

**THANET DISTRICT COUNCIL LOCAL PLAN
EXAMINATION**

**MATTER 4 – SPATIAL STRATEGY (POLICIES SP12,
SP21, HO1, HO10, HO11 AND HO18)**

IN RESPECT OF

LAND AT MANSTON BUSINESS PARK

**HEARING STATEMENT BY RPS
ON BEHALF OF CHINA GATEWAY INTERNATIONAL
LTD**

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REPORT

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Abraham Laker	[REDACTED]	2019-03-19
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Prepared by:

RPS

Abraham Laker
Associate Director

140 London Wall
London, EC2Y 5DN

T +44 20 72 80 3300
E abraham.laker@rpsgroup.com

Prepared for:

China Gateway International Limited

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1 MATTER 4 – ISSUE 1 – SETTLEMENT HIERARCHY AND HOUSING DISTRIBUTION

Q1. Does the Plan set out a hierarchy of settlements where new development will be directed towards? If so, is it clear to decision-makers, developers and local communities?

1.2 The Plan, as currently drafted, does not set out a clear and specific hierarchy of settlements to guide the sustainable development of the District. Chapter 2 of the Plan “Town Centre Strategy” contains a list of settlements at paragraphs 2.5-2.8 but this relates specifically to the future location of town centre retail and economic functions. The Plan does not contain a clear table or policy explaining the District’s overall settlement hierarchy for housing delivery purposes, leaving much uncertainty for both decision-makers and developers.

1.3 Based on the above, we submit that a new specific policy defining the settlement hierarchy of the District would be necessary to make the Plan sound.

Q3. Does the Plan seek to direct a certain percentage, or proportion of growth, to particular areas and/or settlements? If so, where is this set out and what is it based on?

1.4 Absent a proper settlement hierarchy, the Plan fails to provide clear guidance on the distribution of housing delivery in identified settlements for the plan period.

1.5 Table 2 of the Plan, misleadingly titled “Total Housing Distribution” sets out only the housing delivery expected in six strategic sites allocated by the plan.

1.6 Table 4 provides “Area Specific Objectives” for various areas of the District which do not appear to be ordered by size or importance. The objectives do not contain detailed percentages or proportions of housing growth for each “area”.

1.7 Further housing allocations are contained in Policies SP07, HO2, HO3, HO4, HO6, HO7, HO8 and HO9. Appendix 2 of the Plan summarises the delivery of homes expected in sites with planning permissions and in the allocated sites.

1.8 However, the Plan does not have a table or policy where the overall quantitative distribution of growth in particular areas and/or settlements is explained with percentages and proportions. The Plan also lacks clarity as it does not set out the reasoning and process that informed the proposed allocation of growth in certain areas and sites. This lack of clarity has a knock-on effect on the effectiveness of the policies relating to housing in rural sites and outside designated settlements, as discussed more in detail in our response to Question 2 of Issue 4 below.

1.9 We suggest that a new policy or a new table would need to be added to the Plan to provide certainty and give a clear general view of the direction of growth within the District for the duration of the Plan.

Q6. Is the distribution of development consistent with the Framework's Core Planning Principles which, amongst other things, seek to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable?

- 1.10 Paragraph 103 of the National Planning Policy Framework (February 2019) states that "*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*".
- 1.11 We acknowledge that the Manston Business Park is identified as a key employment site and when operating at full capacity will generate increased traffic generation. However, as identified in the Thanet District Council Economic Development in Thanet Employment Update and Economic Needs Assessment July 2018, the business park has benefited from good and upgraded transport infrastructure and is located along two Strategic Routes which are classified as B2190 Spitfire Way (from Spitfire Junction to Columbus Avenue Junction) and B2050 Manston Road (from Manston Court Road to Spitfire Junction).
- 1.12 The above infrastructure as well as a proposed link road by Kent County Council (currently under review) to the north of the business park, will all contribute to providing enough connectivity to the wider surrounding area of Thanet
- 1.13 The Plan should make clear that developments in locations that are or can be made sustainable would be supported in principle, subject to the considerations of other policies in the Plan.

