

The Strategic Planning Manager  
Thanet District Council  
PO Box 9  
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Kent CT9 1XZ  
4 March 2015

Westgate and Westbrook Residents Association  
The Old Bakehouse  
St Mildred's Road  
Westgate  
Kent CT8 8RE

Dear Sir,

**Draft Thanet Local Plan to 2031  
Preferred Options Consultation  
January 2015**

Westgate and Westbrook Residents Association (WWRA) has an active membership comprising some 1200 households in the local community. The Mission Statement of WWRA is: ***"To preserve and improve the amenities of Westgate-on-Sea and Westbrook. To assist members with problems arising from public affairs and to promote social activities."***

This response to the Thanet District Council's (The Council) Draft Thanet Local Plan to 2031 Preferred Options Consultation is January 2015 (The Local Plan) is submitted on behalf of WWRA as a properly constituted body. However, it should not be regarded as an exclusive response as many members of the local community, and adjacent areas who associate with Westgate directly or indirectly, have also chosen to submit personal representations. Additionally, it is noted that they have also supported a number of petitions constructed to reflect a range of local concerns associated with The Local Plan. Both the submission of personal representations and petitions are therefore supported by WWRA as legitimate methods for the community to also record their concerns on The Local Plan.

**1. CONSULTATION**

1.1 In responding to The Local Plan, WWRA firstly wish to record their deep concern over the manner, method and nature of the consultation process currently being undertaken.

**The Manner of Consultation**

1.2 It is recognised that the current consultation is the second stage in a three stage plan making process which has seen a progression of Cabinet Advisory Group, Scrutiny, Cabinet and Council resolutions being taken.

1.3 WWRA is aware that the Council has an Adopted Statement of Community Involvement (SCI) (Adopted February 2007), with a revision to the SCI being adopted in July 2012 to reflect

intervening changes to the planning legislation – **giving the public greater ownership of planning decisions that shape the area** - and council procedures.

1.4 The SCI 2007 indicated that, among other matters, the Council will as part of their Consultation Standards:

- *Aim to provide sufficient background information to enable the public/stakeholders to understand and respond to consultation material;*
- *Present a clear reason for carrying out consultation and endeavour to offer meaningful choices. **Consultation will not be used simply to rubber stamp decisions that have already been taken;***
- *Work to allow sufficient time for the consultation; and*
- *Aim to make the consultation inclusive by taking account of any particular needs or difficulties you have to enable you to respond to the consultation*

1.5 The SCI review of 2012 also acknowledged that:

*“2.2 There is no clear definition of Hard to Reach groups, although some definitions include ‘those inaccessible to most traditional and conventional methods for any reason’, ‘those who have traditionally been under-represented’ or ‘people who are hard to engage with on a positive level’.*

*2.3 The Council would like to increase participation from all sectors of our community and pay particular regard to the needs of different race and disability groups. ...”*

1.6 The report to the LOCAL PLAN CABINET ADVISORY GROUP (LP CAG) 18 NOVEMBER 2014<sup>1</sup> indicated:

There are two options that the LP CAG has considered and these are:

- (i) *“To agree the Draft Thanet Local Plan to 2031 Preferred Options Document and recommend to Cabinet that it approves the document for a six week period of public consultation.*
- (ii) *Not to agree the Draft Thanet Local Plan to 2031 Preferred Options Document for consultation.”*

1.7 It was further noted that:

*“Legal advice has been sought in relation to the consultation process that should be carried out in order to meet the statutory requirements. It is important that the consultation process should inform the process of option selection i.e. **that consultees have a genuine opportunity to influence the decision made. This requires consultation on all reasonable alternative options not just in relation to sites but also in terms of levels of development, how that development should be distributed and how it should ultimately be managed.**”*

1.8 The LP CAG agreed to recommend<sup>2</sup> to Cabinet that:

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<sup>1</sup> <http://democracy.thanet.gov.uk/documents/g3889/Public%20reports%20pack%2018th-Nov-2014%2014.00%20Local%20Plan%20Cabinet%20Advisory%20Group.pdf?T=10>

<sup>2</sup> <http://democracy.thanet.gov.uk/documents/g3889/Printed%20minutes%2018th-Nov-2014%2014.00%20Local%20Plan%20Cabinet%20Advisory%20Group.pdf?T=1>

*“the Draft Thanet Local Plan to 2031 Preferred Options Document be approved for a six week period of public consultation.”*

- 1.9 The report to the EXTRAORDINARY OVERVIEW AND SCRUTINY PANEL (EOSP) 27 NOVEMBER 2014<sup>3</sup> highlighted the importance and processes for consultation. It was indicated that:

*“1.3 To meet its statutory obligation to produce a “Sound” Local Plan, the Council has prepared the Draft Thanet Local Plan to 2031 Preferred Options document for consultation. This is the second stage of public consultation for preparing the local plan and builds on the Stage One “Issues and Options” consultation that was Agenda Item 3 Page 1 undertaken between June and August 2013. The views represented by the local communities and stakeholders have assisted in formulating the future preferred options for the growth, development and regeneration of the district.*

***1.4 Community and stakeholder participation and consultation at various stages of the preparation are important elements for producing a “Sound” Local Plan. This also includes consultation with the neighbouring councils, public agencies, service providers and statutory service and infrastructure providers.”***

.....

**“4.0 Public Consultation**

*4.1 The proposed consultation on the Preferred Options Document of the Draft Thanet Local Plan to 2031 is an informal consultation stage in the preparation of the Local Plan. However it is an important stage in examining the future policy direction of growth and development in the District and this stage provides a significant opportunity for meaningful engagement with the local communities and stakeholders before the more formal consultation on the Pre-submission Document of the Draft Thanet Local Plan. The consultation will be for a period of six weeks, beginning week commencing in January 2015*

*4.2 It is intended that there will be wide publicity to promote this consultation and up to four roadshow events will be organised around the District. These will be in Margate, Ramsgate, Broadstairs and Westwood Cross. The roadshow at Westwood Cross will on a Saturday. These will provide the local community the opportunity to discuss any local issues and to get information on development and growth proposals and how they can respond. Further events will be arranged at the request of the community groups.*

*4.3 There will be briefing session for the Parish and Town Councils to inform them of the Local Plan and to encourage them to promote the consultation in their areas. Should the Parish and Town Councils request a briefing session or meeting to discuss the impact of the Local Plan on their locality then officers will arrange to meet with them.*

*4.4 There will be a dedicated information page on the Council’s website that will direct visitors to the Local Plan consultation link. Limited number of copies of the Preferred Options consultation document will be available. Specific effort is being made to engage with the local youth through a roadshow session with the local sixth form schools and colleges.”*

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<sup>3</sup> <http://democracy.thanet.gov.uk/documents/g3938/Public%20reports%20pack%2027th-Nov-2014%2019.00%20Overview%20and%20Scrutiny%20Panel.pdf?T=10>

1.10 The minutes of the EOSP 27 NOVEMBER 2014<sup>4</sup> indicate that:

*“Mr Mohammed said that the informal public consultation would need to be started in January 2015, leading up to the pre-submission document being considered by Cabinet and Council in time for formal public consultation from September 2015. He said that it was important to provide evidence to the Inspector at the Plan examination stage that Council had consulted local residents and neighbouring districts. The Inspector would have to determine the soundness of the Plan. As part of the consultation, Council was planning to hold six road shows, engage young people; that included holding a 6th formers Conference or meeting each college. Email notifications and social media would be used to engage the public.*

*Some members of the Panel were concerned about the length of the consultation period. They suggested that the informal consultation period be set at three months and not six weeks. They indicated that the document was voluminous and therefore the public needed more time to study it. Other members suggested that a summary of the draft Plan document with definitions of some of the key terms used, be produced to go alongside the main document in order to for the public to understand better the proposed Plan. Madeline Homer advised the meeting that because of the upcoming elections in May 2015 and related Purdah period, increasing the consultation period may delay the timetable for producing and adopting the Local Plan.”*

1.11 It should be noted that the concerns were expressed about the time of the consultation being contained to six weeks **and up to four roadshow events will be organised around the District. These will be in Margate, Ramsgate, Broadstairs and Westwood Cross. The roadshow at Westwood Cross will on a Saturday.**

1.12 Progress on The Local Plan was next reported to the Full Council Meeting on 4 December 2014<sup>5</sup>

The Leader advised on progress of a number of items including:

*“The Local Plan, would go to public consultation from 5 January;*

.....

