



The Planning  
Inspectorate

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# **Report to Sevenoaks District Council**

**by Elizabeth Fieldhouse DipTP DipUD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 18 January 2011**

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

## **REPORT ON THE EXAMINATION INTO SEVENOAKS DISTRICT CORE STRATEGY DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 3 June 2010

Examination hearings held between 05 and 22 October 2010

File Ref: PINS/G2245/429/5

## ABBREVIATIONS USED IN THIS REPORT

AA	Appropriate Assessment
AHVA	Affordable Housing Viability Assessment
AONB	Area of Outstanding Natural Beauty
CS	Core Strategy
DfT	Department for Transport
DPD	Development Plan Document
ELR	Employment Land Review
FPC	Further Proposed Change
GB	Green Belt
IC	Inspector's Change
LDS	Local Development Scheme
LP	Local Plan
PC	Proposed Change
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEERA	South East England Regional Assembly
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document

### **Non-Technical Summary**

This report concludes that the Sevenoaks District Core Strategy Development Plan Document provides an appropriate basis for the planning of the District over the next 16 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Making limited amendments to ensure that the policies are consistent with national policy, reflect local needs and allow flexibility to deal with local circumstances;
- Providing flexibility in the event of existing business sites having no reasonable prospect of their take up during the plan period;
- Ensuring that efficient use of land is not at the expense of design or the character of the area and that conservation is fully considered;
- Ensuring that all safeguarded land for release is adequately covered;
- Ensuring that there are suitable safeguards for green infrastructure networks; and
- Ensuring that there are appropriate delivery mechanisms and performance indicators for all policies and the policies are effective.

Most of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

## Introduction

i. This report contains my assessment of the Sevenoaks District Council Core Strategy (CS) Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the CS DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.

ii. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Core Strategy Draft for Submission which is the same document that was published for consultation in February 2010.

iii. My report deals with the changes that are needed to make the CS DPD sound and they are identified in bold in the report (**PC**, **FPC** and **IC**). All but 3 of these changes have been proposed/not objected to by the Council and those that are the result of the hearings are presented in Appendix A (**FPC**). The changes that I recommend are set out in Appendix C (**IC**). None of these changes should materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken. Some of the potential changes in Appendix A are not endorsed and these are clearly marked as not justified and/or necessary for soundness.

iv. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity following on from the hearing sessions and in the light of Statements of Common Ground with various representors. All the **FPC**/FPC changes referred to in this report do not necessarily relate to soundness and I endorse the Council's view that those that do not relate to soundness improve the plan and have identified them by 'FPC'. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering, correct the reference to the Allocations and Development Management DPD and to correct any spelling errors prior to adoption.

v. The Council proposed minor changes<sup>1</sup> to the submission CS (Appendix B) with any that I consider go to soundness identified by **PC**. A second schedule of minor amendments<sup>2</sup> was published following the revocation of Regional Spatial Strategies (RSS) on 6 July 2010, but following the High Court judgement of 10 November 2010 on the Cala Homes (South) Ltd case the revocation was quashed. In November 2010, the Council updated and amended the second schedule where necessary. The November 2010 amendments are those in Appendix D which I endorse other than part of the change to paragraph 3.2.2 which states 'However, the Government has signalled its intention to abolish regional strategies. The housing target from the South East Plan will be carried forward in the Core Strategy once regional strategies are abolished'. Apart from the sentences suggested for CS paragraph 3.2.2 referred to in this paragraph, the changes in the schedules of minor changes are endorsed and taken into account in writing this report.

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<sup>1</sup> Core Strategy Schedule of Minor Amendments (120)

<sup>2</sup> Second Schedule of Minor Amendments to the Core Strategy (132)

vi. References in my report to documentary sources are provided in footnotes, quoting the reference number of the document in the examination library in brackets where applicable.

## Assessment of Soundness

### Preamble

1. Following the submission of the Core Strategy, the Coalition Government revoked the Regional Spatial Strategy<sup>3</sup> on 6 July 2010. Nevertheless, in the light of the Cala Homes (South) Ltd case (High Court ref. 2010 EWHC 2866) of 10 November 2010, the subsequent Ministerial Statement, the Chief Planner's letter with the proposed Localism Bill clause attached and the related DCLG media statement, the regional spatial strategy forms part of the development plan until the Localism Bill is enacted. PPS3<sup>4</sup> was republished in June 2010 with an amendment to the definition of previously developed land to exclude private residential gardens, together with the deletion of the national indicative minimum density of 30 dwellings per hectare. The revocation of the RSS and the changes to PPS3 were considered within the examination hearings most particularly during the sessions on housing, affordable housing and the revocation of regional guidance. All duly made representors have been consulted on the reinstatement of the South East Plan and the updated November 2010 version of the Second Schedule of Minor Amendments and comments received are taken into account in writing this report.

2. The housing requirement for the district was set in the RSS, but it was based on evidence from the Council on the capacity of the district to accommodate growth. The West Kent Strategic Housing Market Assessment (SHMA)<sup>5</sup> underlines the scale of housing need in the district. The Council is content to rely on all of this evidence and the Strategic Housing Land Availability Assessment and its update (SHLAA)<sup>6</sup> to support the housing figures in the CS and I have no reason to challenge this position. I refer later to factors that may lead to the need for a review of housing land provision in due course. The Partial Review of the RSS requirement for gypsies, travellers and travelling showpeople was not completed<sup>7</sup>. The Council have not therefore taken on board the findings of the Panel on the Review in the CS. The employment requirements, while reflecting the RSS, are based on local assessments and carry forward locally-generated strategies. Overall, the RSS provisions for the district have been supported in the CS.

3. In these circumstances and taking account of all the representations there are no significant alterations required to the CS in the light of RSS revocation and its reinstatement, and I include factual references to RSS where necessary in the interests of clarity. However, the Council wishes to make editorial changes to the plan so that it reflects the up-to-date position in regard to RSS and these are set out in Appendix D. The November 2010 update includes reasons for any minor amendments which have been taken into account. For the avoidance of doubt, I

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<sup>3</sup> The South East Plan (301)

<sup>4</sup> PPS3 Housing (406)

<sup>5</sup> West Kent Strategic Market Assessment (229)

<sup>6</sup> Strategic Housing Land Availability Assessment and Update Report (223/224 & 225/226)

<sup>7</sup> Partial Review of RSS for the South East provision of Gypsies, Travellers and Travelling Showpeople (302)

endorse these changes<sup>8</sup>, apart from a change to paragraph 3.2.2 referred to in paragraph v above. The CS is consistent with national policy with some of the minor amendments/changes.

4. The CS uses abbreviations throughout the text. These should be explained and I endorse the suggested list of abbreviations as an appendix (**FPC 56**).

### **Main Issues**

5. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 7 main issues upon which the soundness of the plan depends. It will be noted that the issues raised differ from those identified for discussion at the hearings but all matters examined are considered through these issues.

### **Issue 1 – Whether the overall spatial strategy has a sound basis, having regard to the district's context and needs and the relationship with other plans and strategies, and whether it deals adequately with uncertainty**

#### *Spatial Vision*

6. The evidence base demonstrates that the Council has thoroughly assessed the district and its relationship with other plans and strategies. 93% of the district lies within the Green Belt (GB) with 60% within Areas of Outstanding Natural Beauty (AONB). The spatial strategy focuses development on existing urban areas while maintaining the role of the district within the region. Sevenoaks does not contain any regional hubs. Alternative options for the scale and distribution of development were appraised in the sustainability appraisals<sup>9</sup> which then informed the preferred options<sup>10</sup>.

7. The SHLAA has identified capacity for the housing provision to be accommodated within existing settlements taking account of the Settlement Hierarchy<sup>11</sup> in the allocation of development. The Employment Land Review<sup>12</sup> (ELR) and the 2010 update<sup>13</sup> demonstrate that future employment land requirements can be met providing existing suitable land is retained in employment use and an existing local plan allocation for new business use is carried forward into the CS. The needs for retail development, derived from the Retail Study<sup>14</sup> and the updates<sup>15</sup>, will be met through opportunities in the existing main centres. The soundness of these matters is dealt with under later issues.

