

EXTRAORDINARY CABINET

Minutes of the extraordinary meeting held on 2 July 2018 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Robert W Bayford (Chairman); Councillors Savage and I Gregory

In Attendance: Councillors: Ashbee, Bambridge, Brimm, Campbell, K Coleman-Cooke, Connor, Constantine, Crow-Brown, Dawson, Dellar, Edwards, Evans, J Fairbrass, L Fairbrass, Jaye-Jones, Johnston, Messenger, L Piper, S Piper, Pugh, Rusiecki, D Saunders, M Saunders, Stummer-Schmertzing, Tomlinson, Townend and Wells

503. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Game and Councillor Taylor-Smith.

504. DECLARATIONS OF INTEREST

There were no declarations of interest.

505. THANET LOCAL PLAN - PUBLICATION STAGE (REGULATION 19) & SUBMISSION FOR EXAMINATION (REGULATION 22)

By way of introducing the agenda item for discussion, the Leader of Council said that the Local Plan supported the Council's Corporate Plan priorities and was important for meeting the priority to promote inward investment and job creation. Together with the Council's Economic Growth Strategy, it set the framework for achieving the Council's economic ambitions. Not only did it help to deliver the economic strategy, it also made provision for new housing to meet local needs, supported the growth of the workforce, and other development requirements, and supported the provision of key new infrastructure. He further raised a number of key points as follows:

1. The Local Plan was not therefore a stand-alone document, as it set with other Council documents to try to achieve the Council's wider ambitions for the area. These included the Economic Growth Strategy; the Housing Strategy and the Corporate Plan in particular.
2. Following the decision by Council on 18 January 2018, the Cabinet report before Members set out two options for taking the Plan forward. Those options were:
 - Option 1**
 - i. To publish the draft Plan for comment as recommended to Council in January (this is the recommendation of officers); that is, with the Airport site allocated for mixed-use development; or
 - Option 2**
 - ii. To publish a draft Plan which provides the opportunity for the Development consent Order (DCO) process for the Airport to continue, and re-allocates the 2,500 dwellings from the airport site to other locations within the district.
 3. Under Option (2), draft Policy SP05 would be deleted, and replaced with text that recognised the existing use of the Airport and acknowledged the current Development Consent Order (DCO) process for the site. This approach also provided the opportunity for any other interested parties to pursue the operational

use of the airport through agreement with the landowners or through becoming an indemnity partner as part of a potential CPO process with the Council.

4. The statement regarding existing use was not a policy statement but recognition of the current planning status of the site. The current Policy EC4 (and other Airport-related policies) would not be continued or replaced with equivalent policies in the new Local Plan.
5. However, Policy EC4 and related policies would continue to carry weight in planning decisions until the new Local Plan was adopted, and officers had been asked to make that clearer in the report and in the proposed Local Plan text. The alternative housing sites were set out in the report under consideration at paragraph 2.16.
6. This distribution would meet the criteria described in the report at paragraphs 2.12 and 2.14. Para 2.14 further indicated that:
 - Housing development should be focused at urban areas or the urban edge and larger villages;
 - That any housing distribution should avoid any additional traffic loading of the Haine Road corridor (as advised by KCC Highways), and should be well-related to the road network improvements proposed in the draft Transport Strategy, including the Inner Circuit;
 - Housing development should not be located in the vicinity of the Airport;
 - Housing development should not be located adjacent to the national and international wildlife designations along the coast; and
 - In addition, the designated Green Wedges should be avoided, as should Flood Risk Areas and sensitive landscape areas (identified through the Landscape Character Assessment).
7. Member support was also sought for the other changes recommended in January, which could be carried forward whichever decision was made on the two options mentioned above:
 - A new policy to support the Thanet Landscape Character Assessment, and its use as supplementary planning guidance;
 - A new policy to support the designation of sites as Local Green Spaces;
 - Carrying forward the policy in the 2006 Local Plan to identify land for possible QEQM expansion;
 - A new policy to support ancillary accommodation for family members, subject to design and other criteria; and
 - A new policy to support the implementation of the Government's national standards in relation to new development - internal space standards; energy and water efficiency; and accessible and adaptable accommodation.
8. The meeting was further asking Members to consider two other matters which were the designation of additional Local Green Spaces (paragraph 2.41) and a new policy, supported by the Council's partners, for a policy to control fostering homes, particularly in Cliftonville West Ward (paragraph 2.46). Again, both these items could be considered, regardless of the decision made on the options for the Airport site.
9. The Cabinet report also indicated that the changes to the Local Plan timetable should be reflected in the Council's Local Development Scheme (the published work programme for the draft Local Plan).
10. The Thanet Transport Strategy (jointly prepared by Kent County Council and Thanet District Council), which supported the draft Local Plan, was scheduled to be published alongside the pre-Submission draft Local Plan.

