

**THANET LOCAL PLAN – PRE-SUBMISSION PUBLICATION
STAGE (REGULATION 19 OF THE TOWN & COUNTRY
PLANNING (LOCAL PLANNING)(ENGLAND)
REGULATIONS 2012**

Extraordinary Council	18 January 2018
Report Author	Helen Havercroft, Head of Growth & Development
Portfolio Holder	Cllr Lin Fairbrass, Portfolio Holder for Community Safety & Environmental Services
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Significant effect on communities
Previously Considered by	Cabinet – 25 October 2017 Overview & Scrutiny Panel – 21 November 2017
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 and processes for the Local Plan at this stage, and the guidance which affects decisions through the Local Plan process.

This report sets out the main issues raised during the Proposed Revisions consultation (January 2017); and provides recommended responses to those issues.

The report also addresses the updating of the evidence base for the Local Plan process; and indicates the key changes that are being proposed for the formal Publication stage of the draft Local Plan.

The report recommends that Council agree, that following Publication stage, the draft Local Plan be submitted to the Planning Inspectorate for Examination; along with the supporting evidence base, and the representations received during Publication.

Recommendation(s):

That Council agree that, following the Publication period, the draft Local Plan be submitted to the Planning Inspectorate for Examination.

CORPORATE IMPLICATIONS									
Financial and Value for Money	<p>The publication arrangements are anticipated to cost about £10,000, taking into account printing costs; venue costs; etc. This is within the current budget.</p> <p>There are no specific requirements under Contract Standing Orders/ Financial Procedure Rules relating to the publication stage.</p>								
Legal	<p>This report relates to the next stage of the Local Plan process, 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).</p> <p>The report reflects advice from the Barrister advising the Council on the Local Plan.</p>								
Corporate	<ul style="list-style-type: none"> • 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 DCLG, if timely progress is not made on preparation of the draft Plan. 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. This risk is greatly exacerbated by the implications of the DCLG consultation on new housing methodology set out in the main body of this report. • There is a strong "fit" between the draft Local Plan and corporate strategy priorities. • Environmental implications – none directly from the proposed Publication. 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 proposed to be available for comment at Publication stage. 								
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> <table border="1"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td>✓</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td>✓</td> </tr> </table>	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.	✓
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	<p>The PSED is engaged by the Local Plan topic. The draft Local Plan is the subject of a continuing Equalities Impact Assessment, which indicates that the duty is met by the draft policies in the Plan.</p> <p>A number of policies within the draft Plan address issues that could otherwise have an impact on groups with protected characteristics. For example, policies relating to air quality; transport; provision of key social and physical infrastructure; accessible housing; protection of open space; internal space standards and water efficiency measures in new housing, all assist with meeting the aims of the PSED.</p> <p>It is therefore the view of officers that the duty is met by the policies set out in the draft Plan.</p> <p>Following Publication, officers will review representations for equality issues in addition to those already considered as part of previous consultations.</p>
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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 through an Examination-in-Public, 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 for pre-Submission Publication (Regulation 19).
- 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.
- 1.9 Cabinet (meeting of 25th October 2017) have authorised the publication of the draft Plan and Sustainability Appraisal for comment; the publication of the Thanet Landscape Character Assessment for comment, with the intention of adopting it as a Supplementary Planning Document; and amendments to the Local Development Scheme to reflect the new programme.
- 1.10 The report has been considered by the Overview & Scrutiny Panel, and no recommendations were made to Cabinet.
- 1.11 The Transport Strategy was also discussed by the Joint Transportation Board on 12 December 2017. JTB endorsed the document for an initial public consultation exercise and subsequent consideration through the examination of the Thanet Local Plan process.
- 1.12 It was agreed via an individual cabinet member decision made by the Leader on the 14 December that the draft Transport Strategy as drafted would go to consultation for a period of 6 weeks.

2.0 Consultation on Proposed Revisions, Evidence Base and Main Issues

- 2.1 In January 2017, the Council consulted on Proposed Revisions to the Preferred Option draft of the Thanet Local Plan. The consultation was focussed on a number of key issues – housing numbers; new housing sites; the future of the Airport; infrastructure provision (including the proposed “Inner Circuit”); and an invitation to propose sites as Local Green Space.
- 2.2 About 900 sets of comments were received, with a total of some 1,500 individual comments. The representations have now been published on the Council’s web-site (<https://consult.thanet.gov.uk/consult.ti/TLPPOR/consultationHome>), and Members should take the opportunity to view those in preparation for the consideration of this report.
- 2.3 Proposed Revisions consultation and main issues raised
- 2.4 The main issues arising from the consultation related to housing numbers and sites; the future of Manston Airport; the proposed new site for the Parkway Station and the provision of infrastructure (social and physical), including the proposed Inner Circuit.

