

11th September 2026

planning.policy@sevenoaks.gov.uk



Kent
Wildlife Trust

Dear Madam/Sir,

RE: Sevenoaks District Council Local Plan Regulation 19

Many thanks for consulting Kent Wildlife Trust (KWT) on the above. We have reviewed Sevenoaks District Council's (SDC) Local Plan Regulation 19 online alongside supporting evidence documents and have provided comments and recommendations below. To allow us to complete a comprehensive response to the Regulation 19 consultation, please accept our comments in letter format as opposed to submitted via the online survey on the website.

We understand that SDC has undertaken numerous Regulation 18 consultations with KWT providing comments on:

- Regulation 18 Part 1 January 2023
- Regulation 18 Part 2 January 2024
- Targeted Consultation September 2025
- Regulation 18 December 2025

KWT's remit is the conservation, restoration and enhancement of biodiversity and the natural environment. Accordingly, our comments on SDC's Regulation 19 Local Plan are focused on those matters that fall within our areas of expertise, including biodiversity, ecological networks, designated sites, nature recovery, green and blue infrastructure and wider environmental sustainability. We do not comment on matters outside this remit except where they have a direct bearing on environmental outcomes.

As this is a Regulation 19 consultation, we have approached our review primarily through the lens of legal compliance and soundness as required by the National Planning Policy Framework (NPPF). Our focus is therefore on whether the Local Plan is positively prepared, justified, effective and consistent with national policy, and whether it has been prepared in accordance with the relevant legislative and procedural requirements. Whilst we may comment on the wording of individual policies where this is necessary to address concerns regarding soundness, effectiveness or implementation, this representation should not be read as a comprehensive review of policy drafting. Rather, our priority is to assess whether the evidence base, spatial strategy and policy framework provide a sound and legally compliant basis for delivering sustainable development whilst protecting and enhancing the natural environment.

This response has a particular focus on the proposed allocation at Land North of Sevenoaks, West of Otford (site reference ST4-7). This reflects the site's immediate proximity to KWT's Sevenoaks Wildlife Reserve, the Sevenoaks Gravel Pits Site of Special Scientific Interest (SSSI), and the significant potential for the proposed development to negatively impact this nationally important ecological asset. KWT has raised previous concerns for this allocated site during our 2025 consultation responses; however, despite KWT being a key stakeholder for this development, our concerns and request for engagement with SDC has not been addressed.

We wish to note that SDC Planning Team did reach out to us on 19th August 2026 after the launch of our 'Preserve Sevenoaks Wildlife Reserve' campaign, and a 30-minute meeting was held on 8th September 2026 to discuss concerns around site ST4-7. Whilst we appreciate the time taken by the Council to meet with us; we consider this engagement to have come too late in the plan-making process to provide KWT with any meaningful opportunity to influence the site allocation. During the meeting, the Council emphasised that the

inclusion of 1,500 homes within the Plan does not necessarily mean that 1,500 homes will ultimately be built on site. KWT does not consider this to provide sufficient reassurance. A fundamental purpose of the Local Plan is to establish where development will be located and to identify sites capable of accommodating the development necessary to meet the District's housing targets. The allocation of ST4-7 for 1,500 homes therefore necessarily represents the Council's assessment that the site can accommodate development at this scale. If the Plan is adopted with 1,500 homes allocated to the site, this figure will form the basis for subsequent planning and delivery of the site and is therefore highly likely to materially influence the scale of development that comes forward. It is not appropriate for the Council to rely on the later planning application process to resolve fundamental questions about whether the site can accommodate the scale of development for which it is being allocated, particularly where significant environmental constraints and potential impacts on Sevenoaks Wildlife Reserve and SSSI have not been adequately addressed at the plan-making stage.

This is particularly concerning given that it was made clear to KWT during the meeting that a planning application for the site is likely to be submitted soon. Despite KWT being a key stakeholder, the long-term leaseholder and land manager of the Wildlife Reserve and SSSI, and the Plan itself identifying the Trust as an important partner in relation to the protection and restoration of these assets and the River Darent, KWT has had no meaningful opportunity to engage in the design of the proposed development or to influence how its impacts on the Reserve and SSSI would be avoided, mitigated or managed. The Council's limited engagement to date is therefore particularly disappointing and has left a significant gap in the evidence and understanding underpinning the allocation. KWT considers that it is unreasonable for the Council to rely upon the Wildlife Reserve, and the Trust's future involvement in its management, as an integral part of the vision for ST4-7 while providing no clear evidence that the Trust has agreed to the proposed access, recreational use, management arrangements or mitigation measures necessary to support that vision.

Whilst ST4-7 is referenced throughout this representation as a principal example of the deficiencies identified in the submitted Plan, this should not be interpreted as indicating that KWT considers other proposed allocations to be environmentally acceptable or sound. The evidence and issues identified in relation to ST4-7, including deficiencies in the evidence base, consideration of ecological constraints, assessment of cumulative impacts, protection of ecological networks and the ability to demonstrate that environmental impacts can be adequately avoided, mitigated or compensated, may equally apply to other allocations and to the Plan's spatial strategy as a whole.

1. National Planning Policy Context

The Regulation 19 consultation version of the Sevenoaks Local Plan was prepared and published prior to the publication of the revised National Planning Policy Framework (NPPF) in August 2026. Consequently, the Plan and its supporting evidence base refer to and have been prepared against the December 2024 NPPF. As per the transitional arrangements set out in Annex A of the August 2026 NPPF, KWT has reviewed SDC's Local Plan against the requirements of the December 2024 NPPF, focusing on the tests of soundness and environmental protections established under the 2024 framework. However, KWT notes that this review is strictly condition on SDC meeting the statutory 31st December 2026 submission deadline. Should SDC fail to formally submit the Local Plan to the Planning Inspectorate by this date, the transitional "legacy" status will be lost. Consequently, the current draft Plan and its supporting evidence base would need to comply with the revised 2026 NPPF requirements.

KWT's representations consider whether SDC's Local Plan is sound and compliant with national policy, statutory requirements and legislation. The NPPF (December 2024) defines soundness by reference to four tests:

1. Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is consistent with achieving sustainable development;

2. Justified – representing an appropriate strategy, considering reasonable alternatives and based on proportionate evidence;
3. Effective – being deliverable over the plan period, with strategic matters dealt with rather than deferred; and
4. Consistent with national policy – enabling the delivery of sustainable development in accordance with the NPPF and other relevant national planning policy.

The Plan must also comply with the relevant statutory framework, including:

- Planning and Compulsory Purchase Act 2004, including the requirements under sections 19, 33A and 39 concerning plan preparation, climate change, sustainable development and the Duty to Cooperate;
- Environmental Assessment of Plans and Programmes Regulations 2004, requiring Strategic Environmental Assessment of plans and programmes likely to have significant environmental effects;
- Conservation of Habitats and Species Regulations 2017 (as amended), including the requirements for Habitats Regulations Assessment and appropriate assessment where applicable;
- Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021, including the statutory duty to have regard to the purpose of conserving and enhancing biodiversity;
- Wildlife and Countryside Act 1981 (as amended), including the statutory framework relating to Sites of Special Scientific Interest and protected species;
- Flood and Water Management Act 2010 and associated national policy and guidance concerning flood risk and sustainable water management;
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, including requirements relating to the protection of water bodies and prevention of deterioration;
- Countryside and Rights of Way Act 2000, where relevant to protected sites and access; and
- The wider statutory framework relating to climate change, biodiversity, protected habitats and species, water, landscape and environmental protection.

The Plan must also be supported by an appropriate Sustainability Appraisal, incorporating the requirements of Strategic Environmental Assessment, and must demonstrate that relevant environmental effects and reasonable alternatives have been properly considered. These statutory requirements operate alongside the NPPF and relevant Planning Practice Guidance.¹ They provide the framework against which KWT has reviewed the soundness and legal compliance of the Local Plan and the adequacy of the evidence underpinning the proposed spatial strategy and site allocations.

Additionally, the Planning Inspectorate's current guidance confirms that examination considers both whether a Plan has been prepared in accordance with the relevant legislative requirements and whether it is sound.² Where a fundamental deficiency in the evidence base means that an allocation cannot be demonstrated to be justified, effective or consistent with national policy, this is not simply a matter of policy wording, it goes to whether the allocation itself can properly form part of the submitted Plan.

KWT's representations therefore consider whether the Plan has been prepared in accordance with the relevant statutory requirements and whether its policies and allocations are positively prepared, justified, effective and consistent with national policy, with particular regard to the protection and enhancement of biodiversity, designated sites, ecological networks, the water environment, flood risk and climate resilience.

