

## LOCAL PLAN UPDATE

Development and Conservation Advisory Committee – 26 March 2024

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

**Status:** For Consideration

**Also considered by:**

**Key Decision:** No

**Executive Summary:** This report provides an update on the recent Local Plan Regulation 18 consultation, national planning policy changes and next steps.

**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. Reay

**Contact Officer:** Hannah Gooden, Ext. 7178

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

Notes the report.

**Reason for recommendation:** To provide an update on the Local Plan.

## Introduction and Background

- 1 This report provides an update on the recent Regulation 18 (Part 2) consultation on Plan 2040 – a new Local Plan for Sevenoaks District.
- 2 The consultation launched on 23 November 2023 and ran until 11 January 2024. This consultation period was extended to seven weeks to reflect that it included the Christmas holiday period.

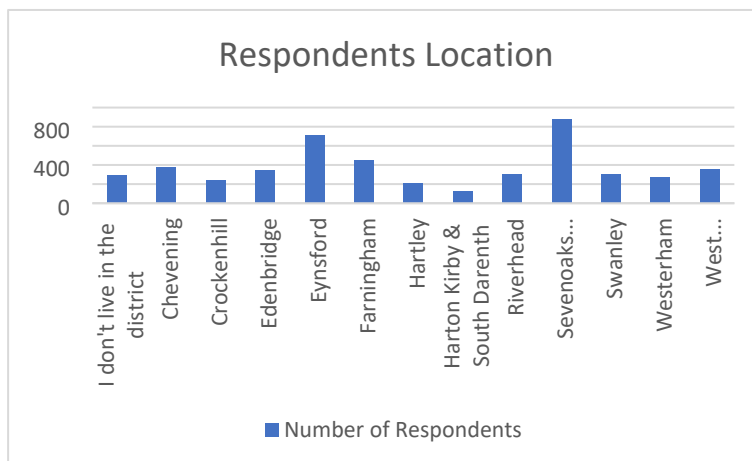
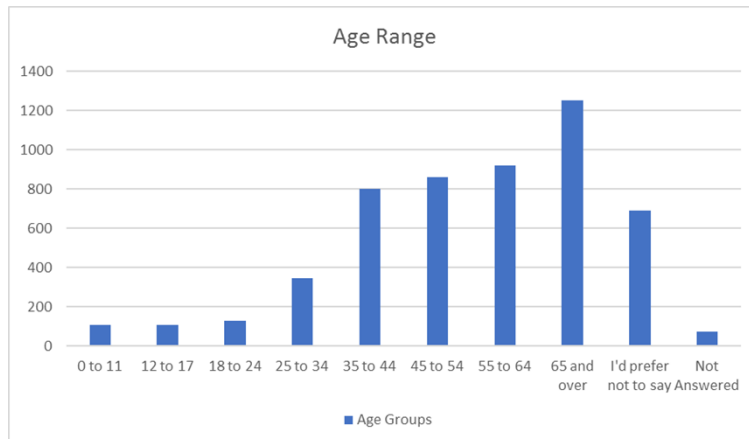
## Consultation Overview

- 3 The consultation was promoted through various channels. All consultation materials, including a video, short summary leaflet, Local Plan document, consultation survey and interactive map were provided on a dedicated website <https://www.sevenoaks.gov.uk/plan2040>. Hard copies of the Plan were distributed to all Councillors and copies were sent to all town/parish councils and libraries across the District. Email notice was also sent to the Local Plan mailing list (approx. 2000 individuals and organisations). The consultation was also promoted by social media posts, within In Shape (council magazine), press releases, public notices, email footers, posters and postcards with QR codes. Hard-to-reach groups (young people, commuters and gypsies and travellers, as identified in our Statement of Community Engagement), were targeted using specific engagement activities and materials.
- 4 We also hosted seven well-attended ‘Pop-up’ public consultation sessions across the District, to assist the public with their understanding of the Plan and to encourage responses. Consultation sessions also took place with the Town and Parish Council Forum, the Local Strategic Partnership and neighbouring authorities, under the ‘duty to co-operate’.

