

EXTRAORDINARY EXECUTIVE, POLICY & COMMUNITY SAFETY SCRUTINY PANEL

Minutes of the extraordinary meeting held on 11 July 2018 at 7.00 pm in the Council Chamber - Council Offices.

Present: Councillor Glenn Coleman-Cooke (Chairman); Councillors Ashbee, Bambridge, Campbell, Messenger, L Piper, S Piper and Wells

In Attendance: Councillors: Bayford, Brimm, J Fairbrass, L Fairbrass, Grove, Jaye-Jones, Rogers, D Saunders, M Saunders, Savage and Shonk

4. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Dixon, substituted by Councillor Wells;
Councillor Curran, substituted by Councillor Messenger;
Councillor Rusiecki, substituted by Councillor Lynda Piper;
Councillor Linda Potts, substituted by Councillor Stuart Piper.

5. DECLARATION OF INTERESTS

There were no declarations received at the meeting.

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

Adrian Verrall, Strategic Planning Manager introduced the item and said that the report before the Panel had been considered by Cabinet on 02 July 2018. At that meeting Cabinet adopted Option 2.

The Chairman then invited members of the public to make representation to the Panel. Ms Ruth Bailey and Mr Craig Solly addressed the meeting.

The Chairman invited non Panel members to speak under Council Procedure 20.1 and the following Members spoke:

Councillor Jaye-Jones;
Councillor Lin Fairbrass;
Councillor Grove;
Councillor Brimm;

The key points of their contributions to the discussions were as detailed below:

- Crawley Local Plan set aside several acres of land for the possible expansion of Gatwick Airport. This allowed them to reduce their housing numbers by nearly 3,500 houses. Why should Council not include the Manston airport site in the Local Plan as a potential site for housing development in order to reduce the number of such sites being located elsewhere in the district?
- Any decision on the Local Plan that was not based on available evidence runs the risk of being unsound and there was also the risk that the MLCG would intervene and take over the planning process;
- There were higher risks associated with Option 2;
- Panel should recommend to Cabinet that the Option offered to Members at the 18 January 2018 Council meeting be considered again;

- Councillors had been inundated with emails from residents living in the villages who are worried by the possibility of housing development in the villages;
- The public consultation should be extended from 6 weeks to 8 weeks;
- Consultation should be conducted during the summer holidays;

Contributing to debate Panel Members asked questions and made comments as following:

- There were on-going discussions between a landowner and Kent County Council regarding seven acres of land on a site where the Parkway Stations was being proposed to be built. However this station is being considered without any consideration to housing development for that area. Could housing development allocation be considered for this site as this would spare the impacts being proposed for Westgate and Birchington in the draft Local Plan;
 - Protecting Manston Airport site for aviation use for a period of two years should be clearly referenced in the Local Plan;
 - Lack of Policy SP05 and EC04 which would provide protection of Manston Airport site for aviation use;
 - This was a strategic site for the district and for cross boundary purposes with Dover District and Canterbury City Council;
 - There was a need for clear policy regarding this site particular with housing development in mind;
 - Amending text to provide protection for the Manston airport site was not adequate as texts would not constitute policy. Text did not carry any weight in comparison to policy which would carry maximum weight on planning matters;
 - There was a need to reinstate Policy SP05 (Airport site);
 - Council would need to come up with policy that would make reference to the NPPF Aviation Policy Framework and Designated Airports National Policy Statement, particularly about the importance of aviation to the national economy and how local planning authorities needed to plan for airports in their local plans;
 - The Local Plan should be flexible enough to respond to the outcome the DCO;
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- Would the Inspector reject the draft Local Plan submission if Council included the Manston Airport as a site for aviation use?
 - Council was legally obliged to keep a register for brown fields suitable for housing development. Manston Airport site was in that current register as a brown field site suitable for local housing development. Was that correct? If that was the case, did that mean the Inspector would look at that register where Manston site was designated as being suitable for housing development and an application for it to be for aviation use?
 - Were there any brown fields that the Council had not considered as yet?
 - What was the percentage allocation of housing development in the Plan where such development would be on brown fields and what is on green fields (excluding the airport)?
 - Would Option 2 that included a two year protection for the airport give the airport the best chance to be returned to full aviation use?
 - It would have been useful if the changes made to the report had been highlighted.
 - The deferment of housing development on 2,500 sites including those for Westgate and Birchington should be held in abeyance until towards the end of the plan life whilst suitable sites were identified;
 - The public consultation on the draft Local Plan should be extended to from six to eight weeks to give residents enough time to respond to the consultation;
 - The best opportunity was to allocate the airport site in the Plan and make a final decision the site for towards the end of the planning period as was presented in January 2018;

