

Appendix B – Sevenoaks District Council (SDC)

TWBC Responses to SDC Consultations:

Appendix B1 – TWBC response to SDC Issues and Options consultation 2017

Please ask for: Kelvin Hinton

Planning Policy Team
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Date: 21 September 2017

Dear Sirs

Sevenoaks District Council's Local Plan – Issues and Options Regulation 18 Consultation

Duty to Cooperate. Tunbridge Wells Borough Local Plan

I refer to your communication dated 3rd August and the current Regulation 18 Consultation in respect of the Sevenoaks District Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council welcomes the opportunity to engage with Sevenoaks District Council as part of the Local Plan Regulation 18 Consultation 2017. The Council has several comments to make at this stage.

Based on the possible preferred development strategy presented in section 6 and summarised in paragraph 6.8 of the consultation document, as well as the suggested location and distribution of development, it is not considered that there would be any overall significant direct effect on the area comprising Tunbridge Wells borough.

With regard to the implications of Duty to Cooperate, it is noted that the consultation document makes specific reference to the Duty to Cooperate and comments that on-going discussions with other authorities will be continued and escalated. The document also comments that cooperation with other local planning authorities will continue in order to explore capacity options in other less constrained areas of the sub-region.

As you will be aware from our regular liaison and Duty to Cooperate meetings, Tunbridge Wells Borough Council is also undertaking preparation of a new Local Plan, with a plan period of 2013-2033, and recently completed an Issues and Options consultation. The new Local Plan work is progressing well and is ongoing and our current timetable envisages a draft Local Plan being prepared for public consultation in the first half of 2018.

Given the level of Objectively Assessed Need (OAN) identified by our own SHMA, and having regard to the nature and extent of planning constraints impacting on Tunbridge Wells borough, there is a reasonable possibility that the issue of some development need being accommodated within an adjoining authority area is also likely to be raised in the case of our own new Local Plan.

Without prejudging the outcome of our local plan work there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another

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authority area. We would ask that you take account of this when considering the representations made to the Issues and Option consultation and in confirming your development strategy for the Sevenoaks district.

Tunbridge Wells Borough Council would suggest therefore that there is a need for, and merit in, more focused discussions about the implications of delivery of full objectively assessed needs within the respective west Kent local authority areas having regard to the environmental and other constraints that exist across these areas and wider afield.

Given that each west Kent authority has now reached at least Issues and Options stage in the plan making process there is an opportunity to agree an approach and strategy to take forward Duty to Cooperate work that meets the requirements of the National Planning Policy Framework, the National Planning Practice Guidance and other best practice.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely



Kelvin Hinton

Planning Policy Manager

Appendix B2 - TWBC response to SDC Local Plan Regulation 18 Consultation September 2018

Please ask for: Stephen Baughen

Planning Policy Team
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG



Date: 7 September 2018

Dear Sir/Madam

Sevenoaks District Council's Local Plan – Draft Local Plan (Regulation 18) Consultation

I refer to your communication dated 16 July 2018 and the current Regulation 18 Consultation in respect of the Sevenoaks District Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Sevenoaks District Council as part of the Draft Local Plan Regulation 18 Consultation 2018. The Council has several comments to make at this stage.

The headline needs of 13,960 homes (based on the government standard methodology, which may be revised later this month), 11.6 hectares of employment land and 32000 sq. metres of retail floor space are noted.

The constraints of Sevenoaks District at 93% Green Belt and 60% AONB are recognised, which proposed Policy 1 - Balanced Strategy for Growth in a Constrained District seeks to address.

Like most authorities in the South East, the SDC strategy aims to make efficient use of existing settlements by "maximising supply" and making efficient use of previously developed land. However, it is also noted there is a strong and ambitious reliance on Green Belt releases "Exceptional Circumstances" sites (to be tested) as part of this growth strategy, located on the edge of settlements in the northern and western areas of the district which the Plan states could potentially accommodate up to 6800 dwellings and some employment sites.

It is appreciated that it is a challenge trying to balance housing need against the above Green Belt, AONB and other constraints. This is a challenge TWBC is also facing given the Green Belt constraints in the western part of the Borough and 70% AONB across much of the borough.

Sevenoaks District Council, TWBC and Tonbridge and Malling Borough Council (TMBC) have been in joint discussion for some time now, including regular liaison and meetings to discuss housing, employment and other needs under the Duty to Cooperate. However, given the above constraints and with regard to the implications of Duty to Cooperate, it is noted that the Sevenoaks District consultation document makes specific reference to the Duty to Cooperate and relays that to date, no discussions or processes have led to any neighbouring authorities being able to assist Sevenoaks in terms of Housing, Employment and Gypsy and Traveller sites and that on-going

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discussions with other authorities will be continued and escalated as the Local Plan progresses to examination. I can confirm that Tunbridge Wells would be happy to continue regular liaison and Duty to Cooperate meetings with SDC and TMBC.

As you are aware from these meetings, TWBC is also undertaking preparation of a new Local Plan, with a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, we are currently preparing the Draft Preferred Local Plan document ready for consultation (Regulation 18) next year. TWBC will formally consult SDC when the plan progresses to this stage.

Without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 18 consultation and in progressing the development strategy for the Sevenoaks district.

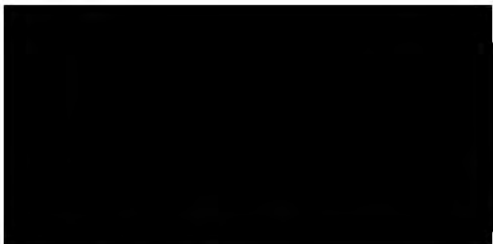
I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely



Cllr Alan McDermott
Portfolio Holder for Planning and Transportation

AND



Steve Baughen
Head of Planning

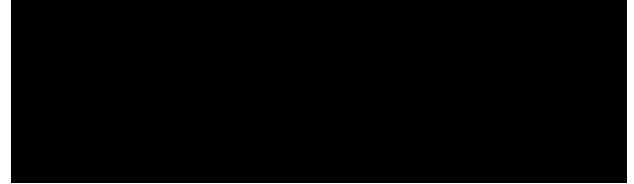
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Appendix B3 - TWBC response to SDC Local Plan regulation 19 Consultation January 2019

Please ask for: Stephen Baughen

Planning Policy Team
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG



Date: 30 January 2019

Dear Sir/Madam

**Sevenoaks District Council's Local Plan – Draft Local Plan Proposed Submission Version
Regulation 19 Consultation (December 2018)**

I refer to your communication dated 18 December 2018 and the current Regulation 19 Consultation in respect of the Sevenoaks District Local Plan. Thank you for the opportunity to comment. Tunbridge Wells Borough Council (TWBC) has several comments to make at this stage.

The headline needs of 13,960 homes, 11.6 hectares of employment land and 32000 sq. metres of retail floor space are noted.

The constraints of Sevenoaks District at 93% Green Belt and 60% AONB are also recognised, which proposed Policy ST1 - Balanced Strategy for Growth in a Constrained District seeks to address.

Like most authorities in the South East, the SDC strategy aims to make efficient use of existing settlements by "maximising supply" and making efficient use of previously developed land. It is also noted that there will be reliance on sites released from the Green Belt under "Exceptional Circumstances", but the number of these sites has significantly reduced to that proposed in the previous Regulation 18 version of the Local Plan – now being two sites (Sevenoaks Quarry and land south of Four Elms Road, Edenbridge). However, a new Broad Area for Growth (around Pedham Place, south east of Swanley) has also since been introduced. The Plan states all three sites could potentially accommodate up to 3440 dwellings in total over the plan period. In addition to these sites, it is noted that four additional sites in the Green Belt have been submitted separately (post publication of the draft Plan) for consideration.

It is appreciated that it is a challenge trying to balance housing need against the above Green Belt, AONB and other constraints. This is a challenge TWBC also faces given the Green Belt constraints in the western part of the Borough and 70% AONB across much of the borough.

Sevenoaks District Council (SDC), TWBC and Tonbridge and Malling Borough Council (TMBC) have been in joint discussion for some time now, including regular liaison and meetings to discuss housing, employment and other needs under the Duty to Cooperate (DtC).

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Para 1.9 of Chapter One (A balanced Strategy for sustainable growth in a constrained district), of the Submission Version Plan states that given the constraints of the district, SDC are unable to meet their housing need figure by focusing within existing settlements, and they have been consulting with neighbouring authorities under the DtC, to see if they can assist with meeting this need. It also states that a number of Statements of Common Ground with other authorities have been produced (one of which is being drawn up with TWBC at present) and that to date, none of these discussions or processes has led to any authorities being able to assist SDC with their unmet need and discussions will continue as the Local Plan progresses to examination.

Para 2.33 of Chapter Two (Providing housing choices) states that SDC have again been working with neighbouring authorities to establish if they have land available to meet SDC's Gypsy and Traveller accommodation needs; and in Para 3.10 of Chapter Three (Supporting a Vibrant and Balanced Economy) to establish if other neighbouring authorities have land available to meet SDC's future employment needs. In both cases the Plan states that unfortunately, to date, no other authorities have identified any ability to assist SDC with any unmet need for pitches or employment land. However, in recent DtC discussions, when TWBC questioned whether SDC were able to meet their employment need, SDC confirmed they are able to and this is evidenced in the Plan. Likewise the Plan indicates that SDC are likely to meet the number of Gypsy and Traveller Pitches required by extension and intensification of existing pitches in the District. Therefore TWBC suggests that the information conveyed in the above paragraphs in relation to the DtC be reviewed to reflect the above. We can confirm that TWBC would be happy to continue regular liaison and DtC meetings with SDC (and TMBC) on all these matters as the Plan progresses to examination.

As you are aware from the above DtC meetings, TWBC is also undertaking preparation of a new Local Plan, with a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, we are currently preparing the Draft Preferred Local Plan document ready for consultation (Regulation 18) this coming summer. TWBC will formally consult SDC when the plan progresses to this stage.

Without prejudging the outcome of the TWBC local plan work there, and as discussed under the DtC meetings, there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 19 consultation and in progressing the development strategy for the Sevenoaks district.

With regard to the Ashdown Forest, TWBC agrees with SDC's approach with regard to the proposed policy for which Strategic Access Management and Monitoring (SAMMs) contributions are sought, to allow any windfall development within the 7km zone to proceed, whilst addressing their impact on the forest.

Please note that, TWBC will send any comments in relation to the Sustainability Appraisal Report for the Proposed Submission Version of the Local Plan under separate cover.

I hope this information and response is of assistance and clarifies the TWBC's position.

Yours sincerely

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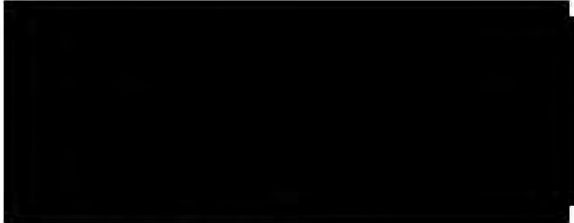
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Cllr Alan McDermott
Portfolio Holder for Planning and Transportation

AND



Steve Baughen
Head of Planning

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SDC Responses to TWBC Consultations:

Appendix B4 - SDC response to TWBC Issues and Options Consultation June 2017

<p>Sevenoaks District Council</p>	<p>1150</p>	<p>RE: SEVENOAKS DISTRICT COUNCIL RESPONSE TO TUNBRIDGE WELLS BOROUGH COUNCIL'S LOCAL PLAN – ISSUES AND OPTIONS</p> <p>Sevenoaks District Council (SDC) welcomes the opportunity to comment on Tunbridge Wells Borough Council's (TWBC) Local Plan – Issue and Options. Please note that this is an officer level response.</p> <p>SDC and TWBC share a number of key constraints including Areas of Outstanding Natural Beauty (AONB) and Sites of Special Scientific Interest (SSSI). Also, it has been set out in the document that the Tunbridge Wells Borough shares similar issues with the Sevenoaks District in terms of providing for employment, similar housing market areas and issues surrounding housing affordability.</p> <p>SDC would like to make the following comments:</p> <p><u><i>Duty to Co-operate</i></u></p> <p>As an adjoining Local Planning Authority, it is important that SDC works with TWBC to address strategic, cross boundary issues such as housing, infrastructure, employment, transport etc. to ensure that development can be enabled over the respective plan period. In this case, we note that TWBC's new Local Plan will set out a new development strategy for the district up to 2033.</p> <p>Following the recent adoption of the Allocations and Development Management Plan (February 2015), SDC has recently embarked on producing a new Local Plan, which will cover the period 2015-2035. We have started to gather the necessary evidence to produce a new Local Plan, as well as working with neighbouring authorities under the Duty to Co-operate.</p> <p>Recent Local Plan examinations and the Housing White Paper place significant emphasis and weight on the Duty to Co-operate, and how successful an exercise it has been when preparing the Local Plan. Therefore, SDC welcomes the ongoing, useful Duty to Co-operate discussions with TWBC to address key cross boundary issues, specific to the local level. SDC has a number of working groups with its neighbouring authorities under Duty to Co-operate (i.e. West Kent, North Kent, London Boroughs etc.) and these wider meetings are working well. We will also continue to work together in other forums, outside of formal Duty to Co-operate discussions, to identify additional cross boundary issues such as health, infrastructure and transport with key delivery partners.</p> <p><u><i>Meeting the Borough's Objectively Assessed Need (OAN)</i></u></p> <p>The Strategic Housing Market Assessment (SHMA) for TWBC (which has been prepared jointly with Sevenoaks District Council) states that there is an OAN requirement of 648 units to be built annually over the plan period 2013-2033. This equates to a total of 12,960 units being built over the 20 year period.</p> <p>National planning policy and guidance sets out the parameters for assessing the ability for meeting a local authority's OAN, as well as identifying appropriate sites to meet the requirements. It is noted that the approach that TWBC has taken is a "settlement hierarchy" approach by focusing development in sustainable locations, and the broad principles on how this could be achieved through its strategic options and distribution of development.</p> <p>The emerging Sevenoaks District Local Plan will be subject to public</p>
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	<p>consultation during summer 2017 and it is likely to be during late 2017/early 2018 when the District Council will be clearer about its ability, or not, to progress sustainable development that meets identified needs in either its own area or housing market area. This is due to the high level of Green Belt (93%) and AONB (60%) within Sevenoaks District. As it may not be possible to meet our own OAN in full for the District, SDC will continue to engage with its neighbouring authorities, including TWBC, under Duty to Co-operate for further discussions on how this issue can be resolved.</p> <p>For information, SDC has a Memorandum of Understanding with Maidstone Borough Council, with regards to the ability to meet the OAN requirement, and this can be provided to TWBC upon request.</p> <p><u><i>Distribution of Development</i></u></p> <p>The Local Plan Issues and Options outlines that the broad distribution of proposed development is directed to Royal Tunbridge Wells and Southborough, with a smaller proportion focused on the other three main settlements of Paddock Wood, Cranbrook and Hawkhurst. The proposed locations do not have a significant impact on Sevenoaks District. However, should significant development be brought forward using a Growth Corridor-led Approach, considerations should be given to the impact on highways, especially along the A21 and at Morelys Roundabout (at the bottom of Riverhill in Sevenoaks) as there might be increased usage as a result.</p> <p>Descriptions and justifications for each option, including brief descriptions of transport links, services and facilities that are available should be detailed against each proposed option. It would be helpful for TWBC to publish its Settlement Hierarchy in future consultations, to illustrate clearly what services/facilities are available for sustainable development. This would give greater justification for more detailed site allocations for the new Local plan.</p> <p>SDC recognises that the proposed urban extensions will be subject to further evidence regarding sensitivity testing and the deliverability of sites once allocated within the Local Plan.</p> <p><u><i>Other Strategic Issues</i></u></p> <p>As neighbouring authorities, strategic considerations must be looked at in the wider context of West Kent. Issues of health, infrastructure and transport will have to be considered as part of the new Local Plan and will involve a number of delivery partners, such as Kent County Council (KCC), Highways England and the West Kent Clinic Commissioning Group (CCG). As these issues are not confined to one local authority area, it is important that both SDC and TWBC engage with the appropriate delivery partners in the appropriate forums, both under direct Duty to Co-operate discussions as well as those additional forums that both authorities attend (i.e. West Kent CCG's Local Care Forum, the West Kent Infrastructure & Transport Group).</p> <p>Furthermore, SDC recognises the Ashdown Forest having some impact on the southern areas of Sevenoaks District. This is concentrated on the parishes of Cowden, Chiddingstone and Penshurst. Following the commissioning of evidence with 6 neighbouring authorities to assess the impact of future development in the area, SDC will continue to work proactively with Natural England, the statutory nature conservation body, neighbouring authorities and any other relevant bodies to understand the impact of the Local Plan on such</p>
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		<p>sites and, if necessary, develop policies for their protection.</p> <p><u>Conclusion</u></p> <p>In summary, SDC believes that TWBC's approach to the Issues and Options for the new Local Plan is positive and proactive in light of current national planning policy. SDC will continue to positively engage with TWBC under the Duty to Co-operate, as both authorities progress their Local Plans and try to meet their requirements over the Plan period.</p>
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Appendix B5 - SDC response to TWBC Regulation 18 Draft Local Plan Consultation 15 November 2019

Stephen Baughen
Head of Planning Services
Tunbridge Wells Borough Council
Civic Way
Royal Tunbridge Wells
TN1 1RS

Ask for: Planning Policy
Email: planning.policy@sevenoaks.gov.uk
My Ref:
Your Ref:
Date: 15 November 2019

Dear Stephen,

**SEVENOAKS DISTRICT COUNCIL RESPONSE TO TUNBRIDGE WELLS BOROUGH COUNCIL'S
REGULATION 18 DRAFT LOCAL PLAN CONSULTATION**

Sevenoaks District Council (SDC) welcomes the opportunity to comment on Tunbridge Wells Borough Council's (TWBC) Regulation 18 Draft Local Plan consultation. Please note that this is an officer level response.

SDC and TWBC share a number of key constraints including Green Belt, the High Weald Area of Outstanding Natural Beauty (AONB) and Sites of Specific Scientific Interest (SSSI). Also, it has been set out in the document that the Tunbridge Wells Borough shares similar issues with the Sevenoaks District in terms of development viability, a shared housing market area and issues surrounding housing affordability.

Before I make specific comments relating to the Regulation 18 Draft Local Plan, I would like make some observations relating to the progress of the Sevenoaks Local Plan, which was submitted in April 2019 for examination. Hearing sessions for the Local Plan began took place in late September/early October. We have recently received correspondence from the Inspector, advising the Council that there are significant concerns with the submitted Local Plan in relation to the Duty to Co-operate. We are currently responding to these concerns to determine how to proceed with our Local Plan, as discussed at our joint meeting on 12 November 2019.

Further information on the progress of the Local Plan Examination can be found our website (www.sevenoaks.gov.uk/localplanexamination).

Chief Executive: Dr. Pav Ramewal

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Duty to Co-operate

As an adjoining Local Planning Authority, it is important that SDC works with TWBC to address strategic, cross boundary issues such as housing, infrastructure, employment, transport etc. to ensure that development can be enabled over the respective plan period. In this case, we note that TWBC's new Local Plan will cover the plan period up to 2036, which closely aligns with the Sevenoaks Local Plan covering the Plan period up to 2035. It has been evidenced that both SDC and TWBC have been working closely on strategic cross-boundary issues under the Duty to Cooperate since 2015. This has included the preparation of evidence-based documents as well as having constructive dialogue with TWBC over cross-boundary issues, both individually and collectively with Tonbridge & Malling Borough Council as a West Kent authority.

In May 2019, a Statement of Common Ground was signed between SDC and TWBC which sets out the issues and actions raised during the Duty to Cooperate meetings, which include how both local authorities seek to meet a variety of needs (i.e. housing, employment, retail etc.). It has been documented that TWBC is not in a position to assist SDC in meeting its unmet housing needs due to the Borough's constraints (i.e. proportion of Green Belt and the High Weald Area of Outstanding Natural Beauty) and that TWBC is seeking to meet its housing needs in full.

It is noted that the Statement of Common Ground has been included in TWBC's Interim Duty to Cooperate Statement. This Statement of Common Ground has also been submitted as part of the Examination Library for the Sevenoaks Local Plan. Despite the Sevenoaks Local Plan Examination being paused at present, SDC will continue positive and proactive engagement with TWBC and assist with respective plan-making.

Meeting the Borough's Objectively Assessed Need (OAN) and Distribution of Development

In 2015, both SDC and TWBC commissioned a joint Strategic Housing Market Assessment (SHMA) to consider the area's Objectively Assessed Need (OAN). This was based on 2012-based population projections. It concluded that Tunbridge Wells had an OAN of 12,960 dwellings to be provided over the period 2011-2031.

The Government has introduced a standardised methodology for local authorities to calculate their own housing needs. This was adopted into national planning policy and guidance in February 2019. National policy and guidance states that local planning authorities are expected to meet the development needs in their area in full, unless there are compelling reasons as to why this is not possible.

Paragraph 4.7 of the TWBC Draft Local Plan document sets out the objectively assessed housing need for the Borough which equates to 13,560 dwellings up to 2036 (678 dwellings per annum). It is noted from Table 1 "Housing Need 2016-2036" that it is expected that the majority of the housing supply will come forward through new housing and mixed use allocations as set out in Policy STR1 of the Draft Local Plan. On this basis, it appears that TWBC is planning to meet its OAN in full.

SDC notes that TWBC consulted previously on a number of different approaches during its Issues and Options consultation, choosing Option 3 “Dispersed Growth” and Option 5 “New Settlement Growth” to base its Development Strategy as set out in paragraph 4.40 and Policy STR1 which adopts an infrastructure-led approach.

This is illustrated by Draft Local Plan Proposals Map which shows a dispersed approach to allocating sites where the distribution of development accords with the Tunbridge Wells Settlement Hierarchy. The main growth areas are around Paddock Wood and Tudeley, where a new Garden Village is proposed. Sevenoaks District shares an administrative boundary with western area of the Tunbridge Wells Borough. The Proposals Maps shows little development being proposed on this boundary and therefore the proposed growth is unlikely to have a significant impact on the Sevenoaks District.

The Sevenoaks Local Plan is currently under Examination, following its submission to the Planning Inspectorate in April 2019. Under the standardised methodology, the housing need for the Sevenoaks District is 707 dwellings per annum (11,042 dwellings over the Plan period 2019-2035). As outlined in our response to the Inspector’s Initial Questions [ED3]^[1], the Local Plan seeks to deliver 9,410 dwellings over the Plan period which is equivalent 588 dwellings per annum. This results in an unmet housing need of approximately 1,900 dwellings over the Plan period 2019-2035 (equivalent to 119 dwellings per annum). This is due to the high level of Green Belt (93%) and AONB (60%) within Sevenoaks District. On 22nd July 2019 the PPG was revised to state that C2 units will need to be included in the Housing Land Supply. Therefore, this will result in a higher level of land supply as set out through the Examination hearings.

Due to these constraints, the Sevenoaks Local Plan is based on the following development strategy following extensive public consultation:

- i. Focus on growth in existing settlements, including higher densities;
- ii. Redevelopment of previously developed “brownfield” land in sustainable locations; and
- iii. The development of greenfield Green Belt land only in “exceptional circumstances”, particularly where social and community infrastructure is being proposed, which could help address evidenced infrastructure deficiencies in the area.

As the submitted Plan does not meet housing need in full in the District, SDC will continue to engage with its neighbouring authorities, including TWBC, under Duty to Co-operate for further discussions on how this issue can be resolved. It is noted that SDC formally approached TWBC in April 2019 to ascertain whether TWBC could assist with unmet need. The letters were sent in order to formally document the already known position of neighbouring authorities, in preparation for examination, and the letters documented the conclusion of the process. TWBC re-confirmed its position that:

^[1] ED3 “Sevenoaks District Council’s response to Inspector’s Initial Questions” can be found in the Sevenoaks Local Plan Examination Library (www.sevenoaks.gov.uk/localplanexamination)

'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'.

Conclusion

In summary, SDC believes that TWBC's approach to the new Local Plan is positive and proactive in light of current national planning policy and guidance. SDC will continue to positively and constructively engage with TWBC under the Duty to Co-operate, as both authorities progress their Local Plans and try to meet their requirements over the Plan period, which will include further discussion around SDC's current unmet housing need.

If you have any questions regarding this response, please do not hesitate to contact Planning Policy on 01732 227000 or please email planning.policy@sevenoaks.gov.uk.

Yours sincerely,



Simon Taylor
Planning Officer (Planning Policy)

Appendix B6 – SDC response to TWBC Regulation 19 Pre- Submission Plan Consultation 3 June 2021

Tunbridge Wells Borough Pre-Submission Local Plan Representation Form

Ref:
Date Received:
(for official use only)

Please read the guidance notes at the end of this form before completing it.

NB Representations must be received by no later than 5pm on 4 June 2021

We are unable to accept anonymous representations. All duly made representations, together with the names of respondents, will be made available on the Council's website. Personal information such as telephone numbers, addresses, and email addresses will not be published. By submitting a representation, you are confirming that you understand that your consultation response will be published in full, together with your name, including on our website. Please see the Privacy Notice on page 7 for more details about how we use your information. The guidance notes can be found on page 8.

