

<b>Cabinet Meeting</b>		<b>Agenda Item: 8</b>
<b>Meeting Date</b>	5 October 2016	
<b>Report Title</b>	Bearing Fruits: Swale Borough Local Plan: Request for Renewal of Delegated Authority to facilitate Examination In Public	
<b>Cabinet Member</b>	Cllr Gerry Lewin, Cabinet Member for Planning	
<b>SMT Lead</b>	Emma Wiggins	
<b>Head of Service</b>	James Freeman	
<b>Lead Officer</b>	Gill Harris	
<b>Key Decision</b>	Yes/No	
<b>Classification</b>	Open	
<b>Forward Plan</b>		
<b>Recommendations</b>	<p>1. Members are requested to renew delegated authority for Head of Planning Services in consultation with the Cabinet Member for Planning to agree the following for publication and debate at the Local Plan EIP:</p> <ul style="list-style-type: none"> <li>a) draft responses to representations made on the Main Modifications to the plan;</li> <li>b) if deemed necessary by the Inspector, draft further modifications to the plan which may arise from consideration of the above;</li> <li>c) if deemed necessary by the Inspector, draft modifications which may arise from discussions during the course of the EIP;</li> </ul>	

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

- 1.1 Members will recall that on 2 September 2015, Cabinet granted delegated authority (Minute 173) for Head of Service in Consultation with the Cabinet Member for Planning to respond to recommendations from the Local Plan Inspector to provide as much information as possible and to keep a rolling schedule of possible draft responses to the objections to the Local Plan and potential modifications, so as to enable this and facilitate constructive discussion at the Examination in Public.
- 1.2 Minute 173 referred specifically to draft responses to representations made on the publication version of the plan and modifications arising from them. Since then, the Inspector has provided Interim Findings and recommendations for Main Modifications to the Plan, which were to be consulted upon, before the results of

the consultation were reported back to her and the Examination in Public (EIP) resumed.

- 1.3 All of that has been carried out and we are now at the point where the results of the consultation will be going back to the Inspector. She will be looking for responses to the representations and any other questions she may have in the period before and during the resumed EIP. An extension of the delegated powers to Head of Service in conjunction with the Cabinet Member for Planning is therefore sought. It is assumed that this will be as far as possible in line with the decisions on Main Modifications recommended by the Local Development Framework Panel of 19 May 2016 and agreed at Cabinet of 25 May 2015 (Minute 700).

## **2 Background**

- 2.1 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 including a significant increase in the housing target and that additional housing land allocations would need to be made to meet that. The Modifications would need to be consulted upon, before resuming the EIP later in 2016.
- 2.2 Members considered the Main Modifications at Local Development Framework Panel of 19 May and these were duly agreed for consultation (Minute 700). The public consultation itself ran from 24 June – 8 August 2016 and a very substantial response has been received. This has now been done and a considerable response to the consultation has been received.
- 2.3 The Council is technically still in mid EIP, with the Inspector still leading the process at this stage. We will nevertheless still need to be in a position to draft responses to the representations received on the Main Modifications and respond swiftly during the resumed EIP. It is clearly impracticable to refer constantly to LDF Panel and Cabinet for approval of multiple matters on a rolling basis in the run up to the resumption of the EIP, and during the hearings themselves.
- 2.4 It is therefore proposed that the provisions of Minute173 are renewed to enable constructive and timely response during the remainder of the EIP process. The parts of Minute173 relating to delegated powers to agree Statements of Common Ground between the Council and other official bodies; and responding to adjoining local planning authorities plan processed were not limited to any specific stage of the process. They have been working satisfactorily and no further amendment to them is proposed.

### **3 Proposal**

- 3.1 Members are requested to extend delegated authority for Head of Planning Services and the Cabinet Member for Planning to agree the following for publication and debate at the remainder of the Local Plan EIP:
- draft responses to representations made on the Main Modifications to the plan in accordance with the Council's position following recommendations of Local Development Framework Panel of 19 May 2016 (Minute 700);
  - should the Inspector indicate it necessary to do so, draft further main modifications to the plan which may arise from consideration of the above;
  - draft modifications which may arise from discussions during the course of the remainder of the EIP, should the Inspector consider it necessary to do so.
- 3.2 Members should be aware that should the Inspector recommend any further Main Modifications which are new issues not previously consulted on, she may well recommend that further consultation be carried out on them. Should that occur, we anticipate that Members would be able to examine proposed further main, modifications before approving them for public consultation, and subsequent re-submission to the Inspector.
- 3.3 Where issues have been consulted upon and subject to discussion at the resumed EIP, it is possible that the Inspector may see fit to make recommendations as part of her Final Report, without the need for further consultation.

### **4 Alternative Options**

- 4.1 There is not considered to be any practical alternative to the means suggested of progressing the Swale Borough Local Plan. Members could refuse to enable officers to respond in a constructive way to enable consideration of responses to the Main Modifications to the Plan, or engage in positive discussion on issues arising at the resumed EIP to enable the Inspector to reach her final recommendations and facilitate adoption of the plan as soon as possible. This course of action would at best further delay the EIP and adoption of the plan and at worst, potentially lead to a verdict of unsoundness on the Local Plan and the need to restart the process from scratch.
- 4.2 Current experience is, as anticipated, that development pressures are continuing to escalate, with developers whose sites have not been included as allocations in the plan seeking to 'beat the system' by submitting planning applications and getting them approved on Appeal ahead of Local Plan adoption. Plan reviews for London and neighbouring authorities are also progressing, with increased objectively assessed needs and housing targets which will also need to be taken into account through Duty to Cooperate. Progressing the current Local Plan to adoption as soon as possible is therefore important and this course of action is therefore not recommended.

## 5 Consultation Undertaken or Proposed

- 5.1 At this point in the process, the Council is still in mid EIP and responding to the Inspector's recommendations. Main Modifications recommended by the Inspector have been subject to Council ratification and public consultation and will now be reported back to the resumed EIP for further discussion. Should the Inspector consider that a round of Further Main Modifications is necessary, she will recommend accordingly and that further consultation be undertaken.

## 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	Failure to provide the context to defend the modifications to the Local Plan could result in it being found unsound, with consequent costs of redrafting, and potential further costs arising from any Appeals against refusal of planning permission.
Legal and Statutory	There is a Duty to Cooperate with other local authorities on strategic planning matters under Section 33A of the Planning and Compulsory Purchase Act 2004 (inserted via the Localism Act 2011). Compliance with this is required through the National Planning Policy Framework, and the National Planning Practice Guidance.
Crime and Disorder	None anticipated at this time
Sustainability	The Main Modifications to the Local Plan have already been subject to Sustainability Appraisal and Habitat Regulation Assessment.
Health and Wellbeing	None anticipated at this time
Risk Management and Health and Safety	Failure to provide the context to consider defend modifications of the Local Plan could result in its adoption being further delayed or being found unsound, with consequent costs and implications for development management decisions.
Equality and Diversity	None anticipated at this time.

## 7 Appendices

- 7.1 None

## **8 Background Papers**

8.1 None