

**CABINET - 17 DECEMBER 2009**

**COUNCIL – 5 JANUARY 2010**

**LDF CORE STRATEGY DRAFT FOR SUBMISSION**

Report of the: Director of Community and Planning Services

Also considered by: Environment Select Committee and LDF Advisory Group

Status: For decision

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**Executive Summary:** Under the new LDF system the Core Strategy is the key document setting out the planning framework for future development of the District. The Draft for Submission is the version that is published and submitted to the Secretary of State for independent examination. There will be an opportunity for people to make representations before submission. The Draft for Submission maintains the Preferred Options strategy to meet future development requirements from within existing urban areas with the greatest level of provision in the largest settlements with the most facilities. Changes have been made to take account of additional technical work and respond to issues raised by consultees, the main areas of change are highlighted in the report.

The document contains a vision for the future development of the District and sets out the scale and nature of future development in each of the main towns and in the rural areas. It includes strategic policies on design, sustainable development, housing, employment land, infrastructure, open space and biodiversity.

The document is attached as Appendix A.

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**This report supports all the Key Aims of the Community Plan**

**Portfolio Holder** Cllr. Mrs Davison

**Head of Service** Head of Development Services – Jim Kehoe

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**Recommendation:** It be RESOLVED that Council be recommended to:

- (a) Agree the Core Strategy Draft for Submission for publication and submission for examination;
  - (b) Authorise the Portfolio Holder to agree minor presentational changes and detailed amendments prior to publication to assist the clarity of the document; and
  - (c) Agree that the Core Strategy Draft for Submission be taken into account where relevant in the consideration of planning applications.
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## **Background**

- 1 Under planning legislation District Councils are required to prepare Local Development Frameworks (LDFs) to replace Local Plans. The Core Strategy is the key LDF document. It should set out the Council's general strategy towards future development in the area, including what development is going to take place, where and when it will take place and how the Council will make it happen. As such it has a crucial role in setting the context for future development of the District.
- 2 The Core Strategy can be supported by other Development Plan Documents and Supplementary Planning Documents provided they are consistent with it, but Government guidance emphasises that the Core Strategy is the place where the key decisions about how the District is to develop in the future should be made. The latest guidance also suggests that Councils should give priority to preparation of the Core Strategy over other DPDs.
- 3 The Core Strategy must conform with national and regional policies, including providing for the housing requirement in the regional plan. At a local level it should be consistent with the Community Plan and take account of other plans and programmes.
- 4 Guidance states that the Core Strategy should include a vision for the future of the area and a strategy for delivering the vision, including a monitoring and implementation framework. It advises against the inclusion of detailed development control policies, which, if needed, should be included in other DPDs. It also advises against policies that repeat national or regional policy on the grounds that they are unnecessary and that Core Strategy policies should be specific to the area. An example would be a policy that controlled development in the Green Belt as this is already covered in Planning Policy Guidance.
- 5 The procedure for preparing development plan documents has recently been reviewed and now comprises an issues and options stage followed by the preparation of a Submission Plan which is subject to independent examination to establish whether it is "sound" (two key tests of soundness are whether it is justified and whether it will be effective). If the plan is found to be sound it can be adopted by the planning authority but if it is found unsound a new plan must be prepared.
- 6 A key principle of the new system is that LDF documents must be based on evidence. Government guidance sets out a series of specific studies that should be carried out on a wide range of issues. Studies carried out in support of the Core Strategy are listed in Section 3 of the document.

## **The Sevenoaks Core Strategy**

- 7 The Council has previously consulted on Issues and Options and on Preferred Options and a second consultation on a revised Preferred Options document took place early this year.

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8 In moving forward to the Submission Plan further work has been carried out and account has been taken of emerging strategies. Regard had been had to the following additional studies:

- Strategic Housing Market Assessment
- Affordable Housing Viability Study
- Strategic Housing Land Availability Assessment Update
- Retail Study Update
- Settlement Hierarchy Update

Further work has also been carried out on highway issues in Swanley, on liaison with infrastructure providers to produce an infrastructure delivery schedule, on sustainable construction and green infrastructure and on biodiversity.

9 Account has been taken of the adoption of the South East Plan and the expiry of the Kent and Medway Structure Plan. Account has also been taken of the draft Transport Strategy.

10 The Core Strategy deals with the general location of development but does not contain detailed site specific proposals or land allocations. These will be included in the Allocations DPD, which is the subject of a separate report. Proposals in the Allocations DPD must be consistent with the Core Strategy.

