

LOCAL PLAN UPDATE

Development and Conservation Advisory Committee - 9 July 2019

Report of Chief Planning Officer

Status For consideration

Key Decision No

Executive Summary: This report provides an update on the Local Plan, which was submitted to the Secretary of State on 30 April 2019 and the process for taking the Plan through examination.

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

Portfolio Holder Cllr Julia Thornton

Contact Officers Hannah Gooden Ext. 7178 / James Gleave Ext. 7326

Recommendation: That Development and Conservation Advisory Committee notes the report.

Reason for recommendation: To provide an update on progress on the Local Plan.

Purpose of the report

- 1 As a reminder, once adopted the new Local Plan will replace the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP 2015). It will be used to determine planning applications, as well as setting out the strategic land allocations which will help to meet the development needs of the District over the plan period, up to 2035. The Local Plan is based on well documented and recent local evidence and will be examined in public by an independent Inspector. The primary purpose of the examination is to determine that the plan meets the tests of soundness.
- 2 This report provides an overview of the examination process and a recap on the contents of the submitted Local Plan.
- 3 We need a Local Plan because it provides certainty to our residents and developers, it helps shape the future of the area, it secures new and improved much-needed infrastructure and helps to access funding and attract investment. Without one, we lose control of what development happens and where, it becomes difficult to defend against inappropriate

development with increased ‘planning by appeal’ and there is a risk of government intervention, such as in Thanet.

Submission

- 4 Following the decision of Full Council on 26 March, the Local Plan was submitted to the Secretary of State on 30 April. The examination is conducted by an independent Inspector, appointed by the Planning Inspectorate (PINS). Karen Baker DipTP MA DipMP MRTPI has been appointed to conduct the examination to determine whether the Local Plan is sound and legally compliant.
- 5 She has previously examined three local plans in the midlands and the north of England - Gedling, Bolsover and Amber Valley. All three authorities contain an element of Green Belt. A brief synopsis of these examinations is set out below:

Gedling:

- 7,250 housing need 2011-2028. Plan fully meets need
- All land outside the urban area and large settlements is designated Green Belt. Approximately 25% of housing need to be met on land to be removed from the Green Belt (including land to be safeguarded)
- Submitted October 2016. Hearings were held throughout 2017 (including a break to allow the Council to undertake further work on delivery)
- Found sound subject to some main modifications. Inspector said "The [objectively-assessed need] for the borough could not be met without the removal of land from the green belt", "The sites identified for removal from the green belt represent those which are least harmful, would enable the establishment of a permanent boundary, provide for the allocation of safeguarded land to meet longer-term development needs and retain or create defensible boundaries." Plan adopted July 2018

Bolsover:

- 5,168 housing need 2014-2033. Plan fully meets need plus provides additional 10% buffer
- 3 strategic sites, no Green Belt release required to meet housing need, however the Plan proposed to remove a small area of land from the Green Belt to create a new employment gateway
- Submitted August 2018. Hearings were held January - March 2019 (including a break to allow the Council to undertake some additional work on 5 year housing land supply)

- Sound subject to main modifications - consultation open until July 2019. Modifications include adjusted site phasing (focus on delivery)

Amber Valley:

- Submitted March 2018 but withdrawn in May 2019 following a change of control at the 2 May elections
- 6 We have appointed a Programme Officer (Louise St John Howe), who will act as the impartial intermediary, between the Council, representors and the Inspector.
- 7 All the submitted documents are available to view online on our dedicated examination pages: www.sevenoaks.gov.uk/localplanexamination
- 8 The dates and venue of the hearing sessions will be confirmed shortly, once the Inspector has had an opportunity to review the submitted documentation, but we anticipate that the hearings are likely to commence in September/October 2019. The hearings may be convened in two parts, with the initial sessions focused on strategic matters and the subsequent sessions focused on more detailed issues.
- 9 All those who submitted comments during the latest 'Regulation 19' consultation (which ran December 2018 - February 2019) were able to indicate whether they wished to participate in the examination hearing sessions. Participation is at the discretion of the Inspector.

