

	bedroom will be classed as one unit of accommodation.	
Change of use from C3 to C4	Proposals to change use from C3 to C4 will be required to contribute to the SAMM Strategy. The original dwelling will be classed as one unit and each bedroom will also be classed as one unit. The charge will apply to the net increase in units.	Charge per additional net increase in units.
Other types of development		
Annexes	Proposals for annexes will be required to be assessed on a case by case basis.	Where applicable, charge per unit.
Redevelopment sites	Where there is a net increase in units a charge will apply.	Charge per additional net new unit.
Replacement dwellings	A contribution will generally not be required for replacement dwellings. However, where ancillary accommodation such as an annexe is proposed as part of the replacement then this will need to be assessed on a case by case basis.	Considered on a case by case basis.
Camp sites and caravan sites (Temporary and permanent)	Proposals for camp sites and / or extensions to camp sites where the number of pitches increase will be required to contribute to the SAMM Strategy. This includes applications to extend temporary planning consent or to apply for permanent planning consent. The charge is only applicable once per pitch.	Charge per pitch or additional pitch. A reduction will apply where a camp or caravan site is seasonal. The charge will be proportionate to the number of months (or days) that the camp site is used. For example, if the site is open for six months then half the tariff will apply.
Mobile and temporary dwellings	Proposals for mobile or temporary dwellings will be required to contribute. If made permanent there will be no additional charge.	Charge per unit.
Temporary and permanent Gypsy and traveller pitches	Proposals for temporary or permanent Gypsy or Traveller pitches will be required to contribute. If made permanent no additional charge will apply.	Charge per pitch

Appendix 2 – SAMM Strategy Forecast Project costs in perpetuity

Project	Total cost in perpetuity (£)
Project 1b - Code of Conduct review and reprint	26,350
Project 2a (i) (ii) (iii) (iv) - Code of Conduct Promotion	8,806
Project 2a / 2b (iv) - Code of Conduct promotion	14,225
Project 2b (i) Code of Conduct review and reprint	15,130
Project 2b (ii) - Code of Conduct review and reprint	2,550
Project 2b (iii) - Code of Conduct review and reprint	3,532
Project 2b (iv) - Code of Conduct review and reprint	128,180
Project 2b (Vi) - Code of Conduct review and reprint	8,415
Project 3 - Lead Access Management Officer	3,778,150
Project 3a - Volunteer Dog Rangers	56,100
Project 3b - Community Events	49,000
Project 4 - Assistant Access Management Officer	3,613,500
Project 5 - Dog training programme	49,500
Project M1 - Bird Monitoring	792,000
Project M2 - Visitor Monitoring	956,000
Contingency	1,791,900
Management fee	2,970,000
Interest rate contingency	540,000
Total	14,803,338

Note: Forecast Project costs last updated at December 2015

Appendix 3 - SAMM Strategy Forecast Cash Flow Summary

Wealden District Council

SAMMS project

	Year 1	Years 2-100	Total
Maintenance	£	£	£
Total Expenditure	8,806	14,794,532	14,803,338
Total Income	0	(5,469,358)	(5,469,358)
Mid Sussex - already collected	0	(1,058,458)	(1,058,458)
Cash Outflow/(inflow) total	8,806	8,266,716	8,275,522
PRESENT VALUE @ 3.5%	8,806	(12,604)	(3,799)

Houses	Year 1	Years 2-100	Total
Wealden	0	2918	2918
Lewes	0	108	108
TWBC	0	0	0
Tandridge	0	0	0
Mid Sussex	20	724	744
Mid Sussex (already committed)			465
Total Houses	20	3750	4235

Developer contribution per dwelling	£
All authorities	1170

Note: Forecast Cash Flow last updated at December 2015

SCHEDULE 2

Financial Requirements

1. Reporting

The Lead Authority will provide suitable income and expenditure accounts every three months that will include the following:

Income

- sources of income (i.e. from each LPA)
- period income received
- value of contributions from each LPA
- cumulative contributions from each LPA

Expenditure

- payment category (i.e. approved project)
- period in which payment was made
- value of each payment category
- cumulative value of the payments

Balances

- cumulative balances held in the Ring Fenced Account
- Interest amount applied to balances
- Interest Rates¹³ applied

Sample copies of the report layouts are shown in appendix 1 of this schedule.

The Lead Authority will prepare the annual accounts for audit and arrange for the accounts to be audited. The preparation of the annual accounts will be in accordance with the Accounts and Audit Regulations 2015 and the Code of Practice on Local Authority Accounting in the United Kingdom. Each member authority will receive financial reporting information to enable them to account for their share income and expenditure in their annual accounts in accordance with the closure of accounts timetables. A sample of the annual account statement is shown in appendix 2.

2. Receiving Income from the LPAs

Income will be received quarterly by BACS transfer. The BACS details are:

Account Name: Wealden District Council.
Bank: Lloyds Bank, City Office Branch, PO box 72, Gillingham Business Park, Kent. ME08
OLS
Sort Code: 30-80-12
Account Number: 10341360.

¹³ As per the Treasury Rate

3. Holding the Funds

A separate cost centre for the Ring-Fenced Account will be set up which will record income and expenditure during the Financial Year. Any balances at the end of each Financial Year will be carried forward and held in the Ring-Fenced Account.

4. Making Payments

Payments from the Ring-Fenced Account will be made quarterly upon receipt of detailed instructions from the Joint Steering Group or its authorised representative.

5. Investment Advice

The Lead Authority is limited to the functions set out in Clause 5 of the Agreement relating to the delivery of a Strategic Access Management and Monitoring Programme in the Ashdown Forest and is not assuming any role in providing either financial advice or strategic avoidance and mitigation advice.

Appendix 1

Joint Steering Group Financial Report (example layout)

Summary Financial Report for Quarter:

1

Financial year:

2017/18

Strategic Access Management & Monitoring Programme - Income & Expenditure	2017/18	2017/18	2017/18	2017/18	2017/18 Total	2017/18		
	Actual	Actual	Actual	Actual		2017/18	Forecast	2017/18
	Q1	Q2	Q3	Q4		Budget	Outturn	Variance
	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	
Income								
Lewes District Council					0.0			0.0
Mid Sussex District Council					0.0			0.0
Sevenoaks District Council					0.0			0.0
The District Council of Tandridge					0.0			0.0
Tunbridge Wells District Council					0.0			0.0
Wealden District Council					0.0			0.0
Total Income	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Expenditure								
Management fee					0.0			0.0
Legal and procurement costs					0.0			0.0
Project 1b - Code of Conduct review and reprint					0.0			0.0
Project 2a - Code of Conduct Promotion					0.0			0.0
Project 2b - Code of Conduct review and reprint					0.0			0.0
Project 3 - Lead Access Management Officer					0.0			0.0
Project 3a - Volunteer Dog Rangers					0.0			0.0
Project 4 - Assistant Access Management Officer					0.0			0.0
Project 5 - Dog training programme					0.0			0.0
Project M1 - Bird Monitoring					0.0			0.0
Project M2 - Visitor Monitoring					0.0			0.0
Contingency					0.0			0.0
Total Expenditure	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Net Expenditure - (Surplus)/Deficit for year	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Appendix 1

Strategic Access Management & Monitoring Programme - Balances	2017/18	2017/18	2017/18	2017/18	2017/18		
	Actual	Forecast	Forecast	Forecast	2017/18	Forecast	2017/18
	Q1	Q2	Q3	Q4	Budget	Outturn	Variance
	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)
Opening Balances brought forward	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Income from Local Planning Authorities							0.0
Funding of expenditure					0.0	0.0	0.0
Balances for investment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Interest on balances	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Closing Balances carry forward	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Interest Rates applied to balances

1.00% 1.00% 1.00% 1.00% 1.00%

Appendix 2

Strategic Access Management & Monitoring Programme

Income & Expenditure statement 2017/18 by authority

Strategic Access Management & Monitoring Programme - Income & Expenditure	Total Actual income/ expenditure	Wealden District Council	Lewes District Council	Mid Sussex District Council	Sevenoaks District Council	The District Council of Tandridge	Tunbridge Wells District Council
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<u>Income</u>							
SAMMs tariff contribution	0	XX	XX	XX	XX	XX	XX
Investment income (interest)	0	XX	XX	XX	XX	XX	XX
Total Income	0	0	0	0	0	0	0
<u>Expenditure</u>							
Contingency	0	XX	XX	XX	XX	XX	XX
Project 1b - Code of Conduct review and reprint	0	XX	XX	XX	XX	XX	XX
Project 2a - Code of Conduct Promotion	0	XX	XX	XX	XX	XX	XX
Project 2b - Code of Conduct review and reprint	0	XX	XX	XX	XX	XX	XX
Project 3 - Lead Access Management Officer	0	XX	XX	XX	XX	XX	XX
Project 3a - Volunteer Dog Rangers	0	XX	XX	XX	XX	XX	XX
Project 4 - Assistant Access Management Officer	0	XX	XX	XX	XX	XX	XX
Project 5 - Dog training programme	0	XX	XX	XX	XX	XX	XX
Project M1 - Bird Monitoring	0	XX	XX	XX	XX	XX	XX
Project M2 - Visitor Monitoring	0	XX	XX	XX	XX	XX	XX
Total Expenditure	0	0	0	0	0	0	0
Net Expenditure - (Surplus)/Deficit for year	0	0	0	0	0	0	0

Appendix 2

Strategic Access Management & Monitoring Programme

Income & Expenditure statement 2017/18 by authority

	Total Actual income/ expenditure	Wealden District Council	Lewes District Council	Mid Sussex District Council	Sevenoaks District Council	The District Council of Tandridge	Tunbridge Wells District Council
Balances Brought Forward	0	XX	XX	XX	XX	XX	XX
(Surplus)/Deficit for year	0	XX	XX	XX	XX	XX	XX
Balances carried forward	0	0	0	0	0	0	0

Notes

- 1) Actual expenditure allocated proportionate to tariff contribution
- 2) Investment Income (i.e. interest) allocated proportionate to tariff contribution
- 3) In addition to the above statement, copies of the final accounts working papers can be provided to each LPA's Finance Team in accordance with closure of accounts timetables.

SCHEDULE 3

Interim SAMM Strategy funding

Conservators of Ashdown Forest

- 1.1. The responsibility for managing Ashdown Forest lies with an independent body, the Board of Conservators of Ashdown Forest. Originally set up in 1885, the Board has been regulated under a series of Acts of Parliament, the most recent being the Ashdown Forest Act 1974. There, in section 16, it is stated that:

"It shall be the duty of the Conservators at all times as far as possible to regulate and manage the forest as an amenity and place of resort subject to the existing rights of common upon the forest and to protect such rights of common, to protect the forest from encroachments, and to conserve it as a quiet and natural area of outstanding beauty".

Strategic Plan for Ashdown Forest (2016-2020)

- 1.2. The Conservators of Ashdown Forest published the Strategic Plan for Ashdown Forest in 2016. The Plan period is from 2016 to 2020, and identifies a strategic priority relating to the Strategic Access Management and Monitoring Strategy (SAMMS):

"Understand implication to Forest of the Local Authorities Strategic Access and Monitoring Strategy (SAMMS)".

- 1.3. The goal of the above priority is to implement projects proposed by the Conservators of Ashdown Forest and as approved by LPAs. The strategies identified to help deliver the Conservators strategic priority include:
- The Conservators existing 'Every Dog Matters' programme;
 - Visitor management and monitoring;
 - Education and information programme; and
 - Bird monitoring.

Conservators of Ashdown Forest 'Every Dog Matters' Programme

- 1.4. The 'Every Dog Matters' programme is a project initiated by the Conservators of Ashdown Forest. The aim of the project is to reduce dog related incidents on Ashdown Forest, with particular regard to livestock, horses and wildlife. Whilst one of the objectives is to reduce the impact of dogs on livestock and horses, there is synergy with the objective of

mitigation to meet the Habitats Regulations requirements¹⁴. This is because the close control of dogs should assist in protecting wildlife including reducing any potential incidents of flushing Dartford warblers and nightjars from their nests during their breeding season.

1.5. The 'Every Dog Matters' programme includes:

- The development of a Code of Conduct for dog walkers;
- Publication and promotion of the Code of Conduct;
- The positive reinforcement of the Code of Conduct by Rangers and Volunteers; and
- Responsible dog ownership training events;

1.6. The 'Every Dog Matters' programme is not a statutory obligation for the Conservators of Ashdown Forest, but a programme instigated to tackle an existing problem arising on the Forest. Without additional external funding to assist with tackling an increase in visits to the forest from residents of new housing a significant proportion of this project would not be able to take place and therefore this would impact on the objectives of the overall Joint SAMM Strategy by way of the synergies with the Conservators' priorities.

Development of a Code of Conduct for Dog Walkers

1.7. The Conservators of Ashdown Forest received funding from Safer Wealden Partnership in 2014 to help produce a Code of Conduct for Dog Walkers. Funding for three days' worth of work was secured. An Access and Countryside Management Consultant undertook the work on behalf of the Conservators of Ashdown Forest. As part of the three days' work information obtained from the dog training events, consultation with the Dog Owners/Walkers Forum and the Ashdown Forest Parish Liaison Panel informed the Code of Conduct which was finalised in early 2015 and is now available.

1.8. The Code of Conduct promotes the 4 Cs which requires dog owners to:

- keep their dogs under **control** or on a lead if they do not respond to recall;
- to take **care** of livestock and wildlife (including ground nesting birds);
- to have **consideration** of others; and
- to **clean** up after their dogs.

1.9. The Code of Conduct and the 4 Cs are relevant to the implementation of the SAMM Strategy. A dedicated section has been provided to educate dog owners about ground nesting birds and how they are prone to

¹⁴ The requirement to reduce the amount of new visitors to Ashdown Forest arising from new development so that the baseline visits are not increased, and reduce the impact on the ground nesting birds (Dartford warbler and nightjar) from recreational pressure including dog walking.

disturbance by dogs and the impact of this during the bird breeding season.

Promotion of the Code of Conduct for Dog Walkers

1.10. The Code of Conduct was developed and finalised as part of the Conservators' Every Dog Matters Programme. However, it is also considered to be an important element of the SAMM Strategy project. With this in mind and in advance of the implementation of the Joint SAMM Strategy, funding has been provided to the Conservators to cover the costs for the following:

- Printing of 10,000 Code of Conduct leaflets;
- Printing of 500 laminate posters;
- 1 x issue of Ashdown Forest Life (dedicated to the Code of Conduct);
- 6 x movable outdoor signs;
- 60 x car park signs; and
- Administration costs.

1.11. The purpose of providing interim funding was to ensure the timely implementation of the Joint SAMM Strategy and to assist the Conservators in setting up the overall access management strategy. Interim funding to the amount of £8,806 was provided to ensure the timely promotion of the Code of Conduct to benefit all development requiring mitigation.

SCHEDULE 4

Terms of Governance

Joint Steering Group

- 1.1 The Joint Steering Group (JSG) will act as an advisory body for the LPAs. For the avoidance of doubt, the JSG cannot exercise any of the functions of a local planning authority or other competent authority, including setting formal planning policy or exerting control over planning decisions, nor can it fetter any decisions made by such bodies, nor the rights and responsibilities of Ashdown Forest SPA landowners.
- 1.2 The JSG will recognise and take account of the interests, rights and responsibilities of landowners, users and other stakeholders.

Membership

- 1.3 *Full members:* The following LPAs will be full members of the JSG and have full voting rights at meetings of the JSG:
- Wealden District Council
 - Mid Sussex District Council
 - Lewes District Council
 - Tunbridge Wells Borough Council
 - The District Council of Tandridge
 - Sevenoaks District Council
- 1.4 Membership of the JSG will consist of two officers from each member local authority. At least one officer from each member local authority will be a Senior Officer with delegated authority to make decisions.
- 1.5 Other local planning authorities may be invited to join the JSG Board if directly affected by any future review of the Ashdown Forest SPA designation or related policy.
- 1.6 *Advisory members:* The following organisations may be invited as advisory members of the JSG with rights of attendance and participation at all meetings but without voting rights:
- Natural England
 - RSPB
 - Selected landowners and / or land managers including:

- Conservators of Ashdown Forest
 - Sussex Wildlife Trust
 - Monitoring Officer and / or Chief Finance Officer from the Lead Authority.
- 1.7 At the discretion of the Chairman of the JSG, representatives of other stakeholder organisations that have a recognised and legitimate interest in the planning or management of land affected by the Ashdown Forest SPA may be invited to attend, advise and/or speak at meetings of the JSG, but will not have voting rights.

Procedures

- 1.8 A Chairman and Vice Chairman will be elected annually from amongst the nominated representatives of full member authorities.
- 1.9 Meetings of the JSG will be held four times per year or more if an extraordinary meeting is requested by a full member. The frequency of meetings will be reviewed after two years from the first meeting under these terms.
- 1.10 Meetings may be held at local authority offices or other appropriate venues. At least one representative from each member local authority with delegated powers must be present for meetings to be quorate.
- 1.11 Decisions will be taken by a majority vote of those present and entitled to vote.
- 1.12 Secretariat services will be provided by a full member authority on rotation.