## Initial Consultation Feedback

- 5 Approximately 5,300 respondents provided c.11,000 comments on the consultation. Comments focused on the 54 sites and development strategy options (c.10,200 comments), with far fewer comments on the 55 proposed policies (c.800 comments).
- 6 Although it is useful to see the number of responses on different sites and options, as an indication of the level of support or objection to a site, it is the key issues, themes and topics raised which are more important to our analysis. So therefore smaller communities are not penalised due to their size, as it is not a ‘numbers game’.
- 7 The charts below outline the age-profile of the respondents and the locations of the respondents. As usual, more responses were received from older respondents – c.2000+ from those aged 55 and above, whereas c.300 for those aged under 25. In terms of geography, responses were received from every town/parish area, and there were 13 areas where

more than 100 responses were received, focused on the 4 towns and surrounding villages.



8 The 'top 5' commented on sites were:

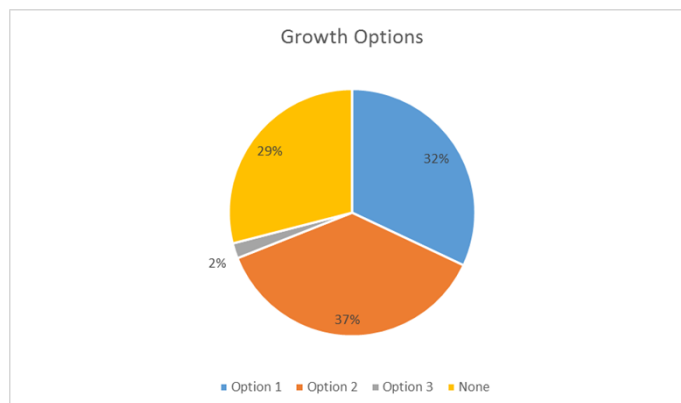
- MX15 - Pedham Place - 1394 responses
- HO29 - Brittain's Lane - 626 responses
- HO28 - Land at Back Lane/A21 Bessels Green- 309 responses
- MX13 - Land at Homedean Road, Chipstead - 223 responses
- HO27 - London Road, West Kingsdown - 200 responses



9 The top four sites listed above are in both the Green Belt and AONB/National Landscape (option 1 and 2 sites), which has led to a considerable level of response.

10 In relation to the proposed growth options, the responses were:

Growth Option	Responses	%
• Option 1 (Multiple Sites)	1544	32%
• Option 2 (Pedham)	1822	37%
• Option 3 (Combined)	121	2%
• None of the above	1400	29%



11 The results demonstrate an approximately equal split between option 1 and option 2 and 'none of the above'.

12 As a reminder, although the number of responses on different sites and options is a useful indication of the level of support or objection to a site, it is primarily the themes and topics raised which inform our analysis of the results. The key issues which have been raised on strategy options are set out at Appendix A.

13 A summary of the key issues which have been raised in relation to the proposed sites and policies, together with list of key actions, by chapter, as we look to amend the plan and prepare a final draft of the Local Plan for Regulation 19 publication, are available on the Plan2040 web-page. Responses have been received from a number of key organisations, including statutory consultees, neighbouring authorities and other public bodies, which have also been summarised.

14 These consultation responses on growth options, sites and policies will help to inform the final draft of the Local Plan, which is being prepared for Regulation 19 publication, prior to submission for examination.

