

# RESPONSES FROM SEVENOAKS DISTRICT COUNCIL TO THE PLANNING WHITE PAPER

## PILLAR 1- PLANNING FOR DEVELOPMENT

### 1. What top three words do you associate most with the planning system?

Fair Open Transparent

### 2a. Do you get involved with planning decisions in your local area.

Yes

### b. If not, why not?

n/a

### 3. Our proposals will make it easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

Sevenoaks District Council (The Council) believes a variety of consultation methods are required to reach as many members of the community as possible. Whilst we welcome the increased digitalisation of the planning process, it is important to recognise the barriers that some residents may face with digital consultation methods, in particular new technologies and interactive tools.

Community involvement and engagement is at the heart of the plan-making process. The Council goes above and beyond what is required and as set out in the Council's 'Statement of Community Involvement', we have been actively seeking new and innovative ways to communicate and engage with the community for some time. In recent consultations, we have successfully used new technologies to reach more of the community. Methods include social media, interactive maps, videos and text notifications.

Everyone should have the opportunity to participate in the planning process if they wish to do so. It is important to recognise that for some members of the community, a more traditional approach to consultation may be required. Some consultation methods may not be accessible to residents, due to their age, location, ethnicity, a disability, or access to broadband. In particular, Site Notices are considered to be a particularly important mechanism for drawing attention to a planning application and should be retained.

Residents may not have access to technology and interactive consultation methods and hard copies of documents are sometimes more appropriate. Indeed, accessing large planning documents in electronic format is a particular challenge in the more rural parts of Sevenoaks District, both because of the large file sizes and intermittent broadband quality and availability. It is also not always possible to view large plans on a small phone or tablet. Over a third of households in Sevenoaks District commented on the Issues and Options version of our Local Plan

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and a variety of consultation methods is needed to maintain this level of community participation.

The Council recognises the invaluable input and local knowledge that Town and Parish Councils bring as consultees on planning proposals and wishes for this to be retained as part of the digitalising the planning process.

Notwithstanding the importance of ensuring the planning system should remain accessible to all members of the community, we welcome the digitalisation of some aspects of the planning process and recognise the need to change and adapt consultation methods to meet the needs of the ever-changing community, which we are already doing.

### **4. What are your top three priorities for planning in your local area?**

Sevenoaks District Council's top three priorities for planning are: protecting the Green Belt; delivering the right homes in the right places, including genuinely affordable housing; and addressing climate change.

The Metropolitan Green Belt covers 93% of Sevenoaks District's 142 square miles. 60% of this is AONB. The Green Belt coverage is the third highest in England and the particular function of the Green Belt in Kent is to form a buffer to the outward growth of London. Through community involvement, we know that open countryside is appreciated by the majority as a reason for living and working in, or visiting the District. National guidelines are clear that we should protect open land, discourage urban sprawl and prevent the coalesce of built up areas. In accordance with Government policy, protecting the Green Belt is a key priority for this Council.

Very high average house prices in the District present clear challenges to those wishing to own a home and the delivery of genuinely affordable housing is therefore also a top priority.

The Council has committed to meeting its target of net zero carbon by 2030, to work towards the international goal of reaching carbon neutral by 2050. In addition, we recognise the importance of the many different aspects of adapting to and mitigating the effects of climate change, including:

- Provision of blue/green infrastructure;
- High quality design;
- Flooding prevention;
- Energy consumption;
- Water efficiency;

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- Development in sustainable locations;
- Open space;
- Air quality; and
- Sustainable travel.

Therefore, given the wide ranging impact on residents in the District, adapting to and mitigating the effects of climate change is a top priority.

#### **5. Do you agree that Local Plans should be simplified in line with our proposals?**

The Council does not believe that a simplified, less regulated system of Local Plans will lead to a faster, more efficient planning process. Indeed the Government acknowledges on page 40 of the White Paper the length of time taken to produce a Local Plan has doubled since 2009. This suggests that the introduction of measures by successive governments, such as the revocation of Regional Plans and the National Planning Policy Framework (NPPF), have made things worse. The White Paper does not provide an analysis of the reasons behind this increased timescale, however in the Council's experience, less guidance results in reduced certainty for all participants in the system and increases the scope for conflict.

The Council considers that Local Plans should do more than simply identify land for growth, renewal and protection. The plan making process works best when it brings stakeholders together to develop a locally specific spatial vision and we are concerned that the objectives of pre-NPPF policies in Planning Policy Statement 12 (which focussed on joint working between strategic partners) have been lost over recent years. We would support the renewed focus on a 'bottom up' approach to plan making, based on joint working with partners to develop a locally specific spatial vision.