Functions

- 1.13 The JSG will have the following functions:
- To act as a vehicle for joint working, liaison and exchange of information related to the Ashdown Forest SPA;
 - To steer the direction of the SAMM Strategy;
 - To retain an overview of, and monitor, the implementation and outcomes of measures to avoid the impact of development on the SPA, including:
 - local authority policy/avoidance strategies;
 - the coordinated provision of suitable alternative natural greenspace (SANG); and

- strategic access management and monitoring (SAMM) measures, including approving an annual financial plan and budget for the SAMM project.
 - Ensuring that objectives and service levels are being met;
 - Ensuring that value for money is being achieved;
 - Reviewing the Joint SAMM Strategy and delivery priorities;
 - To receive and review quarterly and annual reports relating to the delivery of the SAMM Strategy from the Lead Authority and/or the Conservators as required.
- 1.14 In carrying out these functions, the JSG may:
- Request that the Lead Authority, on behalf of the LPAs, commissions studies, surveys and reports associated with the provision of the Joint SAMM Strategy;
 - Instruct the JWG, the Projects Officers or other LPA or partner organisation as the JSG may direct from time to time to undertake work in accordance with an agreed brief or work programme;
 - Provide advice to member and stakeholder organisations, including making non-binding recommendations for a course of action;
 - Approve and publish documents in relation to the long term protection of the Ashdown Forest SPA and the delivery of development around the Ashdown Forest SPA; and
 - Raise funds from member organisations or other sources.
- 1.15 The JSG may review its terms of reference by unanimous agreement of the member LPAs.

2. Joint Working Group

- 2.1 The Joint Working Group (JWG) is appointed by the JSG to act as a vehicle for the delivery, liaison and information exchange of the Joint SAMM Strategy and make decisions and recommendations in relation to the implementation of the Joint SAMM Strategy. The JWG acts to support and advise the Conservators and the Projects Officers in taking decisions and ensuring the SAMM Strategy projects progress through open partnership discussions and solution-finding. The JWG will in effect oversee the delivery of the Joint SAMM Strategy on a day-to-day basis.

Membership

- 2.2 Membership of the JWG is agreed by the JSG and comprises:

- Full member: One representative from each of the LPAs.
- Advisory members: Project Officers, selected landowner/manager or technical organisations such as:
 - Conservators of Ashdown Forest,
 - Sussex Wildlife Trust,
 - Natural England,
 - RSPB,
 - Sussex Biodiversity Records Centre.

2.3 Advisory Members will be selected on the basis of individual expertise. Meetings will be chaired by a nominated member.

2.4 Advisory Members may change from time to time in accordance with relevance to the delivery of the Joint SAMM Strategy and certain projects where members will be selected on the basis of individual involvement or expertise.

2.5 Responsibilities of JWG will include:

- Providing the Lead Authority with relevant information in the required formats in advance of meetings; and
- Carrying out actions in line with deadlines set out by the Chair.

Procedures

2.6 The JWG will meet four (4) times a year and six weeks before the JSG meeting, unless an extraordinary meeting is requested by the JSG. The frequency of meetings can be reviewed after two years as directed by the JSG.

2.7 Full Members will have voting rights. Decisions will be made by a majority vote of those in attendance and entitled to vote. Advisory Members have rights of attendance and participation only.

2.8 Minutes of the JWG will be reported to the JSG Board. Secretariat functions will be provided by the Conservators or other nominated individual.

Functions

2.9 The JWG has responsibility for oversight of the delivery of the Projects by the Conservators of Ashdown Forest or other delivery bodies funded by the Joint SAMM Strategy and directing the Projects by:

- Agreeing the job description and recruitment of the Projects Officers;
- Agreeing and preparing the project plan, including project objectives, controls and processes;
- Approving key decisions in the contracting of delivery bodies in accordance with the agreed budget;
- Drafting and reviewing the annual business plans (including the financial plan) and recommend for approval to the JSG;
- Making decisions on expenditure within the approved budget;
- Monitoring progress against plans and expenditure;
- Monitoring the success of the avoidance/mitigation measures and making recommendations to the JSG;
- Making recommendations to the JSG when decisions are required beyond this group's remit; and
- Agreeing the engagement and education plan.

SCHEDULE 5

Project Delivery by Wealden

1. Delivery

- 1.1 Wealden shall use its best endeavours in the delivery of the Projects, including any future projects agreed by the JSG or the JWG from time to time, to comply and act solely in accordance with, the instructions of the JSG, the JWG and the Financial Budget.
- 1.2 Wealden shall report to the JSG (or, if it is no longer acting as lead authority, to the Lead Authority) at each progress and review meeting, on the progress of the implementation and delivery of the Projects, including recommendations and/or decisions by Wealden based on its opinion of the effectiveness of the Projects and whether they should continue in their present form or require modification. Wealden shall in addition provide such information about the delivery of the Projects as may be reasonably requested by the JSG (or, where applicable, the Lead Authority) in writing from time to time.

2. Expenditure Payments

- 2.1 Where Wealden is acting as the lead authority:
 - (i) it shall, monthly in advance, reimburse to itself such Projects Expenditure amounting to fixed costs from the Ring-fenced Account as have been agreed by the JSG in the Financial Budget to be expended on the Projects in that year;
 - (ii) it shall reimburse to itself such variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter, subject to and upon receipt of a valid invoice in respect of the same and provided that the value of such Projects Expenditure has been approved by the JSG and there are available funds in the Ring-fenced Account to cover the invoice amount.
- 2.2 Where Wealden is no longer acting as the lead authority:
 - (i) the Lead Authority shall, monthly in advance, pay to the Wealden such Projects Expenditure amounting to fixed costs from the Ring-fenced Account as have been agreed by the JSG in the Financial Budget to be expended on the Projects in that year;

- (ii) the Lead Authority shall pay to Wealden, such variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter, subject to and upon receipt of a valid invoice in respect of the same and provided that the value of such Projects Expenditure has been approved by the JSG and there are available funds in the Ring-fenced Account to cover the invoice amount.
- (iii) If the Lead Authority fails to make any payment when it falls due, it shall pay interest on the overdue amount at the rate of 2% per annum above the base rate of Lloyds Bank plc. Such interest shall accrue on a daily basis from the date it becomes due until the date of actual payment.
- (iv) Any interest for late payment arising in respect of any amounts payable under sub-clause (iii) above shall be drawn from:
 - (a) the Ring-fenced Account where the reason for failure to make the payment is due to issues outside the control of the Lead Authority; or
 - (b) the Lead Authority's own funds where the reason for failure to make the payment is due to issues within the control of the Lead Authority.
- (v) All sums due to Wealden under this Agreement will be paid by the Lead Authority into a bank account in the name of Wealden. Wealden, will keep all sums paid to it under this Agreement in an interest-bearing ring-fenced account. Payment will not be made to any other account without the prior written consent of the Lead Authority.

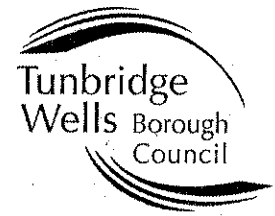
- 2.3 Wealden shall forward to the JSG or to the Lead Authority (as applicable) an invoice for any variable costs as are required to meet any outstanding Projects Expenditure during the preceding Quarter.
- 2.4 Wealden agrees and accepts that payment under Clause 2.1(ii) or Clause 2.2(ii) (as applicable) shall only be made to the extent that the value of such Projects Expenditure has been approved by the JSG.
- 2.5 In the event that there are insufficient sums available in the Ring-fenced Account to cover the payments required under Clause

- 2.1(ii) or Clause 2.2(ii) (as applicable), payment shall be made as soon as sufficient funds become available or, upon approval of the JSG, payments shall be made from the Contingency Fund.
- 2.6 Subject to Clauses 2.4 and 2.5, reimbursement or payment of all undisputed invoices shall be made within thirty (30) days of receipt.
- 2.7 Wealden will keep and maintain a record of all payments reimbursed and under this Agreement for a period of ten (10) years from the end of the financial year to which they relate. This record will be available for review by the JSG upon written request.
- 2.8 The LPAs acknowledge and agree that if Wealden enters into third party contracts in good faith in respect of the delivery of the Projects and the third party defaults on their contractual obligations for whatsoever reason, then, subject to the agreement of the JSG, Wealden shall be reimbursed out of the Ring-fenced Account for any monies that it is required to expend either meeting the third parties contractual obligations or in taking reasonable steps to enforce the contract against the third party.
- 2.9 In the event that Wealden are in material breach of this Agreement in respect of their obligations to deliver any Project(s) under Clause 3.2 of this Agreement, then the LPAs jointly may by notice in writing to Wealden require such breach to be remedied within such reasonable period as may be set out in the notice. In the event that Wealden fails to remedy the breach in accordance with the notice then Wealden and the LPAs (through a representative) shall submit to the dispute resolution procedure in Clause 11 (Dispute Resolution) of this Agreement in order to resolve the issue.

Appendix B – Sevenoaks District Council (SDC)

TWBC Responses to SDC Consultations:

Appendix B1 – TWBC response to SDC Issues and Options consultation 2017



Planning Policy Team
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Please ask for: Kelvin Hinton

Extension: 2112

Email: kelvin.hinton@tunbridgewells.gov.uk

Date: 21 September 2017

Tel: 01892 554212

Dear Sirs

Sevenoaks District Council's Local Plan – Issues and Options Regulation 18 Consultation

Duty to Cooperate. Tunbridge Wells Borough Local Plan

I refer to your communication dated 3rd August and the current Regulation 18 Consultation in respect of the Sevenoaks District Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council welcomes the opportunity to engage with Sevenoaks District Council as part of the Local Plan Regulation 18 Consultation 2017. The Council has several comments to make at this stage.

Based on the possible preferred development strategy presented in section 6 and summarised in paragraph 6.8 of the consultation document, as well as the suggested location and distribution of development, it is not considered that there would be any overall significant direct effect on the area comprising Tunbridge Wells borough.

With regard to the implications of Duty to Cooperate, it is noted that the consultation document makes specific reference to the Duty to Cooperate and comments that on-going discussions with other authorities will be continued and escalated. The document also comments that cooperation with other local planning authorities will continue in order to explore capacity options in other less constrained areas of the sub-region.

As you will be aware from our regular liaison and Duty to Cooperate meetings, Tunbridge Wells Borough Council is also undertaking preparation of a new Local Plan, with a plan period of 2013-2033, and recently completed an Issues and Options consultation. The new Local Plan work is progressing well and is ongoing and our current timetable envisages a draft Local Plan being prepared for public consultation in the first half of 2018.

Given the level of Objectively Assessed Need (OAN) identified by our own SHMA, and having regard to the nature and extent of planning constraints impacting on Tunbridge Wells borough, there is a reasonable possibility that the issue of some development need being accommodated within an adjoining authority area is also likely to be raised in the case of our own new Local Plan.

Without prejudging the outcome of our local plan work there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another

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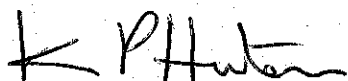
authority area. We would ask that you take account of this when considering the representations made to the Issues and Option consultation and in confirming your development strategy for the Sevenoaks district.

Tunbridge Wells Borough Council would suggest therefore that there is a need for, and merit in, more focused discussions about the implications of delivery of full objectively assessed needs within the respective west Kent local authority areas having regard to the environmental and other constraints that exist across these areas and wider afield.

Given that each west Kent authority has now reached at least Issues and Options stage in the plan making process there is an opportunity to agree an approach and strategy to take forward Duty to Cooperate work that meets the requirements of the National Planning Policy Framework, the National Planning Practice Guidance and other best practice.

I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely



Kelvin Hinton

Planning Policy Manager

Appendix B2 - TWBC response to
SDC Local Plan Regulation 18
Consultation September 2018



Planning Policy Team
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Please ask for: Stephen Baughen

Mobile: 07583528365

Telephone: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 7 September 2018

Dear Sir/Madam

Sevenoaks District Council's Local Plan – Draft Local Plan (Regulation 18) Consultation

I refer to your communication dated 16 July 2018 and the current Regulation 18 Consultation in respect of the Sevenoaks District Local Plan. Thank you for the opportunity to comment.

Tunbridge Wells Borough Council (TWBC) welcomes the opportunity to engage with Sevenoaks District Council as part of the Draft Local Plan Regulation 18 Consultation 2018. The Council has several comments to make at this stage.

The headline needs of 13,960 homes (based on the government standard methodology, which may be revised later this month), 11.6 hectares of employment land and 32000 sq. metres of retail floor space are noted.

The constraints of Sevenoaks District at 93% Green Belt and 60% AONB are recognised, which proposed Policy 1 - Balanced Strategy for Growth in a Constrained District seeks to address.

Like most authorities in the South East, the SDC strategy aims to make efficient use of existing settlements by "maximising supply" and making efficient use of previously developed land. However, it is also noted there is a strong and ambitious reliance on Green Belt releases "Exceptional Circumstances" sites (to be tested) as part of this growth strategy, located on the edge of settlements in the northern and western areas of the district which the Plan states could potentially accommodate up to 6800 dwellings and some employment sites.

It is appreciated that it is a challenge trying to balance housing need against the above Green Belt, AONB and other constraints. This is a challenge TWBC is also facing given the Green Belt constraints in the western part of the Borough and 70% AONB across much of the borough.

Sevenoaks District Council, TWBC and Tonbridge and Malling Borough Council (TMBC) have been in joint discussion for some time now, including regular liaison and meetings to discuss housing, employment and other needs under the Duty to Cooperate. However, given the above constraints and with regard to the implications of Duty to Cooperate, it is noted that the Sevenoaks District consultation document makes specific reference to the Duty to Cooperate and relays that to date, no discussions or processes have led to any neighbouring authorities being able to assist Sevenoaks in terms of Housing, Employment and Gypsy and Traveller sites and that on-going

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discussions with other authorities will be continued and escalated as the Local Plan progresses to examination. I can confirm that Tunbridge Wells would be happy to continue regular liaison and Duty to Cooperate meetings with SDC and TMBC.

As you are aware from these meetings, TWBC is also undertaking preparation of a new Local Plan, with a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, we are currently preparing the Draft Preferred Local Plan document ready for consultation (Regulation 18) next year. TWBC will formally consult SDC when the plan progresses to this stage.

Without prejudging the outcome of the TWBC local plan work there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 18 consultation and in progressing the development strategy for the Sevenoaks district.


I hope this information and response is of assistance and clarifies the Council's position.

Yours sincerely



Clr Alan McDermott
Portfolio Holder for Planning and Transportation

AND



Steve Baughen
Head of Planning

Appendix B3 - TWBC response to
SDC Local Plan regulation 19
Consultation January 2019

Planning Policy Team
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Please ask for: Stephen Baughen

Mobile: 07583528365

Telephone: 01892 554482 extension 4947

Email: stephen.baughen@tunbridgewells.gov.uk

Date: 30 January 2019

Dear Sir/Madam

Sevenoaks District Council's Local Plan – Draft Local Plan Proposed Submission Version Regulation 19 Consultation (December 2018)

I refer to your communication dated 18 December 2018 and the current Regulation 19 Consultation in respect of the Sevenoaks District Local Plan. Thank you for the opportunity to comment. Tunbridge Wells Borough Council (TWBC) has several comments to make at this stage.

The headline needs of 13,960 homes, 11.6 hectares of employment land and 32000 sq. metres of retail floor space are noted.

The constraints of Sevenoaks District at 93% Green Belt and 60% AONB are also recognised, which proposed Policy ST1 - Balanced Strategy for Growth in a Constrained District seeks to address.

Like most authorities in the South East, the SDC strategy aims to make efficient use of existing settlements by "maximising supply" and making efficient use of previously developed land. It is also noted that there will be reliance on sites released from the Green Belt under "Exceptional Circumstances", but the number of these sites has significantly reduced to that proposed in the previous Regulation 18 version of the Local Plan – now being two sites (Sevenoaks Quarry and land south of Four Elms Road, Edenbridge). However, a new Broad Area for Growth (around Pedham Place, south east of Swanley) has also since been introduced. The Plan states all three sites could potentially accommodate up to 3440 dwellings in total over the plan period. In addition to these sites, it is noted that four additional sites in the Green Belt have been submitted separately (post publication of the draft Plan) for consideration.

It is appreciated that it is a challenge trying to balance housing need against the above Green Belt, AONB and other constraints. This is a challenge TWBC also faces given the Green Belt constraints in the western part of the Borough and 70% AONB across much of the borough.

Sevenoaks District Council (SDC), TWBC and Tonbridge and Malling Borough Council (TMBC) have been in joint discussion for some time now, including regular liaison and meetings to discuss housing, employment and other needs under the Duty to Cooperate (DtC).

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Para 1.9 of Chapter One (A balanced Strategy for sustainable growth in a constrained district), of the Submission Version Plan states that given the constraints of the district, SDC are unable to meet their housing need figure by focusing within existing settlements, and they have been consulting with neighbouring authorities under the DtC, to see if they can assist with meeting this need. It also states that a number of Statements of Common Ground with other authorities have been produced (one of which is being drawn up with TWBC at present) and that to date, none of these discussions or processes has led to any authorities being able to assist SDC with their unmet need and discussions will continue as the Local Plan progresses to examination.