## Evidence Base Updates

- 15 We are finalising supporting evidence-base studies, including in relation to:
- 16 **Transport** – this work assesses the cumulative impact of proposed development on key roads and junctions, including the Strategic Road Network, as managed by Highways England. The Stage 1 baseline work established the current state of congestion on the highways network, and the state of congestion at 2040 with existing growth. The model has now been used to test the three potential growth options, to understand their impact on the road network. The model has been developed by Jacobs, who have produced a county-wide model for KCC, and the results have recently been discussed and shared with National Highways for comment. This work will inform the development of the final draft (Regulation 19) of the Plan.
- 17 **Strategic Flood Risk Assessment (SFRA)** – The SFRA considers the impacts of climate change and assesses the impact that land use changes and development in the area will have on flood risk. The Level 2 Strategic Flood Risk Assessment (SFRA) is progressing and will consider any flood related implications of the proposed site allocations. Once completed, this will be integral in the site allocation selection process for the Regulation 19 consultation. The Level 1 SFRA is being updated to reflect changes following a change in Planning Practice Guidance in August 2022.
- 18 **Strategic Housing and Economic Land Availability Assessment (SHELAA)** - Ahead of Regulation 19, an update to the SHELAA site assessments will be undertaken which will incorporate responses to the Regulation 18 consultation, including key comments from statutory consultees and key consultation bodies. SDC will hold a workshop with Kent County Council highways to discuss all sites ahead of preparing the Regulation 19 Plan. Final evidence base documents, such as the Strategic Flood Risk Assessment, will also be taken into account as part of this update.
- 19 **Sports Facility/Leisure Strategy** – KKP (Knight Kavanagh & Page) have been appointed to produce an updated Playing Pitch and Sports Facilities Strategy. The update of the council's Playing Pitch (outdoor) and Built Facilities (indoor) strategies are well underway. They will form a key piece of evidence to support the emerging local plan. They will analyse the current supply, demand and quality of the sport and leisure provision within the district, identify areas of quantitative and qualitative deficit and establish clear, prioritised and achievable recommendations for future provision in the district. They will form key pieces of evidence to support the emerging local plan so that we can ensure that any relevant planning applications will deliver the facilities we need and that any applicable funding requirements can be directed to the right places. To date, the audits of existing provision and the assessment of need have been carried out for the indoor facilities. For outdoor facilities, the audits of existing

provision and the assessment of need have been carried out for the winter sports outdoor facilities (hockey, rugby and football), with the summer sport assessments to begin over the coming months. The draft need assessments are in the process of being reviewed by officers. The final strategies are due to be complete in the summer, and this timeline has been supported by Sport England.

- 20 **Biodiversity Net Gain (BNG)** – The requirement to provide BNG came into force for all major developments on Monday 12 February. For small-sites (non-majors), it is coming into force on Tuesday 02 April. Some development is exempt e.g. householder applications and this is set out in secondary legislation. A range of secondary legislation has come into force and Planning Practice Guidance (PPG) on biodiversity net gain was published on 14 February. This now sets out that authorities should not seek a higher percentage of BNG from developers than the statutory ten per cent objective “unless justified”. Plan 2040 currently includes a policy option to seek 20% BNG, based on local evidence from KCC and the Kent Nature Partnership – this will be reviewed before the plan is finalised, including the impact on development viability. Grant funding has been provided to help prepare for implementation and the Government has confirmed grant funding at the same level for 24/25.
- 21 We have also purchased BNG software (Mycelia) which enables us to:
- Validate BNG submission in a matter of seconds
  - Assesses the BNG submission, flags potential issues and will also be utilised from KCC Ecology in their detailed analysis of the BNG
  - Monitoring – set up to enable the tracking of BNG provision for the required 30 year period
  - Reporting – will enable us to clearly provide detailed annual reports, on the levels of BNG and uplifts
- 22 **Infrastructure Delivery Plan (IDP)** – The Infrastructure Delivery Plan is a live document and will continue to develop in conjunction with the emerging Local Plan in consultation with infrastructure providers to identify the strategic infrastructure requirements, to support planned growth. We are continuing to engage with infrastructure providers to understand the extent of infrastructure improvements needed to support growth. The final version of the Infrastructure Delivery Plan will contain more detailed information on projects such as time horizons and indicative costs.
- 23 **Community Infrastructure Levy (CIL)** - Sevenoaks District Council is a CIL charging authority. This enables us to secure funding by requiring developers to pay a standard charge per square metre of qualifying new development. The current CIL Charging Schedule was adopted in 2014. A review of the CIL Charging Schedule will take place alongside the production of the emerging Local Plan.

