

NOTICE OF MOTION REGARDING THE LOCAL PLAN

Council:	10 October 2024
By:	Ingrid Brown, Head of Legal and Democracy and Monitoring Officer
Cabinet Portfolio Member:	Councillor Everitt, Leader of the Council
Key Decision:	No
Decision classification:	Unrestricted
Call in status:	No
Ward:	All

Purpose of the Report

This Council will consider a notice of motion requesting that the Council introduces a Local Plan to include design codes that reflect local characteristics, promotes sustainable building methods and ensures the installation of renewable energy systems.

Recommendation(s):

With reference to the options in section 3.0 of the report, Council is invited to consider the motion.

1. Summary of Reasons

- 1.1 This report ensures that the Council complies with Council Procedure Rule 14.

2. Background

- 2.1 The following motion has been received from Councillor Pugh in accordance with Council Procedure Rule No. 3:

“Thanet is blighted with overdevelopment. Our prime agricultural, Best and Most Versatile (BMV) land is being torn up and irreversibly damaged. Global events, including Russia’s invasion of Ukraine, have shown that we can all be impacted by events far from home and it’s vital as a country that we grow the majority of the food that we consume, particularly if we want to reach net-zero.

The accompanying correspondence from Sir Roger Gale, includes references to the NPPF which states that “where the proposed use of any agricultural land has been shown to be necessary poorer quality land should be preferred to high quality land

avoiding the best and most versatile agricultural land where possible.” The Secretary of State and Housing Minister both state in the accompanying correspondence that TDC should be progressing with a Local Plan update, which to date has not happened.

We now know that the standard method used in our current Local Plan to estimate the housing we would need for the entire period of the plan was flawed and we now have far more housing coming forward than the local population actually needs.

We need a Local Plan that includes design codes that reflect local characteristics, promotes sustainable building methods and ensures the installation of renewable energy systems. Our current Local Plan does not.

Therefore, I bring forward this motion that this Council:

- 1. Revokes the current Local Plan which covers the period 2012-2032.*
- 2. Launches a consultation on a new Local Plan which includes updated guidance from the NPPF, including revised population projections using the most recent Census Data, design codes that reflect local characteristics, sustainable building methods and renewable energy systems.*
- 3. Remove current housing allocations on Grade 1 agricultural land and if necessary reallocate to land of poorer quality or brownfield sites.*
- 4. Will strive to support and bring investment into our high streets in the new local plan by allocating brownfield and underutilised sites within our town centres.”*

3. Relevant Issues

- 3.1 As only Full Council can agree to this motion, if the motion falls then it will not be referred to any other committee.
- 3.2 If Members vote to debate the motion, then Members should consider paragraph 3.8 (viii) of the Council Procedure Rules. It states ‘The Council should not debate any motion which would give rise to a significant change to income of the Council, to its expenditure or contract terms, unless it has received a report from the Chief Finance Officer or the Monitoring Officer as appropriate setting out the legal or financial effect of the motion,’
- 3.3 As such, Council should defer the item to the next regular Full Council meeting where it can receive a full report on the financial and legal impact of the proposed motion. This will allow for a full and informed debate on the motion. At the end of that debate Full Council can then choose to adopt the motion or not.

4. Consultation

- 4.1 There is no public law duty or statutory requirement to consult on this matter.

5. Corporate Implications

5.1 Finance and Resources

5.1.1 Additional costs associated with the motion could be from legal challenge, Secretary of State intervention or from potential appeal costs from agents/developers arising from any planning refusals on sites that are allocated in the adopted Plan. This is impossible to quantify but could easily run into the tens of thousands.

5.2 Legal and Constitutional

5.2.1 There are significant legal implications arising from this motion and in the event that Councillors decide to debate this motion a full report will be drafted setting these out in detail.

5.2.2 The relevant provisions of the Council's constitution are referred to in section 3 of this report and as indicated above in the event that Councillors vote in favour of this motion this matter would have to be deferred for consideration at the next meeting of Full Council when relevant officers can prepare a report setting out the legal or financial impact of the motion.

5.3 Council Policies and Priorities

5.3.1 This report relates to the following corporate priorities: -

- To keep our district safe and clean
- To deliver the housing we need
- To protect our environment
- To create a thriving place
- To work efficiently for you

5.4 Risk

5.4.1 There are no risk implications arising from this report.

5.5 Climate Change and Biodiversity

5.5.1 There are no particular climate change or biodiversity implications arising directly from this report however, if Councillors take a decision to debate this report then report as referred to in paragraph 3 a report will be prepared which will have specific implications covered.

6. Equality, Equity and Diversity Implications

6.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful

discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no specific equality issues arising from this report.

7. Crime and Disorder Implications and Community impact

7.1 There are no crime and disorder implications to this report.

8. Subject History

8.1 N/A

Appendices

None

Background Papers

None

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Report Sign Off

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