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| <b>Meeting: Local</b>  |                                                                                                                                                                                                                                                                                                                                  |
| <b>Meeting Date</b>    | 8 February 2018                                                                                                                                                                                                                                                                                                                  |
| <b>Report Title</b>    | Local Plan Programming 2018 - 2022                                                                                                                                                                                                                                                                                               |
| <b>Cabinet Member</b>  | Cllr Gerry Lewin, Cabinet Member Planning                                                                                                                                                                                                                                                                                        |
| <b>SMT Lead</b>        | Emma Wiggins                                                                                                                                                                                                                                                                                                                     |
| <b>Head of Service</b> | James Freeman                                                                                                                                                                                                                                                                                                                    |
| <b>Lead Officer</b>    | Gill Harris                                                                                                                                                                                                                                                                                                                      |
| <b>Key Decision</b>    | No                                                                                                                                                                                                                                                                                                                               |
| <b>Classification</b>  | Open                                                                                                                                                                                                                                                                                                                             |
| <b>Recommendations</b> | <ol style="list-style-type: none"> <li>1. The overall approach and key milestones for adopting a new Local Plan set out at Appendix 1 to this report are agreed: and</li> <li>2. That these milestones are used to draft a new Local Development Scheme for recommendation (via a future Panel meeting) for adoption.</li> </ol> |

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

- 1.1 This report provides an indication of the programme which will be required to adopt a new Local Plan by Spring 2022 in accordance with the advice of the Bearing Fruits Local Plan Inspector. The programme will need to be formalised into a Local Development Scheme (LDS) to be adopted by Full Council in accordance with the relevant Statutory Regulations for Local Plan production. The scope of the new local plan itself is subject to the agreement of recommendations made elsewhere on this agenda. Consequently, the timescale advised here may need to be updated accordingly before being formalised into an LDS and brought to the next Panel meeting.

## **2 Background**

- 2.1 At the 20 June 2017 meeting of the Panel, Members received the Inspector's Final Report and Main Modifications to the Bearing Fruits Local Plan which was subsequently adopted in July. One of the Inspector's key modifications was that an early review of the Plan should be undertaken and adopted by spring 2022. This was in response to Kent County Council Highways representations to the Examination in Public on the capacity of the local highway network to accommodate growth beyond 2022 (with particular reference to the A2 corridor between Teynham and Newington). As a result of that, at Minute 44 Members

agreed a recommendation to commence early review of the plan, with further report to Panel to scope the extent and timescale of the review.

- 2.2 However, the issue with local transport infrastructure is not the only driver to be considered in this review. Members also noted in June 2017 that the review will need to address whether continuing the current development strategy could meet new challenges including:
- the decreasing supply of employment land in Swale;
  - the need to maintain a rolling five year housing land supply against a higher housing target (see para 2.3 below);
  - the timing of the review in relation to nearby local authorities (not least the London Plan); and
  - any need to address core policies or development management policies which may become out of date (particularly given the Government's intention to have adopted a revised NPPF by late summer 2018).
- 2.3 The Housing White Paper (February 2017) signalled mandatory five year reviews of local plans and housing delivery tests for local planning authorities in terms of provision and maintenance of a five year housing land supply. This has now been confirmed through statutory regulations (Statutory Instrument No. 1244 2017 Regulation 4) which come into force on 6 April 2018.
- 2.4 The consultation paper 'Planning for Homes in the Right Places' in September, carried forward the White Paper ideas and introduced proposals to set district housing targets centrally. If adopted, this will increase Swale's housing target from 776 dwellings per annum in the adopted local plan to 1054, with all of the associated impact on and need for additional supporting infrastructure.
- 2.5 The National Planning Policy Framework is expected to be recast in Spring / Summer 2018 to take account of these proposals, although no change is proposed to Green Belt or national landscape and biodiversity designations. This is likely to further increase development pressures in less constrained authorities within the South East.
- 2.6 These issues were further highlighted in the Chancellor's Autumn Budget, indicating some commitment to infrastructure support and using new settlements to plan more strategically to meet demand.
- 2.7 Since the June panel meeting and in the light of these policy developments, officers have been scoping the nature and extent of the local plan review which is required. Some key pieces of evidence which will be needed to support any kind of review have already been commissioned, with more to come. The sequence and timing of this work to support what ever development strategy is preferred is critical to achieving the adoption date of 2022.

