

LOCAL PLAN - RESULTS OF THE REGULATION 19 LOCAL PLAN CONSULTATION, AGREEMENT TO SUBMIT THE PROPOSED SUBMISSION VERSION FOR EXAMINATION

Council - 26 March 2019

Report of	Chief Planning Officer
Status	For decision
Key Decision	No

Executive Summary: This report provides a summary of the outcome of the consultation process for the Proposed Submission Version of the Sevenoaks District Council Local Plan, which was undertaken during the period 18 December 2018 to 3 February 2019. In addition to highlighting the key issues raised during the consultation process, the report sets out the next steps in the process. Taking account of the responses and advice received, officers are of the view that the document should be submitted for examination.

This report supports the Key Aim of: Protecting the Green Belt and Supporting and developing the local economy

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Recommendation to Council: That Council agrees to the submission of the Regulation 19 Proposed Submission version of the Local Plan for examination.

Reason for recommendation: To enable the progression of the Local Plan.

Purpose of the report

- 1 The background to the production of the Local Plan was set out in the report to the Council's Planning Advisory Committee (PAC) on 22 November 2018. Following the recommendations made by PAC, approval was given by Cabinet on 6 December 2018 to publish the Regulation 19 Proposed Submission Version of the Local Plan for consultation. Cabinet also agreed at that meeting to recommend that Council agree to the submission of the Regulation 19 version of the Local Plan for examination ([Cabinet - 6 December 2018, Minute 48](#)). This report to Council provides a summary of the responses received to the Regulation 19 consultation and seeks approval for the submission of the Local Plan documents to the Secretary of State. The submission will instigate the appointment of an independent Planning

Inspector by the Government, who will chair and undertake the examination of the Local Plan.

What is the Regulation 19 version of the Local Plan?

- 2 For the avoidance of doubt, this report seeks approval for the submission of the same Proposed Submission Version of the Local Plan that was approved by Cabinet in December. As a reminder, the Local Plan is based on a development strategy that focuses first on building within existing towns and villages, prioritises brownfield or 'previously developed land' and only considers building on greenfield Green Belt land where there are compelling 'exceptional circumstances'. This version of the Plan was published on the basis that it was 'sound', legally compliant and prepared in accordance with the Duty to Co-operate. Government Planning regulations provide limited scope for local authorities to make changes to the Regulation 19 documents prior to submission. Further changes to the documents themselves would, at this stage, almost certainly result in a need for a further round of public consultation before submission could take place.

The Regulation 19 Consultation Process

- 3 The Council published the Regulation 19 version of the Local Plan for public comment on 18 December 2018. This version and all supporting technical and evidence-base documents were published on the Council website, with a Statement of Representation Procedure and Guidance Note setting out how to make comments. The consultation period concluded on 3rd February 2019.
- 4 Officers notified all statutory consultees in accordance with planning regulations and approximately **14,500** notification letters and emails were sent to residents and consultees to advise that the consultation was due to commence. Hard copies of the Local Plan documents were provided to all libraries and the consultation process was publicised through a series of articles in local newspapers including 'In Shape' magazine, which was distributed district-wide in early December 2018.
- 5 An extensive social media campaign was undertaken to publicise the plan. In addition, officers organised a series of 'drop in' sessions across the district, as an opportunity for residents to ask questions on the emerging sites and policies. These events were held during the week commencing 7th January 2019 at venues in Kemsing, Swanley, Edenbridge, New Ash Green and Sevenoaks.
- 6 The Regulation 19 consultation focussed on whether the Local Plan met the specific tests set out in the Government's National Planning Policy Framework (NPPF) - these are whether the Plan is Legally Compliant with the relevant planning legislation, met the requirements of the Duty to Co-operate and also the specific tests of 'soundness'. Further information on the interpretation of these tests was set out in the guidance material. The tests of soundness, as set out in the NPPF, state that Local Plans should be:

- a) Positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development
- b) Justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence
- c) Effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in this Framework.