8. The spatial vision in the CS identifies that it is consistent with the Sustainable Community Plan as updated in 2007<sup>16</sup> with appendix 3 of the CS identifying how the Community Plan vision is taken through to inform and be implemented, where possible, through the CS. That appendix does not make it clear that one of the

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<sup>8</sup> Second Schedule of Minor Amendments, November 2010 update

<sup>9</sup> Sustainability appraisal of CS options and technical report (114 & 115)

<sup>10</sup> CS preferred options (102)

<sup>11</sup> Settlement Hierarchy (221)

<sup>12</sup> Employment Land Review (210)

<sup>13</sup> Employment Land Review Update (211)

<sup>14</sup> Retail Study (218)

<sup>15</sup> Retail Study updates (219 & 220)

<sup>16</sup> Sustainable Community Action Plan 2007-2010 (602)

community plan priorities is to create caring as well as safe communities. Therefore the appendix should be changed to refer to safe and caring communities to make the appendix an effective tool for implementing the Community Plan (**FPC 52**).

9. There are a number of matters within the spatial strategy that are left to future DPDs and Supplementary Planning Documents (SPDs). These are identified in the Draft Local Development Scheme Update<sup>17</sup> and identified in the delivery mechanisms to policies in the CS. The Council considers that the spatial approach looks holistically at the future of different parts of the district. The spatial themes reflect how development as a whole will be distributed taking account of the characteristics of the district. The strategic policy section addresses issues on a district wide basis and is the only part covered on a topic basis. The approach taken by the Council is sound.

10. The CS provides a strategic mechanism within the parameters of which other documents would be developed. The CS will provide the strategy but has not gone into details of sites; that matter is left for the Allocations and Development Management DPD. The CS identifies how development could be accommodated without the need for major land releases and I cover the soundness of the delivery of land use requirements under the following issues. The strategy put forward relies on making effective use of urban land to meet development requirements and on the efficient use of land particularly in the most accessible locations. It has been shown that such a strategy would maintain the extent of the GB and protect the countryside including the AONBs in accordance with Government policy in PPG2<sup>18</sup> and PPS7<sup>19</sup>.

11. The key diagram relating to the delivery of the spatial vision is helpfully located near the beginning of the plan and before location policies. Minor changes are necessary to the diagram to clarify it and make it factually correct (FPC 2), I endorse the changes.

#### *Design of Development and Conservation*

12. Section 5.1 of the CS covers the design of development and includes specific reference to heritage assets, a matter not covered elsewhere. Policy SP1 delivery mechanisms refer to matters relating to conservation as do the performance indicators. The policy should be read alongside PPS5<sup>20</sup> with which it is consistent. More detailed policies can be included in the Allocations and Development Management DPD. Nevertheless, as section 5.1 covers conservation as well as the design of development, I endorse the inclusion of conservation in the titles to the section and policy SP1 (**FPC 22**) and the reference to conservation and enhancement of heritage assets in paragraph 5.1.1 (**PC 4**).

13. PPS5 defines designated heritage assets as those designated under the relevant legislation but also refers to heritage assets as valued components of the historic environment that can ensure continued sustainability of an area and

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<sup>17</sup> Draft Local Development Scheme Update (133)

<sup>18</sup> Planning Policy Guidance 2 *Green Belts* (404)

<sup>19</sup> Planning Policy Statement 7 *Sustainable Development in Rural Areas* (412)

<sup>20</sup> Planning Policy Statement 5 *Planning for the Historic Environment* (411)

promote a sense of place. Heritage assets cover designated heritage assets and assets identified by the local planning authority that can include those on a local list. The Council does not have a local list of heritage assets and to undertake an adequate survey to ensure buildings are objectively assessed to a sufficient standard to be on a local list would take substantial resources. CS paragraph 5.1.2 refers to the historic environment and Conservation Area Appraisals and Management Plans which have been a priority for the 40 conservation areas in the district. This is an ongoing commitment and a delivery mechanism to policy SP1.

14. The Council recognises the desirability of a local list that could prevent the loss of non-designated heritage assets but, in view of doubts over delivery, to have a delivery mechanism in the absence of certainty would fail a test of soundness. I consider the aim of producing a list of buildings of local architectural or historic interest should be identified and this could be highlighted by additional text to paragraph 5.1.2, but, in the absence of certainty, it should not be a delivery mechanism. I endorse the amendment to include additional text to paragraph 5.1.2 involving the production of a local list as an aim (**FPC 23(a)**) but do not endorse proposed change (b) to add a delivery mechanism to policy SP1. Policy SP1 refers to the 'District's heritage assets...' and would therefore include any buildings identified on a local list if such a list is produced in the future. There is therefore no justification in terms of soundness to amend policy SP1 or its delivery mechanism.

15. The first paragraph of policy SP1 refers to the documents to be taken into account in designing and assessing development. In rural areas reference is made to 'the Countryside Assessment and guidance produced by AONBs'. Management Plans are produced for the AONBs and I endorse the change that would specifically identify the AONB Management Plans and amend the final sentence of the first paragraph of policy SP1 (FPC 24).

16. The second delivery mechanism to policy SP1 is not totally factually correct as initially Conservation Area Appraisals were produced for all the conservation areas in the District but some have been replaced by Conservation Area Appraisals and Management Plans. Conservation Area Appraisals will be kept up to date by their replacement with Appraisals and Management Plans which will be adopted as SPDs. I endorse the change to the second delivery mechanism to policy SP1 to reflect this (FPC 25).

17. There is no delivery mechanism relating to streetscape but this matter could and should be addressed in Conservation Area Appraisals and Management Plans in conservation areas. Specific guidance on a streetscape strategy that covered the whole district is not necessary or reasonable as issues vary between areas. In any event, a streetscape strategy would not take away the statutory powers of the undertakers. I find no soundness reasons for a change in this respect.

## **Issue 2 – Whether the plan makes sound provision for housing, in terms of the overall number of dwellings, their distribution throughout the district, provision for particular types of dwellings and other housing-related matters**

### *Housing provision and distribution*

18. The South East Plan sets a housing provision requirement for Sevenoaks District of 3,300 dwellings between 2006 and 2026 having balanced housing requirements and the environmental constraints in a district where the majority of the area is GB and/or the AONB. This level of provision was based on the SHMA, a



credible evidence base. Although the SHMA suggested a greater annual housing need in Sevenoaks District, the level of provision proposed was the subject of consideration through the examination process before the South East Plan was adopted. The net additional dwelling requirement is sound and in line with the RSS requirement.

19. The SHLAA had a base date of 2007 and considered all sites over 0.2ha with no sites excluded solely on grounds of being within the GB or AONB. The SHLAA was updated in 2009 following a more detailed assessment of the potential of each of the identified sites. The SHLAAs demonstrated that the housing supply for the first 10 years could be met on identified sites with that for later years provided from the small site allowances or the reserve land within Edenbridge. The allowance from small sites was based on past trends although the Council acknowledge that this could be reduced in the light of the change to the previously developed land definition in PPS3 June 2010 and the number of gardens that have already been subdivided. In the interests of soundness small sites allowance should be explained in the glossary and I endorse this change (**FPC 55**).

20. The identified sites were individually assessed during the SHLAA process which demonstrated that the level of housing provision required could be met without the need to develop outside the urban confines on GB land although there could be limited development in smaller villages that do not have a defined GB boundary providing it meets national and development plan policy. The updated SHLAA demonstrated that there would be a surplus of supply, having regard to the identified sites and the small site allowance, without encroaching into the GB. Even if there were fewer small sites coming forward the Council has identified a surplus provision above that required over the plan period with no small site provision identified in the first 10 years supply.

21. The updated SHLAA identified those sites with planning permission that would not be implemented. This was found to be substantially less than an industry rate generally applied of 10% but the Council applied its findings to estimate the non-implementation numbers. Nevertheless, even if the Council had applied a 10% non-implementation rate to both the outstanding planning permissions and identified sites there would still be a surplus of 74 units over the plan period. If a 10% discount was applied to outstanding consents and a further 15% non-implementation rate applied to the identified sites, it would still give a surplus of 48 units. Conversely sites may deliver more housing than identified through the SHLAA. I find no reason therefore to doubt the soundness of the CS housing land supply figures and that the CS sets out a justifiable and effective strategy to meet the housing requirement for at least 10 years. Nevertheless, a review of the plan may be necessary if it becomes clear through the Annual Monitoring Report that the overall provision will not be achievable towards the latter end of the plan period.

