

## LOCAL PLAN UPDATE

Planning Advisory Committee - ~~1 March 2018~~ 14 March 2018

Report of Chief Planning Officer

Status For information

Key Decision No

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### Executive Summary

This report provides an update on progress on the draft Local Plan. The Issues and Options nine-week consultation ended in October 2017 and we received over 15,000 responses to the main survey consultation (30% of households responded) and over 200 responses covering both technical and site specific issues. We have reviewed these responses to inform the draft of the new Local Plan and are assessing the 400 sites that have been submitted under the 'call for sites', through the Sustainability Appraisal (SA) process. A number of evidence base studies and work-streams are coming to a conclusion, including Heritage, Biodiversity and Gypsy and Traveller provision, and an update is provided on these areas.

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**This report supports the Key Aim of Protecting the Green Belt.**

Portfolio Holder Cllr. Robert Piper

Contact Officer Hannah Gooden, Ext. 7178

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**Recommendation:** To note progress on the draft Local Plan

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**Reason for recommendation:** To enable progression of the draft Local Plan

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### Site Assessment

- 1 The Issues and Options consultation outlined a District-wide development strategy which focuses growth first within existing settlements, then considers the contribution of 'brownfield' or 'previously developed' land and only then looks at the Green Belt where there are 'exceptional circumstances'.
- 2 The vast majority of the approximately 400 green belt sites that were submitted under the call for sites will not be taken forward into the draft Local Plan as they will not present the 'exceptional circumstances' required to amend the green belt boundary.

- 3 We are currently focusing our attention on sites which suggest there are ‘exceptional circumstances’ related to their development. We are undertaking a review of deliverability and other material considerations, including any promoted social and community benefits which could facilitate a proposed development and address evidenced infrastructure deficiencies in an area. There are a number of sites emerging that propose infrastructure that could meet an evidenced need. Outlined below are a number of these larger (100+ unit) sites which have been submitted to the call-for-sites, which include infrastructure in addition to housing. ***These sites are currently under consideration and assessment and their inclusion in the draft Local Plan has not yet been determined.***

Town / Location	Site (Promoter)	Infrastructure Proposed
Sevenoaks	Sevenoaks Northern Masterplan - Sevenoaks Quarry and Bat and Ball area (Tarmac and others)	Employment/business space Community Centre and facilities Leisure Lake
Swanley	Land to West of Beechenlea Lane and South of railway line (Cooper Estates)	Primary school Open space / play space / allotments Transport improvements
Edenbridge	Land at Four Elms Road, East of Edenbridge (Cooper Estates / KCC)	Hospital/GP Senior School
Westerham	Which Way Westerham - land to North and East of Westerham off Beggars Lane (Squerryes Estate)	Relief road and earth bund to M25 Common Land Employment Space Community facilities
Pratt’s Bottom	Broke Hill Golf Course, adjacent to Knockholt Station (Quinn Estates)	Local service centre Employment space including incubator business space Sports hub and playing fields Secondary school Public open space provision Self build plots

- 4 The site to the west of Edenbridge, which was being promoted as a cross-border garden village, is now not being considered by Tandridge as a reasonable alternative for the Tandridge Local Plan.
- 5 Further work is being undertaken with the promoters of these sites to understand whether the infrastructure that is being proposed meets an evidenced local need, whether the infrastructure helps deliver against a number of strategic objectives (e.g. health, economic development, environment), and what is the required level of development to facilitate the infrastructure. Where Neighbourhood Plans (NP) are in development, we are meeting with the relevant town councils to ensure that there is consistency with the emerging draft Local Plan.

## **Sustainability Assessment**

- 6 Approximately 400 sites have been submitted under the ‘call for sites’ and through the Issues and Options consultation last year. These sites have been reported and assessed for suitability through the Strategic Housing and Economic Land Availability Assessment (SHELAA) process. A Sustainability Appraisal (SA) is currently being undertaken, which reviews all the sites to help us understand which may be sustainable proposals, to inform the preparation of the draft Local Plan.
- 7 It is a legal requirement to produce a SA concurrently with the Local Plan. The SA considers and communicates the likely significant effects of a plan, and the reasonable alternatives considered during the plan making process, in terms of key sustainability issues. The aim of SA is to inform and influence the plan-making process with a view to avoiding or mitigating negative effects and maximising positive effects. Through this approach, the SA seeks to maximise the emerging Local Plan’s contribution to sustainable development
- 8 Sustainability covers a wide range of themes and we are using a matrix of site assessment criteria to assess each of the sites, as set out in the table at Appendix A.