Consultation responses

- 7 The Council received a total of 3,566 comments on the Proposed Submission Version of Local Plan, from 1,956 organisations and individuals. 1,575 of the comments were on sites and 1,904 related to development management policies. The remainder of the comments related to the appendices or general chapters. Table A provides a summary of responses to the key issues identified in **paragraph 6** above:

Table A: Summary of Local Plan Responses

Question	Answer	
	Yes	No
Is the Plan sound?	1,275	2,291*
Is the Plan Legally Compliant	2,175	1,391
Has the Plan complied with the Duty to Co-operate?	2,297	1,269

*All objections to individual sites are included in this category

8 Tables B and C identify the sites and policies that received the most comments and the key issues raised:

Table B: Key issues raised in relation to sites

Site Reference	Site	Number of Comments	Key issues raised
ST2-57	Fort Halstead	231	Overdevelopment and development concerns (site already has outline planning permission)
ST2-60	Oasis Academy, Hextable	198	Howard Venue (dance centre)/parking provision
ST2-28	Pedham Place	130	Green Belt release, traffic concerns, broad location for growth.
ST2-67	Land south of Noahs Ark, Kemsing	72	Land ownership and road network
EMP1-28	Bartrams Farm (Vestry Estate)	56	Loss of Green Belt / Strategic Gap
ST2-33 and ST2-34	Four Elms Road, Edenbridge	24	Accessibility to medical centre, road network concerns, emergency access provision for cottages to south of site and loss of Green Belt land.
ST2-13	Sevenoaks Quarry	20	Concerns whether the mineral reserves can be worked out prior to non mineral development - see paragraphs 14 & 15. Infrastructure concerns - road network and need for additional community infrastructure.

Table C: Key issues raised in relation to policies

Policy Reference	Policy	Number of comments	Key issues raised
ST2	Housing and mixed use site allocations	942	Specific comments raised on omitted sites
ST1	A Balanced Strategy for Growth in a constrained district	297	Overdevelopment in and around Knockholt, Halstead and Badgers Mount
T1	Transport and Infrastructure	35	Concerns regarding the road network and infrastructure capacity
EMP1	Supporting a vibrant and balanced economy	23	Site specific comments on employment sites
H5	Housing Density	21	Density issues on specific sites

Consultation on four additional strategic sites received during the course of the Regulation 18 consultation

- 9 The Cabinet Report dated 6th December refers to the following proposed additional Greenfield Green Belt housing allocations received in response to the Regulation 18 consultation process:
- Land south of Redhill Road, Ash
 - Land between Hartfield Road and Hever Road, Edenbridge
 - Land west of Childsbridge Lane and south of the recreation ground, Kemsing
 - Land north and south of Kemsing station
- 10 These sites were consulted on alongside, rather than as part of the Regulation 19 Proposed Submission version of the Local Plan. The Council received 1,697 responses to this consultation. The key issues raised were as follows:

Site Reference	Site	Number of comments	Key Issues raised
MX61	Land south of Redhill Road, Ash	866 (51%)	Loss of Green Belt, transport / traffic and loss of NAG village identity
MX59	Land north and south of Kemsing Station	422 (24.9%)	Loss of Green Belt, lack of infrastructure, some positive responses
MX58	Land west of Childsbridge Lane and south of the Rec, Kemsing	194 (11.4%)	Loss of Green Belt, lack of infrastructure
MX62	Land between Hartfield Road and Hever Road, Edenbridge	215 (12.7%)	Loss of Green Belt and road safety

The consultation sought stakeholder and public comments on these sites, for information only. For the avoidance of doubt, these sites are not included within the Local Plan.

Attendance at examination hearing sessions

- 11 A further key aim of this round of consultation was to establish the organisations and individuals who wished to attend the examination hearing sessions. In total, 379 responders expressed an interest in attending the hearing sessions and 2,268 said they did not wish to do so and were content to rely on written representations. This information will be passed onto the Inspector when the Plan is submitted for examination. The Inspector will have the final say on who attends the hearing session and further

information and guidance on the structure of these sessions will be published nearer the time.

Meetings with key stakeholders

- 12 Officers held meetings with a range of key stakeholders, including the promoters of sites that had been included and omitted from the plan, during the course of the consultation process. The purpose of these meetings was to keep all parties up to date on the submission timetable and to provide an opportunity for discussion on updates to site specific proposals since the Regulation 18 consultation. These meetings were held on the basis that the appointed Planning Inspector will encourage dialogue between the parties to discuss areas concern, common ground and potential solutions.

Key issues raised during the consultation

- 13 The following text summarises some of the key issues raised during the consultation process and the officer responses.

