

## Local Plan Update

### Development and Conservation Advisory Committee - 6 July 2021

**Report of:** Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

**Status:** For Information

**Executive Summary:** This report provides an update on the Local Plan and outlines the next steps in the plan making process.

**This report supports the Key Aims of:**

Protecting the Green Belt

Supporting and developing the local economy

Supporting the wellbeing of residents, businesses and visitors,

Ensuring that Sevenoaks remains a great place to live, work and visit.

**Portfolio Holder:** Cllr. Julia Thornton

**Contact Officer:** James Gleave ext. 7326

**Recommendation to Development and Conservation Advisory Committee:**

That the Development and Conservation Advisory Committee

a) Notes the content of the report.

## Background and Introduction

- 1 Members were briefed on the emerging Local Plan in March. Officers advised on the Council's legal challenge, the emerging evidence base and the next steps to move the Plan forwards. This report provides an update on all of these points, considers some emerging trends that are likely to influence planning policy in the longer term and sets out the latest position with regard to the Housing Delivery Test (HDT).

## The Legal Challenge

- 2 On 8<sup>th</sup> April 2021 the Council received confirmation from the Court of Appeal that its application to challenge the judgement of Mr Justice Dove, regarding the approach to meeting the Duty to Co-operate (DtC), had not been successful. All members were advised of the decision on 9<sup>th</sup> April 2021.
- 3 The Council Appealed on two grounds, a failure to consider the 'margin of appreciation' that should have been afforded and insufficient reasoning being given to the original High Court decision, leaving uncertainty as to what had

been decided. Both grounds were well supported by the Council's legal team, including external Counsel and it is clear that the Court of Appeal judge simply disagreed with our case.

- 4 Officers disagree with the determination of the Court of Appeal, but can do nothing more to challenge the Inspector's decision. The Council's legal action has now concluded and officers will move forward with the production of an updated Local Plan, as set out in this report.

### **Next Steps in the Local Plan Process**

- 5 Officers reported in March on the main steps for taking the Plan forwards. The Council wrote to Christopher Pincher, Minister of State for Housing, on 28<sup>th</sup> May 2021, to confirm that further public money would not be risked until there is assurance that we can move forwards with confidence, particularly now the government appears to believe the DtC is not fit for purpose. A response has been received from the Minister and the Council is awaiting a selection of dates to meet with MHCLG. In addition to representatives from MHCLG, the Council has also requested attendance from the Planning Inspectorate.
- 6 Officers continue to be of the view that the development strategy underpinning the emerging plan - to accommodate as much development as possible in main settlements and release Green Belt land only where there are exceptional circumstances for doing so - remains sound. It is hugely significant that the plan submitted to the government had the support of residents across the District. Members will be aware that approximately 30% of all households responded to the Issues and Options stage and officers recognise the importance of maintaining public engagement in the plan making process.
- 7 Discussions at the meeting with MHCLG will focus on moving forwards as quickly as possible to meet the government target of ensuring that all local authorities have a Local Plan in place by 2023. Our objective for that meeting is to secure agreement with MHCLG of our route to achieve the 2023 deadline. Once agreed, the latest timetable for the emerging plan will need to be reflected in an updated Local Development Scheme (LDS). Subject to the outcome of the discussion, officers will present an updated LDS at the next DCAC meeting.
- 8 Discussions are on-going with the promoters of proposed larger site allocations that were put forward in the emerging Local Plan to ensure they remain deliverable or developable, make the best use of available land, meet infrastructure needs and deliver the right type of development over the Plan period. Reviews of development management policies are also on-going.
- 9 A further strand of work is to update the supporting evidence base. These studies will proceed in accordance with the timescales set out elsewhere in this report. Updates to the evidence base will be raised during the course of discussions with MHCLG.
- 10 Members will recall that the March report highlighted some key themes to be addressed in the evidence base. As a reminder, these were:

- Making best and most efficient use of land;
- Changes in work patterns and economic drivers; and
- The future of town centres.

11 Officers noted that a number of additional evidence base documents would be prepared to respond to these themes. The latest position on this work is explained in the following paragraphs.

#### District -Wide Characterisation Study

- 12 The District-Wide Characterisation Study (DWCS) is an important piece of work in seeking to ensure that policies and allocations in the updated Local Plan, as well as new development coming forward in the form of planning applications, makes the best and most efficient use of land.
- 13 The aim of the work is to understand the key characteristics across the District which, when read alongside other evidence base documents, will inform a context-led approach to growth and change. The DWCS will consider:
- Past influences and growth: both the historic and more recent factors that have shaped growth in Sevenoaks District;
  - The present state: a snapshot of the current social, economic and physical character of our places; and
  - Future trends: the factors that will influence growth and change over the period of the emerging Local Plan and the sensitivity of places to these changes.
- 14 The study will consider different aspects of character across Sevenoaks District, including:
- Physical - natural and built: This relates to the built form, but will also refer to the natural elements of physical character included in the Council's Landscape Character Assessment.
  - Social and socio-economic: Information on how people use the District, particularly in respect of living, working, leisure and tourism and how these activities are distributed. Much of this information will be obtained from the existing or emerging evidence base documents.
- 15 The DWCS will provide a commentary on how social and economic drivers for change have shaped and will continue to shape our places over the period of the emerging Local Plan. Relevant factors will include demographic pressures, such as migration away from London, changes to travel and working patterns and physical alterations to the transport network.
- 16 Officers are particularly keen to understand if the significant changes experienced in outer London over recent years will 'spill over' into adjoining authorities. The demographic trends and the social and economic changes that have been accelerated by the Covid-19 pandemic, such as home working

and changes in housing expectations, are particularly significant in this regard.

