



Date: **14 February 2022**  
Our ref: **Extraordinary Cabinet/Agenda**  
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## **EXTRAORDINARY CABINET**

**22 FEBRUARY 2022**

An extraordinary meeting of the Cabinet will be held at **7.00 pm on Tuesday, 22 February 2022** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### **Membership:**

Councillor Ashbee (Chair); Councillors: Pugh, J Bayford, R Bayford, Kup and D Saunders

## **AGENDA**

**Item**  
**No**

**Subject**

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)  
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **BIRCHINGTON NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION - FORMAL RESPONSE FROM THANET DISTRICT COUNCIL** (Pages 5 - 14)
4. **CLIMATE EMERGENCY CAG RECOMMENDATIONS** (Pages 15 - 18)
5. **MARGATE TOWN DEAL - SKATEPARK PROJECT** (Pages 19 - 28)

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### **Do I have a Disclosable Pecuniary Interest and if so what action should I take?**

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

### **Do I have a significant interest and if so what action should I take?**

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or  
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992



If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

### **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

### **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

## **Birchington Neighbourhood Plan - Regulation 16 consultation - Formal Response from Thanet District Council**

<b>Extraordinary Cabinet</b>	22 February 2022
<b>Report Author</b>	Adrian Verrall, Strategic Planning Manager
<b>Portfolio Holder</b>	Councillor Ashbee, Leader of the Council
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Budget and Policy Framework
<b>Previously considered by:</b>	Overview and Scrutiny Panel - 17 February 2022
<b>Ward:</b>	Birchington North, Birchington South

### **Executive Summary:**

The Council is currently running a public consultation (Regulation 16) on the Birchington Neighbourhood Plan. This is the last chance for comments to be made on the plan before it is examined by an Independent Examiner.

Officers are recommending that the Council submits a formal response to the consultation, as appended to this report.

### **Recommendation(s):**

That the comments in Annex 1 to this report are approved as the Council's formal response to the Birchington Neighbourhood Plan.

### **Corporate Implications**

#### **Financial and Value for Money**

No costs directly associated with this report.

The Examination process itself will have costs, but these should be largely covered by the Neighbourhood Planning grants the Council receives from Central Government.

#### **Legal**

The current consultation and subsequent Examination are required under Regulations 16 and 17 of the Neighbourhood Planning (General) Regulations 2012.

#### **Corporate**

It is important that the Council meets its statutory duties in relation to Neighbourhood Plans. It is also important to ensure that emerging neighbourhood plans are in general conformity with the Council's adopted Local Plan.

## **Equality Act 2010 & Public Sector Equality Duty**

The PSED is not engaged by the matters raised in this report.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities:

- Environment

### **1.0 Introduction and Background**

- 1.1 Under the Localism Act 2011, local communities can produce Neighbourhood Plans, setting out policies on the development and use of land in their area. If the plans are adopted by the District Council they will have the same weight as other Development Plan documents for the District.
- 1.2 A Neighbourhood Plan is a community-led framework for guiding the future development and growth of an area. It may contain vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development. It may deal with a wide range of issues (like housing, employment, heritage and transport) or it may focus on one or two issues that are of particular importance in a local area.
- 1.3 The Birchington Neighbourhood Area (to which the neighbourhood plan relates) was designated on 8 December 2016 and comprises the area within the Parish Boundary.
- 1.4 Birchington Parish Council carried out a variety of consultation events before carrying out their first formal consultation (Reg14) between 8 September - 20 October 2021. The Council provided a formal response to that consultation - most of those comments were taken into account.
- 1.5 The Parish Council then submitted their proposed Neighbourhood Plan to the Council, along with their Consultation Statement, Basic Conditions Statement and Strategic Environmental Assessment and Habitats Regulations screening reports. The Council issued a statement confirming that the Parish Council had met the various legal requirements, and prepared and opened the Regulation 16 consultation which is currently ongoing until 24 February 2022.
- 1.6 This is the last opportunity for the Council to comment on the draft Neighbourhood Plan. All comments received at the Regulation 16 stage are passed to the Independent Examiner for their consideration as part of the examination process.
- 1.7 The Examiner will test whether or not the neighbourhood plan meets the 'Basic Conditions' which are:

