
Report to Thanet District Council

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Thanet Local Plan

The Plan was submitted for examination on 30 October 2018

The examination hearings were held between 2 April and 18 July 2019

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Abbreviations used in this report

AA	Appropriate Assessment
AQMA	Air Quality Management Area
CCG	Clinical Commissioning Group
DCO	Development Consent Order
DPD	Development Plan Document
DPA	Dwellings per Annum
DtC	Duty to Co-operate
GTAA	Gypsy and Traveller Accommodation Assessment
HMA	Housing Market Area
HMO	House in Multiple Occupation
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
KCC	Kent County Council
LVIA	Landscape and Visual Impact Assessment
LDS	Local Development Scheme
MM	Main Modification
MMO	Marine Management Organisation
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
QEQM	Queen Elizabeth The Queen Mother Hospital
RNLI	Royal National Lifeboat Institution
SA	Sustainability Appraisal
SAMM	Strategic Access Management and Monitoring
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SPA	Special Protection Area
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Thanet Local Plan provides an appropriate basis for the planning of the Thanet District, provided that a number of main modifications are made to it. Thanet District Council has specifically requested that we recommend any main modifications necessary to enable the Plan to be adopted.

The main modifications all concern matters discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed main modifications and where necessary carried out a sustainability appraisal of them. The main modifications were subject to public consultation from 11 December 2019 to 27 January 2020. We have recommended their inclusion after considering all the representations made. In summary they:

- Introduce new Policy SP01a which supports the principle of development in the Urban Area and designated Villages.
- Introduce new Policy SP01b which requires the Council to complete a review of the Plan within six months of adoption.
- Modify the stepped housing requirement in Policy SP11.
- Clarify which sites are allocated for residential development in the Urban Area (Policy HO1) and the Rural Settlements (Policy HO11).
- Modify the development principles for strategic housing sites and include land at Shottendane Road as a strategic housing allocation (Policy SP18A).
- Amend Policies SP19 and SP20 to provide clarity regarding the type and size of dwellings and the thresholds for the provision of affordable housing.
- Include a requirement in Policy HO22 to identify and allocate sites for gypsy and travelling communities as part of an update to the Plan.
- Introduce a new policy (Policy SP05) concerning development at Manston Airport.
- Modify Policies SP02, SP03 and E01 to support new economic development within settlement boundaries, clarify how much land is allocated for employment uses and provide criteria to assess proposals for the reuse of employment land and buildings.
- Modify Policy SP21 to support economic growth in rural areas.
- Delete unjustified and undeliverable transport routes from Policy SP47.
- Modify Policies SP22, SP25 and SP26 to provide effective criteria for development in Green Wedges, and for proposals likely to lead to increased recreational pressure on the Thanet Coast and Sandwich Bay SPA and Ramsar Site.
- Modify the town centre policies (SP06-SP10 and E04-E06) for clarity and effectiveness.
- Support the extension of the Queen Elizabeth The Queen Mother Hospital through Policy SP37.
- Clarify how new medical facilities will be provided at Westwood and where new primary and secondary schools will be located through changes to Policies SP38 and SP40.
- Provide effective criteria to consider proposals for foster homes and childcare facilities, and the retention of family homes in Policies HO24 and HO26.
- Delete Policy CM04 relating to the expansion of Minster Cemetery.
- Update Appendix B to reflect the latest position concerning site delivery.

Other Main Modifications are also recommended to ensure that the Plan is justified, effective and consistent with national planning policy.

Introduction

1. This report contains our assessment of the *Thanet Local Plan* in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate ('DtC'). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the 2012 National Planning Policy Framework ('the Framework') makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised Framework was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 Framework apply. Similarly, where the Planning Practice Guidance ('PPG') has been updated to reflect the revised Framework, the previous versions of the PPG apply under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 Framework and the versions of the PPG which were extant prior to July 2018.
3. The starting point for the examination is the assumption that Thanet District Council ('the Council') has submitted what it considers to be a sound plan. The *Thanet Local Plan*, submitted in October 2018, is the basis for our examination. It was published for consultation in August 2018.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council has requested that we should recommend any Main Modifications ('MMs') necessary to rectify matters that make the Plan unsound, and thus incapable of being adopted. This report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in **Appendix 1**.
5. Following the examination hearings the Council prepared a schedule of proposed MMs and carried out a Sustainability Appraisal ('SA') of them where relevant. The MM schedule was subject to public consultation between 11 December 2019 to 27 January 2020. We have taken account of the consultation responses in coming to our conclusions and have made minor amendments to the detailed wording where necessary. The changes are highlighted in the report and do not significantly alter the modifications or undermine the participatory process.

Policies Map

6. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission Policies Map showing the changes that would result from the proposals in the submitted plan. In this case, the submission Policies Map comprises the Policies Map and Policies Map Insets.

7. The Policies Map is not defined in statute as a development plan document and therefore we do not have the power to recommend main modifications to it. However, a number of the proposed MMs require corresponding changes to be carried out. This includes the identification of Manston Airport in Policy SP05, the deletion and/or modification of Strategic Routes in Policy SP47 and the identification of town, district and local centres in Policies SP06-SP10. Any cartographical errors should also be rectified, such as the erroneous allocation of land at the Ramsgate Arts Primary School and the inclusion of garages to the south of the Tothill Street allocation in Minster (Policy HO12).
8. All of the above changes to the submission Policies Map were published for consultation alongside the MMs. When the Local Plan is adopted, in order to comply with the legislation and give effect to its policies, the Council will need to update the adopted Policies Map to include the proposed changes.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council has complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The Council's *Duty to Cooperate Statement*¹ ('DtC') sets out the strategic cross-boundary issues that have arisen throughout the preparation of the Plan. Amongst other things this includes the approach to meeting housing needs across the housing market area ('HMA'), the Thanet Coast and Sandwich Bay Special Protection Area ('SPA') and Ramsar site, the retail hierarchy, Manston Airport and strategic highways considerations.
11. The DtC Statement confirms that officers are actively involved in the Kent Planning Policy Forum, a group which includes other organisations such as the Environment Agency. Alongside Ashford Borough Council, Canterbury City Council, Dover District Council and Folkestone & Hythe District Council, officers also participate in the East Kent DtC group and the East Kent Growth Board. The Statement demonstrates how the Council has been actively engaging with its neighbours throughout the Plan's preparation. Examples include the sharing of evidence on highways and retail matters.
12. On-going dialogue between the East Kent authorities and Natural England has led to an agreed strategy for the Thanet Coast and Sandwich Bay SPA and Ramsar Site. Policies SP25 and SP26 recognise that the sites extend into adjoining Districts and that development proposals will need to consider their impacts beyond Thanet. Dover District Council confirms that it has commenced a review of the mitigation strategy for the SPA and will be seeking to work with neighbouring authorities towards its completion. The outcomes are consistent with the aims and objectives of the Duty.
13. In summary therefore, the Council has engaged constructively, actively and on an on-going basis with other East Kent authorities. There has been no failure to engage with its neighbours on strategic cross-boundary issues and the DtC has been met.

¹ Examination Document CD7.3

Assessment of Soundness

Main Issues

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 14 main issues upon which the soundness of the Plan depends. The following sections of the report deal with the main issues and focus on matters of soundness, rather than responding to every point raised by representors.

Issue 1 – Whether the Plan is informed by a robust, objective assessment of housing need and whether the housing requirement and trajectory is justified

Housing Market Area

15. The *Thanet Strategic Housing Market Assessment* ('SHMA')² considers the geography of housing markets in Kent. Taking into account house prices, commuting and migration patterns it defines a housing market area ('HMA') of Canterbury, Dover and Thanet. Between 68-74% of all house moves take place within this area, which reflects the definition in the PPG.
16. However, when the SHMA was published the *Canterbury District Local Plan* was already undergoing examination and sought to meet its own needs within its administrative boundary. Through the DtC process Thanet District Council and Dover District Council have agreed to do the same. Given the various stages of plan preparation, and the fact that plan-making is carried out on the basis of local planning authority boundaries, this is a pragmatic and logical approach. All three authorities are seeking to meet their own housing needs in full.
17. Criticisms point to the lack of a joined-up strategy and suggest that more could have been done to align plan preparation. But the DtC does not require authorities to prepare a joint plan. In this case the geography of the area and the requirement to meet the needs of the HMA have been discussed between the three authorities with agreement on the most appropriate way forward. A HMA based on the Thanet administrative boundary is therefore justified.

Demographic Starting Point

18. At the time the SHMA was produced, the 2014-based projections were the most up-to-date estimate of household growth. Over the plan period they project an increase of 15,397 households. Assuming a vacant and second home rate of 6.3% (in accordance with the 2011 Census), **16,360** dwellings would be required to accommodate this level of growth, or 818 per year.
19. The *Updated Assessment of Objectively Assessed Housing Need*³ 're-bases' the household projections by using actual population change from 2014 to 2015. It results in a slightly higher projection of 15,450 households. Based on the

² Examination Document CD4.2

³ Examination Document CD4.1

same vacant and second home rate of 6.3%, this equates to a need for **16,420** dwellings over the plan period, or 821 dwellings per annum ('dpa').

20. Shortly before the Plan was submitted the 2016-based household projections were published. Assessing the latest projections shows a small decrease of 32 households per year. However, this level of change is not meaningful for the purposes of the PPG. As such, the SHMA has not been rendered out-of-date.

Migration Assumptions

21. The 2014-based household projections are derived from a five-year period between 2008/09 and 2014. During this period net migration into Thanet averaged 1,164 people per year. It compares to a net inward migration of 1,002 people per year in the 2012-based household projections, and is one of the main reasons why the housing requirement in the submitted Plan is higher than previous drafts.
22. Evidence presented as part of the examination shows that net migration is now reducing. It is claimed that following departure from the European Union the number of economic migrants into Thanet will reduce further. But interrogation of the data within the SHMA Update shows that the largest component of population growth, in both the 2012 and 2014-based household projections, is from internal (roughly 80%) rather than international (roughly 18%) migration. The SHMA Update also shows that net inward migration has fluctuated significantly since 2001/02. A decrease over a 1 or 2 year period does not, therefore, represent a robust trend on which to adjust household projections, which the PPG advises should provide the starting point for estimating housing need. At this stage it is also far too early to understand what changes 'Brexit' might have on migratory patterns at a local authority level.

London Adjustment

23. In Thanet a key component of the population increase is from people moving out of London. Figure 1 in the Council's Matter 2 Hearing Statement shows that the number of people moving into Thanet between 2002 and 2017 started at around 1,800 per year, then dropped to around 1,200 people per year during the 2008 recession. Since then, internal net-migration has been increasing back to pre-recession levels.
24. Identifying future trends for people moving out of London is difficult to predict and will be influenced by factors such as the availability of housing, affordability, changes in working practices and transport improvements. However, it is reasonable to assume that net internal migration from London will continue to recover to pre-recession levels, especially with projects such as the Thanet Parkway railway station which is specifically aimed at improving the frequency of train services to London. The SHMA therefore applies an uplift of approximately 2% to the demographic starting point. Based on the evidence provided, it is reasonable and justified and results in the need for **16,760** dwellings over the plan period, or 838 dpa.

Market Signals

25. In 2014 the median house price in Thanet was £173,500. It was around 10% below the national average, 31% below the South East average and 11% below the Canterbury, Dover and Thanet HMA average. Median rental prices for the year ending March 2015 were also below the averages for England, the South East and the HMA. In 2013 the lower quartile house price to income ratio was around 7.3, whilst the rental affordability ratio was roughly 29%.
26. The 2017 SHMA Update re-assessed relevant market signals and found that the median house price had risen from £173,500 in 2014 to £180,000 in 2015. The house price to income ratio had also increased to 8.4, whilst the rental affordability ratio was up to 32.6%. In recognition of the worsening affordability the SHMA Update therefore recommends a further uplift.
27. The market signals uplift is based on an assumption that household formation rates for those aged 25-34 will return to 2001 levels over the period to 2025. This results in an increase in the number of dwellings needed over the plan period from 16,760 (838 dpa) to **17,140** dwellings (857 dpa). It represents the full objectively assessed need ('OAN') for housing in Thanet.
28. It has been suggested that this uplift should be regarded as a demographic adjustment to the baseline household projections, rather than in response to market signals. However, the rationale for basing the uplift on improving household formation in the younger age groups is reasonable, given that there is evidence of increasing private rental costs and increasing numbers of younger people living with their parents. Moreover, for the purposes of this examination the PPG does not state that the level of uplift should relate to the scale of improvement in affordability which is needed. It does not set out any specific formula or methodology for doing so.
29. The greatest concern to some representors is the scale of the uplift proposed. Combined, the adjustments provide an increase of 780 additional homes over the plan period. However, paragraph 154 of the Framework states that Local Plans should be "*aspirational but realistic*". In Thanet, housing completions have only exceeded 400 dpa once since 2011/12. Due to the limited number of completions since the start of the plan period, and the need to address any under-supply, the submitted Plan already requires the delivery of 4,500 dwellings between 2016 and 2021 (or 900 dpa). By the end of the Plan period it increases further to 5,585 dwellings (or 1,117 dpa).
30. Following adoption of the existing Local Plan in 2006, delivery in Thanet was much stronger. 726 dwellings were built in 2009/10 and 889 dwellings in 2010/11. Even so, meeting housing needs is going to require a level of housebuilding not recently achieved in Thanet. We therefore conclude that the affordability uplift proposed, combined with the uplift to account for increased London migration strikes the right balance between addressing market signals and providing an aspirational, but realistic housing requirement. Based on the evidence provided the uplifts are appropriate and justified. They will have a meaningful, positive impact on the provision of new housing.

Future Jobs

31. The SHMA Update considers a range of employment growth scenarios which forecast increases of between 1,200 and 5,100 jobs over the plan period. Taking account of existing commuting patterns and 'double-jobbing' it is estimated that such an increase would require a resident workforce of around 5,600 people. In contrast, the baseline demographic starting point would yield an increase in the resident workforce of around 8,500 people. As such, there is no justification for a further uplift to support expected jobs growth.
32. The potential future use of Manston Airport as a cargo hub *could* give rise to an increase in employment which has not been modelled by the SHMA. But this would be a matter for the Council to consider as and when a decision on the airport has been reached, having regard to the proposal's intended opening (if approved) and its specific operations and job requirements.

Housing Requirement

33. Policy SP11 sets out a housing requirement over the Plan period of 17,140 dwellings. The Plan therefore seeks to meet the full OAN for housing. However, to reflect the evidence in the SHMA, it is necessary to refer to the housing requirement as a minimum, not 'total' number of homes. (**MM25**)
34. Around 75% of the planned supply is from strategic sites. These are large sites which require significant new infrastructure. Considering that they are expected to start delivering the bulk of new housing in the second half of the plan period, a stepped requirement is justified.
35. Although extensive pre-application work has been carried out, neither the Birchington nor Westgate urban extensions have planning permission in place. The expected rates of delivery in Appendix B are therefore far too optimistic. To more accurately reflect the delivery of key sites **MM27** is necessary to amend the trajectory in Policy SP11. Although it requires fewer completions between 2016 and 2021 (3,000 dwellings), the revised trajectory more appropriately reflects the existing situation. For clarity consequential changes are also required to the supporting text by **MM26**.

Conclusion

36. Establishing the future need for housing is not an exact science, and no single approach will provide a definitive answer. For the purpose of this examination assessing the OAN for housing is based on an exercise of reasoned judgements on a careful assessment of the relevant evidence.
37. In our opinion, the Council has followed this approach. The housing requirement in Policy SP11, as amended, is a positive response to meeting housing needs in Thanet and represents a scale of housebuilding which is significantly greater than the extant Local Plan. The evidence supports the housing requirement, which is aspirational, but realistic.
38. We therefore conclude that the Plan is informed by a robust, objective assessment of housing need and is positively prepared in identifying a housing requirement and trajectory to meet that need in full.

Issue 2 – Whether the housing strategy and distribution of growth are justified, effective and consistent with national planning policy and whether the Plan's policies will be effective in achieving the proposed strategy

Strategy and Distribution of Growth

39. No hierarchy is proposed in the Plan to differentiate between the main settlements of Margate, Broadstairs, Ramsgate or Westwood. This reflects the geography of the District, with the main towns forming part of an almost continuous conurbation adjacent to the coast.
40. We recognise that throughout the Urban Area each settlement has its own character, identity and history. Birchington, for example, has a clearly defined centre and is separated from Westgate by a Green Wedge. Nevertheless, built development exists along both sides of the A28 Canterbury Road, and on the ground, there is very little to distinguish between the coastal communities. The two settlements are very closely connected, both visually and physically, and form part of the same urban conurbation following the A28 into Margate. The identification of a single Urban Area is therefore appropriate and justified.
41. Outside the Urban Area are a number of Villages identified on the Policies Map. Within the boundaries of Villages new residential development is supported. This is consistent with paragraph 55 of the Framework which states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
42. The Plan seeks to direct the majority of new development to the Urban Area and the Villages. Due to the built-up nature of the Urban Area, the coast and the capacity of the Villages to accommodate significant levels of growth, meeting Thanet's housing needs inevitably requires additional housing in the countryside. This is achieved in part, by a series of strategic housing sites adjacent to the Urban Area. The strategy is supported by the SA which has tested different options for growth. It is consistent with one of the Framework's Core Planning Principles which seeks to actively manage patterns of growth to focus significant development in locations which are, or can be made, sustainable.
43. Other options for meeting development needs were considered during the preparation of the Plan. This included development in the Green Wedges and housing in the form of a new settlement. Seeking additional growth in the Green Wedges was discounted due to the negative impact that it would have on the character and identity of Thanet's main settlements. The Green Wedges play an important role in providing some physical and visual relief between parts of the Urban Area. The decision to avoid these areas is justified in the interests of preserving the character and identity of these towns.
44. A previous iteration of the Plan included the mixed-use redevelopment of Manston Airport. This scored highly in the SA and would bring about several benefits, such as the reuse of previously developed, brownfield land. However, RiverOak Strategic Partners have purchased the former Kent International Airport and are actively pursuing plans to re-open it for air freight. It is not currently an alternative option for housing.

