

THANET LOCAL PLAN – CONSULTATION

Overview & Scrutiny Panel **21st November 2016**

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Portfolio Holder **Cllr Lin Fairbrass, Portfolio Holder for Community Services**

Status **For Recommendation**

Classification: **Unrestricted**

Key Decision **Yes**

Reasons for Key
(if appropriate) **Significant effect on communities**

Previously Considered by **None**

Ward: **All**

Executive Summary:

The Local Plan supports the Council's Corporate Plan priorities and is one of the Council's key strategies in delivering on its priority to promote inward investment and job creation. It helps set the strategic framework for delivery of the Council's economic ambitions. Not only does it help to deliver the economic strategy, it also makes provision for new housing to meet local needs and to support the growth of the workforce, and other development requirements, and supports the provision of key new infrastructure.

It is also a statutory document that is assessed by an independent Planning Inspector, and this report describes the legal requirements for the Local Plan at this stage, and the guidance which affects decisions through the Local Plan process.

The report also sets out the main issues raised during the Preferred Options consultation (January 2015); and provides recommended responses to those issues.

The report addresses the updating of the evidence base for the Local Plan process; and indicates key changes that are being proposed for consultation as revisions to the Preferred Option Local Plan.

On the basis of legal advice, the report proposes a focussed consultation on revisions to the Preferred Options Plan published in January 2015; with accompanying consultation relating to Sustainability Appraisal/Strategic Environmental Assessment and Habitat Regulations Assessment; the draft Infrastructure Delivery Plan and Local Green Space.

The Thanet Transport Strategy (jointly prepared by Kent County Council and Thanet District Council), which supports the draft Local Plan, will be the subject of a separate report and consultation, following a decision on the draft Local Plan.

Recommendation(s):

1. *That the Overview and Scrutiny Panel recommends to Cabinet that the proposed revisions to the draft Local Plan, and the accompanying Sustainability Appraisal/Strategic Environmental Assessment/Habitat Regulations assessment reports, be agreed for consultation purposes for a period of 6 weeks; and*
2. *That Overview and Scrutiny Panel recommend to Cabinet that the appropriate amendments to the Local Development Scheme be agreed.*

CORPORATE IMPLICATIONS

Financial and Value for Money	<p><i>The consultation is anticipated to cost about £15,000, taking into account printing costs; venue costs; etc. This is within the current budget.</i></p> <p><i>There are no specific requirements under Contract Standing Orders/ Financial Procedure Rules relating to the proposed consultation.</i></p>
Legal	<p><i>This report relates to the next stage of consultation on the draft Local Plan, and needs to be carried out in accordance with any relevant Regulations and Government guidance, and in line with the Council's adopted Statement of Community Involvement (SCI).</i></p> <p><i>The report includes advice from the Barrister advising the Council on the Local Plan.</i></p>
Corporate	<ul style="list-style-type: none"> • <i>Primary corporate risk is not having a well-evidenced Local Plan. Lack of Plan places the Council "at risk" in terms of Appeal decisions and also delays the provision of infrastructure, effectively losing control of the development process. There is also a significant risk of intervention by CLG. Any decision on the draft Plan that runs counter to the available evidence would be likely to fail at Examination and also potentially subject to Judicial Review.</i> • <i>There is a strong "fit" between the draft Local Plan and corporate strategy priorities.</i> • <i>Environmental implications – none directly from the proposed consultation. Environmental issues related to the provisions of the draft Plan are considered through the Sustainability Appraisal/Strategic Environmental Assessment/Habitat Regulations Assessment, which are also the subject of this consultation</i>
Equalities Act 2010 & Public Sector Equality Duty	<p>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.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>

Please indicate which aim is relevant to the report.	
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓
Foster good relations between people who share a protected characteristic and people who do not share it.	✓
<i>The PSED is engaged by the Local Plan topic. However, Members are asked to approve going out to public consultation on the areas set out within the report. Officers will review representations for equality issues raised as part of the consultation in addition to those already considered as part of the previous 'preferred options' consultation.</i>	