Examination

- 10 The Inspector has now undertaken an initial review of the submitted Plan, and the Council has received some initial questions. The questions are mainly points of procedural clarification and policy matters, including the format of the Plan, supporting evidence, housing need and supply, employment and minerals safeguarding. The questions and the Council's responses are available on our examination web-page:
- https://www.sevenoaks.gov.uk/downloads/download/434/examination_documents
- 11 A pre-hearing meeting may be convened, at the request of the Inspector. The Inspector will then give consideration to the matters and issues for examination and the structure of the hearing sessions, including the participants. Usually the Inspector then asks the Council and other participants to prepare 'hearing statements' on the main matters and issues that they have identified, which they would like to explore further in the hearings.
- 12 The hearings themselves are likely to be conducted over several weeks in late summer/autumn. They are meant to take the format of a formal round-table discussion, chaired by the Inspector, who asks different parties to contribute to aid her understanding of the submitted Plan. Legal

representation is not required, but there are usually a number of barristers present, to assist the discussion. On the basis of other recent examinations, we are expecting a large number of attendees and significant legal representation.

- 13 The vast majority of Plans are subject to some form of ‘main modifications’ which are necessary to make the plan sound. This can include the production of further evidence and the modifications are based on the discussions at the hearing sessions and require public consultation (minimum 6 weeks) post the hearing sessions.
- 14 Once any consultation on main modifications is complete, the Inspector will issue their final report. This will be reported back to members at Full Council, to agree adoption of the Plan. It is difficult to estimate when this might be but we anticipate adoption to be in 2020.
- 15 In relation to our neighbouring authorities, Wealden, Tandridge and Tonbridge and Malling all submitted local plans for examination in January 2019. All have been appointed inspectors. It is unlikely that the hearings for Tonbridge and Malling and Tandridge will take place until September, having been requested by their respective inspectors to undertake further work. Wealden’s hearings began in May, with a focus on Duty to Co-operate and Habitats Regulations.

Soundness and compliance

- 16 The Plan will be assessed by the Inspector in terms of whether it is legally compliant and meets the following tests of ‘soundness’ as set out in the National Planning Policy Framework (NPPF). Plans are sound if they are:
 - a) Positively prepared - providing a strategy which, as a minimum, seeks to meet the areas 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.
- 17 As set out above, very few Local Plans are adopted without some modifications to ensure that the tests of soundness are met.

The Plan

- 18 As a reminder, work began on the Plan in 2015, after our existing ADMP was adopted, and it has been informed by extensive public and stakeholder consultation. An additional Regulation 18 consultation was undertaken and the statutory six-week consultation time period was extended in order to allow maximum public and stakeholder participation in the Local Plan process:
- Issues and Options (Reg. 18) summer 2017, 15k responses (30% of households)
 - Draft Local Plan (Reg. 18) summer 2018, 8.5k responses
 - Proposed Submission Version (Reg. 19) winter 2018/19, 3.5k responses
- 19 The Plan sets out where, when and how much development will happen in the District to 2035, and what infrastructure is required to support it. It covers new housing, employment, retail, leisure and the environment and it is based on an extensive and detailed evidence base, to ensure sustainable development meets the needs of current and future generations.
- 20 The Plan is required to use the government's standardised methodology for calculating housing need, which represents a step-change in housing delivery. The figure for this District is 707 homes per annum or 11,312 homes over the 16-year Plan period (2019-35). For comparison, the current Core Strategy contains a target of 165 homes per year and the District currently delivers approximately 250 homes per year. The Plan outlines a supply of sites to deliver 9,410 homes, which represents 83% of the requirement. The Council has been discussing whether neighbouring authorities are able to assist with the shortfall, though a process known as the 'duty to co-operate'. To date, no other authorities have been able to assist with unmet housing need, as set out in the submitted Statements of Common Ground.
- 21 In terms of the District-wide development strategy, new development is focused:
- Within existing settlements, at higher densities
 - On brownfield land in the Green Belt, in sustainable locations
 - On greenfield land in the Green Belt only in 'exceptional circumstances'
- 22 'Exceptional Circumstances' are not defined in national policy, but the scale of unmet need, particularly in relation to affordable housing, is considered to be pertinent. In terms of Green Belt site assessment, officers have considered:
- Extent to which land meets the purposes for inclusion in the Green Belt
 - Whether site delivers infrastructure to meet an existing need