11 To assist in implementing the Core Strategy the Draft for Submission contains several proposals for Supplementary Planning Documents (SPD) that will give detailed guidance on the application of some Core Strategy policies. SPD does not have Development Plan status but can carry weight in determining planning applications where it is produced in support of a Development Plan policy and has been subject to consultation.

12 The Core Strategy will replace some of the “saved” Local Plan policies but the more detailed policies will continue to apply until they are replaced by a detailed Development Control Policies DPD to be prepared after adoption of the Core Strategy. A schedule will be produced of saved policies to be replaced by the Core Strategy.

**Summary of the Core Strategy**

13 In summary the strategy is to provide for future development by making best use of land in existing urban areas, focussing the majority of new development on the larger towns with the greatest range of facilities, while continuing to protect the countryside.

14 The main sections of the document are described below with significant changes from the Preferred Options document explained.

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- 15 Introduction. Explains the nature of the document
- 16 What is Sevenoaks District Like. Provides a description of the area, meeting the requirement in Government guidance for a “spatial portrait”.
- 17 Key Influences. The main factors that influence the content of the strategy, including national and regional policy, the Community Plan, background studies, the Sustainability Appraisal and previous consultation. Some updating has been carried out to reflect new and emerging strategies.
- 18 The Spatial Vision. An important section outlining how the District and the places within it should develop during the Core Strategy period. The key features of the vision are unchanged from the Preferred Options. The policies in the remaining sections are intended to achieve the vision.
- 19 Location Policies. This section deals with how development will be distributed around the District. Policies cover the following areas:
  - Distribution of development. Development is distributed in accordance with the settlement hierarchy, as updated. The greatest provision is made in the most accessible locations with the greatest range of facilities. Figures for housing provision include completions since 2006 and outstanding planning permissions, which make up the bulk of the supply in the early period. This section has been expanded and updated to take account of the findings of the update to the Strategic Housing Land Availability Assessment, which has resulted in detailed changes in the distribution of development. It also includes more information on the components of housing supply showing the substantial contribution made by development that is already completed or committed.
  - Sevenoaks Urban Area. This is the largest urban area and has the largest provision for development, including the West Kent Cold Store site, which accounts for more than a third of the total. Over 60% of the housing provision is already committed in terms of completions and commitments. Policy allows for some higher density development in the most accessible locations subject to environmental considerations.
  - Sevenoaks Town Centre. The role of the town centre is maintained with provision for some growth in the longer term. The scale of future retail development has been reviewed to take account of the Retail Update and development proposals are explained more fully. The town centre boundary has been amended to take account of the extent of town centre uses and development opportunities but without extending into primarily residential areas. Reference has also been added to the Waitrose redevelopment.
  - Swanley. Significant provision is made for new development with the emphasis more on the contribution to regeneration. Additional explanation has been added on the relationship to other regeneration

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initiatives and there is a proposal for new development to contribute to a fund to support regeneration projects. Additional material has been added on transport issues in response to issues raised by the Highways Agency.

- Swanley Town Centre. The town centre redevelopment is included in view of its substantial benefits to the town, though it is recognised that it will be delayed due to the economic situation.
- Edenbridge. The role of the town as a centre serving the surrounding rural area is maintained. The safeguarded land on the western side of the town, previously shown for release in the second half of the plan period, is now shown as Reserve Land to be brought forward for development if other identified sites in the District do not come forward. This change takes account of the updated housing land supply situation which shows that the District's housing requirement can be met without developing safeguarded land.
- Rural Areas. The policy provides for limited development within the larger villages consistent with their scale and nature and also for the protection of local services. It has been amended to take account of the Settlement Hierarchy update and to provide some more detail on how development proposals within villages will be considered. Within this context there is room for more detailed policies to be developed locally through Parish Plans. Protection of the countryside including the Green Belt and AONBs is maintained while small scale development to support the rural economy and tourism is supported.

20 Strategic Policies. This section contains the general policies that will be applied in considering development proposals across the District. These cover the following areas:

- Design. This is a strategic policy that places the emphasis on safeguarding and enhancing local distinctiveness. It also covers protection of the historic environment. It provides a framework for the development of more detailed local guidance in terms of Conservation Areas, Village Design Statements etc. In addition the more detailed "saved" Local Plan policies will continue to apply until replaced by a Development Control DPD. Reference has been added to "Building for Life" criteria as a tool for assessing the quality of development.
- Sustainable Development. This covers a range of measures to create sustainable patterns of development including measures to minimise travel and promote alternatives to the car, sustainable construction and support for renewable energy. It also covers adaptation to climate change, including flooding and water consumption. The final section deals with air quality. The sustainable construction section has been amended to reflect the objective of achieving zero carbon development and to add more specific guidance. The transport section is now linked to the Transport Strategy and the air quality section has been amended

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to clarify that development will be refused where there is an unacceptable impact.