The Council is concerned that as currently worded, the White Paper places a simple and disproportionate focus on the delivery of residential development to meet the Government's target of 300,000 homes each year. The document is largely silent on other aspects of growth, particularly the need to address employment needs and the role and function of town centres. In the light of current circumstances, these issues are particularly pressing for Sevenoaks.

Overall, there is a general failure to recognise or address the fundamental changes in lifestyles and working patterns that have taken place over the last seven months. Further consideration is needed on the land use implications of trends emerging from the Coronavirus pandemic and the types of development that will be needed to support economic recovery.

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It is becoming increasingly apparent that remote working practices established during lockdown will be with us for many months to come, if not permanently. Early indications suggest that office-based businesses will be adopting permanent flexible working arrangements, such as staggered start and finish times and working from home for part or all of the week. Furthermore, there is increasing evidence of migration out of city centres to suburban and rural location locations. The Council is concerned that the White Paper is largely silent on the spatial implications of these fundamental cultural shifts. At this critical time, we need more than a simple housing delivery mechanism. A broader conversation is required on matters such as the provision of flexible workspaces as part of development schemes to accommodate these emerging requirements and the implications of changing living and working patterns.

The Council would also like to see further measures to support town centre businesses. We would support a renewed focus on vitality and viability to increase footfall, through measures such as encouraging social infrastructure provision and cultural places and spaces in these areas. In addition, local authorities should continue to work with town centre partners such as Chambers of Commerce and town centre management teams to deliver locally specific solutions.

Finally, there is an urgent need to rediscover the link between public health and spatial planning. Local planning authorities should be encouraged to work collaboratively with public health colleagues to bring forward policies that deliver improved mental and physical health, through measures such as the increased use of Health Impact Assessments, communal spaces within developments that encourage safe social interaction and green urban environments.

The Council suggests that the White Paper should acknowledge the current uncertainties surrounding the impact of COVID on property markets, working practices and travel patterns. A review of the document is required when the implications of these changes become clear.

#### *Growth, Renewal and Protection*

It is unclear how the proposed categorisation of growth, renewal and protected areas will deliver improvements over and above the current system of allocations and designations. As noted above, previous attempts to simplify the planning system have increased the timescale for the production of Local Plans and further detail is required on exactly how these areas are to be identified, before detailed comments can be provided. In particular, it would be helpful to have further clarity on the aspects of the current system that would no longer be permitted. For example, the supporting text to proposed allocations currently provides scope to expand the specific factors that are relevant to policy proposals. The extent to which this provision will continue to apply is unclear.

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The identification of these areas should continue to be based on locally specific evidence. Notwithstanding the proposal for outline planning consent to be granted by default in growth areas, Local Plans should retain the ability to set specific development criteria and if necessary, requirements for the production of more detailed Supplementary Planning Guidance to minimise impacts on the local area.

### **6. Do you agree with our proposals for streamlining the development management content of Local Plans and setting out general development management policies nationally?**

The Council is broadly supportive of the established principle to prepare locally specific development management policies that avoid the repetition of national guidelines. These proposals offer nothing new in this regard. The Council does however, have concerns regarding the introduction of 'machine readable' planning applications as part of the Government's wider proposal to remove professional judgement from the planning process. Firstly, there is no evidence to suggest that algorithm technology is sufficiently advanced to deliver decisions that take account of an infinitely variable set of local circumstances. We are concerned that the proposals will encourage a 'one size fits all' approach and a 'computer says yes/no' culture.

The use of algorithm-based technology also has wider implications for local democracy and the customer service experience for users of the planning system. The proposal is not supported.

### **7a. Do you agree with our policies to replace legal and policy tests with a consolidated test for sustainable development, which would include consideration of environmental impact?**

The practical application of the current legal compliance and soundness tests are dependent on the interpretation of the appointed Local Plan Inspector, which remains largely unclear until the start of the examination hearing sessions. Any replacement test should provide a greater degree of certainty for local authorities, to avoid abortive work for all who are involved in the production of a plan. Further detail on the nature of the proposed sustainable development test, including how it differs from the current mechanism of sustainability appraisal, is needed before further comment can be provided.

### **7b. How could strategic cross boundary issues be planned for in the absence of a formal Duty to Co-operate?**

Whilst the removal of the duty to co-operate as a solution to address cross-boundary needs is supported, the search for an effective alternative mechanism to deal with this issue has been on-going for many years. The Government will be

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aware that solutions have included both Structure Plans and Regional Planning Guidance and the latest attempt, in the form of the duty to co-operate. All of these approaches have proved an unsuccessful means of addressing cross-boundary matters and it is unclear if further viable alternatives exist.