- 24 **Supporting studies** – a number of supporting studies including a Sustainability Assessment (SA), Habitats Regulation Assessment (HRA), Viability Assessment, Equalities Impact Assessment (EQIA) and Health Impact Assessment (HIA) are underway to support the development of the Plan.
- 25 **Development briefs** - we have been reviewing the consultation responses on the Development Briefs for the urban sites and updating where necessary. We are also starting work on the Development Briefs for the green belt sites and taking into account the consultation responses on these sites to inform the design guidance.

### **Duty to Co-operate**

- 26 We regularly meet with our eight neighbouring authorities, Kent County Council, and other consultation bodies, in relation to the Duty to Co-operate and to assist the development of the Local Plan.
- 27 Meetings have taken place with officers from our adjoining authorities and member-level briefings were arranged during the consultation period. All eight authorities responded in writing to the Regulation 18 consultation.
- 28 **West Kent (Tunbridge Wells BC and Tonbridge and Malling BC)** – we have met with officers and members from both TMBC and TWBC to discuss development strategies, needs and plan progress. TWBC have recently consulted on a revised development strategy, which responds to the inspector's initial findings on their Local Plan and removes the strategic allocation at Tudeley. This would reduce their plan period to 10 years, and therefore TWBC is not in a position to assist with any unmet need from SDC, due to difficulties meeting TWBCs own housing need.
- 29 TMBC are preparing a new Local Plan along similar timescales at SDC and TMBC intends to publish a second consultation (Regulation 18B) in mid-2024. They are working jointly with us on a number of evidence-bases, including transport. TMBC indicated that it was unable to assist SDC in meeting any unmet needs and TMBC is currently in the process of developing its own spatial growth strategy.
- 30 **Wealden DC and Tandridge DC** – meetings were held in October and November 2023. Wealden indicated an aim to go out to a Regulation 18 consultation in early 2024, whilst Tandridge was waiting on the full Inspector's report outlining why their emerging Local Plan (Local Plan 2033) could not be found sound. The final report was received on 14 February 2024 and their examination has now concluded.
- 31 **Dartford BC and Gravesham BC** – Gravesham BC are at an earlier stage in the plan-making process, with a lot of their resources currently being

focused on the Lower Thames Crossing. Through their response to the recent consultation however, it was made clear that they are unlikely to be able to assist with any unmet need from Sevenoaks District, due to their own highly constrained nature. Dartford BC's Local Plan was found sound in February 2024 with steps now being taken towards adoption. A small surplus of housing provision (approximately 600 units) has been identified and it is possible that some of this could be used to meet some unmet need in Sevenoaks District. It is clear from the examination that, for this to happen, there would need to be robust evidence demonstrating functional links between housing market areas, as well as a thorough demonstration that SDC has maximised its urban capacity, to determine how much surplus may be sought and when. Officers will continue to work with Dartford BC to further investigate and progress this as we work towards the Regulation 19 stage.

- 32 **LB Bromley and LB Bexley** – SDC held a Duty to Cooperate meeting with London Boroughs of Bexley and Bromley in January 2024. SDC gave an update on the Regulation 18 consultation on Plan 2040, which was ongoing at the time. Bromley provided an update on their emerging Plan, with a second Regulation 18 consultation likely to be held in Spring 2024. Bexley are currently working on wider Planning Policy projects, including Article 4 directions, having adopted their Local Plan in April 2023.
- 33 **Department for Levelling-Up, Housing and Communities (DLUHC)** - We met with DLUHC in October and again in February. The purpose of the meetings is to enable Government to be kept up to speed on plan making and to provide support and guidance to the Council. We ran through our recent consultation and growth strategy options and discussed recent planning reforms in relation to the new NPPF and supporting guidance. DLUHC suggested a Planning Inspectorate (PINS) Advisory Visit in advance of Plan submission.

