

DCLG Consultation Proposals – Building more homes on brownfield land  
Consultation deadline – 11 March 2015

Sevenoaks District Council response

*Question 1 – Do you agree with our proposed definition of brownfield land suitable for new housing and the criteria that are applied to define land suitable for new housing?*

Agree.

It is considered that the proposed definition of brownfield land is consistent with the National Planning Policy Framework (NPPF) and the Council's Core Strategy (2011) and Allocations and Development Management Plan (2015).

In order to identify land suitable for new housing the NPPF requires sites to be 'deliverable and developable' (paragraph 47). Additionally the NPPG requires sites to be 'suitable, available and achievable' when being considered in a Strategic Housing Land Availability Assessment (SHLAA). It is considered that the additional criteria proposed are consistent with the approach set out in the NPPF and NPPG.

*Question 2 – Do you agree that local planning authorities should be transparent and publish the small subset of data at source, and update it at least once a year, to a common standard and specification?*

Agree, but clarity is required on how the data should be updated on an annual basis.

The consultation document suggests that local councils can use their Strategic Housing Land Availability Assessment (SHLAA) as the basis for identifying brownfield sites that meet the definition and criteria proposed. Sevenoaks District Council's SHLAA was undertaken in 2008 and is significantly out of date. However, the Council has committed to an early review of its Core Strategy, which involves the preparation of a new SHLAA. In this respect the government's proposals are timely.

The previous SHLAA for Sevenoaks informed the site allocations in the Allocations and Development Management Plan (ADMP), which allocates 16 brownfield sites across the District for housing, all of which meet the definition and criteria set out in the consultation document. Until the evidence base is refreshed and a new SHLAA is prepared, the 16 brownfield sites in the ADMP constitutes Sevenoaks District Council's most up-to-date list of sites.

In terms of making these identified sites publicly available, the ADMP is already on the Council's website. Some work would be required to reproduce these sites into a schedule that satisfies the government's proposals, but it is not considered that this will be too onerous.

With regard to updating the list on an annual basis, this can be incorporated into the preparation of the Authority Monitoring Report (AMR). However, the government's proposals are unclear as to how the list should be updated. If it is the case that the Council can rely on identifying sites through general and pre-application enquiries, this task will be manageable. However if it is the government's intention that a 'call for sites'

is required on an annual basis, then there is concern that this would create a disproportionate amount of work for the department.

*Question 3 – Do you have views on how this common standard and specification should be developed?*

The consultation document suggests that the data to be published should include authority name, site reference, site name, site address, co-ordinates, site size, an estimate of the number of homes the site would be likely to support, planning status and ownership (by type). It is considered that this data is satisfactory, however some improvements are suggested to provide clarity for the user:

1. Site size – this should be a net figure in order to take account of any constraints on the site already identified by the local authority.
2. An estimate of the number of homes the site would be likely to support – this should be split into two to include site density. An appropriate density should be given to each site depending on its location. Sevenoaks District Council has a settlement hierarchy which will help to achieve this.

It is crucial that the data is published to an agreed, common standard and specification if it is to be used across local authorities for compliance with the Duty to Co-operate. It is considered that a national standard template could achieve this.

*Question 4 – Do you agree that local planning authorities should review their baseline and progress regularly, at least annually, to ensure that information about permissions on suitable brownfield land is current, reflecting changes in the availability of suitable housing sites?*

Agree, but clarity is required on how the data should be updated on an annual basis.

This can be incorporated into the preparation of the Authority Monitoring Report (AMR). However, the government's proposals are unclear as to how the list should be updated. If it is the case that the Council can rely on identifying sites through general and pre-application enquiries, this task will be manageable. However if it is the government's intention that a 'call for sites' is required on an annual basis, then there is concern that this would create a disproportionate amount of work for the department.

*Question 5 – Do you think that the designation of under-performing planning authorities in the way suggested would provide an effective incentive to bringing forward planning permissions on brownfield land?*

Sevenoaks District Council objects to the use of local development orders as a tool to boost development on brownfield sites. Planning should be plan-led, through the allocation of sites in a local plan. The production of local development orders is not considered to be a plan-led approach and would provide uncertainty to residents and developers on an annual basis.

Sevenoaks District is predominantly rural with 93% designated as Green Belt. The quality of the landscape is a distinctive feature of the area and 60% of the District falls within the Kent Downs or High Weald Areas of Outstanding Natural Beauty. As such, the District is heavily constrained.

