



## **Report on Sevenoaks Town Neighbourhood Development Plan 2020 - 2038**

**An Examination undertaken for Sevenoaks District Council with the support of Sevenoaks Town Council on the June 2022 submission draft version of the Plan.**

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Date of Report: 21 December 2022

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## **Main Findings - Executive Summary**

From my examination of the Sevenoaks Town Neighbourhood Development Plan (the Plan/STNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body, Sevenoaks Town Council;
- The Plan has been prepared for an area properly designated – the Designated Area as identified in Figures 2.1 (aerial image) and 2.2 (plan) of the document on pages 24 and 29;
- The Plan specifies the period to which it is to take effect – 2020 – 2038; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### **Sevenoaks Town Neighbourhood Development Plan 2020 - 2038**

- 1.1 The Neighbourhood Plan encompasses the centre of Sevenoaks town, which displays an attractive and historic character, with the Plan area including significant pockets of primarily residential development. There are several important areas of countryside and open space, including Knole Park (National Trust) which lies to the south-east of the Plan area, and these provide an attractive setting to the town. Sevenoaks is close to the M25 and M26 and enjoys frequent train services to London. The combination of these characteristics contributes to making the town an attractive place to live.
- 1.2 The task of preparing the Neighbourhood Plan for Sevenoaks was first considered in April 2013 and the first significant involvement of residents was in March - June 2014 when a Town wide survey was conducted.

## The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Sevenoaks Town Neighbourhood Development Plan by Sevenoaks District Council (SDC), with the agreement of Sevenoaks Town Council (STC).
- 1.4 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation, examination and implementation of development plans and other planning policy documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

## The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions;
  - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development'; and
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan for the area;
  - Be compatible with and not breach European Union (EU) obligations; (under retained EU law)<sup>1</sup>; and
  - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>2</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of Sevenoaks District, not including documents relating to excluded minerals and waste development, is the Core Strategy 2011 and the Allocations and Development Management Plan 2015. Work has commenced on a replacement Local Plan for Sevenoaks, but it is not anticipated that this document will be adopted until 2024. I am not aware of any compelling reason for delaying the preparation of the STNP until that time.

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

### Submitted Documents

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the submission draft Sevenoaks Town Neighbourhood Development Plan 2020 -2038 (dated June 2022);
- Figure 2.1 on page 24 (aerial image) and figure 2.2 on page 29 (plan) of the Plan which identify the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement, June 2022;
- the Basic Conditions Statement, June 2022;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Screening Assessment (SDC, May 2021) and the SEA Environmental Report prepared by AECOM (April 2022); and
- the responses from both SDC and STC of 15 November 2022 to my questions dated 25 October 2022.

These documents can be viewed on the District Council's web site.<sup>3</sup>

### Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 13 November 2022 to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

### Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

### Modifications

2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal

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<sup>3</sup> [Sevenoaks Town Neighbourhood Plan | Sevenoaks District Council](#)

requirements. For ease of reference, I have listed these modifications separately in the Appendix.

### 3. Procedural Compliance and Human Rights

#### Qualifying Body and Neighbourhood Plan Area

- 3.1 The STNP has been prepared and submitted for examination by STC, which is a qualifying body for an area that was designated by SDC in December 2013.
- 3.2 It is the only Neighbourhood Plan for the Town and does not relate to land outside the designated Neighbourhood Plan Area.

#### Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2020 to 2038.

#### Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement (June 2022) clearly explains the processes and procedures that have been followed during the preparation of the STNP. Appendix A of that document provides a comprehensive summary of the consultation and engagement activities that have been undertaken. Exhibitions have been staged; workshops have been arranged; relevant material has been delivered to all homes in the area; a dedicated Neighbourhood Plan website and twitter account were established; and questionnaires have been distributed.
- 3.5 I am able to conclude that opportunities to contribute towards the preparation of the Plan have been available to all interested parties at the relevant stages, including at both the Regulation 14 stage (31 January 2020 to 31 March 2020) and the Regulation 16 stage (4 August 2022 to 22 September 2022). I also consider that, overall, the approach taken towards the preparation of the STNP has been conducted in a fair, proportionate and inclusive manner. The relevant advice on plan making and community engagement (for example, PPG Reference ID: 61-030-20180913) has been heeded and I consider the legal requirements have been met.