- **Affordable Housing.** The affordable housing policy seeks to increase provision in response to the level of need for those unable to buy or rent on the open market by lowering the threshold for provision of affordable housing in new developments to five units. This means that more developments will be required to contribute than in the past. The policy has been amended in response to the findings of the viability study. The Rural Exceptions policy allows for developments of affordable housing to meet local needs adjoining existing villages. It has been amended to give more prominence to local needs surveys.
- **Housing Size and Type.** These policies encourage a greater proportion of small units in new development and developments to meet needs associated with an ageing population, taking into account the findings of the Strategic Housing Market Assessment. There is also a commitment to provide for gypsies and travellers in accordance with the outcome of the regional review, with additional wording added on the consideration of planning applications. The housing density policy provides for higher densities in more accessible locations within the District, so that more people have the opportunity to live closer to services and facilities. The policy has been amended to give more weight to local environmental considerations.
- **Economic Development and Employment Land.** This policy focuses on the retention of existing employment land to meet future business needs. It adopts a flexible approach to commercial uses on employment land to enable adaptation in response to changing business needs. Additional reference has been added supporting initiatives on skills development, supporting the provision of business start up units and adopting a flexible approach to home-based businesses.
- **Infrastructure.** The policy requires development to provide for or contribute to infrastructure for which it creates a need. An Infrastructure Delivery Schedule has been added following liaison with infrastructure providers.
- **Green Infrastructure, Open Space, Sport and Recreation.** This policy retains existing facilities of value to the community and requires new development to contribute to improvements in areas of deficiency. The adopted South East Plan requires Districts to develop Green Infrastructure Networks (essentially a network of open spaces) and this will be taken forward through the Allocations DPD with the emphasis primarily on existing open spaces.
- **Biodiversity.** A general policy on biodiversity has been added taking account of suggestions from statutory consultees.

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- 21 Each policy is accompanied by an implementation section that shows how it will be implemented. The Draft for Submission adds performance indicators and targets that will be used for monitoring purposes to measure whether the policy is working. The number of targets has deliberately been limited to those aspects that are critical to the overall success of the plan.

**Next Steps**

- 22 Subject to Members approval the Draft for Submission will be published and placed formally “on deposit” for a six week statutory period. It is currently envisaged that this will run from January 28 to March 11.
- 23 During the deposit period the document and supporting material will be made available electronically, and in hard copy format at the Council Offices and libraries across the District. It will be possible to make representation either electronically or using paper forms. It is important to stress that the deposit period is not a further consultation stage, consultation has already taken place on the content of the Core Strategy which has been taken into account in preparing the Draft for Submission and this is the stage for making formal representations.
- 24 Following the deposit period the Core Strategy, together with representations on it (including a summary the Council has to produce), will be submitted formally for independent examination. It is anticipated that submission will take place in April with examination hearings in July. The Inspector’s report should be received in the autumn and, if he finds the plan to be sound, it should be possible to adopt the Core Strategy by the end of the year.

**The Core Strategy and Planning Applications**

- 25 Once adopted the Core Strategy will form part of the Development Plan for the purposes of considering planning applications. The Draft for Submission represents an emerging development plan and it is appropriate that it should now be taken into account where relevant in the consideration of planning applications. This is reflected in the recommendation.

**Options (and Reasons for the Recommendation)**

- 26 The options are to agree, vary or reject the Core Strategy.
- 27 In developing the Preferred Options document a number of alternative strategic options were considered and appraised as part of the Sustainability Appraisal. Since then further work has taken place to review the proposal for a mixed use development incorporating up to 1,000 homes at Fort Halstead. This option was rejected at the preferred options stage because it had not been demonstrated that it was sustainable, deliverable, acceptable in its impact on the AONB or necessary in order to meet the District’s housing requirement. Further assessment has included a sustainability appraisal of the option of adding Fort Halstead to the Core Strategy. This concludes that while Fort Halstead would offer benefits particularly in terms of additional

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housing it would not be a good location in sustainability terms and its limited size and lack of scope for future expansion poses constraints on its ability to provide services and facilities within the community for local residents. Additionally there remain issues of impact on the AONB and compatibility of the development proposals with PPG2 guidance on Major Developed Sites in the Green Belt. The appraisal does not recommend that Fort Halstead be added to the Core Strategy.

