

<b>Planning and Transportation Policy Working Group</b>	
<b>Meeting Date</b>	15 <sup>th</sup> July 2025
<b>Report Title</b>	Local Plan Review - Timetabling and Way Forward
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<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. To note the exceptional level and prohibitive nature of work required to meet the milestones in the current Local Development Scheme (LDS)</li> <li>2. To select a revised Local Development Scheme for recommendation to Policy and Resources Committee</li> <li>3. To support bringing forward an advisory visit from the Planning Inspectorate.</li> </ol>

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

- 1.1 The purpose of this report is to set out the barriers to progressing the Local Plan in line with the current Local Development Scheme (LDS) and to present the options for overcoming them.
- 1.2 It sets out alternative options available to Members and the advantages, disadvantages and risks associated with those.
- 1.3 The report sets out the Council's previous three decisions in relation to the emerging Local Plan:
- ensuring the next Local Plan is adopted within the transition window (Policy and Resources Committee, 16<sup>th</sup> October 2024);
  - awaiting the Highsted Inquiry decision before progressing the Reg 18 consultation (Full Council, 4<sup>th</sup> December 2024); and
  - undertaking a draft Full Plan Regulation 18 consultation (Full Council, 24<sup>th</sup> July 2024).
- 1.4 At the Highsted Inquiry on 12<sup>th</sup> June 2025 the Inspector advised that the Inquiry would need to sit for a further 2 weeks. The Inquiry is now scheduled to end on 31<sup>st</sup> October 2025. This is a significant delay compared with the previous end date of 29<sup>th</sup> July.
- 1.5 This report assesses the LDS options available in the light of this change.

## 2 Background

2.1 This section sets out the recent history of the progress of the Local Plan and the relevant decisions that have been taken.

### Timeframe:

2.2 At Full Council on 15th November 2023 the recommendation of the Policy and Resources Committee *'to defer a decision as to a timescale for the future stages of the Local Plan Review until such time as the national planning landscape is clearer, but independent of this process, to proceed to develop the evidence base regarding local development need and potential, with this process to be wholly reflective of local circumstance rather than central targets'* was agreed.

2.3 The key dates in the agreed LDS are as follows:

Local Plan Stage	Date
Publication of Regulation 18 draft Local Plan consultation	October to December 2025
Publication of submission draft Local Plan review for public Consultation (Reg 19)	April to June 2026
Submission of Plan for Examination (with results of the public consultation) Reg 22	July to September 2026
Examination hearing sessions (Reg 24) *	January to March 2027
Main modifications consultation *	April to June 2027
Adoption, Full Council (Regulation 26) *	July to September 2027

\* Indicative time frames as dates will be dependent on the availability of the Planning Inspectorate.

2.4 The 2024 National Planning Policy Framework (NPPF) put in place transitional arrangements to support progress of advanced plans in line with the Government's objective of achieving ambitious Local Plans as quickly as possible. Plans that are submitted by December 2026 can be prepared against the current plan making legislation/guidance (the 'transition window'). Members recommended continuing to prepare the Swale Local Plan under the transitional arrangements at Planning and Transportation Policy Working Group on 17th September 2024 and agreed under the minutes at P&R on 16th October 2024.

2.5 This paper discusses submitting the Local Plan under the transition window by December 2026 so that it can be prepared under the existing plan making system. The Government has proposed a new style Local Plan system to *"drive Local Plans to adoption as quickly as possible to achieve universal plan coverage across England."*

2.6 Plans under the new system as set out by government are intended to be:

- Simpler to understand and use;

- More standardised and visual;
  - Prepared more quickly and updated more frequently; (There will be a 30-month timeframe for planning authorities to prepare and adopt a Local Plan.)
  - Supported by a push to advance the digitisation of the process;
  - Focused only on 'locally important' matters - with the introduction of National Development Management Policies (which were due to be consulted on in Spring 2025 and are awaited at the time of writing this report.) This would not allow Swale-specific Development Management policies;
  - Lighter in the amount of evidence required to develop a plan and defend it at examination (and therefore Swale may be unable to utilise all of the already completed evidence base); and
  - Able to make use of 'supplementary plans' to help planning authorities react quickly to changes in their areas.
- 2.7 The formula used to set housing targets for Councils will be updated under the new framework to increase the overall target nationally and it is expected that Swale's target would increase accordingly, along with areas with high housing unaffordability and growth potential who will see their targets further increase.
- 2.8 Waiting to prepare and submit the Local Plan until the new system is brought in extends the risk of Swale not having an up to date Local Plan as set out in paragraphs 4.3 – 4.15 of this report.
- 2.9 There is current uncertainty regarding processes for adoption post the Local Government Reorganisation implementation date of April 2028.