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	✓
Promoting inward investment and job creation	✓
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 The Council's Corporate Plan sets out the Council's aspiration to grow the local economy. One of the priorities is to promote inward investment and job creation (Corporate priority 3). Part of the Council's vision is to accelerate growth and achieve greater economic prosperity for our district; seeking opportunities for inward investment and high quality job creation, and working with partners to ensure we have the right skills, infrastructure and plans in place.
- 1.2 The Local Plan is one of the Council's key strategies in supporting economic growth and regeneration and is specifically identified in the Corporate Plan priorities. Not only does it help to deliver the economic strategy, it also identifies locations for new housing to meet local needs and to support the growth of the workforce, and other development requirements. It also supports the provision of new infrastructure (such as schools, medical facilities, transport and so on) through the infrastructure delivery plan, working with key partners to ensure the infrastructure is delivered in a timely way.
- 1.3 The Local Plan also has a role in supporting the other corporate priorities by seeking to improve design and quality of new development; protecting publicly-accessible open spaces and important wildlife sites; providing a framework for the preparation of Neighbourhood Plans; and working with other statutory providers to seek to ensure that local health, education and other services are provided alongside new development.
- 1.4 The Local Plan supports the current priorities set out in the Corporate Plan, but to some extent will also help to frame future priorities beyond the current Corporate Plan period.
- 1.5 The Local Plan process is also a statutory process. The draft Local Plan is assessed by an independent Planning Inspector, and this report describes the legal processes

for the Local Plan and the guidance which affects decisions through the Local Plan process.

- 1.6 This report sets out the main issues raised at the previous Local Plan consultation; the key findings from development of the Local Plan evidence base; and proposes a number of changes to the draft Plan to be the subject of a focussed consultation.
- 1.7 The Council produces a Local Plan under the Planning and Compulsory Purchase Act 2004, and there are duties and legal requirements for the Council as local planning authority. These are also set out in the report below.
- 1.8 The issues addressed in this report have been considered by the informal Local Plan Working Group. The report is also to be considered by the Overview & Scrutiny Panel, and the views of the Panel will be reported to this Cabinet meeting.

2.0 Draft Local Plan and consultation

- 2.1 In January 2015, the Council consulted on a Preferred Option draft of the Thanet Local Plan. About 1,800 sets of comments were received, with a total of some 40,000 individual points of response to the consultation questions. The Council also received three written petitions and an e-petition relating to the draft Local Plan. These were considered at the Council meeting on 16th July 2015. The key planning issues arising from the petitions were: objections to the proposed housing allocations at Birchington; objections to the proposed strategic housing allocation on land between Dent-de-Lion and Minster Road/land bordering Minster Road, Westgate-On-Sea (two petitions); and a request for a public meeting to discuss “the consultation process, allocation of green field land and the scale of anticipated housing growth for Thanet”.
- 2.2 The Council also received the results of a survey from the Thanet UKIP Group regarding the level of housing in the draft Plan. Approximately 2,200 respondents indicated that they were against the level of housing in the draft Local Plan.
- 2.3 The main issues arising from the consultation were housing numbers and sites; economic strategy and job creation; the future of Manston Airport; provision of infrastructure (social and physical); environmental protection; and retail provision and the role of Westwood. Concerns were also raised by a number of correspondents about the publication of supporting documents and whether the Council had fulfilled the “duty to cooperate”.
- 2.4 Preferred Options consultation and main issues raised & petitions

The main issues raised in the previous consultation are set out in more detail at Annex 2.

These included overall housing numbers; housing sites; the future of the Airport; concerns about the adequate provision of social and physical infrastructure to support development.

Responses to main issues

The responses to the main issues are set out in the table attached as Annex 2.

However, this report addresses the key issues to be considered at this stage.

Government guidance – key requirements

It is important that the draft Local Plan meets the requirements of Government guidance; notably the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG). There are some key matters which must be addressed in the preparation of Local Plans.

The NPPF states (para 182) that a local planning authority should submit a Plan for Examination which it considers is “sound”. In other words, draft Plans must be:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Specifically, in relation to Local Plans, the NPPF indicates (paras 156, 157) the way in which Local Plan ought to be prepared, and the range of topics to be addressed in Local Plans. This includes housing; employment land; retail provision; infrastructure delivery; protection of national and international wildlife sites; heritage assets (Conservation Areas, Listed Buildings, etc); pollution matters and so on. In some of these areas, the Local Plan provides the primary policy control; in others the planning authority acts in conjunction with other statutory control within the Council, or with other statutory bodies such as the Environment Agency or Natural England.

Para 158 advises that local planning authorities “should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area”.

Advice of Barrister on key issues

We have sought the advice of Planning Barristers on the way forward for the Local Plan and the matters addressed in this report have been considered by the Barrister prior to this report being finalised.

The advice of the Barrister is that, given the scale of changes between the Preferred Option and what is being recommended to Members in the report, and to ensure that all requirements from legislation and Government guidance are satisfied, a further focussed stage of consultation is necessary before a final Plan for submission to the Planning Inspectorate is published.

The Barrister has also advised that the Sustainability Appraisal/Strategic Environmental Assessment/Habitat Regulations Assessment reports are published for consultation purposes at this stage, to ensure that these are properly consulted upon as part of the Local Plan process.