- 2.5 The main issues raised in the Proposed Revisions consultation are set out in more detail at Annex 1 (in the order of the consultation document).
- 2.6 Responses to main issues
- 2.7 The responses to the main issues at this stage are also set out in the table attached as Annex 1. The recommended main changes to the draft Plan are detailed in Annex 4.
- 2.8 This report addresses the key issues to be considered at this stage.
- 2.9 Government guidance – key requirements
- 2.10 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.
- 2.11 The NPPF states (para 182) that a local planning authority should submit a Plan for Examination which it considers is “sound”, as set out above. 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.
- 2.12 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 controls within the Council (eg: Environmental Health), or with other statutory bodies such as the Environment Agency or Natural England.
- 2.13 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”.

2.14 Advice of Barrister on key issues

2.15 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.

2.16 Relationship to Neighbourhood Plans

2.17 The draft Local Plan has an important role in setting a strategic framework for Neighbourhood Plans. There are currently six such Plans in preparation, at different stages – Birchington, 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.

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

2.19 Duty to cooperate

2.20 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”.

2.21 Paragraph 181 in the NPPF further states that

2.22 “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”.

2.23 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”.

2.24 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
 - Working with other Kent authorities on a review of the Gypsy & Traveller Assessment for the area
- 2.25 Officers have met with neighbouring authorities and other relevant authorities to seek to resolve outstanding issues. A number of issues have now been resolved, and there is a better understanding of the issues between the authorities. The main outstanding issue is with Dover District Council regarding the former Airport site. Dover DC adopted a Council resolution in 2014 to support the continued use of the site as an Airport, and their submissions to the consultation reflect that position. The future of the Airport site is addressed later in this report.
- 2.26 Sustainability Appraisal/Strategic Environmental Assessment and Habitat Regulations Assessment
- 2.27 The Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) and Habitat Regulations Assessment (HRA) are statutory parts of the Local Plan process. 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 an SEA of the draft Plan.
- 2.28 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. The HRA process indicates that there will be no adverse effects on any European sites as a result of the draft Local Plan, alone or in combination. The key measures underpinning this conclusion (the provision of the Strategic Access, Management & Monitoring Plan (SAMM) and its incorporation into the relevant Local Plan policies) have been agreed with the relevant consultees, including Natural England.
- 2.29 A copy of the SA of proposed changes to the Plan is attached to this report (Annex 2). The Sustainability Appraisal from December 2016 can be found at [https://consult.thanet.gov.uk/gf2.ti/-/731202/24295781.1/PDF/-/Thanet Local Plan Sustainability Appraisal Revised Preferred Options December 2016.pdf](https://consult.thanet.gov.uk/gf2.ti/-/731202/24295781.1/PDF/-/Thanet%20Local%20Plan%20Sustainability%20Appraisal%20Revised%20Preferred%20Options%20December%202016.pdf). The Sustainability Appraisal is an iterative process that evolves alongside, and informs, the Local Plan process. The assessments are reported to inform Members of relevant sustainability issues as part of the decision making process.
- 2.30 The Sustainability Appraisal is updated accordingly as the Plan is refined. In preparing the draft Local Plan, account has been taken of the recommendations and advice provided through the SA/HRA process. The submitted plan will be accompanied by the Environmental Report which explains the process gone through. The SA/SEA and HRA need to be published for comment alongside the Publication draft Local Plan.
- 2.31 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.

- 2.32 However, given the additional housing requirements since that work was carried out and the fact that some sites had been submitted, which whether on their own or adjoining other sites, would effectively act as new settlements.
- 2.33 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.
- 2.34 The New Settlement Strategy and an updated Sustainability Appraisal were published alongside the Proposed Revisions to the draft Plan.
- 2.35 Additionally and for clarity, Members should be aware that the assessment carried out for Policy SP05 (on page G2 of the SA) assessed the option that was in the 2015 draft of the Thanet Local Plan which was the policy that designated the site as an Opportunity Area for the purposes of developing a Manston Airport Area Action Plan (AAP). Consideration of the AAP was to include retention, development and expansion of the airport supported by a feasibility study and Business Plan, while exploring alternative options for the future development of the area for mixed-use development. The basis of the assessment was between development of the site (in whatever form) versus no development of the site.
- 2.36 The assessment was not the assessment for SP05 that allocates the site for a mixed use settlement with the capacity to deliver at least 2,500 new dwellings and up to 85,000sqm of employment and leisure floorspace.
- 2.37 The assessment later goes on to refer to more recent work that was carried out in the form of the New Settlement Mitigation Study which revisited the development strategy and explored the option of a new settlement strategy further and included a comparative assessment of sites, one of which was the airport site.
- 2.38 It was apparent from the representations submitted to the Preferred Options Revisions that this was misunderstood. The Environmental Report will make assessment of the airport site much clearer.
- 2.39 It should be noted that the Sustainability Appraisal December 2016 contained an error in Appendix G. With reference to the Strategic Sites the SA states that these sites were assessed through the SHLAA. The sites were not assessed solely through the SHLAA and the assessment for the location of housing (from which the strategic sites were selected) appears in the assessment for Policy SP20. This has been clarified through an erratum placed on the Sustainability Appraisal page of the Council's website.
- 2.40 Findings from other studies
- 2.41 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.

- **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 main towns 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 is due to a reduction in spending power in the “High Street”, at least partly due to the rise in other forms of shopping, notably via the internet.

