

Matter 1 – Legal Compliance

Issue 3 - Sustainability Appraisal

Q1. Option 11 in the Sustainability Appraisal of the Local Plan (Version for Submission)¹ tests a growth strategy which includes an additional 1,900 dwellings (equivalent to the need identified by Sevenoaks District Council in April 2019). What were the outcomes of this assessment and how did they inform the preparation of the Plan?

1.1 In responding to this question we are also responding to Q3, as the two appear to us to be interrelated. Furthermore we believe the way in which TWBC have dealt with growth options 10 and 11 are comparable and worth considering in the round together, for this reason we comment on both below. Our comments below also feed into our position on the overall level of housing provision proposed within the borough over the plan period, which we note is an issue to be addressed when we get to the matter 2 hearings.

1.2 In addition, we would like to highlight from the offset that in commenting upon the SA we note the role of a SA as set out in PPG is ‘to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives’ ; and that ‘This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met.’ ID: 11-001-20190722 refers.

1.3 For clarity we are not disputing that a SA has been undertaken and that it has been iterative with the plan making process, rather the assessment of and weight given to the social, env and economic impacts of the alternatives, and the extent of the reasonable alternatives is in our opinion open to debate, given para 11-018-20140306, which whilst not a legal compliance point should, as per para 11-022-20140306 help to demonstrate why the proposals in the plan are the most appropriate; and thus frames the debate about matter 2 issues such as Housing Needs and the Spatial Strategy.

1.4 Table 12 of the Sustainability Appraisal (SA) identifies the 13 growth scenarios assessed by TWBC. These are set out in a simplified from below.

	Scenario	Growth levels
1	No MGB	Housing supply: 346dpa (11,526-565 / 17)
2	No AONB	Housing supply: 560dpa (11,526-2000 / 17)
3	Draft LP	Housing supply: 678 dpa (existing capped need in line with the standard method
4	Main Towns	Housing supply: 678 dpa
5	Main Towns & Large Villages	Housing supply: 678 dpa

¹ Core Document 3.130a

6	Meet need with no Green Belt loss	Housing supply: 678 dpa
7	Proportional to Services	Housing supply: 678 dpa
8	Services and AONB	Housing supply: 678 dpa
9	Dispersed Countryside	Housing supply: 678 dpa
10	Uncapped Need	Housing supply: 741dpa
11	Uncapped & Unmet Need	Housing supply: 853 dpa
12	No Plan	Unquantifiable
13	Pre Submission LP	Housing supply: 678 dpa

1.5 As can be seen these incorporated assessments of growth options which include meeting TWBC's uncapped need (option 10); and accommodating unmet need, and meeting TWBC's uncapped need (option 11), it being clear within table 12 that the unmet need is that of SDC.

1.6 Table 12 of the SA also suggests, in commenting on option 10 that whilst the distribution of growth is as per Growth Strategy 3 (Draft Local Plan) with further development across settlements, including in the AONB; it is assumed that *'as the strategic sites are being developed to their maximum capacity within the plan period and equate to 2/3 of total allocations, there would be an average 30% increase across other growth locations, with an additional 1,000+ homes in total. With potential sustainable growth outside the AONB already maximised, it is assumed a high proportion of this would be at AONB settlements'*.

1.7 As for option 11, table 12 suggests that the distribution of growth would be as per Growth Strategy 9, but with likely further development in the AONB, as well as the loss of more (relative to Option 3) Green Belt, including the losses around RTW/Southborough.

1.8 Whilst noting the councils position in this regard, it's not clear how TWBC have weighted the SA objectives when assessing the chosen option and why one objective may be weighted more highly than another. Furthermore, as set out in our Reg 19 reps we do not believe that the distribution strategy of options 10 and 11, and the resultant scoring necessarily represents the only reasonable alternative when looking to meet the uncapped need/ the uncapped need and unmet need. Indeed, proffering only 1 option each when considering these 2 alternatives, when there are 7 that look at the options for the capped need seems somewhat dismissive of the potential merits of meeting the uncapped need/ the uncapped need and unmet needs.

1.9 Whilst the selection of reasonable alternatives is dependent upon an evaluative judgement, the evidence base has not in our opinion justified the councils position on the capped v uncapped and unmet need, and the council need to be more explicit about why meeting the uncapped need was so readily dismissed, as option 10 at only 63dpa² more than the capped requirement (1,134 dwelling across the plan period) could surely, given the findings of the SHLAA, and a review of the reasonable alternatives to development within the main settlements as reviewed in chapter 8 of the SA, be accommodate without harm to the AONB.

