

Cabinet Meeting	
Meeting Date	27 October 2021
Report Title	Issues and Preferred Options Reg 18 consultation
Cabinet Member	Cllr Mike Baldock, Cabinet Member for Planning
SMT Lead	James Freeman, Head of Planning
Head of Service	James Freeman, Head of Planning
Lead Officer	Jill Peet, Planning Policy Manager
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To agree the attached document for consultation purposes and to endorse the consultation arrangements. 2. To agree delegated authority to the Head of Planning, in consultation with the Cabinet Member, to make minor amendments to the document prior to consultation is granted.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to present the Regulation 18 document, Issues and Preferred Options that is set out in appendix I. This is a formal Regulation 18 consultation that seeks feedback to a series of questions about the issues facing the borough and the options for addressing them, particularly with regards to the pattern and scale of development that could deliver the future development needs of the borough up to 2038 and beyond. This consultation seeks further views on the options for a development strategy in light of the recently revised NPPF, and to set out potential approaches to address the challenges and opportunities that face the borough following the covid pandemic.
- 1.2 The questions contained in the document can be responded to online via the consultation portal, by completing an interactive PDF version of the questionnaire or by completing a hard copy version and returning by post or email. As is always the case, general comments can also be made. The consultation period will start on Friday 29 October and conclude on Monday 29 November 2021. The Council has already notified all those on the consultation database that this consultation is going to happen and will contact them again to provide them with the dates of the consultation and links to the documents. All libraries in the borough will also have hard copies available for inspection.
- 1.3 Town and parish councils have received a separate notification inviting them to engage in pre-consultation events with the option for further arrangements to take place should they be required.

2 Background

- 2.1 Members will note that a revised Local Development Scheme (LDS) was discussed and agreed by the Local Plan Panel in September and discussed earlier at this meeting of Cabinet. In response to the new LDS, this further consultation is scheduled to take place at the end of October. The consultation document is set out in Appendix I and is titled “Swale Borough Local Plan (October, 2021) Issues and Preferred Options (Regulation 18).
- 2.2 In addition to an introductory section, the “Issues and Preferred Options” document is made up of four main chapters that each contain a series of questions. The four main chapters identify:
- What has influenced the development of the local plan;
 - What the characteristics of the borough are and the key challenges to be addressed;
 - What the vision and objectives for the local plan review could be; and
 - The policy issues and preferred options for delivering a spatial strategy, addressing climate change, place shaping and design and protecting and enhancing environment and heritage. Housing needs and the economy and town centres is also covered.
- 2.3 The consultation responses will be summarised. The main issues raised will be reported to a later meeting of the Local Plan Panel with recommendations on how said issues could be addressed in the draft submission plan (Regulation 19) which will seek to include a longer term vision for any strategic sites (as required by the July 2021 version of the NPPF) and include a suite of policies and proposals that seek to address the impacts of covid and on the economy and our town centres. Where other issues are raised, they will also be considered.
- 2.4 As well as the consultation on the “Issues and Preferred Options” document, a Sustainability Appraisal (SA) will also be published for consultation. SA is a mechanism for considering and communicating the likely effects of a draft plan, and alternatives, in terms of sustainability issues, with a view to avoiding and mitigating adverse effects and maximising the positives. The aim is to ensure that the Local Plan contributes to the achievement of sustainable development. Local Plan preparation and Sustainability Appraisal is an iterative process.
- 2.5 The SA document, that will accompany the Regulation 18 document, looks at the five broad development options contained within the Regulation 18 document and assesses them against a set of sustainability topics and objectives established at the SA Scoping phase and agreed with statutory consultees. These topics represent the core of the SA framework and sit at the forefront of the SA’s assessment of development strategy options. The SA framework is set out here:

Topic	Objectives
Air quality	<ul style="list-style-type: none">• Support the achievement of air quality improvement objectives within the Borough’s 5 designated AQMAs• Seek to minimise air pollution more generally, such as through supporting or enabling the use of low emission

	technologies and encouraging sustainable modes of transport such as walking and cycling
Biodiversity	<ul style="list-style-type: none"> • Minimise, and avoid where possible, impacts to biodiversity, both within and beyond designated and non-designated sites of international, national or local significance • Achieve biodiversity net gain including through the long term enhancement and creation of well-connected, functional habitats
Climate change mitigation	<ul style="list-style-type: none"> • Minimise per capita greenhouse gas emissions from transport, industry and the built environment • Deliver high standards of energy efficiency and water efficiency in new development.
Communities	<ul style="list-style-type: none"> • Support good access to existing and planned community infrastructure for new and existing residents. • Promote and support healthy communities, including through increasing access to green infrastructure and open space.
Economy and employment	<ul style="list-style-type: none"> • Support a strong, diverse and resilient economy that provides opportunities for all. • Support and enhance the vitality of the Borough's town centres including through the identification of further regeneration opportunities where appropriate. • Support provision of further education facilities in the Borough where practicable.
Flood risk	<ul style="list-style-type: none"> • Avoid and mitigate flood risk by directing development away from the areas of the Borough at the highest risk of flooding. • Deliver Sustainable Drainage Systems and other measure with a view to future proofing and building climate change resilience. • Support the priorities identified in the Medway Estuary and Swale Shoreline Management Plan and the Isle of Grain to South Foreland Shoreline Management Plan.
Heritage	<ul style="list-style-type: none"> • Conserve and enhance heritage assets and contribute to the maintenance of historic character through design, layout and setting of new development.
Housing	<ul style="list-style-type: none"> • Support timely delivery of market housing and affordable housing • Promote an appropriate mix of housing types and tenures • Cater for existing and future residents' needs as well as the needs of different groups in the community.
Land	<ul style="list-style-type: none"> • Promote the efficient and sustainable use of natural resources, including supporting development which avoids the best and most versatile agricultural land.
Landscape	<ul style="list-style-type: none"> • Protect and enhance the character and quality of the Borough's landscapes and townscapes through appropriate design and layout of new development. • Protect and enhance the Kent Downs AONB where possible • Preserve important open gaps between settlements

