

Statement of Common Ground

as agreed between

**Wealden District Council and Sevenoaks
District Council**

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1. Introduction

The basis for preparing this Statement of Common Ground

- 1.1 This Statement of Common Ground (SCG) has been prepared by Sevenoaks District Council (SDC) and Wealden District Council (WDC). It reflects the agreed position between the parties.
- 1.2 The purpose of this SCG is to set out the basis on which WDC and SDC have actively and positively agreed to work together to meet the requirements of the Duty to Cooperate. WDC prepared their Local Plan (named the 'Wealden Local Plan') for Regulation 19 consultation in the summer/autumn of 2018 and formally submitted its Local Plan in January 2019 to the Secretary of State. SDC prepared their Local Plan for Regulation 19 consultation during the winter of 2018/19 and intend to submit their Local Plan in April 2019. This statement describes the established mechanisms for ongoing cooperation on strategic matters.
- 1.3 Under section 33A of the Planning and Compulsory Purchase Act 2004 (amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) 2019 it is a requirement under the Duty to Cooperate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan documents and other local development documents. This is a test that local authorities need to satisfy at the Local Plan examination stage and is an additional requirement to the test of soundness. The Wealden Local Plan will be considered for examination purposes under the NPPF published in March 2012 owing to its submission date¹. Notwithstanding different NPPF versions, the Duty to Cooperate process for Local Plans has remained similar.
- 1.4 The NPPF (2019) states at paragraph 27 that *"In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these"*.
- 1.5 The Duty to Cooperate applies to strategic planning issues of cross boundary significance. Local authorities all have common strategic issues and as set out in the National Planning Practice Guidance (NPPG) *"local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination."* The statutory requirements of the Duty to Cooperate are not a choice but a legal obligation. Whilst the obligation is not a duty to agree, cooperation should produce effective and deliverable policies on strategic cross boundary matters in accordance with the government policy in the NPPF, and practice guidance in the NPPG.

¹ Paragraph 214 of the NPPF (2019) confirms that the policies of the previous Framework published in March 2012 will apply for the purpose of examining plans, where the plans were submitted on or before 24 January 2019.

- 1.6** The administrative areas set out in Appendix A and B show that WDC and SDC share a common boundary and are required to work cooperatively in an effective way to address key strategic matters pertaining to these areas.

2. Key Matters

2.1 Housing

- 2.1.1 Government policy places much emphasis on housing delivery as a means for ensuring economic growth and addressing the current national shortage of housing. Paragraph 65 of NPPF² is very clear that *'Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. ...'*
- 2.1.2 The Wealden Local Plan is supported by the Wealden District Strategic Housing Market Assessment (SHMA)² published in August 2016. Section 2 of this document (Defining the Housing Market Area) assesses the wider Housing Market Area (HMA) for WDC based on Planning Practice Guidance. The Wealden SHMA identifies that **Eastbourne Borough, Tunbridge Wells Borough, Rother District, Lewes District and Mid Sussex District** have the strongest and most consistent migration and commuting relationships with Wealden, as well as linkages in house prices.
- 2.1.3 It is noted within the Wealden SHMA Report that the Housing Market Area defined for Wealden "...is not regarded as a definitive or exclusive HMA and is better understood as a grouping of the local authorities which have the strongest relationships with Wealden" (Paragraph 2.10, page 13). Whilst the HMA identified above is centred on Wealden District, it is accepted that there are HMAs which are centred on other centres such as Tunbridge Wells, Hastings and Eastbourne, which in the case of Tunbridge Wells, Lewes and Mid Sussex overlap with the Wealden HMA, but may have different local authority inclusion. Appendix B provides a map taken from the Wealden Local Plan (Figure 1, page 23) which identifies HMAs relevant to Wealden District.
- 2.1.4 In the case of Sevenoaks, the Wealden SHMA document indicates that average flows into Wealden District from Sevenoaks District amounted to 2% of the total inflows between 2010 and 2013 (the seventh highest local authority behind the five defined Wealden HMA authorities and Brighton and Hove). The average outflows from Wealden District to Sevenoaks did not feature in the SHMA, as there were at least ten local authorities who had greater inflows of Wealden District residents between 2010 and 2013. The Wealden SHMA also concluded that in and out commuting patterns for Wealden and Sevenoaks were limited. Overall the Wealden SHMA determines that there is a strong housing market relationship between Wealden and Tunbridge Wells, but this is not evidenced for the remaining authorities in the West Kent HMA through the Wealden District SHMA.
- 2.1.5 The Sevenoaks and Tunbridge Wells SHMA³ published in 2015 identified that Sevenoaks and Tunbridge Wells fall within a West Kent Housing Market Area (HMA) which includes **Sevenoaks, Tonbridge and Tunbridge Wells**.
- 2.1.6 The Sevenoaks and Tunbridge Wells SHMA goes on to state that *"There is a close set of interactions between the towns of Sevenoaks, Tonbridge and Tunbridge Wells which reflect their geographical proximity. There is also a relationship into the northern part of Wealden.*