Relationship to Neighbourhood Plans

The draft Local Plan has an important role in setting a strategic framework for Neighbourhood Plans. There are currently five such Plans in preparation, at different stages – Broadstairs, Cliffsend, Margate, Ramsgate and Westgate – and there may be others to follow. It is therefore important that there is a clear strategy in the draft Local Plan.

This is not to unnecessarily constrain the emerging Neighbourhood Plans, but to set a clear strategic framework.

Duty to cooperate

The NPPF (paragraph 178) states that “Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans”.

Paragraph 181 in the NPPF further states that

“Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development”.

It should be noted that the “duty to cooperate” is not a “duty to agree” (Planning Practice Guidance, para 9-001), but that “local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination”.

History of cooperation

The Council has a long history of cooperation with its neighbours in East Kent, and has continued to work with neighbouring Councils and other key organisations on key aspects of Local Plan work. Recent examples include:

- Review of the Strategic Housing Market Assessment – neighbouring Councils and other key stakeholders invited to participate in workshops on the methodology and findings of the SHMA review
- Worked with key organisations on the development of requirements for the draft Infrastructure Delivery Plan
- Worked with Canterbury City Council on the development of a Memorandum of Understanding for implementing their Strategic Access, Management & Monitoring (SAMM) Strategies for the protected coastal areas of the two districts
- Working with Kent County Council and other Kent authorities on best practice in development monitoring and in particular, the re-structuring of the annual Commercial Information Audit

- In March 2016, the Council adopted the East Kent Memorandum of Understanding on the Duty to Cooperate, which sets out how the various local authorities will work together on cross-boundary aspects of Local Plan work.

Sustainability Appraisal/Strategic Environmental Assessment and Habitat Regulations Assessment

The Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) and Habitat Regulations Assessment (HRA) are statutory parts of the Local Plan process. A copy of the draft SA, Non-Technical Summary of the SA, and the HRA, are attached to this report at Annexes 3-7. Please note that sustainability appraisal of the Preferred Options Revisions is currently work in process. The initial findings of the sustainability appraisal are reported in draft, to inform Members of relevant sustainability issues as part of the decision making process. The sustainability appraisal will be updated accordingly in line with any amendments to the Preferred Options Revisions and the findings of the appraisal presented within a revised Sustainability Appraisal Environmental Report. The SA/SEA and HRA need to be published for consultation alongside the draft Local Plan.

The purpose of the SA process is to assess the proposals in the Local Plan, and reasonable alternatives, against a range of social, environmental and economic criteria. The SA also deals with the requirement for a Strategic Environmental Assessment (SEA) of the draft Plan. The purpose of the HRA is to consider the Local Plan proposals in the light of international wildlife designations, and to ascertain whether those proposals are acceptable in relation to any “likely significant effect” on the international wildlife sites.

A Sustainability Report was published alongside the Issues & Options paper, and set out the relative merits of different development strategies. This concluded that an urban edge/infill strategy represented the most suitable option.

However, given the additional housing requirements and the fact that some sites had been submitted, which would effectively act as new settlements, it was considered appropriate to explore whether mitigation measures could make the option of a new settlement sustainable.

The New Settlement Mitigation Study concluded that new settlement options could be made more sustainable through the implementation of robust mitigation. These mitigation measures include increased public transport provision; provision of alternative transport such as walking or cycling; provision of green infrastructure and open space; provision of an appropriate housing mix/tenure and biodiversity considerations such as avoidance of priority species.

Findings from other studies

A number of other studies have been undertaken over the last few months, to ensure that the evidence base for the draft Local Plan remains relevant and up-to-date. The detail and outcomes from these studies, and the implications for the Local Plan process, are set out below.

- **Strategic Housing Market Assessment (SHMA)**

The SHMA informs the housing requirements over the plan period, and has been updated to take account of the 2014-based ONS Sub-National Population Projections and CLG Household Projections. The amount of housing required is identified as an Objectively Assessed Need (OAN).

The projections show a stronger population growth, which requires a higher level of OAN at 17,140 new dwellings for the 2011-31 Plan period. The updated SHMA has revised the affordable housing target as 47% (although this will have to be considered alongside viability issues). It also identifies a need for 76 units per annum (1,522 over the plan period) of specialist accommodation for older persons in view of the projected increase in population of older persons identified in the 2014 projections.

- **Retail Study**

The Thanet Retail and Leisure Assessment was updated to reflect the findings of the Strategic Housing Market Assessment and has taken into account all recent permissions, developments and commitments in the pipeline.

The retail need at Westwood has been revised down to 23,903sqm to the end of the Plan period from 36,280sqm. Retail need for the whole district is revised down to 39,171sqm. Both of these figures include all the A use classes (this includes shops, financial and professional services, restaurants and cafes, drinking establishments and hot-food take-aways).

This evidence requires no further change to the draft Local Plan.

