Matter 2: Soundness of the Local Plan

Issue 3: Is the Plan based on a sound process of Sustainability Appraisal?

Whilst Redrow are members of the Sevenoaks Developer Forum and agree with and support the representations made by Lichfields on behalf of the Forum on issue 3 – questions 16 to 22, they have additional comments they wish to make – as set out below.

Q16. Has the Sustainability Appraisal been undertaken at each stage of the Plan’s preparation to clearly justify the Council’s policy choices?

3.1 Not only do we share Lichfields disquiet at the fact that earlier iterations of the SA do not from part of the examination library, but consider the SA submitted with the submission plan to fail to justify the Council’s final policy choices. We say this because, for instance, the July 2018 SA did not oppose the plans strategy to deliver up to 13,706 dwellings across the plan period at that time1; yet the Dec 2018 SA suggests that the lower level of growth (option 3 – 10,568) is the preferred option. The Dec 2018 SA does not however explain why this change in direction/ conclusion to the appraisals has occurred, or how its implications in terms of unmet need are to be addressed. Not only could the Dec 2018 SA be accused of a retrofitted SA that supports the council’s change in policy direction, but it has in our opinion led to fundamental issues especially in terms of the DTC and the approach adopted by adjacent authorities over the course of the plans preparation.

Q17. Does the Sustainability Appraisal process represent the only site selection methodology or has the Council used any other process?

3.2 The SA appears to have been supported by a number of other documents when it comes to the consideration of housing allocations, including the Green Belt Assessment (ENV001 and 2), Landscape Character Assessment (ENV04 and 5), SHELAA (HOU2 – 13), and the Site Appraisals (SUP016 -9). There are however, in our opinion, inconsistencies in the assessment of sites between the SA and these other documents. For example when one reviews the site appraisals in Volume 2 of the Dec 2018 SA, the use of a traffic light system to identify areas of concern means that for sites such as MX41 six red lights are flagged – impact on deciduous woodland, biodiversity, green belt, proximity to schools, proximity to doctors and proximity to town/ local centres. However, no account is taken of how these issues could be addressed. Nor is any indication given of how they are weighted. In this regard the 2018 Site Appraisals Document (SUP018) when reviewing this site appears to acknowledge that proximity to schools, doctors and local services can be addressed through on site provision, the infrastructure considerations table of the site considerations assessment having no red flags in this regard. The only reason for MX41 not being taken forward as a potential allocation according to the 2018 Site Appraisals Document being that the infrastructure proposals do not outweigh the harm to strongly performing green belt – which seems a tad odd given all the infrastructure benefits listed:

1 See p18 options considered, para 5.36 re the level of housing to be delivered over the plan period, tables 6.3 and 6.4 (p48 and 50) re the landscape and environmental impacts of this approach and paras 6.61 – 6.65 and table 6.5 of the SA – July 2018
Extra care / warden-supported housing  
Local Needs Housing  
Local service centre (likely to include community hall, a café, health club facilities, and small-scale retail)  
Healthcare provision  
New Education Facilities, including Primary School, Early Years and Special Education Needs facility  
Employment space including incubator business space  
Self build plots  
Gin distillery (employment and tourism)  
Station car park  
A Regional Sports Hub including club/changing facilities  
Public open space provision

Q18. Does it test reasonable alternatives?

3.3 Whilst we accept the SA looks at alternatives, the issue is whether they are all reasonable and whether the approach adopted to reasonable alternatives is sound. The SA in assessing reasonable alternatives to the spatial strategy appears to link overall housing numbers promoted within the plan with that which can be achieved by adopting various spatial strategies. It thus predisposes that the spatial strategy is the correct strategy and thus effectively creates a policy on approach to testing reasonable alternatives. It does not look at the impact of options that for example reflect the standard methodology (capped and uncapped), a number commensurate with the affordable needs of the district or indeed continuation with the current Core Strategy equivalent. All this despite the fact that one of the key objectives of the plan is to ‘Promote housing choice for all’ and table 2.1 of the SA makes it clear that the objectives to be tested when looking at the theme of Population and Communities include:

➢ Provide **everyone** with the opportunity to live in good quality, affordable housing, and ensure an appropriate mix of dwelling sizes, types and tenures.
➢ Cater for **existing and future residents’ needs** as well as the needs of different groups in the community, and improve access to local, high-quality community services and facilities.
➢ **Reduce deprivation** and promote more inclusive and self-contained communities. My emphasis.