² Wealden District Council – Strategic Housing Market Assessment Final Report (August, 2016)

³ Sevenoaks District Council – Strategic Housing Market Assessment – September 2015

There are cross-boundary interactions between Swanley and Dartford and a stronger commuting relationship to London. Links from Tandridge are stronger to other authorities in Surrey and West Sussex."

- 2.1.7 The Sevenoaks and Tunbridge Wells SHMA conclude that *"The principal adjoining authorities with a strong relationship would be Tonbridge & Malling, Wealden and Rother. Equally the commissioning authorities would need to engage with those authorities in respect of any unmet housing needs arising from these other authorities' areas. We would also advise the Councils to engage with the Greater London Authority and London Boroughs in respect of any unmet needs arising from London"*. It should be noted that the SHMA was prepared jointly with Tunbridge Wells BC and the references to the relationships with Wealden and Rother are *"between Tunbridge Wells and the northern part of Wealden and Rother Districts"* (Paragraph 3.70).
- 2.1.8 Paragraph 26 of the NPPF states that *"effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere"*.
- 2.1.9 The submission Wealden Local Plan (January, 2019) confirms under policy WLP 1 (Provision for Homes and Jobs) that some 14,228 dwellings (net) will be delivered between 2013 and 2028, equating to 950 dwellings per annum. This was based on the WDC SHMA, and subsequent evidence base updates to the Objectively Assessed Housing Need assessment (OAN)⁴. This housing requirement is based upon the methodology applied in the NPPF (March, 2012) and the 2014-based sub-national household projections.
- 2.1.10 The Wealden District does have a number of significant environmental, infrastructure (transport and sewage treatment) and landscape constraints, with the High Weald Area of Outstanding Natural Beauty (AONB) covering just over 53% of the District and the South Downs National Park (SDNP) covering over 7% of the District⁵. There are also two significant Natura 2000 sites within Wealden District including the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) and the Pevensy Levels SAC and Ramsar site. These sites along with other sites including the Lewes Downs SAC have been considered within the Habitats Regulation Assessment (HRA) (January, 2019)⁶ that accompanied the Wealden Local Plan. It was concluded within the HRA that mitigation measures would be required to ensure that development in the District would not adversely affect the integrity of the relevant Natura 2000 sites above. Owing to the constraints identified above, Wealden District Council consider that it is unable to provide additional housing beyond its own housing need requirements at the current time.
- 2.1.11 If Wealden District Council was in a position to meet the unmet housing needs of other local authorities, then the Wealden SHMA identifies that it has the strongest and most consistent migration and commuting relationships with Eastbourne, as well as linkages in house prices and trend. Indeed, the most substantial in-migration and out-migration flows to and from the Wealden between 2010 and 2013 were from Eastbourne. Consequently, it is accepted that if

⁴ Wealden District Council – Wealden OAN Update Draft Paper: 2013-2028

⁵ The South Downs National Park Authority (SDNPA) is the local planning authority for this portion of the Wealden District.