### *Timescale*

- 17 The indicative timeline for the DWCS is as follows:
- An invitation to tender was issued on Friday 18<sup>th</sup> June 2021
  - Deadline for submission of expressions of interest: Friday 9<sup>th</sup> July 2021
  - Appointment of consultant: w/c 26<sup>th</sup> July 2021
  - Submission of draft report: November 2021
  - Submission of final report: January 2021
  - Workshop event to present findings: February 2022

### Town Centre Strategy

- 18 The March update referred to the significant changes that have occurred in shopping patterns over recent years and the resulting impacts on High Streets. Officers noted that these on-going trends have been accelerated by the Covid-19 pandemic. The Town Centre Strategy (TCS) will inform Local Plan policy interventions and provide recommendations on maintaining the vitality and viability of town centres, in the light of changing social and economic conditions.
- 19 The Strategy will cover the four towns of Sevenoaks, Swanley, Edenbridge and Westerham. It should reflect the broader corporate strategies and address the following issues:
- Context: Overview of the issues affecting High Streets in Sevenoaks District, including emerging trends, current vacancies and future capacity for retail.
  - Vision: A clear vision for these town centres, to be achieved over the period of the Local Plan.
  - Leadership and Governance: Advice on a best practice approach to bring about change in town centres.
  - Potential Projects: Specific projects to ensure that town centres remain successful. These could include 'meanwhile' uses on vacant sites, public realm improvements, and/or further guidance to support independent traders.

### *Timescale*

- 20 The indicative timetable for the TCS is as follows:
- Deadline for submission of expressions of interest: 13<sup>th</sup> July 2021
  - Appointment of consultant: Late July 2021
  - Submission of draft TCS: September 2021
  - Submission of final TCS: October 2021

### Targeted Review of Housing Needs

- 21 Officers have issued an invitation to tender for consultants to update the Council's evidence on housing needs. The current Strategic Housing Market Assessment (SHMA) was completed in 2017. The update to this work will inform policies relating to affordable housing in the emerging Local Plan and the Corporate Housing Strategy, which is due for publication later this year. Particular issues for consideration will be migration in and out of the District, the number of affordable homes, the size of homes and tenure needed down to place making level. Further explanation will be provided on this aspect at the meeting.
- 22 The study is due to commence at the end of June and should be completed in September, to inform the Council's emerging Housing Strategy.

### Other Work

- 23 Members will be aware that the Council has commenced a Settlement Capacity Study to proactively identify sites to accommodate new homes. A shortlist of potentially suitable sites has been compiled and officers will be writing to the respective landowners to assess availability. Sites found to be deliverable and/or developable will be included in the emerging Local Plan as sources of housing capacity.
- 24 Officers will be instigating an update to the current Green Belt review, which also forms part of the evidence base for the emerging Plan. Further updates on this work will be provided in future reports.

### **Emerging Trends**

- 25 This section of the report contains information on emerging areas of policy and research that are likely to influence the built environment in Sevenoaks over the period of the Local Plan. It provides a short narrative on two key concepts, examples of how and where they have been implemented and the relevance to Sevenoaks District over the period of the Local Plan.
- 26 The following paragraphs consider the application of specific Local Plan policies related to health and wellbeing and the concepts associated with 'Smart City' technology.

### Health and Wellbeing

- 27 There is a strong and long association between planning and public health. Successive versions of the Local Plan and government planning guidance have contained policies that seek to protect social infrastructure, including healthcare and public open space, internal space requirements and a host of environmental standards, such as those related to air quality
- 28 Much of the focus to date has been on improvements to physical health and Covid-19 has brought a renewed interest on this aspect. However, the role of planning in improving mental health and wellbeing has also received an increased level of scrutiny in recent years.

- 29 The Council's Mental Health Strategy provides an overview of this issue in the District. The Strategy identifies the measures that can be taken to improve mental health, including improved housing, environmental protection, supporting health and social care to address individual lifestyle factors, engaging with social and community networks and improved environmental conditions. The issue of wellbeing is being actively considered in Sevenoaks and there is greater scope to address the matter as a central theme in the emerging Local Plan.
- 30 In addition to established planning approaches to address physical health, there is on-going research to understand the concept of wellbeing, the causes of poor mental health and how changes to the built environment and planning policy might influence this. Key outcomes include the susceptibility of particular communities, the need for partnership working across different agencies to ensure wellbeing is incorporated into emerging Local Plan policy and how environmental stressors, such as heat, air quality and noise, can influence mental health.
- 31 Recommendations for the emerging Local Plan could include; the need for locally specific assessments of wellbeing to accompany large scale development proposals, the formation of a health and wellbeing advisory group and the instigation of partnerships with the academic community to monitor emerging research and consider how this could be translated into policy. Given the current global circumstances, it is important that the wellbeing agenda lies at the heart of the Local Plan vision.

