

Sevenoaks Local Plan

Regulation 19 Consultation July-September 2026

The Otford Society

Site ST4-24 (formerly OT2) Hale Lane, Otford

Site ST4-7 (formerly SEV24) North of Sevenoaks

September 2026



Sheppard Planning

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Attachments:

- i. Transport Appraisal of site ST4-7, prepared by John Russell Transport Planning
- ii. Transport Appraisal of site ST4-24 Review, prepared by John Russell Transport Planning
- iii. A methodology note on strategic highways assessment, prepared by John Russell Transport Planning
- iv. Landscape Review of site ST4-24, prepared by Bryant Landscape Planning
- v. Landscape Review of site ST4-7, prepared by Rowellian Environmental Consulting
- vi. Ecology report for site ST4-7, prepared by Sibbett Ecology

1. Introduction

- 1.1 This Representation is submitted on behalf of The Otford Society, a charity set up to enhance the quality of life in Otford, support local businesses, promote health and wellbeing in the village, and to preserve the character of the settlement.
- 1.2 This representation sets out their comments on the Regulation 19 Draft Plan, which seeks to meet development needs up to 2042.
- 1.3 It is agreed that meeting those needs, in an environment as constrained as the Sevenoaks District, is a major challenge. Sevenoaks¹ is around 60% National Landscape, including the Kent Downs; 93% Green Belt and has large areas of high flood risk
- 1.4 None of the adjacent Local Authorities are able to assist in meeting needs in this area² and therefore, it is recognised that compromises must be made in order to meet those needs. However, The Otford Society is concerned by some of the options put forward to meet these needs. They have a particular concern that Site ST4-24 is not deliverable due to practical concerns.
- 1.5 The key issues that concern that the Society are:
 - Transport Impacts
 - Effects on Water Supply
 - Impacts on local services
 - Site specific issues, including
 - Lack of evidence of deliverability- including no reasonable access point to site ST4-24, and major access issues for around half of site ST4-7
 - Green Belt loss
 - Harm to national landscapes
 - Harm to amenity of North Downs Way users
 - Visual impact
 - Loss of BMV Agricultural land
 - Sustainability issues

¹ Figures taken from “National Landscape Exceptional Circumstances and Public Interest Paper” June 2026

² As set out in the West Kent SoCG of July 26

- Lack of consideration of reasonable alternative strategies- including the expansion of existing identified strategic sites, or the creation of a further large release site in a less constrained area of the District.

1.6 These are examined further in this representation, which is supported by the following documents:

- i. Transport Appraisals of sites ST4-7 and ST4-24 Review; a sustainability appraisal of site ST4-24, and a methodology note on strategic highways assessment, prepared by John Russell Transport Planning
- ii. Landscape Review of site ST4-24, prepared by Bryant Landscape Planning
- iii. Landscape Review of site ST4-7, prepared by Rowellian Environmental Consulting
- iv. Ecology report for site ST4-7, prepared by Sibbett Ecology

1.7 The Society also notes that the NPPF was revised during the consultation period. It is expected that the Council will attempt to submit this Plan before 31 December 2026 under the legacy plan making system. The Otford Society have therefore considered the draft plan under the “old” NPPF and it’s tests of soundness

1.8 However, the Society notes that this approach will produce a Plan that is instantly dated and that the issuing of the “new” NPPF may leave the District vulnerable to applications that look to exploit new allowances (eg Green Belt land accessible to stations) which would be better controlled and managed through the Plan.

1.9 The Otford Society’s concerns are explored in more detail in the subsequent sections of this representation.

2. Transport Impacts

- 2.1 The Otford Society has concerns relating to traffic on a site specific basis- particularly with sites ST4 -24 and ST4-7. However, they also have concerns regarding the cumulative traffic effects in the northern area of Sevenoaks and around Otford.

Baseline Modelling

- 2.2 The modelling, on which all of the Plan's traffic assessment is based, is flawed. The Otford Society's transport consultant has looked at the basis of the models in a short note that accompanies this representation.
- 2.3 The Jacobs Forecast Baseline Report for cumulative traffic growth confirms that background traffic growth is based on the TEMPro v8 data, which is- in turn- based on the National Trip End Model (NTEM)³. The model takes a 2019 base date, arguing that pre-covid traffic levels is a robust start point⁴.
- 2.4 The Society's note on this topic suggests that the current NTEM is based on 2018 population projections, with a 0% migration allowance, and forecast population growth of 4.1m people between 2023 and 2043. The current forecast is for 7.1m people between 2022 and 2042- almost double the growth in people, and therefore baseline traffic growth.
- 2.5 It also notes that the use of the "core scenario" which is a standard starting point, is out of step with the housing need "standard method"- which increases the housing requirement in areas which are comparably less affordable, in an attempt to equalise differences between household income and house prices (ie more houses need to be built, in order to reduce house prices).
- 2.6 This creates a situation where Sevenoaks has to provide comparably more houses, but where the baseline traffic growth model is suppressed by use of the core scenario.
- 2.7 The Otford Society suggest that, as a minimum, the "high growth" scenario would better reflect the likely increased travel demand that comes from a bigger baseline population over the plan period, as well as the higher housing growth that is needed to start to address issues of housing affordability. This would add at least 8% to the baseline traffic growth forecast in the Jacobs baseline report.
- 2.8 The Jacobs report suggests that within Sevenoaks an NTEM uplift is not needed, because completed and committed developments are incorporated into the baseline. That, however, is too simplistic. The NTEM captures some development related growth, but also catches demographic changes, changes in household size and changes in propensity to travel. The Jacobs approach also misses change in neighbouring authorities.
- 2.9 Claims to have altered the NTEM assumptions are fraught with methodological issues, as the NTEM is not an aggregate for proposed development movements- it works from national

³ See para 4.4.4 of the forecast baseline report

⁴ See para 2.2 of the forecast baseline report

assumptions down- so adjusting that growth by removing some development is not likely to provide a reliable outcome.

- 2.10 This means that the Plan's forecasting of traffic movement is very likely to have underestimated the amount of baseline traffic growth. This undermines the robustness of the traffic modelling that supports the Plan.
- 2.11 The current road network in this area is already experiencing delays, with the baseline report identifying issues within Otford in the 2019 scenario. The 2042 scenario is worse.
- 2.12 The Jacobs report identifies a Level of Service (LOS) of "E" for the Station Road / Shoreham Road / Pilgrims Way East junction in both 2019 and 2042 am peak. The mapping at Figure 5-13 shows an LOS "F" for this junction in the pm peak, although that is not identified in the associated Table 5-1.
- 2.13 This underplays the scale of effect at this central junction, on which all draft allocations in Otford / Kemsing and northern Sevenoaks will rely. This modelling shows that the road infrastructure is already well beyond capacity- before the effects of planned development are included.
- 2.14 Add to this the Otford Society's concern than the baseline report is an underestimate, due to incorrect modelling assumptions and methodological failings, it seems clear that there is a very significant cumulative traffic effect- even without allocations ST4-7, ST4-6 and ST4-24.

Impact Assessment

- 2.15 As would be expected- even with the modest change to reduce traffic flows that arise from modal shift changes- junction capacities are either worse or the same, the latter only being the case where the junction has already reached the maximum impact in the baseline scenario.
- 2.16 Figure 34 of the Jacobs Local Plan Tests Report shows the Station Road / Shoreham Road / Pilgrims Way East junction rising to LOS "F" in the 2042 am and pm peak periods. This is the worst category, and indicates that the junction will cease to properly function in a safe manner.
- 2.17 The Sevenoaks Road / High Street / Station Road junction has an LOS of "C" in the baseline report (Figure 5-13 of the baseline report). That changes to "D" in both peaks. That is not as severe as the Shoreham Road junction, but is a material change in capacity and would result in "unstable traffic flows", decreased speeds and decreased driver comfort⁵. This is simply a way of saying that the junction is over capacity.
- 2.18 The impact of the anticipated development traffic, as expected, materially harms the two main / central junctions in Otford:
 - The Shoreham Road junction goes well beyond capacity in both peaks, rather than just the evening peak; and

⁵ As defined in Table 4-1 of the Local Plan Tests report by Jacobs

- the High Street junction goes from workable to beyond capacity in both peaks.
- 2.19 The Plan identifies a number of highways improvements that are needed to accommodate development traffic- but neither of these junctions is subject to any attempt to mitigate the harm that would inevitably arise from the c. 3,300 homes planned in and around Otford and which would make use of these junctions.
- 2.20 As identified in the Society's transport note on strategic highways impacts:
- This junction is a critical piece of infrastructure for both the ST4-7 and ST4-24 allocations, being the first major junction encountered by traffic travelling from each of those allocations. The absence of any identified intervention is therefore particularly concerning given the Council's own modelling evidence*
- 2.21 The Otford Society consider that this leads to the Plan failing the soundness test of being "Justified", as the Plan does not adopt an appropriate strategy and is not based on proportionate evidence.
- 2.22 A "reasonable alternative" would be to either mitigate the highways harm that is caused by the amount of development north of Sevenoaks and in Otford; or to change the allocations to fit the relevant highways constraints. Neither of those options seems to have been considered.
- 2.23 The Society also notes that the requirement for proportionate evidence means that enough evidence should be prepared to allow the issue at hand to be understood. In this case the evidence points to the problem, but fails to provide any mitigation. It also fails to properly engage with changes in demographics, nor account for the affordability bias included in the "standard method" which pushes up housing needs. The greater number of houses and greater number of people that will result in reality, are ignored by the baseline modelling. The evidence is not proportionate, it is inadequate and should be reviewed to secure a better reflection of the baseline picture from which realistic impact assessments can be built.
- 2.24 The lack of mitigation for the transport effects within Otford are also a soundness concern. It is entirely likely that one or more of these draft allocations will fail at application stage as they cannot mitigate their highways impacts within Otford. The future applicants will need to show that their development has safe and suitable access, and doesn't cause severe impacts elsewhere.
- 2.25 The harm suggested in the Jacobs modelling indicates that there will be a severe adverse impact within Otford from the combined effects of these allocations. This is likely to mean that one or more of these allocations is not deliverable over the Plan Period and so is also likely to fail the "Effective" soundness test.

3. Water Supply

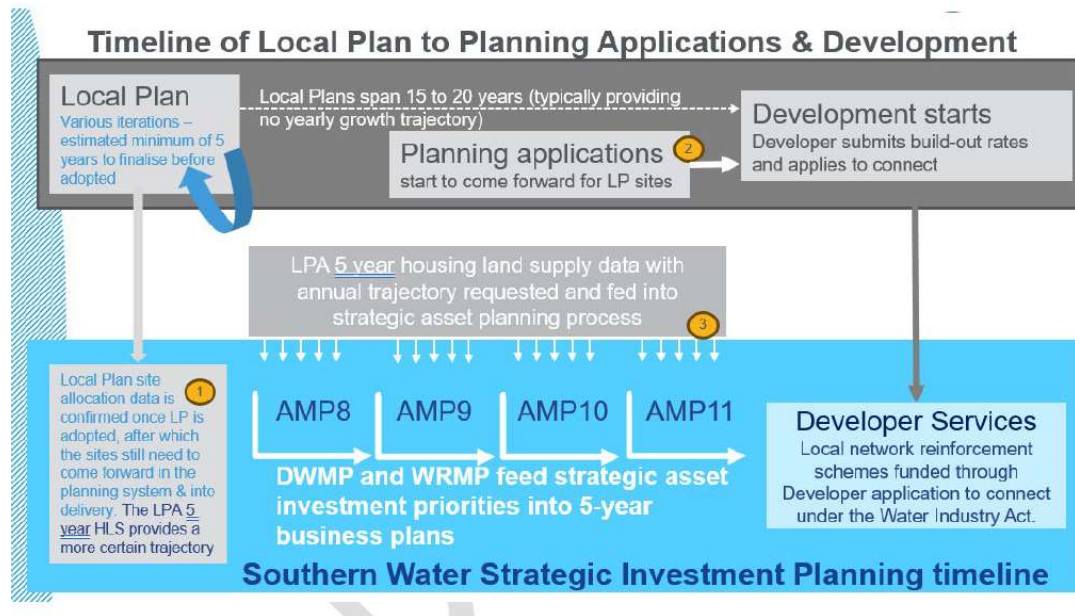
- 3.1 Sevenoaks is supplied by 4 water companies- Thames Water in the north west; South East Water in the east; Sutton & East Surry Water in the south west and; a small area of the north west by Lullingstone Water (a private supplier to a small number of houses).
- 3.2 Kent is seriously water stressed, with rainfall unable to replenish aquifers as demand far exceeds rainfall levels. The Infrastructure Delivery Plan acknowledges that the Water Company 5 year Water Resources Management Plans (WRMP's) do not align with the Local Plan programme; and that the current plans do not provide for the level of growth envisaged in the Local Plan. This is serious concern for the Otford Society, as water supply will impact existing residents as well as future residents of the wider area.
- 3.3 The next Plan (WRMP29) is expected to provide the investment required to meet future demand. The Council expect most housing delivery after 2030, and commit to working with water companies to ensure that the next WRMP provides for the expected impact of the additional development.
- 3.4 Existing planned improvements are being delivered through Price Review 24 (PR24), including works to Bewl Water Treatment Works, Hartley Water Treatment Works and Butler Water Treatment Works. These are said to increase capacity and water supply resilience.
- 3.5 It is clear that there is an issue with water supply locally, as there is across most of the southern part of the UK. The current long term planning tools do not provide for the growth envisaged in the new Plan and existing committed works are- presumably- aimed at improving the current baseline, rather than providing for additional development and thus will not address the extra stress on an already stressed system.
- 3.6 The Local Plan's approach is to push the responsibility for water supply to developers. It expects water supply needs to be considered and planned for through planning applications. The infrastructure delivery plan refers to Policy UD1- which simply abdicates responsibility for water supply and sewage upgrades to applicants.
- 3.7 This may be a convenient way to address an infrastructure delivery problem, but it masks the reality that the supply of water and treatment of sewage is likely to become a major delivery issue for the sites in this Plan.
- 3.8 The water company is not going to upgrade infrastructure in a piecemeal manner, as new reservoirs or abstractions are not planned in that way- it is naïve to expect developers to invest in building where there is no guaranteed water supply; and it is equally naïve to expect a water company to not wait until sufficient demand exists before they invest considerable monies in creating more abstractions or storage solutions. Indeed, there does not appear to be any evidence that further abstractions are feasible; nor that additional reservoir capacity for this area is even being considered- given the scale and cost of such works.
- 3.9 This issue has the potential to seriously undermine delivery, and it should be considered – at least in terms of principles- before assuming that any of the allocated sites can deliver.

- 3.10 The works set out for water supply in the project schedule appear to relate to the main allocations- works are needed around:
- Hartley, primarily network renewal to reduce leakage
 - Swanley (for sites ST4-10, 13, 11, 22, 19)
 - Works specifically for Pedham Place- where there is limited network capacity
 - Chiddingstone Causeway, primarily network renewal to reduce leakage
 - Edenbridge (for sites ST4-14, 19, 18, 15 and 27, but also general network renewal to reduce leakage)
- 3.11 Only the works at Hartley and the non-development specific works at Edenbridge have a commencement date and a costing. The remainder are all “TBC” and expected to commence “subject to phasing of development”. Notably, all are needed “prior to occupation of development”.
- 3.12 There are no works planned for Sevenoaks- where sites ST4-6 and ST4-7 propose over 1700 new homes; nor the other 359 homes in the other smaller housing allocations in the settlement.
- 3.13 There are no works planned to support the Broke Hill allocation of 714 homes, where we note that Thames Water has stated there is no water supply capacity for this site⁶. The solution proposed is to apply a condition which states:
- No development shall be occupied until confirmation has been provided that either:*
- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or*
- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.*
- Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.*
- 3.14 This is certainly a “way around” the issue that would allow permission to be granted. However, with no works in the current Thames Water Plan, the questions have to be-
- When will this site actually be able to deliver homes that can be occupied?
 - What infrastructure works are actually needed?
 - Can those works be supported by that site alone?

⁶ See application 25/02129/OUT where the water authority state: “Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal”.

- Do other developments need to be progressed to create the demand needed to justify the spending by the water company?
- 3.15 As an aside, the Council will have to be careful that this condition does not fall foul of the advice in NPPG on Use of Conditions⁷ which suggests that Grampian conditions can be used while supporting infrastructure is provided, but they should not be used where there is no prospect of the delivery of that infrastructure being secured before the permission expires. That will be difficult to judge when:
- a) There are no planned works,
 - b) there is no plan to ascertain what works are needed, and
 - c) extended periods of time are needed to deliver those works once they have been understood and worked into a 5 year delivery plan, and then actually funded and delivered.
- 3.16 It is important to remember that, when works are fairly minor in nature, they can sometimes be requisitioned by a developer and delivered in a modest timeframe. However, where the required works exceed the reasonable capacity of the system, and the development requires major upgrades to the system- ie new abstractions, reservoirs, desalination plants, etc- the process is considerably less simple, more costly and more time consuming.
- 3.17 The Thames Water SoCG notes that network upgrades can take 3 years from the point of the development being confirmed. It also confirms that specific upgrade schemes to create capacity for the local plan growth will need to be confirmed through detached modelling and capacity assessments. In other words, there is no evidence to support the allocation of these sites which shows that they can be supplied with water.
- 3.18 The South East, SES and Southern Water SoCG's say broadly the same, but Southern offers a helpful diagram about how the housing delivery data feeds into the AMP (asset management plan) periods:

⁷ Para 009



- 3.19 This means that, if a site is approved at the start of an AMP 5 year period - the infrastructure may not be planned in for 5 years. If it then takes 3 years to detail up, secure consents and permits and deliver, this is about 8 years in total.
- 3.20 Clearly that is a worst case view- but any standard length planning permission would have expired before they can occupy the houses. The simple way around that is to grant longer permissions to allow for this- but there could be an extended period at the start of the Plan timeframe where nothing can be occupied. Then, permissions granted later in the Plan Period will not be able to occupy- potentially until after the Plan period.
- 3.21 Some thought needs to be given to the impact of this likely infrastructure delay on the housing trajectory.
- 3.22 The same issue holds for the Local Plan as a whole. With no certainty that water supply infrastructure will be delivered, these sites could be allocated and planning permission granted, but the houses will not deliver until some, presumably expensive, infrastructure works are not only planned for, but delivered.
- 3.23 This seems to be a fundamental issue where there is little evidence of deliverability.
- 3.24 The Council will be aware that NPPG on Plan Making⁸ acknowledges that there may not be certainty, or funding secured, for strategic infrastructure- but where that is the case:
- “authorities will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged”*
- 3.25 The current Infrastructure Development Plan recognises uncertainties, but adopts an approach of pushing this to the planning application stage. The point of having an infrastructure delivery plan is- surely- to plan for those needs in a more comprehensive manner than leaving each applicant to negotiate their own solution- only to find that their

⁸ Para 59

houses can't be occupied until the next 5 year WRMP period and (in the absence of any capacity study work to show what supply infrastructure could be needed) this could even go so far as to require the potential delivery of a new reservoir- potentially in a national landscape.

