

LOCAL PLAN UPDATE

Planning Advisory Committee - 16 May 2017

Report of Chief Planning Officer

Status: For Consideration

Key Decision: No

This report supports the Key Aim of Protecting the Green Belt

Portfolio Holder Cllr. Robert Piper

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Recommendation to Planning Advisory Committee:

To consider progress on the Local Plan in line with the Local Development Scheme (LDS) timetable

Reason for recommendation: In order to enable discussion and advise on progress with the work programme for the preparation of the new Local Plan, focusing on the forthcoming 'issues and options' consultation.

Introduction and Background

- 1 This report provides an overview of the most recent evidence-base work that has been undertaken and a progress update on the forthcoming issues and options consultation on the new Local Plan.
- 2 The 'issues and options' consultation is scheduled to take place this summer. This is also known as the 'informal consultation' stage of Local Plan production or 'Regulation 18' consultation (of the Town and Country Planning (Local Planning) (England) Regulations).
- 3 The Local Development Scheme (LDS) provides the timetable for the production of the new Local Plan 2015-2035 and was agreed by Cabinet. In summary, it outlines:
 - Issues and Options consultation - Summer 2017
 - Draft Local Plan consultation - Spring 2018
 - Pre-submission Publication - Summer 2018
 - Submission - Autumn 2018

- Adoption - Summer 2019

Evidence Gathering

Key areas of recent progress are as follows:

- 4 **SHMA update.** The 2015 Strategic Housing Market Assessment (SHMA) has been updated by GL Hearn (jointly with TWBC) in response to the most recent population data published by the ONS. The headline finding is that the Objectively Assessed Need (OAN) for 2015-35 has dropped marginally to 587 dpa compared with the original OAN of 620 dpa, which equates to 11,740 homes over the 20 year period (compared to 12,400 homes). The Local Plan will need to reference the most up to date figure at the time of submission.
- 5 **Interrogation of Brownfield Land.** The team has focused attention on the potential contribution of brownfield land in the District, in accordance with national policy and discussions with PAC and Cabinet in January/February this year. In addition to the call for sites process, where landowners across the District were asked to submit land that might be suitable for development, officers have also contacted every town and parish Council and ward member to understand if there are other brownfield sites in their areas which may be suitable. This combined process has yielded sites which could accommodate approximately 1600 units on suitable brownfield land in the Green Belt (see SHELAA report Category 2 and 3 sites). As requested by Members in April PAC, reminders are being issued to Town and Parish Councils yet to respond and Ward Members advised.
- 6 In addition, to assist in the further identification and consideration of brownfield land, the Council is establishing a brownfield land register later in 2017.
- 7 **Climate Change update.** The Government has introduced the potential for optional technical standards for housing which can be used by Local Authorities to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, where there is a clear local need. The Local Plan will need to consider how to incorporate Climate Change mitigation measures and adaptation measures in accordance with National Policy. It is likely that many of these measures will be achieved through policies in the Local Plan such as the design of new development, biodiversity enhancement and water management. These will be included in the Issues and Options consultation where appropriate.
- 8 **Biodiversity update.** The District has a high number of sites which are important for biodiversity value across the District including nationally designations such as Sites of Special Scientific Interest and local designations including Local Wildlife Sites and Local Nature Reserves. Officers have been working with the Kent Wildlife Trust, Environment Agency, Natural England, Local Nature Partnership and other organisations to investigate how policies to ensure no loss of biodiversity as well as opportunities to enhance the biodiversity value of all areas within the District can be included in the Local Plan.

- 9 Heritage evidence is in preparation in partnership with Tunbridge Wells Borough Council. We have commissioned a review of the current evidence base for the historic environment of the District. The review will also identify any areas of additional research and will make recommendations for further inclusions into the Local Plan.
- 10 **Duty to Cooperate** - The Council is required to cooperate with bodies prescribed under the Localism Act on matters of strategic cross boundary importance. This replaces the consideration of such strategic matters at the former regional level of planning. In response officers have held regular quarterly or twice yearly Duty to Co-operate meetings with neighbouring planning authorities over the last two years and meetings have also been held with all other prescribed Duty to Cooperate bodies such as the Environment Agency, Highways Agency and Historic England. A summary of actions taken so far and issues arising will accompany the Issues and options consultation.
- 11 As work continues towards a draft Local Plan areas of cooperation will become clearer and more focussed discussions will need to be intensified and undertaken at a political level.
- 12 A priority is to understand how development needs are being planned for in West Kent. A draft West Kent protocol has been discussed with Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council. The protocol once completed should help demonstrate co-operation on strategic plan-making across West Kent, including capacity to accommodate housing and employment needs in shared housing market areas and functioning economic market areas.
- 13 Another issue of particular concern relates to the internationally important Ashdown Forest (designated under the European Habitats Regulations) and the effect that new development being brought forward through nearby Local Plans may have on its potential degradation as a result of increased visitor numbers and emissions from traffic.
- 14 The High Court recently quashed parts of Lewes/South Downs joint Core Strategy. Wealden District Council argued that the plans would have a negative impact on the Ashdown Forest and that the strategy, and its projected impact on traffic flows, should have been considered in combination with its own core strategy. Officers are working closely with neighbouring authorities to understand the implications of this judgement and it may be necessary for the new Local Plan to include a policy on impact mitigation in relation to Ashdown Forest.

