Matter 2: Soundness of the Local Plan
Issue 5: Is the approach to the Green Belt justified, effective and consistent with national policy? [Policies ST1 and GB1]

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 5 – questions 30, 31, 32, and 33, they have additional comments they wish to make – as set out below.

Q30. Has the assessment of the Green Belt been undertaken in a robust manner?

5.1 In simple terms no – for the reason set out in the Forum’s reps and in section 3 of our reps on the Reg 19 Plan we do not believe the GBA has been undertaken in a robust manner. As a result, the Council have no doubt discounted sites that would otherwise have been taken forward for further consideration. This is compounded by the limited scope of the assessment, which prejudices what is assessed and does not in our opinion reflect the advice in the NPPF; and the council’s failure to revisit it as the plan evolved.

5.2 In the context of the above, in reviewing the findings of the GBA (ENV001 and 002) and considering this against the spatial strategy adopted in the submission plan it appears the spatial strategy does not necessarily follow the findings of the GBA in any event. We say this because if one looks for example at the findings of appendix 1 of the GBA of parcel 77 – the parcel containing the land at Pedham Place Golf Club, and compares this to parcel 76 – the parcel containing the land at Brook Hill, we note the following:

<table>
<thead>
<tr>
<th>Purpose 1</th>
<th>Parcel 76 Incl Brook Hill</th>
<th>Parcel 77 Incl Pedham Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>To check the unrestricted sprawl of large built-up areas</td>
<td>The parcel is at the edge of the Greater London large built-up area. The parcel is connected to the large built-up area of Greater London preventing its outward sprawl into open land. The large built-up area is predominantly bounded by features lacking in durability, consisting of hedgerows and the back gardens of residential properties.</td>
<td>The parcel is at the edge of Swanley large built-up area. The parcel is connected to the large built-up area of Swanley, preventing its outward sprawl into open land. The boundary between the parcel and the Swanley built-up area is predominantly strong, consisting of the A20 and M25. The parcel serves as an additional barrier to sprawl.</td>
</tr>
<tr>
<td>Purpose 1 score</td>
<td>3+/5</td>
<td>3/5</td>
</tr>
<tr>
<td>Purpose 2</td>
<td>The parcel forms the essential gap between the Greater London Built-Up Area (Pratts Bottom), Badgers Mount, Halstead and Knockholt &amp; Knockholt Pound, preventing development that would significantly visually and</td>
<td>The parcel forms the essential gap between Swanley and Farningham / Eynsford (in the north of the parcel) and the wider gaps between Swanley, Farningham, Eynsford and Shoreham, as well as the wider gap between Shoreham and</td>
</tr>
<tr>
<td>Purpose 3 score</td>
<td>Purpose 3</td>
<td>Purpose 4 score</td>
</tr>
<tr>
<td>----------------</td>
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<tr>
<td>3/5</td>
<td>4/5</td>
<td>0/5</td>
</tr>
</tbody>
</table>

5.3 The above clearly indicates that in terms of a like for like comparison the parcel containing the land at Pedham Place Golf Club scored more highly than the parcel containing the land at Brook Hill i.e. it fulfilled more of the functions of the Green Belt As Lichtefelds point out, the GBA was undertaken in 2017, and was part of the evidence base supporting the Reg 18 plan. The Reg 18 plan included both the land
at Brook Hill, and the land at Pedham Place. The submission plan however only looks to allocate the land at Pedham Place. In doing so, without reviewing the GBA, SDC are left with a plan that is not supported by its evidence base.

5.4 Para 11(b) of the NPPF is clear in that:
'strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.' My emphasis.

5.5 As Lichfields point out a flawed Green Belt Assessment means that SDC cannot rely upon this as to provide them with a ‘strong reason’ to justify the Plan’s approach and fail to meet their OAHN.

Q31. Should a full Green Belt Review be undertaken?

5.6 In simple terms, for the reason set out in the Forum’s reps, yes, a GBR should be undertaken. Spatial Objectives 1 and 3 of the submission plan are to:
1 Promote Housing choice for all
3 Support a vibrant local economy both urban and rural.
As submitted the plan does not meet these objectives as it does not meet its OAHN. Furthermore para 1.6, 1.8 and 1.10 – 1.13, all take the failure to meet the OAHN back to impact on the GB. Without their being a full GBR we fail to see how SDC can truly demonstrate that they cannot meet their OAHN in full/ to do so would significantly and demonstrably outweigh the benefits.

Q32. Where the Local Plan proposes to alter Green Belt boundaries, in accordance with paragraph 136 of the NPPF, what are the exceptional circumstances for doing this?

5.7 Para 136 states:
‘Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans’

5.8 Having regard to the Forums submission and noting the case law\(^1\) as referenced in the GBA and para 1.11 of the submission plan, we note, as set out in our Reg 19 reps that:
i. it is agreed that there is an acute housing need in the district;
ii. it is also accepted that the supply/availability of land prima facie suitable for sustainable development that falls outside the Green Belt in Sevenoaks is severely limited;

\(^1\) Calverton Parish Council v Greater Nottingham Councils [2015] EWHC 10784
iii. it is **accepted** that there are consequent **difficulties** in achieving sustainable development **without impinging** on the Green Belt.

