

Sevenoaks District Council  
LDF Allocations and Development Management DPD:  
Duty to Cooperate - 'Statement of Compliance'

February 2013



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# 1. Introduction

The Duty to Cooperate is a legal requirement set out in Section 110 of the Localism Act 2011, applying to all Local Planning Authorities, National Park Authorities and County Councils in England, and to a number of other public bodies. The Duty requires on-going constructive collaboration and active engagement between local planning authorities and their neighbouring authorities, as well as other statutory bodies such as Natural England, English Heritage, and the Highways Agency throughout the preparation process for all development plans. This is in addition to statutory consultations.

The purpose of this background paper is to identify and explain the ways in which the Council have collaborated and cooperated with other public bodies and stakeholders, and organisations throughout the preparation of the Allocations and Development Management Policies Development Plan.

This document should be read in conjunction with the Consultation Statement (under regulation 22c of the Town and Country Planning Regulations 2012 as amended ('the regulations' hereafter)), which provides details of the statutory consultations that took place, including how representations were made, throughout the preparation of the Development Plan.

## 2. Policy Context

The National Planning Policy Framework (NPPF) states that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, and sets out in paragraph 156 key strategic priorities that Local Planning Authorities should address in their local plans. These strategic priorities with cross-boundary impacts that should be addressed and delivered through policies are:

- the homes and jobs needed in the area,
- the provision of retail, leisure, and other commercial development,
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)
- the provision of health, security, community and cultural infrastructure and other local facilities
- climate change mitigation and adaptation, conservation and enhancement of the natural and physical environment, including landscape.

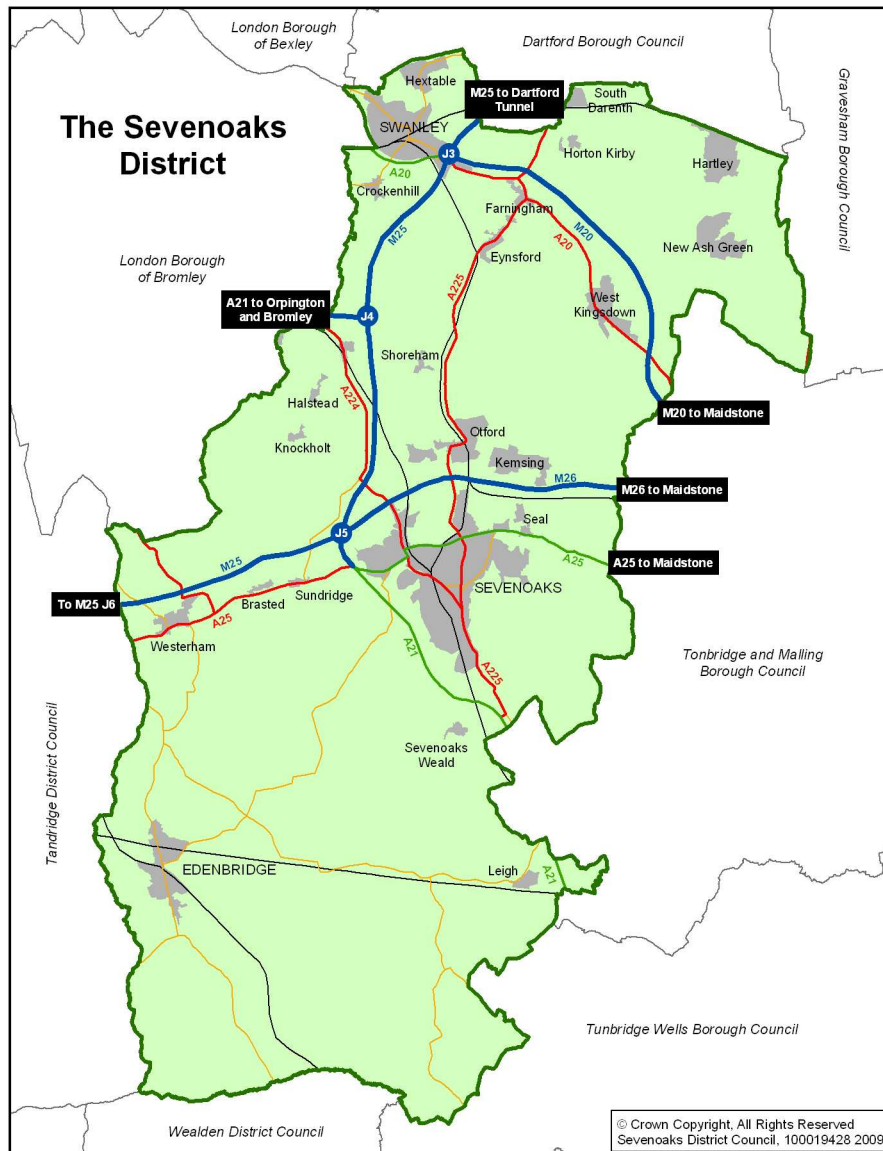
Local planning authorities are expected to demonstrate evidence of having effectively cooperated in order to plan for these cross boundary strategic issues.

