

## Matter 1 – Compliance with the Act and Regulations, the Habitats Regulations and Strategic Flood Risk Assessment

### Issue 2 – Public Consultation

Q1. Has public consultation been carried out in accordance with the Council's *Statement of Community Involvement*, the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations?

Q2. Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations?

Q3. Were adequate opportunities made available for participants to comment on the Plan in paper, and electronic form?

Q4. Were representations adequately taken into account? Where is this set out?

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*Foreword: I am Chairman of Thanet Branch of Kent CPRE and have lived in Thanet for nearly 6 years. I became interested in and involved with local planning since the approval by the Thanet Council of the first Draft of a Local Plan and the proposal to plan for an extra 12,000 houses in Thanet.*

Thanet District Council's "Statement of Community Involvement (Adopted 2007/2012)" is the document intended to set out the Council's strategy and procedures for community involvement in the planning process, with the aim of giving the public greater ownership of planning decisions that shape the area.

The broad principles are set out below:

1.4 The SCI 2007 indicated that, among other matters, the Council would 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. ..."*

### Preparation of the Draft Local Plan 2014

The report to the LOCAL PLAN CABINET ADVISORY GROUP (LP CAG) 18 NOVEMBER 2014<sup>1</sup> reported the two options that the LP CAG considered. These were:

*(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."*

In the Report to members 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.**"*

### Preferred Options Consultation in January/February 2015

During the first stage of consultation in 2015, I joined Westgate and Westbrook Residents Association (WWRA) and helped prepare its response to Thanet District Council's Draft Thanet Local Plan to 2031.

In order to inform local residents - because of the failure of Council Officers to carry out public engagement/consultation in compliance with TDC's Statement of Community Involvement and the advice given to TDC's Cabinet in November 2014 - the WWRA called its own public meeting at the Westgate Pavilion in January 2015.

At this meeting members of the local community and adjacent areas expressed their disquiet with the process particularly in the light of the Council's own policies and NPFF requirements to engage the public.

In responding to the Local Plan, WWRA recorded its deep concern over the manner, method and nature of the consultation process that had been undertaken in 2015.

WWRA considered 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!"

Similar concerns were further raised elsewhere in Thanet for example by Thanet Councillor Ian Driver on behalf of the Green Party who wrote to the then Secretary of State :

"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".

#### Consultation "Place Making Workshops" 2016

A series of workshops were held in spring 2016 in order to assist local councils in Thanet to develop Neighbourhood Plans and to support Thanet District Council in shaping existing and new neighbourhoods.

The work shops were commissioned by Thanet District Council and facilitated by Design South East.

Although the formal report from the process (appended) was not released by Thanet Council until January 2019. Nevertheless, work has progressed in Thanet on Neighbourhood Planning: Broadstairs & St. Peters published its Draft Neighbourhood Plan in 2018; and Westgate-on-Sea Town Council has recently received a first draft of a Neighbourhood Plan and work is in process on Neighbourhood Plans for Ramsgate, Margate, Birchington, Minster and Cliffs End.

**Extract from**

**Design South East**

**Thanet District Council**

#### **Place –Making Workshops**

Design South East is an independent not-for-profit organisation dedicated to design quality in the built environment. Design South East were commissioned by Thanet District Council to run a series of community based workshops to explore place-making themes across the Isle of Thanet. The work was carried out in April May 2016 context of supporting the community through the Neighbourhood Planning Process and helped to inform the draft Local Plan in terms of the shape of new development. The purpose was to support Thanet District Council in shaping existing and new neighbourhoods.

Each workshop was run independent of Council involvement in a three part process ending with a report to the council:

## Workshop process in short:

- 4 days • and 4 different locations • 4 similar agendas

The workshop format was shaped to engage local civic stakeholders in an initial discussion around history of place, place characteristics and unique qualities of place. Facilitation cards, maps and photos were used to share and document key aspects as identified by attendees. This first set of workshop outputs is well placed to assist in defining the scope of more detailed Character Assessment and Design Guidance for the Isle of Thanet. The second half of the workshop format focused on how those positive and unique place characteristics could inform and shape good future growth. This discussion was held in the context of a significant growth agenda for the Isle of Thanet promoted in the emerging Local Plan.

All points identified in the report are borne out of the workshops and do not necessarily reflect the views of Thanet District Council as the Council was not involved in the workshops or outputs.

