposals, you should submit an application for a Certificate of Lawful Development (LDC).

### **Pre-application Advice**

- 6.14.** The Council encourages prospective applicants to consult at an early stage on potential developments before details are finalised. Consistent with the NPPF, the Council believes that early engagement with the local community offers potential benefit for all parties.
- 6.15.** Pre-application advice is of benefit to prospective applicants as:
- It gives an opportunity to understand how council policies will be applied to a development and potential issues can be identified and resolved before an application is submitted.
  - It may lead to a reduction in time spent working up the proposals in more detail; and
  - It can identify at an early stage whether any specialist advice is necessary (e.g. listed buildings, trees, landscape, transport, ecology or archaeology).
- 6.16.** Charges apply to requests for pre-application advice and these seek to cover some of the Council's costs of providing the service.
- 6.17.** When a pre-application enquiry is submitted, the Council will:
- Register the enquiry, allocate a Planning Officer and write to confirm the timescales within five working days;
  - Identify the main constraints;
  - Identify key planning policies;

## Agenda Item 7

- Identify recent history;
  - Give a view on the principle of the development;
  - Inform the customer of the issues that will need to be addressed as part of a formal application; and
  - Identify any further studies or information that will be required to provide a more detailed pre-application view or that will be required as part of a formal planning application.
- 6.18.** The Council can give advice that can help in the preparation of a better planning application so that it can be processed more quickly and a decision can be made sooner. It is also valuable in assuring the best possible development outcomes for the community. Where relevant the Council can also give advice on effective ways of consulting with the local community, including neighbours who may be affected by development proposals.
- 6.19.** However, it should be noted that any advice given by Council Officers for pre-application enquiries does not constitute a formal response or decision of the Council with regards to a future planning application.
- 6.20.** For further information please see the website:  
<http://www.sevenoaks.gov.uk/services/environment-and-planning/planning>.
- 6.21.** In addition to pre-application advice, the Council encourages prospective applicants to discuss their proposals with the local Town or Parish Council and the local District Councillor in order to ascertain their views and an early stage.

### **How Planning Applications are decided**

- 6.22.** Applications submitted to the Council are registered and acknowledged by the Validation team. They aim to complete the process within five working days of receipt.
- 6.23.** Once an application is accepted as valid it is recorded on the planning register that the Council is required to maintain and make available for inspection, and is available on the website via the Public Access portal:  
<http://pa.sevenoaks.gov.uk/online-applications>. It is possible to register for updates on the progress of applications, track specific applications and submit comments.
- 6.24.** A weekly list of planning applications received is sent electronically to the local press, District Councillors, Town and Parish Councils, amenity societies and anyone else who requests a copy. Requests can be made to:  
[planning.validation@sevenoaks.gov.uk](mailto:planning.validation@sevenoaks.gov.uk).
- 6.25.** Applications are advertised in the local press and on site if they are major developments, affect a listed building, a conservation area, are not in accordance



with the adopted Local Plan, have a substantial impact on the area or if they affect a public right of way.

- 6.26. Notification letters are sent to immediate neighbours and may be sent to others who are invited to comment.
- 6.27. The statutory consultation period is 21 days. An application cannot be determined until this period has expired.
- 6.28. The Council aims to determine major planning applications within thirteen weeks and other planning applications within eight weeks.
- 6.29. Most planning applications are determined by the Chief Planning Officer under delegated powers. However, any application may be called to the Development Control Committee by a District Councillor if the Officer recommendation is contrary to the view of the Parish Council. District Councillors also have a general power to call an application to Committee before the overall expiration of the date for comments to be submitted. Applications of a significant controversial or sensitive nature may also be referred to the Committee by the Chief Planning Officer.
- 6.30. In cases where applications are reported to the Development Control Committee, the Planning Officer prepares a report for the Committee that outlines the proposal, sets out consultation replies, assesses the relevant issues and makes a recommendation regarding whether approval should be given.
- 6.31. Any person who comments on the proposal will be notified when an application is to be reported to Committee for determination, and there is an opportunity for an objector and a supporter of the proposal to put their views directly to the Committee. Applicants and objectors will be able to address Councillors for a maximum of three minutes speaking time. The relevant Town or Parish Council and the local District Councillor may also speak.
- 6.32. For further information please see the leaflet "Speaking on Planning Applications" available on the website: <http://www.sevenoaks.gov.uk/services/environment-and-planning/planning/development-control-committee>.
- 6.33. The below table outlines the planning application process stage by stage, from pre-application discussions through to determination.

Pre-Application	The Council will:
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	<ul style="list-style-type: none"> <li>• Encourage developers to contact the Planning team early on.</li> <li>• Encourage applicants, especially of larger schemes, to engage with the relevant Town/Parish Council, District Councillors, service providers and local groups as early as possible.</li> <li>• For smaller applications, encourage applicants to discuss their plans with neighbours before submitting a large application.</li> <li>• Encourage owners of larger sites to prepare management plans for their land and submit them to the Council.</li> </ul>
Application	<p>As a minimum, the Council will:</p> <p>For all developments:</p> <ul style="list-style-type: none"> <li>• Display a (orange) site notice for 21 days and/or</li> <li>• Write directly to any adjoining owners or occupiers giving 21 days to make comments.</li> <li>• Depending on the nature of the application, consult with appropriate statutory consultees, Town/Parish Councils and District Councillors.</li> <li>• Additional requirements apply to applications involving listed buildings, conservation areas or environmental impact assessments.</li> <li>• Where a mobile number is provided, text message notifications will be sent to the applicant/agent to keep them informed on the progress of the application.</li> </ul> <p>For major developments:</p> <ul style="list-style-type: none"> <li>• In addition to the above, place an advertisement in the local newspaper.</li> </ul>
	<p>Additionally, the Council will:</p> <ul style="list-style-type: none"> <li>• Notify immediate neighbours on every planning application.</li> <li>• Notify others that the Council considers may be affected by individual cases.</li> <li>• Allocate a case officer who will liaise with all stakeholders and attend a site visit.</li> <li>• If an application is substantially amended prior to a decision, the Council will re-consult all those who have expressed an interest in writing.</li> </ul>

	<ul style="list-style-type: none"> <li>You will be able to track the progress of planning applications through Public Access, available on the website.</li> </ul>
<p>Decision</p>	<ul style="list-style-type: none"> <li>If applications are taken to Committee (which are public meetings, open to all) for decision, applicants and objectors will be able to address Councillors (3 minutes speaking time).</li> <li>Everyone who responds in writing to an application will be informed in writing of the decision.</li> <li>Decision notices will be posted on the website.</li> <li>Any concerns about applications that may not have been implemented as agreed should be notified to the Council's Enforcement team for investigation.</li> <li>Any legal (Section 106 or 278 highways) agreement attached to a planning permission will be available for viewing through Public Access, available on the website.</li> </ul>

## 7. Planning Enforcement

- 7.1. The Enforcement team is responsible for investigation alleged breaches of planning control, including unauthorised works to listed buildings, unlawful advertisements, works to protected trees and developments carried out without the necessary planning permission.
- 7.2. The Council's approach to enforcement is based on the following principles:
- Where a new complaint is received we will aim to visit the site in accordance with the timetable set out in our Enforcement Plan  
[https://www.sevenoaks.gov.uk/downloads/file/1007/planning\\_enforcement\\_plan](https://www.sevenoaks.gov.uk/downloads/file/1007/planning_enforcement_plan)
  - We will prioritise the investigation of complaints based on the degree of harm caused by unauthorised development.
  - We will seek to achieve solutions that remove harm caused by unauthorised development.
  - We will use our statutory powers where necessary and proportionate to remove harmful development.
  - Complainants and those who are the subject of complaints will be kept informed of the progress of enforcement investigations and of the outcome.
  - The identity of complainants will be kept confidential.
- 7.3. Further information about Enforcement priorities and principles are provided on the website and the Council is currently updating the Local Enforcement Plan:  
[http://www.sevenoaks.gov.uk/downloads/file/1007/planning\\_enforcement\\_plan](http://www.sevenoaks.gov.uk/downloads/file/1007/planning_enforcement_plan)

## 8. Tree Preservation Orders

- 8.1. Legislation is in place to afford protection to a percentage of those trees and woodlands that offer amenity value. The legislation is in the form of 42 Conservation Areas throughout the District and Tree Preservation Orders, of which there are currently in excess of 1000.
- 8.2. Sevenoaks District has many trees comprising of a range of diverse species and 11% of the District is classified as ancient woodland. The Council continues to assess and protect, where necessary, this rich biological inheritance for the people of the District today and tomorrow.
- 8.3. To help us balance the management of trees, the Council welcomes the help of local residents. This could include suggestions to protect certain important trees that you feel may be under threat or informing the Council about work to a protected tree that may be carried out without consent. For further information see the website: <http://www.sevenoaks.gov.uk/services/environment-and-planning/planning/tree-management>.

### 9. Overcoming Barriers

9.1. The Council has identified several different, but connected, barriers to involvement. These include:

- Apathy and disinterest;
- Time (of meetings/activities to get involved);
- Mistrust and cynicism that it's worthwhile; and
- Ability to access and understand information.

9.2. The Council's approach to involving people will seek to overcome these barriers by...

#### **...connecting people to planning**

9.3. One of the Council's key priorities is to provide everyone with the opportunity to know what is going on and how they can get involved if they want to. To support this, the Council aims to provide information that is local and relevant and use methods of involvement that are accessible, interesting and, where appropriate, fun.

