
LOCAL PLAN PANEL

MINUTES of the Virtual Local Plan Panel Meeting held Via Skype on Thursday, 8 October 2020 from 7.00pm - 8.50 pm.

PRESENT: Councillors Monique Bonney (Vice-Chairman, in-the-Chair), Alastair Gould, James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin, Richard Palmer, Eddie Thomas and Ghlin Whelan.

OFFICERS PRESENT: Natalie Earl, James Freeman, Kellie MacKenzie, Ryan Miles, Jo Millard, Jill Peet, Karen Sinclair and Aaron Wilkinson

ALSO IN ATTENDANCE: Councillors Steve Davey, Tim Gibson, Ken Ingleton, Richard Palmer, Hannah Perkin, Tim Valentine and Tony Winckless.

APOLOGY: Councillor Mike Baldock.

179 MINUTES

The Minutes of the Meeting held on 3 September 2020 (Minute Nos. 65 – 70) were taken as read, approved and signed by the Vice-Chairman in-the-Chair as a correct record.

180 DECLARATIONS OF INTEREST

No interests were declared.

181 CHANGE TO THE ORDER OF BUSINESS

The Vice-Chairman in-the-Chair altered the order of business as minuted.

Part A Minutes for Recommendation to Cabinet

182 BIODIVERSITY BASELINE STUDY

The Planner introduced the report and advised that the National Planning Policy Framework (NPPF) required development to provide biodiversity net gain. He explained that the forthcoming Environment Bill 2020 would require it by law specifying a measurable biodiversity net gain (BNG) of 10% which would apply to both site allocations and planning allocations.

The Planner reported that in order to comply with the requirements of the NPPF and forthcoming Environment Bill 2020 an understanding of the different habitats across the Borough ensuring the best opportunities for achieving BNG was required. He advised that to assist with this, the Council had commissioned the Kent Wildlife Trust (KWT) Consultancy Services to prepare a Biodiversity Baseline Study for the Borough, and this was set-out at Appendix I to the report. The Planner appreciated that the report had been published late for consideration at the meeting and explained that this was due to the manner in which they had to expedite the last few pieces of evidence. He said that if Members had further

queries after the meeting to contact him. The Planner thanked KWT for their assistance in producing the document.

The Planner welcomed Mr Richard Bloor from the KWT to the meeting. Mr Bloor gave a presentation providing a rationale of the mapping exercise: classifying habitats, identifying high value habitat, identifying Nature Recovery Priority Areas; recommendations on developing a Swale Local Nature Reserves (LNRS) to guide Biodiversity Net Gain (BNG) Strategy and Local Plan policy; recommendations on provision of onsite BNG in Strategic Housing Land Availability Assessment sites according to objectives of LNRS; and recommendations for establishing an offsite BNG policy within the Local Plan according to objectives of LNRS.

Members were invited to ask questions and make comments.

A Member considered the 10% net gain to be too low and asked whether a higher BNG would be achievable? Mr Bloor explained that 10% was the minimum required within the legislation. He reported that both KWT and local authority officers were working alongside the Kent Nature Partnership (KNP) to build a Kent-wide case for an increase to 20%. In response to further queries, the Planner advised that possible obstacles might come from developers claiming that 20% was impacted on the viability of their development, and KNP hoped to produce evidence that local authorities could use to dispute this. The Planner added that the Council hoped to achieve a 20% BNG.

A Member asked whether the Council would be able to refer to the report when preparing a case in respect of the solar wind farm application at Cleve Hill? The Head of Development Services agreed to look into this for the Member. The Chairman requested that the information be circulated to the Panel.

A Member asked how much weight the effective distinction carried on BNG? Mr Bloor stated that the habitat distinctiveness criteria had the largest weight within the metric. The metric was designed to discourage development on priority habitats, but that was not to say that off-setting was not achievable.

In response from a request from a Member, Mr Bloor agreed to include 'improve the physical and mental wellbeing of the residents of Swale', within the report.

A Member asked when the Environment Bill 2020 was likely to come into force? Mr Bloor stated that due to the Covid-19 pandemic it would probably not be until 2021, and after the Council had published its Local Plan, but he recommended that it should still be included. The Senior Planner added that she was aware of other local authorities which were already implementing the BNG for some major developments, so it was not necessary to wait for the Bill to be enacted.

