

Local Plan Panel Meeting	
Meeting Date	24 March 2022
Report Title	Swale Local Plan Issues and Preferred Options: Main Issues
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	That the Panel notes the summary of main issues, as set out in Appendix 1, raised by representations received during the Swale Local Plan Issues and Preferred Options consultation

1 Purpose of Report and Executive Summary

- 1.1 Following the approval of Cabinet on the 27 October 2021, consultation was undertaken on the Swale Local Plan Issues and Preferred Options (I&PO) between the 29 October and 29 November 2021. This consultation was undertaken under Regulation 18 of the Town and Country Planning (England) (Local Planning) Regulations 2012 (as amended) ('the Regulations').
- 1.2 The consultation sought views on the Borough's local housing need, different options for distributing future development across the Borough and on possible alternative or additional approaches in certain policy areas, such as town centres and economic development (to address Covid 19 impacts), climate change and providing new homes.
- 1.3 A total of 3,477 individual responses to the consultation were received from 326 respondents. All the representations received have been published in full via the planning policy consultation portal and can be viewed at <https://swale-consult.objective.co.uk/kse/event/36546/section/>.
- 1.4 This report provides an outline of the main issues that were raised through the I&PO consultation and briefly outlines the next steps in preparing the Swale Local Plan Review.

2 Background

- 2.1 As set out in the report on the Local Development Scheme (LDS) to Cabinet in October 2021, the Council made the decision not to proceed with the version of the Local Plan published in early 2021 under Regulation 19, and instead undertake further consultation under Regulation 18. This allowed for further consultation on changes to the Plan that may be needed following revisions to the National Planning Policy Framework (NPPF) in July 2021, to respond to issues raised in

representations to the Regulation 19 Local Plan and provide an additional opportunity for local community engagement.

- 2.2 The I&PO, supported by an interim Sustainability Appraisal, was published on the 29 October 2021 with the consultation running for four weeks until the 29 November 2021. The consultation documents were made available on-line through the Council's planning policy consultation portal, website and available to view in hard copy at local libraries across the Borough. Details of the consultation were publicised through the issuing of a press release, on the Council's social media throughout the consultation period and an article in the winter 2021 edition of 'Inside Swale'. Notification of the consultation was sent to all contacts on the planning policy consultation database (approximately 2,200 in total) seven weeks before the consultation was due to commence and then again once the I&PO had been published. This included all those who had made representations to the Regulation 19 Local Plan, although it should be noted that where individuals had not consented to their details being held on the consultation database it was not possible, due to GDPR requirements, to notify them of the I&PO consultation. All Parish and Town Councils were also invited to attend a briefing session prior to the start of the consultation; around half of the Councils attended, and officers also attended an online public meeting arranged by Faversham Town Council in addition to other locally arranged meetings.
- 2.3 3,477 individual responses were received from 326 individuals or organisations. In comparison the 2018 'Looking Ahead' consultation, which was also undertaken under Regulation 18, received 3,282 responses from 271 respondents. Responses to the I&PO were received from residents, developers and landowners, planning agents/consultants, community or other representative organisations, public agencies and statutory consultees, local authorities, councillors and one of the Borough's MPs.
- 2.4 The Regulations state that the representations received must be taken into account in preparing the Local Plan and the main issues raised by the representations have been summarised in Appendix 1 under each of the I&PO questions. Where an issue has been raised by a statutory consultee or other organisation, the organisation has been identified in bold.
- 2.5 These main issues will, together with the representations to the earlier Regulation 19 Local Plan, be taken into account in the preparation and refinement of Local Plan policies and allocations for inclusion in the revised Regulation 19 Local Plan. Arising from the identified main issues some of the key areas to be addressed in moving forward with the Local Plan Review are outlined below together with an initial assessment of the implications for the development of the Local Plan and associated evidence base.
- Local Housing Need
- 2.6 A number of responses to the I&PO consultation, particularly from residents and local organisations, challenged the use of the standard method and level of local housing need (LHN) arising, citing in support of this the Government's previously stated intention to look at the standard method.

- 2.7 Whilst the 2020 Planning White Paper, and the more recent Levelling Up White Paper, has introduced some uncertainty about how plans will be prepared in the future, the Government (including the Chief Planner's newsletter of February 2022) has strongly encouraged local authorities to continue working to ensure up-to-date local plans in a timely manner; the Government's deadline of December 2023 for having up-to-date plans in place remains unchanged.
- 2.8 For the time being, therefore, the preparation of the revised Local Plan must follow current legislation, the national planning policy framework and planning guidance. National policy is clear that the LHN should be calculated using the standard methodology unless there are exceptional circumstances. As part of the early evidence gathering, the Council commissioned specialist consultants to assess whether there was a robust argument to justify not using the standard method; the evidence concluded there was no justification to take a different approach at that time.
- 2.9 However, it is important to recognise that there is a difference between seeking to justify a housing need lower than the figure calculated using the standard method and concluding that a certain level of LHN cannot be accommodated within the Borough. This latter 'unmet' need takes account of constraints such as environmental considerations, critical infrastructure capacity and availability of housing supply and would involve duty to cooperate discussions not only with neighbouring authorities but also across the wider region.
- 2.10 The I&PO sought views on the grounds that could be put forward to justify not accommodating the full level of LHN. There was support for not meeting the LHN in full from residents who considered that the constraints referenced in the I&PO (natural environment, flood risk, infrastructure limitations) justified taking such an approach.
- 2.11 Unsurprisingly such an approach was not supported by those promoting development sites. The issues mentioned as to why such a course of action should not be followed included: the constraints referenced are not unique to Swale; environmentally sensitive areas are not excessive and there is unconstrained land available as demonstrated by the SHLAA; not meeting housing needs in full would increase the affordability problem and would hinder economic growth aspirations and delivery of infrastructure.
- 2.12 It is also important to note the comments from a number of respondents including from one neighbouring authority (Maidstone), that the Council will need to present additional, robust evidence as to why meeting needs wholly within the Borough is now no longer possible if this is the case.
- 2.13 If the Council were to argue a case of unmet need any Local Plan Inspector would be forensic in their examination of the evidence put forward to justify this. It would be necessary to demonstrate: that all potential sources of housing supply had been robustly explored and tested; that whether meeting the full housing needs in another way, including looking at all parts of the Borough, had been considered;