¹ [Planning practice guidance - GOV.UK](#)

² [Local plans: the examination process legacy system - GOV.UK](#)

2. Review of Environmental Evidence Base

Strategic Site Selection

KWT strongly advocates that Local Planning Authorities (LPAs) should invest in ongoing assessments of their District's natural environment, so that when formulating Local Plans and other key strategies, there is a clear understanding of natural assets, how they function, their sensitivities and where ecological connections are required. This evidence should inform the spatial strategy and site selection process from the earliest stages, including processes such as the Strategic Housing Land Availability Assessment (SHLAA), and should also identify where further environmental evidence is required before sites can appropriately be allocated. The NPPF is clear that planning policies should be underpinned by relevant, up-to-date evidence which is adequate and proportionate to the policies concerned. It also requires plans to be justified, meaning that they should be an appropriate strategy based on proportionate evidence, taking into account reasonable alternatives. The protection and enhancement of the natural environment, including nationally and locally designated sites, wildlife-rich habitats and wider ecological networks, must therefore form an integral part of the evidence base underpinning the spatial strategy.

Considering this, KWT is concerned that there appears to be a significant lack of environmental evidence demonstrating how the natural environment has informed the selection and proposed capacity of the strategic allocations in the Regulation 19 Local Plan.

The plan is proposing three strategic allocated sites for housing:

1. Land North of Sevenoaks, West of Otford Road (1,500 homes)
2. Pedham Place (2,600 homes)
3. Broke Hill (714 homes)

Paragraph 4.34 of the draft Local Plan states that the strategic sites were selected for their potential to provide services in addition to housing. These services include education, leisure, recreation, employment and community uses. KWT considers that this statement does not provide a sufficiently robust justification for the identification of these sites as strategic allocations. The ability to accommodate education, leisure, recreation, employment or community uses is not necessarily a distinguishing characteristic of a strategic site. Many large-scale housing allocations could potentially incorporate some or all these uses. The Plan therefore needs to demonstrate, through clear and proportionate evidence, why these particular sites were selected as strategic sites, what strategic functions they are expected to perform, and why their location and environmental capacity make them appropriate for delivering those functions. This is particularly important given the scale of development proposed. Collectively, the three strategic allocations would accommodate approximately 4,800 homes and would therefore have the potential to result in significant changes to land use, landscape character, ecological connectivity, recreational pressure, water resources, drainage, transport and infrastructure requirements. However, KWT considers that the development briefs do not adequately address this evidential gap. The briefs largely set out a vision for how the sites could look and function in the future, but do not sufficiently demonstrate why these sites were selected as strategic locations, or how the environmental evidence has informed their proposed capacity.

This issue is particularly concerning in relation to Land North of Sevenoaks, West of Otford Road (site reference ST4-7), where the proposed development is immediately adjacent to Sevenoaks Wildlife Reserve, Sevenoaks Gravel Pits SSSI and the River Darent which is a globally rare chalk stream habitat. The Council's development brief³ places considerable reliance on these existing environmental assets. It describes the Sevenoaks Wildlife Reserve and River Darent floodplain as the "*defining assets*" of the new neighbourhood. It states that the floodplain will provide a central space for recreation, ecology and flood management and, most significantly, concludes:

³ [Development Brief - ST4-7 \(SEV24\) Land north of Sevenoaks - Reg.19 2026 | Sevenoaks District Council](#)

“This will be a place where the wildlife reserve is not just a neighbour, but establishes the landscape character throughout the site and influences how people move, gather, and live; a unique series of neighbourhoods in Sevenoaks that blend ecological stewardship with sustainable, connected growth.”

KWT welcomes the ambition to incorporate nature into the design of developments. However, in the case of ST4-7, the extent to which the vision relies upon the existing Wildlife Reserve, Sevenoaks Gravel Pits SSSI and River Darent corridor raises a fundamental question about whether the environmental evidence has genuinely informed the strategic site selection and proposed development capacity. Sevenoaks Wildlife Reserve sits within the nationally protected Sevenoaks Gravel Pits SSSI. It is not an infrastructure asset being provided by the development, nor is it an environmental enhancement created alongside the allocation. It is an existing, statutory designated, nationally important ecological asset which the proposed development would be located alongside and which the development brief proposes to use extensively as part of the neighbourhood's identity, landscape character, recreation offer and ecological setting. There is an important distinction between designing development around an existing ecological asset and relying upon an existing ecological asset as a defining feature of the development without first demonstrating that the asset has the environmental capacity to accommodate the impacts of that development. KWT believes the current development brief is doing the latter.

The brief repeatedly presents Sevenoaks Wildlife Reserve as a benefit of the proposed development by providing opportunities for recreation and contribute to the ecological identity of the development. Yet the evidence presented does not sufficiently demonstrate that the Reserve's ecological interests, supporting habitats, connectivity, hydrology, tranquillity and capacity to absorb additional recreational and other pressures have informed the decision to allocate the site at the scale proposed. This is particularly important because the very qualities which make Sevenoaks Wildlife Reserve / Sevenoaks Gravel Pits SSSI an attractive asset for the proposed development are the qualities which require legal protection under several statutory legislation including the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021 and the Countryside and Rights of Way Act 2000. A development of approximately 1,500 homes has the potential to generate substantial additional recreational use, pedestrian and cycle movements, wildlife disturbance, lighting, noise, domestic pet pressure, anti-social behaviour and other impacts in and around the Reserve and SSSI. The development may also have implications for hydrology, surface water management, water quality and ecological connectivity associated with the River Darent floodplain.

These concerns are amplified by the fact that KWT is the long-term leaseholder and manager of both Sevenoaks Wildlife Reserve and Sevenoaks Gravel Pits SSSI. KWT has extensive knowledge of the site's ecological interests, visitor pressures, hydrology, management requirements and long-term conservation objectives. Despite the development brief's significant reliance on the Reserve and SSSI as defining features of the proposed development, KWT has had no engagement with SDC during the preparation of the site's strategic allocation or development brief to understand the site's capacity to accommodate the additional pressures arising from approximately 1,500 new homes. This omission raises serious questions regarding the robustness of the evidence base underpinning the allocation. As the organisation responsible for managing impacts on a day-to-day basis, KWT would reasonably have been expected to play a key role in informing any assessment of the site's environmental capacity.

The absence of engagement with KWT is particularly concerning given the extent to which the Council's vision relies upon the Trust and Sevenoaks Wildlife Reserve. The development brief's Movement Plan shows footpath connections from the proposed development into the Reserve / SSSI via a new entrance along the northern boundary. This proposed new northern access has also been referenced within the development brief for Otford Road Depot, Otford Road (site reference SEV27) at the Regulation 18 stage, which suggested:

*"Financial or infrastructural contribution towards a new entrance to the Sevenoaks Wildlife Reserve from Otford Road just north of the proposed allocation site, as recommended in the Aim L6. The Town Council further recommended that supporting public realm features such as signage, toilets and a café be incorporated into this."*⁴

Additionally, SDC Local Plan Allocations Summary (Regulation 18) stated:

"The STNP [Sevenoaks Town Neighbourhood Plan] recommends via Aim L6 that a new entrance as well as a "Nature and Wellbeing Centre" be delivered at the Sevenoaks Wildlife Reserve on Otford Road – approximately where this site [SEV27] is proposed. This includes a proposed connection between Bat & Ball Station and the new entrance."

It is extremely concerning that SDC has repeatedly proposed new access into KWT's Wildlife Reserve without any consultation with KWT, with the development brief simply stating:

"The site [ST4-7] will connect directly to the Sevenoaks Wildlife Reserve (subject to coordination and agreement with Kent Wildlife Trust)".

This issue extends beyond the lack of engagement itself. Any new access would require ongoing monitoring and management to ensure that visitors do not enter the Reserve / SSSI with dogs, bikes or e-scooters, which are not permitted. Despite new access being proposed, there is no clear evidence as to how this would be managed, who would be responsible for undertaking and funding the necessary monitoring, or how the additional management requirements would be accommodated without compromising the conservation objectives of the Reserve and SSSI. SDC have currently stated within the development brief that:

"Cooperation with Kent Wildlife Trust will be required to ensure the Wildlife Reserve's ecological and recreational role is preserved, enhanced or extended into the site."

In the absence of meaningful engagement with KWT, there is no evidence to demonstrate sufficient resources would be available to protect the Wildlife Reserve and SSSI from the additional pressures arising from the proposed development. The Council cannot reasonably rely upon the Reserve as a defining asset and integral component of its vision for the new neighbourhood without demonstrating that the necessary management arrangements, resources and safeguards are in place to ensure that its ecological integrity and conservation value are maintained.