A Member asked what work KWT were carrying out in respect of the effects of climate change: seasonal flooding; rising sea levels and pressure for additional infrastructure? Mr Bloor stated that whilst that was not his area of expertise, KWT were aware of significant challenges around the mid-Kent marshes habitat, and were exploring carbon off-setting and how that could be combined with BNG. The Member spoke about an area of land in Faversham where he was looking to create a wildlife habitat area. Mr Bloor stated that the KWT were currently targeting areas

around Faversham and suggested that the Member contact him direct about the project.

A Member asked whether other local authorities had been able to adopt BNG before publishing their Local Plan? He considered that it would be good if the Council could enforce it now. The Senior Planner agreed to find out for Members.

A Member asked whether there were areas of salt marsh within Swale which could be developed for BNG? Mr Bloor said that he would need to speak to the Environment Agency, but he was aware that the KNP were considering country-wide strategic projects where a proportion of BNG contributions could be targeted at specific projects such as salt marshes.

A Member asked what research had been carried out to arrive at 10% BNG? Mr Bloor explained that the Department for Environment, Food and Rural Affairs (DEFRA) considered 10% was the minimum they could achieve to ensure BNG was created, but the figure had not been evidenced.

In response to queries from a Member about the impacts on landowners and the issue of removing wildlife and habitats from sites at the pre-application stage, Mr Bloor stated that landowners would have to adhere to the Environment Bill by not removing priority habitat and would be required to compensate in-line with the DEFRA metric. The Biodiversity Baseline could be used to assist the Council in providing evidence of how a site was, prior to any 'trashing'.

Members welcomed the report and the 'fantastic' work of the consultants and officers. A Member considered it was one of the best evidence reports he had seen and hoped that it could be imposed as soon as possible.

The Vice-Chairman in-the-Chair thanked the Planner, the Senior Planner and Mr Bloor for attending the meeting.

Recommended:

- (1) That the content of the report and the Biodiversity Baseline Study at Appendix I of the report be noted.***

183 AIR QUALITY EVIDENCE

The Planning Policy Manager introduced the report. She explained that the air quality modelling for the Swale Local Plan Review had been carried out by Sweco's Air Quality Technical Team. The Planning Policy Manager explained that air quality was a key element of evidence required for the Local Plan Review and was also a significant concern to local communities and the Council. She advised that the evidence had been prepared in close working with Swale Council environmental health colleagues and the full draft was set-out at Appendix I to the report.

The Planning Policy Manager explained that the study had looked at two main scenarios of growth to 2037: 776 dwellings per annum plus employment sites to 2037; and 1054 dwellings per annum plus employment sites to 2037. She reported that levels of NO₂ were forecast to reduce between 2017 (base year for the study)

and 2027 and again by 2037. This was based on the assumption that emissions would fall as newer vehicles were introduced. The two scenarios tested did show that emissions would increase slightly, but overall would remain well below exceedance levels. The modelling also showed that there were no exceedances of PM₁₀.

The Planning Policy Manager stated that Jen Simpson (Sweco) was also in attendance to respond to any questions.

Members were invited to ask questions and make comments.

Some Members were concerned that there was no reference to PM_{2.5} levels within the report. Ms Simpson explained that the Council's Air Quality specialist had advised that PM_{2.5} was not an issue in Swale, and therefore it was considered PM_{2.5} levels should not be included within the report. Ms Simpson added that PM_{2.5} was difficult to measure and PM₁₀ was used as a surrogate to gauge whether PM_{2.5} was likely to be an issue.

A Member asked for clarification in respect of how the employment square footage had been agreed with regard to the two growth scenarios and was unsure how, given the proposed increases in housing that traffic flows would reduce? Ms Simpson agreed to liaise with Sweco's Transport section about the figures. The Planning Policy Manager also agreed to forward employment density figures for the various B class uses.

A Member queried whether the modelling was over- or under-predicting? Ms Simpson explained that there was some under-prediction within the modelling.

