

## LOCAL PLAN REGULATION 18 CONSULTATION

Cabinet - 13 October 2022

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

**Status:** For Decision

**Also considered by:**

Development & Conservation Advisory Committee - 11 October 2022,

Council- 15 November 2022

**Key Decision:** Yes

**Executive Summary:** This report presents the Regulation 18 Consultation Draft Local Plan to members for approval.

**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 / Hannah Gooden ext. 7178

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

That the Development and Conservation Advisory Committee:

- a) Notes the report and agrees with the following recommendations to Cabinet as outlined below.

**Recommendation to Cabinet:** That Cabinet:

- a) Approves the content of the 'Plain Text Version' of the Regulation 18 Consultation Draft Local Plan at Appendix 1 for public consultation purposes;
- b) Agrees the presentation and formatting style of the consultation document, as reflected in the Indicative Formatted Version at Appendix 2; and
- c) Delegates authority to the Chief Officer - Planning & Regulatory Services and the Development & Conservation Portfolio Holder, to approve the final formatting and presentation of the Regulation 18 Consultation Draft Local Plan and any minor pre-consultation text changes.

- d) Recommend that Council authorises officers to formally withdraw the December 2018 Regulation 19 Proposed Submission version of the Local Plan, which was submitted to the Secretary of State in April 2019, before the Regulation 18 Consultation Draft is issued for consultation.

**Recommendation to Council:** That Council:

Authorises officers to formally withdraw the December 2018 Regulation 19 Proposed Submission version of the Local Plan, which was submitted to the Secretary of State in April 2019, before the Regulation 18 Consultation Draft is issued for consultation.

### **Introduction and Background**

1. Members were updated on the emerging Local Plan in July 2022, when Officers provided details of the various evidence base documents and the next steps to move the Plan forwards, including discussions with the Department for Levelling Up, Housing and Communities (DLUHC). The proposed timetable, in the form of the Local Development Scheme (LDS), was also presented and agreed by members at the meeting in July.
2. This report focuses on the Regulation 18 Consultation Draft Local Plan and a full version of the text that is proposed to be issued for consultation is attached at Appendix 1. This 'Plain Text Version' can be easily amended to reflect any recommendations from this committee or the Council's Cabinet.
3. Prior to being issued for consultation and once all comments have been incorporated, the agreed text will be passed to Urban Graphics to prepare the fully formatted consultation version. The Indicative Formatted Version at Appendix 2 contains a number of chapters from the plain text document to provide members with an indication of the final visual appearance and style.
4. As noted in the recommendations of this report, the final formatting and presentation of the Consultation Draft will be delegated for approval.

### **Discussions with DLUHC**

5. Discussions with representatives from DLUHC remain ongoing and a further meeting is due to take place prior to the Local Plan being issued for consultation. Further updates on these discussions will be provided at the meeting.

### **The Emerging Local Plan**

6. This Local Plan covers the period up to 2040 and is being issued for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 18 requires the local planning authority to invite representations on what the Local Plan ought to contain and the scope for responding to the document is broad. Whilst a Call for Sites exercise was held at the end of 2021, the Regulations do not preclude the submission of further sites for consideration.

7. The proposed title of the document is 'Plan 2040' - with a strapline of 'A new Local Plan for Sevenoaks District'. The Plain Text Version at Appendix 1 will, hereafter, be referred to as the Consultation Draft.

#### *Key content*

8. This Consultation Draft comprises 11 chapters, reflecting the main planning matters that are expected to influence development in the District up to 2040. Overall, the document seeks to manage the tension between meeting development needs and protecting our natural environment.
9. The core of the document is the 10 point 'spatial vision' that proposed policies and allocations seek to deliver by 2040. This incorporates three overarching themes of:
  - The Council's 'Net Zero' agenda
  - Delivering places that promote good mental and physical health; and
  - Ensuring Design Excellence.
10. The Development Strategy for the plan reflects these aspects and provides a framework for meeting District-wide development needs. The strategy can be summarised as seeking to make best use and most efficient use of land in existing settlements, only releasing Green Belt land where there are exceptional circumstances for doing so.
11. Reflecting this approach, the Consultation Draft focuses on the potential to meet residential needs in existing settlements. In accordance with the LDS, a further Regulation 18 version of the Local Plan, including development opportunities outside of settlements, will be published for consultation in 2023.
12. The Development Strategy incorporates the requirements of national planning policy. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the Council must demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. These options include whether the strategy has been informed by discussions with neighbouring authorities, which have sought to accommodate unmet development needs outside of the District.
13. The Consultation Draft focusses rigorously on making the most of development opportunities in existing settlements, through a number of mechanisms. In addition to the Call for Sites exercise, members will be aware that a Settlement Capacity Study (SCS) has been undertaken to proactively identify development opportunities.
14. Officers are keen to explore other methods of making the best use of land, including opportunities to optimise the density of new development, in a way that does not have a detrimental impact on local character. Some locations will be more suited to taller buildings although this is not the only means of increasing development density. Well designed terraced housing can also significantly increase housing supply.
15. The Consultation Draft uses existing baseline densities to calculate the number of residential units that can be accommodated across the District.