This form has two parts:

Part A – Personal Details and

Part B – Your representation(s). Please fill in a separate sheet for each representation.

Part A (please provide your full contact details)

1. Personal Details*		2. Agent's Details (if applicable)
<i>*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.</i>		
Title	Mr	
First Name	James	
Last Name	Gleave	
Job Title (where relevant)	Strategic Planning Manager	
Organisation (where relevant)	Sevenoaks District Council	
Address Line 1	Council Offices	
Address Line 2	Argyle Road	
Address Line 3	Sevenoaks	
Address Line 4	Kent	
Post Code	TN13 1HG	
Telephone Number	<div style="background-color: black; width: 100px; height: 1.2em; display: inline-block;"></div>	
Email address	<div style="background-color: black; width: 250px; height: 1.2em; display: inline-block;"></div>	

This page is intentionally blank

so that the front page containing your personal details

can be easily removed prior to public display

Ref:

Date Received:

(for official use only)

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: **Sevenoaks District Council**

3. To which part of the Local Plan does this representation relate?

Paragraph No(s)	<input type="text"/>	Policy No.	<input type="text" value="STR1"/>	Policies Map (Inset Map No(s))	<input type="text"/>
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4. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

SDC is supportive of joint working with TWBC and other development partners to address strategic, cross boundary matters. You will be aware of the evidence which demonstrates on-going and constructive engagement between our authorities since 2015, on matters such as housing, infrastructure and employment needs. Much of the discussion has taken place as part of the wider West Kent group with Tonbridge & Malling Borough Council.

In May 2019, a Statement of Common Ground was signed between SDC and TWBC. This document sets out the issues and actions raised during duty to co-operate engagement, which include how both local authorities were seeking to meet a variety of development needs. We have discussed the preparation of an updated Statement of Common Ground and the latest version is with you for comment. The updated document will reflect the extent to which our respective strategic development needs can be met and a range of other cross boundary policy matters, including those related to employment, retail and strategic infrastructure.

Ref:

Date Received:

(for official use only)

All legal challenges associated with SDC's Local Plan have now concluded and the Council is working with stakeholders to ensure that an updated document can be put in place as soon as possible. We will keep you updated on this process as part of duty to co-operate discussions.

SDC is of the view that TWBC's approach to the pre-submission Local Plan is positive, proactive and reflects the requirements of the duty to co-operate. We will continue to engage with TWBC as both authorities progress their Local Plans. This will include further discussion on the extent to which our respective housing needs can be met.

Please continue on a separate sheet or expand this box if necessary

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

☒ **No**, I do not wish to participate in hearing session(s)

☐ **Yes**, I wish to participate in hearing session(s)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

At this stage, SDC is content to rely on written submissions to express its views on TWBC's emerging Local Plan. Officers will inform you as soon as possible should this position change.

Please continue on a separate sheet or expand this box if necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Ref:

Date Received:

(for official use only)

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

N/A

Please continue on a separate sheet or expand this box if necessary

Ref:

Date Received:

(for official use only)

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: **Sevenoaks District Council**

8. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

Policy No.

STR5

Policies Map
(Inset Map
No(s))

9. Do you consider that the Local Plan:

(a) Is legally compliant

Yes

☒

No

☐

Don't know

☐

(b) Is sound

Yes

☒

No

☐

Don't know

☐

(c) Complies with the Duty to Cooperate

Yes

☒

No

☐

Don't know

☐

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared

Yes

☐

(b) It is not effective

Yes

☐

(c) It is not justified

Yes

☐

(d) It is not consistent with national policy

Yes

☐

Please mark all of the above that apply

10. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

In relation to education and health infrastructure, SDC recognises that many pupils and patients travel between our respective authorities to access these services. We are committed to working with TWBC, Kent County Council and the Kent and Medway Clinical Commissioning Group to deliver the services that are necessary for sustainable growth.

In relation to highway and rail infrastructure, SDC recognises the importance of the A21 and rail service to London in particular. We are committed to working with TWBC, Kent County Council and Network Rail to ensure any necessary improvements to support sustainable growth are delivered in a timely manner.

SDC will continue to work with infrastructure providers and partners on cross boundary matters, including through mechanisms such as the production of Infrastructure Delivery Plans.

Please continue on a separate sheet or expand this box if necessary

Ref:

Date Received:

(for official use only)

11. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

12. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

☒ **X**

No, I do not wish to participate in hearing session(s)

☐

Yes, I wish to participate in hearing session(s)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

At this stage, SDC is content to rely on written submissions to express its views on TWBC's emerging Local Plan. Officers will inform you as soon as possible should this position change.

Please continue on a separate sheet or expand this box if necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

N/A

Please continue on a separate sheet or expand this box if necessary

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: **Sevenoaks District Council**

13. To which part of the Local Plan does this representation relate?

Paragraph
No(s)

1.29

Policy No.

Policies Map
(Inset Map
No(s))

14. Do you consider that the Local Plan:

(a) Is legally compliant

Yes

☒

No

☐

Don't know

☐

(b) Is sound

Yes

☒

No

☐

Don't know

☐

(c) Complies with the Duty to Cooperate

Yes

☒

No

☐

Don't know

☐

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question.

Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared

Yes

☐

(b) It is not effective

Yes

☐

(c) It is not justified

Yes

☐

(d) It is not consistent with national policy

Yes

☐

Please mark all of the above that apply

15. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Through our duty to co-operate discussions and regular meetings, it is clear that SDC and TWBC share similar issues and ambitions, including:

- Providing high quality and well-designed development that meets identified needs.
- Encouraging the re-use of previously developed brownfield land in sustainable locations.
- Providing infrastructure to support sustainable growth.
- Conserving and enhancing the AONB.
- Protecting the Green Belt.

SDC continues to work with TWBC to address strategic cross boundary issues. Engagement has been constructive, active and on-going during the production of our respective Local Plans. In this regard, SDC is content that TWBC has met the requirements of Section 33A of the Planning and Compulsory Purchase Act 2004. We look forward to further engagement in relation to strategic matters and the possible production of a revised Statement of Common Ground.

Please continue on a separate sheet or expand this box if necessary

16. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

17. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

☒ **No**, I do not wish to participate in hearing session(s)

☐ **Yes**, I wish to participate in hearing session(s)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

At this stage, SDC is content to rely on written submissions to express its views on TWBC's emerging Local Plan. Officers will inform you as soon as possible should this position change.

Please continue on a separate sheet or expand this box if necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

N/A

Please continue on a separate sheet or expand this box if necessary

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so that the page containing your signature

can be easily removed prior to public display

This information is on a separate page so that it can be easily removed prior to public display.

Signature:	J. Gleave	Date:	3 June 2021
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input checked="checked" type="checkbox"/> Yes , I wish to be notified of future stages of the Local Plan	<input type="checkbox"/> No , I do not wish to be notified of future stages of the Local Plan
--	--

Data Protection and Privacy Notice

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform the Local Plan.

Please note, at the end of the consultation period, your responses will be published by the Borough Council, including on our website. We will publish your name and associated responses, but will not publish other personal information such as telephone numbers, e-mail addresses or private addresses.

The information you provide (including telephone numbers, e-mail addresses, etc.) will also be shared with the Programme Officer employed to administer the examination on behalf of the appointed Planning Inspector(s), to be used only for the purposes of conducting the examination. The names of those making representations will be shared, and potentially addresses, with the Planning Inspector(s). However, in some cases, in order to run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

If you choose not to provide data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

You have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information about how we and the Planning Inspectorate use your personal information, please visit the privacy pages on the Council's website: <https://tunbridgewells.gov.uk/privacy-and-cookies/service-privacy-notices/privacy-notices/planning/local-plan-regulation-19-consultation>

GUIDANCE NOTES

1. Introduction

1.1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

Appendix B7 – DtC engagement record between TWBC and SDC

Duty to Cooperate engagement record for Sevenoaks District Council (SDC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
2 December 2014	SDC Officers – Emma Boshell TWBC Officers – Jean Marshall, Adrian Tofts	DtC stakeholder workshop	Initial discussion of commissioning joint Strategic Housing Market Assessment (SHMA) for District/Borough areas of Sevenoaks and Tunbridge Wells to inform Core Strategy reviews for the two local authorities
December 2014	SDC TWBC Officers - Jean Marshall, Adrian Tofts, Deborah Dixon, Sarah Lewis	DtC meeting	Discussions to inform preparation of brief for joint SHMA prior to preparing tender document for consultants
January 2015	SDC TWBC Officers - Jean Marshall, Adrian Tofts, Deborah Dixon, Sarah Lewis	DtC meeting	Continued discussions to inform preparation of tender document for consultants.
6 February 2015	SDC Officers -Emma Boshell TWBC Officers - Jean Marshall, Adrian Tofts, Deborah Dixon	DtC meeting	To discuss and decide upon interview questions for prospective consultants
3 March 2015	SDC Officers -Emma Boshell, Alan Dyer, Liz Crockford TWBC Officers – Deborah Dixon and Sarah Lewis	DtC meeting	Initial meeting with appointed consultants to discuss timetable and broad approaches for SHMA work
31 March 2015	SDC and others: Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Wealden DC and KCC	DtC stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC Officers, Deborah Dixon, Matt Kennard, Sarah Lewis		
10 June 2015	SDC Officers - Anthony Lancaster and Emma Boshell TWBC Officers – Kelvin Hinton, Adrian Tofts	West Kent DtC meeting	<p>Discussion of how future meetings should be arranged; sub-regional issues; local plan updates; SMHA; evidence base and relevant studies to be undertaken</p> <ul style="list-style-type: none"> • TWBC / SDC to prepare joint SHMA presentation • TWBC / SDC to undertake joint Employment Land Review. TWBC to draft up brief • TWBC / SDC to prepare shared methodologies for SHLAAs / ELAAs
9 September 2015	<p>SDC</p> <p>Others: GL Hearn (Consultants), Tandridge DC, Dartford BC, Wealden DC</p> <p>TWBC Officers – Deborah Dixon, Matthew Kennard, Sarah Lowe</p>	Meeting - Presentation by GL Hearn consultants	Presentation/discussion of SHMA findings
5 October 2015	<p>SDC Officers - Anthony Lancaster and Emma Boshell</p> <p>TMBC Officers -Ian Bailey and Nigel De Wit</p> <p>TWBC officers – Kelvin Hinton</p>	West Kent DtC meeting	<p>Local Plan updates; possible Member DTC; Housing Need and Supply; Green Belt; Economic Areas; Gypsies and Travellers; Infrastructure; Viability</p> <p>Continue to monitor progress of respective Local Plans</p> <p>Further discussion required re approach to including Members in the DtC;</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			Continue to monitor emerging housing supply across the HMA and identify opportunities for cross-boundary sites
4 February 2016	SDC Officers - Anthony Lancaster and Emma Boshell TMBC Officers - Ian Bailey and Nigel De Wit TWBC Officers – Kelvin Hinton	West Kent DtC meeting	<p>Updates on:</p> <p>1. Local Plan Timetable 2. Housing Need and Supply; 3. Travellers Assessment; 4. Employment Land Review; 5. Strategic Flood Risk Assessment; 6. Green Belt Studies; 7. Housing & Planning Bill and NPPF consultation 8. DtC matters - relationship with other parts of the county and 9. Member engagement</p> <p>Continue to monitor progress of respective Local Plans</p> <p>Officers agreed to continue to share thoughts and good practice on development strategies, including testing a range of strategy options against the Sustainability Appraisal objectives</p> <p>Travellers assessment - Officers to monitor and disseminate case law on this matter</p> <p>Officers to monitor the progress of the Housing & Planning Bill</p>
15 March 2016	Tonbridge and Malling DC -Ian Bailey, Ashford BC - Danielle Dunn, Sevenoaks DC--Emma Boshell, Maidstone BC -Sarah Anderton,	DtC meeting	Gypsies and Travellers

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Dartford BC -Tania Smith, Shepway - Matthew Nouch TWBC – Deborah Dixon		
18 March 2016	SDC TWBC – Sarah Lowe	DtC meeting	Employment Needs Study stakeholder event: Discussion of: baseline data, local issues / factors which the study should take into account
24 May 2016	SDC Officers – Anthony Lancaster TMBC Officers - Ian Bailey TWBC Officers – Kelvin Hinton, Deborah Dixon, Sharon Evans	West Kent DtC Meeting	Local Plan updates
6 July 2016	SDC TWBC Officers – Kelvin Hinton and David Scully	DtC meeting	Discussion re Joint Commissioning for professional advice on Ashdown Forest
30 August 2016	Arup (consultants) on behalf of SDC. Others: Tandridge DC, Gravesham BC , Dartford BC and KCC officers TWBC Officers – Deborah Dixon	DtC meeting	Discussion of methodology for SDC Green Belt Assessment
20 September 2016	SDC Others: Wealden DC (lead), Mid Sussex DC, Lewes DC, and Natural England TWBC Officers – David Scully, Katie McFloyd	DtC meeting	Joint Commissioning of Visitor Survey for Ashdown Forest for HRA work

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
28 September 2016	SDC – Anthony Lancaster, Emma Boshell TWBC Officers – Kelvin Hinton, Sharon Evans	DtC meeting	Local Plan updates; future Member involvement; housing need and supply - implications of the 2014 household projections, and clarifications around being able to count some form of Class C2 towards the 5 Year Housing Land Supply; the outcome of the Economic Needs Study (how proposals for an increased economic base may create a demand for additional dwellings)
7 December 2016	SDC – Anthony Lancaster, Emma Boshell TMBC – Louise Reid, Ian Bailey TWBC – Kelvin Hinton, Sharon Evans	DtC meeting	1. Local Plan Updates; 2. Housing Need and Supply; 3. Employment Land Need and Supply; 4. Green Belt; 5. Gypsies and Travellers; 6. Infrastructure
14 December 2016	Wealden DC, Lewes DC, Sevenoaks DC and Mid Sussex DC and NE	DtC meeting	Review of Visitor Survey for Ashdown Forest for HRA work
15 March 2017	SDC and Arc4 TMBC, TWBC, Swale BC, Gravesham BC, Dartford BC, London Borough of Bexley, Ashford BC, Tandridge DC, Medway Council, KCC	DtC meeting	Meeting re Gypsies and Travellers including presentation of assessment findings for SDC (presented by Arc4) All LPAs present were planning to meet their own G&T needs.
5 April 2017	Anthony Lancaster, Emma Boshell (SDC); Ian Bailey (TMBC) TWBC Officers – Kelvin Hinton and Sharon Evans	West Kent DtC meeting	Local Plan Updates; Key Study Issues - Green Belt, Highways, GTAA's; Housing White Paper; Brownfield Registers - new regs; Neighbourhood Plan experiences
21 June 2017	Ashdown Forest (Air Quality) Group:	DtC meeting	<ul style="list-style-type: none"> • Update from each local authority • Local Plan progress • Traffic Modelling

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	<p>Officers – South Downs National Park Authority, Rother DC, East Sussex County Council, Eastbourne and Lewes, Tandridge, Sevenoaks DC, Wealden DC, Natural England</p> <p>TWBC – Sharon Evans</p>		<ul style="list-style-type: none"> • SNAPS's
2 August 2017	<p>Sevenoaks DC - Antony Lancaster, Emma Henshall, Lily Mahoney;</p> <p>Tonbridge & Malling BC - Ian Bailey and Nigel De Wit</p> <p>TWBC Officers – Kelvin Hinton</p>	West Kent DtC meeting	Local Plan Updates; Issues and Options consultations, infrastructure, habitat regulations, Wealden DC and the Ashdown Forest, custom and self- build and the future approach to Duty to Cooperate
23 August 2017	<p>Sevenoaks DC, Tonbridge& Malling BC, Gravesham BC, Maidstone BC, Dartford DC, Tandridge DC, KCC Highways and Economic Development</p> <p>(Not known who attended from TWBC)</p>	DtC Forum	Local Plan updates, KCC strategies for transport/highways and infrastructure requirements
10 November 2017	Letter from PAS to SDC, TMBC and TWBC	DtC correspondence	PAS Statement of Common Ground Pilot Programme - Introductory letter on how scheme works and background on SoCGs
23 November 2017	<p>Ashdown Forest (Air Quality) Group</p> <p>Officers – Marina Briggishaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC,</p> <p>TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes,</p>	DtC Meeting	<ul style="list-style-type: none"> • Review and minutes of previous meeting • Air Quality report • Sign off arrangements • Housing numbers • Geographical area • Transport modelling • Risk register

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park		<ul style="list-style-type: none"> Proportionality
6 December 2017	Sevenoaks DC - Antony Lancaster ; Tonbridge & Malling BC - Ian Bailey and Nigel De Wit TWBC Officers – Kelvin Hinton PAS – Steve Barker	DtC meeting	<p>Discussion of proposals for West Kent to become a Statement of Duty to Cooperate Pilot</p> <p>Local Plan Updates; Issues and Options consultations, infrastructure, habitat regulations, Wealden DC and the Ashdown Forest, custom and self-build and the approaches to Green Belt; GTAA's, future approach to Duty to Cooperate</p>
18 January 2018	Ashdown Forest (Air Quality) Group Officers – Marina Briggshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park	DtC Meeting	Update on Wealden Plan and current approach to development management issues
22 January 2018	Sevenoaks DC – Emma Henshall Tonbridge & Malling BC - Ian Bailey, Nigel De Wit TWBC Officers – Kelvin Hinton, Sharon Evans	DtC meeting	PAS Pilot SoCG meeting: Facilitation Process; who will do what; update on any progress/meetings/agreements; update on emerging Local Plans; drafting a timetable to produce SoCG
12 February 2018	Sevenoaks DC – Emma Henshall Tonbridge & Malling BC - Ian Bailey, TWBC Officers – Stephen Baughen	DtC meeting Appendix SDC1 Agreed minutes of West Kent SoCG Pilot on 12 February 2018	SoCG Pilot Programme (via facetime) Relationship with other SoCGs discussed including the Ashdown Forest, relationship of West Kent HMA with Maidstone HMA, housing need

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	IPE facilitator – Sue Turner		
13 March 2018	Sevenoaks DC – Helen French, Tonbridge & Malling BC - Ian Bailey and Jill Peet, Canterbury CC - Shelley Rouse, Maidstone BC - Sarah Lee, Ashford BC - Helen Garnett, Dover DC, Dartford BC - Tania Smith, Medway Council - Tom Gilbert, Thanet DC - Jo Wadey, Swale BC - Alan Best and Aaron Wilkinson TWBC – Michael Hammacott	DtC meeting	Gypsy and Travellers: Update on LPA status of GTAAAs, Planning policies, Transit sites
14 March 2018	SDC TMBC TWBC IPE (facilitator)	DtC meeting	SoCG Pilot Programme: <ul style="list-style-type: none"> • Implications of publication of revised NPPF • How to deal with cross referencing of overlapping SoCGs • Breadth of participants – balance between effectiveness and complexity • Risks • Governance • Triggers for reviewing the SoCG (agreed should be stated in the draft)
3 April 2018	SDC TMBC TWBC IPE (facilitator)	Facilitator's Note – DtC correspondence Appendix SDC2 Facilitators note of West Kent SoCG Pilot dated 3 April 2018	SoCG Pilot Programme <ul style="list-style-type: none"> • Purpose of pilot • Communications • Timing and programming • Housing and need • Governance

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<ul style="list-style-type: none"> Risks Flexibility
10 April 2018	SDC TMBC TWBC IPE (facilitator)	Facilitator's Note – DtC correspondence Appendix SDC3 Facilitators note of West Kent SoCG Pilot dated 10 April 2018	Second iteration of Note (first published on 3 April 2018), amending paras 6.1, 6.2 and 6.3
11 September 2018	Sevenoaks DC - Hannah Gooden, Emma Henshall, Tonbridge & Malling BC - Ian Bailey TWBC Officer – Stephen Baughen	West Kent DtC meeting Appendix SDC4 Agreed minutes of West Kent DtC Meeting on 11 September 2018	Local Plan Updates, Ashdown Forest, forthcoming ONS projections and impact on housing need, West Kent SoCG
29 November 2018	Members of Ashdown Forest Working Group – South Downs National Park Authority, Sevenoaks DC, Rother DC, Lewes DC, Eastbourne BC, Tandridge DC, Mid Sussex DC, Crawley BC, East Sussex CC, West Sussex CC, Natural England WDC TWBC	DtC meeting	Air quality background issues in relation to the Ashdown Forest SAC
December 2018	Officers and Members of TWBC/Tonbridge and Malling BC and Sevenoaks DC	DtC meeting	Employment: <ul style="list-style-type: none"> General update on Local Plan progress and approach to ED Retail Use of article 4 directions Rural employment opportunities
10 January 2019	Sevenoaks DC: Hannah Gooden, Emma Henshall	DtC meeting	To discuss progress of local plans, housing (unmet) and employment need

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC Officers – Stephen Baughen, Sharon Evans	Appendix SDC5 TWBC notes of meeting on 10 January 2019	
1 March 2019	SDC: Cllr Piper, Emma Henshall TWBC - Cllr A McDermott, Stephen Baughen	DtC meeting	Strategy and Local Plan progress, key strategic cross boundary issues - housing, transport, infrastructure, education, DtC requirements, engagement with KCC
12 March 2019	SDC: James Gleave, Hannah Gooden TWBC: Sharon Evans, Steve Baughen	DtC correspondence Appendix SDC 6 Exchange of emails between TWBC and SDC on 12 March 2019	Invitation to SDC held DtC workshop and subsequent emails about unmet housing need
11 April 2019	SDC – James Gleave to TWBC – Stephen Baughen	DtC Correspondence Appendix SDC7 Email from SDC 11 April 2019 requesting that TWBC assists in meeting its unmet need	SDC request to TWBC to assist in meeting SDC's unmet need
24 April 2019	TWBC – Stephen Baughen email to SDC	DtC correspondence Appendix SDC8 Email from TWBC to SDC about meeting unmet need 24 April 2019	TWBC response to SDC request to meet unmet need
24 April 2019	Sevenoaks DC – Richard Morris, James Gleave, Hannah Gooden, Emma Henshall, Helen French, Cllr R Piper Also Tandridge DC, Dartford DC, Gravesham BC, London Borough of Bexley, Wealden DC, KCC TWBC – Stephen Baughen	DtC Workshop (SDC offices) Appendix SDC9 Agreed minutes of DtC workshop at SDC offices on 24 April 2019	Peer review process (prior to submission of Plan), updates from all authorities in attendance, SDC summary of DtC activities and key outcomes

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
13 September 2019	TWBC Hearing Position Statement to SDC Examination	DtC correspondence Appendix SDC11 TWBC Hearing Statement to Sevenoaks Examination 13 September 2019	TWBC local plan preparation work, timeline of DtC and requests from SDC regarding unmet need, TWBC housing need, TWBC Sustainability Appraisal, SoCG with SDC
12 November 2019	SDC and TWBC meeting TWBC Officers – Stephen Baughen and Sharon Evans	DtC meeting	Discussion re the DtC in light of Inspector's letter to SDC, and update on local plans
21 November 2019	TWBC – Stephen Baughen to SDC	DtC Correspondence Appendix SDC12 letter from TWBC to SDC following Examination and meeting on 21 November 2019	TWBC letter to SDC post SDC hearing on DtC matters
18 May 2020	SDC – James Gleave, Hannah Gooden TMBC – Ian Bailey and Bart Wren TWBC- Stephen Baughen, Sharon Evans and Hannah Young	West Kent DtC meeting Appendix SDC13 Agreed minutes of West Kent DtC Meeting on 18 May 2020	Updates on : Local Plans, Housing – including discussion about unmet need, Employment, AONB, Infrastructure, Strategic Sites, Gypsies and Travellers, approach to future DtC meetings and SoCGs
15 June 2020	SDC – James Gleave TMBC – Ian Bailey and Bart Wren TWBC – Steve Baughen and Sharon Evans	DtC meeting Appendix SDC14 Minutes of West Kent DtC Meeting on 15 June 2020	Updates on local plan, lessons from other LPAs, housing need (including scope for TMBC and SDC to take housing and employment in Green Belt/AONB), economic needs, strategic sites, infrastructure, and sub-regional planning
6 October 2020	TWBC – Stephen Baughen	DtC correspondence Appendix SDC15 Letter from TWBC to SDC re Green Belt and AONB	TWBC formal request to SDC to meet TWBC housing/employment need in Green Belt/AONB

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
16 October 2020	SDC – Richard Morris TWBC – Stephen Baughen	DtC correspondence AppendixvSDC16 Letter from SDC to TWBC re Green Belt and AONB	SDC response to formal request to meet TWBC housing/employment need in Green Belt/AONB
21 October 2020	SDC – James Gleave TMBC – Bart Wren and Julian Ling TWBC – Sharon Evans and Steve Baughen	DtC Meeting Appendix SDC17 Minutes of West Kent DtC meeting on 21 October 2020	Updates on local plans, cross boundary infrastructure, housing need, SoCGs
8 July 2021	SDC – James Gleave and Hannah Gooden TWBC – Stephen Baughen and Nichola Watters	DtC Meeting Appendix SDC21 Draft minutes SDC and TWBC DtC meeting on 8 July 2021	Updates on Local Plans and housing needs, other cross boundary strategic matters – transport and water, and progress on SoCG
24 August 2021	SDC – James Gleave TWBC – Stephen Baughen and Nichola Watters	DtC Meeting Appendix SDC22 Draft minutes SDC and TWBC DtC meeting on 24 August 2021	Updates on Local Plans and housing needs and progress on SoCG
6 October 2021	TWBC – Stephen Baughen to SDC – Richard Morris	DtC correspondence Appendix SDC24 Formal letter from TWBC to SDC re DtC Housing Need and way forward on 6 October 2021	TWBC formal letter to SDC about housing need and a way forward
22 October 2021	SDC – James Gleave TWBC – Stephen Baughen	DtC correspondence Appendix SDC28 SDC response letter to TWBC on 22 October 2021	SDC response to TWBC letter of 6 October 2021
October 2021	SDC and TWBC	DtC correspondence	A working draft SoCG has been produced between both parties which will be reviewed

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			and updated prior the TWBC Local Plan Examination.