**Format:**

- 2.10 There is some flexibility as to what style a Reg 18 consultation takes, especially when it is a repeated stage. At Council on 24th July 2024 members chose to produce a more detailed Reg 18 Local Plan, to include issues and options and that it would reflect a number of draft evidence documents produced to demonstrate mitigation for the levels of development proposed. It would be similar in these regards to a Reg 19 consultation.
- 2.11 One option available is to reduce the scope of the Reg 18 consultation, to include matters which do not depend on the Highsted decision. This could include the vision, objectives, the portrait of the borough and the Development Management (DM) policies.
- 2.12 Another option is to go straight to a Reg 19 consultation, which would include the vision, objectives, development management and strategic polices and development allocations. This would require the Reg 19 document to build on the previous consultations undertaken since the 2017 adopted Local Plan. This includes the 'Looking Ahead' document in April 2018, The Reg 19 Local Plan in February 2021 and the Issues and Preferred Options Reg 18 Local Plan in

October 2021. These are robust building blocks to have as a foundation as they provide a wealth of both stakeholder and public consultation responses.

**Dependencies:**

- 2.13 The LDS was amended in respect of the Highsted planning applications call-in at Policy and Resources Committee on 27th November 2024. The tabled update, as requested by members, provided an assessment of the benefits and disadvantages of delaying the Regulation 18 draft Plan consultation until a decision had been made by the Secretary of State on the two planning applications for Highsted Park.
- 2.14 Members agreed the LDS at Full Council on 4th December 2024 which had been amended to take into account the Highsted Park applications call-in. Whilst the decision itself doesn't state that the publication of a Reg 18 Local Plan should wait until after the Council received the Highsted decision, that was the expectation driving the decision.
- 2.12 The officer assessment of the likely timescale for the Highsted decision is 2 – 3 months for the Planning Inspector to conclude her report and a further 2 – 3 months for the Secretary of State to issue her decision. This assessment of timeframe acknowledges the pace the Secretary of State has indicated she is keen to see for significant decisions, and as such does not necessarily reflect previous experience. The Inspector has not commented on this timeframe.
- 2.13 The current LDS is no longer viable due to the extension of the Highsted Inquiry to late autumn. This would require triple-tracking / or attempting to predict the outcome of the Highsted Inquiry during the preparation and consultation stage of the Reg 18 and (as a minimum) the preparation stage of Reg 19. The resultant workload for members, officers and stakeholders, as well as the additional cost requirements and implications for public input, make this unviable

**Other:**

- 2.14 During a regular meeting between officers and the Ministry of Housing, Communities and Local Government (MHCLG) in early July, the value and timing of the new PINS advisory visits was discussed. These are informal discussions chaired by an experienced Inspector on a without prejudice basis with the aim of assisting Local Authorities to prepare effectively for the examination process. Often these are back-ended in the process, in the lead up to a Reg 19 consultation / before Examination. Discussion suggested that given the move towards a Reg 18 of a different style and content, resulting from highly unusual local circumstance, it could be beneficial to bring this forward. MHCLG also highlighted that a significant number of Local Authorities are aiming to submit within the transition window, so PINS may not have capacity at the later stages.

**3 Proposals**

- 3.1 To note the exceptional level and prohibitive nature of work required to meet the milestones in the current Local Development Scheme (LDS).

- 3.2 To select a revised Local Development Scheme for recommendation to Policy and Resources Committee
- 3.3 To support bringing forward an advisory visit from the Planning Inspectorate.