It is also important to include that site SEV27 currently has planning permission (25/00410/HYB) for a new drive-thru restaurant and three employment units. Additionally, there are several other developments and site allocations that would likely benefit and utilise a new northern access point into the reserve, such as Sevenoaks Quarry (22/00512/OUT) which has approved planning consent for a total of 950 dwellings, some 600m from the Reserve / SSSI's northern boundary. The proposed new access into the Wildlife Reserve and SSSI therefore cannot be considered in isolation from ST4-7. The combination of large-scale developments, a new drive-thru, associated traffic, noise, lighting, litter and anti-social behaviour, alongside a new access point and the substantial increase in recreational pressure arising from wider allocations, has the potential to result in cumulative impacts on the Reserve / SSSI and their ecological interests. However, there is no clear evidence that these cumulative impacts have been adequately considered within the Plan or its supporting evidence base. In particular, the Plan does not demonstrate how the combined effects of these proposals would affect the SSSI, nor how any resulting increase in disturbance, recreational pressure and management requirements would be avoided, mitigated or appropriately resourced. This represents a significant gap in the evidence base and further undermines confidence that the proposed allocation and associated access arrangements have been properly assessed in the context of the cumulative pressures they would place on the Wildlife Reserve

⁴ [STC-FULL-Local-Plan-Regulation-18-response-as-approved-8.12.25.pdf](#)

and SSSI. It remains unclear how the Council has demonstrated that the allocation is justified, deliverable and consistent with the protection and enhancement of the natural environment required by national policy and statutory legislation.

The 2024 NPPF requires plans to be informed by a robust understanding of biodiversity and ecological networks. Paragraph 192(a) requires Local Plans to identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of internationally, nationally and locally designated sites, wildlife corridors and stepping stones that connect them. Paragraph 192(b) further requires plans to promote the conservation, restoration and enhancement of priority habitats, ecological networks and priority species. Paragraph 187(d) requires planning policies and decisions to minimise impacts on biodiversity and secure net gains for biodiversity, including through the establishment of coherent ecological networks that are resilient to current and future pressures. The NPPF is also clear that designated sites must be considered within their wider ecological context. Paragraph 193(b) states that development on land within or outside a SSSI, and which is likely to have an adverse effect on it, either individually or in combination with other developments, should not be permitted unless the benefits clearly outweigh both the impacts on the features of the SSSI and wider national SSSI network. This confirms that impacts on designated sites are not limited to development within their boundaries and that plans should be supported by sufficient evidence to understand and assess potential effects on designated features arising from development in the surrounding landscape. Consequently, the proximity of the proposed development to Sevenoaks Wildlife Reserve and Sevenoaks Gravel Pits SSSI cannot simply be treated as a design opportunity or a source of recreation and landscape character. It is also a significant environmental constraint which should have informed whether the site is appropriate for allocation and, critically, the scale of development that can be accommodated.

At present, this relationship is not sufficiently apparent. SDC has identified a development capacity of 1,500 dwellings, however the submitted evidence does not clearly establish the environmental capacity from which that figure has been derived. There is a material difference between demonstrating that 1,500 dwellings can be drawn on a concept plan and demonstrating that 1,500 dwellings can be accommodated without unacceptable effects on nationally designated sites, floodplain function, ecological connectivity, the water environment and recreational capacity. In KWT's view, the appropriate evidential sequence should be:

1. Identify the environmental constraints, sensitivities and ecological functions of the site and surrounding area;
2. Establish the environmental capacity of the site and the capacity of affected receiving environments;
3. Identify the development parameters that can operate within the capacity;
4. Establish the infrastructure, buffers, mitigation and management requirements necessary to avoid and minimise impacts;
5. Determine the resulting development capacity; and
6. Only then allocate an appropriate number of dwellings through the Local Plan.

The submitted evidence appears instead to begin from a proposed number of dwellings and then seek to identify measures through which that number might be accommodated. KWT considers that this a fundamental weakness in the justification for the allocation. KWT therefore considers that the Council should provide further evidence demonstrating:

- Why each of the three sites was selected as a strategic allocation;
- What specific strategic functions each site (within the site's boundaries) is expected to provide beyond housing;
- What evidence demonstrates that each site is capable of delivering those functions;
- How environmental constraints and opportunities informed the selection of each site;
- How the environmental capacity of each site was established;
- How the proposed developments were derived from that environmental capacity;

- How cumulative impacts from surrounding allocations / developments and other impact pathways informed the selection of each site;
- In the case of ST4-7, how the Council has assessed the capacity of Sevenoaks Wildlife Reserve, Sevenoaks Gravel Pits SSSI, the River Darent floodplain and the wider ecological network to accommodate the additional pressures associated with approximately 1,500 homes; and
- Whether alternative sites or alternative development configurations could deliver the Plan's strategic objectives with less pressure on nationally important ecological assets.

Until this evidential chain is clearly demonstrated, KWT does not consider that the Council has provided a sufficiently robust justification for the identification and scale of the strategic allocations. In regard to ST4-7, it is unreasonable for the Plan to rely on, or assume, KWT's agreement to new connections, access or other interventions within the Wildlife Reserve and SSSI where these have not been discussed with the Trust and may have implications for the site's ecological integrity and conservation objectives. Such measures cannot be treated as an assumed or deliverable component of the allocation without evidence that they are acceptable to the land manager and can be delivered without harm to the Reserve and SSSI. **KWT therefore considers that the strategic site allocations, particularly ST4-7, have not yet been demonstrated to be justified or based on adequate and proportionate environmental evidence, as required by the NPPF.**

Habitats Regulation Assessment

KWT acknowledges the preparation of a Habitats Regulation Assessment (HRA) in support of SDC's Regulation 19 Local Plan, as required by Regulation 105 of the Conservation of Habitats and Species Regulations 2017. The legal test under Regulation 105 is whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This process involves a two-stage legal test:

1. The Significant Test (Screening): the LPA must determine if the land-use plan is "likely to have a significant effect" on a protected site, either alone or in combination with other plans or projects.
2. The Integrity Test (Appropriate Assessment): if the Plan fails the screening test, an Appropriate Assessment must be conducted. This legal test dictates that the Plan can only be approved if the LPA has ascertained that it will not adversely affect the integrity of a European site. This requires establishing that there is "no reasonable scientific doubt" regarding the absence of such adverse effects.

Therefore, where uncertainty remains as to the potential effects of the Plan, the LPA cannot lawfully rely upon the absence of evidence as demonstrating the absence of an effect. The precautionary principle requires the competent authority to satisfy itself, on the basis of objective information, that there is no reasonable scientific doubt as to the absence of adverse effects on site integrity before the Plan is given effect. The HRA must therefore be sufficiently robust to support that legal conclusion.

KWT is not suggesting that every uncertainty identified in the HRA automatically makes the Plan unlawful. However, where the screening conclusions depend upon assumptions regarding recreational pressure, air quality, water resources, infrastructure capacity, mitigation measures or the cumulative effects of growth, the evidence supporting those assumptions must be sufficiently robust to enable the Council to reach the required legal conclusion. Where that cannot be demonstrated, the issue is one of legal compliance rather than merely a matter of policy preference.

KWT notes that the HRA concludes that the Local Plan will not adversely affect the integrity of Ashdown Forest SAC and SPA, subject to the implementation of avoidance and mitigation measures. The HRA identifies recreational pressure and air quality as the principal pathways to impact and relies upon policy safeguards, including Policy AF1, to ensure adverse effects on site integrity are avoided. However, it is not always clear from the submitted evidence how the scope of the screening process was determined or how other Habitats Sites and potential impact pathways were screened out. The HRA should clearly demonstrate which European

sites were considered at screening stage, the geographic zone of influence applied, the pathways assessed and the evidence used to conclude that likely significant effects could be ruled out. This is important given the scale of growth proposed through the Local Plan and the requirement under Regulation 105 to consider effects both alone and in combination with other plans and projects. KWT therefore seeks clarification as to whether sites such as North Downs Woodlands SAC, Thames Estuary and Marshes SPA/Ramsar and Medway Estuary and Marshes SPA/Ramsar were considered during screening and, if so, the evidence relied upon to conclude that likely significant effects could be ruled out.

Whilst KWT does not object in principle to the preparation of the HRA or the overall conclusion reached, SDC should ensure that the screening process and application of the precautionary principle are fully transparent and evidenced. This is necessary to demonstrate legal compliance with the Habitats Regulations and to ensure that the Plan can be found legally compliant at Examination.

Sustainability Appraisal

KWT acknowledges the preparation of a Sustainability Appraisal (SA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and sections 19(5) and 39 of the Planning and Compulsory Purchase Act 2004. The purpose of the SA is not simply to identify environmental effects, but to ensure that reasonable alternatives are assessed and that the selected strategy is justified considering the environmental, social and economic evidence. The SA should operate as part of the decision-making process rather than simply provide an environmental commentary on a strategy selected for other reasons. Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires the environmental report to identify, describe and evaluate likely significant effects and reasonable alternatives, and the post-adoption requirements expressly require the authority to explain the reasons for choosing the plan as adopted considering the other reasonable alternatives considered.⁵

The implication is that alternatives must be considered at a level and in sufficient detail to allow meaningful comparison of the environmental consequences of different strategic choices. In the context of ST4-7, this should include consideration not only of whether the site should be allocated, but whether different development capacities, spatial configurations, buffers or distributions of growth would materially reduce environmental impacts. If a site is environmentally constrained, simply comparing the site as a binary 'allocated/not allocated' option may not be sufficient to demonstrate that the selected number of dwellings represent the most appropriate strategy.