Further work will be undertaken, using the District Wide Characterisation Study as a starting point, to robustly test whether these density assumptions can be increased in a sustainable manner.

16. Other mechanisms for making better use of land in existing settlements could include identifying areas of underused land with scope for intensification. In accordance with the NPPF, the Consultation Draft includes a policy to encourage development on sites of up to 1 hectare in size and the specific criteria that will need to be taken into account.
17. Proposed policies seek to maximise the delivery of affordable housing, reflecting the findings of the Targeted Review of Local Housing Needs (TRLHN). In addition to identifying type and tenure requirements, the document proposes a policy on Build to Rent homes, as a means of meeting affordable housing needs.
18. A range of other policies are proposed to deliver the spatial vision and the overarching themes outlined at paragraph 9. For the avoidance of doubt, protecting our natural and built environment will be a central aspect of this Plan.
19. To meet statutory requirements, the Consultation Draft presents reasonable alternatives to meeting identified development needs in existing settlements. Alternatives associated with all other areas of the District will be explored during the publication of the second Regulation 18 consultation in 2023.

#### *Document Structure*

20. Taking account of these considerations, the Consultation Draft will be structured as follows:
  - **Foreword from the Portfolio Holder for Development and Conservation;**
  - **Introduction:** incorporating the sub headings of the Purpose of the Consultation, What is the District, like?, Strategic Issues, Spatial Vision, Objectives and Key Diagram;
  - **Growth Strategy:** The overarching strategy to meet our needs, as described in paragraph 10 of this report;
  - **Housing:** Meeting housing needs, including affordable housing delivery;
  - **Employment and Economy:** Amount of land required to meet employment needs, providing the type of employment space required and supporting the rural economy;
  - **Climate Change:** Approach to meeting the Council's 'net zero' objectives;
  - **Design:** Encouraging design excellence across the District;
  - **Health and Wellbeing:** Promoting healthy places and spaces, responding to post pandemic trends;
  - **The Historic Environment:** Protecting the District's historic environment;

- **Natural Environment:** Protecting the District’s natural environment;
- **Infrastructure and Community:** Ensuring the delivery of appropriate infrastructure to support planned growth;
- **Transport:** Maintaining a sustainable and efficient transport system with providers and partners; and
- **Glossary:** Explanation of terminology in the Plan.

## The Consultation Process

21. The Regulations contain specific, statutory requirements for the consultation process, including making the documents available for public inspection at the Council Offices and the publication of all consultation material on the Council’s website.
22. The adopted Statement of Community Involvement (SCI) identifies a number of additional potential consultation methods, including advertising the consultation process on social media and in the local press, holding public exhibitions and using emails and mail outs to invite comments. All of these methods will be considered over and above the statutory requirements
23. Officers have procured a subscription to ‘Citizen Space’, a public consultation software tool that allows residents and other representors to directly comment on specific elements of the document. The package allows detailed analysis of responses and will be helpful in providing feedback to members, following the close of the consultation process.
24. The Consultation Draft does not contain finalised policies for consideration. Instead, it indicates the likely key policy provisions and asks a series of targeted questions to determine whether the scope and coverage of the document is sufficient. The purpose of these questions, in line with the requirements of Regulation 18, is to determine what the plan ought to contain.
25. The proposed consultation plan is attached at Appendix 3 of this report. Reflecting on the content outlined in paragraph 20, consultation questions have been developed around the following themes:
  - Making best and most efficient use of land in our settlements, including optimum development density and areas that are suitable for intensification;
  - The Council’s response to the existential threats associated with climate change;
  - Strengthening the link between development planning and public health and making sure this link is clear in development proposals across the District;
  - Making sure the requirement for design excellence and the character-based approach to growth is reflected throughout the plan;
  - Meeting our housing needs and the delivery of the right type of affordable housing, including build to rent tenure;

- Maintaining and enhancing the District's economic competitiveness through the provision of the right type of employment space to meet needs in settlements and the rural area;
- Ensuring the resilience of our town centres in the post pandemic environment;
- Partnership working to deliver infrastructure that meets our needs;
- How to future proof the plan to take account of changing trends and emerging 'smart' technologies; and
- Protecting the natural and built environment, in line with national planning policy.

### **Development Management Policies**

26. Once adopted, the Plan will have primacy in planning decisions. This means that planning applications will be determined in accordance with policies in the Plan, unless material consideration indicate otherwise. It is intended that policies will be positively prepared and in the majority of cases development proposals will be acceptable, subject to meeting clearly defined and robust criteria.
27. Officers have worked closely with colleagues in Development Management and other departments across the Council to ensure that the criteria used to assess planning applications are relevant and reflect the latest evidence. This collaborative approach will continue as the document moves through the regulatory process.

