

Swale Local Plan Review – Frequently Asked Questions

1. What is a Local Plan?

A Local Plan sets out where new homes, workplaces and other developments should be built to meet the area's future needs, while conserving the area's most valuable environmental and heritage assets. The Local Plan is part of the Borough's development plan and provides planning policies, which will be used to determine planning applications across the Borough.

The Swale Local Plan Review will update the current [Local Plan – Bearing Fruits](#). A number of the housing and employment sites allocated in Bearing Fruits have been rolled forward as part of the Local Plan Review.

The Swale Local Plan will sit alongside any 'made' [Neighbourhood Plans](#) that have been prepared by parish and town councils, which also form part of the overall development plan in those particular areas.

2. What timeframe does the Local Plan Review cover?

The plan will cover the period 2022 to 2038.

3. Why are you reviewing the Local Plan now?

The Bearing Fruits Local Plan was adopted in July 2017 and becomes out of date in 2022. The reasons why the Council is reviewing the Local Plan are:

- To fulfil the commitment to undertake an early review of the adopted Local Plan to address issues around highway infrastructure as identified by the Planning Inspector during 'Bearing Fruits';
- To meet the national requirement to review plans at least every five years, To respond to new evidence on the need for homes and jobs and
- taking the opportunity to re-shape the plan to reflect the priorities of the council, in particular the need to respond to the climate and ecological emergency
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4. What is the purpose of the Regulation 19 consultation?

The purpose of the Regulation 19 consultation is to gather feedback, formally called representations, on two specific areas. These are whether the Local Plan is sound and whether it is legally compliant. The tests as to whether a Plan is unsound are:

- Is it positively prepared – does it meet needs
- Justified – an appropriate strategy based on proportionate evidence
- Effective – deliverable over the plan period
- Consistent with national policy

The tests as to whether a plan is legally compliant are that:

- The timetable set out in the latest Local Development Scheme has been followed
- We have carried out an adequate Sustainability Appraisal and Habitat Regulations Assessment
- Any consultations have been undertaken in the ways set out in our [Statement of Community Involvement](#)

- The relevant laws and planning regulations have been complied with in terms of publicity and procedural requirements
- We have worked with neighbouring local authorities and other organisations to address strategic issues affecting the Borough that cross local authority boundaries

The Council must do this before it submits the Local Plan to the Government's Planning Inspectorate for independent examination. Only representations made at this Regulation 19 stage will be considered by the appointed planning inspector.

5. What earlier consultation has been undertaken?

In spring 2018, we sought views on the direction of the Plan through the ['Looking Ahead'](#) consultation. This sought feedback on a number of issues ranging from the national and local challenges facing the Borough's economy, housing provision, infrastructure, climate change, transport and the environment. It posed questions about a new Local Plan vision and explored issues around a possible settlement strategy and what the alternative approaches to distributing development should be.

The responses to 'Looking Ahead' have helped shape the direction of the Local Plan Review, influencing how and where the Borough's development needs should be met and the range of policies that should be included such as delivering affordable housing and responding to climate change.

6. Why haven't you published a Draft Plan?

There is considerable flexibility open to local planning authorities in how they carry the initial stage of plan making.

Although the Council had proposed to undertake further consultation as part of this initial stage, this approach was reviewed in early 2020. The Council took the view that the 'Looking Ahead' feedback and the [further evidence studies and assessments](#) undertaken to inform the development of the Local Plan, provided a sound basis to move towards a Regulation 19 Local Plan. The changes to the Local Plan Review programme were published in the [Local Development Scheme \(March 2020\)](#).

7. What arrangements have you made to inform communities about this consultation?

An article highlighting that consultation on the Local Plan would be taking place in the New Year was published in the [winter 2020 edition of "Inside Swale"](#), which is delivered to all homes in the Borough. We also contacted all Parish and Town Councils in January 2021 to give them advance notice of the consultation starting. The start of the consultation was advertised through posts on our social media and the issuing of press releases, we directly notified through emails/letters over 2,000 individuals and organisations on our consultation database and made the consultation documents available on our website.

Because of the restrictions placed on us by Covid-19, it has not been possible to make the consultation documents available for public inspection in our offices or local libraries as we would

normally do. However, for anyone without internet access we can provide paper copies of documents on request.

8. How do I make a representation?

You must make your representations in writing. We encourage people to do this online using our consultation portal. To do this you will need to access the portal website <https://swale-consult.objective.co.uk/kse> Once you have completed a short registration process (if you have not previously registered) you will be able to make your comments. If you have any difficulties in registering on the consultation portal or submitting your comments through the portal, officers in the Planning Policy team will be able to help. Please contact them on 01795 417014 or you can email LPcomments@swale.gov.uk

9. When does the representation period end?

The consultation period has now been extended and runs from Monday 8 February until Friday 30 April 2021. All representations must be made by **5pm on Friday 30 April 2021**.

10. Do I have to submit a representation online?

We would like you to respond via the consultation portal as this makes it easier and more efficient to manage the representations made. However, if you do not want to register on the portal, representations can also be made using the [electronic representation form](#) provided by the Council. You can download this from our website. If you do not have access to a computer, a paper response form can be completed and returned to us. Paper copies of the representation form are available on request from the Planning Policy team by calling 01795 417352.

We will also accept letters and emails. However, these must make clear which policy or part of the plan you are referring to, otherwise your comments might be misinterpreted.

We have prepared some [advice and guidance on how to make representations](#).