45. A consequence of extending the Urban Area is the subsequent loss of Best and Most Versatile Agricultural Land, defined as land in Grades 1, 2 and 3a of the Agricultural Land Classification. But the majority of Thanet's rural area is Grade 1 or 2 land. The only parts of the District which are not Grade 1 or 2 are either around the Wantsum Channel, which is subject to flooding, or areas of land divorced from major settlements. Neither would be appropriate locations for significant new development. It is therefore not possible to use areas of poorer quality land in preference to that of a higher quality.
46. The majority of new residential development will come from the strategic housing sites. This approach provides the critical mass necessary to deliver the required infrastructure for Thanet, such as new schools, healthcare and the 'Inner Circuit'. It also allows for the comprehensive masterplanning of sites. The strategy of pursuing larger urban extensions is therefore justified and reflects the availability of suitable sites in accessible locations. It is consistent with paragraph 52 of the Framework which states that "*The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns...*"
47. The scale and distribution of strategic housing sites around the Urban Area is not equal, and some settlements will see more growth than others. However, because the Plan identifies the Urban Area as a single conurbation, it does not seek to vary the amount or distribution of development between settlements. The distribution of housing is also influenced by the site selection process and the availability of land and infrastructure. As a result, there is no precise correlation between the size of the Urban Area settlements, their services and/or the distribution of housing.
48. The amount of growth attributed to the Villages is described in Examination Documents CD9.2 and CD9.3. In summary, the larger settlements of Minster, Cliffsend, St. Nicholas at Wade and Monkton are all regarded as suitable to accommodate new housing due to their size, level of services and public transport provision. Acol, Manston and Sarre are all smaller with very limited or no services. No allocations are therefore proposed, but new housing is supported within settlement boundaries. Whilst opportunities for growth in these villages may be limited, the strategy adequately reflects the different size, role and function of Thanet's rural villages. Additional affordable housing is supported on the edges of all the Villages by Policy HO18.
49. The process of allocating sites in Minster, Cliffsend, St. Nicholas at Wade and Monkton involved an element of planning judgement having regard to available land as part of the site selection process. As with the extensions to the Urban Area, there is no precise correlation between the size of the 'larger' Villages and their level of growth.
50. Approximately 285 houses are allocated in Minster. The scale of development is proportionate with its role and function as the largest Village in Thanet with a range of services and good accessibility to Manston Business Park and the A299. It is also generally the case that larger settlements will usually be able to absorb proportionately more development than smaller ones without compromising their character. The scale of development proposed in the village is appropriate and justified as part of the Plan's overall strategy.

51. It is *possible* that some Villages could have accommodated more housing development, including Cliffsend which will benefit from improved accessibility due to the proposed Thanet Parkway railway station. However, the rural settlements only comprise around 4% of Thanet's population, the majority of which is focused in the Urban Area, along with key services, facilities and jobs. Significant additional growth in the Villages would therefore undermine the Plan's strategy which seeks to focus development towards sustainable extensions to the Urban Area. The scale of development proposed in Cliffsend is commensurate with its role and function at this present time.
52. In summary therefore, directing growth to the Urban Area, strategic sites on the edge of the Urban Area and Villages with the highest number of services is justified, and consistent with national planning policy which seeks to direct significant new development to locations which are, or can be made sustainable. The submitted Plan is the most appropriate strategy for Thanet given the options available.

Achieving the Proposed Strategy

Development in the Urban Area – Policies SP01a and HO1

53. The strategy of supporting development in the Urban Area and Villages is not clear in the submitted Plan. **MM1** and **MM2** are therefore necessary to introduce an over-arching, strategic policy (Policy SP01a) which clarifies where the principle of new development will be supported. Consequential changes are also required to Policy HO1 by **MM103**.
54. Policy HO1 states that planning permission will be granted for housing development on allocated sites subject to 'consistency' with the phasing schedule in Appendix B. It also permits the development of non-allocated sites provided that they are within the 'confines of previously developed land'.
55. Firstly, it is not clear that the sites listed in Appendix B are allocated for development. Some have their own development principles in Policies SP13-SP18, HO2-HO9 and HO12-HO17, but not all. To ensure that the Plan is effective all the allocations should be listed in Policy HO1. (**MM103**)
56. Secondly, it is not clear how the Plan could ensure that development is carried out in accordance with the indicative phasing schedule. Whilst a useful benchmark, there is no mechanism by which the Council would be able to effectively enforce the delivery of housing once sites were under construction. For effectiveness the requirement is therefore deleted by **MM33, MM34, MM35, MM36, MM39, MM103, MM104, MM105, MM106, MM107, MM108, MM109, MM110** and **MM113**.
57. Thirdly, limiting windfall proposals to only the re-use of previously developed land would unnecessarily restrict new housing coming forward within settlement limits where the principle of development is supported. It is also at odds with Policy QD02 which allows for the redevelopment of residential gardens. This requirement is unjustified and also deleted by **MM103**.
58. Finally, it was always the Council's intention that criteria (4) to (6) should apply to all development proposals, not just on allocated sites. **MM103** makes this clear. The same modification is also necessary to confirm that

alternative uses will be restricted on non-strategic housing allocations, thus reflecting the fact that the strategic sites will typically deliver mixed use developments.

Housing at Rural Settlements – Policy HO11

59. As with the Urban Area, it is not clear from the submitted Plan which sites are allocated for development in Thanet's Villages. For the same reasons of effectiveness Policy HO11 is therefore modified by **MM113**.
60. In the rural settlements Policy HO11 requires development proposals to meet a further set of criteria. Criterion (1) is ambiguous in its requirement for schemes to be compatible with the 'historic scale of growth of the settlement'. This is rectified by **MM113** which has a greater emphasis on ensuring that proposals are compatible with the overall size, form and scale of the village. For effectiveness the same MM also emphasises that proposals must consider the character of the village (not just any historic character) and clarifies that criterion (2) relates to major development proposals only.
61. Policy HO11 also requires applicants to engage with Parish Councils to establish the need for particular types of housing, address affordable housing needs in the Parish, identify the scope for improving community facilities and accommodate or contribute towards the expansion or improvement of village primary schools. Whilst some of these criteria may be applicable to a rural exception site, they will not be justified in every instance, especially for proposals within Village confines where the Plan specifically supports new housing. The text is therefore unclear, unjustified and deleted by **MM113**.

Development in the Countryside

62. Establishing settlement boundaries around the Urban Area and Villages provides certainty and clarity to decision-makers, developers and local communities. Beyond settlement boundaries Policy SP21 applies.
63. As submitted, Policy SP21 is unclear in its requirement that all development will be restricted unless the need for a proposal overrides the need to protect the countryside. It is also inconsistent with the Framework which supports certain types of development in rural areas, such as the need for a rural worker to live at or near their place of work or the expansion of existing businesses. Both issues are rectified by **MM45**.

Conclusion

64. In summary therefore, the housing strategy and distribution of growth are justified and consistent with national planning policy. Subject to the recommended MMs the Plan's policies will also be effective in achieving the proposed strategy.

Issue 3 - Whether the process for selecting residential allocations was robust, and whether they are justified and capable of being developed over the plan period

Methodology

65. The process of identifying residential allocations has been informed by the SA and the *Thanet District Council Strategic Housing Land Availability Assessment* ('SHLAA').⁴ Further justification is provided in the *SA Addendum Report*.⁵
66. All sites were initially subject to a desk-based assessment in the SHLAA. At Stage 1 the Council sought to identify sites within and adjacent to the Urban Area and larger Villages, excluding Green Wedges. This reflects the Plan's strategy and is justified for the reasons given above.
67. At Stage 2 sites were assessed in more detail against a number of set criteria, including accessibility to services, impacts on heritage assets, the living conditions of residents and ecology. Consultation responses were also sought from Kent County Council ('KCC') on matters such as highways and ecology, Southern Water, the Environment Agency and internal Environmental Health Officers. Availability and deliverability criteria were then applied to consider the likelihood of sites coming forward, taking into account factors such as land ownership and infrastructure requirements.
68. The summaries provided in the SHLAA on which sites to accept or reject are, in some cases, very short. Nevertheless, the Council's processes ensured that sites were considered on a broadly consistent, and transparent basis. Whilst some representors disagree with the findings, the process involves professional planning judgement. This judgement takes into account the number of existing commitments and how the allocations would reflect the spatial strategy for the area. For the sites allocated in the Plan we consider that these judgements were reasonable.
69. The size and number of dwellings for each allocation has been informed by land ownership and by using a standard density of 35 dwellings per hectare. This has been varied in circumstances where a slightly higher or lower density would be more appropriate, such as Policy SP16 which is within walking distance of the principal town centre at Westwood. It ensures that site capacities have also been determined on a consistent and transparent basis.
70. Concerns have been raised that as part of the site selection process the Council did not give sufficient weight to planned transport improvements, such as the new Parkway Train Station (Policy SP45). However, the station has not been built, and rail connectivity is only one consideration in the overall sustainability of a settlement and its ability to accommodate growth.
71. As part of the assessment at Stage 2 the Council sought advice from KCC and internal Conservation Officers. Where specific heritage assets were identified, and mitigation considered necessary, this is reflected in the development principles for each site. Examples include the need to preserve the setting of

⁴ Examination Document CD4.4

⁵ Examination Document CD9.32

listed buildings at Ozengell (Policy SP13) and to consider the relationship of the Dent-de-Lion Gatehouse at Westgate (Policy SP15). The heritage summaries and assessments for each of the allocated sites, including policy responses where appropriate, have been published in Examination Document CD9.31. Based on the evidence provided we are satisfied that the allocated sites can come forward with heritage matters adequately controlled as part of the design and layout of development at the planning application stage.

72. On the whole, the Council's methodology is sound and the evidence to support the chosen options is adequate. The rationale behind allocating sites that are within, or adjacent to, the Urban Area and Villages is appropriate, justified by the SA and will deliver the spatial strategy. The site selection process has been satisfactory and reasonable alternatives have been considered.
73. As part of the consultation on the proposed MMs, **MM28** sought to amend paragraph 3.13 by stating that the allocations had been informed by the spatial strategy. Whilst the statement is correct, the change is not needed to rectify a soundness issue. **MM28** is therefore deleted from the schedule included at **Appendix 1** to this report.

General Development Principles

74. Due to their size, it is likely that the strategic housing allocations will come forward in phases. Some phases may have a significantly lower density, such as where new infrastructure, open space or schools are provided. Others may be higher. To provide greater flexibility it is therefore necessary to refer to approximate average densities in **MM33, MM34, MM35, MM36, MM39** and **MM40**.
75. To reflect the latest position on the likely delivery of sites, as discussed with site promoters during the hearing sessions, the housing trajectory at Appendix B should be updated by **MM170**. As identified above, requiring development proposals to accord with the phasing schedule is not effective as it is likely to change as final details progress. Instead, to ensure that the strategic sites are planned and delivered in a coordinated manner it is necessary to require the approval of masterplans and phasing schedules. This is rectified by **MM33, MM34, MM35, MM36, MM38, MM39** and **MM40**. Where sites already benefit from planning permission the approved requirements will clearly be a relevant consideration and likely determine when, how and by whom infrastructure is provided. Subject to the proposed MMs the need to produce a development brief is superfluous and therefore deleted.
76. The general development principles require strategic sites to provide a range of uses aimed at meeting the day-to-day needs of potential future residents. However, as submitted they are not clear enough to be effective. The requirement for a District Centre at Westgate is also unjustified, as such a level of provision would unnecessarily compete with, and undermine, the vitality and viability of the existing centre. **MM33, MM34, MM35, and MM36** therefore clarify that where planning permission has not already been granted, developments will be expected to provide facilities in accordance with Policy SP12. The amended policy is intentionally flexible to allow for the precise mix of uses to be determined by the masterplanning process.

77. Where new education provision is necessary the relevant strategic site policies require serviced land to be provided to accommodate either a primary or secondary school. To ensure that the policy is effective in providing schools in the right places, it is also necessary to specify that the masterplanning process must allow for their construction in a form and location agreed with KCC. (**MM33, MM34, MM35, MM36, MM38** and **MM39**)
78. The development principles for the strategic sites also require Transport Assessments to inform the masterplanning process. This is justified to ensure that the impacts of development on the local road network are adequately considered, and where necessary, any infrastructure requirements are factored into the design. However, both the *Infrastructure Delivery Plan* ('IDP')⁶ and the *Thanet District Transport Strategy 2015-2031*⁷ include specific details of highways improvements that will be necessary to mitigate the impacts of planned growth. To ensure that the Plan is effective, and to provide clarity to users of the Plan, they need to be set out for each allocation by **MM33, MM34, MM35, MM36, MM39** and **MM40**. The MMs also include requirements to promote multi-modal transport solutions to support more sustainable patterns of travel, as required by the Framework.
79. During the preparation of the Plan the need for open space in Thanet was established by the 2005 *Open Space Audit*. It required a total of 4.45 hectares per 1,000 population. The evidence has since been updated by Core Documents CD5.13-CD5.17, with the corresponding requirements for new development set out in Table 12 of the submission version Local Plan.
80. Applying the updated requirements to the Council's methodology, in addition to using the latest projections on average household sizes, results in a lower requirement for open space across the strategic housing allocations.⁸ To reflect the latest evidence it is therefore necessary to update Policies SP13-SP18A by **MM33, MM34, MM35, MM36, MM39** and **MM40**. Although concerns have been raised that this will lead to a reduction in quality, the amount of open space on each site is a *minimum* requirement. There are also a range of other policies in the Plan which seek to secure high quality design, such as Policies SP23, SP33, QD01 and QD02.
81. Finally, the strategic site policies only require an investigation into the capacity of existing utility services and infrastructure. For effectiveness each of the policies should specify that improvements must also be provided where necessary. (**MM33, MM34, MM35, MM36, MM39**, and **MM40**)

Strategic Sites

Manston Green – Policy SP13

82. The site now benefits from planning permission for up to 785 dwellings. The principle of residential development, including the mix of uses, has therefore been established. No detailed evidence has been provided to suggest that a

⁶ Examination Document CD1.2

⁷ Examination Document CD6.1

⁸ Examination Document CD9.5

larger site area, and/or a significant increase in the scale of development is needed to secure the deliverability or viability of the allocation.

83. The first development principle under Policy SP13 requires new built development to be focused at the northern part of the site. This reflects the potential archaeological significance of land to the south and the presence of a groundwater source protection zone. It is therefore justified, but for clarity and effectiveness should be listed as a requirement of the masterplanning process, as it relates to matters of design and layout. **(MM33)**
84. The site is situated approximately 1km to the east of Manston Airport and conditions attached to the planning permission require a scheme of noise mitigation in the final design. Any potential future redevelopment of the airport may influence the level of mitigation required, but this would be a matter for the Council to consider as part of an early review of the Plan, discussed in more detail below.

Birchington – Policy SP14

85. The majority of the allocation is controlled by Ptarmigan Land and Millwood Designer Homes. A separate parcel of land to the north west corner of the site is controlled by the Church Commissioners. Whilst the Council suggests that the Church Commissioners' land should be deleted from the Plan, there is nothing to indicate that the separate ownership of the parcel would restrict the allocation from coming forward. As the site promoters confirm, subject to a flexible approach to density, the 1,600 dwellings allocated under Policy SP14 could be achieved on land entirely within their control. The extent of the allocation is therefore sound. Similarly, whilst noting that an amended site boundary would follow existing field boundaries and allow for a greater landscape buffer, we find no soundness reasons that necessitate enlarging the site to the south and west.
86. Throughout the Plan's evolution the strategic allocation has increased from around 1,000 dwellings at Preferred Options Stage to 1,600 dwellings in the submission version Local Plan. Based on the 2011 Census it would increase the population of Birchington by around 35%. Although this is a significant increase from a single site, Birchington forms part of the Urban Area which includes Margate, Broadstairs and Ramsgate. For the reasons given above, focusing significant growth towards the Urban Area is the most appropriate strategy for Thanet. Birchington is also identified as a District Centre and benefits from a range of shops, services and facilities, the majority of which would be within walking and/or cycling distance for potential future residents. This includes the train station which has direct services to London, Ashford and Dover, primary and secondary schools, recreational facilities and the medical centre. The scale of development proposed in Birchington is justified.
87. At present traffic arriving into Thanet from the A299 has two main options. It either continues onto the A28 through the centre of Birchington or heads south towards Ramsgate. The Square in Birchington is therefore already heavily congested, with consequential impacts on noise, safety and air quality.
88. To mitigate the impacts of additional development a new link road is proposed between Minnis Road and the A28. The route would then continue further east to connect with the B2050, before joining up with Shottendane Road. It would

enable traffic to bypass The Square in Birchington and relieve traffic pressure on the A28 to and from Margate. Based on the evidence provided the necessary improvements can be undertaken and would limit the significant impacts of the development as required by paragraph 32 of the Framework. Subject to carrying out the necessary improvement works the cumulative impacts of the development would not be severe.

