
LOCAL PLAN PANEL

MINUTES of the Meeting held in the Committee Room, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 27 November 2019 from 7.00pm - 8.52pm.

PRESENT: Councillors Mike Baldock (Chairman), Monique Bonney (Vice-Chairman), Alastair Gould, James Hunt, Richard Palmer, Eddie Thomas and Ghlin Whelan and Tony Winckless (Substitute for Councillor Carole Jackson).

OFFICERS PRESENT: Philippa Davies, James Freeman, Jill Peet, Matt Randall, Anna Stonor and Aaron Wilkinson.

ALSO IN ATTENDANCE: Councillor Steve Davey.

APOLOGIES: Councillors Carole Jackson and Benjamin Martin.

374 **EMERGENCY EVACUATION PROCEDURE**

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

375 **MINUTES**

The Minutes of the Meeting held on 17 October 2019 (Minute Nos. 307 – 314) were taken as read, approved and signed by the Chairman as a correct record subject to an amendment to Minute No. 312, on the second to last paragraph on page 359, to read:

‘A Member acknowledged the risks of the sites and suggested that it would be prudent to keep NS5 given that whilst potential adverse impacts on the AONB had been identified, he did not consider it necessary at this stage to remove the site from consideration as other sites had also been identified as also having potential adverse impacts on the AONB.’

376 **DECLARATIONS OF INTEREST**

No interests were declared.

Urgent Item - Strategic Development Options (New Garden Communities) Change in AONB Unit Advice

With reference to the above item, Councillor Mike Baldock explained that he had resigned from the Borden Residents Against Development (BRAD) Committee in May this year, and Councillor Monique Bonney stated that she was not the Chairman of the Five Parishes Group and had resigned from the group in May 2019.

377 CHANGE TO ORDER OF BUSINESS

The Chairman advised that the Urgent Item would be considered first, and the order of the rest of the items was also changed, as minuted.

Part A Minutes for Recommendation to Cabinet**378 URGENT ITEM - STRATEGIC DEVELOPMENT OPTIONS (NEW GARDEN COMMUNITIES) CHANGE IN AONB UNIT ADVICE**

The Chairman introduced the tabled report which informed Members that the AONB (Area of Outstanding Natural Beauty) Unit had updated their position in relation to NS1 SE Sittingbourne, following consideration of the Second Stage Assessment of the Four New Garden Community Proposals at the Local Plan Panel meeting on 17 October 2019. A letter was also tabled for this item from a chartered surveyors and property consultants company.

Recommended:

- (1) That the updated advice from the AONB be noted.***
- (2) That it be agreed that the updated advice from the AONB unit be attached as an amendment to the PBA report.***

379 STRATEGIC FLOOD RISK ASSESSMENT LEVEL 1

The Senior Planner introduced the report which provided an update on work carried out by engineering and environmental consultants, JBA, on the Swale Borough Council Level 1 Strategic Flood Risk Assessment (SFRA). She explained that the SFRA was used as part of the evidence base for the Local Plan Review; and that SFRAs were required by the National Planning Policy Framework (NPPF), and would be used to inform the sequential approach to allocating development. Further clarification was being sought from the consultants, in liaison with the Environment Agency (EA) and Kent County Council (KCC) with regard to groundwater issues.

Members were invited to ask questions.

In response to a question about whether areas within a flood plain, with appropriate mitigation measures, could be brought forward for consideration, the Senior Planner explained that the NPPF sought to direct new development away from flood risk areas, but these areas could be developed by going through the process of a detailed Sequential Test and an Exception Test. There would need to be overriding reasons to build on a flood plain, that safe access, egress and resilience would need to be proved and developments would need to demonstrate, through Flood Risk Assessments (FRAs), that they would not increase flood risk elsewhere. She added that it was not national policy to build on a flood plain. The Member referred to paragraph 3.3 in the report and suggested that developers be given the option to potentially build on flood plain areas, subject to mitigation measures that the developers would put in place. The Senior Planner referred to Faversham Creek Neighbourhood Plan and explained that the flood plain area here was confined, and so not too difficult to demonstrate that safe egress could be achieved, and so in this

case, the Environment Agency (EA) agreed that the flood designation could be changed.

In response to a question, the Senior Planner explained that once the SFRA was on the website it would be clearly labelled as '2019'. This would enable this study to be distinguished from any subsequent updates which would need to be referenced in FRAs.