SDC Additional Appendices – Meeting Notes and Correspondence:

SDC1 – Agreed minutes of West Kent SoCG Pilot on 12 February 2018

Statement of Common Ground Pilot Programme: West Kent Group

Notes of meeting 2 held on 12 February 2018 via Facetime.

Participants: TM Ian Bailey (IB)
TW Steve Baughen (SB)
S Emma Henshall (EH)
IPE Sue Turner (ST)

1. Notes produced since the last meeting are:
 - ST notes of meeting dated 30.01
 - ST email dated 30.01
 - IB email dated 12.02
2. West Kent group officers continue to meet quarterly at DTC meetings, at Kent Policy Officers meeting and informally at other meetings.
3. Members: Portfolio holders have agreed to the Pilot and ST reported back from PAS that although member sign off would be expected on a completed draft SCG there was no fixed requirement for member involvement during the pilot. However all three group members suggest that portfolio holders are being updated informally as the pilot progresses.
4. ST suggested that draft lists of strategic issues and participants should be prepared to help move the project forward and the group undertook to do this (draft lists circulated by EH on 13.02).
5. OAN. In view of concerns raised by ST and IB's response the question of difficulties faced by TM and S were briefly discussed (TW proposes to meet its OAN in full). TM is preparing justification as part of preparation for Reg 19 consultation. GL Hearn evidence (shared in draft) is the start point. S is testing options to assess way forward.
6. Relationship/ participation with other SCGs:
 - Ashdown Forest (see diagram) includes a number of LPAs and the area covered overlaps with this SCG. Work is progressing and content is agreed by most participants. Overlapping interests include housing/potential traffic movements through the forest (need to identify if any other areas of overlap). Agreed that this SCG should cross reference to the Ashdown Forest SCG. TM noted that they may not need to sign up to Ashdown Forest SCG as connection is more remote/ tenuous.
 - Maidstone HMA SCG. This covers part of TM area and will sit alongside this SCG. Again will need to be cross referenced and highlight any overlap.
7. The group started to identify potential risks, which will include sign up to/ success of Ashdown Forest SCG, any implications from Greater London Plan. More to come.

SDC2 – Facilitators note of West Kent SoCG Pilot dated 3 April 2018

West Kent Statement of Common Ground Pilot Project

Facilitator's note

3 April 2018

Participants

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

1. Purpose and objectives of the pilot project

- 1.1 The revised NPPF will require all LPAs to prepare a SoCG as evidence that the Duty to Co-operate has been met. They should be based on HMA's or other relevant (topic based) planning areas. The pilot project provides a facilitator to monitor and record the early stages of preparing a SoCG, with the aim of capturing the learning from the process. This is intended to help those undertaking the pilot to create a SoCG which is focussed and effective whilst ensuring that the process is not onerous or laborious. The findings from this exercise may be used to inform more general guidance on preparing SoCGs.
- 1.2 The West Kent Pilot project seeks to prepare a draft of the SoCG to be ready 6 months after agreement of NPPF. It will take SoCG preparation to a first draft by 31 March 2018. At this stage the group should have reached agreement on the geographic area, strategic issues, the parties to be involved and governance arrangements.

2 Background

- 2.1 The West Kent group of Councils have worked together over a number of years and were part of a previous Local Strategic Partnership, now the West Kent Partnership. They are also now linked by some shared services. The three Councils face similar challenges, for example they all include large areas of Green Belt and share infrastructure issues, as well as all needing to have regard to the Ashdown Forest designated Special Area of Conservation (SAC). Progress on Local Plan preparation is broadly aligned, making the timetable for preparation of the SoCG appropriate for all three Councils.
- 2.2 These factors have meant that agreement of the geographical area, which covers the whole of the three Council areas and the key participants has been a straightforward matter. However it should be noted that Tonbridge and Malling BC will also be party to a separate SoCG, because the eastern part of the borough falls within a HMA shared with Maidstone, whilst all three Councils are also party to a separate topic SoCG which relates to the Ashdown Forest. This overlapping of SoCGs was the subject of some discussion and is addressed later in this note.
- 2.3 In early March the government published the draft revised NPPF for consultation. This was discussed at the final meeting of the pilot study and implications taken into account.

3. Communications

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

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

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

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

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

Updates on progress including:

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

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

Update on LP preparation and anticipated Regulation 19 submission dates

Discussions on detailed issues including:

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

4. Timing and programming

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

- Sevenoaks DC has an adopted Core Strategy (2011) and an Allocations and Development Management Plan (2015) which are both subject to a 5 year review. It undertook Regulation 18 consultation for its emerging Local Plan in Autumn 2017. When the SoCG pilot commenced it was planning an additional Regulation 18 consultation in Summer 2018. Regulation 19 pre-submission publication is planned for Winter 2018 with submission planned for early 2019.
- Tonbridge and Malling DC has a full suite of Development Plan documents adopted in 2012. It is now preparing single Local Plan. Regulation 18 consultation took place in autumn 2016 and consultation responses were reported in July 2017. It aims to submit its Regulation 19 draft in late 2018 which will be within the NPPF transition period.
- Tunbridge Wells is seeking to prepare a quick and concise LP based on the Local Plan Expert Group recommendations. A high level Issues and Options document was published for consultation in June/ July 2016 and generated approximately 6,500 responses. Review is currently underway with the aim of publishing a Regulation 18 preferred option draft in March 2019 and submitting a Regulation 19 draft in September 2019, outside the transition period.

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

5. Issues and participants

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

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

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

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

6. Housing and OAN

6.1 Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017. In Sevenoaks the OAN of 11,740 (578 dpa) compares with an indicative figure of 13,960 (698 dpa) based on the government's standardised methodology. In Tunbridge Wells the SHMA gives an OAN of 696dpa, which is consistent with the government's indicative figure of 692 dpa using the proposed standard methodology.

6.2 The situation in Tonbridge and Malling is more complex. The evidence base, which includes an up to date SHMA covering 2 housing market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. Members have agreed to continue with 696 dpa figure. The Council accepts the standardised methodology and will reflect this as national policy in its Local Plan. However it proposes to demonstrate that the higher figure is undeliverable based on past trends and capacity issues. This position will be supported by evidence including the housing deliverability study prepared by G L Hearn in September 2017. The Council's concerns are clarified in more detail in its consultation response to Planning for the Right Homes in the Right Places.

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

7. Governance

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

8. Learning points

Overlapping SoCGs

8.1 The matter of overlapping with other SoCGs and how this is dealt with has been a recurring topic of discussion. The group has identified two types of overlap which raise different issues.

- 8.2 First, a geographical overlap will occur where part of the West Kent SoCG area (ie the eastern part of Tonbridge and Malling) will also fall within a future SoCG covering the Maidstone HMA. The group agreed that this should be clearly explained in the SoCG, possibly in a map/ diagrammatic form and that relevant cross referencing should be made to ensure consistency and co-ordination.
- 8.3 Second, the Ashdown Forest SoCG has a broad reach and overlaps with the whole of the West Kent area. Whilst it is based on a single issue it will have wider implications for all three Council areas and each of their Local Plan on matters such as infrastructure. These matters are likely to require extensive cross referencing and consistency checking within the West Kent SoCG.

Risks

- 8.4 The greatest risk to this SoCG is the decision by Tonbridge and Malling to continue plan for a level of housing supply which is below the OAN identified by the government's standard methodology. As Tonbridge and Malling takes its Local Plan forwards it will be relying on evidence which states that capacity and delivery issues prevent it from meeting the higher OAN.
- 8.5 Whilst both Sevenoaks and Tunbridge Wells are aiming to meet their standard methodology OANs, both are heavily constrained by green belt and infrastructure issues and are unlikely to be capable of accommodating unmet need from Tonbridge and Malling. This pilot project is not the appropriate place to address this matter in detail. However if the final SoCG is to have any real meaning and to be robust in supporting the three Local Plans there will need to be some hard talking within the group on this matter. This is a potential showstopper in terms of the utility of the SoCG and its capability of serving its desired purpose.
- 8.6 The group identified a further potential risk relating to governance and member "sign up", although in West Kent the close working relationship between the Councils and the good communication between officers and members are protective factors which represent best practice in managing risk in this area.
- 8.7 Some discussion took place regarding the number of participants in preparation of the SoCG and their level of involvement. It was agreed that there is a balance to be struck between involving all parties necessary to address the key strategic issues and the increased complexity and potential delays that requiring "sign up" from a large number of participants would bring. It was suggested that this could be handled by having different levels of signatory relative to the significance of the level of interest or the categories of some participants "working with" rather than "signing up".

Changing circumstances/ flexibility

- 8.8 The group considers the SoCG to be a live document which will need to be constantly reviewed and updated. Indeed within the short lifetime of the pilot project circumstances have changed nationally, with the government's publication of the draft

revised NPPF and locally, with new information such as updated flood risk data for Tunbridge Wells.

- 8.9 The group has suggested that the SoCG should include triggers for review, which will not only identify risks but also mark key milestones which could trigger the need to review.

Process, communications and relationships

- 8.10 The Pilot Project has clearly been the continuation of a process which is already underway. However it is hoped that it has given a boost to preparation of the SoCG. Meetings have enabled some new questions to be addressed with regard to matters such as risks, involvement of other participants, the relationship between this and other SoCGs and clarity of presentation.
- 8.11 As referred to above and despite concerns about the absence of discussion to tackle housing land supply across the area, it is clear that these three Councils have a positive and easy relationship with many shared issues and that each has an understanding of the others' situation. Whatever transpires with regard to the housing issue, the group is well placed to work collaboratively to create a robust SoCG to demonstrate that they have met the Duty to Co-operate.

SDC3 – Facilitators note of West Kent SoCG Pilot dated 10 April 2018

West Kent Statement of Common Ground Pilot Project

Facilitator's note

10 April 2018

Participants

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

1. Purpose and objectives of the pilot project

- 1.1 Intelligent Plans & Examinations (IPE) were commissioned by PAS in February 2018 to facilitate the preparation of a Draft Statement of Common Ground (SoCG) for the West Kent Local Planning Authorities, as part of a Pilot Programme to develop good practice in this new area of development plan work.
- 1.2 The revised NPPF will require all LPAs to prepare a SoCG as evidence that the Duty to Co-operate has been met. They should be based on HMA's or other relevant (topic based) planning areas. The pilot project provides a facilitator to monitor and record the early stages of preparing a SoCG, with the aim of capturing the learning from the process. This is intended to help those undertaking the pilot to create a SoCG which is focussed and effective whilst ensuring that the process is not onerous or laborious. The findings from this exercise may be used to inform more general guidance on preparing SoCGs.
- 1.2 The West Kent Pilot project seeks to prepare a draft of the SoCG to be ready 6 months after agreement of NPPF. It will take SoCG preparation to a first draft, when the group should have reached agreement on the geographic area, strategic issues, the parties to be involved and governance arrangements. The first draft of the West Kent SoCG was initially intended to be completed by 31 March 2018. However each of the Councils has had to prioritise work on preparing its own Local Plan and absorbing newly published national planning policy. The first draft is now expected to be completed in April.

2 Background

- 2.1 The West Kent group of Councils have worked together over a number of years and were part of a previous Local Strategic Partnership, now the West Kent Partnership. They are also linked by some shared services. The three Councils face similar challenges, for example they all include large areas of Green Belt and share infrastructure issues, as well as all needing to have regard to the Ashdown Forest designated Special Area of Conservation (SAC). Progress on Local Plan preparation is broadly aligned, making the timetable for preparation of the SoCG appropriate for all three Councils.
- 2.2 These factors have meant that agreement of the geographical area, which covers the whole of the three Council areas and the key participants has been a straightforward matter. However it should be noted that Tonbridge and Malling BC will also be party to

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

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

3. Communications

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

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

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

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

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

Updates on progress including:

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

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

Update on LP preparation and anticipated Regulation 19 submission dates

Discussions on detailed issues including:

- Implications from publication of draft revised NPPF

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

4. Timing and programming

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

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

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

5. Issues and participants

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

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

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

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

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

6. Housing and OAN

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

Sevenoaks DC

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

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

Tonbridge and Malling BC

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

Tunbridge Wells BC

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

Summary

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

7. Governance

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

8. Learning points

Overlapping SoCGs

- 8.1 The matter of overlapping with other SoCGs and how this is dealt with has been a discussed by the group. There are two types of overlap which raise different issues.
- 8.2 First, a geographical overlap exists where part of the West Kent SoCG area (ie the eastern part of Tonbridge and Malling) will also fall within a future SoCG covering the Maidstone HMA. The group agreed that this should be clearly explained in the SoCG, possibly in a map/ diagrammatic form and that relevant cross referencing should be made to ensure consistency and co-ordination.
- 8.3 Second, the Ashdown Forest SoCG has a broad reach and overlaps with Sevenoaks and Tunbridge Wells. Whilst it is based on a single issue it will have wider implications for all three Council areas and each of their Local Plans on matters such as infrastructure. These matters are likely to require extensive cross referencing and consistency checking within the West Kent SoCG.

Risks

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

Changing circumstances/ flexibility

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

Process, communications and relationships

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

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

Sue Turner

10 April 2018

Appendix A attached

SDC4 – Agreed minutes of West Kent DtC Meeting on 11 September 2018

West Kent Duty to Cooperate Meeting – Sevenoaks District Council, Tunbridge Wells Borough Council, Tonbridge & Malling Borough Council

Council Offices, Sevenoaks, 11 September 2018

Sevenoaks District Council: Hannah Gooden, Emma Henshall

Tunbridge Wells Borough Council: Steve Baughen

Tonbridge & Malling Borough Council: Ian Bailey

1	<p>Local Plan updates</p> <p><u>SDC</u></p> <p>Draft Local Plan (Reg 18) consultation closed on 10 September. Received in excess of 7000 comments. Held 9 'drop in' sessions across the district, duty to cooperate workshops, developers forum, town and parish briefing and a digital marketing campaign to target young people.</p> <p>Reg 19 Local Plan being considered by Planning Advisory Committee on 22 November and Cabinet on 6 December. Aiming for submission Spring 2019.</p> <p><u>TMBC</u></p> <p>Reg 19 Local Plan being considered by Full Council this week, to be followed by a 6 week publication consultation. Aiming for submission prior to the 24 January cut-off date in order to use own evidence on development needs (rather than the government's new standardised methodology).</p> <p>Also looking to put in a bid to the government's garden communities prospectus – deadline 9 November.</p> <p><u>TWBC</u></p> <p>Draft Local Plan (Reg 18) consultation due March 2019, however finding it problematic to commission transport modelling. Meetings have been held with town and parish councils and neighbourhood planning groups in the borough to seek local buy-in. Time consuming but successful and looking to draft SoCG with these groups going forward.</p> <p>Also looking to put in a bid to the government's garden communities prospectus – deadline 9 November.</p>	
2	<p>Ashdown Forest</p> <p>All authorities (except Wealden) have signed the SoCG. Wealden has completed a HRA but it appears their approach is very different to others and this is likely to be explored at the Lewes South Downs examination.</p>	<p>All to keep a watchful eye on Wealden's approach</p>

3	<p>West Kent SoCG</p> <p>All agreed to aim to complete a draft by the end of the year, following the work undertaken with PAS earlier this year.</p>	<p>SDC to contact PAS for feedback following pilot</p> <p>TMBC to arrange meeting for mid-October</p>
4	<p>Forthcoming ONS population projections</p> <p>Updated projections due 20 September. The expectation is that the figures will go down across West Kent based on the recent mid-year estimates. However, the action we will all need to take will depend on what the government do with the standardised methodology.</p> <p>Both TMBC and TWBC confirmed that they will look to 'safeguard' sites if the numbers do reduce.</p>	<p>All to discuss in more detail once the projections have been published</p>
5	<p>AOB</p> <p>SDC confirmed that the new Strategic Planning Manager, James Gleave, will start on 18 September.</p> <p>TMBC confirmed 2 new starters – a Principal Planning Officer and a Senior Planning Officer. They will start shortly.</p>	
6	<p>Date of next meeting</p> <p>Suggested 18 October to progress draft SoCG – to be held at TMBC offices.</p>	<p>TMBC to confirm date/time</p>

SDC5 – TWBC notes of meeting on 10 January 2019

Duty to Co-Operate meeting on 10/01/19 with SDC

TWBC contemporaneously made notes of meeting, but not agreed as minutes

SDC: Hannah Gooden, Emma Henshall

TWBC: Steve Baughen, Sharon Evans

Update on SDC position

- 10k houses against 13.6k need which Sevenoaks Councillors are comfortable with meeting. Includes 2 strategic sites in the Green Belt for 340 and 600 dwellings respectively and a third site – broad location for 2,500 dwellings (Pedham Place) and further detail will be provided within the Local Plan review – is both Green Belt and AONB
- Consulting on 4 greenfield and greenbelt sites (in parallel) so that there is a view on them at the Examination
- Seeking PINS advice at this stage
- Very flexible approach to retail and mixed use town centre uses – not prescriptive in terms of specific quantum for A1 etc. Haven't specified retail floorspaces etc
- G&T allocations
- Consulting on a number of SPDs: Green Belt, Design Review Panel and Affordable Housing (contributions on 6 units or more, with a sliding scale): 30% PDL sites and 40%
- Housing strategy also produced - What elements of the housing strategy can be delivered through the Local Plan;
- Reg 19 ends on 04 February – with submission before May election.
- Meeting with interest groups to make sure that they know to support the sites not being included as well as the promoters objecting.
- Expectation that the promoters of 10 of the 12 site which fell away will appear at Examination.
- In response to question from SB and SE: unmet need hasn't been met, haven't specifically asked the question of neighbouring authorities – not likely to be a letter that makes request but can be dealt with through Statement of Common Ground.
- Meeting full employment need through protection of existing employment sites and provision of new office space (11 hectares) and so no request in this regard.
- ACTION: Set up a meeting between Cllr Piper (Sevenoaks) and Cllr McDermott (Tunbridge Wells) together once SoCG has been drafted – likely to be end of February/beginning of March
- Outsourced review of residents' correspondences – SDC to provide info on this
- ACTION: David Scully (TWBC) to update on Lewes Local Plan.

Update on TWBC Position

- Progressing using 2014 population figures in standard method for calculating housing need
- Update on discussions in relation to Tudeley (confidential at this time) and Paddock Wood: will provide majority of housing provision – involves Green Belt release. Outside of AONB.

- Strategy is now fairly developed but still awaiting completion of assessment work on sites and evidence base;
- LDS out of date but working towards Reg 18 consultation on Draft Local Plan in summer 2019.
- Updating IDP at present
- Discussion on affordable housing and helpful to have a consistent approach across the wider area.

General discussion

- Discussion around summarising of reps – ‘Lake’ summarised the residents comments for Sevenoaks and officers dealt with the stakeholders and developers.
- Sevenoaks have produced an IDP but still a draft and not published yet.
- James Gleave at Sevenoaks is having a similar meeting with Tonbridge and Malling and asking them to agree a Statement of Common Ground with them also.

SDC6 – Exchange of emails
between TWBC and SDC on 12
March 2019

Thomas Vint

From: Hannah Gooden [REDACTED]
Sent: 20 March 2019 13:49
To: Stephen Baughen
Cc: Emma Henshall; James Gleave; Sharon Evans
Subject: RE: Duty to Co-operate joint discussion

Hi Steve – just to keep you in the loop, MHCLG have been in contact to confirm that PAS should be able to assist with arranging and facilitating this meeting in April, but we will be in touch as soon as we have some proposed dates.

Kind regards
Hannah

From: Stephen Baughen [REDACTED]
Sent: 12 March 2019 16:05
To: Hannah Gooden
Cc: Emma Henshall; James Gleave; Sharon Evans
Subject: RE: Duty to Co-operate joint discussion

Thanks Hannah

Steve

From: Hannah Gooden [REDACTED]
Sent: 12 March 2019 16:03
To: Stephen Baughen
Cc: Emma Henshall; James Gleave
Subject: RE: Duty to Co-operate joint discussion

Thanks for coming back so promptly Steve. And glad that you're hoping to attend.

A - We've sent the invite to all our 8 neighbouring authorities, together with KCC and Maidstone (with whom we have a MoU related to their recent examination)

B – correct – that will form the basis of the discussion - to date no neighbouring authorities have been able to assist SDC with unmet need

We hope to be able to set up a date asap.

Thanks
Hannah

From: Stephen Baughen [REDACTED]
Sent: 12 March 2019 15:46
To: Planning Policy; Sharon Evans
Subject: RE: Duty to Co-operate joint discussion

Dear James

Thank you for your email.

In principle – yes happy to attend.

However:

- a) can you please confirm which other LPAs are invited to attend, and;
- b) can you please confirm my assumption that the basis of the discussions will be as undertaken so far under the regular DtC meetings – i.e as set out in the Draft SoCG on DtC at para 2.1.5: *“Discussions have taken place with neighbouring authorities in the HMA to discuss assistance with any unmet need, but no authority to date has been in a position to assist SDC with unmet need”*?

Unfortunately my availability in April is limited due to leave and a number of pre-arranged meetings: my calendar is under less pressure in May....

Many thanks,

Steve



Stephen Baughen
Head of Planning



Please note role also includes responsibilities of Building Control & Planning Policy Manager.

As has been widely publicised, since 01 April 2017 TWBC publicises applications for planning permission and listed building consent by Site Notice only. Letters are no longer sent to neighbouring properties (except for “larger household prior notifications”).

You can register your details on the Council’s website and set up an “area of search” to be notified of any applications on neighbouring properties, or within a particular road or area of the Borough, by clicking here:
<http://www.tunbridgewells.gov.uk/notify>



From: Planning Policy [mailto:Planning.Policy@sevenoaks.gov.uk]

Sent: 12 March 2019 15:30

To: Stephen Baughen; Sharon Evans
Subject: Duty to Co-operate joint discussion

Sent on behalf of James Gleave:

Dear Stephen and Sharon

As you are no doubt aware, we recently undertook Regulation 19 consultation and are preparing to submit our Local Plan. As part of this work, we have been undertaking a review process, including an advisory meeting with PINS and a follow-up meeting with MHCLG.

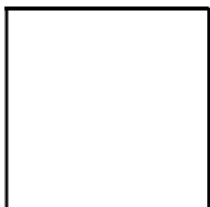
We are comfortable with our ongoing Duty to Co-operate engagement with yourselves, including regular meetings, the preparation of Statements of Common Ground / Memorandum of Understanding and participation in cross-boundary officer working groups. However MHCLG have offered us pre-submission support from PAS (the Planning Advisory Service), and we think it would be beneficial for all of us, wherever we are in the plan-making process, to take them up on this offer.

Therefore, we are proposing to ask PAS to convene a joint discussion on the topic of Duty to Co-operate (primarily in relation to housing need) to discuss where we are currently and how we see this issue being taken forward into the future.

If you would be interested in participating in this joint forum discussion, please could you let me know, ideally by the end of this week. We hope that the discussion can take place in April.

Kind regards

James Gleave
Strategic Planning Manager
Sevenoaks District Council



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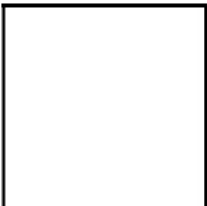
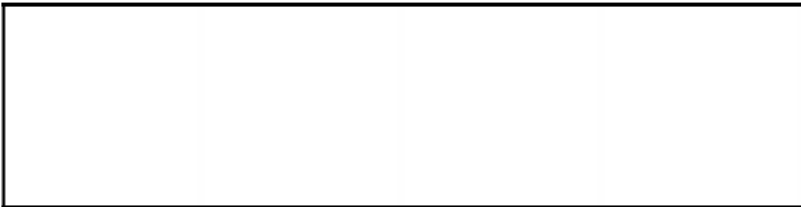
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SDC7 – Email from SDC 11 April
2019 requesting that TWBC assists
in meeting its unmet need

Thomas Vint

From: Planning Policy <Planning.Policy@sevenoaks.gov.uk>
Sent: 11 April 2019 10:43
To: Stephen Baughen
Cc: James Gleave
Subject: Sevenoaks Local Plan & the Duty to Cooperate

Follow Up Flag: Follow up
Flag Status: Flagged

Sent on behalf of James Gleave, Strategic Planning Manager

Dear Steve,

I write to provide an update on the progress of the Sevenoaks Local Plan, in the context of our on-going discussions regarding the duty to co-operate. On 26th March 2019, Council gave approval for officers to submit the plan for examination. A copy of the report is available via the link at the bottom of this email and notes that submission will take place ahead of the local elections on 2nd May 2019.