#### Development and Use of Land

- 3.6 With the exception of Policy M4 (see paragraph 4.30 below and **PM9**), the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

## Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.

## Human Rights

- 3.8 I have seen no evidence that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and it is not a matter that has been raised by any of the respondents, including SDC.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The SEA Screening Assessment (May 2021), undertaken by SDC, concluded that it is unlikely there will be a significant environmental effect arising from the Neighbourhood Plan and therefore a SEA of the Plan is not required. With regard to the Habitats Regulations Assessment (HRA) the SEA Screening Assessment (Table 1 Row 4) considers an assessment is not required as there is no Special Protection Area, Special Area of Conservation or Ramsar site that will be impacted by the Neighbourhood Plan.
- 4.2 Whilst the STNP did not allocate any sites at the point when the SEA screening process was conducted, the SEA process was nonetheless continued (undertaken by AECOM) because Historic England was not satisfied that the inclusion of design recommendations did not equate to allocations. They therefore considered that an SEA was required and STC heeded this advice in order to comply with a Statutory Consultee recommendation. The SEA concludes, in summary, that the STNP is likely to have positive effects in relation to all the eight SEA 'Themes'. Those Themes being: Air Quality; Biodiversity and Geodiversity; Climate Change; Landscape and Townscape; Historic Environment; Land, Soil and Water Resources; Community Wellbeing; and Transportation. No substantive evidence was submitted to me that would lead me to a different conclusion and I am content that EU obligations (as retained in UK law) are met.

### Main Issues

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the Sevenoaks Town Neighbourhood Plan as two main matters:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan policies.

## General Issues of Compliance of the Plan

### [National Policy, Sustainable Development and the Development Plan](#)

- 4.4 There are four chapters in the STNP, which are the Introduction; About Sevenoaks; Vision and Objectives; and Planning Policies. There are also five Appendices which provide valuable background information in support of the STNP policies. The Basic Conditions Statement (June 2022) explains how the STNP has met the legal requirements; taken into account national policies; and not breached EU and sustainability obligations.
- 4.5 It is clear to me that STC and SDC have worked closely in the preparation of the STNP and subject to the detailed comments that I set out below, I conclude that the STNP has had proper regard to national policy and guidance. I also conclude that subject to the recommendations that I make:
- The STNP is in general conformity with the strategic policies of the adopted Development Plan for the area, and that overall, the document provides an appropriate framework that will ensure that the Vision of the Town Council (as set out on page 37) will be achieved; and
  - That the policies, as modified, are supported by appropriate evidence, are sufficiently clear and unambiguous and that they can be applied with confidence (PPG Reference ID: 41-041-20140306).

## Specific Issues of Compliance of the Plan's Policies

### [Executive Summary \(page 5\)](#)

- 4.6 Pages 5 to 17 explain the purpose of the STNP, set out the Vision and Objectives and explain the background to the policies. However, there is a variation in the way some of the policies are framed. Some matters are 'supported' and others are 'promoted' but the reason for the differentiation between the two is not sufficiently clear for the decision maker. I therefore recommend the inclusion of an explanation of the terminology in the section on Policies on page 9 (**PM1**).
- 4.7 In sub-section 7 on page 16 there is a reference to 'notable views'. Having visited the town I consider that the view from Granville Road towards the station and the AONB should also be referenced, and I recommend accordingly in **PM2**. I note that the Town Council supports this modification.<sup>4</sup>

### [Chapter 1: Introduction \(page 19\)](#)

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<sup>4</sup> See Town Council's response to my Question 8.