KWT therefore considers that the SA should demonstrate a clear chain of reasoning from the identification of environmental effects, through the consideration of reasonable alternatives, to the final selection of the preferred allocation and its proposed capacity. Where the SA identifies significant or uncertain negative effects, but the Plan does not demonstrate how those effects were weighed against alternatives, the SA does not provide a sufficiently transparent evidential basis for the conclusion that the preferred strategy is justified.

KWT is concerned that, whilst the SA identifies several significant environmental constraints associated with the preferred strategy, it does not always clearly demonstrate how these constraints have informed the selection of the preferred allocations or why the preferred strategy is considered the most appropriate option. The SA concludes that the Local Plan as a whole is likely to result in a significant negative effect in relation to landscape and moderate or uncertain negative effects in relation to biodiversity, climate change mitigation, transport and water. In relation to biodiversity, the SA concludes that there remain "*significant biodiversity issues that warrant ongoing scrutiny*" and continues to predict a "*moderate or uncertain negative effect*". Of particular concern is the assessment of ST4-7. The SA identifies the proposed allocations north of Sevenoaks as "*challenging given the River Darent corridor and Sevenoaks Gravel Pits SSSI*" and acknowledges that the River Darent is a chalk stream associated with a distinct range of sensitivities and impact pathways. Additionally, previous iterations of the SA recognised that parts of the Sevenoaks growth strategy may perform

⁵ [The Environmental Assessment of Plans and Programmes Regulations 2004](#)

an important ecological connectivity function, including links between designated sites and the wider countryside. These observations are significant. The Sevenoaks Gravel Pits SSSI and Sevenoaks Wildlife Reserve are not simply environmental features adjacent to the allocation; they form part of a wider ecological network associated with the River Darent corridor. However, whilst the SA identifies biodiversity and connectivity concerns, KWT has been unable to identify a corresponding strategic ecological assessment that evaluates:

- The role of the allocation site within the wider ecological network;
- Existing ecological connectivity between the SSSI, Wildlife Reserve, River Darent corridor and surrounding countryside;
- The extent to which the allocation may contribute to the urban enclosure of the SSSI;
- The likely effects of approximately 1,500 dwellings on ecological connectivity, recreational pressure and the functioning of the wider ecological network; or
- Whether alternative growth options could avoid or reduce these impacts.

This is particularly concerning given that the SA Scoping Report identifies ecological networks, connectivity and the protection of designated sites as fundamental assessment objectives. The SA specifically asks whether proposals will "*protect and enhance priority habitats, semi-natural habitats, species and the ecological network connecting them*" and "*expand biodiversity networks and increase their connectivity*". KWT is therefore concerned that the SA identifies ecological connectivity as an important consideration but does not provide sufficient evidence to demonstrate how the effects of the allocation on ecological networks have been assessed or how those considerations influenced the selection of the preferred strategy.

The decision to allocate ST4-7 also contradicts the approach taken elsewhere in the SA. For example, the appraisal of Pedham Place (site reference ST5-2) repeatedly emphasises that the site is subject to relatively limited biodiversity constraint and identifies opportunities for strategic habitat creation. The absence of environmental constraints favours the decision to allocate ST5-2. On the other hand, the SA explicitly recognises biodiversity sensitivities associated with ST4-7 such as the River Darent corridor, Sevenoaks Wildlife Reserve and Sevenoaks Gravel Pits SSSI, however provides limited explanation as to why a strategic allocation of 1,500 dwellings in this location is considered appropriate despite these constraints. The SA also identifies significant or uncertain negative effects across a number of environmental objectives. It predicts a significant negative effect for landscape, principally due to ST5-2 being within the Kent Downs National Landscape and continues to identify moderate or uncertain negative effects for biodiversity and climate change mitigation. Whilst the identification of adverse effects is not itself a flaw in the appraisal process, the Council must clearly explain why the preferred strategy remains the most appropriate option when assessed against reasonable alternatives.

The courts have consistently held that Sustainability Appraisals must involve a genuine assessment of reasonable alternatives and provide a clear explanation of why the preferred option has been selected. This principle was confirmed in *Heard v Broadland District Council* [2012] EWHC 344 (Admin)⁶ and *Save Historic Newmarket Ltd v Forest Heath District Council* [2011] EWHC 606 (Admin).⁷ KWT therefore considers that the SA does not sufficiently demonstrate:

- How ecological networks and connectivity informed the assessment of alternatives;
- How the biodiversity constraints associated with ST4-7 influenced the site selection process;
- Whether alternative development capacities, larger ecological buffers or alternative spatial distributions of growth were considered; and
- Why the preferred strategy represents the most appropriate option in light of the environmental effects identified by the appraisal.

⁶ [Heard v Broadland \[2012\] Env. L.R. 23](#)

⁷ [Save Historic Newmarket Ltd & Ors v Forest Heath District Council & Ors \[2011\] EWHC 606 \(Admin\) \(25 March 2011\)](#)

As a result, **KWT has concerns as to whether the Local Plan has been demonstrated to be justified, as required by paragraph 36 of the NPPF, and whether the SA provides a sufficiently robust evidence base to support the selection of allocated sites.** It remains unclear how the Council has assessed and safeguarded the ecological networks associated with allocated sites.

Infrastructure Delivery Plan

KWT acknowledges the preparation of the Infrastructure Delivery Plan (IDP) as an important component of the Local Plan evidence base. The IDP recognises that the timely provision of infrastructure is essential to achieving sustainable development and that infrastructure planning should provide a clear strategy for how infrastructure will be delivered alongside growth. The NPPF requires strategic policies to make sufficient provision for infrastructure and to demonstrate that development proposed in a Local Plan is deliverable and supported by the infrastructure required to mitigate its impacts. A Local Plan is only sound where it is effective, meaning that it is deliverable over the plan period and based on effective joint working on cross-boundary and strategic matters.

Whilst the IDP identifies a range of infrastructure requirements, KWT is concerned that the evidence relating to green and blue infrastructure, biodiversity and nature recovery is insufficiently developed, particularly in relation to the proposed allocation of ST4-7. The IDP recognises that the District contains designated sites, river corridors, woodlands and other biodiversity assets and acknowledges the importance of ecological connectivity identified through the Kent and Medway Local Nature Recovery Strategy (LNRS). Furthermore, the IDP identified projects within the Darent catchment and recognises their role in:

“chalk stream habitat enhancement, landscape-scale nature recovery, and mitigation associated with water abstraction”

The IDP therefore clearly acknowledges that biodiversity, river corridors, ecological connectivity and nature recovery are important components of green and blue infrastructure. However, the IDP treats green and blue infrastructure primarily as something that can be enhanced through development, rather than something that may be fundamentally constrained by development. For example, the IDP states:

“Future provision of blue and green infrastructure will primarily be delivered through development”.

What the IDP is missing is an assessment of whether existing strategic green and blue infrastructure assets, such as Sevenoaks Wildlife Reserve and River Darent floodplain, have the capacity to absorb the impacts of the proposed growth. Despite the Local Plan and development briefs repeatedly describing these assets as defining features of the proposed ST-47 site, the IDP does not appear to provide evidence on what infrastructure is required to protect these assets from the impacts of 1,500 additional dwellings, nor does it appear to quantify:

- Visitor pressure;
- Access management requirements;
- Ecological monitoring;
- Habitat buffering;
- Green space provision needed to deflect recreational pressure;
- Long-term management funding;
- Connectivity measures

These concerns go directly to the effectiveness test in paragraph 36 of the NPPF. A Local Plan is effective only if the infrastructure necessary to support development has been identified and can be delivered. The effectiveness test is particularly important because environmental mitigation and management should be treated as infrastructure where it is necessary to make development acceptable and deliverable. If the

proposed development depends upon access management, alternative recreational provision, ecological buffers, monitoring, habitat management, water management, drainage infrastructure or long-term management arrangements to avoid unacceptable effects, those measures are not optional enhancements. They are part of the infrastructure required to make the allocation deliverable. For example, if Sevenoaks Wildlife Reserve, Sevenoaks Gravel Pits SSSI and the River Darent floodplain are relied upon as strategic green and blue infrastructure assets serving the new community, then the infrastructure required to protect their ecological function should also be identified, costed, funded and deliverable. SDC therefore have not yet identified the full extent of the environmental infrastructure required to avoid adverse impacts on the District's most important green and blue infrastructure assets. **As a result, the IDP does not provide sufficient certainty that the allocation can be delivered without unacceptable impacts on nationally protected sites, biodiversity, ecological connectivity and the River Darent corridor.**

The courts have consistently held that Local Plans must be supported by a sufficient evidence base to demonstrate that proposed development is deliverable. In *St Albans City and District Council v Hunston Properties Ltd* [2013] EWCA Civ 1610⁸, the Court of Appeal emphasised the importance of plans being based on robust and proportionate evidence rather than assumptions that matters can be resolved at a later stage. In the case of ST4-7, the IDP does not demonstrate what strategic ecological infrastructure is required to maintain ecological connectivity, manage recreational impacts, support nature recovery or safeguard the integrity of the wider green and blue infrastructure network, nor does it identify any specific infrastructure projects associated with Sevenoaks Wildlife Reserve despite recognising recent investment in visitor facilities and measures to manage visitor pressure.