Waste and Minerals

- 14 Sevenoaks Quarry continues to be worked as a minerals site by Tarmac. Kent County Council (KCC) notes the strategic importance of the remaining soft sand mineral resource and has sought confirmation that this will not be stopped by the development of the site. In addition, confirmation is sought as to how the mineral extraction programme and residential development will work together.
- 15 **Officer response:** Discussions with Tarmac have confirmed that it has no intention of stopping mineral operations at Sevenoaks Quarry. The proposals for development at this site will be phased alongside and beyond the permitted minerals scheme.

Site related comments

- 16 The majority of comments on proposed sites within the Green Belt focused on the loss of Green Belt land, combined with concerns regarding the capacity of the road network and local infrastructure. A number of comments also expressed concerns regarding the proposal to increase density on these sites. Notwithstanding the views expressed by site promoters, the majority of comments submitted on sites that have been omitted from the Plan were supportive.
- 17 **Officer response:** Releases of Green Belt land are consistent with the Local Plan evidence base. Sites have been put forward on the basis that they can be delivered during the course of the plan period and on larger strategic sites, can deliver infrastructure to meet an existing local need. Support on any aspect of the Plan is welcomed.

Spatial distribution of development

- 18 A large number of responses were received citing a perceived imbalance in the district-wide distribution of development, specifically in relation to the area around Halstead/Knockholt/Badgers Mount. The Local Plan proposes that 193 units will be accommodated in Badgers Mount parish (on 3 sites) and 70 units in Halstead parish (on 3 sites). Fort Halstead is allocated for an additional 300 units (450 units already consented). Concerns were expressed that these villages are within the lower tiers of the settlement hierarchy, yet a number of larger allocations (including Fort Halstead) are located in the vicinity.
- 19 **Officer response:** There a number of brownfield or previously developed sites in this area (for example the ‘Chelsfield depot’ in Badgers Mount) which are considered sustainably located and suitable for development. The largest proposed allocation in this area is for Fort Halstead, which already has outline planning permission. Although the settlement pattern in this area of the District is predominantly villages, they are well-connected by road and rail and have a number of local services. The larger site allocations (for example Fort Halstead and Chelsfield depot) would also provide additional on-site community facilities.

Broad Location for Growth

- 20 A number of comments related to the site at Pedham Place, focusing on traffic/transport and AONB/Green Belt issues and also on the deliverability of this site since it is not proposed as a site allocation, but rather a ‘broad location for growth’, to be re-considered as part of the subsequent Plan review.
- 21 **Officer response:** Pedham Place was identified as a Broad Location for Growth on the basis of the information submitted by the site promoter at the Regulation 18 consultation stage. There are a number of outstanding concerns relating to the proposals, for example related to transport and the natural environment and officers are of the view that this is the correct approach for this site. Discussions with all stakeholders will continue up to and during the course of the examination process.

Infrastructure and Highways Matters

- 22 Now that the strategic sites have been identified in the Regulation 19 Plan, Kent County Council (KCC) is reviewing the infrastructure requirements associated with the strategic site proposals, alongside the associated Transport Assessments and any proposed mitigation measures. This work is on-going and will continue up to and during the course of the examination process.
- 23 KCC has provided a detailed summary of the infrastructure requirements resulting from the planned development which feeds into the Council’s Infrastructure Development Plan (IDP). They have noted that delivery of community infrastructure (e.g. schools and hospitals) is usually only

achievable on larger strategic sites, which have reduced in number since the Regulation 18 consultation.

- 24 **Officer Response:** Officers will continue the dialogue with officers from KCC, CCGs/NHS and other partners as part of its Duty to Co-operate obligations.

Site Promoter Responses

Tarmac Quarry, Sevenoaks

- 25 The site has been promoted with a capacity estimate of 600 dwellings, based upon a development area of 20 hectares, at an average density assumption of 30 dwellings per hectare (dph). Making the most effective use of land, the promoter has stated that developing the site at 40 dph could increase the overall capacity of the site to 800 dwellings. The remaining 70 hectares of the site would comprise a recreational lake and network of open spaces.

Four Elms Road, Edenbridge

- 26 The combined site is in two ownerships - KCC and Cooper Estates. In November 2018, the Kent Community Health NHS Foundation Trust publicised its decision to select land east of the Eden Centre owned by KCC as the preferred site for a new medical hub. Cooper Estates maintains the option to use part of its adjacent land as a site for the medical hub, including in the event that this social and community infrastructure cannot be delivered on the KCC owned part of the site. Cooper Estates is progressing educational provision, transport improvements and other community facilities (scout hut) on the remainder of the site.