The latest expenditure forecast figures from Experian are published in November 2017 and the Thanet Retail Assessment will be updated with this information then. It is anticipated that this will not result in any significant change to the Plan.

- **New Economic Growth Strategy**

The Council’s adopted Economic Growth Strategy has general implications for the draft Local Plan:

- (1) Ensuring that new housing development is of a type, size and quality to be able to accommodate a growing, skilled workforce;
- (2) In addition to other important economic sectors, include a specific reference to advanced manufacturing 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) Support the growth and development of local university/college facilities, programmes and partnerships, where needed, to improve and develop the local skills base; and
- (7) Support long-term feasibility modelling for Margate and Ramsgate.

The draft Plan has been amended to take account of the Economic Growth Strategy; for example, by identifying a site to accommodate advanced manufacturing and requiring the provision of community/business space on the strategic housing sites.

- **Open Space, Sport & Recreation assessment**

To meet the requirements of Sport England, an Open Space Study has been undertaken. The study (to be finalised) has raised a number of early recommendations:

1. Existing green open spaces should be safeguarded
2. Existing playing fields should be protected
3. The Council needs to consider the future role of Hartsdown in meeting local needs for indoor sports facilities. The recommendation is that it should be replaced at an increased scale either on the same site or on an alternative site
4. Opening up of facilities which are currently not available for any form of community use
5. Provision of 147 additional fitness stations across the district
6. General provision of more active environments reflecting active travel, safe cycle routes to school, the need to link existing and new communities with walking/cycling/jogging routes

A final report is awaited.

- **Thanet Landscape Character Assessment (LCA)**

The Landscape Character Assessment study identifies a number of landscape types and areas as part of a comprehensive assessment of the district. (<https://www.thanet.gov.uk/media/4002097/Thanet-LCA-Final-Report-0908-10-.pdf>)

It should be noted that the identification of landscape areas does not indicate that these areas should be protected from development. What the study does is to identify the key features of the landscape character, and suggest guidelines in which new development should be considered.

Initial focussed consultation was undertaken with Town and Parish Councils and statutory bodies to provide information for the study.

It is officers' recommendation that this should be adopted as a Supplementary Planning Document (SPD) to assist in guiding new development, so this document would need to be the subject of specific consultation alongside the draft Local Plan.

- **Whole Plan Viability Study (WPV)**

The WPV is required to support the Local Plan, to seek to ensure that the development identified in the draft Plan is deliverable in the Plan period to 2031.

The viability study is at an early stage, and an assessment is currently being made of the viability of the strategic sites. The ongoing viability work will also help to determine the level of Community Infrastructure Levy (CIL) that can be sought alongside the Local Plan.

2.42 Local Green Space proposals

- 2.43 The NPPF (para 76) says that “Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them”.
- 2.44 The Council received 43 such proposals (including a number of duplicate proposals for some sites) for Local Green Spaces (LGS) as part of the consultation in January 2017. 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.
- 2.45 The LGS proposals have be considered against the criteria in the NPPF, and taking into account recent case law and best practice. Para 77 of the NPPF advises that LGS should meet the following criteria:
- 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.
- 2.46 The NPPF also advises that “the Local Green Space designation will not be appropriate for most green areas or open space” (para 77).
- 2.47 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.
- 2.48 In broad terms, the recommendation in relation to LGS proposals is that those sites that meet the criteria in the NPPF should be agreed for LGS status. A summary of the assessment of sites proposed for LGS is attached at Annex 3. Coastal sites have been excluded for operational reasons, including the potential need for emergency coastal defence works; this approach has been followed elsewhere.
- 2.49 The following sites are recommended for LGS designation:
1. Kitty’s Green, Broadstairs
 2. Culmer’s amenity land, Broadstairs
 3. Holmes Park Broadstairs
 4. Land between Windermere and Kentmere Avenues, Ramsgate
 5. Dane Valley Woods, Margate
 6. Village Green, Foads Lane, Cliffsend
 7. Meadow, Cliffs End Road, Cliffsend
 8. Earlsmead Crescent, Cliffsend
 9. Playground, Foads Lane, Cliffsend
 10. Pierremont Park, Broadstairs
 11. Memorial Ground, Lawn Road, Broadstairs
 12. St Peter’s Recreation Ground, Broadstairs
 13. Mockett’s Wood, Broadstairs
 14. Westover Gardens, Broadstairs

