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# 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 2:  
Legal Compliance, including the Duty to Co-operate  
(Duty to Co-operate)**

September 2019



**Sevenoaks Local Plan Examination**

**Response to Inspector's Matters, Issues and Questions**

**Matter 1 Issue 2:  
Legal Compliance, including the Duty to Co-operate  
(Duty to Co-operate)**

**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 2**

### **Is the Local Plan's preparation compliant with the Duty to Co-operate imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)?**

**10. What has been the nature and timing of the co-operation and on which issues?**

10.1 No comment.

**11. Who did the Council co-operate with?**

11.1 No comment.

**12. Are there any failures in the DtC?**

12. No comments.

**13. Could the identified unmet housing need be accommodated in neighbouring authorities under the DtC?**

13.1 SDC states at paragraph 1.9 of the Local Plan that, to date, none of its discussions with neighbouring authorities have led to any authorities being able to assist Sevenoaks with accommodating its unmet housing need.

13.2 Document SUP006 also states that:

**"The production of the Proposed Submission version of the Local Plan has been informed by discussions with neighbouring authorities about whether they are in a position to accommodate a proportion of unmet need. These discussions have consistently indicated that neighbouring authorities are not in a position to do this and are indeed struggling to meet their own needs."**

13.3 In our view, the outcome regarding unmet housing need not being accommodated in neighbouring authorities is unsurprising. SDC's neighbouring authorities are similarly constrained and with identified housing needs in their areas which will need to be planned for. This position has remained unchanged throughout SDC's DtC activity as part of the Local Plan's preparation.

13.4 Against this background, it should have been clear to SDC that it would need to plan to meet its own identified housing need within its own administrative boundaries.

13.5 As we address elsewhere, it has failed to do so which has resulted in a fundamental soundness failure in the Local Plan, namely due to an out-of-date and flawed Sustainability Appraisal, flawed approach to determining exceptional circumstances and failure to take account of evidence demonstrating the availability of weakly performing Green Belt sites which should have been identified as site allocations to meet more of the identified housing need.

**14. *Were any standing arrangements / protocols / memorandums of understanding in place?***

14.1 No comment.

**15. *How has the co-operation influenced the preparation of the Local Plan?***

15.1 Whilst it has been clear to SDC throughout the preparation of the Local Plan that any unmet housing need would not be accommodated within neighbouring authorities, there is no evidence that this has influenced SDC's approach to identifying sufficient land for housing within its own administrative boundaries. We do not consider this to represent a legal failure; instead it is a soundness failure given the outcome is that the Local Plan is not positively prepared, justified, effective or consistent with national policy, as required by paragraph 35 of the NPPF (2019).