- **New Economic Growth Strategy**

Members will be aware that a significant amount of work has been undertaken to review the Council's Economic Growth Strategy. This review work has been led by consultants BBP and SQW, with input from officers, members, local businesses and other relevant organisations.

Although many of the recommendations do not relate directly to the draft Local Plan, there are undoubtedly some implications for the Plan arising from this review of the Council's role in supporting economic growth:

- (1) Ensuring that new housing development is of a type, size and quality to be able to accommodate a growing workforce;
- (2) Include reference to advanced manufacturing and other important economic sectors under the Economic Strategy section of the Plan;
- (3) Supporting tourism development;
- (4) Policy support for Port development;
- (5) The need to bring forward key infrastructure that supports economic development through the Infrastructure Delivery Plan (IDP). This is addressed elsewhere in this report;

- (6) Include a policy to support the growth and development of local university/college campuses, where needed, to improve and develop local skills base; and
- (7) Provide policy support for long-term feasibility modelling for Margate and Ramsgate.

Key Issues to be addressed

In view of the changed circumstances surrounding the draft Local Plan, and the new evidence received regarding housing needs and requirements, and the viability of the Airport, it is recommended that the next stage of consultation should focus on some key areas of the main issues raised at consultation – housing numbers and sites; the future Airport; infrastructure provision; SA/SEA and HRA, and related matters.

Other issues raised and other changes required can be addressed at the pre-Submission publication stage (the final formal stage before the draft Plan is submitted for Examination).

Housing Numbers

As mentioned above, many objections were received to the level of housing proposed at the last stage of consultation, either in principle or because of concerns about related matters such as environmental impact or the need for social and physical infrastructure; or that the Council had come to a conclusion on housing numbers on the basis of out-of-date information.

While these concerns are noted, Government guidance on the provision of new housing through the planning system is clear. The objectively-assessed need (OAN) for housing should be determined through a Strategic Housing Market Assessment (SHMA), with other relevant population and market factors taken into account. The OAN figure should not at that stage take into account constraints, so that the figure fully reflects the housing need in the area.

The latest SHMA update (based on the 2014-based Sub-National Population Projections identifies the OAN for Thanet as 17,140 dwellings. However, it should be noted that, taking into account completions since 2011; extant planning permissions; anticipated “windfall” sites in the Plan period; and including empty homes being brought back into use, the draft Plan only needs to make provision for an additional 9,300 dwellings. Taking into account allocations in the Preferred Options Local Plan, this requires an additional 2,753 dwellings to be identified at this stage.

However, the NPPF (para 47) also requires that Local Plans should demonstrate that the supply is sufficiently flexible and resilient, “to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”, and there therefore needs to be a sufficient margin of provision above the actual requirement to deal with these circumstances. The proposed revisions set out in this report would address that issue.

It is expected (NPPF, para 47) that Local Plans will meet the full OAN for the area concerned.

The NPPF does allow for exceptions to this approach, under para 14, which states that “Local Plans should meet objectively assessed needs...unless...specific policies in this Framework indicate development should be restricted”.

These primary restrictions are set out in the National Planning Policy Framework (NPPF)(under Footnote 9, p4), and indicates, for example, those policies relating to:

- sites protected under the Birds and Habitats Directives (see NPPF para 119); and/or designated as Sites of Special Scientific Interest;
- land designated as Green Belt;
- Local Green Space;
- an Area of Outstanding Natural Beauty (AONB), Heritage Coast or within a National Park;
- designated heritage assets; and
- locations at risk of flooding or coastal erosion.

Only one of these applies in any significant form in Thanet – national and international wildlife sites (Sites of Special Scientific Interest; Special Protection Areas; SACs; Ramsar Sites). However, these are all at the coast and are not directly affected by housing. Indirect effects from recreation can be mitigated, based on advice from Natural England, and this strategy forms the basis for the Thanet Coast Project.

This is set out in more detail in the Strategic Access Management and Monitoring (SAMM) strategy, which provides the mechanism to mitigate the potential in-combination effect of new housing development on the Thanet Coast and Sandwich Bay Special Protection Area. Such mitigation is a requirement of the Habitat Regulations and applies to all new residential development in the district.

The mitigation takes the form of a wardening scheme, and is funded by the collection of S106 for all residential developments of 10 or more dwellings at present, later to be applied to all residential development.

The district also has areas at risk to flooding and designated heritage assets, but the draft Local Plan seeks to avoid areas at risk to flooding, and to ensure that development that could affect a designated heritage asset (including setting) is appropriately designed.

In considering site options, the Council must give consideration to these factors, and generally seek to avoid the sensitive areas referred to in Footnote 9.

