

Local Development Framework Panel		Agenda Item: X
Meeting Date	20 June 2017	
Report Title	Bearing Fruits: The Swale Borough Local Plan 2031: Inspector's Final Report and Adoption	
Cabinet Member	Cllr Gerry Lewin, Cabinet Member for Planning	
SMT Lead	Emma Wiggins	
Head of Service	James Freeman	
Lead Officer	Gill Harris	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	1. That Members receive this report for information, noting that the Local Authorities (Functions and Responsibilities) Statutory Regulations require a Full Council resolution to adopt the Local Plan.	

1 Purpose of Report and Executive Summary

- 1.1 This item outlines the main findings of the Inspector's Final Report on Bearing Fruits: The Swale Borough Local Plan 2031. Subject to the inclusion of the Main Modifications outlined in the Appendix to the Inspector's Report (which were consulted on and subsequently discussed at Examination in Public), the plan has been found sound to adopt. In compliance with Statutory Regulations, this will need to be by means of a Full Council resolution. This item is therefore for information for Panel Members to inform them of the outcome of the process and the final steps to adoption.

2 Background

Process to Date

- 2.1 Members will be aware that the Local Plan process since submission of the plan to the Planning Inspectorate has entailed:
- Submission to the Planning Inspectorate April 2015;
 - Examination in Public (first round) December 2015 to hear representations and supporting evidence on the submitted plan;
 - Inspector's Interim Findings February/ March 2016;
 - Council generated Main Modifications in response to the Interim Findings and consulted on them June/August 2016;

- Public comments and Council responses to the Main Modifications forwarded to the Inspector November 2016;
 - Examination in Public (EIP) resumed January/ February 2017 to hear representations and evidence on the Main Modifications.
 - Consultation was held March / April on a single Further Main Modification which amended the access point to the housing allocation east of Station Road, Teynham. The consultation comments and the Council's responses to them were sent directly to the Inspector for consideration and incorporation into her final report.
- 2.2 Officers had an opportunity for fact checking the Inspector's draft Final Report, which is purely at the level of names, dates, and consistency. PINS requested that the report was not made public at this stage as it is not finalised. Officers undertook this check and returned it to the Planning Inspectorate for final checking and amendment where necessary.
- 2.3 The Inspector's Final Report was received 20 June and posted immediately to the Council's website and all contributors to the plan process have been notified. It can be viewed at:
 ID/12 [Inspectors Final Report](#) (20 June 2017)
 ID/12a [Appendix A Inspectors Main Modifications](#) (20 June 2017)

Inspector's Main Findings

- 2.3 The non technical summary of the Inspector's Report reads as follows:

'This report concludes that the Swale Local Plan provides an appropriate basis for the planning of the Borough provided that a number of main modifications [MMs] are made to it. The Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The majority of the MMs were proposed by the Council and I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- *Include a commitment to a review of the Plan to be adopted by April 2022;*
- *Amend the Plan period to 2014 – 2031;*
- *Amend the OAN to 13,192;*
- *Modify the submitted site allocations to update housing numbers and infrastructure requirements and to highlight locations where safeguarded minerals may be present;*
- *Allocate new housing sites to plan for the full OAN;*
- *Update policies for gypsies and travellers for consistency with the 2015 PPTS;*
- *Update affordable housing policy;*

- *Amend employment policies based on updated evidence and the revised Plan period;*
- *Add new policies for the Port of Sheerness and Kent Science Park;*
- *Update policies to provide mitigation for designated environmental sites;*
- *Amend the standards set out in the Plan and the development management policies for the historic environment, sustainable development, green links, open spaces, air quality and woodland;*
- *Amend the list of Local Green Spaces*
- *Update references to the strategic and local highway infrastructure needed to support the Plan; and*
- *Amend the delivery and monitoring framework to ensure consistency with all the other changes to the Plan.*

2.4 The Inspector's Report also concludes that the Plan has also complied with all legal requirements.

2.5 The Appendix to the Inspector's Report sets out the detail of the Main Modifications which are required to be incorporated into the plan to make it sound for adoption. The Inspector has made very little change to these, although she has 'demoted' some of the changes the Council had posted as Main Modifications to additional changes (which are minor consequential change or factual updating, which do not affect soundness of the plan), which the Council is free to apply. These matters are explained at para 5-6 of her report. A table of the additional changes has also been posted to the website..

