

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

Tel No: 01732 227000
Ask for: James Gleave
Email: james.gleave@sevenoaks.gov.uk
My Ref:
Your Ref:
Date: 3rd January 2020

Dear Ms Baker

Re : Sevenoaks District Council Local Plan

Thank you for your letter dated 13th December 2019, which was received by the Council on Thursday 19th December. Your conclusions are, indeed, unfortunate for all those involved in the plan making process and we seem to have reached something of an impasse on this matter. There are a few additional points I would like to add to those previously raised, before concluding on how the Council would like to proceed.

Notwithstanding the comprehensive explanation of the Council's perceived failings, you have not demonstrated a clear understanding of what constructive engagement is or should look like in the Sevenoaks context, only what it is not. Such an understanding is an essential starting point to test all aspects of the duty, including the robustness of evidence submitted, whether further evidence is required and if so, what this should seek to achieve. Overall, it appears that you have sought to contradict, rather than consider the points raised by the Council.

We note your conclusions regarding the timing of discussions with neighbouring authorities, exactly when neighbours were formally asked to accommodate unmet need and when the PAS workshop sessions took place. Whilst significant weight is placed on the chronology of these events, it is still unclear when you believe the extent of unmet need became apparent.

.../..

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



INVESTORS
IN PEOPLE

Platinum
Until 2022

.../2

Paragraph 25 of your letter appears to accept the Council's position that the broad extent of unmet needs became known following the consideration of the Regulation 18 representations in November 2018. This is highlighted by your acknowledgement that the full extent of unmet need *would not* have been known at the meeting with Tonbridge and Malling Council on 11th September 2018. You then go on to state that there is no evidence of any discussion about how unmet need should be addressed. It seems illogical to conclude that such a discussion could have taken place, when unmet was unknown at this point.

An acceptance that unmet need, only became apparent following the close of the Regulation 18 consultation, seems to invalidate criticisms regarding a lack of engagement at an earlier stage in the plan making process. My previous correspondence has highlighted that in reality, the Council was as open as possible with neighbouring authorities on this matter, whilst the plan was being prepared.

Paragraph 10 of your letter states that had engagement occurred as soon as the Council was aware of the broad level of unmet need, it *might* have resulted in a more positive outcome. The above paragraphs make clear when this was apparent and the conclusions of the PAS workshop do not support your conclusion. However, as a Council, we cannot plan on the basis of what *might* occur and do not believe that such an approach is consistent with national planning guidance. The purpose of the examination and plan making as a whole is to consider what is *likely* to happen in Sevenoaks and then respond accordingly.

Whilst there is always a possibility that a different outcome *might* have occurred, the Council reached a position prior to submission, through discussions with neighbours, where we believed it was unlikely that unmet need could be accommodated through the duty. The PAS workshop provided a sense check of the decision-making process and re-enforced this view. We find it unusual that you have sought to draw alternative conclusions about this event, which you did not attend, rather than listen to those who participated.

Paragraph 23 of your letter refers to the 'significant concerns' raised by Johnathon Bore during the Advisory Visit on 6th February 2019. His note does not mention a 'concern' at any point and we note that once again, your conclusions relate to an interpretation of an event that you did not attend. Whilst the Advisory Visit was challenging, we found the process extremely constructive. The Council met with representatives from MHCLG shortly after the event to discuss the outcome and was advised to engage with PAS regarding the duty. We now find ourselves in a position where you, as a Government representative, is regrettably advising the Council that it should not have followed the advice provided by the organisation that the Government advised us to engage with. From the Council's perspective, this is an irrational position.

.../..

.../3

The references in paragraphs 15 and 16 are particularly troubling. It is a simple fact that both Tunbridge Wells and Tonbridge and Malling Councils confirmed at the hearings that Sevenoaks had met the requirements of the duty. Whilst there are acknowledged disagreements regarding the Council's approach to meeting housing need, the position with regard to the duty is unified. All neighbouring authorities share this view, as do the majority of participants in the examination process, including the promoters of sites that have not been included in the plan.

To summarise, the examination should have focussed on the fundamentals of what constructive engagement looks like in the Sevenoaks context and when unmet need became apparent, rather than placing such a significant amount of weight on the details of who did what and when. A positive and pragmatic view on these matters would take account of whether it is *likely* that unmet need could be met through the duty, rather than what *might* be possible.

You will be aware that the requirement to meet objectively assessed housing need and the duty to co-operate must be considered as separate matters during the examination process. I would, however, reiterate the point that this plan will result in a 300% uplift in housing delivery from the current Core Strategy, in an area where 93% of land is designated Green Belt and would meet 88% of housing need. Given the Government's current housebuilding target, this represents a positive approach to plan making.

We note that, despite numerous requests, you have been unable to provide further details on the matters of soundness referred to in your letter dated 14th October. Once again, could you please do so.

The Council and other participants in the examination process disagree with the planning judgements you have made regarding the duty to co-operate. The flawed interpretation of planning regulations and guidance does not take account of local circumstances in Sevenoaks or surrounding local authority areas. It is indeed the case that all local authorities are struggling to meet their own needs and there is no scope to accommodate unmet need elsewhere through the duty.

Your conclusions will delay the delivery of much needed housing and local infrastructure in the district and fail all participants who have sought to assist you over the last 8 months. It should not take this amount of time to reach a conclusion on such a fundamental aspect of the examination process.

For the reasons outlined above and in previous correspondence, the Council is not proposing to voluntarily withdraw the plan from examination. I would therefore ask that you issue your report as soon as possible, so that we can move forward.

Yours sincerely

James Gleave
Strategic Planning Manager