During the consultation, concerns were raised about the loss of best and most versatile agricultural land in the Local Plan. This clearly does act as a constraint, but only a partial one. The NPPF states (para 112) that “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

In Thanet district, there is a high proportion of best and most versatile farmland, and (according to the Defra Agricultural Land Classification map) those areas of a lower quality are located in small patches or in flood risk areas, and it is therefore very difficult to make the distinction set out in the NPPF. What is clear is that this is regarded as a less significant restriction than those listed in Footnote 9.

The provision of physical and social infrastructure, a concern of many respondents, is addressed later in this report.

Use of empty properties

The historical position has been that empty homes cannot be considered part of the housing land supply that can be offset against a local authority's Local Plan housing requirements. This is because they are already considered to be part of the housing stock.

This is compounded by the fact that in projecting future housing demand, the ratio of empty properties is applied to the new requirements as well as old stock, thereby driving up the housing requirement.

However, the Council has received advice that some empty properties can be considered as contributing to land supply, when the following criteria are met:

- (1) The properties in question have been empty for a period of 4 years or more.

This is based on the position that over that period it can be argued that those properties have been vacant and unused for such a long period that they are no longer available in the housing market and therefore not part of the active housing stock; and

- (2) The Council has an active and robust programme for bringing those properties back into use.

This is based on the position that such housing is returned to the market, almost as if it were new housing stock.

The Council has an Empty Homes programme which it is calculated has, over the last few years, successfully brought about 110 dwellings back into use each year, over the last 5 years.

A review of empty property has been undertaken, and (excluding properties which have been the subject of planning permission – these are already counted separately in the housing land supply), it is believed that the Local Plan can include in the housing land supply 540 units for the Plan period arising from empty properties being brought back into use. This will need to be regularly monitored, and is dependent on the Council's Empty Homes programme continuing through at least the Plan period.

Calculation of "windfall" supply

"Windfall" sites are those sites which come forward during the Plan period, but without being specifically identified through the Local Plan process. These sites are almost exclusively previously-developed (brownfield) land. There is a long history of such sites coming forward in Thanet, and the NPPF allows a reasonable calculation of such sites to be included in the Local Plan housing land supply.

In the Preferred Option draft Local Plan, an allowance of 1,644 was made. This calculation has been reviewed and, on the basis of the history of "windfall" housing

delivery over the last 8 years, it is recommended that a figure of 2,700 is included in the housing land supply.

5-year Housing Land Supply

One of the things that local authorities should be able to demonstrate is that the sites in its housing land supply are deliverable (NPPF, para 47). This report sets out a position on housing land supply, which will enable the Council to demonstrate a proper supply of housing land through the Plan period.

Residual housing requirements

Component of supply	No. of units	Residual requirement
Requirement	17140	17140
Completions 2011-16	1555	15585
Extant planning permissions as at 31/03/16	3017	12568
Windfalls	2700	9868
Empty Homes	540	9328
Extant Allocations (Preferred Options Plan)	6575	2753

However, there are a number of sites that need to be removed from the draft Plan for other reasons (either the allocations are not supported by landowners, or may be developed for other purposes, and are unlikely to be available for housing):

Site	No. Dwellings	Site Ref
1,2, 92-96 Harbour Parade	14	S219
Rear of 102-114 Grange Road	10	S316
St Benedict's Church, Whitehall Road, Ramsgate	12	SR10
Ramsgate Garden Centre, Hereson Rd, Ramsgate	62	SR57
Station Road, Minster	5	S088
Tothill Street, Minster (part)	0	S85
140 – 144 Newington Road	50	SS40
Land at Holy Trinity Primary School, Dumpton Park Drive, Ramsgate	33	S525
86-88 Ellington Road, Ramsgate	9	SR21
Dane Valley Filling Station, Millmead Road, Margate	7	SR34
6 Surrey Road	5	S348
Land adjoining Seafield Road, Ramsgate	9	SR22
Former Manston Allotments	61	S452
R/O 18-36 St Peters Road	5	SO42
Total	282	

New Housing sites

A number of new site options have been assessed through the different stages of the draft Local Plan, and these have also been subject to Sustainability Appraisal (SA). In essence, these fall into two categories:

1. Continue the current approach of infill and urban extensions; or
2. Seek a suitable location for a new settlement.

As mentioned above, the early stages of SA clearly indicated that a strategy of urban extensions was the preferable strategy in terms of the SA objectives. For this stage of the draft Plan, some additional work was undertaken by the SA advisors, which indicates that, with some key elements addressed, a new settlement in the district could be acceptable in terms of the SA objectives.

On this basis, the SA concludes that either can be a suitable strategy, subject to those conditions. The SA also indicates that, of all the land proposals that could be considered as new settlements, the Airport site would be the most sustainable site.