- 3.26 There is a known reservoir proposal at Broad Oak, north of Canterbury, and SEW expect to apply for that in 2028, with a functioning reservoir being delivered in the mid 2030's; and a second at Arlington, near Polegate. Neither of these is within Sevenoaks, and both are some considerable distance away.
- 3.27 Whilst a further new reservoir in a national landscape might be an extreme outcome, that is still a potential outcome- and has been found to be necessary elsewhere in neighbouring authority areas. There is no evidence available at this stage to counter the suggestion that such an outcome is possible. If that were needed, could the Inspector conclude that there is a reasonable prospect of delivering that large scale infrastructure in the current Plan period - when the nature, scale, location and cost of that infrastructure is currently unknown?
- 3.28 The Otford Society suggests that any rational Inspector is unlikely to feel that this passes the bar of being a "reasonable prospect". This would be a fundamental soundness failure. It could lead to a conclusion that:
- i. The Plan is not "positively prepared", as the approach discussed above could undermine actual housing delivery (rather than planned housing delivery) and thus would not meet needs.
 - ii. The plan is not "effective", as it is unlikely to be deliverable over the plan period. The uncertainty of needing significant water supply, with very little idea of what that entails and when it could be delivered, is a fundamental delivery problem that could reach across the Plan as a whole.
- 3.29 This is potentially an issue of such magnitude that the Plan could fail.
- 3.30 The Council will also be aware of the position in Tonbridge & Malling, where the Plan has been subject to intervention, but the Council have argued that it is not deliverable due to the inability of South East Water to provide the necessary water supply- indeed, a recent letter from the Council to the Secretary of State suggests that this is despite efforts to work with the DEFRA Water Delivery Taskforce to secure the same. The most recent letter to the Secretary of State is provided at Appendix 1.
- 3.31 The Council will be aware that similar concerns were raised by SEW in their response to this Plan⁹ where they noted:
- ...we have identified that we cannot accommodate additional growth beyond what was assumed in our Water Resources Management Plan 2024 (WRMP24) in areas where we do not have a supply-demand surplus.*

Specifically, in the Sevenoaks area, where we currently lack available headroom in our

⁹ [Response 227680949 to Emerging Local Plan - Regulation 18 \(Autumn 2025\) - Policies and Evidence Base - Sevenoaks District Council - Citizen Space](#)

supplies, it is highly likely that we would be unable to accommodate any growth exceeding our WRMP24 forecast assumptions throughout the entire planning period.

...We would like to highlight that the housing numbers proposed in your latest IDP in the period 2028-42 are considerably higher than we have in our WRMP24 forecast. Due to the current supply-demand situation in our WRZ1 (Tunbridge Wells) water resource zone this increase is likely to cause stress to our supply system.

- 3.32 The Council should consider acquiring further evidence to support the delivery of water supply infrastructure- at the very least to rule out large scale infrastructure works that may need significant funding and / or wider justification to include in the Plan.
- 3.33 Broadly the same concern arises with Waste Water Treatment infrastructure.
- 3.34 This leads the Otford Society to conclude that the Plan is not deliverable, and thus is not sound. The society has also engaged directly with South East water on their resource management plan consultation, which is attached at Appendix 2.

4. Impacts on Local Services

- 4.1 The Otford Society are concerned that the amount of development proposed in the north of Sevenoaks and around Otford will exceed the capacity of local services and facilities, without a coherent plan being in place to enhance or extend those essential services. The proposed and approved developments are:

Site	Status	Number of new homes
ST4-24, Land west of Hale Lane, Otford	Draft Allocation	203
ST2-30, Ryecroft, Ryecroft Road, Otford	Draft Allocation	10
ST4-6, Land east of London Road, Dunton Green	Draft Allocation	289
ST4-7, Land north of Sevenoaks, west of Otford Road	Draft Allocation	1,500
ST2-6, Land at Cramptons Road, Sevenoaks	Draft Allocation	143
ST2-4, Abacus Furntiure, Farm Road Garages	Draft Allocation	11
ST4-41, Land to the west of Childsbridge Lane, Kemsing	Draft Allocation	167
ST4-33, Land at Childsbridge Lane, Kemsing	Draft Allocation	30
ST4-30, Land on the south side of West End, Kemsing	Draft Allocation; 8 dwellings approved under 26/00305/FUL	14
ST2-33, Land west of Park Lane, Kemsing	Draft Allocation; 4 dwellings under consideration, 26/01958/FUL	12
Sevenoaks Quarry, Bat and Ball Road, Sevenoaks,	Approved: 22/00512/OUT and 25/01445/REM	800 + 150 residential institution
Total		3,329
Houses in Otford		c.1,400

- 4.2 The level of growth in and around this area will place considerable pressure on local services and facilities. The infrastructure Delivery Plan shows that:

Primary Schools

- The new Primary school at Sevenoaks Quarry has land secured, but a funding gap of £15m
 - The new primary school to serve site ST4-7 expects to secure a land transfer at nil cost, but has a funding gap of £15m
 - Expansion of Dunton Green Primary School expects land to be secured from ST4-7 (although it appears to be adjacent to ST4-6, rather than ST4-7) and has a funding gap of £5m
 - The above £35m funding gap is expected to be secured by S106
- 4.3 The viability work associated with site ST4-7¹⁰ shows that primary school costs of £15m have been factored into the appraisal, along with a bus corridor extension of £1.1m.
- 4.4 Draft Policy H2 requires 40% affordable housing, and the ST4-7 development brief ties that site to delivering the H2 levels of affordables. Draft Policy H2 states:

“Grey belt sites are expected to meet the full affordable housing requirements set out in this Plan,”

And then outlines that robust viability work would be needed to satisfy the Council that any reduction is justified.

- 4.5 The Council will be aware that the NPPF under which this plan will be examined, states at para 59. that:

*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them **should be assumed to be viable**. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, **including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force**. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs, and should be made publicly available*

- 4.6 National policy would expect the viability evidence prepared for the Plan to be accurate enough to allow an assumption of viability- and this is particularly important for a major allocation like ST4-7, which delivers a large amount of the Plan’s housing needs.

¹⁰ LPVA & CIL Stage 2 – Final Report by Dixon Searle Partnership

- 4.7 The Stage 2 viability work suggests that 40% affordable housing may not be viable- in fact it is only viable at the higher land value assumptions¹¹.
- 4.8 It also notes the following list of required infrastructure that hasn't been included in that assessment¹²:
- *Additional primary and community service capacity (review to be undertaken) - contributions in line with developer contributions guide*
 - *A225 / Shoreham Road - T junction works*
 - *Improved walking and cycle provision, waiting shelters, potential connection to eastern platform, road crossings.*
 - *PRoW contributions*
 - *Contributions towards new leisure centre - £TBC (total cost £20m)*
 - *Upgrades to waste water network - detail TBC*
 - *Policy OS2 - requirement for LEAP, LAP and informal play space.*
 - *Library contributions*
- 4.9 The major influx of new residents just at ST4-7 (1,500 homes) would have some infrastructure provision made, but clearly other highway, accessibility, leisure, play, library would not be made. This will add pressure to the existing facilities.
- 4.10 The effect on primary schools in the area will be significant if the extant funding for the Sevenoaks Quarry and Dunton Green Primary schools are not secured.

Healthcare

Otford:

- 4.11 The infrastructure Delivery Plan shows that there is some funding already secured through CIL for the extension of the Kemsing branch of the Otford Medical Practice. However, as the project is not costed, the extent of any funding gap is unknown. All sites within Kemsing, Halstead and Otford are expected to financially contribute towards this extension, which seems fair, and that expansion project would be sized to meet the needs arising.
- 4.12 However, there does not appear to be any information on the scale of extension needed, whether that will fit on the already constrained site, and whether additional land is, or can be made available for this project.
- 4.13 The site is very constrained, parking is already very difficult and the plot does not have any real space available for a reasonable expansion. Without any feasibility work being available for this expansion- let alone any guarantee that more GP's will wish to operate at this

¹¹ Ibid, See para 3.5.10

¹² Ibid, para 3.5.12

practice on this site- the Society are understandably concerned that the new development in Otford and Kemsing will simply degrade what is already a healthcare system under considerable pressure.

Sevenoaks:

- 4.14 The Infrastructure Delivery Plan also notes a need for all major development within Sevenoaks to financially contribute to meeting healthcare needs. Again, this is unquantified and reliant on a study yet to be done. The funding gap is unknown as the evidence has not been compiled.
- 4.15 As noted above, the ST4-7 site is already on the brink of viability issues at the required affordable housing level. There is an acknowledged list of items that have not been costed and included in that assessment- and that omits the health care contributions that are expected to be in line with the NHS Kent & Medway Developer Contributions Guide. That guide¹³ expects £2,000 per unit for primary care; £400 per unit for community care and £4,800 per unit for secondary / acute care.
- 4.16 In total that is £7,200 per house, or £10.8m for site ST4-7. Clearly, that is a major omission from the viability work which would tip this site into being unviable. The question then is whether the affordable housing provision suffers - or whether the health facilities in northern Sevenoaks and the surrounding village are further stretched beyond their reasonable capacity.
- 4.17 This is a factor that should be considered now, to ensure that a co-ordinated approach is secured. Without this additional £10.8m, which the development can't afford, the pressure on local healthcare services will be considerable.

Transport Works

- 4.18 The Infrastructure Delivery Plan identifies further access related infrastructure that would impact the viability of site ST4-7:
- Uncosted works to M25 / M26 / A21 junction east facing slips- a desirable improvement that all major development sites in Sevenoaks would need to contribute to.
 - Uncosted works to Sevenoaks, Bat and Ball and Dunton Green stations- all secured by S106 from sites within the catchment of the relevant station.
 - A “minimum £1.5m” funding gap for ST4-7, to provide a bus link from Dunton Green railway station, the primary school and local centre to Bat & Ball station, the hospital and schools in the south. This is expected to cover a 5 year funding programme for a new bus.

¹³ [Developer Contributions Guide 2025](#)

- A £730,000 funding gap for ST4-7 to provide the Sevenoaks LCWIP route 8, a “safe, convenient route between Dunton Green and Otford that offers a genuine alternative to the private car for walking, wheeling and cycling”.
- 4.19 Many of these works are uncoded- but highways and access S106 contributions are at least £2.23m of extra funding that the development can’t support. Without these works in place, the site cannot be made to be sustainable.
- 4.20 It is also notable that the LCWIP Route 1 has a funding gap and also has some political resistance. If this linked wider initiative doesn’t proceed, the this will create more issues with traffic in and around Otford.

Waste

- 4.21 All major developments in Sevenoaks will need to part fund an, as yet, uncoded enhancement of the Sevenoaks Household Waste Recycling Centre. This will be secured by S106, but the amount of funding is unclear. The project is needed by 2032, and so this adds a further cost to the ST4-7 site, and further pressure on this local service while development monies are collected, the project devised and ultimately delivered.

Sport and Leisure

- 4.22 Site ST2-10 includes the existing leisure centre, which requires replacement on that site. This is coded in the infrastructure Delivery Plan as being £25m, with all major developments in the catchment expected to contribute. ST4-7 will need to contribute this this- as noted in the viability assessment as a factor that was not included in that assessment.
- 4.23 There is also an uncoded new basketball centre at the Knole Academy, which ST4-7 is likely to be within the catchment of. Improved squash courts at Knole Park Golf club may also produce a cost for ST4-7; and the Sevenoaks Indoor Bowls Club needs improvements, for which ST4-7 would likely provide a part contribution to the £140,000 coded works.
- 4.24 The site is also close to the Greatness Recreation Ground (£750,000 improvements to 3G pitch); the football pitch at Knole Academy (two sets of £150,000 improvements are listed in the plan); the 3G pitch at Knole Academy (£750,000+ improvements); the rugby pitches at Knole Academy (£150,000-£750,000); the cricket pitch at Knole Academy (over £750,000), and; the AGP at Hollybush Lane (£750,000+).
- 4.25 There are a large number of significant sports related improvements, in addition to those listed here, where it is feasible the development of ST4-7 could warrant a contribution. Many of these are very expensive projects and as the largest allocation in the town, the scope for securing funding for these works without seeking monies from ST4-7 seems fairly slim.
- 4.26 Accordingly, it is likely that these extra costs will tip that allocation into being unviable- as well as leaving the fundamental questions about increased pressure on local sporting facilities unaddressed.

Community and cultural facilities

- 4.27 There is a “desirable” project that all major development would contribute to, providing a *“flexible, multi-use space addressing shortfalls in community infrastructure and supporting a growing population, strengthening the town centre and offering inclusive space for events, learning and community activity”*.
- 4.28 This is uncoded, but would also form part of any S106 ask for site ST4-7.

Green and Blue Infrastructure

- 4.29 Watercress Close Park is walkable from the eastern side of draft allocation ST4-7 and as such that site would also be liable for S106 monies to improve the quality of this open space, as identified in the Open Space Study. This is a fairly small park, but it will now be clear that the cumulative effects of the infrastructure needed to support this allocation is considerably beyond it’s capability to fund.
- 4.30 The same applies to improvements needed at the natural and semi-natural open spaces at Pontoise Close; Mount Harry Road; Hillingdon Avenue; Littlewood; where improvements have been identified as being required in the Open Space Study.

Pressure on Local Infrastructure

- 4.31 The Otford Society raises two key points:
- 1) The development of site ST4-7 will introduce residents from 1,500 new homes- some 3,300 new people¹⁴- into an area where considerable pressure already exists on transport, education, healthcare, greenspace, leisure provision and community facilities. The infrastructure identified for improvement is extensive, and the bulk of the additional pressure in the Sevenoaks and northern villages will come from this site, and it will have significant adverse effects on these services if no mitigation is provided.
 - 2) Site ST4-7 is on the edge of being viable- without making any allowance for the very significant infrastructure and other costs identified in the Plans viability work and infrastructure plan. These extra costs will lead to one of two outcomes:
 - a. The site will be allocated, but will not proceed, as it is not viable. The Council would need to hold out for these contributions as they are necessary to make the site acceptable in planning terms- to do otherwise would withhold necessary investment in facilities that are already identified as being in need of investment to make them acceptable; or
 - b. The development will proceed, with major compromises being needed on affordable housing, social, education and healthcare provision in the area- ie the development will not be made acceptable in planning terms, and the impact will be felt by increased pressure on local services and facilities, and

¹⁴ Broadly estimated, based on the average of 2.2 people per house in the UK [Chapter 1: Profile of households and dwellings - GOV.UK](#)

harm to the education and health of existing and future residents in this area.

- 4.32 Neither of those outcomes is acceptable to the Otford Society. They consider that the allocation is not likely to be viable and that removing contributions to make it viable would leave it having an unacceptable impact on local services and facilities. Clearly, it would be better to delete this allocation now, and to find an alternative that can be made viable.
- 4.33 The current position would leave a future applicant in a place where they had to demonstrate a lack of viability- but are constrained from doing so as the base assumption is that the site is viable- based on NPPF 59.
- 4.34 Any outcome in this scenario leads the Otford Society to a conclusion that the Plan is not sound because it is not “positively prepared”, “justified” nor “effective” as it is not deliverable over the Plan Period.

5. Site Specific Issues: ST4-24

5.1 The Otford Society has particular concerns about site ST4-24 (previously site OT2). Their concerns include:

- Lack of access
- Loss of Green Belt
- Sustainability and Accessibility
- Landscape and visual harm
- Loss of BMV Agricultural Land
- Urban morphology
- Reasonable prospects of delivery

5.2 These points are considered further below.

Lack of access

5.3 This representation is accompanied by a report by the Otford Society's transport consultant, which raises a number of concerns about this draft allocation- including the lack of sustainability of it's location and the Council's evidence suggesting that any development on this site would be car dependent, with low potential for modal shift. The case is well presented in the transport appraisal of this allocation and is not repeated here.

5.4 However, the Otford Society do wish to highlight a fundamental issue with this allocation, which points directly to a lack of deliverability. This is a major soundness concern, as it points directly to failings against all of the soundness tests.

5.5 The allocation boundary does not touch the public highway at any point. It does have some frontage to Telston Lane, which is a narrow single file track, with multiple landownerships on its frontage, and pinch points which mean that securing the land to widen this route will not be deliverable. Telston Lane is also the North Downs Way, with views across to the Kent Downs National Landscape. Making this route an access for c.200 houses would fundamentally change it's character.

5.6 The allocation boundary also extends a "finger" of land behind the Otford Boarding Kennels, although it falls short of joining Ivy House Lane, and any route adjacent to the elevated railway track would be narrow and potentially encroach on multiple land ownerships to achieve even a single track route to the public highway.

5.7 The Development Brief for this site suggests two access points:

- i. One is to the south of the Hale Lane Recreation Ground. This is owned by the Parish Council, who are also objectors to this allocation. This access point is some 90m from the public highway at Hale Lane, across public open space where there is not a

willing vendor to deliver an access. Such an access would also involve loss of open space, crossing retained Green Belt land, and is outside the allocation. Clearly there are deliverability and policy issues with this suggested access point. The Society suggest that this is not a viable or deliverable access for this proposed allocation.

- ii. The second access is to the north, onto Pilgrims Way West where there is an existing agricultural field access. This is around 180m from the site boundary. Access here would need to achieve access rights across this land, secure permission for that road in the retained Green Belt, and also the development would need to bear the cost of new access infrastructure without any associated development along it's length which is sub-optimal from a development viability perspective. It is also understood that the owner of this field is an unwilling vendor.

5.8 Clearly, the Council have not identified a suitable access point in the development brief.

5.9 Another potential option would be for the land promoter to purchase houses on Knighton Road, but this would also require provision of a road in the Green Belt, and there are very few houses that would feasibly avoid the issue of also needing to secure an access agreement / land purchase with the owner of the field to the north of the site. That field is owned by a company that is controlled by the residents of 39-63 Knighton Road with their memorandum of association¹⁵ expressly stating that the field is owned to:

"... retain the remainder of the said land for the joint benefit, amenity and protection of the said premises and the respective owners thereof and particularly in all ways possible to preserve and enhance the view or outlook from the said premises and each of them."

5.10 This adds a layer of legal complexity to any purchase of these houses, and also makes securing agreement of the company, which represents all resident interests of these houses, much more difficult to achieve.

5.11 All of the options across this field would require a new road in the retained Green Belt.

5.12 The available options are considered in the table below:

Option	Reasons for lack of deliverability
Telston Lane	Too narrow with no potential for widening
Hale Lane Recreation Ground	Third party land required with known unwilling vendor, loss of open space, harm to Green Belt
Pilgrims Way West	Third party land required with known unwilling vendor, harm to Green Belt, effect on viability
Rear of Kennels	Too narrow, does not connect to public highway, third party ownership required.

¹⁵ Knighton Field Limited [application-pdf](#)

Option	Reasons for lack of deliverability
Potential house purchase on Knighton Road	No suitable houses currently on the market; would require at least 2 adjacent properties. Purchaser would need to incentivise the sellers beyond the current c. £600,000 property value with no guarantee that two adjacent vendors would agree to the sale. They would also need to negotiate with a company that has an ownership structure dedicated to preserving this field and it's views- so even if 2 owners wished to sell, the achievement of a road across land controlled by those who do not wish to sell would not be achievable.

