

## **LOCAL PLAN REVIEW AND UPDATE & LOCAL DEVELOPMENT SCHEME (LOCAL PLAN WORK PROGRAMME)**

|                                 |   |
|---------------------------------|---|
| <b>Cabinet</b>                  | 17 December 2020  |
| <b>Report Author</b>            | Tim Willis, Deputy Chief Executive  |
| <b>Portfolio Holder</b>         | Cllr Rick Everitt, Leader of the Council  |
| <b>Status</b>                   | For Decision  |
| <b>Classification:</b>          | Unrestricted  |
| <b>Key Decision</b>             | No  |
| <b>Reasons for Key</b>          | N/A.  |
| <b>Previously Considered by</b> | Local Plan Review Cabinet Advisory Group has considered the matters set out in this Report (see Section 2). |
| <b>Ward:</b>                    | N/A.  |

### **Executive Summary:**

This report sets out the proposed new work programme for updating the adopted Local Plan.

A review of the Local Plan was required by the Secretary of State's direction in relation to the Local Plan in January 2019, and this was also the recommendation of the Inspectors for the Local Plan Examination.

Over the last few months, a Cabinet Advisory Group (including Members from all political groups) has been considering the scope of the Local Plan update and identifying local issues that need to be addressed in the update of the Plan.

The key elements of the Local Development Scheme (the Local Plan work programme) are set out in this report.

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

That Cabinet agree the proposals for the new Local Development Scheme.

### **Corporate Implications**

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

No costs directly associated with this report. However, there will be costs associated with the preparation of the new Plan, to be funded through the Local Plan Reserve and operational budgets.

## **Legal**

*There are no legal implications arising directly from this report.*

## **Corporate**

*There are no corporate risks associated with this report. However, as Members will be aware, it was part of the direction of the then-Secretary of State that a review of the Local Plan should be carried out within 6 months of adoption, and this report and the proposed LDS are the culmination of that process. There is therefore a reputational imperative to agree a new LDS to demonstrate that the Council has fulfilled the direction by the Secretary of State.*

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

*This decision does not engage the PSED, as it only relates to the Local Plan timetable, and commitment to an early review of the Plan.*

# **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: Environment

## **1.0 Introduction and Background**

- 1.1 Every local planning authority has to “prepare and maintain” a work programme for its Local Plan-related work, known as the Local Development Scheme (LDS). This is a requirement under the Planning & Compulsory Purchase Act 2004.
- 1.2 In January 2019, the Secretary of State (SoS), issued a direction to the Council in relation to the Local Plan. Part of the direction was to amend the Council’s Local Development Scheme (LDS), to provide for the completion of a review of the Local Plan within six months of its adoption.
- 1.3 The Local Plan was adopted on 9 July 2020, which means that the review should be completed by January 2021, with a new LDS published.
- 1.4 This report sets out the broad scope and timetable for updating the Local Plan to form part of a new LDS.
- 1.5 The existing [LDS](#) was agreed in March 2019.

## 2.0 The Local Plan review process

2.1 Over the last few months, a Cabinet Advisory Group, composed of Members of different political groups, and chaired by the Leader of the Council, has been exploring the potential scope of an update of the Local Plan, to form part of the Local Development Scheme.

2.2 In doing so, the Group has:

- considered the recommendations of the Local Plan Inspectors with regard to any Local Plan review;
- received consultants' advice in relation to future housing requirements;
- considered the requirements of the [National Planning Policy Framework](#) (NPPF) and national [Planning Practice Guidance](#) (PPG);
- reviewed the position in relation to the adopted Cliftonville Development Plan Document and the proposed Westwood Supplementary Planning Document;
- discussed a range of local issues; and
- considered how the current COVID situation might affect planning issues and local resilience.

2.3 In addition, in June 2020, all Council Members were offered the opportunity to raise issues that they felt should be addressed by the Local Plan, and these have been presented to the CAG.

2.4 In September 2020, under the “duty to cooperate”, officers wrote to a range of plan-making bodies and infrastructure organisations (specified in legislation) to seek their views on the scope of any update of the Plan. The responses to that invitation have also been presented to the Group.

2.5 The issues identified by the Inspectors in their Report and [Main Modifications](#) (p3, MM4) are:

- To consider the implications of climate change;
- To review the provisions of the Plan in relation to Manston Airport in the light of a decision on the Development Consent Order;
- To assess the implications of the Local Housing Need Methodology on housing requirements for the district;
- To consider the provision of Gypsy & Traveller sites to meet identified requirements; and
- To ensure compatibility with the most recent National Planning Policy Framework.

2.6 The Local Plan Review Cabinet Advisory Group has concluded that all of the matters raised by the Inspectors need to be addressed in the update of the Local Plan in some form, subject to changes in circumstances and Government guidance.