*“Councillor King, as leader of the Independent Group, drew Members attention to the proposal to allow 1000 additional houses in Westgate as part of the Draft Local Plan. Councillor King felt that the proposed consultation that would start on 5 January and last for six weeks, would not be sufficient to effectively consult on what would be such a significant development. Councillor King suggested that everybody in the affected areas of Westgate and Garlinge should be written to in order to ensure the consultation reached every home. 8 The Leader agreed that this would have a significant impact on the area; **she noted that when the Government dictates the allocation of 12000 homes by 2031**, the distribution of those homes could be challenging. The Leader highlighted the important role that Ward Councillors had to play in*

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<sup>4</sup> <http://democracy.thanet.gov.uk/documents/g3938/Printed%20minutes%2027th-Nov-2014%2019.00%20Overview%20and%20Scrutiny%20Panel.pdf?T=1>

<sup>5</sup> <http://democracy.thanet.gov.uk/documents/g3462/Printed%20minutes%2004th-Dec-2014%2019.00%20Council.pdf?T=1>

raising public awareness and offered to ask Councillor Nicholson, the Cabinet Members responsible for housing, if it would be possible to hold a presentation at the next Westgate Resident's Association meeting. She also noted that there was a programme for public meetings which had been recently agreed. **The Leader expressed concerns at the cost of writing to all residents, and highlighted that the Draft Local Plan should not come as a surprise as discussions had been taking place for years before it was published.**"

- 1.13 The Local Plan was subsequently reported to Cabinet who held an extraordinary meeting on 11 December.

The report to the EXTRAORDINARY CABINET (EC) 11 DECEMBER 2014<sup>6</sup> indicated:

*"The Overview and Scrutiny Panel welcomed the opportunity to consider the Draft Thanet Local Plan to 2031 Preferred Options Document and noted the process that has been followed in preparing the Local Plan document, the engagement with Members, future project programme for progressing the Local Plan to adoption by the Council and the programme for community and stakeholder consultation on the Preferred Options. Number of comment/observations made included:*

- *considering the important stage for engagement with the local communities, the period for consultation should be longer than six weeks to allow more time to review the document and to respond."*

....

#### *"6.0 Next Steps*

*6.1 Following the consideration and approval of the report by Cabinet, the Preferred Options Document should be progressed for six weeks public consultation.*

*6.2 On the conclusion of the six weeks public consultation, the LPCAG should be reconstituted to review all the representations received to the Preferred Options Document and to progress the Thanet Local Plan to the next stage by preparing the Draft Thanet Local Plan to 2031 Pre-submission Document for formal consideration of Cabinet for Regulation 18 Consultation."*

- 1.14 It can therefore be seen that there considerable disquiet has been expressed around the manner of consultation, with an initial six weeks being allocated for this process. This was subsequently increased to eight weeks (the authority for this is unclear). However, this falls short of the ten weeks eventually allocated to the earlier first stage Options Consultation as confirmed in the Council's Annual Monitoring Report (AMR) April 2012 to December 2013<sup>7</sup>.

The AMR indicated:

*"The Issues and Options Consultation on the Local Plan (Public Participation 2012 Regulation 18) has taken place. This was commenced in line with the milestone set out in the LDS, on 3rd June 2013, and ran until 14th August 2013. The consultation finished two weeks after the timetable specified in the LDS, as it was decided that **the consultation should run for ten***

<sup>6</sup> <http://democracy.thanet.gov.uk/documents/g3925/Public%20reports%20pack%2011th-Dec-2014%2019.00%20Cabinet.pdf?T=10>

<sup>7</sup> <http://thanet.gov.uk/publications/planning-policy/thanet-local-plan-monitoring-report-2013/monitoring-of-local-development-scheme/>

**weeks, rather than eight weeks as was originally envisaged. This was to ensure that, people had sufficient time to consider the issues fully, be able to attend consultation events that were planned and be able to provide responses.**

*The next milestone set out in the LDS is a second Regulation 18 Public Consultation, which will be a consultation on the Preferred Option Draft Local Plan. The current LDS expects this to take place during January and February 2014."*

....

***"It will however be necessary to put back this consultation for a few months, to provide sufficient time to consider and fully assess the options for potential housing sites needed to accommodate the District's objectively assessed need for housing in line with national policy. The Council is keen to ensure that we have fully considered all of the options, and the infrastructure requirements, including ensuring that we will be able to deliver the necessary transport infrastructure required to support future housing growth. The LDS will therefore need to be amended to reflect the revised timetable."***

- 1.15 WWRA therefore consider that there has been an inconsistent approach to the time allocated to the consultation on the Local Plan and that inadequate time has been allocated to this notwithstanding the acknowledged importance of the need for consultation, the aims of the SCI and the concerns highlighted by members. In essence, the greater the complexity of the consultation the less the time allocated, which also appears to have been driven by cost considerations and the proximity to the upcoming elections!

These concerns are further acknowledged by Councillor Ian Driver on behalf of the Green Party who indicates<sup>8</sup>:

*"Dear Mr Pickles*

*I am writing to express my concern and anger about the way in which Thanet District Council is managing public consultation on its Local Plan. The consultation period is 8 weeks ending on 9th March. The consultation document is 262 pages long plus at least 200 pages of supporting documents. The consultation is taking place over the school half-term holiday when many parents and grand-parents are spending their time caring for children and will not have the opportunity to study and reply to the long and complex consultation documents".*

....

*"Cabinet Office 2013 publication Consultation Principles: guidance which, although aimed at Government departments is an important model of best practice for local government as well. The document states that "where the consultation spans all or part of a holiday period (such as half-term school holidays - my insertion) policy makers should consider what if any impact there may be and take appropriate mitigating action". It goes on to say "The amount of time required will depend on the nature and impact of the proposal (for example, the diversity of interested parties or the complexity of the issue, or even external events - (such as other consultations taking place at the same time - my insertion)),... For a new and contentious policy, 12 weeks or more may still be appropriate". Sadly Thanet's Labour and Conservative*

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<sup>8</sup> <http://thanetgreencouncillor.blogspot.co.uk/>

*councillors did not support my request for a minimum 12 week consultation period. Nor does it appear that allowances for school holidays and other consultations have been made.”*

### **The Method of Consultation**

- 1.16 The Council has placed strong emphasis on the need to promote the consultation through electronic communications and a series of road shows.
- 1.17 WWRA is concerned that the Council has not undertaken sufficient consultation. Councillor Tom King pressed the point that, as referred to earlier, everyone in the affected areas should be written to. This approach was not accepted by the Council. Westgate, Garlinge or Birchington, being localities affected by major levels of housing proposals, were not scheduled for formal drop-in sessions during working hours. WWRA organised an evening meeting which was subsequently attended by TDC. This was attended by some 300 people, with a 100 or so being excluded. It was evident that many member of the community had little awareness of the Local Plan or, for that matter, the earlier first stage consultation on the Options. This view has subsequently been reinforced by door-to-door interviews and drop-ins to the local community centre – it is estimated that some 50% of the local population, many of whom are retired, are unaware of the Local Plan.
- 1.18 It is clear that the method of consultation has been driven by cost considerations, a point further reinforced by Councillor Ian Driver:

*“Only 350 hard copies of the Local Plan have been printed. 56 of these copies are for councillors and 30 for local libraries. That leaves 264 copies for a population of 131,000! The Council have told me that they are charging £13 per copy of the local plan. 5 of the Local Plan drop in sessions organised by the Council have been held during the day on workdays, which prevents people with jobs from attending the sessions.”*

- 1.19 WWRA will be seeking clarification on the nature and format of written responses received from Westgate and Westbrook, also as a proportion of the whole.