9.4. Alongside the specific involvement activities, the Council is committed to raising awareness of the planning system throughout the community. With this in mind, the Council is committed to placing more emphasis on going out into local communities to discover your needs and aspirations.

#### **...seeking more active involvement**

9.5. Although this document sets out the different levels and methods of involvement, it is the Council's aim to involve more people more actively if resources are available.

9.6. The Council will ask the community about their aspirations for the area and expectations for the future. This will help to generate ideas and scope particular documents.

#### **...meeting everyone's needs**

9.7. In line with the Equality Act (2010) and the West Kent Equality Partnership aims and commitments, the Council wants to ensure that all communities have the ability to respond to consultations and have their voices heard. The Council aims to pay particular regard to the needs of different ethnicity and disability groups. Documents are produced in different formats (e.g. large print and can be explained in other languages) where a need is identified and access arrangements are considered when organising involvement events.

9.8. Whilst the Council aims to increase participation from all sectors of the community, it is recognised that some groups are harder to engage with than others. These hard

to reach groups include rural communities, commuters, Gypsies and Travellers, Young People and those with lower literacy or language barriers.

- 9.9. To help improve representation and participation the Council will strengthen relationships with other Council departments, education establishments and community development organisations to learn from their experience, gain a better understanding of the needs of particular groups and ensure that the needs of all sectors of the community are met.

### **Review**

- 9.10. The Council is committed to reviewing and amending the methods and level of engagement with the community in response to ongoing feedback on the effectiveness of the community engagement undertaken.
- 9.11. The Council is actively seeking new and innovative ways to communicate and engage with the community.

## 10. Appendix A – Implementing Consultation Methods

- 10.1. The Council recognises that there are different levels of interaction between the Planning team and the community:
- **Notification** – providing information, for example through text messages, leaflets, email and post, advertising and ongoing awareness programmes.
  - **Consultation** – consulting you on your views, for example through surveys, interactive maps and portals, exhibitions and formal consultation processes.
  - **Participation** – such as in workshops where you would be actively involved in identifying needs and priorities
- 10.2. The Council recognises the community’s expectation that everyone receives information and has an opportunity to participate and comment. However, where documents relate to a specific area or issue – such as a Neighbourhood Plan for a defined parish area – only organisations and individuals with specific relevance to this area or issue would be more actively involved.
- 10.3. The below table shows how you could be involved, for which documents and when in the process.

Method of Involvement	This is useful for...	Which document	What stage	For which sectors of the community?	Things the Council need to consider	Resource intensity
Electronic resources (internet, email, online consultation, interactive map)	Allowing access to the latest information about progress and opportunities to contribute	All DPDs / SPDs / planning applications / reporting issues to enforcement	All Stages	All sectors	Electronic resources must be user friendly and intuitive. Items should be placed online in time for people to respond effectively.	Low – initially specialist skills will be required, but posting information online is low/no cost once established



Method of Involvement	This is useful for...	Which document	What stage	For which sectors of the community?	Things the Council need to consider	Resource intensity
Social Media (Twitter, Facebook and Instagram)	Promoting and informing the community of consultations and opportunity for engagement	All DPDs / SPDs	All Stages	All sectors	Social Media posts must be user friendly and intuitive. Items should be placed online in time for people to respond effectively.	Low – use of existing social media channels, posting information online is low/no cost once established.
Local media (newspaper adverts and articles, newsletters, flyers, TV, radio)	Raising levels of awareness and publicising specific opportunities to get involved, reaching a wide audience.	All DPDs / SPDs	All stages	Local communities, developers and landowners, business sector, service providers	Information must be interesting and relevant. The Council needs to allow enough time for publication and set an appropriate timeframe for collecting responses.	Medium – whilst advertising in the local press can be free, broader advertising can be expensive.

Method of Involvement	This is useful for...	Which document	What stage	For which sectors of the community?	Things the Council need to consider	Resource intensity
Publicity in community centres (e.g. libraries, shopping and sports centres)	Going out into the community to provide information and access views, reaching those who would not normally seek to be involved.	All DPDs / SPDs	All stages	Local communities	Information should be accessible to all in terms of mobility, understanding and times available	Medium – production of material can involve Significant costs. Staff time will also be needed.
Letter based consultation to people and organisations listed on the consultation database	Providing information specific to identified organisations and those requesting general updates on the local plan process.	All DPDs / SPDs	All stages	All those requesting to be added to the consultation database and statutory consultees	Must be clear and understandable, although most people on this list will have a good understanding of the planning system.	Low – supplementary to other consultation methods, re-using that information, but postage may be costly.

Method of Involvement	This is useful for...	Which document	What stage	For which sectors of the community?	Things the Council need to consider	Resource intensity
Documents available for inspection at local council offices	Meeting minimum requirements in allowing everyone the opportunity to comment on draft documents	All DPDs / SPDs	All stages	Local communities, developers and landowners, business sector, service providers, additional authorities	It must be clear how and when people should respond. Information should be accessible to all in terms of mobility, understanding and times available.	Low – staff time may be needed to answer questions and collate any responses
Area/town forums and Town/Parish Council meetings	Reaching community groups through existing forums dealing with local issues. Gaining first hand views regarding a specific area.	DPDs	Pre-production, production and submission	Local communities, developers and landowners, business sector, service providers	The Council must be aware of the audience and any restrictions. The Council should also consider the time available for consultation on the local plan (alongside other agenda items).	Medium – attending existing forums requires staff time to attend meetings and to prepare any material.

Method of Involvement	This is useful for...	Which document	What stage	For which sectors of the community?	Things the Council need to consider	Resource intensity
Qualitative research (e.g. questionnaire surveys)	Determining attitudes and identifying needs for improvement. Gaining views from people who would not otherwise express an opinion	DPDs	Pre-production, production and submission	All sectors	Surveys can reap a greater number of responses but require significant administration. Focus groups require specialist skills but can be used to target specific groups	Medium/high – specialist skills are required. Depending on scope, costs of venue hire or distributing surveys can be significant.
Public exhibitions	Outlining specific plans and proposals to target audience. Accessible to broad audience.	DPDs	Production and submission	Local communities, developers and landowners, business sector, service providers, additional authorities	Information should be accessible to all in terms of mobility, understanding and times available.	Medium – preparation costs and time needed can be significant. Additional staff time is needed if manned.

Method of Involvement	This is useful for...	Which document	What stage	For which sectors of the community?	Things the Council need to consider	Resource intensity
Preparation of locally based documents (e.g. neighbourhood plans, parish plans and village design statements.	Locally prepared by the community as their aspirations. Provides the Council with information on what the community wants with the Council playing a supporting role in the process	Neighbourhood plans etc	All stages	Local communities	These outline community priorities and may differ from place to place. The Local Plan needs to be flexible enough to respond to this challenge	Low/medium – the Council offers support for communities developing these documents, which can be intensive, although using the documents for background is low.
Participation workshops	Bringing together representatives from different sectors of the community to be more actively involved in scoping documents and identifying priorities.	DPDs	Pre-production, production and submission	All sectors	Events require significant preparation and organisation. However they can be very useful for discussing important and/or difficult issues.	Medium/high – time is needed for preparation, specialist skills may be required. The costs of venue hire can be considerable.

Method of Involvement	This is useful for...	Which document	What stage	For which sectors of the community?	Things the Council need to consider	Resource intensity
Working groups / focus groups / panels	Bringing together representatives to provide ongoing support to local plan development and production	DPDs	Pre-production, production and submission	All sectors	Success is dependent on commitment from those involved. Regular or ongoing meetings can also have resource complications	Medium – ongoing support from staff has time implications. There are also costs in organising meetings

## 11. Appendix B – Statutory Consultation Bodies

11.1. The statutory consultee (specific consultation bodies) that the regulations require the Council to consult are:

- The Environment Agency
- English Heritage
- Natural England
- The Mayor of London
- The Civil Aviation Authority
- Homes and Communities Agency
- Primary Care Trust
- Office of Rail Regulation
- Transport for London
- Integrated Transport Authority
- Kent County Council Highways (as the Highways Authority)
- Marine Management Organisation

## 12. Appendix C – General Consultation Bodies

12.1. The general consultees (general consultation bodies) that the regulations require the Council to consult, where appropriate, are:

- Voluntary bodies
- Bodies which represent the interests of different racial, ethnic or national groups
- Bodies which represent the interests of different religious groups
- Bodies which represent the interests of disabled persons
- Bodies which represent the interests of persons carrying on business

12.2. For Sevenoaks, these bodies include, but are not limited to:

Local communities	<p>Individual residents</p> <p>Residents associations</p> <p>Community groups (interest, activity and belief)</p> <p>Community forums</p> <p>Town partnerships</p> <p>Local strategic partnerships</p> <p>Community development organisations</p> <p>The National Farmers Union (NFU)</p> <p>Other organisations for specific community groups (e.g. youth, women)</p>
Agencies	<p>Kent Association of Local Councils (KALC)</p> <p>Kent Rural Community Council</p> <p>Campaign to Protect Rural England (CPRE)</p> <p>Sport England</p> <p>Health and Safety Executive</p> <p>Network Rail</p>