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- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
  - The making of the neighbourhood plan contributes to the achievement of sustainable development
  - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
  - The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations
  - Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan
- 1.8 Following the Examination, the Examiner will submit a report to the Council and the Parish Council, setting out the conclusions of the Examination, and recommending any modifications that need to be made to the neighbourhood plan in order for it to meet the Basic Conditions.
- 1.9 The Council then has to consider whether or not the modified Neighbourhood Plan meets the Basic Conditions and is appropriate for eventual adoption. If the Council considers further modifications are needed other than those recommended by the Examiner, those changes would require a further public consultation and possibly a second Examination. The Council reduces the risk of finding the plan unacceptable post Examination, by making a formal comment to this consultation.
- 1.10 The Council must issue a statement that it considers that the modified Neighbourhood Plan meets the Basic Conditions and can proceed to Referendum. Once that statement has been published, the Neighbourhood Plan becomes a material consideration in determining planning applications. The Council will then organise the referendum, and a vote of 51% or more in favour of the neighbourhood plan will bring it into force. It will then be reported to Full Council to be 'made' (adopted).
- 1.11 The recommended response is set out in Annex 1. The amendments to the draft Plan go some way to meeting the concerns previously raised. However, there are still some aspects of the draft Plan, and some new elements, that are of concern in terms of its relationship to the Local Plan (and national guidance) - it is considered that some elements of the Plan, as submitted, do not meet the Basic Conditions. The main areas of concern are as follows:
- Absence of a local list of Heritage Assets and a proposed amendment to bring policy in line with the NPPF
  - Requirement for 'assurance statements' from utility service providers considered unreasonable
  - Ambiguous wording relating to development in the countryside or overlooking the coast - amendment suggested
  - Absence of a clear identification of commercial areas referred to in policies
  - Objection to the proposed Green Wedges. The existing Green Wedges have been long established and protected by Local Plan policies since the 1980s. The proposed Green Wedges would undermine the Local Plan policy as they do not conform with the aims of Local Plan policy SP25 (Safeguarding the

Identity of Thanet's Settlements). This relates to the land marked 12, 27, 28 and 29 on the Green & Open Spaces map on p41 of the draft Neighbourhood Plan. The areas marked 7 and 10 are covered by the Local Plan Green Wedge designation. It should be noted that the areas of countryside to which this relates are already protected by virtue of general countryside policies, with the urban boundary drawn tightly around Birchington (including the strategic site allocated in the Local Plan). Not having a Green Wedge policy for these areas does not mean that these areas are suitable for new development. Please refer to the table in Annex 1 for a more detailed response.



## 3.0 Options

- 3.1
- 1) That the comments in Annex 1 of this report are agreed to be submitted as the Council's formal response to the Regulation 16 Consultation.
  - 2) That the comments are amended before being submitted as the Council's formal response to the Regulation 16 Consultation.
  - 3) That the Council does not respond to the Regulation 16 Consultation.

If the Council chooses not to respond to the Regulation 16 Consultation, there is a risk that additional modifications will be considered necessary after the Examination and the receipt of the Examiners Report. Option 3 is therefore not recommended.

Contact Officer: Adrian Verrall, Strategic Planning Manager

Reporting to: Bob Porter, Director of Housing & Planning

## **Annex List**

Annex 1: Town and Country Planning (General) Regulations 2012: Consultation under Regulation 16: 13 January - 24 February 2022 - Birchington Draft Neighbourhood Plan - Formal Comments from Thanet District Council

## **Background Papers**

Title: [Birchington Neighbourhood Plan](#)

## **Corporate Consultation**

**Finance:** Chris Blundell (Director of Finance)

**Legal:** Estelle Culligan (Director of Law and Democracy)

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### Annex 1

#### Town and Country Planning (General) Regulations 2012: Consultation under Regulation 16: 13 January - 24 February 2022

#### BIRCHINGTON DRAFT NEIGHBOURHOOD PLAN

##### Formal comments from Thanet District Council

Birchington Parish Council invited the Council to comment on the Neighbourhood Plan in the Regulation 14 consultation. The Council submitted a formal response, and many of those comments were taken into account.

It is very clear that a huge amount of time, thought and care has gone into the preparation of this document. It is well set out, easy to read and understand, and attractive with its photos, maps and other images. The quality of this draft Neighbourhood Plan shows the dedication and enthusiasm of all those involved.

The Council is in general support of this Neighbourhood Plan, however there are still some areas of concern, as set out in the Council's formal response to the Regulation 16 consultation.