5.13 As a result of the lack of a deliverable access point, the Otford Society conclude that this allocation fails the following soundness tests:

- a) Positively prepared: The plan cannot meet the areas objectively assessed housing need if the allocations it relies on are not deliverable. Without access to the public highway, this site is clearly not a deliverable option and should have been discounted on this basis.
- b) Justified: It is clearly not an appropriate strategy to allocate sites that cannot be accessed. The reasonable alternative- of allocating sites that are deliverable- should have been taken.
- c) Effective: Clearly this site is not deliverable, meaning that the allocation itself is not deliverable.
- d) Consistent with national policy: There are several points that could be raised here given the discussion below, but the fundamental failing of this draft allocation is that it can't deliver and therefore does not support the national policy objective of boosting the supply of homes- as required by NPPF 61.

5.14 Clearly, this allocation is unsound. It is undeliverable and unsustainable, and the only realistic option is to delete it from the Plan.

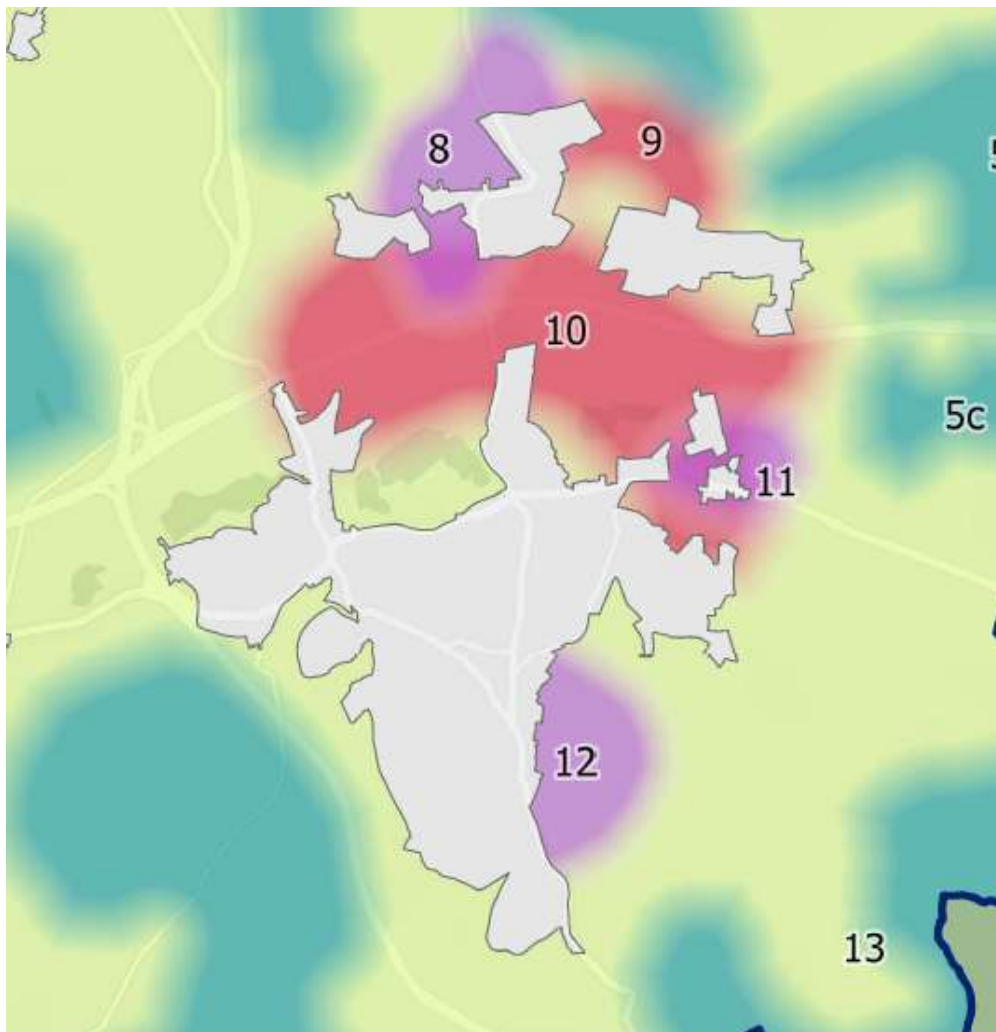
Loss of Green Belt and Grey Belt analysis

5.15 The site is identified in the Arup Stage 1 Green Belt Assessment Main Report as being in a broad area of fundamental importance. This also applies to sites ST4-6 and ST4-7. Area 10, identified in Table 7 and Figure 7 is the gap between Kemsing, Otford, Seal and Sevenoaks.

5.16 This area was assessed as contributing to purpose b), with the following comment:

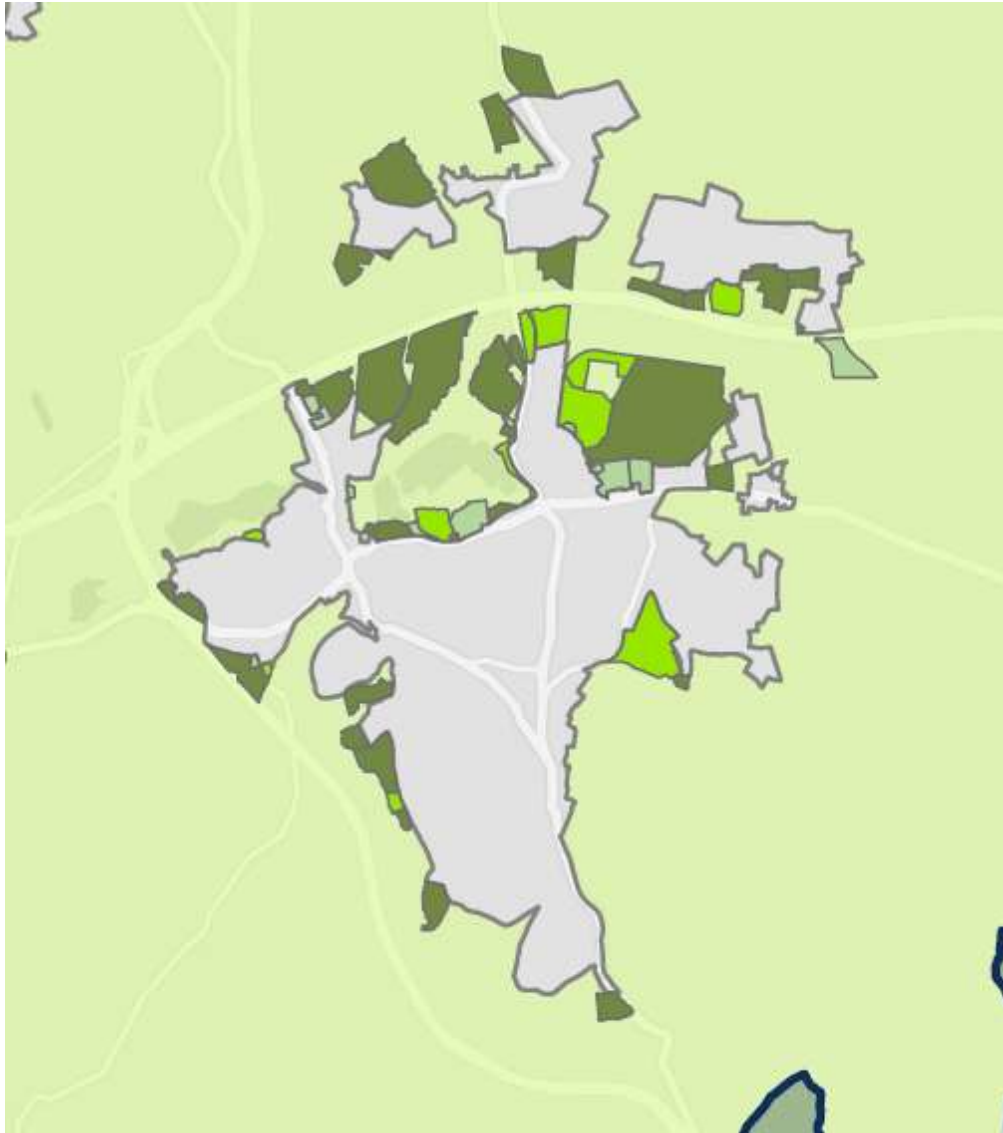
This area of Green Belt may be deemed of fundamental importance to the wider Green Belt as it prevents the physical and perceptual merging of these four towns. The size of the gap is relatively small compared to gaps between other towns in the context of the Sevenoaks Green Belt.

5.17 The mapping shows the following:



5.18 This clearly shows the area of fundamental importance fully enclosing sites ST4-6, ST4-7 and affecting the southern part of ST4-24. The stage 2 report also shows¹⁶ that parcel OT-06 (now site ST4-24) performed strongly against the overall performance, as did most of the sites north of Sevenoaks, coloured dark green below:

¹⁶ Figure 7 and table 6



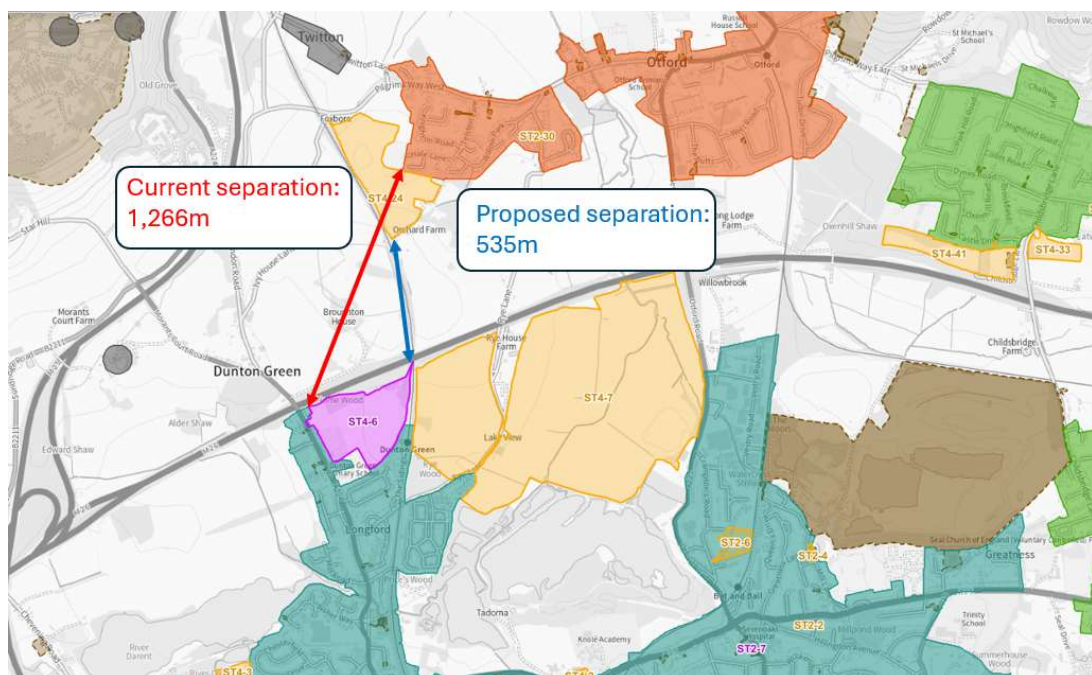
5.19 The Stage 2 report also scores the site as making 0 contribution to purposes a) and b) and a score of 3 for purpose d). These purposes are important as they form the basis of making a decision on whether this draft allocation can be considered to be grey belt land.

5.20 The analysis of reasoning in the appendices, shows that Arup concluded that:

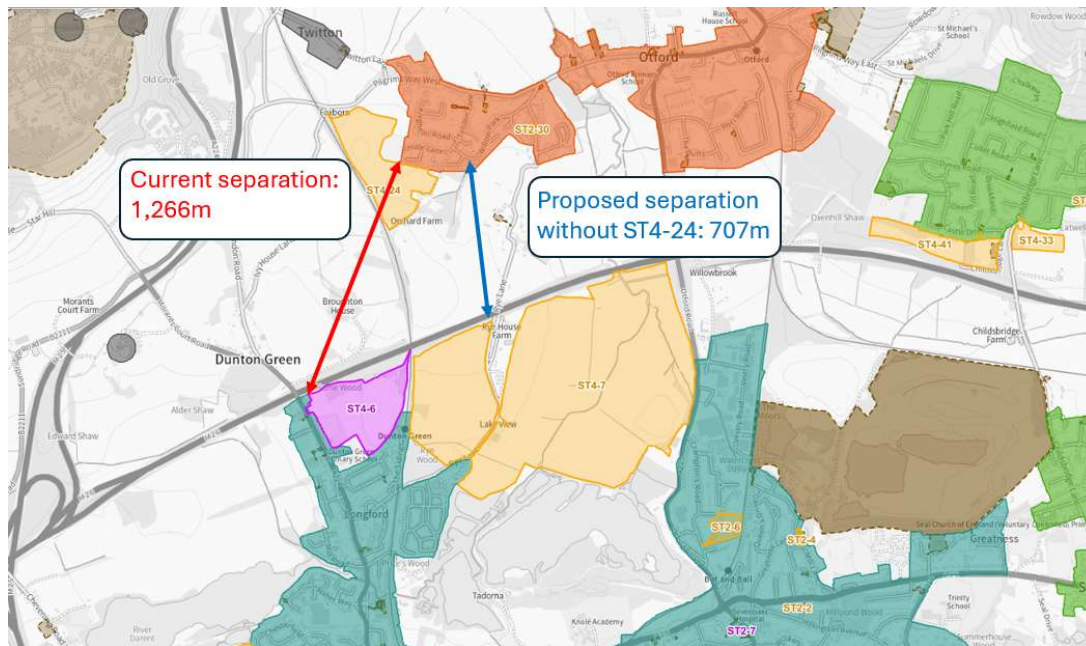
- i. Purpose a) scores 0 because the site is not located at the edge of a large built up area.
- ii. Purpose b) scores 0 because the site is a very small part of the gap between Otford and Sevenoaks, the M26 prevents merging and there would be no loss of visual separation.

5.21 The Otford Society consider that Sevenoaks is a large urban area, and that the gap between Sevenoaks and Otford is a strategically important gap, as suggested by Arup themselves- and evidenced by the stage 1 and stage 2 assessments of overall performance.

- 5.22 It is perhaps reasonable to suggest that Otford is not a “large urban area” and to ascribe a low score to this purpose for this particular site. What is less reasonable is to score the site 0 for merging (purpose b).
- 5.23 It is true that the site forms only a small part of the gap between Otford and Sevenoaks and that the M26 could prevent merging- but the latter would only be true if development were avoided on both sides.
- 5.24 The assessment only makes a visual assessment of separation. Separation also has a spatial element. The current closest point between Otford and Sevenoaks is around 1.2km. With the Otford and Sevenoaks draft allocations in place, that separation distance drops to 535m- more than halving the separation between the settlements in what is acknowledged to be a fundamentally important gap:



- 5.25 Without ST4-24, the gap would extend to 707m at its closest point:



- 5.26 The Otford Society agree with Arup that this gap is fundamentally important. They also consider that parcel OT-06 / site ST4-24 strongly contributes to purpose b). This is because- without that site being allocated- the separation between Otford and Sevenoaks (which is essentially extended to the line of the M26 in this northern area by other allocations) is better maintained and the spatial and visual separation of the settlements is preserved.
- 5.27 The Otford Society therefore consider that the site does contribute to purpose b). They consider that, in the context of the other sites being released, this is a strong contribution. The remaining gap is fundamentally narrowed when all of the sites are looked at collectively. They suggest that the collective impact on this gap- taking it from 1.2km to just over 500m- and in the context where Arup suggest it is a fundamentally important gap- that this fails NPPF 155 a. as it would undermine the purpose of the remaining Green Belt in this area.
- 5.28 The Stage 2 site assessment scores the site 3 for purpose d), which is the remaining purpose for defining grey belt. The scoring for this purpose runs as follows:

Legend

Sub-area performance against purpose (d)



- 5.29 A score of 3 is effectively 2/3rds of the available performance- or 60%. The next available score is 100%. In the context of the scoring options available, a score of 3 is arguably a strong contribution- which also suggests that the site may not be capable of being considered to be grey belt.

- 5.30 The Otford Society consider that site ST4-24 is not grey belt and that its release from the green belt undermines the performance of the wider green belt in this area by materially contributing to the reduced separation between Sevenoaks and Otford.

Sustainability and Accessibility

- 5.31 The Otford Society have commissioned a highways review of this site, which is provided alongside this representation. The content will not be repeated here, but that review raises serious concerns about the sustainability of this location for new housing development. That report concludes that:

- **Walking:** The Site is poorly located in relation to day-to-day services and facilities. Other than a newsagent, there are no schools, employment opportunities, health facilities or other essential services within an approximately 800m walkable neighbourhood. The routes connecting the Site to Otford do not provide continuous footways, are in places shared with general traffic, and lack street lighting. On this basis, it is concluded that the Site does not provide safe, convenient or attractive opportunities for future residents to undertake everyday journeys on foot.
- **Cycling:** There is currently no dedicated cycle infrastructure serving the Site or the surrounding roads. The principal routes that future residents would need to use, including Pilgrims Way West / High Street and Sevenoaks Road, carry traffic at speeds and volumes which require a greater degree of protection than is currently provided. The cycle infrastructure identified in the Council's LCWIP is remote from the Site and would not establish a suitable connection between the Site and the wider cycle network. Accordingly, cycling would not represent a genuine or attractive alternative to private car travel for most residents.
- **Public transport:** There is no regular bus service within a reasonable walking distance of the Site. The nearest bus stop is approximately 600–800m away and primarily provides limited school-focused services. Otford railway station is approximately 2.4km from the Site and Dunton Green station approximately 3.4km away, both well beyond a reasonable walking distance. There is also no bus service connecting the Site to either station. Whilst some residents may choose to drive to a railway station and continue their journey by train, this does not provide a genuine choice of sustainable transport modes.

- 5.32 The report concludes that this assessment is supported by the Council's own evidence base.

- 5.33 The Council's STSA identifies the Site as car dependent in both the existing and future scenarios. It provides no evidence that it can be made more sustainable. It concludes:

In short, the Council's own evidence is that development at ST4-24 would perpetuate rather than reduce reliance on the private car.

- 5.34 That is clearly not the outcome that would be expected from the Council's assessment of their own proposed allocation. It must be concluded that this draft allocation fails the soundness test of being "Consistent with national policy".