11. What part of the Plan can I make a representation on?

You can submit a representation about any Policy, part of the Plan or the Plan as a whole. In making your comments it would be helpful if you are able to explain why you think that part of the Plan, or the Plan itself, is unsound or not legally compliant.

The tests as to whether a Plan is unsound are:

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- Justified – an appropriate strategy based on proportionate evidence
- Effective – deliverable over the plan period
- Consistent with national policy

The tests as to whether a plan is legally compliant are that:

- The timetable set out in the latest Local Development Scheme has been followed
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12. Can I object to a site being included?

Yes. In your representations you should seek to set out why you believe including the site would not be sound. For example, you may believe its inclusion is not justified by the Council's evidence, it may not be deliverable, or you may believe its allocation is not consistent with national policy. You can also suggest alternative sites.

13. What will the Council do with my representation?

The Council will consider all the representations received. We will summarise the main issues and report these to the Council's Local Plan Panel. We anticipate doing this during the summer. Following this a decision will be made as to whether to submit the Local Plan for examination.

14. What happens when the Local Plan Review is submitted for examination?

The Council will submit the Local Plan, evidence documents and all the representations to the Government's Planning Inspectorate. An independent planning inspector will be appointed to hold a public examination. Once we have submitted the Local Plan, the timetable for the examination process will be determined by the Inspector. The Inspector will conduct a series of public hearings as part of the examination process. Based on the Council's evidence and the issues raised in the representations, the Inspector will decide what matters will be covered at these hearing sessions.

15. What would prevent the Plan being submitted for examination?

The Council will have full regard to all the representations made. If representations raise significant points regarding legal compliance or a need to make significant changes which would affect the strategy or deliverability of the Local Plan, then the Plan may need to be brought back to Full Council for review and further consultation.

16. Where have the housing need numbers come from?

The Council has used the nationally prescribed standard method for assessing local housing need. This is a method designed by the Government and which the Government expects councils to use unless there are exceptional circumstances. The Council has considered whether there are any exceptional circumstances that could be applied to the Borough, but the evidence has been found that the Council would not be able to demonstrate there to be any.

Using the standard method, the Borough's housing need has been calculated to be around 1,038 dwellings a year. This compares to a requirement of 776 dwellings per year in the current Local Plan. In total this means the Council must make provision for 22,800 dwellings over the period 2014 (the start date of the adopted Local Plan) and 2038.

17. Where will these houses be built?

A significant part of the housing need can be delivered through existing commitments, either on sites already under construction, with outstanding planning permission or on allocations made in the adopted Local Plan and by the development of unidentified windfall sites.

Through the Local Plan Review, new housing sites are proposed at:

- Sittingbourne Town Centre Regeneration Area
- Rushenden South Regeneration Area
- Faversham
- Teynham
- Neames Forstal
- Boughton

18. Why do you need to build on greenfield sites?

The Council has sought to prioritise development on brownfield land, particularly in the Borough's urban areas. However, this would not accommodate all development needs and, therefore, the Council must look at other potential sites within the Borough, including greenfield sites to meet the full development needs. Brownfield sites are more complex to develop than greenfield sites too and are less profitable which means the Council cannot ask for the same level of affordable housing as on greenfield sites.

19. How will local services and infrastructure cope?

Whilst the Council is not the provider of infrastructure services in many cases, we have been working closely with infrastructure and service providers to understand the impacts of the proposed development and the additional services that will be needed. We are taking all possible steps to ensure that the necessary infrastructure, such as improvements to the highways network, public transport, schools and health facilities comes forward alongside housing development.

We have published an Infrastructure Delivery Plan which sets out what additional infrastructure and service needs are required to support the level of development and specific sites proposed in the Local Plan. The site allocation policies in the Local Plan also list the infrastructure requirements on a site-by-site basis, with development being phased to ensure infrastructure is delivered as needed.

20. What is "affordable housing"?

For planning purposes, "affordable housing" is defined by the National Planning Policy Framework. It is defined as "housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)". Under the umbrella of "affordable housing" sits a number of specific types of affordable housing including affordable rent and discounted market sales housing. The types of affordable housing to be delivered on a site vary on a case-by-case basis. You can read the official definition of "affordable housing" in Annex 2: Glossary of https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

21. How enforceable are planning policies with a ‘cost’ implication for developers?

The additional cost to developers of implementing the policies in the local plan review has been assessed by specialist consultants and reported to the council in the whole plan viability report. This report concluded that the policies should be affordable and not affect the ability of developers to build on sites. The costs of the policies should be taken into account of in the price paid for land, and so there is an expectation that the policies will be followed.

22. Why does the LPR include sites that were considered as “unsuitable” in the Strategic Land Availability Assessment (SHLAA)?

The SHLAA is a high level assessment of sites promoted for development, assessed against the criteria of footnote 6 of paragraph 11d in the National Planning Policy Framework. This is because ideally, local plan allocations should be on land that is the least special. About 60% of the Borough is subject to high level constraints such as those listed in footnote 6 and include land at risk of flooding or coastal change, Area of Outstanding Natural Beauty, conservation areas and sites that are internationally or nationally designated for their biodiversity. Much of the remaining land in the Borough is locally important, for example, for its local landscape value or because it is Best and Most Versatile agricultural land. Difficult decisions have to be made.

In certain circumstances, it is possible to develop land that is subject to some constraints as long as it can be justified and/or mitigated. The Council believes that the proposed allocations reflect sustainable objectives and provide opportunities to deliver infrastructure that will support both existing and new communities.

Similarly, sites assessed in the SHLAA as “suitable and deliverable” do not automatically become allocations because there are other considerations and evidence taken into account.