- 4.8 The Introduction explains what constitutes a neighbourhood plan and clearly summarises how the Sevenoaks Town Neighbourhood Plan has been prepared.

#### [Chapter 2: About Sevenoaks \(page 25\)](#)

- 4.9 Chapter 2 includes what is described as a portrait of the town and this includes a short assessment of the history and heritage of Sevenoaks; the landscape setting to the town; transport and movement; economy and demographics; community infrastructure; and sports and recreation. These paragraphs provide a useful assessment of the character of the area and how it functions.
- 4.10 Finally Chapter 2 sets out, on page 34, the issues that need to be addressed to ensure that Sevenoaks evolves in a sustainable way that is supported by local residents and businesses.

#### [Chapter 3: Vision and Objectives \(page 37\)](#)

- 4.11 The Vision concludes that Sevenoaks should celebrate its uniqueness, protect its special assets and plan for future prosperity. In terms of the seventeen Objectives that are listed on pages 38 and 39 these (if implemented) will ensure that the Vision for the town will be successfully achieved. Kent County Council suggests that the reference (in Objective 9) to the town centre being accessible by car should be deleted. I fully understand the reasoning behind this suggestion but, in the short term, consider that until such time as the 'sustainable transport modes' are available, some vehicular access to the town centre will be necessary and that therefore the reference should remain.
- 4.12 I note that the relevant Objectives (as set out on pages 38 and 39 of the STNP) are placed before the relevant policies in Chapter 4 and this significantly assists in the understanding of the way in which the Objectives will be achieved.

#### [Conclusion on Chapters 1 to 3](#)

- 4.13 I am satisfied that Chapters 1 to 3 satisfactorily introduce the reader to the characteristics of the area; the issues to be addressed in the STNP and the Town Council's Vision and Objectives for Sevenoaks.

#### [Chapter 4: Planning Policies \(page 41\)](#)

- 4.14 The policies are set out under the same themes that are identified in the Vision. Also included throughout the Policies Chapter are a significant number of 'Aims'. These are described in the last paragraph on page 41 as 'other strategies and ambitions that will be pursued or supported by the Town Council over the life of the Plan'. I consider that there is the potential for some confusion to arise for the decision maker, especially as the numbering of the 'Aims' and the 'Policies' is consecutive. Therefore, I

recommend, in **PM3**, that the aims are given a different background colour to that of the Policies (which in turn is different to the colour for the Objectives), thus removing any potential confusion.

#### Character, Heritage and Identity (pages 42 to 49)

- 4.15 Conserving and enhancing the historic environment is a key national requirement<sup>5</sup> and Policy C1 (page 42) confirms the need for good design.
- 4.16 It was suggested by the Sevenoaks Society that Aim C2, regarding the development of vacant and under-used sites, should be elevated to policy status, but I do not consider that to be necessary in order to meet the Basic Conditions. If it were to become a policy, I would expect more detail of precisely which vacant and under-used sites the policy would apply to.
- 4.17 Policy C4 (page 43) relates to the need for good design in residential areas and makes reference to the Sevenoaks Residential Character Area Assessment Supplementary Planning Document.<sup>6</sup> I saw on my visit that there is a range of housing types and styles in the town and the approach being taken by the Town Council in this regard, is appropriate and in accordance with national advice.
- 4.18 Five local landmarks are listed on page 46 and Policy C8 seeks to ensure that they are afforded appropriate protection and enhancement. I concur that these are important features that contribute significantly to the local townscape and that the Town Council is justified in its approach.
- 4.19 I agree that the landscape setting of Sevenoaks is important and that the need to protect and enhance that setting should be a key objective. Consequently, I consider that Policy C9 (page 46), which seeks to achieve that objective, is necessary.
- 4.20 Policy C10 (page 48) identifies 10 gateways/arrival points into the town. There is no reason to question any of these locations, but I note that specific reference is made in the supporting text to the area around Sevenoaks railway station. Having walked around that area, I agree that it is currently not of the highest visual quality. I consider that the word 'encourages' in Policy C10 is insufficiently clear to the decision maker and therefore I recommend that that the policy refers specifically to the support of the Town Council (**PM4**).
- 4.21 The policies on Character, Heritage and Identity (as modified) have appropriate regard to national policies and advice and meet all the other Basic Conditions.

