

SCHEDULE A: SDC'S RESPONSE TO SPECIFIC POINTS RAISED IN CORRESPONDENCE DATED 28 OCTOBER 2019 FROM INSPECTOR KAREN L BAKER MA, DIPMP, MRTPI

Issue raised	SDC response
<p>Page 2, paragraph 1 of the Inspector's letter refers to the conclusions of the Duty to Co-operate facilitators note from the West Kent Duty to Co-operate pilot project in April 2018. The letter implies that SDC was planning to meet its own need at this point. This statement is incorrect.</p>	<p>The Facilitator's Note from the meeting of the West Kent Statement of Common Ground Pilot Project (3rd April 2018) is contained in Appendix 1 of the Council's Duty to Co-operate Statement. Paragraph 6.1 of the note states that Sevenoaks District Council is planning to meet its Objectively Assessed Need (OAN).</p> <p>This was a draft note upon which Sevenoaks District Council, Tunbridge Wells and Tonbridge and Malling Borough Councils all commented on in April 2018, noting that this statement was incorrect.</p> <p>A final version of the note was not sent through by PAS in 2018. The facilitator was therefore contacted during the hearing sessions and a finalised note duly issued.</p> <p>The finalised note, which takes account of all comments made, states (our emphasis):</p> <p><i>6.3 The Council is currently examining the potential of releasing some Green Belt land where a convincing exceptional circumstances case is made. This would mean that any proposed development would need to deliver evidenced social and community benefits as well as housing. Sites where this might be the case will be the subject of Regulation 18 consultation. This may increase the housing land supply but it remains unlikely that Sevenoaks DC will be able to meet its housing need in full.</i></p>
<p>Page 2, paragraph 2 notes that no West Kent Duty to Co-operate meetings were held between 2 August 2017 and 11 September 2018. This is incorrect.</p>	<p>Appendix 1 of the Council's Duty to Co-operate Statement indicates that the following meetings were held with Tonbridge and Malling and Tonbridge Wells Borough Councils, between August 2017 and September 2018.</p> <ul style="list-style-type: none"> • 2 August 2017 (SDC/T&M/TW) • 23 August 2017 (Issues and Options Duty to Co-operate meeting) • 6 December 2017 (SDC/T&M/TW) • 22 January 2018 (SDC/T&M/TW) • 12 February 2018 (SDC/T&M/TW) • 14th March 2018 (SDC/T&M/TW) • 11 September 2018 (SDC/T&M/TW)

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<p>Page 2, paragraph 3 notes that no reference was made to the level of unmet need at the duty to co-operate meeting on 11 September 2018, nor was a request made to neighbouring authorities to accommodate unmet need.</p>	<p>This issue is addressed in the Council's letter of 31st October 2019.</p> <p>Tonbridge and Malling Council's response to the Regulation 19 consultation dated 1st February 2019, which was provided to you when the Council submitted the Plan for examination, confirms that unmet need was discussed at this meeting. It notes firstly that:</p> <p><i>'At the last duty to co-operate meeting in September, all three West Kent Authorities confirmed that they were seeking to meet as much need as possible, and acknowledged the practical difficulties of taking any unmet need from each other.'</i></p> <p>It also notes that SDC presented a 'best case scenario', resulting in approximately 600 dwellings of unmet need across the plan period.</p> <p>Assistance with this point is also contained in correspondence from TWBC dated 19th April 2019, which states that:</p> <p><i>'In respect of your question whether TWBC will be able to meet any of SDC's unmet housing need: Firstly, I am somewhat surprised by this request, given the Duty to Co-operate meetings which have taken place so far over recent years (both between TWBC and SDC and in the three way discussions with TMBC) have included discussions about any assistance with unmet need, but through these discussions it has been clear that TWBC is not in a position to assist either authority (if needed) in this regard;'</i></p> <p>Similarly, T&M commented (in April 2018), in relation to the draft Facilitator's Note for the West Kent Statement of Common Ground (referenced above):</p> <p><i>'Also, it is my understanding that SDC are not planning to meet all of their OAN and will have unmet need. I think this has been a consistent position since the Reg18 consultation unless something has changed that I am unaware of. This is not reflected in the note.'</i></p> <p>Both T&M and TW responded to all the Regulation 18 and 19 consultations, outlining their inability to assist SDC with unmet need. Indeed, this position was confirmed verbally, by both Tunbridge Wells BC and Tonbridge and Malling BC (who form the West Kent HMA, together with SDC) at the Local Plan hearings on 24 September 19. They highlighted the ongoing, constructive DTC engagement that has taken place since 2015 and their inability to assist SDC with any unmet housing need.</p>

