

<b>Local Plan Panel Meeting</b>	
<b>Meeting Date</b>	20 September 2018
<b>Report Title</b>	Swale Local Development Scheme and Local Plan Budget
<b>Cabinet Member</b>	Cllr Gerry Lewin, Cabinet Member for Planning
<b>SMT Lead</b>	Emma Wiggins
<b>Head of Service</b>	James Freeman
<b>Lead Officer</b>	Gill Harris
<b>Key Decision</b>	Yes
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. The Local Development Scheme (LDS) at Appendix I to this item be recommended to Cabinet for adoption as the current programme for the Swale Borough Local Plan Review; and that the date this LDS is effective from will be the date of ratification of this recommendation by Cabinet.</li> <li>2. Members note the budgetary arrangements at Appendix II to this item which have been put in place to support the Local Plan programme.</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 A Local Development Scheme (LDS) is the programme for production of local development plan documents and is required to be produced, monitored and kept up to date under Section 15 of the Planning and Compulsory Purchase Act (2004). The Panel is requested to recommend that this Local Development Scheme at Appendix I to this item should be adopted as the programme for the Swale Local Plan Review, which has already commenced.
- 1.2 The item also includes a summary of the Local Plan budget which will be required to support this programme, which was requested by Members at a previous Panel meeting.

## **2 Background**

### **Local Development Scheme**

- 2.1 Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publically, displayed on the web site and kept up-to-date. The last LDS adopted for Swale

was dated October 2016 and covered the latter stages of the Bearing Fruits Local Plan process.

- 2.2 Reviews of Local Plans at least every five years are a legal requirement (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012). Council Minute 44 of 2017 recorded the decision to commence a review, based on the recommendations of the Bearing Fruits Local Plan Inspector's Final Report.
- 2.3 Since then, a new National Planning Policy Framework (NPPF) has been adopted (July 2018), which confirms the Government's commitment to a step change in housing targets and delivery of targets. Early public and stakeholder engagement on the challenges the Swale Local Plan review will need to tackle has already been undertaken. Now that the NPPF is finalised, commissioning the outstanding areas of evidence required to inform the content of the review is also being put in hand. Reporting on the consequences of the new NPPF polices themselves for the extent of the review is anticipated for reporting to the October meeting of the Panel. An appropriate programme (based on these practicalities) and to reflect the statutory stages of the plan process is required to be in accordance with the Statutory Regulations.
- 2.4 The LDS programme proposed to achieve adoption of a Local Plan Review is set out at Appendix I to this item. It represents an extremely tight schedule to ensure that an up to date Local Plan is in place and is compliant with the new NPPF and regulation.
- 2.5 In accordance with the regulations, it includes those element of the development plan for which the Council is responsible for producing. For Swale, this comprises the Local Plan itself. Although a Neighbourhood Plan is under production for Boughton and Dunkirk Parish area and will form part of the development plan for the Borough, its programming is not the Borough Council's remit. A Community Infrastructure Levy programme is not yet included in the LDS. If pursued, it is likely that it would be in parallel with the Local Plan itself. A decision on whether it is appropriate for the Council to set a CIL charge may be in itself dependent on the Local Plan development strategy the Council prefers to pursue and viability assessments of it. This may need to be reviewed and included in a revised LDS if appropriate to do so.
- 2.6 The LDS is effective from the date of the resolution to adopt it (the relevant Minute). The LDS can be reviewed at any time by the Council if there is good reason to do so, subject to a further Council Minute to confirm adoption of a revised programme.
- 2.7 Progress on achieving the milestones in the LDS should be reported in the Annual Monitoring Report.

### **Local Plan Budget**

- 2.8 The total annual project budget for the Local Plan has remained at £91,190 since the inception of the Bearing Fruits Local Plan (2008-09). Of this total some 13% goes to meet the Council's commitments to Kent Wildlife Trust; Kent Downs AONB Management and Kent Design. The remainder is focused on the Local Plan project. Any unspent budget at the end of each year rolls over into a reserve fund, due to the long term nature of the project and uneven expenditure throughout the process. This system proved adequate for the Bearing Fruits plan due to the long period over which it was prepared (due largely to the impact of major changes in national policy with the introduction of the first NPPF in 2012), with the local plan project work totalling some £716,000 over 9 years.
- 2.9 For the year 2018-19 officer costs for the Local Plan team are expected to be £377,820. It should be noted however that the team's duties are not confined to local plan production and includes other work streams such as neighbourhood plan; working up infrastructure funding bids; involvement under the Duty to Cooperate in other authorities planning documents; housing and employment land monitoring; Kent Downs AONB work; policy support for Development Management decision making and Appeals; and assisting other Council teams with project work which has planning input.
- 2.10 A summary of costs anticipated over the remainder of the Local Plan Review process and budgetary provision to meet them is set out at Appendix II.
- 2.11 The lion's share of the evidence base to support the Local Plan Review will need to be commissioned in the first year or two of the process, to support decision making on reasonable alternative strategies and options and subsequently, the most appropriate development strategy for the plan.
- 2.12 Transport modelling costs are the most expensive element of the evidence required. Costs for the production of a base model have been shared with Kent County Council Highways (KCCH) and Quinn Estates. Testing future development scenarios (building on this base work) will aid decision making on the Local Plan Review. Costs for this element will be shared with Kent County Council Highways only. Procurement for this stage of the modelling is being led by KCCH. The brief for the future scenario testing is still being worked up and consequently the cost and precise share of for this part of the work is not yet finalised, but a sum of £100,000 represents a maximum for Swale under this budget. Some claw back on the base modelling costs may be possible by making it available for developers to use in preparing Transport Assessments.
- 2.13 The Examination in Public (EIP) costs represent another major area of expenditure, which, based on the experience of the Bearing Fruits Local Plan (and the experience of other local authorities) is likely to be a two stage EIP to allow for examination of Main Modifications. This is likely to amount to £160,000 in Planning Inspectorate, legal and expert witness costs and allowance for this has been included in the budget.
- 2.14 The Sustainability Appraisal which is statutorily required at key stages throughout the process is another major element of the local plan production cost at £88,500.