#### 4 Alternative Options Considered and Rejected

4.1 There are a number of alternative options for progressing the Local Plan which have been considered. These are set out below with their advantages and disadvantages /risks and implications for LDS milestones:

- **Option 1:** Delay the Regulation 19 stage to July - September 2026, once the Highsted decision has been received. Reduce the scope of the Reg 18 stage to include a vision, objectives, portrait of the borough and Development Management policies, and schedule accordingly.
- **Option 2:** Prepare one or two highly caveated Reg 18 draft Local Plan scenarios with draft housing allocations based on assumptions as to the Highsted decision and consult prior to the Highsted outcome.
- **Option 3:** “Triple track” a draft Reg 18 document with draft housing allocations to suit all eventualities (Highsted North agreed, both agreed, both refused) and consult prior to the Highsted outcome. (The Inspector has stated at the Inquiry that she doesn’t see the Southern scheme coming forward alone so that option has not been considered.)
- **Option 4:** Retain the LDS programme in its current form (in terms of format and timing between milestones) and begin the Reg 18 consultation preparation work only once the Highsted decision is made.
- **Option 5:** Omit the Reg 18 stage and move straight to preparing one or two highly caveated Reg 19s, or a “Triple Track” Reg 19 at the currently scheduled Reg 19 date.
- **Option 6:** Delay the Regulation 19 stage to July - September 2026, once the Highsted decision has been received and omit the Regulation 18 consultation stage.

Further options were deemed not viable enough to progress and were discounted early on.

- **Option 7 (Rejected):** Condensing the timeframe of any of the LDS milestone stages further.
- **Option 8 (Rejected):** Retaining the LDS as published (see section 2.13)

- **Option 9 (Rejected):** As per options 2 and 3 above, but launching the Reg 18 consultation only once the Highsted decision has been reached. This would mean submitting after the transition window, and potentially adopting post Local Government Reorganisation.

Table I: Options Available to Progress the Local Plan

Option	Advantages	Disadvantages/Risks	Draft LDS Milestones
<p><b>Option 1</b> Delay the Regulation 19 stage to July - September 2026, once the Highsted decision has been received. Reduce the scope of the Reg 18 stage to include a vision, objectives, portrait of the borough and Development Management policies, and schedule accordingly.</p>	<ul style="list-style-type: none"> <li>• Shows a commitment to producing a Local Plan and therefore reduces risk of Secretary of State intervention.</li> <li>• Allows Swale to set out a degree of vision (excluding strategic policies or allocations) for housing, the economy, the environment, infrastructure, at the earliest stage.</li> <li>• Avoids the additional time and cost of duplicated workstreams or “triple tracking”, and significantly reduces the risk of officer capacity not meeting workload demands (subject to no unforeseen circumstances impacting staffing).</li> <li>• Provides an early opportunity for the public and stakeholders to engage with elements of the Local Plan.</li> <li>• No risk of needing to return the recently awarded Government grant to support delivery of the Reg 18 stage of Local Plan work.</li> <li>• There would be no policy vacuum on DM policies (but it would still exist for strategic policies and draft allocations).</li> <li>• It allows the Local Plan to be submitted under the transitional window and under the current planning system and therefore avoids potentially having to redo / disregard,</li> </ul>	<ul style="list-style-type: none"> <li>• A Reg 18 Local Plan of this nature would have ‘low weight’ in planning decisions and ‘moderate weight’ post consultation stage in decision making for assessing planning applications.</li> <li>• The Reg 18 would not help Swale’s 5year housing land supply position as it will not include draft allocations.</li> <li>• A Reg 18 of the format described adds no certainty for developers and investors as it has no spatial elements.</li> <li>• The previously identified policy vacuum/‘planning by appeal’ situation would continue until the Reg 19 is published. As the 5 Year Housing Land Supply position would be unlikely to change during this period, the Council could be more vulnerable to planning appeals and speculative applications. The recommendation would leave the Council with around four months extra with no Reg 18 Local Plan and therefore no emerging Local Plan of any weight.</li> <li>• Reputationally it could look like the Council were delaying preparation.</li> <li>• Stakeholders and the public would get one less opportunity to contribute and comment on allocations. However, this is balanced by a number of</li> </ul>	<p>Reg 18 consultation Jan-Feb 2026</p> <p>Reg 19 consultation July – Sep 2026</p> <p>Submission of Plan for Examination (Reg 22) Q4 2026</p> <p>Examination Hearing* Sessions Q2 2027</p> <p>Main mods consultation* Q3 2027</p> <p>Adoption* Q4 2027</p> <p>* Indicative time frames as dates will be dependent on the availability of the Planning Inspectorate</p>