- 2.50 It is equally valid for sites to be proposed as LGS through the Neighbourhood Plan process, but they would need to be subject to the same assessment as those proposed through the Local Plan.
- 2.51 Housing Numbers
- 2.52 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.
- 2.53 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 relevant population and other 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.
- 2.54 The latest SHMA update (based on the 2014-based Sub-National Population Projections) identifies the OAN for Thanet as 17,140 dwellings (or 857 dwellings per year).
- 2.55 Members may be aware that the Department for Communities & Local Government (DCLG) has recently published proposals for a new methodology (<https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>) to be applied by all local planning authorities in determining housing requirements. This includes a specific calculation to adjust the housing need figure to take account of market signals, based on a comparison of median house prices and median earnings. DCLG estimate that applying this methodology over the period 2016-26 would raise the requirement for Thanet from 857 dwellings per year to 1063 dwellings per year. If this uplift is also applied to the final 5 years of the draft Plan (2026-31), this would mean a total increase of just over 3,000 dwellings over the period of the Local Plan, taking the total requirement to just over 20,000 dwellings.
- 2.56 The consultation document indicates that, where a draft local plan has not been submitted for Examination by 31 March 2018, the new standardised housing method should be used. This means that, if the Plan is not submitted to the Planning Inspectorate by that date, the Council would need to revise the draft Plan to incorporate the additional housing requirement. This represents a significant risk both to the Council's draft Local Plan and to the wider planning of development in the district. This would also result in significant delay to the draft Plan and additional costs to be borne before the draft Plan reaches Submission stage in the review of evidence (see also section 3 of this report).
- 2.57 In applying the established housing OAN of 17,140, and 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 needs to make additional provision (through land allocations) for 9,300 dwellings. The Proposed Revisions to the draft Local Plan addressed the additional housing need through the identification of new sites at Manston Court Road/Haine Road; Manston Road/Shottendane Road and at the former Airport site at Manston.

- 2.58 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.
- 2.59 It is expected (NPPF, paras 14, 47) that Local Plans will meet the full OAN for the area concerned.
- 2.60 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”.
- 2.61 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.
- 2.62 Only two of these apply in any significant degree in Thanet – national and international wildlife sites (Sites of Special Scientific Interest; Special Protection Areas; SACs; Ramsar Sites) and new Local Green Space.
- 2.63 However, the national and international wildlife sites 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.
- 2.64 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.
- 2.65 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.
- 2.66 Proposed Local Green Spaces are addressed elsewhere in this report. However, the designations that are recommended to be supported in this report do not impact on the ability of the draft Local Plan to fully meet the housing requirement for the area.
- 2.67 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.
- 2.68 In considering site options, the Council must give consideration to these factors.

- 2.69 Concerns have previously been raised about the loss of best and most versatile agricultural land in the Local Plan. This could 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.”
- 2.70 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 (see above).
- 2.71 The provision of physical and social infrastructure, a concern of many respondents, is addressed later in this report.
- 2.72 Use of empty properties
- 2.73 The Proposed Revisions, published in January 2017, included an allowance of 540 housing units to come from empty properties being brought back into use.
- 2.74 This is based on a calculation using the following criteria:
- (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.
- 2.75 In May 2017, Thanet District Council committed additional resources to its empty homes work by appointing a new Empty Property Officer. The existing Empty Property Support Officer will continue to focus on offering advice and support to the owners of empty homes, together with facilitating empty homes loans in partnership with Kent Council Council. The new Empty Property Officer will be tackling the most difficult and dilapidated properties with a view to taking robust action to bring these back into use.
- 2.76 The outcomes from this programme will need to be regularly monitored, and is dependent on the Council’s Empty Homes programme continuing through at least the Plan period.
- 2.77 Calculation of “windfall” supply
- 2.78 “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 draft Local Plan, an allowance of 2,700 “windfall” permissions is identified. This is 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.

- 2.79 A number of representations at the last consultation suggested that the housing land supply identified in the draft Local Plan places too much reliance on windfall sites.
- 2.80 This is not considered to be the case. The calculation of windfall sites only applies to “small sites” [up to 9 units]. Historically, Thanet has also seen larger windfall sites making a significant contribution to housing land supply, and they were at one stage a sizeable proportion of housing completions. However, this trend has been entirely discounted from the calculation of future housing supply, to ensure that robustness of the housing land supply position.
- 2.81 Furthermore, the first three years of the remainder of the Local Plan period have been discounted to ensure that there is no double-counting of potential housing land supply, an approach suggested and supported by the Inspector at the examination of the Canterbury Local Plan. Officers’ advice therefore is that the windfall figure is robust for the purposes of Local Plan preparation, and over the Plan period may actually be higher than the allowance made.
- 2.82 Housing targets and 5-year Housing Land Supply
- 2.83 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.
- 2.84 In order to retain control over the location and scale of new housing development, it is important to be able to demonstrate a rolling 5-year supply of housing land that is available, suitable and achievable (NPPF, para 47, and footnote 11).
- 2.85 Officers are recommending that a “stepped” approach to the housing target is adopted; ie. that a lower target is set for the first five years, with higher targets for the following 10 years to make good the total housing requirement for the Plan period.
- 2.86 This is for two main reasons:
- There are significant infrastructure requirements that need to be delivered to support new development. If the Council were required to allocate more sites to cover average requirement for the first five-year period, this might undermine the delivery of that infrastructure, and therefore the wider Local Plan strategy; and
 - Thanet has an emergent development market, but there is a real possibility that driving high levels of requirement in the early years might undermine the viability of some sites, or result in lowered viability, which again could affect the delivery of services and infrastructure, as well as affordable housing.
- 2.87 It should, though, be noted, that the draft Local Plan does not seek to limit housing development in the first five years. If new housing development does come forward in line with the draft Plan during that period, that would help to accelerate housing delivery in the district.

