

To:	Cabinet Member for Planning, Cllr Mike Taylor and Leader of the Council, Cllr Matt Boughton
From:	Philip Waters, Principal Planning Officer
Director:	Planning, Housing and Environmental Health (Eleanor Hoyle)

BRIEFING NOTE: EXECUTIVE - NON-KEY DECISION

Sevenoaks District Council Regulation 18 (Part 2) Consultation on Draft Local Plan ('Plan 2040')

Summary of Issue:

Approval is sought for the formal TMBC response to the consultation.

Recommendation: Approve consultation response in Annex 1.

1. Background

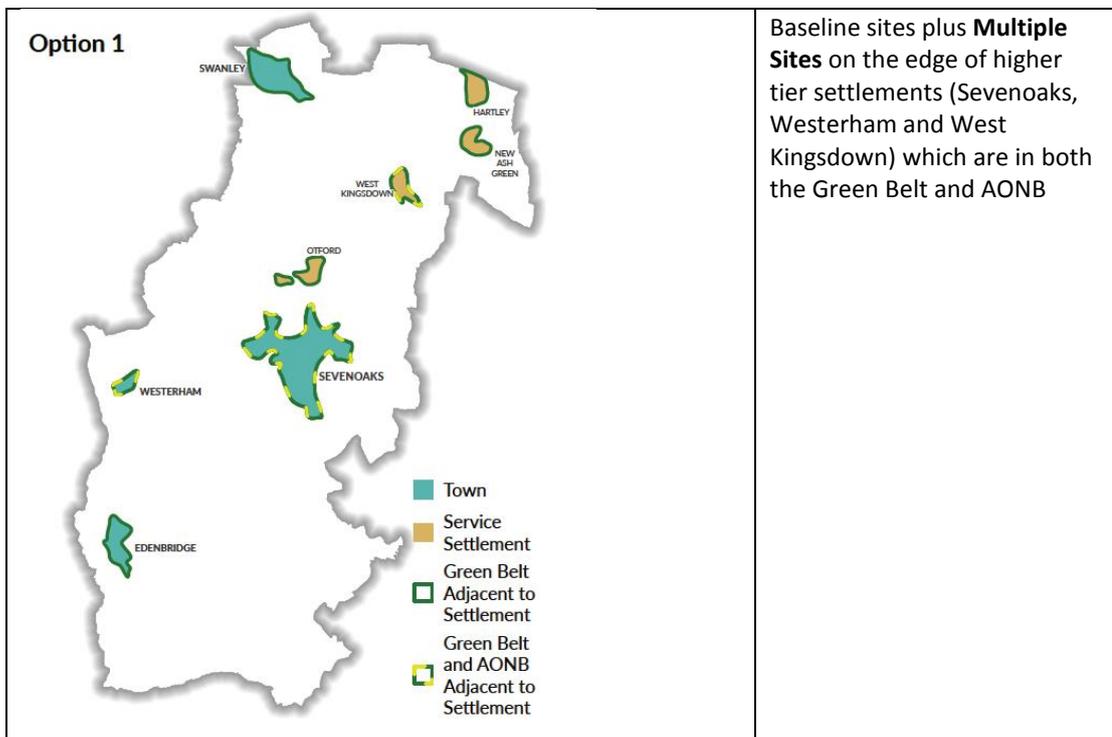
- 1.1 Sevenoaks District Council (SDC) has a statutory duty to prepare an up-to-date local plan for its area. The local plan will set a vision and a framework for the future development of an area will set land use and development policies and objectives that achieve sustainable development and respond to the district's projected future growth needs. Once in place, Local Plans become part of the statutory development plan. The statutory development plan for the area is the starting point for determining local planning applications.
- 1.2 SDC are preparing a new local plan to cover the period up to 2040. They are preparing their new local plan along similar timeframes to TMBC, though they are ahead by approximately six months. They have reached their second 'Regulation 18' iteration of the draft Local Plan. The purpose of Regulation 18 stage Local Plans is to provide an opportunity for residents, businesses and other stakeholders to engage in an early draft to provide feedback on how planning policy can be used to positively help address key issues in the borough.
- 1.3 TMBC and SDC have a legal duty cooperate on Local Plan matters under the Localism Act 2011 (known as the 'duty to cooperate'). Officers from both councils meet regularly to discuss cross-boundary planning issues and detailed records of these meetings are kept. A formal response from TMBC to the Regulation 18 (Part 2) Local Plan will form an important part of both councils' evidence to demonstrate compliance with the duty.