Co-operation should be an on-going process of engagement throughout all stages of the plan preparation, and should not only be with other public bodies such as adjoining authorities, but also with private sector bodies, utility and infrastructure providers. In addition to adjoining local authorities and County Councils, Part 2 of the regulations lists the other bodies with whom co-operation with the local authority should take place on these strategic matters. Of those bodies, those considered to be of most relevance to Sevenoaks District are:

- Environment Agency
- English Heritage
- Natural England
- Homes and Communities Agency
- Primary Care Trust
- Kent County Council Highways Authority
- Highways Agency

### 3. Sevenoaks District Context

Sevenoaks is a large District in Kent lying to the south east of London Boroughs with an overall area of just over 143 square miles (370 square km). The Thames Gateway lies to the north, Surrey and East Sussex to the west and south and the rest of Kent, including Tonbridge and Tunbridge Wells to the east and south east.



It comprises three main urban settlements; Sevenoaks being the principal urban area; Swanley is the second largest, located to the north of the district on the Greater London edge; and Edenbridge being the main centre in the rural south. Scattered throughout the district are also several larger villages, and many smaller villages and hamlets.

Despite adjoining the outer edge of London it is predominantly rural with 93% of the District designated as Green Belt. The national significance of the landscape is recognised by the inclusion of 60% of the District within either the Kent Downs (to the North) or High Weald (to the South) Areas of Outstanding Natural Beauty. There are also extensive areas recognised for their nature conservation importance.

The District also contains many important historic assets, with 17 nationally designated historic parks and gardens including Knole House and Park, and a number of historic houses including Penshurst Place, Hever Castle and Lullingstone Roman Villa. The District features a substantial legacy of historic towns and villages, with 40 Conservation Areas, 2,112 listed buildings and 23 scheduled ancient monuments.

Parts of the District are liable to flood. Historically, flooding has occurred within the catchments of the Rivers Darent and Eden. Areas with a high probability of fluvial flood risk (1 in 100 year event) are identified in and around Edenbridge, to the north of Sevenoaks, and along the Darent Valley.

The transport infrastructure of the district provides connections and access to major parts of the south east by road and rail, such as to Greater London, Gatwick, Stansted, and Heathrow airports, the Channel Ports, and International stations at Ashford and Ebbsfleet. Rail services are also focused on links towards the Kent/Sussex coasts, Redhill, Uckfield and East Croydon.

There is an overall impression of affluence, particularly within the Sevenoaks urban area, with a large commuter base for those working in London. However, local businesses face problems of recruiting and retaining staff due to the high cost of housing and the pull of higher salaries elsewhere, especially in London. High levels of local deprivation do also exist within the District, particularly affecting the areas of Swanley and Hartley to the north. The agricultural economy has traditionally played an important role in the District though farmers are diversifying their economic base by re-use of existing buildings and the development of new enterprises that do not necessarily relate to traditional farm uses.