Para 2.33 of Chapter Two (Providing housing choices) states that SDC have again been working with neighbouring authorities to establish if they have land available to meet SDC's Gypsy and Traveller accommodation needs; and in Para 3.10 of Chapter Three (Supporting a Vibrant and Balanced Economy) to establish if other neighbouring authorities have land available to meet SDC's future employment needs. In both cases the Plan states that unfortunately, to date, no other authorities have identified any ability to assist SDC with any unmet need for pitches or employment land. However, in recent DtC discussions, when TWBC questioned whether SDC were able to meet their employment need, SDC confirmed they are able to and this is evidenced in the Plan. Likewise the Plan indicates that SDC are likely to meet the number of Gypsy and Traveller Pitches required by extension and intensification of existing pitches in the District. Therefore TWBC suggests that the information conveyed in the above paragraphs in relation to the DtC be reviewed to reflect the above. We can confirm that TWBC would be happy to continue regular liaison and DtC meetings with SDC (and TMBC) on all these matters as the Plan progresses to examination.

As you are aware from the above DtC meetings, TWBC is also undertaking preparation of a new Local Plan, with a plan period of 2013-2033. Having completed the Issues and Options consultation process last year, we are currently preparing the Draft Preferred Local Plan document ready for consultation (Regulation 18) this coming summer. TWBC will formally consult SDC when the plan progresses to this stage.

Without prejudging the outcome of the TWBC local plan work there, and as discussed under the DtC meetings, there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 19 consultation and in progressing the development strategy for the Sevenoaks district.

With regard to the Ashdown Forest, TWBC agrees with SDC's approach with regard to the proposed policy for which Strategic Access Management and Monitoring (SAMMs) contributions are sought, to allow any windfall development within the 7km zone to proceed, whilst addressing their impact on the forest.

Please note that, TWBC will send any comments in relation to the Sustainability Appraisal Report for the Proposed Submission Version of the Local Plan under separate cover.

I hope this information and response is of assistance and clarifies the TWBC's position.

Yours sincerely



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Cllr Alan McDermott
Portfolio Holder for Planning and Transportation

AND



Steve Baughen
Head of Planning

SDC Responses to TWBC Consultations:

Appendix B4 - SDC response to
TWBC Issues and Options
Consultation June 2017

<p>Sevenoaks District Council</p>	<p>1150</p>	<p>RE: SEVENOAKS DISTRICT COUNCIL RESPONSE TO TUNBRIDGE WELLS BOROUGH COUNCIL'S LOCAL PLAN – ISSUES AND OPTIONS</p> <p>Sevenoaks District Council (SDC) welcomes the opportunity to comment on Tunbridge Wells Borough Council's (TWBC) Local Plan – Issue and Options. Please note that this is an officer level response.</p> <p>SDC and TWBC share a number of key constraints including Areas of Outstanding Natural Beauty (AONB) and Sites of Special Scientific Interest (SSSI). Also, it has been set out in the document that the Tunbridge Wells Borough shares similar issues with the Sevenoaks District in terms of providing for employment, similar housing market areas and issues surrounding housing affordability.</p> <p>SDC would like to make the following comments:</p> <p><u><i>Duty to Co-operate</i></u></p> <p>As an adjoining Local Planning Authority, it is important that SDC works with TWBC to address strategic, cross boundary issues such as housing, infrastructure, employment, transport etc. to ensure that development can be enabled over the respective plan period. In this case, we note that TWBC's new Local Plan will set out a new development strategy for the district up to 2033.</p> <p>Following the recent adoption of the Allocations and Development Management Plan (February 2015), SDC has recently embarked on producing a new Local Plan, which will cover the period 2015-2035. We have started to gather the necessary evidence to produce a new Local Plan, as well as working with neighbouring authorities under the Duty to Co-operate.</p> <p>Recent Local Plan examinations and the Housing White Paper place significant emphasis and weight on the Duty to Co-operate, and how successful an exercise it has been when preparing the Local Plan. Therefore, SDC welcomes the ongoing, useful Duty to Co-operate discussions with TWBC to address key cross boundary issues, specific to the local level. SDC has a number of working groups with its neighbouring authorities under Duty to Co-operate (i.e. West Kent, North Kent, London Boroughs etc.) and these wider meetings are working well. We will also continue to work together in other forums, outside of formal Duty to Co-operate discussions, to identify additional cross boundary issues such as health, infrastructure and transport with key delivery partners.</p> <p><u><i>Meeting the Borough's Objectively Assessed Need (OAN)</i></u></p> <p>The Strategic Housing Market Assessment (SHMA) for TWBC (which has been prepared jointly with Sevenoaks District Council) states that there is an OAN requirement of 648 units to be built annually over the plan period 2013-2033. This equates to a total of 12,960 units being built over the 20 year period.</p> <p>National planning policy and guidance sets out the parameters for assessing the ability for meeting a local authority's OAN, as well as identifying appropriate sites to meet the requirements. It is noted that the approach that TWBC has taken is a "settlement hierarchy" approach by focusing development in sustainable locations, and the broad principles on how this could be achieved through its strategic options and distribution of development.</p> <p>The emerging Sevenoaks District Local Plan will be subject to public</p>
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consultation during summer 2017 and it is likely to be during late 2017/early 2018 when the District Council will be clearer about its ability, or not, to progress sustainable development that meets identified needs in either its own area or housing market area. This is due to the high level of Green Belt (93%) and AONB (60%) within Sevenoaks District. As it may not be possible to meet our own OAN in full for the District, SDC will continue to engage with its neighbouring authorities, including TWBC, under Duty to Co-operate for further discussions on how this issue can be resolved.

For information, SDC has a Memorandum of Understanding with Maidstone Borough Council, with regards to the ability to meet the OAN requirement, and this can be provided to TWBC upon request.

Distribution of Development

The Local Plan Issues and Options outlines that the broad distribution of proposed development is directed to Royal Tunbridge Wells and Southborough, with a smaller proportion focused on the other three main settlements of Paddock Wood, Cranbrook and Hawkhurst. The proposed locations do not have a significant impact on Sevenoaks District. However, should significant development be brought forward using a Growth Corridor-led Approach, considerations should be given to the impact on highways, especially along the A21 and at Morelys Roundabout (at the bottom of Riverhill in Sevenoaks) as there might be increased usage as a result.

Descriptions and justifications for each option, including brief descriptions of transport links, services and facilities that are available should be detailed against each proposed option. It would be helpful for TWBC to publish its Settlement Hierarchy in future consultations, to illustrate clearly what services/facilities are available for sustainable development. This would give greater justification for more detailed site allocations for the new Local plan.

SDC recognises that the proposed urban extensions will be subject to further evidence regarding sensitivity testing and the deliverability of sites once allocated within the Local Plan.

Other Strategic Issues

As neighbouring authorities, strategic considerations must be looked at in the wider context of West Kent. Issues of health, infrastructure and transport will have to be considered as part of the new Local Plan and will involve a number of delivery partners, such as Kent County Council (KCC), Highways England and the West Kent Clinic Commissioning Group (CCG). As these issues are not confined to one local authority area, it is important that both SDC and TWBC engage with the appropriate delivery partners in the appropriate forums, both under direct Duty to Co-operate discussions as well as those additional forums that both authorities attend (i.e. West Kent CCG's Local Care Forum, the West Kent Infrastructure & Transport Group).

Furthermore, SDC recognises the Ashdown Forest having some impact on the southern areas of Sevenoaks District. This is concentrated on the parishes of Cowden, Chiddingstone and Penshurst. Following the commissioning of evidence with 6 neighbouring authorities to assess the impact of future development in the area, SDC will continue to work proactively with Natural England, the statutory nature conservation body, neighbouring authorities and any other relevant bodies to understand the impact of the Local Plan on such

sites and, if necessary, develop policies for their protection.

Conclusion

In summary, SDC believes that TWBC's approach to the Issues and Options for the new Local Plan is positive and proactive in light of current national planning policy. SDC will continue to positively engage with TWBC under the Duty to Co-operate, as both authorities progress their Local Plans and try to meet their requirements over the Plan period.

Appendix B5 - SDC response to
TWBC Regulation 18 Draft Local
Plan Consultation 15 November
2019

Stephen Baughen
Head of Planning Services
Tunbridge Wells Borough Council
Civic Way
Royal Tunbridge Wells
TN1 1RS

Ask for: Planning Policy
Email: planning.policy@sevenoaks.gov.uk
My Ref:
Your Ref:
Date: 15 November 2019

Dear Stephen,

SEVENOAKS DISTRICT COUNCIL RESPONSE TO TUNBRIDGE WELLS BOROUGH COUNCIL'S REGULATION 18 DRAFT LOCAL PLAN CONSULTATION

Sevenoaks District Council (SDC) welcomes the opportunity to comment on Tunbridge Wells Borough Council's (TWBC) Regulation 18 Draft Local Plan consultation. Please note that this is an officer level response.

SDC and TWBC share a number of key constraints including Green Belt, the High Weald Area of Outstanding Natural Beauty (AONB) and Sites of Specific Scientific Interest (SSSI). Also, it has been set out in the document that the Tunbridge Wells Borough shares similar issues with the Sevenoaks District in terms of development viability, a shared housing market area and issues surrounding housing affordability.

Before I make specific comments relating to the Regulation 18 Draft Local Plan, I would like make some observations relating to the progress of the Sevenoaks Local Plan, which was submitted in April 2019 for examination. Hearing sessions for the Local Plan began took place in late September/early October. We have recently received correspondence from the Inspector, advising the Council that there are significant concerns with the submitted Local Plan in relation to the Duty to Co-operate. We are currently responding to these concerns to determine how to proceed with our Local Plan, as discussed at our joint meeting on 12 November 2019.

Further information on the progress of the Local Plan Examination can be found our website (www.sevenoaks.gov.uk/localplanexamination).

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Duty to Co-operate

As an adjoining Local Planning Authority, it is important that SDC works with TWBC to address strategic, cross boundary issues such as housing, infrastructure, employment, transport etc. to ensure that development can be enabled over the respective plan period. In this case, we note that TWBC's new Local Plan will cover the plan period up to 2036, which closely aligns with the Sevenoaks Local Plan covering the Plan period up to 2035. It has been evidenced that both SDC and TWBC have been working closely on strategic cross-boundary issues under the Duty to Cooperate since 2015. This has included the preparation of evidence-based documents as well as having constructive dialogue with TWBC over cross-boundary issues, both individually and collectively with Tonbridge & Malling Borough Council as a West Kent authority.

In May 2019, a Statement of Common Ground was signed between SDC and TWBC which sets out the issues and actions raised during the Duty to Cooperate meetings, which include how both local authorities seek to meet a variety of needs (i.e. housing, employment, retail etc.). It has been documented that TWBC is not in a position to assist SDC in meeting its unmet housing needs due to the Borough's constraints (i.e. proportion of Green Belt and the High Weald Area of Outstanding Natural Beauty) and that TWBC is seeking to meet its housing needs in full.

It is noted that the Statement of Common Ground has been included in TWBC's Interim Duty to Cooperate Statement. This Statement of Common Ground has also been submitted as part of the Examination Library for the Sevenoaks Local Plan. Despite the Sevenoaks Local Plan Examination being paused at present, SDC will continue positive and proactive engagement with TWBC and assist with respective plan-making.

Meeting the Borough's Objectively Assessed Need (OAN) and Distribution of Development

In 2015, both SDC and TWBC commissioned a joint Strategic Housing Market Assessment (SHMA) to consider the area's Objectively Assessed Need (OAN). This was based on 2012-based population projections. It concluded that Tunbridge Wells had an OAN of 12,960 dwellings to be provided over the period 2011-2031.

The Government has introduced a standardised methodology for local authorities to calculate their own housing needs. This was adopted into national planning policy and guidance in February 2019. National policy and guidance states that local planning authorities are expected to meet the development needs in their area in full, unless there are compelling reasons as to why this is not possible.

Paragraph 4.7 of the TWBC Draft Local Plan document sets out the objectively assessed housing need for the Borough which equates to 13,560 dwellings up to 2036 (678 dwellings per annum). It is noted from Table 1 "Housing Need 2016-2036" that it is expected that the majority of the housing supply will come forward through new housing and mixed use allocations as set out in Policy STR1 of the Draft Local Plan. On this basis, it appears that TWBC is planning to meet its OAN in full.

SDC notes that TWBC consulted previously on a number of different approaches during its Issues and Options consultation, choosing Option 3 “Dispersed Growth” and Option 5 “New Settlement Growth” to base its Development Strategy as set out in paragraph 4.40 and Policy STR1 which adopts an infrastructure-led approach.

This is illustrated by Draft Local Plan Proposals Map which shows a dispersed approach to allocating sites where the distribution of development accords with the Tunbridge Wells Settlement Hierarchy. The main growth areas are around Paddock Wood and Tudeley, where a new Garden Village is proposed. Sevenoaks District shares an administrative boundary with western area of the Tunbridge Wells Borough. The Proposals Maps shows little development being proposed on this boundary and therefore the proposed growth is unlikely to have a significant impact on the Sevenoaks District.

The Sevenoaks Local Plan is currently under Examination, following its submission to the Planning Inspectorate in April 2019. Under the standardised methodology, the housing need for the Sevenoaks District is 707 dwellings per annum (11,042 dwellings over the Plan period 2019-2035). As outlined in our response to the Inspector’s Initial Questions [ED3]^[1], the Local Plan seeks to deliver 9,410 dwellings over the Plan period which is equivalent 588 dwellings per annum. This results in an unmet housing need of approximately 1,900 dwellings over the Plan period 2019-2035 (equivalent to 119 dwellings per annum). This is due to the high level of Green Belt (93%) and AONB (60%) within Sevenoaks District. On 22nd July 2019 the PPG was revised to state that C2 units will need to be included in the Housing Land Supply. Therefore, this will result in a higher level of land supply as set out through the Examination hearings.

Due to these constraints, the Sevenoaks Local Plan is based on the following development strategy following extensive public consultation:

- i. Focus on growth in existing settlements, including higher densities;
- ii. Redevelopment of previously developed “brownfield” land in sustainable locations; and
- iii. The development of greenfield Green Belt land only in “exceptional circumstances”, particularly where social and community infrastructure is being proposed, which could help address evidenced infrastructure deficiencies in the area.

As the submitted Plan does not meet housing need in full in the District, SDC will continue to engage with its neighbouring authorities, including TWBC, under Duty to Co-operate for further discussions on how this issue can be resolved. It is noted that SDC formally approached TWBC in April 2019 to ascertain whether TWBC could assist with unmet need. The letters were sent in order to formally document the already known position of neighbouring authorities, in preparation for examination, and the letters documented the conclusion of the process. TWBC re-confirmed its position that:

^[1] ED3 “Sevenoaks District Council’s response to Inspector’s Initial Questions” can be found in the Sevenoaks Local Plan Examination Library (www.sevenoaks.gov.uk/localplanexamination)

'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'.

Conclusion

In summary, SDC believes that TWBC's approach to the new Local Plan is positive and proactive in light of current national planning policy and guidance. SDC will continue to positively and constructively engage with TWBC under the Duty to Co-operate, as both authorities progress their Local Plans and try to meet their requirements over the Plan period, which will include further discussion around SDC's current unmet housing need.

If you have any questions regarding this response, please do not hesitate to contact Planning Policy on 01732 227000 or please email planning.policy@sevenoaks.gov.uk.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'ST' or similar initials, written in a cursive style.

Simon Taylor
Planning Officer (Planning Policy)

Appendix B6 – SDC response to
TWBC Regulation 19 Pre-
Submission Plan Consultation 3
June 2021



Tunbridge Wells Borough Pre-Submission Local Plan Representation Form

Ref:

Date Received:

(for official use only)

Please read the guidance notes at the end of this form before completing it.

NB Representations must be received by no later than 5pm on 4 June 2021

We are unable to accept anonymous representations. All duly made representations, together with the names of respondents, will be made available on the Council's website. Personal information such as telephone numbers, addresses, and email addresses will not be published. By submitting a representation, you are confirming that you understand that your consultation response will be published in full, together with your name, including on our website. Please see the Privacy Notice on page 7 for more details about how we use your information. The guidance notes can be found on page 8.

This form has two parts:

Part A – Personal Details and

Part B – Your representation(s). Please fill in a separate sheet for each representation.

Part A (please provide your full contact details)

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.*

Title	Mr	
First Name	James	
Last Name	Gleave	
Job Title (where relevant)	Strategic Planning Manager	
Organisation (where relevant)	Sevenoaks District Council	
Address Line 1	Council Offices	
Address Line 2	Argyle Road	
Address Line 3	Sevenoaks	
Address Line 4	Kent	
Post Code	TN13 1HG	
Telephone Number	01732227326	
Email address	planning.policy@sevenoaks.gov.uk	

This page is intentionally blank

so that the front page containing your personal details

can be easily removed prior to public display

Ref:
Date Received:
<i>(for official use only)</i>

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: **Sevenoaks District Council**

3. To which part of the Local Plan does this representation relate?

Paragraph No(s)	<input type="text"/>	Policy No.	STR1	Policies Map (Inset Map No(s))	<input type="text"/>
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4. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not sound, please answer this question. Do you consider that the Local Plan is **not** sound because:**

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

SDC is supportive of joint working with TWBC and other development partners to address strategic, cross boundary matters. You will be aware of the evidence which demonstrates on-going and constructive engagement between our authorities since 2015, on matters such as housing, infrastructure and employment needs. Much of the discussion has taken place as part of the wider West Kent group with Tonbridge & Malling Borough Council.