2.7 In addition, the matters identified through the NPPF/PPG scoping exercise should be addressed in the Plan update:

- need to consider an extension of the Plan period to 2040
- may be a requirement to identify additional employment land

- update retail floorspace figures for town centres
- guidance on type and size of dwellings may require updating
- some Environment Strategy policies may need updating, depending on the progress of the Environment Bill and Kent Environment Strategy
- some infrastructure policies (for example, transport; health and education) may need updating, depending on the scale and location of new housing
- some Town Centre policies may need amending in the light of changing Government guidance and other changes to the planning system
- Incorporate key policy aspects from the proposed Westwood SPD fully into the Plan

2.8 CAG Members raised a number of other matters through the review process that should be addressed in the Local Plan update, as follows:

- the outcomes from the work of the Council's Climate Emergency Working Group, where relevant;
- ensure a robust policy relationship between biodiversity "net gain"; woodland protection/planting; green infrastructure and the Council's proposed Tree Strategy;
- to review the homeworking policy to assess whether any update needed in the light of a potentially significant shift to flexible/remote working;
- the evidence for a possible policy relating to hot food takeaways, in relation to local public health impacts;
- the provision of publicly-accessible electric vehicle charging points;
- any decision in relation to the future of Port Ramsgate, following the current consultation on the [High Level Feasibility Study](#);
- any planning implications arising from the Council's community wealth-building programme; and
- possible resilience/design measures to address COVID or similar threats to the social and economic life of the district.

2.9 In response to the invitation to "duty to cooperate" organisations, comments were received covering the following issues that they wish to be considered as part of the update of the Local Plan:

- Air Quality - impacts from agriculture; traffic and Manston Airport
- Sustainable Travel - minimising the need to travel in new development
- Community green spaces to be provided in new development
- Noise Pollution and areas of tranquility
- Renewable Energy - promotion and identifying suitable areas for renewable and low carbon energy sources
- Coastal policy - Undeveloped Coast/Heritage Coast/Coastal Change Management Areas
- Sustainable Tourism
- Further Development - land of low environmental quality or "brownfield" land
- Monitoring and Review for biodiversity
- Biodiversity net gain and conservation of Biodiversity and Green infrastructure; protection of priority habitats and species
- a range of draft South East Marine Plan policies - relating to matters of climate change; marine protected areas and biodiversity - to which any update of the

Local Plan should have regard

- to help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets
- Thanet-wide 20mph zones on residential roads in towns
- cliff top safety due to climate change
- the 'consideration of climate change' should allow for action to secure the retention of top-grade agricultural land

- 2.10 Other organisations raised no specific comments, but all the respondents asked the Council to ensure that they continued to be included in ongoing Local Plan preparation work, and offering to assist with policy development.
- 2.11 Many of these issues are already addressed in the adopted Local Plan, or have been identified as matters to be addressed in the Plan update, or are issues that need to be considered as part of any site assessment and selection process, for any new development sites that are needed. As a matter of course, we will seek to continue to engage with these organisations, and others, throughout the Local Plan update process.
- 2.12 **The recommendation of the Cabinet Advisory Group to Cabinet** is therefore that the Local Plan update should extend the Plan period to 2040, and address the following issues:
1. The implications of climate change; including the outcomes from the work of the Climate Emergency Working Group, where relevant;
  2. The provision of publicly-accessible electric vehicle charging points;
  3. Ensure a robust policy relationship between biodiversity "net gain"; woodland protection/planting; green infrastructure and the Council's proposed Tree Strategy;
  4. Update Environment Strategy policies as necessary, depending on the progress of the Environment Bill and Kent Environment Strategies;
  5. The implications of the Local Housing Need Methodology on housing requirements for the district;
  6. Guidance on type and size of dwellings may require updating;
  7. The provision of Gypsy & Traveller sites to meet identified requirements;
  8. Update the provisions of the Plan in relation to Manston Airport in the light of the decision on the Development Consent Order;
  9. Identify additional employment land, as required;
  10. Review the homeworking policy to assess whether any update needed in the light of a potentially significant shift to flexible/remote working;
  11. Incorporate any decision in relation to the future of Port Ramsgate;
  12. Address any planning implications arising from the Council's community wealth-building programme;
  13. Update retail floorspace figures for town centres;
  14. Some Town Centre policies may need amending in the light of changing Government guidance and other changes to the planning system;

15. Incorporate key policy aspects from the proposed Westwood SPD fully into the Plan;
16. Some infrastructure policies (for example, transport; health and education) may need updating, depending on the scale and location of new housing;
17. Consider the evidence for a possible policy relating to hot food takeaways, in relation to local public health impacts;
18. Identify possible resilience/design measures to address COVID or similar threats to the social and economic life of the district; and
19. Ensure new and revised policies address the Government's policy guidance in the NPPF and nPPG.

