

Part 1: Background and progress of the examination**Sue Turner MRTPI**

An Inspector appointed by the Secretary of State for Communities and Local Government

1. This paper, Part 1, is the first of three documents which set out the Interim Findings on the Swale Local Plan (the Plan). It explains the background and context to the examination and the approach that has been taken to moving the Plan forward.

Background: Early concerns and the Council's response

2. The Plan was submitted for examination on 20 April 2015. It identified an Objectively Assessed Need (OAN) of 14,800 dwellings (740 pa) and proposed a housing target of 10,800 dwellings (540 pa). On 29 May 2015 I issued examination document **ID3**, requesting additional information on housing land supply and development viability. The note expressed concern that the failure to meet Objectively Assessed Need (OAN) was based on a high level viability study using generic site appraisals. It also questioned reliance on an early review of the Plan to ensure soundness, particularly when such a review was indicated in the LDS as commencing in September 2015, during the examination of the submitted Plan.
3. The Council's response to **ID3**, set out in **SBC/PS/006**, cites historic housing performance and viability concerns, combined with the strategic focus for growth on the north of the Borough (the Thames Gateway area) as reasons for taking a cautious approach to housing supply in the short term. It also refers to the potential for an early review to re-align the Plan's start date to 2015/16, which would result in a Plan less encumbered by the recessionary based poor performance than the submitted Plan, which has a start date of 2011. At this stage the Council undertook to review the latest demographic and economic trends to provide an updated context for its housing target.
4. Inspector's note **ID4** dated 4 June 2015 clarified that, despite serious concerns relating to OAN and the Plan's housing target, the examination hearings should proceed and set out the reasons for this decision. These included the need to allow all those who had already participated in consultation and who wished to be heard to prepare and present their case in the normal way.
5. Further to this note the Council acknowledged (in document **SBC/PS/007**) that its OAN evidence had a number of shortcomings and indicated its intention to update elements of the evidence base to address these matters.

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Background – evidence update and revised programme

6. A pre hearing meeting (PHM) was held on 22 June 2015. Prior to the PHM the programme was discussed, as noted in **ID5**. The Council presented document **SBC/PS/012** which lists additional work being undertaken to update and expand the evidence, together with publication dates. It suggested postponing the examination hearings until November 2015.
7. After the PHM a revised timetable was prepared and placed on the examination website. This postponed the start of the examination hearings to 17 November 2015.
8. The Council proceeded to prepare updated and additional evidence in accordance with **SBC/PS/012**, together with a draft schedule of proposed Main Modifications. However the volume of evidence produced was significantly greater than had been anticipated at the PHM.

Progress - taking the examination forward: context, concerns and the approach taken

9. In the lead up to the examination hearings several respondents argued that in view of the large amount of new evidence the examination hearings should be postponed or the Plan withdrawn. In considering this request I took account of the following:
 - On 21 July 2015 the Minister of State for Housing and Planning issued a Written Statement on Local Plans. This recognised that Councils and others who have produced the Local Plan have committed considerable resources and should be able to rely on Planning Inspectors to support them in the Planning process.
 - At Swale the Council had expressed a clear preference for continuing with the examination of the submitted Plan. Furthermore significant contributions had already been made by local groups and residents in responding to the consultation on the Plan and many had expressed a wish to develop their arguments through the hearings process.
 - Work carried out by the Council and other stakeholders had produced updated evidence, leading to proposed draft main modifications which could resolve a number of uncertainties and questions raised in consultation. Furthermore the evidence now included an up to date Strategic Housing Market Assessment (SHMA) for a proposed revised plan period, dated 2013/14, as well as a review and updating of the Strategic Housing Land Availability Assessment (SHLAA)

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- All new evidence had been made immediately available on the Council's website and the direction taken and reasoning behind proceeding with the examination had been explained on the website and been discussed openly in the examination hearings.
10. The above factors support the decision to continue with the examination and work with all concerned to make the submitted Plan sound and progress to adoption as soon as possible, rather than require the Council to start the process again. I am satisfied that the process has been transparent, fair and purposeful.
11. During the examination hearings it was suggested that, having explored the issues of OAN and the housing target, there was no need for the hearings to continue to consider site allocations and non-allocated (omission) sites put forward by respondents. It was argued that I could make a recommendation based on the SHMA and SHLAA evidence and the hearing discussions on OAN and housing supply.
12. However NPPF paragraph 182 makes it clear that to be sound a Local Plan must be deliverable. It would be illogical for me to recommend a housing target to meet OAN if there were no realistic prospect that this could be delivered. At my request the Council has carried out detailed analysis to establish whether there is a supply of sites, in addition to those allocated in the Plan, capable of delivering an increased housing target.
13. This additional work is contained in the provisional updated 2014/15 SHLAA (**SBC/PS/037**), the post submission interim Sustainability Appraisal Report Part II Site Options (**SBC/PS/033a**) and the ranked assessment of non-allocated sites (**SBC/PS/039**). This evidence has informed debate at the hearings and my recommendations set out in Part 2 of the IF.

Summary and further action

14. The submitted Plan is flawed in failing to meet objectively assessed need and failing to justify its reliance on an early review to achieve soundness.
15. Between the PHM and commencement of hearings the Council has undertaken a comprehensive update of its evidence on a number of matters, but most significantly on housing need and the availability of sustainable sites for housing.
16. The course of the examination has been tailored to the specific circumstances at Swale for the following reasons:

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- To respond to the Council's preferred course of action to build on the submitted Plan and maintain the momentum of the examination;
- To take account of advice in Ministerial Written Statement to support Councils in the planning process;
- To avoid the risk of undermining the considerable investment that has already been made in the Plan through consultation by stakeholders, local residents and groups.
- To capitalise on the potential offered by updated evidence and main modifications to replace reliance on an early review of the Plan.

17. Following the receipt of the Part 2 of the IF the Council should commence work, including ongoing sustainability appraisal, to allocate additional sites for housing to meet the recommended target. On receipt of Part 3 of the IF the Council will be able to complete its proposed draft Main Modifications, and proceed in accordance with its Indicative Programme for 2015-2016.

18. After consultation on the draft main modifications, currently scheduled for May to July 2016, it is anticipated that further hearings will be required in the autumn of 2016.