Housing White Paper

- 15 The Housing White Paper 'Fixing our broken housing market' was issued for public consultation by DCLG on 7 February 2017 (the consultation runs until 2 May).

- 16 We will continue to prepare our new Local Plan in accordance with the timetable set out in our adopted Local Development Scheme (LDS). **The Housing White Paper sets out the intended national policy direction in relation to planning and housing, but it is only a consultation document. It therefore represents Government thinking on a direction of travel and does not yet set new policy.** Once provisions within the Paper are finalised, it will be necessary to ensure that our new Local Plan is reflective of these changes, and it is at this point that we will consider any subsequent impact on our programme.
- 17 Officers in consultation with the Planning and Housing portfolio holders have provided a response to the White Paper consultation. Key concerns emphasised in the response have included the need for Government to recognise and respond to the banking of both land and planning applications by developers and its role in slowing down development (rather than the planning process) and concern about the need to review Local Plans after five years and the consequent impacts this has both on continued policy uncertainty and on local authority resources.
- 18 The main elements of the White Paper are summarised below (please note this list is not exhaustive and the full consultation document can be viewed at: <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>)
- Planning authorities to review local plans every five years
 - Government will consult on changes to the NPPF, so that authorities are expected to prepare a Statement of Common Ground, under the Duty to Cooperate
 - Government will, consult on options for introducing a standardised approach to assessing housing requirements (a new ‘SHMA’)
 - Government propose that by April 2018 a new methodology for calculating objectively assessed requirement would apply as the baseline for assessing five year housing land supply and housing delivery.
 - Government will introduce a new housing delivery test to ensure that local authorities are held accountable for their role in ensuring new homes are delivered in their area. This test will highlight whether the number of homes being built is target, provide a mechanism for establishing the reasons why, and where necessary trigger policy responses that will ensure that further land comes forward.
 - From Nov 2017 - if delivery of housing falls below 95% of the authority’s annual housing requirement, the local authority should publish an action plan, if delivery of housing falls below 85% of the housing requirement, authorities expected to plan for a 20% buffer on their five-year land supply

- Local planning authorities will need to have policies that support the development of small ‘windfall’ sites (those not allocated in plans, but which come forward on an ad hoc basis); and indicate that great weight should be given to using small undeveloped sites within settlements for homes. On top of the allowance made for windfall sites, at least 10% of the sites allocated for residential development in local plans should be sites of 0.5 ha or less
- Government proposes to amend the NPPF to make it clear that plans should:
 - make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing requirements;
 - address the particular scope for higher-density housing in urban locations that are well served by public transport (such as around many railway stations);
 - provide scope to replace or build over low-density uses (such as retail warehouses, lock-ups and car parks); or where buildings can be extended upwards by using the ‘airspace’ above them;
- Government intend to amend the NPPF to introduce a clear policy expectation that housing sites deliver a minimum of 10% affordable home ownership units. It will be for local areas to work with developers to agree an appropriate level of delivery of starter homes, alongside other affordable home ownership and rented tenures
- Government propose to amend and add to national policy to make clear that authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements, including:
 - making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;
 - the potential offered by land which is currently underused, including surplus public sector land where appropriate;
 - optimising the proposed density of development; and
 - exploring whether other authorities can help to meet some of the identified development requirement.

Area Initiatives

- 19 Officers are aware of a number of different initiatives in relation to the top tier settlements within the District which may eventually have the potential

to provide significant new infrastructure and thereby represent exceptional circumstances. These are:

- 20 **Sevenoaks Northern Masterplan** - led by Sevenoaks Town Council, this masterplan is being the subject of further public consultation in May/June 2017. It focuses on community infrastructure and facilities in addition to housing and employment and could provide over 1,000 new homes on and around the quarry site to the north of Sevenoaks within the Local Plan period. The masterplan will feed into the Neighbourhood Development Plan and be appropriately reflected in the emerging Local Plan.
- 21 **Swanley** - Following the February Cabinet decision to no longer investigate potential for a garden village to the east of Swanley the focus is now on maximising the supply within the existing settlement boundary, including a consideration of increased density on accessible town-centre sites and potential for regeneration of residential estates.
- 22 **Westerham** - 'Which Way Westerham' proposals are being progressed by the Squerryes estate, which include a bypass to the north-west of the settlement. The team are undertaking local community consultation and hope to have submitted 'options' to the District Council by the end of May.