2.13 The indicative work programme for the Local Plan update would be as follows:

|                       |   |
|-----------------------|---|
| 2021                  | “Call for sites”; development of evidence base; Reg 18 engagement; “Duty to Cooperate” activity |
| <b>October 2021</b>   | <b>Consultation (Regulation 18)</b>   |
| 2022                  | Consider consultation responses; finalise draft Plan for Publication/Examination                |
| <b>May 2022</b>       | <b>Publication (Regulation 19)</b>  |
| <b>September 2022</b> | <b>Submit Plan for Examination (Regulation 22)</b>  |
| 2022/23               | Examination (Regulation 23)   |
| 2023                  | Inspector’s Report; Adoption  |

2.14 It is important to recognise that existing Government policy and guidance may be amended or new policy developed during the update process. There may also be other Government initiatives, such as Town Deals, that may need to be considered. The LDS should be explicit about the need to respond flexibly should that occur.

2.15 Alongside the Plan itself, a number of other matters need to be considered:

- The Cliftonville Development Plan Document (DPD) - The Council has, over the years, implemented a number of intervention measures in parts of the Cliftonville West and Margate Central Wards to reduce the level of deprivation, improve social and economic conditions, reduce crime and anti-social behaviour, increase the number of family homes, improve living and housing standards and encourage investment and owner occupation. These measures include its designation as a Renewal Area, Selective Licencing, the Live Margate project and the [Cliftonville Development Plan Document](#) (DPD).

The Cliftonville DPD was adopted (in 2010) as a stand-alone planning policy document for the area in order that planning policies could be applied as quickly as possible, and still remains in force alongside the Local Plan.

The DPD contains six planning policies - these have been reviewed to see whether the policies need updating as part of the Local Plan Review. The performance of each of the policies has been monitored in the Annual Monitoring Reports from 2011 to date. The policies and policy wording have been reviewed and are considered to still be effective. The DPD is also necessary to continue to support the wider corporate agenda in relation to this part of the district.

Officers' recommendation is that it is not necessary to update the Cliftonville DPD as part of this Local Plan update, but the policies within it should be considered for inclusion as policies within the next new Local Plan.

- Statement of Community Involvement (SCI) - The [Statement of Community Involvement](#) (SCI) sets out how the Council will involve people in the planning process. It explains how people can become involved when the Council is making planning policies, deciding planning applications and consulting on Neighbourhood Plans.

The Council has to produce an SCI as set out in the Planning and Compulsory Purchase Act 2004, so it is a statutory document. The Council has to review the SCI every 5 years (Town and Country Planning Regulations, 10A) - the last SCI review was carried out in 2012. At the time of the Local Plan Examination, the Council's Consultation Statement indicated that the SCI was still considered fit for purpose, and the Inspectors' Report confirmed that the Plan met all the legal requirements.

Since 2012, the communication tools available to use have dramatically changed, allowing easier, more direct and more digitally focussed methods of engagement in addition to traditional methods. The updated SCI will reflect the Council's current practices, along with current national planning guidelines. It will replace the 2012 document once it has been adopted. We will carry out a public consultation on the updated SCI in due course, subject to agreement by Cabinet.

- Westwood Supplementary Planning Document (SPD) - This was proposed through the Local Plan Examination, but following the Examination process, it is recommended that much of the detail should be incorporated into the Local Plan itself.
- Other SPDs - There are a number of other SPDs, either current or proposed at the time that the now adopted Local Plan was being prepared, that need to be reviewed. Officers' recommendation is that the update of the Development Contributions SPD should be undertaken as planned, to reflect the adoption of the new Plan and amended Government guidance. A review of other SPDs should be undertaken alongside the update of the Local Plan, to establish which should be retained or prepared, and whether any should be discontinued. It is possible that the update of the Plan will identify new areas that should be covered by SPDs.

- Policy wording - at this early stage, it is difficult to assess the effectiveness of the policies in the new Plan. However, it would be useful to liaise with Planning Application Team colleagues as the Plan update moves forward, to identify any improvements to policy wording that could be made, to add implementation. A balance will need to be struck between the significance of any change, the recommendations of the Examination Inspectors and the potential issues arising from adding more policies to the update process.

2.16 It is also important to recognise that existing Government policy and guidance may be amended or new policy developed during the update process. There may also be other Government initiatives, such as Town Deals, that may need to be considered. The LDS should be explicit about the need to respond flexibly should that occur.

2.17 It is the intention that, following the work of the Local Plan Review CAG, there will be ongoing Member involvement in the work for the Local Plan update, in the form of a Local Plan Update CAG.