⁶ Wealden Local Plan – Habitats Regulations Assessment (January, 2019), Submission Document A35.

Wealden District Council was able to meet the unmet housing needs of other local authorities, then it is likely that the Council would first seek to meet unmet housing needs of Eastbourne Borough Council.

- 2.1.12 SDC has undertaken Regulation 19 consultation on a Plan which includes proposed Green Belt release but also outlines a degree of unmet housing need. Sevenoaks District Council is constrained by the Green Belt (93%) and the AONB (60%) and it is noted that SDC cannot meet its own need in full within the District. Discussions have taken place with neighbouring authorities, in the first instance in the HMA, and then more widely, to discuss assistance with unmet need, but no authority to date has been in a position to assist SDC with unmet need.
- 2.1.13 SDC's Regulation 19 Plan outlines a Housing Supply of 10,568 units, which includes 1,104 completions in the period 2015-18. Based on a requirement of 707 units per annum, or 11,312 units in total over a 16 year period (2019-2035), this leads to an unmet housing need of approximately 1,800 dwellings.
- 2.1.14 **It is understood that at present, neither authority is able to assist the other with unmet housing need, due to the constraints on the local authorities, and their inability to meet housing needs beyond their own, irrespective of unmet needs elsewhere.**
- 2.1.15 Consequently, both councils will continue to work together and identify the position as both WDC and SDC prepare to review their Local Plan at least every 5 years.

Actions

- WDC and SDC will engage through the wider Duty to cooperate forum with other neighbouring authorities outside each other's HMA in relation to housing related matters, including unmet need, five year housing trajectory, best fit HMAs, affordability, large scale developments and opportunities for meeting unmet need.
- Both authorities to undertake a review of the Local Plan at least within 5 years' time.

2.2 Gypsies and Travellers

- 2.2.1 There has been a need to cooperate with neighbouring authorities to assist in meeting unmet need for Gypsies and Travellers.
- 2.2.2 SDC are looking to allocate sufficient gypsy and traveller sites through their submission draft Local Plan to meet their need but are unable to assist with any unmet need due to district-wide constraints. WDC are able to accommodate their own needs within their administrative area through allocations within the submission Wealden Local Plan. WDC have also allocated a further three gypsy and traveller pitches above its own requirements for the Plan period (i.e. up until 2028). On 7 December 2018, prior to the submission of its Local Plan on 21 December 2018, Lewes District Council (LDC) identified a need of three Gypsy and Traveller pitches. It was requested that the Council consider meeting its undersupply. The Council has considered that request and has identified that subject to the examination of the Wealden Local Plan and negotiations with the landowner to provide that site, WDC could meet that need.

- 2.2.3 Both Councils will continue to operate existing joint working arrangements through the wider Duty to Cooperate forum to ensure that suitable provision can be made as appropriate.

Actions:

- Both authorities to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the HMA in relation to housing related matters, including gypsy and traveller provision.
- Both authorities to undertake a review of the Local Plan at least within 5 years' time.

2.3 Natural Environment - Ashdown Forest

- 2.3.1 SDC and WDC will continue to work positively together in relation to the Ashdown Forest. The Ashdown Forest is a European Site and designated as a Special Area of Conservation (SAC) for its heathland habitat and a Special Protection Area (SPA) for bird species Dartford warbler and nightjar during their breeding seasons.

- 2.3.2 Both authorities are active members and attend regular meetings of the Ashdown Forest SAC Working Group, which is chaired by the South Downs National Park Authority (SDNPA). The Planning Advisory Service worked alongside the group in relation to Duty to Cooperate matters in relation to the SAC. SDC are signatories of the Ashdown Forest Air Quality Statement of Common Ground (SoCG)⁷ published in April 2018. Although WDC contributed to the Ashdown Forest SoCG, WDC did not become signatories to the Ashdown Forest Air Quality SoCG and has published a Position Paper⁸ outlining the reasons why the Council has not become a signatory to the document.