89. The majority of the Urban Area is within an Air Quality Management Area ('AQMA'). The allocation at Birchington is adjacent to the AQMA, and The Square has previously been identified as a 'hotspot'. However, this has been taken into account as part of the SA in shaping the Plan's strategy. By focusing development in areas such as Birchington, the Plan enables potential future residents to access shops, services and facilities on foot or cycle without relying on the use of a car. The scale of development would also allow for new facilities to be provided as part of a mixed-use development, further reducing the need to travel. Critically, the provision of the link road would also allow traffic to bypass The Square, further mitigating air quality impacts.
90. Furthermore, subject to securing all the identified highway improvements it may be possible to remove the mini roundabout in The Square and carry out further works to eliminate impediments to traffic flows. In addition, other policies in the Plan specifically aim to improve air quality, such as requiring the provision of multi-modal access and travel options (Policies TP01-TP05), electric vehicle charging points (Policy SP12) and Air Quality and/or Emissions Mitigation Assessments (Policy SE05). The Plan therefore seeks to mitigate the impacts of the growth proposed, and where possible, improve air quality.
91. Due to the scale of development proposed additional education and medical provision will be needed in Birchington. The requirement for a new primary school and expansion of the existing medical practice are therefore justified. However, to provide greater flexibility **MM34** is necessary to state that proposals must provide for the expansion of medical services. This is to allow for potential increases in staff numbers and/or services at the existing practice, rather than just the provision of land.
92. To the south and south-west of the allocation are two Scheduled Monuments with features within or immediately adjacent to the site boundary. The requirement for a pre-design archaeological evaluation is therefore justified, along with measures to integrate the development with the wider landscape and create a soft edge along the site boundary. Including a specific reference to the measures required is necessary to ensure that the policy is effective, and for clarity, it should be made clear that measures to preserve the significance of heritage assets must inform the masterplanning process. Both are addressed by **MM34**. In the event that preservation in situ of archaeological remains is necessary, the policy as modified provides sufficient safeguards for this to be achieved, as it does for all other allocations.

Westgate – Policy SP15

93. The proposed allocation encompasses land to the east and west of Minster Road, which is the boundary between the Westgate-on-Sea and Garlinge wards. On the ground there is very little to distinguish between the wards, which form part of the same conurbation following the coast. The allocation

would therefore form part of the wider Urban Area, which, for the reasons set out above, is supported by the SA as the most appropriate location to accommodate significant new growth. Furthermore, the allocation would not extend built development any further south than existing housing on Linksfild Road. It would therefore be viewed in the same context as the existing Urban Area, and would not result in a disproportionate, or harmful addition to this part of the conurbation.

94. The Council is willing to extend the site boundary to align with Shottendane Road, allowing a greater amount of open space to be provided. But as with the Birchington allocation, there is nothing to suggest that the site cannot be developed given the land available. The extent of the allocation as submitted is therefore sound.
95. For clarity to decision-makers, developers and local communities it is necessary to modify Policy SP15 to make it clear that development will extend to both sides of Minster Road. It is also necessary to specify that development must make provision for a new medical centre to serve the needs arising from potential future residents, as the existing surgery on Westgate Bay Avenue has very limited scope for expansion (**MM35**). In response the site promoter confirms that the Clinical Commissioning Group ('CCG') now only requires 0.5 hectares, rather than the 1 hectare referred to in the policy. However, the exact area of land would also be a matter for the detailed masterplanning process based on specific needs at that time.
96. To the north of the allocation is the Grade II* listed Dent-de-Lion gatehouse. The gatehouse was part of a more extensive, fortified medieval house which would have led into a courtyard. The open farmland to the south of Dent-de-Lion contributes to its setting and it is therefore necessary to ensure that development proposals demonstrate what measures will be taken to preserve its setting. This is achieved by **MM35**.
97. To the south of the allocation is Quex Park which consists of probable Iron Age enclosures. There is also potential for a Roman villa complex to exist which may extend into the site boundary. The requirement to carry out an archaeological evaluation as part of the masterplanning process is therefore justified and will ensure that heritage assets of archaeological significance can be preserved and/or recorded as necessary.
98. The highways evidence supporting the Plan⁹ indicates that the main vehicular access points will be from Minster Road (from its junction with Shottendane Road) and Dent-de-Lion Road (leading to the junction with High Street and the A28). To reflect the highways evidence, in the interests of highway safety and for clarity it is necessary to specify these access arrangements, and any junction improvements which may be required. (**MM35**)
99. Due to the highway improvements required as part of Policy SP14 it is expected that traffic will be diverted away from the centre of Birchington and onto Shottendane Road. In turn, this will become the main distributor road serving the strategic allocation at Westgate. To facilitate increased traffic

⁹ Examination Documents CD6.1-CD6.11

movements Shottendane Road will therefore have to be upgraded to Local Distributor standard. **MM35** makes this requirement clear.

100. By increasing its capacity there is a strong likelihood that traffic leaving Margate town centre and heading west would divert towards Shottendane Road in order to by-pass Westgate and Birchington. In doing so, vehicles may leave the A28 and use Garlinge High Street to access Shottendane Road to the south. As representors have pointed out, parts of Garlinge High Street are relatively narrow and restricted by on-street parking. A new connection is therefore necessary between Minster Road and Dent-de-Lion Road. Westbound traffic would then be able to use a more direct route, through the allocation, in order to by-pass Birchington and Westgate.
101. The Transport Strategy also recognises that further upgrades will be required to High Street, which may include possible access restrictions to and from Shottendane Road. For clarity and effectiveness both requirements should be included in Policy SP15 by **MM35**. Combined with other road improvements proposed as part of the Plan, we are satisfied that the cumulative impacts of development on the highway network will not be severe.
102. In response to the MM consultation it has been suggested that the link road should go from Dent-de-Lion Road to Shottendane Road. Whilst this would achieve the same objectives, it would require development of land outside the allocation site boundary. It would therefore be a matter for the Council to consider as part of any potential future planning application process.
103. Due to the proximity between the site and the Westgate/Birchington Green Wedge, the requirement to carry out a Landscape and Visual Impact Assessment ('LVIA') is justified. Because the development would form a new boundary to the Urban Area it is also necessary for proposals to create a soft, landscaped edge between the site and open countryside. **MM35** makes it clear that this is a requirement of the masterplanning process.
104. As submitted Policy SP15(1) requires a functional green corridor to be provided between the existing urban edge and the development. One of the main reasons for the separation is to 'preserve the more rural characteristics of the existing urban edge.' However, no convincing evidence has been provided to justify why this is necessary from a landscape or ecological perspective. By extending Westgate in the manner proposed, the edge of the Urban Area would become the southern perimeter of the allocation. Moreover, the requirement would be contradictory to the objectives of Policy SP15 which state that the masterplan must address the need for 'integration'. **MM35** is therefore necessary to modify criterion (1) by removing reference to a specific 'corridor' and referring to the provision of green spaces.
105. As consulted upon, **MM35** referred to a green 'space', which could be taken as still requiring a single area, or corridor. The MMs in **Appendix 1** therefore refer to 'green space(s)' to provide additional flexibility. The exact details will be a matter for the final design.

Westwood – Policy SP16

106. The level of growth proposed at Westwood reflects its role and function and is justified in seeking to create new communities with access to a good range of services, facilities and public transport. Due to the proximity of the site to Westwood a higher average density of 40 dph is appropriate in this location.
107. To mitigate the cumulative impacts of additional traffic, and to ensure the deliverability of the Inner Circuit, there is a need to widen Nash Road to a Local Distributor Standard between the site and Star Lane. For effectiveness this is clarified by **MM36**. Both the Council and the site promoter confirm that the necessary works can be carried out.
108. As submitted Policy SP16 requires development proposals to achieve a soft edge between the site and the countryside, which is required given the location of the allocation on the edge of the Urban Area. Policy SP16 also requires an undeveloped corridor to be provided as an extension to the open area of Green Wedge to the east. However, the Green Wedge is on the opposite side of the Westwood Industrial Estate to the proposed development. This requirement is therefore unjustified and is deleted by **MM36**.
109. Along the eastern site boundary is the Grade II listed Nash Court Farm. The requirement to preserve the existing buildings is necessary in the interests of heritage conservation, but for clarity the development principles should refer specifically to the farm, and the need to account for its setting. It is also necessary to make clear that the masterplanning process must be informed by the presence of overhead power lines. Both are addressed by **MM36**.

Land Fronting Nash and Haine Roads – Policy SP17

110. The allocation already benefits from outline planning permission for a mixed-use development including up to 1,020 dwellings. The principle of residential development, including the mix of uses across the site, has therefore been established. That being the case, for clarity to decision-makers, developers and local communities it is still necessary to set out how many dwellings are allocated under Policy SP17, as the site may be subject to revised or additional proposals in the future (**MM38**). Consequential changes are also required to the supporting text by **MM37** to reflect the latest position.
111. It has been suggested that additional flexibility over and above the approved number of dwellings is included in the Plan. But no evidence has been provided to demonstrate that a higher number of dwellings can be delivered on the site, or to suggest that the extant scheme is undeliverable in its current form. Likewise, there is nothing before us to demonstrate that the requirement for 2 hectares of land for the medical facility is unjustified or renders the scheme undeliverable. In the event that circumstances change, this would be a matter for the Council to consider as part of a future planning application process. Similarly, should there be no demand for the proposed commercial and community uses, it would be for the Council to consider the most appropriate use of the site based on information available at that time.

Manston Court Road/Haine Road – Policy SP18

112. Roughly the eastern 'half' of strategic site SP18 is subject to a resolution to grant planning permission subject to the completion of a Section 106 agreement. The first phase makes provision for up to 900 dwellings together with a range of commercial and community uses and a primary school.
113. The planning application for Phase 1 extends into the non-strategic housing allocation (Policy HO3) to the south, with both sites owned by the same applicant. Because the site is likely to come forward in accordance with the submitted scheme, for effectiveness **MM29** and **MM39** increase the capacity of site SP18 and reduce the capacity of site HO3. The modifications also make it clear to decision-makers, developers and local communities that land to the north of Coldswood Road forms part of the strategic housing site, with land to the south forming part of the smaller allocation under Policy HO3. Upon adoption of the Plan the Council will need to make consequential changes to the Policies Maps in this location to reflect the new site boundaries.
114. Based on the submitted scheme the two sites are expected to deliver around 50 dwellings more than originally envisaged in the submission Local Plan (1,400 on SP18 and 100 on HO3). Although this will increase the pressure on services and infrastructure, the scale of development has already been determined through the planning application process. In addition, the increase of 50 dwellings is not significant in the context of the overall level of housing proposed around Westwood. Should further infrastructure be required as part of later phases, this will need to be provided as part of Policy SP01.
115. As submitted, Policy SP18 requires financial contributions towards an internal spine road. However, the spine road would run through the allocation and would be provided as part of the development. It is clarified by **MM39**. For effectiveness the same MM also confirms where the site will be accessed from and the necessary highway improvement works. As consulted upon, **MM39** incorrectly referred to improvements to the A256 Old Haine Road, when it should read the A256 Haine Road/New Haine Road. The typographical error is corrected in the accompanying schedule at **Appendix 1**.
116. The policy also requires proposals to integrate with 'development at the adjoining sites'. This is ambiguous and is deleted by **MM39**. When read as a whole the Plan contains sufficient policies to promote good design and ensure that developments take into account local character and appearance.
117. Examination Document CD9.31 identifies that heritage assets of archaeological interest may be present to the eastern and western sides of the site. **MM39** is therefore required to ensure that the masterplanning process is informed by an archaeological investigation.
118. Unlike any of the other strategic housing allocations, Policy SP18 requires ecological surveys of breeding and wintering birds and mitigation for any loss of ground nesting bird habitats. But no site-specific evidence has been provided to justify this development principle and it is deleted by **MM39**. Moreover, Policy SP12 (as modified) requires all development proposals on sites of more than 10 dwellings to include an assessment of their effect on 'functional land' that may be used by wintering and breeding birds, with

mitigation where necessary. Sufficient safeguards are therefore in place by other policies in the Plan.

119. At Regulation 19 stage KCC advised that a 6-form entry secondary school would be required as part of the development of the site. This reflects the evidence in the IDP, which identifies part of the site for a secondary school in Phase 2. The requirement in **MM39** is therefore necessary and justified.

120. As with other allocations, the exact land take for the school is likely to be determined by the masterplanning process. Although the policy refers to an area of 8 hectares, it is intended to provide a policy framework to guide development. The precise size of the school will be a matter for the planning application process to establish, as will its delivery. By requiring all the strategic sites to provide a phasing and implementation plan, Policies SP13-SP18A will ensure that infrastructure delivery is considered early in the planning application process.

Land North and South of Shottendane Road – Proposed Policy SP18A

121. Due to the size of the allocation it is necessary for proposals to be accompanied by a masterplan and phasing and delivery details to ensure a comprehensive development. For the same reasons it is also necessary to identify the allocation as a strategic housing site under a new policy; SP18A (**MM40**). As a consequence, **MM104** is needed to delete Policy HO2.

122. Because the site is split by Shottendane Road, specifying that the open space must be on both sides of the road is required to ensure that all potential future residents benefit from access to open space (**MM40**). The minimum amount of open space is justified by Core Documents CD5.13-CD5.17 and is necessary to achieve a high-quality development.

123. As submitted the Plan permits 300 dwellings on the northern parcel of land and 250 dwellings on the southern parcel. It may be that the exact numbers across each 'half' change at the final design stage. But this would be a matter for the Council to consider as part of the planning application process.

124. At present Shottendane Road terminates at the 'Coffin House Corner' junction to the north-east of the site. The junction is already subject to congestion during peak hours. To mitigate the cumulative impact of the allocation a new link is required through the site from Shottendane Road to Manston Road, therefore allowing traffic to bypass the Coffin House Corner junction. For clarity this should be set out in the policy by **MM40**, along with the necessary junction improvements as evidenced by Examination Document CD6.1.

125. Requiring development proposals to assess the potential impact on waste management is necessary given the proximity of the site to the Margate Refuse and Recycling Centre. However, no requirement for any specific mitigation has been identified at this stage. A modification is therefore needed to introduce further flexibility by referring to mitigation if required. (**MM40**)

126. To the east of the site is Margate Cemetery which contains several listed memorials and structures. A Heritage Impact Assessment is therefore required to consider the relationship between the cemetery and the proposed development. In the interests of conserving heritage assets and their

significance it is also necessary to expand the development principles by reference to the Grade II listed Shottendane Farmhouse which is situated to the south-east. In addition, the interests of the character and appearance of the area necessitate a development principle requiring the masterplan to provide an appropriate transition between the site and the countryside. Both are rectified by **MM40**.

127. The *Thanet District Council Playing Pitch Strategy 2017-2031*¹⁰ states that Margate Cricket Club is seeking to expand and provide better facilities. But no evidence has been provided by the Council to explain why the development of land at Shottendane Road is only acceptable in planning terms subject to providing improvements to the neighbouring cricket club, which is outside the site boundary. The requirement is therefore unjustified and deleted by **MM40**. Likewise, no justification has been provided for the need for a ground nesting bird survey, which is also deleted.
128. The submission Local Plan incorrectly refers to bridleways TM13, TM14, TM23 and TM28. Only public footpath TM14 is on or adjacent to the site. We have therefore corrected this in the schedule of MMs in **Appendix 1**. Following consultation on the proposed MMs, KCC also advise that the proposed junction with Hartsdown Road may no longer need to be a roundabout. We have therefore referred to a 'junction' in the schedule of MMs in **Appendix 1**, which provides flexibility over the final design.

Non-Strategic Allocations – Urban Area

Land on West side of Old Haine Road – Policy HO3

129. As a result of **MM39** it is necessary to offset the increase in dwellings on site SP18 by reducing the dwelling capacity on site HO3. This is achieved by **MM105**. Due to the smaller site capacity the need for a development brief is superfluous and is deleted by **MM105**.
130. In the interests of promoting good design and the character and appearance of the area it is necessary to require appropriate landscaping and a soft edge to the development as part of the masterplanning process (**MM105**). With regard to transport, no evidence has been provided to justify that 100 dwellings on the reduced HO3 site would have to contribute towards the Westwood Relief Strategy in order to make the development acceptable in planning terms. However, some improvements may be needed as part of the final design at the planning application stage. **MM105** is therefore necessary to provide greater flexibility to ensure that the policy is effective.

Land fronting Nash Road and Manston Road – Policy HO4

131. Reference to the site as 'S540' is confusing and is not found elsewhere in the Plan. It is therefore deleted by **MM106**.

¹⁰ Examination Document CD5.15

132. As submitted Policy HO4 requires a design brief to consider the need for an element of extra care provision on the site. This has been superseded by the Council's decision to approve planning permission and is deleted by **MM106**.
133. To reflect the highways considerations as part of the planning application process, and for effectiveness, **MM106** clarifies that development proposals must provide the necessary link between Nash Road and Manston Road to local distributor road standard and include a new roundabout junction. For effectiveness the same modification succinctly re-orders the development principles to make it clear what is required of the masterplanning process. Given the size of the allocation, and bearing in mind that the Council has resolved to approve planning permission, the need for a development brief is superfluous. However, it is still necessary for details of phasing to be provided to ensure the timely and effective delivery of new infrastructure.

Land South of Brooke Avenue, Garlinge – Policy HO6

134. Planning permission has been granted for residential development on the site and construction is underway. Based on the number of dwellings proposed (34) the requirement for a Transport Assessment is unjustified and deleted by **MM107**. In the interests of clarity and effectiveness the same modification is also required to confirm that the necessary archaeological investigation and landscaping should inform the final design, in the event that alternative proposals come forward.

Land at Haine Road and Spratling Street, Ramsgate – Policy HO7

135. Planning permission has been granted for 100 dwellings on the site. **MM108** therefore increases the capacity of the allocation to reflect the approved scheme.
136. Due to the size of the site, the requirement for a masterplan is superfluous and is deleted by **MM108**. However, the need for proposals to create a soft edge to the adjacent countryside and upgrade utility services (where required) remain necessary and are included in the modified policy. To reflect the approved details, and to ensure that the scheme does not prejudice the safe and efficient operation of the highway network, **MM108** is also required to specify that proposals must include a dedicated right turn lane.