Option	Advantages	Disadvantages/Risks	Draft LDS Milestones
	<p>large sections of the evidence base and policy drafting.</p> <ul style="list-style-type: none"> <li>• It reduces the decision-making and workload burden for both members and officers and reduces the risk that resource and capacity can't be secured to meet demand.</li> <li>• Would not require a high volume of extraordinary PTPWG, Committee and Full Council meetings.</li> <li>• Has the advantage of presenting a single scenario for the public and stakeholders to comment on, so is more likely to lead to better understanding and higher quality engagement.</li> <li>• It would utilise the work that both officers and Members have already undertaken on the Development Management (DM) policies.</li> </ul>	<p>consultation opportunities since Bearing Fruits.</p> <ul style="list-style-type: none"> <li>• If anything significant is raised on allocations/ strategic policies by consultees at Reg 19, there are reduced options to address.</li> </ul>	
<p><b>Option 2</b> Prepare one or two highly caveated Reg 18 draft Local Plan scenarios with assumptions as to the Highsted decision and consult prior to the Highsted outcome</p>	<ul style="list-style-type: none"> <li>• Conforms with all existing member decisions.</li> <li>• Shows a commitment to producing a Local Plan and therefore reduces risk of Secretary of State intervention.</li> <li>• Would be submitted under the transition window and under the current planning system.</li> <li>• Provides an early opportunity for the public and stakeholders to engage with elements of the Local Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• There is no firm basis for making an assumption as to the outcome of the Highsted Inquiry, which would continue to run alongside this work. It could be seen as inappropriate to predict the Inspector and Secretary of State's decisions. The wrong predictions would lead to significant abortive work and major changes would have to be made for Reg 19.</li> <li>• It has the potential to confuse and alienate the public.</li> </ul>	<p>As currently published – see paragraph 2.3 above.</p>

Option	Advantages	Disadvantages/Risks	Draft LDS Milestones
	<ul style="list-style-type: none"> <li>• Allows Swale to set out its vision for housing, the economy, the environment, infrastructure, etc for the borough at the earliest stage.</li> <li>• No risk of needing to return the recently awarded Government grant to support delivery of the Reg 18 stage of Local Plan work.</li> </ul>	<ul style="list-style-type: none"> <li>• Members would need to choose the proposed development sites very rapidly during early summer 2025.</li> <li>• Implications and confusion of holding a public discussion on development sites for the Local Plan before a Highsted decision is received.</li> <li>• Extra, duplicated work undertaken. This would require running two parallel sets of work (i.e. two preferred growth options/ two sets of HELAA choices) and duplication in terms of time and cost of the required evidence base/technical studies that sit alongside that – such as the Sustainability Appraisal, transport modelling, Strategic Flood Risk Assessments, Air Quality Assessments, etc. A headline estimate of the additional cost of these pieces of work alone is c. £100,000 - £150,000. There is currently no allocated budget for this.</li> </ul>	
<p><b>Option 3</b> “Triple track” a Reg 18 draft Plan document with draft housing allocations in a Reg 18 Local Plan to suit all eventualities and</p>	<ul style="list-style-type: none"> <li>• Conforms with all existing member decisions.</li> <li>• Shows a commitment to producing a Local Plan and therefore reduces risk of Secretary of State intervention.</li> <li>• Would be submitted under the transition window and under the current planning system.</li> </ul>	<ul style="list-style-type: none"> <li>• Extra, triplicated work undertaken. This would require running three parallel sets of work (i.e. three preferred growth options/three HELAA choices) and triplication in terms of time and cost of the required evidence base/technical studies that sit alongside that – such as the Sustainability Appraisal, transport modelling, Strategic Flood Risk</li> </ul>	As currently published – see paragraph 2.3 above.

