



Tabled Updates

Policy and Resources Committee Meeting

Date: Wednesday, 27 November 2024
Time: 7.00 pm,
Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT

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Tabled update added 27.11.24

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Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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Tabled update – Item 6 Local Development Scheme

Introduction

Members have asked officers to provide an assessment for Policy and Resources Committee on the benefits and disadvantages of delaying the Regulation 18 draft Plan consultation until a decision has been made by the Secretary of State on the two planning applications for Highsted Park. If agreed, it would be necessary to push timeable for the Regulation 18 draft Plan consultation back until at least quarter 4 of 2025, subject to the Secretary of State's inquiries following anticipated timescales.

Background

The Secretary of State (SoS) for Housing Communities and Local Government called in the two planning applications more commonly known as Highstead (21/503914/EIOUT Land south and east of Sittingbourne and 21/503906/EIOUT Land to the west of Teynham London Road) at 3pm on the 7th November, less than three hours before they were to be considered by the Council's planning committee. Had the committee been allowed to determine both applications they would have been refused.

Due to the implications for the Borough should the Highsted planning applications be permitted (with regards to quantum and timings of development) and due to concerns re: potentially abortive Local Plan work (in terms of time to amend the Plan and costs for revised evidence) should the applications be permitted, this paper is being provided as a tabled update for discussion.

Highsted northern site (21/503906EIOUT) in summary proposes:

- up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3);
- up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g));
- Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis);
- Learning institutions including a primary school (Use Class F1(a));
- open space, green infrastructure, woodland and community and sports provision (Use Class F2)); And,
- Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section,

Highsted southern site (21/503914/EIO/OUT) in summary proposes:

- up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3);
- Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace;
- Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre.
- Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis);
- Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)); And,
- Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road).

The SoS has confirmed that the Highsted applications are to be fast tracked with the Public Inquiry due to open on 11th March and close on 25th July 2025. The Inquiry timing would subsequently occur during the proposed Regulation 18 time table as set out in the Local Development Scheme in Item 6 This would mean that the Council's decision making on whether to proceed to consultation would occur at the same time as the Inquiry and that the decision on the Highsted planning applications would likely occur after the Regulation 18 consultation period.

Along with most Local Authorities, the Council has to provide regular updates on the progress of Local Plan making to the Ministry of Housing, Communities and Local Government (MHCLG.) MHCLG also offers support to assist with progressing Local Plans and Swale has been identified as a priority. Support is generally in the form of written advice from consultants on three important areas of plan-making – project management, evidence base or duty to cooperate. We have been assigned a consultant from the Planning Advisory Service (PAS) who is able to provide advice and guidance on a range of issues to both officers and members as Plan drafting moves forward, as well as feed back in to central government.

If the SoS were to grant the Highsted planning applications then amendments would need to be made to the Local Plan's strategic approach between the Regulation 18 and 19 consultation documents to reflect the changes in consented development within the Borough. There are inherent benefits and risks to the Council's Local Plan review should a Regulation 18 consultation be scheduled before the SoS decision on the Highsted planning applications and these are set out below.

Benefits of delaying a Regulation 18 draft Plan consultation

- Avoids abortive costs and need to rework the Local Plan between Regulation 18 and 19 consultations should the Highsted planning applications be allowed.
- Would allow a Plan to be developed that would incorporate development from Highsted planning applications should they be permitted and then identify the elements of development that could be delivered with the Local Plan's 16 years time period.
- Allows the sensitive nature of the Highsted planning applications to not influence the Local Plan decision making and consultation process
- Pushing back the Regulation 18 consultation to late 2025 would also enable some of the costs for Plan drafting to be pushed in the following financial year that would subsequently help relieve some budgetary pressure.

Risks of delaying a Regulation 18 draft Plan consultation

- The decision on the timetabling for Plan making is one for members to make. However, the new Government have made clear its position that it expects all Local Authorities to have an up to date Local Plan and those not progressing Plans would become subject to intervention by the Government. The Government is currently considering updating its intervention powers through amendments to legislation to provide greater clarity on the powers. If these amendments occur then a range of intervention powers will be open to the Government including from the issuing of plan-making directions through to the removal of plan-making powers, where the Secretary of State would arrange for a plan to be prepared in consultation with local people, and then brought into force. The Secretary of State will give planning authorities an opportunity to put forward any exceptional circumstances in relation to intervention action.
- The Council can not demonstrate a 5 year supply of housing land and this leads to speculative market rather than community led development having a higher chance of gaining consent through the appeal process. Developing a new Local Plan is one of the strongest tools to enable a 5 year supply and for communities to decide where they want development to go.

- Whilst Swale’s Local Plans is only 7 and a half years old, it is considered “out of date” by the Government. Further, much of the supply of land for development within the Plan has now been consented with just over 1,000 dwellings left on allocated sites without planning consent. This small supply will making it extremely difficult for the Council to demonstrate a 5 year supply of housing in the absence of a new Local Plan.
- Delaying the next stage of consultation to Quarter 4 of 2025 will only allow 12 months for the Council to complete drafting the next Local Plan and submit it for examination. This timeframe would be a higher risk than that presented in the Local Development Scheme in Item 6 as there will be less capacity for any further delays. Following December 2026 the Government intends all Plan making to follow a new approach that will be set out in forthcoming legislation in 2025
- The Government intends to imminently release details on the Planning and Infrastructure Bill. Whilst detail on the bill is not known at this time it is expected to include measures to speed up the delivery of high quality homes and infrastructure. Further, the Government is due to release a white paper on devolution and whilst detail on that paper is not known, the Government has made clear its intent on enhancing devolution across England. In both instances of the Bill and the white paper it might be in the Council’s best interest to ensure a new Local Plan is in place to allow a period of transition before changes are made to the approach to Plan Making and local governance.

Potential Local Plan Review timetable post Highsted planning decisions

Project Plan going forward	
Publication of Regulation 18 draft Local Plan consultation	October to December 2025
Publication of submission draft local plan review for public Consultation (Reg 19)	April to June 2026
Submission of Plan for Examination (with results of the public consultation) Reg 22	July to September 2026
Examination hearing sessions (Reg 24) *	January to March 2027
Main modifications consultation *	April to June 2027
Adoption, full Council (Regulation 26) *	July to September 2028

* Indicative time frames as final dates will be dependent on the availability of the Planning Inspectorate.