### **3. Proposals**

- 3.1 Possible options for tackling future development requirements and supporting infrastructure is reported elsewhere on this agenda, with recommendations for the way forward. Further evidence gathering will need to respond to the nature of the plan review.
- 3.2 Members' views and recommendations on these matters will inform preparation of a new Local Development Scheme (LDS) which is the formal programme or timetable for production of the new local plan itself and any other local development framework documents which may be produced in a similar timescale. As with previous versions of the LDS, this will need to be recommended by the Panel and agreed by Full Council to comply with the statutory regulations for local plan production.
- 3.4 A possible work programme which would support consideration of alternative development strategies is attached as Appendix I to this item. A number of additional Panel meetings are being added to the Council meeting programme on an almost monthly basis from March onwards to accommodate this. The subject matter for all of the Panel dates is not yet finalised, but a very substantial amount of evidence has been or is in the process of being commissioned and will need to be collated and reported, within a very challenging timescale to enable the key milestones outlined at Appendix I to proceed. Members are therefore asked, to note that further meetings may be requested to help assessment and understanding of a large amount of complex information which will feed into the plan preparation process.
- 3.5 Members are invited to agree this overall approach to the Local Plan work programme for 2018 and beyond. If this is agreed by Members, it will be used to work up a formal LDS for consideration at the 28 March Panel and subsequent adoption (in accordance with statutory regulation) at the May 2018 Council meeting.
- 3.6 Appendix I also sets out the proposed extent of engagement and consultation recommended to progress the Local Plan Review expeditiously and efficiently (and in accordance with the new Statement of Community Involvement). Members should note that the initial stages of engagement will be targeted towards key stakeholders, including statutory agencies, environmental groups, neighbouring councils, parish and town councils; and a new call for sites which would invite landowner response. An opinion gathering exercise will be included for the general public. More general public consultation will be undertaken upon an Issues and Options and Preferred Options document which will be recommended through Panel for consultation in early 2019.
- 3.7 The recommendations are therefore:
  1. The overall approach and key milestones for adopting a new Local Plan set out at Appendix 1 to this report are agreed: and

2. That these milestones are used to draft a new Local Development Scheme for recommendation (via a future Panel meeting) for adoption.

## 4 Alternative Options

- 4.1 The timetable for producing a new Local Plan for adoption by Spring 2022 is incredibly tight regardless of the potential nature and content of the plan. Officers expect a revised NPPF and other policy considerations (such as neighbouring local plans and a requirement to cooperate on strategic matters) in Summer 2018, which is likely to encompass challenging new development targets and housing delivery tests in connection with maintaining a five year housing land supply. This is in addition to finding the means to deliver key infrastructure for already planned development post 2022. Ensuring that a plan with the means for delivering the development and supporting infrastructure is in place will require a tightly organised programme of supporting work and engagement with stakeholders and public at the appropriate points. The programme proposed is very tight and no alternatives are considered possible given the requirement to adopt a new plan by 2022.
- 4.2 Production and maintenance of an up to date LDS is a statutory requirement and will be monitored by HCLG to ensure that local planning authorities are meeting their responsibilities to produce and update local plans in accordance with it. The sanction is potential HCLG intervention in a Council's local plan production where this is not happening. Not agreeing a steer to enable a realistic LDS to be produced is therefore not recommended.

## 5 Consultation Undertaken or Proposed

- 5.1 Engagement and more formal public consultation events are proposed in the key stages Appendix 1 and will conform to the standards set out in the new Statement of Community Involvement (considered elsewhere on this 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 | The timescale for adoption of a new local plan by 2022 is much more concentrated than that for the recently adopted 'Bearing Fruits' plan; with considerable technical challenges and evidence required. Purchase of the necessary expertise will exceed the set Local Plan budget, particularly during 2018-19. A bid for an additional £250,000 has been made to cover this for consideration |

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|                                       | by Strategic Management Team and Cabinet, as well as making a bid for additional funding through the new HCLG Planning Delivery Fund.                                                                                                                                                           |
| Legal and Statutory                   | The local plan will be produced in accordance with Statutory Instrument No.767 The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended by Statutory Instrument No.2017 1244 The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012. |
| Crime and Disorder                    | None identified at this stage.                                                                                                                                                                                                                                                                  |
| Environmental Sustainability          | The Local Plan will be supported at key stages throughout its production by Sustainability Appraisal / Habitat Regulations Assessment.                                                                                                                                                          |
| Health and Wellbeing                  | Healthcare related infrastructure will be part of the physical and social infrastructure identified as necessary to support new development proposed by the new plan.                                                                                                                           |
| Risk Management and Health and Safety | None identified at this stage.                                                                                                                                                                                                                                                                  |
| Equality and Diversity                | An equalities statement will be provided at key stages of the plan.                                                                                                                                                                                                                             |
| Privacy and Data Protection           | None identified at this stage (noting preparation for GDPR provisions will involve assessing status of our Limehouse consultee database early in 2018).                                                                                                                                         |