Option	Advantages	Disadvantages/Risks	Draft LDS Milestones
consult prior to the Highsted outcome	<ul style="list-style-type: none"> <li>• Provides an early opportunity for the public and stakeholders to engage with elements of the Local Plan.</li> <li>• Allows Swale to set out its vision for housing, the economy, the environment, infrastructure, etc for the borough at the earliest stage.</li> <li>• No risk of needing to return the recently awarded Government grant to support delivery of the Reg 18 stage of Local Plan work.</li> </ul>	<p>Assessments, Air Quality Assessments, etc. A headline estimate of the additional cost of these pieces of work alone is c. £150,000 -200,000. There is currently no allocated budget for this.</p> <ul style="list-style-type: none"> <li>• Members would need to choose the proposed development sites under a pressured timeframe during early summer 2025.</li> <li>• It has the potential to confuse and alienate the public and it could be seen as the Council weakening its resistance to the Highsted application. It could be a reputational concern as it could appear that the Council was now “supporting” Highsted.</li> <li>• There is a risk of the Council not being seen as leading its own policy creation.</li> <li>• There could be a risk the public and stakeholders won’t engage and/or the quality of engagement will be lower/focus will be diverted because of the multiple options and the magnified consideration and input they require. It will be challenging to explain the narrative to people.</li> <li>• Statutory consultees may scale back their responses due to the increased workload this option could require and/or not be able to deliver timely and useful feedback. A large number of Local Authorities are planning to submit</li> </ul>	

Option	Advantages	Disadvantages/Risks	Draft LDS Milestones
		<p>Reg 18 and Reg 19 Local Plans before December 2026 so statutory consultees will be under pressure.</p> <ul style="list-style-type: none"> <li>It would require all of the relevant working groups and committees (PTPWG, Policy and Resources and Full Council) to fully understand and support the additional work and departure from usual process and to accommodate extra meetings.</li> <li>Impact on staff wellbeing/workload. Extra resources would be required to deliver this option which would come at an unbudgeted cost. There would be a high risk of staff capacity not meeting demand.</li> </ul>	
<p><b>Option 4</b> Retain the LDS programme in its current form (in terms of format and timing between milestones) but begin the Reg 18 consultation preparation work only once the Highsted decision is made.</p>	<ul style="list-style-type: none"> <li>Allows the Council to progress with certainty around Highsted.</li> <li>Avoids the additional time and cost of multiple workstreams, and significantly removes the risk of officer capacity not meeting workload demands (subject to unforeseen circumstances).</li> <li>Would not require a high volume of extraordinary PTPWG, Committee or Full Council meetings.</li> <li>Has the advantage of presenting a single scenario for the public and stakeholders to comment on, so is more likely to lead to better understanding and higher quality engagement.</li> </ul>	<ul style="list-style-type: none"> <li>Would not meet the December 2026 submission deadline so may require significant change to the volume and nature of preparatory work to fit with the new system.</li> <li>The Council potentially may need to return the recently awarded Government grant to support delivery of the Reg 18 stage of Local Plan work as it would no longer be submitting within the submission window.</li> <li>Reputationally it could look like the Council were delaying preparation.</li> <li>The policy vacuum would persist, leading to potentially more planning appeals and the risk of inappropriate</li> </ul>	<p>The milestones within the existing LDS would be retained, but the programme shifted to accommodate a later commencement of the Reg 18 stage. These would be set once the Highsted outcome is known.</p> <p>Members would have the option to introduce a longer period between the Reg 18 and Reg 19 consultation periods, as the gap within the</p>