Land South of Canterbury Road East, Ramsgate – Policy HO8

137. Planning permission has been granted for residential development on the site and construction is underway. As with other non-strategic allocations, given the size of the site there is no need for a development brief, which is deleted by **MM109**. For effectiveness, and to reflect the evidence in Examination Document CD9.31, the same MM also makes it clear that the design must be informed by archaeological and ecological investigations and a landscaping scheme, should alternative proposals come forward.

Land at Melbourne Avenue, Ramsgate – Policy HO9

138. The allocation relates to the former Newington School. To provide clarity to users of the Plan, especially local residents, this is clarified by **MM110**. For

the same reasons it is also necessary to state that development of the site must retain 'The Copse', which is an area of woodland used by local residents.

Remaining Allocations – Policy HO1 and Appendix B

139. As identified above, **MM103** is necessary to list the remaining non-strategic Urban Area allocations in Policy HO1, replacing the ambiguous reference to Appendix B. For consistency with the SA it is also necessary to set a threshold of 10 dwellings or more. The principle of residential development on sites below this threshold is still supported by Policy HO1, subject to meeting the criteria set out.
140. In Ramsgate, the former gas works on Boundary Road is allocated for 96 dwellings. The principle of residential development is carried over from the existing Thanet Local Plan, which allocates the site for 67 dwellings.
141. In January 2020 planning permission was granted for a development of 70 residential properties on roughly 'half' of the site. The remaining land is being pursued for a new Aldi supermarket. The cost associated with decontamination is cited as the main constraint to residential development across the whole site, and the reason for seeking additional flexibility.
142. However, we have seen no evidence to show that residential development on the site would be unviable over the plan period, and therefore that the allocation is undeliverable, especially in light of the very recent decision to approve full planning permission for a combination of flats and dwellings. Moreover, there is nothing to indicate that retail uses would be the only other viable option for the remaining parcel of land, or that the principle of retail development is acceptable in this location.
143. The Council's viability assessment also specifically refers to instances such as this one, where the costs of remediating brownfield land in the Urban Area means that full policy-compliant schemes are unlikely to be viable. It is for this reason that Policy SP20 allows applicants to provide fewer affordable homes where viability issues can be demonstrated.
144. Finally, a Local Plan cannot account for every eventuality over the course of the Plan Period. Section 38(6) of the Planning and Compulsory Purchase Act requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. In the event that site specific circumstances were presented which justified a decision not in accordance with the development plan, then scope exists for the Council to support such applications. Alternatively, it may be a matter that the Council wishes to explore through the early review of the Plan.
145. In Broadstairs, land at Reading Street is allocated for 24 dwellings. Although planning applications have been refused for residential development, and subsequent appeals dismissed, in each case the main issues related to matters of design, not the principle of development or the site's accessibility to shops, services and public transport. Located within the Urban Area, the allocation of the site for residential development is justified, as supported by the SA. There is nothing to indicate that a suitable design cannot be achieved over the course of the plan period.

Non-Strategic Allocations – Rural Settlements

146. As submitted, none of the allocations in the Villages have a dwelling capacity specified in the Plan. For clarity and effectiveness, it is necessary to set out a dwelling capacity and approximate density in the same way that the Plan does for allocations elsewhere (**MM113**, **MM114**, **MM115**, **MM116**, **MM117**, **MM118** and **MM119**). It is also necessary for the same MMs to stipulate that proposals will be informed by and address relevant planning considerations.
147. The submission version Local Plan includes a heading 'Additional Information' under Policy HO17. To avoid confusion and make it clear that these principles are policy requirements, and not just explanatory text, they should form part of Policy HO11. The same modification also removes the unjustified reference to the need for applicants/developers to contact the Parish Council in Monkton regarding the potential relocation/modernisation of the village hall. (**MM119**)
148. As submitted, Policies HO12 and HO13 require proposals to accord with Policy SP31. However, Policy SP31 is primarily concerned with the provision of natural and semi-natural greenspaces, parks, gardens and recreation grounds. Due to their size, such facilities are more likely to be provided as part of the strategic site allocations. For effectiveness **MM114** and **MM115** are therefore necessary to remove the specific reference to Policy SP31.
149. The list of allocated sites under Policy HO11 also includes land at Station Road, Minster. The landowner no longer wishes to pursue residential development and it is therefore deleted by **MM113**.

Land at Tothill Street, Minster – Policy HO12

150. Due to the presence of parked cars, vehicles currently have to stop and give way to oncoming traffic along Tothill Street, especially around the junction between Monkton Road and High Street. Specifying that links to the south should be restricted to pedestrians and cycles is therefore justified in the interests of highway safety, and to promote sustainable modes of transport.
151. As with other allocations, for clarity and effectiveness a MM is required to specify what the necessary highway improvements are likely to entail (**MM114**). Upon completion of the Inner Circuit, or parts of it, traffic travelling from the allocation would have the option of travelling north and onto Spitfire Way in order to reach Westwood Cross. Requiring proportionate contributions to the improvements of this junction are therefore justified and necessary in the interests of the safe and efficient operation of the highway network (**MM114**). This may need revisiting as part of any future plan review to account for proposals at Manston Airport.
152. In the interests of public safety KCC has also stipulated that an emergency access is provided. It is therefore incorporated into the policy requirements by **MM114**. In response the site promoters have suggested that the policy should refer to the emergency access as part of the pedestrian and cycle link to the south. But the exact position and design would be a matter for consideration as part of the planning application process.
153. No detailed evidence has been submitted by the Council to justify the policy requirement that land needs to be safeguarded for the expansion of Minster

Cemetery. Minster Parish Council has submitted comments in support of the Policy, but they only state that the extended area (which first started being used in the mid-1980s) is approximately 50% full. The requirement is therefore deleted by **MM114**. Consequential changes are also required to Policy CM04 by **MM163**. As part of the intended review of the Plan (discussed below) the Council should consider whether there is any local evidence to support the designation of available land for additional plots in the future.

Land at Manor Road, St Nicholas at Wade – Policy HO13

154. Land at Manor Road is allocated for up to 36 dwellings. Due to the limited scale of development proposed the requirement to carry out a Transport Assessment is unjustified and deleted by **MM115**.

Land at Walter's Hall Farm, Monkton – Policy HO14

155. For effectiveness **MM116** is necessary to confirm that development proposals at Walter's Hall Farm should be informed by an archaeological investigation and respect the setting Walter's Hall Farmhouse, a Grade II listed building.

Land south side of A253, Cliffsend – Policy HO15

156. Planning permission has now been granted for 62 dwellings on site HO15. To reflect the latest position **MM117** sets out the approved number of dwellings. For effectiveness, and in the event that an alternative scheme comes forward during the plan period, **MM117** is also required to confirm that proposals must be informed by archaeological and contaminated land assessments.

157. Specifying that the new houses should be accessible from the proposed Thanet Parkway railway station is justified in the interests of promoting more sustainable modes of transport. However, for clarity the policy should make it clear that pedestrian and cycle routes to the station are required, rather than 'sustainable connections' which is too ambiguous. (**MM117**)

Land north and south of Cottington Road, Cliffsend – Policies HO16 and HO17

158. Planning permission has also been granted for housing on sites HO16 and HO17, and for the same reasons as above, it is necessary to refer to proposed links to the new station. Both are addressed by **MM118** and **MM119**. Finally, as submitted Policy HO16 states that proposals should 'avoid excessive traffic use of Foad's Lane'. This lacks sufficient precision to be effective and is rectified by **MM118**.

Conclusion

159. In summary therefore, we conclude that the process of identifying the allocations was robust. Subject to the recommended MMs they are justified and capable of being developed over the plan period.

Issue 4 – Whether there is a reasonable prospect of a five-year supply of deliverable housing sites on adoption, and whether the policies and allocations in the Plan will ensure that the housing requirement is met

Five-Year Housing Land Supply

160. The Council has under-delivered against the housing requirement in each of the reporting years between 2016/17 and 2018/19. For the purposes of the 2012 Framework there has been a persistent under-delivery of housing, and a 20% buffer currently applies.
161. The under-delivery of housing in Thanet since the start of the plan period has resulted in a shortfall of 651 dwellings. The PPG advises that local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period 'where possible'.
162. However, the Plan's strategy seeks to deliver large extensions to the Urban Area to provide the critical mass necessary for new infrastructure such as the Inner Circuit. When taking into account that the strategic sites are intended to start delivering the bulk of new housing mid-way through the plan period, the circumstances in Thanet justify seeking to meet the shortfall over the longer-term (i.e. the 'Liverpool' method).
163. Adopting the 'Liverpool method', and using the stepped housing requirement in Policy SP11 (as modified), results in a five-year housing requirement of **6,084** dwellings, or 1,217 dpa from 2019/20. This is comprised of the housing requirement ($600 \times 2 + 1,200 \times 3 = 4,800$), plus a proportion of the shortfall spread over the plan period ($54 \text{ dpa} \times 5 = 270$) and a 20% buffer (6,084).
164. When assessing supply, the Council has not applied standard lead-in times or delivery rates. Instead, the trajectory is based on an assessment of each site from consultation with relevant land owners and developers. This is a robust approach and seeks to ensure that sites are supported by clear evidence that completions will begin within five years.
165. Prior to the examination hearing sessions, the Council signed Statements of Common Ground with site promoters and developers associated with those strategic sites which do not currently have planning permission, namely; Birchington (Policy SP14), Westgate (Policy SP15), Westwood (Policy SP16) and Westwood Village (Policy SP18). Following discussions at the hearing sessions a more conservative estimate of delivery has been included in Examination Document CD9.30. It demonstrates that there are sites sufficient to provide some **7,015** dwellings in the first five years following adoption.
166. At Birchington new housing is expected to start coming forward in 2021/22. This is based on Millwood Designer Homes and Ptarmigan Land delivering the first two phases from Park Lane and Canterbury Road to open up the site. Millwood Designer Homes is a local builder with experience of the local housing market. Thereafter it is expected that parcels would be offered to other house builders in phases. The Statement of Common Ground confirms that the land is available and that there are no overriding constraints to its delivery. It provides the necessary clear evidence that the site is likely to start delivering within five years.

167. Examination Document CD9.30 also expects housing to start coming forward at Westgate (Policy SP15) around 2021/22. The Statement of Common Ground confirms that a hybrid planning application for the whole site, including detailed proposals for around 100 dwellings as part of Phase 1 is expected shortly. Millwood Designer Homes have control over the site and are expected to start delivering the first phase within five years.
168. At Westwood (Policy SP16) planning permission has already been granted for 40 dwellings, with the applicant working towards submission of a planning application for the remainder of the site upon adoption of the Plan. Based on the Statement of Common Ground with the site promoter there is nothing to suggest that some delivery cannot be achieved within five years of adoption.
169. Land fronting Nash Road and Haine Road (Policy SP17) already benefits from planning permission and is under construction. The site is therefore expected to continue delivering new housing on the remaining three phases within the first five years of adoption.
170. Outline planning permission has now also been granted on part of site SP18. With no developer identified, even achieving the 50 dwellings shown in Examination Document CD9.30 may be overly optimistic. Nevertheless, extensive site investigations have been carried out and the first phase has an approved masterplan as part of the recently granted planning permission. Some delivery is therefore likely within the next five years. A similar position applies to site HO2, the site promoter confirming that advanced talks are underway with a housebuilder, who is aiming to submit a planning application in early 2020. Delivery starting in 2021 is therefore possible.
171. Some of the sites allocated for housing involve the reuse of previously developed land in the Urban Area. As discussed below, the Council's Viability Assessment identified delivery constraints on such sites due to remediation costs. Nevertheless, no evidence has been provided to show that there are any significant constraints likely to prevent development coming forward on the larger allocations. For example, the former gas works on Boundary Road, Ramsgate now has full planning permission for 70 residential properties.
172. The Council has also included a windfall allowance of 450 dwellings over five years. Paragraph 48 of the Framework states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
173. Evidence provided in the Council's Matter 8 Hearing Statement demonstrates that since 2008/09 on average 225 dpa have come forward on smaller sites of less than 10 dwellings. Whilst this is a relatively high figure, it reflects the geography of the district, which has a single Urban Area where the principle of residential development is supported. This strategy is carried forward, and as modified, provides further flexibility by supporting development on unallocated land within the Urban Area and the Villages. The inclusion of 450 dwellings from small windfall sites (225 x 2) is therefore justified and avoids double counting existing small site commitments. Likewise, the inclusion of empty homes is justified in Thanet based on previous delivery and the continued work of the Council's Empty Homes Programme.

174. In summary therefore, the number of dwellings expected to come forward in the first five years from adoption (7,015) exceeds the five-year housing requirement (6,084). This includes clear evidence that allocated sites without planning permission are likely to start delivering within five years. As a result, there is a good prospect that there will be an up-to-date supply of specific deliverable sites sufficient to provide five years' worth of housing land against the requirements of Policy SP11 (as modified) on adoption.
175. Delivering the required number of new homes in Thanet is going to require a demonstrable step-change in delivery. Since 2011/12 the highest number of dwellings achieved in any one year was 478. A significant proportion of the identified supply is also from strategic housing sites, which are expected to come forward concurrently, in close proximity to one another. The surplus of 931 dwellings identified in Examination Document CD9.30 would not provide much of a buffer if one or more of the strategic sites stalled, even for a short period of time.
176. In considering the relatively small surplus, we are mindful that the current Thanet Local Plan was adopted in 2006 and was only intended to cover the period up to 2011. As representors pointed out at the hearing sessions, the lack of an up-to-date Plan with sites identified for development has resulted in suppressed rates of delivery, with little or no choice in the market for land. Looking back to the adoption of the current Local Plan in 2006 shows that delivery was strong. 726 dwellings were built in 2009/10 and 889 dwellings in 2010/11. Based on this evidence the higher rates of delivery in Policy SP11 are realistic. Adoption of the Plan will provide greater certainty to site promoters and developers, which, we are told, enables land to come forward more quickly.
177. We are also mindful that, for the reasons discussed below, this is a plan which will require an early review. As a result, there would be very little merit in delaying adoption of the Plan to find more housing sites to increase the five-year housing land supply buffer. This would be more likely to frustrate, rather than accelerate, the deliverability of housing, especially on larger sites where certainty for site promoters, funders and development partners is required.

Will the housing requirement be met?

178. The Council confirms that the total identified supply over the plan period amounts to **18,457** dwellings. It therefore exceeds the housing requirement of **17,140**. In this regard the Plan is consistent with paragraphs 47-49 of the Framework which seek to boost significantly the supply of housing. It makes appropriate provision to ensure that the housing requirement is met in full.
179. Following submission of the Plan new dwellings have been delivered and additional planning permissions granted. For effectiveness **MM29** and **MM30** are necessary to update Tables 2 and 3, thus ensuring that the Plan is up-to-date on adoption. Table 3 includes details of the total supply.
180. The strategic housing sites are expected to deliver new housing throughout the plan period. In doing so, the Plan makes adequate provision to ensure that there is a reasonable prospect of maintaining a rolling five-year supply. However, as with the five-year housing land supply position, any significant delays to the deliverability of the strategic sites may affect the ability of the

Plan to meet the housing requirement. Any future review of the Plan will therefore also have to consider strategic matters, such as the delivery of key sites and housing supply. (**MM25**)

Conclusion

181. Based on the evidence provided we therefore conclude that there is a reasonable prospect of a five-year supply of deliverable housing sites on adoption, and that the policies and allocations in the Plan will ensure that the housing requirement will be met. However, given the reliance on large strategic sites to start delivering, this is a matter which the Council will need to keep under review.

Issue 5 - Whether the Plan makes appropriate provision to meet the identified need for affordable housing, and whether Policies SP20 and HO18 are justified, effective and consistent with national planning policy

Provision of Affordable Housing – Policy SP20

182. The SHMA identifies a net annual need for 397 affordable houses over the plan period. This equates to roughly 47% of the annual housing requirement.

183. Policy SP20 requires 30% of all new housing on sites of 11 or more dwellings to be affordable. The threshold is consistent with national policy which, for the purpose of this examination, is set out in the Written Ministerial Statement ('WMS') on Small-scale Developers and in the PPG. Both state that affordable housing should not be sought on sites of 10 units or less.

184. The WMS and the PPG also refer to a 1,000 square metre threshold, below which contributions towards affordable housing should not be sought. For consistency with national policy this should also be referred to in Policy SP20 (**MM44**), with changes to the supporting text required by **MM43**. The MMs in **Appendix 1** delete the word 'no' from the changes recommended to Policy SP20, which erroneously implied that affordable housing would only be sought on developments less than 1,000 square metres, rather than above 1,000 square metres as set out in national policy and discussed at the hearings.

185. As submitted Policy SP20 also states that "at least" 30% affordable housing will be provided on qualifying sites. This is ambiguous and suggests that a higher amount will be required. It is therefore deleted by **MM44**.

186. The requirements of Policy SP20 have been tested through Examination Documents CD1.3-CD1.8. In summary, the viability evidence suggests that 30% affordable housing will be achievable in the 'majority of cases'. It also recommends the consideration of a lower affordable housing target of 20% for town centre developments where a combination of higher land values and build costs affect viability. However, the proposed target is a continuation of existing Local Plan policy and the Council has pointed to examples where planning permission has been granted for the redevelopment of brownfield sites with 30% affordable housing.¹¹ Based on the evidence provided we are therefore satisfied that the 30% target is justified, subject to a MM to provide

¹¹ Examination Document CD9.22

further flexibility where it is demonstrated that schemes would be unviable.
(**MM44**)

187. In addition to the 30% target, Policy SP20 includes targets for starter homes, affordable rent and social rented properties. Whilst these figures are based on evidence in the SHMA, they will be subject to change throughout the plan period, as will the demand for certain sized affordable homes. To provide greater flexibility, and for effectiveness, **MM44** therefore refers to the SHMA or its successor. In the event that site specific circumstances meant that the recommended tenure split could not be achieved, this would be a matter for the Council to consider on an individual basis at the planning application stage.
188. At 30% provision the Plan is expected to deliver around 2,666 affordable homes (or roughly 133 per year). The number of affordable homes will therefore fall short of the identified need.
189. Where it could help deliver the required number of affordable homes the PPG advises that increasing the housing requirement should be considered. But with sites only viable at 30% (and brownfield sites potentially less), a significant increase in supply would be required to make any meaningful difference to the provision of affordable housing. Given that the Plan allocates several, large greenfield sites on the edges of the Urban Area already, it is highly likely that significant development would be required in Thanet's rural villages, leading to unsustainable patterns of development contrary to the findings of the SA. Furthermore, when considering historic rates of delivery, there is no evidence to suggest that a significant increase in the housing requirement would actually be achievable. In this particular instance there is no justification for such a significant increase to the housing requirement, over and above uplifts that have already been made to account for affordability and additional inward migration from London.