22. PPS3 provides that broad locations and specific sites should be identified to enable housing delivery for at least 15 years. There should be sufficient deliverable sites for the first five years with a further supply of specific, developable sites for years 6-10 and, where possible for years 11-15. Where it is not possible to identify specific sites for years 11-15, broad locations for future growth should be indicated with an allowance for 'windfalls' not included in the first 10 years.

23. The outstanding permissions and delivery on identified site specific allocations would meet or exceed the housing requirement for the first 10 years. The CS

provides for the housing to be distributed mainly in Sevenoaks then Swanley and Edenbridge with the other settlements accommodating the remainder. In order to ensure a continuous five year supply of deliverable sites, PPS3 provides that the supply of deliverable sites should be monitored on an annual basis. The delivery mechanism for policy LO1, Distribution of Development, includes the Annual Monitoring Report that paragraph 4.1.12 identifies will also monitor housing supply from sources other than those identified through the Allocations and Development Management DPD. These include small sites delivered in the first 10 years, affordable housing exception sites, redevelopment of business sites in urban areas for mixed use developments, large windfall sites beyond the first 10 years and the reserve land at Edenbridge. Under section 4.4, the CS identifies that the need for the release of the reserve land at Edenbridge would be informed by the progress made towards meeting the housing requirement identified in the Annual Monitoring report. Overall I consider the broad housing provision in the CS to be sound.

24. The identified housing land supply would be met without the safeguarded land at Edenbridge although beyond the first 10 years specific deliverable sites are not identified at present. The safeguarded land would add 260 units to the housing supply and would provide an alternative housing site if identified sites do not come forward. The safeguarded land was released from the GB during earlier Local Plan processes. As safeguarded land, PPG2 advises that it would not be allocated for development and should be kept free for longer-term development needs with planning permission for the permanent development of it only therefore to be granted 'following a local plan or UDP review which proposes development of particular areas of safeguarded land'. In other words making safeguarded land available for permanent development would be a departure from the development plan.

25. The Council therefore proposed to identify the land as reserve land the need for which would be found through any identified shortfall in the required housing provision following the annual monitoring reports. This would only be a serious possibility after the first 10 years before which time the SHLAA has identified sufficient sites to meet the housing land requirement. It could be beneficial in Edenbridge during the later period of the CS when there is limited scope for development of adequate size to deliver sufficient market and/or affordable housing. Policy LO6 makes it clear that the land would only be brought forward for development after 2015 if required to maintain a five year supply of housing land in the District. There is no justification to bring the site forward earlier or as a definite housing site at this time as it would create a surplus in the early part of the plan period. Identifying the land as 'reserved' would introduce flexibility into the supply of housing land, if a shortfall is identified, as provided for in PPS3 and PPS12.

26. Land should only be removed from the GB in exceptional circumstances. With my conclusion that the required housing provision would be met with a slight surplus, exceptional circumstances do not exist to justify the safeguarding of new land to replace the existing safeguarded land that would be changed to reserved land or released for development.

#### *Distribution of development*

27. The CS provides for the concentration of development in line with the Settlement Hierarchy and there is no justification for an alternative approach with land outside the settlements generally within the GB and in many instances an AONB. I can find no soundness reason for varying the overall distribution of

development. Leaving aside the details of the housing land supply figures at this stage, the CS identifies sources of supply the development of which would be monitored as part of the Annual Monitoring Reports. This list fails to include areas of opportunity as part of mixed use development. The Council has suggested an addition to the list to cover these areas in Sevenoaks town centre (**FPC 3**) and any contribution from the small areas of safeguarded land at Westerham (**FPC 4**). I endorse their inclusion as an additional point to paragraph 4.1.12.

28. The GB around Sevenoaks performs the important function of separating the urban area from other settlements like Otford and Seal. The GB boundary around the urban area of Sevenoaks appeared to be along defensible boundaries and should endure for the plan period with minor inconsistencies to be dealt with through the Allocations and Development Management DPD process. The use of the Green Belt boundary as the basis for defining the extent of Sevenoaks Urban Area is considered appropriate and policies within the CS would aim to prevent the distinctive character of individual areas being compromised. Nevertheless, any loss of GB particularly between Sevenoaks urban area and the identified nearby settlements would tend to lead to settlements merging without justification or exceptional circumstances contrary to the guidance in PPG2.

29. In paragraph 4.5.6 and 4.5.7 the safeguarded land in Westerham is identified and its limited scale noted; a combined area of 4ha. The CS indicates that the future of the sites would be considered through the Allocations and Development Management DPD. The land was safeguarded in the Sevenoaks District Local Plan 2000 with LP policies SG1A and SG1B<sup>21</sup> to cover its use. The local plan policies would be replaced by CS policy LO6 in respect of the land at Edenbridge but the safeguarded sites at Westerham would not be covered.

30. PPG2 makes it clear that permanent development of safeguarded land should only be granted following a development plan review. CS paragraph 4.5.7 makes it clear that the future of the sites in Westerham would be considered through the Allocation and Development Management DPD but does not make it clear that they have limited value for safeguarding as a strategic long term resource. In the light of the advice in PPG2, I consider that the text should be amplified to provide strategic justification for the release of land in the interests of soundness (**IC 1**).

31. No changes to the GB boundary are proposed in order to accommodate the proposed development needs. Nevertheless, the Council made it clear that there may be small scale adjustments where land no longer contributes to the purposes of including land within the GB in PPG2. This would be evident during the detailed consideration of specific sites during the Allocations and Development Management DPD process. The CS does not provide for this eventuality and, to accord with national policy, I endorse the Council's agreed change (**FPC 5**) by the addition of a paragraph after paragraph 4.1.16.

32. In relation to Edenbridge section 4.4 does not identify any opportunities to improve services for visitors. Edenbridge serves a large rural hinterland where there are limited opportunities for development. I endorse the proposed addition to paragraph 4.4.9 in relation to the opportunities to improve services for visitors

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<sup>21</sup> Saved local Plan Policies Compendium July 2008 (123)

to indicate that a hotel could be included if a proposal came forward on a suitable site (FPC 11).

### *Housing type*

33. The SHMA found that the district has a low proportion of smaller units in the housing stock and proposed increasing the proportion of smaller units with the aim of increasing the proportion of relatively low cost market housing. To meet this aim, policy SP5 seeks the inclusion of small units in new development. Small units can be lost through later extensions. Specific justification could be provided on a site by site basis through development control decisions to restrict extensions where justified. Nevertheless, effectively a policy that took away permitted development rights from all newly developed small properties would remove the freedom from detailed control granted by development orders. Circular 11/95 advises that conditions that restrict permitted development should only be imposed in exceptional circumstances. The CS is not unsound by failing to restrict the scope for extensions to smaller properties and a blanket policy that restricted extensions to smaller properties would not be consistent with national policy or justified and fail the soundness test.

34. The CS identifies that the housing stock should adapt to meet the needs of all sectors of the population but makes no reference to the efficient use of the existing housing stock. The SHMA found that around 50% of the existing units were under-occupied. The Council is proposing a number of initiatives to try to address under-occupancy and I endorse the inclusion of a new paragraph to identify the initiatives in relation to the efficient use of the existing housing stock after paragraph 5.3.26 (FPC 36). Policy SP5 expects new housing development to contribute to the mix of housing types and includes encouraging sheltered and extra care housing for people with special needs. To assess the success of the policy, I endorse the inclusion of an extra performance indicator covering the number of sheltered or extra care housing units completed and the percentage of dwellings completed meeting lifetime homes standards (**FPC 37**).

35. To carry through the Community Plan vision for safe and caring communities for all sectors of the population, I endorse the addition to paragraph 5.3.26 (**FPC 35**) that would cover housing to meet the needs of older people contributing to the Community Strategy theme.

