

Home Builders Federation

ID:2007

Matter 1, Issue 2

## SEVENOAKS LOCAL PLAN EXAMINATION

### Matter 1: Legal Compliance, including the Duty to Co-operate

**Issue 1: Overall, has the Local Plan been prepared in accordance with the relevant legal requirements?**

Q9. 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?

No comment

**Issue 2: Is the Local Plan's preparation compliant with the Duty to Cooperate (DtC) imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA)?**

Q10. What has been the nature and timing of the co-operation and on which issues?

When considering whether the duty to co-operate has been met in line with section 33A of the Act it is important to note that this requires Council's to maximise the effectiveness of plan preparation in relation to strategic and cross boundary matters. In addition, paragraph 26 of the NPPF stresses the importance of joint working in seeking to identify where development needs could be met if these cannot be met wholly within a particular area. Further to this Planning Practice Guidance states that where strategic matters cannot be addressed within their own planning area they should "make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plans for examination". It is important to



consider the Council's approach to co-operation within this context and ensure that it is not seen merely as an extension of the statutory consultation activities required when preparing a local plan and is a real and concerted effort to address relevant strategic issues.

We welcome the publication of the Council's Duty to Co-operate Statement and that Statements of Common Ground have been prepared. This evidence shows that the Council have accepted that a key cross boundary issue for Sevenoaks (and indeed for its neighbouring authorities) is their inability to meet housing needs in full due to the constraints present within their area. The evidence provided also shows that it is an issue faced by the majority of its neighbouring authorities. However, on this matter we cannot find any evidence of shared policies, agreement or plans that will address the issue of unmet housing needs not only in Sevenoaks but in its neighbouring authorities. There have been meetings and consultation but there appears to have been limited actual co-operation.

It would appear that Sevenoaks and other Council's in Kent are beginning to seek a way forward. However, this comes much too late to influence this plan and will mean that those needs which are not addressed in this plan will never be met. This is a key failing given that PPG sets out its expectation in paragraph 61-022 that "*...strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the inspector to direct them*".

We are also concerned with the lack of recognition that London has not been meeting its own housing needs and that this situation will continue. The GLA has confirmed as part of the examination of the new London Plan that there will be a shortfall in delivery of 10,000 dwelling in the capital over the next 10 years. However, we consider this figure to be the minimum shortfall given that current plans fall some way short of delivering this level of need. For example, Bromley, who share a boundary with Sevenoaks, adopted a local plan earlier this year that makes provision for 641 additional homes each year against its annualised London Plan target of 1,029 dwellings. Such shortfalls in delivery will inevitably place further pressures on those Boroughs in the South East surrounding the capital and as a minimum indicate their own housing need must be met in full to prevent further worsening of affordability. However, appendix 1 of the Duty to Co-operate Statement seems to dismiss this

concern stating in the comments relating to both Bexley and Bromley that there are no housing links due to their wider London relationship. However, if London as a whole is not meeting its needs any unmet need in these authorities is likely to have a direct impact on demand in Sevenoaks.

To conclude we do not consider the Council to have fulfilled its duty to co-operate. Meetings and consultation cannot be considered to be co-operation and this collective failure will see housing needs across Sevenoaks and their neighbouring authorities not being met in full. It appears that Sevenoaks and its neighbours have all recognised this as a concern but then make no collective effort to develop strategic plans that will address the issue. Unless local plans are prepared that meet their own needs it is clearly evident that housing needs will never be met due to the failure of Councils to co-operate effectively.

Q11. Who did the Council co-operate with?

The Council would appear to have engaged with the relevant authorities with regard to housing needs and has published statements of common ground with the majority of these. However, we note that the statements with Bromley and Tonbridge and Malling have not been signed before the plan was submitted.

Q12. Are there any failures in the DtC?

Yes. The Council has not addressed housing needs in full and cannot show where these needs will be met. We recognise that the NPPF outlines that needs may not be met in full where doing so would have an adverse impact when assessed against the policies in this plan. However, we would suggest that in taking forward this local plan there has been no collective assessment as to the impact of meeting needs against the policies in the NPPF. There has been engagement and consultation but no co-operation.

Q13. Could the identified unmet housing need be accommodated in neighbouring authorities under the DtC?

There would appear to be a collective agreement that needs will not be met with no consideration as to the social or economic impact for this part of the South East from such a decision.

Q14. Were any standing arrangements/protocols/memorandums of understanding in place?

For Council.

Q15. How has the co-operation influenced the preparation of the Local Plan?

For Council.