

Local Plan Panel Meeting	
Meeting Date	25/02/2020
Report Title	Swale Local Development Scheme
Cabinet Member	Cllr Mike Baldock Cabinet Member for Planning
SMT Lead	Emma Wiggins
Head of Service	James Freeman
Lead Officer	Matt Randall
Key Decision	Yes
Classification	Open
Recommendations	1. The Local Development Scheme (LDS) at Appendix I to this item be recommended to Cabinet for adoption as the current programme for the Swale Borough Local Plan Review.

1 Purpose of Report and Executive Summary

- 1.1 A Local Development Scheme (LDS) is the programme for production of local development plan documents and is required to be produced, monitored and kept up to date under Section 15 of the Planning and Compulsory Purchase Act (2004). The Panel is requested to recommend that this Local Development Scheme at Appendix I to this item should be adopted as an updated programme for the Swale Local Plan Review, which has already commenced.

2 Background

Local Development Scheme

- 2.1 A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publically, displayed on the web site and kept up-to-date. The last LDS adopted for Swale was dated September 2018 and covered the programme for the Swale Local Plan Review.
- 2.2 Reviews of Local Plans at least every five years are a legal requirement (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012). Council Minute 44 of 2017 recorded the decision to commence a review, based on the recommendations of the Bearing Fruits Local Plan Inspector's Final Report.
- 1.3 Subsequent to adoption of the previous Local Development Scheme in 2018, the new Local Development Scheme proposes a new Local Plan Review timetable. This timetable does not include an additional Issues and Options stage as it is

considered that the Looking Ahead consultation in April 2018 was sufficiently robust to justify progression to the Regulation 19 stage (Preferred Option). This consultation asked for the community's views on a series of 46 questions on how the borough should develop and how this should influence the scope and content of the Local Plan. These questions also asked for comment on the borough's strategic development options such as those around new settlements and the alternatives for future growth. The new LDS reflects the statutory stages of the plan process and the Statutory Regulations.

- 1.4 The LDS programme proposed to achieve adoption of a Local Plan Review is set out at Appendix I to this item. It represents an extremely tight schedule to ensure that an up to date Local Plan is in place and is compliant with the new NPPF and regulation.
- 1.5 In accordance with the regulations, it includes those element of the development plan for which the Council is responsible for producing. For Swale, this comprises the Local Plan itself. A Community Infrastructure Levy programme is not yet included in the LDS. If pursued, it is likely that it would be in parallel with the Local Plan itself. A decision on whether it is appropriate for the Council to set a CIL charge may be in itself dependent on the Local Plan development strategy the Council prefers to pursue and viability assessments of it. This may need to be reviewed and included in a revised LDS if appropriate to do so.
- 1.6 The LDS is effective from the date of the resolution to adopt it (the relevant Minute). The LDS can be reviewed at any time by the Council if there is good reason to do so, subject to a further Council Minute to confirm adoption of a revised programme.
- 1.7 Progress on achieving the milestones in the LDS should be reported in the Annual Monitoring Report.

2 Proposals

Local Development Scheme

- 2.1 The Local Development Scheme at Appendix I is proposed as the programme to achieve Local Plan Review. It will require a council minute to adopt it as such and Panel are asked to recommend to Cabinet that it be adopted for the purposes of guiding and monitoring progress on the Local Plan review. The date it becomes effective will be the date of the relevant Cabinet decision and Minute to adopt it.
- 2.2 The revised programme puts forward a timeline for the consultation on a preferred option Draft Local Plan (Reg 19) in early 2021, and examination in early 2022 and an adoption by Spring 2023.

3 Alternative Options

- 3.1 Production and maintenance of an up to date LDS is a statutory requirement and guides the timetable for production of development plan documents. It is required as part of the suite of documents to be submitted with the Local Plan for Examination in

Public. Without it the plan could be found unsound. There is no realistic alternative to compliance with this requirement, so non adoption of the LDS is not recommended.

3.2 The Swale LDS itself is required only to show the programme of production for documents which comprise the development plan (strategic and non strategic policies and Neighbourhood Plans. Notwithstanding the timeline for the council's SPDs are shown as they will inform the content of the Local Plan.

4 Consultation Undertaken or Proposed

4.1 The Local Plan itself is subject to public engagement or consultation at several points in the process. The LDS programme indicates when these are expected to take place. There is no requirement for the LDS to be subject to consultation.