2.6 Generally speaking, there are no surprises in the Inspector's Report, given the Modifications which Members agreed for consultation as part of the EIP process in 2016 and discussion during the EIP. Whilst an early review is now back on the agenda, partly as a result of Kent County Council Highways concerns over the local highway network capacity (which came very late, during the EIP itself), a commitment to five yearly local plan reviews has also been signalled through the Housing White Paper (February 2017). The timescales the Inspector has recommended for review are nevertheless very challenging and an item recommending immediate commencement of a review is elsewhere on this agenda.

2.7 The Inspector has also confirmed (para 72-73) that the plan as now proposed to be modified will provide the Council with a 5.4 year housing land supply (calculated on the basis of the Liverpool method with a 5% buffer). The up to date evidence provided to the EIP on deliverability of sites to contribute to this was also accepted. This is a good result and basis on which to determine planning applications.

2.8 The suite of development management policies has been subject to little modification other than updating and likewise forms a solid and up to date basis for determining planning applications.

Adoption Process

- 2.9 The Inspector's Report is binding on the Council and the plan is only sound and adoptable if all of the Main Modifications as set out in the Report are incorporated into the local plan. In compliance with the Statutory Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000), adoption requires a Full Council resolution to adopt the plan. Regulations (SI 767: The Town and Country Planning (Local Planning) (England) Regulations 2012) then require the plan to be made publicly available along with an Adoption Statement and Sustainability Appraisal. A letter will be sent to all those who have expressed an interest in it to notify them of adoption; and a copy must also be sent to the Secretary of State.
- 2.11 Members should be aware that there is also statutory provision for a six week period after the resolution to adopt for High Court Challenge, by any aggrieved person on the grounds that the document is not within the appropriate powers and / or procedural requirements have not been complied with.
- 2.12 The plan will therefore be put to Full Council at the 26 July meeting with a recommendation to adopt it.

Adoption Version Local Plan Documents

- 2.13 An adopted version (bar electronic links to other documents) which incorporates the Main Modifications and additional minor changes is under preparation and will be available for the Full Council discussion on adoption.
- 2.14 The Local Plan Proposals Map will also be updated as soon as possible after an adoption resolution to reflect the Inspector's Main Modifications. For an interim period after the plan has been adopted and this work can be completed, the Proposals Map will comprise
- the submission version Proposals Map; plus
 - the Map Main Modifications at Chapter 9 of the Bearing Fruits Proposed Main Modifications (June 2016) document.

3 Proposals

- 3.1 The proposal for Panel in the light of para 2.10-2.12 above is simply that this report is acknowledged for information.

4 Alternative Options

- 4.1 No alternative options are proposed.

5 Consultation Undertaken or Proposed

- 5.1 The Local Plan has been subject to public consultation throughout its preparation and there has been public involvement in the Examination in Public. The Planning Inspectorate have found that aspect of the process to be legally compliant.

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	Within the Local Plan budget.
Legal and Statutory	The Adoption process is in accordance with: Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000); and Statutory Instrument No.767 The Town and Country Planning (Local Planning) (England) Regulations 2012. Regulations 26 & 35
Crime and Disorder	None anticipated at this time.
Sustainability	A Sustainability Appraisal Report will be provided for the adoption stage.
Health and Wellbeing	None anticipated at this time.
Risk Management and Health and Safety	None anticipated at this time.
Equality and Diversity	An equalities statement will be provided for the adoption version of the plan.

7 Appendices

- 7.1 None

8 Background Papers

Planning Inspectorate: Report on the Examination of the Swale Borough local Plan 'Inspector Documents'

ID/12 [Inspectors Final Report](#) (20 June 2017)

ID/12a [Appendix A Inspectors Main Modifications](#) (20 June 2017)

Table of additional minor changes to plan (updating and consequential to Main Modifications) at

SBC/PS/137 [Further Additional Modifications](#), 20 June 2017