Green Belt and Housing Need

The proposed submission version of the plan identifies a housing need of 13,960 units and sufficient sites to accommodate 10,568 new homes. The Council's approach to meeting this need has firstly been to identify as much capacity as possible within existing top tier settlements and then to look at previously developed land outside of these areas. Finally, on the basis of the outstanding housing need, we have sought to identify suitable greenfield sites within the Green Belt.

All proposed Green Belt releases have been subject to the following exceptional circumstances tests:

- The extent to which land meets the purposes of inclusion in the Green Belt;
- Whether the release of land will result in the delivery of infrastructure to meet an existing evidenced based need; and
- The overall sustainability of the proposals, as assessed by the Sustainability Appraisal.

Base date for the Plan

After careful consideration, the Council has decided to change the base date of the Local Plan from 2015 to 2019. This change reduces the overall housing need to 11,312 units and subject to a number of variables, leads to an unmet need of approximately 1,800 dwellings (or 16% of the requirement).

The Council is proposing to change the base date for a number of reasons. Firstly, the Plan is unlikely to be adopted until 2020 and the majority of identified sites are unlikely to come forward before this time. Secondly, the Council is using the government's standardised methodology to identify its housing need. This methodology includes the application of an affordability adjustment, which already takes into account any past under-delivery. There is therefore no further requirement to specifically address under-delivery separately. The base date will be discussed with the Planning Inspectorate during the course of the examination hearing sessions. However, the Council does not consider the proposed approach to be a main modification that would require further consultation prior to submission.

Duty to Co-operate

The Council is of the view that all authorities bordering Sevenoaks, and Kent County Council, have engaged actively and on an on-going basis to meet the provisions of the Duty to Co-operate. In particular, Statements of Common

Ground (SoCGs) are in the process of being agreed to formally clarify if it is possible to meet unmet housing needs from adjoining areas. Notwithstanding the provisions of the SoCG and for the sake of completeness, I write to formally ask if Tunbridge Wells Borough Council is in a position to meet any of Sevenoaks' unmet housing need as outlined above. In the event that this is not possible, I would also be grateful for your views on the preparation of a joint sub-regional strategy to address future housing requirements.

You will recall from my email dated 12 March 2019 that the Council is seeking to organise a joint workshop session to discuss matters of cross boundary strategic importance. Whilst Sevenoaks has proposed this event to support the production of its Local Plan, I hope it is something that will benefit all participants.

I can confirm that the event will be facilitated by the Planning Advisory Service (PAS) and chaired by Keith Holland of Intelligent Plans. Possible dates for the event are Tuesday 23, Wednesday 24 or Thursday 25 April 2019. I would be grateful if you could please confirm which of these dates is most suitable.

I look forward to hearing from you regarding the specific points raised in this email and would be grateful for your response by Monday 15 April 2019. Should you have any further queries, please do not hesitate to contact me directly on 01732 227326.

Yours sincerely,

James Gleave

Strategic Planning Manager

Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | Kent | TN13 1HG



Link to Council report regarding the submission of the Local Plan:

<https://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=121&MId=2449&J=2>



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SDC8 – Email from TWBC and SDC
about meeting unmet need 24 April
2019

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

Dear James

Thank you for your email regarding the above.

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

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

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

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

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

I look forward to meeting you at noon.

Many thanks

Steve



Stephen Baughen
Head of Planning

SDC9 – Agreed minutes of DtC workshop at SDC offices on 24 April 2019

Duty to Cooperate Workshop
Wednesday 24 April 2019
Sevenoaks District Council Offices

Attendees:

IPE – on behalf of PAS	Keith Holland
Sevenoaks District Council (SDC)	Richard Morris James Gleave Hannah Gooden Emma Henshall Helen French Cllr Robert Piper
Tunbridge Wells Borough Council (TWBC)	Steve Baughen
Dartford Borough Council (DBC)	Teresa Ryszkowska Mark Aplin
Gravesham Borough Council (GBC)	Geoff Baker
London Borough of Bexley (LBBe)	Jennie Paterson
Tandridge District Council (TDC)	Marie Killip
Wealden District Council (WDC)	Marina Briggishaw
Kent County Council (KCC)	Sarah Platts

Apologies received from: Tonbridge & Malling Borough Council (TMBC), Maidstone Borough Council (MBC), London Borough of Bromley (LBBr).

JG welcomed everyone and outlined the purpose of the meeting. He emphasised that Sevenoaks is at a key stage of its Local Plan preparation and that this meeting forms part of the duty to cooperate process, which has been ongoing since 2014 and will continue, going forward.

SDC peer review process

SDC outlined the peer review process being undertaken prior to the submission of the Sevenoaks Local Plan. This consists of:

- Advice from Intelligent Plans & Examinations (IPE) in November 2018;
- PINS advisory visit (Inspector Jonathan Bore) in February 2019; and
- MHCLG / PAS advice including a review of the Local Plan and facilitated duty to cooperate workshop by Keith Holland in April 2019.

KH drew attention to the importance of demonstrating that the duty to cooperate has been satisfied. It's a problem we all face which is given critical consideration on day 1 of the examination and should not be underestimated. He also advised that cooperation stops when the Local Plan is submitted – something that has been tested through the courts.

Updates from all authorities

Sevenoaks District Council

Adopted Plan	Current Core Strategy was adopted in 2011 and Allocations and Development Management Plan was adopted in 2015. Review of both documents began in 2015.
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Emerging Plan timetable	Consultation has been undertaken on Issues & Options (Autumn 2017), Draft Local Plan (Summer 2018) and Proposed Submission Local Plan (Winter 2018). The Council received an unprecedented level of response. Local Plan to be submitted to PINS by 2 May 2019.
Constraints/Issues	93% Green Belt, 60% AONB, infrastructure
Housing delivery	<p>Local Plan 2019-35 focuses on balancing housing need and the Green Belt and sets out a strategy that focuses development in the following locations:</p> <ul style="list-style-type: none"> • Within the boundaries of existing settlements, including building at higher densities; • On previously developed 'brownfield' land in the Green Belt, where it is situated in sustainable locations; and • Only in 'exceptional circumstances', on greenfield sites in the Green Belt, where there is infrastructure proposed that meets an evidenced and existing need. <p>Housing need is 707 units per year (from standardised methodology) which is 11,312 units over the plan period. The Local Plan sets out a supply of 9,410, leaving a shortfall of approximately 1,900, equating to 17%.</p> <p>Shares a HMA with TWBC and TMBC.</p>

Wealden District Council

Adopted Plan	Current Core Strategy was adopted in 2013 and a review started in 2015.
Emerging Plan timetable	Local Plan submitted under the NPPF transition arrangements. Hearing sessions start 21 st May 2019.
Constraints/Issues	60% AONB, South Downs National Park, Ashdown Forest
Housing delivery	Plan to deliver 950dpa towards south of District. Does not share a HMA with SDC.

London Borough of Bexley

Emerging Plan timetable	Completed Regulation 18 consultation on 7 April 2019. Regulation 19 consultation to take place by the end of the year. Adoption expected 2021.
Constraints/Issues	Green Belt, London
Housing delivery	Draft London Plan sets target of 1245dpa with 800 on small sites (was 445dpa in the previous London Plan). Previous plan focussed on reuse of industrial land to north of borough, however now a "no net loss" in draft London Plan. Does not share a HMA with SDC.

Tandridge District Council

Emerging Plan	Local Plan submitted under the NPPF transition arrangements in
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timetable	January 2019. Hearing sessions expected September 2019. Inspector's questions received – responses due 10 May 2019.
Constraints/Issues	94% Green Belt, AONB, infrastructure
Housing delivery	Plan does not seek to meet the full needs due to Green Belt, sustainability of settlements and infrastructure. OAN – 470dpa; 2016 projections – 398dpa; 2019 NPPF standardised methodology – 645dpa. Majority of delivery in a garden community – expansion of South Godstone. Does not share a HMA with SDC.

Gravesham Borough Council

Adopted Plan	Core Strategy was adopted 2014 subject to early review of need including Green Belt review.
Emerging Plan timetable	Updating plan up to 2028. Reg 18 Options consultation 2018. Reg 18 stage 2 consultation expected Autumn 2019.
Constraints/Issues	Green Belt, Lower Thames Crossing, infrastructure, congestion
Housing delivery	Investigating additional capacity in urban areas, updating SHLAA. Expecting a shortfall of approx. 2000. Have formerly approached neighbours regarding meeting needs. Does not share a HMA with SDC.

Dartford Borough Council

Adopted Plan	Core Strategy was adopted 2011. Existing plan delivered Green Belt release, currently maintaining 5 year supply.
Emerging Plan timetable	Completed Reg 18 consultation 2018. A second Reg 18 expected in 2019, Reg 19 in 2020, adoption 2021.
Constraints/Issues	50% Green Belt, Lower Thames Crossing, London Resort proposal, Ebbsfleet, infrastructure, physical constraints and congestion, smallest Kent district
Housing delivery	797dpa - expecting to meet own need. At this stage, no capacity to meet needs of neighbouring authorities. Does not share a HMA with SDC.

Tunbridge Wells Borough Council

Adopted Plan	Core Strategy was adopted 2010 – 300dpa.
Emerging Plan timetable	New Plan up to 2036. Reg 18 Issues and Options undertaken in 2018. Reg 19 Sept-Oct 2019. Submission expected in 2020.
Constraints/Issues	70% AONB, 22% Green Belt, flooding, congestion, infrastructure
Housing delivery	Standardised methodology need – 678dpa, 13,560 over plan period. Plan will propose strategic Green Belt release including 14ha for business and 2 garden settlements. Includes major development in the

	<p>AONB. Meeting full need with very small buffer to allow for flexibility. No ability to meet unmet need elsewhere. Shares a HMA with SDC.</p>
--	---

Kent County Council

Meet regularly with authorities in Kent. Including:

- Kent Planning Policy Officers Forum
- Kent Planning Officers Group
- Kent Leaders

A recurring theme throughout each authorities updates 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.

Key aspects of the duty to cooperate process

KH drew attention to the duty to cooperate process:

1. Assess your housing needs;
2. Undertake duty to cooperate discussions with your neighbours (at both officer and member level) to try to resolve any unmet needs;
3. If an element of unmet need remains, it is only then, at this point, that you can demonstrate that you have met the duty to cooperate. Green Belt vs unmet need then becomes a choice.

KH 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.

Summary of duty to cooperate activities to date and key outcomes

SDC provided summaries of duty to cooperate discussions held to date with neighbouring authorities within the agenda papers. SDC intends to include these summaries, subject to agreement, with the duty to cooperate statement alongside completed or draft Statements of Common Ground with all neighbours.

Ongoing joint strategic response to meeting housing and other needs

The group discussed the potential for a sub-regional strategy to address any unmet needs across the area, however TWBC identified the challenges surrounding this, including overcoming differing Local Plan timetables, politics and interpretation of constraints by different authorities' residents and members.

JG noted that there had been political involvement in the duty to cooperate process. In addition to direct discussions between local members, the outcomes of officer led duty to cooperate discussions have been circulated to and discussed between Kent Leaders.

Through the Kent Leaders meetings, a sub-regional strategy/approach has been discussed and there is appetite from council leaders and chief executives to take this forward to government, linked to the provision of infrastructure.

The full extent of member involvement in duty to cooperate discussions will be highlighted in the duty to cooperate statement to be submitted with the Sevenoaks Local Plan.

KH advised that it would look favourable if, at examination, there was evidence of a county-wide approach, led by politicians, to address any unmet housing need.

Close

JG thanked everyone for coming along at short notice, noting the benefits of the session for all authorities.

Session closed at 13:30.

SDC10 – Email exchanges with
SDC Programme Officer about
appearance at SDC Examination

Thomas Vint

From: Stephen Baughen
Sent: 11 September 2019 06:19
To: 'PO Services'
Subject: RE: (2) Sevenoaks Local Plan Examination

Dear Louise,

Thank you for your email – and I hadn't picked up on the phone messages – the reception here isn't great so I expect they'll all come through together!

Thank you for confirming TWBC's attendance at the Examination on 24th September. We will send across our position statement by the end of this week.

Thanks again,

Steve

From: PO Services [REDACTED]
Sent: 10 September 2019 17:31
To: Stephen Baughen
Subject: Re: (2) Sevenoaks Local Plan Examination
Importance: High

Dear Stephen,

Have left a couple of messages but thought it best to email as well just in case there is a difficulty with reception where you are and you have access to emails while you are away - although I hope you are having a relaxing time and not needing to spend time working while on leave.

I have discussed your request to take part in the Duty to Co-operate session with the Inspector and in the light of the issues you have raised she has agreed that it would be helpful to the examination if the Council could take part in Issue 2 Duty to Co-operate on Tuesday 24 September.

I will add them as a participant to this session and the updated participants list will be published on the website later this week.

Hope you have a very enjoyable and relaxing holiday.

Kind regards,

Louise
Louise St John Howe
Programme Officer,
[REDACTED]

On 8 Sep 2019, at 23:09, Stephen Baughen [REDACTED] wrote:

Dear Louise

Thank you for your email of 21st August 2019: I note from an “out of office” reply that you are on leave until tomorrow, hence why I have not replied earlier. I hope you had an enjoyable period of leave.

Can I please request in the strongest terms that the decision about TWBC not attending the SDC Examinations is reconsidered. I will set out my reasoning for this below:

- Through-out the considerable period of Duty to Co-operate meetings and discussions between TWBC and SDC (until 11th April 2019) discussions around SDC and TWBC meeting housing can be summarised as *“discussions have taken place with neighbouring authorities in the HMA to discuss assistance with any unmet need, but no authority to date has been in a position to assist SDC with unmet need”*, which was terminology commonly used in these discussions;

- o There was not, at any time (until 11th April) a request from SDC that TWBC met SDC’s unmet housing need;

- TWBC was concerned at the significant undersupply of housing in the SDC Regulation 19 Local Plan as compared to the identified need (supply of 10,568 as compared to OAN of 13,960). However, given the nature of the DtC discussions which had been held upto that point (as set out above), TWBC stated the following in its response to the SDC Reg 19 consultation:

“Without prejudging the outcome of the TWBC local plan work there, and as discussed under the DtC meetings, there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 19 consultation and in progressing the development strategy for the Sevenoaks district”.

- It was only on 11th April 2019 that TWBC received communication from SDC formally asking if TWBC *“is in a position to meet any of Sevenoaks’ unmet housing need as outlined above”*. As recorded in the note of the DtC Workshop on 24th April 2019 TWBC was adamant that it was not able to meet SDC’s unmet need;
- The request from SDC to meet its unmet need represented a significant change from the discussions held up to that point: if this request had have been made at any point prior to the submission of the TWBC Reg 19 representations then the TWBC representations would have been worded very differently;
- I have set out at the bottom of the email (for completeness) the relevant section of the signed SoCG.

The TWBC Draft Local Plan has also progressed significantly since the date of the TWBC representation to the SDC Reg 19 consultation: Regulation 18 consultation is due to start on 20th September 2019 on a full TWB Draft Local Plan, which proposes a full suite of strategic, site allocation and “development management” policies, and accompanying Sustainability Appraisal. Cabinet approval to undertake the consultation has been given. TWB is, like Sevenoaks, a highly constrained authority (70% AONB and 22% Green Belt, with significant areas of Level 3 flood risk).

Given the above, and the importance/implications of SDC not planning to meet its OAN housing need, I would request that the original decision regarding TWBC’s attendance at the Examination is re-considered, and TWBC are permitted to attend.

I am on leave w/c 9th September 2019, but am available on mobile telephone number 07583528365 at any time, if you wish to discuss this further.

Many thanks, and I look forward to hearing from you.

Steve

Stephen Baughen
Head of Planning

[REDACTED]
[REDACTED]

As has been widely publicised, since 01 April 2017 TWBC publicises applications for planning permission and listed building consent by Site Notice only. Letters are no longer sent to neighbouring properties (except for "larger household prior notifications").

You can register your details on the Council's website and set up an "area of search" to be notified of any applications on neighbouring properties, or within a particular road or area of the Borough, by clicking here:
<http://www.tunbridgewells.gov.uk/notify>

From: PO Services [REDACTED]
Sent: 21 August 2019 09:07
To: Stephen Baughen
Subject: Re: (2) Sevenoaks Local Plan Examination

Dear Steve,

Following on from my earlier email, I have now had the opportunity to look at the Regulation 19 representation submitted by Tunbridge Wells Council which is in support of the Sevenoaks Local Plan.

Under these circumstances I am afraid the Council would not be eligible to take part as a participant in their own right. They would be able to participate if invited to join the Sevenoaks Council team at the hearing sessions, but it would be a matter for Sevenoaks Council if they considered it would be helpful to have an officer from Tunbridge Wells in their team.

Kind regards,

Louise
Louise St John Howe
Programme Officer,
[REDACTED]
[REDACTED]

On 16 Aug 2019, at 15:22, PO Services [REDACTED] wrote:

Dear Steve,

Thank you for notifying me of the hearing sessions in which Tonbridge Wells Borough Council would like to participate and have noted these, and the name of your Planning Officer who is likely to representing the Council at the hearing sessions.

I will be in contact again once the Inspector has agreed the participants.

Kind regards,

Louise
Louise St John Howe
Programme Officer,

On 16 Aug 2019, at 12:10, Stephen Baughen [REDACTED] wrote:

Dear Ms St John Howe

I refer to your email below.

Please be advised that Tunbridge Wells Borough Council would like to exercise the right to be heard at the following sessions:

Tuesday 24/09/19

1000hrs Matter 1: Legal Compliance, including Duty to Cooperate

Issue 1: Legal Compliance

Issue 2: Duty to Co-operate

Matter 2: Soundness

Issue 3: Sustainability Appraisal

Wednesday 25/09/19

1000hrs Matter 2: Soundness

Issue 4: Strategy for Growth [Policy ST1]

Issue 5: Green Belt [Policies ST1 and GB1]

1400hrs Matter 2: Soundness

Issue 6: Housing

- Housing Need [Policy ST1]
- Housing Requirement [Policy ST1]
- Housing Distribution [Policy ST1]

Thursday 26/09/19

1000hrs Matter 2: Soundness

Issue 6: Housing

- Housing Supply during the Plan Period [Policy ST2]
- 5 Year Housing Land Supply [Policy ST2]

It is most likely that Gwenda Bradley (Planning Officer) will be representing TWBC.

I would be grateful if you could please confirm receipt of this email. Please do not hesitate to contact me if you would like to discuss any of the above in further detail.

Regards

Steve

Stephen Baughen
Head of Planning

From: PO Services [REDACTED]
Sent: 04 August 2019 12:05
To: Louise St John Howe
Subject: (2) Sevenoaks Local Plan Examination

**Louise St John Howe
Programme Officer:**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Representor,

Following my email of 3 June, 2019 informing you of the appointment of Inspector Karen Baker DipTP MA DipMP MRTPI to examine the Sevenoaks Local Plan, I am now writing to give you details of the hearing sessions of the Examination.

The hearing sessions will take place over four weeks and will open on **Tuesday 24 September 2019 at 10.00 am.**

Venue: The Stag Theatre, London Rd, Sevenoaks TN13 1ZZ

Week 1: 24 - 27 September 2019

Week 2: 30 September - 3 October 2019

Week 3 5 - 7 November 2019

Change of venue for Week 4:

Venue: Sevenoaks District Council Offices, Argyle Road, Sevenoaks, TN13 1HG

Week 4 11 - 15 November 2019.

Please find attached three documents relating to the hearing sessions:-

- ED8 Inspector's Matters, Issues and Questions
- ED9 Inspector's Guidance Notes on the Examination process
- ED10 Draft Hearing Sessions Timetable V.1

These documents will also be accessible early next week on the examination pages of the Sevenoaks District Council website and via the link below:-

https://www.sevenoaks.gov.uk/downloads/download/434/examination_documents

The Inspector's Guidance Notes set out the procedures which will be followed during the Examination, and include full details on participation at the hearing sessions (paras 21-34), and on the provision of position hearing statements (paras 35-45).

Taking Part in the Hearing Sessions:

Only those parties who are seeking specific changes to the Plan are entitled to participate in the hearing sessions. The **Deadline** for confirming with me if you wish to exercise the right to be heard, giving the hearing session and matter in which you wish to take part, is **5.00 pm on Friday 16 August, 2019**

***Please Note:** It is necessary to notify me if you would like to take part in the hearing sessions, even if you indicated previously that you wished to participate. Full details are set out in Para 25 of the Inspector's Guidance Notes.*

Hearing Position Statements:

The deadline for submission of hearing position statements for the matters to be discussed during Weeks 1 and 2 of the hearing sessions is **5.00 pm on Friday 6 September, 2019**, and for weeks 3 and 4 the deadline is **5.00 pm on Friday 18 October**.

Key Dates for the Hearing sessions:

Advise Programme Officer of participation: Friday 16 August 2019

Submission of Hearing Position Statements Weeks 1 and 2 Friday 6 September 2019

Submission of Hearing Position Statements week 3 and 4: Friday 18 October 2019

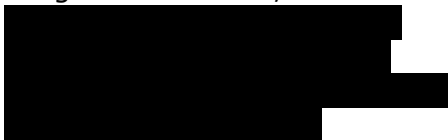
Opening of the hearing sessions: Tuesday 24 September 2019

If you have any queries about the examination or would like further clarification on any of the details in this email please get in touch with either by phone or email, but you will not be able to contact me between 20th August and 10 September when I will be on leave.

Yours sincerely,

Louise

Louise St John Howe
Programme Officer,



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SDC11 – TWBC Hearing Statement to Sevenoaks Examination 13 September 2019

SEVENOAKS DISTRICT COUNCIL – LOCAL PLAN HEARING

TUNBRIDGE WELLS BOROUGH COUNCIL HEARING POSITION STATEMENT

Respondent ID	
Representation No.	LPS1409
Matter	Legal Compliance, including the Duty to Cooperate
Issue	Is the Local Plan's preparation compliant with the Duty to Cooperate (DtC) imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)

QUESTION 13 - COULD THE IDENTIFIED UNMET HOUSING NEED BE ACCOMMODATED IN NEIGHBOURING AUTHORITIES UNDER THE DUTY TO COOPERATE?

1.0 Background

1.01 Tunbridge Wells Borough Council (TWBC) and Sevenoaks District Council (SDC) share a common boundary and have sought to work cooperatively in an effective way during Local Plan preparation work by both authorities to address key strategic matters across these areas.

i) TWBC Local Plan preparation work

1.02 In order to provide context to the DtC, the following sets out the position of the work undertaken by TWBC at key dates (referred to subsequently) in the DtC:

- Following two “Call for Sites” in 2016 and 2017 considerable work was undertaken by TWBC on assessment of the submitted sites from 2017 onwards, including under the Strategic Housing and Employment Land Availability Assessment (SHELAA) and Sustainability Appraisal processes;
- This work, together with the responses received through a Regulation 18 consultation on an Issues and Options document in 2017, has meant that the views expressed by TWBC during the DtC discussions have been based on an increasingly detailed understanding of the capacity of TW borough to meet housing and employment needs;
- Updates on needs/capacity have been provided under these discussions: by the beginning of 2018 (i.e. at the time that TWBC provided representations on the SDC Regulation 19 consultation) TWBC was at an advanced stage in the preparation of a full Draft Local Plan with a clear emerging spatial strategy and therefore the representations made at this point by TWBC were reflective of, and informed by, this position and the work undertaken to reach this position;
- Likewise, the comments made at the DtC workshop on 24th April 2019 by TWBC, and the signed Statement of Common Ground (SoCG) between TWBC and SDC (May 2019), were based on this work and a draft spatial strategy (to be refined between then and July 2019);

- The context to the comments made in this Hearing Position Statement is that TWBC has produced a full Draft Local Plan (which contains a full suite of detailed strategic, site allocation and “development management” policies) and accompanying Sustainability Appraisal, Infrastructure Delivery Plan, topic papers, etc. TWBC Cabinet approval was given on the 15th August 2019 to commence Regulation 19 consultation on the Draft Local Plan (and consultation on the Sustainability Appraisal) to commence on 20th September 2019; All relevant documentation, including the SHELAA, will be available on the TWBC website (tunbridgewells.gov.uk/localplan) from 19th September 2019;
- Therefore the comments made below are informed by a robust, up-to-date and detailed evidence base, which has included specific assessment (for example in the Sustainability Appraisal) of the capacity to meet some/all of SDC’s unmet housing need.

ii) *Timeline*

- 1.03 Period of DtC meetings and discussions held between TWBC, SDC and Tonbridge and Malling Borough Council (TMBC) until 11th April 2019:
- discussions around SDC, TWBC and TMBC (i.e. neighbouring authorities in the Housing Market Area – please see below) meeting housing need took place, including discussing significant constraints which would restrict any possible assistance with any unmet need if required;
 - these discussions were reflected in TWBC’s comments on the Regulation 19 consultation on Sevenoaks’ proposed submission version Local Plan (30 January 2019), where it stated *‘there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area’*.
- 1.04 11th April 2019: TWBC received communication from SDC formally asking if TWBC *‘is in a position to meet any of Sevenoaks’ unmet housing need’*.
- 1.05 24th April 2019: Duty to Cooperate workshop on 24 April 2019: as recorded in the note of this meeting, TWBC was clear that it was expected that it would not be able to meet SDC’s unmet need.
- 1.06 It is considered pertinent to note that if the request from SDC to meet its unmet need had been made at any point prior to the submission of TWBC’s comments on Sevenoaks’s Regulation 19 representations then those representations would have addressed this issue more fully.
- 1.07 May 2019: it is acknowledged that the areas are part of established and recognised Housing Market Areas and Functional Economic Market Areas¹ as set out in more

¹ See Section 2 (Pages 28-46) of the Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment – Final Report September 2015. https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0005/291938/SHMA-final-September-2015.pdf and Section 2 (Pages 17-20) of the Tunbridge Wells Economic Needs Study 2016

detail below. Notwithstanding this, it is considered that the identified unmet housing need cannot be accommodated in Tunbridge Wells borough. This position is summarised in the SoCG between SDC and TWBC (see Examination Document SUP007h – Statement of Common Ground – Tunbridge Wells Borough Council, section 2, Housing).