## **Evidence Base work**

### **Biodiversity Analysis:**

- 9 The Biodiversity Analysis work is a further evidence base document to support the Local Plan. The study includes an analysis of the biodiversity value of the District. This information will be used to inform the site appraisals for the draft Local Plan and to identify areas for biodiversity enhancement.
- 10 A team from the consultancy Aecom undertook high level Biodiversity Analysis of the District to identify areas of “high”, “medium” or “low” biodiversity value. This is presented in GIS format as an interactive map layer. The GIS map layer is accompanied by a written document detailing the purpose and methodology of the analysis. (Appendix B)
- 11 A Duty to Co-operate Stakeholder workshop was held in September 2017 to discuss and agree the approach and methodology of the Biodiversity Analysis. The workshop was attended by representatives from the Environment Agency, KCC Ecology, Kent Wildlife Trust, North West Kent Countryside Partnership, both AONB units and Neighbouring authorities. Natural England and the Kent Nature Partnership were invited but did not attend. All attendees were supportive of the proposed methodology.
- 12 The Council partner with a number of external wildlife and countryside organisations to undertake biodiversity projects within the District. We also provide some funding to the Kent Downs and High Weald AONB Units, Kent Wildlife Trust and the North West Kent Countryside Partnership. This funding

is used to develop and deliver projects within the District and is also used as match funding for larger scale projects such as the £3.65m heritage lottery funded Darent Valley Landscape Partnership Scheme. Details of other projects undertaken on our behalf by the North West Kent Countryside Partnership are reported annually in the Authority Monitoring Report available on our website.

[https://www.sevenoaks.gov.uk/info/20014/planning\\_policy/257/authority\\_monitoring\\_reports](https://www.sevenoaks.gov.uk/info/20014/planning_policy/257/authority_monitoring_reports)

13 Biodiversity projects have included:

- Working with St Mary's Church in Riverhead to develop their churchyard for wildlife and access
- Transforming two individual ponds at Otford Primary into one large pond. The whole school will now benefit from using the pond for science lessons and the flora and fauna now have a healthier habitat.
- Working with St Paul's school Swanley to improve their garden area for wildlife, educational purposes and recreation.
- Assisting in managing Hartley woods including coppicing to improve the habitat for wildlife
- Habitat improvements along the River Darent and the River Eden (with Kent Wildlife Trust)

14 This evidence document will provide our partners with details about the biodiversity value of the district in terms of wildlife and habitats. These sites have the greatest improvements for biodiversity. We intend to use this information to develop projects which can be delivered in partnership with wildlife and countryside organisations, Town/Parish councils, landowners and the local community.

15 The evidence will also be used to ensure we recognise, conserve and enhance the biodiversity value of any development sites within the District.

#### **Gypsy and Traveller provision:**

16 The Council endorsed the Gypsy and Traveller Accommodation Assessment (GTAA) in April 2017. The GTAA identified the current and future needs of the traveller communities within the District and found that an additional 51 pitches should be provided between April 2017 and March 2035. This need has since reduced to 43 pitches due to planning and appeal decisions since April 2017.

#### Identifying Suitable Sites

17 National policy states that the process for identifying sites for Gypsy and Traveller Accommodation is the same as for potential housing sites. Sites can be submitted to the Council for consideration and all sites are assessed

for suitability, sustainability and deliverability. Currently no new greenfield sites in the greenbelt have been submitted to the Council for Gypsy and Traveller pitches.

18 Work has begun to identify suitable sites to accommodate permanent pitches to meet the need. This has included:

- Writing to the owners and occupiers of all existing Gypsy and Traveller sites (permanent, temporary and unauthorised) to ascertain if they wish to promote their site for permanent pitches.
- Writing to the owners of all sites previously submitted to the Council during the Gypsy and Traveller Plan work to ascertain if the sites are still available and still promoted.
- Inviting sites to be submitted through the “Call for Sites” process and the Local Plan Issues and Options consultation.
- Reviewing the sites already in the Strategic Housing and Economic Land Availability Assessment which were considered suitable for Gypsy and Traveller pitches.

19 Initial indications of the assessment work suggest that the full need can be met in the following ways on suitable sites.

- Identifying existing temporary pitches that can be made permanent
- Identifying additional pitches on sites with existing pitches within the current site boundary to achieve a higher density
- Identifying additional pitches on sites with existing pitches with small scale minor boundary amendments in consultation with Local Members

20 It is important to note that:

- All sites will be assessed in the same way as for potential housing sites
- Not all sites assessed will be found suitable for additional permanent pitches
- A site will not automatically be found suitable just because there are existing temporary or unauthorised pitches
- Where pitches can only be accommodated through small scale boundary amendments the new boundary will be tightly drawn and limited to the built area. This will lead to tighter more enforceable boundaries.