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<sup>5</sup> Chapter 16 of NPPF.

<sup>6</sup> View at: [Sevenoaks Residential Character Area Assessment Supplementary Planning Document \(SPD\) | Sevenoaks District Council](#)

## Landscape and Blue and Green Infrastructure (pages 50 to 55)

- 4.22 Policy L1 (page 50) seeks to ensure that new development secures a net gain in biodiversity. In line with the provisions of the Environment Act 2021, I would expect a 10% net gain in biodiversity to be an unambiguous requirement, positively expressed, and linked to Natural England's Biodiversity Metric 3.1 (or subsequent version). Also, there is a reference to 'using best endeavours' and it is not clear to the decision maker exactly what this would entail. I therefore recommend the deletion of this reference and the inclusion of wording based on the response of the Town Council to my Question 12 as well as a suitable update to reflect the requirements of the 2021 Act (**PM5**).
- 4.23 Recent climate change events emphasise the need to properly manage surface water drainage and minimise flood risk. Policy L2 (page 51) requires new development to provide appropriate drainage infrastructure, and this is in accordance with advice in NPPF Chapter 14: 'Meeting the challenge of climate change, flooding and coastal change'. Additional wording was suggested by Thames Water<sup>7</sup> but I agree with the Town Council that such a modification is not required to meet the Basic Conditions. The existing wording is sufficiently clear and comprehensive.
- 4.24 The retention of trees and hedgerows is addressed in Policy L4 (page 52) and I saw on my visit that these features are an important element in the character of the town. The PPG on the Natural Environment confirms that green infrastructure is important<sup>8</sup> and I am satisfied that the approach being taken by the Town Council is appropriate. However, it is not clear where any replacement trees/hedgerows should be located. Consequently, I recommend, in **PM6**, that Policy L4 be modified to make reference to the location of replacement planting being on the site or in close proximity to the site.
- 4.25 Policy L5 (page 53) provides support for new open space and leisure opportunities in the town – including at the Tarmac Ltd. Site in Greatness, when sand extraction has been completed. In the interests of clarity, I recommend the deletion of the last sentence of policy L5 (because it is not totally clear exactly which space 'must be delivered in advance or in parallel with' any residential development). It should be replaced by a reference to a timetable for the delivery of this open space, which must be agreed by the local planning authority (as the decision making authority) in conjunction with STC, prior to residential development commencing on the site and subsequently conditioned in any grant of planning permission (**PM7**).

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<sup>7</sup> Thames Water Regulation 16 Response.

<sup>8</sup> PPG Ref ID: 08-005-20190721.

- 4.26 Government advice<sup>9</sup> confirms the importance of open space, sports and recreation facilities and I am satisfied that the STNP, as modified, conforms with that advice.
- 4.27 Policy L8 (page 55) supports the provision of allotments at Bradbourne Vale Road and the protection of those located in Quakers Hall Lane. This policy will contribute to improving the sustainability credentials of the town, but it is not clear to readers of the Plan where the two sites are located. Therefore, I recommend in **PM8**, that Figure 4.4 be amended to specifically identify the two sites.
- 4.28 The policies relating to Landscape and Blue and Green Infrastructure, as modified, will contribute to the achievement of sustainable development and meet all the other Basic Conditions.