In May 2019, a Statement of Common Ground was signed between SDC and TWBC. This document sets out the issues and actions raised during duty to co-operate engagement, which include how both local authorities were seeking to meet a variety of development needs. We have discussed the preparation of an updated Statement of Common Ground and the latest version is with you for comment. The updated document will reflect the extent to which our respective strategic development needs can be met and a range of other cross boundary policy matters, including those related to employment, retail and strategic infrastructure.

Ref:
Date Received:
(for official use only)

All legal challenges associated with SDC's Local Plan have now concluded and the Council is working with stakeholders to ensure that an updated document can be put in place as soon as possible. We will keep you updated on this process as part of duty to co-operate discussions.

SDC is of the view that TWBC's approach to the pre-submission Local Plan is positive, proactive and reflects the requirements of the duty to co-operate. We will continue to engage with TWBC as both authorities progress their Local Plans. This will include further discussion on the extent to which our respective housing needs can be met.

Please continue on a separate sheet or expand this box if necessary

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s) **Yes**, I wish to participate in hearing session(s)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

At this stage, SDC is content to rely on written submissions to express its views on TWBC's emerging Local Plan. Officers will inform you as soon as possible should this position change.

Please continue on a separate sheet or expand this box if necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Ref:
Date Received:
<i>(for official use only)</i>

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

N/A
Please continue on a separate sheet or expand this box if necessary

Ref:
Date Received:
<i>(for official use only)</i>

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: **Sevenoaks District Council**

8. To which part of the Local Plan does this representation relate?

Paragraph No(s)	<input type="text"/>	Policy No.	STR5	Policies Map (Inset Map No(s))	<input type="text"/>
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9. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not sound, please answer this question. Do you consider that the Local Plan is **not** sound because:**

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

10. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

In relation to education and health infrastructure, SDC recognises that many pupils and patients travel between our respective authorities to access these services. We are committed to working with TWBC, Kent County Council and the Kent and Medway Clinical Commissioning Group to deliver the services that are necessary for sustainable growth.

In relation to highway and rail infrastructure, SDC recognises the importance of the A21 and rail service to London in particular. We are committed to working with TWBC, Kent County Council and Network Rail to ensure any necessary improvements to support sustainable growth are delivered in a timely manner.

SDC will continue to work with infrastructure providers and partners on cross boundary matters, including through mechanisms such as the production of Infrastructure Delivery Plans.

Please continue on a separate sheet or expand this box if necessary

Ref:
Date Received:
(for official use only)

11. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

Please continue on a separate sheet or expand this box if necessary

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*

12. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

At this stage, SDC is content to rely on written submissions to express its views on TWBC's emerging Local Plan. Officers will inform you as soon as possible should this position change.

Please continue on a separate sheet or expand this box if necessary

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

N/A

Please continue on a separate sheet or expand this box if necessary

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation: Sevenoaks District Council

13. To which part of the Local Plan does this representation relate?

Paragraph No(s)	<input type="text" value="1.29"/>	Policy No.	<input type="text"/>	Policies Map (Inset Map No(s))	<input type="text"/>
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14. Do you consider that the Local Plan:

(a) Is legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(b) Is sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
(c) Complies with the Duty to Cooperate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

Please mark the above as appropriate

4a. If you consider that the Local Plan is **not** sound, please answer this question. Do you consider that the Local Plan is **not** sound because:

(a) It is not positively prepared	Yes	<input type="checkbox"/>
(b) It is not effective	Yes	<input type="checkbox"/>
(c) It is not justified	Yes	<input type="checkbox"/>
(d) It is not consistent with national policy	Yes	<input type="checkbox"/>

Please mark all of the above that apply

15. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Through our duty to co-operate discussions and regular meetings, it is clear that SDC and TWBC share similar issues and ambitions, including:

- Providing high quality and well-designed development that meets identified needs.
- Encouraging the re-use of previously developed brownfield land in sustainable locations.
- Providing infrastructure to support sustainable growth.
- Conserving and enhancing the AONB.
- Protecting the Green Belt.

SDC continues to work with TWBC to address strategic cross boundary issues. Engagement has been constructive, active and on-going during the production of our respective Local Plans. In this regard, SDC is content that TWBC has met the requirements of Section 33A of the Planning and Compulsory Purchase Act 2004. We look forward to further engagement in relation to strategic matters and the possible production of a revised Statement of Common Ground.

Please continue on a separate sheet or expand this box if necessary

16. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

Please continue on a separate sheet or expand this box if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

17. If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

7a. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

At this stage, SDC is content to rely on written submissions to express its views on TWBC's emerging Local Plan. Officers will inform you as soon as possible should this position change.

Please continue on a separate sheet or expand this box if necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

8. If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

N/A

Please continue on a separate sheet or expand this box if necessary

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so that the page containing your signature

can be easily removed prior to public display

This information is on a separate page so that it can be easily removed prior to public display.

Signature:	J. Gleave	Date:	3 June 2021
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

No, I do not wish to be notified of future stages of the Local Plan

Data Protection and Privacy Notice

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform the Local Plan.

Please note, at the end of the consultation period, your responses will be published by the Borough Council, including on our website. We will publish your name and associated responses, but will not publish other personal information such as telephone numbers, e-mail addresses or private addresses.

The information you provide (including telephone numbers, e-mail addresses, etc.) will also be shared with the Programme Officer employed to administer the examination on behalf of the appointed Planning Inspector(s), to be used only for the purposes of conducting the examination. The names of those making representations will be shared, and potentially addresses, with the Planning Inspector(s). However, in some cases, in order to run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

If you choose not to provide data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

You have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information about how we and the Planning Inspectorate use your personal information, please visit the privacy pages on the Council's website: <https://tunbridgewells.gov.uk/privacy-and-cookies/service-privacy-notices/privacy-notices/planning/local-plan-regulation-19-consultation>

GUIDANCE NOTES

1. Introduction

1.1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

Appendix B7 – DtC engagement record between TWBC and SDC

Duty to Cooperate engagement record for Sevenoaks District Council (SDC)

Meeting/Correspondence Log

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
2 December 2014	SDC Officers – Emma Boshell TWBC Officers – Jean Marshall, Adrian Tofts	DtC stakeholder workshop	Initial discussion of commissioning joint Strategic Housing Market Assessment (SHMA) for District/Borough areas of Sevenoaks and Tunbridge Wells to inform Core Strategy reviews for the two local authorities
December 2014	SDC TWBC Officers - Jean Marshall, Adrian Tofts, Deborah Dixon, Sarah Lewis	DtC meeting	Discussions to inform preparation of brief for joint SHMA prior to preparing tender document for consultants
January 2015	SDC TWBC Officers - Jean Marshall, Adrian Tofts, Deborah Dixon, Sarah Lewis	DtC meeting	Continued discussions to inform preparation of tender document for consultants.
6 February 2015	SDC Officers -Emma Boshell TWBC Officers - Jean Marshall, Adrian Tofts, Deborah Dixon	DtC meeting	To discuss and decide upon interview questions for prospective consultants
3 March 2015	SDC Officers -Emma Boshell, Alan Dyer, Liz Crockford TWBC Officers – Deborah Dixon and Sarah Lewis	DtC meeting	Initial meeting with appointed consultants to discuss timetable and broad approaches for SHMA work
31 March 2015	SDC and others: Ashford BC, Dartford BC, Gravesham BC, Rother DC, Tandridge DC, Tonbridge & Malling BC, Wealden DC and KCC	DtC stakeholder workshop	To discuss the methodology and core assumptions to be used in the SHMA, including the definition of the housing market area, demographic and economic inputs and affordable housing need.

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC Officers, Deborah Dixon, Matt Kennard, Sarah Lewis		
10 June 2015	SDC Officers - Anthony Lancaster and Emma Boshell TWBC Officers – Kelvin Hinton, Adrian Tofts	West Kent DtC meeting	<p>Discussion of how future meetings should be arranged; sub-regional issues; local plan updates; SMHA; evidence base and relevant studies to be undertaken</p> <ul style="list-style-type: none"> • TWBC / SDC to prepare joint SHMA presentation • TWBC / SDC to undertake joint Employment Land Review. TWBC to draft up brief • TWBC / SDC to prepare shared methodologies for SHLAAs / ELAAs
9 September 2015	<p>SDC</p> <p>Others: GL Hearn (Consultants), Tandridge DC, Dartford BC, Wealden DC</p> <p>TWBC Officers – Deborah Dixon, Matthew Kennard, Sarah Lowe</p>	Meeting - Presentation by GL Hearn consultants	Presentation/discussion of SHMA findings
5 October 2015	<p>SDC Officers - Anthony Lancaster and Emma Boshell</p> <p>TMBC Officers -Ian Bailey and Nigel De Wit</p> <p>TWBC officers – Kelvin Hinton</p>	West Kent DtC meeting	<p>Local Plan updates; possible Member DTC; Housing Need and Supply; Green Belt; Economic Areas; Gypsies and Travellers; Infrastructure; Viability</p> <p>Continue to monitor progress of respective Local Plans</p> <p>Further discussion required re approach to including Members in the DtC;</p>

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			Continue to monitor emerging housing supply across the HMA and identify opportunities for cross-boundary sites
4 February 2016	<p>SDC Officers - Anthony Lancaster and Emma Boshell</p> <p>TMBC Officers - Ian Bailey and Nigel De Wit</p> <p>TWBC Officers – Kelvin Hinton</p>	West Kent DtC meeting	<p>Updates on:</p> <p>1. Local Plan Timetable 2. Housing Need and Supply; 3. Travellers Assessment; 4. Employment Land Review; 5. Strategic Flood Risk Assessment; 6. Green Belt Studies; 7. Housing & Planning Bill and NPPF consultation 8. DtC matters - relationship with other parts of the county and 9. Member engagement</p> <p>Continue to monitor progress of respective Local Plans</p> <p>Officers agreed to continue to share thoughts and good practice on development strategies, including testing a range of strategy options against the Sustainability Appraisal objectives</p> <p>Travellers assessment - Officers to monitor and disseminate case law on this matter</p> <p>Officers to monitor the progress of the Housing & Planning Bill</p>
15 March 2016	Tonbridge and Malling DC -Ian Bailey, Ashford BC - Danielle Dunn, Sevenoaks DC--Emma Boshell, Maidstone BC -Sarah Anderton,	DtC meeting	Gypsies and Travellers

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Dartford BC -Tania Smith, Shepway - Matthew Nouch TWBC – Deborah Dixon		
18 March 2016	SDC TWBC – Sarah Lowe	DtC meeting	Employment Needs Study stakeholder event: Discussion of: baseline data, local issues / factors which the study should take into account
24 May 2016	SDC Officers – Anthony Lancaster TMBC Officers - Ian Bailey TWBC Officers – Kelvin Hinton, Deborah Dixon, Sharon Evans	West Kent DtC Meeting	Local Plan updates
6 July 2016	SDC TWBC Officers – Kelvin Hinton and David Scully	DtC meeting	Discussion re Joint Commissioning for professional advice on Ashdown Forest
30 August 2016	Arup (consultants) on behalf of SDC. Others: Tandridge DC, Gravesham BC , Dartford BC and KCC officers TWBC Officers – Deborah Dixon	DtC meeting	Discussion of methodology for SDC Green Belt Assessment
20 September 2016	SDC Others: Wealden DC (lead), Mid Sussex DC, Lewes DC, and Natural England TWBC Officers – David Scully, Katie McFloyd	DtC meeting	Joint Commissioning of Visitor Survey for Ashdown Forest for HRA work

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
28 September 2016	SDC – Anthony Lancaster, Emma Boshell TWBC Officers – Kelvin Hinton, Sharon Evans	DtC meeting	Local Plan updates; future Member involvement; housing need and supply - implications of the 2014 household projections, and clarifications around being able to count some form of Class C2 towards the 5 Year Housing Land Supply; the outcome of the Economic Needs Study (how proposals for an increased economic base may create a demand for additional dwellings)
7 December 2016	SDC – Anthony Lancaster, Emma Boshell TMBC – Louise Reid, Ian Bailey TWBC – Kelvin Hinton, Sharon Evans	DtC meeting	1. Local Plan Updates; 2. Housing Need and Supply; 3. Employment Land Need and Supply; 4. Green Belt; 5. Gypsies and Travellers; 6. Infrastructure
14 December 2016	Wealden DC, Lewes DC, Sevenoaks DC and Mid Sussex DC and NE	DtC meeting	Review of Visitor Survey for Ashdown Forest for HRA work
15 March 2017	SDC and Arc4 TMBC, TWBC , Swale BC, Gravesham BC, Dartford BC, London Borough of Bexley, Ashford BC, Tandridge DC, Medway Council, KCC	DtC meeting	Meeting re Gypsies and Travellers including presentation of assessment findings for SDC (presented by Arc4) All LPAs present were planning to meet their own G&T needs.
5 April 2017	Anthony Lancaster, Emma Boshell (SDC); Ian Bailey (TMBC) TWBC Officers – Kelvin Hinton and Sharon Evans	West Kent DtC meeting	Local Plan Updates; Key Study Issues - Green Belt, Highways, GTAAs; Housing White Paper; Brownfield Registers - new regs; Neighbourhood Plan experiences
21 June 2017	Ashdown Forest (Air Quality) Group:	DtC meeting	<ul style="list-style-type: none"> • Update from each local authority • Local Plan progress • Traffic Modelling

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	<p>Officers – South Downs National Park Authority, Rother DC, East Sussex County Council, Eastbourne and Lewes, Tandridge, Sevenoaks DC, Wealden DC, Natural England</p> <p>TWBC – Sharon Evans</p>		<ul style="list-style-type: none"> • SNAPS's
2 August 2017	<p>Sevenoaks DC - Antony Lancaster, Emma Henshall, Lily Mahoney; Tonbridge & Malling BC - Ian Bailey and Nigel De Wit</p> <p>TWBC Officers – Kelvin Hinton</p>	West Kent DtC meeting	Local Plan Updates; Issues and Options consultations, infrastructure, habitat regulations, Wealden DC and the Ashdown Forest, custom and self- build and the future approach to Duty to Cooperate
23 August 2017	<p>Sevenoaks DC, Tonbridge& Malling BC, Gravesham BC, Maidstone BC, Dartford DC, Tandridge DC, KCC Highways and Economic Development</p> <p>(Not known who attended from TWBC)</p>	DtC Forum	Local Plan updates, KCC strategies for transport/highways and infrastructure requirements
10 November 2017	Letter from PAS to SDC, TMBC and TWBC	DtC correspondence	PAS Statement of Common Ground Pilot Programme - Introductory letter on how scheme works and background on SoCGs
23 November 2017	<p>Ashdown Forest (Air Quality) Group</p> <p>Officers – Marina Briggshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes,</p>	DtC Meeting	<ul style="list-style-type: none"> • Review and minutes of previous meeting • Air Quality report • Sign off arrangements • Housing numbers • Geographical area • Transport modelling • Risk register

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park		<ul style="list-style-type: none"> Proportionality
6 December 2017	Sevenoaks DC - Antony Lancaster ; Tonbridge & Malling BC - Ian Bailey and Nigel De Wit TWBC Officers – Kelvin Hinton PAS – Steve Barker	DtC meeting	<p>Discussion of proposals for West Kent to become a Statement of Duty to Cooperate Pilot</p> <p>Local Plan Updates; Issues and Options consultations, infrastructure, habitat regulations, Wealden DC and the Ashdown Forest, custom and self-build and the approaches to Green Belt; GTAA's, future approach to Duty to Cooperate</p>
18 January 2018	Ashdown Forest (Air Quality) Group Officers – Marina Briggshaw and Kelly Sharp – Wealden DC, David Marlow – Rother DC, TWBC – Sharon Evans and David Scully, Natural England, Thondra Tom – Eastbourne and Lewes, Sevenoaks DC, Tandridge DC, Mid Sussex DC and South Downs Park	DtC Meeting	Update on Wealden Plan and current approach to development management issues
22 January 2018	Sevenoaks DC – Emma Henshall Tonbridge & Malling BC - Ian Bailey, Nigel De Wit TWBC Officers – Kelvin Hinton, Sharon Evans	DtC meeting	PAS Pilot SoCG meeting: Facilitation Process; who will do what; update on any progress/meetings/agreements; update on emerging Local Plans; drafting a timetable to produce SoCG
12 February 2018	Sevenoaks DC – Emma Henshall Tonbridge & Malling BC - Ian Bailey, TWBC Officers – Stephen Baughen	DtC meeting Appendix SDC1 Agreed minutes of West Kent SoCG Pilot on 12 February 2018	SoCG Pilot Programme (via facetime) Relationship with other SoCGs discussed including the Ashdown Forest, relationship of West Kent HMA with Maidstone HMA, housing need

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
13 March 2018	<p>IPE facilitator – Sue Turner</p> <p>Sevenoaks DC – Helen French, Tonbridge & Malling BC - Ian Bailey and Jill Peet, Canterbury CC - Shelley Rouse, Maidstone BC - Sarah Lee, Ashford BC - Helen Garnett, Dover DC, Dartford BC - Tania Smith, Medway Council - Tom Gilbert, Thanet DC - Jo Wadey, Swale BC - Alan Best and Aaron Wilkinson</p> <p>TWBC – Michael Hammacott</p>	DtC meeting	Gypsy and Travellers: Update on LPA status of GTAAs, Planning policies, Transit sites
14 March 2018	<p>SDC</p> <p>TMBC</p> <p>TWBC</p> <p>IPE (facilitator)</p>	DtC meeting	<p>SoCG Pilot Programme:</p> <ul style="list-style-type: none"> • Implications of publication of revised NPPF • How to deal with cross referencing of overlapping SoCGs • Breadth of participants – balance between effectiveness and complexity • Risks • Governance • Triggers for reviewing the SoCG (agreed should be stated in the draft)
3 April 2018	<p>SDC</p> <p>TMBC</p> <p>TWBC</p> <p>IPE (facilitator)</p>	<p>Facilitator’s Note – DtC correspondence</p> <p>Appendix SDC2 Facilitators note of West Kent SoCG Pilot dated 3 April 2018</p>	<p>SoCG Pilot Programme</p> <ul style="list-style-type: none"> • Purpose of pilot • Communications • Timing and programming • Housing and need • Governance

