

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 Brigginshaw
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>
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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.