

Swale Borough Council Local Plan Examination Statement

Matter 2: Overall approach: development targets, the settlement strategy and the distribution of development

This statement has been produced as part of the examination of the Swale Borough Local Plan: Bearing Fruits 2013 and its Proposed Main Modifications June 2016. It answers the Inspector's questions relating to Matters 2.1-2.5.

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2. Overall approach: development targets, the settlement strategy and the distribution of development

1. This statement should be read in conjunction with the Council's responses within SBC/PS/117.

Matter 2.1 Does the modified Plan set out a strategy to deliver the area's development needs over the Plan period?

2. Provision for housing has been made at the level of the OAN with a surplus of 723 dwellings against the plan target (Table 6 of SBC/PS/113). A generous supply of land for economic development has also been made well in excess of the 130,000 sq.m need identified (Employment land needs assessment in Swale 2014-2031 (SBC/PS/089). Relevant infrastructure has also been identified within the Implementation and Delivery Schedule (SBC/PS/103).
3. The strategy itself is set out within Chapter 4 and aspects of the distribution - the two planning areas (PA) and Policy ST3 - have already been endorsed in the interim findings (i.e. para. 28 of ID/9c and paras. 3-6 of ID/9c). Finally, whilst maintaining the broad proportional balance of growth between the two PAs, development levels have been adjusted in line with the interim findings, namely: (1) nudging the housing target upwards across the Borough; followed by (2) a proportional boost to allocations in Faversham and the rural areas. The outcomes are outlined in Table 15 on page 2 May 2016 LDF Panel report (SBC/PS/108).
4. Some within the Thames Gateway PA are unhappy in terms of a perceived fairness of distribution and/or consider that the Gateway concept is outdated. At Faversham, some believe that growth has been increased too far.
5. Having addressed the interim findings, the Council's strategy remains relevant and there is no further justified room for manoeuvre between the PAs. For example, at Faversham, the 1.5% shift in total PA growth represents an increase of 834 allocated dwellings on the submission plan – a notable 24% increase at this smaller historic town.
6. Some omission site promoters highlight site benefits without challenge to allocated sites, whilst others use a variety of land supply devices to lever their sites in. However, none appear to fundamentally challenge the direction of the strategy.

Matter 2.2 Is the introduction of an indicative percentage split in MM40 justified and does it provide a clear and realistic guide for managing growth across the two planning areas?

7. The percentage split within Table 4.2.2 (MM40) is a product of the discussion at the first stage of the Examination and the Inspector's interim findings (paragraph 28 of ID/9c) relating to sensitively nudging the housing target upwards across the Borough and, additionally, the need for a proportional boost to allocations in Faversham and the rural areas. These changes are made whilst maintaining the

broad proportional balance of growth between the two planning areas (paragraph 6 ID/9c).

8. The original percentage split of the submission plan (Table 4.2.1 of CD/001) was 86.5% of housing steered toward the Thames Gateway PA and 13.5% to the Faversham and rest of Swale PA. As a result of the Proposed Modifications, the percentage split to the Faversham and rest of Swale PA is 15%, with an extra 834 dwellings allocated at the town.
9. Whilst an over-focus on precise percentage figures is not desirable, the Council's approach is flexible. As the total level of supply changes annually, use of dwelling numbers to express the split could imply a numerical 'cap', whilst a percentage figure indicates a flexibility to deal with relatively modest changes.
10. Therefore, as explained by MM41, this is an indicative, as opposed to a policy based split; acting as a guide to ensure there are not significant deflections of growth away from the Gateway. Its use will illustrate the weight that should continue to be applied to policies, such as ST3, particularly in the context of NPPF paragraph 49. The approach is therefore both clear and realistic.

Matter 2.3 Do MM41/ MM42 provide a clear and flexible approach to monitoring delivery across the borough as a whole?