2.0 Tunbridge Wells Borough Housing Need

- 2.01 TWBC has an objectively assessed housing need of 13,560 dwellings (678 per year) identified by the Standard Methodology (using 2014 population projections) as required by the NPPF. This is a significant - about two and a quarter times - increase from the currently adopted Core Strategy (2010) and Site Allocations Local Plan (2016) figure for the borough which planned to meet a need of 300 dwellings per year. Taking into account homes already built since 2016 and sites benefitting from planning permission and allocations within the existing Site Allocations Local Plan, as well as a windfall allowance and buffer for non-delivery, TWBC is seeking to allocate land to meet the remaining balance of 7,593 dwellings.
- 2.02 TWBC is proposing to meet its full objectively assessed need across the borough, despite the fact that it, like Sevenoaks, is subject to significant constraints, including 22% Metropolitan Green Belt and 69% being within the High Weald Area of Outstanding Natural Beauty, as well as areas constrained by flood risk, designated nature conservation and built heritage assets as well as areas subject to traffic congestion.
- 2.03 It is accepted that TWBC and SDC share a functional housing market area as set out within the Strategic Housing Market Assessment (SHMA) which was produced jointly by the two authorities. This study identified that Sevenoaks and Tunbridge Wells fall within a West Kent Housing Market Area which includes Sevenoaks, Tonbridge and Royal Tunbridge Wells and extends to Crowborough, Hawkhurst and Heathfield. The SHMA also identifies cross-boundary interactions with the northern parts of Rother and Wealden Districts in East Sussex, between Swanley and Dartford; and with London. As above, it is evident that TWBC faces similar constraints and challenges to SDC for that part of the borough covered by the West Kent Housing Market Area: without making any comment on SDC's capacity or efforts to meet its need, it is evident that TWBC is planning positively to meet its identified housing needs.

3.0 How TWBC is planning to meet its own objectively assessed housing need

- 3.01 The spatial strategy in the Draft Local Plan, which will deliver the needs required, includes a major urban extension and the creation of a new garden village, with some loss of Green Belt land and also further growth spread across a number of settlements, including a number of major developments in the High Weald AONB (having first maximised potential outside the AONB).

- 3.02 An extensive Call for Sites process has been carried out with over 400 sites being submitted to the Council and their suitability assessed by planning and specialist officers. The development strategy has been based on a thorough assessment of the availability, suitability and deliverability of sites capable of contributing towards the development needs of the borough over the plan period. Of the sites considered suitable for allocation- albeit many are subject to a number of constraints – the impact of which will need to be mitigated as identified through the Sustainability Appraisal process –there is just sufficient capacity to meet the Borough’s identified needs, along with an allowance for small windfall sites as detailed within the Draft Local Plan.
- 3.02 In order to deliver the strategy proposed, difficult decisions have been made by TWBC in relation to the distribution of development across the borough affecting a number of recognised constraints. This includes the release of Green Belt land, as referred to above, around Royal Tunbridge Wells and Pembury.
- 3.03 Given that capacity outside the AONB has been maximised, including significant Green Belt releases (subject to examination of whether exceptional circumstances are demonstrated), it seems inevitable that any further allocations, such as to meet unmet need from SDC would be in the High Weald AONB.
- 3.04 While TWBC is proposing the release of 18 sites which constitute major development in the High Weald Area of Outstanding Natural Beauty, it is pointed out that the national Planning Practice Guidance states that *‘the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas’*. (Our emphasis)
- 3.05 TWBC considers that it has carried out extensive work to explore all options for meeting the required development needs of the Borough and would not be able to meet the identified development needs of the borough in a planned and integrated way without the sites set out within the plan, involving the release of Green Belt land and sites within the AONB. The borough council has given great weight to meeting housing needs across the borough, whilst still having due regard to the considerable designations that constrain development within the borough. All reasonable options have been explored to deliver development without unduly compromising these sensitive and constrained areas and it is considered that it is not possible to accommodate any more development without having significant detrimental impacts on such areas.

4.0 Sustainability Appraisal

- 4.01 The Sustainability Appraisal (SA) that has been prepared alongside the development of the Draft Local Plan assesses the various growth options considered for meeting Tunbridge Wells borough’s development needs. As part of the iterative process of this work an option was explored (Growth option 7) specifically testing the inclusion

of Tunbridge Wells Borough meeting Sevenoaks's unmet need (i.e. an additional 1,900 residential dwellings).

- 4.02 The findings of the SA work considered that in carrying out the appraisal for Growth Strategy 7 (increased growth), that TWBC had maximised development potential outside the High Weald AONB, including through strategic Green Belt releases for both a new garden settlement and the major expansion of Paddock Wood. It was also considered that substantial growth is already being proposed for Horsmonden, the other more sustainable settlement outside of the AONB, as well as through maximising opportunities for intensification of sites within the Main Urban Area of Royal Tunbridge Wells and Southborough. It was assumed that the additional 1,900 dwellings would essentially be in the AONB and that a garden settlement within the AONB would not be appropriate.
- 4.03 The Sustainability Appraisal concludes that *"a higher level of growth involving meeting any unmet needs from the Sevenoaks area – scores worse notably in terms of environmental, including landscape objectives, but also in relation to some social objectives"*²².
- 4.04 Therefore it is clear from the above that the option of 'increased growth' has been explored and tested robustly through the SA process, but has been considered to have significant adverse impacts on national designations within the borough contrary to the NPPF.
- 5.0 Statement of Common Ground between Tunbridge Wells Borough and Sevenoaks District
- 5.01 The Statement of Common Ground, agreed and signed by the two authorities in May 2019, clearly states the following *'It is understood that, at present, TWBC is unable to assist SDC with unmet housing need, due to the constraints on both local authorities, and their inability to meet housing needs beyond their own, irrespective of unmet needs elsewhere. Consequently, both councils will continue to work together and identify the position as both TWBC and SDC prepare to review their Local Plan every 5 years'*.
- 5.02 The above statement is still considered to be pertinent to the discussions to be held through the SDC examination in due course and there are no significant changes to TWBC's position since the SoCG was signed on the 21 May 2019.
- 6.0 Summary
- 6.01 To conclude, as set out above, Tunbridge Wells Borough Council faces challenges very similar to Sevenoaks District Council in respect of constraints affecting the delivery of sites for new development. Despite this, TWBC has sought to plan positively to meet its own identified needs. It is considered that it would be wholly unreasonable to suggest that Tunbridge Wells Borough Council may be able to accommodate any of the unmet housing need from Sevenoaks District Council.

²² See the Tunbridge Wells Borough Local Plan – Sustainability Appraisal Issues and Options Report – Final Report – September 2019 - Section 6 (Pages 35-49)[Draft Local Plan](#)

- 6.02 As agreed in the Statement of Common Ground between the two authorities signed on the 21 May 2019, both councils will continue to work together through the DtC in relation to housing matters and will identify their position again as they prepare to review their respective Local Plans through the 5 year review.

SDC12 – Letter from TWBC to SDC
following Examination on 21
November 2019

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

Date: 21 November 2019

Dear Mr Gleave

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

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

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

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

Planning Services

Planning Policy

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Telephone 01892 554056
DX 3929 Tunbridge Wells e-mail planning.policy@tunbridgewells.gov.uk

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

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

Yours sincerely

Stephen Baughen
Head of Planning

Planning Services

Planning Policy

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

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

SDC13 – Agreed minutes of West Kent DtC Meeting on 18 May 2020

Duty to Cooperate Meeting between Tunbridge Wells Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council

Skype Call
18 May 2020

Tonbridge and Malling Borough Council:
Ian Bailey – Planning Policy Manager
Bartholomew Wren – Principal Policy Planner
Sevenoaks District Council
James Gleave – Planning Policy Manager
Hannah Gooden – Team Leader Planning Policy
Tunbridge Wells Borough Council:
Steve Baughen – Head of Planning
Sharon Evans – Principal Planning Policy Officer
Hannah Young – Strategic Sites and Delivery Team Leader

	Item	Action
1	<p>Introduction and Purpose</p> <p>SE introduced the meeting as an opportunity for the three west Kent Authorities to have a discussion and update on progress on their respective Local Plans.</p> <p>SE introduced Hannah Young to those present and HY introduced herself, explained about her background and her role at TWBC.</p>	
2	<p>Local Plan updates</p> <p><u>Tunbridge Wells Borough Council</u></p> <p>-SB outlined position: consulted on DLP in 2019, currently reviewing representations received and assessing new site submissions. -SB explained that TWBC in the process of commissioning further work studies to help inform the next stage of the LP where felt necessary. -Explained that a new LDS has been agreed by the Planning Policy Working Group and will be public within next week – essentially resulting in a 6-month delay to the timetable with submission now scheduled for June/July 2021. -Also setting out a new base date of 2020 with the Plan period being until 2037. -IB queried the reason for the delay and SB confirmed that it was due to the volume and complexity of responses received through the consultation rather than in relation to the current COVID situation. -IB also queried whether TWBC would need to update any of their evidence to accord with the new base date and plan period and SB confirmed that we are updating some evidence base studies however most are still relevant.</p> <p><u>Tonbridge and Malling Borough Council</u></p> <p>-IB stated that their Local Plan Hearings should have been commencing</p>	

	<p>but that they have been delayed due to COVID 19 and correspondence from PINS is indicating that hearings may commence in November. Still unsure whether this would be a traditional hearing or virtual. The deadline for them to submit hearing statements to PINS is now July. These are being agreed with Inspector and currently being drafted with barrister input by TMBC.</p> <p>-Submitted Local Plan in Jan 2019; submitted under SHMA figure.</p> <p><u>Sevenoaks District Council</u></p> <p>- JG: reconfirmed that their hearing sessions were cancelled part way through on the grounds of not meeting the DtC and they submitted a JR challenge to the government in April 2020; Response received from MHCLG; Sevenoaks are currently looking at it in terms of grounds for a hearing; Haven't had confirmation yet as to whether will proceed to Hearing, and no date; -HG: Looking at updating SCI, to include consultation on NDPs, etc;</p>	
3	<p>Housing update</p> <p>-discussion was had about any other requests for unmet housing need from other authorities and it was confirmed that all three authorities received requests from Elmbridge - TMBC and SDC responded to Elmbridge request;</p> <p>-TMBC: had no other requests, although MBC have contacted re GTAA; SE confirmed that they had also been contacted.</p> <p>-TMBC: confirmed their position in relation to the 5 years supply as at 31/03/2019: 2.4 years based on 696 units per year, subject to forensic testing at Kings Hill Inquiry. BW circulated appeal decision in relation to this.</p> <p>-SDC: HG – re-affirming that they still have unmet need in the District; need to continue dialogue under the DtC whilst JR is progressing.</p> <p>-SDC: other than Elmbridge, haven't had any other requests.</p> <p>-SB: explained that TWBC DLP met OAN based on 2014 figures, plus 9% buffer. However currently reviewing sites for Pre-Submission version of Local Plan, and would update if things change over the coming months; i.e. if there is capacity/through further work or if not able to meet the OAN as per the current Draft Local Plan.</p>	
4	<p>Employment update</p> <p>-SE updated the group on the current work that TWBC are doing to review the retail/Town centre evidence base and would be looking to commission consultants in this regard. Also, will be looking at the Economic Needs Study and to sense check it against the current situation. Due to the fact that this work was carried out jointly with Sevenoaks DC, SE queried if they had any plans to update their work or if it was challenged at Examination. HG confirmed that they didn't get that far in their Examination, but that it was not challenged significantly.. However, they are currently reviewing all their evidence base to see what might need to be reviewed as a priority going forward.</p> <p>-BW stated that TMBC had approached the team at Turley's who also</p>	

	<p>carried out the TMBC ENS to seek their assistance at an appeal and they declined which was disappointing. Helpful to have consistency of approach with using Turley's across all 3 West Kent authorities, however concern that they may not back up findings, recommendations at Examination if required. BW happy to continue dialogue in this regard of helpful.</p>	
5	<p>Strategic Sites Working Group</p> <p>-SB provided an update on this and the current work and confirmed that would be holding the Strategic Sites Working Group meeting this week (20/05/20) virtually. Also explained that the planned Charrette for Tudeley village didn't happen because of the impending lockdown measures, but that an alternative engagement approach is being looked at.</p> <p>-SE also explained that Hadlow Estate were looking at alternative location on eastern side of TGV for secondary school.</p> <p>-SB: will be period of considerable work on strategic settlements in coming months.</p> <p>-BW: TMBC are ready, willing to engage on this</p>	
6	<p>Gypsy and Travellers</p> <p>-IB: 4 questions from PINS on G&T need as a matter for their Local Plan Examination, including an identified need for a transit site but no identified sites. The recent engagement with MBC in revising their GTAA is an opportunity to raise the matter as a cross boundary issue.;</p> <p>-SE: TWBC will also be responding on MBC GTAA;</p>	
7	<p>AONB</p> <p>-SE: TWBC have commissioned consultants to look at major development sites in AONB as part of ongoing Local Plan work.</p> <p>-IB: Noted that the review of the Kent Downs AONB Management Plan has been delayed – TMBC have also been working closely with the AONB Unit on Borough Green Gardens.</p> <p>-HG: Meeting in Dec 2019 with Natural England who were looking at adopting a more national approach but have not heard anything since.</p>	
8	<p>Infrastructure</p> <p><u>-Transport</u></p> <p>-BW: outlined positioned re A26 LCW infrastructure position. TMBC advice from KCC will implement cycling infrastructure from Quarry Hill to Brook Street junction in Tonbridge, under temporary pandemic measures.</p> <p>-BW: continued work with TWBC on other cycling infrastructure.</p> <p><u>-Education</u> – nothing further to add apart from previous discussions on location of secondary school at Capel</p> <p><u>-Water – Surface and potable</u></p> <p>-SE: set out that Emma Keefe of TMBC (Development Manager) had written indicated that Leigh Flood Barrier planning application is likely in July.</p>	

	-HG and IB thought that this is a cross-boundary issue that will be considered under the DM process.	
9	Lessons from other LPA's -SE stated that aware of a number of LPA's Plans failing under the DtC; relevant to consider any lessons learnt from elsewhere. -Discussion around lessons from St Albans and Uttlesford. -HG referred to Tandridge and that infrastructure funding is no longer available for their key Garden Village site at Godstone so unclear how they will deal with this going forward. -JG mentioned correspondence between London Plan and Inspector; -SB drew attention to South Bucks/Chiltern Inspectors letter, particularly around sub-regional approach to longer term planning. -SE confirmed that she would circulate any pertinent decisions with the minutes of the meeting.	
10	Approach to future Duty to Cooperate meetings – TWBC recommended approach and all for discussion -SB discussed TWBC thoughts on 1) increased frequency of meetings, 2) TWBC to take lead on producing SoCG, 3) need to have frank discussions re Para 137 c) and 172 about ability for neighbouring authorities to accommodate that need and 4) potential need (if there is unmet need – as it appears there is at the moment given SDC work) to look at principle and possibility for sub-regional approach; -IB agreed with 1, 2 (albeit all LPAs to take responsibility for “to me/to you” elements of agreeing SoCG), 3 and whilst TMBC plan has been submitted, discussions under 4) are pertinent for 5 yr review; -JG explained that happy to have discussions re 4), but expressed concern that would be fundamentally problematic given all LPAs were at different stages; -SB set out that understood, but still felt – particularly given reference in SDC PINS letter – that whilst there was the prospect of unmet need that was appropriate to do so.	
11	Statements of Common Ground - -SE confirmed covered in the above discussion and that TWBC will be looking to agree SOCG going forward.	
12	AOB Nothing raised	No action required
13	Date of next meeting To be scheduled in the week commencing the 15 June 2020 – SE provided suggested dates and asked those present to confirm availability so as to get a date in the diary.	

SDC14 - Minutes of West Kent DtC Meeting on 15 June 2020

Duty to Cooperate Meeting between Tunbridge Wells Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council

Skype Call
15 June 2020

Tonbridge and Malling Borough Council:
Ian Bailey – Planning Policy Manager
Bartholomew Wren – Principal Policy Planner
Sevenoaks District Council
James Gleave – Planning Policy Manager
Tunbridge Wells Borough Council:
Steve Baughen – Head of Planning
Sharon Evans – Principal Planning Policy Officer

	Item	Action
1	<p>Introduction and Purpose</p> <p>SE introduced the meeting as an opportunity for the three west Kent Authorities to have a discussion and update on progress on their respective Local Plans.</p> <p>SE stated had Circulated minutes from the last meeting and had been agreed by all authorities.</p>	
2	<p>Local Plan updates</p> <p><u>Tunbridge Wells Borough Council</u></p> <p>-SB outlined position: consulted on DLP in 2019, currently reviewing representations received and assessing new site submissions. -SB explained that TWBC in the process of commissioning further work studies to help inform the next stage of the LP where felt necessary. -Explained that a new LDS has been agreed by the Planning Policy Working Group and will be public within next week – essentially resulting in a 6-month delay to the timetable with submission now scheduled for June/July 2021. IB confirmed that they had now received the updated LDS.</p> <p><u>Sevenoaks District Council</u></p> <p>- JG updated on the JR challenge and progress on this. SDC are currently putting together a response and will get further notification in 8 weeks time on the hearing date from the courts.</p> <p><u>Tonbridge and Malling Borough Council</u></p> <p>-IB updated on T+M – Inspector has come back and confirmed that a socially distanced hearing will be carried out in October – this will run for 3 days initially from the 6-8 October and further dates are scheduled for the 3-5 and 10-11 November. The initial session will deal with Matters 1-4 and 70 questions have been issued to respond to dealing</p>	

	<p>with legal compliance, development in the AONB etc. extra days have been added from originally planned to allow for social distancing and the number of people who can be accommodated in the venue at one time. The new deadline for statements is September the x?</p> <p>-IB said that they are watching with interest what is happening at South Oxfordshire with their virtual hearings.</p>	
3	<p>Lessons from other LPA's</p> <p>- JG raised the example of Runnymede in terms of unmet employment need. Their plan is under the 15 years period and was submitted under the old NPPF so the Inspector was quite relaxed about this issue. Shows there is quite a lot of variation between views of different inspectors. JG also referred to wider work carried out in Surrey – local authorities working together jointly across the Surrey authorities. Runnymede only managed to meet their housing need by reducing the plan period. IB said that they are running the Runnymede decision past their barrister and will share anything useful which come out of this.</p>	Action - IB – to share anything useful from Barristers review of the Runnymede inspectors decision
4	<p>Housing need, including any requests from other authorities. To include discussions regarding:</p> <p>a) Potential levels of housing growth in Green Belt, proposals to release Green Belt and the need to address paragraph 137c of the NPPF, and the ability of neighbouring authorities to meet any of this need.</p> <p>b) Potential levels of housing growth in the AONB and the need to address paragraph 172 of the NPPF, and the ability of neighbouring authorities to meet any of this need.</p> <p>-SB introduced this item and raised the issue of levels of growth being proposed in TWBC in both the Green Belt and the AONB. SB set out that in order for TWBC to meet its own housing need but would require the allocation of sites within the GB and the AONB after assessing all reasonable alternatives, including pdl sites and then sites within existing settlements.</p> <p>-SB set out the relevant figures that TWBC are meeting – a range of between 2,221 and 2,466 dwellings in the AONB (293 hectares) and a range of between 4,724 and 5,559 in the GB (339 hectares). SB asked the question of whether any of TWBC's identified need can be met in either Sevenoaks DC or Tonbridge and Malling BC.</p> <p>-JG asked what percentage of the overall housing growth figure does this equate to? SB confirmed that for GB the upper limit was 41% and the lower limit was 35% and for AONB the upper limit was 18.2% and the lower limit was 16.4%. The combined figures for AONB and GB were 54% and 7,431 units and lower limit was 47% and 6,366 units.</p> <p>-SB set out his intention to write to both authorities to formally ask if they are able to assist in meeting the need but wanted the opportunity to raise it informally through this forum first.</p>	Action – SB to send draft letter to TMBC and SDC

	<p>-JG mentioned that this is the approach that was carried out at Runnymede and both JG and IB agreed that this is the correct approach and will respond to the request in writing. All agreed that SB would send a letter in draft first so that officers have the opportunity to raise this with senior staff and members first before the formal request is sent through. SB re-iterated that he would send the draft letters over the next month and it would then be followed up with a formal letter afterwards.</p>	
5	<p>Economic needs</p> <p>Nothing specific to raise on this at the moment, although IB just stated that they are not seeking to meet their full identified ED needs but rather promoting the intensification of existing sites.</p>	
6	<p>Strategic Sites Working Group – TWBC</p> <p>-SB stated that TWBC and TMBC are meeting later this week to discuss issues in relation to the Strategic Sites and also informed others that TWBC are meeting with the Hadlow Estate the following day (16 June 2020). SB confirmed that TWBC are confident that a new location for the secondary school at Tudely can be secured which should appease many of the TMBC residents who had concerns about this.</p> <p>-SB also highlighted the fact that the charrette previously scheduled before COVID was cancelled but that a shortened virtual exercise with consultants is planned to consult and liaise with infrastructure providers and stakeholders over the next few months and then with the community in August (subject to social distancing requirements). Highways/cycling provision will also feed in to this work.</p> <p>-SB also confirmed that TWBC are currently finalising the brief for the masterplanning over the coming days.</p> <p>-IB reiterated that officers and members would be keen to engage virtually in this process. BW also expressed that seeing sight of the infrastructure brief would be helpful and he would like to tie it in with the infrastructure requirements for T+M as well.</p>	
7	<p>Cross boundary Infrastructure</p> <p>-IB mentioned that waste facility at Alington, but stated that this is more of an issue with Maidstone than others in West Kent but that he would circulate the details for information</p>	<p>Action – IB to circulate the details about the Alington Waste facility?</p>
8	<p>Sub-regional planning, potentially for housing market area</p> <p>-This was briefly discussed at the last meeting and SB raised it again bearing in mind the work carried out in Runnymede on this issue. Conscious however that TWBC housing market area also includes north Wealden and so wondered what appetite there is to consider this at all?</p>	

	<p>Assume that It would be looking beyond the period of our current plans.</p> <p>A discussion was had by all on the anticipated Planning White and agreed would see what that says and go from there. JG commented that he is expecting it to be reconsidering the planning system again and all agreed to consider this again following the publication of the White Paper, discuss in our respective authorities and raise again at this group at a future time.</p>	
9	<p>Updated SoCGs:</p> <p>a) whether to have three way, or between LPAs;</p> <p>b) Developing/updating the Statement(s) of Common Ground</p> <p>-Discussion was had about the merits of having a 3 way SCG and all considered that this would be helpful.</p>	
10	<p>Statements of Common Ground -</p> <p>-SE confirmed covered in the above discussion and that TWBC will be looking to agree SOCG going forward.</p>	
11	<p>AOB and Date of Next meeting</p> <p>Nothing raised and SE stated that she would put together minutes of the meeting and circulate for comment before finalising and would also send round dates for the next meeting probably late July/early August.</p>	

SDC15 - Letter from TWBC to SDC
re Green Belt and AONB



Richard Morris
Chief Officer - Planning & Regulatory Services
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent
TN13 1HG

6th October 2020
Sent by Email Only

Dear Richard

Re Duty to Cooperate discussions between Tunbridge Wells Borough Council and Sevenoaks District Council: formal requests to accommodate development needs from Tunbridge Wells.

I refer to recent discussions held between our two Authorities under the Duty to Cooperate (DtC). These discussions have been positive and pragmatic. The following communication is set out in formal, and at times rather direct, language, and I would like to make it clear that this is due to the fact that such matters are of integral importance to the formation of the Tunbridge Wells Borough Local Plan, and have been expressed as such so there is no ambiguity at a later date – for example at the Examination of the Local Plan. I look forward to continuing future DtC discussions in the same vein as before.

