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ANNEX 1

Contact	Ian Bailey
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Your ref.	
Our ref.	
Date	4th October 2017

Dear Planning Policy Team,

Re: Sevenoaks Local Plan – Issues and Options Consultation

Thank you for the opportunity to respond to the above consultation. I am pleased to submit the Borough Council's response. As you would expect these focus on the strategic matters that are common issues to both of our Councils. As ever we would be happy to discuss these with you further.

Identifying and Addressing Objectively Assessed Needs for new Housing (OAN)

We welcome the fact that the District Council has used the same consultants (G L Hearn and Partners) in preparing the Strategic Housing Market Assessment, which ensures a consistent approach across the West Kent Housing Market Area (HMA), together with Tunbridge Wells Borough Council. The OAN for Sevenoaks District over the twenty year Local Plan period of 620 new dwellings per annum is not dissimilar to that for Tonbridge and Malling at 696.

We acknowledge that planning to meet these needs is challenging, particularly for Local Authorities like those of us making up the West Kent HMA that are characterised by extensive Metropolitan Green Belt and Areas of Outstanding Natural Beauty designations.

As you will appreciate from our own consultations last year, we have sought to reflect National Planning Guidance by proposing a development strategy that seeks to meet our needs where they arise.

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In the case of that part of the borough in the West Kent HMA, which like Sevenoaks District is almost exclusively Green Belt outside the settlement boundaries, this will necessitate the removal of some sites from the Green Belt designation. We believe that there are exceptional circumstances for doing so, to deliver growth where it is needed and provide new opportunities for essential infrastructure.

National Planning Guidance states that unmet need is not a very special circumstance for allowing development in the Green Belt once boundaries are established, but it does not prohibit exceptional circumstances being properly demonstrated to address development needs when preparing a Local Plan. Indeed, we believe this to be a more sustainable solution than seeking to meet those needs beyond the Housing Market Area and potentially beyond the borough boundary altogether.

This is different to the approach proposed in the Sevenoaks Local Plan Issues and Options consultation, which seeks to preserve the Green Belt designation, covering 93% of the District. The preferred strategy is to meet as much of the need for new housing (and also identified needs for additional employment land) by intensifying development within built confines and by utilising (locally defined) brownfield sites in the Green Belt. The consequence of this approach is that there will be a significant amount of unmet housing need of up to a third of the OAN. This may increase further if the current Government consultation on a standardised methodology of calculating OAN is implemented in the spring of next year. As currently proposed this will increase the annual OAN for the District by 75 units (1,875 over the plan period).

Included in the consultation is also the potential to include a limited number of sites promoted by others in the Green Belt, subject to those parties demonstrating exceptional circumstances. Fundamentally, it is for the Planning Authority at the Plan-Making stage to assess any sites such as these and others in the Green Belt, in terms of any exceptional circumstances, rather than other parties. It is not clear how this exercise will be done or how, at this consultation stage, consultees can judge if these sites, or others may well attract exceptional circumstances given the extent of development needs to be considered.

Paragraph 5.4 of the consultation document notes that discussions already taking place under the Duty to Cooperate will be continued and escalated and that there will be a balance between how much can be achieved from options within the highly constrained Sevenoaks District and what might be achieved elsewhere in neighbouring authorities.

Tonbridge and Malling welcomes the opportunity to continue constructive and helpful engagement through the Duty to Co-operate over cross boundary issues and the forthcoming Statement of Common Ground, also the subject of Government consultations at the time of writing. The different approaches to meeting each Authority's future housing needs will be an important matter for further discussion.

There is an assumption in paragraph 5.1 that if the full housing need is not going to be met within the District, then this will translate into less need for employment land or retail capacity. This implies that whichever authority takes on that unmet need will also be bound to address these needs, but that is not identified as a cross boundary issue.