- 2.88 Taking a “stepped approach” to the housing target means that the Council can demonstrate a 5-year housing land supply, and seek to ensure the delivery of sustainable development, supported by services and infrastructure. There has been a shortfall in delivery over the early years of the formal Plan period.
- 2.89 There are two main methodologies for meeting shortfalls in previous years:
- “Liverpool” – meeting the shortfall over the remainder of the Plan period; or
 - “Sedgefield” – meeting any shortfall over the current five year period.
- 2.90 Bearing in mind the infrastructure and market issues raised above, it is officers’ recommendation that the Council adopt the “Liverpool” method for housing targets and delivery, for the reasons set out above.
- 2.91 Although there have been variable levels of completions in recent years, the Council has consistently delivered against adopted Plan targets over the long-term. In addition, the Council is seeking to work with the market to encourage higher rates of house-building, and recently achieved accreditation to the Housing Business Ready Programme, run by the Housing & Finance Institute (HFI).
- 2.92 The recent new involvement of the Homes & Communities Agency (HCA) in development in the district, and their purchase of sites for development, is also an indicator of commitment to delivery in the area.

2.93 Residual housing requirements

(Base-date 31st March 2016 – figures may change as a result of current monitoring work, but not affecting the baseline requirement to be met in the draft Plan)

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
Allocations (Publication Plan)	9328	0

2.94 New Housing sites

- 2.95 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).
- 2.96 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.
- 2.97 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 former Airport site would be the most sustainable site.

2.98 It is not recommended to remove any of the sites identified for housing in the draft Local Plan (Preferred Option and Proposed Revisions), 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.

2.99 However, there is one site that needs to be deleted from the draft Plan. This is the draft allocation at the Gas Depot site in Northdown Road, St.Peters. An application was submitted to the Council in March 2016 for the development of the site, together with adjacent land, which is located in the Green Wedge between Margate and Broadstairs. The application documents suggested that the Gas Depot site is not viable for development in its own right, and subsequently the application was refused primarily because of the impact of the Green Wedge, and is currently the subject of an Appeal. However, given the stated viability position, it is proposed to delete the allocation of this site from the draft Local Plan.

2.100 Members will be aware that a Planning Appeal (Ref: APP/Z2260/W/16/3151686) was allowed at Westwood Lodge in November 2016, despite the fact that it is located in the Green Wedge between Margate and Broadstairs. The 156 new dwellings approved as part of this Appeal can be included within the housing land supply for the district. However, the Appeal means that the site, once developed, will make no longer make a contribution to the Green Wedge. Officers' recommendation, therefore, is that the site is removed from the Green Wedge policy area, and included within the urban boundary.

2.101 Ancillary residential accommodation

2.102 The SHMA identifies a need for additional accommodation for older people through the plan period. There has also been an increase in interest in such accommodation in general (which could be to support independent living for less able family members or for younger people).

2.103 Residential annexes are a common form of development that are generally proposed in order to allow relatives to live with their family with a degree of independence. The benefits of this include:

- Allows family members to provide the care and support required;
- Reduces the stress and impact on local services, ie nursing homes, home visits from care professionals and so on;
- Cost effective and affordable solution to supported living;
- Provides a measure of independence, while still being close to support; and
- Can provide accommodation for family members unable to purchase a house through the open market.

2.104 Housing Omission sites

2.105 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.

2.106 Two of the proposed sites are considered suitable for allocation in the draft Local Plan, in that they are consistent with the selection criteria for the Local Plan process and the principles set out in the Sustainability Appraisal. These are:

1. Land at Shottendane Farm, Shottendane Road, Margate (8 dwellings); and
2. Site known as Lanthorne Court, Broadstairs (up to 56 dwellings).

2.107 Future of the Airport site

2.108 Since the last consultation, RiverOak (now RiverOak Strategic Partners), have indicated their intention to proceed with an application for a Development Consent Order (DCO), in order to have the Airport identified as a Nationally Significant Infrastructure Project.

2.109 The AviaSolutions report (https://www.thanet.gov.uk/media/3500741/Final-Report-for-TDC-Manston-Airport-Viability-Oct2017_2.pdf), published in 2016, concluded 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”.

2.110 This conclusion is based on an assessment of future air traffic demand. Even applying assumptions favourable to an Airport use at Manston, the report concluded that it is most unlikely that Manston 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.

2.111 There has been some criticism of AviaSolutions’ report. However, the report has been prepared by aviation consultants with a detailed knowledge of the industry, reflecting the knowledge of 15 years’ advisory experience in the sector. AviaSolutions is currently working on due diligence projects for Infrastructure Funds/Private Equity with regards to investment in UK regional airports and cargo airlines, where their commercial advice has to be evidence-based and has to consider financial and business risks. Over the last 15 years their clients’ have included a range of major airport operators and airlines, as well as government departments (UK, EU and non-EU), as well as many privately owned airports.