As explained in our most recent meetings, Tunbridge Wells Borough Council (TWBC) undertook Regulation 18 consultation on its Draft Local Plan (DLP) in Autumn 2019. The borough of TW is highly constrained, with approximately 70% of the Borough within the High Weald Area of Outstanding Natural Beauty (AONB), 22% in the Green Belt, and with other areas falling within Flood Zones 2 and 3, together with infrastructural constraints.

The strategy for development as set out in the DLP:

- sought firstly to maximise the development potential of each site considered as suitable for sustainable development in locations outside of the AONB and Green Belt (particularly previously developed land in the built up areas of the borough);
- following an assessment of the development potential of smaller (not 'major') sites located within the AONB, undertook further consideration of the development potential of major development sites in the AONB, following the requirements of para 172 of the NPPF, and of potential sites in the Green Belt taking account of the requirements of paras 136 and 137 of the NPPF;

- is explained in the Distribution of Development Topic Paper for Draft Local Plan – Regulation 18 Consultation (September 2019)¹.

At the DtC meetings we have discussed this strategy, and the distribution of development as set out in the TWBC DLP, including both major development in the AONB, and the release of the Green Belt to accommodate both housing and employment uses, including proposed garden settlements at Land at East Capel and Paddock Wood and Tudeley. The distribution, relative to these constraints, can be summarised as:

Designation	Range of housing numbers	Employment
AONB	1608 - 1772	> 14 ha
GB	4724 – 5559	> 14 ha
Both GB and AONB	320 - 390	> 14 ha
Combined	6012 – 6941	> 14 ha

During the Regulation 18 consultation on the DLP, representations were made from over 2,000 residents, businesses, organisations and developers, which amounted to over 8,000 separate comments. TWBC has reviewed all of these representations, and is currently considering the spatial strategy for the Pre-Submission version of the Local Plan.

Consideration of Strategy

Green Belt

In accordance with para 137 of the NPPF, as part of these considerations, TWBC is fully examining all other reasonable options for meeting its identified need for development without the need for release of land from the Green Belt. This includes the specific requirement that the strategy be *“informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development [in the Green Belt], as demonstrated through the statement of common ground”*.

We have discussed the difficulties that your authority would have in accommodating additional need for development, the previous request regarding unmet housing met from Sevenoaks District Council (SDC) and the extent of Green Belt in your borough. However, to take forward these discussions, it is appropriate to formally request that SDC considers accommodating some, or all, of the following from TW borough: 4,724 – 5,559 dwellings, and at least 14 hectares of employment land.

AONB

in accordance with para 172 of the NPPF, before making a final consideration on the major developed sites in the AONB, TWBC is examining whether there is scope for, and the cost of, this development:

- being located outside the AONB;
- being met in some other way.

https://beta.tunbridgewells.gov.uk/_data/assets/pdf_file/0012/301116/Distribution_of_Development_Topic_Paper.pdf

As part of this work, and as discussed in the recent DtC discussions:

- TWBC considers it pertinent to discuss with SDC whether there is scope for SDC to accommodate some, or all of the major employment or housing development which has been considered to be major development in the AONB in TW borough;
- TWBC acknowledges the initial discussions in which your colleagues outlined the difficulties that your authority would have in additional need for development, and the extent of Kent Downs and High Weald AONB in Sevenoaks borough.

Notwithstanding the above, it is still considered appropriate to formally request that SDC consider accommodating some, or all, of the following from TW Borough: 1,608 – 1,772 dwellings, and at least 14 hectares of employment land.

I would be grateful if you could please respond in writing to these formal requests by Friday 16th October 2020, or (if possible) earlier. I should advise that TWBC has also discussed these matters with our other neighbouring Local Planning Authorities, and I have sent similar letters to my counterparts at Wealden District Council, Rother District Council, Ashford Borough Council, Maidstone Borough Council, and Tonbridge and Malling Borough Council.

Thank you for time in considering the above formal requests, and I look forward to hearing from you in due course. Please do not hesitate to contact me by email @

[REDACTED] or on telephone by [REDACTED] if you would like to discuss the further.

Yours sincerely,

[REDACTED]

Steve Baughen
Head of Planning Services

SDC16 - Letter from SDC to TWBC
re Green Belt and AONB

Mr Steve Baughen
[REDACTED]

Tel No: [REDACTED]
Ask for: Richard Morris
Email: [REDACTED]
My Ref: 2247/RM/sc
Your Ref:
Date: 16 October 2020

Dear Steve

Duty to Cooperate discussions between Tunbridge Wells Borough Council and Sevenoaks District Council: formal requests to accommodate development needs from Tunbridge Wells

Thank you for your letter in respect of the above matter, received via email on 6 October 2020.

Sevenoaks District Council (SDC) is highly supportive of joint working with neighbouring authorities and other development partners to address strategic, cross boundary matters. You will be aware of the evidence which demonstrates on-going and constructive engagement between our authorities since 2015, on matters such as housing, infrastructure and employment needs. Much of the discussion has taken place as part of the wider West Kent group with Tonbridge & Malling Borough Council.

In May 2019, a Statement of Common Ground was signed between SDC and Tunbridge Wells Borough Council (TWBC). This document sets out the issues and actions raised during duty to cooperate engagement, which include how both local authorities seek to meet a variety of development needs. It has been well documented that TWBC is not in a position to assist SDC in meeting its unmet housing needs due to the constraints referred to in your letter and that TWBC is seeking to meet its housing needs in full. Both authorities have documented that they are seeking to meet their employment needs in full.

Notwithstanding the most recent discussions regarding our respective positions, this formal request comes as somewhat of a surprise.

Chief Executive: Dr. Pav Ramewal

Council offices
Argyle Road
Sevenoaks
Kent TN13 1HG

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



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For clarity, SDC will not be able to assist for the following reasons:

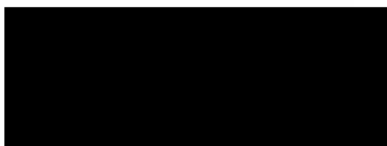
1. Sevenoaks District, similar to Tunbridge Wells Borough, is a highly constrained area, with 93% Green Belt, 60% Area of Outstanding Natural Beauty and 41 Conservation Areas. SDC is the top tied most constrained local authority in the country along with Tandridge and Epping Forest (MHCLG 2017).
2. Through the extensive work undertaken on the Sevenoaks District Local Plan, with a strategy that focuses on bringing forward sustainable development and despite releasing some 221 hectares of Green Belt land, SDC is unable to meet its housing needs in full.
3. Whilst the Sevenoaks District Local Plan proposes to allocate sufficient land to meet its employment needs, the extensive work undertaken in the development of the Plan has indicated that there is no scope for delivering any unmet employment needs from TWBC.

You will be aware that the Sevenoaks District Local Plan was submitted for examination last year and in March 2020, the Planning Inspector issued her final report, concluding that the Plan was not legally compliant in respect of the duty to cooperate. The Council was subsequently granted permission to challenge the decision through a judicial review and this was heard at the High Court last month. At the time of writing, we are awaiting a decision from the Court and will update you as soon as we are able.

SDC recognises the significant challenges associated with meeting development needs across the West Kent region. However, in the first instance, all reasonable efforts should be made to accommodate the development needs identified your letter within Tunbridge Wells. I would be grateful if you could please keep SDC updated on this matter, including the proposed approach to Green Belt release.

At this stage and on the basis of evidence and engagement to date, I am content that TWBC is doing all it can to comply with the requirements of the duty to co-operate. The Council looks forward to further constructive engagement on this matter.

Yours sincerely

A large black rectangular box redacting the signature of Richard Morris.

Richard Morris
Deputy Chief Executive and
Chief Officer - Planning & Regulatory Services

SDC17 - Minutes of West Kent DtC meeting on 21 October 2020

Duty to Cooperate Meeting between Tunbridge Wells Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council

Skype Call
21 October 2020

Tonbridge and Malling Borough Council:
Bartholomew Wren – Principal Policy Planner
Julian Ling – Senior Planning Policy Officer
Sevenoaks District Council
James Gleave – Planning Policy Manager
Tunbridge Wells Borough Council:
Steve Baughen – Head of Planning
Sharon Evans – Principal Planning Policy Officer

	Item	Action
1	<p>Introduction and Purpose</p> <p>SE introduced the meeting as an opportunity for the three west Kent Authorities to have a discussion and update on progress on their respective Local Plans.</p>	
2	<p>Local Plan updates</p> <p><u>Tonbridge and Malling Borough Council</u></p> <p>-Have completed the first three days of the hearings and expecting the agenda for the next sitting dates for the hearings over the next few days. These are scheduled for the 3/4/5 November with further dates of the 10/11 November if required. At this stage the Council's Barrister was fairly positive after the first set of hearings.</p> <p><u>Sevenoaks District Council</u></p> <p>- JG updated on the JR challenge - they are still awaiting a decision from the High Court. Apart from the challenge, they are busy summarising the White Paper and providing briefings to members and various local groups and societies.</p> <p>- JG also confirmed that SDC have replied to our formal letter in relation to meeting housing need.</p> <p><u>Tunbridge Wells Borough Council</u></p> <p>-TWBC currently pulling the pre-submission version of the Local Plan together and taking through the Councils Planning Policy Working Group.</p> <p>-This version is due to go to the Council's Planning Policy Working Group in December 2020 to then start going through the formal committee cycle early next year – with Cabinet in January and Special Full Council in February.</p>	

3	<p>Cross boundary Infrastructure</p> <ul style="list-style-type: none"> - Discussion about local cycling, walking and infrastructure plan – TMBC will be consulting on in the spring – Consideration of TWBC and TMBC Cross boundary infrastructure in this regard. -SB re-iterated that will need continual discussion on infrastructure as we progress and go through to the spring. Also made others aware that SWECO – TWBC transport consultants are re-doing the modelling for the Regulation 19 Plan. -BW confirmed that he is willing to engage on any cross boundary infrastructure issues that arise. When TMBC update their Infrastructure Plan they will take into account TWBC's. TMBC will refresh their IDP once TWBC have gone through their hearing sessions. -Discussion about possible new GP surgery at Paddock Wood and satellite surgery at the new garden village at Tudeley. -Sevenoaks stated that they don't have a Walking and Cycling Strategy, but TMBC raised concerns about the extent of the Quality Bus Partnership – should be one and there isn't. JG confirmed that he would raise this with Claire Pamberi who deals with infrastructure issues at SDC. -Brief discussion about the Leigh Flood Barrier and status of the planning application currently under consideration for the increased storage area and embankments at Hildenborough. 	<ul style="list-style-type: none"> • Check latest in relation to the Leigh Flood Storage area application • SDC to check position in relation to Quality Bus Partnerships
4	<p>Housing need, including any requests from other authorities</p> <ul style="list-style-type: none"> -TMBC stated that they are updating their delivery trajectory in advance of November Hearing sessions. They have instructed GL Hearn to carry out a review based on the latest 2018 population projections on the request of the Inspector – nothing has changed as a result in terms of their OAN. -TMBC and SDC both confirmed that they have had no other requests from neighbouring authorities to meet need. -SB stated that had a DtC meeting with Maidstone Borough Council this morning where they confirmed that they are planning to meet their need in full. 	
5	<p>Statement of Common Ground</p> <ul style="list-style-type: none"> -Agreed that need to put together a draft SoCG and set a date for a further meeting to discuss and go through draft. 	<ul style="list-style-type: none"> • TWBC to put together a draft SoCG
6	<p>AOB and Date of Next meeting</p> <ul style="list-style-type: none"> -General discussion between all with regards to the White Paper, the role of DtC and cross boundary infrastructure projects as well as regional planning. 	<ul style="list-style-type: none"> • SE will circulate the minutes of the meeting • TWBC to prepare draft SoCG • SE to circulate dates for next meeting

SDC18 - Email from TWBC to SDC
including draft SoCG 9 March 2021

Draft SoCG between SDC and TWBC



Stephen Baughen

To: James Gleave, Hannah Gooder

Cc: Sharon Evans

Bcc: Gwenda Bradley

You replied to this message on 09/03/2021 16:02.
This message was sent with High importance.



Draft SDC and TWBC SoCG 07.02.2021.docx
210 KB

Entire mail

Hi James and Hannah

I hope you're both well.

As you know we are progressing towards our Regulation 19 consultation starting at the end of March (26th), running until 21st May), ahead of submission in July 2021.

We have produced a draft SoCG, reflecting our previous discussions under the DtC.

We would be grateful if you, or a colleague, could please review and advise whether you are happy with this as drafted, or let us know any comments you have? We'll be able to review any comments and come back to you in short order.

We are keen that it be signed by both authorities by the end of February, and ideally sooner if possible, so please do not hesitate to contact Sharon or I if you would like to discuss any of this further.

Thanks

Steve



Stephen Baughen
Head of Planning

As has been widely publicised, since 01 April 2017 TWBC publicises applications for planning permission and listed building consent by Site Notice only. Letters are no longer sent to neighbouring properties (except for "larger household prior notifications").

You can register your details on the Council's website and set up an "area of search" to be notified of any applications on neighbouring properties, or within a particular road or area of the Borough, by clicking here: <http://www.tunbridge Wells.gov.uk/notify>

SDC19 - Report on Local Plan Update to SDC D and CAC on 6 July 2021

Local Plan Update

Development and Conservation Advisory Committee - 6 July 2021

Report of: Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

Status: For Information

Executive Summary: This report provides an update on the Local Plan and outlines the next steps in the plan making process.

This report supports the Key Aims of:

Protecting the Green Belt

Supporting and developing the local economy

Supporting the wellbeing of residents, businesses and visitors,

Ensuring that Sevenoaks remains a great place to live, work and visit.

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: James Gleave ext. 7326

Recommendation to Development and Conservation Advisory Committee:

That the Development and Conservation Advisory Committee

a) Notes the content of the report.

Background and Introduction

- 1 Members were briefed on the emerging Local Plan in March. Officers advised on the Council's legal challenge, the emerging evidence base and the next steps to move the Plan forwards. This report provides an update on all of these points, considers some emerging trends that are likely to influence planning policy in the longer term and sets out the latest position with regard to the Housing Delivery Test (HDT).

The Legal Challenge

- 2 On 8th April 2021 the Council received confirmation from the Court of Appeal that its application to challenge the judgement of Mr Justice Dove, regarding the approach to meeting the Duty to Co-operate (DtC), had not been successful. All members were advised of the decision on 9th April 2021.
- 3 The Council Appealed on two grounds, a failure to consider the 'margin of appreciation' that should have been afforded and insufficient reasoning being given to the original High Court decision, leaving uncertainty as to what had

been decided. Both grounds were well supported by the Council's legal team, including external Counsel and it is clear that the Court of Appeal judge simply disagreed with our case.

- 4 Officers disagree with the determination of the Court of Appeal, but can do nothing more to challenge the Inspector's decision. The Council's legal action has now concluded and officers will move forward with the production of an updated Local Plan, as set out in this report.

Next Steps in the Local Plan Process

- 5 Officers reported in March on the main steps for taking the Plan forwards. The Council wrote to Christopher Pincher, Minister of State for Housing, on 28th May 2021, to confirm that further public money would not be risked until there is assurance that we can move forwards with confidence, particularly now the government appears to believe the DtC is not fit for purpose. A response has been received from the Minister and the Council is awaiting a selection of dates to meet with MHCLG. In addition to representatives from MHCLG, the Council has also requested attendance from the Planning Inspectorate.
- 6 Officers continue to be of the view that the development strategy underpinning the emerging plan - to accommodate as much development as possible in main settlements and release Green Belt land only where there are exceptional circumstances for doing so - remains sound. It is hugely significant that the plan submitted to the government had the support of residents across the District. Members will be aware that approximately 30% of all households responded to the Issues and Options stage and officers recognise the importance of maintaining public engagement in the plan making process.
- 7 Discussions at the meeting with MHCLG will focus on moving forwards as quickly as possible to meet the government target of ensuring that all local authorities have a Local Plan in place by 2023. Our objective for that meeting is to secure agreement with MHCLG of our route to achieve the 2023 deadline. Once agreed, the latest timetable for the emerging plan will need to be reflected in an updated Local Development Scheme (LDS). Subject to the outcome of the discussion, officers will present an updated LDS at the next DCAC meeting.
- 8 Discussions are on-going with the promoters of proposed larger site allocations that were put forward in the emerging Local Plan to ensure they remain deliverable or developable, make the best use of available land, meet infrastructure needs and deliver the right type of development over the Plan period. Reviews of development management policies are also on-going.
- 9 A further strand of work is to update the supporting evidence base. These studies will proceed in accordance with the timescales set out elsewhere in this report. Updates to the evidence base will be raised during the course of discussions with MHCLG.
- 10 Members will recall that the March report highlighted some key themes to be addressed in the evidence base. As a reminder, these were:

- Making best and most efficient use of land;
- Changes in work patterns and economic drivers; and
- The future of town centres.

11 Officers noted that a number of additional evidence base documents would be prepared to respond to these themes. The latest position on this work is explained in the following paragraphs.

District -Wide Characterisation Study

- 12 The District-Wide Characterisation Study (DWCS) is an important piece of work in seeking to ensure that policies and allocations in the updated Local Plan, as well as new development coming forward in the form of planning applications, makes the best and most efficient use of land.
- 13 The aim of the work is to understand the key characteristics across the District which, when read alongside other evidence base documents, will inform a context-led approach to growth and change. The DWCS will consider:
- Past influences and growth: both the historic and more recent factors that have shaped growth in Sevenoaks District;
 - The present state: a snapshot of the current social, economic and physical character of our places; and
 - Future trends: the factors that will influence growth and change over the period of the emerging Local Plan and the sensitivity of places to these changes.
- 14 The study will consider different aspects of character across Sevenoaks District, including:
- Physical - natural and built: This relates to the built form, but will also refer to the natural elements of physical character included in the Council's Landscape Character Assessment.
 - Social and socio-economic: Information on how people use the District, particularly in respect of living, working, leisure and tourism and how these activities are distributed. Much of this information will be obtained from the existing or emerging evidence base documents.
- 15 The DWCS will provide a commentary on how social and economic drivers for change have shaped and will continue to shape our places over the period of the emerging Local Plan. Relevant factors will include demographic pressures, such as migration away from London, changes to travel and working patterns and physical alterations to the transport network.
- 16 Officers are particularly keen to understand if the significant changes experienced in outer London over recent years will 'spill over' into adjoining authorities. The demographic trends and the social and economic changes that have been accelerated by the Covid-19 pandemic, such as home working

and changes in housing expectations, are particularly significant in this regard.

Timescale

17 The indicative timeline for the DWCS is as follows:

- An invitation to tender was issued on Friday 18th June 2021
- Deadline for submission of expressions of interest: Friday 9th July 2021
- Appointment of consultant: w/c 26th July 2021
- Submission of draft report: November 2021
- Submission of final report: January 2021
- Workshop event to present findings: February 2022

Town Centre Strategy

18 The March update referred to the significant changes that have occurred in shopping patterns over recent years and the resulting impacts on High Streets. Officers noted that these on-going trends have been accelerated by the Covid-19 pandemic. The Town Centre Strategy (TCS) will inform Local Plan policy interventions and provide recommendations on maintaining the vitality and viability of town centres, in the light of changing social and economic conditions.

19 The Strategy will cover the four towns of Sevenoaks, Swanley, Edenbridge and Westerham. It should reflect the broader corporate strategies and address the following issues:

- Context: Overview of the issues affecting High Streets in Sevenoaks District, including emerging trends, current vacancies and future capacity for retail.
- Vision: A clear vision for these town centres, to be achieved over the period of the Local Plan.
- Leadership and Governance: Advice on a best practice approach to bring about change in town centres.
- Potential Projects: Specific projects to ensure that town centres remain successful. These could include 'meanwhile' uses on vacant sites, public realm improvements, and/or further guidance to support independent traders.

Timescale

20 The indicative timetable for the TCS is as follows:

- Deadline for submission of expressions of interest: 13th July 2021
- Appointment of consultant: Late July 2021
- Submission of draft TCS: September 2021
- Submission of final TCS: October 2021

Targeted Review of Housing Needs

- 21 Officers have issued an invitation to tender for consultants to update the Council's evidence on housing needs. The current Strategic Housing Market Assessment (SHMA) was completed in 2017. The update to this work will inform policies relating to affordable housing in the emerging Local Plan and the Corporate Housing Strategy, which is due for publication later this year. Particular issues for consideration will be migration in and out of the District, the number of affordable homes, the size of homes and tenure needed down to place making level. Further explanation will be provided on this aspect at the meeting.
- 22 The study is due to commence at the end of June and should be completed in September, to inform the Council's emerging Housing Strategy.

Other Work

- 23 Members will be aware that the Council has commenced a Settlement Capacity Study to proactively identify sites to accommodate new homes. A shortlist of potentially suitable sites has been compiled and officers will be writing to the respective landowners to assess availability. Sites found to be deliverable and/or developable will be included in the emerging Local Plan as sources of housing capacity.
- 24 Officers will be instigating an update to the current Green Belt review, which also forms part of the evidence base for the emerging Plan. Further updates on this work will be provided in future reports.

Emerging Trends

- 25 This section of the report contains information on emerging areas of policy and research that are likely to influence the built environment in Sevenoaks over the period of the Local Plan. It provides a short narrative on two key concepts, examples of how and where they have been implemented and the relevance to Sevenoaks District over the period of the Local Plan.
- 26 The following paragraphs consider the application of specific Local Plan policies related to health and wellbeing and the concepts associated with 'Smart City' technology.

Health and Wellbeing

- 27 There is a strong and long association between planning and public health. Successive versions of the Local Plan and government planning guidance have contained policies that seek to protect social infrastructure, including healthcare and public open space, internal space requirements and a host of environmental standards, such as those related to air quality
- 28 Much of the focus to date has been on improvements to physical health and Covid-19 has brought a renewed interest on this aspect. However, the role of planning in improving mental health and wellbeing has also received an increased level of scrutiny in recent years.

- 29 The Council's Mental Health Strategy provides an overview of this issue in the District. The Strategy identifies the measures that can be taken to improve mental health, including improved housing, environmental protection, supporting health and social care to address individual lifestyle factors, engaging with social and community networks and improved environmental conditions. The issue of wellbeing is being actively considered in Sevenoaks and there is greater scope to address the matter as a central theme in the emerging Local Plan.
- 30 In addition to established planning approaches to address physical health, there is on-going research to understand the concept of wellbeing, the causes of poor mental health and how changes to the built environment and planning policy might influence this. Key outcomes include the susceptibility of particular communities, the need for partnership working across different agencies to ensure wellbeing is incorporated into emerging Local Plan policy and how environmental stressors, such as heat, air quality and noise, can influence mental health.
- 31 Recommendations for the emerging Local Plan could include; the need for locally specific assessments of wellbeing to accompany large scale development proposals, the formation of a health and wellbeing advisory group and the instigation of partnerships with the academic community to monitor emerging research and consider how this could be translated into policy. Given the current global circumstances, it is important that the wellbeing agenda lies at the heart of the Local Plan vision.

Smart City Technology

- 32 A Smart City or Smart Development is an area of the built environment that uses different types of electronic methods and sensors to collect data, which is then used to manage assets, resources and services more efficiently. Data collected from residents' devices can interact with a wide range of systems and services, including traffic and transportation, utilities, waste collection and other community services.
- 33 The success of the Smart City concept requires a technology layer, including a network of connected devices and a series of smart applications, to make informed decisions. It also requires adoption by users, residents and decision-making bodies.

Current examples

- 34 The City of Westminster has implemented a Smart Parking network consisting of over 3,400 in-ground vehicle detection sensors, which detect if a parking bay is occupied or available. This real-time information is delivered to a Smart Cloud platform, which analyses the data and feeds into an app that provides GPS directions to available parking spaces.
- 35 Looking further afield, the Smart Dublin initiative is a partnership between the city and key infrastructure and technology providers, which incorporates a number of districts in the city as testbeds for Smart technology. The 'Smart Docklands' area includes smart waste bin technology to provide real-time data on bin capacity, a safer cycling app which uses crowd source data from

mobile phones to map safer cycling routes as an alternative to the car and a scheme which uses an array of sensors around the city to monitor rainfall and surface water build up to manage flood risk.

Implications for Sevenoaks

- 36 These examples are in the latter stages of implementation or trial. They represent the tip of the iceberg of what smart technology is predicted to bring to the management of the built environment over the coming years. Smart technology is being rolled out across the world and is likely to become a mainstream aspect of planning, design and the operation of new development.
- 37 Whilst the majority of existing examples of this type of smart technology are in larger urban areas, there is no doubt that there are relevant applications in Sevenoaks District. Indeed, Cleaner and Greener's 'Binrastructure Strategy' has just launched its first Smart Public Waste bin in Bligh's Meadow. The Council will therefore be considering how its application can be used in the development of policies in the Local Plan and in discussions with developers.