Page/ Paragra ph/ Policy No.	Comment
Policy B4	<p>The first Clause of Policy B4 refers to the local list of heritage assets. Footnote 1 to paragraph 15 (p33) of the neighbourhood plan states that an indicative list of local heritage assets has been prepared but has not yet been subject to consultation or formally adopted, and has not been prepared under the guidance of Historic England. This part of the policy would be difficult to implement until this work has been carried out.</p> <p>Footnote 68 of the NPPF states that 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'. The final clause of Policy B4 needs to clarify that the policy only applies to such assets. The following amendment is suggested:</p> <p>'.....or have any adverse impact on <b>significant</b> archaeological assets.....'</p>
Policy B8	<p>The first section of this policy would seek to replicate and add to the provisions within non-planning legislation (including the Water and Industry Act 1991 - in relation to the duties on water and sewerage companies), without any clear evidence as why this policy should be imposed above the requirements set out in national planning guidance and legislation. It is also not clear what an "assurance statement from utility service providers" would constitute, or whether it is possible to attain such a document at the planning stage</p>

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## Annex 1

	<p>in the process (as opposed to at building control stage).</p> <p>Therefore as drafted this policy is not considered reasonable or sound.</p>
<p>Policy B10</p> <p>Page 41, paragraph 5</p>	<p>(Map on p118) The buildings should be excluded from the All Saints C of E Church Graveyard and Church House open space allocation.</p> <p>For clarification, the Quex Estate is not protected as a green space in the Local Plan. Policy E12 applies to Quex Park and supports farm diversification projects, tourism and leisure development. Policy E12 also identifies environmental issues within the site that need to be considered. A green space/open space designation would have the potential to sterilise the site, and unnecessarily constrain projects that would be considered acceptable under Policy E12.</p>
B12	<p>The policy, as written, implies that development in the countryside or overlooking the coast is acceptable in principle. The addition of the following wording would resolve this issue: <b>‘This policy should be implemented in conjunction with Policy SP24 (Development in the Countryside) of the Thanet Local Plan 2020’.</b></p>
B13	<p>The Council objects to the inclusion of the proposed new Green Wedges identified as sites 12, 27, 28 and 29 on the Green &amp; Open Spaces map on p41 of the draft Neighbourhood Plan. The main function of the green wedge designation is to maintain settlement separation and individual identity as set out in para 3.12 of the Thanet Local Plan 2020. The Council does not consider that the areas identified in the draft Neighbourhood Plan can be justified on that basis. This designation should not be used to protect miscellaneous areas of land without clearly defined boundaries on the ground. Green wedge proposals should be underpinned by detailed survey work. The Green Wedges are not therefore consistent with the Local Plan designations, and are not in conformity with a key strategic policy of the adopted Local Plan. The District Council is of the view that the proposed Green Wedge designations would devalue the existing, long-standing Green Wedges and the strategic policy in the Local Plan.</p> <p>Green Wedges have been a consistent feature of planning policy in Thanet since the 1980s - the Thanet Urban Local Plan adopted in 1984 was the first formally adopted Local Plan to include a Green Wedge policy. The Green Wedge policy and boundaries have been supported by Local Plan Inspectors in all subsequent Local Plans adopted in 1998, 2006 and 2020. The Green Wedge policy has been tested at appeals, and largely supported in appeal decisions, highlighting the significance of the open countryside between the Thanet towns in providing visual relief between highly urbanised areas.</p> <p>The Green Wedges are distinct from other types of open space as they provide a link between the open countryside and land which penetrates into the urban areas. They form an important settlement separation function between the settlements of Birchington and Westgate, Margate and Broadstairs and Broadstairs and Ramsgate. They maintain the separation of the Thanet towns and prevent their coalescence, preserving their unique identities. The boundaries have changed between the different Local Plans to reflect changes in character and development.</p> <p>The Green Wedges proposed in the Birchington Neighbourhood Plan would not serve to ‘maintain physical separation and avoid coalescence of the towns, retaining their individual character and distinctiveness’ - as set out in adopted Local Plan policy SP25 as</p>

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## Annex 1

	<p>one of the aims of the policy. Rather than providing an open area in between urban areas, they would form extensive areas of countryside between Birchington's urban area and the Parish boundary. This does not conform with the stated aims of Policy SP25 and would undermine the status and long standing strategic aims of the Green Wedge policy.</p> <p>Local Plan Policy SP24 - Development in the Countryside - applies to all areas outside of the urban and village confines and seeks to restrict development in the countryside. The introductory text to the policy acknowledges the vulnerability of Thanet's countryside because of its limited extent, the openness and flatness of the rural landscape and the proximity of the towns. The policy provides the exceptional criteria under which development in the countryside may be permitted.</p> <p>The areas proposed as new Green Wedges in the Birchington Neighbourhood Plan are also identified as having significant landscape importance under Policy SP26 - Landscape Character Areas. The areas are identified within the 'Central Thanet Undulating Farmland' Landscape Character Area Policy SP26 requires any development proposals to demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness, including the gaps between Thanet's towns and villages.</p> <p>It is considered that these Local Plan policies provide sufficient protection to the areas being proposed as new Green Wedges.</p>
Para 8 on p51	No evidence has been provided to support the levels of Brownfield land available in Thanet. This paragraph should therefore be deleted.
Policy B21	Compliance with Local Plan policies and the viability of a proposed development are matters for Thanet District Council as Local Planning Authority. Delete the words ' <b>to the Parish Council</b> ' from the final sentence
Policies B25 and B26	The areas covered by '.....the commercial areas.....Minnis Road.....Canterbury Road.....and at Minnis' should be clearly defined to clarify the areas to which these policies apply.