3.4 In linking the housing target to the spatial strategy, table 5.1 of the SA indicates that the following options were tested:

Option 1 - Non-Green Belt - Only building within the areas of the District that are not designated as Metropolitan Green Belt - 5,768 dwellings  
Option 2 - Non-Green Belt land and developed Green Belt land - Only building on the parts of the Green Belt that have been developed - 7,128 dwellings  
Option 3 - Non Green Belt land, developed Green Belt land, Strategic Green Belt Greenfield land with social and community infrastructure and broad location for growth - 10,568 dwellings

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² P15 of the submission plan
Option 4 - Non-Green Belt land, developed Green Belt land, Strategic Green Belt Greenfield land with social and community infrastructure, broad location for growth and sustainable Greenfield sites in weakly performing Green Belt - 13,904 dwellings

3.5 In discussing the options against SA Objectives for Population and Communities, the SA indicates on p35/36 that:
‘Option 3 performs most strongly overall in terms of delivering an appropriate mix of housing, whilst also striking a reasonable balance between quantum of housing delivery and the opportunities for delivering a range of services, facilities and community infrastructure through the development process. The low growth options fail to deliver either sufficient housing delivery or sufficient community infrastructure. The highest growth option, Option 4, would deliver a considerably higher quantum of housing but it is considered that the smaller nature of many of the Option 4 sites would not lead to the provision of new services and infrastructure’

3.6 The SA goes on at para 5.26 to conclude that
‘Options 1 and 2 will fall significantly short of delivering housing needs in the District, and have limited potential to bring forward community infrastructure. In this respect, Options 3 and 4, through delivering a higher quantum of development across a wider range of settlements in the District, will do most to meet objectively assessed and affordable housing needs and support community vitality and viability. In addition, community benefits, including from enhancements to sustainable transport networks, improvements to green infrastructure, new community facilities and biodiversity enhancements have additional potential to be secured through these options. However, given that sites taken forward under Option 4 are likely to be more limited in size, and are dispersed, they will offer fewer opportunities to bring community benefits through enhancements to infrastructure. In this respect Option 3 provides more of a balance between housing delivery and the securing of community benefits, whilst also enabling the protection and enhancement of the District’s sensitive environment.’

3.7 It is on this basis that the submission plan has sought to proceed with a housing target of what is now just 528dpa (10,568 dwellings over the Plan period). In noting the conclusions of the SA, we would question the extent to which the chosen option does in fact meet SA objectives for Population and Communities and the subjectivity involved in determining that meeting the figure suggested in the DCLG methodology in 2017 (698dpa) (707 dpa now) would be harmful to the landscape and historic environment, the environmental quality of the district, and the transportation network, or be any more harmful than option 3 in terms of the health and wellbeing of residents. The assumption appears to be more houses equals more land take and thus increased harm to the local environment. What the SA fails to address is the extent to which more housing would help address the district’s acute affordable housing need and affordability ratio3. Providing more housing, especially affordable housing, and improving the affordability ratio will help key workers find accommodation in the District, thus reducing in-commuting and improving existing services/ business access to labour – thus enhancing the economic viability of the District and reducing the need for travel.

