
Sevenoaks Local Plan Examination

Further Written Statement
submitted on behalf of Berkeley Strategic
(ID-590 - Land at Ash Place Farm, New Ash Green)

**Matter 1 Issue 1:
Legal Compliance, including the Duty to Co-operate
(Compliance with legal requirements)**

September 2019

Sevenoaks Local Plan Examination

Response to Inspector's Matters, Issues and Questions

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Legal Compliance, including the Duty to Co-operate
(Compliance with legal requirements)**

**Barton Willmore LLP on behalf of
Berkeley Strategic (ID-590 - Land at Ash Place Farm, New Ash Green)**

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INTRODUCTION

- 1.1 Barton Willmore LLP is instructed by Berkeley Strategic to submit this further written statement in response to the Inspector's Matters, Issues and Questions. These representations expand upon the representations submitted by and on behalf of Berkeley Strategic at the earlier stages of the preparation of Sevenoaks District Council's (SDC's) Local Plan.

- 1.2 Berkeley Strategic controls Land at Ash Place Farm, New Ash Green (SDC site reference MX61) which is promoted for residential development. It is not proposed in the Local Plan as an allocation for residential development; it is an omission site.

- 1.3 Representations submitted in response to the Regulation 19 Local Plan consultation included a proposed parameter plan which illustrates our client's development proposals for the site.

RESPONSE TO MATTER 1 ISSUE 1

Overall, has the Local Plan been prepared in accordance with the relevant legal requirements?

1. *Has the Local Plan been prepared in accordance with the Local Development Scheme?*

1.1 No comment.

2. *Has the Local Plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)?*

2.1 No comment.

3. *Is the Local Plan legally compliant with respect to Sustainability Appraisal?*

3.1 As set out in our further statement for Issue 3, the Sustainability Appraisal (SA) needs updating to reflect the revised plan period and overall level of housing provision now proposed by SDC.

3.2 Whilst we consider the SA to generally meet the relevant legal requirements set out in the Environmental Assessment of Plans and Programmes Regulations 2004, we are concerned that a limited number of spatial strategy reasonable alternatives have been tested. We comment on this in more detail in our further statement for Issue 3.

4. *Is the Local Plan legally compliant with respect to the Habitats Regulations and any requirement for Appropriate Assessment?*

4.1 No comment.

5. *Is the Local Plan legally compliant with respect to climate change?*

5.1 No comment.

6. *Is the Local Plan legally compliant with national policy, the provisions of the Planning and Compulsory Purchase Act 2004 (as amended) and the Local Plan Regulations for the preparation of the plan?*

6.1 As set out in our response to the Regulation 19 consultation stage, our objections focus on the fundamental soundness issues with the Local Plan.

7. *Does the Local Plan make it clear, as required by Part 4, paragraph 8(5) of the Local Plan Regulations, which parts of the existing development plan it will supersede?*

7.1 No comment.

8. *Does the Local Plan clearly identify which policies are strategic in accordance with paragraph 21 of the National Planning Policy Framework (February 2019)?*

8.1 Paragraph 20 of the NPPF states that:

Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- a) Housing (including affordable housing), employment, retail, leisure and other commercial development;**
- b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);**
- c) Community facilities (such as health, education and cultural infrastructure); and**
- d) Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.**

8.2 SDC state at paragraph 5 within Document ED3 that Policies ST1 and ST2 are labelled as 'strategic policies'. SDC adds other policies also cover strategic issues. Currently, we do not consider the Local Plan clearly sets out the full extent of strategic policies it contains, contrary to paragraph 21 of the NPPF.

8.3 We recognise that SDC have proposed to identify the strategic elements of policies by setting them out as bold type. However, we do not consider that this would be consistent with paragraph 21 of the NPPF which requires that 'plans should make explicit which policies are strategic policies' rather than which elements of policies are strategic.

9. Do the strategic policies look ahead a minimum 15 year period from adoption, to anticipate and respond to long term requirements and opportunities as required by paragraph 22 of the NPPF?

9.1 We recognise that the Local Plan looks ahead to the minimum 15 year period from the anticipated date of adoption. However, as set out elsewhere, the Local Plan does not meet the full identified need for housing within the plan period. Therefore, it fails to anticipate and respond to long term requirements and opportunities, as required by national policy. It is therefore unsound.