- 1.4 The Planning Inspector that examined TMBC's withdrawn Local Plan from 2019 concluded that the duty had not been effectively discharged in relation to SDC, and this constituted the principal reason for that Plan not progressing. As such, the importance of providing a response cannot be overstated. SDC's previous draft Local Plan also failed to progress for similar reasons.
- 1.5 Sevenoaks District and Tonbridge and Malling Council share a boundary on Tonbridge and Malling's western edge. Parts of Sevenoaks and Tonbridge and Malling are part of the same housing market area (which also includes parts of the Borough of Tunbridge Wells). Both Sevenoaks and Tonbridge and Malling have acute housing affordability issues and a housing requirement that will be challenging to meet for a variety of reasons, not least the spatial extent of the Green Belt. Both boroughs also have interrelated employment markets and share transport connections.
- 1.6 SDC consulted on a Regulation 18 version of their local plan from November 2022 to January 2023. TMBC issued a formal response to the consultation on 11 January 2023. This report updates Members in respect of SDC's Regulation 18 (Part 2) Local Plan. The Consultation is taking place from 23 November 2023 until 11 January 2024. The draft Local Plan can be viewed [here](#).

2. Main Issues

- 2.1 The SDC draft Local Plan sets out how the council intends to meet its development needs and protect the environment across the district up to 2040. The draft focusses on opportunities to provide land for new homes and employment spaces, and how to ensure that all communities benefit from appropriate infrastructure. The draft commits to attempting to meet all its future need for employment land (5.7ha) and homes (712 per annum) within the district. Meeting this need would require a step-change in housing delivery rates.
- 2.2 SDC's Regulation 18 Part 1 draft Local Plan focused on making the best use of land within their eight principal urban areas (i.e. land outside of the Green Belt). The approach including building at higher densities and on brownfield sites. However, SDC acknowledged this did not provide sufficient development capacity to fully meet their projected housing needs.
- 2.3 SDC's Regulation 18 (Part 2) Local Plan continues to focus on development opportunities in built up areas, but also considers options to provide additional capacity on suitable sites adjacent to its eight higher-tier settlements (Sevenoaks, Swanley, Edenbridge, Westerham, Otford, New Ash Green, Hartley and West Kingsdown). These settlements are the most sustainable locations for growth due to their local service offer and accessibility.

- 2.4 The draft Plan considers the potential contribution of Green Belt land adjacent to these settlements. Where land is underperforming Green Belt, and where it is sustainably located next to a higher-tier settlement, these sites are included as potential allocations in the draft Plan.
- 2.5 The draft Plan sets out three growth options. Options revolve around sites which are located in both the Green Belt and Areas of Outstanding Natural Beauty (AONB), and whether it is preferable to allocate a number of smaller sites, or one large site, or a combination of the two. All options include 'Baseline' sites in each of the eight main settlements that were found to be suitable through their Strategic Housing and Employment Land Availability Assessment (SHELAA) process (which has been published alongside the draft Local Plan.
- 2.6 Table 2.1 sets out the three spatial options for growth:



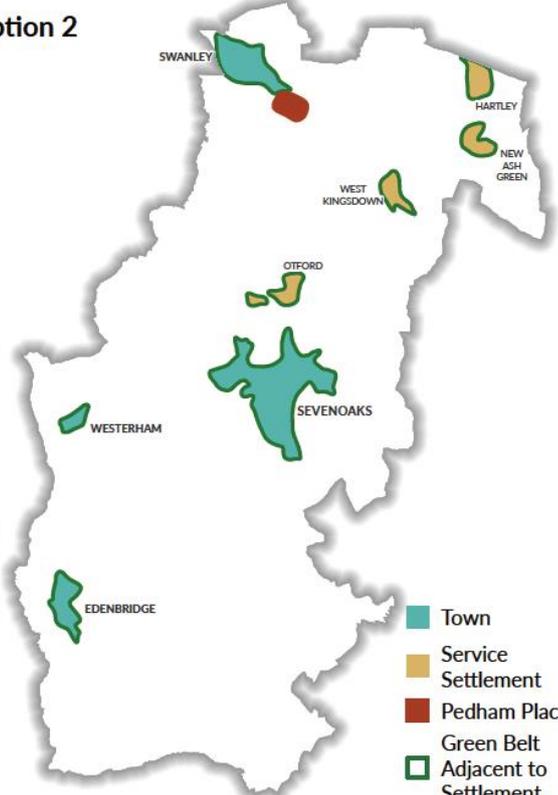
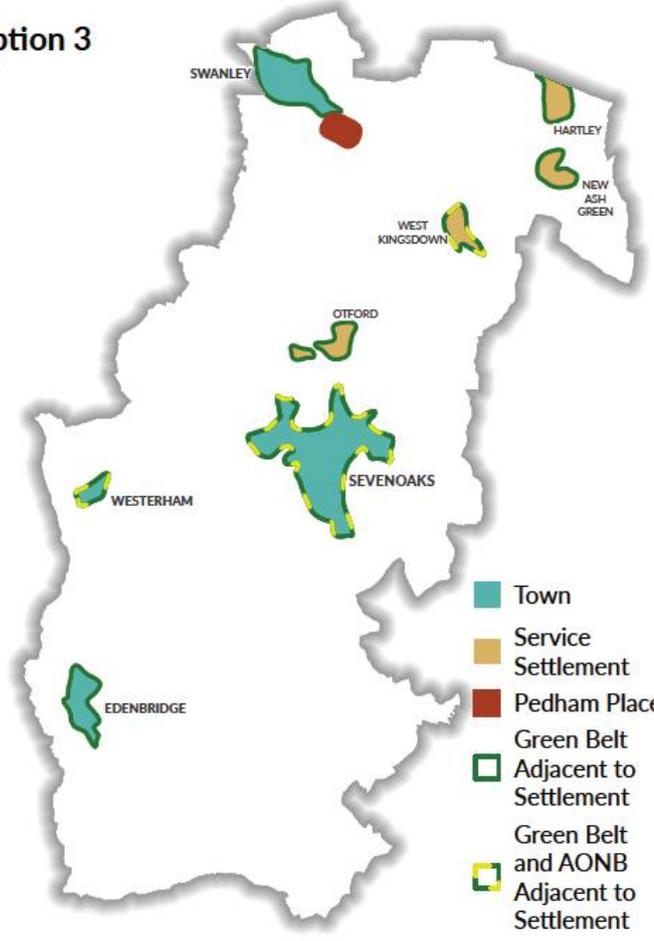
<p>Option 2</p>  <p>© Crown copyright and database rights 2023 Ordnance Survey 100019428</p> <ul style="list-style-type: none"> ■ Town ■ Service Settlement ■ Pedham Place ■ Green Belt □ Adjacent to Settlement 	<p>Baseline sites plus Stand-alone Settlement in a single location (Pedham Place)</p>
<p>Option 3</p>  <ul style="list-style-type: none"> ■ Town ■ Service Settlement ■ Pedham Place ■ Green Belt □ Adjacent to Settlement □ Green Belt and AONB Adjacent to Settlement 	<p>Baseline sites plus Combined AONB/ GB sites on the edge of higher tier settlements (Sevenoaks, Westerham and West Kingsdown) plus stand-alone settlement.</p>

Table 2.1: SDC’s spatial growth options in Regulation 18 Part 2 Spatial Plan

2.7 Option 1 approximately meets SDC's future need (though there remains a shortfall), Option 2 meets future needs, and Option 3 exceeds future needs.

2.8 Given TMBC needs to find sufficient development capacity to meet its own projected housing needs, it is recommended that TMBC supports SDC's proposed strategic approach as per options 2 or 3.