1.10 In the context of the above, having reviewed the scoring on options 3 – 13 (as set out in comparison terms in table 26 of the SA), five things strike us:

² 741- 687 = 63

- a) it is not clear how the Pre Submission Local Plan option (13) has managed to improve upon the draft Local Plan option (3) in the manner in which it has as other than the commentary at para 6.2.16 there is no clear indication as to how the two options differ from one another. A mapping exercise showing the difference may well have assisted in this regard;
- b) whilst the Pre Submission Local Plan option (13), scores the most positives, and least negatives, other options – such as main towns are not that far removed from the preferred option so the rationale for the chosen option is not as clear as it could be;
- c) the Uncapped Growth Option (10) does not generate a significantly poorer result than option 13 other than in climate, landscape and travel, and the reasons for the low scores attributed to option 10 are not fully explained, despite what is said at para 6.2.6 of the SA – see our comments in para 1.9 – 1.16 below;
- d) the Uncapped Growth Option generates a better score than option 13 for business, deprivation, education, and equality;
- e) the significant reduction in the scoring of the Uncapped & Unmet Need option (11) relative to the both the Pre Submission Local Plan option and the Uncapped Growth Option seems excessive and is not fully explained, despite what is said at para 6.2.6 of the SA - see our comments in para 1.17 below.

1.11 When comparing and the scores attributed to the Uncapped Growth Option (10) as set out in table 22 against those attributed to the Pre Submission Local Plan option (13) in table 25, it is unclear why the commentary on one would not be the same on the other i.e. for Air there is no recognition in table 22, as there is in table 25 that *'Substantial investment in active and sustainable travel methods that encourage a model shift will help lessen this effect.'* and why as a result in table 22 option 10 scores '-' and in table 25 option 13 scores '0 / -'.

1.12 Similarly, why in table 22 under biodiversity does it say, *'greater quantity of development creates more of a risk to biodiversity'*, whilst in table 25 it states *'small losses offset by potential large gains on strategic sites. Net gains policy will also bring benefits'* with the options scoring '0/-' and '0' respectively.

1.13 Why in table 22 under climate change does it say *'greater quantity of development increases carbon emissions'*, whilst in table 25 it states *'Energy and fuel use from buildings and transport will increase. However, strong climate change policy and renewable energy provision will provide benefits. Reducing development at some rural settlements will have a benefit for transport-related carbon.'* With the options scoring '-/---' and '-' respectively.

1.14 Why in table 22 under health does it say *'Unknown score. New development could provide new accessible natural greenspace, provision for higher physical activity rates or better access to heritage assets but this would depend strongly on DM policy'*, whilst in table 25 it states *'No negative outcomes are likely across the parishes. However, benefits disproportionately favour more urban settlements, largely because residents in urban areas are more likely to be within reach of accessible natural greenspaces. Benefits also highly likely to be realised with master planning of strategic sites'* With the options scoring '?' and '++' respectively.

1.15 Why in table 22 under heritage does it say, *'greater quantity of development creates more of a risk to the historic environment'*, whilst in table 25 it states *'As for the DLP, there*

are a number of small negative impacts upon this objective throughout the borough' With the options scoring '-/--' and '--' respectively.

1.16 Why in table 22 under landscape does it say, '*greater quantity of development creates significant risk to the sensitive landscape both from individual development and cumulatively*', whilst in table 25 its states '*Reducing development in both large and small AONB settlements will provide a benefit when compared to the DLP.*' With the options scoring '--/---' and '--' respectively.

1.17 Why in table 22 under noise does it say '*the higher quantity of development is likely to result in an increase in noise levels due to the higher volume of vehicles*', whilst in table 25 its states '*Sensitive areas are scattered across borough, but many are in RTW where a large proportion of housing would occur. Lamberhurst, Goudhurst and the A229 near Cranbrook also have Important Areas for Road Noise (IARN). However, the smaller villages tend not to be near IARNs so spreading the growth across these locations may help. There is a risk that such large amount of growth would create significant movements in new locations and thus warrant a new IARN.*' With the options scoring '-/--' and '--' respectively.