### *Housing Density*

36. The CS aims to make the best use of previously developed land by ensuring that sufficient densities are achieved without compromising the character and appearance of local areas. Policy SP7 provides initially that the density of housing development has to be consistent with achieving good design that does not compromise the distinctive character of the area. The policy sets out densities that would be expected to be achieved but makes it clear that these densities are subject to the overriding consideration at the start of the policy. It is not necessary to turn around the wording to indicate that 'good design and not compromising the distinctive character' are the overriding consideration in the interests of soundness. Nonetheless, the final sentence of the policy does not make it clear that 'good design and not compromising the distinctive character' are still overriding considerations when considering whether development proposals fail to make efficient use of land. Therefore I consider that a change is necessary, and use wording that reflects that suggested by the Council would improve flexibility and be more precise rather than that identified in the suggested wording from a

third party. The change makes the overriding consideration explicit in the final paragraph of policy SP7 (**IC 2**).

37. Policy SP7 has the overriding consideration that good design should be achieved and distinctive character not compromised but there is no delivery mechanism to ensure that Residential Character Area Assessments and Conservation Area Management Plans are considered when assessing proposals in character areas. I endorse the inclusion of an additional delivery mechanism to this effect (**FPC 42**). Similarly, the third delivery mechanism to policy LO2 does not make it clear that development should respond to the distinctive local character and I endorse the proposed change (**FPC 6**).

38. Sevenoaks includes areas with their own distinctive character that are part of the developed area centred on the town. I am satisfied that with the strengthening of policy SP7, there should be no loss of the distinctive character of the individual areas through the scale and density of development proposed. As changed, policy SP7 provides a sound basis for ensuring as efficient use of land as possible subject to the overriding consideration that development would achieve good design and not compromise the distinctive character of the area.

#### *Affordable housing*

39. The policies on affordable housing were informed by the findings in the SHMA that identified a sizeable annual shortfall of affordable housing provision estimated to be 646 dwellings per annum<sup>22</sup>. The CS Preferred Options proposed an affordable housing threshold of 5 units and a requirement for 40% provision but the Affordable Housing Viability Assessment<sup>23</sup> (AHVA) found that, while the 40% provision was appropriate and viable for sites over 15 units with a 65/35 split in favour of social rented housing, a 30% target should be identified for developments of 10 to 14 units and a 20% target for developments of 5-9 units. Below 5 units a financial contribution based on a target equivalent to 10% was recommended. These findings were taken through into policy SP3 which also provides in exceptional circumstances for reduced level of provision or a financial contribution to off-site provision where it can be demonstrated satisfactorily that provision in accordance with the policy would not be justified. This reflects the advice in PPS3 that requires off-site provision to be robustly justified. Policy SP3 is flexible and soundly based on the findings of the AHVA. In rural exception sites developed under the provisions of policy SP4 there would be 100% affordable housing provision.

40. Nevertheless, it is unclear from policy SP3 that the requirement for at least 65% of the affordable housing to be social rented could also be an exceptional circumstance affecting the viability of a scheme. To clarify the situation I therefore endorse the reversing of the order of the third and fourth paragraphs in policy SP3 (**FPC 32**) which would confirm that the proportion of social rented/intermediate housing is subject to viability considerations. In order to clarify that policy SP3 covers all housing including specialised housing falling within use class C3, I endorse an explanatory footnote at the end of the first sentence of policy SP3 (FPC 33). To tie in with paragraph 5.3.13, I endorse the minor change to the second

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<sup>22</sup> From Housing needs Topic Paper (205) and informed by West Kent SHMA (229)

<sup>23</sup> Affordable Housing Viability Assessment (208)

delivery mechanism to policy SP3 to include a reference to the preparation of a SPD on financial contributions (FPC 34).

41. The affordable housing provisions set in the policy are based on the gross quantity of development proposed with the possibility of proving exceptional circumstances if the level of provision is not viable. The need for affordable housing in the SHMA is based on gross housing need. Targets in the South East Plan are based on a percentage of the total new housing. In view of the scale of the need required in the district the use of gross developed units is not unsound and reflects the local evidence base. Exceptional circumstances can be demonstrated to justify a lower level of provision or provision off-site. Policy SP3 was founded on robust and credible evidence and, with the changes identified, provides sufficient flexibility and is capable of monitoring. It meets the soundness tests in PPS12.

#### *Gypsies and Travellers and Travelling Showpeople Accommodation*

42. Policy SP6 sets out criteria for considering sites for gypsies and travellers and travelling showpeople. The Gypsy and Traveller Study for Sevenoaks in 2006<sup>24</sup> identified that there was a need for an additional 64 authorised pitches between 2006 and 2011, since when 4-6 additional pitches excluding temporary permissions have been permitted. The Gypsy and Traveller Accommodation Provision<sup>25</sup> suggested an additional 25 pitches would be required to 2016 on the basis of a 3% per annum compound growth. Therefore a total of 89 additional pitches would be required in the period 2006-2016. Option A in SEERA<sup>26</sup> and Kent Authorities' Revised Advice<sup>27</sup> reduced the need to 57 permanent pitches.

43. The draft Partial Review of the RSS<sup>28</sup> contains the recommendations of the South East England Regional Assembly on the provision of new pitches for gypsies, travellers and travelling showpeople. Table H7a identifies a need for an additional 19 pitches for gypsies and travellers and 1 pitch for travelling showpeople between 2006 and 2016. The incomplete Panel Report on the Partial Review<sup>29</sup> considered that there would be a higher level of need for permanent pitches in the district with 80 pitches identified as the baseline in 2006 and 33 additional pitches recommended by 2016.

44. In view of the difference in figures and the lack of fact checking and testing of the figures in the draft Panel report, I consider that identification of the number of pitches needed during the plan period would not be reasonable. In line with the advice in ODPM Circulars 01/2006 and 04/2007, the CS sets out criteria for the location of gypsy, traveller and travelling showpeople sites which can be used to

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<sup>24</sup> Gypsy and Traveller Study Sevenoaks Final Report 2006 (212)

<sup>25</sup> Gypsy and Traveller Accommodation Provision: Advice from Kent and Medway Local Authorities to the South East Regional Assembly (306)

<sup>26</sup> Partial Review of the Draft South East Plan: Somewhere to live: Planning for Gypsies, Travellers and Travelling Showpeople in the South East (303)

<sup>27</sup> Provision for Gypsies, Travellers and Travelling Showpeople: Revised Advice from Kent and Medway Local Authorities to the South East Regional Assembly (307)

<sup>28</sup> Partial Review of the Regional Spatial Strategy for the South East: Provision for Gypsies, Travellers and Travelling Showpeople (302)

<sup>29</sup> South East Regional Spatial Strategy G&T: Incomplete Report of the Panel (309)

guide the allocation of sites in the Allocations and Development Management DPD. The criteria can also be used to assess and meet unexpected demand.

45. The Secretary of State has announced an intention to revoke ODPM Circulars 01/2006 and 04/2007, describing them as flawed. No timing of such revocation has yet been announced and he has indicated that an impact assessment is required. The Secretary of State's announcement is clearly a material consideration which must be taken into account, and affects the weight that can be attached to the Circular as a statement of Government policy, albeit that it remains in place for the time being with as yet no draft replacement.

46. The criteria in policy SP6 do not repeat Government advice in ODPM Circulars 01/2006 and 04/2007 but reflect generally the need to respect the objectives of national policy. Nevertheless, to accord with government policy in PPG2 and PPS7, criterion (e) should be changed in relation to the AONB and an additional criterion (f) provided in respect of GB locations. I endorse the Council's proposed change to policy SP6 (**FPC 40**). The definition of gypsies and travellers is included in the glossary and I endorse the change to the final paragraph in policy SP6 to make this explicit (**FPC 41**).

47. The supporting text to policy SP6 paragraph 5.3.29 provides for the overall level of provision necessary to be identified through the Allocations and Development Management DPD but there is no indication that the sites would be identified. To remedy this omission, the minor amendment in the second schedule of proposed minor amendments would be altered and I endorse this change (**FPC 38**). In addition, due to the high percentage of the district that lies within the GB, it may be necessary to provide sites in the GB and I endorse the change to paragraph 5.3.29 that covers that eventuality (**FPC 39**).