4.2 Budgetary provision for the Local Plan Review is tackled through the Council's normal budget setting procedures.

5 Implications

Issue	Implications
Corporate Plan	This Local Plan supports the priority of the Council to build the right homes in the right places and supporting quality jobs for all.
Financial, Resource and Property	The costs for the production of the Local Plan can be met from existing budgets
Legal, Statutory and Procurement	A Local Development scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and a Council minute confirming its adoption will be needed. Most of the commissions for evidence base to support the Local Plan have been procured using the Bloom Procurement Framework which the Council subscribes to.
Crime and Disorder	None identified at this stage.
Environment and Sustainability	The Local Plan will be supported by its own Sustainability Appraisal and Habitats Regulation Assessment at each key stage in decision making.
Health and Wellbeing	None identified at this stage
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage, although the Local Plan Review itself will be subject to equality impact assessments at key stages as

	advised by the policy team.
Privacy and Data Protection	None identified at this stage

7 Appendices

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

- Appendix I: Swale Local Development Scheme (February 2020-23)

8 Background Papers

None

Appendix 1

**Swale Borough Council
Local Development Scheme
March 2020- 2023**

1. Introduction

- 1.1 Swale Borough Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 This LDS will come into effect upon agreement by the Council's Cabinet on 18th March 2020.
- 1.2 As set out in the Planning and Compulsory Purchase Act 2004 (Section 15) the LDS must specify:
 - a) The local development documents which are to be development plan documents;
 - b) The subject matter and geographical areas to which each development plan document is to relate;
 - c) Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
 - d) Any matter or area in respect of which the authority have agreed (or propose to agree) the constitution of a joint committee under section 29;
 - e) The timetable for the preparation and revision of the development plan documents.
- 1.3 The LDS is a project plan which sets out the timetable for the production of new or revised development plan documents which will form the Council's Local Development Plan. This LDS sets out a work programme for the Council's Local Plan Review over the period to Spring 2023 and anticipated adoption of the review. Progress against this LDS will be reviewed annually through the Authority Monitoring Report.
- 1.4 The Council produced its first LDS in 2005, followed by subsequent revisions in 2008, 2010, 2015, and 2016. These related to the former Local Plan (Adopted Feb 2008); and the current adopted Local Plan 'Bearing Fruits' (Adopted July 2017). The extended process which evolved as a result of the National Planning Policy Framework (NPPF) and move toward a single Local Plan system was reflected in a number of LDS revisions to achieve adoption of the Bearing Fruits Local Plan.
- 1.5 The current LDS was the one produced in 2018 and contained a a fresh programme for Local Plan Review, which addressed the challenges for development raised by the National Planning Policy Framework (NPPF) July 2018; and new statutory requirements for the five yearly review of local plans.

This LDS will supercede the 2018 LDS and will contained a revised Local Plan Review programme.

2. The current adopted development plan documents for Swale

2.1 The current statutory adopted elements of the development plan for Swale Borough are:

- Bearing Fruits 2031: The Swale Borough Local Plan (Adopted July 2017)
- Faversham Creek Neighbourhood Plan (Adopted June 2017)
- Kent Minerals and Waste Local Plan 2013 – 2030 (Adopted July 2016)

3. Current Supplementary Planning Documents (SPD)

3.1 The Local Plan is supported by a number of existing and proposed Supplementary Planning Documents and Supplementary Planning Guidance which set out the details for implementing local plan policies. All of these documents were subject to public consultation. These can be viewed at <https://www.swale.gov.uk/local-planning-guidance/> .

3.2 Currently adopted SPD for the Borough are:

- Developer Contributions SPD (Adopted November 2009)
- Swale Landscape Character and Biodiversity Appraisal SPD (2011)
- Stones Farm Development Brief SPD (May 2011)
- Queenborough and Rushenden Masterplan SPD (November 2010)
- Sittingbourne Town Centre and Milton Creek Masterplan SPD (September 2010).

3.3 Supplementary Planning Guidance (SPG) documents are:

- The Conversion of Buildings into Flats and Houses in Multiple Occupation
- Listed Buildings - A Guide for Owners and Occupiers
- The Conservation of Traditional Farm Buildings
- The Design of Shop fronts, Signs and Advertisements
- Designing an Extension - A Guide for Householders
- Planting on New Developments - A Guide for Developers
- The Erection of Stables and Keeping of Horses
- Conservation Areas
- Lynsted Parish Design Statement
- Abbott Laboratories Ltd - Development Brief

3.4 Additionally part of the Kent Downs Area of Outstanding Natural Beauty falls within Swale and has a management plan which has been adopted by all of the local authorities who have part of this AONB within their area. This is a material consideration for planning applications and can be viewed at

- 3.5 The management plan is due to be reviewed in 2020.

