

Full Council Meeting		Agenda Item: X
Meeting Date	26 November 2014	
Report Title	Bearing Fruits 2031: The Swale Borough Local Plan Part 1 - Publication Version	
Cabinet Member	Cllr Gerry Lewin, Cabinet Member for Planning	
SMT Lead	Pete Raine	
Head of Service	James Freeman	
Lead Officer	Gill Harris	
Key Decision	Yes	
Classification	Open	
Recommendations	1. That Council agree the Swale Borough Local Plan; and supporting Sustainability Appraisal and Habitats Regulation Assessment be recommended for approval for publication and subsequently submission to the Planning Inspectorate	

1 Purpose of Report and Executive Summary

- 1.1 This report introduces the publication version of the Swale Borough Local Plan which, if agreed, will be subject to a final six week round of public consultation, before being submitted to the Planning Inspectorate. The Plan has now been updated in accordance with the most up-to-date research, Members' preferred response to earlier consultation findings, and current national planning policy. A Sustainability Appraisal and Habitat Regulation Assessment have been carried out.

2 Background

- 2.1 The Local Plan has been through a lengthy preparation period and several rounds of public consultation, necessitated in no small part by changes to national planning policy over the last three years.
- 2.2 The Local Plan pursues Members' preferred housing development target of 540 dwellings per annum (10,800 over the plan period 2011-2031). As previous officer reports to LDF Panel have highlighted, this is below the 'objectively assessed need' required by the National Planning Policy Framework, which in Swale's case would imply a housing target of the order of 740 dwellings per annum (14,800 over the plan period 2011-2031).
- 2.3 There are serious concerns about the ability of the local market to deliver at this rate for the entire plan period and the viability of the development to deliver essential supporting infrastructure. Consequently, the target was set at a level

which has proved deliverable over time and which will be deliverable at least for the first five years or so post-adoption without the need for major infrastructure items (most notably improvements to M2/J5 with the A249). However, the plan does note that should there be any significant progress with this, or sustained upturn in market delivery rates, there will be need to be an early review of the plan and development targets. Despite the concerns over deliverability of a higher housing target, the preferred development target does not align with national planning policy and, given the experience of other local authorities with similar strategies having plans halted at local plan examination, this is a high risk approach.

- 2.4 As far as the Local Plan document itself is concerned, all the outstanding pieces of research to support the preferred plan are now complete and have previously been reported to Members. The most recent round of public consultation took place on Bearing Fruits 2031: The Consultation draft Swale Borough Local Plan Part 1 (August – September 2013). Comments received during this consultation were reported to the LDF Panel on 5 December 2013 where Members resolved to take these into account in finalising policy, alongside relevant evidence and the national planning policy context.
- 2.5 The whole plan has been brought together in its final form for submission and was received by the Local Development Framework Panel of 28 October 2014. The Panel recommended it for publication and submission (Minute 308) and this was ratified by Cabinet at their meeting of 5 November (Minute 333).
- 2.6 The draft Plan is available to view as part of the LDF Panel Agenda at <http://services.swale.gov.uk/meetings/documents/s1198/Appendix%201%20-%20Draft%20Local%20Plan.pdf> and a hard copy has been placed in the Members' Room. Minor updating will be undertaken in accordance with the LDF Panel Minutes, prior to publication.

3 Proposal

- 3.1 The Local Plan is now at the stage where the Council considers it complete as the development strategy which it would wish to see adopted. However, under the Statutory Regulations, any outstanding issues consultees may have in regard to the plan's soundness may still be raised. Soundness issues are those relating to procedural compliance; and that the plan is positively prepared; justified; effective; and consistent with national policy. In order to test this, the plan must now to be published for six weeks public comment prior to submission to the Planning Inspectorate. The Inspector appointed will then use these comments to organise the Examination in Public around key topics.
- 3.2 It is therefore recommended that the plan as now drafted be recommended for approval for the formal publication stage, and subsequently submission to the Planning Inspectorate.

