

THANET LOCAL PLAN – PUBLICATION STAGE (REGULATION 19) & SUBMISSION FOR EXAMINATION (REGULATION 22)

Extraordinary Cabinet	19 July 2018 (afternoon)
Extraordinary Council	19 July 2018 (evening)
Report Author	Madeline Homer, Chief Executive
Portfolio Holder	Cllr Robert Bayford, Leader of Council
Status	For Recommendation and Decision
Classification:	Unrestricted
Key Decision	No
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 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 current position with the draft Local Plan; identifies new information to be considered in relation to the draft Plan; and seeks Members' views on the next steps to be taken with the draft Plan.

Recommendation(s):

Cabinet Meeting 2pm on the 19 July 2018

The responses from the Extraordinary Executive, Policy & Community Safety Scrutiny Panel to be held on the 11 July will be reported to Cabinet for consideration at its meeting at 2pm on the 19 July 2018.

Cabinet is then recommended to finalise its proposals for the Council to consider at 7pm on the 19 July 2018, having taken into account the comments from the Executive, Policy & Community Safety Scrutiny Panel. The recommendations to Council will show the Cabinet's response to those comments.

Council meeting 7pm on the 19 July 2018

Council is recommended to consider the final proposals from Cabinet which will be agreed at the Extraordinary Cabinet meeting to be held at 2pm on the 19 July 2018, together with the

Cabinet's response to any representations from the Extraordinary Executive, Policy & Community Safety Scrutiny Panel to be held on the 11 July 2018.

CORPORATE IMPLICATIONS									
Financial and Value for Money	<p>The arrangements for formal publication of a draft local plan 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 (including the Town and Country Planning (Local Planning) (England) Regulations 2012) and Government guidance, and in line with the Council's adopted Statement of Community Involvement (SCI).</p>								
Corporate	<ul style="list-style-type: none"> • Primary corporate risk is not having a well-evidenced Local Plan. Lack of a "sound" 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 continues to be a significant risk of further intervention by MHCLG, 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 be subject to Judicial Review. • There is a strong "fit" between the draft Local Plan and corporate strategy priorities. • Environmental implications – none directly from publication of a draft Plan. Environmental issues related to the provisions of the draft Plan are considered through the Sustainability Appraisal/Strategic Environmental Assessment/Habitat Regulations Assessment, which also need to be available for comment at Publication stage. 								
Equality 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" style="width: 100%;"> <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 style="text-align: center;">✓</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td style="text-align: center;">✓</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>When the draft Local Plan is published, 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 Background

1.1 The attached report was considered by Cabinet on 2 July 2018.

1.2 In relation to the first Recommendation, Cabinet resolved to recommend that Council agree to proceed with the draft Local Plan on the basis of Option (2) set out in the report; that is, the draft Local Plan as recommended to Council on 18 January 2018, with the revised distribution of sites and other amendments set out in the report and in the Addendum at Annex 2.

Option (1) which was the option recommended by officers, was not accepted.

Cabinet also recommended:

(2) That Council agree for inclusion in the draft Local Plan the main changes in Annex 4 of the Council report of 18 January 2018, as modified by any decision on Recommendation (1) above (set out in Annex 1);

(3) That Council agree for inclusion in the draft Local Plan the other changes set out in this report regarding the identification of additional Local Green Spaces, and a proposed new policy relating to foster homes in the district (also set out in the Addendum at Annex 2);

(4) That, subject to the other recommendations above, Council delegate authority to officers to make such minor technical and factual amendments to the draft Plan as are necessary for clarity and consistency;

(5) That Council agree that the draft Local Plan (as amended), together with the associated evidence base, including the Sustainability Appraisal/Habitat Regulations Assessment, and the draft Transport Strategy, be published for comment (under Reg 19) for a period of six weeks, and then subsequently be submitted for Examination (under Reg 22); and

(6) That the Council request the Examination Inspector, under Section 20(7) of the Planning & Compulsory Purchase Act 2004) to recommend any modifications to the draft Local Plan, which they consider are required in order to resolve problems that would otherwise make the Plan unsound or not legally compliant.

2.0 Executive, Policy & Community Safety Scrutiny Panel

2.1 In accordance with the Budget and Policy Framework, the Extraordinary Executive, Policy & Community Safety Scrutiny Panel to be held on the 11 July 2018 will consider whether to respond to the Cabinet's proposals (set out above).

3.0 Extraordinary Cabinet Meeting

3.1 The responses from the Extraordinary Executive, Policy & Community Safety Scrutiny Panel to be held on the 11 July 2018 will be reported for consideration to the Extraordinary Cabinet meeting at 2pm on the 19 July 2018.

3.2 The Extraordinary Cabinet meeting at 2pm on the 19 July 2018 will then finalise its proposals for the Extraordinary Council to consider at 7pm on the 19 July 2018, having taken into account the comments from the Overview and Scrutiny Committee. The recommendations to Council will show the Cabinet's response to those comments.

3.3 The Cabinet may accept or reject the responses from the Executive, Policy & Community Safety Scrutiny Panel.

4.0 Extraordinary Council Meeting

4.1 The Extraordinary Council meeting at 7pm on the 19 July 2018 will consider the final proposals from the Extraordinary Cabinet meeting to be held at 2pm on the 19 July 2018, together with the Cabinet's response to any representations from the Extraordinary Executive, Policy & Community Safety Scrutiny Panel to be held on the 11 July 2018.

Contact Officer:	Adrian Verrall, Strategic Planning Manager, extn 7139
Reporting to:	Bob Porter, Head of Housing & Planning, extn 7006

Annex List

Annex 1	Cabinet report on draft Local Plan and Annexes, 2 July 2018
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Background Papers

Title	Details of where to access copy
National Planning Policy Framework	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Draft Revisions to NPPF	https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework
Local Plan evidence base documents	https://www.thanet.gov.uk/services/evidence-base/
Call for sites 2018	https://www.thanet.gov.uk/wp-content/uploads/2018/06/Call-for-Sites-2018-for-publishing-Revised.pdf
Airport Viability Study and Assessment of Local Plan Representations	https://www.thanet.gov.uk/your-services/planning-policy/evidence-base/airport-viability-reports/

Corporate Consultation

Finance	Matt Sanham, Financial Services Manager
Legal	Tim Howes, Director of Corporate Governance and Monitoring Officer