### **Issue 3 – Whether the plan makes appropriate provision for employment having regard to the needs of the district**

48. The Employment Land Review<sup>30</sup> (ELR) set the framework for the employment provision within the district and informed the CS. The ELR was updated in 2010<sup>31</sup> when the earlier findings were revisited to identify any revisions or amendments to the detailed boundaries of employment land to be allocated for protection in the Allocations and Development Management DPD. The updated review found a similar overall provision of 86.1 ha of employment land but the overall distribution was found to be a slightly reduced area of employment land in Sevenoaks and other settlements with an increase in Swanley and Edenbridge. Some of the changes were the result of more detailed surveying although the loss of 7.7ha in Sevenoaks to a residential led mixed use scheme accounted for much of the change in the principal settlement. Other sites were found to be below the 0.2ha threshold for specific identification.

49. The district is relatively close to London with quality rail links and there is a net export of workers, but the aim of the CS is to provide local employment opportunities offering the potential to reduce the over-dependence of the local economy on commuting. The ELR found that the vast majority of existing

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<sup>30</sup> Employment Land Review (210)

<sup>31</sup> Employment Land Review: Update Addendum 2010 (211)

employment sites are suitable for retention enabling the continued strategy to focus employment provision on the main towns of Sevenoaks, Swanley and Edenbridge. Although the employment sites for protection are identified in the Update Addendum to the ELR, final details of the sites will be delivered in the Allocations and Development Management DPD, but overall the CS and background documentation provides a sound basis for identifying employment sites for protection.

50. The ELR predates the economic downturn but it is possible that during the plan period, up to 2026, there would be the demand for more employment opportunities locally. Nevertheless, policy SP8 does not provide much flexibility if it is found that any site identified for business purposes is not required for such purposes within the plan period. The policy provides exceptionally for redevelopment in urban areas for mixed use, providing the employment capacity of the site is maintained. PPS3 paragraph 38 provides that the re-use of vacant or derelict or industrial sites for housing as part of a mixed use scheme could be an option for accommodating housing but the housing requirement for the district can be accommodated without the use of designated employment sites for the first 10 years at least. PPS4<sup>32</sup> policy EC2.1 (h) provides that sites should not be identified for employment purposes unless there is evidence of the need and a reasonable prospect of their take up during the plan period. If there is no reasonable prospect of a site being used for the allocated economic use, wider economic uses or alternative uses should be considered.

51. Policy SP8 as worded does not provide for the eventuality of no reasonable prospect of an allocated employment site being used for business purposes. Therefore, I recommend the addition of further text to provide for this eventuality (**IC 3**). To reflect national policy the change should refer to business use during the plan period. Apart from the change, the policy contains appropriate flexibility to enable mixed use of employment sites in urban areas and a sound basis for consideration of economic development and land for business use during the plan period.

#### *Swanley*

52. The ELR identifies land at Broom Hill close to junction 3 on the M25 for business development. It is a site carried forward from the LP and is outside the GB. Such development could have implications for the strategic highway network. To ensure no adverse impact on the transport network, the Schedule of Minor Amendments (Appendix B) identifies that development of the land for employment purposes would require a transport assessment (**PC 1**) and I endorse the change.

53. Parts of the Broom Hill site contain lowland acid grassland which is designated as a biodiversity action plan habitat under the UK South East and Kent Biodiversity Action Plans. PPS9<sup>33</sup> provides that important natural habitat types identified in the *Countryside and Rights of Way Act 2000* should be conserved. Lowland acid grassland is so identified and is in the list of habitats of principal importance published by the Secretary of State for Environment, Food and Rural Affairs. One of the key principles in PPS9 is that planning decisions should prevent harm to

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<sup>32</sup> PPS4 *Planning for Sustainable Economic Growth* (409)

<sup>33</sup> PPS9 *Biodiversity and Geological Conservation* (414)



biodiversity conservation interests. Therefore I endorse the changes that would add an additional sentence after the bullet points to paragraph 4.3.13 and an additional delivery mechanism to policy LO4 (**FPC 7 & 8**).

54. The ELR table 7.9 provides for 4.1ha of the about 8.5ha identified land at Broom Hill for employment purposes. Table 4 of the ELR Addendum Report 2010 showed an increase of 6 ha in the employment land in Swanley between 2007 and 2009. The Broom Hill Swanley Approved Development Brief<sup>34</sup> identifies that the developed area at Broom Hill would be in the south east part of the site. **FPC 8** would result in the preparation of a revised planning brief for the Broom Hill site that would identify the extent of the site to be developed for employment use, green infrastructure and transport issues. This does not provide specifically for any residential use of the residual land, but land surplus to the employment use identified in the ELR could be looked at under the change identified as necessary to the final paragraph of policy SP8 (**IC 3**). This could be fully examined in the Allocations and Development Management DPD process and no change is necessary to the CS for soundness.

#### *Major developed sites in the Green Belt*

55. The four major developed sites in the GB that were identified in the Local Plan form an exception to the focus in the CS on urban areas. Of these two are business parks in multiple uses, one is in single ownership/occupation and is programmed for closure and the other was developed as a single entity with attached housing but is now occupied by two main companies. Annex C of PPG2 provides policy in relation to major developed sites in the GB and advises that the boundary of the present extent of development may be defined through development plans. Within the defined area limited infilling or redevelopment which meets the criteria in the annex is not inappropriate development.

56. The guidance in Annex C on the designation of major developed sites does not contain quantifiable criteria on the scale of such sites but gives examples that suggest sizeable developments and refers to them as being a 'substantial site' in paragraph C1. The other sites put forward for consideration for major developed site status all have a limited area developed by buildings such that they would not be considered substantial developed sites as the defined boundary would only cover the present extent of development. The CS is sound in its identification of major developed sites. Nevertheless, maintaining the current status of the sites put forward for consideration would not preclude proposals for development/improvements to be considered under existing national and development plan policies but, in the absence of major developed site status, very special circumstances may have to be found for such development in the GB.

57. In the light of the announcement that the current sole occupation of the Glaxo Smith Kline site will cease, the Council advise that a planning brief SPD may be necessary to guide the future use of the site, a site in single ownership and occupancy. I endorse the proposed change that identifies the possible need for a planning brief (**PC 3**). Nevertheless, policy SP8 provides that sites used for business purposes will be retained in business use and only in urban areas may exceptionally redevelopment for mixed use of business sites be permitted.

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<sup>34</sup> Broom Hill, Swanley Approved Development Brief 1996 (616)

However, the change in **IC 3** to policy SP8 would allow for the loss of business use if there is no reasonable prospect of the take up of the site used for business purposes during the CS period. As recommended, **IC 3** would apply to all employment sites including major developed sites in the GB rather than as an exception only applicable to urban areas. Therefore no further change would be necessary to provide a degree of flexibility.

#### *Fort Halstead*

58. Paragraph 4.5.20 of the CS makes it clear that the defined boundary of the developed area in business use at Fort Halstead will be reviewed in the Allocations and Development Management DPD. This would take account of anomalies in the developed area in business use. Residential development to the north of the business area was closely associated with the development of the business use that was established prior to the designation of the GB. Nevertheless, the housing does not have the attributes of the major developed site in business use or the other identified major developed sites. On the whole, the housing appeared to be more open and at a lower density than much of the business use area and is excluded from the boundary that defines the area covered by the Certificate of Lawfulness of Existing Use or Development on the plan submitted on behalf of the owners.

59. In view of the significant difference in the character and appearance of the business use area and that for housing both in terms of density and site coverage, I find no soundness reasons for the inclusion of the housing within the major developed site boundary. Any redevelopment of existing housing could be considered under PPG2 and PPS7 policies in respect of development in the GB and the AONB. Nevertheless, to ensure that, in the event of a significant reduction in the operation of the current occupiers, any proposed development meets the requirements of both the AONB (PPS7) and GB (PPG2) policies and guidance, I endorse the addition at the end of paragraph 4.5.20 (**FPC 15**).

