

Item 10 - Local Plan - Results of The Draft Local Plan Consultation, agreement to publish the Regulation 19 proposed submission version and next steps

The attached report was considered by the Planning Advisory Committee on 22 November 2018. The relevant Minute extract is below.

Planning Advisory Committee (Minute 25, 22 November 2018)

The Chairman advised that many Members had enjoyed an interesting and informative tour of the sites put forward around the whole district. What was before Members was the culmination of a long process which had been extensively consulted on. She reminded all present that the decision to consult would be made by Cabinet on 6 December 2018 and to submit the draft plan, by Council on 26 February 2019. This Committee would merely be making a recommendation to Cabinet. She urged everyone to respond to the Regulation 19 consultation, stating that all responses would be read and collated for submission to the Inspector. Even if a site was not in the Council's final document anyone could request to make their case to the Planning Inspector and it would be up to the Inspector to decide at that point who they would let speak. She advised that she had decided not to exercise her discretion and allow members of the public to speak, however she would allow local ward councillors who were not members of the committee to address the meeting.

The Chairman moved the recommendations as set out within the agenda papers.

The Strategic Planning Manager and Planning Policy Team Leader, gave a [presentation](#) as an introduction to the report which provided a summary of the outcome of the draft Local Plan consultation, undertaken for an eight-week period from Monday 16 July to Monday 10 September 2018. The report set out the key content of the Regulation 19 Proposed Submission version of the Plan and the process for taking it forward to examination. It was also proposed to consult on the Affordable Housing SPD; Development in the Green Belt SPD; and Design Review Panel SPD. The Council had received four additional proposed Greenfield Green Belt sites in response to the Regulation 18 consultation process, and following assessment, those considered as being potentially suitable for inclusion would be consulted on alongside (but not part of) the Regulation 19 Proposed Submission version of the Local Plan.

The Chief Planning Officer reported that an email had been received the day before the meeting from the promoters of the Broke Hill site who had sought Counsel's opinion which had concluded that to submit the draft Local Plan in its current form would be unlawful. Advice from the Head of Legal & Democratic Services (and Monitoring Officer), was that this opinion did not alter the role of the Planning Advisory Committee, as it was indeed merely an Advisory Committee, and only reinforced the approach already agreed and being taken. In the meantime the Council would seek further legal advice and examine the document submitted.

The Chairman exercised her discretion and allowed local ward Cllrs Grint, McGarvey and Searles to address the Committee with their local concerns. Cllr Grint was pleased that Broke Hill had been removed, and Cllrs McGarvey and Searles expressed concern that Pedham Place had been identified as a broad location for growth due to its potential adverse impact on neighbouring villages and infrastructure as well as being Green Belt, and wished it to be removed. The process was also criticised as not being as transparent as Councillors and residents would have wished.

Officers advised that Pedham Place had been identified as a broad location for growth. This was because further information was required to either accept or omit the site from future versions of the Plan. Having it identified as a broad location for growth did not remove it from the Green Belt and gave the opportunity to further analyse the site at first plan review stage. To omit it without the necessary justification would treat it differently from all other sites within the process, which otherwise had been fully evidence led.

The Chief Planning Officer stated that a lot of work had been carried out to bring everything to the meeting and make the whole process as transparent as possible including the additional consultation over and above what was required. There was a lot of information, including all the evidence based documents, that were publicly available and accessible. The Chairman also pointed out that more had been done than required and reported that she knew of a neighbouring authority where all discussions had been carried out under exempt information in a small working group so as a Council she believed SDC had done an excellent job and far more than required as the Council had wished to engage with residents and developers.

During debate Members sought further clarification on the difference between a site within the Green Belt being identified as a broad location for growth and those greenfield sites in the green belt to be allocated for development within the Regulation 19 version of the Local Plan. Clarification was also sought on the difference between the proposal to have Pedham Place identified as a broad location for growth and the sites that had not be included in the Regulation 19 Plan.

Confirmation was sought and given that all those who had made representations on the draft Local Plan during the two consultation periods would receive a written invitation to respond to the Regulation 19 consultation. There was some concern that the consultation period was during the Christmas holiday period.