Option	Advantages	Disadvantages/Risks	Draft LDS Milestones
	<ul style="list-style-type: none"> <li>Provides two full opportunities for the public and stakeholders to engage.</li> </ul>	<ul style="list-style-type: none"> <li>development, alongside the associated staff resources and costs.</li> <li>Risks the process going beyond the scheduled date for Local Government reorganisation.</li> </ul>	existing LDS is at the lower end of usual process, and was determined linked to the transition window.
<p><b>Option 5</b> Omit the Regulation 18 stage and move straight to a “Triple Track” Reg 19 at the currently scheduled Reg 19 date.</p>	<ul style="list-style-type: none"> <li>Shows a commitment to producing a Local Plan and therefore reduces risk of Secretary of State intervention.</li> <li>Would be submitted under the transition window and under the current planning system.</li> <li>Allows Swale to set out its vision for housing, the economy, the environment, infrastructure, etc for the borough prior to local government reorganisation.</li> </ul>	<ul style="list-style-type: none"> <li>Extra, duplicated work undertaken. This would require running three parallel sets of work (i.e. three preferred growth options/three HELAA choices) and duplication in terms of time and cost of the required evidence base/technical studies that sit alongside that – such as the Sustainability Appraisal, transport modelling, Strategic Flood Risk Assessments, Air Quality Assessments, etc. A headline estimate of the additional cost of these pieces of work alone is £150,000 - £200,000. There is currently no allocated budget for this.</li> <li>Members would need to choose the proposed development sites for the multiple options under a relatively pressured timeframe.</li> <li>It has the potential to confuse and alienate the public and it could be seen as the Council weakening its opposition to the Highsted application. It could be a reputational concern as it could appear that the Council was now “supporting” Highsted.</li> </ul>	As currently published – see paragraph 2.3 above.

Option	Advantages	Disadvantages/Risks	Draft LDS Milestones
		<ul style="list-style-type: none"> <li>• There is a potential risk of the Council not being seen as leading its own policy creation.</li> <li>• There could be a risk the public and stakeholders won't engage and/or the quality of engagement will be lower/focus will be diverted because of the multiple options and the magnified consideration and input they require. It will be challenging to explain the narrative to people.</li> <li>• Stakeholders and the public would get one less opportunity to contribute. However, this is balanced by a number of consultation opportunities since Bearing Fruits.</li> <li>• Statutory consultees may scale back their responses due to the increased workload this option could require and/or not be able to deliver timely and useful feedback. A large number of Local Authorities are planning to submit Reg 18 and Reg 19 Local Plans before December 2025 so statutory consultees will be under pressure.</li> <li>• It would require all of the relevant working groups and committees (PTPWG, Policy and Resources and Full Council) to fully understand and support the additional work and departure from usual process and to accommodate extra meetings</li> </ul>	

Option	Advantages	Disadvantages/Risks	Draft LDS Milestones
		<ul style="list-style-type: none"> <li>• Impact on staff wellbeing/workload. Extra resources would be required to deliver this option which would come with a cost. There would be a risk of capacity not meeting demand.</li> <li>• The Council may potentially need to return the recently awarded Government grant to support delivery of the Reg 18 stage of Local Plan work. However, as the Council would still be working to submit a Local Plan within the submission window and still using the fund to exactly that effect, it would seem unlikely.</li> <li>• If anything significant is raised by consultees at Reg 19, there are fewer options to address.</li> </ul>	
<p><b>Option 6:</b> Delay the Regulation 19 stage to July - September 2026, once the Highsted decision has been received and omit the Regulation 18 consultation stage.</p>	<ul style="list-style-type: none"> <li>• It allows the Local Plan to be submitted under the transitional window and under the current planning system and therefore potentially avoiding having to redo and potentially disregard, large sections of the evidence base and policy drafting.</li> <li>• It allows the Council to wait for the Highsted decision, to progress with certainty, and reflect that within the Reg 19 Local Plan.</li> <li>• It avoids the additional time and cost of multiple workstreams and significantly</li> </ul>	<ul style="list-style-type: none"> <li>• The previously identified policy vacuum/'planning by appeal' situation would continue until the Reg 19 is published in quarter 3 2026. As the 5 Year Housing Land Supply position would be unlikely to change during this period, the Council could be more vulnerable to planning appeals and speculative applications.</li> <li>• Less certainty for developers and investors in the short term.</li> <li>• Reputationally it could look like the Council were delaying preparing a Local Plan.</li> </ul>	<p>Reg 19 consultation July – Sep 2026</p> <p>Submission of Plan for Examination (Reg 22) Q4 2026</p> <p>Examination Hearing* Sessions Q2 2027</p> <p>Main mods consultation* Q3 2027</p> <p>Adoption* Q4 2027</p>