2.112 AviaSolutions have reviewed the submissions made by RSP (<https://www.thanet.gov.uk/media/4062746/AviaSolutions-Analysis-of-Manston-Airport-Report-by-Azimuth-Northpoint-2017a.pdf>) as part of the Local Plan process, and their conclusion is that, the RSP submission does not put forward “a sufficiently credible case, nor provides the evidence, for AviaSolutions to change its views on the financial viability of Manston Airport”.

2.113 AviaSolutions concur with the view put forward by Azimuth Associates that there may be sufficient local (catchment) demand to support a minor low-cost airline operation base, which could amount to c. 1.5 million annual passengers with some additional non-based services (but see comments below about passenger operations).

2.114 However, there are significant areas of divergence between the two assessments. In particular, Avia draw attention to the following key areas:

- Methodology – Avia has noted that the representations on behalf of RSP do not consider any of the risk associated with their forecast;

- Demand – Avia do not believe that the freighter demand exists for the projections set out for Manston in the RSP submissions. In particular, Avia advise that the submissions ignore the dynamics of the UK air freight market and the key role of belly-hold capacity in meeting UK freight demand. The RSP submissions also appear to assume that all additional freight demand would come to Manston in preference to other Airports with mature, established and heavily invested freight operations;
- Passenger operations - AviaSolutions' view on passenger demand is that there may sufficient local catchment demand to attract some interest from low-cost carriers (possibly as much as 2 based aircraft). However, because of the arrangements sought by low-cost operators, there would be insufficient revenue arising from such an operation to make it financially viable. This does not address the capital or running costs associated with such an operation – Avia estimate a capital cost of £27m to bring the Airport back into commercial use (including a new terminal building), or the core daily cost of operations associated with maintenance, air traffic control, fire and rescue, and site security;
- Benchmark Airports – for various reasons of location, scale, population and economic activity in the localities, the benchmark airports proposed by RSP are not considered appropriate comparators to Manston; and
- Cross-channel freight operations – RSP submissions do not give a full picture of the cross-channel freight market, and are therefore misleading in terms of the implications for air freight.

- 2.115 Para 33 of the NPPF indicates that “When planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation”. However, the Airport is now closed and the evidence on this matter provided by AviaSolutions indicates 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.
- 2.116 The available evidence for an airport operation at Manston 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.
- 2.117 Following the evidence and Government guidance, there is insufficient justification to retain the Airport designation during the period of the Local Plan.
- 2.118 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”.
- 2.119 As the Council prepares revisions to the draft Local Plan, an Inspector has dismissed Appeals relating to a number of buildings at the Airport site. The Inspector concluded

“...until a new policy framework exists at the airport, I find that the evidence at the Inquiry did not demonstrate that the likelihood of the airport reopening was so slim that the conflict with Policy EC4 (*ie. in the adopted Local Plan 2006, relating to the airside development site*) should be disregarded” (para 33), and that “the appeal schemes would conflict with Policy EC4 of the Local Plan” (para 52).

- 2.120 However, he also states that “it is difficult to predict conclusively whether the airport will reopen or not”, and that “it must be stressed that it is not the purpose of this inquiry to judge the merits or otherwise of RSP’s project” (para 31). He also recognises the role of the Local Plan process (para 22) and the DCO process (para 31) in considering the future of the Airport.
- 2.121 This Appeal cannot be seen as determining the future of the Airport site in the long term. That is a matter for the Local Plan and DCO processes.
- 2.122 The key point is that what the Local Plan says about the Airport must be driven by evidence. The primary evidence that the Council has is the independent assessment by Avia Solutions.
- 2.123 At the Proposed Revisions consultation, the site was proposed for mixed-use development, including 2,500 dwellings and 85,000sqm of business space. There are also other implications to be considered if the Airport site were not allocated for mixed-use development.
- 2.124 Firstly, it creates uncertainty over the soundness of the draft Plan, as the Council would not be following the evidence regarding the viability of the Airport.
- 2.125 Second, the 2,500 dwellings allocated in the Proposed Revisions would have to be re-allocated elsewhere. The Council cannot simply remove the allocation without meeting the overall housing requirement for the district. This would require reviewing a large proportion of the evidence base to assess which option, if any, would be suitable.
- 2.126 Third, RSP have indicated that their project could create 30,000 jobs. This would be likely to result in additional housing being required in East Kent to support the growth in the workforce. This has not yet been factored into the draft Plan, and RSP have been advised that they need to consider those potential impacts as part of the DCO process.
- 2.127 This would also result in an additional requirement for transport assessment, Sustainability Appraisal work, and viability advice, which would inevitably delay the draft Plan, with all the attendant risks that creates.
- 2.128 The Department for Communities & Local Government (DCLG) has advised that the draft Local Plan should not be delayed to await the result of the DCO process. The Council should therefore progress with the draft Local Plan.
- 2.129 However, it should be noted that if a DCO is granted with compulsory acquisition powers, this would effectively over-ride the Local Plan. In that event, the Council would need to review the affected parts of the Plan. In other words, to progress the draft Local Plan on the basis set out in this report would not prejudice the DCO process or its outcomes.
- 2.130 The recommendation to Members is therefore to continue the proposal for mixed uses on the site as part of the draft Local Plan.