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## Climate Change Emergency CAG recommendations

<b>Extraordinary Cabinet</b>	22 February 2022
<b>Report Author</b>	Dr Hannah Scott, Climate Change Officer
<b>Portfolio Holder</b>	Cllr Bob Bayford, Cabinet Member for Environmental Services and Special Projects
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Ward</b>	District Wide
<b>Previously Considered by</b>	Climate Change Cabinet Advisory Group - 13th December 2021

### Executive Summary:

Kent County Council (KCC) have finalised The Kent and Medway Energy and Low Emission Strategy which lays out the route to create a low emission county and reach net zero by 2050 for the whole of Kent.

The strategy documents can be found on their website [here](#), along with a short video.

The strategy has been approved by all the relevant committees and Kent Leaders in 2020:

- July 2020: Approval at KCC's Environment and Transport Cabinet Committee
- 29th September: Kent Chief Executives (endorsement and support for LA adoption)
- 8th October: Kent Leaders (endorsement and support for LA adoption)
- 27 November 2020: The Strategy was formally launched at the Kent and Medway Net-Zero Conference.

This is an opportunity to endorse their strategy and also provide support to reach net zero in the district within our powers and resources, bringing us in line with the government's legally binding pledge to make the UK net zero by 2050.

We can assist with the reduction in emissions across Thanet through work that we are already carrying out. This includes the action on insulating homes that our Home Energy Officer is doing and the work on sustainable transport that the Air Quality and Planning departments are doing. Climate change information produced by the Climate Change Officer and TDC Comms team can help residents reduce their carbon footprint.

Further details of these actions will be laid out in the TDC Net Zero Strategy which is currently being drafted.

### Recommendation(s):

1. Thanet District Council endorses the Kent and Medway Energy and Low Emission Strategy

2. In alignment with this endorsement, the following paragraph is added to the Council's climate change pledge:  
'Do what is within our powers and resources to support KCC, the Government, business, industry and the community to make Thanet, as a whole, net zero by 2050.'

## Corporate Implications

### Financial and Value for Money

Recommendation 1: There are no financial implications to the endorsement of this strategy.

Recommendation 2: The Council's ability to to address its climate change pledge is restricted by the resources available. The Council's Medium Term Financial Strategy 2021-25 set out that it is inevitable that further resources will need to be prioritised to deliver the Council's climate change objectives. The Council continues to call on Westminster to provide the powers and resources to make the 2030 target possible.

The recommendations include the words "within our power and resources" to acknowledge our limitations.

### Legal

In 2019, the UK became the first major economy in the world to legislate binding targets to reach net zero emissions by 2050.

These recommendations bring us in line with the government's legally binding pledge to make the UK net zero by 2050.

### Corporate

Thanet District Council called a Climate Emergency on 11th July 2019. As part of this declaration the Council resolved to:

- Pledge to do what is within our powers and resources to make Thanet District Council carbon neutral by 2030, taking into account both production and consumption emissions;
- Call on Westminster to provide the powers and resources to make the 2030 target possible;
- Continue to work with partners across the County and region to deliver this new goal through all relevant strategies;
- Investigate all possible sources of external funding and match funding to support this commitment;

Many councils also added a pledge to support the 2050 net zero aim for the whole of the district and by doing so will bring us in line with the government's targets.

### Equality Act 2010 & Public Sector Equality Duty

The Equality Impact Assessment for the Kent and Medway ELES can be found [here](#).

## CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *Environment*
- *Communities*

## 1.0 Introduction and Background

- 1.1 The Climate Change Cabinet Advisory Group approved the following recommendation on December 13th 2021:
- 1) **TDC endorses the Energy and Low Emissions Strategy (ELES) and Implementation Plan;**
  - 2) **In alignment with the endorsement of the ELES, the following paragraph is added to the TDC climate change pledge:**
    - **Do what is within our powers and resources, working with KCC, the government, business, industry and the community to make Thanet as a whole net zero by 2050.**
- 1.2 After further investigation into the wording within the final KCC implementation plan, the Climate Change Officer recommends that it would be wiser to bring the implementation plan to a later meeting due to possible cost and resource implications. District councils are being asked to lead on an action which may be better coordinated at KCC level. Feedback has been given to the KCC Climate Change Network on the implementation plan and this will be discussed at the next KCC Network meeting.
- 1.3 A small change has also been made to the wording of the pledge. Given the need for KCC to lead on many actions in the ELES for a fully coordinated action plan involving all the districts in Kent, the words in the recommended climate change pledge was changed from “working with KCC” to “support KCC” by the Climate Change Officer.