2 MATTER 4 – ISSUE 2 – HOUSING DEVELOPMENT – POLICIES HO1 AND SP12

Q4. Is the final requirement of Policy HO1 consistent with the strategic site allocations, some of which seek to promote alternative uses as part of new mixed-use developments? Is the policy effective?

- 2.2 The last paragraph of Policy HO1 clearly contradicts the provisions of those policies of the plan that allocate specific sites to residential-led mixed-use developments. Furthermore, the objection in principle to the provision of a mix of uses on sites allocated for residential developments goes against the principles of sustainability set out in the NPPF. We respectfully suggest to the Inspector that the last paragraph of Policy HO1 should be deleted.

Q5. What is a housing implementation strategy referred to in paragraph 11.8 of the Plan? Is the purpose of this strategy clear? Who will be responsible for the strategy and what outcomes does it seek to achieve?

- 2.3 The term “housing implementation strategy” appears only once in the text of the whole Draft Local Plan and it is not explained or put into context by the Glossary or the supporting paragraphs of Policy HO1. The source, structure, contents, review mechanisms, legal status of this strategy are not explained. No mention is made of future publications that would explain in detail the effects of this strategy, either in the form of supplementary planning documents, other policy documents or legal instruments.
- 2.4 We would strongly object to the retention in the text of the Plan of such a loose and unqualified term for what should be one of the key tools to guarantee that the housing delivery within the District is properly monitored and a healthy five-year supply of deliverable housing sites is maintained.
- 2.5 We submit that a new chapter or a new appendix of the Plan should be added to explain in detail the provisions and practical effects of the “housing implementation strategy” proposed by the Council.

3 MATTER 4 – ISSUE 4 – HOUSING AT RURAL SETTLEMENTS – POLICIES HO11 AND HO18

Q1. Policy HO11 permits housing development within “the confines of the rural settlements...”. Are the rural settlements defined in paragraph 11.11 of the Plan? Is this clear to decision-makers, developers and local communities?

3.2 Whilst the rural settlements of the District are listed at paragraph 11.11 of the Plan, it would be very difficult for decision-makers, developers and local communities to quickly access this information. The list is placed between a site-specific policy and the general policy on housing in rural settlements and is not evidenced by a separate table, bold characters or other graphic techniques.

3.3 We suggest that a new table with the list of rural settlements should be added at the beginning of Policy HO11 before the text starting with “housing development will be permitted”.

Q2. What is the justification for development proposals in rural settlements to be compatible with the historic scale of growth of the settlement? How would this be determined? Is the policy effective?

3.4 Policy HO11 contains a contradiction in principle. Its aim is to permit development within the boundaries of designated rural settlements subject to limitations. However, the limitation based on the “historic scale of growth” of each settlement is misleading as each settlement, in the very process of growing, must have gradually extended beyond their “historic scale” and beyond their previous confines.

3.5 Rather than being a moot linguistic point, the retention of the policy as currently worded or its amendment would have a significant impact on the expectations of developers and landowners of sites within and adjacent to designated rural settlements and the ability of the Council to effectively manage their development with a sound planning policy basis.

3.6 We suggest to the Inspector that the Plan should be amended in a way that makes it explicit that rural settlements can be expanded beyond their existing boundaries if such an expansion follows an “historic scale of growth” and respects the other relevant policies of the Plan.

Q3. For the purposes of Policy HO11(2) how will development “more than minor in scale” be determined? Is this sufficiently clear to decision-makers, developers and local communities? Is the policy effective?

3.7 “More than minor in scale” is not defined clearly in the Glossary and is mentioned only once in the whole text of the Plan. The threshold for defining a development “more than minor in scale” must be explicit or any developer and decision-maker would be forced to take a view on a case-by-case basis without guidance from the Local Plan.

3.8 To make the plan sound, it would be necessary to reword Policy HO11 by including a threshold based on floorspace or number of new residential units that identifies which developments will be considered “more than minor in scale”. We would invite the Inspector to request to the Council a proposed modification to this effect.

