1. The inspector appointed to examine the Sevenoaks District Local Plan has issued a letter dated 17th October 2019 addressed to James Gleave, the Sevenoaks DC Strategic Planning Manager (copy attached). That letter has been given a document reference ED37 for the purposes of the Sevenoaks Local Plan examination.

2. Sevenoaks DC have replied to ED37 by submitting documents TBC01, and DTC02 (also attached for completeness).

3. THF submit:
   a. That the Sevenoaks inspector’s letter is relevant to the Tandridge inspector’s consideration of whether Tandridge District Council (“TDC”) have complied with the duty to co-operate (“DTC”).
   b. The Sevenoaks inspector identifies two specific areas of ‘concern’ namely:
      i. Lack of constructive engagement with neighbouring authorities to resolve the issue of unmet housing need; and
      ii. The absence of strategic cross-boundary planning to examine how the identified needs could be accommodated.
   c. THF’s submissions to the TDC inspector on DTC issues (in relation to Sevenoaks) were made under two main headings:
      i. That there is little or no evidence of constructive engagement with Sevenoaks DC, in particular in relation to unmet need (see THF Matter Statement on Issue 1, Appendix A, paragraph 78).
      ii. TDC failed to consider whether to prepare joint local development documents with Sevenoaks DC in particular in relation to land west of Edenbridge\(^1\). The oral submissions made on behalf of THF (in relation to the DTC on Day 1) included reference to Table 56 on page 127 of the SA/SEA\(^2\). That table indicates that land west of Edenbridge is

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\(^1\) This cross boundary site is referred to at page 24 of SDTC 11 (the 2017 update)
\(^2\) Page 113 of the pdf version of MDS SA Vol 2
suitable as a garden settlement\(^3\), but said not to be available as Sevenoaks DC do not support such a proposal\(^4\).

d. The Sevenoaks inspector’s finding that there has been an absence of strategic cross boundary planning to examine how the identified needs could be accommodated applies to Sevenoaks District Council. However:

i. The statement of common ground (“SOCG”) between Sevenoaks DC and TDC, which was placed before the Sevenoaks examination\(^5\) is the same document as that put before the Tandridge Local Plan\(^6\).

ii. Cross-boundary planning in relation to Sevenoaks, includes working with TDC on issues such as land west of Edenbridge\(^7\).

e. The TDC inspector would need cogent and compelling reasons to make a finding that TDC had been involved in strategic cross-boundary planning with Sevenoaks DC, when, on the basis (inter alia) of the same SOCG, the Sevenoaks inspector found that there had been an absence of ‘strategic cross boundary planning’.

f. There is a complete absence of evidence of consideration of cross-boundary strategic planning between TDC and Sevenoaks DC, and there are no reasons to justify making a finding which differs from that reached by the Sevenoaks inspector. Indeed, despite the SA/SEA finding that land west of Edenbridge was suitable\(^8\), and despite identifying land west of Edenbridge as a potential area for discussion/co-operation\(^9\), there is no evidence that TDC considered, actively and in an ongoing basis during the course of engaging with Sevenoaks DC, whether to agree under section 28 PCPA 2004 to prepare joint local development documents.

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\(^3\) That assessment is
\(^4\) Under the heading ‘other reasons’ the following comment also appears: “there was concern about the access to the sites through a rural road network”.
\(^5\) Sevenoaks LP examination document SUP007c. In ED37 the Sevenoaks inspector makes express reference to the statements of common ground.
\(^6\) Tandridge LP examination document SDTC5
\(^7\) The THF express no view as to whether or not the land west of Edenbridge is appropriate for a new community.
\(^8\) MD5 SA Vol 2 page 127
\(^9\) SDTC11 page 24
g. If you were to find that there was evidence that TDC and Sevenoaks DC did engage, constructively, actively and on an ongoing basis on whether to prepare joint local development documents in relation to land west of Edenbridge you would have to identify the evidence relied upon, and explain why your finding differed from that of the Sevenoaks inspector.

h. If you do not differ from the Sevenoaks inspector, and you find that TDC did not engage, constructively actively and on an ongoing basis in considering whether to agree under section 28 to prepare joint local development documents, you will find that the DTC has not been complied with for that reason alone.

4. The THF requests that the inspector make a ruling on whether TDC has complied with the DTC, and does so soon. If, as the THF submit is plain, TDC have failed to fulfil the duty to co-operate there is little purpose to be served in continuing the examination. THF requests that the inspector make a ruling on the DTC and that he suspend the examination.