

## Local Plan Update

### Development and Conservation Advisory Committee - 5 July 2022

**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 Committee notes the content of the report.

### Background and Introduction

- 1) Members were updated on the Local Plan in March 2022, when Officers provided details of the emerging evidence base and the next steps to move the plan forwards, including discussions with the Department for Levelling Up, Housing and Communities (DLUHC). Information on the approach to the Call for Sites exercise was also provided to members. This report provides an update on all of these areas and should be read alongside the updated Local Development Scheme (LDS), which is presented under a separate report.

### Discussions with DLUHC

- 2) Following the commitment to on-going dialogue, officers held a further meeting with representatives from DLUHC on Tuesday 31<sup>st</sup> May. The productive discussion covered a number of points.

- 3) SDC provided an update on the timetable for the emerging Local Plan, as set out in the LDS. DLUHC understood the approach and suggested an advisory visit from the Planning Inspectorate would be appropriate during the early stages of the plan making process, to assess baseline work.
- 4) A discussion took place on the implications of the Levelling up and Regeneration Bill (LURB) and whether the emerging Local Plan would fall within the current or emerging regulations. An update on the timings for the Bill will be provided at the next meeting with DLUHC. Transitional arrangements will be put in place between current and future regulations to minimise disruption to Local Plans that are already in progress.
- 5) SDC explained the approach of focusing on non-Green Belt locations in the first Regulation 18 consultation and seeking to make best and most efficient use of land. A key aspect of the strategy will be to encourage appropriate development on sites of 1 hectare or less in existing settlements, in accordance with the National Planning Policy Framework (NPPF). It was noted that emerging evidence will assist in ensuring that appropriate development comes forward on these sites.
- 6) DLUHC noted that more than one Regulation 18 consultation can be helpful in engaging with the public and addressing areas of concern. Brownfield Registers can assist in identifying smaller sites.
- 7) SDC explained the evidence being prepared to support the emerging plan and the joint approach to evidence production with Tonbridge and Malling Borough Council (TMBC). It was noted that TMBC is following a similar plan-making timetable.
- 8) Notwithstanding the potential changes in plan making processes, DLUHC advised SDC to continue with the production of its emerging plan, rather than waiting for legislation to catch up. Secondary legislation is expected in the autumn and a draft update to the NPPF is due to come forward in July.
- 9) The duty to co-operate is moving from a statutory legal requirement with a pass or fail outcome to a policy based test. This means it will continue to be assessed at examination, but in a different form. Mandatory pre-submission 'Gateway Checks' will also be undertaken on Local Plans by DLUHC, to ensure a greater degree of success at examination. The proposed 30 month (2.5 yr) timetable for plan-making is carried forward from the Planning White Paper.
- 10) There will be a greater focus on co-operation between London authorities, including the GLA and the wider south east region. Discussions are likely to focus on housing delivery, but could include other matters, such as data sharing.
- 11) There was some discussion around the replacement for the Community Infrastructure Levy (CIL) and DLUHC offered to invite an expert from its CIL team to the next meeting.
- 12) It was suggested that the next meeting should take place at the end of the summer.

## The Emerging Local Plan

- 13) The report to this committee on the updated LDS proposes an amended timetable for the emerging Local Plan and suggests two Regulation 18 consultations. The first of these consultations is scheduled to take place in the autumn and will focus on the potential for new development in non Green Belt locations. The approach will reinforce the Council's development strategy of seeking to make best use of land in existing settlements and then examining all reasonable alternatives, before reaching a conclusion on whether exceptional circumstances exist to justify the release of Green Belt land.