### **The Nature of the Consultation**

- 1.20 WWRA are concerned on a number of fronts.

An earlier report to CABINET 22 JANUARY 2013<sup>9</sup> included:

- 1.22 “Progress in 2012

*2.5 Since the adoption of the current LDS in 2012 work has continued mainly in evidence collection. One element of this has been work to identify housing numbers for the district. The proposed revocation of the South East Plan through the Localism Act 2011 means that **determining housing numbers now falls at a local level**, rather than regionally through the Regional Spatial Strategies. Throughout 2012, the Council has been working with Kent County Council to develop potential options for housing numbers over the period 2011-2031. In relation to this there has been the need to commission economic projections, which needed to be informed by the Council’s draft economic strategy. This work has taken longer than was*

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<sup>9</sup> <http://democracy.thanet.gov.uk/documents/g2693/Public%20reports%20pack%2022nd-Jan-2013%2019.00%20Cabinet.pdf?T=10>

*envisaged at the time of the current LDS, and is the main reason why the milestones in the current LDS have not been met.*

*2.6 Other evidence that has been completed in 2012 or is currently in progress includes:*

- *Economic Viability*
- *Transport Modelling*
- *Strategic Housing Land Availability Assessment Update*
- *Settlement Hierarchy*
- *Strategic Housing Market Assessment Review*
- *Town Centre Needs Assessment*
- *Economic and Employment Assessment and Employment Land Review Update*
- *Natural Environment Background Paper*
- *Landscape Character Assessment Update*
- *Water Cycle paper*
- *Village Audits*

*There is significant work that needs to take place prior to the Stage 1 consultation. This includes identifying all strategic options and generic policy options, re-scoping the Sustainability Appraisal, which involves a consultation with statutory consultees, followed by testing of all options against the objectives, and refining the options. This is alongside preparing the consultation document, continued targeted consultation with key stakeholders, and **finalising all of the evidence and background documents**, including a number of topic papers, **which will be used to justify and inform the options proposed**. It is envisaged that the draft consultation document will be prepared for April 2013, to enable a Cabinet meeting in May 2013.”*

....

*“2.18 Subject to Cabinet agreeing the document for consultation, all material will be prepared for the consultation, and public consultation will take place during June and July 2013. Following the consultation, a review of all comments received will take place, and will be used to inform the next stage of the process. At this stage preferred options will be considered and options will be generated in relation to site allocations and other detailed matters. The draft Local Plan document will be written as well as **preparing the consultation documentation, updating and finalising evidence and background documents**. It is envisaged that the draft document will be ready by the end of November 2013, with Cabinet and Council meetings to follow.”*

....

***“Legal advice confirmed that the two stage consultation is the only reasonable option for the consultation process, stating: ‘This approach has the advantage of genuinely facilitating the front end loading of a Local Plan but without pre-determining issues before the consultation has begun. The risk of moving from a high level options consultation straight to a***



*pre-submission draft Local Plan is that there is considerable scope for consultees to raise new points very late in the plan making progress. This frequently requires Councils to advance proposed changes (of varying) significance to ensure soundness which in turn require consultation for which the Regulations in fact make no formal provision. For the same reason, it would be inappropriate to combine stages 1 and 2 of the consultation. That course risks creating at best a consultation deficit and **at worst a very confusing consultation process**. To consult on site allocations before there has been any consultation on the revised strategy to 2031 reduces the effectiveness of the consultation process and increases the risk that consultees will raise issues which require significant or perhaps radical re-thinking.”*

- 1.23 WWRA is concerned that much emphasis has been placed by the Council, reinforced by Members in various forms, that the 12,000 housing growth figure is being dictated as a government directive. WWRA consider it has not been made clear that, as set out above, the level of housing growth should be determined at a local level, based on an objective, evidence based needs approach. To commend the view that the 12,000 growth figure is a government directive is incorrect and, in WWRA’s view will deter people, particularly the elderly, from bothering to respond as it will be seen as ‘done deal’.
- 1.24 It is also submitted that the Local Plan consultation is flawed in that, as noted above – both in the AMR and the report to Cabinet in 2013 – there was a need to provide a range of evidence in support of the stage two consultation process. It is evident through examination which has been acknowledged in public that the Local Plan requires further supporting information for example such as viability assessments, transport and implementation delivery plans among other matters. The public are now being asked to consider the Local Plan without the full supporting information in direct contradiction to the earlier identified views.
- 1.25 The responses to door to door and drop-in sessions conducted by WWRA indicate that the community, aside from being disconnected by the process, have found it to be very confusing. Aside from the members of community who do not have access to electronic communication, those who have been able to do so have expressed considerable disquiet around the complex, time consuming nature of the questionnaire.
- 1.26 Again, Councillor Ian Driver, further highlights concerns on this matter:
- “Although I am committed to E-Government, Thanet District Council is making little provision for people who do not have access to the internet to be included in the consultation”*
- 1.27 WWRA will be seeking a detailed analysis of the responses received through the electronic mediums.
- 1.28 Lastly on the issue of consultation, and also of relevance, a complaint has been registered to the Plain English Campaign<sup>10</sup>.

This further supports the above concerns and indicates:

*“A Thanet resident has sent in a complaint about a 263-page planning consultation document which is 'very hard to understand'. There's also a questionnaire, which runs to 99 pages.*

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<sup>10</sup> <http://www.plainenglish.co.uk/news/1158-poor-form.html>

*It's worth pointing out that Thanet has the highest number of residents over age 65 in Kent. How likely is it then, all things considered, that many of Thanet's residents will read and respond to the consultation?"*

.....

*"The resident who contacted us suggested that 'the reason it has be set out like this is to reduce the responses'. Could it be that the planned changes are likely to be unpopular, so the less everyone knows about them the better? That would make sense, and has certainly been the case in the past."*

## **2.0 DUTY TO CO-OPERATE**

- 2.1 It will be necessary for the Council to demonstrate to the satisfaction of an Independent Inspector in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended); that the Local Plan's preparation has complied with the Duty to Co-operate, in the knowledge that there is no scope to resolve any failure in this matter. Beyond this it is necessary to demonstrate that the Local Plan is sound and compliant with the legal processes.
- 2.2 The National Planning Policy Framework (paragraph 182) (NPPF) makes clear that to be sound, a local plan should be positively prepared; justified; effective and consistent with national policy.
- 2.3 The starting point for any examination is the assumption that the local authority has submitted what it considers to be a sound plan, which will presumably incorporate the current consultation and supporting documents together with responses received and a demonstration of how a future submission draft has incorporated any changes arising.
- 2.4 As part of the assessment of Duty to Co-operate, the Council will, among other matters, need to demonstrate that:
  - It has engaged constructively with relevant bodies prescribed in s110 of the Localism Act 2011, together with other organisations, to ensure that cross boundary issues are properly coordinated and addressed; and
  - There has been close collaboration between the District Council and other local authorities, statutory agencies, infrastructure providers, and delivery stakeholders.
- 2.5 Positive, constructive engagement is a vital ingredient of the local plan system.
- 2.6 The following Freedom of Information Act Question was asked of the Council:
- 2.7 Could you please confirm what consultations have been undertaken under The Duty to Co-operate prior to the current consultation on the Local Plan with the following:
  - a) Adjacent local authorities;
  - b) The Mayor of London and any London Borough; and

c) Any Housing Association or Housing Provider.