### **National Planning Policy Framework (NPPF) – December 2023**

- 34 The new NPPF was published on 19<sup>th</sup> December 2023. It was accompanied by a raft of additional guidance and statements:
- Response to the planning reforms consultation
  - Changes to Practice Guidance on Green Belt and Gypsies and Travellers
  - Housing Delivery Test: 2022 measurement (51% for SDC)
  - Other statements related to London, Direction to West Berkshire (to stop Plan withdrawal, intervention letters to 7 LPAs (Amber Valley, Ashfield, Basildon, Castle Point, Medway, St Albans and Uttlesford))
- 35 In summary, it is suggested that although the new NPPF introduces some amendments, we are able to continue plan-making on the existing timetable, as many of the changes are quite limited, amounting to more of a



change in emphasis, rather than in policy. In terms of key Issues for Sevenoaks:

- 36 **Standard method** for calculating housing need (NPPF para.61) – the NPPF clarifies that this is an advisory starting point, but this has always been the case. The NPPF states:

*To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area. There may be exceptional circumstances, including relating to the particular demographic characteristics of an area which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals.*

- 37 In relation to ‘particular demographic characteristics’ which may justify a departure from using the standard method, footnote 25 gives an example of ‘*areas that are islands with no land bridge that have a significant proportion of elderly residents*’. It remains to be seen what other instances might be considered acceptable to an examining Inspector to deviate from the standard method, but the intention appears for the standard method to be used other than in very unique demographic circumstances.

- 38 **Green Belt** (para.145) - authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified. The Council has already undertaken a Green Belt assessment. The new NPPF states:

*Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process.*

- 39 The evidence has already been produced as to how well the Green Belt performs in the District against the stated purposes, and it was published in advance of the NPPF changes. This evidence should be taken into account in the plan-making process.

- 40 **Exceptional Circumstances** – as well as knowing where Green Belt performs less strongly, it is generally accepted that there is an acute need for housing, especially affordable housing and older persons housing, and that there is significant unaffordability in the District. The combination of less-well performing green belt, in sustainable locations, on the edge of existing higher-tier settlements, that could be put to more beneficial use to

deliver much needed housing and infrastructure and protect the remainder of our Green Belt is likely to be considered compelling.

- 41 **Housing Land Supply** – Para. 226 sets out that authorities only need to demonstrate a 4 years’ worth of housing supply (with a buffer, if applicable) if they have *‘an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19, including both a policies map and proposed allocations towards meeting housing need’*. Because we have progressed our Plan through consultation, we now only need to demonstrate 4 (rather than 5) years housing land supply. However, because there has been under delivery of housing in Sevenoaks (due to the Green Belt), a buffer of 20% is required, so SDC will have to demonstrate 4 years plus 20% supply.
- 42 **Housing Delivery Test measurement** - Our housing delivery over years 2019-20 – 2021-22 has been 51% compared to demand, so that Sevenoaks remains a “presumption” authority when we are applying the housing supply and delivery policies of the NPPF to housing applications. Many of the presumption authorities have a significant percentage of Green Belt within their boundaries. Once we have adopted a Plan, housing delivery should improve, and SDC should move out of the presumption and buffer requirements.
- 43 **Density/Design/’Beauty’** - Para. 130 now advises that *“significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.”* Density was clearly a focus of the previous Regulation.18 consultation and the development briefs will help ensure that appropriate densities are considered for each site, together with the district-wide design code.
- 44 We will continue to review national policy, and any further changes in policy and guidance, throughout the plan-making process. There is a current government consultation on the use of brownfield land and extended permitted development rights.