Rural Exception Sites – Policy HO18

190. Policy HO18 concerns the provision of affordable housing adjacent to rural settlements. For clarity and consistency with the language used in national planning policy, **MM121** makes it clear to users of the Plan that the policy relates to rural housing need and exception sites.
191. Several further changes are required to Policy HO18 for effectiveness and consistency with national planning policy. Firstly, it is necessary to specify that the scale of development should be appropriate to its location and the type of services available to residents, therefore reflecting the different size of villages throughout Thanet and their facilities. For the same reasons proposals should also consider their impact on the character and appearance of the area.
192. Secondly, the policy requires a clear commitment that exception sites must meet a local need as identified in a verified local needs survey. This ensures that the process is open and transparent, rather than relying on the 'support' of the relevant Parish Council.
193. Thirdly, for consistency with paragraph 54 of the Framework, a MM is required to allow an element of market housing on rural exception sites, where it is the minimum necessary to facilitate the affordable housing. For effectiveness **MM120** is also required to delete paragraph 11.16 which erroneously suggests

that rural exception sites will only be considered once provision on the housing allocations has been exhausted, and to secure the use of affordable housing in perpetuity.

Conclusion

194. In summary therefore, we conclude that the Plan makes appropriate provision to help meet the identified need for affordable housing, and, subject to the recommended MMs Policies SP20 and HO18 are justified, effective and consistent with national planning policy.

Issue 6 – Whether policies relating to the type and mix of housing are justified, effective and consistent with national planning policy

Type and Size of Housing – Policy SP19

195. Policy SP19 addresses the need for development to provide an appropriate mix of market and affordable housing having regard to the recommendations in the SHMA. Because needs may change over the plan period, **MM42** is necessary to refer to the SHMA or its successor documents. For effectiveness **MM41** is also required to allow a more flexible approach on smaller sites, where the ability to provide a range of house types is limited.

196. One of the issues identified in the SHMA is the ratio of flats to houses, with a specific need to increase the amount of family housing in Thanet. The support for proposals which seek to deliver a greater number of dwellings, and the need to justify schemes providing a greater number of flats is therefore justified. So too is the support given to proposals to convert sub-divided dwelling houses back into use as single-family dwellings where a satisfactory standard of accommodation can be required. For effectiveness **MM42** makes these points clear to decision-makers, developers and local communities.

197. Parts of the Urban Area are characterised by large Victorian properties which, in locations such as Cliftonville, have been extensively converted into flats. In order to promote more sustainable, balanced and mixed communities Policy SP19 justifiably restricts proposals that would result in the loss of further dwellings suitable for occupation for families. However, as submitted it is not clear how decision-makers would determine whether a property was 'suited to modern living requirements.' Cross-reference to Policy HO21 is also misleading, which is concerned only with houses in multiple occupation ('HMOs'). **MM42** is therefore necessary in the interests of effectiveness, making it clear that the sub-division of properties will only be permitted where proposals continue to provide accommodation suitable for occupation by families. This allows larger, Victorian properties to be reused, but only where the resulting accommodation is still suitable for families.

Cliftonville West and Margate Central – Policies HO10, HO21 and HO26

198. The most deprived neighbourhoods in Thanet are centred in the adjoining wards of Cliftonville West and Margate Central. Parts of both wards are characterised by high-density terraced housing which has been predominantly converted into flats and HMOs. Addressing the prevalence of cheap, poor quality rented accommodation is a priority for the Council. Policy HO10 is

therefore justified in seeking to improve the quality of accommodation, improve the environment and increase the number of families in the area.

199. Because not all of the Margate Central ward is covered by the area identified on the Policies Map this needs to be made clear in the policy and supporting text (**MM112** and **MM111**). For effectiveness the policy should also include clear criteria that developers and decision-makers can follow, such as the need to provide high quality homes, contribute towards the creation of mixed communities where families want to live and to make a positive contribution to the environmental quality of the area. (**MM112**)
200. As part of the Council's initiatives to tackle the poor quality of accommodation and predominance of flats, the *Cliftonville Development Plan Document* ('DPD') prevents the creation of further HMOs in parts of Cliftonville West and Margate Central. The DPD has been consulted on, examined, found to be sound and formally adopted as part of the development plan for the area. To avoid any conflict its requirements should be set out in the Local Plan in Policy HO21. This is rectified by **MM125**, which for effectiveness also makes it clear to users of the Plan that the policy is concerned with HMOs and differentiates between proposals in those parts of the Cliftonville West/Margate Central wards shown on the Policies Map and elsewhere.
201. As consulted upon, **MM125** sought to clarify that the requirements of Policy HO21 apply to all proposals for HMOs, whether created through the conversion of existing buildings or new built development. However, not all of the text from the first paragraph was shown to be deleted. This is rectified in the schedule of MMs at Appendix 1 to this Report.
202. For proposals elsewhere in the District, Policy HO21 includes a restriction on HMOs based on the percentage of similar properties within a 50m radius, or where more than 1 HMO is proposed in a frontage of 20 dwellings. Whilst this is a useful indicator to help guide decisions, it is a very prescriptive target which fails to take into account the circumstances of each site and the context of its surroundings, which in some locations may be able to accommodate more than 1 HMO per 20 dwellings. Instead, **MM125** and **MM124** stipulate that proposals must not result in a concentration of such uses which is harmful to the character of an area, having regard to the standards (which are now included in the supporting text) for guidance. The MMs also make it clear what is required under each criteria, rather than 'taking account' of issues, and require proposals to ensure a good standard of living accommodation.
203. In addition to the prevalence of cheap rented accommodation and HMOs, parts of Cliftonville and Margate also contain a high concentration of foster homes. The Council has been successful in establishing the 'Margate Task Force', which is an integrated team of different agencies including Kent Police working together to address the complex social issues in the area. Some of the issues facing the Task Force are set out in Examination Document CD4.6. To promote a more balanced, mixed and inclusive community Policy HO26 is therefore justified in its approach to restricting additional foster homes in the Cliftonville West Ward.
204. For proposals elsewhere, the submitted Plan does not include clear criteria for decision-makers or developers to follow. **MM132** is therefore necessary to

make Policy HO26 effective by confirming what requirements applications for new foster homes will be expected to meet. It is also necessary to widen the scope of the policy so that it refers to all facilities which provide childcare, which would include serviced or sheltered accommodation. Consequential changes to the supporting text are required by **MM131**.

Re-Use and Retention of Existing Housing Stock – Policies HO23 and HO24

205. Seeking to re-use vacant property in Policy HO23 is justified and appropriate. However, to make the most efficient use of existing land and buildings it should apply to properties across the District. This is rectified by **MM128**. When read together with the supporting text, it is clear that the policy does not relate to ancillary structures such as garden sheds.

206. Policy HO24 applies to developments that would result in the loss of existing residential accommodation. **MM129** is required for effectiveness to confirm that where proposals relate to the provision of community facilities, a genuine local need must be evidenced. Because buildings are likely to be surrounded by existing residential properties it is also necessary to require proposals' to be compatible with their surroundings, and in the case of tourist accommodation, accord with Policies E07 and E08.

Care and Supported Housing and Accessible and Adaptable Dwellings – Policies HO20, HO25 and QD05

207. Policy SP20 supports developments that provide specialist accommodation such as sheltered and extra care housing. In this regard the Plan is consistent with paragraph 50 of the Framework which requires local planning authorities to deliver a wide choice of high-quality homes. However, for effectiveness **MM123** is necessary to make it clear that the policy is intended to address people in the community with care needs. It is also necessary to remove the ambiguous requirement that proposals must be 'compatible with surrounding land uses.' In the event that an inadequate standard of living accommodation was proposed, other policies in the Plan would apply.

208. Policy HO25 supports proposals that meet the needs of families with children, older people or people with disabilities by allowing ancillary accommodation for family members. By having a policy on residential annexes, the Plan is clear to those families who may need to adapt an existing dwelling. Subject to **MM130**, which is necessary to confirm that annexes must be occupied in connection with the main dwelling, the policy is justified and effective.

209. Examination Document CD9.20 provides the justification for Policy QD05 which requires 10% of new dwellings to meet Building Regulations Part M4(2). This includes evidence from the SHMA and KCC's District profiles, which identify Thanet as having the highest number of claimants for disability living allowance aged over 60 in the county. The policy has also been subject to viability testing, which demonstrates that meeting the higher M4(2) standards will not render the majority of schemes unviable.

210. The evidence provided in Examination Document CD9.20, and also in the SHMA, identifies that 3% of people on the housing register currently use a wheelchair (defined as Mobility Levels 1 and 2). Given that the evidence points to a significant increase in people aged over 60 throughout the Plan

period, and taking into account the high proportion of disability living allowance claimants, the requirement for 5% of affordable housing units to meet Building Regulation M4(3) standards is also justified. Again, the costs have been tested through the Council's viability assessments.

211. To reflect the Council's evidence, and for effectiveness, the requirements for M4(2) and M4(3) standards should be set out in Policy QD05, rather than requiring 'a proportion' of wheelchair accessible homes. In accordance with the PPG it is also necessary to include a caveat to reflect schemes where site specific factors may prevent their inclusion. Both are rectified by **MM142**.

Custom and Self-Build Housing – Policy SP12

212. The Council's Matter 4 Hearing Statement confirms that there are currently 19 individual entries on the Self-Build and Custom Build Register. In response, Policy SP12 states that major development proposals must make every 'reasonable effort' to accommodate self-build requirements from the register. This lacks sufficient clarity to be effective. **MM32** is therefore necessary to provide more certainty and clarity. Although concerns have been raised that the policy is too onerous given the relatively limited number of entries on the register, it only requires developers on major schemes to include plots where need has been demonstrated. Furthermore, whilst the current need is relatively limited, it could change over the plan period. Policy SP12(2) is therefore justified and provides a positively worded policy framework to support future custom and self-build housing.

Conclusion

213. Subject to the recommended MMs we therefore conclude that the Plan's policies relating to the type and mix of housing are justified, effective and consistent with national planning policy.

Issue 7 – Whether the Plan makes adequate provision to meet the needs of gypsies and travellers and travelling showpeople

214. At the time of submission, the Council did not hold up-to-date information on the need for gypsy and traveller accommodation. During the course of the examination the *Thanet Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2017/18* ('GTAA') was published.¹² Participants were given the opportunity to provide written comments on this evidence, along with the Council's *Position Statement*.¹³
215. The updated GTAA identifies a cultural need for 7 permanent pitches, 5 transit pitches and no requirement for travelling showpeople accommodation over the plan period. At present there are no authorised sites in Thanet, and no sites have been allocated as part of this Local Plan process. The Plan therefore fails to make adequate provision to meet the needs of gypsies and travellers.
216. Addressing this issue would require suspension of the examination whilst the Council identified new sites, potentially through an additional call for sites

¹² Examination Document CD9.10

¹³ Examination Document CD9.21

exercise. Additional SA work would then be needed, the Council would have to consult on any proposed allocations and further hearing sessions would be required. This would take several months to complete and would significantly delay the adoption of the Plan.

217. To put this potential delay into context, this is a district which has not had an adopted Local Plan since 2006, with the current plan only covering the period up to 2011. As identified above, the lack of an up-to-date plan has stifled house-building in Thanet, with an absence of suitable sites being one of the reasons for the constrained supply. Further delaying adoption of the Plan would likely frustrate the delivery of key strategic sites, only serving to compound problems such as increasing house prices and worsening affordability.
218. Furthermore, for the reasons set out below, the Council intends to carry out an early review of the Plan to address any implications from the Manston Airport Development Consent Order ('DCO') application, expected in May 2020. This provides a suitable and timely mechanism to update the Plan and allocate sites as may be required. In our opinion it is the most appropriate way of taking the necessary steps to ensure that the Plan meets the needs of people from protected groups, as required by the Public Sector Equality Duty ('PSED'). It will ensure that the needs for gypsies and travellers are met, whilst enabling the Plan to be adopted and start delivering much needed new housing.
219. It is therefore necessary to modify Policy HO22 by reference to the updated pitch requirement, and to confirm what actions the Council will take to meet it, including the identification of sites as part of the early Plan review (**MM127**). Consequential changes are also required to the supporting text by **MM126**.
220. As submitted Policy HO22 includes criteria to consider planning applications for gypsy and traveller accommodation. The policy is positively worded, but for effectiveness changes are required to make it clear that proposals must avoid unacceptable impacts on the living conditions of neighbouring residents and avoid detrimental impacts on landscape quality, including Green Wedges. Both are rectified by **MM127**.

Conclusion

221. Subject to the recommended MMs the Plan will include an appropriate mechanism to ensure that the needs of gypsies and travellers and travelling showpeople are met.

Issue 8 – Whether the strategy for job growth and employment, and the allocations and policies concerning employment sites and economic development are positively prepared, justified, effective and consistent with national planning policy

Manston Airport – New Policies SP05 and SP01b

222. Manston Airport (which is also referred to as 'Kent International Airport') closed in 2014. Following efforts to maintain aviation uses at the site the

Council commissioned a study into the commercial viability of the airport.¹⁴ In summary, it concluded that airport operations were unlikely to be financially viable during the plan period. It is for this reason that the site is not allocated for airport related uses in the submission version Local Plan.

223. In 2018 RiverOak Strategic Partners ('RiverOak') submitted an application for a DCO to reopen the site for an air cargo operation. Rather than await the outcome of the DCO, paragraphs 1.38-1.45 of the Plan are intended to take a 'neutral' stance on the future use of the site, with a commitment to review the Plan once a decision has been made. When considering the need for Thanet to have an up-to-date plan in place, this is an entirely reasonable and appropriate strategy.
224. The main issue with the submitted Plan is the effectiveness of paragraphs 1.38-1.45. Included alongside the policy for Manston Business Park the text is not clearly visible to users of the Plan. It also implies that only a partial review of the Plan will be necessary, when the outcome of the DCO (especially if approved) could have far wider implications on matters such as future housing and economic growth, the transport strategy and new infrastructure.
225. **MM12** is therefore necessary to introduce a new policy into the Plan (Policy SP05) which clarifies that the future use of the site will be determined through an early review, including other policies affected by the outcome of the DCO process. Consequential changes to the text are required by **MM11**.
226. At the time of writing a decision on the DCO is not expected until May 2020. To provide certainty, and to reflect the Council's intention to maintain the 'status quo' until the outcome of the DCO is known, it is also necessary for Policy SP05 to safeguard the site for continued airport related uses in the short-term (**MM12**). This simply reflects the existing lawful use of the site and carries over its current land use designation until the Council has been able to consider the implications of the DCO application. It will also be necessary for the Council to identify the airport on the Policies Map to give effect to Policy SP05. In the event that site boundaries or ownerships change as a result of the DCO process, this is something which the Council will need to address through the Local Plan review.
227. Whether the application is approved or refused, the Council will have to address the implications promptly. As identified above, there is also a need to identify suitable sites for gypsy and traveller accommodation, and, closely monitor housing delivery. All three issues require an overarching review mechanism to be included in the Plan (Policy SP01b). This is achieved by **MM4**, **MM5** and **MM25**.
228. It has been suggested that the review mechanism should include an end-date, by which point the Council must have submitted a revised Plan for examination. However, the extent of the review and the amount of time that it will take to complete are, at this stage, unknown, and will depend on the outcome of the DCO. For example, if the DCO is approved, the Council will have to consider sub-regionally significant issues such as commuting patterns and the balance between jobs and workers, along with any necessary

¹⁴ Commercial Viability of Manston Airport, AviaSolutions – Examination Document CD2.3

additional highways' infrastructure. Such matters will be dependant on the airport redevelopment going ahead. **MM5** therefore includes a requirement for the Council to publish a timetable for the completion of the review as part of an updated Local Development Scheme ('LDS'). The intention is for the Council to keep the LDS up to date, with decision-makers, developers and local communities able to follow key milestones going forward.

229. A reoccurring theme throughout the examination was why the Council has not waited until the DCO outcome is known to address the future use of the site. However, as identified above, Thanet has not had an adopted Local Plan since 2006, with a lack of planned sites constraining supply and reducing housing affordability. These are issues which the submission Local Plan directly seeks to address. It is also pertinent to consider that should the DCO fail, then it does not automatically follow that the site will come forward for housing and that extensions to the Urban Area will no longer be required. Examination Document CD9.25 confirms that RiverOak has completed the purchase of the site, and at the hearing sessions their representatives stated that they currently only have plans to operate the site for aviation.

Employment Land Requirement – Policy SP02

230. Manston Airport aside, the *Thanet Economic and Employment Assessment*¹⁵ estimates that between 1,200 and 5,100 jobs will be created up to 2031. The lower estimate assumes that the economy will return to recession, with 1,900 fewer jobs than the baseline estimate (of 3,100 jobs). The higher estimate assumes positive growth in the culture, visitor economy and 'green economy'.