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft Local Plan Review Work Programme

## 8 Background Papers

None

## Appendix I: Draft Local Plan Review Work Programme

| Task / Event                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | LDF Panel and Council Involvement - When?                     | Consultation                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pre- scoping report with Members;<br>Programming advice;<br>Agree new SCI for recommendation for adoption                                                                                                                                                                                                                                                                                                                                                                             | 8 Feb 2018 LDF Panel                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| LDF Panel recommend new Local Development Scheme for adoption by Council                                                                                                                                                                                                                                                                                                                                                                                                              | 28 March 2018 LDF Panel<br><br>May 2018 Full Council Adoption | Consultation not required                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>LDF Panel report and recommendation for early engagement on:</p> <ul style="list-style-type: none"> <li>• Consultation document on matters influencing the plan review; issues and challenges; introduction to potential approaches to dealing with new development challenges, including an introduction to garden settlements; and</li> <li>• Prospectus for canvassing key stakeholder opinions on feasibility of garden settlements and suitable site availability.</li> </ul> | 28 March 2018 LDF Panel                                       | <p>General public engagement on opinions on meeting development challenges for 8 weeks from April.</p> <p>Key stakeholder engagement from April 2018 for 8 weeks (including up to 3 targeted workshops (service providers; market; environmental and other organisations; parish councils);</p> <p>Invitation to respond to garden settlement prospectus 16 weeks from April – August (with indication of intent to respond by end of June).</p> |
| Note that LDF Panels will be arranged throughout 2018 to consider evidence base reporting.                                                                                                                                                                                                                                                                                                                                                                                            | Additional Panel dates and agenda content to be announced.    | Technical evidence base not subject to consultation                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>New National Planning Policy Framework adoption expected by Government</b>                                                                                                                                                                                                                                                                                                                                                                                                         | Summer 2018                                                   | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| LDF Panel Workshop: Presentation of responses to prospectus for potential new settlement                                                                                                                                                                                                                                                                                                                                                                                              | 29 November 2018                                              | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| LDF Panel Report on:<br>Assessment of submitted sites to Strategic Land Availability Assessment and prospectus for new settlement. Implications for Issues and Options drafting. | 31 January 2019 LDF Panel             | n/a                                                                                             |
| LDF Panel Issues and Options Document with draft Preferred Option for recommendation for agreement for public consultation.                                                      | Late May 2019 LDF Panel               | Public Consultation (Regulation 18) for 6 weeks<br>Late June - mid Aug 2019                     |
| Results of Public Consultation to LDF Panel and final steer on submission version of plan                                                                                        | Autumn 2019                           | n/a                                                                                             |
| Work up and final evidence testing and Submission Draft Local Plan                                                                                                               | Spring 2020                           | n/a                                                                                             |
| Submission Draft Local Plan for agreement for consultation and submission to Secretary of State                                                                                  | June 2020 LDF Panel: and Full Council | Public Consultation on Submission Draft Local Plan (Regulation 19) for 6 weeks July - Sept 2020 |
| Submission of Plan and Reg 19 public consultation responses (with Council responses) to Secretary of State                                                                       | Dec 2020                              | n/a                                                                                             |
| Examination in Public Phase 1                                                                                                                                                    | Mar – April 2021                      | Public involvement based on responses to Submission Draft consultation                          |
| Inspector's Interim Findings                                                                                                                                                     | Summer 2021                           | n/a                                                                                             |
| Council agrees Main Modifications for consultation                                                                                                                               | Autumn 2021                           | Main Modifications Public Consultation 6 weeks Dec 2021 – Jan 2022                              |
| Examination in Public Phase 2                                                                                                                                                    | Early 2022                            | Public involvement                                                                              |
| Inspector's Final Report and confirmation of Main Modifications                                                                                                                  | Summer 2022                           | n/a                                                                                             |
| Council adopts plan                                                                                                                                                              | Late summer 2022                      | n/a                                                                                             |