## **4. Co-operation carried out to date**

Sevenoaks District is constrained by a number of national planning designations and consequently has limited development potential. This inevitably means that the emphasis in allocating sites in the AMDP is either to seek to retain existing uses, or to promote small scale sites. There are no cross-border major transport infrastructure proposals. This means that strategic priorities across local boundaries were largely coordinated through the Core Strategy and this process is set out below.

### **4.1 Core Strategy Evidence base**

The co-operation undertaken by the Council during the preparation of the Core Strategy resulted in a sound evidence base for adopting policies to address the key strategic priorities set out above. This coordinated evidence has since influenced the preparation of the Allocations and Development Management Policies Development Plan representing a continuation of the influence of the previous co-operation that has taken place.

#### **4.1.1 West Kent Strategic Housing Market Assessment**

The Council was actively involved the formation of the West Kent SHMA Housing Partnership Board, which was formed by all West Kent local authorities (Tunbridge Wells and Tonbridge and Malling Borough Councils and Sevenoaks District Council) to share and pool information and bring local knowledge to the assessment process. The aim of the partnership was to involve stakeholders in the process in order to maximise co-operation in the formation of evidence and policies by allowing stakeholders to have the opportunity to contribute to any aspect of the assessment process. Officers from the West Kent authorities as well as Kent County Council Officers, and representatives from several developers and housing associations with interests in the area were involved in developing evidence to support the plan preparation.

#### **4.1.2 Infrastructure Delivery Plan and Community Infrastructure Levy**

As part of the evidence base for the Core Strategy Preferred Options stage, a draft Infrastructure Delivery Plan (IDP) was produced. Production of the IDP involved significant and on-going engagement with infrastructure providers on their strategies for infrastructure improvements and knowledge of likely deficiencies as a result of development. Organisations were asked to provide information on needs, costs, phasing of development, funding sources and responsibilities for delivery. This information gathering with the various providers was followed up by meetings between SDC Planning Officers and key organisations including Environment Agency; Primary Care Trust; Kent County Council and the Highways Agency. A number of these providers also made representations during the Core Strategy Preferred Options consultation, which was seen as an opportunity for future dialogue and co-operation.

The IDP, prepared as a result of this engagement, identifies the infrastructure considered to be required to support the scale and distribution of development proposed in the District. This included additional primary school places in the Sevenoaks Urban Area and Swanley, expanded medical facilities in Sevenoaks Urban Area, Swanley and Edenbridge, improvements to centralised policing functions and improvements to open space provision at various locations across the District. Policies SP9 (Infrastructure Provision)

and SP10 (Green Infrastructure, Open Space, Sport and Recreation Provision) require contributions towards or the provision of this infrastructure where it is necessary to support development.

The Council is currently in the process of preparing a Community Infrastructure Levy Charging Schedule, which will be subject to a separate consultation and examination. However, it is important to note that co-operation has been achieved to date on the preparation of the CIL document, such as joint working with Tunbridge Wells Borough Council on the viability assessment, in order to address the strategic infrastructure priorities, with input having been sought from a variety of stakeholders as well as infrastructure providers. The Infrastructure Delivery Plan also played a key role in informing SDC of areas of deficiencies for inclusion in the Core Strategy and the ADMP.

Through early engagement on the Allocations and Development Management Plan and the Core Strategy IDP, as well as more recent engagement on the CIL Charging Schedule, the Council has been able to identify the types of schemes that will be required to deliver specific site allocations in the Allocations and Development Management Plan. This includes the provision of a sewer flood alleviation scheme to bring forward the Hitchen Hatch Lane housing allocation, potentially involving a sewer diversion and provision of additional storage capacity. In addition, an access improvement scheme has been prepared to mitigate the impact of employment development at Broom Hill. In addition, the CIL Draft Infrastructure Plan provides an updated assessment of the non-site specific infrastructure required to support development. This includes additional school places at Secondary Schools in Sevenoaks District.