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<p>Page 2, paragraph 4 states that the position in relation to housing changed between April 2018 and the regulation 18 and 19 Plans.</p>	<p>The quantum of unmet need has differed but it should be noted that the Draft Local Plan (July 18) set out a range of site options, where between c6.5k and c13.5k units could be delivered (see paragraphs 1.19 of the Draft Local Plan). The Council has been very open from the outset about its likely inability to meet housing needs due to Green Belt, AONB and other environmental constraints, starting from the Issues and Options consultation in July 2017.</p>
<p>Page 3, paragraph 4 notes that formal letters asking other authorities to accommodate need were not sent until April 2019.</p>	<p>As set out in our Duty to Co-operate Addendum (ED38A), it is important to understand that this was not the first time the requests were made – this issue had been discussed at almost every DTC meeting since 2015. Indeed, the letters were sent in order to formally document the already known position of our neighbouring authorities, in preparation for examination. The letters documented the conclusion of the process, rather than the start.</p> <p>There is no set format for DTC requests to assist with unmet need. We would suggest that the regular meetings with our partners where this issue was discussed, followed up with a request to document the position and signed Statements of Common Ground are an appropriate means of demonstrating constructive engagement with neighbouring authorities on the issue of unmet housing need.</p>
<p>Page 3, paragraph 3 suggests that the PAS workshop took place too late in the process to influence the issue of unmet need.</p>	<p>The purpose of this workshop was to document our position - that we had sought assistance from neighbouring authorities but that no-one was in a position to assist. This was not the start of the process, rather a way of documenting the conclusion of the process with an independent facilitator.</p>
<p>Page 4, paragraph 1 suggests that the Council did not seek assistance from its neighbours in meeting unmet need, prior to the publication of the Regulation 19 plan.</p>	<p>This is incorrect, see the council's response to the points raised in response to page 2, paragraph 3.</p>

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<p>Page 2, paragraphs 2 and 3 again states that formal requests to address Sevenoaks' unmet need were not sent until April 2019.</p>	<p>To reiterate, requests had previously been made through the regular DTC meetings and neighbouring authorities were unable to assist. The TW hearing position statement sets out that if the 'formal request' was made prior Regulation 19 consultation, it would have addressed this issue 'more fully', but it is clear that the response would not have been any different. Indeed, the Inspector's letter does not make reference to the hearing sessions on 24 October, where the DTC was discussed, and both TW and T&M confirmed that they were unable to assist SDC with unmet need and that there had been ongoing, constructive DTC engagement that has taken place since 2015.</p>
<p>Page 5, paragraph 1 refers to the late publication of the Duty to Co-operate Statements of Common Ground.</p>	<p>SDC wrote to PINS before submission, setting out which documents would be submitted on 30 April 2019 and which documents would follow. PINS agreed this list.</p> <p>The requirement to produce SoCG and make them 'publicly available throughout the plan-making process' was introduced in the July 2018 version of the NPPF and Sevenoaks participated in a PAS SoCG Pilot in 2018 in order to be best-placed to produce SoCG with neighbouring authorities.</p> <p>Paragraph 020 of the NPPG states that:</p> <p>"Authorities should have made a statement of common ground available on their website by the time they publish their draft plan." This section of the NPPG was updated on 15 March 2019. The Regulation 19 version of the Local Plan was published in December 2018 and therefore this pre-dates the March revision of the NPPG.</p>