11. It was important that there was no further delay to the Local Plan process. The Ministry for Housing, Communities & Local Government (MHCLG) was already assessing the position of the draft Local Plan in Thanet, with a view to further intervention if the draft Plan did not proceed in a timely manner. This would effectively remove Council control of the process. Investment in the area could be significantly undermined or delayed, with a significant impact on development, economic growth and investor confidence in the area.
12. It was also important that the Council made decisions based on the available evidence and followed Government guidance. A draft Plan that did not meet this requirement was likely to be found "unsound" at Examination by an independent Planning Inspector. This was likely to lead to significant delay in adopting a Plan (This had previously been the experience of other Councils in Kent, who have had to make significant amendments to their respective draft Local Plans).
13. Council would best be reminded that without an up-to-date Local Plan based on evidence, there would be a risk to planning application decisions. The Council would not be able to demonstrate a 5-year housing land supply and would therefore be at particular risk at Appeal in relation to housing developments. This risk would not only be losing Appeals or High Court challenges, but potentially also having significant costs awarded against the Council, where decisions were made that did not reflect the available evidence. There was also a risk that critical infrastructure would not be provided, especially on smaller sites.
14. The Local Plan report together with any recommendations agreed by Cabinet was going to be considered by the Executive, Policy & Community Safety Scrutiny Panel on 11th July 2018. The views of the Panel would be reported back to the Cabinet on 19th July 2018.

The following Members spoke under Council Procedure 20.1:

Councillor Wells;
 Councillor Bambridge;
 Councillor Messenger;
 Councillor Stuart Piper
 Councillor Campbell;
 Councillor Crow-Brown;
 Councillor Lin Fairbrass;
 Councillor Constantine;
 Councillor Edwards;
 Councillor Rusiecki;
 Councillor Jaye-Jones.

Councillor Bayford proposed, Councillor Savage seconded and Cabinet agreed the following recommendations to Council:

- (1) That Council agree to proceed with the draft Local Plan on the basis of Option (2) set out in the Cabinet report; that is, as recommended to Council on 18 January 2018, with the revised distribution of sites and other amendments set out in this report and in the Addendum at Annex 2;
- (2) That Council agree for inclusion in the draft Local Plan the main changes in Annex 4 of the Council report of 18 January 2018, as modified by any decision on Recommendation (1) above (set out in Annex 1);
- (3) That Council agree for inclusion in the draft Local Plan the other changes set out in this report regarding the identification of additional Local Green Spaces, and a

proposed new policy relating to foster homes in the district (also set out in the Addendum at Annex 2);

- (4) That, subject to the other recommendations above, Council delegate authority to officers to make such minor technical and factual amendments to the draft Plan as are necessary for clarity and consistency;
- (5) That Council agree that the draft Local Plan (as amended), together with the associated evidence base, including the Sustainability Appraisal/Habitat Regulations Assessment, and the draft Transport Strategy, be published for comment (under Reg 19) for a period of six weeks, and then subsequently be submitted for Examination (under Reg 22); and
- (6) That the Council request the Examination Inspector, under Section 20(7) of the Planning & Compulsory Purchase Act 2004) to recommend any modifications to the draft Local Plan, which they consider are required in order to resolve problems that would otherwise make the Plan unsound or not legally compliant.

Decision of Cabinet

- (1) Cabinet further agreed that the Council's Local Development Scheme (LDS – the Council's Local Plan work programme) be amended to reflect the timetable set out in the Cabinet report, and authorised officers to make such other minor changes to the LDS as are necessary to reflect the anticipated timetable for Local Plan preparation.

Meeting concluded: 7.35 pm