231. The 5,000 new jobs planned for in Policy SP02 is therefore a positive, aspirational response to the evidence provided. Based on calculations provided by the Council around 2,300 total jobs had already been created between 2011 and 2017. The job growth figure in Policy SP02 is therefore reasonable and justified.

232. Turning to a requirement for land, the *Economic Development in Thanet (Employment Land Update and Economic Needs Assessment)*¹⁶ considers labour demand, labour supply and past take-up, as required by the PPG. In summary, it concludes that there is a requirement for between 3 and 15 hectares of employment land (Use Classes B1, B2 and B8). Because past trends and the labour supply methodologies suggest that a figure towards the higher end of the range is more appropriate, the Assessment concludes that the Plan should make provision for 15 hectares of land.

Employment Land Supply – Policies SP03 and SP04

233. In contrast, the Plan allocates just over 53 hectares of land across four sites under Policy SP03. For effectiveness it is necessary to set out the amount of land allocated for new development at each of the sites by **MM9**.

234. The majority of land (42.5 hectares) is at Manston Business Park. The business park is the largest and most prestigious employment site in Thanet

¹⁵ Examination Document CD2.6

¹⁶ Examination Document CD2.2

with good access to the A299 and Ramsgate port. The *Employment Land Update and Economic Needs Assessment* identifies the site as a 'flagship' location for inward investment and concludes that it should continue to be identified for employment. Allocating the site for B1, B2 and B8 uses is therefore justified, but given the amount of land which remains available for development there is no need to expand the allocation and/or pursue alternative uses, such as retail.

235. Policy SP04 requires proposals at Manston Business Park to create an 'attractive' environment. For clarity to decision-makers, developers and local communities this is modified by **MM10** to confirm that proposals should consider the rural character and appearance of the area surrounding the site. For the same reasons, and to reflect the highways evidence supporting the Plan, **MM10** is required to specify that improvements will be required to the 'Spitfire junction' and Columbus avenue extension.
236. Around 5.5 hectares is allocated at the 'Eurokent' site in Ramsgate. The allocation reflects the extant planning permission for the site and its inclusion in the Plan provides clarity to decision-makers, developers and local communities.
237. Eurokent is identified as a 'flexible' business site where a range of employment uses are permitted, not just those in Classes B1, B2 or B8. The flexible approach reflects the extant planning permission, although for effectiveness the supporting text should clarify that the Council will support leisure, tourism and other main town centre uses which, due to their size, cannot be accommodated in nearby centres. (**MM8**)
238. In recognition of the extant planning permission **MM9** is necessary to confirm that additional proposals for main town centre uses will be subject to the sequential test under Policy E05. Requiring applicants to carry out a sequential site assessment for a revised scheme, for example, would not be justified given that planning permission has already been granted for a convenience store of up to 2,000 square metres. However, any additional retail development, over and above that already permitted, would have to demonstrate a lack of sequentially preferable town centre locations.
239. At Thanet Reach the southern part of the site is allocated for 80 dwellings by Policy HO1. The remaining 'half' is allocated for Class B1, Class B8 and education-related uses under Policy SP03.
240. It has been suggested that the entire site should come forward for housing as there is no demand for business or education uses. However, during the hearing sessions it was confirmed that the site has not been actively marketed for employment uses. Despite the length of time that the site has been vacant, we therefore find very little persuasive evidence to suggest that there is no demand, or that the site is not deliverable within the plan period. At this moment in time the allocation for employment uses is justified.
241. The final allocation comprises approximately 1.6 hectares of land at the Hedgend Industrial Estate. The existing industrial estate provides a range of smaller units which are separated from the village of St Nicholas at Wade by the A299. It is described as a well-functioning site which fulfils an important role in the employment strategy by providing opportunities for uses which

require a location away from residential properties. The relatively modest allocation in Policy SP03 is therefore justified.

Re-use of Employment Land and New Employment Development – Policy E01

242. Policy E01 lists existing sites and states that they will be 'retained' for employment uses. This could result in the long-term protection of sites where there is no reasonable prospect of them being used for their intended purpose, contrary to paragraph 22 of the Framework. To provide greater flexibility **MM79** is therefore necessary to set out clear criteria against which proposals for alternative uses can be assessed. Although other Local Plans may be more flexible, requiring applicants to demonstrate that premises are no longer needed as evidenced by 12 months marketing is justified. It allows employment land and buildings to come forward for other uses, but only where it has been clearly evidenced that there is no longer market demand.

243. To ensure that the policy is positively worded, **MM79** is also required to state that employment uses will be supported on designated employment sites where there is no harm to the living conditions of neighbouring residents.

The Rural Economy and Development in the Countryside – Policies SP21, HO19, E15, E16, E17, E18 and E19

244. Requiring development to 'override' the need to protect the countryside in Policy SP21 is too vague to be effective. It is also contrary to paragraph 28 of the Framework which states that planning policies should support economic growth in rural areas. **MM45** is therefore required to support the growth and expansion of rural businesses in Policy SP21, to support diversification, promote rural tourism and leisure and support the retention and/or development of local services and facilities. Permitting the redevelopment of brownfield land also ensures that the policy is positively worded and is consistent with one of the Framework's Core Planning Principles which seeks to encourage the effective reuse of land.

245. Because paragraph 55 of the Framework allows for isolated dwellings in the countryside in exceptional circumstances, such as where there is a need for a rural worker to live at or near their place of work, this should also be reflected in Policy SP21 by **MM45**. The principle of agricultural workers' dwellings is supported by Policy HO19, which for consistency with national planning policy should be expanded to include other rural workers (**MM122**). For the same reasons it also necessary to specify that the need must be 'essential'.

246. Policy SP21 is intended to provide the overarching, strategic support for economic development in the countryside, with development management considerations provided through Policies E15-E19. For the following reasons several MMs are required to each policy for clarity and effectiveness.

247. **MM95** amends Policy E15 to make it clear that it relates to development for new businesses in the countryside, which is defined as outside the Urban Area and Village confines.

248. Policy E16 is modified by **MM97** to highlight that where buildings are proposed for reuse and contain protected species, such as bats, applicants should follow the 'avoid, mitigate and compensate' hierarchy as advised by Natural England.

The correct legislation is referred to by **MM52** and **MM96**, thus ensuring that the Plan is up-to-date on adoption. Changes to the policy also included the deletion of text relating to listed buildings from criterion (4), which concerns the relationship between the existing and proposed uses on farm complexes. Although consulted upon as part of **MM97**, deleting criterion (4) is not necessary for soundness and has therefore been omitted from the schedule of MMs at **Appendix 1**.

249. Policy E17 states that farm diversification schemes will only be permitted where there is 'no irreversible loss' of Best and Most Versatile agricultural land. However, as identified above, the vast majority of Thanet is identified as Grades 1-3a of the Agricultural Land Classification. There may also be instances where some loss of agricultural land is required, such as to create a small additional car park. Additional flexibility is therefore provided by **MM98** which seeks to minimise any such loss. **MM100** ensures that Policy E18 is consistent with paragraph 112 of the Framework which refers to significant development of agricultural land. For clarity to decision-makers, developers and local communities this is defined by **MM99** as major development.
250. As a consequence of MMs to Policies SP02 and SP21, Policy E19 is no longer required and deleted by **MM102**. The support it provides to new agricultural development in the countryside is replicated by Policy SP21, which has a wider scope by permitting the growth and expansion of 'rural businesses'.

Tourism – Policies E07, E08, E09, E10, E11 and E12

251. 'Serviced tourism accommodation' in Policy E07 relates to hotels, guest houses and bed and breakfasts. For clarity this is confirmed by **MM86**. Because some accommodation may be located in the rural area, where it is not well related to existing built development or accessible by frequent public transport, **MM86** is also necessary to confirm that proposals will be supported in appropriate locations where it meets criteria (1) to (5).
252. The requirement in criterion (1) that proposals do not 'impact on the surrounding area' lacks sufficient precision to be effective. The policy is therefore modified by **MM86** to require the form, scale and design to be appropriate to its surroundings, to avoid harm to highway safety and where development is required in the rural area, that it respects the character of the countryside. Because tourist accommodation can lead to additional recreational pressure on sites of nature conservation value, **MM86** is also required to specify that mitigation should be provided where required.
253. The same planning considerations that relate to serviced accommodation also apply to self-catering tourist accommodation (Policy E08). As a result, **MM87** is necessary to require a similar consideration of location, design, character and appearance and ecology.
254. One of the issues identified by the Council in relation to camping and caravan sites is their accessibility. Because sites are often in rural areas, as part of farm diversification schemes for example, the width and capacity of the local road network is sometimes identified as a constraint. For effectiveness this is made clearer by **MM87**.

255. Due to the importance of tourism to the local economy Policy E09 is justified in its approach to protecting existing accommodation. The threshold of 10 bedrooms is also reasonable to ensure that the policy is aimed at larger hotels and not smaller properties such as bed and breakfast accommodation.
256. In an effort to ensure that the policy does not prevent the re-use of larger properties that may have become abandoned or run-down, it only applies to 'high quality' accommodation. But this is subjective and there is nothing to indicate how a decision-maker would determine whether or not the policy applied. In addition, the policy already includes a clause which allows for the redevelopment of larger properties where the accommodation is no longer viable, as demonstrated by marketing and occupancy rates. Reference to 'high quality' is therefore deleted by **MM88**. For effectiveness, and consistency with other policies, **MM88** also requires properties to have been offered at a market value which reflects their existing use.
257. Policies E10-E12 set out the hierarchy of Thanet's beaches with criteria for each. To make this clear to users of the Plan, and for effectiveness, the issue of Thanet's beaches should be set out in a single policy. This is achieved by **MM89**, **MM90**, **MM91** and **MM92**. It is also necessary to require proposals to avoid impacts on nature conservation sites before considering the need for mitigation and to make it clear that the development of undeveloped beaches will only be permitted where the need cannot be met elsewhere. (**MM92**)

Home Working and Digital Infrastructure – Policies E02 and E03

258. Policies E02 and E03 are consistent with paragraphs 21 and 42 of the Framework which seek to promote flexible working practices and recognise the importance of advanced, high quality communications infrastructure. For effectiveness **MM80** is necessary to add light as a potential source of pollution which may be caused by businesses operating from residential properties. **MM82** is also required to confirm that the setting of designated heritage assets needs to be taken into account when considering new infrastructure, in addition to the character or appearance of conservation areas. Consequential changes are required to the supporting text by **MM81** which recognises the importance of considering heritage assets as part of planning applications.

Language Schools – Policy E13

259. Language schools are a significant contributor to the local economy which the Council wishes to encourage and support. The principle of Policy E13 is therefore justified in supporting economic development, subject to **MM93** which ensures that it is effective in preventing harm to the living conditions of neighbouring residents or the character and appearance of the area.

Cultural and Creative Industries

260. The supporting text to Policy SP02 refers to the opportunities to capitalise on cultural and creative industries, especially in Margate's Old Town and across the Heritage Action Zone in Ramsgate. Due to the importance of cultural and creative industries to the regeneration of Thanet's towns they should be explicitly supported in Policy SP02 by **MM7**. Consequential changes to the supporting text are also required by **MM6**.

Conclusion

261. Subject to the recommended MMs we therefore conclude that the strategy for job growth and employment, and the allocations and policies concerning employment sites and economic development are positively prepared, justified, effective and consistent with national planning policy.

Issue 9 – The effect of the Plan's policies and allocations on the Thanet Coast and Sandwich Bay SPA and Ramsar Site and the Sandwich Bay SAC

Thanet Coast and Sandwich Bay SPA and Ramsar Site

Recreational Pressure

262. The *Thanet Local Plan Habitats Regulations Assessment*¹⁷ ('HRA') includes an Appropriate Assessment ('AA') of the Thanet Coast and Sandwich Bay SPA and Ramsar Site. It states that recreational disturbance around the Thanet coastline may be having a detrimental impact on overwintering waders associated with the SPA, especially overwintering turnstones. The most notable disturbance is from walking dogs off the lead. As the population associated with new housing increases, so will recreational pressures on the SPA. Because the whole district falls within 6km of the SPA, all new residential development could give rise to additional recreational pressure.

263. In response the Council has developed a Strategic Access Management and Monitoring Plan ('SAMM') which has been produced in consultation with Natural England. The mitigation measures include a warden service between October and April when turnstone and golden plover numbers are at their peak, education, localised access management and regular monitoring. Requiring all new residential development to comply with the SAMM through Policy SP26 is therefore justified and necessary to mitigate the impacts of additional recreational pressure in Thanet. The additional costs associated with the necessary mitigation have been tested for their impact on viability. The SAMM will also provide measures to mitigate against the impact of other forms of disturbance where required, such as kite surfing.

264. For clarity and effectiveness **MM53** is required to confirm how and why all new housing proposals have the potential to increase recreational disturbance and are therefore subject to the requirements of the SAMM. For the same reasons **MM54** clarifies that access management is an in-perpetuity scheme, rather than requiring in-perpetuity payments. In the interests of effectiveness **MM61** also confirms that whilst the provision of open space as part of new developments can help relieve some of the recreational pressure on the SPA, this must be provided in addition to the strategic mitigation in the SAMM.

265. Other forms of development may also give rise to recreational disturbance, such as new leisure or recreation uses within close proximity to the Thanet coast. **MM21**, **MM23** and **MM24** are therefore necessary to state that new developments will be supported in Margate, Ramsgate and Broadstairs where

¹⁷ Examination Document CD7.5

they will not give rise to adverse impacts on nature conservation sites in accordance with Policies SP25, SP26 and GI01.

Loss of Habitat

266. The AA also considers the effects of urbanisation and disturbance arising from the proposed allocations in the Plan, all of which involve the loss of agricultural land. In summary, it confirms that areas which are known to support significant numbers of Golden Plover around Pegwell Bay have been avoided as part of the site allocation process. The assessment also recognises that the effects on functional habitats will be minimised by the measures in the SAMM.
267. Furthermore, although the growth proposed in the Plan will result in the loss of over 350 hectares of arable and/or pasture land within 5km of the SPA, the AA concludes that such a 'crude' spatial analysis is too simplistic. This is because many agricultural areas will not be suitable habitats. For example, the majority of the allocations in the Plan are on the edge of the Urban Area in locations less likely to be favoured due to urbanising influences. The AA therefore concludes that *"...there does not appear to be any evidence to suggest that particular allocation sites are favoured, or that potentially significant annual aggregations will be displaced. Whilst the allocations will occupy over 300 ha. of greenfield land, several thousand hectares of land (within Thanet alone) will remain available..."*
268. The Plan also seeks to adopt a precautionary approach through Policies SP12, SP25 and SP27. As submitted Policy SP12 requires major development proposals to include an assessment of a site's functionality as a roosting or feeding habitat for wintering and breeding birds associated with the SPA, including areas within 400m of the site's boundary.
269. No evidence has been provided to justify why land within 400m of the application site boundary must be assessed. Because the land could also fall within a different ownership, the potential for delivering any mitigation would be limited. The second part of criterion 5) is therefore unjustified, ineffective and deleted by **MM32**. Instead, for effectiveness it is necessary to modify Policy SP12 by **MM32** to state that major development proposals should include an assessment of their effect on land that may be used by roosting or wintering birds. When read as a whole the Plan is clear that permission will not be granted for development proposals that would be likely to cause significant harm to biodiversity which cannot be adequately mitigated, or as a last resort, compensated for. Sufficient safeguards are therefore in place to ensure that the Plan will not give rise to adverse effects on functionally linked sites.

Sandwich Bay Special Area of Conservation ('SAC')

Recreational Pressure

270. The Sandwich Bay SAC is designated for its sand dune habitats. Due to limited availability of formal car parking the Kent Wildlife Trust has identified that visitors frequently park on the dunes which damages some of the habitats. However, because the interest features of the SAC are outside the district, the Plan has very limited influence over any mitigation. Furthermore, the areas around the dunes where parking problems have arisen are around

14km away from the western edge of Ramsgate. As a result, they are not particularly accessible to Thanet residents, who would be more likely to visit other, closer parts of the coast when taking their dog for a walk. We therefore concur with the AA that the growth proposed in the Plan would not be likely to have an adverse effect as a result of recreational disturbance.

Atmospheric Pollution

271. There are two roads in Thanet which are within 200m of the Sandwich Bay SAC; the A256 between Sandwich and Cliffsend and the A299 in Ramsgate. Both roads are a substantial distance away from the emission-sensitive features of the SAC (the sand dunes). The sand dunes are largely found between the Great Stour estuary and Deal, approximately 1km away from the nearest section of main road (the A256 at Richborough). As such, it is unlikely that increases in emissions from vehicles associated with the planned growth would have any adverse effects on the nature conservation value of the SAC.

Other Designated Sites

272. Within a 15km radius of Thanet District are a range of internationally designated sites. All have been assessed as part of the HRA. The Thanet Coast SAC falls within the area covered by the Local Plan. However, the essential features of the SAC are marine and intertidal habitats such as sea caves and reefs and are largely sensitive to direct effects only. For this reason, the SAC will only have a limited exposure to the development proposed in the Plan, and no further assessment has been carried out. Where certain developments would have a potential impact, Policy SP25 requires an appropriate assessment to be carried out.

Conclusion

273. Subject to the recommended MMs we therefore conclude that the strategic mitigation required under Policy SP26, combined with the requirements of Policies SP25 and SP27, provide sufficient safeguards to ensure that the Plan will not adversely affect the integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar site or the Sandwich Bay SAC, either alone or in combination.

Issue 10 – Whether the Plan makes adequate provision for new infrastructure and community facilities

Provision of New Infrastructure – Policy SP01

274. Because the IDP is intended to be updated and refreshed, **MM3** is necessary to confirm that proposals should have regard to its requirements, and for effectiveness, recognise that off-site infrastructure may be needed. It is also necessary to refer to the need for phasing and implementation details where necessary. This ensures consistency with the requirements for the strategic site allocations and reflects instances where phased delivery and/or occupation of dwellings may be required.