- 2.3.3 Both SDC and WDC will continue to work together as part of the Ashdown Forest SAC Working Group which will seek to work with Natural England to reduce levels of nitrogen deposition on the Ashdown Forest.

- 2.3.4 Both authorities are signatories to a Statement of Common Ground, setting out a joint approach to the Ashdown Forest Special Protection Area (SPA) in relation to visitor pressure. This sets out agreement that there is a role for a Strategic Access Management and Monitoring (SAMM) partnership for all relevant local authorities as they work together as part of a joint approach to mitigation. Both WDC and SDC have agreed that 7km is the appropriate mitigation zone to collect SAMM contributions, based on the technical evidence of the Ashdown Forest Visitor Survey which WDC and SDC jointly commissioned, together with other local authorities. WDC also collect contributions for SANGS within 7km. Applications outside of the 7km will be assessed in relation to any impact on a case-by-case basis. The SAMM Partnership works together on the formation and operation of a legal partnership for SAMM regarding Ashdown Forest SPA to address issues arising from visitor pressure.

Actions:

⁷ The Ashdown Forest Statement of Common Ground, (April 2018)

⁸ Wealden District Council – Position Paper – Ashdown Forest SAC Statement of Common Ground (October 2018)

- Both authorities to continue to form part of the working group and undertake the actions set out in the signed Statements of Common Ground and SAMM partnership.


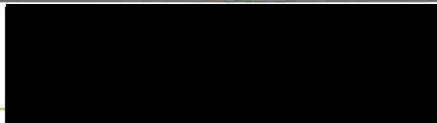
2.4 High Weald Area of Outstanding Natural Beauty (AONB)


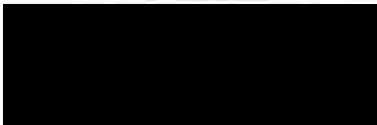
- 2.4.1 As indicated on the map at appendix A, the High Weald AONB covers a substantial proportion of both Districts, but is largely located in Sussex (i.e. within Wealden District). The Kent Downs AONB also covers a large area in the north of Sevenoaks District. Wealden District does not contain any of the Kent Downs AONB.
- 2.4.2 Both authorities form part of the Joint Advisory Committee (JAC) and officer steering group for the High Weald AONB.
- 2.4.3 The High Weald AONB unit has recently produced the High Weald AONB Management Plan 2019-2024, which was agreed by the Joint Advisory Committee in November 2018 after public consultation and with input from both authorities. The management plan sets out the key characteristics of the High Weald in terms of natural beauty and is an important guidance document for development within the AONB.
- 2.4.4 Both authorities are committed to continue working together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner over the period of the WDC and SDC Local Plan.

