

Cabinet Meeting		Agenda Item: 7
Meeting Date	5 October 2016	
Report Title	Swale Local Development Scheme October 2016	
Cabinet Member	Cllr Gerry Lewin, Cabinet Member for Planning	
SMT Lead	Emma Wiggins	
Head of Service	James Freeman	
Lead Officer	Gill Harris	
Key Decision	Yes/No	
Classification	Open	
Forward Plan	Reference No.	
Recommendations	1. That the updated Swale Borough Local Development Scheme (October 2016) be agreed as the current programme for production of local planning documents, operative from the date of this Cabinet meeting (5 October 2016)	

1 Purpose of Report and Executive Summary

- 1.1 The Local Development Scheme (LDS) is the programme for production of local planning documents. Members will recall that Council Minute 239 (23 September 2015) confirmed the adoption of the Swale Local Development Scheme (April 2015) as the current version of the LDS which was required to be submitted as part of the supporting suite of documents with the Swale Borough Local Plan for Examination in Public (EIP). The first phase of the EIP was completed in December 2015 and the Inspector presented her Interim Findings and recommendations in February – March 2016. Arising from those recommendations and as an explicit Inspector’s recommendation in itself, there is a need to update the LDS and it is timely to do this prior to the resumption of the EIP hearings. It is therefore recommended that the updated LDS at Appendix I be adopted as the current programme.

2 Background

- 2.1 The Local Development Scheme is the programme for producing local planning documents. It is required to be kept up to date and displayed on the Council’s website. This is required by S.111(5) of the Localism Act, which amends S.15(7) of the Planning and Compulsory Purchase Act 2004. These state that in order to bring the Local Development Scheme into effect, the local planning authority must resolve that the scheme is to have effect and that the resolution must specify the date from which the scheme is to have effect.

- 2.2 Prior to its closure, the Government Office for the South East was responsible for approving LDS documents and any updates to them. Following the closure of GOSE, the LDS still needs to be prepared, but its approval is for the local planning authority concerned. Members can therefore, within reason, update the LDS to accommodate changing circumstances and priorities as necessary.
- 2.3 In accordance with common practice advice the Swale LDS was revised so as to be completely up to date as part of the suite of supporting documents required with the submission of the Swale Borough Local Plan Bearing Fruits 2031. The Swale Borough Local Plan was submitted to the Planning Inspectorate in April 2015 for EIP. The EIP was held during November/December 2015 and paused, pending the Inspector's Interim Findings and recommendations. These were published in February – March 2016 and recommended Main Modifications to the Plan which would need to be consulted upon, which in itself has resulted in the need for revision of the Local Plan scheduling. Members will note from the updated LDS at Appendix I, that this has had to take account of the very large response to the public consultation on the Main Modifications, which has taken longer than anticipated for officers to process; and will also require sufficient time allowance for the Inspector to acquaint herself with the issues raised and set the agenda for the resumed Examination hearings.
- 2.4 Additionally, the Inspector recommended (Part 3 Overall Interim Findings para 14 March 2016), that there would no longer be a need for a Local Plan Part 2 to deal with the issue of Gypsy and Traveller allocations following changes to national policy and the Council's revised evidence on this matter. As a consequence, the Inspector recommended that action be taken to remove this item from the LDS. At Part 2 of the Interim Findings (Part 2: Headline Interim Findings on Housing Supply), the Inspector also recommended that the Plan should plan positively for the full Plan period and not rely upon an early review to deal with any change in circumstances. The early review was shown in the LDS as commencing in September 2015, which, in the light of events, was not possible or appropriate. This also needs to be revised.
- 2.5 Finally, the pursuit of a CIL Charging Schedule has been linked to a degree, to development proposed through the Local Plan and viability assessments which in turn influence development of a charging schedule. This, coupled with government proposals for change in affordable housing policy may also impact viability issues, which are being updated as part of the evidence base for the plan and CIL. The schedule for pursuit of this has also required updating and is reflected in the updated LDS.
- 2.6 Other local planning documents which are either dependent on adoption of a Local Plan policy, or in the case of Neighbourhood Plans are pursued alongside the local authority's own documents are also shown for information.

3 Proposal

- 3.1 A revised and updated Swale Borough LDS is attached at Appendix I to this item to reflect necessary updating and the recommendations arising from the Local Plan Inspector's Interim Findings. This is intended to show a realistic programme for completion of documents currently under production and those which may rely upon them. The LDS will need to be further updated to reflect progress; any change in circumstances arising from possible national policy change; or subject to Members' own priorities.
- 3.2 Members are therefore requested to adopt the Swale Borough LDS at Appendix I as the current LDS, and subject to Members' approval, to be operative from the date of this meeting.

4 Alternative Options

- 4.1 The Swale Borough LDS (April 2015) has been rendered out of date by the progress on the Swale Local Plan and the Local Plan Inspector has also recommended that it be updated as part of her Interim Findings. The production and maintenance of an up to date Local Development Scheme is a statutory requirement. The LDS is also part of the suite of supporting documents which are required to make the local plan sound from the legal process point of view. Members could choose not to update the LDS at this point in time, but to do so would be to neglect statutory responsibilities and potentially risk soundness of the Local Plan ahead of the Inspector's Final Report. This course of action is therefore not recommended.

5 Consultation Undertaken or Proposed

- 5.1 No public consultation is required on Local Development Schemes.

6 Implications

Issue	Implications
Corporate Plan	Adoption of the Local Plan assists with all objectives of the Corporate Plan, but particularly the priority of 'A Borough to be Proud of'.
Financial, Resource and Property	None anticipated at this time.
Legal and Statutory	Preparation of an LDS is required by S.15(2) of the Planning and Compulsory Purchase Act (2004). This item ensures compliance with S.15(7) of the Planning and Compulsory Purchase Act 2004 (as amended by S.111(5) of the Localism Act) in respect of adopting an LDS and establishing a date from which it is effective.
Crime and Disorder	None anticipated at this time

Sustainability	None anticipated at this time
Health and Wellbeing	None anticipated at this time
Risk Management and Health and Safety	None anticipated at this time
Equality and Diversity	None anticipated at this time.

7 Appendices

7.1 Appendix 1: Swale Borough Local Development Scheme (October 2016)

8 Background Papers

8.1 None