4. Other Relevant Documents

Statement of Community Involvement

- 4.1 The Swale Statement of Community Involvement (February 2018) will need to be updated in light of the new LDS. This sets out the Council's approach to public and key stakeholder participation in all planning matters, including the preparation of the local plan, supplementary planning documents and arrangements for consultations on planning applications.

Sustainability Appraisal

- 4.2 The council will meet the requirements of sustainability appraisal throughout the local plan preparation process, which will involve carrying out iterative appraisals of the sustainability of the options, proposals and draft policies in the local plan and prepare reports on the findings. These will be carried out at the key stages of plan preparation and will inform progress on the Plan. The sustainability appraisals carried out at the key stages of plan preparation will also accompany consultation drafts of the plan for public comment.

Authority Monitoring Report

- 4.3 The Council publishes monitoring information on its website on an annual basis relating to the previous monitoring year (which runs 1 April – 31 March). This will provide updates on the status of the LDS timetable; progress on the Local Plan Review; reports on public consultations; duty to cooperate consultations; neighbourhood planning and borough wide statistics on planning topics such as housing, employment, environment and transport.

Policies Map

- 4.4 The Council is required to produce a Policies Map which shows the location of development proposals in all current, adopted development plan documents on an ordnance survey base map. For Swale, this is the Proposals Map which accompanies the Bearing Fruits Local Plan (2017) (the area annotated as Policy NP1 denotes the area covered by the Faversham Creek Neighbourhood Plan).

5. Emerging Development Plans for Swale

Swale Borough Local Plan Review 2022 – 2038

- 5.1 The Local Plan review will set the vision and framework for development needs for the whole of Swale Borough area from 2022- 2038. This will include addressing revisions to the National Planning Policy Framework and associated Practice Guidance (2018); addressing housing need; the local economy; environmental considerations; community infrastructure needs; plus transport and other physical infrastructure needs. The plan will include strategic policies to address these matters and put forward a development strategy for the Borough. It will also include site specific allocations to meet identified need and retain; update or include new detailed topic development management policies to guide determination of planning applications.
- 5.2 Work began on the Local Plan Review as a result of Council Minute 44 (July 2017), with early scoping and evidence gathering, within the context of major review of national planning policy and Government policy to significantly boost housing delivery. The key stages of the process are set out at Appendix 1. The complete timetable for the production and public examination of the Local Plan Review is set out at Appendix 2.
- 5.3 Although the Council is keeping up Duty to Cooperate consultation with neighbouring planning authorities and on the London Plan, to identify potential cross boundary issues (which may in due course require Statements of Common Ground to comply with the NPPF 2018), no scope or intention for joint plan making has been identified at this point in time.

Community Infrastructure Levy (CIL)

- 5.4 CIL is a mechanism introduced under the Planning Act 2008 with the intention of providing a consistent approach to determining financial contributions from new development towards local infrastructure provision. Further revisions to national policy and regulation on CIL in 2018 and the approach to viability assessments affecting plan making, mean that at this early stage in the Local Plan Review process, it is unclear whether implementing a CIL charge would be of benefit to Swale. This issue will need to be reviewed (and, if appropriate, included in a future review of this LDS) when more progress has been made on identifying reasonable alternative development strategies for testing and consultation.

Neighbourhood Plans

- 5.5 The Boughton and Dunkirk Neighbourhood Pan area was designated in February 2014 and is still under preparation.
- 5.6 The Hernehill Neighbourhood Pan area was designated in 2017 and is still under preparation.
- 5.7 A Minster Neighbourhood Plan (Sheppey) area was also designated in February 2014 but has not been progressed.
- 5.8 Although neighbourhood plans, once adopted, form part of the development plan, they are not programmed by the local planning authority and are therefore not included within this LDS timetable. They must be in general conformity with the strategic policies of the adopted local plan and have regards to any emerging local plans. More details for Swale neighbourhood plans can be found at:

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6. Supplementary Planning Documents

- 6.1 The council is currently producing a Swale Vehicle Parking Standards SPD pursuant to adopted Bearing Fruits Local Plan policy.
- 6.2 It is also the Council's intention to prepare the following documents to support the Local Plan Review:
- Sittingbourne Town Centre SPD
 - Sustainable Design SPD
 - Housing SPD
- 6.3 As SPDs are not development plan documents (that is allocating land or making new policy), they are not required to be part of the official LDS programme. For information however, Appendix 3 gives an indicative programme for the production of this SPDs.