11. MM41 itself does not provide a basis for monitoring delivery – this is set out by Chapter 8 of the Modified Plan (Table 8.2.1) with delivery monitored on a Borough and site basis. Whilst there is no indicator to monitor provision at the PA level, the Council would not challenge the need for an additional (minor) modification.
12. MM42 is also not intended to monitor delivery, but its triggers for a Local Plan review must be capable of being monitored. This is demonstrated by Table 8.2.1 of the Modified Plan and Table 1 of the Council's Matter 9.2 statement.
13. The Council has considered whether a three year back stop for a review is really necessary, given the likelihood of a review in any event. However, it provides a guarantee of a serious intent to keep plan making up to date, as already indicated by the revised October 2016 LDS.

Matter 2.4 Is the allocation of additional development sites in MM58 (Policy ST4) based on detailed and objective assessment of potential sites?

14. Given Matters 3 and 4, this response is high level. The Council's detailed and objective assessment of sites come from a wide variety of evidence, including:
 - 1) 2014/15 Strategic Housing Land Availability Assessment (SBC/PS/037) and Addendum (SBC/PS/110) – these provide the catalogue of sites and their overall deliverability.
 - 2) Ranked Assessment of Reasonable Alternative non-allocated sites (SBC/PS/106+a). This superseded the earlier work (SBC/PS/039). It places sites in tiers and ranks using a methodology reflecting environmental constraints and landscape impacts.

- 3) The SA Report Addendum (SBC/PS/105b) was developed from the earlier SA work (SBC/PS/033a) for the Examination. Informed by the interim findings, SBC/PS/105b assesses a series of strategy alternatives, site options, the proposed modifications and the Modified Plan as a whole.
 - 4) A wide variety of constraints based evidence, e.g.: Heritage (SBC/PS/009, 010); Landscape (CD/053, 060, 063, SBC/PS/090, 118, 122); Flood risk (CD/048); Agricultural Land (SBC/PS/022, 088); and Biodiversity (CD/063-69).
15. Some of the documents prepared for the first stage of the Examination were specifically found to present a sound basis (para. 25 of ID/9b) for delivering the OAN. As noted by the Council and the Inspector (paragraph 26 of ID/9b), they (and thus their successors) are a technical survey of sites with variances and limitations arising from their scope or methodology. Nevertheless, they are considered to provide a robust and proportionate means to objectively assess sites.
16. The evidence was brought together within the May 2016 LDF Panel Report (SBC/PS/108) which considered the sites and a wide variety of alternative approaches. The report covered the following:
- 1) Background: Explained the Inspector's interim findings and the evidence. Paragraph 2.12 stressed the need to take an overall view not based on any single piece of evidence.
 - 2) The scope of the considerations: Provided the shape to the approach to the allocation of additional sites. In addition to the Inspector's interim findings, this covered the settlement strategy, distribution and the guiding approach to environmental constraints, including the Council's Examination Position Statement (SBC/PS/031).
 - 3) The scale of the task: Set out the amount of dwellings needing to be found to meet the OAN and achieve a five-year supply. An assessment was also made of existing submission plan allocations.
 - 4) Overview of the main considerations in site selection: Considered the differences between decision-making and plan-making, the main NPPF principles, SBC/PS/031 and Policy ST3 (The Settlement Strategy) which provided the basis for the site search sequence. Finally, the weight to be given to environmental constraints and the benefits of development was outlined.
 - 5) Discounting of sites: Dealt with clear cut cases outside of the scope of the approved settlement strategy and/or judged as having showstopper constraints. As well as the interim findings, this drew upon the SA, ranking exercise and SHLAA with judgements applied as to the extent of harm.
 - 6) Considering the remaining sites with potential for allocation: A staged consideration of sites within the context of Policy ST3 and the evidence.

Having discounted clear-cut inappropriate sites, a shortlist of site options were discussed in more detail at each stage, together with the use of alternative approaches to sense check recommendations. The stages were:

- a. ***What the proportional boost for Faversham would mean in practice:*** Considered first to establish the extent of acceptable growth, whilst ensuring the appropriate emphasis between the two PAs. It established the scale of the challenge remaining;
 - b. ***The relationship between Sittingbourne and the Isle of Sheppey within the Gateway:*** Given the need to maximise the use of poorer quality agricultural land (Matter 2.5), sites on Sheppey were considered with the emphasis upon the ‘West-Sheppey Triangle’ focus ruling out sites further to the east on the island;
 - c. ***The site options at Sittingbourne:*** Choices were narrowed to three locations, having regard to maintaining Sittingbourne’s primacy within Policy ST3;
 - d. ***Resolving the position of Rural Local Service Centres:*** Addressed both their contribution to boosting rural provision and to the five year supply. It included discussion on the potential of each centre, discounting some. It was not necessary to extend the search beyond this tier; and
 - e. ***The overall shape of the recommendations:*** Described the preferred option and outlined the changes in growth at settlements to act as a final check that the Plan was in accordance with its strategy and whether the interim findings had been acted upon.
17. Section 7 of the SA (SBC/PS/105b) outlined the preferred option and the Council’s reasons for its choice and response to the SA – this reflected the panel report and outlined the balances taken between the PAs, the various settlements and environmental issues.
18. The Council’s assessment of potential sites was therefore both detailed and objective. It was linked to the evidence base and officers, informed by expert consultants, made informed and reasonable judgements and recommendations. The assessment took account of relevant issues and was balanced, having not been overly driven by any one influence. The Council was also informed by its SA, which gave clear and appropriate direction for both the overall strategic option to be pursued and the site options.

Matter 2.5 Is the modified Plan based on an appropriate and justified approach to minimising the need to allocate the best and most versatile (BMV) agricultural land?

19. The Council acknowledges that there is a need to minimise the loss of BMV land and has taken into account of NPPF paragraphs 110 and 112. However, there is

no presumption against developing BMV land; rather its release must be shown to be necessary and, in effect, kept to a minimum. It also requires a balance to be struck between its protection and other NPPF principles. This was previously discussed by the Council in paragraph 42 of its Position Statement (SBC/PS/031) and the interim findings (paragraph 18 of ID/9c). Natural England has raised no concerns on this issue.

20. In its Matter 4.3 statement (SBC/PS/049 first Examination stage), the Council confirmed that BMV land was a matter primarily affecting the distribution of development. It also produced evidence on its economic and other benefits (SBC/PS/088).
21. Paragraph 1 (2nd bullet) of SBC/PS/088 confirms that the agricultural area in Swale is around 23,000 ha, with about 65% of this potentially BMV. The strategic distribution of BMV land is well documented (DEFRA map on page 17 of CD/081 and Figure 6 of CD/063e) as being found within an east-west belt around the A2. On Sheppey, agricultural land quality is generally poorer reflecting the lower lying land there. Swale also has some poorer quality land.
22. The DEFRA map is useful, but has limitations. Parts of Swale are covered by more detailed SBC Local Plan/MAFF ALC surveys from the 1990s (SBC/PS/022 and the MAGIC web-site). These generally confirm the outcomes from the DEFRA map, but can reveal variances in the mix.
23. BMV land loss is an important national (and local) concern and the Council's SA (SBC/PS/105b) views its loss as a significant negative effect. However, development on BMV can be consistent with the overall aims of the NPPF (paragraphs 110 and 112). The key issues to consider are:
 - 1) Whether development on agricultural land is generally necessary?
 - 2) If so, can poorer quality land be used?
 - 3) If so, will its use be consistent with other policies in the Framework (paragraph. 110)?
 - 4) Have the economic and other benefits of BMV been taken into account?
24. In respect of 1), some parties believe that no agricultural land should be used. At this point, the only option to consider would be to allocate all sites on previously developed land (pdl). However, the Kent Habitat Survey 2012 (CD/069) indicates that only 9.8% (Fig. 5.129) of the Borough is built-up; suggestive that pdl resources are not huge in Swale.
25. This is confirmed by the SHLAA (SBC/PS/037 and 110), which provides a catalogue of brownfield sites with an indicative capacity of 3,545 dwellings¹. Many of these sites are now allocated by the Council; with only 280 dwellings not judged as available or suitable (see Appendix 1). However, even if all pdl sites had been allocated, this would still have been short of the 8,724 dwellings

¹ Excludes non-reasonable options: Sites away from established settlements; land at Port of Sheerness not currently available; and some land within the Sittingbourne Town Centre SPD.

needing to be allocated to meet the OAN². Where parties have highlighted pdl sites, these are either unsuitable or already being counted toward the housing land supply. Thus the use of agricultural land is, in general, necessary.