	<p>Passenger Transport Authorities and Executives</p> <p>Areas of Outstanding Natural Beauty (AONB) Units</p> <p>Environmental, Heritage and Wildlife organisations</p> <p>National Playing Fields Association</p> <p>Age Concern / Help the Aged</p> <p>Sure Start</p> <p>Equal Opportunities Commission</p> <p>Voluntary organisations</p> <p>Other bodies which represent the interest of different groups within the community (e.g. racial, ethnic, religious, disability)</p>
<p>Service Providers</p>	<p>Health trusts</p> <p>Health Services</p> <p>Kent Fire and Rescue</p> <p>Kent Ambulance NHS Trust</p> <p>Transport providers (road, rail, air, water)</p> <p>Education establishments (state and private)</p> <p>Utilities Providers</p> <p>Sports organisations</p>
<p>Business sector</p>	<p>Chambers of commerce</p> <p>Town and shopping centre management</p> <p>Business, trade and industry associations / federations</p> <p>Economic development organisations</p> <p>Employment organisations</p>

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Developers and landowners	Registered social landlords (RSLs) Crown estates Defence estates The Home Builders Federation (HBF) National Trust Post Office Property Holdings Individual developers Development and building companies Regeneration organisations
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### 13. Appendix D – Other Consultees

13.1. The Town and Parish Councils in Sevenoaks District that the regulations require the Council to consult, where appropriate, are:

- Ash-cum-Ridley Parish Council
- Badgers Mount Parish Council
- Brasted Parish Council
- Chevening Parish Council
- Chiddingstone Parish Council
- Cowden Parish Council
- Crockenhill Parish Council
- Dunton Green Parish Council
- Edenbridge Town Council
- Eynsford Parish Council
- Farningham Parish Council
- Fawkham Parish Council
- Halstead Parish Council
- Hartley Parish Council
- Hever Parish Council
- Hextable Parish Council
- Horton Kirby & South Darenth Parish Council
- Kemsing Parish Council
- Knockholt Parish Council
- Leigh Parish Council
- Otford Parish Council
- Penshurst Parish Council
- Riverhead Parish Council
- Seal Parish Council
- Sevenoaks Town Council
- Sevenoaks Weald Parish Council
- Shoreham Parish Council
- Sundridge with Ide Hill Parish Council
- Swanley Town Council
- Westerham Town Council
- West Kingsdown Parish Council

13.2. The Neighbouring Authorities that the regulations require the Council to consult, where appropriate, are:

- Dartford Borough Council
- Gravesham Borough Council
- London Borough of Bexley
- London Borough of Bromley

## Agenda Item 7

- Tandridge District Council
- Tonbridge and Malling Borough Council
- Tunbridge Wells Borough Council
- Wealden District Council
- Kent County Council
- Surrey County Council
- East Sussex County Council
- The Greater London Authority

## LOCAL PLAN UPDATE

### Development and Conservation Advisory Committee - 17 December 2019

Report of Chief Planning & Regulatory Services Officer

Status For information

Key Decision No

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**Executive Summary:** This report provides an update on the Local Plan examination process.

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**This report supports the Key Aim of:** Protecting the Green Belt and Supporting and developing the local economy

**Portfolio Holder** Cllr Julia Thornton

**Contact Officers** Hannah Gooden Ext. 7178 / James Gleave Ext. 7326

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**Recommendation:** That Development and Conservation Advisory Committee notes the report.

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**Reason for recommendation:** To provide an update on the progress of the Local Plan.

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### Background and introduction

- 1 Once adopted, the new Local Plan will replace the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP 2015). It will be used to determine planning applications, as well as setting out the strategic land allocations which will help to meet the development needs of the District over the plan period, up to 2035. The Local Plan is based on well documented and recent local evidence and is being examined by an independent Inspector.
- 2 Members received a report in October, which provided an overview of the examination and a summary of the additional information submitted as part of this process. This report provides an update on the latest correspondence between the Council and the Planning Inspector.

### Submission and Examination

- 3 Following the submission of the December 2018 Proposed Submission version of the Local Plan to the Secretary of State on 30 April 2019, Karen Baker

## Agenda Item 8

DipTP, MA, DipMP, MRTPI was appointed by the Planning Inspectorate to undertake an independent examination of the document. The Inspector is tasked with considering all of the comments received on the submission documents, assessing the Local Plan against planning legislation to determine its legal compliance and also whether the document meets the tests of 'soundness', as set out in the National Planning Policy Framework (NPPF).

- 4 A series of public hearing sessions associated with the examination commenced for a two-week period on Tuesday 24 September 2019. These sessions assessed high-level matters, including legal compliance issues, the duty to co-operate, sustainability appraisal, the Council's approach to Green Belt release and the overall development strategy contained within the plan.
- 5 The first round of hearings concluded on Thursday 3 October 2019 and the Council was asked to provide additional information in advance of the second set of sessions relating to site and policy specific matters, which were due to re-commence on 5 November 2019. However on Tuesday 15 October, we received a letter from the Inspector stating that she had significant concerns regarding the approach taken to meeting the duty to co-operate. A further letter dated 28 October 2019 sets out these concerns in more detail.
- 6 The duty to co-operate is contained in planning legislation and requires local authorities to co-operate with each other and specific prescribed bodies in relation to planning and sustainable development. The Proposed Submission Version of the Local Plan proposes to meet 83% of housing need in Sevenoaks up to 2035. In relation to the duty, the Inspector's central concern is a perceived lack of constructive engagement to resolve unmet need and an inadequacy of strategic cross-boundary planning to examine how the identified needs could be accommodated.
- 7 A failure to meet the duty to co-operate is significant because it cannot be rectified retrospectively and the Inspector has identified two possible outcomes. These are that she would prepare a report concluding that the plan is not legally compliant in respect of the duty to co-operate, or the Council could withdraw the plan from examination.
- 8 The Council is not proposing to withdraw the plan because we fundamentally disagree with the Inspector's conclusions. Two letters have been provided in response to the concerns raised, initially on 31 October and then in more detail on 18 November 2019. Copies of this correspondence are attached to this report and are available on the news and updates page of the Council's website<sup>1</sup>, however the key points made by the Council are as follows:

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<sup>1</sup> [https://www.sevenoaks.gov.uk/info/20069131/local\\_plan\\_examination/447/news\\_and\\_updates](https://www.sevenoaks.gov.uk/info/20069131/local_plan_examination/447/news_and_updates)

- The comments provided by the Inspector are overwhelmingly negative, to the point of being unbalanced and presenting what we believe to be an inaccurate account of the extensive work undertaken to meet the duty.
  - No tangible solutions exist to accommodate unmet housing need elsewhere.
  - Neighbouring authorities support our view that the duty to co-operate has been met.
  - The Council became aware of the exact extent of unmet need following a review of the comments on the Regulation 18 documents.
  - However, neighbouring authorities were informed that Sevenoaks was unable to meet its housing need well before this point during a number of well documented meetings from 2015 onwards. As set out in the Council's Duty to Co-operate Statement<sup>2</sup>, neighbours were given as much information as possible about the likely extent of the shortfall.
  - It is unclear why it has taken six months for the Inspector to reach a view that the duty to co-operate has not been met, as this key issue is meant to be considered in the initial assessment of the Plan. The approach taken is contrary to the Planning Inspectorate's own procedural guidelines, which advise Inspectors to raise any concerns regarding the duty as soon as possible during the examination process.
  - A 'peer review' undertaken by the Planning Advisory Service (PAS) and also the Council's legal advice prior to submission confirmed that the duty had been met.
  - A separate 'Schedule A'<sup>3</sup> was attached to the Council's letter of 18 November 2019 to outline the specific inaccuracies in the Inspector's correspondence.
- 9 Correspondence has since also been received from Parish Councils and site promoters who participated in the examination, stating that they do not agree with the approach taken on this matter. These letters can be found on our website<sup>4</sup>. It should be noted that the Inspector has stated she cannot accept further correspondence from third parties on this or other matters

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<sup>2</sup> [https://www.sevenoaks.gov.uk/downloads/file/1940/sup006\\_duty\\_to\\_cooperate\\_statement](https://www.sevenoaks.gov.uk/downloads/file/1940/sup006_duty_to_cooperate_statement)

[https://www.sevenoaks.gov.uk/downloads/file/1941/sup006a\\_appendix\\_1\\_-\\_neighbouring\\_authorities](https://www.sevenoaks.gov.uk/downloads/file/1941/sup006a_appendix_1_-_neighbouring_authorities)

<sup>3</sup> [https://www.sevenoaks.gov.uk/downloads/file/2830/ed42a\\_-\\_appendix\\_1\\_schedule\\_a\\_18\\_november\\_2019](https://www.sevenoaks.gov.uk/downloads/file/2830/ed42a_-_appendix_1_schedule_a_18_november_2019)

<sup>4</sup> [https://www.sevenoaks.gov.uk/downloads/download/777/local\\_plan\\_correspondence](https://www.sevenoaks.gov.uk/downloads/download/777/local_plan_correspondence)

## Agenda Item 8

related to the examination. However, these letters will be submitted as part of a pack of supporting information, to supplement the Council's case.

- 10 The leadership has taken a strong position to defend the Local Plan and a number of articles have appeared in the Sevenoaks Chronicle, which clearly state the Council's position on this matter. All the submitted documents are available to view online on our dedicated examination pages:  
[www.sevenoaks.gov.uk/localplanexamination](http://www.sevenoaks.gov.uk/localplanexamination).

### Next steps

- 11 At the time of writing, the Council is preparing a further pack of information to submit to the inspector to supplement the letter of 18 November 2019 and the Inspector has confirmed that due to Purdah, no further correspondence will be received from her until after the General Election on 12 December 2019. The Council is not proposing to withdraw the plan from examination and next steps will be determined by the Inspector's response to our correspondence. Further verbal updates on the position will be provided at the Development Conservation Advisory Committee meeting on 17 December 2019.