A Member asked whether the UK Climate Projections 18 (UKCP18) projections had been taken into account in the report. The Senior Planner explained that 2018 updates from UKCP18 had not yet been included in the EA modelling and were therefore not included in the SFRA. This approach had been discussed with the EA and agreed as appropriate as the SFRA was using the best available evidence. The Senior Planner said that developers needed to use the most up-to-date figures and then do their own modelling which should include the UKCP18 projections. A Level 2 report would also likely use the UKCP18 projections. The EA had advised that the most significant impact was the frequency of flooding.

In response to a question, the Senior Planner clarified that Appendix C on page 137 of the report indicated the existing flood zones, and Appendix D indicated the impact of climate change. In response to a question, she explained that the cliffs in the north of the Isle of Sheppey helped to reduce the impact of tidal flooding, although coastal erosion was a significant issue in this area.

A Member asked whether aquifers were considered within the report? The Senior Planner said that these could be dealt with in individual flood risk assessments, where relevant, and the impact on aquifers was something that was within the remit of the EA and she referred to page 97 of the report which gave details of groundwater source protection zones. The Member considered that the many natural springs in the Borough should also be included in the study. The Senior Planner explained that the springs were often difficult to locate at a strategic scale. She explained that some smaller water courses were also not mapped because they were not deemed significant enough, but that individual flood risk assessments would be expected to account for all water courses and flooding from all sources. The Senior Planner agreed to look into reported surface water flooding near the Stones Farm Development, Bapchild, in response to the Member's concerns.

A Member referred to page 135 of the report and considered underground water courses should also be included, as they could be a potential issue for developers. The Senior Planner explained that it was not always possible to map groundwater accurately at a strategic scale, in particular in Swale where the aquifer was commonly chalk without defined underground watercourses. She explained that following discussion with KCC and the EA, JBA had been asked to clarify when developers would be required to look in detail at groundwater within their FRAs.

In response to a question, the Senior Planner advised that it was the developers responsibility to upgrade flood defences on any land they were developing. She confirmed that, as part of the Sequential Test, the Strategic Housing Land Availability Assessment (SHLAA) sites would be looked at to assess the risk of flooding, and if not enough land could be allocated in Flood Zone 1, then Flood Zone 2 would have to be looked at.

A Member considered other areas should be looked at, beyond Flood Zone 1, and to have the option to do that. The Senior Planner explained the NPPF policy which directed development to land least likely to flood and that sites where no mitigation measures were required would be considered first. She said that building safely in the floodplain, without increasing risk to others was a complicated process, and the ability to establish infrastructure, such as electricity and other services, including safe access and escape, would need to be taken into consideration and agreed with the EA.

A Member suggested that Milton Creek be regenerated. The Senior Planner acknowledged this, but pointed out that as this was a larger area than Faversham Creek, there could be more risk. The Local Plan Manager asked that Members put forward preferred areas/sites for regeneration in the Borough, in order to assess the potential extent of review work.

A visiting Member referred to anecdotal evidence and whether the onus was on the planners to mitigate this. The Senior Planner said that it would be the responsibility of the developer to address flood risk. The Member asked whether the developers would be scrutinised to ensure they had adhered to the correct procedures. The Senior Planner explained that they would have to complete a flood risk assessment, and that most anecdotal evidence would have got to KCC and the EA in any case. The Head of Planning Services explained that the case officer would challenge the agencies involved with any anecdotal evidence, however few in number they were.

A Member referred to page 143 in the report and to the amount of land with ground water levels between 0.5 metres and 5 metres below the ground surface. The Senior Planner explained that there were discussions with the consultants on this matter, and said this was a broad strategic look at the land.

A Member considered ground water and surface water drainage were issues, and said that often developers did not take responsibility for these. The Head of Planning Services agreed to look into this further and report back to Members on the legal issues involved.

A Member requested some guidance on building on flood plains/zones, as a Supplementary Planning Document (SPD). The Local Plan Manager suggested we should look into whether it would be appropriate to bring forward such guidance.

The Chairman moved the following additional recommendation: That an SPD on flood risk measures be considered. This was seconded by the Vice-Chairman. On being put to the vote this was agreed.

Recommended:

- (1) That the findings of the SFRA be noted and it be agreed that it should be used as part of the evidence base for the Swale Local Plan Review.***
- (2) That it be agreed that mapping from the SFRA should be incorporated into the interactive mapping on the Swale Borough Council website.***
- (3) That an SPD on flood risk measures be adopted.***

380 HERNHILL NEIGHBOURHOOD PLAN

The Planner introduced the report which explained that Hernhill Parish had applied to the Council requesting that the Parish of Hernhill be designated as a neighbourhood area for the purpose of the creation of a neighbourhood development plan (neighbourhood plan).

Recommended:

(1) That it be agreed that the application complies with the initial requirements of the Regulations and officers proceed to the first stage in the designation process which is for the Council to publicise the application.

