

# LOCAL PLAN AND NEIGHBOURHOOD PLAN UPDATE

Development and Conservation Advisory Committee - 2 March 2023

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

**Status: For Consideration**

**Key Decision: No**

**Executive Summary: The report provides an update on Strategic Planning activities, including the Local Plan, Neighbourhood Plans and the national planning policy consultation.**

**This report supports the Key Aim 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: Hannah Gooden, Ext. 7178**

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

**To note the contents of the report.**

**Reason for recommendation: To provide an update on Strategic Planning activities, including the Local Plan, Neighbourhood Plans and the national planning policy consultation.**

## Introduction and Background

- 1 This report provides an update on:
  - a. Neighbourhood Planning
  - b. The proposed reforms to national planning policy
  - c. Next steps for the Local Plan
  - d. Update on Transport, Infrastructure and Net Zero
  - e. Update on Conservation Area Appraisals

## Neighbourhood Planning

- 2 SDC is supporting a number of towns and parishes who are at various stages of developing neighbourhood plans. There are 13 'designated areas', which is the first stage of producing a neighbourhood plan. The 'designated areas' for neighbourhood plans in Sevenoaks District are: Sevenoaks town, Swanley, Edenbridge, Ash-cum-Ridley, Otford, Badgers Mount, Fawkham, Seal, Hextable, Halstead, Hartley Chevening and Shoreham. For context, in Kent, there are just over 20 'made' Neighbourhood Plans - Maidstone has 7, Tunbridge Wells and Ashford have 5 each, Dover has 2, Folkestone & Hythe, Thanet, Dartford and Swale have 1 each.
- 3 The **Sevenoaks Town Neighbourhood Plan** is the most advanced, having recently been subject to examination. It was considered by Cabinet on 9 February with a recommendation to proceed to referendum on 4 May in tandem with local elections (see Appendix A). The examiner recommended that the Neighbourhood Plan should proceed to referendum, subject to a small number of recommended modifications. The next stage is to arrange the referendum on the Neighbourhood Plan. This is a simple yes/no vote, where the plan is 'made' (approved) if more than 50% of voters support the Plan. A person is entitled to vote if at the time of the referendum, they meet the eligibility criteria to vote in a local election for the area and if they live in the referendum area. The referendum will pose the question 'Do you want Sevenoaks District Council to use the Neighbourhood Plan for Sevenoaks Town to help it decide planning applications in the neighbourhood area?'
- 4 The **Swanley Town Neighbourhood Plan** is at an earlier stage of preparation, and the town council is being supported by Locality, a non-profit organisation which supports community development. Officers have met regularly with the neighbourhood plan team, and the plan has recently been issued for Regulation 14 consultation (which mirrors Regulation 18 consultation in the Local Plan process). This runs until 20 Feb and SDC will prepare a response.

## Reforms to National Planning Policy

- 5 A consultation on 'Levelling-up and Regeneration Bill (LURB): reforms to national planning policy' was published 22 December. The consultation, which includes changes to the National Planning Policy Framework (NPPF) and national development management policies runs until 2 March. A portfolio-holder level response to the 58 questions has been prepared and submitted. Government has said it will respond to this consultation by 'Spring 2023' and a further review of the NPPF will occur later in 2023, reflecting the wider changes to planning system, proposed by the LURB, following Royal Assent of the Bill. The consultation documents available: <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

- 6 The consultation covers a wide-range of issues, but the key focus is on **housing**, including how housing need is assessed, changes to the Housing Delivery Test (HDT) and planning for older peoples' housing. The consultation reflects the findings of the 'Building Better, Building Beautiful' Commission's report to emphasise the role of 'beauty' within places and spaces, to encourage well-designed development, including through 'gentle density'. In addition, it covers the problems of slow build out (taking into account the past behaviour of applicants, publishing lists of developers who fail to build out large sites and potential financial penalties). The details of how these sanctions could be applied are still to be developed, but any mechanisms which bring forward long vacant sites are to be welcomed.
- 7 In relation to **Green Belt**, the consultation suggests that Green Belt boundaries would not be required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period. It also now states that development which would be uncharacteristically dense for the area can outweigh the requirement to meet housing need. For a district as constrained as Sevenoaks, these proposals are welcomed as they would give greater scope to recognising the difficulty there is in meeting development needs while continuing to protect the Green Belt. The proposals regarding Green Belt reviews and building density are very relevant to our recent Regulation 18 consultation. The response has noted that the Council is seeking to meet housing need as far as possible, whilst protecting strongly performing Green Belt and the individual characters of our settlements.
- 8 For **plan-making and transition** to a new planning system, the NPPF revisions (including the changes above regarding green belt and density) are likely to be implemented this spring. In relation to the test of 'soundness', plans no longer have to be 'justified' but will need to demonstrate that the proposed housing target meets need so far as possible. The Duty to Co-operate will be replaced with a new 'alignment policy', which is not yet defined. Plans need to be submitted before 30 June 2025 to be examined under the existing system and the examination would need to conclude by 31 December 2026. Our current LDS outlines submission in summer 2024, so at present, the Plan would be examined under the existing system. The revised system of plan-making, as set out in the LURB, is to be introduced in 'late 2024' and plans will be required to be reviewed every 5 years and should be able to be adopted within 30 months. The consultation sets out that Supplementary Planning Document (SPDs) replaced with 'Supplementary Plans' under the new plan-making system (from late 2024), will be afforded same weight at the Local Plan.
- 9 There are pros and cons of proceeding with a Plan under the existing system versus the new system, as summarised below:

	<b>Existing Planning System</b> (submit before June 2025)	<b>New Planning System</b> (introduced in 'late 2024')
Positives	<p>Keep to existing timetable – helps to demonstrate progress / prevent speculative applications</p> <p>Confirms protection of our Green Belt</p> <p>Use of existing evidence base Social responsibility – provision of housing (including affordable housing) in shortest timetable</p> <p>Changes to NPPF will apply (re Green Belt, Design, Soundness etc.)</p> <p>Known planning system</p> <p>Enables a CIL refresh to deliver necessary infrastructure</p> <p>Brings forward the delivery of design coding</p> <p>Earlier delivery of national and local objectives – Net Zero and health &amp; wellbeing in particular</p>	<p>DTC will be replaced by a less strenuous 'alignment test' (yet to be defined)</p> <p>New plan in new system – will be clearly 'up to date'</p>
Negatives	<p>Existing legal requirements and duties e.g. DTC will still apply</p> <p>Plan will be part of the 'old' system (albeit all plans to be reviewed every 5 years)</p>	<p>Unknowns of new system / untested</p> <p>Time and expense of updating evidence base to ensure it does not become out of date</p> <p>Will encourage more speculative applications and the resultant cost and resource implications of defending appeals</p> <p>Further delay in provision of homes, essential infrastructure – social responsibility to accelerate this provision</p> <p>Diminishes Sevenoaks' pro-good growth reputation</p> <p>Leaves CIL / infrastructure funding unresolved</p>

- 10 There will be a subsequent consultation later in 2023 on national **Development Management** policies and the questions within this consultation are a scoping exercise as to what these should focus on. The Development Management team have contributed to the response. It is noted that national policies are likely to cover planning considerations that are widely applicable such as heritage, Green Belt, and flood risk and areas of new priority, such as Net Zero and carbon reduction in development. The consultation also includes recommendations regarding Biodiversity Net Gain (BNG) rules, whole life carbon assessments and the energy efficient adaptation of buildings, and the Council is supportive of these proposed changes which would help to deliver and promote the Council's Net Zero 2030 commitment.
- 11 The consultation was discussed at a recent KPPF (Kent Planning Policy Forum) which concluded that most **Kent Authorities** will be responding with more questions, as all in agreement that the consultation document lacks some clarity, but there are both positive and negative elements to the proposed changes. The key positives are in relation to housing supply and future calculations moving towards a more rational method, which can take local circumstances into account. In relation to the timings to produce a Local Plan, this has been reduced to 24-30 months, which is considered unrealistic and there is concern regarding the changes to SPDs (to have the same weight as Local Plans) and whether they will require the same level of consultation and examination.
- 12 In terms of the **development industry**, there has been some commentary that the implication of the changes represents the most significant change to the Framework since its first publication in 2012. Commentators have suggested that the NPPF has been 'watered down' for political reasons and that the potential new pathways to reduce housing requirements and leave Green Belt boundaries unchanged leaves clear tensions between plan-making and addressing the national housing crisis. The conclusion of the development industry is that the proposed changes to the NPPF are likely to have significant adverse implications for housing supply.