#### [Movement and Public Realm \(page 56\)](#)

- 4.29 Policy M1 (page 56) promotes walking and cycling, and I note that the Town Council is committed to supporting initiatives that reduce barriers to pedestrian and cycle movement and will promote new safe routes. Chapter 9 of the NPPF confirms that transport issues should be considered at the earliest stages of plan-making and therefore it is appropriate for the STNP to include a policy on walking and cycling. Further support for cycling is provided in Policy M2 (page 57) and Policy M3 (page 57) promotes the delivery of a new walking and cycling route between Bat and Ball/Otford Road and Dunton Green.
- 4.30 Policy M4 (page 57) supports the introduction of a 20 mph speed limit close to schools and in some residential areas. This is not a land use planning matter (the responsibility lies with the Local Highway Authority) that can be the subject of a planning policy in Plan, albeit it may reasonably be relabelled as an 'Aim' (**PM9**).
- 4.31 Policy M5 supports pedestrian and cyclist crossing facilities at major junctions (page 58). This will encourage sustainable travel and accords with Government advice in NPPF Chapter 9: 'Promoting sustainable transport'.
- 4.32 Policy M6 (page 58) seeks improvements at Bat and Ball railway station and, although several of the elements have been completed, there remain a number of outstanding improvements to be implemented.
- 4.33 Policy M7 (page 59) supports transport interchange facilities at Sevenoaks station; Policy M8 (page 59) supports bus service enhancements; and Policy M9 (page 59) supports the use of greener modes of transport. They are all proposals that will enhance the sustainability credentials of the town.

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<sup>9</sup> Open space, sports and recreation facilities, public rights of way and local green space.  
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- 4.34 The final policy in this section is Policy M11 (page 60) which relates to public realm improvements. I agree that such improvements would enhance the pedestrian experience in the town centre and that when combined with policies in the 'Character, Heritage and Identity' section of this Plan should ensure that the character of Sevenoaks is retained and improved.
- 4.35 Kent County Council, in their capacity as Local Highway Authority, has raised a number of concerns regarding the contents of Appendix B to the STNP – The Transport Strategy (undated). The Appendix is referenced in the penultimate paragraph on page 20, where it is confirmed that the function of the documents attached as Appendices is to 'inform the policies within the Plan'. On that basis I am satisfied that they fulfil their stated purpose as evidence documents. Of course, evidence may change throughout the life of the STNP and that is why it is important that a strategy for monitoring the policies in the STNP is drawn up (see paragraph 4.58 of this Report).
- 4.36 The policies (as modified) relating to Movement and Public Realm contribute to the achievement of sustainable development and meet all the other Basic Conditions.

#### [Local Economy \(page 62\)](#)

- 4.37 Policy E1 (page 62) provides support for start-up business space; Policy E3 (page 63) relates to increased parking provision; and Policy E4 (page 63) provides support for indoor and outdoor markets. The supporting text adequately summarises the evidence used to formulate these policies and I consider that their implementation will be of benefit to local businesses and the wider community.
- 4.38 Support for the three Neighbourhood Centres in the town is given in Policy E5 (page 63). I was told by the Town Council that these are the only such Centres in Sevenoaks and therefore, to avoid confusion, I recommend, in **PM10**, that the words 'such as' be deleted from the policy.
- 4.39 The Local Economy policies have appropriate regard to national policies and advice and meet all the other Basic Conditions.

#### [Community and Culture \(page 64\)](#)

- 4.40 Policy COM1 (page 64) relates to the Community Centre at Bat and Ball railway station. I am told by the Town Council that the new Centre has been completed and therefore I recommend the deletion of policy COM1 and the subsequent re-numbering of the following COM policies and Aim (**PM11**).
- 4.41 The promotion of community infrastructure is appropriately embedded in Policy COM2 and Policy COM3 promotes the development of a Cultural Quarter as shown on Figure 5.4 (page 67). However, the boundary of the

proposed cultural quarter is not clear to me and a decision maker would need to know what area is included. Consequently, I sought the Town Council's view on the issue, and it has confirmed that a Plan indicating the boundary could be included in the STNP. I consider this to be necessary in order that the decision makers can be clear regarding the area that is subject to Policy COM3 and I recommend accordingly in **PM12**.