- Had legal advice been sought regarding the soundness of Option 2?
- Was council going to seek legal advice if the text were to be amended as agreed by Cabinet?
- Would that legal advice be available to Members to study in confidence?
- Option 2 was legally not certain and was not welcome by any of the interest groups. Council needed to be certain about the legality of that option;
- How would the public consultation be conducted and what would be the approach for publicising the public consultation?
- Where the wording had changed it was important to be open and transparent about it and ensure that such changes were highlighted in the report that before the report was taken back to Cabinet.
- It was also important that for Cabinet to indicate that they had seen and acknowledged the genuine legal advice on the soundness in law regarding Option 2 before they finalised their decision.

In response to comments and questions raised by Members, Madeline Homer, CEx, Tim Howes, Director of Corporate Governance & Monitoring Officer and Adrian Verrall, Strategic Planning Manager made the following comments:

- Crawley Borough Council were asked by their Inspector to 'leave no stone unturned,' in looking for sites for housing development in their Local Plan, but in the end the balance of their housing numbers was taken on by neighbouring local councils;
- The wording for a two year period to allow time for the DCO or CPO process for Manston Airport site could be put back in the Local Plan;
- It would be more helpful for the Panel to put together comments and views for consideration by Cabinet;
- All policies have to be supported by relevant evidence and the Panel ought to recommend a policy that is based on supported evidence;
- The Council sought external professional advice regarding Policy SP05. The current evidence held by the council demonstrated that the airport was not viable in the plan period under consideration;
- What Cabinet had put forward was a change of the text (regarding replacing SP05) and not policy;
- Option 2 was not an officer recommendation. This option puts contextual information on the table and providing an opportunity for either the DCO process to conclude (should there be a DCO); for the CPO to materialise if there was one or were anything to materialise from the national aviation perspective around strategic allocation of airport sites across the country. The two year period would give an opportunity for these issues to materialise;
- Officers have worked with Members to put together for certain circumstances to materialise whilst still being lawful and would potentially be acceptable to the Inspector. This was no guarantee that the Inspector would accept these proposals;
- Proposing a policy position without evidence was unlawful;
- Members could make written representations to the Inspector, once the draft Local Plan had been published;
- Members could speak during evidence gathering by the Inspector;
- Members could submit support during the DCO process;
- Officers did not believe there was evidence to support the position that the airport would be viable during the life span of the Plan;
- The public could challenge the Council' position on the airport site, during the public consultation and it would be up to the Inspector to consider all views and evidence and make a decision on the matter;

- The National Policy Statement on regional airports and the MPPF was generic and not specific to Manston Airport. It was largely driven toward the development of Heathrow Airport;
- Seeking further advice in relation to the National Policy would depend on further instructions received from Cabinet. However such advice would not be brought back to the Panel as there was no provision to do that;
- There was a publicly available Council register for brown field sites. The airport site was on the register that was updated in December 2017 and the airport was indicated as a brown field site suitable for housing development;
- Although the 60% allocation of brownfields for new development no longer exists, officers had looked extensively at brown field sites across the district. There was still a presumption that brown fields were considered first for housing development ahead of green fields.
- 30 hectares of old employment sites had been taken out of employment section and added to housing development in the Plan;
- About 30% - 35% of the sites being proposed for housing development in Option 2 would be green fields sites;
- There was a legal requirement for a six weeks public consultation. The consultation would be published after 23 August and this would give the public time to respond as most of the consultation will be after the summer holidays;
- Council was working to a tight timetable which had been shared with the Government. The Government was watching progress and if there was slippage there was high likelihood that the Government could intervene;
- Proposing other sites and adding them into the Plan would make it difficult to take them out once they have been agreed by the Inspector;
- Council sought legal advice on Option 2 and was advised that it was not an illegal option but was still not the officer recommendation;
- If the text was changed to the Plan as proposed in the report, Council would seek legal advice before this was considered by Cabinet;
- The risks regarding adopting Option 2 were contained in the annex to the report;
- There would be advertisements in the local newspapers to publicise the consultation. The Strategic Planning and Communications teams would jointly work on an approach for conduction the consultation.

Councillor Bambridge proposed, Councillor Stuart Piper seconded and Members agreed to forward the following recommendations to Cabinet:

1. That housing development being proposed in the Local Plan be phased to be implemented towards the end of the Plan period;
2. That the committee report at paragraph 2.11 and the draft Local Plan text be amended to indicate that if a DCO or CPO process has not been agreed within two years that the status of the site be reviewed.

Meeting concluded: 8.10 pm