



## SEVENOAKS LOCAL PLAN EXAMINATION

Matter and Issue: Matter 1: Issues 1&2 Legal Compliance & Duty to Cooperate (Day 1)

Clients: *Billings Group (LPS2115)*  
*Cavendish & Gloucester (LPS2028)*  
*Group One Investment (LPS2029)*  
*King & Johnston Homes (LPS2037/3041)*  
*The Powell Property Partnership (LPS2035)*  
*Mark Lakin (LPS2027)*  
*Jarvis Homes (1204)*  
*Mr. and Mrs. Gonella (LPS2046)*  
*Madgwick & Dottridge (ID 3416)*  
*McCulloch Homes & Meadow View Management (LPS3131)*

Prepared by: DHA Planning Ltd

Date: September 2019

---

### 1.1 Introduction and Scope

- 1.1.1 This statement has been prepared by DHA Planning on behalf of a collective group of clients who have shared concerns in respect of the emerging Sevenoaks Local Plan.
- 1.1.2 In order to assist the Inspector and reduce the number of statements, this document represents a collective response. Where any views are individual to a single client only, this is specifically highlighted. In all other instances the views presented are shared by all of those listed on the front of this document.
- 1.1.3 The statement responds specifically to the issues, matters and questions posed by the Inspector. Where responses to questions posed by the Inspector are omitted, it should be taken that either our clients wish to rely upon their original Regulation 19 responses (with no additional material to add) or have no comments to make.

### 1.2 Issue 1: Overall, has the Local Plan been prepared in accordance with the relevant legal requirements?

#### ***Q3. Is the Local Plan legally compliant with respect to Sustainability Appraisal [SA]?***

- 1.2.1 Section 19 of the Planning and Compulsory Purchase Act 2004 requires the carrying out of a sustainability appraisal. Paragraph 32 of the NPPF reaffirms the need and states this should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains).
- 1.2.2 Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation

measures should be proposed (or, where this is not possible, compensatory measures should be considered).

- 1.2.3 A Sustainability Appraisal (SA) has been prepared by the Council and its contents have influenced the evolution of the Plan. However, in our view the SA is flawed as it has not properly tested all of the 'reasonable alternative' growth options available to the Council.
- 1.2.4 The SA tests five growth options; which would deliver between 5,768 and 13,904 dwellings. However, the impact of the release of sustainable Greenfield land has not been properly appraised as part of this process.
- 1.2.5 The Council's SHELAA demonstrated the availability of a vast number of greenfield sites on the edge of settlement locations that could potentially be released for development, many of which would be wholly sustainable and often surrounded by development on three sides. However, these types of sites were prematurely ruled out by the Council's unique interpretation of 'Exceptional Circumstances' thus the SA failed to properly consider generic greenfield release as a reasonable alternative strategy. To be a robust exercise the SA should have explored the merits of this approach.
- 1.2.6 In addition to not testing all growth options, the Council's has not properly considered or appraised other areas that could be designated as a Broad Location for Growth.
- 1.2.7 The original 'Issues and Options' consultation invited landowners to put forward land for a garden village, but also caveated that this did not form part of the Council's preferred strategy. Furthermore, the July 2018 draft Local plan considered Pedham Place on the basis of it being a 'Greenfield Exceptional Circumstances Site' along with the other MX sites.
- 1.2.8 The principle of a Broad Location is very much a late addition and has not been subject to a sufficient level of consultation, consideration and scrutiny. For example, the Billings Groups land to west of Hartley should have been considered as a possible alternative Broad Location, particularly given it is partially brownfield, located adjacent to established settlement boundaries and is not located within a nationally protected landscape. This option does not seem to have been considered and is therefore a failure of both the SA and paragraph 172 of the NPPF that requires not AONB opportunities to be explored.
- 1.2.9 Finally, the SA has been underpinned by the findings of the Council's Green Belt evidence, which is fundamentally flawed owing to the macro nature of the study areas.
- 1.2.10 In summary, whilst the SA process has been completed by a competent organisation and to a recognised methodology, it seeks to justify pre-determined decisions rather than to genuinely appraise the sustainability of options open to the Council. For this reason, it is flawed and does not represent a suitably robust document.
- 1.2.11 For the reasons set out above, the Plan and SA both need to be revisited by undertaking a comprehensive assessment of the benefits and disbenefits associated with edge of settlement greenbelt land and all available options for a potential future Broad Locations for growth.