### **Design and Visual Appearance**

28. Officers have commissioned Urban Graphics to re-evaluate the presentation and format of the emerging Local Plan. Their work is intended to reflect positive approach to strategic planning in Sevenoaks District and enhanced presentation will assist in the public engagement process.
29. The production of a formatted version is a lengthy process and once the text and content is embedded, the design software provides limited scope to make changes that are not disruptive to the entire document. To avoid abortive work, officers are seeking agreement of the Plain Text version at Appendix 1. The agreed text, inclusive of any changes suggested by members, will be passed to the designer to incorporate into the final presentation version.
30. The Indicative Formatted Version at Appendix 2 provides a strong indication of the presentational style of the document and officers would welcome comments from members on these non statutory aspects. Agreement of the final presentation and format of all chapters in the Plain Text Version at Appendix 1 is proposed to be delegated, in accordance with the recommendations in this report.

### **Emerging evidence base**

31. The following paragraphs provide an update on the Local Plan evidence base.

### District- Wide Character Study (DWCS)

32. A member presentation on the recently completed DWCS took place on 22<sup>nd</sup> September 2022. Further details of this session will be provided at the meeting.

### Green Belt Study

33. Work is progressing on the Council's revised Green Belt Assessment and the methodology is being used by Tonbridge and Malling Borough Council (TMBC) in its own assessment work. The Green Belt study is less significant for this consultation process, which focusses on the opportunities to make better use of land in existing settlements outside of the Green Belt. The document will be more significant for the second Regulation 18 consultation, which is scheduled to take place next year.

### Employment Needs Study (ENS)

34. The ENS is now complete and available for inspection on the Council's website. In addition to identifying the amount of land required to meet employment needs up to 2040, this document reflects the market for office and industrial uses across the District and some of the future trends that are likely to influence employment provision. The assessment of needs in the rural economy also formed a key part of the work.

### Strategic Transport Study

35. This work has commenced in conjunction with TMBC to assess the impact of proposed development on the Strategic Road Network, as managed by Highways England. The Stage 1 baseline work, which establishes the current state of congestion on the highways network, is now complete. Further explanation of this work will be provided at the meeting.

### The Infrastructure Delivery Plan (IDP)

36. 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.
37. 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.
38. 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.

### Gypsy and Traveller Accommodation Assessment (GTAA)

39. A new Gypsy and Traveller Accommodation Assessment (GTAA) has been undertaken which identifies a district-wide need for 43 additional pitches up to 2040. This need has been reduced to 37 pitches, due to the granting of planning permission since the GTAA was completed in April 2022.

#### Sustainability Appraisal

40. Officers have appointed AECOM to undertake the on-going sustainability appraisal work to support the emerging Local Plan. Information on the Sustainability Appraisal Interim Report is available as a background paper to this report.

#### **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. Member briefings on DtC engagement activities will continue, as the Local Plan moves through the process.

#### **Next Steps**

42. Subject to Cabinet approval, officers propose to issue the Regulation 18 Version of the Draft Local Plan for consultation later in the autumn, for an 8 week period. The consultation is expected to close in January 2023.
43. Any amendments proposed by members will be incorporated in the intervening period and the formatted version of the document will be agreed, in accordance with the recommendations of this report. All sections of the document will then be uploaded to Citizen Space ahead of this date.
44. The Local Plan will progress in accordance with the timetable as set out in the LDS, with a view to submitting the Plan for examination in the summer of 2024.

#### **Emerging Trends**

45. A member presentation scheduled for October on the updated NPPF has been postponed, as this has not been published. The training session has been rescheduled for December 2022, pending review.



## **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 Council's Net Zero 2030 commitment includes working with communities to reduce carbon emissions in the District. The Local Plan has been identified as a key driver in achieving this aim.

Policies within the Local Plan seek to reduce the carbon impact of developments by ensuring sustainable building practices, champion the implementation of renewable energy resources and ensure new development supports climate resilience. Carbon sequestration schemes will also be supported in appropriate locations. Climate change mitigation and adaptation is not limited to the built development and features throughout the Local Plan, influencing policies related to design, flood risk and water management, open space and biodiversity.

In conclusion, it is anticipated that the recommendations in this paper will result in a decrease in carbon emissions throughout the district and support the resilience of the natural environment, strongly supporting the Council's Net Zero 2030 commitment.

## **Conclusion**

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

**Appendices:**

Appendix 1: Plain Text version of the Regulation 18 Consultation Draft Local Plan - for approval

Appendix 2: Indicative Formatted Version of the Draft Regulation 18 Local Plan - for information and comment.

Appendix 3: Consultation Plan

**Background Papers:**

Information on the Sustainability Appraisal Interim Report is available via the following link:

[https://www.sevenoaks.gov.uk/downloads/download/878/emerging\\_local\\_plan\\_2022\\_-\\_evidence\\_base\\_documents](https://www.sevenoaks.gov.uk/downloads/download/878/emerging_local_plan_2022_-_evidence_base_documents)

**Richard Morris**

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