The Council recently adopted its Allocations and Development Management Plan (ADMP), which allocates sites for housing, employment and open space to meet the current and future needs of the District. This document provides certainty for residents and developers and has been prepared in full consultation with the local community.

The consultation document suggests that local councils can use their Strategic Housing Land Availability Assessment (SHLAA) as the basis for identifying brownfield sites that meet the definition and criteria proposed. The previous SHLAA for Sevenoaks informed the site allocations in the ADMP, and 16 brownfield sites across the District are allocated for housing, all of which meet the definition and criteria set out in the consultation document.

Taking all this into account, it is considered that all available and suitable brownfield sites in Sevenoaks District are already identified through the site allocation process, which includes detailed development guidance for each site. The ADMP was adopted in February 2015 and the Council is already seeing applications come forward for many of the sites. In addition, the Council has a strong five year housing land supply. This evidence suggests that the Council's plan-led approach, the ADMP, is working and that local development orders are unnecessary.

Further, the production of local development orders would impact heavily on existing planning processes. Applications on these sites would not be subject to the same local member scrutiny that other sites are therefore losing some control over future development, fewer planning applications would mean a loss of income for the Council, and fewer Section 106 agreements would impact on the Council's ability to secure affordable housing or financial contribution to provide infrastructure.

Sevenoaks District Council therefore objects to the proposal that local development orders should be in place on more than 90% of suitable brownfield land by 2020. The Council also objects to the designation of under-performing planning authorities. For the reasons set out above it is considered that this would not provide an effective incentive to bringing forward planning permissions on brownfield land.

*Question 6 – Do you agree that:*

- a. Authorities should be designated from 2020 if they have not met the 90% objective?*
- b. Performance against the 90% objective should be calculated on the extent to which the brownfield land suitable for housing identified a year earlier is covered by local development orders?*

No.

Sevenoaks District Council objects to the use of local development orders as a tool to boost development on brownfield sites. Planning should be plan-led, through the

allocation of sites in a local plan. The production of local development orders is not considered to be a plan-led approach and would provide uncertainty to residents and developers on an annual basis.

*Question 7 – Do you agree that:*

- a. Authorities should be assessed against an intermediate objective in 2017?*
- b. Having local development orders in place on 50% of brownfield land identified as suitable for housing (and which does not already benefit from planning permission) in the preceding year is an appropriate intermediate objective?*

No.

Sevenoaks District Council objects to the use of local development orders as a tool to boost development on brownfield sites. Planning should be plan-led, through the allocation of sites in a local plan. The production of local development orders is not considered to be a plan-led approach and would provide uncertainty to residents and developers on an annual basis.

*Question 8 – Do you agree that authorities should be designated from 2017 if they have failed to make sufficient progress against the intermediate objective?*

No.

Sevenoaks District Council objects to the use of local development orders as a tool to boost development on brownfield sites. Planning should be plan-led, through the allocation of sites in a local plan. The production of local development orders is not considered to be a plan-led approach and would provide uncertainty to residents and developers on an annual basis.

*Question 9 – Do you agree:*

- a. With our proposed approach to identifying and confirming designations, including the consideration of whether exceptional circumstances apply?*
- b. With our suggested approach to de-designating authorities from 2020?*
- c. That the provisions for handling applications made to the Secretary of State should be the same as where an authority is designated under the existing performance measures?*

No.

Sevenoaks District Council objects to the use of local development orders as a tool to boost development on brownfield sites. Planning should be plan-led, through the allocation of sites in a local plan. The production of local development orders is not considered to be a plan-led approach and would provide uncertainty to residents and developers on an annual basis.

*Question 10 – Do you:*

- a. Think the policy-based approach would provide an effective incentive for authorities to put local development orders in place on suitable brownfield land?*
- b. Agree with the proposed thresholds and dates at which this measure would take effect?*

No.

Sevenoaks District Council objects to the use of local development orders as a tool to boost development on brownfield sites. Planning should be plan-led, through the allocation of sites in a local plan. The production of local development orders is not considered to be a plan-led approach and would provide uncertainty to residents and developers on an annual basis.

*Question 11 – Do you agree that the measures proposed for failing to publish information on progress are proportionate and effective? If not, what alternative would you propose and why?*

No.

Local planning authorities should be tested against their work programme, as set out in their Local Development Scheme.

*Question 12 – Do you have any other suggestions for measures that could help to deliver local development orders on brownfield land suitable for new housing?*

No.

Sevenoaks District Council considers that there are already sufficient incentives to bring forward brownfield development. The delivery of any additional functions would require additional resources which would need to be funded through setting our own planning application fees.