### Key Themes

- 14) The first Regulation 18 consultation will include:
- Larger sites in non Green Belt locations submitted through the Call for Sites process.
  - A specific focus on the potential of smaller sites in existing settlements, to reflect the NPPF requirement for local authorities to identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare.
  - The outcomes of the Council's Settlement Capacity Study, which has identified a number of potential suitable sites up to 1 hectare in size.
  - Inclusion of a small sites policy to encourage the delivery of sites of up to 1 hectare in suitable locations, subject to a number of criteria. Proposals for these sites will be subject to the provisions of other policies in the plan, including any development constraints.
  - An expression of development potential in non Green Belt locations as a baseline.
  - The objective to make best and most efficient use of land in these locations. This means optimising development and bringing forward proposals that complement local character.
  - A consideration of appropriate development density.
  - An acknowledgement that proposals for specific sites will ultimately be determined through a design led approach, taking account of local circumstances.
  - Potential inclusion of Green Belt sites that have planning consent or are subject to a resolution to grant planning consent.

### Skeleton Structure

- 15) Officers have prepared a skeleton structure for the first Regulation 18 Local Plan (attached at Appendix 1), which will be subject to public consultation in the autumn. The structure includes a Spatial Vision of how the District will look at the end of the Plan period, a growth strategy and chapters covering housing, the economy, town centres, transport and infrastructure, natural environment and wildlife, design and conservation, climate change,

flooding, health and leisure. As the evidence base is completed, these chapters will be refined to form the basis of the Local Plan document.

- 16) The purpose of the Regulation 18 stage is to ask for views on what the Local Plan ought to contain. In addition to the content outlined in the skeleton structure, the draft will also contain a series of questions to guide responses. The draft will be presented to members for approval in the autumn, prior to being issued for consultation.

#### **Call for Sites / Strategic Housing and Economic Land Availability Assessment**

- 17) The assessment of the 371 sites submitted through the 'Call for Sites' process is progressing well. The bulk of the work relates to the 158 sites that are subject to a Stage 2 assessment; these are sites that are considered to be in sustainable locations for development and are capable of delivering a minimum of five units (net).
- 18) The Stage 2 site assessment involves a full appraisal, including consideration of development constraints. An important part of this process is expert advice from stakeholders, such as Natural England's AONB Unit (Area of Outstanding Natural Beauty), other teams from within the Council and colleagues from Kent County Council (KCC). These inputs will encourage an inclusive approach to completing the site assessments, ensure that any site-specific issues are picked up at the earliest stage and assist in planning for any on-site mitigation.
- 19) Priority has been given to assessing sites in non Green Belt locations, to reflect the NPPF requirement to examine all reasonable options for meeting housing need, before releasing Green Belt land. Early outputs suggest there is potential to accommodate additional residential units in existing settlements, over and above the windfall allowance.
- 20) It is anticipated that the assessment of sites in built up areas will be included in a new Strategic Housing and Economic Land Availability Assessment (SHELAA), to be made available alongside the Regulation 18 version of the emerging Local Plan.

#### **Emerging evidence base**

- 21) The following paragraphs provide an update on the Local Plan evidence base.

#### **Town Centre Strategy (TCS)**

- 22) The completed TCS has now been published on the Local Plan evidence base page of the Council's website. This important piece of work will be used to inform all aspects of the emerging Local Plan policy on town centres, related to growth, uses and resilience. It covers the four towns in the District and New Ash Green (NAG) and is a jointly commissioned piece of work with the Economic Development Team. In addition to the Local Plan, the strategy will inform the Council's forthcoming Economic Development Strategy and ongoing town centre feasibility work.
- 23) For each centre, the TCS sets out the findings of the stakeholder engagement exercise, a place based vision to be achieved by 2040, potential projects/developments, a place co-ordination strategy and delivery and

funding mechanisms for the proposed measures. The strategy provides policy recommendations and has also reviewed the town centre boundaries and primary shopping areas. In relation to Article 4 directions, which remove permitted development rights to change town centre uses to residential, the TCS states that there is a good case for their introduction in focused parts of the five centres. Officers will include this as an option for consideration in the forthcoming Local Plan consultation.

#### District-wide Character Study (DWCS)

- 24) The DWCS has been completed and the initial draft reviewed. Comments and suggestions from the local community have been important in creating an accurate reflection on the character of the District. Once the final document has been submitted, it will be used to inform a character driven approach to growth and key policies in the emerging Local Plan, particularly those relating to development density.