Green Belt Assessment

KWT does not dispute the findings of the Stage 2 Green Belt Assessment (GBA) in relation to the contribution of land to the purposes of the Green Belt. However, we are concerned that the Local Plan appears to place significant weight on the provisional grey belt status. The GBA was prepared for a specific purpose: to assess land against the Green Belt purposes and identify areas of potential grey belt. **The GBA does not definitively identify land as grey belt, it only concludes parcels of land that do not perform strongly against Green Belt purposes.** The GBA is not intended to determine whether land is suitable, sustainable or environmentally acceptable for development. The Assessment explicitly states that "*even once grey belt status has been confirmed, this will not automatically lead to the release of land*" and that areas identified as grey belt "*will need to be subject to more detailed assessment and/or consideration in terms of the wider balance of planning factors*". The GBA further confirms that "*suitability in terms of sustainability, deliverability, infrastructure and wider planning considerations has not been taken into account as part of the assessment*" and recognises that "*should further work demonstrate that sites are not sustainable or deliverable, the Council may recommend that the sub-areas should be retained within the Green Belt*".

These caveats are particularly important in relation to sub-areas SE-26, SE-27, SE-28, SE-29 and SE-40, which together form the ST4-7 allocation. Whilst these sub-areas have been identified as provisional grey belt, the Assessment does not evaluate whether NPPF footnote 7 constraints to these land parcels apply. The GBA acknowledges that consideration of policies referenced in NPPF footnote 7 must be undertaken separately before grey belt status can be confirmed. KWT strongly believes that the policies referenced in NPPF footnote 7 provides a strong reason for refusing, or significantly restricting, the proposed grey belt designations at ST4-7. Annex 2 of the NPPF defines grey belt as land comprising previously developed land and/or any other land that, in either case, does not strongly contribute to Green Belt purposes, and which is not subject to policies relating to areas or assets listed in Footnote 7 where those policies would provide a strong reason for refusing or restricting development. Consequently, the question is not whether these parcels perform weakly against Green Belt purposes, but whether the Council has demonstrated that the application of Footnote 7 policies would not provide a strong reason for restricting development. KWT does not consider that this has been demonstrated.

⁸ [St Albans v Hunston Properties Ltd, R \(On the Application Of\) & Anor \[2013\] EWCA Civ 1610 \(12 December 2013\)](#)

Footnote 7 states:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.”

Other sub-areas (SE-30, SE-31, SE-32, SE-35, SE-36 and SE-37) from allocated sites immediately south and east of Sevenoaks Wildlife Reserve and Sevenoaks Gravel Pits SSSI have also been identified as provisional grey belt. The identification of these areas as provisional grey belt should not be interpreted as evidence that development would be acceptable in planning terms, nor that the environmental constraints affecting these sites have been adequately assessed through the Green Belt review process. KWT firmly believes these sub-areas should not be treated as grey belt for planning purposes, due to footnote 7 constraints, and that SDC's own evidence identifies multiple footnote 7 considerations.

Firstly, these parcels directly adjoin and surround the Sevenoaks Gravel Pit SSSI. Sites of Special Scientific Interest are expressly identified as Footnote 7 constraints. Paragraph 193(b) of the NPPF states that development proposals on land within or outside a SSSI, and which are likely to have an adverse effect on its notified special interest features, should not normally be permitted. The policy protection afforded to SSSIs therefore extends beyond the designated boundary itself and requires consideration of impacts arising from development within the surrounding land.

This is particularly relevant in the case of the Sevenoaks Gravel Pit SSSI, where the proposed allocation relies heavily on land immediately adjacent to the designation. Development of the scale proposed would have the potential to affect the SSSI through recreational pressure, disturbance, hydrological changes, water quality impacts, urbanisation effects, lighting, noise, domestic pet predation and other indirect pathways. These are not hypothetical concerns but are well-recognised impact mechanisms associated with major housing development adjacent to nationally important ecological sites. In the absence of robust evidence demonstrating that the notified features of the SSSI can be protected from adverse effects, national policy establishes a strong reason for restricting development.

The significance of this constraint is reinforced by Natural England's SSSI Impact Risk Zone mapping, which identifies land surrounding the SSSI where development proposals have the potential to affect the site's special interest features and therefore require consultation with Natural England. This demonstrates that the potential for adverse effects extends beyond the designated boundary itself and supports the conclusion that the surrounding land should not be regarded as unconstrained for the purposes of grey belt assessment.

The Council's own evidence further demonstrates why these areas should not be regarded as grey belt. The ST4-7 Development Brief repeatedly identifies the Sevenoaks Wildlife Reserve, Sevenoaks Gravel Pit SSSI and River Darent floodplain as the defining assets of the proposed development. The Council's vision is explicitly founded upon the assumption that future residents will benefit from immediate access to, and interaction with, this nationally important ecological asset. However, this reliance on the SSSI and Wildlife Reserve as key components of place-making fundamentally undermines the suggestion that the surrounding land is unconstrained. If the ecological value of the SSSI is sufficiently important to form the basis of the allocation's vision, then it follows that the potential impacts arising from thousands of new residents living immediately adjacent to the designation must be treated as a significant planning constraint. The Green Belt Review separates the designation itself from the surrounding land, whereas the ecological function, setting and resilience of the SSSI are intrinsically linked to the land that surrounds it. **The Council has therefore failed to**

demonstrate that the application of policies relating to the SSSI would not provide a strong reason for restricting development on the areas identified as provisional grey belt.

This concern is further amplified by the cumulative nature of the proposed allocations. The provisional grey belt parcels are not isolated areas of development but form part of a wider pattern of growth surrounding the Sevenoaks Wildlife Reserve and Sevenoaks Gravel Pit SSSI. The cumulative effect of multiple allocations introducing substantial new residential populations around the designation is likely to increase recreational pressure, disturbance and urbanisation impacts. The Green Belt Assessment does not appear to have considered whether the cumulative effects arising from the collective release of these parcels would engage Footnote 7 policies and provide a strong reason for restricting development.

The Council should therefore demonstrate that the cumulative effects of the proposed allocations have been assessed in relation to recreational pressure, disturbance, lighting, domestic pets, urbanisation, ecological connectivity, water quality, surface-water runoff, floodplain function and other relevant impact pathways. This is particularly important where the same environmental asset is repeatedly relied upon as part of the justification or placemaking vision for multiple developments. If the environmental capacity of the Sevenoaks Wildlife Reserve, Sevenoaks Gravel Pits SSSI and River Darent corridor has not been established at the cumulative scale of the proposed growth, SDC cannot reasonably conclude that the surrounding Green Belt land is unconstrained by Footnote 7 considerations.

The Courts have consistently recognised the elevated status of nationally designated ecological sites within the planning system. In *R (on the application of Buglife) v Thurrock Thames Gateway Development Corporation* [2008] EWCA Civ 1209, the Court of Appeal confirmed the importance of giving substantial weight to the protection of SSSIs and the need for decision-makers to properly consider potential impacts on their special interest features.⁹ Similarly, in *Morge v Hampshire County Council* [2011] UKSC 2, the Supreme Court reaffirmed the importance of applying nature conservation protections rigorously where nationally important biodiversity interests are affected.¹⁰ The presence of the SSSI is therefore not a minor environmental consideration but a nationally important constraint which should weigh heavily in any assessment of whether land can properly be regarded as grey belt.

Secondly, SDC's own evidence demonstrates that ST4-7 contains extensive areas of functional floodplain associated with the River Darent, with approximately 19% of the site within Flood Zone 3b and over 35% within Flood Zone 2.¹¹ The Level 2 Strategic Flood Risk Assessment (SFRA) identifies the site as one of only four proposed allocations with "Significant Constraints" and specifically identifies ST4-7 as being at high risk of fluvial flooding. The Council's evidence repeatedly describes the floodplain as a continuous system associated with the River Darent. While areas within Flood Zone 3 have not been identified as provisional grey belt, adjacent areas within Flood Zone 2 have been. However, the Council has not demonstrated why the application of national flood-risk policies would not provide a strong reason for restricting development on these parcels. Given that areas at risk of flooding are also NPPF Footnote 7 constraints, and that the site has been identified by the Council's own evidence as having significant flood-risk constraints, the provisional identification of these areas as grey belt is not adequately justified.