Q4. Is the text under Policy HO11 part of the policy, or supporting text? What is the justification for points (1) and (2)?

- 3.9 We would not like to comment on whether the text under Policy HO11 should be inserted in the policy or if it should be left outside it.
- 3.10 We would suggest the addition of the site “Land to the East of Manston Business Park” to the list of Table 9 under Policy HO11.

Q5. Is Policy HO11 consistent with paragraph 55 of the Framework? Will there be sufficient growth in the Rural Settlements to help support sustainable rural communities?

- 3.11 Paragraph 55 of the NPPF reads as follows:
- “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.”*
- 3.12 Paragraph 2 of Policy HO11 is not clear as to whether developments which are “more than minor in scale” will be permitted in the relevant rural settlements that already have “accessible community services” to support the new development(s) or whether such new developments would be acceptable if they provide or contribute to the provision of new community facilities.
- 3.13 We suggest to the Inspector that a clarification on this point would be required to make the plan sound. The clarification should underline that new developments would be acceptable if they provide or contribute to the provision of new community facilities in the area.

4 MATTER 4 – ISSUE 5 – DEVELOPMENT IN THE COUNTRYSIDE – POLICY SP21

Q1. How would a decision-maker determine if the need for a development overrides the need to protect the countryside for the purposes of Policy SP21? Is the policy effective?

- 4.2 As currently drafted Policy SP21 does not provide certainty on the variables that would be considered by the Council to determine whether the need of development overrides the need to protect the countryside in specific cases.
- 4.3 Whilst Paragraph 4.3 sets out a “presumption against development in the countryside” on the basis that the sites allocated by the Plan would meet the development needs of the Council, Policy SP21 clearly indicates that there will be cases where such presumption is overridden by need for development. However, no explanation is given on the material planning considerations that would make the case for development stronger than the case for protection of the countryside on the planning balance.
- 4.4 As discussed in our separate Representation in relation to Matter 5 – Strategic Sites, we have strong concerns over the ability of the allocated strategic sites to deliver their respective projected housing numbers within the timescales set out in the Plan. We also have reservations on the excessive and unjustified amount of housing added on certain strategic sites by the split of the Manston Airport’s 2,500 housing target. These two weaknesses, paired with the uncertainty on the structure and effectiveness of the “housing implementation strategy” mentioned in Paragraph 11.8, are likely to cause under-delivery in the medium and long term, thus triggering the presumption in favour of sustainable development on a case-by-case basis.
- 4.5 With the amendments proposed in other parts of this Representation, we would suggest that Policy SP21 should be reinforced with a new paragraph setting out the material planning considerations that will be assessed by the decision-maker to determine proposals for developments in the countryside that would help the Council meet its housing targets. The text of this new proposed paragraph is set out in Chapter 6 below.

Q2. Is Policy SP21 consistent with paragraph 55 of the Framework which allows for certain forms of development in the countryside, such as the need for rural workers to live at or near their place of work?

- 4.6 We suggest that a new paragraph regulating appropriate development in the countryside should be added to the text of Policy SP21. We consider that Paragraph 4.4 of the Plan should be amended and part of its text transposed within Policy SP21.

5 PROPOSED AMENDMENTS

5.1 We set out below the amendments and additions that we consider will render the Plan sound. Any new text or policy is evidenced in **bold**. Removed text and corrections are identified by ~~strikethroughs~~.

New general policy on settlements hierarchy

5.2 As detailed in Paragraph 2.2 above, we submit that a new specific policy defining the settlement hierarchy of the District should be added to the text of the Plan.

