

LOCAL PLAN UPDATE

Development and Conservation Advisory Committee - 7 July 2020

Report of Chief Planning & Regulatory Services Officer

Status For information

Key Decision No

Executive Summary: This report provides an update on the progress of the Council's emerging Local Plan.

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

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

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

Introduction

1 Members received a report in March, which provided an overview of the Local Plan examination and an update on discussions with the Inspector regarding the Duty to Co-operate. Following the receipt of the Inspector's Final Report, the latest position is summarised below.

Background on the Duty to Co-operate (DTC)

- 2 On 16 October 2019, the Council received a letter from the Inspector stating that she had significant concerns regarding the approach taken to meeting the duty to co-operate during the production of the emerging Local Plan. 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.

- 4 The Council submitted over 800 pages of evidence to demonstrate constructive engagement with neighbouring authorities during the production of the Local Plan. We fundamentally disagree with the Inspector's conclusions on this matter.

Update since March DCAC

- 5 The Inspector's Final Report on the examination was issued to the Council on 2 March 2020. The report finds a failure in the duty to co-operate and recommends that the Local Plan should not be adopted. The Inspector states that she is unable to recommend any Main Modifications in relation to matters of soundness.
- 6 The Council has repeatedly requested feedback on matters other than the duty to co-operate that were discussed at length during the course of the examination hearing sessions. These 'soundness' issues include the approach to protecting the Green Belt in accordance with national policy, the assessment of the Plan through Sustainability Appraisal and the overall spatial strategy to meet District-wide development needs. Notwithstanding a short covering letter provided with the report, substantive feedback on these issues has not been forthcoming.
- 7 The Inspector's Final Report and the associated correspondence are available via the following link:
https://www.sevenoaks.gov.uk/info/20069131/emerging_local_plan/447/news_and_updates
- 8 Saira Kabir Sheikh QC has been appointed as Counsel and a claim was submitted against the Inspector's decision to the Administrative Court on 15 April 2020. On 2 June 2020, confirmation was received from the Honourable Mr Justice Swift that permission for judicial review had been granted and that all grounds for the claim were arguable.
- 9 All three Members of Parliament who represent the District - Laura Trott, Tom Tugendhat and Gareth Johnson - have written a joint letter to the Secretary of State for Housing, Communities & Local Government, to request that the Inspector's decision be called in for further consideration. Members will be aware that the Leader of the Council also wrote to the Secretary of State on 21 January 2020, outlining his concerns about the Planning Inspector's conclusions. At the time of writing, responses to this correspondence have not been received.
- 10 In addition, the Council has lodged a formal complaint with the Planning Inspectorate regarding the service it received during the examination. There has been significant interest in the Council's case from local and social media channels. Both the Leader and the Portfolio Holder for Development and Conservation have given interviews on BBC Radio Kent and further media interest may follow as our case progresses.

Next steps

- 11 The Council is now awaiting confirmation of a hearing date from the Administrative Court and the Secretary of State's response to the letter from our Members of Parliament. Further verbal updates will be provided at the Development and Conservation Advisory Committee meeting on 7 July 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

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.

Conclusion

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

Background Papers None

Richard Morris

Chief Planning & Regulatory Services Officer