Option	Advantages	Disadvantages/Risks	Draft LDS Milestones
	<p>reduces the risk of officer capacity not meeting workload demands</p> <ul style="list-style-type: none"> <li>• It reduces the decision-making and workload burden for both members and officers and reduces the risk that resource and capacity can't be secured to meet demand.</li> <li>• It maintains a commitment to producing a Local Plan and therefore reduces the risk of Secretary of State intervention.</li> <li>• Allows Swale to set out its vision for housing, the economy, the environment, infrastructure, etc for the borough prior to local government reorganisation.</li> <li>• Would not require a high volume of extraordinary PTPWG, Committee or Full Council meetings.</li> <li>• Has the advantage of presenting a single scenario for the public and stakeholders to comment on, so is more likely to lead to better understanding and higher quality engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Stakeholders and the public would get one less opportunity to contribute and comment. This would be balanced by the number of consultation opportunities since Bearing Fruits.</li> <li>• If anything significant is raised by consultees at Reg 19, there are fewer options to address.</li> <li>• The Council may potentially need to return the recently awarded Government grant to support delivery of the Reg 18 stage of Local Plan work. However, as the Council would still be working to submit a Local Plan within the submission window and still using the fund to exactly that effect, it would seem unlikely.</li> </ul>	<p>* Indicative time frames as dates will be dependent on the availability of the Planning Inspectorate</p>



## **Risks of Delaying/Not Having a Local Plan**

- 4.3 There a number of potential risks of delaying and/or not having an up to date Local Plan.

## **Procedural Risks**

### **Loss of Control of Development**

- 4.4 There could be significant pressure to release greenfield sites through the development management process and the potential situation of 'Planning by Appeal' as by not having an up to date Local Plan it is more difficult to maintain a 5 year housing land supply. Such a position could result in negative planning outcomes which impact our communities, which would divert both staff and financial resources and would have the potential to undermine a future strategy associated with the Local Plan.
- 4.5 Delay could lead to intervention by central Government and that would mean a loss of Council control of development within Swale, both in terms of the Local Plan and potentially (although much less likely) the development management process. Councillors would have a reduced ability to influence the future strategy for growth in the borough, housing and employment allocations and development management policies depending on what stage the Local Plan was at when an intervention was made. Members could potentially have no decision-making role in the Local Plan as it is up to the Secretary of State how much input members would have in terms of their views being heard and influencing the direction of travel. Decisions on intervention would specifically be informed by, "*the extent to which authorities are working co-operatively to put strategic plans in place, and the potential impact that not having a plan has on neighbourhood planning activity*"). Authorities would have an opportunity to put forward any exceptional circumstances before action was taken. Swale would put forward a case that the call-in of the Highsted application was an exceptional circumstance and that despite it, the Council had continued to work on the required evidence base documents and make progress.
- 4.6 There is also a risk with intervention that there would be pressure to adopt a Local Plan as quickly as possible and therefore a 'no frills' approach could be taken that wouldn't allow Swale to be ambitious in terms of affordable housing, net zero policies, biodiversity net-gain or have locally distinct policies around design, for example. It has been raised at Planning Committee by members that Swale is being held back in being innovative and getting more from development - particularly from a climate perspective - by the lack of a Local Plan.
- 4.7 Swale's Supplementary Planning Guidance and Documents (SPG and SPDs), such as The Parking Standards SPD and The Sittingbourne Town Centre SPD,

could have less weight in planning decisions as the Local Plan that they have their 'policy hook' to would be out of date. These documents expand on the policies contained in the adopted Local Plan providing further guidance on specific topic areas which aid stakeholders in translating the policies into sustainable development proposals. (This has not yet been raised by any planning inspectors at appeals in Swale.)

- 4.8 If the Government did send in a team to take over the production of the Local Plan, they would charge the Council for that time and resource. In house staff would remain but would work together with the team that MHCLG introduce. Therefore, costs would be in addition to current staffing costs.
- 4.9 Swale's ability to proceed with Compulsory Purchase Orders (CPOs) could also be compromised as the process requires an up-to-date Local Plan as the basis for action. (Noting that Swale has no current plans for any CPOs.)

