

## **Council mounts Local Plan legal challenge**

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Sevenoaks District Council has begun Judicial Review proceedings after the Government Planning Inspector refused to endorse its new Local Plan.

On 2 March 2020, the Inspector wrote the final report on the examination of the Sevenoaks District Local Plan. This report concluded the Plan was not legally compliant in respect of the Duty to Co-operate. In other words, the Council had not satisfactorily worked with neighbouring councils to accommodate homes that could not be built in the District because of the Green Belt and other protections.

However, the Council strongly rejected this allegation, which surfaced after the first round of the Local Plan hearings in October, seven months after it had submitted the new Plan and supporting evidence to the Inspector.

Within the Local Plan submission there were more than 800 pages of evidence setting out how the Council had worked with its neighbours during the production of the Plan. The neighbouring councils and other organisations involved in the development of the Plan supported the Council's evidence and approach on this key matter.

Cllr Peter Fleming, Leader of the Council, says: "Taking legal action is not something we would undertake lightly and demonstrates we are serious about standing up for our residents and our cherished environment, against what we believe is a fundamental failure by the Planning Inspectorate to take account of the weight of evidence in front of them.

"Working with landowners, communities and developers, our new Local Plan put forward innovative solutions to deliver almost 10,000 homes and improved infrastructure while protecting nearly all of our Green Belt. It's a huge frustration that, after so much work, we cannot take our Plan forward at this time.

"In our view, concluding we failed to co-operate with neighbouring councils was the only way to halt the examination. We reject this. We gave the Planning Inspector detailed evidence of our work with our neighbours and, from the start, they said they couldn't accommodate the homes we could not deliver."

Cllr Julia Thornton, Cabinet Member for Development & Conservation, adds: "Our Local Plan is the first in the country to be assessed under a new planning framework. We believe, whilst this is not the reason the Inspector has given, failing to meet the Government's housing figure would potentially impact on subsequent Local Plans across the country."

If the Inspector did have significant concerns over our Duty to Co-operate, these should have been raised soon after we had submitted our Plan, not months later. We fundamentally disagree with the Inspector's conclusions and firmly believe key parts of the Local Plan requirements have been incorrectly interpreted.

"We feel have no choice but to take this course of action."

The Secretary of State for the Department for Communities, which is responsible for the Planning Inspectorate, will have an opportunity to respond before a judge decides if the case should proceed. In the light of the Coronavirus outbreak it is not possible to estimate when a hearing may take place.

### **Notes to editors**

The Local Plan is a District-wide plan that says what can be built and where up to 2035.

The Government says it should include 11,312 new homes to meet the District's future needs. At the same time, the Government says it should continue to protect the Green Belt.

Once agreed, the Plan will be used to help decide planning applications.