- The sustainability of the proposal, as assessed through the Sustainability Appraisal.
- 23 The Plan includes more than 70 proposed site allocations for housing and mixed use development. It proposes two large strategic Green Belt sites (Sevenoaks Quarry and Four Elms Road, Edenbridge), which will deliver key infrastructure such as a health hub and schools, in addition to housing. The Plan also identifies one ‘broad location for growth’ (Pedham Place near Swanley), as an opportunity area for potential future development. Please see the Key Diagram at Appendix 1.
- 24 In summary, the submitted Local Plan represents an evidence-based strategy which will provide an accelerated level of housing and will deliver strategic infrastructure. It strikes the right balance between meeting housing need and continuing to protect the strongly performing Green Belt and the valued natural and historic environment.

Peer review process

- 25 Officers have undertaken a detailed ‘peer review’ process, to ensure the Plan meets the tests of legal compliance and soundness. A key aspect of the process has been an extensive review of the Pre-Submission Local Plan by the Planning Advisory Service (PAS). Intelligent Plans and Examinations (IPE) has undertaken a review, legal advice has been provided and PINS has also conducted an advisory visit, to review the submission documents to highlight any areas of potential challenge.

Challenges

- 26 The key challenge is bringing forward a Local Plan in a local authority area with a high proportion of Green Belt (93%), Areas of Outstanding Natural Beauty (60%) and significant housing needs.
- 27 The advice received from the peer review process has been somewhat contradictory, in terms of the weight to be attached to Green Belt and housing need respectively. IPE outlined that there is no absolute requirement in national policy to meet housing need and that Green Belt release is a local authority choice, provided that the consequences have been fully considered. That is also the message from Government when speaking publicly - from both Ministers and the Chief Planner. The PINS advice however focused on fully meeting housing need as a key national planning policy and suggested that unmet housing need on its own could be recognised as an ‘exceptional circumstance’ to enable Green Belt release. This advice is potentially a departure from the approach taken in other Local Plan examinations and will no doubt be a key issue for discussion at examination.
- 28 The Duty to Co-operate will also be a key issue to be considered as part of the examination, as although we have a good, constructive and ongoing relationship with all of our neighbouring authorities, none are able to assist with unmet needs, primarily due to their own constrained environment. The

cross-boundary meeting, chaired by PAS in April 2019, was useful to demonstrate and document this challenge.

- 29 The ‘Statement of Main Issues’, which was submitted with the Plan provides more information on the above issues.

Supporting Information

- 30 A number of additional documents have been prepared to support the Plan. These are all available to view online www.sevenoaks.gov.uk/localplanexamination and include:

- Statement of Main Issues
- Duty to Co-operate Statement
- Statements of Common Ground
- Topic Papers
- Schedule of Amendments

Next steps

- 31 The Council will await to hear from the appointed Inspector regarding the main matters, issues and questions to be considered at the hearings.
- 32 It is understood that Plans are currently taking several months from the date of submission to reach hearing sessions. The estimated timescale for the examination is anticipated to be as follows:
- Examination hearing sessions -Autumn 2019
 - Adoption by the Council -Spring 2019-20

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 have been analysed via an Equalities Impact Assessment (EqIA) attached as Appendix 8.

Conclusion

This report provides a summary of the examination process and content of the submitted Local Plan.

Appendices

Appendix A

Background Papers

None.

Richard Morris

Chief Planning Officer

Appendix 1 - Key Diagram