- 5.35 However, this is also an important factor in determining whether this land should be considered to be grey belt. NPPF 148 notes that, in plan making, defining new Green Belt boundaries should take into account paragraphs 110 and 115 of the NPPF- which is mirrored in NPPF 155 c. for planning applications.
- 5.36 Paragraph 110 asks Councils to actively manage patterns of growth and focus on locations that are, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 expects Councils to ensure that sustainable modes are prioritised; safe and suitable access can be achieved, and that; any significant impacts on congestion and safety can be cost effectively mitigated to an acceptable degree.
- 5.37 As is discussed above, the Councils evidence¹⁷ shows that “Otford W” scores red on nearly every measure, with “no change” conclusions for whether this can be improved. The Society has demonstrated above that there is no safe or suitable access available to this site, and has discussed concerns about major congestion in the settlement, with no mitigation proposed in the Plan. Clearly, this site fails against each of the measures in NPPF 110 and 115.
- 5.38 This is a further point which suggests that this site is not grey belt. Equally, there is a clear soundness issue as it is not “Consistent with national policy” nor “justified” as the available evidence that site is not sustainable seems to have been overlooked.

Landscape and visual harm

- 5.39 The Otford Society have commissioned a landscape review of this draft allocation. That report accompanies this representation. The Kent Downs National Landscape borders the northern and western boundaries of the site, and the North Downs Way forms the southern boundary.
- 5.40 In summary, the key points raised are:
- The draft allocation is within the setting of the Kent Downs National Landscape (KDNL). The site assessments undertaken in the SHELAA uses a notional 100m buffer to score sites, but that methodology bears no relationship to how the setting of this landscape should be understood- the site has strong intervisibility with the KDNL and development would impact on that setting. The site has a higher landscape sensitivity that has been assessed.
 - The draft allocation will harm the relationship between the KDNL and the North Downs Way. Telston Lane is a national trail and this section has clear visual links to the KDNL, marking a transition from an urban section of the trail back to a national landscape designation. The landscape appraisal notes that this is currently a gentle transition between urban and rural, but the development would materially change the views achieved.

¹⁷ Sevenoaks Local Plan Technical Evidence Base – Sustainable Transport Site Assessment Analysis to Inform the Traffic Modelling Scenarios

- The loss of open fields would harm both visual amenity and landscape character for users of the North Downs Way and that harm could not be mitigated.
- Whilst there would be no direct harm to the national landscape, the close proximity and visual connectivity between the site and that designation, would result in harm to the setting of a protected landscape and unacceptable adverse effects on its natural beauty and special qualities.

5.41 There are clear views of the site from within the National Landscape- on the North Downs Way, as a walker approaches Otford from the west- and these are clearly receptors of some importance, moving slowly and using a national trail. The view would suffer from built development encroaching further into the view in gaps between vegetation on the railway embankments, and increasing the physical and perceptual proximity of development into views achieved from that landscape.

5.42 The Council will be aware from the Stroud judgement¹⁸ that views from within the National Landscape are afforded protection under the NPPF and the statutory duty, as discussed below. The views of the National Landscape from the site attract lesser weight, but the policy protection can still extend to those views, although not to the same degree as views from within the protected landscape.

5.43 National Landscapes have the “highest status of protection” in relation to landscape and scenic beauty¹⁹ and development within that designation should be refused unless there are exceptional circumstances²⁰. Whilst this site is outside the designation, some weight should be given to impacts on setting, particularly for viewers within the landscape, but also (to a lesser degree) for views towards the designation.

5.44 The Council will be aware that they are now required to “seek to further”²¹ the statutory purposes of the national landscape, which are to conserve and enhance natural beauty of the area. The guidance is explicit that:

The duty also applies to functions undertaken outside of the designation boundary which affects land within the Protected Landscape.

Natural beauty, special qualities, and key characteristics can be highly dependent on the contribution provided by the setting of a Protected Landscape. Aspects such as tranquillity, dark skies, a sense of remoteness, wildness, cultural heritage or long views from and into the Protected Landscape may draw upon the landscape character and quality of the setting.

Functional connectivity is also important where there are flows or close interconnection between the Protected Landscape and its setting, for example:

¹⁸ IR 26 of Stroud District Council v Secretary of State for Communities and Local Government ([2015] EWHC 488 (Admin)).

¹⁹ NPPF 189

²⁰ NPPF 190

²¹ [Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK](https://www.gov.uk/guidance/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes)

- *a shared water catchment and management of water resources*
- *ecological connectivity where species are able to move across and between the designated and non-designated area*
- ***Rights of Way, Open Access Land and other recreational links joining the designated area to the wider countryside***

Development and the management of land, water and estates located in the setting have the potential to adversely affect the natural beauty, special qualities, and key characteristics of a Protected Landscape. [Our emphasis in bold]

- 5.45 The Otford Society suggest that the draft allocation would harm the setting of the National Landscape and that allocating this site would fail to comply with the Duty- which also applies to the setting of the designation.
- 5.46 Whilst it is recognised that much of the District is constrained in this manner, the combination of national trail and national landscape in this particular location is a major constraint that does not seem to have been adequately assessed or considered; and it could result in the Council failing in its duty under S.25 of the LURA²².
- 5.47 Clearly such an outcome suggests that the plan would fail the soundness test of being “Justified” as it is not an appropriate strategy nor based on proportionate evidence and is not “Consistent with national policy” nor the specific legal duties placed on the Council in these circumstances.

Loss of BMV Agricultural Land

- 5.48 NPPF looks to enhance the natural environment by considering the economic and other benefits of the best quality agricultural land²³ and directs development to poorer quality land where possible²⁴.
- 5.49 The SHELAA identifies just over 80% of the site as being in Grade 2 and just over 16% in Grade 3, although is not clear whether that is 3a or 3b.
- 5.50 The vast majority of the site is considered to be Best and Most Versatile land and, other than in the SHELAA, the Society can’t identify any work that explores this point in more detail- the policy test of favouring poorer agricultural land over the best land does not seem to have been answered. This is a failing in the evidence base of the Plan.
- 5.51 This allocation would result in the loss of a finite resource, and the potential to avoid this loss has not been explored.

²² [Levelling-up and Regeneration Act 2023](#)

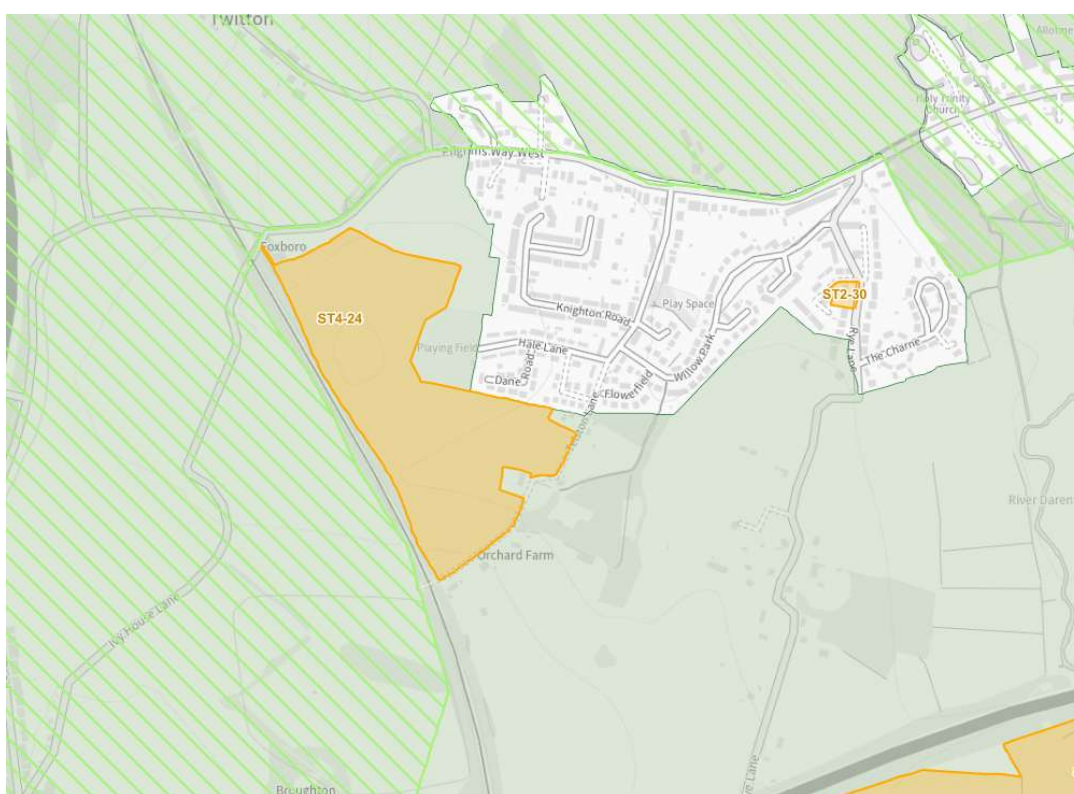
²³ NPPF 187 b)

²⁴ NPPF foot note 65

- 5.52 Clearly such an outcome suggests that the plan would fail the soundness test of being “Justified” as it is not an appropriate strategy, nor is it based on proportionate evidence. It also fails to be “Consistent with national policy” on BMV land.

Urban morphology

- 5.53 The Otford Society note that the allocation is an “unusual” shape. It bears very little relationship to anything other than an assumed land ownership boundary. It leaves small areas of Green Belt between the site and settlement which fails to comply with guidance on defining new Green Belt boundaries.
- 5.54 The proposals map extract, below, shows the proposed allocation boundary (orange), the retained Green Belt (green) and National Landscape (green stripes):



- 5.55 The Council will be aware that NPPF advice on defining Green Belt Boundaries²⁵ suggests that they should:
- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent
 - Not include land which is unnecessary to keep permanently open.
- 5.56 The site boundaries are formed by belts of trees and the railway line which- arguably- are permanent and easily identified. However, the usual approach to defining boundaries focusses on more significant features- in this case Telston Lane, the railway and Pilgrims Way West would form more durable Green Belt boundaries that would be likely to endure

²⁵ NPPF 149

beyond the Plan period and thus better align with the advice at NPPF 145, which sets out the need for permanence in the boundaries set at this stage.

- 5.57 The resulting allocation leaves the Hale Lane recreation ground, the field owned by Knighton Field Ltd and the Kennels in the Green Belt. The reasons for this are clear- all are opposed to development and including them in the allocation could not feasibly deliver housing development. However, this approach leaves small area of Green Belt in place that are not strictly necessary to keep open (thus offending NPPF 149b)) and which creates an unusual urban form which is not in character with the rest of the settlement.
- 5.58 Otford already has two distinct areas and this allocation would add a third. It appears to be ill thought out and fails to recognise the guidance to defining Green Belt boundaries.
- 5.59 On this basis, The Otford Society consider that it fails the soundness test of needing to be “consistent with National policy”.

Reasonable prospects of delivery

- 5.60 National policy requires plans to be prepared with the objectives of contributing to sustainable development (NPPF 16 a)); making sufficient provision for new homes (NPPF 20 a)) and providing a clear strategy for bringing land forward at a sufficient rate to address objectively assessed needs (NPPF 23). As a minimum, Plans have to meet needs (NPPF 36a) which is a core soundness test and has to be deliverable over the plan period (NPPF 36 c)- a second core soundness test.
- 5.61 It is considered that this site is neither deliverable nor sustainable. This is evidenced- primarily- by the lack of a workable site access solution and; the Council’s own evidence which demonstrates that this site not sustainable now, and cannot be made sustainable in the future.
- 5.62 NPPF 72 b) requires the Plan to have specific deliverable sites for years 0-5; developable sites for years 6-10 and, where possible, years 11-15 of the Plan Period.
- 5.63 NPPF defines “deliverable” as follows:
- To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years*
- 5.64 The discussion above demonstrates that this is not the case. This allocation is very unlikely to deliver in years 1-5 given the issues discussed above, and the SHELAA acknowledges this by placing the site in the 6-10 year period.
- 5.65 To be considered developable, the NPPF defines this as meaning:
- To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged*

- 5.66 The Otford Society argue that this is not a suitable site for housing, given the relationship to the settlement, national landscape and national trail and the Council's evidence which suggests that this is not a sustainable location.
- 5.67 The question of availability and viability are not well evidenced. The Otford Society suggest that it cannot be made available within the Plan Period, primarily as a result of the lack of a deliverable access solution. However, there are further concerns about the lack of information on future water supply and the acknowledgement by SEW that their projections do not account for the amount of development required. This has resulted in nearby Council's trying to pause their Plans to address fundamental issues about water supply.
- 5.68 There are also major issues about the costs of developing this site- as discussed in Section 4, there are considerable infrastructure demands being placed on developers in this area, with no funding available and at a time where build costs, material availability and policy expectations are significantly affecting the deliverability of some sites²⁶.
- 5.69 The Otford Society consider this site to be undevelopable. This undermines the Plan's ability to meet it's other obligations, as noted above, and can only lead to a conclusion that this draft allocation, and the Plan, are not sound. It fails the following soundness tests:
- Positively prepared:** It will not meet objectively assessed needs as this site is not capable of being delivered within the Plan Period, leaving the Plan some 200 homes short.
- Justified:** The evidence has been ignored (in the case of the sustainability of this location) and is lacking (in the case of water supply issues).
- Effective:** The allocation is not deliverable, as it has no access.
- Consistent with national policy:** There are a number of instances where this proposal does not accord with policy- deliverability, sustainability, effect on national landscapes, safe and secure access and guidance on how to define Green Belt boundaries.
- 5.70 This allocation should be deleted from the Plan and replaced through one of the strategies the Otford Society offer as a reasonable alternative in Section 7, in line with soundness test of being Justified.

²⁶ See for example, [The Viability Crunch](#) and [PwC Construction and Housebuilding Outlook - H1 2026](#)

6. Site Specific Issues: ST4-7

6.1 The Otford Society has particular concerns about site ST4-7 and ST4-6 (previously sites SEV 19 and SEV24). Their concerns include:

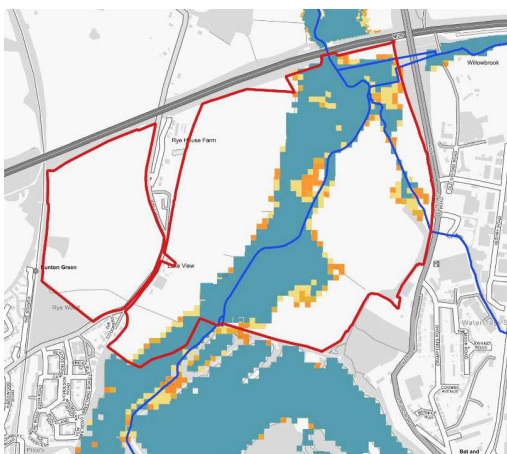
- Out of date flood information
- Impacts of flooding on access
- Use of Rye Lane as a primary means of access
- Loss of Green Belt
- Sustainability and Accessibility
- Landscape and visual harm
- Urban morphology
- Ecological effects
- Reasonable prospects of delivery

6.2 These points are considered further below.

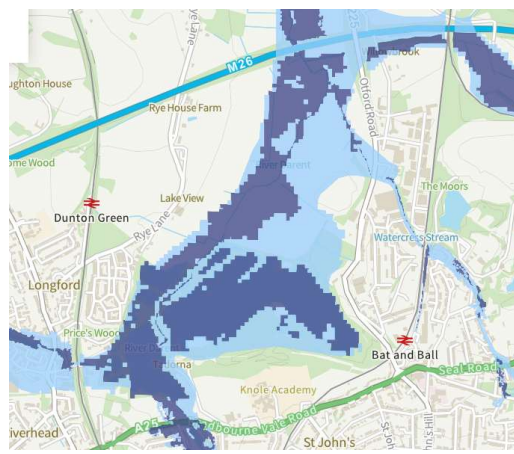
Out of date flood information

6.3 The SFRA and Development Brief for this site appear to work to out of date flood mapping. The JBA Level 2 site assessment²⁷, even allowing for climate change shows a lesser extent of flooding than the current EA Flood map for Planning. The Climate Change scenario at Fig 3-1 of the SFRA²⁸ is compared to the current EA map below:

SFRA with Climate Change map



EA Mapping



²⁷ Level 2 Strategic Flood Risk Assessment - Site HO/25/00012. Land north of Sevenoaks, west of Otford Road

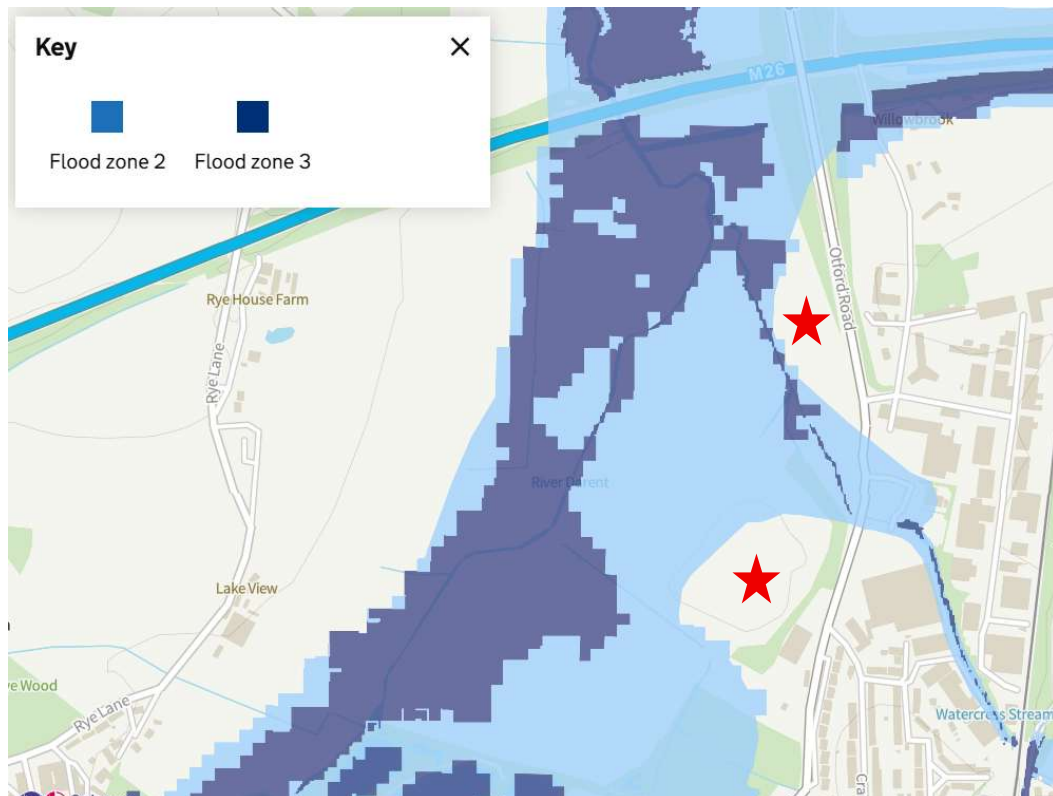
²⁸ This has been used as it represents the greatest extent of flood zone in the SFRA

- 6.4 As can be seen, the current mapping shows considerably more flood zone 2 in the eastern area of the site, and notably around Otford Road, where the main site access is proposed.
- 6.5 The Development Brief says no more than *“Proposals will demonstrate, through a site-specific Flood Risk Assessment where required, how the development can be made safe for its lifetime, taking into account the vulnerability of its users”*. It also suggest that development will be limited in Flood Zones 2 and 3, when discussing constraints.
- 6.6 The Otford Society consider that the Sequential and Flood Risk Assessment for this site is lacking any meaningful detail or consideration of lower risk alternatives. This notes that *“No significant surface water flood risk is identified”* and suggests that flood risk will be dealt with at application stage. Para 6.8 of the sequential test document suggests that in these circumstances:
- where flood risk is present within the allocation boundary, the developable area can be directed to the lowest-risk parts of the site through masterplanning, detailed layout and site-specific Flood Risk Assessment.*
- 6.7 Clearly, this approach would limit development capacity in the eastern area of the site. The Otford Society estimates that this change leaves around 50.5Ha of developable area remaining of the overall 106.5Ha site.
- 6.8 The flood zone currently occupies around 36Ha of this 106.5Ha site, suggesting a developable area of around 70Ha has been the working assumption for site capacity planning. The change in flooding area has taken, broadly, 20Ha from the site’s capacity- potentially amounting to a loss of 800 homes, assuming a 40dph density which is the lower end of the guidance in the Development Brief.
- 6.9 To achieve 1,500 dwellings, alongside a new school and expansion of the Dunton Green Primary, a local centre and open space will either result in a considerable uplift in density; or a major reduction in capacity.
- 6.10 Clearly, there is an evidential failing to consider here. The Society recognise that data sets are sometimes issued following the completion of reports, and understand that this is a natural part of the evolving situation of preparing a Plan over time. However, where there is realistic potential that the capacity of a strategically important site could be reduced, this needs to be understood before the allocation capacity is included in the housing land supply assumptions.
- 6.11 The Otford Society conclude that this element of the Plan fails the soundness test of being *“Justified”*- as an appropriate strategy has not been adopted and the evidence supporting the approach in the Plan is inadequate. It is not clear whether this also affects other draft allocations, and this may be a wider issue with the Plan’s evidence base. This needs to be checked and updated before submission.
- 6.12 This also means that the Plan is not *“Effective”* as it is unlikely to deliver what is claimed over the Plan Period.