***Q9. Do the strategic policies look ahead a minimum 15 year period from adoption, to anticipate and respond to long term requirements and opportunities as required by paragraph 22 of the NPPF?***

- 1.2.12 No. Neither the strategic policies nor plan as a whole is positive or forward thinking.
  - 1.2.13 Not only does the draft plan fail to put in place a credible basis for meeting current housing need, it represents a short term forced response to strategic planning requirements rather than a genuine attempt to put in place a strategy for delivering the right homes, jobs and commercial needs of the community.
  - 1.2.14 The plan fails to meet its own housing need requirements, relies upon a large portion of historic allocation sites that are unlikely to come forward and provides no long term growth plans that will ensure Green Belt boundaries endure beyond the current plan period.
  - 1.2.15 The provision of a vague Broad Location for growth is unjustified and the plan is lacking in any evidence that Pedham Place represents the right location for longer term growth, that it is deliverable and that it can be realised without significantly impacting upon Swanley Town Centre.
- 1.3 Issue 2: Is the Local Plan's preparation compliant with the Duty to Cooperate [DtC] imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) [PCPA]?**

***Q10. What has been the nature and timing of the co-operation and on which issues?***

- 1.3.1 Paragraph 26 of the NPPF states that effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere
- 1.3.2 The Duty to Cooperate Background Paper includes details of the involvement of Officers and Members of the Council in partnerships, discussion groups and meetings covering a wide range of cross-boundary strategic matters. However, this is not, of itself, evidence of cooperation or engagement. At best it demonstrates active involvement, but there is little evidence of the cooperation, collaboration, effective and on-going joint working.
- 1.3.3 In our view, the associated statements of common ground are generic in nature and seek to focus solely on agreeing Sevenoaks District is constrained and cannot accommodate the required level of planned growth. There is seemingly no wider depth to the statement nor has there been any genuine discussion about implications of the growth option available to the Council and how these may assist or hinder their neighbours.
- 1.3.4 For example, given the Billings Group has promoted the major strategic expansion of Hartley, and Meadow View Management Ltd land adjoining Hextable, there is no direct evidence of the Council having any direct detailed discussion about these

potentially strategic sites with Dartford Borough Council, despite the proximity to the administrative boundary.

- 1.3.5 In respect of the former, the promoter's offer includes a number of key pieces of infrastructure in addition to homes, including two new schools, satellite medical facilities, a country park and new sports facilities all of which will benefit Dartford borough residents as much as those within Sevenoaks. Accordingly, as a minimum one would therefore have expected documented discussions in respect of the benefits/disbenefits of such a proposal and whether the additional housing proposed could assist their immediate neighbours.

***Q15. How has the co-operation influenced the preparation of the Local Plan?***

- 1.3.6 It is difficult to see how the DtC has genuinely influenced the preparation of the plan. Conversations with neighbouring authorities have clearly taken place, but in what appears to be a rather generic 'tick box' exercise rather than through any genuine desire to plan for the unmet need of the borough's residents.
- 1.3.7 The DtC statements also have little regard to the sharing of evidence and wider implications of planning within a constrained borough. For example, Tunbridge Wells Borough Council and Tonbridge and Malling Borough are both constrained by Green Belt/AONBs and face the challenge of meeting a similar annual housing target. In the case of both neighbouring authorities' substantial areas of greenfield Green Belt release are proposed for release with the housing need accepted as the 'exceptional circumstance' needed to do so. It is unclear how far Sevenoaks have evaluated these approaches and concluded greenfield Green Belt is not sustainable.
- 1.3.8 Whilst it is for each authority to prepare its own strategy, one would expect a degree of discussion to take place in respect of the available options and why one growth option or approach may fit an area more appropriately than another. At the very least, the DtC statements should explain why the constrained boroughs of TMBC and TWBC are able to meet their full housing need, whilst Sevenoaks District is not.
- 1.3.9 Too much focus has been placed on justifying a reduced level of growth, without any genuine attempts to share knowledge or adopt an approach that advocates full housing needs being met and exceeded.
- 1.3.10 For these reasons we consider that the DtC has provided limited influence on the content of the plan.