

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

13 April 2021

Consultation on the Swale Borough Council pre-submission (Regulation 19) plan

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| Final Decision-Maker | Strategic Planning and Infrastructure Committee |
| Lead Head of Service | <i>Rob Jarman</i> |
| Lead Officer and Report Author | Helen Garnett |
| Classification | Public |
| Wards affected | <i>All</i> |

Executive Summary

Consultation on Swale Borough Council's Local Plan Review (Regulation 19) submission draft commenced on the 08 February 2021. This report sets out the scope of the consultation and the key matters arising from the plan which are of consideration for Maidstone Borough Council. It recommends that members agree a formal response to the consultation, as drafted by officers and appended to this report.

Purpose of Report

To inform Members of the current consultation on the Swale Local Plan Review and to seek agreement to the response appended to this report

This report makes the following recommendations to this Committee:

1. That Members note the current consultation on the Swale Borough Council Local Plan Review.
2. That Members resolve to submit Maidstone Borough Council's response to this consultation as appended to this report.

Timetable

| Meeting | Date |
|---|---------------|
| Strategic Planning and Infrastructure Committee | 13 April 2021 |

Consultation on the Swale Borough Council pre-submission (Regulation 19) plan

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
|---------------------------------------|--|-------------------------------|
| Impact on Corporate Priorities | <p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <ul style="list-style-type: none"> • Accepting the recommendations will enable the Council to ensure that plans elsewhere in Kent do not materially harm its ability to achieve each of the corporate priorities. | Rob Jarman |
| Cross Cutting Objectives | <p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievements of the four cross cutting objectives by ensuring that the actions of neighbouring authorities do not materially harm the council's ability to achieve these objectives.</p> | Rob Jarman |
| Risk Management | <p>The recommendations seek to reduce the risk associated with the production of the Local Plan Review by ensuring that plans in a neighbouring authority are not in conflict with our own and those set out in government policy.</p> | Rob Jarman |
| Financial | <p>The recommendations seek to reduce the risk associated with the production of the Local Plan Review by ensuring that plans in a neighbouring</p> | Section 151 Officer & Finance |

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| | authority are not in conflict with our own. | Team |
| Staffing | We will deliver the recommendations with our current staffing. | Rob Jarman |
| Legal | Accepting the recommendations will help to fulfil the Council's duties under Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations (2012). | Russell Fitzpatrick (MKLS (Planning)) |
| Privacy and Data Protection | Accepting the recommendations will not increase the volume of data held by the Council. | Policy and Information Team |
| Equalities | The recommendations do not propose a change in service therefore will not require an equalities impact assessment. | Senior Policy and Equalities Officer |
| Public Health | No implications identified | Public Health Officer |
| Crime and Disorder | The recommendation will not have a negative impact on Crime and Disorder. | Rob Jarman |
| Procurement | N/A | Rob Jarman & Section 151 Officer |

2. INTRODUCTION AND BACKGROUND

- 2.1 Swale Borough Council's Local Plan (Bearing Fruits 2031) was adopted in July 2017 and sets out the development strategy for Swale up to 2031. As required by the NPPF this plan should be reviewed after five years and in 2018 Swale Borough Council (SBC) commenced work on its Local Plan Review.
- 2.2 This review extends the plan period to 2038 and seeks to meet revised housing targets as defined through the government's standard methodology. SBC undertook consultation on the plan review in the spring of 2018 with the 'Looking Ahead' document (Regulation 18). This Regulation 18 document was an early-stage document which did not have any specific development proposals, rather it sought views on strategic matters.
- 2.3 Maidstone Borough Council (MBC) responded to that consultation, stating that they supported Swale's ambition to meet its employment and housing land need, adding that SBC should seek to mitigate any impact on Maidstone Borough. Furthermore, it was reiterated that MBC would welcome early engagement on any cross-administrative boundary issues, including the A2 and A249 corridor solutions and any air quality impacts arising from the plan.

- 2.4 Since that consultation, work has further progressed on its Local Plan Review, and on 08 February 2021 SBC commenced its Regulation 19 Consultation on The Swale Borough Local Plan Review (Reg 19) Pre-Submission Document. Although this consultation was initially due to run until the 23 March 2021, the deadline was extended until 30 April 2021.
- 2.5 The draft plan constitutes the 'full' plan as will be submitted to the Planning Inspectorate for examination. It sets out the strategic vision, objectives and spatial strategy for Swale borough, as well as identifying sites to meet housing and employment land need, along with planning policies that will guide future development.
- 2.6 As this is a Regulation 19 draft, the consultation is only seeking representations as to (1) legal compliance (i.e., that SBC has complied with the various legal requirements under s.20(5) of the Planning and Compulsory Purchase Act 2004) and (2) the 'soundness' of SBC's Local Plan Review. In accordance with paragraph 35 of the NPPF, plans are, briefly staged, considered to be 'sound' if they:
- Are positively prepared
 - Are justified
 - Are effective and
 - Are consistent with national policy.

Headline considerations from the Swale Local Plan

- 2.7 A full copy of the Swale Borough Local Plan Review (Regulation 19) Pre-submission Consultation is available at <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review/public-consultation#h2>. This report, focusses on those matters that impact on the Borough of Maidstone.