Regrettably, the output from the Place Making Workshops does not appear to have assisted or helped to inform the draft Local Plan in terms of the shape of new development. Moreover, the late release of the report by the Council, delayed until January 2019, has prejudiced confidence of Thanet communities in the consultation commitment of Thanet Council

### Proposed Revisions to Draft Local Plan (Preferred Options) consultation 2017

Following a change in Council control and a change in TDC Committee Structure (which dispensed with the Development Framework Cabinet Advisory Group and replaced it with the “Local Plan Cabinet Advisory Group”, for which no reports or minutes are publicly available) the “Proposed Revisions to Draft Local Plan (Preferred Options)” was eventually published in December 2016 for public consultation (January 2017 until 17 March 2017) - a period which included a half term holiday during which four ‘public engagement’ sessions were held.

#### **What had happened between March 2015 and December 2017?**

The publication of the 2017 consultation documentation followed an internal protracted period of analysis of the 2015 consultation in a procession of Cabinet Advisory Group, Scrutiny, Cabinet and Council meetings, during which there had been not further public engagement and no public discussion of:

- 1,800 sets of comments were received, with a total of some
- 40,000 individual points of response to the consultation questions.
- three written petitions
- results of a survey from the Thanet UKIP Group regarding the level of housing in the draft Plan. Approximately 2,200 respondents indicated that they were against the 12,000 household level of proposals in the 2015 draft Local Plan
- e:petition relating to the draft 2015 Local Plan.
- request for a public meeting to discuss “the consultation process, allocation of green field land and the scale of anticipated housing growth for Thanet”.

Instead, TDC Councillors only received a cursory analysis of the main issues raised in 2015 and the Officers suggestions as to how the representations should be taken into the main issues, the Council Officers recommended responses and any resulting changes to the Local Plan were included in an Appendix.

The primary changes an increase from 12,000 to 17,000+ dwellings, 3 new development sites and the re-designation of Manston Airport were not highlighted!

No public consultation meetings were scheduled during the 2017 public consultation and public engagement was limited to opportunities to talk to the Council's Planning Officers

However, Westgate Town Council (a new Local Council founded in 2015) organised a public consultation meeting to mark the start of a "New Neighbourhood Plan for Westgate-on-Sea" on 18 February 2017. Both the Local MP Sir Roger Gale and the then Leader of Thanet Council were questioned by residents in opposition to the draft Local Plan revisions. Both gentlemen opined that the projected target of 15,000 houses, let alone 17,000 houses for Thanet was unrealistic and inappropriate.

Statistically, the Westgate event - which was intended as a local Neighbourhood Plan meeting - attracted a greater footfall than any other public engagement during the Local Plan consultation period. This demonstrated that people are interested in planning. But, the public attitude at that meeting and subsequently has been one of profound cynicism and acknowledgement that the populace have been systematically side-lined, ignored and discounted.

#### Regulation 19 consultation 2018

The final version of the Local Plan was published in August 2018, as a response to the Secretary of State's admonitions on 23 March 2018.

The most recent consultation on the final version of the Local Plan has been perfunctory and received as intended to act purely as a statutory expedient to comply with the Secretary of State's recent directives.

CPRE Thanet is concerned that previous representations have not been taken into account, and therefore efforts made by the general public to engage in consultation has been a waste of time.

An example of this approach is the consultation on the Thanet Transport Strategy (which will be separately considered as Matter 5) and is relevant to how the draft Plan was conceived, developed and whether the Plan would be practically feasible in terms of delivery and legal obligations.

Commentaries on the absence of a credible Transport Strategy as a background to the Local Plan and as a foundation of a professional process to inform the strategy were made during the consultation processes of 2015 and 2017 and it is quite remarkable, and unusual, that a coherent Transport Strategy was not published until very late in the Local Plan process (December 2017).

### **Thanet Transport Strategy**

The first consultation on the Draft Local Plan Report approved in December 2014 made a reference to a “draft Transport Strategy for Thanet” on page 96 under “Transport Strategy”

6.8 “Thanet & Kent Councils are jointly producing a Thanet Transport Strategy ... the following sections address challenges identified in the draft Strategy ...”

Here it was stated that **the Thanet Transport Strategy (jointly prepared by Kent County Council and Thanet District Council), which supports the draft Local Plan, will be the subject of a separate report and consultation, following a decision on the draft Local Plan.**

After 2014 there were no separate consultations on, or references, to the Thanet Transport Strategy until Thanet District Transport Strategy 2015-2031 (Draft Version 1 30 October 2017) was considered at a meeting of the Joint Transportation Board on 12 December 2017. Here it was agreed that the Joint Transportation Board (JTB) endorse the document for an initial public consultation exercise and subsequent consideration through the examination of the Thanet Local Plan process.

Thanet District Transport Strategy 2015-2031 was considered at a further meeting of the Joint Transportation Board on 12 December 2018. Officers of TDC & KCC introduced the report, and “the Board agreed to **not** make any comments for consideration by KCC Environment & Transport Cabinet Committee”.