3. Actions going forward

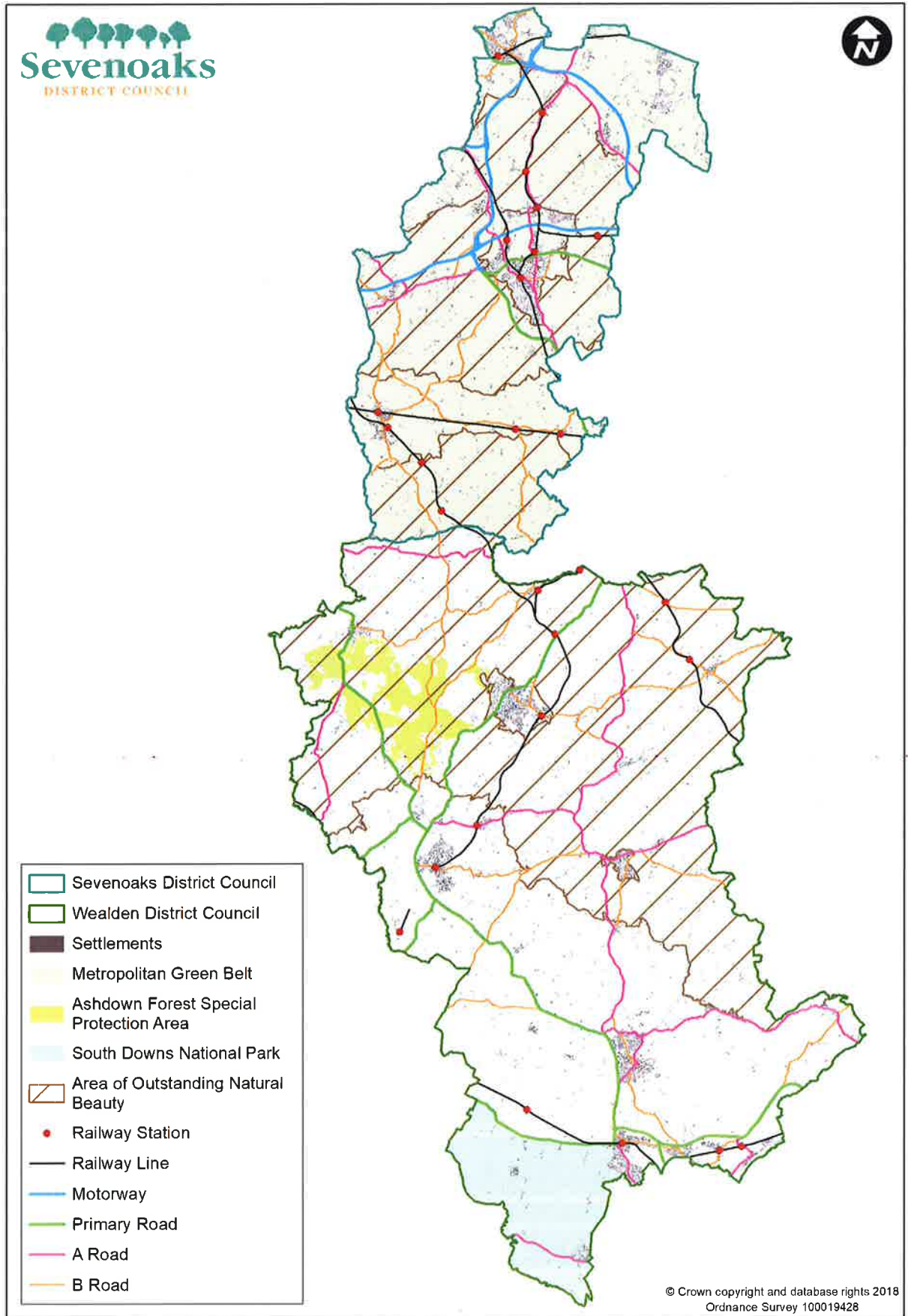
Key Issue	Agreed Action	Other comments
Housing / Gypsy and Traveller	WDC and SDC will engage through the wider Duty to Cooperate forum on all housing related matters, including unmet need, five year housing trajectory, best fit HMAs, affordability, large scale developments and opportunities for meeting unmet need, prior to the review of the Local Plans.	
Ashdown Forest	WDC and SDC will continue to form part of the Ashdown Forest Working Group and implement actions set out in the signed Statement of Common Ground and SAMM partnership agreement as relevant to each local authority.	
High Weald AONB	Continue to liaise on cross-boundary natural environment matters and implement the Management Plan for the High Weald AONB.	

4. Signatories/Declaration

Signed on behalf of Wealden District Council (Councillor)	Signed on behalf of Wealden District Council (Chief Executive)
	
Position: PORTFOLIO HOLDER FOR PLANNING & DEVELOPMENT	Position: CHIEF EXECUTIVE
Date: 15/4/2019	Date: 15/04/2019

Signed on behalf of Sevenoaks District Council (Councillor)	Signed on behalf of Sevenoaks District Council (Chief Executive)
	
Position: PORTFOLIO HOLDER - PLANNING	Position: Chief Executive
Date: 23/4/19	Date: 23/4/19

Appendix A: Administrative Areas



Appendix B: Wealden HMA