26. In respect of 2), if there are around 8,000 ha of poorer quality land in Swale (calculated from paragraph 21), this is reduced by some 7,200 ha (Table 5.1.7 of CD/069) by land designated as SPA/SSSI not considered appropriate for development³. Theoretically (putting aside that not all this land would be available for development), that remaining might be sufficient to meet the land requirements for housing allocations and thus, in terms of this single issue, the theoretical answer to 2) is assumed to be 'yes'.
27. In respect of 3), notwithstanding the theoretical supply of poorer land, the NPPF requires its use to be balanced with its other policies, such as accessibility and landscape impacts. This balance must also include the agreed NPPF conforming strategy of the Local Plan. These considerations begin to further limit the sites that can be considered. For example, the locations of settlements in the higher settlement tiers of Policy ST3, alongside the accessibility indicative map (Picture 4.3.2 of SBC/101), show a correlation with the location of BMV. This reduces the scope for the use of poorer land to the most accessible locations within higher settlement tiers.
28. There are no poorer quality sites available outside pdl sites at Sittingbourne, Faversham, Newington, Teynham and Boughton, whilst any likely options at Eastchurch and Leysdown are viewed as too distant from services and transport choices. Notwithstanding the response to 2) above, the pool of possible sites on poorer quality land is considerably further reduced by their availability for development via the SHLAA. Taking these matters into account, it is only certain locations on West Sheppey (outside land at risk of flooding) and at Iwade where it may be reasonable to consider whether greater contributions could be made.
29. On Sheppey, the Council allocated the most suitable sites on West-Sheppey on Grade 3b land (i.e. non BMV) to the west of Minster and south of Halfway. Whilst Minster/Halfway is in an upper tier of Policy ST3, balances need to be struck between land quality and other objectives. Reflecting the emphasis given by Policy ST3, the allocations made by the Council reflect the locations most accessible to the strategic road network, transport choices and services. Overall choices are also reflected within SA findings (SBC/PS/105b – strategic alternatives Table 6.1, page 81 site option assessment and the Council's reasons for selecting SA option 1 at the second bullet point of section 7.2).
30. In short, the balance reached by the Council reflects a tipping point between the benefits of its allocated sites to the west of Minster that are on poorer quality land with locational advantages and lesser environmental impact, as opposed to the

² Plan target less planning permissions, completions and windfalls (Table 6 of SBC/PS/113).

³ The majority of this land would also be at flood risk.

poorer performance of land to the east.⁴ In other words, having taken into account NPPF paragraphs 110 and 112 relative to other NPPF policies.

31. Would increasing provision further on non-BMV land on Sheppey lead to less sustainable outcomes elsewhere? This was considered by paragraph 3.140 of SBC/PS/108. Whilst it would reduce use of BMV land, it would negate use of more accessible locations with lesser environmental impacts overall and/or use of sites offering other strategic benefits. It would have also diminished or neglected the role of Sittingbourne within Policy ST3 and/or the need to make provision at Faversham and the rural areas in line with the Inspector's interim findings.
32. Turning to the potential contribution from Iwade (paragraph 2.26 of SBC/PS/108). Whilst most of the developed areas of the AX5 allocation are on non-BMV land, land for the country park would technically be a loss of BMV (Grade 3a)⁵. With this, the use of suitable non-BMV land at Iwade appears to have been exhausted⁶.
33. In respect of 4), SBC/PS/088 (paragraph 30) estimated that activity on BMV land in Swale supported between £105 and £255 million of output each year, or up to £17,000 per hectare. However, this would not be as significant as the very considerable economic and other benefits of the Plan as a whole.
34. To conclude, the current outcome of Local Plan allocations in terms of land use type (as represented by MM58) is summarised in Table 1 below.