2.131 Employment Land

2.132 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.

2.133 The Plan now proposes 56ha of employment land, in part reflecting the Eurokent Appeal decision. Up to 8.5ha has been added in to reflect the allocation at the former Airport site at Manston. This allocation presents a significant opportunity to accommodate advanced manufacturing companies therefore directly facilitating delivery of Thanet's Economic Growth Strategy whilst still reducing the overall employment land surplus.

2.134 This also means that additional previously-developed or allocated land is now identified for housing purposes, reducing the pressure on urban-edge greenfield land elsewhere.

2.135 However, it should be noted that there is still sufficient land allocated within the draft Local Plan to meet the projected job creation over the Plan period. It will not therefore inhibit the Council's adopted 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.

2.136 Employment land omission sites

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

2.138 Proposed changes to draft Local Plan

2.139 Officers are not recommending significant changes to the draft Local Plan at this stage, in response to comments made at the last consultation. The recommendation is to proceed with the draft Local Plan as published in January 2015, and as modified by the Proposed Revisions to the draft Plan published in January 2017, and the changes recommended in this report.

2.140 The proposed changes for Publication relating to the main issues raised at the last consultation are set out at Annex 4. These changes also address some of the main issues arising from the previous Preferred Options consultation (Annex 5), and changes to Government guidance. These include:

1. The identification of a number of sites as Local Green Space (as set out in this report);
2. The identification of Landscape Character Areas, based on the recent Landscape Character Assessment, with the Landscape Character Assessment to be published with the intention of adopting it as a Supplementary Planning Document (SPD);

3. New general housing policy to reduce the repetition of key policy requirements in housing allocation policies;
4. New policy to support the provision of ancillary accommodation for family members, subject to various criteria;
5. A Supplementary Planning Document (SPD) for the Westwood retail area, detailing pedestrian connectivity and the goal of transforming Westwood into a cohesive town centre;
6. Ensuring the draft Local Plan policies are consistent with Natural England's advice regarding the coastal international wildlife sites;
7. A policy for the protection of allotments;
8. Policy support for new education and health facilities at key locations in the district;
9. Continuing the policy from the adopted Local Plan to safeguard land for grow-on space for the QEQM hospital;
10. Updating the evidence and policies relating to the National Technical Standards;
11. Remove the Westwood Lodge site from the Green Wedge policy area and include it within the urban boundary; and
12. Updating the Plan to recognise the changes in the status of some housing sites, including the allocation of two additional sites – Shottendane Farm, Margate (8 units); and Lanthorne Court, Broadstairs (up to 56 units).

2.141 There are also some outstanding changes that need to be made to the Plan in relation to comments made at the Preferred Option stage, which have been previously considered by Members. Some of those changes have been overtaken by events, but the revisions to the draft Plan include the changes agreed at that stage where still relevant.

2.142 Infrastructure provision & the Infrastructure Delivery Plan (IDP)

2.143 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.

2.144 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 the required infrastructure is to be funded directly by developers.

2.145 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.

2.146 The draft Infrastructure Delivery Plan (IDP) should be regarded as a working document, (<https://consult.thanet.gov.uk/consult.ti/TLPPOR/consultationHome>, listed under Consultation Documents) being used to monitor progress on delivery, and is being updated in the light of new information from partner organisations and key delivery agencies. It is proposed that the latest version of the draft IDP is made available for people to view during the Publication period, but with the caveat that it is a work in progress, which requires the cooperation and input of numerous other bodies.

2.147 Publication of the draft Plan

2.148 At this stage of the plan process, there is an opportunity for people to make comments in relation to the “soundness” of the Local Plan. The NPPF defines “soundness” considerations as:

- 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.

2.149 The Council would also be publishing the Sustainability Appraisal of the draft Plan, on which people will be able to comment. 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.

2.150 Weight to be given to draft Local Plan

2.151 As the draft Local Plan proceeds towards Examination, it gradually accrues more weight in development decisions, in accordance with para 216 of the National Planning Policy Framework.

2.152 On this basis, the draft Local Plan will be accorded additional weight at Publication stage; and at the point when the Plan is submitted, significant weight can be afforded to the draft policies, subject to other material considerations and the level of outstanding objections to individual policies.

2.153 Other documents to be published

2.154 KCC and TDC are preparing a Draft Transport Strategy for the district that seeks to address in part transport issues arising from the proposals in the draft Local Plan. A copy of the draft Transport Strategy is attached at Annex 6.

2.155 The draft Transport Strategy was considered by KCC’s Environment & Transport Cabinet Committee on 30 November 2017. The principles set out in the draft Strategy

were endorsed by the Committee, and the proposal to progress consultation on the draft Strategy as part of the Local Plan process was supported.