It is not recommended to remove any of the sites identified for housing in the Preferred Options draft Local Plan, for a number of reasons:

- (1) They are consistent with the urban fringe option identified as being the most sustainable through the SA process; and
- (2) They help to deliver key pieces of infrastructure; notably the proposed Inner Circuit road scheme.

Housing Omission sites

At the last consultation, the Council received a number of proposals for new sites that had not been allocated in the draft Local Plan. Some of these sites had been previously considered and not allocated, and some are new sites. The new sites have all been subject to the same assessment as sites submitted earlier in the “call for sites” process.

Some of these are recommended to be included at the next stage of consultation, as a result of the assessment undertaken.

Future of the Airport site

Following the closure of the Airport in 2014, Cabinet resolved on 31st July of that year to carry out a soft-market testing exercise to identify a CPO (compulsory purchase order) Indemnity Partner – a third party who could cover the costs of compulsory purchase of the Manston Airport site. Subsequently in December 2014 Cabinet resolved that no further action be taken at the present time on a CPO of Manston Airport, on the basis that the Council had not identified any suitable expressions of interest that fulfil the requirements of the Council for a CPO indemnity partner and that it does not have the financial resources to pursue a CPO in its own right.

In July 2015, Cabinet decided to review the December decision and authorised that advice be obtained to determine whether RiverOak are a suitable indemnity partner in relation to a CPO for Manston Airport and to provide advice on the indemnity agreement and CPO process generally. Subsequently, in October 2015, Cabinet

reviewed its position and decided that no further action be taken at the present time on a CPO of Manston Airport, on the basis that RiverOak do not fulfil the requirements of the Council for an indemnity partner.

In December 2015 Cabinet sought to set out a formal process for identifying interest from third parties to be a Council indemnity partner for a potential CPO for Manston Airport. Subsequently in June 2016 Cabinet considered a report which drew the conclusions that in terms of the key lines of enquiry, the market cannot deliver on the council's requirements; there is no established market which is able to deliver, or an adequate number of operators; the market has no capacity to deliver the requirements and there is no cost or other benefits in taking this matter further. Cabinet noted the results of the soft market testing assessment and decided to take no further action in respect of the interested parties.

Members will be aware that an independent study was commissioned from Avia Solutions into the viability of Airport operations at Manston, and that this report has now been submitted to the Council.

Avia Solutions conclude that "airport operations at Manston are very unlikely to be financially viable in the longer term and almost certainly not possible in the period to 2031".

This conclusion is based on an assessment of future air traffic demand. Even applying assumptions favourable to Manston Airport, the report concluded that it is most unlikely that Manston Airport would attract private investors, nor represent a viable investment opportunity in both the longer-term – after 2040 – and certainly not during the Local Plan period.

This does not meet the threshold set out in the National Planning Policy Framework (para 22), which states that sites should not be protected "for employment use where there is no reasonable prospect of a site being used for that purpose". Although the Airport site is not a typical employment site, the broad principle of deliverability of development proposals is applied through the NPPF; in particular paragraph 182, which addresses the requirement for Plan to be "sound". Para 182 advises that one of the key elements of "soundness" is that Plan should be "effective"; that is, "the plan should be deliverable over its period". The NPPF (para 22) goes on to say that proposals for alternative uses should be considered, where this is not the case.

There is, therefore, insufficient evidence to justify a policy to retain the Airport site during the period of the Local Plan.

The site therefore needs to be considered for other potential uses through the Local Plan process. The site contains a significant element of previously-developed land, and the NPPF (para 111) indicates that planning policies "should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value". This also has potential implications for the location of new housing to meet the increased housing requirement.

Members will be aware that RiverOak are currently in pre-application discussions with the Planning Inspectorate regarding a Development Consent Order (DCO) relating to their proposals for the Airport. This is a separate process and does not prevent the Council taking a decision to consult on a different approach to the site as part of the Local Plan consultation.

Proposed New Housing sites

On the basis of the assessments undertaken, the following additional sites are proposed to be included in the draft Local Plan, for consultation:

- Manston Airport site - up to 3,000 dwellings (together with a range of other uses including business space; local retail provision; primary schools, etc);
- Land at Manston Road/Shottendane Road, Margate – 250 dwellings; and
- Land at Manston Court Road/Haine Road – 700 dwellings.

This option would be consistent with the findings of the Sustainability Appraisal and the assessment of sites.

Employment land

A number of responses were received indicating that the levels of employment land set out in the draft Local Plan were too high. Although the over-supply of employment land in Thanet is less than that in Canterbury or Dover, a review of employment sites has been carried out. As a result, the draft Local Plan proposing the removal of over 30 ha of older, less suitable, employment land for use as housing.

The Plan now proposes 56ha of employment land, in part reflecting the Eurokent Appeal decision.

This means that additional previously-developed or allocated land is now identified for housing purposes, reducing the pressure of greenfield land elsewhere.