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			<ul style="list-style-type: none"> • Risks • Flexibility
10 April 2018	SDC TMBC TWBC IPE (facilitator)	Facilitator's Note – DtC correspondence Appendix SDC3 Facilitators note of West Kent SoCG Pilot dated 10 April 2018	Second iteration of Note (first published on 3 April 2018), amending paras 6.1, 6.2 and 6.3
11 September 2018	Sevenoaks DC - Hannah Gooden, Emma Henshall, Tonbridge & Malling BC - Ian Bailey TWBC Officer – Stephen Baughen	West Kent DtC meeting Appendix SDC4 Agreed minutes of West Kent DtC Meeting on 11 September 2018	Local Plan Updates, Ashdown Forest, forthcoming ONS projections and impact on housing need, West Kent SoCG
29 November 2018	Members of Ashdown Forest Working Group – South Downs National Park Authority, Sevenoaks DC, Rother DC, Lewes DC, Eastbourne BC, Tandridge DC, Mid Sussex DC, Crawley BC, East Sussex CC, West Sussex CC, Natural England WDC TWBC	DtC meeting	Air quality background issues in relation to the Ashdown Forest SAC
December 2018	Officers and Members of TWBC/Tonbridge and Malling BC and Sevenoaks DC	DtC meeting	Employment: <ul style="list-style-type: none"> • General update on Local Plan progress and approach to ED • Retail • Use of article 4 directions • Rural employment opportunities
10 January 2019	Sevenoaks DC: Hannah Gooden, Emma Henshall	DtC meeting	To discuss progress of local plans, housing (unmet) and employment need

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
	TWBC Officers – Stephen Baughen, Sharon Evans	Appendix SDC5 TWBC notes of meeting on 10 January 2019	
1 March 2019	SDC: Cllr Piper, Emma Henshall TWBC - Cllr A McDermott, Stephen Baughen	DtC meeting	Strategy and Local Plan progress, key strategic cross boundary issues - housing, transport, infrastructure, education, DtC requirements, engagement with KCC
12 March 2019	SDC: James Gleave, Hannah Gooden TWBC: Sharon Evans, Steve Baughen	DtC correspondence Appendix SDC 6 Exchange of emails between TWBC and SDC on 12 March 2019	Invitation to SDC held DtC workshop and subsequent emails about unmet housing need
11 April 2019	SDC – James Gleave to TWBC – Stephen Baughen	DtC Correspondence Appendix SDC7 Email from SDC 11 April 2019 requesting that TWBC assists in meeting its unmet need	SDC request to TWBC to assist in meeting SDC's unmet need
24 April 2019	TWBC – Stephen Baughen email to SDC	DtC correspondence Appendix SDC8 Email from TWBC to SDC about meeting unmet need 24 April 2019	TWBC response to SDC request to meet unmet need
24 April 2019	Sevenoaks DC – Richard Morris, James Gleave, Hannah Gooden, Emma Henshall, Helen French, Cllr R Piper Also Tandridge DC, Dartford DC, Gravesham BC, London Borough of Bexley, Wealden DC, KCC TWBC – Stephen Baughen	DtC Workshop (SDC offices) Appendix SDC9 Agreed minutes of DtC workshop at SDC offices on 24 April 2019	Peer review process (prior to submission of Plan), updates from all authorities in attendance, SDC summary of DtC activities and key outcomes

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
13 September 2019	TWBC Hearing Position Statement to SDC Examination	DtC correspondence Appendix SDC11 TWBC Hearing Statement to Sevenoaks Examination 13 September 2019	TWBC local plan preparation work, timeline of DtC and requests from SDC regarding unmet need, TWBC housing need, TWBC Sustainability Appraisal, SoCG with SDC
12 November 2019	SDC and TWBC meeting TWBC Officers – Stephen Baughen and Sharon Evans	DtC meeting	Discussion re the DtC in light of Inspector's letter to SDC, and update on local plans
21 November 2019	TWBC – Stephen Baughen to SDC	DtC Correspondence Appendix SDC12 letter from TWBC to SDC following Examination and meeting on 21 November 2019	TWBC letter to SDC post SDC hearing on DtC matters
18 May 2020	SDC – James Gleave, Hannah Gooden TMBC – Ian Bailey and Bart Wren TWBC- Stephen Baughen, Sharon Evans and Hannah Young	West Kent DtC meeting Appendix SDC13 Agreed minutes of West Kent DtC Meeting on 18 May 2020	Updates on : Local Plans, Housing – including discussion about unmet need, Employment, AONB, Infrastructure, Strategic Sites, Gypsies and Travellers, approach to future DtC meetings and SoCGs
15 June 2020	SDC – James Gleave TMBC – Ian Bailey and Bart Wren TWBC – Steve Baughen and Sharon Evans	DtC meeting Appendix SDC14 Minutes of West Kent DtC Meeting on 15 June 2020	Updates on local plan, lessons from other LPAs, housing need (including scope for TMBC and SDC to take housing and employment in Green Belt/AONB), economic needs, strategic sites, infrastructure, and sub-regional planning
6 October 2020	TWBC – Stephen Baughen	DtC correspondence Appendix SDC15 Letter from TWBC to SDC re Green Belt and AONB	TWBC formal request to SDC to meet TWBC housing/employment need in Green Belt/AONB

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
16 October 2020	SDC – Richard Morris TWBC – Stephen Baughen	DtC correspondence AppendixvSDC16 Letter from SDC to TWBC re Green Belt and AONB	SDC response to formal request to meet TWBC housing/employment need in Green Belt/AONB
21 October 2020	SDC – James Gleave TMBC – Bart Wren and Julian Ling TWBC – Sharon Evans and Steve Baughen	DtC Meeting Appendix SDC17 Minutes of West Kent DtC meeting on 21 October 2020	Updates on local plans, cross boundary infrastructure, housing need, SoCGs
8 July 2021	SDC – James Gleave and Hannah Gooden TWBC – Stephen Baughen and Nichola Watters	DtC Meeting Appendix SDC21 Draft minutes SDC and TWBC DtC meeting on 8 July 2021	Updates on Local Plans and housing needs, other cross boundary strategic matters – transport and water, and progress on SoCG
24 August 2021	SDC – James Gleave TWBC – Stephen Baughen and Nichola Watters	DtC Meeting Appendix SDC22 Draft minutes SDC and TWBC DtC meeting on 24 August 2021	Updates on Local Plans and housing needs and progress on SoCG
6 October 2021	TWBC – Stephen Baughen to SDC – Richard Morris	DtC correspondence Appendix SDC24 Formal letter from TWBC to SDC re DtC Housing Need and way forward on 6 October 2021	TWBC formal letter to SDC about housing need and a way forward
22 October 2021	SDC – James Gleave TWBC – Stephen Baughen	DtC correspondence Appendix SDC28 SDC response letter to TWBC on 22 October 2021	SDC response to TWBC letter of 6 October 2021
October 2021	SDC and TWBC	DtC correspondence	A working draft SoCG has been produced between both parties which will be reviewed

Date of engagement	Officers/Members in attendance	Type of engagement	Purpose/Outcomes
			and updated prior the TWBC Local Plan Examination.

SDC Additional Appendices –
Meeting Notes and
Correspondence:

SDC1 – Agreed minutes of West Kent SoCG Pilot on 12 February 2018

Statement of Common Ground Pilot Programme: West Kent Group

Notes of meeting 2 held on 12 February 2018 via Facetime.

Participants: TM Ian Bailey (IB)
TW Steve Baughen (SB)
S Emma Henshall (EH)
IPE Sue Turner (ST)

1. Notes produced since the last meeting are:
 - ST notes of meeting dated 30.01
 - ST email dated 30.01
 - IB email dated 12.02
2. West Kent group officers continue to meet quarterly at DTC meetings, at Kent Policy Officers meeting and informally at other meetings.
3. Members: Portfolio holders have agreed to the Pilot and ST reported back from PAS that although member sign off would be expected on a completed draft SCG there was no fixed requirement for member involvement during the pilot. However all three group members suggest that portfolio holders are being updated informally as the pilot progresses.
4. ST suggested that draft lists of strategic issues and participants should be prepared to help move the project forward and the group undertook to do this (draft lists circulated by EH on 13.02).
5. OAN. In view of concerns raised by ST and IB's response the question of difficulties faced by TM and S were briefly discussed (TW proposes to meet its OAN in full). TM is preparing justification as part of preparation for Reg 19 consultation. GL Hearn evidence (shared in draft) is the start point. S is testing options to assess way forward.
6. Relationship/ participation with other SCGs:
 - Ashdown Forest (see diagram) includes a number of LPAs and the area covered overlaps with this SCG. Work is progressing and content is agreed by most participants. Overlapping interests include housing/potential traffic movements through the forest (need to identify if any other areas of overlap). Agreed that this SCG should cross reference to the Ashdown Forest SCG. TM noted that they may not need to sign up to Ashdown Forest SCG as connection is more remote/ tenuous.
 - Maidstone HMA SCG. This covers part of TM area and will sit alongside this SCG. Again will need to be cross referenced and highlight any overlap.
7. The group started to identify potential risks, which will include sign up to/ success of Ashdown Forest SCG, any implications from Greater London Plan. More to come.

SDC2 – Facilitators note of West Kent SoCG Pilot dated 3 April 2018

West Kent Statement of Common Ground Pilot Project

Facilitator's note

3 April 2018

Participants

Sevenoaks District Council – Emma Henshall/ Hannah Gooden
Tonbridge and Malling Borough Council – Ian Bailey
Tunbridge Wells Borough Council - Stephen Baughen
IPE facilitator – Sue Turner

1. Purpose and objectives of the pilot project

- 1.1 The revised NPPF will require all LPAs to prepare a SoCG as evidence that the Duty to Co-operate has been met. They should be based on HMA's or other relevant (topic based) planning areas. The pilot project provides a facilitator to monitor and record the early stages of preparing a SoCG, with the aim of capturing the learning from the process. This is intended to help those undertaking the pilot to create a SoCG which is focussed and effective whilst ensuring that the process is not onerous or laborious. The findings from this exercise may be used to inform more general guidance on preparing SoCGs.
- 1.2 The West Kent Pilot project seeks to prepare a draft of the SoCG to be ready 6 months after agreement of NPPF. It will take SoCG preparation to a first draft by 31 March 2018. At this stage the group should have reached agreement on the geographic area, strategic issues, the parties to be involved and governance arrangements.

2 Background

- 2.1 The West Kent group of Councils have worked together over a number of years and were part of a previous Local Strategic Partnership, now the West Kent Partnership. They are also now linked by some shared services. The three Councils face similar challenges, for example they all include large areas of Green Belt and share infrastructure issues, as well as all needing to have regard to the Ashdown Forest designated Special Area of Conservation (SAC). Progress on Local Plan preparation is broadly aligned, making the timetable for preparation of the SoCG appropriate for all three Councils.
- 2.2 These factors have meant that agreement of the geographical area, which covers the whole of the three Council areas and the key participants has been a straightforward matter. However it should be noted that Tonbridge and Malling BC will also be party to a separate SoCG, because the eastern part of the borough falls within a HMA shared with Maidstone, whilst all three Councils are also party to a separate topic SoCG which relates to the Ashdown Forest. This overlapping of SoCGs was the subject of some discussion and is addressed later in this note.
- 2.3 In early March the government published the draft revised NPPF for consultation. This was discussed at the final meeting of the pilot study and implications taken into account.

3. Communications

3.1 Officers from the three Councils have already been meeting quarterly on a formal basis but informally through meetings on other issues, including those relating to the Ashdown Forest SoCG. Discussions will continue through regular meetings of the West Kent Duty to Co-operate group. There is similar ongoing communication between members and portfolio holders (see below) .

3.2 During the pilot, which ran from January to March 2018, three facilitated meetings took place as follows:

Meeting 1: 22 January 2018 (at Tonbridge and Malling Council offices)

- Introductions
- Aspirations
- Background information from each Council (stage of LP progress, OAN current thinking, member involvement)
- Timetable
- Strategic issues first thoughts
- Communications

Meeting 2: 12 February 2018 (by Skype from Sevenoaks Council offices)

Updates on progress including:

- Confirmation that portfolio holders in each Council have agreed to the pilot and are being updated informally as work progresses
- Facilitator suggested that draft list of strategic issues should be circulated (this was done immediately after the meeting)
- Update on OAN discussions/ progress in each area
- Relationship with other SoCGs
- First discussion on identification of potential risks

Meeting 3: 14 March 2018 (at Tunbridge Wells Council offices)

Update on LP preparation and anticipated Regulation 19 submission dates

Discussions on detailed issues including:

- Implications from publication of draft revised NPPF
- How to deal with cross referencing to overlapping SoCGs
- Breadth of participants – balance between effectiveness and complexity
- Risks
- Governance
- Triggers for reviewing the SoCG which it was agreed should be stated in the draft

4. Timing and programming

4.1 The Councils' emerging Local Plans are all broadly at Regulation 18 stage:

- Sevenoaks DC has an adopted Core Strategy (2011) and an Allocations and Development Management Plan (2015) which are both subject to a 5 year review. It undertook Regulation 18 consultation for its emerging Local Plan in Autumn 2017. When the SoCG pilot commenced it was planning an additional Regulation 18 consultation in Summer 2018. Regulation 19 pre-submission publication is planned for Winter 2018 with submission planned for early 2019.
- Tonbridge and Malling DC has a full suite of Development Plan documents adopted in 2012. It is now preparing single Local Plan. Regulation 18 consultation took place in autumn 2016 and consultation responses were reported in July 2017. It aims to submit its Regulation 19 draft in late 2018 which will be within the NPPF transition period.
- Tunbridge Wells is seeking to prepare a quick and concise LP based on the Local Plan Expert Group recommendations. A high level Issues and Options document was published for consultation in June/ July 2016 and generated approximately 6,500 responses. Review is currently underway with the aim of publishing a Regulation 18 preferred option draft in March 2019 and submitting a Regulation 19 draft in September 2019, outside the transition period.

4.2 The timetable for the West Kent SoCG is as stated in 1.2 above, with a first draft to be completed by the end of March 2018 and a full draft to be ready 6 months after the revised NPPF is agreed. In any event an agreed version of the SoCG will need to be available to accompany the first Local Plan to be submitted for examination, which at present is expected to be the Tonbridge and Malling Plan.

5. Issues and participants

5.1 A table of draft key strategic cross boundary issues and list of other participants was prepared and agreed by the three Councils in mid-February 2018. This is attached as appendix A.

5.2 This draft included the following points which had emerged through discussions:

- Need to address the matter of any unmet need in the HMA – this is acknowledged by all as the most significant issue
- Recognition that London's growth ambitions may need to be addressed
- Green Belt
- Infrastructure, with particular reference to secondary school provision and highway infrastructure – acknowledged as the second most significant issue
- The Ashdown Forest SAC and the emerging draft SoCG on this issue.

5.3 It was agreed that the issues will determine the relevant participants and some discussion took place regarding the level of involvement of participants and the possible impact on timing.

6. Housing and OAN

6.1 Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017. In Sevenoaks the OAN of 11,740 (578 dpa) compares with an indicative figure of 13,960 (698 dpa) based on the government's standardised methodology. In Tunbridge Wells the SHMA gives an OAN of 696dpa, which is consistent with the government's indicative figure of 692 dpa using the proposed standard methodology.

6.2 The situation in Tonbridge and Malling is more complex. The evidence base, which includes an up to date SHMA covering 2 housing market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. Members have agreed to continue with 696 dpa figure. The Council accepts the standardised methodology and will reflect this as national policy in its Local Plan. However it proposes to demonstrate that the higher figure is undeliverable based on past trends and capacity issues. This position will be supported by evidence including the housing deliverability study prepared by G L Hearn in September 2017. The Council's concerns are clarified in more detail in its consultation response to Planning for the Right Homes in the Right Places.

6.3 The emerging Tonbridge and Malling Local Plan, if it continues to propose a housing supply which is lower than the standardised OAN, clearly presents a risk to finalising an agreed SoCG. Whilst at present neither Sevenoaks or Tunbridge Wells will require Tonbridge and Malling to accept unmet need, it is possible that the reverse may apply. Even if all three Councils sign up to a SoCG which includes a lower housing figure for Tonbridge and Malling than the standard methodology indicates, this could be undermined when its Local Plan is examined.

7. Governance

7.1 Officers of the three Councils meet quarterly and over the past 6 months all Councils have involved member in briefings and discussions. It is anticipated that portfolio holders will meet together with officers prior to formal sign off of the SoCG.