#### Settlement Capacity Study (SCS)

- 25) The SCS assesses the potential to accommodate new housing development in the top seven settlements, as set out in the Settlement Hierarchy, specifically Sevenoaks, Swanley, Edenbridge, Westerham, New Ash Green, Otford and Hartley. The study has identified initial potential for the delivery of approximately 1,000 new units in these settlements over the next 15 years. The identified potential is in addition to the Council's windfall allowance and sites identified by other means.
- 26) The majority of sites identified in the SCS are less than one hectare in size, supporting the Council's approach to focus first on the development of smaller sites. Further work is needed to assess this potential, including consideration of appropriate development densities and engagement with landowners to determine availability. The Council is mindful that information on suitability, availability, achievability and constraints can be used to assess the timescale in which each site is capable of development.
- 27) The potential identified in the SCS will be reflected in the first Regulation 18 version of the emerging Local Plan.

#### Green Belt Study

- 28) Officers commissioned Arup in the spring to undertake a Stage 2 Green Belt Assessment to build on the District-wide work undertaken in 2017. The Stage 2 report provides a finer grain assessment of whether land parcels in close proximity to existing higher tier settlements (towns and service settlements) meet the Green Belt purposes, as set out in the NPPF. The methodology has been shared with neighbouring authorities under the Duty to Co-operate and Officers understand that TMBC, who are at a similar stage of plan-making, are also adopting a consistent approach to Green Belt Assessment. Site visits are in progress and will feed into the site assessment work. The Study is expected to be completed by late summer.

#### Employment Needs Study (ENS)

- 29) Officers have appointed Ramidus Consulting to complete the ENS. This piece of work will forecast the amount of office and industrial floorspace required

over the period of the Local Plan and consider emerging trends that are likely to influence employment provision in the coming years. The study is progressing well and is expected to be completed in late summer. The conclusions will inform policies in the Economy section of the emerging Local Plan.

#### Strategic Transport Study

- 30) This piece of work will examine the impact of development on the Strategic Road Network, managed by National Highways (formally Highways England). The assessment will use the recently completed Kent-wide transport model, which has been completed by environmental and engineering consultancy, Jacobs. Officers will be working jointly with TMBC, alongside Kent County Council (KCC), to ensure the conclusions of the transport modelling are fully incorporated. Members will be updated as this important study progresses.

#### The Infrastructure Delivery Plan (IDP)

- 31) The IDP identifies infrastructure required to support planned growth over the period of the Local Plan. The document performs a dual function, in that it will also inform any changes to the CIL Charging Schedule and the associated infrastructure funding statement.
- 32) As a live document, the IDP will develop alongside the emerging Local Plan, gathering detail as site specific information becomes available. The first iteration is expected to provide a high level assessment of infrastructure needs, based on discussions with infrastructure providers. The final draft, to be submitted for examination with the Regulation 19 version of the Local Plan, will contain a schedule of infrastructure provision, with costs, time horizons, standards of provision and capital programme information. The level of detail will largely be dependent on responses from infrastructure providers.
- 33) A robust assessment of infrastructure requirements is an essential piece of evidence for the emerging Local Plan to ensure sustainable growth. Members will be updated as the document progresses.

#### Sustainability Appraisal

- 34) Officers have appointed AECOM to undertake the on-going sustainability appraisal work to support the emerging Local Plan.

#### **Procurement of Legal Advice**

- 35) Officers have appointed Hugh Flanagan as Counsel, to advise on all aspects of the emerging Local Plan.