Pedham Place

- 27 Promoters outline the need for Pedham Place to be allocated for development, rather than the current proposed designation in the Local Plan as a broad location of growth. The promoters state that this change is considered vital to ensuring the plan's development needs are met as fully as possible
- 28 All of the responses to the Regulation 19 consultation will be considered by the Inspector during the course of the examination process. Discussions with all those who have made comments will continue throughout the examination process at the Inspector's discretion, as noted in paragraph 13 of this report.

Update on the 'peer review' process

- 29 Officers have progressed the three stage 'peer review' process as set out in the report to PAC dated 22 November 2018, namely seeking advice from Intelligent Plans (IPe), undertaking an advisory meeting with PINS and seeking legal advice, which has highlighted the key issues associated with bringing forward a Local Plan in a local authority area with a high proportion of Green Belt and significant housing needs. The outcome of this advice will be published in the Topic Papers which will accompany the Local Plan when

it is submitted for examination. The process has usefully highlighted how these challenges have been addressed in other local authority areas, for discussion at examination. The Council has appointed Tim Straker QC to provide legal advice on the approach taken, and he has concluded that *the plan process can continue*.

Next Steps - The examination process

- 30 Subject to the approval of Council, the Plan will be submitted to the Secretary of State in April. The submission package will include copies of all representations submitted to the Council from each round of Local Plan consultation, the associated evidence base and supporting technical documents. Once submitted, the documents will be subject to a series of procedural checks and an Inspector appointed to undertake the examination.
- 31 The process of undertaking a Local Plan examination is set out in the document produced by the Planning Inspectorate: 'Procedural Practice in the Examination of Local Plans'. The document sets out the Inspector's role, noting that each local planning authority should produce an aspirational but realistic plan. The Inspector will adopt a consensual approach during the course of the examination, seeking agreement between participants wherever possible, but will take control of the process from start to finish.
- 32 The Council has been in contact with the Planning Inspectorate regarding the timing of the hearings sessions. These discussions have highlighted a potential lead in time of 5-6 months. Should the Inspector recommend any main modifications to the Local Plan to address issues of soundness, which is usual in almost all Local Plan examinations, these will be subject to a further round of public consultation after the hearing sessions have closed and prior to the issue of the final report.
- 33 Taking this into account, the estimated timescale for the examination is anticipated to be as follows:
 - Submission - April 2019
 - Examination hearing sessions - Autumn/Winter 2019
 - Adoption by the Council - Spring/Summer2020

Other options Considered and/or rejected

- 34 It is likely that the option not to progress a new Local Plan will result in direct Government intervention, together with a risk of unwanted planning applications and appeal decisions. It would also leave the Council open to reputational damage.

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 have been analysed via an Equalities Impact Assessment (EqIA) which accompanies the Local Plan.

Conclusion

This report provides a summary of the outcome of the consultation process for the Regulation 19 Proposed Submission Version of the Local Plan, which was undertaken during the period 18 December 2018 to 3 February 2019. Taking account of the responses and advice received, officers are of the view that the document should be submitted for examination.

Appendices

All the Appendices listed below are available on the Council's website and not printed as part of the paper agenda.

Appendix A - Local Plan Proposed Submission Version

http://planningconsult.sevenoaks.gov.uk/gf2.ti/f/979650/44450309.1/PDF/-/Proposed_Submission_Version.pdf

Appendix 2 - Local Plan appendices and supporting documents

<http://planningconsult.sevenoaks.gov.uk/consult.ti/PRESUBLP/consultationHome>

Appendix 3 - Responses to Regulation 19 consultation

<http://planningconsult.sevenoaks.gov.uk/consult.ti/PRESUBLP/listresponses>

Background papers

[PAC key progress reports:](#)

<https://cds.sevenoaks.gov.uk/ieListMeetings.aspx?CId=326&Year=0&J=1>

22 June 2017 Local Plan - for consultation

23 Nov 2017 Consultation update

14 March 2018 Local Plan Update

25 April 2018 Local Plan Update

19 June 2018 Draft Local Plan

22 November 2018 Local Plan - Results of the Draft Local Plan Consultation, agreement to publish the Regulation 19 proposed submission version and next steps

[Cabinet - 6 December 2018](#)

<https://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=120&Mid=2238&Ver=4&J=2>

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