#### **4.1.3 West Kent Local Investment Plan**

The Council actively engaged with the Homes and Communities Agency, as well as Kent County Council and Tonbridge and Malling, Tunbridge Wells and Maidstone Borough Councils and other private, public and voluntary sector organisations in the preparation of the West Kent Local Investment Plan (2010). The Plan covers the period 2011-2014 and sets out agreed priority areas and schemes that may benefit from interventions. The Plan has influenced the preparation of a Local Investment Agreement that covers funding for key housing and place-making activities. Sites identified as likely to come forward in the Allocations and Development Management Plan over the 2011-2014 period and beyond were identified in the West Kent Local Investment Plan. Projects included:

- West Kent Cold Store, Dunton Green;
- Land West of Blighs Meadow, Sevenoaks;
- Swanley Town Centre;
- Land West of Cherry Avenue, Swanley;
- United House, Swanley; and
- New Ash Green Village Centre.

Schemes included within the Investment Plan are more likely to receive funding from the HCA, as Social Housing Grant, to deliver affordable housing or funding to unlock delivery, such as for essential infrastructure. SDC continues to engage with the HCA to ensure that the list of key schemes that may benefit from HCA funding or other interventions is kept up-to-date as circumstances on development sites change, for example the number of dwellings proposed on the United House and Cherry Avenue sites and the changes in the proposals for Swanley Town Centre.



#### 4.1.4 Settlement Hierarchy

SDC prepared a Settlement Hierarchy in 2007/8 and updated it in 2009. The Hierarchy seeks to identify the size of existing settlements in the District (based on their population) and the number and range of services available within them. Town and Parish Councils were engaged in the process of identifying services available within settlements in their areas. The Settlement Hierarchy provides part of the justification for the distribution of development proposed by the Core Strategy.

#### 4.2 Allocations and Development Management Policies Development Plan

The Duty to Cooperate extends to those strategic priorities which relate to potential cross-boundary impacts, as identified by the NPPF (see section 2). As previously mentioned, these strategic priorities have been recently settled by the adopted Core Strategy. The Allocations and Development Management Plan seeks to identify sites and policies that will deliver those strategic priorities addressed within the Core Strategy.

As set out above, sites allocated in the AMDP either seek to retain existing uses, or are small in scale and therefore have little direct impact on adjoining authorities or many of the other bodies listed in the Regulations. Nevertheless, this section highlights the co-operation and engagement that has taken place to prepare the site allocations and strategic policies that could have potential impacts upon adjoining authorities and cross boundary issues.

At the Options stage of the preparation of the ADMP Development Plan, each potential development site was assessed against certain criteria in order to ensure that all reasonable alternatives had been considered by the Council. This assessment drew on information in the SHLAA, IDP, the Employment Land Review and other evidence base studies. The information within these documents was considered to be up to date and to be of sufficient detail to inform the initial site selection (as they had recently informed the Core Strategy). However this was supplemented by discussions with public bodies and infrastructure providers where considered appropriate.

Table 1 provides a summary of those bodies prescribed in the regulations with whom SDC cooperated and engaged during the preparation of the ADMP.

**Table 1: Summary of engagement with key stakeholders and partners**

English Heritage	English Heritage attended a workshop on Green Infrastructure organised and lead by SDC in order to feed into the GI policies. English Heritage was also consulted on the Sustainability Appraisal as part of the preparation of the ADMP, and did not raise any issues.
National England	Natural England attended a workshop on Green Infrastructure organised and lead by SDC in order to feed into the GI policies section of the ADMP. Natural England was also engaged in the Appropriate Assessment for the Core Strategy to identify measures to mitigate any potential impacts that could arise from the proposed policies within the Core Strategy. Natural England was also consulted on the Sustainability Appraisal as part of the preparation of the ADMP. They emphasised the need for the Council to include positive measures in policies to “conserve and enhance” biodiversity