3 In this regard the Dec 2018 SA appears to contradict the July 2018 SA
3.8 Furthermore more housing need not necessarily harm the local landscape or place a strain on local services. Good design should enable landscape impacts and the effects on climate change to be taken into account and addressed as necessary. Likewise, more development can lead to greater investment in new infrastructure, including local services to the greater good of both existing and new residents. In this regard, contrary to the conclusions of the SA that sites taken forward under Option 4 are likely to be more limited in size, we would highlight the fact that four of the sites removed from the Reg 18 Plan exceeded 600 dwellings and all came with significant infrastructure improvements, such that the suggestions in para 5.26 of the SA are totally unfounded. The whole premise of the SA appears to be one of negativity rather than positivity. Para 11 of the NPPF (2019) is clear in that ‘plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change’ Whilst Paragraph 16 (b) indicates that plans should ‘be prepared positively, in a way that is aspirational but deliverable’; and paragraph 35 in identifying the tests of soundness makes it clear that for a plan to be ‘sound’ it has to be: ‘Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development’;

3.9 Whilst the SHELAA has provided an overview of what is developable, SDC have, through the SA simply failed to assess the merits of further allocations / Green Belt releases in the context of the different spatial options and associated impact on the affordability issues in the district, which results in a Plan approach that is inconsistent with national policy, unjustified and not positively prepared i.e. unsound. The affordable needs of the area amount to overriding Exceptional Circumstances to warrant the alteration of Green Belt boundaries. The SHELAA indicates there are ample sites to meet the need, and the Reg 18 plan actively sought to allocate more sites than the submission plan4. To this end it would appear that the rational for the removal of 4 sites (Broke Hill Golf Course - Halstead/ Pratts Bottom (800 dwellings), Corinthians Golf Club and land at Bancksde - Fawkham/ Hartley (800 dwellings), Land between Beechenlea Lane and Highlands Hill – Swanley (750 dwellings), and Land north and east of Westerham (600 dwellings)) was predicated

4 Page 33 of the submission Plan looks to provide for 6,582-13,382 dwellings. The July 2018 SA appraised 3 options;
Option 1 220 dwellings;
Option 2 – 8712 dwellings
Option 3 – 13,706 dwellings.
Whilst table 5.4 acknowledges that option 3 ‘has the most potential to lead to significant impacts on landscape character in the district’ it does not dismiss this option as unacceptable. Furthermore section 6 of the July 2018 SA does not suggest that the policy approach advocated in the Reg 18 plan was unacceptable in terms of biodiversity and geodiversity, - para 6.2.1 states: ‘the policy framework is considered to take a proactive approach to maintaining and enhancing biodiversity within the district and its wider connections to designated sites and habitats outside the Plan area. The likely impacts on climate change are seen as ‘permanent and positive’, as is the impact on the landscape and historic environment. The impact of the Reg 18 plan on the environmental quality of the area is positive, as is the impact on population and communities, health and wellbeing, the economy, and town and local centres. Only the impacts on and, soil and water resources, and transportation are seen as being in any way negative. The former because of the loss of Greenfield land and open countryside (para 6.55 refer) and the latter because of the potential to exacerbate traffic and congestion in some locations (para 6.76).
purely on the level of opposition that they had elicited. In this regard we note that the report to the Planning Advisory Committee of 22 November 2018 indicates that:

‘4.3 The top 5 ‘commented on’ sites were:
• MX52 and MX53 (Corinthians and Banckside, Hartley) – 1,721 comments
• MX41 (Broke Hill) – 1,253 comments
• MX54a&b – (Land at Beechenlea Lane) – 1,167 comments
• MX48 (Pedham Place) – 479 comments
• HO371-374 (Which Way Westerham) – 405 comments

4.4 Going forwards, and as part of the preparation of the ‘Regulation 19’ Proposed Submission version, Officers have taken account of the consultation responses received and the provisions of national planning policy and guidance, which are set out in the following paragraphs.’ My emphasis.

3.10 The above appears to be supported by the comments in SUP008a (para 4.10/11). We also note that it was the removal of these 4 sites that led to the reduction in the overall housing target in the Reg 19 plan, as together they accounted for circa 2,950 dwellings. 13,382 minus 2,950 being 10,432, which was comparable to the 10,568 being promoted in the submission plan, before modifications.