Impacts of flooding on access

- 6.13 The Otford Society have commissioned an access review of this allocation which accompanies this representation. It considers the issue of flooding and levels in more detail.
- 6.14 The JBA Level 2 site assessment²⁹ of this site discusses the need for sites in the flood zone to be made safe. Paragraph 7.3 sets out a large number of measures for this site to address- the most pertinent are:
- More vulnerable development should be placed outside the risk of fluvial and surface flooding- ie houses should be kept in FZ1
 - The River Darent corridor should be used as green corridor
 - Arrangements for safe access and escape are needed to keep development and occupants safe
 - Provisions for safe access and escape should not impact on surface water flow routes or contribute to loss of floodplain storage.
 - Consideration should be given to the siting of access points with respect to areas of surface water flood risk
 - Any crossings need to be “clear span” in design to avoid diverting flood flows elsewhere and keeping users of any crossing safe
 - Floor levels need to be set above flood levels.
- 6.15 It is notable that there is a nearly a 2 page list of considerations around flood safety for this site- that, in itself, is telling about the scale of the issue being faced here.
- 6.16 The Otford Society’s main concern is that the combination of flood reliance and safety measures set out above will mean that it is extremely difficult to provide a safe and dry access / egress to the site from Otford Road. That is the primary access point and – despite the lack of clarity around how the movement framework is intended function for this site- it will need more than just Rye Lane as an access to deliver this quantum of development.
- 6.17 Unfortunately, almost the entire length of the site’s Otford Road frontage is now in the Flood Zone, and the SFRA sets a requirement for safe access, without causing any impedance of flood water, and keeping those routes dry- to ensure user safety.
- 6.18 The two areas where there could be a dry access to Otford Road are both impeded by existing woodland- which would need to be removed. Both also have bus stops which would need to be removed. They are also both fairly small- c. 1.2Ha in the north and 2.6Ha in the south, as shown below by the red stars in the map extract below:

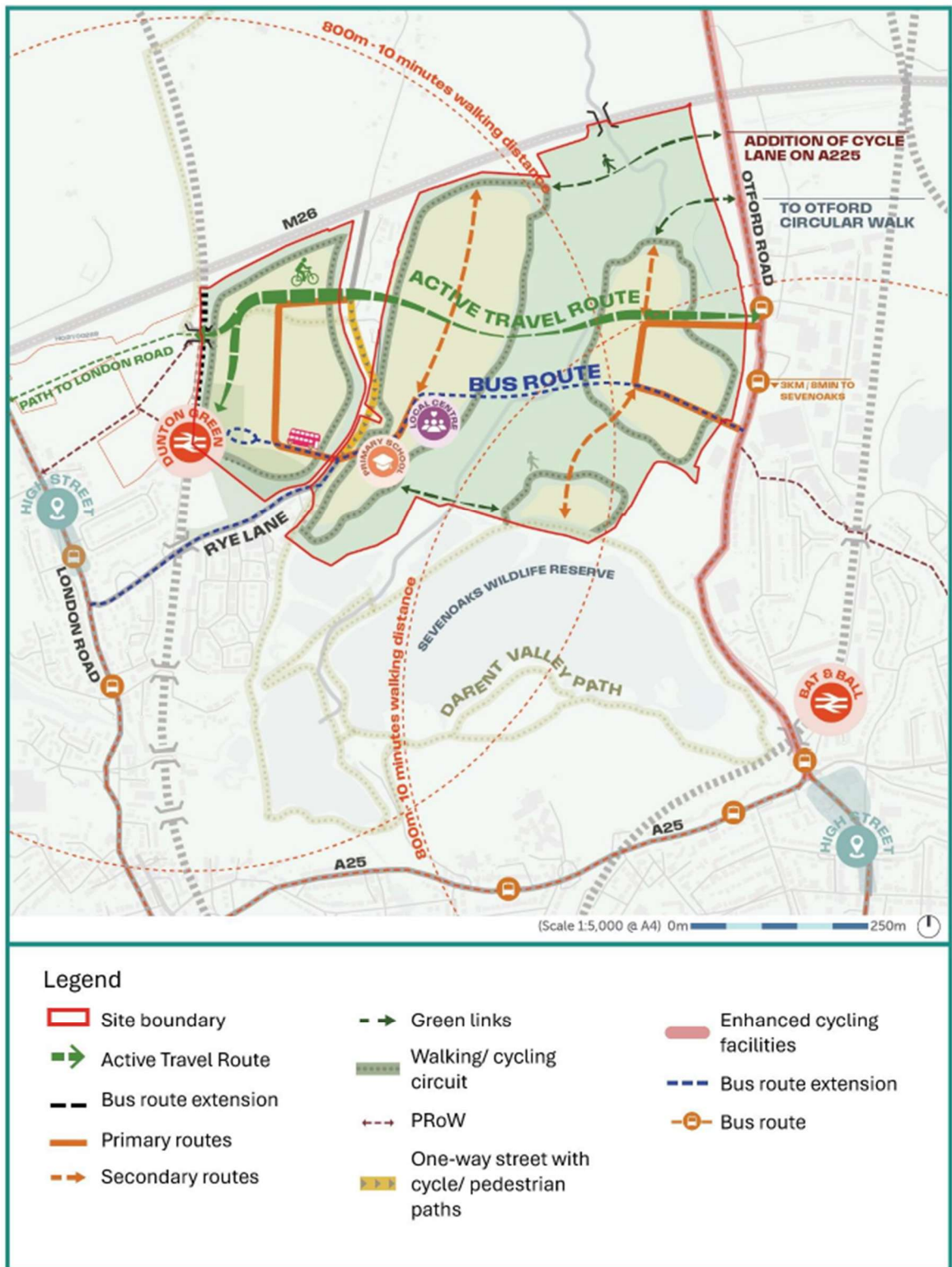
²⁹ Level 2 Strategic Flood Risk Assessment - Site HO/25/00012. Land north of Sevenoaks, west of Otford Road



- 6.19 If the guidance in the Councils SFRA assessment for this site is followed, the gap between these area and flood zone 1 on the other side of the Darent corridor would require a “clear span” bridging structure of c. 800m. That is a considerable cost and may not be deliverable or practical under the circumstances.
- 6.20 Without such a structure, though, access would need to come through the east, which is discussed in more detail below.
- 6.21 For completeness, the Society note that the lack of demonstrated ability to secure a safe and dry access to the east of the site raises deliverability concerns- whether in total, or in terms of a reduced site capacity, is a matter for the Council to consider further. In any event the Society consider that the Plan fails the soundness tests of being “effective” and “justified”.

Use of Rye Lane as a primary means of access

- 6.22 The Otford Society have commissioned an access review of this site. The development brief movement strategy appears to be ill conceived:



6.23 Access to the eastern plots is impeded by update flood zone information. There is no vehicle connection between the eastern and western plots shown and no connectivity with the main road network for the western plots, other than via Rye Lane- which is a narrow rural lane with passing bays- and the Development Brief expects to keep that fundamental character.

- 6.24 Given the discussion above around extended flood zones, the bulk of development would be pushed to the west, where the access arrangements are particularly poor. There is a particular pinch point at the railway bridge, which is single file, and this section of Rye Lane already services a reasonable amount of residential and commercial development. The norther end of Rye Lane is also narrow as it passes under the M26, and the route through Otford to the north is especially narrow and passes through residential areas and the village itself.
- 6.25 Whilst it may appear feasible to upgrade Rye Lane within the site, such that it can accommodate 1,500 dwellings- both ends of that road are so narrow that it is unlikely that capacity can be created in reality. This will also direct traffic out of the site through residential areas, causing amenity and safety concerns.
- 6.26 The Society's transport note confirms that the work to date does not establish the suitability of this route in terms of traffic flows, junction capacity, land width and geometry, passing capability, visibility splays, adequacy of width for pedestrians and cyclists, and emergency service access and refuse access.
- 6.27 There appears to be a considerable amount of technical work needed to demonstrate that this access strategy is deliverable.
- 6.28 For these reasons, the Otford Society concludes that the draft allocation fails the soundness test of being "Effective" due to the apparent lack of deliverability of the access strategy for the site; and "Justified" as proportionate evidence has not been prepared to support the claimed deliverability of this allocation.

Loss of Green Belt

- 6.29 As discussed in respect of Site ST4-24, this site sits in the important gap between Otford and Sevenoaks. The wider analysis of the importance of this gap will not be repeated here- the analysis is presented in Section 5 of this representation- save to say that The Otford Society consider that Sevenoaks is a large urban area, and that the gap between Sevenoaks and Otford is a strategically important gap, as suggested by the Arup analysis - and evidenced by the stage 1 and stage 2 assessments of overall performance.
- 6.30 The relevant parcels that comprise this draft allocation are SE26, SE27, SE28, SE29, SE39 and SE40. For ease of presentation the performance of these parcels against the 3 purposes relevant to determining whether this is a grey belt site is presented in the table below:

Parcel	Purpose a): Sprawl	Purpose b): Merging	Purpose d): Historic	Overall
SE26	0	0	0	Strongly
SE27	0	0	0	Strongly
SE28	0	0	0	Weakly
SE29	0	0	0	Strongly

Parcel	Purpose a): Sprawl	Purpose b): Merging	Purpose d): Historic	Overall
SE39	0	3	0	Strongly
SE40	0	3	0	Strongly

- 6.31 As can be seen it is only the larger parcels to the north (ie the western side of the allocation) that the analysis considers performs any purpose in respect of merging, with no role for any of the other purposes. However, almost all parcels perform, Green Belt functions strongly- which seems to contradict the scoring against the purposes.
- 6.32 The Society note again that the Purpose a) scores are a factor of the study not considering Sevenoaks to be a Large Urban Area. The Sevenoaks Society have sought a view on this from a planning barrister (appendix 3) who has suggested that Sevenoaks is capable of being considered to be a large urban area.
- 6.33 The approach adopted by Arup to scoring this point appears to be a deliberate methodological attempt to underscore sites which may actually perform a role in terms of containing sprawl. They consider that these parcels should attract a higher score given that Sevenoaks is clearly the largest urban area in the District and that the purpose of the Green Belt in this area can only be to help manage growth in the District.
- 6.34 The Society note that SE39 and SE40 scores 3 out of 5 for “merging”- as discussed in section 4, a score of 3 is effectively 2/3rds of the available performance- or 60%. The next available score is 100%. In the context of the scoring options available, a score of 3 is arguably a strong contribution- which also suggests that the site may not be capable of being considered to be grey belt.
- 6.35 The analysis of reasoning in the appendices, shows that Arup concluded that Parcels SE-39 and SE40 (the most important parcels for harming Green Belt purposes) scored as follows:
- i. Purpose a) scores 0 because the site is not located at the edge of a large built up area.
 - ii. Purpose b) scores 3 because the parcel forms around half of the gap between Sevenoaks and Otford. It comments that the M26 would prevent merging and *“There are perceptual links from the sub-area to Sevenoaks to the south and Otford to the north. It is judged that there is scope for some development without the loss of visual separation of towns.”*.
- 6.36 The Otford Society consider that Sevenoaks is a large urban area, and that the gap between Sevenoaks and Otford is a strategically important gap, as suggested by Arup themselves- and evidenced by the stage 1 and stage 2 assessments of overall performance.
- 6.37 Again, the methodology utilised does not reflect actual physical separation- it just assesses this on a visual / perceptual basis. The distances and physical separation distances are discussed in Section 4 and are not repeated here, save to say that releasing this site reduces

the actual separation from 1.2km to around 700m, or just over 500m if ST4-24 is also released.

- 6.38 The halving of separation between settlements in the Green Belt is a significant change and suggests that these sites play a much greater role in maintaining settlement identity than is allowed for in this analysis.
- 6.39 As with site ST4-24, the Otford Society agree with Arup that this gap is fundamentally important. They also consider that site ST4-7 strongly contributes to purpose b). This is because- without that site being allocated- the separation between Otford and Sevenoaks (which is essentially extended to the line of the M26 in this northern area by other allocations) is better maintained and the spatial and visual separation of the settlements is preserved.
- 6.40 The Otford Society, therefore, consider that the site does contribute more to purpose b) than suggested by Arup. The remaining gap is fundamentally narrowed when all of the sites are looked at collectively- this collective analysis does not appear to have been done after allocation choices were made, which is a particularly important piece of evidence given that the parcel analysis does not look at the same land areas as the allocations- all of which are much smaller than the allocations and thus the collective effect is not considered. Clearly, releasing a larger area of land could have a great effect on it's contribution to the purposes.
- 6.41 The Society suggests that the collective impact on this gap- taking it from 1.2km to just over 500m- and in the context where Arup suggest it is a fundamentally important gap- that this fails NPPF 155 a. as it would undermine the purpose of the remaining Green Belt in this area.
- 6.42 As discussed below, there are also concerns about the sustainability of this location. The Society's transport appraisal of this site concludes that the Sustainable Transport Site Assessment does not conclude that this cluster of sites represents a genuinely sustainable transport location, only having "some potential for modal shift". It also notes that the cluster is vulnerable to reductions in development scale- for the reasons discussed above- which would weaken the potential for "internalisation" and reduce the modal shift potential.
- 6.43 Arguably, this site does not comply with the requirements of NPPF 110 and 115, and therefore can't be considered to be Grey Belt.
- 6.44 The Otford Society consider that site ST4-7 is not grey belt as it is a less sustainable location; contributes strongly to the purpose of preventing the merging of settlements, and; that it's release from the Green Belt undermines the performance of the wider Green Belt in this area, by materially contributing to the reduced separation between Sevenoaks and Otford.

Sustainability and Accessibility

- 6.45 As discussed above, the Society have undertaken a transport review which looks at the sustainability and accessibility of this draft allocation. That review is not repeated here, as the report accompanies this representation. However, it concludes that:

The STSA identifies Cluster 13 as currently car dependent with low potential for modal shift, improving to "some potential" in the future scenario. The scale and mix of development

provide an opportunity for internalisation, with residents potentially living and working within the same area. However, the assessment does not clearly establish how much of the improvement between the existing and future scenarios is attributable to the proposed scale and mix of development, or to specific sustainable transport interventions.

Overall, the STSA provides only limited evidence that ST4-7 would achieve a meaningful reduction in car dependency. The fact that a development of this scale and mixed-use character is assessed as having only “some potential” for modal shift is significant, particularly where that potential is dependent on the delivery of the full quantum and mix of development. Any reduction in the number of dwellings or employment land arising from constraints such as flood risk or site access could reduce the opportunities for internalisation and further weaken the potential for modal shift.

The evidence does not, in itself, demonstrate that ST4-7 constitutes a genuinely sustainable transport location or that the proposed development can achieve the level of reduced car dependency necessary to support its allocation

- 6.46 This is also an important factor in determining whether this land should be considered to be Grey Belt. NPPF 148 notes that, in plan making, defining new green belt boundaries should take into account paragraphs 110 and 115 of the NPPF
- 6.47 Paragraph 110 asks Councils to actively manage patterns of growth and focus on locations that are, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 expects Councils to ensure that sustainable modes are prioritised; safe and suitable access can be achieved, and that; any significant impacts on congestion and safety can be cost effectively mitigated to an acceptable degree.
- 6.48 As is discussed above, the Councils evidence³⁰ shows that “Dunton Green W” (cluster 13) scores red in stage 1 assessment, but achieves “some potential for modal shift” in stage 2. The report explains that this outcome is achieved by implementing a Local Cycling and Walking Infrastructure Plan (LCWIP) and securing “internalisation” (where the start and end point of trips are within the development site itself)- this needs walkable town centres, a critical mass of 1500 homes and jobs, and public transport, cycle and micromobility.
- 6.49 The Society note elsewhere in this report that there are already major funding issues with the LCWIP programme, and that sites that might deliver the consider S106 monies needed to make these deliverable are already under considerable financial strain.
- 6.50 The Arup report also notes that:

With these Stage 2 measures, and any future transport measures, it is important that where these elements are applicable, they are delivered prior to occupation and are available from day one of opening in order to set the principles of sustainable travel. Conditions and obligations should be secured through planning consent that trigger the delivery of sustainable transport infrastructure prior to first occupation.

³⁰ Sevenoaks Local Plan Technical Evidence Base – Sustainable Transport Site Assessment Analysis to Inform the Traffic Modelling Scenarios

It is assumed that financial contributions towards community, public and school transport will be secured as part of any planning obligations associated with all new developments. This can be collected through Section 106 statutory obligations and/or through Sevenoaks' Community Infrastructure Levy (CIL) policy.