At this stage and based on the evidence available it is highly unlikely that there would be supportable reasons or indeed the capacity for meeting any unmet need from Sevenoaks in

Tonbridge and Malling. In terms of capacity, should the standardised methodology for calculating OAN be implemented next year as proposed, the prospect of redistributing growth to adjoining areas, or potentially in the rest of Kent, would be even more difficult to justify. This implies that all Local Planning Authorities facing the same or similar challenges may have to revisit their strategies to ensure as much of the need is delivered as possible.

As a critical friend, Tonbridge and Malling would like to make the following comments in respect of the suggested way forward.

In our opinion, the proposal to maximise the use of brownfield sites in the Green Belt for meeting future needs without removing the designation carries a degree of risk. If the assumption is that these sites will remain within the Green Belt, development will only be acceptable if it reflects the footprint and quantum of the original development, so the potential contribution to meeting needs will be less than if the sites were to be taken out of the Green Belt.

Moreover if those sites have not been used for a predominantly residential use in the past, they may be in unsustainable locations requiring future residents to travel long distances for services, infrastructure and work. As they are likely to be small scale they will not generate sufficient developer contributions to deliver their own infrastructure. Above all else they may not be the most suitable sites compared with alternatives, should a decision to release Green Belt land be considered.

Finally, by using a 'local' definition of brownfield that is contrary to the glossary definition of previously developed land in the NPPF, there is a potential conflict with the establishment of a Brownfield Register. The Registers, which are due to be in place this December, will include sites that are considered suitable for residential and meet the definition of previously developed land, with its exceptions, as set out in the NPPF. This begs the question, why the same exceptions do not apply in the case of the Local Plan?

The proposal to reconsider whether a limited amount of Green Belt release could be incorporated subject to exceptional circumstances being demonstrated through Neighbourhood Plans and by promoters also carries a degree of risk. Only the District Council through a review of its Local Plan can remove Green Belt designations. There is no procedure for Neighbourhood Plans to do so.

If the District Council subsequently decides to accept that there are exceptional circumstances and wishes to include these sites in the Local Plan, this raises the question of whether there may have been other more suitable sites that should have been considered and contribute to meeting the unmet housing need. It could be argued therefore that all options have not been fully explored before concluding that the needs cannot be met.

Paragraph 84 of the NPPF provides the context for this:

“When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channeling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.”

Paragraph 6.2 of the consultation document states that there is a Government requirement to investigate all reasonable alternatives to identify new homes to meet identified need. One of the purposes of the Sustainability Appraisal (SA), which is a critical part of the Local Plan process, is to assess alternatives. If these sites have not been promoted by the District Council and only been incorporated later in the process, how can the SA process be consistently applied? This could also be said for the removal of the Swanley/Hextable option of a new settlement before the Issues and Options stage. It is unfortunate that comments are not invited in respect of the Interim SA and Habitats Regulations Assessment at the same time as the Issues and Options, which would make this part of the process more apparent.

In addition to these specific comments, there are a number of more general observations as follows.

The proposed timetable is commendable but very ambitious, with a second Regulation 18 consultation programmed for the spring of 2018 and a Regulation 19 consultation in the summer. Please take this observation as an entirely constructive comment and it is of course for you to determine the process to be followed working within the Regulations, but this does not appear to allow sufficient time to consider and take into consideration the response to the Regulation 18 consultations. The timetable may also be lengthened to take into consideration the implications of the introduction of a standardised methodology for calculating housing need and other planning reforms expected to come into force on publication of the revised NPPF in the spring of 2018. The Sub National Population Projections and household projections will also be revised from May 2018. These changes may require the evidence base to be revisited.

It is noted that some of the Housing White Paper proposals have been treated as though they are already national planning policy (e.g. para 7.2 in respect of Green Belt policy) – although the status is acknowledged in the Glossary (page 93). Of course, as you will be aware, in the event that the proposals in the White Paper are implemented we will be obliged to seek views on whether neighbouring authorities will be able to take any of our housing need before we proceed with any Green Belt sites.

I hope these comments are of assistance.

Yours sincerely



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