### **On The Ground Consequences**

#### **Social/Infrastructure Costs**

- 4.10 New development, when properly planned for through Local Plan allocations, mitigates its impact in infrastructure terms, and frequently these mitigations bring wider community benefit, such as new schools, health facilities, green spaces, sports provision and active travel provision. In the absence of new housing associated with a Local Plan, these benefits would not be delivered comprehensively or cohesively, as there would also be a lack of coordination of S106 monies and a risk of receiving no S106 monies at planning appeals. At an appeal a Council loses control of the content of the S106 as it is negotiated between the appellant and the Council as part of the appeal process. The Inspector could also remove contributions.
- 4.11 An up-to- date Local Plan is essential to ensure a co-ordinated approach to infrastructure delivery and the mechanism for securing scarce finances for new infrastructure. The current picture of public sector budgets places greater emphasis on the Local Plan as one of the most important sources of funding for the Council through planning contributions to deliver new essential infrastructure.
- 4.12 Future external funding bids for regeneration projects could be compromised as many would not have the required policy context. (Swale do not currently have any bids being worked on that rely on Local Plan policies.)
- 4.13 Evidence shows that when a Council does not have an up-to-date Local Plan more planning applications are received from speculative applicants and this can lead to more planning appeals and the resultant pressures on officer time and

appeal costs both in terms of officer time, expert witness costs (and potentially award of costs.)

### Reputational costs

- 4.14 A policy vacuum from the lack of an up-to-date Local Plan or an emerging Local Plan can result in a lack of certainty for both the public and private sectors, and undermine investor confidence.
- 4.15 There is a risk that the public will perceive the Council as failing in its duty to positively prepare a Local Plan. However, some members of the community may perceive it as the Council doing the 'right thing' in terms of resisting imposition.

## **5 Consultation Undertaken or Proposed**

- 5.1 All formal stages of a Local Plan go through public consultation stages with the public, Parish/Town Councils, Statutory and non-Statutory consultees and local interest groups. The draft [Statement of Community Involvement](#) sets out the Council's proposed approach.
- 5.2 There has been no specific consultation on the options within this report.

## **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	<p>The Local Plan supports the delivery of all Corporate Plan priorities:</p> <ul style="list-style-type: none"> <li>• Community</li> <li>• Economy</li> <li>• Environment</li> <li>• Health and housing</li> <li>• Running the Council</li> </ul> <p>The Plan contains a specific objective to 'progress a Local Plan with local needs and capacity at its heart.'</p>
Financial, Resource and Property	<p>The Local Plan work programme is fully funded across a combination of base budget, committed reserves and a contribution from the Government's Local Plans Delivery Fund.</p> <p>However, some of the options available will incur additional costs which are unbudgeted (additional modelling and assessment for multiple workstreams, and extra staff capacity).</p>
Legal, Statutory and Procurement	<p>Preparation of a Local Plan is carried out under a national legislative and regulatory framework.</p>

	Officers will seek Legal advice on the approach and timings of the recommended LDS, given the unique circumstances regarding Highsted Inquiry.
Crime and Disorder	There are no direct crime and disorder impacts arising from this decision. However, once drafted there will be policies within the Local Plan intended to positively impact crime and disorder within Swale.
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 and these assess the environmental impact of the Local Plan as a whole. Some scenarios would allow innovative climate change policies.
Health and Wellbeing	There are no direct health and wellbeing impacts arising from this decision. However, once drafted there will be policies within the Local Plan that will positively affect the health and wellbeing of local residents.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	The risks of the decision required and of the available options are set out in the main body of this report.
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: **Member Decisions Remaining For Local Plan Adoption**

## 8 Background Papers

- 8.1 [Agenda Reports Pack](#) and [Minutes](#) for Policy and Resources Committee on Wednesday, 16 October 2024, 7.00 pm
- 8.2 [Agenda Reports Pack](#) and [Minutes](#) for Full Council on Wednesday, 4 December 2024, 7.00 pm
- 8.3 [Agenda Reports Pack](#) and [Minutes](#) for Full Council on Wednesday, 24 July 2024, 7.00 pm