
LOCAL PLAN PANEL

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 24 March 2022 from 7.00 pm - 8.10 pm.

PRESENT: Councillors Mike Baldock (Chairman), Monique Bonney (Vice-Chairman), Alastair Gould, Mike Henderson, James Hunt, Carole Jackson, Peter Marchington, Richard Palmer, Eddie Thomas and Ghlin Whelan.

OFFICERS PRESENT: Simon Algar, James Freeman, Kellie MacKenzie and Jill Peet.

OFFICERS PRESENT (Virtually): Billy Attaway.

ALSO IN ATTENDANCE (Virtually): Councillors Simon Clark, Mike Dendor and Tony Winckless.

725 **Emergency Evacuation Procedure**

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

726 **Minutes**

The Minutes of the Meeting held on 15 December 2021 (Minute Nos. 505 – 507) and the Minutes of the Extraordinary Meeting held on 17 February 2022 (Minute Nos. 607 – 610) were taken as read, approved and signed by the Chairman as correct records.

727 **Declarations of Interest**

Councillor Monique Bonney declared a disclosable non-pecuniary interest in respect of Item 5 (Swale Local Plan Issues and Preferred Options: Main Issues) as she was a Member of Rodmersham Parish Council who had responded to the consultation. Councillor Bonney also declared an interest in respect of Item 7 (Rodmersham Green Conservation Area Review) as she owned property within the Conservation Area.

Part A Minutes for Recommendation to Cabinet

728 **Swale Local Plan Issues and Preferred Options: Main Issues**

The Planning Policy Manager introduced the report which set-out the main issues raised through the Regulation 18 consultation that took place at the end of 2021. The Planning Policy Manager reminded Members that the Regulation 18 document contained a series of questions which sought views on the issues facing the Borough and how they could be addressed through the Local Plan Review (LPR). She said that it had included development strategy options and the preferred options of having a more even distribution of the total requirements across the main urban centres when combined with allocations within the current adopted plan, Bearing Fruits.

The Planning Policy Manager reported that a total of 3,477 individual responses had been received and she drew attention to Appendix I of the report which contained a summary of the responses by question. The main issues raised predominantly focussed on: Local Housing Need; and the distribution of growth. There was considerable support amongst

residents and local organisations for challenge in the use of the standard method and in the level of local housing need arising, citing the borough's constraints – natural and landscape designations, flood risk and infrastructure limitations as the main justification in taking such an approach. The Planning Policy Manager said that unsurprisingly, this was not an approach supported by those promoting development sites, and reasons as to why Swale should meet its needs included the amount of unconstrained land available, that the environmental constraints were not unique to Swale and not meeting housing needs in full would exacerbate housing affordability problems and hinder economic growth as well as delivery of infrastructure.

The Planning Policy Manager advised that the Council needed to present additional, robust evidence as to why meeting needs wholly within the Borough was no longer possible if this was the case. The Council would need to satisfy the Local Plan Inspector that all potential sources of housing supply had been robustly explored and tested, that the Council had left no stone unturned in doing everything possible to meet its local housing need.

The Planning Policy Manager explained that responses relating to the distribution of growth fell into two categories – residents and other groups who opposed one or more of the options which would see development take place in a particular part of the Borough. Those landowners, developers and agents who supported the option/options as they saw them, being the best fit to achieve their aims of securing development of their sites.

The Planning Policy Manager said that comments on the preferred option (and other options, equally) raised concerns on common themes relating to infrastructure capacity and included highways, wastewater, health and education, air quality, settlement and landscape character and the loss of countryside and agricultural land. Statutory consultees commented that there would be a need to clearly demonstrate and evidence why option 3 was preferred and Kent County Council (KCC) highlighted that this option appeared, based on the currently available evidence to have a significant detrimental impact on the road network and that there were no obvious alternative options that could deliver the quantum of development required by the standard method within the timescale of the LPR period without creating a significant impact on traffic and air quality.

The Chairman proposed the recommendation in the report and this was seconded by Councillor Mike Henderson.

