
HEARING STATEMENT

MATTER 1 – COMPLIANCE WITH THE ACT AND REGULATIONS

02 APRIL 2019 - AM

THANET DISTRICT LOCAL PLAN EXAMINATION

Prepared on Behalf of
Ptarmigan Land
[Representor Id – 493]

March 2019

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**PREPARED ON BEHALF OF
PTARMIGAN LAND**

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1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of Ptarmigan Land in respect of Matter 1 relating to the legal and procedural matters of the Local Plan and its preparation by Thanet District Council (TDC). This statement specifically regards Matter 1 Issues 1 – 4 relating to the Duty to Cooperate, Public Consultation, Local Development Scheme and Sustainability Appraisal.

2.0 RESPONSE TO MATTER 1 ISSUES 1 - 4

Matter 1 Issue 1 – Duty to Cooperate

On 1.7 Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to advice contained in the National Planning Policy Framework (the 'Framework') and National Planning Practice Guidance (the 'PPG')?

- 2.1 The Duty to Cooperate places a legal duty on Local Planning Authorities, County Councils and public bodies to engage constructively, actively and on an ongoing basis in the context of strategic cross boundary matters. The Duty to Cooperate is not a duty to agree but Local Planning Authorities should make every effort to secure necessary cooperation on strategic cross boundary matters before submission of Local Plans (Planning Practice Guidance, Reference ID: 9-001-20140306).
- 2.2 TDC's Duty to Cooperate Statement (DTC, CD7.3) confirms TDC has engaged with neighbouring authorities, infrastructure providers and public bodies through the preparation of its Local Plan and supporting evidence.
- 2.3 Paragraph 4.15 of the DTC Statement confirms the Local Planning Authorities making up the East Kent sub-region (consisting of TDC, Ashford, Canterbury, Dover, and Shepway (now Folkestone and Hythe) Councils), have entered into a general Memorandum of Understanding (February 2016) committing to active and ongoing cooperation across administrative boundaries to meet the Duty to Cooperate requirements within the sub-region.
- 2.4 TDC and Canterbury City Council have entered into a separate Memorandum of Understanding (CD5.6) coordinating management activity and development funding relating to the Strategic Access, Mitigation and Monitoring Strategy (SAMM) for each District.
- 2.5 Section 9 of the DTC Statement details how TDC has pursued active and ongoing engagement with authorities/public bodies in regards to its key strategic issues. Whilst it is acknowledged there remains matters of disagreement, the Duty to Cooperate is not a duty to agree and TDC continues to positively and actively engage on key strategic matters and other elements of the Plan preparation. TDC has demonstrated it meets its Duty to Cooperate.

Matter 1 Issue 2 – Public Consultation*Qn2.4 Were representations adequately taken into account? Where is this set out?*

- 2.6 Yes. The Statement of Consultation (CD7.10) provides an overview of the consultation work completed to date, the issues raised in consultation and relevant actions and responses by TDC.
- 2.7 TDC has completed detailed consultation through the course of its Local Plan preparation, including 3no. Regulation 18 consultations in 2013, 2015 and 2017, and its Regulation 19 pre-submission consultation in 2018.
- 2.8 As detailed in the Statement of Common Ground for Policy SP14, TDC has taken into account representations submitted on behalf of Ptarmigan Land and Millwood Designer Homes in relation to the Birchington Strategic Site and made appropriate amendments to Policy SP14 in response. This included the merging of a separate non-strategic site (Land to the west of Park Lane) into the Strategic Site allocation to enable a comprehensive and collaborative proposal for the site to come forward.
- 2.9 The approach to representations taken by TDC is likely to have been reflected elsewhere with other sites.
- 2.10 TDC has also responded to changing circumstances, including increasing housing requirements between its initial Issues and Options consultation in June 2013 and Preferred Options for consultation in January 2015 and need to identify additional suitable sites (including following the deletion of proposed allocation for the former Manston Airport site). This is discussed further in our Matter 5 Hearing Statement.

Matter 1 Issue 3 – Local Development Scheme (LDS)*Qn3.2 The Plan period runs from 2011 to 2031. Is this consistent with paragraph 157 of the Framework, which states that Local Plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon?*

- 2.11 Yes. The Framework (2012) confirms that Local Plan should be drawn up over an appropriate time scale. Whilst a 15-year time horizon is noted to be preferred, paragraph 157 also references the need to take account of longer term requirements.

- 2.12 The Plan is predicated on the delivery of housing across 7no. Strategic Sites, along with their associated infrastructure including crucially the delivery of the Inner Circuit road. These sites and their infrastructure are anticipated to be delivered across the proposed Plan period (2011 – 2031).
- 2.13 Post adoption (in the 2019/20 monitoring year), the Plan will have 11 years remaining. As demonstrated by TDC's housing trajectory (CD1.1 Appendix B), the remaining time period is anticipated to be sufficient to enable the full delivery of the Strategic Sites and for housing needs to be met in full across the Plan period.
- 2.14 The proposed use of the 2011 base date reflects the data used to define the Full Objectively Assessed Need (CD4.1 and CD4.2) and enables TDC's housing shortfall arising from the start of the Plan period to be addressed over the remaining years. In the context of Government's objective to significantly boost the supply of homes, and the need to improve affordability across the District, the proposed base date is supported.

Matter 1 Issue 4 – Sustainability Appraisal

On4.2 Does the SA test the Plan against all reasonable alternatives, such as different options for the scale and distribution of growth? Where is this set out?

- 2.15 The Issues and Options Sustainability Appraisal Interim Assessment (2013) assessed options for the Plan. These options are summarised in Appendix G of the Sustainability Appraisal (CD7.4).
- 2.16 In regards to scale of growth, the Assessment concluded a reduced housing figure would not address future requirements across the District and therefore would be incompatible with the National Planning Policy Framework (2012) and aspirations for economic and employment growth. Further, the assessment notes an options that whilst any options that generate large numbers of housing would potentially result in adverse effect, there would be positive effects in meeting housing needs (including provision of affordable housing), employment and GVA. The option of seeking to meet full housing requirements is therefore justified through the Sustainability Appraisal process.
- 2.17 In regards to distribution of growth, the Assessment reviewed 5no. broad spatial options for meeting housing need, these being:

- Adjoining the Urban Area;
- Adjoining the Villages;
- Freestanding Countryside Sites;
- In the Green Wedges; and
- Housing in the form of a New Settlement.

2.18 The Assessment found the option of siting development adjoining existing urban areas or settlements having a more beneficial effect and being served by existing transport links. In regards to the discounted options, the assessment concludes:

- A freestanding countryside site would be less sustainable, especially in terms of access to facilities, infrastructure connections, community integration and likely impact on high grade agricultural land, than those within/adjoining existing built up areas;
- The functions of the Green Wedges remains highly important and is subject to continued protection and therefore the release of Green Wedge land would be considered only exceptionally where shortcomings in the sustainability merits of alternative housing sites outweigh the importance of a site to the function of the Green Wedges; and
- A new settlement would be unsustainable for the same reasons as a freestanding countryside site. In addition, a new settlement would be incompatible with the District's limited geographical area which embraces extensive urban areas and closely grouped villages. A single settlement would also risk over reliance on delivery, likely to be impacted by the need for very substantial investments in new infrastructure.

2.19 The chosen options, of seeking to distribute growth to adjoin existing urban areas or settlements has therefore been justified as the most reasonable option.