275. Subject to these changes, and confirming that the Council will seek to obtain additional funding from other sources, the policy provides a robust mechanism to ensure that all development proposals contribute towards infrastructure where required, including new schools. It is not necessary for soundness to

duplicate paragraph 204 of the Framework which sets out the tests for planning obligations, or to list every type of possible new infrastructure that may be required as part of a development proposal.

Transport Infrastructure – Policies SP41-SP47 and TP01-TP10

Thanet Parkway Station and the 'Inner Circuit' – Policies SP43-SP47

276. Plans for a new station to the west of Ramsgate have progressed and the preferred site has now been identified. To provide clarity to users of the Plan, and for effectiveness, this should be reflected in Policy SP45 by **MM74**.
277. Policy SP46 states that the Council will prepare an assessment of traffic impacts arising from the growth proposed in the Plan. This has been carried out and is contained in Examination Documents CD6.1-CD6.11. The policy is therefore superfluous, does not set out what is required of decision-makers and is deleted by **MM75**. Similarly, Policy SP44 only states that the Council will lobby for investments to secure improvements to rail journey times. It does not set out what is expected of decision-makers or developers and is thus deleted by **MM73**.
278. In order to facilitate the level of growth proposed in the Plan new highways infrastructure is required in the form of the 'Inner Circuit'. At present traffic entering Thanet and heading towards Margate, Broadstairs, Ramsgate or Westwood is primarily restricted to the A28 Canterbury Road, Shottendane Road or the A299. The Inner Circuit will allow traffic to by-pass the already congested centres of Birchington and Westgate, increase the capacity of existing roads and provide improved connectivity throughout the district. Listing the component parts of the Inner Circuit in Policy SP47 is therefore justified and provides clarity to users of the Plan. Examination Document CD9.13 considers the cost implications of the required transport infrastructure. Whilst only 'high level', it concludes that *"...the results continue to show a reasonable prospect of viable development in support of the Thanet Local Plan housing provision..."*.
279. To ensure that the Inner Circuit operates effectively, additional works will be required to the signalised junctions referred to as the 'Victoria lights' and 'Coffin House Corner lights'. For effectiveness **MM77** makes this clear by differentiating between the necessary improvements to these junctions and the safeguarded routes for the Inner Circuit shown on the Policies Map.
280. Where possible the Council has sought to ensure that the Inner Circuit is delivered through improvements to the existing highway and/or across land allocated for development. In some locations, the acquisition of third-party land will be required. Examination Documents CD9.9 and CD9.33 set out those measures which the Council will pursue, if required, to allow developments to come forward until the scheme is delivered. This includes localised widening and routing strategies, such as restricting HGVs from certain routes where the carriageway width is limited. To reflect the evidence, the interim transport measures should be set out in the Plan. (**MM78**)
281. The B2050 Manston Road and the B2190 Spitfire Way (up to the Columbus Avenue junction) are safeguarded as part of the Inner Circuit under Policy SP47. If further development is permitted in the area, such as at Manston

Airport, then additional capacity along the B2050 and the B2190 may be required. However, at this moment in time both are wide enough to accommodate the growth proposed in the Plan. **MM77** and **MM76** are therefore necessary to ensure that Policy SP47 is justified.

282. Around Westwood the incremental nature of developments has meant that pedestrian connectivity to the surrounding area is limited. The Council is therefore working towards a strategy to create pedestrianised zones, improve signage and remodel parts of the highway. The final detail will form part of a SPD or masterplan for the area.
283. As part of the strategy the submitted Plan safeguards a new link along Millennium Way between the A254 Margate Road and the A256 Westwood Road. However, the proposal would require the acquisition of part of the Tesco Extra car park, within close proximity to the store entrance. It would result in the significant loss of car parking spaces and split the two 'halves' of the retail park. It would also require the compulsory purchase of the land, which the current retailer states is essential to its future operations. The safeguarded route is therefore neither justified nor effective and is deleted by **MM77**. Consequential changes to the supporting text to Policy SP07 are also required by **MM18**.
284. Elsewhere other contributions may be required to localised highway works to mitigate the impacts of development. For clarity to decision-makers, developers and local communities **MM71** is necessary to confirm that proportionate contributions will be sought towards transport infrastructure where appropriate. To promote more sustainable patterns of transport, and for consistency with paragraph 35 of the Framework, it is also essential to support the use of electric vehicle charging points through Policy SP03 and SP43, although specifying the minimum output is not necessary for soundness. (**MM9** and **MM72**)

Transport Assessments, Car Parking and Freight – Policies TP01-TP09

285. Paragraph 32 of the Framework states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. For clarity **MM164** and **MM165** are required to provide further information when such assessments are likely to be required. The list is not exhaustive and there may be instances where consultation with Highways England is required, albeit including this within the supporting text is not necessary for soundness.
286. Requiring proposals to provide satisfactory car parking in Policy TP06 is justified in the interests of highway and pedestrian safety. However, in order to promote inclusive design, proposals should also provide disabled parking spaces. This is rectified by **MM166**. The same MM is also required to confirm that parking proposals in town centres should refer to the area specific policies in SP08-SP10, and have regard to the *Kent Design Review: Interim Guidance Note 3 – Residential Parking* (or subsequent publications). The KCC guidance does not form part of the statutory development plan and therefore requiring development to accord with its requirements is not justified. **MM167** is necessary so that Policy TP07 is positively worded and effective.

287. At Westwood Policy TP09 requires developments to demonstrate how they will encourage 20% of customers to arrive by means other than the private car and includes specific requirements that proposals must adhere to, such as restricting car parking provision. Insufficient evidence has been provided to justify what the 20% threshold is based on, or how it would be an effective mechanism in promoting more sustainable modes of transport. Likewise, there is nothing to suggest that preventing retail stores from providing additional car parking as part of extension plans would make Westwood more accessible by non-car modes. Instead, a wider package of measures is likely to be required, such as promoting and improving public transport routes and providing more infrastructure for zero-emission vehicles. Changes to Policy TP09 are therefore necessary to ensure that the policy is justified, positively worded and effective. (**MM169**)

288. Finally, requiring development proposals to include off-street servicing space is justified. However, to provide greater flexibility **MM168** is required to confirm that provision should be made where capacity exists or is capable of being provided.

Community Facilities – Policies SP36-SP40 and Policies CM01-CM02

General Housing Policy – Policy SP12

289. It is unclear what is required of a Statement of Social Impacts and how this relates to the provision of new facilities. For smaller, windfall developments the impact on local services is also likely to be less and requiring a statement is unnecessary. **MM32** therefore confirms that, for the strategic sites, proposals must consider the need for community facilities as part of the masterplanning process. The modification makes the policy precise, effective and requires clear actions from developers under Policy SP12.

290. The need to provide community business space is justified by the *Economic Growth Strategy for Thanet*.¹⁸ Recognising that Thanet's economy is dominated by small firms, one of its priorities is to encourage small and micro businesses and address the limited supply of affordable managed workspace. For effectiveness, reference to the strategy should be included in Policy SP12 (**MM32**) with further detail provided in the supporting text by **MM31**.

QEQM Hospital – Policy SP37

291. Policy SP37 is a positive policy which allocates land for the expansion of the Queen Elizabeth and Queen Mother ('QEQM') Hospital. Bounded by existing development on three sides the allocation would not cause any material harm to the objectives of the Green Wedge in this location and would not give rise to any coalescence between Margate and Broadstairs.

292. However, the requirement for proposals to involve the 'minimum take of fresh land' is ambiguous and unjustified, as the whole site is allocated for expansion of the hospital. Requiring proposals for the extension of the hospital to make more effective use of the wider site is also unclear and unjustified, so too is the requirement that new parking should be included on the land allocated in

¹⁸ Examination Document CD2.1

the Plan. All three issues are rectified by **MM68**. The MM also requires the provision of a Travel Plan, which is consistent with the requirements for other developments and is necessary for effectiveness and promoting more sustainable modes of transport.

New and Existing Community Facilities – Policies SP38, SP40 and CM01-CM04

293. New medical facilities will be needed in Westwood to accommodate the growth proposed in the Plan. The Council confirms that this might not be in the form of a traditional 'medical centre', but through improved facilities, potentially as part of a community hub. To provide greater flexibility, and for effectiveness, the policy is updated by **MM69**.

294. For clarity to users of the Plan, **MM70** is required to confirm which sites are proposed for new primary and secondary schools. Because the sites have now been identified it is also necessary to delete reference to finding a suitable location at Westwood, and to update the title of the policy which refers to the expansion, not provision of new schools (**MM70**). However, as consulted upon **MM70** erroneously suggested that secondary schools will be provided on all three sites in Westwood, when the Plan only makes provision in Policy SP18. This is rectified in the schedule of MMs at **Appendix 1**.

295. As a consequence of changes to Policy SP12, **MM160** is necessary to require the provision of flexible business space as part of new community buildings. Policy CM02 is justified in its approach to safeguarding existing community facilities. However, further flexibility is required by **MM161** where a proposal would not undermine the communities' ability to meet their day-to-day needs, or where it can be demonstrated that reasonable attempts have been made to reuse the building and its redevelopment for community use is not viable.

296. The Council's Matter 14 Hearing Statement includes a calculation of likely grave spaces needed in Thanet. The calculation is based on information provided by the Council's Bereavement Services Manager and Registrar. Even accounting for demand beyond the plan period, the calculation shows that roughly 1 hectare would be sufficient. The expansion of Margate Cemetery is therefore justified, but to reflect the evidence base Policy CM03 should only allocate 1 hectare of land (**MM162**). Consequential changes will also be required to the Policies Map upon adoption of the Plan.

Conclusion

297. Subject to the recommended MMs we therefore conclude that the Plan makes adequate provision for new infrastructure and community facilities.

Issue 11 – Whether the strategy for retailing and commercial uses in Thanet's town centres is justified, effective and consistent with national policy

Retail Hierarchy and Meeting Retail Needs – Policy SP06

298. Westwood sits at the top of the retail hierarchy as it attracts major national retailers and has a catchment area that covers the whole of Thanet and beyond. Below Westwood are the coastal town centres of Margate, Ramsgate and Broadstairs which serve a more localised catchment and support tourism.

299. As submitted the hierarchy of centres is within the supporting text to Policy SP06. For clarity and effectiveness, the centres should be listed in the policy (**MM17**) with consequential changes required to the supporting text by **MM13** and **MM14**. The hierarchy is supported by the *Thanet Retail and Leisure Assessment 2016 Update*.¹⁹
300. The *Thanet Retail and Leisure Assessment 2018 Update*²⁰ provides an assessment of retail capacity across the plan period. Because the figures are only projections based on a snapshot in time, **MM16** is necessary to confirm that Table 1 provides indicative, gross figures to 2031. The figure given for Class A2-A5 uses (9,560 square metres) is also incorrect and is rectified by **MM15**. The correct figure is 3,499 square metres, which reflects the evidence in the Retail and Leisure Assessment Update.
301. Although the submitted Plan does not allocate sites, sufficient land has been included within the town centre at Westwood to allow for any further expansion of comparison retailing to meet identified needs. In Margate and Ramsgate capacity exists within vacant properties to accommodate the majority of the additional retail floorspace that is required. Elsewhere retail uses are also supported at the identified Opportunity Areas, and as part of the Margate Seafront and Harbour Arm and at the Ramsgate Waterfront and Royal Harbour.
302. In Broadstairs the historic layout and street pattern of the town restricts site availability. Policy SP10 therefore supports the principle of new retail development on the edge of the town centre, providing that it is well related to the retail core and is accessible by public transport. As such, the Plan is positively worded in seeking to ensure that retail and commercial needs are not restricted by limited site availability.

Town Centre Boundaries

303. The submitted Plan defines the 'town centres' as the Primary and Secondary frontages. In doing so, it only identifies frontages, leaving users of the Plan unclear as to the status of other parcels of land, including potential development sites. For effectiveness **MM19**, **MM21**, **MM23**, **MM24**, **MM83** and **MM84** are necessary to refer to town centre boundaries for Westwood, Margate, Ramsgate and Broadstairs, with consequential changes required to the Policies Map upon adoption. The changes ensure that the town centres are clearly defined.
304. The town centre boundaries for Westwood, Margate, Ramsgate and Broadstairs are also the same as the Primary Shopping Areas. This is justified due to the geography of the Urban Area, with each 'town' having a clearly defined, focused area where retail development is concentrated.
305. Cliftonville, Westgate, Birchington and Minster are defined as District Centres and cater for local needs and services, with Local Centres providing more limited provision aimed at meeting the day-to-day needs of local residents. In order for the Plan to be effective the centres should be referred to in Policy

¹⁹ Examination Document CD3.3

²⁰ Examination Document CD3.4

E06 by **MM85**. For the same reasons it will be necessary for the Council to identify the centres on the Policies Map upon adoption.

Managing Centres – Policies E04 and E05

306. To support the vitality and viability of the town centres **MM19**, **MM21**, **MM23** and **MM24** are necessary to permit main town centre uses in Westwood, Margate, Ramsgate and Broadstairs, not just retail uses.
307. Throughout Primary Frontages, Policy E04 only permits residential and office uses at first floor level. This is justified to maintain predominantly active 'shop fronts' throughout the day. However, other businesses, such as leisure or education uses may also be acceptable at first floor level. To provide further flexibility, **MM83** therefore refers to other 'main town centre uses'.
308. The final paragraph of Policy E04 seeks to permit residential and other main town centre uses at ground and first floor level in Secondary Frontages. As consulted upon **MM83** erroneously deleted reference to residential uses in these areas. We have therefore rectified this in the schedule of MMs at **Appendix 1**. For effectiveness the MM also emphasises that proposals must not erode active frontages and undermine the function of the centre, rather than relying on footfall.
309. Policy E05 refers to the application of the sequential and impact tests as required by the Framework. For clarity **MM84** confirms that the impact test is only required for relevant proposals outside designated centres. To reflect the evidence base it is also necessary to amend the threshold to proposals above 400 square metres in rural areas. (**MM84**)
310. Within centres the restriction on development proposals over 1,000 square metres is not justified by appropriate evidence. The requirement also fails to take into account the different size, role and function of the centres. It is therefore deleted by **MM85** which requires decision-makers to exercise planning judgement in determining whether or not proposals are of an appropriate scale to the particular centre. The obligation for proposals to demonstrate retail need is also contrary to national planning policy and deleted by **MM85**. For flexibility, and because footfall in small local centres could be difficult to determine, **MM85** also confirms that residential uses will be permitted where they do not erode active frontages or undermine the function of the centre.

Thanet's Town Centres - Policies SP07-SP10

Westwood – Policy SP07

311. The Westwood Area SPD and Westwood Relief Strategy do not form part of the development plan. As such, requiring development proposals to accord with them is not justified. This is remedied by **MM19** and **MM18** which require proposals to *have regard* to the provisions of the SPD and relief strategy.
312. Concerns have been raised that as non-statutory documents, the SPD and relief strategy could introduce requirements that unnecessarily restrict new development coming forward. We have therefore amended the wording of **MM19** in **Appendix 1**, making it clear that development proposals should

have regard to the *aims and objectives* of the SPD and relief strategy once adopted. The change more accurately reflects the supporting text in paragraphs 2.20 and 2.21, which, as consulted upon makes it clear that proposals should be consistent with the aims for the area which include improving pedestrian connectivity, addressing issues around piecemeal development and making the area look and feel like a single town centre.

313. As submitted Policy SP07 states that any development proposals in Westwood should ensure that there is no net loss in commercial floorspace. The intention of the policy is justified, to ensure that the town centre remains the main focus for commercial uses. That being the case, it is appreciated that other policies in the Plan would allow for the residential re-use of upper floors, such as Policy E04. We have therefore amended the wording of **MM19** in **Appendix 1** to make it clear that proposals should not result in the loss of commercial floorspace unless permitted by other Local Plan policies.
314. Neighbouring the town centre is the mixed-use allocation at Eurokent. For effectiveness **MM19** makes it clear that the site is allocated for development, and, that flexible uses relate to those described under Policy E01. Because alternative proposals may come forward at Eurokent over the plan period it is necessary to set out what is expected of applications for planning permission. Due to the size of the site this includes the preparation of a masterplan, phasing and delivery details, a range of community facilities to meet the day-to-day needs of local residents and proportionate contributions to necessary highway improvements. These requirements are introduced by **MM19**, which also deletes the unjustified and ambiguous requirement to improve existing facilities in Newington.

Margate – Policy SP08

315. As submitted Policy SP08 only permits residential development above ground floor level and prevents changes of use that would result in the loss of existing commercial premises. When considering that Margate Old Town is intended to complement the main town centre and provide a location for creative and cultural industries, further flexibility is required. This is achieved by **MM21** which permits the reuse of commercial properties where there has been a genuine, but unsuccessful attempt to re-let the building.
316. Dreamland is an important part of Margate's heritage and character and Policy SP08 is justified in its support to extend, upgrade and improve the site. For clarity **MM21** is required to confirm that proposals should not reduce its attractiveness as a visitor destination. For the same reason it is necessary to list the Opportunity Areas (not sites) as shown on the Policies Map. Similar changes are required to the Opportunity Areas in Ramsgate by **MM23**.
317. As part of a nationwide roll-out of new lifeboats, the Royal National Lifeboat Institution ('RNLI') requires a new lifeboat station in Margate. The existing site is also part of the Rendezvous Opportunity Area which is proposed for redevelopment. Supporting the relocation of the lifeboat station is critical in the interests of public safety, and in the interests of promoting Margate seafront as a leisure and tourism destination. This is achieved by **MM21** which confirms that the principle of a new station will be supported, with consequential changes required to the supporting text by **MM20**.