HDT Action Plan Update

- 38 The March report set out the latest Housing Delivery Test (HDT) result, which confirmed that the Council is delivering 70% of the number of homes required, against the housing need calculated using the government's 'standard method'. Certain sanctions apply for different levels of under delivery according to the test and are cumulative. The sanctions are set out by the NPPF and include:
- Below 95% - The Council must produce an action plan, which explores reasons for under delivery and sets out actions to improve the delivery of housing. The action plan must be published on the Council's website.
 - Below 85% - The Council must include a 20% buffer on 5-year housing land supply.
 - Below 75% - The presumption in favour of sustainable development applies.
- 39 Two previous action plans have been prepared. The latest version is published on the Council's website and demonstrates that housing delivery has far exceeded the targets in the adopted Core Strategy. It also sets out the main barriers to delivering housing in the District, the measures being taken to increase housing delivery and further actions that could be taken to address the issue. The HDT action plan is being updated in response to the latest HDT result. The key barriers to increasing the delivery of housing include:

Delay in adopting the new Local Plan

- 40 The Council cannot make significant improvements in housing delivery until an up to date Local Plan is in place. As noted elsewhere in the report, steps are being taken to address the issue.

Non implementation of planning permissions

- 41 The Council is aware of sites across district where the developer has chosen not to implement a planning consent for residential use.

Constrained nature of the District

- 42 The District is highly constrained with 93% Green Belt, 60% AONB and Designated Heritage Assets. In addition, the amount of available brownfield land within developed areas is a finite resource and can only go so far to deliver additional housing sites.

- 43 Other identified challenges include the recruitment market for senior level planners, the impacts of Covid-19 on the development industry and the complexities of developing brownfield sites. The action plan also looks at measures that have already been taken to improve delivery, including:

- Innovative recruitment schemes and training to hire, retain and develop planners;
- Effective use of Planning Performance Agreements;
- Fast and effective planning application validations;
- An interactive Brownfield Land Register;
- Member training on planning matters;
- The Rural Landowners Forum; and
- Quercus Housing - delivering affordable housing schemes.

- 44 The document also identifies additional actions that could be taken to improve housing delivery:

- Reintroduction of developers forum;
- An updated Strategic Housing and Economic Land Availability Assessment (SHELAA) and associated interactive map;
- Adoption of new Local Plan;
- New and updated evidence base documents;
- Updated monitoring, including contact with developers of large sites; and
- Continuing with measures that are already in place, such as review of the Brownfield Land Register, consideration of Council land for development and maintaining and updating the validation checklist.

- 45 The updated HDT action plan is due to be published on the Council's website by 20th July 2021.

Key Implications

Financial

The 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 the Local Plan 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 on the content of this report at the meeting.

Appendices

None

Background Papers

None

Richard Morris

Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

SDC20 - Minutes of SDC D and CAC 6 July 2021

DEVELOPMENT & CONSERVATION ADVISORY COMMITTEE

Minutes of the meeting held on 6 July 2021 commencing at 7.00 pm

Present: Cllr. Reay (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Cheeseman, Penny Cole, P. Darrington, Fothergill, Hunter, McGregor, Pett and Thornton

An apology for absence was received from Cllr. Roy

1. Appointment of Chairman

Resolved: That Cllr Reay be appointed Chairman of the Advisory Committee for 2021/22.

2. Appointment of Vice Chairman

Resolved: That Cllr Thornton be appointed Vice Chairman of the Advisory Committee for 2021/22.

3. Minutes

Resolved: That the Minutes of the meeting of the Development & Conservation Advisory Committee held on 4 March 2021, be approved and signed by the Chairman as a correct record.

4. Declarations of interest

No additional declarations of interest were made.

5. Actions from previous meeting

There were none.

6. Update from Portfolio Holder

The Portfolio Holder gave an update on the services within her portfolio. She expressed her thanks to Cllr Hunter for her service as Chairman of the Development & Conservation Advisory Committee and Deputy Portfolio Holder.

From 1 July, the Building Control Service came back in house following the end of the Partnership with Tonbridge & Malling. Admin and support with technology would continue while database separation is achieved.

Development & Conservation Advisory Committee - 6 July 2021

With more staff preparing to move back to more office based working, the team were keen to maintain some of the benefits the pandemic presented them with. For example, Zoom meetings and asking applicants to put up their own orange site notices as both initiative have been successful and allow saved time and travel expenses for officers. Printed plans for parish council consultations would not return which would make large savings in printing.

The Enforcement Plan was now online following Member engagement and training. The new structure of the Enforcement team had received positive feedback. In particular, they were praised for their work at Wheatsheaf Hill in Knockholt.

It was recently announced that the Government's long awaited response to the White Paper would not come out until the autumn, significantly later than expected in spring.

Member training had continued via Zoom on a monthly basis.

7. Referral from Cabinet or the Audit Committee

There were none.

8. Approval of AONB Management Plans

The Principal Planning Officer (Policy) presented the report which sought adoption of the management plan for the Kent Downs Area of Outstanding Natural Beauty (AONB), which the Council is legally required to do. The role of the management plan is to set out the key components, characteristics and qualities of the AONB and to identifies ways and opportunities to conserve and enhance the landscape.

The Kent Downs AONB Management Plan review (2021-2026) was approved by the Joint Advisory Committee (JAC) of the AONB unit on 26 January 2021.

Members discussed the report. It was clarified that management plan supported national and local planning policy but was not a policy in itself.

Cllr Hunter addressed the Board as the Council's Member representative on the JAC. She highlighted that the management plan had been thoroughly researched and widely consulted on.

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 the adoption of the Kent Downs AONB Management Plan be recommended to Council.

9. Local Plan Update

The Strategic Planning Manager presented the report which updated members on the local plan.

In April 2021, the Council received confirmation from the Court of Appeal that the application to challenge the judgement of Mr Justice Dove, regarding the approach to meeting the Duty to Co-operate, had not been successful.

There were plans to meet with the Ministry for Housing, Communities and Local Government (MHCLG) and Planning Inspectorate to discuss main steps for taking the plan forwards.

The evidence base would be updated in response to the themes identified in the March report, including making the best and most efficient use of land, changes in work patterns and economic drivers, and the future of town centres. Officers were currently advancing the productions of a District-Wide Characterisation Study, Town Centre Strategy and a targeted review of Housing Needs. Emerging areas of policy and research likely to influence the built environment included health and wellbeing, and smart city technology.

Following questions, Members were advised that engaging with the local community was very important in the production of the updated local plan. Members welcomed the use of smart technology to help support Council service delivery but expressed concerns over the use of residents' data.

Resolved: That the report be noted.

10. Work plan

The work plan was noted with the addition of an item on Budget 2022/23: Review of Service Dashboard and Service Change Impact Assessments (SCIAs) and a Building Control Update at the meeting scheduled on 19 October 2021. An Enforcement Update would brought to the following meeting on 2 December 2021.

The Committee requested their vote of thanks to be recorded, to the staff in the Enforcement team within the Council, to acknowledge their hard work in their service delivery and the positive feedback received from residents.

THE MEETING WAS CONCLUDED AT 8.00 PM

CHAIRMAN

SDC21 - Draft minutes SDC and TWBC DtC meeting on 8 July 2021

DtC meeting with Sevenoaks - 08.07.21

08 July 2021

Attendees:

- James Gleave – JG (Planning Policy Manager – SDC)
- Hannah Gooden - HG (Planning Policy Team Leader – SDC)
- Nichola Watters – NW (Planning Policy Manager – TWBC)
- Steve Baughen – SB (Head of Planning – TWBC)

Meeting was recorded.

Items

1. Position of TWBC Pre-Submission Local Plan

- Started reg 19 consultation end of March - 10 weeks, ending on 4th June 2021 - evidence base to support the plan was published.
- Received around 1,600 representations from around 600 representors
- Going through them now and identifying main issues
- Working with key consultees and promoters of key sites to develop SoCG to support the Plan
- LDS timetabled submission in July - late August/early September more likely for submission
- Sensitivity testing being undertaken at the moment - Highway England/KCC - precautionary approach of transport impact of development - that determines when we are likely to submit
- JG Q - Strategic sites - what was the public reaction (Capel etc) - *there have been objections raised to the garden settlement proposals, but there has been a lot of work undertaken through the SSWG to underpin the allocations.*
- JG Q - asked about PINS visits - *discussion about the two Inspectors that have been working with TWBC - is the advisory visit the new form of the pre-hearing meeting?*

2. Position of SDC Local Plan:

- a. Local Plan that was submitted in 2019
 - b. Update report to DCAC - every 3 months setting out the position
 - c. All legal action has now exhausted/concluded
 - d. Need to update the evidence - a number of studies due to commence - characterisation, TC, housing need, etc
 - e. Before we move forward with anything want to be more certain about the approach - meeting with CLG to agree the next steps in the process. Proposals for a meeting came out of correspondence with PINS, and to an extent with MHCLG;
 - f. Continue with large scale resident consultation as well as new evidence base
- g. Next steps and timetable for Local Plan
 - CLG are happy to meet - waiting for dates from them. Can't pre-judge what might happen within that meeting
 - Will update the LDS after that meeting
 - SB Q - has the council given thought to what those next steps might be? Return to pre-regulation 18 stage? *JG: need to find an approach that gets a plan in place asap, meeting the necessary regulation req, making sure that SDC has adequate levels of engagement in the process. SDC need to feed into that process going forward. SDC aren't throwing the whole strategy out, needs to look at urban capacity etc,. Ideal world would just want to go back to regulation 19 but going back to regulation 19 would limit the scope of consultation. Need to strike that balance.*
 - SB Q - Will SDC be striving to meet the needs? *JG: still believe that the broad development strategy is the right one (including GB release in exceptional circumstances)*
 - SB Q - Do you know if you have unmet need? *JG: will going to evolve as we are going forward - have always worked on the basis that the plan is an outcome of the evidence base work that is undertaken. Keeping members up to speed about what is going to come forward. Is there scope in TCs? What came forward in call for sites? What did we (SDC) miss as we were relying on a call for sites?*

3. Housing need

- a. SDC position, including thoughts on meeting it within Local Plan

JG: Key point is that SDC are embarking again at a point yet to be determined, the evidence which is being undertaken is looking at capacity, look at sites again, see if anything has been missed and therefore can't say that there is an unmet need at the moment, as you don't yet know? What is the position for unmet need going forward?

- b. TWBC position

SB Q – Require clarity from SDC on this point - you don't know whether you do or you don't have an unmet need? Is there the potential that you could meet your unmet need? *JG: The outcome of the evidence base is not yet clear, process for taking this forward are still up for discussion.*

SB Q - Do you think that there is the potential that you could meet the housing need (as per standard method)? *There is potential for lots of things to happen. The outcome of that process is dependent on the new work going forward. We can't say whether it will or won't be met? Legal judgement?* SB Q again – *so because you can't say one way of the other - there is no unmet need as you simply don't know at this point?*

JG Q - isn't whether there is an unmet need is a matter for the Examination? SB: *No, we need to resolve this now - the letter (in 2019 requesting that TWBC meets some/all of SDC's unmet need) has not been withdrawn – there is not clarity as to whether the need is still unmet. TWBC need to have a view about where you (SDC) think it stands in the process. Without the clarity from Sevenoaks, there is question mark over whether there is an unmet need. We need the clarity to set that out through a SoCG. Need to understand Sevenoaks' view and whether there is the potential to meet the housing need (through a new Local Plan).*

SB Q - When will Sevenoaks be in a position to be able to answer the question? *JG: Isn't it a matter for TWBC examination?*

SDC hope to get clarity from CLG in the next week or two. Another meeting after that meeting with CLG. This issue has been unresolved for a very long time.

SB: Need to have a way forward and needs to happen rapidly.

- c. G&T
 - SDC - no unmet need for G&T as they have found pitches - will be refreshing the GTAA and then trying to find sites to meet any further need
 - TWBC - criteria based policy, identified sites (expansion of existing or intensification and allocations from strategic sites), meet the need through the plan. Need for transit site (wider need) discussions led by Ashford.

4. Other cross boundary strategic matters

- a. Transport (particularly rail and road)
- b. Water, including Leigh flood barrier
- c. Other

No particular matters which have changed from previously discussed.

d. Statement of Common Ground

- Follows that we need to meet urgently to discuss this - needs to update the factual element of the SoCG for the basis of discussion of the next meeting.

e. AOB

- None

SDC22 - Draft minutes SDC and TWBC DtC meeting on 24 August 2021

DtC meeting with Sevenoaks - 24.08.21

24 August 2021

Attendees:

- James Gleave - JG (Planning Policy Manager – SDC)
- Nichola Watters – NW (Planning Policy Manager – TWBC)
- Steve Baughen - SB (Head of Planning – TWBC)

Items

1. Position of TWBC Pre-Submission Local Plan

- Still working through the representations from Regulation 19 - identifying the main issues & responses to those
 - Good progress with various SoCG - main consultees & promoters of the SS
 - Transport: KCC/HE are addressing some of the queries and questions on transport modelling
 - Consultation Statement currently programmed for the Planning Policy Working Group in September – and then likely onwards to submission
 - Documentation is to be taken to the PP working group in mid-September – which means likely that needs to be 10th September for the SoCG to be finalised?
 - JG – confirmed that the procedure for SoCG sign off - TWBC Portfolio holder & CE sign off the SoCG
-
- **SDC next steps on Local Plan and housing need;**
 - Evidence base updates - TC strategy commissioned, characterisation strategy, updates on housing need in hand
 - CLG meeting:
 - Took place last Wednesday (i.e. 18th August): was productive. Joanna Averley and John Romanski, both MHCLG attended, but no one from PINS;
 - MHCLG made it clear that it wasn't their role to give prescriptive answers - more about how SDC would achieve certainty moving forward;
 - MHCLG recognised that the process that had already been gone through was not a good outcome for anyone, both MHCLG and SDC recognised that it was a learning process on both sides;

- Main outcome is that there will be a future series of further discussions moving forward/and the next steps in the Local Plan are for SDC to decide. MHCLG are committed to meeting on a regular basis and including PINS moving forward (maybe advisory visits - not clear);
 - Discussed procedural aspects of the plan, including the sub-regional issues.
- SDC consider that they shouldn't be tearing up the evidence base and starting from scratch, but rather updating the evidence base
 - SDC are considering the format of the plan - how does SDC future proof the plan: i.e. not just reflecting the current system but whether it was possible to have a hybrid plan which included growth/renewal/protection areas, and how those two systems might work together.
 - Timescales - broadly speaking – the end of 2023 deadline is the broad target. Will be looking to prepare a new LDS for mid October 2021, and are considering the nature/format of the plan. Will have a fair bit of information from the new evidence by then.

SB Q – are the thoughts that will pick up plan from pre-Regulation 18?
JG thinking that will need to do a regulation 18/19 consultation to allow for meaningful consultation, but not confirmed

SB Q – will SDC be doing a fresh call for sites: may be further sites available from previous considerations – TWBC has continued to have sites submitted through Local Plan process? – *JG: Not sure, but thinks not – have a lot of email correspondence from sites in original plan*

SB Q – evidence base work includes looking at capacity of town centres and other areas through characterisation. That work is still to be undertaken and their outcomes assessed. Given that does SDC think at this time that it could potentially meet its housing need? *JG: We go where the evidence takes us*

NW Q: So given that there is still uncertainty because of the outstanding evidence base surely SDC aren't even in a position to know whether it can meet housing need yet or not? *JG: We go where the evidence takes us*

SB Q: So given that evidence base is being undertaken on emerging plan, and that was referenced in DCAC in July (SB watched webcast) what is SDC's view of the position of the Local Plan in 2019? *JG: hasn't been/won't be withdrawn – is being held in abeyance.* SB and NW: even though PINS decision was clear and legal challenges exhausted: *JG: yes, strategy wasn't subject to full Examination as hearings ended early.* SB: will SDC be looking at the bar which SDC had in terms of exceptional circumstances for Green Belt release, including given comments from

Inspector about concerns over strategy? *JG: thinks that bar, particularly regarding provision of infrastructure to justify GB release is appropriate - wasn't tested at Examination.*

SB and NW Q: will SDC withdraw the requests made in 2019 regarding meeting unmet need? *JG: if Plan isn't being taken forward then no need to withdraw them.* SB: as per previous meeting means that the situation is less clear without them being withdrawn.

- **SoCG.**

SB: Draft interim SoCG prepared in March/April 2021: set out that it was an interim statement to be updated subsequently to the Court of Appeal outcome. All agreed that elements of it (G&T, infrastructure etc) still applicable, but need to look at bulk of it to update it to the current position. Need to capture where we are with the current situation at the point of submission.

AOB

- None

SDC23 - Email from SDC to TWBC
on draft SoCG 22 September 2021

RE: SoCG

Reply Reply All



James Gleave <James.Gleave@sevenoaks.gov.uk>

To: Stephen Baughen

Cc: Richard Morris; Hannah Gooden

You forwarded this message on 22/09/2021 11:04
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.



Draft SoCG and TWBC SoCG 07.02.2021 (004) JG HF HIG (002).58 17.02.2021 v4.docx
194 KB

Open in Word Open in Excel

Hi Steve

Please find attached a revised draft with some thoughts—as noted last week, we haven't agreed this with our Portfolio Holder, so it's just for officer discussion at this stage.

Regards,

James

From: Stephen Baughen

Sent: 17 September 2021 11:39

To: James Gleave

Cc: Richard Morris

Subject: RE: SoCG

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi James,

Likewise I hope all is well with you too.

Looking likely for submission in October now.

Please send through the draft SoCG and we'll review.

We'll also send across the draft minutes of the recent DTC meetings early next week.

Thanks

Steve

From: James Gleave

Sent: 17 September 2021 11:32

To: Stephen Baughen

Cc: Richard Morris

Subject: SoCG

Hi Steve

Hope you are well. When we last spoke you were going to send across some draft wording for the SoCG. I have put something together based on the earlier draft – this hasn't had member sign off yet, but I'm happy to send through for consideration subject to that.

I just wanted to check beforehand if you are still aiming for submission at the end of September?

Thanks

James

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SDC24 - Formal letter from TWBC
to SDC re DtC Housing Need and
way forward on 6 October 2021



Richard Morris
Deputy Chief Executive and Chief Officer - Planning & Regulatory Services
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent
TN13 1HG

6th October 2021
Sent by Email Only

Dear Richard

Re Duty to Cooperate (DtC) discussions between Tunbridge Wells Borough Council (TWBC) and Sevenoaks District Council (SDC), and housing need

I refer to recent discussions held between our two Local Planning Authorities under the Duty to Cooperate (DtC). To have to write in this manner is not something which I take lightly, but reflects the importance of moving matters in relation to the DtC forward rapidly. The letter is rather long, but necessarily so.

Background

As you are aware:

- on 11th April 2019 SDC wrote to TWBC requesting assistance in meeting some or all of SDC's unmet housing need of approximately 1,800 dwellings, based on its Local Plan at that time;
- SDC subsequently submitted its Local Plan (hereafter referred to as the 2019 SDC Local Plan) on 30th April 2019;
- from mid October 2019 – 2nd March 2020 there was correspondence between the Planning Inspector appointed to examine the 2019 SDC Local Plan and SDC, where the Inspector set out her concerns that SDC had not passed the DtC and raised other concerns including in relation to SDC's strategy and approach to the Green Belt, before issuing her report on the 2nd March 2020;
- SDC made an application for the Judicial Review of this decision, which was dismissed on 13th November 2020. An application to the Court of Appeal was subsequently dismissed on 7th April 2021.

Throughout the period of time from October 2019 there has been significant uncertainty as to whether there is, or will be, unmet housing need from SDC. SDC has explained its view that confirmation of the existence of this need (or otherwise) was dependent on the outcome of the Inspector's conclusions, and then the outcome of the legal challenges, and subsequently the actions that SDC determines to undertake in moving forward with its Local Plan. This

has taken a significant period of time, and the uncertainty associated with this has caused problems for TWBC in progressing its Local Plan.

As you are aware, TWBC has sought clarity at various times on whether there is unmet housing need from Sevenoaks District, and whether, when and in what form SDC would be re-starting its Local Plan process. Key to this has been whether SDC would be withdrawing the formal request made on 11th April 2019 for TWBC and others to accommodate some or all of SDC's unmet housing need at the point that it re-starts its Local Plan process, as the continued existence of these requests is causing uncertainty on the matter.

Post Court of Appeal

Following the dismissal by the Court of Appeal, TWBC has again sought that clarity regarding housing need. In response, SDC relayed through DtC discussions that it was waiting for a meeting with the Ministry of Housing, Communities and Local Government and the Planning Inspectorate before determining its next steps. Again, TWBC waited patiently for this meeting to take place (which eventually happened in mid-August, with, I understand, MHCLG only attending), and with TWBC then meeting with SDC immediately afterwards (24th August 2021).

At the DtC meetings with SDC on 8th July and 24th August 2021:

- SDC set out that it considered that the 2019 SDC Local Plan had not and would not be withdrawn, and was "*being held in abeyance*";
- SDC set out that it considered that the requests to neighbouring LPAs to assist with meeting unmet need from Sevenoaks made on 11th April 2019 were not relevant due to the passage of time and were a matter to be dealt with by the Inspector at the Examination of the TWBC Local Plan but, critically to us, declined to confirm that they would be withdrawn;
- SDC could not confirm whether the "emerging plan" would be a pre-Regulation 18 or pre-Regulation 19 plan.

At the meetings the two authorities discussed the situation of where a LPA is at the earlier stages of preparing a Local Plan and there is both i) evidence which considers the scope for additional housing and ii) site assessment work outstanding. It is TWBC's view that a LPA in this position simply cannot know until the completion of that evidence and site assessment work whether its housing need can be met or not. SDC is, of course, now in the earlier stages of producing its emerging Local Plan.

In response to questions on this point, SDC also advised that it could not confirm whether it would strive to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed housing need, as required by Para 35 a) of the NPPF.

Similarly, SDC's response to questions as to whether SDC agreed that, until the completion of the evidence and site assessment work, it could not say that its housing need cannot be met was, on several occasions: "*We go where the evidence takes us*". Whilst TWBC fully accepts that in due course the evidence and site assessment work will be important in determining whether need can be met or not, it is certainly not the case now. Not being able to agree on such straightforward points is frustrating discussions.

It is also TWBC's view that the earlier stages of plan making is an appropriate time to undertake a "call for sites" to understand if there are other sites which have not previously been considered which are available. This is the case even where there is part of an existing evidence base, and it is noted that Tonbridge and Malling Borough Council (TMBC) and Wealden District Council both did so following their plans not passing the DtC. At the

July and August DtC meetings SDC advised it was not intending to undertake a fresh call for sites, which would be somewhat surprising given the difficulties that SDC had to meet Para 35 a) of the NPPF.

However, positive steps need to be taken in order to provide clarity and remove uncertainty on the housing need situation in the West Kent Strategic Housing Market Area. The TWBC position is clear – it is set out in the Pre-Submission Local Plan. TMBC has moved swiftly to withdraw its Local Plan and is now progressing on updating its evidence base, and is at the position where at this point in time where it simply cannot say – until the conclusion of its evidence base and assessment of sites – whether it can meet its housing need or not.

The lack of clarity on housing needs and supply at SDC, which has now existed for nearly two years, has caused real difficulties in enabling TWBC to progress its own Local Plan, with the main issues being:

- i) SDC's non-withdrawal of the 2019 Local Plan;
- ii) SDC's non-withdrawal of the 11th April 2019 request to assist with unmet housing need, and
- iii) SDC's unwillingness/inability at this point (even if it is caveated with subject to approval by Members) to state whether the emerging plan will be pre-Regulation 18 or pre-Regulation 19.

TWBC actions since 24th August 2021

In light of the recent DtC meetings, TWBC has felt that it has had to seek Counsel's advice on the status of the 2019 SDC Local Plan: this advice was sourced from independent Counsel not supporting TWBC at Examination to ensure absolute objectivity.

The advice is clear:

- A) the 2019 SDC Local Plan is “dead” (Counsel's wording),
- B) if in due course SDC identifies any unmet housing need in Sevenoaks District then there can be no reliance on the 11th April 2019 request to TWBC and others to meet that need, and SDC would need to make a fresh request to TWBC and other neighbouring authorities;
- C) if SDC continues to refuse to confirm and clarify that the 2019 Local Plan is formally withdrawn, then this is precisely a scenario in which the Secretary of State could consider using his power under s21(9A) of the Planning and Compulsory Act 2004 to direct SDC to withdraw the 2019 Local Plan.

Whilst the legal advice is resounding, particularly in terms of point A), it appears that SDC's view is different. In the most recent draft of the Statement of Common Ground provided on 23rd September 2021, suggested wording inserted by SDC in relation to the 2019 Local Plan that “*At this stage, the provisions of SDC's Proposed Submission Version Local Plan (December 2018) have limited weight in planning decisions*”. The legal advice is contrary to that: the Plan is “dead” – i.e. has no weight.

This difference is indicative of the uncertainty which exists around the housing situation in the West Kent Strategic Housing Market Area, most pressingly affecting my Council, but also potentially TMBC, as well as SDC and other relevant bodies and the wider public. I reiterate that there is an urgent need to remove this uncertainty and provide clarity, particularly as both SDC and TMBC progress on their emerging plans.