A Member considered that more information was needed within the report regarding other pollutant sources, and raised concern about the increased number of windfall sites and that the impact they had on air quality had not been considered. The Member also queried how the Council could assess air quality where it was not known where development would be. He felt that the proposed housing would have a big impact on air quality and asked whether industry had been included in the modelling?

Ms Simpson stated that background air quality data had been provided by DEFRA and this data included all other emission sources, including industry. The Head of Planning Services stated that the modelling had taken into account windfall figures through background levels. Planning applicants needed to undertake furthermore detailed modelling to demonstrate that the proposals combined with other developments would not give rise to any exceedances.

The Planning Policy Manager stated that the evidence needed to be carried out at a high level to assist with the broad development strategy. Ms Simpson explained that the modelling was based on the transport model and the zonal assumptions of what sites were included for the high-level assessment. The options assessed were very much the worse case scenario and no significant impact on air quality had been identified.

The Head of Planning Services stated that the Sweco modelling was strategic based for Local Plan forecasting and was based on DEFRA guidelines. The Council's Air Quality Action Areas and Air Quality Action Plan would require more detail and possible mitigations for consideration at the planning application stage.

A Member asked whether road closures had been considered as part of the assessment as this would have had an impact on the figures.

The Head of Planning Services reported that traffic counts were based on traffic modelling and the consultants would have considered any road closures that might have taken place and the counts would have been tested and validated.

A Member, who was also the Cabinet Member for Environment, stated that some areas of the Borough which had the worst emission rates were not included, whilst other areas which did not have high emission rates were. He also raised concern that within Appendix D of the modelling report only 4 or 5 receptor areas were listed, but he was aware that there were more. He asked whether a modal shift was expected, and what assumptions had been made and what if those assumptions could not be met? He also asked how much had the air quality team been involved and whether the World Health Organisation (WHO) air pollution levels could be included?

Ms Simpson explained that traffic modelling had not been carried out for 2019 so there were limitations, the modelling for that year was based on growth from 2017. The approach assumed the national growth factor between 2017 and 2019, and that all roads grew by the same amount. Ms Simpson further explained that this method did not take account of new developments which might have taken place between 2017 and 2019 and might have resulted in a redistribution of traffic flows. Ms Simpson stated that the Council's Air Quality Project Officer had been heavily involved in the scope of the assessment and the content of the report. With regard to the WHO guidance, Ms Simpson stated that legally they were required to use the UK air quality regulations.

The Head of Planning Services reported that transport modelling did include assumptions based on mitigations and included trip rate calculations. The Local Transport Plan would need to ensure that any mitigations proposed would support the assumed trip rates. He confirmed that the Council's environmental health team had been leading on the report with the consultants.

The Planning Policy Manager stated that the evidence had to be proportionate and that for this stage the evidence needed to be high level, with opportunities later in the process for when more detailed proposals were identified, to seek additional information where required.

A Member asked why the report was being rushed through? He did not consider the WHO data could be included as it would just be thrown out by developers as it was not evidence based.

The Planning Policy Manager explained that the Local Plan Review timetable had been agreed as set out in the Local Development Scheme which the Local Plan Panel had agreed at their meeting in March 2020. She added that she had been

looking to extend it, before the Government published proposed changes to the current planning system. The Planning Policy Manager further explained that those changes to the planning system and new standard method for calculating housing need would result in significant consequences for the Borough in terms of housing number uplift. She stated that for those reasons, it was important to continue with the reports as scheduled.

The Vice-Chairman in-the-Chair said that the report was clearly high level and that members of the Panel needed to be pragmatic and realistic on timeframes. She asked officers to forward responses to questions raised to Panel Members.

Councillor Benjamin A Martin moved the following amendment to recommendation (2): Subject to clarification over the potential employment positions. This was seconded by Councillor James Hunt. On being put to the vote the amendment was agreed.

The Vice-Chairman in-the-Chair thanked officers and Ms Simpson for attending the meeting.

Recommended:

- (1) That the content of the draft Air Quality Modelling Report and Technical Note be noted.***
- (2) That the draft Air Quality Modelling Report be finalised and published and used as part of the evidence base for the Local Plan Review subject to clarification over the potential employment positions.***

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