8. Learning points

Overlapping SoCGs

8.1 The matter of overlapping with other SoCGs and how this is dealt with has been a recurring topic of discussion. The group has identified two types of overlap which raise different issues.

- 8.2 First, a geographical overlap will occur where part of the West Kent SoCG area (ie the eastern part of Tonbridge and Malling) will also fall within a future SoCG covering the Maidstone HMA. The group agreed that this should be clearly explained in the SoCG, possibly in a map/ diagrammatic form and that relevant cross referencing should be made to ensure consistency and co-ordination.
- 8.3 Second, the Ashdown Forest SoCG has a broad reach and overlaps with the whole of the West Kent area. Whilst it is based on a single issue it will have wider implications for all three Council areas and each of their Local Plan on matters such as infrastructure. These matters are likely to require extensive cross referencing and consistency checking within the West Kent SoCG.

Risks

- 8.4 The greatest risk to this SoCG is the decision by Tonbridge and Malling to continue plan for a level of housing supply which is below the OAN identified by the government's standard methodology. As Tonbridge and Malling takes its Local Plan forwards it will be relying on evidence which states that capacity and delivery issues prevent it from meeting the higher OAN.
- 8.5 Whilst both Sevenoaks and Tunbridge Wells are aiming to meet their standard methodology OANs, both are heavily constrained by green belt and infrastructure issues and are unlikely to be capable of accommodating unmet need from Tonbridge and Malling. This pilot project is not the appropriate place to address this matter in detail. However if the final SoCG is to have any real meaning and to be robust in supporting the three Local Plans there will need to be some hard talking within the group on this matter. This is a potential showstopper in terms of the utility of the SoCG and its capability of serving its desired purpose.
- 8.6 The group identified a further potential risk relating to governance and member "sign up", although in West Kent the close working relationship between the Councils and the good communication between officers and members are protective factors which represent best practice in managing risk in this area.
- 8.7 Some discussion took place regarding the number of participants in preparation of the SoCG and their level of involvement. It was agreed that there is a balance to be struck between involving all parties necessary to address the key strategic issues and the increased complexity and potential delays that requiring "sign up" from a large number of participants would bring. It was suggested that this could be handled by having different levels of signatory relative to the significance of the level of interest or the categories of some participants "working with" rather than "signing up".

Changing circumstances/flexibility

- 8.8 The group considers the SoCG to be a live document which will need to be constantly reviewed and updated. Indeed within the short lifetime of the pilot project circumstances have changed nationally, with the government's publication of the draft

revised NPPF and locally, with new information such as updated flood risk data for Tunbridge Wells.

- 8.9 The group has suggested that the SoCG should include triggers for review, which will not only identify risks but also mark key milestones which could trigger the need to review.

Process, communications and relationships

- 8.10 The Pilot Project has clearly been the continuation of a process which is already underway. However it is hoped that it has given a boost to preparation of the SoCG. Meetings have enabled some new questions to be addressed with regard to matters such as risks, involvement of other participants, the relationship between this and other SoCGs and clarity of presentation.
- 8.11 As referred to above and despite concerns about the absence of discussion to tackle housing land supply across the area, it is clear that these three Councils have a positive and easy relationship with many shared issues and that each has an understanding of the others' situation. Whatever transpires with regard to the housing issue, the group is well placed to work collaboratively to create a robust SoCG to demonstrate that they have met the Duty to Co-operate.

SDC3 – Facilitators note of West Kent SoCG Pilot dated 10 April 2018

West Kent Statement of Common Ground Pilot Project

Facilitator's note

10 April 2018

Participants

Sevenoaks District Council – Emma Henshall/ Hannah Gooden
Tonbridge and Malling Borough Council – Ian Bailey
Tonbridge Wells Borough Council - Stephen Baughen
IPE facilitator – Sue Turner

1. Purpose and objectives of the pilot project

1.1 Intelligent Plans & Examinations (IPE) were commissioned by PAS in February 2018 to facilitate the preparation of a Draft Statement of Common Ground (SoCG) for the West Kent Local Planning Authorities, as part of a Pilot Programme to develop good practice in this new area of development plan work.

1.2 The revised NPPF will require all LPAs to prepare a SoCG as evidence that the Duty to Co-operate has been met. They should be based on HMA's or other relevant (topic based) planning areas. The pilot project provides a facilitator to monitor and record the early stages of preparing a SoCG, with the aim of capturing the learning from the process. This is intended to help those undertaking the pilot to create a SoCG which is focussed and effective whilst ensuring that the process is not onerous or laborious. The findings from this exercise may be used to inform more general guidance on preparing SoCGs.

1.2 The West Kent Pilot project seeks to prepare a draft of the SoCG to be ready 6 months after agreement of NPPF. It will take SoCG preparation to a first draft, when the group should have reached agreement on the geographic area, strategic issues, the parties to be involved and governance arrangements. The first draft of the West Kent SoCG was initially intended to be completed by 31 March 2018. However each of the Councils has had to prioritise work on preparing its own Local Plan and absorbing newly published national planning policy. The first draft is now expected to be completed in April.

2 Background

2.1 The West Kent group of Councils have worked together over a number of years and were part of a previous Local Strategic Partnership, now the West Kent Partnership. They are also linked by some shared services. The three Councils face similar challenges, for example they all include large areas of Green Belt and share infrastructure issues, as well as all needing to have regard to the Ashdown Forest designated Special Area of Conservation (SAC). Progress on Local Plan preparation is broadly aligned, making the timetable for preparation of the SoCG appropriate for all three Councils.

2.2 These factors have meant that agreement of the geographical area, which covers the whole of the three Council areas and the key participants has been a straightforward matter. However it should be noted that Tonbridge and Malling BC will also be party to

a separate SoCG, because the eastern part of the borough falls within a HMA shared with Maidstone, whilst Sevenoaks DC and Tunbridge Wells BC are also party to a separate topic based SoCG which relates to the Ashdown Forest. This overlapping of SoCGs was the subject of some discussion and is addressed later in this note.

2.3 In early March the government published the draft revised NPPF for consultation. This was discussed at the final meeting of the pilot study and implications taken into account.

3. Communications

3.1 Officers from the three Councils have already been meeting quarterly on a formal basis but informally through meetings on other issues, including those relating to the Ashdown Forest SoCG. Discussions will continue through regular meetings of the West Kent Duty to Co-operate group. There is similar ongoing communication between members and portfolio holders (see below).

3.2 During the pilot, which ran from January to March 2018, three facilitated meetings took place as follows:

Meeting 1: 22 January 2018 (at Tonbridge and Malling Council offices)

- Introductions
- Aspirations
- Background information from each Council (stage of LP progress, OAN current thinking, member involvement)
- Timetable
- Strategic issues first thoughts
- Communications

Meeting 2: 12 February 2018 (by Skype from Sevenoaks Council offices)

Updates on progress including:

- Confirmation that portfolio holders in each Council have agreed to the pilot and are being updated informally as work progresses
- Facilitator suggested that draft list of strategic issues should be circulated (this was done immediately after the meeting)
- Update on OAN discussions/ progress in each area
- Relationship with other SoCGs
- First discussion on identification of potential risks

Meeting 3: 14 March 2018 (at Tunbridge Wells Council offices)

Update on LP preparation and anticipated Regulation 19 submission dates

Discussions on detailed issues including:

- Implications from publication of draft revised NPPF

- How to deal with cross referencing to overlapping SoCGs
- Breadth of participants – balance between effectiveness and complexity
- Risks
- Governance
- Triggers for reviewing the SoCG which it was agreed should be stated in the draft

4. Timing and programming

4.1 The Councils' emerging Local Plans are all broadly at Regulation 18 stage:

- Sevenoaks DC has an adopted Core Strategy (2011) and an Allocations and Development Management Plan (2015) which are both subject to a 5 year review. It undertook Regulation 18 consultation for its emerging Local Plan, for the period 2015 – 2035, in autumn 2017 and plans to make an additional Regulation 18 consultation in summer 2018. Regulation 19 pre submission publication is planned for winter 2018 with submission in early 2019.
- Tonbridge and Malling BC has a full suite of Development Plan documents adopted between 2007 and 2010. It is now preparing single Local Plan for the period to 2031. Regulation 18 consultation took place in autumn 2016 and consultation responses were reported in July 2017. It aims to submit its Regulation 19 draft in late 2018 which will be within the NPPF transition period.
- Tunbridge Wells BC is seeking to prepare a quick and concise Local Plan for the period to 2033, based on the Local Plan Expert Group recommendations. A high level Issues and Options document was published for consultation in June/ July 2016 and generated approximately 6,500 responses. Review is currently underway with the aim of publishing a Regulation 18 preferred option draft in March 2018 and submitting a Regulation 19 draft in September 2019.

4.2 The timetable for the West Kent SoCG is as stated in 1.2 above, with a first draft to be completed by the spring of 2018 and a full draft to be ready 6 months after the revised NPPF is agreed. In any event an agreed version of the SoCG will need to be available to accompany the first plan to be submitted for examination, which at present is expected to be the Tonbridge and Malling Local Plan.

5. Issues and participants

5.1 A table of draft key strategic cross boundary issues and list of other participants was prepared and agreed by the three Councils in mid-February 2018. This is attached as appendix A.

5.2 This draft included the following points which had emerged through discussions:

- Need to address the matter of any unmet need in the HMA – this is acknowledged by all as the most significant issue

- Recognition that London's growth ambitions may need to be addressed
- Green Belt
- Infrastructure, with particular reference to secondary school provision and highway infrastructure – acknowledged as the second most significant issue
- The Ashdown Forest SAC and the emerging draft SoCG on this issue.

5.3 It was agreed that the issues will determine the relevant participants and some discussion took place regarding the level of involvement of participants and the possible impact on timing.

6. Housing and OAN

6.1 During the short lifespan of this pilot project there have been several changes both to the policy background, for example the revised draft of the NPPF issued for consultation on 5 March 2018 and to the emerging evidence base which will support the three Local Plans. Consequently the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue. The current situation, at the end of the pilot project, is as follows.

Sevenoaks DC

6.2 In Sevenoaks the OAN of 12,400 compares with an indicative figure of 13,960 based on the government's standardised methodology. With Regulation 19 submission planned to take place in early 2019 it likely to fall outside the NPPF transition period, therefore the higher figure will apply. However the district is highly constrained, with 93% of the district lying within the Green Belt and 60% within AONBs.

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.

Tonbridge and Malling BC

6.4 The evidence base for the Tonbridge and Malling Local Plan, which includes an up to date SHMA covering two housing market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. However the position has changed since the pilot project began with the revised NPPF draft proposing a transitional period for introducing the standardised methodology of assessing housing need. Provided the Regulation 19 submission can be made within the transition period, as proposed by the Council, then the lower locally derived OAN can be used. This level of housing growth is considered deliverable.

Tunbridge Wells BC

6.5 When the pilot project commenced Tunbridge Wells BC was planning to meet its locally derived OAN as determined by the joint SHMA which was updated in 2017. The SHMA sets an OAN of 696 dpa for Tunbridge Wells, which is consistent with the government's indicative figure of 692 dpa using the proposed standard methodology. Recently updated evidence on strategic flood risk suggests that some re appraisal may be necessary, but the Council is still endeavouring to ensure that it can meet its own housing need.

Summary

6.6 Each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling BC is confident that it can meet its need, Sevenoaks DC and Tunbridge Wells BC have not yet completed the work needed to determine whether or not they can meet their housing need. Thus the Councils are not yet in a position to reach agreement on the matter of housing supply.

7. Governance

7.1 Officers of the three Councils meet quarterly and over the past 6 months all Councils have been involving members in briefings and discussions. It is anticipated that portfolio holders will meet together with officers prior to formal sign off of the SoCG.

8. Learning points

Overlapping SoCGs

8.1 The matter of overlapping with other SoCGs and how this is dealt with has been a discussed by the group. There are two types of overlap which raise different issues.

8.2 First, a geographical overlap exists where part of the West Kent SoCG area (ie the eastern part of Tonbridge and Malling) will also fall within a future SoCG covering the Maidstone HMA. The group agreed that this should be clearly explained in the SoCG, possibly in a map/ diagrammatic form and that relevant cross referencing should be made to ensure consistency and co-ordination.

8.3 Second, the Ashdown Forest SoCG has a broad reach and overlaps with Sevenoaks and Tunbridge Wells. Whilst it is based on a single issue it will have wider implications for all three Council areas and each of their Local Plans on matters such as infrastructure. These matters are likely to require extensive cross referencing and consistency checking within the West Kent SoCG.

Risks

- 8.4 The most significant risk to this SoCG is that the Councils are unable to reach agreement on how housing need will be met. Scenarios where Sevenoaks, Tunbridge Wells or both are unable to meet their OAN in full will present a challenge to the group. However both Councils have accepted that they will be using the local housing need figure derived from the standard methodology (LHN), providing certainty and minimising risk of an imposed increase. In Tunbridge Wells' case the LHN is almost identical to the OAN, but for Sevenoaks it represents a significant increase and may not be achieved.
- 8.5 If Tonbridge and Malling were to base its housing need on the standard methodology it would be faced with a much more significant increase which its evidence base has indicated is not deliverable. It is therefore understandable that the Council has chosen to submit its plan during the transition period, based on the lower figure in the locally assessed OAN. However this carries an element of risk, should submission of the Plan be delayed and so fall outside the transition period.
- 8.6 The group identified a further potential risk relating to governance and member "sign up", although in West Kent the close working relationship between the Councils and the good communication between officers and members are protective factors which represent best practice in managing risk in this area.
- 8.7 Some discussion took place regarding the number of participants in preparation of the SoCG and their level of involvement. It was agreed that there is a balance to be struck between involving all parties necessary to address the key strategic issues and the increased complexity and potential delays that requiring "sign up" from a large number of participants would bring. It was suggested that this could be handled by having different levels of signatory relative to the significance of the level of interest or the categories of some participants "working with" rather than "signing up".

Changing circumstances/ flexibility

- 8.8 The group considers the SoCG to be a live document which will need to be constantly reviewed and updated. Indeed within the short lifetime of the pilot project circumstances have changed nationally, with the government's publication of the draft revised NPPF and locally, with new information such as updated flood risk data for Tunbridge Wells.
- 8.9 The group has suggested that the SoCG should include triggers for review, which will not only identify risks but also mark key milestones which could trigger the need to review.

Process, communications and relationships

- 8.10 The Pilot Project has clearly been the continuation of a process which is already underway. However it is hoped that it has given a boost to preparation of the SoCG. Meetings have enabled some new questions to be addressed with regard to matters such as risks, involvement of other participants, the relationship between this and other SoCGs and clarity of presentation.

8.11 As referred to above and despite concerns about the absence of discussion to tackle housing land supply across the area, it is clear that these three Councils have a positive and easy relationship with many shared issues and that each has an understanding of the others' situation. Whatever transpires with regard to the housing issue, the group is well placed to work collaboratively to create a robust SoCG to demonstrate that they have met the Duty to Co-operate.

