

<b>Local Plan Panel Meeting</b>	
<b>Meeting Date</b>	24 March 2022
<b>Report Title</b>	Local Plan review next steps
<b>Cabinet Member</b>	Cllr Mike Baldock, Cabinet Member for Planning
<b>SMT Lead</b>	James Freeman, Head of Planning
<b>Head of Service</b>	James Freeman, Head of Planning
<b>Lead Officer</b>	Jill Peet, Planning Policy Manager
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. That the Panel notes the content of this report, including the revised timetable for Regulation 19 consultation on the Local Plan Review.

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

- 1.1 The purpose of this report is to set out the current position for the local plan review and identify next steps in light of the challenges facing the borough as it seeks to progress to the Draft Plan stage (Regulation 19 consultation). This includes a new timeline that will inform a revised Local Development Scheme to be brought to Members for consideration later this spring.

## **2 Background**

- 2.1 The government's Planning White Paper (2021) proposed a raft of major changes that would deliver a brand new planning system. While many of these changes have been introduced via amendments to secondary legislation and guidance, e.g. the introduction of 'First Homes' and a revised National Planning Policy Framework (NPPF), the long delayed Planning Bill is yet to be presented and local planning authorities are required to press on with preparing local plans under the current system, the aim to adopt by the end of 2023.
- 2.2 Members will recall the Council chose to undertake further consultation on Issues and Preferred Options late last year. The main issues raised in that consultation are the subject of a separate report to this panel tonight. The Council will need to demonstrate how these main issues have been addressed at the next stage of plan-making, i.e. in the Regulation 19 consultation that was initially programmed to take place this spring.
- 2.3 A considerable amount of evidence to support the LPR has already been undertaken and reported along the way to this Panel. All of this is available on the local plan pages on the council website. Amongst the vast array of evidence, are high level transport modelling reports. This has been a particularly critical

area of evidence in light of the Inspector's Report on the adopted local plan, Bearing Fruits. In her final report, the inspector identified capacity deficiencies in the local and strategic road network that would need to be mitigated and accepted that solutions would be found through continued working with the key organisations responsible for delivering the necessary highway improvements.

- 2.4 As a result of this, the council had undertaken a considerable amount of high-level traffic modelling in collaboration with both KCC as the highways authority and with National Highways prior to the Regulation 19 consultation (spring 2021) and the more recent Regulation 18 Issues and Preferred Options consultation. This had included testing a range of high level options. The conclusions of these studies at that time were that there were no 'show stoppers' to development in highway terms in the borough and that a range of options would likely be acceptable on highway grounds (including various mitigation measures including the improvement works at M2 J5).
- 2.5 The results of the finer grained modelling run that included the preferred option sites (as identified in the Regulation 19 consultation, spring 2021) produced surprising results. In essence, the results showed that there are significant impacts at key junctions within the borough and that without major improvements, these junctions are unable to accommodate the level of growth expected to be delivered by the Local Housing Need (standard method).
- 2.6 Given the specific characteristics of the road network in the borough, i.e. that a significant proportion of traffic within the Borough filters to the A249, A2 and M2, there are no obvious development strategy options that could deliver the Local Housing Need number without adversely affecting these transport corridors.
- 2.7 This challenge will require further transport modelling work to be undertaken because the council is expected to leave no stone unturned in its efforts to try to deliver its Local Housing Need number. Further work will need to be undertaken to assess what capacity exists within the network as this will provide the key evidence required to confirm the quantum of development that can be delivered within the LPR timeframe (up to 2038).
- 2.8 The published Local Development Scheme (LDS) sets out the programme for the Local Plan Review (LPR) and identifies a Regulation 19 consultation to be held around this time. This is no longer possible for the reasons set out above. It is anticipated that the Regulation 19 consultation can take place in early autumn and this will be confirmed in late spring.

### **3 Proposals**

- 3.1 Given the additional work that needs to be undertaken, it is necessary to delay the next stage of the LPR until after this has been completed. While this work is being undertaken, an open-ended 'call for sites' will have commenced. This provides the opportunity to invite submissions of site for consideration as development allocations in the LPR. In preparing the LPR the council is required

to ensure it does all that it can to meet identified development needs so a further 'call for sites' will allow for sites not previously submitted to be considered.

- 3.2 As well as assessing any additional sites, it is prudent to take the opportunity to update current evidence. As part of an update to the Strategic Housing Market Assessment (SHMAA) work will be undertaken to investigate whether or not there are 'exceptional circumstances' that would justify the council departing from the government's standard method for calculating housing need. The work was previously undertaken in 2019 and concluded that there were no exceptional circumstances but since then, a new set of household projection data has been released and it is appropriate to revisit the work in this context. Retail data provider Experian has now issued their updated retail projection/ expenditure data which takes into account and forecasts the impact of Covid 19. This will also be taken into account in evidence updates. Other evidence will also be updated at this time.
- 3.3 As a result of the above, the Regulation 19 consultation is likely to take place in early autumn. Precise dates and times will be confirmed following the full council meeting of 18 May that will discuss changes to the governance model for Swale.
- 3.4 Members are asked to note the next steps and revised timescales for progressing to Regulation 19. It is anticipated that submission to the Secretary of State would then take place in the new year, early in 2023.

## 4 Alternative Options

- 4.1 The Council could choose not to undertake the additional work in relation to the transport modelling but it would not be possible to progress with a sound plan without it. Therefore, there are no realistic alternatives.

## 5 Consultation Undertaken or Proposed

- 5.1 Not required at this stage although the LPR itself will be subject to full consultation at Regulation 19 stage in due course.

## 6 Implications

Issue	Implications
Corporate Plan	<p>The Swale Local Plan supports the Council's corporate priorities of:</p> <ul style="list-style-type: none"> <li>Building the right homes in the right places and supporting quality jobs for all (Priority 1)</li> <li>Investing in our environment and responding positively to global challenges (Priority 2)</li> <li>Tackling deprivation and creating equal opportunities for everyone (Priority 3)</li> </ul>

Financial, Resource and Property	The costs for the Local Plan preparation can be met from existing budgets.
Legal, Statutory and Procurement	The Council has a statutory duty to prepare and maintain a Local Plan and to ensure that requirements of preparing that Local Plan, as set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Regulations, are met. Procurement of further evidence to inform the Local Plan Review will be undertaken in line with the Council's procurement procedures.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	In developing the Local Plan there will be continuing regard to the Council's declared climate and ecological emergency as part of the policy formulation. To be legally compliant, the Local Plan must include policies designed to ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change. The preparation of the Local Plan is subject to Sustainability Appraisal and Habitat Regulations Assessment at key stages, the findings of which inform any necessary changes to the Plan policies.
Health and Wellbeing	The Local Plan supports the health and wellbeing of communities through the provision of green infrastructure and encouraging active travel.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	The continued progression and implementation of the Local Plan is required to manage and mitigate the risks of potential speculative or uncoordinated development across the Borough.
Equality and Diversity	The Pre-Submission Local Plan (Regulation 19) will be subject to an Equality Impact Assessment.
Privacy and Data Protection	The preparation of the Local Plan and handling of representations has complied with privacy and data protection legislation and regulations as required.

## 7 Appendices

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

- None

## **8 Background Papers**

None