## 2.0 Options

- 2.1 Approve the recommendations laid out in this report.
- 2.2 Do not approve the recommendations laid out in this report

Contact Officer: *Dr Hannah Scott, Climate Change Officer*  
Reporting to: *Gavin Waite (Corporate Director - Communities)*

**Annex List: N/A**

**Background Papers:**

Kent and Medway ELES: Link [here](#)

**Corporate Consultation**

**Finance:** *Chris Blundell (Director of Finance)*

**Legal:** *Estelle Culligan Director Law and Democracy*

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## Margate Town Deal - Skatepark Project

<b>Extraordinary Cabinet</b>	22 February, 2022
<b>Report Author</b>	Louise Askew, Director of Regeneration
<b>Portfolio Holder</b>	Cllr Reece Pugh, Deputy Leader and Economic Development Portfolio Holder
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Previously Considered by</b>	Cabinet meeting 16 September, 2019
<b>Ward:</b>	Cliftonville West

### Executive Summary:

The Margate Town Deal Investment Plan includes a series of projects under the banner of Coastal Wellbeing, with a project to deliver a Skatepark in Cliftonville West. Cabinet are asked to approve the lease to a community organisation, of the 'Ethelbert Putting Green' site, at nil rent for a period of 20 years.

At a Cabinet meeting on 16 September 2019 within a report titled: 'Asset Management - surplus property and land' Cabinet approved that the site should be available for disposal, with restriction on relevant use only, and not for development.

This request of the Cabinet is that they approve the site's use for delivery of the Skatepark.

### Recommendation(s):

1. To give delegated authority to the Director of Property to prepare and complete the lease and all other ancillary documents on the agreed terms, in consultation with the Economic Development Portfolio Holder;
2. To approve the capital virement of the full £59,000 capital programme skatepark project budget, to the Margate Town Deal programme. The committed skatepark project for Margate within the capital programme is now due to be delivered as part of the Margate Town Deal.

### Corporate Implications

#### Financial and Value for Money

The basis of this proposal is a lease agreement with a peppercorn rent to enable the delivery of more than £900,000 of capital investment, in one of the most deprived wards in Margate. This project aims to support improved health and wellbeing, community engagement and

cohesion as part of a broader range of projects in the Margate Town Investment plan called 'Coastal Wellbeing.

The Council would potentially be forgoing an annual rent estimated to be about £10,000 - £15,000 or possible sale proceeds in the order of £100,000 - £150,000. There are restrictions on the use of the site, with significant implications for development, which is reflected in the possible rental and capital values.

The Section 151 Officer is required to scrutinise and approve regular monitoring returns (at least six monthly) to the Department for Levelling Up, Housing and Communities (DLUHC). These returns will cover actual and forecast spend, alongside output metrics.

The Council currently holds £59,000 in its Capital programme for a skatepark in Margate. A project was proposed some years ago at Hartsdown, but it received significant opposition and was not delivered. Two skateparks were delivered in Broadstairs and Ramsgate from the funding that was allocated to those towns, but the remaining funding allocated to Margate remains unspent. It is proposed that this funding be allocated to the capital pot for delivery of the Margate Town Deal Skatepark by way of match funding.

### **Legal**

A Community Interest Company (the CIC) is being established to manage the Skatepark, for which the Council will grant a lease to for the land outlined in red on Annex 1. The lease will include obligations to repair and maintain the skatepark and ancillary facilities, meet all statutory and best practice health and safety requirements and assess and mitigate against potential operational and usage risks. The CIC will be required to have £5,000,000 public liability insurance. The agreement to lease will be subject to the funding and all relevant permissions being received and in place.

The Council has a statutory duty to dispose of land at the best value reasonably obtainable in accordance with Section 123 of the Local Government Act 1972. The project sponsors behind the CIC submitted a proposal to the Margate Town Deal to deliver a Skatepark aimed at supporting some of Thanet's most deprived communities. This significant capital grant and match funding will be used to develop the Skatepark, a facility that would unlikely be able to be delivered elsewhere in Margate and Cliftonville due to a lack of available open space. The CIC will not profit from the lease as any monies raised will be used to maintain, manage and insure the Skatepark. This significant grant investment into health and wellbeing, and on the basis that the CIC will recycle funds should ensure that the Council has obtained best value for this site. Within the body of the report there are further details outlining the opportunity provided by the delivery of a Skatepark in Margate to deliver the Council's priorities of supporting our communities, reducing anti-social behaviour, improving community cohesion and delivering economic growth.