### **Local Plan - Next steps**

- 13 The Local Development Scheme (LDS, July 2022) outlines the next steps for the Local Plan:
- Reg.18 (Draft Local Plan consultation) - autumn 2023
  - Reg.19 (Plan publication) - spring 2024
  - Reg.22 (Submission) - summer 2024
- 14 The main activities for the next period of plan-making include:

- Reviewing and analysing responses to the recent Regulation 18 consultation as set out in the previous report
- Continuing to develop ongoing evidence, including in relation to transport, infrastructure, biodiversity and viability
- Undertaking site assessment of the Stage 2 call for sites submission to inform the Stage 2 SHELAA (Strategic Housing and Employment Land Available Assessment)
- Developing detailed site design guidance, including further work on density
- Progressing supporting assessments, including the Sustainability Assessment (SA), Habitats Regulations Assessment (HRA), EQIA and health impact assessment
- Ongoing DTC meeting with neighbouring authorities and stakeholder organisations
- Seeking input and advice as necessary from legal, DLUHC and PAS/PINS
- Reviewing any changes in national planning policy resultant from the current consultation
- Undertaking a refresh of our approach to CIL
- Preparing the Stage 2 Regulation 18 Draft Plan for consultation in autumn 2023.

## **Update on Transport / Infrastructure / Net Zero**

### Cycling and Walking

- 15 The Sevenoaks Urban Area Local Cycling and Walking Infrastructure Plan (LCWIP) was finalised in January 2023. The plan proposes new walking and cycling routes and improvements to encourage people to move more sustainably. The plan will also form the basis for funding bids for improvements to walking and cycling provision in the focus area.
- 16 The Plan was launched and promoted on SDC social media in February with photoshoots with pupils from Riverhead Infants School and the Weald of Kent Grammar Annex and members of the Otford cycling group.
- 17 Last year, we successfully secured £1.2 million to deliver the Sevenoaks East-West route from the Active Travel Fund. We are working closely with Kent County Council (KCC) on its delivery. A public consultation will be taking place later this year giving residents the opportunity to comment on the route proposals.
- 18 SDC has secured further funding from the Capability Fund 2023, via KCC, for the development of a Swanley LCWIP and feasibility studies for two routes in the Sevenoaks Urban Area LCWIP - route 1 (Otford to Sevenoaks) and route 6 (Otford to Sevenoaks via Wildernesse). We are awaiting further

detail from KCC regarding terms, conditions and timescales for completion.

### Infrastructure Delivery Plan (IDP)

- 19 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.
- 20 As a live document, the IDP will develop alongside the emerging Local Plan, gathering detail as site specific information becomes available. To support the Regulation 18 consultation, an IDP statement collated consultation responses from infrastructure providers and delivery partners. It is considered that the statement provides a starting point for discussion with infrastructure providers. Future iterations of the IDP will be updated to reflect infrastructure requirements as we continue to engage with our infrastructure providers.
- 21 The final draft, to be submitted for examination with the Local Plan in 2024, will contain a schedule of required infrastructure provision and improvements, along with costs, time horizons, standards of provision and capital programme information.
- 22 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.

### **Update on Conservation Area Appraisals**

- 23 The Conservation and Design team are progressing well with the current Conservation Area review project for Eynsford, Farningham and Kemsing Conservation Areas, which is part of our rolling programme to review Conservation Areas and update the appraisals. The work is being undertaken by consultants Alan Baxter, and as part of the review process we held walkabouts with local stakeholders in November. The revised and reformatted draft Appraisals, along with updated Introduction to Conservation Areas and Conservation Areas Design Guidance documents, went out to public consultation on Monday 16 January. The consultation period will finish on Friday 3 March.
- 24 Public engagement is an important aspect of the work and integral to it are the three public engagement events that we have held in the three Conservation Areas. We have been pleased with the turnout and comments received at all three. Feedback from customers can be received several ways: paper feedback forms or written letter; email; or using an online

survey (via the CitizenSpace public engagement platform). To help direct the public we set up a host webpage that clearly directs customers to the online survey and allows them to view the draft documents online. As well as online, customers can view hard copies of the reports in the Council Offices, Sevenoaks Library as well as in each of the three Conservation Areas.

- 25 Once the public consultation closes we will review all responses and revise the Appraisals as necessary. We anticipate that they will be presented at Cabinet for approval and adoption in early Summer 2023. This project also includes an assessment of potential development sites for the emerging Local Plan. As with the Local Plan, this project has also used the online public engagement platform CitizenSpace. We have shared our learnings from one project to the next and collaborated effectively across our individual teams.

## **Conclusions**

- 26 This report provides an update on recent Strategic Planning activities.



## **Key Implications**

### Financial

The production of the Local Plan will be funded from the Local Plan reserve.

In relation to Neighbourhood Planning, SDC receives funding from central government to support this activity.

### 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.

## **Appendices**

Appendix A - Cabinet report on Sevenoaks Town Neighbourhood Plan

<https://cds.sevenoaks.gov.uk/documents/s51502/07%20SEVENOAKS%20TOWN%20NEIGHBOURHOOD%20PLAN.pdf?J=2>

**Richard Morris**

**Deputy Chief Executive, Chief Officer - Planning & Regulatory Services**