

## LOCAL PLAN UPDATE

### Development & Conservation Advisory Committee - 10 March 2020

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** James Gleave, Ext.7326 / Hannah Gooden, Ext. 7178

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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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### Introduction

- 1 Members received a report in December, which provided an overview of the Local Plan examination and an update on discussions with the Inspector regarding the Duty to Co-operate. This report provides an update on the latest correspondence between the Council and the Planning Inspector.

### Background on the Duty to Co-operate (DTC)

- 2 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.
- 3 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. In relation to the duty, the Inspector's central concern is a perceived lack of constructive

engagement to resolve unmet housing need. A failure to meet the duty to co-operate is significant because it cannot be rectified retrospectively.

#### **Update since December DCAC**

- 4 A further letter from the Inspector was received, after the pre-election purdah period, on 19 December (ED44, Appendix A). The Inspector's letter set out further detail on the legal nature of the DTC, the need for constructive engagement with neighbours and a commentary on the timing of engagement and our peer review process. The letter concluded that the Inspector 'remains of the view that the Council has not adequately undertaken constructive engagement with neighbouring authorities to resolve the issue of unmet housing need in the District'. The Inspector recommended that the Plan was either withdrawn or be found not legally compliant in respect of the Duty to Co-operate.
- 5 The Council responded on 3 January 2020 (ED45, Appendix B), setting out that we adamantly disagreed with the Inspector's planning judgements regarding the duty to co-operate. We outlined that had undertaken the duty to co-operate in a constructive, active and on-going manner, that we would not voluntarily withdraw the plan from examination, and we asked that the Inspector's report be issued as soon as possible, so that we can move forward.
- 6 The Leader wrote to the Rt Hon Robert Jenrick MP, Secretary of State for the Ministry of Housing, Communities & Local Government, on 21 January, outlining our concerns about the Planning Inspectors' conclusions with regards to the Local Plan examination (Appendix C). We have not yet received a reply from the Secretary of State.
- 7 We have also received further letters of support from other interested parties (neighbouring councils, town and parish councils, developers and the Seniors Action Forum) and we have made these available on our website on the following link:  
[https://www.sevenoaks.gov.uk/downloads/download/777/local\\_plan\\_correspondence](https://www.sevenoaks.gov.uk/downloads/download/777/local_plan_correspondence)
- 8 The Inspector's letter (19 December) suggested she would 'proceed to issue her final Report' after 17 January. However, apart from an internal fact check report (received 13th February and responded to on 27 February), at the time of writing the final report has yet to arrive but is expected imminently.

#### **Next steps**

- 9 The Council is currently awaiting the final Inspector's report and will take a view on how to proceed when this is received. Whilst correspondence from the Inspector has focussed on the duty to co-operate we have, on a number of occasions, asked for views on other matters of soundness, including the approach to Green Belt protection and meeting housing need. These views have not been forthcoming but are important because they are one of the

factors that will guide our next steps in the plan making process. The Inspector's report will be published on the Local Plan pages of the Council's website as soon as possible and a report setting out a proposed way forward will be taken to Cabinet in due course.

- 10 Further verbal updates on the position will be provided at the Development Conservation Advisory Committee meeting on 10 March 2020.

## **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 received 19 December (ED44)

[https://www.sevenoaks.gov.uk/downloads/file/2870/ed44\\_inspectors\\_letter\\_to\\_sdc](https://www.sevenoaks.gov.uk/downloads/file/2870/ed44_inspectors_letter_to_sdc)

B - Response from the Council (ED45) - 3 January

[https://www.sevenoaks.gov.uk/downloads/file/2871/ed45\\_sdc\\_letter](https://www.sevenoaks.gov.uk/downloads/file/2871/ed45_sdc_letter)

C - Leader's letter to letter to Secretary of State - 21 January 2020

[https://www.sevenoaks.gov.uk/downloads/file/2885/sevenoaks\\_district\\_councils\\_letter\\_to\\_secretary\\_of\\_state\\_-\\_21\\_january\\_2020](https://www.sevenoaks.gov.uk/downloads/file/2885/sevenoaks_district_councils_letter_to_secretary_of_state_-_21_january_2020)

**Background  
Papers**

None

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