We note that further consideration will be given to an appropriate mechanism for cross- boundary planning and additional comments will be sought at the appropriate time. At this stage, it is suggested that the use of vague and subjective terminology, such as ‘constructive engagement’, should be avoided. We would also encourage the Government to consider the aspects of previous policies that have worked well, rather than seeking to reinvent the wheel on this issue.

There is no escaping the fact that many strategic priorities are regional in nature and the average time taken to prepare a Local Plan has doubled since Regional Plans were revoked. Whilst the previous system of regional governance - which comprised Regional Planning Authorities, Regional Development Agencies and a regional Government Office, was overly complex, a simplified, light touch version of this structure could assist in the delivery of cross-boundary matters. There may also be scope for regionally significant planning issues to be translated to a local level through the production of sub-regional plans between groups of authorities.

#### **8a. Do you agree that a standard method for establishing housing requirements (that takes account of constraints) should be introduced?**

Yes. We are supportive of a local housing requirement that genuinely takes account of the District’s constraints and practical limitations.

Sevenoaks District is exceptionally constrained, with 93% Green Belt, 60% AONB and 41 Conservation Areas across many of the District’s settlements (See Table 1 on page 8 of this response). The proportions of land in each local authority area constrained by Green Belt, National Park, an AONB or an SSSI were published in September 2017 by MHCLG, in conjunction with a Housing Need consultation. This data shows that Sevenoaks District is the tied top most constrained Local Authority with 94% of the land covered by these constraints. In the notes for this data it is stated this “...provides an indication of land that is not generally available for development, to illustrate the point in the consultation document that not all authorities will be able to meet their need in full within their own area.” (Housing need consultation data table, Planning for the right homes in the right places consultation, published September 2017:

<https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>)

We have concerns that the proposed binding local housing requirement for the District would be beyond what can reasonably be planned for in an area with

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significant constraints and a sensitive landscape. Therefore, it is important that constraints are given proper consideration when a binding housing requirement is set.

In addition, in order to achieve sustainable places for people to live, housing must be accompanied by the required infrastructure, facilities, services and resources. Therefore, capacity of existing settlements should also be factored in when determining the resultant housing requirement.

The Council's emerging Local Plan (currently subject to Judicial Review proceedings) already sets out a housing requirement for the District, which uses the current standard method as a baseline and takes constraints into appropriate consideration. The proposed housing requirement is below the current standard method figure despite increased densification, maximising the potential of urban areas, efficient reuse of brownfield land and proposals to release 221 hectares of land from Green Belt for housing and mixed-use site allocations under exceptional circumstances. We have done all we reasonably can to deliver the right homes in the right places supported by infrastructure and conserving and enhancing the character and sensitive landscape of the District. This approach has been endorsed through the Local Plan consultation process. Therefore, we expect that the prescribed housing requirement would be significantly lower than the baseline standard method housing need.

Unfortunately, the emerging Local Plan has been stalled and is currently subject to Judicial Review proceedings. Permission was granted for the Judicial Review proceeding to go ahead on all grounds and the hearings took place early in September; we await the outcome. At the time the examination halted, the Proposed Submission Version of the Plan proposed almost 9,500 dwellings in the District until 2035. This is approximately 3 times the number of dwellings set out in the adopted Core Strategy (2011). This delay has severely reduced our ability to increase housing in the District, however, we are committed to adopting a Local Plan that provides the right housing in the right places and protects the Green Belt and AONB.

#### **8b. Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

No, whilst the affordability of housing is a factor in determining local housing requirements, there are other factors that should be considered.

Affordability is affected by more than just supply and demand. It is a complex amalgamation of issues including land availability and social and economic factors. The District is a desirable place to live due to its location, proximity and transport links to London, heritage assets and high quality natural environment. On the other

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hand, the District is highly constrained with little available land for new development and therefore high land values. These factors all have an impact on affordability. In addition, access to money & borrowing has significant impact on affordability as well as matters of demand and supply.

The “Changes to the current planning system” consultation states that the proposed standard method has relevance to the changes set out in this White Paper. This proposed standard method calculation uses the latest available affordability ratio as well as the change in affordability over 10 years. It is found that areas with significant constraints have correspondingly high affordability ratios as shown in Table 1. The affordability ratios of Local Authorities, outside of London, which are the top most constrained are particularly high. Therefore, affordability ratios should not be given disproportionate weighting in the calculation of a binding housing requirement in relation to other factors including settlement capacity, land values and constraints.