- 4.42 As proposed to be modified the policies under Community and Culture meet all the Basic Conditions.

#### [Sports and Recreation \(page 68\)](#)

- 4.43 Policy S1 (page 68) supports the provision of new sports facilities and Policy S2 supports, in particular, new and enhanced recreational facilities for children and young people. The PPG<sup>10</sup> advises that open space provision should be a consideration when planning for new development and both policies reflect that advice.
- 4.44 In the interests of clarity for the decision maker, it should be confirmed in Policy S1 that the lake itself cannot be delivered until the sand extraction activities have ceased (**PM13**).
- 4.45 Policies S1 (as modified) and S2 have regard to national advice and meet all the other Basic Conditions.

#### [Development and Housing \(page 70\)](#)

- 4.46 Policy D1 (page 70) identifies 12 sites which may come forward during the life of the STNP. For each site there is a brief summary of the issues that would need to be addressed and the potential land uses that may be acceptable. There are plans of the sites and further advice, for example relating to planning status and potential uses, is given on pages 74 to 77. It is clear to me that these sites are not specific allocations but that they are potential sites, for which the Town Council wishes to establish the basic principles at this early stage.
- 4.47 I consider that the inclusion within the STNP of this information is of significant value to the decision maker (as well as to, for example, local residents and businesses) and the Town Council are to be congratulated on the clarity of the information given.
- 4.48 It is also clear to me that Policy D2 (page 81) relating to the Tarmac Ltd. Site at Greatness (which is currently within the Green Belt) is not a proposal but rather it is a policy that sets out a number of requirements should the land be brought forward for development during the STNP plan period.

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<sup>10</sup> Open space, sports and recreation facilities, public rights of way and local green space.  
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- 4.49 I consider this to be a totally reasonable approach because it identifies a number of issues that would have to be addressed, should a proposal be drawn up. By adopting this approach all interested parties will be familiar with the aspirations of the Town Council with regard to this site.
- 4.50 The policy refers to 'an agreed masterplan' but it doesn't specify who should agree it. Therefore, in the interests of clarity I recommend in **PM14** that it is made clear that the masterplan should be agreed by the local planning authority in consultation with STC, as part of the planning application process.
- 4.51 In the Regulation 16 response from Tarmac Ltd it is suggested that the status of the site specific policies is unclear and that sites 1–13 should not be described as 'policies', but as 'guidance'. For the reasons given above I disagree. I do agree, however, that it should be made clearer (in Policy D2) that the provision of a primary school and medical facilities is not within the control of the developer, and I recommend **PM15** accordingly.
- 4.52 Policy D3 (page 84) relates to meeting identified housing need (including affordable housing) and Policy D4 (page 84) is concerned with the provision of key worker housing. The need to address both these issues is adequately explained in the supporting text.
- 4.53 The principle of building energy efficient homes is well established and Policy D5 (page 85) clearly sets out the broad approach to providing energy efficient homes which minimise environmental impact. This approach accords with current Government advice.
- 4.54 Policy D6 (page 85) promotes the retrofitting of existing homes, thus increasing their energy efficiency. In response to my Question 35, STC confirms that it intends to prepare a Development Strategy that would include a requirement for Whole Life Carbon Assessments. The implementation of this approach is clearly at an early stage but as a starting point I consider it appropriate to include Policy D6 and its supporting text. It is one of the elements of the STNP which should be appropriately monitored (see paragraph 4.58 below).
- 4.55 The policies (as modified) relating to Development and Housing contribute to the achievement of sustainable development and meet all the other Basic Conditions.