Transport	<ul style="list-style-type: none"> • Promote sustainable transport use, including supporting the creation of additional walking and cycling routes, and reduce the need to travel, particularly by private vehicle • Support strategic transport schemes
Water	<ul style="list-style-type: none"> • Promote sustainable forms of development which minimise water consumption and wastewater flows • Maintain and enhance the quality of both surface and ground water resources where possible consistent with the aims of the Water Framework Directive • Promote efficient and sustainable use of natural resources

- 2.6 The SA sets out how each of the 5 development strategy options in the Reg 18 document perform against the objectives in the framework. This information is used to inform decision-making (and consultation response to the Reg 18) on the question of selecting a preferred options which is identified as Option 3.
- 2.7 Development strategy options are assessed on a broad level and the SA does not look at specific sites at this stage. The SA is an iterative process and further refinement of the development strategy that is progressed to Regulation 19 (whether that be the preferred option or another option) will be undertaken. At that stage, the SA will include an assessment of specific sites as well as the alternatives, whilst aiming to ensure that the plan contributes to the delivery of sustainable development. The final draft of the SA Interim Report is contained in appendix II. It is, in essence, an update of previous work SA work, taking into account the representations received at Regulation 19 and any additional relevant information.
- 2.8 In light of the iterative appraisal, the view of Officers is that Option 3 performs well overall, in that it aligns with the range of priority objectives, despite clear tensions and challenges. It not possible to envisage an alternative strategy that performs better overall. In particular, whilst Option 5 performs moderately well in terms of some topics, it would likely involve a higher degree of delivery risk than the preferred option.
- 2.9 As the local plan progresses, the SA will continue to assess the impacts of the emerging plan, and alternatives, whilst aiming is to ensure that the plan contributes to the achievement of sustainable development. For background information, Members may wish to read the sustainability section of the [Local Plan Review](#) pages of the website.

3 Proposals

- 3.1 Subject to Member approval, the document contained in appendix I will be consulted upon as a formal Regulation 18 Issues and Preferred Options document. The comments received as part of this consultation will then be summarised and the main issues reported to the Local Plan Panel with a commentary on how they could be addressed in the forthcoming draft plan (Regulation 19) that will be consulted on in the new year. The SA will also be subject to consultation.

- 3.2 All consultees on the local plan consultation database have already been notified that there will be a further consultation. They will be notified again with links to the documents. Hard copies of the documents will be made available in all libraries in Swale and at Rainham library.
- 3.3 Specific events for town and parish councils have been/ are being arranged. There will be both general sessions and separate area-based sessions. These will not be open to the public but we will try to accommodate all requests for other meetings as best we can.

4 Alternative Options

- 4.1 The preparation of an up-to-date local plan is a key function for local councils and a key priority for Swale. It is a document that sets out the policy framework to steer and guide development over the plan period. An up-to-date local plan is one that is no older than five years from its adoption date. Once a plan is older than five years, the weight it is given in planning decisions lessens. The weight is even less if the council does not have a five year supply of housing and leaves the area wide open to speculative planning applications and ‘planning by appeal’.
- 4.2 In terms of alternative options to that proposed, the Council could choose not to progress with a local plan review or to follow an alternative approach or timeline. Local plan preparation by its very nature is a complex process and is often impacted by circumstances beyond the control of the council. As such, there is always a degree of risk involved with the plan-making process. Members may be aware that the recently appointed minister for the government department that covers planning (Dept. for Levelling Up, Housing and Communities) has put the introduction of the new planning system on hold. There is uncertainty at this time but the message from government remains the same – that we should continue to progress with our local plans and that they should be reviewed every five years.
- 4.3 The council has already progressed well with preparing evidence and gathering information including previous consultations. There are other options but the one presented represents the most appropriate in the circumstances.

5 Consultation Undertaken or Proposed

- 5.1 The Regulation 18 document has been informed by the consultation that took place earlier this year and will be subject to formal consultation as set out above.

6 Implications

Issue	Implications
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Corporate Plan	This Local Plan supports the priority of the Council to build the right homes in the right places and supporting quality jobs for all.
Financial, Resource and Property	The costs for the production of the Local Plan can be met from existing budgets
Legal, Statutory and Procurement	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.
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	The Local Plan will be supported by its own Sustainability Appraisal and Habitats Regulation Assessment at each key stage in decision making. It actively seeks to deliver policies and proposals to reduce and mitigate the effects of climate change
Health and Wellbeing	None identified at this stage although the Local Plan Review itself will seek to deliver policies and proposals that contribute to corporate objectives for health and wellbeing in the borough.
Safeguarding of Children, Young People and Vulnerable Adults	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 Borough Local Plan (October 2021) Issues and Preferred Options (Regulation 18)
- Appendix II: Interim Sustainability Appraisal (working draft)

8 Background Papers

None