Next Steps

3.3 The process to submission of the plan is as follows:

- the recommendation to proceed to the publication stage of the plan process will need to be agreed Full Council . ;
- the plan documents will be finalised and the statutory six week publication period for comment will run from 19 December – 30 January 2015 . An advance notice letter was sent week of 10 November to all the parish and town councils, statutory consultees and correspondents on our Local Plan database;
- the Council will summarise the main issues received in comments during the publication period (these are left for the Inspector to address as part of the Examination, although he may request the Council's help in drafting responses);
- submission of the Local Plan, all supporting evidence and documents, and required statements to the Planning Inspectorate is targeted for late March 2015; and
- the Planning Inspectorate will then advise on the Inspector assigned to Swale and organisation of the subsequent programme. It is anticipated that the Examination could at least be commenced in the summer 2015.
- If the plan is accepted as sound at Examination (and subject to any Inspector's modifications), adoption would be expected late 2015.

3.4 It should also be noted that should the submission Local Plan be agreed, it also gains weight to be used in Development Management decisions from the date of publication.

4 Alternative Options

4.1 Members could opt not to pursue this Local Plan to the submission and Examination in public stage, given that there are significant risks associated with defending the chosen development target and meeting the national planning policy tests of soundness. However, the risks associated with withdrawing the plan at this stage are basically the same as proceeding and it being found unsound.

4.2 The costs and delay in restarting the plan process would leave the Council with no up-to-date local planning framework for the foreseeable future. This would leave it unable to address the proper planning of the area in a consistent and strategic way, and so leave it vulnerable and potentially unable to defend its decisions at Appeal against refusal of planning permission. The latter could potentially result in significant costs against the Council.

4.3 Should an Inspector have very serious doubts about soundness of the Plan, (s)he would be likely to express these to the Council prior to commencing the Examination in Public and the position could be further reviewed then. If there is a chance that any perceived problems could be resolved through further work and

Inspector-proposed modifications within a reasonable timescale, then the plan could be pursued, albeit with a delay in the Examination to see if a satisfactory solution could be reached.

- 4.4 This report sets out the risks associated with Members' chosen strategy, which have also been highlighted by officers at LDF Panel meetings. However, complete withdrawal of the plan at this stage will leave a policy vacuum and the concerns in respect of the consequences of that could not be addressed in the short term. It is therefore not recommended at this stage.

5 Consultation Undertaken or Proposed

- 5.1 The submission plan will be supported by a Statement of Consultation which has been undertaken throughout the preparation process. There is also one final opportunity to comment during the six week 'publication period' prior to submission. At this stage comments should be focussed on issues to do with the plan's soundness rather than basic disagreements with content.
- 5.2 The normal process at this stage is that the Council will receive and summarise all representations and send them off to the Planning Inspectorate. The latter will use them to determine the matters which the Examination in Public will focus upon and structure the hearing process itself.

6 Implications

Issue	Implications
Corporate Plan	Progression and adoption of the Local Plan is a major corporate project and a priority, helping to deliver all Council priorities
Financial, Resource and Property	Existing programmed resources should be sufficient to progress the local plan as proposed to adoption. Should Members prefer to make fundamental changes to the strategy, or the plan is found unsound at post-submission stage, a completely revised budget and programme would need to be devised.
Legal and Statutory	The Local Plan has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 SI No 767
Crime and Disorder	None identified at this stage.
Sustainability	An updated Sustainability Appraisal/ Strategic Environmental Assessment and Habitat Regulations Assessment have been carried out on the Local Plan.
Health and Wellbeing	The Local Plan has policies on health and wellbeing embedded in the strategy, and health-related infrastructure arising from new development proposals has been identified through joint working with public health care providers.

Risk Management and Health and Safety	None anticipated at this stage
Equality and Diversity	A Community Impact Assessment has been undertaken of the publication draft of the Plan which has been placed in the Members' Room.

7 Appendices

None

8 Background Papers

Bearing Fruits 2031: The Swale Borough Local Plan Part 1: Publication Version
December 2014

<http://services.swale.gov.uk/meetings/documents/s1198/Appendix%20I%20-%20Draft%20Local%20Plan.pdf>