## Appendices

- 4.56 The Appendices include a Town Portrait; the Transport Strategy; the Cultural Strategy; the Sports Strategy and the Northern Sevenoaks Masterplan. I found them to be helpful evidence documents which provide valuable background information for the decision maker.

## Policies Map

- 4.57 The policies in the STNP, if made, will form part of the Development Plan for the locality and the Policies Map should, where appropriate, illustrate geographically the policies in the STNP. To that end, it is important for the decision-maker to know which Figures (plans) in the STNP will become part of the Policies Map and which plans are included as a way to present evidence. Therefore, I recommend in **PM16** that it is made clear which Figures (plans) will form part of the Policies Map.

## Monitoring

- 4.58 I could find no reference to the Monitoring of policies in the STNP and I consider this to be an important component in the plan-making process in order to ascertain whether or not the policies are being effective. The Town Council confirmed that an Action Plan will be prepared to address this matter. I therefore recommend, in **PM17**, that appropriate wording is formulated and included in the STNP to summarise the Town Council's approach to monitoring.

## Minor Amendments

- 4.59 Amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes, updates or corrections in agreement between the Town Council and Sevenoaks District Council (PPG Reference ID: 41-106-20190509). I note, for example, that Kent County Council suggested a number of minor changes that could improve the clarity of the STNP (see response to my Question 30) and Tarmac Ltd. make some suggestions, including the naming of their site as 'Sevenoaks Quarry'. Similarly all the references to 'Quakers Hill Lane' should be amended to read 'Quakers Hall Lane'.

## 5. Conclusions

### Summary

- 5.1 The Sevenoaks Town Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

## The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates - in particular whether or not residents in the village of Seal (which lies to the north-east of Sevenoaks) should be included in the referendum area. Seal Parish Council's Regulation 16 response considers, in summary, that the STNP boundary does not represent the built extent of Sevenoaks; the STNP has consequences for the surrounding area (e.g. at the Sevenoaks Quarry site) and the STNP has implications for the village of Seal and the green belt that separates the village from Sevenoaks town.
- 5.4 Government Guidance on Neighbourhood Planning states (in PPG Reference ID: 41-059-20140306) that 'it may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area'.
- 5.5 I consider the main issue to consider relates to the consequences for the village of Seal of potential development at the Tarmac Ltd Site at Greatness. However, the site is not specifically allocated in the STNP, rather Policy D2 establishes the requirements of the Town Council should the site be brought forward for development in the future (including through its future allocation). I am satisfied that should the site come forward for development in the future, Seal Parish Council and local residents will be given appropriate opportunities to contribute to the consideration of any specific proposals. Indeed, the responses to my Question 1 to both SDC and STC, clearly indicate to me that Seal Parish Council is fully aware of the situation.
- 5.6 Having considered all the evidence I do not consider there is any substantive justification for extending the referendum area.
- 5.7 The Sevenoaks Town Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

## Overview

- 5.8 It is evident that significant effort has been invested in the preparation of the STNP and the resultant document is well presented and clear. The identification of potential and allocated development sites and the identification of constraints and opportunities for those sites, will undoubtedly help in future decision making processes.

- 5.9 It is clear to me that the implementation of the policies in the STNP (as modified) will secure the realisation of the Town Council's Vision and that Sevenoaks will retain its attractive characteristics while at the same time ensuring that a sustainable future is achieved.

*David Hogger*

Examiner

## Appendix: Modifications (17)

Note: Additions are show in bold and deletions denoted with ~~strikethrough~~.