7. Resources and Project Management

- 7.1 Swale Borough Council has strong corporate commitment to the preparation and adoption of a Local Plan review. The Swale Local Plan Review will be produced by the Council's Planning Service, and led by the Local Plan Team. The importance of the work is recognised and supported across the authority with input and expertise from other teams across the Council; and the use of

outside consultants (where appropriate); plus engagement with stakeholders; organisations and the public to help inform and develop the plan.

- 7.2 The Council has established management and reporting structures to support delivery of the local plan. This is primarily the Local Pan Panel cross party Members group which makes recommendations to Cabinet for decision. In addition briefings for senior managers and Members on key pieces of research or new national policy are used.

Appendix 1: Swale Local Plan Review Key Stages

Event	Date
Local Plan Review Commenced (Council Minute 44)	July 2017
Scoping Issues Public Engagement (Regulation 18) Evidence gathering and engagement and comment sought on emerging issues, options and challenges.	27 April – 8 June 2018
Local Plan Panel / Full Council cycle agree Publication Version of Local Plan for consultation	Nov 2020
Publication of Preferred Local Plan for public Consultation (Reg 19)	Jan-March 2021
Submission of Plan for Examination (with results of the public consultation) (Reg 22)	Aug 2021
Examination in Public of the Local Plan 1	Feb 2022
Inspector's Interim Findings – at this stage the Examination in public is still open and the Inspector is leading the process	April 2022
Main Modifications which arise from the Inspector's Interim Findings. These are agreed by the Council and subject to public consultation before further discussion at Examination in Public.	Early Summer 2022
Examination in Public 2	Late Autumn 2022
Inspectors Final Report This is binding on the local planning authority and, subject to the Inspector's findings, will enable the local authority to adopt the Local Plan review subject to any of the Main Modifications which the Inspector deems necessary to ensure the Plan is sound.	Early 2023
Adoption of the Local Plan Review by Swale Borough Council	Spring 2023

Appendix 2: Swale Local Plan Review Local Development Scheme 2020 - 2023

Documents	2018				2019				2020				2021				2022				2023																					
	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M				
Swale Borough Local Plan Review																																										
Commenced July 2017 (Council Minute 44)																																										
Looking Ahead – Questions/Discussion Paper on Issues & Options Public Engagement 27 April – 8 June 2018 (Reg 18)	C	C	C																																							
Local Plan evidence gathering – Preparation of Reg 19 document																																										
Publication Preferred Option Local Plan Consultation Autumn 2020 (Reg 19)																																										
Submission of Plan for Examination Spring 2021 (Reg 22)																																										
Examination in Public 1 Nov 2021																																										
Main Modifications Consultation April 2022																																										
Examination in Public 2 Autumn 2022																																										
Inspectors Final Report Jan 2023																																										
Adoption Spring 2023																																										

	Initial Consultation and Evidence gathering
	Publication of DPD Consultation = P (Regulation 19)
	Submission to Secretary of State= S Examination in Public = E Main Modifications Consultation= M Inspectors Final Report =R (Regulations 22 -25)
	Adoption = A

Appendix 3: Indicative Supplementary Planning Document Timetables

Swale Vehicle Parking Standards Supplementary Planning Document

Event	Date
Initial evidence gathering and Member workshops	Autumn 2018
Drafting	Spring 2019
Consultation on Draft SPD	November 2019
Finalise Changes and Adopt SPD	May 2020

Swale Sustainable Design Supplementary Planning Document

Event	Date
Initial evidence gathering	Beginning of 2020
Member workshops	Early Summer 2020
Drafting	Summer 2020
Consultation on Draft SPD	January 2021
Finalise Changes and Adopt SPD	Spring 2023

Swale Housing Supplementary Planning Document

Event	Date
Initial evidence gathering and Member workshops (subject to appointment of suitable consultants)	Beginning of 2020
Member workshops	Early Summer 2020
Drafting	Summer 2020
Consultation on Draft SPD	January 2021
Finalise Changes and Adopt SPD	Spring 2023

Sittingbourne Town Centre SPD

Event	Date
Initial evidence gathering)	Beginning of 2020
Member workshops	Early Summer 2020
Drafting	Summer 2020
Consultation on Draft SPD	January 2021
Finalise Changes and Adopt SPD	Spring 2023