### Key Implications

#### Financial

Production of the Local Plan will be funded from the Local Plan reserve.

#### Legal Implications and Risk Assessment Statement

Preparation of a Local Plan is a statutory requirement. There are defined legal requirements that must be met in plan making which are considered when the plan is examined by a Government Planning Inspector. Risks associated with Local Plan making are set out in the Local Development Scheme

#### Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The preparation and adoption of a Local Plan will directly impact on end users. The impacts have been analysed via an Equalities Impact Assessment (EqIA).

### Conclusion

Officers will be happy to take any questions at the meeting.



**Appendices**

A - Letter from the Inspector dated 14/10/19

B - Letter to the Programme Officer dated 21/10/19

C - Duty to co-operate addendum 18/10/19

D - Letter from the Inspector dated 28/10/19

E - Letter to the Inspector dated 31/10/19

F - Letter to the Inspector dated 18/11/19

G - Schedule A: SDC's response to specific points raised in correspondence dated 28/10/19 from Inspector

H - PAS: SDC Note on the duty to cooperate and the Local Plan

**Background Papers**

None

**Richard Morris**

**Chief Planning & Regulatory  
Services Officer**

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## **Examination of the Sevenoaks District Local Plan**

**Inspector:** Karen L Baker DipTP MA DipMP MRTPI

**Programme Officer:** Louise St John Howe

**FAO:** Mr James Gleave, Strategic Planning Manager

Dear Mr Gleave,

I would firstly like to thank the Council and all other participants for their helpful contributions to the recent Local Plan Examination Hearings, which dealt with matters relating to Legal Compliance, including the Duty to Cooperate; Sustainability Appraisal; Strategy for Growth; Green Belt; Housing Need, Requirement and Distribution; and, Housing Supply. I would also like to thank Louise St John Howe, the Programme Officer, for her help in ensuring that the practical arrangements for the Hearings ran smoothly. Given that there are further Hearings arranged in a few weeks' time, I felt it necessary to write to you as a matter of urgency to set out my initial thoughts on the way forward with the remainder of the Examination.

In the light of the evidence that I have read and heard in the Examination, including the suggested Main Modifications to the Plan put forward by the Council and others during the Hearings, I have significant concerns about a number of aspects of the Plan, both in terms of legal compliance and soundness.

My main concern relates to the lack of constructive engagement with neighbouring authorities to resolve the issue of unmet housing need and the absence of strategic cross boundary planning to examine how the identified needs could be accommodated. Indeed, the Council did not formally ask neighbouring authorities if they were in a position to address its unmet housing need until just before the Local Plan was submitted for Examination. I am not satisfied, therefore, that the Council has addressed this key strategic matter through effective joint working, but has rather deferred it to subsequent Plan updates. This is evidenced by the 'actions' set out in the Statements of Common Ground with neighbouring authorities submitted to the Examination. I consider this to be a significant failure in the Council's Duty to Co-operate. Any failure of the Duty to Co-operate cannot be rectified during the Examination and therefore the only option is for a Report recommending non-adoption to be issued or for the Plan to be withdrawn from Examination.

Furthermore, I have significant concerns about the soundness of the Plan in respect of a number of areas including the approach to Sustainability Appraisal, the chosen Strategy for Growth, the assessment of the Green Belt and housing supply and distribution.

I am currently preparing a letter setting out my concerns in more detail which will be with you shortly. I will not reach any final conclusions on the way forward for the Examination until I have had the opportunity to consider your

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response to that letter. However, whilst I acknowledge the need and desirability for the Plan to be found sound and legally compliant where possible, subject to any required Main Modifications, I consider it is necessary for me to advise you that, at this point, I consider the most appropriate way forward for the Sevenoaks District Local Plan would be for the Council to withdraw it from Examination.

Although there are a number of outstanding matters upon which the Council was intending to submit further information or evidence, these would not affect my conclusions on the Duty to Co-operate. In view of this, it would clearly be inappropriate to hold the Hearings arranged for November. Consequently, I have asked Louise to cancel them and to place this letter on the Examination website for information.

I understand that the Council has put a significant amount of work and resources into the preparation of this Plan and will be very disappointed by the contents of this letter. However, I have not reached these conclusions lightly and have only done so after giving you every reasonable opportunity during the Examination process to address my concerns.

Yours sincerely,

*Karen L Baker*

Inspector

14 October 2019

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Programme Officer  
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My Ref:  
Your Ref:  
Date: 21<sup>st</sup> October 2019

Dear Louise

## SEVENOAKS DISTRICT COUNCIL LOCAL PLAN

Thank you for sending across the Inspector's letter dated 14<sup>th</sup> October 2019. We were, of course, extremely disappointed to receive this.

The Inspector's initial conclusions are at odds with the independent advice that the Council received in advance of submission, including our discussions with the Government's own Planning Advisory Service (PAS), the opinion of a QC and industry experts - including former senior Planning Inspectors. This extensive peer review was undertaken in good faith, to inform the examination process and avoid the circumstances that we now appear to find ourselves in.

In respect of the duty to cooperate in particular, we have concerns as to whether the Inspector's initial thoughts, as set out in her letter, take account of all relevant matters. The Council considers that the Inspector's deliberations may be assisted by the attached addendum to the Duty to Co-operate statement. A further commentary on this matter will be provided following the Inspector's more detailed letter.

The Council believes that withdrawing the plan from examination would run contrary to the spirit of the Government's own advice on Plan Making. We are pleased to hear that the Inspector has not reached a final conclusion on this matter and hope that a positive and pragmatic way forward can be found

Yours sincerely

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

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## **Duty to Co-operate Addendum**

**18/10/19**

This note responds to the Inspector's concerns raised in her letter of 14<sup>th</sup> October 2019, specifically in relation to the Duty to Co-operate (DTC). The Council notes the concerns raised regarding DTC compliance. Respectfully, the Council considers that these concerns do not properly reflect the substance of the extensive DTC work undertaken, nor what the DTC actually requires. The strength with which the Council holds these views is leading it to submit this note now, rather than waiting. We understand that the Inspector has not yet reached a final conclusion on this matter and hope that this note provides the clarification and comfort that, contrary to the Inspector's initial views, a positive and pragmatic way forward can be found.

The following points are fundamental:

- Four years of active, ongoing and constructive engagement with neighbouring authorities and other DTC partners underlies the Local Plan, i.e. since 2015, when plan preparation began. This is documented in the DTC statement and appendices (SUP6a-d).
- Not a single neighbouring authority or other DTC partner has alleged non-compliance with the DTC.
- The DTC discussions were comprehensive. They covered wide-ranging cross boundary issues, including transportation, natural environment and employment.
- Further, at the heart of the discussions was the issue of housing need and the ability of authorities to meet their needs. It is difficult to see how there can have been a failure on this issue, when it was the central issue in several years of DTC work.
- The Inspector's letter appears to place particular weight on the fact that the Council did not formally ask neighbours to consider taking some of our unmet need until late in the process. Critically, this does not take account of the fact that the inability of the Council to meet its own need and whether others could assist had been the premise of discussions for some considerable time. Indeed neighbours were surprised, when we made the final request, at the fact that we felt it necessary at all.
- Of course, the DTC work did not lead to unmet need being met elsewhere. That does not represent a failing in the DTC work itself. Rather, it should lead one to look back at the extent to which SDC can meet those needs within the district itself. So far as the Inspector has concerns on that front, that is something which main modifications may be able to address. In the Council's view, that is the pragmatic and proper course to which consideration should now be given.

By way of further detail on these matters:

- The NPPF (2019) sets out (paragraphs 24-27) the importance of maintaining effective co-operation and LPAs are under a duty to cooperate with each other,

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and with other prescribed bodies, on strategic matters that cross administrative boundaries.

- The NPPF states that authorities should collaborate to identify the relevant strategic matters which they need to address and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. It also outlines that authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these.
- The Council has had active, ongoing and constructive engagement with neighbouring authorities and other Duty to Co-operate partners, since 2015, when plan preparation began, in accordance with the requirements of the NPPF (paragraphs 24-27).
- This is documented in the Duty to Co-operate (DTC) statement and appendices (SUP6a-d).
- These discussions covered wide-ranging cross boundary issues, including transportation, natural environment and employment, but largely focused on the issue of housing need and the ability of authorities to meet their needs.
- The Council has been very open from the outset about the challenges to meeting its needs, due to Green Belt, AONB and other environmental constraints.
- All discussions with our Duty to Co-operate partners have genuinely, actively and constructively sought to address cross-boundary issues, but it is noted that it is not a Duty to Agree.
- Requests to assist with unmet need were sent to all eight of our neighbouring authorities and Maidstone BC on 11 April 2019. It is important to understand that this was not the first time the requests were made – this issue had been discussed at almost every DTC meeting since 2015. Indeed, the letters were sent in order to formally document the already known position of our neighbouring authorities, in preparation for examination.
- It is relevant to note, in response to this request, Tunbridge Wells Borough Council responded:

*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;*

- Indeed, this position was confirmed verbally by both Tunbridge Wells BC and Tonbridge and Malling BC (who form the West Kent HMA, together with SDC) at the Local Plan hearings on 24 September. They highlighted the ongoing,



constructive DTC engagement that has taken place since 2015 and their inability to assist SDC with any unmet housing need.