- 2.156 The Transport Strategy has a clear and important relationship with the draft Local Plan, and there is considerable value in consulting on this in parallel with Local plan publication.
- 2.157 It will include the provisions made in both stages of the Local Plan as published so far:

Preferred Option Plan

1. Policy SP13 (Manston Green) – requires Transport Assessment (TA) and provision of/contributions to key transport infrastructure
2. Policy SP14 (Birchington) – requires TA and provision of/contributions to key transport infrastructure
3. Policy SP15 (Westgate) – requires TA and provision of/contributions to key transport infrastructure
4. Policy SP16 (Westwood) – requires TA and provision of/contributions to key transport infrastructure
5. Policy SP34 – Safe and Sustainable Travel
6. Policy SP36 – Development and Transport infrastructure provision

Proposed Revisions

1. Policy SP05 revised (Airport site) – requires TA and provision of/contributions to key transport infrastructure
2. Section 5 (Manston Court Road/Haine Road) – requires provision/contributions to key transport infrastructure (part of Inner Circuit)
3. Section 7 (Parkway station)
4. Section 8 (Strategic routes) – Inner Circuit
5. Section 9 (implementation policy) – requirement for new development to meet its infrastructure requirements
6. Section 10 (Manston Road/Shottendane Road) – requires provision/contributions to key transport infrastructure (part of Inner Circuit)

- 2.158 The draft Transport Strategy will also include measures relating to car parking; new/enhanced bus and rail services; and new cycling/walking provision.

2.159 Options

- 2.160 The Council's options in terms of the Publication stage are set out at Section 3.

2.161 Next steps

- 2.162 Once the 6-week Publication period is completed (expected to be between January and March 2018), the draft Local Plan will be submitted to the Planning Inspectorate (PINS) for independent Examination, together with the evidence base documents,

and the representations received at Publication stage. This is anticipated to be in July 2018. It should be noted that only people making comments at this stage of the Plan process will have the opportunity to participate in the Examination process.

2.163 Amendments to the Local Development Scheme

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

2.165 If Publication goes ahead in January, as proposed, it is anticipated that the programme will be as follows:

- Publication of Submission version (full Local Plan) for a period of 6 weeks – mid-January 2018 (exact date tbc)
- Submission to Planning Inspectorate - March 2018
- Examination - June 2018

2.166 There may be other, minor consequential changes to the LDS. Cabinet has agreed the amendments to the LDS (meeting on 25th October 2017).

2.167 Consideration by Overview & Scrutiny Panel

2.168 A series of briefings have been given to an Overview and Scrutiny Working Group consisting of all OSP members regarding the draft Local Plan and some of the key issues facing the Council in preparing the draft Plan. Officers gave presentations and members had the opportunity to ask questions or make specific points about the issues. No specific recommendations were made by the Working Group to this Panel meeting.

3.0 Options

3.1 in considering this report, there are 3 options:

- (1) To publish the draft Local Plan - it is recommended that Cabinet/Council 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 the draft Local Plan, 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. This risk is greatly exacerbated by the implications of the DCLG consultation on new housing methodology set out in the main body of this report, in terms of potential delay to the draft Plan and additional costs to be borne before the draft Plan reaches Submission stage in the review of evidence (which could

be in excess of £75,000). Members will also be aware that the London Plan is currently being reviewed, and that there are questions about how London will meet its own housing requirements. It is anticipated that there will be consultation on a draft Plan for London will take place in Autumn this year, and it is therefore important to progress the draft Local Plan in an expeditious manner;

- (3) Not to publish the amended draft Local Plan – the publication of these matters for comment 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. At this critical stage of the Local Plan process, the risk of CLG intervention increases.

This delay to the Plan risks intervention from DCLG, but it is also 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 risk is greatly exacerbated by the implications of the DCLG consultation on new housing methodology set out in the main body of this report, in terms of potential delay to the draft Plan and additional costs to be borne before the draft Plan reaches Submission stage in the review of evidence (which could be in excess of £75,000). Members will also be aware that the London Plan is currently being reviewed, and that there are questions about how London will meet its own housing requirements. It is anticipated that there will be consultation on a draft Plan for London will take place in Autumn this year, and it is therefore important to progress the draft Local Plan in an expeditious manner.

Option 1 is recommended.

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Reporting to:	Helen Havercroft, Head of Growth & Development

Annex List

Annex 1	Main issues from previous consultation and proposed responses
Annex 2	Sustainability Assessment of Proposed Changes
Annex 3	Summary of Local Green Space Assessments
Annex 4	Schedule of Proposed Changes for Pre-Submission Publication
Annex 5	Preferred Option Plan main issues and proposed responses
Annex 6	Draft Thanet Transport Strategy

Background Papers

Title	Details of where to access copy
National Planning Policy Framework	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
Planning Practice Guidance	http://planningguidance.communities.gov.uk/blog/guidance/
DCLG consultation on housing methodology	https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals
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 and Assessment of Local Plan Representations	https://www.thanet.gov.uk/your-services/planning-policy/evidence-base/airport-viability-reports/
Economic Growth Strategy	https://www.thanet.gov.uk/media/3656760/Thanet-Economic-Growth-Strategy.pdf
Thanet Landscape Character Assessment	https://www.thanet.gov.uk/your-services/planning-policy/evidence-base/environment-and-quality-of-life/

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