Officers will advertise the Council's intention to dispose (long lease) of open space land in a local newspaper for two consecutive weeks and to consider objections (sections 123(2A) LGA 1972). Responses should be discussed with the Cabinet Member for Property and Cabinet Member for Economic Development before completing the final lease agreements.

The development of the skatepark will be carried out by the Council ensuring that the design and construction is of an acceptable and sustainable standard. If for any reason the CIC fails or gives up the lease the structure and facilities will revert to the Council. Use of the site will

be limited to skatepark use with alterations or additions to be approved by the Council as landlord.

## **Corporate**

Risks - compliance by the CIC to the requirements of the lease agreement, including all health and safety and insurance requirements.

Increasing costs - the design of the Skatepark will be developed by a specialist and cost consultants will price up the Skatepark on the basis of current best practice. If the project looks like it will be over budget the Skatepark will need to be scaled back, or further funding gained by the project sponsors as match funding for the scheme. Due to the nature of the project it is possible to scale back the design in order to fit within the budget allocated.

Non delivery by the CIC and the Skatepark is handed back to the Council - in this situation the Council would look to promote the site for other leisure operators to take on the delivery. However, the Project Sponsors have significant experience in skateboarding and have a number of contacts that are helping them with the delivery of the proposal. They have a large network which will support the success of the project, and there is a significant skateboarding fraternity, not only in Margate and the wider district, but within travel areas that would use the space regularly and support its management.

Opposition to the Skatepark could prove to be a risk, however the CIC have completed some community engagement to understand the views of the community surrounding the site, and there has been significant support for the project.

## **Equality Act 2010 & Public Sector Equality Duty**

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

A Customer Impact Assessment will be required in the design of the Skatepark and within the plans of how it will be used, it does not form part of this report, which is for a long lease at an exempt rent to enable delivery of this community provision.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- **Growth** by continuing to promote tourism in Thanet through the provision of a new attraction, adding to the offer with the aim of supporting the increase in jobs that the sector brings to the District.

- **Environment** - enhancing this site is possible through external funding and it will significantly benefit current and future residents, in particular those in the most deprived wards in Margate and a cohort of younger people across the district. Making better use of the site for health and wellbeing purposes.
- **Communities** - tackling anti-social behaviour is a key outcome in the delivery of Skateparks and has been supported by local Police teams. Through working with the different communities to deliver the project it will help to foster a shared responsibility for the space. This project will also help to increase the Council's community engagement in this area.

## 1.0 Introduction and Background

- 1.1 In August 2020 a project call out was issued for projects ideas and proposals that would deliver against the Margate Town Deal objectives. These were both local objectives and national requirements of the Town Deal programme. The proposals that were put forward went through a sifting process, in order to create a list of priority projects that would deliver the Town Deal requirements for Margate.
- 1.2 The list of projects were reviewed on the basis of evidence of need in Margate from factual data sets, and information from the stakeholder engagement. It was identified that basic health indicators associated with Margate based GPs showed higher occurrences of health issues and inequalities than Thanet or England averages. Patients in Margate are more likely to suffer long-term health conditions than people in other parts of England. 44% of Margate's economically inactive residents are stopped from working by long-term illness; Margate's GP patients report more long-term health conditions than nationally.
- 1.3 It was also identified that there was a perceived lack of cohesion between communities in Margate, in particular there were noticeable divisions between long term residents and newcomers. The evidence identified that there is a lack of social and community facilities, particularly in the Cliftonville areas. The proportion of children (0 to 15) and retirees (65+) grew by 8% and 16% respectively between 2011 and 2019, and green and blue spaces are important social amenities for these groups.
- 1.4 The Margate Skatepark proposal received support through the evidence, to help deliver one of the Margate Town Deal priorities with the aim of trying to deal with some of the health inequalities in the area. The Margate Town Deal Board was supportive of the project, which aims to promote fitness and wellbeing, be a catalyst for social engagement, help to sustain local tourism, and create some employment through the project. It has also garnered significant support through Margate and Cliftonville communities and the National Skateboarding fraternity.
- 1.5 The Project Sponsors (@margateskateboardclub) are experts in their field and have provided advice and guidance to organisations like Skateboard GB, and they have advised other local authorities on the commission and delivery of Skateparks. The

initial bid was for £1,000,000, which was submitted on the basis of an initial quote from a Skatepark construction company that was informed by knowledge and evidence from other Skateparks projects. The offer from the Margate Town Deal Board is for £750,000. The Project Sponsors have so far confirmed £100,000 match funding from Tracey Emin and there is £59,000 in the Council's capital programme for a Skatepark in Margate. The Project Sponsors are putting together a fundraising plan, which includes capacity funding for the CIC, increasing the capital funding for the construction phase and also revenue funding for community engagement, running events and activities on the site and supporting a programme to encourage people (of all ages) into skateboarding to improve wellbeing.