Sue Turner

10 April 2018

Appendix A attached

SDC4 – Agreed minutes of West Kent DtC Meeting on 11 September 2018

West Kent Duty to Cooperate Meeting – Sevenoaks District Council, Tunbridge Wells Borough Council, Tonbridge & Malling Borough Council

Council Offices, Sevenoaks, 11 September 2018

Sevenoaks District Council: Hannah Gooden, Emma Henshall

Tunbridge Wells Borough Council: Steve Baughen

Tonbridge & Malling Borough Council: Ian Bailey

1	<p>Local Plan updates</p> <p><u>SDC</u></p> <p>Draft Local Plan (Reg 18) consultation closed on 10 September. Received in excess of 7000 comments. Held 9 'drop in' sessions across the district, duty to cooperate workshops, developers forum, town and parish briefing and a digital marketing campaign to target young people.</p> <p>Reg 19 Local Plan being considered by Planning Advisory Committee on 22 November and Cabinet on 6 December. Aiming for submission Spring 2019.</p> <p><u>TMBC</u></p> <p>Reg 19 Local Plan being considered by Full Council this week, to be followed by a 6 week publication consultation. Aiming for submission prior to the 24 January cut-off date in order to use own evidence on development needs (rather than the government's new standardised methodology).</p> <p>Also looking to put in a bid to the government's garden communities prospectus – deadline 9 November.</p> <p><u>TWBC</u></p> <p>Draft Local Plan (Reg 18) consultation due March 2019, however finding it problematic to commission transport modelling. Meetings have been held with town and parish councils and neighbourhood planning groups in the borough to seek local buy-in. Time consuming but successful and looking to draft SoCG with these groups going forward.</p> <p>Also looking to put in a bid to the government's garden communities prospectus – deadline 9 November.</p>	
2	<p>Ashdown Forest</p> <p>All authorities (except Wealden) have signed the SoCG. Wealden has completed a HRA but it appears their approach is very different to others and this is likely to be explored at the Lewes South Downs examination.</p>	<p>All to keep a watchful eye on Wealden's approach</p>

3	<p>West Kent SoCG</p> <p>All agreed to aim to complete a draft by the end of the year, following the work undertaken with PAS earlier this year.</p>	<p>SDC to contact PAS for feedback following pilot</p> <p>TMBC to arrange meeting for mid-October</p>
4	<p>Forthcoming ONS population projections</p> <p>Updated projections due 20 September. The expectation is that the figures will go down across West Kent based on the recent mid-year estimates. However, the action we will all need to take will depend on what the government do with the standardised methodology.</p> <p>Both TMBC and TWBC confirmed that they will look to 'safeguard' sites if the numbers do reduce.</p>	<p>All to discuss in more detail once the projections have been published</p>
5	<p>AOB</p> <p>SDC confirmed that the new Strategic Planning Manager, James Gleave, will start on 18 September.</p> <p>TMBC confirmed 2 new starters – a Principal Planning Officer and a Senior Planning Officer. They will start shortly.</p>	
6	<p>Date of next meeting</p> <p>Suggested 18 October to progress draft SoCG – to be held at TMBC offices.</p>	<p>TMBC to confirm date/time</p>

SDC5 – TWBC notes of meeting on 10 January 2019

Duty to Co-Operate meeting on 10/01/19 with SDC

TWBC contemporaneously made notes of meeting, but not agreed as minutes

SDC: Hannah Gooden, Emma Henshall

TWBC: Steve Baughen, Sharon Evans

Update on SDC position

- 10k houses against 13.6k need which Sevenoaks Councillors are comfortable with meeting. Includes 2 strategic sites in the Green Belt for 340 and 600 dwellings respectively and a third site – broad location for 2,500 dwellings (Pedham Place) and further detail will be provided within the Local Plan review – is both Green Belt and AONB
- Consulting on 4 greenfield and greenbelt sites (in parallel) so that there is a view on them at the Examination
- Seeking PINS advice at this stage
- Very flexible approach to retail and mixed use town centre uses – not prescriptive in terms of specific quantum for A1 etc. Haven't specified retail floorspaces etc
- G&T allocations
- Consulting on a number of SPDs: Green Belt, Design Review Panel and Affordable Housing (contributions on 6 units or more, with a sliding scale): 30% PDL sites and 40%
- Housing strategy also produced - What elements of the housing strategy can be delivered through the Local Plan;
- Reg 19 ends on 04 February – with submission before May election.
- Meeting with interest groups to make sure that they know to support the sites not being included as well as the promoters objecting.
- Expectation that the promoters of 10 of the 12 site which fell away will appear at Examination.
- In response to question from SB and SE: unmet need hasn't been met, haven't specifically asked the question of neighbouring authorities – not likely to be a letter that makes request but can be dealt with through Statement of Common Ground.
- Meeting full employment need through protection of existing employment sites and provision of new office space (11 hectares) and so no request in this regard.
- ACTION: Set up a meeting between Cllr Piper (Sevenoaks) and Cllr McDermott (Tunbridge Wells) together once SoCG has been drafted – likely to be end of February/beginning of March
- Outsourced review of residents' correspondences – SDC to provide info on this
- ACTION: David Scully (TWBC) to update on Lewes Local Plan.

Update on TWBC Position

- Progressing using 2014 population figures in standard method for calculating housing need
- Update on discussions in relation to Tudeley (confidential at this time) and Paddock Wood: will provide majority of housing provision – involves Green Belt release. Outside of AONB.

- Strategy is now fairly developed but still awaiting completion of assessment work on sites and evidence base;
- LDS out of date but working towards Reg 18 consultation on Draft Local Plan in summer 2019.
- Updating IDP at present
- Discussion on affordable housing and helpful to have a consistent approach across the wider area.

General discussion

- Discussion around summarising of reps – ‘Lake’ summarised the residents comments for Sevenoaks and officers dealt with the stakeholders and developers.
- Sevenoaks have produced an IDP but still a draft and not published yet.
- James Gleave at Sevenoaks is having a similar meeting with Tonbridge and Malling and asking them to agree a Statement of Common Ground with them also.

SDC6 – Exchange of emails
between TWBC and SDC on 12
March 2019

Thomas Vint

From: Hannah Gooden <Hannah.Gooden@sevenoaks.gov.uk>
Sent: 20 March 2019 13:49
To: Stephen Baughen
Cc: Emma Henshall; James Gleave; Sharon Evans
Subject: RE: Duty to Co-operate joint discussion

Hi Steve – just to keep you in the loop, MHCLG have been in contact to confirm that PAS should be able to assist with arranging and facilitating this meeting in April, but we will be in touch as soon as we have some proposed dates.

Kind regards
Hannah

From: Stephen Baughen [mailto:Stephen.Baughen@Tunbridgewells.gov.uk]
Sent: 12 March 2019 16:05
To: Hannah Gooden
Cc: Emma Henshall; James Gleave; Sharon Evans
Subject: RE: Duty to Co-operate joint discussion

Thanks Hannah

Steve

From: Hannah Gooden [mailto:Hannah.Gooden@sevenoaks.gov.uk]
Sent: 12 March 2019 16:03
To: Stephen Baughen
Cc: Emma Henshall; James Gleave
Subject: RE: Duty to Co-operate joint discussion

Thanks for coming back so promptly Steve. And glad that you're hoping to attend.

A - We've sent the invite to all our 8 neighbouring authorities, together with KCC and Maidstone (with whom we have a MoU related to their recent examination)

B – correct – that will form the basis of the discussion - to date no neighbouring authorities have been able to assist SDC with unmet need

We hope to be able to set up a date asap.

Thanks
Hannah

From: Stephen Baughen [mailto:Stephen.Baughen@Tunbridgewells.gov.uk]
Sent: 12 March 2019 15:46
To: Planning Policy; Sharon Evans
Subject: RE: Duty to Co-operate joint discussion

Dear James

Thank you for your email.

In principle – yes happy to attend.

However:

- a) can you please confirm which other LPAs are invited to attend, and;
- b) can you please confirm my assumption that the basis of the discussions will be as undertaken so far under the regular DtC meetings – i.e as set out in the Draft SoCG on DtC at para 2.1.5: *“Discussions have taken place with neighbouring authorities in the HMA to discuss assistance with any unmet need, but no authority to date has been in a position to assist SDC with unmet need”*?

Unfortunately my availability in April is limited due to leave and a number of pre-arranged meetings: my calendar is under less pressure in May....

Many thanks,

Steve



Stephen Baughen
Head of Planning

M: 07583528365

T: 01892 554482 extension 4947

E: stephen.baughen@tunbridgewells.gov.uk

Please note role also includes responsibilities of Building Control & Planning Policy Manager.

As has been widely publicised, since 01 April 2017 TWBC publicises applications for planning permission and listed building consent by Site Notice only. Letters are no longer sent to neighbouring properties (except for “larger household prior notifications”).

You can register your details on the Council’s website and set up an “area of search” to be notified of any applications on neighbouring properties, or within a particular road or area of the Borough, by clicking here: <http://www.tunbridgewells.gov.uk/notify>

A promotional banner for TW Lotto. On the left is a logo with a heart shape and the text 'TW LOTTO'. The main text reads: 'Help local good causes, and be in with a chance of winning up to £25,000'. Below this is 'Buy tickets now for our new online lotto'. At the bottom left is 'Only £1 per ticket!' and at the bottom right is 'TWLotto.co.uk'. The Tunbridge Wells Borough Council logo is in the top right corner of the banner.

**Help local good causes,
and be in with a chance of
winning up to £25,000**

Buy tickets now for our new online lotto

Only £1 per ticket!

TWLotto.co.uk

From: Planning Policy [mailto:Planning.Policy@sevenoaks.gov.uk]

Sent: 12 March 2019 15:30

To: Stephen Baughen; Sharon Evans
Subject: Duty to Co-operate joint discussion

Sent on behalf of James Gleave:

Dear Stephen and Sharon

As you are no doubt aware, we recently undertook Regulation 19 consultation and are preparing to submit our Local Plan. As part of this work, we have been undertaking a review process, including an advisory meeting with PINS and a follow-up meeting with MHCLG.

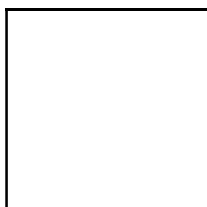
We are comfortable with our ongoing Duty to Co-operate engagement with yourselves, including regular meetings, the preparation of Statements of Common Ground / Memorandum of Understanding and participation in cross-boundary officer working groups. However MHCLG have offered us pre-submission support from PAS (the Planning Advisory Service), and we think it would be beneficial for all of us, wherever we are in the plan-making process, to take them up on this offer.

Therefore, we are proposing to ask PAS to convene a joint discussion on the topic of Duty to Co-operate (primarily in relation to housing need) to discuss where we are currently and how we see this issue being taken forward into the future.

If you would be interested in participating in this joint forum discussion, please could you let me know, ideally by the end of this week. We hope that the discussion can take place in April.

Kind regards

James Gleave
Strategic Planning Manager
Sevenoaks District Council



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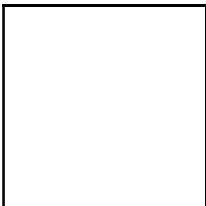
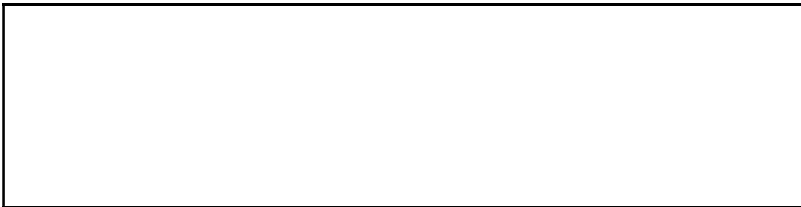
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SDC7 – Email from SDC 11 April
2019 requesting that TWBC assists
in meeting its unmet need

Thomas Vint

From: Planning Policy <Planning.Policy@sevenoaks.gov.uk>
Sent: 11 April 2019 10:43
To: Stephen Baughen
Cc: James Gleave
Subject: Sevenoaks Local Plan & the Duty to Cooperate

Follow Up Flag: Follow up
Flag Status: Flagged

Sent on behalf of James Gleave, Strategic Planning Manager

Dear Steve,

I write to provide an update on the progress of the Sevenoaks Local Plan, in the context of our on-going discussions regarding the duty to co-operate. On 26th March 2019, Council gave approval for officers to submit the plan for examination. A copy of the report is available via the link at the bottom of this email and notes that submission will take place ahead of the local elections on 2nd May 2019.

Green Belt and Housing Need

The proposed submission version of the plan identifies a housing need of 13,960 units and sufficient sites to accommodate 10,568 new homes. The Council's approach to meeting this need has firstly been to identify as much capacity as possible within existing top tier settlements and then to look at previously developed land outside of these areas. Finally, on the basis of the outstanding housing need, we have sought to identify suitable greenfield sites within the Green Belt.

All proposed Green Belt releases have been subject to the following exceptional circumstances tests:

- The extent to which land meets the purposes of inclusion in the Green Belt;
- Whether the release of land will result in the delivery of infrastructure to meet an existing evidenced based need; and
- The overall sustainability of the proposals, as assessed by the Sustainability Appraisal.

Base date for the Plan

After careful consideration, the Council has decided to change the base date of the Local Plan from 2015 to 2019. This change reduces the overall housing need to 11,312 units and subject to a number of variables, leads to an unmet need of approximately 1,800 dwellings (or 16% of the requirement).

The Council is proposing to change the base date for a number of reasons. Firstly, the Plan is unlikely to be adopted until 2020 and the majority of identified sites are unlikely to come forward before this time. Secondly, the Council is using the government's standardised methodology to identify its housing need. This methodology includes the application of an affordability adjustment, which already takes into account any past under-delivery. There is therefore no further requirement to specifically address under-delivery separately. The base date will be discussed with the Planning Inspectorate during the course of the examination hearing sessions. However, the Council does not consider the proposed approach to be a main modification that would require further consultation prior to submission.

Duty to Co-operate

The Council is of the view that all authorities bordering Sevenoaks, and Kent County Council, have engaged actively and on an on-going basis to meet the provisions of the Duty to Co-operate. In particular, Statements of Common

Ground (SoCGs) are in the process of being agreed to formally clarify if it is possible to meet unmet housing needs from adjoining areas. Notwithstanding the provisions of the SoCG and for the sake of completeness, I write to formally ask if Tunbridge Wells Borough Council is in a position to meet any of Sevenoaks' unmet housing need as outlined above. In the event that this is not possible, I would also be grateful for your views on the preparation of a joint sub-regional strategy to address future housing requirements.

You will recall from my email dated 12 March 2019 that the Council is seeking to organise a joint workshop session to discuss matters of cross boundary strategic importance. Whilst Sevenoaks has proposed this event to support the production of its Local Plan, I hope it is something that will benefit all participants.

I can confirm that the event will be facilitated by the Planning Advisory Service (PAS) and chaired by Keith Holland of Intelligent Plans. Possible dates for the event are Tuesday 23, Wednesday 24 or Thursday 25 April 2019. I would be grateful if you could please confirm which of these dates is most suitable.

I look forward to hearing from you regarding the specific points raised in this email and would be grateful for your response by Monday 15 April 2019. Should you have any further queries, please do not hesitate to contact me directly on 01732 227326.

Yours sincerely,

James Gleave

Strategic Planning Manager

Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | Kent | TN13 1HG

Tel: 01732 227326

Email: james.gleave@sevenoaks.gov.uk

Link to Council report regarding the submission of the Local Plan:

<https://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=121&MId=2449&J=2>



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SDC8 – Email from TWBC and SDC
about meeting unmet need 24 April
2019

From: Stephen Baughen
Sent: 24 April 2019 10:33
To: James Gleave (James.Gleave@sevenoaks.gov.uk)
Cc: Emma Henshall (emma.henshall@sevenoaks.gov.uk); 'Hannah Gooden'; 'Simon.Taylor@sevenoaks.gov.uk'; David Marlow; Sharon Evans
Subject: FW: Sevenoaks Local Plan & the Duty to Cooperate

Dear James

Thank you for your email regarding the above.

I confirm that I will be attending the meeting. Apologies for the delay in responding: I am just back from leave.

I note your comments regarding the length of the SDC plan period.

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;
- For clarity, TWBC will not be able to assist:
 - o TWB is, like Sevenoaks, a highly constrained borough, including with extensive areas of AONB, Green Belt, areas of flooding, transport capacity for which mitigation will be highly problematic, etc;
 - o Whilst the TWB Draft (Reg 18) Local Plan will be proposing to allocate sufficient land to meet the need derived from the standard methodology plus a small buffer to ensure deliverability, the significant levels of work undertaken in the development of the Draft Local Plan have indicated that there are not other sites which meet the requirements of the NPPF/G which would be suitable to meet any unmet need from SDC.

In terms of a joint sub-regional strategy, I would need further information on this in order to provide further comment.

I look forward to meeting you at noon.

Many thanks

Steve



Stephen Baughen
Head of Planning

SDC9 – Agreed minutes of DtC workshop at SDC offices on 24 April 2019

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 Briggishaw
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.
--------------	--

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
---------------	--

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

	AONB. Meeting full need with very small buffer to allow for flexibility. No ability to meet unmet need elsewhere. Shares a HMA with SDC.
--	---

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.

SDC10 – Email exchanges with
SDC Programme Officer about
appearance at SDC Examination

Thomas Vint

From: Stephen Baughen
Sent: 11 September 2019 06:19
To: 'PO Services'
Subject: RE: (2) Sevenoaks Local Plan Examination

Dear Louise,

Thank you for your email – and I hadn't picked up on the phone messages – the reception here isn't great so I expect they'll all come through together!

Thank you for confirming TWBC's attendance at the Examination on 24th September. We will send across our position statement by the end of this week.

Thanks again,

Steve

From: PO Services [mailto:louise@poservices.co.uk]
Sent: 10 September 2019 17:31
To: Stephen Baughen
Subject: Re: (2) Sevenoaks Local Plan Examination
Importance: High

Dear Stephen,

Have left a couple of messages but thought it best to email as well just in case there is a difficulty with reception where you are and you have access to emails while you are away - although I hope you are having a relaxing time and not needing to spend time working while on leave.

I have discussed your request to take part in the Duty to Co-operate session with the Inspector and in the light of the issues you have raised she has agreed that it would be helpful to the examination if the Council could take part in Issue 2 Duty to Co-operate on Tuesday 24 September.

I will add them as a participant to this session and the updated participants list will be published on the website later this week.

Hope you have a very enjoyable and relaxing holiday.

Kind regards,

Louise
Louise St John Howe
Programme Officer,
PO Services, PO Box 10965,
Sudbury, Suffolk CO10 3BF
[Email: louise@poservices.co.uk](mailto:louise@poservices.co.uk)
Phone: 07789-486419

On 8 Sep 2019, at 23:09, Stephen Baughen <Stephen.Baughen@Tunbridgewells.gov.uk> wrote:

Dear Louise

Thank you for your email of 21st August 2019: I note from an “out of office” reply that you are on leave until tomorrow, hence why I have not replied earlier. I hope you had an enjoyable period of leave.

Can I please request in the strongest terms that the decision about TWBC not attending the SDC Examinations is reconsidered. I will set out my reasoning for this below:

- Through-out the considerable period of Duty to Co-operate meetings and discussions between TWBC and SDC (until 11th April 2019) discussions around SDC and TWBC meeting housing can be summarised as *“discussions have taken place with neighbouring authorities in the HMA to discuss assistance with any unmet need, but no authority to date has been in a position to assist SDC with unmet need”*, which was terminology commonly used in these discussions;
 - o There was not, at any time (until 11th April) a request from SDC that TWBC met SDC’s unmet housing need;
- TWBC was concerned at the significant undersupply of housing in the SDC Regulation 19 Local Plan as compared to the identified need (supply of 10,568 as compared to OAN of 13,960). However, given the nature of the DtC discussions which had been held upto that point (as set out above), TWBC stated the following in its response to the SDC Reg 19 consultation:

“Without prejudging the outcome of the TWBC local plan work there, and as discussed under the DtC meetings, there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Regulation 19 consultation and in progressing the development strategy for the Sevenoaks district”.