2.8 The Council responded:

*“We are not required at this stage to prepare a “duty to cooperate” statement, but we will be doing so for the next stage of consultation.”*

2.9 WWRA are concerned that this answer does not address the question in that it focuses on process rather than confirming what particular consultations may or may not have been made. Moreover, it is also clear that many matters which would be within the preserve of the relevant bodies have yet to be adequately demonstrated or dealt with in the Local Plan. This severely diminishes the robustness and soundness of the current proposals.

2.10 There is deep suspicion as to the motives behind the Local Plan as set-out in a Statement from Sir Roger Gale MP<sup>11</sup>:

*“It clearly is not good enough for the County’s housing requirements to be dumped upon East Kent with little thought as to what the predicted thousands of people who will occupy new homes might do to earn an income to support those families. At the same time we need to recognise that there is already, and without attracting incomers from London or beyond, a significant housing need locally that must be met. Laura Sandys and I have already sought to challenge the concept that it is somehow in order for Inner-London Boroughs to seek to acquire, not directly but via the back-door of private landlords, properties in which to locate some of their problem families. We shall continue to challenge that practice insofar as we are legally able to do so and most certainly expose it as and when it takes place. Thanet needs housing for Thanet’s own.”*

2.12 It is also noted that the adjacent local authorities are responding to the Council. Dover District Council’s Cabinet considered a publicly available report on 2 March<sup>12</sup>. This indicated among other matters:

*“The main issue of concern relates to the Duty to Cooperate. The Localism Act 2011 and NPPF places a legal duty on Local Planning Authorities to cooperate with neighbouring authorities and other prescribed bodies when planning for strategic matters. It is considered that Thanet DC has not fully undertaken this legal duty.*

*2.8 Dover District Council has not been consulted on the evidence base that has formulated the proposed housing figure (total 12,000, p. 53), the employment growth and job predictions (a minimum of 5,000 additional jobs, p. 28) or the proposed provision of retail floor-space (34,300 sq. m of comparison goods and 3,941 sq m of convenience goods, p. 35). Moreover, there has been no up-to-date evidence base published with the Plan (such as a Sustainability Appraisal or Habitat Regulations Assessment) which could have informed our response. These matters could all potentially have cross-boundary issues on the Dover District.*

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<sup>11</sup><https://www.facebook.com/Westgate1000houses/posts/340097266183869>

<sup>12</sup><http://moderngov.dover.gov.uk/documents/s11799/Draft%20Thanet%20Local%20Plan%20to%202031%20Preferred%20Options%20Consultation.pdf>

*2.9 Without any involvement in the preparation of this evidence base Officers are struggling to reach any helpful conclusions. Officers are, therefore, recommending that the Council reserves its position until these matters have been addressed.*

*2.10 It is extremely disappointing that as a neighbouring Local Planning Authority, Thanet District Council has not entered into a constructive, active dialogue with Officers from Dover District Council under the Duty to Co-operate prior to the publication of the Preferred Options Consultation Document. It will be essential that Thanet DC engages in a constructive active and on-going dialogue with Officers and Members of Dover District Council from now on, especially on cross boundary issues and strategic matters (e.g. housing, employment, retail and infrastructure)."*

2.13 It is understood that Canterbury City Council has also responded to the Local Plan – their views are unknown at this stage but are being sought.

2.14 In conclusion WWRA consider that there is no evidence has been presented to demonstrate that adequate account of the Duty to Co-operate has taken place in the preparation of the Local Plan

### **3.0 NPPF POLICY ROBUSTNESS, SOUNDNESS AND COMPLIANCE**

#### **Introduction**

3.1 WWRA has undertaken an assessment of the Local Plan and sets out the following views having regard to the NPPF, NPPG, DCLG Guidance and recent Ministerial Statements.

The National Planning Policy Framework NPPF March 2012 & Planning Practice Guidance 6/3/14, makes provision that all Local Councils must produce a Local Plan. The NPPF Annex 2: Glossary, defines The Local Plan, thus:

“The Plan for the future development of the local area, drawn up by the local planning authority LPA in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004.”

#### **3.2 NPPF clauses state:**

111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

NPPF Annex 2: Glossary

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
157. Crucially local plans should.....
- Be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;
158. Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.”
160. Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:
- work together with county and neighbouring authorities and with Local Enterprise Partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market; and
  - work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.
161. The needs of the food production industry and any barriers to investment that planning can resolve.
162. Local planning authorities should work with other authorities and providers to:
- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and
  - take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.
169. Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.

170. Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.

182. Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

3.3 The Department for Communities Land Local Government Select Committee Operational Review of NPPF - December 2014<sup>13</sup> concluded with the following key recommendations which are relevant to the Local Plan, particularly where highlighted in bold text:

*“We recommend that the Government take appropriate steps to impress publicly upon both the Planning Inspectorate and local authorities the importance of giving equal weight to each of the three dimensions of sustainable development, as required by the NPPF. Both the Planning Inspectorate and local authorities, when they make their decisions on planning applications, should set out clearly how all three factors have been considered as part of the decision-making process.”*

....

*“We recommend that the Government issue guidance reminding local authorities and the Planning Inspectorate of the **importance of timely infrastructure** provision to delivering sustainable development. In setting out the reasons for approving development, **decision-makers should fully explain the consideration they have given to its impact on infrastructure and explain how and where they expect the infrastructure to be provided, and to what timetable.**”*

....

*“The NPPF provisions on the natural environment have an important role to play in ensuring sustainable development is delivered. Local authorities are missing an opportunity if they do not set out a clear vision for the biodiversity of their area. Moreover, if they do not set out clear policies in respect of the environmental aspects of sustainable development, it may be harder to resist the economic aspects taking a more dominant role. **We strongly encourage all local authorities to make the natural environment an important theme in their local plans.** To do so, smaller authorities may need to tap into ecological skills available elsewhere, be it in other local authorities or the Planning Advisory Service.”*

....

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<sup>13</sup><http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/190/190.pdf>

## Local Plans

*“We recommend that the Government amend the NPPF to make clear to local authorities **that they should be looking to reduce the complexity and increase the accessibility of their local plans.** This should be accompanied by guidance about the key elements plans should contain. We also consider it incumbent upon planning inspectors to **advise local authorities at an early stage against producing excessively lengthy plans.**”*

.....

*“We recommend that the Government consult on options to allow for the partial adoption of local plans, if necessary through a change in statute. In the meantime, the Planning Inspectorate should do what it can within the existing framework to ensure local authorities do not find themselves in the frustrating position of having their plans found unsound—especially if earlier advice from planning inspectors could have stopped this happening. In particular, inspectors should give councils as much advice and support as possible during the early stages of plan production. Moreover, while the action taken by the inspector in the case of the Dacorum local plan was determined by local circumstances, nevertheless inspectors should be encouraged to learn from this example and **consider the potential for innovative and flexible approaches that will enable councils to get their plans adopted, even if the need for an early review is identified.**”*

....

*“We recommend that the Government issue guidance making clear that assessments of site viability should consider not only current prices and costs but projections of prices and costs over the next five years. **The guidance should state that assessments should be transparent, that is ‘open-book’, so that the developers’ finances in relation to the specific site are open to scrutiny, and consider developers’ own projections for future viability.** In addition, the Government should work with local authorities and the house building industry to agree the wording of new guidance setting out a standard approach to determining viability.”*

....

*“We recommend that the Government work with local government and the house building industry to revise its guidance on strategic housing market assessments and produce an agreed methodology. Inspectors should then be required to test SHMAs against this methodology.”*

....

*“We recommend that the Government issue guidance reminding local authorities and the Planning Inspectorate of the importance of **timely infrastructure provision to delivering sustainable development.** In setting out the reasons for approving development, decision-makers should **fully explain the consideration they have given to its impact on infrastructure and explain how and where they expect the infrastructure to be provided, and to what timetable.** (Paragraph 16).”*

3.4 The Housing Minister Brandon Lewis Ministerial Statement – Hansard 3 February<sup>14</sup> included:

*“The national planning policy framework is clear that the purpose of planning is to deliver sustainable development, **not development at any cost or anywhere. The framework was introduced after the abolition of the unpopular, top-down regional strategies. It sets out a clear approach to enable local planning authorities to determine the overall housing requirement for their area.**”*

*Our protection of the green belt also extends to planning decisions. Most types of new buildings are inappropriate for green belt land and are, by definition, harmful to it. Such developments should not be approved.”*

....