**Table 1: Affordability Ratios of Neighbouring Local Authorities and Top Most Constrained Local Authorities**

Area	Affordability Ratio	Proportion of Local Authority land area covered by Green Belt, National Parks, Areas of Outstanding Natural Beauty or Sites of Special Scientific Interest
Tandridge*	14.98	94%
Epping Forest*	13.68	94%
Sevenoaks*	13.12	94%
Tunbridge Wells	12.48	75%
Tonbridge & Malling	11.79	77%
Wealden	11.55	65%
Dartford	9.23	56%
Gravesham	8.62	78%

\* indicates the tied top three most constrained Local Authorities in England

Housing must be accompanied by the required infrastructure, facilities, services and resources. Therefore, as set out in response to question 8a, the extent of existing settlements should be accounted for in order to achieve sustainable places for people to live.

Finally, as set out above the District is highly constrained, and therefore, the availability of land suitable to be developed for housing is limited. It is very important that constraints are given fair weighting in the calculation of the quantity of development that can reasonably be delivered in the District.



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#### **9a. Do you agree that there should be automatic outline permission for areas for substantial growth (Growth areas) with faster routes for detailed consent?**

It is unclear how the “automatic outline permission” proposed differs from the current approach of allocating sites, as both are methods for determining the principle of development. A site allocation primarily consists of a site location/boundary, a proposed use and quantum of development and any site-specific details required to make the principle of development acceptable. An outline permission has the same requirements, but also has an expiry date. The White Paper does not comment on whether the “automatic outline permission” will include an expiry date or whether the permission remains for the length of the Plan period, as per an allocation.

In addition, as outline permissions do not necessarily consider any additional detail beyond a site allocation, it is not clear how the process of assessing the reserved matters would be faster. The same information would be needed for the reserved matters application as for a full application following a Local Plan allocation to ensure the proposal is sustainable and high quality.

However, if additional information, beyond what is currently provided for an allocation, is required for proposals in growth areas at the Local Plan stage, then we have concerns as to how the additional technical information will be funded and produced in the proposed shortened Local Plan timetable. In our experience, the amount of information required to support Outline applications is substantial. Sevenoaks District is highly constrained and new development comes from a large number of smaller sites. Producing detailed information for each site would be extremely time consuming and potentially costly.

#### **9b. Do you agree with our proposals for the consent arrangements for Renewal and Protected areas?**

In areas identified for “renewal” there will be a “presumption in favour of sustainable development”. Parts of Sevenoaks District are already subject to the “presumption”, in accordance with Para 11 of the NPPF. Renewal areas will allow Local Authorities to identify specific areas where the “presumption” should apply. This is supported, as it will allow planned and strategic development in sustainable and suitable locations, such as town centres and transport hubs. Development in renewal areas, in combination with local design codes, has the potential to ensure that the right kind of development is delivered in the right places. Although the White Paper also states that development must meet “other prior approval requirements”, it is not clear what these requirements will be. However, any development in renewal areas must take account of local character, be of high

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quality, consider all aspects of sustainability, and contribute to affordable housing and other local infrastructure requirements.

The identification of “protected” areas is supported, as is the requirement for proposals to be subject to planning applications. However, the removal of local development management policies is of concern. It is likely that “windfall” development will continue to be delivered in these areas and it is essential that this development takes account of local circumstances such as affordable housing, local character, housing size and type and the importance of employment land.

#### **9c. Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

In the absence of further detail, the Council does not believe that the NSIP process is the right mechanism to bring forward new settlements. The process is fundamentally undemocratic and is not suited to the consideration of either the strategic or detailed planning issues that are associated with these proposals.

#### **10. Do you agree with our proposals to make decision making faster and more certain?**

Whilst the Council supports the general principle of increased use of technology in the publication of planning applications, its views on the use of algorithm technology to determine proposals are set out in response to question 6 of this document. In essence, an algorithm should not be substituted for human judgements to determine whether development proposals are appropriate in the local context. The Council has an exemplary record of deciding planning applications within the required timescales and has sought to use technology wherever possible to assist with this process. From our perspective, the proposed additional measures are not necessary

Notwithstanding the Government’s objective to speed up the planning process, the supporting information submitted with a planning application must be sufficient to allow the determination of social, economic and environmental impacts. The absence of such information inevitably results in ambiguity and delay.

The Council does not support the proposal to refund planning application fees where proposals are not determined within the statutory time limit. Delays in the determination of planning applications can arise for multiple reasons, but are usually connected to the quality of submission information and/or the nature of discussions between the Council and the applicant. The Council would urge the Government to consider the factors that lie behind delays before apportioning blame and penalty.