The Chairman invited questions and comments from Members and these included:

- Where was the early evidence gathering in paragraph 2.8 carried out?;
- at what point would the issues be accommodated within Swale;
- would another call for sites be carried out before or during Regulation 19;
- how could planning challenge those providers that did not give the local plan the consideration it deserved?;
- how could the statutory consultees be challenged when they just gave a “no comment” response?;
- did not consider that the comment from developers that “the environmentally sensitive areas in Swale were not excessive” was correct and were officers happy to include that in the report?;
- should have undertaken a Regulation 18 two years ago;
- surprised that there was not a preferred option;

- would rather officers took their time with the document to ensure it was accurate;
- the Covid-19 Pandemic had a profound change to the Borough and new ways of working and lifestyle; and
- concerned about the major economic disaster and its effect on development but recognised the Council had to carry on.

In response the Chairman said that the “evidence gathering” referred to in paragraph 2.8 of the report was from the Autumn 2019 evidence. The Planning Policy Manager advised that at that time the Council did not know what the local housing numbers would be using the standard method. The Council had asked consultants to look at best and worst case scenarios and commissioned a specialist demographer to assess how Swale’s population compared with the data used to make the projections and whether there were any “exceptional circumstances” to justify not using the standard method, and there were not. The Planning Policy Manager explained that officers needed to ensure that they “left no stone unturned” to explore all options for meeting its local housing need. She advised this had not been achieved by any other local authority in the country, however some authorities were due to submit their Regulation 19 and officers were watching the outcome very closely. The Planning Policy Manager explained that officers were working closely with KCC Highways and Transportation, National Highways and neighbouring authorities to identify what capacity existed within the road network and how much housing could be delivered but it was a complicated and specialised area of planning.

The Planning Policy Manager said that there would be another call for sites exercise and anyone could promote land for consideration and development. The Chairman confirmed that this would need to be submitted before Regulation 19.

The Chairman advised that the Council was in communication with highway providers and it was fair to say that the Clinical Commissioning Group (CCG) particularly were late in understanding their role in terms of the local plan and planning applications.

Councillor Monique Bonney advised that in her capacity as Cabinet Member for Economy and Property she had met with the CCG and had complained to them about the significant shortfall in Swale of health provision, particularly in Sittingbourne which had seen significant housing growth. She said the CCG had agreed to do a strategic needs review of health care in Sittingbourne, however she had not heard anything further. With regard to education provision, the Chairman considered that more strategic planning from KCC was needed.

The Head of Planning advised that officers held infrastructure delivery meetings and did challenge statutory consultees but ultimately they were the provider.

The Planning Policy Manager said that 60% of Swale was covered by a national or international protected area, however she considered that the point the developers were making was that most areas of Kent also had these ‘special’ areas.

Recommended:

(1) That the summary of main issues, as set out in Appendix I, raised by representations received during the Swale Local Plan Issues and Preferred Options consultation be noted.

729 Local Plan review next steps

The Planning Policy Manager introduced the report which set-out the current position for the LPR and identified the next steps in light of the challenges facing the borough as it sought to progress to the Draft Plan stage (Regulation 19 consultation). The report also included a new timeline that would inform a revised Local Development Scheme (LDS) to be brought to Members for consideration in Spring 2022.

The Planning Policy Manager reported that as the transport modelling results were not as anticipated further modelling and highway work needed to be carried out. KCC, as the highways authority had raised concerns about the ability of the Borough to deliver the quantum of development required by the standard method.

The Planning Policy Manager explained this challenge required further transport modelling to be undertaken as the Council expected to leave no stone unturned in its efforts to try to deliver its local housing need number and officers needed to understand what capacity existed within the network.

The Planning Policy Manager reported that the current LDS was currently programmed for February to April 2022 for the next stage of the local plan review process. Unfortunately it was not possible to progress to the next stage without this information.

The Planning Policy Manager stated that they were continuing to work very closely with KCC colleagues and National Highways and anticipated the work could be completed in time for the Regulation 19 consultation to take place in the Autumn 2022. Whilst this work was being undertaken, officers had also started another 'call for sites' so that, as officers, they were maximising every opportunity to identify potential sites to meet the development needs. Other evidence was also being updated and refreshed and these would also be reported to Members in due course. Given that there were changes to Swale's governance on the horizon, it was more appropriate for a revised LDS to be brought to Members once that had been confirmed.