Cllr Clark moved that the following words be inserted at recommendation (a) to Cabinet ‘..for a minimum of 8 weeks’, which was duly seconded. During the debate of the amendment it was suggested that an additional three days would compensate for the bank holidays over the Christmas period. The tight turnaround for Officers to fully examine the responses to the consultation before submission to full Council was also discussed and the

idea of an extraordinary Council meeting, mooted. Officers advised that should Cabinet agree the recommendations the consultation would go live around 18 December 2018 and therefore run to 29 January 2019. Following this discussion, with the agreement of the seconder to the motion, Cllr Clark altered his motion to extend the consultation by one week. Upon listening to further debate Cllr Clark again altered his motion with the agreement of the seconder to amend recommendation (a) to Cabinet to read

‘(a) agrees that the following be issued for public consultation for 6 weeks and 5 days (up to Sunday 3 February 2018)’.

The amendment was put to the vote and the amendment was carried.

Members continued to debate the substantive motion.

As the Chairman had not exercised her discretion to allow members of the public to speak, she did not allow a member of the public’s email to be read to the Committee.

Cllr Gaywood was delighted that the development at Hartley and Fawkham had been removed but did not like the idea of a development hanging over the residents of Swanley and neighbouring villages with regards to Pedham Place and moved an amendment to (a) (i) by the insertion of the words ‘..subject to the removal of Pedham Place’ which was duly seconded.

Concerns were raised on the overall adverse impact on the existing neighbouring settlements. That Pedham Place lay within a designated Area of Outstanding Natural Beauty (AONB) and was within the Green Belt. Concerns were also raised that the current infrastructure in the area would not be able to cope with the increase in population, especially as traffic was already at capacity. Along with air quality concerns, a query was also raised with regard to the need for an additional school when the secondary in Hextable had been recently closed. There was some discussion regarding the reasons why Pedham Place had been identified as a broad location for growth whereas areas such as Broke Hill had not been included in the Plan.

The meaning of being identified as a broad location for growth was revisited. It was pointed out that developments could provide Community Infrastructure Levy (CIL) payments which could be applied for and used towards any infrastructure needs identified. It was reaffirmed that there was a need to require the same level of investigation for each site to remain evidence led before including or omitting a site, otherwise the whole plan would run the risk of being declared unsound. Housing numbers were provided by central government and if Districts failed to produce a sound plan, there may be loss of control over the plan making and decision making processes. It was reiterated that the agreed approach had always been to go where the evidence led.

In accordance with the Council’s Constitution, Part 2 paragraph 24.4, five members of the Committee stood and demanded a recorded vote on the amendment.

The amendment was put to the vote.

For	Against	Abstention
Councillor Clare Barnes	Councillor Cameron Clark	
Councillor Dr. Merilyn Canet	Councillor Mrs. Avril Hunter	
Councillor John Edwards-Winser	Councillor Stuart McGregor	
Councillor James Gaywood	Councillor Edward Parson	
Councillor Michael Horwood	Councillor Robert Piper	
	Councillor Julia Thornton	
5	6	0

The amendment was lost.

The substantive motion therefore remained unchanged and was further debated. During the debate the amount of work involved and the dedication of Officers was commented on.

Cllr McGregor moved, it was duly seconded and unanimously

Resolved: That a ‘vote of thanks’ be recorded for all Officers involved in the preparation and production of the draft Local Plan.

Before putting the substantive motion to the vote, everyone was urged to respond to the Regulation 19 consultation, and the parallel consultation on the additional sites. It was agreed that the results of the consultation on the additional sites could be reported for information at the meeting in March 2019.

The substantive motion was put to the vote and it was

Resolved: That it be recommended to Cabinet that

- a) the following be issued for public consultation for 6 weeks and 5 days (end date of Sunday 3 February 2019 - based on a consultation start date of 18 December 2018)
- i) the Regulation 19 Proposed Submission version of the Local Plan (as detailed within Appendices 5 and 6 to this report);

- ii) the additional strategic greenbelt greenfield sites received during Draft Local Plan consultation (as detailed within Appendix 4 to this report); and
 - iii) the associated Supplementary Planning Documents (as detailed within Appendix 7 to this report)
- b) delegated authority be granted to the Chief Planning Officer following consultation with the Planning Portfolio Holder to finalise any non-policy text changes required in the Draft Local Plan prior to Regulation 19 public consultation; and
 - c) it be recommended that Full Council agrees to the submission of the Regulation 19 version of the Local Plan for examination.