There have not been any subsequent reports to Thanet’s JTB since the December 2018 meeting. On 17 January 2019 the KCC Environment & Transport Cabinet Committee endorsed the revised Thanet District Transport Strategy or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the revised Thanet Transport Strategy for subsequent consideration through the Thanet Local Plan examination process.

It is extremely difficult to determine how any consultation has, or will take place, into the Thanet Transport Strategy through the Thanet Local Plan examination process - as agreed by the Joint Transport Board in 2017 - or why separate consultation was not carried out between December 2017 and August 2018 to at least foster confidence that transportation issues had been taken seriously by TDC and KCC. And, similarly, how, why and when the Transport Strategy in the 2015 was conceived.

It is clear there was no Transport Strategy in the public domain - to help inform the land use planning strategy - until December 2017. There is no clarity as to how TDC and KCC expect the Inspectorate to come to its conclusions at the end of the Examination.

There is no clarity as to whether the onerous infrastructure obligations which would be expected from developers could be deliverable or would be consistent with the legal planning framework. Both Authorities seem to have ‘passed the buck’ to the Inspectors, with an expectation that these Hearings should be assisting the Transportation Authority as well as reporting upon the performance of the Local Planning Authority.

The Local Plan has placed too much reliance on the Highway Authority’s policies and procedures for planning for what is now housing growth of original “New Town” proportions. The methodology for assessing major policy options seems to have been devoid of a background of professional deliberations and transparency of process. Many potential options have not been considered

because of reliance upon a “Thanetbürgering” of Highways and a lack of investigation of more sustainable systems.

It is likely that the lack of involvement with responsible infrastructure could also be extended to the ‘rigor mortis’ of the Infrastructure Delivery Plan which does not seem to have been revisited since its publication in 2016 as a “living document”. Most importantly, the existing Thanet population should have had the option of being able to influence the impact upon them of an imposition of a 40% population growth and all the social and economic consequences

### Conclusions on Consultation

I have discussed the problems of the consultation process with Mr Craig Solly over the past 4 years as he shares a longer period of experience than I, and I fully support his statements on the poor performance of Thanet Council and particularly the Officers in their attitudes toward the public in dealing with the public during formal consultation exercises associated with the draft Local Plan’s preparation as set out in his commentaries which I repeat below:

#### **Craig Solly Local Plan Publication Representations Pages 3& 4**

“Thanet’s local plan has become the document which has excluded people and community alike, with targets being imposed despite the common view in Thanet that this is not a realistic concept, especially when we consider the job growth of 5,000 jobs with a future population of 27,000 people.

It has been noticed that the 2014 ONS projections are not being realised in the local plan so far (we are 7 years in the plan period already). The debates which have happened in the public arena and in Council chambers have lost the point of having a positive and popular plan for the future of Thanet. It is no wonder that the publication has been pressed by the secretary of state by imposing an intervention to publish the plan which has been changed at the last minute (July 2018).

It should be commented that the process has not included people or considered them, it was commented that the engagement with the public should be improved from the feedback in the 2015 consultation, now we are now at the publication stage, no improvement has been made. I did write to the Council on the publication of the plan, that the paper copies in public libraries was on the main plan document was out of date, as well as the large scale map. An Addendum was produced to read beside the main document and map. This in my opinion has further obfuscated the information in the local plan, especially where deletions of policy have occurred. With also a large number of documents being released and updated only for the period of publication itself (a period of 6 weeks to read and comment).

Council members have also not had all of the information and a plan which was not available to read to make an informed decision on which the local plan was approved for publication due to the pressure of intervention. I believe this document has not been passed democratically which considering the NPPF foundations are on the localism act, certainly goes against clear and transparent local government.”

Despite the aspirations of Thanet Council’s own community involvement strategy it is clear to me, having now having been involved in three phases of consultation on the emerging draft Local Plan that Thanet Council have not complied with either the Council’s own policies or the requirement of the NPPF.

I submit that:

1. *the consultation processes that TDC Officers have carried out have not fulfilled the statutory requirements;*
2. *TDC Councillors have not had sufficient time and information for their proper consideration and for involvement in the preparation and approval of the Local Plan;*
3. *consultation process has not informed the process of option selection;*
4. *there has been insufficient 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; and*
5. *consultation on the transport policy for the plan and the transportation proposals within the plan have not been clearly explained and there has been no transparency within the process for the public to have been involved in considering transport aspect of the Plan.*

David Morrish  
**CPRE Thanet Chairman**

Copy of Design South East Thanet District Council Place-making Workshops report attached.