3. Review of wording in Sevenoaks District Local Plan

Chapter 4 – Climate Change

KWT supports the Council's recognition of the need for development to contribute to climate change mitigation and adaptation and welcomes the inclusion of policies addressing carbon emissions, sustainable

⁹ [Buglife - The Invertebrate Conservation Trust, R \(on the application of\) v Thurrock Thames Gateway Development Corp \(Rev 1\) \[2008\] EWCA Civ 1209 \(04 November 2008\)](#)

¹⁰ [Morge v Hampshire County Council.doc](#)

¹¹ [SFRA Appendix A Land north of Sevenoaks west of Otford Road.pdf](#)

construction, flood risk, surface water management, water efficiency, water quality, blue-green infrastructure and nature-based solutions. However, we consider that the Climate Change chapter is not currently sound. In particular, the Plan does not sufficiently demonstrate that climate change, flood risk and water availability have genuinely shaped the spatial strategy, the location of development allocations or the capacity of those allocations. This is of particular concern in relation to allocations within and adjacent to the River Darent floodplain. Strategic Objective OB3 states that the Plan will:

“Ensure that the challenge of climate change shapes the location, design and delivery of development across the District, including by reducing carbon emissions, increasing resilience to climate impacts and managing flood risk from all sources.”

This is an appropriate objective. However, the Plan needs to demonstrate that this objective has been applied in practice. The Council itself acknowledges in paragraph 4.35 that it has not been possible to meet all development needs in areas of the lowest flood risk. This raises a fundamental question as to how the Council has applied the sequential approach to flood risk in determining the spatial strategy and selecting individual allocations. The NPPF requires all plans to apply a chronological, risk-based approach to the location of development, taking into account all sources of flood risk and the impacts of climate change. Development should be directed away from areas at highest risk, and the sequential test should be applied at the plan-making stage rather than being deferred solely to the determination of individual planning applications. The Strategic Flood Risk Assessment (SFRA) should provide the evidence base for this process. Accordingly, where allocations are in areas affected by Flood Zones 2 and 3, functional floodplain, surface-water flooding, groundwater flooding or future climate-change flood extents, the Council should clearly demonstrate through the evidence base:

- How current and future flood risk from all sources has been assessed;
- How the SFRA has informed the spatial strategy and site selection;
- What reasonably available lower-risk alternatives were considered;
- Why those alternatives were rejected;
- How the sequential test has been applied at plan-making stage;
- Where relevant, how the Exception Test has been applied at plan-making stage;
- How the future extent of the functional floodplain has been considered;
- How the proposed development will remain safe for its lifetime; and
- How cumulative impacts on flood risk within the wider River Darent catchment will be avoided.

This is particularly important because the purpose of the sequential approach is not simply to ensure that development can subsequently be made safe through engineering or mitigation. Flood-resilient design, flood compensation, SuDS and other mitigation measures can help to manage residual flood risk, but they should not be relied upon to justify development in areas of higher flood risk where reasonably available areas of lower flood risk exist.

Sequential and Exception Tests

Paragraph 4.36 states that proposals in areas at risk of flooding will need to apply the Sequential Test, while paragraph 4.37 states that in some cases the Exception Test will also need to be applied. However, where development is being allocated through the Local Plan in areas where the Exception Test is required, the Council should not simply defer this assessment to the planning application stage. The Exception Test is relevant to the allocation of land as well as to the subsequent permission of development. The Plan should therefore identify those allocations for which the Exception Test is required and demonstrate that both elements of the test can be satisfied. This includes demonstrating that the development would provide wider sustainability benefits which outweigh the flood risk and that it would be safe for its lifetime without increasing flood risk elsewhere. If the Council cannot demonstrate this at Regulation 19 stage, the relevant allocations have not been adequately justified or deemed effective.

Cumulative Flood Risk

The Council also needs to consider the cumulative consequences of the proposed allocations. The River Darent and its floodplain form a connected hydrological system. The effect of multiple developments on floodplain storage, surface-water runoff, drainage pathways, groundwater, river flows and downstream flood risk cannot necessarily be assessed adequately on an allocation-by-allocation basis. The Council should therefore demonstrate that the cumulative flood-risk implications of the proposed development strategy have been assessed at the appropriate catchment scale. This should include the cumulative effect of:

- Loss or alteration of floodplain storage;
- Changes to surface-water runoff;
- Changes to groundwater flows;
- Changes to drainage pathways;
- Increased impermeable surfaces;
- Increased pressure on existing drainage infrastructure; and
- Potential downstream impacts on communities and ecological receptors

This is particularly important where several allocations are proposed within the same River Darent catchment.

Chapter 8 – The Natural Environment

Objective OB19 establishes a clear commitment to retaining and enhancing the District's natural environment, including its chalk streams, National Landscapes and biodiversity. This is supported by Policies NE1, BW1, BW2 and BW3, which address landscape character, designated sites, blue-green infrastructure, ecological networks, biodiversity and Biodiversity Net Gain.

The overall approach is broadly consistent with the NPPF. NPPF requires plans to allocate land with the least environmental or amenity value, take a strategic approach to maintaining and enhancing habitat and green infrastructure networks, and identify, map and safeguard wildlife-rich habitats and wider ecological networks. It also requires the mitigation hierarchy to be applied, with significant biodiversity harm that cannot be avoided, adequately mitigated or, as a last resort, compensated for resulting in refusal. However, the policies within Chapter 8 do not provide sufficient assurance that these principles have been applied when determining where development should be located. The policies are considerably stronger in setting requirements for development once a site has been allocated than in demonstrating that the allocated sites are environmentally appropriate for development in the first place. For example, Policy BW2 requires development proposals to identify and retain, protect, restore and enhance existing blue-green infrastructure, while Policy BW3 requires the mitigation hierarchy to be applied and ecological networks and priority habitats to be conserved, restored and enhanced. These are appropriate requirements, but they do not in themselves demonstrate that a site with significant ecological, landscape, water or biodiversity constraints is a suitable location for development.

This distinction is important for the proposed allocated sites within the Plan. The Council should not defer consideration of fundamental environmental constraints until the development management stage where those constraints are already known at the plan-making stage. The Plan itself recognises the importance of the District's ecological networks, river corridors, priority habitats and the River Darent. The Council also acknowledges that the River Darent is an internationally rare chalk stream and identifies its restoration as an aspiration. The Plan therefore needs to demonstrate, *before sites are allocated*, that the proposed locations are compatible with these objectives and that development can be accommodated without undermining the environmental assets and ecological networks that the Plan seeks to protect and enhance.

This is also relevant to the application of the mitigation hierarchy. The fact that impacts may subsequently be capable of mitigation through measures secured at the planning application stage does not demonstrate that

the location of development is appropriate. Avoidance should be considered at the strategic plan-making stage, including through the choice of development locations and the scale and configuration of allocations. Where significant environmental constraints are present, the Council should demonstrate why development has nevertheless been directed to that location, what reasonable alternatives have been considered, and why the proposed approach represents an appropriate balance between development needs and environmental objectives.

Similarly, Biodiversity Net Gain (BNG) should not be treated as a justification for development in environmentally sensitive locations. Policy BW3 appropriately requires the mitigation hierarchy to be applied before biodiversity gain is considered. The statutory 10% BNG requirement is a minimum requirement and cannot substitute for the avoidance of impacts to important habitats, ecological networks or other environmental assets. BNG is intended to deliver an improvement in biodiversity following application of the mitigation hierarchy; it does not make an otherwise environmentally inappropriate development location acceptable.

KWT therefore considers that Chapter 8 contains broadly appropriate environmental policies, but that the Plan does not demonstrate sufficiently clearly how these principles have informed the spatial strategy and the selection, location and scale of site allocations. This is a significant distinction as robust development management policies cannot compensate for an allocation strategy that has not adequately demonstrated that development is being directed towards locations where environmental impacts can be avoided or appropriately accommodated.

Local Nature Recovery Strategy

The Government's guidance makes clear that Local Nature Recovery Strategies (LNRS) should inform plan-making and help identify where habitat management, enhancement, restoration and creation would be most beneficial. SDC's Local Plan places emphasis on the Kent and Medway LNRS, however there is a lack of evidence to suggest the LNRS has been used to inform the allocation of land.

The LNRS was published in November 2025 and is therefore available evidence that could inform the spatial strategy. The Environment Act 2021 established LNRS as a mechanism for identifying priorities and proposals for specific actions to restore or enhance nature and create or improve habitat connectivity. The Council should therefore demonstrate how the adopted Kent and Medway LNRS has informed the spatial strategy, particularly where allocations overlap with or are immediately adjacent to identified opportunities for nature recovery and ecological connectivity. This is particularly relevant to ST4-7 because the allocation lies within the wider River Darent ecological corridor, an area which the Council itself identifies as a priority for nature recovery and restoration.