Table 1 Proportions of allocated dwellings by land type

PDL/BMV/non-BMV	Number of dwellings allocated
Previously developed land	3,265 (32.17%)
Greenfield – non BMV	2,537 (25.00%)
Greenfield – BMV	4,347 (42.83%)
TOTAL	10,149 (5,802 dwellings 57.17% on non-BMV)

35. The 42% (237 ha) use of BMV for housing allocations may be argued as significant, but to determine significance it is relevant to consider how prevalent BMV land is in the local area. This is implicit in the NPPF as it requires Councils to assess the relative availability of poorer and higher quality land. As has already been shown, there is a considerable prevalence of BMV land in Swale.

⁴ In the absence of work from developers, the Council has assumed land east of Minster on low lying slopes to be poorer quality based on the DEFRA map and from more detailed land surveys on adjacent sites.

⁵ Some parts of the small Pond Farm, Iwade site appear to be BMV land.

⁶ Other omission site promoters have not provided ALC surveys, but the DEFRA map indicates increasing likelihood of BMV land quality for sites closer inland.

36. Given this and in the context of ST3, the use of BMV land is both necessary and inevitable. Whilst parties may consider that a different balance could be reached, seen in this context, the Council's achievement of providing some 57% of the allocated dwellings on poorer quality land is significant, whilst the loss of approximately 1.6% of the overall BMV land resource might be viewed as relatively small⁷.
37. The Council's approach accords with its agreed Local Plan strategy and is sound, having followed NPPF paragraphs 110/112 and the core planning principles in paragraph 17. In particular, it has balanced paragraphs 110/112 with other NPPF policies, notably compliance with the core planning principles of allocating land of lesser environmental value and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, whilst focusing significant development in locations which are or can be made sustainable.
38. Given that the Council has followed NPPF paragraphs 110/112, the weight to be attached to the loss of BMV land (and its other benefits) are diminished and alone would not be judged as significant enough to tip the balance of benefits of the Plan to the point where it would be non-compliant with NPPF paragraph 14. The Council is not aware of any local plan where an alternative conclusion has been reached – to do so would require a significant change in Government policy involving the weight to be attached to BMV land.
39. Respondents have not demonstrated why the Plan is unsound on this issue. The Council believes that it has struck the appropriate balance, whereas alternative outcomes would be less sustainable overall.

⁷ 237 ha (from paragraph 35) as a percentage of circa 14,950 ha of BMV land (from paragraph 21).

Appendix 1: List of previously developed sites not allocated by the Local Plan

Table 2 SHLAA Previously developed land sites not allocated by the Local Plan

SHLAA Ref	Site	Yield	Reason for non-allocation
SW/205	Stoneyard Depot, Bridge Road, Sheerness	17	Not deliverable (not available)
SW/305	Reedland Crescent, Faversham	5	Not deliverable (not available)
SW/307	189 Park Road, Sittingbourne	5	Not deliverable (not available)
SW/309	Land rear of Middletune Avenue, Sittingbourne	6	Not deliverable (although smaller site now has pp)
SW/311	Land adj 40 Tonge Road, Sittingbourne	4	Too small for allocation
SW/322	Shortlands Road car park, Sittingbourne	4	Too small for allocation and retained by Council for parking
SW/062	Land fronting Milton Creek/Gas Road	24	Offers an extremely poor residential environment.
SW/210	Preston Forge Highway Depot, London Road	28	Poor residential environment with retained highway depot.
SW/213	Sittingbourne Adult Education Centre	26	Listed building where conversion requires the necessary examination at the planning application stage. Within built up area boundary so would be a windfall site.
SW/412	Bapchild Fruit Stall	15	Would result in actual coalescence.
SW/435	Queen Court Farm, Water Lane	30	Not all brownfield land, but judged as significantly harmful to heritage assets. Also access and accessibility issues.
SW/795	Land at 39 Abbeyfields	6	Significant harm to heritage assets and landscape, poor access and distance to services.
SW/186	Parklands Village, The Broadway	76	Zone 3a flood risk, landscape impacts (see also interim findings).
SW/728	Land at Checkmate Ltd, New Road	25	Loss of employment land, poor residential environment.
SW/729	Land at Checkmate Ltd, New Road	9	Loss of employment land, poor residential environment.
TOTAL		280	