- 1.6 Thanet District Council is the Accountable Body for the Margate Town Deal Board, the Portfolio Holder and Chief Executive are members of the Board, and the Director of Regeneration is the responsible officer for programme management. The Council also provides the secretariat for the Board and manages the meetings through the provision of agendas and the provision of information to the Board members.
- 1.7 The Council owns the site best identified for the Skatepark, and therefore is required to go through a formal process to enable the use as a Skatepark to happen and to ensure that the funds are delivered according to the Town Funds requirements. The Council also has a responsibility to its communities to ensure that the site is managed in accordance with health and safety requirements and is kept well maintained and safe.

## 2.0 The Current Situation

- 2.1 The Margate Town Investment Plan (Annex 2) ask of £29,000,000 was submitted in December 2020, with an offer of up to £22,200,000 being received in March 2021. Although the offer was for less than the ask, the Margate Town Deal continued to support the Skatepark Project. The *Outcome* identified within the TIP for the Coastal Wellbeing intervention identifies that ***'Margate will become a wellbeing-focused town which makes use of its natural assets and tests exciting, innovative wellbeing ideas to reduce health deprivation and increase social, leisure, tourism, and civic engagement opportunities'***.

This includes the below *Outputs* that relate to the Skatepark:

- Health inequalities reduced, particularly in Cliftonville West; residents report better health
- Visitor numbers and spend increased along the coast
- Perceptions of Margate as a healthy town established
- Civic participation increased

Within the project there is a proposal to include a toilet and a kiosk on the site. The kiosk will include a hub for staff of the CIC to enable support for the community engagement activities, provide the ability for the CIC to access revenue funding to deliver health and wellbeing programmes for Thanet's residents and to provide storage facilities and cleansing equipment. The revenue from the kiosk will be used

to maintain the toilets and the Skatepark, covering running and maintenance costs for the site, including but not limited to insurance. There will be restricted uses for the office and kiosk to ensure they are used for the purpose of supporting the long term sustainability and management of the Skatepark. This will also be agreed through the lease arrangement.

- 2.2 The proposed site for the Skatepark is a vacant site that was formerly a mini golf course, and for a short period the community built a Skatepark. It is on Ethelbert Terrace in Cliftonville West. This site has been chosen due to its location in Cliftonville West and closest to the communities that the Town Deal is aiming to engage with. It is a vacant site that could not have any significant development and has been long term vacant. The site is overlooked by commercial and leisure uses and is next to a children's playground. It has been the subject of many community campaigns for a Skatepark to be delivered on this site, and to date there has been no significant funding in order to enable such delivery.
- 2.3 The Government requires a set of Green Book Business Cases for each of the projects within the Town Deal. The Coastal Wellbeing Business Case includes a number of projects including the Skatepark, and is due for completion by the 15 April deadline as set by the Department for Levelling Up, Housing and Communities. The Business Case is a technical document that assesses the value for money provided by delivering individual projects and the need for them. This will all be evidenced and provide a document to support delivery of the Skatepark.
- 2.4 Below is an outline of the next steps required for this project - some of these will happen concurrently in order to move forward.
- Approve lease of the site on a 20 year lease
  - Complete the establishment of the Community Interest Company (CIC) with appropriate representation
  - Agree Heads of Terms with the CIC
  - Complete site surveys, final design work and costings, which will be funded from the Town Deal funding
  - Carry out some engagement activities on the design and layout for the Skatepark
  - Complete the Business Case
  - Agree lease arrangements and management conditions with the CIC
  - Planning application to be submitted with the associated documents
  - Tender for contractor
  - Complete final designs

## **3.0 Options**

- 3.1 Provide the CIC with a 20 year lease at nil rent to deliver the Margate Town Deal project.
- 3.2 Refuse to provide a lease agreement to the CIC, this will require approval from the Department for Levelling Up, Housing and Communities to reallocate the Margate

Town Deal Funding (not guaranteed), a loss of £100,000 match funding from Tracey Emin, and lack of delivery of the £59,000 capital funding allocated to a Margate Skatepark within the Council's Capital Programme.

- 3.3 The Council deliver and run the Skatepark project directly, and do not use an external organisation to deliver the community asset as part of the Margate Town Deal. This will involve ongoing management and revenue costs to the local authority, and a reputational risk for not enabling the CIC to deliver.