21 By assessing all existing sites the cumulative impact of pitches on the local area can be fully considered.

## Programme

22 There are a number of ongoing Local Plan work-streams:

Piece of work	Work outstanding	Expected completion / PAC report
Biodiversity Value Study	Finalising data and mapping and consideration of which sites need onsite surveys	End of Jan - Data, mapping PAC – March
Historic Environment Review	Part one – draft received for review Part two – to be completed	PAC – March
SHELAA 2018 update	Approx 100 additional sites taking total to 400.	Feb
Sustainability Appraisal & deliverability assessment of 400 sites	Ongoing	Feb
Finalise draft allocations	To be completed once the sustainability appraisal and deliverability assessments are complete.	March
Brief members on draft allocations	To be completed once the draft allocations are finalised. Member drop-in sessions to discuss sites in their areas.	End March
Duty to co-operate	Statements of Common Ground in preparation for West Kent and on Ashdown Forest	PAC – April
Gypsy and Travellers	Identify potential sites and complete assessments. Contact land owners of potential sites for agreement and undertake site visits.	PAC - March March – complete assessments, discuss with local members and agree potential sites.
Swanley Transport Study	Study underway	PAC - April
Strategic Transport Assessment	-	PAC – April To commence once sites are known (March-May)

Infrastructure Delivery Plan	Information requests drafted but not issued	PAC - April To commence once sites are known (March-May)
Viability	-	PAC - April To commence once draft policies finalised (including affordable housing) (March-May)

- 23 In relation to Ashdown Forest, which is a habitat protected by European legislation, there is concern regarding the impact of nitrogen deposition (emitted by vehicles) on the site. Although hopefully not a showstopper, this issue is being carefully monitored by officers and we are working closely with other affected authorities to resolve this issue and are members of the Ashdown Forest Officer Working Group. An update will be provided at the next PAC meeting in April.
- 24 A Statement of Common Ground is in preparation with Wealden DC (where the forest is located) and neighbouring authorities, which will set out areas of agreement and disagreement between the different authorities and will assist in providing clarity in forthcoming Local Plan examinations. The Planning Advisory Service (PAS) is facilitating this process. It should be noted that Wealden has previously challenged a local plan (Lewes and South Downs Joint Core Strategy) through a judicial review in the High Court and the challenge was upheld. In summary, the Habitats Regulations Assessment (HRA) associated with the Lewes Local Plan was considered flawed because it did not consider effects (on Ashdown Forest) of the proposed plan ‘in combination’ with Wealden’s own plan.
- 25 At present, Wealden DC is only determining planning applications which can be proven not to result in additional traffic movements. In practice this means it is primarily brownfield sites which have vehicle movements already associated with them which are allowed to proceed or single replacement dwellings. Applications which result in additional traffic movements are currently being held in abeyance. Wealden DC has also recently objected to approximately 70 planning applications in neighbouring authorities (Tunbridge Wells Borough, Rother District, Lewes District, Mid Sussex District, Tandridge District, Horsham District, Crawley Borough, Hastings Borough, and Brighton & Hove City). SDC has received one objection, to a barn conversion in Cowden. The objection was subsequently withdrawn due to an extant permission. Only a very small area of the District (around Cowden and Fordcombe) falls within the 7km zone of Ashdown Forest, which is the primary area of consideration.

## Next Steps

26 Our work programme for spring is outlined in the table above. We will prepare a Local Plan update report to be considered by PAC in April covering:

- Duty to Co-operate - Statements of Common Ground
- Swanley/District-wide transport evidence
- Viability
- Infrastructure

27 The structure of the draft Local Plan is outlined below, which builds upon the key topics highlighted in the Issues and Options consultation document. It is set out in nine chapters, which cover both strategic and development management policies, together with site allocations.

Chapter 1. Ensuring development is sustainable

- NPPF 'golden thread', 'whole plan' viability, health
- Flood risk, climate change, carbon neutral

Chapter 2. A balanced strategy for growth in a constrained District

- Built up areas/brownfield/exceptional circumstances
- Duty to co-operate

Chapter 3. Protecting, conserving and enhancing Green Belt, landscape and the natural environment

- Green Belt
- AONB

Chapter 4. Safeguarding places for wildlife and nature

- SAC/SPA, SSSI, other habitats, trees, ancient woodland, species

Chapter 5. Ensuring well-connected communities are supported by appropriate infrastructure

- Viability, S106/CIL, infrastructure plan, transport, allocations

Chapter 6. Providing for housing choices

- SHMA and SHELAA, allocations

- Housing Strategy, Affordable, lifetime homes, density, meeting the needs of young families, options for the elderly, pitches for Gypsies and travellers, custom and self build

#### Chapter 7. Supporting a vibrant and balanced economy

- Allocations, Economic Development Strategy, Use classes, balanced protection/reuse of employment areas, protecting office provision
- healthy town and local centres
- visitor economy/tourism

#### Chapter 8. Ensuring new development respects local distinctiveness

- Design, heritage, place making
- Noise and light

#### Chapter 9. Healthy living, Wellbeing and Leisure

- Leisure facilities, community facilities, sports & playing pitches,
- Open spaces

28 We are currently drafting the new Local Plan, reflecting our wide-ranging evidence base, and intend to bring a Draft Plan to PAC and Cabinet for public consultation in the summer and examination in spring 2019.