5.9 Given the above there are in our opinion exceptional circumstances to justify alterations to the Green Belt boundaries in the district. The real issue is the extent to which land should be released i.e. whether SDC are correct in limiting the release so that they do not meet their OAHN, or in the light of the acute housing need whether more land should be released to meet the full OAHN – as was proposed in the reg 18 plan. This leads to the debate over:

iv. the nature and extent of harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and

v. the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

5.10 In our Reg 19 reps we highlighted the fact that SDC appear to have placed unreasonably high constraints on the extent to which the release of sites would harm the nature of the Green Belt / a promoters ability to ameliorate or reduce to the lowest reasonable practicable extent the level of harm identified. We have calculated the two Green Belt allocations promoted in the submission plan result in the development of 121 ha (28 ha at Edenbridge and 93 ha at Sevenoaks Quarry). The area of search at Pedham Place is 118 ha. Thus 239 ha of Green Belt will potentially be de-allocated. This is circa 0.69% of the districts Green Belt. Reintroducing those sites consulted upon in the Reg 18 Plan would add a further 206 ha to the equation/ result in the de-allocation of 445 ha which is still only 1.29%. Whilst not insignificant this would be the first major Green Belt review in the District since the 1950’s and in this context, and having regard to the housing needs of the area, the extent of the harm to the aims and purposes of the Green Belt from such growth would we believe be minimal. Put another way, the de-allocation of circa 1.3% of the district’s Green Belt to meet its housing needs is not in our opinion disproportionate or unreasonable.

5.11 In resolving not to meet their OAHN, SDC appear to have decided that the negative economic and social consequences are acceptable in order to minimise the loss of Green Belt. As set out above we believe the impact on the Green Belt is relatively minor. There will be a minimal loss of land and the fundamental aims and purposes of the Green Belt will not be affected if delivery of the housing requirement is planned for effectively. However, the consequences of not meeting the housing requirement will be severe with the affordability ratio increasing, the inability of key works to live in the District exacerbated, increased in-commuting and a reduced pool of employees for local employers and consequential harm to the District’s ability to facilitate any employment growth.

5.12 It is clear from the SHELAA that there are developable sites available to meet the housing requirement. The methodology adopted in the GBA to facilitate the release of sites is in our opinion unjustified in its approach and has actively restricted the Councils ability to meet its housing requirement. The social and economic implications of not meeting the housing requirement have not been given full weight and there is no clear evidence to demonstrate why the housing requirement cannot be met.
Q33. Is the Council's definition of 'exceptional circumstances' justified?

5.13 In addition to the exceptional circumstances identified in case law, SDC have gone on to suggest at para 1.12 of the submission plan that the following considerations are also relevant in the determination of exceptional circumstances:

• The extent to which land meets the purposes of inclusion in the Green Belt, namely the five key tests set out in paragraph 134 of the NPPF
• Whether the release of land will result in the delivery of infrastructure to meet an existing evidenced based need; and
• The overall sustainability of the proposals, as assessed by the Sustainability Appraisal of the Local Plan'

5.14 Whilst it could be argued the first of SDCs additional criteria is implicit within case law, we note that para 138 of the NPPG is clear in that:

'When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling 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. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.' My emphasis.

5.15 Given the above, whilst clearly material, the five purposes the Green Belt serves as set out in para 134 of the NPPF, are not the sole factor SDC should be taking into account when assessing where land could be released from the Green Belt – it is in part because of this that the GBA does not go far enough and why a GBR is required. It also demonstrates that SDC’s assessment of exceptional criteria is skewed and conflicts with the advice in the NPPF/ is not justified in this regard.

5.16 Turning to the second of SDCs additional criteria, this is in our opinion open to question. Para 1.7 of the submission plan they make it clear that:

'Our preferred option, which received 92% support at consultation is summarised below.....Development of greenfield Green Belt land only in 'exceptional circumstances', particularly where social and community infrastructure is being proposed, which could help address evidenced infrastructure deficiencies in the area'

5.17 Whilst the provision of community infrastructure may assist in achieving sustainable development; making this a requirement of the exceptional circumstances test could, as Lichfields point out, result in perverse outcomes such as encouraging development in unsustainable locations that are currently lacking in facilities rather

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2 Exceptional circumstances are defined in the glossary of the Reg 19 Plan as follows:

The Government does not define exceptional circumstances, but as part of the new Local Plan it is suggested that this may occur, for example, where new housing development achieves the sustainable reuse of brownfield land; ensures the delivery of new and needed key infrastructure (meaning infrastructure that is over and above that which the developer would be required to provide in any event in order to mitigate the impact of the development and other than housing); is needed to achieve regeneration and helps achieve significant compensatory improvements in the Green Belt.
than promoting sites in existing sustainable locations. This can not in reality be a justifiable test of 'exceptional circumstances'.

5.18 Finally, whilst the third of SDCs additional criteria, is in terms of sustainability, a fundamental requirement of plan making, relating this back to the SA is in our opinion wrong as the criteria upon which the SA assessed sites was predicated upon spatial strategy options which included GB release on developed land, where release would deliver infrastructure and community benefits and where sites are weakly performing against GB purposes and on the edge of higher tier settlements. As the latter was, ultimately not included in the chosen strategy, the Council’s consideration of exceptional circumstances would, in cross referring to the SA, mean that no site considered for GB release can be suitable unless it is developed or would deliver infrastructure or community benefits. As neither of these points are what makes a site sustainable, the need for the overall sustainability of the proposals to be as assessed by the SA cannot be justified as it omits what could be suitable sites from the assessment.

5.19 In our opinion the methodology adopted by SDC in defining 'exceptional circumstances' is totally unjustified and suggests an approach to plan making that is not positive / aspirational and is totally at odds with the aims and objectives of national government guidance.