60. There is physical scope for a substantial mixed use development at Fort Halstead which at present has a major developed site area of some 41ha. The submitted documents demonstrate that a mixed use scheme on a site that included the residential development to the north could be accommodated with a significant employment function as well as a substantial amount of housing, up to 1,000 units, and education, health, social and retail facilities commensurate with the scale of the service village that would result within PPG2 Annex C guidance. Nevertheless, there is no need within the plan period for further housing at least for the first 10 years after which time there would be the reserve land at Edenbridge and small site development. The suggested delivery of a mixed use scheme by 2020 would result in a surplus in housing provision, at a time when sufficient sites have already been identified, and in a location that is divorced from existing settlements and rail services. Such provision would amount to a 38% increase in housing provision and alter the focus of development, not justified or necessary for soundness reasons in relation to the CS. It is proposed that a mixed use scheme at Fort Halstead would provide 20% of the housing as affordable, a level well below that provided for in policy SP3 without a clear demonstration of why the provision required by the policy would not be viable. This again does not justify changes to the CS.

61. Fort Halstead was considered during the Preferred Options<sup>35</sup> stage in the CS preparation but not included as it was not demonstrated that it would be sustainable and at that time the Council could meet its housing requirement without development at Fort Halstead. Following further submissions, a sustainability appraisal of the Fort Halstead proposal<sup>36</sup> was undertaken. The report concluded that there were benefits and disbenefits but on balance the benefits were outweighed by the disbenefits, a key concern being the sustainability of mixed use at Fort Halstead against development sites in other settlements in the District. The Sustainability Appraisal, as well as considering the proposal, addressed the situation at Fort Halstead without a mixed use development as well as the effect on the deliverability of the necessary housing development in the district without any new housing on Fort Halstead.

62. The strategy in the CS would provide for development to meet the needs of the district for the CS period without the need to develop a small settlement on a major developed site within the GB. The conclusions in paragraphs 60 and 61 above found Fort Halstead divorced from existing settlements and rail services, the level of affordable housing proposed below that provided for in policy SP3, and the benefits would be outweighed by disbenefits in the report conclusion on the sustainability appraisal. Therefore, I find no soundness reason for an additional policy to provide for the replacement of existing employment floorspace on the major developed site at Fort Halstead with a development that would provide in the region of 3,500 jobs and up to 1,000 residential units within the footprint of the previous built development in the GB and an AONB.

#### **Issue 4 – Whether the plan's framework for the distribution of retail uses is sound**

63. Policy LO1 provides that development will be focused within built confines of existing settlements with Sevenoaks the principal focus for development, Swanley the secondary focus and Edenbridge a location for development consistent with the needs of the town and the rural area it serves. The scale of development in other settlements is covered by policy LO7. The Retail Study, as updated in 2007 and again in 2009, provides a sound basis to inform the CS. They identified that there was limited capacity for further development in Sevenoaks with the CS clearly identifying areas for change and the potential development within Sevenoaks Town Centre in policy LO3. Much of the land is within the area owned by the Council and therefore the CS policy in relation to Sevenoaks town centre should be deliverable through ownership or use of the planning powers the Council has, such schemes could include additional car parking.

64. Swanley was identified as having little capacity unless new development was used to claw back some trade currently lost to other locations mainly outside the district. The CS provides for the regeneration of Swanley Town Centre under policy LO5 with table 4 indicating that the level of retail floorspace provision would be dependent on the form of redevelopment proposals for the town centre. Although there were suggestions at the hearing as to where redevelopment might take place, these have not been subject of engagement with the wider community or an in-depth assessment of viability issues. In addition, that proposal would result in

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<sup>35</sup> Core Strategy Preferred Options December 2008 (102)

<sup>36</sup> Fort Halstead Development Proposal Sustainability Appraisal (108)

the loss of the recreation ground and its replacement in the GB. In the light of the lack of definite scale or area for redevelopment, the proposed change in the Schedule of Minor Amendments would provide flexibility on the area that could be included in any redevelopment scheme and I endorse the change (**PC 2**). With the proposed amendment to the supporting text, policy LO5 provides a sound basis within which Swanley town centre could be regenerated. Nevertheless, additional text to the 2<sup>nd</sup> delivery mechanism to provide for comprehensive and viable regeneration for the town centre is necessary and I endorse the change (**FPC 9**). An additional delivery mechanism and target related to the pedestrian/cycleway to link the regenerated town centre with the railway station is also necessary and endorsed (**FPC 10**) to reflect this matter in the text.

### **Issue 5 – Whether the policies on sustainable construction, climate change and air quality are appropriate, justified and sound**

65. RSS policies CC2 and CC3 address sustainable development and climate change. Paragraph 5.2.2 fails to fully address the Council's Climate Change Strategy. I therefore endorse the proposed addition to address the need for behavioural change to help mitigate the effects of climate change to the text of paragraph 5.2.2 (**FPC 26**).

66. RSS policy NRM1 covers sustainable water resources. To reflect the RSS advice, it would assist clarification if reference to the Water Framework Directive, River Basin Management Plans and Winter Water Storage were added to paragraph 5.2.5. I endorse the addition of the references to the end of the second bullet point in paragraph 5.2.5 (**FPC 27**).

67. The Council and the Local Transport Plan<sup>37</sup> support the principle of east facing slip roads onto the M26 at Sevenoaks. It is believed this would reduce vehicle movements on the A25 and potentially through Sevenoaks town centre. Nevertheless, an up-to-date study of the air quality management areas at Riverhead and Bat and Ball junctions on the A25 would be required. The Transport Strategy<sup>38</sup> proposes 'with the Highways Agency to find an appropriate solution to congestion on the A25 and access to/egress from the M25/M26'. However, the Highways Agency confirms that there are no plans to deliver the scheme at present and therefore it fails the reasonable prospect of delivery test in PPS12. Reference to the benefits of east facing slip roads and the transport strategy would flag up the Council's support for this strategic benefit that would potentially improve air quality. I endorse the inclusion of a new paragraph after 5.2.17 to cover this matter (FPC 28).

68. RSS policy NRM10 covers the need to develop measures to address and reduce noise pollution. Reference should be made in the CS to development and locations sensitive to noise and developments generating significant noise levels. I endorse the addition of a new paragraph in this respect after 5.2.20 (**FPC 29**), to reflect but not repeat regional policy in the RSS and national policy in PPG24<sup>39</sup>.

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<sup>37</sup> Transport Topic Paper (207)

<sup>38</sup> Sevenoaks District Strategy for Transport 2010-2016: Final Strategy Document (510)

<sup>39</sup> PPG24 *Planning and Noise* (424)

69. CS policy SP2 provides under the 'Transport' subheading to 'seek improved facilities for cyclists and pedestrians'. There is no performance indicator that explicitly covers this part of the policy although by reference to the performance indicator for policy SP9, by implication the Infrastructure Delivery Plan Schedule is included. The proposed Cycling Strategy will form part of the Sevenoaks District Strategy in the transport suite of documents. Opportunities to provide additional public rights of way and cycle routes will be identified through the Cycling Strategy and the Allocations and Development Management DPD where relevant and will be fed into the Infrastructure Delivery Plan Schedule. Nevertheless, policy SP2 makes specific reference to cyclists and pedestrians and, for completeness there should be a specific performance indicator. I endorse the inclusion of an additional performance indicator that would assess the length of additional public rights of way and cycle routes that have been secured through new development and through implementing the proposals in the Cycling Strategy (**FPC 30**). It would not be necessary to refer to the performance indicator to policy SP9. This would repeat matters already explicit in the CS.

70. The performance indicators to policy SP2 include the number of new developments where a travel plan has been adopted but there is no indicator to show whether travel plans are achieving a modal split. I endorse the inclusion of an additional indicator to cover the percentage of travel plan progress reports where a modal split has been achieved or additional measures have been taken to achieve the target (**FPC 31**).

71. Matters related to sustainable development and construction are adequately covered in the Code for Sustainable Homes and the BREEAM requirements in policy SP2 (1) and (2). Policy SP2 (4) provides for applicants to submit evidence which demonstrates how the requirements have been met or to demonstrate that compliance is not technically possible or feasible. Sevenoaks has higher domestic CO<sub>2</sub> tonnes per capita emissions than the South East and the UK and aims to reduce this through the application of policy SP2.