### Smart City Technology

- 32 A Smart City or Smart Development is an area of the built environment that uses different types of electronic methods and sensors to collect data, which is then used to manage assets, resources and services more efficiently. Data collected from residents' devices can interact with a wide range of systems and services, including traffic and transportation, utilities, waste collection and other community services.
- 33 The success of the Smart City concept requires a technology layer, including a network of connected devices and a series of smart applications, to make informed decisions. It also requires adoption by users, residents and decision-making bodies.

### *Current examples*

- 34 The City of Westminster has implemented a Smart Parking network consisting of over 3,400 in-ground vehicle detection sensors, which detect if a parking bay is occupied or available. This real-time information is delivered to a Smart Cloud platform, which analyses the data and feeds into an app that provides GPS directions to available parking spaces.
- 35 Looking further afield, the Smart Dublin initiative is a partnership between the city and key infrastructure and technology providers, which incorporates a number of districts in the city as testbeds for Smart technology. The 'Smart Docklands' area includes smart waste bin technology to provide real-time data on bin capacity, a safer cycling app which uses crowd source data from

mobile phones to map safer cycling routes as an alternative to the car and a scheme which uses an array of sensors around the city to monitor rainfall and surface water build up to manage flood risk.

### *Implications for Sevenoaks*

- 36 These examples are in the latter stages of implementation or trial. They represent the tip of the iceberg of what smart technology is predicted to bring to the management of the built environment over the coming years. Smart technology is being rolled out across the world and is likely to become a mainstream aspect of planning, design and the operation of new development.
- 37 Whilst the majority of existing examples of this type of smart technology are in larger urban areas, there is no doubt that there are relevant applications in Sevenoaks District. Indeed, Cleaner and Greener's 'Binrastructure Strategy' has just launched its first Smart Public Waste bin in Bligh's Meadow. The Council will therefore be considering how its application can be used in the development of policies in the Local Plan and in discussions with developers.

### **HDT Action Plan Update**

- 38 The March report set out the latest Housing Delivery Test (HDT) result, which confirmed that the Council is delivering 70% of the number of homes required, against the housing need calculated using the government's 'standard method'. Certain sanctions apply for different levels of under delivery according to the test and are cumulative. The sanctions are set out by the NPPF and include:
- Below 95% - The Council must produce an action plan, which explores reasons for under delivery and sets out actions to improve the delivery of housing. The action plan must be published on the Council's website.
  - Below 85% - The Council must include a 20% buffer on 5-year housing land supply.
  - Below 75% - The presumption in favour of sustainable development applies.
- 39 Two previous action plans have been prepared. The latest version is published on the Council's website and demonstrates that housing delivery has far exceeded the targets in the adopted Core Strategy. It also sets out the main barriers to delivering housing in the District, the measures being taken to increase housing delivery and further actions that could be taken to address the issue. The HDT action plan is being updated in response to the latest HDT result. The key barriers to increasing the delivery of housing include:

### *Delay in adopting the new Local Plan*

- 40 The Council cannot make significant improvements in housing delivery until an up to date Local Plan is in place. As noted elsewhere in the report, steps are being taken to address the issue.

*Non implementation of planning permissions*

- 41 The Council is aware of sites across district where the developer has chosen not to implement a planning consent for residential use.

*Constrained nature of the District*

- 42 The District is highly constrained with 93% Green Belt, 60% AONB and Designated Heritage Assets. In addition, the amount of available brownfield land within developed areas is a finite resource and can only go so far to deliver additional housing sites.

- 43 Other identified challenges include the recruitment market for senior level planners, the impacts of Covid-19 on the development industry and the complexities of developing brownfield sites. The action plan also looks at measures that have already been taken to improve delivery, including:

- Innovative recruitment schemes and training to hire, retain and develop planners;
- Effective use of Planning Performance Agreements;
- Fast and effective planning application validations;
- An interactive Brownfield Land Register;
- Member training on planning matters;
- The Rural Landowners Forum; and
- Quercus Housing - delivering affordable housing schemes.

- 44 The document also identifies additional actions that could be taken to improve housing delivery:

- Reintroduction of developers forum;
- An updated Strategic Housing and Economic Land Availability Assessment (SHELAA) and associated interactive map;
- Adoption of new Local Plan;
- New and updated evidence base documents;
- Updated monitoring, including contact with developers of large sites; and
- Continuing with measures that are already in place, such as review of the Brownfield Land Register, consideration of Council land for development and maintaining and updating the validation checklist.

- 45 The updated HDT action plan is due to be published on the Council's website by 20<sup>th</sup> July 2021.

## **Key Implications**

### Financial

The 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 the Local Plan are set out in the Local Development Scheme

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **Conclusion**

Officers will be happy to take any questions on the content of this report at the meeting.

### **Appendices**

None

### **Background Papers**

None

**Richard Morris**

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