A Member drew attention to paragraph 3.2 of the report and considered the wording in respect of officers investigating 'exceptional circumstances' needed to be more robust.

Councillor Mike Henderson moved the following motion: That Cabinet ensured that officers had adequate resources to take all exceptional circumstances into account. This was not seconded.

The Planning Policy Manager explained that identifying any "exceptional circumstances" would happen automatically through the course of refreshing and updating the evidence and it was important that the Planning Inspector saw that the Local Plan complied with national guidance. The Head of Planning Services expressed caution and said that he would not advise such a motion to be included.

Members raised points which included:

- Officers were already mindful that a lot of the evidence needed was already available;
- important to look at the standard of evidence and work to the national standard;
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- needed to communicate that the Council were constrained to Government guidance and best practice in terms of how evidence was prepared;
- communicating why decisions needed to be taken by the Council was important; and
- concerned that the LDS was not completed but needed to ensure that the evidence presented to the Planning Inspector was correct.

The Chairman moved the recommendation in the report and this was seconded by Councillor Ghlin Whelan.

Recommended:

(1) That the content of the report be noted, including the revised timetable for the Regulation 19 consultation on the Local Plan Review.

730 Rodmersham Green Conservation Area Review

The Conservation & Design Manager introduced the report which set-out some proposed boundary changes to the Rodmersham Green Conservation Area following the public consultation, and confirmed that following the recent review work, the conservation area should be formally re-designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The Conservation & Design Manager said that positive responses had been received following the consultation and drew attention to Appendix III of the report which set-out six further proposed boundary changes over and above those included in the public consultation conservation area review document.

The Chairman proposed the recommendations which were seconded by Councillor Alastair Gould.

Members welcomed and supported the document.

In response to a query from a Member about the possibility of legal challenge, the Chairman explained that he had also raised this with officers and had been advised that the conservation area was to inform development management decision making, and not to stop development taking place.

The Chairman reported that paragraph 2.4 of the report needed to be removed as it referred to work that had already been considered.

Recommended:

(1) That the content of the public consultation draft of the character appraisal and management strategy document produced for the review, and the representations made on this by interested parties, the details of which are set-out in the report appendices be noted.

(2) That the changes to the review document proposed by officers in response to the representations received during the course of the public consultation, and also following a re-evaluation of the conservation area boundary by officers following the close of consultation, to support a recommendation to Cabinet that further 3-

week period of public consultation be carried out (referencing the additional proposed boundary changes) be supported.

(3) That delegated authority be given to the Head of Planning Services (in liaison with the Cabinet Member for Planning) to make a decision on re-designated the conservation area and adopting the amended appraisal and management plan review document for development management purposes, unless the re-consultation results in the receipt of significant objections to the proposed additional boundary changes.

731 Tunstall Conservation Area Review

The Conservation & Design Manager introduced the report which set-out proposed boundary changes to Tunstall Conservation Area following the public consultation, and confirmed that following the recent review work, the conservation area should be formally re-designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as set-out in Appendix II of the report. The Conservation & Design Manager reported that the response to the consultation had been good and the only change was to include a green space known locally as 'Shooting Meadow'. He also advised that it may be appropriate to make an Article 4 Direction for agricultural related developments to protect the setting of the group of listed buildings at Grove End which were considered too distant from the existing conservation area to include through a possible extension to it.

The Conservation & Design Manager provided an update on the village pond (known as the coffin pond) and explained that KCC would be undertaking enhancement works to the pond in the near future under the guidance of its Ecology Team.

The Chairman proposed the recommendations which were seconded by Councillor Carole Jackson.

Recommended:

(1) That the content of the public consultation draft of the character appraisal and management strategy document produced for the review, and the representations made on this by interested parties, as set-out in the report appendices be noted.

(2) That the changes to the review document proposed by officers in response to the representations received during the course of the public consultation, be agreed.

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