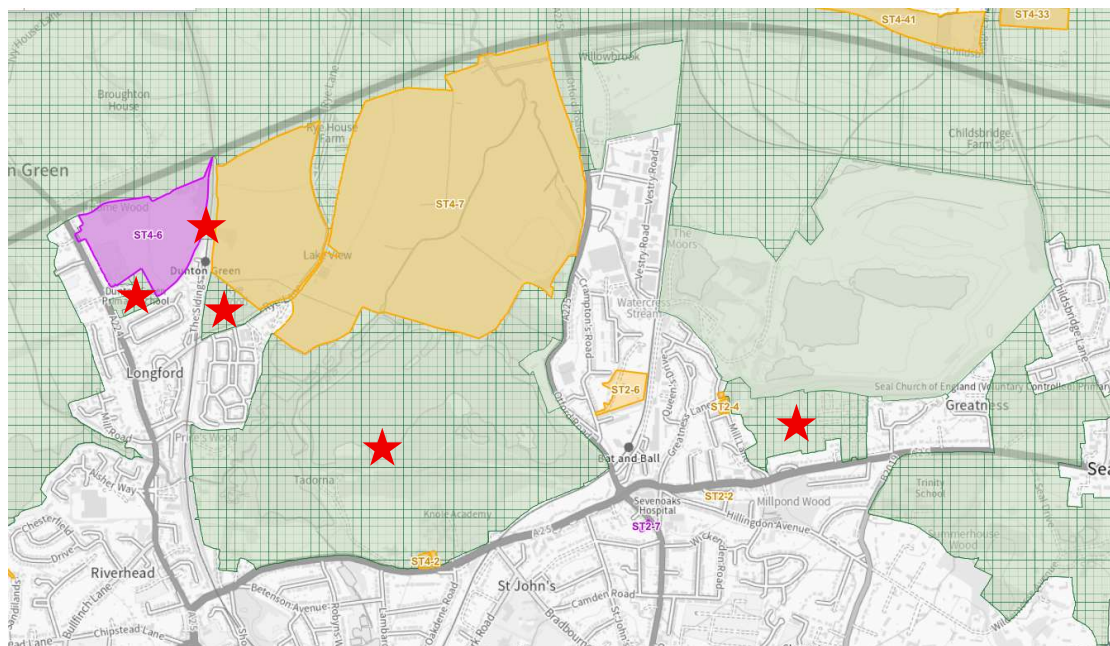
- 6.51 The Society explores the expectation for CIL / 106 monies from this site in Section 4, where the extended list of expectation is set out. The Society notes that the Council's viability assessment finds that this site is of marginal viability anyway- and that most of those costs have not been taken into account in that assessment, including PROW works, access works, and public transport works.
- 6.52 The Infrastructure Delivery Plan identifies access related infrastructure that would impact the viability of site ST4-7, including:
- Uncosted works to M25 / M26 / A21 junction east facing slips- a desirable improvement that all major development sites in Sevenoaks would need to contribute to.
 - Uncosted works to Sevenoaks, Bat and Ball and Dunton Green stations- all secured by S106 from sites within the catchment of the relevant station.
 - A "minimum £1.5m" funding gap for ST4-7 to provide a bus link from Dunton Green railway station, the primary school and local centre to Bat & Ball station, the hospital and schools in the south. This is expected to cover a 5 year funding programme for a new bus.
 - A £730,000 funding gap for ST4-7 to provide the Sevenoaks LCWIP route 8, a "safe, convenient route between Dunton Green and Otford that offers a genuine alternative to the private car for walking, wheeling and cycling".
- 6.53 Many of these works are uncosted- but highways and access S106 contributions are at least £2.23m of extra funding that the development can't support. Without these works in place, the site cannot be made to be sustainable.
- 6.54 The Society has also demonstrated above that there are access concerns for this site- arising from flooding that affects access to Otford Road in the east and "pinch points" that affect access via Rye Lane in the west. They also raise concerns in Section 3 about the weight of contributions needed to make this site acceptable from a physical and community infrastructure perspective. This site can only achieve some modal shift if very considerable investment is made in new transport infrastructure. The Plan's viability work suggests that this is not feasible. That position will only get worse if fewer houses are delivered due to access and flooding issues.
- 6.55 Clearly, this site fails against each of the measures in NPPF 110 and 115.
- 6.56 This is a further point which suggests that this site is not grey belt. Equally, there is a clear soundness issue as it is not "Consistent with national policy" nor "justified" as the available evidence that site is not sustainable seems to have been overlooked.

Landscape and visual harm

- 6.57 The Society has commissioned a landscape report to review the effects of this draft allocation on landscape and visual considerations.
- 6.58 It notes that the site is visually detached from Sevenoaks town and has a strong relationship with the Kent Downs National Park. The eastern part of the site is more natural with an unmanaged character; where the western part is raised and more agricultural in character. The central area transitions between these two distinct character areas.
- 6.59 The assessment considers that the scoring of the sites landscape sensitivity in the SHELAA is an underestimate of its importance. The SHELAA scores it as being of low-medium sensitivity. The Otford Society's assessment considers the different landscape types in this large site area and notes that the key characteristics are all well reflected in this site and that the site has a high level of sensitivity.

Urban morphology

- 6.60 The Otford Society note that the allocation boundaries bear very little relationship to anything other than an assumed land ownership boundary. There are areas of Green Belt between the site and settlement which fail to comply with guidance on defining new Green Belt boundaries. This was a concern raised for site ST4-24, but is a greater concern here. The allocation boundary creates a number of isolated areas of Green Belt which are not connected to any wider Green Belt designation- this makes it difficult to see how they would function as part of the wider Green Belt.
- 6.61 The proposals map extract, below, shows the proposed allocation boundary (orange and pink), the current Green Belt (solid green) and proposed Green Belt (green hatch). The areas of concern are marked by a red star:



6.62 The Council will be aware that NPPF advice on defining Green Belt Boundaries³¹ suggests that these should:

- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent
- Not include land which is unnecessary to keep permanently open.

6.63 The areas marked by red stars are not strictly necessary to keep open (thus offending NPPF 149b)) and this creates an unusual urban form, with isolated areas of Green Belt retained that cannot perform their basic intended function. This is the kind of “tidying up” that should have been done as part of the Green Belt Review, to ensure that the retained Green Belt performs as intended and is not vulnerable to future requests for deletion.

6.64 On this basis, The Otford Society consider that it fails the soundness test of needing to be “consistent with National policy”.

Ecological effects

6.65 The Society has also prepared an ecological review of this allocation, given its proximity to the Sevenoaks Gravel Pit SSSI, ancient woodland and land which is functionally linked to those designations.

6.66 The Gravel Pitts are important for a number of breeding, wintering and migrating birds that rely on water. The area of ST4-7 that is within the flood zone is considered to be functionally linked to the SSSI, with birds from that nationally important designation using the land to the north, within the draft allocation.

6.67 The Society’s ecology report is concerned that this area of flood plain will need to be drained to allow use as POS, and that this would remove the ability of SSSI birds from using the existing wetland as they do at the present time. The change to publicly accessible land in this area will also cause disturbance that will cause many of the existing species using the site to leave and not return.

6.68 It concludes:

Land-use change will remove the ability of SSSI birds to use the floodplain, resulting in decreased survival and decreased SSSI population size, harming the SSSI

6.69 It also raises concerns about cat predation, and cites various studies and other local plan policies where new residential development is excluded from being within a 400m buffer of a SSSI where there are mammals, birds and especially ground nesting birds. The report concludes that cat predation from new residential development would result in decreased survival and decreased population size within the SSSI, and thus harm the SSSI.

6.70 The draft allocation site is functionally linked to the SSSI and the Society’s ecologist concludes that:

³¹ NPPF 149

Birds of the SSSI which currently rely on the functionally-linked land will be hit by the quadruple whammy of drainage, habitat change, disturbance and cats. Each one of those would be sufficient to remove the ability of SSSI birds to use the floodplain, resulting in decreased survival and decreased SSSI population size, harming the SSSI. Sevenoaks Gravel Pits SSSI will be significantly degraded by functionally-linked land being lost to the development.

- 6.71 The impact of adding a 400m buffer to the SSSI to prevent these changes would be to remove the vast majority of the draft allocation from the Plan.
- 6.72 The ecologist is, however, also concerned about direct impacts on the SSSI- primarily from recreational disturbance. The Development Brief talks about integrating the development into the SSSI, including new footpath access and incorporating the wildlife reserve, flood plain and ancient woodland into “every day amenity spaces”.
- 6.73 Whilst that objective is probably intended to be more of a broad place making objective, it fundamentally misunderstands what the necessary management of the SSSI has to be, in order to preserve it’s ecological interest. The ecologist is concerned that an influx of visitors, in locations which are less well monitored and managed by the Wildlife Trust, and where the temptation exists for commuting, creation of desire lines to stations, unmanaged dog walking and increased children’s play, risks substantial disturbance to SSSI birds reducing breeding success, reduced foraging and reductions in population size.
- 6.74 It is also notable that the SSSI serves bird populations, and the gap in urban development on this draft allocation site serves as one of the only clear fly ways in and out of the SSSI site. The report concludes that:
- The ST4-7 proposed allocation site would almost completely block the last undeveloped flyway into the SSSI and reduce its ability to support the species. This is an unacceptable harm to the SSSI.*
- 6.75 The SSSI is not an amenity space. It needs to be positively managed to protect the interests of the birds it serves- that is where its value as a nationally important ecological site lies. Regardless of whether the development brief for the site is amended to clarify this, the presence of people, cats, and the development itself is likely to harm that inherent interest.
- 6.76 Harming a SSSI clearly falls outside the approach set out in NPPF 11 b), which states that Plans should meet objectively assessed needs for housing, unless assets of particular importance provide a strong reason for restricting the overall scale, type or distribution of development in the Plan area- and foot note 7 links SSSI’s to this approach. NPPF 187 is also clear that policies should protect and enhance sites of nature biodiversity value. NPPF 188 suggests allocating the land with the least environmental value- which is clearly not this site. NPPF 192 also seeks to safeguard wildlife rich habits and networks, and seeks the conservation, restoration and enhancement of those networks.
- 6.77 There is a clear case that harm to this SSSI would arise through restricting birds accessing the site; recreational pressures; cat predation; general disturbance reducing breeding and foraging success, and; direct loss of land which is functionally linked to the SSSI and supports it’s special interest.

- 6.78 NPPF 193 is also clear that planning applications within or outside a SSSI- and which is likely to have an adverse effect- should not normally be permitted.
- 6.79 One option to control this might be to consider a 400m buffer, to remove cat predation concerns, and this would keep most of the functionally linked area and flyway available. However, that approach would eliminate the vast majority of the draft allocation.
- 6.80 The Otford Society therefore, concludes that this draft allocation fails the soundness tests of being “Consistent with national policy” as it directly contravenes the expected approach to development that might affect a SSSI; and “Effective” as it is unlikely to deliver within the Plan period due to the fundamental contradictions with national policy on applications adjacent to SSSI’s- which indicates that an application here would be refused.
- 6.81 It is also not “Justified” as a reasonable alternative would be to not allocate this site, due to its likely ecological harm-and to find an alternative elsewhere in the District. The Society accept that this is a very constrained area, and so have outlined some alternatives to assist the Council in Section 7.
- 6.82 The draft allocation would also harm the ancient woodland west of Rye Lane. This is irreplaceable habitat under NPPF 193. The policy approach here would be to refuse development that results in “loss or deterioration” unless there are “wholly exceptional reasons” and a suitable compensation strategy exists- the example is cited of a nationally significant development where public benefits clearly outweigh harm. That is not an exception that is arguable here.
- 6.83 Allowing recreational use, as suggested in the Development Brief, will result in various changes that are incompatible with this habitat- including new paths, damaged ground flora, dog fouling changing soil nutrients, low value vegetation emerging, litter, damage to trees and shrubs, loss of ecologically valuable deadwood, fire risks trampling and erosion and disturbance to vertebrate species by loose dogs.
- 6.84 The ecologist has already seen these effects locally, with new informal desire lines having been created from back garden areas, despite signage to the contrary, and is concerned that these issues would significantly degrade the ancient woodland, even if it was well managed.
- 6.85 If this allocation is made, applications would very likely be refusable on the basis of harm to the ancient woodland. Even with management plans in place, it is difficult to control residents actions. Therefore, the Society reiterate that this draft allocation is not consistent with national policy, effective or justified.

Reasonable prospects of delivery

- 6.86 National policy requires plans to be prepared with the objective of contributing to sustainable development (NPPF 16 a)); make sufficient provision for new homes (NPPF20 a)) and provide a clear strategy for bringing land forward at a sufficient rate to address objectively assessed needs (NPPF 23). As a minimum, plans have to meet needs (NPPF 36a), which is core soundness test, and has to be deliverable over the plan period (NPPF 36 c)- a second core soundness test.

- 6.87 It is considered that this site is not deliverable in the form envisaged in the Plan. It's sustainability is questionable, even with the transport improvements that do not seem to be a viable proposition for the development. The Society argue that it is not clearly a grey belt site.
- 6.88 They also consider that the lack of deliverability for this draft allocation is evidenced by consideration of the sites relationship to the SSSI and ancient woodland; the greater landscape sensitivity than has been assessed in the evidence base; the updated flood zones, which make access to the eastern part of the site extremely difficult to achieve; and the lack of decent access to the western part of the site- relying on single track pinch points to serve a very large development.
- 6.89 NPPF 72 b) requires the Plan to have specific deliverable sites for years 0-5 and then developable sites for years 6-10, and where possible years 11-15 of the Plan Period.
- 6.90 NPPF defines "deliverable" as follows:
- To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years*
- 6.91 The discussion above demonstrates that this is not the case. This allocation is very unlikely to deliver in years 1-5 given the issues discussed above, and the SHELAA acknowledges this by placing the site in the 6-10 year and 11+ year periods.
- 6.92 To be considered developable, the NPPF defines this as meaning:
- To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged*
- 6.93 The Otford Society argue that this is not a suitable site for housing, given the relationship to the SSSI, the loss of functional land for the SSSI, it's questionable grey belt status, greater flood risk and poor access potential.
- 6.94 The question of availability and viability are not well evidenced and the work undertaken in the Evidence Base assessment shows that it is not likely to be viable, given the extensive S106 requirements that its development generates.
- 6.95 The Otford Society suggest that it cannot be made available within the Plan Period, primarily as a result of the access difficulties; likely ecological harm and lack of viability. There are considerable infrastructure demands being placed on housing developers, with no funding available and at a time where build costs, material availability and policy expectations have significantly affected the deliverability of some sites- including those where the issues listed above do not exist³².
- 6.96 As with other sites, there are further concerns about the lack of information on future water supply and the acknowledgement by SEW that their projections do not account for the

³² See for example, [The Viability Crunch](#) and [PwC Construction and Housebuilding Outlook - H1 2026](#)

amount of development required. This has resulted in nearby Council's trying to pause their Plans to address fundamental issues about water supply.

6.97 The Otford Society consider this site to be undevelopable. This undermines the Plan's ability to meet its other obligations, as noted above, and can only lead to a conclusion that this draft allocation, and the Plan, are not sound.

6.98 It fails the following soundness tests:

Positively prepared: It will not meet objectively assessed needs as this site is not capable of being delivered within the Plan Period leaving the Plan some 1,500 homes short.

Justified: The evidence has been ignored (in the case of the sustainability of this location) and is lacking (in the case of water supply issues).

Effective: The allocation is not deliverable.

Consistent with national policy: There are a number of instances where this proposal does not accord with policy- deliverability, sustainability, effect on national ecological designations, safe and secure access and guidance on how to define Green Belt boundaries.

6.99 This allocation should be deleted from the Plan and replaced though one of the strategies the Otford Society offer as a reasonable alternative, in line with soundness test of being Justified

7. Alternative Strategies

- 7.1 The Plan seeks to provide 15 years of housing capacity, and a plan period must be set to 15 years **post-adoption** in line with NPPF 22. This Plan assumes that the 15 year period will run from 2027³³. It is extremely unlikely that the examination will be complete in 2027, with submission programmed to meet the December 2026 deadline to remain under the “old” Local Plan system.
- 7.2 The Plan will very likely need to identify more housing land than is currently being provided-by at least 1 to 2 years. That would add a requirement for a further 2,328 homes. This would justify a further “new settlement” type allocation, which could also deliver the capacity lost from:
- Allocation ST4-24 (considered to be 162 to 243 homes in the development brief, but listed as 203 in Policy ST4), but which is clearly undeliverable due to a lack of physical access, and;
 - Allocation ST4-7, which cannot achieve a safe / dry access to Otford Road, due to inaccurate representations of the current Flood Zones and topography in this area of the site, and which appears to be unviable.
- 7.3 The constraints in the District are considerable and acknowledged. However, several strategic options do seem to exist, which have not been explored, including:
- i. Significant expansion of Site ST5-1, which sites outside the National Landscape and is also already subject to an application. Further expansion here could make this new settlement more sustainable by supporting additional local public transport services, shops and facilities, etc.
 - ii. Further expansion of Edenbridge: There are a number of sites put forward in the 2026 SHELAA which could accommodate development and which would expand a town which is served by Rail.
 - iii. Further expansion of Chiddingstone Causeway: Again, this is a rail served settlement, outside the National Landscape. Whilst the scope for expansion is limited, based on the land put forward in the SHELAA, there is a c.10Ha site (Rear of the Little Brown Jug) that could offer housing capacity. Given proximity to the rail station, it is likely that the new NPPF would encourage Green Belt release here, and it would be preferable to manage that growth through the Local Plan, rather than by application.
 - iv. Expansion of the northern villages, with associated bus service improvements delivered by pooled obligations: There are several sites in the SHELAA which might deliver a good level of growth (a c.18Ha site adjacent to Farningham; c.20Ha adjacent to West Kingsdown; several options to the south of New Ash Green) and where non-car travel could be enhanced through positive infrastructure planning.

³³ 1,164 homes per annum x 15 years is 17,460 homes; 2042 minus 15 years is 2027.

- 7.4 In the event that the Inspectors feel that the Plan would breach NPPF 22, there are options to explore; and where capacity lost from draft Allocations ST4-24 and ST4-7 could be recovered to ensure that the Plans housing need objectives are met.

8. Conclusions

- 8.1 The Otford Society has Plan wide, area based and site-specific concerns with the Regulation19 Plan:

Plan Wide Issues

- 8.2 The basis of the Plan's wider transport modelling is flawed. It relies on a dated version of the national trip model, which considerably underestimates base traffic growth. This is not considered to be a robust piece of evidence and it leads to other evidence documents underestimating traffic impacts in the Plan area.
- 8.3 The traffic modelling already shows the baseline environment for key junctions in Otford to be beyond capacity, which raises serious concerns about additional cumulative impacts in the Otford and north Sevenoaks area.
- 8.4 Water Supply is also a major concern. Nearby authorities are struggling to manage issues around water supply and how that relates to the deliverability of their Plan.
- 8.5 The Otford Society consider that there is no real planned capacity increase programmed into the infrastructure delivery plan and that the process of delivering major new water supply infrastructure- whether through new abstractions, desalination plants, or a new reservoir- are a complete unknown in terms of what is required, how much they cost and when they would be available to support this level of growth in the area.
- 8.6 This goes to the heart of the deliverability of the Plan's allocations.
- 8.7 They have similar concerns about waste water treatment needing increased capacity, but no real plans existing at this time.