Ramsgate – Policy SP09

318. Ramsgate is a location which has a growing economy amongst the cultural and creative industries. As modified Policy SP02 actively supports such uses which will help attract tourists beyond the summer season.
319. Policy SP09 supports further development at Ramsgate Port that would improve its use for shipping, increase through-traffic and support complementary land-based industries such as marine engineering. In principle this is appropriate and justified given the existing use of the port, which includes land safeguarded under the adopted *Kent Minerals and Waste Local Plan*. It is also consistent with paragraph 31 of the Framework which encourages local authorities to develop strategies for the provision of infrastructure, including for the growth of ports. For clarity **MM22** and **MM23** reflect the correct and most up-to-date position regarding the Minerals and Waste Local Plan and the *Ramsgate Maritime Plan*.

Broadstairs – Policy SP10

320. As with Margate Old Town, preventing the reuse of commercial buildings along the Broadstairs Promenade and Beach Front is not justified where they have been vacant for over 12 months with no interest shown by commercial operators. Further flexibility is therefore required by **MM24**.

Conclusion

321. Subject to the recommended MMs we therefore conclude that the strategy for retailing and commercial uses in Thanet's town centres is justified, effective and consistent with national policy.

Issue 12 – Whether the approach to open space and recreation is justified and consistent with national policy

Green Wedges – Policy SP22

322. The purpose of the Green Wedges is to provide visual breaks in the otherwise continuous Urban Area, preserve the character and identity of Thanet's main settlements and provide a link between the Urban Area and the countryside. Although the size of the Green Wedges differs, they are all justified and appropriate as land use designations.
323. The main role and function of Policy SP22 is to safeguard the Green Wedges in order to maintain the physical separation between the towns and avoid their coalescence. For effectiveness this is made clear by **MM47**, which also cites the expansion of groups of houses as an example, rather than a specific type of development, which the policy relates to.
324. In some cases it may be necessary to have development in the Green Wedges which cannot be located elsewhere. Examples include infrastructure or new agricultural buildings to serve an existing farm. To ensure that the policy is effective **MM46** is necessary to make this clear through the supporting text.

Open Space, Allotments and Sport and Recreation – Policies SP29, SP32 and GI05

325. Examination Documents CD5.13 and CD5.14 provide the justification for designating areas of open space. The protection of open spaces by Policy SP29 is consistent with paragraph 74 of the Framework. However, the Framework allows open spaces to be reused where they are surplus to requirements. This is rectified by **MM59**.
326. Because allotments are defined as a type of open space in CD5.13-CD5.14, for clarity to users of the Plan they should also be referred to under Policy SP29. This is achieved by **MM58** and **MM59**, with consequential changes required by **MM62** and **MM64**. As consulted upon, **MM59** deleted the word 'overriding' from criterion (2) of Policy SP29. However, this is not necessary for soundness reasons and is therefore retained in the schedule of MMs at **Appendix 1** to this report.
327. Policy GI05 is concerned with the protection of playing fields and outdoor sports facilities. For clarity and consistency with paragraph 74 of the Framework it is necessary to specify that not every criteria must be met, and that in all cases, the playing field proposed for redevelopment does not make an important contribution to the character of the area. (**MM136**)

Jackey Bakers Sports Ground – Policy GI07

328. The Jackey Bakers Sports Ground is one of the main areas for sport and recreation in Thanet but requires further improvement and investment. The intention to support new development through Policy GI07 is therefore justified and appropriate. To provide further clarity and make the policy effective **MM138** specifies what types of development will be permitted, including ancillary facilities such as a gym, café and/or community space.

Local Green Space – Policy SP30

329. Examination Documents CD5.11 and CD5.12 provide the justification for designating areas of Local Green Space. All sites have been assessed against the requirements of the Framework, which requires an element of professional planning judgement. In our view the Council's conclusions on the sites put forward are reasonable and justified.
330. In Broadstairs site LGS02 ('Culmer's Amenity Land') is privately owned and forms part of the Charity of Richard Culmer. The land was left to the Vicar of St. Peter-in-Thanet so that the income could be used for charitable purposes. Although the Charity suggests that the designation would devalue the site, no evidence has been provided to substantiate these comments. Furthermore, this is not a consideration required by paragraphs 76-77 of the Framework. LGS02 is therefore appropriate and justified.
331. Where land is designated as Local Green Space, paragraph 78 of the Framework states that local policies for managing development should be consistent with planning policy for Green Belts. **MM60** is therefore required to ensure consistency with the Framework.

Conclusion

332. Subject to the recommended MMs we therefore conclude that the approach to open space and recreation is justified and consistent with national policy.

Issue 13 – Whether the Plan provides sufficient measures to protect, preserve and enhance the natural, built and historic environments

Natural Environment

Biodiversity and Geodiversity – Policies SP27, SP28, GI01, GI02 and GI03

333. To ensure consistency between policies in the Plan it is necessary to refer to the protection of soils and farmland bird habitats in Policy SP27. Because not all sites will include biodiversity or geodiversity assets the measures should only be required where appropriate as informed by a proportionate assessment. Both are rectified by **MM56**, which also requires developments to result in a net gain in biodiversity, as required by paragraphs 9, 109 and 152 of the Framework. Consequential changes are required to the supporting text by **MM55**. It is also necessary to refer to net gains in biodiversity in Policy GI02, which supplements the strategic policies of the Plan. (**MM134**)

334. The Biodiversity Opportunity Areas referred to in Policy SP28 are not illustrated. In the interests of effectiveness **MM57** introduces a map into the supporting text as the boundaries extend beyond the plan area.

335. In accordance with paragraph 105 of the Framework, Policy GI01 seeks to avoid harm to Marine Conservation Zones. However, to promote the integration of terrestrial and marine planning regimes **MM133** is required to confirm that wherever possible and appropriate, developments should seek to improve connectivity between designated sites. For consistency with paragraph 113 of the Framework, **MM135** is also necessary to provide criteria for proposals affecting regionally important geological sites, and to ensure that the protection of sites is commensurate with their status.

Green Infrastructure and Landscape – Policies SP24, SP31 and GI06

336. **MM51** is necessary to ensure consistency with paragraph 114 of the Framework, which states that local planning authorities should plan positively for the creation, protection, enhancement and management of green infrastructure networks. The supporting text to Policy SP24 refers to the coastline, chalk cliffs and areas of countryside that characterise Thanet. To reflect the evidence base paragraph 4.33 should clarify that such areas form part of the Green Infrastructure network which Policy SP24 seeks to enhance (**MM48**). To provide greater flexibility, and thus make the policy effective, **MM49** and **MM50** are also necessary to confirm that the list on page 55 of the Plan is not exhaustive, and to provide further information on how green infrastructure can be incorporated into development proposals.

337. Policy GI06 requires all proposals requiring a design and access statement to include a landscape statement. This is too onerous and will not be relevant to the majority of smaller proposals. Greater flexibility is required by **MM137**.

338. Policy SP31 states that proposals for 50 dwellings or more should provide natural and semi-natural green spaces such as parks, formal gardens, allotments and recreation grounds. Due to their size, such facilities are more likely to be provided as part of strategic housing allocations which have greater flexibility as part of the masterplanning process. The requirement is therefore modified by **MM63**. It does not remove the requirement for windfall sites to provide open space and green infrastructure in accordance with other local plan policies.

Best and Most Versatile Agricultural Land – Policy E18

339. **MM100** is necessary to align Policy E18 with paragraph 112 of the Framework, which refers to instances where significant development of agricultural land is concerned. For effectiveness **MM99** provides a definition of significant development for development management purposes.

340. The proposed threshold for what constitutes 'significant development' is not found within the Framework. However, national planning policy does not provide a definition either. It only intends to set out the Government's requirements for the planning system as far as it is relevant, proportionate and necessary to do so. This is to allow accountable Councils the potential to produce their own plans within the framework provided.

341. Finally, in addition to seeking to use areas of lower quality agricultural land in preference to best and most versatile land, the Framework also seeks to protect geological conservation interests and soils. **MM101** is therefore required to include a reference to the importance of protecting soils in the supporting text to Policy E18. For effectiveness it also points applicants in the direction of best practice for the sustainable use of soils on construction sites.

Contamination and Pollution – Policies SE01-SE08

342. Policy SE03 is intended to refer to sites which have the potential to be affected by contamination. For clarity, and to reflect the terminology used in the Framework, Policy SE03 and the supporting text are amended by **MM155** and **MM154**, which also refers to the latest position regarding the Council's Contamination Land Strategy. For the same reason **MM157** is necessary to amend Policy SE04 and ensure that permitted operations do not have unacceptable adverse impacts on water quality, as required by paragraph 143 of the Framework. For effectiveness changes are also required to the supporting text to confirm that location and ground depth require consideration for the provision of sustainable drainage systems (**MM156**). To ensure that Policy SE08 is effective, **MM159** confirms that LVIA's should only accompany major development proposals in the areas specified by Table 15.

343. Although further changes were consulted on, neither **MM158** nor **MM65** are necessary to rectify a soundness issue. Both are therefore deleted from the schedule in **Appendix 1**.

Built Environment

General Design Principles – Policies QD02, QD03

344. As submitted Policy SP33 states that development proposals should be subject to design review in 'significant locations'. In principle the policy is justified in seeking to secure high quality design. It is also consistent with paragraph 62 of the Framework which advocates the use of local design review arrangements. However, to ensure that the policy is effective, **MM66** is necessary to specify that the policy relates to major development proposals and schemes which are likely to have a significant visual impact, regardless of their size.
345. Requiring proposals in gardens to make a positive visual impact contradicts the requirements of Policy HO1, where the test is to avoid harm. For effectiveness this is rectified by **MM103** and **MM140**. By referring to harm the policy is also consistent with paragraph 53 of the Framework, which permits the use of local policies to resist the inappropriate development of residential gardens where it would cause harm to the local area.
346. With regard to the provision of outdoor space, not all residential developments will be able to include gardens or balconies. Examples might include the conversion of listed buildings, or flats above shops. **MM141** therefore provides flexibility by requiring access to external spaces where possible.

Historic Environment

Heritage Assets – Policies HE01-HE04

347. Policy HE03 concerns 'local' heritage assets, but the supporting text refers to listed buildings, which are assets of national importance. For effectiveness, **MM143** (as consulted upon) therefore sought to confirm that the policy relates to all designated and non-designated heritage assets.
348. As pointed out by Historic England, the MM does not go far enough to clarify the position. We have therefore amended the wording in the schedule at **Appendix 1** by referring specifically to designated (e.g. statutorily listed) and non-designated (e.g. locally listed) assets.
349. **MM143** also clarifies that proposals affecting heritage assets will be considered in accordance with the Framework. This is necessary for effectiveness due to the different tests relating to designated and non-designated heritage assets and avoids the superfluous requirement to repeat national planning policy in the Local Plan. To ensure consistency with the Framework **MM144** is required to specify that proposals affecting registered parks and gardens (defined by the Framework as a designated heritage asset) will be assessed by reference to the scale of any harm and significance.

Quex Park – Policy E14

350. The Quex Park Estate contains several listed buildings and structures. Amongst others this includes the Grade II listed house and stables. In the interests of conserving the significance of the heritage assets it is necessary to refer to the importance of their setting in Policy E14. For the same reason it is

also necessary to specifically refer to Policy SP23, given the important contribution that the landscape character of the area makes to the setting of the estate. Both are achieved by **MM94**, which also distinguishes between a Transport Assessment and Transport Statement.

Conclusion

351. Subject to the recommended MMs we therefore conclude that the Plan provides adequate policies to protect, preserve and enhance the natural, built and historic environments.

Issue 14 – Whether the Plan includes adequate policies to mitigate against the impacts of climate change and support the transition to a low carbon future

352. **MM67, MM139, MM147** and **MM148** are all necessary for effectiveness and to ensure that Policies SP35, QD01 and CC03 are consistent with paragraph 156 of the Framework which states that Plans should include policies to deliver climate change mitigation and adaptation, and conservation and enhancement of the natural environment. **MM145** and **MM146** are also necessary to ensure that Policies CC01 and CC02 are consistent with the Framework's approach to mitigating flood risk, and for effectiveness.

353. Paragraph 105 of the Framework states that in coastal areas local planning authorities should take account of the UK Marine Policy Statement and marine plans. Thanet is within the South East Marine Plan area, which is currently in preparation. Until the Plan has been published, the Marine Management Organisation ('MMO') confirm that the UK Marine Policy Statement should be used for guidance and licencing on any planning decisions including a section of coastline or tidal river. For clarity to users of the Plan this has been set out in the supporting text to Policy CC03 by **MM148a**, included in **Appendix 1**. Whilst not consulted upon alongside the MMs, the additional text is factual, and simply refers decision-makers to existing national policy. It does not prejudice the interest of any parties or the participatory process.

354. The emphasis on achieving high standards of energy efficiency in Policy QD01 is justified in seeking to minimise the effects of climate change. However, for effectiveness, the policy should clearly set out what is required of developers. This is rectified by **MM139**, which refers to a standard of energy efficiency equivalent to what was Code for Sustainable Homes Level 4. The March 2015 WMS confirmed that local planning authorities are able to continue setting policies which require compliance with energy performance standards that exceed the requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. Although the Bill has been enacted, the relevant Commencement Order has not been made. The requirements are therefore justified.

355. To further support the transition to a low carbon future, Policy CC04 requires major development proposals to make provision for renewable energy or micro-generation equipment as part their design. To ensure that the policy is effective in minimising greenhouse gases **MM149** states that proposals should make the maximum use of such technologies. Recognising that this may not be feasible, appropriate or viable in all circumstances, for flexibility the MM also includes certain caveats. For effectiveness it is also necessary to confirm

that proposals for renewable energy will be supported, but only where there would be no harm to the landscape, the living conditions of neighbouring residents or the setting of heritage assets.

356. The principle of supporting district heating schemes and requiring major development proposals to consider their inclusion is justified in seeking to minimise emissions and maximise the efficient use of resources. However, it may not always be appropriate. **MM150** and **MM151** are therefore necessary to provide additional flexibility.
357. Policy CC06 supports proposals for solar parks in Thanet. Given the size of land parcels that are required, and proximity to the Thanet Coast SPA and Ramsar site, applicants must consider the effect of proposals on functionally linked land and habitats. This is rectified by **MM152**. Finally, identifying Richborough as a location for renewable energy is a positive and appropriate strategy given the previous uses of the site. However, it should be made clear to decision-makers that proposals should consider the need to mitigate impacts on nature conservation and heritage assets. (**MM153**)

Conclusion

358. Subject to the recommended MMs we therefore conclude that the Plan includes appropriate policies to mitigate against the impacts of climate change and support the transition to a low carbon future.

Assessment of Legal Compliance

Local Development Scheme and Consultation

359. The Plan conforms to the subject matter and geographic area set out in the LDS.²¹ It was submitted for examination in accordance with the timescale given of October 2018. The Plan area is logical and covers the whole District.
360. Consultation has been carried out in accordance with the Council's *Statement of Community Involvement*.²² Throughout each stage of the Plan's preparation the Council has sought views electronically and on paper. The *Statement of Consultation*²³ sets out the main issues arising from each stage of the consultation process, and how representations have been taken into account.

Sustainability Appraisal and Habitat Regulations

361. The Council has carried out a SA of the Plan and of the MMs where necessary. An SA Addendum was produced following the examination hearing sessions which considered specifically those sites included in 'Appendix B'. The Addendum was consulted upon and we have taken these comments into account in reaching our conclusions above. Combined, the various iterations of the SA have considered alternative spatial strategies and alternative locations for new development. The Council has carried out an adequate SA of

²¹ Examination Document CD7.1

²² Examination Document CD7.2

²³ Examination Document CD7.10

the Plan and reasonable alternatives have been considered to a sufficient degree.

362. A HRA has been carried out in support of the Plan which includes an Appropriate Assessment. The accompanying Addendum also considers the implications of the recommended MMs. Subject to the mitigation proposed in the SAMM and the safeguards on functional land required by the MMs, the policies in the Plan will not have a significant adverse impact on the integrity of European protected sites.

Public Sector Equality Duty ('PSED')

363. In reaching our conclusions we have had due regard to the equality impacts of the Plan in accordance with the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010. Amongst other things, this sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

364. The Plan contains specific policies concerning the provision of accommodation for older people, people in care and people with disabilities. As such, the disadvantages that these groups suffer will be minimised over the plan period and their needs met in so far as they are different to those without a relevant protected characteristic. The recommended MMs also require the Council to review the Plan within six months of adoption to take proactive steps to accommodate the identified need for gypsy and traveller accommodation.

Climate Change

365. Policies SP01a, QD01-QD02, HE05, CC01-CC07 and TP01-TP04 will help contribute to the mitigation of, and adaptation to, climate change. Policies include requirements relating to the location of development, sustainable design, fluvial and tidal flooding, energy efficiency and renewable energy.

366. For the reasons given above, the SA has also informed the spatial strategy and distribution of development which seeks to focus new development in or adjacent to the main Urban Area and Villages with the most services and facilities. The decision to pursue fewer, larger allocations with an emphasis on providing mixed-use developments also seeks to minimise the need to travel. In doing so, the Plan actively seeks to promote more sustainable patterns of development.

Conclusion

367. We therefore conclude that the Plan meets the relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

368. The Plan has a number of deficiencies in respect of soundness and legal compliance which, for the reasons set out above, mean that we recommend non-adoption of the Plan as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues above.

369. The Council has requested that we recommend MMs to make the Plan sound, legally compliant and capable of adoption. Overall, we conclude that with the recommended modifications set out in the accompanying Appendix the Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

Matthew Birkinshaw and Victoria Lucas

INSPECTORS

This report is accompanied by the following Appendix:

Appendix 1 – Schedule of Recommended Main Modifications