

The Rt Hon Robert Jenrick MP
Secretary of State
Ministry of Housing, Communities & Local
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Date: 21 January 2020

Dear Secretary of State

I write to you as the Minister responsible for the Planning Inspectorate to express my concerns regarding the conclusions reached by the Inspector appointed to undertake the examination of Sevenoaks District Council's Local Plan. The Plan was submitted to you on 30 April 2019 following an extensive public consultation exercise, discussions with neighbouring authorities, MHCLG and also the Planning Advisory Service. Despite this transparent and co-operative approach, the Inspector has stated that the Plan fails the so called 'duty to co-operate' and cannot proceed.

As context, you may be aware that 93% of land in Sevenoaks District is designated as Green Belt and 60% is within Areas of Outstanding Natural Beauty (AONB). Taking account of Government policy relating to these designations, the Plan concludes that 88% of housing need in the district can be met, through the release of brownfield sites and over 220 hectares of Green Belt land.

The inspector's concerns relate primarily to the chronology of discussions with neighbouring authorities, regarding whether it is possible to accommodate unmet housing need elsewhere. She concludes that discussions took place at a late stage in the process and that if engagement had occurred as soon as the Council became aware of the broad level of unmet need, it might have resulted in a more positive outcome.

Details of the engagement undertaken by the Council are set out in the information submitted with the Plan and subsequent correspondence with the planning inspector. I would, however, point out that we became aware of the full extent of unmet need in November 2018 and took action immediately. /...

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Contact was made with the Planning Inspectorate, which led to an 'Advisory Visit' and discussions with representatives from MHCLG, who recommended that the Council engage with the Planning Advisory Service (PAS). A Duty to Co-operate workshop session chaired by a representative from PAS was held with neighbouring authorities on 24 April 2019. The process was extremely constructive and the note from the facilitator concludes that:

From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem.

In her letter dated 28th October 2019, the Inspector states simply that she does not agree with the position reached by the PAS facilitator. Subsequent correspondence notes that undertaking a peer review cannot ever guarantee that the Plan will be found to be legally compliant. In the light of the Government's recommendation to engage with PAS regarding the duty prior to submission, it would have been irresponsible for the Council not to follow the conclusions from the process and we find it unusual that an alternative conclusion has been reached.

The Inspector refers to it being 'apparent' that the PAS workshop would not have benefitted from the extent of evidence submitted to the examination. In fact, PAS were given copies of the Statements of Common Ground and detailed summaries of all discussions with neighbouring authorities. The PAS conclusions are clear: if neighbouring authorities are struggling to meet their own needs, it is extremely unlikely that further 'engagement' would result in unmet need being accommodated elsewhere through the duty to co-operate. The only outcome of such discussions would be to delay the production of the Plan and prevent development needs from being met.

The Council is particularly concerned that it took some 7 months for the Inspector to raise these issues, when all of the information necessary to make a decision, including the chronology of engagement, was made available at the point of submission. We are aware that the Inspectorate's own procedural guidelines state that duty to co-operate concerns should be raised as soon as possible. As it transpired, the Inspector went on to issue 523 examination questions, of which only six were related to the DtC, all these were answered, and proceeded with two weeks of hearing sessions, day one of which dealt with DtC, the Inspector had ample opportunity to halt the proceedings if we hadn't meet the duty. The Council was given 'actions' for the second set of hearing sessions and venues were booked at the Inspector's request. The substantial costs associated with the process, which exceed £100,000 of taxpayers money, could and should have been avoided.

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We are aware that Inspectors have used a perceived failure in the DtC to find other plans unsound, for example, in the case of the Wealden Local Plan, the Inspector refers to it being 'notable' that his conclusions are endorsed by representatives of five neighbouring local planning authorities. If this is the case, it must also be relevant that representatives from our neighbouring authorities attending our examination hearings to support our Council's approach to meeting the duty. We are disappointed at the apparent lack of consistency between Inspectors and the arbitrary nature of the decision making process on this key matter.

The Council faced considerable opposition to the proposed release of 220 hectares of Green Belt land to meet housing need and it is an achievement that the Plan reached the examination stage at all. We are keen to get a Plan in place as soon as possible and the Inspector's conclusions will set this process back considerably. I would 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. Given the Government's current housebuilding target, this represents a considerable achievement and a positive approach to plan making.

Sevenoaks is not an anti-development Council. We have brought forward innovative solutions to deliver new homes in the district, which will stall if the Inspector's misguided conclusions are implemented. This cannot be right and I would be grateful if we could please meet at your earliest convenience to discuss the points raised in this letter.

I look forward to hearing from you as soon as possible to arrange a mutually convenient time.

Yours faithfully

Cllr Peter Fleming
Leader