72. In order to meet Code Level 4, the AHVA found an impact on residual land values but attainment alone was not considered to be a make or break scenario for scheme viability based on the Cost Review from the Department for Communities and Local Government<sup>40</sup>. That Review found that for Code Levels 3 and 4 the cost per dwelling does not significantly decrease for development with large numbers of units and is therefore no more financially burdensome for smaller developments – the majority of developments in Sevenoaks District. The Department for Communities and Local Government<sup>41</sup> expected costs to decrease with a more competitive market for renewable technologies.

73. The requirements in policy SP2 aim to achieve zero carbon emissions by 2016 in line with the Supplement to PPS1<sup>42</sup> paragraph 8. The AHVA took into account the costs associated with renewable energy requirements and the future direction in such areas in assessing affordable housing targets. It was found that residual

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<sup>40</sup> Code for Sustainable Homes: A Cost Review, Department for Communities and Local Government (2009)

<sup>41</sup> Cost Analysis of The Code for Sustainable Homes Final Report, Department for Communities and Local Government (2008)

<sup>42</sup> Supplement to Planning Policy Statement 1 *Planning and Climate Change* (402)

land values would not decline unduly to attain Code Level 4. Having regard to this and the flexibility incorporated by policy SP2(4), the provisions required in policy SP2(1), while slightly above those required at present under Building Regulations, would meet the aim expressed in the Supplement to PPS1 and are reasonable in respect of Code Levels 3 and 4.

74. However, there is a requirement in policy SP2 to meet Code Level 6 by 2016 and there appears to be no viability evidence to suggest that anything beyond Code Level 4 is currently viable. The jump in costs beyond Code Level 4 is huge and it should not be assumed that costs will, over time, come down to a viable level. As a result the policy needs to be reworded to indicate that new homes will be encouraged to achieve Code Level 6 by 2016. Therefore I recommend a change to the final part of policy SP2 (1) (**IC4**).

### **Issue 6 – Whether the plan gives sufficient guidance on the provision of infrastructure, green infrastructure and biodiversity and is an appropriate reflection of local needs and opportunities**

#### *Infrastructure and green infrastructure*

75. The definitions of infrastructure in both CS paragraph 5.5.1 and the glossary are imprecise and do not cover all the matters identified in the RSS. The second sentence in paragraph 5.5.1 indicates that the definition is set out in the South East Plan. I endorse clarifying the definition of infrastructure and the inclusion of physical, social and green infrastructure in policy SP9 before the second sentence, and amending the second sentence in paragraph 5.5.1 (**FPC 43 & 44**). As indicated in the second proposed sentence, the full definition of Infrastructure and Green Infrastructure from the text in the RSS should be included in the glossary (**FPC 54**).

76. In relation to green infrastructure, open space, sport and recreation, the Open Space, Sport and Recreation Study<sup>43</sup> found that the vast majority of the residents in the district are within the recommended catchment area of an outdoor sports facility but as many are school sites access can be difficult. The report found that the Council should consider undertaking a playing pitch strategy and sports facility strategy. This is not reflected in CS. I endorse the additional sentence to paragraph 5.6.3 to indicate that a Playing Pitch Strategy will be brought forward (**FPC 45**) but, without a specific delivery timetable, it should not be a delivery mechanism or performance indicator.

77. Policy SP10, Green Infrastructure, Open Space, Sport and Recreation Provision, provides for indoor sports facilities of value to the local community to be retained. The Indoor Sports and Recreation Facilities Assessment<sup>44</sup> found that there is a small undersupply of sports halls but not a pressing need for new sports hall provision. In any event, such provision would be inappropriate in large rural areas and there are a number of schools with sports halls that are not used by the public that could be opened up prior to any new provision. The policy provides for the retention of indoor sports facilities and I concur with the Council that a performance indicator relating to the number of school sports halls that are

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<sup>43</sup> Open Space, Sport and Recreation Study (214)

<sup>44</sup> Indoor Sports and Recreation Facilities Assessment (215)

available for community use would be a detailed rather than strategic matter and should not be included as a performance indicator to policy SP10.

78. In the light of RSS policy CC8 on green infrastructure, additional text to briefly explain the role that the natural environment plays in adapting to the effects of climate change is necessary. I endorse the inclusion of an additional sentence in paragraph 5.6.7 to emphasise that the Green Infrastructure will play an important role in helping communities to be more resilient to the effects of climate change (**FPC 46**). In the light of this, the green infrastructure network should be part of the spatial vision and the strategic objectives. I endorse the change agreed in the Statement of Common Ground with Kent Wildlife Trust to add wording to the 3<sup>rd</sup> paragraph of the vision and the final strategic objective relating to the green infrastructure network (**FPC 1**).

79. Paragraph 5.6.7 promotes the development of Green Infrastructure Networks. Although the Infrastructure Delivery Plan Schedule does make it clear that sources of funding other than developer contributions will be explored, the use of other sources of funding should be explicitly identified through the text of the CS. I endorse an additional sentence at the end of paragraph 5.6.7 to make it clear that funding sources for the enhancement of the green infrastructure network will be explored (FPC 47).

80. Paragraph 5.6.8 refers to the areas of value in the Green Infrastructure Network that would be identified through the Allocations and Development Management DPD. Paragraph 5.6.2 identifies types of open space. Neither paragraph specifically refers to landscape but, in view of the explanation in paragraph 5.6.2 the inclusion of open space in the list of areas of value to be identified, by implication landscape is included. Therefore a change is unnecessary in the interests of soundness or to reflect RSS policy.

81. Nevertheless, there should be an extra performance indicator to monitor any additions or losses to the Green Infrastructure Network that would be developed through policy SP10. The base line would be established through the Allocations and Development Management DPD. I endorse the addition of this performance indicator to policy SP10 (**FPC 48**).

82. The Infrastructure Delivery Plan Schedule in Appendix 4 is identified as being a live document that would be regularly updated. Nevertheless, there is no indication of the date of the Schedule that is included within the CS and therefore identifying the most up to date schedule would be difficult. To be effective the schedule should be dated and I endorse the proposed change that would identify the version as that in January 2010 (**FPC 53**).

83. In relation to the provision of a suitable location for a rail freight interchange, the RSS identified the need in policy T13 for joint working with DfT Rail, Network Rail, the Highways Agency, the Freight Transport Association and local authorities to identify broad locations within the region for up to three inter-modal interchange facilities. No sites within the district have been identified through this process and the deliverability of other sites put forward without the joint identification would be questionable. The identification of specific sites is not necessary or justified in Sevenoaks District to make the CS sound.

### *Biodiversity*

84. The CS key diagram does not identify or map ecological features of importance nor are these included within the CS. Therefore the provisions of PPS9, the Natural Environment and Rural Communities Act 2006 and the Countryside and Rights of Way Act would not be met. To include the information in the already fairly crowded key diagram would be impractical and lose the existing clarity. I endorse the suggested amendment to paragraph 5.7.4 to indicate that the extent and location of such designated sites is in figure 6 (**FPC 49**) but as the CS already includes a figure 6, land at Edenbridge, I consider that the proposed figure should be renumbered. The plan should be based on that provided by Kent Wildlife Trust and inserted after section 5.7 (**FPC 51**).

85. RSS policy NRM5 provides for the conservation and improvement of biodiversity with opportunities to achieve a net gain in biodiversity to be actively pursued. To clarify, I endorse the additional text at the end of paragraph 5.7.4 to provide support to the application of agri-environment schemes, forestry, flood defence, and other land management practices to deliver biodiversity targets, increase the wildlife value of land, reduce diffuse pollution and protect soil resources (FPC 50).

### **Issue 7 – Whether the CS provides a sound basis for rural areas in terms of settlements, development and protection**

86. The South East Plan provides policies relating to rural transport and countryside protection. Nevertheless, to assist the clarity of the CS, the policies of the Local Transport Authority to maintain and improve accessibility of rural communities should be explicitly indicated. I endorse the additional text to paragraph 4.5.14 to this effect (FPC 12).

87. Policy LO8 is not reflected in paragraph 4.5.22. To overcome this anomaly, I endorse the replacement of the second sentence of paragraph 4.5.22 (**FPC 16**).

88. RSS policy TSR2(iii) *Rural Tourism* promotes strengthening linkages between market towns and their hinterland with integrated sustainable transport and complementary product development, investment and marketing. Sustainable transport is covered by the amendments to paragraph 4.5.14 and an amendment to refer to other matters in the RSS policy is not necessary in the interests of soundness.