#### **Net Zero 2030 and the Local Plan**

- 36) The Council has made a commitment to work towards achieving net zero carbon emissions for the Council and its assets by 2030. We also have an ambition to assist the District to become net zero by working closely with local communities, to increase resilience to a changing climate. These activities are collectively known as our Net Zero 2030 commitment.
- 37) The Net Zero 2030 commitment includes actions related to the Local Plan including:

- Promoting low carbon travel and sustainable movement;
  - Improving areas for biodiversity and creating new habitats; and
  - Supporting and promoting sustainable building practices and sustainable development.
- 38) The Local Plan will include policies to ensure new development is delivered in a sustainable way, by encouraging local services and facilities and reducing the need to travel. Policies will also seek to reduce carbon emissions from new and existing development by supporting sustainable building practices, design and renewable energy generation.
- 39) Climate resilience will be a central theme in the emerging Local Plan. Officers are keen to ensure that policies play a positive role in preparing both the built and natural environment to a changing climate by protecting and supporting biodiversity, considering flood risk, future proofing design and promoting health and wellbeing.

#### **Design and Visual Appearance**

- 40) Officers have commissioned Urban Graphics to re-evaluate the presentation of the emerging Local Plan. The style and format of the document will be considerably different to the 2018 Proposed Submission Version and Urban Graphics are working closely with the Council's GIS and Communications teams, to ensure consistency with corporate brand guidelines.

#### **Duty to Co-operate (DtC)**

- 41) DtC engagement has continued over recent months. Further discussions have been held with neighbouring authorities in West Kent and nearby London Boroughs. A significant amount of engagement will be undertaken ahead of the publication of the first Regulation 18 consultation. Member briefings on DtC engagement activities will continue, as the Local Plan moves through the process.

#### **Next Steps**

- 42) Officers will move ahead with the preparation of the first Regulation 18 consultation document, for the approval of members in October.

#### **Conservation Area Appraisal Reviews**

- 43) The Council has a statutory duty to review and update its Conservation Areas. Focusing on those areas with the greatest pressure for development and the oldest appraisals, this means the next areas to be reviewed will be Farningham, Eynsford and Kemsing.
- 44) Additionally, following identification by the Twentieth Century Society and our own assessment, New Ash Green shall have a formal assessment made and it is anticipated that this will result in the designation of a new Conservation Area. Local residents and local members will be invited to participate in the production of these documents, once the project is underway.
- 45) The tender document for the Conservation Area Appraisals has been drafted and will be issued shortly.

## **Settlement Hierarchy**

- 46) The Settlement Hierarchy is a technical document, which audits the sustainability of each settlement. Relevant factors in determining the position in the hierarchy include population size, services and facilities available within a settlement and transport connections. Officers worked with Town and Parish Councils and members to undertake an up to date audit of each of the District's 56 settlements.
- 47) This updated Settlement Hierarchy has a greater focus on the key elements of sustainability for the settlements. The scoring and methodology was revaluated to afford more weight to the most important services. The Settlement Hierarchy also takes into consideration a greater range of services, including cycling infrastructure and electric vehicle charging points, in order to reflect the national and District-wide priority of reducing carbon emissions.
- 48) The Settlement Hierarchy has introduced a new category, Service Villages. This includes the settlements of Hartley and West Kingsdown, which were previously categorised as a Local Service Centre and a Village respectively, to reflect the level of services and facilities and therefore the sustainability of the settlements.
- 49) Other small changes include Horton Kirby being classified as a Village instead of a Hamlet, to bring it in line with other Villages. Four Elms has been regraded as a Hamlet, mainly due to the settlement being fully washed over by the Green Belt and Knockholt (including Knockholt Pound) has also been regraded as a Hamlet, due to its distance from sustainable transport options.
- 50) An extract from the Settlement Hierarchy document is attached to this report at Appendix 2.

## **Emerging Trends**

- 51) A member presentation on the Levelling Up and Regeneration Bill took place at the end of May. Officers understand an updated version of the NPPF will be published in July. A further training session will be organised on this important document, after its publication.

## **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.

### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

## **Conclusion**

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

### **Appendices**

Appendix 1: Skeleton Structure for the emerging Local Plan

Appendix 2: Settlement Hierarchy

**Richard Morris**

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