- 28 Other proposals for amendments were put forward in the Preferred Options consultation and many have been accepted. Some suggested changes have not been included and the reasons are set out in the separate Consultation Statement.
- 29 Councils are required to prepare a Core Strategy so there is no option to reject it altogether. Rejecting the current document would lead to delay in later stages meaning more time would pass before an up to date planning framework for the District is in place. Further delay might also affect future Housing and Planning Delivery Grant (see Financial implications below)
- 30 Overall it is considered that the Core Strategy Draft for Submission is an appropriate response to the issues facing the District, taking account of Government guidance and the available evidence and it is recommended.

**Key Implications**

Financial

- 31 Budgetary provision has been made for the cost involved in preparing the Core Strategy. The Housing and Planning Delivery Grant (HPDG) includes an element for progress in producing LDF documents in accordance with the Local Development Scheme. An initial sum of £10,000 is payable for a Core Strategy that has commenced and further sums are payable following submission and adoption (subject to reduction if the timetable in the Local Development Scheme is not maintained). It should be noted that the Conservatives propose to abolish HPDG and replace it with a grant based on housing completions.

Legal, Human Rights etc.

- 32 The preparation of an LDF Core Strategy is a requirement under planning legislation. The adopted Core Strategy will form part of the “Development Plan” and has special status in the determination of planning applications.

Community Impact and Outcomes

- 33 The preparation of the Core Strategy has had close regard to the Community Strategy vision of safe and caring communities, a green and healthy environment and a dynamic and sustainable economy. The Core Strategy as a whole is consistent with the Community Strategy and contributes either in a leading or supporting role to the implementation of many of the Community



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Strategy priorities. Appendix 5 of the Core Strategy shows how it implements relevant Community Strategy priorities. Overall implementation of the Core Strategy should lead to a wide range of positive outcomes for the community.

Equality

- 34 An Equality Impact Assessment has been carried out in accordance with Council policy. It will be made available on CMIS and a copy will be placed in the Members Room. The findings of the appraisal have been taken into account in finalising the Draft for Submission.

Sustainability Checklist

- 35 A Sustainability Appraisal has been carried out in accordance with Government guidance. It will be made available on CMIS and a copy will be placed in the Members Room. The full appraisal is a lengthy document but it is accompanied by a shorter Non Technical Summary. The findings of the appraisal have been taken into account in finalising the document.

**Conclusions**

- 36 It is recommended that the Core Strategy Draft for Submission be agreed for publication and submission for examination. It is also recommended that it be taken into account where relevant in considering planning applications.

**RISK ASSESSMENT STATEMENT**

- 37 LDF documents are subject to independent examination and the principal risk involved with their preparation is that the examination finds the document to be unsound, which would mean that a new Core Strategy would have to be produced resulting in very substantial extra cost and delay. This risk needs to be taken seriously. Several local authorities, including some in the South East, have had their core strategies found unsound and a number have also withdrawn their documents during the examination process having been advised that they would be found unsound if they continued. The consequences are severe in terms of cost, absence of an up to date planning framework and impact on the Council's reputation.

- 38 To avoid this outcome a number of key actions have been taken:

1. A series of technical studies have been produced that provide evidence to justify the policies in the Core Strategy. These studies are listed in the document and their scope and content follows advice in Government guidance. Government guidance effectively means that the completion of these studies is a necessary requirement if the strategy is eventually to be found sound. Further updating has taken place since the Preferred option stage to ensure the evidence base is comprehensive and up to date.
2. Care has been taken to ensure that the form and content of the document accords with the latest Government guidance on LDFs. This has required

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substantial change to the approach of the first Preferred Options document produced in 2006.

3. A decision was made to produce a second Preferred Options document rather than proceed straight to submission, which would have been possible under the new procedure. This gave an extra opportunity to consult and make changes in response to the consultation minimising the risk of unsoundness, as well as giving maximum opportunity for the public to comment.
  4. Independent advice has been sought from an experienced consultant who has been involved with the production of a sound core strategy elsewhere in Kent.
  5. Informal consultation and liaison has taken place with key stakeholders including GOSE.
- 39 As the final decision on the plan is made by an independent inspector there can be no guarantee that it will eventually be found sound, but the actions that have been taken substantially reduce the risk of an unfavourable outcome and offer the best prospect of ensuring success at the end of the process.

**Sources of Information:**

Sevenoaks District Council LDF Core Strategy  
Draft for Submission

Sustainability Appraisal of the Core Strategy

Sustainability Appraisal of the Fort Halstead  
Option

Equalities Appraisal of the Core Strategy

Statement of Consultation on the Core Strategy

Government Planning Policy Statement 12: Local  
Development Frameworks

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