*Brandon Lewis: “I fully acknowledge the concern that Leeds city council based its assessment on the 2008 household projection figures, rather than the lower 2012 projections, which were based on the 2011 census findings. **Furthermore, on examination, the inspector recognised that concern and others expressed about the council’s approach, so they inserted a requirement for the local authority to monitor evidence regarding housing need. They agreed to a lower housing requirement for the first years of the (3 Feb 2015: Column 55WH) plan, the number will be stepped up in later years—to enable people to keep an eye on the plan.** My Department will publish updated household projection figures shortly, which may influence future housing need.”*

....

*Brandon Lewis: “It is difficult for me to comment on a particular local plan. More generally, if there is clear evidence that things are changing in an area, it would be appropriate and sensible for the local authority to conduct an early review. (3 Feb 2015: Column 56WH) except in special circumstances.*

*Each planning case has unique facts and a unique context, and it must be determined on its own merits, so we cannot create a list of special circumstances. **However, our planning guidance makes it clear that unmet housing need, including need for Traveller sites, is unlikely to outweigh harm to the green belt.***

*Brandon Lewis: **My hon. Friend puts it succinctly, and I am sure that his residents will be hanging on those words. Leeds city council has a duty to do what is right for its area, and it should be listening to its residents to ensure that it protects the special environment where they live and which they enjoy.** When I am out visiting communities and speaking to constituents, I hear widespread support for the need to provide more housing. **That sentiment has been expressed in this debate. However, that support is often swiftly followed by concerns about where the houses will be built, and understandably so. We love our countryside.** The Government have therefore handed local councils the responsibility for planning to meet the local needs, **but meeting our housing goals cannot justify approving the wrong development in the wrong location.** The Government expect councils to utilise*

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14

<http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm150203/halltext/150203h0002.htm#15020356000240>



*brownfield sites, and we aim for 90% of those sites to be developed by 2020. We are putting in hundreds of millions of pounds to fund their development. We are making it clear to councils that we expect them to develop brownfield sites first and protect our country's green belt."*

- 3.5 In assessing the Local Plan, WWRA has a number of concerns beyond those already mentioned around process and procedure. These relate to the following subject areas which are dealt with in turn:

Housing Growth

Agricultural Land

Green Wedge

Landscape, Ecology and Countryside Considerations

Conservation

Infrastructure

Transportation

Viability

Deliverability and Affordability

ALLOCATIONS

#### 4.0 **ASSESSMENTS**

##### 4.1 **Housing Growth**

##### 4.2 **Issues:**

The Local Plan is predicated on a level of housing growth of 12,000 units. The Experian<sup>15</sup> report that has been used to inform an optimistic employment led approach, rather than a needs based approach, indicates the following baseline approach:

"We forecast an additional 3,100 jobs over the next two decades in Thanet with continued growth in the service sectors and declines within manufacturing".

The report also highlights the optimistic and pessimistic approach highlighting the prospects of a ceiling of 5000 jobs with a floor of 1900 fewer jobs than the baseline figure.

It should also be noted that Thanet is already ranked as the 3<sup>rd</sup> most densely populated area in Kent, being ranked 1<sup>st</sup> for the 65+ age band.

A Housing Growth Topic Paper has been prepared on behalf of WWRA. This is attached at **Appendix A** and examines the case for Housing Growth in more detail, questioning the foundations to the assumptions in the Local Plan.

##### 4.3 **Conclusions:**

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<sup>15</sup> <http://www.thanet.gov.uk/pdf/Thanet%20Economic%20and%20Employment%20Assessment%202012.pdf>

Inspection of the AMR confirms the slow rate of development of strategic employment sites and the previous growth trajectory. There is no evidence that WWRA is aware of to demonstrate that this trend will change. The Local Plan therefore predicates the high growth scenario on the assumptions that the tourism and green sectors will have high growth which will also reduce the existing unemployment by a half to circa 3%.

WWRA consider that it is unacceptable to promote a high growth scenario, and the associated 12,000 housing growth figure, based on optimism rather than evidence particularly when the level of development has so many other uncertainties attached to it.

In this respect, WWRA, while offering no view on the future of Manston, consider that until this matter is resolved the in-combination effects of the future of the airport are vital to inform any future employment and housing needs. Consequently, WWRA consider that the proposed level of growth of 12,000 is both premature and inappropriate based on current experiences and historic trajectories. To increase growth at the level proposed, will cause further demonstrable problems associated with the already dense and ageing nature of Thanet residents. A maximum level of growth of circa 7,500 units over the Local Plan period may considered to be proportionate providing the release of sites follows the job growth rather than leads. However, in reality, the actual growth figure may be lower, particularly if brown field and empty properties – various confirmed between 3000 to 4000 units – are used to best effect as advocated by Brandon Lewis.

See the earlier mentioned attached Topic Paper.

The inclusion of allocations, ST1 and ST2, would, in the opinion, of WWRA forever change the character and nature of Garlinge and Westgate in an entirely disproportionate manner and should be removed.

#### 4.4 Agricultural Land

#### 4.5 Issues:

WWRA has investigated the soil quality of ST1 and ST2. The following map is the London and South East Region Agricultural Land Classification. The areas of blue are grade 1 agricultural land (excellent soil). This map shows that there is only limited amount of grade 1 soil in the SE.