## **2.18 LDS - main proposals**

2.19 Local Plan update (to 2040)

2.20 Scope of Plan Update:

1. The implications of climate change; including the outcomes from the work of the Climate Emergency Working Group, where relevant;
2. The provision of publicly-accessible electric vehicle charging points;
3. Ensure a robust policy relationship between biodiversity “net gain”; woodland protection/planting; green infrastructure and the Council’s proposed Tree Strategy;
4. Update Environment Strategy policies as necessary, depending on the progress of the Environment Bill and Kent Environment Strategies;
5. The implications of the Local Housing Need Methodology on housing requirements for the district;
6. Guidance on type and size of dwellings may require updating;
7. The provision of Gypsy & Traveller sites to meet identified requirements;
8. Update the provisions of the Plan in relation to Manston Airport in the light of the decision on the Development Consent Order;
9. Identify additional employment land, as required;
10. Review the homeworking policy to assess whether any update needed in the light of a potentially significant shift to flexible/remote working;
11. Incorporate any decision in relation to the future of Port Ramsgate;
12. Address any planning implications arising from the Council’s community wealth-building programme;
13. Update retail floorspace figures for town centres;
14. Some Town Centre policies may need amending in the light of changing Government guidance and other changes to the planning system;
15. Incorporate key policy aspects from the proposed Westwood SPD fully into the

- Plan;
16. Some infrastructure policies (for example, transport; health and education) may need updating, depending on the scale and location of new housing;
  17. Consider the evidence for a possible policy relating to hot food takeaways, in relation to local public health impacts;
  18. Identify possible resilience/design measures to address COVID or similar threats to the social and economic life of the district; and
  19. Ensure new and revised policies address the Government's policy guidance in the NPPF and nPPG.

2.21 This would be a partial update of the Local Plan, not a full update. This reflects the recent adoption of the Thanet Local Plan (9 July), and the relatively narrow scope of issues identified by the Examination Inspectors, as well as the specific issues identified through the NPPF/PPG “scoping” exercise and the matters identified by the Group.

2.22 Indicative timetable:

|                       |   |
|-----------------------|---|
| 2021                  | Development of evidence base; “call for sites”; Reg 18 engagement; “Duty to Cooperate” activity |
| <b>October 2021</b>   | <b>Consultation/engagement (Regulation 18)</b>  |
| 2022                  | Consider consultation responses; finalise draft Plan for Publication/Examination                |
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| 2023                  | Inspector’s Report; Adoption  |

### 2.23 Cliftonville Development Plan Document (DPD)

2.24 The current plan period for the Cliftonville DPD is until 2026. Following the update of the Local Plan, the DPD policies will be assessed again and incorporated as appropriate as part of future update of the Local Plan.

### 2.25 Statement of Community Involvement revisions

2021 - Review and update SCI; public consultation and adoption

### 2.26 Supplementary Planning Documents

2021 - review scope of SPDs and guidance as set out in the light of the update to the Local Plan

## 3.0 Options

- 3.1 Option 1 - Agree the LDS: Agreeing the new LDS would fulfil the terms of the SoS direction of January 2019, address the recommendations of the Local Plan Inspectors; and provide a framework and timetable for carrying forward an update of the Local Plan; or
- 3.2 Option 2 - Not agree the LDS: This would leave the Council without an up-to-date LDS, and no clear programme for updating the Local Plan. It would also mean that the Council would not fulfil the SoS Direction, and might leave the Council open to further intervention from the SoS. It would potentially have an impact on the Council's reputation in relation to wider planning matters.
- 3.3 It is recommended that Option 1 is followed, for the reasons set out above.

## 4.0 Next Steps

- 4.1 If the LDS is agreed, it will be published on the Council's web-site, and officers will notify the Ministry of Housing, Communities and Local Government (MHCLG) accordingly.

Contact Officer: Adrian Verrall, Strategic Planning Manager  
Reporting to: Bob Porter, Director of Housing & Planning

### Annex List

N/A.

### Background Papers

1. Secretary of State intervention letter: [Letter from the Secretary of State](#)
2. Thanet Local Plan Inspectors' Report: [Inspectors' Report March 2020](#)
3. Adopted Local Plan 2020: [Thanet Local Plan 2020](#)
4. National Planning Policy Framework: [NPPF 2019](#)
5. National Planning Practice Guidance: [Planning Practice Guidance](#)
6. Thanet Gypsy & Traveller Accommodation Assessment Report: [Thanet GTAA](#)
7. Port of Ramsgate High Level Feasibility Study: [High Level Feasibility Study](#)

### Corporate Consultation

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

**Legal:** Tim Howes, Director of Corporate Governance

**Equality:** Fiona Millar, Head of Information Governance and Equality Manager