Area Based Issues

- 8.8 The Otford Society are more concerned about the area around Otford and north of Sevenoaks. They are particularly concerned that cumulative traffic impact takes key junctions within Otford to being well beyond capacity.
- 8.9 There are a number of improvements needed to support the Plan, but nothing is proposed for these junctions. In particular, the Shoreham Road and High Street junctions go well beyond capacity in both peaks. These are critical to all traffic movement within Otford, and are essential to support the allocations in and around Otford, Kemsing and north Sevenoaks.
- 8.10 The Society is also concerned about impacts on local services. There are around 3,300 new homes proposed in this general area. The provision of schools, healthcare, transport, waste, sport and leisure, community and cultural facilities and appropriate levels of green and blue infrastructure are not adequately addressed. The Infrastructure Delivery Plan adequately identifies that the need for services and facilities exists- now and following development- but simply says this will be paid for through S106 and CIL monies.

- 8.11 This is not a coherent and thought through plan to address the impact of new development on local services and facilities. Indeed, the Society consider it to be thoroughly inadequate.
- 8.12 The example site the Society has explored, ST4-7 north of Sevenoaks, is on the margins of being viable, but the assessment has not considered very significant costs that would be needed to provide the suite of infrastructure necessary to make it acceptable in planning terms. This includes highways works, sustainable travel improvements (£730,000), new rights of way, part funding a leisure centre (total cost £25m), waste water treatment works upgrades, play space, a library, health care amounting to about £10.8m, a £1.5m bus service and various sporting requirements.
- 8.13 Not only are the Society concerned that this draft allocation is entirely unviable and therefore cannot deliver with this burden of S106 requirements- they are concerned that it will gain approval without the impact of those needs having been addressed, as the future developer will claim they are unaffordable. This would have a devastating effect on public service provisions in the local area; and leave the site unsustainable- one of the factors that needs to be addressed for it to be considered to be “grey belt”.

Site Specific Issues

- 8.14 The Otford Society have particular concerns about the site West of Hale Lane (ST4-24) and North of Sevenoaks (ST4-7).

ST4-24 West of Hale Lane

- 8.15 This site has no deliverable access. The society has examined the suggested access points put forward in the development brief and has determined that they are not deliverable. They have also examined other options, which are also undeliverable.
- 8.16 They are concerned that a site can get this far into the Plan making process without even having access to the public highway. This is fundamental to delivery.
- 8.17 They are concerned that the Green Belt / grey belt analysis is flawed. According to the Council’s own evidence, this site sits in a fundamentally important gap between Sevenoaks and Otford and it performs strongly against Green Belt purposes.
- 8.18 Its release for development would reduce the separation between these settlements from 1.2km currently, to just over 500m with the other allocations north of Sevenoaks. Without this allocation the gap between ST4-7 and Otford would be around 700m. This is a material reduction in separation, indicating that these sites collectively make a strong contribution to preventing settlements from merging- which in turn suggests that they cannot be grey belt.
- 8.19 ST4-24 also scores well against the historic character purpose, which also suggests that it cannot be grey belt.
- 8.20 The site is in a fundamentally unsustainable location – the Council’s evidence shows that it is car reliant now, and will be in the future. This is contrary to general policy guidance as well as being an important point for considering whether this site is grey belt. In the Society’s view, this site cannot be grey belt as it is not sustainably located.

- 8.21 There are also clear landscape and visual concerns. The development will adversely impact views from a national trail within a national landscape. These are afforded the highest level of protection in policy, and should be protected. This allocation offends national policy and also the statutory duty to further the purposes of the national landscape.
- 8.22 In addition, the site is 80% Grade 2 agricultural land, and the Green Belt boundary is ill considered around this settlement- leaving gaps which are unnecessary to keep open and do not follow the most logical features as suggested in policy.
- 8.23 This site has no reasonable prospect of delivery. It has no workable access point; there are concerns about water supply availability; the costs of developing this site are likely to be significant given the collective infrastructure ask of the Plan, with no funding available to support this and housebuilders struggling with development viability even on simple sites.
- 8.24 It fails the following soundness tests:

Positively prepared: It will not meet objectively assessed needs as this site is not capable of being delivered within the Plan Period leaving the Plan some 200 homes short.

Justified: The evidence has been ignored (in the case of the sustainability of this location) and is lacking (in the case of water supply issues).

Effective: The allocation is not deliverable, as it has no access.

Consistent with national policy: There are a number of instances where this proposal does not accord with policy- deliverability, sustainability, effect on national landscapes, safe and secure access and guidance on how to define Green Belt boundaries.

- 8.25 This allocation should be deleted from the Plan and replaced though one of the strategies the Otford Society offer as a reasonable alternative, in line with soundness test of being Justified.

ST4-7 North of Sevenoaks

- 8.26 The evidence underpinning this allocation is out of date. New flood mapping is available which places most of the eastern part of this site in the flood plain. The Society has calculated that this removes about 20Ha from the developable area of this site, but the Council should check this to ensure consistency with their other data sets. This would either reduce dwelling capacity or increase development density.
- 8.27 The loss of land along Otford Road means that it is now difficult to provide a safe access which does not conflict with guidance in the SFRA. There are two small islands next to the road, with an 800m gap to reach the remainder of the eastern part of the site. That would need a very wide clear span bridge to avoid issues with impeding or blocking flood flows in the functional flood plain.
- 8.28 The use of Rye Lane as an access is problematic. The Development says it should keep its narrow rural character, and it has “pinch points” in both directions out of the site. However, this is the only workable connection to the public highway due to flood safety concerns with accessing at Otford Road, and most traffic will be pushed in this direction. No work has been

done to establish whether the access strategy for this site is deliverable. The Society is very concerned that another site has been proposed for allocation without any real work on how it would be accessed- site access is fundamental to delivery. Without a secured access, this site will not deliver.

- 8.29 The Society are also concerned about the Green Belt / grey belt analysis of this site. The scoring against the relevant purposes underplays the important role this site plays in separating Sevenoaks from Otford. The site is assessed as being more sustainable than the site in Otford, but the conclusion that some modest modal shift can be achieved is reliant on the package of sustainable transport measures being delivered- which is clearly beyond the financial capacity of this site- especially with reduced revenues coming from the reduced dwelling numbers that are a result of access and flooding issues.
- 8.30 The site does make a strong contribution to separating settlements and it is not in a sustainable place- even if the unaffordable transport measures can be secured. The Society does not consider this to be a grey belt site.
- 8.31 There are major concerns about the relationship of this allocation with the SSSI to the south and indeed the aims of integrating the development with a wildlife site of this importance. The site is functionally linked to the SSSI- the same birds that use the SSSI use this land, and losing it to development would remove that habitat - causing harm to the species relying on the SSSI. It is also the only gap in urban development for birds to use to access the SSSI.
- 8.32 The impact of cat predation, and recreational pressure on both the SSSI and the ancient woodland are also considered to be significant. The Society has considered, following the research and other Authorities approach to this issue, by suggesting a 400m buffer to the SSSI. That, however, would remove most of the allocation. Clearly this site is too close to the SSSI to avoid impacts on its inherent interests and this makes the site unsuitable for development.
- 8.33 The Society also consider that the site is undeliverable and unviable. The Evidence Base assessment shows that it is not likely to be viable, given the extensive S106 requirements that this development generates. It also cannot be made available within the Plan Period, primarily as a result of the access difficulties; likely ecological harm and lack of viability.
- 8.34 The Otford Society consider this site to be undevelopable. This undermines the Plan's ability to meet it's other obligations, as noted above, and can only lead to a conclusion that this draft allocation, and the Plan, are not sound.
- 8.35 It fails the following soundness tests:

Positively prepared: It will not meet objectively assessed needs as this site is not capable of being delivered within the Plan Period leaving the Plan some 200 homes short.

Justified: The evidence has been ignored (in the case of the sustainability of this location) and is lacking (in the case of water supply issues).

Effective: The allocation is not deliverable.

Consistent with national policy: There are a number of instances where this proposal does not accord with policy- deliverability, sustainability, effect on national ecological designations, safe and secure access and guidance on how to define Green Belt boundaries

- 8.36 This allocation should be deleted from the Plan and replaced though one of the strategies the Otford Society offer as a reasonable alternative, in line with soundness test of being Justified

Alternatives to sites ST4-24 and ST4-7

- 8.37 The Otford Society recognises that the Plan area is very constrained and sites can't just be deleted and the Plan still be found to be sound. If the two sites above are deleted there would be a deficit of around 1,700 homes.
- 8.38 The following options could be secured to address this shortfall:
- Significant expansion of Site ST5-1, which sites outside the National Landscape and is already subject to an application.
 - Further expansion of Edenbridge: There are a number of sites put forward in the 2026 SHELAA which could accommodate development and which would expand a town which is served by Rail.
 - Further expansion of Chiddingstone Causeway: This is a rail served settlement, outside the National Landscape. There is a c.10Ha site (Rear of the Little Brown Jug) that could offer housing capacity. Given proximity to the rail station, it is likely that the new NPPF would encourage Green Belt release here in the future anyway.
 - Expansion of the northern villages, with associated bus service improvements delivered by pooled obligations: There are several sites in the SHELAA which might deliver a good level of growth (a c.18Ha site adjacent to Farningham; c.20Ha adjacent to West Kingsdown; several options to the south of New Ash Green). Non-car travel could be enhanced through positive infrastructure planning.
- 8.39 Given that there appear to be reasonable alternatives to the strategy proposed by the Council, the Otford Society suggest that further thought is given to the evidence base of the Plan, the lack of justification for these two allocations and the potential to make more sensible allocations elsewhere in the District where those issues do not exist.
- 8.40 The Otford Society are willing to discuss their concerns further with the Council if that would assist.

Appendix 1: Tonbridge & Malling Water Supply Local Plan Letter



**TONBRIDGE & MALLING
BOROUGH COUNCIL**

Matt Boughton

**Councillor for East Peckham,
West Peckham, Mereworth
and Wateringbury**

Leader of The Council

11 September 2026

The Rt Hon Matthew Pennycook MP
Minister of State for Housing and Planning
Ministry for Housing, Communities and Local Government
2 Marsham Street
London
SW1P 4DF

Dear Matthew,

**Tonbridge and Malling BC – Intervention pursuant to Section 27 of the
Planning and Compulsory Purchase Act 2004 in respect of the emerging
Tonbridge and Malling Local Plan**

I write following your letter dated 4 September 2026, informing Tonbridge and Malling Borough Council ('the Council') that you have determined to exercise the powers available to the Secretary of State under Section 27(2) and (3) of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') to intervene in the Council's local plan preparations and issue directions. This is said to be in response to the Council's decision of 3 September 2026 to determine that the emerging local plan should not at this stage progress to publication and consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the 2012 Regulations') which apply to the emerging plan under the transitional 'legacy plan' provisions.

In your letter of 4 September ('the Intervention letter') you state that the "*directions will remain in force until withdrawn*"; and warn that if the Council should "*fail to comply with the directions*" you "*will consider taking further action*". Nevertheless, you provide the "*opportunity to set out by 18 September any exceptional circumstances which in your view suggest that intervention is not appropriate in this case*".

This letter sets out those exceptional circumstances and confirms that in the circumstances that obtain in this case it is clear that it is not appropriate for the intervention to be made at this point.

Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ
Email: matt.boughton@tmbs.gov.uk

Submission

1. I would remind you in the first instance of the test under s20 of the 2004 Act¹ which confirms that a local planning authority *“must not submit”* a draft plan *“to the Secretary of State for independent examination” unless—*
(a) they have complied with any relevant requirements contained in regulations under this Part, and
(b) they think the document is ready for independent examination.” (emphasis added)
2. The directions set out in the Intervention letter seek to override that statutory test in that you direct that the Council proceeds both to the Regulation 19 consultation (Direction 1) and submit the emerging Plan consulted on under the above direction by no later than 31 December 2026.
3. In the Intervention letter you refer to what you call the Council's *“failure to support the Regulation 19 Local Plan consultation”* as the principal reason for the Intervention.
4. This is however to mischaracterise and overlook the specific and careful consideration that has been given by the Council to the clear issues which remain in respect of the need, ultimately, to demonstrate that the Local Plan is justified and effective (as set out in the National Planning Policy Framework (NPPF)) and essentially that it can be delivered in order to comply with s20 of the 2004 Act.
5. The evidence to date that has been provided by South East Water (‘SEW’) in respect of future water supply, even following the work that the Council has engaged with through the DEFRA Water Delivery Taskforce, critically does not meet the above test.
6. This in fact should not be an issue.
7. In such circumstances the Intervention is demanding that the draft Local Plan be submitted for examination even though it will fail the soundness test based upon the current evidence.
8. The justification for the Intervention is seemingly not that the emerging plan in its current state can be found sound but the view is instead taken that *“[n]ot progressing the Plan at this stage makes it very unlikely that the Council will be able to meet the December 2026 deadline”* for legacy plans and the

¹ Which again applies in its previous form to ‘legacy’ plans

potential for the Council's plan-making *"to restart under the new system, resulting in further delay to getting an up-to-date local plan in place"*.

9. Implicit in this is a presumption that if the emerging plan is submitted for examination, when the issues of future water supply clearly affect the deliverability of the proposed development to meet the Government's identified housing need for Tonbridge and Malling, an independent examiner will still somehow find the plan sound in any event. Alternatively, it appears that no consideration has been given to the fact that if this current draft local plan is submitted in accordance with your directions the examiner will have to acknowledge that the plan is clearly not deliverable.
10. To that end, it is not clear how the Intervention can achieve the desired outcome referred to in the Intervention letter, namely to have local plans adopted *"as quickly as possible in order to achieve our ambition of universal plan coverage and to ensure that plans contribute positively to increasing rates of housebuilding and infrastructure delivery."*
11. As such it is clear that the effect of the Intervention will not achieve the desired outcome, namely for a sound effective deliverable local plan to be in place.
12. Lest it be suggested otherwise, the Council does not accept that it has failed or *"is failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of its Local Plan"* and more specifically has failed or is failing *"to support the Regulation 19 Local Plan consultation"* as a result of its decision of 3 September.
13. On the contrary, in light of the above and the fact that the Local Plan is not deliverable based on the current evidence, the Council has not abandoned the progress of the draft plan but clearly determined that it should not be progressed to Regulation 19. This is known from the resolution of the Council at its meeting on 3 September 2026, where Council agreed not to progress *"at this time but will continue to work with South East Water, and other relevant infrastructure providers, to seek the evidence that is necessary to enable the Local Plan to move forward"* [emphasis added].
14. The Intervention letter simply fails to acknowledge this and indeed the reality of pressing on with a plan that is not supported by the evidence.
15. In summary, the Council considers that the Intervention is not justified and will lead to the excessive waste of cost of an examination which will conclude the plan is unsound. However, the Council is also extremely disappointed with the

Secretary of State's decision and determination to intervene in its plan process given the acknowledgement of the *"considerable effort that has gone into the preparation of this emerging Plan"* specifically noted in the Intervention letter as well as *"the collaborative work undertaken by the Council and other relevant parties to identify solutions to the issues surrounding water supply"*.

16. It is also apparent that the Intervention was precipitous as it came less than 24 hours after the emerging Local Plan was considered by full Council on 3 September 2026, where there was cross-party consensus from four different political parties on the Council that it should not proceed with the Local Plan at this stage.
17. Further the Intervention letter fails to recognise the specific circumstances in which the decision to delay was made and that the Council wishes to continue with its plan preparation in order to overcome the fundamental issues identified.
18. It is plain that the fault does not lie with Tonbridge and Malling Borough Council given the issues South East Water (SEW) raised during the Regulation 18 consultation. The failure generally of water companies and undertakers is something this Government has openly recognised.
19. Whilst there has been some progress made through the subsequent work as a result of engagement with the Water Delivery Taskforce, this has not yet shown that the concerns it raised in December 2025 have been sufficiently mitigated.
20. Specifically, SEW's 'Position Statement' which provides interim proposals (hence references to it as the Interim Position statement) confirms that the annualised average housing growth forecast in the SEW Water Resources Management Plan 2025/26 is 317 homes per year, over the plan period. This is set out at Table 2 in the SEW Position Statement.
21. As you will be aware the Government have set an Objectively Assessed Housing Need, applying the current standard method for Tonbridge & Malling, of 1,117 homes per year. As such SEW's capacity of being able to provide water for only 317 homes per year leaves a significant shortfall of 800 homes per year, across the plan period. As such and as noted the Council cannot in light of this conclude that there will be sufficient water supply to deliver these homes let alone any other development needs.

22. Equally whilst SEW's (Interim) Position Statement sets out a series of potential supply side and demand side interventions which could be implemented to help bridge this shortfall, the validity of these interventions has not been determined. They have not even progressed through the requisite Ofwat Growth Reopener process.

23. This means that the funding and deliverability of these interventions is in question and cannot simply be assumed will or can occur.

24. As set out above, it is self-evidently unreasonable for the Council let alone the Secretary of State to assume (but which is not clear from the Intervention letter) that the requisite future water infrastructure to support the significant additional housing numbers required in our Local Plan can be forthcoming.

Conclusions

In light of the above it is clear that it would be costly and counterproductive to progress a plan for which the majority of houses within it cannot actually be delivered and which therefore will not meet the soundness test.

Such action would in fact actively frustrate the Government's ambitions for housing delivery; potentially result in even more sustained water shortages throughout the borough (as well as other authorities also served by SEW); but also fail to provide a sound plan that can be legally adopted.

I would add that the Council does not believe the Government wishes to actively worsen the supply of water in the South East, but this would be the case should this plan based on the current position progress as directed in the Intervention letters.

In light of all the above, it is clear therefore that Intervention is not appropriate at this time and exceptional circumstances do arise.

As such we ask that the Intervention be withdrawn and the Council be allowed to progress with further preparation with its Local Plan as set out in its determination of 3 September to ensure that this plan can indeed be found to be deliverable and sound.

Best wishes



Matt Boughton
Leader, Tonbridge & Malling Borough Council
Councillor for East Peckham, West Peckham, Mereworth and Wateringbury

Appendix 2: Otford Society Representations to SEW Consultation

Consultation Response: South East Water Draft Drought Plan 2027–32

To: South East Water — Draft Drought Plan consultation

From: The Otford Society, Sevenoaks District

Date: 5 August 2026

Subject: Representation on the Draft Drought Plan 2027–2032 (Main Technical Report, May 2026) — Water Resource Zone 1 and the Sevenoaks District

We write to make representations on the draft Drought Plan 2027–2032. We represent the interests of the resident of Otford in the Sevenoaks District, which is served principally from Water Resource Zone 1 within your Kent Region drought management area.

We support the plan's emphasis on early demand management and improved trigger monitoring. Our concerns are narrower and go to the position of WRZ1 specifically, and to whether the plan can be considered complete in its current form. They are set out below.

1. WRZ1 has no drought resilience infrastructure identified anywhere in the plan

Reading the plan's own tables together:

- Table 12 (p.107–109) lists your bulk transfers and shared supply arrangements. Entries exist for RZ2, RZ3, RZ4, RZ6 and RZ7. There is no entry for RZ1.
- Table 13 (p.114–115) identifies three drought permit or drought order sites: Ardingly (two) and Arlington. All are in the Sussex Region. The only Kent groundwater drought order, Lower Medway, is in RZ6 and is expressly excluded from this plan pending further engineering work (p.116).
- Table 17 (p.125–130) lists ten extreme (Level 3B) options. Every zone-specific option is assigned to RZ2, RZ3, RZ5, RZ6 or RZ8. None is assigned to RZ1.