- Therefore the suggestion that the Council did not formally ask neighbours to consider taking some of our unmet need until late in the process fails to take proper account of the fact that this had been the premise of discussions for some time and indeed neighbours were surprised, when we made the final request, at the fact that we felt it necessary at all.
- There is no set format for DTC requests to assist with unmet need. We would suggest that the regular meetings with our partners where this issue was discussed, followed up with a request to document the position and signed Statements of Common Ground, is an appropriate means of demonstrating constructive engagement with neighbouring authorities on the issue of unmet housing need.
- Before submission and as part of our review process, the Council was assisted by the Planning Advisory Service (PAS), at the suggestion of MHCLG during a meeting with them on 6<sup>th</sup> March.
- A meeting with PAS was convened (24 April) and chaired by Keith Holland, to specifically discuss the issue of unmet housing need and our neighbours ability to assist us with this need. The meeting independently confirmed again that our neighbouring authorities are unable to assist with any unmet need. The minutes of the meeting set out that:

*KH (Keith Holland) advised that, in his view, SDC has done all it can and is able to demonstrate that it has satisfied the duty to cooperate requirement (SUP6d).*

*A recurring theme throughout each update was the challenges of delivering housing in heavily constrained areas, particularly Green Belt, given the current policies in the NPPF, and also the inability of authorities to meet any needs outside of their own (SUP6d).*

- The 'actions' in relation to housing, set out set out in the Statements of Common Ground with neighbouring authorities, detail that SDC:
  - will undertake a 5 year review in line with national guidance (as using a capped need figure).
  - will engage through the wider DTC forum with other neighbouring authorities in relation to strategic housing related matters, including unmet need.
- The Council has, through the hearings, agreed to provide a 'roadmap' to be included within the Local Plan, to set out how the issue of unmet need will be addressed. We have indicated that this document will be provided by w/c 28 October. Therefore, consideration of whether the issue of unmet need has been deferred to subsequent Plan updates should be informed by this forthcoming document.

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**Examination of the Sevenoaks District Local Plan**

**Inspector:** Karen L Baker DipTP MA DipMP MRTPI

**Programme Officer:** Louise St John Howe

**FAO:** Mr James Gleave, Strategic Planning Manager

Dear Mr Gleave,

In my letter, dated 14 October 2019, I stated that I would write to you setting out in more detail the reasons why the Duty to Co-operate has not been met in respect of the Sevenoaks District Local Plan, as submitted on 30 April 2019.

My central concern, in respect of the legal compliance of the Plan, relates to the lack of constructive engagement with neighbouring authorities to resolve the issue of unmet housing need and the inadequacy of strategic cross boundary planning to examine how the identified needs could be accommodated. Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) requires that a local planning authority co-operates with other local planning authorities, the County Council and prescribed bodies or other persons in relation to planning of sustainable development. This duty requires the Council to engage constructively and on an ongoing basis in the preparation of the Local Plan, so far as it relates to a strategic matter.

Government policy set out in paragraph 26 of the National Planning Policy Framework (NPPF) says that effective and ongoing joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. It goes on to say that, in particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

In order to demonstrate effective and ongoing joint working, paragraph 27 of the NPPF says that strategic policy-making authorities should prepare and maintain one or more Statements of Common Ground (SoCGs), documenting the cross-boundary matters being addressed and progress in co-operating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.

Housing is a strategic matter upon which the Council should engage constructively and on an ongoing basis with its neighbours. The Council published a Duty to Co-operate Statement [SUP006 and SUP006a-d] in May 2019, following the submission of the Local Plan for Examination, which sets out the activities undertaken by the Council, including meetings with neighbouring authorities, at both Officer and Member level, and the production of a joint

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evidence base with neighbouring authorities in the West Kent Housing Market Area<sup>1</sup> (HMA).

In Appendix 1 to the Duty to Co-operate Statement, the Facilitator's Note of a meeting of the West Kent Statement of Common Ground Pilot Project, on 3 April 2018, at which Officers from the Council, along with Tunbridge Wells and Tonbridge and Malling Borough Councils, were present, says, at paragraph 6.1, that Sevenoaks District Council is planning to meet its Objectively Assessed Need (OAN) as determined by the joint SHMA, which was updated in 2017. It goes on to say, at paragraph 8.5, that '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 Draft Local Plan identified a need for 13,960 homes and identified sites capable of delivering between 6,582 and 13,382 dwellings, which fell short of the Council's housing needs. This Plan was subject to Regulation 18 consultation between 16 July and 10 September 2018. However, there was no West Kent Duty to Co-operate Meeting between 2 August 2017 and 11 September 2018 with Tunbridge Wells and Tonbridge and Malling Borough Councils and no evidence that the Council highlighted its own likely housing shortfall with its neighbours at that time.

At the meeting on 11 September 2018, the Council reported that in excess of 7,000 comments had been received to the Regulation 18 consultation, but that a Regulation 19 Plan would be considered by the Council's Planning Advisory Committee on 22 November 2018 and Cabinet on 6 December 2018, aiming for submission in Spring 2019. No reference was made at this meeting to the likely level of unmet housing need in the Regulation 19 Plan, which confirms that the unmet need within Sevenoaks was 3,392 dwellings, nor does it appear that a request was made to these neighbouring authorities for them to accommodate any of this unmet need. The next Duty to Co-operate Meeting between these authorities took place on 13 March 2019 following the Regulation 19 consultation on the Sevenoaks Local Plan, which closed on 3 February 2019. It is only at that meeting that reference was made in Item 3 'West Kent SoCG' to the unmet need in Sevenoaks and a discussion of 'the potential requirement for a follow up letter to request that neighbouring authorities assist with Sevenoaks' unmet need, where it is practical to do so'.

The Council's position with respect to housing clearly changed during the course of the Plan's preparation, between the West Kent Statement of Common Ground Pilot Project meeting, on 3 April 2018, and the Regulation 18 and Regulation 19 versions of the Plan. Under the Duty to Co-operate, it is reasonable to expect the Council to have contacted its neighbours as soon as it became clear that it would not be able to accommodate its own needs, which would have been at some point between April 2018 and the Regulation 19 version of the Plan. This

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<sup>1</sup> The West Kent Housing Market Area includes Sevenoaks District Council, Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council.

would have allowed the authorities to engage constructively in an attempt to resolve this issue prior to the publication of the Plan at the Regulation 19 stage.

This did not happen; Regulation 19 consultation took place on the Plan between Tuesday 18 December 2018 and Sunday 3 February 2019, but the Council did not formally consult neighbouring authorities about the changed situation in respect of unmet housing need before that consultation took place. This was clear at the time that the Planning Inspectorate<sup>2</sup> carried out an Advisory Visit to the Council on 6 February 2019. The Inspector who undertook the Advisory Visit noted that the Council had not sent formal letters asking other authorities to accommodate the unmet need. He also advised the Council that, despite the SoCG, there did not appear to be clear evidence of positive engagement and that the Council could not point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated.

In fact, the Council did not formally inform neighbouring authorities of the position regarding its unmet housing need until it wrote to them on 11 April 2019, after the PINS' Advisory Visit and following the Regulation 19 consultation.

On 24 April 2019, six days before the Plan was submitted for Examination, the Council held a Duty to Co-operate workshop. This was facilitated by the Planning Advisory Service (PAS), with representatives from neighbouring authorities. At this workshop, the Council set out what it considers to be the shortfall of around 1,900 dwellings<sup>3</sup> in its Local Plan to be submitted for Examination. The Council states that the advice it received at this workshop, from the PAS Facilitator, was that it had done all it could and was therefore able to demonstrate that it had satisfied the Duty to Co-operate. However, having considered all the evidence before me in this Examination, I do not agree with this position. It is also the case that the workshop took place far too late in the preparation of the Plan to have any real influence over the way the issue of unmet housing need was handled.

Indeed, if the engagement had occurred between the Regulation 18 and Regulation 19 versions of the Plan, once the Council was aware of the level of unmet need, it might have resulted in a more positive outcome. Given earlier notice and more time for in-depth engagement, discussion and consideration, neighbouring authorities may have been able to accommodate some of Sevenoaks' unmet need. Alternatively, if the neighbouring authorities had not been able or willing to meet these needs, the Council would have had the time to formally reconsider its own constraints to reach a final view on whether or not it could appropriately fully meet its own housing needs in the knowledge that they would not be met outside the District. However, the Council did not do this, instead moving quickly to the publication of a Regulation 19 Plan which had a substantial level of unmet housing need and no strategy for accommodating that need.

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<sup>2</sup> The Planning Inspectorate carries out a programme of advisory visits to local planning authorities to help them prepare for the Examination.

<sup>3</sup> This revised figure took account of proposed changes to the Plan period being put forward by the Council.

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Although the Duty to Co-operate statement indicates that Officer and Member level meetings were held with neighbouring authorities, and a joint evidence base with neighbouring authorities in the West Kent HMA was produced, the minutes of the meetings clearly show that the Council did not seek assistance from its neighbours in meeting its unmet housing need or in devising an agreed approach for accommodating this unmet need, prior to the publication of the Regulation 19 Plan. Housing was identified as a key strategic cross boundary issue, but the issue of unmet need in Sevenoaks was not discussed during the meetings with neighbouring authorities, not even those in the West Kent HMA. As previously noted, the Council did not raise this as an issue with its neighbours until after the public consultation period on the Regulation 19 Plan was completed. This is confirmed in the Hearing Position Statements provided by the other two Councils within the HMA.

In paragraph 13.2 of its Hearing Position Statement, Tonbridge and Malling Borough Council (TMBC) confirms that during the consultation on the Regulation 18 and Regulation 19 versions of the Tonbridge and Malling Borough Local Plan, Sevenoaks District Council (SDC) did not make a formal request for TMBC to address the unmet need in Sevenoaks. Furthermore, it goes on to say that despite Officers from TMBC and SDC engaging on a regular basis to discuss cross-boundary strategic matters, TMBC Officers did not receive a formal request from SDC to address unmet housing need.