#### **Other Options Considered and/or Rejected**

The option not to progress a new Local Plan would leave the Council open to reputational damage and likely Government intervention to produce a Local Plan for the District Council.

#### **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 different groups, and (iii) foster good relations between people from different groups. The preparation and adoption of a Local Plan will directly impact on end users. The impacts will be analysed via an Equalities Impact Assessment (EqIA) to be prepared alongside each key stage of plan making.

## Conclusion

The Sevenoaks District Local Plan 2015 - 2035 will replace the adopted Core Strategy 2011 and Allocations and Development Management Plan 2015. The document will reflect other strategic documents of the Council in particular the Corporate Plan, Community Plan and the Housing and Economic Development strategies. It is backed by a substantial evidence base and extensive public consultation and engagement, which will inform the draft Local Plan, which will be prepared for a further round of public consultation this summer.

## Appendices

Appendix A: Sustainability Appraisal Assessment Criteria  
Appendix B: Biodiversity Analysis Report

## Background Papers

PAC key progress reports:  
[7 July 2015](#) Local Plan Work Programme  
[19 April 2016](#) Local Plan Work Programme  
[21 June 2016](#) Local Plan Update  
[22 September 2016](#) Local Plan Update  
[16 May 2017](#) Local Plan Update  
[22 June 2017](#) Local Plan - for consultation  
[23 Nov 2017](#) Local Plan consultation update

**Richard Morris**  
Chief Planning Officer

## Appendix A: Sustainability Appraisal Assessment Criteria

SA Themes	SA Objectives	Site assessment criteria
<b>Biodiversity and geodiversity</b>	Protect and enhance all biodiversity and geological features	SSSI Impact Risk Zones
		Proximity to a Local Wildlife Site
		BAP Priority Habitat
		Ecological work undertaken by Ecology team
<b>Climate change</b>	Promote climate change mitigation in Sevenoaks District	This element is covered under the 'population and communities' and 'transportation' SA themes
	Support the resilience of Sevenoaks District to the potential effects of climate change	Fluvial flood risk
		Surface water flood risk
<b>Landscape and Historic Environment</b>	Protect, maintain and enhance Sevenoaks District's cultural heritage resource, including its historic environment and archaeological assets.	Proximity to a Conservation Area
		Proximity to a Registered Park or Garden
		Proximity to a Scheduled Monument
		Proximity to a listed building
	Protect and enhance the character and quality of Sevenoaks District's landscapes and townscapes.	Proximity to an area of archaeological importance
		AONB
<b>Environmental Quality</b>	Improve air, soil and water quality.	Landscape sensitivity
		AQMA
<b>Land, Soil and Water Resources</b>	Ensure the efficient use of land.	Groundwater SPZs
		PDL NPPF definition
		PDL Sevenoaks definition
		Agricultural land classification
	Promote sustainable waste management solutions that encourage the reduction, re-use and recycling of waste.	Green Belt
		N/A: It is not appropriate to evaluate distance-based criteria for this SA Objective.
	Use and manage water resources in a sustainable manner.	N/A: It is not appropriate to evaluate distance-based criteria for this SA Objective.

SA Themes	SA Objectives	Site assessment criteria
<b>Population and Communities</b>	Provide everyone with the opportunity to live in good quality, affordable housing, and ensure an appropriate mix of dwelling sizes, types and tenures.	N/A: It is not appropriate to evaluate distance-based criteria for this SA Objective.
	Cater for existing and future residents' needs as well as the needs of different groups in the community, and improve access to local, high-quality community services and facilities.  Reduce deprivation and promote more inclusive and self-contained communities.	Settlement hierarchy
<b>Health and Wellbeing</b>	Improve the health and wellbeing of Sevenoaks District's residents.	Open space Proximity to a public right of way (PRoW)
<b>Transportation</b>	Promote sustainable transport use and reduce the need to travel.	Proximity to a train station
		Proximity to a bus stop
		Proximity to a cycle route
<b>Economy</b>	Promote the economic vitality of Sevenoaks District.	Employment site
<b>Town and Local Centres</b>	Promote the vitality of Sevenoaks District's Town, Neighbourhood and Village centres.	Proximity to a town or local centre