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 9	<p>Insert a new penultimate paragraph to read:</p> <p><b>For the avoidance of doubt where a policy refers to 'support' (e.g. Policy C1) this relates to where the Town Council agrees with something that is promoted by another body. Where a policy refers to 'promotes' (e.g. Policy M1) this means the proposal is being actively pursued by the Town Council.</b></p>
PM2	Page 16 Sub-section 7 Second bullet point	<p>Modify to read:</p> <p>There are notable views down London Road towards the Kent Downs AONB to the north <b>and from Granville Road towards the station and AONB</b> and any development should respond sensitively to this setting;</p>
PM3	Page 41	<p>Add a new paragraph at the end of the page to read:</p> <p><b>In order to differentiate between objectives, policies and aims each function is separately colour coded.</b></p> <p>(adopt the colour coding throughout the document)</p>
PM4	Page 48 Policy C10	<p>Modify introductory sentence to read:</p> <p><del>The Neighbourhood Plan encourages</del> <b>The preparation of proposals that enhance the gateways and arrival points into the town will be supported in principle</b> at:</p>
PM5	Page 50 Policy L1	<p>Modify policy to read:</p> <p>Proposals for new development should whenever possible <del>and using best</del></p>

Proposed modification number (PM)	Page no./ other reference	Modification
		endeavours, deliver a <b>10%</b> net gain in biodiversity retaining natural features that support wildlife, establishing ecological networks and including new habitats that respond to the local context and the character of the site. New planting and landscapes should respond to the wider landscape through use of native species that support greater biodiversity. <b>Applicants will need to demonstrate the process that they have been through utilising Natural England’s Biodiversity Metric 3.1 (or subsequent version) and the options they have considered to deliver biodiversity net gain.</b>
PM6	Page 52 Policy L4	Extend second sentence of policy to read:  Proposals to remove trees and hedgerows must be justified and any trees or hedgerows lost through development should be replaced <b>within, or in close proximity to the development site.</b>
PM7	Page 53 Policy L5	Delete the last sentence of the policy and replace it as follows:  <del>This space must be delivered in advance or in parallel with any residential development on the site</del> <b>The timetable for the delivery of this open space must be agreed by the local planning authority (as the decision-making authority) in conjunction with STC, prior to residential development commencing on this site, and subsequently conditioned in any Grant of Planning Permission.</b>
PM8	Page 54 Figure 4.4	Clearly identify the allotment sites at Bradbourne Vale and Quakers Hall Lane on Figure 4.4.

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM9	Page 57 Policy M4	Remove the policy status from Policy M4 by relabelling as an 'Aim'.
PM10	Page 63 Policy E5	Modify last part of the introductory sentence to read:  ..... and appearance of neighbourhood centres <b>at such as:</b>
PM11	Page 64 Policy COM1	Delete the policy.  <del>Policy COM1: Proposals for a new Community Centre at Bat and Ball station will be progressed by the Town Council</del>  Make subsequent changes to the numbering of the remaining COM policies and Aim.
PM12	Page 67 Figure 4.5	Modify Figure 4.5 to identify a boundary for the cultural quarter.
PM13	Page 68 First paragraph under Policy S1	Modify the last sentence of the paragraph to read:  The ground will be remodelled and a new lake, <b>which cannot be delivered in full until the sand extraction activities have ceased</b> , will be provided in the north-east quadrant of a new Greatness Park.
PM14	Page 81 Policy D2	Modify the middle part of the first sentence of the policy to read:  ..... this should be guided by <del>an agreed</del> <b>a masterplan, agreed by the local planning authority in consultation with Sevenoaks Town Council (as part of the planning application process)</b> , that indicates ...
PM15	Page 81	Modify the first bullet point to read:

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
	Policy D2	<b>The safeguarding of land for</b> Community infrastructure including the potential provision of a primary school and medical facilities;
PM16	The Figures in the STNP (throughout the document)	For each Figure (plan) in the STNP, clarify whether or not it will form part of the Policies Map when the STNP is made, or it is included only for information
PM17	Page 85	<p>Insert a new paragraph at the end of the main body of the Neighbourhood Plan to read:</p> <p><b>Monitoring</b></p> <p><b>The Town Council intend to prepare an Action Plan, which will monitor the effectiveness of the policies against the Vision and Objectives as set out in Chapter 3. It is also the intention to review the STNP every 5 years.</b></p>