In paragraph 1.04 of its Hearing Position Statement, Tunbridge Wells Borough Council (TWBC) confirms that it received communication from SDC on 11 April 2019 formally asking if it would be in a position to meet any of its unmet housing need. This was after the Regulation 19 consultation and indeed just before the plan was submitted for Examination, leaving no time for a proper consideration of the issues. At paragraph 1.06, TWBC states that if this request had been made at any point prior to the submission of its comments on the Regulation 19 version of the Plan, then its response would have addressed this issue more fully.

Following the submission of the Local Plan for Examination on 30 April 2019, the Council submitted SoCGs with TWBC [SUP007h] and TMBC [ED6], signed on 21 and 30 May 2019 respectively. The agreed actions within these documents in respect of housing are to 'engage through the wider Duty to Co-operate Forum with other neighbouring authorities outside the West Kent HMA in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London's growth, large scale developments and opportunities for meeting any unmet need' and to 'undertake a 5 year review of the Local Plan'; and, 'to engage through the wider Duty to Co-operate Forum with other neighbouring authorities outside the West Kent HMA in relation to strategic housing matters' respectively. These SoCGs are obviously too late in respect of the preparation of the Local Plan: they set out the issues to be addressed following the submission of the Plan rather than the progress made to address them prior to submission. They infer that these matters will be dealt with in any review of the Plan. However, the duty required by the Act applies specifically to plan preparation, and plan preparation ends when the plan is

submitted for Examination. Furthermore, given the late publication of the Duty to Co-operate Statement and SoCGs, there was criticism at the Hearings that participants were unable to view these documents prior to submission or, indeed, as part of the Regulation 19 consultation.

At the Duty to Co-operate Workshop, on 24 April 2019, the group discussed the potential for a sub-regional strategy to address any unmet needs across the area, with this approach having been discussed through Kent Leaders' meetings. However, this approach is at a very early stage and this, along with the agreed actions in the SoCGs, do not resolve the issue of unmet housing need, nor do they provide the strategic cross boundary planning to examine how the identified needs could be accommodated now. The Council's approach appears to be to defer these matters until a future review of the Plan, when there should be a strategy for dealing with this unmet need now.

It is noted that neighbouring authorities have not indicated a readiness to take unmet need from Sevenoaks, in part due to the extent of Green Belt, but proper engagement at the right time would have enabled all three authorities and others in the wider area to properly grapple with the issues arising from unmet housing need. There is, of course, no guarantee that such an approach would have resulted in arrangements being made for Sevenoaks' housing needs to be met in full. However, in my view, earlier and fuller proactive engagement on this crucial issue, in accordance with national policy, would have been significantly more likely to result in an effective strategy for meeting the needs in full, or at least in part.

In conclusion, I consider that the Council has not adequately undertaken constructive engagement with neighbouring authorities to resolve the issue of unmet housing need in the District and has failed to plan strategically by not sufficiently examining how these needs could be accommodated. The absence of such engagement means that neither the submitted plan nor neighbouring authorities' plan-making processes have been shaped by adequate consideration of how Sevenoaks' full housing need was to be met.

The Duty to Co-operate places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. If a local planning authority cannot demonstrate that it has complied with the duty at the independent Examination of their Local Plans, then Section 20(7A) of the Act requires that the Examiner must recommend non-adoption of the Local Plan, if they consider that the local planning authority has not complied with the Duty to Co-operate.

As I said in my initial post-Hearings letter, I appreciate that the Council will be disappointed by my findings, given the significant amount of work and resources that have been put into the preparation of this Plan. However, I have come to this view based on all that I have read and seen, including the documentation submitted by the Council alongside, and in support of, the Plan and having regard to the Council's responses to my Matters, Issues and Questions, as well as the discussions at the Hearings.

## Agenda Item 8

Any failure in the Duty to Co-operate cannot be rectified once the Plan has been submitted for Examination and, as such, there would only be two possible ways forward for the Examination. These are that I would prepare a Report concluding that the Plan is not legally compliant in respect of the Duty to Co-operate or the Council would withdraw the Plan from Examination. I appreciate that you will want to consider your position in respect of my conclusions.

In my initial post-Hearings letter I referred to a number of soundness concerns that I have with the Plan. However, they are not of relevance to my Duty to Co-operate conclusions and would only be of relevance to assist the local planning authority with its subsequent plan making activities. As such, I will only set them down in writing if the Council wishes to receive them.

I will, therefore, look forward to hearing from you in due course.

Yours sincerely,

*Karen L Baker*

Inspector

28 October 2019



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

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Tel No: 01732 227326  
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Date: 31<sup>st</sup> October 2019

Dear Ms Baker

## SEVENOAKS DISTRICT COUNCIL LOCAL PLAN

Thank you for your letter dated 28<sup>th</sup> October, which sets out the reasons why you consider the Duty to Co-operate has not been met in respect of the Sevenoaks District Local Plan. The Council is currently preparing a detailed response to the points you have raised and the resulting conclusions, however we fundamentally disagree with your findings. This letter gives our initial thoughts and a more detailed response will follow shortly.

Please note that this initial response should be read together with our response to your preliminary letter (ED38 and ED38A Addendum to Duty to Co-operate Statement).

The comments you have provided are overwhelmingly negative, to the point of being unbalanced and presenting what we believe to be an inaccurate account of the extensive work that the Council has undertaken to meet the duty. An example of this is the reference to the West Kent Duty to Co-operate Meeting on page 2, where you state that:

*'No reference was made to the likely level of unmet housing need in the Regulation 19 Plan....nor does it appear that a request was made to these neighbouring authorities to accommodate unmet need.'*

It is unreasonable to assume that the Council could have known the extent of unmet need, the day after the Regulation 18 consultation closed. However, Tonbridge and Malling Council's response to the Regulation 19 consultation dated 1st February 2019, which was provided to you when the Council submitted the Plan for examination, confirms that unmet need was discussed at this meeting. It notes firstly that:

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## Agenda Item 8

*'At the last duty to co-operate meeting in September, all three West Kent Authorities confirmed that they were seeking to meet as much need as possible, and acknowledged the practical difficulties of taking any unmet need from each other.'*

It also notes that SDC presented a 'best case scenario', resulting in approximately 600 dwellings of unmet need across the plan period. This single example helps to demonstrate the following points:

- Dialogue was taking place between the West Kent Authorities regarding the issue of unmet housing need;
- SDC was being as transparent as possible regarding the extent of its unmet need; and
- If the 'best case' scenario unmet need of 600 units could not be met through the duty, it is unreasonable to assume that a higher figure could be accommodated elsewhere.

The work with the Planning Advisory Service (PAS) and the wider 'Peer Review' was undertaken as a 'sense check' of the approach to meeting the duty, prior to submission. We will expand on this in our detailed response. However, at this stage, it is sufficient to note that we were advised to engage with PAS at a meeting with MHCLG on 6<sup>th</sup> March 2019. The outcome of this work and the conclusions reached are dismissed rather quickly in your response.

Preliminary investigations indicate that it is unusual for an examination to be abandoned due a failure in meeting the Duty to Co-operate, half way through the hearing sessions. Where Inspectors have concluded such a failure the Council has normally been advised either prior to commencement, or on the first day of the hearing sessions - presumably to avoid the abortive time and cost of participants. This approach also reflects paragraph 7 of the most recent 'Procedure Guide for Local Plan Examinations, which states that:

*'The Inspector will raise any potential problems with the LPA as soon as they become apparent, and will give the LPA the opportunity to overcome them wherever this is possible.'*

Similarly, paragraph 3.4 of the Procedure Guide states that:

*'If the Inspector's initial assessment raises concerns that that the duty may not have been met, or identifies what appear to be fundamental flaws in the plan or the evidence base, the Inspector will raise these with the LPA as soon as possible, in order to avoid abortive further work and unnecessary cost to the LPA.'*

Given the substantial nature of the Council's Duty to Co-operate Statement, which was submitted 6 months ago, it is unclear why potential problems have been raised at this point in the process.

Your letter also draws strong links with the work we undertook to discharge the duty and the publication of the Regulation 19 Plan, noting that it was '*far too late in the preparation of the plan to have any real influence*'. We do not agree with this statement. One of the key messages that the Council took away from our PINS Advisory visit was that the duty 'stops' at the point of submission. A number of

options remained available to the Council up to this point, had it concluded a failure in the duty, including a further Regulation 19 consultation.

The Council firmly believes it has taken a positive and pragmatic approach to meeting the duty to co-operate. We will set out further details of our decision making timeline as part of our detailed response, suffice to say that a pause in the process for further engagement with neighbouring authorities would not have resulted in the unmet need being met elsewhere.

Much has been made of the need for more ‘constructive engagement’, however no tangible solutions have been put forward to suggest that a different approach could have been taken. I will touch on the practicalities, implications and likely success of a joint sub-regional plan in my detailed response to you.

In conclusion to this initial response, the Council is disappointed with your findings, because it has complied with the duty and there is no scope to meet unmet need elsewhere. The abstract nature of the debate around what does and does not constitute constructive engagement only serves as a distraction from the key issue for this examination, which is how to meet housing need and protect Green Belt in an area where 93% of land is subject to that designation. The submitted plan would provide a step-change in housing delivery at approximately 600 homes per year, compared to our existing Core Strategy which sets delivery at 165 homes per year, representing an approximately 300% uplift. We are of the view that withdrawing the plan from examination at this stage fails all stakeholders in the process and does not represent a positive or pragmatic approach to plan making.