Contact Officer: Louise Askew, Director of Regeneration  
Reporting to: Madeline Homer, Chief Executive

## **Annex List**

*Annex 1: Ethelbert Terrace site plan*

*Annex 2: Margate Town Deal Investment Plan - [www.margatetowndea.co.uk](http://www.margatetowndea.co.uk)*

## **Background Papers**

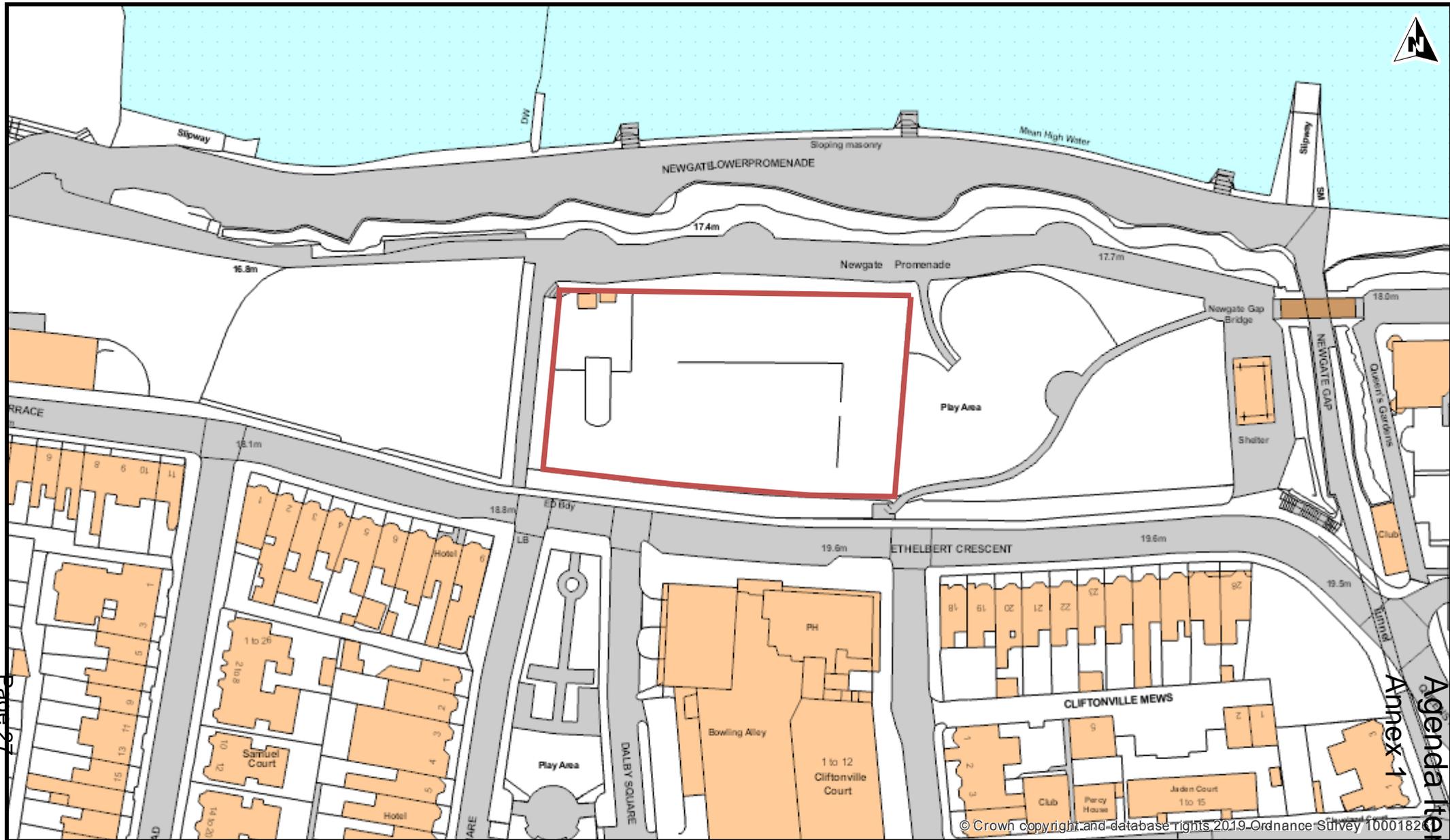
*Title:* Cabinet meeting 16 September, 2019 - available on the Council website

## **Corporate Consultation**

**Finance:** *Chris Blundell, Director of Finance*

**Legal:** *Estelle Culligan, Director of Law and Democracy*

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Annex 1  
Agenda Item 5

Title: Ethelbert Putting Green

Author: Thanet District Council

Scale 1:1,250

Date: 30/09/2019

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