89. Woodland forms an important part of the landscape with the south east being the most wooded region in England. RSS policy NRM7 specifically refers to woodlands, their value and character that should be protected and enhanced. I endorse an addition to paragraph 4.5.29 in relation to woodlands and the role of the Council in the conservation and enhancement of woodlands to accord with regional policy (**FPC 17**). To reflect RSS policy NRM7, I consider that it is necessary to amend the final paragraph of policy LO8 to refer to forestry as well as agriculture, small scale business and rural tourism projects as part of a diversified rural economy as well as the conservation and enhancement of the value and character of the woodland. I endorse the proposed amendment to the final paragraph of policy LO8 (**FPC 20**).

90. RSS policy C3 *Areas of Outstanding Natural Beauty* gives high priority to conservation and enhancement of the natural beauty of such areas and provides that planning decisions should have regard to their setting. Although PPS7 does



not refer to the setting of a designated landscape, to accord with the RSS, I endorse the second paragraph of policy LO8 being amended to refer to 'The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be conserved and enhanced' (**FPC 18**). Nevertheless, I do not consider that a specific reference to the AONB Management Plans in the policy is necessary in the interests of soundness as the Council has fulfilled its requirement under RSS policy C3 in drafting the CS. The Management Plans have been included in the delivery mechanisms to policy LO8.

91. RSS policy C4 *Landscape and Countryside Management* covers landscape matters that have not therefore been fully covered in the CS. Nevertheless, in the interests of maintaining the landscape character of the area, I endorse an additional paragraph to policy LO8 relating to the landscape (**FPC 19**).

92. The delivery mechanisms to policy LO8 indicate that the Management Plan proposals for the Kent Downs and High Weald AONBs will be implemented. The Kent Downs AONB also produces a Landscape Design Handbook that provides advice for consideration in development control. For completeness, I endorse its inclusion as an additional delivery mechanism to policy LO8 (FPC 21).

93. It has been suggested that the CS would be unsound without a specific landscape policy, but such a policy would repeat national guidance and would add nothing to parts of policy LO8 following the amendments that I have endorsed. Landscape is covered generally within policy LO8 with the delivery mechanisms including the application of the provisions of the Countryside Assessment in developments affecting the countryside and developing countryside projects. It is to be updated to the status of a SPD. The suggested additional landscape policy is unnecessary to meet the tests of soundness.

#### *Development in Rural Settlements*

94. The strategy of the distribution of development is informed by the settlement hierarchy which identifies tiers of settlements based on their sustainability, character and the scale of future development that they are likely to be able to accommodate. This was informed by the Settlement Hierarchy Report which justifies the classification of each settlement and is taken through into policies LO1 and LO7. The latter categorises settlements in the supporting text. Hartley is on the northern boundary of the district and lacks the facilities of a local service centre unlike nearby New Ash Green. Therefore it is identified as a service village in policy LO7 and only suitable for infilling and redevelopment on a small scale.

95. Nevertheless, parts of the edge of Hartley abut Longfield and are within 400m of its district centre but Longfield lies within Dartford District. The Dartford Core Strategy Proposed Submission<sup>45</sup> identifies the Longfield district centre as meeting daily/weekly convenience shopping and service facilities that would serve Longfield and the surrounding cluster of villages. If the services provided by Longfield are included within the settlement hierarchy for Hartley then the settlement would become a local service centre like nearby New Ash Green where modest development would be acceptable. Infilling and redevelopment on a small scale would be permitted under policy LO7 in Hartley as a service village but, with the

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<sup>45</sup> Dartford Core Strategy Proposed Submission September 2010 (732)

settlement boundary drawn tightly around the developed area, it is unlikely that a different place in the settlement hierarchy would result in very different development potential. Longfield is not covered by policies in Sevenoaks CS and does not provide a service centre for the whole of Hartley. It was not demonstrated that such an allocation would go any further to addressing the identified deprived area in this location than that which could be achieved through the allocation in the CS. The CS is not unsound in this respect and a change is unnecessary.

96. Chiddingstone Causeway is a loose knit settlement that has many services including shops, a railway station, buses and employment areas but is not an identified service village with a defined boundary but rather a small village which is an unsuitable location for promoting development. It is washed over by the GB. For a facility or service to count towards the points that informed the settlement hierarchy, the service has to be within 400m of the edge of the settlement. It is acknowledged that there is a lack of service villages in the southern part of the district but this does not justify a reallocation of the settlement that was found in the settlement hierarchy scoring not to meet the level of services provided by a service village. In view of the loose-knit character of the settlement and the overall score when considered in the settlement hierarchy, exceptional circumstances to justify the alteration of the GB boundary or to provide a defined settlement boundary for purposes of policy LO7 are not found.

97. Eynsford is a service village that has a defined boundary within the GB but has limited scope for further development within the settlement boundary. Eynsford like other service villages is within the GB, with the settlement boundary defined close to existing development. It would be inappropriate and not sound to change policy LO7 to refer to development not only within but adjoining settlements as this would not accord with the advice in PPG2 that provides for the safeguarding of the countryside from encroachment and the need for exceptional circumstances to justify an amendment to the GB boundary. Development adjoining a settlement boundary in the GB has to be assessed against the guidance in PPG2 and not just CS policies applicable to a service village. Changing the wording of the policy would not meet the soundness tests.

98. In relation to policy LO7, a delivery mechanism relates to the regeneration of New Ash Green village centre but there is no performance indicator to assess the success of the delivery mechanism. I endorse an additional performance indicator which would assess the number of vacant units as at present the proportion of vacant units is indicative of current problems (**FPC 13**). The CS supported by the Allocations and Development Management DPD leaves room for more detailed proposals of local significance to be developed through Parish Plans. In order to assess the success of such an approach, I endorse a performance indicator on the progress on Parish Plans for policy LO7 (**FPC 14**).

## Legal Requirements

99. My examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. I conclude that the Core Strategy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS 2008 and in the Draft LDS August 2010 which

	sets out an expected adoption date of February 2011. The Core Strategy's content and timing are compliant with the draft LDS 2010.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes (PC) and further proposed changes (FPC).
Sustainability Appraisal (SA)	SA has been carried out, independently verified and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (August 2009) sets out why AA is not necessary.
National Policy	The Core Strategy complies with national policy except where changes are recommended to accord with national policy.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.

### Overall Conclusion and Recommendation

100. I conclude that with the changes that go to soundness proposed by the Council, set out in Appendix A and B, and the changes that I recommend, set out in Appendix C, the Core Strategy DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. And for the avoidance of doubt, I endorse the Council's proposed minor changes that do not go to soundness, set out in Appendix A, B and D except where noted in relation to Appendix D.

*Elizabeth Fieldhouse*

Inspector

This report is accompanied by:

Appendix A (separate document) Council Changes as a result of the hearings some of which go to soundness - **FPC**

Appendix B (separate document) Council's Schedule of Minor Amendments May 2010 some of which go to soundness - **PC**

Appendix C (attached) Changes that the Inspector considers are needed to make the plan sound - **IC**

Appendix D (separate document) Second Schedule of Minor Amendments as updated in November 2010

## Appendix C – Changes that the Inspector considers are needed to make the plan sound

*These changes are required in order to make the Core Strategy sound.*

Inspector Change No.	Policy/Paragraph/Page	Change
IC1	Para 4.5.7	<p>Amend the start of the paragraph to read:</p> <p>In view of the size of these sites the Council considers that they only have limited value for continued safeguarding as a strategic long term reserve for the District after 2026. Instead their future will be considered through the Allocations and Development Management DPD.</p>
IC2	Policy SP7	<p>Amend final sentence to read:</p> <p>Development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, may be refused permission.</p>
IC3	Policy SP8	<p>Amend 1<sup>st</sup> sentence of final paragraph to policy SP8 to read:</p> <p>Sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period.</p>
IC4	Policy SP2(1)	<p>Amend policy clause 1 to read:</p> <p>New homes will be required to achieve at least Level 3 of the Code for Sustainable Homes, progressing to Level 4 from 2013 and will be encouraged to achieve Code Level 6 by 2016.</p>