KWT has reviewed the proposed ST4-7 site against the Kent and Medway LNRS Mapping. The land within site ST4-7 is explicitly characterised under the LNRS Mapping as containing highly critical Delivery Preference 1 and 2 zones, which signify the absolute highest tiers of priority and strategic significance for localised, proactive nature recovery mechanisms. Below is a description of the eight specific potential land management measures directly associated with ST4-7 within the Kent and Medway LNRS:

1. Priority: LM4.1 Land management and land use – access
Measure: Protection of habitats and species sensitive to disturbance by employing site management, and other measures, which support connection to, and experience of, wildlife but ensures our most sensitive sites remain undisturbed.
Strategy Principle: Better
Delivery Preference: 1
2. Priority: WTH6.1 Wet woodland – manage

Measure: Establish and implement long-term management plans for wet woodland and surrounding land, which ensures connectivity between waterways and woodland and incorporates nature-based water management solutions, such as leaky dams, felling, blocking drainage channels to allow for seasonal flooding.

Strategy Principle: Better

Delivery Preference: 1

3. Priority: FW3.2 Supplied rivers – infiltration habitats

Measure: Retain and enhance habitats that support infiltration such as grasslands, woodland, reedbeds and lowland peat. Avoid reduction of infiltration in key recharge areas and around chalk stream winterbournes.

Strategy Principle: Bigger

Delivery Preference: 2

4. Priority: FW3.3 Supplied rivers – slow the flow

Measure: Slow the flow and store water in the catchment in areas of low agricultural productivity or where there is space in urban areas, working with natural processes, to implement natural flood management e.g. through installation of large woody material, creation of wet woodlands, lowland meadows, reedbeds, flood attenuation ponds and similar, especially where they can reduce flood risk and provide clean recharge to the groundwater body.

Strategy Principle: Nature-based solutions

Delivery Preference: 5

5. Priority: FW4.1 Buffered rivers – establish semi-natural, complex habitats

Measure: Establish and maintain wide areas of semi-natural, complex habitats along banks of rivers and streams (including seasonal and headwater reaches), allowing light grazing of wet grassland areas with a focus on native livestock breeds, and encouraging woodland particularly where there is need for more shading of rivers to provide cooler temperatures, increasing riparian tree cover to 30%. Allow natural regeneration of habitats and recolonisation.

Strategy Principle: Bigger

Delivery Preference: 2

6. Priority: WTH2.1 Woodland canopy cover – extended

Measure: Extension of existing woodland through natural colonisation and planting.

Strategy Principle: Bigger

Delivery Preference: 2

7. Priority: WTH2.2 Woodland canopy cover – unproductive arable land

Measure: Conversion of unproductive land for arable into woodland.

Strategy Principle: More

Delivery Preference: 3

8. Priority: WTH2.5 Woodland canopy cover – nature-based solutions

Measure: Plant more urban trees and create urban forests and orchards, ideally siting tree planting to where they will provide flood management, air quality and temperature regulation benefits.

Strategy Principle: Nature-based solutions

Delivery Preference: 5

The observed evidence within the Kent and Medway LNRS demonstrates that site ST4-7 acts as a multi-functional ecological keystone within the River Darent corridor. Developing this land for residential use would cause irreversible harm to, and effectively destroy, a high-priority ecological asset of regional strategic

importance. Furthermore, **it would compromise the Council's ability to deliver their statutory environmental targets under the Environment Act 2021. By ignoring the published Kent and Medway LNRS data, the allocation fails the NPPF test of being justified by proportionate evidence.**

Rights of the River Darent

KWT considers it important that the Local Plan is considered in the context of the Council's recent recognition of the importance of the River Darent and the Council's commitment to the river's long-term restoration and protection. In November 2025, SDC approved its participation in the Darent Nature Partnership, which seeks to deliver landscape-scale nature recovery across approximately 6,500ha of the Darent Valley. The Council has recognised that the River Darent and its surrounding environment have been degraded by, amongst other pressures, water extraction and development, and supports proposals to restore river habitat, chalk grassland and woodland across the Darent Valley.

This commitment is reinforced within Chapter 8 itself. The Council identifies the River Darent as an internationally rare chalk stream and acknowledges the aspirations and opportunities for its restoration. The Darent Valley Landscape Recovery case study is presented as an example of partnership working to restore the natural function of the River Darent and create and enhance approximately 1,500ha of biodiverse habitats. The Council also states within paragraphs 8.25 and 8.26 that they will continue to work with partners, including KWT, on projects which strengthen the blue-green infrastructure network, improve the natural environment and promote climate resilience.

KWT are supportive of SDC's commitment to protect and restore the River Darent and are pleased that they passed the Rights of the River Darent motion. However, the allocation of ST4-7 undermines and contradicts these commitments. The proposed development would directly affect the River Darent Valley and its associated ecological network, including KWT's Sevenoaks Wildlife Reserve. Rather than protecting and strengthening the landscape-scale ecological network that the Council identifies as a priority, the allocation would introduce significant development pressure into this sensitive river corridor and would result in habitat loss, fragmentation, pollution, disturbance and impacts on the functioning and connectivity of the wider ecological network.

This is particularly difficult to reconcile with the Council's stated commitment to partnership working. Paragraph 8.26 expressly identifies KWT as a partner with which the SDC intends to work to deliver improvements to the natural environment. However, ST4-7 proposes development immediately affecting a KWT nature reserve / SSSI and the wider River Darent ecological corridor. The Plan should therefore demonstrate how the allocation is consistent with the Council's commitments to the Darent Nature Partnership, the restoration of the River Darent and continued partnership working with KWT.

The Rights of the River Darent motion and the Council's subsequent participation in the Darent Nature Partnership are also material evidence of the value the Council itself places on the river and its wider catchment. These commitments should not sit separately from the Local Plan's spatial strategy. If the Council considers restoration and nature recovery across the Darent Valley to be a strategic priority, the Plan should demonstrate that its allocations, including ST4-7, will not undermine the achievement of that objective.

KWT considers that the Council has not adequately demonstrated that ST4-7 is compatible with its stated commitments to the River Darent, landscape-scale nature recovery and partnership working. SDC should therefore reconsider the extent and scale of ST4-7 and demonstrate, through robust evidence, that the allocation will not undermine the restoration and ecological integrity of the River Darent and the wider Darent Valley network.

4. Reasonable Alternatives – An Alternative Vision for ST4-7

KWT considers that the proposed allocation of ST4-7 does not represent the only, or necessarily the most appropriate way of meeting the Plan's development needs. As there has been no meaningful opportunities for KWT to contribute to the scale, layout, access arrangements or the protection of the Reserve and SSSI, the Council cannot demonstrate that reasonable alternatives have been properly considered and assessed.

An alternative vision for the site has therefore been developed by KWT which seeks to balance the provision of new homes with the protection and enhancement of the site's significant environmental assets. This is not a proposal to disregard the District's housing needs. KWT is presenting a reasonable and deliverable alternative which would retain an element of housing provision whilst substantially reducing the scale and environmental impact of development and placing nature recovery, ecological connectivity, climate resilience and the protection of Sevenoaks Wildlife Reserve, Sevenoaks Gravel Pits SSSI and the River Drent at the heart of the site's future.

In developing this vision, KWT sought the views of residents and visitors to Sevenoaks Wildlife Reserve through a questionnaire (see Appendix 1) to better understand how the area is valued and what people would like to see from its future. A total of 112 people participated in the questionnaire. The responses provide a clear indication of the importance attached to the Reserve / SSSI and the strength of local opposition to the scale of development currently proposed. Of respondents, 54.95% identified themselves as local residents and a further 38.74% as visitors to the Reserve, meaning that the responses were predominantly from people with a direct connection to the area. The results demonstrate an overwhelming lack of support for the Council's current proposal: **100% of respondents opposed the allocation of the site for 1,500 homes**, with 93.69% strongly opposing it and 6.31% tending to oppose it. This is particularly significant given that 90.99% of respondents considered Sevenoaks Wildlife Reserve to be "very important" to them, with the remaining respondents considering it "quite important".

The questionnaire also provides a clear indication of why the current proposal is opposed and what local people want to see instead. Respondents expressed very high levels of concern about the environmental consequences of the proposed development, including loss of wildlife habitat (99.09%), reduced habitat connectivity to the wider landscape (97.72%), pollution of the River Darent (97.03%), increased recreational pressure on Sevenoaks Wildlife Reserve (83.65%), increased noise disturbance (91.59%) and increased light pollution (88.04%). Where respondents considered that some housing could nevertheless be accommodated, 97.03% stated that keeping development away from Sevenoaks Wildlife Reserve was "very important".