Evidence base

- 2.8 SBC's Regulation 19 Draft Plan is accompanied by a suite of evidence base documents as listed below. As this is the first consultation since the issues and options consultation in 2018, many of these documents have not previously been made available for comment.
- Habitat Regulations Assessment
 - Local Development Scheme
 - Statement of Community Involvement and Addendum.
 - Infrastructure Delivery Plan
 - Swale Borough Council Transport Strategy 2022 - 2037
 - Air quality Assessment
 - Employment land review
 - Strategic Flood Risk Assessment
 - Housing Trajectory
 - Housing Market Assessment
 - Transport Assessment
 - Gypsy, Traveller and Travelling Show person Accommodation Assessment (2018)

- Strategic Housing Land Availability Assessment
- Important Local Countryside Gap study
- Viability Assessment

Duty to cooperate

2.9 MBC and SBC have engaged in ongoing duty to cooperate throughout the development of their respective plans. Whilst SBC makes reference to its DTC obligations in the Statement of Community Involvement, it does not set out the details of engagement has taken place with MBC to date. MBC Officers consider that this engagement could be better evidenced in its submission to the Inspectorate, so as to more accurately reflect the work that both MBC and SBC have undertaken to date in addressing cross boundary strategic matters.

Housing and employment land need

2.10 Under the current adopted local plan SBC are required to deliver 776 dwellings per year. Under the standard methodology set out in national guidance, SBC are now required to deliver 1,038 new dwellings per year. This represents an increase of 33.8% per annum. Taking into account sites already allocated in the adopted local plan, along with projected windfalls, the remaining housing need is 6,290 additional dwellings that will need to be accommodated through the Local Plan Review. SBC is seeking to meet this need and MBC support this approach.

2.11 The SBC Gypsy and Traveller and Travelling Showperson Accommodation Assessment identified a cultural need of 76 pitches, and of this number a Planning Policy for Traveller Sites (PPTS)-defined need of 59 pitches. The plan seeks to meet this need through the expansion of existing sites and as such it does not propose any new Gypsy and Traveller sites. However, whilst MBC is supportive of the approach taken by SBC in this regard, the plan itself does not expressly indicate whether it will be seeking to meet the 59 or 79 pitch need requirement.

2.12 In terms of employment land, the SBC Employment Land Review identified a need of 15 ha of office land and 41ha of industrial and warehouse land, with 15ha of this industrial and warehouse land required in the short term and 26ha required in the longer term. Again, Swale is seeking to meet its own employment land need and MBC is supportive of this approach.

Spatial Strategy

2.13 The existing spatial strategy focussed much of Swales growth around Sittingbourne and the Isle of Sheppy, but these areas do suffer from air quality and traffic constraints, along with constrained viability which can hamper build out rates. The updated spatial strategy will focus some growth in Faversham and the Isle of Sheppy, and will continue organic growth of Sittingbourne. Teynham has been identified as an 'area of opportunity' to support new housing development and Rushenden will see an expansion to the mixed-use Regeneration Area of Queenborough & Rushenden. Smaller settlements will be considered suitable for infill and redevelopment sites, and development in the countryside will be resisted.

Transport

- 2.14 The plan review is supported by an Infrastructure Delivery Plan and a Transport Strategy. The following transport schemes are those which are considered necessary to support the growth identified in the plan which are relevant to Maidstone borough:
1. Improvements to M2/Junction 5 via Highways England national road delivery programme project commencing 2021
 2. A249/Key Street junction improvements (which has existing Housing Infrastructure Fund (HIF) funding);
 3. A249/Grovehurst junction improvements (including pedestrian and cycle way links between new development allocations at North West Sittingbourne to employment areas at Ridham) (which has existing HIF funding);
 4. A249/ Bobbing junction may also need to be re-assessed as part of the A249 corridor and the associated development being promoted together with Key Street and Grovehurst junctions.
- 2.15 Officers recognise the need for and support these highway improvements and will continue to engage with SBC to assess their impacts as part of the duty to cooperate process.

Environment

- 2.16 The impact of the plans proposals on European sites in Maidstone has been tested through a Habitats Regulation Assessment.
- 2.17 Air quality is considered through an Air Quality Assessment and consideration has been given to the impact of the local plan review on the M20/A249 junction. SBC has sought to mitigate against any increase in air pollution through the incorporation of policies or policy elements that seek to reduce trip rates based on the provision of sustainable and active travel options for new development.

Summary

- 2.18 As this is a Regulation 19 draft, the scope of the Councils response is limited to matters of legal compliance and soundness that it may wish to raise. A plan is considered legal when it complies with the legal requirements under section 20(5) (a) of the Planning and Compulsory Purchase Act 2004. Following this consultation, SBC may consider making pre-submission plan changes in response to the consultation.
- 2.19 To be sound, a plan must: as a minimum, seek to meet the needs objectively assessed needs whilst delivering sustainable development; be considered against reasonable alternatives and supported by adequate evidence; be deliverable over the plan period and based on effective cross-boundary strategic priorities and; be consistent with national policy.
- 2.20 Taking into account the information presented with the consultation and subject to the comments raised in the attached representation, MBC does

not wish to raise issues with the plan in terms of legally compliance and 'soundness' for the purposes of the NPPF.

3. AVAILABLE OPTIONS

- 3.1 Option 1: That officers submit a formal response to the consultation as appended to this report. This will enable a comprehensive response and for MBC's views to be taken into consideration by SBC prior to the submission of its Local Plan to examination.
 - 3.2 Option 2: That MBC makes no response. This will mean that the SBC Local Plan Review is progressed without MBC's views and interests being taken into account.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 For the reasons set out above, it is recommended that Option 1 is followed and that a formal response is made by officers as appended to this report.
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5. RISK

- 5.1 The risk associated with these proposals, as well as any risks should the Council not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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6. REPORT APPENDICES

- 6.1 The following documents are to be published with this report and form part of the report:
 - *Appendix 1: Draft Response to the SBC Local Plan Review Regulation 19 Consultation.*
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