1.18 Why in table 22 under travel does it say '*increasing the quantity of development would support the viability of bus services but further increasing the size of rural settlements would not decrease likelihood of dependency on private vehicles*', whilst in table 25 its states '*Reducing development at settlements with poorer travel options such as the smaller villages of Matfield and the AONB settlements and increasing development in urban areas especially where train travel is possible, provides a slight benefit to the travel objective. The strategic sites will also be beneficial in supporting a model shift away from private care dependency.*'

with the options scoring '—' and '0/+' respectively.

1.19 Similarly it is unclear why option 11 the Uncapped & Unmet Need scores less in table 23 than option 10 (Uncapped Need) does in table 22 in all areas yet has the same commentary against every criterion!

1.20 We also note that whilst para 6.2.16 explains how the growth strategy evolved as a result of the SA process and the effects of the different distribution strategies on social, economic and environmental factors (as set out in paras 6.2.8 – 6.2.15) resulting in option 13, and the Reg 19 strategy becoming the preferred strategy; as far as the options 10 and 11 were concerned, para 6.2.7 indicates that; '*it is not appropriate to conclude that positive effects cancel out negative effects as the importance of each objective needs considering in its own right. Instead, the sustainability appraisal process recognises the interdependence of the three strands of sustainable development and the weight given nationally to the most highly affected environmental objectives and recommended that Growth Strategies 10, 11 and 12 were not pursued further.*'

1.21 On the basis of the above the assessments of both the Uncapped, and the Uncapped & Unmet Needs options have not in our opinion had any great influence upon / have not really informed the preparation of the Plan, other than as far as the SA is concerned, to suggest they are a step to far in terms of their impacts and thus not to be pursued, which as we have indicated above does not really stand up to scrutiny/ is not in our opinion a robust

assessment when the councils consideration of the Preferred Option against these options is looked at in detail.

1.22 As such, if SDC still have an unmet need and TWBC were to look to help address this the plan needs, if it is to be affective, to look to deliver more via option 11/ a variation on it. In this regard it is fair to say that TWBC should not be required to meet all of TWBC unmet need if an unmet need remains, as they share the West Kent HMA with SDC and TMBC; as well as the northern part of Rother³. Given the constraints within both TWBC and TMBC, one would suggest that they share the unmet need equally such that if the need still arises when SDC have completed their evidence gathering for the new local plan, only circa 900-950 should be accommodated by TWBC.

1.23 In the context of the above, as set out in our reg 19 reps we believe TWBC should have consider a further growth option, that which provides for a 20% buffer on the LHN – i.e. 814 dpa (an additional 136dpa). This would fall part way between the scale of development proposed in options 10 and 11, and could in our opinion given the finding of the SHLAA and the review of the reasonable alternatives to development within the main settlements, as reviewed in chapter 8 of the SA, be accommodated through an adaptation to the proposed strategy, with additional growth in more sustainable settlements, including Tunbridge Wells and Southborough so that the additional growth is not all directed to the larger settlements within the AONB. This could also provide for half of SDC's unmet need if it still exists and provide a comfortable buffer to address any under delivery or delay in delivery of the proposed allocations⁴. In addition, given the findings of the Housing Needs Assessment Topic Paper and the various affordable housing needs identified (323⁵- 443⁶), this level of growth would also more closely help address the affordable needs of the area⁷ thus improving the affordability ratio, and helping key workers find accommodation in the Borough, which in turn will help reduce in-commuting and improving existing services/ business access to labour, and enhance the economic viability of the Borough and reduce the need for travel.

Q2. Does Option 11 test the minimum housing requirement plus 1,900 dwellings to help meet unmet needs from elsewhere, or an alternative, higher figure? What is the justification for this?

No comment

Q3. Does the Sustainability Appraisal adequately and robustly test a strategy that would contribute towards meeting previously identified unmet housing needs from Sevenoaks?

See response to question 1 above

³ See figure 4 and para 2.68 of the SHMA 2015

⁴ Our Position on the SA and how it took into account SDC's potential unmet need does not impact upon our position vis a vis the DTC as, as set out in our response to matter 1 issue 1 we believe TWBC has met the requirements of the DTC

⁵ The recent review of affordable housing needs in the context of first homes (2021) suggested an affordable need of 323 affordable homes per annum whilst the 2015 SHMA identified a need for 341 affordable homes per annum.