Suggested way forward

TWBC has, through the Plan making process, considered whether there is scope to accommodate SDC's unmet need, including through the assessment of additional sites submitted in the Regulation 18 consultation on the Draft Local Plan in autumn 2019 and beyond well into 2020, and through the Sustainability Appraisal of the both the Draft and Pre-Submission Local Plan.

In particular, the approach has been to assess sites, and consider a spatial strategy, unconstrained by an upper housing limit. Assessment through the Sustainability Appraisal process has included assessment of options which include meeting TWBC's uncapped need (741 dwellings per annum as compared to 678), accommodating SDC's unmet need, and meeting TWBC's uncapped need and SDC's unmet need (853 dpa).

The TWBC Pre-Submission Local Plan makes provision to meet its own Local Housing Need (678 dpa). There is, additionally, a buffer of approximately 1,050 houses. The buffer has been planned for as it is considered that it is prudent to provide this degree of flexibility in the actual housing supply, particularly having regard to the high contributions from the strategic sites (Tudeley Village and Paddock Wood including land in east Capel). However, it may be that, in due course following Examination and adoption of the TWBC Local Plan and subsequent monitoring of housing delivery, there may be scope for any excess buffer to be considered as part of the wider delivery of housing in the Strategic Housing Market Area, and for this to be discussed under the DtC. This is, of course, dependent on the progression and adoption of the TWBC Local Plan.

In order to forge a way forward, I am therefore writing to formally request:

- 1) that the written request from SDC to meet unmet need made in April 2019 is withdrawn, given the early stage that the SDC "emerging plan" is at;
- 2) that SDC confirm that it will - in line with para 35 of the NPPF- at this stage of its "emerging plan" approach it on the basis of being "*positively prepared- providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs*", understanding that this may change as evidence/site assessment work is undertaken.
- 3) additionally, that SDC confirms that at this stage, and until the conclusion of the evidence base and assessment work, that it cannot say whether there is unmet housing need.

This will provide TWBC and TMBC with the greater clarity and certainty to move forward. I suggest that TWBC, SDC and TMBC meet promptly and regularly together. The new SDC timetable for its Local Plan and emerging outcomes from TMBC's call for sites and updated evidence will also be helpful in these discussions.

I understand that the papers for the Development & Conservation Advisory Committee on 19th October 2021 are due to be published on Monday 11th October 2021. Similarly, TWBC is looking to submit its Local Plan imminently. I therefore ask that this is treated with the utmost urgency, as prompt agreement on such points will allow both Authorities to develop the draft Statement of Common Ground further.

Please do not hesitate to contact me by email to arrange a time to discuss this further.

Yours sincerely,



Steve Baughen
Head of Planning Services

cc. James Gleave (SDC Planning Policy Manager)
Cllr Alan McDermott (TWBC Portfolio Holder for Planning and Transportation)
Cllr Tom Dawlings (TWBC Leader)
William Benson (TWBC Chief Executive)

SDC25 - Report on LDS to SDC D and CAC on 19 October 2021

LOCAL PLAN TIMETABLE

Development and Conservation Advisory Committee - 19 October 2021

Report of: Deputy Chief Executive and Chief Officer - Planning & Regulatory Services

Status: For Consideration, Development & Conservation Advisory Committee / For Decision, Cabinet

Also considered by:

- Cabinet - 11 November

Key Decision: Yes

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: Hannah Gooden, Ext. 7178

Recommendation to Development & Conservation Advisory Committee:

To consider the proposed Local Plan timetable and recommend its approval to Cabinet.

Recommendation to Cabinet:

To approve the Local Plan timetable.

Reason for recommendation: To update the Local Plan work programme to reflect the current timetable for the production of the Local Plan.

Introduction and Background

- 1 This report outlines the proposed timetable for the Local Plan. This is known as the Local Development Scheme (LDS).
- 2 The Local Development Scheme (LDS) is the document that sets out the Council's proposals and timetable for the production of the Local Plan. The LDS no longer has to be submitted to the Secretary of State for approval, but has to be made available and published on the Council's website. This is so that local communities and interested parties can keep track of progress.
- 3 The Council's current LDS was approved by Cabinet in 2018 and is now out of date. This revision (please see Appendix 1) has been prepared to bring the timetable up to date. This timetable will be included within an LDS

document, which will also provide details of other relevant documents such as Supplementary Planning Documents (SPDs) and Neighbourhood Plans.

Proposed Timetable

- 4 The LDS proposes the following timetable:
- 5 Evidence base preparation, call for sites, policy preparation (autumn 2021-spring 2022) (shown in blue). This will include ongoing work on a number of evidence base studies, including:

- Settlement Capacity Study (due to complete Sept 21)
- Targeted review of housing need (due to complete Sept 21)
- Settlement hierarchy (due to complete Nov 21)
- Town Centre Strategy (due to complete Dec 21)
- Characterisation Study (due to complete Feb 22)

We will also be commissioning updates to our existing evidence base documents to ensure that they remain up to date and indicate of current needs. A call-for-sites, initially focusing on sites within built confines, will also take place. Discussions with neighbouring authorities and statutory providers are ongoing, in relation to the Duty to Co-operate, and will continue throughout the plan-making process.

- 6 Informal consultation (Regulation 18) (April/May 2022) (shown in orange). An initial 6-week consultation on the draft plan is programmed to take place in late spring 2022. This will be followed by a period of further policy preparation, reviewing the representations, undertaking Duty to Co-operate discussions, concluding evidence base work and refining the policies within the Local Plan (shown in blue).
- 7 Pre-submission publication (Regulation 19) (Dec 22/Jan 23) (shown in brown). The plan will be published in winter 2022/23 for final representations, which are then provided to the examining Inspector. This stage of the plan making process asks for specific comments on legal compliance, soundness and whether the duty to co-operate has been met.
- 8 Reviewing representations / submission preparation (spring 23) (shown in green). Representations received under Regulation 19 will be reviewed and the Plan documents prepared for submission. Given the focus on legal compliance and the duty to co-operate, it is important that officers have sufficient time to consider representations on these matters and if necessary, discuss the issues with relevant parties, including those who raised concerns.
- 9 The timetable assumes that no significant concerns are raised at this stage and the Council can proceed to submitting the plan for adoption. Officers

will seek to meet this timescale by addressing as many issues as possible immediately after the Regulation 18 stage. However, we cannot assume a predetermined outcome. In the event that significant issues are raised, it may be necessary to consider further rounds of consultation.

- 10 Submission (Regulation 22) (April 23) (shown in yellow) The plan will be considered by Full Council for submission to the Secretary of State, for an examination which will be carried out by the Planning Inspectorate (PINS).
- 11 Examination (April 23-April 24) (shown in purple) The timetable for the examination and hearings is at the discretion of PINS, but it is shown indicatively lasting for a year. Adoption (shown in grey) is shown in April 2024.

Conclusion

- 12 This report outlines the proposed update to the Local Development Scheme (LDS) which sets out the work programme for the production of the Local Plan.

Other options Considered and/or rejected

The current LDS is out of date and it cannot remain unchanged. The reasons for the changes in its content and programme are explained above.

Key Implications

Financial

No additional costs to the Council arise from the amendment of the LDS. Evidence base work is funded from the Council's Local Plan reserve.

Legal Implications and Risk Assessment Statement.

All local authorities are required to produce an LDS to set out their timetable for the production of planning policy documents.

Local authorities are required to have an up-to-date Local Plan in place by December 2023. The government may intervene where local authorities fail to meet this deadline in accordance with the existing statutory powers, considering appropriate action on a case-by-case basis. It is suggested that provided the Local Plan is submitted before this date and that the examination is ongoing, the risk of intervention is minimal.

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.

Sevenoaks District Council aims to effectively involve the community in the development of all Local Plan documents, in line with the Statement of Community

Involvement.

Appendices

Appendix A - LDS timetable

Background Papers

None

Richard Morris

Deputy Chief Executive and Chief Officer - Planning & Regulatory Services

Local Development Scheme
(Planning Policy Timetable)
Updated Sept 2021

	2021				2022												2023												2024												
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
Local Plan																																									



Evidence base / call for sites / policy prep
Informal consultation (Regulation 18)
Pre-submission publication (Regulation 19)
Reviewing reps / submission prep



Submission (Regulation 22)
Examination
Adoption
* Timetable at the discretion of PINS

SDC26 - Report on Local Plan Update to SDC D and CAC on 19 October 2021

LOCAL PLAN UPDATE

Development and Conservation Advisory Committee - 19 October 2021

Report of: Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

Status: For Information

Executive Summary: This report provides an update on the Local Plan and outlines the next steps in the plan making process.

This report supports the Key Aims of:

Protecting the Green Belt

Supporting and developing the local economy

Supporting the wellbeing of residents, businesses and visitors

Ensuring that Sevenoaks remains a great place to live, work and visit

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: James Gleave ext. 7326

Recommendation to Development and Conservation Advisory Committee:

That the report be noted.

Background and Introduction

1. Members were last updated on the Local Plan in July, when Officers briefed them on the emerging evidence base and the next steps to move the plan forwards, including discussions with the Ministry for Housing, Communities and Local Government (MHCLG). This report provides an update on these points and should be read in conjunction with the separate report on the Local Development Scheme (LDS), which sets out the next steps for the plan making process.

Discussions with MHCLG

2. The latest position on discussions with the Minister of State for Housing and representatives from MHCLG was reported in July. Significant progress has been made since this time.
3. A meeting took place with representatives from MHCLG on 18th August 2021. Discussions were constructive and positive, with some clear conclusions on

how the Council could progress an updated Local Plan. Specific issues raised during the course of the discussion were:

- We were successful in proposing a four-fold increase in housing, whilst taking the local community with us. It is disappointing and frustrating that such a significant increase was not accepted by the Inspector;
 - Collectively, there are lessons to be learnt from SDCs experience of plan making;
 - The Council highlighted the steps it has taken to put a plan in place as soon as possible;
 - Existing evidence should be used as a basis for an updated plan;
 - Where necessary, new evidence is being prepared and updated to support policies and allocations;
 - The importance of a 'route map' with the Planning Inspectorate was emphasised. The Council noted it was producing an up to date LDS and would make this available as part of forthcoming discussions;
 - Significant changes to the planning system are on the horizon and should provide greater clarity for proposed site allocations;
 - The Council should not aim for a hybrid document that incorporates elements of the Planning White Paper;
 - We should, however, seek to 'future proof' the updated Local Plan, so that it is not out of date at the point of publication;
 - The Council should aim to have a plan in place by 2023 to avoid the complexities of transition to a new planning system; and
 - The Ministry understood the Council's frustrations and was keen to assist in progressing the plan through to examination.
4. It was agreed that a series of meetings would be held with representatives from MHCLG and the Planning Inspectorate (PINS), during the preparation of the updated Local Plan. Members will be informed on the outcome of these discussions in subsequent reports.

Updated Evidence Base

5. Members were given an overview of emerging evidence base documents in July. The following paragraphs provide an update on these studies.

Town Centre Strategy (TCS)

6. The Strategic Planning and Economic Development teams have jointly commissioned Allies and Morrison (A&M) to prepare the TCS, which will cover Sevenoaks town, Swanley, Edenbridge, Westerham and New Ash Green. This study will play an important role in helping to shape the future of these town centres and in particular, will:
- Ensure the continued vitality and viability of our town centres, in the light of changing shopping patterns and permitted development rights;

- Consider how town centres can respond to the social and economic shifts arising from the global pandemic;
 - Provide up to date town centre and retail evidence for Local Plan policies and site allocations;
 - Develop a clear vision for town centres and a governance structure to ensure the strategy is implemented;
 - Inform the Council's Economic Development Strategy, which sets out the major priorities for economic development in the District over the next three years; and
 - Provide a basis to secure funding for town centre improvements and assist with regeneration plans for Council owned sites.
7. Throughout October, A&M will be undertaking community engagement, consulting with a number of stakeholders who are involved in town centre management including councillors, town/parish councils, neighbourhood planning groups, chambers of commerce and members of the public. A member briefing will also be arranged in November to discuss the draft strategy. The TCS is due to be finalised in December 2021.

District-wide Character Study (DWCS)

8. An update on the DWCS was also provided in July. The inception meeting took place at the beginning of September and the appointed consultant (also A&M) is in the process of gathering evidence on the key historical, physical, social and socio-economic characteristics of the District. This information will be mapped and launched as an initial StoryMap - an online interactive website which summarises the key findings.
9. The StoryMap will include a survey to capture residents' views and experiences of the places they live. The information captured through the survey will feed into the second stage of the project; an analysis of area types, building typologies and the changes that are influencing place shaping across the District, such as Covid-19, demographic shifts and climatic effects. An engagement workshop will take place in mid-November to test the findings of the analysis. The final stage of the study will be to report on all the information gathered, with a follow-up workshop in mid-January 2022.
10. The study will result in a report and an interactive website (StoryMap) showing the past, present and likely future character across the District, with key themes and recommendations as part of the analysis output. The report will influence more detailed emerging design codes, allocations for new development in the Local Plan and will be a material consideration in the consideration of future planning applications.

Targeted Review of Local Housing Needs (TRLHN)

11. Officers have been working closely with the Arc4, the consultants commissioned to undertake the TRLHN. The study builds on the housing needs evidence in the Strategic Housing Market Assessment (SHMA) from 2015, to bring it up to date. Specifically, the study will set out an updated need for affordable homes, tenure requirements for affordable housing and determine

the level of discount required for First Homes. The data will be analysed down to placemaking level, recognising that housing needs differ across the District.

12. The emerging findings of the study were presented to members at virtual workshops on 14th and 16th September. The evidence will be used to inform both Local Plan preparation and the Council's emerging Housing Strategy.

Settlement Capacity Study (SCS)

13. The development strategy for the emerging Local Plan has been and will remain to accommodate as much development as possible in existing settlements and release Green Belt land only where there are exceptional circumstances for doing so. As referred to in previous reports, officers will seek to ensure the most efficient use of land on all sites and make the most of capacity in existing settlements.
14. To reinforce this strategy and as reported in July, the Council has completed the first phase of the SCS, as part of the evidence base for the emerging Local Plan. The study considers the potential to accommodate additional residential development in the settlements of Sevenoaks, Swanley, Edenbridge, Westerham, New Ash Green, Otford and Hartley.
15. The initial findings of the SCS have been discussed with relevant members and Development Management colleagues. At this stage and taking account of feedback received, the study suggests there is potential to accommodate up to 1,000 residential units across these settlements, over and above the five-year housing land supply.
16. The identified potential is considered to be compliant with national planning policies. The next phase will be to invite specific sites to come forward through the call for sites process and undertake further work on delivery and developability. The options for expressing the outcomes of the SCS in the updated Local Plan will be discussed with MHCLG and detailed in subsequent reports.

Call for Sites

17. Officers propose to undertake a two-stage call for sites process to inform the publication of an updated Regulation 18 version of the Local Plan, as set out in the LDS. The first stage (Stage 1) is due to commence in mid October and will seek to identify sites that are within existing settlements and not subject to significant planning constraints. The landowners identified through the SCS process will be contacted at this stage and invited to submit sites for consideration, should they wish to do so.
18. Following an assessment of the Stage 1 outcomes, an opportunity will be given for the submission of sites in all other areas of the District. These sites are likely to be subject to national policy constraints, such as Green Belt or an Area of Outstanding Natural Beauty. This process, referred to as the Stage 2 call for sites, will take place during November. The call for sites will be discussed with MHCLG and any changes will be detailed in subsequent reports.
19. A question and answer sheet will be prepared for the Local Plan pages on the Council's website to address any specific queries about the evidence base

documents, including the SCS and the call for sites processes. Contact details for the planning policy team will be shared in this note.

Public Engagement

20. Officers recognise the need to ensure that all stakeholders are fully informed on the approach to preparing an updated Local Plan and have an opportunity to submit comments. The engagement process will be undertaken in accordance with statutory requirements and the Council's Statement of Community Involvement (SCI).

Next Steps

21. The next steps in the plan making process are set out in an updated LDS, which is the subject of a separate report.

Emerging Trends

22. Given the number of Local Plan specific items that are due for discussion at this meeting, this report does not contain the standing item of emerging trends that are likely to influence strategic planning in Sevenoaks District over the coming years. However, members may wish to select topics for discussion at the next meeting. Suggested topics are:
 - Equitable Transport: Can transport choices in Sevenoaks be more accessible for all?
 - The London Plan and how development pressures in outer London could impact on Sevenoaks District
 - Post-pandemic living and working trends
 - Tackling tenure and type: Housing needs in Sevenoaks District
 - White Paper or White Elephant - Whatever Next?

Key Implications

Financial

The 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 the Local Plan 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 on the content of this report at the meeting.

Appendices

None

Richard Morris

Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

SDC27 - Relevant extracts of minutes of SDC D and CAC on 19 October 2021

DEVELOPMENT & CONSERVATION ADVISORY COMMITTEE

Minutes of the meeting held on 19 October 2021 commencing at 7.00 pm

Present: Cllr. Reay (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Cheeseman, Penny Cole, P. Darrington, Fothergill, McGregor, and Roy

Apologies for absence were received from Cllrs. Barnett, Clayton and Pett

Cllrs. Clayton, Dickins, Morris were also present via a virtual media platform, which does not constitute attendance as recognised by the Local Government Act 1972.

11. Minutes

Resolved: That the Minutes of the Development & Conservation Advisory Committee held on 6 July 2021, be approved and signed by the Chairman as a correct record.

12. Declarations of interest

No additional declarations of interest were made.

13. Actions from previous meeting

There were none.

14. Update from Portfolio Holder

The Portfolio Holder gave an update on the services within her portfolio. She advised that there continued to be huge number of applications being submitted to the Council, and based on the same period as the previous year there had already been a 22% increase, which equated to 228 more applications more than last year already. Performance remained high and performance indicators remained in the green. The team were working hard and effectively.

The Enforcement Team also remained busy under the Enforcement Team Manager and there had been some staffing changes including a temporary member of staff becoming a permanent Enforcement Officer and agreed recruitment for another Enforcement Officer.

Members took the opportunity to ask questions of clarification, and discussed the types of infrastructure projects that had received monies through the CIL Spending Board. Discussions also took place around the priorities for spending this year and that Edenbridge should be included as a priority area for health services.

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 criteria for prioritising infrastructure projects for funding in the Infrastructure Funding Statement, as set out below, be agreed;
 - The projects fall with the infrastructure types/projects identified in the IFS report.
 - The projects have been identified in our Infrastructure Delivery Plan. (This ensures that the infrastructure prioritised supports the Local Plan).
 - The projects support and are clearly related to proposed or allocated development in the District. They therefore provide a strong link between development and the proposed project.
 - That there is a strong social, environmental or economic justification for the scheme.
 - That projects have not received CIL previously.
 - The scheme has support from infrastructure providers
 - That there is a need or it will be expected to be delivered within the next 5 years.
 - That it is identified as having a critical or high need where the project has to be delivered prior to any development to support it.
 - Where it is likely that the infrastructure project can be delivered within the plan period as there are little or no issues with funding or landownership.
 - Where there is a clear plan as to how the project would be funded; and
- b) the specific projects and types of Infrastructure recommended in paragraphs 28 - 38 of the report, be identified in the Infrastructure Funding Statement as having a priority for full or partial funding, with the inclusion of Edenbridge under priorities under Health and Social Care

19. Local Plan Timetable

The Planning Policy Team Leader (Policy) presented the report which set out the proposed timetable for the Local Plan, which was also known as the Local Development Scheme (LDS). The timetable would be included within an LDS

document, which would also provide details of other relevant documents such as Supplementary Planning Documents (SPDs) and Neighbourhood Plans.

Members were provided with a summary of the timetable and that it was hoped for the plan to be published in winter 2022/23 for final representations which would then be provided to the examining Inspector. It was anticipated that the plan would be adopted by April 2024.

Members discussed the timetable noting that it was a pressurised timetable and the amount of work which would be undertaken by the team.

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 the Local Plan Timetable (LDS), be approved.

20. Local Plan Update

The Strategic Planning Manager presented the report which updated Members on the Local Plan, noting the information which had been set out within the Local Plan Timetable for the next steps for the plan making process.

Discussions with the Department for Levelling up, Housing & Communities were continuing and discussions were constructive and positive, with some clear conclusions on how the Council could progress an updated Local Plan. Members were also updated on the progress of the emerging evidence base studies, including the District-Wide Character Study, Town Centre Strategy, targeted review of Housing Needs and Settlement Capacity Study. Members were encouraged to take part in the Character Study consultation, which was due to run until 8 November 2021.

Members discussed the emerging trends for discussion, and requested briefings on each of the topics outside of the Local Plan Update. Members also took the opportunity to ask questions. In response to questions, Members were advised that the Call for Sites would be undertaken in two stages. Stage 1, which had now commenced, invites the submission of sites in settlements outside of the Green Belt and will be informed by the Settlement Capacity Study. Stage 2 would begin on 25 November and invites sites from all other areas of the District. The Stage 1 and Stage 2 Call for Sites will close on 20 January 2022.

Resolved: That the report be noted.

21. Work plan

The work plan was noted with the following additions for 2 December 2021:

- Building Control - meet the team

SDC28 - SDC response letter to
TWBC on 22 October 2021

Mr Steve Baughen
Head of Planning Services
Tunbridge Wells Borough Council

Sent by email only:
[REDACTED]

Tel No: [REDACTED]
Ask for: James Gleave
Email: [REDACTED]
My Ref: JG/sc
Your Ref:
Date: 22 October 2021

Dear Mr Baughen

Duty to Cooperate (Dtc) discussions between Tunbridge Wells Borough Council (TWBC) and Sevenoaks District Council (SDC), and housing need

Thank you for your letter to Richard Morris dated 6 October 2021. Richard and I have discussed the issues raised and he has asked me to respond. Further to our discussions, I am fully aware of the extensive background on this matter and SDC is now moving forward with the production of an updated Local Plan.

The latest position on emerging evidence and an updated Local Development Scheme (LDS) was presented at our Development and Conservation Advisory Committee (DCAC) on 19 October. The [DCAC report](#) should hopefully clarify any procedural questions you have regarding next steps in the plan making process and/or the Call for Sites.

SDC stands by its decision to challenge the Inspector's conclusions and the actions outlined in the 'Post Court of Appeal' section of your letter. You have identified the timescales for these processes, which have been outside of our control. The next steps for us will firstly be to hold a further meeting with representatives of the Department for Levelling Up, Housing and Local Communities on 4 November. Discussions will continue at regular intervals during the course of the plan making process and we are keen to ensure that areas of potential concern are raised at the earliest possible stage. The department is aware of the status of our plan and I will mention the issues raised in your letter.

I note the legal advice you have received and hope this provides sufficient guidance on the soundness and legal compliance of your emerging plan, ahead of the examination. It would be helpful if you could please send through the legal opinion in full. With regard to the specific comments on the weight to be attached to SDCs emerging Local Plan, we would certainly agree that it cannot be relied on for

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decision-making purposes. However, as noted in the latest version of the Statement of Common Ground sent to you on 22 September, we are of the view that the Local Plan evidence base continues to be a material consideration in both plan making and decision taking. This view reflects our latest discussions with Government and is significant in that the findings of the evidence base have influenced our conclusions on unmet housing need.

Your letter touches on the application of paragraph 35 of the National Planning Policy Framework (NPPF). SDC's approach to plan making has and will continue to apply the NPPF as a whole. The provisions of paragraph 11 (b) are also relevant. Notwithstanding the emerging evidence discussed during the course of our DtC meetings, SDC considers it highly unlikely that its housing need can be accommodated on land that is unaffected by the constraints listed in footnote 7 of the NPPF, including the Green Belt.

The 'Suggested Way Forward' section of your letter indicates that it may now be possible to accommodate some unmet housing need from Sevenoaks in Tunbridge Wells District. This is significant in the context of paragraph 141 of the NPPF, which requires 'other reasonable options' to be explored, before concluding that Green Belt land should be released to meet development needs. To ensure compliance with paragraph 141 c), it would seem sensible to discuss the extent of the buffer, whether it would require the release of land affected by footnote 7 constraints and an updated assessment of how housing needs will be met in Sevenoaks. This final point will be clarified through the production of SDCs emerging evidence base. All of these issues can be referred to in the Statement of Common Ground.

The legal opinion seems to provide you with a clear steer on the status of SDCs email dated 11 April 2019. Much has changed since this time and moving forwards, SDC will be guided by existing and emerging evidence, with the aim of making the best use of land which is unaffected by footnote 7 constraints. Reasonable options, including discussions with neighbouring authorities, will need to be explored, before concluding that exceptional circumstances exist to release Green Belt land. The email refers to an unmet need of 1,800 units. In the light of our emerging evidence base, it is agreed that this figure cannot be relied on.

My perspective is that SDC and TWBC have worked positively to address the significant planning challenges that are common to West Kent local authorities. These constructive working relationships will need to continue if we are to plan positively in the light of a complex, dynamic and uncertain national planning framework.

I suggest the next steps are to transfer our common understanding in to a Statement of Common Ground and hope that we can continue to work towards this.

Yours sincerely

A black rectangular box used to redact the signature of James Gleave.

James Gleave
Strategic Planning Manager