3.11 In the context of the above, we note, as highlighted by Lichfields that the SA contains no separate testing of reasonable alternatives to Pedham Place as a significant component of growth. This is in our opinion a fundamental flaw, especially when one looks at the assessment of Pedham Place in vol 2 of the SA (SDC003a) and compares it with for example the assessment of MX41 (Broke Hill). Wherein it is clear that the chosen allocation performs worse than the land at Broke Hill in terms of Surface water flood risk, proximity to a Scheduled Monument, relationship with Area of Archaeological Importance, proximity to the AONB, relationship with AQMA, and is considerable further from a train station (1,900-2,000m rather than 0-50m). Whilst admittedly Brook Hill provides for less housing, it could in our opinion, with other sites, provide for more sustainable growth than the chosen option, but such an alternative has not been explored in the SA as the SA has taken it as read that the strategic allocation is Pedham Place.

Q19. Has the Sustainability Appraisal been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative?

3.12 The simple answer is no the SA has not been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative. In addition to the points raised above, and the Forums reps we note that the Dec 2018 SA, whilst recognising the affordability issues in the District and the associated effect these have on the local economy appears to have given significantly greater weight to the environmental issues associate with higher levels of housing growth and in so doing fails to take into account the social and economic advantages an increased level of housing supply could provide for. In addition the SA has not commented at all on the effect SDC not meeting its housing requirement will have on those neighbouring authorities that fall within the same HMA/ the fact neighbouring authorities such as

5 NB retained in Reg 19 Plan
Tandridge have submitted a plan that fails to meet its OAN, and the effects this failure to deliver will have at a more strategic level.

Q20. **Is the Sustainability Appraisal decision making and scoring robust, justified and transparent?**

3.13 The simple answer is no, the SA decision making and scoring is not robust, justified and transparent. In addition to the points raised above, and the Forums reps, we would highlight the fact that the SA itself appears to have internal contradictions as the appraisal of Pedham Place in Table 5.3 of SDC003 appears to be at odds with the sites assessment in SDC003a. Table 5.3 states:

‘Options 3 and 4 would also see significant development of up to 2,500 dwellings at Pedham Place, … Pedham Place has a different context in terms of biodiversity as the site is currently in use as a golf course meaning the land is managed and only semi natural. This is reflected in the absence of designated sites or features on site or nearby. Although it is inevitable that the development of a significant greenfield site will result in a loss of open land, the relatively low biodiversity value of the site at present means there are likely to be opportunities to enhance the biodiversity offer of the site through the development process. This could include habitat creation or the delivery of green infrastructure network enhancements to enable linkages between habitats.’

3.14 Yet SDC003a flags the site as being ‘High’ in terms of ‘Biodiversity Analysis’. Whilst we would tend to agree that golf courses are, given their nature, unlikely to have any significant ecological interest, and that redevelopment is an opportunity to enhance the situation, we find it slightly perplexing that the SA within its own volumes appears to be saying different things about the same site – the chosen strategic allocation.

Q21. **Does it represent the most appropriate strategy in the circumstances?**

3.15 The simple answer is no, for the reasons set out above and in the Forums reps, the SA does not represent the most appropriate strategy in the circumstances.

Q22. **Does the final report set out the reasons for rejecting earlier options?**

3.16 The simple answer is no, for the reasons set out above and in the Forums reps, the SA does not set out the reasons for rejecting earlier options. To this end we consider it expedient to the examination and the inspector’s determination as to the soundness of the plan that earlier iterations of the SA are placed in the examination library so they can be properly referenced and the council’s change in approach fully appreciated and explored.

3.17 Overall, we do not believe that the submission plan has followed the advice in the NPPF, and that generalised, and in some cases questionable assumptions, have been made about the impact of higher levels of housing provision relative to the benefits it could bring about. Furthermore the Plan and its evidence base fails to consider the extent to which any issues that have prevented a site being bought forward might be resolved or mitigated, in part because of the need to support the

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6 See table 1 in Forums reps on issue 6 – policy ST1 – que 35- 44
chosen approach, rather than independently assess the options available to the council.