However, it should be noted that there is still sufficient land allocate within the draft Local Plan to meet the projected job creation over the Plan period. It will not therefore inhibit the Council's emerging Economic Growth Strategy or the ability of the Local Plan to support its implementation. Adequate land has been identified to accommodate all sectors of the economy particularly the anticipated growth sectors.

Employment omission sites

As with housing sites, a number of sites were put forward for employment uses. However, in general terms, there is a significant supply of employment land already existing in the district that more than meets the requirements for the Plan period.

As an overall strategy we need to cater mainly for small to medium enterprises but we need to make a choice of land available for larger advanced manufacturing businesses.

The Airport site, as part of a sustainable mixed-use development, could potentially accommodate up to 75,000sqm of new business floorspace.

With the loss of approximately 10 hectares of employment land at Eurokent due to the previous Appeal decision the choice of sites for such businesses is diminished. The airport site presents a significant opportunity to accommodate advanced manufacturing companies (a maximum of 8.5 hectares is proposed) whilst still reducing the overall employment land surplus.

Proposed changes to draft Local Plan

The proposed changes for consultation are set out at Annex 1. These changes address some of the key issues arising from the previous consultation, but also respond to the developing evidence base, and the requirements set out in Government guidance.

In accordance with the Barrister's advice, the changes are focussed on the provision of housing and employment land, the future of the Airport, and other directly related matters.

There are other changes that may need to be made to the draft Plan, and these will be addressed when the responses from the proposed consultation are reported back to Members. These other changes will be available for people to comment on at the pre-Submission stage.

This will include such matters as updating the detailed Local Plan text to reflect the new Economic Growth Strategy; including the Council's position in relation to applying the national technical standards; and any other changes that are required as a result of changed circumstances and Government guidance.

Infrastructure provision & the Infrastructure Delivery Plan (IDP)

As mentioned above, many correspondents raised objections to the level of development because of concerns about the level of infrastructure and service provision, particularly in the context of perceived problems with the existing infrastructure.

There is no doubt that this is a critical issue in relation to new development. Members will be aware that the District Council is directly responsible for only a few areas of this infrastructure – affordable housing; open space provision; Habitat Regulations mitigation. Most of the key infrastructure is planned or delivered by other public authorities (such as Kent County Council, Clinical Commissioning Group) or by private utility companies such as Southern Water or Scotia Gas Networks. Much of this infrastructure is to be funded directly by developers.

Whether the infrastructure is physical (utilities, roads, etc) or social (education; health and so on), it is vital that the Council and its partners work together to ensure that such infrastructure is delivered alongside development in a timely manner. The Council wishes to ensure that all partners are committed to infrastructure provision and is seeking "sign-off" from all the relevant funders/providers, as part of the IDP process.

The draft Infrastructure Delivery Plan (IDP)(Annex 6) should be regarded as a working document, being used to monitor progress on delivery. It is proposed that the draft IDP is made available for people to view during the consultation, but with the caveat that it is a work in progress, which requires the cooperation of numerous other bodies.

Local Green Space - consultation

Local Green Spaces can be identified by communities through the local or neighbourhood planning processes. As set out in the NPPF, once designated, a local green space will be afforded the same protection as Green Belts and new development will not be permitted other than in very special circumstances. The NPPF sets out the circumstances under which development may be permitted.

Local Green Spaces can only be designated where all of the following criteria apply (NPPF, para 77):

- The green space is in reasonably close proximity to the community it serves;
- The green area is demonstrably special to a local community and holds a particular local significance; and
- The green area concerned is local in character and is not an extensive tract of land.

The NPPF also advises that “the Local Green Space designation will not be appropriate for most green areas or open space” (para 77).

The previous draft of the Local Plan did refer to the possibility of identifying local green spaces, but no sites were submitted for consideration through that process). A number of sites were suggested for open space protection, but these may be more suited to Local Green Space protection. It is considered that a specific opportunity should be given for local groups to identify such areas.

It should be noted that the NPPF is clear (para 76) that “identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services”. In other words, the use of local green space designations should not prevent development that is necessary through the Local Plan process.

It is equally valid for such sites to be proposed through the Neighbourhood Plan process, but they would need to be subject to the same level of assessment.

Recommended approach to consultation

The recommendation is that the Council consults on some of the key issues set out in the attached schedule (Annex 1) only at this stage, following the advice of the Local Plan Barrister. This means that the consultation would be focussed on specific issues directly related to overall housing requirements; new housing sites; changes to employment land; the future of the Airport and its relationship to housing and employment provision; and infrastructure provision.

