

Local Development Framework Panel Meeting		Agenda Item: 7
Meeting Date	20 June 2017	
Report Title	Local Plan Review	
Cabinet Member	Cllr Gerry Lewin, Cabinet Member for Planning	
SMT Lead	Emma Wiggins	
Head of Service	James Freeman	
Lead Officer	Gill Harris	
Key Decision	Yes	
Classification	Open	
Forward Plan		
Recommendations	<p>1. That Members consider and, subject to adoption of the emerging Local Plan by Full Council, agree:</p> <ul style="list-style-type: none"> a) the principle of an early review of the Local Plan; and b) that a report is presented to a future meeting of the Panel to scope the extent, resourcing and timescale of the review. 	

1 Purpose of Report and Executive Summary

- 1.1 At the time of writing the Inspector's report into the Local Plan is expected imminently. Provided that the Plan is found to be sound and that it is adopted by Full Council on 26 July (see information report on the Agenda), Members are recommended to instruct officers to commence work on an early Local Plan review. The need to commence a review is likely to be recommended by the Local Plan Inspector who is expected to give the Council less than five-years to put a new plan in place.
- 1.2 This report discusses the purpose of a Local Plan review, recommending that it be commenced to address the issues highlighted by the Inspector, alongside the implications that arise from so doing.
- 1.3 It is recommended that the scope, programme, budget and proposed evidence base should be presented at a later meeting of the Panel.

2 Background

- 2.1 Members will be aware from the information report on this Agenda that the expected arrival of the Local Plan Inspector's report is likely, subject to the Plan being found sound, to lead to a recommendation to adopt the Swale Borough Local Plan (Bearing Fruits 2031) at its meeting on 26 July 2017.
- 2.2 One of the issues considered at the Local Plan Examination was the timing of any review of the Local Plan. Discussion of this issue initially focused on whether the Council would need to review the plan should certain indicators be triggered by changes in the delivery of housing, employment or infrastructure. However, questions subsequently emerged as to the impacts of the Plan on the local highway network managed by KCC beyond the first five years of the plan from adoption.
- 2.3 Given this, it is expected that the Local Plan Inspector will recommend an early review of the Local Plan and it is most likely that the Council will be given five years to achieve this. This would be in line with emerging Government thinking, in terms of five year rolling Local Plan reviews, as recently signalled by the White Paper. A failure to adhere to any programme leading to that adoption date will lead to suggestions that the Local Plan is out of date and expose the Council to any punitive measures that may eventually be imposed by Government, alongside difficulties in defending unsuitable development proposals on non-allocated sites.
- 2.4 Although not a specific reason for a review of the Local Plan, it is also anticipated as likely that the Inspector's report will highlight the need to prepare a new Gypsy and Traveller Accommodation Assessment.

3 Proposals

- 3.1 Paragraph 153 of the NPPF states that:

"Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified."
- 3.2 Although the detailed scope of any Local Plan review will need to be determined and agreed by Members, a principal aim would be to address the transport conditions cited by KCC at the Examination, notably those on the A2 between Teynham and Newington.
- 3.3 At first sight, this might imply a relatively narrow scope for any review, but it is likely that resolution of these transport issues will include land use implications that can only be addressed via a Local Plan. For example, they might require new infrastructure schemes with developer funding from sites not currently allocated, development in locations not envisaged by any adopted Local Plan and/or a new Local Plan policy to require financial contributions from sites across a particular area.
- 3.4 Officers are already in discussion with transport colleagues from Kent County Council and Highways England to both scope and undertake the necessary transport modelling work which is a pre-requisite to both dealing with the transport issues highlighted to the

Examination and any longer term proposals that might emerge through scoping and preparing a Local Plan review. An update on these discussions can be provided at the meeting.

- 3.5 In respect of any new Gypsy and Traveller Accommodation Assessment, officers are currently exploring the possibility of joint commissioning with other Kent Councils. Again, an update can be provided at the meeting.
- 3.6 If a Local Plan review is to be undertaken, a further issue affecting its scope will be the length of the plan period agreed. Assuming adoption of the emerging Local Plan in July, there would then be slightly less than 14 years of its plan period remaining. If the Local Plan is then reviewed, paragraph 157 of the NPPF would look for at least a 15 year horizon, probably resulting in a plan period extending to 2035/36 (to the nearest five year period). This new period would bring with it pressures to address the requirements associated with demographic change. An issue for the Council will be whether the Council's 2015 Strategic Housing Market Assessment (inc. the level of objectively assessed need) will need to be re-visited.
- 3.7 There are also other factors that might impact upon the scope of a Local Plan review:
1. Whether the current settlement strategy should be reviewed.
 2. Implications from the recent 'White Paper', notably the Housing Delivery Test.
 3. The timing of any review relative to the plan preparation of adjacent authorities and the scope for joint plan preparation.
 4. The reducing supply of employment land in the Borough, particularly for Sheppey and Sittingbourne.
 5. Whether there are sufficient grounds to review existing adopted allocations (taking into account the need to maintain the land supply continuously throughout the review process).
 6. Whether any Core or Development Management policies might be judged as out of date.
- 3.8 A Member workshop to explore some of these issues is currently being considered. At a future Panel meeting, a report will be presented which will set out in more detail, for Members agreement, the potential scope of the review, an indicative programme (via an updated Local Development Scheme), the anticipated budget and evidence base arising.
- 3.9 In the meantime, subject to adoption of the emerging Local Plan by Full Council, the Panel is recommended to agree in principle commencement of its early review. It is judged as necessary, not simply because it has been recommended by the Local Plan Inspector, but also because the means to identify and deliver the solutions needed to address the likely problems on the road network is most likely to require the future policy and development framework changes required in a reviewed Local Plan.

4 Alternative Options

- 4.1 At this point, the only alternatives to an early review of the Local Plan are either not to undertake it or defer the decision to a later date.
- 4.2 Either step is not recommended. They would lead to a situation where the means to address the transport issues highlighted by KCC at the Examination could not be realised. In the medium to longer terms, this situation would frustrate delivery of development, particularly within the Sittingbourne area, and expose the Council to the risks that come with it. Additionally, it would lead to a failure to meet the five-year review programme likely to be recommended by the Inspector, leading to inevitable calls for the plan to be determined as being out-of-date. This would also be in line with the indications from the White Paper in terms of Local Plan reviews being on a five-year rolling review. No doubt there would be punitive measures for Councils who had not undertaken such reviews within the necessary timescale, notwithstanding the pressures to release non-allocated sites.

5 Consultation Undertaken or Proposed

- 5.1 None necessary at this time, however, engagement will be undertaken as part of any review in accordance with the Council's existing/revised Statement of Community Involvement (see item elsewhere on the Agenda).

6 Implications

Issue	Implications
Corporate Plan	Supports the Council's corporate priorities for a Borough and a community to be proud of.
Financial, Resource and Property	Preparation of a Local Plan is a resource intensive process. A budget will need to be presented for agreement once the scope and timescale for the review is established.
Legal and Statutory	None anticipated at this time.
Crime and Disorder	None anticipated at this time.
Sustainability	None anticipated at this time, although any review itself is subject to a Sustainability Appraisal process.
Health and Wellbeing	None anticipated at this time.
Risk Management and Health and Safety	None anticipated at this time.
Equality and	Community Impact Assessments will be required at key stages.

Diversity	
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7 Appendices

7.1 None.

8 Background Papers

8.1 None.