the level of housing that could be achieved base on deliverable infrastructure improvements; and evidencing the efforts of constructive collaboration made with other authorities on accommodating the unmet need, the outcome of this and the arrangements for continuing cooperation and engagement if the issue is not successfully resolved by the time the local plan is submitted for examination.

Distribution of growth

- 2.14 There was no clear support from respondents in terms of support for the preferred growth option or indeed any of the other options. Responses largely fell into two categories. Those from residents or other groups who opposed one or more of the options because they did not wish to see development in a particular part of the borough, or more specifically a particular town or village, and those (landowners, developers and their agents) who were promoting a particular location or site for development who supported an option(s) as they saw it as being the 'best fit' to achieve their aim of securing development of their site.
- 2.15 Where respondents raised concern about the preferred option identified in the I&PO, common themes (which also applied equally to other options) were the capacity of infrastructure (highways, wastewater, health, education) to accommodate demands placed upon them by future development and mitigating the impacts of development on air quality, settlement and landscape character, the loss of agricultural land and countryside.
- 2.16 Statutory consultees commented that there would be a need to clearly demonstrate and evidence why Option 3 was preferred, and Kent County Council highlighted that this option appeared, based on the currently available evidence, to have a significant detrimental impact on traffic and air quality and had implications in being able to achieve the aspiration of modal shift within the Borough (see paragraph 2.17). There are 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. It is also important to note that there may be options/ a combination of options that are satisfactory in traffic and air quality terms but are unacceptable for other reasons, for example, significantly harmful impacts on heritage assets

Next steps

- 2.17 As reported to the Local Plan Panel on the 17 February there is ongoing transport modelling work to assess in more detail the implications of the preferred growth option on identified problem junctions and enable potential solutions to mitigate the impact of cumulative allocations to be found.
- 2.18 This piece of work sits alongside other ongoing technical work streams including infrastructure delivery (through dialogue with infrastructure providers and updating of the Infrastructure Delivery Plan) and the assessment of submitted potential development sites. In respect of the latter, a number of new sites for housing and/or employment were submitted through the I&PO consultation and the previous Regulation 19 consultation. To ensure the net is cast as wide as possible in identifying potential housing sites a new 'call for sites' is also being undertaken.

All sites will be assessed on a comparative basis through the preparation of an updated SHLAA and against more detailed Local Plan site selection criteria.

- 2.19 These work streams, together with ongoing conversations with neighbouring authorities and with statutory consultees, will inform the direction of travel in respect of accommodating the LHN, the preferred distribution of growth and allocation of specific sites. Progress on taking this forward will be reported to Members at future meetings.

3 Proposals

- 3.1 The proposal is for the main issues raised in representations to the Swale Local Plan I&PO to be noted.

4 Alternative Options

- 4.1 None have been considered as this item is for information only. However, the Council are legally required to take account of the main issues raised through the Regulation 18 consultation in preparing the Local Plan.

5 Consultation Undertaken or Proposed

- 5.1 The consultation undertaken is set out under paragraph 2.2. The timing of future consultations will be set out in a revised Local Development Scheme (LDS), which will be brought before Members for approval at a future meeting.

6 Implications

Issue	Implications
Corporate Plan	The Swale Local Plan supports the Council's corporate priorities of: Building the right homes in the right places and supporting quality jobs for all (Priority 1) Investing in our environment and responding positively to global challenges (Priority 2) Tackling deprivation and creating equal opportunities for everyone (Priority 3)
Financial, Resource and Property	The costs for the Local Plan preparation can be met from existing budgets.
Legal, Statutory and Procurement	The Council has a statutory duty to prepare and maintain a Local Plan and to ensure that requirements of preparing that Local Plan, as set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Regulations, are met. Procurement of further evidence to inform the Local Plan Review will be undertaken in line with the Council's procurement procedures.

Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	In developing the Local Plan there will be continuing regard to the Council's declared climate and ecological emergency as part of the policy formulation. To be legally compliant, the Local Plan must include policies designed to ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change. The preparation of the Local Plan is subject to Sustainability Appraisal and Habitat Regulations Assessment at key stages, the findings of which inform any necessary changes to the Plan policies.
Health and Wellbeing	The Local Plan supports the health and wellbeing of communities through the provision of green infrastructure and encouraging active travel.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	The continued progression and implementation of the Local Plan is required to manage and mitigate the risks of potential speculative or uncoordinated development across the Borough.
Equality and Diversity	The Pre-Submission Local Plan (Regulation 19) will be subject to an Equality Impact Assessment.
Privacy and Data Protection	The preparation of the Local Plan and handling of representations has complied with privacy and data protection legislation and regulations as required.

7 Appendices

- 7.1 Appendix 1 – Summary of main issues raised by representations to the Swale Issues and Preferred Options

8 Background Papers

Report to Local Plan Panel on 17 February 2022 - Swale Borough Local Plan Review: Strategic Transport Modelling Evidence

<https://services.swale.gov.uk/meetings/ieListDocuments.aspx?CId=216&MId=3609&Ver=4>