381 OPEN SPACE AND BUILT FACILITIES STRATEGIC NEEDS REPORT

The Planner introduced the report which explained that as part of the Local Plan Review, a Strategic Future Needs Report had been prepared to demonstrate the likely need for open space, sport and recreation facilities as a result of a new dwellings per annum target that needed to be planned for. He referred to the tabled paper which set out recalculations for the requirements for open space, sport and recreation facilities for three growth scenarios of annual dwelling figures of 1054, 776 and 550.

The Planner advised that the calculations would be updated with the relevant figures when the Council decided which dwelling target it would submit the Local Plan Review with.

In response to a question, the Planner confirmed that the whole report, plus tabled paper, would be published, although the tabled paper should have some more formal commentary added to be included in the evidence base. The Chairman suggested changing the recommendation so that the report and tabled paper be noted and the officer be given delegated authority to write a more formal commentary. Members were happy with this approach.

A Member suggested other sports, such as ice-skating, dry slope skiing, skate park, bowling centres and BMX facilities also be included. The Principal Planning Officer advised that these activities were based more on leisure needs. She reminded Members that the Retail and Leisure Needs Assessment had been considered by Members earlier in the year. She said there was nothing in the current Local Plan which would preclude a proposal for these activities if they were in the right location. The Principal Planning Officer explained that it could be investigated with operators on how to accommodate these in the broader sense. The Head of Planning Services explained that the above activities were commercial activities, rather than public-funded ones.

Recommended:

(1) That the contents of the Strategic Future Needs Report and the tabled paper be noted and published and used as part of the evidence base for the Local Plan Review, and officers be given delegated authority to add more formal commentary to the tabled paper.

382 LANDSCAPE SENSITIVITY ASSESSMENT

The Senior Planner introduced the report which provided an update on work carried out by landscape consultants, LUC, on the Swale Landscape Sensitivity Assessment. She explained that 46 land parcels had been analysed to see how sensitive these areas were to landscape change as a result of development. The Senior Planner drew attention to Figures 3.1 and 3.2 which showed the headline results. A 6-week consultation had been carried out and responses were received from 6 parish councils, one amenity group and nine developers or their agents. As a result of the consultation, a few minor amendments and clarifications to the report were made, but no overall results were changed.

A Member asked why Figure 1 on page 240 of the report indicated 'Proposed' Local Landscape Designation? The Senior Planner explained that the current areas were local landscapes in the adopted Local Plan, and 'proposed' local landscape designations had come about as a result of the 2018 Local Landscape Designation review which had been reported to the Local Plan Panel in November 2018, but had yet to be adopted through the Local Plan process.

A Member asked who decided the 'Kent level' and the 'Swale level' indicated on Figure 1, on page 240 of the report. The Senior Planner advised that this was a long-standing designation, with 'Kent level' coming from the Kent Structure Plan and 'Swale level' coming from Swale. The Member considered there was no logic in what was high level and what was not. The Senior Planner explained that the designations had been considered by the Local Plan Panel in November 2018. The Member considered the map was arbitrary and not a reflection of what was true and accurate.

In response to why some areas were not included within the report, the Senior Planner explained that the scope of the study did not include the whole Borough, just major towns with a 2 kilometre radius and smaller settlements with a 1 kilometre radius out from them.

The Chairman was disappointed more Parish Councils had not responded to the consultation.

The Head of Planning Services advised that the report was one of a multitude of other evidence that a Planning Inspector would expect to see, as part of the Local Plan process.

The Vice-Chairman proposed the following recommendation: That the Landscape Designation Review, considered by the Local Plan Panel in November 2018, be brought back for the Panel to review. This was seconded by the Chairman, and agreed by Members.

Recommended:

- (1) That the findings of the Swale Landscape Sensitivity Assessment which will form part of the evidence base for the Local Plan Review be noted.***
- (2) That the Landscape Designation Review, considered by the Local Plan Panel in November 2018, be brought back for the Panel to review.***

383 SUGGESTIONS FOR FUTURE WORK PLAN

The Chairman invited Members to make suggestions for items for the Future Work Plan.

Members made the following suggestions:

- Revisit the Landscape Designation Review, considered by the Local Plan Panel in November 2018;
- look at the Retail and Leisure Needs Assessment again, no report required; Members be sent a [link to the report](#) and then feed their comments back; and
- look at a policy for private unadopted estate roads, to get them to the same standard as adopted roads.

Members were advised that a Design Panel Workshop would be held in the new year.

Resolved:

- (1) That the suggestions above be noted.***

Chairman

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