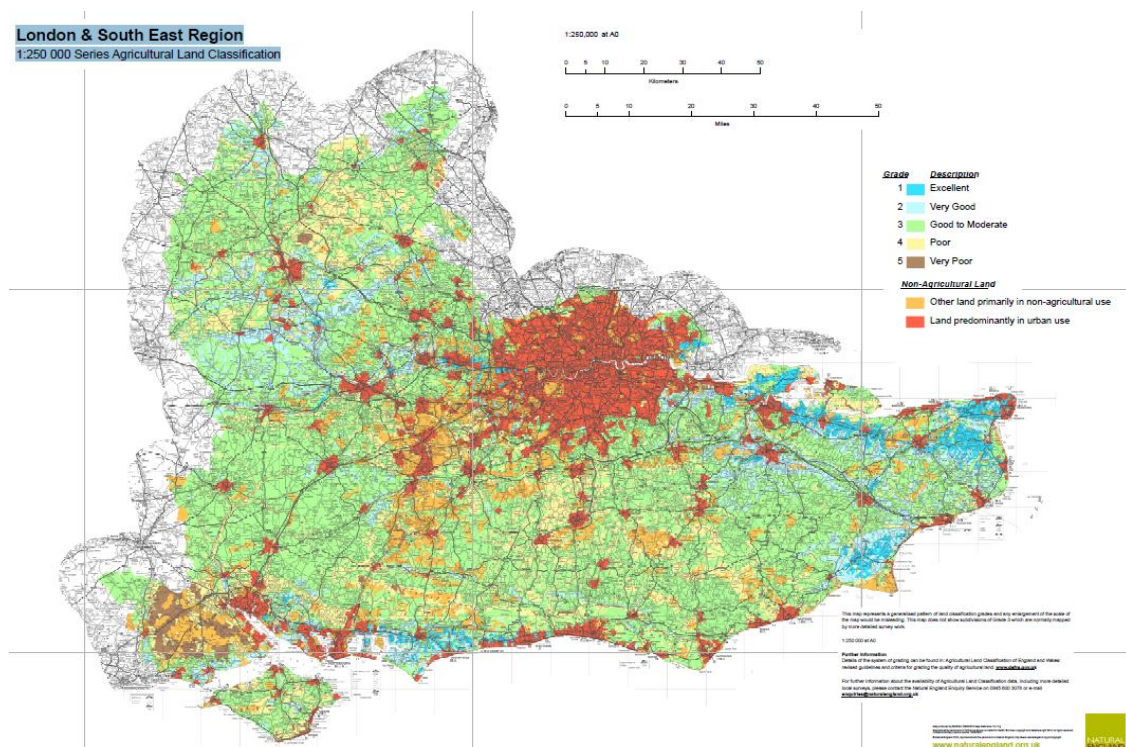
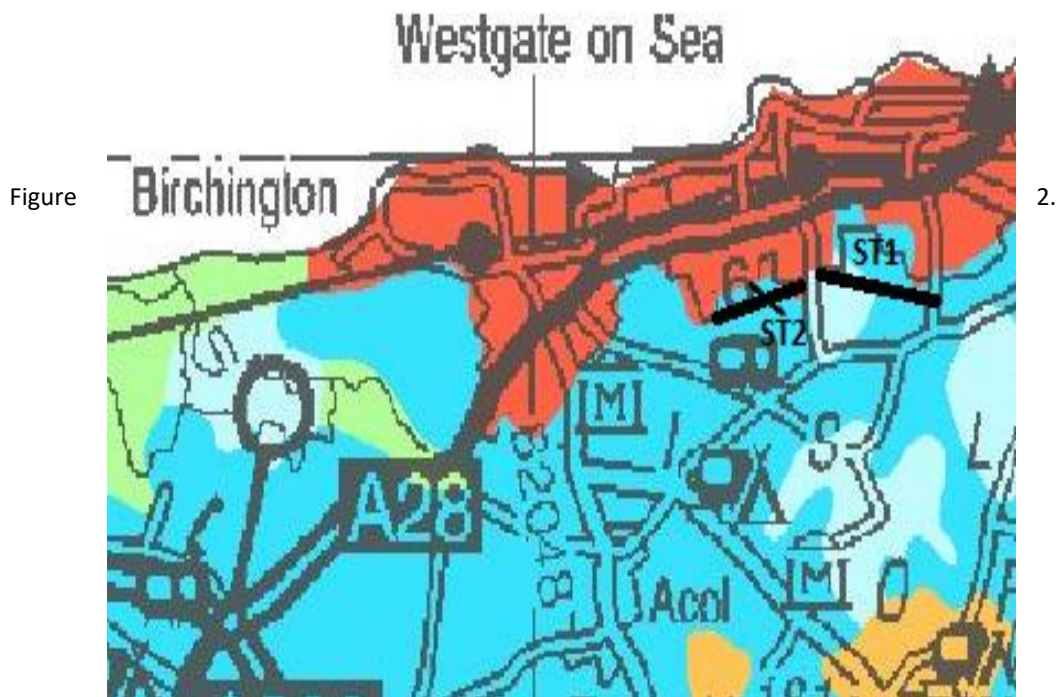


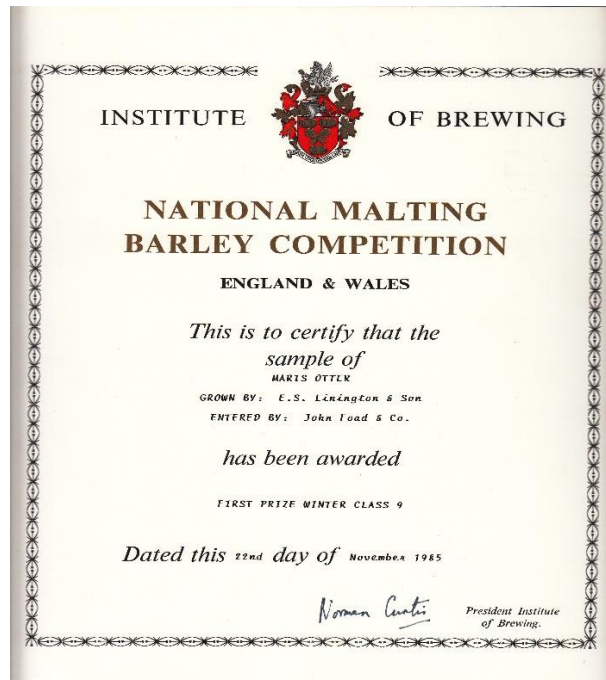
Figure 1. London and South East Region Agricultural Land Classification

It is clear that grade 1 soil is concentrated in Kent and especially in the Isle of Thanet. It was possible to expand the image to zoom into the Isle of Thanet. Below is a soil map including the ST1 and ST2 sites:



Westgate on sea soil map. Taken from London & South East Region 1:250 000 Series Agricultural Land Classification map

It is clear that ST1 and ST2 are grade 1 soil – the darker colour blue. (Grade 2 is the lighter colour blue). Dr Hilary Newport from the CPRE has confirmed that this is the case. A local resident has confirmed that this area has won awards for the quality of crops grown on them:



Dr Hilary Newport stated in an e mail that *“Thanet has a high proportion of the UK's best and most versatile agricultural land and we would completely agree that it should be safeguarded”*.

Trevor Mansfield of the UK soil Association stated: *We believe that high quality agricultural land should be preserved for growing and protected from development both now and in the future. Good quality agricultural land is invaluable - It is the fundamental resource on which human life depends and protecting and improving the health of our soil is more important today than it ever has been. In the UK it's estimated that we lose 2 million tonnes of soil a year through erosion (see Defra's 2009 Safeguarding Our Soils); yet it can take more than 500 years to generate an inch of soil.*

*Soil stores 10 times more carbon than the forests. Climate change will bring even greater challenges in the future, with increased pressure due to waterlogging and drying, affecting the productive capacity of soils. More than 50% of Grade 1 soils in the UK are at risk from rising sea levels”*.

It is clear that the soil association really value high quality soil, for future food production and as a store of carbon, helping to buffer climate change.

#### 4.6 Conclusions

Paragraph 112 of the NPPF states that the LPA should take into account the economic and other benefits of the best and most versatile (BMV) agricultural land, and that where significant development of agricultural land is demonstrated to be necessary, local authorities should seek to use areas of poorer land in preference to that of a higher quality.

High quality agricultural land is valued because of its important contribution to food production, while offering much greater potential than poorer land for growing alternative fuel/energy crops. In a technical note by Natural England (TIN049 Second edition 19 December 2012 [www.naturalengland.org.uk](http://www.naturalengland.org.uk)) they state that poorer areas of agricultural land should be used before higher grades and that the government values protecting the best and most versatile agricultural land:

*“Agricultural Land Classification: protecting the best and most versatile agricultural land: Government policy for England is set out in the National Planning Policy Framework (NPPF) published in March 2012 (paragraph 112). Decisions rest with the relevant planning authorities who should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. The Government has also re-affirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35).*

*The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (see Annex 2 of NPPF). This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. Consultations with Natural England are required on all applications for mineral working or waste disposal if the proposed after use is for agriculture or where the loss of best and most versatile agricultural land agricultural land will be 20 ha or more”.*

It is clear that the development should use poorer land before higher quality land. Grade 1 -3a is termed as the best and most versatile land and should be protected. It makes it all the more important to value the land at ST1 and ST2 as it is the very highest quality- grade 1.

As stated above, consultations with NE are required where there is loss of the best and most versatile land of 20 hectares or more.

The NPPG indicates that BMV land:

*“is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations”.*

ST1 and ST2 are grade 1 agricultural soil. Grade 1 soils are excellent, 2 are very good and 3a are good, all three (1-3a) are classified as “the best and most versatile agricultural soil”.

The director of the Committee for the protection of rural England (CPRE) and the Mr Mansfield from the UK soil association believes that we should safeguard high grade soils. This is for the protection of food security and also mitigation of issues around climate change.

The government is committed to seeking to use poorer areas of land when developing areas have also re-affirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35).