- It was only on 11th April 2019 that TWBC received communication from SDC formally asking if TWBC *“is in a position to meet any of Sevenoaks’ unmet housing need as outlined above”*. As recorded in the note of the DtC Workshop on 24th April 2019 TWBC was adamant that it was not able to meet SDC’s unmet need;
- The request from SDC to meet its unmet need represented a significant change from the discussions held up to that point: if this request had have been made at any point prior to the submission of the TWBC Reg 19 representations then the TWBC representations would have been worded very differently;
- I have set out at the bottom of the email (for completeness) the relevant section of the signed SoCG.

The TWBC Draft Local Plan has also progressed significantly since the date of the TWBC representation to the SDC Reg 19 consultation: Regulation 18 consultation is due to start on 20th September 2019 on a full TWB Draft Local Plan, which proposes a full suite of strategic, site allocation and “development management” polices, and accompanying Sustainability Appraisal. Cabinet approval to undertake the consultation has been given. TWB is, like Sevenoaks, a highly constrained authority (70% AONB and 22% Green Belt, with significant areas of Level 3 flood risk).

Given the above, and the importance/implications of SDC not planning to meet its OAN housing need, I would request that the original decision regarding TWBC’s attendance at the Examination is re-considered, and TWBC are permitted to attend.

I am on leave w/c 9th September 2019, but am available on mobile telephone number 07583528365 at any time, if you wish to discuss this further.

Many thanks, and I look forward to hearing from you.

Steve

Stephen Baughen
Head of Planning

M: 07583528365
T: 01892 554482 extension 4947
E: stephen.baughen@tunbridgewells.gov.uk

As has been widely publicised, since 01 April 2017 TWBC publicises applications for planning permission and listed building consent by Site Notice only. Letters are no longer sent to neighbouring properties (except for "larger household prior notifications").

You can register your details on the Council's website and set up an "area of search" to be notified of any applications on neighbouring properties, or within a particular road or area of the Borough, by clicking here:
<http://www.tunbridgewells.gov.uk/notify>

From: PO Services [<mailto:louise@poservices.co.uk>]
Sent: 21 August 2019 09:07
To: Stephen Baughen
Subject: Re: (2) Sevenoaks Local Plan Examination

Dear Steve,

Following on from my earlier email, I have now had the opportunity to look at the Regulation 19 representation submitted by Tunbridge Wells Council which is in support of the Sevenoaks Local Plan.

Under these circumstances I am afraid the Council would not be eligible to take part as a participant in their own right. They would be able to participate if invited to join the Sevenoaks Council team at the hearing sessions, but it would be a matter for Sevenoaks Council if they considered it would be helpful to have an officer from Tunbridge Wells in their team.

Kind regards,

Louise
Louise St John Howe
Programme Officer,
PO Services, PO Box 10965,
Sudbury, Suffolk CO10 3BF
[Email: louise@poservices.co.uk](mailto:louise@poservices.co.uk)
Phone: 07789-486419

On 16 Aug 2019, at 15:22, PO Services <louise@poservices.co.uk> wrote:

Dear Steve,

Thank you for notifying me of the hearing sessions in which Tonbridge Wells Borough Council would like to participate and have noted these, and the name of your Planning Officer who is likely to representing the Council at the hearing sessions.

I will be in contact again once the Inspector has agreed the participants.

Kind regards,

Louise
Louise St John Howe
Programme Officer,
PO Services, PO Box 10965,
Sudbury, Suffolk CO10 3BF
[Email: louise@poservices.co.uk](mailto:louise@poservices.co.uk)
Phone: 07789-486419

On 16 Aug 2019, at 12:10, Stephen Baughen <Stephen.Baughen@Tunbridgewells.gov.uk> wrote:

Dear Ms St John Howe

I refer to your email below.

Please be advised that Tunbridge Wells Borough Council would like to exercise the right to be heard at the following sessions:

Tuesday 24/09/19

1000hrs Matter 1: Legal Compliance, including Duty to Cooperate

Issue 1: Legal Compliance

Issue 2: Duty to Co-operate

Matter 2: Soundness

Issue 3: Sustainability Appraisal

Wednesday 25/09/19

1000hrs Matter 2: Soundness

Issue 4: Strategy for Growth [Policy ST1]

Issue 5: Green Belt [Policies ST1 and GB1]

1400hrs Matter 2: Soundness

Issue 6: Housing

- Housing Need [Policy ST1]
- Housing Requirement [Policy ST1]
- Housing Distribution [Policy ST1]

Thursday 26/09/19

1000hrs Matter 2: Soundness

Issue 6: Housing

- Housing Supply during the Plan Period [Policy ST2]
- 5 Year Housing Land Supply [Policy ST2]

It is most likely that Gwenda Bradley (Planning Officer) will be representing TWBC.

I would be grateful if you could please confirm receipt of this email. Please do not hesitate to contact me if you would like to discuss any of the above in further detail.

Regards

Steve

Stephen Baughen
Head of Planning

From: PO Services [<mailto:louise@poservices.co.uk>]
Sent: 04 August 2019 12:05
To: Louise St John Howe
Subject: (2) Sevenoaks Local Plan Examination

Louise St John Howe
Programme Officer:
PO Services, PO Box 10965,
Sudbury, Suffolk CO10 3BFY
[email: louise@poservices.co.uk](mailto:louise@poservices.co.uk)
Tel: 07789-486419

Dear Representor,

Following my email of 3 June, 2019 informing you of the appointment of Inspector Karen Baker DipTP MA DipMP MRTPI to examine the Sevenoaks Local Plan, I am now writing to give you details of the hearing sessions of the Examination.

The hearing sessions will take place over four weeks and will open on **Tuesday 24 September 2019 at 10.00 am.**

Venue: The Stag Theatre, London Rd, Sevenoaks TN13 1ZZ

Week 1: 24 - 27 September 2019

Week 2: 30 September - 3 October 2019

Week 3 5 - 7 November 2019

Change of venue for Week 4:

Venue: Sevenoaks District Council Offices, Argyle Road, Sevenoaks, TN13 1HG

Week 4 11 - 15 November 2019.

Please find attached three documents relating to the hearing sessions:-

- ED8 Inspector's Matters, Issues and Questions
- ED9 Inspector's Guidance Notes on the Examination process
- ED10 Draft Hearing Sessions Timetable V.1

These documents will also be accessible early next week on the examination pages of the Sevenoaks District Council website and via the link below:-

https://www.sevenoaks.gov.uk/downloads/download/434/examination_documents

The Inspector's Guidance Notes set out the procedures which will be followed during the Examination, and include full details on participation at the hearing sessions (paras 21-34), and on the provision of position hearing statements (paras 35-45).

Taking Part in the Hearing Sessions:

Only those parties who are seeking specific changes to the Plan are entitled to participate in the hearing sessions. The **Deadline** for confirming with me if you wish to exercise the right to be heard, giving the hearing session and matter in which you wish to take part, is **5.00 pm on Friday 16 August, 2019**

***Please Note:** It is necessary to notify me if you would like to take part in the hearing sessions, even if you indicated previously that you wished to participate. Full details are set out in Para 25 of the Inspector's Guidance Notes.*

Hearing Position Statements:

The deadline for submission of hearing position statements for the matters to be discussed during Weeks 1 and 2 of the hearing sessions is **5.00 pm on Friday 6 September, 2019**, and for weeks 3 and 4 the deadline is **5.00 pm on Friday 18 October**.

Key Dates for the Hearing sessions:

Advise Programme Officer of participation: Friday 16 August 2019

Submission of Hearing Position Statements Weeks 1 and 2 Friday 6 September 2019

Submission of Hearing Position Statements week 3 and 4: Friday 18 October 2019

Opening of the hearing sessions: Tuesday 24 September 2019

If you have any queries about the examination or would like further clarification on any of the details in this email please get in touch with either by phone or email, but you will not be able to contact me between 20th August and 10 September when I will be on leave.

Yours sincerely,

Louise

Louise St John Howe
Programme Officer,
PO Services, PO Box 10965,
Sudbury, Suffolk CO10 3BF
[Email: louise@poservices.co.uk](mailto:louise@poservices.co.uk)
Phone: 07789-486419

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SDC11 – TWBC Hearing Statement
to Sevenoaks Examination 13
September 2019

SEVENOAKS DISTRICT COUNCIL – LOCAL PLAN HEARING

TUNBRIDGE WELLS BOROUGH COUNCIL HEARING POSITION STATEMENT

Respondent ID	
Representation No.	LPS1409
Matter	Legal Compliance, including the Duty to Cooperate
Issue	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)

QUESTION 13 - COULD THE IDENTIFIED UNMET HOUSING NEED BE ACCOMMODATED IN NEIGHBOURING AUTHORITIES UNDER THE DUTY TO COOPERATE?

1.0 Background

1.01 Tunbridge Wells Borough Council (TWBC) and Sevenoaks District Council (SDC) share a common boundary and have sought to work cooperatively in an effective way during Local Plan preparation work by both authorities to address key strategic matters across these areas.

i) TWBC Local Plan preparation work

1.02 In order to provide context to the DtC, the following sets out the position of the work undertaken by TWBC at key dates (referred to subsequently) in the DtC:

- Following two “Call for Sites” in 2016 and 2017 considerable work was undertaken by TWBC on assessment of the submitted sites from 2017 onwards, including under the Strategic Housing and Employment Land Availability Assessment (SHELAA) and Sustainability Appraisal processes;
- This work, together with the responses received through a Regulation 18 consultation on an Issues and Options document in 2017, has meant that the views expressed by TWBC during the DtC discussions have been based on an increasingly detailed understanding of the capacity of TW borough to meet housing and employment needs;
- Updates on needs/capacity have been provided under these discussions: by the beginning of 2018 (i.e. at the time that TWBC provided representations on the SDC Regulation 19 consultation) TWBC was at an advanced stage in the preparation of a full Draft Local Plan with a clear emerging spatial strategy and therefore the representations made at this point by TWBC were reflective of, and informed by, this position and the work undertaken to reach this position;
- Likewise, the comments made at the DtC workshop on 24th April 2019 by TWBC, and the signed Statement of Common Ground (SoCG) between TWBC and SDC (May 2019), were based on this work and a draft spatial strategy (to be refined between then and July 2019);

- The context to the comments made in this Hearing Position Statement is that TWBC has produced a full Draft Local Plan (which contains a full suite of detailed strategic, site allocation and “development management” policies) and accompanying Sustainability Appraisal, Infrastructure Delivery Plan, topic papers, etc. TWBC Cabinet approval was given on the 15th August 2019 to commence Regulation 19 consultation on the Draft Local Plan (and consultation on the Sustainability Appraisal) to commence on 20th September 2019; All relevant documentation, including the SHELAA, will be available on the TWBC website (tunbridgewells.gov.uk/localplan) from 19th September 2019;
- Therefore the comments made below are informed by a robust, up-to-date and detailed evidence base, which has included specific assessment (for example in the Sustainability Appraisal) of the capacity to meet some/all of SDC’s unmet housing need.

ii) *Timeline*

- 1.03 Period of DtC meetings and discussions held between TWBC, SDC and Tonbridge and Malling Borough Council (TMBC) until 11th April 2019:
- discussions around SDC, TWBC and TMBC (i.e. neighbouring authorities in the Housing Market Area – please see below) meeting housing need took place, including discussing significant constraints which would restrict any possible assistance with any unmet need if required;
 - these discussions were reflected in TWBC’s comments on the Regulation 19 consultation on Sevenoaks’ proposed submission version Local Plan (30 January 2019), where it stated *‘there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area’*.
- 1.04 11th April 2019: TWBC received communication from SDC formally asking if TWBC *‘is in a position to meet any of Sevenoaks’ unmet housing need’*.
- 1.05 24th April 2019: Duty to Cooperate workshop on 24 April 2019: as recorded in the note of this meeting, TWBC was clear that it was expected that it would not be able to meet SDC’s unmet need.
- 1.06 It is considered pertinent to note that if the request from SDC to meet its unmet need had been made at any point prior to the submission of TWBC’s comments on Sevenoaks’s Regulation 19 representations then those representations would have addressed this issue more fully.
- 1.07 May 2019: it is acknowledged that the areas are part of established and recognised Housing Market Areas and Functional Economic Market Areas¹ as set out in more

¹ See Section 2 (Pages 28-46) of the Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment – Final Report September 2015. https://beta.tunbridgewells.gov.uk/data/assets/pdf_file/0005/291938/SHMA-final-September-2015.pdf and Section 2 (Pages 17-20) of the Tunbridge Wells Economic Needs Study 2016

detail below. Notwithstanding this, it is considered that the identified unmet housing need cannot be accommodated in Tunbridge Wells borough. This position is summarised in the SoCG between SDC and TWBC (see Examination Document SUP007h – Statement of Common Ground – Tunbridge Wells Borough Council, section 2, Housing).

2.0 Tunbridge Wells Borough Housing Need

- 2.01 TWBC has an objectively assessed housing need of 13,560 dwellings (678 per year) identified by the Standard Methodology (using 2014 population projections) as required by the NPPF. This is a significant - about two and a quarter times - increase from the currently adopted Core Strategy (2010) and Site Allocations Local Plan (2016) figure for the borough which planned to meet a need of 300 dwellings per year. Taking into account homes already built since 2016 and sites benefitting from planning permission and allocations within the existing Site Allocations Local Plan, as well as a windfall allowance and buffer for non-delivery, TWBC is seeking to allocate land to meet the remaining balance of 7,593 dwellings.
- 2.02 TWBC is proposing to meet its full objectively assessed need across the borough, despite the fact that it, like Sevenoaks, is subject to significant constraints, including 22% Metropolitan Green Belt and 69% being within the High Weald Area of Outstanding Natural Beauty, as well as areas constrained by flood risk, designated nature conservation and built heritage assets as well as areas subject to traffic congestion.
- 2.03 It is accepted that TWBC and SDC share a functional housing market area as set out within the Strategic Housing Market Assessment (SHMA) which was produced jointly by the two authorities. This study identified that Sevenoaks and Tunbridge Wells fall within a West Kent Housing Market Area which includes Sevenoaks, Tonbridge and Royal Tunbridge Wells and extends to Crowborough, Hawkhurst and Heathfield. The SHMA also identifies cross-boundary interactions with the northern parts of Rother and Wealden Districts in East Sussex, between Swanley and Dartford; and with London. As above, it is evident that TWBC faces similar constraints and challenges to SDC for that part of the borough covered by the West Kent Housing Market Area: without making any comment on SDC's capacity or efforts to meet its need, it is evident that TWBC is planning positively to meet its identified housing needs.

3.0 How TWBC is planning to meet its own objectively assessed housing need

- 3.01 The spatial strategy in the Draft Local Plan, which will deliver the needs required, includes a major urban extension and the creation of a new garden village, with some loss of Green Belt land and also further growth spread across a number of settlements, including a number of major developments in the High Weald AONB (having first maximised potential outside the AONB).

- 3.02 An extensive Call for Sites process has been carried out with over 400 sites being submitted to the Council and their suitability assessed by planning and specialist officers. The development strategy has been based on a thorough assessment of the availability, suitability and deliverability of sites capable of contributing towards the development needs of the borough over the plan period. Of the sites considered suitable for allocation- albeit many are subject to a number of constraints – the impact of which will need to be mitigated as identified through the Sustainability Appraisal process –there is just sufficient capacity to meet the Borough’s identified needs, along with an allowance for small windfall sites as detailed within the Draft Local Plan.
- 3.02 In order to deliver the strategy proposed, difficult decisions have been made by TWBC in relation to the distribution of development across the borough affecting a number of recognised constraints. This includes the release of Green Belt land, as referred to above, around Royal Tunbridge Wells and Pembury.
- 3.03 Given that capacity outside the AONB has been maximised, including significant Green Belt releases (subject to examination of whether exceptional circumstances are demonstrated), it seems inevitable that any further allocations, such as to meet unmet need from SDC would be in the High Weald AONB.
- 3.04 While TWBC is proposing the release of 18 sites which constitute major development in the High Weald Area of Outstanding Natural Beauty, it is pointed out that the national Planning Practice Guidance states that *‘the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas’.* (Our emphasis)
- 3.05 TWBC considers that it has carried out extensive work to explore all options for meeting the required development needs of the Borough and would not be able to meet the identified development needs of the borough in a planned and integrated way without the sites set out within the plan, involving the release of Green Belt land and sites within the AONB. The borough council has given great weight to meeting housing needs across the borough, whilst still having due regard to the considerable designations that constrain development within the borough. All reasonable options have been explored to deliver development without unduly compromising these sensitive and constrained areas and it is considered that it is not possible to accommodate any more development without having significant detrimental impacts on such areas.

4.0 Sustainability Appraisal

- 4.01 The Sustainability Appraisal (SA) that has been prepared alongside the development of the Draft Local Plan assesses the various growth options considered for meeting Tunbridge Wells borough’s development needs. As part of the iterative process of this work an option was explored (Growth option 7) specifically testing the inclusion