That said, we remain committed to assisting you however possible and will, of course, provide any additional information that you require. Your previous letter dated 14<sup>th</sup> October notes that a final conclusion on this matter will not be reached until you have considered the Council’s response. Our detailed response to the issues raised in your letter will be with you by Friday 15<sup>th</sup> November, if not before.

It would also be useful to receive your views on other soundness issues to assist with the plan-making process.

Yours sincerely

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

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Appendix F

FAO Inspector Karen L Baker DipTP MA DipMP MRTPI  
c/o Louise St John Howe  
Programme Office  
PO Services, PO Box 10965  
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Suffolk CO10 3BF

Tel No: 01732 227000  
Ask for: James Gleave  
Email: James.gleave@sevenoaks.gov.uk  
My Ref:  
Your Ref:  
Date: 18<sup>th</sup> November 2019

Dear Ms Baker,

**Sevenoaks District Council Local Plan**

Further to your letter dated 28<sup>th</sup> October 2019, I am now able to provide a detailed response to the concerns you have raised regarding the Council's approach to meeting the duty to co-operate, in respect of the Sevenoaks District Local Plan. The following points should be read alongside the content of my initial responses dated 21<sup>st</sup> October 2019 (ED38) and 31<sup>st</sup> October 2019 (ED41) and the Addendum to the DTC Statement (ED38a).

**The nature of the duty**

The Council is broadly content with the legislative basis and policy framework for the duty that is described in your letter. We note the requirement to engage constructively and on an on-going basis and agree that paragraph 26 of the NPPF is central to the assessment of whether the requirements of the duty have been met. We are also aware of the requirement to prepare statements of common ground that was introduced in the July 2018 version of the NPPF and will address this elsewhere in this letter.

You will be aware that the then Secretary of State, James Brokenshire, wrote to the Chief Executive of the Planning Inspectorate in June of this year. Amongst other matters, he stressed to Inspectors the importance of being pragmatic in getting plans in place, in line with paragraph 35 of the NPPF.

The need for a pragmatic approach is essential for judgements surrounding the duty to co-operate, because a failure to meet the duty results in a failure to get a plan in place. Calls for pragmatism have also been echoed by successive Secretaries of State and are embedded within the Planning Inspectorate's own procedural guidelines. Careful judgement is required in the interpretation of terminology such as

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## Agenda Item 8

‘constructive engagement’ that considers outcomes, the reality of local circumstances and planning processes in equal measure.

The Council notes the specific content of paragraph 26 of the NPPF, which states that:

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

The Council has consistently referred to the jointly prepared evidence base documents that underpin many of the policies in the plan, as evidence of positive engagement. The preparation of a joint evidence base has been relevant in determining whether the duty has been met in other Local Plan examinations and it is disappointing that this positive aspect does not appear to have been considered in your conclusions.

### **Constructive engagement**

The central criticism of the Council’s approach is the suggested lack of constructive engagement to assess whether unmet housing need could be accommodated in neighbouring authorities. Your letter raises a number of specific queries regarding the timing and nature of the discussions that took place, however a pragmatic conclusion on this matter must also consider whether a tangible and workable solution can be reached to accommodate unmet need elsewhere.

One possible approach discussed at the hearing sessions was the production of a joint sub-regional plan with neighbouring authorities. Feedback from the PAS workshop did indeed note that there is no legislative barrier that prevents authorities from working together to produce a document of this nature. The key issue however is whether this represents a realistic response to address unmet need now, or a possible solution for the future.

All authorities who attended the PAS workshop, including those from the West Kent housing market area, are at different stages of the plan making process and it is unrealistic to expect participants to abandon their respective plans, in favour of a sub-regional strategy. Such a document would take time to prepare and is not an instant solution to unmet need in Sevenoaks.

The discussions that have taken place as part of the West Kent Leaders forums were also raised at the hearing sessions. We understand the relevance of the Kent-wide approach, however they also represent a longer-term solution and no evidence has been put forward to suggest that a tangible and constructive mechanism exists to address unmet need through the duty. Indeed, the note from the PAS session attached to this letter is evidence that such a solution does not exist.

The Council’s response to the specific concerns you have raised regarding the nature and timing of engagement and cross boundary planning are contained in **Schedule A** attached to this letter. However, we are particularly concerned that you present a misleading account of our engagement with neighbours. The references to engagement with Tonbridge and Malling and Tunbridge Wells Borough Councils on page 4 ignores the positive comments made these by these authorities at the

examination hearing sessions. The views of neighbours must have a significant influence over the conclusion as to whether the duty has been met.

### The timing of engagement

Your letter refers to the timing of when discussions regarding unmet need took place and when neighbouring authorities were formally advised of the Council's position. You note that under the duty to co-operate, it would have been reasonable to expect the Council to have contacted its neighbours as soon as it became clear that it would not be able to accommodate unmet need, which could have been at some point between April 2018 and the Regulation 19 consultation. The commentary in Schedule A notes the Council did not claim that full need could be met in April 2018.

The Council struggles to understand how you have reached a conclusion on the duty without knowing, even in broad terms, when the extent of unmet need became apparent. You will be aware that the July 2018 draft Local Plan was issued as a 'Regulation 18' consultation, which requires the Council to invite representors to make comments *'about what a local plan with that subject ought to contain'*. It follows that the Council could not have known the extent of unmet need until after the consultation on this document closed in September 2018.

In fact, the extent of unmet need became apparent after a full assessment of the comments received on this document. The Council could have gone back to neighbours at this point, however discussions had already indicated that a 'best case scenario' unmet need of 600 units could not be accommodated through the duty. It was therefore extremely unlikely that a higher unmet need figure would be met elsewhere.

The decision to publish the Regulation 19 version of the plan was undertaken with this knowledge, on the basis that activities associated with the duty could be undertaken up to the point of submission. The peer review process was instigated to run alongside the Regulation 19 consultation as a sense check for all aspects of the plan, including the approach to the duty. Had this process raised significant concerns, the Council would not have submitted the Plan. Instead, we would have engaged with the parties involved in the peer review to agree a suitable way forward.

Neighbouring authorities were provided with as much information as possible about the extent of unmet need during the production of the plan. It was also made clear that the sites contained in the Regulation 18 draft were identified as options on which the Council took a neutral position, rather than site specific allocations to meet a specific proportion of need. Responses to the detailed points in your letter are contained in Schedule A.

My letter of 31<sup>st</sup> October 2019 highlights concerns regarding the length of time it has taken to reach a conclusion on this matter. I would add that the Council took away a number of actions from the hearing sessions, including the production of a 'road map' to address unmet need and information on the delivery of specific sites. It seems highly irregular that the Council should be given these actions and then advised to withdraw the Plan due to fundamental failure in relation to the duty. This is misleading and unhelpful to all those participating in the examination process.

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### **The Importance of the Peer Review**

We are disappointed that you are dismissive of the conclusions reached by the PAS work and have chosen not to set out your concerns on this matter in more detail. From a procedural perspective, the peer review process was undertaken to avoid the circumstances that we now find ourselves in. The sequence of events that led to PAS being involved are as follows:

- Following the publication of the Regulation 19 Plan, the Council contacted the Planning Inspectorate in December 2018 to request a pre-submission Advisory Visit.
- The Advisory Visit was chaired by Jonathan Bore and took place on 6<sup>th</sup> February 2019. Key points of discussion at this session were the Council's approach to meeting housing need and also changing the base date of the plan from 2015 to 2019. The Council was informed at this session that the opportunity for on-going discussions associated with the duty to co-operate expired when the plan was submitted for examination.
- The Council was contacted by MHCLG following the Advisory Visit and a meeting arranged on 6<sup>th</sup> March 2019 to discuss the points raised by Jonathan Bore. The key outcome of this meeting was that MHCLG facilitated and funded the PAS workshop, which took place in 24<sup>th</sup> April 2019.

The comprehensive nature of the peer review, which sought to identify potential 'showstoppers' in advance of submission, was undertaken as a positive and pragmatic means of getting a plan in place in the most timely manner. The Council followed the advice provided by the Government and believes it would have been irresponsible to do otherwise. The conclusions of your report appear to undermine this advice and discourage Local Authorities from engaging with PAS, which provides an important service to all those involved in the planning process.

### **Next steps**

The Council is currently preparing a pack of information, which includes minutes from the discussions referred to in Schedule A and details of how issues relating to the duty have been considered in other local authority areas. We are also discussing your conclusions with other parties involved in the examination process and will provide further commentary as this emerges.

We are keen to resolve these matters as quickly as possible so that a plan for Sevenoaks can be progressed and would welcome the opportunity to meet with you and/or representatives from the Planning Inspectorate, if this would help to facilitate and expedite matters.

The information contained in this letter reinforces our view that the requirements of the duty have been met. The Council believes that it has adopted a constructive approach to engagement and no evidence has been presented to indicate that unmet need could be accommodated in adjoining local authority areas. We are of the view that withdrawing the plan from examination at this stage fails all stakeholders in the process and does not represent a positive or pragmatic approach to plan making.



As noted in previous correspondence, it would be helpful to receive feedback on the other aspects of soundness to which you have referred. The Council will, of course, give serious consideration to your views on the approach it has taken to exceptional circumstances and the proportion of housing need that can be accommodated in the district.