The Council in their sustainability report see that there is great value in protecting the best and most versatile agricultural soil, stating aspects such as contributing towards the economy, avoiding increases in flood risk and significant benefits for the protection of greenfield land from development.

WWRA agree with all of these statements and feel that these sites, ST1 and ST2, should not be built on. They should be safeguarded for the future as areas for food production. In England we import a large percentage of food and we do take into consideration food production and food security as much as we should. Building on these areas will only add to this problem and make us more soil poor and food insecure. While some 18 hectares of agricultural land have been lost to solar farms in the past two year recorded AMR period, this is a temporary use whereas building will mean the land is lost forever.

WWRA consider that this asset in the Isle of Thanet needs to be protected for future generations and that the proposed allocations of ST1 and ST2 should be withdrawn for this reason alone.

It is noted that the **CPRE OBJECTS** to the Local Plan and the loss of agricultural land

#### 4.7 **Green Wedge**

#### 4.8 **Issues:**

The Local Plan recognises the form and function of the green wedges, making several references:

“p70 4.7 The three Green Wedges differ in size and character. The largest is the one that separates Margate and Broadstairs. Substantial areas of this Green Wedge consist of high quality agricultural land in large open fields without fences or hedgerows. Other parts have isolated belts of woodland. The other two Green Wedges which separate Birchington and Westgate, and Broadstairs and Ramsgate are considerably smaller but perform a very significant function and, due to their limited extent are also potentially more vulnerable to development pressures.

4.8 There is very limited built development within the Green Wedges. The areas have level or gently undulating landform and generally sparse vegetation. The public perception of space, openness and separation is largely gained from roads and footpaths that run through or alongside the Green Wedges in undeveloped frontages. These factors allow many extensive and uninterrupted views across open countryside, enabling people to find the recreational, scenic or amenity resources they require without having to travel long distances. This is important as it adds to the quality of life and well-being perceived by people in the community.”

4.9 The aesthetics of the Green Wedges are varied, and they are not always access accessible to the public. There is an opportunity to enhance the Green Wedges by creating and enhancing wildlife habitats, for example to encourage farmland birds and to make areas more accessible, potentially for recreation use. This may require changing farming activities.

4.10 The principal functions of and stated policy aims for Thanet’s Green Wedges are:

- Protect areas of open countryside between the towns from the extension of isolated groups of houses and other development;
- Ensure physical separation and avoid coalescence of the towns, retaining their individual character and distinctiveness;
- Conserve, protect and enhance the essentially rural and unspoilt character, and distinctive landscape qualities of the countryside that separates the urban areas, for the enjoyment and amenity of those living in, and visiting, Thanet; and
- Increase access and usability without compromising the integrity of the Green Wedges.

4.11 Local Plan policies have historically been used to prevent urban sprawl, maintain the separation of the Thanet towns and prevent their coalescence, preserving their unique identities. The Green Wedge policy has been consistently and strongly supported at appeals. Inspectors' comments in appeal decisions, and the Inspector's Report to the Thanet Local Plan Inquiry, highlight the significance of the open countryside between the Thanet Towns, in providing visual relief in a highly urbanized area.

4.12 Some areas of the Green Wedges are vulnerable to development pressures, and some sites within them have been suggested as housing allocations. The Council has assessed the sites put forward in the Green Wedges and found that the allocation of some sites proposed in the Green Wedges would cause less harm than others. However, although allowing some small scale development may not significantly diminish the Green Wedge, the cumulative impact of several small scale developments could be of detriment to the Green Wedges and cause new development pressures where there are currently none. It could also set a precedent of releasing Green Wedge sites and result in further development within the Green Wedges which would diminish their functions.

4.13 The Council considers the Green Wedges still perform a highly significant function which overrides the need for development, and should continue to be protected through planning policy and meet the strategic objective of retaining the separation between Thanet's towns and villages with the following policy."

#### 4.9 Conclusions:

The areas ST1 and ST2 indicated in the local plan, while not presently forming part of the proposed network of Green Wedge, nonetheless form an important function. They help define and maintain the identity of Garlinge, Westgate and Birchington, providing separation and structure to the settlements.

The Local Plan recognizes that:

"Green infrastructure includes established green spaces and new sites and should thread through and surround the built environment and connect the urban area to its wider rural hinterland. Consequently it needs to be delivered at all spatial scales from sub-regional to local neighbourhood levels, accommodating both accessible natural green spaces **within local communities and often much larger sites in the urban fringe and wider countryside.**"

For all the reasons set out in the Local Plan, WWRA consider that ST1 and ST2 should be maintained in their current form and that both areas should be formally designated as Green Wedge and not used for development which appears to be a convenient, expedient unfounded proposal. WWRA would also like to understand how the existing Green Wedges

have been assessed in terms of form and function and sustainability profiling by proximity the major services and retail centre at Westwood Cross.

WWRA would also like to understand what evidence informs how and when the Green Wedge land south of King Ethelbert School to West of Somali Farm was designated, by whom and why land to the East of Somali Farm was not included?

#### 4.10 **Landscape, Ecology and Countryside Considerations**

##### 4.11 **Issues:**

Para 4.8 of the Local Plan is also relevant to landscape considerations and indicates:

“There is very limited built development within the Green Wedges. The areas have level or gently undulating landform and generally sparse vegetation. The public perception of space, openness and separation is largely gained from roads and footpaths that run through or alongside the Green Wedges in undeveloped frontages. These factors allow many extensive and uninterrupted views across open countryside, enabling people to find the recreational, scenic or amenity resources they require without having to travel long distances. This is important as it adds to the quality of life and well-being perceived by people in the community.”

The Local Plan - Topic Paper Strategy for the Planned Location of Housing acknowledges the impact of development of greenfield sites in several references. Particular reference is made at para 4.3 which indicates:

“...minimising unjustified development in the Green Wedges or at other locations which would unacceptably erode the physical separation or identity of existing settlements.”

From an ecological perspective:

##### **ST1**

The Local Plan SHLAA indicated:

Ecology - 3 - Potential for minor ecological impacts - The site primarily comprises an arable field. The areas of greatest ecological value are pockets of unmanaged scrubby and wooded areas, and a hedgerow around much of the boundary. The core of the site is of limited ecological value, except for the potential for farmland birds. Surveys for reptiles, bats and birds (breeding and wintering) are likely to be required. The constraint level appears limited and is a reflection of the relative size of the areas of potential ecological interest and the site as a whole; there is some assumption within the constraint level that there is potential for the design to incorporate the retention, protection and enhancement of these areas.

##### **ST2**

The Local Plan SHLAA indicated:

Ecology - 3 - Potential for minor ecological impacts - The site primarily comprises arable fields. A hedgerow with trees forms the boundary with residential properties to the north and west of the site, this will need to be assessed for its value to bats and potentially reptiles, and the value of the site as a whole for farmland birds and wintering birds will need to be considered.

##### 4.12 **Countryside Considerations:**



There is a well-used running public right of way, Definitive public footpath TM23 leading to Bridleway TM 23 running from Dent-De-Lion in a south westerly across allocation ST1 and then westerly direction to the South of ST2.

Para 4.2 of the Local Plan Indicates:

“Thanet’s open countryside is particularly vulnerable to development because of its limited extent, the openness and flatness of the rural landscape and the proximity of the towns. Thanet’s countryside provides important landscapes that contribute to its sense of place, as well as making Thanet an attractive place that people want to come to. **Much of the countryside is classified as best and most versatile agricultural land. The countryside also supports a variety of habitats and species, particularly a number of important species of farmland birds which have declined in numbers over the last few decades.**”

#### 4.13 Conclusions:

Sites ST1 and ST2 enjoy long distance and local views in the landscape from a range of surrounding roads, rights of way and public and private vantage points, both to and from and across the allocations. In examining the Topic Paper, It appears that a very high level, broad brush landscape character area assessment has been undertaken of the proposed sites. There appears to be no evidence of how the individual sites have been assessed on a comparative basis from a visual and landscape perspective.

