
LOCAL DEVELOPMENT FRAMEWORK PANEL

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 20 June 2017 from 7.00 - 8.45 pm.

PRESENT: Councillors Mike Baldock, Monique Bonney, Andy Booth, Richard Darby, James Hunt, Gerry Lewin (Chairman), Peter Marchington and David Simmons.

OFFICERS PRESENT: Natalie Earl, James Freeman, Gill Harris and Kellie MacKenzie.

ALSO IN ATTENDANCE: Councillors Nicholas Hampshire, Mike Henderson, Roger Truelove, Mike Whiting and John Wright.

APOLOGY: Councillor Bryan Mulhern.

39 CONFIRMATION OF CHAIRMAN AND VICE-CHAIRMAN

Resolved:

(1) Councillor Gerry Lewin was confirmed as Chairman for the Municipal Year 2017/18.

(2) Councillor Bryan Mulhern was confirmed as Chairman for the Municipal Year 2017/18.

40 FIRE EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

41 DECLARATIONS OF INTERESTS

Councillor David Simmons declared a non-pecuniary interest in respect of Item 6, Faversham Creek Neighbourhood Plan, as he was a member of the Faversham Neighbourhood Creek Plan Steering Group Committee.

Councillor Mike Henderson, whilst not a member of the Panel, also declared a non-pecuniary interest in respect of Item 6 Faversham Creek Neighbourhood Plan, as he was also a member of the Faversham Neighbourhood Creek Plan Steering Group Committee

42 SWALE BOROUGH LOCAL PLAN BEARING FRUITS

The Chairman introduced the report which outlined the main findings of the Inspector's Final Report on Bearing Fruits: The Swale Borough Local Plan 2031. The Chairman thanked officers for their work and expressed his gratitude to them for helping the Council achieve a sound Local Plan. He also thanked Panel Members for their support. The Chairman stated that the Plan must be adopted by

Council on 26 July 2017 and warned that not doing so would leave the Council exposed to “planning by the back door” and all local planning controlled by inspectors.

The Spatial Planning Manager stated that the report was for information and that a full report and appendices, including a version of the Plan incorporating the Inspector’s recommendations, would be presented to Full Council on the 26 July 2017. She explained that officers had only received the Inspector’s report at 11.15am that morning but the full document and appendix was on the Council’s website and had been circulated to all Members. The covering report and main Inspector’s report was tabled for Members and the main modifications which were included at Appendix A to the Inspector’s report was also on the Council’s website, but unfortunately due to the size of the document it had not been possible to table this for Members. The Spatial Planning Manager explained that the Table of further additional modifications, which were minor and consequential changes to text could be viewed on the examination library page SBCPS137.

The Spatial Planning Manager stated that a Press release had gone out that day and letters would be sent to all those that took part in the local plan hearing advising that the document was available. She explained that an in-depth briefing guiding Members through the documents was planned, before they were considered at Full Council.

The Spatial Planning Manager guided Members through the Inspector’s main report. She explained that the Inspector considered that the process the Council had undertaken had been found sound, and the duty to cooperate with statutory consultees had been met. The Inspector also considered that the Development Strategy focusing on Sittingbourne and West Sheppey was sound and the Settlement Strategy was also sound.

The Spatial Planning Manager reported that the housing target was confirmed as 776 dwellings per annum and for the period 2014 - 2031 would be a total of 13,192 dwellings. The Inspector had found that the main modifications process to identify new sites to meet target and the sustainability appraisal supporting the Plan at all stages to be found sound. The proposed new allocation at South West Sittingbourne was confirmed as Policy MUX1, as proposed in main modifications plan, not the developers proposed extended version Policy MUX1a. The Spatial Planning Manager confirmed that with the main modifications, the Local Plan was confirmed as having a 5.4 year housing land supply, which she stated was critically important. She explained that the Inspector had agreed to calculate this on the basis of the Liverpool method with a 5% buffer. She explained that this meant that if the Council was deficient in meeting its housing target in any one year the deficit could be met over the rest of the plan period and not the immediate future five years. She therefore stressed the importance of adopting the Plan to ensure the Council had a firm planning framework in place to assist with determining planning applications, and as a basis to support the Council when defending appeal decisions. The Spatial Planning Manager reported that the affordable housing policy had been confirmed as sound. This confirmed the Council’s approach in Policy DM8, which was variable around Borough depending on viability and the policy had a clause to take account of changes in viability. The Spatial Planning Manager advised that there would be a review of the plan by April 2022 due to the

