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9th February 2022

Dear Jill,

Swale Council Local Plan - Regulation 18 Issues and Preferred Options Consultation

Thank you for providing Maidstone Borough Council with an opportunity to provide comments to the above consultation, following recent IT issues.

It is noted that the consultation is relatively focussed on updates to the Local Plan in response to the new NPPF, as well as setting out options for the proposed spatial strategy. Maidstone Borough Council has submitted comments to previous Regulation 18 and Regulation 19 consultations undertaken by Swale Borough Council and would ask that these continue to be taken into account as the Swale Local Plan Update is progressed.

We also note the good work that has been taking place between the two authorities regarding the ongoing duty to cooperate, resulting in a Statement of Common Ground being published by Maidstone Borough Council as part of its recent Regulation 19 Draft for Submission Local Plan Review.

With the above in mind, Maidstone Borough Council is generally supportive of the approaches that are being taken by Swale Borough Council, including in its latest consultation document. It is also apparent that a significant amount of evidence is also being produced in support of the emerging proposals.

With regard to the emerging evidence base, it is noted in particular that Swale Borough Council has sufficient land to accommodate its housing needs and that the viability assessment confirms the ability to achieve overall development viability in this regard. This should be considered against the NPPF requirements around making effective use of land and achieving appropriate densities.

We note the ongoing transport modelling and look forward to working with Swale to understand the implications of the forthcoming spatial strategy on Maidstone's transport network, with particular regard to the A249. We also note the Employment Land Review and the proposals to utilise existing sites to meet needs.

Swale Borough Council has also sought to set out the various land constraints associated with the borough, and these comprise national designations that would severely restrict development, as well as local designations.

Local designations, such as those seeking to protect the overall character of an area, would not normally be used as a reason for a local planning authority not to meet its housing needs. Indeed, such designations occur in many local authority areas, including in Maidstone Borough, and these normally assist in setting the degree, location and design of development on a site-by-site basis.

National policy makes it clear that local housing needs should normally be calculated using the standard methodology that applies across the country, and those needs should be met in full. It is also clear that those needs are expected to be met within the borough where that need arises. Whilst the consultation document itself makes it clear that needs should be met within Swale Borough, it also includes various references to asking other authorities to meet Swale's housing needs.

Given that the evidence presented with the consultation indicates that Swale can accommodate its needs within its own boundaries, a change in approach now, away from Swale meeting its own needs, is highly likely to be unsuccessful. It is considered that the authority would need to present fresh, compelling evidence demonstrating why meeting needs within the administrative boundary is now no longer possible, despite the previous evidence, including circumstances set out above.

The consultation document itself is clear that there are five potential spatial options for meeting needs within the borough and these options have been considered in detail, including setting out sites that could contribute to growth. The consultation document itself also selects Option 3 as the preferred option, given that it performs favourably when taking into account the evidence and future needs of the borough. We therefore assume that Swale will continue to meet its needs within its Borough.

We look forward to continuing to work positively with Swale Borough Council and fulfilling our respective requirements in regarding the duty to cooperate.

Yours sincerely,

Mark Egerton

Strategic Planning Manager