The Council would also be consulting on the Sustainability Appraisal work to date; and inviting local people to submit proposals for Local Green Space. Other studies, supporting documents and other key documents such as the draft Infrastructure Delivery Plan would be available for people to view and use to inform their comments on the draft Plan.

This means that the Council would not be consulting on the other main issues and other changes at this stage. These changes would be made at the pre-Submission stage and there would be a further chance to comment on those changes at that stage.

Other documents on which consultation is required

KCC are (subject to decisions on the draft Local Plan) preparing a Draft Transport Strategy for the district.

The Transport Strategy has a clear and important relationship with the draft Local Plan, and there is considerable value in consulting on these at a similar point in time. No final timetable for that consultation has been decided, but it is expected to follow the draft Local Plan consultation.

Options

The Council's options in terms of the proposed consultation are set out at Section 3.

Next steps

Once this consultation is complete, the comments will be considered, and a final pre-Submission draft Plan will be published to allow final comments, before submission to the Planning Inspectorate (PINS) for independent Examination.

Amendments to the Local Development Scheme

The Council reviewed the LDS in 2015, but it requires updating.

Since that time, Government guidance continues to change, and the Council's barrister has recommended a different approach. This means that the current LDS needs to be amended and published so that people have a clear idea of the proposed programme going forward.

If a focussed consultation goes ahead in January, as proposed, it is anticipated that the programme will be as follows:

- Consultation to start mid-January 2017 (exact date tbc) for a period of 6 weeks
- Publication of Submission version (full Local Plan) - Summer 2017
- Submission to Planning Inspectorate/Examination - end of 2017

There may be other, minor consequential changes to the LDS, but Cabinet is asked to agree the timetable for the draft Local Plan.

3.0 Options

3.1 in considering this report, there are 3 options:

(1) To publish the proposed changes to the draft Local Plan for consultation - it is recommended that Cabinet choose this option, since it responds to Government guidance, the developing evidence base, and accords with legal advice. It also

provides local communities and other stakeholders with the opportunity to comment further on key issues affecting the Local Plan;

- (2) To publish proposed changes to the draft Local Plan for consultation, but in an amended form – there may be some changes that Members wish to consider before the draft Plan changes are published. However, any changes must follow Government guidance and be based on evidence. If changes are made that do not follow evidence and Government guidance, this potentially puts the Council at serious risk of the draft Plan being found “unsound”.

This not only could delay the Plan, and risk intervention by the Department for Communities & Local Government, but it is likely to lead to an increase in Appeals on unallocated development sites, which might be approved against the Council’s position and result in costs being awarded against the Council. It could also put at risk the provision of strategic infrastructure that is needed to support new development. The recommendation is therefore that Members agree the substantive matters as set out in the report, since those matters are seen as critical to the delivery of a sound Local Plan;

- (3) Not to publish the changes for consultation – the publication of these matters for consultation is the next step in the Local Plan process. If the Council does not demonstrate that it is making progress with its Local Plan, there is a risk that the Department for Communities & Local Government could intervene in the making of the Plan. If the Council wishes to retain control of the Local Plan process, it must show that it is making significant progress in dealing with key issues and moving towards a new Local Plan.

This not only could delay the Plan, and risk intervention from DCLG, but it is likely to lead to an increase in Appeals on unallocated development sites, which might be approved against the Council’s position and result in costs being awarded against the Council. It could also put at risk the provision of strategic infrastructure that is needed to support new development.

This approach is not recommended.

Option 1 is recommended for the reasons set out above, and in Section 2 of the Report.

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Annex List

Annex 1	Proposed Revisions to the draft Local Plan
Annex 2	Main issues from previous consultation and proposed responses
Annex 3	Preferred Options revisions – draft SA matrices
Annex 4	SA Non Technical Summary
Annex 5	Thanet Local Plan SA – Preferred Options
Annex 6	SA Advice on New Settlements
Annex 7	Habitat Regulations Assessment
Annex 8	Draft Infrastructure Delivery Plan

Background Papers

Title	Details of where to access copy
National Planning Policy Framework	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf
Planning Practice Guidance	http://planningguidance.communities.gov.uk/blog/guidance/
Strategic Housing Market Assessment (SHMA) – update report	https://www.thanet.gov.uk/media/3560943/Updated-Assessment-of-Objectively-Assessed-Housing-Need-Draft-0209.pdf
Retail Study Update 2016	https://www.thanet.gov.uk/media/3556051/FINAL-Thanet-Retail-Study-Update-2016.PDF
Airport Viability Study	https://www.thanet.gov.uk/media/3500741/Final-Report-for-TDC-Manston-Airport-Viability-Oct2017_2.pdf
Economic Growth Strategy	http://democracy.thanet.gov.uk/documents/s52874/Thanet%20Economic%20Growth%20Strat%20for%20Cabinet%20final.pdf

Corporate Consultation

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