highway issues raised. The Inspector, Kent County Council (KCC) Highways and Transportation, and Highways England were all satisfied that development in the Local Plan was deliverable and achievable until 2022, and the review would have to deal with transport requirements after that point. The Inspector had agreed with the Council's approach to gypsy and travellers needs assessment; however the housing and planning requirements for the local plan review would require a new gypsy and traveller assessment in-line with the description at Section 124 Housing and Planning Act (2016). The Inspector supported the important countryside gaps and local landscape designations as development management tools, and the Local green spaces sites allocated found sound. The Inspector's Report was binding and the Plan was only sound for adoption if all of the main modifications outlined in her reported were incorporated.

Members considered the report and raised points and asked questions which included: the pages that outlined the proposed housing allocations in Appendix A (main modifications) should have been tabled as this information was of most concern to local residents; the settlement strategy favoured Faversham; a legal challenge may come forward; what happens if the housing target set was not achievable?; would like figures for Full Council on what the recent allocations and expected allocations for the next 5 years are, and also an idea of phasing and how the Council envisages housing plans coming forward, and the impact they would have on traffic congestion along the A249; pleased that the green spaces would be protected; the Inspector's main modifications should have been tabled and the meeting delayed to allow Members to consider it properly; residents in south west Sittingbourne were concerned that the infrastructure was not in place; residents feared that it would give developers 'carte blanche' to 'cherry-pick' the best sites; congratulated officers on a difficult task; infrastructure issues were clearly highlighted within the report regarding pinch-points and secondary road network problems at Teynham; Key Street, Sittingbourne; and Newington; the infrastructure to provide schools and doctors surgeries was not there, and residents were quite rightly concerned about this; the cumulative impact of buildings on the highway network and also air quality impact areas where other planning authorities such as KCC had granted permissions which had large traffic movements, and Medway had no plan in place and were subject to speculative development in places that disadvantaged Swale - how would this information be captured within the review and be interpreted into the planning applications as they come forward?; the Air Quality Management Committees needed to have fully functioning plans in place as this informs officers on the relevant mitigation measures that were required and how information was transferred to the planning officers in asking for mitigation measures; a commitment was required from the Council to hold a public briefings at The Swallows, Sittingbourne, Sheerness, and Faversham to go through the findings of the Inspector; pleased that the Inspector supported the broad proportional balance of growth between the two planning areas; Faversham was also being "hammered with development"; pleased that the Inspector and Highways England said there was no justification for the A2/M2 link road for Kent Science Park (KSP); frustrating that local residents were not listened to previously in respect of policy wording for KSP, but pleased that the Inspector has agreed to change this; considered the Plan was light on environmental and landscape policies; needed to ensure that Areas of Outstanding Natural Beauty (AONBs) had strong buffer zones; a 5 year review was not long-term planning; would there be a Masterplan for Kent Science Park?; the proposed members briefing should be open to the public; and

pleased that the plan would be reviewed in 5 years, as there was not adequate infrastructure to support the developments.

In response to queries, the Spatial Planning Manager stated that the period for any legal challenge was 6 weeks from the Full Council resolution to adopt the Plan. She stated that monitoring for housing land delivery for 2016/17 was in-hand but the figures would not be available until the end of August 2017. The latest paper on phasing and how the expected land allocations were likely to come forward could be viewed on the public examination library at SBCPS113. With regard to the M2 junction 5 delivery, Highways England were working on the public consultation which would take place this Autumn.

The Spatial Planning Manager advised that with regard to infrastructure issues, a cumulative impact study of all the original and new allocations had been dealt with in the implementation and delivery schedule and there was a full list of infrastructure to support the plan which the Inspector had found to be adequate. The Spatial Planning Manager explained that with regard to Air Quality Management, the wording for Policy DM6 had been strengthened so the cumulative impact of development schemes within or likely to impact on air quality management areas would be considered. Transport assessments had to be submitted with applications and research work on these had already commenced.