	and the natural environment where the Interim SA for the Development Management policies appraised them as neutral against the relevant objectives. This has been reflected in the emerging policies of the ADMP, in particular Policy GI1.
Highways Agency	The Highways Agency has been engaged primarily on the Broom Hill allocation site during the Core Strategy and ADMP preparation, as well as impacts on the strategic road network across Sevenoaks district. The Highways Agency has confirmed that any unacceptable adverse impact on the Strategic Road Network of the type and scale of development proposed at the Broom Hill site can be adequately mitigated, following an assessment undertaken on behalf of the landowner.
Kent County Council (Highways Authority)	The Highways Authority (KCC) has been engaged in discussions on all the proposed allocation sites and relevant policies, and has particularly been involved in discussions regarding the GSK site, and Fort Halstead. KCC's comments have influenced the development guidance in the Allocations and Development Management Plan on a number of sites. For example, the need for the Gasholder site (Sevenoaks) to be accessed from Cramptons Road rather than the A225 and for the Bevan Place site (Swanley) to be accessed via Bevan Place rather than Goldsel Road or High Street.
Environment Agency	As well as being involved in the preparation of the Core Strategy Infrastructure Delivery Plan, the Environment Agency has been consulted on all development sites and has not identified a specific need for site-specific infrastructure, which would have warranted further engagement on the proposed allocations. Engagement with the EA through the preparation of the CIL Charging Schedule has identified schemes that may be required to resolve existing deficiencies and support development on a District-wide or settlement-wide scale, which could be funded through CIL. The EA were also invited to attend the Green Infrastructure workshop and was also consulted on the Sustainability Appraisal as part of the preparation of the ADMP. They supported the consideration of natural environment objectives in the scoping report including consideration of flood risk, biodiversity, water consumption and climate change adaptation, but raised concern that the Council should include consideration of the Water Framework Directive and other flood risk and River basin management plans and policies. This has now been included within the updated Scoping Report and SA report for the ADMP.
Primary Care Trust	As well as being involved in the preparation of the Core Strategy Infrastructure Delivery Plan, the Primary Care Trust has been consulted on all development sites and has not identified a need for on-site facilities on the proposed allocations, which would have warranted further engagement on the allocations. Instead, the impact of development on NHS facilities will be mitigated through the delivery of projects funded, in part, through CIL. Engagement with the NHS through the preparation of the CIL Charging Schedule has identified existing facilities that may need to be improved based on the Council's Housing Trajectory.

## **Strategic Policies with Impacts Beyond the District**

### **4.2.1 Green Infrastructure and Open Space**

Protecting and improving the environment has always been a central aim of the planning process and is a key element of the Core Strategy, fulfilling a key strategic priority set out in the NPPF. A number of bodies were engaged with, and collaborated in, the policy formation process for issues covering green infrastructure and open space.

SDC organised and lead a workshop in June 2011 inviting representatives from all adjoining authorities, statutory stakeholders (including the Environment Agency), National interest groups and local interest groups (such as the Sevenoaks Cycling Forum). Representatives from adjoining authorities (Dartford, Tandridge, and Tunbridge Wells), Kent County Council, Natural England, English Heritage, High Weald AONB Unit, CPRE, Kent Wildlife Trust, and Sevenoaks Cycling Forum attended to provide expert advice and input into discussions regarding green infrastructure across the Sevenoaks District area. This ensured that cross-boundary links could be made from the outset to deliver a robust set of policies for the ADMP that are capable of connecting to other green infrastructure provisions in neighbouring areas.

Separate discussions were held with the Kent Downs AONB Unit in order to address their concerns for the content of the GI policies drafted for the ADMP to include more emphasis on the importance of the AONB and its protection and management. As a result of these discussions the policy wording for Policy GI1 – Green Infrastructure and New development was strengthened to include reference to the guidance set out within AONB Management Plans, reflecting the comments made by Kent Downs AONB Unit. Similarly, the High Weald AONB Unit made similar comments relating to the need to refer to the AONB Management Plan within the policy wording, which again has directly influenced the proposed policy.