From an ecological perspective, this also follows a similar pattern in that there is recognition of the value of the countryside and need for further assessment and survey to define the extent of habitats, ecology etc. WWRA question how a robust site selection process has been followed in the absence of the surveys and assessments, some of which have previously been requested by Kent Wildlife Trust in the earlier 2010 call for sites (which not include ST1 and ST2).

WWRA consider that the Public Footpath TM23 and Bridleway is a valuable local resource which a development of ST1 and ST2 will inevitable compromise. The more developed the locality becomes the less the value of the right of way which will lose the recreational and rural resource currently enjoyed.

#### 4.14 Conservation

#### 4.15 Issues:

Quality Development

The Local Plan makes provision for good design p85-86.

P146-151 make provision for designs to enhance the character, context and identity of the location, particularly in scale, mass, rhythm and appropriate local materials.

....

Heritage

“P85 4.57 There are 21 Conservation areas within Thanet and approx. 2,000 Listed Buildings; the highest concentration within one Local Authority within the South East Area. However some areas have a high number of flats due to the subdivision of large properties and can be in a state of neglect.”

.....

P88-89 Policy SP 29 Conservation and Enhancement of Thanet’s Historic Environment  
Point 7 - agreeing Article 4 Directions which will be introduced and reviewed as appropriate.

P157 supports the creation of a Local List of local heritage assets as part of a Heritage Strategy.

NPPF 169 “Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. **They should also use it to predict the likelihood that currently unidentified heritage assets**, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.

Para 170: **Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character,** and for areas where there are major expansion options assessments of landscape sensitivity.”

NPPF Annex2: Glossary:

Article 4 direction: A direction which withdraws automatic planning permission granted by the General Permitted Development Order.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

#### 4.16 **Conclusions:**

WWRA ask that evidence is provided to demonstrate that Article 4 Directions - removal of Permitted Development Rights for houses within Conservation Areas will be implemented immediately.

At present, without Article 4 Directions there is no difference for a house within a Conservation Area compared with a house outside a Conservation Area which is detrimental to the character of Conservation Areas, see also p156 14.13 - NPPF supports Article 4 Directions.

Westgate-on-Sea Conservation Area Advisory Group CAAG are working with the Conservation Officer on character assessment require a more detailed schedule/time scale and inclusion to compile Local List – a view shared by WWRA.

#### 4.17 **Infrastructure, Transportation and Viability**

- 4.18 These matters are referred to in the Topic Paper attached at **Appendix B** which examines the case by subject.

WWRA are concerned that a number of crucial omissions in the evidence have yet to be addressed. This is particularly disappointing when reference is made to the Cabinet Report of January 2013, together with the AMR, which defined what would be done to support the Local Plan. Aside from the need for an evidenced based demonstration of affordability, WWRA notes that no overarching transportation study has been developed to inform the in combination effects of the plan as a whole, including the relationships and delivery of strategic allocations to each other.

**Conclusions:**

The Local Plan fails to demonstrate adequate transportation, infrastructure or mechanisms for delivery and implementation are in place. It is therefore considered that the Local Plan is unsound.

4.19 **Deliverability and Affordability**

**Issues:**

Thanet District Council is located in the South East of England, on the Isle of Thanet in the North East corner of the County of Kent, it ranks as the 49th most deprived area in England, out of 326 areas, this puts Thanet in the top 15% Most Deprived Areas in the country. Wages are lower than the national and regional averages.

The Thanet Draft Local Plan states:

“P12 Thanet has a generally weak economic and employment base, and is underperforming when compared to the region. Productivity is below the county average and Thanet experienced a steeper decline in total employment in 2011 than the South East and England”

.....

“P13 The district is ranked as the 49th most deprived district out of 326 authorities in England with the highest average proportion of households in poverty within Kent (Index of Multiple Deprivation 2010). Average skills levels of Thanet’s residents are lower than the rest of Kent and England, with unemployment levels (claimant count 2012) at 6.2%, twice that of Kent. Wage levels are also lower than the national and regional average.”

No evidence has been provided to demonstrate the cost, affordability and viability of the Local Plan or how any implementation plan can be delivered.

4.20 **Conclusions:**

In the event that evidence, rather than optimism, demonstrates the case for 12,000 houses, WWRA consider that – based on the current economy – the 70% proposed private housing build (30% is deemed affordable housing) there is little confidence or assurance to demonstrate how homeowners be able to afford to service mortgages on lower wages. WWRA are concerned that development on the scale proposed will, as feared by the MP,

perpetuate an economy providing block purchase housing for the benefit of London Boroughs rather than a growth and jobs led based need for local people.

The DCLG Select Committee concluded that viability and delivery are paramount considerations. WWRA consider that, in the absence of any evidence which would bear open book scrutiny, the Local Plan is unworkable in the current form and scale. It is also noted that the Secretary of State in a recent letter – enclosed at **Appendix C** highlighted in the case for an incentive led approach to housing growth. WWRA consider that this may have acted as a driver for the optimism based case for the level of proposed growth.

## **ALLOCATIONS**

It appears that the inclusion of the proposed allocations ST1 and ST2 has evolved relatively late in the process following a 'trawl' by the Council. The apparent 'offer-up' of the site by the landowner and the suggestion that the sites being in single ownership have, in the opinion of WWRA, led to a convenience based approach from the Council rather than a comparison evidenced approach. Recent correspondence with the agent for the site owner reflects some surprise that the Council is seeking to make allocations of the scale now proposed.

The inclusion of ST1 and ST2 represents a disproportionate level of growth, which is not sustainable, particularly when compared to key sectors and services and other opportunity locations elsewhere in Thanet.

The proposed allocations ST1 and ST2 incorporate a number of criteria which need to be met to inform any future plan. Without prejudice to the continued maintenance of ST1 and ST2, WWRA consider that specific criteria should be included to ensure that the amenities of the adjacent properties abutting the allocations are fully reflected and respected. WWRA do not consider that it is appropriate to leave this to the vagaries of any future as yet apparently unprepared Masterplan.

## **CONCLUSIONS**

WWRA concludes that:

- (i) Notwithstanding recent rhetoric, the level of housing growth incorporated in the Local Plan (as confirmed in the above Ministerial Statement) should be a bottom-up approach related to objective, evidence based need;
- (ii) The Local Plan lacks crucial evidence which calls into question the future robustness and soundness of the proposals both in terms of process and content;
- (iii) The level of proposed housing is based on optimism in preference to an evidence based jobs led approach;
- (iv) The loss of significant tracts of Grade 1 agricultural land is unacceptable. Loss of any Grade 1 land should only be contemplated as a matter of absolute last resort rather than used in fostering optimism;

- (v) Proposed allocations ST1 and ST2 are not proportionate to the existing built form and local services and should be withdrawn;
- (vi) In the absence of a fully costed implementation programme and open book funding plan, the Local Plan is considered to undeliverable in the manner proposed;
- (vii) The Local Plan should be suspended until such time as the future of Manston is determined and the in combination effects are known, understood and incorporated;
- (viii) In order to demonstrate the probity of the consultation process allied to fostering confidence, the Local Plan should be redrawn to reflect the representations made and take on board the views of the community (see the comment above from Brandon Lewis);
- (ix) In the event that the Local Plan continues in process a lower housing requirement should be adopted for the first years of the plan with **the number only being stepped up in later years—to enable people to keep an eye on the plan** (see the comments from Brandon Lewis); and
- (x) The Local Plan and associated consultation process has been felt to be overly complex and confusing (see the DCLG Committee expectations on this process) and needs be reviewed going forward to be more user friendly to all sections of the community.

Signed on behalf of Westgate and Westbrook Residents Association.

APPENDIX A – TOPIC PAPER: **Housing Growth**

APPENDIX B – TOPIC PAPER: **Infrastructure, Transportation and Viability**

APPENDIX C – **Letter from the Secretary of State**