The Head of Planning explained that with regard to Air Quality Management, action plans were supposed to be attached to air quality areas, and there was to be a review of this within the next year or two and a different approach may come forward. When planning applications were received developers had to ensure that developments did not exceed air quality levels so that the necessary mitigations could be imposed. The Kent Science Park were not required to produce a Masterplan, as although large scale development was promoted through the local plan process and at the Examination in Public, no evidence of deliverability within the plan period was demonstrated. Policy New Regen 4 provided a framework for determining development proposals at KSP.

The Chairman advised that with regard to holding public meetings, the Council would need to look at whether resources were available for this, bearing in mind that the date for adoption was 26 July 2017.

The Head of Planning stated that the 5.4 year supply was fragile, and there were assumptions within the Local Plan about how soon sites would come forward, so it was critical to maintain a 5.4 year supply as without it the Council was vulnerable at appeal. It was critical therefore that the Council proceed with adopting the Plan.

Recommended:

- (1) That the report for information be noted, and that it also be noted that the Local Authorities (Functions and Responsibilities) Statutory Regulations requires a Full Council resolution to adopt the Local Plan.***

43 FAVERSHAM CREEK NEIGHBOURHOOD PLAN

The Chairman thanked the Senior Planner for her persistence and work on the Faversham Creek Neighbourhood Plan.

The Senior Planner introduced the report which outlined the process since the Examiner's report, covering the Judicial Review and the Referendum stages. The Senior Planner reported that after successful defence of the Plan in the High Court there was a Referendum on 4 May 2017 and 88% of local residents voted in favour of adopting the Neighbourhood Plan for Faversham Creek. There had been a 42% turn-out. She stated that this was an excellent result for the local community who had put in a lot of hard work over a long period of time.

The Senior Planner reported that the Localism Act required that a Neighbourhood Development Plan must now be 'made' following a successful referendum, therefore a report would be considered at Full Council 26 July 2017. She explained that once adopted the neighbourhood plan would become part of the Swale Development Plan and be used when assessing planning applications.

The Senior Planner thanked the Panel for their involvement and support with the project.

Some Members thanked the Senior Planner for her tremendous work on the Plan and also wished to thank the local community for their work, in particular Faversham Town Council. A Member wished to also thank the wider community in particular the Faversham Creek Trust, Faversham Society, and The Front Brents Community Association.

Recommended:

(1) That the information report be noted, and that it also be noted that a Full Council resolution was required to adopt the Neighbourhood Plan.

Post Meeting Note:

The report for this item will now be considered at Full Council on 28 June 2017.

44 LOCAL PLAN REVIEW

The Spatial Planning Manager introduced the report which outlined the purpose of a Local Plan review, recommending that it be commenced to address the issues highlighted by the Inspector, alongside the implications that arise from so doing.

The Spatial Planning Manager explained that the Planning Inspectorate had recommended that an early review of the Local Plan be commenced and adoption date for that review was now built into Policy ST2 in the main modification No. 42 as April 2022. She explained that there was a very tight deadline to produce the evidence base that was needed. The Spatial Planning Manager explained that a key issue was transport and they had already started work on traffic counts across the Borough. She spoke about work on the London Plan which was now underway

and stated that this would impact on Swale's plan review as part of the Duty to Cooperate.

The Spatial Planning Manager stated that workshops would be arranged for September 2017 to explore ideas, issues and options for the review.

Members raised the following points and questions: concerned about how the London Plan would impact on Kent and Swale; workshops were critical to assist Members; await with keenness the update in respect of Gypsy and Traveller Accommodation Assessments; if the Local Plan was reviewed we need to look at 15 year horizon so there was the potential for a further 3,000 houses which was beyond the current Local Plan and Settlement Strategy; and could you change the settlement strategy for the period from the end of the plan or would you have to change it for the 15 years when the Plan comes into effect?