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#### **11. Do you agree with our proposals for accessible, web-based local plans?**

The Council is generally supportive of the proposals for accessible, web-based Local Plans, however it is important to recognise the barriers that some residents may have with web-based technologies.

As set out in the Council's 'Statement of Community Involvement', we are actively seeking new and innovative ways to communicate and engage with the community. In recent Local Plan consultations, we have successfully used new technologies in order to reach more of the community, including social media, interactive maps, videos and text notifications.

Everyone should have the opportunity to participate in the planning process, if they wish to do so. It is important to recognise that for some members of the community, a more traditional approach to consultation may be required. Some consultation methods may not be accessible to residents, due to their age, location, ethnicity, a disability, or access to broadband. Therefore, a variety of methods should be used to ensure that Local Plans are accessible to everyone.

The Council recognises the invaluable input and local knowledge that Town and Parish Councils bring as consultees on planning proposals and wishes for this to be retained as part of the digitalising the planning process. As noted in response to question 3, the Council believes that face to face consultations continue to add value to the planning process, alongside the use of technology to access hard to reach groups.

Notwithstanding the importance of ensuring the planning system should remain accessible to all members of the community, we welcome the proposals for accessible, web-based Local Plans.

#### **12. Do you agree with our proposals for a 30 month statutory timescale for the production of a local plan?**

Whilst the Council agrees there is scope for greater efficiencies in the plan making process, it is not supportive of a 'one size fits all' statutory timescale, which fails to take account of local circumstances. We suggest that local authorities should be given a 'margin of appreciation' to formulate a timescale that reflects the complexity of the plan area, for agreement with the Government at the outset of the process.

The process outlined on page 40 of the White Paper does not provide an opportunity for members of the public or other key stakeholders to comment on an emerging Local Plan until after the document has been submitted to the Secretary of State. This approach represents a fundamental departure from the current

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arrangements, which seek to ‘front load’ consultation at the start of the process. The Council is concerned the proposed approach will damage local democracy and risks alienating local communities.

#### **13a. Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

Community involvement within the planning system is becoming increasingly important and Neighbourhood Plans offer the opportunity for a community-led plan, setting out policies on the development and use of land in a parish or neighbourhood area. Neighbourhood Plans can also be used to promote much needed local housing and infrastructure.

Whilst promoting community involvement in the planning process, Neighbourhood Plans simultaneously encourage beneficial communication between Local Stakeholder Groups, Town and Parish Councils and the District Council. We have found that, as well as strengthening working relationships between neighbourhood planning groups and local authority planners, this can have a positive impact on community understanding and collaboration on the future of local areas.

There are currently no adopted Neighbourhood Plans in Sevenoaks District. However, there have been 11 neighbourhood area designations of which 7 are currently making progress.

#### **13b. How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

A Neighbourhood Plan is developed to support and build upon local planning policies. The Plans add “local flavour” and allow communities to directly influence how the local area is developed. With the proposed removal of local Development Management policies, it is unclear what role a Neighbourhood Plan would play in shaping the development of an area. The Council’s views on the use of digital tools in neighbourhood planning reflect those provided in response to question 3 of the White Paper. Finally, it is unclear how the proposed Design Codes referred to in Pillar 3 of the White Paper would relate to the Neighbourhood Planning process.

#### **14. Do you agree there should be a stronger emphasis on the build out of development? And if so, what further measures would you support?**

Yes. Whilst the Council makes every effort to ensure that sites allocated for development are genuinely deliverable, there are situations where sites do not come forward as planned, which has a negative impact on the Council’s housing delivery against its housing requirement. This also negatively impacts the Council’s Housing Delivery Test result, leading to additional sanctions on housing

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requirements. A stronger focus on build out (and commitment from developers) will help ensure non-implementation is kept to a minimum.

The Council has a responsibility to process and determine planning applications within a given timeframe, however what happens following the granting of planning permission is outside of the Council's control. Currently, planning permissions expire if work has not started within a given timeframe. Unfortunately, this can lead to partially built out sites or building sites, for a number of years with the development never being completed.

The Council is aware that in London and across the UK, there is a sufficient 'pipeline supply' of homes with planning consent to make a significant contribution to meeting housing needs. This indicates that the planning system is 'doing its bit' to address the issues and the challenge for the Government in this White Paper is to ensure that the pipeline comes forward, rather than using the planning system and those who work within it as a scapegoat.

In order to place a stronger emphasis on the build out of development and to ensure development is completed, it is suggested that the expiry date of a planning permission should be linked to the completion of the development, rather than the start.