⁶ The 2018 HNS a need for 443 affordable homes per annum.

⁷ Given the affordable requirement is set at 40% on sites of 9 dwellings (+), to achieve 323 affordable dwellings per annum you need to deliver a minimum of 807dpa, assuming all sites deliver 40% - which of course they do not..

Q4. Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid major development in the High Weald AONB altogether?

No comment

Q5. Has the Council, through the Sustainability Appraisal, considered alternative strategies which avoid releasing land from the Green Belt?

No comment

Q6. Does the Sustainability Appraisal adequately and robustly consider alternative distributions of development, such as focusing growth towards existing settlements such as Royal Tunbridge Wells, rather than relying on a new settlement?

See response to question 9

Q7. Having established the strategy, what reasonable alternatives has the Council considered through the Sustainability Appraisal to the new settlement proposed at Tudeley?

No comment

Q8. What was the justification for ruling out alternative options in locations such as Frittenden and Horsmonden on transport grounds, but not Tudeley Village?

No comment

Q9. Does the Sustainability Appraisal adequately and robustly consider reasonable alternative strategies for the size and scale of development proposed at Tudeley Village and Paddock Wood, including land at East Capel? For example, does it consider smaller and/or larger forms of development as a way of meeting housing needs?

9.1 Table 27 of the SA identifies some 14 sites that were considered through the SA process for development as a Garden settlement / an urban extension location. These included:

- 1) Blantyre House (former prison) Goudhurst Parish
- 2) Capel
- 3) Frittenden
- 4) Horsmonden
- 5) Iden Green
- 6) Kippings Cross - East of Pembury and adjacent to the northern and southern carriageways of the A21
- 7) Land adjacent to Colliers Green Primary School, Colliers Green
- 8) Land at Great Bayhall East of RTW
- 9) Land between Cranbrook and Sissinghurst
- 10) Land between Sandhurst and Iden Green
- 11) Langton Green - Adjoining western edge of existing development
- 12) Land in Paddock Wood and Capel surrounding existing settlement at Paddock Wood
- 13) Walkhurst Farm, Benenden
- 14) Castle Hill

9.2 These ranged in size and scale, as well as location, being spread across the borough as is evident in figure 5. Of these sites only two, Capel, and land in Paddock Wood and Capel, were carried forward for further consideration; the remaining sites being discounted as being too isolated/ rural, and thus unsustainable, or because of their landscape

sensitivity/ impact on the AONB, or both. Para 6.2.21 also makes it clear that the other, larger settlements of RTW, Southborough, Hawkhurst and Cranbrook were discounted as they were considered to have too many constraints.

9.3 Given the above and as section 8 of the SA in reviewing the spatial development strategy effectively addresses the merits of a strategy that looks to distribute development towards the main towns/ villages, and a strategy that looks to distribute development across a wider more dispersed area using more small sites; we believe, given the constraints that exist within the borough that the chosen strategy, in particular the land in Paddock Wood and Capel, surrounding the existing settlement at Paddock Wood, is the most effective and has been justified through the SA process.

9.4 As to options for the direction of growth proposed within Paddock Wood, as set out on figures 7 and 8 of the SA, these ranged from 1,500 (option 1), to 4,500 dwellings (plus the 1000 dwellings from the existing SALP) (option 4). Whilst option 2 (3,500 dwellings (plus the 1000 dwellings from the existing SALP)) was deemed the most appropriate option to take forward the difference in scores between this and other options such as option 5 was not we note significant and could in our opinion have been overcome if required.

9.5 Given the above and as figure 13 of the SA indicates that all the reasonable alternative sites assessment around Paddock Wood were situated further to the east of Paddock Wood, east of the proposed allocation, than if the housing requirement is revised, it would appear from the SA that there are further options available within Paddock Wood to meet that need – if required.

Q10. Where individual sites are concerned, how did the Sustainability Appraisal determine what were reasonable alternatives?

No comment

Q11. Are the scores and conclusions reached in the Sustainability Appraisal reasonable, sufficiently accurate and robust to inform the submission version of the Local Plan?

11.1 Given our response to question 1 our response to this question has to be no for the reasons given above.

Q12. What alternative strategies and/or site allocations does the Sustainability Appraisal consider for the provision of new employment land and buildings?

No comment