In response to queries from Members, the Spatial Planning Manager stated that a comprehensive traffic count had been held in June 2017 and that would feed into the base model. She explained that the base model would highlight any issues and would take 9 months to complete. It could then be used to test new development options and supporting highway improvements. The cost of any modelling was currently being worked on and the Spatial Planning Manager agreed to update the Member with that information. The Spatial Planning Manager stated that the critical issue was to maintain a 5-year housing land supply at all times. Local Plan review implies a roll forward five years to 2036, with an additional housing requirement for that period, but she was unsure whether we would need to look at a completely different Settlement Strategy beyond 2031, and the workshops would assist with exploring this.

Recommended:

(1) That the principle of an early review of the Local Plan be agreed.

(2) That a report be presented to a future meeting of the Panel to scope the extent, resourcing and timescale of the review.

45 STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

The Senior Planner introduced the report which outlined what a Statement of Community Involvement (SCI) was, and why Swale needed to refresh its existing one. It also presented a draft SCI to publish for consultation.

The Senior Planner stated that an SCI sets how, when and where the Council consults with local and statutory stakeholders, both during the production of development plan documents, and within the development management process. She explained that the Council was required by law to produce an SCI and the Council's current SCI was adopted in 2008. Since 2008, provisions within the National Planning Policy Framework 2012 (NPPF) had been introduced, along with the Localism Act in 2011, and the emphasis had now firmly been placed on early engagement and collaboration with neighbourhoods, local organisations and businesses, making planning more inclusive of people and communities who want to be involved in planning their area.

The Senior Planner stated that whilst drafting the SCI they had looked at best practice and other examples of SCI's and tried to keep it flexible to ensure that the different consultation needs of different planning documents could be met whilst embedding the principles of consultation within the planning processes. Members were asked to agree the draft SCI which would then go out for a 6 week consultation at the start of September 2017, in order to avoid the summer holidays.

Members considered the documents and raised the following points and suggested amendments: do not consider developer consultation events were useful and often left the public confused about whether applications were really going to come forward; Council needed to be careful not to be seen to promote applications and a clear distinction between the Council and developer was needed; did not consider the document should include photographs of private organisations; need to ensure printed documents were available at a reasonable charge as stated in the document; Pages 26 and 27 of the draft SCI needed to be clearer in respect of what Swale will do in respect of: posting site notices; and sending neighbour notification letters - guidance on this needs to be clearly set-out so the public know what to expect; it needed to include how Ward Members would be informed with applications in their ward and how they are progressing; the 21 day deadline for Parish Councils to respond to applications needs to be extended as they often struggled to meet it; how many neighbouring properties of the planning application site would be written to?; needed to look again at allowing neighbouring parishes to speak at Planning Committee; the definition of 'prior approval applications' needed to be included in the glossary; AONBs need to be included in the 'Who will we involve in consultations?' on page 10 of the SCI; needed to ensure that if an application is amended that the relevant people were re-consulted as this does not always happen; a superb document; the 'Who We Will Involve In the Development Management Process' on page 13 of the SCI needed to be revised as several are down as Statutory Consultees and Non-Statutory Consultees; need to ensure non-statutory groups such as amenity groups, community groups, sports groups, shopkeepers, AONB, environmental groups such as the RSPB, Kent Wildlife Trust and the Woodland Trust were included.

The Senior Planner reported that the developer consultation events pre-application were encouraged by Central Government. She accepted that they could cause some confusion but they were part of national policy and were seen as a way to keep local people involved with developments in their area. With regard to printed documents, these were always provided when requested, at a charge. The Senior Planner agreed to liaise with colleagues in Development Control about adding further guidance with regard to planning applications and how local residents were informed about applications. She agreed to add details of what prior approval applications were into the Glossary and AONBs to the table on page 10 of the SCI as requested.

The Head of Planning explained that only residents that abut the application site were notified. He advised that Ward Members and residents could log on to the Council's Public Access System and receive alerts about developments in the local area. The Senior Planner agreed to add this information to the SCI.

Recommended:

- (1) That the draft Statement of Community Involvement (SCI) be recommended for a period of public consultation.***
- (2) That the Chairman of the LDF Panel together with the Head of Planning Services be allowed to update the document prior to consultation, including the changes as minuted, and if any of the proposals set out within the Government's Housing White Paper (2017) are adopted into policy before September.***

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee/Panel