Issues and Options consultation

- 23 The planning policy team are analysing and compiling the findings from the various evidence base documents to prepare the issues and options consultation. This will be the first opportunity for stakeholders and the public to comment on options for the new Local Plan 2015-2035.
- 24 The new Local Plan sets out a vision and a framework for the future development of the District, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure - as well as a basis for safeguarding the environment, adapting to climate change and securing good design. The Local Plan is also a critical tool in guiding decisions about individual development proposals, as it is the starting-point for considering whether applications can be approved.
- 25 The issues and options consultation document takes the following structure:
 - A District Profile including cross boundary issues
 - B Vision for the District
 - C Aims / Objectives
 - D Strategic Spatial Options
 - E Policies by Topic
 - F Policies by Area

G Delivery Targets and Monitoring

- 26 The **Strategic Spatial Options** section sets out a series of options to ‘leave no stone unturned’ in trying to meet the housing needs of the District. There is a requirement to consider all reasonable alternatives on how to deliver this need. Consequently, the Council has identified different approaches to try and accommodate the housing that the District needs. The current baseline situation and maximising the supply in existing settlements provide the building blocks upon which it is being suggested the delivery strategy should be based. The settlement hierarchy, which assesses settlements based on their population, facilities and services has informed these options.
- 27 **To be absolutely clear the work agreed so far through PAC and Cabinet has resulted in a figure of about 8,000 homes towards the 12,400 OAN figure being identified (subject to progress with area initiatives). This is made up of a baseline (2,500), maximising supply (2,500) and combination approach 3 (3,000).**
- 28 **‘Leaving no stone unturned’ means that public views will need to be sought on other approaches. Approaches 4, 5 and 6 below present three more alternatives which have not been supported by PAC or Cabinet but which remain valid options to present for public comment through a consultation process. This will ensure no options are ‘closed off’ until the public have had their say. Consultation will also be sufficiently open to receiving other approaches considered to have merit and worthy of further consideration.**

Approach	Description	Approximate No. of units
Baseline	considers the baseline commitments e.g. homes built 2015-17 and planning permissions issued	2,500
Maximising Supply	considers maximising the supply in existing built areas, including increasing densities on existing allocated sites	2,500
Approach 1 'Brownfield'	considers the contribution from 'Brownfield' land in the Green Belt	1,500
Approach 2 'Exceptional Circumstances'	considers the contribution of Green Belt land adjacent to higher-tier settlements, where 'Exceptional Circumstances' exist. (Current potential options identified under Area Initiatives above).	1,500
Approach 3 'Combination'	considers a summation of approach 1 (brownfield land) and approach 2 (exceptional circumstances cases) above	(3,000)
Approach 4	'Transport Hubs'	
Approach 5	'Rural Ambition'	
Approach 6	'New Settlement'	

29 Approaches 4, 5 and 6 are other options that could be explored to meet the identified need. Approach 4 'Transport Hubs' relates to the Housing White Paper (2017) consultation, which suggests that 'when carrying out our Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs'. Approach 5 'Rural Ambition' considers small-scale development on the edge of lower-tier settlements, predominantly to provide affordable housing for those with a local connection (e.g. rural housing exceptions sites) and to help support rural businesses and services. This approach is unlikely to provide a large number of homes, but what it could provide is a small number of homes in areas where supply might otherwise be limited. Approach 6 'New Settlement' considers focusing growth on one (or more) area, where infrastructure could be provided to support large-scale growth.

Next Steps and Consultation

- 30 The Issues and Options consultation document will be considered by PAC on 22 June and Cabinet on 13 July.
- 31 The proposal is to run the subsequent public consultation for 8 weeks in August-September 2017. The extended period is reflective of the fact that some of the consultation period falls within the school summer holidays.
- 32 It is intended that the consultation will include drop-in consultation events, secondary school sessions, press releases, adverts and social media postings, place-making workshops with local community representatives and an agents/developers forum, in addition to making the documents available in libraries/offices and online.
- 33 The intention is to try and address 'hard to reach' groups (such as young adults, families, commuters) in addition to those who usually respond to our consultations and to provide information in an accessible manner using Plain English, for example including Frequently Asked Questions (FAQs), infographics and bullet point non-technical summaries.

Other Options Considered and/or Rejected

Preparation of a Local Plan is required by Government. The Council provided a commitment in 2014 (as part of the ADMP public examination) to review the Local Plan within five years. Not preparing a local plan will leave the Council vulnerable to unwanted planning applications and appeal decisions. Recent Government announcements also indicate that the Government will intervene to prepare plans where they are not being prepared in a timely manner locally.

Key Implications

Financial

Production of the Local Plan will be funded from the Local Plan reserve.

Legal Implications and Risk Assessment Statement.

Preparation of a Local Plan is a statutory requirement. There are defined legal requirements that must be met in plan making which are considered when the plan is examined by a Government Planning Inspector. Risks associated with Local Plan making are set out in the Local Development Scheme.

Equality Assessment.

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from