New policy or table on direction of growth

5.3 As detailed in Paragraph 2.9 above, we suggest that a new policy or a new table setting out the percentage or proportion of housing growth for each settlement should be added to the text of the Plan

Policy HO1 – Housing Development

5.4 For the reasons explained in Paragraph 3.4 above, we submit that the following part of Policy HO1 should be deleted:

~~Alternative development on sites allocated for residential development will not be permitted.~~

New chapter or new appendix on “housing implementation strategy”

5.5 As discussed in Paragraphs 3.5-3.6 above, we submit that a new chapter or a new appendix should be added to the text of the plan to explain in detail the provisions and the practical effects of the “housing implementation strategy” mentioned without further explanations in Paragraph 11.8 of the Plan.

Policy HO11 – Housing at Rural Settlements – New table

5.6 We submit that a new table listing the Rural Settlements of the District should be added at the beginning of Policy HO11 as follows:

This policy applies to the following designated “Rural Settlements”:

<i>Thanet’s designated Rural Settlements</i>
<i>Acol</i>
<i>Cliffsend</i>
<i>Manston</i>
<i>Minster</i>
<i>Monkton</i>
<i>Sarre</i>
<i>St Nicholas at Wade</i>

Policy HO11 – Housing at Rural Settlements – Clarifications

5.7 As discussed in Paragraphs 4.7-4.8 above, we submit that to make the plan sound, it would be necessary to reword Policy HO11 by including a threshold based on floorspace or number of new residential units that identifies which developments will be considered “more than minor in scale”. We invite the Inspector to request to the Council a proposed modification to this effect.

5.8 We consider that Paragraph 2 of Policy HO11 should be amended to clarify whether new development in rural settlements would be accepted only if there are already community services within the settlement or also if the development provides or contributes to the provision of new community services.

Policy HO11 – Housing at Rural Settlements – Addition to Table 9 “Sites allocated for residential development at Rural Settlements”

5.9 We propose to add the “Land to the East of Manston Business Park” to the list of sites allocated for residential development at Rural Settlements.

Policy SP21 – Development in the Countryside – New paragraphs

5.10 As noted in Paragraph 5.2-5.6, we consider that Policy SP21 should be amended to cover all the relevant exceptions to the presumption against development in the countryside.

5.11 Our proposed text for Policy SP21 would be:

*Development in the countryside outside of the urban and village confines, as identified on the Policies Map and not otherwise allocated for development, will not be permitted **unless:***

a) there is a need for the development that overrides the need to protect the countryside and any adverse environmental effects can be avoided or fully mitigated subject to the provisions of other policies; or

b) the development would meet the criteria set out in Paragraph 55 of the NPPF and there are special circumstances such as:

- *The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *The exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas*
 - *Reflect the highest standards in architecture*
 - *Significantly enhance its immediate setting; and*
 - *Be sensitive to the defining characteristics of the local area*

For the purposes of Paragraph a) above, the factors that will be assessed by the Council to determine whether the need to deliver a certain development outside of urban and village confines would override the need to protect the countryside would include, but not be limited to, the following considerations:

- 1) ***The capacity of the proposal to meet unmet housing need and help the Council in achieving the housing targets set out by this Plan;***
- 2) ***The presence of a sound and effective strategic document or masterplan prepared in collaboration with the Council setting out the proportion and distribution of residential and ancillary uses on site, the relationship with existing settlements and infrastructures and the phasing of development when necessary;***
- 3) ***The capacity of the development in contributing to the enhancement of the economy of the area and the increase in temporary and permanent jobs;***
- 4) ***The contribution of the development in the provision or improvement of local services, retail and community facilities, the provision of essential services in areas with poor accessibility and the general enhancement of more deprived areas; and***
- 5) ***The capacity of the development to be linked to existing sustainable infrastructures without negative impacts on their functionality, to contribute to the transformation and improvement of existing infrastructures or to provide new infrastructures that would create new benefits for the local area and/or the District as a whole;***

Chapter 4 – Paragraph 4.4 – Amendment

5.12 In light of the proposed amendment to Policy SP21 set out above, we suggest that Paragraph 4.4 of the Plan should read as follows:

The Council considers that it is essential to protect the countryside through planning policy in view of its vulnerability to sporadic forms of development and will locate all but essentially rural development in the Thanet towns.