

LAURA TROTT MBE MP



HOUSE OF COMMONS  
LONDON SW1A 0AA

The Rt Hon Robert Jenrick MP  
Secretary of State for Housing, Communities and Local Government  
Ministry of Housing, Communities and Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

1 June 2020

Dear Robert

**RE: Sevenoaks District Council Local Plan 2019 – 2035**

We are writing to ask that you use your intervention powers under the Planning and Compulsory Purchase Act 2004 (the 2004 Act) to enable Sevenoaks District Council (SDC) to build and deliver almost four times the number of homes than is currently required by its existing target. As you will appreciate the Local Plan will help define the future of every community across the District. Residents are keen for growth to be manageable - with certainty being provided as soon as possible.

At present, the Sevenoaks District Council Draft Local Plan (which will enable this development) has been held up by the Planning Inspectorate, which has concluded that the Council has failed to meet the Duty to Co-operate (DtC) with its neighbouring authorities. This is despite each neighbouring authority having signed a Statement of Common Ground (SCG), in accordance with the requirements of the National Planning Policy Framework (NPPF).

As representatives of communities across the district, we know the Council are doing all they can to build homes, so we are disappointed at the conclusion reached by the Planning Inspectorate. It means that the Local Plan cannot now proceed and therefore SDC is unable to meet the Government's objective of getting a Plan in place as soon as possible. It is for this reason we are asking you to use your intervention powers, to help support the Government's desire to increase housebuilding across the country.

Additionally, as you will be aware, SDC has lodged an application to judicially review the Inspector's decision. In the current circumstances, it is likely this will take a significant amount of time to obtain a decision, causing yet more delay and leaving SDC with the current Core Strategy target to build only 165 homes each year.



The submission of the Local Plan was the result of four years' work. Unfortunately, following the disappointing decision from the Planning Inspectorate, SDC believed it had no option other than to seek a review of the Inspector's decision. If it had withdrawn the Local Plan (as the Inspector desired) it would have been faced with up to four more years of delay. It is clear from the plan-making process in neighbouring authorities that they are not in a position to take SDC's unmet housing need, and this was made clear in the extensive discussions with neighbouring authorities that SDC had in drawing up this plan. Withdrawing the Plan to reconsult with neighbouring authorities will waste years, only to reach the same conclusion. We need a pragmatic approach that recognises this fact and enables SDC to get on with its Plan and build homes.

To give you more detail on the extensive talks that took place as part of the duty to co-operate we have attached a list of the numerous meetings that took place between 2014 and 2019 with neighbouring authorities.

Many of the evidence-based studies that underpinned the policies and proposals in the Plan had been prepared with their West Kent partners. The planning process is, by its nature, evidence led and jointly prepared documents such as the Council's Green Belt Assessment form the baseline and starting point for the entire spatial strategy, including the approach to meeting housing need.

Over 800 pages of evidence were submitted to the Inspector, detailing the co-operation that took place during the production of the Local Plan. The Council sought to be as transparent as possible throughout this process.

A wide-ranging peer review was instigated prior to submission of the Plan to the Planning Inspectorate to ensure the requirements of the DtC had been met. This process involved an Advisory Visit from the Planning Inspectorate, discussions with your Departmental Officials and then finally a duty to co-operate workshop session with neighbouring authorities, chaired by a representative from Intelligent Plans (IPe) on behalf of the Planning Advisory Service (PAS). The notes from this meeting clearly conclude that the Council had done all it could to meet the duty to co-operate and that it was not possible to accommodate unmet housing need elsewhere.

SDC's Local Plan was then submitted for examination on 30th April 2019 and evidence of co-operation and engagement (primarily contained in the Council's Duty to Co-operate Statement) was submitted in May 2019 along with copious documents setting out the DtC discussions that took place.

Following amendments to the housing trajectory during the course of the examination, the Council now proposes to deliver 9,995 new homes over the Plan period. This is a significant achievement within such a constrained district and is a testament to how hard the Council has worked to balance the need to build homes whilst protecting the Green Belt. It has the third highest percentage of Green Belt in a local planning authority in the entire country, with the second highest, Tandridge, being a neighbouring authority.



The DtC was dealt with on the first day of the hearing, without any suggestion from the Inspector that this would result in a recommendation to withdraw the Plan. The hearing then continued for a further five days – and it was only later during a pre-planned break that an issue was raised with the DtC.

On 20th March 2020 the Inspector issued her report and it concluded that the DtC contained within Section 33A of the 2004 Act had not been complied with and therefore she did not accept that the Council had engaged constructively, actively and on an on-going basis.

The Inspector was required to reach her judgment lawfully and based on the pragmatism that the Government asked to be exercised when undertaking this important task. On 18 June 2019, the then Secretary of State for Housing, Communities and Local Government, The Rt Hon James Brokenshire MP wrote to the Planning Inspectorate and said:

*“Finally, on the substance of plan examinations, I wanted to stress to inspectors – who are doing a challenging job – the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority and consistent in how they deal with different authorities. We support and expect inspectors to work with LPAs to achieve a sound plan, including by recommending constructive main modifications in line with national policy. In this regard, I would reiterate the views set out by the Rt Hon Greg Clark MP in his 2015 letter, which I attach, on the need to work pragmatically with councils towards achieving a sound plan.”*

<https://www.gov.uk/government/publications/local-plan-examinations-letter-to-the-chief-executive-of-the-planning-inspectorate>


The Planning Inspectorate’s role should be to test whether, on the basis of evidence, it was reasonable for the Council to conclude that the necessary DtC requirement had been met. Despite fully documented meetings between neighbouring authorities stretching back four years dealing with all aspects of the DtC, the Inspector instead appears to have focused narrowly on the timings of discussions relating to unmet need. As referenced earlier, this only became apparent as the Plan emerged. In addition, the Inspectorate’s conclusion seeks to challenge the support of this approach from neighbouring authorities, question the conclusions of the Planning Advisory Service and other aspects of the peer review process.

Neighbouring authorities have supported the Council’s approach on this matter throughout the examination, as have other participants in the process. A pragmatic approach to decision making should give significant weight to the views of organisations that the Council is expected to co-operate with and reflect what is possible to achieve through co-operation, in an area that is subject to recognised national constraints.

For the reasons set out in this letter, we would urge you to intervene in the assessment of the Sevenoaks District Council Draft Local Plan to question whether the Planning Inspectorate has reached a proportionate and balanced view, in the light of national planning policy.

Sevenoaks District Council is a well-run and efficient district council, which has been nationally recognised many times over the past few years for the exceptional way in which it looks after the interests of local residents. We are honoured to work with councillors across the district who have the best interests of their communities at heart. We absolutely support everything you are trying to do at a national level to encourage housebuilding and we are frustrated that we are being held up in supporting you to do this. We would be happy to meet with you to provide further information and would ask you to kindly consider this request to use your powers in the best interests of delivering the right homes in the right places across Sevenoaks District.

Yours ever,



**LAURA TROTT MBE MP**  
Member of Parliament for  
Sevenoaks and Swanley



**TOM TUGENDHAT MP**  
Member of Parliament for  
Tonbridge and Malling



**GARETH JOHNSON MP**  
Member of Parliament for  
Dartford