The results therefore do not simply demonstrate opposition to the proposed development; they provide a clear evidence base for an alternative approach. When asked to compare the current proposal with an alternative vision prioritising nature recovery, ecological connectivity, climate resilience and community wellbeing, 90.09% of respondents supported the alternative vision, including 76.58% who strongly supported it. Only 7.21% "neither support nor oppose" the alternative vision. Similarly, when asked about different approaches to the site, 63.39% supported an option comprising a small amount of carefully planned development alongside significant nature restoration. The priorities identified by respondents are also closely aligned with the environmental objectives of the Plan. 99.09% considered protecting Sevenoaks Wildlife Reserve to be very important, 96.33% considered nature recovery very important and 95.63% considered habitat connectivity very important. Climate resilience and flood resilience were also considered very important by 93.02% and 92.52% of participants. There was particularly strong support for River Darent restoration (99.09%), woodland and hedgerow planting (92.81%), wildflower meadows (91.38%), landscape-scale nature recovery (88.47%) and pond and wetland creation (87.20%). These results demonstrate that there is a strong local support for an approach which enhances rather than places additional pressure upon Sevenoaks Wildlife Reserve.

The responses also provide important evidence regarding how access and recreation within the alternative vision should be managed. 75.19% strongly supported prioritising wildlife conservation with limited public access, while 93.95% strongly supported the creation of quiet areas where wildlife has priority over recreation. This is directly relevant to the Council's proposal for new connections and increased recreational access to the Wildlife Reserve and SSSI. The questionnaire therefore provides no basis for assuming that increased public access to the Reserve is an inherently beneficial or locally supported consequence of the proposed development. Instead, the results indicate a strong preference for protecting nature from increased recreational pressure and ensuring that nature conservation remains the priority.

From reviewing the results of the questionnaire, KWT proposes that the entire eastern half of the allocation is removed from the development area and instead protected and managed for nature recovery, creating a significant opportunity to restore and strengthen the River Darent corridor, improve habitat connectivity, enhance climate and flood resilience and protect the setting and ecological integrity of Sevenoaks Wildlife Reserve and SSSI. This would also align with SDC's commitment to the Darent Valley Landscape recovery project and their obligation to deliver statutory environmental targets under the Environment Act 2021. Housing would remain part of the vision, but at a reduced scale and concentrated within the less environmentally sensitive part of the allocation, alongside extensive green and blue infrastructure and a comprehensive approach to long-term habitat management.

This represents a proportionate and reasonable alternative to the Council's current approach. It does not seek to prevent the site from contributing towards the District's housing requirement; however, demonstrates that there is scope to reconcile housing delivery with the protection and enhancement of the site's environmental assets, while responding directly to the priorities expressed by local residents.

KWT considers that this alternative, and other reasonable alternatives involving a reduced number of dwellings and the protection of the most environmentally sensitive parts of the site, should be properly assessed by the Council before the allocation and Local Plan is progressed. The fact that such an alternative has now been developed, including through engagement with the community and the land manager of the adjacent SSSI and nature reserve, further demonstrates that the current allocation should not be treated as the only available option for meeting the Plan's development needs. SDC should therefore assess the alternative vision through the Sustainability Appraisal and plan-making process, including consideration of its comparative environmental, social and housing outcomes, rather than deferring fundamental questions about the scale and configuration of development until the planning application stage.

KWT is currently developing a visual representation of this alternative vision to illustrate how the site could be planned differently. This visual material was unfortunately not ready to be included within these representations, but KWT intends to continue developing the alternative approach and would welcome the opportunity to present it to SDC in more detail. We consider there is an opportunity to move away from an approach which places significant development pressure on the Wildlife Reserve, SSSI and River Darent, and instead develop a scheme which responds positively to the site's environmental constraints and opportunities. KWT would therefore welcome further discussions with the Council, including consideration of the emerging infographic vision, and would be keen to work collaboratively with SDC to determine whether the allocation can be fundamentally reconsidered before the Plan progresses further.

KWT also notes that an EIA Scoping Option for the proposed development has already been submitted, which indicates that work on the development scheme is already progressing. As requested during our meeting with SDC's Planning Team on 8th September 2026, KWT wishes to be involved in the development and design of the scheme at the earliest possible stage, including through discussions with both the Council and the prospective developer before a planning application is submitted. This is particularly important given KWT's role as the long-term leaseholder and land manager of the adjacent Sevenoaks Wildlife Reserve and SSSI, and the extent to which the proposed development has the potential to affect these sites. KWT considers that meaningful

engagement at this stage is essential if the environmental impacts of the development are to be properly understood and opportunities to avoid or reduce those impacts are to be identified before the scheme becomes established. Early involvement would also provide an opportunity to consider whether elements of KWT's alternative vision could be incorporated into the emerging proposals, including the protection and enhancement of the River Darent corridor, ecological connectivity, appropriate buffers to the Wildlife Reserve and SSSI, habitat creation and management, and measures to manage recreational pressure and other potential impacts on the Reserve. We therefore request that SDC facilitates meaningful and ongoing engagement between KWT, the Council and the developer as the scheme progresses, and that the outcomes of this engagement are demonstrably reflected in the design and supporting environmental evidence submitted with any future planning application.

5. Conclusion and Requested Modifications

Overall, after reviewing the supporting environmental evidence base, KWT considers that the evidence submitted with the Regulation 19 Local Plan does not currently demonstrate that the Plan is sound in respect of the matters identified in this representation. In particular, the Council has not adequately demonstrated that the spatial strategy and strategic allocations have been informed by sufficiently robust environmental evidence or that the proposed scale of development reflects the environmental capacity of the locations selected. The principal concerns identified by KWT are summarised below:

- The evidence base does not sufficiently demonstrate how biodiversity, ecological networks, LNRS, designated sites, flood risk, water resources and green and blue infrastructure have informed the selection and capacity of the strategic allocations;
- The SA identified significant and uncertain environmental effects but does not sufficiently demonstrate how those effects informed the selection of the preferred strategy or how reasonable alternatives, including alternative development capacities and design, were considered;
- SDC has not demonstrated that the environmental infrastructure required to support the proposed allocations has been fully identified, costed, funded and made deliverable;
- The proposed allocation at ST4-7 has not been demonstrated to be compatible with the Council's own strategic objectives and policies relating to the River Darent, blue-green infrastructure, ecological networks, biodiversity and nature recovery;
- SDC has not adequately demonstrated that the sequential approach to flood risk has informed the spatial strategy and the selection and capacity of allocations within the River Darent catchment;
- SDC has not demonstrated that the provisional grey belt designations are consistent with the Footnote 7 provisions of the NPPF, particularly in relation to the Sevenoaks Gravel Pits SSSI and areas at risk of flooding;
- The HRA should provide a clearer and more transparent demonstration that all relevant European sites, impact pathways and cumulative effects have been appropriately screened and, where necessary, assessed; and
- The Plan has not demonstrated that the proposed development strategy represents the most appropriate strategy when reasonable alternatives are considered.

These matters engage principally the tests of justification, effectiveness and consistency with national policy. They also raise questions of legal compliance where the statutory requirements relating to environmental assessment and HRA have not been demonstrably satisfied. KWT therefore considers that the deficiencies identified cannot all appropriately be addressed through subsequent planning applications or detailed development management policies. Fundamental questions concerning the suitability, capacity, configuration and environmental consequences of strategic allocations must be resolved through the Local Plan itself.

KWT therefore strongly believes that SDC's draft Local Plan is unsound and we do not think that this Plan should proceed in its current format.

If the Plan is carried forward to the examination stage, KWT requests that the Inspector carefully examines whether the submitted evidence is sufficient to demonstrate that the strategic allocations, at the scale currently proposed, are justified and consistent with national policy. At a minimum, KWT considers that the Council should be required to demonstrate, through additional proportionate evidence, the environmental capacity of ST4-7 and the adjacent Reserve / SSSI, the cumulative effects of the proposed development on these ecological assets, the application of the mitigation hierarchy, the effectiveness and deliverability of proposed environmental infrastructure, and the consideration of reasonable alternatives. Where these matters cannot be satisfactorily demonstrated, KWT considers that the appropriate response should not be to defer the issue to a subsequent planning application. The allocation should instead be modified through a reduction in development capacity, a reduction in the extent of the allocation, the removal of environmentally sensitive areas, or, where necessary, deletion of the allocation from the Plan.

KWT has provided an alternative vision for ST4-7 and would be happy to discuss this proposal in more detail with SDC.

Please do not hesitate to contact me if you have any questions, or if you would like to discuss our recommendations in more detail.

Yours sincerely,

Emma Waller
Senior Planning and Policy Officer
Kent Wildlife Trust
emma.waller@kentwildlife.org.uk