On the face of the plan, WRZ1 is the only one of the eight zones with none of the three. The consequence is that in WRZ1 the plan is delivered almost entirely through restrictions on customers, with no zone-specific supply-side fallback. We ask that the revised draft either identifies WRZ1-specific options or explains expressly why none is required.

2. The WRZ1 vulnerability assessment is carried over from 2022 and is contradicted by the 2025 event

Table 2 (p.30) is stated to be taken from the 2022 Drought Plan. For RZ1 it records that "there is no requirement for abnormal demand restrictions during any of the events tested up to a 1 in 200 year drought."

Section 1.8 of the same document records that in 2025 you imposed "widespread Temporary Use Bans across our Sussex and Kent Regions" (p.24). The 2025 event was not a 1-in-200-year drought. We ask that the drought vulnerability assessment for RZ1 be re-run and republished before the plan is finalised, rather than carried forward unamended.

3. The plan is being consulted on before its own lessons-learned exercise is complete

You state at p.24–25 that "a full, systematic post-drought review and lessons learned exercise for the 2025 event has not yet been completed" and that you have "not formally determined how the learning from this drought should influence future drought management and subsequent drought plans."

Consultees are therefore being asked to comment on a plan that its author describes as resting on incomplete evidence, following the most significant drought in the region for a decade. I ask that the revised draft be issued for a further, full consultation period once Appendix N and the systematic review are complete, and that this is confirmed in writing.

4. The plan does not meet its stated level of service at extreme severity

Table 19 (p.144) records that under an Extreme (stochastic 1-in-500) drought the plan does not meet the stated level of service, even with all drought actions applied. Given that your stated ambition is 1-in-500 resilience by 2040 (p.118), and that WRZ1 has no zone-specific options, We ask what interim measures apply to WRZ1 in the 2027–2032 plan period.

5. Rota cut areas are not identified, contrary to the plan's own commitment

At p.140 the plan commits to "providing indicative locations of areas that may be subject to rota cuts" in its Level 3B communications. At p.142 it describes Phase 2 rota cuts as "specifically targeting boosted areas for 12-hour daily isolations (15:00–03:00)", and Phase 3 zonal isolations that "will result in total loss of supply for significant population areas prior to Day Zero."

No indicative locations are given anywhere in the document. Much of the Sevenoaks District sits on high ground and is likely to be on boosted supply. We ask that the revised draft identifies, at settlement level, which communities in WRZ1 fall within the Phase 2 and Phase 3 categories. Residents and the local authority cannot plan for a risk that has not been located.

6. The demand forecast has not been updated for current Local Plan housing trajectories

The plan states it is based on the same planning assumptions as WRMP24 wherever practicable (p.12–13). WRMP24 relies on Local Plan data collected in February 2023, which predates the December 2024 NPPF and the revised standard method.

Both the Environment Agency and Tunbridge Wells Borough Council raised this at pre-consultation. Your own summary records the Environment Agency's comment that "local plan updates increase in housing projections" and that it wants this "better reflected in the WRMP" (p.26–27), and Tunbridge Wells' request to "update the population forecast based on the Local Plan" (p.26). Neither appears to have been actioned.

Sevenoaks District's emerging Local Plan alone is planning for housing growth materially above the trajectory embedded in WRMP24. I ask you to confirm when the demand forecast underpinning both plans will be updated, and whether the drought triggers in this plan remain valid on an updated forecast.

7. Leakage

The plan records leakage of 104.8 Ml/d in 2024–25 against a target of 81 Ml/d (p.63). The overshoot of roughly 24 Ml/d is more than ten times the yield of the largest supply-side option available anywhere in the Kent Region. We ask that the revised draft sets out the leakage recovery trajectory across the plan period and quantifies the drought resilience benefit attributable to WRZ1.

8. Environmental assessments are not available to consultees

The environmental statements for each drought permit and order option "have not been published with the drought plan as they are restricted due to reasons of security" and may be viewed only at your offices on request (p.117). This is a material constraint on meaningful consultation. We ask that redacted versions are published, or that the reports are provided to affected local authorities under a confidentiality undertaking.

9. Regional-level decision making

Section 2.7 (p.52) provides that drought management actions are applied at drought management area level, with the most severely affected zone typically defining the status of the whole area. In practice this means Sevenoaks households can be placed under restriction because of conditions in east Kent, and conversely that a WRZ1-specific problem may be masked by better conditions elsewhere in the Kent Region. We ask that the revised draft explains how zone-level stress within a region is identified and acted on.

We would be grateful for a written response to the numbered points above, and for confirmation of whether a further consultation will follow the completion of the 2025 lessons-learned review.

Yours faithfully,

Simon Featherstone & Chris Sutton, simon@otfordsociety.org.uk

Co-Chairmen, The Otford Society

Otford, Sevenoaks District

Appendix 3: Barristers Opinion on “Large Urban Area” approach in Grey Belt analysis

Re. The Meaning of "Large Built-Up Area" in NPPF Green Belt Purpose (a) – Sevenoaks District Local Plan (Regulation 19)

OPINION

Introduction

1. I am instructed by the Sevenoaks Society (the "**Society**"), to advise on the correct approach to the meaning of "*large built-up areas*" in purpose (a) of paragraph 143 of the National Planning Policy Framework (2024) ("**NPPF**"), in the context of Sevenoaks District Council's (the "**Council**") draft Local Plan (Regulation 19 Publication) and its identification of Grey Belt land.
2. I am asked three specific questions:
 - (i) How is the term "*large built-up areas*" in the NPPF (2024) and proposed revision (2025) to be determined in assessing whether land contributes to Green Belt purpose (a) – to check the unrestricted sprawl of large built-up areas;
 - (ii) Whether the Sevenoaks Urban Area ("**SUA**"), consisting of Sevenoaks Town together with four adjoining villages, is a "*large built-up area*"; and
 - (iii) Whether the methodology used by the Council in its draft Local Plan in relation to the meaning of that phrase is "*sound*".

Factual Background

3. Sevenoaks Town had 21,167 residents at the 2021 census. It forms the core of the SUA, which also comprises the adjoining villages of Dunton Green, Riverhead, Bessels Green and Chipstead, giving the SUA a combined population of 29,870.
4. The Council, facing an acute housing shortage, has published a draft Local Plan which is currently subject to Regulation 19 consultation. The draft Plan proposes to allocate a considerable quantity of Green Belt land as Grey Belt, including five housing sites and two mixed-use sites within the SUA, consistent with the fact that the draft Plan and the Sevenoaks District Settlement Hierarchy both designate the SUA as the "*Principal Town*" in the District.

5. In carrying out its Green Belt review, the Council instructed Arup Associates, whose Green Belt Assessment Final Stage 1 and Stage 2 Methodology (10 October 2025) (the "**Arup Methodology**") records, at paragraph 4.2.1, that the study has "*assumed that not all settlements identified as towns will necessarily be equivalent to large built-up areas*", and, using the Office for National Statistics ("**ONS**") classification of built-up areas by population as a "*helpful starting point*", concluded that "Sevenoaks Urban Area is not considered a large built-up area for the purpose of this study, as its population of around 30,000 places it in the 'medium towns' category which falls below the threshold of 75,000 used by the ONS to define large built-up areas.
6. The Council has confirmed the same position in terms in its published Regulation 18 Questions and Answers, stating that "*[t]he Office for National Statistics (ONS) defines Large Built-up Areas as settlements with a minimum population of 75,000 residents. There are no settlements within the District which reach this threshold and therefore none of the District's settlements qualify as a Large Built-up Area*".

Policy and Legal Background

The NPPF and PPG

7. Paragraph 143 of the NPPF provides that Green Belt serves five purposes, the first of which is "*to check the unrestricted sprawl of large built-up areas*". Neither the NPPF nor the National Planning Practice Guidance ("**NPPG**") defines "*large built-up area*" or sets out criteria for determining whether a settlement meets that description.
8. The only national guidance bearing on the point is found in the Green Belt PPG (as amended, most recently, in February 2025), which states, at what is now paragraph 005, that "*[t]his purpose relates to the sprawl of large built-up areas. Villages should not be considered large built-up areas*". Therefore, the PPG merely states what does not count as a "*large built-up area*", rather than addressing what does.

Case Law

9. Currently, the definition of "*large built-up area*" has not been meaningfully addressed in the case law. It was, however, touched upon in the recent case of Castle Point BC v

Secretary of State for Housing, Communities and Local Government [2025] EWHC 3226 (Admin) per an *extempore* judgment by Lieven J.

10. In Castle Point, the issue arose as to whether the settlement of Daws Heath was a large built-up area or a village. The Inspector identified two factors which the Lieven J agreed at [45] were "*the obviously two most crucial issues*". These factors were the services in the area and the size of the area. The Inspector in that case had found that Daws Heath comprised mainly residential property with limited services and facilities, indicative of a village. Having dealt with those two points, Lieven J noted at [45] that was all the Inspector needed to do, and rejected the argument that the Inspector should have gone on to identify what level of services or what size would be required, on the basis that "*it is not the [decision-maker's] job to set down benchmarks; it is the [decision-maker's] job to determine the facts of the case on the facts before him*" at [46].
11. Local authorities have, in the absence of national definitional criteria, sometimes adopted their own settlement-hierarchy approaches. In Keep Bourne End Green v Buckinghamshire Council [2020] EWHC 1984 (Admin), the relevant Green Belt Assessment had defined "*large built-up areas*" as the Tier 1 settlements in the local settlement hierarchy, and land adjacent to a Tier 2 settlement was, on that basis, found not to be adjacent to a large built-up area. That case demonstrates that, in the absence of any binding definition, local authorities are generally entitled to deploy their own methodology and judgement in deciding what is a "*large built-up area*".

Appeal Decisions

The 2023 Britains Lane appeal decision

12. Of particular relevance to Sevenoaks is the Inspector's decision in the appeal concerning Land at Britains Lane, Sevenoaks (APP/G2245/W/22/3308246), following a public inquiry. The Inspector's decision letter, dated 7 July 2023, records at paragraph 12 that Sevenoaks is a large built-up area. It was common ground between the Council and the appellant at that Inquiry that Sevenoaks is a large built-up area for the purposes of purpose (a), and the Inspector found that the proposed development on that site would conflict with the purpose of checking the unrestricted sprawl of large built-up areas, going on at

paragraph 65 to refer to "*clear conflict with the purposes of the Green Belt*", before dismissing the appeal on the basis that very special circumstances did not exist.

The Marlow Film Studios Secretary of State decision

13. Although it is always necessary to exercise due caution in overly relying on appeal decisions that are in entirely different local authority areas and which will, as the phrase goes, always "*turn on their own facts*", some assistance can be drawn from the Secretary of State's decision on the Marlow Film Studios appeal (Land adjacent to A4155 Marlow Road and Westhorpe Farm Lane, Marlow, APP/K0425/W/24/3351904, decision letter dated 26 November 2025). Marlow is a considerably smaller settlement than the SUA, with a population in the range of 14,000–16,000. The Secretary of State held that the site did strongly contribute to purpose (a) and Marlow did meet the definition of a "*large built-up area*". This appeal decision demonstrates that population size alone is not dispositive of the point.
14. The Marlow decision is also instructive as to the kind of services and facilities relevant to the evaluative exercise endorsed in Castle Point. The Decision records at paragraph 9.206 that Marlow was "*a significant town with a wide range of services and facilities*" and at paragraph 9.204 that it "*benefits from a train station which is walking distance from the site*". This, in my view, indicates that a wide range of services and facilities, transport links etc are all relevant to the definition of a "*large built-up area*".

Advice

Question 1: How is "large built-up area" to be determined?

15. In my view, the legal background set out above answers this question, and I draw out the following summary principles.
16. First, there is no statutory or national policy definition of "*large built-up area*", and no fixed population (or other numerical) threshold is prescribed by the NPPF or the PPG. The only clear guidance is negative: villages are not to be regarded as large built-up areas. That leaves a spectrum between village and large built-up area which is not otherwise defined. Indeed, in Castlepoint, the main dispute between the parties was whether Daws Heath was a village, a "*large built-up area*" or a town.

17. Second, whether a particular settlement is a "*large built-up area*" appears from the above-mentioned case law and appeal decisions to be an evaluative question of planning judgment for the relevant decision-maker, to be answered on the facts and evidence in each case.
18. Third, applying the above mentioned case law and appeal decisions, I am of the view that that judgement should be exercised with regard to a range of matters which will include the size of the settlement and the range of its services and facilities as the two most crucial considerations (applying Castlepoint). Population size will be a further but not exhaustive factor determining how that judgement is to be exercised.
19. Fourth, a decision-maker is not required to identify precise thresholds or benchmarks of population, services or size before reaching a conclusion.
20. Fifth, a settlement of even modest size can be a "*large built-up area*". The evidence in the Marlow Film Studios decision, addressed above, proceeds on the same basis in respect of a settlement roughly half the size of the SUA.
21. In this respect, I would endorse the analysis at page 2 of Mr Dye's Regulation 18 representation, which considers scale, relative size, settlement hierarchy position, population, range of services (medical facilities, hospital, railway station and its connections, bus station, shopping, public administration, housing, recreation and sports facilities, schools, community facilities, places of worship, office and industrial areas) and prior characterisation in plans and appeal decisions. The Marlow Film Studios decision lends direct support to that approach.

Question 2: Is the SUA a "large built-up area"?

22. I cannot advise categorically that the SUA is, as a matter of law, a "*large built-up area*". As set out above, Castle Point establishes that this is a question of planning judgement for the relevant decision-maker on the facts and evidence before it, to be reviewed by the courts only on conventional public law grounds.
23. That said, I consider that a reasonable and properly arguable case can be made, on the material available, that the SUA ought to be regarded as a large built-up area applying the Castle Point criteria, and, separately and in any event, that the Council's own process for

reaching the contrary conclusion is flawed in public law terms even without having to resolve the underlying planning question.

24. Furthermore, the SUA has previously been treated as a large built-up area in the Council's own Green Belt Assessments in 2017 and 2022, and, most significantly, it was common ground between the Council and the Appellant, and accepted by the Inspector, in the 2023 Brittain's Lane appeal decision that Sevenoaks is a large built-up area for purpose (a). No relevant change in the size, services, facilities or settlement-hierarchy position of Sevenoaks appears to have occurred since that decision (or, indeed, since 2017 or 2022) that would explain a different conclusion; the only change identified in the underlying evidence is the 2025 PPG amendment excluding villages.
25. In my view, therefore, there is a reasonable and properly arguable case that, applying the Castle Point criteria correctly, the SUA is a "*large built-up area*".
26. There is, in addition, a distinct and, in my view, more straightforward public law argument available on inconsistency. In R (Weston Homes Plc) v Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 2089 (Admin), [2025] PTSR 98, the High Court noted at [136] that "*A subsequent decision-maker ... is free, upon consideration, to disagree with the judgment of another. But before doing so he should have regard to the importance of consistency and give reasons for his departure from, or disagreement with, the previous decision.*" Consistency and equal treatment are not free-standing grounds of judicial review but are treated as aspects of Wednesbury rationality.
27. The Council's own case at the Brittain's Lane inquiry, accepted by the Inspector as recently as 2023, was that Sevenoaks is a large built-up area for purpose (a). The Arup Methodology and the Council's Regulation 18 Questions and Answers depart from that position without, on the material I have seen, engaging with or explaining that departure by reference to the Brittain's Lane decision, the 2017 or 2022 Green Belt Assessments, or the size/services evaluation which Castle Point notes are "*the obviously two most crucial issues*". Conversely, the Council's case for departing from its previous assessment of the site regarding purpose (a) appears to exclusively rely on population size.

Question 3: Is the Council's methodology sound?

28. Section 15D(5) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that the purpose of the independent examination of a local plan is to determine whether it is reasonable to conclude that the plan is sound. "*Soundness*" is not itself defined in the statute; it is, instead, the subject of policy guidance in the NPPF. Paragraph 36 of the NPPF provides that a plan is sound if it is: (i) positively prepared, in that it provides a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; (ii) justified, in that it is an appropriate strategy, taking into account reasonable alternatives, and based on **proportionate evidence** (emphasis added); (iii) effective, in that it is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters; and (iv) consistent with national policy, in that it enables the delivery of sustainable development in accordance with the NPPF.
29. The second limb is, in my view, the one most obviously engaged by the Society's concerns, since it requires the plan (and, by extension, the evidence base underpinning it, including the Arup Methodology) to represent an appropriate strategy based on proportionate evidence, having regard to reasonable alternatives.
30. It is important to note, however, that the guidance on soundness in the NPPF is policy, not law, and the inspector and local planning authority, not the courts, are the judges of soundness. Provided they reach a conclusion on soundness that is not irrational (meaning beyond the range of reasonable judgement), a challenge would almost certainly not succeed.
31. Applying that framework to the Arup Methodology, I consider there is a reasonable and properly arguable case to be made by the Society in any representations it is minded to make in response to the Regulation 19 Consultation that the methodology, insofar as it defines "*large built-up area*" apparently solely by reference to the ONS 75,000 population threshold, is unsound because it is not based on proportionate evidence.

Conclusions

32. In summary, my conclusions on the three questions raised in my instructions are as follows:

- (i) **Question 1 (how is "large built-up area" to be determined):** there is no statutory, NPPF or PPG definition or population threshold. Whether a settlement is a large built-up area is a matter of planning judgment, to be determined on the evidence, with the size of the settlement and the range of its services and facilities as the two most crucial considerations (Castle Point), together with other relevant factors such as settlement-hierarchy position and prior characterisation in plans and appeal decisions. I endorse Mr Dye's factorial analysis at page 2 of his representation as an accurate reflection of this approach, which is reinforced by the Marlow decision's treatment of comparable indicia (services, facilities, train station) in respect of a considerably smaller settlement;
- (ii) **Question 2 (is the SUA a large built-up area):** I cannot advise categorically that it is, since this is ultimately a matter of planning judgment which is not for me to make. However, a reasonable and properly arguable case can be made, applying the Castle Point criteria and having regard to the Marlow decision and the Brittain Lane appeal decision, that the SUA should be regarded as a large built-up area and that the Council failed to engage with its own prior contrary position in the Brittain Lane decision and its 2017/2022 Green Belt Assessments, rendering its conclusion vulnerable on conventional public law grounds, notably inconsistency of decision-making; and
- (iii) **Question 3 (is the methodology sound):** I consider there is a reasonable and properly arguable case that the Arup Methodology's apparently exclusive reliance on the ONS 75,000 population threshold, without engagement with the criteria mentioned in Castle Point or the Council's own prior contrary findings, is not soundly "*justified*" for NPPF purposes.

33. If I can be of any further assistance, do not hesitate to contact me in Chambers.

CLAIRE NEVIN

11 August 2026

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