- 2.15 Over the period from 2018-19 to 2022-23 it can be seen that the overall expenditure on the local plan review itself is expected to be £690,775. This is a little less than the Bearing Fruits Plan, although it is based on an assumption that prices will not increase significantly. If other planning policy commitments (including the provision for Kent Downs AONB management; Kent Wildlife Trust, Kent Design; and a Vehicle Parking SPD) are included, the total cost for planning policy projects is £773,775.
- 2.16 As, five yearly reviews of plans are now compulsory, and there is still a requirement for significant pieces of supporting evidence, as well as Examination in Public costs, the overall costs of production are being compressed into a shorter time period. Commissioning the evidence base is of necessity front loaded into the early years of the process and even using the rollover facility of the local plan budget codes to manage spending, would result in the project being over budget over its programmed timescale.
- 2.17 Consequently an increase in the budget of £150,000 was requested in year 2018-19 to enable the work on the current local plan to proceed in a timely manner and this was agreed at Cabinet at their meeting of 11 July 2018 (Minute 112). Modest MHCLG non ring fenced grant sums are expected in 2018 – 2021 to cover additional costs of dealing with self and custom build housing requirements. To date these costs have been minimal and the matter is likely to require new policy through the Local Plan Review to make suitable land allocations for this type of development.
- 2.18 The summary at Appendix I shows that with this budget enhancement the Local Plan Review can be accommodated within a five year programme and other planning policy commitments can be met, with a modest contingency of £24,807 to cover any unforeseen or underestimated pieces of work which may incur costs over the review period.
- 2.19 In order to deal with the compressed workload being generated by the shortened timescale and the new areas of work arising from the new NPPF particularly in respect of addressing the uplift in housing numbers (which will include looking at the potential for use of new garden settlements and urban extensions) and the complex supporting infrastructure those housing numbers will need, an additional Principal Planning Officer has been recruited to the Local Plan team from August 2018. This will also help to address the issues arising from increasing delivery of housing, which the government is expecting councils to take a pro-active role in. The officer cost of dealing with any new settlement pre-application work and proposals is expected to be partly offset through PPA agreements for any such proposals.

### **3 Proposals**

#### **Local Development Scheme**

- 3.1 The Local Development Scheme at Appendix I is proposed as the programme to achieve Local Plan Review. It will require a council minute to adopt it as such and Panel are asked to recommend to Cabinet that it be adopted for the purposes of guiding and monitoring progress on the Local Plan review. The date it becomes effective will be the date of the relevant Cabinet decision and Minute to adopt it.

### **Local Plan Budget**

- 3.2 Members are invited to note the budgetary provisions for the Local Plan Review set out at Appendix II to this item.

## **4 Alternative Options**

- 4.1 Production and maintenance of an up to date LDS is a statutory requirement and guides the timetable for production of development plan documents. It is required as part of the suite of documents to be submitted with the Local Plan for Examination in Public. Without it the plan could be found unsound. There is no realistic alternative to compliance with this requirement, so non adoption of the LDS is not recommended.
- 4.2 The Swale LDS itself is required only to show the programme of production for documents which comprise the development plan (strategic and non strategic policies and Neighbourhood Plans). Previously Swale LDS have shown other documents such as SPDs and the Heritage Strategy in some detail. As these are not part of the development plan, they are not being shown in the same way.
- 4.3 In respect of the Local Plan project budget, the NPPF requires the local plan to be underpinned by a relevant, up to date and proportionate evidence base. This needs to be adequately resourced, as do the later Examination in Public stages of the process. Inadequately resourced evidence creates a high risk of challenge and unsoundness. The reduced timescale for production of local plans to five years has resulted in compressing of costs into a shorter timescale and the need for additional budgetary provision, which has been made available and should enable the project to be completed satisfactorily assuming no major unforeseen issues or cost increases arising. A lesser budgetary provision would not support timely production of a sound local plan review and is not recommended.

## **5 Consultation Undertaken or Proposed**

- 5.1 The Local Plan itself is subject to public engagement or consultation at several points in the process. The LDS programme indicates when these are expected to take place. There is no requirement for the LDS to be subject to consultation.
- 5.2 Budgetary provision for the Local Plan Review is tackled through the Council's normal budget setting procedures.

## 6 Implications

Issue	Implications
Corporate Plan	This section should provide details of how the proposals in the report align with the strategic objectives of the corporate plan. Further guidance on this section can be obtained from the policy team.
Financial, Resource and Property	The Local Plan will be progressed in accordance with the project budget allocated to it, as set out in this report. The figures have been checked and confirmed by Financial Services.
Legal, Statutory and Procurement	<p>A Local Development scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and a Council minute confirming its adoption will be needed.</p> <p>Most of the commissions for evidence base to support the Local Plan have been procured using the Bloom Procurement Framework which the Council subscribes to. Procurement of transport modelling has been led by Kent County Council Highways.</p>
Crime and Disorder	None identified at this stage.
Environment and Sustainability	The Local Plan will be supported by its own Sustainability Appraisal and Habitats Regulation Assessment at each key stage in decision making.
Health and Wellbeing	None identified at this stage
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage, although the Local Plan Review itself will be subject to equality impact assessments at key stages as advised by the policy team.
Privacy and Data Protection	None identified at this stage

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Swale Local Development Scheme (September 2018)
- Appendix II: Local Plan Budget Summary

## **8 Background Papers**

None