Opportunities for cross-boundary green infrastructure linkages were identified through consultation with adjoining authorities and in accordance with their adopted and emerging plans. These were included on the Green Infrastructure Opportunities map within the Allocations and Development Management Plan.

### **4.2.2 Heritage Assets**

The historic environment is a key strategic priority that the ADMP seeks to address, in accordance with the adopted Core Strategy Policy SP1.

The importance of cultural heritage is highlighted within the High Weald and Kent Downs AONB designations. However, it was felt by the Kent Downs AONB Unit that this was not adequately reflected within the policy supporting text for Heritage Assets within the draft ADMP. Therefore, through discussions with them, additional wording was added to make reference to the important protection status of the AONBs and to ensure their Management Plans were taken into account when proposing any development in these areas.

English Heritage was consulted on the ADMP document, but did not raise any issues to the proposed policies or supporting text regarding heritage assets, demonstrating that the proposed policies adequately support the strategic aims and objectives of the NPPF.

### **4.2.3 Habitat Regulations Appropriate Assessment**

Sevenoaks District does not contain any sites designated at a national or European level for protection for the natural habitats and species they contain. However, strategic development taking place within the district may have had the potential to impact on such sites located outside of the district boundary such as Ashdown Forest, North Down Woodlands and Thames Estuary and Marshes. Consequently the Council commissioned a Habitat Regulations Appropriate Assessment to consider whether any of the proposed policies or sites allocated within the ADMP would have an impact on the natural habitats and species contained within these designated sites. Natural England were engaged in this assessment, who accepted the conclusions drawn by the HRA confirming that no impacts would occur on sites beyond the District boundary from the proposed policies and allocations contained within the ADMP, precluding the need for further co-operation on this issue.

### **Large Sites with Potential Impacts Beyond the District**

#### **4.2.4 Glaxo Smith Kline, Leigh**

This is a proposed strategic site allocation close to the boundary with Tonbridge and Malling Borough Council, so co-operation and engagement has been important in order to ensure the most suitable and achievable allocation can be put forward. Tonbridge and Malling Borough Council were consulted, and made representations, during the ADMP Supplementary Sites Consultation in March 2012. Tonbridge and Malling Borough Council supported the allocation of the site for residential led mixed use. TMBC support the retention of the north and west existing access points and the inclusion of accessibility improvements on the site. These have been retained in the Development Guidance for the allocation.

SDC attended a meeting with Leigh Parish Council during which discussions were held about this site. Leigh Parish Council wished to see the site retained as industrial/employment raising concerns about the impact on the village from a residential development in terms of access and infrastructure. Kent County Council was asked to provide details on a highways perspective in order to inform the site appraisal. As a result of their initial comments, and representations made during the Supplementary Sites Consultation, details regarding accessibility improvements are to be sought as part of any redevelopment and the provision of a transport assessment have been included as part of the allocation.

Leigh Parish Council formed a Working Group bringing together members of the relevant Parish Councils and other stakeholders in the local community, including Hildenborough Parish Council, located within Tonbridge and Malling Borough. The Working Group produced a report and submitted this to SDC for consideration. One of the main concerns raised was the length of time the site had been marketed for employment use, in order to provide evidence to justify the loss of the employment site to residential. This concern gave rise to further marketing carried out and resulted in the preferred option for the site to retain 'Building 12' as employment use, releasing the remainder of the site for residential use.

Another concern raised by the Working Group, which subsequently influenced the details of the allocation, was the density of the proposed housing. The Working Group wished to see a lower density to reflect the local character of the area, and lack of sustainability,

which despite being slightly lower than the adopted Core Strategy would allow for in such a location, SDC felt this could be justified given the location and character of the area.

The inclusion of further details in the allocation guidance regarding the relationship of the redevelopment of the GSK site with the surrounding green infrastructure was also requested by the Working Group. This was in order to provide an appropriate transition between new development and the surrounding countryside, due to the sites rural location. This issue was accepted by SDC and as a result the allocation guidance now provides details of open space and green infrastructure that would be sought as part of any redevelopment of the site.