3. Legal Advice

3.1 The matters set out in this briefing note are considered routine or uncontroversial and a legal opinion has not been sought nor is required for the statement.

4. Financial and Value for Money implications

4.1 There are no financial or monetary implications.

5. Risk Assessment

5.1 N/A.

6. Public Sector Equality Duty

6.1 N/A

7. Consideration by Overview and Scrutiny

7.1 It is not considered that this matter needs to be considered by O&S/ SSC before a decision is made.

8. Communications

8.1 No communications are recommended.

9. Conclusion

9.1 Approval is required for the consultation response to Sevenoaks District Council, as set out in the decision notice.

10 Annexes

10.1 **Annex 1** includes the recommended TMBC response to Sevenoaks District Plan Regulation 18 consultation on Draft Local Plan

Annex 1

Local Plan - Planning Policy
Sevenoaks District Council
Council Offices, Argyle Road
Sevenoaks
Kent TN13 1HG

Contact Philip Waters
Email Philip.Waters@tmbc.gov.uk
Date Day Month Year

Sevenoaks Local Plan Regulation 18 (Part 2) Consultation: Response on behalf of Tonbridge and Malling Borough Council (TMBC)

Dear Hannah Gooden,

1. The consultation draft of the emerging Sevenoaks Local Plan (Regulation 18 Part 2) was considered by the Cabinet Member for Planning and the Leader of the Council.
2. Thank you for the opportunity to comment on the above consultation. This consultation response should be read in conjunction with the response provided in respect of the Sevenoaks Local Plan Regulation 18 (Part 1) on 11 January 2023.
3. TMBC and SDC are both preparing a new Local Plan along similar timescales. TMBC intends to publish a second iteration of its draft Local Plan (referred to as Regulation 18B) in mid-2023. TMBC restates its commitment to engage with SDC throughout the preparation of our respective Local Plans on matters of strategic importance, particularly those with cross-boundary implications.
4. TMBC's response to Sevenoaks Local Plan Regulation 18 (Part 1) supported SDC's strategic approach to prioritise opportunities to meet its projected future housing and business land needs within existing built-up areas. This approach was consistent with national policy. This approach was judged to result in a shortfall in residential development capacity between 33% and 44%.
5. At this stage, TMBC indicated that it was unable to assist SDC in meeting its needs. TMBC's position has not changed in this regard.
6. TMBC is seeking to meet its own future development capacity need through its emerging Local Plan. This will be challenging, given the multiple constraints across the borough, including Green Belt, that are detailed in our Housing Constraints Assessment. The challenge is particularly acute in the western part of the borough that is part of the West Kent Housing Market Area. As

such, it is unrealistic to assume that TMBC could contribute towards meeting SDC's needs.

7. TMBC is currently in the process of developing its own spatial growth strategy to respond to its projected development capacity needs. Spatial options for future growth will be set out in TMBC's Regulation 18B iteration of its draft Local Plan, due to be published in July 2024.
8. TMBC welcomes SDC's in-principle commitment to fully meet its projected future housing need within the borough through pursuing spatial growth options that includes opportunities to allocate Green Belt land, and potentially land subject to landscape protections (provided SDC works alongside relevant bodies to ensure appropriate protection). TMBC supports Development Strategy Options 2 and 3 as these either meet or exceed SDC's projected need over the Local Plan period. TMBC is concerned Spatial Development Strategy Option 1 and the 'Baseline' scenario do not fully meet need. TMBC would welcome clarity about how SDC proposes to meet any shortfall if SDC proceeds with the Baseline scenario or Spatial Development Strategy Option 1.
9. TMBC would also welcome clarity about the quantum of growth that would be enabled in each of the eight urban areas over the lifespan of the Local Plan under each Spatial Development Strategy Option. This would enable detailed consideration of potential cross-boundary issues such as, for example, the impacts of growth on the local highway network and the consequential impacts on local communities.
10. I hope these comments are of assistance and I confirm that TMBC looks forward to continuing to engage with SDC on plan-making matters in a constructive, active and on an on-going basis.

Yours sincerely,

Philip Waters

Principal Planning Policy Officer