Yours sincerely

James Gleave  
Strategic Planning Manager

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**SCHEDULE A: SDC'S RESPONSE TO SPECIFIC POINTS RAISED IN CORRESPONDENCE DATED 28 OCTOBER 2019 FROM INSPECTOR KAREN L BAKER MA, DIPMP, MRTPI**

Issue raised	SDC response
<p>Page 2, paragraph 1 of the Inspector's letter refers to the conclusions of the Duty to Co-operate facilitators note from the West Kent Duty to Co-operate pilot project in April 2018. The letter implies that SDC was planning to meet its own need at this point. This statement is incorrect.</p>	<p>The Facilitator's Note from the meeting of the West Kent Statement of Common Ground Pilot Project (3<sup>rd</sup> April 2018) is contained in Appendix 1 of the Council's Duty to Co-operate Statement. Paragraph 6.1 of the note states that Sevenoaks District Council is planning to meet its Objectively Assessed Need (OAN).</p> <p>This was a draft note upon which Sevenoaks District Council, Tunbridge Wells and Tonbridge and Malling Borough Councils all commented on in April 2018, noting that this statement was incorrect.</p> <p>A final version of the note was not sent through by PAS in 2018. The facilitator was therefore contacted during the hearing sessions and a finalised note duly issued.</p> <p>The finalised note, which takes account of all comments made, states (our emphasis):</p> <p><i>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.</i></p>
<p>Page 2, paragraph 2 notes that no West Kent Duty to Co-operate meetings were held between 2 August 2017 and 11 September 2018. This is incorrect.</p>	<p>Appendix 1 of the Council's Duty to Co-operate Statement indicates that the following meetings were held with Tonbridge and Malling and Tonbridge Wells Borough Councils, between August 2017 and September 2018.</p> <ul style="list-style-type: none"> <li>• 2 August 2017 (SDC/T&amp;M/TW)</li> <li>• 23 August 2017 (Issues and Options Duty to Co-operate meeting)</li> <li>• 6 December 2017 (SDC/T&amp;M/TW)</li> <li>• 22 January 2018 (SDC/T&amp;M/TW)</li> <li>• 12 February 2018 (SDC/T&amp;M/TW)</li> <li>• 14<sup>th</sup> March 2018 (SDC/T&amp;M/TW)</li> <li>• 11 September 2018 (SDC/T&amp;M/TW)</li> </ul>

## Agenda Item 8

### SCHEDULE A: SDC'S RESPONSE TO SPECIFIC POINTS RAISED IN CORRESPONDENCE DATED 28 OCTOBER 2019 FROM INSPECTOR KAREN L BAKER MA, DIPMP, MRTPI

Issue raised	SDC response
<p>Page 2, paragraph 3 notes that no reference was made to the level of unmet need at the duty to co-operate meeting on 11 September 2018, nor was a request made to neighbouring authorities to accommodate unmet need.</p>	<p>This issue is addressed in the Council's letter of 31<sup>st</sup> October 2019.</p> <p>Tonbridge and Malling Council's response to the Regulation 19 consultation dated 1st February 2019, which was provided to you when the Council submitted the Plan for examination, confirms that unmet need was discussed at this meeting. It notes firstly that:</p> <p><i>'At the last duty to co-operate meeting in September, all three West Kent Authorities confirmed that they were seeking to meet as much need as possible, and acknowledged the practical difficulties of taking any unmet need from each other.'</i></p> <p>It also notes that SDC presented a 'best case scenario', resulting in approximately 600 dwellings of unmet need across the plan period.</p> <p>Assistance with this point is also contained in correspondence from TWBC dated 19<sup>th</sup> April 2019, which states that:</p> <p><i>'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.'</i></p> <p>Similarly, T&amp;M commented (in April 2018), in relation to the draft Facilitator's Note for the West Kent Statement of Common Ground (referenced above):</p> <p><i>'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.'</i></p> <p>Both T&amp;M and TW responded to all the Regulation 18 and 19 consultations, outlining their inability to assist SDC with unmet need. Indeed, this position was confirmed verbally, by both Tunbridge Wells BC and Tonbridge and Malling BC (who form the West Kent HMA, together with SDC) at the Local Plan hearings on 24 September 19. They highlighted the ongoing, constructive DTC engagement that has taken place since 2015 and their inability to assist SDC with any unmet housing need.</p>

**SCHEDULE A: SDC'S RESPONSE TO SPECIFIC POINTS RAISED IN CORRESPONDENCE DATED 28 OCTOBER 2019 FROM INSPECTOR KAREN L BAKER MA, DIPMP, MRTPI**

Issue raised	SDC response
<p>Page 2, paragraph 4 states that the position in relation to housing changed between April 2018 and the regulation 18 and 19 Plans.</p>	<p>The quantum of unmet need has differed but it should be noted that the Draft Local Plan (July 18) set out a range of site options, where between c6.5k and c13.5k units could be delivered (see paragraphs 1.19 of the Draft Local Plan). The Council has been very open from the outset about its likely inability to meet housing needs due to Green Belt, AONB and other environmental constraints, starting from the Issues and Options consultation in July 2017.</p>
<p>Page 3, paragraph 4 notes that formal letters asking other authorities to accommodate need were not sent until April 2019.</p>	<p>As set out in our Duty to Co-operate Addendum (ED38A), it is important to understand that this was not the first time the requests were made – this issue had been discussed at almost every DTC meeting since 2015. Indeed, the letters were sent in order to formally document the already known position of our neighbouring authorities, in preparation for examination. The letters documented the conclusion of the process, rather than the start.</p> <p>There is no set format for DTC requests to assist with unmet need. We would suggest that the regular meetings with our partners where this issue was discussed, followed up with a request to document the position and signed Statements of Common Ground are an appropriate means of demonstrating constructive engagement with neighbouring authorities on the issue of unmet housing need.</p>
<p>Page 3, paragraph 3 suggests that the PAS workshop took place too late in the process to influence the issue of unmet need.</p>	<p>The purpose of this workshop was to document our position - that we had sought assistance from neighbouring authorities but that no-one was in a position to assist. This was not the start of the process, rather a way of documenting the conclusion of the process with an independent facilitator.</p>
<p>Page 4, paragraph 1 suggests that the Council did not seek assistance from its neighbours in meeting unmet need, prior to the publication of the Regulation 19 plan.</p>	<p>This is incorrect, see the council's response to the points raised in response to page 2, paragraph 3.</p>

## Agenda Item 8

### SCHEDULE A: SDC'S RESPONSE TO SPECIFIC POINTS RAISED IN CORRESPONDENCE DATED 28 OCTOBER 2019 FROM INSPECTOR KAREN L BAKER MA, DIPMP, MRTPI

Issue raised	SDC response
<p>Page 2, paragraphs 2 and 3 again states that formal requests to address Sevenoaks' unmet need were not sent until April 2019.</p>	<p>To reiterate, requests had previously been made through the regular DTC meetings and neighbouring authorities were unable to assist. The TW hearing position statement sets out that if the 'formal request' was made prior Regulation 19 consultation, it would have addressed this issue 'more fully', but it is clear that the response would not have been any different. Indeed, the Inspector's letter does not make reference to the hearing sessions on 24 October, where the DTC was discussed, and both TW and T&amp;M confirmed that they were unable to assist SDC with unmet need and that there had been ongoing, constructive DTC engagement that has taken place since 2015.</p>
<p>Page 5, paragraph 1 refers to the late publication of the Duty to Co-operate Statements of Common Ground.</p>	<p>SDC wrote to PINS before submission, setting out which documents would be submitted on 30 April 2019 and which documents would follow. PINS agreed this list.</p> <p>The requirement to produce SoCG and make them 'publicly available throughout the plan-making process' was introduced in the July 2018 version of the NPPF and Sevenoaks participated in a PAS SoCG Pilot in 2018 in order to be best-placed to produce SoCG with neighbouring authorities.</p> <p>Paragraph 020 of the NPPG states that:</p> <p>"Authorities should have made a statement of common ground available on their website by the time they publish their draft plan." This section of the NPPG was updated on 15 March 2019. The Regulation 19 version of the Local Plan was published in December 2018 and therefore this pre-dates the March revision of the NPPG.</p>



## **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**

# Agenda Item 8

## 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 judgement<sup>1</sup> KH stressed the importance of having undertaken the DtC work before

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



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 examination<sup>2</sup> and the subsequent judgement by Sir Ross Cranston<sup>3</sup>, 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.

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<sup>2</sup> View at:

[https://www.stalbans.gov.uk/Images/SP\\_SLP\\_EXAM002St%20AlbansCityandDCSLPNotetoCouncilaboutconcerns\\_tcm15-55246.pdf](https://www.stalbans.gov.uk/Images/SP_SLP_EXAM002St%20AlbansCityandDCSLPNotetoCouncilaboutconcerns_tcm15-55246.pdf)

<sup>3</sup> View at: [https://www.stalbans.gov.uk/Images/St%20Albans-v-Sec%20of%20State%20Approved%2012.07.17\\_tcm15-61009.pdf](https://www.stalbans.gov.uk/Images/St%20Albans-v-Sec%20of%20State%20Approved%2012.07.17_tcm15-61009.pdf)

# Agenda Item 8

## 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 Brigginsshaw – 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

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

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**Development & Conservation Advisory Committee 2019/20 (as at 19/11/19)**

17 December 2019	10 March 2020	7 July 2020	20 October 2020
Statement of Community Involvement  Local Plan Update  Presentation from Urban Planning Officer	Building Partnership Review	Performance Indicators	

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