#### **4.2.5 Fort Halstead**

Fort Halstead is a major developed employment site within the Green Belt, and whilst it does not directly impact on any boundaries with adjoining authorities, it is an important employment site within the District so any redevelopment of this site could have implications for employment provision across a wider area. The promoters of the site have engaged with the adjoining London Borough of Bromley, Pratts Bottom Residents Association and Kent Highways. It was explained to officers at Bromley Council that CBRE's emerging proposals are focused on job retention.

The promoters of the site have also organised engagement workshops to give local organisations, including local parish councils, the opportunity to comment on the options for the redevelopment of the site at an early stage.

The promoters of the redevelopment of the site were invited to attend a Sevenoaks District Locality Board Officers Meeting in August 2012. This meeting gave the promoters the opportunity to explain their programme for preparing a development scheme for the future of the site and for partners, including KCC, NHS, local Housing Associations and the Kent Downs AONB Unit to raise potential issues and provide feedback at an early stage. It was agreed that further meetings would be held as the development proposals progress.

### **4.3 Other forms of co-operation**

#### **4.3.1 Kent Planning Officers Group**

The Kent Planning Officers Group and its sub-group, the Kent Planning Policy Forum, exist to provide an opportunity for all Kent district councils, Medway Council, Kent County Council and the Environment Agency to discuss common strategic issues, update other authorities on plan preparation, share best practice and identify areas for joint working at officer level. The most significant issues considered by these groups can then be considered by the Kent Forum, on which each local authority is represented by its Leader. The groups have existed since before the Duty to Cooperate and now play a role in fulfilling the Duty within Kent. Recent issues to have been considered by the groups that are relevant to the preparation of the Allocations and Development Management Plan include:

- The impact of the Duty to Cooperate on the preparation of subsequent plan/DPD following the adoption of a Core Strategy;

- Engagement on the need and opportunities for Special Landscape Areas to be designated in Kent – through which it was decided that Local Landscape Areas already play an effective and policy-compliant role;
- The calculation of 5 year housing supplies;
- Briefings by local experts on the role and importance of Local Nature Partnerships; and
- Briefings by local experts on Sustainable Drainage and Drainage Improvement.

Other issues of strategic importance for the groups that have or will play a role in the development of future planning policy documents include:

- Preparation of a common framework for recommending future dwelling numbers;
- Engagement on the preparation of KCC's Integrated Infrastructure Funding Model;
- Engagement on the preparation of strategy-led demographic forecasts;
- Co-ordinated engagement in the preparation of Water Resources Management Plans covering parts of Kent.
- Engagement on a common methodology for the preparation of Gypsy, Traveller and Travelling Showpeople Accommodation Assessments and on opportunities for achieving a shared approach to meeting needs.

#### **4.3.2 Gypsies and Travellers**

In terms of meeting any cross boundary issues relating to the provision of homes for Gypsies and Travellers, SDC are currently preparing a Gypsy and Traveller Plan to allocate sites for Gypsies and Travellers and Travelling Showpeople, which will be subject to a separate consultation and examination. However it is important to note that co-operation and engagement has taken place to date with adjoining Local Authorities and Kent County Council, which will be set out in a separate statement, as well as that which took place for the preparation of the Core Strategy Policy SP6.

## 5. Future Co-operation

The process of co-operation will not end once the ADMP has been adopted; there will be a need to work with public bodies and Councils to deliver the various policies within the DPD along with the Core Strategy and other elements of the LDF.

A key aspect of implementing these documents will be ensuring that the infrastructure required to support the development proposed is funded and implemented. The District Council will consult relevant agencies on the CIL and until its introduction will continue to use planning obligations for local infrastructure. This will require continued co-operation between the District Council and the various infrastructure providers to identify what is required, when it will need to be implemented and who will be responsible for its design and delivery.