## Next Steps

- 45 Our Local Development Scheme (LDS, July 2022) outlines the timetable and the next steps for the Local Plan:
- Reg.19 (Plan publication) – spring/summer 2024
  - Reg.22 (Submission) – summer/autumn 2024

- Examination - 2024/2025

- 46 It is our intention to bring the Regulation 19 consultation draft back to the next DCAC in the summer. The Plan will then be submitted for public examination, by a government-appointed Planning Inspector. Member comments and debate are invited throughout the plan-making process, including via advisory committee, and ward members will be briefed on sites within their wards, in advance of committee.
- 47 There may need to be some flexibility or agility in this programme to reflect national planning reforms, resultant from the new National Planning Policy Framework (NPPF) published in December, as outlined above.
- 48 However, it is important to progress the Local Plan, to address development needs (e.g. for housing, affordable housing, older persons accommodation, strategic infrastructure for education and health). This plan will also allow the Council to be able to co-ordinate future development and shape the future of the District (and resist speculative, un-coordinated development proposals as seen recently at appeal). We also now have an up-to-date evidence base.

#### Other updates

- 49 **Swanley Neighbourhood Plan** - Following its Regulation 16 consultation (30 November 2023 and 11 January 2024), the Swanley Neighbourhood Plan was sent for examination by David Hogger of Intelligent Plans and Examinations Ltd (IPE), whose appointment was mutually agreed with Swanley Town Council. It was received by IPE on 30 January 2024.
- 50 On 08 February the Examiner sent a letter outlining procedural matters and a list of questions for us and Swanley Town Council to respond to by 08 March 2024, requesting a joint response to three of those questions. A joint response has been sent. In relation to procedural matters he has indicated that, at this stage, he is expecting it to be conducted by the written representations procedure but reserves the option of holding a hearing should it be necessary.
- 51 He also noted that the intention is to provide a draft report (for 'fact checking') within 6 weeks of submission but the need to provide the opportunity for full and considered responses, means that this may need to be extended. A verbal update will be provided to DCAC if applicable.
- 52 **Active travel/ LCWIP** - A Local Walking and Cycling Infrastructure Plan (LCWIP) has been completed for Swanley Town and surrounding areas. LCWIPs are a strategic approach to identifying cycling and walking improvements needed at the local level. It is anticipated this will encourage sustainable movement in the area and form a basis for any future funding bids. The plan identifies six cycle routes and four walking routes linking the centre of Swanley to Crockenhill and Hextable. A core walking zone is identified in Swanley town centre.

- 53 We are working on progressing three walking, wheeling and cycling routes identified in the Sevenoaks Urban Area LCWIP. Funding has been secured to construct route 3 which links the east and west of Sevenoaks Town connecting the six schools together to provide a safe route. This is being progressed in conjunction with Kent County Council with funding from Active Travel England. A public consultation took place for the route in Summer 2023 and a further consultation for an alternative section of the route will be taking place in the coming months. The construction of the route will commence in Spring 2024.
- 54 Feasibility studies are being completed for route 1 which links Otford to Bat and Ball and route 6 which links Otford to Sevenoaks town centre via Seal. Stakeholder engagement has been carried out for both routes to understand local resident's experiences and barriers of movement. The feasibility studies will set out what interventions could be implemented. Route 1 will progress to outline design which will set out further designs for the route.

### **Other options Considered and/or rejected**

- 55 The option not to progress a new Local Plan would leave the Council open to reputational damage and likely Government intervention to produce a Local Plan for the District Council. The Council would also be exposed to speculative, un-coordinated development proposals, and would not be able to shape the future development of the District.

### **Conclusion**

- 56 This report provides an overview of the Local Plan consultation, for information.

## **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. An Equality Impact Assessment (EQIA) has been prepared alongside the Local Plan.

## Climate Change Implications

The decisions recommended in this paper directly impact our climate change ambition. The impact has been reviewed and there will be a decrease on carbon emissions produced in the district as a result of this decision. The adoption of the Local Plan, which includes policies in relation to climate change and the environment, is likely to have a positive impact to help decrease carbon emissions in the district, and support the resilience of the natural environment.

### **Appendices**

Appendix A – Summary of responses on development strategy options

### **Background Papers**

All consultation documents, supporting evidence and response summaries are available on the dedicated webpage: <https://www.sevenoaks.gov.uk/plan2040>

**Richard Morris**

**Deputy Chief Executive and Chief Officer – Planning & Regulatory Services**